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**[THE] FINANCE ACT, 1994**  
**(ACT NO. 32 OF 1994)**

**[13th May, 1994]**

**An Act to give effect to the financial proposals of the Central Government for the financial year 1994-95.**

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows :

## CHAPTER I

### PRELIMINARY

**1. Short title and commencement.**— (1) This Act may be called The Finance Act, 1994.

(2) Save as otherwise provided in this Act, Sections 2 to 59 (except section 26), shall be deemed to have come into force on the 1st day of April, 1994.

## CHAPTER II

### RATES OF INCOME-TAX

**2. Income-tax.**— (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1994, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax as reduced by the rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) shall be increased,—

- (a) in the cases to which Paragraphs A, B, C and D of that Part apply, by a surcharge for purposes of the Union; and
- (b) in the cases to which Paragraph E of that Part applies, by a surcharge, calculated in each case in the manner provided therein.

(2) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding six hundred rupees, in addition to total income, and the total income exceeds,—

- (i) in a case to which said Sub-Paragraph I applies, thirty thousand rupees, and
  - (ii) in a case to which the said Sub-Paragraph II applies, eighteen thousand rupees, then,—
    - (a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after,—
      - (i) in a case to which the said Sub-Paragraph I applies, the first thirty thousand rupees, and
      - (ii) in a case to which the said Sub-Paragraph II applies, the first eighteen thousand rupees, of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income; and
    - (b) the income-tax chargeable shall be calculated as follows :—
      - (i) the total income and the net agricultural, income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income;
      - (ii) the net agricultural income shall be increased—
        - (A) in a case to which the said Sub-Paragraph I applies, by a sum of thirty thousand rupees; and
        - (B) in a case to which the said Sub-Paragraph II applies, by a sum of eighteen thousand rupees, and
- the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in Sub-Paragraph I or, as the

case may be, Sub-Paragraph II of the said Paragraph A, as if the net agricultural income as so increased were the total income;

- (iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax in respect of the total income.

Provided that, the amount of income-tax so arrived at, as reduced by the rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act, shall, in the case of every person having a total income exceeding one hundred thousand rupees, be increased by a surcharge for purposes of the union calculated at the rate of twelve per cent. of such income-tax and the sum so arrived at shall be the income-tax in respect of the total income.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act, apply the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rate imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be :

Provided that the amount of income-tax computed in accordance with the provisions of section 112 shall be increased by a surcharge for purposes of the Union or surcharge as provided in Paragraph A, B, C, D or E, as the case may be, of Part I of the First Schedule :

Provided further that in respect of any income chargeable to tax under section 115B or Section 115BB of the Income-tax Act,—

(a) the income-tax computed under section 115B shall be increased by a surcharge calculated at the rate of fifteen per cent. of such income-tax; and

(b) the income-tax computed under section 115BB shall be increased,—

(i) in the case of a person other than a company, being a resident in India, by a surcharge for purposes of the Union calculated at the rate of twelve per cent. of such income-tax; and

(ii) in the case of a domestic company, by a surcharge calculated at the rate of fifteen per cent. of such income-tax.

(4) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule and shall be increased in the cases to which the provisions of sub-item (a) of item 2 of that Part apply, by a surcharge, calculated, in the manner provided therein.

(5) In cases in which tax has to be deducted under Sections 194C, 194EE, 194F, 194G and 194-I of the Income-tax Act, the deduction shall be made at the rates specified in those sections and shall be increased in the case of an assessee, being a domestic company, by a surcharge calculated at the rate of fifteen per cent. of such deduction.

(6) In cases in which tax has to be collected under Section 206C of the Income-tax Act, the collection shall be made at the rate specified in that section and shall be increased in the case of a buyer, being a domestic company, by a surcharge calculated at the rate of fifteen per cent. of such collection.

(7) Subject to the provisions of sub-section (8) in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act

from income chargeable under the head "Salaries" or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged deducted or computed at the rate or rates specified in Part III of the First Schedule and such tax shall be increased, in the cases to which Paragraph E of that Part applies, by a surcharge, calculated in the manner provided therein :

Provided that in cases to which the provisions of Chapter XII or Chapter XIII A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be;

Provided further that amount of income-tax computed in accordance with the provisions of section 112 shall be increased by a surcharge as provided in Paragraph E of Part III of the First Schedule :

Provided also that in respect of any income chargeable to under section 115 B or in the case of a domestic company, under section 115BB of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge calculated at the rate of fifteen per cent. of such "advance tax".

(8) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income, exceeding six hundred rupees, in addition to total income and the total income exceeds,—

- (i) in a case to which the said Sub-Paragraph I applies, thirty-five thousand rupees, and
- (ii) in a case to which the said Sub-Paragraph II applies, eighteen thousand rupees; then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the income-tax Act or in charging income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 476 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force, —

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after —

- (i) in a case to which the said Sub-Paragraph I applies, the first thirty-five thousand rupees, and
- (ii) in a case to which the said Sub-Paragraph II applies, the first eighteen thousand rupees,

of the total income but without being liable to tax], only for the purpose of calculating, charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income; and

(b) such income-tax or, as the case may be, "advance tax" shall be so calculated, charged or computed as follows :—

- (i) the total income and the net agricultural income shall be aggregated and, the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income :

- (ii) the net agricultural income shall be increased,—

- (A) in a case to which the said Sub-Paragraph I applies, by a sum of thirty-five thousand rupees; and
- (B) in a case to which the said Sub-Paragraph II applies, by a sum of eighteen thousand rupees, and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Sub-Paragraph I or, as the case may be, the said Sub-Paragraph II, as if the net agricultural income as so increased were the total income;
- (iii) the amount of income-tax or "advance tax" determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income.
- (9) For the purposes of this section and the First Schedule.—
- (a) "company in which the public are substantially interested" means a company within the meaning of clause (18) of Section 2 of the Income-tax Act, and includes, a subsidiary of such company if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year;
- (b) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1994, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;
- (c) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revial of policies of insurance);
- (d) "net agricultural income", in relation to a person means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;
- (e) all other words and expressions used in this section or in the First Schedule but not defined in this sub-section and defined in the Income-tax Act, shall have the meanings, respectively, assigned to them in that Act.

### CHAPTER III

#### DIRECT TAXES

##### Income-tax

3 to 50.— Of this Act, amended following sections of the Income-tax Act, which are incorporated in the Principal Act and hence not printed hereat; sections affected are; 2; 3; 4; 5; 6; 10; 10B; 12A; 13; 17; 24; 33AB; 35; 36; 37; 44AD; and 44AE (ins.); 44D; 55; 57; 58; 71A (subst.); 80E (ins.); 80G; 80HHD; 80HHE; 80IA; 80V (omitted.); 88; 88B; 112; 115K; 115N; 116; 139; 143; 154; 1941 (ins.); 196A; 197; 198 to 200 and 202 to 205; 234C; 246; 269; 273A; 296; Section 50 made consequential amendments in certain sec-

**Explanation 2.**— For the purposes of this clause, the expression "security" shall have the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act,

**Wealth-tax**

**51. Amendment of section 2.**— [Incorporated in the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth tax Act)].—

- (i) in clause (ea), in the Explanation, in clause (b), for the words “period of three years”, the words “period of five years” shall be substituted with effect from the 1st day of April, 1995;
- (ii) in clause (s), after the word “Director”, the words and brackets “Additional Director of Income-tax”, “Additional Commissioner of Income-tax”, “Additional Commissioner of Income-tax (Appeals)”, “Deputy Director”, shall be inserted with effect from the 1st day of June, 1994.

**52. Amendment of section 4.**— In section 4 of the Wealth-tax Act, in sub-section (1), in clause (a), in sub-clause (ii), after the words “not being”, the words, figures and letter “a minor child suffering from any disability of the nature specified in section 80U of the Income-tax Act or” shall be inserted with effect from the 1st day of April, 1995.

**53. Amendment of section 46.**— In section 46 of the Wealth-tax Act, in sub-section (4), after the words “every rule made under this Act”, the words, brackets, figures and letter “and the rules of procedure framed by the Settlement Commission under sub-section (7) of section 22F” shall be inserted with effect from the 1st day of June, 1994.

**Gift-tax**

**54 and 55.**— [Incorporated in the Gift-tax Act, 1958].

**Interest-tax**

**56. Amendment of section 3 of Act 45 of 1974.**— [Amendments incorporated in the Interest-tax Act, 1974].

**Expenditure-tax**

**57 to 59.**— [Amendments incorporated in the Expenditure-tax Act, 1987].

**CHAPTER IV****INDIRECT TAXES****Customs**

**60. Amendments of Act 52 of 1962.**— In the Customs Act, 1962, (hereinafter referred to as the Customs Act).—

- (1) for section 20, the following section shall be substituted, namely :—

*“20. Re-importation of goods.*— If goods are imported into India after exportation therefrom, such goods shall be liable to duty and be subject to all the conditions and restrictions, if any, to which goods of the like kind and value are liable or subject, on the importation thereof :

Provided that if such importation (other than importation of goods exported in bond or of goods produced or manufactured in a free trade zone) takes place within three years after the exportation of such goods and it is shown to the satisfaction of the Assistant Collector of Customs that the goods are the same which were exported, the goods may be admitted—

- (a) in any case where at the time of exportation of the goods, drawback of any customs or excise duty levied by the Union or both was allowed, on payment of customs duty equal to the amount of such drawback;



(b) in any case where at the time of exportation of the goods, drawback of any excise duty levied by a State was allowed, on payment of customs duty equal to such excise duty leviable at the time and place of importation of the goods;

(c) in any other case, without payment of duty ;

Provided further that if the Central Government is satisfied that it is necessary in the public interest so to do, it may, by order in each case, extend the aforesaid period of three years for such further period as it may deem fit.

**Explanation I.**— Where in respect of any goods produced or manufactured in a free trade zone, any duty leviable under this sub-section is leviable at different rates, then, such duty shall be leviable at the highest of those rates.

**Explanation II.**— For the purposes of this section, “free trade zone” has the same meaning as in Explanation 2 to sub-section (1) of section 3 of the Central Excises and Salt Act, 1944.”

(2) in section 23, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The owner of any imported goods may, at any time before an order for clearance of goods for home consumption under section 47 or an order for permitting the deposit of goods in a warehouse under section 60 has been made, relinquish his title to the goods and thereupon he shall not be liable to pay the duty thereon”.

(3) in section 59, in sub-section (1), the words, brackets and letter “clause (a) of” shall be omitted;

(4) section 59A shall be omitted;

(5) in sections 60, 72, and 73, the words, figures and letter “or section 59A” shall be omitted;

(6) for section 61, the following section shall be substituted, namely :—

*61. Period for which goods may remain warehoused.*— (1) Any warehoused goods may be left in the warehouse in which they are deposited or in any warehouse to which they may be removed—

(a) in the case of capital goods intended for use in any hundred per cent, export oriented undertaking, till the expiry of five years, and

(b) in the case of any other goods, till the expiry of one year,

after the date on which the proper officer has made an order under section 60 permitting the deposit of the goods in a warehouse ;

Provided that—

(i) in the case of any goods which are not likely to deteriorate, the period specified in sub-section (1) may, on sufficient cause being shown, be extended by the Collector of Customs for a period not exceeding six months and by the principal Collector of Customs for such further period as he may deem fit;

(ii) in the case of any goods referred to in clause (b), if they are likely to deteriorate, the aforesaid period of one year may be reduced by the Collector of Customs to such shorter period as he may deem fit :

Provided further that when the licence for any private warehouse is cancelled, the owner of any goods warehoused therein shall, within seven days from the date on which notice of such cancellation is given or within such extended period as the proper officer may allow, remove the goods from such warehouse to another warehouse or clear them for home consumption or exportation.

(2) Where any warehoused goods remain in a warehouse beyond the period specified in sub-section (1) by reason of extension of the aforesaid period or otherwise, interest at such rate as is specified in section 47 shall be payable, on the amount of duty payable at the time of clearance of the goods in accordance with the provisions of section 15 on the warehoused goods, for the period from the expiry of the said warehousing period till the date of payment of duty on the warehoused goods :

Provided that the Board may, if it considers it necessary so to do in the public interest, by order and under circumstances of an exceptional nature, to be specified in such order, waive the whole or part of any interest payable under this section in respect of any warehoused goods :

Provided further that the Board may, if it is satisfied that it is necessary so to do in the public interest, by notification in the Official Gazette, specify the class of goods in respect of which no interest shall be charged under this section.

**Explanation.**— For the purposes of this section, “hundred per cent, export oriented undertaking” has the same meaning as in Explanation 2 to sub-section (1) of section 3 of the Central Excises and Salt Act, 1944’.

**61. Amendment of Act 51 of 1975.**— The Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act) shall be amended in the manner specified in the Second Schedule:

#### Excise

**62. Amendment of Act 5 of 1986.**— The Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act),—

- (a) shall be amended in the manner specified in the Third Schedule; and
- (b) shall, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, be also amended in the manner specified in the Fourth Schedule.

**63. Amendment of Act 58 of 1957.**— In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act),—

- (a) in section 3, for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The provisions of the Central Excises and Salt Act, 1944 and the rules made thereunder, including those relating to refunds, exemptions from duty, offences and penalties, shall, so far as may be, apply in relation to levy and collection of the additional duties as they apply in relation to the levy and collection of the duties of excise on the goods specified in sub-section (1)”.

- (b) the First Schedule shall be amended in the manner specified in the Fifth Schedule.

#### CHAPTER V

#### SERVICE-TAX

**64. Extent, commencement and application.**— (1) This Chapter extends to the whole of India except the State of Jammu and Kashmir,

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(3) It shall apply to taxable services provided on or after the commencement of this Chapter.



**65. Definitions.**— In this Chapter, unless the context otherwise requires,—

(1) "Appellate Tribunal" means the Customs, Excise and Gold (Control) Appellate Tribunal constituted under section 129 of the Customs Act, 1962;

(2) "Assessee" means a person responsible for collecting the service-tax payable under the provisions of this Chapter and includes his agent;

(3) "Board" means the Central Board of Excise and Customs constituted under the Central Board of Revenue Act, 1963;

(4) "Central Excise Officer" has the meaning assigned to it in clause (b) of section 2 of the Central Excises and Salt Act, 1944;

(5) "general insurance business" has the meaning assigned to it in clause (g) of section 3 of the General Insurance Business (Nationalisation) Act, 1972;

(6) "insurer" means any person carrying on the general insurance business in India;

(7) "person responsible for collecting the service tax" means a person who is required to collect service tax under this Chapter or is required to pay any other sum of money under this Chapter and includes every person in respect of whom any proceedings under this Chapter have been taken;

(8) "policy-holder" has the meaning assigned to it in clause (2) of section 2 of the Insurance Act, 1938;

(9) "prescribed" means prescribed by rules made under this Chapter;

(10) "recognised stock exchange" has the meaning assigned to it in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956;

### Section 65

(1) Service tax is a value added tax. Just as excise duty is a tax on value addition on goods, service tax is on value addition by rendition of services. AIR 2007 SC 2990 (2993) : 2007 AIR SCW 5437 : 2007 (6) AIR Bom R 10 (SC).

(2) Appellants entering into agreement with foreign company for obtaining consultancy services for them — Service provider did not have any independent office in India — Appellants, service recipient, held liable to pay service tax and interest on amount of tax due to such service provider. AIR 2008 SC 798 (801, 804) : 2008 AIR SCW 25 : 2008 Tax LR 228.

(3) Charges paid towards evolution of prototype conceptual design, on which service tax is leviable, cannot be taxed under Value Added Tax Act. Payments of service tax as also the VAT are mutually exclusive. AIR 2008 SC (Supp) 1387 : 2008 (2) AIR Kar R 268 (277).

(4) There is no discrimination inasmuch as the mandap keepers are being burdened with levy of service tax while those who provide shamiana services are being exempt. Both are not similarly situated. 1999 Tax LR 434 : (1999) 122 Pun LR 695 (698).

(5) The making and sale of advertising materials for customers in form of banner or hoarding or film-slide etc. is "advertisement" as defined under S. 65(2).

ILR 2008 (3) Ker 597 (602) : 2008 (3) Ker LT 855 (DB).

(6) When the legislature says any commercial concern engaged in providing any service connected with advertisement is an "advertising agency"; it cannot be said that all activities resulting in advertisement only will attract liability. In other words all activities referred to in definition clause under S. 65(3) need not be carried out by the commercial concern to answer the description of "advertising agency". ILR 2008 (3) Ker 597 (602, 603) : 2008 (3) Ker LT 855 (DB).

(7) The levy of service tax on Air Travel Agents is not unenforceable on the ground that the levy and measure of tax is entirely different. It cannot be said that the commission received from the airlines by the air travel agents is basically for the promotion of the business of the airlines and the tax cannot be charged against this commission which has got nothing to do with the services offered by the air travel agents to their customers in booking of passages. 2002 Tax LR 201 (205, 206) : 2001 (2) Mad LJ 613 (DB).

(8) The charge of tax is on the person who is responsible for collecting service tax. It is he who by virtue of the provisions of S. 65(5) is regarded as assessee. He is the person who provides the service. AIR 1999 SC 2596 (2600) : 1999 AIR SCW 2771.

(9) The provider of service is an assessee under S. 65 and he has to collect service tax from the users.

(11) "securities" has the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956;

(12) "service tax" means tax chargeable under the provisions of this Chapter;

(13) "stock-broker" means a stock-broker who has either made an application for registration or is registered as a stock-broker in accordance with the rules and regulations made under the Securities and Exchange Board of India Act, 1992;

(14) "Sub-broker" means a sub-broker who has either made an application for registration or is registered as a sub-broker in accordance with the rules and regulations made under the Securities and Exchange Board of India Act, 1992;

(15) "subscriber" means a person to whom a telephone connection has been provided by the telegraph authority;

(16) "taxable service" means any service provided,—

(a) to an investor, by a stock-broker in connection with the sale or purchase of securities listed on a recognised stock exchange;

(b) to a subscriber, by the telegraph authority, in relation to a telephone connection;

(c) to a policy-holder, by an insurer carrying on general insurance business, in relation to general insurance business;

(17) "telegraph authority" has the meaning assigned to it in clause (6) of section 3 of the Indian Telegraph Act, 1885; and includes a person who has been granted a licence under the first proviso to sub-section (1) of section 4 of that Act;

#### Section 65 (contd.)

service. It is the service which is taxed and the levy is an indirect one, which necessarily means that the user has to bear it. (2010) 173 DLT 685 (690, 691).

(10) Service tax — Imposition of, on person providing service under Finance Act, 1994 and Service Tax Rules — By amendment to word "Assessee" in S. 65(5) liability to pay tax imposed on person who pays for the service — Law itself having been changed it cannot be said decision in AIR 1999 SC 2596 has been overruled. **2005 AIR SCW 2051 : AIR 2005 SC 3020.**

(11) The service tax so far as persons belonging to the professions of Chartered Accountants, Architects and property dealers are constitutionally valid. Even if service tax is linked with the professional income or professional service, even then it had a distinct aspect of services, which can be legitimately taxed by Parliament under Entry 97 of List I of Sch. VII of Constitution. **2002 (176) Cur Tax Rep 177 (180, 187) : 2002 WLC (Raj) (UC) 708 (DB).**

(12) The "Finance lease" and "the hire-purchase finance" squarely comes under the expression "financial leasing services" in S. 65(12) of the Finance Act, 1994. **2010 AIR SCW 7164 (7175).**

(13) Service tax imposed by S. 66 on the value of taxable services referred to in S. 65(105)(zm) r.w. S. 65(12) insofar as it relates to financial leasing services including equipment leasing and hire purchase

is within the legislative competence of Parliament under Entry 97, List I of Seventh Schedule to the Constitution. **2010 (11) Scale 461 (480) (SC).**

(14) The assessee-company which is engaged in development of computer software is liable to pay service tax. It is true that the definition of the expression "consulting engineer" under S. 65(13) could have included a company along with an individual or a partnership, but the very fact that a company providing technical assistance in any engineering discipline is not specifically included in definition of consulting engineer would not ipso facto mean that service rendered by such company is not taxable. **2001 AIR Kant HCR 1688 (1692) : ILR 2001 (2) Kar 5421 \*\* 2005 (279) ITR 147 (149 to 160) : 2005 (197) Cur Tax Rep 633 (DB) (Cal).**

(15) A service tax of 5% imposed on advertising service is not violative of Art. 19(1)(a) of Constitution. It cannot be said that State Entry 55 "tax on advertisement" would exclude the Parliamentary competence. The tax is not an advertisement but on the services rendered with reference to the advertisement and there is clear distinction between the advertisement and the advertisement services. **1998 (1) Guj LR 317 (320) : 1998 (98) ELT 14 (DB).**

(16) Pay phones — Service tax — Collection of — Licensees of pay phones are liable to collect and deposit service tax. **AIR 1996 Kar 189 (192) : ILR (1995) Kar 2845.**

(18) words and expressions, used but not defined in this Chapter and defined in the Central Excises and Salt Act, 1944 or the rules made thereunder, shall apply, so far as may be, in relation to service tax as they apply, so far as may be, in relation to service tax as they apply in relation to duty of excise.

### Section 65 (contd.)

(17) The clearing and forwarding operations is a compendious expression of nature of services rendered by principal to the agent and in the instant case the assessee does not stop at rendering only the services of commission agency but also extends beyond the same and thus would come within the category of clearing and forwarding agent as the operations are in the said nature. 2010 (2) KCCR 942 (949) (DB) (Kar).

(18) The member's club is not liable to pay service tax in allowing its members to use its space as "Mandap" under S. 65(19). In between the principal and agent when there is no transfer of property, the question of imposition of service tax cannot be made available. 2005 Tax LR 527 (532) : 2005 (1) Cal HN 402.

(19) Service tax — Collection of telephone bills by Bank for BSNL, Airtel and other companies — Not liable to service tax either as cash management service or under any other charging mode. AIR 2010 (NOG) 702 : 2010 (1) Ker LT 190 (193) (DB).

(20) Service provided in respect of the matters envisaged under S. 65(19) must be construed strictly. Explanation inserted by Finance Act (2008) brought in view concept of imposition of tax to widen net and cannot be construed as retrospective in operation whether it is clarificatory or declaratory in nature. 2009 AIR SCW 5301 (5313, 5317) : 2009 Tax LR 531.

(21) The explanation appended to S. 65(19)(ii) by Finance Act (2008) cannot be said to be a simple clarification as it introduces a new concept stating that organising of the lottery is form of entertainment. Therefore, service tax, if any, would be payable only with effect from May, 2008 and not with retrospective effect. 2009 AIR SCW 5301 (5315) : 2009 Tax LR 531.

(22) Member's club is not liable to pay service tax in allowing its members to use its space as "Mandap." If the club space is allowed to be occupied by any member or his family members or by his guest for a function by constructing a "Mandap," the club cannot be called as "Mandap keeper" because the club is allowing his own member to do so who is by virtue of his position principal of the club. 2005 Tax LR 527 (531) : 2005 (1) Cal HN 402.

(23) Appellant entered into consignment stockistship agreement with Government company — Appellant's main activity was to get orders from cli-

ents and sell products for company — Various jobs were performed by appellant including that of clearing and forwarding agent — Plea by appellant that no service is being provided by it as clearing and forwarding agent — Levy of service tax and penalty on appellant without determining whether activity of clearing and forwarding was incidental to its main activity — Improper. AIR 2008 SC (Supp) 393 (396) : 2008 AIR SCW 4970.

(24) The levy of service tax on catering services provided by Mandap keeper is tax on services and not tax on sale of goods or on hire purchase activities. Hence, it is not beyond competence of Parliament. The expression "in relation to" used in definition of "taxable service" under Finance Act so far as Mandap keeper are concerned is inclusive of services rendered as a caterer. AIR 2004 SC 3757 (3767) : 2004 AIR SCW 3991 \*\* 2006 (6) AIR Bom R 561 (564) : 2006 (3) Bom LR 2169 (DB).

(25) On going through S. 65(27) it is clear that coaching in any form for imparting knowledge or skill or lessons on any subject or field, except the subjects specifically excluded are covered by S. 65(27). Therefore, the service rendered by the petitioners in coaching and training private students for examination will attract service tax while regular aided or self-financed colleges affiliated to Universities are outside the tax net. 2006 (193) Taxation 155 (160) : 2006 (150) Taxman 624 (Ker). \*\* 2006 (202) Cur Tax Rep 229 (230) (Ker).

(26) The service rendered by a professional as a Chartered Accountants or an Architect in spite of there being nexus between the profession and the service rendered, there is a distinct aspect of service which can be legitimately taxed by Parliament under Entry 97 of List I. 2002 WLC (Raj) (UC) 708 (718) : 2003 (264) ITR 529 (DB).

(27) The word consultants include property consultants. Not only this it includes the concept of "professional consultancy". The definition given in S. 65(36) also point in same direction. In such situation, it would not be possible to conclude that under no circumstances a property consultant could be treated as a "professional" or a "consultant." 2004 (113) DLT 161 (168) : 2004 (3) Pun LR 16 (Delhi).

(28) No fault can be found with the taxing provision with reference to the measure of tax. Hence, the levy of service tax in case of security agencies cannot be challenged on the ground that in case of some other agencies, the expenditure incurred while offering the services are excluded, in case of security agen-

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cies that expenditure is not excluded and the gross amount received by the security agencies is made taxable. 2003 (264) ITR 396 (401) : 2002 (121) Taxman 128 (DB) (Mad).

(29) The authority cannot impose service tax twice upon the people carrying out the business of "Mandap keeper" as well as the member's club for the purpose of using the space for constructing or using it as "mandap." 2005 Tax LR 527 (532) : 2005 (1) Cal HN 402.

(30) The member's club is not liable to pay service tax in allowing its members to use its space as "Mandap." There cannot be applicability of service tax between themselves since there is no question of transfer of property amongst them. 2005 Tax LR 527 (531, 532) : 2005 (1) Cal HN 402.

(31) There is no distinction between provider of a service, who is an individual, partnership concern or an incorporated company. The liability to tax on the service provided falls uniformly on all the three, provided the service is of a kind that has been declared taxable under S. 65(48). 2001 AIR Kant HCR 1688 (1692) : ILR 2001 (2) Kar 5421 \*\* 2002 (2) Cal HN 154 (160) : 2003 (126) Taxman 442.

[See 2005, (279) ITR 147 (160) : 2005 (197) Cur Tax Rep 633 (DB) (Cal). (There is nothing to support an intelligible differentia between a company and a firm providing "taxable service" defined under S. 65(48)(g) to exclude a company from the tax net.)]

(32) The levy of service tax on Architects and Chartered Accountants was not beyond the legislative competence of Parliament on the ground that they are professionals governed and controlled by the separate enactments and, therefore, it is nothing but a tax on profession, which covered by State List Entry 60 of Sch. VII of Constitution. While the impost under S. 65(48) is against the services in the matter of service tax the impost of a professional tax has to be necessarily against the profession itself. 2002 Tax LR 447 (453) : 2002 (139) ELT 245 (DB) (Mad).

(33) The levy of service tax on Air Travel Agents is not unenforceable on the ground that the levy and measure of tax is entirely different. It cannot be said that though S. 65(48)(1) suggest that this is a tax on the services offered by the air travel agents to the customers in relation to booking of passages for travel by air, the measure of tax is against the commission which the air travel agents earn not because of the services that they offer under S. 65(48)(1) but on the commission they earn on account of their services to the airlines. 2002 Tax LR 201 (205) : 2001 (2) Mad LJ 613 (DB).

(34) Even if service tax is linked with the professional income or professional service, even then it

had a distinct aspect of services, which can be legitimately taxed by Parliament under Entry 97 List I of Sch. VII of Constitution. 2002 (176) Cur Tax Rep 177 (187) : 2002 WLC (Raj) (UC) 708 (DB).

[See also 2002 (258) ITR 209 (217) (DB) (Mad). (While the impost under S. 65(48) is against the services in the matter of service tax, the impost of a professional tax has to be necessarily against the profession itself. Hence, the tax on profession cannot be viewed to be tax on services or vice versa, because the two are separate and distinct.)]

(35) Organising lottery by State is economic activity on its part to enable it to raise revenue. Raising of revenue by the State by itself cannot amount to rendition of any service. 2009 AIR SCW 5301 (5309) : 2009 Tax LR 531.

(36) As per S. 65(52) the contract carriage vehicles are also covered under service tax. 2004 (268) ITR 391 (395) : 2004 (136) Taxman 308 (Mad).

(37) S. 65(52) does not speak of "Tourist permit." Hence, it cannot be said that any "Tourist vehicle" must have a "tourist permit." Merely because the petitioners do not have tourist permit, they are not outside the ambit of Finance Act. All that would be required that a "tour operator" must have taken a tour as contemplated under S. 65(50). 2001 (2) Mad LJ 590 (600, 601) : 2002 (121) Taxman 618 (DB).

(38) Both the selling of the SIM card and the process of activation are "services" provided by the Mobile Cellular Telephone Companies to the subscribers and squarely fall within definition of "taxable service" as defined in S. 65(72)(b). 2003 (172) Taxation 51 (72) : 2002 (123) Taxman 134 (DB) (Ker).

(39) The levy of service tax on tour operator is valid whatever service tax levied on the tourist operator will be collected from the tourists and the operator does not pay from his pocket. Therefore, the plea of the tourist operator that he is not rendering such services and, therefore, he is not liable to pay the service tax, is wholly untenable. 2007 (1) AIR Kar R 605 (606) : AIR 2007 NOC 713 (DB).

(40) Service tax — For service rendered by outdoor caterers — Petitioner engaged in supply of food and beverages to Air Companies for service to passengers on board flights — Service of food and beverages to passengers during flight is the purpose for which Air Companies take the supply — Activity of the petitioner squarely falls within the definition clause contained in S. 65(76A) R/w S. 65(24) — Therefore, regular supply of food and beverages by the petitioner to Air Crafts under orders from Air Companies attract liability to tax — So long as the supply is not in the premises of the caterer, it is "outdoor catering" — Payment of sales tax treating the transaction partly as sale of goods does not exonerate



**Section 65 (contd.)**

the petitioner from liability for service tax under Central legislation. 2006 (1) Ker LT 128.

(41) S. 65(76-B) uses the words "but it does not include" — Thus, it is a definition which has the inclusive as well as exclusive facet. The packaging and bottling of liquor tantamounts to "manufacture" within meaning of S. 2(f) of Central Excise Act (1944) and is not liable to service tax. AIR 2009 MP 207 (215, 217) : 2009 (5) AIR Kar R 498 : 2009 (2) MPLJ 593 (FB). (2007 (7) VST 197 (MP), Overruled.)

(42) (As amended by 1997 Act) As per new definition of "Tour operator" even non-permit holders who operate as "tour operator" by using tourist vehicles of other permit holders also are covered and, therefore, such persons who provide service are also liable to pay service tax. 2006 (6) AIR Kar R 298 (302) : ILR (2007) Kar 4075.

(43) Renting of immoveable property by itself does not constitute a service. Hence, levy of service tax on renting of immoveable property per se is invalid. AIR 2009 (NOC) 2188 : 2009 (158) DLT 722 (739) (DB).

(44) The provisions of S. 65(105) define taxable service. By that provision a service provided to a ship or vessel is taxable service. The charge of service tax in respect of service rendered to a ship or vessel remains on the person responsible for collecting the service tax under S. 66. 2009 (2) AIR Bom R 162 (168) (DB).

(45) The service rendered by the petitioners in coaching and training private students for examinations will attract service tax, while regular aided or self-financed colleges affiliated to Universities are outside the tax net. 2005 (199) Cur Tax Rep 453 (461) : 2006 (193) Taxation 155 (Ker).

(46) Appellant being a person authorised by Airport Authority of India to provide service in express terms and conditions, it becomes liable to pay service tax as it was an authorised person to provide taxable service and collect the admission ticket charges on contract basis. 2011 AIR SCW 863 (867) : 2011 (2) SCC 230.

(47) Works contract — Payment of service tax — Benefit of composition scheme — Circular dt. 1-1-2008 disentitling works contract service provider from availing benefit of composition scheme — Not ultra vires S. 65(105)(zzzza) and R. 3(3) of the Works Contract (Composition Scheme for Payment of Service Tax) Rules (2007). 2010 Tax LR 730 (735) : 2010 (6) Andh LD 227 (DB).

(48) The taxable service provided from outside India and received in India is liable to service tax. The services provided by commission agents are admittedly covered by S. 65(105)(zzb). 2006 (206) Cur Tax Rep 262 (264) (DB) (Del).

(49) (As it existed before its amendment by Finance Act, 2005) — Prior to the amendment of Finance Act (1994) in the year 2005, the Central Board of Excise and Customs vide Circular No. 80/10/2004 dt. 17-8-2004 clarified that "estate builders" who construct buildings/premises for themselves are not covered within the ambit of the "construction services." Hence, when the petitioner-company engaged in business of development and sale of immovable property i.e. real estate, was undertaking construction-activity for its own self and not for prospective purchaser, said activity cannot be termed as "service" rendered. Hence, petitioner is not liable to pay service tax. 2008 Tax LR 550 (555, 560) (Gauhati).

(50) When the transaction between the petitioner and Indian Railways does not amount to a contract of providing outdoor catering, but is a transaction of sale of food and beverages by the petitioner-company to Indian Railways, the service tax cannot be levied under S. 65(105)(zzt). 2010 (171) DLT 481 (500) (DB).

(51) SIM card is an integral part required to provide mobile service to the customer. Therefore stand taken by mobile services that it is not goods sold or intended to be sold to customer but supplied as part of service is absolutely tenable. Consequently, the value of SIM card forms part of taxable service on which service tax is payable. AIR 2009 (NOC) 1675 : 2009 (1) Ker LT 889 (892) (DB).

(52) S. 65(105)(zzzz) does not in terms entail that the renting out of immoveable property for use in the course or furtherance of business of commerce would by itself constitute a taxable service and be exigible to service tax under the Act. AIR 2009 (NOC) 2188 : 2009 (158) DLT 722 (739) (DB).

(53) Service tax — On marine logistic services — S. 65(105)(zzzj) inserted by Finance Act, 2008 covering marine logistic services provided to major exploration and production operations in sea waters — Said services were either pre-mining or post mining activities having no direct relation to mining — In contrast Entry (zzzy) was covering activities having direct nexus to mining activities — Hence, service tax cannot be demanded on "Marine Logistic Services" under Entry (zzzy) for period prior to insertion of (zzzj) on ground that the services are relating to the mining of minerals; oil or gas and are as such covered by S. 65(105)(zzzy). 2009 (4) AIR Bom R 775 (782, 785) : 2009 Tax LR 548 (DB).

(54) Taxable service — Transactions of allowing another person to use the goods without giving the legal right of possession and effective control would be treated as service. 2010 (3) Gau LT 667 (687) : 2010 (5) Gau LR 38.

(55) The petitioner is engaged in the business of arranging tours by mode of transport, as tourists are

**66. Charge of service tax.**— On and from the commencement of this Chapter, there shall be charged a tax (hereinafter referred to as service tax) at the rate of five per cent. of the value of the taxable services provided to any person by the person responsible for collecting the service tax.

#### Section 65 (contd.)

transported from one place to another place in trolley or a cable car. Even if the tour is arranged from one fixed point to another fixed point it will come under the definition of "Tour" defined in Cl. 113 of S. 65. Therefore the petitioner is a "Tour operator" as defined under S. 65 and hence liable to pay service tax. 2005 (3) UC 1920 (1922) (DB) (Utr).

#### Section 66

(1) S.66 which is charging section provides that the charge of tax at the rate of 5% is on the value of the taxable, services which are provided to any person by the persons responsible for collecting the service-tax. AIR 1999 SC 2596 (2600) : 1999 AIR SCW 2771.

(2) The activities undertaken by Non-Banking Financial Companies (NBFCs) of equipment leasing and hire-purchase finance are facilities extended by NBFC's to their customers, they are financial services rendered by NBFCs to their customers and they fall within the meaning of the words "banking and other financial services" which is sought to be brought within the service tax net under S. 66 of the Finance Act, 1994. 2010 AIR SCW 7164 (7173) : (2010) 11 Scale 461.

(3) Service tax imposed by S. 66 on the value of taxable services referred to in S. 65(105)(zm) r.w. S. 65(12) insofar as it relates to financial leasing services including equipment leasing and hire-purchase is within the legislative competence of Parliament under Entry 97, List I of Seventh Schedule to the Constitution. 2010 AIR SCW 7164 : 2010 (11) Scale 461.

(4) The service rendered by a professional as a Chartered Accountant or an Architect in spite of there being a nexus between the profession and the service rendered, there is a distinct aspect of service which can be taxed by the Parliament under Entry 97 of List I. 2002 WLC (Raj) (UC) 708 (718) : 2003 (264) ITR 529 (DB) (Raj).

(5) Service of transportation — Levy of service tax by Finance Act, 1994 — Act is not a colourable piece of legislation — It falls within residuary power of Parliament under Entry 97 of List I. AIR 2005 SC 3020 (3031) : 2005 AIR SCW 2051.

(6) The terms and condition on failure to pay the amount within the stipulated date the holder of a credit card has to pay a service charge depending on the contract or as per the policy followed by the bank

from time to time. The mere fact marine bank may not be complying with the formality under the service tax charges does not and will not be a reason to hold that it is not a service charge. AIR 1999 Bom 409 (414) : 1999 (3) Bom LR 358.

(7) Where demand notice was issued by the authorities to the petitioner on the ground that service tax will have to be paid even if the amount is received by the assessee before the date on which service tax made leviable under provisions of S. 66, direction issued to petitioner to give reply to the demand notice. 2007 (198) Taxation 227 (228) (DB) (Guj).

(8) Service tax — Mandap keeper required to collect tax from client utilising his service — It does not amount to tax on land by reason of Entry 49 — But tax levied is on income arising from land — No entry is found in Lists 2 and 3 of Sch. 7 covering tax so levied — Parliament is therefore competent to levy such tax — Provisions of Act and Rules relating to Kalyana Mandapams and Mandap keepers are intra vires constitution. AIR 2004 SC 3757 (3766) : 2004 AIR SCW 3991.

(9) Service tax — Imposition of, on person providing service under Finance Act of 1994 and Service Tax Rules — Supreme Court in AIR 1999 SC 2596 declared it ultra vires and illegal as it was in conflict with charging section — By amendment to word "assessee" in Ss. 65(5) and 66(3), liability to pay tax imposed on person who pays for the service — Amendment making provisions of Act and Rules compatible — Law itself having been changed — It cannot be said that decision in AIR 1999 SC 2596 has been legislatively overruled. AIR 2005 SC 3020 (3028) : 2005 AIR SCW 2051.

(10) S. 66 has been amended by the Finance Act 2 of 1998 to bring in the services provided by security agencies. 2003 (264) ITR 396 (398) : 2002 (121) Taxman 128 (DB) (Mad).

(11) Service tax — Levy of — A vehicle which carries permit as a 'motor cab' or maxi cab are plied as contract carriage — Person who is so engaged in business of renting cabs would in tax dragnet of service tax. 2001 (2) Mad LJ 590 (604) : 2002 (121) Taxman 618 (DB).

(12) Service tax — Levy of — Sale of SIM cards as sale of goods — Sales tax has been levied thereon — There is no challenge to levy of sales tax — Service tax is not leviable. 2008 Tax LR 135 (137) : 2008 (1) WLC 313 (DB) (Raj).



**67. Valuation of taxable services for charging service tax.**— For the purposes of this Chapter, the value of taxable services,—

- (a) in relation to service provided by a stock-broker, shall be the aggregate of the commission or brokerage charged by him on the sale or purchase of securities from the investors and includes the commission or brokerage paid by the stock-broker to any sub-broker;
- (b) in relation to telephone connection provided to the subscribers, shall be the gross total amount (including adjustments made by the telegraph authority from any deposits made by the subscribers at the time of applications for telephone connections) received by the telegraph authority from the subscribers.

**Explanation.**— For the removal of doubts it is hereby declared that the value of taxable service in this clause shall not include the initial deposits made by the subscribers at the time of applications for telephone connections;

- (c) in relation to services of general insurance business provided to the policy holders shall be the total amount of the premium received by the insurer from the policy holders.

**68. Collection and recovery of service tax.**— (1) Every stock-broker the telegraph authority or the insurer who is providing taxable services to any person shall collect the service tax at the specified in section 66.

#### Section 67

(1) Service tax on service rendered in relation to photography — Bifurcation of gross receipts of processing of photographs into portion attributable to goods and that attributable to services — Not permissible as such cases are contracts of service pure and simple — In view of said fact levying service tax on gross receipts in photographic business when service tax is levied only on commission of other service providers like travel agents, stock brokers is also not discriminatory. AIR 2006 SC 444 (447) : 2005 AIR SCW 5905.

(2) S. 67 provides for valuation of taxable services for charging service tax. According to it, in relation to the service provided by a mandap keeper to the client, the valuation of taxable services for charging service tax shall be the gross amount charged by such keeper from the client for the use of mandap including the facilities provided to the client in relation to such use and also the charges for catering, if any. 2006 (6) AIR Bom R 561 (563) : 2006 (4) Bom CR 747 (DB).

(3) Service tax — Mandap keeper required to collect tax from client utilising his services — It does not amount to tax on land by reason of Entry 49 — But, tax levied on income arising from land — No entry is found in Lists 2 and 3 of Sch. 7 covering tax so levied — Parliament therefore is competent to levy such tax — Provisions of Act and Rules relating to Mandap keepers are ultra vires. AIR 2004 SC 3757 (3766) : 2004 AIR SCW 3991.

(4) The levy of service tax on Air Travel Agents

is not enforceable on the ground that the levy and measure of tax is entirely different. Provision of S. 67(k) does not in any manner alter the nature of tax and does not shift it from the service rendered to the customer to the service rendered to the airlines. 2002 Tax LR 201 (207) : 2001 (2) Mad LJ 613 (DB).

(5) It is for the legislature to select any particular service or any particular subject for taxing. The plea that provisions of S. 67 (r) are arbitrary since the legislature has picked and chosen chartered accountants and left out other professionals like doctors and lawyers, is not tenable. 2002 (258) ITR 209 (228) (DB) (Mad).

(6) Both the selling of the SIM card and the process of activation are 'services' provided by the mobile cellular telephone companies to the subscribers and squarely fall within definition of 'taxable service.' They are also exigible to service tax on the value of 'taxable service' as defined in S. 67. 2002 (178) Cur Tax Rep 367 (385) : 2002 (123) Taxman 134 (DB) (Ker).

#### Section 68

(1) Under S. 68, every person providing taxable service is made liable to pay the tax. The legislature had never intended to make any distinction between a firm and a company for purpose of defining 'consulting engineer'. 2005 (197) Cur Tax Rep 633 (645) : 2005 (279) ITR 147 (DB) (Cal).

(2) It is always open to the service provider to charge or not to charge the amount of service tax from its customer and to pay it from its own pocket. 2006 (205) Cur Tax Rep 384 (386) (DB) (All).

(2) The service tax collected during any calendar month in accordance with the provisions of sub-section (1) shall be paid to the credit of the Central Government by the 15th of the month immediately following the said calendar month.

(3) Any person, responsible for collecting the service tax, who fails to collect the tax in accordance with the provisions of sub-section (1), shall, notwithstanding such failure, be liable to pay the tax to the credit of the Central Government in accordance with the provisions of sub-section (2).

**69. Registration.**— (1) Every person responsible for collecting the service tax under this Chapter shall, within such time and manner and in such form, as may be prescribed, make an application for registration under this Chapter to the Central Excise Officer.

(2) If a person responsible for collecting the service tax provides taxable services from more than one premises or offices, he shall make separate applications for registration in respect of each such premises or office.

(3) The provisions of sub-section (1) or sub-section (2) shall not apply in such cases as the Central Government may, by notification in the Official Gazette, specify and such notification may contain conditions which will regulate exemption from requirement for registration.

(4) If the Central Excise Officer, to whom an application under sub-section (1) or sub-section (2) is made, is satisfied that the application is in conformity with the provisions of this Chapter and the rules made thereunder, he shall register the applicant within thirty days of the receipt of such application and grant to him a certificate of registration in the prescribed form.

(5) Every person who ceases to provide taxable service shall surrender his certificate of registration immediately to the Central Excise Officer.

(6) The certificate of registration granted under sub-section (4), may, on the application of the person to whom it has been granted, be amended by the Central Excise Officer granting it if he is satisfied that by reason of change in the name or place of the applicant or for any other reason, the certificate of registration should be so amended.

**70. Person responsible for collecting service tax to furnish prescribed return.—**

(1) Every person responsible for collecting the service tax shall furnish or cause to be furnished to the Central Excise Officer in the prescribed form and verified in the prescribed manner, a quarterly return, within fifteen days of the end of the preceding quarter, showing—

**Section 68 (contd.)**

(3) Levy of service tax — Introduction of proviso to S. 68(1 A) by Act of 2003 — Does not seek in any manner to expand that sub-section — In fact it gives effect to it. **AIR 2005 SC 3020 (3032) : 2005 AIR SCW 2051.**

(4) Service tax — Licensees of pay phones are liable to collect and deposit service tax. **AIR 1996 Kar 189 (192) : ILR (1995) Kar 2845.**

(5) Service tax — Levy of — Appellant's main activity was to get orders from clients and sell products for company — Various jobs were performed by appellant including that of Clearing and Forwarding Agent — Plea by appellant that no service is being provided by it as Clearing and Forwarding Agent — Levy of service on appellant without determining whether activity of clearing and forwarding was incidental to its main activity — Improper. **AIR 2008 SC (Supp) 393 (396) : 2008 AIR SCW 4970.**

(6) Liability to pay tax — Appellants entering into agreement with foreign company for obtaining consultancy services for them — Service provider did not have any independent office in India — Appellants, service recipient, held, liable to pay service tax and interest on amount of tax due to such service provider. **AIR 2008 SC 798 (804) : 2008 AIR SCW 25.**

**Section 69**

(1) Service tax — Petitioner-company engaged in business of development and sale of immovable property — Petitioner undertaking construction activity for its own self and not for prospective purchaser — Said activity cannot be termed as 'service' rendered — Hence, petitioner is not liable to get itself registered under S. 69 and thus not liable to pay service tax. **2008 Tax LR 550 (558) (Gauhati).**

(2) Service tax — Petitioner, mandap keeper, providing services to its members only — Not liable to pay service tax. **2007 (4) JCR (Jha) 185 (186) (DB).**

- (a) the aggregate of payments received in respect of the value of taxable services;
- (b) the amount of service tax collected;
- (c) the amount of service tax paid to the credit of the Central Government; and
- (d) such other particulars as may be prescribed.

(2) In the case of any person who, in the opinion of Central Excise Officer, is responsible for collecting service tax under this Chapter but who has not furnished a return under sub-section (1), the Central Excise Officer may, before the expiry of the quarter in which the return is to be furnished, issue a notice to such person and serve it upon him, requiring him to furnish within thirty days from the date of service of the notice the return in the prescribed form and verified in the prescribed manner setting forth the prescribed particulars.

(3) Any person responsible for collecting the service tax who has not furnished the return within the time allowed under sub-section (1) or sub-section (2) or having furnished a return under sub-section (1) or sub-section (2), discovers any omission or wrong statement therein, may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

**71. Assessment.**— (1) For the purposes of making an assessment under this Chapter, the Central Excise Officer may serve on any person, who has furnished a return under section 70 or upon whom a notice has been served under sub-section (2) of section 70 (whether a return has been furnished or not), a notice requiring him on a date therein to be specified, to produce or cause to be produced such accounts or documents or other evidence as the Central Excise Officer may require for the purposes of this Chapter and may, from time to time, serve further notices requiring the production of such further accounts or documents or other evidence as he may require.

(2) The Central Excise Officer, after considering such accounts, documents or other evidence, if any, as he has obtained under sub-section (1) and after taking into account any relevant material which he has gathered, shall, by an order in writing, assess the value of taxable service and the amount of service tax payable on the basis of such assessment.

**72. Best judgment assessment.**— If—

- (a) any person fails to make the return required by any notice given under sub-section (2) of section 70 and has not made a return or a revised return under sub-section (3) of that section, or
- (b) any person having made a return fails to comply with all the terms of a notice issued under sub-section (1) of section 71, or
- (c) the Central Excise Officer is not satisfied with the correctness or the completeness of the accounts of the assessee,

the Central Excise Officer, after taking into account all the relevant material which he has gathered, shall by an order in writing, make the assessment of the value of taxable service to the best of his judgment and determine the sum payable by the assessee or refundable to the assessee on the basis of such assessment.

**73. Value of taxable services escaping assessment.**— If—

- (a) the Central Excise Officer has reason to believe that by reason of omission or failure

#### Section 73

(1) The liability to file return is cast on the appellants only under S. 71-A. The class of persons who come under S. 71-A is not brought under the net of S. 73. 2005 (13) SCC 245 (246) : 2006 (150) Taxman 132.

(2) Reassessment — Services of transport operators—Availed by respondent — Respondents have no liability to file return under S. 70 — Notice of reassessment cannot be issued to respondents. 2008 AIR SCW 6803 (6805) : AIR 2009 SC (Supp) 1235.

on the part of the assessee to make a return under section 70 for any quarter or to disclose wholly and truly all material facts necessary for his assessment for any quarter, the value of taxable service for that quarter has escaped assessment or has been under-assessed, or

- (b) notwithstanding that there has been no omission or failure as mentioned in clause (a) on the part of the assessee, the Central Excise Officer has, in consequence of information in his possession, reason to believe that the value of any taxable service assessable in any quarter has escaped assessment or has been under-assessed,

he may, in cases falling under clause (a), at any time within five years, and in cases falling under clause (b), at any time within six months from the date for filing the return, serve on the assessee a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of section 70 and may proceed to assess or re-assess the value of taxable service, and the provisions of this Chapter shall, so far as may be, apply, as if the notice were a notice issued under that sub-section.

**74. Rectification of mistake.**— (1) With a view to rectifying any mistake apparent from the record, the Central Excise Officer who passed any order under the provisions of this Chapter may, within two years of the date on which such order was passed, amend the order.

(2) Where any matter has been considered and decided in any proceeding by way of appeal or revision relating to an order referred to in sub-section (1), the Central Excise Officer passing such order may, notwithstanding anything contained in any law for the time being in force, amend the order under that sub-section in relation to any matter other than the matter which has been so considered and decided.

(3) Subject to the other provisions of this section, the Central Excise Officer concerned—

- (a) may make an amendment under sub-section (1) of his own motion; or  
(b) shall make such amendment if any mistake is brought to his notice by the assessee or the Collector of Central Excise or the Collector of Central Excise (Appeals).

(4) An amendment, which has the effect of enhancing an assessment or reducing a refund or otherwise increasing the liability of the assessee, shall not be made under this section unless the Central Excise Officer concerned has given notice to the assessee of his intention so to do and has allowed the assessee a reasonable opportunity of being heard.

(5) Where an amendment is made under this section, an order shall be passed in writing by the Central Excise Officer concerned.

(6) Subject to the other provisions of this Chapter where any such amendment has the effect of reducing the assessment, the Central Excise Officer shall make any refund which may be due to such assessee.

(7) Where any such amendment has the effect of enhancing the assessment or reducing the refund already made, the Central Excise Officer shall make an order specifying the sum payable by the assessee and the provisions of this Chapter shall apply accordingly.

**75. Interest on delayed payment of service tax.**— Every person responsible for collecting service tax and paying it to the credit of the Central Government in accordance with the provisions of section 68, who fails to credit the tax or any part thereof to the account of the Central Government within the period specified in that section, shall pay simple interest at the

### Section 75

(1) Liability to pay service tax — Appellant entered into agreement with foreign company for obtaining consultancy services for them — Service pro-

vider did not have any independent office in India — Appellants, service recipient, held, liable to pay service tax and interest on amount of tax due to such service provider. **2008 AIR SCW 25 : 2008 Tax LR 228.**



rate of one and one half per cent, for every month or part of a month by which such crediting of the tax or any part thereof is delayed.

**76. Penalty for failure to collect or pay service tax.**— Any person responsible for collecting service tax in accordance with the provisions of sub-section (1) of section 68, who—

- (a) fails to collect such tax: or
- (b) having collected the service tax, fails to pay such tax to the credit of the Central Government in accordance with the provisions of sub-section (2) of that section;

shall pay,—

- (i) in the case referred to in clause (a), in addition to paying the tax in accordance with the provisions of sub-section (3) of that section and interest in accordance with the provisions of section 75, by way of penalty, a sum equal to the amount of service tax that he failed to collect; and
- (ii) in the case referred to in clause (b), in addition to paying the tax in accordance with the provisions of sub-section (2), of that section and interest in accordance with the provisions of section 75; by way of penalty, a sum which shall not be less than one hundred rupees but which may extend to two hundred rupees for every day during which the failure continues, so, however, that the penalty under this clause shall not exceed the amount of service tax that he failed to pay.

**77. Penalty for failure to furnish prescribed return.**— If a person fails to furnish in due time the return which he is required to furnish under sub-section (1) of section 70 or by notice given under sub-section (2) of that section, he shall pay, by way of penalty, a sum which shall not be less than one hundred rupees, but which may extend to two hundred rupees for every day during which the failure continues.

**78. Penalty for suppressing value of taxable service.**— If the Central Excise Officer in the course of any proceedings under this Chapter is satisfied that any person has, with intent to evade payment of service tax, suppressed or concealed the value of taxable service or has furnished inaccurate value of such taxable service, he may direct that such person shall pay by way of penalty, in addition to service tax and interest, if any, payable by him, a sum which shall not be less than, but which shall not exceed twice, the amount of service tax sought to be evaded by reason of suppression or concealment of the value of taxable service or the furnishing of inaccurate value of such taxable service :

Provided that if the value of taxable service (as determined by the Central Excise Officer on assessment) in respect of which value has been suppressed or concealed or inaccurate value has been furnished exceeds a sum of twenty-five thousand rupees, the Central Excise Officer shall not issue any direction for payment by way of penalty without the previous approval of the Collector of Central Excise.

**79. Penalty for failure to comply with notice.**— If the Central Excise Officer in the course of any proceedings under this Chapter is satisfied that any person has failed to comply with a notice under sub-section (1) of section 71, he may direct that such person shall pay, by way of penalty, in addition to any service tax and interest, if any, payable by him, a sum which shall not be less than ten per cent., but which shall not exceed fifty per cent., of the amount of the service tax, if any, which would have been avoided if the value of taxable service stated in the return by such person had been accepted as the correct value of taxable service.

**80. Penalty not to be imposed in certain cases.**— Notwithstanding anything contained

#### Section 76

(1) The authorities do not have power to impose

penalty less than the minimum prescribed by S. 76  
2008 (3) Raj LW 2509 : 2008 (4) WLC 332 (DB).

in the provisions of section 76, section 77, section 78 or section 79, no penalty shall be imposable on the assessee for any failure referred to in the said provisions if the assessee proves that there was reasonable cause for the said failure.

**81. Offences by companies.**—(1) Where an offence under this Chapter has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Chapter, if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director,” in relation to a firm means a partner in the firm.

**82. Power to search premises.**—(1) If the Central Excise Officer has reason to believe that any documents or books or things which in his opinion will be useful for or relevant to any proceeding under this Chapter are secreted in any place, he may authorise any other Central Excise Officer to search or may himself search for such documents or books or things,

(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches, shall, so far as may be, apply to searches under this section as they apply to searches under that Code.

**83. Application of certain provisions of Act 1 of 1944.**—The provisions of the following sections of the Central Excises and Salt Act, 1944, as in force from time to time, shall apply, so far as may be, in relation to service tax as they apply in relation to a duty of excise :—

9C, 9D, 11, 11B, 12B, 12C, 12D, 12E, 14, 15, 35F to 35O (both inclusive), 35Q, 36, 36A, 36B, 37A, 37B, 37C, 37D and 40.

**84. Revision of orders by the Collector of Central Excise.**—(1) The Collector of Central Excise may call for the record of a proceeding under this Chapter which has been taken by the Central Excise Officer subordinate to him and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Chapter, pass such order thereon as he thinks fit.

(2) No order which is prejudicial to the assessee shall be passed under this section unless

#### Section 83

(1) By virtue of S. 83 the provisions amongst other Ss. 35-F to 35-O and S. 36 of the Central Excise Act 1 of 1944 have been adopted. Therefore, situs of Tribunal in Kolkata is not determinative factor to exercise jurisdiction under S. 35-H of Central Excise Act

r.w S. 83 of the Act. 2011 Tax LR 66 (67) (DB) (Cal).

#### Section 84

(1) Any exercise of power under S. 84 is an “order” within the meaning of Central Excise Act (1944). Hence, appeal against such order is maintainable. (2010) 4 AIR Kar R 984 (991).



the assessee has given an opportunity of being heard.

(3) The Collector of Central Excise shall communicate the order passed by him under sub-section (1) to the assessee, the Central Excise Officer and the Board.

(4) No order under this section shall be passed by the Collector of Central Excise in respect of any issue if an appeal against such issue is pending before the Collector of Central Excise (Appeals).

(5) No order under this section shall be passed after the expiry of two years from the date on which the order sought to be revised has been passed.

**85. Appeals to the Collector of Central Excise (Appeals).—**(1) Any person aggrieved by any assessment order passed by the Central Excise Officer under section 71, section 72 or section 73, or denying his liability to be assessed under this Chapter, or by an order levying interest or penalty under this Chapter, may appeal to the Collector of Central Excise (Appeals).

(2) Every appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) An appeal shall be presented within three months from the date of receipt of the decision or order of the Central Excise Officer, relating to service tax, interest or penalty under this Chapter :

Provided that the Collector of Central Excise (Appeals) may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of three months.

(4) The Collector of Central Excise (Appeals) shall hear and determine the appeal and, subject to the provisions of this Chapter, pass such orders as he thinks fit and such orders may include an order enhancing the service tax, interest or penalty :

Provided that an order enhancing the service tax, interest or penalty shall not be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(5) Subject to the provisions of this Chapter, in hearing the appeals and making order under this section, the Collector of Central Excise (Appeals) shall exercise the same powers and follow the same procedure as he exercises and follows in hearing the appeals and making orders under the Central Excises and Salt Act, 1944.

**86. Appeals to Appellate Tribunal.—**(1) Any assessee aggrieved by an order passed by a Collector of Central Excise under section 84, or any order passed by a Collector of Central Excise (Appeals) under section 85, may appeal to the Appellate Tribunal against such order.

(2) The Board may, if it objects to any order passed by the Collector of Central Excise

#### Section 85

(1) Where respondents have not taken up original orders imposing penalty in appeals before appellate authority within maximum period prescribed under S. 85(3), they cannot get appeals revived and heard on merits by resorting to discretionary remedy under Art. 226 of Constitution of India. 2005 (4) Ker LT 947 (949) : 2006 (150) Taxman 634 (DB).

#### Section 86-

(1) If an order is passed under S. 73 or 83(a) or 84 by the Commissioner of Central Excise or under S. 85 by the Commissioner of Central Excise (Appeals),

an appeal would lie to the Appellate Tribunal if the assessee is aggrieved by such an order. 2010 (4) AAR Kar R 984 (990).

(2) Cargo handling services rendered by petitioners — Dispute as to service tax liability — Petitioners' case that their activities are not covered by definition of service tax and hence not chargeable to service tax — Tribunal had granted full waiver at least in two similarly situated cases — It would not be proper to take a different view and deny full waiver of pre-deposit of petitioners. 2009 (6) AAR Bom R 1262 : 2009 (3) Bom CR 306.

under section 84, or the Collector of Central Excise may, if he objects to any order passed by the Collector of Central Excise (Appeals) under section 85, direct the Central Excise Officer to Appeal to the Appellate Tribunal against the order.

(3) Every appeal under sub-section (1) or sub-section (2) shall be filed within three months of the date on which the order sought to be appealed against is received by the assessee, the Board or by the Collector of Central Excise, as the case may be.

(4) The Central Excise Officer or the assessee, as the case may be, on receipt of a notice that an appeal against the order of the Collector of Central Excise or the Collector of Central Excise (Appeals) has been preferred under sub-section (1) or sub-section (2) by the other party may, notwithstanding that he may not have appealed against such order of any part thereof, within forty-five days of the receipt of the notice, file a memorandum of cross-objections, verified in the prescribed manner, against any part of the order of the Collector of Central Excise or the Collector of Central Excise (Appeals), and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (3).

(5) The Appellate Tribunal may admit an appeal or permit the filing of a memorandum of cross-objections after the expiry of the relevant period referred to in sub-section (3) or sub-section (4) if it is satisfied that there was sufficient cause for not presenting it within that period.

(6) An appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner and shall, except in the case of an appeal referred to in sub-section (2) or a memorandum of cross objections referred to in sub-section (4), be accompanied by a fee to two hundred rupees.

(7) Subject to the provisions of this Chapter, in hearing the appeals and making orders under this section, the Appellate Tribunal shall exercise the same powers and follow the same procedure as it exercises and follows in hearing the appeals and making orders under the Central Excises and Salt Act, 1944.

**87. Wilful attempt to evade service tax, etc.**— If a person wilfully attempts in any manner whatsoever to evade collection or payment of any service tax, interest or penalty chargeable or imposable under this Chapter, or to suppress or conceal the total value of taxable services, he shall, without prejudice to any penalty that may be imposable on him under any other provisions of this Chapter, be punishable with imprisonment for a term which may extend to seven years and with fine.

**Explanation.**— For the purposes of this section, a wilful attempt to evade payment of any service tax, interest or penalty chargeable or imposable under this Chapter shall include a case where any person—

(i) has in his possession or control any books of account or other documents (being books of account or other documents relevant to any proceeding under this Chapter) containing a false entry or statement; or

(ii) makes or causes to be made any false entry or statement in such books of account or other document; or

(iii) wilfully omits or causes to be omitted any relevant entry or statement in such books of account or other documents; or

(iv) causes any other circumstances to exist which will have the effect of enabling such person to evade payment of any service tax, interest or penalty chargeable or imposable under this Chapter.

**88. Failure to furnish prescribed returns.**— If a person fails to furnish the return which he is required to furnish by a notice given under sub-section (2) of section 70, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Chapter, be punishable with imprisonment for a term which may extend to three years and with fine.

**89. False statement in verification, etc.**— If a person makes a statement in any verification under this Chapter or any rule made thereunder, or delivers an account or statement, which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years and with fine.

**90. Abetment of false return, etc.**— If a person abets or induces in any manner another person to make and deliver an account or a statement or declaration relating to any taxable service which is false and which he either knows to be false or does not believe to be true or to commit an offence under section 87, he shall be punishable with imprisonment for a term which may extend to seven years and with fine.

**91. Certain offences to be non-cognizable.**— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under section 87 or section 88 or section 89 or section 90 shall be deemed to be non-cognizable within the meaning of that Code.

**92. Institution of proceedings.**— A person shall not be proceeded against or any offence under section 87 or section 88 or section 89 or section 90 except with the previous sanction of the Principal Collector of Central Excise.

**93. Power to grant exemption from service-tax.**— The Central Government may, if it is satisfied that it is necessary so to do in the public interest, by notification in the Official Gazette, exempt generally or subject to such conditions as may be specified in the notification, taxable service of any specified description from the whole or any part of service tax leviable thereon.

**94. Power to make rules.**— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

#### Section 93

(1) Where the writ petitioner has challenged the notification of exemption issued in exercise of power under S. 93(1) as violative of Art. 14 of the Constitution of India, there is no scope of staying the operation of the exemption or granting exemption on a modified term in the field of collection of revenue. 2010 Tax LR 715 : 2010 (3) Cal LT 238 (DB).

(2) The term of duty of excise would include the surcharge levied as Education Cess. 2007 (4) Raj LW 2995 (2998) : 2007 (4) WLC 430 (DB).

#### Section 94

(1) Service tax — Person responsible for collection — R. 2(xii) and (xvii) of Services Tax Rules making client of clearing and forwarding agents and customers of goods transporter responsible for collection of tax — Are in conflict with Ss. 65 and 66 — Liable to be quashed — Tax collected from such cli-

ent or customer liable to be refunded. AIR 1999 SC 2596 (2602) : 1999 AIR SCW 2771.

(2) R.6(7) of the Rules framed under the Act which provides alternative mode of levy on basic fair of passage for travel by air is not unenforceable and this Rule will have to be viewed taking into consideration S. 93 and S. 94(2)(a) jointly. 2002 Tax LR 201 (210) : 2001 (2) Mad LJ 613 (DB).

(3) Service tax — Interest — Liability to pay — Goods transport operators services received by petitioner for the period running from 16th November, 1997 to 1st July, 1998 — Petitioner has already deposited tax on 16th March, 2002, 12th April, 2002 and 8th October, 2002 — There was no liability to file return under S. 70 — No question of petitioner's liability to make payment of interest on amount. 2011 (1) AIR Jhar R 678 (681).

- (a) the time and manner and the form in which application for registration may be made under sub-section (1) of section 69 and the form in which the certificate of registration may be granted under sub-section (4) of section 69;
- (b) the form in which returns under section 70 may be furnished, the manner in which they may be verified and other particulars which a form may contain;
- (c) the form in which appeal under section 85 or under sub-section (6) of section 86 may be filed and the manner in which they may be verified;
- (d) the manner in which a memorandum of cross-objections under sub-section (4) of section 86 may be verified;
- (e) any other matter which by this Chapter is to be or may be prescribed.

(3) The power to make rules conferred by this section shall on the first occasion of the exercise thereof include the power to give retrospective effect to the rules or any of them from a date not earlier than the date on which the provisions of this Chapter come into force.

(4) Every rule made under this Chapter and every notification issued under section 93 shall be laid, as soon as may be, after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

**95. Power to remove difficulties.**— (1) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government may, by order published in the Official Gazette, not inconsistent with the provisions of this Chapter, remove the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date on which the provisions of this Chapter come into force.

**96. Consequential amendment.**— In the Economic Offences (Inapplicability of Limitation) Act, 1974, in the Schedule, after entry 7 relating to the Central Excises and Salt Act, 1944, the following entry shall be inserted, namely :—

“7A. Chapter V of the Finance Act, 1994.”

## CHAPTER VI

### FOREIGN TRAVEL-TAX

**97. Amendment of Act 21 of 1979.**— [Amendments incorporated in the Finance Act, 1979].

## CHAPTER VII

### MISCELLANEOUS

**99. Amendment of Act 2 of 1899.**— [Incorporated in the Indian Stamp Act, 1899].

**THE FIRST SCHEDULE**

(See section 2)

**PART I****INCOME-TAX****Paragraph A****Sub-Paragraph I**

In the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other paragraph of this Part applies.

**Rates of Income-tax**

- |  |  |
|--|--|
| (1) where the total income does not exceed Rs. 30,000                          | Nil;   |
| (2) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000   | 20 per cent. of the amount by which the total income exceeds Rs. 30,000;                   |
| (3) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | Rs. 4,000 plus 30 per cent. of the amount by which the total income exceeds Rupees 50,000; |
| (4) where the total income exceeds Rs. 1,00,000                                | Rs. 19,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |

**Surcharge on Income-tax**

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph of section 112, shall—

- (i) in the case of every individual or Hindu undivided family having a total income exceeding one hundred thousand rupees, be reduced by the amount of rebate of income-tax calculated under Chapter VIII-A, and the income-tax as so reduced,
- (ii) in the case of every person, other than those mentioned in item (i), having a total income exceeding one hundred thousand rupees,  
be increased by a surcharge for purposes of the union calculated at the rate of twelve per cent. of such income-tax :

Provided that no such surcharge shall be payable by a non-resident.

**Sub-Paragraph II**

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1994 exceeds Rs. 30,000,—

**Rates of Income-tax**

- |  |   |
|--|---|
| (1) where the total income does not exceed Rs. 18,000                          | Nil;  |
| (2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 1,00,000 | 30 per cent. of the amount by which the total income exceeds Rs. 18,000;                      |
| (3) where the total income exceeds Rs. 1,00,000                                | Rs. 24,600 plus 40 per cent. of the amount by which the total income exceeds Rupees 1,00,000; |

**Surcharge on income-tax**

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph or section 112 shall, in the case of every person having a total income exceeding one hundred thousand rupees, be reduced by the amount of rebate of income-tax calculated under Chapter VII-A and the income-tax as so reduced, be increased by a surcharge for purposes of the Union calculated at the rate of twelve per cent. of such income-tax.

Provided that no such surcharge shall be payable by a non-resident.

**Paragraph B**

In the case of every co-operative society. —

**Rates of Income-tax**

- |   |                                   |
|---|-----------------------------------|
| (1) where the total income does not exceed Rs. 10,000 | 10 per cent. of the total income; |
|---|-----------------------------------|



- |  |   |
|--|---|
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000                                | Rs. 3,000 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000; |

**Surcharge on income-tax**

The amount of income-tax computed in accordance with the preceeding provisions of this Paragraph or section 112 shall, in the case of every person having a total income exceeding one hundred thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of twelve per cent. of such income-tax.

**Paragraph C**

In the case of every firm, —

**Rates of income-tax**

On the whole of the total income	40 per cent.
----------------------------------	--------------

**Surcharge on income-tax**

The amount of income-tax computed at the rate hereinbefore specified or in section 112 shall, in the case of every firm having a total income exceeding one hundred thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of twelve per cent. of such income-tax.

**Paragraph D**

In the case of every local authority,—

**Rates of income-tax**

On the whole of the total income	30 per cent.
----------------------------------	--------------

**Surcharge on income-tax**

The amount of income-tax computed at the rate hereinbefore or in section 112, shall, in the case of every person having a total income exceeding one hundred thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of twelve per cent. of such income-tax.

**Paragraph E**

In the case of a company,—

**Rates of income-tax**

I. In the case of a domestic company,—

- |   |                                   |
|---|-----------------------------------|
| (1) where the company is a company in which the public are substantially interested,—     | 45 per cent. of the total income; |
| (2) where the company is not a company in which the public are substantially interested,— | 50 per cent. of the total income; |

II. In the case of a company other than a domestic company—

- (i) on so much of the total income as consists of—
- (a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or
  - (b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day



of April, 1976,

and where such agreement has, in either case, been approved by the Central Government 50 per cent.

(ii) in the balance, if any, of the total income, 65 per cent.

### Surcharge on income-tax

The amount of income-tax computed in accordance with the provisions of this Paragraph or section 112 shall, in the case of every domestic company having a total income exceeding seventy-five thousand rupees, be increased by a surcharge calculated at the rate of fifteen per cent. of such income-tax.

## PART II

### RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to deduction at the following rates :—

	Rate of Income-tax
I. In the case of a person other than a company—	
(a) where the person is resident in India—	
(i) on income by way of interest other than "Interest on securities"	10 per cent.;
(ii) on income by way of winnings from lotteries and crossword puzzles	40 per cent.;
(iii) on income by way of winnings from horse races	40 per cent.;
(iv) on income by way of insurance commission	10 per cent.;
(v) on income by way of interest payable on—	10 per cent.;
(A) any security, of the Central or a State Government;	
(B) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;	
(C) any debentures issued by a company where such debentures are listed on a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 and any rules made thereunder.	
(vi) on any other income	20 per cent.;
(b) where the person is not resident in India—	
(i) in the case of a non-resident Indian—	
(A) on investment income and long-term capital gains	20 per cent.;
(B) on income by way of dividends and interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency	20 per cent.;
(C) on income by way of winnings from lotteries and crossword puzzles	40 per cent.;
(D) on income by way of winnings from horse races	40 per cent.;
(E) on the whole of the other income	Income-tax at 30 per cent. of the amount of income;
	or
	Income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of

Paragraph A of Part III of this Schedule, if such income had been the total income, which is higher;

(ii) in the case of any other person,—

(A) on income by way of dividends, interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency, and income payable in respect of units (not being income payable to an individual), purchased in foreign currency, of the Unit Trust of India.

20 per cent.;

(B) on income by way of winnings from lotteries and crossword puzzles

40 per cent.;

(C) on income by way of winnings from horse races

40 per cent.;

(D) on income by way of long-term capital gains

20 per cent.;

(E) on the whole of the other income

Income-tax at 30 per cent. of the amount of income;

or

Income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;

2. In the case of a company—

(a) where the company is a domestic company—

(i) on income by way of interest other than "Interest on securities"

20 per cent.;

(ii) on income by way of winnings from lotteries and crossword puzzles

40 per cent.;

(iii) on income by way of winnings from horse races

40 per cent.;

(iv) on any other income

21.5 per cent.;

(b) where the company is not a domestic company—

(i) on income by way of dividends payable by any domestic company

20 per cent.;

(ii) on income by way of winnings from lotteries and cross-word puzzles

40 per cent.;

(iii) on income by way of winnings from horse races

40 per cent.;

(iv) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency

20 per cent.;

(v) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (1A) of Section 115A, of the Income-tax Act, to the Indian concerns, or in respect of any computer software referred to in the second proviso to sub-section (1A) of Section 115 A of the Income-tax Act, to a person resident in

30 per cent.;

India.

(vi) on income by way of royalty (not being royalty of the nature referred to in sub-item (b) (v)) payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy,—

(A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976 50 per cent.;

(B) where the agreement is made after the 31st day of March, 1976— 30 per cent.;

(vii) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976. 50 per cent.;

(B) where the agreement is made after the 31st day of March, 1976. 30 per cent.;

(viii) on income payable in respect of units, purchased in foreign currency, of the Unit Trust of India 20 per cent.;

(ix) on income by way of long-term capital gains 20 per cent.

(x) on any other income 55 per cent.;

**Explanation.**— For the purposes of item 1(b)(i) of this Part, “investment income” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

#### **Surcharge on income-tax**

The amount of income-tax deducted in accordance with the provisions of sub-item (a) of item 2 of this Part shall be increased by surcharge calculated at the rate of fifteen per cent. of such income-tax.

### **PART III**

#### **RATES FOR CALCULATING OR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD “SALARIES” AND COMPUTING “ADVANCE TAX”**

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head “Salaries” or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, “advance tax” [not being “advance tax” in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates as specified in that Chapter or section or surcharge on such “advance tax” in respect of any income chargeable to tax under section 115B], shall be calculated, charged, deducted or computed at the following rate or rates :—

#### **Paragraph A**

##### **Sub-Paragraph I**

In the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of

clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

#### Rates of Income-tax

- |  |  |
|--|--|
| (1) where the total income does not exceed Rs. 35,000                          | Nil;   |
| (2) where the total income exceeds Rs. 35,000 but does not exceed Rs. 60,000   | 20 per cent. of the amount by which the total income exceeds Rs. 35,000;                   |
| (3) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,20,000 | Rs. 5,000 plus 30 per cent. of the amount by which the total income exceeds Rupees 60,000; |
| (4) where the total income exceeds Rs. 1,20,000                                | Rs. 23,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 1,20,000; |

#### Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1995 exceeds Rs. 35,000,—

#### Rates of Income-tax

- |  |   |
|--|---|
| (1) where the total income does not exceed Rs. 18,000                          | Nil;  |
| (2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 1,00,000 | 30 per cent. of the amount by which the total income exceeds Rs. 18,000;                      |
| (3) where the total income exceeds Rs. 1,00,000                                | Rs. 24,600 plus 40 per cent. of the amount by which the total income exceeds Rupees 1,00,000; |

#### Paragraph B

In the case of every co-operative society,—

#### Rates of Income-tax

- |  |  |
|--|--|
| (1) where the total income does not exceed Rs. 10,000                        | 10 per cent. of the total income;  |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000;    |
| (3) where the total income exceeds Rs. 20,000                                | Rs. 3,000 plus 35 per cent. of the amount by which the total income exceeds Rupees 20,000; |

#### Paragraph C

In the case of every firm,—

#### Rates of income-tax

On the whole of the total income 40 per cent.

#### Paragraph D

In the case of every local authority,—

#### Rates of income-tax

On the whole of the total income 30 per cent.

#### Paragraph E

In the case of a company,—

#### Rates of income-tax

I. In the case of a domestic company,— 40 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

50 per cent.;

(ii) on the balance, if any, of the total income

55 per cent.

#### **Surcharge on income-tax**

The amount of income-tax computed in accordance with the provisions of this Paragraph or section 112 shall, in the case of every domestic company having a total income exceeding seventy-five thousand rupees, be increased by a surcharge calculated at the rate of fifteen per cent. of such income-tax.

### **PART IV**

(See section 2 (9) (d))

#### **RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME**

**Rule 1.**—Agricultural income of the nature referred to in sub-clause (a) of clause (1A) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly :

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

**Rule 2.**—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1A) of section 2 of the Income-tax Act [other than income derived from any building required a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 30, 31, 32, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43, and 43A, 43B and 43C of the Income-tax Act shall, so far as may be, apply accordingly.

**Rule 3.**—Agricultural income of the nature referred to in sub-clause (c) of clause (1A) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

**Rule 4.**—Notwithstanding anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee.

**Rule 5.**—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association of persons or body of individuals shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

**Rule 6.**—Where the result of the computation for the previous year in respect of any source of agricul-

tural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income :

Provided that where the assessee is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

**Rule 7.**— Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

**Rule 8.**— (1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1994, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1986, or the 1st day of April, 1987, or the 1st day of April, 1988, or the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993 is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

- (i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1986, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1987, or the 1st day of April, 1988, or the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993,
- (ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1987, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1988, or the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993,
- (iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1988, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993,
- (iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1989, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993,
- (v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993,
- (vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1992, or the 1st day of April, 1993,
- (vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1992, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1993 and
- (viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1993,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1994.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1995, or if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1987, or the 1st day of April, 1988, or the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the



1st day of April, 1992, or the 1st day of April, 1993, or the 1st day of April, 1994 is a loss, then, for the purposes of sub-section (8) of section 2 of this Act,—

- (i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1987, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1988, or the 1st day of April, 1989, or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993, or the 1st day of April, 1994,
- (ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1988, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1989 or the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993, or the 1st day of April, 1994,
- (iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1989, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, or the 1st day of April, 1991, or the 1st day of April, 1992 or the 1st day of April, 1993, or the 1st day of April, 1994,
- (iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, or the 1st day of April, 1992, or the 1st day of April, 1993, or the 1st day of April, 1994,
- (v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant of the assessment year commencing on the 1st day of April, 1992, or the 1st day of April, 1993, or the 1st day of April, 1994,
- (vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1992, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1993, or the 1st day of April, 1994,
- (vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1993, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1994, and
- (viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1994,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1995.

(3) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules, or the rules contained in Part IV of the First Schedule to the Finance Act, 1986 (23 of 1986), or of the First Schedule to the Finance Act, 1987 (11 of 1987), or of the First Schedule to the Finance Act, 1988 (26 of 1988), or of the First Schedule to the Finance Act, 1989 (13 of 1989), or of the First Schedule to the Finance Act, 1990 (12 of 1990), or of the First Schedule to the Finance (No. 2) Act, 1991 (49 of 1991), or of the First Schedule to the Finance Act, 1992 (18 of 1992), or of the First Schedule to the Finance Act, 1993 (38 of 1993), shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

**Rule 9.**— Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be nil.

**Rule 10.**— The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the

assessment of the total income.

**Rule 11.**— For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

## THE SECOND SCHEDULE

[See section 61]

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 1, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(2) in Chapter 2, for the entry in column (4) occurring against all the sub-heading Nos., the entry “10%” shall be substituted;

(3) in Chapter 3, for the entry in column (4) occurring against all the sub-heading Nos., the entry “10%” shall be substituted;

(4) in Chapter 4, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(5) in Chapter 5,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 0507.10), the entry “10%” shall be substituted;

(ii) in sub-heading No. 0507.10, for the entries in column (4) and column (5), the entries “10%” and “10%” shall respectively be substituted;

(6) in Chapter 6, for the entry in column (4) occurring against all the sub-heading Nos., the entry “10%” shall be substituted;

(7) in Chapter 7, for the entries in column (4) and column (5) occurring against all the sub-heading Nos., the entries “10%” and “10%” shall respectively be substituted;

(8) in chapter 8, for the entries in column (4) and column (5) occurring against all the sub-heading Nos. (except sub-heading Nos. 0802.11, 0802.12 and 0802.20), the entries “65%” and “55%” shall respectively be substituted;

(9) in Chapter 9,—

(i) in sub-heading Nos. 0901.11, 0901.12, 0901.21, 0901.22, 0901.30 and 0901.40, for the entries in column (4) and column (5) occurring against each of them, the entries “10%” and “10% less 13 paise per Kg.” shall respectively be substituted;

(ii) in sub-heading Nos. 0902.10, 0902.20, 0902.30 and 0902.40, for the entries in column (4) and column (5) occurring against each of them, the entries “10%” and “10% less 26 paise per Kg.” shall respectively be substituted;

(iii) in sub-heading Nos. 0903.00, for the entries in column (4) and column (5), the entries “65%” and “65% less 26 paise per Kg.” shall respectively be substituted;

(iv) in sub-heading Nos. 0904.11, 0904.12, for the entries in column (4) and column (5) occurring against each of them, the entries “65%” and “57.5%” shall respectively be substituted;

(v) in sub-heading Nos. 0904.20, 0905.00, for the entry in column (4) occurring against each of them, the entry “65%” shall be substituted;

(vi) in sub-heading Nos. 0906.10, 0906.20, 0907.00, 0908.10 and 0908.30, for the entries in column (4) and column (5) occurring against each of them, the entries “65%” and “57.5%” shall respectively be substituted;

(vii) in sub-heading Nos. 0908.20, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91 and 0910.99, for the entry in column (4) occurring against each of them, the entry “65%” shall be substituted.

(10) in Chapter II, for the entry in column (4) occurring against all the sub-heading Nos., the entry “10%” shall be substituted;

(11) in Chapter 12,—

(i) in sub-heading Nos. 1201.00, 1202.10, 1202.20, 1203.00, 1204.00, 1205.00, 1206.00, 1207.10,

1207.20, 1207.30, 1207.40, 1207.50, 1207.60, 1207.91, 1207.92 and 1207.99, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "55%" shall respectively be substituted;

- (ii) in sub-heading Nos. 1208.10, 1208.90, 1209.11, 1209.19, 1209.21, 1209.22, 1209.23, 1209.24, 1209.25, 1209.26, 1209.29, 1209.30, 1209.91, 1209.99, 1210.10, 1210.20, 1211.10, 1211.20, 1211.90, 1212.10, 1212.20, 1212.30, 1212.91, 1212.92, 1212.99, 1213.00, 1214.10 and 1214.90, for the entries in column (4) occurring against each of them, the entries "65%" shall be substituted;

(12) in Chapter 13,—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 1301.20), the entry "65%" shall be substituted;
- (ii) in sub-heading No. 1301.20, for the entries in columns (4) and (5), the entries "65%" and "55%" shall respectively be substituted;

(13) in Chapter 14, for the entry in column (4) occurring against all the sub-heading Nos., the entry "10%" shall be substituted;

(14) in Chapter 15.—

- (i) for the entries in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 1507.10, 1507.90, 1508.10, 1508.90, 1509.10, 1509.90, 1510.00, 1511.10, 1511.90, 1512.11, 1512.19, 1512.21, 1512.29, 1513.11, 1513.19, 1513.21, 1513.29, 1514.10, 1514.90, 1515.11, 1515.19, 1515.21, 1515.29, 1515.30, 1515.40, 1515.50, 1515.60 and 1515.90), the entry "65%" shall be substituted;
- (ii) in sub-heading Nos. 1507.10, 1507.90, 1508.10, 1508.90, 1509.10, 1509.90, 1510.00, 1511.10, 1511.90, 1512.11, 1512.19, 1512.21, 1512.29, 1513.11, 1513.19, 1513.21, 1513.29, 1514.10, 1514.90, 1515.11, 1515.19, 1515.21, 1515.29, 1515.30, 1515.40, 1515.50, 1515.60 and 1515.90, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "55%" shall respectively be substituted;

(15) in Chapter 16, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;

(16) in Chapter 17 —

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 1702.10), the entry "65%" shall be substituted;
- (ii) in sub-heading No. 1702.10, for the entries in column (4) the entry "2.5%" shall be substituted;

(17) in Chapter 18, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;

(18) in Chapter 19, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(19) in Chapter 20, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(20) in Chapter 21, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(21) in Chapter 22, in sub-heading Nos. 2201.10, 2201.90, 2202.10, 2202.90 and 2209.00, for the entry in column (4) occurring against each of them, the entry "65%" shall be substituted;

(22) in Chapter 23, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(23) in Chapter 24, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(24) in Chapter 25.—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2504.10, 2504.90 and 2527.00), the entry "65%" shall be substituted;
- (ii) in sub-heading Nos. 2504.10, 2504.90 and 2527.00, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "55%" shall respectively be substituted;

(25) in Chapter 26,—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2620.11, 2620.19, 2620.20, 2620.30, 2620.40, 2620.50, 2620.90 and 2621.00), the entry "10%" shall be substituted;
- (ii) in sub-heading Nos. 2620.11, 2620.19, 2620.20, 2620.30, 2620.40, 2620.50 and 2620.90, for the entry and column (4) occurring against each of them, the entry, "50%" shall be substituted;
- (iii) in sub-heading No. 2621.00, for the entry in column (4), the entry "25%" shall be substituted;
- (26) in Chapter 27, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 2716.00), the entry "40%" shall be substituted;
- (27) in Chapter 28, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;
- (28) in Chapter 29,—
  - (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2917.37, 2933.71, 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29, 2936.90, 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92, 2937.99, 2939.40, 2939.50, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90), the entry "65%" shall be substituted;
  - (ii) in sub-heading Nos. 2917.37, 2933.71, 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92, 2937.99, 2939.40 and 2939.50, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "65%" shall respectively be substituted;
  - (iii) in sub-heading Nos. 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29, 2936.90, 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "59%" shall respectively be substituted;
- (29) in Chapter 30,—
  - (i) for the entries in column (4) and column (5) occurring against all the sub-heading Nos. (except sub-heading Nos. 3005.10, 3005.90, 3006.10, 3006.20, 3006.30, 3006.40, 3006.50 and 3006.60), the entries "65%" and "55%" shall respectively be substituted;
  - (ii) in sub-heading Nos. 3005.10, 3005.90, 3006.10, 3006.20, 3006.30, 3006.40, 3006.50 and 3006.60, the entry in column (4) occurring against each of them, the entry "65%" shall be substituted;
- (30) in Chapter 31, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3102.21, 3105.20, 3105.51, 3105.59, 3105.60 and 3105.90), the entry "65%" shall be substituted;
- (31) in Chapter 32,—
  - (i) for the entry in column (4) occurring against all the sub-heading Nos. except sub-heading No. 3201.90), the entry "65%" shall be substituted;
  - (ii) in sub-heading No. 3201.90, for the entries in column (4) and column (5), the entries "65%" and "55%" shall respectively be substituted;
- (32) in Chapter 33, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (33) in Chapter 34,—
  - (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3402.11, 3402.12, 3402.13 and 3402.19), the entry "65%" shall be substituted;
  - (ii) in sub-heading Nos. 3402.11, 3402.12, 3402.13 and 3402.19, for the entries in column (4) and column (5) occurring against each of them, the entries "65%" and "55%" shall respectively be substituted;
- (34) in Chapter 35, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (35) in Chapter 36, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (36) in Chapter 37, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;



(37) in Chapter 38,—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3801.10, 3802.10, 3812.10, 3815.11 and 3815.12), the entry “65%” shall be substituted;
- (ii) in sub-heading Nos. 3801.10, 3802.10, 3812.10, 3815.11 and 3815.12, for the entries in column (4) and column (5) occurring against each of them, the entries “65%” and “55%” shall respectively be substituted;

(38) in Chapter 39, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(39) in Chapter 40, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(40) in Chapter 41, for the entry in column (4) occurring against all the sub-heading Nos., (except sub-heading Nos. 4101.10, 4101.21, 4101.22, 4101.29, 4101.30, 4101.40, 4102.10, 4102.21, 4102.29, 4103.10, 4103.20 and 4103.90), the entry “65%” shall be substituted;

(41) in Chapter 42, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(42) in Chapter 43, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(43) in Chapter 44, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(44) in Chapter 45, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(45) in Chapter 46, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(46) in Chapter 47, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(47) in Chapter 48, for the entry in column (4) occurring against all the sub-heading Nos., the entry “65%” shall be substituted;

(48) in Chapter 49, in sub-heading Nos. 4907.00, 4908.10, 4908.90, 4909.00, 4910.00, 4911.10, 4911.91 and 4911.99 for the entry in column (4) occurring against each of them, the entry “45%” shall be substituted;

(49) in Chapter 50,—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. except sub-heading Nos. 5001.00 and 5002.00), the entry “65%” shall be substituted;

- (ii) in sub-heading No. 5001.00 for the entry in column (4), the entry “30%” shall be substituted;

(50) in Chapter 51.—

- (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5101.11, 5101.19, 5101.29 and 5101.30), the entry “65%” shall be substituted;

- (ii) in sub-heading Nos. 5101.11, 5101.19, 5101.21, 5101.29 and 5101.30, for the entry in column (4) occurring against each of them, the entry “25%” shall be substituted;

(51) in Chapter 52, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5201.00), the entry “65%” shall be substituted;

(52) in Chapter 53, for the entry in column (4) occurring against all the sub-heading Nos. the entry “65%” shall be substituted;

(53) in Chapter 54, for the entry in column (4) occurring against all the sub-heading Nos. the entry “65%” shall be substituted;

(54) in Chapter 55, for the entry in column (4) occurring against all the sub-heading Nos. the entry “65%” shall be substituted;

(55) in Chapter 56, for the entry in column (4) occurring against all the sub-heading Nos. the entry “65%” shall be substituted;

(56) in Chapter 57, for the entry in column (4) occurring against all the sub-heading Nos. the entry “65%” shall be substituted;

(57) in Chapter 58, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(58) in Chapter 59, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(59) in Chapter 60, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(60) in Chapter 61, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(61) in Chapter 62, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(62) in Chapter 63, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(63) in Chapter 64, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(64) in Chapter 65, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(65) in Chapter 66, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(66) in Chapter 67, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(67) in Chapter 68, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(68) in Chapter 69, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(69) in Chapter 70, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(70) in Chapter 71, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(71) in Chapter 72, for the entry in column (4) occurring against all the sub-heading Nos. the entry "65%" shall be substituted;

(72) in Chapter 73, for the entry in column (4) occurring against all the sub-heading Nos. the entry "50%" shall be substituted;

(73) in Chapter 74, for the entry in column (4) occurring against all the sub-heading Nos. the entry "50%" shall be substituted;

(74) in Chapter 75,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7501.10, 7501.20, 7502.10 and 7502.20), the entry "50%" shall be substituted;

(ii) in sub-heading Nos. 7501.10, 7501.20, 7502.10 and 7502.20, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(75) in Chapter 76,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7601.10, 7601.20, and 7602.00), the entry "50%" shall be substituted;

(ii) in sub-heading Nos. 7601.10, 7601.20 and 7602.00, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(76) in Chapter 78,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7801.10, 7801.91, 7801.99 and 7802.00), the entry "60%" shall be substituted;

(ii) in sub-heading Nos. 7801.10, 7801.91, 7801.99 and 7802.00 for, the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;

(77) in Chapter 79,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7901.11, 7901.12, 7901.20 and 7902.00), the entry "60%" shall be substituted;

(ii) in sub-heading Nos. 7901.11, 7901.12, 7901.20 and 7902.00, for the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;

(78) in Chapter 80,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8001.10, 8001.20 and 8002.00), the entry "50%" shall be substituted;

(ii) in sub-heading Nos. 8001.10, 8001.20, and 8002.00, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(79) in Chapter 81,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8101.10, 8101.91, 8102.10, 8102.91, 8103.10, 8104.11, 8104.19, 8104.20, 8105.10, 8106.00, 8107.10, 8108.10, 8109.10, 8110.00, 8111.00, 8112.11, 8112.20, 8112.30, 8112.40 and 8112.91), the entry "50%" shall be substituted;

(ii) in sub-heading Nos. 8101.10, 8101.91, 8102.10, 8102.91, 8103.10, 8104.11, 8104.19, 8104.20, 8105.10, 8106.00, 8107.10, 8108.10, 8109.10, 8110.00, 8111.00, 8112.11, 8112.20, 8112.30, 8112.40 and 8112.91, for the entry in column (4) occurring against each of them, the entry "35%" shall be substituted;

(80) in Chapter 82,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8212.10, 8212.20, 8212.90, 8213.00, 8214.10, 8214.20, 8214.90, 8215.10, 8215.20, 8215.91 and 8215.99), the entry "35%" shall be substituted;

(ii) in sub-heading Nos. 8212.10, 8212.20, 8212.90, 8213.00, 8214.10, 8214.20, 8214.90, 8215.10, 8215.20, 8215.91 and 8215.99 for the entry in column (4) occurring against each of them, the entry "65%" shall be substituted;

(81) in Chapter 83, for the entry in column (4) occurring against all the sub-heading Nos., entry "65%" shall be substituted;

(82) in Chapter 84,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8442.50, 8448.20, 8448.31, 8448.32, 8448.33, 8448.39, 8448.41, 8448.42, 8448.49, 8482.10, 8482.20, 8482.40, 8482.50, 8482.80, 8482.91 and 8482.99), the entry "65%" shall be substituted;

(ii) in sub-heading Nos. 8482.10, 8482.20, 8482.30, 8482.40, 8482.50, and 8482.80, for the entry in column (4) occurring against each of them, the entry "65% plus Rs. 250 per bearing", shall be substituted;

(iii) in sub-heading Nos. 8482.91 and 8482.99, for the entry in column (4) occurring against each of them, the entry "65% plus Rs. 250 per piece" shall be substituted;

(83) in Chapter 85, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8514.40 and 8514.90), the entry "65%" shall be substituted;

(84) in Chapter 86—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8601.10, 8601.20, 8602.10, 8602.90 and 8608.00), the entry "65%" shall be substituted;

(ii) in sub-heading No. 8608.00, for the entry in column (4) the entry "65%" shall be substituted;

(85) in Chapter 87, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 8710.00), the entry "65%" shall be substituted;

(86) in Chapter 88, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;

(87) in Chapter 89,—

(i) note 2 shall be omitted;

(ii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 8908.00), the entry "65%" shall be substituted;

- (iii) in sub-heading No. 8908.00, for the entry in column (4), the entry "15%" shall be substituted;
- (88) in chapter 90,—
  - (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 9021.11, 9021.19, 9021.21, 9021.29, 9021.30, 9021.50, 9021.90, 9023.00 and sub-heading Nos. specified against sub-items (ii) and (iii) of this item), the entry "65%" shall be substituted;
  - (ii) in sub-heading Nos. 9018.11, 9018.19, 9018.20, 9018.31, 9018.32, 9018.39, 9018.41, 9018.49, 9018.50, 9018.90, 9019.10, 9019.20, 9020.00, 9022.11 and 9022.21, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;
  - (iii) in sub-heading Nos. 9011.10, 9011.20, 9011.80, 9012.10, 9014.10, 9014.20, 9014.80, 9015.10, 9015.20, 9015.30, 9015.40, 9015.80, 9017.10, 9017.20, 9017.30, 9017.80, 9024.10, 9024.80, 9025.11, 9025.19, 9025.20, 9025.80, 9026.10, 9026.20, 9026.80, 9027.10, 9027.20, 9027.30, 9027.40, 9027.50, 9027.80, 9028.10, 9028.20, 9028.30, 9029.10, 9029.20, 9030.10, 9030.20, 9030.31, 9030.39, 9030.40, 9030.81, 9030.89, 9031.10, 9031.20, 9031.30, 9031.40, 9031.80, 9032.10, 9032.20, 9032.81 and 9032.89, for the entry in column (4) occurring against each of them, the entry "60%" shall be substituted;
- (89) in Chapter 91, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (90) in Chapter 92, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (91) in Chapter 93, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (92) in Chapter 94, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (93) in Chapter 95, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (94) in Chapter 96, for the entry in column (4) occurring against all the sub-heading Nos., the entry "65%" shall be substituted;
- (95) in Chapter 97, for the entry in column (4) occurring against all the sub-heading Nos., (except sub-heading Nos. 9704.00 and 9705.00), the entry "65%" shall be substituted;
- (96) in Chapter 98,—
  - (i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 9803.00), the entry "65%" shall be substituted;
  - (ii) in sub-heading No. 9803.00, for the entry in column (4), the entry "200%" shall be substituted.

### THE THIRD SCHEDULE

(See section 62(a))

In the Schedule to the Central Excise Tariff Act,—

- (1) in Chapter 15, in sub-heading Nos. 1505.00 and 1508.10, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;
- (2) in Chapter 17,—
  - (a) in sub-heading Nos. 1702.19 and 1702.21, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;
  - (b) in sub-heading No. 1703.10, for the entry in column (4), the entry "20%" shall be substituted;
- (3) in chapter 19, in sub-heading Nos. 1902.10, 1903.10 and 1904.10, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;
- (4) in Chapter 21,—
  - (a) in sub-heading Nos. 2102.10, and 2102.90, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;
  - (b) in sub-heading Nos. 2106.11, 2106.19 and 2106.90, for the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;
- (5) in Chapter 22.—

- (a) in sub-heading Nos. 2201.11, 2201.12, 2201.19, 2202.11, 2202.12, 2202.13, 2202.14 and 2202.19, for the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;
- (b) in sub-heading No. 2201.90, for the entry in column (4) the entry "10%" shall be substituted;
- (c) in sub-heading No. 2204.00, for the entry in column (4), the entry "20%" shall be substituted;
- (6) in Chapter 24,—
  - (a) in sub-heading Nos. 2403.11, 2403.12, 2403.21 and 2403.22, for the entry in column (4) occurring against each of them, the entry "Rs 1,000 per thousand" shall be substituted;
  - (b) in sub-heading Nos. 2404.41, 2404.49, 2404.50 and 2404.60, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;
- (7) In Chapter 25,—
  - (a) in heading No. 25.02, in column (3), for the entry "Portland cement", the entry "Portland cement including ordinary Portland cement, Portland Pozzolana cement and Portland slag cement):" shall be substituted;
  - (b) in sub-heading No. 2502.10, for the entry in column (4), the entry "Rs. 250 per tonne" shall be substituted;
  - (c) in sub-heading Nos. 2504.21 and 2505.31, for the entry in column (4) occurring against each of them, the entry "Rs. 20 per square metre" shall be substituted;
- (8) in Chapter 27,—
  - (a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-headings Nos. 2705.00, 2706.00, 2707.10, 2707.20, 2707.30, 2707.40, 2707.50, 2707.60, 2707.90, 2710.11, 2710.12, 2710.13, and 2710.19), the entry "10%" shall be substituted;
  - (b) in sub-heading Nos. 2707.10, 2707.20, 2707.30, 2707.40, 2707.50, 2707.60, 2707.90, 2710.11, 2710.12, 2710.13 and 2710.19, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;
- (9) in Chapter 28, for the column (4) occurring against all the sub-heading Nos., the entry "20%" shall be substituted;
- (10) in Chapter 29, for the column (4) occurring against all the sub-heading Nos., the entry "20%" shall be substituted;
- (11) in Chapter 31, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 3101.00), the entry "20%" shall be substituted;
- (12) in Chapter 32,—
  - (a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3205.00, 3208.20, 3208.30, 3208.90, 3209.20, 3209.90 and 3212.90), the entry "20%" shall be substituted;
  - (b) in sub-heading Nos. 3208.10, 3208.20, 3208.30, 3208.90, 3209.10, 3209.20 and 3209.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;
- (13) in Chapter 33,—
  - (a) in sub-heading Nos. 3301.00, 3302.10, 3302.90, 3303.00, 3306.00 and 3307.49, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;
  - (b) in sub-heading Nos. 3304.00, 3305.90, 3307.10, 3307.20, 3307.30 and 3307.90, for the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;
- (14) in Chapter 34,—
  - (a) after Note 5, the following Note shall be inserted, namely :—
 

"6. In relation to products of sub-heading No. 3402.90, packing or repacking into smaller packs, including packing or repacking of bulk packs to retail packs or adoption of any other treatment to render the product marketable to the consumer shall amount to "manufacture";
  - (b) in sub-heading Nos. 3401.10 and 3403.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;
  - (c) in sub-heading No. 3402.90, for the entry in column (4), the entry "30%" shall be substituted;



(15) in Chapter 352, in sub-heading Nos. 3505.10 and 3506.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(16) in Chapter 36, in sub-heading Nos. 3602.00, 3604.00, 3604.10, 3604.90 and 3606.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(17) in Chapter 37,—

(a) after Note 2, the following Note shall be inserted, namely :—

"3. In relation to products of heading Nos. 37.01, 37.02, 37.03, the process of cutting, slitting, perforation or any one or more of these processes shall amount to "manufacture";

(b) in sub-heading Nos. 3701.10, 3701.20, 3701.90, 3702.10, 3702.20, 3702.90, 3703.10, 3703.20, 3704.10, 3704.20 and 3707.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(c) in sub-heading Nos. 37.06.31, 3706.32, 3706.39, 3706.41, 3706.42, 3706.43, 3706.44, 3706.91 and 3706.92 for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(18) in Chapter 38, for the entry in column (4) occurring against the sub-heading No. the entry "20%" shall be substituted;

(19) in Chapter 39,—

"(a) In Note 11, for clause (a), the following clause shall be substituted, namely :—

"(a) Reservoirs, tanks (including septic tanks), volts and similar containers, of a capacity exceeding 300L.,";

(b) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3922.10, 3922.20, 3922.90, 3924.19, 3924.90, 3925.10, 3925.20, 3925.30 and 3925.99), the entry "30%" shall be substituted;

(20) in Chapter 40,—

(a) in sub-heading Nos. 4006.90, 4008.29, 4009.10, 4009.91, 4009.99, 4016.19, 4016.91, 4016.99, 4017.10 and 4017.20, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(b) in sub-heading Nos. 4008.11, 4008.19 and 4016.11, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(21) in Chapter 44,—

(a) in sub-heading Nos. 4401.00, 4403.00 and 4410.90, for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(b) in sub-heading Nos. 4402.00, 4405.00, 4408.10, 4408.20, 4408.30, 4408.40, 4408.90, 4409.00 and 4410.10, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(22) in Chapter 47, in sub-heading No. 4702.00, for the entry in column (4), the entry "20%" shall be substituted;

(23) in Chapter 48,—

(a) in sub-heading Nos. 4801.10 and 4801.90, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(b) in sub-heading Nos. 4802.20, 4802.91, 4802.99, 4803.00, 4804.19, 4804.29, 4804.30, 4805.11, 4805.19, 4805.20, 4805.30, 4805.90, 4806.10, 4806.20, 4806.90, 4807.10, 4807.91, 4807.92, 4807.99, 4808.10, 4808.90, 4809.10, 4809.20, 4809.90, 4810.10, 4810.20, 4810.90, 4811.10, 4811.20, 4811.40, 4811.90, 4812.00, 4813.01, 4814.00, 4816.00, 4818.00, 4819.12, 4819.19, 4819.90, 4822.00, 4823.11, 4823.14 and 4823.19, for the entry in column (4) occurring against each of them, the entry "50%" be substituted;

(c) in sub-heading Nos. 4811.30 and 4823.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(d) in sub-heading Nos. 4817.00, 4820.00, and 4821.00, for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(24) in Chapter 50, sub-heading Nos. 5001.20, for the entry in column (4), the entry "15%" shall be substituted;

(25) in Chapter 51,—

(a) in sub-heading 5101.00, 5102.11, 5102.12, 5107.24, 5107.42 and 5107.92 for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(b) in sub-heading Nos. 5103.10, 5103.21, 5103.29 and 5107.99, for the entry in column (4) occurring against each of them, the entry "15%" shall be substituted;

(c) in sub-heading Nos. 5107.39, 5107.41 and 5107.91 for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(26) in Chapter 52,—

(a) in sub-heading No. 5203.00, for the entry in column (4), the entry "10%" shall be substituted,

(b) in sub-heading Nos. 5204.21 and 5204.29, for the entry in column (4) occurring against each of them the entry "20%" shall be substituted;

(27) in Chapter 53,—

(a) in sub-heading Nos. 5301.10 and 5303.10 for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(b) in sub-heading Nos. 5301.31, 5302.20, 5303.31 and 5306.29 for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(c) in sub-heading Nos. 5301.32, 5303.32 and 5303.39, for the entry in column (4) occurring against each of them, the entry "26%" shall be substituted;

(28) in Chapter 54,—

(a) in sub-heading Nos. 5202.00 and 5403.00, for the entry in column (4) occurring against each of them, the entry "70%" shall be substituted;

(b) in sub-heading Nos. 5404.00, 5405.00, 5406.11, 5406.12, 5406.19, 5406.90 and 5407.00, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(29) in Chapter 55, sub-heading Nos. 5501.10, 5501.20, 5501.30, 5501.90, 5502.00, 5504.10, 5504.21, 5504.22, 5504.29, 5504.31, 5504.32, 5504.90, 5505.00, 5506.21 and 5506.29, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(30) in Chapter 56,—

(a) in sub-heading No. 5605.10, for the entry in column (4), the entry "70%" shall be substituted;

(b) in sub-heading No. 5607.19, for the entry in column (4), the entry "10%" shall be substituted;

(31) in Chapter 57,—

(a) in sub-heading Nos. 5701.11, 5701.12 and 5702.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(b) in sub-heading No. 5702.20, for the entry in column (4), the entry "10%" shall be substituted;

(32) in Chapter 58,—

(a) in sub-heading Nos. 5803.00, 5805.11, 5805.12, 5805.13, 5805.14 and 5805.19, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(b) in sub-heading No. 5805.90, for the entry in column (4), the entry "Nil" shall be substituted;

(33) in Chapter 59,—

(a) in sub-heading Nos. 5902.10, 5902.20, 5902.30, 5906.11, 5906.12 and 5906.19, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(b) in sub-heading Nos. 5903.11, 5903.21, and 5903.91, for the entry in column (4) occurring against each of them, the entry "5%" shall be substituted;

(c) in sub-heading Nos. 5903.19, 5903.29, 5903.99, 5904.10, 5904.90, 5906.90 and 5908.00, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(34) in Chapter 64, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 6402.00), the entry "15%" shall be substituted;

(35) in Chapter 65, in sub-heading No. 6501.10, for the entry in column (4), the entry "10%" shall be substituted;

(36) in Chapter 66, in sub-heading No. 6601.00, for the entry in column (4), the entry "10%" shall be substituted;

(37) in Chapter 68,—

(a) in sub-heading Nos. 6801.10, 6801.90, 6802.00, 6803.00, 6805.10, 6806.10 and 6806.90, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(b) in sub-heading No. 6807.00, for the entry in column (4), the entry "30%" shall be substituted;

(38) in Chapter 69—

(a) in sub-heading No. 6901.00, in the entry in column (3) for the word "sheets", the word "sheaths" shall be substituted;

(b) in sub-heading Nos. 6905.00, 6909.90, 6908.10, 6909.10, 6909.20, 6909.30, 6909.90 and 6911.00, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(c) in sub-heading No. 6906.10, for the entry in column (4), the entry "40%" shall be substituted;

(39) in Chapter 70,—

(a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7007.90, 7009.00 and 7011.10), the entry "20%" shall be substituted;

(b) in sub-heading No. 7007.90, for the entry in column (4), the entry "30%" shall be substituted;

(c) for the entry in column (3) against heading No. 70.11 the entry "Clock or watch glasses and similar glasses, glasses for non-corrective or corrective spectacles, curved, bent hollowed or the like, not optically worked; hollow glass spheres and their segments, for the manufacture of such glasses" shall be substituted;

(d) in sub-heading No. 7011.10, for the entry in column (3), the following entry shall be substituted, namely,—

"Glass for corrective spectacles",

(40) In Chapter 71, for Note 4, the following Note shall be substituted, namely :—

"4. For the purposes of this Chapter, any alloy (including a sintered mixture and an inter metallic compound) containing precious metal is to be treated as an alloy of precious metal if any one precious metal constitutes as much as 2%, by weight, of the alloy. Alloys of precious metal are to be classified according to the following rules :—

(a) An alloy containing 2% or more, by weight, of platinum is to be treated as an alloy of platinum,

(b) An alloy containing 2% or more, by weight, of gold but no platinum, or less than 2% by weight, of platinum is to be treated as an alloy of gold;

(c) Other alloys containing "2% or more, by weight, of silver are to be treated as alloys of silver",

(41) in Chapter 72,—

(a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 7230.00), the entry "15%" shall be substituted;

(b) heading No. 72.30 and the entries relating thereto shall be omitted;

(42) in Chapter 73,—

(a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7302.90, 7307.00, 7308.10, 7308.20, 7308.30, 7308.40, 7308.90, 7309.00, 7312.10, 7313.90, 7313.00, 7314.00, 7315.00, 7316.00, 7317.00, 7318.10, 7318.21, 7318.29, 7318.90, 7319.00, 7320.00, 7321.90, 7322.00, 7323.00, 7324.00, 7326.11, 7326.19, 7326.20, 7326.90 and 7327.00), the entry "15%" shall be substituted;

(b) heading No. 73.27 and the entries relating thereto shall be omitted;

(43) in Chapter 76, for the entry in column (4) occurring against all the sub-heading Nos., the entry "20%" shall be substituted;

(44) in Chapter 83,—

(a) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading

Nos. 8303.00, 8306.00, 8306.00, 8310.00, 8311.00 and 8312.00) the entry "20%" shall be substituted;

(b) in sub-heading No. 8303.00, for the entry in column (4), the entry "30%" shall be substituted;

(45) in Chapter 84,—

(a) in sub-heading Nos. 8414.10, 8414.91, 8415.00, 8418.00, 8419.00, 8476.11, 8476.91, 8481.10 and 8481.91, for the entry in column (4) occurring against each of them, the entry "60%" shall be substituted;

(b) in sub-heading Nos. 8414.20 and 8469.00, for the entry in column (4) occurring against each of them, the entry "15%" shall be substituted;

(c) in sub-heading No. 8485.00, for the entry in column (4), the entry "25%" shall be substituted;

(46) in Chapter 85,—

(a) in sub-heading Nos. 8506.00, 8523.11, 8523.12, 8523.13, 8523.14, 8523.19, 8523.20, 8523.90, 8524.21, 8524.22, 8524.23, 8524.24, 8544.00 and 8546.00, for the entry in column (4) occurring against each of them the entry "30%" shall be substituted;

(b) in sub-heading Nos. 8518.00, 8519.00, 8520.00, 8521.00, 8522.00, 8525.00, 8527.00, 8528.00, 8529.00, 8532.00 and 8540.11, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(c) in sub-heading No. 8536.10, for the entry in column (4), the entry "60%" shall be substituted;

(d) in sub-heading No. 8539.00, for the entry in column (4), the entry "15%" shall be substituted;

(e) in sub-heading No. 8548.00, for the entry in column (4), the entry "25%" shall be substituted;

(47) in Chapter 87,—

(a) in sub-heading Nos. 8702.00, 8703.00, 7804.00, 8706.00, 8706.20, 8706.30 and 8706.40, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(b) in sub-heading Nos. 8705.00, 8706.00, 8709.00, 8710.00 and 8716.00, for the entry in column (4) occurring against each of them, the entry "15%" shall be substituted;

(c) in sub-heading No. 8708.00, for the entry in column (4), the entry "20%" shall be substituted;

(48) in Chapter 89,—

(a) Note 2 shall be omitted;

(b) heading No. 89.08 and the entries relating thereto shall be omitted;

(49) in Chapter 90,—

(a) in sub-heading Nos. 9006.00, 9007.00, 9008.00 and 9009.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(b) in sub-heading Nos. 9011, 9012.00, 9013.00, 9014.00, 9015.00, 9016.10, 9016.90, 9017.00, 9018.00, 9019.00, 9020.00, 9021.00, 9022.00, 9023.00, 9024.00, 9025.00, 9026.00, 9027.00, 9028.00, 9029.00, 9030.00, 9031.00, 9032.12, 9032.80, 9032.99 and 9033.00, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(c) in sub-heading Nos. 9032.11 and 9032.91, for the entry in column (4) occurring against each of them, the entry "60%" shall be substituted;

(50) in Chapter 91, for the entry in column (4) occurring against all the sub-heading Nos., the entry "10%" shall be substituted;

(51) In Chapter 92, for the entry in column (4) occurring against all the sub-heading Nos. the entry "10%" shall be substituted;

(52) in chapter 94,—

(a) in sub-heading Nos. 9401.00, 9402.00, 9403.00 and 9405.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(b) in sub-heading No. 9404.00, for the entry in column (4), the entry "30%" shall be substituted;

(53) in Chapter 95, in sub-heading No. 9504.00, for the entry in column (4), the entry "15%" shall be substituted;

(54) in Chapter 96,—

- (a) in sub-heading Nos. 9604.00, 9606.00, 9608.00, 9611.00, 9612.00, 9613.10 and 9613.90, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;
- (b) in sub-heading No. 9605.10, for the entry in column (4) the entry "50%" shall be substituted.

**THE FOURTH SCHEDULE**

[See section 62(b)]

Heading No.	Sub-Heading No.	Description of goods	Rate
(1)	(2)	(3)	(4)

In the Schedule to the Central Excise Tariff Act, in Chapter 40,—

(a) for heading No. 40.11 and the entries relating thereto, the following shall be substituted, namely :—

"40.11	PNEUMATIC TYRES, OF RUBBER	
4011.10	-Of a kind used on bicycles, cycle-rick-shaws and three-wheeled powered cycle rickshaws	Nil;
4011.20	-Of a kind used on two-wheeled motor vehicles or as rear tyres on tractors, including agricultural tractors	25%
4011.90	-Others	45%

(b) in sub-heading No. 4012.19, for the entry in column (4), the entry "45%" shall be substituted;

(c) for heading No. 40.13 and the entries relating thereto, the following shall be substituted, namely :—

"40.13	INNER TUBES, OF RUBBER, FOR TYRES	
4013.10	-Of a kind used in tyres of sub-heading No. 4011.10	Nil
4013.20	-Of a kind used in tyres of sub-heading No. 4011.20	25%
4013.90	-Others	54%.

**THE FIFTH SCHEDULE**

[See section 63 (b)]

In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act,—

(1) in sub-heading Nos. 2403.11 and 2403.21, for the entry in column (4) occurring against each of them, the entry "Rs. 350 per thousand" shall be substituted;

(2) in sub-heading Nos. 2404.49 and 2404.60, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(3) in sub-heading Nos. 5107.24, 5107.32, 5107.42 and 5107.92, for the entry in column (4) occurring against each of them, the entry, "Nil" shall be substituted;

(4) in sub-heading Nos. 5107.39, 5107.41 and 5107.49, for the entry in column (4) occurring against each of them, the entry "5%" shall be substituted;

(5) in sub-heading Nos. 5206.00, 5207.00, 5208.00, 5209.00, 5210.00 and 5211.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(6) in sub-heading Nos. 5409.00, 5410.00, 5411.00 and 5412.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(7) in sub-heading Nos. 5508.00, 5509.00, 5510.00, 5511.00 and 5512.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(8) in sub-heading Nos. 5801.30, 5802.14 and 5804.12, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;



(9) in sub-heading Nos. 5805.11, 5805.12, 5805.13 and 5805.14, for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(10) in sub-heading No. 5901.20, for the entry in column (4), the entry "20%" shall be substituted;

(11) in sub-heading Nos. 5902.10, 5902.20, 5902.30, 5903.19, 5903.29, 5906.11 and 5906.12, for the entry in column (4) occurring against each of them, the entry "5%" shall be substituted;

(12) in sub-heading No. 6001.12, for the entry in column (4), the entry "20%" shall be substituted.