

ACT 15 OF 2007

THE KERALA FINANCE ACT, 2007

An Act to give effect to certain financial proposals of the Government of Kerala for the Financial year 2007-08.

Preamble.—WHEREAS, it is expedient to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2007-08.

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 2007.

(2) (a) sub-clause(iii)ofclause(a)of sub-section (1), clause (b) of sub-section (3), clause (b) of sub-section (5), sub-section (8), sub-section (9) and sub-clause (x) of clause (b) of sub-section (13) of section 7 shall be deemed to have come in to force on the 1st day of April, 2005;

(b) sub-section (1) of section 3, clause (c) of sub-section (2) and sub-section (11) of section 7 shall be deemed to have come into force on the 1st day of April, 2006;

(c) sub-clause (i) of clause (b) and sub-clause (i) of clause (c) of sub-section (13) of section 7 shall be deemed to have come into force on the 1st day of July, 2006;

(d) sub-clause (ii) of clause (a) and sub-clauses (vi) and (xi) of clause (b) of sub-section (13) of section 7 of this Act shall be deemed to have come into force on the 1st day of May, 2007;

(e) sub-clause (iii) of clause (a) and sub-clause (xii) of clause (b) of sub-section (13) of section 7 shall be deemed to have come into force on the 1st day of June, 2007;

(f) The remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 2007.

2. *Amendment of Act 17 of 1959.*—In the Kerala Stamp Act, 1959 (17 of 1959),—

(1) in section 2, after clause (q), the following clause shall be inserted, namely:—

“(qq) “Stamp” means any mark, seal or endorsement by any agency or person duly authorised by the State Government and includes an adhesive or impressed stamp for the purposes of duty chargeable under this Act.”;

(2) after section 10, the following section shall be inserted, namely:—

“10 A. *Deduction of stamp duty by a member of a stock exchange or commodity exchange or intermediary thereof.*—(1) A member of a stock exchange or commodity exchange or intermediary thereof who issues a contract note or memorandum in respect of purchase or sale of goods or stock or security in this State at first

instance of any such transaction which is ultimately concluded in the State shall deduct the stamp duty payable thereon.

(2) The stamp duty deducted for any calendar month under sub-section (1) shall be remitted into the Government treasury on or before the seventh day of succeeding month and if the stamp duty so deducted is not remitted in time, it shall be remitted with interest at the rate of twelve per cent per annum from the date of default.

(3) Any default in the deduction of stamp duty under sub section (1) or failure to remit the stamp duty under sub section (2) shall be punishable with fine which may extend to fifty thousand rupees.”;

(3) in the SCHEDULE,—

(a) in serial number 5, existing clause (c) shall be re-numbered as clause (d) and before clause (d) as so renumbered and entries against it in columns (2) and (3), the following clause and entries shall respectively be inserted, namely:—

“(c) if relating to giving authority or power to a promoter or developer, by whatsoever name called, for construction, development or sale or transfer (in any manner whatsoever) of any immovable property.

The same duty as a conveyance (under 21 or 22 as the case may be) on the value or the estimated cost of proposed construction / development of such property, as the case may be.”;

(b) under the entries in column (3) against Serial No. 21, the following proviso shall be added, namely:—

“provided that if the conveyance relates to any transfer of undivided share of any land and refers to any agreement relating to the construction of any building or part of building, including flat or apartment or room etc., the value of such building or such part of the building shall also be included in such consideration, and the stamp duty if any paid in respect of such agreement shall be deducted from the stamp duty payable for the conveyance.”;

(c) under the entries in column (3) against serial No. 22, the following proviso shall be added, namely:—

“provided that if the conveyance relates to any transfer of undivided share of any land and refers to any agreement relating to the construction of any building or part of building, including flat or apartment or room etc., the value of such building or such part of the building shall also be included in such consideration, and the stamp duty if any paid in respect of such agreement shall be deducted from the stamp duty payable for the conveyance.”;

(d) for the entries against serial No. 40 in columns (2) and (3), the following entries shall respectively be substituted, namely:—

“Note or memorandum, electronically or otherwise, sent by a broker or agent to his principal, intimating the purchase or sale on

account of such
principal,—

(a) if relating to sale or purchase of Government securities.

Fifty rupees for every rupees one crore
or part thereof of the value of security
subject to a maximum of Rupees five
hundred.

(b) if relating to purchase or sale of goods
or stock or securities, other than
those falling under item (a) above,—

(i) in case of delivery
part thereof

One rupee for every 10,000 rupees or
subject to a maximum of Rs. 250.

(ii) in case of non-delivery
part thereof

One rupee for every 50,000 rupees or
subject to a maximum of Rs. 250.

(b) if relating to futures and options trading
part thereof

One rupee for every 50,000 rupees or
subject to a maximum of Rs. 250.

(d) if relating to forward contracts of commodities traded
rupees or part thereof

One rupee for every 100,000
subject to a maximum of Rs. 250

(e) in serial number 44, the existing clause (f) shall be renumbered as clause (g) and
before clause (g) as so renumbered and the entries against it in columns (2) and (3), the
following clause and the entries shall respectively be inserted, namely:—

“(f) when authorising a person other than his father, mother, wife or husband, son, daughter, brother or sister to sell immovable property situated in Kerala The same duty as a conveyance (No. 21 or 22 as the case may be) for the amount of consideration/ estimate.”.

3. *Amendment of Act 15 of 1963.*—In the Kerala General Sales Tax Act, 1963 (15 of 1963),—

(1) in section 7,—

(i) after the word “calculated”, the words “at the rates in clause (a) or (b) whichever is higher” shall be inserted;

(ii) in clause (b), the words “whichever is higher” shall be omitted;

(2) in section 17,—

(a) for the fourth proviso to sub-section (6), the following proviso shall be substituted, namely:—

“Provided also that the assessment relating to the years up to and including the year 2001-02 pending as on 31st day of March, 2007 shall be completed on or before the 31st day of March, 2008.”;

(b) in sub-section (8),—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that all such assessments or re-assessments pending as on the 31st day of March, 2007 shall be completed on or before the 31st day of March, 2008.”;

(ii) for the third proviso the following proviso shall be substituted, namely:—

“Provided also that all such modified assessments or modified reassessments or remanded assessments pending as on the 31st day of March, 2007 shall be completed on or before the 31st day of March, 2008.”;

(3) after section 17C the following section shall be inserted, namely:—

“17D. *Fast Track method of completion of Assessment.*—(1) Notwithstanding anything contained in any other law for the time being in force or in any other provisions of this Act assessments pending under the Act as on the 1st day of April, 2007 may, subject to the provisions of sub-section (2), be completed under the fast track method.

(2) The assessment under sub-section (1) shall be completed in the following manner, namely:—

- (a) The assessment shall be completed by a ‘team’ comprising of a team of officers which shall be constituted by the Commissioner;
- (b) In the case of files relating to Special Circles, there shall be three Assistant Commissioners in the team, headed by a Deputy Commissioner. In the case of Ordinary Circles, the team shall be headed by an Assistant Commissioner and comprise three Commercial Tax Officers as members;
- (c) All files of the dealer pertaining to an assessment year shall be clubbed with assessment file and taken up for disposal;
- (d) No assessment completed by the teams shall be re-opened unless there is fresh receipt of materials pertaining to tax evasion:
Provided that the assessment may be re-opened with the prior permission of the Commissioner;
- (e) The assessment shall be completed fairly by a summary proceeding;
- (f) The team shall be competent to offer reasonable concessions after recording the reasons thereof on the estimation of suppression of turnover on account of any offences detected against the dealer, and also on the interest payable up to a maximum of fifty per cent of that payable, in cases where the dealer offers immediate payment of the dues;
- (g) The hearings shall be open to public. The date and venue of the sitting shall be intimated in advance to the dealers concerned. Information shall also be published through the local media;
- (h) No adjournment in the cases listed at a session shall be permitted except under exceptional circumstances;

(i) If a dealer fails to appear, the assessment shall be finalized 'ex-parte' following the principles of natural justice;

(3) All assessment under fast tract method shall be by unanimous decisions signed by all team members.

(4) Notwithstanding anything contained in any other law for the time being in force the officers of the team shall be absolved from personal liability on account any assessment order issued in good faith.

(5) Notwithstanding anything contained in any other provisions of this Act, appeals against the assessment orders issued under fast track method shall lie within forty five days to the Sales Tax Appellate Tribunal and no such appeal shall lie unless the dealer has paid the entire tax amount.”.

4. *Amendment of Act 23 of 1975.*—In the Kerala Chitties Act, 1975 (23 of 1975) after section 21, the following section shall be inserted, namely:—

“21A. *Levy of Service Charges.*—Notwithstanding anything contained in this Act, any class or classes of foreman, as may be notified by the Government, in the Gazette shall be liable to pay service charges on the foreman commission and other charges realised by them, at such rate and in such manner as may be prescribed.”.

5. *Amendment of Act 19 of 1976.*—In the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976),—

(1) in section 2, the existing clause (e) shall be re-numbered as clause (ee) and before clause (ee) as so re-numbered the following clause shall be inserted, namely:—

“(e) “purchase value”, means the value of the vehicle as shown in the original purchase invoice:

Provided that where the purchase value of any vehicle including a vehicle imported from other countries or a vehicle acquired or obtained otherwise than by way of purchase, is not ascertainable on account of non availability of the invoice, then the purchase value shall be the value or price at which the vehicles of like kind or of same specifications is already registered or available with the manufacturer or as fixed by the customs and central excise department for the purpose of levying customs duty, as the case may be.”;

(2) in sub-section (1) of section 3, for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that in respect of a new motor vehicle of any of the classes specified in item numbers 1, 2, 6 and 11 of the Schedule to this Act, there shall be levied from the date of purchase of the vehicle “one time tax”

at the rates specified in the Annexure, at the time of first registration of the vehicle and thereafter tax shall be levied at the time of renewal of registration of such vehicle at the rate specified in the schedule as per fourth proviso to sub section (1) of section 4.”;

(3) in sub-section (1) of section 4,—

(a) for the fourth proviso, the following proviso shall be substituted, namely:—

“Provided also that the registered owner or a person having possession or control of a motor cycle (including motor scooters and cycles, with attachment for propelling the same by mechanical power), specified in item 1 of the Schedule or three wheelers (including tricycles and cycle rickshaws with attachment for propelling the same by mechanical power)

not used for transportation of goods or passengers specified in item 2 of the Schedule or a motor vehicle specified in item 6 of the Schedule or a motor car specified in item 11 of the said Schedule shall pay tax in respect of those vehicles in advance for a period of two years in lump sum upon a licence for such period.”;

(b) for the sixth proviso the following proviso shall be substituted, namely:—

“Provided also that the owner or a person liable to pay tax in respect of vehicles specified in items 1, 2, 6 and 11 of the Schedule shall not be liable to pay any periodical increase in tax, during the period for which he has paid tax for such vehicle.”;

(4) for the existing Schedule and the Annexure the following Schedule and the Annexure shall respectively be substituted, namely:—

“THE SCHEDULE

[See Section 3 (1)]

<i>Sl. No.</i>	<i>Class of Vehicle</i>	<i>Rate of Quarterly Tax (in Rupees)</i>
(1)	(2)	(3)
1. Motor Cycles (including Motor Scooters and cycles with attachment for propelling the same by mechanical power)		
(a)	Bi-cycles not exceeding (95CC) (Engine Capacity)	35.00
(b)	Bi-cycles exceeding (95 CC) with or without side car or drawing a trailer	45.00
2. Three Wheelers (including tri-cycles and cycle rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers.		
(a)	Tri-cycle/Cycle rickshaws	35.00
(b)	Three Wheelers	45.00
3. Goods Carriages		
(a)	Motor cycle trucks .. 300 Kg. vehicle not exceeding weight	in Gross 135.00
(b)	Vehicles .. 1000 Kg. not exceeding	220.00
(c)	Vehicles 1000 Kg. but not 1500 Kg. exceeding exceeding	420.00
(d)	.. 1500 Kg. .. 2000 Kg.	550.00
(e)	.. 2000 Kg. .. 3000 Kg.	705.00
(f)	.. 3000 Kg. .. 4000 Kg.	840.00
(g)	.. 4000 Kg. .. 5500 Kg.	1210.00
(h)	.. 5500 Kg. .. 7000 Kg.	1430.00

(i)	„	7000 Kg.	„	9000 Kg.	„	1760.00	
(j)	„	9000 Kg.	„	9500 Kg.	„	1870.00	
(k)	„	9500 Kg.	„	10500 Kg.	„	2090.00	
(l)	„	10500 Kg.	„	11000 Kg.	„	2310.00	
(m)	„	11000 Kg.	„	12000 Kg.	„	2530.00	
(n)	„	12000 Kg.	„	13000 Kg.	„	2750.00	
(o)	„	13000 Kg.	„	14000 Kg.	„	2970.00	
(p)	„	14000 Kg.	„	15000 Kg.	„	3080.00	
(q)	„	15000 Kg.	„	„	„		Rs 3080+Rs. 110

for every
250 Kg. or part thereof
in excess of 15000 Kg

4. Trailers used for carrying goods

(a)	For each trailer	1000 Kg.	in Gross	155.00
	not exceeding		vehicle	
			weight	
(b)	For each 1000 Kg. trailer not exceeding	but not 1500 Kg. exceeding	„	320.00
(c)	„	1500 Kg.	„	430.00
(d)	„	2000 Kg.	„	585.00
(e)	„	3000 Kg.	„	790.00
(f)	„	4000 Kg.	„	1000.00
(g)	„	5500 Kg.	„	1320.00
(h)	„	7000 Kg.	„	1540.00
(i)	„	9000 Kg.	„	1650.00
(j)	„	9500 Kg.	„	1760.00
(k)	„	10500 Kg.	„	1980.00
(l)	„	12000 Kg.	„	2090.00
(m)	„	13000 Kg.	„	2200.00
(n)	„	14000 Kg.	„	2310.00
(o)	„	15000 Kg.	„	Rs. 2310.00+Rs. 110 for every 250 Kg. or part thereof in excess of 15000 Kg.

5. Private Service Vehicles:

For every seated passenger
(other than driver) 155.00”;

6. Omni Bus for Private use (Private Service Vehicle—Non-Transport)

- (a) Not more than ten seats, for every seated passenger 80.00
(other than driver)

(b) more than ten seats, for every seated passenger (other than driver) 145.00

7. Motor vehicles plying for hire and used for transport of passengers and in respect of which permits have been issued under the Motor Vehicles Act, 1988.

(i) Vehicles permitted to ply solely as Contract Carriage and to carry:

(a) Not more than two passengers (Auto Rickshaw)	60.00
(b) Three Passengers (Auto Rickshaw)	Petrol driven 120.00
Diesel driven	130.00
(c) More than 3 passengers but not more than 6 passengers other than Tourist motor cabs (Motor cab)	Petrol driven 240.00 Diesel driven 260.00
(d) More than 6 passengers but not more than 12 passengers for every passenger	.. 310.00
(e) Vehicles permitted to operate within the State more than 12 passengers but not more than 20 passengers for every passenger	.. 530.00
More than 20 passengers, for every passenger	.. 750.00
(f) Vehicles operating Inter-State more than 12 passengers, for every passenger	.. 1540.00
(g) Tourist Motor Cabs	Petrol driven 320.00 Diesel driven 340.00

(ii) Vehicles permitted to ply solely as Stage Carriages:

(a) Ordinary services- for every seated passenger (other than driver and conductor) which the vehicle is permitted to carry	.. 600.00
(b) Fast Passenger and Express Services for every seated passenger other than driver and conductor which the vehicle is permitted to carry	690.00
(c) For every standing passenger the vehicle (whether Ordinary, Fast Passenger or Express Service) is permitted to carry	210.00
(d) For every standing passenger if the vehicle with only city/town permit	150.00''

(whether ordinary, fast passenger or express service) is permitted to carry

8. Motor vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipments) used for the haulages solely and weighing:

(a)	Not more than 1000 Kg.	in unladen weight	70.00
(b)	More than 1000 Kg. but not more than 2000 Kg.	„	120.00
(c)	More than 2000 Kg. but not more than 4000 Kg.	„	230.00
(d)	More than 4000 Kg. but not more than 6000 Kg.	„	350.00
(e)	More than 6000 Kg. but not more than 8000 Kg.	„	505.00
(f)	More than 8000 Kg. but not more than 9000 Kg.	„	570.00
(g)	Exceeding 9000 Kg.	„	570.00 + Rs. 25 for every 250 Kg. or part thereof in

excess of

9000 Kg.

9. Double axle trailers drawn by the vehicles in clause 8 above and articulated vehicles with or without additional or alternative trailers, for each trailer or articulated vehicle, subject to the proviso of this Schedule:—

(a)	Not exceeding 1000 Kg.	in Gross	155.00
(b)	Exceeding 1000 Kg.	but not 1500 Kg.	in Gross
	255.00	Vehicle weight	exceeding
(c)	Exceeding 1500 Kg.	but not 2000 Kg.	in Gross
		exceeding	Vehicle weight
(d)	Exceeding 2000 Kg.	but not 3000 Kg.	in Gross
		exceeding	Vehicle weight
(e)	Exceeding 3000Kg.	but not 4000 Kg.	in Gross
		exceeding	Vehicle weight
(f)	Exceeding 4000 Kg.	but not 5500 Kg.	in Gross
		exceeding	Vehicle weight
(g)	Exceeding 5500 Kg.	but not 7000 Kg.	in Gross
		exceeding	Vehicle weight
(h)	Exceeding 7000 Kg.	but not 9000 Kg.	in Gross
		exceeding	Vehicle weight
(i)	Exceeding 9000 Kg.	but not 9500 Kg.	in Gross
		exceeding	Vehicle weight

(j) Exceeding 9500 Kg.	but not 10500 Kg.	in Gross	1430.00	
		exceeding		
Vehicle weight				
(k) Exceeding 10500 Kg.	but not 12000 Kg.	in Gross	1540.00	
		exceeding		
Vehicle weight				
(l) Exceeding 12000 Kg.	but not 13000 Kg..	in Gross	1650.00	
	exceeding		Vehicle weight	
(m) Exceeding 13000 Kg.	but not 14000 Kg.	in Gross	1760.00	
	exceeding		Vehicle weight	
(n) Exceeding 14000 Kg.	but not 15000 Kg.	in Gross	1870.00	
	exceeding		Vehicle weight	
(o) Exceeding 15000 Kg.		in Gross		Rs.
1870 +		Vehicle		
Rs. 110 for				weight
every 250 Kg.				250 Kg.
Or part thereof				in
excess of 15000 Kg.				

10. (i) Fire Engine, Fire Tenders, Road Water Sprinklers, Cranes and Earth Moving Vehicles such as Dumper, Bulldozer etc.

(a) Not exceeding 1000 Kg.		in Gross	35.00	
		Vehicle weight		
(b) Exceeding 1000Kg.	but not 1500 Kg.	in Gross	55.00	
	exceeding	Vehicle weight		
(c) Exceeding 1500 Kg.	but not 2275 Kg.	in Gross	80.00	
	exceeding	Vehicle weight		
(d) Exceeding 2275 Kg.	but not 3050 Kg.	in Gross	100.00	
	exceeding	Vehicle weight		
(e) Exceeding 3050 Kg.	but not 4300 Kg.	in Gross	110.00	
	exceeding	Vehicle weight		
(f) Exceeding 4300 Kg.	but not 5575 Kg.	in Gross	120.00	
	exceeding	Vehicle weight		
(g) Exceeding 5575 Kg.	but not 7600 Kg.	in Gross	145.00	
	exceeding	Vehicle weight		
(h) Exceeding 7600 Kg.	but not 9000 Kg.	in Gross	165.00	
	exceeding weight	Vehicle weight		
(i) Exceeding 9000 Kg.		in Gross	Rs. 165+	
		Vehicle	Rs. 25 every	
		weight	for 1000 Kg. or	
			part thereof	in
excess of				
9000 Kg.				

(ii) Additional tax payable in respect of such vehicles for drawing trailers including Fire Engine and Trailer Pumps:

- (a) For each 1000 Kg. in Gross 30.00
trailer not exceeding Vehicle weight
- (b) For each 1000 Kg. but not 1500 Kg. in Gross 50.00
trailer exceeding Vehicle weight
- (c) For each 1500 Kg. but not 2250 Kg. in Gross 65.00
trailer exceeding Vehicle weight
- (d) For each 2250 Kg. in Gross 80.00
trailer exceeding Vehicle weight

11. (i) Motor Car (payable every two years)

- (a) Weighing not more than 750 Kg. in unladen weight 320.00
- (b) Weighing more than 750 Kg. but not more than 1500 Kg. in unladen weight 430.00
- (c) Weighing more than 1500 Kg. in unladen weight 530.00

(ii) Tax payable in respect of trailers drawn by any of the vehicles specified in (a) to (c) above and used solely for carrying luggage or personal effects—

- (a) For each trailer not exceeding 1000 Kg. in Gross Vehicle weight 35.00
- (b) For each trailer exceeding 1000 Kg. in Gross Vehicle weight 55.00

12. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule—

- (a) Weighing not more than 750 Kg. in unladen weight 100.00
- (b) Weighing more than 750 Kg. but not more than 1500 Kg. in unladen weight 110.00
- (c) Weighing more than 1500 Kg. but not more than 2250 Kg. in unladen weight 145.00
- (d) Weighing more than 2250 Kg. in unladen weight 165.00
- (e) Break down vans used for taking disabled Vehicles 120.00

13. (1) Educational Institution Bus

- (a) Vehicles with 20 or less seats including that of the driver 500.00

- (b) Vehicles with more than 20 seats 1000.00

- (2) Ambulance 550.00**

- (3) Road Roller 110.00**

(4) Excavator	275.00
(5) Tractor	220.00
(6) Vehicles exclusively used for imparting instructions in driving of motor vehicles	
(a) Light Motor vehicles excluding Motor Cars	550.00
(b) Medium Goods/Passenger Vehicles	1100.00
(c) Heavy Goods/Passenger Vehicles	1650.00

Provided that,—

- (1) in the case of trailers coming under Items 4, 9 and 10 of the Schedule when used alternatively, one at a time, with goods vehicles, tractors or articulated vehicles, as the case may be, tax shall be levied only on the heaviest trailer;
- (2) in the case of Motor Vehicles in respect of which permit has not been issued under the Motor Vehicles Act but which has been used for transport of passengers for hire or reward, tax shall be levied at such rate as is specified for similar motor vehicles in item 7 of this Schedule, as if permit had been issued for the vehicles;
- (3) in respect of trailers coming under Items 9 and 10 of this Schedule, two or more vehicles shall not be chargeable in respect of this same trailer;
- (4) tax for the last one month and two months of a quarter shall be 1/3 and 2/3 of the quarterly tax respectively, rounded off to the nearest multiple of rupees ten in the case of tax up to rupees thousand and multiple of rupees hundred in the case of tax exceeding rupees thousand ;
- (5) the rates of tax in respect of vehicles other than those fitted with pneumatic tyres shall be 150% of the rates specified in this Schedule for similar vehicles;
- (6) a Stage Carriage if permitted to operate on special or temporary permit as a Contract Carriage, a tax at the rate of Rs. 330 (Rupees Three Hundred and Thirty only) per day shall be levied in respect of such vehicle having a seating capacity exceeding forty and the rate of Rs. 200 (Rupees Two Hundred only) per day in respect of such vehicle having a seating capacity not exceeding forty.

ANNEXURE

ONE TIME TAX

[See Proviso to Section 3 (1)]

<i>Sl. No.</i>	<i>Class of Vehicle</i>	<i>Rate of one time tax (in Rupees)</i>
(1)	(2)	(3)
A.	New Motor Cycles (including Motor Scooters and Cycles with attachments for propelling the same by mechanical	

power) and Three Wheelers (including tricycles and cycle rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers and omni bus for private use (Private Service Vehicle-NTV) and Motor Cars.

- | | | |
|---|--|---|
| 1 | Motor Cycles (including Motor Scooters and Cycles with attachment for propelling the same by mechanical power) and bicycles of all category with or without side car or drawing a trailer. | 6% of the purchase value of the vehicle |
| 2 | Three Wheelers (including tricycle and cycle rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers. | 6% of the purchase value of the vehicle |
| 3 | Omni bus for private use (Private Service Vehicle-NTV). | 6% of the purchase value of the vehicle |
| 4 | Motor Cars. | 6% of the purchase value of the vehicle |

B. Motor Cycles (including Motor Scooters and Cycles with attachments for propelling the same by mechanical power) and three wheelers (including tricycles and cycle rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers and omni bus for private use (Private Service Vehicle-NTV) and Motor Cars which were originally registered in other States on or after 1st April, 2007 and migrated to Kerala State.

C. Motor Cycles (including Motor Scooters and Cycles with attachments for propelling the same by mechanical power) and three wheelers (including tricycles and cycle rickshaws with attachment for propelling the same by mechanical power) not used for transport of goods or passengers and omni bus for private use (Private Service Vehicle-NTV) and Motor Cars which were registered on or after 1st April, 2007 and re-classified from the category of Transport vehicle.

TABLE

<i>Sl. No.</i>	<i>Age of vehicle from the month of original registration</i>	<i>Percentage of the one time tax leviable under A above</i>
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(1)	(2)	(3)
1	Not more than one year	100%
2	More than one year but not more than 2 years	93%
3	More than 2 years but not more than 3 years	87%
4	More than 3 years but not more than 4 years	80%
5	More than 4 years but not more than 5 years	73%
6	More than 5 years but not more than 6 years	67%
7	More than 6 years but not more than 7 years	60%
8	More than 7 years but not more than 8 years	53%
9	More than 8 years but not more than 9 years	47%
10	More than 9 years but not more than 10 years	40%
11	More than 10 years but not more than 11 years	33%
12	More than 11 years but not more than 12 years	27%
13	More than 12 years but not more than 13 years	20%
14	More than 13 years but not more than 14 years	13%
15	More than 14 years but not more than 15 years	7%

6. *Amendment of Act 32 of 1976.*—In the Kerala Tax on Luxuries Act, 1976 (32 of 1976), in sub-section (2) of section 4,—

(a) in clause (a),—

(i) in item (i),—

(a) after the words “ten per cent” the words “per room” shall be inserted;

(b) for the words “less than rupees five hundred” the words “above rupees two hundred and up to five hundred” shall be inserted;

(ii) in item (ii), for the words “rupees five hundred or more per day” the words “above rupees five hundred per day” shall be substituted;

(iii) the following provisos shall be inserted, namely:—

“Provided that no luxury tax shall be payable, for such charges received in respect of service rendered outside the hotel premises, such as vehicle hire, boat hire and trekking :

Provided further that the hire charges received in respect of house boats owned or possessed with right to use it by the hotels shall be liable to tax under the Act.”;

(b) for clause (c) the following clause shall be substituted, namely:—

“(c) in respect of a convention centre, hall, kalyanamandapam, auditorium including those attached to hotels, clubs or places of the like nature, for the charges for accommodation, amenities and services provided excluding food and beverages,—

(i) at the rate of ten per cent where the gross charges of accommodation and other amenities and services provided is above rupees three thousand and up to rupees ten thousand per day;

(ii) at the rate of fifteen per cent where the gross charges of accommodation and other amenities and services provided is above rupees ten thousand and up to rupees twenty thousand per day;

(iii) at the rate of twenty per cent where the gross charges of accommodation and other amenities and services provided is above rupees twenty thousand per day.”;

(c) the third proviso shall be omitted.

(d) after sub-section (4) the following sub-section shall be added, namely:—

“(5) any amount recoverable under this Act and remaining unpaid shall be a charge on the properties of the defaulter and may be recovered as an arrear of public revenue due on land”.

7. *Amendment of Act 30 of 2004.*—In the Kerala Value Added Tax Act, 2003 (30 of 2004),—

(1) in section 6,—

(a) in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) in the case of goods specified in the Second and Third Schedules at the rates specified therein and at all points of sale of such goods within the State and in the case of aerated branded soft drinks excluding soda at the rate of twenty per cent at all points of sale within the State.”

(ii) in the fourth proviso,—

(a) for the words, brackets and letters “Project (KRWSA) or OFD Works” the words, brackets and letters “Project (KRWSA) and OFD Works” shall be substituted;

(b) the following words shall be added at the end, namely:—

“and the beneficiary committees shall be entitled to receive payment even without taking registration under the Act.”;

(iii) in the fifth proviso after the words “NCC Canteen” the symbol and words, “Indian Naval Canteen Service” shall be inserted;

(iv) after the fifth proviso, the following provisos shall be inserted, namely:—

“Provided also that in respect of sale of fuel and lubricants to foreign-going vessels, other than fishing vessels, the tax payable under clause (a) or (d) above shall, subject to conditions and restrictions as may be prescribed, be half per cent:

Provided also that where sale of goods, other than petroleum products is to Railways, the tax payable under clause (d) above shall, subject to such conditions and restrictions as may be prescribed, be at four per cent.”;

(b) in sub-section (2), in clause (c) after the words “if the cost of the work” the words “including the value of materials supplied by the awarded” shall be inserted;

(2) in section 8,—

(a) in clause (a), in sub-clause (iii), after the existing proviso the following provisos shall be inserted, namely:—

“Provided further that this sub-clause shall not be applicable to any works taken up after 31st March, 2005 as a subsequent part or phase of the original work for which option had been filed under sub-section (7) or (7A) of section 7 of Kerala General Sales Tax Act, 1963 (15 of 1963):

Provided also that the rate under this sub-clause shall be applicable only for the payments received up to 31st March, 2007 in respects of all works other than works awarded by the Government.”;

(b) in clause (b),—

(i) for item (i), the following item shall be substituted, namely:—

“(i) for each crushing machine of size not exceeding 30.48 cm x 22.86 cm = Rs. 50,000 per annum;”

(ii) for item (ii), the following item shall be substituted, namely:—

“(ii) for the each crushing machine of size exceeding 30.48 cm x 22.86 cm but not exceeding 40.64 cm and 25.40 cm = Rs. 1,60,000 per annum;”

(iii) for item (iii), the following item shall be substituted, namely:—

“(iii) for the each crushing machine of size exceeding 40.64 cm x 25.40 cm = Rs. 3,20,000 per annum;”;

(iv) after item (iii), the following item shall be inserted, namely:—

“(iv) for each cone crusher Rs. 7,50,000 per annum”;

(v) the following proviso shall be inserted, namely:—

“Provided that in the case of dealers, who opted to pay compounded tax under this clause, no separate assessment shall be made in respect of m-sand produced by them.”;

(c) in clause (f),—

(i) in sub-clause (ii) for the words “four hundred per cent” the words “two hundred per cent” shall be substituted;

(ii) in sub-clause (iv) in the proviso beginning with the words “provided further that where a dealer” the words “or tax payable as per returns or accounts whichever is higher for the preceding year” shall be omitted;

(iii) after sub-clause (iv), the following sub-clauses shall be inserted, namely:—

“(v) Notwithstanding anything contained in this Act, where a dealer has not exercised the option under sub-clause (iv) within the period prescribed therein, and a dealer who has commenced business during the period from the 1st day of October, 2006 to 28th day of February, 2007, may at his option, instead of paying tax in respect of such goods in accordance with the provisions of section 6, pay tax at compounded rate per month from the commencement of the business at one hundred and fifty per cent of the average monthly tax paid or payable under this Act from the commencement of business to 28th of February, 2007;

(vi) Notwithstanding anything contained in this Act, where a dealer commences business during the period from 1st March, 2007 to 30th June, 2007 may at his option instead of paying tax in respect of such goods in accordance with the provisions of section 6, pay tax at compounded rate per month from the commencement of the business at one hundred and fifty per cent of the average monthly tax paid or payable under this Act from the commencement of business to 30th day of June, 2007;

(vii) Notwithstanding anything contained in sub-clause (ii) of clause (f) where a dealer who has started business during the year 2005-2006 has become ineligible for paying tax at compounded rates on account of excess of input tax credit over output tax payable by such dealer during that period, such dealer may, at his option, instead of paying tax in accordance with provisions of section 6, pay tax at the compounded rate per month from the

1st day of April, 2006 at one hundred and fifty per cent of the average monthly tax paid or payable under the Act from 1st day of April, 2006 to 30th day of September, 2006;

(viii) Notwithstanding anything contained in this Act, the compounded tax payable for the year 2007-2008 by a dealer who exercised option for compounding under this clause between 1st December, 2006 and 15th March, 2007 shall be one hundred and fifteen per cent of the compounded tax fixed for the year 2006-2007 or tax collected as per accounts, whichever is higher.”.

(3) in section 11,—

(a) in sub-section (4), in the second proviso, after the words and figure “section 8 shall be eligible” the words and figures “with effect from 1st April, 2005” shall be inserted;

(b) after sub-section (5), the following proviso shall be inserted, namely:—

“Provided that where a dealer remits differential tax in accordance with the provisions of the Act, he may, for the period up to 31st March, 2007, issue debit note for the tax amount subsequently remitted, to the purchasing dealer to claim input tax credit to the extent of the tax covered in the debit note subject to such condition as may be prescribed.”;

(4) in section 12, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely:—

“Provided also that where the goods in respect of which tax is payable under sub-section (2) of section 6 is sold in the State or in the course of interstate trade or used in the course of manufacture of taxable goods in the month in which it is purchased, the special rebate allowable in respect of such goods resold or sold in the course of interstate trade or used in the manufacture of goods liable to pay tax under this Act or Central Sales Tax Act, 1956 may be availed in the month itself.”;

(5) in section 16,—

(a) in sub-section (1),—

(i) for the third proviso, the following proviso shall be substituted, namely:—

“Provided also that in the case of casual trader, the minimum registration fee to be paid shall be two thousand five hundred rupees per month and the maximum period of validity of registration certificate shall be three months from the date of issue of certificate.”;

(ii) after the fourth proviso, the following proviso shall be inserted, namely:—

“Provided also that a person shall not be entitled for more than one registration under this Act.”;

(b) to sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the date of effect of the registration shall be the date of filing of the valid application before the registering authority.”;

(6) in section 20,—

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A). Dealers whose output tax liability per annum is rupees twenty five lakhs or more on account of taxable sale in the State and every wholesale dealer, distributor and dealers holding van sale permit, shall file their returns as well as purchase and sale lists electronically in addition to the hard copy to be filed along with the returns.”;

(b) in sub-section (3), the following words shall be added at the end, namely:—

“except for considering the eligibility for payment of tax under sub-section (5) of section 6”;

(7) in section 22, sub-section (7) shall be omitted;

(8) in section 25, in sub-section (1), after the words “has escaped assessment to tax in any year” the words “or return period” shall be inserted;

(9) in section 30, after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the dealers who are paying tax under sub-section (5) of section 6 are entitled to recover from the buyers the amount of tax paid by him on the purchase value of such goods at the time of purchase.”;

(10) in section 40A, the existing section shall be renumbered as sub-section (1) and after the sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) Where a dealer effects taxable sale, he shall furnish the name and address of the purchaser in the sale bill/invoices, and where the sale is to a dealer, the address shall include TIN or PIN, as the case may be.

(3) Where the TIN or PIN details are not furnished as specified in sub-section (2), such dealer shall be liable for payment of the tax on the Maximum Retail Price (MRP) of such goods, where it is ascertainable.”.

(11) in section 42, the existing section shall be renumbered as sub-section (1) and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Where any dealer detects any omission or mistake in the annual return submitted by him with reference to the audited figures, he shall file revised annual return rectifying the mistake or omission along with the audit certificate. Where, as a result of such revision, the tax liability increases, the revised return shall be accompanied by proof of payment of such tax, interest due thereon under sub-section (5) of section 31, and penal interest, calculated at twice the rate specified under sub-section (5) of section 31:

Provided that this sub-section shall not apply to a dealer against whom any penal action is initiated in respect of such omission or mistake under any of the provisions of this Act.”;

(12) in section 55, in sub-section (1), clause (a) of the second proviso shall be omitted.

(13) in the SCHEDULES,—

(a) in the First Schedule,—

(i) after serial number 4 in column (1) and the entries against it in columns (2) and (3), the following serial number and entries shall respectively be inserted, namely:—

“4A. (1) Beedi, Beedi Tobacco 2403-10-31

(2) Cheroots 2402-10-20.”;

(ii) after serial number 12A and the entries against it in columns (2) and (3), the following serial numbers and entries shall respectively be inserted, namely:—

“12B Coconut Oil 1513.11.00

12C Cocount Oil cake 2306.50”;

(iii) after serial number 12C as so inserted, the following serial number and entries shall be inserted, namely:—

“12D Copra 1203.00.00”

(iv) after serial number 23 in column (1) and the entries against it in columns (2) and (3) the following serial number and entries shall be inserted, namely:—

“23A. Handloom cloth, handloom
bedsheet and pillow cover ***** ”;

(v) for serial number 27 and the entries against it in columns (2) and (3), the following shall be substituted, namely:—

“27. Khadi Cloth, Garments and
Made ups ***** ”;

(vi) in serial number 30, for the entries under the heading ‘Life saving Drugs’ in columns (2) and (3), the following entries shall respectively be substituted, namely:—

“Dineal solution required for continuous xxx
Ambulatory peritoneal Dialysis treatment of
kidney patients and accessories required for
the treatment.”.

(vii) serial number 52 and the entries against it in columns (2) and (3) shall be omitted.

(viii) for serial number 56 and the entries against it in columns (2) and (3) the following serial number and entries shall be substituted, namely:—

“56 Products manufactured and sold by xxx” ;
Kudumbasree units under brand name as
notified by Government from time to

time.

(b) in the Third Schedule,—

(i) Serial number 8 and entries against it in columns (2) and (3) shall be omitted;

(ii) in serial number 13, after sub-item (g) of item (3) and the entries against it in columns (2) and (3) the following shall be inserted, namely:—

“(h) Other xxx”

(iii) after serial number 19 and the entries against it in columns (2) and (3) the following serial number and entries shall respectively be inserted, namely:—

“19A. Cashew Kernel xxx” ;

(iv) after serial number 28, and the entries against it in columns (2) and (3) the following serial number and entries shall respectively be inserted, namely:—

“28A. Compact Fluorescent Lamps ***** ” ;

(v) in serial number 36,—

(a) in the heading after the words “mosquito repellants and those specifically mentioned in First Schedule” the words “and those notified under clause (d) of subsection (1) of section 6” shall be inserted;

(b) after item (25) and the entries against it in columns (2) and (3) the following item and the entries shall respectively be inserted, namely:—

“(26) **Life Saving medicine**

(1) Vaccines of human medicine

(i) Single Vaccine

(a)for cholera and typhoid	3002.20.11
(b)for hepatitis	3002.20.12
(c)for tetanus	3002.20.13
(d)for polio	3002.20.14
(e)for tuberculosis	3002.20.15
(f) for rabies	3002.20.16
(g)for Japanese Encephalitis	3002.20.17
(h)for whooping cough (pertusis)	3002.20.18
(i) Others	3002.20.19

(ii)Mixed vaccines

(a)for diphtheria, pertusis and tetanus (DPT)	3002.20.21
(b)for diphtheria and tetanus	3002.20.22
(c)for measles, mumps and rubella (MMR)	3002.20.23
(d)for typhoid, para-typhoid (TAB) or typhoid para-typhoid-cholera (TABC)	3002.20.24
(e) Others	3002.20.29

(2) Vaccines for veterinary medicine 3002.30.00

(3) Animal blood prepared for therapeutic,
prophylactic or diagnostic uses 3002.90.20

(4) Cultures of micro organisms (excluding yeast)3002.90.30

(5) Toxins 3002.90.40

(6) Anti sera

(a) for diphtheria	3002.10.11
(b) for tetanus	3002.10.12
(c) for rabies	3002.10.13
(d) for snake venom	3002.10.14
(e) Others	3002.10.15

(7) Hemoglobin, blood globulins and serum globulins3002.10.20

- (8) Insulin injuction 3002.31.10
- (9) Cyclosporine
- (10) Antiretroval Drugs (HIV patients)
- (11) Glevce Capsules (For treatment of Blood cancer) ***** ”;

(vi) in serial number 38, item (8) and the entries against it in columns (2) and

(3) shall be omitted;

(vii) in serial number 55, in the entries against it in column (2), the following shall be added at the end, namely:—

“at the point of sale by dealers whose annual turnover does not exceed rupees two crores” ;

(viii) for serial number 69 and the entries against it in columns (2) and (3), the following serial number and entries shall be substituted, namely:—

“69 IT Products

(1) Word processing machines, Electronic typewriters

- (a) Word processing machines 8469.00
- (b) Electronic typewriters 8469.00.20

(2) Microphones, multimedia speakers, headphone etc.

- (a) Microphones 8518.10.00
- (b) Multimedia Speakers 8518.22.00
- (c) Headphone etc. 8518.30.00

(3) Telephone answering machines 8519.50.00

(4) discs, tapes, solid state non-volatile storage devices, “Smart card” and other media for the recording of sound or of other phenomena, 8523 whether or not recorded, including matrices and masters for the production of discs, but excluding products of Chapter 37

(5) IT software of any media 8523.80.20

(6) Transmission apparatus other than apparatus for radio or T. V. broadcasting

- (a) Base stations 8517.61.00
- (b) Machines for the reception, conversion and transmission or regeneration of voice, 8517.62 image or other data including switching and routing apparatus

(7) Radio communication receivers, Radio Pagers

- (a) Radio Pagers 8527.99.11
- (b) Demodulators 8527.99.12
- (c) Others 8527.99.19

(8) Aerials, antennas and parts 8528

(9) LCD Panels/LED Panels and Parts	
(a) LCD Panels/LED Panels	8531.20.00
(b) Parts	8531.90.00
(10) Electrical capacitors, fixed, variable and parts	
(a) Electrical capacitors, fixed, variable	8532
(b) Parts	8531.80.00
(11) Electronic calculators	8470.10.00
(12) Electrical resistors	8533
(13) Printed Circuits	8534.00.00
(14) Switches, connectors relays for up to 5 amps	8536.10.10
(15) DATA/Graphic Display tubes, other than Picture tubes and parts	
(a) Colour	8540.40.00
(b) Black & White or other monochrome	8540.50.00
(c) Others	8540.60.00
(16) Diodes, transistors & similar semi-conductor device	8541
(17) Electronic integrated circuits and Micro-assemblies	8542
(18) Signal Generators and parts	
(a) Signal Generators	8543.20
(b) Parts	8543.80.00
(19) Optical fibre cables madeup of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	8544.70.00
(20) Optical fibre and optical fibre bundles, cables, other than those of heading 8544.70	9001.10.00
(21) Liquid Ctystal devices, flat panel display devices and parts	
(a) Liquid Crystal devices, flat panel display devices	9013.80.10
(b) Parts	9013.9
(22) Computer systems and peripherals, Electronic diaries	
(a) Computer systems and peripherals	8471
(b) Electronic diaries	8470.90.10
(c) Printers	8443.32
(23) Cathode ray oscilloscopes, spectrum analysers, signal analysers	
(a) Cathode ray oscilloscopes	9030.20.00
(b) Spectrum analysers	
(c) Signal analysers	
(24) Parts and Accessories of HSN 84.69, 84.70 & 84.71	84.73

- (25) DC Micromotors, Stepper motors of 37.5 Watts.
- (a) Micro motors 8501.10.11
 - (b) Stepper motors 8501.10.12
- (26) Parts of HSN 85.01 8503
- (27) Uninterrupted power supply 8504.40
- (28) Permanent magnets and articles 8505
- (29) Electrical apparatus for line telephony or line telegraphy
- (a) Line telephone sets/cordless hand sets 8517.11
 - (b) Telephones for cellular networks (Mobile Phone) or for other wireless networks 8517.12
 - (c) Other 8517.18
 - (d) Videophones 8517.62.90
 - (e) Fascimile machines

- (I) capable of connecting to an automatic data processing machine or to a network 8443.32.60
- (II) not capable of connecting to an automatic data processing machine 8443.39.70
- (f) Teleprinters 8517.32.90
- (g) Attachments for telephones 8517.69.70
- (h) Subscriber end equipment 8517.69.50
- (i) Set top boxes for gaining access to the internet 8517.89.60

(30) Parts of HSN heading No. 8517 8517.90”;

(ix) in serial number 79, for item (3) and the entries against it in columns (2) and (3), the following shall be substituted, namely:—

“(3) Cardiac Stents xxx”;

(x) in serial number 87, for the entries in column (2) the following entries shall be substituted, namely:—

“(1) Rubber Hawai chappals xxx

(2) Footwear of all kinds other than the above, whose MRP does not exceed Rs. 200 and its MRP is embossed on the sole of the footwear in the case of moulded plastic footwear, and in other case, indelibly marked. xxx

(3) Parts of footwear including uppers 6406.20.00”;

(xi) in serial number 93, item number, number (5) and the entries against it in columns (2) and (3), shall be omitted;

(xii) in serial number 94, item number (10) and the entries against it in columns (2) and (3), shall be omitted;

(xiii) in serial number 97, in the entries in column (2), the following shall be inserted at the end, namely:—

“except granite metal produced with the aid of crushing machines.”;

(xiv) in serial number 137, after item (12) and the entries against it in columns (2) and (3), the following item and entries shall respectively be inserted, namely:—

“(13) *Choodarapetti* ***** ”

(c) in List A,—

(i) in serial number 111A, for the entries against it in column (3) the following entry shall be substituted, namely:—

“2907-11-10 ” ;

(ii) after serial number 143 and the entries against it in columns (2) and (3), the following serial number and entries shall be inserted, namely:—

“144. Soft wood, namely *kattadi, vatta, ****** ”.
pala, matti and elavu.

8. *Validation.*—Notwithstanding anything contained in the Kerala Provisional Collection of Revenues Act 1985 (10 of 1985) or in the Kerala Value Added Tax Act, 2003 (30 of 2004), during the period from 1st April, 2007 to the date of publication of this Act, during which the declared provisions contained in the Finance Bill, 2007(Bill No. 84 of the Twelfth Kerala Legislative Assembly) was in force, any tax collected by the first seller by virtue of clause (h) of section 8 proposed to be inserted by item (d) of sub- clause (2) of Clause 7 of the said Bill shall be deemed to have been validly collected under the said Act, and the subsequent dealers covered under the said provision shall be entitled for the exemptions as envisaged in the said clause of the said Bill.