

PUNJAB VIDHAN SABHA

Bill No. 35-PLA-2016

**THE PUNJAB VALUE ADDED TAX (AMENDMENT)
BILL, 2016**

A

BILL

further to amend the Punjab Value Added Tax Act, 2005.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called The Punjab Value Added Tax (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Value Added Tax Act, 2005, in section 68, in sub-section (7), for the words "shall not be stayed", the words and signs "may be stayed, for the reasons to be recorded in writing after hearing the State," shall be substituted. Amendment in section 68 of Punjab Act 8 of 2005.

3. (1) The Punjab Value Added Tax (Amendment) Ordinance, 2016 (Punjab Ordinance No. 5 of 2016) is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The proposed amendment in Section 68 (7) of The Punjab Value Added Tax Act, 2005 will help in removing the existing embargo on the powers of the Hon'ble High Court for hearing an appeal without prior deposit of full tax and grant of stay. After this amendment, the power to dispense with prior deposit of full tax will vest with the Hon'ble High Court. Hon'ble High Court will do so by recording the reasons in writing in such cases. This amendment will help in avoiding unnecessary litigation.

Hence, this amendment.

SUKHBIR SINGH BADAL,
Deputy Chief Minister, Punjab.

FINANCIAL MEMORANDUM

There is a possibility of immediate recovery of at least some of the outstanding amount dues i.e. Rs. 761.30 crores pertaining to the Food Corporation of India, which is presently pending due to litigation.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

CHANDIGARH :

The 12th September, 2016

SHASHI LAKHANPAL MISHRA,

Secretary.

N.B.— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 12th September, 2016 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).