In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of The 'Uttarakhand Value Added Tax (Second Amendment) Bill, 2008' (Uttarakhand Adhiniyam Sankhya 10 of 2008).

As Passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 19th December, 2008).

No. 204/XXXVI(3)/27/2008

*Dated Dehradun, December 22, 2008*

NOTIFICATION

Miscellaneous

THE UTTARAKHAND VALUE ADDED TAX (SECOND AMENDMENT) ACT, 2008

(ACT NO. 10 OF 2008)

*Further to amend The Uttarakhand (The Uttaranchal Value Added Tax Act, 2005) Adaptation and Modification Order, 2007--*

AN

Act

*[Be it enacted by the Uttarakhand legislative Assembly in the Fifty Ninth Year of the Republic of India as follows]*

1. (1) This Act may be called 'The Uttarakhand Value Added Tax (Second Amendment) Act, 2008. — Short Title and Commencement

(2) It shall come into force with immediate effect.

2. In the Uttarakhand (The Uttaranchal Value Added Tax Act, 2005) Adaptation and Modification Order, 2007 for the existing sub-section (1) of section 7, the following sub-section shall be **substituted**, namely-- — Substitution of sub-section (1) of section 7

"(1) Levy of Presumptive Tax on registered retailers:--

All registered retailers, whose gross turnover of sales within the State, excluding the sale of goods specified in Schedule-II (c) and Schedule-III, and the goods specified in Schedule-I on which additional excise duty is leviable under Additional Duties of Excise (Goods of Special Importance) Act, 1957 in any assessment year, is neither likely to exceed fifty lakh rupees nor his such turnover, for the assessment year preceding such assessment year, has exceeded fifty lakh rupees, subject to such conditions and restrictions as may be prescribed, shall pay, in lieu of the tax under the provisions of this Act, a tax on the entire turnover of such sales excluding sale of goods specified above at the rate of 1% on such turnover. Such dealer shall not be entitled to charge or collect any tax on such sales and shall not be entitled to any input tax credit on his purchase:

Provided that this sub-section shall not apply to such registered retailer, who is an importer or manufacturer and imports goods within the territory of India or exports the goods outside the territory or transfers right of ownership of property (whether goods or in some other form) involved in execution of work contracts or in case of transfer of the right to use goods for any purpose (whether or not for a specified period):

Provided further that if a registered retailer does not exercise option to pay tax as per the provisions of this sub-section, he shall be liable to pay tax as per the provisions of Section 3 of this Act.

**Explanation**--Where a dealer has exercised the option to pay tax under this sub-section, he shall be liable to pay tax during the year accordingly even if the turnover exceeds the amount mentioned above."

By Order,

RAM DATT PALIWAL,

*Secretary.*