

ANDHRA PRADESH TAX ON ENTRY OF MOTOR VEHICLES INTO LOCAL AREAS ACT, 1996

STATEMENT OF OBJECTS AND REASONS

It is observed that proper tax is not being realised by the State on all the Motor Vehicles, which are being used in Andhra Pradesh. Many Vehicles are purchased at low tax in the neighbouring States and brought and used in the State. Since no sales took place within our State the Government is not getting any revenue on such vehicles. To overcome such problem, neighbouring States like, Tamil Nadu and Kerala have introduced Entry Tax on Motor Vehicles and in Karnataka it is being levied on all the commodities except 35 specified items. Entry Tax was introduced in our State in the year 1987 on Textiles, Tobacco and Sugar and it was subsequently withdrawn from 1st April, 1990. It is decided to levy Entry Tax on Motor Vehicles only to arrest tax evasion. The rate of tax on the local sales on motor vehicles is increased from 4% to 8% on the first sales and Entry Tax is levied at the rate of 8%. Entry Tax is not leviable if the motor vehicles suffer tax under local Sales Tax Act. The levy of entry tax on motor vehicles is therefore mainly meant to plug the leakage of revenue. To achieve the above object, Government have decided to enact, a separate law for the purpose.

As the Legislative Assembly of the State was not then in session, having been prorogued and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Ordinance, 1996 (Andhra Pradesh Ordinance No.22 of 1996) has been promulgated by the Governor on 1st August, 1996.

ANDHRA PRADESH TAX ON ENTRY OF MOTOR VEHICLES INTO LOCAL AREAS ACT, 1996

[Act No. 26 of 1996]

[17th October, 1996]

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 15th October, 1996 and the said assent is hereby first published on the 17th October, 1996 in the Andhra Pradesh Gazette for general information :—

An Act to provide for the levy of tax on entry of Motor Vehicles into Local Areas in the State of Andhra Pradesh and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-seventh year of the Republic of India, as follows :—

CHAPTER - I

1. Short title, extent and commencement.— (1) This Act may be called the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect from 1st August, 1996.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) “**accessories**” means car air conditioner, music system or any other article fitted to a motor vehicle, which is not included in the original invoice;

(b) “**appellate authority**” means an appellate authority appointed under section 6;

(c) “**assessing authority**” means an assessing authority appointed under section 5;

(d) “**entry of motor vehicle into a local area**” with all its grammatical variations and cognate expressions, means entry of motor vehicle

into a local area from any place outside the State for use or sale therein;

- ¹(e) **“Value Added Tax Act”** means the Andhra Pradesh Value Added Tax Act, 2005];
- (f) **“Government”** means the State Government;
- (g) **“Importer”** means a person who brings a motor vehicle into a local area from any place outside the State for use or sale therein or who owns the vehicle at the time of its entry into the local area;
- (h) **“local area”** means the area of jurisdiction of a local authority;
- (i) **“local authority”** means the area within the limits of, a city as declared under the Hyderabad Municipal Corporation Act, 1955, or the Visakhapatnam Municipal Corporation Act, 1979, or the Vijayawada Municipal Corporation Act, 1981 or any other Municipal Corporation in the State, as in force or a municipality as constituted or deemed to have been constituted under the Andhra Pradesh Municipalities Act, 1965, or any notified area, as declared under Section 389-A of the Andhra Pradesh Municipalities Act, 1965 or the area within the limits of Gram Panchayats, under Andhra Pradesh Panchayat Raj Act, 1994.
- (j) **“Motor vehicle”** means a motor vehicle defined in Clause (28) of Section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
- (k) **“notification”** means a notification published in the “Gazette”;
- (l) **“person”** includes any company or association or body of individuals whether incorporated or not, a firm, a local authority, a Hindu undivided family, society, club, an individual, the Central Government or the Government of any other State or Union Territory;
- (m) **“prescribed”** means prescribed by rules made under this Act;
- (n) **“purchase value”** means the value of a motor vehicle, as ascertained from the original invoice and includes the value of

1. The clause (e) was subs. by Act 4 of 2006 w.e.f. 1st April, 2005. The earlier clause was follows:

“(e) **“General Sales Tax Act”** means the Andhra Pradesh General Sales Tax Act, 1957 (Act No. VI of 1957)”;

accessories fitted to the vehicle, insurance, excise duties countervailing duties, sales tax, transport fee, freight charges and all other charges incidentally levied on the purchase of a motor vehicle :

Provided that, where the purchase value of a motor vehicle is not ascertainable on account of non-availability or non-production of the original invoice or when the invoice produced is proved to be false or if the motor vehicle is acquired or obtained otherwise than by way of purchase, then the purchase value shall be the value or price at which a motor vehicle of like kind or quality is sold or is capable of being sold, in open market;

(o) 'State' means the State of Andhra Pradesh;

(p) 'tax' means tax payable under this Act.

(2) Words and expressions used, but not defined in this Act, and defined in the '[the Value Added Tax Act], shall have the meanings respectively assigned to them under that Act.

CHAPTER - II

LEVY OF TAX

3. Levy of tax.— (1) Subject to the provisions of this Act, there shall be levied and collected tax on the entry of any motor vehicle into any local area for use or sale therein which is liable for registration in the State under the Motor Vehicles Act, 1988 (Central Act 59 of 1988). The tax levied shall be at such rate or rates as may be fixed by the Government, by notification, on the purchase value of the motor vehicle but not exceeding ²[the rates specified for motor vehicles in the Fifth Schedule to the Value Added Tax Act, 2005] :

Provided that no tax shall be levied and collected in respect of any motor vehicle which was registered in any Union Territory or any other State under the provisions of the Motor Vehicles Act, 1988, prior to period of fifteen months or more from the date on which, it is registered in the State :

Provided further that no tax shall be levied and collected in respect of any motor vehicle, which is owned by Central Government and is used exclusively for the purposes relating to the Defence of India.

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1. Subs. for the words "General Sales Tax" by Act 4 of 2006 w.e.f. 1st April, 2005.
 2. Subs. for the words "the rates specified for motor vehicles in the First Schedule to the General Sales Tax Act, 1957" by Act 4 of 2006 w.e.f. 1st April, 2005.

(2) The tax shall be payable by the importer in such manner and within such time as may be prescribed.

(3) Where the motor vehicle is taken delivery of, on its entry into a local area or brought into a local area by a person other than an importer, the importer who takes delivery of the motor vehicle from such person shall be deemed to have brought or caused to have brought the motor vehicle into the local area.

4. Reduction in tax liability.— (1) Where an importer of a motor vehicle liable to pay tax under this Act, being a dealer in motor vehicles, becomes liable to pay tax under ¹[the Value Added Tax Act], as a result, of the sale of such motor vehicle, then the amount of tax payable under ¹[the Value Added Tax Act], shall be reduced by the amount of the tax paid under this Act.

(2) An importer, other than a dealer, liable to pay tax under this Act, causes entry of motor vehicle into a local area for use or sale therein, shall pay tax to such authority, as Commissioner may notify within fifteen days from the date of entry of such vehicle into a local area or before an application is made for registration of the said vehicle or assignment of a new registration mark to such vehicle under the Motor Vehicles Act, 1988, whichever is earlier.

(3) Where an importer who, not being a dealer in motor vehicles, had purchased a motor vehicle for his own use in any Union Territory or any other State, then the tax payable by him under this Act, shall, subject to such conditions as may be prescribed, be reduced by the amount of tax paid, if any, under the law relating to ¹[the Value Added Tax Act], in force in that Union Territory or State.

CHAPTER - III

ASSESSING AND APPELLATE AUTHORITIES

5. Assessing Authorities.— The Government, may by notification appoint the officers of the Commercial Taxes Department not below the rank of Deputy Commercial Tax Officer to be the assessing authority for the purposes of this Act, and may assign to them such local area or local areas as may be specified in such notification.

6. Appellate Authorities.— The Government may, by notification appoint such officers of the Commercial Taxes Department of the rank of Deputy Commissioner of Commercial Taxes to be the appellate authorities for the

1. Subs. for the words "General Sales Tax Act" by Act 4 of 2006 w.e.f. 1st April, 2006.

purposes of this Act, and may assign to them such local area or local areas as may be specified in such notification.

CHAPTER - IV
**RETURNS, ASSESSMENT, PAYMENT,
RECOVERY AND REFUND OF TAX**

7. **Returns.**— Every importer who is a dealer liable to pay tax under this Act, shall furnish returns in such form, for such period, by such dates and to such authority, as may be prescribed.

8. **Assessment.**— (1) The amount of tax due from a person liable to pay tax under this Act, shall be assessed separately for such period as may be prescribed.

(2) If the assessing authority is satisfied that the return furnished by a person liable to pay tax is correct and complete, he shall assess the amount of tax due from the person on the basis of such return.

(3) If the assessing authority is of the opinion that the return furnished by a person liable to pay tax is not correct and complete, he shall serve on such person, in the prescribed manner a notice requiring him, to attend on a date and at a place specified therein, and produce or cause to be produced, all evidence on which the said person relies in support of his return or to produce such evidence as specified in the notice and on the date specified in the notice, and as soon as may be, thereafter, the assessing authority shall after considering all the evidence which may be produced, assess the amount of tax due from the person.

(4) If a person fails to comply with the requirements of any notice issued under sub-section (3), the assessing authority shall determine the purchase value of the motor vehicle under the proviso to clause (n) of section 2 to the best of his judgment and assess the amount of tax due from him and may direct the importer to pay in addition to the tax so assessed penalty as specified in sub-section (1) of section 18.

(5) No order of assessment under sub-section (3) or sub-section (4) or any period shall be made after the expiry of three years from the last date prescribed for filing of returns for that period. If, for any reason such order is not made within the period aforesaid, then the return so filed shall be deemed to have been accepted as correct and complete for assessing the tax due from such person.

9. **Reassessment.**— If, after a person liable to pay tax has been assessed under section 8 for any period, the assessing authority has reason to

believe that any purchase value or part thereof has, in respect of that period, escaped assessment or has been under assessed or assessed at a lower rate, then the assessing authority may within four years from the date of the order of assessment of the particular period and after giving the person a reasonable opportunity of being heard, reassess the tax due from him and may direct him to pay in addition to the tax so assessed, penalty as specified in sub-section (1) of section 18.

10. Payment of Tax.— (1) The tax shall be paid in the manner hereinafter provided.

(2) A person liable to pay the tax shall, before furnishing returns as required by sub-section (1) of section 7, pay into the Government Treasury, in the prescribed manner, the whole of the amount of tax due from him according to such return.

(3) The amount of—

(i) the tax due, where return has been furnished without full payment thereof;

(ii) the difference in the tax assessed under section 8 or reassessed under section 9 for any period, and the sum already paid by the person in respect of such period; and

(iii) the penalty, if any, levied under Section 18, shall be paid by the person into the Government Treasury by such date, which shall be after twenty one days from the date of service of the notice, as may be specified in the notice issued by the assessing authority for this purpose.

(4) Any tax or penalty, which remains unpaid after the date specified in the notice for payment, shall be recoverable as if it were an arrear of land Revenue.

11. Refund of Tax.— (1) The assessing authority shall refund to a person the amount of the tax and the penalty, if any, paid by such person in excess of the amount due from him for any period and the refund may be either by cash payment or at the option of the person, by reduction of such excess from the amount of the tax and the penalty, if any, due from that person in respect of any other period :

Provided that the assessing authority shall first apply such excess towards the recovery of any amount due in respect of which a notice under sub-section (4) of section 10 has been issued, and shall then refund the balance, if any.

(2) Where as a result of any order passed in appeal or other proceeding under this Act, refund of any amount becomes due to the importer, the assessing authority shall refund the amount to the importer without his having to make any claim in that behalf, or adjust or apply, such amount as provided in sub-section (1).

(3) Where a levy and collection of tax is held invalid by any judgment or order of a Court or Tribunal, it shall not be necessary to refund any such tax to the importer unless it is proved by the importer to the satisfaction of the assessing authority that the tax has not been collected from the purchaser of the motor vehicle.

11-A. Refund on appeal etc.— Where as a result of any order passed in appeal or other proceeding under this Act, refund of any amount becomes due to the importer, the assessing authority shall refund the amount to the importer without his having to make any claim in that behalf, or adjust or apply, such amount as provided in section 11.

11-B. Non-refund of tax in certain cases.— Where a levy and collection of tax is held invalid by any judgment or order of a Court or Tribunal, it shall not be necessary to refund any such tax to the importer unless it is proved by the dealer to the satisfaction of the assessing authority that the tax has not been collected from the purchaser of the Motor Vehicle.

12. Exemptions and Reductions.— Subject to such conditions as they may impose, the Government may, if it is necessary so to do in the public interest, by notification, reduce the rate of tax on any type of Motor Vehicle or exempt any specified class of importers or type of Vehicles from payment of the whole or part of the tax payable under this Act.

CHAPTER - V

APPEALS AND REVISION

13. Appeals.— (1) An appeal from every original order under this Act shall lie to the appellate authority.

(2) No appeal shall be entertained by the appellate authority unless it is filed within thirty days from the date of receipt of the order appealed against by the assessee, and unless the entire amount of tax and penalty, if any, has been remitted by the assessee in the Government Treasury.

(3) Subject to such rules as may be made in this behalf every appellate authority referred to in sub-section (1) shall have the following

powers, namely :—

- (a) in an appeal against an order of assessment to confirm, reduce, enhance or annul the assessment, or set aside the assessment and refer the case back to the assessing authority for making a fresh assessment in accordance with the direction given by it or him; and
- (b) in any other case, to pass such orders in the appeal as may be deemed just and proper.

14. Revision.— (1) The Commissioner of Commercial Taxes may *suo motu* call for and examine the records of the proceedings of any order made by any authority, officer or person subordinate to it under the provisions of this Act including sub-section (2) of this section and if such order or proceeding recorded is prejudicial to the interests of revenue and may make such enquiry or cause such enquiry to be made and subject to the provisions of this Act, may initiate proceedings to revise, modify or set aside such order or proceeding and may pass such order in reference thereto as it thinks fit.

(2) Powers of the nature referred to in sub-section (1) may also be exercised by the Additional Commissioner, Joint Commissioner and Deputy Commissioner in the case of orders passed or proceedings recorded by authorities, officers or persons subordinate to them.

(3) The powers conferred by sub-section (1) shall be exercised within a period of four years from the date on which the said order was served on the Importer.

15. Appeal to Appellate Tribunal.— (1) Any importer objecting to an order passed or proceeding recorded :—

- (a) by any appellate authority on appeal under section 13; or
- (b) by a Joint Commissioner or Deputy Commissioner *suo motu* under sub-section (2) of section 14 may appeal to the Appellate Tribunal within sixty days from the date on which the order or proceeding was served on him.

(2) The Appellate Tribunal may admit an appeal preferred after the period of sixty days mentioned in sub-section (1), if it is satisfied that the importer had sufficient cause for not preferring the appeal within that period.

(3) The appeal shall be in the prescribed form shall be verified in the prescribed manner and shall be accompanied by such fee, calculated at the

rate of two per cent of the tax or penalty under dispute subject to a minimum of one hundred rupees and a maximum of two thousand rupees.

(4) The Appellate Tribunal may, after giving both parties to the appeal a reasonable opportunity of being heard :—

- (i) confirm, reduce, enhance or annul the assessment or the penalty or both;
- (ii) set aside the assessment or the penalty or both and direct the assessing authority to pass fresh order after such further inquiry as may be directed; or
- (iii) pass such order as it may think fit :

Provided that if the appeal involves a question of law, decision on which is pending in any proceeding before the High Court or the Supreme Court, the Appellate Tribunal may defer the hearing of the appeal before it, till such proceeding is disposed of.

(5) Before passing any order under sub-section (4), the Appellate Tribunal may make such inquiry as it deems fit or remand the case to the appellate authority against whose order the appeal was preferred or to the assessing authority concerned for an inquiry and report on any specified point or points.

(6) Notwithstanding anything in sub-section (4), where the importer who has filed an appeal under this section to the Appellate Tribunal fails to appear before the Appellate Tribunal, either in person or by counsel when the appeal is called on for hearing, it shall be open to the Appellate Tribunal to make an order dismissing the appeal :

Provided that the Appellate Tribunal, may on an application made by the importer within thirty days from the date of communication of the order of dismissal and on sufficient cause being shown by him for his non-appearance when the appeal was called on for hearing, re-admit the appeal on such terms as it thinks fit, after giving notice thereof to the authority against whose order or proceeding the appeal is preferred.

(7) Except as provided in the rules made under this Act, the Appellate Tribunal shall not have power to award costs to either of the parties to the appeal.

(8) Every order passed by the Appellate Tribunal under sub-section (4) shall be communicated by it to the importer, the authority against

whose order the appeal was preferred, the Commissioner and such other authorities as may be prescribed.

(9) Every order passed by the Appellate Tribunal under sub-section (4) shall, subject to the provision of section 14, be final.

16. Revision by High Court.— (1) Within ninety days from the date on which an order under sub-section (4) of Section 15 was communicated to him, the importer or the authority prescribed in this behalf may prefer a petition to the High Court against the order on the ground, that the Appellate Tribunal has either decided erroneously, or failed to decide, any question of law :

Provided that the High Court may admit a petition preferred after the period of ninety days aforesaid if it is satisfied that the petitioner had, sufficient cause for not preferring the petition within that period.

(2) The petition shall be in the prescribed form, shall be verified in the prescribed manner, and shall, where it is preferred by the importer, be accompanied by a fee of five hundred rupees.

(3) If the High Court, on perusing the petition considers that there is no sufficient ground for interfering, it may dismiss the petition summarily :

Provided that no petition shall be dismissed unless the petitioner has had a reasonable opportunity of being heard in support thereof.

(4) (a) If the High Court does not dismiss the petition summarily, it shall, after giving both parties to the petition, a reasonable opportunity of being heard, determine the question or questions of law raised and either reverse, affirm or amend the order against which the petition was preferred or remit the matter to the Appellate Tribunal with the opinion of the High Court on the question or questions of law raised, or pass such other order in relation to the matter as the High Court thinks fit.

(b) Where the High Court remits the matter to the Appellate Tribunal under clause (a) with its opinion on the question or questions of law raised, the Appellate Tribunal shall amend the order passed by it in conformity with such opinion.

(5) Before passing an order under sub-section (4), the High Court may, if it considers it necessary so to do, remit the petition to the Appellate Tribunal and direct it to return the petition with its finding on any specific question or issue.

(6) Notwithstanding that a petition has been preferred under sub-section (1) tax shall be paid in accordance with the assessment made in the case :

Provided that the High Court may, in its discretion, permit the petitioner to pay the tax in such number of instalments, or give such other direction in regard to the payment of tax as it thinks fit :

Provided further that if, as a result of the petition any change becomes necessary in such assessment, the High Court may authorise the assessing authority to amend, the assessment and on such amendment being made the excess amount paid by the importer shall be refunded to him without interest, or the further amount of tax due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(7) (a) The High Court may, on the application of the importer or the prescribed authority review any order passed by it under sub-section (4) on the basis of facts which were not before it when it passed the order.

(b) The application for review shall be preferred within such time and in such manner as may be prescribed, and shall, where it is preferred by the importer, be accompanied by a fee of five hundred rupees.

(8) The payment of tax and penalty if any due in accordance with the order of the Appellate Tribunal in respect of which a petition has been preferred under sub-section (1) shall not be stayed pending the disposal of the petition but if such amount is reduced as a result of such petition, the excess tax paid shall be refunded in accordance with the provisions of section 11.

(9) In respect of every petition or application preferred under sub-section (1) or sub-section (7) the costs shall be in the discretion of the High Court.

17. Appeal to High Court.— (1) Any importer objecting to an order relating to assessment passed by the Commissioner *suo motu* under sub-section (1) of Section 14 may appeal to the High Court within sixty days from the date on which the order was communicated to him :

Provided that the High Court may admit an appeal preferred after the period of sixty days aforesaid if it is satisfied that such importer had sufficient cause for not preferring the appeal within that period.

(2) The appeal shall be in the prescribed form, shall be verified in the prescribed manner and shall be accompanied by a fee calculated at the rate of

two per cent of tax or penalty under dispute subject to a minimum of one hundred rupees and a maximum of two thousand rupees.

(3) The High Court shall, after giving both parties to the appeal a reasonable opportunity of being heard, pass such order thereon as it thinks fit.

(4) The provisions of sub-sections (6), (7), (8) and (9) of section 16 shall apply in relation to appeal preferred under sub-section (1) as they apply in relation to petitions preferred under sub-section (1) of Section 16.

CHAPTER - VI

PENALTY AND CHECKING OF MOTOR VEHICLES

18. Penalty.— (1) Where any person liable to pay tax under this Act, fails to comply with any of the provisions of this Act, the assessing authority may, after giving such person a reasonable opportunity of being heard, by order, in writing, impose on him, in addition to any tax payable, a sum by way of penalty not exceeding twice the amount of the tax due.

(2) If any person liable to pay tax under this Act, does not, without reasonable cause, pay the tax within the time he is required by or under the provisions of this Act, to pay it, the assessing authority may, after giving such person a reasonable opportunity of being heard by order, in writing, impose upon him by way of penalty, in addition to the amount of tax and penalty under sub-section (1), a sum equal to :—

- (a) one and a half per cent of the amount of tax for each month for the first three months after the last date by which the person should have paid the tax; and
- (b) two per cent of amount of tax per each month thereafter during the time the person continues to make default in the payment of the tax.

19. Officers competent to check Motor Vehicles in Local areas.—

(1) Any officer of the Commercial Taxes Department authorised by the Government under sub-section (3) shall have power to stop any motor vehicle that is being brought into any local area for sale or use and examine the documents relating to purchase of the vehicle and payment of tax due thereon under this Act.

(2) The person incharge of the vehicle shall stop the vehicle and keep the vehicle stationary so long as it is necessary for examination mentioned in

sub-section (1) and shall give the details about the purchase of the vehicle and payment of tax under this Act.

(3) The Government may authorise any officer of the Commercial Taxes Department, not below the rank of Commercial Tax Officer to exercise the powers specified in sub-section (1) in such local areas or part thereof as may be notified from time to time.

20. Impounding of Motor Vehicle on Import of which Tax is not paid.— If a person liable to pay tax in the manner as laid down under sub-section (2) of Section 4 fails to pay tax within 15 days from the entry of motor vehicle into the local area or before an application is made for registration of the vehicle under the Motor Vehicles Act, 1988, whichever is earlier, then the designated officer shall forthwith impound the vehicle in respect of which tax has remained unpaid and keep the vehicle impounded till the amount of tax and penalty due and payable is paid in full :

Provided that, if the amount of tax and penalty is not paid within one month of impounding of the vehicle, the designated officer shall have power to sell the vehicle in the prescribed manner, by auction and apply the sale proceeds towards recovery of the tax, penalty and costs. The remainder, if any, shall be refunded to the importer :

Provided further that, if, at any time before the auction of the vehicle, the importer pays the tax, penalty and costs, if any, incurred towards holding the auction, then, the designated officer may, after satisfying that all the dues as aforesaid have been fully paid by the importer cancel the auction and return the vehicle to the importer.

CHAPTER - VII

MISCELLANEOUS

21. Officers and Employees to be Public Servants.— All officers and employees acting under the provisions of this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

22. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Government or any officer or employee for anything which is, in good faith, done or intended to be done under this Act.

23. Restriction on registration.— Notwithstanding anything contained in any other law for the time being in force, where the liability to

pay tax in respect of a motor vehicle arises under this Act, and such motor vehicle is required to be registered in the State under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), no registration authority shall register such motor vehicle, unless payment of such tax has been made by the person concerned in respect of that vehicle.

24. Offences.— (1) Any person, who—

- (a) fails to pay, within the time allowed any tax assessed or any penalty imposed on him under this Act; or
- (b) wilfully acts in contravention of the provisions of this Act or the rules made thereunder; shall, on conviction, be liable to be punished with fine which may extend to two thousand rupees.

(2) Any person, who,—

- (a) wilfully submits an untrue return or fails to submit a return as required by the provisions of this Act or the rules made thereunder; or
- (b) fraudulently evades the payment of any tax, and other amount due from him under this Act, shall on conviction, be liable to be punished, if it is a first offence, with fine which may extend to two thousand rupees, and if it is a second or subsequent offence, with simple imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(3) Any person who makes any statement or declaration in any of the records or documents which statement or declaration he knows or has reason to believe to be false shall, on conviction, be liable to be punished with simple imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(4) Any person, who is in any way knowingly concerned in any fraudulent evasion or attempt at evasion or abetment of evasion of any tax payable under this Act, shall, on conviction, be liable to be punished with simple imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

25. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of, or try, an offence under this Act.

(2) No prosecution for an offence under sub-section (2) of section 24 or for any second or subsequent offence under sub-section (2) of that section

shall be instituted except with the written consent of the Deputy Commissioner having jurisdiction over the local area.

26. (1) The prescribed authority may accept from any person, who has committed or is reasonably suspected of having committed an offence under this Act by way of composition of such offence :—

- (a) where the offence consists of failure to pay, or the evasion of, any tax recoverable under this Act, in addition to the tax so recoverable a sum of money not exceeding two thousand rupees or double the amount of the tax recoverable, whichever is greater; and
- (b) in other cases, a sum of money not exceeding two thousand rupees.

(2) Any order passed or proceeding recorded by the prescribed authority under sub-section (1), shall be final and no appeal or application for revision shall lie therefrom.

27. An assessing authority, an appellate authority or a revision authority shall, for the purpose of this Act, have power :—

- (a) to summon and enforce the attendance of any person to examine him on oath or affirmation; and
- (b) to require the production of any document.

28. Save as otherwise expressly provided in this Act, no Court shall entertain any suit or other proceeding to set aside or modify or question the validity of an assessment order or decision made or passed by any officer or authority under this Act or any rules made thereunder or in respect of any other matter falling within its or his scope.

29. No assessment made, penalty or compounding fee levied or other order passed by any officer or authority under this Act, shall be set aside merely on account of any defect or irregularity in the procedure relating thereto, unless it appears that such defect or irregularity has in fact occasioned material hardship or failure of justice.

30. Power to make Rules.— (1) The Government may, by notification, make rules, either prospectively or retrospectively, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters,

namely:—

- (a) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;
- (b) all matters expressly required or allowed by this Act, to be prescribed;
- (c) generally regulating the procedure to be followed and the forms to be adopted in the proceedings under this Act;
- (d) any other matter including levy of fees for which there is no specific provision in this Act, and for which provision is in the opinion of the Government, necessary for giving effect to the purposes of this Act; and
- (e) the procedure for any other matter incidental to the disposal of appeal and the value of Court-Fee Stamp, which a memorandum of appeal or revision should bear.

(3) Every rule made under this section shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled 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.

31. Repeal of Ordinance 22 of 1996.— The Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Ordinance, 1996 is hereby repealed.

D D D D D

ANDHRA PRADESH TAX ON ENTRY OF MOTOR VEHICLES INTO LOCAL AREAS RULES, 1996

[G.O.Ms.No.849, Revenue (CT.II) Department, dt.18-10-1996]

In exercise of the powers conferred by Section 30 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996), the Governor of Andhra Pradesh hereby makes the following Rules.

1. Title and Commencement.— (i) These rules may be called the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Rules, 1996.

(ii) They shall come into force with effect on and from the 1st August, 1996.

2. Definitions.— (1) In these Rules, unless the context otherwise requires :—

(a) “**Act**” means the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996.

(b) “**Form**” means a form appended to these rules.

(c) “**Government Treasury**” means a Treasury or Sub-Treasury of the Government.

(d) “**Month**” means a calendar month.

(e) “**Section**” means a Section of the Act.

(2) Words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act.

3. Returns.— (1) Every Importer other than those falling under sub-rule (6), liable to pay tax under Section 3 of the Act, shall submit, so as to reach the assessing authority on or before the 20th of every month, a return in Form M-1 in duplicate showing the total and net purchase price of all or any of the motor vehicles on which tax is payable for the preceeding month and along with the return he shall submit a receipt from the Government Treasury or a crossed demand draft in favour of the assessing authority for the full payment of tax payable for the month to which the return is related.

(2) In the case of an importer having more than one place of business in the local area, all returns prescribed by these rules shall be submitted by the principal place of business in the local area in the State and shall include the total purchase value of all or any of the motor vehicles of all the places of his business. Each place of business in any local area shall also :—

- (a) submit to the assessing authority of the local area in which it is situated a return of the total and net purchase value of the motor vehicles of the place of business in Form M-1; and
- (b) intimate to such authority the fact that the return of the total and net purchase value of all motor vehicles is included in the return submitted by its principal place of business in the local area and specify the name and address of such principal place of business in the local area.

(3) The returns so filed shall subject to the provisions of sub-rules (4) and (5) be provisionally accepted.

(4) Where any importer fails to submit the return in respect of any month before the date prescribed in that behalf or if the return submitted appears to be incorrect or incomplete the assessing authority shall after following the procedure prescribed in Rule 4 determine the purchase value to the best of the judgment and provisionally assess the tax or taxes payable for the month and shall serve upon the dealer a notice in Form D-1 and the importer shall pay the sum demanded within the time and in the manner prescribed in the notice.

(5) Where any importer submits a return without a Government Treasury receipt or crossed demand draft for the full amount of the tax payable the assessing authority shall provisionally assess the taxes payable for the month and shall serve upon the dealer a notice in Form D-1 for the tax due and the importer shall pay the sum demanded within the time specified in the notice.

(6) (a) An importer other than a dealer shall file a return in Form M-2 along with the proof of payment of tax due thereon before such authority, as may be notified by the Commissioner, within fifteen days from the date of Entry of such vehicle into a local area or before an application is made for registration of the said vehicle or assignment of a new registration mark to such vehicle under the Motor Vehicles Act, 1988, whichever is earlier.

- (b) Tax due thereon shall be paid by tendering a challan or a demand draft or payment order issued in favour of such authority.

- (c) If such authority is satisfied that return is true, correct and complete he shall pass an order in Form M-3 and a copy shall be marked to the importer.
- (d) If the return filed in Form M-2 does not appear to be correct and complete the designated authority shall determine the purchase value of motor vehicle and tax to be paid thereon and serve on the importer a notice in Form M-4 and the importer shall pay the sum demanded within the time and in the manner specified in the notice.

4. Assessment.— (1) After the close of the year for which returns have been submitted under Rule 3 or in the course of the year, where an importer has discontinued business, the assessing authority shall if he is satisfied after such scrutiny of the accounts and making such enquiry as he considers necessary that the returns filed are correct and complete, finally assess in a single order on the basis of the return(s), the tax payable for the year to which the return(s) relate.

(2) Where any importer fails to submit return or returns before the date prescribed in that behalf or if any return or returns submitted by him appears to the assessing authority to be incorrect or incomplete, the assessing authority shall after giving the dealer an opportunity as mentioned in sub-section (3) of Section 8 determine the purchase value of motor vehicles to the best of his judgment and finally assess in a single order the tax or taxes payable.

(3) If on final assessment under sub-rule (1) or sub-rule (2), any tax is found to be due from the importer after deducting the tax or taxes paid by him towards the provisional assessment made under Rule 3, the assessing authority shall serve on the importer a notice in Form D-2, and the dealer shall pay the sum demanded in the notice therein. If, however, any refund of tax, is found to be due to the dealer, the assessing authority shall serve on him a notice in Form R.

5. (1) Where any business carried on by a firm, a Hindu undivided family or an association has been discontinued or dissolved, the assessing authority shall make an assessment under Section 8 of the Act on the firm, the Hindu undivided family or association as if no such discontinuance or dissolution had taken place, and all the provisions of the Act including the provisions relating to the levy of penalty or any other sum chargeable under the provisions of the Act shall apply, so far as may be to such assessment.

(2) Every person who was at the time of such discontinuance or dissolution, a partner of such firm or a member of such Hindu undivided

family or association and legal representative of any such persons who is deceased shall be jointly and severally liable for the amount of the tax, penalty or other sum payable, and all the provisions of the Act, so far as may be, shall apply to any such assessment or levy of penalty or other sum.

6. (1) Subject to provisions of Section 13 any person aggrieved by an order passed or proceedings recorded under the provisions of the Act may appeal to the Appellate Deputy Commissioner of Commercial Taxes having jurisdiction over the area :

Provided that the Commissioner may, either *suo motu* or on an application, for the reasons to be recorded in writing, transfer an appeal pending before an Appellate Deputy Commissioner of Commercial Taxes to another Appellate Deputy Commissioner of Commercial Taxes :

Provided further that the order of transfer shall be communicated to the appellant or petitioner, to every person affected by the order, the authority against whose order the appeal or petition was preferred and to the Appellate Deputy Commissioner of Commercial Taxes.

(2) (i) Every such appeal shall be in Form-I and verified in the manner specified therein.

(ii) It shall be in duplicate.

(iii) It shall be accompanied by the following documents namely :—

(a) where it is an appeal against an order of assessment, by a Government Treasury receipt in support of having paid the fee calculated at the rate of two per cent of the disputed tax or penalty subject to a minimum of fifty rupees and a maximum of rupees one thousand;

(b) where it is an appeal against an order not being an order of assessment or penalty by Court fee stamps of the value of three rupees affixed to one of the copies.

(3) The appeal may be sent to the appellate authority by registered post or be presented to that authority or to such officer as the appellate authority may appoint in this behalf by the appellant or by his authorised agent or a legal practitioner.

(4) The appellate authority after giving the appellant reasonable opportunity of being heard pass such orders as laid down in sub-section (3) of section 13 of the Act.

7. For the purpose of the exercise of the powers of the nature referred to in sub-section (1) of Section 14, the authorities specified in Column (1) of the Table below shall be deemed to be subordinate to the authority specified in the corresponding entry in Column (2) thereof.

TABLE

(1)	(2)
1. Additional Commissioners of Commercial Taxes	Commissioner of Commercial Taxes.
2. Joint Commissioner of Commercial Taxes including Appellate Deputy Commissioner of Commercial Taxes, Assistant Commissioners of Commercial Taxes and Commercial Tax Officers.	Commissioner of Commercial Taxes.
3. Deputy Commissioner of Commercial Taxes (including Appellate Deputy Commissioners of Commercial Taxes, Assistant Commissioners of Commercial Taxes and Commercial Tax Officers).	Additional Commissioner of Commercial Taxes.
4. Assistant Commissioners of Commercial Taxes and Commercial Tax Officers.	Deputy Commissioner of Commercial Taxes of the Division concerned.

8. Every order of an Appellate or Revising Authority under section 13 or Section 14 respectively, as the case may be, shall be communicated to the Appellant or the party affected by the order, to the assessing Authority against whose order the appeal was filed or to any authority concerned.

9. (1) (i) Every appeal preferred under Section 15 to the Appellate Tribunal shall be in Form-II and shall be verified in the manner specified therein.

(2)(i) Every such appeal shall clearly set forth the grounds of appeal and the relief prayed for; and shall be accompanied by the following; namely :—

- (a) four spare copies thereof;
 - (b) five copies of the order appealed against (one of which shall be the original or the authenticated copy); and
 - (c) four copies of the order of the assessing authority.
- (ii) it shall be accompanied by a Treasury receipt in support of having paid :—
- (a) in cases where the levy of tax or penalty is disputed; a fee calculated at the rate of two per cent of the disputed tax subject to a minimum of rupees one hundred and a maximum of rupees two thousand; and
 - (b) a fee of rupees one hundred in all other cases.

(2) If the Appellate Tribunal allows any appeal preferred by an assessee under Section 15, it may in its discretion, by order refund either wholly or partly the fees paid by the assessee under sub-section (3) of Section 15.

(3) Every order passed by the Appellate Tribunal under Section 15 shall be communicated to the Appellate Deputy Commissioner and to the State Representative before the Appellate Tribunal, in addition to those specified in the sub-section (8) of Section 15.

10. (1) Within ninety days from the date on which the order of the Appellate Tribunal, under sub-section (4) of Section 15 was communicated to the importer, he or the State Representative may prefer a petition to the High Court of Andhra Pradesh under Section 16 against the order on the ground that the Appellate Tribunal has decided either erroneously or has failed to decide any question of law.

(2) Every petition under sub-section (1) of Section 16 of the Act to High Court shall be in Form-III and shall be verified in the manner specified therein.

(3) Such petition shall be accompanied by a certified copy of the order of the Appellate Tribunal and where it is preferred by the proprietor be accompanied by a fee of rupees five hundred.

11. Every appeal under sub-section (1) of Section 17 to the High Court shall be in Form-IV and shall be verified in the manner specified therein. It shall be preferred within sixty days from the date on which the order was communicated and shall be accompanied by a certified copy of the order of the Commissioner appealed against and a fee calculated at the rate of two percent of tax or penalty under dispute subject to a minimum of one hundred rupees and a maximum of two thousand rupees.

12. (1) Every application for review under Section 16 or Section 17 to the High Court shall be in either Form-V or in Form-VI respectively and shall be verified in the manner specified therein.

(2) It shall be preferred within one year from the date of communication to the petitioner of the order sought to be reviewed, and where it is preferred by the importer be accompanied by a fee of Rupees five hundred.

Accounts

13. (1) Every importer who is a dealer in motor vehicle and who is liable to pay tax under the Act shall keep and maintain a true and correct account promptly in any of the languages specified in the Eighth Schedule to the Constitution of India, or in English language showing :—

- (i) the value of motor vehicle bought by him;
- (ii) names and addresses of each of the person from whom motor vehicles were purchased and supported by a bill or delivery note issued by the seller; and
- (iii) the descriptive and quantitative particulars of motor vehicles. In case they are not bought but received into or a godown of the importer with the names and addresses of the owners supported by necessary vouchers and the circumstances under which they are received or kept.

2. An importer not being a dealer shall keep minimum accounts to indicate the details such as purchase value etc., in respect of the entry of motor vehicle into local area effected by him.

Miscellaneous

14. (1) Any Assessing, Appellate or Revising Authority may, at any time within four years from the date of any order passed by him, rectify any clerical or arithmetical mistake apparent from the record :

Provided that no such rectification which has the affect of enhancing an assessment or any penalty shall be made unless the assessing or appellate

authority has given notice to the dealer of his intention to do so, and has allowed him a reasonable opportunity of being heard.

15. If an importer enters into a partnership in regard to his business, he shall report the fact to the assessing authority within thirty days of his entering into such partnership. The importer and the partner shall jointly and severally be responsible for the payment of the tax or renewal of penalty leviable under the Act.

16. In case of default of payment of the tax or penalty leviable under the Act, the properties of the firm may be proceeded against, in the first instance for the recovery of the amount due from the firm.

17. If a partnership is dissolved, every person who as a partner shall send a report of the dissolution to the assessing authority within thirty days of such dissolution.

18. If at any time a dealer :—

- (a) discontinues or sells or otherwise disposes of the whole or any part of any business carried on by him; or
- (b) changes his place of business or any of his places of business; or
- (c) opens a new place of business; or
- (d) changes the name of any business carried on by him, the dealer or if he is dead, the legal representative of the deceased, shall notify the fact to the assessing authority concerned within thirty days thereafter.

19. Any assessing, or revising authority may issue summons in Form IX for the production of any document or for the appearance of any person.

20. The service on a dealer of any notice, summon, order or proceedings under the Act or under these rules, may be effected in any of the following ways, namely :—

- (a) by delivering or tendering it to such importer or to his manager or to his agent who is concerned with the business; or
- (b) if such importer or his manager or agent is not found, by leaving it at his last known place of business or residence or by delivering or tendering to some adult member of his family; or

- (c) if the address of such importer is known to the assessing authority, by sending it to him by registered post with acknowledgment due; or
- (d) if any or all of the modes aforesaid is not practicable, by affixing it in some conspicuous place at his last known place of business or residence.

Designated Officer to ascertain payment of amount of tax

21. The Designated Officer, who is notified under sub-section (2) of Section 4 of the Act, shall ascertain whether the importer not being a dealer has paid the amount of tax due in full within the period of fifteen days from the date of entry of the motor vehicle into a local area or before an application is made for registration under the Motor Vehicles Act, 1988 whichever is earlier, by obtaining from the Assessing Authority a copy of the order in Form M-3 issued by the Assessing Authority to the importer. If the Importer has not paid the tax, then the Designated Officer shall impound the vehicle forthwith."

22. Reduction of tax paid by an importer under the *General Sales Tax Law in force in any other State or Union Territory :—

- (1) In assessing the amount of tax payable in respect of any period by an importer, who is not a dealer in motor vehicles the Assessing Authority shall, in respect of his purchase of motor vehicle, the entry of which into the local area of the State is liable to tax, as the case may be, reduce the following amounts; namely :—
 - (a) the sum collected separately by way of sales tax from the importer by the manufacturer/authorised dealer, situated in any other State or Union Territory in respect of the motor vehicle so purchased under the law relating to *General Sales Tax as may be in force in that State or Union Territory, or,
 - (b) in case not covered in Clause (a) above, the sum assessed by a competent authority and in fact paid into the Government Treasury of any other State or Union Territory in respect of a motor vehicle which is subsequently purchased by the importer :

Provided that, no reduction under Clause (b) shall be granted unless the importer proves that the said tax has in fact been assessed by a competent

*. Now see Value Added Tax Act.

authority and has in fact been paid into the Government Treasury of the concerned State or Union Territory.

23. Notice for payment of penalty as specified in Section 18, shall be issued in Form-VII.

FORM - M1

MONTHLY RETURN OF PURCHASE VALUE

(To be filled by Importer who is a dealer)

[See Rules 3(1) and (4)]

To

The Commercial Tax Officer.

I.....Son/Daughter/Wife ofbeing the importer on behalf of dealer carrying on business known asfurnish herewith the statement of total and net purchase value of the motor vehicles entered into local area(s) during the(month/year) and give the following connected particulars:—

- (1) Name and address of the manager of the business.
- (2) Status or relationship of the person who signs this form (Manager/Partner/Proprietor etc.,)
- (3) Name and address of the Principal place of business with particulars of registration.

Name

A.P.T.E.M.V. into Local Areas Act. A.P.G.S.T. Act C.S.T. Act

Registration Certificate No.

Address:

.....
.....
.....

- (4) Name (s) of the other places of business in notified local areas and the address of every such place (if space provided for is not sufficient, information shall be furnished in a separate sheet and enclosed to this return)

**STATEMENT OF MONTHLY TOTAL AND NET
PURCHASE PRICE OF MOTOR VEHICLES ENTERED
INTO THE LOCAL AREA(S)**

Local Area	Description of Motor Vehicles	Total Purchase Value	Purchase price on which exemption	Net Purchase value
1	2	3	4	5
Amount Rs. Demand Draft and date / Challan Number and Date, Treasury				
Total				
Rate of tax	Tax due	Tax provisionally paid	Balance of tax due	Particulars of balance due
6	7	8	9	10
Total				

DECLARATION

I,Son/Daughter/Wife of declare that, to the best of my knowledge and belief the information furnished in the above statement is true and complete.

Signature

Name (in Block Letters)

Status and Relation to the importer.

Place :

Date :

Note :— 1. Show the purchase value in respect of motor vehicle in each local area in separate line and then strike the total in the last line.

FORM - D1

**NOTICE OF PROVISIONAL MONTHLY ASSESSMENT
AND DEMAND**

[See Rule 3(4)]

To

Importer

Assessment No.

Take notice that you have been provisionally assessed under the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 to a tax of Rs. (Rupeesonly) (in words) for the month/months ofand after deducting the payment(s) already made by you towards the tax for (that month/those months) you have to pay a (further) sum of Rs..... (Rupees.....only) (in words). This balance of tax shall be paid from the date of service of this Notice..... by demand draft in favour of the undersigned.....or by remittance into the Government Treasury at failing which the amount will be recovered as if it were an arrear of land revenue and you will also be liable to penal interest as provided in Section 18 of the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996. Purchase price as determined by the Assessing Authority in respect of

Description of the Motor Vehicles	Rate of Tax	Taxable purchase value	Tax payable
(1)	(2)	(3)	(4)

Total Rs.

Place :

Date :

Note.— If payment is made by demand draft, the demand draft shall be crossed and shall be such as under the Andhra Pradesh Treasury Code, may be received by the Treasury concerned.

FORM - D2

[See Rule 4(3)]

NOTICE OF ANNUAL ASSESSMENT AND DEMAND

To

Importer

Assessment No.

Take notice that you have been finally assessed under the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 to a tax of Rs..... (Rupees..... only (in words) for the year ending and that after deducting the total amount of the monthly payment(s) already made by you towards the tax for that year, you have to pay a (further) sum of Rs..... (Rupees only) (in words). This balance of tax shall be paid within (.....days) from the date of service of this noticeby demand draft in favour of the undersigned or by remittance into the Government Treasury atfailing which the amount will be recovered as if it were an arrear of land revenue and you will also be liable to penal interest as provided in Section 18 of the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996.

Purchase price as determined by the Assessing Authority in respect of.....

Description of the Motor Vehicles	Rate of Tax	Taxable purchase value	Tax payable
(1)	(2)	(3)	(4)

Total Rs.

Place :

Date :

Assessing Authority

Note.— If payment is made by demand draft, the demand draft shall be crossed and shall be such as under the Andhra Pradesh Treasury Code, may be received by the Treasury concerned.

FORM - M2

**RETURN OF PURCHASE PRICE BY AN IMPORTER
OTHER THAN A DEALER**

[See Rule 3(6)(a)]

To

The Commercial Tax Officer.

I..... Son/Daughter/Wife of furnish herewith the statement of total and net purchase price of the motor vehicle entered into local area(s) and give the following connected particulars :

- (1) Name of the vehicle.....
(Model & make, Chassis No.)
- (2) Name and address of the seller of the vehicle.....
- (3) Date of entry into the Local area in the State.....
- (4) Invoice and purchase value.....
(Invoice price, Insurance, Freight value of accessories to be stated)
- (5) Place of registration.....
(If vehicle is registered in other States or Union Territory)
- (6) Entry Tax due to be paid on purchase value of motor vehicle.....
.....
- (7) Tax paid in other State or Union Territory
- (8) Tax to be paid
(6-7)

I hereby declare that the particulars furnished above are true and correct.

Signature of owner of vehicle.

FORM - M3

ORDER

[See Rule 3(6)(c)]

Received Demand Draft/Pay Order No..... dated..... drawn in favour of Commercial Tax Officer for Rs..... (in figures) Rupees (in words) from Shri.....

Address:..... issued by (bank).....(branch)..... being full payment of the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 on import of following vehicle :—

1. Model :
2. Engine No. :
3. Chassis No. :
4. Purchase Price :Rs.....

(including incidental charges paid prior to Registration under motor vehicles Act, 1988).

5. Amount of Tax (and penalty if any) payable : Rs.
6. Less : Local Sales Tax paid, if any, in the State where the vehicle is purchased : Rs.
7. Amount of Tax under the Act paid by Demand Draft/Pay Order : Rs.
8. Balance Tax payable under the Act : Rs.

9. Shri an importer has paid in full the amount as per return filed by above-mentioned Demand Draft/Pay Order. The Return filed by him is accepted and balance tax payable is Nil (Subject to realisation of Demand Draft/Pay Order).

Seal :

Place :

Date :

Designation.

FORM - M4

NOTICE OF FINAL ASSESSMENT

[See Rule - 3(6)(d)]

To

(Importer)

Take notice that you have been finally assessed under the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 to a tax of

Rs..... (Rupees..... only) (in words). The total amount of tax paid by you already is Rs.....(Rupees.....only) (in words). You have to pay a further sum of Rs..... (Rupeesonly) (in words). This balance of tax shall be paid within..... days from the date of service of this notice by Cheque/D.D. in favour of undersigned or by remittance into the Government Treasury at failing which the amount will be recovered as if it were an arrear of land revenue and you will also be liable to interest.

Purchase value and total tax payable as determined by the assessing authority in respect of :—

Description of the Motor Vehicles	Rate of Tax	Taxable purchase value	Tax payable	Tax paid	Balance to be paid
(1)	(2)	(3)	(4)	(5)	(6)

Total Rs.

Place :

Date :

Assessing Authority.

Note: If payment is made by demand draft, the demand draft shall be crossed and shall be such as under the Andhra Pradesh Treasury Code, may be received by the Treasury concerned.

FORM - R

NOTICE OF ANNUAL ASSESSMENT AND REFUND ORDER

[See Rule - 4(3)]

To

(Importer)

Take notice that you have been finally assessed under the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 to a tax of Rs..... (Rupees only) (in words) for the year ending the The total amount of tax paid by you already is Rs..... (Rupees only) (in words) that is Rs..... in excess of the tax due.

(2) Out of the above excess a sum of Rs..... will be adjusted towards tax due from you for the period.

A refund order for the amount of Rs..... is enclosed. You should apply to the Government Treasury at (for the refund of the sum) within three months from the date of issue of this notice failing which the amount will lapse to the Government.

Purchase value as determined by the assessment authority in respect of

Description of the Motor Vehicles	Rate of Tax	Taxable purchase value	Tax payable
(1)	(2)	(3)	(4)

Place :

Date: Assessing Authority.

*in Para 3 the in applicable portion shall be scored out.

FORM - I

FORM OF APPEAL UNDER SECTION 13

[See Rule 6(2)(i)]

To

The Appellate Deputy Commissioner of Commercial Taxes of

The day of 19

1. Name(s) of appellant(s)
2. Assessment Year
3. Authority passing the order or proceeding disputed.
4. Date on which the order or proceeding was communicated.
5. Address to which notice may be sent to the Applicant.

6. Relief claimed in appeal
 - a. Purchase value of determined by the assessing authority.
 - b. If value is disputed
 - (i) disputed value
 - (ii) tax on disputed value
 - c. If rate of tax is disputed
 - (i) Value of involved
 - (ii) Amount of tax disputed
 - d. Any other relief claimed
7. Grounds of appeal etc.

(Signed) Appellant (s)

Signed Authorised representative, if any.

VERIFICATION

I/We..... the appellant(s) named in the above appeal do hereby declare that what is stated therein is true to the best of my/our knowledge and belief.

Verified today the day of 19

(Signed) Appellant(s)

(Signed) Authorised representative, if any

Note.— 1. The appeal should be accompanied by the order appealed against in original or by a certified copy thereof unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority.

2. The appeal should be written in English and should set forth concisely and under distinct heads the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.

3. (i) The appeal shall be in duplicate.
 - (ii) The appeal shall be accompanied :—
 - (a) Where it is an appeal against an order of assessment, by a treasury receipt in support of having paid the fee calculated at the rate of the disputed tax or

penalty subject to a minimum fifty rupees and a maximum of one thousand rupees. The fee shall be credited into a Government Treasury to the following Account “.....”

- (b) Where it is an appeal against an order not being an assessment, by Court fee stamps of the value of three rupees affixed to one of the copies.

FORM - II

**FORM OF APPEAL MEMORANDUM TO
THE APPELLATE TRIBUNAL**

[See Rule 9(1)(i)]

**Appeal Memorandum to the Appellate Tribunal
In the Appellate Tribunal, Andhra Pradesh.**

No. of 19

..... Appellant (s)

Versus

..... Respondent (s)

1. District in which assessment was made.
2. Assessment Year.
3. Authority passing the original order in dispute.
4. Appellate Deputy Commissioner of Commercial Taxes passing the order under Section 13(3) or the Deputy Commissioner or Joint Commissioner/Additional Commissioner passing an order under Section 14(2).
5. Date of Communication of the order now appealed against.
6. Address to which notice may be sent to the appellant.
7. Address to which notices may be sent to the respondent.

8. Relief claimed in appeal:

- (a) Purchase Value of motor Vehicle determined by the assessing authority passing the assessing order disputed.
- (b) Purchase value of motor vehicle confirmed by the Appellate Deputy Commissioner of Commercial Taxes or by Deputy Commissioner or Joint Commissioner/ Additional Commissioner as the case may be.
- (c) If purchase value is disputed—
 - (i) Disputed value
 - (ii) Tax due on the dispute value
- (d) If rate of tax is disputed—
 - (i) Purchase value involved
 - (ii) Amount of the tax
- (e) Specify, if any, other relief claimed.

9. Grounds of appeal etc.

(Signed) Appellant(s)

(Signed) Authorised representative, if any.

VERIFICATION

I/We..... the appellant(s) do hereby declare that what is stated above is true to the best of my/our knowledge and belief.

Verified today the day of19

(Signed) Appellant(s)

(Signed) Authority representative, if any.

Note.— 1. The appeal should be in quadruplicate and should be accompanied by four copies (atleast one of which should be the original or an authenticated copy) of the order appealed against and also three copies of the order of the assessing authority.

2. The appeal shall be accompanied by a Treasury receipt in support of having paid a fee calculated at the rate of two per cent of the disputed tax or

penalty subject to a minimum of Rs.100/- and maximum of Rs.2,000/- in cases where the levy of tax is disputed and fee of Rs.100/- in all other cases. The fee should be credited in a Government Treasury to the following head of account :—

“.....”

3. The appeal should be written in English and should set forth concisely and under distinct heads the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.

FORM - III

REVISION PETITION

**In the High Court of Andhra Pradesh at Hyderabad
[Appellate Side]**

Memorandum of Civil Revision Petition

[Under Section 16(1)]

[See Rule 10(2)]

Civil Revision Petition No.

..... Petitioner

Versus

..... Respondent

Revision/Petition presented to the High Court to revise the Order of the Appellate Tribunal.

Date and passed in

1. District in which the assessment was made.
2. Assessment year.
3. The designation of the Officer whose orders were appealed against before the Appellate Tribunal.
4. Date of Communication of the order of the Appellate Tribunal.
5. Findings of the Appellate Tribunal (State in serial and appropriate order the relevant findings arrived at by the Tribunal).

6. Question of law raised for decision by the High Court (here formulate the question of law raised concisely, etc.)

(Signed) Petitioner(s)

(Signed) Authorised representative, if any.

VERIFICATION

I/We..... the petitioner(s) do hereby declare that what is stated above is true to the best of my/our knowledge and belief.

Verified today the day of 19

(Signed) Petitioner(s)

(Signed) Authorised representative, if any

Note.— 1. The petition should be accompanied by a certified copy of the order of the Appellate Tribunal.

2. The petition should (if preferred by a dealer) be accompanied by a fee of Rs. 500/-

3. The petition should be written in English and should be set forth concisely and under distinct heads the facts of the case, the findings arrived at by the Tribunal, and the questions of law, raised consecutively. There should be no argument or narrative.

FORM - IV

APPEAL

**In the High Court of Andhra Pradesh at Hyderabad (Appellate Side)
Memorandum of appeal against order**

[Under Section 17]

[See Rule 11]

Appeal against order No.

..... Appellant (s)

Versus

..... Respondent (s)

Appeal against the order of the Commissioner of Commercial Taxes - datedand passed in

1. District in which the assessment was made
2. Assessment year
3. Assessing Authority passing the original order.
4. State if the order was modified at any time previously by any officer subordinate to the Commissioner of Commercial Taxes and if so in what manner (state the results of modification briefly)
5. Date of communication of the order of the Commissioner of Commercial Taxes.
6. Address to which notice may be sent to the appellant.
7. Address to which notice may be sent to the respondent.
8. Relief claimed in appeal—
 - (a) Purchase value of determined by the assessing authority.
 - (b) Value as modified prior to *suo motu* revision by the Commissioner of Commercial Taxes.
 - (c) Value as modified and fixed by the Commissioner of Commercial Taxes.
 - (d) Relief Claimed
 - (e) Grounds of appeal
 - (i) State the facts disputed briefly.
 - (ii) State the question of law revised, for decision by the High Court.

(Signed)

Appellant(s)

(Signed)

Authorised representative, if any.

VERIFICATION

I/We..... the applicant(s) do hereby declare that what is stated above is true to the best of my/our knowledge and belief.

Verified today the day of19

(Signed) Appellant(s)

(Signed) Authorised representative, if any.

Note.— 1. The appeal should be accompanied by a certified copy of the order of the Commissioner of Commercial Taxes appealed against.

2. The appeal should be accompanied by a fee calculated at the rate of two per cent of tax or penalty under dispute subject to a minimum of one hundred rupees and a maximum of two thousand rupees.

3. The appeal should be written in English and should set forth concisely and under distinct heads, the fresh facts of the case, the grounds of appeal and the points of law raised consecutively.

FORM - V

REVIEW

**In the High Court of Andhra Pradesh at Hyderabad (Appellate Side)
Memorandum of Civil Miscellaneous Petition**

(Under Section 16)

[See Rule 12(1)]

Civil Miscellaneous Petition No.

..... Petitioner

Versus

..... Respondent

Petition for review of the order of the High Court, dated and passed in Civil Revision Petition No.....

1. Number and date of the order of the High Court now sought to be reviewed.
2. Date of communication of the order.

3. Question of law decided by the High Court
(here formulate the decisions of the High Court concisely.)
4. Fresh facts, which were not before High Court concisely
5. Questions of law now raised, etc.

(Signed) Applicant(s)

(Signed) Authorised Representative, if any.

VERIFICATION

I/We..... the applicant(s) do hereby declare that what is stated above is true to the best of my/our knowledge and belief.

Verified today the day of19

(Signed) Applicant(s)

(Signed) Authorised representative, if any.

Note.— 1. The application should be accompanied by a certified copy of the Order of the High Court sought to be reviewed.

2. The application should if it is preferred by a dealer be accompanied by a fee of Rs. 500/-.

3. The application should be written in English and should set forth concisely and under distinct heads, the fresh facts which were not before the High Court at the time of passing original order.

There should be no argument or narrative.

FORM - VI

REVIEW PETITION

**In the High Court of Andhra Pradesh at Hyderabad
(Appellate Side)**

Memorandum of Civil Miscellaneous Petition

(Under Section 17 of the Act)

[See Rule 12(1)]

Civil Miscellaneous Petition

.....
.....
Petitioner
Versus
.....
.....
Respondent

Petition for review of the order of the High Court and passed in date
..... appeal against order No.....

1. Number and date of the order of the High Court sought to reviewed.
2. Date of communication of the order.
3. Question of fact decided by the High Court.
4. Question of law decided by the High Court.
5. Fresh facts which were not before the High Court when it passed the original order (State facts briefly without a narrative.
6. Questions of fact now raised.
7. Questions of law now raised.

(Signed) Appellant(s)
(Signed) Authorised representative, if any.

VERIFICATION

I/We..... the applicant(s) do hereby declare that what is stated above is true to the best of my/our knowledge and belief.

Verified today the day of199

(Signed) Appellant(s)
(Signed) Authorised representative, if any.

Note. — 1. The application should be accompanied by a certified copy of the Order of the High Court sought to be reviewed.

2. The application should, if it is preferred by a dealer be accompanied by a fee of Rs. 500/-.

3. The application should be written in English and should set forth concisely and under distinct heads of fresh facts which were not before the High Court at the time of passing original order and the question of facts and law raised. There should be no argument or narrative.

FORM - VII

NOTICE OF PENALTY AND DEMAND

[See Rule 23]

Assessment No.

Penalty Register No.

To

(Importer)

Take notice that you have to pay a penalty of Rs.....
(Rupees only) (in words) under Section
of the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act,
1996. The penalty shall be paid within thirty/..... days from the date
of receipt of this notice by Demand Draft in favour of the undersigned
..... or by remittance into the Government Treasury at
..... failing which the amount will be recovered as if it were an
arrear of land revenue.

Place :

Date : Assessing Authority.

Note.— 1. If payment is made by demand draft, the demand draft should be crossed and shall be such as under the Andhra Pradesh Treasury Code, may be received by the Treasury concerned.

2. Where the assessing authority has for reasons recorded in the penalty orders proposed that the importer should pay the penalty levied within a period of less than thirty days he should strike out the words “thirty”, and note such lesser period specified in the order, and duly attest the entry.

3. The authority-imposing penalty shall mention the section(s) under which the penalty is levied in the space left blank.

FORM - IX

**FORM OF SUMMONS UNDER THE ANDHRA PRADESH
TAX ON ENTRY OF MOTOR VEHICLES INTO LOCAL
AREAS ACT, 1996**

[See Rule 19]

Summons to appear in person and/or to produce document

To

Whereas your attendance is necessary to give evidence/whereas the following documents (here describe the documents in sufficient detail to permit of their identification with reasonable certainty) are required with reference to an enquiry under the Andhra Pradesh Tax on Entry of motor vehicles into Local Areas Act, 1996 (here enter briefly the subject of enquiry) now pending before me, you are hereby summoned to appear in-person/to produce or cause to produce, the said documents before me on theday of 19 at 'O' Clock at (place)..... and not to depart thence until permitted by me*

Given under my hand and seal thisday of19

Signature.

Official Designation.

*These words should be omitted where the summons is for the production of documents only.

D D D D D

NOTIFICATIONS

1. Rate of Entry Tax on Motor Vehicles w.e.f. 01-08-1996

G.O.Ms.No. 636 Revenue (CT-II) Dept., dt. 02-08-1996

In exercise of the powers conferred by section 12 of Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Ordinance, 1996, the Governor of Andhra Pradesh hereby specifies that, with effect from First day of August, 1996 tax shall be levied and collected under the said Ordinance at the rates specified in column (3) of the table given below on the entry of Motor Vehicles specified in corresponding entries in column (2) thereof.

Sl.No.	Category of Motor Vehicles	Rate of Tax
1	Motor Cars, Motor Taxi Cabs	Eight percent
2	Jeeps	Eight percent
3	Motor Cycles and Motor Scooters, Motorettes	Eight percent
4	Three Wheelers - Tempos, Five Wheelers and Auto-rickshaws	Eight percent
5	Motor Omni Buses	Eight percent
6	Motor Vans	Eight percent
7	Motor Lorries	Eight percent
8	Chassis of Motor Vehicles Tractors and all other types of Motor Vehicles	Eight percent

Note.— The above G.O. was superseded by G.O.Ms.No. 917, Rev. (CT. II) Dept., dt. 31-12-1999.

2. Exemption from payment of Entry Tax on the dealers registered under the Andhra Pradesh General Sales Tax Act, 1957

¹[G.O.Ms.No. 974 Rev., (CT-II) Dept., dt. 26-11-1996]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts from the tax payable under the said Act by any importer who is a registered dealer ²[pays tax on sale of

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1. Published in A.P. Gaz., Part I Ext. No. 537, dt. 28-11-1996.
 2. Ins. by G.O.Ms.No. 430 Rev., dt. 21-05-1997. Pub. in A.P. Gazette Part-I Ext. dt. 27-05-1997.

such vehicle under section 5(1) of the Andhra Pradesh General Sales Tax Act] under the Andhra Pradesh General Sales Tax Act, 1957 (Act No. VI of 1957) on the entry of Motor Vehicles specified in the Table below into the local areas of the State under section 3(1) of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Act 26 of 1996) read with Notification issued in G.O.Ms.No. 636, Revenue (CT. II) Department, dated 02-08-1996 and published in the Andhra Pradesh Gazette (Part-I Extraordinary) No. 350, dated the 2nd August, 1996¹ and G.O.Ms.No. 974 Revenue (CT. II) Department dated 26th November, 1996].

2. This notification shall be deemed to have come into force with effect from the 1st August, 1996.

Sl.No.	Category of Motor Vehicles
1.	Motor Cars, Motor Taxi Cabs
2.	Jeeps
3.	Motor Cycles and Motor Scooters, Motorettes
4.	Three Wheelers - Tempos, Five Wheelers and Auto-rickshaws
5.	Motor Omni Buses
6.	Motor Vans
7.	Motor Lorries
8.	Chassis of Motor Vehicles, Tractors and all other types of Motor Vehicles

3. Exempting Lepra India, Andhra Pradesh unit from payment of tax on (25) Vehicles (Jeeps) under the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996

²[G.O.Ms.No. 116, Revenue (CT-II) Dept., dt. 17-02-1997]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts the Lepra India, Andhra Pradesh Unit from payment of Entry Tax on Twenty Five (25) Vehicles (Jeeps) as these vehicles are meant for noble purpose.

1. Ins. by G.O.Ms.No. 430 Rev., dt. 21-05-1997. Pub. in A.P. Gazette Part-I Ext. dt. 27-05-1997.
 2. Pub. in A.P. Gaz. Pt. I, Ext. No. 70, dt. 20-02-1997.

4. Exemption from payment of entry tax on vehicles of State Health Transport Organisation

G.O.Ms.No. 831, Revenue (CT-II), dt. 27-02-1997

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts the State Health Transport Organisation from payment of Entry Tax on all vehicles received from Government of the India for use in National Programme for control of Blindness in Andhra Pradesh and also other vehicles gifted to State Health Department by various other organisations.

5. Exempting - Care India - Andhra Pradesh Unit from payment of tax on certain vehicles

G.O.Ms.No. 155, Revenue (CT-II) Dept., dt. 28-02-1997

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Area Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts the Care India, Andhra Pradesh unit from payment of Entry Tax on Vehicle which are exclusively used for distribution of food.

6. Reduction in rate of tax on entry of tractors into local area

G.O.Ms.No. 570, Revenue (CT-II), dt. 07-05-1997

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby directs that the tax leviable on the entry of tax into any local area be at the reduced rate of 4 paise in the rupee.

7. Exempting - CARE INDIA, Andhra Pradesh Unit from payment of tax on certain Vehicles - Modifications

¹[G.O.Ms.No. 609, Revenue (CT-II) Dept., dt. 16-07-1997]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act 26 of 1996) and in partial modification of the orders issued in G.O.Ms.No. 155, Revenue

1. Pub. in A.P. Gazette Part-I, Ext. No. 266, dt. 23-07-1997.

(CT-II) Department, dated 28-02-1997, the Governor of Andhra Pradesh hereby exempts CARE INDIA, Andhra Pradesh Unit from payment of Entry Tax on all vehicles brought by CARE for monitoring the distribution of Food in Andhra Pradesh.

8. Appointment of CTO's to exercise powers and functions of assessing authorities

G.O.Ms.No. 680, Revenue (CT-II) Dept., dt. 12-08-1997

NOTIFICATION - I

In exercise of the powers conferred by section 5 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby appoints the Commercial Tax Officers to exercise the powers and perform the functions of assessing authority under the said Act, and rules made thereunder within their respective jurisdictions as notified under the Andhra Pradesh General Sales Tax Act, 1957 (Andhra Pradesh Act No. VI of 1957).

9. Appointment of Appellate Deputy Commissioners of Commercial Taxes to exercise the powers of the appellate authority.

G.O.Ms.No. 680, Revenue (CT-II) Dept., dt. 12-08-1997

NOTIFICATION - II

In exercise of the powers conferred by section 6 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby appoints Appellate Deputy Commissioners of Commercial Taxes to exercise the powers of the appellate authority under section 13 of the said Act in their respective jurisdictions as notified under the Andhra Pradesh General Sales Tax Act, 1957 (Andhra Pradesh Act No. VI of 1957).

10. CTO's to exercise the powers specified in APGST Act, 1957

G.O.Ms.No. 680, Revenue (CT-II) Dept., dt. 12-08-1997

NOTIFICATION - III

In exercise of the powers conferred by sub-section (3) of section 19 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996

(Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby authorises the Commercial Tax Officers to exercise the powers specified in section 19 of the said Act within their respective jurisdiction as notified under the Andhra Pradesh. General Sales Tax Act, 1957 (Andhra Pradesh Act No. VI of 1957).

11. Exemption from payment of Entry Tax - State Health Transport Organisation

G.O.Ms.No. 831, Revenue (CT-II) Dept., dt. 27-09-1997

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act 26 of 1996), the Governor of Andhra Pradesh hereby exempts the State Health Transport Organisation from payment of Entry Tax on all vehicles received from Government of India for use in National Programme for control of Blindness in Andhra Pradesh and also other Vehicles gifted to State Health Department by various other organisations.

12. Exempting the Society of St. Anne, Guntur from payment of tax of Rs. 25,703/- for Tata Sumo Vehicles

G.O.Ms.No. 898, Revenue (CT-II) Dept., dt. 16-11-1998

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act 26 of 1996), the Governor of Andhra Pradesh hereby exempts the Society of St. Anne, Guntur from payment of Entry Tax of Rs. 25,703/- (Rupees Twenty five thousand seven hundred and three only) on Tata Sumo Vehicle donated to it.

13. Exemption from levy of tax on Motor Vehicles donated to Sri Satya Sai Central Trust

G.O.Ms.No. 831, Revenue (CT-II) Dept., dt. 29-11-1999

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act 26 of 1996), the Governor of Andhra Pradesh hereby grants exemption from the levy of Entry Tax on the Motor Vehicles donated for Charitable activities to Sri Satya Sai Central Trust, Prashanti Nilayam, Anantapur District.

14. Rate of Tax on Motor Vehicles increased under Andhra Pradesh General Sales Tax Act - Consequential increase under this Act

G.O.Ms.No. 917, Revenue (CT-II) Dept., dt. 31-12-1999

In exercise of the powers conferred under section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996, and in supersession of orders issued in G.O.Ms.No. 636, Revenue (CT. II) Department dated 02-08-1996, the Governor of Andhra Pradesh hereby specifies that, with effect from the 1st day of January, 2000 tax shall be levied and collected under the said Act at the rates specified in column (3) of the table given below on the entry of Motor Vehicles specified in corresponding entries in column (2) thereof.

Sl.No.	Category of Motor Vehicles	Rate of Tax
1	2	3
1	Motor Cars, Motor Taxi Cabs	Twelve percent
2	Jeeps	Twelve percent
3	Motor Cycles and Motor Scooters, Motorettes	Twelve percent
4	Three Wheelers - Tempos, Five Wheelers and Auto-rickshaws	Twelve percent
5	Motor Omni Buses	Twelve percent
6	Motor Vans	Twelve percent
7	Motor Lorries	Twelve percent
8	Chassis of Motor Vehicles, all other types of Motor Vehicles excluding Tractors, Power tillers.	Twelve percent

15. Exemption from levy of tax on Motor Vehicles donated to Action for Food Production - AFPRO, Secunderabad

¹[G.O.Ms.No. 377, Revenue (CT-II) Dept., dt. 03-06-2000]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act 26 of 1996) the Governor of Andhra Pradesh hereby grants exemption from the levy of Entry Tax on (2) two numbers of Mahindra and Mahindra Jeeps donated by WEM, Hamburg, Germany to Action for Food Production - AFPRO, Secunderabad.

1. Published in A.P. Gazette Part-I, Ext. No. 260, dt. 09-06-2000.

16. Exempting Lepra India, Andhra Pradesh Unit from Payment of Tax on (25) Twenty Five Vehicles (Jeeps)

¹[G.O.Ms.No. 301, Revenue (CT-II) Dept., dt. 01-05-2001]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Andhra Pradesh Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts the LEPRA INDIA, Andhra Pradesh Unit from payment of Entry Tax on Twenty Five (25) Vehicles (Jeeps) as these vehicles are meant for noble charitable purpose.

17. Exemption of Entry Tax on the Purchase of "Battery Operated Vehicle" by the Environment Protection Training and Research Institute

²[G.O.Ms.No. 508, Revenue (CT-II) Dept., dt. 20-07-2001]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Act 26 of 1996) the Governor of Andhra Pradesh hereby grants exemption from levy of Entry Tax on the battery operated vehicle purchased by the Environment Protection Training and Research Institute, Hyderabad from Bharat Heavy Electricals Limited (BHEL), Bhopal.

18. Exemption of Entry Tax on the purchase of vehicle from Mahendra and Mahendra Limited, Mumbai by the Aliyavar Jung National Institute for the hearing handicapped, Southern Regional Centre, Secunderabad

³[G.O.Ms.No. 551, Revenue (CT-II) Dept., dt. 08-08-2001]

NOTIFICATION

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act 26 of 1996),

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1. Published in A.P. Gazette Part-I, Ext. No. 181-C, dt. 05-05-2001.
 2. Published in A.P. Gazette Part-I, Ext. No. 306, dt. 23-07-2001.
 3. Published in A.P. Gazette Part-I, Ext. No. 344, dt. 16-08-2001.

the Governor of Andhra Pradesh hereby grants exemption from levy of Entry Tax on the Vehicle purchased from Mahendra and Mahendra Limited, Mambai by the Aliyavar Jung National Institution for the hearing Handicapped, Southern Regional Centre, Secunderabad.

19. Exemption from levy of tax on “Maruthi Omni 8 Seater” donated to the Aathmeeya Manasika Vikas Kendram donated by Rotary Club of Secunderabad

¹[G.O.Ms.No. 564, Revenue (CT-II), dt. 16-09-2002]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts the “Maruthi Omni 8 Seater” donated by Rotary Club of Secunderabad to the “Aathmeeya Manasika Vikas Kendram” from payment of Entry Tax under the said Act.

Note.— The above G.O.Ms.No. 564 is superseded by G.O.Ms.No. 452 Rev. (CT.II), dated 24-03-2003, printed below.

20. Exemption from levy of tax on the purchase of one Jeep by M/s. David Rees Laprosy Hospital and Control Project, Yerpedu, Chittoor District for their official use.

²[G.O.Ms.No. 427, Revenue (CT-II), dt. 21-03-2003]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts M/s. David Rees Leprosy Hospital and Control Project, Yerpedu, Chittoor District from payment of Entry Tax under the said Act on the purchase of one Jeep, which is meant for their official use.

1. Published in A.P. Gazette Part-I, Ext. No. 437, dt. 19-09-2002.
2. Published in A.P. Gazette Part-I, Ext. No. 119, dt. 24-03-2003.

21. Exemption of Sales Tax on one Maruthi Omni 8 seater, donated by Rotary Club of Secunderabad to Aathmeeya Manasika Vikas Kendram, Secunderabad

¹[G.O.Ms.No. 452, Revenue (CT-II), dt. 24-03-2003]

In supersession of the orders issued in G.O.Ms.No. 564, Revenue Department, dated 16-09-2002, and in exercise of the powers conferred by sub-section (1) of section 9 of Andhra Pradesh General Sales Tax Act, 1957 (Act No. VI of 1957) the Governor of Andhra Pradesh hereby exempts from the tax leviable on the sale of one Omini 8 (MPI) Van bearing Chassis No. 5191-IN-527043 and Engine No. EBB-IN-2281236, donated by the Rotary Club of Secunderabad to the "Aathmeeya Manasika Vikas Kendram" under the said Act.

22. Exemption from levy of Tax on the purchase of Eight Volvo Coaches brought from Bangalore by APTDC - Notification - Issued

²[G.O.Ms.No. 474, Revenue (CT-II) Dept., dt. 28-03-2003]

In exercise of the powers conferred by section 12 of the Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996), the Governor of Andhra Pradesh hereby exempts 8 (eight) Volvo Coaches brought from Bangalore by Andhra Pradesh Tourism Development Corporation Limited, from payment of Entry Tax under the said Act.

23. Exemption from Levy of Tax on the Entry of One Crane, to be used by the Krishna District Lorry Owners Association, Vijayawada allotted by Ministry of Road Transport and High Ways, Government of India

G.O.Ms.No. 245, Revenue (CT-II) Dept., dt. 08-03-2004

In exercise of the powers conferred by section 12 of Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996),

1. Published in A.P. Gazette Part-I, Ext. No. 127, dt. 27-03-2003.

2. Published in A.P. Gazette Part-I, Ext. No. 135, dt. 31-03-2003.

the Governor of Andhra Pradesh hereby exempts one Crane, allotted by Ministry of Road Transport and Highways, Government of India, under National Highways Accident Relief Service Scheme (NHARSS) to be used by the "Krishna District Lorry Owners Association", Vijayawada, from levy of Entry Tax under the said Act.

24. Purchase of Santro Car by CAPT K.C. Rao, Administrative Officer, Army Ordinance COR Records, Secunderabad Levy of Entry Tax @ 4%

G.O.Ms.No. 1106, Revenue (CT-II), dt. 29-12-2004

In exercise of the powers conferred by section 12 of Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (A.P. Act No. 26 of 1996), the Governor of Andhra Pradesh hereby directs that the tax shall be levied 4% on the entry of Santro Car, bearing No. TN05 K-4413, purchased from M/s TAFE ACCESS Ltd., Chennai, by CAPT K.C. Rao, Administrative Officer, O/o Army Ordinance Records, Secunderabad, under the said Act.

25. Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 - M/s Hyderabad International Airport Limited, Hyderabad - Certain Exemption under the Act - Notification - Issued

G.O.Ms.No. 1284, Revenue (CT-II) Dept., dt. 30-06-2005

In exercise of the powers conferred by section 12 of Andhra Pradesh Tax on Entry of Motor Vehicle into Local Areas Act, 1996 (Act No. 26 of 1996), the Governor of Andhra Pradesh hereby directs that the tax leviable under the said Act on the entry of Motor Vehicles, purchased by M/s. Hyderabad International Airport Limited or their contractors and subcontractors and brought into the local areas of Andhra Pradesh for utilisation in execution of work relating to construction of Hyderabad International Airport, shall be exempted under the provisions of the said Act, provided M/s. Hyderabad International Airport Limited, furnishes a declaration of the effect that the said Motor Vehicles purchased from outside the state and brought to the State of Andhra Pradesh are for utilisation in execution of works relating to Hyderabad International Airport.

This notification shall come into force with immediate effect.

26. Exemption from levy and collection of tax on the import of the Ambulance brought for the use of the Primary Health Centre, Navipet, Nizamabad District

G.O.Ms.No. 685, Revenue (CT-II) Department, dt. 12-06-2006

In exercise of the powers conferred by Section 12 of Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Act No. 26 of 1996), the Government of Andhra Pradesh hereby directs that the tax leviable under the said Act on the entry of an Ambulance Vehicle, brought for the use of Primary Health Centre, Navipet, Nizamabad District, shall be exempted under the provisions of the said Act.

27. Entry Tax - M/s. Gangavaram Port Limited - Exemption from levy and collection of Tax on the Entry of Goods / Vehicles brought into the State of Andhra Pradesh by them for execution of works for construction of Gangavaram Port - Notification - Issued

G.O.Ms.No. 703, Revenue (CT-II) Department, dt. 15-06-2006

01. From the President, M/s. Gangavaram Port Limited, Letter No. GPL/TR&B/051, dt. 13-02-2006.
02. G.O.Ms. No. 304, Revenue (CT-II) Dept., dt. 10-03-2006.

NOTIFICATION - II

In exercise of the powers conferred by Section 12 of Andhra Pradesh Tax on Entry of Motor Vehicles into Local Areas Act, 1996 (Act No. 26 of 1996), the Governor of Andhra Pradesh hereby directs that the tax leviable under the said Act on the entry of Motor Vehicles, purchased and brought by M/s. Gangavaram Port Limited, into the local areas of Andhra Pradesh for utilisation in execution of work relating to construction of Gangavaram Port shall be exempted under the provisions of the said Act, provided M/s. Gangavaram Port Limited, furnishes a declaration to the effect that the said Motor Vehicles purchased from out side the State and brought into the State of Andhra Pradesh are for utilisation in execution of works for construction of Gangavaram Port, only.

This notification shall be deemed to have come into force with effect from 1st day of September, 2005, and shall be in force till December, 2008, or the completion of the said project, whichever is earlier.

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CIRCULARS AND MEMOS

1. Circular No. AII (1) 455 / 96, dt. 20-08-1996.

Sub :— Levy of Entry Tax on Motor Vehicles in A.P., w.e.f. 01-08-1996 - Instructions to subordinate officers issued - reg.

By Ordinance 22 of 1996 levy of Entry Tax on Motor Vehicles is introduced. Under this Ordinance tax is payable by any person (who is called an importer in the Ordinance) who brings a vehicle from outside the State for use or sale in the State. The taxable event is entry of vehicle into the State from outside the State. It has no linkage with the sale or any other mode of disposal. Even if a person brings a vehicle for his use, he has to pay the tax.

Entry of motor vehicle is defined in clause (d) of sub-section (1) of section 2 as entry of any motor vehicle into a local area from any place outside the State section 3 of the Ordinance specifies that tax shall be levied on the purchase value of Motor Vehicle on its Entry into any local area in the State. The purchase value of a motor vehicle constitute turnover and it includes the original invoice value of the vehicle and value of the Accessories, Insurance, Sales Tax, and Freight.

Entry tax is payable at 8% on purchase value of every motor vehicle that enters into local area of the State from outside the State as per the notification issued in G.O.Ms.No. 636 Rev. (CT-II) dt. 02-08-96. However a vehicle which is purchased and registered in other State prior to a period of 15 months or more from the date of registration in the State will not be liable to pay Entry Tax. If tax is paid on such vehicle in other State under the Local Sales Tax Law, the tax so paid will be reduced from the tax payable under Entry Tax Act. For this purpose the importer has to produce relevant evidence to show that the tax is paid in other State or Union Territory.

Any vehicle owned by Government of India and exclusively used for defence purpose is exempt from entry tax.

If a dealer brings a vehicle into the State on stock transfer basis from outside the State he is liable to pay entry tax.

As every dealer in vehicles is registered under APGST Act there is no separate registration prescribed under the Entry Tax Act. Proposals have been sent to the Government specifying the format in which the importer who are dealers have to file a monthly return. The return for a month shall be filed by him on or before 20th of succeeding month. In that return he has to

calculate the tax due on the purchase value of the vehicles brought into the State and pay the tax along with the return. While filing the return under APGST Act he has to calculate the tax liability under the APGST Act and deduct the tax paid under entry tax from the tax due to be paid by him under APGST Act. The remaining amount of tax only has to be paid by him under APGST Act. A dealer may not sell all the vehicles in the same month during which those vehicles were received. In the return filed under Entry Tax Act he has to pay tax on all the vehicles that entered into the State during that month. For arriving at tax due to be paid under APGST Act for the same month the tax paid under Entry tax during that month shall be deducted from the tax payable under APGST Act irrespective of the fact whether the turnover of sale of same vehicles is included in their return for that month under APGST Act or not.

In case an importer other than a dealer brings a vehicle from outside the State he has to file a return in the prescribed form, before the authority notified by the Commissioner (CT), within 15 days from the date of entry or before the application is made for registration of the vehicle whichever is earlier. For this purpose all the CTOs of the Circles are being notified as competent to receive the returns from importers not being dealers.

A reference has been sent to the Commissioner of Transport requesting him to instruct the officials of the Transport Department not to register any vehicle purchased by any person from outside the State without the clearance of the C.T. Department. In case of vehicles purchased by a person from dealers within the State clearance from C.T. Department is not required. In such cases a copy of the sale bill is required to be produced before the registering authority under Motor Vehicles Act.

All the CTOs shall collect the details of the vehicles registered with the registering authority under Motor Vehicles Act during the month. As all the records are computerised it may not be difficult for them to give a name and addresses of the persons who get the vehicles registered. Based on that information the CTOs and DCs concerned shall analyse whether the increase in the rates of tax on Motor Vehicles has resulted in any fall in the number of vehicles registered in the State and in respect of the vehicles registered in the State whether entry tax is realised or not. Wherever the registration of that vehicle is done without the clearance from the Commercial Taxes Department it may be brought to the notice of the Commissioner (CT) immediately so that it can be taken up with the Transport Department at higher level.

If any importer not being a dealer file prescribed return along with the tax due thereon and the CTO is satisfied that the return is in order the clearance certificate shall be issued within one day from the date of receipt of return. If

in such case the clearance certificate is not granted, to any applicant within one day, the D.C. shall initiate disciplinary action against the officer concerned. Entry tax is not collected at the checkposts. So the officers at the checkposts need not detain any vehicles. They shall note the name and address of the Importer and allow the Vehicles to pass through the checkposts.

2. Circular No. AI (2) / 2946 / 1996, dt. 11-10-1996.

Sub :— Levy of Entry Tax on Motor Vehicles in Andhra Pradesh with effect from 01-08-96 - Collection of Tax from the Motor Vehicles Body Builders - Obtaining Sales Tax clearance certificate from the Commercial Tax Department - Certain Clarification - Issued.

Ref :— CCT and Ref. A II (1) / 455 / 96, dt. 20-08-1996.

By Ordinance (L.A. Bill No. 28) 22 of 1996 Levy of Entry Tax on Motor Vehicles is introduced. Under this, tax is payable by any person (who is called an importer) who brings a vehicle from outside the State for use or sale in the State. The taxable event is entry of Vehicle into the State from outside the State. It has no linkage with the sale or any of the mode of disposal. Even if a person brings a vehicle for his use, he has to pay tax. In this connection, the attention of the officers noted in the margin is invited to the circular cited, wherein, among other items, instructions have been issued regarding Sales Tax clearance certificate on the issue.

It is informed that it was represented to the Commissioner of Commercial Taxes stating that one had purchases motor vehicle from M.G. Brothers, Begumpet, Hyderabad and got the body and tanker fabricated at Madras. At the time of applying for Registration with R.T.A. they have insisted for Sales Tax clearance certificate. Therefore, it was requested to issue necessary instructions in the matter.

In this connection it is informed that the vehicle (Chassis) was purchased from a dealer within the State and only body was built in other State. Chassis number can be verified to know whether on the same chassis, the body was built or not. As the vehicle was brought within the State only, Entry Tax will not be levied at the hands of the applicant on the value of the vehicle. Therefore, it may not be necessary for furnishing of Sales Tax clearance certificate by the owner of the vehicle to the R.T.A. at the time of registration.

The receipt of the circular shall be acknowledged to the next higher authority, immediately.

3. CCT's Ref. No. AI (4) / 1769 / 2002, dt. 02-11-2002.

Sub : Entry Tax – Volvo Motor Grader - Whether liable to Entry Tax - Clarification - Issued

Ref : (1) Representation from IVRCL Infrastructures and Projects Ltd., Hyderabad dated 15-06-2002.

M/s. IVRCL Infrastructures and Projects Limited, Hyderabad requested to clarify whether "Volvo Motor Grader" is liable to Entry Tax under A.P. Tax on Entry of Motor Vehicles into Local Areas Act, 1996. The Company stated that "Volvo Motor Grader" is used in the process of levelling of the earth, that it is used on the road for execution of the road work and that the RTA is insisting to get the vehicle registered under the Motor Vehicles Act, 1988.

The representation of the Company is examined.

According to section 3 of the A.P. Tax on Entry of Motor Vehicles into Local Areas Act, 1996, tax is leviable on the entry of any motor vehicle, which is liable for registration in the State under the Motor Vehicles Act, 1988. According to section 2 (1)(j) of the Act "Motor Vehicle" means a motor vehicle defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988). Clause (28) reads as follows :

(28) "Motor Vehicle" or "Vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted there to from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding (twenty five cubic centimeters) :"

"Volvo Motor Grader" is a mechanically propelled vehicle. It is used upon roads. It does not fall under the exclusion category, such as a vehicle running upon fixed rails or a vehicle which is used in enclosed premises.

G.O.Ms.No. 917, Revenue dated 31-12-99 notifies Motor Vehicles liable to Entry Tax. Item 8 of the list therein relates to "all other types of motor vehicles". Volvo Motor Grader therefore falls under "all other types of motor vehicles". In view of the above discussion, it is clarified that "Volvo Motor Grader" is liable to tax under the A.P. Tax on Entry of Motor Vehicle into Local Areas Act, 1996.

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