

## The Delhi Sales Tax on Works Contract (Amendment) Act, 2001

(Delhi Act No. 5 of 2001)

AS PASSED BY THE LEGISLATIVE ASSEMBLY OF THE NATIONAL  
CAPITAL TERRITORY OF DELHI ON 3RD APRIL, 2001

An Act further to amend the Delhi Sales Tax on Works Contract Act, 1999 BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-second Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Sales Tax on Works Contract (Amendment) Act, 2001.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force with effect from the date of its publication in the official Gazette.

2. Amendment of Section 2.—In the Delhi Sales Tax on Works Contract Act, 1999 (Delhi Act No. 9 of 1999) (hereinafter referred to as "the principal Act"), in sub-section (1),—

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

"(f) "dealer" means any person, who whether for valuable consideration, commission, remuneration or otherwise, while executing a works contract transfers property in goods (whether as goods or in some other form) involved in the execution of such works contract and includes any State Government and the Central Government which so transfers such property in goods, and any society, club, or association of persons which so transfers the property in goods to its members,";

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

"(g) "declared goods" means goods as defined in section 14 of the Central Sales Tax Act, 1956 (14 of 1956),";

(iii) after clause (m), the following shall be inserted, namely:—

"(mm) "private contract" means a contract undertaken for any person other than the Central Government or the Government or their departments and undertakings, co-operative societies and corporate bodies,";

(iv) for clause (q), the following shall be substituted, namely:—

"(q) "sale price" means the amount of valuable consideration paid or payable to a dealer for the execution of the works contract,";

(v) for clause (t), the following shall be substituted, namely:—

"(t) "turnover of sales" means the aggregate of the amount of sale price received or receivable by a dealer in respect of the execution of any works contract whether executed fully or partly during any period,";

(vi) for clause (u), the following shall be substituted, namely:—

"(u) "works contract" includes any agreement for carrying out for cash or for deferred payment or for any valuable consideration, the building construction, manufacture, processing, fabrication, erection, installation, fitting out, improvement repairing or commissioning of any movable or immovable property but shall not include such contracts as may be prescribed,".

3. Amendment of section 3.—In the principal Act, in section 3,—

(i) for sub-sections (1) and (2), the following shall be substituted, namely:—

"(1) Every dealer whose turnover of sales during the year immediately preceding the commencement of this Act exceeds the taxable quantum, shall be liable to pay tax under this Act on his taxable turnover effected by him on or after such commencement.

(2) Every dealer to whom sub-section (1) does not apply, shall with effect from the date immediately following the day on which his turnover of all sales calculated from the commencement of any year first exceeds, within such year, the taxable quantum, be liable to pay tax under this Act on taxable turnover effected by him after that date,".

(ii) to sub-section (4), the following explanation shall be inserted, namely:—

"Explanation.—The gross turnover or the total contract amount received, shall be the basis for calculating the taxable quantum."

4. Amendment of section 4.—In the principal Act, for section 4, the following shall be substituted, namely:—

"4. Liability of the dealer.—Subject to the provisions of this Act and the rules made thereunder, a tax shall be levied on the taxable turnover involving transfer of property in goods in the execution of works contract commenced or continued for execution on or after the commencement of this Act, whether such contract was entered into prior or subsequent to such commencement."

5. Amendment of section 6.—In the principal Act, in section 6, the sub-section (1), the following proviso shall be inserted, namely:—

"Provided that a dealer who makes inter-state purchases of the material used in the execution of the works contracts, on the strength of his registration certificate, shall not be entitled to opt for composition of tax under this section."

6. Insertion of new section 6A.—In the principal Act, after section 6, the following shall be inserted, namely:—

"6A. Collection of tax by dealer.—A dealer registered under this Act may collect tax on the works contract executed by him in Delhi in accordance with the provisions of this Act at the rates, not exceeding the rates specified under section 5 or section 6, as the case may be, of this Act."

7. Amendment of section 7.—In the principal Act, in section 7,—

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

"(1) Every person, other than individual and Hindu undivided family responsible for making payment to any dealer (hereinafter this section referred to as "the contractor") for discharge of any liability on account of valuable consideration payable for the transfer of property in goods (whether as goods or in some other form) in pursuance of a contract, shall at the time of credit of such sum to the account of the contractor or at the time of making such payment to the contractor either in cash or in any other manner, deduct an amount equal to two percent from such sum towards the tax payable under this Act."

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

"(3) Any contractor responsible for making a payment or discharge of any liability to any sub-contractor, in pursuance of a contract with the sub-contractor, for the transfer of property in goods (whether as goods or in some other form) involved in the execution, whether wholly or in a part, of the works contract undertaken by the contractor, shall at the time of such payment or discharge, in cash or by cheque or draft or any other mode, deduct an amount equal to two percent of such payment or discharge, purporting to be part or full amount of the tax payable under this Act.

(3A) (i) A contractor with respect to the contracts other than the private contracts, may make an application to the contractor authorising him to deduct tax at the rate of four percent towards the tax payable under this Act instead of two percent as provided in sub-section (1) of this section.

(ii) Where an application is made by the contractor under clause (i) of this sub-section, and a copy thereof is forwarded to the appropriate assessing authority by the contractor, the contractor shall be deemed to have opted for composition under section 6 of this Act.

(iii) A contractor, to whom the provision of clause (i) of this sub-section applies, may be assessed in a summary manner on the basis of the annual return filed by him without being called upon to produce the books of accounts and other records relating to his business."

- (iii) for sub-section (7), the following shall be substituted, namely:—

"(7) If any person, as is referred to in sub-section (1) or sub-section (2) or sub-section (3) of sub-section (3A), fails to make the deduction, or after deducting, fails to deposit the amount so deducted as required by sub-section (4), the assessing authority may, after giving to such person an opportunity of being heard, by order in writing, direct that such person shall pay, by way of penalty, a sum not exceeding twice the amount deductible under this section besides tax deductible but not so deducted and, if deducted, not so deposited into the Government treasury."

(iv) after sub-section (9), the following shall be inserted, namely:—

"(10) Every person responsible for making deduction of tax under this section shall apply to the Commissioner for a Tax Deduction Account Number within the prescribed time and in the prescribed form and shall also furnish an annual return in the prescribed form within the prescribed period.

*Explanation.*—Nothing contained in this section shall apply to works contract executed in the course of inter-state trade or commerce or outside the State, or in the course of import or export out of India."

8. Amendment of section 8.—In the principal Act, in section 8, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) The provisions of this section shall not apply to a contractor or dealer registered under this Act who has made an application under sub-section (3A) of section 7."

9. Amendment of section 14.—In the principal Act, in section 14, in sub-section (1),—

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

"(f) fails to make deduction of tax at source or after deducting fails to deposit amount so deducted as required under section 7;"

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

"(h) enters into works contract with any contractor without obtaining from the contractor a tax clearance certificate under section 8;"

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

"(i) fails to furnish information and/or return or returns required under section 9."

S. R. MAHESHWARI, Under Secy. (Law & Judd.)

भूमि व भवन विभाग

अधिसूचनाएं

दिल्ली, 30 अप्रैल, 2001

सं० एफ०-10(43)/98/पू.व.भ./भू.अ./1315.—जबकि दिल्ली के उपराम्पगत संतुष्ट हैं कि सार्वजनिक प्रयोजन एवं सार्वजनिक क्षेत्र पर दिल्ली के योजनावद्ध विकास के अंतर्गत सरकार द्वारा 18 मीटर चौड़ा रोड बनाने हेतु भूमि का प्राप्ति किया जाना है। अतः इसके द्वारा यह घोषित किया जाता है कि निम्नलिखित विभिन्न विवरण में वर्णित भूमि अधिग्रहण की गयी है।

यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबंधों के अधीन सर्ग संबंध के लिये प्रपत्ति की जाती है। इसके लिए भूमि अधिग्रहण अधिनियम, 1894 की धारा 4 के अंतर्गत अधिसूचना सं० एफ०-10(43)/98/पू.व.भ./भू.अ./13120 दिनांक 7-12-2000 के द्वारा की जा चुकी है। उक्त अधिनियम की धारा 7 के उपबंधों के अधीन दिल्ली कलेक्टर (द/व), दिल्ली को उक्त भूमि के लिए आदेश लेने के लिए इसके द्वारा निर्देश दिया जाता है।

भूमि के नक्शे का अवलोकन दिल्ली कलेक्टर (दक्षिण/पश्चिम) दिल्ली के कार्यालय में किया जा सकता है।

विभिन्न विवरण

क्षेत्र का नाम	कुल क्षेत्र (चौघा-विस्था)	खसरा नं०	क्षेत्र (चौघा-विस्था)
अज्ञान	6-08	113/6/1	0-09
		15/1	0-12
		16/1	0-12
		25/1	0-12
		118/6/1	1-02
		15/1/3	0-13
		15/2/1	0-07
		15/3/1	0-07
		5/1	0-12
		16/2/1	1-02