

**The Nagaland Sales Tax, Amendment Act, 2001. An Act to further Amend  
the Nagaland Sales Tax (Amendment) Act, 1967.**

**(Act No. 7 of 2001).**

Received the assent of the Government of Nagaland 26/03/2001 and published in the Nagaland Gazette Extraordinary dated: 9th of April, 2001.

An  
-Act -

Whereas circumstances exist which render it necessary to amend the Nagaland Sales Tax Act, 1967 (Act No. 11 of 1967) for the purpose and in the manner hereinafter appearing, it is hereby enacted in the 52nd year of the Republic of India as follows:-

**1. Short title, extend and commencement:-**

- (i) This Act may be called the Nagaland Sales Tax (Amendment) Act, 2001.
- (ii) It shall extend to the whole of the State of Nagaland
- (iii) It shall come into force from the 1st of April, 2001.

**2. Deletion of Section 3A**

The existing Section 3 A shall be deleted.

**3. Insertion of a new sub-section under section 3**

A new sub-section, namely, sub-section 4 of section 3 shall be inserted as under.

Section 3(4): The Commissioner of Taxes may, by a general or special order, delegate all or any of the powers conferred on him under this Act to any of his subordinate officers appointed under sub-section (1).

**4. Deletion of Section 4A:**

The existing Section 4 A shall be deleted.

**5. Deletion in Sub-section (1) of Section 5:**

The words, "subject to sub-section (3) of Section 4A" appearing in the first sentence of sub-section (1) of Section 5 shall be deleted.

**6. Amendment of Section 16:**

After sub-section (4) of Section 16, the following sub-sections shall be inserted:

**Section 16 (5):** All assessment under this section shall be completed within a period of two years. If the assessment cannot be completed within the stipulated period of two years after submission of return by any dealer, the return submitted by the dealer shall be deemed to be the finally assessed turnover for the purpose of paying the tax under this Act.

**Section 16 (6):** Provision of sub-section (5) of this Section shall be without prejudice to section 17, 18 and 19 of this Act.

**7. Insertion of Section 16A after Section 16:-**

After section 16, the following section shall be inserted:

**Section 16A**

- (1) Notwithstanding any of the provisions of this Act, the Government may in the public interest, prescribe through notification various categories of dealers and fix lump-sum rates of taxes as may be applicable to each such category.
- (2) Any dealer who opts to pay lump-sum tax under sub section (1) of the Section shall apply within 60 days of the beginning of the year to the assessing officer within whose jurisdiction his business is located, in the manner as may be prescribed by the Commissioner.  
  
Provided that once the option is accepted by the assessing officer; no dealer shall be allowed to withdraw the option unless the tax payable under Section 4 is more than or equal to the tax payable under sub section (1) of Section 16A.
- (3) On receipt of the application for availing the scheme of lump-sum payment of tax under Section 16A(1) *ibid*, the assessing officer shall cause such enquiry as may be deemed necessary and verify that claim of the dealer's gross turnover and determine the appropriate category in which the dealer is placed, and thereafter certify in the form, as prescribed by the Commissioner, specifying the manner in which the payment will be made.
- (4) The assessing officer shall monitor and review the business condition and status of the dealer at regular intervals as may be prescribed by the Commissioner and pass such orders as deemed necessary, determining

the gross turnover for the purpose of the payment of tax under this section.

Provided that wherever rate of lump-sum tax as notified under Section 16A (1) is involved, no order should be passed without giving a prior written notice which shall be returnable within 30 days. If no reply is received from the dealer within the stipulated date the order shall be passed without any further notice.

- (5) Any dealer, irrespective of the category under which he was allowed to pay the lump-sum tax under this section, shall not be allowed to avail the scheme once his gross turn over exceeds Rs. 5.00 lakhs (Rupees five lakhs) any time during the year.
- (6) Irrespective of the gross turnover, no dealer whose business involve inter-state trade and commerce and requiring the use of covering forms provided by the Central Sales Tax Act, 1956 shall avail the benefit of lump-sum payment of tax provided by this section.