

MINERAL AREA DEVELOPMENT AUTHORITY MARKET FEE RULES 2010

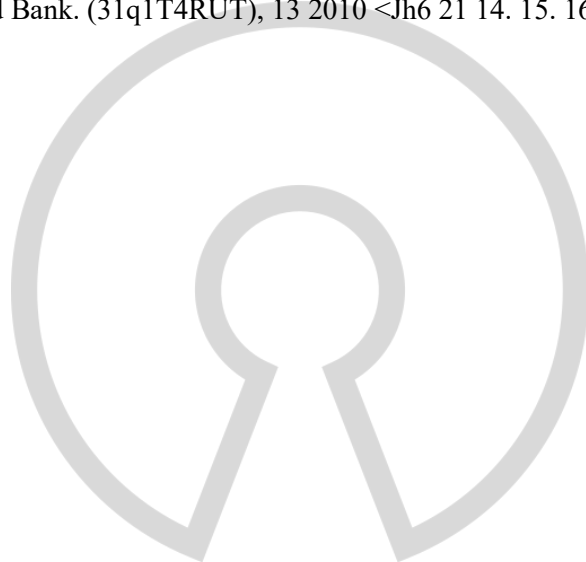
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2/U.D/Yo/Vtvidh/148/2002 - 1849--In exercise of powers conferred under sub section 2 (ZK) of Section 128 of the Bihar Coal Mining Area Development Authority Act, 1986 (as amended in 1992) adopted by State of Jharkhand vide Notification No, 5, dated the 15 February, 2001, the Governor of Jharkhand is pleased to make the following rules - L (li) (iii) 2. CHAPTER - I Short Title. extent and commencement These Rules may be called the Mineral Area Development Authority Market Fee Rules, 201 C. These Rules will e It shall come into Gazette. DEFINITIONS : fnd to whole area under the Mineral Area Development Authority. tence on and from the date of publication of the Notification in the Jharkhand In these Rules, unle there is anything repugnant in the subject or context, (i!) "Act" mean the Bihar Coal Mining Area Development Authority Act, 1986 (as amended, 1992) and J arkhand Mineral Area DeveloplA%nt Authority (Amendment and Adoption) Act, 2001 "Agent" m ns representative of any assessee duly authorized to appear beiöre the officers of Authority. 13 2010 19 (iii) (iv) (v) (vi) (vii) (viii) (ix) (x) (xi) (xii) (xiii) (xiv) (xv) (xyi) (xvii) sessee" means any person, company, Firm, corporate body etc. under Licence from t le Authority, liable to pay market fee for engauing in the sale, transaction of trade or mmodities. ssessment Officer" means the Secretary or Revenue Officer of the Authority. ssessment Year ' means the financial year beginning from the Ist April ending with 3 1 arch, next. uthority" means tile Mineral Area Developn•tent Authority established by the State overnment under section 5 of the Act. 4 actor/" means any place or premises where production or extraction or storage of any mmodity takes place. icence" means a licence granted by the Secretary Or Revenue Officer of the Authority. lanaging Director" means the Managing Dirc:ctor of the Authority appointed by the ate Government under section 5 (3) of the Act rescribed Authority ' means Managing Directo:r of the Authority or any officer of the uthority as notified by the Government to act as guch from time to time, uartet"uneans a quarter on the 30th June, Septetllber, 3 December arod 3 Ist arch of an assessment year. evenpe Officer" means an officer deputed by the Managing Director or an officer d pute iand notified by the State Government to act as such time to time. b t N.B. : Th assigned ched Ile" means list of items of commodity on which market fee is to levied as notified Stat overnmngnt, ecret ty" means the Secretary appoitlted by the State Governlnt under section 6 of e Act. ectio " means section of the Act. tate Ind" means the consolidated fund of the State Government. tate vernment" means Government of Jharkhand. wor S and expressions not defined under these Rules shall have the same meaning as the in the Act. 3 4 5. 6. 8 9. 10 11 12. 13. 13 2010 CHAPTER - 11 Declaration of Market Area, Grant of Licence and cancellation The State Government may by notification in the Official Gazette declare the whole area of the Authority or part thereof as market area where production, sale or trailsaction of commodities takes place. The Authority may with approval of the State Government nuke a list of commodities, the pro- duction, sale or transaction of which takes place in the market area and may add, delete or amend any of the items or rate of fee of the commodity specified in the list notified in the official Gazette. The power to include or exclude any of the items of commodity vests with the State Govenmjnerlt. A person, company or corporate body engaged in the production, sale or transaction or trade of commodities specified in the list under the Act & the Rules shall be required to obtain a Licence in

Form CA' from the Revenue Officer on payment of fee to the Authority through Bank Challan as prescribed in form T' of the Authority. The Revenue Officer shall assess the fee on production, sale, transaction, trade of commercial concern, company and person. No production, sale, transaction or trade shall be operated in the market area without having a proper licence. Licence Fee for the wholesale trade shall be Rs. 200/- (Rupees Two hundred only) per annum and for retail shall be Rs. 100/- (Rupees One hundred only) per annum. The renewal and duplicate fee shall be half of the original Licence fee per annum. Every Licence granted under the Act shall be valid for the financial year ending with the 31 March and shall be renewed further for a period of one year. Renewal of Licence and issue of Duplicate Licence shall be mentioned clearly on the Licence by the issuing authority. Every person, commercial concern, company or corporate bodies have to make an application on prescribed Form 'A' to the Prescribed Authority for obtaining Licence along with copy of the deposit of Licence Fee through prescribed bank challan in Form 'F' of the Authority. In no case, the licence shall be transferable to any person, company or commercial concern intending to carry on or engaged in sale or transaction of any commodities. The licence shall be required to obtain licence by making an application in prescribed form on depositing the licence fee through bank challan in Form Revenue Officer may cancel or suspend any Licence on contravention of any of the conditions after giving reasonable opportunity to give show cause, reply. After cancellation or suspension of the licensee, the licensee shall have to surrender it to the Authority which shall be revived only after the decision of the Prescribed Authority and for this the appellant has to deposit Rs. 500/- (Rupees Five hundred) only as the appeal fee in the Authority fund through bank challan in Form 'F' of the Authority in any Nationalised Bank. (31q1T4RUT), 13 2010 <Jh6 21 14. 15. 16. 17. 18 19. 20. 21 22



23. Each licensee shall maintain a record of proper account of sale, transaction, production or trade of the commodities and the Managing Director or any officer of the Authority authorized by him or Revenue Officer may inspect the records any time either in the office of licensee or in the office of the Authority as directed. The officer of the Authority shall be competent to exercise the power of survey as specified in the Act. The licensee shall essentially make prior information in writing to the Authority about change of place of business or partnership. Any person or body, aggrieved by order of cancellation or refusal of granting licence may prefer an appeal before the Prescribed Authority within a period of 30 days from the date of such order. This Authority shall have power to levy and collect licence fee from traders, company, firm, corporate body, enterprises and person operating in the market area as per rates to be assessed by the Authority. The Market fee shall be chargeable on the transaction on any commodity at a rate which may be determined by the State Government in the Official Gazette from time to time which shall not be more than 1% (one percent) of the sale value of the commodities, Market fee levied and collected by the Authority shall be deposited temporarily in the separate Authority fund and the Authority shall deposit essentially the amount so levied and collect as a market fee to the State fund on 15th and 30th day of each month. The State Government shall release quarterly at least 50% (Fifty percent) of the deposited amount to the Authority. (b) The Authority shall make available a quarterly statement of the amount so collected and deposited in the State fund in form— 'G', Thereafter, the State Government shall make a request to the Accountant General, Jharkhand in prescribed



form- CH' to release the. amount as specified in tajin nam of Managing Director, Mineral Area Development Authority (MAI)A) and on the basis faith rity letter received fromACi the amount shall be withdrawn from the T] easury concern. (c) T e Au larity shall deposit the said amount in the P.L. Account of the Authority and the Managin Dire oftheAuth0lity shall be drawing and disbursing authority. (d) T eAu larity shall suitably spend the amount so received from the State Governntent in the presc •bed s ctors as specified in the section— 90(b)(2) of the Act. (e) T eAu larity shall essentially make available utilization certificate annually to the State Governm ntin le prescribed fonn. A person aya certified copy ofthe order as per provision laid downin the Public Infonnation Act & Ru es aft r depositing the amount so specified in theAuthority Fund. Managin Dire [or shall be competent to issue standing orders whenever he consider s necessary to give e ctto he provisions oftheAct and Rules whatsoever may be. If any dis tear kes for the decision of which Act and Rules do not provide between the Aut hority and anyo erLi encee, the matter shall be referred tothe State Government whose decision upon the matte shall e final. 22 24. 25 26, 27. Assessment — 13 2010 CHAPTER - III Return. Assessment. Payment (a) Every assessee shall file a quarterly return in Form- D (in duplicate) within fifteen clays from the date of expiry of the quor- ter, to the Authority and shall also attach a challan in prescribed form (Fom - F) showing payment of fee. (b) The assessee shall also file an annual return in Form— E (in duplicate) within thirty days from the date of expiry of the assessment year, to the Authority. (a) The Revenue Officer may make assessment of ITlark et fee on the basis ofretufns filled by the assessee and pass assess- ment order, Provided that, if any assessee to file the return in the time prescribed under the Rules, the Revenue Officer of the Au- thority may make the assessment on the basis of the survey or the any other records available, Provided also that, in case or return being found incor- rect or in case of suppression of any fact by an assessee, the Revenue Officer may make assessment on the basis of the survey or any other records available. (b) Revenue Officer shall have power of in case of the matter covered under second proviso Cif the sub rule (a). (c) Revenue Officer may issue notice of hearing in case of the matter covered under the second proviso of sub-Rule (a) and sub-rule (b). O ortunit f earin to the assessee - In any case not more than two opportu- Notice of De n nd - nities shall be allowed to the•assessee for the purposes of pro- ducing papers and evidence. The Revenue Officer shall issue the order of assessment for the market fee on notieo O(dernand in FORM-• C (in duplicate) to t he assessee and the amount of assessment shall be paid by the as- sessee within fifteen days from the date of receipt ofthe rtotice to the Authority fund in the prescribed manner "3 2010 23 28 29. 30 31 De osito Fee Recovery Interest - (a) Every deposit of fee or charge due payable to the u- - thority shall be made through quaduplicate challan accompanied by an Account Payee (not negotiable) cheque or Bank dvall of any Nationalized Bank. (b) The amount offee SD levied and collected by the Alit! IDR- ity shall be deposited temporarily in Authority's Fund under a sepa- rate deposit Account as per Rule- 19. Arrear offee alongwith costs and interest shall be recoverable as arrears of Market fee revenue under the Public Demand R ecov- ery Act, 1914 (Act 10, 191 4) (a) Any assessee being dissatisfied with the asscssment or- der, may within forty five days from the date Ifissue of notice of demand, file an appeal in the duplicate accompanied by a copy of the notice demand, before 11 IO Prescribed Aulthority. Provided that, fifty percent of the assessed amount shall be deposited in the liltld ofthe Authority before filing of an appeal and a copy ,ofthe challan showing such deposit shall be annexed with the mernorandum of appeal. (b) The Prescribed Authority after giving reasonable oppor- tunity ofhearing, modify the assessment. order as the case may be within thirty days of the filing the appeal, and or may direct the Revenue OL+1cer to pass a fresh order after further enquiry. (c) The order ofthe Prescribed Authority shall be final and it shall not be questioned except as othenvise provided in the Act • and rules made thereunder. (l) Where the rety.n under rule is furnished after the due date, or is not furnished, the assessee shall bc: liable to pay simple interest at the rate of 2 percent for every month or part thereof comprised in the period, commencing On the date immediately following the due date and, 24 32. 33

34. Penalty- Refund - Su I of •o (37qTTVTWT), 13 2010 (a) Where tile return is furnished after the due date, ending on the date ofthe return, or (b) Where no return has been furnisllled, ending on the date of completion of the assesstnent; on the amount Dfthe fee as deternined.Ifthe amount specified, in any notice or demand under (2) Rule 27 is not paid within tll? specified period the assessee shall be liable to pay simple interest @ 2% for eve.ry month or part thereof comprised in the pejioid commencing froml the dat e irr- mediately following the specified date and ending with the day on which the amount is paid. Submission of incorrect return shall be criminal offence and assessee shall be liabl e for punishment

under the appropriate Act & rule. If any amount is found in excess after the assessment, the refund shall be allowed by adjustment of such excess towards the amount payable by the assessee {Or subsequent periods. Provided that, no claim of such refund shall be entertained unless it is made within three months from the receipt of such notice of demand and the appeal is finally disposed. Of order to assessee- If an assessee requires a copy of order passed by any officer under these rules, he shall make application to the Public Information Officer of the Authority accompanying an additional charge as per provision laid down in Public Information Act & Rules through challan in the Authority fund. By the Order of the Governor, I. K. Jajoria, Principal Secretary to the Government. (31/1/2010), 13 2010 Form — A Mineral Area Development Authority, Dhanbad 25 1. Name of the firm and Address Name of the licensee 2

3. Father's name 4. 5. 6. 7



8. Place..... e of the Licence Kind of a.sse sed material Period of Li ence, 31 st March, 20 Renewal till (a) 31M M (b) (c) h, 20 Statement o Licen e fee Any other es ential tatement NOT TRANSFERRABLE New/Renewal/ Second Signature of Revenue Officer Address of the Office and seal 1. 3. co.. 9 IO. 11. 12- (3TqTIVIWT), 13 tqg, 2010 Form B Mineral Area Développement Authority, l)hanbad Form of Licence (See Rule - 10) Name of the Applicant (Block Letters) Father's name of the Applicant Name of the Firm [Institution 13ranch of the Finn/Institution Applicant's status in the Firm Types of Business of the Finn Place of Business, in l)etail.s ., Plot No... .., Distt.. , Area..,Place.. , Thana/P.S.. Name of the Commodity/ Commodities for which the licence is required Annual Salenransaction of the Commodity/Commodities How long has the applicant been doing business in the notified market area Place of storage ofthe conâmodity Did the applicant hold a li nce on any previous occasion from Authority I am fully acquainted w h the terms and conditions of the licence and agree to abideby them and arlY breach ofthe terms ofthe lid ese shall liable to the suspension/ cancellation and any other action taken under the Act, rule orby Mana • gDirector or any officer authorized by Kim. I declare that the above tatementS are uue and complete to the best of my knowledge and belief. I hereby apply for issu ce/renewal of licence Place : Date : (Signature ofApplicant) (With Seal of the Firm) 13 2010



Form — C Mineral Area Development Authority, Dhanbad Notice of Demand (See Rule -27) From Mineral Area Development Authority, Dhanbad. 10, Mis ... Address . 27 (a) (b) (c) Where as you have not paid the amount of market fee as specified here under due according the return/revised return filed by you/records of the Authority for the period noted below. Whereas you have not paid the assessed/re-assessed amount of fee for the period specified here- under. Whereas you have not paid the interest amount as specified hereunder. (Strike whichever is not applicable) Please take notice to deposit the amount specified below by Date . Bank legal action shall be taken Rules. 1. 4



6. Place : Date : Period under re Section under Nature of order (a) Assess (b) Interest .(Place) in
quadruplicate Challan enclosed. Failing wllich against you under the provisions laid down in the Authority
Act & Market Fee Assessment rence lich or er passed and date entJRe Assessment Amount of Dem d (a)
Amount of M. ee, Rs. (b) Amount ofIntq est, Rs. (c) Total , Rs Amount already aid Balance Deman exce
Signature of Revenue Officer Mineral Area Development Authority, Dhanbad (Seal) +00 28 '13 2010



Form — D Mineral Area Development Authority; Dhanbad [See Rule 24 Quarterly return for the month ending .. (Return of statement filled by an assessee) 1 2. 3

4. Name & Address of assessee : Statement containing completion of market fee payable for selling/trading/ transporting Cif year (a) (b) (c) (d) Total production. Total Selling (Retail Sale) Total Trading (Agency/Wholesale) Transportation Market Fee payable during the quarter : (a) (b) (c) (d) (e) @ 1%Rs. @ 1% Rs. @ Rs.. Interest @ 2 %Rs. Total Payable Rs. .. Market fee paid Date Bank Draft Date. Amount date material during the 1/11/111/1 V quarter of the Cheque No. Bank (Place) Signature of the Assessee (Seal) '13 2010 : 1.9 Form - E Mineral Area Development Authority, Dhanbad [See Rule — 24 (b)] (Return of Fee payable by an assessee under Mineral Area Development Authority Market Fee Rules.... Name & Address Year to which (a) (b) (c) (d) Return June Return of assessee the return relates • for quarter ending 30th filed on . for quarter ending 30th September filed on . Return for quarter ending 31 December filed on for quarter ending 31 filed on . , if any filed for any of the quarters 4

6. Date: Place: . Revised return ending . Total Market Fee Payable . .. Details of Payment Signature. of the Assessee or Authorized Agent Full Address (Seal) 30 13 2010 13 2010 50 (FP11 20 uft) 6 31 2 3 20) ufipfl TI) 4 5 7 32 20) 2010 1986 1992) 2001 90 311TfrqT qft YftT fis (Eli) 20 . -ü fifi ElfÄiT, 256--300+200 1

