

CHAPTER V

DEMAND, PAYMENT AND RECOVERY

11. Notice of demand.- Where any tax or penalty or interest is payable in consequence of any order passed under or in pursuance of this Act, the assessing authority shall serve on the person concerned a notice of demand in the prescribed form specifying the amount so payable. (See Rule 24/Form VIIB)

Amendments: In Section 11, the words “or interest” have been inserted w.e.f. 1-4-92 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June 1992.

12. Payment of dues. – (1) The amount of tax due from enrolled persons for each year as specified in their certificate of enrolment shall be paid :

(a) in respect of a person who stands enrolled before the commencement of a year and is enrolled on or before 31 st day of August of a year;	Before the 30 th day of September of that year.
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(b) in respect of a person is enrolled after the 31 st day of August of a year.	Within one month of the date of enrolment.
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(2) In other cases the amount of tax due shall be paid in accordance with the provisions of sub-section (5) of section 5A or, as the case may be, sub-section (2) of section 7 or sub-section (5) of section 8.

(3) The tax payable under this Act shall be paid in the prescribed manner. (See Rule 25 to 30/ Form VII C & VIID)

(4) All other dues shall be payable in the prescribed manner by such date as may be specified in the notice of demand and where no such date is specified, it shall be paid within 15 days from the date of service of the notice of demand.

Amendments. Section 12 has been substituted w.e.f. 1-4—92 by Assam Act No. XI OF 1992, published in the Assam Gazette of 6th June, 1992.

12A. Consequences of failure to deduct or to pay tax.- (1) If an employer (not being an officer of the Government) fails to pay the tax as required by or under this Act, he shall, without prejudice to any other consequences and liabilities, which may incur, be deemed to be as assessee in default in respect of such tax.

(2) Without prejudice to the provisions of sub-section (1), an employer referred to in that sub-section shall be liable to pay a simple interest at two per centum of the amount of tax due for each month or part thereof for the period for which the tax remained unpaid.

(3) If any person fails to pay the tax as required by or under this Act, he shall be liable to pay a simple interest at the rate and in the manner laid down in sub-section (2) above.

Amendments: (1) Section 12A has been inserted w.e.f. 1-4-1992 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June, 1992.

(2) In Section 12A, in sub-section (3) for the words, “an enrolled”, occur between the words ‘If’ and ‘person’, the word “any” has been substituted w.e.f. 1-6-1999 by Assam Act No. XII of 1999.

12B. Penalty for non-payment of tax.- if any person or an employer fails without reasonable cause, to make payment of any amount of tax within the time or date specified in the notice of demand, the assessing authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty *of minimum fifty per centum subject to a maximum of two hundred per centum* of the amount of tax due.

Amendments: (1) Section 12B has been inserted w.e.f. 1-4-1992 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June, 1992.

(2) In Section 12B, the words “an enrolled”, occur between the words ‘If’ and ‘person’, the word ‘any’ has been substituted and for the words “a registered”, occur between the words ‘or’ and ‘employer’, the word “an” has been substituted w.e.f 1-6-1999 by Assam Act No. XII of 1999.

Amendment:- In Section 12B, for the word “fifty”, the word “hundred” has been substituted w.e.f. 8- 06-2005 by Assam Act No. XVII of 2005, published in the Assam Gazette vide Notification No.LGL.55/2005/7 Dtd. the 30th April, 2005.

Amendment: In the principal Act, in section 12B, for the words, “not exceeding hundred per centum”, appearing between the words, “impose upon him a penalty” and “of the amount tax due”, the words “of minimum fifty per centum subject to a maximum of two hundred per centum” has been substituted vide notification no. LGL.55/2005/30 Dated 7th February, 2009 published in the Assam Gazette Extraordinary no.41 Dated 7th February, 2009.

13. Mode of recovery.- All arrears of tax, penalty, interest and fees due under this Act from any person shall be recoverable as an arrear of land revenue and the assessing authority shall proceed to realise the arrear as such from such person.

Amendments: Section 13 has been substituted w.e.f. 1-4-1992 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June, 1992.

13A. Special mode of recovery.- Notwithstanding anything to the contrary contained in any law or in any contract, the assessing authority may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the assessee at his last address known to the assessing authority, require –

(i) any person from whom any amount of money is due or may become due to an assessee on whom notice of demand has been served under this Act, or

(ii) any person who holds or may subsequently hold money for or on account of such assessee,

to pay the assessing authority, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by the assessee in respect of the arrear of tax, penalty and interest under this Act, or the whole of the money when it is equal to or less than that amount.