Cantonments Act, 1924

Chapter V - Taxation

Section 60 - General power of taxation

1[**60. General power of taxation.--**

(1) The Board may, with the previous sanction of the Central Government], impose in any cantonment any tax which, under any enactment for the time being in force, may be imposed in any municipality in the State wherein such cantonment is situated.

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(2) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette3[or where any later date is specified in this behalf in the notification, from such later date].

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1. Substituted by Act 24 of 1936, section 23, for the original section.

2 The proviso to sub-section (1) rep. by the A.O. 1937.

3 Inserted by Act 15 of 1983, section 39 w.e.f. 1-10-1983.

Section 61 - Framing of preliminary proposals

1[**61. Framing of preliminary proposals.--**

When a resolution has been passed by the Board proposing to impose a tax under section 60, the Board shall in the manner prescribed in section 255 publish a notice specifying--

(a) the tax which it is proposed to impose;

(b) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable; and

(c) the rate at which the tax is to be levied.

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1 Sections 61, 62 and 63 Substituted by Act 24 of 1936, section 24, for the original sections.

Section 62 - Objections and disposal thereof

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(1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 61, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take such objection] into consideration and pass orders thereon by special resolution.

1[(2) Unless the Board decides to abandon its proposals contained in the notice published under section 61, it shall submit to the Central Government through the Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.]

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1. Substituted by Act 15 of 1983, section 40, for sub-sections (2) and (3) w.e.f. 1-10-1983.

Section 63 - Imposition of tax

The1[Central Government] may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit.

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1. Substituted by the A.O. 1937, for "L.G.".

Section 63A - Power of Central Government to issue directions to the Board

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1[**63A. Power of Central Government to issue directions to the Board.--**

(1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax specified in the direction which it is empowered under this Act to impose and which is not already imposed within the said area or to enhance any existing tax in such manner or to such extent as the Central Government considers fit and the Board shall, in accordance with the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter:

Provided that--

(a) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued;

(b) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax;

(c) it shall not be lawful for the board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.

(2) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.]

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1. Inserted by Act 15 of 1983, section 41 w.e.f. 1-10-1983.

Section 64 - Definition of "annual value

For the purposes of this Chapter, "annual value" means--

(a) in the case of railway stations, hotels, colleges, schools, hospitals, factories and any other buildings which a1[Board] decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and

(b) in the case of building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the1[Board] is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the1[Board], excessive if calculated in the aforesaid manner, the1[Board] may fix the annual value at any less amount which appears to it to be just.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 65 - Incidence of taxation

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(1) Save as otherwise expressly provided in the notification imposingthe tax, every tax 1 [assessed] on the annual value of buildings orlands or of both shall be leviable primarily upon the actual occupier of theproperty upon which the said tax is assessed, if he is the owner of thebuildings or lands or holds them on a building or other lease 2 [grantedby or on behalf of the Government or] the 3 [Board]or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows,namely:--

(a)if the property is let, upon the lessor;

(b)if the property is sub-let, upon the superior lessor;

(c)if the property is unlet, upon the person in whom the right to let the samevests.

4 [(2A) The liability of the several owners of any building which is, orpurports to be, severally owned in parts or flats or rooms or separate tenementsfor the payment of such tax or any installment thereof payable during the periodof such ownership shall be joint and several.]

(3) On failure to recover any sum due on account of such tax from theperson primarily liable, there may be recovered from the occupier of any part ofthe buildings or lands in respect of which the tax is due such portion of thesum due as bears to the whole amount due the same ratio which the rent annuallypayable by such occupier bears to the aggregate amount of the letting valuethereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liableunder this section shall, in the absence of any contract to the contrary, beentitled to be reimbursed by the person primarily liable for the payment, and,if so entitled, may deduct the amount so paid from the amount of any rent fromtime to time becoming due from himto such person.

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1. Insertedby Act 26 of 1927, section 7.

2. Substitutedby Act 24 of 1936, section 25, for "from the Secretary of State in Council orfrom".

3. Substituted by Act 24 of 1936, section69, for "Cantonment Authority".

4. Insertedby Act 15 of 1983, section 42 w.e.f. 1-10-1983.

Section 66 to 74 - Assessment list

Section 66 - Assessment list

When a tax1[assessed] on the annual value of buildings or lands or both is imposed, the2[Executive Officer] shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared3[in such form and in such manner] as the4[Central Government] may by rule prescribe.

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1. Inserted by Act 26 of 1927, section 8.

2. Substituted by Act 15 of 1983, section 43, for "Board" w.e.f. 1-10-1983.

3. Substituted by Act 15 of 1983, section 43, for "in such form" w.e.f. 1-10-1983.

4 Substituted by the AO. 1947, for "L.G.".

Section 67 - Publication of assessment list

When the assessment list has been prepared, the1[Executive Officer] shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

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1. Substituted by Act 15 of 1983, Section 44, for "Board" w.e.f. 1-10-1983.

Section 68 - Revision of assessment list

(1) The1[Executive Officer] shall, at the same time, give public notice of a date, not less than one month thereafter.2[when the Board will proceed] to consider the valuation and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased,3[the Executive Officer shall also give) written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the Executive Officer] before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the1[Executive Officer].

(3) The objections shall be inquired into and investigated, and the persons making them shall be alto wed an opportunity of being heard either in person or by authorised agent, by an Assessment Committee appointed by the4[Board].

(4) The Assessment Committee shall consist of not less than three persons, and,5[***] it shall not be necessary to appoint to the Assessment Committee any member6[of the Board].

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1. Substituted by Act 15 of 1983, section 45, for "Board" w.e.f. 1-10-1983.

2. Substituted by Act 15 of 1983, section 45, for "when it will proceed" w.e.f. 1-10-1983.

3. Substituted by Act 15 of 1983, section 45, for "it shall also give" w.e.f. 1-10-1983.

4. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

5. The words "where there is a Board" rep. by Act 24 of 1936, section 26.

6. Substituted by Act 25 of 1936, section 26, for "therefore".

Section 69 - Authentication of assessment list

(1) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions oh such objections.

(2)The assessment list so authenticated shall be deposited in the office of the[1][Board], and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

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1. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

Section 70 - Evidential value of assessment list

Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence--

(i) for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

Section 71 - Amendment of assessment list

[1] [(1) The Boardmay amend the assessment list at any time--

(a)by inserting or omitting the name of any person whose name ought to have been orought to be inserted or omitted, or

(b)by inserting or omitting any property which ought to have been or ought to beinserted or omitted, or

(c)by altering the assessment on any property which has been erroneously valued orassessed through fraud, accident, or mistake,whether on the part of the Boardor of the Assessment Committee or of the assessee, or

(d)by revaluing or re-assessing any property the value of which has been increased,or

(e)in the case of a tax payable by an occupier, by changing the name of theoccupier:

Providedthat no person shall by reason of any such amendment become liable to pay anytax or increase of tax in respect of any period prior to the commencement of theyear in which the assessment is made.]

[2] [(1 A) Beforemaking any amendment under sub-section (1)the Board shall give to any person affected by the amendment notice of notless than one month that it proposes to make the amendment.]

(2) Any person interested in any such amendment may tender an objection tothe [3] [Board]in writing before the time fixed in the notice, and shall be alto wed anopportunity of being heard in support of the same in person or by authorisedagent.

1Substituted by Act 24 of 1936, section 27, for the original sub-section.

2. Insertedby Act 24 of 1936, section 27.

3. Substitutedby Act 24 of 1936, section 69, for "Cantonment Authority".

Section 72 - Preparation of new assessment list

The1[Executive Officer] shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

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1. Substituted by Act 15 of 1983, section 46, for "Board" w.e.f. 1-10-1983.

Section 73 - Notice of transfers

(1) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Executive Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

(3)The notice to be given under this section shall be in such form1[as may be determined by rules made under section 280,] and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the2[Board], but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

3[(5) The Executive Officer shall record every transfer or devolution] of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.

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1. Substituted by Act 2 of 1954, section 12 for "as the Executive Officer may direct".

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

3. Inserted by Act 24 of 1936, section 28.

Section 74 - Notice of erection of buildings

(1) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to1[two hundred and fifty rupees] or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

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1. Substituted by Act 15 of 1983, section 46, for "fifty rupees" w.e.f. 1-10-1983.

Section 75 to 79 - Remission and refund

Section 75 - Demolition, etc., of buildings

If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the1[Board] may, on the application2[in writing] of the owner3[or occupier], remit or refund such portion of4[any tax assessed on the annual value thereof] as it thinks fit5[but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application].

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Inserted by Act 7 of 1931, section 4.

3. Inserted by Act 24 of 1936, section 29.

4. Substituted by Act 26 of 1927, section 9, for "the tax payable thereon".

5 Inserted by Act 15 of 1983, section 48 w.e.f. 1-10-1983.

Section 76 - Remission of tax

In a cantonment1[* * *] when any building or land has remained vacant and unproductive of rent for2[sixty] or more consecutive days3[* * *] the4[Board] shall remit or refund, as the case may be,5[one-half of such portion of any tax] assessed on the annual value thereof6[* * *] as maybe proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

7[Provided that in any cantonment which the Central Government, by notification in the Official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund one-half of such portion of any tax] assessed on the annual value thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.

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1 The words "other than a hill cantonment" omitted by Act 24 of 1936, section 30.

2. Substituted by Act 24 of 1936, section 30, for "ninety".

3. The words "other than a hill cantonment" omitted by Act 24 of 1936, section 30.

4. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

5. Substituted by Act 15 of 1983, section 49, for "such portion of any tax" w.e.f. 1-10-1983.

6. The words "and payable in respect of that year" omitted by Act 24 of 1936, section 30.

7. Inserted by Act 15 of 1942, section 7.

Section 77 - Power to require entry in assessment list of details of buildings

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For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the 1 [Board], at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for 2 [sixty] or more consecutive days 3 [***] 4 [one-half of such portion of any tax] assessed on the annual value of the whole building 5 [* * *] shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by Act 24 of 1936, section 30, for "ninety".

3. The words "during any year" omitted by Act 24 of 1936, section 30.

4. Substituted by Act 15 of 1983, section 49, for "such portion of any tax" w.e.f. 1-10-1983.

5 The words "and payable in respect of that year" omitted by Act 24 of 1936, section 30.

Section 77A - Notice to be given of the circumstances in which remission or refund is claimed

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1 **[77A.] Notice to be given of the circumstances in which remission or refund is claimed.--**

2 [No remission or refund under 3 [* * *] section 76 or section 77 shall be made unless notice in writing of the 4 [fact that the building, land or tenement has become vacant and unproductive of rent], has been given to the 5 [Executive Officer], and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

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1. Proviso to section 77 was re-numbered as section 77A by Act 26 of 1927, section 11.

2. Substituted by Act 26 of 1927, section 11, for "Provided that no such remission".

3. The words and figures "section 75" omitted by Act 7 of 1931, section 5.

4. Substituted by Act 7 of 1931, section 5, for "circumstances in which it is claimed".

5. Substituted by Act 15 of 1983, section 50, for "Board" w.e.f. 1-10-1983.

Section 78 - What buildings, etc., are to be deemed vacant

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(1) For the purposes of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 75, or section 76 or section 77, shall be upon him.

Section 79 - Notice to be given of every occupation of vacant building or house

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(1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building[1][tenement] or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to[2][two hundred and fifty rupees], or to ten times the amount of the said tax, whichever sum is greater.

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1 Inserted by Act 24 of 1934, section 2 and Schedule I.

2. Substituted by Act 15 of 1983, section 51, for "fifty rupees" w.e.f. 1-10-1983.

Section 80 - Tax on buildings and land to be a charge thereon

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Charge on immovable property

A tax assessed on the annual value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.

Section 81 to 83 - Octroi, terminal tax and toll

Section 81 - Inspection of imported goods, etc

Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall when so required by an officer duly authorised by the[1] [Board] in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable--

(a) permit that officer to inspect, examine or weigh such goods, vehicles or animals; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

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1. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

Section 82 - Evasion of octroi or terminal tax

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(1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of

which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to[1] [two hundred and fifty rupees], whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand[2][and shall give a receipt specifying the items seized].

(3) The[3][Executive Officer], after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and safe thereof, unless the demand and expenses are in the meantime paid:

Provided that the Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

(4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale-proceeds shall be credited to the cantonment fund, and shall, on application made[4][to the Executive Officer] within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the[5][Board].

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1. Substituted by Act 15 of 1983, section 52, for "fifty rupees" w.e.f. 1-10-1983.

2. Added by Act 24 of 19376, section 31.

3. Substituted by Act 15 of 1983, section 52, for "Board" w.e.f. 1-10-1983.

4. Substituted by Act 15 of 1983, section 52, for "to the Board" w.e.f. 1-10-1983.

5 Substituted by Act 24 of 1936, section 69, for "Cantonment Authority"

Section 83 - Lease of octroi, terminal tax or toll

It shall be lawful for the[1][Board], with the previous sanction of the[2][Officer Commanding-in-Chief, the Command] to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,--

(a) be bound by any orders made by the[1][Board] for their guidance;

(b) have such powers exercisable by officers or servants of the[1][Board] under this Act as the[1][Board] may confer upon them; and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the[1][Board] for the management and collection of the octroi, terminal tax or toll, as the case may be :

Provided that no article distrained may be sold except under the orders of the[3][Executive Officer].

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1 Substituted by Act 24 of 1936, section 69, for "Cantonment Authority"

2 Substituted by Act 15 of 1983, section 53, section 53, for "Board" w.e.f. 1-10-1983.

3 Substituted by Act 15 of 1983, section 53, for "Board" w.e.f. 1-10-1983.

Section 84 to 88 - Appeals

Section 84 - Appeals against assessment

[1][(1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.

(2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.]

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in order XLV1 of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

2[Explanation.--For the purposes of this section and section 85, section 86, section 87, section 88 and section 92A, "District Court", in relation to a cantonment, means the Principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area, as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.]

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1. Substituted by Act 15 of 1983, section 54, for sub-sections (1) and (2) w.e.f. 1-10-1983.

2. Inserted by Act 15 of 1983, section 54 w.e.f. 1-10-1983.

Section 85 - Costs of appeal

In every appeal the costs shall be in the1[discretion of the District Court] hearing the appeal.

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1. Substituted by Act 15 of 1983, section 55, for "discretion of the officer" w.e.f. 1-10-1983.

Section 86 - Recovery of costs from Board

1[(1)]If the2[Board] fails to pay any cost awarded to an appellant within ten days after the date of the order for payment thereof,3[the District Court] awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

4[(2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 259.]

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1. Re-numbered as sub-section (1), by Act 15 of 1983, section 56 w.e.f. 1-10-1983.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Autority".

3. Substituted by Act 15 of 1983, section 57, for "the officer" w.e.f. 1-10-1983.

4. Inserted by Act 15 of 1983, section 56 w.e.f. 1-10-1983.

Section 87 - Conditions of right to appeal

No appeal shall be heard or determined under this Chapter unless--

(a) the appeal is, in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the1[District Court] before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the2[Board].

1. Substituted by Act 15 of 1983, section 57, for "Court" w.e.f. 1-10-1983.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 88 - Finality of appellate orders

The order of a[1][District Court] confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the[1][District Court], upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

1. Substituted by Act 15 of 1983, section 58, for "appellate authority" w.e.f. 1-10-1983.

Section 89 to 96 - Payment and recovery of taxes

Section 89 - Time and manner of payment of taxes

Save as otherwise expressly provided under this Act, any tax imposed under the provisions of the Act shall be payable on such dates and in such instalments, if any, as the[1][Board] may, by public notice, direct.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 90 - Presentation of bill

(1) When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Section 91 - Notice of demand

(1) If the amount of the tax for which any bill has been presented is not paid to the[1][Board] within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount "not exceeding[2][two rupees], as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by Act 15 of 1983, section 59, for "one rupee" w.e.f. 1-10-1983.

Section 92 - Recovery of tax

(1)If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the form set forth in Schedule II, by distress and sale of the movable property1[or attachment and sale of the immovable property] of the defaulter:

Provided that the Executive Officer shall not recover any sum the liability for which has been remitted an appeal under this Chapter:

1[Provided further that the sale of any immovable property attached under this subsection shall not be made, save under the orders of the Board.]

(2) Every warrant issued under this section shall be signed by the Executive Officer.

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1. Inserted by Act 15 of 1983, section 60 w.e.f. 1-10-1983.

Section 92A - Interest payable on taxes due

1[92A Interest payable on taxes due.--

(1) If a person or whom a notice of demand has been served under section 91, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due,--

(a) one-half per cent, of the sum due for each complete month for the first six months, from the date of the expiry of the period of thirty days aforesaid; and

(b) one per cent of the sum due for each complete month thereafter, during the time he continues to make default in the payment of the sum due.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 259 :

Provided that--

(a) where no appeal has been preferred, the Executive Officer with the previous sanction of the Board, and

(b) in any other case, the District Court hearing the appeal under section 84, may remit the whole or any part of the interest payable in respect of any period.]

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1. Inserted by Act 15 of 1983, section 61 w.e.f. 1-10-1983.

Section 93 - Distress

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(1) It shall be lawful for any servant of the1[Board] to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found2[in the cantonment], any movable property of2[or standing timber, growing crops or grass belonging to] the person therein named as defaulter, subject to the following conditions, exceptions and exemption, namely :--

(a) the following property shall not be distrained :--

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) tools of artisans

(iii) books of account, or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be

necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Inserted by Act 24 of 1936, section 33.

Section 94 - Disposal of distrained property

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(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section(2) of section 93, be sold by public auction by order of the Executive Officer.

(3) The surplus of the sale proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person1[whose property has been sold or his legal representative] and, if the same is claimed by written application to the2[Board] within one year from the date of the notice, a refund thereof shall be made to such person3[or representative]. Any surplus not claimed within one year as aforesaid shall be the property of the2[Board].

(4) For every distraint made under this Chapter a fee of such amount, not exceeding,4[two rupees], as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

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1. Substituted by Act 15 of 1983, section 62, for certain words w.e.f. 1-10-1983.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

3. Inserted by Act 15 of 1983, section 62 w.e.f. 1-10-1983.

4. Substituted by Act 15 of 1983, section 62, for "one rupee" w.e.f. 1-10-1983.

Section 94A - Attachment and sale of immovable property

1[94A . Attachment and sale of immovable property

(1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.

(2) An order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the holder shall be fixed on a conspicuous part of the property and upon a conspicuous part of the office of the Board and also, when the property is land paying revenue to the Government, in the office of the Collector.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board together with the cost incurred by the Board in the sale of the property, and a sum equal to five per cent of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.

(5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(6) The Central Government may make rules for--

(a) regulating the manner of execution of warrants for the attachment and sale of immovable property;

(b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;

(c) summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.]

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1. Inserted by Act 15 of 1983, section 63 w.e.f. 1-10-1983.

Section 95 - Recovery from a person about to leave cantonment

(1) If the Executive Officer has reason to believe that any person from whom any sum is due1[or is about to become due] on account of any tax is about to2[move from the cantonment], he may direct the immediate payment by such person of the sum so due or about to become due, and cause3[a notice of demand] for the same to be served on such person.

4[(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.]

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1. Inserted by Act 8 of 1930, section 2 and Schedule I.

2. Substituted by Act 15 of 1983, section 64, for "remove from the cantonment" w.e.f. 1-10-1983.

3. Substituted by Act 15 of 1983, section 64, for "a bill" w.e.f. 1-10-1983.

4. Substituted by Act 15 of 1983, section 64, for sub-section (2) w.e.f. 1-10-1983.

Section 96 - Power to institute suit for recovery

Instead of proceeding against a defaulter by[1][distress and sale of movable property or attachment and sale of immovable property] as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

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1. Substituted by Act 15 of 1983, section 65, for "distress and sale" w.e.f. 1-10-1983.

Section 97 to 105 - Special provisions relating to taxation

Section 97 - Power to prohibit or exempt from taxation

Every[1][Board] shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act, 1881 (11 of 1881).

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 98 - Power to make special provision for conservancy in certain cases

A[1][Board] may make special provisions for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands :

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the[1][Board] of the services to be rendered.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

Section 99 - Exemption in the case of buildings

(1) When, in pursuance of section 98, a[1][Board] has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

(2) The following buildings and lands shall be exempt from any tax on property[2][other than a tax imposed to cover the cost of specific services rendered by the Board], namely:--

(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) buildings used for educational purposes and public libraries, playgrounds and dharamshalas which are open to the public and from which no income is derived;

(c) hospitals and dispensaries maintained wholly by charitable contributions;

(d) burning and burial grounds, not being the property of the Government or a1[Board], which are controlled under the provisions of this Act;

(e) buildings or lands vested in a1[Board]; and

3[(f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.]

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Inserted by Act 15 of 1942, section 8.

3. Substituted by Act 15 of 1983, section 66, for clause (f) w.e.f. 1-10-1983.

Section 99A - General power of exemption

1[99A . General power of exemption

The Central Government] may, by notification in the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons or any property or goods or class of property or goods2[* * *].

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1. Inserted by Act 35 of 1926, section 7.

2. The words "belonging to the Secretary of State for India in Council" rep. by Act 7 of 1931, section 6.

Section 100 - Exemption of poor persons

A[1][Board] may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act, any person who is in its opinion by-reason of poverty unable to pay the same.

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1. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

Section 101 - Composition

(1) A[1][Board] may, with the previous sanction of[2][Officer Commanding-in-Chief, the Command,] allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

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1. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

2. Substituted by Act 35 of 1926, section 2, for "Officer Commanding the District."

Section 102 - Irrecoverable debts

A[1][Board] may write off any sum due on account of any tax[2][or rate] or of the costs of recovering any tax[2][or rate] if such sum is, in its opinion, irrecoverable;

> [2][Provided that, where the sum written off in favour of any one person exceeds two hundred and fifty rupees], the sanction of the Officer Commanding-in-Chief, the Command, shall be first obtained.

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1. Substituted by Act 24 of 1936, section 69 for "Cantonment Authority".

2. Inserted by Act 24 of 1936, section 34.

Section 103 - Obligation to disclose liability

(1) The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining--

> (a) whether such inhabitant is liable[1][to pay, or has correctly paid, any tax] imposed under this Act;
>
> (b) at what amount he should be assessed; or
>
> (c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

[2][(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to five hundred rupees] and shall also be liable to be assessed at such amount on account of tax as the Board may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

1. Substituted by Act 15 of 1983, section 68, for "to pay any tax" w.e.f. 1-10-1983.

2. Substituted by Act 2 of 1954, section 13, for the original sub-section (2).

Section 104 - Immaterial error not to affect liability

No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

Section 105 - Distraint not to be invalid by reason of immaterial defect

No[1][distress levied or attachment made] under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand,[2][warrant of distress or attachment and sale] or other proceeding relating thereto; nor shall any such person be deemed a trespasser ab inilio on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

1. Substituted by Act 15 of 1983, section 69, for "distress levied" w.e.f. 1-10-1983.

2. Substituted by Act 15 of 1983, section 69, for "warrant of distress" w.e.f. 1-10-1983.