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GOVERNMENT OF SINDH
EXCISE, TAXATION AND NARCOTICS
CONTROL DEPARTMENT

Karachi dated the _____ May, 2019.

NOTIFICATION

NO. _____ :- In exercise of the powers conferred by section 16 of the Sindh Development and Maintenance of Infrastructure Cess Act, 2017, the Government of Sindh have been pleased to make the following rules:

1. **Short title and commencement.-** (1) These rules may be called the Sindh Development and Maintenance of Infrastructure Cess Rules, 2019.

(2) They shall come into force at once.

2. **Definitions.-** (1) In these rules unless the context otherwise requires -

(a) "Act" means the Sindh Development and Maintenance of Infrastructure Cess Act, 2017;

(b) "form" means the form appended to these rules;

(c) "goods" means all kinds of movable goods other than actionable claim, money, stocks, shares and securities;

(d) 'Treasury' means a Treasury or Sub-Treasury or the State Bank of Pakistan or any other bank authorized to receive payment on behalf of Government.

(2) All words and expressions used but not defined in these rules shall have the same meanings as assigned to them under the Act.

3. **Assessment and collection of cess.** (1) The cess shall be assessed and collected through a challan generated by the automated system of Pakistan Custom like "WeBOC" or "One Custom" or any other system in vogue, in accordance with the provisions of the Act.

(2) In absence of automated system, the cess shall be assessed and collected through manually prepared challan by the District Excise, Taxation & Narcotics Control Officer, in accordance with the provisions of the Act.

4. **Declaration for assessment and collection of cess.** (1) No declaration for assessment and collection of cess through automated system is required.

(2) In case of manual assessment and collection, every owner shall furnish a declaration in respect of the goods entering into or leaving the province from or for outside the country and before the goods removed from the check posts, in form 'A' and 'B' respectively.

(3) The declaration shall be supported by the authenticated photocopies of the Goods Declaration / Bill of Entry, Invoice and Letter of Credit in the case of entry of goods, and shipping documents in the case of goods leaving the province.

(4) The District Excise, Taxation & Narcotics Control Officer may require any person including the owner, any government agency or public authority to furnish such information as he may require in respect of the goods entering into and leaving the province for outside the country, in the name of a owner and such person, owner, Government agency or public authority as the case may be, shall comply with the requisition.

5. **Payment of cess.-** As soon as may be after the assessment of the cess, the District Excise, Taxation & Narcotics Control Officer in accordance with the rule-3, shall issue to the owner a challan for payment of the amount mentioned therein into a Treasury before the goods is removed, transported or shipped for entering into or leaving the province from or for outside the country.

6. **Penalty.-** Where the cess is not paid before the goods are removed, transported or shipped without payment of cess, the owner shall without prejudice to any other action that may be taken against him, be liable to a penalty not more than the amount of cess evaded.

7. **Release of goods.-** The District Excise, Taxation & Narcotics Control Officer shall verify the payable amount of cess, and recover the amount of short payment, if any, then issue a certificate in form 'C' by affixing stamp and signature on the final paid challan, for removal or, the case may be shipment of goods.

8. **Registers.-** The District Excise, Taxation & Narcotics Control Officer shall maintain computer generated as well as of manually prepared challans, separate registers for the goods entering into or leaving the province in form 'D' and form 'E' respectively.

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9. **Appeal.-** Any person aggrieved by an order of the District Excise, Taxation & Narcotics Control Officer made under these rules may prefer an appeal against such order to the Director, Excise, Taxation & Narcotics Control having jurisdiction within thirty days of such orders.

10. **Revision:** - The Director General, Excise, Taxation & Narcotics Control Sindh may on his own motion at any time, or an application made to him within thirty days of an order made by the Director call for the record of proceedings held or any order made under these rules for the purpose of satisfying himself as to the legality or propriety of such proceedings or order and may make such order under rule 10 as he may deem fit.

11. **Filing of appeal, revision:** - An appeal or revision under the foregoing shall be preferred by means of a memorandum which shall be stamped as laid down in the Court Fee Act, 1870 and shall be accompanied by a certified copy of the order against which appeal is preferred or revision is made.

12. **Rectification of clerical error.-** The authority making an order may by review correct a clerical or arithmetical error or any erroneous insertion or any mis-description appears on the face of the record.

13. **Recovery of dues.-** Any amount payable under these rules may be recovered as Government dues recoverable as arrears of Land revenue under the relevant law or under the Sindh Tax Evasion (Punishment) Act, 1974.

13. **Exemption.-** (1) Any goods belonging to the Federal Government or Provincial Government or a foreign mission or any goods which are part of the personal baggage of a passenger for which import license or permit is necessary shall be exempted from the payment of Cess.

(2) Government may by Notification, for the reasons to be recorded exempt from payment of cess to -

- (a) "registered association" to which license is granted under section 42 of the Companies Ordinance, 1984;
- (b) "non profitable organization" which is approved by the competent authority for the purpose of section 2(36)(a) of the Income Tax Ordinance, 2001;

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- (c) foreign aid for the benefit of general public duly approved by the competent authority under the provisions of Income Tax Ordinance, 2001;
 - (d) imports for carriage whereby infrastructure of Sindh Province is not used;
 - (e) temporary import for exhibition which is expressly brought in province for a period not exceeding three months.

14. Waiver of penalty. (1) No waiver of penalty shall be allowed unless such request is made in writing within a month of the order of imposition of penalty.

(2) The Director concerned may waive of penalty, on the report and recommendation of the concerned District Excise, Taxation and Narcotics Control Officer.

(3) The Director General and the Secretary, Excise, Taxation and Narcotics Control Department may waive of penalty, on the report and recommendation of the committee comprising concerned Director and District Excise, Taxation and Narcotics Control Officer concerned.

14. Refund or Excess Assessment.- If on an application made in this behalf the District Excise, Taxation & Narcotics Control Officer concerned, after such enquiry as deemed fit, is satisfied that the cess has been paid or over paid through inadvertence error or misconstruction, he may, with the approval of the Director Excise, Taxation & Narcotics Control concerned and prior concurrence of the Finance Department, order for the refund of such payment or over payment.

15. Exclusion of Jurisdiction of civil courts.- No civil court shall have jurisdiction in any matter which Government or an assessing authority or any officer or servant is empowered by the Act or these rules to dispose of, or take cognizance of the manner in which Government, or any assessing authority, officer or servant exercise any powers vested in it or him by or under the Act or these rules.

16. Repeal. (1) On coming into force of these rules, the Sindh Development and Maintenance of Infrastructure Cess Rules, 1994 shall stand repealed.

(2) Any action taken under the repealed rules before coming into force of these rules shall be deemed to have been validly taken under these rules.

SECRETARY TO GOVT. OF SINDH