

(Authoritative English Text of this Department Notification No. EXN-F (5)-5/2006, dated 29th July 2006 as required under clause (3) of Article 348 of the Constitution of India).

GOVERNMENT OF HIMACHAL PRADESH
EXCISE AND TAXATION DEPARTMENT

No. EXN-F(5)-5/2006

Dated: Shimla-171002,

29th July 2006

NOTIFICATION

Whereas the Governor of Himachal Pradesh is satisfied that it is necessary in Public interest to do so;

2. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956), the Governor of Himachal Pradesh is pleased to direct that in this Department Notification No. EXN-F(9)2/99-III(i), dated 05th August 2002, published in Rajpatra, Himachal Pradesh (Extra-ordinary), dated 05th August 2002, (hereinafter in this notification referred to as the "said notification") the following amendments shall be made w.e.f. from 1st day of August, 2006, namely:-

(j) in para 2 of the said notification,--

(a) after the words "for the period" but before the words "and subject to", the words and figure "specified in para 3" shall be inserted; and,

(b) for the words, "including Explanation", the words and the signs, "including point (c) of the Explanations" shall be substituted.

(ii) after existing para 2 of the said notification, the following paras 3 and 4 and Explanation shall be added, namely:-

"3. The Governor, is further pleased to direct that subject to compliance with the provisions of the Central Sales Tax Act, 1956, the incentives contained in para 2 of notification No. EXN-F(9)-2/99-III (i) dated 05th August, 2002 as amended shall be available,--

(i) to the existing Information Technology industrial units availing of such incentives under notification No. EXN-F (9)-2/99-III (i) dated 05th August, 2002, for the unexpired period;

- (ii) to the new Information Technology industrial units, from the date of commencement of commercial production on or after 1st August, 2006 upto 31-03-2013.

4. The Governor is further pleased to direct that notwithstanding anything contained in para 3, the total period of incentive in any case of the 'existing Information Technology industrial unit or the new Information Technology unit' shall not exceed 6 years and 8 months.

Explanation.- For the purposes of this notification,--

- (a) 'existing Information Technology industrial unit' means a unit which,-
(i) has already gone into commercial production before 1st August, 2006; and
(ii) on 1st August, 2006 is availing the incentives notified vide notification No. EXN-F(9)-2/99-III(i) dated 5th August 2002;
- (b) 'new Information Technology industrial unit' means a unit which comes into commercial production on or after 1st August 2006 and
- (c) 'unexpired period' means the balance period of incentive as on 1st August, 2006 arrived at by deducting the period of incentive availed upto 31st July 2006 from the total period of 6 years and 8 months specified in para 4. For instance, in case of an existing information technology industrial unit which came into commercial production on 1st August, 2003, the unexpired period of incentive shall be calculated as follows, namely:-

(i) Total period of incentive: 6 years 8 months

(ii) Period of incentive availed 3 years
from 1st August 2003 to 31st
July, 2006:

(iii) Unexpired period of incentive 3 years 8 months."
as on 1st August, 2006:

By order,

Principal Secretary (E&T) to the
Government of Himachal Pradesh