

THE BALOCHISTAN INFRASTRUCTURE DEVELOPMENT CESS
ACT, 2019

(Baln. Act III of 2019)

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'THE BALOCHISTAN INFRASTRUCTURE DEVELOPMENT CESS
ACT, 2019

(Balochistan Act No. III of 2019)

[18" February, 2019]

An act to levy and collect a cess on goods entering and leaving the Province from or for outside the country through rail, road, air and sea;

Preamble. WHEREAS, it is expedient to provide for the levy and collection of cess on goods entering and leaving the Province from or for outside the country through rail, road, air and sea, for development and maintenance of infrastructure of the Province;

It is hereby enacted as follows: —

CHAPTER — I

PRELIMINARY

Short title, extent 1. (1) This Act may be called the Balochistan Infrastructure and Development Cess Act, 2019.

commencement. (2) It shall extend to the whole Province of Balochistan.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1* July, 2018.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context, —

(a) "Act" means the Balochistan Infrastructure Development Cess Act, 2019;

(b) "Authority" means the Balochistan Revenue Authority established under the Balochistan Revenue Authority Act, 2015 (Act No.VII of 2015);

(c) "Cess" means the Infrastructure Development Cess

1 This Act was passed by the Provincial Assembly of Balochistan on 11" February, 2019; assented to by the Governor of Balochistan on 15" February, 2019; and first published in the Balochistan Gazette (Extraordinary) No. 21, dated 18" February, 2019.

(d)

(e)

(f)

(g)

(h)

(1)

levied and collected under the Act and includes
penalty or default surcharge or any other sum
payable under the Act or the rules made
thereunder;

“Customs Act” means the Customs Act, 1969 (Act
No. IV of 1969) and rules made, or notifications
issued under that Act;

“FBR” means the Federal Board of Revenue
established under the Federal Board of Revenue
Act, 2007 (Act No. IV of 2007);

“Goods” means goods classifiable under the First
Schedule to the Customs Act, 1969 (Act No. IV of
1969) and includes the goods defined under that
Act;

“Government” means the Government of
Balochistan;

“Infrastructure” includes roads, streets, bridges,
culverts, lights and plantation on passage, beaches,
public parks, place of public recreation or
enjoyment and convenience, eating places,
landscape, forests, fisheries, delta conservation,
lakes, breeding places of aquatic life, wildlife and
its sanctuaries, public schools, vocational and
technical training centers and projects, libraries,
museums and similar institutions controlled and
financed by the Province, control of traffic for
smooth flow and safer movement of goods, public
order, police force, patrolling for safety of goods,
stands for loading and unloading of goods, parking
places, markets, water supply, hospitals and
dispensaries and development, improvement,
maintenance and protection of such infrastructure;

“Owner” means a person in whose name the goods
are entering or leaving the Province from or for

outside the country by rail, road, air and sea and includes the clearing agent;

Levy of cess.

G) "Person" includes:

- (i) an individual;
- (ii) an association of persons;

(iii) | a company incorporated, formed, organized or established in Pakistan or elsewhere;

(iv) the Federal Government;

(v) a Provincial Government;

(vi) a local authority in Pakistan; or

(vii) a foreign Government, political subdivision of a foreign Government, or public international organization;

(k) "Prescribed" means prescribed by rules made under this Act;

(1) "Province" means the Province of Balochistan;

(m) "Rules" means the rules made under the Act;

(n) "Sales Tax Act" means the Sales Tax Act, 1990 (Act No. VI of 1990);

(o) "Schedule" means schedule appended to this Act; and

(p) "Value" means the value of goods being imported or exported, as determined by an officer of customs for purposes of the Customs Act, 1969 (Act No. IV of 1969).

CHAPTER - II SCOPE OF CESS

3. There shall be levied and collected a cess for maintenance and development of infrastructure, on goods upon entering or before leaving the Province from or for outside the country, through rail, road, air and sea at a fixed rate of 1% of total value of goods as assessed for customs purposes.

Person liable to pay
cess.

Payment of cess.

Exemptions.

Default surcharge.

4. (1) The owner shall be liable to pay the cess levied on the goods entering or leaving the Province from or for outside the country by rail, road, air and sea under section 3 of the Act.

(2) Nothing contained in this section shall prevent the collection of cess from a person who is made separately, jointly or severally liable for payment of the cess under this Act or the rules made thereunder.

5. (1) — In case of goods entering or leaving the Province from or for outside the country, cess shall be payable in the same manner and at the same time as it was a customs duty regardless whether or not the goods are liable to such duty.

(2) The amount of cess or any other amount payable under this Act or the rules, shall be deposited in such head of account as may be specified by the Government.

(3) Notwithstanding anything contained in this section, the Authority may, in respect of any goods, category or class of goods and subject to such conditions, restrictions or limitations, if any, specify any other manner or time or mode of payment of cess.

6. Notwithstanding anything contained in section 3 and 5, the Authority with the approval of the Government may, by a notification in the official Gazette, exempt any goods or category or class of goods from payment of whole or part of the cess payable under the Act subject to such conditions and limitations as may be specified in such notification.

CHAPTER - III OFFENCES AND PENALTIES

7. (1) Where any person who fails to pay any amount of cess due under this Act, he shall, in addition to the cess due or any other amount payable under the Act, be liable for default surcharge at a rate of two percent of the amount unpaid per month.

(2) Where necessary, the amount of default surcharge shall be prorated but in a case the period of default is less than one month, the amount of default surcharge shall not be prorated.

Penalty.

Waiver of default
surcharge or

penalty.

Appeals.

Revision.

Claim of refund.

Utilization of cess.

Bar on adjustment.

Application of

Explanation: For the purposes of this section, the
cess due does not include penalty.

8. Where the goods are removed, transported or shipped
without payment of cess, the owner shall, without prejudice to
any other action to be taken against him, be liable to a penalty not
more than the amount of cess evaded.

9. The Authority may, subject to such conditions as it deem
appropriate, waive the payment of default surcharge on cess
under section 7 or penalty under section 8 in any case or class of
cases.

CHAPTER-IV MISCELLANEOUS

10. Any person aggrieved by any decision or order passed by
any officer of the Authority in pursuance of this Act or the rules,
may within thirty days of the date of receipt of such decision or
order, prefer an appeal to the Commissioner (Appeals). All
provisions of Chapter-IX of the Sales Tax on Services Act, 2015
(Act No. VI of 2015) shall, mutatis mutandis apply.

11. The Authority may, at any time, on its own motion, or on
an application made to it within ninety days of passing of any
decision or order, call for the record of any case pending before,
or disposed of by any officer of the Authority, for review and
make an appropriate order.

12. No refund of the cess claimed to have been paid or over-
paid through inadvertence, error or misconstruction shall be
allowed unless such claim is made within three months of the
date of payment of such cess.

13. The proceeds of the cess shall be utilized for maintenance and development of infrastructure and other activities ancillary thereto, in such manner as may be prescribed.

14. The amount of cess payable or paid under this Act shall not be adjusted against any other tax, levy or cess payable under any other law, and vice versa.

15. (1) In case of goods imported into or exported out of

provisions of
other laws.

Validation.

Indemnity.

Jurisdiction barred.

Power to make rules.

Intersystem
connectivity.

the Balochistan, the Customs Act, 1969 (Act No. IV of 1969)
shall, as nearly as possible, apply to the assessment, collection,
payment and administration of the cess in so far as it relates to —

(a) time, manner and mode of payment;
(b) — declarations, processing and management;

(c) keeping of records, accounts and
documents;

(d) enforcement and adjudication including
appeals;

(e) penalties and prosecution; and

(f) all other ancillary matters.

16. Notwithstanding anything contained in any law, rules or
judgment, order or decree of any court, the cess, penalty, default
surcharge or any other amount levied, assessed, charged,
adjudged, realized, collected and recovered by the Authority or
any functionaries of the Authority in pursuance of this Act or the
rules, shall be deemed to have been validly levied, assessed,
charged, adjudged, realized, collected and recovered under this
Act.

17. Anything done, action taken, assessment and collection
made, order passed or purported to have been done, under this
Act or the rules in relation to cess, shall be deemed to have been
validly done, taken, made, or passed and shall be deemed always
to have effect accordingly.

18. No provision of this Act or any order made thereunder
shall be called in question by or before any Court.

19. The Authority may, with the approval of the Government
and by notification in the official Gazette, make the rules for
carrying into effect the purposes of this Act and to prescribe the
procedure for the assessment, collection and payment of cess and

exemption from the cess levied under this Act.

20. The Authority may enter into such arrangements for real time connectivity of its computerized system with the system of FBR or any other department, organization, institution or authority as it may deem proper for the purpose of regular or

Savings.

Overriding effect.

efficient monitoring of the collection and payment of the cess.

21. | Where the Government or the Authority takes any action, makes any decision or orders, issues any instructions, directions, clarifications or notifications in pursuance of or in exercising of powers conferred under any provision in respect of any matter relating to the cess and allied issues covered under this Act or the rules, such actions, decisions, orders, instructions, directions, clarifications and notifications shall be deemed to have been validly issued to serve the purposes of this Act and the rules.

22. This Act shall have overriding effect notwithstanding anything contained in any other law, for the time being in force.