

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 22nd March, 2019

No. LD/Legis-Act/79-92/2019. The following Act of Assembly received the assent of the President on the 15th day of March 2019, is hereby published for general information.

(ACT VI OF 2019)

An
Act
to amend the Azad Jammu and Kashmir Finance Act, 2018

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Finance Act, 2018 (Act IV of 2018), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short Title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Finance Supplementary (Amendment) Act, 2019.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Adaptation of Amendments of Income Tax Ordinance, 2001 (Ordinance XLIX of 2001).- (1) In the Income Tax Ordinance, 2001 (XLIX of 2001), as adopted and enforced in Azad Jammu and Kashmir, hereinafter referred to as the said Ordinance, except otherwise legislated by an Act of the Assembly, all amendment made in the said Ordinance and all rules, notification, circulars and other orders issued thereunder, as enforced in Pakistan at any time on or after 1st day of July, 2017 and before the commencement of this Act, shall also, as far as practicable, be deemed to have been so made, at the same time in the said Ordinance, as enforced in Azad Jammu and Kashmir by virtue of the Azad Jammu and Kashmir Income Tax (Adaptation, Enforcement and Validation) Act, 2002 (Act IV of 2002).

(2) Notwithstanding any judgment or decision of any court including Supreme Court or High Court of Azad Jammu and Kashmir, anything done, tax levied, charged or collected, proceedings initiated, notices issued, actions taken, orders passed, penalty imposed, power excised or conferred on any authority on or after the 10th day of September 2018, in accordance with the amendments made in the said Ordinance, as

in force in Pakistan, shall be deemed always to have been validly done, levied, charged or collected, initiated, issued, taken, passed or made, imposed, or exercised or conferred and so much of such tax as has not been levied, charged, paid or collected before the commencement of this Act shall be leviable, chargeable and recoverable in accordance with the said amendments.

Adaptation of Amendments of Sales Tax Act, 1990 (Act VII of 1990).- (1) In the Sales Tax Act, 1990 (Act VI of 1990), as

adapted and enforced in Azad Jammu and Kashmir, hereinafter referred to as Act 1990, except otherwise legislated by an Act of the Assembly, all the amendments made in the Act 1990 and all rules, notifications, circulars and orders made or issued thereunder, as enforced in Pakistan at any time on or after the 10th day of June, 2018 and before the commencement of the Act 1990, shall also, as far as practicable, be deemed to have been made, at the same time, in the Act 1990, as enforced in the Azad Jammu and Kashmir by virtue of the Sales Tax (Adaptation) Act, 1993 (Act IV of 1993).

(2) Notwithstanding any judgment or decision of any court including Supreme Court and High Court of Azad Jammu and Kashmir, anything done, tax levied, charged or collected, proceedings initiated, notices issued, orders passed, penalties imposed, powers exercised or powers conferred on any authority on or after the 10th day of June, 2018, in accordance with the amendments made in the said Act, as enforced in Pakistan, shall be deemed always to have been validly done, levied, charged, collected, initiated, issued, passed, imposed, exercised or conferred and so much of such tax have not been levied, charged, paid or collected, before coming into force of this Act, shall be leviable, chargeable and recoverable in accordance with the said amendments.

Adaptation of the Amendments in Federal Excise Act, 2005.-

(1) In the Federal Excise Act, 2005, as adapted and enforced in Azad Jammu and Kashmir, hereinafter referred to as the said Act, except otherwise legislated by an Act of the Assembly, all the amendments made in the said Act and all rules, notifications, circulars and other orders made or issued there under, as enforced in Pakistan at any time on or after 10th day of June, 2018, and before the commencement of this Act, shall also, as far as practicable, be deemed to have been made, at the same time, in the said Act, as enforced in the Azad Jammu and Kashmir by virtue of the Azad Jammu and Kashmir Finance Act, 2005 (Act VUI of 2005).

(2) Notwithstanding any judgment or decision of any court including Supreme Court and High Court of Azad Jammu and Kashmir, anything done, tax levied, charged or collected, proceedings initiated, notices issued, orders passed, penalties imposed, powers exercised or powers conferred on any authority on or after the 24th day of June, 2017, in accordance with the amendments made in the said Act, as enforced in Pakistan, shall be deemed always to have been validly done, levied, charged, collected, initiated, issued, passed, imposed, exercised or conferred and so much of such tax have not been levied, charged, paid or collected, before coming into force of this Act, shall be leviable, chargeable and recoverable in accordance with the said amendments.

Amendment in Azad Jammu and Kashmir Sales Tax (Tax on Services) Act, 2001 (Act XXIV of 2001).- (1) In the Schedule to

the Azad Jammu and Kashmir Sales Tax (Tax on Services) Act, 2001 (XXIV of 2001), after serial number 43 and entries relating thereto in columns (2), (3) and (4), the following new serial number and corresponding entries in columns (2), (3) and (4) shall be added, namely:-

44 | IT Services and IT- | Respective Heading Five percent enabled services

Sd/-
(Ch. Muhammad Nawaz)
Section Officer (Legislation)