

HOTEL RECEIPTS TAX RULES, 1981

CONTENTS

1. Short title and commencement
2. Definitions
3. Determination of room charges in the case of composite charge
4. Charges received in Indian currency deemed to have been received in foreign exchange
5. Form of return of chargeable receipts under section 8
6. Form of estimate of advance tax
7. Form of appeal to the Commissioner (Appeals)
8. Form of Appeal and memorandum of cross-objections to Appellate Tribunal
9. Notice of demand
10. Refund claim

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1. Short title and commencement :-

- (1) These rules may be called the Hotel-Receipts Tax Rules, 1981.
- (2) They shall come into force on the 1st day of February, 1981.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires, "the Act " means the Hotel-Receipts Tax Act, 1980 (54 of 1980).
- (2) All references to " Forms " in these rules shall be construed as references to the forms set out in the Appendix hereto.

3. Determination of room charges in the case of composite charge :-

For the purposes of sub-section (2) of section 3 of the Act in a case where a composite charge is payable in respect of residential accommodation and food, the room charges included therein shall be determined by deducting from the composite charge, the charges for food in the following manner, namely :---

- (i) where the composite charge 10 per cent of the composite charge ;

(ii) where the composite charge 25 per cent of the composite charge; one meal

(iii) where the composite charge 40 percent of the composite charge two meals.

4. Charges received in Indian currency deemed to have been received in foreign exchange :-

For the purposes of clause (a) of the Explanation to sub-section (1) of section 5 , the charges received in Indian currency obtained by conversion of foreign exchange into Indian currency shall be deemed to have been received in foreign exchange in the cases and in the circumstances mentioned below :---

(i) where the payment in respect of the chargeable receipts of a hotel has been made out of Indian currency obtained by conversion of foreign exchange brought into India through an authorised dealer by a travel agent on behalf of a foreign tourist or group of foreign tourists;

(ii) where the payment in respect of the chargeable receipts of the hotel has been made in the manner referred to in clause (i), by an airline on behalf of a foreign tourist or a group of foreign tourists :

Provided that the travel agent or, as the case may be, the airline furnishes to the hotel a certificate in Form No. 1 at the time of payment of the charges.

Explanation.---For the purpose of this rule,---

(i) " airline " and " travel agent " respectively mean an airline or travel agent which holds a valid licence granted under section 32 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), by the Reserve Bank of India.

(ii) " authorised dealer " shall have the meaning assigned to it in clause (b) of section 2 of the Foreign Exchange Regulation Act, 1973 (46 of 1973).

5. Form of return of chargeable receipts under section 8 :-

The return of chargeable receipts required to be furnished under sub-section (1) or sub-section (2) of section 8 of the Act shall be in Form No. 2 and shall be verified in the manner indicated therein.

6. Form of estimate of advance tax :-

The estimate which an assessee has to send to the Income-tax

Officer under section 14 of the Act shall be in Form No. 3 and shall be verified in the manner indicated therein.

7. Form of appeal to the Commissioner (Appeals) :-

(1) An appeal under section 18 of the Act to the Commissioner (Appeals) shall be made in Form No. 4 and shall be verified in the manner indicated therein.

(2) The form of appeal prescribed by sub-rule (1), the grounds of appeal and the form of verification appended thereto shall be signed---

(a) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) in the case of a Hindu undivided family, by the karta, and where the karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;

(c) in the case of a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to sign and verify the return, or where there is no managing director, by any director thereof or where in the case of a non-resident, the assessment has been made on any person who has been treated as his agent under Section 163 of the Income tax Act, 1961 , by such person;

(d) in the case of a firm, by the managing partner thereof, or where for any unavoidable reason such managing partner is not able to sign and verify the return, or where there is no managing partner as such, by any partner thereof, not being a minor;

(e) in the case of a local authority, by the principal officer thereof;

(f) in the case of any other association, by any member of the association or the principal officer thereof; and (g) in the case of any other person, by that person or by some person competent to act on his behalf.

8. Form of Appeal and memorandum of cross-objections to

Appellate Tribunal :-

(1) An appeal under sub-section (1) or sub-section (2) of section 19 of the Act to the Appellate Tribunal shall be made in Form No. 5 and shall be verified in the manner indicated therein.

(2) A memorandum of cross-objections under sub-section (4) of section 19 of the Act to the Appellate Tribunal shall be made in Form No. 6 and shall be verified in the manner indicated therein.

9. Notice of demand :-

The notice of demand under sub-section (5) of section 20 of the Act or under S.156 of the Income tax Act, 1961, 1961, as applied to hotel-receipts tax under section 24 of the Act shall be made in Form No. 7.

10. Refund claim :-

(1) A claim for a refund under sub-section (4) of section 20 or under Section 239 of the Income tax Act, 1961 , as applied to hotel-receipts tax under section 24 of the Act shall be made in Form No. 8.

(2) A claim under sub-rule (1) may be presented by the claimant in person or through a duly authorised agent or may be sent by post.