

**7. PROCEEDINGS OF THE COMMISSIONER, COMMERCIAL TAXES
THIRUVANANTHAPURAM**

Present: - Sri.Paul Antony.IAS

Sub: - KGST Act 1963- Clarification under section 59A- request from
H.S.Lucky Centre, East Fort- Clarified-orders issued- reg:

Read:- 1. Request dt. 02.08.03 of M.Martandan, Advocate & Tax Consultant.
2. Posting Notice dt. 28.12.05

ORDER No. C3. 43258/03/CT Dt. 02.02.06

As per the 1st paper read above Sri.M.Marthandan, Advocate and Tax Consultant have filed a petition for clarification as to levy of licence fee under section 5C on lottery tickets for H.S. Lucky Centre, East Fort, Thiruvananthapuram

The hearing was posted on 28.12.05 and the counsel was absent. Hence the case was disposed on merits and following orders are issued.

The point to be clarified is as to whether licence fee levied as Rs. 10000/- under section 5BA of the KGST Act,1963 is applicable for each draw or aggregate draws of lottery tickets conducted daily.

Section 5BA of the Act envisages that any dealer liable to pay tax under sub-section (1) of section 5 shall pay licence fee per draw at the rate prescribed in lieu of the tax payable under that section. Licence fee prescribed for daily lotteries is Rs. 10000/- per draw. If more than one lottery is conducted in a day licence fee has to be paid according to the number of draws. In the case of daily lotteries licence fee is to be paid @ Rs. 10000/- for each draw. Licence fee is to be paid for each draw as prescribed in the Act. The issue raised by the applicant is clarified as above.

Sd/
Commissioner