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## **Chaattisgarh (Adhosanrachna Vikas Evam Paryavaran) Upkar Adhiniyam, 2005**

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**CHHATTISGARH ACT**  
(No. 7 of 2005)

**CHHATTISGARH (ADHOSANRACHNA VIKAS EVAM PARYAVARAN) UPKAR  
ADHINIYAM, 2005**

**An Act to provide for levy of cess on land for raising funds to implement infrastructure development projects and environment improvement projects.**

Whereas it is expedient to provide for additional resources for augmenting the development activities and improvement of environment in the State.

Be it enacted by the Chhattisgarh Legislature in the fifty sixth year of the Republic of India as follows :—

- |    |     |   |
|----|-----|---|
| 1. | (1) | This Act may be called Chhattisgarh (Adhosanrachna Vikas Evam Paryavarana) Upkar Adhiniyam, 2005. |
|    | (2) | It extends to the whole of State of Chhattisgarh.   |
|    | (3) | It shall come into force on the date of its publication in the Official Gazette                   |

**Short title, extent and  
Commencement.**

Definitions.	2.	(1)	In this Act, unless the context otherwise requires,—
		(a)	"cess" means the infrastructure development cess levied under section 3 or the environment cess levied under section 4 of this Act;
		(b)	"infrastructure development fund" means the fund established under section 3 of this Act;
		(c)	"environment fund" means the fund established under section 4 of this Act;
		(d)	"mining lease" means a lease granted under the Mines and Minerals (Development and Regulation) Act, 1957 (No. 67 of 1957);
		(e)	"prescribed" means prescribed by rules made under this Act;
		(f)	"proceeds of infrastructure development cess" means the proceeds of cess levied under section 3 of this Act;
		(g)	"proceeds of environment cess" means the proceeds of cess levied under section 4 of this Act;
	(2)		The words and expressions used in this Act, but not defined therein, shall have the meaning respectively as assigned to them in the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) and the Mines and Minerals (Development and Regulation) Act, 1957 (No. 67 of 1957).
Infrastructure development cess.	3.	(1)	On and from the date of commencement of this Act, there shall be levied and collected an infrastructure development cess on all lands on which land revenue or rent, by whatever name called, is levied.
			Provided that infrastructure development cess shall not be levied on land which for the time being is exempt from payment of land revenue or rent, as the case may be.
		(2)	The infrastructure development cess shall be levied at the rate specified in Schedule-I.
Environment cess.	4.	(1)	On and from the commencement of this Act, there shall be levied and collected an environment cess on all lands on which land revenue or rent, by whatever name called, is levied.
			Provided that environment cess shall not be levied on land which for the time being is exempt from payment of land revenue or rent, as the case may be.
		(2)	The environment cess shall be levied at the rate specified in Schedule-II.
Infrastructure Development Fund.	5.	(1)	There shall be established a fund to be called Infrastructure Development Fund.
		(2)	The infrastructure development fund shall consist of,—
		(a)	the proceeds of infrastructure development cess,
		(b)	any sum granted by the State Government, and
		(c)	any other sum received from any source whatsoever.



- (3) The infrastructure development fund shall be utilized by the State Government for implementation of such infrastructure development projects in the State of Chhattisgarh as may be prescribed.
6. (1) There shall be established a fund to be called Environment Fund. Environment Fund.
- (2) The environment fund shall consist of,—
- (a) the proceeds of environment cess;
- (b) any sum granted by the State Government; and
- (c) any other sum received from any source whatsoever.
- (3) The environment fund shall be utilized by the State Government for implementation of such environment projects in the State of Chhattisgarh as may be prescribed.
7. (1) Cess levied under section 3 and 4 of the Act shall be assessed in such manner as may be prescribed. Assessment and collection of cess.
- (2) The cess levied under this Act shall be collected as an arrear of land revenue and provisions of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) shall apply *mutatis mutandis* for such collection and recovery.
8. (1) The State Government may, by a notification to be published in the Official Gazette, amend any Schedule to this Act for revising the rate of any cess. Amendment of Schedules.
- Provided that the rate of any cess shall not be revised more than once in any consecutive period of three years.
- Provided further that the rate of any cess shall not be increased by more than fifty percent of the existing rate by any notification to be issued under this sub section.
- (2) Every notification issued under sub section (1) shall be laid immediately before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following the date of such notification.
9. (1) The State Government may make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid immediately before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following the date on which such rule is notified.

**SCHEDULE-I**  
(Sec section 3)

S. No. (1)	Classification of Land (2)	Rate of development cess (3)
1.	On land covered under coal and iron ore mining leases.	Rupees 5 on each tonne of annual dispatch of mineral.
2.	On land covered under mining leases other than (1) above.	5 percent of the amount of royalty payable annually.
3.	On land other than land covered under (1) and (2) above.	5 percent of the amount of land revenue or rent, as the case may be, payable annually.

**SCHEDULE-II**  
(See section 4)

S. No. (1)	Classification of Land (2)	Rate of environment cess (3)
1.	On land covered under coal and iron ore mining leases.	Rupees 5 on each tonne of annual dispatch of mineral.
2.	On land covered under mining leases other than (1) above.	5 percent of the amount of royalty payable annually.
3.	On land other than land covered under (1) and (2) above.	5 percent of the amount of land revenue or rent, as the case may be, payable annually.

Raipur, the 20th December 2005

# NOTIFICATION

No. 4-50/Seven/Revenue/2005/4056,— In exercise of the powers conferred by sub-section (1) of section 9 of the Chhattisgarh (Adhosanrachna Vikas avam Paryavaran) Upkar Adhiniyam, 2005 (No 4 of 2005) the State Government hereby makes the following rules, namely :-

## RULES

- 1- **Short title and commencement:** (1) These rules may be called the Chhattisgarh (Adhosanrachna Vikas avam Paryavaran) Upkar Niyam, 2005  
(2) They shall come into force with effect from the date of publication in the official gazette.  
(3) It extends to the whole of Chhattisgarh.
- 2 **Definitions** (1) In these rules unless the context otherwise requires:-  
(a) "Act" means Chhattisgarh (Adhosanrachna Vikas avam Paryavaran) Upkar Adhiniyam 2005 (NO 4 of 2005)  
(b) "Rules" means rules made under the Act.  
(c) "Competent Authority" means the Collector as defined under section 16 of Chhattisgarh Land Revenue Code 1959 of (No 20 of 1959) but shall not include Additional collector.  
(d) "Schedule" means the schedule appended to these rules.  
(e) "Appellate authority" means the authority as notified by the State Government in the official gazette from time to time.  
(f) The words and expressions used in these rules but not defined therein shall have the meaning respectively as assigned to them in the Chhattisgarh (Adhosanrachna Vikas avam Paryavaran) Upkar Adhiniyam, 2005 (NO 4 of 2005)
3. **Competent Authority to exercise power:** The competent authority shall exercise powers under different provisions of these rules within their respective Jurisdictions.
- 4 **Tax where there is no production of Mineral :-** Where in case of any mineral bearing land, there is no production of mineral for two consecutive years or more, such land shall be liable for levy of tax at the rate fixed in schedule I and II.
- 5 **Manner of payment of Tax:-** The payment of tax under section 3 and 4 shall be made in four equal installments on the last day of each quarter of financial year through the treasury challan. A copy of the treasury challan shall be submitted by the holder of any mineral bearing land to the competent authority.
- 6 **Penalty on default payment:-** (1) The competent authority shall impose penalty not exceeding three times of the tax in the event of default of payment of tax under rule 5 by the holder of any mineral bearing land, after giving him a reasonable opportunity of hearing.



by serving a fifteen days notice in Form "A" on him categorically specifying the amount of the proposed penalty.

(2) If, after considering the explanation of the holder of the mineral bearing land, the competent authority is not satisfied that the default was due to reasonable cause, he shall pass an order levying penalty in accordance with the provisions of the sub-section (2) of section 7 and serve it on such holder together with a notice of demand in Form-B.

**7 Assessment and Demand of Tax:-** (1) If the competent authority is satisfied, without requiring the presence of the holder of mineral bearing land or the production by him of any evidence, that the return furnished in respect of the financial year are correct and complete, he shall assess the amount of tax due from the holder of mineral bearing land on the basis of such return.

(2) If the competent authority is not satisfied with the returns furnished in respect of a financial year, he shall serve a notice in Form-C to the holder of the mineral bearing land, and fix the date for production of such accounts, documents and other materials and after taking into consideration the objections raised by the said holder, the annual value of mineral bearing land, the rate of tax fixed under section 4 the quantity and grade of mineral produced, the sale price of such mineral, the annual return furnished in the manner hereafter provided and any other materials required for the purpose of ascertaining the annual value of mineral bearing land, shall assess the tax and demand the tax due if any, in Form -D by the end of the Month of the year.

**8 Submission of return and revised return:-** (1) Every holder of mineral bearing land or quarry holder carrying mining operations shall furnish an annual return for each financial year in Form -E to the competent authority, so as to reach him by the 25<sup>th</sup> day of April. Where a person has more than one mineral bearing land holding within the territorial jurisdiction of the competent authority, separate returns shall be furnished for each such holding.

Provided that the return filed in Form -E is not accompanied by the documents provided therein and showing full payment of tax for the relevant year, it shall be deemed that no return is filed under this rule.

(2) In case of any inaccuracy in the return furnished to the competent authority, comes to the notice of the holder of a mineral bearing land, he may submit a revised return so as to reach the competent authority within a period of one calendar month from the last date fixed for furnishing of return under sub-rule (1) along with a challan receipt by way of proof of payment of any differential tax to be paid as a result of a revision in the return.

(3) On the failure of the holder of the mineral bearing land or the quarry holder to file return under sub-rule (1) by the due date or as the case may be, the return is found to be incorrect or incomplete, the competent authority after giving him a reasonable opportunity of being heard, shall assess the tax due to the best of his

judgement on the basis of available materials and pass an order in Form-F and issue a notice of demand in Form-G in pursuance of that order.

9. Appeal:- (1) An appeal may be preferred to the Appellate Authority against the order passed by the Competent Authority under rule 6,7 or sub-rule (3) of rule 8 in form -H and I and may be presented either in person or by an agent or may be sent by a registered post.

(2) The Appellate Authority shall not entertain any appeal unless half of the tax assessed and demanded is paid.

(3) If the Appellate Authority, after scrutinizing of the appeal memo and the accompanied documents, is of the opinion that those or any of the same is not in order, the may direct the appellant to rectify the deficiencies within a specified time and admit the appeal petition accordingly.

(4) After admission of the appeal, the appellate authority may call for production any records or documents from the appellant. The competent authority may give a personal hearing to appellant and pass such order as it may deem just and proper.

(5) The appellate authority shall dispose off the appeal by a speaking order indicating clearly the amount of tax and if any which is found penalty to be refundable to the appellant under the act.

(6) A copy of the order passed by the appellate authority shall be furnished to the appellant free of cost.

(7) The amount to be refunded under sub rule (6) of where the holder of the mineral bearing land has paid in excess shall wherever possible be adjusted against further taxes due, and if no such adjustment is possible, the amount shall be refunded by the Government on the recommendation of the Competent Authority by issuing a sanction order and shall make it over to the appellant or, as the case may be, to the holder of the mineral bearing land through the Government treasury. A copy of the sanction order shall be forwarded simultaneously to the Treasury Officer concerned.

10. Recovery of Tax :- The competent Authority may issue a Revenue Recovery certificate under his signature specifying the amount of tax, penalty and fine if any, liable to be paid under the provisions of the act and these rules, but not paid, who shall recover the same from the holder of the mineral bearing land as an arrear of land revenue.

11. Penalty on breach of order :- (1) On receiving a report from the competent authority to the effect that his order under these rules has been violated, the appellate authority may, after issue of a thirty days show cause notice to the holder of the mineral bearing land, impose fine up to five Thousand Rupees which shall be paid within Sixty days of the passing of the order.



12. Maintenance of Register :- The Notified Authority shall maintain in his office a register showing demand, collection and balance of tax payable and refund if any, made by each holder of the mineral bearing land in form-(1)
13. Correction of errors :- The competent authority or the appellate authority, as the case may be, either on application by any aggrieved party or on their own motion for reason to be recorded in writing, may correct any mistake which is apparent on the face of record, or rectify any accidental slip or omission in any order or order of assessment of tax or penalty.
- Provided that no such correction shall be made unless a reasonable opportunity of being heard is given to the party concerned.
- Provided further that this power shall be exercised beyond a period of one year from date on which is purported to be corrected was passed.
14. Power to issue instructions:- Government may issue instructions, not inconsistent with the provisions of the Act or these rules from time to time with a view to removing anomalies, doubts and difficulties.

By order and in the name of the Governor of Chhattisgarh,  
WILLIAM KUJUR, Under Secretary.

**Schedule -i**  
**(See rule 4)**

S.No.	Classification of Land	Rate of Development cess
1	On land covered under coal and iron ore mining leases	Rs 5 on each tonne of annual dispatch of mineral
2	On land covered under mining leases other than (1) above	5 % of the amount of royalty payable annually.
3	On land other than land covered under (1) and (2) above-	5 % of the amount of land revenue or rent as the case may be payable annually.

**Schedule - II**  
**(See rule 4)**

S.No.	Classification of Land	Rate of environment cess
1	On land covered under coal and iron ore mining leases	Rs-5 on each tonne of annual dispatch of mineral,
2	On land covered under mining leases other than (1) above.	5 % of the amount of royalty payable annually.
3	On land other than land covered under (1) and (2) above	5 % of the amount of land revenue or rent as the case may be payable annually



**Form -"A"**  
**Notice befor imposing of penalty**  
**(See Rule 6(1))**

To,

WHEREAS You ,the holder of the mineral bearing land/quarry over  
.....Hecto .....in village .....of .....district for .....(name of the mineral  
) are required to pay the tax of Rs. ....(Rupees .....)only for the  
quarter from .....to.....by due date of 30th June 31st September/  
December/March..... under the Chhattisgarh ( Adhosaarachna Vikas avam  
Paryavaran ) Upkar Niyam ,2005.

WHEREAS You have failed to pay the tax by the aforesaid due date.

Take notice that under Rule -6 of the said Rules you are liable to pay penalty  
upto three times of the aforesaid tax amount. You are,therefore noticed under section  
4(2) of the the Chhattisgarh ( Adhosaarachna Vikas avam Paryavaran ) Upkar  
Niyam ,2005.to appear before the undersigned on .....at .....AM/PM for personal  
hearing to state your case,if any,failing which your case will be disposed of as per law.

Place  
Date

Competent Authority

**Form 'B'**  
**Notice of Demand**  
**[See rule 6(2)]**

To, .....

Please take notice that for the quarter/year ending ..... a sum of Rs ..... has been determined as the dues payable under the Chhattisgarh (Adhosaanrachna Vikas aam Paryavaran ) Upkar Adhiniyam 2005.

Penalty under section -4

Rs. ....

Rs. ....

2. You are requested to pay above amount into the receipt head..... at..... within thirty days from the date of receipt of this notice by you and to produce the receipt in proof of payment before the undersigned within seven days from the date of payment failing which the said sum of Rs ..... will be recovered from you as an arrear of land revenue.

3. In case you fail to pay the amount as aforesaid and produce evidence of such payment by the due date, a further penalty not exceeding three times of the amount due will be imposed on you under section 6(11) of the Act.

Date.....

Place.....

competent Authority

**Form-"C"**  
**Notice for production of Documents**  
**(see rule 7(ii))**

To \_\_\_\_\_  
\_\_\_\_\_

In order to enable the undersigned whether the return filed by you under rule 7 of Chhattisgarh (Adhosanrachna Vikas avam Paryavaran )Upkar Adhiniyam 2005 of financial year \_\_\_\_\_ is correct or complete ,you are hereby required to attend in person or by authorized representative at my office on \_\_\_\_\_at \_\_\_\_\_am/pm and produce or cause to be produced the accounts, documents specified below and any other evidence on which you may rely upon in support of the said return.

In the event of your failure to comply with all the terms of this notice,the undersigned shall proceed to assess you under Section 4 of the Chhattisgarh (Adhosanrachna Vikas avam Paryavaran ) Upkar Adhiyam,2005 in accordance with law.

Signature of Competent Authority

Place \_\_\_\_\_

Date \_\_\_\_\_

Particulars of accounts and documents required:—

(a)

(b)



**Form "D"**  
**Notice of Demand**  
**(see rule 7(ii))**

To \_\_\_\_\_  
 \_\_\_\_\_

You are hereby noticed that amount of tax payable by you for the financial year-----has been determined in Rs----- (Rupees-----) only by way of them for the same period.

Details of the assessment and payment made are given below:-

You are hereby directed to pay the tax amount alongwith the following penalty / fine into the receipt head-----within thirty days from the date of receipt of this notice by you and to produce the receipt in proof of payment before the undersigned within seven days from the date of such payment.

In the event of failure to comply with this notice, the tax, penalty and fine shall be recoverd as an arrear of land revenue as provided of the Chhattisgarh (Adhoshanrachna Vikas avam Paryavaran) Upkar Adhiniyam 2005.

**ASSESSMENT DETAILS:-**

- |  |                                |
|--|--------------------------------|
| 1. Period of assessment.   |                                |
| 2. Mineral area/location of the mineral bearing land or quarry.. |                                |
| 3. Date of assessment.   |                                |
| 4. Books of account/returns verified.                            |                                |
| 5. Tax payable for the period                                    | Rs. ----- (Rupees -----) only. |
| 6. Ammount of tax paid ,if any                                   | Rs. ----- (Rupees -----) only  |
| 7 Penalty ,if any-----   | Rs. ----- (Rupees -----) only  |
| 8 Fine,if any-----   | Rs. ----- (Rupees -----) only  |
| 9 Balance to be paid (default amount)                            | Rs. ----- (Rupees -----) only  |

Place:-----

Date:-----

Signature of Competent Authority

## Form -"E"

ANNUAL RETURN SHOWING PRODUCTION OF MINERAL/ORES SALE PRICE  
AND TAX FOR THE FINANCIAL YEAR\_\_\_\_\_

(see rule (8-(1)))

1. Name of the holder of the mineral bearing land\_\_\_\_\_
2. Name of the mineral/ore\_\_\_\_\_
3. Name of the land/mine/quarry/location \_\_\_\_\_
4. Extended of mineral bearing land \_\_\_\_\_
5. Period of holding \_\_\_\_\_years from \_\_\_\_\_(date) to \_\_\_\_\_(date)

(Quantity in Metric Tonnes)

Year immediately preceding the Financial Year	Production		Quantity dispatched for			Ex-mines sale price on 1st March Grade wise Rs per M/R	
			Sale	captive use			
	Grade	Quantity	Domestic	Export		Dome stic	Export
1	2	3	4	5	6	7	8

Arrear Tax as on beginning of the year			Demand of Tax during the year			Balance Tax as at the end of year		
Principal	Penalty /fine	Total	Principal	Penalty/fine	Total	Principal	Penalty/ fine	Total
9	10	11	12	13	14	15	16	17

Particulars of payment of tax			Remark
Amount	Challan No.	Date	
18	19	20	21

Signature of  
the holder of the mineral bearing land

NB :- Copies of Sale Bills or invoice or vouchers of the mineral prevailing on 31 st March of the year should be enclosed.

**Form "F"**  
**Order of Assessment**  
**(see rule 8(III))**

Office of the Competent Authority \_\_\_\_\_

Circle \_\_\_\_\_

District \_\_\_\_\_

Date \_\_\_\_\_

1. Name and address of the holder of Mineral bearing land \_\_\_\_\_
2. Name of Mineral \_\_\_\_\_
3. Name of the Mines and Location \_\_\_\_\_
4. Extent of the Mineral bearing area (In Acres/Hectares) \_\_\_\_\_
5. Period of assessment \_\_\_\_\_
6. Amount of Tax assessed \_\_\_\_\_

**Assessment Order**

**Signature of Competant Authority**



**Form "G"**  
**Notice of demand**  
**(see rule 8(II))**

To, \_\_\_\_\_  
\_\_\_\_\_

1. Name and address of the holder of Mineral bearing land
2. Name of the Mineral
3. Name of the Mines /minerals bearing land and the location
4. Extent of Mineral bearing area (in Ha/acre)

Please take the notice for the failure to file return for the year..... a sum of rupees ..... has been assessed on you under Chhattisgarh Adhosaarachna (Vikas avam paravaran) Upkar Adhiniyam 2005 and the rules made there under as per orders passed on .....

You are requested to pay the above amount in to the receipt head .....within thirty days from the date of receipt of this notice and produce the receipt before the undersigned within seven days from the date of payment, failing which the said sum of Rs ..... will be recovered from you as an arrear of land revenue.

In case you fail to pay the amount as aforesaid by the due date, a penalty not exceeding three times the tax due will be imposed under section 4(2) of the Act and fine for the breach of non filling of return shall be imposed on you.

Place-----

Date -----

Signature of  
Competant Authority

**Form "H"**  
**Appeal**  
**(See rule 9(I))**  
**(TO be submitted in duplicate)**

To, \_\_\_\_\_  
 The \_\_\_\_\_  
 \_\_\_\_\_

The \_\_\_\_ day of \_\_\_\_\_

1. (a) period of assessment /determination of tax \_\_\_\_\_  
 (b) Date of assessment /determination of tax appealed against \_\_\_\_\_  
 (c) Name and Designation of the officer making the said assessment /determination of tax/penalty passing the said order \_\_\_\_\_  
 (d) Amount of tax assessed and demand Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) only .  
 (e) Amount of tax in dispute \_\_\_\_\_  
 The Petitioner \_\_\_\_\_ the owner of the mineral bearing land or quarry over \_\_\_\_\_hects.in village \_\_\_\_\_of \_\_\_\_\_ district for \_\_\_\_\_(name of the mineral) having his office/principal office or Head office at \_\_\_\_\_swear as follows :-  
 i) Under the Chhattisgarh Adhosenrachna (Vikas avam Paryavaran) Upkar Adhiniyam 2005 petitioner has been assessed to tax for Rs \_\_\_\_\_ (Rupees \_\_\_\_\_)  
 ii) A penalty of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) has been imposed on the petitioner .
2. A copy of the assessment /determination/order appealed against is attached here with.
3. The petitioner has paid half of tax assessed and demanded as mentioned in item 1(d) above amounting to Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) only) in these proceedings in treasury (Challan No. \_\_\_\_\_ date \_\_\_\_\_)
4. The petitioner has submitted return (s) for the above period.
5. Being aggrieved by the aforesaid assessment/determination /order the petitioner begs to prefer this appeal on the following other grounds.

**Grounds**

(Here enter the grounds on which the petitioner relies for the purpose of the appeal)

**PRAYER**

Place \_\_\_\_\_

Date \_\_\_\_\_

Signature of Petitioner  
 Address

**Form "I"**  
**Register of Demand, Collection and Balance of Tax and Penalty/Fine**  
**(see rule 12)**

1. Name of holder of mineral bearing land-----
2. Sr.No.in the Register -----
3. Name of Mineral -----
4. Name of Mines/Mineral bearing land & location-----
5. Area in Acre/hectares -----

(Figure in Rupees)

Year (Financial) of demand	Amount outstanding at the end of the previous year			Demand during the year		
	Tax	Penalty/fine	Total	Tax	Penalty/fine	Total
1	2	3	4	5	6	7

Total due by end of the year			Amount collected during the year			Balance at the end of the year		
Tax	Penalty/fine	Total	Tax	Penalty/fine	Total	Tax	Penalty/fine	Total
8	9	10	11	12	13	14	15	16

Refund	Remarks
17	18