

## Periodic Tax Recovery Act, 2012 (1955)

### Date of Authentication

2012-7-18(Nov. 4, 1955)

### Date of Publication

2012-9-11(Dec. 26, 1955)

### Amendments:

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| 1. Periodic Tax Recovery (First Amendment) Act, 2037 (1980)   | 2037-5-6-6 (Aug. 22, 1980)  |
| 2. Finance Related Some Nepal Acts Amendment Act, 2047 (1990) | 2047-8-27-5 (Nov. 13, 1990) |

Act Number 14 of the year 2012 (1955)

His Majesty the King has enacted and promulgated this Act to make provisions for recovery of periodic tax.

1. **Short Title:** (1) This Act may be called the "Periodic Tax Recovery Act, 2012 (1955)".
2. **Definitions:** In this Act,-
  - (a) "Notified order" means an order published in the Nepal Gazette.
  - (b) "Published" means as published in the Nepal Gazette.
3. **Power to make notified order under this Act:** If Government of Nepal thinks that any Act on levying, increasing custom duty or excise duty or any other tax has to be promulgated and that it is expedient to levy or increase such custom duty or excise duty or any other tax immediately for public interest, Government of Nepal may, by a notified order, levy or increase such duty or tax.
4. **Effect and term of notified order made under this Act:** (1) A notified order so made shall be tent amount to the law from the date indicated in the notified order.
  - (2) A notified order shall not commence as the law under this Act in the following circumstances:
    - (a) If the contents of the notified order become law and come into force, whether being amended or not,

- (b) If Government of Nepal directs by a Notification published in the Nepal Gazette that it shall not apply as the law,
- (c) Immediately after expiration of Six months from the date of its publication in the Nepal Gazette, if the provision in Clauses (a) and (b) do not occur.

∞(3) .....

5. **To return after a notified order ceases to be effective:** (1) If a notified order becomes amended and converted into a law with effect ◊from the date of commencement of the notified order, and if the rate provided for in the law happens to be less than that specified in the notified order, any over plus sum collected shall be returned. If, for any reason, the rate provided for in the law happens to be more than that specified in the notified order, tax shall be collected as per the new rate only from the date of commencement of the law.

Provided that, the rate of any custom duty or excise duty or any other tax to be returned pursuant to this Section shall not exceed the tax levied pursuant to Section 3 and of the rate of existing tax.

(2) In cases where a notified order does not apply as the law \*..... under Clause (b) of Sub-section (2) of Section 4, the entire tax, charge, excise duty shall be returned, which tax, charge, excise duty would not have been levied if the notified order had not been made.

**Explanation :**

- (a) If tax had been levied in an item at the rate of Twelve Rupees before making a notified order and it was levied at the rate of Twenty

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◦ Amended by Finance Related Some Nepal Acts Amendment Act, 2047 (1990)  
∞ Deleted by Finance Related Some Nepal Acts Amendment Act, 2047 (1990).  
◊ Amended by First Amendment.  
\* Deleted by First Amendment.

Rupees in that item by the notified order; and later on, it has been provided in the law that only Fifteen Rupees has to be collected, Five Rupees shall be returned.

- (b) If tax had been levied in an item at the rate of Twelve Rupees before making a notified order and it was levied at the rate of Twenty Rupees in that item by the notified order; and later on, it has been provided in the law that only Fifteen Rupees has to be collected, Five Rupees shall be returned.

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