

CHAPTER VI

REFUND

39. Refund. (1) The Superintendent of Taxes or Agricultural Income tax Officer shall, in the prescribed manner, refund to an assessee any sum paid by such assessee in excess of the sum due from him under this Act, either by cash payment or at the option of the assessee by set-off against the sum due from him in respect of any other assessment year.

See: Rule 24 to 26 & 28

- (2) If for reasons of delay a refund due to an assessee is not made within ninety days of such refund being due, the State Government shall pay to such assessee simple interest at the rate of twelve percent per annum on the amount refundable.
- (3) Refund under this Act shall be deemed to be due —
- (a) in cases where the tax assessed has been reduced on appeal or revision, etc., from the date the order of the appellate or revisional authority comes to the knowledge of the assessing authority;
 - (b) in other cases, on the date an application for refund is made by the party claiming the refund or the date on which assessment is made, whichever is later.

Amendments : The words "twelve percent per annum" have been substituted in place of "six percent per annum" w.e.f. 1-4-1999 (effective from assessment Year 19-2000) by Assam Act No. XIII of 1999.

Amendment: In the principal Act, in section 39, in sub-section (3), in clause (b), the words and punctuation mark "or the date on which assessment is made, whichever is later" has been inserted vide notification no.LGL.61/2009/20 Dtd. 4-01-2010, published in the Assam Gazette Extraordinary No.3 Dtd.4-01-2010.

39A. Remission. The State Government, for reasons to be recorded in writing, may remit the whole or part of the amount of the tax, interest or payable in respect of any year by any assessee who has suffered heavy loss due to any calamity.

Amendments

Originally this section was numbered as section 39B. By Assam Act No. XIII of 1999 w.e.f. 1-4 -1999 (effective from assessment year 1999-2000) Section 39A was deleted and this section was renumbered as 39A.

Section 39A, prior to its omission, stood as under:

'39A. Grant of rebate. - The Government may grant a rebate of one per centum the tax subject to such conditions, as may be prescribed'.

