[L. & M.
2,000—13-6-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1321 M

DATED 21-7-98.

DESPATCHED

INDEXED.

[Despatch Abstract.]

Tax on arts. Stating with remarks that the — cannot be imposed on the Southern Mahratta Railway Company by the municipal council of Bezwada & that it is not considered desirable to apply at present to the Govt. of India for sanction to levy the proposed tax on the Southern Mahratta Railway Company/.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

---

cw 01 [illegible] 8/6/28

Local & Munl. (1898) Department.

N

Cns. 1739 & 1751/7/98

To lie over, pending receipt of the final orders on the Anantapur case, which is being sent up to Ooty today.

V.R. 14/6/98

[illegible] 14-6-98

CURRENT No. 1739 & 1751 / 29/5/98

UNDER SECY. TO GOVT. 20 MAY 98 PUBLIC [illegible]

From The Chairman Bezwada Municipality

No. 256

Dated 5th May 1898

Received

Registered

Enclosures

Spare copies

Mis C Nos 1739 & 1751 M.

Order No. 1321 Mun 21-7-98

16/7/98

In the opinion of Government the tax on arts cannot be imposed on the Southern Mahratta Railway Company by the municipal council of Bezwada, without the previous sanction of the Government of India; but as it is under contemplation to abandon Schedule A of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, in favour of the Schedule annexed to the Act of 1884, under which the tax was imposed on professions and not on incomes, the Government do

company and for

SUBJECT.

Submitting copy of the Chief Accountant and Auditor's letter No. 701 of 27th [illegible] regarding the profession tax on S. M. Rly. Company for trading within the limits of the Bezwada Municipality.

27-5-98

does not consider it desirable
to apply at present to the
Government of India for
sanction to levy the proposed
tax on the Southern Mahratta
Railway Company.

2. The attention of the
Municipal Council is drawn
to the Collector's remarks in
para. 2 of his endorsement,
in which the Government
concurs.

H.M.

V.R.
9/7/98

H.T.
11/7/98

ote:- For a precedent, please see G.O. 1131.M. / 23.6.98 Q

Phd Fs 10

The Chairman, municipal Council,
Bezwada, through the Collector of
Kistna.
" Public Works Deptt (Railway Branch)

Phd Fs 10

Desp. 26/7/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

His Highness the Nizam's Guaranteed
State Railway Company
"Limited".

Secunderabad (Deccan)
27th April 1898
Audit Office

No. 701
M.

From
The Chief Accountant
& Auditor
To
The Chairman,
Bezwada Munici-
-pality

Sir,

Professional tax claimed by the Bezwada Municipality against ~~the~~ H.H. the N.G.S. Railway Co. for trading within the limits of the Municipality.

......

Your letter No. 103 dated the 14th instant forwarding copy of letter No. 1999 dated Masulipatam the 6th April 1898 from the Acting Collector Kistna District to your address.

......

I have the honor to inform you that the above were placed before the Agent and Manager
... Company and for the rea

of this Company who was directed me to inform you that he regards the claim for payment of professional tax by this Company to the Beswada Municipality as so unjustified and groundless that he regrets being unable to comply with the demand for the payment of Rs 100 for the half years ending 30th September 1897 and 31st March 1898, and that he can only pay this claim to your Municipality under compulsion for the reasons already stated and again reiterated.

2. The above quoted letter from the Acting Collector, Kistna District, to your address, copy of which you furnished for information may apply to the Southern Mahratta Railway but not to this Company as the circumstances of the two Railways are so dissimilar that orders regarding the one cannot apply to the other.

3. As already stated this Railway ceases 21½ miles from Beswada and is consequently far from the jurisdiction of th Beswada Municipality. The business of this Company also ceases 21½ miles from Beswa on the frontier of the Dominio of H. H the Nizam. The busin of this Company is conducte soley within the Dominions o H. H. the Nizam and with those Dominions the Beswad Municipality has no jurisdiction or power to levy taxes is therefore maintained t as President of that Municipality you have no right demand taxes on behalf Beswada Municipality from this Company and for the rea

herein stated the claim cannot be admitted or paid except under compulsion.

4. On the frontier of the Nizam's Dominions the business of this Company ceases as already stated, and that of the Bezwada Extension Railway commences; that Railway is incorporated as part of the East Coast Railway under the orders of the Government of India and although for purposes of the convenience of the Government f India the 21½ miles of the East oast Railway is worked, although not maintained, by tis Railway on behalf of the East Coast Railway f whole of the profits of the tion, known as the Bezwada tension Railway, are paid the East Coast Railway der agreement,

Government of India, and this Company neither receives nor i entitled to any share of the profits of that portion of the East Coast Railway which lies between the frontier of the Nizam and the Bezwada junction. The Company cannot be said therefore to be carrying on its profession within those limits.

5. It is understood from Order No. 214 R. dated the 10th February 1898 P.W. Department Madras Government copy of which was furnished with your letter No. 2700 of the 3rd March 1898, that State Railways are not exempted from the payment of the profession tax, it is therefore assumed that the tax payable by the East Coast Railway is demanded either by your Municipality or some other Municipality on that Railway and that you are entitled to

share of that tax and it is believed that you cannot force the same Railway, that is the East Coast Railway, to pay the tax twice for the business of that Railway which is conducted within Municipal limits, this you are attempting to do through the medium of this Company.

6. It is therefore maintained that until such time as the business of this Company is conducted within the limits of the Bezwada Municipality that you have power to demand the payment of the professional tax by the Company.

I have the honor to be
Sir,
Your most obedient Servant

/Sd/ E. H. Dwane,
Chief Accountant &
Auditor.

/True Copy/

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1739 M

No. 256
5/5/98

Submitted to the Secretary to Government Local & Municipal Department, through the Collector and the Divisional Officer in continuation of this office No. 214/25.4.98.

S. Lingayya
Chairman, M.C.

In
5/5

1398/98
7.5.98

Forwarded

Asst. Collector

6.5.98

COLLECTOR'S OFFICE
25 MAY 1898
MASULIPATAM

To

The Collector

Kistna

N. Dis.

Forwarded in continuation of this office endorsement N. Dis 280 municipal of 1898 dated 12th May 1898.

2. On the facts now stated the Chief Accountant and Auditor, H.H. the Nizam's Guaranteed State Railway would appear not to be liable to tax.

12th May 1898.

Ag Collector

1348/98

28-6-98

Local & Munl. (1898) Department.

CURRENT No. 1751/M

From The Chairman
Municipal Council
Bezwada

Order

No. 214

Dated 25 April 1898
Received
Registered
Enclosures 5
Spare copies

SUBJECT.

Stating that the Southern Mahratta Ry
~~Submitting certain~~
Company & H.H. the Nizam's guaranteed
~~papers regarding the~~
State Railway have refused to pay the
~~the Railway~~
profession tax levied on them in 1897-98
for carrying on their profession within the limits of the Bezwada Muny.
Companies for perusal
& requesting the orders of Govt on the matter
and orders.

1A 31/5/98

1/6

Establishment of

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

12

No. 2766

From

THE CHAIRMAN,

Bezwada Municipality.

To

THE Collector Kistna
thro' the Head Assistant
Collector

Dated 8 }
Despatched } March 1898
Received }

Sir,

I have the honor to forward herewith the marginally noted papers for your perusal & orders.

2. The Southern Mahratta Railway Company being a non-State Railway Company was assessed by me for profession tax for Rs 100 and notice of demand was served on 13.12.'97.

3. The Manager Southern Mahratta Railway replied that as the Bezwada station is being worked by the East Coast Railway the said notices should be sent to the manager of the above Railway. Thereupon I replied that as the Southern Mahratta Railway is being worked by the East Coast Railway as agent besides entertaining a separate Establishment of its own recei

te profits, the Company is liable for that tax.

4. In reply to my letter, the Manager Southern Mahratta Railway wrote to me to inform him under what authority he was taxed. He was replied that the tax was levied under section 47 & 53 of act 4 of 1884 as amended by act III of 1897.

5. Then, the Manager after this long correspondence, asked me to send the notices to the Agent of his Railway. The Agent was accordingly addressed.

6. The Agent in his letter dated 25-2-98 said that as the Company has all along been paying profession tax at Bellary, it is not liable to pay in any other Municipality under section 60 of act 4 of 1884 and Government of India resolution No. 434 P. T. dated 17. 8. 94 para. 3. Thereupon I replied him inviting his attention to the change of law in the new District Municipalities Act vide section 60 of Act 4 of 1884 as amended by act 3 of 1897.

7. The Agent of Southern Mahratta Railway replied me finally that he cannot accept my bills, & asked me [illegible] the Government of India through the Government of Madras.

8. The change in the law and the Government of India resolutio referred to ~~provisions~~ previous to the amending Act are to be considered in my humble opinion as part & parcel of the old Act and Consequently the present taxation cannot be considered a new tax vide Sec 2 of the Amending Act III of 1897.

9. I beg to bring to your notic that all objections must be brought in the form laid dow in section 99 of Act 4 of 1884 as amended by Act 3 of 189 by depositing the tax levied. This the Company has not done.

10. As the official year is drawing to a close, I reques you will kindly advise me eit to proceed with coercive pro or refer the matter to the Govern for orders.

11. An early reply is solici

I have &

Sd/ S. Lingapp

Chairma

(True copy)

No 2441
7-2-98

6

From the Chairman,
Bezwada Municipality

To
The Traffic Manager
H. H. the Nizam Guaranteed
State Railway

Dated 5-2-98

I have the honor to inform that I have served on your Railway a notice for Rs 100 for 1897-8 for profession tax on the 13.12.97 and the tax has not as yet been received.

I request that you will be good enough to remit the tax as early as possible as the official year is drawing to a close.

I have &c

(Sd) S. Lingayya
Chairman

(True copy)

S. Lingayya
Chairman

Vide 5
1751m/98

4
15/1/98

No. 2700
3.2.98

From
The Chairman,
Bezwada Municipality

To
The Chief Accountant
& Auditor H.H. the
Nizam Guaranteed State
Railway Company

Sir,

With reference to your No. 271 dt on the 22.2.98, I have the honor to inform as follows:-

1. The Government of Madras has sanctioned the levy of the tax in G.O. No. 369 A. M 18.4.88.

2. Copy of the Notification of the District Gazette is enclosed for information.

3. I shall be obliged by your informing me who gets the profits of the working of the line between Bezwada and Gauginery. It is immaterial whether the line is being wor by the East Coast Rail Establishment or your Es-lishment so long the p are enjoyed by you.

No 2441 / 7.2-98

From The Chairman,
Bezwada Municipality
To
The Traffic Manager
H.H. the Nizam Guaranteed
State Railway
Dated 5-2-98

I have the honor to inform that I have served on your Railway a notice for Rs 100 for 1897-8 for profession tax on the 13.12.97 and the tax has not as yet been remitted.

I request that you will be good enough to remit the tax as early as possible as the official year is drawing to a close.

I have &c

(Sd) S. Lingayya
Chairman &c

(True copy)

S Lingayya
Chairman

No 2700 / 3.3-98

From The Chairman,
Bezwada Municipality
To
The Chief Accountant
& Auditor H.H. the
Nizam Guaranteed State
Railway Company

Sir,

With reference to your No 271 dt. on the 22.2.98, I have the honor to inform as follows:-

1. The Government of Madras has sanctioned the levy of the tax in G.O. No 369 A.M / 18.4.88.

2. Copy of the notification of the District Gazette is enclosed for information.

3. I shall be obliged by your informing me who gets the profits of the working of the line between Bezwada and Gauginenny. It is immaterial whether the line is being worked by the East Coast Railway Establishment or your Establishment so long the profits are enjoyed by you.

4. A copy of Govt. 214 R. P.W. is of the 10. 2. 90 is enclosed from which you will observe that even State Railways are not exempt from municipal taxes of any kind.

No 37 M
7-3-90

5. Under these circumstances I request that you will be good enough to remit the tax as early as possible as the official year is drawing to a close.

I have &c.
(Sd) S. Lingayya
Chairman
M.C.

(True Copy)

S. Lingayya
Chairman
M.C.

---

traceable in the office

No. 271/M

From
The Chief Accountant
& Auditor
H.H. the Nizam's Guaranteed
State Railway Co.

To
The Chairman,
Bezwada Municipality
Bezwada.

Secunderabad (Deccan)
22nd February 1898.

Sir,

I beg to return herewith the Professional Tax notices for the half year ending 30th September 1897 & 31st March 1898, both numbered as 682 and received with our Traffic Manager endorsement No 524 of 22nd December for the reasons stated in my letter No 1024 M. dated 28th May 1896. I may here state that my letter to your address No 1458/M of 17th July 1896 is still unreplied to.

I would also mention th the East Coast Railway is n our agency for the working of o Line in the British Domini as supposed by you in p of your letter No. 695 of 10th July no portion of the N.G.S.Ry. lie within the British Domin

On the other hand we are the Agents for the East Coast Railway for working the section of that Line called the "Bezwada Extension Railway", and we do not share any profits of that Line and, in no way does the N.G.S. Ry trade within the limits of the Bezwada Municipality or even within the British Dominions. As the Government State Railway is not liable to taxation it is believed that its Agents cannot be held responsible for the taxes for which the owners are not liable. If you are under the impression, that the State Railways are taxable, the tax may be demanded from the East Coast Railway as owners of the Bezwada Extension Railway.

Kindly refer me to your forwarding number and date Demand Notice of the tax to the half year ending 31st March 1897 as it is not traceable" in [illegible] Railway my office

I have &c.

Sd/ Not legible

for Chief Accountant
& Auditor
N. G. S. Ry.

(True Copy)

S [illegible]

Chairman, M.C.

On the other hand we are

2
751 m 95

No 7578
3742

Southern Mahratta Railway
Company (Ld),
Agent's office,
Dharwar, 18th April/98

To The Chairman,
Bezwada Municipality,
Bezwada

Sir,

With reference to your letter No 104. dated 1st April 1898, I have the honor to inform you that I regret my inability to comply with your request for the reasons stated in my previous letters on the subject.

I have &c

(Sd) Not eligible
Major R.E.
Agent.

True Copy

Chairman

of 1884 amended by A— 30

No. 214

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1751 M

From

THE CHAIRMAN,
Bezwada Municipality.

To

THE Secretary to Government
Local & Municipal Department
thro' the Collector & the
Head Assistant Collector
Kistna

Dated 25
Despatched 26
Received

April 1898

1 Municipal Office No $\frac{2766}{10.3.98}$
1 Do No $\frac{2441}{7.2.98}$
1 Do No $\frac{2700}{3.3.98}$
1 H. H the Nizams [illegible] $\frac{271 [illegible]}{22.2.98}$

Sir,

I have the honor to submit the marginally noted papers for your perusal and orders.

2. The Southern Mahratta Railway and the H. H. the Nizams Guaranteed State Railway were assessed by me during 1897-'98 for the profession they carry within the limits of this Municipality under schedule A of Act of 1884 as amended by A– 3

1897.

3. The novelty in the amending Act is, that the Railway Companies are liable to pay the tax to the several Municipalities through which they run for the business they carry within the limits of the said Municipalities according to their respective incomes derived in each of them vide section 60 of Act 4 of 1884 as amended.

4. Both the companies have refused to pay and I made a reference to the Collector on the subject who is also of opinion that the companies e liable for taxation.

5 I have intimated to the two companies the reply of the Collector demanding them to remit the tax and intimating that coercive process will be issued against them if the tax is not paid.

6. The Southern Mahratta Railway has sent in a reply in No. $\frac{7518}{3742}$ of 18.4.98 Copy enclosed for information.

7. The Manager of the H. H. the Nizam's Guaranteed State Railway has not replied as yet on the subject.

I have the honor to be
Sir
Your most obed^t Servant.

S Lingayya

Chairman
MC.

FROM

COLLECTOR'S OFFICE
RECEIVED
13 · MAY · 1893
MASULIPATAM.

THE CHAIRMAN
Bezwada Municipality.

COLLR. KISTNA · RECEIVED · TREASURY
8 MAY 98

TO

THE Secretary to Government
~~Local & Municipal~~
Depart.
thro' the Collector
& the Head assist. Collect.

Dated 25 }
Despatched 26 } April 1898.
Received

No. 214.

Enclosures 5.

SUBJECT.

Submitting certain papers regarding the tax on Railway Companies for perusal & orders.

Cur 280
M of 98.

Recd 1.5.98

Forwarded.

Ques
1.5.98

Ch. Head asst Collector

To
The Collector Kistna

N. Disp No. $\frac{280}{M\,98}$ dated 12th May 1898

Desp'd 17th May 1898

For orders
Ch
7/5/98

Forwarded.

The Southern Mahratta Railway undoubtedly carries on business as a Railway in Bezwada though the control of the station is at present with the East Coast Railway. The Southern Mahratta Railway is therefore liable to profession tax under Section 60 of the Madras District Municipalities Act even though tax may also have been paid at Bellary. The contention of the agent is that under Government of India Notification No 434 R.T. dated 17th August 1894, the Railway is not liable to any tax not in force on that date. This Notification is published at page 1043 of the Fort St George Gazette of the 4th September 1894, Part I. Act III of 1897 though passed after 1894 and recasting section 60 of Act IV of 1884 did not impose a new profession tax but modified and enlarged the liability. I therefore Consider the Southern Mahratta Railway is liable to profession tax in Bezwada.

2. It now appears that His Highness the Nizam's Guaranteed State Railway does not carry on business in Bezwada and is therefore not liable.

Kistna Collectorate
Masulipatam
Dated 12th May 1898

Williams
Acting Collector.

17.5.98.
Comp
17-5-98

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for copying
Copied
Examined
Local
189

No. , DATED

No.

C. No.

GOVERNMENT

GOVERNMENT.

DITTO.

UP, BEING MEANT FOR DESPATCH
ORIGINAL.

A A A A A A A

Copy in full.
Not to be copied.
extract only.
heading only.