

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXI of 1972

**THE WEST BENGAL ENTERTAINMENTS AND
LUXURIES (HOTELS AND RESTAURANTS) TAX
ACT, 1972.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 25th July, 1971.]

[25th July, 1972.]

An Act to provide for the imposition of taxes on entertainments and luxuries in hotels and restaurants.

WHEREAS it is expedient to provide for the imposition of taxes on entertainments and luxuries in hotels and restaurants and for matters connected therewith;

It is hereby enacted in the Twenty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Entertainments and Luxuries (Hotels and Restaurants) Tax Act, 1972. Short title,
extent and
application.

(2) It extends to the whole of West Bengal.

(3) It shall apply in the first instance only to Calcutta but the State Government may, by notification in the *Official Gazette*, apply the provisions of this Act to any other area specified in such notification.

2. In this Act, unless the context otherwise requires, — Definitions.

(a) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

(b) "entertainment" means any exhibition, performance, amusement, game, sport, cabaret, dance or floor show and includes performance by any singer, musician or bandsman provided in any hotel or restaurant;

(c) "entertainment tax" means tax payable under section 3 of this Act;

Ben. Act IV
of 1866.

Ben. Act II
of 1866.

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(Sections 3—7.)

- (d) “luxury” means provision for air-conditioning through air-conditioner or central air-conditioning or any other mechanical means provided in any of the rooms, or in any part of a building which constitutes a hotel or restaurant;
- (e) “luxury tax” means tax levied under section 4 of this Act;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “proprietor” in relation to a hotel includes the person who for the time being is in charge of management of a hotel;
- (h) “restaurant” includes an eating-house.

Liability for
entertainment
tax.

3. An entertainment tax shall be payable by every person who is admitted into or enters any place, within either a hotel or restaurant, which is provided with luxury, where an entertainment is provided, and such tax shall be calculated at the rate of 10 *per centum* of the total sum paid or payable by such person for all the services including food and drink supplied to him and also including any fee for admission into such place of entertainment :

Provided that where payment is charged for admission to the place of entertainment, the entertainment tax under this section shall in no case be less than 25 *per centum* of such payment for admission to the place of entertainment.

Liability for
luxury tax.

4. There shall be charged, levied and paid to the State Government a luxury tax by the proprietor of every hotel and restaurant in which there is provision for luxury and such tax shall be calculated at the rate of an annual sum of rupees one hundred for every ten square metres or part thereof in respect of so much of the floor area of the hotel which is provided with luxury.

Manner of
payment.

5. The entertainment tax and the luxury tax shall be recoverable in such manner and by such authority as may be prescribed.

Penalty.

6. (1) If any person fails to pay the entertainment tax or the luxury tax within the prescribed period he shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees and where the offence is a continuing one, with a further fine not exceeding five rupees for every day during which the offence continues.

(2) A person who is convicted for an offence under sub-section (1) shall, in addition to the fine, be liable to pay the tax which was payable by him under section 3 or section 4 of this Act, as the case may be.

Recovery as
an arrear of
land
revenue.

7. Any sum due on account of entertainment tax or luxury tax shall be recoverable by the State Government as an arrear of land revenue under the Bengal Public Demands Recovery Act, 1913.

Ben. Act III
of 1913.

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8. (1) Any officer not below the rank of Amusement Tax Inspector in Calcutta and Sub-Deputy Collector in a district, authorised by the State Government for the purpose, may enter any hotel or restaurant at any reasonable time with a view to seeing whether the provisions of this Act or the rules made thereunder are being complied with. Inspection.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall, in addition to any other punishment to which he is so liable under any law for the time being in force, be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

45 of 1860. (3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Ben. Act V of 1922. 9. No entertainments tax, in relation to an entertainment in a hotel or restaurant, shall be leviable on any person under the provisions of section 3 of the Bengal Amusements Tax Act, 1922, if such person pays entertainment tax under the provisions of this Act. Saving.

10. (1) The State Government may make rules for carrying out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed or to be provided by rules.