The Goa Tax on Infrastructure Bill, 2009
(Bill No. 23 of 2009)

A BILL

(As passed by the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2009
The Goa Tax on Infrastructure Bill, 2009

(Bill No. 23 of 2009)

A BILL
to consolidate and amend the law relating to levy and collection of tax on buildings for infrastructure in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Sixtieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Goa Tax on Infrastructure Act, 2009.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

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

(a) "classification of land" means the classification assigned to land by zoning or use;

(b) "commercial building" means a building or structure consisting of shop, godown or office premises, either on ground floor or any other floor, used wholly or partly for business activities;
(c) "competent authority" means such authority or officer of the Government, as the Government may, by notification in the Official Gazette, specify;

(d) "floor area" means floor area as defined in the Planning and Development Authority (Development Plan) Regulations, 2000, or any subsequent regulations thereto made under the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Act 6 of 2008), for the time being in force;

(e) "Government" means the Government of Goa;

(f) "industrial building" means any building or structure constructed for the purpose of carrying out medium and large scale industrial activities within or outside the areas earmarked and notified as industrial estates/areas, but does not include building constructed for carrying out small scale industrial activity;

(g) "infrastructure" means the provision of potable water, electricity and other amenities like roads, drains, foot paths, sewerage system, etc;

(h) "local authority" means a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969) or a Panchayat constituted under the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994) or a Municipal Corporation constituted under any law and includes the Goa Industrial Development Corporation constituted under the Goa Industrial Development Act, 1965 (22 of 1965);

(i) "notification" means a notification published in the Official Gazette;

(j) "prescribed" means prescribed by the rules made under this Act;

(k) "residential building" means any building or structure consisting either of a single self contained unit having built up area of more than 100 square meters or more than one independent unit used for domestic purpose but does not include building constructed for educational institution, orphanage, old age home, home for spastic/retarded children or by any other non-profitable organization and such other organizations as may be notified by the Government in public interest;

(l) “Schedule” means the Schedule appended to this Act.

3. Tax on Infrastructure.— (1) On any construction to be undertaken by any person on any land specified in the Schedule hereto, there shall be levied and paid a tax on infrastructure at the rates specified in the said Schedule.

(2) The Government may, by notification in the Official Gazette, amend any entry in the Schedule and the Schedule shall be deemed to have been amended accordingly.

(3) Every notification made under sub-section (2) shall be laid as soon as may be after it is made.
on the table of Legislative Assembly while it is in
session for a total period of thirty days which may
be comprised in one session or in two successive
sessions, and if, before the expiry of the session in
which it is so laid or the session immediately
following, the Legislative Assembly agrees in
making any modification in the notification or the
Legislative Assembly agrees that the notification
should not be made and notify such decision in
the Official Gazette, the notification shall from the
date of publication of such decision have effect only
in such modified form or be of no effect, as the case
may be, so however that any such modification or
annulment shall be without prejudice to the validity
of anything previously done or omitted to be done
under that notification.

(4) Where a licence for construction has already
been issued to any person before the
commencement of this Act, the infrastructure tax
shall be levied and paid at the time of the renewal
of the construction licence or before the issuance
of the occupancy certificate/completion certificate,
whichever is earlier, after carrying out assessment
of tax through the Competent Authority under this
Act.

(5) The tax on infrastructure payable
under subsection (1), shall be assessed and collected by the
Competent Authority at the time of approving the
construction plan or at the time of issuing
construction licence.

Explanation: While assessing the said tax under
this Act,-

(a) where a building proposed to be
constructed is in a land earmarked for
commercial use/zone, the rate of tax applicable
thereto shall be as applicable to commercial
buildings irrespective of its use;

(b) where a building proposed to be
constructed is in a land earmarked for other use
or in zone other than commercial zone, in any
plan in force, such as residential or settlement
zone, where commercial utilization of building
is done partly on the ground floor or any other
floor, the rate of tax applicable to commercial
buildings shall be charged only to the floor area
which is used for commercial purpose while for
other area of the building which is used for
residential purpose, the rate applicable to
residential building shall be charged while
assessing infrastructure tax.

(6) The tax collected by the Competent Authority
shall be credited into the Government Treasury.

(7) Any person aggrieved by an assessment
made by the competent authority under sub-
section (5) may, within thirty days of
communication of such assessment by the
competent authority, prefer an appeal before the
prescribed authority whose decision shall be final
and binding on all parties.

(8) An appeal under sub section (7) shall set out
the grounds of appeal and shall be verified by the
appellant. It shall accompany the order of the
competent authority and its enclosures if any. The
appellant shall also pay a fee of Rupees one
thousand in the form of Court fee.

5. Local authority not to issue construction Licence.— (1) No local authority shall issue a construction licence to any residential building or a commercial building or an industrial building unless a person applying for the construction licence has paid the infrastructure tax due under this Act, in respect of such building or structure.

(2) No person shall start constructing a residential building or a commercial building or an industrial building unless the tax payable under this Act, in respect of such building or structure, has been paid.

6. Local Authority not to issue Occupancy Certificate.— (1) No local authority shall issue Occupancy Certificate to any residential building or commercial building or industrial building for which the construction licence has been issued before the coming into force of this Act, unless the person applying for it produces a certificate from the competent authority that the tax due under this Act has been paid in respect of such building or structure, as the case may be.

(2) No person shall occupy any building or part thereof unless the tax payable under this Act in respect of such building or structure has been paid.

7. Penalty.— whoever contravenes the provisions of this Act shall, on conviction, be liable to imprisonment for a term not exceeding one year and/or liable to pay a fine, twice the amount of tax payable under this Act.

8. Offences by Companies.— (1) Where an offence under this Act has been committed by a company, every person, who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such an offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or in connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall
be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section,—

(a) “Company” means a body corporate and includes a firm or an association of individuals; and

(b) “Director” in relation to a firm means a partner in the firm.

9. Recovery or Refund of Tax on Infrastructure.— (1) If any amount on account of tax on infrastructure is found to be due from any person, without prejudice to any other mode of recovery, the same may be recovered as arrears of land revenue under the provisions of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

(2) Any amount paid in excess of infrastructure tax due to clerical error, typographical error or wrong assessment, the same shall be refunded to the concerned person/s on an application made by him to the competent authority, within a period of one year from the date of payment of the tax.

(3) In case of any revision in the plan, resulting in any addition or deletion of building area, then the tax on infrastructure levied on such building area shall be recovered or refunded, as the case may be, to the concerned person on an application made to the competent authority under this Act.

10. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly.

11. Repeal and Saving.— (1) The Goa Tax on Infrastructure Act, 1997 (Goa Act No. 12 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under this Act.
### Classification of Land Use in Outline Development Plan (ODP)/Zoning Plans

<table>
<thead>
<tr>
<th>Classification of Land Use in Outline Development Plan (ODP)/Zoning Plans</th>
<th>Category of Building or Structure Build on the Land Mentioned in Outline Development Plan (ODP)/Zoning Plans and as Specified in Column (1)</th>
<th>Rate of Tax on Infrastructure Payable Per Square Meter of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Residential</td>
<td>(1) Residential building or structure which admeasures 100 square metre or below</td>
<td>Nil</td>
</tr>
<tr>
<td>(2) Residential</td>
<td>(2) Residential building or structure which admeasures 101 square metre or above</td>
<td>Rs. 50/-</td>
</tr>
<tr>
<td>Commercial</td>
<td>(3) Commercial building or structure</td>
<td>Rs. 100/-</td>
</tr>
<tr>
<td>Industrial</td>
<td>(4) Industrial building or structure</td>
<td>Rs. 100/-</td>
</tr>
</tbody>
</table>

### Classification of Land Use in Regional Plan

<table>
<thead>
<tr>
<th>Classification of Land Use in Regional Plan</th>
<th>Category of Building or Structure Build on the Said Land Use in Regional Plan</th>
<th>Rate of Tax on Infrastructure Payable Per Square Meter of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement Residential</td>
<td>(1) Residential building or structure which admeasures 100 square meter or less</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>(2) Residential building or structure which admeasures 101 square metre or above</td>
<td>Rs. 50/-</td>
</tr>
<tr>
<td>Commercial</td>
<td>(3) Commercial building or structure</td>
<td>Rs. 100/-</td>
</tr>
<tr>
<td>Industrial</td>
<td>(4) Industrial building or structure</td>
<td>Rs. 100/-</td>
</tr>
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