



**Legislative Assembly of the State of Goa**

**THE GOA SALES TAX (AMENDMENT)  
BILL, 2001**

(Bill No. 51 of 2001)

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

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM  
MARCH, 2001.**

# **The Goa Sales Tax (Amendment) Bill, 2001**

**(Bill No. 51 of 2001)**

**A**

**BILL**

**further to amend the Goa Sales Tax Act, 1964 (Act 4 of 1964).**

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

**1. Short title and commencement.— (1) This Act may be called the Goa Sales Tax (Amendment) Act, 2001.**

**(2) It shall come into force with effect from 1.4.2001.**

**2. Amendment of section 2.— In section 2 of the Goa Sales Tax Act, 1964(Act 4 of 1964)(hereinafter referred to as the "principal Act"), for clause (aaaa), the following clause shall be substituted, namely:-**

**"(aaaa). 'Commissioner' means the Commissioner of Sales Tax appointed under sub-section (1) of section 3 and includes Additional Commissioner of Sales Tax;"**

**(ii) after clause (aaaaaaaa), the following clause shall be inserted, namely:-**

**"(aaaaaaaaaa). 'coastal village' means the village or part of the village as specified in the**

Thirty First Schedule and shall include such other village as may be notified by the Government, from time to time;";

(iii) the existing clause (ee) shall be re-numbered as clause (eee) thereof and before clause (eee) as so re-numbered, the following clause shall be inserted, namely:-

" (ee) 'hotel' means and includes any eating house, restaurant, refreshment room or boarding establishment which is not a shop or establishment conducted primarily for sale of sweetmeats, confectionary, cakes, biscuits, and pastries;".

3. *Amendment of section 4.*— In section 4 of the principal Act, for sub-sections (2), (3) and (4), the following shall be substituted, namely:—

"(2) Every dealer to whom sub-section (1) does not apply, shall, if his gross turnover during the previous year or during the current year exceeds Rs.30,000/- or the dealer holds stock of Rs.50,000/- at any time during the current year, be liable to pay tax under this Act, on all sales effected from the first day of the current year or after the date on which the specified limit of gross turnover or stock exceeds, as the case may be:

Provided that the non-resident dealer or casual trader shall be liable to pay tax on all sales effected by him in course of business.

(3) Every dealer who has become liable to pay tax under this Act shall continue to be so liable until the expiry of three consecutive years and for

such further period as may be specified by the Commissioner and after the date of such expiry of this later period, his liability to pay tax shall cease. In respect of casual trader or non-resident dealer, however, liability to pay tax under this Act shall cease on expiry of the year in which he has been granted registration unless he continues to be in business.

(4) Every dealer whose liability to pay tax under this Act has ceased under the provisions of sub-section (3), shall, if his gross turnover calculated from the commencement of any year again exceeds the specified limit under sub-section (2) at any time within such year, be liable to pay such tax after the date on which his gross turnover again exceeds such specified limit.";

(ii) sub-section (5) shall be omitted.

4. *Omission of section 5.*— Section 5 of the principal Act shall be omitted.

5. *Amendment of section 7A.*— For section 7A of the principal Act, the following shall be substituted, namely:-

"7A. *Levy of additional tax.*— (1) There shall be levied and collected from every dealer liable to pay tax under this Act whose gross turnover of sales on petroleum products exceeds fifteen crores of rupees in a year, an additional tax at the rate of twenty five paise in the rupee on the sales tax payable by such dealer for that year under this Act.

(2) Notwithstanding anything contained in this section, no dealer shall be entitled to collect any

sum by way of additional tax payable by him under this section.

(3) The provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional tax as they apply in relation to the tax payable under this Act."

6. *Insertion of new section 7B.*— After section 7A of the principal Act, the following section shall be inserted, namely:—

"7B. *Levy of surcharge.*— (1) The tax payable under section 7 shall be increased by the surcharge calculated at the rate of five paise of such tax:

Provided that no surcharge shall be payable on petroleum products sold by dealers liable for additional tax under section 7A of this Act and on declared goods specified under section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956).

(2) The provisions of this Act and the rules made thereunder including those relating to refund of or exemption from tax shall, so far as may be, apply in relation to the levy, assessment and collection of surcharge payable under sub-section (1) as they apply in relation to the levy, assessment, and collection of sales tax under this Act."

7. *Amendment of section 11.*— In section 11 of the principal Act, for sub-sections (1) and (2), the following shall be substituted, namely:—

"(1) No dealer shall, while being liable to pay tax under section 4 or section 6 or sub-section (6) of section 24 of the Act, carry on business as

a dealer unless, he has filed an application in accordance with sub-section (2) or has been registered and possesses a registration certificate under this Act.

However, in respect of dealers having annual gross turnover not exceeding rupees three lakhs, receipted copy of the challan towards payment of charges for registration or renewal shall be treated as registration certificate and such dealer shall not be subjected to registration procedure as provided hereafter unless he voluntarily seeks such registration.

(2) Every dealer required under sub-section (1) to be registered shall make an application in this behalf in the prescribed manner and within thirty days from the date of accruing of liability to pay tax under this Act to the prescribed authority on payment of fees specified in the Thirtieth Schedule.

8. *Insertion of new section 11A.*— After section 11 of the principal Act, the following section shall be inserted, namely:—

"11A. *Renewal of registration certificate.*— No dealer registered under section 11, shall carry on business unless he renews his registration certificate on payment of charges specified in the Thirtieth Schedule within sixty days from the commencement of the year to which renewal applies."

9. *Omission of sections 12 and 14.*— Sections 12 and 14 of the principal Act shall be omitted.

10. *Amendment of section 15.*— In sub-section (7) of section 15 of the principal Act, in clause (b), for the existing proviso, the following proviso shall be substituted, namely:-

“ Provided that, notwithstanding anything contained in this Act and in the rules made thereunder, but subject to such conditions as the Government or the Commissioner, as the case may be, if it or he thinks fit, may by general or special order specify, where the dealer to whom incentive by way of 50% subsidy and 50% tax payment scheme has been granted by virtue of eligibility certificate, and when 50% portion representing tax payable under the Act has been deposited in accordance with the provisions of this Act and the rules made thereunder, the remaining 50% of such tax shall be deemed to have been paid.”.

11. *Insertion of new section 17B.*— After section 17A of the principal Act, the following section shall be inserted, namely:-

“17B. Change in the rate of interest for delayed payment of tax and other dues. – The rate of interest for delayed payment of tax and other dues by the dealer, wherever provided for under this Act, shall be calculated at 15% per annum.

*Explanation:*— For the purpose of calculation of interest payable, part of the month, if any, shall be treated as full calendar month.”.

12. *Insertion of new section 29A.*— After section 29 of the principal Act, the following section shall be inserted, namely:—

“ 29A. *Appearance before any authority in proceeding.*— Any person who is entitled to appear before any authority, other than the High Court or Tribunal, in connection with any proceeding under this Act may be represented before such authority,—

(a) by his relative or a person regularly employed by him, if such relative or person is duly authorized by him in writing in this behalf;

(b) by a legal practitioner; or

(c) subject to such conditions as may be prescribed, by an Accountant, or by a person enrolled in the prescribed manner as a Sales Tax practitioner by the Commissioner and duly authorized by the person whom he represents.”.

13. *Amendment of section 30.*— In sub-section (1) of section 30 of the principal Act,—

(i) after clause (aa), the following clause shall be inserted, namely:-

“(aaa). carries on business as dealer in contravention of section 11A; or”;

(ii) in clause (k) for the figures and word “11, 12 and 13”, the figures and word “11 and 13” shall be substituted.

14. *Substitution of Sixth Schedule.*— For the existing Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

**"THE SIXTH SCHEDULE**

(See clause (v) of sub-section (1) of section 7)

Sales of cooked food and non-alcoholic drinks served or sold or supplied for consumption at or outside any hotel including bar and restaurant shall be taxed at the following rates:

Sr.No.	Category of dealers	Rate of tax applicable
1.	Hotels including bar and restaurants in 'A' grade municipal area or coastal villages, having air conditioning, partly or wholly, or restaurant attached to hotels classified as 'A' grade, 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982(Act 10 of 1982).	10% of sale of cooked food and non alcoholic drinks
2.	Hotels including bar and restaurants located in 'A' grade municipal area or coastal villages, without air condition and restaurant in any other municipal area. other than those attached to hotels classified as 'A' or 'B' grade under Goa , Daman and Diu Registration of Tourist Trade Act, 1982( Act 10 of 1982).	2% of sale of cooked food and non alcoholic drinks
3.	Hotels including bar and restaurants not covered under Sr. Nos.(1) and (2) above having annual turnover of Rs.3 lakhs and above.	1% of sale of cooked food and non-alcoholic drinks.
4.	Any other hotels including bar and restaurants having turnover below rupees 3 lakhs per annum.	Exempted from payment of sales tax

**N.B.:** For computing turnover of Rs.3 lakhs for the purposes of items at Sr.Nos. (3) and (4) above, entire turnover of hotels including bar and restaurants shall be taken into account.

15. *Insertion of new Schedules.*— After the Twenty-Ninth Schedule appended to the principal Act, following Schedules shall be inserted, namely:-

**"THE THIRTIETH SCHEDULE**

**REGISTRATION/RENEWAL CHARGES  
UNDER THE GOA SALES TAX ACT, 1964  
( Act 2 of 1964)**

(See section 11(2) and 11A)

Category of dealers	Amount of Registration charges/renewal charges
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**(I) Special Category**

- |   |            |
|---|------------|
| (1) Petrol pumps and dealers primarily in petroleum products. | Rs. 2000/- |
| (2) Dealers primarily in cooking gas (LPG)                    | Rs. 2000/- |

**(II) Hotels, Bar and Restaurants**

- |   |            |
|---|------------|
| (1) Hotels including Bar and restaurants in 'A' grade municipal area or coastal villages, having air conditioning, partly or wholly, or restaurant attached to hotels classified as 'A' grade/'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982(Act 10 of 1982). | Rs.25000/- |
| (2) Hotels including bar and restaurants located in 'A'   | Rs.10000/- |

10. *Amendment of section 15.*— In sub-section (7) of section 15 of the principal Act, in clause (b), for the existing proviso, the following proviso shall be substituted, namely:-

“ Provided that, notwithstanding anything contained in this Act and in the rules made thereunder, but subject to such conditions as the Government or the Commissioner, as the case may be, if it or he thinks fit, may by general or special order specify, where the dealer to whom incentive by way of 50% subsidy and 50% tax payment scheme has been granted by virtue of eligibility certificate, and when 50% portion representing tax payable under the Act has been deposited in accordance with the provisions of this Act and the rules made thereunder, the remaining 50% of such tax shall be deemed to have been paid.”.

11. *Insertion of new section 17B.*— After section 17A of the principal Act, the following section shall be inserted, namely:-

“17B. Change in the rate of interest for delayed payment of tax and other dues. – The rate of interest for delayed payment of tax and other dues by the dealer, wherever provided for under this Act, shall be calculated at 15% per annum.

*Explanation:*— For the purpose of calculation of interest payable, part of the month, if any, shall be treated as full calendar month.”.

12. *Insertion of new section 29A.*— After section 29 of the principal Act, the following section shall be inserted, namely:—

“ 29A. *Appearance before any authority in proceeding.*— Any person who is entitled to appear before any authority, other than the High Court or Tribunal, in connection with any proceeding under this Act may be represented before such authority,—

(a) by his relative or a person regularly employed by him, if such relative or person is duly authorized by him in writing in this behalf;

(b) by a legal practitioner; or

(c) subject to such conditions as may be prescribed, by an Accountant, or by a person enrolled in the prescribed manner as a Sales Tax practitioner by the Commissioner and duly authorized by the person whom he represents.”.

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2.	Hotels including bar and restaurants located in 'A' grade municipal area or coastal villages, without air condition and restaurant in any other municipal area, other than those attached to hotels classified as 'A' or 'B' grade under Goa, Daman and Diu Registration of Tourist Trade Act, 1982( Act 10 of 1982).	2% of sale of cooked food and non alcoholic drinks
3.	Hotels including bar and restaurants not covered under Sr. Nos.(1) and (2) above having annual turnover of Rs.3 lakhs and above.	1% of sale of cooked food and non-alcoholic drinks.
4.	Any other hotels including bar and restaurants having turnover below rupees 3 lakhs per annum.	Exempted from payment of sales tax

**N.B.:** For computing turnover of Rs.3 lakhs for the purposes of items at Sr.Nos. (3) and (4) above, entire turnover of hotels including bar and restaurants shall be taken into account.

15. *Insertion of new Schedules.*— After the Twenty-Ninth Schedule appended to the principal Act, following Schedules shall be inserted, namely:-

## "THE THIRTIETH SCHEDULE

### REGISTRATION/RENEWAL CHARGES UNDER THE GOA SALES TAX ACT, 1964 ( Act 2 of 1964)

(See section 11(2) and 11A)

Category of dealers	Amount of Registration charges/renewal charges
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#### (I) Special Category

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| (1) Petrol pumps and dealers primarily in petroleum products. | Rs. 2000/- |
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#### (II) Hotels, Bar and Restaurants

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| (1) Hotels including Bar and restaurants in 'A' grade municipal area or coastal villages, having air conditioning, partly or wholly, or restaurant attached to hotels classified as 'A' grade/'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982(Act 10 of 1982). | Rs.25000/- |
| (2) Hotels including bar and restaurants located in 'A'   | Rs.10000/- |



grade municipal area or coastal villages, without air condition and restaurant in any other municipal area other than those attached to hotels classified as 'A' or 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982(Act 10 of 1982).

(3) Hotels including bar and restaurants not covered under Sr.Nos. (1) and (2) above having annual turnover of Rs.3 lakhs and above. Rs. 5,000/-

(4) Any other hotels including bar and restaurants having turnover below Rs.3 lakhs per annum. Rs. 500/-

**(III) Other dealers.**

(1) Turnover limit – Rs.30000/- to Rs. 1 lakh Rs. 250/-

(2) Above Rs.1 lakh but below Rs.3 lakhs Rs. 500/-

(3) Above Rs.3 lakhs but below Rs.10 lakhs Rs. 1000/-

(4) Above Rs.10 lakhs but below Rs.40 lakhs Rs. 2000/-

(5) Above Rs.40 lakhs but below Rs.100 lakhs Rs. 4000/-

(6) Above Rs.100 lakhs but below Rs.5 crores Rs. 6000/-

(7) Above Rs.5 crores but below Rs.20. crores Rs.25000/-

(8) In excess of Rs. 20 crores Rs.50000/-

**THE THIRTY-FIRST SCHEDULE**

(See section 2)

**LIST OF COASTAL VILLAGES**

- (1) Sinkerim
- (2) Calangute
- (3) Candolim
- (4) Baga
- (5) Arpora
- (6) Vagator
- (7) Anjuna
- (8) Tiracol
- (9) Bambolim
- (10) Arambol
- (11) Assagao
- (12) Reis-Magos(Verem)
- (13) Nerul
- (14) Varca
- (15) Majorda
- (16) Cavelossim
- (17) Bogmalo
- (18) Cansaulim
- (19) Betalbatim
- (20) Colva
- (21) Benaulim
- (22) Betul
- (23) Velim
- (24) Palolem
- (25) Cortalim
- (26) Uttorda
- (27) Ponsulem."