



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Sales Tax (Amendment)
Bill, 2005**

(Bill No. 13 of 2005)

^{AS}
~~To be~~ introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
JANUARY, 2005

The Goa Sales Tax (Amendment) Bill, 2005

(Bill No. 13 of 2005)

A

BILL

to 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-fifth Year of the Republic of India
05 as follows:—

1. *Short title and commencement.*— (1) This
Act may be called the Goa Sales Tax
(Amendment) Act, 2005.

(2) It shall come into force at once.

10 2. *Amendment of section 17B.*— In section
17B of the Goa Sales Tax Act 1964 (Act 4 of 1964)
(hereinafter referred to as the "principal Act"),
for the figures and words "15% per annum", the
figures and words "12% per annum" shall be
15 substituted.

3. *Amendment of section 19A.*— In section 19A
of the principal Act, in sub-section (1), for the
figures and words "12% per annum", the figures
and words "6% per annum" shall be substituted.

Statement of Objects and Reasons

Section 17B of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter referred to as "said Act"), provides for levy of interest at the rate of 15% per annum for delayed payment of tax and other dues by the dealers. Similarly, section 19A of the said Act provides for payment of interest at the rate of 12% per annum by the Government for delayed refunds.

Overall market rate of interest for borrowing has come down recently. As a matter of policy, it is deemed necessary to revise the rates of interest stated in said sections as over three years have elapsed since the last revision.

It is, therefore, proposed, to amend sections 17B and 19A of the said Act so as to bring down the rates of interest specified in said sections 17B and 19A to 12% and 6% per annum, respectively.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill since no additional expenditure will be incurred on account of the proposed amendments.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa,
3rd January, 2005.

MANOHAR PARRIKAR
Chief Minister

Assembly Hall,
Porvorim, Goa,
3rd January, 2005.

S. A. Narvekar
Secretary (Legislature)

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Sales Tax (Amendment) Bill, 2005.

A N N E X E U R E

Extract of the Goa Sales Tax Act, 1964
(Act 4 of 1964)

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.

19A. Interest on delayed refund.

(1) Where any amount required to be refunded by the Commissioner to any person by virtue of an order issued this Act is not so refunded to him within 90 days of the date of the order, the State Government shall pay such person simple interest at the rate of 12% per annum on the said amount from the date immediately following the expiry of the period of 90 days to the date of the refund:

Provided that where the amount becomes refundable by virtue of the order of the Tribunal or Court, the interest under the provisions of this section shall be payable from the date immediately following the expiry of period of 90 days from the date of the receipt of the order of the Tribunal or Court by the Officer whose order forms the subject of the proceedings before the Tribunal or Court as the case may be, to the date of refund.

Explanation:—

(1) If the delay in granting the refund within the period of 90 days aforesaid is attributable to the dealer, whether wholly or in part, the period of the delay attributable to him shall be excluded from the period for which interest is payable.

(2) Where any question arises as to the period to be excluded for the purposes of calculation of interest under the provisions of this section, such question shall be determined by the Commissioner, whose decision shall be final.

Assembly Hall,
Porvorim, Goa,
3rd January, 2005.

S. A. Narvekar
Secretary (Legislature)