



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA VALUE ADDED TAX
(SECOND AMENDMENT) BILL, 2006.**

(Bill No. 21 of 2006)

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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2006.**

**THE GOA VALUE ADDED TAX
(SECOND AMENDMENT) BILL, 2006.**

(Bill No. 21 of 2006)

A

Bill

*further to amend the Goa Value Added Tax Act, 2005
(Act No. 9 of 2005).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement* .— (1) This Act may be called the Goa Value Added Tax (Second Amendment) Act, 2006.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2*.— In section 2 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the “principal Act”), in clause (i), the expression “/Sales Tax or Value Added Tax” shall be omitted.

3. *Amendment of section 7*.— In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Any dealer who is eligible for composition of tax under sub-section (1), fails to file returns for all the quarters of the year within the time prescribed, he shall be disqualified for the composition of tax for the next two consecutive years.”

4. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (2), after clause (viii), the following clauses shall be inserted, namely:—

“(ix) in respect of purchase of motor vehicle including car, three wheeler and two wheeler under this Act or tax paid under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on import of such motor vehicle before grant of registration mark under the Motor Vehicles Act, 1988 (Central Act 58 of 1988), when such vehicle is resold as true value vehicle or otherwise by a registered dealer under this Act;

(x) in respect of raw material used in the manufacture of ready mixed concrete;

(xi) in respect of Naphta used as raw material by chemical fertilizer industry.”

5. *Amendment of section 10.*— In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) After adjustment under sub-section (1), the excess input tax credit of a registered dealer other than those covered under sub-section (3) shall be carried over as an input tax credit to the subsequent period upto the end of the respective financial year and if there is any unadjusted input tax credit thereof, the same shall be refunded in the prescribed manner within three months, from the date of filing of the last quarterly return of the respective financial year or from the date of filing an application by the dealer claiming such refund, whichever is later”.

6. *Amendment of section 29.*— In section 29 of the principal Act,— (i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) No assessment under this section for any year shall be made after a period of two years from the end of the year to which the return under section 24 is submitted by a dealer and no assessment under sub-section (9) shall be made after the expiry of five years from the end of the year in respect of which or part of which such assessment is to be made:

Provided that where assessment is made in consequence of or to give effect to, any order of an Appellate Authority or Revisional Authority or of a Court, the said period of two years shall be reckoned from the date of such order :

Provided further that in computing the period laid down in this sub-section, any period during which assessment proceedings are stayed by an order or injunction of any Court or authority such period shall be excluded”;

(ii) after sub-section (8), the following sub-section shall be inserted, namely:—

“(9) Where, the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration or has failed to apply for registration within the time as required by or under this Act, the Commissioner shall proceed to assess, to the best of his judgement, wherever necessary, the amount of tax due from the dealer in respect of such period and all subsequent periods and, in making such assessment, he shall give the dealer reasonable opportunity of being heard; and if he is satisfied that the default is without reasonable cause, direct the dealer to pay by way of penalty, in addition to tax assessed, a sum not exceeding the amount of tax assessed.”.

7. *Amendment of section 33.*— In section 33 of the principal Act, in sub-section (1), for the expression “due

from him under this Act and also excess of input tax credit”, the expression “due from him under this Act or unduly paid by him and also excess of input tax credit” shall be substituted.

8. *Amendment of section 39.*—The existing provision of section 39 of the principal Act, shall be numbered as sub-section (I) thereof and after sub-section (I) as so numbered, the following sub-section shall be inserted, namely :—

“(2) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or under the rules made thereunder by any authority appointed under section 13 of this Act, may be reviewed by the respective authority passing it upon an application or of its own motion, as the case may be:

Provided that no order of assessment or any other order shall be reviewed after the expiry of two years from the date of order, by any authority under this sub-section.”.

9. *Amendment of section 55.*—The existing provision of section 55 of the principal Act, shall be numbered as sub-section (I) thereof and after sub-section (I) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Any registered dealer covered under Schedule ‘E’ appended to this Act, fails to file a return within the time required under this Act, he shall be liable for penalty of Rs. 1000/- per quarter plus an amount equal to simple interest at the rate of 2% per month on the tax payable for the return period.”.

10. *Amendment of section 79.*— In section 79 of the principal Act, in sub-section (3), in clause (f), for the expression “Sales Tax department”, the expression “Commercial Tax Department” shall be substituted.

11. *Amendment of section 82.*— In section 82 of the principal Act,—

(i) in sub-section (I), —

(A) in clause (c), for the expression “sales tax practitioner”, the expression “commercial tax practitioner” shall be substituted;

(B) for the expression “sales tax practitioner is authorized”, the expression “commercial tax practitioner or sales tax practitioner is authorized” shall be substituted.

(ii) in sub-section (2), for the expression “sales tax practitioner” wherever it occurs, the expression “commercial tax practitioner” shall be substituted.