



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Value Added Tax
(Fifth Amendment)
Bill, 2011**

(Bill No. 2 of 2011)

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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
January, 2011**

The Goa Value Added Tax (Fifth Amendment) Bill, 2011

(Bill No. 2 of 2011)

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BILL

*further to amend the Goa Value Added Tax Act,
2005 (Goa Act 9 of 2005).*

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

1. Short title and commencement.— (1) This Act may be called the Goa Value Added Tax (Fifth Amendment) Act, 2011.

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

2. Amendment of section 3.— In section 3 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the "principal Act"), after sub-section (8), the following sub-section shall be inserted, namely:-

"(9) Special liability of person organizing or conducting exhibition.— Any person organizing or conducting exhibition either for sale of goods or for promoting goods for sale, by providing stalls or space to other persons or dealers under the banner of specific name and style or under a common roof, for a specific period, shall, notwithstanding that such

participating persons or dealers are individually liable to pay tax under any of the provisions of this section, be liable to pay tax on all taxable sales effected by such participating persons or dealers during such exhibition.”.

3. Amendment of section 9.— In section 9 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:-

“(6) Any registered dealer who has paid entry tax under the Goa Tax on Entry of Goods Act, 2000 (Goa Act 14 of 2000), either on raw material or on capital goods, other than on goods covered by Schedule ‘G’ and/or sub-section (2) of this section, brought by him into the local area for use or consumption in the manufacture or processing of goods within the State, shall be entitled for input tax credit under sub-section (1) of this section.”.

4. Amendment of section 10.— In section 10 of the principal Act, after sub-section (4), the following shall be inserted, namely:-

“Explanation:— (i) For the purposes of sub-sections (1) and (2) of this section, the input tax credit proportionate to the closing stock (other than stock of processed goods) at the end of financial year, shall be reversed and such amount shall be carried forward to the succeeding financial year as input tax credit corresponding to the opening stock. The term, “processed goods”, for the purposes of this sub-section, means finished or semi finished goods produced or manufactured by the dealer and such goods shall be separately indicated.”.

5. Amendment of section 11.— In section 11 of the principal Act, in sub-section (3), for the letters and figures “Rs. 100/-”, wherever they occur, the letters and figures “Rs 250/-” shall be substituted.

6. Amendment of section 12.— In section 12 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) In case of goods returned or rejected by the purchaser, either a credit note or a written acknowledgement shall be issued by the selling dealer to the purchaser for having received the goods from the purchaser and a debit note shall be issued by the purchaser to the selling dealer containing particulars of the transaction as may be prescribed:

Provided that no such credit note or a written acknowledgement and/or debit note shall be considered for grant of input tax credit if the goods are returned or rejected beyond the period of six months.”.

7. Amendment of section 18.— In section 18 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:-

“(9) Any person intending to organize or conduct exhibition either for sale of goods or for promoting goods for sale, by providing stalls or space to other persons or dealers under the banner of specific name and style or under a common roof, for a specific period, shall, notwithstanding that such participating persons or dealers are individually registered under this Act, apply in such form as may be

prescribed, to the Commissioner, for registration under this Act, indicating therein the details of the persons and/or dealers participating in, and the period of, such exhibition alongwith such security deposit as may be prescribed.

The provisions of sub-sections (4), (5), (6), (7) and (8) of this section shall, mutatis mutandis apply, to this sub-section.”.

8. Amendment of section 23.— In section 23 of the principal Act,-

(i) for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Every dealer registered under this Act shall furnish the Permanent Account Number (PAN) obtained by him under the Income Tax Act, 1961 (Central Act 43 of 1961) within such period and to such authority, as may be notified by the Commissioner in the Official Gazette, for the purpose of incorporating it in the registration records.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) Every person or dealer liable to pay tax under this Act and who applies for registration under sub-section (1), sub-section (3) or sub-section (9) of section 18 shall furnish a self-attested photocopy of the card containing his Permanent Account Number (PAN) obtained by him under the Income Tax Act, 1961 (Central Act 43 of 1961) alongwith the application for registration.”.

9. Amendment of section 25.— In section 25 of the principal Act, in sub-section (4), after the existing proviso, the following proviso shall be inserted, namely:-

“Provided further that, subject to the rules made in this behalf, the Commissioner may, at the request of a dealer or person, remit the whole or any part of the penalty and/or interest payable by such dealer or person.”.

10. Amendment of section 28.— In section 28 of the principal Act, in sub-section (1), for the figures “1%”, the figures “2%” shall be substituted.

11. Amendment of section 29.— In section 29 of the principal Act, in sub-section (2),-

(i) in clause (c), for the expression “amount due,”, the expression “amount due; or” shall be substituted;

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

“(d) the Commissioner requires to get satisfied with the correctness of the refund so claimed,”.

12. Amendment of section 65.— In section 65 of the principal Act, in sub-section (1), after the words “in writing” and before the words “any money”, the expression “any immovable or movable property including goods in stock and capital assets of the business or otherwise and/or” shall be inserted.

13. Amendment of section 89.— In section 89 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) Notwithstanding anything contained in this Act, rules or notifications framed or issued thereunder, the Government may, by notification in the Official Gazette, frame Scheme for allowing concession in tax payable under this Act, to new units, on commencing their production, on such terms and conditions as it may deem fit.”.