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Notification

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The Goa Value Added Tax (Sixth Amendment) Act, 2012 (Goa Act 16 of 2012), which has been passed by the Legislative Assembly of Goa on 06-8-2012 and assented to by the Governor of Goa on 5-9-2012, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 7th September, 2012.

The Goa Value Added Tax (Sixth Amendment) Act, 2012

(Goa Act 16 of 2012) [5-9-2012]

AN

ACT

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-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Sixth Amendment) Act, 2012.

(2) It shall come into force at once except sections 3, 4(i) which shall be deemed to have come into force on 1st day of April, 2012 and section 4(ii) on 1st day of April, 2011.

2. *Amendment of section 6.*— In section 6 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “principal Act”), in sub-section (2), for the words “by Notification”, the expression “by Notification in the Official Gazette, to take effect, either prospectively or retrospectively, from the date as may be mentioned therein”, shall be substituted.

3. *Amendment of section 9.*— In section 9 of the principal Act,—

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

“(viii) in respect of goods used in the manufacture or processing of finished goods dispatched other than by way of sales outside the State except in case of input tax credit claimed against entry tax paid under sub-section (6) of this section;”;

(ii) in sub-section (6), the following proviso shall be inserted, namely:—

“Provided that in respect of finished products dispatched by way other than sales, the input tax credit on goods other than those covered by Schedule ‘G’ shall be to the extent it exceeds the rate specified under sub-section (1) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956).”.

4. *Amendment of section 10.*— In section 10 of the principal Act,—

(i) 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:

Provided that in case input tax credit at the end of the last quarter of the year exceeds rupees two lakhs, the dealer shall file an application in the prescribed form within three months to carry forward input tax credit and the Commissioner shall decide the same within three months from the date of filing of such application and thereafter the excess input tax credit, if any, shall be allowed to be carried forward accordingly:

Provided further that if any assessment, is done for the period then only the excess input tax credit as determined in the said assessment shall be allowed to be carried forward.”;

(ii) in sub-section (4), the “*Explanation*” thereto shall be omitted.

5. *Amendment of section 24.*—In section 24 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every registered dealer shall file a correct and complete return in such form, in such manner, for such period, by such

date and to such authority, as may be prescribed. In addition, the Commissioner may require the registered dealers to furnish any data, for the purpose of collecting statistics, relating to any matter dealt with in connection to this Act.”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Any return filed under sub-section (1), without proper payment of tax as due, shall not be considered as a return filed under the provisions of this Act and therefore shall be liable for penalty.”.

6. *Amendment of section 70.*— In section 70 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that except in case of oil marketing company, the turnover of goods listed in Schedule ‘D’ and Schedule ‘G’ shall not be included in the gross turnover of sales specified above.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall impose on him, in addition to any tax payable, a penalty of rupees one hundred per day for each day of delay, subject to a maximum of rupees twenty-five thousand cumulatively.”;

(iii) the sub-section (4) shall be omitted.

7. *Amendment of section 75.*— In section 75 of the principal Act,—

(i) in sub-section (2), in clause (a), the following shall be added at the end, namely:—

“and file at the check post such declaration or document as may be prescribed.”;

(ii) in sub-section (5), the expression “or twenty per cent of the value of goods, whichever is higher” shall be omitted.

8. *Insertion of new section 89A.*— In the principal Act, after section 89, the following section shall be inserted, namely:—

“89A. *Incentive Scheme to Industry.*— (1) Notwithstanding anything contained in this Act or the Rules or notifications, issued thereunder, the Government may frame Scheme under this Act to grant some incentives to the Industrial units in the State;

(2) The Scheme framed by the Government under this sub-section (1) shall, as soon as may be after it is framed, be laid before the Legislative Assembly of Goa while it is in session for a total period of not less than fourteen days, which may be comprised in one session or two or more successive sessions, and shall, unless

some later date is appointed, take effect from the date of its publication in the Official Gazette subject to such modification or annulment as the Legislative Assembly of Goa may, during the said period, agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”.

9. *Repeal and Saving.*— (1) The Goa Value Added Tax (Amendment) Ordinance, 2012 (Ordinance No. 4 of 2012) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat, PRAMOD V. KAMAT
Porvorim-Goa. Secretary to the Govt. of Goa,
Dated: 7-9-2012. Law Department (Legal Affairs).

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