

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY No. 3

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

7/15/2005-LA

The Goa Value Added Tax (Amendment) Act, 2005 (Goa Act 15 of 2005), which has been passed by the Legislative Assembly of Goa on 31-8-2005 and assented to by the Governor of Goa on 19-9-2005, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 21st September, 2005.

The Goa Value Added Tax (Amendment) Act, 2005

(Goa Act 15 of 2005) [19-9-2005]

AN

ACT

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

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

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

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

2. *Amendment of section 5.*— In section 5 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "principal Act"),—

(i) in sub-section (2), clause (b), for the words "Domestic Trade Area", the words "Domestic Tariff Area" shall be substituted;

(ii) in sub-section (4), in clause (i), for the words "amend any entry of the Schedule", the expression "add to, or omit from, or otherwise amend any entry of, the Schedule" shall be substituted.

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

(i) in sub-section (1),—

(a) after the words "to pay tax under" and before the word and figure "section 3", the words and figures "sub-sections (1), (2) and (3) of" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that any dealer of the class specified in Schedule 'E' who is liable to pay

tax under sub-sections (2) and (3) of section 3, may, at any time during the year, by making self declaration that his turnover of sales during the said year will not exceed the limit specified in the said Schedule 'E', apply for composition of tax under this section";

(ii) after sub-section (1), the following new sub-section shall be inserted, namely,—

"(1A) In the event of transfer of business under any of the circumstances as provided under section 19, the total turnover for the purposes of sub-section (1) shall be the aggregate of the turnover of the transferor as well as the transferee during the year and the prescribed conditions, if any, shall be applicable with reference to such aggregate of the turnover".

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

(a) in sub-section (2),—

(i) in clause (iv), for the words "in respect of capital goods", the expression "in respect of capital goods/industrial inputs and packing materials" shall be substituted;

(ii) after clause (vi), the following clauses shall be inserted, namely:—

"(vii) in respect of taxable goods sold within the State or in the course of inter-State trade or commerce within the meaning of section 3 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), exempted from payment of tax under any specific notification issued under this Act or under the said Central Sales Tax Act, 1956;

(viii) in respect of goods used in the manufacture or processing of finished goods despatched other than by way of sales outside the State";

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) A registered dealer shall be eligible for input tax credit in respect of entry tax paid by him under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on goods

other than those covered by Schedule 'G' and capital goods, brought by him in the local area for use or consumption in the manufacture or processing of goods within the State;

Provided that in respect of finished products despatched by way other than sales, the input tax credit on goods other than those covered by Schedule 'G' and capital goods shall be to the extent it exceeds 4%".

5. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1), after the expression "penalty or interest under this Act or earlier law", the expression "or under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) or under the Central Sales Tax Act, 1956 (Central Act 74 of 1956)" shall be added.

6. *Amendment of section 18.*— In section 18 of the principal Act, in sub-section (3), the following proviso shall be inserted, namely:—

"Provided that if the person or dealer to whom such certificate of registration is granted becomes liable to pay tax under any other provisions of the Act, then the certificate of registration so granted shall cease to be valid unless amended after payment of prescribed fee".

7. *Substitution of section 44.*— For section 44 of the principal Act, the following section shall be substituted, namely:—

"44. OFFENCES RELATING TO REGISTRATION.—

A person who fails,—

(a) to apply for registration as required under section 18; or

(b) to notify the Appropriate Assessing Authority of a change in circumstances as required by section 22;

is guilty of an offence and liable on conviction,—

(i) where such failure is deliberate or repeated, for a fine not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding six months, or both; or

(ii) in any other case, for a fine not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding three months, or both".

8. *Amendment of section 64.*— In section 64 of the principal Act, the expression "Sales Tax Officer/Value Added Tax Officer", shall be omitted.

9. *Amendment of section 87.*— In section 87 of the principal Act, in sub-section (1), in clause (d), in sub-clause (iii), for the words "or of goods out of", the words "or export of the goods out of" shall be substituted.

10. *Amendment of section 89.*— In section 89 of the principal Act, for the figure "2001", wherever it appears, the figure "2003" shall be substituted.

11. *Amendment of Schedule 'E'.*— In Schedule 'E' appended to the principal Act, for the words "Name of the Commodity", the words "Class of dealer" shall be substituted.

12. *Amendment of Schedule 'F'.*— In Schedule 'F' appended to the principal Act,—

(i) in clause (1), after sub-clause (g), the following sub-clause shall be inserted, namely:—

"(h) Signature of the dealer or person so authorized to issue the tax invoice";

(ii) in clause (2), after sub-clause (g), the following sub-clause shall be inserted, namely:—

"(h) signature of the dealer or person so authorized to issue credit note";

(iii) in clause (3), after sub-clause (g), the following sub-clause shall be inserted, namely:—

"(h) signature of the dealer or person so authorized to issue debit note".

Secretariat Annexe,
Panaji-Goa.
Dated: 21-9-2005.

V. P. SHETYE,
Secretary to the Govt. of Goa,
Law Department (Legal Affairs).