

Panaji, 15th March, 2010 (Phalgun 24, 1931)

SERIES I No. 50

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Finance
Revenue and Control Division

Notification

4/5/2005-Fin(R&C)(75)

In exercise of the powers conferred by sub-section (2) of section 89 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) and all other powers enabling it in this behalf, the Government of Goa hereby amends the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005, as follows:—

1. *Short title and commencement.*— (1) This Scheme may be called the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment (Second Amendment) Scheme, 2010.

(2) It shall come into force at once.

2. *Amendment of clause 2(A).*— In the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005 (hereinafter called as the “principal Scheme”), in clause 2(A),—

(i) after sub-clause (a), the following proviso shall be inserted, namely:—

“Provided that the Government, by special order, published in the Official Gazette, may fix or authorize an additional period of benefit of such exemption to such class or classes of industrial units, as may be specified therein, for the purpose of this clause.”;

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

“(iii) Notwithstanding anything contained in item (i) and (ii) above, the polluting industries to whom the benefit of tax exemption in terms of entry 68 or entry 85 of the Second Schedule appended to the earlier law has been extended by the Government order under third proviso to the said entries, and those units which are specified in item (ii) of sub-clause (e) shall not qualify for additional period of benefit of exemption.”;

(iii) (a) in sub-clause (e), for items (i), the following shall be substituted, namely:—

“(i) in respect of an eligible unit, other than those specified in Schedule hereto, means the balance unexpired period computed on 31-3-2005 and the additional period so authorized in terms of Government order issued under proviso to sub-clause (a),”;

(b) after item (ii), the following item shall be inserted, namely:—

“(iii) in respect of any small scale industrial unit which graduates into medium scale industrial unit on or before 31-03-2011, means the period of one year from the date of first sale upon such graduation, in addition to the balance unexpired period of the benefit of NPV certified to such unit before it's graduation.”.

3. *Amendment of clause 3.*— In the principal Scheme, for clause 3, the following clause shall be substituted, namely:—

“3. *Scope of Scheme.*— (i) This Scheme is in lieu of exemption available and availed on the appointed day under the said entry and/or the Government order, as the case may be, under the earlier law and includes the additional period of benefit of such exemption authorized by the Government by special order in that behalf either to the existing unit or such small scale industrial units which graduates into medium scale industrial units within the time specified in sub-clause (e) of clause 2(A) of this Scheme.

(ii) In respect of Government notification issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), the eligible unit shall exercise fresh option either to continue with the exemption subject to conditions specified in the said notification including production of Form 'C', or to opt for the benefit under this Scheme. The unit opting for tax exemption, effecting sales either to unregistered dealer or to any registered dealer without having supported sales with prescribed declarations, in the course of inter-State trade and commerce shall not be eligible for the benefit of this Scheme in respect of taxable sales effected by it and such sales shall be liable to pay full tax as per the normal transaction.

The eligible unit shall exercise such option within 60 days from the date of coming into force of the Goa Value Added Tax Deferment--cum-Net Present Value Compulsory Payment (Second Amendment) Scheme, 2010 and the option so availed shall be final and irrevocable.

(iii) Any small scale industrial unit which is/was enjoying benefit of the principal Scheme and graduates into medium scale industrial unit on or before 31-03-2011 shall be eligible for the benefit of NPV for further period of one year upon such graduation.

(iv) In respect of additional period of benefit of exemption being allowed to any unit in pursuance of the Government order issued under proviso to sub-clause (a) of clause 2(A) of this Scheme, wherein the unit fails to exercise option within the time prescribed in sub-clause (ii) above, such unit shall not enjoy any tax exemption under Government notification issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) during such additional entitlement and it shall be compulsory for such unit to be within this Scheme”.

4. *Amendment of clause 4.*— In clause 4 of the principal Scheme, after the existing provisions, the following shall be inserted, namely:—

“Notwithstanding anything contained in the foregoing paragraph of this clause, the unit which is entitled for additional period of benefit of exemption and/or the small scale industrial units which graduate into medium scale industrial unit after the coming into force of the Goa Value Added Tax Deferment-cum-Net-Present Value Compulsory Payment (Second Amendment) Scheme, 2010, shall file an application in Form-IV, in duplicate, before the Commissioner within 60 days from the date of coming into force of the Goa Value Added Tax Deferment-cum-Net-Present Value Compulsory Payment (Second Amendment) Scheme, 2010. The application

shall be complete in all respects and also be accompanied with a declaration stating whether such unit would like to continue with tax exemption under the Government notification issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) for the balance unexpired period. Where a unit opts for tax exemption, the Central Sales Tax collected on inter-State sales to un-registered dealers including sales not supported with the prescribed declaration, shall not qualify for the benefit under this scheme.

The application shall be acknowledged by the Commissioner in Form-V, certifying therein the eligibility of additional period of benefit under the Scheme and also specifying the actual period for its ailment.”.

5. *Amendment of clause 8.*— In clause 8 of the principal Scheme, after the existing provisions, the following shall be inserted, namely:—

“The eligible unit which would be entitled for additional period of benefit under this Scheme, as authorized by the Government by special order in this regard, shall make a declaration to the Commissioner of Commercial Taxes in Form-IV specified hereto, enclosing therewith all the relevant documents, within the time specified in clause 4 of this Scheme.

The Commissioner of Commercial Taxes, upon receipt of such declaration and after examining the records, shall issue to the applicant an Acknowledgment-cum-Order in **Form-V**, certifying therein the fresh entitlement, or **rejecting** the declaration. However, no such **application** shall be rejected, without giving to the declarant an opportunity of being heard.”.

6. *Insertion of new Form IV and Form V.*— In the principal Scheme, after Form III, the following Forms shall be inserted, namely:—

“FORM – IV

Declaration under “the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005”

(See clause 4 and clause 8)

DECLARATION

In accordance with “the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005, notified by the Government under Notification No. 4/5/2005-Fin (R & C) (13) dated 31-03-2005, published in the Official Gazette (Extraordinary No. 4), Series I, No. 53 dated 31-03-2005.

I/We (name) on behalf of the industrial unit (name of the unit), hereby make the following declaration:

(1) That I/We am/are registered in ward under TIN No. valid from (photocopy enclosed).

(2) That my/our unit is located at in Taluka.

(3) That my/our unit is registered as SSI unit under Permanent registration No. with Directorate of Industries, Government of Goa, valid from (photocopy enclosed) and the same is not de-registered.

OR

That my/our unit is registered as MSI/LSI unit with the Government of India, vide Regn. No. valid from (photocopy enclosed) and the registration is valid upto

(4) That the first sale of my/our unit was effected on and I/We enjoyed/
/enjoy tax exemption under entry 68/85 effective from to

(5) That my/our unit had an unexpired period of tax exemption from 1-4-2005 to as
computed on the appointed day of Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005). That my/our
unit was issued eligibility certificate through Official Acknowledgement-cum-Order in Form II under the Scheme,
by CTO for the period from to
(photocopy enclosed).

(6) Description of goods manufactured:

(7) Turnover of sales declared in the returns and Tax paid through NPV:

YEAR	TAXABLE TURNOVER	OUTPUT TAX	INPUT TAX CREDIT	NET TAX ASSESSED/ /SELF ASSESSED	TAX PAID THROUGH NPV
2005-06					
2006-07					
2007-08					
2008-09					

(8) Date of expiry of benefit of NPV indicated in the Acknowledgement-cum-Order issued in Form II:

(9) Date of graduation from SSI to MSI:

(furnish copies of the graduation certificate issued by the competent authority and the registration as MSI).

(10) State whether there is any change in product commodity before or after graduation, but after first registration
as SSI unit.

If so, please give reference of such approval.

(11) I/We hereby declare that the unit is not of high polluting nature as declared by the Central Government and
included in the annexure appended to entry Nos. 68 and 85 of the Second Schedule to the earlier law.

OR

I/We hereby declare that the Industrial unit run by me/us is high polluting nature falling under category
..... as declared by Central Government and included in the Annexure appended to
entry 68 and/or 85 of the Second Schedule to the earlier law and that Government has extended the benefit of exemption
to the unit vide Order No. dated (copy enclosed).

(12) I/We further declare that:

(i) The unit shall claim/shall not claim tax exemption for interstate sales under Government Notification No.
..... dated

AND

(ii) In terms of the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005,
I/We are entitled for its benefit upto

I/We, hereby declare, that what is stated by me/us herein above is true as per the information derived from my/
/our record, which I/We believe the same to be correct.

(Signature of Declarant)

Name in block letters

(Status) Prop./Chairman/M.D./ Partner".

To,
The CTO, Ward.

"FORM – V

**Goa Value Added Tax Deferment-cum-Net Present Value Compulsory
Payment Scheme, 2005**

Acknowledgement

(See clause 4 and clause 8)

Ref.: Declaration for grant of additional period of Deferment-cum-NPV under amended provision of
Goa VAT Deferment-cum-NPV
Compulsory Payment Scheme, 2005.

TIN:
NPV Registration No.:

The declaration dated filed by M/s. referred to herein
above, for entitlement of additional period of NPV under the amended provision of Goa VAT Deferment-cum-NPV
Compulsory Payment Scheme, 2005 (hereinafter called the NPV Scheme, 2005) is hereby acknowledged.

The unit is hereby authorized to enjoy the benefits of the NPV
Scheme, 2005, for an additional period of one/two years, over and above the period sanctioned to it under this office
acknowledgement No. dated

* Since the initial period of NPV Scheme, 2005, has already expired on, the declarant
unit shall enjoy the additional period of one year from to (both days inclusive).

* The unit shall enjoy the additional period of year in continuity to its existing benefit which shall
expire on

* The declarant shall also be authorized to claim the benefits of Government Notification
No. 5/4/85(R&C)(1) or 5/4/87(R&C)(2) dated 20-4-87 in respect of its interstate sales, for the period for
which the unit qualifies for the benefit of NPV Scheme, 2005 (as amended).

(.....)
Commercial Tax Officer (Ward)

Note: Strike out whichever is not applicable.

To,
M/s
.....
.....

TIN:
Name of the unit:

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary, Finance (R&C).

Porvorim, 15th March, 2010.

www.goagovt.nic.in/gazette.htm

Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 5.00