

NOTIFICATION
No. 4/5/2005-Fin(R&C)(13)

In terms of the provisions of sub-section (2) of section 89 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) and in partial modification of the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003, the Government of Goa is hereby pleased to frame the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005, as follows, namely:-

1 Short title,application and commencement.-

- (1) This Scheme may be called the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005.
- (2) It shall apply to the industrial units eligible as per provisions of this Scheme in the entire State of Goa.
- (3) It shall come into force on 1st day of April , 2005.

2 Definitions. -

(A) In this Scheme, unless the context otherwise requires.-

- (a) **“balance un-expired period”** means the period during which the eligible unit is entitled for benefit of exemption in terms of entry 68 or entry 85 of the Second Schedule appended to the earlier law (hereinafter referred to as the “said entry”) and/or under notifications issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act No. 74 of 1956) (hereinafter referred to as the “said notification”) or to whom the said benefit is extended by any Government order, reduced by the period during which the benefit of exemption is availed by the said unit, if any, under aforesaid entries and/or notifications or Government order;
- (b) **“eligible unit”** shall mean and include.-
 - (i) the industrial unit in Small Scale, Medium Scale and Large Scale sectors which is entitled for benefit under the said entry or under the said notification or under specific Government Order extending the benefit;
 - (ii) the industrial unit which has gone in production on or before 31-3-2002, but found to be not eligible for the benefit of said entry or said notification on account of non-fulfillment of any of the conditions specified therein and to which the benefit of the said entry or notification is extended under a Government order. The benefit of this Scheme to such unit shall be from the date of the Government order or such date as may be specified therein;
- (c) **“earlier law”** means the Goa Sales Tax Act,1964 (Act 4 of 1964) as amended from time to time and includes enactments which have validated anything done or omitted to be done under any of the above mentioned laws;
- (d) **“implementing agency”** means the Department of Commercial Taxes;

(e) “period of entitlement”.-

(i) in respect of an eligible unit, other than those specified in Schedule hereto, means the balance unexpired period computed on 31-3-2005;

(ii) in respect of units specified in Schedule appended hereto, means the following period:-

- | | |
|--|--|
| (i) Small Scale Industrial unit availing exemption as on 31-3-2005 under entry 68 of Second Schedule appended to the earlier law. | 10 years reduced by the period during which the exemption availed by the unit under the is earlier law subject to maximum of five years. |
| (ii) Medium Scale/Large Scale Industrial units availing exemption as on 31-3-2005 under entry 85 of the Second Schedule appended to the earlier Law. | 5 years reduced by the period during which the exemption is availed by the unit under the earlier law. |

EXPLANATION:- In working out period of entitlement, fraction of a day, if any, shall be ignored.

(f) “**return**” means the return required to be filed under the Goa Value Added Tax Act, 2005 or under the Central Sales Tax Act, 1956 (incase the eligible unit exercised option to get covered under the Scheme).

(g) “**tax liability**” means the following:-

(i) net tax payable under the Goa Value Added Tax Act, 2005 during the period of entitlement on the sales of goods covered by the said entry and/or Government Order and/or;

(ii) sales tax payable under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) during the period of entitlement on the sales of goods covered by the said notification and/or Government Order;

(h) “**net present value (NPV)**” means the amount equal to 25% of tax liability during the period of entitlement;

(i) “**appointed day**” means the day on which the Goa Value Added Tax Act, 2005 (Act 9 of 2005) shall come into force;

(j) “**earlier scheme**” means the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003;

(B) Words and expressions used in this scheme and not defined but defined in the Act shall have the same meaning respectively assigned to them under the Act.

3 Scope of Scheme.- 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.

In respect of Government Notification issued under sub-section(5) of section 8 of the Central Sales Tax Act, 1956 the eligible unit may exercise option either to continue the exemption subject to condition specified in the said notification including production of Form “C”/”D” or to opt for the benefit under this Scheme. The option once availed is irrevocable.

4 Eligibility.- The industrial units which are entitled for availing the benefit of the said entry and/or said notification or under the Government order extending the benefit shall be eligible for the benefit of this Scheme from the date of filing of declaration if such declaration is filed within 30 days from the appointed day and that it will take effect from the said date i.e. appointed day.

The declaration shall be in the Form I specified hereto with supporting documents. An acknowledgement in Form II as specified hereto shall be issued by the Officer authorised for the purpose by the Commissioner. In cases of Government Order extending the said benefit, eligibility of such unit shall be subject to the conditions specified in the said Order.

Those units which are already availing the benefit under the earlier Scheme may exercise option within 30 days from the appointed day whether they would like to continue in the Scheme in relation to inter-state sales or would like to avail exemption under sub-section (5) of section 8 of the Central Sales Tax Act, 1956. In case such unit opt for exemption then such exemption will be available for balance unexpired period reduced by additional 15% allowed under the earlier Scheme. In case they opt to be in the Scheme, the terms of earlier Scheme shall be applicable including period of benefit.

5 Quantum of benefit.- The quantum of benefit under this Scheme will be equal to the tax liability during the period of entitlement reduced by NPV (Net Present Value).

6 Discharge from deferred tax liability.- The payment of Net Present Value will discharge the industrial unit from any obligation under the Goa Value Added Tax Act, 2005 and/or the Central Sales Tax Act, 1956, as the case may be, towards payment of the balance tax during the period of entitlement to the extent it is payable under the Scheme.

7 Effect of non-payment of Net Present Value.- In the event of non-payment of Net Present Value, the implementing agency shall recover the respective amount with interest at 15% per annum of Net Present Value defaulted. Further, the amount in default with accrued interest shall be recovered as arrears of land revenue.

8 Procedure for availing benefit of the Scheme.- The eligible units shall make a declaration to the Commissioner of Commercial Taxes in the Form I specified hereto, enclosing therewith the following documents:-

- (i) the Certificate of registration/acknowledgement of IEM/Letter of intent;
- (ii) last assessment order and copies of quarterly returns filed for the previous year;
- (iii) declaration stating the date of first sale effected;
- (iv) description of the goods manufactured, processed or assembled.

On receipt of the declaration, the Commissioner of Commercial Taxes if he has reason to believe that the declaration so furnished is factually incorrect or deficient, he shall issue a deficiency memo calling for compliance within 30 days and in the event of non-compliance or if the details furnished therein are proved to be incorrect, he shall make an order withdrawing the benefit under the Scheme, after giving an opportunity of hearing to the declarant.

The eligible unit will be entitled to charge tax at appropriate rate and effect payment of net present value. In the returns to be filed under the Goa Value Added Tax Act, 2005, such unit shall indicate the amount of tax paid by way of net present value and will also show the amount of tax liability deferred and discharged under clause 6.

9 Restriction on issue of invoice and for claiming input tax credit on goods manufactured by industries covered under the Scheme:

The invoice issued by the eligible unit covered by the Scheme shall be 'Restrictive Tax Invoice'. Input tax credit shall be admissible against it to the extent the goods are sold within the State. In the event of inter-state sales of such goods by any of the subsequent seller, the input tax credit shall be restricted to the actual output tax payable on such inter-state sales or input tax paid on such goods, whichever is lower. The input tax credit shall not be admissible if goods are dispatched by way other than sales, by the subsequent dealer/dealers.

The eligible unit shall specifically mention in the invoice the following:-

“Goods covered hereinunder are manufactured by eligible unit coming under the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005. Input tax credit restricted to local sales only”.

10 Statement of Restrictive Tax Invoice issued:- The eligible unit shall furnish a statement of tax invoice issued (alongwith quarterly return) during the period in Form III appended hereto.

11 Saving:-- Notwithstanding anything contrary contained in this Scheme, the units which are availing the benefit as on appointed day under the earlier Scheme, such units shall continue to avail the benefit in same terms applicable to them under the earlier Scheme except those units which opt for exemption under notification issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956.

12 Earlier Scheme:- The Earlier Scheme shall stand modified from the appointed day, to the extent as provided in this Scheme.

SCHEDULE

[See clause 2(e)(ii)]

1) Units manufacturing or processing Indian Made Foreign Liquor including beer and wines as defined in the Goa Excise Duty Act, 1964 (Act 5 of 1964)

2) Units manufacturing country liquor as defined in the Goa Excise Duty Act, 1964 (Act 5 of 1964).

FORM – I

Declaration under “the Goa Value Added Tax

Deferment-cum-Net Present Value Compulsory

Payment Scheme, 2005”

(See clause 4 and 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. _____ dated _____, I
_____ (name) on behalf of the industrial unit
_____, hereby make the following
declaration:

1) That I/we would like to avail the benefit of “the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005” (hereinafter referred to as “said Scheme”) as notified under No. _____ dated _____.

2) That I/we have read and understood the contents of the said Scheme and I/we undertake to abide by provisions thereof.

3) That as per relevant entry 68 and 85 of the Second Schedule appended to the earlier law or/and Government Notification or order my/our industrial unit is entitled for exemption benefit for _____ years commencing from _____.

4) That my/our industrial unit is registered with appropriate authority and the details are as stated below:

(a) Name and address of the unit alongwith name and address of the proprietor/ partner/director:

(b)SSI Registration No./Industrial licence No. DGTD registration No. and date/
Acknowledgement No. from Entrepreneurial Assistance Unit, Secretariat of Industrial Approvals,
Department of Industrial Development, Ministry of Industry, Government of India:

_____ (certified copy to be enclosed)

(c) Date of commencement of production: _____ (certificate to be enclosed)

(d) No. of Registration Certificate under the earlier law i.e. Goa Sales Tax Act, 1964 (Act 4 of 1964), under the Central Sales Tax Act, 1956 (Central Act 74 of 1956)

(e) Description of goods manufactured/processed/assembled: _____

(f)Date of first sale of goods manufactured/processed/assembled: _____

(g) Period of exemption under entry 68/85 of Second Schedule appended to the earlier law.
_____ to _____

(h) The balance period of exemption available as on the appointed day: _____

5) 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 No. 68 and 85 of the Second Schedule to the earlier law.

I/we hereby declare that the Industrial unit run by me/by us is of 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 _____.

6)Year-wise details of benefit under entry 68 or 85 of Second Schedule to the Goa Sales Tax Act and/or under section 8(5) of the Central Sales Tax Act as claimed/assessed in respect of my/our unit is as under:

	Year	Turnover claimed/assessed under Entry 68/85 of the Second Schedule of the Goa Sales Tax Act, 1964 and/or notification under section 8(5) of the Central Sales Tax Act,1956	Notional Tax Liability
i.			
ii.			
iii.			
iv.			

7) I/we declare that 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 above is true as per information derived from my/our record, which I/we believe to be correct.

(Signature of Declarant)

Name in block letters _____

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

FORM II

Acknowledgement-cum-Order

(See Clause 4)

I, _____ Commercial Tax Officer, authorized by the Commissioner of Commercial Taxes, hereby acknowledge the receipt of declaration filed by _____ under the 'Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2005 on _____ in respect of industrial unit under the name _____ registered with the Commercial Tax Department under No. _____ under the Goa Sales Tax Act, 1964 and under No. _____ under the Central Sales Tax Act, 1956 and under TIN _____.

The declarant on the basis of this declaration is authorized to charge tax under the Goa Value Added Tax Act, 2005 and/or under the Central Sales Tax Act, 1956 at appropriate rate and avail the benefit of the Scheme.

The declarant industrial unit is required to file quarterly returns as per provisions of the Goa Value Added Tax Act, 2005 and/or the Central Sales Tax Act, 1956 and effect payment of Net Present Value, accordingly.

The benefit under the 'Goa Value Added Tax Deferment-cum-Net Present Value Compulsory payment Scheme, 2005 hereby allowed, is liable to be withdrawn in the event of any of the details furnished in the declaration are proved to be incorrect or in the event of non-compliance within the time stipulated in the deficiency memo, if issued.

Place:

Date:

FORM III

(See clause 10 of the Scheme)

Statement of Restrictive Tax Invoices issued:

Sr.No	Invoice No & Date	Name of the purchasing dealer	TIN of purchasing dealer	Amount of sale	Tax Amount	Description of goods sold	Remarks

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