

THE GOA VALUE ADDED TAX (AMENDMENT) BILL, 2023

(Bill No. 8 of 2023)

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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 Seventy-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 (Amendment) Act, 2023.

(2) Save as otherwise provided in this Act,—

- (a) sections 3(ii) and 3(iii) of this Act shall be deemed to have come into force on the 01st day of April, 2017;
- (b) sections 2, 3 (i) and 3 (iv) of this Act shall come into force on the date of publication of this Act in the Official Gazette; and
- (c) section 4 of this Act shall be deemed to have come into force on the 31st day of March, 2020.

2. Amendment of section 10. – In section 10 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), (hereinafter referred to as the “principal Act”), after sub-section (2B), the following sub-section shall be inserted, namely:-

“(2C) Notwithstanding anything contained in sub-sections (2), (2A) and (2B), after adjustment under sub-section (1), the excess of input tax credit, as determined in assessment or re-assessment or appeal or revision for any year upto the year ending on the 31st day of March, 2017, in case of a dealer,-

(a) dealing in goods not covered under clause (p) of section 2, and

(b) who has not applied for carry forward of unutilized/excess input tax credit by filing application under the provisions of section 140 of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) and the rules made thereunder,

shall be refunded in the prescribed manner and subject to the following conditions:—

- (i) the dealer should have completed migration in accordance with section 139 of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017);
- (ii) he should have filed all returns in accordance with the provisions of sections 37, 38, 39 and 44 of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) for the period commencing from the 1st day of July, 2017 till the date of such order as referred in sub-clause (iv) of this clause;
- (iii) the dealer should not have any outstanding liability towards payment of tax, cess, interest, late fee, penalty, etc. under the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017), the Central Goods and Services Tax Act, 2017 (Central Act 12 of 2017), the Integrated Goods and Services Tax Act, 2017 (Central Act 13 of 2017) and the Goods and Services Tax (Compensation to States) Act, 2017 (Central Act 15 of 2017) as on the date of such order as referred in sub-clause (iv) of this clause;

- (iv) such excess input tax credit determined is a result of,-
 - (a) assessment made in consequence of or to give effect to, any order of a Sanctioning Authority or Appellate Authority or Revisional Authority or of a Court;
 - (b) order of an Appellate Authority or Revisional Authority or Sanctioning Authority or of a Court;
- (v) the dealer is assessed or re-assessed for all the subsequent years, from the year in which he has the excess input tax credit upto the year ending on the 31st day of March, 2017, before grant of such refund; and
- (vi) the dealer should not have claimed refund under sub-section (2B) of this section.”.

3. Amendment of section 18.- In section 18 of the principal Act, –

- (i) for sub-section (4), the following sub-section shall be substituted, namely : –
 - “(4) Certificate of registration shall not be granted to a dealer unless, –
 - (a) he has declared his Permanent Account Number, mobile number, e-mail address in the application for registration and validated the same in the manner as may be prescribed; and
 - (b) he has deposited in the Government treasury prescribed fee in the prescribed manner and within the prescribed time.”;

- (ii) for sub-section (10), the following sub-section shall be substituted, namely : –

“(10) Any registration granted under the provisions of this Act shall remain valid until it is cancelled:

Provided that, before passing the order of cancellation, the dealer shall be given a reasonable opportunity of being heard.”;

- (iii) after sub-section (10), the following sub-section shall be inserted namely;

“(10A) Notwithstanding anything contained in any Order, judgement or decision of any Authority, Administrative Tribunal or Court, any dealer who has failed to renew the registration after the expiry of validity of registration from the 1st day of April, 2017, shall be deemed to have valid registration for all the purposes under this Act:

Provided that no refund or adjustment of any sum of amount already paid towards renewal fee, tax, penalty or late fee due to non-renewal of registration shall be made.”;

- (iv) in sub-section (11), for the expression “by order cancel his certificate of registration from such date as may be specified by him in such order.”, the expression “by order cancel his certificate of registration from such date as may be specified by him in such order and the dealer shall not be entitled to any benefits available to a registered dealer under this Act from date specified in such order.” shall be substituted.

4. **Insertion of new section 69A.** – After section 69 of the principal Act, the following section shall be inserted, namely:-

“69A. Power of Government to extend time limit in special circumstances.– (1)Notwithstanding anything contained in this Act,

the Government may, by notification, extend the time limit specified in, or prescribed or notified, under this Act in respect of actions which cannot be completed or complied with, due to force majeure.

(2)The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation. - For the purposes of this section, the expression "force majeure" means war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”.

Statement of Objects and Reasons

The Bill seeks to insert sub-section (2C) in section 10 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “Said Act”) so as to allow refund of excess input tax credit upto the year ending the 31st day of March, 2017, to such class of specified dealer where excess tax credit is determined as result of an order of specified Authorities or assessment or reassessment is consequent to an Order of specified authorities, subject to certain conditions.

The Bill further seeks to amend sub-sections (4) and (10) of section 18 of the said Act so as to dispense with the requirement of renewal of registration. It further seeks to provide the benefit of valid registration to dealers who have failed to renew the registration on its expiry from 01st April, 2017. It also seeks to mandate declaration of Permanent Account Number, mobile number, e-mail address in application for registration.

The Bill also seeks to amend sub-section (11) thereof to specify criteria for cancellation of certificate of registration from the date specified in the Order.

The Bill also seeks to insert a new section 69A in the said Act so as to empower the Government to extend time limit in special circumstances.

This Bill seeks to achieve the above objects.

Financial Memorandum

The proposed Goa Value Added Tax (Amendment) Bill, 2023 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

However, the proposed Bill seeks to do away with the requirement of periodic renewal of registration under the Goa Value Added Tax Act, 2005, (Goa Act 9 of 2005) thus the Government will have to forego an annual revenue of approximately Rs 70.00 Lakhs.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Government to frame rules for grant of refund on account of excess input tax credit for any year upto the year ending on 31st day of March, 2017.

Clause 3 of the Bill empowers the Government to frame rules for specifying the manner in which validation of Permanent Account Number, mobile number and e-mail address declared in the application for registration to be done and also for specifying the amount of fee and the time and manner of depositing the same.

Clause 4 of the Bill empowers the Government to issue notification to extend time limit in special circumstances.

These delegations are of normal character.

Assembly Hall,
Porvorim, Goa.
16-01-2023

Hon. Chief Minister/Finance Minister

Assembly Hall,
Porvorim, Goa.
16-01-2023

Secretary to the Legislative Assembly of Goa

**Governor's Recommendation under Article 207 of the
Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, P.S. Sreedharan Pillai, the Governor of Goa hereby recommend, the introduction and consideration of the Goa Value Added Tax (Amendment) Bill, 2023 by the legislative assembly of Goa.

RAJ BHAVAN

Date: 16 / 01/2023.

P.S. Sreedharan Pillai

His Excellency, Governor of Goa