

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, October 15, 2018

No. 2/83/2018-Leg/L: The following Ordinance promulgated by the Governor of Manipur on 15-10-2018 is hereby published in the Manipur Gazette for general information:

THE MANIPUR GOODS AND SERVICES TAX (AMENDMENT) ORDINANCE, 2018
(Manipur Ordinance No. 2 of 2018)

Promulgated by the Governor of Manipur in the Sixty-ninth
Year of the Republic of India.

An

Ordinance

*further to amend the Manipur Goods and Services Tax Act,
2017.*

Whereas the Manipur Legislative Assembly is not in session and the Governor of Manipur is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Manipur is pleased to promulgate the following Ordinance, namely,-

1. (1) This Ordinance may be called the Manipur Goods and Services Tax (Amendment) Ordinance, 2018.

Short title and commencement.

(2) It shall come into force at once.

3 of 2017

2. In section 2 of the Manipur Goods and Services Tax

Amendment of

(a) in clause (4), for the words “the Appellate Authority and the Appellate Tribunal”, the words, brackets and figures “the Appellate Authority, the Appellate Tribunal and the Authority referred to in sub-section (2) of section 171” shall be substituted;

(b) in clause (16), for the words “Central Board of Excise and Customs”, the words “Central Board of Indirect Taxes and Customs” shall be substituted;

(c) in clause (17), for sub-clause (h), the following sub-clause shall be substituted, namely:—

“(h) activities of a race club including by way of totalisator or a license to book maker or activities of a licensed book maker in such club; and”;

(d) clause (18) shall be omitted;

(e) in clause (35), for the word, brackets and letter “clause (c)”, the word, brackets and letter “clause (b)” shall be substituted;

(f) in clause (41), after the words “as defined in”, the words, brackets and letter “clause (t) of section 2 of ” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017;

(g) in clause (47), after the words “or which may be”, the words “wholly” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017;

(h) in clause (62), after the words “ or services or both”, the words “made to him” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017;

(i) in clause (64), after the words “shall have the”, the words “same” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017;

(j) in clause (69), in sub-clause (f), after the word and figures “article 371”, the words, figures and letter “and article 371J” shall be inserted;

(k) in clause (78), after the words “Integrated Goods and Services Tax Act;”, the words “or under the Union Territory Goods and services Tax Act” shall be omitted and shall always be deemed to have been omitted and shall always be deemed to have been omitted with effect from the 1st day of July, 2017;

(l) in clause (102), the following Explanation shall be inserted, namely:—

Explanation.—For the removal of doubts, it is hereby clarified that the expression “services” includes facilitating or arranging transactions in securities;’

(m) in clause (118), after the words “goods or services;”, occurring at both the places, the word “or both” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

Amendment
of section 3.

3. In section 3 of the Principal Act, for the word “specify”, the word, “appoint” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment
of section 7.

4. In section 7 of the Principal Act, with effect from the 1st day of July, 2017,—

(a) in sub-section (1), —

(i) in clause (b), after the words “or furtherance of business;”, the word “and” shall be inserted and shall always be deemed to have been inserted;

(ii) in clause (c), after the words “a consideration”, the word “and” shall be omitted and shall always be deemed to have been omitted;

(iii) clause (d) shall be omitted and shall always be deemed to have been omitted;

(b) after sub-section (1), the following sub-section shall be inserted and shall always be deemed to have been inserted, namely:—

“(1A) where certain activities or transactions constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as

referred to in Schedule II.”;

(c) in sub-section (3), for the words, brackets and figures “sub-sections (1) and (2)”, the words, brackets, figures and letter “sub-sections (1), (1A) and (2)” shall be substituted.

5. In section 9 of the Principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment
section

“(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.”.

6. In section 10 of the Principal Act,—

Amendment
section 10

(a) in sub-section (1) —

(i) for the words “in lieu of the tax payable by him, an amount calculated at such rate”, the words, brackets and figures “in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate” shall be substituted;

(ii) in the proviso, for the words “one crore rupees”, the words “one crore and fifty lakh rupees” shall be substituted;

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

“Provided further that a person who opts to pay tax under clause (a) or clause (b) or clause (c) may supply services (other than those referred to in clause (b) of paragraph 6 of Schedule II), of value not exceeding ten per cent. of turnover in the State in the preceding financial year or five lakh rupees, whichever is higher.”;

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

“(a) save as provided in sub-section (1), he is not engaged in the supply of services;”.

7. In section 12 of the Principal Act, in sub-section (1), for the words, “terms of”, the words, “accordance with”, shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 12.

Amendment of section 13.

8. In section 13 of the Principal Act,-

(a) in sub-section (2), the words, brackets and figure “sub-section (2) of” occurring at both the places, shall be omitted.

(b) in sub-section (5), for the words, “of services in the manner specified in”, the words, “under the provision of” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 16.

9. In section 16 of the Principal Act,-

(a) in sub-section (2),-

(i) in clause (b), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation.*—For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services—

(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;

(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person.”;

(ii) in clause (c), for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted.

(b) in sub-section (4), for the words, “Are glistered”, the words, “A registered” shall be substituted

and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of
section 17.

10. In section 17 of the Principal Act,—

(a) in sub-section (3), the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this sub-section, the expression “value of exempt supply” shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.’;

(b) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:—

(A) further supply of such motor vehicles; or

(B) transportation of passengers; or

(C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used—

(i) for making the following taxable supplies, namely:—

(A) further supply of such vessels or aircraft; or

(B) transportation of passengers; or

(C) imparting training on navigating such vessels; or

(D) imparting training on flying such aircraft;

(ii) for transportation of goods;

(ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available—

(i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;

(ii) where received by a taxable person engaged—

(I) in the manufacture of such motor vehicles, vessels or aircraft; or

(II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;

(b) the following supply of goods or services or both—

(i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

(ii) membership of a club, health and fitness centre; and

(iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force.”.

11. In section 18 of the Principal Act, in sub-section (4), for the words, “exempt absolutely”, the words, “wholly exempt” shall be substituted.

Amendment of section 18.

12. In section 20 of the Principal Act, in the *Explanation*, in clause (c), for the words and figures “under entry 84,”, the words, figures and letter “under entries 84 and 92A” shall be substituted.

Amendment of section 20.

13. In section 22 of the Principal Act,—

Amendment of section 22.

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

“Provided that the Government may, at the request of a special category State and on the recommendations of the Council, enhance the aggregate turnover referred to in sub-section (1) from ten lakh rupees to such amount, not exceeding twenty lakh rupees and subject to such conditions and limitations, as may be so notified.”;

(b) in the *Explanation*, in clause (iii), after the word “Constitution”, the words “except the State of Jammu and Kashmir and States of Arunachal Pradesh, Assam, Himachal Pradesh, Meghalaya, Sikkim and Uttarakhand” shall be inserted.”.

14. In section 24 of the Principal Act, —

Amendment of section 24.

(a) the words, “undertaking taxable supplies”, shall be omitted and shall always be deemed to have been omitted with effect from the 1st day of July, 2017.

(b) in clause (ii), after the words, “casual taxable persons”, the words, “making taxable supply” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(c) in clause (v), after the words, “non-resident taxable persons”, the words, “making taxable supply” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(d) in clause (vii), for the word, "supply", the words, "make taxable supply of" shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(e) in clause (x), after the words "commerce operator", the words and figures "who is required to collect tax at source under section 52" shall be inserted.

15. In section 25 of the Principal Act,—

Amendment of
section 25.

(a) in sub-section (1), after the proviso and before the *Explanation*, the following proviso shall be inserted, namely:—

"Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005, in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the same State.";

28 of 2005.

(b) in sub-section (2),-

(i) before the proviso, the figure and brackets, "(3)", shall be omitted.

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that a person having multiple places of business in the State may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed."

16. In section 29 of the Principal Act,—

Amendment of
section 29.

(a) in the marginal heading after the word "Cancellation", the words "or suspension" shall be inserted;

(b) in sub-section (1), after clause (c), the following proviso shall be inserted, namely:—

"Provided that during pendency of the proceedings relating to cancellation of registration filed by the

registered person, the registration may be suspended for such period and in such manner as may be prescribed.”;

(c) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that during pendency of the proceedings relating to cancellation of registration, the proper officer may suspend the registration for such period and in such manner as may be prescribed.”.

17. In section 30 of the Principal Act, after the sub-section (2), the following proviso shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017, namely: —

Amendment of section 30.

“Provided that the application for revocation of cancellation of registration shall not be rejected unless the applicant has been given an opportunity of being heard.”;

18. In section 31 of the Principal Act, —

Amendment of section 31.

(a) in sub-section (2), in clause (b) the words, “be required to”, shall be omitted.

(b) in sub-section (3), in clause (f),-

(i) after the words, “to pay tax under”, the words, brackets and figure “sub-section (3) or” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(ii) after the words, “both received by him”, the words “from the supplier who is not registered” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(c) in sub-section (3), in clause (g) the words, “who is not registered under the Act”, shall be omitted and shall always be deemed to have been omitted with effect from the 1st day of July, 2017.

19. In section 34 of the Principal Act,—

Amendment of section 34.

(a) in sub-section (1),—

(i) for the words “Where a tax invoice has”, the words “Where one or more tax invoices have”

shall be substituted;

(ii) for the words "a credit note", the words "one or more credit notes for supplies made in a financial year" shall be substituted;

(b) in sub-section (3),—

(i) for the words "Where a tax invoice has", the words "Where one or more tax invoices have" shall be substituted;

(ii) for the words "a debit note", the words "one or more debit notes for supplies made in a financial year" shall be substituted.

20. In section 35 of the Principal Act, in sub-section (5), the following proviso shall be inserted, namely:—

Amendment of
section 35

"Provided that nothing contained in this sub-section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force."

21. In section 39 of the Principal Act,—

Amendment of
section 39

(a) in sub-section (1),—

(i) for the words "in such form and manner as may be prescribed", the words "in such form, manner and within such time as may be prescribed" shall be substituted;

(ii) the words "on or before the twentieth day of the month succeeding such calendar month or part thereof" shall be omitted;

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

"Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall furnish return for every quarter or part thereof, subject to such conditions and safeguards as may be

specified therein.”;

(b) in sub-section (2), after the words, “a return, electronically, of”, the words “turnover in the state” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(c) in sub-section (7), the following proviso shall be inserted, namely:—

“Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall pay to the Government the tax due or part thereof as per the return on or before the last date on which he is required to furnish such return, subject to such conditions and safeguards as may be specified therein.”;

(d) in sub-section (8), for the word, “effected”, the word, “made” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(e) in sub-section (9),—

(i) for the words “in the return to be furnished for the month or quarter, as the case may be, during which such omission or incorrect particulars are noticed”, the words “in such form and manner as may be prescribed” shall be substituted;

(ii) in the proviso, for the words “the end of the financial year”, the words “the end of the financial year to which such details pertain” shall be substituted.

22. After section 43 of the Principal Act, the following section shall be inserted, namely:—

“43A. (1) Notwithstanding anything contained in sub-section (2) of section 16, section 37 or section 38, every registered person shall in the returns furnished under sub-section (1) of section 39 verify, validate, modify or delete the details of supplies furnished by the suppliers.

(2) Notwithstanding anything contained in section 41, section 42 or section 43, the procedure for availing

Insertion of new section 43A.

Procedure for furnishing return and availing input tax credit.

of input tax credit by the recipient and verification thereof shall be such as may be prescribed.

(3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.

(4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent. of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.

(5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of the Ordinance.

(6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.

(7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.

(8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,—

(i) within six months of taking registration;

(ii) who has defaulted in payment of tax and where such default has continued for more than

two months from the due date of payment of such defaulted amount, shall be such as may be prescribed.”.

23. In section 46 of the Principal Act, after the word and figure “section 39”, the word “or” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

Amendment of section 46.

24. In section 48 of the Principal Act, in sub-section (2), after the word and figures “section 44”, the words and figures “or section 45 and to perform such other functions” shall be inserted.

Amendment of section 48.

25. In section 49 of the Principal Act,—

Amendment of section 49.

(a) in sub-section (1), after the words, “any other amount by a”, the word “taxable” shall be omitted.

(b) in sub-section (2), —

(i) for the words, “are glistered”, the words, “a registered” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(ii) for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted;

(c) in sub-section (5),—

(i) in clause (c), the following proviso shall be inserted, namely:—

“Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;”;

(ii) in clause (d), the following proviso shall be inserted, namely:—

“Provided that the input tax credit on account of Union territory tax shall be utilised towards payment of integrated tax only where the balance

of the input tax credit on account of central tax is not available for payment of integrated tax;”.

26. After section 49 of the Principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 49A and 49B

“49A. Notwithstanding anything contained in section 49, the input tax credit on account of State tax shall be utilised towards payment of integrated tax or State tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully towards such payment.

Utilisation of input tax credit subject to certain conditions.

49B. Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, central tax, State tax or Union territory tax, as the case may be, towards payment of any such tax.”.

Order of utilisation of input tax credit.

27. In section 51 of the Principal Act, —

Amendment of section 51.

(a) in sub-section (2), for the words, “deduct or”, the word “deductor” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(b) in sub-section (3), for the words, “deduct or”, the word “deductor” shall be substituted and for the word, “deducted”, the word, “deductee” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(c) in sub-section (4), for the words, “deduct or”, occurring at both the places, the word “deductor” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

28. In section 52 of the Principal Act, in sub-section (9), for the word and figures “section 37”, the words and figures “section 37 or section 39” shall be substituted.

Amendment of section 52.

29. In section 54 of the Principal Act,—

Amendment of section 54

(a) in the sub-section (3), in the second proviso,

after clause (ii), after the words, "services or both", the words "avails of drawback or", shall be omitted and shall always be deemed to have been omitted with effect from the 1st day of July, 2017.

(b) in the sub-section (6), for the word "export", the words, "zero-rated supply" shall be substituted and the words, "in this behalf", the words, "by the government on the recommendation of the council" shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(c) in the sub-section (8), in clause (a), for the words, "on inputs or input services used in the goods or services or both which are exported out of India", the words, "paid on export of goods or services or both or on inputs or input services used in making such exports" shall be substituted.

(d) in the *Explanation*,—

(i) in clause (1), for the words, "or inputs or input services used in the goods or services or both which are exported out of India," the words, "paid on zero-rated supplies of goods or services or both or on inputs or input services used in making such zero-rated supplies" shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(ii) in clause (2),

(A) in sub-clause (a), after the words, "in respect of", the words, "goods themselves or the case may be the" shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(B) in sub-clause (b), for the word, "filed", the word, "furnished", shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(C) in sub-clause (c),

(I) after the words, "in respect of", the words, "services themselves or, as the case may be, the" shall be

inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(II) in item (i), after the words “foreign exchange”, the words “or in Indian rupees wherever permitted by the Reserve Bank of India” shall be inserted;

(D) for sub-clause (e), the following sub-clause shall be substituted, namely:—

“(e) in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under section 39 for the period in which such claim for refund arises;”.

30. In section 73 of the Principal Act, in sub-section (10), for the word, “filing”, the word, “furnishing” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 73.

31. In section 74 of the Principal Act, in sub-section (10), for the word, “filing”, the word, “furnishing” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 74.

32. In section 79 of the Principal Act, after sub-section (4), the following *Explanation* shall be inserted, namely:—

Amendment of section 79.

‘*Explanation.*—For the purposes of this section, the word person shall include “distinct persons” as referred to in sub-section (4) or, as the case may be, sub-section (5) of section 25.’.

33. In section 94 of the Principal Act, in the sub-section (3), after the words, “as reference to dissolution or”, the words “as the case may be”, shall be omitted and shall always be deemed to have been omitted with effect from the 1st day of July, 2017.

Amendment of section 94

34. In section 104 of the Principal Act, in sub-section (1), in the proviso, after the words, “to the applicant”, the words “or the appellant” shall be inserted and shall always be deemed

Amendment of section 104

to have been inserted with effect from the 1st day of July, 2017.

35. In section 107 of the Principal Act, in sub-section (6), in clause (b), after the words "arising from the said order," the words "subject to a maximum of twenty-five crore rupees," shall be inserted.

Amendment of section 107.

36. In section 108 of the Principal Act, in sub-section (1), for the word, "Provisional", the word, "Revisional" shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 108.

37. In section 112 of the Principal Act, in sub-section (8), in clause (b), after the words "arising from the said order," the words "subject to a maximum of fifty crore rupees," shall be inserted.

Amendment of section 112.

38. In section 122 of the Principal Act, —

Amendment of section 122

(a) in sub-section (1), in the clauses (v) and (vi), for the word, "terms", the words "accordance with the provision" shall be substituted.

(b) in sub-section (2),:-

(i) after the words, "wrongly availed or utilised", the brackets and letter "(a)" shall be inserted.

(ii) after the words, "whichever is higher", the words, brackets and letter "(b) for reason or fraud or any wilful statement or suppression of facts to evade tax shall be liable to a penalty equal to ten thousand rupees or the tax due from such person, whichever is higher." shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

39. In section 129 of the Principal Act,—

Amendment of section 129.

(a) in sub-section (5), for the number and brackets, "(2)", the number and brackets, "(3)" shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

(b) in sub-section (6), for the words “seven days”, the words “fourteen days” shall be substituted.

40. In section 132 of the Principal Act, in sub-section (1), in the clause (a) after the words “of this Act”, the words “or the rules made thereunder” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

Amendment of section 132.

41. In section 140 of the Principal Act, in sub-section (4), after the words “tax free goods”, the words “by whatever name called” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

Amendment of section 140.

42. In section 141 of the Principal Act, —

(a) in the sub-section (1), in the second proviso, for the word, “of six months or the extended period from the appointed day”, the words “specified in this sub-section” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 141.

(b) in the sub-section (2) and (3), in the third proviso, for the words, “six months or the extended period as the case may be, from the appointed day”, the words “the period specified in this sub-section” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

43. In section 142 of the Principal Act,-

(a) in the sub-section (13), for the words, “deduct or”, the words “deductor” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

Amendment of section 142

(b) after sub-section (13), the following sub-section shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017—

“(14) Where any goods or capital goods belonging to the Principal are lying at the premises of the agent on the appointed day, the agent shall be entitled to take credit of the tax paid on such goods or capital goods subject to fulfillment of the following conditions:

(i) the agent is a registered taxable person under this Ordinance;

- (ii) both the Principal and the agent declare the details of stock of goods or capital goods lying with such agent on the day immediately preceding the appointed day in such form and manner and within such time as may be prescribed in this behalf;
- (iii) the invoices for such goods or capital goods had been issued not earlier than twelve months immediately preceding the appointed day; and
- (iv) the Principal has either reversed or not availed of the input tax credit in respect of such —
 - (a) goods; or
 - (b) capital goods or, having availed of such credit, has reversed the said credit, to the extent availed of by him.”.

44. In section 143 of the Principal Act,—

(a) in sub-section (1), in clause (b),

(i) in the proviso, for the words, brackets and letter, “terms of clause (b)”, the words “in accordance with the provisions of this clause” shall be substituted and shall always be deemed to have been substituted with effect from the 1st day of July, 2017.

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

“Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively.”.

(b) in the sub-section (3), after the words “in accordance with”, occurring at both the places, the words “the provisions of” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

(c) in sub-section (4), after the words “in accordance with”, occurring at both the places, the words “the provisions of” shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

45. In Schedule I of the Principal Act, in paragraph 4,

Amendment of
section 143.

Amendment

of Schedule I.

for the words "taxable person", the word "person" shall be substituted.

Amendment of
Schedule II.

46. In Schedule II of the Principal Act, in the heading, after the word "ACTIVITIES", the words "OR TRANSACTIONS" shall be inserted and shall always be deemed to have been inserted with effect from the 1st day of July, 2017.

Amendment of
Schedule III.

47. In Schedule III of the Principal Act, —

(i) after paragraph 6, the following paragraphs shall be inserted, namely:—

"7. Supply of goods from a place outside India to another place outside India without such goods entering into India.

8. (a) Supply of warehoused goods to any person before clearance for home consumption;

(b) Supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.";

(ii) the *Explanation* shall be numbered as *Explanation 1* and after

Explanation 1 as so numbered, the following *Explanation* shall be inserted, namely:—

Explanation 2.—For the purposes of paragraph 8, the expression "warehoused goods" shall have the same meaning as assigned to it in the Customs Act, 1962.?

52 of 1962.

Raj Bhavan, Imphal
The 15th October, 2018

Sd/-
(Najma Heptulla)
Governor of Manipur


(Nungshitombi Athokpam)

Secretary (Law) to the Govt. of Manipur.

Copy to :

1. The Secretary to Governor, Manipur, Raj Bhavan, Imphal
2. The Secretary to Chief Minister, Manipur

3. PPS to Deputy Chief Minister (Finance), Manipur.
4. P.S. to Minister (Law & Legislative Affairs), Manipur.
5. P.S. to Chief Secretary, Government of Manipur.
6. The Principal Secretary (Finance), Government of Manipur.
7. The Director, Printing and Stationery, Manipur for publication of the above Notification in the Manipur Gazette Extra-Ordinary dated 15-10-2018 and to send 5 (five) copies of the publication to the Law & Legislative Affairs Department, Government of Manipur.
- ✓ 8. The Website Manager, IT' Department, Government of Manipur for uploading the above Notification in the Manipur Government Website.
9. The Guard File.