

AS INTRODUCED IN NL

The Nagaland Goods and Services Tax Bill No. 174 of 2023
(Seventh Amendment) Bill, 2023

The Nagaland Goods and Services Tax (Seventh Amendment) Bill, 2023

A Bill

further to amend the Nagaland Goods and Services Tax, Act 2017 (Act No. 4 of 2017) to incorporate the amendments made to the CGST Act, 2017 to bring uniformity in the application of the CGST and SGST Acts.

Be it enacted by the Legislature of Nagaland in the Seventy-Fifth Year of the Republic of India as follows: -

Short title,
extend and
commencement

- (a) This Act may be called the Nagaland Goods and Services Tax (Seventh Amendment) Act, 2023.
- (b) It shall extend to the whole of Nagaland.
- (c) It shall come into force on such date as the State Government may, by notification appoint.

Amendment
of section 10.

1. In the Nagaland Goods and Services Tax Act, 2017 (hereinafter referred to as the Nagaland Goods and Services Tax Act), in section 10, —
 - i. In sub-section (2), in clause (d), the words "goods or" shall be omitted;
 - ii. in sub-section (2A), in clause (c), the words "goods or" shall be omitted.

Amendment
of section 16.

2. In section 16 of the Nagaland Goods and Services Tax Act, in sub-section (2), —
 - (i) In the second proviso, for the words "added to his output tax liability, along with interest thereon", the words and figures "paid by him along with interest payable under section 50" shall be substituted;
 - (ii) In the third proviso, after the words "made by him", the words "to the supplier" shall be inserted.

Amendment
of section 17.

3. In section 17 of the Nagaland Goods and Services Tax Act, —
 - (a) in sub-section (3), in the *Explanation*, for the words and figure "except those specified in paragraph 5 of the said Schedule", the following shall be substituted, namely: —

"except, —

 - (i) the value of activities or transactions specified in paragraph 5 of the said Schedule; and
 - (ii) the value of such activities or transactions as may be prescribed in respect of clause (a) of paragraph 8 of the said Schedule.";
 - (b) in sub-section (5), after clause (f), the following clause shall be inserted, namely: —

(fa) goods or services or both received by a taxable person, which are used or intended to be used for activities relating to his obligations under corporate social responsibility referred to in section 135 of the Companies Act, 2013;".

Amendment
of section 23

4. In section 23 of the Nagaland Goods and Services Tax Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 2017, namely: —

"(2) Notwithstanding anything to the contrary contained in sub-section (1) of section 22 or section 24, the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, specify the category of persons who may be exempted from obtaining registration under this Act."

Amendment
of section 30

5. In section 30 of the Nagaland Goods and Services Tax Act, in sub-section (1), —
- i. for the words “the prescribed manner within thirty days from the date of service of the cancellation order:”, the words “such manner, within such time and subject to such conditions and restrictions, as may be prescribed.” shall be substituted;
 - ii. the proviso shall be omitted.

Amendment
of section 37

6. In section 37 of the Nagaland Goods and Services Tax Act, after sub-section (4), the following sub-section shall be inserted, namely: —

“(5) A registered person shall not be allowed to furnish the details of outward supplies under sub-section (1) for a tax period after the expiry of a period of three years from the due date of furnishing the said details:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the details of outward supplies for a tax period under sub-section (1), even after the expiry of the said period of three years from the due date of furnishing the said details.”.

Amendment
of section 39

7. In section 39 of the Nagaland Goods and Services Tax Act, after sub-section (10), the following sub-section shall be inserted, namely: —

“(11) A registered person shall not be allowed to furnish a return for a tax period after the expiry of a period of three years from the due date of furnishing the said return:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the return for a tax period, even after the expiry of the said period of three years from the due date of furnishing the said return.”.

Amendment
of section 44

8. Section 44 of the Nagaland Goods and Services Tax Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall

be inserted, namely: —

“(2) A registered person shall not be allowed to furnish an annual return under sub-section (1) for a financial year after the expiry of a period of three years from the due date of furnishing the said annual return:

Provided that the Government may, on the recommendations of the Council, by notification, and subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish an annual return for a financial year under sub-section (1), even after the expiry of the said period of three years from the due date of furnishing the said annual return.”.

Amendment
of section 52.

9. In section 52 of the Nagaland Goods and Services Tax Act, after sub-section (14), the following sub-section shall be inserted, namely: —

“(15) The operator shall not be allowed to furnish a statement under sub-section (4) after the expiry of a period of three years from the due date of furnishing the said statement:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow an operator or a class of operators to furnish a statement under sub-section (4), even after the expiry of the said period of three years from the due date of furnishing the said statement.”.

Amendment
of section 54.

10. In section 54 of the Nagaland Goods and Services Tax Act, in sub-section (6), the words “excluding the amount of input tax credit provisionally accepted,” shall be omitted.

Amendment
of section 56.

11. In section 56 of the Nagaland Goods and Services Tax Act, for the words “from the date immediately after the expiry of sixty days from the date of receipt of application under the said sub-section till the date of refund of such tax”, the words “for the period of delay beyond sixty days from the date of receipt of such application till the date of refund of such tax, to be computed in such manner and subject to such conditions and restrictions as may be prescribed” shall be substituted.

Amendment
of section 62.

12. In section 62 of the Nagaland Goods and Services Tax Act, in sub-section (2), —
- i. for the words “thirty days”, the words “sixty days” shall be substituted;

ii. the following proviso shall be inserted, namely: —

“Provided that where the registered person fails to furnish a valid return within sixty days of the service of the assessment order under sub-section (1), he may furnish the same within a further period of sixty days on payment of an additional late fee of one hundred rupees for each day of delay beyond sixty days of the service of the said assessment order and in case he furnishes valid return within such extended period, the said assessment order shall be deemed to have been withdrawn, but the liability to pay interest under sub-section (1) of section 50 or to pay late fee under section 47 shall continue.”.

Substitution
of Section
109.

Constitution
of Appellate
Tribunal and
Benches
thereof.

13. For section 109 of the Nagaland Goods and Services Tax Act, the following section shall be substituted, namely: —

“109. Subject to the provisions of this Chapter, the Goods and Services Tax Tribunal constituted under the Central Goods and Services Tax Act, 2017 shall be the Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority under this Act.”

Omission of
Section 110
and 114

14. Section 110 and Section 114 of the Nagaland Goods and Services Tax Act, shall be omitted.

Amendment
of section
117.

15. In section 117 of the Nagaland Goods and Services Tax Act, —
- i. In sub-section (1), for the words “State Bench or Area Benches”, the words “State Benches” shall be substituted;
 - ii. In sub-section (5), in clauses (a) and (b), for the words “State Bench or Area Benches”, the words “State Benches” shall be substituted.

Amendment
of section
118.

16. In section 118 of the Nagaland Goods and Services Tax Act, in sub-section (I), in clause (a), for the words “National Bench or Regional Bench”, the words “Principal Bench” shall be substituted.

Amendment
of section
119.

17. In section 119 of the Nagaland Goods and Services Tax Act, —
i. for the words “National or Regional Benches”, the words “Principal Bench” shall be substituted;
ii. for the words “State Bench or Area Benches”, the words “State Benches” shall be substituted.

Amendment
of section
122.

18. In section 122 of the Nagaland Goods and Services Tax Act, after sub-section (IA), the following sub-section shall be inserted, namely: —

“(IB) Any electronic commerce operator who—

- (i) allows a supply of goods or services or both through it by an unregistered person other than a person exempted from registration by a notification issued under this Act to make such supply;
- (ii) allows an inter-State supply of goods or services or both through it by a person who is not eligible to make such inter-State supply; or
- (iii) fails to furnish the correct details in the statement to be furnished under sub-section (4) of section 52 of any outward supply of goods effected through it by a person exempted from obtaining registration under this Act, shall be liable to pay a penalty of ten thousand rupees, or an amount equivalent to the amount of tax involved had such supply been made by a registered person other than a person paying tax under section 10, whichever is higher.”.

Amendment
of section
132.

19. In section 132 of the Nagaland Goods and Services Tax Act, in sub-section (I), —

- i. Clauses (g), (j) and (k) shall be omitted;
- ii. in clause (I), for the words, brackets and letters “clauses (a) to (k)”, the words, brackets and letters “clauses (a) to (f) and clauses (h) and (i)” shall be substituted;
- iii. in clause (iii), for the words “any other offence”, the words, brackets and letter “an offence specified in clause (b),” shall be substituted;

- iv. in clause (iv), the words, brackets and letters “or clause (g) or clause (j)” shall be omitted.

Amendment
of section
138.

- 20. In section 138 of the Nagaland Goods and Services Tax Act, —
 - i. in sub-section (1), in the first proviso, —
 - (i) for clause (a), the following clause shall be substituted, namely: —

“(a) a person who has been allowed to compound once in respect of any of the offences specified in clauses (a) to (f), (h), (i) and (l) of sub-section (1) of section 132;”;
 - (ii) clause (b) shall be omitted;
 - (iii) for clause (c), the following clause shall be substituted, namely: —

“(c) a person who has been accused of committing an offence under clause (b) of sub-section (1) of section 132;”;
 - (iv) clause (e) shall be omitted;
 - ii. in sub-section (2), for the words “ten thousand rupees or fifty per cent. of the tax involved, whichever is higher, and the maximum amount not being less than thirty thousand rupees or one hundred and fifty per cent. of the tax, whichever is higher”, the words “twenty-five per cent. of the tax involved and the maximum amount not being more than one hundred per cent. of the tax involved” shall be substituted.

Insertion of
new Section
158A.

- 21. After section 158 of the Nagaland Goods and Services Tax Act, the following section shall be inserted, namely: —

Consent
based sharing
of
information
furnished by
taxable
person

158A. (1) Notwithstanding anything contained in sections 133, 152 and 158, the following details furnished by a registered person may, subject to the provisions of sub-section (2), and on the recommendations of the Council, be shared by the common portal with such other systems as may be notified by the Government, in such manner and subject to such conditions as may be prescribed, namely: —

- (a) particulars furnished in the application for registration under section 25 or in the return filed under section 39 or under section 44;

- (b) the particulars uploaded on the common portal for preparation of invoice, the details of outward supplies furnished under section 37 and the particulars uploaded on the common portal for generation of documents under section 68;
 - (c) such other details as may be prescribed.
- (2) For the purposes of sharing details under sub-section (1), the consent shall be obtained, of—
- (a) the supplier, in respect of details furnished under clauses (a), (b) and (c) of sub-section (1); and
 - (b) the recipient, in respect of details furnished under clause (b) of sub-section (1), and under clause (c) of sub-section (1) only where such details include identity information of the recipient, in such form and manner as may be prescribed.
- (3) Notwithstanding anything contained in any law for the time being in force, no action shall lie against the Government or the common portal with respect to any liability arising consequent to information shared under this section and there shall be no impact on the liability to pay tax on the relevant supply or as per the relevant return.”.

Retrospective exemption to certain activities and transactions in Schedule III to the Nagaland Goods and Services Tax Act.

22. (1) In Schedule III to the Nagaland Goods and Services Tax Act, paragraphs 7 and 8 and the *Explanation* 2 thereof (as inserted *vide* section 31 of Nagaland Goods and Services Tax (Amendment) Act, 2018 shall be deemed to have been inserted therein with effect from the 1st day of July, 2017.
- (2) No refund shall be made of all the tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times.

FINANCIAL MEMORANDUM

The introduction of the Nagaland Goods and Services Tax (Seventh Amendment) Bill, 2023 will not entail expenditure on the Consolidated Fund of the State as it can be implemented by the existing administrative set up.


07/7/23
Neiphiu Rio
Chief Minister

STATEMENT OF OBJECTS AND REASONS

The Goods and Services Tax (GST) has been implemented with effect from 1st July 2017. The GST consists of the Central Goods and Services Tax and the State Goods and Services Tax. The Central Government has amended the Central Goods and Services Tax Act, 2017 through Finance Act No. 8 of 2023. State Governments have to affect corresponding amendment in the State Goods and Services Tax Act.

The Nagaland Goods and Services Tax (Seventh Amendment) Bill, 2023 will make the Nagaland Goods and Services Tax Act, 2017 more comprehensive.

The proposed Bill seeks to give effect to the above objects.


08/9/23
(Neiphiu Rio)
Chief Minister