



## The Maharashtra Tax on Lotteries Act, 2006

Act 43 of 2006

Keyword(s):

Certifying Authority, Lottery, Promoter, Rules, Sales, Tax

Amendment appended: 31 of 2017

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# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पौष ८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Tax on Lotteries Act, 2006 (Mah. Act No. XLIII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XLIII OF 2006.

(First Published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 29th December 2006)

An Act to provide for the levy and collection of tax on the lotteries and the matters connected therewith or incidental thereto.

WHEREAS it is expedient to enact a law to provide for the levy and collection of tax on the lotteries of the State as well as lotteries 17 of other States, conducted as per the provisions of the Lotteries 1998. (Regulation) Act, 1998 and which are marketed in the State of Maharashtra, and for matters connected therewith or incidental thereto, for the purposes aforesaid; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

(८८३)

## CHAPTER I

## PRELIMINARY

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Tax on Lotteries Act, 2006.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “certifying authority” means the certifying authority appointed under sub-section (3) of section 6;

(b) “Commissioner” means the Commissioner, Small Savings and State Lotteries, Government of Maharashtra;

(c) “Government” means the Government of Maharashtra;

(d) “lottery” means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chances to those persons participating in the chances of a prize by purchasing tickets, conducted as per the provisions of the Lotteries (Regulation) Act, 1998;

17 of  
1998.

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Promoter” means the Government of any State or an Union Territory or any country-organising, conducting or promoting a lottery and includes any person appointed as first importer for marketing lottery tickets in the State of Maharashtra on behalf of such Government or country where such Government or country is not directly marketing or conducting lottery schemes in the State;

(g) “rules” means the rules made under this Act;

(h) “sales” means sale of lottery tickets of the State or of any other State within the State for cash or deferred payment or any other valuable consideration;

(i) “State” means the State of Maharashtra;

(j) “tax” means the tax levied and collected on lotteries under this Act.

## CHAPTER II

## INCIDENCE AND LEVY OF TAX

Levy of tax  
on lottery  
schemes.

3. (1) There shall be levied and collected a tax on the lottery schemes specified in column (2) of the Table hereunder, at the rates

specified against them in column (3) of the said Table :—

TABLE

No. (1)	Lottery schemes (2)	Rate of tax (3)
		Rs.
1	Weekly lottery scheme ...	50,000
2	Fortnightly lottery scheme or any lottery scheme between week and fortnight	1,00,000
3	Monthly lottery scheme or any lottery scheme of any duration exceeding fortnight	2,00,000
4	Bumper lottery scheme ...	10,00,000

(2) The tax levied under sub-section (1) shall be paid by the Promoter.

4. (1) Every Promoter shall submit to the tax authorities the Statement containing all such particulars, within such time and in such format as may be prescribed, relating to the lottery schemes of which tickets are sold in the State. Payment of tax in advance.

(2) The Promoter shall pay at least one week in advance the amount of tax payable by him under this Act in respect of lottery schemes shown in the Statement referred to in sub-section (1) and the amount so payable shall, for the purpose of section 11, be deemed to be the amount payable under this Act from the Promoter.

### CHAPTER III

#### TAX AUTHORITIES

5. (1) The Commissioner shall be responsible for carrying out the purposes of this Act. Tax authorities.

(2) The State Government may appoint such number of other officers, staff, persons and give them such designations, as the Government deems necessary.

(3) The Commissioner shall have jurisdiction over the whole of the State and other officers appointed under sub-section (2) shall have jurisdiction over the whole of the State or such area or areas, as the State Government may, by notification in the *Official Gazette*, specify.

(4) The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on him by or under this Act.

(5) Other officers, staff and persons shall, within their jurisdiction, exercise such powers and perform such duties of the Commissioner under this Act, as the Commissioner may, subject to such conditions and restrictions as he may, by general or special order impose, delegate to them, either generally or in respect of any particular matter or class of matters, by an order published in the *Official Gazette*.

(6) All officers, staff and persons appointed under sub-section (2), shall be subordinate to the Commissioner and subordination of officers other than the Commissioner and of staff and persons amongst themselves shall be such as may be prescribed.

(7) The Commissioner may, from time to time, issue such instructions and directions as he may deem fit to the officers subordinate to him for carrying out the purposes of this Act and officers shall observe and follow such instructions and directions of the Commissioner.

Powers of  
Commissioner.

6. (1) In discharging the functions by or under this Act, the Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the following matters, namely:—

5 of  
1908.

(a) receiving evidence on affidavit;

(b) summoning and enforcing the attendance of any person and examining him on oath or affirmation;

(c) compelling the production of document; and

(d) issuing commission for the examination of witnesses.

(2) In the case of any affidavit to be made for the purposes of this Act, any officer appointed by the Commissioner may administer the oath to the deponent.

(3) The Commissioner shall appoint a certifying authority consisting of such officer or officers as deemed fit, who shall issue certificate of payment of tax to Promoters.

(4) The Promoter shall keep all accounts of the tax paid under this Act and submit the same to the certifying authority as may be prescribed.

## CHAPTER IV

### REGISTRATION

Registration  
and  
cancellation  
of  
certificate.

7. (1) Every Promoter liable to pay tax under section 3 shall obtain a certificate of registration.

(2) Every Promoter required to obtain a certificate of registration under sub-section (1) shall apply in such form, manner, time and to such authority, as may be prescribed. Such application shall be accompanied by the one-time prescribed fee.

(3) The prescribed authority shall, after scrutiny of the application and on being satisfied that, the application for registration is in order, shall issue the certificate of registration in the prescribed form.

(4) Where the prescribed authority has reason to believe that the Promoter to whom a certificate of registration has been issued, has contravened any provisions of this Act or of the rules or has discontinued the business, the prescribed authority may, after giving to the Promoter a reasonable opportunity of being heard, for reasons to be recorded in writing, by order, cancel the certificate of registration.

## CHAPTER V

## RETURNS

8. Every registered Promoter shall file a correct and duly complete monthly return in such form, by such date and to such authority, as may be prescribed. In addition to any data required for proper computation of tax, the return may provide for furnishing of data for purposes of collecting statistics or information relating to any matter dealt with by or in connection with this Act. Returns.

9. The amount of tax payable by the Promoter, for each financial year during which he is so liable, shall be assessed separately, in the manner prescribed, by the Assessing Officer appointed by the Commissioner. Assessment.

10. (1) If the Commissioner has reason to believe that any scheme has escaped assessment of tax or has been assessed at a rate lower than the rate at which it is assessable under this Act, the Commissioner may, notwithstanding anything contained in this Act, at any time, within a period of three years from the date of expiry of the end of the financial year in which the scheme has escaped assessment, or has been assessed at a lower rate than the rate at which it is assessable, proceed to assess or re-assess, to the best of his judgement, the tax payable by the Promoter in respect of such scheme, after following the prescribed procedure. Assessment of scheme escaping assessment.

(2) At the time of the assessment or re-assessment, as the case may be, under sub-section (1), the Commissioner may, if he is satisfied that any scheme has been suppressed by the Promoter from assessment, he shall direct the Promoter to pay, in addition to the tax assessed under sub-section (1) a penalty equal to thrice the amount of tax so assessed, alongwith interest, after following the prescribed procedure.

11. The tax payable after assessment or re-assessment shall be paid as per the prescribed procedure. Payment of tax applicable after assessment or re-assessment.

12. (1) An appeal from every original order passed under this Act shall lie to the Commissioner and such appeal shall be filed within a period of sixty days from the date of communication of the order appealed against. Appeals.

(2) Subject to such rules of procedure as may be prescribed, the appellate authority shall have the following powers, namely :—

(a) in an appeal against an order of assessment, it may confirm, reduce, enhance or annul the assessment :

Provided that, appellate authority may set aside the assessment order and refer the case back to the assessing authority for making fresh assessment. The assessing authority shall thereupon proceed to make such assessment and determine, the amount of tax payable on the basis of such assessment ;

(b) in any other case, the appellate authority may pass such order in the appeal as it deems just and proper :

Provided that, the appellate authority shall not enhance an amount of tax assessed or reduces the amount of refund of the tax, unless the appellant has been given a reasonable opportunity of being heard.

(3) The appellate authority may, while admitting the appeal, stay the order appealed against in full or part, subject to such conditions or restrictions, as it may deem necessary including a direction for depositing of a part or whole of the disputed amount by the appellant.

Appeal to  
Government.

13. An appeal shall lie to the Government from every order passed by the Commissioner and such appeal shall be filed within one hundred and twenty days from the date on which the order appealed against is received by the assessee.

## CHAPTER VI

### PENALTY AND SEIZURE

Imposition  
of penalty in  
certain  
circum-  
stances.

14. (1) Where any Promoter has not obtained a certificate of registration under section 7 or has not paid the tax of a particular scheme at least one week in advance as provided in section 4, the Government or any officer authorised by it, shall seize the tickets, the lottery terminals through which marketing of the tickets for that schemes are to take place and all types of servers, including the central server from which the lottery tickets are being generated.

(2) Where any Promoter fails to file return as required by section 8 or to pay tax for three lottery schemes which he is marketing in the State, the Commissioner may, after giving the Promoter a notice of not less than seven days, and after giving an opportunity of being heard by an order in writing, impose on him, in addition to the tax payable, a penalty of an amount equal to three times of the tax and shall seize all lottery tickets, lottery terminals and servers of the Promoter through which the lottery schemes are being operated or marketed.

(3) If it is noticed that the Promoter has concealed the particulars of any transaction or furnished inaccurate particulars of any transaction, the Commissioner shall, after giving the Promoter an opportunity of being heard, by an order in writing, impose, in addition to the tax payable on that transaction, a penalty of an amount equal to three times of the tax payable by him on that transaction.

Penalty.

15. Whoever,—

(a) wrongly represents a registered Promoter,

(b) furnishes false return,

(c) produces false document which will result in loss of Government revenue,

- (d) keeps false accounts,
- (e) furnishes false information,
- (f) evades or attempts to evade any payment under this Act,
- (g) fails to comply with any notice served on him under this Act, or
- (h) voluntarily obstructs any officer making inspection, search or seizure under the provisions of this Act,

shall, on conviction, be punished with simple imprisonment for a term which may extend to six months.

16. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Offences by companies.

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under this Act, if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by the company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means a body corporate and includes firm, association of persons or body of individuals whether incorporated or not ;

(b) “director”, in relation to firm, means a partner in the firm, and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.

17. (1) Notwithstanding anything contained in any other law, the Commissioner may, on noticing that there is an outstanding liability of tax, interest or penalty against a Promoter on whom a notice has already been served, at any time, by notice in writing, require,— Special mode of recovery.

(a) any person from whom any amount of money is due or may become due, to the said Promoter, or

(b) any person who holds or may subsequently hold money for or on account of such Promoter,



to pay to the Commissioner either forthwith upon the money becoming due or being held or within the time specified in the notice, an amount equal to the amount due and outstanding from such Promoter as aforesaid with continuing interest till the date of payment :

Provided that, no action under this sub-section shall be taken till the date prescribed for filing of appeal against the order under which the amount has remained outstanding has expired.

(2) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the Promoter and the receipt of the Commissioner shall constitute a good and sufficient discharge of the liability of such person, to the extent of the amount referred to in the receipt.

## CHAPTER VII

### MISCELLANEOUS

**Recovery of tax as arrears of the land revenue.** 18. For the purpose of effecting recovery of the amount of tax, penalty, interest or any other sum due and recoverable from any Promoter by or under the provisions of this Act, the same shall be recovered as arrears of land revenue.

**Compounding of offences.** 19. (1) The Commissioner may, either before or after the institution of proceedings for any offence punishable under this Act except from the person charged with such offence, by way of composition of an offence a sum not less than rupees one lakh.

(2) On payment of sum as provided in sub-section (1), no further proceedings shall be taken against the person charged with the offence and any proceedings, if already taken, shall stand abated.

**Officers to be public servants.** 20. All officers appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

45 of  
1860.

**Rectification of mistakes.** 21. (1) The Commissioner may, at any time, within two years, from the date of an order passed by him, on his own motion, rectify any mistake apparent from the record, and shall within a like period rectify any such mistake which has been brought to his notice by any person affected by such order :

Provided that, no such rectification shall be made if it has the effect of enhancing the tax or penalty or interest or reducing the amount of a refund, unless the Commissioner has given notice in writing to such person of his intention to do so and has allowed such person a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of a mistake by an appellate authority under section 12 as they apply to the rectification of a mistake by the Commissioner.

(3) Where any such rectification has the effect of reducing the amount of the tax or penalty or interest, the Commissioner shall refund any amount due to such person in the prescribed manner.

(4) Where any such rectification has the effect of enhancing the amount of the tax or penalty or interest or reducing the amount of refund, the Commissioner shall recover the amount due from such person in the prescribed manner.

Bom. 22. Notwithstanding anything contained in the Bombay Court-fees  
XXXVI Act, 1959,—

of  
1959.

Fee on  
appeal and  
certain other  
applications.

(a) any application not otherwise provided for when presented to a prescribed authority for a prescribed purpose or when presented to the Commissioner shall subject to the provisions of clause (b), be charged with such fee not exceeding one hundred rupees, as may be prescribed, and

(b) an appeal preferred under this Act shall bear a court fee stamp of such value, not exceeding one thousand rupees, if the amount in dispute exceeds rupees one lakh, and in any other case not exceeding one hundred rupees, as may be prescribed.

23. No suit, prosecution or other legal proceedings shall lie against the authority or any officer of the Government for anything which is done or intended to be done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Protection  
of action  
taken under  
this Act.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power to  
make rules.

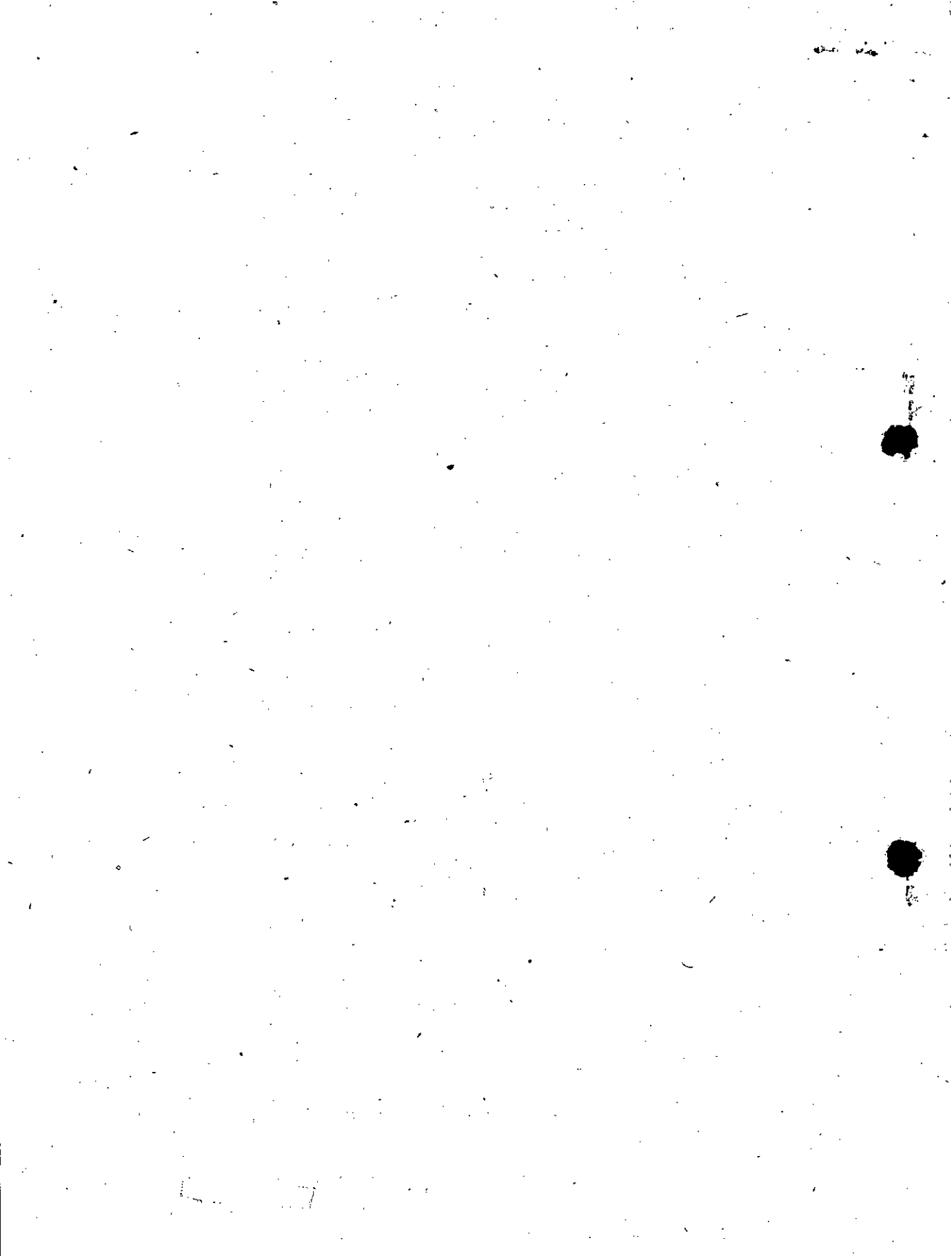
(2) Every rule made under this Act shall be laid as soon as may be, after it is made before each House of State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient, for removing the difficulty:

Power to  
remove  
difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ३६(६)]

शनिवार, एप्रिल १५, २०१७/चैत्र २५, शके १९३९

[पृष्ठे ७, किंमत : रुपये २७.००

असाधारण क्रमांक ७४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017 (Mah. Act No. XXXI of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXXI OF 2017

*(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 15th April 2017).*

An Act further to amend certain tax laws in operation in the State of Maharashtra.

WHEREAS, it is expedient further to amend certain tax laws in operation in the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

#### CHAPTER I

##### PRELIMINARY.

1. (1) This Act may be called the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017. Short title and commencement.

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

(a) sections 3, 4, 5 and 6 shall come into force with effect from the 1st April 2017 ; and

(b) remaining sections shall come into force on the date of publication of this Act in the *Official Gazette*.

## CHAPTER II

### AMENDMENT TO THE MAHARASHTRA PURCHASE TAX ON SUGARCANE ACT, 1962.

Amendment  
of section  
12B of Mah.  
IX of 1962.

**2.** In section 12B of the Maharashtra Purchase Tax on Sugarcane Act, 1962,—

Mah. IX  
of 1962.

(1) in sub-section (1), in clause (e), for the word and figures “and 2014-15” the figures and word “,2014-15, 2015-16 and 2016-17” shall be substituted ;

(2) sub-section (2) shall be deleted.

## CHAPTER III

### AMENDMENTS TO THE MAHARASHTRA STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS ACT, 1975.

Amendment  
of section 3  
of Mah. XVI  
of 1975.

**3.** In section 3 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (hereinafter, in this Chapter, referred to as “the Profession Tax Act”), in sub-section (2), in the third proviso, for the portion beginning with the words “ exceed eight years” and ending with the words “whichever is earlier” the following shall be substituted, namely :—

Mah.  
XVI of  
1975.

“ exceed :

(a) four years, in case where certificate of enrollment is granted on or after the 1st April 2017,

(b) eight years, in any other case,

from the end of the year immediately preceding the year in which certificate of enrollment has been granted, or the year in which the proceeding for enrollment is initiated against him, whichever is earlier.”.

Insertion of  
sections 4A  
and 4B in  
Mah. XVI of  
1975.

**4.** After section 4 of the Profession Tax Act, the following sections shall be inserted, namely :—

Restricted  
liability to  
pay tax.

**“4A.** An employer, who has been granted certificate of registration on or after the 1st April 2017, shall not be liable to pay tax for a period of more than four years from the end of the year immediately preceding the year in which the certificate of registration has been granted or the year in which the proceeding for registration is initiated against him, whichever is earlier.

Liability to  
deduct and  
pay tax in  
certain cases.

**4B.** (1) The State Government may, from time to time, by notification published in the *Official Gazette*, provide for the class of persons who shall deduct the tax out of the amount of the commission paid or payable to an agent, to be mentioned in the said notification, before the payment of such commission. The person so notified to deduct the tax shall pay the tax, in the manner provided in the said notification and at the rate specified in entry 1A of SCHEDULE I of the Act.

(2) All the provisions related to an employer and employee under the Act shall apply *mutatis mutandis* to the person liable to deduct the tax and the person from whom such tax is to be deducted under sub-section (1).”.

5. In section 9 of the Profession Tax Act, in sub-section (2), for the portion beginning with the words “pay simple interest” and ending with the words “remains unpaid” the words “pay by way of simple interest, in addition to the amount of such tax, a sum calculated at the prescribed rate on the amount of such tax, for each month or part thereof, after the last date by which he should have paid the tax” shall be substituted.

Amendment of section 9 of Mah. XVI of 1975.

6. In Schedule I appended to the Profession Tax Act,—

Amendment to Schedule I of Mah. XVI of 1975.

(1) after entry 1, the following entry shall be inserted, namely :—

“ 1A. Persons as notified under section 4B. 2,500 per annum.”;

(2) after entry 20, the following entry shall be inserted, namely :—

“20A. Service provider, registered under the Finance Act, 1994. 2,500 per annum.”.

#### CHAPTER IV

##### AMENDMENT TO THE MAHARASHTRA TAX ON THE ENTRY OF GOODS INTO LOCAL AREAS RULES, 2003.

7. In rule 8 of the Maharashtra Tax on the Entry of Goods into Local Areas Rules, 2003,—

Amendment of rule 8 of rules made under Mah. IV of 2003.

(1) sub-rule (1) shall be deleted and shall be deemed to have been deleted with effect from the 1st April 2005 ;

(2) for sub-rule (3), the following sub-rule shall be substituted and shall be deemed to have been substituted with effect from the 1st April 2005, namely :—

“(3) The assessment of an unregistered importer shall be made by the assessing authority in whose jurisdiction, the specified goods are found or detected to have been consumed, used or sold.”.

#### CHAPTER V

##### AMENDMENTS TO THE MAHARASHTRA VALUE ADDED TAX ACT, 2002.

Mah. IX of 2005.

8. In section 8 of the Maharashtra Value Added Tax Act, 2002 (hereinafter, in this Chapter, referred to as “the Value Added Tax Act”), in sub-section (3D), for the words “with effect from the date specified in the order” the words “either prospectively or retrospectively” shall be substituted.

Amendment of section 8 of Mah. IX of 2005.

9. In section 23 of the Value Added Tax Act,—

Amendment of section 23 of Mah. IX of 2005.

(1) in sub-section (7),—

(a) for the portion beginning with the words “such assessment shall be” and ending with the words “to the Commissioner” the following shall be substituted, namely :—

“such assessment shall be made within a period of eighteen months, if the said order is made by the appellate authority in first appeal and in any other case, within a period of thirty-six months from the date of communication of such finding or direction contained in the said order to the assessing authority or, as the case may be, to the Commissioner”;

(b) in the proviso, for the portion beginning with the words “the dealer concerned” and ending with the words “the period of thirty-six months” the following shall be substituted, namely :—

“the dealer concerned to the assessing authority or, as the case may be, to the Commissioner earlier than the said date of communication, then the said period of eighteen months or, as the case may be, of thirty-six months”;

(2) in sub-section (11), after the second proviso, the following proviso shall be added, namely :—

“Provided also that, no application under this sub-section shall be entertained, in case the assessment order is passed, on or after the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017.”.

Mah.  
XXXI  
of 2017.

Amendment  
of section 26  
of Mah. IX  
of 2005.

**10.** In section 26 of the Value Added Tax Act,—

(1) in sub-section (5), in clause (a), after the proviso, the following proviso shall be added, namely :—

“Provided further that, in respect of any appeal against an order of assessment, wherein dealer was not able to attend or remain present before the assessing authority at the time of hearing when the assessment order had been passed, then the appellate authority in first appeal may set-aside the said assessment order,—

(i) within nine months from the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017, if the appeal is filed prior to the date of commencement of the said Act,

Mah.  
XXXI of  
2017.

(ii) within six-months from the date on which the said appeal has been filed, if the appeal is filed on or after the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017,

Mah.  
XXXI of  
2017.

and refer the case back to the assessing authority for making a fresh assessment under sub-section (7) of section 23.”;

(2) after sub-section (6), the following sub-sections shall be inserted, namely :—

“(6A) No appeal against an order, passed on or after the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017, shall be filed before the appellate authority in first appeal, unless it is accompanied by the proof of payment of an aggregate of the following amounts, as applicable,—

Mah.  
XXXI of  
2017.

(a) in case of an appeal against an order, in which claim against declaration or certificate, has been disallowed on the ground of non-production of such declaration or, as the case may be, certificate then, amount of tax, as provided in the proviso to sub-section (6),

(b) in case of an appeal against an order, which involves disallowance of claims as stated in clause (a) above and also tax liability on other grounds, then, an amount equal to 10 per cent. of the amount of tax, disputed by the appellant so far as such tax liability pertains to tax, on grounds, other than those mentioned in clause (a),

(c) in case of an appeal against an order, other than an order, described in clauses (a) and (b) above, an amount equal to 10 per cent. of the amount of tax disputed by the appellant,

(d) in case of an appeal against a separate order imposing only penalty, deposit of an amount, as directed by the appellate authority, which shall not in any case, exceed 10 per cent. of the amount of penalty, disputed by appellant :

Provided that, the amount required to be deposited under clause (b) or, as the case may be, clause (c), shall not exceed rupees fifteen crores.

(6B) No appeal shall be filed, before the Tribunal, against an order, which is passed on or after the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017, unless it is accompanied by the proof of payment of an aggregate of following amounts, as applicable,—

(a) in case of an appeal against an order, in which claim against declaration or certificate has been disallowed on the grounds of non-production of such declarations or, as the case may be, certificates then, amount of tax, as provided in the proviso to sub-section (6),

(b) in case of an appeal against an order, which involves disallowance of claims as stated in clause (a) above and also tax liability on other grounds, then, an amount equal to 10 per cent. of the balance amount of disputed tax, so far as such tax liability pertains to tax, on grounds, other than those mentioned in clause (a),

(c) in case of an appeal against an order, other than an order, described in clauses (a) and (b) above, an amount equal to 10 per cent. of the balance amount of disputed tax,

(d) in case of an appeal against any other order, an amount, as directed by the Tribunal :

Provided that, the amount required to be deposited under clause (b) or, as the case may be, clause (c), shall not exceed rupees fifteen crores.

*Explanation.*— For the purposes of clause (b) or clause (c) of sub-section (6B), the expression, “balance amount of disputed tax” shall mean an amount of disputed tax, which remains outstanding, after considering the amount paid, as directed by the appellate authority in first appeal under clause (b) or, as the case may be, clause (c), respectively of sub-section (6A).

(6C) The appellate authority or, as the case may be, Tribunal shall stay the recovery of the remaining disputed dues, in the prescribed manner, on filing of an appeal under sub-section (6A) or, as the case may be, sub-section (6B).”.

11. In section 27 of the Value Added Tax Act, in sub-section (2), in clause (a), for the words “one hundred and twenty days” the words “one hundred and eighty days” shall be substituted.

Amendment of section 27 of Mah. IX of 2005.



Amendment  
of section  
30 of Mah.  
IX of 2005.

**12.** In section 30 of the Value Added Tax Act, after sub-section (4), the following sub-section shall be added, namely :—

“(5) The State Government may, from time to time, by notification published in the *Official Gazette*, subject to such conditions mentioned therein, remit the whole or any part of the interest, in respect of any period, payable by any prescribed class of registered dealers,—

(i) who were not able to pay the tax during the prescribed period, due to technical problems of the automation system of the Sales Tax Department, or

(ii) who obtained registration late.”.

Amendment  
of section 37  
of Mah. IX  
of 2005.

**13.** Section 37 of the Value Added Tax Act shall be renumbered as sub-section (1) thereof ; and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

“(2) The first charge as mentioned in sub-section (1) shall be deemed to have been created on the expiry of the period specified in sub-section (4) of section 32, for the payment of tax, penalty, interest, sum forfeited, fine or any other amount.”.

Amendment  
of section 40  
of Mah. IX  
of 2005.

**14.** In section 40 of the Value Added Tax Act, after the words, brackets and figure “sub-section (6)” the word, brackets, figure and letter “or, as the case may be, sub-section (6C)” shall be inserted.

Amendment  
of section 44  
of Mah. IX  
of 2005.

**15.** In section 44 of the Value Added Tax Act, after sub-section (5), the following sub-section shall be added, namely :—

“(6) Subject to the provisions of the Companies Act, 2013, where any tax or other amount recoverable under this Act from a private company, whether existing or wound up or under liquidation, for any period, cannot be recovered, for any reason whatsoever, then, every person who was a director of the private company during such period shall be jointly and severally liable for the payment of such tax or other amount unless, he proves that the non-recovery cannot be attributed to any gross neglect, misfeasance or breach of duty on his part in relation to the affairs of the said company.”.

18 of  
2013.

Amendment  
of section 53  
of Mah. IX  
of 2005.

**16.** In section 53 of the Value Added Tax Act, in sub-section (1), after *Explanation*, the following sub-section shall be inserted, namely :—

“(1A) In case of refunds, which become due on or after the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017, the provisions of sub-section (1) shall be applicable, if the delay in granting refund is more than sixty days.”.

Mah.  
XXXI  
of 2017.

Amendment  
to Schedule  
'A' appended  
to Mah. IX  
of 2005.

**17.** In SCHEDULE ‘A’ appended to the Value Added Tax Act, after entry 63, the following entry shall be added, namely :—

“64 Sale, during the period from the 1st April 2005 to the 31<sup>st</sup> March 2016, of processed, semi-processed, semi-cooked, ready-mix, ready to eat, shelled sweet corn, whether or not sold,—

(1) Tax should not have been collected from the customer.

(2) Tax should not have been paid into the Government Treasury.

(a) in a frozen state, or

(b) in a sealed container, or

(c) under a brand name, except when served for consumption.

CHAPTER VI

AMENDMENT TO THE MAHARASHTRA TAX ON LOTTERIES ACT, 2006.

Mah. XLIII of 2006. **18.** In section 3 of the Maharashtra Tax on the Lotteries Act, 2006, in sub-section (1), in the TABLE, in entry 1, in column (3), for the figures “70,000” the figures “1,00,000” shall be substituted. Amendment of section 3 of Mah. XLIII of 2006.

CHAPTER VII

AMENDMENT TO THE MAHARASHTRA TAX LAWS (LEVY, AMENDMENT AND VALIDATION) ACT, 2012.

Mah. VIII of 2012. **19.** In the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2012, in section 1, in sub-section (2),— Amendment in section 1 of Mah. VIII of 2012.  
 (1) in clause (a), for the word and figures “sections 21” the words, bracket and figures “sub-section (1) of section 21” shall be substituted and shall always be deemed to have been substituted ;  
 (2) after clause (a), the following clause shall be inserted and shall always be deemed to have been inserted, namely :—  
 “(a-1) sub-section (2) of section 21 shall be deemed to have been come into force with effect from the 8th April 2011.”

CHAPTER VIII

VALIDATION AND SAVING.

Mah. IV of 2003. **20.** (1) Notwithstanding anything contained in any judgment, decree or order of any Court or Tribunal to the contrary, any assessment or any action taken or thing done in relation to such assessment, under the provisions of the Maharashtra Tax on the Entry of Goods into Local Areas Act, 2002 and the rules made thereunder (hereinafter, in this Chapter, referred to as “the law relating to the Entry Tax”), at any time before the commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2017 (hereinafter, in this Chapter, referred to as “the Amendment Act”), if made within the time limit provided under section 23 of the Maharashtra Value Added Tax Act, 2002, as it exists on the date of such assessment, or any action taken or thing done in relation to such assessment, shall be deemed to be valid and effective as if such assessment or action taken or thing had been duly made, taken or done under the law relating to the Entry Tax, as amended by the Amendment Act, and accordingly, all acts, proceedings or things done or taken by the State Government or by any officer of the State Government or by any other authority in connection with the assessment, shall, for all purposes, be deemed to be, and to have always been done or taken in accordance with the law. Validation and saving.  
 Mah. XXXI of 2017.  
 Mah. IX of 2005. (2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person, from questioning in accordance with the law relating to the Entry Tax, as amended by the Amendment Act, any assessment referred to in sub-section (1).