



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ११(२)]

सोमवार, जून २, २०१४/ज्येष्ठ १२, शके १९३६

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असाधारण क्रमांक ४३

प्राधिकृत प्रकाशन

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 Value Added Tax (Amendment) Bill, 2014 (L. A. Bill No. XIII of 2014), introduced in the Legislative Assembly on the 2nd June 2014, is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XIII OF 2014.

A BILL

further to amend the Maharashtra Value Added Tax Act, 2002.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Value Added Tax Act, 2002, for the purposes hereinafter appearing; and, therefore, promulgated the Mah. IX of 2005. Maharashtra Value Added Tax (Amendment) Ordinance, 2014 on the 3rd Ord. VII of 2014. March 2014;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Value Added Tax (Amendment) Act, 2014.

Short title and commencement.

(१)

(2) It shall be deemed to have come into force on the 3rd March 2014.

Amendment
of section 23
of Mah. IX of
2005.

2. In section 23 of the Maharashtra Value Added Tax Act, 2002 (hereinafter referred to as "the principal Act"), after sub-section (12), the following sub-section shall be added, namely :—

Mah. IX
of 2005.

“(13) Notwithstanding anything contained in this section, in case of a dealer, who undertakes the construction of flats, dwellings or buildings or premises and transfers them in pursuance of an agreement alongwith land or interest underlying the land and in whose case, the limitation for making an order of assessment, for any of the periods, expires on the 31st March 2014, then the order of assessment, for such periods, may be made on or before the 30th September 2015.”.

Repeal of
Mah. Ord. VII
of 2014 and
saving.

3. (1) The Maharashtra Value Added Tax (Amendment) Ordinance, 2014, is hereby repealed.

Mah.
Ord. VII
of 2014.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In view of the amendment to rule 58 of the Maharashtra Value Added Tax Rules, 2005 by the Government Notification, Finance Department, No. VAT 1513/CR-147/Taxation 1, dated the 29th January 2014, the Hon'ble Supreme Court in Builders Association of India v/s State of Maharashtra (Special Leave Appeal (Civil) No. 14153/2013) has, by order, dated the 31st January 2014, clarified that, if the petitioners file revised returns in terms of the said order and/or Notification, dated the 29th January 2014, such returns will be examined by the concerned assessing officer appropriately in accordance with law.

2. The period of limitation in respect of certain assessment of dealers, who undertake the construction of flats, dwellings or buildings or premises and transfer them in pursuance of an agreement alongwith land or interest underlying the land, was to expire on the 31st March 2014. In view of the above, to give sufficient time to such class of dealers as well as to the assessing authorities, for assessment, it was considered expedient to extend the limitation period for assessment upto the 30th September 2015, by adding sub-section (13) in section 23 of the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005).

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Value Added Tax Act, 2002, for the purposes aforesaid, the Maharashtra Value Added Tax (Amendment) Ordinance, 2014 (Mah. Ord. VII of 2014), was promulgated by the Governor of Maharashtra on the 3rd March 2014.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 12th May 2014.

AJIT PAWAR,
Deputy Chief Minister.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for extending the period of limitation for assessments provided in section 23 of the Maharashtra Value Added Tax Act, 2002.

Thus there is no provision in the Bill which would involve recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.