



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४१(३)]

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असाधारण क्रमांक ८८

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 Goods and Services Tax related Laws (Amendments, Validation and Savings) Bill, 2017 (L. A. Bill No. XXXV of 2017), introduced in the Maharashtra Legislative Assembly on the 20th May 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.

L. A. BILL No. XXXV OF 2017.

A BILL

further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002, for the purposes

III of 1888.
I of 1923.
LIX of 1949.
LXV of 1958.
III of 1959.
Mah. XL of 1965.
Mah. XVI of 1975.
Mah. IX of 2005.

(१)

hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

Short title and commencement.

1. (1) This Act may be called the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017.

(2) (a) Section 63, sub-section (3) of section 67 and section 73 shall come into force on the date of publication of this Act in the *Official Gazette* ;

(b) remaining sections shall come into force from such date as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 3 of III of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as “the Mumbai Corporation Act”), clause (pa) shall be deleted.

Amendment of section 126 of III of 1888.

3. In section 126 of the Mumbai Corporation Act, in sub-section (2), in clause (a), the words “and, in the case of octroi on such articles” shall be deleted.

Amendment of section 128 of III of 1888.

4. In section 128 of the Mumbai Corporation Act, in sub-section (1), in clause (a), the words “and the articles on which octroi shall be levied,” shall be deleted.

Amendment of section 139 of III of 1888.

5. In section 139 of the Mumbai Corporation Act, entry (4) shall be deleted.

Deletion of heading above section 192 of III of 1888.

6. Above section 192 of the Mumbai Corporation Act, the heading “Octroi” shall be deleted.

Deletion of sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of III of 1888.

7. Sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of the Mumbai Corporation Act shall be deleted.

Amendment of section 196 of III of 1888.

8. In section 196 of the Mumbai Corporation Act, the words “or by adding to the number of articles on which octroi is being levied” shall be deleted.

Deletion of section 199 of III of 1888.

9. Section 199 of the Mumbai Corporation Act shall be deleted.

Deletion of section 213 of III of 1888.

10. Section 213 of the Mumbai Corporation Act shall be deleted.

Deletion of sections 478, 478-1A, 478-1AA and 478-1B of III of 1888.

11. Sections 478, 478-1A, 478-1AA and 478-1B of the Mumbai Corporation Act shall be deleted.

Deletion of Schedules H and H-1 of III of 1888.

12. Schedules H and H-1 of the Mumbai Corporation Act shall be deleted.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ENTERTAINMENTS DUTY ACT.

I of 1923. **13.** In section 2 of the Maharashtra Entertainments Duty Act (hereinafter, in this Chapter, referred to as “the Entertainments Duty Act”),— Amendment of section 2 of I of 1923.

(1) clause (d-1) shall be deleted ;

(2) after clause (f-a1), the following clauses shall be inserted, namely :—

“(f-a2) “local authority” means,—

(i) a “Municipality” as defined in clause (e) of article 243P of the Constitution ;

Mah. V of 1961.

(ii) a “Zilla Parishads” as constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of 2006.

(iii) “Cantonment Board”, as defined in section 3 of the Cantonment Act, 2006 ;

Mah. XL of 1965.

(f-a3) “Chief Officer” means a person appointed or deemed to be appointed as Chief Officer under the Maharashtra Municipal Councils, Nagar Panchyats and Industrial Townships Act, 1965 ;

Mah. V of 1961.

(f-a4) “Chief Executive Officer” of the Zilla Parishads means the Chief Executive Officer of a Zilla Parishad appointed under section 94 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of 2006.

(f-a5) “Chief Executive Officer” of the Cantonment Board means the person appointed as the Chief Executive Officer of a Cantonment under the Cantonments Act, 2006 ;

III of 1888.

(f-a6) “Municipal Commissioner” means the Municipal Commissioner for the Municipal Corporation appointed under the Mumbai Municipal Corporation Act or as the case may be, under the Maharashtra Municipal Corporations Act ;”.

LIX of 1949.

14. In section 3 of the Entertainments Duty Act,—

Amendment of section 3 of I of 1923.

(1) except sub-sections (6), (7) and (8), for the words “State Government”, wherever they occur, the words “local authority” shall be substituted ;

(2) in sub-section (3), in clause (j), for the word “Commissioner” the words “local authority” shall be substituted ;

(3) in sub-section (4), in clause (d), for the word “Collector of the District” the following shall be substituted, namely :—

(i) Municipal Commissioner, in case of a Municipal Corporation, or

(ii) Chief Officer, in case of a Municipal Council, or

(iii) Chief Executive Officer, in case of a Zilla Parishad or a Cantonment Board, as the case may be;”;

(4) in sub-section (13), in clause (b), in sub-clause (i), for the word “Collector” the following shall be substituted, namely :—

“(i) Municipal Commissioner, in case of a Municipal Corporation,

(ii) Chief Officer, in case of a Municipal Council,

(iii) Chief Executive Officer, in case of a *Zilla Parishad* or a Cantonment Board, as the case may be.”.

- Deletion of section 3AA of I of 1923. **15.** Section 3AA of the Entertainments Duty Act shall be deleted.
- Amendment of section 3A of I of 1923. **16.** In section 3A of the Entertainments Duty Act,—
(1) for the words “State Government” the words “local authority” shall be substituted;
(2) the words, figures and letters “and a surcharge provided by section 3AA” shall be deleted.
- Amendment of section 4 of I of 1923. **17.** In section 4 of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 4B of I of 1923. **18.** In section 4B of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 4E of I of 1923. **19.** In section 4E of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 5 of I of 1923. **20.** In section 5 of the Entertainments Duty Act, for the word “Collector” wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 6 of I of 1923. **21.** In section 6 of the Entertainments Duty Act, in sub-sections (1) and (2), for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 8 of I of 1923. **22.** In section 8 of the Entertainments Duty Act, for the portion beginning with “The Commissioner” and ending with “the State Government” the words “Any officer duly authorized by the local authority” shall be substituted.
- Amendment of section 9A of I of 1923. **23.** In section 9A of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 9B of I of 1923. **24.** In section 9B of the Entertainments Duty Act, for the word “Government” the words “local authority” shall be substituted.
- Amendment of section 9C of I of 1923. **25.** In section 9C of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 9D of I of 1923. **26.** In section 9D of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 10 of I of 1923. **27.** In section 10 of the Entertainments Duty Act,—
(1) the existing section 10 shall be re-numbered as sub-section (1) thereof; and in sub-section (1) as so re-numbered, for the words “State Government” wherever they occur, the words “local authority” shall be substituted ;
(2) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) For the purposes of sub-section (1) , the powers of the local authority shall be exercised by (i) the Municipal Commissioner, in case of a Municipal Corporation, (ii) the Chief Officer, in case of a Municipal Council, (iii) the Chief Executive Officer, in case of a *Zilla Parishad*, (iv) the Chief Executive Officer, in case of a Cantonment Board, in their respective jurisdiction.”.

- 28.** In section 10A of the Entertainments Duty Act, for the word “Collector”, wherever it occur, the following shall be substituted, namely :—
- (i) Municipal Commissioner, in case of a Municipal Corporation,
(ii) Chief Officer, in case of a Municipal Council, (iii) Chief Executive Officer, in case of a *Zilla Parishad*, (iv) Chief Executive Officer, in case of a Cantonment Board”.
- 29.** In section 12 of the Entertainments Duty Act, for the words “State Government”, at both the places where they occur, the words “State Government and local authority” shall be substituted.
- 30.** Section 13 of the Entertainments Duty Act shall be deleted.
- 31.** Schedule appended to the Entertainments Duty Act shall be deleted.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

- LIX of 1949. **32.** In section 2 of the Maharashtra Municipal Corporations Act (hereinafter, in this Chapter, referred to as “the Municipal Corporations Act”), clauses (6A), (31A), (42), (70A), (70B) and (70C) shall be deleted.
- 33.** In section 32 of the Municipal Corporations Act,-
(1) in sub-section (4), the words “octroi or” shall be deleted;
(2) in sub-section (5), the word “octroi” shall be deleted.
- 34.** In section 99 of the Municipal Corporations Act, the words, brackets and letters “excluding local body tax under clause (aaa) thereof” shall be deleted.
- 35.** Sections 99A, 99B, 99C and 99D of the Municipal Corporations Act shall be deleted.
- 36.** In section 127 of the Municipal Corporations Act, in sub-section (2), clauses (a), (aa) and (aaa) shall be deleted.
- 37.** In section 128 of the Municipal Corporations Act, in clause (5), the words “octroi and ” shall be deleted.
- 38.** Section 146 alongwith the heading “*Exemptions from Octroi*” of the Municipal Corporations Act shall be deleted.
- 39.** In section 149 of the Municipal Corporations Act, sub-section (6) shall be deleted.

- Deletion of Chapter XIA and sections 152A to 152O of LIX of 1949. **40.** Chapter XIA and sections 152A to 152O of the Municipal Corporations Act shall be deleted.
- Deletion of Chapter XIB and section 152P to 152T of LIX of 1949. **41.** Chapter XIB and sections 152P, 152Q, 152R, 152S and 152T of the Municipal Corporations Act shall be deleted.
- Deletion of sections 398 and 398-1A of LIX of 1949. **42.** Sections 398 and 398-1A of the Municipal Corporations Act shall be deleted.
- Amendment of section 466 of LIX of 1949. **43.** In section 466 of the Municipal Corporations Act, in sub-section (1), in para (A),—
- (1) in clause (a), the words “octroi and ” shall be deleted;
- (2) in clause (b), the words “octroi and ” shall be deleted;
- (3) clause (c) shall be deleted;
- (4) clause (e) shall be deleted;
- (5) clause (g) shall be deleted.
- Deletion of Schedules A, B and C of LIX of 1949. **44.** Schedules A, B and C of the Municipal Corporations Act shall be deleted.
- Amendment of Schedule D of LIX of 1949. **45.** In Schedule D of the Municipal Corporations Act, in Chapter VIII, rules 26, 28 and 29 shall be deleted.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MOTOR VEHICLES TAX ACT.

- Amendment in section 2 of LXV of 1958. **46.** In section 2 of the Maharashtra Motor Vehicles Tax Act, for clause (1A), the following clause shall be substituted, namely:—
- “(1A) “cost of vehicle” in relation to,—
- (a) a vehicle manufactured in India means, cost as per the final cost mentioned in the purchase invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle which shall include the basic manufacturing cost, Central Goods and Services Tax levied under the Central Goods and Services Tax Act, 2017, Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, Cess under the Goods and Services Tax (Compensation to States) Act, 2017 and Goods and Services Tax under the Maharashtra Goods and Services Tax Act, 2017 and if the vehicle has been sold in the State of Maharashtra from any other State or Union Territory shall include the Goods and Services Tax paid in such State or Union Territory, and
- LXV of 1958.
- 12 of 2017.
13 of 2017.
- Mah. of 2017.
15 of 2017.

52 of 1962. (b) a vehicle imported into India irrespective of its place of manufacture means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 and the customs duty paid thereupon, including additional duty paid if any, as endorsed in the Bill of Entry by the Customs Department, and Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, and Cess under the Goods and Services Tax (Compensation to States) Act, 2017, if any.

13 of 2017.
15 of 2017.

Explanation.—(1) The discount given by the manufacturer or the dealer, if any, shall be added in the final cost as mentioned in the purchase invoice.

12 of 2017.
13 of 2017.
15 of 2017.
Mah. of 2017.
Mah. of 2017.

(2) The vehicles sold prior to the date of commencement of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, the Goods and Services Tax (Compensation to States) Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 and produced for registration after such date shall be taxed as per the provisions which were in force prior to the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017;”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

- III of 1959. **47.** In section 3 of the Maharashtra Village Panchayats Act (hereinafter, in this Chapter, referred to as “the Village Panchayats Act”), in section 3, clauses (5), (11A) and (11B) shall be deleted. Amendment of section 3 of III of 1959.
- 48.** Section 124 A of the Village Panchayats Act shall be deleted. Deletion of section 124A of 1959.

CHAPTER VII

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

- Mah. XL of 1965. **49.** In section 2 of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), clause (3A) shall be deleted. Amendment of section 2 of Mah. XL of 1965.
- 50.** In section 87A of the Municipal Councils Act, in sub-section (3), in clause (xi),—
(1) in sub-clause (a), the word “cess” shall be deleted;
(2) in sub-clause (b), the word “cess” shall be deleted. Amendment of section 87A of Mah. XL of 1965.
- 51.** In section 105 of the Municipal Councils Act, in sub-section (1), clauses (aa) and (e) shall be deleted. Amendment of section 105 of Mah. XL of 1965.
- 52.** Chapter IXA and sections 148A to 148O of the Municipal Councils Act shall be deleted. Deletion of Chapter IXA and sections 148A to 148O of Mah. XL of 1965.

CHAPTER VIII

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

- Amendment to Schedule I of Mah. XVI of 1975. **53.** In Schedule I appended to the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, for entry 20A, the following entry shall be substituted, namely :—
- “20A. Persons, registered under the Maharashtra Goods and Services Tax Act, 2017. 2500 per annum.”. Mah. XVI of 1975. Mah. of 2017.

CHAPTER-IX

AMENDMENTS TO THE MAHARASHTRA VALUE ADDED
TAX ACT, 2002.

- Amendment in long title of Mah. IX of 2005. **54.** In the long title of the Maharashtra Value Added Tax Act, 2002 (hereinafter, in this Chapter, referred to as “the Value Added Tax Act”), the words “or purchase” shall be deleted. Mah. IX of 2005.
- Amendment in preamble of Mah. IX of 2005. **55.** In the preamble of the Value Added Tax Act, the words “or purchase” shall be deleted.
- Amendment of section 2 of Mah. IX of 2005. **56.** In section 2 of the Value Added Tax Act,—
- (1) clauses (1), (2) and (3-a) shall be deleted;
- (2) after clause (3-a) so deleted, the following clause shall be inserted, namely :—
- “(3-b) “appointed date for the Maharashtra Goods and Services Tax Act” means the date on which the Maharashtra Goods and Services Tax Act, 2017 comes into force;” Mah. of 2017.
- (3) in clause (4), in the *Explanation*, clause (i) shall be deleted;
- (4) clause (7) shall be deleted;
- (5) in clause (8), Exception I, II and III shall be deleted;
- (6) clause (9) shall be deleted;
- (7) for clause (12), the following clause shall be substituted, namely :—
- “(12) “goods” means petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption;”;
- (8) after clause (14) the following clause shall be inserted, namely:—
- “(14A) “Maharashtra Goods and Services Tax Act” means the Maharashtra Goods and Services Tax Act, 2017;”;
- (9) clause (17A) shall be deleted;
- (10) in clause (20), *Explanation IA* shall be deleted;
- (11) in clause (24), in the *Explanation*, in clause (b), in sub-clause (vi), for the words and brackets “of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), the words” the words “of alcoholic liquor for human consumption” shall be substituted;
- (12) in clause (25), *Explanation IA* shall be deleted;

(13) clause (27) shall be deleted;

(14) in clause (29), the words “or purchase tax leviable or as the case may be,” shall be deleted;

(15) in clause (32), *Explanation I* shall be deleted;

(16) in clause (33), *Explanation I* shall be deleted.

57. In section 3 of the Value Added Tax Act,—

Amendment
of section 3
of Mah. IX of
2005.

(1) sub-section (1) shall be deleted;

(2) in sub-section (2),—

(a) for the words “to whom sub-section (1) does not apply and whose turnover either of all sales or, as the case may be, purchases made” the words “whose turnover of all sales of goods” shall be substituted;

(b) in the proviso, the words “ and purchases” and the words “or turnover of purchases” shall be deleted;

(3) in sub-section (3), the words “or turnover of purchases” shall be deleted;

(4) sub-section (5A) shall be deleted;

(5) in sub-section (8), the words “or purchases” shall be deleted.

58. In section 6 of the Value Added Tax Act,—

Amendment
of section 6
of Mah. IX of
2005.

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) There shall be levied a sales tax on the turnover of sales of goods, specified in column (2) in SCHEDULE B at the rates set out against each of them in column (3) of the said Schedule.”;

(2) in sub-section (2) , for the word and letter “ Schedule D”, the word “ SCHEDULE B” shall be substituted;

59. Sections 6A, 6B and 7 of the Value Added Tax Act shall be deleted.

Deletion of
sections 6A,
6B and 7 of
Mah. IX of
2005.

60. In section 8 of the Value Added Tax Act,—

Amendment
of section 8
of Mah. IX of
2005.

(1) in sub-section (2), the words “and lubricants” shall be deleted;

(2) sub-sections (3C) and (3D) shall be deleted.

61. In section 16 of the Value Added Tax Act,—

Amendment
of section 16
of Mah. IX of
2005.

(1) in sub-section (6), in clause (b), the words “or the turnover of purchases” shall be deleted;

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

“(6A) The registration of a dealer, who has not effected sale, during the year 2016-17, of any goods, specified in column (2) in SCHEDULE A or, as the case may be SCHEDULE B, as it exists on the appointed date for the Maharashtra Goods and Services Tax Act, shall be deemed to be cancelled with effect from the said appointed date:

Provided that, any such dealer, whose registration is deemed to be cancelled, may apply in the prescribed manner for the revocation of the cancellation of his registration, if he intends to carry on the business in these goods.”.

Deletion of section 17 of Mah. IX of 2005.

62. Section 17 of the Value Added Tax Act shall be deleted.

Insertion of section 26B in Mah. IX of 2005.

63. After section 26A of the Value Added Tax Act, the following section shall be inserted, namely :—

Speedy disposal of various proceedings.

“26B. The State Government may enact a scheme by a notification in the *Official Gazette* providing for,—

(i) the speedy disposal of proceedings of assessments under section 23, rectifications under section 24, review under section 25, appeals under section 26, refund proceedings and recovery proceedings;

(ii) criterion for selection of cases for assessment; and

(iii) criterion for selection of cases for withdrawal of pending proceedings referred in clause (i).”

Amendment of section 30 of Mah. IX of 2005.

64. In section 30 of the Value Added Tax Act, in sub-section (2), after the second proviso, the following proviso shall be added, namely :—

“Provided also that, in case a dealer, whose registration is deemed to be cancelled under sub-section (6A) of section 16, files an annual revised return, as provided under clause (b) or, as the case may be, clause (c), of sub-section (4) of section 20, for any period starting from the 1st April 2017, then the interest shall be payable on the excess amount of tax, payable as per such annual revised return from the prescribed dates by the prescribed class of dealers.”

Deletion of section 31A of Mah. IX of 2005.

65. Section 31A of the Value Added Tax Act shall be deleted.

Amendment of section 41 of Mah. IX of 2005.

66. In section 41 of the Value Added Tax Act, in sub-section (4),—

(1) in clause (a), the words “and petroleum products” shall be deleted;

(2) in clause (b), in the *Explanation*, the words “and petroleum products” shall be deleted;

(3) clause (c) shall be deleted.

Amendment of section 42 of Mah. IX of 2005.

67. In section 42 of the Value Added Tax Act,—

(1) sub-section (1) shall be deleted;

(2) in sub-section (2), the portion beginning with the words “who are running any eating house” and ending with the words “or vendors” shall be deleted;

(3) after sub-section (2), the following sub-section shall be added and deemed to have been added with effect from the 1st April 2010, namely :—

“(3B) The registered dealers, who had undertaken the construction of flats, dwellings or buildings or premises and transferred them in pursuance of an agreement along with the land or interest underlying the land and where,—

(a) such agreement is registered on or before the 31st May 2017; and

(b) the works contract activity in respect of aforesaid agreement is continued on or after the date notified for the purpose of the Maharashtra Goods and Services Tax Act or, as the case may be, payment is received,

then notwithstanding anything contained in sub-section (3A) or, as the case may be, in the Notification, Finance Department, No. VAT/2015/CR-65/Taxation.-1 dated the 9th July 2010, but subject to the conditions stated in column (3) at Serial Number (3) to (5) and (7) of the aforesaid notification, the said dealer shall,—

(i) determine the composition amount in lieu of tax payable on the transfer of the goods (whether as goods or in some other form), in execution of the works contract under the Act, at one per cent. of the payment received in respect of said flats, dwellings or buildings or premises till the date immediately preceding the date on which the Maharashtra Goods and Services Tax Act comes into force, and deduct the amount so determined from the composition amount paid as per the aforesaid notification, and

(ii) take the credit into the electronic credit ledger prescribed under the Maharashtra Goods and Services Tax Act of the balance unutilized amount remained on the date on which the Maharashtra Goods and Services Tax Act comes into force.” ;

(4) sub-sections (3), (3A) and (4) shall be deleted.

68. In section 45 of the Value Added Tax Act,—

(1) in sub-section (2), the words “or purchased” shall be deleted;

(2) in sub-section (3),—

(a) the words “or purchases”, at both the places where they occur, shall be deleted ;

(b) in the proviso, the words “ or purchase ” shall be deleted.

69. In section 47 of the Value Added Tax Act, after sub-section (2A), the following sub-section shall be inserted, namely :—

“(2B) Notwithstanding anything contained in this section, if the order of the Court, Tribunal or the Central Government is passed on or after the appointed date of the Maharashtra Goods and Services Tax Act, then the provisions of the said Act, in this regard, shall be applicable.”.

70. In section 48 of the Value Added Tax Act,—

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

(a) sub-clauses (i), (iii) and (iv) shall be deleted ;

(b) in sub-clause (ii), the words “or purchase” shall be deleted ;

(2) sub-section (3) shall be deleted.

Amendment of section 45 of Mah. IX of 2005.

Amendment of section 47 of Mah. IX of 2005.

Amendment of section 48 of Mah. IX of 2005.

- Deletion of section 49 of Mah. IX of 2005. **71.** Section 49 of the Value Added Tax Act shall be deleted.
- Amendment of section 74 of Mah. IX of 2005. **72.** In section 74 of the Value Added Tax Act, in sub-section (3), clause (c) shall be deleted.
- Substitution of section 84 of Mah. IX of 2005. **73.** For section 84 of the Value Added Tax Act, the following section shall be substituted, namely :—
- Declaration of stock of goods held on the appointed date and calling for other information, etc. **“84.** (1) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, as may be specified in the notification, to declare the details, to the prescribed authority, regarding capital assets and the stock of goods held by them on the day immediately preceding the appointed date for the Maharashtra Goods and Services Tax Act.
- (2) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, migrating to the Maharashtra Goods and Services Tax Act to furnish any other information in the prescribed manner.”.
- Deletion of section 87 of Mah. IX of 2005. **74.** Section 87 of the Value Added Tax Act shall be deleted.
- Amendment to Schedule A of Mah. IX of 2005. **75.** In Schedule A appended to the Value Added Tax Act, for the entries 1 to 63, the following entries shall be substituted, namely :—
- | | |
|--|--------|
| “1 Toddy and Arak- | Nil |
| 2 Goods supplied from bond to foreign going ships and aircrafts. | Nil.”. |
- Deletion of Schedules B, C and E of Mah. IX of 2005. **76.** Schedules B, C, and E appended to the Value Added Tax Act shall be deleted.
- Amendment to Schedule D of Mah. IX of 2005. **77.** Schedule D appended to the Value Added Tax Act shall be renamed as Schedule B thereof and in Schedule B as so renamed,—
- (a) entry 4 shall be deleted ;
- (b) in entry 6, in column (2), for the figures and words “ entry 8 of SCHEDULE C, entry 11 and entry 11A ” the figures and words “ entry 11, 11A and entry 13 ” shall be substituted. ” ;

(c) for entries 12, 13 and 14 the following entries shall be substituted, namely :—

“12 Petroleum Crude	5%
13 Aviation Turbine Fuel sold to a Turbo-prop aircraft.	5%
<i>Explanation.</i> —for the purposes of this entry, “ Turbo-prop Aircraft ” means an aircraft deriving thrust mainly from propeller, which may be driven by either turbine engine or piston engine.	
14 Bunker Oil supplied to foreign going ships	6%
15 Natural Gas	13.5%.”.

CHAPTER X

VALIDATION AND SAVINGS.

III of 1888. I of 1923. LIX of 1949. LXV of 1958. III of 1959. Mah. XL of 1965. Mah. XVI of 1975. Mah. IX of 2005. Savings.

78. (1) Notwithstanding the amendments made in the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002 by this Act, those laws and all rules, regulations, orders, notifications, form, certificates and notices, appointments and delegation of powers issued under those laws which are in force immediately before the appointed day of the Maharashtra Goods and Services Tax Act shall, subject to the other provisions of this Act, in so far as they apply, continue to have effect after the appointed day of the Maharashtra Goods and Services Tax Act, for the purposes of the levy, returns, assessment, re-assessment, appeal, determination, revision, rectification, reference, limitation, production and inspection of accounts and documents and search of premises, transfer of proceedings, payment and recovery, calculation of cumulative quantum of benefits, exemption from payment of tax and deferment of due date for payment of tax, cancellation of the certificate of Entitlement, collection or deduction of tax at source, refund or set off of any tax, withholding of any refund, exemption from payment of tax, collection of statistics, the power to make rules, the imposition of any penalty, or of interest or forfeiture of sum where such levy, returns assessment, re-assessment, appeal, determination, revision, rectification, reference, limitation, payment and recovery, calculation of cumulative quantum of benefits, exemption from payment of tax and deferment of due date for payment of tax, cancellation of the certificate of entitlement, collection, deduction of tax at source, refund, set-off, withholding of any refund, exemption, collection of statistics, the power to make rules, limitation, production and inspection of accounts and documents and search of premises, transfer of proceedings, penalty, interest or forfeiture of any sum relates to any period ending before the appointed day of the Maharashtra Goods and Services Tax Act, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid and whether or not the tax, penalty, interest, sum forfeited or tax deducted at source, if any, in relation to such proceedings is paid before or after the appointed day of the Maharashtra Goods and Services Tax Act.

(2) Without prejudice to the provisions contained in the foregoing sub-section, the provisions of section 7 of the Maharashtra General Clauses Act, shall apply in relation to the repeal of any of the provisions of the Acts referred to in sub-section (1).

STATEMENT OF OBJECTS AND REASONS.

The State Government levies tax on sales on goods in the form of Value Added Tax, entry of goods into local areas for consumption, use or sale therein, luxury tax and taxes on entertainments, amusement, betting and gambling. Similarly, the Central Government levies tax on manufacture of goods in the form of Central Excise Duty, provision of services in the form of service tax, inter-state sale of goods in the form of Central Sales Tax. The local authorities also levy octroi, local body tax and cess. Accordingly, there is multiplicity of taxes which are being levied on the same supply chain.

2. To avoid the same, the Constitution (One hundred and One Amendment) Act, 2016 has provided for the levy of the goods and services tax which shall be levied on supply of goods or services or both at each stage of supply chain starting from manufacture or import up to consumer.

3. In order to enable the Central Government and States to levy tax on supply of goods and services, the Parliament has enacted the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, the Goods and Services Tax (Compensation to States) Act, 2017 and the State Government has proposed to enact the Maharashtra Goods and Services Tax Act, 2017.

4. The Constitution (One hundred and One Amendment) Act, 2016 has changed the taxation powers of the Central Government and State Governments. New article 246A is added and entries 52 and 55 have been omitted and entries 54 and 62 of List II of the Seventh Schedule of the Constitution have been substituted. As a consequence to the said amendments instead of multiple taxes levied by the State Government and local authorities, there will be Goods and Services Tax to be levied by the State Government and the entertainments and amusements tax to be levied by the local authorities. It is necessary to make amendments in the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002, in conformity with the said Constitution Amendment Act.

5. The major amendments proposed in the said Acts are explained broadly as follows,—

(i) in the Mumbai Municipal Corporation Act, the provisions relating to levy of octroi are proposed to be deleted;

(ii) the Maharashtra Entertainments Duty Act, is being amended as per entry 62 of List II of Seventh Schedule of the Constitution. As per new entry 62, the Panchayat or a Municipality or a Regional Council or a District Council are empowered to levy and collect tax on entertainments and amusements. Accordingly, the consequential amendments are proposed in the said Act;

(iii) in the Maharashtra Municipal Corporations Act, the Maharashtra Village Panchayats Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the provisions relating to levy of octroi, cess and local body tax are proposed to be deleted;

(iv) in the Maharashtra Motor Vehicles Tax Act, the definition of "cost of vehicle" is amended to include the component of the Goods and Services Tax;

(v) the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 is being amended so that the dealers registered under the Maharashtra Goods and Services Tax Act become liable to pay profession tax;

(vi) the Maharashtra Value Added Tax Act, 2002 is being amended as per the substituted entry 54 of List II in Seventh Schedule to the Constitution. As per the said entry 54, the State is empowered to levy taxes on sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption. Accordingly, certain consequential amendments are proposed in the said Act.

6. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 9th May 2017.

SUDHIR MUNGANTIWAR,

Minister for Finance.

FINANCIAL MEMORANDUM

The Bill proposes to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002, in consequences of the Constitution (One hundred and One Amendment) Act, 2016, the enactment of the Central Goods and Services Tax Act, 2017 and the proposed Maharashtra Goods and Services Tax Act, 2017.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government, to bring into force the provisions of the Act by notification in the *Official Gazette*.

Clause 61.—Under this clause, which seeks to insert sub-section (6A) in section 16 of the Maharashtra Value Added Tax Act, 2002, in the proviso, the power is taken to the State Government to prescribe the manner to apply by the dealer, for revocation of the cancellation of his registration.

Clause 63.—Under this clause, which seeks to insert section 26B in the Maharashtra Value Added Tax Act, 2002, power is taken to the State Government to enact a scheme by notification in *Official Gazette*, providing for speedy disposal, selection and withdrawal of certain proceedings.

Clause 64.—Under this clause, which seeks to add the proviso to sub-section (2) of section 30 of the Maharashtra Value Added Tax Act, 2002, power is taken to the State Government to prescribe the class of dealers liable to pay interest from the prescribed dates for the year 2017-18.

Clause 73.—Under this clause, which seeks to substitute section 84 of the Maharashtra Value Added Tax Act, 2002,—

(a) in sub-section (1), power is taken to the Commissioner by notification to be published in the *Official Gazette*, require any class of registered dealers, as may be specified in the notification, to declare the details, to the prescribed authority, regarding capital assets and the stock of goods held by them on the day immediately preceding the appointed date for the Maharashtra Goods and Services Tax Act;

(b) in sub-section (2), power is taken to the Commissioner by notification to be published in the *Official Gazette*, require any class of registered dealers, migrating to the Maharashtra Goods and Services Tax Act to furnish any other information in the prescribed manner.

2. The above-mentioned proposals for delegation of legislative powers are of normal character.