



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA VALUE ADDED TAX (THIRD  
AMENDMENT) BILL, 2008**

( Bill No. 11 of 2008 )

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(As passed by the Legislative Assembly of the State of Goa)

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
MARCH, 2008.**

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## BILL

*further to amend the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:-

**1. Short title and commencement** .- (1) This Act may be called the Goa Value Added Tax (Third Amendment) Act, 2008.

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

**2. Amendment of section 6** .- In section 6 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the "principal Act"), for sub-section (3), the following sub-section shall be substituted, namely:-

**" (3) In respect of any goods other than capital goods and such other goods as specified in Schedule 'G' appended to this Act, or in sub-section (2) of section 9, used in the manufacturing or processing of finished products dispatched other than by way of sales, the Government may, notwithstanding**

anything contained in section 9, by notification, allow input tax credit in excess of the rate of tax specified in sub-section (1) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) on such goods purchased within the State subject to such terms and conditions as may be specified in the notification."

3. *Amendment of Section 9* .— In section 9 of the principal Act, - (i) in sub-section (2), -

(a) in clause (vi), for the words " in respect of capital goods", the words

" in respect of capital goods or capital assets" shall be substituted;

(b) after clause (xi) the following clauses shall be inserted, namely:-

" (xii) ice cream, alcoholic beverages including beer and wine and non-alcoholic beverages including packed juices, aerated water and soft drinks served in party, factory or industrial canteens, clubs, or served by caterer, for consumption at any place other than hotel/restaurant;

(xiii) condemned vehicles".

(ii) in sub-section (6), for the existing proviso, the following proviso shall be substituted, namely:-

" Provided that in respect of finished products dispatched by way other than sales, the input tax credit on goods other than those covered by

Schedule 'G' and capital goods shall be to the extent it exceeds the rate specified under sub-section (1) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) ".

4. *Amendment of section 55* .— In section 55 of the principal Act, in sub-section (1), for the word and figures "Rs.500/-", the word and figures "Rs.1000/-" shall be substituted.

5. *Amendment of section 70* .— In section 70 of the principal Act, - (i) for sub-section (1) the following sub-section shall be substituted, namely:-

" (1) Every dealer liable to pay tax shall, if his gross turnover of sales exceeds rupees one crore in any year, or in any other case, if the amount of input tax credit claimed by him in any year exceeds rupees ten lacs, get his accounts in respect of such year audited by an accountant by such date and in such manner as may be prescribed and furnish within the prescribed period the report of such audit in the prescribed form duly verified and signed by such accountant and setting forth such particulars and certificates as may be prescribed ",

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall, impose on him, in addition to any tax payable, a

penalty of rupees one thousand plus rupees one hundred per day during the first sixty days of default and rupees two hundred fifty per day thereafter, subject to a maximum of rupees one lac cumulatively. ”,

(iii) after sub-section (3), the following sub-section shall be inserted, namely :-

“ (4) Notwithstanding anything contained in sub-section (3), the Commissioner, upon an application from the dealer and subject to such rules as may be prescribed, remit the whole or any part of the penalty imposed on such defaulting dealer ”.

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