

Maharashtra Tax Laws (Levy And Amendment) Act, 2013

08 of 2013

[20 April 2013]

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PREAMBLE

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-fourth Year of the Republic of India as follows:--

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Maharashtra Tax Laws (Levy and Amendment) Act, 2013.

(2) Save as otherwise provided in this Act, it 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 2 AMENDMENTS TO THE MAHARASHTRA STAMP ACT

2. Insertion of section 30A in LX of 1958 :-

After section 30 of the Maharashtra Stamp Act (LX of 1958) (hereinafter, in this Chapter, referred to as "the Stamp Act"), the following section shall be inserted, namely:--

"30A. Duties payable by financial institution.--

(1) Notwithstanding anything contained in section 30, where any instrument referred to in clauses (a) to (g) of section 30, is executed on or after the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013 (Mah. VIII of 2013), in favour of or by any financial institution such as Bank, Non-Banking Finance Company, Housing Finance Company or alike, which creates any right in favour of any such financial institution, the liability to pay proper stamp duty shall be on such financial institution concerned without affecting their right, if any, to collect it from the other party.

(2) In respect of any such instrument executed before the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013 (Mah. VIII of 2013), and are effective and where proper stamp duty is not paid, then the financial institution shall impound such instrument on or before the 30th September 2013 and forward the same to the Collector for recovery.

(3) Where the financial institution fails to impound such instrument as provided in sub-section (2), then the concerned financial institution shall be liable to pay a penalty equal to the stamp duty payable on such instrument."

3. Amendment of section 70 of LX of 1958 :-

Section 70 of the Stamp 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) In determining the amount of duty payable, or of the allowances to be made, under this Act, in case of instrument in respect of which duty payable is more than one hundred rupees, any fraction of one hundred rupees equal to or exceeding fifty rupees shall be rounded off to the next one hundred rupees, and fractions of less than fifty rupees shall be disregarded.".

4. Amendment of Schedule I appended to LX of 1958 :-

In SCHEDULE I appended to the Stamp Act,--

(a) in article 25, in Explanation I, after the second proviso, the following proviso shall be added, namely:--

"Provided also that, where proper stamp duty is paid on a registered agreement to sell an immovable property, treating it as a deemed conveyance and subsequently a conveyance deed is executed without any modification then such a conveyance shall be treated as other instrument under section 4 and the duty of one hundred rupees shall be charged.";

(b) in article 36A, for clause (a), the following clause shall be substituted, namely:--

"(a) Where the leave and licence agreement purports to be for a term not exceeding sixty months with or without renewal clause.

0.25 per cent, of the total sum of,--

(i) the licence fees or rent payable under the agreement; plus

(ii) the amount of non-refundable deposit or money advanced or to be advanced or premium, by whatever name called; plus

(iii) the interest calculated at the rate of 10 per cent. per annum on the refundable security deposit or money advanced or to be advanced, by whatever name called.".

CHAPTER 3 AMENDMENTS TO THE MAHARASHTRA VALUE ADDED TAX ACT, 2002

5. Amendment of section 2 of Mah. IX of 2005 :-

In section 2 of the Maharashtra Value Added Tax Act, 2002, (hereinafter, in this Chapter, referred to as "the Value Added Tax

Act" (Mah. IX of 2005),--

(1) in clause (15A), for the word "or" the word "and" shall be substituted;

(2) in clause (17A), for the word "or" the word "and" shall be substituted.

6. Amendment of section 20 of Mah. IX of 2005 :-

In section 20 of the Value Added Tax Act,--

(1) in sub-section (4),--

(a) in clause (b), for the words "may furnish a revised return" the words "may furnish a single revised return for the year" shall be substituted;

(b) in clause (c), for the words "may furnish a revised return in respect of the period covered by the said return" the words "may furnish a single revised return for that year" shall be substituted;

(2) in sub-section (6), the following proviso shall be added, namely:--

"Provided that, if circumstances exist which render it necessary so to do in the public interest, the State Government may, from time to time, by notification published in the Official Gazette, exempt the whole or any part of the late fee payable under this sub-section, by such class or classes of dealers, for such period or periods, either prospectively or retrospectively, as may be mentioned in such notification."

7. Amendment of section 23 of Mah. IX of 2005 :-

In section 23 of the Value Added Tax Act, in sub-section (1), for the first proviso, the following proviso shall be substituted, namely:--

"Provided that, if after the assessment order is passed, the dealer submits the return for the period to which the said order relates then, the order passed as aforesaid shall stand cancelled and after such cancellation, the dealer may be assessed in respect of the same period under other provisions of this section:"

8. Insertion of section 32A in Mah. IX of 2005 :-

After section 32 of the Value Added Tax Act, the following section shall be inserted, namely:--

"32A. Payment of tax or interest in certain cases.

(1) After submission of the report of the audit as required under

section 61, if it is noticed by the Commissioner that the Accountant has made a recommendation in respect of a sum payable or, as the case may be, the interest payable, if any, and the dealer has accepted the recommendations so made, either fully or partly, then the said dealer shall pay the same within thirty days from the date of service of the notice issued by the Commissioner in respect thereof

(2) The provisions with regard to the payment of interest as provided under sub-section (2) of section 30 shall, in the circumstances provided under this section, apply mutatis mutandis as they apply to the tax that has remained unpaid before the last date prescribed for payment of the said tax as disclosed in the return or, as the case may be, the revised return.

Explanation.--For the purposes of this section and section 32, the Commissioner shall not recover dues which are rupees one hundred or less."

9. Amendment of section 41 of Mah. IX of 2005 :-

In section 41 of the Value Added Tax Act, in sub-section (5), for the words "sales of liquor" the words "sales of liquor or, as the case may be, wine" shall be substituted.

10. Amendment of section 50 of Mah. IX of 2005 :-

In section 50 of the Value Added Tax Act, in sub-section (2), the following proviso shall be added, namely:--

"Provided that, for the period commencing on or after the 1st April 2012, a dealer whose refund claim in a year is rupees five lakh or less, may, carry forward such refund to the return or revised return for immediate succeeding year to which such refund relates."

11. Amendment of section 51 of Mah. IX of 2005 :-

In section 51 of the Value Added Tax Act, in sub-section (3), in clause (a),--

(1) in sub-clause (iii), at the end, after the word "or" the words and figures "a holder of an Identification Certificate issued to a Mega Unit covered under the Package Scheme of Incentives-2001 or, as the case may be, Package Scheme of Incentives-2007; or" shall be inserted;

(2) in sub-clause (v), at the end, for the word "services," the words "services; or" shall be substituted;

(3) after sub-clause (v), the following sub-clause shall be added, namely:--

"(vi) selling the goods in the course of inter-State trade or commerce and turnover of the said inter-State sales in immediate previous year exceeds fifty per cent. of his total turnover of sales for that year."

12. Amendment of section 61 of Mah. IX of 2005 :-

In section 61 of the Value Added Tax Act, in sub-section (1), in Explanation-I, for the words "For the purposes of this section" the words, brackets, figures and letter "For the purposes of this section and sub-section (i) of section 32A" shall be substituted.

13. Amendment of section 82 of Mah. IX of 2005 :-

In section 82 of the Value Added Tax Act,--

(1) in sub-section (1),--

(a) in clause (b), for the words "or Cost Accountant" the words ",Cost Accountant or Company Secretary" shall be substituted;

(b) in the portion after clause (d), after the words "Cost Accountant" the words ",Company Secretary" shall be inserted;

(2) in sub-section (2),--

(a) after the words "Cost Accountant" the words ",Company Secretary" shall be inserted;

(b) in clause (ii), for the words "or a Cost Accountant" the words ",a Cost Accountant or a Company Secretary" shall be substituted.

14. Amendment of SCHEDULE A of Mah. IX of 2005 :-

In SCHEDULE A appended to the Value Added Tax Act, in entry 34, for clause (b), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st April 2005, namely:--

"(b) milk containing any ingredients (other than milk fat, milk powder, or, as the case may be, solid non fat) and sold under a brand name."

CHAPTER 4 AMENDMENT TO THE MAHARASHTRA TAX ON LOTTERIES ACT, 2006

15. Amendment of section 3 of Mah. XLIII of 2006 :-

In section 3 of the Maharashtra Tax on Lotteries Act, 2006 (Mah.

XLIII of 2006.), in sub-section (1), in the TABLE,--

(a) in entry 1, in column (3), for the figures "50,000" the figures "60,000" shall be substituted;

(b) in entry 2, in column (3), for the figures "1,00,000" the figures "1,25,000" shall be substituted;

(c) in entry 3, in column (3), for the figures "2,00,000" the figures "2,50,000" shall be substituted;

(d) in entry 4, in column (3), for the figures "10,00,000" the figures "12,00,000" shall be substituted.