
Maharashtra Value Added Tax (Amendment) Act, 2011**7 of 2011****[03 April 2011]****CONTENTS**

1. Short Title And Commencement
2. Amendment Of Section 88
3. Amendment Of Section 89
4. Repeal And Saving

Maharashtra Value Added Tax (Amendment) Act, 2011**7 of 2011****[03 April 2011]**

An Act further to amend the Maharashtra Value Added Tax Act, 2002 WHEREAS the Both House of the State Legislature are not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which render it necessary for him to take immediate action further to amend the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005) for the purpose hereinafter appearing; and, therefore, promulgated the Maharashtra Value added Tax (Amendment) Ordinance 2011 (Mah. Ord. VII of 2011), on the 10th March, 2011; AND WHEREAS it is expedient to replace the Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty second Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Maharashtra Value added Tax (Amendment) Act, 2011.
- (2) It shall be deemed to have come into force on the 10th March, 2011.

2. Amendment Of Section 88 :-

In Section 88 of the Maharashtra Value Added Tax Act, 2002 (Mah.

IX of 2005) (hereinafter referred to as "the Principal Act"),-

(a) after clause (a), the following clause shall be inserted, namely:-
"(a-1) "Identification Certificate" means a Certificate issued by the Commissioner to a Mega Unit covered under the Package Scheme of Incentives-2001 or, as the case may be, Package Scheme of Incentives-2007;"

(b) in clause (e) after the words and figures "Power Generation Promotion Policy, 1998" the words and figures," the Package Scheme of Incentives-2001 or as the case may be, Package Scheme of Incentives-2007" shall be inserted.

3. Amendment Of Section 89 :-

In Section 89 of the Principal Act,-

(i) for the words "Certificate of Entitlement", wherever they occur, the words "Certificate of Entitlement or, as the case may be, Identification Certificate" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be added, namely:-

"(3) (a) An invoice issued by a Mega Unit holding a valid Identification Certificate granted to it, by the Commissioner, shall, in respect of the goods other than declared goods covered by the Eligibility Certificate contain a declaration as prescribed under the rules made in this behalf.

(b) An invoice issued by the immediate purchaser or, as the case may be, the subsequent purchaser, shall in respect of the sale of the goods, other than the declared goods which are originally manufactured by a Mega Unit holding valid Identification Certificate, contain a declaration as prescribed under the rules made in this behalf.

(4) Where-

(a) a Mega Unit to whom an Identification Certificate is granted under the Package Scheme of Incentives-2001 or, as the case may be, Package Scheme of Incentives-2007; or

(b) an immediate purchaser or, as the case may be, the subsequent purchaser who has purchased the goods which are originally manufactured by the Mega Unit to whom an Identification Certificate is issued by the Commissioner,

has failed to incorporate a declaration as prescribed under the rules made in this behalf, in respect of the sales on which the said Unit has claimed Industrial Promotion Subsidy, the Commissioner shall, after giving a reasonable opportunity of being heard, by order in

writing impose upon him, in addition to any tax payable by him, a penalty equal to the amount of tax contained in the said invoice.

4. Repeal And Saving :-

(1) The Maharashtra Value Added Tax (Amendment) Ordinance, 2011 (Mah.Ord. VII of 2011) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued), under 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 principal Act, as amended by this Act.