

**L. A. BILL No. XXX OF 2024.**

*A BILL*

*further to amend the Maharashtra Goods and Services Tax Act, 2017.*

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

5 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 Goods and Services Tax Act, 2017,  
for the purposes hereinafter appearing ; and, therefore, promulgated the  
Maharashtra Goods and Services Tax (Amendment) Ordinance, 2024, on the  
10 7th October 2024 ;

Mah.  
XLIII of  
2017.  
Mah.  
Ord. IX  
of 2024.

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Goods and Services Tax (Amendment) Act, 2024. 5

(2) Section 1 shall be deemed to have come into force on the 7th October 2024.

(3) Save as otherwise provided, remaining sections shall come into force on such date, with prospective or retrospective effect, as the Government may, by notification in the *Official Gazette*, appoint and different dates may 10 be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of section 2 of Mah. XLIII of 2017.

2. In section 2 of the Maharashtra Goods and Services Tax Act, 2017 (hereinafter referred to as "the principal Act"), for clause (61), the following 15 clause shall be substituted, namely :— Mah. XLIII of 2017.

“(61) “Input Service Distributor” means an office of the supplier of goods or services or both which receives tax invoices towards the receipt of input services, including invoices in respect of services liable to tax under sub-section (3) or sub-section (4) of section 9, for or on behalf of 20 distinct persons referred to in section 25, and liable to distribute the input tax credit in respect of such invoices in the manner provided in section 20 ;”.

Amendment of section 9 of Mah. XLIII of 2017.

3. In section 9 of the principal Act, in sub-section (1), after the words “alcoholic liquor for human consumption”, the words “and un-denatured extra 25 neutral alcohol or rectified spirit used for manufacture of alcoholic liquor, for human consumption” shall be inserted.

Amendment of section 10 of Mah. XLIII of 2017.

4. In section 10 of the principal Act, in sub-section (5), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 30 74A” shall be inserted.

Insertion of section 11A in Mah. XLIII of 2017.

5. After section 11 of the principal Act, the following section shall be inserted, namely :—

Power not to recover Goods and Services Tax not levied or short-levied as a result of general practice.

“11A. Notwithstanding anything contained in this Act, if the Government is satisfied that,—

(a) a practice was, or is, generally prevalent regarding levy of 35 State tax (including non-levy thereof) on any supply of goods or services or both ; and

(b) such supplies were, or are, liable to,—

(i) State tax, in cases where according to the said practice, State tax was not, or is not being, levied, or 40

(ii) a higher amount of State tax than what was, or is being, levied, in accordance with the said practice,

the Government may, on the recommendation of the Council, by notification in the *Official Gazette*, direct that the whole of the State tax payable on such supplies, or, as the case may be, the State tax in 45 excess of that payable on such supplies, but for the said practice, shall not be required to be paid in respect of the supplies on which

the State tax was not, or is not being levied, or was, or is being, short-levied, in accordance with the said practice.”.

**6.** In section 13 of the principal Act, in sub-section (3),—

Amendment of section 13 of Mah. XLIII of 2017.

(1) in clause (b), for the words “by the supplier”, the words “by the supplier, in cases where invoice is required to be issued by the supplier; or” shall be substituted;

(2) after clause (b), the following clause shall be inserted, namely :—

“(c) the date of issue of invoice by the recipient, in cases where invoice is to be issued by the recipient.”;

(3) in the first proviso, after the words, brackets and letter “or clause (b)”, the words, brackets and letter “or clause (c)” shall be inserted.

**7.** In section 16 of the principal Act, after sub-section (4), the following sub-sections shall be added and shall be deemed to have been added with effect from the 1st July 2017, namely :—

Amendment of section 16 of Mah. XLIII of 2017.

“(5) Notwithstanding anything contained in sub-section (4), in respect of an invoice or debit note for supply of goods or services or both pertaining to the Financial Years 2017-18, 2018-19, 2019-20 and 2020-21, the registered person shall be entitled to take input tax credit in any return under section 39 which is filed up to the thirtieth day of November 2021.

(6) Where registration of a registered person is cancelled under section 29 and subsequently the cancellation of registration is revoked by any order, either under section 30 or pursuant to any order made by the Appellate Authority or the Appellate Tribunal or court and where availment of input tax credit in respect of an invoice or debit note was not restricted under sub-section (4) on the date of order of cancellation of registration, the said person shall be entitled to take the input tax credit in respect of such invoice or debit note for supply of goods or services or both, in a return under section 39,—

(i) filed up to thirtieth day of November following the financial year to which such invoice or debit note pertains or furnishing of the relevant annual return, whichever is earlier; or

(ii) for the period from the date of cancellation of registration or the effective date of cancellation of registration, as the case may be, till the date of order of revocation of cancellation of registration, where such return is filed within thirty days from the date of order of revocation of cancellation of registration, whichever is later.”.

**8.** In section 17 of the principal Act, in sub-section (5), in clause (i), for the words and figures “sections 74, 129 and 130”, the words and figures “section 74 in respect of any period upto Financial Year 2023-24” shall be substituted.

Amendment of section 17 of Mah. XLIII of 2017.

**9.** For section 20 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 20 of Mah. XLIII of 2017. Manner of distribution of credit by Input Service Distributor.

“**20.** (1) Any office of the supplier of goods or services or both which receives tax invoices towards the receipt of input services, including invoices in respect of services liable to tax under sub-section (3) or

sub-section (4) of section 9, for or on behalf of distinct persons referred to in section 25, shall be required to be registered as Input Service Distributor under clause (viii) of section 24 and shall distribute the input tax credit in respect of such invoices.

(2) The Input Service Distributor shall distribute the credit of State tax or integrated tax charged on invoices received by him, including the credit of State or integrated tax in respect of services subject to levy of tax under sub-section (3) or sub-section (4) of section 9 paid by a distinct person registered in the same State as the said Input Service Distributor, in such manner, within such time and subject to such restrictions and conditions as may be prescribed. 5

(3) The credit of State tax shall be distributed as State tax or integrated tax and integrated tax as integrated tax or State tax, by way of issue of a document containing the amount of input tax credit, in such manner as may be prescribed.”. 15

Amendment of section 21 of Mah. XLIII of 2017. **10.** In section 21 of the principal Act, after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. 15

Amendment of section 30 of Mah. XLIII of 2017. **11.** In section 30 of the principal Act, in sub-section (2), after the proviso, the following proviso shall be added, namely :— 20

“Provided further that, such revocation of cancellation of registration shall be subject to such conditions and restrictions, as may be prescribed.”.

Amendment of section 31 of Mah. XLIII of 2017. **12.** In section 31 of the principal Act,— 25

(a) in sub-section (3), in clause (f), after the words and figure “of section 9 shall”, the words “,within the period as may be prescribed,” shall be inserted;

(b) after clause (g), the following *Explanation* shall be inserted, namely :—

“*Explanation.*— For the purposes of clause (f), the expression “supplier who is not registered” shall include the supplier who is registered solely for the purpose of deduction of tax under section 51.”. 30

Amendment of section 35 of Mah. XLIII of 2017. **13.** In section 35 of the principal Act, in sub-section (6), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. 35

Amendment of section 39 of Mah. XLIII of 2017. **14.** In section 39 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) Every registered person required to deduct tax at source under section 51 shall electronically furnish a return for every calendar month of the deductions made during the month in such form and manner and within such time as may be prescribed : 40

Provided that, the said registered person shall furnish a return for every calendar month whether or not any deductions have been made during the said month.”.

Amendment of section 49 of Mah. XLIII of 2017. **15.** In section 49 of the principal Act, in sub-section (8), in clause (c), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added. 45

- 16.** In section 50 of the principal Act, in sub-section (1), in the proviso, after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. Amendment of section 50 of Mah. XLIII of 2017.
- 17.** In section 51 of the principal Act, in sub-section (7), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. Amendment of section 51 of Mah. XLIII of 2017.
- 18.** In section 54 of the principal Act,—  
 (1) in sub-section (3), the second proviso shall be deleted;  
 (2) after sub-section (14) and before the *Explanation*, the following sub-section shall be inserted, namely :—  
 “(15) Notwithstanding anything contained in this section, no refund of unutilised input tax credit on account of zero rated supply of goods or of integrated tax paid on account of zero rated supply of goods shall be allowed where such zero rated supply of goods is subjected to export duty.”. Amendment of section 54 of Mah. XLIII of 2017.
- 19.** In section 61 of the principal Act, in sub-section (3), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added. Amendment of section 61 of Mah. XLIII of 2017.
- 20.** In section 62 of the principal Act, in sub-section (1), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. Amendment of section 62 of Mah. XLIII of 2017.
- 21.** In section 63 of the principal Act, after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. Amendment of section 63 of Mah. XLIII of 2017.
- 22.** In section 64 of the principal Act, in sub-section (2), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added. Amendment of section 64 of Mah. XLIII of 2017.
- 23.** In section 65 of the principal Act, in sub-section (7), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added. Amendment of section 65 of Mah. XLIII of 2017.
- 24.** In section 66 of the principal Act, in sub-section (6), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added. Amendment of section 66 of Mah. XLIII of 2017.
- 25.** In section 70 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—  
 “(1A) All persons summoned under sub-section (1) shall be bound to attend, either in person or by an authorised representative, as such officer may direct, and the person so appearing shall state the truth during examination or make statements or produce such documents and other things as may be required.”. Amendment of section 70 of Mah. XLIII of 2017.
- 26.** In section 73 of the principal Act,—  
 (1) in the marginal note, after the words “Determination of tax”, the words and figures “,pertaining to the period upto Financial Year 2023-24,” shall be inserted; Amendment of section 73 of Mah. XLIII of 2017.

(2) after sub-section (11), the following sub-section shall be added, namely :—

“(12) The provisions of this section shall be applicable for determination of tax pertaining to the period upto Financial Year 2023-24.”.

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Amendment  
of section 74  
of Mah. XLIII  
of 2017.

**27.** In section 74 of the principal Act,—

(1) in the marginal note, after the words “Determination of tax”, the words and figures “, pertaining to the period upto Financial Year 2023-24,” shall be inserted;

(2) after sub-section (11) and before *Explanation 1*, the following sub-section shall be inserted, namely :—

“(12) The provisions of this section shall be applicable for determination of tax pertaining to the period upto Financial Year 2023-24.”;

(3) *Explanation 2* shall be deleted.

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Insertion of  
section 74A in  
Mah. XLIII of  
2017.

**28.** After section 74 of the principal Act, the following section shall be inserted, namely :—

Determination  
of tax not paid  
or short paid  
or erroneously  
refunded or  
input tax  
credit wrongly  
availed or  
utilised for  
any reason  
pertaining to  
Financial  
Year 2024-25  
onward.

“**74A.** (1) Where it appears to the proper officer that any tax has not been paid or short paid or erroneously refunded, or where input tax credit has been wrongly availed or utilised, he shall serve notice on the person chargeable with tax which has not been so paid or which has been so short paid or to whom the refund has erroneously been made, or who has wrongly availed or utilised input tax credit, requiring him to show cause as to why he should not pay the amount specified in the notice along with interest payable thereon under section 50 and a penalty leviable under the provisions of this Act or the rules made thereunder:

Provided that, no notice shall be issued, if the tax which has not been paid or short paid or erroneously refunded or where input tax credit has been wrongly availed or utilised in a financial year is less than one thousand rupees.

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(2) The proper officer shall issue the notice under sub-section (1) within forty-two months from the due date for furnishing of annual return for the financial year to which the tax not paid or short paid or input tax credit wrongly availed or utilised relates to or within forty-two months from the date of erroneous refund.

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(3) Where a notice has been issued for any period under sub-section (1), the proper officer may serve a statement, containing the details of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised for such periods other than those covered under sub-section (1), on the person chargeable with tax.

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(4) The service of such statement shall be deemed to be service of notice on such person under sub-section (1), subject to the condition that the grounds relied upon for such tax periods other than those covered under sub-section (1) are the same as are mentioned in the earlier notice.

(5) The penalty in case where any tax which has not been paid or short paid or erroneously refunded, or where input tax credit has been wrongly availed or utilised,—

5 (i) for any reason, other than the reason of fraud or any wilful-misstatement or suppression of facts to evade tax, shall be equivalent to ten per cent. of tax due from such person or ten thousand rupees, whichever is higher;

10 (ii) for the reason of fraud or any wilful-misstatement or suppression of facts to evade tax shall be equivalent to the tax due from such person.

(6) The proper officer shall, after considering the representation, if any, made by the person chargeable with tax, determine the amount of tax, interest and penalty due from such person and issue an order.

15 (7) The proper officer shall issue the order under sub-section (6) within twelve months from the date of issuance of notice specified in sub-section (2) :

20 Provided that, where the proper officer is not able to issue the order within the specified period, the Commissioner, or an officer authorised by the Commissioner senior in rank to the proper officer but not below the rank of Joint Commissioner of State tax, may, having regard to the reasons for delay in issuance of the order under sub-section (6), to be recorded in writing, before the expiry of the specified period, extend the said period further by a maximum of six months.

25 (8) The person chargeable with tax where any tax has not been paid or short paid or erroneously refunded, or where input tax credit has been wrongly availed or utilised for any reason, other than the reason of fraud or any wilful-misstatement or suppression of facts to evade tax, may,—

30 (i) before service of notice under sub-section (1), pay the amount of tax alongwith interest payable under section 50 of such tax on the basis of his own ascertainment of such tax or the tax as ascertained by the proper officer and inform the proper officer in writing of such payment, and the proper officer, on receipt of such information shall not serve any notice under sub-section (1) or the statement under sub-section (3), as the case may be, in respect of the tax so paid or any penalty payable under the provisions of this Act or the rules made thereunder;

40 (ii) pay the said tax alongwith interest payable under section 50 within sixty days of issue of show cause notice, and on doing so, no penalty shall be payable and all proceedings in respect of the said notice shall be deemed to be concluded.

45 (9) The person chargeable with tax, where any tax has not been paid or short paid or erroneously refunded or where input tax credit has been wrongly availed or utilised by reason of fraud, or any wilful-misstatement or suppression of facts to evade tax, may,—

50 (i) before service of notice under sub-section (1), pay the amount of tax alongwith interest payable under section 50 and a penalty equivalent to fifteen per cent. of such tax on the basis of his own ascertainment of such tax or the tax as ascertained by the proper officer and inform the proper officer in writing of such payment, and the proper officer, on receipt of such information, shall not serve any notice under sub-section (1), in respect of the tax so paid or any

penalty payable under the provisions of this Act or the rules made thereunder;

(ii) pay the said tax alongwith interest payable under section 50 and a penalty equivalent to twenty-five per cent. of such tax within sixty days of issue of the notice, and on doing so, all proceedings in respect of the said notice shall be deemed to be concluded;

(iii) pay the tax alongwith interest payable thereon under section 50 and a penalty equivalent to fifty per cent. of such tax within sixty days of communication of the order, and on doing so, all proceedings in respect of the said notice shall be deemed to be concluded.

(10) Where the proper officer is of the opinion that the amount paid under clause (i) of sub-section (8) or clause (i) of sub-section (9) falls short of the amount actually payable, he shall proceed to issue the notice as provided for in sub-section (1) in respect of such amount which falls short of the amount actually payable.

(11) Notwithstanding anything contained in clause (i) or clause (ii) of sub-section (8), penalty under clause (i) of sub-section (5) shall be payable where any amount of self-assessed tax or any amount collected as tax has not been paid within a period of thirty days from the due date of payment of such tax.

(12) The provisions of this section shall be applicable for determination of tax pertaining to the Financial Year 2024-25 onwards.

*Explanation 1.*— For the purposes of this section,—

(i) the expression “all proceedings in respect of the said notice” shall not include proceedings under section 132;

(ii) where the notice under the same proceedings is issued to the main person liable to pay tax and some other persons, and such proceedings against the main person have been concluded under this section, the proceedings against all the persons liable to pay penalty under sections 122 and 125 are deemed to be concluded.

*Explanation 2.*— For the purposes of this Act, the expression “suppression” shall mean non-declaration of facts or information which a taxable person is required to declare in the return, statement, report or any other document furnished under this Act or the rules made thereunder, or failure to furnish any information on being asked for, in writing, by the proper officer.”.

Amendment  
of section 75  
of Mah. XLIII  
of 2017.

**29.** In section 75 of the principal Act,—

(1) in sub-section (1), after the word and figures “section 74”, the words, brackets, figures and letter “or sub-sections (2) and (7) of section 74A” shall be inserted;

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

“(2A) Where any Appellate Authority or Appellate Tribunal or court concludes that the penalty under clause (ii) of sub-section (5) of section 74A is not sustainable for the reason that the charges of fraud or any wilful-misstatement or suppression of facts to evade



tax has not been established against the person to whom the notice was issued, the penalty shall be payable by such person, under clause (i) of sub-section (5) of section 74A.”;

5 (3) for sub-section (10), the following sub-section shall be substituted, namely :—

“(10) The adjudication proceedings shall be deemed to be concluded, if the order is not issued within the period specified in sub-section (10) of section 73 or in sub-section (10) of section 74 or in sub-section (7) of section 74A.”;

10 (4) in sub-section (11), after the word and figures “section 74”, the words, brackets, figures and letter “or sub-section (7) of section 74A” shall be inserted;

15 (5) in sub-section (12), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted;

(6) in sub-section (13), after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted.

20 **30.** In section 104 of the principal Act, in sub-section (1), in the *Explanation*, after the word and figures “section 74”, the words, brackets, figures and letter “or sub-sections (2) and (7) of section 74A” shall be added. Amendment of section 104 of Mah. XLIII of 2017.

**31.** In section 107 of the principal Act,—

(1) in sub-section (6), in clause (b), for the word “twenty-five crore”, the word “twenty crore” shall be substituted; Amendment of section 107 of Mah. XLIII of 2017.

25 (2) in sub-section (11), in the second proviso, after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be added.

30 **32.** In section 109 of the principal Act, after the words “Revisional Authority”, the words “, or for conducting an examination or adjudicating the cases referred to in sub-section (2) of section 171, if so notified under the said section” shall be inserted. Amendment of section 109 of Mah. XLIII of 2017.

**33.** In section 112 of the principal Act,—

35 (1) in sub-section (1), after the words “from the date on which the order sought to be appealed against is communicated to the person preferring the appeal”, the words “; or the date, as may be notified by the Government, on the recommendations of the Council, for filing appeal before the Appellate Tribunal under this Act, whichever is later” shall be inserted and shall be deemed to have been inserted with effect from the 1st August 2024; Amendment of section 112 of Mah. XLIII of 2017.

40 (2) in sub-section (3), after the words “from the date on which the said order has been passed”, the words “; or the date, as may be notified by the Government, on the recommendations of the Council, for the purpose of filing application before the Appellate Tribunal under this Act, whichever is later,” shall be inserted and shall be deemed to have been inserted with effect from the 1st August 2024;

45 (3) in sub-section (6), after the words, brackets and figure “after the expiry of the period referred to in sub-section (1)”, the words, brackets

and figure “or permit the filing of an application within three months after the expiry of the period referred to in sub-section (3)” shall be inserted;

(4) in sub-section (8), in clause (b),—

(a) for the words “twenty per cent.”, the words “ten per cent.” shall be substituted; 5

(b) for the words “fifty crore rupees”, the words “twenty crore rupees” shall be substituted.

Amendment of section 122 of Mah. XLIII of 2017.

**34.** In section 122 of the principal Act, in sub-section (1B), for the words “Any electronic commerce operator who”, the words and figures “Any electronic commerce operator, who is liable to collect tax at source under section 52,” shall be substituted and shall be deemed to have been substituted with effect from the 1st October 2023. 10

Insertion of section 122A in Mah. XLIII of 2017.

**35.** After section 122 of the principal Act, the following section shall be inserted, namely :— 15

Penalty for failure to register certain machines used in manufacture of goods as per special procedure.

“**122A.** (1) Notwithstanding anything contained in this Act, where any person, who is engaged in the manufacture of goods in respect of which any special procedure relating to registration of machines has been notified under section 148, acts in contravention of the said special procedure, he shall, in addition to any penalty that is paid or is payable by him under Chapter XV or any other provisions of this Chapter, be liable to pay a penalty equal to an amount of one lakh rupees for every machine not so registered. 20

(2) In addition to the penalty under sub-section (1), every machine not so registered shall be liable for seizure and confiscation : 25

Provided that, such machine shall not be confiscated where,—

(a) the penalty so imposed is paid; and

(b) the registration of such machine is made in accordance with the special procedure within three days of the receipt of communication of the order of penalty.”. 30

Amendment of section 127 of Mah. XLIII of 2017.

**36.** In section 127 of the principal Act, after the words and figures “section 73 or section 74”, the words, figures and letter “or section 74A” shall be inserted. 35

Insertion of section 128A in Mah. XLIII of 2017.

**37.** After section 128 of the principal Act, the following section shall be inserted, namely :— 35

Waiver of interest or penalty or both relating to demands raised under section 73 for certain tax periods.

“**128A.** (1) Notwithstanding anything to the contrary contained in this Act, where any amount of tax is payable by a person chargeable with tax in accordance with,—

(a) a notice issued under sub-section (1) of section 73 or a statement issued under sub-section (3) of section 73, and where no order under sub-section (9) of section 73 has been issued; or 40

(b) an order passed under sub-section (9) of section 73, and where no order under sub-section (11) of section 107 or sub-section (1) of section 108 has been passed ; or

(c) an order passed under sub-section (11) of section 107 or sub-section (1) of section 108, and where no order under sub-section (1) of section 113 has been passed, 45

pertaining to the period from 1st July 2017 to 31st March 2020, or a part thereof, and the said person pays the full amount of tax payable as per the notice or statement or the order referred to in clause (a), clause (b) or clause (c), as the case may be, on or before the date, as may be notified by the Government on the recommendations of the Council, no interest under section 50 and penalty under this Act, shall be payable and all the proceedings in respect of the said notice or order or statement, as the case may be, shall be deemed to be concluded, subject to such conditions as may be prescribed :

Provided that, where a notice has been issued under sub-section (1) of section 74, and an order is passed or required to be passed by the proper officer in pursuance of the direction of the Appellate Authority or Appellate Tribunal or a court in accordance with the provisions of sub-section (2) of section 75, the said notice or order shall be considered to be a notice or order, as the case may be, referred to in clause (a) or clause (b) of this sub-section:

Provided further that, the conclusion of the proceedings under this sub-section, in cases where an application is filed under sub-section (3) of section 107 or under sub-section (3) of section 112 or an appeal is filed by an officer of State tax under sub-section (1) of section 117 or under sub-section (1) of section 118 or where any proceedings are initiated under sub-section (1) of section 108, against an order referred to in clause (b) or clause (c) or against the directions of the Appellate Authority or the Appellate Tribunal or the court referred to in the first proviso, shall be subject to the condition that the said person pays the additional amount of tax payable, if any, in accordance with the order of the Appellate Authority or the Appellate Tribunal or the court or the Revisional Authority, as the case may be, within three months from the date of the said order:

Provided also that, where such interest and penalty has already been paid, no refund of the same shall be available.

(2) Nothing contained in sub-section (1) shall be applicable in respect of any amount payable by the person on account of erroneous refund.

(3) Nothing contained in sub-section (1) shall be applicable in respect of cases where an appeal or writ petition filed by the said person is pending before Appellate Authority or Appellate Tribunal or a court, as the case may be, and has not been withdrawn by the said person on or before the date notified under sub-section (1).

(4) Notwithstanding anything contained in this Act, where any amount specified under sub-section (1) has been paid and the proceedings are deemed to be concluded under the said sub-section, no appeal under sub-section (1) of section 107 or sub-section (1) of section 112 shall lie against an order referred to in clause (b) or clause (c) of sub-section (1), as the case may be.”.

**38.** In section 171 of the principal Act,—

(1) in sub-section (2), the following proviso and *Explanation* shall be added, namely :—

“Provided that, the Government may by notification, on the recommendations of the Council, specify the date from which the said Authority shall not accept any request for examination as to whether input tax credits availed by any registered person or the

Amendment  
of section 171  
of Mah. XLIII  
of 2017.

reduction in the tax rate have actually resulted in a commensurate reduction in the price of the goods or services or both supplied by him.

*Explanation.*— For the purposes of this sub-section, “request for examination” shall mean the written application filed by an applicant requesting for examination as to whether input tax credits availed by any registered person or the reduction in the tax rate have actually resulted in a commensurate reduction in the price of the goods or services or both supplied by him.”; 5

(2) the existing *Explanation* shall be renumbered as *Explanation 1* thereof, and after *Explanation 1* as so renumbered, the following *Explanation* shall be added, namely :— 10

“*Explanation 2.*— For the purposes of this section, the expression “Authority” shall include the “Appellate Tribunal.”.

Amendment of Schedule III of Mah. XLIII of 2017. **39.** In Schedule III appended to the principal Act, after paragraph 8 and before *Explanation 1*, the following paragraphs shall be added, namely :— 15

**9.** Activity of apportionment of co-insurance premium by the lead insurer to the co-insurer for the insurance services jointly supplied by the lead insurer and the co-insurer to the insured in coinsurance agreements, subject to the condition that the lead insurer pays the central tax, the State tax, the Union territory tax and the integrated tax on the entire amount of premium paid by the insured. 20

**10.** Services by insurer to the reinsurer for which ceding commission or the reinsurance commission is deducted from reinsurance premium paid by the insurer to the reinsurer, subject to the condition that the Central tax, the State tax, the Union territory tax and the integrated tax is paid by the reinsurer on the gross reinsurance premium payable by the insurer to the reinsurer, inclusive of the said ceding commission or the reinsurance commission.”. 25 30

No refund of tax paid or input tax credit reversed. **40.** No refund shall be made of all the tax paid or the input tax credit reversed, which would not have been so paid, or not reversed, had section 7 of this Act been in force at all material times. 30

Repeal of Mah. Ord. IX of 2024 and saving. **41.** (1) The Maharashtra Goods and Services Tax (Amendment) Ordinance, 2024, is hereby repealed. 35 Mah. Ord. IX of 2024.

(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 issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act. 40

## STATEMENT OF OBJECTS AND REASONS

Various decisions have been taken by the Goods and Services Tax Council in its meeting requiring amendments in Goods and Service Tax Laws. Accordingly, the Central Goods and Services Tax, 2017 (12 of 2017) has been amended by the Parliament by the Finance Act, 2024 (8 of 2024) and the Finance (No. 2) Act, 2024 (15 of 2024). In order to implement the decisions taken by the Goods and Services Tax Council in aforesaid meetings and to maintain uniformity in applicability of the provisions of the Central Goods and Services Tax Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017), it was expedient to amend the Maharashtra Goods and Services Tax Act, 2017.

2. The amendments to the Maharashtra Goods and Services Tax Act, 2017, *inter alia*, provide for the following, namely :—

(i) to substitute sub-section (61) of section 2, so as to make Input Service Distributor procedure mandatory for distribution of Input Tax Credit in respect of input services procured by Head Office from third party but attributable to both Head Office and Branch Office or exclusively to one or more Branch Offices;

(ii) to amend section 9, so as not to levy State tax on un-denatured extra neutral alcohol or rectified spirit used for manufacture of alcoholic liquor for human consumption;

(iii) to insert section 11A, so as to empower the Government to regularize non-levy or short levy of State tax where it is satisfied that such non-levy or short levy was a result of general practice;

(iv) to amend sub-section (3) of section 13, so as to specify the time of supply of services in cases where the invoice is required to be issued by the recipient of services in cases of reverse charge supplies;

(v) to insert sub-section (5) in section 16, so as to carve out an exception to the existing sub-section (4) and to provide that in respect of an invoice or debit note under the said sub-section, for the Financial Years 2017-18, 2018-19, 2019-20 and 2020-21, the registered person shall be entitled to take input tax credit in any return under section 39 which is filed up to the thirtieth day of November 2021;

(vi) to amend sub-section (5) of section 17, so as to restrict the non-availability of input tax credit in respect of tax paid under section 74 of the said Act only for demands up to Financial Year 2023-24;

(vii) to insert new proviso in sub-section (2) of section 30, so as to empower the State Government to prescribe conditions and restrictions for revocation of cancellation of registration;

(viii) to amend sub-section (3) of section 39, so as to mandate the electronic furnishing of return for each month by the registered person required to deduct tax at source, irrespective of whether any deduction has been made in the said month or not;

(ix) to insert sub-section (1A) in section 70, so as to enable an authorised representative to appear on behalf of the summoned person before the proper officer in compliance of summons issued by the said officer;

(x) to insert sub-section (12) in section 73, so as to restrict the applicability of the said section for determination of tax pertaining to the period upto Financial Year 2023-24;

(xi) to insert sub-section (12) in section 74, so as to restrict the applicability of the said section for determination of tax pertaining to the period upto Financial Year 2023-24;

(xii) to insert section 74A, so as to provide for determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised for any reason pertaining to the Financial Year 2024-25 onwards;

(xiii) to amend sub-section (6) of section 107, so as to reduce the maximum amount of pre-deposit for filing appeal before the Appellate Authority from rupees twenty-five crore to rupees twenty crore in State tax;

(xiv) to amend section 109, so as to empower the Government to notify types of cases that shall be heard by the Appellate Tribunal ;

(xv) to amend sub-sections (1) and (3) of section 112, so as to empower the Government to notify the date for filing appeal before the Appellate Tribunal and provide a revised time limit for filing appeals or application before the Appellate Tribunal;

(xvi) to amend sub-section (8) of section 112, so as to reduce the maximum amount of pre-deposit for filing appeals before the Appellate Tribunal from the existing twenty percent to ten percent of the tax in dispute and also reduce the maximum amount payable as pre-deposit from rupees fifty crore to rupees twenty crore in State tax;

(xvii) to amend sub-section (1B) of section 122, so as to restrict the applicability of the said sub-section to electronic commerce operators, who are required to collect tax at source under section 52 of the said Act.

(xviii) to insert section 122A, so as to provide the provision of penalty of Rs. One lakh for any machine not so registered for acting in contravention of the special procedure notified under section 148;

(xix) to insert section 128A, to provide for a conditional waiver of interest and penalty in respect of demand notices issued under section 73 of the said Act for the Financial Years 2017-18, 2018-19 and 2019-20, except the demands notices in respect of erroneous refund;

(xx) to amend sub-section (2) of section 171, so as to empower the Government to notify the date from which the Authority under the said section shall not accept any application for anti-profiteering cases;

(xxi) to insert Paragraphs 9 and 10 in Schedule III;

(xxii) to amend sub-section (5) of section 10, section 21, sub-section (6) of section 35, sub-section (8) of section 49, sub-section (1) of section 50, sub-section (7) of section 51, sub-section (3) of section 61, sub-section (1) of section 62, section 63, sub-section (2) of section 64, sub-section (7) of section 65, sub-section (6) of section 66, section 75, sub-section (1) of section 104, sub-section (11) of section 107 and section 127, so as to incorporate a reference to the proposed new section 74A.

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 Goods and Services Tax Act, 2017, for the purposes aforesaid, the Maharashtra Goods and Services Tax (Amendment) Ordinance, 2024 (Mah. Ord. IX of 2024), was promulgated by the Governor of Maharashtra on the 7th October 2024.

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

Nagpur,

Dated the 15<sup>th</sup> December, 2024.

DEVENDRA FADNAVIS,

Chief Minister.





## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 1 (3).*— Under this clause, power is taken to the State Government, to bring into force the remaining sections of the Act on such date, with prospective or retrospective effect, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

*Clause 5.*— Under this clause, which seeks to insert a new section 11A in the said Act, power is taken to the State Government, to direct that State tax on certain goods or services if there has been a common practice of not levying the tax or levying a lower amount than required shall not be recover.

*Clause 9.*— Under this clause, which seeks to substitute section 20 of the said Act, power is taken to the State Government,—

(i) in sub-clause (2) to prescribe the manner, time and restrictions and conditions for distribution of credit of State tax or integrated tax charged on invoices received by the Input Service Distributor ;

(ii) in sub-clause (3) to prescribe the manner of distribution of the credit of State tax or integrated tax charged on invoices received by Input Service Distributor.

*Clause 11.*— Under this clause, which seeks to add proviso to sub-section (2) of section 30 of the said Act, power is taken to the State Government, to prescribe the conditions and restrictions for revocation of cancellation of registration.

*Clause 12.*— Under this clause, which seeks to amend section 31 of the said Act, power is taken to the State Government, to prescribe a period for a registered person who is liable to pay tax under sub-section (3) or sub-section (4) of section 9 to issue an invoice in respect of goods or services or both received by him from the supplier who is not registered on the date of receipt of goods or services or both.

*Clause 14.*— Under this clause, which seeks to substitute sub-section (3) of section 39 of the said Act, power is taken to the State Government, to prescribe the form, manner and time for furnishing electronically return by registered person who deduct tax at source under section 51.

*Clause 33.*— Under this clause, which seeks to amend section 112 of the said Act, power is taken to the State Government, to notify the date for filing appeal before the Appellate Tribunal.

*Clause 37.*— Under this clause, which seeks to insert a new section 128A in the said Act, power is taken to the State Government, to notify the date for waiver of interest or penalty or both where a person pays the full amount of tax due as specified in certain notices or orders, as the case may be, prescribe the conditions for concluding the proceeding.

*Clause 38.*— Under this clause, which seeks to amend sub-section (2) of section 171 of the said Act, power is taken to the State Government, specify the date from which the Authority shall not accept any request for examination of input tax credit.

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



## FINANCIAL MEMORANDUM

In order to implement the decisions taken by the Goods and Services Tax Council and to maintain uniformity in applicability of the provisions of the Central Goods and Services Tax Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017), certain amendments are made in various sections of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 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.



GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE  
CONSTITUTION OF INDIA

*(Copy of Government of Maharashtra Order, Law and Judiciary Department)*

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the Introduction of the Maharashtra Goods and Service Tax (Amendment) Bill, 2024.



ANNEXURE TO THE L.A. BILL NO. XXX OF 2024— THE  
MAHARASHTRA GOODS AND SERVICES TAX (AMENDMENT)  
BILL, 2024

(Extracts from the Maharashtra Goods And Services Tax  
(Amendment) Act, 2017)

**(Mah. XLIII of 2017)**

**1.** \* \* \* \*

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(1) to (60) \* \* \* \*

(61) "Input Service Distributor" means an office of the supplier of goods or services or both which receives tax invoices issued under section 31 towards the receipt of input services and issues a prescribed document for the purposes of distributing the credit of central tax, State tax, integrated tax or Union territory tax paid on the said services to a supplier of taxable goods or services or both having the same Permanent Account Number as that of the said office;

(62) to (120) \* \* \* \*

**3. to 8.** \* \* \* \*

**9.** (1) Subject to the provisions of sub-section (2), there shall be levied a tax called the Maharashtra goods and services tax on all intra-State supplies of goods or services or both, except on the supply of alcoholic liquor for human consumption, on the value determined under section 15 and at such rates, not exceeding twenty per cent., as may be notified by the Government on the recommendations of the Council and collected in such manner as may be prescribed and shall be paid by the taxable person.

Levy and  
collection

(2) to (5) \* \* \* \*

**10.** (1) to (4) \* \* \* \*

Composition  
levy.

(5) If the proper officer has reasons to believe that a taxable person has paid tax or sub-section (2A), as the case may be, despite not being eligible, such person shall, in addition to any tax that may be payable by him under any other provisions of this Act, be liable to a penalty and the provisions of section 73 or section 74 shall, *mutatis mutandis*, apply for determination of tax and penalty.

"Explanation 1.— For the purposes of computing aggregate turnover of a person for determining his eligibility to pay tax under this section, the expression "aggregate turnover" shall include the value of supplies made by such person from the 1st day of April of financial year up to the date when he becomes liable for registration under this Act, but shall not include the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.

*Explanation 2.*— For the purposes of determining the tax payable by a person under this section, the expression "turnover in State" shall not include the value of following supplies, namely :—

(i) supplies from the first day of April of a financial year up to the date when such person becomes liable for registration under this Act; and

(ii) exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount."

**11. and 12.** \* \* \* \*

Time of  
supply of  
services

**13. (1) and (2)** \* \* \* \*

(3) In case of supplies in respect of which tax is paid or liable to be paid on reverse charge basis, the time of supply shall be the earlier of the following dates, namely :—

(a) \* \* \* \*

(b) the date immediately following sixty days from the date of issue of invoice or any other document, by whatever name called, in lieu thereof by the supplier:

Provided that where it is not possible to determine the time of supply under clause (a) or clause (b), the time of supply shall be the date of entry in the books of account of the recipient of supply:

Provided further that in case of supply by associated enterprises, where the supplier of service is located outside India, the time of supply shall be the date of entry in the books of account of the recipient of supply or the date of payment, whichever is earlier.

(4) to (6) \* \* \* \*

**14. to 16.** \* \* \* \*

Apportionment  
of credit and  
blocked  
credits.

**17. (1) to (4)** \* \* \* \*

(5) Notwithstanding anything contained in sub-section (1) of section 16 and sub-section (1) of section 18, input tax credit shall not be available in respect of the following, namely :—

(a) to (h) \* \* \* \*

(i) any tax paid in accordance with the provisions of sections 74, 129 and 130.

(6) \* \* \* \*

**18. and 19.** \* \* \* \*



**20.** (1) The Input Service Distributor shall distribute the credit of State tax as State tax or integrated tax and integrated tax as integrated tax or State tax, by way of issue of document containing the amount of input tax credit being distributed in such manner as may be prescribed.

Manner of distribution of credit by Input Service Distributor.

(2) The Input Service Distributor may distribute the credit subject to the following conditions, namely :—

(a) the credit can be distributed to the recipients of credit against a document containing such details as may be prescribed;

(b) the amount of the credit distributed shall not exceed the amount of credit available for distribution;

(c) the credit of tax paid on input services attributable to a recipient of credit shall be distributed only to that recipient;

(d) the credit of tax paid on input services attributable to more than one recipient of credit shall be distributed amongst such recipients to whom the input service is attributable and such distribution shall be *pro rata* on the basis of the turnover in a State or turnover in a Union territory of such recipient, during the relevant period, to the aggregate of the turnover of all such recipients to whom such input service is attributable and which are operational in the current year, during the said relevant period;

(e) the credit of tax paid on input services attributable to all recipients of credit shall be distributed amongst such recipients and such distribution shall be *pro rata* on the basis of the turnover in a State or turnover in a Union territory of such recipient, during the relevant period, to the aggregate of the turnover of all recipients and which are operational in the current year, during the said relevant period.

*Explanation.*— For the purposes of this section,—

(a) the “relevant period” shall be—

(i) if the recipients of credit have turnover in their States or Union territories in the financial year preceding the year during which credit is to be distributed, the said financial year; or

(ii) if some or all recipients of the credit do not have any turnover in their States or Union territories in the financial year preceding the year during which the credit is to be distributed, the last quarter for which details of such turnover of all the recipients are available, previous to the month during which credit is to be distributed ;

(b) the expression “recipient of credit” means the supplier of goods or services or both having the same Permanent Account Number as that of the Input Service Distributor;

(c) the term “turnover”, in relation to any registered person engaged in the supply of taxable goods as well as goods not taxable under this Act, means the value of turnover, reduced by the amount of any duty or tax levied under entries 84 and 92A of List I of the Seventh Schedule to the Constitution and entry 51 and 54 of List II of the said Schedule.

Manner of recovery of credit distributed in excess.	<b>21.</b>	Where the Input Service Distributor distributes the credit in contravention of the provisions contained in section 20 resulting in excess distribution of credit to one or more recipients of credit, the excess credit so distributed shall be recovered from such recipients along with interest, and the provisions of section 73 or section 74, as the case may be, shall, <i>mutatis mutandis</i> , apply for determination of amount to be recovered.	*	*	*	*
	<b>22. to 29.</b>		*	*	*	*
Revocation of cancellation of registration	<b>30. (1)</b>	(2) The proper officer may, in such manner and within such period as may be prescribed, by order, either revoke cancellation of the registration or reject the application:	*	*	*	*
		Provided that the application for revocation of cancellation of registration shall not be rejected unless the applicant has been given an opportunity of being heard.				
	(3)		*	*	*	*
Tax invoice	<b>31. (1) and (2)</b>	(3) Notwithstanding anything contained in sub-sections (1) and (2)—	*	*	*	*
	(a) to (e)		*	*	*	*
		(f) a registered person who is liable to pay tax under sub-section (3) or sub-section (4) of section 9 shall issue an invoice in respect of goods or services or both received by him from the supplier who is not registered on the date of receipt of goods or services or both;				
		(g) a registered person who is liable to pay tax under sub-section (3) or sub-section (4) of section 9 shall issue a payment voucher at the time of making payment to the supplier.				
	(4) to (7)		*	*	*	*
	<b>31A.</b>		*	*	*	*
	<b>32 to 34</b>		*	*	*	*
Accounts and other records.	<b>35. (1) to (4)</b>	(6) Subject to the provisions of clause (h) of sub-section (5) of section 17, where the registered person fails to account for the goods or services or both in accordance with the provisions of sub-section (1), the proper officer shall determine the amount of tax payable on the goods or services or both that	*	*	*	*

are not accounted for, as if such goods or services or both had been supplied by such person and the provisions of section 73 or section 74, as the case maybe, shall, *mutatis mutandis*, apply for determination of such tax.

**36. to 38.** \* \* \* \*

**39. (1) and (2)** \* \* \* \*

Furnishing of returns.

(3) Every registered person required to deduct tax at source under the provisions of section 51 shall furnish, in such form and manner as may be prescribed, a return, electronically, for the month in which such deductions have been made within ten days after the end of such month.

(4) to (11) \* \* \* \*

**40. to 48.** \* \* \* \*

**49. (1) to (7)** \* \* \* \*

Payment of tax, interest, penalty and other amounts.

(8) Every taxable person shall discharge his tax and other dues under this Act or the rules made thereunder in the following order, namely :—

(a) and (b) \* \* \* \*

(c) any other amount payable under this Act or the rules made thereunder including the demand determined under section 73 or section 74.

(9) to (11) \* \* \* \*

**49A. and 49B.** \* \* \* \*

**50. (1)** Every person who is liable to pay tax in accordance with the provisions of this Act or the rules made thereunder, but fails to pay the tax or any part thereof to the Government within the period prescribed, shall for the period for which the tax or any part thereof remains unpaid, pay, on his own, interest at such rate, not exceeding eighteen per cent., as may be notified by the Government on the recommendations of the Council.

Interest on delayed payment of tax.

“Provided that, the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be payable on that portion of the tax which is paid by debiting the electronic cash ledger.”.

(2) and (3) \* \* \* \*

**51. (1) to (6)** \* \* \* \*

Tax deduction at source.

(7) The determination of the amount in default under this section shall be made in the manner specified in section 73 or section 74.

(8) \* \* \* \*

**52. and 53.** \* \* \* \*

Refund of **54. (1) and (2)** \* \* \* \*  
Tax.

(3) Subject to the provisions of sub-section (10), a registered person may claim refund of any unutilised input tax credit at the end of any tax period :

Provided that no refund of unutilised input tax credit shall be allowed in cases other than—

(i) zero-rated supplies made without payment of tax;

(ii) where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on output supplies (other than nil rated or fully exempt supplies), except supplies of goods or services or both as may be notified by the Government on the recommendations of the Council:

Provided further that no refund of unutilised input tax credit shall be allowed in cases where the goods exported out of India are subjected to export duty:

Provided also that no refund of input tax credit shall be allowed, if the supplier of goods or services or both claims refund of the integrated tax paid on such supplies.

(4) to (14) \* \* \* \*

**55. to 60.** \* \* \* \*

Scrutiny of **61. (1) and (2)** \* \* \* \*  
returns.

(3) In case no satisfactory explanation is furnished within a period of thirty days of being informed by the proper officer or such further period as may be permitted by him or where the registered person, after accepting the discrepancies, fails to take the corrective measure in his return for the month in which the discrepancy is accepted, the proper officer may initiate appropriate action including those under section 65 or section 66 or section 67, or proceed to determine the tax and other dues under section 73 or section 74.

Assessment **62. (1)** Notwithstanding anything to the contrary contained in section of non-filers 73 or section 74, where a registered person fails to furnish the return under of returns. section 39 or section 45, even after the service of a notice under section 46, the proper officer may proceed to assess the tax liability of the said person to the best of his judgement taking into account all the relevant material which is available or which he has gathered and issue an assessment order within a period of five years from the date specified under section 44 for furnishing of the annual return for the financial year to which the tax not paid relates.

(2) \* \* \* \*

**63.** Notwithstanding anything to the contrary contained in section 73 or section 74, where a taxable person fails to obtain registration even though liable to do so or whose registration has been cancelled under sub-section (2) of section 29 but who was liable to pay tax, the proper officer may proceed to assess the tax liability of such taxable person to the best of his judgment for the relevant tax periods and issue an assessment order within a period of five years from the date specified under section 44 for furnishing of the annual return for the financial year to which the tax not paid relates :

Assessment of unregistered persons.

Provided that no such assessment order shall be passed without giving the person an opportunity of being heard.

**64. (1)** \* \* \* \*

Summary assessment in certain special cases.

(2) On an application made by the taxable person within thirty days from the date of receipt of order passed under sub-section (1) or on his own motion, if the Additional Commissioner or Joint Commissioner considers that such order erroneous, he may withdraw such order and follow the procedure laid down in section 73 or section 74.

**65. (1) to (6)** \* \* \* \*

Audit by tax authorities.

(7) Where the audit conducted under sub-section (1) results in detection of tax not paid or short paid or erroneously refunded, or input tax credit wrongly availed or utilised, the proper officer may initiate action under section 73 or section 74.

**66. (1) to (5)** \* \* \* \*

Special audit.

(6) Where the special audit conducted under sub-section (1) results in detection of tax not paid or short paid or erroneously refunded, or input tax credit wrongly availed or utilised, the proper officer may initiate action under section 73 or section 74.

**67. to 72.** \* \* \* \*

**73. (1) to (11)** \* \* \* \*

Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised for any reason other than fraud or any wilful misstatement or suppression of facts.

Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any wilful misstatement or suppression of facts.

**74. (1) to (10)** \* \* \* \*

(11) Where any person served with an order issued under sub-section (9) pays the tax along with interest payable thereon under section 50 and a penalty equivalent to fifty per cent. of such tax within thirty days of communication of the order, all proceedings in respect of the said notice shall be deemed to be concluded.

*Explanation 1.*— For the purposes of section 73 and this section,—

(i) the expression "all proceedings in respect of the said notice" shall not include proceedings under section 132 ;

(ii) where the notice under the same proceedings is issued to the main person liable to pay tax and some other persons, and such proceedings against the main person have been concluded under section 73 or section 74, the proceedings against all the persons liable to pay penalty under sections 122 and 125 are deemed to be concluded.

*Explanation 2.*— For the purposes of this Act, the expression "suppression" shall mean non-declaration of facts or information which a taxable person is required to declare in the return, statement, report or any other document furnished under this Act or the rules made thereunder, or failure to furnish any information on being asked for, in writing, by the proper officer.

General provisions relating to determination of tax.

**75. (1)** Where the service of notice or issuance of order is stayed by an order of a court or Appellate Tribunal, the period of such stay shall be excluded in computing the period specified in sub-sections (2) and (10) of section 73 or sub-sections (2) and (10) of section 74, as the case may be.

(2) to (9) \* \* \* \*

(10) The adjudication proceedings shall be deemed to be concluded, if the order is not issued within three years as provided for in sub-section (10) of section 73 or within five years as provided for in sub-section (10) of section 74.

(11) An issue on which the Appellate Authority or the Appellate Tribunal or the High Court has given its decision which is prejudicial to the interest of revenue in some other proceedings and an appeal to the Appellate Tribunal

or the High Court or the Supreme Court against such decision of the Appellate Authority or the Appellate Tribunal or the High Court is pending, the period spent between the date of the decision of the Appellate Authority and that of the Appellate Tribunal or the date of decision of the Appellate Tribunal and that of the High Court or the date of the decision of the High Court and that of the Supreme Court shall be excluded in computing the period referred to in sub-section (10) of section 73 or sub-section (10) of section 74 where proceedings are initiated by way of issue of a show cause notice under the said sections.

(12) Notwithstanding anything contained in section 73 or section 74, where any amount of self-assessed tax in accordance with a return furnished under section 39 remains unpaid, either wholly or partly, or any amount of interest payable on such tax remains unpaid, the same shall be recovered under the provisions of section 79.

*Explanation.*— For the purposes of this sub-section, the expression “self-assessed tax” shall include the tax payable in respect of details of outward supplies furnished under section 37, but not included in the return furnished under section 39.”

(13) Where any penalty is imposed under section 73 or section 74, no penalty for the same act or omission shall be imposed on the same person under any other provision of this Act.

**76. to 103.** \* \* \* \*

**104.** (1) Where the Authority or the Appellate Authority or the National Appellate Authority finds that advance ruling pronounced by it under sub-section (4) of section 98 or under sub-section (1) of section 101 or under section 101C of the Central Goods and Services Tax Act has been obtained by the applicant or the appellant by fraud or suppression of material facts or misrepresentation of facts, it may, by order, declare such ruling to be void ab-initio and thereupon all the provisions of this Act or the rules made thereunder shall apply to the applicant or the appellant as if such advance ruling had never been made :

Advance ruling to be void in certain circumstances.

Provided that no order shall be passed under this sub-section unless an opportunity of being heard has been given to the applicant or the appellant.

*Explanation.*— The period beginning with the date of such advance ruling and ending with the date of order under this sub-section shall be excluded while computing the period specified in sub-sections (2) and (10) of section 73 or sub-sections (2) and (10) of section 74.

(2) \* \* \* \*

**105. and 106.** \* \* \* \*

**107. (1) to (5)** \* \* \* \*

Appeals to Appellate Authority.

(6) No appeal shall be filed under sub-section (1), unless the appellant has paid—

(a) \* \* \* \*

(b) a sum equal to ten per cent. of the remaining amount of tax in dispute arising from the said order, subject to a maximum of twenty five crore rupees in relation to which the appeal has been filed.

“Provided that, no appeal shall be filed against an order under sub-section (3) of section 129, unless a sum equal to twenty-five per cent. of the penalty has been paid by the appellant.”

(7) to (10) \* \* \* \*

(11) The Appellate Authority shall, after making such further inquiry as be necessary, pass such order, as it thinks just and proper, confirming, modifying or annulling the decision or order appealed against but shall not refer the case back to the adjudicating authority that passed the said decision or order:

Provided that an order enhancing any fee or penalty or fine in lieu of confiscation or confiscating goods of greater value or reducing the amount of refund or input tax credit shall not be passed unless the appellant has been given a reasonable opportunity of showing cause against the proposed order:

Provided further that where the Appellate Authority is of the opinion that any tax has not been paid or short-paid or erroneously refunded, or where input tax credit has been wrongly availed or utilised, no order requiring the appellant to pay such tax or input tax credit shall be passed unless the appellant is given notice to show cause against the proposed order and the order is passed within the time limit specified under section 73 or section 74.

(12) to (16) \* \* \* \*

**108.** \* \* \* \*

Appellate Tribunal and Benches thereof.

**109.** Subject to the provisions of this Chapter, the Goods and Services Tax Appellate Tribunal constituted under the Central Goods and Services Tax shall be the Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority under this Act.

**111.** \* \* \* \*

Appeals to Appellate Tribunal.

**112.** (1) Any person aggrieved by an order passed against him under section 107 or section 108 of this Act or the Central Goods and Services Tax Act may appeal to the Appellate Tribunal against such order within three months from the date on which the order sought to be appealed against is communicated to the person preferring the appeal.



(2) \* \* \* \*

(3) The Commissioner may, on his own motion, or upon request from the Commissioner of central tax, call for and examine the record of any order passed by the Appellate Authority or the Revisional Authority under this Act or under the Central Goods and Services Tax Act for the purpose of satisfying himself as to the legality or propriety of the said order and may, by order, direct any officer subordinate to him to apply to the Appellate Tribunal within six months from the date on which the said order has been passed for determination of such points arising out of the said order as may be specified by the Commissioner in his order.

(4) and (5) \* \* \* \*

(6) The Appellate Tribunal may admit an appeal within three months after the expiry of the period referred to in sub-section (1), or permit the filing of a memorandum of cross-objections within forty-five days after the expiry of the period referred to in sub-section (5), if it is satisfied that there was sufficient cause for not presenting it within that period.

(7) \* \* \* \*

(8) No appeal shall be filed under sub-section (1), unless the appellant has paid—

(a) \* \* \* \*

(b) a sum equal to twenty per cent. of the remaining amount of tax in dispute, in addition to the amount paid under sub-section (6) of the section 107, arising from the said order, subject to a maximum of fifty crore rupees, in relation to which the appeal has been filed.

(9) and (10) \* \* \* \*

**113. to 121.** \* \* \* \*

**122. (1) (i) to (xxi)** \* \* \* \*

(1A) \* \* \* \*

Penalty for certain offences.

(1B) Any electronic commerce operator who,—

(i) allows a supply of goods or services or both through it by an unregistered person other than a person exempted from registration by a notification issued under this Act to make such supply;

(ii) allows an inter-State supply of goods or services or both through it by a person who is not eligible to make such inter-State supply; or

(iii) fails to furnish the correct details in the statement to be furnished under sub-section (4) of section 52 of any outward supply of goods effected through it by a person exempted from obtaining registration under this Act,

shall be liable to pay a penalty of ten thousand rupees, or an amount equivalent to the amount of tax involved had such supply been made by a registered person other than a person paying tax under section 10, whichever is higher.

(2) and (3) \* \* \* \*

**123. to 126.** \* \* \* \*

Power to impose penalty in certain cases. **127.** Where the proper officer is of the view that a person is liable to a penalty and the same is not covered under any proceedings under section 62 or section 63 or section 64 or section 73 or section 74 or section 129 or section 130, he may issue an order levying such penalty after giving a reasonable opportunity of being heard to such person.

**128. to 170.** \* \* \* \*

Antiprofitteering measure. **171. (1)** \* \* \* \*

(2) The Central Government may, on recommendations of the Council, by notification, constitute an Authority, or empower an existing Authority constituted under any law for the time being in force, to examine whether input tax credits availed by any registered person or the reduction in the tax rate have actually resulted in a commensurate reduction in the price of the goods or services or both supplied by him.

(3) and (3A) \* \* \* \*

**172. to 174.** \* \* \* \*

SCHEDULE I and II \* \* \* \*

#### SCHEDULES III [see section7]

#### ACTIVITIES OR TRANSACTIONS WHICH SHALL BE TREATED NEITHER AS A SUPPLY OF GOODS NOR A SUPPLY OF SERVICES

**1. to 7.** \* \* \* \*

**8. (a)** Supply of goods from a place outside India to another place outside India without such goods entering into India.

(b) supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.

*Explanation 1.*— For the purposes of paragraph 2, the term "court" includes District Court, High Court and Supreme Court.

*Explanation 2.*— For the purposes of paragraph 8, the expression "warehoused goods" shall have the same meaning as assigned to it in the Customs Act, 1962.

**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[L. A. BILL No. XXX OF 2024.]**

**[A Bill further to amend the Maharashtra  
Goods and Services Tax Act, 2017.]**

**[SHRI DEVENDRA FADNAVIS,  
Chief Minister.]**

**JITENDRA BHOLE,  
Secretary (1) (I/C),  
Maharashtra Legislative Assembly.**