

(2023ర విధాససభియ విధిలయయచ శంఖ్య-06)

 యోడుఱ్రుదళ్వి గి ఒందు ఎిధొలయచ.

 యుళ్తఱలగిరుఎ్రుదిందే;
 ఈ ముృందినెంతె అధినియలిృతఱలగలి:-



 దినలంఈదింద జలరిగా బరతతశ్శదద్ది.

 ఱోరఈరణ 10రల్లి,



బిటు ${ }_{\text {e }}$ బిడతశ్పద్దు.
















 ळరంరతృృృడిసిదంంతి.";
 అందేరె:-













(ఱ) "రద్దిి ఆదొలలేను్న జలర ఱూడిద దినలంళదింద ఱుృఱతత్తు దినగళ ఒళగలగ




7.












 అనుఱుతిసతత్శ్చద్దల్ల:



 అనుఱుతితెబळుదే.".














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戸jృరరణ





15. థృళరరణ 110 బిటు బిడతశ్శదు
16. ฮرచరరణ 114ర బిటు బిడతశశ్శదు












 (1) $ర ల_{m^{\prime}}{ }^{-}$






"(1-బి) యీఠ్రుదౌల बిద్యునల్నన ఱలణిజ్య నిఱలఁ ळళను,-
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 (1) ${ }^{(1)} e_{m^{\prime}}$ -











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చనుఁటహ నిధానస్సభ゚

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 ిిద్దుదేడి యూడడలు;






 ఎిఱేరణయయన్ని కిద్దులుడి మూడలు;




 యూడాలు;



 లుఱ゙ఱృచరణ (2)న్ను కిద్దుటుడ యూడలు;


























































 యోడడలు;

 అస్వృయి)





ఆద్దింద ఈ વిధైయళ.

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## సిద్దరాయుయ్య

ఱుఖ్యఱుంతి
t.eరా. ముळలలి్ష్మ

ซరయయణదిలిణ


## అనేుబంధర

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ఎిపరణణ:- ఈ ఎండద లుద్దెాలగళిగాగి,-



























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 లుళిసిశోอండరరె, ఎందేరె-



(బి) ఈ అధినియయుద లృఱుబంధగగళను్న అథఱల అదదర అడియల్లి ఱూడలอద







 నెంతరథ్రృ యిఘలఱలగుఱ్రుదు;




 యూరింతియన్ను ఒదగిస்ుద్పుదు;


(ळభீ) ஆ అధినియయుద అథఱల అదర అడియల్లి ఱూడడలలద నియయుగేళ అడియల్లి







 ద్యేळఠరిసిరువ్రుదు;
 అథఱల నలలోయూడృఱ్రుదు;








- ఇవ్రుగళంతె దండానియయనాగిరతశ్శ్చద్దు.







 జులอృనె;




























 ज्रु ${ }^{\circ}$ :


 బలధచఱలగత్శ్పదల్ల:









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[ぶృరేణ 7న్ను నెలఁడి]

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KARNATAKA LEGISLATIVE COUNCIL
ONE HUNDRED AND FIFTIETH SESSION

## THE KARNATAKA GOODS AND SERVICES TAX (AMENDMENT) BILL, 2023. (LA Bill No. 06 of 2023) <br> (As passed by the Karnataka Legislative Assembly)

A Bill further to amend the Karnataka Goods and Services Tax Act, 2017.
Whereas, it is expedient further to amend the Karnataka Goods and Services Tax Act, 2017 (Karnataka Act 27 of 2017), for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy-fourth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Goods and Services Tax (Amendment) Act, 2023.
(2) Save as otherwise provided, the provisions of this Act shall come into force on such date as the Government of Karnataka may, by notification in the Official Gazette, appoint.
2. Amendment of section 10.- In the Karnataka Goods and Services Tax Act, 2017(Karnataka Act 27 of 2017) (hereinafter referred to as the principal Act), in section 10,-
(a) in sub-section (2), in clause (d), the words "goods or", shall be omitted; and
(b) in sub-section (2A), in clause (c), the words "goods or", shall be omitted.
3. Amendment of section 16.- In section 16 of the principal Act, in subsection (2),-
(i) in the second proviso, for the words "added to his output tax liability, along with interest thereon", the words and figures "paid by him along with interest payable under section 50", shall be substituted; and
(ii) in the third proviso, after the words "made by him", the words "to the supplier", shall be inserted.
4. Amendment of section 17.- In section 17 of the principal Act,-
(a) in sub-section (3), in the Explanation, for the words and figure "except those specified in paragraph 5 of the said Schedule", the following shall be substituted, namely:-
"except,-
(i) the value of activities or transactions specified in paragraph 5 of the said Schedule; and
(ii) the value of such activities or transactions as may be prescribed in respect of clause (a) of paragraph 8 of the said Schedule.";
(b) in sub-section (5), after clause (f), the following clause shall be inserted, namely:-
"(fa) goods or services or both received by a taxable person, which are used or intended to be used for activities relating to his obligations under corporate social responsibility referred to in section 135 of the Companies Act, 2013 (Central Act 18 of 2013);".
5. Amendment of section 23.- In section 23 of the principal Act, for subsection (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the $1^{\text {st }}$ day of July, 2017, namely:-
"(2) Notwithstanding anything to the contrary contained in subsection (1) of section 22 or section 24 , the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, specify the category of persons who may be exempted from obtaining registration under this Act.".
6. Amendment of section 30.- In section 30 of the principal Act, in subsection (1),-
(a) for the words "the prescribed manner within thirty days from the date of service of the cancellation order:", the words "such manner, within such time and subject to such conditions and restrictions, as may be prescribed." shall be substituted; and
(b) the proviso shall be omitted.
7. Amendment of section 37.- In section 37 of the principal Act, after subsection (4), the following sub-section shall be inserted, namely:-
"(5) A registered person shall not be allowed to furnish the details of outward supplies under sub-section (1), for a tax period after the expiry of a period of three years from the due date of furnishing the said details:

Provided that, the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the details of outward supplies for a tax period under sub-section (1), even after the expiry of the said period of three years from the due date of furnishing the said details.".
8. Amendment of section 39.- In section 39 of the principal Act, after subsection (10), the following sub-section shall be inserted, namely:-
"(11) A registered person shall not be allowed to furnish a return for a tax period after the expiry of a period of three years from the due date of furnishing the said return:

Provided that, the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the return for a tax period, even after the expiry of the said period of three years from the due date of furnishing the said return.".
9. Amendment of section 44.- Section 44 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1), as so renumbered, the following sub-section shall be inserted, namely:-
"(2) A registered person shall not be allowed to furnish an annual return under sub-section (1), for a financial year after the expiry of a period of three years from the due date of furnishing the said annual return:

Provided that the Government may, on the recommendations of the Council, by notification, and subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish an annual return for a financial year under sub-section (1), even after the expiry of the said period of three years from the due date of furnishing the said annual return."
10. Amendment of section 52.- In section 52 of the principal Act, after subsection (14), the following sub-section shall be inserted, namely:-
"(15) The operator shall not be allowed to furnish a statement under subsection (4) after the expiry of a period of three years from the due date of furnishing the said statement:

Provided that, the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow an operator or a class of operators to furnish a statement under sub-section (4), even after the expiry of the said period of three years from the due date of furnishing the said statement."
11. Amendment of section 54.- In section 54 of the principal Act, in subsection (6), the words "excluding the amount of input tax credit provisionally accepted," shall be omitted.
12. Amendment of section 56.- In section 56 of the principal Act, for the words "from the date immediately after the expiry of sixty days from the date of receipt of application under the said sub-section till the date of refund of such tax", the words "for the period of delay beyond sixty days from the date of receipt of such application till the date of refund of such tax, to be computed in such manner and subject to such conditions and restrictions as may be prescribed", shall be substituted.
13. Amendment of section 62.- In section 62 of the principal Act, in subsection (2), -
(a) for the words "thirty days", the words "sixty days" shall be substituted; and
(b) the following proviso shall be inserted, at the end namely:-
"Provided that, where the registered person fails to furnish a valid return within sixty days of the service of the assessment order under sub-section (1), he may furnish the same within a further period of sixty days on payment of an additional late fee of one hundred rupees for each day of delay beyond sixty days of the service of the said assessment order and in case he furnishes valid return within such extended period, the said assessment order shall be deemed to have been withdrawn, but the liability to pay interest under sub-section (1) of section 50 or to pay late fee under section 47 shall continue."
14. Amendment of section 109.- For section 109 of the principal Act, the following shall be substituted, namely:-
> "109. Constitution of Appellate Tribunal and Benches thereof.Subject to the provisions of this Chapter, the Goods and Services Tax Tribunal constituted under the Central Goods and Services Tax Act, 2017 shall be the Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority under this Act."
15. Omission of section 110.- Section 110 of the principal Act shall be omitted.
16. Omission of section 114.- Section 114 of the principal Act shall be omitted.
17. Amendment of section 117.- In section 117 of the principal Act,
(a) in sub-section (1), for the words "State Bench or Area Benches", the words "State Benches", shall be substituted;
(b) in sub-section (5),
(i) in clause (a), for the words "State Bench or Area Benches", the words "State Benches", shall be substituted;
(ii) in clause (b), for the words "State Bench or Area Benches", the words "State Benches", shall be substituted.
18. Amendment of section 118.- In section 118 of the principal Act, in subsection (1), in clause (a), for the words "National Bench or Regional Benches", the words "Principal Bench", shall be substituted.
19. Amendment of section 119. -In section 119 of the principal Act, in subsection (1),-
(a) for the words "National Bench or Regional Benches" the words "Principal Bench", shall be substituted;
(b) for the words "State Bench or Area Benches", the words "State Benches" shall be substituted;
20. Amendment of section 122.- In section 122 of the principal Act, after sub-section (1A), the following sub-section shall be inserted, namely:-
"(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.".
21. Amendment of section 132.- In section 132 of the principal Act, in subsection (1), -
(a) clauses (g) and (j) shall be omitted;
(b) in clause (1), (i) for the words, brackets and letters "clauses (a) to (k)", the words, brackets and letters "clauses (a) to (f) and clauses (h), (i) and (k)" shall be substituted;
(c) in item (iii), for the words "any other offence", the words, brackets and letter" an offence specified in clause (b)," shall be substituted;
(d) in item (iv), the words, brackets and letters "or clause (g) or clause (j)", shall be omitted.
22. Amendment of section 138. -In section 138 of the principal Act,-
(a) in sub-section (1), in the first proviso,-
(i) for clause (a), the following clause shall be substituted, namely:-
"(a) a person who has been allowed to compound once in respect of any of the offences specified in clauses (a) to (f), (h), (i) and (1) of sub-section (1), of section 132;";
(ii) clause (b), shall be omitted;
(iii) for clause (c), the following clause shall be substituted, namely:-
"(c) a person who has been accused of committing an offence under clause (b), of sub-section (1), of section 132;";
(iv) clause (e), shall be omitted;
(b) in sub-section (2), for the words "ten thousand rupees or fifty per cent. of the tax involved, whichever is higher, and the maximum amount not being
less than thirty thousand rupees or one hundred and fifty per cent. of the tax, whichever is higher", the words "twenty-five per cent. of the tax involved and the maximum amount not being more than one hundred percent of the tax involved", shall be substituted.
23. Retrospective exemption to certain activities and transactions in Schedule III to the principal Act.- (1) In Schedule III to the principal Act, paragraphs 7 and 8 and the Explanation 2 thereof (as inserted vide section 31 of Karnataka Act 3 of 2019) shall be deemed to have been inserted therein with effect from the 1st day of July, 2017.
(2) No refund shall be made of all the tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times.

I hereby certify that this Bill is Money Bill within the meaning of Article 199 of the Constitution of India.

Bengaluru
Date:

## STATEMENT OF OBJECTS AND REASONS

## (As Appended to at the time of Introduction)

The Karnataka Goods and Services Tax Act, 2017 was enacted to make a provision for levy and collection of tax on intra-State supply of goods or services or both by the Government of Karnataka.
2. However, the new tax regime had faced certain difficulties. In order to overcome the difficulties, it is proposed to amend the Karnataka Goods and Services Tax Act, 2017(Karnataka Act No. 27 of 2017).
3. The proposed Karnataka Goods and Services Tax (Amendment) Bill, 2023, inter alia, provides for the following, namely:-
(1) Clause (d) of sub-section (2) and Clause (c) of sub-section (2A) in section 10 of the KGST Act is being amended so as to remove the restriction imposed on registered persons engaged in supplying goods through electronic commerce operators from opting to pay tax under the Composition Levy.
(2) Second and third provisos to sub-section (2) of section 16 of the KGST Act are being amended to align the said sub-section with the return filing system provided in the said Act.
(3) Explanation to sub-section (3) of section 17 of the KGST Act is being amended so as to restrict availment of input tax credit in respect of certain transactions specified in para 8(a) of Schedule III of the said Act, as may be prescribed, by including the value of such transactions in the value of exempt supply.
Further, sub-section (5) of said section is also being amended so as to provide that input tax credit shall not be available in respect of goods or services or both received by a taxable person, which are used or intended to be used for activities relating to his obligations under corporate social responsibility referred to in section 135 of the Companies Act, 2013.
(4) Sub-section (1) and sub-section (2) of section 23 of the KGST Act are being amended, with retrospective effect from 01st July, 2017, so as to provide that persons for compulsory registration in terms of subsection (1) of section 22 and section 24 of the Act need not register if exempt under sub section (1) of section 23.
(5) A new sub-section (5) in section 37 of the KGST Act is being inserted so as to provide a time limit up to which the details of out ward supplies under sub-section (1) of the said section for a tax period can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for a registered person or a class of registered persons.
(6) A new sub-section (11) in section 39 of the KGST Act is being inserted so as to provide a time limit upto which the return for a tax period can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to
certain conditions and restrictions, for a registered person or a class of registered persons.
(7) A new sub-section (2) in section 44 of the KGST Act is being inserted so as to provide a time limit upto which the annual return under subsection (1) of the said section for a financial year can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for a registered person or a class of registered persons.
(8) A new sub-section (15) in section 52 of the KGST Act is being inserted so as to provide a time limit upto which the statement under subsection (4) of the said section for a month can be furnished by an electronic commerce operator. Further, it seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for an electronic commerce operator or a class of electronic commerce operators.
(9) Sub-section (6) of section 54 of the KGST Act is being amended so as to remove the reference to the provisionally accepted input tax credit to align the same with the present scheme of availment of self-assessed input tax credit as per sub-section (1) of section 41 of the said Act.
(10) Section 56 of the KGST Act is being amended so as to provide for an enabling provision to prescribe manner of computation of period of delay for calculation of interest on delayed refunds.
(11) Section 109 of the KGST Act is being amended to designate the GST Appellate Tribunal constituted under the provisions of the Central Goods and Services Tax Act to be the Appellate Tribunal for the purposes of KGST Act also and to re-designate area benches as State benches under section 117 of the KGST Act.
(12) A new sub-section (1B) in section 122 of the KGST Act is being inserted so as to provide for penal provisions applicable to Electronic Commerce Operators in case of contravention of provisions relating to supplies of goods made through them by unregistered persons or composition taxpayers.
(13) Sub-section (1) of section 132 of the KGST Act is being amended so as to decriminalize offences specified in clause (g) and (j) of the said subsection and to increase the monetary threshold for launching prosecution for the offences under the said Act from one hundred lakh rupees to two hundred lakh rupees, except for the offences related to issuance of invoices without supply of goods or services or both.
(14) First proviso to sub-section (1) of section 138 of the KGST Act is being amended so as to simplify the language of clause (a), to omit clause (b) and to substitute the clause (c) of said proviso so as to exclude the persons involved in offences relating to issuance of invoices without supply of goods or services or both from the option of compounding of the offences under the said Act. It further seeks to amend sub-section (2) so as to rationalize the amount for compounding of various offences by reducing the minimum as well as maximum amount for compounding.
(15) Schedule III of the KGST Act is being amended to give retrospective applicability to Para 7,8 (a) and 8 (b) of the said Schedule, with effect from 1st July, 2017, so as to treat the activities/ transactions mentioned in the said paragraphs as neither supply of goods nor supply of services. It is also being clarified that where the tax has already been paid in respect of such transactions/ activities during the period from 01st July, 2017 to 31st January, 2019, no refund of such tax paid shall be available.

Hence, the Bill.

## FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

| Clause 4 | Clause 4 seeks to amend the explanation in sub-section (3) of section 17 of the Karnataka Goods and Services Tax Act, to empower the State Government to prescribe for excluding certain values of supply of warehouse goods to any person before the clearance for home consumption from the value of exempted supply for calculation of ineligible input tax credit. |
| :---: | :---: |
| Clause 5 | Clause 5 proposes to substitute, with retrospective effect from $1^{\text {st }}$ July, 2017, sub-section (2) of Section 23of the Karnataka Goods and Services Tax Act to give over-riding effect of this provision over sub-section (1) of Section 22and Section 24 in respect of those persons who are notified from obtaining registration under the KGST Act. |
| Clause 6 | Clause 6 proposes to empower the State Government to prescribe the time limit and the conditions and restrictions for the registered person whose registration has been cancelled by the proper officer on his own motion to apply for revocation of cancellation of registration, by amending sub-section (1) of section 30 of the Karnataka Goods and Services Tax Act. |
| Clause 7 | Clause 7 proposes to insert sub-section (5) to Section 37 empowering the State Government to notify, along with the conditions and restrictions, a registered person or a class of registered persons to furnish the details of outward supplies for a tax period under subsection (1) of Section 37 even after the expiry of three years from the due date of furnishing the said details. |
| Clause 8 | Clause 8 proposes to insert sub-section (11) in Section 39of the Karnataka Goods and Services Tax Act to empower the State Government to notify, along with the conditions and restrictions, a registered person or a class of registered persons to furnish the return for a tax period even after the expiry of three years from the due date of furnishing the said return. |
| Clause 9 | Clause 9 proposes to insert sub-section (2) in Section 44 of the Karnataka Goods and Services Tax Act, to empower the State Government to notify, along with the conditions and restrictions, a registered person or a class of registered persons to furnish the annual return for a financial year even after the expiry of three years from the due date of furnishing the said annual return. |
| Clause 10 | Clause 10 proposes to insert sub-section (15) in Section 52 of the Karnataka Goods and Services Tax Act, to empower the State Government to notify, along with the conditions and restrictions, a registered person or a class of registered persons collecting tax at source under Section 52 to furnish the statement under sub-section (4) of the said section even after the expiry of three years from the due date of furnishing the said statement. |


| Clause 12 | Clause 12 proposes to empower the State Government to prescribe the <br> manner and conditions and restrictions for computation of interest <br> payable under Section 56 for the refund delayed beyond sixty days from <br> the date of receipt of application for refund. |
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## SIDDARAMAIAH

Chief Minister

## K.R MAHALAKSHMI

Secretary

## ANNEXURE

## EXTRACT FROM THE KARNATAKA GOODS AND SERVICES TAX ACT, 2017 (KARNATAKA ACT NO. 27 OF 2017) <br> XXX XXX XXX

10. Composition levy.XXX

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(2) The registered person shall be eligible to opt under sub-section (1), if,-
(a) save as provided in sub-section (1), he is not engaged in the supply of services;
(b) he is not engaged in making any supply of goods or services which are not leviable to tax under this Act;
(c) he is not engaged in making any inter-State outward supplies of goods or services;
(d) he is not engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52 ;

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(2A) Notwithstanding anything to the contrary contained in this Act, but subject to the provisions of sub-sections (3) and (4) of section 9, a registered person, not eligible to opt to pay tax under sub-section (1) and sub-section (2), whose aggregate turnover in the preceding financial year did not exceed fifty lakh rupees, may opt to pay, in lieu of the tax payable by him under sub-section (1) of section 9 , an amount of tax calculated at such rate as may be prescribed, but not exceeding three per cent. of the turnover in the State, if he is not-
(a) engaged in making any supply of goods or services which are not leviable to tax under this Act;
(b) engaged in making any inter-State outward supplies of goods or services;
(c) engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52 ;

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16. Eligibility and conditions for taking input tax credit.- (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed and in the manner specified in section 49, be entitled to take credit of input tax charged on any supply of goods or services or both to him which are used or intended to be used in the course or furtherance of his business and the said amount shall be credited to the electronic credit ledger of such person.
(2) Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless,-
(a) he is in possession of a tax invoice or debit note issued by a supplier registered under this Act, or such other tax paying documents as may be prescribed;
(aa) the details of the invoice or debit note referred to in clause (a) has been furnished by the supplier in the statement of outward supplies and such details have been communicated to the recipient of such invoice or debit note in the manner specified under section 37 ;
(b) he has received the goods or services or both.

Explanation.- For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services,-
(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent
or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;
(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person."
(c) subject to the provisions of section 41 or section 43A, the tax charged in respect of such supply has been actually paid to the Government, either in cash or through utilisation of input tax credit admissible in respect of the said supply; and
(d) he has furnished the return under section 39:

Provided that where the goods against an invoice are received in lots or instalments, the registered person shall be entitled to take credit upon receipt of the last lot or instalment:

Provided further that where a recipient fails to pay to the supplier of goods or services or both, other than the supplies on which tax is payable on reverse charge basis, the amount towards the value of supply along with tax payable thereon within a period of one hundred and eighty days from the date of issue of invoice by the supplier, an amount equal to the input tax credit availed by the recipient shall be added to his output tax liability, along with interest thereon, in such manner as may be prescribed:

Provided also that the recipient shall be entitled to avail of the credit of input tax on payment made by him of the amount towards the value of supply of goods or services or both along with tax payable thereon.
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17. Apportionment of credit and blocked credits.-
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(3) The value of exempt supply under sub-section (2) shall be such as may be prescribed, and shall include supplies on which the recipient is liable to pay tax on reverse charge basis, transactions in securities, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building.

Explanation.- For the purposes of this sub-section, the expression value of exempt supply" shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.

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

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(f) goods or services or both received by a non-resident taxable person except on goods imported by him;

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23. Persons not liable for registration.- (1) The following persons shall not be liable to registration, namely:-
(a) any person engaged exclusively in the business of supplying goods or services or both that are not liable to tax or wholly exempt from tax under this Act or under the Integrated Goods and Services Tax Act;
(b) an agriculturist, to the extent of supply of produce out of cultivation of land.
(2) The Government may, on the recommendations of the Council, by notification, specify the category of persons who may be exempted from obtaining registration under this Act.

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30. Revocation of cancellation of registration.- (1) Subject to such conditions as may be prescribed, any registered person, whose registration is cancelled by the proper officer on his own motion, may apply to such officer for revocation of cancellation of the
registration in the prescribed manner within thirty days from the date of service of the cancellation order.

Provided that, such period may, on sufficient cause being shown and for reasons to be recorded in writing, be extended,-
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## 37. Furnishing details of outward supplies.XXX <br> XXX <br> XXX

(4) A registered person shall not be allowed to furnish the details of outward supplies under sub-section (1) for a tax period, if the details of outward supplies for any of the previous tax periods has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the details of outward supplies under sub-section (1), even if he has not furnished the details of outward supplies for one or more previous tax periods.

Explanation.- For the purposes of this Chapter, the expression details of outward supplies shall include details of invoices, debit notes, credit notes and revised invoices issued in relation to outward supplies made during any tax period.

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39. Furnishing of returns.XXX

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(10) A registered person shall not be allowed to furnish a return for a tax period if the return for any of the previous tax periods or the details of outward supplies under subsection (1) of section 37 for the said tax period has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the return, even if he has not furnished the returns for one or more previous tax periods or has not furnished the details of outward supplies under sub-section (1) of section 37 for the said tax period.

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44. Annual return.- Every registered person, other than an Input Service Distributor, a person paying tax under section 51 or section 52 , a casual taxable person and a non-resident taxable person shall furnish an annual return which may include a self certified reconciliation statement, reconciling the value of supplies declared in the return 58 furnished for the financial year, with the audited annual financial statement for every financial year electronically, within such time and in such form and in such manner as may be prescribed:

Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt any class of registred persons from filling annual return under this section:

Provided further that nothing contained in this section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.

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52. Collection of tax at source.-

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(14) Any person who fails to furnish the information required by the notice served under sub-section (12) shall, without prejudice to any action that may be taken under section 122 , be liable to a penalty which may extend to twenty-five thousand rupees.

Explanation.- For the purposes of this section, the expression concerned supplier shall mean the supplier of goods or services or both making supplies through the operator.
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54. Refund of tax.-

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(6) Notwithstanding anything contained in sub-section (5), the proper officer may, in the case of any claim for refund on account of zero-rated supply of goods or services or both made by registered persons, other than such category of registered persons as may be notified by the Government on the recommendations of the Council, refund on a provisional basis, ninety per cent. of the total amount so claimed, excluding the amount of input tax credit provisionally accepted, in such manner and subject to such conditions, limitations and safeguards as may be prescribed and thereafter make an order under sub-section (5) for final settlement of the refund claim after due verification of documents furnished by the applicant.

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56. Interest on delayed refunds.- If any tax ordered to be refunded under subsection (5) of section 54 to any applicant is not refunded within sixty days from the date of receipt of application under sub-section (1) of that section, interest at such rate not exceeding six per cent. as may be specified in the notification issued by the Government on the recommendations of the Council shall be payable in respect of such refund from the date immediately after the expiry of sixty days from the date of receipt of application under the said sub-section till the date of refund of such tax:

Provided that where any claim of refund arises from an order passed by an adjudicating authority or Appellate Authority or Appellate Tribunal or court which has attained finality and the same is not refunded within sixty days from the date of receipt of application filed consequent to such order, interest at such rate not exceeding nine per cent. as may be notified by the Government on the recommendations of the Council shall be payable in respect of such refund from the date immediately after the expiry of sixty days from the date of receipt of application till the date of refund. Explanation.-For the purposes of this section, where any order of refund is made by an Appellate Authority, Appellate Tribunal or any court against an order of the proper officer under sub-section (5) of section 54, the order passed by the Appellate Authority, Appellate Tribunal or by the court shall be deemed to be an order passed under the said sub-section (5).

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62. Assessment of non-filers of returns.- (1) Notwithstanding anything to the contrary contained in section 73 or section 74 , where a registered person fails to furnish the return under 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) Where the registered person furnishes a valid return within thirty days of the service of the assessment order under sub-section (1), the said assessment order shall be deemed to have been withdrawn but the liability for payment of interest under sub-section (1) of section 50 or for payment of late fee under section 47 shall continue.

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109. Appellate Tribunal and Benches thereof.- (1) Subject to the provisions of this Chapter, the Goods and Services Tax Tribunal constituted under the Central Goods and Services Tax Act shall be the Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority under this Act.
(2) The constitution and jurisdiction of the State Bench and the Area Benches located in the State shall be in accordance with the provisions of section 109 of the Central Goods and Services Tax Act or the rules made thereunder.
110. President and Members of Appellate Tribunal, their qualification, appointment, conditions of service, etc.- The qualifications, appointment, salary and allowances, terms of office, resignation and removal of the President and Members of the State Bench and Area Benches shall be in accordance with the provisions of section 110 of the Central Goods and Services Tax Act.

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114. Financial and administrative powers of State President.- The State President shall exercise such financial and administrative powers over the State Bench and Area Benches of the Appellate Tribunal in a State, as may be prescribed:

Provided that the State President shall have the authority to delegate such of his financial and administrative powers as he may think fit to any other Member or any officer of the State Bench or Area Benches, subject to the condition that such Member or officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the State President.

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117. Appeal to High Court.- (1) Any person aggrieved by any order passed by the State Bench or Area Benches of the Appellate Tribunal may file an appeal to the High Court and the High Court may admit such appeal, if it is satisfied that the case involves a substantial question of law.
(2) An appeal under sub-section (1) shall be filed within a period of one hundred and eighty days from the date on which the order appealed against is received by the aggrieved person and it shall be in such form, verified in such manner as may be prescribed:

Provided that the High Court may entertain an appeal after the expiry of the said period if it is satisfied that there was sufficient cause for not filing it within such period.
(3) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question and the appeal shall be heard only on the question so formulated, and the respondents shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question:

Provided that nothing in this sub-section shall be deemed to take away or abridge the power of the court to hear, for reasons to be recorded, the appeal on any other substantial question of law not formulated by it, if it is satisfied that the case involves such question.
(4) The High Court shall decide the question of law so formulated and deliver such judgment thereon containing the grounds on which such decision is founded and may award such cost as it deems fit.
(5) The High Court may determine any issue which-
(a) has not been determined by the State Bench or Area Benches; or
(b) has been wrongly determined by the State Bench or Area Benches, by reason of a decision on such question of law as herein referred to in subsection (3).

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118. Appeal to Supreme Court.- (1) An appeal shall lie to the Supreme Court-
(a) from any order passed by the National Bench or Regional Benches of the Appellate Tribunal;
119. Sums due to be paid notwithstanding appeal etc.- Notwithstanding that an appeal has been preferred to the High Court or the Supreme Court, sums due to the Government as a result of an order passed by the National or Regional Benches of the Appellate Tribunal under sub-section (1) of section 113 or an order passed by the State Bench or Area Benches of the Appellate Tribunal under sub-section (1) of section 113 or an order passed by the High Court under section 117, as the case may be, shall be payable in accordance with the order so passed.

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122. Penalty for certain offences.-

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(1A) Any person who retains the benefit of a transaction covered under clauses (i), (ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.

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132. Punishment for certain offences.- (1) Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences, namely:-
(a) supplies any goods or services or both without issue of any invoice, in violation of the provisions of this Act or the rules made thereunder, with the intention to evade tax;
(b) issues any invoice or bill without supply of goods or services or both in violation of the provisions of this Act, or the rules made thereunder leading to wrongful availment or utilisation of input tax credit or refund of tax;
(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill;
(d) collects any amount as tax but fails to pay the same to the Government beyond a period of three months from the date on which such payment becomes due;
(e) evades tax, or fraudulently obtains refund and where such offence is not covered under clauses (a) to (d);
(f) falsifies or substitutes financial records or produces fake accounts or documents or furnishes any false information with an intention to evade payment of tax due under this Act;
(g) obstructs or prevents any officer in the discharge of his duties under this Act;
(h) acquires possession of, or in any way concerns himself in transporting, removing, depositing, keeping, concealing, supplying, purchasing or in any other manner deals with, any goods which he knows or has reasons to believe are liable to confiscation under this Act or the rules made thereunder;
(i) receives or is in any way concerned with the supply of, or in any other manner deals with any supply of services which he knows or has reasons to believe are in contravention of any provisions of this Act or the rules made thereunder;
(j) tampers with or destroys any material evidence or documents;
(k) fails to supply any information which he is required to supply under this Act or the rules made thereunder or (unless with a reasonable belief, the burden of proving which shall be upon him, that the information supplied by him is true) supplies false information; or
(l) attempts to commit, or abets the commission of any of the offences mentioned in clauses (a) to (k) of this section,
shall be punishable-
(i) in cases where the amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken exceeds five hundred lakh rupees, with imprisonment for a term which may extend to five years and with fine;
(ii) in cases where the amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken exceeds two hundred lakh rupees but does not exceed five hundred lakh rupees, with imprisonment for a term which may extend to three years and with fine;
(iii) in the case of any other offence where the amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken exceeds one hundred lakh rupees but does not exceed two hundred lakh rupees, with imprisonment for a term which may extend to one year and with fine;
(iv) in cases where he commits or abets the commission of an offence specified in clause ( f ) or clause ( g ) or clause ( j ), he shall be 108 punishable with imprisonment for a term which may extend to six months or with fine or with both.

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138. Compounding of offences.- (1) Any offence under this Act may, either before or after the institution of prosecution, be compounded by the Commissioner on payment, by the person accused of the offence, to the Central Government or the State Government, as the case may be, of such compounding amount in such manner as may be prescribed:

Provided that nothing contained in this section shall apply to -
(a) a person who has been allowed to compound once in respect of any of the offences specified in clauses (a) to (f) of sub-section (1) of section 132 and the offences specified in clause (1) which are relatable to offences specified in clauses (a) to (f) of the said sub-section;
(b) a person who has been allowed to compound once in respect of any offence, other than those in clause (a), under this Act or under the provisions of any State Goods and Services Tax Act or the Central Goods and Services Tax Act or the Union Territory Goods and Services Tax Act or the Integrated Goods and Services Tax Act in respect of supplies of value exceeding one crore rupees;
(c) a person who has been accused of committing an offence under this Act which is also an offence under any other law for the time being in force;
(d) a person who has been convicted for an offence under this Act by a court;
(e) a person who has been accused of committing an offence specified in clause ( g ) or clause ( j ) or clause ( k ) of sub-section (1) of section 132; and
(f) any other class of persons or offences as may be prescribed:

Provided further that any compounding allowed under the provisions of this section shall not affect the proceedings, if any, instituted under any other law:

Provided also that compounding shall be allowed only after making payment of tax, interest and penalty involved in such offences.
(2) The amount for compounding of offences under this section shall be such as may be prescribed, subject to the minimum amount not being less than ten thousand rupees or fifty per cent. of the tax involved, whichever is higher, and the maximum amount not being less than thirty thousand rupees or one hundred and fifty per cent. of the tax, whichever is higher.

## SCHEDULE III

## [See section 7]

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

1. Services by an employee to the employer in the course of or in relation to his employment.
2. Services by any court or Tribunal established under any law for the time being in force.
3. (a) the functions performed by the Members of Parliament, Members of State Legislature, Members of Panchayats, Members of Municipalities and Members of other local authorities;
(b) the duties performed by any person who holds any post in pursuance of the provisions of the Constitution in that capacity; or
(c) the duties performed by any person as a Chairperson or a Member or a Director in a body established by the Central Government or a State Government or local authority and who is not deemed as an employee before the commencement of this clause.
4. Services of funeral, burial, crematorium or mortuary including transportation of the deceased.
5. Sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building.
6. Actionable claims, other than lottery, betting and gambling.
7. Supply of goods from a place outside India to another place outside India without such goods entering into India.
8. (a) Supply of warehoused goods to any person before clearance for home consumption;
(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 (Central Act 52 of 1962)

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