



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, जुलै १७, २००७/ आषाढ २६, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Value Added Tax (Amendment) Bill, 2007 (L. A. Bill No. XXXIX of 2007), introduced in the Maharashtra Legislative Assembly on the 17th July 2007, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXXIX OF 2007.

A BILL

further to amend the Maharashtra Value Added Tax Act, 2002.

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

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 Value Added Tax Act, 2002, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Value Added Tax (Amendment) Ordinance, 2007, on the 30th June 2007 ;

(३३३)

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

Short title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Value Added Tax (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 1st July 2007.

Amendment
of section 2
of Mah. IX
of 2005.

2. In section 2 of the Maharashtra Value Added Tax Act, 2002 (hereinafter referred to as "the principal Act"),—

Mah.
IX of
2005.

(a) in clause (20), *Explanation IV* shall be deleted ;

(b) in clause (25), *Explanation IV* shall be deleted.

Repeal of
Mah. Ord. V
of 2007 and
saving.

3. (1) The Maharashtra Value Added Tax (Amendment) Ordinance, 2007, is hereby repealed.

Mah.
Ord. V
of
2007.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have done, taken or issued, as the case may be, under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

Clauses (20) and (25) of section 2 of the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005) define the terms " purchase price " and " sale price ". As provided in the said clauses, " purchase price " or " sale price " means the amount of valuable consideration paid or payable by a person for any purchase of goods, or as the case may be, the amount of valuable consideration paid or payable to a dealer for any sale of goods. As provided by *Explanation IV* to clauses (20) and (25) of section 2 of the Maharashtra Value Added Tax Act, 2002 the amount of valuable consideration paid or payable for the purchase or sale of drugs was the maximum retail price printed on the package containing the drugs.

2. The price of medicines is governed by the Drugs (Price Control) Order, 1995 issued under the Essential Commodities Act, 1955 (10 of 1955). The Government of India has amended the said Order to provide that the maximum retail price of medicines shall be inclusive of all local taxes. In view of the amendment made by the Government of India to the Drugs (Price Control) Order, 1995, it was necessary to amend the definitions of " sale price " and " purchase price " obtaining in clauses (20) and (25) of section 2 of the Maharashtra Value Added Tax Act, 2002, in so far as they relate to medicine, by deleting *Explanation IV* to clauses (20) and (25) of section 2 of the said Act.

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 Value Added Tax Act, 2002, for the purposes aforesaid, the Maharashtra Value Added Tax (Amendment) Ordinance, 2007 (Mah.Ord. V of 2007), was promulgated by the Governor of Maharashtra on the 30th June 2007.

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

Mumbai,
Dated the 12th July 2007.

JAYANT PATIL,
Minister for Finance.