



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLVI Aizawl, Friday 2.6.2017 Jyaistha 12, S.E. 1939, Issue No. 246

NOTIFICATION

No. H. 12018/122/2017-LJD, the 1st June, 2017. The following Act is hereby published for general information.

The Mizoram Value Added Tax (Amendment) Act, 2017

(Act No. 7 of 2017)

(Received the assent of the Governor of Mizoram on the 26th May, 2017)

THE MIZORAM VALUE ADDED TAX (AMENDMENT) ACT, 2017

Further to amend The Mizoram Value Added Tax Act, 2005

It is enacted in the Sixty-eight Year of Republic of India as follows:

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|-------------------------------|---|
| <i>Short title</i> | 1. This Act may be called The Mizoram Value Added Tax (Amendment) Act, 2017. |
| <i>Commencement</i> | 2. This Act shall come into force from the date of commencement of the Mizoram Goods and Services Tax Act, 2017. |
| <i>Amendment of Preamble</i> | 3. In the Preamble of the Mizoram Value Added Tax Act, 2005 (Act No. 1 of 2005) (hereinafter referred to as the Principal Act), the words "or purchase (s)" shall be omitted. |
| <i>Amendment of section 2</i> | 4. In section 2 of the Principal Act: –
(1) clauses (8), (10), (12), (17), (26), (39), (41) shall be omitted.
(2) clause (15), shall be substituted by the following, namely –
“(15)“goods” means goods specified under Entry 54 of List II of the Seventh Schedule to the Constitution of India.”
(3) in clause (20), the words “or purchase” shall be omitted.
(4) after clause (28), a new clause 28A shall be inserted as follows, namely,
“(28A). “Schedule” means the Schedule appended to this Act.” |

Amendment of section 7

5. In section 7 of the Principal Act:-
- (1) in clause (a) of sub-section (1), the word "or contractual transfer price" shall be omitted.
 - (2) in sub-clause (i) of clause (b) of sub-section (1), the word "or contractual transfer price" shall be omitted.
 - (3) clauses (c) and (d) of sub-section (5) shall be omitted.

Amendment of section 8

6. In section 8 of the Principal Act: –
- (1) sub-section (1) shall be substituted by the following, namely,
“(1) “The tax payable by a dealer liable to pay tax under section 7 of the Act shall be levied on his taxable turnover in respect of goods specified in the ‘Schedule’, at the first point of sale of such goods within the State, at the rate or rates specified therein.”
 - (2) in sub-section (2), the words “or taxable contractual transfer price” and “or contractual transfer price” shall be omitted.
 - (3) in sub-section (2), clause (a), clause (b) and clause (c) shall be omitted.

Omission of section 9

7. Section 9 of the Principal Act shall be omitted.

Omission of section 10

8. Section 10 of the Principal Act shall be omitted.

Amendment of section 11

9. In section 11 of the Principal Act: –
- (1) in sub-section (1), for the words “Schedule II”, the word “Schedule” shall be substituted.
 - (2) sub-section (2) shall be omitted.

Omission of section 12

10. Section 12 of the Principal Act shall be omitted.

Amendment of section 13

11. In section 13 of the Principal Act: –
- (1) sub-section (1) shall be substituted by the following, namely,
“The net tax payable by a registered dealer for a tax period shall be equal to the output tax payable for the said tax period, where the output tax is the tax at the first point of sale which can be determined from the following formula:

Net Tax Payable = Rate of Tax x Balance of gross turnover after making deduction there from under section 8

$$\frac{\text{Rate of Tax} \times \text{Balance of gross turnover after making deduction there from under section 8}}{100 + \text{Rate of tax}}$$

- (2) sub-section (3) shall be omitted.

Omission of section 14

12. Section 14 of the Principal Act shall be omitted.

Omission of section 15

13. Section 15 of the Principal Act shall be omitted.

Omission of section 16

14. Section 16 of the Principal Act shall be omitted.

Omission of section 18

15. Section 18 of the Principal Act shall be omitted.

- Insertion of section 21A* 16. After section 21, a new section 21A shall be inserted as follows, namely –
“21A. All registered dealers not dealing with goods defined under clause (15) of section 2 of the Act shall be deemed to be deregistered from the date this Amendment Act is come in to force and their registration certificates shall stand cancelled thereafter.”
- Amendment of section 24* 17. In section 24 of the Principal Act: –
(1) in sub-clause (iii) of clause (c) of sub-section (1), for the figure “2%”, the figure “0.5%” shall be substituted.
(2) in sub-section (2), for the figure “2%”, the figure “0.5%” shall be substituted.
- Amendment of section 25* 18. Sub-section (2) of section 25 of the Principal Act shall be omitted.
- Amendment of section 31* 19. In section 31 of the Principal Act:-
(1) in clause (c), sub-section (1), the word “input tax credit” shall be omitted.
(2) clause (c) of sub-section (7) shall be omitted.
- Amendment of section 34* 20. Clause (e) of sub-section (1) of section 34 of the Principal Act shall be omitted.
- Amendment of section 37* 21. In sub-section (5) of section 37 of the Principal Act, for the figure “2%”, the figure “0.5%” shall be substituted.
- Amendment of section 45* 22. In sub-section (4) of section 45 of the Principal Act, for the words “two percent”, the figure “0.5%” shall be substituted.
- Omission of section 48* 23. Section 48 of the Principal Act shall be omitted.
- Amendment of section 50* 24. Clause (a) and (d) of sub-section (2) of section 50 of the Principal Act shall be omitted.
- Omission of section 53* 25. Section 53 of the Principal Act shall be omitted.
- Insertion of sub-section (1)A of section 82* 26. After sub-section (1) of section 82 of the Principal Act, a new sub-section (1) A shall be inserted namely-
“(1)A. A registered dealer who would have continued to pay tax under the The Mizoram (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation Act, 1973, as repealed by the Mizoram Goods and Services Tax Act, 2017, had this amendment Act not come into force, and who makes an application for registration in terms of this Act, shall be deemed to be a registered dealer till fresh registration is granted to him under this Act.”
- Omission of section 84* 27. Section 84 of the Principal Act shall be omitted.

Amendment of section 85

- 28.** In section 85 of the Principal Act:-
- (1) clause (b) of sub-section (1) shall be omitted.
 - (2) in sub-section (2), the words "and payment may, notwithstanding anything contained in sub-section (1), be made to such dealer for execution by him of a works contract referred to in section 7 on production by him of such certificate of the Commissioner" shall be omitted.

Amendment of Schedule

- 29.** Schedule I, Schedule II and Schedule III of the Principal Act shall be substituted by the following Schedule, namely:-

The Schedule
(See Section 11)

Sl. No.	Description of Goods	Rate of Tax
1.	High Speed Diesel	12%
2.	Motor Spirit (Commonly known as petrol)	20%
3.	Petroleum Crude	5%
4.	Aviation Turbine Fuel	4%
	a) From every dealer on his turnover from sale of ATF to a turbo-prop Aircraft)	
	b) From sale other than above	20%
5.	Natural gas	5%
6.	Alcoholic Liquor for human consumption	16%

Secretary,
Law & Judicial Department,
Govt. of Mizoram.