

NAGALAND GOODS & SERVICES TAX (FOURTH AMENDMENT) ORDINANCE, 2020(NAGALAND ORDINANCE NO.8 OF 2022)

Registration No. NF/RN -646 THE NAGALAND GAZETTE PUBLISHED BY AUTHORITY NO. 80 December 22, 2020 Pousha 1, 1942 (Saka) Dated Kohima, the 22nd December 2020. The Nagaland Goods and Services (Fourth Amendment) Ordinance, 2020. (Nagaland 2020) Promulgated by the Governor of Nagaland in the Seventy-first year of the Republic Of India. An Ordinance to amend the Nagaland Goods and Services Tax Act, 2017 (Act No.4 of 7) to incorporate the amendments made to the CGST Act, 2017 to bring uniformity in the application of the CGST and SGST Acts. Whereas, the Legislative Assembly of the State of Nagaland is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action. Now, therefore, in exercise of the powers by clause (1) of Article 213 of the Constitution of India, the Governor of Nagaland is pleased to promulgate the following Ordinance, namely Short title and commencement Amendment of Section 1 of this Ordinance shall be called the Nagaland Goods and Services Tax (Fourth Amendment) Ordinance, 2020. (2) as provided, the provisions of this Ordinance shall into force on such date as the State Government may, by order notification in the Official Gazette, appoint. Provided that 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. 2. In the existing clause (1A) of section 2 of the Nagaland Goods and Services Tax Act 2017, hereinafter referred to as the principal Act, for clauses (c) and (d), the following clauses shall be substituted, namely "(c) Ladakh and Nagar Haveli and Daman and Diu. (d) Ladakh". 2 Amendment of Section 10. Amendment of Section 16. Amendment of Section 29. Amendment of Section 30. Amendment of Section 31. 22, December, 2020 The Nagaland Extra Ordinary Gazette, 3. In section 10 of the principal Act, in sub-section (2), in clauses (b), (c) and (d), after the words "of goods", the words "or services" shall be inserted

4. In section 16 of the principal Act, in sub-section (4), the words "invoice relating to such" shall be omitted

5. In section 29 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—"(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25:"

6. In section 30 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—"Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended,— (a) by the Additional Commissioner or the Joint Commissioner, as the case may be, for a period not exceeding thirty days; (b) by the Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a)."

7. In section 31 of the principal Act, in sub-section (2), for the proviso, the following proviso shall be substituted, namely:—"Provided that the Government may, on the recommendations of the Council, by notifications— (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed; (b) subject to the condition mentioned therein, specify the categories of services in respect of which— (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or (ii) tax invoice may not be issued.". 22, December, 2020 The Nagaland Extra Ordinary Gazette, 8. In section 51 of the principal Act, — 3 Amendment of Section 51 Amendment of Section 122. Amendment of Section 132. Amendment of Section 140. (a) for sub-section (3), the following sub-section shall be substituted, namely:— A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed." (b) sub-section (4) shall be omitted."

9. In section 122 of the principal Act, after sub-section the following sub-section shall be inserted, namely:—"(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.". 10. In section 132 of the principal Act, in sub-section (1),— (i) for the words "Whoever commits any of the following offences" the words "Whoever commits, or causes to commit and retain the benefits arising out

of, any of the following offences" shall be substituted; (ii) for clause (c), the following clause shall be substituted, namely:— "(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;"; fraudulently avails input tax (iii) in sub-clause (e), the words credit" shall be omitted. I I. In section 140 of the principal Act, with effect from the 1st day of July, 2017, — (a) in sub-section (1), after the words "existing law", the words '-within such time and" shall be inserted and shall be deemed to have been inserted; (b) in sub-section (2), after the words "appointed day", the words ' 'within such time and" shall be inserted and shall be deemed to have been inserted; (c) in sub-section (3), for the words "goods held in stock on the appointed day subject to", the words "goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to" shall be substituted and shall be deemed to have been substituted; Amendment Section 172 Amendment of Schedule 11 22, December, 2020 The Nagaland Extra Ordinary Gazette, (d) in sub-section (5), for the words "existing law", the words "existing law, within such time and in such manner as may be prescribed" shall be substituted and shall be deemed to have been substituted; (e) in sub-section (6), for the words "goods held in stock on the appointed day subject to", the words "goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to" shall be substituted and shall be deemed to have been substituted; 12. In section 172 of the principal Act, in sub-section (1), in the proviso, for the words "three years", the words "five years" shall be substituted In Schedule 11 of the principal Act, in paragraph 4, the words 13. "whether or not for a consideration," at both the places where they occur, shall be omitted and shall be deemed to have been omitted with effect from the day of July, 2017. R.N. RAVI Governor KHANRINLA T. KOZA Special Secretary to the Government of Nagaland Department of Justice & Law Kohima : Printed and Published by the Directorate of Printing & Stationery, Nagaland (Ex-Gazette) No. 80/150+10/ 22-12-2020.

