
PART - III

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) Ordinance, 2007 (Mah. Ord. V of 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.

(Translation in English of the Maharashtra Value Added Tax (Amendment) Ordinance, 2007 (Mah. Ord. V of 2007), published under the authority of the Governor).

FINANCE DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 30th June 2007.

MAHARASHTRA ORDINANCE No. V OF 2007.

AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Value Added Tax Act, 2002, (Mah. IX of 2005) for the purpose hereinafter 2005. appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :-

Short title and commencement

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

2. It shall come into force on the 1st July 2007.

Amendment of section 2 of Mah IX of 2005.

3. In section 2 of the Maharashtra Value Added Tax Act, 2002, (Maha IX of 2005)

- (a) in clause (20), Explanation IV shall be deleted ;
- (b) in clause (25), Explanation IV shall be deleted.

STATEMENT

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. Explanation IV to clauses (20) and (25) of section 2 of the Maharashtra Value Added Tax Act, 2002 provides that the amount of valuable consideration paid or payable for the purchase or sale of drugs shall be 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 is 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 medicines, by the deleting Explanation IV to clauses (20) and (25) of section 2 of the said Act.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Value Added Tax Act, 2002, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th June 2007.

S. M. KRISHNA
Governor of Maharashtra.

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

SUBODH KUMAR,
Principal Secretary to Government.

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