

No. 257(2)/LXXIX-V-1-2023-2-Ka-16-2023

Dated Lucknow, July 24, 2023

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Maal Aur Sewa Kar (Sanshodhan) Adhyadesh, 2023 (Uttar Pradesh Adhyadesh Sankhya 14 of 2023) promulgated by the Governor. The Rajya Kar Anubhag-2 is administratively concerned with the said Ordinance.

THE UTTAR PRADESH GOODS AND SERVICES TAX
(AMENDMENT) ORDINANCE, 2023

(U.P. ORDINANCE NO. 14 of 2023)

[Promulgated by the Governor in the Seventy-fourth Year of the Republic of India]

AN

ORDINANCE

further to amend the Uttar Pradesh Goods and Services Tax Act, 2017.

WHEREAS the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for her to take immediate action;

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

Short Title and
Commencement

1. (a) This Ordinance may be called the Uttar Pradesh Goods and Services Tax Ordinance, 2023.

(b) The provisions of this Ordinance shall come into force on such date as the State Government may, by notification in the Official *Gazette*, appoint:

Provided that different dates may be appointed for different provisions of this Ordinance.

2. In the Uttar Pradesh Goods and Services Tax Act, 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*;
- (b) in sub-section (2A), in clause (c), the words "goods or" shall be *omitted*.
3. In section 16 of the principal Act, in sub-section (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*;
- (ii) in the third proviso, after the words "made by him", the words "to the supplier" shall be *inserted*.
4. 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;"
5. In section 23 of the principal Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 2017, namely:—
- "(2) Notwithstanding anything to the contrary contained in sub-section (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. In section 30 of the principal Act, in sub-section (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*;
- (b) the proviso shall be *omitted*.
7. In section 37 of the principal Act, after sub-section (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. In section 39 of the principal Act, after sub-section (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:

Amendment of section 10

Amendment of section 16

Amendment of section 17

Amendment of section 23

Amendment of section 30

Amendment of section 37

Amendment of section 39

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."

Amendment of
section 44

9. 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."

Amendment of
section 52

10. In section 52 of the principal Act, after sub-section (14), the following sub-section shall be *inserted*, namely:—

"(15) The operator shall not be allowed to furnish a statement under sub-section (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."

Amendment of
section 54

11. In section 54 of the principal Act, in sub-section (6), the words "excluding the amount of input tax credit provisionally accepted," shall be *omitted*.

Amendment of
section 56

12. 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*.

Amendment of
section 62

13. In section 62 of the principal Act, in sub-section (2),—

(a) for the words "thirty days", the words "sixty days" shall be *substituted*;

(b) the following proviso shall be *inserted*, 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."

Substitution of
section 109

14. For section 109 of the principal Act, the following section shall be *substituted*, namely:—

"109. Subject to the provisions of this Chapter, the Goods and Services Tax Appellate Tribunal constituted under 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. Section 110 and 114 of the principal Act shall be *omitted*.
Omission of sections 110 and 114
Amendment of section 117
16. 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), in clauses (a) and (b), for the words “State Bench or Area Benches”, the words “State Benches” shall be *substituted*.
17. In section 118 of the principal Act, in sub-section (1), in clause (a), for the words “National Bench or Regional Bench”, the words “Principal Bench” shall be *substituted*.
Amendment of section 118
18. In section 119 of the principal Act,—
(a) for the words “National 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*.
Amendment of section 119
19. In section 122 of the principal Act, after sub-section (1A), the following sub-section shall be *inserted*, namely:—
Amendment of section 122
“(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.”
20. In section 132 of the principal Act, in sub-section (1),—
Amendment of section 132
(a) clauses (g), (j) and (k) shall be *omitted*;
(b) in clause (l), for the words, brackets and letters “clauses (a) to (k)”, the words, brackets and letters “clauses (a) to (f) and clauses (h) and (i)” shall be *substituted*;
(c) in clause (iii), for the words “any other offence”, the words, “brackets and letter” an offence specified in clause (b),” shall be *substituted*;
(d) in clause (iv), the words, brackets and letters “or clause (g) or clause (j)” shall be *omitted*.
21. In section 138 of the principal Act,—
Amendment of section 138
(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 (l) 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 per cent of the tax involved" shall be *substituted*.

Insertion of
new section
158A

22. After section 158 of the principal Act, the following section shall be *inserted*, namely:—

"158A. (1) Notwithstanding anything contained in sections 133, 152 and 158, the following details furnished by a registered person may, subject to the provisions of sub-section (2), and on the recommendations of the Council, be shared by the common portal with such other systems as may be notified by the Government, in such manner and subject to such conditions as may be prescribed, namely:—

(a) particulars furnished in the application for registration under section 25 or in the return filed under section 39 or under section 44;

(b) the particulars uploaded on the common portal for preparation of invoice, the details of outward supplies furnished under section 37 and the particulars uploaded on the common portal for generation of documents under section 68;

(c) such other details as may be prescribed.

(2) For the purposes of sharing details under sub-section (1), the consent shall be obtained, of—

(a) the supplier, in respect of details furnished under clauses (a), (b) and (c) of sub-section (1); and

(b) the recipient, in respect of details furnished under clause (b) of sub-section (1), and under clause (c) of sub-section (1) only where such details include identity information of the recipient, in such form and manner as may be prescribed.

(3) Notwithstanding anything contained in any law for the time being in force, no action shall lie against the Government or the common portal with respect to any liability arising consequent to information shared under this section and there shall be no impact on the liability to pay tax on the relevant supply or as per the relevant return."

Retrospective
exemption to
certain activities
and transactions
in Schedule III to
the Uttar Pradesh
Goods and
Services Tax Act

23. (1) In Schedule III to the principal Act, paragraphs 7 and 8 and the Explanation 2 thereof (as inserted vide section 31 of U.P. Act 45 of 2018) 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.

ANANDIBEN PATEL

Governor,

Uttar Pradesh.

By order,

ATUL SRIVASTAVA,

Pramukh Sachiv.