

No. 579(2)/LXXIX-V-1-2023-1-ka-18-2023

Dated Lucknow, December 8, 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 (Dwitiya Sanshodhan) Adhinyam, 2023 (Uttar Pradesh Adhinyam Sankhya 19 of 2023) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 7, 2023. The Rajya Kar Anubhag-2, is administratively concerned with the said Adhinyam.

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

(U.P. ACT NO. 19 OF 2023)

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

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

IT IS HEREBY enacted in the Seventy-fourth Year of the Republic of India as follows :-

Short title and  
commencement

1. (1) This Act may be called the Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023.

(2) It shall be deemed to have come into force with effect from the 1<sup>st</sup> day of October, 2023.

Amendment of  
section 2

2. In section 2 of the Uttar Pradesh Goods and Services Tax Act, 2017 (hereinafter referred to as the "principal Act"), -

(a) after clause (80), the following clauses shall be *inserted*, namely:-

(80A) "online gaming" means offering of a game on the internet or an electronic network and includes online money gaming;

(80B) "online money gaming" means online gaming in which players pay or deposit money or money's worth, including virtual digital assets, in the expectation of winning money or money's worth, including virtual digital assets, in any event including game, scheme, competition or any other activity or process, whether or not its outcome or performance is based on skill, chance or both and whether the same is permissible or otherwise under any other law for the time being in force;"

(b) after clause (102), the following clause shall be *inserted*, namely:-

"(102A) "specified actionable claim" means the actionable claim involved in or by way of-

(i) betting;

(ii) casinos;

(iii) gambling;

(iv) horse racing;

(v) lottery; or

(vi) online money gaming;"

(c) in clause (105), the following proviso shall be *inserted* at the end, namely:-

"Provided that a person who organises or arranges, directly or indirectly, supply of specified actionable claims, including a person who owns, operates or manages digital or electronic platform for such supply, shall be deemed to be a supplier of such actionable claims, whether such actionable claims are supplied by him or through him and whether consideration in money or money's worth, including virtual digital assets, for supply of such actionable claims is paid or conveyed to him or through him or placed at his disposal in any manner, and all the provisions of this Act shall apply to such supplier of specified actionable claims, as if he is the supplier liable to pay the tax in relation to the supply of such actionable claims;"

(d) after clause (117), the following clause shall be *inserted*, namely:-

"(117A) "virtual digital asset" shall have the same meaning as assigned to it in clause (47A) of section 2 of the Income-tax Act, 1961;"

|   |                               |
|---|-------------------------------|
| <p>3. In section 24 of the principal Act,—<br/> (a) in clause (xi), the word "and" occurring at the end, shall be <i>omitted</i>;<br/> (b) <i>after</i> clause (xi), the following clause shall be <i>inserted</i>, namely:—<br/> "(xia) every person supplying online money gaming from a place outside India to a person in India; and".</p>  | Amendment of section 24       |
| <p>4. In the principal Act, in Schedule III, in paragraph 6, <i>for</i> the words "lottery, betting and gambling" the words "specified actionable claims" shall be <i>substituted</i>.</p>  | Amendment of Schedule III     |
| <p>5. The amendments made under this Act shall be without prejudice to provisions of any other law for the time being in force, providing for prohibiting, restricting or regulating betting, casino, gambling, horse racing, lottery or online gaming.</p>   | Transitory provision          |
| <p>Repeal and saving<br/> 6. (1) The Uttar Pradesh Goods and Services Tax (Second Amendment) Ordinance, 2023 is hereby repealed.<br/> (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.</p> | U.P. Ordinance no. 16 of 2023 |

### STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Goods and Services Tax Act, 2017 (U.P. Act no. 1 of 2017), hereinafter referred to as the "said Act", has been enacted to make provision for levy and collection of tax on *intra-State* supply of goods or services or both by the State of Uttar Pradesh and for matters connected therewith or incidental thereto.

According to the provisions of Article 246-A(1) of the Constitution of India, both the Parliament and the State Legislature have the power to make laws for the imposition of Goods and Services Tax. On the recommendation of GST Council, certain amendments were made in the Central Goods and Services Tax Act, 2017 (Act no. 12 of 2017) *vide* the Central Goods and Services Tax (Amendment) Act, 2023 (Act no. 30 of 2023), which was enacted by the Parliament and received the assent of the President on 18<sup>th</sup> August, 2023.

In view of the above, it was decided to amend the said Act to incorporate the amendments made in the Central Goods and Services Tax Act, 2017 at the State level as well, with the view to maintain uniformity in the Central Act and the State Act.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Goods and Services Tax (Second Amendment) Ordinance, 2023 (U.P. Ordinance no. 16 of 2023) was promulgated by the Governor on 30<sup>th</sup> September, 2023.

This Bill is introduced to replace the aforesaid Ordinance.

By order,  
ATUL SRIVASTAVA,  
*Pramukh Sachiv.*

पी०एस०यू०पी०-ए०पी० 790 राजपत्र-2023-(2262)-599 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।

पी०एस०यू०पी०-ए०पी० 141 सा० विधायी-2023-(2263)-300 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।

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