

FINANCE DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,

Mumbai 400 032, dated the 14th November 2017.

NOTIFICATION

Notification No. 46/2017-State Tax (Rate)

MAHARASHTRA GOODS AND SERVICES TAX ACT, 2017.

No. MGST-1017/C.R.202 (f)/Taxation-1.— In exercise of the powers conferred by sub-section (1) of section 9, sub-section (1) of section 11, sub-section (5) of section 15 and sub-section (1) of section 16 of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017), the Government of Maharashtra, on the recommendations of the Council and on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the Government Notification of the Finance Department No. MGST. 1017/C.R.103(10)/Taxation-1 [No.11/2017-State Tax (Rate)] dated the 29th June 2017, published in the *Maharashtra Government Gazette*, Part IV-B, Extra-Ordinary No. 182, dated the 29th June 2017, namely:-

In the said notification, in the Table,—

(i) against serial number 3, in column (3), in item (vi), for the words “Services provided”, the words “Composite supply of works contract as defined in clause (119) of section 2 of the Maharashtra Goods and Services Tax Act, 2017, provided” shall be substituted;

(ii) against serial number 7,—

(a) for item (i) in column (3) and the entries relating thereto in columns (3), (4) and (5), the following shall be substituted, namely:-

| (3) | (4) | (5) |
|---|-----|--|
| <p>“(i) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent. <i>Explanation.</i>- “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.</p> | 2.5 | <p>Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)].”;</p> |

- (b) for item (iii) in column (3) and the entries relating thereto in columns (3), (4) and (5), the following shall be substituted, namely:-

| (3) | (4) | (5) |
|---|-----|-----|
| <p>“(iii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent.</p> <p><i>Explanation.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.</p> | 9 | -”; |

- (c) the item (iv) in column (3) and the entries relating thereto in columns (3), (4) and (5), shall be omitted;

- (d) in item (ix), in column (3), for the entry, the following entry shall be substituted, namely:-

“(ix) Accommodation, food and beverage services other than (ii), (iii), (v), (vi), (vii) and (viii) above.

Explanation.- For the removal of doubt, it is hereby clarified that, supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent shall attract state tax @ 2.5% without any input tax credit under item (i) above and shall not be levied at the rate as specified under this entry.”;

- (iii) against serial number 26, in column (3), in item (i), after sub-item (h), the following shall be inserted, namely: -

‘(i) manufacture of handicraft goods.

Explanation. - The expression “handicraft goods” shall have the same meaning as assigned to it in the notification No. 32/2017 -State Tax, dated the 15th September, 2017 published in the *Maharashtra Government Gazette*, Extra-ordinary, Part IV-B, vide number G.S.R. 1158 (E), dated the 15th September, 2017 as amended from time to time.’

2. This notification shall come into force with effect from 15th of November, 2017.

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

R. D. BHAGAT,
Deputy Secretary to Government.

Note :—The principal notification was published in the *Maharashtra Government Gazette*, Extra-ordinary Part IV-B No. 182, dated the 29th June 2017 *vide* Government Notification, Finance Department Notification No. MGST-1017/C.R.-103(10)/Taxation.-1 [Notification No. 11/2017 – State Tax (Rate)], dated the 29th June 2017 and was last amended by the Government Notification, Finance Department Notification No. MGST-1017/C.R.184(1) /Taxation.-1 [Notification No.31/2017-State Tax (Rate)] published in the *Maharashtra Government Gazette*, Extra-ordinary Part IV-B No. 336 dated the 13th October 2017.