



**Government of Goa
Department of Commercial Taxes
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CCT/ 26-4/2017-2018/C / 2073

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CIRCULAR

(No. 28 / 2019-20 - GST)

Subject: Clarification on the effective date of explanation inserted in notification No. 38/1/2017-Fin(R&C)(11/2017-Rate) dated 30.06.2017, Sr. No. 3(vi) – reg.

Representations have been received to amend the effective date of notification No.38/1/2017-Fin(R&C)(17/2018-Rate) dated 26.07.2018 whereby explanation was inserted in notification No.38/1/2017-Fin(R&C)(11/2017-Rate) dated 30.06.2017, Sr. No. 3(vi) to the effect that for the purpose of the said entry, the activities or transactions under taken by Government and Local Authority are excluded from the term ‘business’.

2. The matter has been examined. Section 11(3) of Goa GST Act provides that the Government may insert an explanation in any notification issued under section 11, for the purpose of clarifying its scope or applicability, at any time within one year of issue of the notification and every such explanation shall have effect as if it had always been the part of the first such notification.

3. As recommended by GST Council, the explanation in question was inserted vide notification No.38/1/2017-Fin(R&C)(17/2018-Rate) dated 26.07.2018 in exercise of powers under section 11(3) within one year of the insertion of the original entry prescribing concessional rate, so that it would have effect from the date of inception of the entry i.e. 21.09.2017. However, like other notifications issued on 26.07.2018 to give effect to other recommendations of the GST Council, the said notification also contained a line in the last paragraph that the notification shall come into effect from 27.07.2018.



4. It is hereby clarified that the explanation having been inserted under section 11(3) of the Goa GST Act, is effective from the inception of the entry at Sl. No. 3(vi) of the notification No. 38/1/2017-Fin(R&C)(11/2017-Rate) dated 30.06.2017, that is 21.09.2017. The line in notification No38/1/2017-Fin(R&C)(17/2018-Rate) dated 26.07.2018 which states that the notification shall come into effect from 27.07.2017 does not alter the operation of the notification in terms of Section 11(3) as explained in para 3 above.

5. Difficulty, if any, in implementation of this circular may be brought to the notice of the undersigned.



(Dipak M. Bandekar)
**Commissioner of State
Tax, Goa**

Note : Similar circular is issued under Central Goods and Services Tax Act, 2017 by the Tax Research Unit, Department of Revenue, Ministry of Finance, GOI, New Delhi vide Circular No.120/39/2019-GST dated 11/10/2019.