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Ranchi, Tuesday, 14th November, 2017

COMMERCIAL TAXES DEPARTMENT

NOTIFICATION

14th November, 2017

NOTIFICATION No-46/2017 State Tax (Rate)

S.O. No.- 126- Dated. 14th November, 2017-- 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 Jharkhand Goods and Services Tax Act, 2017 (12 of 2017), the State Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest to do so, hereby makes the following further amendments in the notification of the Government of Jharkhand, (Department of Commercial Taxes), No.11/2017- State Tax (Rate), dated the 29th June, 2017, published in the Gazette of Jharkhand, *vide* S.O No-41, 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 Jharkhand 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>	9	-”;

<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>		
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(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 S.O No. 84 -State Tax, dated the 5th October, 2017 published in the Gazette of Jharkhand, as amended from time to time.’.

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

[File.No Va Kar / GST / 04/ 2017]
By the order of the Governor of Jharkhand

K. K. Khandelwal,

Principal Secretary-cum Commissioner.

Note: -The principal notification was published in the Gazette of Jharkhand, *vide* notification No. 11/2017 - State Tax(Rate), dated the 29th June, 2017, *vide* S.O No-41, dated the 29th June, 2017 and was last amended by notification No. 31/2017-State Tax (Rate) dated the 20th October, 2017 *vide* S.O No-97, dated the 20th October, 2017.