

**FINANCE DEPARTMENT**

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya  
Mumbai 400 032, Dated the 13<sup>th</sup> October 2017.

**NOTIFICATION**

Notification No.35/2017-State Tax (Rate)

MAHARASHTRA GOODS AND SERVICES TAX ACT, 2017.

No. MGST.1017/C.R. 184(5) /Taxation-1.- In exercise of the powers conferred by sub-section (1) of section 11 of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017), (hereinafter referred to as "said Act"), the Government of Maharashtra, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of Maharashtra in the Finance Department No. MGST. 1017/C.R. 103(1)/Taxation-1 [No. 2/2017-State Tax (Rate)], dated the 29th June 2017, published in the *Maharashtra Government Gazette*, Part IV-B, Extraordinary No. 182, dated the 29th June 2017, namely:-

02. In the said notification,-

**(A) in the Schedule,-**

- (i) after S. No. 122 and the entries relating thereto, the following serial number and the entries shall be inserted, namely: -

"122A	4907	Duty Credit Scrips";
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- (ii) after S. No. 149 and the entries relating thereto, the following serial number and the entries shall be inserted, namely: -

"150	-	Supply of goods by a Government entity to Central Government, State Government, Union territory, local authority or any person specified by Central Government, State Government, Union territory or local authority, against consideration received from Central Government, State Government, Union territory or local authority in the form of grants";
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**(B) in the Explanation,** after clause (iv), the following clause shall be inserted, namely:-

"(v) The phrase "Government Entity" shall mean an authority or a board or any other body including a society, trust, corporation, which is:

- (a) set up by an Act of Parliament or State Legislature; or  
(b) established by any Government,

with 90 percent or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State government, Union territory or a local authority."

**(C) in ANNEXURE I,** after point (b), the following proviso shall be inserted

"Provided that, if the person having an actionable claim or enforceable right on a brand name and the person undertaking packing of such goods in unit containers are two different persons, then the person having an actionable claim or enforceable right on a brand name shall file an affidavit to that effect with the jurisdictional Commissioner of Central tax of the person undertaking packing of such goods that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and he has authorised the person [undertaking

packing of such goods in unit containers bearing said brand name] to print on such unit containers in indelible ink, both in English and the local language, that in respect of such brand name he [the person owning the brand name] is voluntarily foregoing the actionable claim or enforceable right voluntarily on such brand name.”

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

R. D. BHAGAT,  
Deputy Secretary to Government.

*Note.-* The principal notification No.2/2017-State Tax (Rate), dated the 29th June, 2017 was published in the *Maharashtra Government Gazette*, Part IV-B, Extraordinary No. 182, dated the 29th June 2017 and was last amended by Notification No. MGST. 1017/C.R.167/Taxation-1., dated the 25<sup>th</sup> September, 2017 published in the *Maharashtra Government Gazette*, Part IV-B, Extraordinary No. 301, dated the 25th September, 2017.