

**THE ASSAM GOODS AND SERVICES TAX (SECOND AMENDMENT)
BILL, 2025**

**A
BILL**

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

Preamble

Whereas, it is expedient to amend the Assam Goods and Services Tax Act, 2017, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XXVIII
of 2017

It is hereby enacted in the Seventy-Sixth Year of the Republic of India as follows :—

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Goods and Services Tax (Second Amendment) Act, 2025.
- (2) It extends to the whole of Assam.
- (3) Save as otherwise provided, the provisions of this Act shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

**Amendment of
section 2**

2. In the principal Act, in section 2,
 - (i) in clause (61), in fifth line, in between the words “section 9”, and “for or on behalf”, the words, brackets and figures “of this Act or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Services Tax Act, 2017” shall be inserted with effect from the 1st day of April, 2025;
 - (ii) in clause (69), —
 - (a) in sub-clause (c), in fourth line, in between the words “a municipal” and “or local”, the word “fund” shall be inserted;
 - (b) after sub-clause (c), the following new Explanation shall be inserted, namely: —

“Explanation. —For the purposes of this sub-clause,

 - (a) “local fund” means any fund under the control or management of an authority of a local self-government established for discharging civic functions in relation to a Panchayat area and vested by law with the powers to levy, collect and appropriate any tax, duty, toll, cess or fee, by whatever name called;
 - (b) “municipal fund” means any fund under the control or management of an authority of a local self-government established for discharging civic functions in relation to a Metropolitan area or Municipal area and vested by law with the powers to levy, collect

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2017

and appropriate any tax, duty, toll, cess or fee, by whatever name called;”

- (iii) after clause (116), the following new clause shall be inserted, namely: —

“(116a) “unique identification marking” means the unique identification marking referred to in clause (b) of sub-section (2) of section 148A and includes a digital stamp, digital mark or any other similar marking, which is unique, secure and non-removable;”.

Amendment of
section 12

3. In the principal Act, in section 12, sub-section (4) shall be omitted.

Amendment of
section 13

4. In the principal Act, in section 13, sub-section (4) shall be omitted.

Amendment of
section 17

5. In the principal Act, in section 17, in sub-section (5), in clause (d), —

- (i) in the second line, for the words “plant or machinery”, the words “plant and machinery” shall be substituted and shall be deemed to have come into effect from the 1st day of July, 2017;

- (ii) the existing Explanation shall be renumbered as “Explanation 1” and thereafter the following new Explanation shall be inserted, namely: —

“Explanation 2. For the purposes of clause (d), it is hereby clarified that notwithstanding anything to the contrary contained in any judgment, decree or order of any court, tribunal, or other authority, any reference to “plant or machinery” shall be construed and shall always be deemed to have been construed as a reference to “plant and machinery”;”.

Amendment of
section 20

6. In the principal Act, in section 20, with effect from the 1st day of April, 2025, —

- (i) in sub-section (1), in the fifth line, in between the words “section 9” and “for or on behalf”, the words, brackets and figures “of this Act or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Services Tax Act, 2017” shall be inserted;

- (ii) in sub-section (2), in the sixth line, in between the words “section 9” and “paid by”, the words, brackets and figures “of this Act or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Services Tax Act, 2017,” shall be inserted.

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Amendment of
section 34

7. In the principal Act, in section 34, in sub-section (2), for the proviso, the following shall be substituted, namely:—

“Provided that no reduction in output tax liability of the supplier shall be permitted, if the,—

- (i) input tax credit as is attributable to such a credit note, if availed, has not been reversed by the recipient, where such recipient is a registered person; or
- (ii) incidence of tax on such supply has been passed on to any other person, in other cases.”.

Amendment of
section 38

8. In the principal Act, in section 38, —

- (i) in sub-section (1), in the fourth line, for the words “an auto-generated”, appearing in between the words “and” and “containing”, the words, “a statement” shall be substituted;
- (ii) in sub-section (2), —
 - (a) in first line, for the words “the auto-generated statement under”, the words “statement referred in” shall be substituted;
 - (b) in clause (a), in third line, the word “and” appearing at the end, shall be deleted;
 - (c) in clause (b), in the third line, in between the words “recipient,” and “on account”, the word “including” shall be inserted;
 - (d) after clause (b), the following new clause shall be inserted, namely: —

“(c) such other details as may be prescribed.”.

Amendment of
section 39

9. In the principal Act, in section 39, in sub-section (1), in eighth line, in between the words “such time” and “as may be”, the words “subject to such conditions and restrictions” shall be inserted.

Amendment of
section 107

10. In the principal Act, in section 107, in sub-section (6), for the proviso, the following shall be substituted, namely: —

“Provided that in case of any order demanding penalty without involving demand of any tax, no appeal shall be filed against such order unless a sum equal to ten per cent. of the said penalty has been paid by the appellant.”.

Amendment of
section 112

11. In the principal Act, in section 112, in sub-section (8), in clause (b), in third line, for the punctuation mark “.”, the punctuation mark “:” shall be substituted and thereafter the following new proviso shall be inserted, namely: —

“Provided that in case of any order demanding penalty without involving demand of any tax, no appeal shall be filed against such order unless a sum equal to ten per cent. of the said penalty, in addition to the amount payable under the proviso to sub-section (6) of section 107 has been paid by the appellant.”

Insertion of new
section 122B

12. In the principal Act, after section 122A, the following new section shall be inserted, namely: —

**“Penalty
for failure
to comply
with track
and trace
mechanism.**

122B. Notwithstanding anything contained in this Act, where any person referred to in clause (b) of sub-section (1) of section 148A acts in contravention of the provisions of the said section, he shall, in addition to any penalty under Chapter XV or the provisions of this Chapter, be liable to pay a penalty equal to an amount of one lakh rupees or ten per cent of the tax payable on such goods, whichever is higher.”

Insertion of new
section 148A

13. In the principal Act, after section 148, the following new section shall be inserted, namely: —

**“Track and
trace
mechanism
for certain
goods**

148A. (1) The Government may, on the recommendations of the Council, by notification, specify, —

- (a) the goods;
 - (b) persons or class of persons who are in possession or deal with such goods, to which the provisions of this section shall apply.
- (2) The Government may, in respect of the goods referred to in clause (a) of sub-section (1), —
- (a) provide a system for enabling affixation of unique identification marking and for electronic storage and access of information contained therein, through such persons, as may be prescribed; and
 - (b) prescribe the unique identification marking for such goods, including the information to be recorded therein.
- (3) The persons referred to in sub-section(1), shall,—
- (a) affix on the said goods or packages thereof, a unique identification marking, containing such information and in such manner;
 - (b) furnish such information and details within such time and maintain such records or documents, in such form and manner;
 - (c) furnish details of the machinery installed in the place of business of manufacture of such goods, including the identification, capacity, duration of operation and such other details or information, within such time and in such form and manner;
 - (d) pay such amount in relation to the system referred to in sub-section (2), as may be prescribed.”.

Amendment of
Schedule III

14. In the principal Act, in Schedule III, —

- (i) in paragraph 8, after clause (a), the following new clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017, namely: —

“(aa) Supply of goods warehoused in a Special Economic Zone or in a Free Trade Warehousing Zone to any person before clearance for exports or to the Domestic Tariff Area;”;

- (ii) in Explanation 2, after the words “For the purposes of”, the words, brackets and letter “clause (a) of” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017;

- (iii) after Explanation 2, the following new Explanations shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017, namely: —

“Explanation 3.—For the purposes of clause (aa) of paragraph 8, the expressions “Special Economic Zone”, “Free Trade Warehousing Zone” and “Domestic Tariff Area” shall have the same meanings respectively as assigned to them in section 2 of the Special Economic Zones Act, 2005.

Explanation 4.—No refund shall be made of all such tax which has been collected, but which would not have been so collected, had clause (aa) of paragraph 8, changes in Explanation 2 and Explanation 3 above been in force at all material times.”

Repeal and
savings

15. (1) The Assam Goods and Services Tax (Second amendment) Ordinance, 2025 is hereby repealed.

- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have done or taken under the corresponding provisions of this Act as if this Act had come into force on the date on which the said Ordinance came into force.

Assam
Ordinance
No.V of 2025


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 6.11.2025