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FINANCE DEPARTMENT

ORDER

The 30th June, 2020

S.R.O.No.159/2020.— WHEREAS, sub-section (2) of Section 29 of the Odisha Goods and Services Tax Act, 2017 (hereinafter referred to as the said Act) provides for cancellation of registration by proper officer in situations described in clauses (a) to (e) as under: -

(a) a registered person has contravened such provisions of the Act or the rules made thereunder as may be prescribed; or

(b) a person paying tax under section 10 has not furnished returns for three consecutive tax periods; or

(c) any registered person, other than a person specified in clause (b), has not furnished returns for a continuous period of six months; or

(d) any person who has taken voluntary registration under sub-section (3) of Section 25 has not commenced business within six months from the date of registration; or

(e) registration has been obtained by means of fraud, willful misstatement or suppression of facts:

Provided that the proper officer shall not cancel the registration without giving the person an opportunity of being heard.

AND, WHEREAS, sub-section (1) of Section 169 of the said Act provides for service of notice (opportunity of being heard); clauses (c) and (d) of said sub-section are as under:

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(c) by sending a communication to his e-mail address provided at the time of registration or as amended from time to time; or

(d) by making it available on the common portal; or

.....;

AND, WHEREAS, sub-section (1) of Section 30 of the said Act provides for application for revocation of cancellation of the registration within thirty days from the date of service of the cancellation order;

AND, WHEREAS, sub-section (1) of Section 107 of the said Act provides for filing appeal by any person aggrieved by any decision or order passed by an adjudicating authority within three months from the date on which the said decision or order is communicated to such person and sub-section (4) of Section 107 of the said Act empowers the Appellate Authority that it may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of one month;

AND, WHEREAS, a large number of registrations have been cancelled under sub-section (2) of Section 29 of the said Act by the proper officer by serving notices as per clause (c) and clause (d) of sub-section (1) of Section 169 of the said Act and the period of thirty days provided for application for revocation of cancellation order in sub-section (1) of Section 30 of the said Act, the period for filing appeal under section (1) of Section 107 of the said Act and also the period of condoning the delay provided in sub-section (4) of Section 107 of the said Act has elapsed; the registered persons whose registration have been cancelled under clause (b) or clause (c) of sub-section (2) of Section 29 of the said Act are unable to get their cancellation of registration revoked despite having fulfilled all the requirements for revocation of cancellation of registration; the said Act being a new Act, these taxpayers could not apply for revocation of cancellation within the specified time period of thirty days from the date of service of the cancellation order, as a result whereof certain difficulties have arisen in giving effects to the provisions of sub-section (1) of Section 30 of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by Section 172 of the Odisha Goods and Services Tax Act, 2017, the State Government, on the recommendations of the Goods and Services Tax Council, do hereby make the following Order, to remove the difficulties, namely: —

1. Short title.-This Order may be called the Odisha Goods and Services Tax (Removal of Difficulties) Order, 2020.

2. For the removal of difficulties, it is hereby clarified that for the purpose of calculating the period of thirty days for filing application for revocation of cancellation of registration under sub-section (1) of Section 30 of the Act for those registered persons

who were served notice under clause (b) or clause (c) of sub-section (2) of Section 29 in the manner as provided in clause (c) or clause (d) of sub-section (1) of Section 169 and where cancellation order was passed up to 12th June, 2020, the later of the following dates shall be considered:-

- a) Date of service of the said cancellation order; or
- b) 31st day of August, 2020.

[No.19381-FIN-CT1-TAX-0002/2020]

By Order of the Governor

SMITA ROUT

Joint Secretary to Government