No. MGST. 1017/C.R.167/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, Extra-ordinary No. 182, dated the 29th June 2017, namely :—

02. In the said notification,—

(A) in the Schedule,—

(i) against serial number 27, in column (3), for the words “other than put up in unit containers and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and—

(a) bearing a registered brand name ; or
(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted ;
(ii) against serial numbers 29 and 45, in column (3), for the words “other than put up in unit container and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(iii) against serial numbers 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77 and 78, in column (3), for the words “other than those put up in unit container and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(iv) against serial number 101, in column (3), for the words “other than put up in unit container and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(v) against serial number 108, in column (3), for the words “other than put up in unit containers and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and,—

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(vi) in S. No. 102, for the entries in column (2), the entries “2301, 2302, 2308, 2309”, shall be substituted;

(vii) after S. No. 102 and the entries relating thereto, the following serial number and the entries shall be inserted, namely :

“102A. 2306 Cotton seed oil cake”;

(viii) after S. No. 130 and the entries relating thereto, the following serial number and the entries shall be inserted, namely :

“130A. 50 to 55 Khadi fabric, sold through Khadi and Village Industries Commission (KVIC) and KVIC certified institutions/outlets”;

(ix) after S. No. 135 and the entries relating thereto, the following serial number and the entries shall be inserted, namely :

“135A. 69 Idols made of clay”;

(x) in S. No. 138, for the entry in column (3), the entry “Charkha for hand spinning of yarns, including amber charkha”, shall be substituted;

(xi) in S. No. 143, for the entry in column (3), the entry “Indigenous handmade musical instruments as listed in ANNEXURE II”, shall be substituted;
(xii) in S. No. 144, for the entry in column (3), the entry “Muddhas made of sarkanda, Brooms or brushes, consisting of twigs or other vegetable materials, bound together, with or without handles”, shall be substituted;

(B) in the Explanation, for clause (ii), the following shall be substituted, namely:

“(ii) (a) The phrase “brand name” means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase “registered brand name” means,—

(A) a brand registered as on the 15th May 2017 under the Trade Marks Act, 1999 irrespective of whether or not the brand is subsequently deregistered;

(B) a brand registered as on the 15th May 2017 under the Copyright Act, 1957 (14 of 1957);

(C) a brand registered as on the 15th May 2017 under any law for the time being in force in any other country.”;

(C) after paragraph 2, the following Annexures shall be inserted, namely:

“ANNEXURE I

For foregoing an actionable claim or enforceable right on a brand name,—

(a) the person undertaking packing of such goods in unit containers which bears a brand name shall file an affidavit to that effect with the jurisdictional Joint Commissioner of State tax that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and

(b) the person undertaking packing of such goods in unit containers which bear a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii)(a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily.

ANNEXURE II

List of indigenous handmade musical instruments

1. Bulbul Tarang
2. Dotar, Dotora, or Dotara
3. Ektara
4. Getchu Vadyam or Jhallari
5. Gopichand or Gopiyantra or Khamak
6. Gottuvadhyam or Chitravina
7. Katho
8. Sarod
9. Sitar
10. Surbahar
11. Surshringar
12. Swarabat
13. Swarmandal
14. Tambura
15. Tumbi
16. Tuntuna
<table>
<thead>
<tr>
<th></th>
<th>Instrument</th>
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<tbody>
<tr>
<td>17.</td>
<td>Magadi Veena</td>
</tr>
<tr>
<td>18.</td>
<td>Hansaveena</td>
</tr>
<tr>
<td>19.</td>
<td>Mohan Veena</td>
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<tr>
<td>20.</td>
<td>Nakula Veena</td>
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<tr>
<td>21.</td>
<td>Nanduni</td>
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<td>22.</td>
<td>Rudra Veena</td>
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<tr>
<td>23.</td>
<td>Saraswati Veena</td>
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<td>24.</td>
<td>Vichitra Veena</td>
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<td>25.</td>
<td>Yazh</td>
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<td>26.</td>
<td>Ranjan Veena</td>
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<td>27.</td>
<td>Triveni Veena</td>
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<td>28.</td>
<td>Chikara</td>
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<tr>
<td>29.</td>
<td>Dilruba</td>
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<tr>
<td>30.</td>
<td>Ektara Violin</td>
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<td>31.</td>
<td>Esraj</td>
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<td>32.</td>
<td>Kamaicha</td>
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<tr>
<td>33.</td>
<td>Mayuri Vina or Taus</td>
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<td>34.</td>
<td>Onavillu</td>
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<tr>
<td>35.</td>
<td>Behala(violin type)</td>
</tr>
<tr>
<td>36.</td>
<td>Pena or Bana</td>
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<tr>
<td>37.</td>
<td>Pulluvan veena - one stringed violin</td>
</tr>
<tr>
<td>38.</td>
<td>Ravanahatha</td>
</tr>
<tr>
<td>39.</td>
<td>Folk Sarangi</td>
</tr>
<tr>
<td>40.</td>
<td>Classical Sarangi</td>
</tr>
<tr>
<td>41.</td>
<td>Sarinda</td>
</tr>
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<td>42.</td>
<td>Tar Shehnai</td>
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<tr>
<td>43.</td>
<td>Gethu or Jhallari</td>
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<tr>
<td>44.</td>
<td>Gubguba or Jamuku - Percussion string instrument</td>
</tr>
<tr>
<td>45.</td>
<td>Pulluvan kutam</td>
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<tr>
<td>46.</td>
<td>Santoor - Hammered chord box</td>
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<td>47.</td>
<td>Pepa</td>
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<td>48.</td>
<td>Pungi or Been</td>
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<tr>
<td>49.</td>
<td>Indian Harmonium : Double reed</td>
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<tr>
<td>50.</td>
<td>Kuzhal</td>
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<tr>
<td>51.</td>
<td>Nadaswaram</td>
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<tr>
<td>52.</td>
<td>Shehnai</td>
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<td>53.</td>
<td>Sundari</td>
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<td>54.</td>
<td>Tangmuri</td>
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<td>55.</td>
<td>Alghoza - double flute</td>
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<td>56.</td>
<td>Bansuri</td>
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<td>57.</td>
<td>Venu (Carnatic flute) Pullanguzhal</td>
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<td>58.</td>
<td>Mashak</td>
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<td>59.</td>
<td>Titti</td>
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<td>60.</td>
<td>Sruti upanga</td>
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<td>61.</td>
<td>Gogona</td>
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<td>62.</td>
<td>Morsing</td>
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<tr>
<td>63.</td>
<td>Shruti box</td>
</tr>
<tr>
<td>64.</td>
<td>Harmonium (hand-pumped)</td>
</tr>
</tbody>
</table>
65. Ekkalam
66. Karnal
67. Ramsinga
68. Kahal
69. Nagphani
70. Turi
71. Dhad
72. Damru
73. Dimadi
74. Dhol
75. Dholak
76. Dholki
77. Duggi
78. Ghat singhari or gada singari
79. Ghumot
80. Gummeta
81. Kanjira
82. Khol
83. Kinpar and Dhopar (tribal drums)
84. Maddale
85. Maram
86. Mizhavu
87. Mridangam
88. Pakhavaj
89. Pakhavaj jori - Sikh instrument similar to tabla
90. Panchamukha vadyam
91. Pung
92. Shuddha madalam or Maddalam
93. Tabala / tabl / chameli - goblet drum
94. Tabla
95. Tabla tarang - set of tablas
96. Tamte
97. Thanthi Panai
98. Thimila
99. Tumbak, tumbaknari, tumbaknaer
100. Daff, duff, daf or duf Dimdi or dimri - small frame drum without jingles
101. Kanjira - small frame drum with one jingle
102. Kansi - small without jingles
103. Patayani thappu - medium frame drum played with hands
104. Chenda
105. Dollu
106. Dhak
107. Dhol
108. Dholi
109. Idakka
110. Thavil
111. Udukai
112. Chande
113. Nagara - pair of kettledrums
114. Pambai - unit of two cylindrical drums
115. Parai thappu, halgi - frame drum played with two sticks
116. Sambal
117. Stick daff or stick duff - daff in a stand played with sticks
118. Tamak'
119. Tasha - type of kettledrum
120. Urumee
121. Jaltarang Chimpta - fire tong with brass jingles
122. Chengila - metal disc
123. Elathalam
124. Geger - brass vessel
125. Ghatam and Matkam (Earthenware pot drum)
126. Ghungroo
127. Khartal or Chiplya
128. Manjeera or jhanj or taal
129. Nut - clay pot
130. Sankarjang - lithophone
131. Thali - metal plate
132. Thattukazhi mannai
133. Kanch tarang, a type of glass harp
134. Kashthha tarang, a type of xylophone.”.

03. This Notification shall come into effect from the 22nd day of September, 2017.

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 Maharashta Government Gazette, Part IV-B, Extra-ordinary No. 182, dated the 29th June 2017.