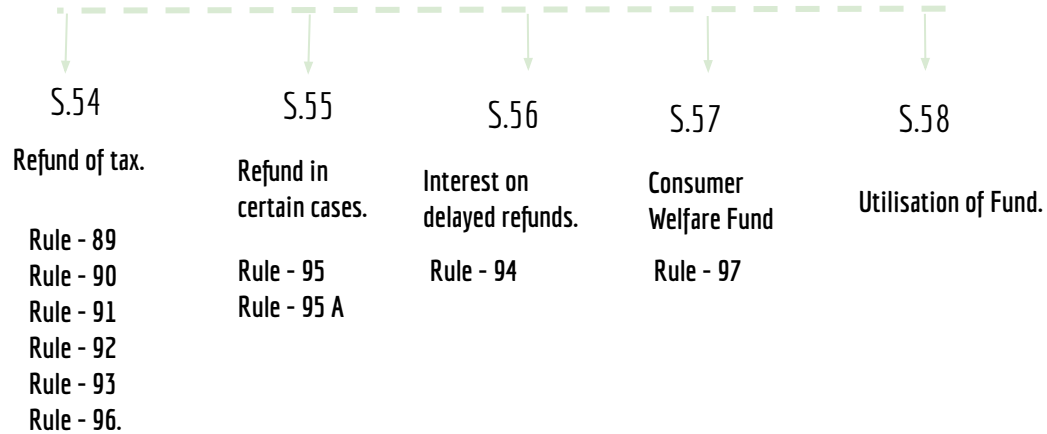


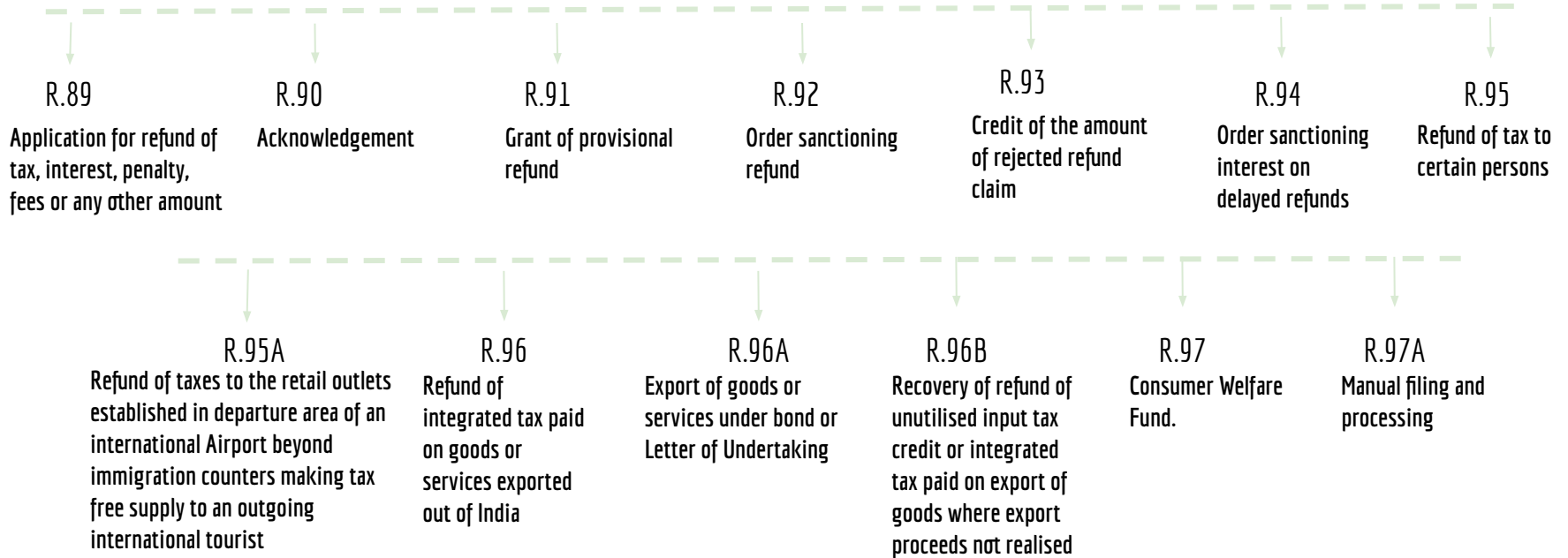


Cgst Act Chapter XI - Refunds





Chapter X - Refunds





Section 54 of CGST Act

S.54(1)

Time limit to file refund

-Within 2 years from the relevant date
Proviso- Refund of balance from cash ledger can be filed while filing return of section 39.

S.54(2)

UN agencies and Embassy

UN Agencies and Embassy can file a refund of tax paid on purchase can file a refund within 6 months

S.54(3)

Refund of ITC

Refund of ITC can be claimed anytime
1st Proviso-No refund other than the **Zero rated supply and inverted rated supply.**
2nd Proviso- No refund of the goods are liable for export duty
3rd Proviso- No refund in case of Drawback or refund of IGST paid

S.54(4)

Documents

a.Prescribed
b.Incidence of tax or interest is not passed on.
1st Proviso- No need for documents, only declaration for refunds upto Rs. 2 lac.

S.54(5)

Refund to Fund

Refund shall be transferred to the IPF u/s 57

S.54(6)

Provisional Refund

A provisional refund can be granted within 90 days

S.54(7)

Refund order shall be granted within 60 days from receipt of application

S.54(8)

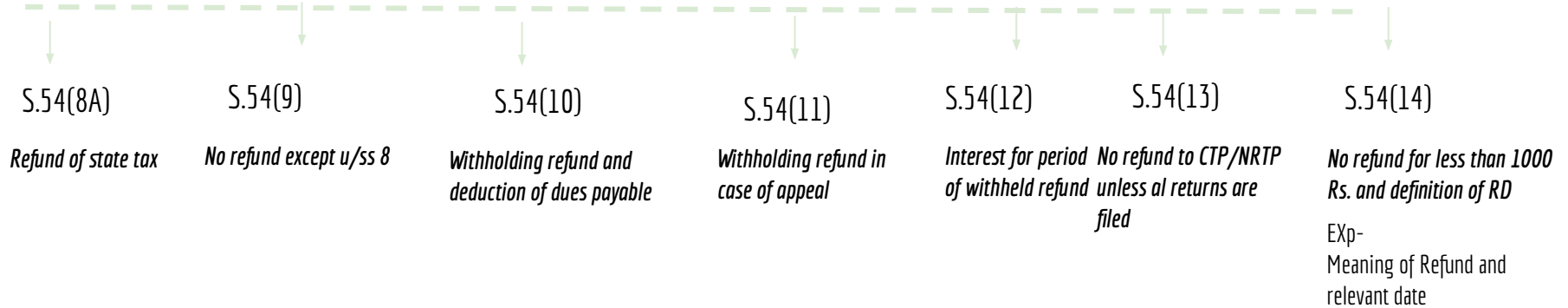
Refund to taxpayer

-Export supply
-ITC u/ss 3
-Tax on advance when there is no supply
-Tax u/s 77
-Incidence is not passed
-Prescribed





Section 54 of CGST Act



Section-54

(1) Any person claiming refund of any tax and interest, if any, paid on such tax or any other amount paid by him, may make an application before the expiry of two years from the relevant date in such form and manner as may be prescribed:
Provided that a registered person, claiming refund of any balance in the electronic cash ledger in accordance with the provisions of sub-section (6) of section 49, may claim such refund in the return furnished under section 39 in such manner as may be prescribed.

(2) A specialised agency of the United Nations Organisation or any Multilateral Financial Institution and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947, Consulate or Embassy of foreign countries or any other person or class of persons, as notified under section 55, entitled to a refund of tax paid by it on inward supplies of goods or services or both, may make an application for such refund, in such form and manner as may be prescribed, before the expiry of six months from the last day of the quarter in which such supply was received.



16. (1) “**zero rated supply**” means any of the following supplies of goods or services or both, namely:--

(a) export of goods or services or both; or (b) supply of goods or services or both to a Special Economic Zone developer or a Special Economic Zone unit.

(2) Subject to the provisions of sub-section (5) of section 17 of the Central Goods and Services Tax Act, credit of input tax may be availed for making zero-rated supplies, notwithstanding that such supply may be an exempt supply.

(3) A registered person making zero rated supply shall be eligible to claim refund under either of the following options, namely:--

(a) he may supply goods or services or both under bond or Letter of Undertaking, subject to such conditions, safeguards and procedure as may be prescribed, without payment of integrated tax and claim refund of unutilised input tax credit; or

(b) he may supply goods or services or both, subject to such conditions, safeguards and procedure as may be prescribed, on payment of integrated tax and claim refund of such tax paid on goods or services or both supplied, in accordance with the provisions of section 54 of the Central Goods and Services Tax Act or the rules made thereunder.



(5) “**export of goods**” with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India;

(6) “**export of services**” means the supply of any service when,--

(i) the supplier of service is located in India;

(ii) the recipient of service is located outside India;

(iii) the place of supply of service is outside India;

(iv) the payment for such service has been received by the supplier of service in convertible foreign exchange or in Indian rupees wherever permitted by the Reserve Bank of India; and

(v) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;



(10) **“import of goods”** with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India;

(11) **“import of services”** means the supply of any service, where--

(i) the supplier of service is located outside India;

(ii) the recipient of service is located in India; and

(iii) the place of supply of service is in India;



(3) Subject to the provisions of sub-section (10), a registered person may claim refund of any unutilised input tax credit at the end of any tax period:

Provided that no refund of unutilised input tax credit shall be allowed in cases other than--

(i) zero rated supplies made without payment of tax;

(ii) where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on output supplies (other than nil rated or fully exempt supplies), except supplies of goods or services or both as may be notified by the Government on the recommendations of the Council:

Provided further that no refund of unutilised input tax credit shall be allowed in cases where the goods exported out of India are subjected to export duty:

Provided also that no refund of input tax credit shall be allowed, if the supplier of goods or services or both avails of drawback in respect of central tax or claims refund of the integrated tax paid on such supplies.



(4) The application shall be accompanied by—

(a) such documentary evidence as may be prescribed to establish that a refund is due to the applicant; and

(b) such documentary or other evidence (including the documents referred to in section 33) as the applicant may furnish to establish that the amount of tax and interest, if any, paid on such tax or any other amount paid in relation to which such refund is claimed was collected from, or paid by, him and the incidence of such tax and interest had not been passed on to any other person:

Provided that where the amount claimed as refund is less than two lakh rupees, it shall not be necessary for the applicant to furnish any documentary and other evidences but he may file a declaration, based on the documentary or other evidences available with him, certifying that the incidence of such tax and interest had not been passed on to any other person.

(5) If, on receipt of any such application, the proper officer is satisfied that the whole or part of the amount claimed as refund is refundable, he may make an order accordingly and the amount so determined shall be credited to the Fund referred to in section 57.



(6) Notwithstanding anything contained in sub-section (5), the proper officer may, in the case of any claim for refund on account of zero-rated supply of goods or services or both made by registered persons, other than such category of registered persons as may be notified by the Government on the recommendations of the Council, refund on a provisional basis, ninety per cent. of the total amount so claimed, excluding the amount of input tax credit provisionally accepted, in such manner and subject to such conditions, limitations and safeguards as may be prescribed and thereafter make an order under sub-section (5) for final settlement of the refund claim after due verification of documents furnished by the applicant.

(7) The proper officer shall issue the order under sub-section (5) within sixty days from the date of receipt of application complete in all respects.



(8) Notwithstanding anything contained in sub-section (5), the refundable amount shall, instead of being credited to the Fund, be paid to the applicant, if such amount is relatable to—

- (a) refund of tax paid on [~~zero-rated supplies~~ **Export**]¹ of goods or services or both or on inputs or input services used in making such [~~zero-rated supplies~~ **exports**]¹
- (b) refund of unutilised input tax credit under sub-section (3);
- (c) refund of tax paid on a supply which is not provided, either wholly or partially, and for which invoice has not been issued, or where a refund voucher has been issued;

{ Substituted vide Central Goods and Services Tax (Amendment) Act, 2018 w.e.f. 01-02-2019};



(d) refund of tax in pursuance of section 77;

(e) the tax and interest, if any, or any other amount paid by the applicant, if he had not passed on the incidence of such tax and interest to any other person; or

(f) the tax or interest borne by such other class of applicants as the Government may, on the recommendations of the Council, by notification, specify.

(8A) The Government may disburse the refund of the State tax in such manner as may be prescribed.

(9) Notwithstanding anything to the contrary contained in any judgment, decree, order or direction of the Appellate Tribunal or any court or in any other provisions of this Act or the rules made thereunder or in any other law for the time being in force, no refund shall be made except in accordance with the provisions of sub-section (8).

[Inserted vide FINANCE (NO. 2) ACT, 2019 w.e.f. 01-09-2019].



(10) Where any refund is due under sub-section (3) to a registered person who has defaulted in furnishing any return or who is required to pay any tax, interest or penalty, which has not been stayed by any court, Tribunal or Appellate Authority by the specified date, the proper officer may—

(a) withhold payment of refund due until the said person has furnished the return or paid the tax, interest or penalty, as the case may be;

(b) deduct from the refund due, any tax, interest, penalty, fee or any other amount which the taxable person is liable to pay but which remains unpaid under this Act or under the existing law.

Explanation.—For the purposes of this sub-section, the expression “specified date” shall mean the last date for filing an appeal under this Act.

(11) Where an order giving rise to a refund is the subject matter of an appeal or further proceedings or where any other proceedings under this Act is pending and the Commissioner is of the opinion that grant of such refund is likely to adversely affect the revenue in the said appeal or other proceedings on account of malfeasance or fraud committed, he may, after giving the taxable person an opportunity of being heard, withhold the refund till such time as he may determine.



(12) Where a refund is withheld under sub-section (11), the taxable person shall, notwithstanding anything contained in section 56, be entitled to interest at such rate not exceeding six per cent. as may be notified on the recommendations of the Council, if as a result of the appeal or further proceedings he becomes entitled to refund.

(13) Notwithstanding anything to the contrary contained in this section, the amount of advance tax deposited by a casual taxable person or a non-resident taxable person under sub-section (2) of section 27, shall not be refunded unless such person has, in respect of the entire period for which the certificate of registration granted to him had remained in force, furnished all the returns required under section 39.

(14) Notwithstanding anything contained in this section, no refund under sub-section (5) or sub-section (6) shall be paid to an applicant, if the amount is less than one thousand rupees.



Explanation.—For the purposes of this section,—

(1) “refund” includes refund of tax paid on zero-rated supplies of goods or services or both or on inputs or input services used in making such zero-rated supplies, or refund of tax on the supply of goods regarded as deemed exports, or refund of unutilised input tax credit as provided under sub-section (3).

(2) “relevant date” means—

(a) in the case of goods exported out of India where a refund of tax paid is available in respect of goods themselves or, as the case may be, the inputs or input services used in such goods,—

- (i) if the goods are exported by sea or air, the date on which the ship or the aircraft in which such goods are loaded, leaves India; or
- (ii) if the goods are exported by land, the date on which such goods pass the frontier; or
- (iii) if the goods are exported by post, the date of despatch of goods by the Post Office concerned to a place outside India;

(b) in the case of supply of goods regarded as deemed exports where a refund of tax paid is available in respect of the goods, the date on which the return relating to such deemed exports is furnished;



(c) in the case of services exported out of India where a refund of tax paid is available in respect of services themselves or, as the case may be, the inputs or input services used in such services, the date of--

- (i) receipt of payment in convertible foreign exchange or **in Indian rupees wherever permitted by the Reserve Bank of India** [Inserted vide Central Goods and Services Tax (Amendment) Act, 2018 w.e.f. 01-02-2019] where the supply of services had been completed prior to the receipt of such payment; or
- (ii) issue of invoice, where payment for the services had been received in advance prior to the date of issue of the invoice;

(d) in case where the tax becomes refundable as a consequence of judgment, decree, order or direction of the Appellate Authority, Appellate Tribunal or any court, the date of communication of such judgment, decree, order or direction;

~~(e) in the case of refund of unutilised input tax credit under sub-section (3), the end of the financial year in which such claim for refund arises;~~ **in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under section 39 for the period in which such claim for refund arises**

[Substituted vide Central Goods and Services Tax (Amendment) Act, 2018 w.e.f. 01-02-2019]



(f) in the case where tax is paid provisionally under this Act or the rules made thereunder, the date of adjustment of tax after the final assessment thereof;

(g) in the case of a person, other than the supplier, the date of receipt of goods or services or both by such person; and

(h) in any other case, the date of payment of tax.





Section 55 of CGST Act



*Refund to UNO / MFIO / Consulate /
Embassy or prescribed Class*



Section-55

The Government may, on the recommendations of the Council, by notification, specify any specialised agency of the United Nations Organisation or any Multilateral Financial Institution and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947, Consulate or Embassy of foreign countries and any other person or class of persons as may be specified in this behalf, who shall, subject to such conditions and restrictions as may be prescribed, be entitled to claim a refund of taxes paid on the notified supplies of goods or services or both received by them.





Section 56 of CGST Act



Interest for late payment of refund

Interest at 6% if refund is not paid within 60 days

1st Proviso- When a refund order is passed by an adjudicating authority or Appellate Authority or Appellate Tribunal or court-refund within 60 days

Exp-When an order is passed against the order by PO u/ss 5, it shall be deemed to be passed u/ss 5



Section-56

If any tax ordered to be refunded under sub-section (5) of section 54 to any applicant is not refunded within sixty days from the date of receipt of application under sub-section (1) of that section, interest at such rate not exceeding six per cent. as may be specified in the notification issued by the Government on the recommendations of the Council shall be payable in respect of such refund from the date immediately after the expiry of sixty days from the date of receipt of application under the said sub-section till the date of refund of such tax:

Provided that where any claim of refund arises from an order passed by an adjudicating authority or Appellate Authority or Appellate Tribunal or court which has attained finality and the same is not refunded within sixty days from the date of receipt of application filed consequent to such order, interest at such rate not exceeding nine per cent. as may be notified by the Government on the recommendations of the Council shall be payable in respect of such refund from the date immediately after the expiry of sixty days from the date of receipt of application till the date of refund.



Explanation.--For the purposes of this section, where any order of refund is made by an Appellate Authority, Appellate Tribunal or any court against an order of the proper officer under sub-section (5) of section 54, the order passed by the Appellate Authority, Appellate Tribunal or by the court shall be deemed to be an order passed under the said sub-section (5).





Section 57 of CGST Act



Consumer Welfare Fund

- Amount credited u/ss 54(5)
- Interest on funds
- Any other Amount



Section-57

The Government shall constitute a Fund, to be called the Consumer Welfare Fund and there shall be credited to the Fund,—

- (a) the amount referred to in sub-section (5) of section 54;
- (b) any income from investment of the amount credited to the Fund; and
- (c) such other monies received by it, in such manner as may be prescribed.





Section 58 of CGST Act



Utilization of Consumer Welfare Fund

- (1) By Govt in prescribed manner
- (2) Maintenance of accounts of fund



Section- 58

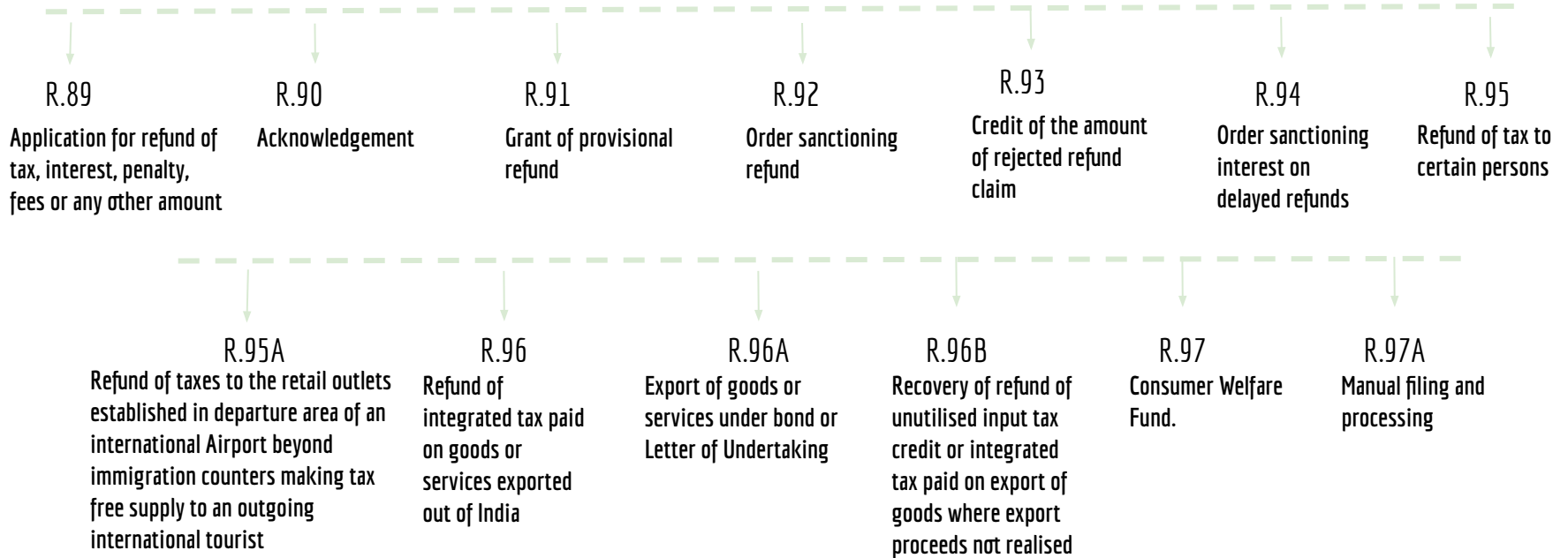
(1) All sums credited to the Fund shall be utilised by the Government for the welfare of the consumers in such manner as may be prescribed.

(2) The Government or the authority specified by it shall maintain proper and separate account and other relevant records in relation to the Fund and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.





Chapter X - Refunds





Rule 89 - Application for refund of tax, interest, penalty, fees or any other amount.-

89(1)

Filing form GST RFD 01 electronically for refund of any amount paid except igst on export of goods

Proviso 1 - claim of refund of balance of Cash ledger in accordance with 49(6)

Proviso 2 - Refund of supplies to SEZ

- (a) Goods - if admitted by sez
- (b) Services - on receipt

Proviso 3- Refund of Deemed Exports
rw notification no. 48/2017

Proviso 4 - refund of adv. Tax deposited under sec. 27 shall be claimed in Last return

89(2)

Documentary evidences to be accompanied with Form GST RFD 01

89(3)

In case of refund of ITC . Credit ledger will be debited by claimed amount.

89(4)

Refund Amount = $(\text{Turnover of zero-rated supply of goods} + \text{Turnover of zero-rated supply of services}) \times \text{Net ITC} \div \text{Adjusted Total Turnover}$





Rule 89 - Application for refund of tax, interest, penalty, fees or any other amount.-

89(4A)

In Case supplier has received benefit of Govt. of india [Notification no. 48/2017 CT] refund of ITC, in respect of other inputs or inputs used in making zero rated supplies Shall be granted.

89(4B)

In case Supplier has received benefit under notification 40/2017 CTR & , supplier has availed benefit of Notification 78/2017- Customs then , refund of Inputs under said notifications & ITC on input or input services to the extent used in such Export of goods Shall be Granted

89(5)

Maximum Refund Amount = {(Turnover of inverted rated supply of goods and services) × Net ITC ÷ Adjusted Total Turnover} - tax payable on such inverted rated supply of goods and services.



RULE - 89

Application for refund of tax, interest, penalty, fees or any other amount.-

- (1) Any person, except the persons covered under notification issued under section 55, claiming refund of any tax, interest, penalty, fees or any other amount paid by him, other than refund of integrated tax paid on goods exported out of India, may file an application electronically in **FORM GST RFD-01** through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

Provided that any claim for refund relating to balance in the electronic cash ledger in accordance with the provisions of sub-section (6) of section 49 may be made through the return furnished for the relevant tax period in **FORM GSTR-3** or **FORM GSTR-4** or **FORM GSTR-7**, as the case may be:



Provided further that in respect of supplies to a Special Economic Zone unit or a Special Economic Zone developer, the application for refund shall be filed by the -

- (a) supplier of goods after such goods have been admitted in full in the Special Economic Zone for authorised operations, as endorsed by the specified officer of the Zone;
- (b) supplier of services along with such evidence regarding receipt of services for authorised operations as endorsed by the specified officer of the Zone:

~~Provided also that in respect of supplies regarded as deemed exports, the application shall be filed by the recipient of deemed export supplies~~

Provided also that in respect of supplies regarded as deemed exports, the application may be filed by, -

- (a) the recipient of deemed export supplies; or
- (b) the supplier of deemed export supplies in cases where the recipient does not avail of input tax credit on such supplies and furnishes an undertaking to the effect that the supplier may claim the refund

Substituted vide not. no. 47/2017 - Dated 18-10-2017



Provided also that refund of any amount, after adjusting the tax payable by the applicant out of the advance tax deposited by him under section 27 at the time of registration, shall be claimed in the last return required to be furnished by him.

- (2) The application under sub-rule (1) shall be accompanied by any of the following documentary evidences in Annexure 1 in **Form GST RFD-01**, as applicable, to establish that a refund is due to the applicant, namely:-
- (a) the reference number of the order and a copy of the order passed by the proper officer or an appellate authority or Appellate Tribunal or court resulting in such refund or reference number of the payment of the amount specified in subsection (6) of section 107 and sub-section (8) of section 112 claimed as refund;
 - (b) a statement containing the number and date of shipping bills or bills of export and the number and the date of the relevant export invoices, in a case where the refund is on account of export of goods;



- (c) a statement containing the number and date of invoices and the relevant Bank Realisation Certificates or Foreign Inward Remittance Certificates, as the case may be, in a case where the refund is on account of the export of services;
- (d) a statement containing the number and date of invoices as provided in rule 46 along with the evidence regarding the endorsement specified in the second proviso to sub-rule (1) in the case of the supply of goods made to a Special Economic Zone unit or a Special Economic Zone developer;
- (e) a statement containing the number and date of invoices, the evidence regarding the endorsement specified in the second proviso to sub-rule (1) and the details of payment, along with the proof thereof, made by the recipient to the supplier for authorised operations as defined under the Special Economic Zone Act, 2005, in a case where the refund is on account of supply of services made to a Special Economic Zone unit or a Special Economic Zone developer;



- ~~(e) a declaration to the effect that the Special Economic Zone unit or the Special Economic Zone developer has not availed the input tax credit of the tax paid by the supplier of goods or services or both, in a case where the refund is on account of supply of goods or services made to a Special Economic Zone unit or a Special Economic Zone developer;~~
- (f) a declaration to the effect that tax has not been collected from the Special Economic Zone unit or the Special Economic Zone developer, in a case where the refund is on account of supply of goods or services or both made to a Special Economic Zone unit or a Special Economic Zone developer;
- (g) a statement containing the number and date of invoices along with such other evidence as may be notified in this behalf, in a case where the refund is on account of deemed exports;
- (h) a statement containing the number and the date of the invoices received and issued during a tax period in a case where the claim pertains to refund of any unutilised input tax credit under sub-section (3) of section 54 where the credit has accumulated on account of the rate of tax on the inputs being higher than the rate of tax on output supplies, other than nil-rated or fully exempt supplies;

Substituted vide Notification No. 03/2019-Central Tax dated 29-01-2019



- (i) the reference number of the final assessment order and a copy of the said order in a case where the refund arises on account of the finalisation of provisional assessment;
- (j) a statement showing the details of transactions considered as intra-State supply but which is subsequently held to be inter-State supply;
- (k) a statement showing the details of the amount of claim on account of excess payment of tax;
- (l) a declaration to the effect that the incidence of tax, interest or any other amount claimed as refund has not been passed on to any other person, in a case where the amount of refund claimed does not exceed two lakh rupees:

Provided that a declaration is not required to be furnished in respect of the cases covered under clause (a) or clause (b) or clause (c) or clause (d) or clause (f) of sub-section (8) of section 54;



- (m) a Certificate in Annexure 2 of **FORM GST RFD-01** issued by a chartered accountant or a cost accountant to the effect that the incidence of tax, interest or any other amount claimed as refund has not been passed on to any other person, in a case where the amount of refund claimed exceeds two lakh rupees:

Provided that a certificate is not required to be furnished in respect of cases covered under clause (a) or clause (b) or clause (c) or clause (d) or clause (f) of subsection (8) of section 54;

Explanation.- For the purposes of this rule-

- (i) in case of refunds referred to in clause (c) of sub-section (8) of section 54, the expression “invoice” means invoice conforming to the provisions contained in section 31;
- (ii) where the amount of tax has been recovered from the recipient, it shall be deemed that the incidence of tax has been passed on to the ultimate consumer.



- (3) Where the application relates to refund of input tax credit, the electronic credit ledger shall be debited by the applicant by an amount equal to the refund so claimed.
- (4) ~~In the case of zero rated supply of goods or services or both without payment of tax under bond or letter of undertaking in accordance with the provisions of sub-section (3) of section 16 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), refund of input tax credit shall be granted as per the following formula—~~

$$\text{Refund Amount} = \frac{(\text{Turnover of zero rated supply of goods} + \text{Turnover of zero rated supply of services}) \times \text{Net ITC}}{\text{Adjusted Total Turnover}}$$

~~Where,—~~

- (a) ~~“Refund amount” means the maximum refund that is admissible;~~
- (b) ~~“Net ITC” means input tax credit availed on inputs and input services during the relevant period;~~



~~(C) "Turnover of zero rated supply of goods" means the value of zero rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking;~~

~~(D) "Turnover of zero rated supply of services" means the value of zero rated supply of services made without payment of tax under bond or letter of undertaking, calculated in the following manner, namely:-~~

~~Zero rated supply of services is the aggregate of the payments received during the relevant period for zero rated supply of services and zero rated supply of services where supply has been completed for which payment had been received in advance in any period prior to the relevant period reduced by advances received for zero rated supply of services for which the supply of services has not been completed during the relevant period;~~

~~(E) "Adjusted Total turnover" means the turnover in a State or a Union territory, as defined under 1[clause] (112) of section 2, excluding the value of exempt supplies other than zero rated supplies, during the relevant period;~~

~~(F) "Relevant period" means the period for which the claim has been filed."~~

- (4) In the case of zero-rated supply of goods or services or both without payment of tax under bond or letter of undertaking in accordance with the provisions of subsection (3) of section 16 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), refund of input tax credit shall be granted as per the following formula -

$$\text{Refund Amount} = (\text{Turnover of zero-rated supply of goods} + \text{Turnover of zero-rated supply of services}) \times \text{Net ITC} \div \text{Adjusted Total Turnover}$$

Where, -

- (A) "Refund amount" means the maximum refund that is admissible;
- (B) "Net ITC" means input tax credit availed on inputs and input services during the relevant period other than the input tax credit availed for which refund is claimed under sub-rules (4A) or (4B) or both;

Substituted vide Notification No. 75/2017 Dated 29-12-2017, w.e.f. 23rd October, 2017



~~(C) "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both;~~

(C) "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking or the value which is 1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier, as declared by the supplier, whichever is less, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both;

(D) "Turnover of zero-rated supply of services" means the value of zero-rated supply of services made without payment of tax under bond or letter of undertaking, calculated in the following manner, namely:-

Zero-rated supply of services is the aggregate of the payments received during the relevant period for zero-rated supply of services and zero-rated supply of services where supply has been completed for which payment had been received in advance in any period prior to the relevant period reduced by advances received for zero-rated supply of services for which the supply of services has not been completed during the relevant period;

Substituted vide Notification No. 16/2020 – Central Tax dated 23-03-2020



~~(E) "Adjusted Total turnover" means the turnover in a State or a Union territory, as defined under clause (112) of section 2, excluding~~

~~(a) the value of exempt supplies other than zero-rated supplies and~~

~~(b) the turnover of supplies in respect of which refund is claimed under subrules (4A) or (4B) or both, if any, during the relevant period;~~

(E) "Adjusted Total Turnover" means the sum total of the value of-

(a) the turnover in a State or a Union territory, as defined under clause (112) of section 2, excluding the turnover of services; and

(b) the turnover of zero-rated supply of services determined in terms of clause (D) above and non-zero-rated supply of services,

excluding-

(i) the value of exempt supplies other than zero-rated supplies; and

(ii) the turnover of supplies in respect of which refund is claimed under sub-rule (4A) or sub-rule (4B) or both, if any, during the relevant period.

Substituted vide Notification No. 54/2018 - Central Tax dated 09-10-2018



(F) “Relevant period” means the period for which the claim has been filed.

~~(4A) In the case of supplies received on which the supplier has availed the benefit of notification No. 48/2017 Central Tax dated 18th October, 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.~~

~~(4B) In the case of supplies received on which the supplier has availed the benefit of notification No. 40/2017 Central Tax (Rate) dated 23rd October, 2017 or notification No. 41/2017 Integrated Tax (Rate) dated 23rd October, 2017, or both, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.~~

(4A) In the case of supplies received on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 48/2017-Central Tax dated the 18th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E) dated the 18th October, 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.

Substituted vide Notification No. 3/2018 Dated 23-01-2018, w.e.f. 23rd October, 2017



- ~~(4B) In the case of supplies received on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 40/2017-Central Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E) dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321(E) dated the 23rd October, 2017 or notification No. 78/2017-Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E) dated the 13th October, 2017 or notification No. 79/2017-Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299(E) dated the 13th October, 2017, or all of them, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.~~
- (4B) Where the person claiming refund of unutilised input tax credit on account of zero rated supplies without payment of tax has -
- (a) received supplies on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 40/2017-Central Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E), dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321(E), dated the 23rd October, 2017; or



(b) availed the benefit of notification No. 78/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299(E), dated the 13th October, 2017,

the refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.

Substituted vide Notification No. 54/2018 - Central Tax dated 09-10-2018



~~(5) In the case of refund on account of inverted duty structure, refund of input tax credit shall be granted as per the following formula—
Maximum Refund Amount — {(Turnover of inverted rated supply of goods) x Net ITC : Adjusted Total Turnover} — tax payable on such inverted rated supply of goods~~

~~Explanation. For the purposes of this sub rule, the expressions “Net ITC” and “Adjusted Total turnover” shall have the same meanings as assigned to them in sub rule (4).~~

~~(5). In the case of refund on account of inverted duty structure, refund of input tax credit shall be granted as per the following formula:—~~

~~Maximum Refund Amount — {(Turnover of inverted rated supply of goods and services) x Net ITC : Adjusted Total Turnover} — tax payable on such inverted rated supply of goods and services.~~

~~Explanation: For the purposes of this sub rule, the expressions—~~

~~(a) “Net ITC” shall mean input tax credit availed on inputs during the relevant period other than the input tax credit availed for which refund is claimed under sub rules (4A) or (4B) or both; and~~

~~(b) “Adjusted Total turnover” shall have the same meaning as assigned to it in sub rule (4).~~

Substituted vide Notification No. 21/2018 - Dated 18-04-2018



(5) In the case of refund on account of inverted duty structure, refund of input tax credit shall be granted as per the following formula:-

Maximum Refund Amount = {(Turnover of inverted rated supply of goods and services) x Net ITC ÷ Adjusted Total Turnover} - tax payable on such inverted rated supply of goods and services.

Explanation:- For the purposes of this sub-rule, the expressions -

- (a) Net ITC shall mean input tax credit availed on inputs during the relevant period other than the input tax credit availed for which refund is claimed under sub-rules (4A) or (4B) or both; and
- ~~(b) Adjusted Total turnover shall have the same meaning as assigned to it in sub-rule (4)~~

(b) "Adjusted Total turnover" and "relevant period" shall have the same meaning as assigned to them in sub-rule (4)

Substituted vide Notification No. 26/2018 - Central Tax dated 13-06-2018 w.e.f. 1.7.2017

Substituted vide Notification No. 74/2018 - Central Tax dated 31-12-2018





Rule 90 - Acknowledgement

90(1)

Claim for refund from Electronic Cash ledger

An acknowledgement in **FORM GST RFD 02** Shall be made available to applicant electronically

Time Period for refund - 60 days within date of receipt of application - **Section 54(7)**

90(2)

Other than Claim for refund from Electronic Cash ledger

PO shall scrutinize the Application within 15 days of Filing

An acknowledgement in **FORM GST RFD 02** Shall be made available to applicant electronically

Time Period for refund - 60 days within date of receipt of application - **Section 54(7)**

90(3)

Any Deficiencies shall be communicated in **FORM GST RFD 03** electronically through Portal

Proviso - Time period from date of filing RFD-01 to date of communication of deficiencies (RFD-03) shall be excluded from time period of two years given in sec - 54(1) in respect of any fresh refund claim is filed after rectifying deficiencies

90(4)

Any deficiencies communicated in FORM GST RFD 03 under SGST shall be deemed to be communicated under Sub rule (3)





Rule 90 - Acknowledgement



90(5)

*Applicant can withdraw the refund application in
FROM GST RFD 1W*

Before issuance of -

- *Prov. refund sanction order **RFD 04***
- *Final refund sanction order **RFD 06***
- *Payment order **RFD 05***
- *Refund withhold order **RFD 07***
- *Notice **RFD 08***

90(6)

On filling **RFD 01W** any amount debited from Electronic
Credit / Cash ledger will be credited back



RULE - 90

Acknowledgement

- (1) Where the application relates to a claim for refund from the electronic cash ledger, an acknowledgement in **FORM GST RFD-02** shall be made available to the applicant through the common portal electronically, clearly indicating the date of filing of the claim for refund and the time period specified in sub-section (7) of section 54 shall be counted from such date of filing.
- (2) The application for refund, other than claim for refund from electronic cash ledger, shall be forwarded to the proper officer who shall, within a period of fifteen days of filing of the said application, scrutinize the application for its completeness and where the application is found to be complete in terms of sub-rule (2), (3) and (4) of rule 89, an acknowledgement in **FORM GST RFD-02** shall be made available to the applicant through the common portal electronically, clearly indicating the date of filing of the claim for refund and the time period specified in sub-section (7) of section 54 shall be counted from such date of filing.



- (3) Where any deficiencies are noticed, the proper officer shall communicate the deficiencies to the applicant in FORM GST RFD-03 through the common portal electronically, requiring him to file a fresh refund application after rectification of such deficiencies.

Provided that the time period, from the date of filing of the refund claim in FORM GST RFD-01 till the date of communication of the deficiencies in FORM GST RFD-03 by the proper officer, shall be excluded from the period of two years as specified under sub-section (1) of Section 54, in respect of any such fresh refund claim filed by the applicant after rectification of the deficiencies.

- (4) Where deficiencies have been communicated in FORM GST RFD-03 under the State Goods and Service Tax Rules, 2017, the same shall also deemed to have been communicated under this rule along with the deficiencies communicated under sub-rule (3).

Inserted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021



- (5) The applicant may, at any time before issuance of provisional refund sanction order in FORM GST RFD-04 or final refund sanction order in FORM GST RFD-06 or payment order in FORM GST RFD-05 or refund withhold order in FORM GST RFD-07 or notice in FORM GST RFD-08, in respect of any refund application filed in FORM GST RFD-01, withdraw the said application for refund by filing an application in FORM GST RFD-01W.
- (6) On submission of application for withdrawal of refund in FORM GST RFD-01W, any amount debited by the applicant from electronic credit ledger or electronic cash ledger, as the case may be, while filing application for refund in FORM GST RFD-01, shall be credited back to the ledger from which such debit was made.

Inserted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021





Rule 91 - Grant of provisional refund.

91(1)

Provisional refund shall be granted, Subject to the Condition that the Applicant has been prosecuted for offence under the Act, or existing Law immediately preceding 5 years, for tax amount evaded exceeding 250 lakhs

91(2)

After scrutiny of the refund Claimed, PO on being Prima facie satisfied, Shall make an order in Form GST RFD-04 sanctioning the amount of refund.

91(3)

PO shall issue payment order in **FORM GST RFD-05**

91(4)

CG shall disburse the refund based on the consolidated payment advice issued under sub-rule (3)



RULE - 91

Grant of provisional refund

- (1) The provisional refund in accordance with the provisions of sub-section (6) of section 54 shall be granted subject to the condition that the person claiming refund has, during any period of five years immediately preceding the tax period to which the claim for refund relates, not been prosecuted for any offence under the Act or under an existing law where the amount of tax evaded exceeds two hundred and fifty lakh rupees.
- (2) The proper officer, after scrutiny of the claim and the evidence submitted in support thereof and on being prima facie satisfied that the amount claimed as refund under sub-rule (1) is due to the applicant in accordance with the provisions of sub-section (6) of section 54, shall make an order in FORM GST RFD-04, sanctioning the amount of refund due to the said applicant on a provisional basis within a period not exceeding seven days from the date of the acknowledgement under sub-rule (1) or sub-rule (2) of rule 90.

Provided that the order issued in FORM GST RFD-04 shall not be required to be revalidated by the proper officer.

Inserted vide Notification No. 03/2019-Central Tax dated 29-01-2019



(3) The proper officer shall issue a ~~payment Advice~~ **payment order** in FORM GST RFD-05 for the amount sanctioned under sub-rule (2) and the same shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund **on the basis of a consolidated payment advice**:

Provided that the ~~payment Advice~~ **payment order** in FORM GST RFD-05 shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said payment order was issued.

(4) **The Central Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (3)**

Inserted vide Notification No. 03/2019-Central Tax dated 29-01-2019

Substituted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019

Inserted vide Notification No. 49/2019 - Central Tax dated 09-10-2019 w.e.f. 24-09-2019





Rule 92 -Order sanctioning refund

92(1)

*On examination of refund app. PO is satisfied the refund amt. is due & payable . Also when refund amount is adjusted against any O/s demand & balance amount is refundable. PO shall make an Order in **FORM GST RFD-06**.*

*Proviso 1 - Where amount of refund is completely adjusted against any O/s demand, **FORM GST RFD-07** shall be issued.*

92(1A)

*PO on examination of app. of refund of any amount paid as tax other than refund of tax paid on Zero rated supplies or deemed export. PO on his satisfaction that such amount is due & payable, shall make an Order in **FORM GST RFD 06** sanctioning the amount of refund.*

***FORM GST PMT-03** issued for re-crediting the input debited from Credit ledger.*

92(2)

Where PO or Commissioner is of the opinion that the refund is liable to be withheld, then he shall pass an order in **Part-B of FORM GST RFD-07**

Proviso - PO/commissioner is satisfied that refund is no longer liable to be withheld, he may release the refund in order **RFD 07**

92(3)

When the whole or any Part of the amount claimed is inadmissible or is not payable to applicant. **FORM GST RFD-08** shall be issued.

Applicant is required to to furnish reply within 15 days from date of receipt of notice in **FORM GST RFD-09**.

Proviso - No application for refund shall be rejected without giving an opportunity to be heard.





Rule 92 -Order sanctioning refund

92(4)

Where PO is satisfied that the amount refundable under sub-rule(1),(1A0 & 2) is payable to applicant. He shall make an order in **FORM GST RFD-06** & issue an payment order in **FORM GST RFD-05**. & the same shall be electronically credited to bank account.

Proviso - FORM GST RFD-06 shall not be revalidated by PO

Proviso- FORM GST RFD-05 shall be revalidated by PO in case refund has not been disbursed within same FY

92(4A)

CG shall disburse the refund based on the consolidated payment advice

92(5)

Where PO is satisfied that the amt. Is not payable to applicant under sec-54(8) then he shall make an order in FORM GST RFD-06 and issue an payment order for refund amt. To be credit in Consumer welfare fund.



RULE - 92

Order sanctioning refund

- (1) Where, upon examination of the application, the proper officer is satisfied that a refund under sub-section (5) of section 54 is due and payable to the applicant, he shall make an order in FORM GST RFD-06 sanctioning the amount of refund to which the applicant is entitled, mentioning therein the amount, if any, refunded to him on a provisional basis under sub-section (6) of section 54, amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable:

~~Provided that in cases where the amount of refund is completely adjusted against any outstanding demand under the Act or under any existing law, an order giving details of the adjustment shall be issued in Part A of **FORM GST RFD-07**.~~

Omitted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021



- (1A) Where, upon examination of the application of refund of any amount paid as tax other than the refund of tax paid on zero-rated supplies or deemed export, the proper officer is satisfied that a refund under sub-section (5) of section 54 of the Act is due and payable to the applicant, he shall make an order in **FORM RFD-06** sanctioning the amount of refund to be paid, in cash, proportionate to the amount debited in cash against the total amount paid for discharging tax liability for the relevant period, mentioning therein the amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable and for the remaining amount which has been debited from the electronic credit ledger for making payment of such tax, the proper officer shall issue **FORM GST PMT-03** re-crediting the said amount as Input Tax Credit in electronic credit ledger.
- (2) Where the proper officer or the Commissioner is of the opinion that the amount of refund is liable to be withheld under the provisions of sub-section (10) or, as the case may be, sub-section (11) of section 54, he shall pass an order in ~~Part B~~ **Part A** of **FORM GST RFD-07** informing him the reasons for withholding of such refund.
- Provided that where the proper officer or the Commissioner is satisfied that the refund is no longer liable to be withheld, he may pass an order for release of withheld refund in Part B of **FORM GST RFD- 07**.

Inserted vide Notification No. 16/2020 – Central Tax dated 23-03-2020

Substituted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021

Inserted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021



- (3) Where the proper officer is satisfied, for reasons to be recorded in writing, that the whole or any part of the amount claimed as refund is not admissible or is not payable to the applicant, he shall issue a notice in **FORM GST RFD-08** to the applicant, requiring him to furnish a reply in **FORM GST RFD-09** within a period of fifteen days of the receipt of such notice and after considering the reply, make an order in **FORM GST RFD-06** sanctioning the amount of refund in whole or part, or rejecting the said refund claim and the said order shall be made available to the applicant electronically and the provisions of sub-rule (1) shall, mutatis mutandis, apply to the extent refund is allowed:

Provided that no application for refund shall be rejected without giving the applicant an opportunity of being heard.

- (4) Where the proper officer is satisfied that the amount refundable under sub-rule (1) or sub-rule (1A) or sub-rule (2) is payable to the applicant under sub-section (8) of section 54, he shall make an order in **FORM GST RFD-06** and issue a ~~payment advice~~ **payment order** in **FORM GST RFD-05** for the amount of refund and the same shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund **on the basis of a consolidated payment advice**

Inserted vide Notification No. 16/2020 - Central Tax dated 23-03-2020

Substituted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019

Inserted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019



Provided that the order issued in FORM GST RFD-06 shall not be required to be revalidated by the proper officer:

Provided further that the ~~payment advice~~ payment order in FORM GST RFD-05 shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said ~~payment advice~~ payment order was issued.

- (4A) The Central Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (4).
- (5) Where the proper officer is satisfied that the amount refundable under sub-rule (1) or sub-rule (1A) or sub-rule (2) is not payable to the applicant under sub-section (8) of section 54, he shall make an order in FORM GST RFD-06 and issue ~~an advice~~ a payment order in FORM GST RFD-05, for the amount of refund to be credited to the Consumer Welfare Fund.

Inserted vide Notification No. 03/2019-Central Tax dated 29-01-2019

Substituted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019

Inserted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019

Inserted vide Notification No. 16/2020 - Central Tax dated 23-03-2020

Substituted vide Notification No. 31/2019 - Central Tax dated 28-06-2019 w.e.f. 24-09-2019





Rule 93 -Credit of the amount of rejected refund claim

93(1)

In case of deficiencies issued in FORM GST RFD 03 amount debited from ECL shall be re-credited in it.

93(2)

The amount debited, shall be re-credited to the extent of rejection in FORM GST PMT 03

Explanation

Refund shall be deemed rejected, if the appeal is finally rejected, or claimant gives an undertaking that he shall not file an appeal



RULE - 93

Credit of the amount of rejected refund claim

- (1) Where any deficiencies have been communicated under sub-rule (3) of rule 90, the amount debited under sub-rule (3) of rule 89 shall be re-credited to the electronic credit ledger.
- (2) Where any amount claimed as refund is rejected under rule 92, either fully or partly, the amount debited, to the extent of rejection, shall be re-credited to the electronic credit ledger by an order made in **FORM GST PMT-03**.

Explanation.- For the purposes of this rule, a refund shall be deemed to be rejected, if the appeal is finally rejected or if the claimant gives an undertaking in writing to the proper officer that he shall not file an appeal.





Rule 94 -Order sanctioning interest on delayed refunds

94

An order along with a Payment order in the FORM GST RFD -05 specify refund amount which is delayed , Period of delay & the amount of int. payable



RULE - 94

Order sanctioning interest on delayed refunds

Where any interest is due and payable to the applicant under section 56, the proper officer shall make an order along with a ~~payment advice~~ **payment order** in FORM GST RFD-05, specifying therein the amount of refund which is delayed, the period of delay for which interest is payable and the amount of interest payable, and such amount of interest shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund.

Substituted vide Notification No. 31/2019 – Central Tax dated 28-06-2019 w.e.f. 24-09-2019





Rule 95-Refund of tax to certain persons

95(1)

*To claim refund of tax paid on Inward supplies as per notification issued under section-55, Eligible person shall apply in **FORM GST RFD 10** once in every quarter.*

*Along with statement of inward supplies or both in **FORM GST RFD 11***

95(2)

*Acknowledgement of receipt is issued in in **FORM GST RFD 02***

95(3)

Refund will be available if -

- (a) Inward supplies were recd. From registered person.
- (b) Name & GSTIN is mentioned on Tax invoice
- (c) Such other restriction or conditions under said notification are satisfied

95(4)

Provisions of Rule 92 shall mutatis mutandis apply for sanction & payment of refund.

95(5)

Where an express provision in treaty or international agreement in which President/Govt. Of INDIA is a party, is Inconsistent with provisions in this chapter Such treaty shall prevail.



RULE - 95

Refund of tax to certain persons

- ~~(1) Any person eligible to claim refund of tax paid by him on his inward supplies as per notification issued section 55 shall apply for refund in **FORM GST RFD-10** once in every quarter, electronically on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, along with a statement of the inward supplies of goods or services or both in **FORM GSTR-11**, prepared on the basis of the statement of the outward supplies furnished by the corresponding suppliers in **FORM GSTR-1**.~~
- (1) Any person eligible to claim refund of tax paid by him on his inward supplies as per notification issued under section 55 shall apply for refund in FORM GST RFD-10 once in every quarter, electronically on the common portal or otherwise, either directly or through a Facilitation Centre notified by the Commissioner, along with a statement of the inward supplies of goods or services or both in FORM GSTR-11.
- (2) An acknowledgement for the receipt of the application for refund shall be issued in **FORM GST RFD-02**.

Substituted vide Notification No. 75/2017 Dated 29-12-2017



- (3) The refund of tax paid by the applicant shall be available if-
- ~~(a) the inward supplies of goods or services or both were received from a registered person against a tax invoice and the price of the supply covered under a single tax invoice exceeds five thousand rupees, excluding tax paid, if any~~
 - (a) the inward supplies of goods or services or both were received from a registered person against a tax invoice
 - (b) name and Goods and Services Tax Identification Number or Unique Identity Number of the applicant is mentioned in the tax invoice; and
 - (c) such other restrictions or conditions as may be specified in the notification are satisfied.
- (4) The provisions of rule 92 shall, mutatis mutandis, apply for the sanction and payment of refund under this rule.
- (5) Where an express provision in a treaty or other international agreement, to which the President or the Government of India is a party, is inconsistent with the provisions of this Chapter, such treaty or international agreement shall prevail.

Omitted Vide Notification No. 75/2017 Dated 29-12-2017,
Substituted vide Notification No. 26/2018 - Central Tax dated 13-06-2018 w.e.f. 1.7.2017





Rule 95A - Refund of taxes to the retail outlets established in departure area of an international Airport beyond immigration counters making tax free supply to an outgoing international tourist

95A(1)

Retail outlet on international Airport beyond immigration counters, are eligible to claim refund of tax paid on inward supplies.

95A(2)

*They shall furnish refund application in **FORM GST RFD 10B** on monthly or quarterly basis.*

95A(3)

Self certified compiled info. of invoices issued for supply along with purchase invoices shall be submitted along with refund application

95A(4)

Refund of tax paid shall be available if -

- (a) Inward supplies of goods are from registered person.
- (b) The said goods were supplied by retail outlet to an outgoing International tourist against foreign exchange without tax.
- (c) Name & GSTIN is mentioned in the tax invoice.
- (d) Such other restrictions or Conditions are specified.

95A(5)

Provisions of Rule 92 shall mutatis mutandis apply.

Explanation - Outgoing international tourist means person not normally resident of INDIA, who enters India for a stay of more than 6 months



RULE - 95A

Refund of taxes to the retail outlets established in departure area of an international Airport beyond immigration counters making tax free supply to an outgoing international tourist

Inserted vide Notification No. 31/2019 – Central Tax dated 28-06-2019 w.e.f. 01-07-2019

- (1) Retail outlet established in departure area of an international airport, beyond the immigration counters, supplying indigenous goods to an outgoing international tourist who is leaving India shall be eligible to claim refund of tax paid by it on inward supply of such goods.
- (2) Retail outlet claiming refund of the taxes paid on his inward supplies, shall furnish the application for refund claim in FORM GST RFD- 10B on a monthly or quarterly basis, as the case may be, through the common portal either directly or through a Facilitation Centre notified by the Commissioner.
- (3) The self-certified compiled information of invoices issued for the supply made during the month or the quarter, as the case may be, along with concerned purchase invoice shall be submitted along with the refund application.



- (4) The refund of tax paid by the said retail outlet shall be available if-
- (a) the inward supplies of goods were received by the said retail outlet from a registered person against a tax invoice;
 - (b) the said goods were supplied by the said retail outlet to an outgoing international tourist against foreign exchange without charging any tax;
 - (c) name and Goods and Services Tax Identification Number of the retail outlet is mentioned in the tax invoice for the inward supply; and
 - (d) such other restrictions or conditions, as may be specified, are satisfied.
- (5) The provisions of rule 92 shall, mutatis mutandis, apply for the sanction and payment of refund under this rule.

Explanation.- For the purposes of this rule, the expression “outgoing international tourist” shall mean a person not normally resident in India, who enters India for a stay of not more than six months for legitimate non-immigrant purposes.





Rule 96 - Refund of integrated tax paid on goods or services exported out of India

96(1)

Shipping bill filed by an exporter shall be deemed to be application of refund.

Only when -

(a) if departure/export manifest or an export report is duly filed.

(b) applicant has filed valid return in FORM GSTR 3 /3B

96(2)

Export details are filled in GSTR- 1 & customs system transmits data to Portal, confirming that concerned goods in Invoice are exported outside india

Proviso - furnish detail in Table 6A in GSTR-1, furnish GSTR-3B, data will be transmitted to Customs system.

Proviso - Table 6A of GSTR-1 shall be auto drafted

96(3)

After furnishing GSTR-3B, customs system or PO shall process the claim of refund & IGST paid in shall be credited to the the bank A/c of applicant.

96(4)

Claim of refund shall be withheld-

- (a) A req. Received from jurisdictional comm. to withhold the payment of refund.
- (b) Goods were exported in violation of Customs act.

96(5)

Where refund is withheld an intimation shall be transmitted to commissioner and to the applicant on portal by the PO of integrated tax at customs station.





Rule 96 - Refund of integrated tax paid on goods or services exported out of India

96(6)

Upon transmission under sub rule (5) PO shall pass an order in Part-B of FORM GST RFD 07

96(7)

Where applicant becomes eligible for refund, JC shall proceed the amount through **FORM GST RFD 06** after passing release of withheld refund order in **RFD 07**

96(8)

CG may pay the refund of integrated tax to the govt. Of BHUTAN on the goods exported to bhutan. On notified class of goods.

96(9)

Application of refund if IGST on export of goods in **FORM GST RFD 01**

96(10)

Person Claiming Refund of IGST on export of goods should not avail benefit of -

- (a) Received supplies on which the benefit of Govt. of INDIA has been availed [notification 40/2017 CT]
- (b) Notification 78/2017-customs **except** so far it relates to receipt of capital goods against **Export promotion capital goods scheme**

Explanation - for this Sub rule benefit of notifications shall not be considered if the person has paid IGST & cess & has only availed exemption of BCD.



RULE - 96

Refund of integrated tax paid on goods or services exported out of India

- (1) The shipping bill filed by ~~an exporter~~ **an exporter of goods** shall be deemed to be an application for refund of integrated tax paid on the goods exported out of India and such application shall be deemed to have been filed only when:-
 - (a) the person in charge of the conveyance carrying the export goods duly files **a departure manifest or** an export manifest or an export report covering the number and the date of shipping bills or bills of export; and
 - (b) the applicant has furnished a valid return in FORM GSTR-3 **or FORM GSTR-3B, as the case may be;**

Inserted Vide Notification No. 75/2017 Dated 29-12-2017, w.e.f. 23rd October, 2017

Substituted vide Notification No. 3/2018 Dated 23-01-2018, w.e.f. 23rd October, 2017

Inserted vide Notification No. 74/2018 - Central Tax dated 31-12-2018

Inserted vide notification no. 15/2017 dated 1.7.2017 w.e.f. 1st day of July, 2017



(2) The details of the ~~relevant export invoices~~ **relevant export invoices in respect of export of goods** contained in **FORM GSTR-1** shall be transmitted electronically by the common portal to the system designated by the Customs and the said system shall electronically transmit to the common portal, a confirmation that the goods covered by the said invoices have been exported out of India.

Provided that where the date for furnishing the details of outward supplies in FORM GSTR-1 for a tax period has been extended in exercise of the powers conferred under section 37 of the Act, the supplier shall furnish the information relating to exports as specified in Table 6A of FORM GSTR-1 after the return in FORM GSTR-3B has been furnished and the same shall be transmitted electronically by the common portal to the system designated by the Customs:

Provided further that the information in Table 6A furnished under the first proviso shall be auto-drafted in FORM GSTR-1 for the said tax period.

Substituted vide Notification No. 3/2018 Dated 23-01-2018, w.e.f. 23rd October, 2017

Inserted vide Not no. 51/2017 dated 28-10-2017



- (3) Upon the receipt of the information regarding the furnishing of a valid return in FORM GSTR-3 or FORM GSTR-3B, as the case may be from the common portal, ~~the system designated by the Customs shall process the claim for refund~~ **the system designated by the Customs or the proper officer of Customs, as the case may be, shall process the claim of refund in respect of export of goods** and an amount equal to the integrated tax paid in respect of each shipping bill or bill of export shall be electronically credited to the bank account of the applicant mentioned in his registration particulars and as intimated to the Customs authorities.
- (4) The claim for refund shall be withheld where,-
- (a) a request has been received from the jurisdictional Commissioner of central tax, State tax or Union territory tax to withhold the payment of refund due to the person claiming refund in accordance with the provisions of sub-section (10) or sub-section (11) of section 54; or
 - (b) the proper officer of Customs determines that the goods were exported in violation of the provisions of the Customs Act, 1962.

Inserted vide notification no. 15/2017 dated 1.7.2017 w.e.f. 1st day of July, 2017
Substituted vide Notification No. 3/2018 Dated 23-01-2018, w.e.f. 23rd October, 2017



- (5) Where refund is withheld in accordance with the provisions of clause (a) of sub-rule (4), the proper officer of integrated tax at the Customs station shall intimate the applicant and the jurisdictional Commissioner of central tax, State tax or Union territory tax, as the case may be, and a copy of such intimation shall be transmitted to the common portal.
- (6) Upon transmission of the intimation under sub-rule (5), the proper officer of central tax or State tax or Union territory tax, as the case may be, shall pass an order in ~~Part B~~ Part A of FORM GST RFD-07.
- (7) Where the applicant becomes entitled to refund of the amount withheld under clause (a) of sub-rule (4), the concerned jurisdictional officer of central tax, State tax or Union territory tax, as the case may be, shall proceed to refund the amount ~~after passing an order in FORM GST RFD-06~~ by passing an order in FORM GST RFD-06 after passing an order for release of withheld refund in Part B of FORM GST RFD-07.
- (8) The Central Government may pay refund of the integrated tax to the Government of Bhutan on the exports to Bhutan for such class of goods as may be notified in this behalf and where such refund is paid to the Government of Bhutan, the exporter shall not be paid any refund of the integrated tax.

Substituted vide NOTIFICATION NO. 15 /2021-Central Tax dated 18-05-2021



- ~~(9) The persons claiming refund of integrated tax paid on export of goods or services should not have received supplies on which the supplier has availed the benefit of notification No. 48/2017 Central Tax dated 18th October, 2017 or notification No. 40/2017 Central Tax (Rate) dated 23rd October, 2017 or notification No. 41/2017 Integrated Tax (Rate) dated 23rd October, 2017~~
- (9) The application for refund of integrated tax paid on the services exported out of India shall be filed in FORM GST RFD-01 and shall be dealt with in accordance with the provisions of rule 89”.
- ~~(10) The persons claiming refund of integrated tax paid on exports of goods or services should not have received supplies on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 48/2017 Central Tax dated the 18th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E) dated the 18th October, 2017 or notification No. 40/2017 Central Tax (Rate) 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E) dated the 23rd October, 2017 or notification No. 41/2017 Integrated Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321 (E) dated the 23rd October, 2017 or notification No. 78/2017 Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E) dated the 13th October, 2017 or notification No. 79/2017 Customs Tax dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299 (E) dated the 13th October, 2017.~~

Inserted Vide Notification No. 75/2017 Dated 29-12-2017, w.e.f. 23rd October, 2017,
Substituted vide Notification No. 3/2018 Dated 23-01-2018, w.e.f. 23rd October, 2017



~~(10) The persons claiming refund of integrated tax paid on exports of goods or services should not have—~~

~~(a) received supplies on which the benefit of the Government of India, Ministry of Finance notification No. 48/2017 Central Tax, dated the 18th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E), dated the 18th October, 2017 or notification No. 40/2017 Central Tax (Rate), dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E), dated the 23rd October, 2017 or notification No. 41/2017 Integrated Tax (Rate), dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321 (E), dated the 23rd October, 2017 has been availed; or~~

~~(b) availed the benefit under notification No. 78/2017 Customs, dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017 Customs, dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299 (E), dated the 13th October, 2017.~~

Substituted vide Notification No. 39/2018 - Central Tax dated 04-09-2018 w.e.f. 23-10-2017



~~(10) The persons claiming refund of integrated tax paid on exports of goods or services should not have received supplies on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 48/2017 Central Tax, dated the 18th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E), dated the 18th October, 2017 or notification No. 40/2017 Central Tax (Rate) dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E), dated the 23rd October, 2017 or notification No. 41/2017 Integrated Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321 (E), dated the 23rd October, 2017 or notification No. 78/2017 Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017 Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299 (E) dated the 13th October, 2017~~

Substituted vide Notification No. 53/2018 - Central Tax dated 09-10-2018 w.e.f. 23-10-2017



- (10) The persons claiming refund of integrated tax paid on exports of goods or services should not have -
- (a) received supplies on which the benefit of the Government of India, Ministry of Finance notification No. 48/2017-Central Tax, dated the 18th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E), dated the 18th October, 2017 except so far it relates to receipt of capital goods by such person against Export Promotion Capital Goods Scheme or notification No. 40/2017-Central Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E), dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321 (E), dated the 23rd October, 2017 has been availed; or
 - (b) availed the benefit under notification No. 78/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299 (E), dated the 13th October, 2017 except so far it relates to receipt of capital goods by such person against Export Promotion Capital Goods Scheme.

Substituted vide Notification No. 54/2018 – Central Tax dated 09-10-2018



Explanation.- For the purpose of this sub-rule, the benefit of the notifications mentioned therein shall not be considered to have been availed only where the registered person has paid Integrated Goods and Services Tax and Compensation Cess on inputs and has availed exemption of only Basic Customs Duty (BCD) under the said notifications.

Inserted vide Notification No. 16/2020 – Central Tax dated 23-03-2020 w.e.f. 23-10-2017





Rule 96A - Export of goods or services under bond or Letter of Undertaking

96A(1)

*To export goods or services without payment of tax, RTP shall furnish bond or a LUT in **FORM GSTR RFD 11 JC** -*

- (a)** Within 15 days from expiry of 3 months, further period maybe allowed if goods are not exported
- (b)** Within 15 days from expiry of one year, or further period allowed if payment of such services is not received in convertible foreign exchange

96A(2)

Export details are filled in GSTR- 1 & customs system transmits data to Portal, confirming that concerned goods in Invoice are exported outside india
Proviso - furnish detail in Table 6A in GSTR-1, furnish GSTR-3B, data will be transmitted to Customs system.
Proviso - Table 6A of GSTR-1 shall be auto drafted

96A(3)

Where goods are not exported within specified time & the registered person fails to pay the amount, the export allowed under bond or LUT shall be withdrawn & the said amount shall be recovered form RP in accordance with section 79

96A(4)

Export withdrawn in sub rule (3) shall be restored immediately when the registered person

96A(5)

Board may specify conditions & safeguards to furnish LUT in place of a Bond.

96A(6)

Sub rule (1) shall mutatis mutandis apply to a SEZ or SEZ developer without payment of tax



RULE - 96A

~~Refund of integrated tax paid on export~~ **Export of goods or services under bond or Letter of Undertaking**

- (1) Any registered person availing the option to supply goods or services for export without payment of integrated tax shall furnish, prior to export, a bond or a Letter of Undertaking in FORM GST RFD-11 to the jurisdictional Commissioner, binding himself to pay the tax due along with the interest specified under sub-section (1) of section 50 within a period of -
- (a) fifteen days after the expiry of three months, **or such further period as may be allowed by the Commissioner**, from the date of issue of the invoice for export, if the goods are not exported out of India; or
 - (b) fifteen days after the expiry of one year, or such further period as may be allowed by the Commissioner, from the date of issue of the invoice for export, if the payment of such services is not received by the exporter in convertible foreign exchange **or in Indian rupees, wherever permitted by the Reserve Bank of India**

Substituted vide Notification No. 03/2019-Central Tax dated 29-01-2019

Inserted vide not. no. 47/2017 - Dated 18-10-2017

Inserted vide Notification No. 03/2019-Central Tax dated 29-01-2019



- (2) The details of the export invoices contained in FORM GSTR-1 furnished on the common portal shall be electronically transmitted to the system designated by Customs and a confirmation that the goods covered by the said invoices have been exported out of India shall be electronically transmitted to the common portal from the said system.

Provided that where the date for furnishing the details of outward supplies in FORM GSTR-1 for a tax period has been extended in exercise of the powers conferred under section 37 of the Act, the supplier shall furnish the information relating to exports as specified in Table 6A of FORM GSTR-1 after the return in FORM GSTR-3B has been furnished and the same shall be transmitted electronically by the common portal to the system designated by the Customs:

Provided further that the information in Table 6A furnished under the first proviso shall be auto-drafted in FORM GSTR-1 for the said tax period.

- (3) Where the goods are not exported within the time specified in sub-rule (1) and the registered person fails to pay the amount mentioned in the said sub-rule, the export as allowed under bond or Letter of Undertaking shall be withdrawn forthwith and the said amount shall be recovered from the registered person in accordance with the provisions of section 79.

Inserted vide Not no. 51/2017 dated 28-10-2017



- (4) The export as allowed under bond or Letter of Undertaking withdrawn in terms of subrule (3) shall be restored immediately when the registered person pays the amount due.
- (5) The Board, by way of notification, may specify the conditions and safeguards under which a Letter of Undertaking may be furnished in place of a bond.
- (6) The provisions of sub rule (1) shall apply, mutatis mutandis, in respect of zero-rated supply of goods or services or both to a Special Economic Zone developer or a Special Economic Zone unit without payment of integrated tax.





Rule 96B - Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realised

96B(1)

Export of goods / IT paid on export of goods.

On non- realization of sale precedes within specified period in FEMA act & including extension.

Rp shall deposit amount refunded to the extent of non realisation, within 30 day along with interest. If RP fails to deposit such amount then it will recovered from as acc. To section 73 or 74, as it is applicable on recovery of erroneous refund.

Proviso - RBI writes off the requirement of realisation of sale proceeds on merits, the refund paid shall not be recovered.

96B(2)

Where sale proceeds are realized by the RP after the recovery of refund paid to him. & he produces evidence of such realisation within 3 months then PO shall refund then amount recovered to the extent of such realisation.



RULE - 96B

Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realised - Inserted vide Notification No. 16/2020 - Central Tax dated 23-03-2020

- (1) Where any refund of unutilised input tax credit on account of export of goods or of integrated tax paid on export of goods has been paid to an applicant but the sale proceeds in respect of such export goods have not been realised, in full or in part, in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, the person to whom the refund has been made shall deposit the amount so refunded, to the extent of non-realisation of sale proceeds, along with applicable interest within thirty days of the expiry of the said period or, as the case may be, the extended period, failing which the amount refunded shall be recovered in accordance with the provisions of section 73 or 74 of the Act, as the case may be, as is applicable for recovery of erroneous refund, along with interest under section 50:

Provided that where sale proceeds, or any part thereof, in respect of such export goods are not realised by the applicant within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), but the Reserve Bank of India writes off the requirement of realisation of sale proceeds on merits, the refund paid to the applicant shall not be recovered.



- (2) Where the sale proceeds are realised by the applicant, in full or part, after the amount of refund has been recovered from him under sub-rule (1) and the applicant produces evidence about such realisation within a period of three months from the date of realisation of sale proceeds, the amount so recovered shall be refunded by the proper officer, to the applicant to the extent of realisation of sale proceeds, provided the sale proceeds have been realised within such extended period as permitted by the Reserve Bank of India.





Rule 97 - Consumer Welfare Fund

97(1)

All amount of Duty/CT/IT/UTT/cess & income from investment & monies specified in section 12C (2) of central excise act 1944, Sec- 57 of CGST act 2017, sec-21 of UTGST act & Sec-12 of GST (comp. To states) Act shall be credited to fund

Proviso - 50% amount of Integrated tax / Cess determined sec- 54(6) CGST act shall be deposited in fund

97(2)

Any amount credited to the fund shall be paid to Claimant on Order of PO, Appellate auth. Or Court.

97(3)

Account of the funds maintained by CG shall be subject to be Audited by CAG

97(4)

Govt. may constitute a Committee & committee shall make recommendations for proper utilisation of Funds

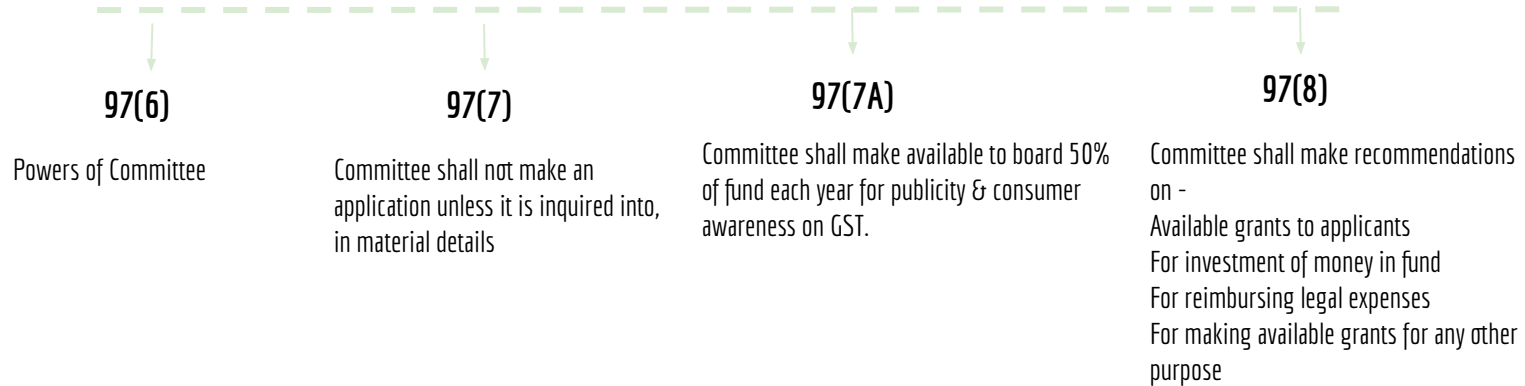
97(5)

The committee shall meet 4 times a year.





Rule 97 - Consumer Welfare Fund



RULE - 97

Consumer Welfare Fund

- ~~(1) All credits to the Consumer Welfare Fund shall be made under sub rule (5) of rule 92.~~
- ~~(2) Any amount, having been credited to the Fund, ordered or directed as payable to any claimant by orders of the proper officer, appellate authority or Appellate Tribunal or court, shall be paid from the Fund.~~
- ~~(3) Any utilisation of amount from the Consumer Welfare Fund under sub section (1) of section 58 shall be made by debiting the Consumer Welfare Fund account and crediting the account to which the amount is transferred for utilisation.~~
- ~~(4) The Government shall, by an order, constitute a Standing Committee with a Chairman, a Vice Chairman, a Member Secretary and such other Members as it may deem fit and the Committee shall make recommendations for proper utilisation of the money credited to the Consumer Welfare Fund for welfare of the consumers.~~
- ~~(5) The Committee shall meet as and when necessary, but not less than once in three months.~~

~~(6) Any agency or organisation engaged in consumer welfare activities for a period of three years registered under the provisions of the Companies Act, 2013 (18 of 2013) or under any other law for the time being in force, including village or mandal or samiti level cooperatives of consumers especially Women, Scheduled Castes and Scheduled Tribes, or any industry as defined in the Industrial Disputes Act, 1947 (14 of 1947) recommended by the Bureau of Indian Standards to be engaged for a period of five years in viable and useful research activity which has made, or is likely to make, significant contribution in formulation of standard mark of the products of mass consumption, the Central Government or the State Government may make an application for a grant from the Consumer Welfare Fund:~~

~~Provided that a consumer may make application for reimbursement of legal expenses incurred by him as a complainant in a consumer dispute, after its final adjudication.~~

~~(7) All applications for grant from the Consumer Welfare Fund shall be made by the applicant Member Secretary, but the Committee shall not consider an application, unless it has been inquired into in material details and recommended for consideration accordingly, by the Member Secretary.~~

~~(8) The Committee shall have powers—~~

- ~~a. to require any applicant to produce before it, or before a duly authorised Officer of the Government such books, accounts, documents, instruments, or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application;~~
- ~~b. to require any applicant to allow entry and inspection of any premises, from which activities claimed to be for the welfare of consumers are stated to be carried on, to a duly authorised officer of the Central Government or, as the case may be, State Government;~~
- ~~c. to get the accounts of the applicants audited, for ensuring proper utilisation of the grant;~~
- ~~d. to require any applicant, in case of any default, or suppression of material information on his part, to refund in lump sum, the sanctioned grant to the Committee, and to be subject to prosecution under the Act;~~
- ~~e. to recover any sum due from any applicant in accordance with the provisions of the Act;~~
- ~~f. to require any applicant, or class of applicants to submit a periodical report, indicating proper utilisation of the grant;~~
- ~~g. to reject an application placed before it on account of factual inconsistency, or inaccuracy in material particulars;~~



~~h. to recommend minimum financial assistance, by way of grant to an applicant, having regard to his financial status, and importance and utility of nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised;~~

~~i. to identify beneficial and safe sectors, where investments out of Consumer Welfare Fund may be made and make recommendations, accordingly;~~

~~j. to relax the conditions required for the period of engagement in consumer welfare activities of an applicant;~~

~~k. to make guidelines for the management, administration and audit of the Consumer Welfare Fund.~~

~~(9) The Central Consumer Protection Council and the Bureau of Indian Standards shall recommend to the Goods and Services Tax Council, the broad guidelines for considering the projects or proposals for the purpose of incurring expenditure from the Consumer Welfare Fund.~~

- (1) All amounts of duty/central tax/ integrated tax /Union territory tax/cess and income from investment along with other monies specified in sub-section (2) of section 12C of the Central Excise Act, 1944 (1 of 1944), section 57 of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), section 21 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017) and section 12 of the Goods and Services Tax (Compensation to States) Act, 2017 (15 of 2017) shall be credited to the Fund:

Provided that an amount equivalent to fifty per cent. of the amount of integrated tax determined under sub-section (5) of section 54 of the Central Goods and Services Tax Act, 2017, read with section 20 of the Integrated Goods and Services Tax Act, 2017, shall be deposited in the Fund.

Provided further that an amount equivalent to fifty per cent. of the amount of cess determined under sub-section (5) of section 54 read with section 11 of the Goods and Services Tax (Compensation to States) Act, 2017 (15 of 2017), shall be deposited in the Fund.

- (2) Where any amount, having been credited to the Fund, is ordered or directed to be paid to any claimant by the proper officer, appellate authority or court, the same shall be paid from the Fund.

Substituted vide Notification No. 21/2018 - Dated 18-04-2018

Inserted vide Notification No. 26/2018 - Central Tax dated 13-06-2018



- (3) Accounts of the Fund maintained by the Central Government shall be subject to audit by the Comptroller and Auditor General of India.
- (4) The Government shall, by an order, constitute a Standing Committee (hereinafter referred to as the 'Committee') with a Chairman, a Vice-Chairman, a Member Secretary and such other members as it may deem fit and the Committee shall make recommendations for proper utilisation of the money credited to the Fund for welfare of the consumers.
- (5) (a) The Committee shall meet as and when necessary, generally four times in a year;
- (b) the Committee shall meet at such time and place as the Chairman, or in his absence, the Vice-Chairman of the Committee may deem fit;
- (c) the meeting of the Committee shall be presided over by the Chairman, or in his absence, by the Vice-Chairman;
- (d) the meeting of the Committee shall be called, after giving at least ten days" notice in writing to every member;
- (e) the notice of the meeting of the Committee shall specify the place, date and hour of the meeting and shall contain statement of business to be transacted thereat;



(f) no proceeding of the Committee shall be valid, unless it is presided over by the Chairman or Vice-Chairman and attended by a minimum of three other members.

(1) The Committee shall have powers -

(a) to require any applicant to get registered with any authority as the Central Government may specify;

(b) to require any applicant to produce before it, or before a duly authorised officer of the Central Government or the State Government, as the case may be, such books, accounts, documents, instruments, or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application;

(c) to require any applicant to allow entry and inspection of any premises, from which activities claimed to be for the welfare of consumers are stated to be carried on, to a duly authorised officer of the Central Government or the State Government, as the case may be;

(d) to get the accounts of the applicants audited, for ensuring proper utilisation of the grant;

(e) to require any applicant, in case of any default, or suppression of material information on his part, to refund in lump-sum along with accrued interest, the sanctioned grant to the Committee, and to be subject to prosecution under the Act;

- (f) to recover any sum due from any applicant in accordance with the provisions of the Act;
- (g) to require any applicant, or class of applicants to submit a periodical report, indicating proper utilisation of the grant;
- (h) to reject an application placed before it on account of factual inconsistency, or inaccuracy in material particulars;
- (i) to recommend minimum financial assistance, by way of grant to an applicant, having regard to his financial status, and importance and utility of the nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised;
- (j) to identify beneficial and safe sectors, where investments out of Fund may be made, and make recommendations, accordingly;
- (k) to relax the conditions required for the period of engagement in consumer welfare activities of an applicant;
- (l) to make guidelines for the management, and administration of the Fund.



- (7) The Committee shall not consider an application, unless it has been inquired into, in material details and recommended for consideration accordingly, by the Member Secretary.
- (7A) The Committee shall make available to the Board 50 per cent. of the amount credited to the Fund each year, for publicity or consumer awareness on Goods and Services Tax, provided the availability of funds for consumer welfare activities of the Department of Consumer Affairs is not less than twenty-five crore rupees per annum.
- (8) The Committee shall make recommendations:-
- (a) for making available grants to any applicant;
 - (b) for investment of the money available in the Fund;
 - (c) for making available grants (on selective basis) for reimbursing legal expenses incurred by a complainant, or class of complainants in a consumer dispute, after its final adjudication;
 - (d) for making available grants for any other purpose recommended by the Central Consumer Protection Council (as may be considered appropriate by the Committee)

Inserted vide Notification No. 49/2019 - Central Tax dated 09-10-2019 w.e.f. 01-07-2017



~~(e) for making available up to 50% of the funds credited to the Fund each year, for publicity/ consumer awareness on GST, provided the availability of funds for consumer welfare activities of the Department of Consumer Affairs is not less than twenty five crore rupees per annum.~~

Explanation.- For the purposes of this rule,

- (a) 'Act' means the Central Goods and Services Tax Act, 2017 (12 of 2017), or the Central Excise Act, 1944 (1 of 1944) as the case may be;
- (b) 'applicant' means,
 - (i) the Central Government or State Government;
 - (ii) regulatory authorities or autonomous bodies constituted under an Act of Parliament or the Legislature of a State or Union Territory;

Omitted vide Notification No. 49/2019 - Central Tax dated 09-10-2019 w.e.f. 01-07-2017



- (iii) any agency or organization engaged in consumer welfare activities for a minimum period of three years, registered under the Companies Act, 2013 (18 of 2013) or under any other law for the time being in force;
- (iv) village or mandal or samiti or samiti level co-operatives of consumers especially Women, Scheduled Castes and Scheduled Tribes;
- (v) an educational or research institution incorporated by an Act of Parliament or the Legislature of a State or Union Territory in India or other educational institutions established by an Act of Parliament or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956) and which has consumers studies as part of its curriculum for a minimum period of three years; and
- (vi) a complainant as defined under clause (b) of sub-section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986), who applies for reimbursement of legal expenses incurred by him in a case instituted by him in a consumer dispute redressal agency.



- (c) 'application' means an application in the form as specified by the Standing Committee from time to time;
- (d) 'Central Consumer Protection Council' means the Central Consumer Protection Council, established under sub-section (1) of section 4 of the Consumer Protection Act, 1986 (68 of 1986), for promotion and protection of rights of consumers;
- (e) 'Committee' means the Committee constituted under sub-rule (4);
- (f) 'consumer' has the same meaning as assigned to it in clause (d) of sub-section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986), and includes consumer of goods on which central tax has been paid;
- (g) 'duty' means the duty paid under the Central Excise Act, 1944 (1 of 1944) or the Customs Act, 1962 (52 of 1962);
- (h) 'Fund' means the Consumer Welfare Fund established by the Central Government under sub-section (1) of section 12C of the Central Excise Act, 1944 (1 of 1944) and section 57 of the Central Goods and Services Tax Act, 2017 (12 of 2017);
- (i) 'proper officer' means the officer having the power under the Act to make an order that the whole or any part of the central tax is refundable;

Substituted vide Notification No. 21/2018 - Dated 18-04-2018





Rule 97A - Manual filing and processing



97A

Notwithstanding anything contained in this chapter - any process procedure prescribed electronically can be done Manually in Such forms as appended to these rules



RULE - 97A

Manual filing and processing - Inserted vide notification no. 55/2017 dated 15-11-2017

Notwithstanding anything contained in this Chapter, in respect of any process or procedure prescribed herein, any reference to electronic filing of an application, intimation, reply, declaration, statement or electronic issuance of a notice, order or certificate on the common portal shall, in respect of that process or procedure, include manual filing of the said application, intimation, reply, declaration, statement or issuance of the said notice, order or certificate in such Forms as appended to these rules.



Important Case Laws & Advance rulings:

S.no	Description
1.	JIAN INTERNATIONAL VS COMMISSIONER OF DELHI GST
2.	M/S AMIT COTTON INDUSTRIES Vs. PRINCIPAL COMMISSIONER OF CUSTOMS
3.	VKC FOOTSTEPS INDIA PVT. LTD. Versus UNION OF INDIA
4.	Circular no. 125 for process of refund

