RAJASTHAN GOODS AND SERVICES TAX (RGST) RULES, 2017

(Amended upto notification no. 25, dated 29.01.2026)

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Chapter I
PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Rajasthan Goods and Services Tax Rules, 2017.

(2) They shall come into force with immediate effect.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Act" means the Rajasthan Goods and Services Tax Act, 2017 (Act No. 9 of 2017);

(b) "FORM" means a Form appended to these rules;

(c) "section" means a section of the Act;

(d) "Special Economic Zone" shall have the same meaning as assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005 (Central Act No. 28 of 2005); and

(e) words and expressions used herein but not defined and defined in the Act shall have the meanings respectively assigned to them in the Act.

Chapter II
COMPOSITION [LEVY][1]

3. Intimation for composition levy.- (1) Any person who has been granted registration on a provisional basis under clause (b) of sub-rule (1) of rule 24 and who opts to pay tax under section 10, shall electronically file an intimation in FORM GST CMP-01, duly signed or verified through electronic verification code, on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, prior to the appointed day, but not later than thirty days after the said day, or such further period as may be extended by the Commissioner in this behalf:

Provided that where the intimation in FORM GST CMP-01 is filed after the appointed day, the registered person shall not collect any tax from the appointed day but shall issue bill of supply for supplies made after the said day.

(2) Any person who applies for registration under sub-rule (1) of rule 8 may give an option to pay tax under section 10 in Part B of FORM GST REG-01, which shall be considered as an intimation to pay tax under the said section.

(3) Any registered person who opts to pay tax under section 10 shall electronically file an intimation in FORM GST CMP-02, duly signed or verified through electronic verification code, on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, prior to the commencement of the financial year for which the option to pay tax under the aforesaid section is exercised and shall furnish the statement in FORM GSTITC-03 in accordance with the provisions of sub-rule (4) of rule 44 within a period of sixty days from the commencement of the relevant financial year.

[Provided that any registered person who opts to pay tax under section 10 for the Financial Year 2020-21 shall electronically file an intimation in **FORM GST CMP-02**, duly signed or verified through electronic verification code, on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, on or before 30th day of June, 2020 and shall furnish the statement in **FORM GST ITC-03** in accordance with the provisions of sub-rule (4) of rule 44 upto the 31st day of July, 2020.][2]

[(3A) Notwithstanding anything contained in sub-rules (1), (2) and (3), a person who has been granted registration on a provisional basis under rule 24 or who has been granted certificate of registration under sub-rule (1) of rule 10 may opt to pay tax under section 10 with effect from the first day of the month immediately succeeding the month in which he files an intimation in FORM GST CMP-02, on the common portal either directly or through a Facilitation Centre notified by the Commissioner, on or before the 31st day of March, 2018, and shall furnish the statement in FORM GST ITC-03 in accordance with the provisions of sub-rule (4) of rule 44 within a period of [one hundred and eighty days][3]from the day on which such person commences to pay tax under section 10:

Provided that the said persons shall not be allowed to furnish the declaration in FORM GST TRAN-1 after the statement in FORM GST ITC-03 has been furnished.]4

1Substituted for the word "Rules" vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

2 Inserted wef 31.03.2020 vide notification no. F. 12(46)FD/Tax/2017-Pt.-V-162 dated 07.04.2020

3Substituted for the word [ninety days] vide Notf no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018.

4Substituted vide Notf no. F.12(56)FD/Tax/2017-Pt-II-117 dt 13.10.2017. for "(3A) Notwithstanding anything contained in sub-rules (1), (2) and (3), a person who has been granted registration on a provisional basis under rule 24 or who has applied for registration under sub-rule (1) of rule 8 may opt to pay tax under section 10

(4) Any person who files an intimation under sub-rule (1) to pay tax under section 10 shall furnish the details of stock, including the inward supply of goods received from unregistered persons, held by him on the day preceding the date from which he opts to pay tax under the said section, electronically, in FORM GST CMP-03, on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, within a period of [ninty]5days from the date on which the option for composition levyis exercised or within such further period as may be extended by the Commissioner in this behalf.

(5) Any intimation under sub-rule (1) or sub-rule (3) [or sub-rule (3A)]6 in respect of any place of business in any State or Union territory shall be deemed to be an intimation in respect of all other places of business registered on the same Permanent Account Number.

4. Effective date for composition levy.- (1) The option to pay tax under section 10 shall be effective from the beginning of the financial year, where the intimation is filed under sub-rule (3) of rule 3 and the appointed day where the intimation is filed under sub-rule (1) of the said rule.

(2) The intimation under sub-rule (2) of rule 3, shall be considered only after the grant of registration to the applicant and his option to pay tax under section 10 shall be effective from the date fixed under sub-rule (2) or (3) of rule 10, as the case may be.

5. Conditions and restrictions for composition levy.- (1) The person exercising the option to pay tax under section 10 shall comply with the following conditions, namely:- (a) he is neither a casual taxable person nor a non-resident taxable person; (b) the goods held in stock by him on the appointed day have not been purchased in the course of inter-State trade or commerce or imported from a place outside India or received from his branch situated outside the State or from his agent or principal outside the State, where the option is exercised under sub-rule (1) of rule 3;

(c) the goods held in stock by him have not been purchased from an unregistered supplier and where purchased, he pays the tax under sub-section (4) of section 9;

(d) he shall pay tax under sub-section (3) or sub-section (4) of section 9 on inward supply of goods or services or both;

(e) he was not engaged in the manufacture of goods as notified under clause (e) of sub-section (2) of section 10, during the preceding financial year;

with effect from the first day of October, 2017 by electronically filing an intimation in FORM GST CMP-02, on the common portal either directly or through a Facilitation Centre notified by the Commissioner, before the said date and shall furnish the statement in FORM GST ITC-03 in accordance with the provisions of sub - rule (4) of rule 44 within a period of ninety days from the said date:

Provided that the said persons shall not be allowed to furnish the declaration in FORM GST TRAN-1 after the statement in FORM GST ITC-03 has been furnished." which was inserted vide Notf no. F.12(46)FD/Tax/2017-Pt-II-87 dt. 15.09.2017

[5]Substituted for the word [sixty] with effect from 17.08.2017 vide Notf no. F.12(46)FD/Tax/2017-Pt-II-75 dt 17.08.2017

[6]Inserted vide Notf no. F.12(46)FD/Tax/2017-Pt-II-87 dt 15.09.2017

(f) he shall mention the words "composition taxable person, not eligible to collect tax on supplies" at the top of the bill of supply issued by him; and

(g) he shall mention the words "composition taxable person" on every notice or signboard displayed at a prominent place at his principal place of business and at every additional place or places of business.

(2) The registered person paying tax under section 10 may not file a fresh intimation every year and he may continue to pay tax under the said section subject to the provisions of the Act and these rules.

6. Validity of composition levy.- (1)The option exercised by a registered person to pay tax under section 10 shall remain valid so long as he satisfies all the conditions mentioned in the said section and under these rules.

(2) The person referred to in sub-rule (1) shall be liable to pay tax under sub-section (1) of section 9 from the day he ceases to satisfy any of the conditions mentioned in section 10 or the provisions of this Chapter and shall issue tax invoice for every taxable supply made thereafter and he shall also file an intimation for withdrawal from the scheme in FORM GSTCMP-04 within seven days of the occurrence of such event.

(3) The registered person who intends to withdraw from the composition scheme shall, before the date of such withdrawal, file an application in FORM GST CMP-04, duly signed or verified through electronic verification code, electronically on the common portal.

(4) Where the proper officer has reasons to believe that the registered person was not eligible to pay tax under section 10 or has contravened the provisions of the Act or provisions of this Chapter, he may issue a notice to such person in FORM GST CMP-05 to show cause within fifteendays of the receipt of such notice as to why the option to pay tax under section 10 shall not be denied.

(5) Upon receipt of the reply to the show cause notice issued under sub-rule (4) from the registered person in FORM GST CMP-06, the proper officer shall issue an order in FORM GST CMP-07within a period of thirty days of the receipt of such reply, either accepting the reply, or denying the option to pay tax under section 10 from the date of the option or from the date of the event concerning such contravention, as the case may be.

(6) Every person who has furnished an intimation under sub-rule (2) or filed an application for withdrawal under sub-rule (3) or a person in respect of whom an order of withdrawal of option has been passed in FORM GST CMP-07 under sub-rule (5), may electronically furnish at the common portal, either directly or through a Facilitation Centre notified by the Commissioner, a statement in FORM GST ITC-01 containing details of the stock of inputs and inputs contained in semi-finished or finished goods held in stock by him on the date on which the option is withdrawn or denied, within a period of thirty days from the date from which the option is withdrawn or from the date of the order passed in FORM GST CMP-07, as the case may be.

(7) Any intimation or application for withdrawal under sub-rule (2) or (3) or denial of the option to pay tax under section 10 in accordance with sub-rule (5) in respect of any place of business in any State or Union territory, shall be deemed to be an intimation in respect of all other places of business registered on the same Permanent Account Number.

7. Rate of tax of the composition levy.- The category of registered persons, eligible for composition levy under section 10 and the provisions of this Chapter, specified in column (2)

of the Table below shall pay tax under section 10 at the rate specified in column (3) of the said Table:-

[Table

Sl. No.	Section under which composition levy is opted	Category of registered persons	Rate of tax
(1)	(1A)	(2)	(3)
1.	Sub-sections (1) and (2) of section 10	Manufacturers, other than manufacturers of such goods as may be notified by the Government	half per cent. of the turnover in the State or Union territory
2.	Sub-sections (1) and (2) of section 10	Suppliers making supplies referred to in clause (b) of paragraph 6 of Schedule II	two and a half per cent. of the turnover in the State or Union territory
3.	Sub-sections (1) and (2) of section 10	Any other supplier eligible for composition levy under sub-sections (1) and (2) of section 10	half per cent. of the turnover of taxable supplies of goods and services in the State or Union territory
4.	Sub-section (2A) of section 10	Registered persons not eligible under the composition levy under sub-sections (1) and (2), but eligible to opt to pay tax under sub-section (2A), of section 10	three per cent. of the turnover of supplies of goods and services in the State or Union territory.''.

][7]

[7] Substituted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020. Till then the table was as below:-

Sl. No.	Category of registered persons	Rate of tax
(1)	(2)	(3)
1.	Manufacturers, other than manufacturers of such goods as may be notified by the Government	half per cent. of the turnover in the State or Union territory[7]
2.	Suppliers making supplies referred to in clause (b) of paragraph 6 of Schedule II	two and a half per cent. of the turnover in the State or Union territory[7]
3.	Any other supplier eligible for composition levyunder section 10 and the provisions of this Chapter	half per cent. of the turnover of taxable supplies of [goods and services][7] in the State or Union territory [7]

Chapter III
REGISTRATION

8. Application for registration.- [(1) Every person who is liable to be registered under sub-section (1) of section 25 and every person seeking registration under sub-section (3) of section 25 (hereafter in this Chapter referred to as "the applicant"), except-

(i) a non-resident taxable person;

(ii) a person required to deduct tax at source under section 51;

(iii) a person required to collect tax at source under section 52;

(iv) a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient referred, to in section 14 or a person supplying online money gaming from a place outside India to a person in India referred to in section 14A under the Integrated Goods and Services Tax Act, 2017 (13 of 2017),

shall, before applying for registration, declare his Permanent Account Number, State in Part A of FORM GST REG-01 on the common portal, either directly or through a Facilitation Centre notified by the Chief Commissioner:

Provided that every person being an Input Service Distributor shall make a separate application for registration as such Input Service Distributor.][8]

(2) (a) The Permanent Account Number shall be validated online by the common portal from the database maintained by the Central Board of Direct Taxes [and shall also be verified through separate one-time passwords sent to the mobile number and e-mail address linked to the Permanent Account Number][9].

[~~(b) The mobile number declared under sub-rule (1) shall be verified through a one-time password sent to the said mobile number; and~~

~~(c) The e-mail address declared under sub-rule (1) shall be verified through a separate one-time password sent to the said e-mail address~~.][10]

(3) On successful verification of the Permanent Account Number, mobile number and e-mail address, a temporary reference number shall be generated and communicated to the applicant on the said mobile number and e-mail address.

[8] Substituted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023. Till then it reads as follows:- "(1) Every person, other than a non-resident taxable person, a person required to deduct tax at source under section 51, a person required to collect tax at source under section 52 and a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (Central Act No.13 of 2017) who is liable to be registered under sub-section (1) of section 25 and every person seeking registration under sub-section (3) of section 25 (hereafter in this Chapter referred to as "the applicant") shall, before applying for registration, declare his Permanent Account Number, [mobile number, e-mail address]8, State or Union territory in Part A of FORM GST REG-01 on the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

[~~Provided that a person having a unit(s) in a Special Economic Zone or being a Special Economic Zone developer shall make a separate application for registration as a business vertical distinct from his other units located outside the Special Economic Zone.~~]

Provided that every person being an Input Service Distributor shall make a separate application for registration as such Input Service Distributor."

[9] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022. [10] Omitted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

(4) Using the reference number generated under sub-rule (3), the applicant shall electronically submit an application in Part B of FORM GST REG-01, duly signed or verified through electronic verification code, along with the documents specified in the said Form at the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

[[(4A) Where an applicant, other than a person notified under sub-section (6D) of section 25, opts for authentication of Aadhaar number, he shall, while submitting the application under sub-rule (4), undergo authentication of Aadhaar number and the date of submission of the application in such cases shall be the date of authentication of the Aadhaar number, or fifteen days from the submission of the application in Part B of FORM GST REG-01 under sub-rule (4), whichev er is earlier.

Provided that every application made under sub-rule (4) by a person, other than a person notified under sub-section (6D) of section 25, who has opted for authentication of Aadhaar number and is identified on the common portal, based on data analysis and risk parameters, shall be followed by biometric-based Aadhaar authentication and taking photograph of the applicant where the applicant is an individual or of such individuals in relation to the applicant as notified under sub-section (6C) of section 25 where the applicant is not an individual, along with the verification of the original copy of the documents uploaded with the application in FORM GST REG-01 at one of the Facilitation Centers notified by the Chief Commissioner for the purpose of this sub-rule and the application shall be deemed to be complete only after completion of the process laid down under this proviso.][11]][12]][13]][14]

[Provided further that every application made under sub-rule (4) by a person, other than a person notified under sub-section (6D) of section 25, who has not opted for authentication of Aadhaar number, shall be followed by taking photograph of the applicant where the applicant is an individual or of such individuals in relation to the applicant as

[11] Substituted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. Till then it reads as follows:-

" (4A) Where an applicant, other than a person notified under sub-section (6D) of section 25, opts for authentication of Aadhaar number, he shall, while submitting the application under sub-rule (4), with effect from 21st August, 2020, undergo authentication of Aadhaar number and the date of submission of the application in such cases shall be the date of authentication of the Aadhaar number, or fifteen days from the submission of the application in Part B of FORM GST REG-01 under sub-rule (4), whichever is earlier." [12] Substituted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020. Till then it reads as follows:-" (4A) The applicant shall, while submitting an application under sub-rule (4), with effect from 01.04.2020, undergo authentication of Aadhaar number for grant of registration."

[13] Inserted w.e.f. 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. [14] Substituted vide notification no. F.12(11)FD/Tax/2023-03 dated 01-04-2023 wef 26-12-2022 ,before substitution it read as under- [[["(4A) Every application made under rule (4) shall be followed by—

(a) biometric-based Aadhaar authentication and taking photograph, unless exempted under sub-section (6D) of section 25, if he has opted for authentication of Aadhaar number; or

(b) taking biometric information, photograph and verification of such other KYC documents, as notified, unless the applicant is exempted under sub-section (6D) of section 25, if he has opted not to get Aadhaar authentication done,

of the applicant where the applicant is an individual or of such individuals in relation to the applicant as notified under sub-section (6C) of section 25 where the applicant is not an individual, along with the verification of the original copy of the documents uploaded with the application in FORM GST REG-01 at one of the Facilitation Centres notified by the Commissioner for the purpose of this sub-rule and the application shall be deemed to be complete only after completion of the process laid down under this sub-rule." (see footnote no. 12, 13, 14 for earlier changes in sub rule 4A of rule 8 of RGST Act.)

notified under sub-section (6C) of section 25 where the applicant is not an individual, along with the verification of the original copy of the documents uploaded with the application in FORM GST REG-01 at one of the Facilitation Centers notified by the Commissioner for the purpose of this sub-rule and the application shall be deemed to be complete only after successful verification as laid down under this proviso.]15

(5) On receipt of an application under sub-rule (4), an acknowledgement shall be issued electronically to the applicant in FORM GST REG-02.

(6) A person applying for registration as a casual taxable person shall be given a temporary reference number by the common portal for making advance deposit of tax in accordance with the provisions of section 27 and the acknowledgement under sub-rule (5) shall be issued electronically only after the said deposit.

9. Verification of the application and approval.- (1) The application shall be forwarded to the proper officer who shall examine the application and the accompanying documents and if the same are found to be in order, approve the grant of registration to the applicant within a period of [seven]16 working days from the date of submission of the application.

[[[Provided that where-

(a)a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number; or

(b)the proper officer, with the approval of an officer authorised by the Commissioner not below the rank of Deputy Commissioner, deems it fit to carry out physical verification of places of business,

the registration shall be granted within thirty days of submission of application, after physical verification of the place of business [~~in the presence of the said person~~]17, in the manner provided under rule 25 and verification of such documents as the proper officer may deem fit.]18]19]20

[[~~Provided further that the proper officer may, for reasons to be recorded in writing and with the approval of an officer not below the rank of Joint Commissioner, in lieu of the physical verification of the place of business, carry out the verification of such documents as he may deem fit.~~]21]22

15 Inserted vide notification no. F.12(1)FD/Tax/2024-88 ,dated 19.07.2024.

16 Substituted for "three" vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

17 Omitted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

18 Substituted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. Till then it reads as follows:- "Provided that where a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number, the registration shall be granted only after physical verification of the place of business in the presence of the said person, in the manner provided under rule 25:"

19 Substituted wef 21.08.2020 vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020. Till then it reads as follows:- "Provided that where a person, other than those notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8, then the registration shall be granted only after physical verification of the principle place of business in the presence of the said person, not later than sixty days from the date of application, in the manner provided under rule 25 and the provisions of sub-rule (5) shall not be applicable in such cases."

20 Inserted w.e.f. 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. 21 Omitted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

22 Inserted wef 21.08.2020 vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020.

(2) Where the application submitted under rule 8 is found to be deficient, either in terms of any information or any document required to be furnished under the said rule, or where the proper officer requires any clarification with regard to any information provided in the application or documents furnished therewith, he may issue a notice to the applicant electronically in FORM GST REG-03 within a period of [seven][23] working days from the date of submission of the application and the applicant shall furnish such clarification, information or documents electronically, in FORM GST REG-04, within a period of seven working days from the date of the receipt of such notice.

[[Provided that where-

(a)a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number; or

(b)the proper officer, with the approval of an officer authorised by the Commissioner not below the rank of Deputy Commissioner, deems it fit to carry out physical verification of places of business,

the notice in **FORM GST REG-03** may be issued not later than thirty days from the date of submission of the application.][24]][25]

Explanation: For the purposes of this sub-rule, the expression "clarification" includes modification or correction of particulars declared in the application for registration, other than Permanent Account Number, State, mobile number and e-mail address declared in Part A of FORM GST REG-01.

(3) Where the proper officer is satisfied with the clarification, information or documents furnished by the applicant, he may approve the grant of registration to the applicant within a period of seven working days from the dateof the receipt of such clarification or information or documents.

(4) Where no reply is furnished by the applicant in response to the notice issued under sub-rule (2) or where the proper officer is not satisfied with the clarification, information or documents furnished, he [may][26], for reasons to be recorded in writing, reject such application and inform the applicant electronically in FORM GST REG-05**.**

[[(5) If the proper officer fails to take any action, -

(a)within a period of seven working days from the date of submission of the application in cases where the person is not covered under proviso to sub-rule (1); or

(b)within a period of thirty days from the date of submission of the application in cases where a person is covered under proviso to sub-rule (1); or

23 Substituted for "three" vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

24 Substituted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. Till then it reads as follows:- "Provided that where a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number, the notice in FORM GST REG-03 may be issued not later than twenty one days from the date of submission of the application."

25 Inserted wef 21.08.2020 vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020.

26 Substituted wef 21.08.2020 for "shall" vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020

(c)within a period of seven working days from the date of the receipt of the clarification, information or documents furnished by the applicant under sub-rule (2),

the application for grant of registration shall be deemed to have been approved.][27]][28]

[9A. Grant of registration electronically. - Notwithstanding anything contained in rule 9, any person who has applied for registration under rule 8 or rule 12 or rule 17, shall, upon identification on the common portal based on data analysis and risk parameters, be granted registration electronically by the common portal, within three working days from the date of submission of application.][29]

10. Issue of registration certificate.- (1)Subject to the provisions of sub-section (12) of section 25, where the application for grant of registration has been approved under rule 9, [rule 9A and rule 14A,][30] a certificate of registration in FORM GST REG-06 showing the principal place of business and additional place or places of business shall be made available to the applicant on the common portal and a Goods and Services Tax Identification Number shall be assigned subject to the following characters, namely:-

(a) two characters for the State code;

(b) ten characters for the Permanent Account Number or the Tax Deduction and Collection Account Number;

(c) two characters for the entity code; and

(d) one checksum character.

[27] Substituted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. Till then it reads as follows:-" (5) If the proper officer fails to take any action, -

(a) within a period of three working days from the date of submission of the application in cases where a person successfully undergoes authentication of Aadhaar number or is notified under sub-section (6D) of section 25; or

(b) within the time period prescribed under the proviso to sub-rule (2), in cases where a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8; or

(c) within a period of twenty one days from the date of submission of the application in cases where a person does not opt for authentication of Aadhaar number; or

(d) within a period of seven working days from the date of the receipt of the clarification, information or documents furnished by the applicant under sub-rule (2),

the application for grant of registration shall be deemed to have been approved."

[28] Substituted wef 21.08.2020 vide notification no. F.12(46)FD/Tax/2017-III-217 dated 26.08.2020. Till then it reads as follows:-" (5) If the proper officer fails to take any action,-

(a) within a period of three working days from the date of submission of the application; or

(b) within a period of seven working days from the date of the receipt of the clarification, information or documents furnished by the applicant under sub-rule (2),

the application for grant of registration shall be deemed to have been approved."

[29] Inserted vide notification no. F.12(5)FD/Tax/2025-20 dated 10-11-2025 w.e.f 01-11-2025. [30] Inserted vide notification no. F.12(5)FD/Tax/2025-20 dated 10-11-2025 w.e.f 01-11-2025.

(2) The registration shall be effective from the date on which the person becomes liable to registration where the application for registration has been submitted within a period of thirty days from such date.

(3) Where an application for registration has been submitted by the applicant after the expiry of thirty days from the date of his becoming liable to registration, the effective date of registration shall be the date of the grant of registration under sub-rule (1) or sub-rule (3) or sub-rule (5) of rule 9.

(4) Every certificate of registration shall be [duly signed or verified through electronic verification code][31] by the proper officer under the Act.

(5) Where the registration has been granted under sub-rule (5) of rule 9, the applicant shall be communicated the registration number, and the certificate of registration under sub-rule (1), duly signed or verified through electronic verification code, shall be made available to him on the common portal, within a period of three days after the expiry of the period specified in sub-rule (5) of rule 9.

[**10A. Furnishing of Bank Account Details.**-After a certificate of registration in **FORM GST REG-06** has been made available on the common portal and a Goods and Services Tax Identification Number has been assigned, the registered person, except those who have been granted registration under rule 12 or, as the case may be rule 16, shall[within a period of thirty days from the date of grant of registration, or before furnishing the details of outward supplies of goods or services or both under section 37 in FORM GSTR-l or using invoice fumishing facility, whichever is earlier, fumish infornlation with respect to details of bank account on the common portal.][32]

[Provided that in case of a proprietorship concern, the Permanent Account Number of the proprietor shall also be linked with the Aadhaar number of the proprietor.][33]][34]

[10B. Aadhaar authentication for registered person.— The registered person, other than a person notified under sub-section (6D) of section 25, who has been issued a certificate of registration under rule 10 shall, undergo authentication of the Aadhaar number of the proprietor, in the case of proprietorship firm, or of any partner, in the case of a partnership firm, or of the karta, in the case of a Hindu undivided family, or of the Managing Director or any whole time Director, in the case of a company, or of any of the Members of the Managing Committee of an Association of persons or body of individuals or a Society, or of the Trustee in the Board of Trustees, in the case of a Trust and of the authorized signatory, in order to be eligible for the purposes as specified in column (2) of the Table below:

[31]Substituted vide Notf no. F.12(56)FD/Tax/2017-Pt-I-38 dt 29.06.2017 for the words “digitally signed”

[32]Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words "as soon as may be, but not later than forty five days from the date of grant of registration or the date on which the return required under section 39 is due to be furnished, whichever is earlier, furnish information with respect to details of bank account [which is in name of the registered person and obtained on Permanent Account Number of the registered person]32, or any other information, as may be required on the common portal in order to comply with any other provision ".

[33] Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021. [34]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

Table

S. No.	Purpose
(1)	(2)

1.	For filing of application for revocation of cancellation of registration in **FORM GST REG-21** under Rule 23
2.	For filing of refund application in **FORM RFD-01** under Rule 89
3.	For refund under Rule 96 of the integrated tax paid on goods exported out of India

Provided that if Aadhaar number has not been assigned to the person required to undergo authentication of the Aadhaar number, such person shall furnish the following identification documents, namely: –

(a)her/his Aadhaar Enrolment ID slip; and

(b)(i) Bank passbook with photograph; or

(ii) Voter identity card issued by the Election Commission of India; or

(iii) Passport; or

(iv) Driving license issued by the Licensing Authority under the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988):

Provided further that such person shall undergo the authentication of Aadhaar number within a period of thirty days of the allotment of the Aadhaar number.][35]

[11 Separate registration for multiple places of business within a State or a Union territory.- (1) Any person having multiple places of business within a State or a Union territory, requiring a separate registration for any such place of business under sub-section (2) of section 25 shall be granted separate registration in respect of each such place of business subject to the following conditions, namely:-

(a) such person has more than one place of business as defined in clause (85) of section 2;

(b) such person shall not pay tax under section 10 for any of his places of business if he is paying tax under section 9 for any other place of business;

[35] Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

(c) all separately registered places of business of such person shall pay tax under the Act on supply of goods or services or both made to another registered place of business of such person and issue a tax invoice or a bill of supply, as the case may be, for such supply.

Explanation. - For the purposes of clause (b), it is hereby clarified that where any place of business of a registered person that has been granted a separate registration becomes ineligible to pay tax under section 10, all other registered places of business of the said person shall become ineligible to pay tax under the said section.

(2) A registered person opting to obtain separate registration for a place of business shall submit a separate application in **FORM GST REG-01** in respect of such place of business.

(3) The provisions of rule 9 and rule 10 relating to the verification and the grant of registration shall, mutatis mutandis, apply to an application submitted under this rule.][36]

[36]Substituted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019. Till then it reads as follows:- "11. Separate registration for multiple business verticals within a State or a Union territory.- (1) Any person having multiple business verticals within a State or a Union territory, requiring a separate registration for any of its business verticals under sub-section (2) of section 25 shall be granted separate

registration in respect of each of the verticals subject to the following conditions, namely:-

(a) such person has more than one business vertical as defined in clause (18) of section 2; (b) the business vertical of a taxable person shall not be granted registration to pay tax under section 10 if any one of the other business verticals of the same person is paying tax under section 9; (c) all separately registered business verticals of such person shall pay tax under the Act on supply of goods or services or both made to another registered business vertical of such person and issue a tax invoice for such supply.

Explanation: For the purposes of clause (b), it is hereby clarified that where any business vertical of a registered person that has been granted a separate registration becomes ineligible to pay tax under section 10, all other business verticals of the said person shall become ineligible to pay tax under the said section.

(2) A registered person eligible to obtain separate registration for business verticals may submit a separate application in FORM GST REG-01 in respect of each such vertical.

(3) The provisions of rule 9 and rule 10 relating to the verification and the grant of registration shall, mutatis mutandis, apply to an application submitted under this rule."

12. Grant of registration to persons required to deduct tax at source or to collect tax at source.- (1)Any person required to deduct tax in accordance with the provisions of section 51 or a person required to collect tax at source in accordance with the provisions of section 52 shall electronically submit an application, duly signed or verified through electronic verification code, in FORM GST REG-07 for the grant of registration through the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

[(1A) A person applying for registration to [deduct or][37] collect tax in accordance with the provisions of [section 51, or, as the case may be,][38]section 52, in a State or Union territory where he does not have a physical presence, shall mention the name of the State or Union territory in **PART A** of the application in **FORM GST REG-07** and mention the name of the State or Union territory in **PART B** thereof in which the principal place of business is located which may be different from the State or Union territory mentioned in **PART A**.][39]

(2) The proper officer may grant registration after due verification and issue a certificate of registration in FORM GST REG-06 within a period of three working days from the date of submission of the application.

(3) Where, [on a request made in writing by a person to whom a registration has been granted under sub-rule (2) or][40] upon an enquiry or pursuant to any other proceeding under the Act, the proper officer is satisfied that a person to whom a certificate of registration in FORM GST REG-06 has been issued is no longer liable to deduct tax at source under section 51 or collect tax at source under section 52, the said officer may cancel the registration issued under sub-rule (2) and such cancellation shall be communicated to the said person electronically in FORM GST REG-08:

Provided that the proper officer shall follow the procedure as provided in rule 22 for the cancellation of registration.

13. Grant of registration to non-resident taxable person.- (1) A non-resident taxable person shall electronically submit an application, along with a self-attested copy of his valid passport, for registration, duly signed or verified through electronic verification code, in FORM GST REG-09, at least five days prior to the commencement of business at the common portal either directly or through a Facilitation Centre notified by the Commissioner:

Provided that in the case of a business entity incorporated or established outside India, the application for registration shall be submitted along with its tax identification number or unique number on the basis of which the entity is identified by the Government of that country or its Permanent Account Number, if available.

(2) A person applying for registration as a non-resident taxable person shall be given a temporary reference number by the common portal for making an advance deposit of tax in accordance with the provisions of section 27 and the acknowledgement under sub-rule (5) of rule 8 shall be issued electronically only after the said deposit in his electronic cash ledger.

(3) The provisions of rule 9 and rule 10 relating to the verification and the grant of registration shall, *mutatis mutandis,* apply to an application submitted under this rule.

37Inserted vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.

38Inserted vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.

39Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

40 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

(4) The application for registration made by a non-resident taxable person shall be [duly signed or verified through electronic verification code]41 by his authorised signatory who shall be a person resident in India having a valid Permanent Account Number.

14. Grant of registration to a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient [or to a person supplying online money gaming from a place outside India to a person in India]42.- (1) Any person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient [or to a person supplying online money gaming from a place outside India to a person in India]43 shall electronically submit an application for registration, duly signed or verified through electronic verification code, in FORM GSTREG-10, at the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

(2) The applicant referred to in sub-rule (1) shall be granted registration, in FORM GSTREG-06**,** subject to such conditions and restrictions and by such officer as may be notified by the Central Government on the recommendations of the Council.

[14A.Option for taxpayers having monthly output tax liability below threshold limit.–

(1) Any person who has made application for registration under rule 8 and who determines that his total output tax liability on supply of goods or services or both made to registered persons on account of Central tax and State tax or Union territory tax and Integrated tax and Compensation Cess, does not exceed two lakh and fifty thousand rupees per month, shall have an option to get registration electronically, in accordance with the provisions of this rule.

(2) Any person, other than a person notified under sub-section (6D) of section 25, who has not opted for authentication of Aadhaar number, shall not be eligible for grant of registration in terms of this rule.

(3) Notwithstanding anything contained in rule 11, a person registered under this rule in a State or Union territory shall not be eligible to obtain another registration in the same State or Union territory under this rule against the same Permanent Account Number.

(4) Upon successful authentication of Aadhar number, the applicant referred to in sub-rule(1) shall be granted registration electronically by the common portal, within three working days from the date of submission of application.

(5) The registered person who intends to withdraw from the option availed under sub-rule (1), shall file an application, in FORM GST REG-32, duly signed or verified through electronic verification code on the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

Provided that the registered person shall not be allowed to file such application unless he has furnished, -

41 Substituted vide Notf no. F.12(56)FD/Tax/2017-Pt-I-38 dt 29.06.2017 for the words "signed" 42 Inserted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023. 43 Inserted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023.

(a)returns for a period of minimum three months, where such application is filed before 1st April, 2026;

(b)returns for a period of minimum one tax period, where such application is filed on or after 1st April, 2026; and

(c)all the returns due for the period from the effective date of registration till the date of application for withdrawal:

Provided further that the registered person shall be allowed to file such application where no proceedings under section 29 have been initiated against such registered person.

(6) Where there is any change in particulars furnished in FORM GST REG-01 by the person who has been granted registration under this rule, the said registered person shall get the particulars amended under rule 19 before filing an application for withdrawal under sub-rule (5).

(7) Based on data analysis and risk parameters on the common portal, the provisions of sub-rule (4A) of rule 8 relating to authentication of Aadhaar number or biometric-based Aadhaar authentication, taking photograph of the applicant along with verification of original copy of documents uploaded along with registration application in FORM GST REG-01, shall, so far as may be, apply to application for withdrawal filed under sub- rule (5).

(8) The provisions of sub-rules (5) and (6) of rule 8 relating to issuance of acknowledgment, shall, *mutatis mutandis*, apply to the application filed under sub-rule (5).

(9) The application filed for withdrawal under sub-rule (5), shall be verified in accordance with the provisions of rule 9.

(10) Upon verification under sub-rule (9), the proper officer shall issue an order in FORM GST REG-33 allowing the application for withdrawal from the option availed under sub-rule (1) or order for rejection of application in FORM GST REG-05, within a period specified under rule 9, as the case may be, which shall be made available to the registered person on the common portal.

(11) The registered person who has received an order issued under sub-rule (10) allowing withdrawal shall be able to furnish the details of output tax liability on supply of goods or services or both made to registered persons, exceeding the output tax liability as referred to in sub-rule (1), from the first day of succeeding month in which the said order has been issued.

(12) A registered person to whom an order under sub-rule (10) has been issued, shall not amend the details furnished in respect of output tax liability so as to exceed the limit of the output tax liability specified in sub-rule (1) for the period prior to the first day of succeeding month in which the said order has been issued.

(13) Where proceedings for cancellation of registration have been initiated by the proper officer after the filing of withdrawal application and the said proceedings are pending, the

withdrawal application under sub-rule (5) shall be rejected by the proper officer and the provisions in relation to approval of application on deemed basis under sub-rule (5) of rule 9, shall not be applicable in such case.][44]

15. Extension in period of operation by casual taxable person and non-resident taxable person.- (1) Where a registered casual taxable person or a non-resident taxable person intends to extend the period of registration indicated in his application of registration, an application in FORM GST REG-11shall be submitted electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner, by such person before the end of the validity of registration granted to him.

(2) The application under sub-rule (1) shall be acknowledged only on payment of the amount specified in sub-section (2) of section 27.

16. *Suo moto* registration.- (1) Where, pursuant to any survey, enquiry, inspection, search or any other proceedings under the Act, the proper officer finds that a person liable to registration under the Act has failed to apply for such registration, such officer may register the said person on a temporary basis and issue an order in FORM GST REG- 12.

(2) The temporary registration granted under sub-rule (1) shall be effective from the date of such order of granting registration.

(3) Every person to whom a temporary registration has been granted under sub-rule (1) shall, within a period of ninety days from the date of the grant of such registration, submit an application for registration in the form and manner provided in rule 8 or rule 12:

Provided that where the said person has filed an appeal against the grant of temporary registration, in such case, the application for registration shall be submitted within a period of thirty days from the date of the issuance of the order upholding the liability to registration by the Appellate Authority.

(4) The provisions of rule 9 and rule 10 relating to verification and the issue of the certificate of registration shall, *mutatis mutandis,* apply to an application submitted under sub-rule (3).

(5)The Goods and Services Tax Identification Number assigned, pursuant to the verification under sub-rule (4), shall be effective from the date of the order granting registration under sub-rule (1).

[16A. Grant of temporary identification number. - Where a person is not liable to registration under the Act but is required to make any payment under the provisions of the Act, the proper officer may grant the said person a temporary identification number and issue an order in Part B of FORM GST REG-12.][45]

[44] Inserted vide notification no. F.12(5)FD/Tax/2025-20 dated 10-11-2025 w.e.f 01-11-2025.

[45] Inserted vide Notification No. F.12(5)FD/Tax/2025-119 dated 06.02.2025 wef. 23.01.2025

17. Assignment of Unique Identity Number to certain special entities.-(1) Every person required to be granted a Unique Identity Number in accordance with the provisions of sub-section (9) of section 25 may submit an application electronically in FORM GST REG-13, duly signed or verified through electronic verification code, in the manner specified in rule 8 at the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

[(1A) The Unique Identity Number granted under the Central Goods and Services Tax Act, 2017 shall be deemed to be granted under the Rajasthan Goods and Services Tax Act.][46]

(2) The proper officer may, upon submission of an application in FORM GST REG-13or after filling up the said form, [or after receiving a recommendation from the Ministry of External

Affairs, Government of India][47]assign a Unique Identity Number to the said person and issue a certificate in FORM GST REG-06 within a period of three working days from the date of the submission of the application.

18. Display of registration certificate and Goods and Services Tax Identification Number on the name board.- (1) Every registered person shall display his certificate of registration in a prominent location at his principal place of business and at every additional place or places of business.

(2) Every registered person shall display his Goods and Services Tax Identification Number on the name board exhibited at the entry of his principal place of business and at every additional place or places of business.

19. Amendment of registration.- (1)Where there is any change in any of the particulars furnishedin the application for registration in FORM GST REG-01or FORM GST REG-07or FORM GST REG-09 or FORM GST REG-10 [or in the intimation furnished by the composition taxpayer in FORM GST CMP-02][48] for Unique Identity Number in FORM GST-REG-13, either at the time of obtaining registration or Unique Identity Number or as amended, from time to time, the registered person shall, within a period of fifteen days of such change, submit an application, duly signed or verified through electronic verification code, electronically in FORM GST REG-14, along with the documents relating to such change at the common portal, either directly or through a Facilitation Centre notified by the Commissioner :

Provided that,-

(a) where the change relates to,-

(i) legal name of business;

(ii) address of the principal place of business or any additional place(s) of business; or

(iii) addition, deletion or retirement of partners or directors, Karta, Managing Committee, Board of Trustees, Chief Executive Officer or equivalent, responsible for the day to day affairs of the business,

which does not warrant cancellation of registration under section 29, the proper officer shall, after due verification, approve the amendment within a period of fifteen working days from the date of the receipt of the application in FORM GST REG-

[46]Inserted vide Notification No. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017

[47]Inserted wef 22.06.2017 vide Notification No. F.12(46)FD/Tax/2017-Pt-II-75 dated 17.08.2017

[48] Inserted vide Notification No. F.12(5)FD/Tax/2025-119 dated 06.02.2025 wef. 23.01.2025

14and issue an order in FORM GST REG-15electronically and such amendment shall take effect from the date of the occurrence of the event warranting such amendment;

(b) the change relating to sub-clause (i) and sub-clause (iii) of clause (a) in any State or Union territory shall be applicable for all registrations of the registered person obtained under the provisions of this Chapter on the same Permanent Account Number;

(c) where the change relates to any particulars other than those specified in clause (a), the certificate of registration shall stand amended upon submission of the application in FORM GST REG- 14on the common portal;

(d) where a change in the constitution of any business results in the change of the Permanent Account Number of a registered person, the said person shall apply for fresh registration in FORM GST REG-01:

Provided further that any change in the mobile number or e-mail address of the authorised

signatory submitted under this rule, as amended from time to time, shall be carried out only after online verification through the common portal in the manner provided under [sub-rule (2) of rule 8][49].

[(1A) Notwithstanding anything contained in sub-rule (1), any particular of the application for registration shall not stand amended with effect from a date earlier than the date of submission of the application in FORM GST REG-14 on the common portal except with the order of the Commissioner for reasons to be recorded in writing and subject to such conditions as the Commissioner may, in the said order, specify.][50]

(2) Where the proper officer is of the opinion that the amendment sought under sub-rule (1) is either not warranted or the documents furnished therewith are incomplete or incorrect, he may, within a period of fifteen working days from the date of the receipt of the application in FORM GST REG-14, serveanoticeinFORM GST REG-03, requiring the registered person to show cause, within a period of seven working days of the service of the saidnotice, as to why the application submitted under sub-rule (1) shall not be rejected.

(3) The registered person shall furnishareply to the notice to show cause,issued under sub-rule (2), in FORM GST REG-04, within a period of seven working days from the date of the serviceof the said notice.

(4) Where the reply furnished under sub-rule (3) is found to be not satisfactory or where no reply is furnished in response to the notice issued under sub-rule (2) within the period prescribed in sub-rule (3), the proper officer shall reject the application submitted under sub-rule (1) and pass an order inFORM GST REG -05.

(5) If the proper officer fails to take any action,-

(a) within a period of fifteen working days from the date of submission of the application, or

(b) within a period of seven working days from the date of the receipt of the reply to the notice to show cause under sub-rule (3),

the certificate of registration shall stand amended to the extent applied for and the amended certificate shall be made available to the registered personon the common portal.

[49] Substituted vide notification no. F.12(56)FD/Tax/2017-Pt-I-38 dated 29.06.2017

[50] Inserted vide notification no. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017

20. Application for cancellation of registration.- A registered person, other than a person to whom a registration has been granted under rule 12 or a person to whom a Unique Identity Number has been granted under rule 17, seeking cancellation of his registration under sub-section (1) of section 29 shall electronically submit an application in FORM GSTREG-16**,** including therein the details of inputs held in stock or inputs contained in semi-finished or finished goods held in stock and of capital goods held in stock on the date from which the cancellation of registration is sought, liability thereon, the details of the payment, if any, made against such liability and may furnish, along with the application, relevant documents in support thereof, at the common portal within a period of thirty days of the occurrence of the event warranting the cancellation, either directly or through a Facilitation Centre notified by the Commissioner:

~~[Provided that no application for the cancellation of registration shall be considered in case of a taxable person, who has registered voluntarily, before the expiry of a period of one year from the effective date of registration.]~~[51]

21. Registration to be cancelled in certain cases.- The registration granted to a person is liable to be cancelled, if the said person,-

(a) does not conduct any business from the declared place of business; or
(b) issues invoice or bill without supply of goods or services [or both][52] in violation of the provisions of the Act, or the rules made thereunder; or

[(c) violates the provisions of section 171 of the Act or the rules made there under.][53]

[(d) violates the provision of rule 10A.][54]

[(e) avails input tax credit in violation of the provisions of section 16 of the Act or the rules made thereunder; or

(f) furnishes the details of outward supplies in FORM GSTR-1[, as amended in FORM GSTR-1A if any,][55] under section 37 for one or more tax periods which is in excess of the outward supplies declared by him in his valid return under section 39 for the said tax periods; or

(g) violates the provision of rule 86B.][56]

[(ga) violates the provisions of third or fourth proviso to sub-rule (1) of rule 23; or][57]

[(h) being a registered person required to file return under subsection (1) of section 39 for each month or part thereof, has not furnished returns for a continuous period of six months;

[51]Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

[52] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. [53] Inserted vide notification no. F.12(56)FD/Tax/2017-Pt-I-38 dated 29.06.2017

[54]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[55] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

[56] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020

[57] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

(i) being a registered person required to file return under proviso to subsection (1) of section 39 for each quarter or part thereof, has not furnished returns for a continuous period of two tax periods.][58]

[58] Inserted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022

[21A. Suspension of registration.- (1)Where a registered person has applied for cancellation of registration under rule 20, the registration shall be deemed to be suspended from the date of submission of the application or the date from which the cancellation is sought, whichever is later, pending the completion of proceedings for cancellation of registration under rule 22.

(2)Where the proper officer has reasons to believe that the registration of a person is liable to be cancelled under section 29 or under rule 21, he may [~~,after affording the said person a reasonable opportunity of being heard,~~][59] suspend the registration of such person with effect from a date to be determined by him, pending the completion of the proceedings for cancellation of registration under rule 22.

(2A) Where,-

(a) a comparison of the returns furnished by a registered person under section 39 with the details of outward supplies furnished in FORM GSTR-1 [, as amended in FORM GSTR-1A if any,][60]or the details of inward supplies derived based on the details of outward supplies furnished by his suppliers in their FORM GSTR-1,[or in FORM GSTR-1 A of the previous tax period, if any][61] or such other analysis, as may be carried out on the recommendations of the Council, show

that there are significant differences or anomalies indicating contravention of the provisions of the Act or the rules made thereunder, leading to cancellation of registration of the said person, or

(b) there is a contravention of the provisions of rule l0A by the registered person,

the registration of such person shall be suspended and the said person shall be intimated in FORM GST REG-3l, electronically, on the common portal, or by sending a communication to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said differences, anomalies or non-complianccs and asking him to explain, within a period of thirty days, as to why his registration shall not be cancelled.]**62**]63

59 Omitted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

60 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

61 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

62 Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

63Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words "[(2A) Where, a comparison of the returns furnished by a registered person under section 39 with the details of outward supplies furnished in FORM GSTR-1; or the details of inward supplies derived based on the details of outward supplies furnished by his suppliers in their FORM GSTR-1, or such other analysis, as may be carried out on the recommendations of the Council, show that there are significant differences or anomalies indicating contravention of the provisions of the Act or the rules made thereunder, leading to cancellation of registration of the said person, his registration shall be suspended and the said person shall be intimated in FORM GST REG-31, electronically, on the common portal, or by sending a communication to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said differences and anomalies and asking him to explain, within a period of thirty days, as to why his registration shall not be cancelled.]

(3)A registered person, whose registration has been suspended under sub-rule (1) or sub-rule (2) [or sub-rule (2A)]64, shall not make any taxable supply during the period of suspension and shall not be required to furnish any return under section 39.

[**Explanation.-**For the purposes of this sub-rule, the expression "shall not make any taxable supply" shall mean that the registered person shall not issue a tax invoice and, accordingly, not charge tax on supplies made by him during the period of suspension.]65]

[(3A) A registered person, whose registration has been suspended under sub-rule (2) or sub-rule (2A), shall not be granted any refund under section 54, during the period of suspension of his registration.]66

(4)The suspension of registration under sub-rule (1) or sub-rule (2) [or sub-rule (2A)]67 shall be deemed to be revoked upon completion of the proceedings by the proper officer under rule 22 and such revocation shall be effective from the date on which the suspension had come into effect.]68

[Provided that the suspension of registration under this rule may be revoked by the proper officer, anytime during the pendency of the proceedings for cancellation, if he deems fit.]69

[Provided further that where the registration has been suspended under sub-rule (2A) for contravention of the provisions contained in clause (b) or clause (c) of sub-section (2) of section 29 and the registration has not already been cancelled by the proper officer under rule 22, the suspension of registration shall be deemed to be revoked upon furnishing of all the pending returns.]70

[Provided also that where the registration has been suspended under sub-rule (2A) for contravention of provisions of rule 10A and the registration has not already been cancelled by the proper officer under rule 22, the suspension of registration shall be deemed to be revoked upon compliance with the provisions of rule 10A.]71

[(5) Where any order having the effect of revocation of suspension of registration has been passed, the provisions of clause (a) of sub-section (3) of section 31 and section 40 in respect of the supplies made during the period of suspension and the procedure specified therein shall apply.][72]

22. Cancellation of registration.- (1) Where the proper officer has reasons to believe that the registration of a person is liable to be cancelled under section 29, he shall issue a notice to suchperson in FORM GST REG-17,requiring him to show cause, within a period of seven working days from the date of the service of such notice, as to why his registration shall not be cancelled.

[64] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[65]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[66] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[67] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[68]Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

[69] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[70]Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 05-07-2022.

[71]Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

[72] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

(2) The reply to the show cause notice issued under sub-rule (1) shall be furnished in FORM REG–18 within the period specified in the said sub-rule.

(3) Where a person who has submitted an application for cancellation of his registration is no longer liable to be registered or his registration is liable to be cancelled, the proper officer shall issue an order in FORM GST REG-19, within a period of thirty days from the date of application submitted under rule 20or, as the case may be, the date of the reply to the show cause issued under sub-rule (1) [or under sub-rule (2A) of rule 21A][73], cancel the registration, with effect from a date to be determined by him and notify the taxable person, directing him to pay arrears of any tax, interest or penalty including the amount liable to be paid under sub-section (5) of section 29.

(4) Where the reply furnished under sub-rule (2) [or in response to the notice issued under sub-rule (2A) of rule 21A][74] is found to be satisfactory, the proper officer shall drop the proceedings and pass an order in FORM GST REG –20.

[Provided that where the person instead of replying to the notice served under sub-rule (1) for contravention of the provisions contained in clause (b) or clause (c) of sub-section (2) of section 29, furnishes all the pending returns and makes full payment of the tax dues along with applicable interest and late fee, the proper officer shall drop the proceedings and pass an order in **FORM GST-REG 20**.][*75*]

(5) The provisions of sub-rule (3) shall, *mutatis mutandis,* apply to the legal heirs of a deceased proprietor, as if the application had been submitted by the proprietor himself.

23. Revocation of cancellation of registration.- (1) A registered person, whose registration is cancelled by the proper officer on his own motion, may, [subject to the provisions of rule 10B,][76] submit an application for revocation of cancellation of registration, in FORM GST REG-21, to such proper officer, [within a period of ninety days from the date of the service of the order of cancellation of registration][77]][78] at the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

[Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended by the Chief Commissioner ·of State Tax or an officer authorised by him in this behalf, not below the rank of Additional Commissioner, as the case may be, for a

further period not exceeding one hundred and eighty days:

Provided further that][79] no application for revocation shall be filed, if the registration has been cancelled for the failure of the registered person to furnish returns, unless such

[73] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[74] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[75]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018.

[76] Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

[77] Inserted wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

[78]Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023 for the words "within a period of thirty days from the date of the service of the order of cancellation of registration [or within such time period as extended by the Additional Commissioner or the Joint Commissioner or the Commissioner, as the case may be, in exercise of the powers provided under the proviso to sub-section (1) of section 30"

[79]Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023 for the words "provided that"

returns are furnished and any amount due as tax, in terms of such returns, has been paid along with any amount payable towards interest, penalty and late fee in respect of the said returns.

[Provided also][80] that all returns due for the period from the date of the order of cancellation of registration till the date of the order of revocation of cancellation of registration shall be furnished by the said person within a period of thirty days from the date of order of revocation of cancellation of registration:

Provided also that where the registration has been cancelled with retrospective effect, the registered person shall furnish all returns relating to period from the effective date of cancellation of registration till the date of order of revocation of cancellation of registration within a period of thirty days from the date of order of revocation of cancellation of registration.][81]

(2) (a) Where the proper officer is satisfied, for reasons to be recorded in writing, that there are sufficient grounds for revocation of cancellation of registration, he shall revoke the cancellation of registration by an order in FORM GST REG-22 within a period of thirty days from the date of the receipt of the application and communicate the same to the applicant. (b) The proper officer may, for reasons to be recorded in writing, under circumstances other than those specified in clause (a), by an order in FORM GST REG-05, reject the application for revocation of cancellation of registration and communicate the same to the applicant.

(3) The proper officer shall, before passing the order referred to in clause (b) of sub-rule (2), issue a notice in FORM GST REG–23requiring the applicant to show cause as to why the application submitted for revocation under sub-rule (1) should not be rejected and the applicant shall furnish the reply within a period of seven working days from the date of the service of the notice inFORMGSTREG-24.

(4) Upon receipt of the information or clarification in FORM GST REG-24, the proper officer shall proceed to dispose of the application in the manner specified in sub-rule (2) within a period of thirty days from the date of the receipt of such information or clarification from the applicant.

24. Migration of persons registered under the existing law.- (1) (a) Every person, other than a person deducting tax at source or an Input Service Distributor, registered under an existing law and having a Permanent Account Number issued under the provisions of the Income-tax Act, 1961 (Central Act No. 43 of 1961) shall enrol on the common portal by validating his e-mail address and mobile number, either directly or through a Facilitation Centre notified by the Commissioner.

(b) Upon enrolment under clause (a), the said person shall be granted registration on a provisional basis and a certificate of registration in FORM GST REG-25, incorporating the Goods and Services Tax Identification Number therein, shall be made available to him on the common portal:

Provided that a taxable person who has been granted multiple registrations under the existing law on the basis of a single Permanent Account Number shall be granted only one provisional registration under the Act:

80Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023 for the words "provided further"

81Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

~~[Provided further that a person having centralised registration under the provisions of Chapter V of the Finance Act, 1994 (Central Act No. 32 of 1994) shall be granted only one provisional registration in the State or Union territory in which he is registered under the existing law.]~~82

(2) (a) Every person who has been granted a provisional registration under sub-rule (1) shall submit an application electronically in FORM GST REG–26, duly signed or verified through electronic verification code, along with the information and documents specified in the said application, on the common portal either directly or through a Facilitation Centre notified by the Commissioner.

(b) The information asked for in clause (a) shall be furnished within a period of three months or within such further period as may be extended by the Commissioner in this behalf. (c) If the information and the particulars furnished in the application are found, by the proper officer, to be correct and complete, a certificate of registration in FORM GST REG-06 shall be made available to the registered person electronically on the common portal.

(3) Where the particulars or information specified in sub-rule (2) have either not been furnished or not found to be correct orcomplete, the proper officer shall, after serving a notice to show cause in FORM GST REG-27and after affording the person concerned a reasonable opportunity of being heard, cancel the provisional registration granted under sub-rule (1) and issue an order in FORM GST REG-28:

Provided that the show cause notice issued in FORM GST REG-27can be withdrawn by issuing an order in FORM GST REG-20, if it is found, after affording the person an opportunity of being heard, that no such cause exists for which the notice was issued.

[(3A) Where a certificate of registration has not been made available to the applicant on the common portal within a period of fifteen days from the date of the furnishing of information and particulars referred to in clause (c) of sub-rule (2) and no notice has been issued under sub-rule (3) within the said period, the registration shall be deemed to have been granted and the said certificate of registration, duly signed or verified through electronic verification code, shall be made available to the registered person on the common portal.]83

(4) Every person registered under any of the existing laws, who is not liable to be registered under the Act may, [on or before 31stMarch, 2018]84858687, at his option, submit an application electronically in FORM GST REG-29at the common portal for the cancellation of registration granted to him and the proper officer shall, after conducting such enquiry as deemed fit, cancel the said registration.

[**25. Physical verification of business premises in certain cases.** - (I) Where the proper officer is satisfied that the physical verification of the place of business of a person is required

after the grant of registration, he may get such verification of the place of business done and the verification report along with the other documents, including photographs, shall be uploaded in FORM GST REG-30 on the common portal· within a period of fifteen working days following the date of such verification.

82 Omitted vide notification no. F.12(56)FD/Tax/2017-Pt-I-38 dated 29.06.2017

83 Inserted vide notification no. F.12(56)FD/Tax/2017-Pt-I-38 dated 29.06.2017

84Substituted for "within a period of thirty days from the appointed day" vide notification no. F.12(46)FD/Tax/2017-71 dated 27.07.2017

85 Substituted for "30th September" vide notification no. F.12(46)FD/TAX/2017-Pt-II-105 dated 29.09.2017

86Substituted for "31stOctober" vide notification no. F.12(46)FD/TAX/2017-Pt-III-128 dated 28.10.2017

87Substituted for "31st December, 2017" vide notification no. F.12(46)FD/TAX/2017-Pt-IV-158 dated 23.01.2018

(2) Where the physical verification of the place of business of a person is required before the grant of registration in the circumstances specified in the proviso to sub rule (I) of rule 9, the proper officer shall get such verification of the place of business done and the verification report along with the other documents, including photographs, shall be uploaded in FORM GST REG-30 on the common portal at least five working days prior to the completion of the time period specified in the said proviso.]**88**]89

26. Method of authentication.- (1) All applications, including reply, if any, to the notices, returns including the details of outward and inward supplies, appeals or any other document required to be submitted under the provisions of these rules shall be so submitted electronically with digital signature certificate or through e-signature as specified under the provisions of the Information Technology Act, 2000 (Central Act No. 21 of 2000) or verified by any other mode of signature or verification as notified by the Commissioner in this behalf: Provided that a registered person registered under the provisions of the Companies Act, 2013 (Central Act No. 18 of 2013) shall furnish the documents or application verified through digital signature certificate.

[[Provided further that a registered person registered under the provisions of the Companies Act, 2013 (Central Act No. 18 of 2013) shall, during the period from the 21st day of April, 2020 to the 30th day of September, 2020, also be allowed to furnish the return under section 39 in **FORM GSTR-3B** verified through electronic verification code (EVC).

Provided also that a registered person registered under the provisions of the Companies Act, 2013 (Central Act No. 18 of 2013) shall, during the period from the 27th day of May, 2020 to the 30th day of September, 2020, also be allowed to furnish the details of outward supplies under section 37 in **FORM GSTR-1** verified through electronic verification code (EVC).]90]91

[Provided also that a registered person registered under the provisions of the Companies Act, 2013 (Central Act No. 18 of 2013) shall, during the period from the 27th day

88 Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. Till then it reads as follows:- "**25. Physical verification of business premises in certain cases.-** Where the proper officer is satisfied that the physical verification of the place of business of aregistered person is required after the grant of registration, he may get such verification done and the verification report along with the other documents, including photographs, shall be uploaded inFORM GST REG-30on the common portal within a period of fifteen working days following the date of such verification."

89Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words "25. Physical verification of business premises in certain cases.-Where the proper officer is satisfied that the physical verification of the place of business of a person is required due to failure of Aadhaar authentication [or due to not opting for Aadhaar authentication]89 before the grant of registration, or due to any other reason after the grant of registration, he may get such verification of the place of business, in the presence of

the said person, done and the verification report along with the other documents, including photographs, shall be uploaded in FORM GST REG-30 on the common portal within a period of fifteen working days following the date of such verification."

90 Substituted wef 27.05.2020 vide notification no. F.12(46)FD/Tax/2017-Pt-III-195 dated 01.07.2020. Till then it reads as follows:- "Provided further that a registered person registered under the provisions of the Companies Act, 2013 (Central Act No. 18 of 2013) shall, during the period from the 21st day of April, 2020 to the 30th day of June, 2020, also be allowed to furnish the return under section 39 in FORM GSTR-3B verified through electronic verification code (EVC).

91Inserted wef 21.04.2020 vide notification no. F.12(46)FD/Tax/2017ptV-174 dated 08.05.2020.

of April, 2021 to the [[31st day of October, 2021]92]93, also be allowed to furnish the return under section 39 in **FORM GSTR-3B** and the details of outward supplies under section 37 in **FORM GSTR-1** or using invoice furnishing facility, verified through electronic verification code (EVC).]94

(2) Each document including the return furnished online shall be signed or verified through electronic verification code-

(a) in the case of an individual, by the individual himself or where he is absent from India, by some other person duly authorised by him in this behalf, and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) in the case of a Hindu Undivided Family, by a Karta and where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family or by the authorised signatory of such Karta;

(c) in the case of a company, by the chief executive officer or authorised signatory thereof;

(d) in the case of a Government or any Governmental agency or local authority, by an officer authorised in this behalf;

(e) in the case of a firm, by any partner thereof, not being a minor or authorised signatory thereof;

(f) in the case of any other association, by any member of the association or persons or authorised signatory thereof;

(g) in the case of a trust, by the trustee or any trustee or authorised signatory thereof; or

(h) in the case of any other person, by some person competent to act on his behalf, or by a person authorised in accordance with the provisions of section 48.

(3) All notices, certificates and orders under the provisions of this Chapter shall be issued electronically by the proper officer or any other officer authorised to issue such notices or certificates or orders, through digital signature certificate [or through e-signature as specified under the provisions of the Information Technology Act, 2000 (Central Act No 21 of 2000) or verified by any other mode of signature or verification as notified by the Board in this behalf.]95

92 Substituted for "31st day of August, 2021" vide notification no. F.12(1)FD/Tax/2021-48 dated 01.09.2021. 93 Substituted for "31st day of May, 2021" wef 31.05.2021 vide notification no. F.12(1)FD/Tax/2021-23 dated 04.06.2021.

94 Inserted wef 27.04.2021 vide notification no. F.12(1)FD/Tax/2021-01 dated 03.05.2021.

95Substituted by notification no. F.12(56)FD/Tax/2017-Pt-I-38 dated 29.06.2017 for "specified under the provisions of the Information Technology Act, 2000 (Central Act No. 21 of 2000)"

Chapter IV

Determination of Value of Supply

27. Value of supply of goods or services where the consideration is not wholly in money.-Where the supply of goods or services is for a consideration not wholly in money, the value of the supply shall,-

(a)be the open market value of such supply;

(b)if the open market value is not available under clause (a), be the sum total of consideration in money and any such further amount in money as is equivalent to the consideration not in money, if such amount is known at the time of supply;

(c)if the value of supply is not determinable under clause (a) or clause (b), be the value of supply of goods or services or both of like kind and quality;

(d)if the value is not determinable under clause (a) or clause (b) or clause (c), be the sum total of consideration in money and such further amount in money that is equivalent to consideration not in money as determined by the application of rule 30 or rule 31 in that order.

Illustration:

(1) Where a new phone is supplied for twenty thousand rupees along with the exchange of an old phone and if the price of the new phone without exchange is twenty four thousand rupees, the open market value of the new phone is twenty four thousand rupees.

(2) Where a laptop is supplied for forty thousand rupees along with the barter of a printer that is manufactured by the recipient and the value of the printer known at the time of supply is four thousand rupees but the open market value of the laptop is not known, the value of the supply of the laptop is forty four thousand rupees.

28. Value of supply of goods or services or both between distinct or related persons, other than through an agent.- (1)The value of the supply of goods or services or both between distinct persons as specified in sub-section (4) and (5) of section 25 or where the supplier and recipient are related, other than where the supply is made through an agent, shall,-

(a) be the open market value of such supply;

(b) if the open market value is not available, be the value of supply of goods or services of like kind and quality;

(c) if the value is not determinable under clause (a) or (b), be the value as determined by the application of rule 30 or rule 31, in that order:

Provided that where the goods are intended for further supply as such by the recipient, the value shall, at the option of the supplier, be an amount equivalent to ninety percent of the price charged for the supply of goods of like kind and quality by the recipient to his customer not being a related person:

Provided further that where the recipient is eligible for full input tax credit, the value declared in the invoice shall be deemed to be the open market value of the goods or services.

[(2) Notwithstanding anything contained in sub-rule (I), the value of supply of services by a supplier to a recipient who is a related person, [located in India][96] by way of providing corporate guarantee to any banking company or financial institution on behalf of the said recipient, shall be deemed to be one percent of the amount of such guarantee offered, [per annum][97] or the actual consideration, whichever is higher.] [98]

[Provided that where the recipient is eligible for full input tax credit, the value declared in the invoice shall be deemed to be the value of said supply of services.][99]

29. Value of supply of goods made or received through an agent.-The value of supply of goods between the principal and his agent shall,-

(a) be the open market value of the goods being supplied, or at the option of the supplier, be ninety per cent. of the price charged for the supply of goods of like kind and quality by the recipient to his customer not being a related person, where the goods are intended for further supply by the said recipient.

Illustration: A principal supplies groundnut to his agent and the agent is supplying groundnuts of like kind and quality in subsequent supplies at a price of five thousand rupees per quintal on the day of the supply. Another independent supplier is supplying groundnuts of like kind and quality to the said agent at the price of four thousand five hundred and fifty rupees per quintal. The value of the supply made by the principal shall be four thousand five hundred and fifty rupees per quintal or where he exercises the option, the value shall be 90 per cent. of five thousand rupees i.e., four thousand five hundred rupees per quintal.

(c)where the value of a supply is not determinable under clause (a), the same shall be determined by the application of rule 30 or rule 31 in that order.

30. Value of supply of goods or services or both based on cost.-Where the value of a supply of goods or services or both is not determinable by any of the preceding rules of this Chapter, the value shall be one hundred and ten percent of the cost of production or manufacture or the cost of acquisition of such goods or the cost of provision of such services.

31. Residual method for determination of value of supply of goods or services or both.- Where the value of supply of goods or services or both cannot be determined under rules 27 to 30, the same shall be determined using reasonable means consistent with the principles and the general provisions of section 15 and the provisions of this Chapter:

Provided that in the case of supply of services, the supplier may opt for this rule, ignoring rule 30.

96 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 26.10.2023.

97 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 26.10.2023. 98 Inserted wef 26.10.2023 vide notification no. F.12(11)FD/Tax/2023-pt.- I - 61 dated 27.10.2023 99 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 26.10.2023.

[**31A. Value of supply in case of lottery, betting, gambling and horse racing.-** (1) Notwithstanding anything contained in the provisions of this Chapter, the value in respect of supplies specified below shall be determined in the manner provided hereinafter.

[(2) The value of supply of lottery shall be deemed to be 100/[140][100] of the face value of ticket or of the price as notified in the Official Gazette by the Organising State, whichever is higher.

Explanation: For the purposes of this sub-rule, the expression "Organising State" has the same meaning as assigned to it in clause (f) of sub-rule (1) of rule 2 of the Lotteries (Regulation) Rules, 2010.][101]

(3) The value of supply of actionable claim in the form of chance to win in betting, gambling or horse racing in a race club shall be 100% of the face value of the bet or the amount paid into the totalisator.][102]

[**31B.Value of supply in case of online gaming includiug online money gaming.-**
Notwithstanding anything contained in this chapter, the value of supply of online gaming, including supply of actionable claims involved in online money gaming, shall be the total amount

paid or payable to or deposited with the supplier by way of money or money's worth, including virtual digital assets, by or on behalf of the player:

Provided that any amount returned or refunded by the supplier to the player for any reasons whatsoever, including player not using the amount paid or deposited with the supplier for participating in any event, shall not be deductible from the value of supply of online money gaming.

31C. Value of supply of actionable claims in case of casino.- Notwithstanding anything contained in this chapter, the value of supply of actionable claims in casino shall be the total amount paid or payable by or on behalf of the player for-

(i) purchase of the tokens, chips, coins or tickets, by whatever name called, for use in casino; or

100 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it reads as follows:- "128"

101 Substituted wef 01.03.2020 vide notification no. F.12(56)/FD/Tax/2017-Pt.IV-144 dated 12.03.2020. Till then it reads as follows:-

"(2) (a) The value of supply of lottery run by State Governments shall be deemed to be 100/112 of the face value of ticket or of the price as notified in the Official Gazette by the organising State, whichever is higher. (b) The value of supply of lottery authorised by State Governments shall be deemed to be 100/128 of the face value of ticket or of the price as notified in the Official Gazette by the organising State, whichever is higher.

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

(a) "lottery run by State Governments" means a lottery not allowed to be sold in any State other than the organizing State.

(b) "lottery authorised by State Governments" means a lottery which is authorised to be sold in State(s) other than the organising State also.

(c) Organising State has the same meaning as assigned to it in clause (f) of sub-rule (1) of rule 2 of the Lotteries (Regulation) Rules, 2010."

102Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

(ii) participating in any event, including game, scheme, competition or any other activity or process, in the casino, in cases where the token, chips, coins or tickets, by whatever name called, are not required:

Provided that any amount returned or refunded by the casino to the player on return of token, coins, chips, or tickets, as the case may be, or otherwise, shall not be deductible from the value of the supply of actionable claims in casino.

Explanation.- For the purpose of rule 3lB and rule 31C, any amount received by the player by winning any event, including game, scheme, competition or any other activity or process, which is used for playing by the said player in a further event without withdrawing, shall not be considered as the amount paid to or deposited with the supplier by or on behalf of the said player.]103

[31D. Value of supply of goods on basis of retail sale price. -(1) Notwithstanding anything contained in the provisions of this Chapter, the value of supply of goods bearing the description specified in column (3), Falling under the corresponding Chapter/heading/ sub-heading/ tariff item specified in column (2), of the Table below, shall be deemed to be the retail sale price declared on such goods, less the amount of tax as applicable, namely: -

Table

S. No.	Chapter / Heading / Sub-heading / Tariff item	Description of Goods

(1)	(2)	(3)
1.	2106 90 20	Pan masala
2.	2401	Unmanufactured tobacco; tobacco refuse [other than tobacco leaves]
3.	2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
4.	2403	Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences (other than [ ])
5.	2404 11 00	Products containing tobacco or reconstituted tobacco and intended for inhalation without combustion
6.	2404 19 00	Products containing tobacco or nicotine substitutes and intended for inhalation without

(2)The amount of applicable tax referred to in sub-rule (1) shall be determined in the following manner, namely: —

Tax amount = (Retail sale price X tax rate in % of applicable taxes) / (100+ sum of applicable tax rate).

Explanation. — For the purposes of this rule, —

103 Inserted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023.

(a)"applicable tax" means IGST or CGST or SGST or UTGST as the case may be;

(b)"retail sale price" means the maximum price declared on goods at which such goods in packaged

form may be sold to the ultimate consumer and includes all taxes, duties, surcharge or cess by whatever name called;

(c)where on the package of any specified goods more than one retail sale price is declared, the maximum of such retail sale price shall be deemed to be the retail sale price;

(d)where the retail sale price declared on packages of any specified goods is altered to increase the retail sale price at any stage before, during, or after the supply, such altered retail sale price shall be deemed to be the retail sale price;

(e) where different retail sale prices are declared on different packages for the sale of any specified goods above in packaged

form in different areas, each such retail sale price shall be the retail sale price for the purposes of valuation of the specified goods intended to be sold in the area to which the retail sale price relates.][104]

32. Determination of value in respect of certain supplies.- (1) Notwithstanding anything contained in the provisions of this Chapter, the value in respect of supplies specified below shall, at the option of the supplier, be determined in the manner provided hereinafter.

(2) The value of supply of services in relation to the purchase or sale of foreign currency, including money changing, shall be determined by the supplier of services in the following manner, namely:-

(a) for a currency, when exchanged from, or to, Indian Rupees, the value shall be equal to the difference in the buying rate or the selling rate, as the case may be, and the Reserve Bank of India reference rate for that currency at that time, multiplied by the total units of currency:

Provided that in case where the Reserve Bank of India reference rate for a currency is not available, the value shall be one per cent. of the gross amount of Indian Rupees provided or received by the person changing the money.

Provided further that in case where neither of the currencies exchanged is Indian Rupees, the value shall be equal to one per cent. of the lesser of the two amounts the person changing the money would have received by converting any of the two currencies into Indian Rupee on that day at the reference rate provided by the Reserve Bank of India.

[104] Inserted vide notification no. F.12(4)FD/Tax/2026-25 dated 29.01.2026 wef 01.02.2026.

Provided also that a person supplying the services may exercise the option to ascertain the value in terms of clause (b) for a financial year and such option shall not be withdrawn during the remaining part of that financial year.

(b) at the option of the supplier of services, the value in relation to the supply of foreign currency, including money changing, shall be deemed to be,-

(i) one per cent. of the gross amount of currency exchanged for an amount up to one lakh rupees, subject to a minimum amount of two hundred and fifty rupees;

(ii) one thousand rupees and half of a per cent. of the gross amount of currency exchanged for an amount exceeding one lakh rupees and upto ten lakh rupees; and

(iii) five thousand and five hundred rupees and one tenth of a per cent. of the gross amount of currency exchanged for an amount exceeding ten lakh rupees, subject to a maximum amount of sixty thousand rupees.

(3) The value of the supply of services in relation to booking of tickets for travel by air provided by an air travel agent shall be deemed to be an amount calculated at the rate of five per cent. of the basic fare in the case of domestic bookings and at the rate of ten per cent. of the basic fare in the case of international bookings of passage for travel by air.

Explanation: For the purposes of this sub-rule, the expression "basic fare" means that part of the air fare on which commission is normally paid to the air travel agent by the airlines.

(4) The value of supply of services in relation to life insurance business shall be,-

(a) the gross premium charged from a policy holder reduced by the amount allocated for investment, or savings on behalf of the policy holder, if such an amount is intimated to the policy holder at the time of supply of service;

(b) in case of single premium annuity policies other than (a), ten per cent. of single premium charged from the policy holder; or

(c) in all other cases, twenty five per cent. of the premium charged from the policy holder in the first year and twelve and a half per cent. of the premium charged from the policy holder in subsequent years:

Provided that nothing contained in this sub-rule shall apply where the entire premium paid by the policy holder is only towards the risk cover in life insurance.

(5) Where a taxable supply is provided by a person dealing in buying and selling of second hand goods i.e., used goods as such or after such minor processing which does not change the nature of the goods and where no input tax credit has been availed on the purchase of such goods, the value of supply shall be the difference between the selling price and the purchase price and where the value of such supply is negative, it shall be ignored:

Provided that the purchase value of goods repossessed from a defaulting borrower, who is not registered, for the purpose of recovery of a loan or debt shall be deemed to be the

purchase price of such goods by the defaulting borrower reduced by five percentage points for every quarter or part thereof, between the date of purchase and the date of disposal by the person making such repossession.

(6) The value of a token, or a voucher, or a coupon, or a stamp (other than postage stamp) which is redeemable against a supply of goods or services or both shall be equal to the money value of the goods or services or both redeemable against such token, voucher, coupon, or stamp.

(7) The value of taxable services provided by such class of service providers as may be notified by the Government, on the recommendations of the Council, as referred to in paragraph 2 of Schedule I of the said Act between distinct persons as referred to in section 25, where input tax credit is available, shall be deemed to be NIL.

[**32A. Value of supply in cases where Kerala Flood Cess is applicable.-** The value of supply of goods or services or both on which Kerala Flood Cess is levied under clause 14 of the Kerala Finance Bill, 2019 shall be deemed to be the value determined in terms of section 15 of the Act, but shall not include the said cess.][105]

33. Value of supply of services in case of pure agent.- Notwithstanding anything contained in the provisions of this Chapter, the expenditure or costs incurred by a supplier as a pure agent of the recipient of supply shall be excluded from the value of supply, if all the following conditions are satisfied, namely,-

(i) the supplier acts as a pure agent of the recipient of the supply, when he makes the payment to the third party on authorisation by such recipient;

(ii) the payment made by the pure agent on behalf of the recipient of supply has been separately indicated in the invoice issued by the pure agent to the recipient of service; and

(iii) the supplies procured by the pure agent from the third party as a pure agent of the recipient of supply are in addition to the services he supplies on his own account.

Explanation: For the purposes of this rule, the expression "pure agent" means a person who,-

(a) enters into a contractual agreement with the recipient of supply to act as his pure agent to incur expenditure or costs in the course of supply of goods or services or both;

(b) neither intends to hold nor holds any title to the goods or services or both so procured or supplied as pure agent of the recipient of supply;

(c) does not use for his own interest such goods or services so procured; and

(d) receives only the actual amount incurred to procure such goods or services in addition to the amount received for supply he provides on his own account.

[105]Inserted wef 01.07.2019 vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

Illustration: Corporate services firm A is engaged to handle the legal work pertaining to the incorporation of Company B. Other than its service fees, A also recovers from B, registration fee and approval fee for the name of the company paid to the Registrar of Companies. The fees charged by the Registrar of Companies for the registration and approval of the name are compulsorily levied on B. A is merely acting as a pure agent in the payment of those fees. Therefore, A's recovery of such expenses is a disbursement and not part of the value of supply made by A to B.

[34. Rate of exchange of currency, other than Indian rupees, for determination of value.- (1) The rate of exchange for determination of value of taxable goods shall be the applicable rate of exchange as notified by the Board under section 14 of the Customs Act, 1962 for the date of time of supply of such goods in terms of section 12 of the Act.

(2) The rate of exchange for determination of value of taxable services shall be the applicable rate of exchange determined as per the generally accepted accounting principles for the date of time of supply of such services in terms of section 13 of the Act.][106]

35. Value of supply inclusive of integrated tax, central tax, State tax, Union territory tax.- Where the value of supply is inclusive of integrated tax or, as the case may be, central tax, State tax, Union territory tax, the tax amount shall be determined in the following manner, namely,-

Tax amount = (Value inclusive of taxes X tax rate in % of IGST or, as the case may be, CGST, SGST or UTGST) ÷ (100+ sum of tax rates, as applicable, in %)

Explanation: For the purposes of the provisions of this Chapter, the expressions,-

(a)"open market value" of a supply of goods or services or both means the full value in money, excluding the integrated tax, central tax, State tax, Union territory tax and the cess payable by a person in a transaction, where the supplier and the recipient of the supply are not relatedand the price is the sole consideration, to obtain such supply at the same time when the supply being valued is made;

(b)"supply of goods or services or both of like kind and quality" means any other supply of goods or services or both made under similar circumstances that, in respect of the characteristics, quality, quantity,

[106]Amended vide notification no. F.12(46)FD/Tax/2017-71 dated 27.07.2017. Till then the rule read as follows-"**34. Rate of exchange of currency, other than Indian rupees, for determination of value.-** The rate of exchange for the determination of the value of taxable goods or services or both shall be the applicable reference rate for that currency as
determined by the Reserve Bank of India on the date of time of supply in respect of such supply in terms of section 12 or, as the case may be, section 13 of the Act."

functional components, materials, and the reputation of the goods or services or both first mentioned, is the same as, or closely or substantially resembles, that supply of goods or services or both.

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Chapter V

Input Tax Credit

36. Documentary requirements and conditions for claiming input tax credit.- (1) The input tax credit shall be availed by a registered person, including the Input Service Distributor, on the basis of any of the following documents, namely,-

(a) an invoice issued by the supplier of goods or services or both in accordance with the provisions of section 31;

(b) an invoice issued in accordance with the provisions of clause (f) of sub-section (3) of section 31, subject to the payment of tax;

(c) a debit note issued by a supplier in accordance with the provisions of section 34;

(d) a bill of entry or any similar document prescribed under the Customs Act, 1962 or rules made thereunder for the assessment of integrated tax on imports;

(e) an Input Service Distributor invoice or Input Service Distributor credit note or any document issued by an Input Service Distributor in accordance with the provisions of sub-rule (1) of rule 54.

(2) Input tax credit shall be availed by a registered person only if all the applicable particulars as specified in the provisions of Chapter VI are contained in the said document, [~~and the relevant information, as contained in the said document, is furnished in FORM GSTR-2 by such person~~.]107

[Provided that if the said document does not contain all the specified particulars but contains the details of the amount of tax charged, description of goods or services, total value of supply of goods or services or both, GSTIN of the supplier and recipient and place of supply in case of inter-State supply, input tax credit may be availed by such registered person.]108

(3) No input tax credit shall be availed by a registered person in respect of any tax that has been paid in pursuance of any order where any demand has been confirmed on account of any fraud, willful misstatement or suppression of facts [under section 74]109.

[(4) No input tax credit shall be availed by a registered person in respect of invoices or debit notes the details of which are required to be furnished under sub-section (1) of section 37 unless,-

(a) the details of such invoices or debit notes have been furnished by the supplier in the statement of outward supplies in **FORM GSTR-1** [, as amended in **FORM GSTR-1A** if any,]110 or using the invoice furnishing facility; and

107 Omitted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022.

108 Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018.

109 Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 08.10.2024. 110 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

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(b) the details of [input tax credit in respect of]111 such invoices or debit notes have been communicated to the registered person in **FORM GSTR-2B** under sub-rule (7) of rule 60.]112

37. Reversal of input tax credit in the case of non-payment of consideration.-

[(1) A registered person, who has availed of input tax credit on any inward supply of goods or services or both, other than the supplies on which tax is payable on reverse charge basis, but fails to pay to the supplier thereof, the amount towards the value of such supply [whether wholly or partly]113 along with the tax payable thereon, within the time limit specified in the

second proviso to sub-section(2) of section 16, shall pay [or reverse][114] an amount equal to the input tax credit availed in respect of such supply [proportionate to the amount not paid to the supplier][115] along with interest payable thereon under section 50, while furnishing the return in FORM GSTR-3B for the tax period immediately following the period of one hundred and eighty days from the date of the issue of the invoice:

Provided that the value of supplies made without consideration as specified in Schedule I of the said Act shall be deemed to have been paid for the purposes of the second proviso to sub-section (2) of section 16:

Provided further that the value of supplies on account of any amount added in accordance with the provisions of clause (b) of sub-section (2) of section 15 shall be deemed to have been paid for the purposes of the second proviso to sub-section (2) of section 16.;

[111] Inserted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022.

[112] Substituted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01-01-2022. Till then it reads as follows:-" (4) Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been furnished by the suppliers under sub-section (1) of section 37 [in FORM GSTR-1 or using the invoice furnishing facility, shall not exceed 5 per cent of the eligible credit available in respect of invoices or debit notes the details of which have been furnished by the suppliers under sub-section (1) of section 37 [in FORM GSTR-1 or using the invoice furnishing facility

Provided that the said condition shall apply cumulatively for the period February, March, April, May, June, July and August, 2020 and the return in FORM GSTR-3B for the tax period September, 2020 shall be furnished with the cumulative adjustment of input tax credit for the said months in accordance with the condition above.

Provided further that such condition shall apply cumulatively for the period April, May and June, 2021 and the return in FORM GSTR-3B for the tax period June, 2021 or quarter ending June, 2021, as the case may be, shall be furnished with the cumulative adjustment of input tax credit for the said months in accordance with the condition above. "

[113] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 wef 1st day of October, 2022. [114] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 wef 1st day of October, 2022. [115] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 wef 1st day of October, 2022.

(2) Where the said registered person subsequently makes the payment of the amount towards the value of such supply along with tax payable thereon to the supplier thereof, he shall be entitled to re-avail the input tax credit referred to in sub-rule (1).][116]

[~~(3) The registered person shall be liable to pay interest at the rate notified under sub-section (1) of section 50 for the period starting from the date of availing credit on such supplies till the date when the amount added to the output tax liability, as mentioned in sub-rule (2), is paid.~~][117]

(4) The time limit specified in sub-section (4) of section 16 shall not apply to a claim for re-availing of any credit, in accordance with the provisions of the Act or the provisions of this Chapter, that had been reversed earlier.

[37A. Reversal of input tax credit in the case of non-payment of tax by the supplier and re-availment thereof.- Where input tax credit has been availed by a registered person in the return in FORM GSTR-3B for a tax period in respect of such invoice or debit note, the

details of which have been furnished by the supplier in the statement of outward supplies in FORM GSTR-1[,as amended in FORM GSTR-1A if any,]118 or using the invoice furnishing facility, but the return in FORM GSTR-3B for the tax period corresponding to the said statement of outward supplies has not been furnished by such supplier till the 30th day of September following the end of financial year in which the input tax credit in respect of such invoice or debit note has been availed, the said amount of input tax credit shall be reversed by the said registered person, while furnishing a return in FORM GSTR-3B on or before the 30th day of November following the end of such financial year:

Provided that where the said amount of input tax credit is not reversed by the registered person in a return in FORM GSTR-3B on or before the 30th day of November following the end of such financial year during which such input tax credit has been availed, such amount shall be payable by the said person along with interest thereon under section 50.

Provided further that where the said supplier subsequently furnishes the return in FORM GSTR-3B for the said tax period, the said registered person may re-avail the amount of such credit in the return in FORM GSTR-3B for a tax period thereafter.]119

116 Substituted wef 01.10.2022 vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022. Till then it read as follows:- (1) A registered person, who has availed of input tax credit on any inward supply of goods or services or both, but fails to pay to the supplier thereof, the value of such supply along with the tax payable thereon, within the time limit specified in the second proviso to sub-section (2) of section 16, shall furnish the details of such supply, the amount of value not paid and the amount of input tax credit availed of proportionate to such amount not paid to the supplier in FORM GSTR-2 for the month immediately following the period of one hundred and eighty days from the date of the issue of the invoice:
Provided that the value of supplies made without consideration as specified in Schedule I of the said Act shall be deemed to have been paid for the purposes of the second proviso to sub-section (2) of section 16.
[Provided further that the value of supplies on account of any amount added in accordance with the provisions of clause (b) of sub-section (2) of section 15 shall be deemed to have been paid for the purposes of the second proviso to sub-section (2) of section 16.]116
(2) The amount of input tax credit referred to in sub-rule (1) shall be added to the output tax liability of the registered person for the month in which the details are furnished.

117 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

118 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

38. Claim of credit by a banking company or a financial institution.- A banking company or a financial institution, including a non-banking financial company, engaged in the supply of services by way of accepting deposits or extending loans or advances that chooses not to comply with the provisions of sub-section (2) of section 17, in accordance with the option permitted under sub-section (4) of thatsection, shall follow the following procedure, namely,-

(a) the said company or institution shall not avail the credit of,-

(i)the tax paid on inputs and input services that are used for non-business purposes; and

(ii) the credit attributable to the supplies specified in sub-section (5) of section 17, [~~in FORM GSTR-2~~;]120

(b)the said company or institution shall avail the credit of tax paid on inputs and input services referred to in the second proviso to sub-section (4) of section 17 and not covered under clause (a);

(c)fifty per cent. of the remaining amount of input tax shall be the input tax credit admissible to the company or the institution [and the balance amount of input tax credit shall be reversed in FORM GSTR-3B]121;

(d)[~~the amount referred to in clauses (b) and (c) shall, subject to the provisions of sections 41, 42 and 43, be credited to the electronic credit ledger of the saidcompany or the institution.~~]122

39. Procedure for distribution of input tax credit by Input Service Distributor.- (1)123 An Input Service Distributor shall distribute input tax credit in the manner and subject to the following conditions, namely: -

119 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

120 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

121 Substituted wef 01.10.2022 vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022. for " and shall be furnished in FORM GSTR-2"

122 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

123 Substituted vide notification no. F.12(l)FD/Tax/2024- 93, dated 27.09.2024 before substitution it was read as under: " (1)An Input Service Distributor shall distribute input tax credit in the manner and subject to the following conditions, namely,-

(a)

the input tax credit available for distribution in a month shall be distributed in the same month and the details thereof shall be furnished in FORM GSTR-6in accordance with the provisions of Chapter VIII of these rules;

(a) the input tax credit available for distribution in a month shall be distributed in the same month and

(a) the input tax credit available for distribution in a month shall be distributed in the same month and the details thereof shall be furnished in FORM GSTR-6 in accordance with the provisions of Chapter VIII of these rules;

the details thereof shall be furnished in FORM GSTR-6in accordance with the provisions of Chapter VIII of these rules;

(b) the Input Service Distributor shall, in accordance with the provisions of clause (d), separately distribute the amount of ineligible input tax credit (ineligible under the provisions of sub-section (5) of section 17 or otherwise) and the amount of eligible input tax credit;

(c) the input tax credit on account of central tax, State tax, Union territory tax and integrated tax shall be distributed separately in accordance with the provisions of clause (d);

(d) the input tax credit that is required to be distributed in accordance with the provisions of clause (d) and (e) of sub-section (2) of section 20 to one of the recipients 'R1', whether registered or not, from amongst the total of all the recipients to whom input tax credit is attributable, including the recipient(s) who are engaged in making exempt supply, or are otherwise not registered for any reason, shall be the amount, "C1", to be calculated by applying the following formula:-

$C1 = (t1 \div T) \times C$

where,-

"C" is the amount of credit to be distributed,

"t1" is the turnover, as referred to in section 20, of person R1 during the relevant period, and

"T" is the aggregate of the turnover, during the relevant period, of all recipients to whom the input service is attributable in accordance with the provisions of section 20;

(e) the input tax credit on account of integrated tax shall be distributed as input tax credit of integrated tax to every recipient;

(f) the input tax credit on account of central tax and State tax or Union territory tax shall,-

(i) in respect of a recipient located in the same State or Union territory in which the Input Service Distributor is located, be distributed as input tax credit of central tax and State tax or Union territory tax respectively;

(ii) in respect of a recipient located in a State or Union territory other than that of the Input Service Distributor, be distributed as integrated tax and the amount to be so distributed shall be equal to the aggregate of the amount of input tax credit of central tax and State tax or Union territory tax that qualifies for distribution to such recipient in accordance with clause (d);

(g) the Input Service Distributor shall issue an Input Service Distributor invoice, as prescribed in sub-rule (1) of rule 54, clearly indicating in such invoice that it is issued only for distribution of input tax credit;

(h) the Input Service Distributor shall issue an Input Service Distributor credit note, as prescribed in sub-rule (1) of rule 54, for reduction of credit in case the input tax credit already distributed gets reduced for any reason;

(i) any additional amount of input tax credit on account of issuance of a debit note to an Input Service Distributor by the supplier shall be distributed in the manner and subject to the conditions specified in clauses (a)to (f) and the amount attributable to any recipient shall be calculated in the manner provided in clause (d) and such credit shall be distributed in the month in which the debit note is included in the return in FORM GSTR-6;

(j) any input tax credit required to be reduced on account of issuance of a credit note to the Input Service Distributor by the supplier shall be apportioned to each recipient in the same ratio in which the input tax credit contained in the original invoice was distributed in terms of clause (d), and the amount so apportioned shall be-
(i) reduced from the amount to be distributed in the month in which the credit note is included in the return in FORM GSTR-6; or
(ii) added to the output tax liability of the recipient where the amount so apportioned is in the negative by virtue of the amount of credit under distribution being less than the amount to be adjusted."

(b) the amount of the credit distributed shall not exceed the amount of credit available for distribution;

(c) the credit of tax paid on input services attributable to a recipient of credit shall be distributed only to that recipient;

(d) the credit of tax paid on input services attributable to more than one recipient of credit shall be distributed amongst such recipients to whom the input service is attributable and such distribution shall be pro rata on the basis of the turnover in a State or tum over in a Union territory of such recipient, during the relevant period, to the aggregate of the turnover of all such recipients to whom such input service is attributable and which are operational in the current year, during the said relevant period;

(e) the credit of tax paid on input services attributable to all recipients of credit shall be distributed amongst such recipients and such distribution shall be pro rata on the basis of the turnover in a State or turnover in a Union territory of such recipient, during the relevant period, to the 'aggregate of the turnover of all recipients and which are operational in the current year, during the said relevant period;

(f) the input tax credit that is required to be distributed in accordance with the provisions of clause (d) and (e) to one of the recipients "R1", whether registered or not, from amongst the total of all the recipients to whom input tax credit is attributable, including the recipients who are engaged in making exempt supply, or are otherwise not registered for any reason, shall be the amount, "C1", to be calculated by applying the following formula -

C 1 = (t 1 / T) x C

where,

"C" is the amount of credit to be distributed,

"t1 " is the turnover, as referred to in clause (d) and (e), of person R1 during the relevant period, and

"T" is the aggregate of the turnover, during the relevant period, of all recipients to whom the input service is attributable in accordance with the provisions of clause (d) and (e);

(g) the Input Service Distributor shall, in accordance with the provisions of clause (d) and (e), separately distribute the amount of ineligible input tax credit (ineligible under the provisions of sub-section (5) of section 17 or otherwise) and the amount of eligible input tax credit;

(h) the input tax credit on account of central tax, State tax, Union territory tax and integrated tax shall be distributed separately in accordance with the provisions of clause (d) and (e);

(i) the input tax credit on account of integrated tax shall be distributed as input tax credit of integrated tax to every recipient;

(j) the input tax credit on account of central tax and State tax or Union territory tax shall–

(i) in respect of a recipient located in the same State or Union territory in which the Input Service Distributor is located, be distributed as input tax credit of central tax and State tax or Union territory tax respectively;

(ii) in respect of a recipient located in a State or Union territory other than that of the Input Service Distributor, be distributed as integrated tax and the amount to be so distributed shall be equal to the aggregate of the amount of input tax credit of central tax and State tax or Union territory tax that qualifies for distribution to such recipient as referred to in clause (d) and (e);

(k) the Input Service Distributor shall issue an Input Service Distributor invoice, as provided in sub-rule (1) of rule 54, clearly indicating in such invoice that it is issued only for distribution of input tax credit;

(l) the Input Service Distributor shall issue an Input Service Distributor credit note, as provided in sub-rule (1) of rule 54, for reduction of credit in case the input tax credit already distributed gets reduced for any reason;

(m) any additional amount of input tax credit on account of issuance of a debit note to an Input Service Distributor by the supplier shall be distributed in the manner and subject to the conditions specified in clauses (a) to (j) and the amount attributable to any recipient shall be calculated in the manner provided in clause (f) and such credit shall be distributed in the month in which the debit note is included in the return in FORM GSTR-6;

(n) any input tax credit required to be reduced on account of issuance of a credit note to the Input Service Distributor by the supplier shall be apportioned to each recipient in the same ratio in which the input tax credit contained in the original invoice was distributed in terms of clause (f), and the amount so apportioned shall be-

(i) reduced from the amount to be distributed in the month in which the credit note is included in the return in FORM GSTR-6; or

(ii) added to the output tax liability of the recipient where the amount so apportioned is in the negative by virtue of the amount of credit under distribution being less than the amount to be adjusted.

124[(1A) For the distribution of credit in respect of input services, attributable to one or more distinct persons, subject to levy of tax under sub-section (3) or (4) of section 9 [of the Rajasthan Goods and Services Tax Act, 2017 or under sub-section (3) or sub-section (4) of section 5 of the Integrated Goods and Service Tax Act, 2017 (13 of 2025)]125, a registered person, having the same PAN and State code as an Input Service Distributor, may issue an invoice or, as the case may be, a credit or debit note as per the provisions of sub-rule(1A) of

124 Inserted vide notification no. F.12(1)FD/Tax/2024-93 dated 27.09.2024.

125 Inserted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 01.04.2025.

rule 54 to transfer the credit of such common input services to the Input Service Distributor, and such credit shall be distributed by the said Input Service Distributor in the manner as provided in sub-rule (1).]

(2) If the amount of input tax credit distributed by an Input Service Distributor is reduced later on for any other reason for any of the recipients, including that it was distributed to a wrong recipient by the Input Service Distributor, the process specified in [126][clause (n)] of sub-rule (1) shall apply, *mutatis mutandis,* for reduction of credit.

(3) Subject to sub-rule (2), the Input Service Distributor shall, on the basis of the Input Service Distributor credit note specified in [clause (l)][127] of sub-rule (1), issue an Input Service Distributor invoice to the recipient entitled to such credit and include the Input Service Distributor credit note and the Input Service Distributor invoice in the return in FORMGSTR-6 for the month in which such credit note and invoice was issued.

[Explanation.__ For the purpose of this rule, -

(i) the term "relevant period" shall be_

(a) if the recipients of credit have· turnover in their States or Union territories in the financial year' preceding the year during which credit is to be distributed, the said financial year; or

(b) if some or all recipients of the credit do not have any turnover in their States or Union territories in the financial year preceding the year during which the credit is to be distributed, the last quarter for which details of such turnover of all the recipients are available, previous to the month during which credit is to be distributed;

(ii) the expression "recipient of credit" means the supplier of goods or services or both having the same Permanent Account Number as that of the Input Service Distributor;

(iii) the term "turnover", in relation to any registered person engaged in the supply of taxable goods as well as goods not taxable under this Act, means the value of turnover, reduced by the amount of any duty or tax levied Under entries 84 and 92A of List I of the Seventh Schedule to the Constitution and entries 51 and 54 of List II of the said Schedule.][128]

40.Manner of claiming credit in special circumstances.- (1) The input tax credit claimed in accordance with the provisions of sub-section (1) of section 18 on the inputs held in stock or inputs contained in semi-finished or finished goods held in stock, or the credit claimed on capital goods in accordance with the provisions of clauses (c) and (d) of the said sub-section, shall be subject to the following conditions, namely:-

(a) the input tax credit on capital goods, in terms of clauses (c) and (d) of sub-section (1) of section 18, shall be claimed after reducing the tax paid on such capital goods by five

126 Substituted vide notification no. F.12(1)FD/Tax/2024-93 dated 27.09.2024, for the words "clause (j)"
127 Substituted vide notification no. F.12(1)FD/Tax/2024-93 dated 27.09.2024, for the words "clause (h)"
128 Inserted vide notification no. F.12(1)FD/Tax/2024-93 dated 27.09.2024.

percentage points per quarter of a year or part thereof from the date of the invoice or such other documents on which the capital goods were received by the taxable person.

[(b) the registered person shall within a period of thirty days from the date of becoming eligible to avail the input tax credit under sub-section (1) of section 18, or within such further period as may be extended by the Commissioner by a notification in this behalf, shall make a

declaration, electronically, on the common portal in Form GST ITC-01 to the effect that he is eligible to avail the input tax credit as aforesaid:

Provided that any extension of the time limit notified by the Commissioner of State tax or the Commissioner of Union territory tax shall be deemed to be notified by the Commissioner.][129]

(c) the declaration under clause (b) shall clearly specify the details relating to the inputs held in stock or inputs contained in semi-finished or finished goods held in stock, or as the case may be, capital goods,-

(i) on the day immediately preceding the date from which he becomes liable to pay tax under the provisions of the Act, in the case of a claim under clause (a) of sub-section (1) of section 18;

(ii) on the day immediately preceding the date of the grant of registration, in the case of a claim under clause (b) of sub-section (1) of section 18;

(iii) on the day immediately preceding the date from which he becomes liable to pay tax under section 9, in the case of a claim under clause (c) of sub-section (1) of section 18;

(iv) on the day immediately preceding the date from which the supplies made by the registered person becomes taxable, in the case of a claim under clause (d) of sub-section (1) of section 18;

(d) the details furnished in the declaration under clause (b) shall be duly certified by a practicing chartered accountant or a cost accountant if the aggregate value of the claim on account of central tax, State tax, Union territory tax and integrated tax exceeds two lakh rupees;

(e) the input tax credit claimed in accordance with the provisions of clauses (c) and (d) of sub-section (1) of section 18 shall be verified with the corresponding details furnished by the corresponding supplier in FORM GSTR-1 [and in FORM GSTR-1A, if any,][130] or as the case may be, in FORM GSTR- 4, on the common portal.

(2) The amount of credit in the case of supply of capital goods or plant and machinery, for the purposes of sub-section (6) of section 18, shall be calculated by reducing the input tax on the

[129]Substituted wef 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-II-75 dated 17.08.2017. Till then it read as follows:- (b) the registered person shall within a period of thirty days from the date of his becoming eligible to avail the input tax credit under sub-section (1) of section 18 shall make a declaration, electronically, on the common portal in FORM GST ITC-01 to the effect that he is eligible to avail the input tax credit as aforesaid;

[130] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

said goods at the rate of five percentage points for every quarter or part thereof from the date of the issue of the invoice for such goods.

41. Transfer of credit on sale, merger, amalgamation, lease or transfer of a business.- (1) A registered person shall, in the event of sale, merger, de-merger**,** amalgamation, lease or transfer or change in the ownership of business for any reason, furnish the details of sale, merger, de-merger, amalgamation, lease or transfer of business, in FORM GST ITC-02, electronically on the common portal along with a request for transfer of unutilized input tax credit lying in his electronic credit ledger to the transferee:

Provided that in the case of demerger, the input tax credit shall be apportioned in the ratio of the value of assets of the new units as specified in the demerger scheme.

[Explanation: - For the purpose of this sub-rule, it is hereby clarified that the "value of assets" means the value of the entire assets of the business, whether or not input tax credit has been availed thereon.][131]

(2) The transferor shall also submit a copy of a certificate issued by a practicing chartered accountant or cost accountant certifying that the sale, merger, de-merger, amalgamation, lease or transfer of business has been done with a specific provision for the transfer of liabilities.

(3) The transferee shall, on the common portal, accept the details so furnished by the transferor and, upon such acceptance, the un-utilized credit specified in FORM GST ITC-02 shall be credited to his electronic credit ledger.

(4) The inputs and capital goods so transferred shall be duly accounted for by the transferee in his books of account.

[41A. Transfer of credit on obtaining separate registration for multiple places of business within a State or Union territory.- (1) A registered person who has obtained separate registration for multiple places of business in accordance with the provisions of rule 11 and who intends to transfer, either wholly or partly, the unutilised input tax credit lying in his electronic credit ledger to any or all of the newly registered place of business, shall furnish within a period of thirty days from obtaining such separate registrations, the details in **FORM GST ITC-02A** electronically on the common portal, either directly or through a Facilitation Centre notified in this behalf by the Commissioner:

Provided that the input tax credit shall be transferred to the newly registered entities in the ratio of the value of assets held by them at the time of registration.

Explanation.- For the purposes of this sub-rule, it is hereby clarified that the 'value of assets' means the value of the entire assets of the business whether or not input tax credit has been availed thereon.

(2) The newly registered person (transferee) shall, on the common portal, accept the details so furnished by the registered person (transferor) and, upon such acceptance, the unutilised input tax credit specified in **FORM GST ITC-02A** shall be credited to his electronic credit ledger.][132]

[131] Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

42. Manner of determination of input tax credit in respect of inputs or input services and reversal thereof.- (1) The input tax credit in respect of inputs or input services, which attract the provisions of sub-section (1) or sub-section (2) of section 17, being partly used for the purposes of business and partly for other purposes, or partly used for effecting taxable supplies including zero rated supplies and partly for effecting exempt supplies, shall be attributed to the purposes of business or for effecting taxable supplies in the following manner, namely,-

(a) the total input tax involved on inputs and input services in a tax period, be denoted as 'T';

(b) the amount of input tax, out of 'T', attributable to inputs and input services intended to be used exclusively for the purposes other than business, be denoted as 'T_1';

(c) the amount of input tax, out of 'T', attributable to inputs and input services intended to be used exclusively for effecting exempt supplies, be denoted as 'T_2';

(d) the amount of input tax, out of 'T', in respect of inputs and input services on which credit is not available under sub-section (5) of section 17, be denoted as 'T_3';

(e) the amount ofinput tax credit credited to the electronic credit ledger of registered person, be denoted as 'C_1' and calculated as-

$C_1 = T- (T_1+T_2+T_3)$;

(f) the amount of input tax credit attributable to inputs and input services intended to be used exclusively for effecting supplies other than exempted but including zero rated supplies, be denoted as 'T_4';

[Explanation: For the purpose of this clause, it is hereby clarified that in case of supply of services covered by clause (b) of paragraph 5 of Schedule II of the said Act, value of T4 shall be zero during the construction phase because inputs and input services will be commonly used for construction of apartments booked on or before the date of issuance of completion certificate or first occupation of the project, whichever is earlier, and those which are not booked by the said date.][133]

(g) 'T_1', 'T_2', 'T_3' and 'T_4' shall be determined and declared by the registered person [~~at the invoice level in FORM GSTR-2 and~~][134] [at summary level **in FORM GSTR-3B]**[135];

[132]Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

[133]Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. [134] Inserted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022.

[135]Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

(h) input tax credit left after attribution of input tax credit under clause [(f)][136]shall be called common credit, be denoted as 'C_2' and calculated as-

$C_2 = C_1 - T_4$;

(i) the amount of input tax credit attributable towards exempt supplies, be denoted as 'D_1' and calculated as-

$D_1 = (E \div F) \times C_2$

where,

'E' is the aggregate value of exempt supplies during the tax period, and

'F' is the total turnover in the State of the registered person during the tax period:

[Provided that in case of supply of services covered by clause (b) of paragraph 5 of Schedule II of the Act, the value of 'E/F' for a tax period shall be calculated for each project separately, taking value of E and F as under:-

E= aggregate carpet area of the apartments, construction of which is exempt from tax plus aggregate carpet area of the apartments, construction of which is not exempt from tax, but are identified by the promoter to be sold after issue of completion certificate or first occupation, whichever is earlier;

F= aggregate carpet area of the apartments in the project;

Explanation 1: In the tax period in which the issuance of completion certificate or first occupation of the project takes place, value of E shall also include aggregate carpet area of the apartments, which have not been booked till the date of issuance of completion certificate or first occupation of the project, whichever is earlier;

Explanation 2: Carpet area of apartments, tax on construction of which is paid or payable at the rates specified for items (i), (ia), (ib), (ic) or (id), against serial number 3 of the Table in the notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated 29th June, 2017, as amended, shall be taken into account for calculation of value of 'E' in view of Explanation (iv) in paragraph 4 of the notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated 29th June, 2017, as amended.]137

136Substituted for "(g)" vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. 137Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

Provided further that where the registered person does not have any turnover during the said tax period or the aforesaid information is not available, the value of 'E/F' shall be calculated by taking values of 'E' and 'F' of the last tax period for which the details of such turnover are available, previous to the month during which the said value of 'E/F' is to be calculated;

Explanation: For the purposes of this clause, it is hereby clarified that the aggregate value of exempt supplies and the total turnover shall exclude the amount of any duty or tax levied under entry 84 [and entry 92A]138of List I of the Seventh Schedule to the Constitution and entry 51 and 54 of List II of the said Schedule;

(j) the amount of credit attributable to non-business purposes if common inputs and input services are used partly for business and partly for non-business purposes, be denoted as 'D_2', and shall be equal to five per cent. of C_2; and

(k) the remainder of the common credit shall be the eligible input tax credit attributed to the purposes of business and for effecting supplies other than exempted supplies but including zero rated supplies and shallbe denoted as 'C_3', where,-

$$\mathbf{C_3 = C_2 - (D_1 + D_2);}$$

[(l) the amount 'C3', 'D1' and 'D2' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax and declared in FORM GSTR-3B or through FORM GST DRC-03;]139

(m) the amount equal to aggregate of 'D_1' and 'D_2' shall be [reversed by the registered person in **FORM GSTR-3B** or through **FORM GST DRC-03]**140;

Provided that where the amount of input taxrelating to inputs or input services used partly for the purposes other than business and partly for effecting exempt supplies has been identified and segregated at the invoice level by the registered person, the same shall be included in 'T_1' and 'T_2' respectively, and theremaining amountofcredit on such inputs or input services shall be included in 'T_4'.

(2)**[**Except in case of supply of services covered by clause (b) of paragraph 5 of the Schedule II of the Act, the input tax credit]141determined under sub-rule (1) shall be calculated finally for the financial year before the due date for furnishing of the return for the month of September following the end of the financial year to which such credit relates, in the manner specified in the said sub-rule and-

(a) where the aggregate of the amounts calculated finally in respect of 'D_1' and 'D_2' exceeds the aggregate of the amounts determined under sub-rule (1) in respect of

138Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

139Substituted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. Till then it read as follows:- "the amount 'C3' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax".

140Substituted for "added to the output tax liability of the registered person" w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

141Substituted for "The input tax credit" w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

'D_1' and 'D_2', such excess shall be [reversed by the registered person in **FORM GSTR-3B**or through **FORM GST DRC-03]**142 in the month not later than the month of September following the end of the financial year to which such credit relates and the said person shall be liable to pay interest on the said excess amount at the rate specified in sub-section (1) of section 50 for the period starting from the first day of April of the succeeding financial year till the date of payment; or

(b) where the aggregate of the amounts determined under sub-rule (1) in respect of 'D_1' and 'D_2' exceeds the aggregate of the amounts calculated finally in respect of 'D_1' and 'D_2', such excess amount shall be claimed as credit by the registered person in his return for a month not later than the month of September following the end of the financial year to which such credit relates.

[(3) In case of supply of services covered by clause (b) of paragraph 5 of the Schedule II of the Act, the input tax determined under sub-rule (1) shall be calculated finally, for each ongoing project or project which commences on or after 1st April, 2019, which did not undergo or did not require transition of input tax credit consequent to change of rates of tax on 1st April, 2019 in accordance with notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated the 29th June, 2017, as amended, for the entire period from the commencement of the project or 1stJuly, 2017, whichever is later, to the completion or first occupation of the project, whichever is earlier, before the due date for furnishing of the return for the month of September following the end of financial year in which the completion certificate is issued or

first occupation takes place of the project, in the manner prescribed in the said sub-rule, with the modification that value of E/F shall be calculated taking value of E and F as under:

E= aggregate carpet area of the apartments, construction of which is exempt from tax plus aggregate carpet area of the apartments, construction of which is not exempt from tax, but which have not been booked till the date of issuance of completion certificate or first occupation of the project, whichever is earlier:

F= aggregate carpet area of the apartments in the project;

and,-

(a) where the aggregate of the amounts calculated finally in respect of 'D1' and 'D2' exceeds the aggregate of the amounts determined under sub-rule (1) in respect of 'D1' and 'D2', such excess shall be reversed by the registered person in **FORM GSTR-3B**or through **FORM GST DRC-03** in the month not later than the month of September following the end of the

142Substituted for "added to the output tax liability of the registered person" w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

financial year in which the completion certificate is issued or first occupation of the project takes place and the said person shall be liable to pay interest on the said excess amount at the rate specified in sub-section (1) of section 50 for the period starting from the first day of April of the succeeding financial year till the date of payment; or

(b) where the aggregate of the amounts determined under sub-rule (1) in respect of 'D1' and 'D2' exceeds the aggregate of the amounts calculated finally in respect of 'D1' and 'D2', such excess amount shall be claimed as credit by the registered person in his return for a month not later than the month of September following the end of the financial year in which the completion certificate is issued or first occupation takes place of the project.

(4) In case of supply of services covered by clause (b) of paragraph 5 of Schedule II of the Act, the input tax determined under sub-rule (1) shall be calculated finally, for commercial portion in each project, other than residential real estate project (RREP), which underwent transition of input tax credit consequent to change of rates of tax on the 1st April, 2019 in accordance with notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated the 29th June, 2017, as amended, for the entire period from the commencement of the project or 1st July, 2017, whichever is later, to the completion or first occupation of the project, whichever is earlier, before the due date for furnishing of the return for the month of September following the end of financial year in which the completion certificate is issued or first occupation takes place of the project, in the following manner.

(a)The aggregate amount of common credit on commercial portion in the project ($C3_{aggregate_comm}$) shall be calculated as under,

$C3_{aggregate_comm}$ =[aggregate of amounts of C3 determined under sub- rule (1) for the tax periods starting from 1st July, 2017 to 31st March, 2019, x (A_C / A_T)] + [aggregate of amounts of C3 determined under sub- rule (1)for the tax periods starting from 1st April, 2019 to the date of completion or first occupation of the project, whichever is earlier]

Where, -

A_C = total carpet area of the commercial apartments in the project

A_T = total carpet area of all apartments in the project

(b) The amount of final eligible common credit on commercial portion in the project ($C3_{final_comm}$) shall be calculated as under

$$C3_{final_comm} = C3_{aggregate_comm} \times (E/F)$$

Where, -

E = total carpet area of commercial apartments which have not been booked till the date of issuance of completion certificate or first occupation of the project, whichever is earlier.

F = A_C = total carpet area of the commercial apartments in the project

(c) where, $C3_{aggregate_comm}$ exceeds $C3_{final_comm}$, such excess shall be reversed by the registered person in **FORM GSTR-3B or through**

FORM DRC-03 in the month not later than the month of September following the end of the financial year in which the completion certificate is issued or first occupation takes place of the project and the said person shall be liable to pay interest on the said excess amount at the rate specified in sub-section (1) of section 50 for the period starting from the first day of April of the succeeding financial year till the date of payment;

(d) where, $C3_{final_comm}$ exceeds $C3_{aggregate_comm,}$ such excess amount shall be claimed as credit by the registered person in his return for a month not later than the month of September following the end of the financial year in which the completion certificate is issued or first occupation takes place of the project.

(5) Input tax determined under sub- rule (1) shall not be required to be calculated finally on completion or first occupation of an RREP which underwent transition of input tax credit consequent to change of rates of tax on 1st April, 2019 in accordance with notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated the 29th June, 2017, as amended.

(6) Where any input or input service are used for more than one project, input tax credit with respect to such input or input service shall be assigned to each project on a reasonable basis and credit reversal pertaining to each project shall be carried out as per sub-rule (3).]143

43. Manner of determination of input tax credit in respect of capital goods and reversal thereof in certain cases.- (1) Subject to the provisions of sub-section (3) of section 16, the input tax credit in respect of capital goods, which attract the provisions of sub-

143Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

sections (1) and (2) of section 17, being partly used for the purposes of business and partly for other purposes, or partly used for effecting taxable supplies including zero rated supplies and partly for effecting exempt supplies, shall be attributed to the purposes of business or for effecting taxable supplies in the following manner, namely,-

(a) the amount of input tax in respect of capital goods used or intended to be used exclusively for non-business purposes or used or intended to be used exclusively for effecting exempt supplies shall be indicated in [~~FORM GSTR-2 and~~]144 [**FORM GSTR-3B]**145 and shall not be credited to his electronic credit ledger;

(b) the amount of input tax in respect of capital goods used or intended to be used exclusively for effecting supplies other than exempted supplies but including zero-rated supplies shall be indicated in [~~FORM GSTR-2 and~~]146 [**FORM GSTR-3B]**147 and shall be credited to the electronic credit ledger;

[*Explanation:* For the purpose of this clause, it is hereby clarified that in case of supply of services covered by clause (b) of paragraph 5 of the Schedule II of the said Act, the amount of input tax in respect of capital goods used or intended to be used exclusively for effecting supplies other than exempted supplies but including zero rated supplies, shall be zero during the construction phase because capital goods will be commonly used for construction of apartments booked on or before the date of issuance of completion certificate or first occupation of the project, whichever is earlier, and those which are not booked by the said date.]148

[(c) the amount of input tax in respect of capital goods not covered under clauses (a) and (b), denoted as 'A', being the amount of tax as reflected on the invoice, shall credit directly to the electronic credit ledger and the validity of the useful life of such goods shall extend upto five years from the date of the invoice for such goods:

Provided that where any capital goods earlier covered under clause (a) is

subsequently covered under this clause, input tax in respect of such capital goods denoted as 'A' shall be credited to the electronic credit ledger subject to the condition that the ineligible credit attributable to the period during which such capital goods were covered by clause (a),denoted as 'T_{ie}', shall be calculated at the rate of five percentage points for every quarter or part thereof and added to the output tax liability of the tax period in which such credit is claimed:

Provided further that the amount 'T_{ie}' shall be computed separately for input tax credit of Central tax, State tax, Union territory tax and integrated tax and declared in **FORM GSTR-3B**.

144 Omitted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022.

145Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. 146 Omitted vide notification no. F.12(15)FD/Tax-2022-47 dated 30.09.2022.

147Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

148Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

Explanation.- An item of capital goods declared under clause (a) on its receipt shall not attract the provisions of sub-section (4) of section 18, if it is subsequently covered under this clause.]*149*

[(d) the aggregate of the amounts of 'A' credited to the electronic credit ledger under clause (c) in respect of common capital goods whose useful life remains during the tax period, to be denoted as 'T_c', shall be the common credit in respect of such capital goods:

Provided that where any capital goods earlier covered under clause (b) are subsequently covered under clause (c), the input tax credit claimed in respect of such capital good(s) shall be added to arrive at the aggregate value 'T_c';]150

(e) the amount of input tax credit attributable to a tax period on common capital goods during their useful life, be denoted as 'T_m' and calculated as-

$T_m = T_c \div 60$

*[**Explanation.-** For the removal of doubt, it is clarified that useful life of any capital goods shall be considered as five years from the date of invoice and the said formula shall be applicable during the useful life of the said capital goods.]151*

(a) ~~[the amount of input tax credit, at the beginning of a tax period, on all common capital goods whose useful life remains during the tax period, be denoted as 'T_r' and shall be the aggregate of 'T_m' for all such capital goods;]~~152

(b) the amount of common credit attributable towards exempted supplies, be denoted as 'T_e', and calculated as-

$$T_e = (E \div F) \times T_r$$

where,-

'E' is the aggregate valueofexempt supplies, made, during the tax period, and

149 Substituted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. Till then it reads as follows:- "(c) the amount of input tax in respect of capital goods not covered under clauses (a) and (b), denoted as 'A', shall be credited to the electronic credit ledger and the useful life of such goods shall be taken as five years from the date of the invoice for such goods:

Provided that where any capital goods earlier covered under clause (a) is subsequently covered under this clause, the value of 'A' shall be arrived at by reducing the input tax at the rate of five percentage points for every quarter or part thereof and the amount 'A' shall be credited to the electronic credit ledger;

Explanation: An item of capital goods declared under clause (a) on its receipt shall not attract the

provisions of sub-section (4) of section 18, if it is subsequently covered under this clause."

150Substituted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. Till then it reads as follows:- "(d) the aggregate of the amounts of 'A' credited to the electronic credit ledger under clause (c), to be denoted as 'T_c', shall be the common credit in respect of capital goods for a tax period:

Provided that where any capital goods earlier covered under clause (b) is subsequently covered under clause (c), the value of 'A' arrived at by reducing the input tax at the rate of five percentage points for every quarter or part thereof shall be added to the aggregate value 'T_c';"

151 Inserted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

152 Omitted wef 01.04.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

'F' is the total turnover [in the State]153 of the registered person during the tax period:

[Provided that in case of supply of services covered by clause (b) of paragraph 5 of the Schedule II of the Act, the value of 'E/F' for a tax period shall be calculated for each project separately, taking value of E and F as under:

E= aggregate carpet area of the apartments, construction of which is exempt from tax plus aggregate carpet area of the apartments, construction of which is not exempt from tax, but are identified by the promoter to be sold after issue of completion certificate or first occupation, whichever is earlier;

F= aggregate carpet area of the apartments in the project;

*Explanation*1*:* In the tax period in which the issuance of completion certificate or

first occupation of the project takes place, value of E shall also include aggregate carpet area of the apartments, which have not been booked till the date of issuance of completion certificate or first occupation of the project, whichever is earlier.

Explanation 2: Carpet area of apartments, tax on construction of which is paid or payable at the rates specified for items (i), (ia), (ib), (ic) or (id), against serial number 3 of the Table in notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated 29th June, 2017, as amended, shall be taken into account for calculation of value of 'E' in view of Explanation (iv) in paragraph 4 of the notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated 29th June, 2017, as amended.]*154*

Provided further that where the registered person does not have any turnover during the said tax period or the aforesaid information is not available, the value of 'E/F' shall be calculated by taking values of 'E' and 'F' of the last tax period for which the details of such turnover are available, previous to the month during which the said value of 'E/F' is to be calculated;

Explanation: For the purposes of this clause, it is hereby clarified that the aggregate value of exempt supplies and the total turnover shall exclude the amount of any duty or tax levied under entry 84 [and entry 92A]155of List I of the Seventh Schedule to the Constitution and entry 51 and 54 of List II of the said Schedule;

(h) the amount T_e along with the applicable interest shall**,** during every tax period of the useful life of the concerned capital goods, be added to the output tax liability of the person making such claim of credit.

153Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.
154Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.
155Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

[(i) The amount Te shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax and declared in **FORM GSTR-3B**.]156

[(2) In case of supply of services covered by clause (b) of paragraph 5 of schedule II of the Act, the amount of common credit attributable towards exempted supplies (Te_{final}) shall be calculated finally for the entire period from the commencement of the project or 1st July, 2017, whichever is later, to the completion or first occupation of the project, whichever is earlier, for each project separately, before the due date for furnishing of the return for the month of September following the end of financial year in which the completion certificate is issued or first occupation takes place of the project, as under:

$Te_{final} = [(E1 + E2 + E3) /F] \times Tc_{final}$,

Where,-

E1= aggregate carpet area of the apartments, construction of which is exempt from tax

E2= aggregate carpet area of the apartments, supply of which is partly exempt and partly taxable, consequent to change of rates of tax on 1st April, 2019, which shall be calculated as under, -

E2= [Carpet area of such apartments] x $[V_1/ (V_1+V_2)]$,-

Where,-

V_1 is the total value of supply of such apartments which was exempt from tax; and

V_2 is the total value of supply of such apartments which was taxable

E3 = aggregate carpet area of the apartments, construction of which is not exempt from tax, but have not been booked till the date of issuance of completion certificate or first occupation of the project, whichever is earlier:

F= aggregate carpet area of the apartments in the project;

Tc_{final} = aggregate of A_{final} in respect of all capital goods used in the project and A_{final} for each capital goods shall be calculated as under,

A_{final}= A x (number of months for which capital goods is used for the project/ 60)

and,-

(a) where value of Te_{final} exceeds the aggregate of amounts of Te determined for each tax period under sub-rule (1), such excess shall be reversed by the registered person in **FORM GSTR-3B**or through **FORM GST DRC-03**in the month not later than the month of September following the end of the financial year in which the completion certificate is issued or first

156Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

occupation takes place of the project and the said person shall be liable to pay interest on the said excess amount at the rate specified in sub-section (1) of section 50 for the period starting from the first day of April of the succeeding financial year till the date of payment; or

(b) where aggregate of amounts of Te determined for each tax period under sub-rule (1) exceeds Te_{final}, such excess amount shall be claimed as credit by the registered person in his return for a month not later than the month of September following the end of the financial year in which the completion certificate is issued or first occupation takes place of the project.

Explanation.- For the purpose of calculation of Tc_{final}, part of the month shall be treated as one complete month.

(3) The amount Te_{final} and Tc_{final} all be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(4) Where any capital goods are used for more than one project, input tax credit with respect to such capital goods shall be assigned to each project on a reasonable basis and credit reversal pertaining to each project shall be carried out as per sub-rule (2).

(5) Where any capital goods used for the project have their useful life remaining on the completion of the project, input tax credit attributable to the remaining life shall be availed in the project in which the capital goods is further used;]157

[Explanation 1:For the purposes of rule 42 and this rule, it is hereby clarified that the aggregate value of exempt supplies shall exclude,-

~~(a)[the value of supply of services specified in the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 42/2017-Integrated Tax (Rate), dated the 27th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), vide number GSR 1338(E) dated the 27th October, 2017.]~~158

(b)the value of services by way of accepting deposits, extending loans or advances in so far as the consideration is represented by way of interest or discount, except in case of a banking company or a financial institution including a non-banking financial company, engaged in supplying services by way of accepting deposits, extending loans or advances ; and

(c)~~the value of supply of services by way of transportation of goods by a vessel from the customs station of clearance in India to a place outside India~~.]159160161

157Substituted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019 for "(2) The amount Te shall be computed separately for central tax, State tax, Union territory tax and integrated tax."

158Omitted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

159Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-139 dated 15.11.2017

160Explanation substituted vides Notf no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018. Till then it read as follows:- "Explanation: For the purposes of rule 42 and this rule, it is hereby clarified that the aggregate value of exempt supplies shall exclude the value of supply of services specified in the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 42/2017-Integrated Tax (Rate), dated the 27th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number GSR 1338(E) dated the 27th October, 2017."

(d)[the value of supply of Duty Credit Scrips specified in the notification of the Government of Rajasthan No. F.12 (56) FD/Tax/2017-111, dated the 13th October, 2017.]162

[Explanation 2: For the purposes of rule 42 and this rule,-

(i) the term "apartment" shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(ii) the term "project" shall mean a real estate project or a residential real estate project;

(iii) the term "Real Estate Project (REP)" shall have the same meaning as assigned to it in in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(iv) the term "Residential Real Estate Project (RREP)" shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent. of the total carpet area of all the apartments in the REP;

(v) the term "promoter" shall have the same meaning as assigned to it in in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(vi) "Residential apartment" shall mean an apartment intended for residential use as declared to the Real Estate Regulatory Authority or to competent authority;

(vii) "Commercial apartment" shall mean an apartment other than a residential apartment;

(viii) the term "competent authority" as mentioned in definition of "residential apartment", means the local authority or any authority created or established under any law for the time being in force by the Central Government or State Government or Union Territory Government, which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(ix) the term "Real Estate Regulatory Authority" shall mean the Authority established under sub-section (1) of section 20 (1) of the Real Estate (Regulation and Development) Act, 2016 (No. 16 of 2016) by the Central Government or State Government;

(x) the term "carpet area" shall have the same meaning assigned to it in in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xi) "an apartment booked on or before the date of issuance of completion certificate or first occupation of the project" shall mean an apartment which meets all the following three conditions, namely-

161Omitted vide notification no. F.12(11)FD/Tax/2023-37 dated 04.08.2023 wef 04-08-2023.

162 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022.

(a) part of supply of construction of the apartment service has time of supply on or before the said date; and

(b) consideration equal to at least one instalment has been credited to the bank account of the registered person on or before the said date; and

(c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the said date.

(xii) The term "ongoing project" shall have the same meaning as assigned to it in notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated the 29th June, 2017, as amended;

(xiii) The term "project which commences on or after 1st April, 2019" shall have the same meaning as assigned to it in notification No. F.12(56)FD/Tax/2017-Pt-I-49, dated the 29th June, 2017, as amended;][163]

[Explanation 3:- For the purpose of rule 42 and this rule, the value of activities or transactions mentioned in sub-paragraph (a) of paragraph 8 of Schedule III of the Act which is required to be inc.Juded in the value of exempt supplies under clause (b) of the Explanation to sub-section (3) ofsection 17 ofthe Act shall be the value ofsupply of goods from Duty Free Shops at 'aJTival terminal in. international airports to the incoming passengers.][164]

44. Manner of reversal of credit under special circumstances.- (1) The amount of input tax credit relating toinputs held in stock, inputs contained in semi-finished and finished goods held in stock, and capital goods held in stock shall, for the purposes of sub-section (4) of section 18 or sub-section (5) of section 29, be determined in the following manner, namely:-

(a)for inputs held in stock and inputs contained in semi-finished and finished goods held in stock, the input tax credit shall be calculated proportionately on the basis of the corresponding invoices on which credit had been availed by the registered taxable person on such inputs;

(b)for capital goods held in stock, the input tax credit involved in the remaining useful life in months shall be computed on pro-rata basis, taking the useful life as five years.

Illustration:

Capital goods have been in use for 4 years, 6 month and 15 days.

The useful remaining life in months= 5 months ignoring a part of the month

Input tax credit taken on such capital goods= C

Input tax credit attributable to remaining useful life= C multiplied by 5/60

[163]Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

[164]Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023.

(2) The amount, as specified in sub-rule (1) shall be determined separately for input tax credit of [central tax, State tax, Union territory tax and integrated tax.][165]

(3) Where the tax invoices related to the inputs held in stock are not available, the registered person shall estimate the amount under sub-rule (1) based on the prevailing market price of the goods on the effective date of the occurrence of any of the events specified in sub-section (4) of section 18 or, as the case may be, sub-section (5) of section 29.

(4) The amount determined under sub-rule (1) shall form part of the output tax liability of the registered person and the details of the amount shall be furnished in FORM GST ITC-03, where such amount relates to any event specified in sub-section (4) of section 18 and in FORM GSTR-10, where such amount relates to the cancellation of registration.

(5) The details furnished in accordance with sub-rule (3) shall be duly certified by a

practicing chartered accountantor cost accountant.

(6) The amount of input tax credit for the purposes of sub-section (6) of section 18 relating to capital goods shall be determined in the same manner as specified in clause (b) of sub-rule (1) and the amount shall be determined separately for input tax credit of [central tax, State tax, Union territory tax and integrated tax][166]:

Provided that where the amount so determined is more than the tax determined on the transaction value of the capital goods, the amount determined shall form part of the output tax liability and the same shall be furnished in FORM GSTR-1.

45. Conditions and restrictions in respect of inputs and capital goods sent to the job worker.- (1) The inputs, semi-finished goods or capital goods shall be sent to the job worker under the cover of a challan issued by the principal, including where such goods are sent directly to a job-worker, [and where the goods are sent from one job-worker to another job-worker, the challan may be issued either by the principal or the job-worker sending the goods to another job-worker:

Provided that the challan issued by the principal may be endorsed by the job-worker, indicating therein the quantity and description of goods where the goods are sent by one job-worker to another or are returned to the principal:

Provided further that the challan endorsed by the job-worker may be further endorsed by another job-worker, indicating therein the quantity and description of goods where the goods are sent by one job-worker to another or are returned to the principal.]**[167]**

(2) The challan issued by the principal to the job worker shall contain the details specified in rule 55.

(3) The details of challans in respect of goods dispatched to a job worker or received from a job worker [~~or sent from one job-worker to another~~][168] [during a specified period][169] shall be

[165] Substituted for "integrated tax and State tax" vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017.

[166] Substituted for "integrated tax and State tax" vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017.

[167] Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018

[168]Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

included in **FORM GST ITC-04** furnished for that period on or before the twenty-fifth day of the month succeeding [the said period][170], [or within such further period as may be extended by the Commissioner by a notification in this behalf:

Provided that any extension of the time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.][171]

[Explanation. - For the purposes of this sub-rule, the expression "specified period" shall mean.-

(a) the period of six consecutive months commencing on the 1st day of April and the 1st day of October in respect of a principal whose aggregate turnover during the immediately preceding financial year exceeds five crore rupees; and

(b) a financial year in any other case.][172]

(4) Where the inputs or capital goods are not returned to theprincipal within the time stipulated in section 143, it shall be deemed that such inputs or capital goods had been supplied by the

principal to the job worker on the day when the said inputs or capital goods were sent out and the said supply shall be declared in FORM GSTR-1 and the principal shall be liable to pay the tax along with applicable interest.

Explanation: For the purposes of this Chapter,-

(1) the expressions "capital goods" shall include "plant and machinery" as defined in the Explanation to section 17;

(2) for determining the value of an exempt supplyas referred to in sub-section (3) of section 17-

(a) the value of land and building shall be taken as the same as adopted for the purpose of paying stamp duty; and

(b)the value of security shall be taken as one per cent. of the sale value of such security.

169 Substituted w.e.f. 01.10.2021 for "during a quarter" vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

170 Substituted w.e.f. 01.10.2021 for "the said quarter" vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

171Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-128 dated 28.10.2017

172 Inserted w.e.f. 01.10.2021 vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

Chapter VI

TAX INVOICE, CREDIT AND DEBIT NOTES

46. Tax invoice.- Subject to rule 54, a tax invoice referred to in section 31 shall be issued by the registered person containing the following particulars, namely:-

(a) name, address and Goods and Services Tax Identification Number of the supplier;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters- hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

(d) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(e) name and address of the recipient and the address of delivery, along with the name of the State and its code, if such recipient is un-registered and where the value of the taxable supply is fifty thousand rupees or more;

(f) name and address of the recipient and the address of delivery, along with the name of the State and its code, if such recipient is un-registered and where the value of the taxable supply is less than fifty thousand rupees and the recipient requests that such details be recorded in the tax invoice;

[Provided that [in cases involving supply of online money gaming or in cases]173 where any taxable service is supplied by or through an electronic commerce operator or by a supplier of online information and database access or retrieval services to a recipient who is un-registered, irrespective of the value of such supply, a tax invoice issued by the registered person shall contain the [name of the state of the recipient and the same shall be deemed to be the address on record of the recipient.]174]175

(g) Harmonised System of Nomenclature code for goods or services;

(h) description of goods or services;

(i) quantity in case of goods and unit or Unique Quantity Code thereof;

173 Inserted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023. 174 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

175Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words " name and address of the recipient along with its PIN code and the name of the State and the said address shall be deemed to be the address on record of the recipient "

(j) total value of supply of goods or services or both;

(k) taxable value of the supply of goods or services or both taking into account discount or abatement, if any;

(l) rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);

(m) amount of tax charged in respect of taxable goods or services (central tax, State tax, integrated tax, Union territory tax or cess);

(n) place of supply along with the name of the State, in the case of a supply in the course of inter-State trade or commerce;

(o) address of delivery where the same is different from the place of supply;

(p) whether the tax is payable on reverse charge basis;

(q) signature or digital signature of the supplier or his authorised representative; and

[

(r) Quick Response code, having embedded Invoice Reference Number (IRN) in it, in case invoice has been issued in the manner prescribed under sub-rule (4) of rule 48.] 176

[(s) a declaration as below, that invoice is not required to be issued in the manner specified under sub-rule (4) of rule 48, in all cases where an invoice is issued, other than in the manner so specified under the said sub-rule (4) of rule 48, by the taxpayer having aggregate turnover in any preceding financial year from 2017-18 onwards more than the aggregate turnover as notified under the said sub-rule (4) of rule 48-

"I/We hereby declare that though our aggregate turnover in any preceding financial year from 2017-18 onwards is more than the aggregate turnover notified under sub-rule (4) of rule 48, we are not required to prepare an invoice in terms of the provisions of the said sub-rule.":]177

[Provided that the Commissioner may, on the recommendations of the Council, by notification, specify-

(i) the number of digits of Harmonised System of Nomenclature code for goods or services that a class of registered persons shall be required to mention; or

(ii) a class of supply of goods or services for which specified number of digits of Harmonised System of Nomenclature code shall be required to be mentioned by all registered taxpayers; and

176 Inserted vide notification no. F.12(46)FD/Tax/2017-III-244 dated 06.10.2020. 177 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022.

(iii) the class of registered persons that would not be required to mention the Harmonised System of Nomenclature code for goods or services:]178

[~~Provided further that where an invoice is required to be issued under clause (f) of sub-section (3) of section 31, a registered person may issue a consolidated invoice at the end of a month for supplies covered under sub-section (4) of section 9, the aggregate value of such supplies exceeds rupees five thousand in a day from any or all the suppliers~~.]179

[[Provided further that in the case of]180the export of goods or services, the invoice shall carry an endorsement "SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS ON PAYMENT OF INTEGRATED TAX" or "SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS UNDER BOND OR LETTER OF UNDERTAKING WITHOUT PAYMENT OF INTEGRATED TAX", as the case may be, and shall, in lieu of the details specified in clause (e), contain the following details, namely,-

(i) name and address of the recipient;
(ii)address of delivery; and
(iii)name of the country of destination:]181

Provided also that a registered person [,other than the supplier engaged in making supply of services by way of admission to exhibition of cinematograph films in multiplex screens,]182 may not issue a tax invoice in

178Substituted vide notification no. F.12(46)FD/Tax/2017-III-251 dated 20.10.2020. Till then it reads as follows:- "Provided that the Board may, on the recommendations of the Council, by notification, specify- (i) the number of digits of Harmonised System of Nomenclature code for goods or services that a class of registered persons shall be required to mention, for such period as may be specified in the said notification; and
(ii) the class of registered persons that would not be required to mention the Harmonised System of Nomenclature code for goods or services, for such period as may be specified in the said notification:"179 Omitted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

180 Substituted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024 for the words " Provided also that in the case of ".

181Amended vide notification no. F.12(46)FD/Tax/2017-71 dated 27.07.2017. Till then it read as follows:-

Provided also that in the case of the export of goods or services, the invoice shall carry an endorsement "SUPPLY MEANT FOR EXPORT ON PAYMENT OF INTEGRATED TAX" or "SUPPLY MEANT FOR EXPORT UNDER BOND OR LETTER OF UNDERTAKING WITHOUT PAYMENT OF INTEGRATED TAX", as the case may be, and shall, in lieu of the details specified in clause (e), contain the following details, namely,-

(i) name and address of the recipient;

(ii) address of delivery; and

(iii) name of the country of destination.

182Inserted w.e.f. 01.09.2019 vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.

accordance with the provisions of clause (b) of sub-section (3) of section 31 subject to the following conditions, namely,-

(a) the recipient is not a registered person; and

(b) the recipient does not require such invoice, and

shall issue a consolidated tax invoice for such supplies at the close of each day in respect of all such supplies.

[Provided also that the signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of an electronic invoice in accordance with the provisions of the Information Technology Act, 2000 (21 of 2000).]183

[Provided also that the Government may, by notification, on the recommendations of the Council, and subject to such conditions and restrictions as mentioned therein, specify that the tax invoice shall have Quick Response (QR) code.]184

[**46A. Invoice-cum-bill of supply.-** Notwithstanding anything contained in rule 46 or rule 49 or rule 54, where a registered person is supplying taxable as well as exempted goods or services or both to an unregistered person, a single "invoice-cum-bill of supply" may be issued for all such supplies.]185

[Provided that the said single "invoice-cum-bill of supply" shall contain the particulars as specified under rule 46 or rule 54, as the case may be, and rule 49.]186

47. Time limit for issuing tax invoice.- The invoice referred to in rule 46, in the case of the taxable supply of services, shall be issued within a period of thirty days from the date of the supply of service:

Provided that where the supplier of services is an insurer or a banking company or a financial institution, including a non-banking financial company, the period within which the invoice or any document in lieu thereof is to be issued shall be forty five days from the date of the supply of service.

Provided further that an insurer or a banking company or a financial institution, including a non-banking financial company, or a telecom operator, or any other class of supplier of services as may be notified by the Government on the recommendations of the Council, making taxable supplies of services between distinct persons as specified in section 25, may issue the invoice before or at the time such supplier records the same in his books of account or before the expiry of the quarter during which the supply was made.

183Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

184Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019. 185Inserted vide notification no. F.12(56)FD/Tax/2017-Pt-II-117 dated 13.10.2017

186 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

[47A. Time limit for issuing tax invoice in cases where recipient is required to issue invoice.- Notwithstanding anything contained in rule 47, where an invoice referred to in rule 46 is required to be issued under clause (f) of sub-section (3) of section 31 by a registered person, who is liable to pay tax under sub-section (3) or sub-section (4) of section 9, he shall issue the said invoice within a period of thirty days from the date of receipt of the said supply of goods or services, or both, as the case may be.]187

48. Manner of issuing invoice.- (1)The invoice shall be prepared in triplicate, in the case of supply of goods, in the following manner, namely,-

(a) the original copy being marked as ORIGINAL FOR RECIPIENT;

(b) the duplicate copy being marked as DUPLICATE FOR

TRANSPORTER; and

(c) the triplicate copy being marked as TRIPLICATE FOR SUPPLIER.

(2) The invoice shall be prepared in duplicate, in the case of the supply of services, in the following manner, namely:-

(a) the original copy being marked as ORIGINAL FOR RECIPIENT; and

(b) the duplicate copy being marked as DUPLICATE FOR SUPPLIER.

(3) The serial number of invoices issued during a tax period shall be furnished electronically through the common portal in FORM GSTR-1[or in FORM GSTR-1A, if any].[188]

[(4) The invoice shall be prepared by such class of registered persons as may be notified by the Government, on the recommendations of the Council, by including such particulars contained in **FORM GST INV-01** after obtaining an Invoice Reference Number by uploading information contained therein on the Common Goods and Services Tax Electronic Portal in such manner and subject to such conditions and restrictions as may be specified in the notification.

[Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt a person or a class of registered persons from issuance of invoice under this sub-rule for a specified period, subject to such conditions and restrictions as may be specified in the said notification.][189]

(5) Every invoice issued by a person to whom sub-rule (4) applies in any manner other than the manner specified in the said sub-rule shall not be treated as an invoice.

[187] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[188] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

[189] Inserted vide notification no. F.12(46)FD/Tax/2017-III-244 dated 06.10.2020.

(6) The provisions of sub-rules (1) and (2) shall not apply to an invoice prepared in the manner specified in sub-rule (4).][190]

49. Bill of supply.- A bill of supply referred to in clause (c) of sub-section (3) of section 31 shall be issued by the supplier containing the following details, namely,-

(a) name, address and Goods and Services Tax Identification Number of the supplier;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

(d) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(e) Harmonised System of Nomenclature Code for goods or services;

(f) description of goods or services or both;

(g) value of supply of goods or services or both taking into account discount or abatement, if any; and

(h) signature or digital signature of the supplier or his authorised representative:

Provided that the provisos to rule 46 shall, *mutatis mutandis*, apply to the bill of supply issued under this rule.

Provided further that any tax invoice or any other similar document issued under any other Act for the time being in force in respect of any non-taxable supply shall be treated as a bill of supply for the purposes of the Act.

[Provided also that the signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of an electronic bill of supply in accordance with the provisions of the Information Technology Act, 2000 (21 of 2000).][191]

[Provided also that the Government may, by notification, on the recommendations of the Council, and subject to such conditions and restrictions as mentioned therein, specify that the bill of supply shall have Quick Response (QR) code.][192]

[190] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-V-103 dated 20.12.2019

[191] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

[192] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

50. Receipt voucher.- A receipt voucher referred to in clause (d) of sub-section (3) of section 31 shall contain the following particulars, namely:-

(a) name, address and Goods and Services Tax Identification Number of the supplier;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

(d) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(e) description of goods or services;

(f) amount of advance taken;

(g) rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);

(h) amount of tax charged in respect of taxable goods or services (central tax, State tax, integrated tax, Union territory tax or cess);

(i) place of supply along with the name of State and its code, in case of a supply in the course of inter-State trade or commerce;

(j) whether the tax is payable on reverse charge basis; and

(k) signature or digital signature of the supplier or his authorised representative:

Provided that where at the time of receipt of advance,-

(i)the rate of tax is not determinable, the tax shall be paid at the rate of eighteen per cent.;

(ii) the nature of supply is not determinable, the same shall be treated as inter-State supply.

51. Refund voucher.- A refund voucher referred to in clause (e) of sub-section (3) of section 31 shall contain the following particulars, namely:-

(a) name, address and Goods and Services Tax Identification Number of the supplier;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

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(d) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(e) number and date of receipt voucher issued in accordance with the provisions of rule 50;

(f) description of goods or services in respect of which refund is made;

(g) amount of refund made;

(h) rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);

(i) amount of tax paid in respect of such goods or services (central tax, State tax, integrated tax, Union territory tax or cess);

(j) whether the tax is payable on reverse charge basis; and

(k) signature or digital signature of the supplier or his authorised representative.

52. Payment voucher.- A payment voucher referred to in clause (g) of sub-section (3) of section 31 shall contain the following particulars, namely:-

(a) name, address and Goods and Services Tax Identification Number of the supplier if registered;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

(d) name, address and Goods and Services Tax Identification Number of the recipient;

(e) description of goods or services;

(f) amount paid;

(g) rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);

(h) amount of tax payable in respect of taxable goods or services (central tax, State tax, integrated tax, Union territory tax or cess);

(i) place of supply along with the name of State and its code, in case of a supply in the course of inter-State trade or commerce; and

(j) signature or digital signature of the supplier or his authorised representative.

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53. Revised tax invoice and credit or debit notes.- (1)A revised tax invoice referred to in section 31 [~~and credit or debit notes referred to in section 34~~][193]shall contain the following particulars, namely:-

(a) the word "Revised Invoice", wherever applicable, indicated prominently;

(b) name, address and Goods and Services Tax Identification Number of the supplier;

(c) ~~[nature of the document;]~~[194]

(d) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(e) date of issue of the document;

(f) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(g) name and address of the recipient and the address of delivery, along with the name of State and its code, if such recipient is un-registered;

(h) serial number and date of the corresponding tax invoice or, as the case may be, bill of supply;

(i) ~~[value of taxable supply of goods or services, rate of tax and the amount of the tax credited or, as the case may be, debited to the recipient; and]~~[195]

(j) signature or digital signature of the supplier or his authorised representative.

[(1A) A credit or debit note referred to in section 34 shall contain the following particulars, namely:–

(a) name, address and Goods and Services Tax Identification Number of the supplier; (b) nature of the document;

(c) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters-hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(d) date of issue of the document;

(e) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;

(f) name and address of the recipient and the address of delivery, along with the name of State and its code, if such recipient is un-registered;

(g) serial number(s) and date(s) of the corresponding tax invoice(s) or, as the case may be, bill(s) of supply;

[193]Omitted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

[194]Omitted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

[195]Omitted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

(h) value of taxable supply of goods or services, rate of tax and the amount of the tax credited or, as the case may be, debited to the recipient; and

(i) signature or digital signature of the supplier or his authorised representative.][196]

(2) Every registered person who has been granted registration with effect from a date earlier than the date of issuance of certificate of registration to him, may issue revised tax invoices in respect of taxable supplies effected during the period starting from the effective date of registration till the date of the issuance of the certificate of registration:

Provided that the registered person may issue a consolidated revised tax invoice in respect of all taxable supplies made to a recipient who is not registered under the Act during such period.

Provided further that in the case of inter-State supplies, where the value of a supply does not exceed two lakh and fifty thousand rupees, a consolidated revised invoice may be issued separately in respect of all the recipients located in a State, who are not registered under the Act.

(3) Any invoice or debit note issued in pursuance of any tax payable in accordance with the provisions of section 74 or section 129 or section 130 shall prominently contain the words "INPUT TAX CREDIT NOT ADMISSIBLE".

54. Tax invoice in special cases.- (1)An Input Service Distributor invoice or, as the case may be, an Input Service Distributor credit note issued by an Input Service Distributor shall contain the following details:-

(a) name, address and Goods and Services Tax Identification Number of the Input Service Distributor;

(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters- hyphen or dash and slash symbolised as- "-", "/" respectively, and any combination thereof, unique for a financial year;

(c) date of its issue;

(d) name, address and Goods and Services Tax Identification Number of the recipient to whom the credit is distributed;

(e) amount of the credit distributed; and

(f) signature or digital signature of the Input Service Distributor or his authorised representative:

Provided that where the Input Service Distributor is an office of a banking company or a financial institution, including a non-banking financial company, a tax invoice shall include any document in lieu thereof, by whatever name

196Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

called, whether or not serially numbered but containing the information as mentioned above.

[(1A) (a) A registered person, having the same PAN and State code as an Input Service Distributor, may issue an invoice or, as the case may be, a credit or debit note to transfer the credit of common input services to the Input Service Distributor, which shall contain the following details:-

(i) name, address and Goods and Services Tax Identification Number of the registered person having the same PAN and same State code as the Input Service Distributor;

(ii) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters hyphen or dash and slash symbolised as "-" and "/" respectively, and any combination thereof, unique for a financial year;

(iii) date of its issue;

(iv) Goods and Services Tax Identification Number of supplier of common service and original invoice number whose credit is sought to be transferred to the Input Service Distributor;

(v) name, address and Goods and Services Tax Identification Number of the Input Service Distributor;

(vi) taxable value, rate and amount of the credit to be transferred; and (vii) signature or digital signature of the registered person or his authorised representative.

(b) The taxable value in the invoice issued under clause (a) shall be the same as the value of the common services.][197]

(2) Where the supplier of taxable service is an insurer or a banking company or a financial institution, including a non-banking financial company, the said supplier [may][198]issue [a consolidated tax invoice or any other document in lieu thereof by whatever name called for the supply of services made during a month at the end of the month][199], whether issued or made available, physically or electronically whether or not serially numbered, and whether or not containing the address of the recipient of taxable service but containing other information as mentioned under rule 46.

[Provided that the signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of a consolidated tax invoice or any other document in lieu thereof in accordance with the provisions of the Information Technology Act, 2000 (21 of 2000).][200]

(3) Where the supplier of taxable service is a goods transport agency supplying services in relation to transportation of goods by road in a goods carriage, the said supplier shall issue a

[197]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

[198]Substituted for "shall" vide notification no. F.12(46)FD/Tax/2017-Pt-II-139 dt 15.11.2017

[199] Substituted for "a tax invoice or any other document in lieu thereof, by whatever name called" vide notification no. F.12(56)FD/Tax/2017-Pt-II-117 dated 13.10.2017.

[200]Inserted vide notification no.F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

tax invoice or any other document in lieu thereof, by whatever name called, containing the gross weight of the consignment, name of the consigner and the consignee, registration number of goods carriage in which the goods are transported, details of goods transported, details of place of origin and destination, Goods and Services Tax Identification Number of the person liable for paying tax whether as consigner, consignee or goods transport agency, and also containing other information as mentioned under rule 46.

(4) Where the supplier of taxable service is supplying passenger transportation service, a tax invoice shall include ticket in any form, by whatever name called, whether or not serially numbered, and whether or not containing the address of the recipient of service but containing other information as mentioned under rule 46.

[Provided that the signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of ticket in accordance with the provisions of the Information Technology Act, 2000 (21 of 2000).][201]

[(4A) A registered person supplying services by way of admission to exhibition of cinematograph films in multiplex screens shall be required to issue an electronic ticket and the said electronic ticket shall be deemed to be a tax invoice for all purposes of the Act, even if such ticket does not contain the details of the recipient of service but contains the other information as mentioned under rule 46:

Provided that the supplier of such service in a screen other than multiplex screens may, at his option, follow the above procedure.][202]

(5) The provisions of sub-rule (2) or sub-rule (4) shall apply, *mutatis mutandis,* to the documents issued under rule 49 or rule 50 or rule 51 or rule 52 or rule 53.

55. Transportation of goods without issue of invoice.- (1)For the purposes of,-

(a) supply of liquid gas where the quantity at the time of removal from the place of business of the supplier is not known,

(b) transportation of goods for job work,

(c) transportation of goods for reasons other than by way of supply, or

(d) such other supplies as may be notified by the Board,

the consigner may issue a delivery challan, serially numbered not exceeding sixteen characters, in one or multiple series, in lieu of invoice at the time of removal of goods for transportation, containing the following details, namely:-

(i) date and number of the delivery challan;

(ii) name, address and Goods and Services Tax Identification Number of the consigner, if registered;

(iii) name, address and Goods and Services Tax Identification Number or Unique Identity Number of the consignee, if registered;

201Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

202Inserted w.e.f 01.09.2019 vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.

(iv) Harmonised System of Nomenclature code and description of goods;

(v) quantity (provisional, where the exact quantity being supplied is not known);

(vi) taxable value;

(vii) tax rate and tax amount – central tax, State tax, integrated tax, Union territory tax or cess, where the transportation is for supply to the consignee;

(viii) place of supply, in case of inter-State movement; and

(ix) signature.

(2) The delivery challan shall be prepared in triplicate, in case of supply of goods, in the following manner, namely:-

(a)the original copy being marked as ORIGINAL FOR CONSIGNEE;

(b)the duplicate copy being marked as DUPLICATE FOR TRANSPORTER; and

(c)the triplicate copy being marked as TRIPLICATE FOR CONSIGNER.

(3) Where goods are being transported on a delivery challan in lieu of invoice, the same shall be declared as specified in rule 138.

(4) Where the goods being transported are for the purpose of supply to the recipient but the tax invoice could not be issued at the time of removal of goods for the purpose of supply, the supplier shall issue a tax invoice after delivery of goods.

(5) Where the goods are being transported in a semi knocked down or completely knocked down condition [or in batches or lots]203, -

(a)the supplier shall issue the complete invoice before dispatch of the first consignment;

(b)the supplier shall issue a delivery challan for each of the subsequent consignments, giving reference of the invoice;

(c)each consignment shall be accompanied by copies of the corresponding delivery challan along with a duly certified copy of the invoice; and

(d)the original copy of the invoice shall be sent along with the last consignment.

[55A. Tax Invoice or bill of supply to accompany transport of goods.- The person-in-charge of the conveyance shall carry a copy of the tax invoice or the bill of supply issued in accordance with the provisions of rule 46, 46A or 49 in a case where such person is not required to carry an e-way bill under these rules.][204]

[203]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018.

[204]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

Chapter VII

Accounts and Records

56. Maintenance of accounts by registered persons.- (1)Every registered person shall keep and maintain, in addition to the particulars mentioned in sub-section (1) of section 35, a true and correct account of the goods or services imported or exported or of supplies attracting payment of tax on reverse charge along with the relevant documents, including invoices, bills of supply, delivery challans, credit notes, debit notes, receipt vouchers, payment vouchers and refund vouchers.

(2) Every registered person, other than a person paying tax under section 10, shall maintain the accounts of stock in respect of goods received and supplied by him, and such accounts shall contain particulars of the opening balance, receipt, supply, goods lost, stolen, destroyed, written off or disposed of by way of gift or free sample and the balance of stock including raw materials, finished goods, scrap and wastage thereof.

(3) Every registered person shall keep and maintain a separate account of advances received, paid and adjustments made thereto.

(4) Every registered person, other than a person paying tax under section 10, shall keep and maintain an account, containing the details of tax payable (including tax payable in accordance with the provisions of sub-section (3) and sub-section (4) of section 9), tax collected and paid, input tax, input tax credit claimed, together with a register of tax invoice, credit notes, debit notes, delivery challan issued or received during any tax period.

(5) Every registered person shall keep the particulars of, -

(a)names and complete addresses of suppliers from whom he has received the goods or services chargeable to tax under the Act;

(b)names and complete addresses of the persons to whom he has supplied goods or services, where required under the provisions of this Chapter;

(c) the complete address of the premises where goods are stored by him, including goods stored during transit along with the particulars of the stock stored therein.

(6)If any taxable goods are found to be stored at any place(s) other than those declared under sub-rule (5) without the cover of any valid documents, the proper officer shall determine the amount of tax payable on such goods as if such goods have been supplied by the registered person.

(7) Every registered person shall keep the books of account at the principal place of business and books of account relating to additional place of business mentioned in his certificate of registration and such books of account shall include any electronic form of data stored on any electronic device.

(8) Any entry in registers, accounts and documents shall not be erased, effaced or overwritten, and all incorrect entries, otherwise than those of clerical nature, shall be scored out under attestation and thereafter, the correct entry shall be recorded and where the registers

and other documents are maintained electronically, a log of every entry edited or deleted shall be maintained.

(9) Each volume of books of account maintained manually by the registered person shall be serially numbered.

(10) Unless proved otherwise, if any documents, registers, or any books of account belonging to a registered person are found at any premises other than those mentioned in the certificate of registration, they shall be presumed to be maintained by the said registered person.

(11) Every agent referred to in clause (5) of section 2 shall maintain accounts depicting the,-

(a) particulars of authorisation received by him from each principal to receive or supply goods or services on behalf of such principal separately;

(b)particulars including description, value and quantity (wherever applicable) of goods or services received on behalf of every principal;

(c) particulars including description, value and quantity (wherever applicable) of goods or services supplied on behalf of every principal;

(d)details of accounts furnished to every principal; and

(e) tax paid on receipts or on supply of goods or services effected on behalf of every principal.

(12) Every registered person manufacturing goods shall maintain monthly production accounts, showing quantitative details of raw materials or services used in the manufacture and quantitative details of the goods so manufactured including the waste and by products thereof.

(13) Every registered person supplying services shall maintain the accounts showing quantitative details of goods used in the provision of services, details of input services utilised and the services supplied.

(14) Every registered person executing works contract shall keep separate accounts for works contract showing ,-

(a) the names and addresses of the persons on whose behalf the works contract is executed;

(b) description, value and quantity (wherever applicable) of goods or services received for the execution of works contract;

(c) description, value and quantity (wherever applicable) of goods or services utilized in the execution of works contract;

(d) the details of payment received in respect of each works contract; and

(e) the names and addresses of suppliers from whom he received goods or services.

(15) The records under the provisions of this Chapter may be maintained in electronic form and the record so maintained shall be authenticated by means of a digital signature.

(16) Accounts maintained by the registered person together with all the invoices, bills of supply, credit and debit notes, and delivery challans relating to stocks, deliveries, inward supply and outward supply shall be preserved for the period as provided in section 36 and shall, where such accounts and documents are maintained manually, be kept at every related place of business mentioned in the certificate of registration and shall be accessible at every related place of business where such accounts and documents are maintained digitally.

(17) Any person having custody over the goods in the capacity of a carrier or a clearing and forwarding agent for delivery or dispatch thereof to a recipient on behalf of any registered person shall maintain true and correct records in respect of such goods handled by him on behalf of such registered person and shall produce the details thereof as and when required by the proper officer.

(18) Every registered person shall, on demand, produce the books of accounts which he is required to maintain under any law for the time being in force.

57. Generation and maintenance of electronic records.- (1) Proper electronic back-up of records shall be maintained and preserved in such manner that, in the event of destruction of such records due to accidents or natural causes, the information can be restored within a reasonable period of time.

(2) The registered person maintaining electronic records shall produce, on demand, the relevant records or documents, duly authenticated by him, in hard copy or in any electronically readable format.

(3) Where the accounts and records are stored electronically by any registered person, he shall, on demand, provide the details of such files, passwords of such files and explanation for codes used, where necessary, for access and any other information which is required for such access along with a sample copy in print form of the information stored in such files.

58. Records to be maintained by owner or operator of godown or warehouse and transporters.- (1)Every person required to maintain records and accounts in accordance with the provisions of sub-section (2) of section 35, if not already registered under the Act, shall submit the details regarding his business electronically on the common portal in FORM GST ENR-01,either directly or through a Facilitation Centre notified by the Commissioner and, upon validation of the details furnished, a unique enrolment number shall be generated and communicated to the said person.

[(1A) For the purposes of Chapter XVI of these rules, a transporter who is registered in more than one State or Union Territory having the same Permanent Account Number, he may apply for a unique common enrolment number by submitting the details in **FORM GST ENR-02** using any one of his Goods and Services Tax Identification Numbers, and upon validation of the details furnished, a unique common enrolment number shall be generated and communicated to the said transporter:

Provided that where the said transporter has obtained a unique common enrolment number, he shall not be eligible to use any of the Goods and Services Tax IdentificationNumbers for the purposes of the said Chapter XVI.]~~205~~

(2) The person enrolled under sub-rule (1) as aforesaid in any other State or Union territory shall be deemed to be enrolled in the State or Union territory.

(3) Every person who is enrolled under sub-rule (1) shall, where required, amend the details furnished in FORM GST ENR-01 electronically on the common portal either directly or through a Facilitation Centre notified by the Commissioner.

(4) Subject to the provisions of rule 56,-

(a) any person engaged in the business of transporting goods shall maintain records of goods transported, delivered and goods stored in transit by him alongwith the Goods and Services Tax Identification Number of the registered consigner and consignee for each of his branches.

(b) every owner or operator of a warehouse or godown shall maintain books of accounts with respect to the period for which particular goods remain in the warehouse, including the particulars relating to dispatch, movement, receipt and disposal of such goods.

(5) The owner or the operator of the godown shall store the goods in such manner that they can be identified item-wise and owner-wise and shall facilitate any physical verification or inspection by the proper officer on demand.

[205]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-53 dated 19.06.2018.

Chapter VIII

Returns

[59. Form and manner of furnishing details of outward supplies.- (1) Every registered person, other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (Central Act No. 13 of 2017), required to furnish the details of outward supplies of goods or services or both under section 37, shall furnish such details in **FORM GSTR-1** for the month or the quarter, as the case may be, electronically through the common portal, either directly or through a Facilitation Centre as may be notified by the Commissioner.

[Provided that the said person may, after furnishing the details of outward supplies of goods or service or both in FORM GSTR-1 for a tax period but before filing of return in FORM GSTR-3B for the said tax period, at his own option, amend or furnish additional details of outward supplies of goods or services or both in FORM GSTR-1A for the said tax period electronically through the common portal, either directly or through a Facilitation Centre as may be notified by the Commissioner.][206]

(2) The registered persons required to furnish return for every quarter under proviso to sub-section (1) of section 39 may furnish the details of such outward supplies of goods or services or both to a registered person, as he may consider necessary, for the first and second months of a quarter, up to a cumulative value of fifty lakh rupees in each of the months,- using invoice furnishing facility (hereafter in this notification referred to as the "IFF") electronically on the common portal, duly authenticated in the manner prescribed under rule 26, from the 1st day of the month succeeding such month till the 13th day of the said month.

[Provided that a registered person may furnish such details, for the month of April, 2021, using IFF from the 1st day of May, 2021 till the 28th day of May, 2021.][207]

[Provided further that a registered person may furnish such details, for the month of May, 2021, using IFF from the 1st day of June, 2021 till the 28th day of June, 2021.][208]

(3) The details of outward supplies furnished using the IFF, for the first and second months of a quarter, shall not be furnished in **FORM GSTR-1** for the said quarter.

(4) The details of outward supplies of goods or services or both furnished in **FORM GSTR-1** shall include the–

(a) invoice wise details of all -

(i) inter-State and intra-State supplies made to the registered persons; and

(ii) inter-State supplies with invoice value more than [one lakh rupees][209] made to the unregistered persons;

[206] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. [207] Inserted wef 01.05.2021 vide notification no. F12(1)FD/TAX/2021-06 dated 04.05.2021 [208] Inserted wef 01.06.2021 vide notification no. F.12(1)FD/Tax/2021-23 dated 04.06.2021.

(b) consolidated details of all -

(i) intra-State supplies made to unregistered persons for each rate of tax; and

(ii) State wise inter-State supplies with invoice value upto [one lakh rupees][210] made to unregistered persons for each rate of tax;

(d)debit and credit notes, if any, issued during the month for invoices issued previously.

[(4A) The additional details or the amendments of the details of outward supplies of goods or services or both furnished in FORM GSTR-1 A may, as per the requirement of the registered person, include the -

(a) invoice wise details of -

(i) inter-State and intra-State supplies made to the registered persons; and

(ii) inter-State supplies with invoice value more than one lakh rupees made to the unregistered persons;

(b) consolidated details of -

(i) intra-State supplies made to unregistered persons for each rate of tax; and

(ii) State wise inter-State supplies with invoice value upto one lakh rupees made to unregistered persons for each rate of tax;

(c) debit and credit notes, if any, issued during the month for invoices issued previously.]211

(5) The details of outward supplies of goods or services or both furnished using the IFF shall include the –

(a)invoice wise details of inter-State and intra-State supplies made to the registered persons;

(b)debit and credit notes, if any, issued during the month for such invoices issued previously.]212

209 Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 01.08.2024. Till then it reads as follows:- "two and a half lakh rupees".

210 Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 01.08.2024. Till then it reads as follows:- "two and a half lakh rupees"

211 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

212Substituted w.e.f. 01.01.2021 vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020. Till then it reads as follows:- "59. Form and manner of furnishing details of outward supplies.- (1) Every registered person, other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017, required to furnish the details of outward supplies of goods or services or both under section 37, shall furnish such details in FORM GSTR-1 electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

(2) The details of outward supplies of goods or services or both furnished in FORM GSTR-1 shall include the,-
(a) invoice wise details of all,-
(i) inter-State and intra-State supplies made to the registered persons; and

[(6) Notwithstanding anything contained in this rule, -

(a) a registered person shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1**, if he has not furnished the return in **FORM GSTR-3B** [for the preceding month]213;

(b) a registered person, required to furnish return for every quarter under the proviso to sub-section (1) of section 39, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1** or using the invoice furnishing facility, if he has not furnished the return in **FORM GSTR-3B** for preceding tax period;

(ii) inter-State supplies with invoice value more than two and a half lakh rupees made to the unregistered persons;

(b) consolidated details of all,-

(i) intra-State supplies made to unregistered persons for each rate of tax; and

(ii) State wise inter-State supplies with invoice value upto two and a half lakh rupees made to unregistered persons for each rate of tax;

(c) debit and credit notes, if any, issued during the month for invoices issued previously.

(3) The details of outward supplies furnished by the supplier shall be made available electronically to the concerned registered persons (recipients) in Part A of FORM GSTR-2A, in FORM GSTR-4A and in FORM GSTR-6A through the common portal after the due date of filing of FORM GSTR-1.

(4) The details of inward supplies added, corrected or deleted by the recipient in his FORM GSTR-2 under section 38 or FORM GSTR-4 or FORM GSTR-6 under section 39 shall be made available to the supplier electronically in FORM GSTR-1A through the common portal and such supplier may either accept or reject the modifications made by the recipient and FORM GSTR-1 furnished earlier by the supplier shall stand amended to the extent of modifications accepted by him.

(5) Notwithstanding anything contained in this rule, -

a registered person shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-1, if he has not furnished the return in FORM GSTR-3B for preceding two months;

a registered person, required to furnish return for every quarter under the proviso to sub-section (1) of section 39, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-1 or using the invoice furnishing facility, if he has not furnished the return in FORM GSTR-3B for preceding tax period;

a registered person, who is restricted from using the amount available in electronic credit ledger to discharge his liability towards tax in excess of ninety-nine per cent. of such tax liability under rule 86B, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-1 or using the invoice furnishing facility, if he has not furnished the return in FORM GSTR-3B for preceding tax period."

213 Substituted w.e.f. 01.01.2022 for "for preceding two months" vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

[~~(c) a registered person, who is restricted from using the amount available in electronic credit ledger to discharge his liability towards tax in excess of ninety-nine per cent. of such tax liability under rule 86B, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1** or using the invoice furnishing facility, if he has not furnished the return in **FORM GSTR-3B** for preceding tax period.~~] 214]215

[(d) a registered person, to whom an intimation has been issued on the common portal under the provisions of sub-rule (1) of rule 88C in respect of a tax period, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-1 or using the invoice furnishing facility for a subsequent tax period, unless he has either deposited the amount specified in the said intimation or has furnished a reply explaining the reasons for any amount remaining unpaid, as required under the provisions of sub-rule (2) of rule 88C.]216

[(e) a registered person,to whom an intimation has been issued on the common portal under the provisions of sub-rule (I) of rule 88D in respect of a tax period or periods, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-l or using the invoice furnishing facility for a subsequent tax period, unless he has either paid the amount equal to the excess input tax credit as specified in the said intimation or has fumished a reply explaining the reasons in respect of the amount of excess input tax credit that still remains to be paid, as required under the provisions of sub-rule (2) of rule 88D;

(f) a registered person shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in FORM GSTR-l or using the invoice furnishing

facility, if he has not furnished the details of the bank account as per the provisions of rule 10A.][217]

[**60. Form and manner of ascertaining details of inward supplies.-** (1) The details of outward supplies furnished by the supplier in FORM GSTR-1 [or FORM GSTR-1A][218]or using the IFFshall be made available electronically to the concerned registered persons (recipients) in **Part A** of **FORM GSTR-2A**, in **FORM GSTR-4A** and in **FORM GSTR-6A** through the common portal, **as the case may be.**

(2) The details of invoices furnished by a non-resident taxable person in his return in **FORM GSTR-5** under rule 63 shall be made available to the recipient of credit in **Part A** of **FORM GSTR 2A** electronically through the common portal.

(3) The details of invoices furnished by an Input Service Distributor in his return in **FORM GSTR-6** under rule 65 shall be made available to the recipient of credit in **Part B** of **FORM GSTR 2A** electronically through the common portal.

[214] Deleted w.e.f. 01.01.2022 vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021. [215] Inserted vide notification no. F.12(46)FD/Tax/2017-III-265 dated 01.01.2021.

[216] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

[217] Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

[218] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

(4) The details of tax deducted at source furnished by the deductor under sub-section (3) of section 39 in **FORM GSTR-7** shall be made available to the deductee in **Part C** of **FORM GSTR-2A** electronically through the common portal.

(5) The details of tax collected at source furnished by an e-commerce operator under section 52 in **FORM GSTR-8** shall be made available to the concerned person in **Part C** of **FORM GSTR 2A** electronically through the common portal.

(6) The details of the integrated tax paid on the import of goods or goods brought in domestic Tariff Area from Special Economic Zone unit or a Special Economic Zone developer on a bill of entry shall be made available in **Part D** of **FORM GSTR-2A** electronically through the common portal.

(7) An [auto- generated][219] statement containing the details of input tax credit shall be made available to the registered person in **FORM GSTR-2B,** for every month, electronically through the common portal, and shall consist of -

(i) the details of outward supplies furnished by his supplier, other than a supplier required to furnish return for every quarter under proviso to sub-section (1) of section 39**,** in **FORM GSTR-1**, between the day immediately after the due date of furnishing of **FORM GSTR-1** for the previous month to the due date of furnishing of **FORM GSTR-1** for the month;

(ii) the details of invoices furnished by a non-resident taxable person in **FORM GSTR-5** and details of invoices furnished by an Input Service Distributor in his return in **FORM GSTR-6** and details of outward supplies furnished by his supplier, required to furnish return for every quarter under proviso to sub-section (1) of section 39,in **FORM GSTR-1** or using the IFF, as the case may be,**-**

(a)for the first month of the quarter, betweenthe day immediately after the due dateof furnishing **of FORM GSTR-1** for the preceding quarterto thedue date of furnishing details usingtheIFF for the first month of the quarter**;**

(b)for the second month of the quarter, between theday immediately after the due date of furnishing details usingthe IFF for the first month of the quarter to the due date of furnishing details using the IFF for the second month of the quarter**;**

(c) for the third month of the quarter, between theday immediately after the due date of furnishing of details using the IFF for the second month of the quarter to the due date of furnishing **of FORM GSTR-1** for the quarter; [(iia) the additional details or amendments in details of outward supplies furnished by his supplier in FORM GSTR-1A filed between the day immediately after the due date of furnishing of FORM GSTR-1 for the previous tax period to the due date of furnishing of FORM GSTR-1 for the current tax period;]220

219 Substituted vide notification No. F.12(15)FD/Tax-2022-47dated 30.09.2022. for "auto-drafted" 220 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

(iii) the details of the integrated tax paid on the import of goods or goods brought in the domestic Tariff Area from Special Economic Zone unit or a Special Economic Zone developer on a bill of entry in the month.

(8) The Statement in **FORM GSTR-2B** for every month shall be made available to the registered person,-

(i) for the first and second month of a quarter, a day after the due date of furnishing of details of outward supplies for the said month, in the IFF by a registered person required to furnish return for every quarter under proviso to sub-section (1) of section 39, or in **FORM GSTR-1** by a registered person, other than those required to furnish return for every quarter under proviso to sub-section (1) of section 39, whichever is later;
(ii) in the third month of the quarter, a day after the due date of furnishing of details of outward supplies for the said month, in **FORM GSTR-1** by a registered person required to furnish return for every quarter under proviso to sub-section (1) of section 39.]221

221Substituted w.e.f. 01.01.2021 vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020. Till then it reads as follows:- "**60. Form and manner of furnishing details of inward supplies.-** (1) Every registered person, other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017, required to furnish the details of inward supplies of goods or services or both received during a tax period under sub-section (2) of section 38 shall, on the basis of details contained in Part A, Part B and Part C of FORM GSTR-2A, prepare such details as specified in sub-section (1) of the said section and furnish the same in FORM GSTR-2 electronically through the common portal, either directly or from a Facilitation Centre notified by the Commissioner, after including therein details of such other inward supplies, if any, required to be furnished under sub-section (2) of section 38.

(2) Every registered person shall furnish the details, if any, required under sub-section (5) of section 38 electronically in FORM GSTR-2.

(3) The registered person shall specify the inward supplies in respect of which he is not eligible, either fully or partially, for input tax credit in FORM GSTR-2 where such eligibility can be determined at the invoice level.

(4) The registered person shall declare the quantum of ineligible input tax credit on inward supplies which is relatable to non-taxable supplies or for purposes other than business and cannot be determined at the invoice level in FORM GSTR-2.

(4A) The details of invoices furnished by an non-resident taxable person in his return in FORM GSTR-5 under rule 63 shall be made available to the recipient of credit in Part A of FORM GSTR 2A electronically through the common portal and the said recipient may include the same in FORM GSTR-2.

(5) The details of invoices furnished by an Input Service Distributor in his return in FORM GSTR-6 under rule 65 shall be made available to the recipient of credit in Part B of FORM GSTR 2A electronically through the common portal and the said recipient may include the same in FORM GSTR-2.

(6) The details of tax deducted at source furnished by the deductor under sub-section (3) of section 39 in FORM GSTR-7 shall be made available to the deductee in Part C of FORM GSTR-2A electronically through the common portal and the said deductee may include the same in FORM GSTR-2.

[**61**. **Form and manner of furnishing of return.-** (1) Every registered person other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (Central Act No. 13 of 2017) or an Input Service Distributor or a non-resident taxable person or a person paying tax under section 10 or section 51 or, as the case may be, under section 52 shall furnish a return in **FORM GSTR-3B,** electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner, as specified under –

(i) sub-section (1) of section 39, for each month, or part thereof, on or before the twentieth day of the month succeeding such month:

(ii) proviso to sub-section (1) of section 39, for each quarter, or part thereof, for registered persons whose principal place of business is in the State, on or before the twenty-fourth day of the month succeeding such quarter.

(2) Every registered person required to furnish return,under sub-rule (1) shall, subject to the provisions of section 49, discharge his liability towards tax, interest, penalty, fees or any other amount payable under the Act or the provisions of this Chapter by debiting the electronic cash ledger or electronic credit ledger and include the details in the return in **FORM GSTR-3B.**

(3) Every registered person required to furnish return, every quarter, underclause (ii) of sub-rule (1) shall pay the tax due under proviso to sub-section (7) of section 39, for each of the first two months of the quarter, by depositing the said amount in **FORM GST PMT-06**, by the twenty fifth day of the month succeeding such month:

Provided that the Commissioner may, on the recommendations of the Council, by notification, extend the due date fordepositing the said amount in **FORM GST PMT-06**, for such class of taxable persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner:

Provided also that while making a deposit in **FORM GST PMT-06,** such a registered person may –

(a) for the first month of the quarter, take into account the balance in the electronic cash ledger.

(b) for the second month of the quarter, take into account the balance in the electronic cash ledger excluding the tax due for the first month.

(7) The details of tax collected at source furnished by an e-commerce operator under section 52in FORM GSTR-8shall be made available to the concerned person in Part C of FORM GSTR 2A electronically through the common portal and such person may include the same in FORM GSTR-2.

(8) The details of inward supplies of goods or services or both furnished in FORM GSTR-2 shall include the,-

(a) invoice wise details of all inter-State and intra-State supplies received from registered persons or unregistered persons;

(b) import of goods and services made; and

(c) debit and credit notes, if any, received from supplier."

(4) The amount deposited by the registered personsunder sub-rule (3) above, shall be debited while filing the return for the said quarter in **FORM GSTR-3B,** and any claim of refund of such amount lying in balance in the electronic cash ledger, if any, out of the amount so deposited shall be permitted only after the return in **FORM GSTR-3B** for the said quarter has been filed.]222

[**61A**. **Manner of opting for furnishing quarterly return**.- (1) Every registered person intending to furnish return on a quarterly basis under proviso to sub-section (1) of section 39,

shall in accordance with the conditions and restrictions notified in this regard, indicate his preference for furnishing of return on a quarterly basis, electronically, on the common portal, from the 1st day of the second month of the preceding quarter till the last day of the first month of the quarter for which the option is being exercised:

222 Substituted w.e.f. 01.01.2021 vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020. Till then it reads as follows:-" 61. Form and manner of submission of monthly return.- (1) Every registered person other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 or an Input Service Distributor or a non-resident taxable person or a person paying tax under section 10 or section 51 or, as the case may be, under section 52 shall furnish a return specified under sub-section (1) of section 39 in FORM GSTR-3 electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

(2) Part A of the return under sub-rule (1) shall be electronically generated on the basis of information furnished through FORM GSTR-1, FORM GSTR-2and based on other liabilities of preceding tax periods.

(3) Every registered person furnishing the return under sub-rule (1) shall, subject to the provisions of section 49, discharge his liability towards tax, interest, penalty, fees or any other amount payable under the Act or the provisions of this Chapter by debiting the electronic cash ledger or electronic credit ledger and include thedetails in Part Bof the return in FORM GSTR-3.

(4) 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 Part Bof the return in FORM GSTR-3 and such return shall be deemed to be an application filed under section 54.

(5) Where the time limit for furnishing of details in FORM GSTR-1 under section 37 or in FORM GSTR-2 under section 38 has been extended, the return specified in sub-section (1) of section 39 shall, in such manner and subject to such conditions as the Commissioner may, by notification, specify, be furnished in FORM GSTR-3B electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

Provided that where a return in FORM GSTR-3B is required to be furnished by a person referred to in sub-rule (1) then such person shall not be required to furnish the return in FORM GSTR-3.

(6) Every registered person other than a person referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (Central Act No. 13 of 2017) or an Input Service Distributor or a non-resident taxable person or a person paying tax under section 10 or section 51 or, as the case may be, under section 52 shall furnish a return in FORM GSTR-3B, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner, on or before the twentieth day of the month succeeding such tax period:

Provided that for taxpayers having an aggregate turnover of up to five crore rupees in the previous financial year, whose principal place of business is in the State, the return in FORM GSTR-3B of the said rules for the months of October, 2020 to March, 2021 shall be furnished electronically through the common portal, on or before the twenty-fourth day of the month succeeding such month.

Provided that where such option has been exercised once, the said registered person shall continue to furnish the return on a quarterly basis for future tax periods, unless the said registered person,–

(a) becomes ineligible for furnishing the return on a quarterly basis as per the conditions and restrictions notified in this regard; or

(b) opts for furnishing of return on a monthly basis, electronically, on the common portal:

Provided further that a registered person shall not be eligible to opt for furnishing quarterly return in case the last return due on the date of exercising such option has not been furnished.

(2) A registered person, whose aggregate turnover exceeds 5 crore rupees during the current financial year, shall opt for furnishing of return on a monthly basis, electronically, on the

common portal, from the first month of the quarter, succeeding the quarter during which his aggregate turnover exceeds 5 crore rupees.][223]

62. [Form and manner of submission of statement and return.][224]- (1) Every registered person [paying tax under section 10 [~~or paying tax by availing the benefit of this department's notification No. F.12(56)FD/Tax/2017-Pt-III-165, dated the 7th March, 2019~~][225], shall-

(i) furnish a statement, every quarter or, as the case may be, part thereof, containing the details of payment of self-assessed tax in FORM GST CMP-08, till the 18th day of the month succeeding such quarter; and

[223] Inserted vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020.

[224]Substituted for "Form and manner of submission of quarterly return by the composition supplier" videnotification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

[225] Omitted vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020.

(ii) furnish a return for every financial year or, as the case may be, part thereof in FORM GSTR-4, till the thirtieth day of April following the end of such financial year,][226]

electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

[[~~Provided that the registered person who opts to pay tax under section 10 with effect from the first day of a month which is not the first month of a quarter shall furnish the return in FORM GSTR-4 for that period of the quarter for which he has paid tax under section 10 and shall furnish the returns as applicable to him for the period of the quarter prior to opting to pay tax under section 10~~][227].][228]

[Provided that the return in FORM GSTR-4 for a financial year from FY 2024-25 onwards shall be required to be furnished by the registered person till the thirtieth day of June following the end of such financial year.][229]

(2) Every registered person furnishing the [statement under sub-rule (1) shall discharge his liability towards tax or interest][230] payable under the Act or the provisions of this Chapter by debiting the electronic cash ledger.

(3) The return furnished under sub-rule (1) shall includethe,-

(a)invoice wise inter-State and intra-State inward supplies received from registered and un-registered persons; and

(b)consolidated details of outward supplies made.

(4) A registered person who has opted to pay tax under section 10 [[~~or by availing the benefit of this department's notification No. F.12(56)FD/Tax/2017-Pt-III-165, dated the 7th March, 2019~~][231]][232] from the beginning of a financial year shall, where required, furnish the details of outward and inward supplies and return under rules 59, 60 and 61 relating to the period during which the person was liable to furnish such details and returns till the due date of furnishing the return for the month of September of the succeeding financial year or furnishing of annual return of the preceding financial year, whichever is earlier.

Explanation: For the purposes of this sub-rule, it is hereby declared that the person shall not be eligible to avail input tax credit on receipt of invoices or debit notes from the supplier for the period prior to his opting for the composition scheme [[~~or~~

[226]Substituted for "paying tax under section 10 shall, on the basis of details contained in FORM GSTR-4A, and where required, after adding, correcting or deleting the details, furnish the quarterly return in FORM GSTR-4" vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

227Omitted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

228Inserted vide notification no. F.12(56)FD/Tax/2017-Pt-II-117 dated 13.10.2017

229 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

230Substituted for "return under sub-rule (1) shall discharge his liability towards tax, interest, penalty, fees or any other amount" vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

231 Omitted vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020.

232 Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

~~opting for paying tax by availing the benefit of this department's notification No. F.12(56)FD/Tax/2017-Pt-III-165, dated the 7th March, 2019.~~]233]234

(5) A registered person opting to withdraw from the composition scheme at his own motion or where option is withdrawn at the instance of the proper officer shall, where required, furnish [a statement in FORM GST CMP-08 for the period for which he has paid tax under the composition scheme till the 18th day of the month succeeding the quarter in which the date of withdrawal falls and furnish a return in FORM GSTR-4 for the said period till the thirtieth day of April following the end of the financial year during which such withdrawal falls.]235

[[~~(6) A registered person who ceases to avail the benefit of this department's notification No. F.12(56)FD/Tax/2017-Pt-III-165, dated the 7th March, 2019, shall, where required, furnish a statement in FORM GST CMP-08 for the period for which he has paid tax by availing the benefit under the said notification till the 18th day of the month succeeding the quarter in which the date of cessation takes place and furnish a return in FORM GSTR – 4 for the said period till the thirtieth day of April following the end of the financial year during which such cessation happens.~~]236]237

63. Form and manner of submission of return by non-resident taxable person.- Every registered non-resident taxable person shall furnish a return in FORM GSTR-5electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner, including therein the details of outward supplies and inward supplies and shall pay the tax, interest, penalty, fees or any other amount payable under the Act or the provisions of this Chapter within twenty days after the end of a tax period or within seven days after the last day of the validity period of registration, whichever is earlier.

64. [Form and manner of submission of return by persons providing online information and data base access or retrieval services and by persons supplying online money gaming from a place outside India to a person in India.- Every registered person either providing online money gaming from a place outside India to a person in India, or providing online information and data base access or retrieval services from a place outside India to a non-taxable online recipient referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) or to a registered person other than a non-taxable online recipient, shall file return in FORM GSTR-5A on or before the twentieth day of the month succeeding the calendar month or part thereof.]238

233 Omitted vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020.

234Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

235Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19. Till then it reads as follows:-" the details relating to the period prior to his opting for payment of tax under section 9 in FORM GSTR- 4 till the due date of furnishing the return for the quarter ending September of the succeeding financial year or furnishing of annual return of the preceding financial year, whichever is earlier"

236 Omitted vide notification No. F.12(46)FD/Tax/2017-III- 255 dated 13.11.2020.

237Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-04 dated 23.04.19.

238 Substituted vide notification no. F.12(11)FD/Tax/2023-66 dated 20-12-2023 wef. 01.10.2023. Till then it reads as follows:-" **Form and manner of submission of return by persons providing online information and**

65. Form and manner of submission of return by an Input Service Distributor.- Every Input Service Distributor shall, on the basis of details contained inFORM GSTR-6A, and where required, after adding, correcting or deleting the details, furnish electronically the return in FORM GSTR-6, containing the details of tax invoices on which credit has been received and those issued under section 20, through the common portal either directly or from a Facilitation Centre notified by the Commissioner.

66. Form and manner of submission of return by a person required to deduct tax at source.- (1) Every registered person required to deduct tax at source under section 51 (hereafter in this rule referred to as deductor) shall furnish a return in FORM GSTR-7 [, on or before the tenth day of the month succeeding the calendar month,]239 electronically through the common portal either directly or from a Facilitation Centre notified by the Commissioner.

(2) The details furnished by the deductor under sub-rule (1) shall be made available electronically to each of the [deductees]240on the common portal after [~~the due date of~~]241 filing of FORM GSTR-7[for claiming the amount of tax deducted in his electronic cash ledger after validation.]242

(3) The certificate referred to in sub-section (3) of section 51 shall be made available electronically to the deductee on the common portal in FORM GSTR-7A on the basis of the return furnished under sub-rule (1).

67. Form and manner of submission of statement of supplies through an e-commerce operator.- (1) Every electronic commerce operator required to collect tax at source under section 52 shall furnish a statement in FORM GSTR-8 electronically on the common portal, either directly or from a Facilitation Centre notified by the Commissioner, containing details of supplies effected through such operator and the amount of tax collected as required under sub-section (1) of section 52.

(2) [The details of tax collected at source under sub-section (I) of section 52 furnished by the operator under sub-rule (I) shall be made available electronically to each of the registered suppliers]243 [~~in Part C of FORM GSTR-2A~~]244on the common portal after [~~the due date~~

database access or retrieval services.- Every registered person providing online information and data base access or retrieval services from a place outside India to a [non-taxable online recipient referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) or to]238 a registered person shall file return in FORM GSTR-5A on or before the twentieth day of the month succeeding the calendar month or part thereof." 239 Inserted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024

240Substitued for "suppliers in Part-C of FORM GSTR-2A and FORM-GSTR-4A" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

241Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

242Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

243Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023 for the words "The details furnished by the operator under sub-rule (1) shall be made available electronically to each of the suppliers "

244Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

~~of~~]245 filing of FORM GSTR-8[for claiming the amount of tax collected in his electronic cash ledger after validation.]246

[[[**67A. Manner of furnishing of return or details of outward supplies by short messaging service facility.-** Notwithstanding anything contained in this Chapter, for a registered person who is required to furnish a Nil return under section 39 in **FORM GSTR-3B** or a Nil details of outward supplies under section 37 in **FORM GSTR-1** or a Nil statement in **FORM GST CMP-**

08 for a tax period, any reference to electronic furnishing shall include furnishing of the said return or the details of outward supplies or statement through a short messaging service using the registered mobile number and the said return or the details of outward supplies or statement shall be verified by a registered mobile number based One Time Password facility.

Explanation. - For the purpose of this rule, a Nil return or Nil details of outward supplies or Nil statement shall mean a return under section 39 or details of outward supplies under section 37 or statement under rule 62, for a tax period that has nil or no entry in all the Tables in **FORM GSTR-3B** or **FORM GSTR-1** or **FORM GST CMP-08**, as the case may be.][247]][248]][249]

68. Notice to non-filers of returns.- A notice in FORM GSTR-3A shall be issued, electronically, to a registered person who fails to furnish return under section 39 or section 44 or section 45 or section 52.

~~**[69. Matching of claim of input tax credit .-** The following details relating to the claim of input tax credit on inward supplies including imports, provisionally allowed under section 41, shall be matched under section 42 after the due date for furnishing the return in FORM GSTR-3,-~~

(a) Goods and Services Tax Identification Number of the supplier; (b) Goods and Services Tax Identification Number of the recipient; (c) invoice or debit note number;

(d) invoice or debit note date; and

[245]Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.
[246]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[247] Substituted vide notification no. F.12(46)FD/Tax/2017-III-251 dated 20.10.2020. Till then it reads as follows:- "67A. Manner of furnishing of return or details of outward supplies by short messaging service facility.- Notwithstanding anything contained in this Chapter, for a registered person who is required to furnish a Nil return under section 39 in FORM GSTR-3B or a Nil details of outward supplies under section 37 in FORM GSTR-1 for a tax period, any reference to electronic furnishing shall include furnishing of the said return or the details of outward supplies through a short messaging service using the registered mobile number and the said return or the details of outward supplies shall be verified by a registered mobile number based One Time Password facility.

Explanation. - For the purpose of this rule, a Nil return or Nil details of outward supplies shall mean a return under section 39 or details of outward supplies under section 37, for a tax period that has nil or no entry in all the Tables in **FORM GSTR-3B or FORM GSTR-1,** as the case may be."

[248] Substituted wef 01.07.2020 vide notification no. F.12(46)FD/TAX/2017 Pt-III-206 dated 06.07.2020. [249]Inserted vide notification no. F.12(46)FD/Tax/2017ptV-174 dated 08.05.2020.

(e) tax amount:

Provided that where the time limit for furnishing FORM GSTR-1 specified under section ~~37and FORM GSTR-2 specified under section 38 has been extended, the date of matching relating to claim of input tax credit shall also be extended accordingly:~~

Provided further that the Commissioner may, on the recommendations of the Council, by ~~order, extend the date of matching relating to claim of input tax credit to such date as may be specified therein.~~

~~*Explanation:* For the purposes of this rule, it is hereby declared that-~~

~~(i)The claim of input tax credit in respect of invoices and debit notes in FORM GSTR-2 that were accepted by the recipient on the basis of FORM GSTR-2A without amendment shall be treated as matched if the corresponding supplier has furnished a valid return;~~

~~(ii) The claim of input tax credit shall be considered as matched where the amount of input tax credit claimed is equal to or less than the output tax paid on such tax invoice or debit note by the corresponding supplier.~~

70. Final acceptance of input tax credit and communication thereof.- (1)The final acceptance of claim of input tax credit in respect of any tax period, specified in sub-section (2) of section 42, shall be made available electronically to the registered person making such claim in **FORM GST MIS-1** through the common portal.

(2) The claim of input tax credit in respect of any tax period which had been communicated as mismatched but is found to be matched after rectification by the supplier or recipient shall be finally accepted and made available electronically to the person making such claim in **FORM GST MIS-1** through the common portal.

71. Communication and rectification of discrepancy in claim of input tax credit and reversal of claim of input tax credit.- (1)Any discrepancy in the claim of input tax credit in respect of any tax period, specified in sub-section (3) of section 42 and the details of output tax liable to be added under sub-section (5) of the said section on account of continuation of such discrepancy, shall be made available to the recipient making such claim electronically in **FORM GST MIS-1** and to the supplier electronically in **FORM GST MIS-2** through the common portal on or before the last date of the month in which the matching has been carried out.

(2) A supplier to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement of outward supplies to be furnished for the month in which the discrepancy is made available.

(3) A recipient to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement of inward supplies to be furnished for the month in which the discrepancy is made available.

(4)Where the discrepancy is not rectified under sub-rule (2) or sub-rule (3), an amount to the extent of discrepancy shall be added to the output tax liability of the recipient in his return to

be furnished in FORM GSTR-3for the month succeeding the month in which the discrepancy is made available.

Explanation: For the purposes of this rule, it is hereby declared that -

(i)Rectification by a supplier means adding or correcting the details of an outward supply in his valid return so as to match the details of corresponding inward supply declared by the recipient;

(ii) Rectification by the recipient means deleting or correcting the details of an inward supply so as to match the details of corresponding outward supply declared by the supplier.

72. Claim of input tax credit on the same invoice more than once.- Duplication of claims of input tax credit in the details of inward supplies shall be communicated to the registered person in **FORM GST MIS-1** electronically through the common portal.

73. Matching of claim of reduction in the output tax liability .-The following details relating to the claim of reduction in output tax liability shall be matched under section 43 after the due date for furnishing the return inFORM GSTR-3, namely:-

(a) Goods and Services Tax Identification Number of the supplier;

(b) Goods and Services Tax Identification Number of the recipient;

(c) credit note number;

(d) credit note date; and

(e) tax amount:

Provided that where the time limit for furnishing FORM GSTR-1 under section 37and FORM GSTR-2 under section 38 has been extended, the date of matching of claim of reduction in the output tax liability shall be extended accordingly:

Provided further that the Commissioner may, on the recommendations of the Council, by order, extend the date of matching relating to claim of reduction in output tax liability to such date as may be specified therein.

Explanation: For the purposes of this rule, it is hereby declared that,-

(i)the claim of reduction inoutput tax liability due to issuanceof credit notes in FORM GSTR-1 that were accepted by the corresponding recipient in FORM GSTR-2without amendment shall be treated as matched if the said recipient has furnished a valid return.

(ii) the claim of reduction in the output tax liability shall be considered as matched where the amount of output tax liability after taking into account the reduction claimed is equal to or more than the claim of input tax credit after taking into account the reduction admitted and discharged on such credit note by the corresponding recipient in his valid return.

74. Final acceptance of reduction in output tax liability and communication thereof.- (1)The final acceptance of claim of reduction in output tax liability in respect of any tax period, specified in sub-section (2) of section 43, shall be made available electronically to the person making such claim in **FORM GST MIS-1** through the common portal.

(2) The claim of reduction in output tax liability in respect of any tax period which had been communicated as mis-matched but is found to be matched after rectification by the supplier or recipient shall be finally accepted and made available electronically to the person making such claim in **FORM GST MIS-1** through the common portal.

75. Communication and rectification of discrepancy in reduction in output tax liability and reversal of claim of reduction.- (1) Any discrepancy in claim of reduction in output tax liability, specified in sub-section (3) of section 43, and the details of output tax liability to be added under sub-section (5) of the said section on account of continuation of such discrepancy, shall be made available to the registered person making such claim electronically in **FORM GST MIS- 1** and the recipient electronically in **FORM GST MIS-2** through the common portal on or before the last date of the month in which the matching has been carried out.

(2) A supplier to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement of outward supplies to be furnished for the month in which the discrepancy is made available.

(3) A recipient to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement of inward supplies to be furnished for the month in which the discrepancy is made available.

(4) Where the discrepancy is not rectified under sub-rule (2) or sub-rule (3), an amount to the extent of discrepancy shall be added to the output tax liability of the supplier and debited to the electronic liability register and also shown in his return in FORM GSTR-3 for the month succeeding the month in which the discrepancy is made available.

Explanation: For the purposes of this rule, it is hereby declared that –

(i) rectification by a supplier means deleting or correcting the details of an outward supply in his valid return so as to match the details of corresponding inward supply declared by the recipient;

(ii)rectification by the recipient means adding or correcting the details of an inward supply so as to match the details of corresponding outward supply declared by the supplier.

76. Claim of reduction in output tax liability more than once.- The duplication of claims for reduction in output tax liability in the details of outward supplies shall be communicated to the registered person in **FORM GST MIS-1** electronically through the common portal.

77. Refund of interest paid on reclaim of reversals.- The interest to be refunded under sub-section (9) of section 42 or sub-section (9) of section 43 shall be claimed by the registered person in his return in FORM GSTR-3 and shall be credited to his electronic cash ledger in FORM GST PMT-05 and the amount credited shall be available for payment of any future liability towards interest or the taxable person may claim refund of the amount under section 54.]250

78.Matching of details furnished by the e-Commerce operator with the details furnished by the supplier.- The following details relating to the supplies made through an e-Commerce operator, as declared in FORM GSTR-8, shall be matched with the corresponding details declared by the supplier in FORM GSTR-1[,as amended in FORM GSTR-1A if any,]251-

(a) State of place of supply; and

(b) net taxable value:

Provided that where the time limit for furnishing FORM GSTR-1 under section 37 has been extended, the date of matching of the above mentioned details shall be extended accordingly.

Provided further that the Commissioner may, on the recommendations of the Council, by order, extend the date of matching to such date as may be specified therein.

[79.Communication and rectification of discrepancy in details furnished by the e-commerce operator and the supplier.- (1)Any discrepancy in the details furnished by the operator and those declared by the supplier shall be made available to the supplier electronically in **FORM GST MIS-3** and to the e-commerce operator electronically in **FORM GST MIS-4** on the common portal on or before the last date of the month in which the matching has been carried out.

(2)A supplier to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement of outward supplies to be furnished for the month in which the discrepancy is made available.

(3)An operator to whom any discrepancy is made available under sub-rule (1) may make suitable rectifications in the statement to be furnished for the month in which the discrepancy is made available.

(4)Where the discrepancy is not rectified under sub-rule (2) or sub-rule (3), an amount to the extent of discrepancy shall be added to the output tax liability of the supplier in his return in

250 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

251 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

FORM GSTR-3 for the month succeeding the month in which the details of discrepancy are made available and such addition to the output tax liability and interest payable thereon shall be made available to the supplier electronically on the common portal in **FORM GST MIS-3**.] 252

[**80. Annual return**.- (1) Every registered person, other than those referred to in the second proviso to section 44, an Input Service Distributor, a person paying tax under section 51

or section 52, a casual taxable person and a non-resident taxable person, shall furnish an annual return for every financial year as specified under section 44 electronically in **FORM GSTR-9** on or before the thirty-first day of December following the end of such financial year through the common portal either directly or through a Facilitation Centre notified by the Commissioner:

Provided that a person paying tax under section 10 shall furnish the annual return in **FORM GSTR-9A**.

[(1A) Notwithstanding anything contained in sub-rule (1), for the financial year 2020-2021 the said annual return shall be furnished on or before the twenty-eighth day of February, 2022.][253]

(2) Every electronic commerce operator required to collect tax at source under section 52 shall furnish annual statement referred to in sub-section (5) of the said section in **FORM GSTR -9B**.

(3) Every registered person, other than those referred to in the second proviso to section 44, an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person, whose aggregate turnover during a financial year exceeds five crore rupees, shall also furnish a self-certified reconciliation statement as specified under section 44 in **FORM GSTR-9C** along with the annual return referred to in sub-rule (1), on or before the thirty-first day of December following the end of such financial year, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.][254]

[252] Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 [253] Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021.

[254]Substituted w.e.f. 01.08.2021 vide Notification No. F.12(1)FD/Tax/2021-67 dated 01.10.2021. Till then it reads as follows:- "**80. Annual return.-** (1) Every registered person, other than an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person, shall furnish an annual return as specified under sub-section (1) of section 44 electronically in FORM GSTR-9 through the common portal either directly or through a Facilitation Centre notified by the Commissioner:

Provided that a person paying tax under section 10 shall furnish the annual return in FORM GSTR-9A.

(2) Every electronic commerce operator required to collect tax at source under section 52 shall furnish annual statement referred to in sub-section (5) of the said section in FORM GSTR -9B.

(3) Every registered person other than those referred to in the proviso to sub-section (5) of section 35, whose aggregate turnover during a financial year exceeds two crore rupees shall get his accounts audited as specified under sub-section (5) of section 35 and he shall furnish a copy of audited annual accounts and a reconciliation

[(3A) Notwithstanding anything contained in sub-rule (3), for the financial year 2020-2021 the said self-certified reconciliation statement shall be furnished along with the said annual return on or before the twenty-eighth day of February, 2022.][255]

81. Final return.- Every registered person required to furnish a final return under section 45, shall furnish such return electronically in FORM GSTR-10 through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

82. Details of inward supplies of persons having Unique Identity Number.- (1)Every person who has been issued a Unique Identity Number and claims refund of the taxes paid on his inward supplies, shall furnish the details of such supplies of taxable goods or services or both electronically in FORM GSTR-11, along with application for such refund claim, through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

(2) Every person who has been issued a Unique Identity Number for purposes other than refund of the taxes paid shall furnish the details of inward supplies of taxable goods or services or both as may be required by the proper officer in FORM GSTR-11.

83. Provisions relating to a goods and services tax practitioner.-(1) An application in FORM GST PCT-01 may be made electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner for enrolment as goods and services tax practitioner by any person who,-

(i) is a citizen of India;

(ii) is a person of sound mind;

(iii) is not adjudicated as insolvent;

(iv) has not been convicted by a competent court;

and satisfies any of the following conditions, namely:-

(a) that he is a retired officer of the Commercial Tax Department of any State Government or of the [Central Board of Indirect Taxes][256]and Customs, Department of Revenue, Government of India, who, during his service under the Government, had worked in a post not lower than the rank of a Group-B gazetted officer for a period of not less than two years; or

statement, duly certified, in FORM GSTR-9C**,** electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

Provided that for the financial year 2018-2019 and 2019-2020, every registered person whose aggregate turnover exceeds five crore rupees shall get his accounts audited as specified under sub-section (5) of section 35 and he shall furnish a copy of audited annual accounts and a reconciliation statement, duly certified, in **FORM GSTR-9C** for the said financial year, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner."

[255] Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021

[256]Substituted for the words "Central Board of Excise" vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

(b) that he has enrolled as a sales tax practitioner or tax return preparer under the existing law for a period of not less than five years;

(c) he has passed,

(i) a graduate or postgraduate degree or its equivalent examination having a degree in Commerce, Law, Banking including Higher Auditing, or Business Administration or Business Management from any Indian University established by any law for the time being in force; or

(ii) a degree examination of any Foreign University recognised by any Indian University as equivalent to the degree examination mentioned in sub-clause (i); or

(iii) any other examination notified by the Government, on the recommendation of the Council, for this purpose; or

(iv) has passed any of the following examinations, namely:-

(a) final examination of the Institute of Chartered Accountants of India; or

(b) final examination of the Institute of Cost Accountants of India; or

(c) final examination of the Institute of Company Secretaries of India.

(2) On receipt of the application referred to in sub-rule (1), the officer authorised in this behalf shall, after making such enquiry as he considers necessary, either enrol the applicant as a goods and services tax practitionerand issue a certificate to that effect inFORM GST PCT-02 or reject his application where it is found that the applicant is not qualified to be enrolled as a goods and services tax practitioner.

(3) The enrolment made under sub-rule (2) shall be valid until it is cancelled:

Provided that no person enrolled as a goods and services tax practitioner shall be eligible to remain enrolled unless he passes such examination conducted at such periods and by such authority as may be notified by the Commissioner on the recommendations of the Council.

Provided further that no person to whom the provisions of clause (b) of [sub-rule]257(1) apply shall be eligible to remain enrolled unless he passes the said examination within a period of [[thirty months]258]259from the appointed date.

(4) If any goods and services tax practitioneris found guilty of misconduct in connection with any proceedings under the Act, the authorised officer may, after giving him a notice to show cause in FORM GST PCT-03for such misconductand after giving him a reasonable

257Substituted for "sub-section" wef 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-71 dated 27.07.2017.

258Substituted for "one year" vide notification no. F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018. 259 Substituted for "eighteen months" vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

opportunity of being heard, by order inFORM GST PCT-04direct that he shall henceforth be disqualified under section 48 to function as a goods and services tax practitioner.

(5) Any person against whom an order under sub-rule (4) is made may, within thirty days from the date of issue of such order, appeal to the Commissioner against such order.

(6) Any registered person may, at his option, authorise a goods and services tax practitioneron the common portal in FORM GST PCT-05or, at any time, withdraw such authorisation in FORM GST PCT-05 and the goods and services tax practitionerso authorised shall be allowed to undertake such tasks as indicated in the said authorisation during the period of authorisation.

(7) Where a statement required to be furnished by a registered person has been furnished by the goods and services tax practitioner authorised by him, a confirmation shall be sought from the registered person over email or SMS and the statement furnished by the goods and services tax practitioner shall be made available to the registered person on the common portal:

Provided that where the registered person fails to respond to the request for confirmation till the last date of furnishing of such statement, it shall be deemed that he has confirmed the statement furnished by the goods and services tax practitioner.

[(8) A goods and services tax practitioner can undertake any or all of the following activities on behalf of a registered person, if so authorised by him to-

(a) furnish the details of outward [~~and inward~~]260supplies;

(b) furnish monthly, quarterly, annual or final return;

(c) make deposit for credit into the electronic cash ledger;

(d) file a claim for refund;

(e) file an application for amendment or cancellation of registration;

(f) furnish information for generation of e-way bill;

(g) furnish details of challan in **FORM GST ITC-04**;

(h) file an application for amendment or cancellation of enrolment under rule 58; and

(i) file an intimation to pay tax under the composition scheme or withdraw from the said scheme:

Provided that where any application relating to a claim for refund or an application for amendment or cancellation of registration or where an intimation to pay tax under composition scheme or to withdraw from such scheme has been submitted by the goods and services tax practitioner authorised by the registered person, a confirmation shall be sought from the registered person and the application submitted by the said practitioner shall be

260 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

made available to the registered person on the common portal and such application shall not be further proceeded with until the registered person gives his consent to the same.]261

(9) Any registered person opting to furnish his return through a goods and services tax practitioner shall,-

(a) give his consent inFORM GST PCT-05 to any goods and services tax practitionerto prepare and furnish his return; and

(b) before confirming submission of any statement prepared by the goods and services tax practitioner, ensure that the facts mentioned in the return are true and correct.

(10) The goods and services tax practitionershall,-

(a) prepare the statements with due diligence; and

(b) affix his digital signature on the statements prepared by him or electronically verify using his credentials.

(11) A goods and services tax practitioner enrolled in any other State or Union territory shall be treated as enrolled in the State or Union territory for the purposes specified in sub-rule (8).

[83A. Examination of Goods and Services Tax Practitioners.- (1) Every person referred to in clause (b) of sub-rule (1) of rule 83 and who is enrolled as a goods and services tax practitioner under sub-rule (2) of the said rule, shall pass an examination as per sub-rule (3) of the said rule.

(2) The National Academy of Customs, Indirect Taxes and Narcotics (hereinafter referred to as "NACIN") shall conduct the examination.

(3) **Frequency of examination.-** The examination shall be conducted twice in a year as per the schedule of the examination published by NACIN every year on the official websites of

261Substituted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019. Till then it reads as follows:- "(8) A goods and services tax practitioner can undertake any or all of the following activities on behalf of a registered person, if so authorised by him to,-
(a)furnish the details of outward and inward supplies;
(b)furnish monthly, quarterly, annual or final return;
(c)make deposit for credit into the electronic cash ledger;
(d)file a claim for refund; and
(e)file an application for amendment or cancellation of registration:

Provided that where any application relating to a claim for refund or an application for amendment or cancellation of registration has been submitted by the goods and services tax practitioner authorised by the registered person, a confirmation shall be sought from the registered person and the application submitted by the said practitioner shall be made available to the registered person on the common portal and such application shall not be proceeded with further until the registered person gives his consent to the same."

the Board, NACIN, common portal, GST Council Secretariat and in the leading English and regional newspapers.

(4) **Registration for the examination and payment of fee.-** (i)A person who is required to pass the examination shall register online on a website specified by NACIN.

(ii) A person who registers for the examination shall pay examination fee as specified by NACIN, and the amount for the same and the manner of its payment shall be specified by NACIN on the official websites of the Board, NACIN and common portal.

(5) **Examination centers.-** The examination shall be held across India at the designated centers. The candidate shall be given an option to choose from the list of centers as provided by NACINat the time of registration.

(6) **Period for passing the examination and number of attempts allowed**.- [(i) Every person referred to in clause (b) of sub-rule (1) of rule 83 and who is enrolled as a goods and services tax practitioner under sub-rule (2) of the said rule is required to pass the examination within the period as specified in the second proviso of sub-rule (3) of the said rule.][262] (ii)A person required to pass the examination may avail of any number of attempts but these attempts shall be within the period as specified in clause (i).

(iii) A person shall register and pay the requisite fee every time he intends to appear at the examination.

(iv) In case the goods and services tax practitioner having applied for appearing in the examination is prevented from availing one or more attempts due to unforeseen circumstances such as critical illness, accident or natural calamity, he may make a request in writing to the jurisdictional Commissioner for granting him one additional attempt to pass the examination, within thirty days of conduct of the said examination. NACINmay consider such requests on merits based on recommendations of the jurisdictional Commissioner.

(7) **Nature of examination.-**The examination shall be a Computer Based Test. It shall have one question paper consisting of Multiple Choice Questions. The pattern and syllabus are specified in Annexure-A.

(8) **Qualifying marks**.- A person shall be required to secure fifty per cent. of the total marks.

[262] Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019. Till then it reads as follows:- "(i) A person enrolled as a goods and services tax practitioner in terms of sub-rule (2) of rule 83 is required to pass the examination within two years of enrolment:

Provided that if a person is enrolled as a goods and services tax practitioner before 1st of July 2018, he shall get one moreyear to pass the examination:

Provided further that for a goods and services tax practitioner to whom the provisions of clause (b) of sub-rule (1) of rule 83 apply, the period to pass the examination will be as specified in the second proviso of sub-rule (3) of said rule.

(9) **Guidelines for the candidates**.- (i) NACIN shall issue examination guidelines covering issues such as procedure of registration, payment of fee, nature of identity documents, provision of admit card, manner of reporting at the examination center, prohibition on possession of certain items in the examination center, procedure of making representation and the manner of its disposal.

(ii)Any person who is or has been found to be indulging in unfair means or practices shall be dealt in accordance with the provisions of sub-rule (10). An illustrative list of use of unfair means or practices by a person is as under: -

(a)obtaining support for his candidature by any means;

(b)impersonating;

(c)submitting fabricated documents;
(d)resorting to any unfair means or practices in connection with the examination or in connection with the result of the examination;
(e)found in possession of any paper, book, note or any other material, the use of which is not permitted in the examination center;
(f)communicating with others or exchanging calculators, chits, papers etc. (on which something is written);
(g)misbehaving in the examination center in any manner;
(h)tampering with the hardware and/or software deployed; and
(i)attempting to commit or, as the case may be, to abet in the commission of all or any of the acts specified in the foregoing clauses.

(10) **Disqualification of person using unfair means or practice.-** If any person is or has been found to be indulging in use of unfair means or practices, NACIN may, after considering his representation, if any, declare him disqualified for the examination.

(11) **Declaration of result.-** NACIN shall declare the results within one month of the conduct of examination on the official websites of the Board, NACIN, GST Council Secretariat, common portal and State Tax Department of the respective States or Union territories, if any. The results shall also be communicated to the applicants by e-mail and/or by post.

(12) **Handling representations.-** A person not satisfied with his result may represent in writing, clearly specifying the reasons therein to NACIN or the jurisdictional Commissioner as per the procedure established by NACIN on the official websites of the Board, NACIN and common portal.

(13) **Power to relax**.- Where the Board or State Tax Commissioner is of the opinion that it is necessary or expedient to do so, it may, on the recommendations of the Council, relax any of the provisions of this rule with respect to any class or category of persons.

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

(a)"jurisdictional Commissioner" means the Commissioner having jurisdiction over the place declared as address in the application for enrolment as the GST Practitioner in **FORM GST PCT-1**. It shall refer to the Commissioner of Central Tax if the enrolling authority in **FORM GST PCT-1** has been selected as Centre, or the Commissioner of State Tax if the enrolling authority in **FORM GST PCT-1** has been selected as State;
(b)NACINmeans as notified by notification No. 24/2018-Central Tax, dated 28.05.2018.

Annexure-A
[See sub-rule 7]
Pattern and Syllabus of the Examination

PAPER: GST Law & Procedures:	
Time allowed:	2 hours and 30 minutes
Number of Multiple Choice Questions:	100
Language of Questions:	English and Hindi
Maximum marks:	200
Qualifying marks:	100
No negative marking	
Syllabus:	
1	1 The Central Goods and Services Tax Act, 2017

2	2 The Integrated Goods and Services Tax Act, 2017
3	3 All The State Goods and Services Tax Acts, 2017
4	4 The Union territory Goods and Services Tax Act, 2017
5	5 The Goods and Services Tax (Compensation to States) Act,
6	6 The Central Goods and Services Tax Rules, 2017
7	7 The Integrated Goods and Services Tax Rules, 2017
8	8 All The State Goods and Services Tax Rules, 2017
9	Notifications, Circulars and orders issued from time to time Rules.”.

][263]

[263]Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-127 dated 30.10.2018.

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[**83B. Surrender of enrolment of goods and services tax practitioner.-**

(1) A goods and services tax practitioner seeking to surrender his enrolment shall electronically submit an application in **FORM GST PCT-06**, at the common portal, either directly or through a facilitation centre notified by the Commissioner.

(2)The Commissioner, or an officer authorised by him, may after causing such enquiry as deemed fit and by order in **FORM GST PCT-07**, cancel the enrolment of such practitioner.][264]

84.Conditions for purposes of appearance.- (1) No person shall be eligible to attend before any authority as a goods and services tax practitioner in connection with any proceedings under the Act on behalf of any registered or un-registered person unless he has been enrolled under rule 83.

(2)A goods and services tax practitioner attending on behalf of a registered or an un-registered person in any proceedings under the Act before any authority shall produce before such authority, if required, a copy of the authorisation given by such person in FORM GST PCT-05.

[264]Inserted vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.

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Chapter IX

Payment of Tax

85. Electronic Liability Register.- (1) The electronic liability register specified under sub-section (7) of section 49 shall be maintained in FORM GST PMT-01 for each person liable to pay tax, interest, penalty, late fee or any other amount on the common portal and all amounts payable by him shall be debited to the said register.

(2)The electronic liability register of the person shall be debited by,-

(a) the amount payable towards tax, interest, late fee or any other amount payable as per the return furnished by the said person;

(b) the amount of tax, interest, penalty or any other amount payable as determined by a proper officer in pursuance of any proceedings under the Act or as ascertained by the [said person; or][265]

~~[(c) the amount of tax and interest payable as a result of mismatch under section 42 or section 43 or section 50; or~~]266

(d) any amount of interest that may accrue from time to time.

(3)Subject to the provisions of section 49, [section 49A and section 49B,]267 payment of every liability by a registered person as per his return shall be made by debiting the electronic credit ledger maintained as per rule 86 or the electronic cash ledger maintained as per rule 87 and the electronic liability register shall be credited accordingly.

(4)The amount deducted under section 51, or the amount collected under section 52, or the amount payable on reverse charge basis, or the amount payable under section 10, any amount payable towards interest, penalty, feeor any other amount under the Act shall be paid by debiting the electronic cash ledger maintained as per rule 87 and the electronic liability register shall be credited accordingly.

(5)Any amount of demand debited in the electronic liability register shall stand reduced to the extent of relief given by the appellate authority or Appellate Tribunal or court and the electronic tax liability register shall be credited accordingly.

(6)The amount of penalty imposed or liable to be imposed shall stand reduced partly or fully, as the case may be, if the taxable person makes the payment of tax, interest and penalty specified in the show cause notice or demand order and the electronic liability register shall be credited accordingly.

(7) A registered person shall, upon noticing any discrepancy in his electronic liability ledger, communicate the same to the officer exercising jurisdiction in the matter, through the common portal in FORM GST PMT-04.

265 Substituted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 for " said person; " 266 Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

267Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154dated 29.01.2019.

86.Electronic Credit Ledger.- (1) The electronic credit ledger shall be maintained in FORM GST PMT-02 for each registered person eligible for input tax credit under the Act on the common portal and every claim of input tax credit under the Act shall be credited to the said ledger.

(2)The electronic credit ledger shall be debited to the extent of discharge of any liability in accordance with the provisions of section 49 [or section 49A or section 49B]268.

(3)Where a registered person has claimed refund of any unutilized amount from the electronic credit ledger in accordance with the provisions of section 54, the amount to the extent of the claim shall be debited in the said ledger.

(4)If the refund so filed is rejected, either fully or partly, the amount debited under sub-rule (3), to the extent of rejection, shall be re-credited to the electronic credit ledger by the proper officer by an order made in FORM GST PMT-03.

[(4A) Where a registered person has claimed refund of any amount paid as tax wrongly paid or paid in excess for which debit has been made from the electronic credit ledger, the said amount, if found admissible, shall be re-credited to the electronic credit ledger by the proper officer by an order made in **FORM GST PMT-03.**]269

[(4B) Where a registered person deposits the amount of erroneous refund sanctioned to him, -
(a) under sub-section (3) of section 54 of the Act, or

(b) under sub-rule (3) of rule 96, [~~in contravention of sub-rule (10) of rule 96,~~]270 along with interest and penalty, wherever applicable, through **FORM GST DRC-03**, by debiting the

electronic cash ledger, on his own or on being pointed out, an amount equivalent to the amount of erroneous refund-deposited by the registered person shall be re-credited to the electronic credit ledger by the proper officer by an order made in **FORM GST PMT-03A**.][271]

(5) Save as provided in the provisions of this Chapter, no entry shall be made directly in the electronic credit ledger under any circumstance.

(6) A registered person shall, upon noticing any discrepancy in his electronic credit ledger, communicate the same to the officer exercising jurisdiction in the matter, through the common portal in FORM GST PMT-04.

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

[**86A. Conditions of use of amount available in electronic credit ledger.-**

[268]Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019. [269] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

[270] Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024.

[271] Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022.

(1) The Commissioner or an officer authorised by him in this behalf, not below the rank of an Assistant Commissioner, having reasons to believe that credit of input tax available in the electronic credit ledger has been fraudulently availed or is ineligible in as much as-

a)the credit of input tax has been availed on the strength of tax invoices or debit notes or any other document prescribed under rule 36-
 i.issued by a registered person who has been found non-existent or not to be conducting any business from any place for which registration has been obtained; or
 ii.without receipt of goods or services or both; or

b)the credit of input tax has been availed on the strength of tax invoices or debit notes or any other document prescribed under rule 36 in respect of any supply, the tax charged in respect of which has not been paid to the Government; or

c) the registered person availing the credit of input tax has been found non-existent or not to be conducting any business from any place for which registration has been obtained; or

d) the registered person availing any credit of input tax is not in possession of a tax invoice or debit note or any other document prescribed under rule 36,

may, for reasons to be recorded in writing, not allow debit of an amount equivalent to such credit in electronic credit ledger for discharge of any liability under section 49 or for claim of any refund of any unutilised amount.

(2)The Commissioner, or the officer authorised by him under sub-rule (1) may, upon being satisfied that conditions for disallowing debit of electronic credit ledger as above, no longer exist, allow such debit.

Such restriction shall cease to have effect after the expiry of a period of one year from the date of imposing such restriction.][272]

[**86B**. **Restrictions on use of amount available in electronic credit ledger**.- Notwithstanding anything contained in these rules, the registered person shall not use the amount available in electronic credit ledger to discharge his liability towards output tax in excess of ninety-nine per cent. of such tax liability, in cases where the value of taxable supply other than exempt supply and zero-rated supply, in a month exceeds fifty lakh rupees:

Provided that the said restriction shall not apply where –

(a)the said person or the proprietor or karta or the managing director or any of its two partners, whole-time Directors, Members of Managing Committee of Associations or Board of Trustees, as the case may be, have paid more than one lakh rupees as income tax under the Income-tax Act, 1961 (Central Act No. 43 of 1961) in each of the last two financial years for which the time limit to file return of income under sub-section (1) of section 139 of the said Act has expired; or

272 Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-111 dated 31.12.2019.

(b)the registered person has received a refund amount of more than one lakh rupees in the preceding financial year on account of unutilised input tax credit under clause (i) of first proviso of sub-section (3) of section 54; or

(c)the registered person has received a refund amount of more than one lakh rupees in the preceding financial year on account of unutilised input tax credit under clause (ii) of first proviso of sub-section (3) of section 54; or

(d)the registered person has discharged his liability towards output tax through the electronic cash ledger for an amount which is in excess of 1% of the total output tax liability, applied cumulatively, upto the said month in the current financial year; or (e)the registered person is –

(i)Government Department; or

(ii)a Public Sector Undertaking; or

(iii)a local authority;or

(iv)a statutory body:

[(f) the registered person other than a manufacturer shall be exempted from the provisions of this rule only in respect of goods specified under rule 31D, on which the tax has been paid by the supplier on the basis of retail sale price.]273

Provided further that the Commissioner or an officer authorised by him in this behalf may remove the said restriction after such verifications and such safeguards as he may deem fit.]274

87.Electronic Cash Ledger.- (1) The electronic cash ledger under sub-section (1) of section 49 shall be maintained in FORM GST PMT-05 for each person, liable to pay tax, interest, penalty, late fee or any other amount, on the common portal for crediting the amount deposited and debiting the payment therefrom towards tax, interest, penalty, fee or any other amount.

(2)Any person, or a person on his behalf, shall generate a challan in FORM GST PMT-06 on the common portal and enter the details of the amount to be deposited by him towards tax, interest, penalty, fees or any other amount:

[Provided that the challan in Form GST PMT-06 generated at the common portal shall be valid for a period of fifteen days.

~~[Provided further that a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient referred to in section 14 of the Integrated Goods and Services Tax Act, 2017 (Central Act No. 13 of 2017) may also do so through the Board's payment system namely, Electronic Accounting System in Excise and Service Tax from the date to be notified by the Board]~~275.]276

(3) The deposit under sub-rule (2) shall be made through any of the following modes,

namely:-

(i) Internet Banking through authorised banks;

273 Inserted vide notification no. F.12(4)FD/Tax/2026-25 dated 29.01.2026 wef 01.02.2026. 274 Inserted w.e.f. 01.01.2021 vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020. 275Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

276Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-75 dated 17.08.2017

[(ia) Unified Payment Interface (UPI) from any bank;

(ib) Immediate Payment Services (IMPS) from any bank;]277

(ii)Credit card or Debit card through the authorised bank;

(iii)National Electronic Fund Transfer or Real Time Gross Settlement from any bank; or

(iv)Over the Counter payment through authorised banks for deposits upto ten thousand rupees per challan per tax period, by cash, cheque or demand draft:

Provided that the restriction for deposit upto ten thousand rupees per challan in case of an Over the Counter payment shall not apply to deposit to be made by,-

(a)Government Departments or any other deposit to be made by persons as may be notified by the Commissioner in this behalf;

(b)Proper officer or any other officer authorised to recover outstanding dues from any person, whether registered or not, including recovery made through attachment or sale of movable or immovable properties;

(c)Proper officer or any other officer authorised for the amounts collected by way of cash, cheque ordemand draft during any investigation or enforcement activity or any *ad hoc* deposit:

[Provided further that a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient referred to in [section 14, or a person supplying online money gaming from a place outside India to a person in India as referred to in section l4A,]278 of the Integrated Goods and Services Tax Act, 2017 (Central Act No 13 of 2017) may also make the deposit under sub-rule (2) through international money transfer through Society for Worldwide Interbank Financial Telecommunication payment network, from the date to be notified by the Board.]279

Explanation: For the purposes of this sub-rule, it is hereby clarified that for making payment of any amount indicated in the challan, the commission, if any, payable in respect of such payment shall be borne by the person making such payment.

(4) Any payment required to be made by a person who is not registered under the Act, shall be made on the basis of a temporary identification number generated through the common portal [as per rule 16A]280.

(5) Where the payment is made by way of National Electronic Fund Transfer or Real Time Gross Settlement [or Immediate Payment Service]281 mode from any bank, the mandate form

277 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022

278 Substituted vide notification no. F.12(11)FD/Tax/2023-66 dated 20.12.2023 wef. 01.10.2023 for the words "section 14"

279Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-II-75 dated 17.08.2017 for the words "

Provided further that the challan in FORM GST PMT-06 generated at the common portal shall be valid for a period of fifteen days. "

280 Inserted vide Notification No. F.12(5)FD/Tax/2025-119 dated 06.02.2025 wef. 23.01.2025

shall be generated along with the challan on the common portal and the same shall be submitted to the bank from where the payment is to be made.

Provided that the mandate form shall be valid for a period of fifteen days from the date of generation of challan.

(6) On successful credit of the amount to the concerned government account maintained in the authorised bank, a Challan Identification Number shall be generated by the collecting bank and the same shall be indicated in the challan.

(7) On receipt of the Challan Identification Number from the collecting bank, the said amount shall be credited to the electronic cash ledger of the person on whose behalf the deposit has been made and the common portal shall make available a receipt to this effect.

(8) Where the bank account of the person concerned, or the person making the deposit on his behalf, is debited but no Challan Identification Number is generated or generated but not communicated to the common portal, the said person may represent electronically in FORM GST PMT-07 through the common portal to the bank or electronic gateway through which the deposit was initiated.

[Provided that where the bank fails to communicate details of Challan Identification Number to the Common Portal, the Electronic Cash Ledger may be updated on the basis of e-Scroll of the Reserve Bank of India in cases where the details of the said e-Scroll are in conformity with the details in challan generated in FORM GST PMT-06 on the Common Portal.][282]

(9) Any amount deducted under section 51 or collected under section 52 and claimed [~~in FORM GSTR-02~~][283] by the registered taxable person from whom the said amount was deducted or, as the case may be, collected shall be credited to his electronic cash ledger [~~in accordance with the provisions of rule 87~~][284].

(10) Where a person has claimed refund of any amount from the electronic cash ledger, the said amount shall be debited to the electronic cash ledger.

(11) If the refund so claimed is rejected, either fully or partly, the amount debited under sub-rule (10), to the extent of rejection, shall be credited to the electronic cash ledger by the proper officer by an order made in FORM GST PMT-03.

(12) A registered person shall, upon noticing any discrepancy in his electronic cash ledger, communicate the same to the officer exercising jurisdiction in the matter, through the common portal in FORM GST PMT-04.

Explanation 1: The refund shall be deemed to be rejected if the appeal is finally rejected.

[281] Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022

[282] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022

[283] Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[284] Omitted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

Explanation 2: For the purposes of this rule, it is hereby clarified that a refund shall be deemed to be rejected, if the appeal is finally rejected or if the claimant gives an undertaking to the proper officer that he shall not file an appeal.

[(13) A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under the Act to the electronic cash ledger for integrated tax, central tax, State tax or Union territory tax or cess in **FORM GST PMT-09**.][285]

88. Identification number for each transaction.- (1) A unique identification number shall be generated at the common portal for each debit or credit to the electronic cash or credit ledger, as the case may be.

(2)The unique identification number relating to discharge of any liability shall be indicated in the corresponding entry in the electronic liability register.

(3)A unique identification number shall be generated at the common portal for each credit in the electronic liability register for reasons other than those covered under sub-rule (2).

[**88A. Order of utilization of input tax credit**.- Input tax credit on account of integrated tax shall first be utilised towards payment of integrated tax, and the amount remaining, if any, may be utilised towards the payment of central tax and State tax or Union territory tax, as the case may be, in any order:

Provided that the input tax credit on account of central tax, State tax or Union territory tax shall be utilised towards payment of integrated tax, central tax, State tax or Union territory tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully.]286

[**88B. Manner of calculating interest on delayed payment of tax.-** (1) In case, where the supplies made during a tax period are declared by the registered person in the return for the said period and the said return is furnished after the due date in accordance with provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 [or section 74A]287 in respect of the said period, the interest on tax payable in respect of such supplies shall be calculated on the portion of tax which is paid by debiting the electronic cash ledger, for the period of delay in filing the said return beyond the due date, at such rate as may be notified under sub-section (1) of section 50.

285Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

286Inserted vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019.

287 Inserted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef.01.11.2024.

[Provided that where any amount has been credited in the Electronic Cash Ledger as per provisions of sub-section (1) of section 49 on or before the due date of filing the said return, but is debited from the said ledger for payment of tax while filing the said return after the due date, the said amount shall not be taken into consideration while calculating such interest if the said amount is lying in the said ledger from the due date till the date of its debit at the time of filing return.]288

(2) In all other cases, where interest is payable in accordance with sub section (l) of section 50, the interest shall be calculated on the amount of tax which remains unpaid, for the period starting from the date on which such tax was due to be paid till the date such tax is paid, at such rate as may be notified under sub-section (1) of section 50.]289

[(3) In case, where interest is payable on the amount of input tax credit wrongly availed and utilised in accordance with sub-section (3) of section 50, the interest shall be calculated on the amount of input tax credit wrongly availed and utilised, for the period starting from the date of utilisation of such wrongly availed input tax credit till the date of reversal of such credit or payment of tax in respect of such amount, at such rate as may be notified under said sub-section (3) of section 50.

Explanation —For the purposes of this sub-rule, —

(1) input tax credit wrongly availed shall be construed to have been utilised, when the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, and the

extent of such utilisation of input tax credit shall be the amount by which the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed.

(2) the date of utilisation of such input tax credit shall be taken to be, —

(a) the date, on which the return is due to be furnished under section 39 or the actual date of filing of the said return, whichever is earlier, if the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, on account of payment of tax through the said return; or

(b) the date of debit in the electronic credit ledger when the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, in all other cases.;][290]

[288] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. [289] Inserted w.e.f. 01.07.2017 vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 [290] Inserted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 wef 01.07.2017.

[88C. Manner of dealing with difference in liability reported in statement of outward supplies and that reported in return.- (1) Where the tax payable by a registered person, in accordance with the statement of outward supplies furnished by him in FORM GSTR-1[, as amended in FORM GSTR-1A if any,][291]or using the Invoice Furnishing Facility in respect of a tax period, exceeds the amount of tax payable by such person in accordance with the return for that period furnished by him in FORM GSTR-3B, by such amount and such percentage, as may be recommended by the Council, the said registered person shall be intimated of such difference in Part A of FORM GST DRC-01B, electronically on the common portal, and a copy of such intimation shall also be sent to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said difference and directing him to—

(a) pay the differential tax liability, along with interest under section 50, through FORM GST DRC-03; or

(b) explain the aforesaid difference in tax payable on the common portal,

within a period of seven days.

(2) The registered person referred to sub-rule (1) shall, upon receipt of the intimation referred to in that sub-rule, either,-

(a) pay the amount of the differential tax liability, as specified in Part A of FORM GST DRC-01B, fully or partially, along with interest under section 50, through FORM GST DRC-03 and furnish the details thereof in Part B of FORM GST DRC-01B electronically on the common portal; or

(b) furnish a reply electronically on the common portal, incorporating reasons in respect of that part of the differential tax liability that has remained unpaid, if any, in Part B of FORM GST DRC-01B,

within the period specified in the said sub-rule.

(3)Where any amount specified in the intimation referred to in sub-rule (1) remains unpaid within the period specified in that sub-rule and where no explanation or reason is furnished by the registered person in default or where the explanation or reason furnished by such person is not found to be acceptable by the proper officer, the said amount shall be recoverable in accordance with the provisions of section 79.][292]

[291] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. [292] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

[88D. Manner of dealing with difference in input tax credit available in auto generated statement containing the details of input tax credit and that availed in return.-

(1) Where the amount of input tax credit availed by a registered person in the return for a tax period or periods furnished by him in FORM GSTR-3B exceeds the input tax credit available to such person in accordance with the auto-generated statement containing the details of input tax credit in FORM GSTR-2B in respect of the said tax period or periods, as the case may be, by such amount and such percentage, as may be recommended by the Council, the said registered person shall be intimated of such difference in Part A of FORM GST DRC-01C, electronically on the common portal, and a copy of such intimation shall also be sent to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said difference and directing him to--

(a) pay an amount equal to the excess input tax credit availed in the said FORM GSTR-3B, along with interest payable under section 50, through FORM GST DRC-03, or

(b) explain the reasons for the aforesaid difference in input tax credit on the common portal,

within a period of seven days.

(2) The registered person referred to sub-rule (1) shall, upon receipt of the intimation referred to in the said sub-rule, either,

(a) pay an amount equal to the excess input tax credit, as specified in Part A of FORM GST DRC-01C, fully or partially, along with interest payable under section 50, through FORM GST DRC-03 and furnish the details thereof in Part B of FORM GST DRC-01C, electronically on the common portal, or

(b) furnish a reply, electronically on the common portal, incorporating reasons in respect of the amount of excess input tax credit that has still remained to be paid, if any, in Part B of FORM GST DRC-01C,

within the period specified in the said sub-rule.

(3) Where any amount specified in the intimation referred to in sub-rule (1) remains to be paid within the period specified in the said sub-rule and where no explanation or reason is furnished by the registered person in default or where the explanation or

reason furnished by such person is not found to be acceptable by the proper officer, the said amount shall be liable to be demanded in accordance with the provisions of section 73 or section 74 [or section 74A][293], as the case may be.][294]

[293] Inserted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef.01.11.2024. [294] Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

Chapter X

Refund

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 balance in the electronic cash ledger in accordance with the provisions of sub-section (6) of section 49 or][295] 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, [subject to the provisions of rule 10B,][296] 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.]~~[297]

[Provided that] [298] 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 furtherthat][299] 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.][300]

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,

[295] Inserted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 [296] Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

[297] Omitted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022

[298] Substituted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 for "Provided further that " [299] Substituted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 for "Provided also that " [300]Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-II-121 dated 18.10.2017 for "Provided also that in respect of supplies regarded as deemed exports, the application shall be filed by the recipient of deemed export supplies"

shall be claimed [only after the last return required to be furnished by him has been so furnished.][301]

[Explanation. - For the purposes of this sub-rule, "specified officer" means a "specified officer" or an "authorised officer" as defined under rule 2 of the Special Economic Zone Rules, 2006.][302]

[(1A) Any person, claiming refund under section 77 of the Act of any tax paid by him, in respect of a transaction considered by him to be an intra-State supply, which is subsequently held to be an inter-State supply, may, before the expiry of a period of two years from the date of payment of the tax on the inter-State supply, 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 the said application may, as regard to any payment of tax on inter-State supply before coming into force of this sub-rule, be filed before the expiry of a period of two years from the date on which this sub-rule comes into force.][303]

[(1B) Any person, claiming refund of additional integrated tax paid on account of upward revision in price of the goods subsequent to exports, and on which the refund of integrated tax paid at the time of export of such goods has already been sanctioned as per rule 96, may file an application for such refund of additional integrated tax paid, electronically in FORM GST RFD-01 through the common portal, subject to the provisions of rule 10B, before the expiry of two years from the relevant date as per clause (a) of Explanation (2) of section 54:

Provided that the said application for refund can, in cases where the relevant date as per clause (a) of Explanation (2) of section 54 of the Act was before the date on which this sub-rule

comes into force, be filed before the expiry of two years from the date on which this sub-rule comes into force.][304]

(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 sub-section (6) of section 107 and sub-section (8) of section 112 claimed as refund;

[301]Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words "in the last return required to be furnished by him "

[302] Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022.

[303] Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

[304] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

(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 [other than electricity][305];

[(ba) a statement containing the number and date of the export invoices, details of energy exported, tariff per unit for export of electricity as per agreement, along with the copy of statement of scheduled energy for exported electricity by Generation Plants issued by the Regional Power Committee Secretariat as a part of the Regional Energy Account (REA) under clause (nnn) of sub-regulation 1 of Regulation 2 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 and the copy of agreement detailing the tariff per unit, in case where refund is on account of export of electricity;][306]

[(bb) a statement containing the number and date of export invoices along with copy of such invoices, the number and date of shipping bills or bills of export along with copy of such shipping bills or bills of export, the number and date of Bank Realisation Certificate or foreign inward remittance certificate in respect of such shipping bills or bills of export along with copy of such Bank Realisation Certificate or foreign inward remittance certificate issued by Authorised Dealer-I Bank, the details of refund already sanctioned under sub-rule (3) of rule 96, the number and date of relevant supplementary invoices or debit notes issued subsequent to the upward revision in prices along with copy of such supplementary invoices or debit notes, the details of payment of additional amount of integrated tax, in respect of which such refund is claimed, along with proof of payment of such additional amount of integrated tax and interest paid thereon, the number and date of foreign inward remittance certificate issued by Authorised Dealer-I Bank in respect of additional foreign exchange remittance received in respect of upward revision in price of exports along with copy of such foreign inward remittance certificate, along with a certificate issued by a practicing chartered accountant or a cost accountant to the effect that the said additional foreign exchange remittance is on account of such upward revision in price of the goods subsequent to exports and copy of contract or other documents, as applicable, indicating requirement for the revision in price of exported goods and the price revision thereof, in a case where the refund is on account of upward revision in price of such goods subsequent to exports;

(bc) a reconciliation statement, reconciling the value of supplies declared in supplementary invoices, debit notes or credit notes issued along with relevant details of Bank Realisation Certificate or foreign inward remittance certificate issued by Authorised Dealer-I Bank, in a case where the refund is

305 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 306
Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022

on account of upward revision in price of such goods subsequent to exports;]307

(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;

(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;]*308*

(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;

(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;

307 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

308Substituted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019. Till then it reads as follows:- "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"

(k) a statement showing the details of the amount of claim on account of excess payment of tax [and interest, if any, or any other amount paid;] 309

[(ka) a statement containing the details of invoices viz. number, date, value, tax paid and details of payment, in respect of which refund is being claimed along with copy of such invoices, proof of making such payment to the supplier, the copy of agreement or registered agreement or contract, as applicable, entered with the supplier for supply of service, the letter issued by the supplier for cancellation or termination of agreement or contract for supply of service, details of payment received from the supplier against cancellation or termination of such agreement along with proof thereof, in a case where the refund is claimed by anunregistered person where the agreement or contract for supply of service has been cancelled or terminated;

(kb) a certificate issued by the supplier to the effect that he has paid tax in respect of the invoices on which refund is being claimed by the applicant; that he has not adjusted the tax amount involved in these invoices against his tax liability by issuing credit note; and also, that he has not claimed and will not claim refund of the amount of tax involved in respect of these invoices, in a case where the refund is claimed by an unregistered person where the agreement or contract for supply of service has been cancelled or terminated;][310]

(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 sub-section (8) of section 54;

[309] Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 [310] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

[Provided further that a certificate is not required to be furnished in cases where refund is claimed by an unregistered person who has borne the incidence of tax.][311]

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,–

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC ÷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~~]312;

[(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~~]313;] 314

(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 sum total of the value of-

311 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 312 Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024.

313 Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024.

314 Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. Till then it reads as follows:- "(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;"

(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 the value of exempt supplies other than zero-rated supplies during the relevant period.]315]316]

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

[Explanation. - For the purposes of this sub-rule, the value of goods exported out of India shall be taken as –

(i) the Free on Board (FOB) value declared in the Shipping Bill or Bill of Export form, as the case may be, as per the Shipping Bill and Bill of Export (Forms) Regulations, 2017; or

(ii) the value declared in tax invoice or bill of supply, whichever is less.]317

[[~~(4A) In the case of supplies received on which the supplier has availed the benefit of notification No. F.12(46)FD/Tax/2017-Pt-II-122 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) 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. F.12(46)FD/Tax/2017-Pt-II-124, 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~~

315Substituted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 for the words "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."

316 Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018. Till then it reads as follows.-
"(E) "Adjusted Total turnover" means the turnover in a State or a Union territory, as defined under [clause]316 (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 sub-rules (4A) or (4B) or both, if any, during the relevant period; and "

317 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022

~~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.~~]318]319]320]321

318Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-123 dated 16.10.2018. Till then it read as follows:-
"(4B) In the case of supplies received on which the supplier has availed the benefit of notification No. F.12(46)FD/Tax/2017-Pt-II-124 dated 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"

319Substituted wef 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018. Till then it read as:-
"(4A) In the case of supplies received on which the supplier has availed the benefit of notification number F.12(46)FD/Tax/2017-Pt-II-122 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 number F.12(46)FD/Tax/2017-Pt-II-124 dated 23rd October, 2017 or notification number 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."

320Substituted wef 23.10.2017 vide notification no. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017. Till then it read as:-

"(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 (Central Act No.13 of 2017), refund of input tax credit shall be granted as per the following formula -

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC ÷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:-

[[(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 x (Net ITC+ ITC availed on inputs and input services)}]322

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~~]323; and

(b) ["Adjusted Total turnover" and "relevant period" shall have the same meaning as assigned to them in sub-rule (4).]324]325]326

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 sub-section (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.

321 Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef 08.10.2024.

322 Substituted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022. Till then it read as:- "tax payable on such inverted rated supply of goods and services."

323 Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef 08.10.2024.

324Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018. Till then it read as:- "Adjusted Total turnover shall have the same meaning as assigned to it in sub-rule (4)."

325Substituted vide notification no. F.12(46)FD/TAX/2017-pt-II-05 dated 18.04.2018. Till then it read as:- "(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)"

326Substituted wef 01.07.2017 vide notification no. . F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018. Till then it read as follows:- "(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)."

90.Acknowledgement.- (1) Where the application relates to a claim for refund from the electronic cash ledger, an acknowledgement in FORM GST RFD-02shall 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-02shall 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.]327

(4) Where deficiencies have been communicated in FORM GST RFD-03 under the Central 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).

[(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.][328]

[327] Inserted wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021. [328] Inserted wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

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, on the basis of identification and evaluation of risk by the system, shall make an order in FORM GST RFD-04, 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 proper officer, for reasons to be recorded in writing, may not grant refund on provisional basis and proceed with the order under rule 92:

Provided further that the order issued in FORM GST RFD-04 shall not be required to be revalidated by the proper officer.][329]

(3)The proper officer shall issue a [payment order][330] 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:][331]

[Provided that the [payment order][332] 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][333] was issued.][334]

[(4) The Central Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (3).][335]

[329] Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 01.10.2025. Till then it reads as follows:- "(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.]

[330]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[331] Inserted w.e.f. 24.09.2019 vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[332]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[333]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[334]Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

[335] Inserted w.e.f. 24.09.2019 vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

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 existinglaw, an order giving details of the adjustment shall be issued in Part A of FORM GST RFD-07.~~]336

[(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.]337

(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 A]338 of FORM GST RFD-07informing 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**.]339

(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-08to the applicant, requiring him to furnish a reply inFORM 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.

336 Omitted wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

337 Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

338 Substituted for "Part B" wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021. 339 Inserted wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

(4)Where the proper officer is satisfied that the amount refundable under sub-rule (1) [or sub-rule (1A)]340 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-06and issue a [payment order341] 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]342.

[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 order]343 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]344 was issued.]345

[(4A) The [Central][346] Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (4).][347]

(5) Where the proper officer is satisfied that the amount refundable under sub-rule (1) [or sub-rule (1A)][348] 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 [a payment order][349] in FORM GST RFD-05, for the amount of refund to be credited to the Consumer Welfare Fund.

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.

[340] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

[341]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[342]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[343]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[344]Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[345]Inserted vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

[346] Substituted for "State" vide corrigendum F.12(1)FD/Tax/2021-293 dated 26.03.2021.

[347]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[348] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

[349]Substituted for "an advice" videnotification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

94. Order sanctioning interest on delayed refunds.- (1) Where any interest is due and payable to the applicant under section 56, the proper officer shall make an order along with a [payment order][350] 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.

[(2) The following periods shall not be included in the period of delay under sub rule (1), namely:-

(a) any period of time beyond fifteen days of receipt of notice in FORM GST RFD-08 under sub-rule (3) of rule 92, that the applicant takes to-

(i) furnish a reply in FORM GST RFD-09, or

(ii) submit additional documents or reply;

and

(b) any period of time taken either by the applicant for furnishing the correct details of the bank account to which the refund is to be credited or for validating the details of the bank account so furnished, where the amount of refund sanctioned could not be credited to the bank account furnished by the applicant.][351]

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 under section 55 shall apply for refund in FORM GST RFD-10once 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.]352

(2) An acknowledgement for the receipt of the application for refund shall be issued in FORM GST RFD-02.

(3) The refund of tax paid by the applicant shall be available if,-

350Substituted for "payment advice" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

351 Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023

352Substituted by notification no. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017. Till then it read as:-

(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.

(a) [the inward supplies of goodsor services orboth were received from a registered person against a tax invoice]353[~~and the price of the supply covered under a single tax invoice exceeds five thousand rupees, excluding tax paid, if any~~]354;

(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.

[**Provided** that where Unique Identity Number of the applicant is not mentioned in a tax invoice, the refund of tax paid by the applicant on such invoice shall be available only if the copy of the invoice, duly attested by the authorized representative of the applicant, is submitted along with the refund application in **FORM GST RFD-10**.]355

(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.

[~~**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.-**~~

~~(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;~~

353Substituted wef 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018. Till then it read as follows:-"the inward supplies of goods or services or both were received from a registered person against a tax invoice"

354Deleted vide notification no. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017.

355 Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 w.e.f. 01.04.2021.

~~(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.~~]356]357

[**95B. Refund of tax paid on inward supplies of goods received by Canteen Stores Department. -** (1) Notwithstanding anything contained in rule 95, a Canteen Stores Department under the Ministry of Defence, which is eligible to claim the refund of fifty per cent, of the applicable State tax paid by it on all inward supplies of goods received by it for the purposes of subsequent supply of such goods to the Unit Run Canteens of the Canteen Stores Department or to the authorised customers of the Canteen Stores Department as per notification issued under section 55, shall apply for refund in FORM GST RFD-10A once in every quarter, electronically on the common portal.

(2) Such application for refund of tax paid on inward supplies of goods filed in FORM GST RFD-10A shall be dealt in a manner similar to that of application for refund filed in FORM GST RFD-01 in accordance with the provisions of rule 89.

(3) The refund of tax paid by the applicant shall be available, if-

(a) the inward supplies of goods were received from a registered person against a tax invoice and details of such supplies have been furnished by the said registered person in his details of outward supply in FORM GSTR-1 and the said supplier has furnished his return in FORM GSTR-3B for the concerned tax period;

(b) name and Goods and Services Tax Identification Number of the applicant is mentioned in the tax invoice; and

(c) goods have been received by Canteen Stores Department for the purpose of subsequent supply to the Unit Run Canteens of the Canteen Stores Department or to the authorised customers of the Canteen Stores Department.]358

96. Refund of integrated tax paid on goods [or services]359exported out of India.-(1) The shipping bill filed by [an exporter of goods]360 shall be deemed to be an application for refund

356Inserted wef 01.07.2019 vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

357Omitted wef 01.07.2019 vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 358 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

359Inserted wef 23.10.2017 vide F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017.

360 Substituted for the words “an exporter” w.e.f 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

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]361an 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-3B:

Provided that if there is any mismatch between the data furnished by the exporter of goods in Shipping Bill and those furnished in statement of outward supplies in FORM GSTR-l [, as amended in FORM GSTR-1A if any,]362 such application for refund of integrated tax paid on the goods exported out of India shall be deemed to have been filed on such date when such mismatch in respect of the said shipping bill is rectified by the exporter;]363

[(c) the applicant has undergone Aadhaar authentication in the manner provided in rule 10B;]364

[Provided that the exporter of goods may file an application electronically in FORM GST RFD-01 through the common portal for refund of additional integrated tax paid on account of upward revision in price of goods subsequent to export of such goods, and on which the amount of integrated tax paid at the time of export of such goods has already been refunded in accordance with provisions of sub-rule (3) of this rule, and such application shall be dealt with in accordance with the provisions of rule 89.]365

(2) The details of the [relevant export invoices in respect of export of goods] 366contained in FORM GSTR-1 [, as amended in FORM GSTR-1A if any,]367 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:~~

361Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

362 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

363 Substituted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 01-07-2017 for “[the applicant has furnished a valid return in [FORM GSTR-3 or FORM GSTR-3B, as the case may be;]]” 364 Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

365 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

366 Substituted for the words “relevant export invoices” w.e.f 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

367 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

~~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.]368]~~369

(4)Upon the receipt of the information regarding the furnishing of a valid return in [[FORM GSTR-3B]370]371 from the common portal, [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]372 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; or]373

[(c) the Commissioner in the Board or an officer authorised by the Board, on the basis of data analysis and risk parameters, is of the opinion that verification of credentials of the exporter, including the availment of ITC by the exporter, is considered essential before grant of refund, in order to safeguard the interest of revenue.]374

~~[(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.~~]375

[(5A)Where refund is withheld in accordance with the provisions of clause (a) or clause (c) of sub-rule (4), such claim shall be transmitted to the proper officer of Central tax, State tax or Union. territory tax, as the case may be, electronically through the common portal in a system generated **FORM GST RFD-01** and the intimation of such transmission shall also be sent to the exporter electronically through the common portal, and notwithstanding anything to the contrary contained in any other rule, the said system generated form shall be deemed to be the application for refund in such cases and shall be deemed to have been filed on the date of such transmission.

368Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-128 dated 28.10.2017

369 Omitted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023

370Substituted for ""FORM GSTR-3" vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017 371 Substituted vide notification no F.12(15)FD/Tax-2022-47 dated 30.09.2022 for "FORM GSTR-3 or FORM GSTR-3B, as the case may be".

372 Substituted for the words "the system designated by the Customs shall process the claim for refund" w.e.f 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018

373 Substituted for "1962" vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022.

374 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 01-07-2017.

375 Omitted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 01-07-2017

(5B) Where refund is withheld in accordance with the provisions of clause (b) of sub-rule (4) and the proper officer of the Customs passes an order that the goods have been exported in violation of the provisions of the Customs Act, 1962 (52 of 1962), then, such claim shall be transmitted to the proper officer of Central tax, State tax or Union territory tax, as the case may be, electronically through the common portal in a system generated **FORM GST RFD-01** and the intimation of such transmission shall also be sent to the exporter electronically through the common portal, and notwithstanding anything to the contrary contained in any other rule, the said system generated form shall be deemed to be the application for refund in such cases and shall be deemed to have been filed on the date of such transmission.

(5C) The application for refund in **FORM GST RFD-01** transmitted electronically through the common portal in terms of sub-rules (5A) and (58) shall be dealt in accordance with the provisions of rule 89.]376

~~[(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 A]377 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 [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**]378.]~~379

(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.

[[(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.]380

~~[[[[(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. F.12(46)FD/Tax/2017-Pt-II-122, 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. F.12(46)FD/Tax/2017-Pt-II-124,~~

376 Inserted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 01-07-2017.

377 Substituted for "Part B" wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

378 Substituted for "after passing an order in FORM GST RFD-06" wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

379 Omitted vide notification no. F.12(15)FD/Tax/2022-30 dated 16.07.2022 wef 01-07-2017.

380Inserted wef 23.10.2017 vide notification no. F.12(46)FD/TAX/2017-Pt-III-155 dated 29.12.2017.

~~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~~

~~(c)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.~~

~~*[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.]*~~381]382]383]384]385]386

381 Inserted wef 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

382Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-123 dated 16.10.2018. Till then it read as follows:- "(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, This Department notification No. F.12(46)FD/Tax/2017-Pt-II-122, dated the 18th October, 2017, or notification No. F.12(46)FD/Tax/2017-Pt-II-124 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"

383Substituted wef 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-V-122 dated 16.10.2018. Till then it read as follows:- "(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 notification No. F.12(46)FD/Tax/2017-Pt-II-122, dated the 18th October, 2017 or notification No.F.12(46)FD/Tax/2017-Pt-II-124, dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017 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 G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017-Customs, dated the section (i),*vide* number G.S.R 1299 (E), dated the 13th October, 2017"

384Substituted wef 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018. Till then it reads as follows.- "(10) The persons claiming refund of integrated tax paid on exports of goods or services

[96A. [Export]387 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,]388 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 the period as allowed under the Foreign Exchange Management Act, 1999 (42 of 1999) including any extension of such period as permitted by the Reserve Bank of India, whichever is later, from the date of issue of the invoice for export, or such further period as may be allowed by the Commissioner, 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.]389

(2) The details of the export invoices contained in FORM GSTR-1 [, as amended in FORM GSTR-1A if any,]390 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

should not have received supplies on which the supplier has availed the benefit of notification No. F.12(46)FD/Tax/2017-Pt-II-122 dated 18th October, 2017 or notification No. F.12(46)FD/Tax/2017-Pt-II-124 dated 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."

385Substituted wef 23.10.2017 vide notification no. F.12(46)FD/Tax/2017-Pt.-IV-158 dated 23.01.2018. Till then it read as:-"(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 number F.12(46)FD/Tax/2017-Pt-II-122 dated 18th October, 2017 or notification number F.12(46)FD/Tax/2017-Pt-II-124 dated 23rd October, 2017 or notification number 41/2017-Integrated Tax (Rate) dated 23rd October, 2017."

386 Omitted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef 08.10.2024. 387 Substituted for the words "Refund of integrated tax paid on export" vide notification no. F.12(56)FD/Tax/2017-Pt.-II-154 dated 29.01.2019.

388Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-121 dated 18.10.2017.

389 Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. Till then it reads as follows:-"(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]"

390 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

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.]391

(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.

(4) The export as allowed under bond or Letter of Undertaking withdrawn in terms of sub-rule (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.]392

[96B. Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realised. –(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 section 74 or section 74A]393 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

391Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-128 dated 28.10.2017.

392Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017

393 Substituted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef.01.11.2024 for the words "section 73 or 74 "

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.]394

[**96C. Bank Account for credit of refund**.- For the purposes of sub-rule (3) of rule 91, sub-rule (4) of rule 92 and rule 94, "bank account" shall mean such bank account of the applicant which is in the name of applicant and obtained on his Permanent Account Number:

Provided that in case of a proprietorship concern, the Permanent Account Number of the proprietor shall also be linked with the Aadhaar number of the proprietor.]395

[**97. Consumer Welfare Fund.-** (1) All amounts of State tax and income from investment along with other monies specified in section 57 of the Rajasthan Goods and Services Tax Act, 2017 (Act No. 9 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 Rajasthan 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 (Central Act No. 15 of 2017), shall be deposited in the Fund.]396

(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.

(3) Accounts of the Fund maintained by the [State]397 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

394 Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020. 395 Inserted vide notification no. F.12(1)FD/Tax/2021-68 dated 01.10.2021.

396Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018.

397 Substituted for "Central" vide corrigendum F.12(1)FD/Tax/2021-292 dated 26.03.2021.

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; and

(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.

(6) The Committee shall have powers, -

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

(b) to require any applicant to produce before it, or before a duly authorised officer of the State 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;

(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 State Government;

(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; and

(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 [Commissioner][398] 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 [one crore][399] rupees per annum.][400]

(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);

(e) [for making available upto 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.~~][401]

Explanation: For the purposes of this rule,-

(a) '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;

(iii) any agency or organization engaged in consumer welfare activities for a minimum period of three years, registered under

398 Substituted for "Board" vide corrigendum F.12(46)FD/Tax/2017-Pt-IV-86 dated 15.11.2019.

399 Substituted for "twenty-five crore" vide corrigendum F.12(46)FD/Tax/2017-Pt-IV-86 dated 15.11.2019.

400 Inserted w.e.f. 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

401 Omitted w.e.f. 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

the Companies Act, 2013 (Central Act No. 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 (Central Act No. 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 (Central Act No. 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.

(b) 'application' means an application in the form as specified by the Standing Committee from time to time;

(c) 'Central Consumer Protection Council' means the Central Consumer Protection Council, established under sub-section (1) of section 4 of the Consumer Protection Act, 1986 (Central Act No. 68 of 1986), for promotion and protection of rights of consumers;

(d) 'Committee' means the Committee constituted under sub-rule (4);

(e) '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 (Central Act No. 68 of 1986), and includes consumer of goods on which State tax has been paid;

(f) 'Fund' means the Consumer Welfare Fund established by the State Government under section 57 of the Rajasthan Goods and Services Tax Act, 2017 (Act No. 9 of 2017);

(g) 'proper officer' means the officer having the power under the Act to make an order that the whole or any part of the state tax is refundable.]**402**

402Substituted vide notification no. F.12(46)FD/TAX/2017-pt-II-05 dated 18.04.2018. Till then it read as:-" **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 (Central Act No. 18 of 2013) or under any other law for the time being in force, including village or mandal or samiti level co-operatives of consumers especially Women, Scheduled Castes and Scheduled Tribes, or any industry as defined in the Industrial Disputes Act, 1947 (Central Act No. 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;

[97A. Manual filing and processing.- 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.][403]

(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.

[403]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-139 dated 15.11.2017.

CHAPTER XI
ASSESSMENT AND AUDIT

98. Provisional Assessment.- (1) Every registered person requesting for payment of tax on a provisional basis in accordance with the provisions of sub-section (1) of section 60 shall furnish an application along with the documents in support of his request, electronically, in FORM GST ASMT-01on the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

(2) The proper officer may, on receipt of the application under sub-rule (1), issue a notice in FORM GST ASMT-02requiring the registered person to furnish additional information or documents in support of his request and the applicant shall file a reply to the notice in FORM GST ASMT-03, and may appear in person before the said officer if he so desires.

(3) The proper officer shall issue an order in FORM GST ASMT-04**,** allowing the payment of tax on a provisional basis indicating the value or the rate or both on the basis of which the assessment is to be allowed on a provisional basis and the amount for which the bond is to be executed and security to be furnished not exceeding twenty five per cent. of the amount covered under the bond.

(4) The registered person shall execute a bond in accordance with the provisions of sub-section (2) of section 60 in FORM GST ASMT-05along with a security in the form of a bank guarantee for an amount as determined under sub-rule (3):

Provided that a bond furnished to the proper officer under the CentralGoods and Services Tax Act or Integrated Goods and Services Tax Act shall be deemed to be a bond furnished under the provisions of the Act and the rules made thereunder.

Explanation: For the purposes of this rule, the expression "amount" shall include the amount of integrated tax, central tax, State tax or Union territory tax and cess payable in respect of the transaction.

(5) The proper officer shall issue a notice in FORM GST ASMT-06, calling for information and records required for finalization of assessment under sub-section (3) of section 60 and shall issue a final assessment order, specifying the amount payable by the registered person or the amount refundable, if any, in FORM GST ASMT-07**.**

(6) The applicant may file an application in FORM GST ASMT-08for the release of the security furnished under sub-rule (4) after issue of the order under sub-rule (5).

(7) The proper officer shall release the security furnished under sub-rule (4), after ensuring that the applicant has paid the amount specified in sub-rule (5) and issue an order in FORM GST ASMT-09within a period of seven working days from the date of the receipt of the application under sub-rule (6).

99. Scrutiny of returns.- (1) Where any return furnished by a registered person is selected for scrutiny, the proper officer shall scrutinize the same in accordance with the provisions of section 61 with reference to the information available with him, and in case of any discrepancy, he shall issue a notice to the said person in FORM GST ASMT-10,

informing him of such discrepancy and seeking his explanation thereto within such time, not exceeding thirty days from the date of service of the notice or such further period as may be permitted by him and also, where possible, quantifying the amount of tax, interest and any other amount payable in relation to such discrepancy.

(2) The registered person may accept the discrepancy mentioned in the notice issued under sub-rule (1), and pay the tax, interest and any other amount arising from such discrepancy and inform the same or furnish an explanation for the discrepancy in FORM GST ASMT-11to the proper officer.

(3) Where the explanation furnished by the registered person or the information submitted under sub-rule (2) is found to be acceptable, the proper officer shall inform him accordingly in FORM GST ASMT-12.

[**100. Assessment in certain cases**.-(1) The order of assessment made under sub-section (1) of section 62 shall be issued in **FORM GST ASMT-13** and a summary thereof shall be uploaded electronically in **FORM GST DRC-07**.

(2) The proper officer shall issue a notice to a taxable person in accordance with the provisions of section 63 in **FORM GST ASMT-14** containing the grounds on which the assessment is proposed to be made on best judgment basis and shall also serve a summary thereof electronically in **FORM GST DRC-01**, and after allowing a time of fifteen days to such person to furnish his reply, if any, pass an order in **FORM GST ASMT-15** and summary thereof shall be uploaded electronically in **FORM GST DRC-07**.

(3) The order of assessment under sub-section (1) of section 64 shall be issued in **FORM GST ASMT-16** and a summary of the order shall be uploaded electronically in **FORM GST DRC-07.**

(4) The person referred to in sub-section (2) of section 64 may file an application for withdrawal of the assessment order in **FORM GST ASMT–17.**

The order of withdrawal or, as the case may be, rejection of the application under sub-section (2) of section 64 shall be issued in **FORM GST ASMT-18**.][404]

[404]Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. Till then it read as follows:- "**100. Assessment in certain cases**.- (1) The order of assessment made under sub-section (1) of section 62 shall be issued in FORM GST ASMT-13.

(2) The proper officer shall issue a notice to a taxable person in accordance with the provisions of section 63 in FORM GST ASMT-14containing the grounds on which the assessment is proposed to be made on best judgment basis and after allowing a time of fifteen days to such person to furnish his reply, if any, pass an order in FORM GST ASMT-15.

(3) The order of summary assessment under sub-section (1) of section 64 shall be issued in FORM GST ASMT-16**.**

(4) The person referred to in sub-section (2) of section 64 may file an application for withdrawal of the summary assessment order in FORM GST ASMT–17.

(5) The order of withdrawal or, as the case may be, rejection of the application under sub-section (2) of section 64 shall be issued in FORM GST ASMT-18.

101. Audit.- (1) The period of audit to be conducted under sub-section (1) of section 65 shall be a financial year [or part thereof][405]or multiples thereof.

(2) Where it is decided to undertake the audit of a registered person in accordance with the provisions of section 65, the proper officer shall issue a notice in FORM GST ADT-01 in accordance with the provisions of sub-section (3) of the said section.

(3) The proper officer authorised to conduct audit of the records and the books of account of the registered person shall, with the assistance of the team of officers and officials accompanying him, verify the documents on the basis of which the books of account are maintained and the

returns and statements furnished under the provisions of the Act and the rules made thereunder, the correctness of the turnover, exemptions and deductions claimed, the rate of tax applied in respect of the supply of goods or services or both, the input tax credit availed and utilised, refund claimed, and other relevant issues and record the observations in his audit notes.

(4) The proper officer may inform the registered person of the discrepancies noticed, if any, as observed in the audit and the said person may file his reply and the proper officer shall finalise the findings of the audit after due consideration of the reply furnished.

(5) On conclusion of the audit, the proper officer shall inform the findings of audit to the registered person in accordance with the provisions of sub-section (6) of section 65 in FORM GST ADT-02.

102. Special Audit.- (1) Where special audit is required to be conducted in accordance with the provisions of section 66, the officer referred to in the said section shall issue a direction in FORM GST ADT-03to the registered person to get his records audited by a chartered accountant or a cost accountant specified in the said direction.

(2) On conclusion of the special audit, the registered person shall be informed of the findings of the special audit in FORM GST ADT-04.

[405]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

Chapter – XII

Advance Ruling

[**103. Qualification and appointment of members of the Authority for Advance Ruling.-** The Government shall appoint officers not below the rank of Joint Commissioner as member of the Authority for Advance Ruling.][406]

104.Form and manner of application to the Authority for Advance Ruling.- (1) An application for obtaining an advance ruling under sub-section (1) of section 97 shall be made on the common portal in FORM GST ARA-01 and shall be accompanied by a fee of five thousand rupees, to be deposited in the manner specified in section 49.

(2) The application referred to in sub-rule (1), the verification contained therein and all the relevant documents accompanying such application shall be signed in the manner specified in rule 26.

105.Certification of copies of advance rulings pronounced by the Authority.- A copy of the advance ruling shall be certified to be a true copy of its original by any member of the Authority for Advance Ruling.

106. Form and manner of appeal to the Appellate Authority for Advance Ruling.- (1) An appeal against the advance ruling issued under sub-section (6) of section 98 shall be made by an applicant on the common portal in FORM GST ARA-02 and shall be accompanied by a fee of ten thousand rupees, to be deposited in the manner specified in section 49.

(2) An appeal against the advance ruling issued under sub-section (6) of section 98 shall be made by the concerned officer or the jurisdictional officer referred to in section 100 on the common portal in FORM GST ARA-03and no fee shall be payable by the said officer for filing the appeal.

(3) The appeal referred to in sub-rule (1) or sub-rule (2), the verification contained therein and all the relevant documents accompanying such appeal shall be signed, -

(a) in the case of the concerned officer or jurisdictional officer, by an officer authorised in writing by such officer; and

(b) in the case of an applicant, in the manner specified in rule 26.

107. Certification of copies of the advance rulings pronounced by the Appellate Authority.- A copy of the advance ruling pronounced by the Appellate Authority for Advance Ruling and duly signed by the Members shall be sent to,-

(a)the applicant and the appellant;

406Substituted wef 01.07.2017 vide notification no. F.12(46)FD/Tax/2017-Pt-II-75 dated 17.08.2017. Till then it read as follow:- "**103. Qualification and appointment of members of the Authority for Advance Ruling.-** The Central Government and the State Government shall appoint officer of the rank of Joint Commissioner as member of the Authority for Advance Ruling."

(b)the concerned officer of Central tax and State or Union territory tax; (c)the jurisdictional officer of Central tax and State or Union territory tax; and (d)the Authority, in accordance with the provisions of sub-section (4) of section 101 of the Act.

[**107A. Manual filing and processing.-** 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.]407

407Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-139 dated 15.11.2017

Chapter – XIII
Appeals and Revision

108. Appeal to the Appellate Authority.- (1)An appeal to the Appellate Authority under sub-section (1) of section 107 shall be filed in FORM GST APL-01,along with the relevant documents, [electronically]408, and a provisional acknowledgement shall be issued to the appellant immediately.

[Provided that an appeal to the Appellate Authority may be filed manually in FORM GST APL-01, along with the relevant documents, only if-

(i) the Chief Commissioner of State Tax has so notified, or

(ii) the same cannot be filed electronically due to non-availability of the decision or order to be appealed against on the common portal,

and in such case, a provisional acknowledgement shall be issued to the appellant immediately.]409

(2) The grounds of appeal and the form of verification as contained in FORM GST APL-01 shall be signed in the manner specified in rule 26.

[(3) Where the decision or order appealed against is uploaded on the common portal, a final acknowledgment, indicating appeal number, shall be issued in FORM GST APL-02 by the Appellate Authority or an officer authorised by him in this behalf and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal:

Provided that where the decision or order appealed against is not uploaded on the common portal, the appellant shall submit a self-certified copy of the said decision or order within a period of seven days from the date of filing of FORM GST APL-01 and a final acknowledgment, indicating appeal number, shall be issued in FORM GST APL-02 by the Appellate Authority or an officer authorised by him in this behalf, and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal:

Provided further that where the said self-certified copy of the decision or order is not submitted within a period of seven days from the date of filing of FORM GST APL-01, the

408Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words " either electronically or otherwise as may be notified by the Commissioner "

409Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

date of submission of such copy shall be considered as the date of filing of appeal.]410

Explanation: For the provisions of this rule, the appeal shall be treated as filed only when the final acknowledgement, indicating the appeal number is issued.

109. Application to the Appellate Authority.- (1) An application to the Appellate Authority under sub-section (2) of section 107 shall be filed in FORM GST APL-03, along with the relevant documents, [electronically]411 and a provisional acknowledgment shall be issued to the appellant immediately.

[Provided that an appeal to the Appellate Authority may be filed manually in FORM GST APL-03, along with the relevant documents, only if-

(i) the Chief Commissioner of State Tax has so notified, or

(ii) the same cannot be filed electronically due to non-availability of the decision or order to be appealed against on the common portal,

and in such case, a provisional acknowledgement shall be issued to the appellant immediately.]412

(2) Where the decision or order appealed against is uploaded on the common portal, a final acknowledgment, indicating appeal number, shall be issued in FORM GST APL-02 by the Appellate Authority or an officer authorised by him in this behalf and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal under sub-rule (1):

Provided that where the decision or order appealed against is not uploaded on the common portal, the appellant shall submit a self-certified copy of the said decision or order within a period of seven days from the date of filing of FORM GST APL-03 and a final acknowledgment, indicating appeal number, shall be issued in FORM GST APL-02 by the

410 Substituted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 for "(3) A certified copy of the decision or order appealed against shall be submitted within seven days of filing the appeal under sub-rule (1) and a final acknowledgement, indicating appeal number shall be issued thereafter in FORM GST APL-02by the Appellate Authority or an officer authorised by him in this behalf

Provided that where the certified copy of the decision or order is submitted within seven days from the date of filing the FORM GST APL-01, the date of filing of the appeal shall be the date of the issue of the provisional acknowledgement and where the said copy is submitted after seven days, the date of filing of the appeal shall be the date of the submission of such copy"

411 Substituted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023 for the words " either electronically or otherwise as may be notified by the Commissioner "

412Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

Appellate Authority or an officer authorised by him in this behalf, and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal:

Provided further that where the said self-certified copy of the decision or order is not submitted within a period of seven days from the date of filing of FORM GST APL-03, the date of submission of such copy shall be considered as the date of filing of appeal.]413

[109A. Appointment of Appellate Authority.- (1) Any person aggrieved by any decision or order passed under this Act or the Central Goods and Services Tax Act may appeal to,-

(a) the [Special Commissioner][414] (Appeals) where such decision or order is passed by the [Additional Commissioner][415];

(b) the [Additional Commissioner][416] (Appeals) where such decision or order is passed by the [Joint or Deputy or Assistant Commissioner][417],

within three months from the date on which the said decision or order is communicated to such person.

(2) An officer directed under sub-section (2) of section 107 to appeal against any decision or order passed under this Act or the Central Goods and Services Tax Act may appeal to,-

(a) the [Special Commissioner][418] (Appeals) where such decision or order is passed by the [Additional Commissioner][419];

(b) the [Additional Commissioner][420] (Appeals) where such decision or order is passed by the [Joint or Deputy or Assistant Commissioner][421],

[413] Substituted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 for
"**109. Application to the Appellate Authority.-** (1)An application to the Appellate Authority under sub-section (2) of section 107 shall be made in FORM GST APL-03,along with the relevant documents,either electronically or otherwise as may be notified by the Commissioner.

(2) A certified copy of the decision or order appealed against shall be submitted within seven days of the filing the application under sub-rule (1) and an appeal number shall be generated by the Appellate Authority or an officer authorised by him in this behalf"

[414] Substituted for "Additional Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[415] Substituted for "Joint Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[416] Substituted for "Joint Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[417] Substituted for "Deputy or Assistant Commissioner or State Tax Officer" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[418] Substituted for "Additional Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[419] Substituted for "Joint Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[420] Substituted for "Joint Commissioner" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

[421] Substituted for "Deputy or Assistant Commissioner or State Tax Officer" wef 20.02.2020 vide notification no. F.12(46)FD/Tax/2017 Pt-III-199 dated 06.07.2020.

within six months from the date of communication of the said decision or order.][422]

[109B. Notice to person and order of revisional authority in case of revision. - (1) Where the Revisional Authority decides to pass an order in revision under section 108 which is likely to affect the person adversely, the Revisional Authority shall serve on him a notice in **FORM GST RVN-01** and shall give him a reasonable opportunity of being heard.

(2) The Revisional Authority shall, along with its order under sub-section (1) of section 108, issue a summary of the order in **FORM GST APL-04** clearly indicating the final amount of demand confirmed.][423]

[109C. Withdrawal of Appeal. - The appellant may, at any time before issuance of show cause notice under sub-section (11) of section 107 or before issuance of the order under the said sub-section, whichever is earlier, in respect of any appeal filed in FORM GST APL-01 or FORM

GST APL-03, file an application for withdrawal of the said appeal by filing an application in FORM GST APL-01/03W:

Provided that where the final acknowledgment in FORM GST APL-02 has been issued, the withdrawal of the said appeal would be subject to the approval of the appellate authority and such application for withdrawal of the appeal shall be decided by the appellate authority within seven days of filing of such application:

Provided further that any fresh appeal filed by the appellant pursuant to such withdrawal shall be filed within the time limit specified in sub-section (1) or sub-section (2) of section 107, as the case may be.]424

[**110. Appeal to the Appellate Tribunal -** (1) An appeal to the Appellate Tribunal under sub-section (1) of section 112 shall be filed in FORM GST APL-05, along with the relevant documents, electronically and provisional acknowledgement[in Part A of FORM GST APL-02A]425 shall be issued to the appellant immediately:

~~[Provided that an appeal to the Appellate Tribunal may be filed manually in FORM GST APL-05, along with the relevant documents, only if the Registrar allows the same by issuing a special or general order to that effect, subject to such conditions and restrictions as specified in the said order, and in such case, a provisional acknowledgement shall be issued to the appellant immediately.]~~426

(2) A memorandum of cross-objections to the Appellate Tribunal under sub-section (5) of section 112, if any, shall be filed electronically in FORM GST APL-06:

422Inserted wef 15.11.2017 vide notification no. F.12(46)FD/Tax/2017-pt-III-202 dated 07.03.2018
423Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.
424 Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.
425 Inserted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. 426 Omitted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025.

~~[Provided that the memorandum of cross-objections may be filed manually in FORM GST APL-06, only if the Registrar allows the same by issuing a special or general order to that effect, subject to such conditions and restrictions as specified in the said order.~~]427

(3) The appeal and the memorandum of cross objections shall be signed in the manner specified in rule 26.

(4) Where the order appealed against is uploaded on the common portal, a final acknowledgement, indicating appeal number, shall be issued [in Part B of FORM GST APL-02A]428 on removal of defects, if any, and the date of issue of the provisional acknowledgement shall be considered as the date of filing of appeal under sub-rule (1):

Provided, that where the order appealed against is not uploaded on the common portal, the appellant shall submit or upload, as the case may be, a self-certified copy of the said order within a period of seven days from the date of filing of FORM GST APL-05 and a final acknowledgement, indicating appeal number, shall be issued in FORM GST APL-02 on removal of defects, if any, and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal:

Provided further that where the said self-certified copy of the order is submitted or uploaded after a period of seven days from the date of filing of FORM GST APL-05, a final acknowledgement, indicating appeal number, shall be issued in FORM GST APL-02 on removal of defects, if any, and the date of submission or uploading of such self-certified copy shall be considered as the date of filing of appeal.

Explanation.—For the purposes of this rule, the appeal shall be treated as filed only when the final acknowledgement, indicating the appeal number, is issued.

(5) The fees for filing of appeal or restoration of appeal shall be one thousand rupees for every one lakh rupees of tax or input tax credit involved or the difference in tax or input tax credit involved or the amount of fine, fee or penalty determined in the order appealed against, subject to a maximum of twenty five thousand rupees and a minimum of five thousand rupees:

Provided that the fees for filing of an appeal in respect of an order not involving any demand of tax, interest, fine, fee or penalty shall be five thousand rupees.

(6) There shall be no fee for application made before the Appellate Tribunal for rectification of errors referred to in sub-section (10) of section 112.]429

427 Omitted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025.

428Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it reads as follows:-"in FORM GST APL-02".

429 Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. Till then it reads as follows:- "**110. Appeal to the Appellate Tribunal.-** (1) An appeal to the Appellate Tribunal under sub-section (1) of section 112 shall be filed along with the relevant documents either electronically or otherwise as may be notified by the Registrar, in FORM GSTAPL-05,on the common portal and a provisional acknowledgement shall be issued to the appellant immediately.

(2) A memorandum of cross-objections to the Appellate Tribunal under sub-section (5) of section 112 shall be filed either electronically or otherwise as may be notified by the Registrar, in FORM GST APL-06.

(3) The appeal and the memorandum of cross objections shall be signed in the manner specified in rule 26.

[110A. Procedure for the Appeals to be heard by a single Member Bench. - (1) The President or the Vice-President if so authorised by the President in respect of any State Bench, may either on his own motion or an application filed by the parties to the appeal, scrutinise the appeal and transfer such appeal to any single Member Bench within the respective State if the appeal does not involve a question of law.

(2) In case the single Member Bench, while hearing the appeal allotted under sub-rule (1), comes to a conclusion that the appeal may involve a question of law, such Bench shall for reasons to be recorded in writing send back the appeal to the President or the Vice-President, as the case may be, for reconsideration.

(3) During the scrutiny of appeal under sub-rule (1) or reconsideration of appeal under sub-rule (2), the fact as to whether in respect of the same taxable person within a State, the same issue for the same or a different tax period has already been heard or decided by a Bench comprising of a Technical Member and a Judicial Member, shall be taken into consideration and where such a matter exists, the appeal shall be heard by a Bench comprising of a Technical Member and a Judicial Member.

(4) For the purpose of reckoning the amount of fifty lakh rupees under sub-section (8) of section 109, the cumulative tax or input tax credit involved, or the amount of fine, fee or penalty, shall be determined with reference to all issues and all tax periods covered in the order appealed against.]430

[111. Application to the Appellate Tribunal.- (1) An application to the Appellate Tribunal under sub-section (3) of section 112 shall be filed in Form GST APL-07, along with the relevant documents, electronically and a provisional acknowledgement[in Part A of FORM GST APL-02A]431 shall be issued to the appellant immediately:

Provided that an application to the Appellate Authority may be filed manually in FORM GST APL-07, along with the relevant documents, only if the Registrar allows the same by issuing a special or general order to that effect, subject to such conditions and restrictions as

specified in the said order, and in such case, a provisional acknowledgement shall be issued to the appellant immediately.

(4) A certified copy of the decision or order appealed against along with fees as specified in sub-rule (5) shall be submitted to the Registrar within seven days of the filing of the appeal under sub-rule (1) and a final acknowledgement, indicating the appeal number shall be issued thereafter in FORM GST APL-02by the Registrar:

Provided that where the certified copy of the decision or order is submitted within seven days from the date of filing the FORM GST APL-05, the date of filing of the appeal shall be the date of the issue of the provisional acknowledgement and where the said copy is submitted after seven days, the date of filing of the appeal shall be the date of the submission of such copy.

Explanation: For the purposes of this rule, the appeal shall be treated as filed only when the final acknowledgement indicating the appeal number is issued."

(5) The fees for filing of appeal or restoration of appeal shall be one thousand rupees for every one lakh rupees of tax or input tax credit involved or the difference in tax or input tax credit involved or the amount of fine, fee or penalty determined in the order appealed against, subject to a maximum of twenty five thousand rupees.

(6) There shall be no fee for application made before the Appellate Tribunal for rectification of errors referred to in sub-section (10) of section 112."

430 Inserted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025.

431 Inserted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025.

(2) A memorandum of cross-objections to the Appellate Tribunal under sub-section (5) of section 112, if any, shall be filed electronically in FORM GST APL-06:

~~[Provided that the memorandum of cross-objections may be filed manually in FORM GST APL-06, only if the Registrar allows the same by issuing a special or general order to that effect, subject to such conditions and restrictions as specified in the said order.]~~[432]

(3) The appeal and the memorandum of cross objections shall be signed in the manner specified in rule 26.

(4) Where the order appealed against is uploaded on the common portal, a final acknowledgement, indicating appeal number, shall be issued [in Part B of FORM GST APL-02A][433] on removal of defects, if any, and the date of issue of the provisional acknowledgement shall be considered as the date of filing of appeal under sub-rule (1):

Provided that where the order appealed against is not uploaded on the common portal, the appellant shall submit or upload, as the case may be, a self-certified copy of the said order within a period of seven days from the date of filing of FORM GST APL-07 and a final acknowledgment, indicating appeal number shall be issued [in Part B of FORM GST APL-02A][434] on removal of defects, if any, and the date of issue of the provisional acknowledgment shall be considered as the date of filing of appeal:

Provided further that where the said [self-attested copy][435] of the order is submitted or uploaded after a period of seven days from the date of filing of FORM GST APL-07, a final acknowledgement, indicating appeal number, shall be issued [in Part B of FORM GST APL-02A][436] on removal of defects, if any, and the date of submission or uploading of such self-certified copy shall be considered as the date of filing of appeal.

Explanation 1.—For the purposes of this rule, the appeal shall be treated as filed only when the final acknowledgement, indicating the appeal number, is issued.

Explanation 2.—For the purposes of rule 110 and 111, 'Registrar' shall mean a Registrar appointed by the Government for this purpose, and shall include Joint Registrar, Deputy Registrar and Assistant Registrar.][437]

432 Omitted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025.

433 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it was read as under "in FORM GST APL-02".

434 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it was read as under "in FORM GST APL-02".

435 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it was read as under "self-certified copy ".

436 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it was read as under "in FORM GST APL-02".

437 Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. Till then it reads as follows:-"**111. Application to the Appellate Tribunal.-** (1)An application to the Appellate

112. Production of additional evidence before the Appellate Authority or the Appellate Tribunal.- (1) The appellant shall not be allowed to produce before the Appellate Authority or the Appellate Tribunal any evidence, whether oral or documentary, other than the evidence produced by him during the course of the proceedings before the adjudicating authority or, as the case may be, the Appellate Authority except in the following circumstances, namely:-

(a)where the adjudicating authority or, as the case may be, the Appellate Authority has refused to admit evidence which ought to have been admitted; or

(b)where the appellant was prevented by sufficient cause from producing the evidence which he was called upon to produce by the adjudicating authority or, as the case may be, the Appellate Authority; or

(c)where the appellant was prevented by sufficient cause from producing before the adjudicating authority or, as the case may be, the Appellate Authority any evidence which is relevant to any ground of appeal; or

(d)where the adjudicating authority or, as the case may be, the Appellate Authority has made the order appealed against without giving sufficient opportunity to the appellant to adduce evidence relevant to any ground of appeal.

(2) No evidence shall be admitted under sub-rule (1) unless the Appellate Authority or the Appellate Tribunal records in writing the reasons for its admission.

(3) The Appellate Authority or the Appellate Tribunal shall not take any evidence produced under sub-rule (1) unless the adjudicating authority or an officer authorised in this behalf by the said authority has been allowed a reasonable opportunity -

(a) to examine the evidence or document or to cross-examine any witness produced by the appellant; or

(b) to produce any evidence or any witness in rebuttal of the evidence produced by the appellant under sub-rule (1).

(4) Nothing contained in this rule shall affect the power of the Appellate Authority or the Appellate Tribunal to direct the production of any document, or the examination of any witness, to enable it to dispose of the appeal.

113. Order of Appellate Authority or Appellate Tribunal.- (1)TheAppellate Authority shall, along with its order under sub-section (11) of section 107, issue a summary of the order in FORM GST APL-04clearly indicating the final amount of demand confirmed.

Tribunal under sub-section (3) of section 112 shall be made electronically or otherwise, in FORM GST APL-07, along with the relevant documents on the common portal.

(2) A certified copy of the decision or order appealed against shall be submitted within seven days of filing the application under sub-rule (1) and an appeal number shall be generated by the Registrar. "

[(2) The Appellate Tribunal shall, along with its order under sub-section (1) of section 113, issue, or cause to be issued, a summary of the order in FORM GST APL-04A clearly indicating the final amount of demand confirmed by the Appellate Tribunal.]438

[**113A. Withdrawal of Appeal or Application filed before the Appellate Tribunal:-**The appellant may, at any time before the issuance of the order under sub-section (1) of section 113, in respect of any appeal filed in FORM GST APL-05 or any application filed in FORM GST APL-07, file an application for withdrawal of the said appeal or the application, as the case may be, by filing an application in FORM GST APL-05/07W:

Provided that where the final acknowledgment in FORM GST APL-02 has been issued, the withdrawal of the said appeal or the application, as the case may be, would be subject to the approval of the Appellate Tribunal and such application for withdrawal of the appeal or application, shall be decided by the Appellate Tribunal within fifteen days of filing of such application:

Provided further that any fresh appeal or application, as the case may be, filed by the appellant pursuant to such withdrawal shall be filed within the time limit specified in sub-section (1) or subsection (3) of section 112, as the case may be.]439

114. Appeal to the High Court.- (1) An appeal to the High Court under sub-section (1) of section 117 shall be filed in FORM GST APL-08.

(2) The grounds of appeal and the form of verification as contained in FORM GST APL-08 shall be signed in the manner specified in rule 26.

115. Demand confirmed by the Court.- The jurisdictional officer shall issue a statement in FORM GST APL-04clearly indicating the final amount of demand confirmed by the High Court or, as the case may be, the Supreme Court.

116. Disqualification for misconduct of an authorised representative.- Where an authorised representative, other than those referred to in clause (b) or clause (c) of sub-section (2) of section 116 is found, upon an enquiry into the matter, guilty of misconduct in connection with any proceedings under the Act, the Commissioner may, after providing him an opportunity of being heard, disqualify him from appearing as an authorised representative.

438 Substituted vide notification no. F.12(5)FD/Tax/2025- 14, dated 17.09.2025 w.e.f. 22.09.2025. Till then it was read as under "(2)The jurisdictional officer shall issue a statement in FORM GST APL-04 clearly indicating the final amount of demand confirmed by the Appellate Tribunal. ".

439 Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

Chapter XIV

Transitional Provisions

117. Tax or duty credit carried forward under any existing law or on goods held in stock on the appointed day.- (1) Every registered person entitled to take credit of input tax under section 140 shall, within ninety days of the appointed day, submit a declaration electronically in FORM GST TRAN-1, duly signed, on the common portal specifying therein, separately, the amount of input tax credit to which he is entitled under the provisions of the said section:

Provided that the Commissioner may, on the recommendations of the Council, extend the period of ninety days by a further period not exceeding ninety days.

Provided further that in the case of a claim under sub-section (1) of section 140, the application shall specify separately,-

(i) the value of claims under section 3, sub-section (3) of section 5, sections 6 and 6A and sub-section (8) of section 8 of the Central Sales Tax Act, 1956 made by the applicant; and

(ii) the serial number and value of declarations in Forms C or F and certificates in Forms E or H or

Form I specified in rule 12 of the Central Sales Tax (Registration and Turnover) Rules, 1957 submitted by the applicant in support of the claims referred to in sub-clause (i);

[(1A) Notwithstanding anything contained in sub-rule (1), the Commissioner may, on the recommendations of the Council, extend the date for submitting the declaration electronically in **FORM GST TRAN-1** by a further period not beyond [[31stMarch, 2020][440]][441], in respect of registered persons who could not submit the said declaration by the due date on account of technical difficulties on the common portal and in respect of whom the Council has made a recommendation for such extension.][442]

(2) Every declaration under sub-rule (1) shall,-

(a) in the case of a claim under sub-section (2) of section 140, specify separately the following particulars in respect of every item of capital goods as on the appointed day-

(i) the amount of tax or duty availed or utilized by way of input tax credit under each of the existing laws till the appointed day; and

(ii) the amount of tax or duty yet to be availed or utilized by way of input tax credit under each of the existing laws till the appointed day;

(b) in the case of a claim under sub-section (3) or clause (b) of sub-section (4) or sub-section (6) or sub-section (8) of section 140, specify separately the details of stock held on the appointed day;

[440] Substituted w.e.f. 31.12.2019 for "31st December, 2019" vide notification no. F.12(46)FD/Tax/2017-Pt. V-116 dated 08.01.2020.

[441] Substituted for "31st March, 2019" vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[442] Inserted vide notification no. F.12(46) FD/Tax/2017-Pt.-IV-111 dated 10.09.2018.

(c) in the case of a claim under sub-section (5) of section 140, furnish the following details, namely:—

(i) the name of the supplier, serial number and date of issue of the invoice by the supplier or any document on the basis of which credit of input tax was admissible under the existing law;

(ii) the description and value of the goods or services;

(iii) the quantity in case of goods and the unit or unit quantity code thereof;

(iv) the amount of eligible taxes and duties or, as the case may be, the value added tax [or entry tax] charged by the supplier in respect of the goods or services; and

(v) the date on which the receipt of goods or services is entered in the books of account of the recipient.

(3) The amount of credit specified in the application in FORM GST TRAN-1 shall be credited to the electronic credit ledger of the applicant maintained in FORM GST PMT-2 on the common portal.

(4) (a) (i) A registered person, holding stock of goods which have suffered tax at the first point of their sale in the State and the subsequent sales of which are not subject to tax in the State availing credit in accordance with the proviso to sub-section (3) of section 140 shall be allowed to avail input tax credit on goods held in stock on the appointed day in respect of which he is not in possession of any document evidencing payment of value added tax.

(ii) The credit referred to in sub-clause (i) shall be allowed at the rate of sixty per cent.

on such goods which attract State tax at the rate of nine per cent. or more and forty per cent. for other goods of the State tax applicable on supply of such goods after the appointed date and shall be credited after the State tax payable on such supply has been paid:

Provided that where integrated tax is paid on such goods, the amount of credit shall be allowed at the rate of thirty percent and twenty percent respectively of the said tax.

(iii) The scheme shall be available for six tax periods from the appointed date.

(b) Such credit of State tax shall be availed subject to satisfying the following conditions, namely:

(i) such goods were not wholly exempt from tax under the Rajasthan Value Added Tax Act,2003

(ii) the document for procurement of such goods is available with the registered person.

[(iii) The registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2), submits a statement in Form GST TRAN-2by 31st March 2018, or within such period as extended by the Commissioner, on the recommendations of the Council,

for eachof the six tax periods during which the scheme is in operation indicating therein, the details of supplies of such goods effected during the tax period;

[Provided that the registered persons filing the declaration in **FORM GST TRAN-1** in accordance withsub-rule (1A), may submit the statement in **FORM GST TRAN-2** by [[30thApril, 2020]443]444.] 445]446

(iv) the amount of credit allowed shall be credited to the electronic credit ledger of the applicant maintained in FORM GST PMT-2 on the Common Portal.

(v) the stock of goods on which the credit is availed is so stored that it can be easily identified by the registered person.

118.Declaration to be made under clause (c) of sub-section (11) of section 142.- Every person to whom the provision of clause (c) of sub-section (11) of section 142 applies, shall within [the period specified in rule 117 or such further period as extended by the Commissioner]447, submit a declaration electronically in FORM GST TRAN-1furnishing the proportion of supply on which Value Added Tax or service tax has been paid before the appointed day but the supply is made after the appointed day, and the Input Tax Credit admissible thereon.

119. Declaration of stock held by a principal and [job-worker/ agent]448.- Every person to whom the provisions of [section 141 or]449sub-section (14) of section 142 apply shall, within [the period specified in rule 117 or such further period as extended by the Commissioner]450, submit a declaration electronically in FORM GST TRAN-1, specifying therein, the stock of the inputs, semi-finished goods or finished goods, as applicable, held by him on the appointed day.

120. Details of goods sent on approval basis.- Every person having sent goods on approval under the existing law and to whom sub-section (12) of section 142 applies shall, within [the period specified in rule 117 or such further period as extended by the Commissioner]451, submit details of such goods sent on approval in FORM GST TRAN-1.

443 Substituted for "31st January, 2020" vide notification no. F.12(46)FD/Tax/2017-Pt. V-116 dated 08.01.2020. 444 Substituted for "30th April, 2019" vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019. 445Inserted vide notification no. F.12(46) FD/Tax/2017-Pt.-IV-111 dated 10.09.2018.

446Substituted vide notification no. F.12(46)FD/Tax/2017-pt-III-202 dated 07.03.2018. Till then it read as follows- "(iii) the registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2) of this rule, submits a statement in FORM GST TRAN 2 at the end of each of the six tax periods during which the scheme is in operation indicating therein

the details of supplies of such goods effected during the tax period;"

447 Substituted vide notification no. F.12(46)FD/TAX/2017-Pt-II-105 dated 29.09.2017 for "a period of ninety days of the appointed day".

448Substituted for "agent" vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017

449Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.II-64 dated 07.07.2017

450Substituted vide notification no. F.12(46)FD/TAX/2017-Pt-II-105 dated 29.09.2017 for "ninety days of the appointed day"

451Substituted vide notification no. F.12(46)FD/TAX/2017-Pt-II-105 dated 29.09.2017 for "ninety days of the appointed day"

[**120A.**[**Revision of declaration in FORM GST TRAN-1**]452 - Every registered person who has submitted a declaration electronically in **FORM GST TRAN-1** within the time period specified in rule 117, rule 118, rule 119 and rule 120 may revise such declaration once and submit the revised declaration in **FORM GST TRAN-1** electronically on the common portal within the time period specified in the said rules or such further period as may be extended by the Commissioner in this behalf.]453

121. Recovery of credit wrongly availed.- The amount credited under sub-rule (3) of rule 117 may be verified and [proceedings under section 73 or section 74 or section 74A, as the case may be,]454 shall be initiated in respect of any credit wrongly availed, whether wholly or partly.

452Inserted vide notification no. F.12(46)FD/TAX/2017-Pt-II-105 dated 29.09.2017.

453Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-87 dated 15.09.2017.

454 Substituted vide notification No.F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024 for the words"proceedings under section 73 or, as the case may be, section 74"

Chapter XV

Anti-Profiteering

[~~**122. Constitution of the Authority.-** The constitution of the Authority shall be in accordance with the provisions of rule 122 of the Central Goods and Services Tax Rules, 2017.~~]455]456

[123. Constitution of the Standing Committee and Screening Committee.- The constitution of the Standing Committee and Screening Committee shall be in accordance with the provisions of rule 123 of the Central Goods and Services Tax Rules, 2017.]457

[~~**124. Appointment, salary, allowances and other terms and conditions of service of the Chairman and Members of the Authority.-** The appointment, salary, allowances and other terms and conditions of service of the Chairman and Members of the Authority shall be in accordance with the provisions of rule 124 of the Central Goods and Services Tax Rules, 2017.~~]458]459

455Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-I-81 dated 30.08.2017. Till then it read as follows:- "122. Constitution of the Authority.- The Authority shall consist of,-

(a) a Chairman who holds or has held a post equivalent in rank to a Secretary to the Government of India; and

(b) four Technical Members who are or have been Commissioners of State tax or central tax or have held an equivalent post under the existing law, to be nominated by the Council."

456 Omitted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022.

457 Substituted vide notification no. . F.12(46)FD/Tax/2017-Pt-I-81 dated 30.08.2017.Till then it read as follows:- "123. Constitution of the Standing Committee and Screening Committees.- (1) The Council may constitute a Standing Committee on Anti-profiteering which shall consist of such officers of the State Government and Central Government as may be nominated by it .

(2) A State level Screening Committee shall be constituted in each State by the State Governments which shall consist of-

(a) one officer of the State Government, to be nominated by the Commissioner, and

(b) one officer of the Central Government, to be nominated by the Chief Commissioner."

458 Substituted vide notification no. . F.12 (46)FD/Tax/2017-Pt-I-81 dated 30.08.2017. Till then it read as follows:- "124. Appointment, salary, allowances and other terms and conditions of service of the Chairman and Members of the Authority:- (1) The Chairman and Members of the Authority shall be appointed by the Central Government on the recommendations of a Selection Committee to be constituted for the purpose by the Council

(2) The Chairman shall be paid a monthly salary of Rs. 2,25,000 (fixed) and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay:

Provided that where a retired officer is selected as a Chairman, he shall be paid a monthly salary of Rs. 2,25,000 reduced by the amount of pension.

[~~125. Secretary to the Authority.~~ ~~The Secretary to the Authority shall be in accordance with the provisions of rule 125 of the Central Goods and Services Tax Rules, 2017~~.]460]461

[**126. Power to determine the methodology and procedure.-** The power to determine the methodology and procedure of the Authority shall be in accordance with the provisions of rule 126 of the Central Goods and Services Tax Rules, 2017.]462

127.[Functions]463 of the Authority.- [The authority shall discharge the following functions, namely:-]464

(i) to determine whether any reduction in the rate of tax on any supply of goods or services or the benefit of input tax credit has been passed on to the recipient by way of commensurate reduction in prices;

(3) The Technical Member shall be paid a monthly salary of Rs. 2,05,400 (fixed) and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay:

Provided that where a retired officer is selected as a Technical Member, he shall be paid a monthly salary of Rs. 2,05,400 reduced by the amount of pension.

(4) The Chairman shall hold office for a term of two years from the date on which he enters upon his office, or until he attains the age of sixty- five years, whichever is earlier and shall be eligible for reappointment:

Provided that person shall not be selected as the Chairman, if he has attained the age of sixty-two years.

(5) The Technical Member of the Authority shall hold office for a term of two years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier and shall be eligible for reappointment:

Provided that person shall not be selected as a Technical Member if he has attained the age of sixty-two years."

459 Omitted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022.

460 Substituted vide notification no.F.12 (46)FD/Tax/2017-Pt-I-81 dated 30.08.2017. Till then it read as follows:- "125. Secretary to the Authority.- The Additional Director General of Safeguards under the Board shall be the Secretary to the Authority."

461 Omitted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022.

462 Substituted vide notification no. . F.12 (46)FD/Tax/2017-Pt-I-81 dated 30.08.2017. Till then it read as follows:- "126. Power to determine the methodology and procedure.- The Authority may determine the methodology and procedure for determination as to whether the reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit has been passed on by the registered person to the recipient by way of commensurate reduction in prices."

463 Substituted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022 for the word "Duties".

464 Substituted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022 for the words ""It shall be the duty of the Authority,-"

(ii) to identify the registered person who has not passed on the benefit of reduction in the rate of tax on supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices;

(iii) to order,-

(a)reduction in prices;

(b)return to the recipient, an amount equivalent to the amount not passed on by way of commensurate reduction in prices along with interest at the rate of eighteen per cent. from the date of collection of the higher amount till the date of the return of such amount or recovery of the amount not returned, as the case may be, in case the eligible person does not claim return of the amount or is not identifiable, and depositing the same in the Fund referred to in section 57;

(c)imposition of penalty as specified in the Act; and

(d)cancellation of registration under the Act.

[(iv) to furnish a performance report to the Council by the tenth [day]465 of the close of each quarter.]466

128. Examination of application by the Standing Committee and Screening Committee.- (1) The Standing Committee shall, within a period of two months from the date of the receipt of a written application[or within such extended period not exceeding a further period of one month for reasons to be recorded in writing as may be allowed by the Authority]467, in such form and manner as may be specified by it, from an interested party or from a Commissioner or any other person, examine the accuracy and adequacy of the evidence provided in the application to determine whether there is *prima-facie* evidence to support the claim of the applicant that the benefit of reduction in the rate of tax on any supply of goods or services or the benefit of input tax credit has not been passed on to the recipient by way of commensurate reduction in prices.

(2) All applications from interested parties on issues of local nature[or those forwarded by the Standing Committee]468 shall first be examined by the State level Screening Committee and the Screening Committee shall[within two months from the date of receipt of a written application, or within such extended period not exceeding a further period of one month for reasons to be recorded in writing as may be allowed by the Authority]469, upon being satisfied that the supplier has contravened the provisions of section 171, forward the application with its recommendations to the Standing Committee for further action.

465Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018.

466Inserted vide notification no. . F.12 (46)FD/Tax/2017-Pt-II-87 dated 15.09.2017.

467Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.
468Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.
469Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

129. Initiation and conduct of proceedings.- (1)Where the Standing Committee is satisfied that there is a *prima-facie* evidence to show that the supplier has not passed on the benefit of reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices, it shall refer the matter to the[Director General of Anti-profiteering]470for a detailed investigation.

(2) The Director General of Safeguards shall conduct investigation and collect evidence necessary to determine whether the benefit ofreduction in the rate of tax on any supply of goods or services or the benefit of input tax credit has been passed on to the recipient by way of commensurate reduction in prices.

(3) The Director General of Safeguards shall, before initiation of the investigation, issue a notice to the interested parties containing, *inter alia,* information on the following, namely:-

(a)the description of the goods or services in respect of which the proceedings have been initiated;

(b)summary of the statement of facts on which the allegations are based; and

(c)the time limit allowed to the interested parties and other persons who may have information related to the proceedings for furnishing their reply.

(4)The Director General of Safeguards may also issue notices to such other persons as deemed fit for a fair enquiry into the matter.

(5) The Director General of Safeguards shall make available the evidence presented to it by one interested party to the other interested parties, participating in the proceedings.

(6) The Director General of Safeguards shall complete the investigation within a period of [six]471 months of the receipt of the reference from the Standing Committee or within such extended period not exceeding a further period of three months for reasons to be recorded in writing [as may be allowed by the Authority]472 and, upon completion of the investigation, furnish to the Authority a report of its findings, along with the relevant records.

130. Confidentiality of information.- (1)Notwithstanding anything contained in sub-rules (3) and (5) of rule 129 and sub-rule (2) of rule 133, the provisions of section 11 of the Right to Information Act, 2005 (Central Act No. 22 of 2005), shall apply *mutatis mutandis* to the disclosure of any information which is provided on a confidential basis.

470Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

471Substituted for "three" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

472Substituted for "as allowed by the Standing Committee" vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018.

(2) The [Director General of Anti-profiteering]473 may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of the party providing such information, the said information cannot be summarised, such party may submit to the [Director General of Anti-profiteering]474a statement of reasons as to why summarisation is not possible.

131.Cooperation with other agencies or statutory authorities.- Where the [Director General of Anti-profiteering]475 deems fit, he may seek opinion of any other agency or statutory authorities in the discharge of his duties.

132.Power to summon persons to give evidence and produce documents.- (1)The [Authority][476][Director General of Anti-profiteering][477], or an officer authorised by him in this behalf, shall be deemed to be the proper officer to exercise the power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing under section 70 and shall have power in any inquiry in the same manner, as provided in the case of a civil court under the provisions of the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908).

(2) Every such inquiry referred to in sub-rule (1) shall be deemed to be a judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Central Act No 45 of 1860).

133.Order of the Authority.- (1)The Authority shall, within a period of [six][478]months from the date of the receipt of the report from the [Director General of Anti-profiteering][479] determine whether a registered person has passed on the benefit of the reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices.

(2) An opportunity of hearing shall be granted to the interested parties by the Authority where any request is received in writing from such interested parties.

[473]Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

[474]Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

[475]Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

[476]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[477]Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

[478]Substituted for "three" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[479]Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

[(2A)The Authority may seek the clarification, if any, from the Director General of Anti Profiteering on the report submitted under sub-rule (6) of rule 129 during the process of determination under sub-rule (1).]**480**

[(3) Where the Authority determines that a registered person has not passed on the benefit of the reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices, the Authority may order- (a) reduction in prices;

(b) return to the recipient, an amount equivalent to the amount not passed on by way of commensurate reduction in prices along with interest at the rate of eighteen per cent. from the date of collection of the higher amount till the date of the return of such amount or recovery of the amount including interest not returned, as the case may be;

(c) the deposit of an amount equivalent to fifty per cent. of the amount determined under the above clause[along with interest at the rate of eighteen per cent. from the date of collection of the higher amount till the date of deposit of such amount][481] in the Fund constituted under section 57 and the remaining fifty per cent. of the amount in the Fund constituted under section 57 of the Goods and Services Tax Act, 2017 of the concerned State, where the eligible person does not claim return of the amount or is not identifiable;

(d) imposition of penalty as specified under the Act; and

(e) cancellation of registration under the Act.

Explanation: For the purpose of this sub-rule, the expression, "concerned State" means the State[or Union Territory][482] in respect of which the Authority passes an order.][483]

[(4) If the report of the [Director General of Anti-profiteering][484]referred to in sub-rule (6) of rule 129 recommends that there is contravention or even non-contravention of the provisions

[480]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[481]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[482]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[483]Substituted vide notification no. F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018. Till then it read as follows:-(3) Where the Authority determines that a registered person has not passed on the benefit of the reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices, the Authority may order -

(a)reduction in prices;

(b)return to the recipient, an amount equivalent to the amount not passed on by way of commensurate reduction in prices along with interest at the rate of eighteen per cent. from the date of collection of the higher amount till the date of the return of such amount or recovery of the amount including interest not returned, as the case may be, in case the eligible person does not claim return of the amount or is not identifiable, and depositing the same in the Fund referred to in section 57;

(c)imposition of penalty as specified under the Act; and

(d)cancellation of registration under the Act.

of section 171 or these rules, but the Authority is of the opinion that further investigation or inquiry is called for in the matter, it may, for reasons to be recorded in writing, refer the matter to the [Director General of Anti-profiteering][485] to cause further investigation or inquiry in accordance with the provisions of the Act and these rules.][486]

[(5) (a) Notwithstanding anything contained in sub-rule (4), where upon receipt of the report of the Director General of Anti-profiteering referred to in sub-rule (6) of rule 129, the Authority has reasons to believe that there has been contravention of the provisions of section 171 in respect of goods or services or both other than those covered in the said report, it may, for reasons to be recorded in writing, within the time limit specified in sub-rule (1), direct the Director General of Anti-profiteering to cause investigation or inquiry with regard to such other goods or services or both, in accordance with the provisions of the Act and these rules.

(b) The investigation or enquiry under clause (a) shall be deemed to be a new investigation or enquiry and all the provisions of rule 129 shall mutatis mutandis apply to such investigation or enquiry.][487]

[~~**134. Decision to be taken by the majority**. (1) A minimum of three members of the Authority shall constitute quorum at its meetings.~~

~~(2) If the Members of the Authority differ in their opinion on any point, the point shall be decided according to the opinion of the majority of the members present and voting, and in the event of equality of votes, the Chairman shall have the second or casting vote.~~][488]][489]

135. Compliance by the registered person.- Any order passed by the Authority under these rules shall be immediately complied with by the registered person failing which action shall be initiated to recover the amount in accordance with the provisions of the Integrated Goods and Services Tax Act or the Central Goods and Services Tax Act or the Union territory Goods and

Services Tax Act or the State Goods and Services Tax Act of the respective States, as the case may be.

136. Monitoring of the order.- The Authority may require any authority of central tax, State tax or Union territory tax to monitor the implementation of the order passed by it.

[~~**137. Tenure of Authority.-** The tenure of the Authority shall be in accordance with the provisions of rule 137 of the Central Goods and Services Tax Rules, 2017.~~]**490**]491

484Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

485Substituted for "Director General of Safeguards" vide notification no. F.12 (46)FD/Tax/2017-Pt-III-64 dated 06.07.2018.

486Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018.

487Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

488 Substituted vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018. Till then it read as follows:- "**134. Decision to be taken by the majority**.- If the Members of the Authority differ in opinion on any point, the point shall be decided according to the opinion of the majority."

489 Omitted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022.

Explanation: For the purposes of this Chapter,-

(a) ["Authority" means the Authority notified under sub-section (2) of section 171 of the Central Goods and Services Tax Act, 2017;.]492

(b) "Committee" means the Standing Committee on Anti-profiteering constituted by the Council in terms of sub-rule (1) of rule 123 of these rules;

(c) "interested party" includes,-

(a)suppliers of goods or services under the proceedings;

(b)recipients of goods or services under the proceedings; and

(c)[any other person alleging, under sub-rule (1) of rule 128, that a registered person has not passed on the benefit of reduction in the rate of tax on any supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices.]493

(d)"Screening Committee" means the State level Screening Committee constituted in terms of sub-rule (2) of rule 123 of these rules.

490Substituted vide notification no. . F.12 (46)FD/Tax/2017-Pt-I-81 dated 30.08.2017. Till then it read as follows:- "**137.Tenure of Authority.-** The Authority shall cease to exist after the expiry of two years from the date on which the Chairman enters upon his office unless the Council recommends otherwise."

491 Omitted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022.

492Substituted vide notification no. F.12(15)FD/TAX/2022-77 dated 30.11.2022 wef 01.12.2022 for the words

(a) "Authority" means the National Anti-profiteering Authority constituted under rule 122;"

493Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018.

Chapter XVI

E-way Rules

[**138. Information to be furnished prior to commencement of movement of goods andgeneration of e-way bill.-** (1) Every registered person who causes movement of goods ofconsignment value exceeding fifty thousand rupees,-

(i) in relation to a supply; or

(ii) for reasons other than supply; or

(iii) due to inward supply from an unregistered person,

shall, before commencement of such movement, furnish information relating to the said goods as specified in PART-A of FORM GST EWB-01, electronically, on the common portal along with such other information as may be required on the common portal and a unique number will be generated on the said portal:

Provided that the transporter, on an authorization received from the registered person, may furnish information in PART-A of FORM GST EWB-01, electronically, on the common portal along with such other information as may be required on the common portal and a unique number will be generated on the said portal.

Provided further that where the goods to be transported are supplied through an e-commerce operator or a courier agency, on an authorization received from the consignor, the information in PART-A of FORM GST EWB-01 may be furnished by such e-commerce operator or courier agency and a unique number will be generated on the said portal.

Provided also that where goods are sent by a principal located in one State or Union territory to a job worker located in any other State or Union territory, the e-way bill shall be generated either by the principal or the job worker, if registered, irrespective of the value of the consignment.

Provided also that where handicraft goods are transported from one State or Union territory to another State or Union territory by a person who has been exempted from the requirement of obtaining registration under clauses (i) and (ii) of section 24, the e-way bill shall be generated by the said person irrespective of the value of the consignment.

[Explanation 1: For the purposes of this rule, the expression "handicraft goods" has the meaning as assigned to it in the notification No. F.12(56)FD/Tax/2017-Pt-II-124, dated the 23rd October, 2018,as amended from time to time.][494]

Explanation 2: For the purposes of this rule, the consignment value of goods shall bethe value, determined in accordance with the provisions of section 15, declared in an invoice, a bill of supply or a delivery challan, as the case may be,

[494]Substituted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018. Till then it read as:- "Explanation 1: For the purposes of this rule, the expression "handicraft goods" has the meaning as assigned to it in the notification number. F. 12(46) FD/ Tax/ 2017-Pt-II-86 dated the 15th September, 2017, as amended from time to time."

issued in respect of the said consignment and also includes the central tax, State or Union territory tax, integrated tax and cess charged, if any, in the document and shall exclude the value of exempt supply of goods where the invoice is issued in respect of both exempt and taxable supply of goods.

(2) Where the goods are transported by the registered person as a consignor or the recipient of supply as the consignee, whether in his own conveyance or a hired one or a public conveyance, by road, the said person shall generate the e-way bill in FORM GST EWB-01electronically on the common portal after furnishing information inPART-B of FORMGST EWB-01.

(2A) Where the goods are transported by railways or by air or vessel, the e-way bill shall be generated by the registered person, being the supplier or the recipient, who shall, either before or after the commencement of movement, furnish, on the common portal, the information in PART-B of FORM GST EWB-01**:**

Provided that where the goods are transported by railways, the railways shall not

deliver the goods unless the e-way bill required under these rules is produced at the time of delivery.

(3) Where the e-way bill is not generated under sub-rule (2) and the goods are handed over to a transporter for transportation by road, the registered person shall furnish the information relating to the transporter on the common portal and the e-way bill shall be generated by the transporter on the said portal on the basis of the information furnished by the registered person in PART-A of FORM GST EWB-01:

Provided that the registered person or, the transporter may, at his option, generate and carry the e-way bill even if the value of the consignment is less than fifty thousand rupees.

Provided further that where the movement is caused by an unregistered person either in his own conveyance or a hired one or through a transporter, he or the transporter may, at their option, generate the e-way bill in FORM GST EWB-01 on the common portal in the manner specified in this rule.

Provided also that where the goods are transported for a distance of upto fifty kilometers within the State or Union territory from the place of business of the consignor to the place of business of the transporter for further transportation, the supplier or the recipient, or as the case may be, the transporter may not furnish the details of conveyance in PART-B of FORM GST EWB-01.

[Provided also that an unregistered person required to generate e-way bill in FORM GST EWB-01 in terms of the fourth proviso to sub-rule (1) or an unregistered person opting to generate e-way bill in Form GST EWB-01, on the common portal, shall submit the details electronically on the common portal in FORM GST ENR- 03 either directly or through a Facilitation Centre notified by the Commissioner and, upon validation of the details so furnished, a unique enrolment number shall be generated and communicated to the said person.][495]

[495] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 .

Explanation 1:For the purposes of this sub-rule, where the goods are supplied by anunregistered supplier to a recipient who is registered, the movement shall be said to be caused by such recipient if the recipient is known at the time of commencement of the movement of goods.

Explanation 2: The e-way bill shall not be valid for movement of goods by roadunless the information in PART-B of FORM GST EWB-01 has been furnished except in the case of movements covered under the third proviso to sub-rule (3) and the proviso to sub-rule (5).

(4) Upon generation of the e-way bill on the common portal, a unique e-way bill number (EBN) shall be made available to the supplier, the recipient and the transporter on the common portal.

(5) Where the goods are transferred from one conveyance to another, the consignor or the recipient, who has provided information in PART-A of FORM GST EWB-01, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in the e-way bill on the common portal in PART-B of FORM GST EWB-01:

Provided that where the goods are transported for a distance of upto fifty kilometers within the State or Union territory from the place of business of the transporter finally to the place of business of the consignee, the details of the conveyance may not be updated in the e-way bill.

(5A) The consignor or the recipient, who has furnished the information in PART-A of FORM GST EWB-01, or the transporter, may assign the e-way bill number to another registered

orenrolled transporter for updating the information in PART-B of FORM GST EWB-01 for further movement of the consignment:

Provided that after the details of the conveyance have been updated by the transporter in PART-B of FORM GST EWB-01, the consignor or recipient, as the case may be, who has furnished the information in PART-A of FORM GST EWB-01 shall not be allowed to assign the e-way bill number to another transporter.

(6) After e-way bill has been generated in accordance with the provisions of sub-rule (1), where multiple consignments are intended to be transported in one conveyance, the transporter may indicate the serial number of e-way bills generated in respect of each such consignment electronically on the common portal and a consolidated e-way bill in FORM GST EWB-02maybe generated by him on the said common portal prior to the movement ofgoods.

(7) Where the consignor or the consignee has not generated the e-way bill in FORM GSTEWB-01 and the aggregate of the consignment value of goods carried in the conveyance is more than fifty thousand rupees, the transporter, except in case of transportation of goods by railways, air and vessel, shall, in respect of inter-State supply, generate the e-way bill in FORM GST EWB-01on the basis of invoice or bill of supply or delivery challan, as the case may be, andmay also generate a consolidated e-way bill in FORM GST EWB-02 on the common portal prior to the movement of goods:

Provided that where the goods to be transported are supplied through an e-commerce operator or a courier agency, the information in PART-A of FORM GST EWB-01 may be furnished by such e-commerce operator or courier agency.

(8) The information furnished in PART-A of FORM GST EWB-01 shall be made available to the registered supplier on the common portal who may utilize the same for furnishing the details in Form GSTR-1:

Provided that when the information has been furnished by an unregistered supplier or an unregistered recipient in FORM GST EWB-01, he shall be informed electronically, if the mobile number or the e-mail is available.

(9) Where an e-way bill has been generated under this rule**,** but goods are either not transported or are not transported as per the details furnished in the e-way bill, the e-way bill may be cancelled electronically on the common portal within twenty four hours of generation of the e-way bill:

Provided that an e-way bill can not be cancelled if it has been verified in transit in accordance with the provisions of rule 138B.

Provided further that the unique number generated under sub-rule (1) shall be valid for a period of fifteen days for updation of PART-B of FORM GST EWB-01**.**

(10) An e-way bill or a consolidated e-way bill generated under this rule shall be valid for the period as mentioned in column (3) of the Table below from the relevant date, for the distance, within the country, the goods have to be transported, as mentioned in column (2) of the said Table:-

Table

S. No.	**Distance**	**Validity period**
(1)	**(2)**	**(3)**

1.	Upto [200 km.][496]	One day in cases other than Over Dimensional Cargo[or multimodal shipment in which at least one leg involves transport by ship]
2.	For every [200 km.][498] or part thereof thereafter	One additional day other than Over Dimensional Cargo[or multimodal shipment in which at least one leg involves transport by ship]
3.	Upto 20 km	One day in case of Over Dimensional Cargo[or multimodal shipment in which at least one leg involves transport by ship][500]
4.	For every 20 km. or part thereof thereafter	One additional day in case of Over Dimensional Cargo[or multimodal shipment in which at least one leg involves transport by ship]

[496] Substituted wef 01.01.2021 for "100 Km." vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[497]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

[498] Substituted wef 01.01.2021 for "100 Km." vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020.

[499]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

Provided that the Commissioner may, on the recommendations of the Council, by notification, extend the validity period of an e-way bill for certain categories of goods as may be specified therein.

Provided further that where, under circumstances of an exceptional nature, including trans-shipment, the goods can not be transported within the validity period of the e-way bill,

the transporter may extend the validity period after updating the details in PART-B of FORM GST EWB-01, if required.

[Provided also that the validity of the e-way bill may be extended within eight hours from the time of its expiry.][502]

Explanation 1: For the purposes of this rule, the"relevant date"shall mean the date on whichthe e-way bill has been generated and the period of validity shall be counted from the time at which the e-way bill has been generated and each day shall be counted as the period expiring at midnight of the day

immediately following the date of generation of e-way bill.

Explanation 2: For the purposes of this rule, the expression "Over Dimensional Cargo" shall mean a cargo carried as a single indivisible unit and which exceeds

the dimensional limits prescribed in rule 93 of the Central Motor Vehicle Rules, 1989, made under the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988).

(11) The details of the e-way bill generated under this rule shall be made available to the,-

(a)supplier, if registered, where the information in PART-A of FORM GST EWB-01 has been furnished by the recipient or the transporter; or

(b)recipient, if registered, where the information in PART-A of FORM GSTEWB-01 has been furnished by the supplier or the transporter, on the common portal, and the supplier or the recipient, as the case may be, shall communicate his acceptance or rejection of the consignment covered by the e-way bill.

(12) Where the person to whom the information specified in sub-rule (11) has been made available does not communicate his acceptance or rejection within seventy two hours of the details being made available to him on the common portal, or the time of delivery of goods whichever is earlier, it shall be deemed that he has accepted the said details.

(13) The e-way bill generated under this rule or under rule 138 of the CentralGoods and Services Tax Rules or the Goods and Services Tax Rules of any State or Union territory shall be valid in the State.

500Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

501Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

502Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

(14) Notwithstanding anything contained in this rule, no e-way bill is required to be generated,-

(a)where the goods being transported are specified in Annexure;

(b)where the goods are being transported by a non-motorised conveyance;

(c)where the goods are being transported from the customs port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs;

(d)in respect of movement of such goods and within such areas in the State and for values not exceeding such amount as the Commissioner of State tax, in consultation with the Principal Chief Commissioner/Chief Commissioner of Central tax, may, subject to conditions that may be specified, notify;

(e)where the goods, other than de-oiled cake, being transported, are specified in the Schedule appended to to notification number F.12(56) FD/ Tax/ 2017-Pt.-I-41 dated the 29th June, 2017, as amended from time to time;

(f)where the goods being transported are alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas or aviation turbine fuel;

(g)where the supply of goods being transported is treated as no supply under Schedule III of the Act;

(h)where the goods are being transported,-

(i) under customs bond from an inland container depot or a container freight station to a customs port, airport, air cargo complex and land customs station, or from one customs station or customs port to another customs station or customs port, or

(ii) under customs supervision or under customs seal;

(i)where the goods being transported are transit cargo from or to Nepal or Bhutan; (j)where the goods being transported are exempt from tax under notification number F.12(56)FD/Tax/2017-Pt.I-57, dated 30th June 2017 and notification number. F.12(56)FD/Tax/2017-92 dated 21st September, 2017, as amended from time to time;

(k)any movement of goods caused by defence formation under Ministry of defence as a consignor or consignee;

(l)where the consignor of goods is the Central Government, Government of any State or a local authority for transport of goods by rail;

(m)where empty cargo containers are being transported; and

(n)where the goods are being transported upto a distance of twenty kilometers from the place of the business of the consignor to a weighbridge for weighment or from the weighbridge back to the place of the business of the said consignor subject to the condition that the movement of goods is accompanied by a delivery challan issued in accordance with rule 55.

(o)[where empty cylinders for packing of liquefied petroleum gas are being moved for reasons other than supply.][503]

Explanation: The facility of generation, cancellation, updation and assignment of e-way bill shall be madeavailable through SMS to the supplier, recipient and the

[503]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-II-51 dated 13.06.2018.

transporter, as the case may be.

ANNEXURE

[(See rule 138 (14)]

S. No.	**Description of Goods**
(1)	(2)
1.	Liquefied petroleum gas for supply to household and non domestic exempted category (NDEC) customers
2.	Kerosene oil sold under PDS
3.	Postal baggage transported by Department of Posts
4.	Natural or cultured pearls and precious or semi-precious stones; precious metals and metals clad with precious metal (Chapter 71)
5.	Jewellery, goldsmiths' and silversmiths' wares and other articles (Chapter 71) [excepting Imitation Jewellery (7117)][504]
6.	Currency
7.	Used personal and household effects
8.	Coral, unworked (0508) and worked coral (9601)

][505]

[138A. Documents and devices to be carried by a person-in-charge of a conveyance.-

(1) The person in charge of a conveyance shall carry,-

(a)the invoice or bill of supply or delivery challan, as the case may be; and

(b)a copy of the e-way bill in physical form or the e-way bill number in electronic form or mapped to a Radio Frequency Identification Device embedded on to the conveyance in such manner as may be notified by the Commissioner:

[504] Inserted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022.

505Substituted vide notification no. F.12(46)FD/Tax/2017-pt-III-202 dated 07.03.2018.

Provided that nothing contained in clause (b) of this sub-rule shall apply in case of movement of goods by rail or by air or vessel.

[Provided further that in case of imported goods, the person in charge of a conveyance shall also carry a copy of the bill of entry filed by the importer of such goods and shall indicate the number and date of the bill of entry in **Part A** of **FORM GST EWB-01**.]506

[(2) In case, invoice is issued in the manner prescribed under sub-rule (4) of rule 48, the Quick Response (QR) code having an embedded Invoice Reference Number (IRN) in it, may be produced electronically, for verification by the proper officer in lieu of the physical copy of such tax invoice.]507

(3) Where the registered person uploads the invoice under sub-rule (2), the information in PART-A of FORM GST EWB-01 shall be auto-populated by the common portal on the basis of the information furnished in FORM GST INV-1.

(4) The Commissioner may, by notification, require a class of transporters to obtain a unique Radio Frequency Identification Device and get the said device embedded on to the conveyance and map the e-way bill to the Radio Frequency Identification Device prior to the movement of goods.

(5) Notwithstanding anything contained in clause (b) of sub-rule (1), where circumstances so warrant, the Commissioner may, by notification, require the person-in-charge of the conveyance to carry the following documents instead of the e-way bill:-

(a) tax invoice or bill of supply or bill of entry; or

(b) a delivery challan, where the goods are transported for reasons other than by way of supply.

138B. Verification of documents and conveyances.- (1) The Commissioner or an officer empowered by him in this behalf may authorize the proper officer to intercept any conveyance to verify the e-way bill in physical or electronic form for all inter-State and intra-State movement of goods.

(2) The Commissioner shall get Radio Frequency Identification Device readers installed at places where the verification of movement of goods is required to be carried out and verification of movement of vehicles shall be done through such device readers where the e-way bill has been mapped with the said device.

506Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-92 dated 04.09.2018.

507 Substituted vide notification no. F.12(46)FD/Tax/2017-III-244 dated 06.10.2020. Till then it reads as follows:-" (2) A registered person may obtain an Invoice Reference Number from the common portal by uploading, on the said portal, a tax invoice issued by him in FORM GST INV-1 and produce the same for verification by the proper officer in lieu of the tax invoice and such number shall be valid for a period of thirty days from the date of uploading."

(3) The physical verification of conveyances shall be carried out by the proper officer as authorised by the Commissioner or an officer empowered by him in this behalf:

Provided that on receipt of specific information on evasion of tax, physical verification of a specific conveyance can also be carried out by any other officer after obtaining necessary approval of the Commissioner or an officer authorised by him in this behalf.

138C. Inspection and verification of goods.- (1) A summary report of every inspection of goods in transit shall be recorded online by the proper officer in Part A of FORM GST EWB-03 within

twenty four hours of inspection and the final report in Part B of FORM GST EWB-03 shall be recorded within three days of such inspection.

[Provided that where the circumstances so warrant, the Commissioner, or any other officer authorised by him, may, on sufficient cause being shown, extend the time for recording of the final report in Part B of **FORM EWB-03**, for a further period not exceeding three days.

Explanation.- The period of twenty four hours or, as the case may be, three days shall be counted from the midnight of the date on which the vehicle was intercepted.]508

(2) Where the physical verification of goods being transported on any conveyance has been done during transit at one place within the State or Union territory or in any other State or Union territory, no further physical verification of the said conveyance shall be carried out again in the State or Union territory, unless a specific information relating to evasion of tax is made available subsequently.

138D. Facility for uploading information regarding detention of vehicle.-Where a vehicle has been intercepted and detained for a period exceeding thirty minutes, the transporter may upload the said information in FORM GST EWB-04 on the common portal.]**509**

[Explanation: For the purposes of this Chapter, the expressions 'transported by railways', 'transportation of goods by railways', 'transport of goods by rail' and 'movement of goods by rail' does not include cases where leasing of parcel space by Railways takes place.]**510**

[138E. Restriction on furnishing of information in PART A of FORM GST EWB-01.- Notwithstanding anything contained in sub-rule (1) of rule 138, no person (including a consignor, consignee, transporter, an e-commerce operator or a courier agency) shall be allowed to furnish the information in **PART A** of **FORM GST EWB-01** [in respect of any outward movement of goods of a registered person, who, —]511

(a) being a person paying tax under section 10[or availing the benefit of notification no. F. 12(56) FD/ Tax/ 2017-Pt.-III-165 dated the 7th March, 2019]512,

508Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-53 dated 19.06.2018.

509Substituted vide notification no. F.12(46)FD/Tax/2017-pt-III-202 dated 07.03.2018.

510Inserted wef 01.04.2018 vide notification no. F.12(46)FD/Tax/2017-pt-II-206 dated 23.03.2018. 511 Substituted for "in respect of a registered person, whether as a supplier or a recipient, who,—" wef 18.05.2021 vide notification no. F.12(1)FD/Tax/2021-09 dated 24.05.2021.

512Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.

has not furnished the [statement in **FORM GST CMP-08**]513 for two consecutive [quarters]514;or

(b) being a person other than a person specified in clause (a), has not furnished the returns for a consecutive period of [two tax periods]515:

[(c) being a person other than a person specified in clause (a), has not furnished the statement of outward supplies for any two months or quarters, as the case may be.]516 [(d) being a person, whose registration has been suspended under the provisions of sub-rule (1) or sub-rule (2) or sub-rule (2A) of rule 21A.]517

Provided that the Commissioner may, [on receipt of an application from a registered person in **FORM GST EWB-05**,]518on sufficient cause being shown and for reasons to be recorded in writing, by order [in **FORM GST EWB-06**],519 allow furnishing of the said information in **PART A** of **FORM GST EWB 01**, subject to such conditions and restrictions as may be specified by him:

Provided further that no order rejecting the request of such person to furnish the information in **PART A** of **FORM GST EWB 01** under the first proviso shall be passed without affording the said person a reasonable opportunity of being heard:

Provided also that the permission granted or rejected by the Commissioner of State tax or Commissioner of Union territory tax shall be deemed to be granted or, as the case may be, rejected by the Commissioner.

[Provided also that the said restriction shall not apply during the period from the 20th day of March, 2020 till the 15th day of October, 2020 in case where the return in **FORM GSTR-3B** or the statement of outward supplies in **FORM GSTR-1** or the statement in **FORM GST CMP-08**, as the case may be, has not been furnished for the period February, 2020 to August, 2020.][520]

[Provided also that the said restriction shall not apply during the period from the1st day of May, 2021 till the 18th day of August, 2021, in case where the return in **FORM GSTR-3B** or the statement of outward supplies in **FORM GSTR-1** or the statement in **FORM GST CMP-08**, as the case may be, has not been furnished for the period March, 2021 to May, 2021.][521]

[513]Substituted for "returns" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019.
[514]Substituted for "tax periods" vide notification no. F.12(46)FD/Tax/2017-Pt.IV-20 dated 28.06.2019. [515]
Substituted for "two months" vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020 [516]
Inserted w.e.f. 11.01.2020 vide notification no. F.12(46)FD/Tax/2017-Pt.-V-111 dated 31.12.2019.
[517] Inserted vide notification no. F.12(46)FD/Tax/2017-III-264 dated 28.12.2020
[518]Inserted vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.
[519]Inserted vide notification no. F.12(46)FD/Tax/2017-IV-38 dated 18.07.2019.
[520] Inserted wef 20.03.2020 vide notification no. F.12(46)FD/Tax/2017-III-251 dated 20.10.2020.
[521] Inserted wef 01.05.2021 vide notification no. F.12(1)FD/Tax/2021-48 dated 01.09.2021

Explanation:– For the purposes of this rule, the expression "Commissioner" shall mean the jurisdictional Commissioner in respect of the persons specified in clauses (a) and (b).][522]

[522]Inserted vide notification no. F.12(46)FD/Tax/2017-Pt.-V-145 dated 31.12.2018.

Chapter – XVII

Inspection, Search and Seizure

139. Inspection, search and seizure.- (1) Where the proper officer not below the rank of a Joint Commissioner has reasons to believe that a place of business or any other place is to be visited for the purposes of inspection or search or, as the case may be, seizure in accordance with the provisions of section 67, he shall issue an authorisation in FORM GST INS-01authorising any other officer subordinate to him to conduct the inspection or search or, as the case may be, seizure of goods, documents, books or things liable to confiscation.

(2) Where any goods, documents, books or things are liable for seizure under sub-section (2) of section 67, the proper officer or an authorised officer shall make an order of seizure in FORM GST INS-02.

(3) The proper officer or an authorised officer may entrust upon the owner or the custodian of goods, from whose custody such goods or things are seized, the custody of such goods or things for safe upkeep and the said person shall not remove, part with, or otherwise deal with the goods or things except with the previous permission of such officer.

(4) Where it is not practicable to seize any such goods, the proper officer or the authorised officer may serve on the owner or the custodian of the goods, an order of prohibition in FORM GST

INS-03 that he shall not remove, part with, or otherwise deal with the goods except with the previous permission of such officer.

(5) The officer seizing the goods, documents, books or things shall prepare an inventory of such goods or documents or books or things containing, *interalia*, description, quantity or unit, make, mark or model, where applicable, and get it signed by the person from whom such goods or documents or books or things are seized.

140. Bond and security for release of seized goods.- (1)The seized goods may be released on a provisional basis upon execution of a bond for the value of the goods in FORM GST INS-04 and furnishing of a security in the form of a bank guarantee equivalent to the amount of applicable tax, interest and penalty payable.

Explanation: For the purposes of the rules under the provisions of this Chapter, the "applicable tax" shall include central tax and State tax or central tax and the Union territory tax, as the case may be and the cess, if any, payable under the Goods and Services Tax (Compensation to States) Act, 2017 (Central Act No. 15 of 2017).

(2) In case the person to whom the goods were released provisionally fails to produce the goods at the appointed date and place indicated by the proper officer, the security shall be encashed and adjusted against the tax, interest and penalty and fine, if any, payable in respect of such goods.

141. Procedure in respect of seized goods.- (1) Where the goods or things seized are of perishable or hazardous nature, and if the taxable person pays an amount equivalent to the market price of such goods or things or the amount of tax, interest and penalty that is or may become payable by the taxable person, whichever is lower, such goods or, as the case may be, things shall be released forthwith, by an order in FORM GST INS-05, on proof of payment.

(2) Where the taxable person fails to pay the amount referred to in sub-rule (1) in respect of the said goods or things, the [proper officer][523] may dispose of such goods or things and the amount realized thereby shall be adjusted against the tax, interest, penalty, or any other amount payable in respect of such goods or things.

[523] Substituted for "Commissioner" vide notification no. F.12(46)FD/Tax/2017-Pt.V-154 dated 30.03.2020.

CHAPTER - XVIII
DEMANDS AND RECOVERY

[**142. Notice and order for demand of amounts payable under the Act.-** (1) The proper officer shall serve, along with the

(a) notice issued under section 52 or section 73 or section 74 [or section 74A][524] or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130, a summary thereof electronically in **FORM GST DRC-01**, (b) statement under sub-section (3) of section 73 or sub-section (3) of section 74 [or sub-section (3) of section 74A][525], a summary thereof electronically in **FORM GST DRC-02**, specifying therein the details of the amount payable.

[(1A) The proper officer [may][526], before service of notice to the person chargeable with tax, interest and penalty, under sub-section (1) of Section 73 or sub-section (1) of Section 74 [or sub-section (1) of section 74A][527], as the case may be, [~~shall~~][528] communicate the details of any tax, interest and penalty as ascertained by the said officer, in **Part A** of **FORM GST DRC-01A.**][529]

(2) Where, before the service of notice or statement, the person chargeable with tax makes payment of the tax and interest in accordance with the provisions of sub-section (5) of section 73 [or clause (i) of sub-section (8) of section 74A, as the case may be, or tax, interest and penalty in

accordance with the provisions of sub-section (5) of section 74 or clause (i) of sub-section (9) of section 74A][530], or where any person makes payment of tax, interest, penalty or any other amount due in accordance with the provisions of the Act,[whether on his own ascertainment or, as communicated by the proper officer under sub-rule (1A),][531] [he shall inform the proper officer of such payment in FORM GST DRC-03 and an acknowledgement, in FORM GST DRC- 04 shall be made available to the person through the common portal electronically.][532]

[(2A) Where the person referred to in sub-rule (1A) has made partial payment of the amount communicated to him or desires to file any submissions against the proposed liability, he may make such submission in Part B of FORM GST DRC-01A[, and thereafter the proper officer may issue an intimation in Part-C of FORM GST DRC-01A, accepting the payment or the submissions or both, as the case may be, made by the said person][533].][534]

[524] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[525] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[526] Substituted for "shall" vide notification no. F.12(46)FD/Tax/2017-III-251 dated 20.10.2020 [527] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[528] Omitted vide notification no. F.12(46)FD/Tax/2017-III-251 dated 20.10.2020 [529] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[530] Substituted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024 for the words " or, as the case may be, tax, interest and penalty in accordance with the provisions of sub-section (5) of section 74".

[531] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[532] Substituted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. Till then it reads as follows:-"he shall inform the proper officer of such payment in **FORM GST DRC-03** and the proper officer shall issue an acknowledgement, accepting the payment made by the said person in **FORM GST DRC–04**"

[533] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

[534] Inserted vide notification no. F.12(46)FD/Tax/2017-Pt-III-76 dated 10.10.2019.

[(2B)Where an amount of tax, interest, penalty or any other amount payable by a person under section 52 or section 73 or section 74 [or section 74A][535] or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130, has been paid by the said person through an intimation in FORM GST DRC-03 under sub-rule (2), instead of crediting the said amount in the electronic liability register in FORM GST PMT -01 against the debit entry created for the said demand, the said person may file an application in FORM GST DRC-03A electronically on the common portal, and the amount so paid and intimated through FORM GST DRC-03 shall be credited in Electronic Liability Register in FORM GST PMT -01 against the debit entry created for the said demand, as if the said payment was made towards the said demand on the date of such intimation made through FORM GST DRC-03:

Provided that where an order in FORM GST DRC-05 has been issued in terms of sub-rule (3) concluding the proceedings, in respect of the payment of an amount in FORM GST DRC-03, an application in FORM GST DRC-03A cannot be filed by the said person in respect of the said payment.][536]

(3) [Where the person chargeable with tax makes payment of tax and interest under sub-section (8) of section 73 or under clause (ii) of sub-section (8) of section 74A, as the case may be, or tax, interest and penalty under sub-section (8) of section 74 or under clause (ii) of sub-section (9) of section 74A, as the case may be, within the period specified therein, or where the person concerned makes payment of the amount referred to in sub-section (I) of section 129 within seven days of the notice issued under subsection (3) of that Section but before the issuance of order under the said sub-section (3), he shall intimate the proper officer of such payment in FORM GST DRC-03 and the proper officer shall issue an intimation in FORM GST DRC-05 concluding the proceedings in respect of the said notice.][537]

(4) The representation referred to in sub-section (9) of section 73 or sub-section (9) of section 74 [or sub-section (6) of section 74A][538] or sub-section (3) of section 76 or the reply to any notice issued under any section whose summary has been uploaded electronically in **FORM GST DRC-01** under sub-rule (1) shall be furnished in **FORM GST DRC-06.** (5) A summary of the order issued under section 52 or section 62 or section 63 or section 64 or section 73 or section 74 [or section 74A][539] or section 75 or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130 shall be

[535] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[536] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024.

[537] Substituted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024 for the words " Where the person chargeable with tax makes payment of tax and interest under sub-section (8) of section 73 or, as the case may be, tax, interest and penalty under sub-section (8) of section 74 within thirty days of the service of a notice under sub-rule (1), or where the person concerned makes payment of the amount referred to in sub-section (1) of section 129 within [seven days of the notice issued under sub-section (3) of Section 129 but before the issuance of order under the said sub-section (3)][537] , he shall intimate the proper officer of such payment in **FORM GST DRC-03** and the [proper officer shall issue an intimation][537]in **FORM GST DRC-05** concluding the proceedings in respect of the said notice.".

[538] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

[539] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.

uploaded electronically in **FORM GST DRC-07**, specifying therein the amount of [tax, interest and penalty, as the case may be, payable by the person concerned][540].

(6) The order referred to in sub-rule (5) shall be treated as the notice for recovery. (7) Where a rectification of the order has been passed in accordance with the provisions of section 161 or where an order uploaded on the system has been withdrawn, a summary of the rectification order or of the withdrawal order shall be uploaded electronically by the proper officer in **FORM GST DRC-08**.][541]

[142A. Procedure for recovery of dues under existing laws. - (1) A summary of order issued under any of the existing laws creating demand of tax, interest, penalty, fee or any other dues which becomes recoverable consequent to proceedings launched under the existing law before, on or after the appointed day shall, unless recovered under that law, be recovered under the Act and may be uploaded in **FORM GST DRC-07A** electronically on the common portal for recovery under the Act and the demand of the order shall be posted in Part II of Electronic Liability Register in **FORM GST PMT-01**.

[540] Substituted for "tax, interest and penalty payable by the person chargeable with tax" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 w.e.f 01.01.2022.

[541] Inserted w.e.f. 01.04.2019 vide notification no. F.12(56)FD/Tax/2017-pt-IV-176 dated 29.03.2019. Till then it read as follows:- **"**142. Notice and order for demand of amounts payable under the Act.- **(1) The proper officer shall serve, along with the,-**

(a) notice under sub-section (1) of section 73 or sub-section (1) of section 74 or sub-section (2) of section 76, a summary thereof electronically in FORM GST DRC-01,

(b) statement under sub-section (3) of section 73 or sub-section (3) of section 74, a summary thereof electronically in FORM GST DRC-02,

specifying therein the details of the amount payable.

(2) Where, before the service of notice or statement, the person chargeable with tax makes payment of the tax and interest in accordance with the provisions of sub-section (5) of section 73 or, as the case may be, tax, interest and penalty in accordance with the provisions of sub-section (5) of section 74, he shall inform the proper officer of such payment in FORM GST DRC-03 and the proper officer shall issue an acknowledgement, accepting the payment made by the said person in FORM GST DRC–04.

(3) Where the person chargeable with tax makes payment of tax and interest under sub-section (8) of section 73 or, as the case may be, tax, interest and penalty under sub-section (8) of section 74 within thirty days of the service of a notice under sub-rule (1), he shall intimate the proper officer of such payment in FORM GSTDRC-03 and the proper officer shall issue an order in FORM GST DRC-05concluding the proceedings in respect of the said notice.

(4) The representation referred to in sub-section (9) of section 73 or sub-section (9) of section 74 or sub-section (3) of section 76 shall be in FORM GST DRC-06.

(5) A summary of the order issued under sub-section (9) of section 73 or sub-section (9) of section 74 or sub-section (12) of section 75 or sub-section (3) of section 76 or section 125 or section 129 or section 130 shall be uploaded electronically in FORM GST DRC-07, specifying therein the amount of tax, interest and penalty payable by the person chargeable with tax.

(6) The order referred to in sub-rule (5) shall be treated as the notice for recovery.

(7) Any rectification of the order, in accordance with the provisions of section 161, shall be made by the proper officer in FORM GST DRC-08.**"**

(2)Where the demand of an order uploaded under sub-rule (1) is rectified or modified or quashed in any proceedings, including in appeal, review or revision, or the recovery is made under the existing laws, a summary thereof shall be uploaded on the common portal in **FORM GST DRC-08A** and Part II of Electronic Liability Register in **FORM GST PMT-01** shall be updated accordingly.]542

[142B. Intimation of certain amounts liable to be recovered under section 79 of the Act.-

(1) Where, in accordance with section 75 read with rule 88C, or otherwise, any amount of tax or interest has become recoverable under section 79 and the same has remained unpaid, the proper officer shall intimate, electronically on the common portal, the details of the said amount in FORM GST DRC-01D, directing the person in default to pay the said amount, along with applicable interest, or, as the case may the amount of interest, within seven days of the date of the said intimation and the said amount shall be posted in Part-II of Electronic Liability Register in FORM GST PMT-01.

(2) The intimation referred to in sub-rule (1) shall be treated as the notice for recovery.

(3) Where any amount of tax or interest specified in the intimation referred to in sub-rule (1) remains unpaid on the expiry of the period specified in the said intimation, the proper officer shall proceed to recover the amount that remains unpaid in accordance with the provisions of rule 143 or rule 144 or rule 145 or rule 146 or rule 147 or rule 155 or rule 156 or rule 157 or rule 160.]543

143. Recovery by deduction from any money owed.- Where any amount payable by a person, hereafter referred to in this rule as "the defaulter", to the Government under any of the provisions of the Act or the rules made thereunder is not paid, the proper officer may require, in FORM GST DRC-09, a specified officer to deduct the amount from any money owing to such defaulter in accordance with the provisions of clause (a) of sub-section (1) of section 79.

Explanation: For the purposes of this rule, "specified officer" shall mean any officer of the Central Government or a State Government or the Government of a Union territory or a local authority, or of a Board or Corporation or a company owned or controlled, wholly or partly, by the Central Government or a State Government or the Government of a Union territory or a local authority.

542Inserted vide notification no. F.12(46)FD/Tax/2017-pt-II-127 dated 30.08.2018.

543Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 04-08-2023.

144. Recovery by sale of goods under the control of proper officer.- (1)Where any amount due from a defaulter is to be recovered by selling goods belonging to such person in accordance with the provisions of clause (b) of sub-section (1) of section 79, the proper officer shall prepare an inventory and estimate the market value of such goods and proceed to sell only so much of the goods as may be required for recovering the amount payable along with the administrative expenditure incurred on the recovery process.

(2) The said goods shall be sold through a process of auction, including e-auction, for which a notice shall be issued in FORM GST DRC-10 clearly indicating the goods to be sold and the purpose of sale.

(3) The last day for submission of bid or the date of auction shall not be earlier than fifteen days from the date of issue of the notice referred to in sub-rule (2):

Provided that where the goods are of perishable or hazardous nature or where the expenses of keeping them in custody are likely to exceed their value, the proper officer may sell them forthwith.

(4) The proper officer may specify the amount of pre-bid deposit to be furnished in the manner specified by such officer, to make the bidders eligible to participate in the auction, which may be returned to the unsuccessful bidders, forfeited in case the successful bidder fails to make the payment of the full amount, as the case may be.

(5) The proper officer shall issue a notice to the successful bidder in FORM GST DRC-11 requiring him to make the payment within a period of fifteen days from the date of auction. On payment of the full bid amount, the proper officer shall transfer the possession of the said goods to the successful bidder and issue a certificate in FORM GST DRC-12.

(6) Where the defaulter pays the amount under recovery, including any expenses incurred on the process of recovery, before the issue of the notice under sub-rule (2), the proper officer shall cancel the process of auction and release the goods.

(7) The proper officer shall cancel the process and proceed for re-auction where no bid is received or the auction is considered to be non-competitive due to lack of adequate participation or due to low bids.

[144A. Recovery of penalty by sale of goods or conveyance detained or seized in transit.- (1) Where the person transporting any goods or the owner of such goods fails to pay the amount of penalty under sub-section (1) of section 129 within fifteen days from the date of receipt of the copy of the order passed under sub-section (3) of the said section 129, the proper officer shall proceed for sale or disposal of the goods or conveyance so detained or seized by preparing an inventory and estimating the market value of such goods or conveyance:

Provided that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer.

(2) The said goods or conveyance shall be sold through a process of auction, including e-auction, for which a notice shall be issued in **FORM GST DRC-10** clearly indicating the goods or conveyance to be sold and the purpose of sale:

Provided that where the person transporting said goods or the owner of such goods pays the amount of penalty under sub-section (1) of section 129, including any expenses incurred in safe custody and handling of such goods or conveyance, after the time period mentioned in sub-rule (1) but before the issuance of notice under this sub-rule, the proper officer shall cancel the process of auction and release such goods or conveyance.

(3) The last day for submission of bid or the date of auction shall not be earlier than fifteen days from the date of issue of the notice referred to in sub-rule (2):

Provided that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer.

(4) The proper officer may specify the amount of pre-bid deposit to be furnished in the manner specified by such officer, to make the bidders eligible to participate in the auction, which may be returned to the unsuccessful bidders, forfeited in case the successful bidder fails to make the payment of the full amount, as the case may be.

(5) The proper officer shall issue a notice to the successful bidder in **FORM GST DRC-11** requiring him to make the payment within a period of fifteen days from the date of auction:

Provided that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer.

(6) On payment of the full bid amount, the proper officer shall transfer the possession and ownership of the said goods or conveyance to the successful bidder and issue a certificate in **FORM GST DRC-12**.

(7) The proper officer shall cancel the process and proceed for re-auction where no bid is received or the auction is considered to be non-competitive due to lack of adequate participation or due to low bids.

(8) Where an appeal has been filed by the person under the provisions of sub-section (1) read with sub-section (6) of section 107, the proceedings for recovery of penalty by sale of goods or conveyance detained or seized in transit under this rule shall be deemed to be stayed:

Provided that this sub-rule shall not be applicable in respect of goods of perishable or hazardous nature.][544]

[544] Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022.

145. Recovery from a third person.-(1)The proper officer may serve upon a person referred to in clause (c) of sub-section (1) of section 79, hereafter referred to in this rule as "the third person", a notice in FORM GST DRC-13 directing him to deposit the amount specified in the notice.

(2) Where the third person makes the payment of the amount specified in the notice issued under sub-rule (1), the proper officer shall issue a certificate in FORM GST DRC-14to the third person clearly indicating the details of the liability so discharged.

146. Recovery through execution of a decree, etc.- Where any amount is payable to the defaulter in the execution of a decree of a civil court for the payment of money or for sale in the enforcement of a mortgage or charge, the proper officer shall send a request in FORM GST DRC-15to the said court and the court shall, subject to the provisions of the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908), execute the attached decree, and credit the net proceeds for settlement of the amount recoverable.

147. Recovery by sale of movable or immovable property.- (1) The proper officer shall prepare a list of movable and immovable property belonging to the defaulter, estimate their value as per the prevalent market price and issue an order of attachment or distraint and a notice for sale in FORM GST DRC-16 prohibiting any transaction with regard to such movable and immovable property as may be required for the recovery of the amount due: Provided that the attachment

of any property in a debt not secured by a negotiable instrument, a share in a corporation, or other movable property not in the possession of the defaulter except for property deposited in, or in the custody of any Court, shall be attached in the manner provided in rule 151.

(2) The proper officer shall send a copy of the order of attachment or distraint to the concerned Revenue Authority or Transport Authority or any such Authority to place encumbrance on the said movable or immovable property, which shall be removed only on the written instructions from the proper officer to that effect.

(3) Where the property subject to the attachment or distraint under sub-rule (1) is,-

(a) an immovable property, the order of attachment or distraint shall be affixed on the said property and shall remain affixed till the confirmation of sale;

(b) a movable property, the proper officer shall seize the said property in accordance with the provisions of chapter XIV of the Act and the custody of the said property shall either be taken by the proper officer himself or an officer authorised by him.

(4) The property attached or distrained shall be sold through auction, including e-auction, for which a notice shall be issued in FORM GST DRC-17 clearly indicating the property to be sold and the purpose of sale.

(5) Notwithstanding anything contained in the provision of this Chapter, where the property to be sold is a negotiable instrument or a share in a corporation, the proper officer may, instead of selling it by public auction, sell such instrument or a share through a broker and the said broker shall deposit to the Government so much of the proceeds of such sale, reduced by

his commission, as may be required for the discharge of the amount under recovery and pay the amount remaining, if any, to the owner of such instrument or a share.

(6) The proper officer may specify the amount of pre-bid deposit to be furnished in the manner specified by such officer, to make the bidders eligible to participate in the auction, which may be returned to the unsuccessful bidders or, forfeited in case the successful bidder fails to make the payment of the full amount, as the case may be.

(7) The last day for the submission of the bid or the date of the auction shall not be earlier than fifteen days from the date of issue of the notice referred to in sub-rule (4):

Provided that where the goods are of perishable or hazardous nature or where the expenses of keeping them in custody are likely to exceed their value, the proper officer may sell them forthwith.

(8) Where any claim is preferred or any objection is raised with regard to the attachment or distraint of any property on the ground that such property is not liable to such attachment or distraint, the proper officer shall investigate the claim or objection and may postpone the sale for such time as he may deem fit.

(9) The person making the claim or objection must adduce evidence to show that on the date of the order issued under sub-rule (1) he had some interest in, or was in possession of, the property in question under attachment or distraint.

(10) Where, upon investigation, the proper officer is satisfied that, for the reason stated in the claim or objection, such property was not, on the said date, in the possession of the defaulter or of any other person on his behalf or that, being in the possession of the defaulter on the said date, it was in his possession, not on his own account or as his own property, but on account of or in trust for any other person, or partly on his own account and partly on account of some other person, the proper officer shall make an order releasing the property, wholly or to such extent as he thinks fit, from attachment or distraint.

(11) Where the proper officer is satisfied that the property was, on the said date, in the possession of the defaulter as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the proper officer shall reject the claim and proceed with the process of sale through auction.

(12) The proper officer shall issue a notice to the successful bidder in FORM GST DRC-11 requiring him to make the payment within a period of fifteen days from the date of such notice and after the said payment is made, he shall issue a certificate in FORM GST DRC-12 specifying the details of the property, date of transfer, the details of the bidder and the amount paid and upon issuance of such certificate, the rights, title and interest in the property shall be deemed to be transferred to such bidder:

Provided that where the highest bid is made by more than one person and one of them is a co-owner of the property, he shall be deemed to be the successful bidder.

(13) Any amount, including stamp duty, tax or fee payable in respect of the transfer of the property specified in sub-rule (12), shall be paid to the Government by the person to whom the title in such property is transferred.

(14) Where the defaulter pays the amount under recovery, including any expenses incurred on the process of recovery, before the issue of the notice under sub-rule (4), the proper officer shall cancel the process of auction and release the goods.

(15) The proper officer shall cancel the process and proceed for re-auction where no bid is received or the auction is considered to be non-competitive due to lack of adequate participation or due to low bids.

148. Prohibition against bidding or purchase by officer.- No officer or other person having any duty to perform in connection with any sale under the provisions of this Chapter shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

149. Prohibition against sale on holidays.- No sale under the rules under the provision of this chapter shall take place on a Sunday or other general holidays recognized by the Government or on any day which has been notified by the Government to be a holiday for the area in which the sale is to take place.

150. Assistance by police.- The proper officer may seek such assistance from the officer-in-charge of the jurisdictional police station as may be necessary in the discharge of his duties and the said officer-in-charge shall depute sufficient number of police officers for providing such assistance.

151. Attachment of debts and shares, etc.- (1) A debt not secured by a negotiable instrument, a share in a corporation, or other movable property not in the possession of the defaulter except for property deposited in, or in the custody of any court shall be attached by a written order in FORM GST DRC-16 prohibiting,-

(a) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof until the receipt of a further order from the proper officer;

(b) in the case of a share, the person in whose name the share may be standing from transferring the same or receiving any dividend thereon;

(c) in the case of any other movable property, the person in possession of the same from giving it to the defaulter.

(2) A copy of such order shall be affixed on some conspicuous part of the office of the proper officer, and another copy shall be sent, in the case of debt, to the debtor, and in the case of shares, to the registered address of the corporation and in the case of other movable property, to the person in possession of the same.

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(3) A debtor, prohibited under clause (a) of sub-rule (1), may pay the amount of his debt to the proper officer, and such payment shall be deemed as paid to the defaulter.

152. Attachment of property in custody of courts or Public Officer.- Where the property to be attached is in the custody of any court or Public Officer, the proper officer shall send the order of attachment to such court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held till the recovery of the amount payable.

153. Attachment of interest in partnership.- (1) Where the property to be attached consists of an interest of the defaulter, being a partner, in the partnership property, the proper officer may make an order charging the share of such partner in the partnership property and profits with payment of the amount due under the certificate, and may, by the same or subsequent order, appoint a receiver of the share of such partner in the profits, whether already declared or accruing, and of any other money which may become due to him in respect of the partnership, and direct accounts and enquiries and make an order for the sale of such interest or such other order as the circumstances of the case may require.

(2) The other partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.

[154. Disposal of proceeds of sale of goods or conveyance and movable or immovable property.–

(1) The amounts so realised from the sale of goods or conveyance, movable or immovable property, for the recovery of dues from a defaulter or for recovery of penalty payable under sub-section (3) of section 129 shall,-

(a) first, be appropriated against the administrative cost of the recovery process; (b) next, be appropriated against the amount to be recovered or to the payment of the penalty payable under sub-section (3) of section 129, as the case may be;

(c) next, be appropriated against any other amount due from the defaulter under the Act or the Integrated Goods and Services Tax Act, 2017 or the Union Territory Goods and Services Tax Act, 2017 or any of the State Goods and Services Tax Act, 2017 and the rules made thereunder; and

(d) the balance, if any, shall be credited to the electronic cash ledger of the owner of the goods or conveyance as the case may be, in case the person is registered under the Act, and where the said person is not required to be registered under the Act, the said amount shall be credited to the bank account of the person concerned;

(2)where it is not possible to pay the balance of sale proceeds, as per clause (d) of sub-rule (1), to the person concerned within a period of six months from the date of sale of

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such goods or conveyance or such further period as the proper officer may allow, such balance of sale proceeds shall be deposited with the Fund]545

155. Recovery through land revenue authority.- Where an amount is to be recovered in accordance with the provisions of clause (e) of sub-section (1) of section 79, the proper officer shall send a certificate to the Collector or Deputy Commissioner of the district or any other

officer authorised in this behalf in FORM GST DRC-18 to recover from the person concerned, the amount specified in the certificate as if it were an arrear of land revenue.

156. Recovery through court.- Where an amount is to be recovered as if it were a fine imposed under the Code of Criminal Procedure, 1973, the proper officer shall make an application before the appropriate Magistrate in accordance with the provisions of clause (f) of sub-section (1) of section 79 in FORM GST DRC-19 to recover from the person concerned, the amount specified thereunder as if it were a fine imposed by him.

157. Recovery from surety.- Where any person has become surety for the amount due by the defaulter, he may be proceeded against under this Chapter as if he were the defaulter.

158. Payment of tax and other amounts in instalments.- (1) On an application filed electronically by a taxable person, in FORM GST DRC-20,seeking extension of time for the payment of taxes or any amount due under the Act or for allowing payment of such taxes or amount in instalments in accordance with the provisions of section 80, the Commissioner shall call for a report from the jurisdictional officer about the financial ability of the taxable person to pay the said amount.

(2) Upon consideration of the request of the taxable person and the report of the jurisdictional officer, the Commissioner may issue an order in FORM GST DRC-21allowing the taxable person further time to make payment and/or to pay the amount in such monthly instalments, not exceeding twenty-four, as he may deem fit.

(3) The facility referred to in sub-rule (2) shall not be allowed where,-

545 Substituted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022. Till then it reads as follows:- "154. Disposal of proceeds of sale of goods and movable or immovable property.- **The amounts so realised from the sale of goods, movable or immovable property, for the recovery of dues from a defaulter shall,-**

(a) first, be appropriated against the administrative cost of the recovery process;

(b) next, be appropriated against the amount to be recovered;

(c) next, be appropriated against any other amount due from the defaulter under the Act or the Integrated Goods and Services Tax Act, 2017or the Union Territory Goods and Services Tax Act, 2017 or any of the State Goods and Services Tax Act, 2017 and the rules made thereunder; and

(d) any balance, be paid to the defaulter.

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(a) the taxable person has already defaulted on the payment of any amount under the Act or the Integrated Goods and Services Tax Act, 2017or the Union Territory Goods and Services Tax Act, 2017 or any of the State Goods and Services Tax Act, 2017,for which the recovery process is on;

(b) the taxable person has not been allowed to make payment in instalments in the preceding financial year under the Act or the Integrated Goods and Services Tax Act, 2017 or the Union Territory Goods and Services Tax Act, 2017 or any of the State Goods and Services Tax Act, 2017;

(c) the amount for which instalment facility is sought is less than twenty–five thousand rupees.

159. Provisional attachment of property.- (1) Where the Commissioner decides to attach any property, including bank account in accordance with the provisions of section 83, he shall pass an order in FORM GST DRC-22 to that effect mentioning therein, the details of property which is attached.

(2) The Commissioner shall send a copy of the order of attachment [in **FORM GST DRC-22]**[546] to the concerned Revenue Authority or Transport Authority or any such Authority to place encumbrance on the said movable or immovable property, which shall be removed only on the written instructions from the Commissioner to that effect [or on expiry of a period of one year from the date of issuance of order under sub-rule (1), whichever is earlier,][547][and a copy of such order shall also be sent to the person whose property is being attached under section 83][548].

(3) Where the property attached is of perishable or hazardous nature, [and if the person, whose property has been attached,][549] pays an amount equivalent to the market price of such property or the amount that is or may become payable [by such person][550], whichever is lower, then such property shall be released forthwith, by an order in FORM GST DRC-23, on proof of payment.

(4) Where [such person][551] fails to pay the amount referred to in sub-rule (3) in respect of the said property of perishable or hazardous nature, the Commissioner may dispose of such property and the amount realized thereby shall be adjusted against the tax, interest, penalty, fee or any other amount payable by [such person][552].

546 Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
547 Inserted vide notification no. F.12(11)FD/Tax/2023-Pt-I-61 dated 27.10.2023 wef 26.10.2023
548 Inserted vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
549 Substituted for "and if the taxable person" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
550 Substituted for "by the taxable person" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
551 Substituted for "the taxable person" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
552 Substituted for "the taxable person" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022

(5) Any person whose property is attached may [file an objection in **FORM GST DRC-22A]**[553] to the effect that the property attached was or is not liable to attachment, and the Commissioner may, after affording an opportunity of being heard to the person filing the objection, release the said property by an order in FORM GST DRC- 23.

(6) The Commissioner may, upon being satisfied that the property was, or is no longer liable for attachment, release such property by issuing an order in FORM GST DRC- 23.

160. Recovery from company in liquidation.- Where the company is under liquidation as specified in section 88, the Commissioner shall notify the liquidator for the recovery of any amount representing tax, interest, penalty or any other amount due under the Act in FORM GST DRC -24.

161. Continuation of certain recovery proceedings.- The [intimation or notice][554] for the reduction or enhancement of any demand under section 84 shall be issued in FORM GST DRC-25.

553 Substituted for "within seven days of the attachment under sub-rule (1), file an objection" vide notification no. F.12(1)FD/Tax/2021-90 dated 31.12.2021 wef 01.01.2022
554 Substituted vide notification no. F.12(15)FD/Tax/2022-86 dated 30-Dec-2022 for "order".

Chapter - XIX

Offences and Penalties

162. Procedure for compounding of offences.- (1) An applicant may, either before or after the institution of prosecution, make an application under sub-section (1) of section 138 in FORM GST CPD-01 to the Commissioner for compounding of an offence.

(2) On receipt of the application, the Commissioner shall call for a report from the concerned officer with reference to the particulars furnished in the application, or any other information, which may be considered relevant for the examination of such application.

(3)The Commissioner, after taking into account the contents of the said application, may, by order in FORM GST CPD-02, on being satisfied that the applicant [~~has co-operated in the proceedings before him and~~][555] has made full and true disclosure of facts relating to the case, allow the application indicating the compounding amount and grant him immunity from prosecution or reject such application within ninety days of the receipt of the application.

[(3A) The Chief Commissioner of State Tax shall determine the compounding amount under sub-rule (3) as per the Table below:-

S.No.	**Offence**	**Compounding amount if offence is punishable under clause (i) of sub-section (1) of section 132**	**Compounding amount if offence is punishable under clause (ii) of sub-section (1) of section 132**
(1)	(2)	(3)	(4)
1	Offence specified in clause (a) of sub-section (1) of section 132 of the Act	Up to seventy-five per cent of the amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken, subject to minimum of fifty per cent of such amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken.	Up to sixty per cent of the amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken, subject to minimum of forty per cent of such amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken.
2	Offence specified in clause (c) of sub-section (1) of section 132 of the Act		
3	Offence specified in clause (d) of sub-section (1) of section 132 of the Act		
4	Offence specified in clause (e) of sub-section (1) of section 132 of the Act		

555 Omitted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023.

5	Offence specified in clause (f) of sub-section (1) of section 132 of the Act	Amount equivalent to twenty-five per cent of tax evaded.	Amount equivalent to twenty-five per cent of tax evaded.
6	Offence specified in clause (h) of sub-section (1) of section 132 of the Act		
7	Offence specified in clause (i) of sub-section (1) of section 132 of the Act		

8	Attempt to commit the offences or abets the commission of offences mentioned in clause (a), (c) to (f) and clauses (h) and (i) of sub-section (1) of section 132 of the Act	Amount equivalent to twenty-five per cent of such amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken.	Amount equivalent to twenty-five per cent of such amount of tax evaded or the amount of input tax credit wrongly availed or utilised or the amount of refund wrongly taken.

Provided that where the offence committed by the person falls under more than one category specified in the Table above, the compounding amount, in such case, shall be the amount determined for the offence for which higher compounding amount has been prescribed.][556]

(4) The application shall not be decided under sub-rule (3) without affording an opportunity of being heard to the applicant and recording the grounds of such rejection.

(5) The application shall not be allowed unless the tax, interest and penalty liable to be paid have been paid in the case for which the application has been made.

(6) The applicant shall, within a period of thirty days from the date of the receipt of the order under sub-rule (3), pay the compounding amount as ordered by the Commissioner and shall furnish the proof of such payment to him.

(7) In case the applicant fails to pay the compounding amount within the time specified in sub-rule (6), the order made under sub-rule (3) shall be vitiated and be void.

(7) Immunity granted to a person under sub-rule (3) may, at any time, be withdrawn by the Commissioner, if he is satisfied that such person had, in the course of the compounding proceedings, concealed any material particulars or had given false evidence. Thereupon such person may be tried for the offence with respect to

[556] Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023.

which immunity was granted or for any other offence that appears to have been committed by him in connection with the compounding proceedings and the provisions the Act shall apply as if no such immunity had been granted.

[163. Consent based sharing of information.- (1) Where a registered person opts to share the information furnished in—

(a) FORM GST REG-01 as amended from time to time;
(b) return in FORM GSTR-3B for certain tax periods;
(c) FORM GSTR-1 [, as amended in FORM GSTR-1A if any,][557] for certain tax periods, pertaining to invoices, debit notes and credit notes issued by him, as amended from time to time,

with a system referred to in sub-section (1) of section 158A (hereinafter referred to as "requesting system"), the requesting system shall obtain the consent of the said registered person for sharing of such information and shall communicate the consent along with the details of the tax periods, where applicable, to the common portal.

(2)The registered person shall give his consent for sharing of information under clause (c) of sub-rule (1) only after he has obtained the consent of all the recipients, to whom he has issued the invoice, credit notes and debit notes during the said tax periods, for sharing such information with the requesting system and where he provides his consent, the consent of such recipients shall be deemed to have been obtained.

(3)The common portal shall communicate the information referred to in sub-rule (1) with the requesting system on receipt from the said system-

(a) the consent of the said registered person, and

(b) the details of the tax periods or the recipients, as the case may be, in respect of which the information is required.][558]

[**164. Procedure and conditions for closure of proceedings under section 128A in respect of demands issued under section 73.-** (1) Any person who is eligible for waiver of interest, or penalty, or both in respect of a notice or a statement mentioned in clause (a) of sub-section (I) of section 128A, may file an application electronically in **FORM GST SPL-01** on the common portal, providing the details of the said notice or the statement, as the case may be, along with the details of the payments made in **FORM GST DRC-03** towards the tax demanded.

(2) Any person who is eligible for waiver of interest, or penalty, or both, in respect of orders mentioned in clauses (b) and (c) of sub-section (1) of section 128A, may file an application

[557] Inserted vide notification no. F.12(1)FD/Tax/2024-88 dated 19.07.2024 wef. 10.07.2024. [558] Inserted vide notification no. F.12(11)FD/Tax/2023-37 dated 20.09.2023 wef 01-10-2023.

electronically in **FORM GST SPL-02** on the common portal, providing the details of the said order, along with the details of the payments made towards the tax demanded:

Provided that the payment towards such tax demanded shall be made only by crediting the amount in the electronic liability register against the debit entry created by the said order:

Provided further that if the payment towards such tax demanded has been made through FORM GST DRC-03, an application in FORM GST DRC-03A, as prescribed in sub-rule (28) of rule 142, shall be filed by the said person for credit of the said amount in the Electronic Liability Register against the debit entry created for the said demand, before filing the application in FORM GST SPL-02.

(3) Where the notice or statement or order mentioned in sub-section (1) of section 128A includes demand of tax, partially on account of erroneous refund and partially for other reasons, an application under sub-rule (1) or sub-rule (2) may be filed only after payment of the full amount of tax demanded in the said notice or statement or order, on or before the date notified under the said sub-section.

(4) Where the notice or statement or order mentioned in sub-section (1) of section 128A includes demand of tax, partially for the period mentioned in the said sub-section and partially for the period other than that mentioned in the said sub-section, an application under sub-rule (1) or sub-rule (2) may be filed only after payment of the full amount of tax [related to period mentioned in the said sub-section and][559] demanded in the said notice or statement or order, on or before the date notified under the said sub-section.

[Explanation, - No refund shall he available for any tax, interest, and penalty, which has already been discharged for the entire period, prior to the commencement of the Rajasthan Goods and Services Tax (Second Amendment) Rules, 2025, in cases where a notice or statement or order mentioned in sub-section (1) of section 128A, includes a demand of tax, partially for the period mentioned in the said sub-section and partially for a period other than mentioned in the said sub-section.][560]

(5) The amount payable under sub-rule (1) or sub-rule (2) shall be the amount that remains payable, after deducting the amount not payable in accordance with sub-section (5) or sub-section (6) of section 16, from the amount payable in terms of the notice or statement or order under section 73, as the case may be.

(6) Any person who wishes to file an application under sub-rule (1) or sub-rule (2), may do so within a period of three months from the date notified under sub-section (1) of section 128A:

Provided that where an application in FORM GST SPL-02 is to be filed in cases referred to in the first proviso to sub-section (1) of section 128A, the time limit for filing the

559 Inserted vide notification no. F.12(5)FD/Tax/2025-01, dated 17.04.2025, wef. 27.03.2025. 560 Inserted vide notification no. F.12(5)FD/Tax/2025-01, dated 17.04.2025, wef. 27.03.2025.

said application shall be six months from the date of communication of the order of the proper officer redetermining such tax under section 73.

(7) The application under sub-rule (1) or sub-rule (2) shall be accompanied by documents evidencing withdrawal of appeal or writ petition, if any, filed before any Appellate Authority, or Tribunal or Court, as the case may be, to establish that the applicant is eligible for the waiver of interest or penalty or both, in terms of section 128A:

Provided that where the applicant has filed an application for withdrawal of an appeal or writ petition filed before the Appellate Authority or Appellate Tribunal or a court, as the case may be, but the order for withdrawal has not been issued by the concerned authority till the date of filing of the application under sub-rule (I) or sub-rule (2), the applicant shall upload the copy of such application or document filed for withdrawal of the said appeal or writ petition along with the application under sub-rule (1) or sub-rule (2), and shall upload the copy of the order for withdrawal of the said appeal or writ petition on the common portal, within one month of the issuance of the said order for withdrawal by the concerned authority.

[Provided further that where the notice or statement or order mentioned in sub-section(1) of section 128A of the Act includes demand of tax, partially for the period mentioned in the said sub-section and partially for the period other than that mentioned in the said sub-section, the applicant instead of withdrawing the appeal, shall intimate the appellate authority or Appellate Tribunal that he does not wish to pursue the appeal for the period mentioned in the said sub-section and the relevant authority shall, after taking note of the said request, pass such order for the period other than that mentioned in the said sub-section, as he thinks just and proper.

Explanation,- For the removal of doubt, it is clarified that the appeal application shall be deemed to have been withdrawn to the extent of the said intimation for the period from the 1st July, 2017 to the 31st March, 2020 or part thereof, for the purpose of sub-clause (3) of section 128A.]561

FORM CST SPL-OI or FORM CST SPL-02 is liable to be rejected as not being eligible for waiver of interest, or penalty, or both, as per section 128A, he shall issue a notice on the common portal to the applicant in FORM CST SPL-03 within three months from the date of receipt of the said application and shall also give the applicant an opportunity of being heard.

(9) On receiving the notice under sub-rule (8), the applicant may file a reply to the said notice on the common portal in FORM GST SPL-Q4, within a period of one month from the date of receipt of the said notice.

(10) If the proper officer is satisfied that the applicant is eligible for waiver of interest and penalty as per section 128A, he shall issue an order in FORM GST SPL-OS on the common portal accepting the said application and concluding the proceedings under section 128A.

561 Inserted vide notification no. F.12(5)FD/Tax/2025-01 dated 17.04.2025 wef. 27.03.2025.

FORM CST SPL-OS is issued by the proper officer under sub-rule (10).-

(a) in respect of an application filed in FORM GST SPL-01 pertaining to a notice or statement referred to in clause (a) of sub-section (I) of section 128A, the summary of order in FORM GST ORC-07 as per sub-rule (5) of rule 142 shall of the required to be issued by the proper officer, in respect of the said notice or statement;

(b) in respect of an application filed in FORM GST SPL-02 pertaining to an order referred to in clause (b) or clause (c) of sub-section (1) of section 128A, the liability created in the part II of Electronic Liability Register, shall be modified accordingly.

(12) If the proper officer is not satisfied with the reply of the applicant, the proper officer shall issue an order in FORM GST SPL-07 rejecting the said application.

(13) (a) In cases where notice in FORM GST SPL-03 has not been issued, the proper officer shall issue the order under sub-rule (10) within a period of three months from the date of receipt of the application in FORM GST SPL-OI or FORM GST SPL-02, as the ease may be.

(b) In cases where notice in FORM GST SPL-03 has been issued, the proper officer shall issue the order in sub-rule (10) or sub-rule (12) within a period of-three months from the date of receipt of reply of the applicant in FORM GST SPL-04, or within a period of four months from the date of issuance of notice in FORM GST SPL-03 where no reply is received from the applicant.

Explanation.- For the purposes of this sub-rule. in cases referred to in the proviso to sub-rule (7), the time period from the date of filing of the application under sub-rule (1) or sub-rule (2) till the date of submission of the order for withdrawal of the appeal or the writ, as the case may be, shall not be included while calculating the time period under clause (a) or clause (b) of this sub-rule.

(14) If no order is issued by the proper officer within the time limit specified in sub-rule (13), then the application in FORM GST SPL-01 or FORM GST SPL-02, as the case may be, shall be deemed to be approved and the proceedings shall be deemed to be concluded.

(15) (a) In cases where no appeal is filed against the order in FORM OST SPL-07 within the time period specified in sub-section (1) of section 107, the original appeal, if any, filed by the applicant against the order mentioned in clause (b) or clause (c) of sub-section (1) of section 128A and withdrawn for filing the application in FORM GST SPL-02 in accordance with sub-section (3) of section l28A, shall be restored.

(b) In cases where an appeal is filed against the order in FORM OST SPL-07 for rejection of application for waiver of interest, or penalty, or both, if-

(i) the appellate authority has held that the proper officer has wrongly rejected the application for waiver of interest, or penalty, or both, in FORM GST SPL-07, the said appellate authority shall pass an order in FORM GST SPL-06 on the

common portal accepting the said application and concluding the proceedings under section 128A; or

(ii) the appellate authority has held that the proper officer has rightly rejected the application for waiver of interest, or penalty, or both, in FORM GST SPL-07, the original appeal, if any, filed by the applicant against the order mentioned in clause (b) or clause (c) of sub-section (1) of section I28A, and withdrawn for filing the application in FORM GST SPL-02 in accordance with sub-section (3) of section

128A, shall be restored, subject to condition that the applicant files an undertaking electronically on the portal in FORM GST SPL-08, within a period of three months from the date of issuance of the order by the appellate authority in FORM GST APL-04, that he has neither filed nor intends to file any appeal against the said order of the Appellate Authority.

(16) In cases where the taxpayer is required to pay an additional amount of tax liability as per the second proviso to sub-section (1) of section l28A, and such additional payment is not made within the time limit specified in the said proviso, the waiver of interest, or penalty, or both, under the said section as per the order issued in FORM GST SPL-05 or FORM GST SPL-06, if any, shall become void.

(17) In cases where the taxpayer is required to pay any amount of interest, or penalty. or both, in respect of any demand pertaining to erroneous refund or on account of demand pertaining to the period other than the period mentioned in sub-section (I) of section 128A, and the details of such amount have been mentioned in FORM GST SPL-05 or FORM GST SPL-06, the applicant shall pay the said amount of interest, or penalty, or both, within a period of three months from the date of issuance of the order in FORM GST SPL-05 or FORM GST SPL-06, as the case may be, and where the said amount is not paid within the said time period, the waiver of interest, or penalty, or both, under section 128A as per the order issued in FORM GST SPL-05 or FORM GST SPL-06, shall become void.

Explanation.- For the purposes of this rule, the proper officer for issuance of order under this rule,-

(a) in cases where the application for waiver of interest, or penalty, or both is made with respect to a notice or statement mentioned in clause (a) of sub-section (1) of section 128A, shall be the proper officer for issuance of order as per section 73; and

(b) in cases where the application for waiver of interest, or penalty, or both, is made with respect to an order mentioned in clause (b) or clause (c) of sub-section (1) of section 128A, shall be the proper officer referred to in section 79 of the Act.][562]

[562] Inserted vide notification no. F.12(1)FD/Tax/2024-106 dated 16.12.2024 wef. 01.11.2024.