

Contents

PAGE

1

INTRODUCTION TO GST REFUNDS

| | | |
|-------------|--|-----------|
| 1.1 | Introduction | <i>1</i> |
| 1.2 | Refund provision in GST Law | <i>1</i> |
| 1.3 | Scope of refund in GST Law | <i>4</i> |
| 1.4 | Provisions of Refund as per section 54 | <i>5</i> |
| 1.5 | Exhaustive list of refunds in GST | <i>12</i> |
| 1.6 | Functionalities available at the GST common portal [As on 28th August, 2021] | <i>14</i> |
| 1.7 | Refund options available at the GST common portal | <i>20</i> |
| 1.8 | Only one application for each category of refund during a single tax period | <i>21</i> |
| 1.9 | Refund of taxes paid under existing laws | <i>21</i> |
| 1.10 | Significance of relevant date for the purpose of refund | <i>26</i> |

2

REFUND PROCEDURES

| | | |
|------------|---|-----------|
| 2.1 | Application to be accompanied with documentary evidence | <i>37</i> |
| 2.2 | Declaration/certification | <i>40</i> |
| 2.3 | Processing of refund claim | <i>42</i> |
| 2.4 | Filing of application for claiming refund in GST RFD-01 | <i>44</i> |

| | PAGE |
|---|------|
| 2.5 Generation of Application Reference Number (ARN) | 50 |
| 2.6 Transfer of application from GST common portal to jurisdictional proper officer | 51 |
| 2.7 Assignment of application to the Centre or State | 51 |
| 2.8 Application deemed to be filed | 52 |
| 2.9 Refund application to be filed only after filing of all returns | 52 |
| 2.10 Periodicity of filing refund application | 53 |
| 2.11 Acknowledgement of the refund claim application | 55 |
| 2.11-1 Application relates to refund from Electronic Cash Ledger | 55 |
| 2.11-2 Application relates to refund other than from Electronic Cash Ledger | 55 |
| 2.12 Issuance of acknowledgement or deficiency memo | 57 |
| 2.13 Deficiencies in the refund application | 57 |
| 2.14 Processing of refund claim on account of zero-rated supply | 60 |
| 2.15 Order sanctioning refund | 66 |
| 2.16 Withholding of refund claim/deduction of dues from the refund claim | 72 |
| 2.17 Issuance of show cause notice, reply and order | 75 |
| 2.18 Issue of refund order | 76 |
| 2.19 No refund if refund claim amount is less than INR 1000 | 82 |
| 2.20 Withdrawal of refund application | 82 |
| 2.21 Order sanctioning interest on delayed refunds | 83 |
| 2.22 Consumer Welfare Fund | 87 |
| 2.23 Shift from manual filing & processing of application to the online filing & processing | 90 |
| 2.24 Claim for refund filed by an Input Service Distributor, a person paying tax under section 10 or a non-resident taxable person | 102 |
| 2.25 Nil refund application | 103 |
| 2.26 Re-credit in the electronic credit ledger where the taxpayer deposits the erroneous refund sanctioned to him | 105 |
| 2.27 Procedure relating to sanction, post-audit and review of refund claims | 107 |

3

EXCESS PAYMENT OF TAX DUE TO MISTAKE OR INADVERTENCE

| | | |
|------------|---|------------|
| 3.1 | Excess payment of tax, if any | <i>117</i> |
| 3.2 | Time limit for making application | <i>121</i> |
| 3.3 | Relevant date | <i>121</i> |
| 3.4 | Documentary evidence | <i>121</i> |
| 3.5 | Procedure for filing an application for refund of excess payment of tax | <i>121</i> |

4

EXCESS BALANCE IN ELECTRONIC CASH LEDGER

| | | |
|------------|--|------------|
| 4.1 | Excess balance in electronic cash ledger | <i>125</i> |
| 4.2 | Time limit for making application | <i>127</i> |
| 4.3 | Documentary evidence | <i>127</i> |
| 4.4 | Procedure for filing an application for refund of excess balance in electronic cash ledger | <i>127</i> |
| 4.5 | Transfer of Tax/Interest/Penalty/Fee/Any other amount in the electronic cash ledger under CGST Act to electronic cash ledger of another Acts | <i>131</i> |
| 4.6 | Refund of amount deposited in the electronic cash ledger by the IRP/RP | <i>132</i> |

5

EXPORT AND IMPORT PROCEDURES

| | | |
|--------------|---|------------|
| 5.1 | Zero rated supply | <i>133</i> |
| 5.2 | Export of goods and/or services | <i>135</i> |
| 5.2-1 | Exports can be of goods and/or services | <i>135</i> |
| 5.2-2 | Realization of export proceeds in Indian Rupee | <i>140</i> |
| 5.2-3 | Meaning of India in the context of GST | <i>142</i> |
| 5.2-4 | State in the context of GST | <i>143</i> |
| 5.2-5 | Tax treatment by the exporter of services outsources a portion of the services contract to another person located outside India | <i>144</i> |

| | PAGE |
|--|------|
| 5.2-6 Clarification on doubts related to supply of Information Technology enabled Services (ITeS) | 145 |
| 5.2-7 Clarification regarding supply of Information Technology enabled Services | 148 |
| 5.2-8 Clarification in respect of goods sent/taken out of India for exhibition or on consignment basis for export promotion | 148 |
| 5.2-9 Exports by Posts | 153 |
| 5.3 Documents for export of taxable and/or exempted supplies | 154 |
| 5.4 GSTIN/PAN/UIN mandatory information in Shipping Bill | 155 |
| 5.5 Ways of export | 155 |
| 5.5-1 On payment of IGST which can be claimed as refund after the goods have been exported | 155 |
| 5.5-2 Under bond or Letter of Undertaking (LUT) without payment of IGST | 156 |
| 5.6 Possible scenarios of refund in case of exports | 163 |
| 5.7 Done away with ARE 1/ARE 2 | 164 |
| 5.8 GST on duty credit scrips | 164 |
| 5.9 Export of goods to Nepal and Bhutan | 166 |
| 5.10 Details required to be furnished in GSTR-1 by the Exporters | 167 |
| 5.11 Status of Export Oriented Unit (EOU) Scheme | 169 |
| 5.12 Imports | 174 |
| 5.12-1 Taxability of imports under GST | 174 |
| 5.12-2 Applicability of IGST/GST on goods transferred/sold WHILE BEING DEPOSITED in a customs bonded warehouse | 175 |
| 5.12-3 Treatment of high seas sales in GST | 178 |
| 5.12-4 Treatment of import of goods and services by SEZs in GST | 179 |
| 5.12-5 Treatment of import of services in GST | 179 |

6

EXPORT OF GOODS AND/OR SERVICES ON PAYMENT OF IGST

| | |
|--------------------------------------|-----|
| 6.1 Processing of IGST refund | 183 |
|--------------------------------------|-----|

| | PAGE |
|---|------|
| 6.2 Export on payment of IGST | 189 |
| 6.2-1 Refund of IGST paid on exports of goods | 189 |
| 6.2-2 Refund of IGST paid on exports of services | 244 |

7

EXPORT UNDER BOND OR LETTER OF UNDERTAKING

| | |
|--|-----|
| 7.1 Export under Bond or Letter of Undertaking | 264 |
| 7.1-1 Refund of tax paid on exports of goods under Bond or Letter of Undertaking | 304 |
| 7.1-2 Refund of tax paid on exports of SERVICES under Bond or Letter of Undertaking | 321 |
| 7.2 Procedure to file an application for refund of Input Tax Credit accumulated on account of exports of goods or services without payment of tax | 326 |

8

DEEMED EXPORTS

| | |
|--|-----|
| 8.1 Deemed exports | 335 |
| 8.2 Deemed exports only in case of supply of goods | 335 |
| 8.3 Recommendation of GST Council to consider transactions as deemed exports | 335 |
| 8.4 Supplies notified as deemed exports | 336 |
| 8.5 Furnishing details of deemed exports in the GST return | 337 |
| 8.6 Claim of refund in case of deemed exports | 337 |
| 8.7 Claim of refund by the recipient | 338 |
| 8.8 Claim of refund by the supplier | 338 |
| 8.9 Time limit for making application | 344 |
| 8.10 Relevant date | 344 |
| 8.11 Documentary evidence | 344 |
| 8.12 Procedure to file an application for refund as a recipient of deemed exports | 345 |
| 8.13 Procedure to file an application for refund as a supplier of deemed exports | 351 |

9

SEZ REFUND PROCEDURES

| | | |
|--------------|--|-----|
| 9.1 | Outward supplies made to SEZ units/developers | 357 |
| 9.2 | Outward supplies made by SEZ units/developers | 359 |
| 9.3 | Supply to SEZ unit/developer as Zero-rated supply | 362 |
| 9.4 | Two options to make supply to SEZ Unit/Developer | 364 |
| 9.5 | Refund in respect of supply of goods and/or services to SEZ unit/developer | 365 |
| 9.6 | Supply on payment of IGST | 365 |
| 9.6-1 | Procedure to file an application for refund on account of supply of goods or services to SEZ unit/developer with payment of tax | 371 |
| 9.7 | Supply to SEZ unit/developer under Bond or Letter of Undertaking | 377 |
| 9.7-1 | Procedure to file an application for refund on account of supply of goods or services to SEZ unit/developer without payment of tax | 391 |

10

INVERTED TAX STRUCTURE

| | | |
|-------------|---|-----|
| 10.1 | Credit accumulation due to inverted tax structure | 397 |
| 10.2 | Formula for calculation of refund amount in case of inverted tax structure | 412 |
| 10.3 | Pre-requisite for claiming refund of accumulated ITC | 431 |
| 10.4 | Supplies to Merchant Exporters | 431 |
| 10.5 | Time limit for making application | 436 |
| 10.6 | Relevant date | 436 |
| 10.7 | Procedure to file an application for refund of input tax credit accumulated on account of Inverted duty structure | 440 |

11

ASSESSMENT, PROVISIONAL ASSESSMENT - FINALIZATION OF PROVISIONAL ASSESSMENT, APPEAL AND ANY OTHER ORDER

| | | |
|------|--|-----|
| 11.1 | On type of Order Assessment, Provisional Assessment - Finalization of provisional assessment, appeal and any other Order | 450 |
| 11.2 | Time Limit for making application | 453 |
| 11.3 | Relevant Date | 453 |
| 11.4 | Documentary Evidence | 453 |
| 11.5 | Procedure to file an application for refund on account of Assessment/Provisional Assessment/Appeal/Any other order | 455 |

12

PURCHASES MADE BY EMBASSIES OR UNBODIES OR PERSONS NOTIFIED UNDER SECTION 55

| | | |
|------|--|-----|
| 12.1 | Introduction for persons holding Unique Identification Number (UIN) | 458 |
| 12.2 | Status of registration for UIN's | 458 |
| 12.3 | Filing of return by UIN agencies | 459 |
| 12.4 | Refund of tax payment on inward supplies made by specialized agency, etc. | 459 |
| 12.5 | Application for claim of refund | 462 |
| 12.6 | Manual submission of GST RFD-10 Form | 467 |
| 12.7 | Procedure to claim refund under section 54(2) i.e. by Embassies, International Organisations, etc. | 468 |
| 12.8 | Refund in case of canteen stores department under Ministry of Defence | 471 |

13

MISCELLANEOUS REFUNDS

| | | |
|------|--|-----|
| 13.1 | Refund in case of International Tourists | 476 |
| 13.2 | Refund in other cases | 477 |

| | PAGE |
|---|------|
| 13.3 Refund in case of casual taxable person or non-resident taxable person | 485 |
| 13.4 Refund in case of duty free shops | 486 |
| 13.5 Mechanism for filing of refund claim by the taxpayers registered in erstwhile Union Territory of Daman & Diu for period prior to merger with U.T. of Dadra & Nagar Haveli | 500 |
| 13.6 Refund by unregistered persons | 501 |
| 13.7 Miscellaneous refunds | 505 |

14

SCHEME OF BUDGETARY SUPPORT (REFUND)

| | |
|---|-----|
| 14.1 Background | 506 |
| 14.2 Budgetary support scheme by Central Government | 507 |
| 14.3 Determination of the amount of budgetary support | 510 |
| 14.4 Inspection of the eligible unit | 513 |
| 14.5 Manner of budgetary support | 513 |
| 14.6 Procedure for manual disbursement of budgetary support | 514 |
| 14.7 Procedure for online registration and online filing of claims for disbursement of budgetary support | 520 |
| 14.8 Budgetary scheme provisions | 522 |
| 14.9 Affidavit- <i>cum</i> -indemnity bond | 523 |
| 14.10 Budgetary support scheme by State of Jammu and Kashmir | 524 |
| 14.11 GST perspective of New Central Sector Scheme for Industrial Development of Jammu & Kashmir | 532 |