

## Payment of tax, interest, penalty and other amounts

### 49. <sup>[1]</sup> **Payment of tax, interest, penalty and other amounts** <sup>[2]</sup>     .

(1) Every deposit made towards tax, interest, penalty, fee or any other amount by a person by internet banking or by using credit or debit cards or National Electronic Fund Transfer or Real Time Gross Settlement or by such other mode and subject to such conditions and restrictions as may be prescribed, shall be credited to the electronic cash ledger of

such person to be maintained in such manner as may be prescribed <sup>[3]</sup>     .

(2) The input tax credit as self-assessed in the return of a registered person shall be credited to his electronic credit ledger, in accordance with [section 41 [or Section 43A] <sup>[4]</sup>     ], to be maintained in such manner as may be prescribed.

(3) The amount available in the electronic cash ledger may be used for making any payment towards tax, interest, penalty, fees or any other amount payable under the provisions of this Act or the rules made thereunder in such manner and subject to such conditions and within such time as may be prescribed <sup>[5]</sup>     .

(4) The amount available in the electronic credit ledger may be used for making any payment towards output tax under this Act or under the Integrated Goods and Services Tax Act in such manner and subject to such conditions and within such time as may be prescribed <sup>[6]</sup>     .

(5) The amount of input tax credit available in the electronic credit ledger of the registered person on account of—

a. 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 as the case may be, Union territory tax, in that order;

b. the central tax shall first be utilised towards payment of central tax and the amount remaining, if any, may be utilised towards the payment of integrated tax;

c. the State tax shall first be utilised towards payment of State tax and the amount remaining, if any, may be utilised towards payment of integrated tax;

*[Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;]* <sup>[7]</sup>     

d. the Union territory tax shall first be utilised towards payment of Union territory tax and the amount remaining, if any, may be utilised towards payment of integrated tax;

*Provided that the input tax credit on account of Union territory tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;]* <sup>[8]</sup>     

e. the central tax shall not be utilised towards payment of State tax or Union territory tax; and

f. the State tax or Union territory tax shall not be utilised towards payment of central tax.

(6) The balance in the electronic cash ledger or electronic credit ledger after payment of tax, interest, penalty, fee or any other amount payable under this Act or the rules made thereunder may be refunded in accordance with the provisions of section 54.

(7) All liabilities of a taxable person under this Act shall be recorded and maintained in an electronic liability register in such manner as may be prescribed <sup>[9]</sup>     .

(8) Every taxable person shall discharge his tax and other dues under this Act or the rules made thereunder in the following order, namely:—

a. self-assessed tax, and other dues related to returns of previous tax periods;

b. self-assessed tax, and other dues related to the return of the current tax period;

c. any other amount payable under this Act or the rules made thereunder including the demand determined under

section 73 or section 74;

(9) Every person who has paid the tax on goods or services or both under this Act shall, unless the contrary is proved by him, be deemed to have passed on the full incidence of such tax to the recipient of such goods or services or both.

[(10) 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 this Act, to the electronic cash ledger for integrated tax, central tax, State tax, Union territory tax or cess, in such form and manner and subject to such conditions and restrictions as may be prescribed and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act.

(11) Where any amount has been transferred to the electronic cash ledger under this Act, the same shall be deemed to be deposited in the said ledger as provided in sub-section (1).]<sup>[10]</sup>

Explanation.—For the purposes of this section,—

- a. the date of credit to the account of the Government in the authorised bank shall be deemed to be the date of deposit in the electronic cash ledger;
- b. the expression,—
  - i. “tax dues” means the tax payable under this Act and does not include interest, fee and penalty; and
  - ii. “other dues” means interest, penalty, fee or any other amount payable under this Act or the rules made thereunder.

#### <sup>[11]</sup> 49A. Utilisation of input tax credit subject to certain conditions

Notwithstanding anything contained in section 49, 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 towards such payment.

#### <sup>[12]</sup> 49B. Order of utilisation of input tax credit.

Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, central tax, State tax or Union territory tax, as the case may be, towards payment of any such tax.<sup>[13]</sup>

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[1] Enforced with effect from 1.7.2017.

[2] Refer Not. No. 13/2019, dt. 7.3.2019,

[3] Refer rule 87 of the CGST Rules, 2017.

[4] Inserted vide CGST Amendment Act, 2018 with effect from a date to be notified by Central Government.

[5]

\_\_\_ Refer rule 86 of the CGST Rules, 2017.

[6]

\_\_\_ Refer rule 85 of the CGST Rules, 2017.

[7]

\_\_\_ Inserted vide CGST Amendment Act, 2018 with effect from 01.02.2019 vide CGST Not. No. 02/2019 dt. 29.01.2019.

[8]

\_\_\_ Inserted vide CGST Amendment Act, 2018 with effect from 01.02.2019 vide CGST Not. No. 02/2019 dt. 29.01.2019.

[9]

\_\_\_ Refer rule 85 of the CGST Rules, 2017.

[10]

\_\_\_ Inserted vide The Finance (No.2) Bill, 2019, with effect from the date yet to be notified.

[11]

\_\_\_ Inserted by CGST (Amendment) Act, 2018, w.e.f. 1-2-2019.

[12]

\_\_\_ Refer rule 88A.

[13]

\_\_\_ Inserted vide CGST Amendment Act, 2018 with effect from 01.02.2019 vide CGST Not. No. 02/2019 dt. 29.01.2019.