

## Refunds by UINs

### **Q 97. Which are the class of persons entitled for refund of GST paid on inward supplies?**

Ans. The Central Government has issued Notification No. 16/2017-Central Tax (Rate) dated 28th June 2017, where-under the following entities have been specified for the purposes of Section 55 of the CGST Act.

- (i) United Nations or a specified international organisation; and
- (ii) Foreign diplomatic mission or consular post in India, or diplomatic agents or career consular officers posted therein

### **Q 98. How can UN bodies claim refund of GST paid on their inward supplies?**

Ans. The procedure for filing a refund application by UN bodies has been outlined under Rule 95 of the CGST Rules. The process has been further clarified vide Circular No. 36/10/2018-GST dated 13.03.2018 and Circular No. 43/17/2018-GST dated 13.04.2018.

### **Q 99. Who will process the claims for refund filed by UN bodies/Embassies etc?**

Ans. All the entities claiming refund have to submit the duly filled in print out of FORM RFD-10 to the jurisdictional Central Tax Commissionerate along with statement of inward invoices in FORM GSTR-11. All refund claims shall be processed and sanctioned by respective Central Tax offices. In order to facilitate processing of refund claims of UIN entities, a nodal officer has been designated in each State. Application for refund claim may be submitted before the designated Central Tax nodal officers in the State in which the UIN has been obtained.

### **Q 100. Are there any conditions prescribed in notification no.16/2017-Central Tax (Rate) dated 28.06.2017?**

Ans. Yes. The notification prescribes the following conditions

- (a) United Nations or a specified international organisation shall be entitled to claim refund of central tax paid on the supplies of goods or services or both received by them subject to a certificate from United Nations or that specified international organisation that the goods and services have been used or are intended to be used for official use of the United Nations or the specified international organisation.
- (b) Foreign diplomatic mission or consular post in India, or diplomatic agents or career consular officers posted therein shall be entitled to claim refund of central tax paid on the supplies of goods or services or both received by them subject to, -
  - (i) that the foreign diplomatic mission or consular post in India, or diplomatic agents or career consular officers posted therein, are entitled to refund of central tax, as stipulated in

the certificate issued by the Protocol Division of the Ministry of External Affairs, based on the principle of reciprocity;

(ii) that in case of supply of services, the head of the foreign diplomatic mission or consular post, or any person of such mission or post authorised by him, shall furnish an undertaking in original, signed by him or the authorised person, stating that the supply of services received are for official purpose of the said foreign diplomatic mission or consular post; or for personal use of the said diplomatic agent or career consular officer or members of his/her family;

(iii) that in case of supply of goods, concerned diplomatic mission or consulate or an officer duly authorized by him will produce a certificate that,—

(I) the goods have been put to use, or are in the use, as the case may be, of the mission or consulate;

(II) the goods will not be supplied further or otherwise disposed of before the expiry of three years from the date of receipt of the goods; and

(III) in the event of non-compliance of clause (I), the diplomatic or consular mission will pay back the refund amount paid to them;

(iv) in case the Protocol Division of the Ministry of External Affairs, after having issued a certificate to any foreign diplomatic mission or consular post in India, decides to withdraw the same subsequently, it shall communicate the withdrawal of such certificate to the foreign diplomatic mission or consular post;

(v) the refund of the whole of the central tax granted to the foreign diplomatic mission or consular post in India for official purpose or for the personal use or use of their family members shall not be available from the date of withdrawal of such certificate.

#### **Q 101. What is the procedure for filing of refund applications by UIN agencies?**

Ans. The procedure for filing a refund application has been outlined under Rule 95 of the CGST Rules which provides for filing of refund on quarterly basis in FORM RFD-10 along with a statement of inward invoices in FORM GSTR-11. The Board vide circular no.36/10/2018-GST dated 13.03.2018 has clarified that FORM GSTR-11 along with FORM GST RFD-10 has to be filed separately for each of those quarters for which refund claim is being filed. The Board has also clarified that all the entities claiming refund shall submit the duly filled in print out of FORM RFD-10 to the jurisdictional Central Tax Commissionerate.

#### **Q 102. How will the refund claims of UIN agencies be processed?**

Ans. All refund claims shall be processed and sanctioned by respective Central Tax offices. In order to facilitate processing of refund claims of UIN entities, a nodal officer has been designated in each State details of whom are given in Annexure A (of circular 36/10/2018-

GST dated 13.03.2018). Application for refund claim may be submitted before the designated Central Tax nodal officers in the State in which the UIN has been obtained. There may be cases where multiple UINs existed for the same entity but were later merged into one single UIN. In such cases, field formations are requested to process refund claims for earlier unmerged UINs also. Hence, the refund application will be made with the single UIN only but invoices of old UINs may be declared in the refund claim, which may be accepted and taken into account while processing the refund claim. Other circulars on the subject are circular no. 43/17/2018-GST dated 13.04.2018, Circular No. 63/37/2018-GST dated 14.09.2018 and Circular No. 68/42/2018-GST dated 05.10.2018.

**Q 103. Can UIN agencies file refund claims with the proper officer of State Tax?**

Ans. No. The claims are to be filed with the jurisdictional central tax Commissionerate only. All refund claims shall be processed and sanctioned by respective Central Tax offices.

**Q 104. What are the documents required to be submitted by UIN agencies along with refund claims?**

Ans. The procedure for filing a refund application has been outlined under rule 95 of the Central Goods and Services Tax Rules, 2017 which provides for filing of refund on a quarterly basis in FORM RFD-10 along with a statement of inward invoices in FORM GSTR-11. However, the print version of FORM GSTR-11 generated by the system does not have invoice-wise details. Therefore, the Board vide circular no. 43/17/2018-GST dated 13.04.2018 has clarified that till the system generated FORM GSTR- 11 does not have invoice-level details, UIN agencies are requested to manually furnish a statement containing the details of all the invoices on which refund has been claimed, along with refund application.

Further all the relevant documents referred to in notification no.16/2017-Central Tax (Rate) dated 28.06.2017 need to be submitted along with the refund claim.

**Q 105. Will refund be granted if the inward invoices does not bear UIN number of the recipient?**

Ans. Many suppliers did not record the UINs on the invoices of supplies of goods or services to UIN agencies. The Board vide circular no.43/17/2018-GST dated 13.04.2018 has clarified that the recording of UIN on the invoice is a necessary condition under rule 46 of the CGST Rules, 2017. If suppliers / vendors are not recording the UINs, action may be initiated against them under the provisions of the CGST Act, 2017.

Further, in cases where, UIN has not been recorded on the invoices pertaining to refund claim for the quarters of July – September 2017, October – December 2017 and January – March 2018, a one-time waiver is being given by the Government, subject to the condition

that copies of such invoices will be submitted to the jurisdictional officers and will be attested by the authorized representative of the UIN agency. Further waiver from the period April 2018 to March 2019 has been given vide Circular No. 63/37/2018-GST dated 14.09.2018. Field officers have been advised that the terms of Notification No. 16/2017-Central Tax (Rate) dated 28th June 2017 and corresponding notifications under the IGST Act, 2017, UTGST Act, 2017 and respective SGST Acts should be satisfied while processing such refund claims.