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REFUND

89. [1] Application for refund of tax, interest, penalty, fees or any other amount

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

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

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

supplier of goods after such goods have been admitted in full in the Special Economic Zone for authorized operations, as endorsed by the specified officer of the Zone;

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

[2] [**Provided also** that in respect of supplies regarded as deemed exports, the application may be filed by,—

a. the recipient of deemed export supplies; or

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

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

(2) The application under sub-rule (1) shall be accompanied by any of the following documentary evidences in Annexure 1 in Form GST RFD-01, as applicable, to establish that a refund is due to the applicant, namely:—

a. the reference number of the order and a copy of the order passed by the proper officer or an appellate authority or Appellate Tribunal or court resulting in such refund or reference number of the payment of the amount specified in sub-section (6) of section 107 and sub-section (8) of section 112 claimed as refund;
b. a statement containing the number and date of shipping bills or bills of export and the number and

the date of the relevant export invoices, in a case where the refund is on account of export of goods;

c. a statement containing the number and date of invoices and the relevant Bank Realisation Certificates or Foreign Inward Remittance Certificates, as the case may be, in a case where the refund is on account of the export of services;
d. a statement containing the number and date of invoices as provided in rule 46 along with the evidence regarding the endorsement specified in the second proviso to sub-rule (1) in the case of the supply of goods made to a Special Economic Zone unit or a Special Economic Zone developer;
e. a statement containing the number and date of invoices, the evidence regarding the endorsement specified in the second proviso to sub-rule (1) and the details of payment, along with the proof thereof, made by the recipient to the supplier for authorized 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;]
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;
k. a statement showing the details of the amount of claim on account of excess payment of tax;
l. a declaration to the effect that the incidence of tax, interest or any other amount claimed as refund has not been passed on to any other person, in a case where the amount of refund claimed does not exceed two lakh rupees:

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

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;

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—[3]

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) × 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-rule (4A) or (4B) or both;
C. "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking, other than the turnover of supplies in respect of which refund is claimed under sub-rule (4A) or (4B) or both;
D. "Turnover of zero-rated supply of services" means the value of zero-rated supply of services made without payment of tax under bond or letter of undertaking, calculated in the following manner, namely:—

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

[4]
[E "Adjusted Total Turnover" means the sum total of the value of-

a. the turnover in a State or a Union territory, as defined under clause (112) of section 2, excluding the turnover of services; and
b. the turnover of zero-rated supply of services determined in terms of clause (D) above and non-zero-rated supply of services,

excluding-

I. *the value of exempt supplies other than zero-rated supplies; and*
II. the turnover of supplies in respect of which refund is claimed under sub-rule (4A) or sub-rule (4B) or both, if any,

during the relevant period.]

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

[5] **[** [6] *(4A) In the case of supplies received on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 48/2017-Central Tax dated the 18th October, 2017 published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (*i*),* vide *number G.S.R. 1305(E) dated the 18th October, 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.*

[7] ***[8]*** *(*(4B) In the case of supplies received on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 40/2017-Central Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E) dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321(E) dated the 23rd October, 2017 or notification No. 78/2017-Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E) dated the 13th October, 2017 or notification No. 79/2017-Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299(E) dated the 13th October, 2017, or all of them, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted."

(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:—[9]

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

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-rule (4A) or (4B) or both; and*
b. ["Adjusted Total turnover" and "relevant period" shall have the same meaning as assigned to them in sub-rule (4).]]

90 Acknowledgement [10]

(1) Where the application relates to a claim for refund from the electronic cash ledger, an acknowledgement in FORM GST RFD-02 shall be made available to the applicant through the common portal electronically, clearly indicating the date of filing of the claim for refund and the time period specified in sub-section (7) of section 54 shall be counted from such date of filing.

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

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

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

91.Grant of provisional refund [11]

(1) The provisional refund in accordance with the provisions of sub-section (6) of section 54 shall be granted subject to the condition that the person claiming refund has, during any period of five years immediately preceding the tax period to which the claim for refund relates, not been prosecuted for any offence under the Act or under an existing law where the amount of tax evaded exceeds two hundred and fifty lakh rupees.

(2) The proper officer, after scrutiny of the claim and the evidence submitted in support thereof and on being prima facie *satisfied that the amount claimed as refund under sub-rule (1) is due to the applicant in accordance with the provisions of sub-section (6) of section 54, shall make an order in FORM GST RFD-04, sanctioning the amount of refund due to the said applicant on a provisional basis within a period not exceeding seven days from the date of the acknowledgement under sub-rule (1) or sub-rule (2) of rule 90.*

[Provided *that the order issued in* ***FORM GST RFD-04*** *shall not be required to be revalidated by the proper officer*.**]**[12]

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

basis of con1.0pt solidated payment advise. [13] [14]

[Provided *that the* **[***payment order***]** *in* ***FORM GST RFD-05*** *shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said* **[***payment order***]** *was issued*.**]** [15] [16] [17]

"(4) The Central Government shall disburse the refund based on the con1.0pt solidated payment advice issued under sub-rule (3)." [18]

92. Order sanctioning refund [19]

(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: [20]

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

(2) Where the proper officer or the Commissioner is of the opinion that the amount of refund is liable to be withheld under the provisions of sub-section (10) or, as the case may be, sub-section (11) of section 54, he shall pass an order in Part B of FORM GST RFD-07 informing him the reasons for withholding of such refund.

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

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

*(4) Where the proper officer is satisfied that the amount refundable under sub-rule (1) or sub-rule (2) is payable to the applicant under sub-section (8) of section 54, he shall make an order in FORM GST RFD-06 and issue a***[***payment order***]** *in FORM GST RFD-05 for the amount of refund and the same*

shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund **[** *on the basis of a con1.0pt solidated payment advice* **]**.[21] [22] [23]

[Provided *that the order issued in* ***FORM GST RFD-06*** *shall not be required to be revalidated by the proper officer:*[24]

Provided further *that the* **[***payment order***]** *in* ***FORM GST RFD-05*** *shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said* **[***payment order***]** *was issued*.**]**[25] [26]

[*(4A) The Central Government shall disburse the refund based on the con1.0pt solidated payment advice issued under sub-rule (4)*.**]**[27]

(5) Where the proper officer is satisfied that the amount refundable under sub-rule (1) 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 **[***payment order***]** *in FORM GST RFD-05, for the amount of refund to be credited to the Consumer Welfare Fund.*[28]

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.*

94. Order sanctioning interest on delayed refunds

Where any interest is due and payable to the applicant under section 56, the proper officer shall make an order along with a **[***payment order***]** *in FORM GST RFD-05, specifying therein the amount of refund which is delayed, the period of delay for which interest is payable and the amount of interest payable, and such amount of interest shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund.*[29] [30]

95. Refund of tax to certain persons [31]

(1) Any person eligible to claim refund of tax paid by him on his inward supplies as per notification issued under section 55 shall apply for refund in FORM GST RFD-10 once in every quarter, electronically on the common portal or otherwise, either directly or through a Facilitation Centre notified by the Commissioner, along with a statement of the inward supplies of goods or services or both in FORM GSTR-11.[32]

(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—

a. *the inward supplies of goods or services or both were received from a registered person against a tax invoice;* **[33]**
b. name and Goods and Services Tax Identification Number or Unique Identity Number of the applicant is mentioned in the tax invoice; and
c. such other restrictions or conditions as may be specified in the notification are satisfied.

(4) The provisions of rule 92 shall, mutatis mutandis, apply for the sanction and payment of refund under this rule.

(5) Where an express provision in a treaty or other international agreement, to which the President or the Government of India is a party, is inconsistent with the provisions of this Chapter, such treaty or international agreement shall prevail.

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.[34]

(1) Retail outlet established in departure area of an international airport, beyond the immigration counters, supplying indigenous goods to an outgoing international tourist who is leaving India shall be eligible to claim refund of tax paid by it on inward supply of such goods.

(2) Retail outlet claiming refund of the taxes paid on his inward supplies, shall furnish the application for refund claim in ***FORM GST RFD- 10B*** *on a monthly or quarterly basis, as the case may be, through the common portal either directly or through a Facilitation Centre notified by the Commissioner.*

(3) The self-certified compiled information of invoices issued for the supply made during the month or the quarter, as the case may be, along with concerned purchase invoice shall be submitted along with the refund application.

(4) The refund of tax paid by the said retail outlet shall be available if-

a. the inward supplies of goods were received by the said retail outlet from a registered person against a tax invoice;
b. the said goods were supplied by the said retail outlet to an outgoing international tourist against foreign exchange without charging any tax;

c. name and Goods and Services Tax Identification Number of the retail outlet is mentioned in the tax invoice for the inward supply; and
d. such other restrictions or conditions, as may be specified, are satisfied.

(5) The provisions of rule 92 shall, mutatis mutandis, apply for the sanction and payment of refund under this rule.

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

96.Refund of integrated tax paid on goods [*or services*] exported out of India [35] [36]

(1) The shipping bill filed by **[***an exporter of goods***]** shall be deemed to be an application for refund of integrated tax paid on the goods exported out of India and such application shall be deemed to have been filed only when:—[37]

a. the person in charge of the conveyance carrying the export goods duly files [a departure manifest or] an export manifest or an export report covering the number and the date of shipping bills or bills of export; and[38]
b. the applicant has furnished a valid return in FORM GSTR-3 [or FORM GSTR-3B, as the case may be].[39]

(2) The details of the **[***relevant export invoices in respect of export of goods***]** contained in FORM GSTR-1 shall be transmitted electronically by the common portal to the system designated by the Customs and the said system shall electronically transmit to the common portal, a confirmation that the goods covered by the said invoices have been exported out of India:[40]

[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.* [41]

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

(3) Upon the receipt of the information regarding the furnishing of a valid return in FORM GSTR-3 [or FORM GSTR-3B, as the case may be] from the common portal, **[***the system designated by the Customs or the proper officer of Customs, as the case may be, shall process the claim of refund in respect of export of goods***]** and an amount equal to the integrated tax paid in respect of each shipping

bill or bill of export shall be electronically credited to the bank account of the applicant mentioned in his registration particulars and as intimated to the Customs authorities. [42] [43]

(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.

(5) Where refund is withheld in accordance with the provisions of clause (*a*) of sub-rule (4), the proper officer of integrated tax at the Customs station shall intimate the applicant and the jurisdictional Commissioner of central tax, State tax or Union territory tax, as the case may be, and a copy of such intimation shall be transmitted to the common portal.

(6) Upon transmission of the intimation under sub-rule (5), the proper officer of central tax or State tax or Union territory tax, as the case may be, shall pass an order in Part B of FORM GST RFD-07.

(7) Where the applicant becomes entitled to refund of the amount withheld under clause (a) of sub-rule (4), the concerned jurisdictional officer of central tax, State tax or Union territory tax, as the case may be, shall proceed to refund the amount after passing an order in FORM GST RFD-06.

(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.[44]

(10) The persons claiming refund of integrated tax paid on exports of goods or services should not have –[45]

a. received supplies on which the benefit of the Government of India, Ministry of Finance notification No. 48/2017-Central Tax, dated the 18th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1305 (E), dated the 18th October, 2017 except so far it relates to receipt of capital goods by such person against Export Promotion Capital Goods Scheme or notification No. 40/2017 - Central Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320(E), dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321 (E), dated the 23rd October, 2017 has been availed; or

b. Availed the benefit under notification No. 78/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E), dated the 13th October, 2017 or notification No. 79/2017-Customs, dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1299 (E), dated the 13th October, 2017 except so far it relates to receipt of capital goods by such person against Export Promotion Capital Goods Scheme.]

96A. [Export] of goods or services under bond or Letter of Undertaking.-[46]

(1) Any registered person availing the option to supply goods or services for export without payment of integrated tax shall furnish, prior to export, a bond or a Letter of Undertaking in FORM GST RFD-11 to the jurisdictional Commissioner, binding himself to pay the tax due along with the interest specified under sub-section (1) of section 50 within a period of —

(a) fifteen days after the expiry of three months or such further period as may be allowed by the Commissioner,] from the date of issue of the invoice for export, if the goods are not exported out of India; or[47]

(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[48]

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

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

Provided further that the information in Table 6A furnished under the first proviso shall be auto-drafted in FORM GSTR-1 for the said tax period.][49]

(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.[50]

(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.[51]

(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. 170 Substituted vide Notf no. 03/2019-CT dt. 29.01.2019 wef 01.02.2019 for ?Refund of integrated tax paid on export? 171Inserted vide Notf no. 47/2017-CT dt. 18.10.2017 172 Inserted vide Notf no. 03/2019-CT dt. 29.01.2019 wef 01.02.2019 173Inserted vide Notf no. 51/2017-CT dt. 28.10.2017 Page 100 of 156

(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.[52]

97. Consumer Welfare Fund.[53] [54]

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

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

Provided further *that an amount equivalent to fifty per cent of the amount of cess determined under sub-section (5) of section 54 read with section 11 of the Goods and Services Tax (Compensation to States) Act, 2017 (15 of 2017), shall be deposited in the Fund.* [55]

(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 Central Government shall be subject to audit by the Comptroller and Auditor General of India.

(4) The Government shall, by an order, constitute a Standing Committee (hereinafter referred to as the "Committee") with a Chairman, a Vice-Chairman, a Member Secretary and such other members as it may deem fit and the Committee shall make recommendations for proper utilisation of the money credited to the Fund for welfare of the consumers.

(5) (a) The Committee shall meet as and when necessary, generally four times in a year;

(b) the Committee shall meet at such time and place as the Chairman, or in his absence, the Vice- Chairman of the Committee may deem fit;

(c) the meeting of the Committee shall be presided over by the Chairman, or in his absence, by the Vice-Chairman;

(d) *the meeting of the Committee shall be called, after giving at least ten days' notice in writing to every member;*

(e) *the notice of the meeting of the Committee shall specify the place, date and hour of the meeting and shall contain statement of business to be transacted thereat;*

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

(6) The Committee shall have powers—

a. *to require any applicant to get registered with any authority as the Central Government may specify;*
b. *to require any applicant to produce before it, or before a duly authorized officer of the Central Government or the State Government, as the case may be, such books, accounts, documents, instruments, or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application;*
c. *to require any applicant to allow entry and inspection of any premises, from which activities claimed to be for the welfare of consumers are stated to be carried on, to a duly authorized officer of the Central Government or the State Government, as the case may be;*
d. *to get the accounts of the applicants audited, for ensuring proper utilisation of the grant;*
e. *to require any applicant, in case of any default, or suppression of material information on his part, to refund in lump-sum along with accrued interest, the sanctioned grant to the Committee, and to be subject to prosecution under the Act;*
f. *to recover any sum due from any applicant in accordance with the provisions of the Act;*
g. *to require any applicant, or class of applicants to submit a periodical report, indicating proper utilisation of the grant;*
h. *to reject an application placed before it on account of factual inconsistency, or inaccuracy in material particulars;*
i. *to recommend minimum financial assistance, by way of grant to an applicant, having regard to his financial status, and importance and utility of the nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised;*
j. *to identify beneficial and safe sectors, where investments out of Fund may be made, and make recommendations, accordingly;*
k. *to relax the conditions required for the period of engagement in consumer welfare activities of an applicant;*
l. *to make guidelines for the management, and administration of the Fund.*

(7) The Committee shall not consider an application, unless it has been inquired into, in material details and recommended for consideration accordingly, by the Member Secretary.

"(7A) The Committee shall make available to the Board 50 per cent. of the amount credited to the Fund each year, for publicity or consumer awareness on Goods and Services Tax, provided the availability of funds for consumer welfare activities of the Department of Consumer Affairs is not less than twenty-five crore rupees per annum.”;[56]

*(8) [Omitted]**[57]***

Explanation.—*For the purposes of this rule,*

a. *"Act" means the Central Goods and Services Tax Act, 2017 (12 of 2017), or the Central Excise Act, 1944 (1 of 1944) as the case may be;*
b. *"applicant" means,*

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

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

97A. Manual filing and processing.[58]

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. **]**

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[1] Refer section 54 and 77 of CGST Act, 2017.

[2] Substituted by the Central Goods and Services Tax (Tenth Amendment) Rules, 2017, w.e.f. 18.10.2017, vide Not. No. 47/2017- CT, dt. 18.10.2017. Prior to its substitution, third proviso read as under :

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

[3] Sub-rule (4)), (4A) and (4B) substituted for sub-rule (4) by the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2017, w.r.e.f. 23.10.2017, vide Not. No. 75/2017- CT, dt. 29.12.2017. Prior to its substitution, sub-rule (4), as amended by the Central Goods and Services Tax (Fourth Amendment) Rules, 2017, w.r.e.f. 1.7.2017, read as under :

'(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) × 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:—

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 clause(112) of section 2, excluding the value of exempt supplies other than zero-rated supplies, during the relevant period;

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

[4] Clause (E) Substituted by the Central Goods and Services Tax (Eighth Amendment) Rules, 2018, w.e.f. 4.9.2018, vide Not. No. 39/2018- CT, dt. 4.09.2018. Prior to substitution, clause (E) as under:
"(E)" Adjusted Total turnover" means the turnover in a state or union territory, as defined under clause (112) of section 2,

excluding-

a. The value of exempt supplies other than zero- rated supplies and

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

[5]
__ (4A) In the case of supplies received on which the supplier has availed the benefit of notification No. 48/2017-Central Tax dated 18th October, 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted, Inserted vide Not. No. 75/2017-CT, dt 29.12.2017.

[6]
__ Substituted by the Central Goods and Services Tax (Amendment) Rules, 2018, w.r.e.f. 23.10.2017, vide Not. No. 3/2018-CT, dt. 23.01.2018. Prior to their substitution, sub-rules (4A) and (4B) read as under :

"(4A) In the case of supplies received on which the supplier has availed the benefit of Not. No. 48/2017-CT, dt. 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.

[7]
__ (4B) In the case of supplies received on which the supplier has availed the benefit of notification No. 40/2017-Central Tax (Rate) dated 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate) dated 23rd October, 2017, or both, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted, Inserted vide Not. No. 75/2017-CT, dt. 29.12.2017.

[8]
___Substituted by the Central Goods and Services Tax (Amendment) Rules, 2018, w.r.e.f. 23.10.2017, vide Not. No. 3/2018- CT, dt. 23.01.2018. Prior to their substitution, sub-rules (4A) and (4B) read as under :

(4B) In the case of supplies received on which the supplier has availed the benefit of Not. No. 40/2017-CTR, dt. 23rd October, 2017 or Not. No. 41/2017-ITR, dt. 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."

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[9]
__ Substituted by the Central Goods and Services Tax (Fifth Amendment) Rules, 2018, w.r.e.f. **1.7.2017 , vide Not. No. 26/2018** . Prior to its substitution, sub-rule (5), as substituted by the Central Goods and Services Tax (Fourth Amendment) Rules, 2018, w.e.f. **18.4.2018 vide Not. No. 21/2018-CT, dt. 18.4.2018.**, read as under :

'(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) × Net ITC ÷ Adjusted Total Turnover} - tax payable on such inverted rated supply of goods.

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-rule (4A) or (4B) or both; and

(b) "Adjusted Total turnover" shall have the same meaning as assigned to it in sub-rule (4).'

[10]
___ Refer section 54 of CGST Act, 2017.

[11]
___ Refer section 54 of CGST Act, 2017.

[12]
____ Inserted by the Central Goods and Services Tax (Amendment) Rules, 2019, w.e.f. **1.2.2019** vide Not. No. 3/2019-CT, dt. 29.1.2019.

[13]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified. Vide Not. No. 31/2019-CT dt. 28.06.2019 w.e.f. a date to be notified later for order.

[14]
___ Inserted vide Not. No. 49/2019-CT, dt. 9.10.2019 w.e.f. 24.9.2019.

[15]
___ Inserted by the Central Goods and Services Tax (Amendment) Rules, 2019, w.e.f. **1.2.2019**. Vide Not. No. 3/2019-CT, dt. 29.1.2019.

[16]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified. Vide Not. No. 31/2019-CT dt. 28.06.2019 w.e.f. a date to be notified later for order.

[17]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified. Vide Not. No. 31/2019-CT dt. 28.06.2019 w.e.f. a date to be notified later for order.

[18]
___ Inserted vide Not. No. 49/2019-CT, dt. 9.10.2019 w.e.f. 24.9.2019.

[19]
___ Refer section 54 of CGST Act, 2017.

[20]
___ Substituted by CGST (fourth amendment) Rules, 2019, date yet to be notified.

[21]
___ Substituted by CGST (fourth amendment) Rules, 2019, date yet to be notified.

[22]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified, vide Not. No. 31/2019- CT, dt. 28.06.2019.

[23]
___ Substituted vide not. No. 31/2019 CT dt. 28.06.2019 w.e.f. date to be notified later for advice.

[24]
___ Inserted by the Central Goods and Services Tax (Amendment) Rules, 2019, w.e.f. **1.2.2019**, vide Not. No. 29.01.2019. Vide Not. No. 03/2019-CT, dt.29.1.2019.

[25]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified, vide Not. No. 31/2019- CT, dt. 28.06.2019.

[26]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified, vide Not. No. 31/2019- CT, dt. 28.06.2019.

[27]
___ Inserted by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified.

[28]
___ Substituted for “an advice” by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, with effect from a date yet to be notified, vide Not. No. 31/2019-CT, dt. 28.06.2019.

[29]
___ Refer section 56 of CGST Act, 2017.

[30]
___ Substituted for "payment advice" by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. a date yet to be notified, vide Not. No. 31/2019- CT, dt. 28.06.2019.

[31]
___ Refer section 54 and 55 of CGST Act, 2017.

[32] Inserted vide Not. No. 31/2019 CT dt. 28.06.2019 with effect from a date to be notified later. Substituted by the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2017, w.e.f. 29.12.2017, vide Not. No. 75/2017. Prior to its substitution, sub-rule (1) read as under :

"(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."

[33] Substituted by the Central Goods and Services Tax (Fifth Amendment) Rules, 2018, w.r.e.f. 1.07.2017. Prior to its substitution, clause (a), as amended by the Central goods and Services Tax (Fourteenth Amendment) Rules, 2017, w.e.f. 29.12.2017, read as under:

"(a) the inward supplies of goods or services or both were received from a registered person against a tax invoice;"

Omitted vide Not. no. 75/2017-CT dt 29.12.2017. Amendment made effective with effect from 01.07.2017 vide Not. No. 26/2018-CT dt. 13.06.2017

"(a) the inward supplies of goods or services or both were received from a registered person against a tax invoice;"

[34] Inserted by the Central Goods and Services Tax (Fourth Amendment) Rules, 2019, w.e.f. **1.7.2019**, vide Not. No. 31/2019-CT, dt. 28.6.2019.

[35] Refer section 16 of IGST Act, 2017 read with section 54 of CGST Act, 2017.

[36] Inserted by the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2017, w.r.e.f. **23.10.2017, vide Not. No. 75/2017-CT, dt. 29.12.2017.**

[37] Substituted for "an exporter" by the Central Goods and Services Tax (Amendment) Rules, 2018, w.r.e.f. **23.10.2017, vide Not. No. 3/2018- CT, dt. 23.01.2018.**

[38] Inserted by the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2018, w.e.f. 31.12.2018, vide Not. No. 74/2018- CT, dt. 31.12.2018.

[39] Inserted by the Central Goods and Services Tax (Third Amendment) Rules, 2017, w.e.f. 1.7.2017, vide Not. No. 15/2017-CT, dt. 28.10.2017.

[40] Substituted for the words " relevant export invoice" w.e.f. 23.10.2017 vide not. No. 03/2018 CT dt. 23.01.2018.

[41] Proviso inserted by the Central Goods and Services Tax (Eleventh Amendment) Rules, 2017, w.e.f. **28.10.2017, vide Not. No. 51/2017- CT, dt. 28.10.2017.**

[42] Substituted by CGST (Third amendment) Rules, 2017, w.e.f. 17.2017.

[43] Substituted for "the system designated by the Customs shall process the claim for refund" by the Central Goods and Services Tax (Amendment) Rules, 2018, w.r.e.f. **23.10.2017**, vide Not. No. 3/2018-CT, dt. 23.1.2018.

[44] Sub-rules (9) and (10) substituted for sub-rule (9) by the Central Goods and Services Tax (Amendment) Rules, 2018 vide Not. No. 3/2018-CT, w.r.e.f. **23.10.2017,** Prior to its substitution, sub-rule (9), as inserted by the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2017 vide Not. No. 75/2017-CT, dt. 29.12.2017, w.r.e.f. 23.10.2017, read as under :

"(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 Not. No. 48/2017-CT, dt. 18th October, 2017 or Not. No. 40/2017-CTR, dt. 23rd October, 2017 or Not. No. 41/2017-ITR, dt. 23rd October, 2017."

[45]
___ Substituted vide Not. no. 54/2018-CT dt. 09.10.2018. Prior to Substituted w.e.f 23.10.2017 vide Not. No. 39/2018 & Not. No. 53/2018-CT dt. 09.10.2018 and read as under:

"(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, Not. No. 48/2017-CT, dt. the 18th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), vide number G.S.R 1305 (E), dt. the 18th October, 2017 or Not. No. 40/2017-CTR dt. the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), vide number G.S.R 1320 (E), dt. the 23rd October, 2017 or Not. No. 41/2017-ITR, dt. 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), dt. the 23rd October, 2017 or Not. No. 78/2017-Customs, dt. 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), dt. the 13th October, 2017 or Not. No. 79/2017-Customs, dt. 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) dt. the 13th October, 2017."

[46]
___ Refer section 16 of IGST Act, 2017 read with section 54 of CGST Act,2017.

[47]
___ Inserted by the Central Goods and Services Tax (Third Amendment) Rules, 2017, w.e.f. **1.7.2017**, vide Not. No. 15/2017-CT, dt. 1.7.2017.

[48]
___ Substituted for "Refund of integrated tax paid on export" by Central Goods and Services Tax (Amendment) Rules, 2019, w.e.f. **1.2.2019**, vide Not. No. 03/2019- CT, dt. 29.01.2019.

[49]
___ Refer also Not. No. 16/2017- CT, dt. 7.7.2017.

[50]
___ Inserted by the Central Goods and Services Tax (Tenth Amendment) Rules, 2017, w.e.f. 18.10.2017, vide Not. No. 47/2017-CT, dt. 18.10.2017.

[51]
___ Inserted by the Central Goods and Services Tax (Amendment) Rules, 2019, w.e.f. 1.2.2019, vide Not. No. 03/2019-CT, dt. 29.1.2019.

[52]
___ Inserted by the Central Goods and Services Tax (Eleventh Amendment) Rules, 2017, w.e.f. **28.10.2017**, vide Not. No. 51/2017-CT, dt. 28.10.2017.

[53]
___ Refer section 58 of CGST Act, 2017.

[54]
___ Substituted by the Central Goods and Services Tax (Fourth Amendment) Rules, 2018, w.e.f. **18.4.2018, vide Not. No. 21/2018-CT, dt. 18.4.2018**. Prior to its substitution, rule 97 read as under :

"97. *Consumer Welfare Fund.*—(1) All credits to the Consumer Welfare Fund shall be made under sub-rule (5) of rule 92.

(2) Any amount, having been credited to the Fund, ordered or directed as payable to any claimant by orders of the proper officer, appellate authority or Appellate Tribunal or court, shall be paid from the Fund.

(3) Any utilisation of amount from the Consumer Welfare Fund under sub-section (1) of section 58 shall be made by debiting the Consumer Welfare Fund account and crediting the account to which the amount is transferred for utilisation.

(4) The Government shall, by an order, constitute a Standing Committee with a Chairman, a Vice-Chairman, a Member Secretary and such other Members as it may deem fit and the Committee shall make recommendations for proper utilisation of the money credited to the Consumer Welfare Fund for welfare of the consumers.

(5) The Committee shall meet as and when necessary, but not less than once in three months.

(6) Any agency or organisation engaged in consumer welfare activities for a period of three years registered under the provisions of the Companies Act, 2013 (18 of 2013) or under any other law for the time being in force, including village or mandal or samiti level co-operatives of consumers especially Women, Scheduled Castes and Scheduled Tribes, or any industry as defined in the Industrial Disputes Act, 1947 (14 of 1947) recommended by the Bureau of Indian Standards to be

engaged for a period of five years in viable and useful research activity which has made, or is likely to make, significant contribution in formulation of standard mark of the products of mass consumption, the Central Government or the State Government may make an application for a grant from the Consumer Welfare Fund:

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

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

(8) The Committee shall have powers—

(a) to require any applicant to produce before it, or before a duly authorized 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 authorized officer of the Central Government or, as the case may be, State Government;

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

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

(e) to recover any sum due from any applicant in accordance with the provisions of the Act;

(f) to require any applicant, or class of applicants to submit a periodical report, indicating proper utilisation of the grant;

(g) to reject an application placed before it on account of factual inconsistency, or inaccuracy in material particulars;

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

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

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

(K) to make guidelines for the management, administration and audit of the Consumer Welfare Fund.

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

[55] Inserted by the Central Goods and Services Tax (Fifth Amendment) Rules, 2018, w.e.f. **13.6.2018**, vide Not. No. 26/2018-CT, dt. 13.6.2018.

[56] Inserted vide Not. No. 49/2019-CT, dt. 9.10.2019 w.e.f. 1.7.2017.

[57] Omitted w.e.f. 1.7.2017 vide Not. No. 49/2019-CT, dt. 9.10.2019. *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 up to 50% of the funds credited to the Fund each year, for publicity/consumer awareness on GST, provided the availability of funds for consumer welfare activities of the Department of Consumer Affairs is not less than twenty five crore rupees per annum.

[58] Inserted by the Central Goods and Services Tax (Twelfth Amendment) Rules, 2017, w.e.f. **15.11.2017**, vide Not. No. 55/2017-CT, dt. 15.11.2017.