



Phone No. 28331010/28335012  
Fax No. 044-28331050/1015  
email : [ccu-cexchn@nic.in](mailto:ccu-cexchn@nic.in)

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE : DEPARTMENT OF REVENUE  
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE  
TAMILNADU & PUDUCHERRY  
No.26/1, MAHATHMA GANDHI ROAD, CHENNAI - 600 034

C.No. IV/16/10/2018-PCCO

Date: 22-06-2018

### GST TRADE NOTICE No.029/2018

Sub: **GST** – Applicable GST rate on Priority Sector Lending Certificates (PSLCs), Renewable Energy Certificates (RECs) and other similar scrips - **CGST Circular No 46/20/2018-GST dated 06.06.2018** - Clarification of certain issues under GST – **CGST Circular No.47/21/2018-GST dated 08.06.2018** & **CGST Circular No.48/22/2018-GST dated 14.06.2018** – Amendment to CGST Rules, 2017 – **Central Tax Notification No.26/2018-CT dated 13.06.2018** – Disposal of specified goods by Proper Officer after its seizure – **Central Tax Notification No.27/2018-CT dated 13.06.2018** – Sanction of pending IGST refund claims where the records have not been transmitted from the GSTN to DG, Systems – **Chennai Customs Public Notice No.21/2018 dated 30.05.2018** - Communication thereof - Reg.

\*\*\*\*

The Central Board of Indirect Taxes & Customs [CBIC] has issued the following Notifications / Circulars and the gist of the same are detailed hereunder:

Sl. No.	Notification / Circular No. & date	Gist of the Notifications / Circular
1	<b>Circular No.46/20/2018-GST dated 06.06.2018</b>	<b>Applicable GST rate on Priority Sector Lending Certificates (PSLCs), Renewable Energy Certificates (RECs) and other similar scrips</b>  In modification to Sl.No.3 of Circular No.34/8/2018-GST dated 01.03.2018, the CBIC has clarified that Renewable Energy Certificates (RECs) and Priority Sector Lending Certificates (PSLCs) and other similar documents are classifiable under heading 4907 and attract 12% GST. The duty credit scrips, however, attract Nil GST under S.No.122A of Notification No.2/2017-Central Tax (Rate) dated 28.06.2017.  <i>[Refer this Office Trade Office No.011/2018 dated 12.03.2018]</i>

2	<p style="text-align: center;"><b>Circular No.47/21/2018- GST dated 08.06.2018</b></p>	<p>CBIC has issued clarification on the following issues:</p> <ol style="list-style-type: none"> <li>i. Levy of GST on moulds and dies owned by Original Equipment Manufacturers (OEM) that are sent free of cost to a component manufacturer and inclusion of amortised cost of moulds and dies</li> <li>ii. Taxability of servicing of cars involving both supply of goods (spares) and services(labour), where the value of goods and services are shown separately</li> <li>iii. Maintenance of books of accounts at Principal place of business and additional place(s) of business in the case of auction of tea, coffee, rubber, etc by the Principal and auctioneer</li> <li>iv. The railways shall not deliver the goods unless the e-way bill is produced at the time of delivery.</li> <li>v. Requirement or otherwise of e-way bill in specified cases such as (i) goods in transit through another State while moving from one area in a State to another area in the same State and (ii) Movement of goods from a DTA unit to a SEZ unit or vice versa in the same State</li> </ol>
3	<p style="text-align: center;"><b>Circular No.48/22/2018- GST dated 14.06.2018</b></p>	<p>CBIC has issued clarification on the following issues:</p> <ol style="list-style-type: none"> <li>i. Treating of services of short-term accommodation, conferencing, banqueting, etc provided to a Special Economic Zone (SEZ) Developer or a SEZ Unit as an inter-State supply</li> <li>ii. Availability of the benefit of zero rated supply if event management services, hotel and accommodation services, consumables, etc are received by a SEZ Developer or SEZ Unit for authorized operations as endorsed by the Specified Officer of the zone.</li> <li>iii. Eligibility of fabric processors in the textile sector supplying job work services for refund of unutilized input tax credit on account of inverted duty structure even if the goods (fabrics) supplied are covered under Notification 5/2017-Central Tax (Rate) dated 28.06.2017</li> </ol>

4	<p style="text-align: center;"><b>Notification No.26/2018- Central Tax dated 13.06.2018</b></p>	<p><b>Amendment to CGST Rules, 2017</b></p> <p>i. <b>Rule 37: Reversal of input tax credit in the case of non-payment of consideration</b> - After proviso under Sub-rule (1), new proviso has been inserted</p> <p>ii. <b>Rule 83: Provisions relating to a goods and services tax practitioner</b> - In sub-rule (3), in the second proviso, for the words "one year", the words "eighteen months" has been substituted</p> <p>iii. <b>Rule 89: Application for refund of tax, interest, penalty, fees or any other amount – Inverted Duty Structure</b> - Sub-rule (5) has been substituted with retrospective effect from 01.07.2017</p> <p>iv. <b>Rule 95: Refund of tax to certain persons</b> – Clause (a) in sub-rule (3) substituted</p> <p>v. <b>Rule 97: Consumer Welfare Fund</b> – New proviso inserted in sub-rule (1)</p> <p>vi. <b>Rule 133: Anti-profiteering – Order of the Authority</b> - Sub-rule (3) has been substituted</p> <p>vii. <b>Rule 138: E-way Bill</b> - Under sub-rule (14), after clause (n), clause (o) has been inserted namely, "where empty cylinders for packing of liquefied petroleum gas are being moved for reasons other than supply"</p> <p>viii. <b>Amendment in FORM GSTR-4 - Quarterly return for registered person opting for composition levy</b> - Instructions under Sl.No.10 has been substituted</p> <p>ix. <b>Amendment in FORM GST PCT-01 - Application for Enrolment as Goods and Services Tax Practitioner – Part B</b> - Against Sl.No.4, entries under Sl.Nos.11 &amp; 12 have been inserted and after "Consent", "Declaration" has been inserted</p> <p>x. <b>Amendment in FORM GST RFD-01 -- Application for refund</b> - Statements 1A &amp; 5B in Annexure-1 have been substituted</p> <p>xi. <b>Amendment in FORM GST RFD-01A – Application for refund</b> Statements 1A &amp; 5B in Annexure-1 have been substituted</p>
5	<p style="text-align: center;"><b>Notification No.27/2018- Central Tax dt. 13.06.2018</b></p>	<p>Seeks to specify goods which may be disposed of by the proper officer after its seizure having regard to the perishable and hazardous nature, etc.</p>

2. **Public Notice No.21/2018 dated 30.05.2018 - Sanction of pending IGST refund claims where the records have not been transmitted from the GSTN to DG, Systems -** The Principal Commissioner of Customs (Air Cargo), Chennai VII Commissionerate has issued a Public Notice No.21/2018 dated 30.05.2018, wherein procedures to overcome the problem of refund blockage have been prescribed as an interim solution. A copy of the same is enclosed for reference for the benefit of the exporters to sort out pending IGST refund claims on this issue.

3. This Trade Notice is being issued so as to sensitize the trade and field formations about the contents of the aforesaid references and for complete details, the respective references may please be referred in the CBIC's website [www.cbic.gov.in](http://www.cbic.gov.in) or the annexure, as the case may be.

4. All the Commissioners are requested to bring the contents of the Trade Notice to the notice of all the officers working under their charge and the assesseees falling under their respective jurisdiction.

5. The Trade & Industry Associations/Chambers of Commerce are requested to bring the contents of the Trade Notice to the notice of all their members.

Encl: As above



**[C.P. RAO]**  
**PRINCIPAL CHIEF COMMISSIONER**

To

- i. The Principal Commissioner / Commissioner of GST and Central Excise,  
Chennai North / Chennai South / Chennai Outer / Coimbatore / Salem /  
Tiruchirappalli / Madurai / Puducherry / Chennai Audit I / Chennai Audit II /  
Coimbatore Audit / Chennai Appeals I / Chennai Appeals II / Coimbatore Appeals  
Commissionerates
- ii. The Commissioner of Commercial Taxes, State CT Head Office, Ezhilagam,  
No.3, Kamarajar Salai, Chepauk, Chennai-600005 **[ By e-mail ]**
- iii. The Commissioner of State Tax, Puducherry  
First Floor, 100 Feet Road, Ellapillaichavadi, Puducherry-605005 **[ By e-mail ]**
- iv. Zonal RAC Members **[ By e-mail ]**

✓ Copy to the Computer Section, Chennai North Commissionerate [For uploading in website]

ह679  
8.6.18  
दूरभाष/Telephone: 044-22569621  
www.aircustomschennai.gov.in



भारतसरकार

GOVERNMENT OF INDIA

वित्तमंत्रालय, राजस्वविभाग

MINISTRY OF FINANCE, DEPARTMENT OF REVENUE

आयुक्तसीमाशुल्ककार्यालय (एयरपोर्टएवंएयरकार्गो),

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (AIR CARGO),

CHENNAI - VII COMMISSIONERATE,

न्यूकस्टमहाडस, मीनम्बाक्कम, चेन्नै - 600 027.

NEW CUSTOM HOUSE, MEENAMBAKKAM, CHENNAI - 600 027.

फैक्स/Fax: 044-22561445

Twitter: @Chennai Customs  
केंद्रीय उत्पाद शुल्क मुख्य  
आयुक्त कार्यालय  
Office of the Chief Commissioner  
of Central Excise

06 JUN 2018

नुंगम्बाक्कम, चेन्नै-34  
Nungambakkam, Chennai-34

फा.सं./F.No.S.Misc.09/75/2017-EXP.(Air)

तारीख / DATE: 30.05.2018

PUBLIC NOTICE NO. 21 /2018

**Sub: Sanction of pending IGST refund claims where the records have not been transmitted from the GSTN to DG Systems- Reg.**

\*\*\*\*\*

Kind attention of Exporters/ Customs Brokers/ Steamer Agents/ Other Stakeholders and the Trade/ Public is invited to Board's Circular No.12/2018- Customs dated 29.05.2018 wherein sanction of pending IGST refund claims where the records have not been transmitted from the GSTN to DG Systems is discussed.

2. In the Board Circular it is mentioned that a number of representations have been received from the exporters / trade associations seeking resolution of problems which have hindered sanction of refund of IGST paid on exports. From time to time, Board has provided solutions to a number of issues because of which refunds were held up. However, there is still one major hindrance because of which GSTN could not transmit data to Customs EDI system and consequently refunds could not be sanctioned. A validation has been introduced in the GSTN system to ensure that the IGST paid on the export goods in any particular month [3.1(b)] is not less than the refund claimed by the exporter [Table 6A]. However, data provided by GSTN has revealed that this validation has failed in number of cases.

3. Representations received from trade / exporters coupled with the analysis of data received from GSTN indicates that the exporters have committed mistakes while filing GSTR-1 and GSTR-3B. It has been observed that the exporters have inadvertently mis-declared IGST paid on export supplies as IGST paid on interstate domestic outward supplies while filing GSTR-3B. The exporters have also in certain cases short paid IGST vis-à-vis their liability declared in GSTR1. As a result of these mismatches in the amount of IGST paid on export goods between GSTR-1 and GSTR-3B, the transmission of records from GSTN to Customs EDI system has not happened and consequently IGST refunds could not be processed. The problem is compounded by the fact that the facility to adjust GSTR-3B in subsequent months is not available in all cases.

4. In view of the above following procedure is being prescribed to overcome the problem of refund blockage. This would be an interim solution subject to undertakings/ submission of CA certificates by the exporters as given below and post refund audit scrutiny. The proposed procedure is as under:

**A. Cases where there is no short payment:**

(i) The Customs policy wing would prepare a list of exporters whose cumulative IGST amount paid against exports and interstate domestic outward supplies, for the period July' 2017 to March' 2018 mentioned in GSTR-3B is greater than or equal to the cumulative IGST amount indicated in GSTR-1 for the same period. Customs policy wing shall send this list to GSTN.

(ii) GSTN shall send a confirmatory e-mail to these exporters regarding the transmission of records to Customs EDI system.

(iii) The exporters whose refunds are processed/ sanctioned would be required to submit a certificate from Chartered Accountant before 31st October, 2018 to the Customs office at the port of export to the effect that there is no discrepancy between the IGST amount refunded on exports and the actual IGST amount paid on exports of goods for the period July' 2017 to March' 2018. In case there are exports from multiple ports, the exporter is at liberty to choose any of the ports of export for submission of the said certificate.

(iv) A copy of the certificate shall also be submitted to the jurisdictional GST office (Central/ State). The concerned Customs zone shall provide the list of GSTINs who have not submitted the CA certificate to the Board by the 15th November 2018.

(v) Non submission of CA certificate shall affect the future IGST refunds of the exporter.

(vi) The list of exporters whose refunds have been processed as above shall be sent to DG (Audit)/ DG (GST) by the Board.

**B. Cases where there is short payment:**

(i) In cases where there is a short payment of IGST i.e. cumulative IGST amount paid against exports and interstate domestic outward supplies together, for the period of July' 2017 to March' 2018 mentioned in GSTR-3B is less than the cumulative IGST amount indicated in GSTR-1 for the same period, the Customs policy wing would send the list of such exporters to the GSTN and all the Chief Commissioner of Customs.

(ii) e-mails shall be sent by GSTN to each exporter referred in para (i) above so as to inform the exporter that their records are held up due to short payment of IGST. The e-mail shall also advise the exporters to observe the procedure under this circular.

(iii) The exporters would have to make the payment of IGST equal to the short payment in GSTR 3B of subsequent months so as to ensure that the total IGST refund being claimed in the Shipping Bill/GSTR-1(Table 6A) is paid. The proof of payment shall be submitted to Assistant/Deputy Commissioner of Customs in charge of port from where the exports were made. In case there are exports from multiple ports, the exporter is at liberty to choose any of the ports of export.

(iv) Where the aggregate IGST refund amount for the said period is upto Rs. 10 lacs, the exporter shall submit proof of payment (self-certified copy of challans) of IGST payment to the concerned Customs office at the port of export.

However, where the aggregate IGST refund amount for the said period is more than Rs. 10 lacs, the exporter shall submit proof of payment (self-certified copy of challans) of IGST to the concerned Customs office at the port of export along with a certificate from chartered Account that the shortfall amount has been liquidated.

(v) The exporter would give an undertaking they would return the refund amount in case it is found to be not due to them at a later date.

(vi) The Customs zones shall compile the list of exporters (GSTIN only), who have come forward to claim refund after making requisite payment of IGST towards short paid amount and complied with other prescribed requirements.

(vii) The compiled list may be forwarded to Customs policy wing, DG (Audit) and DG (GST). Customs policy wing shall forward the said list of GSTINs to GSTN. On receipt of the list of exporters from Customs policy wing, GSTN shall transmit the records of those exporters to Customs EDI system.

(viii) The exporters whose refunds are processed/ sanctioned as above would be required to submit another certificate from Chartered Accountant before 31st October, 2018 to the same Customs office at the port of export to the effect that there is no discrepancy between the IGST amount refunded on exports and the actual IGST amount paid on exports of goods for the period July' 2017 to March' 2018. A copy of the certificate shall also be submitted to the jurisdictional GST office (Central/ State). The concerned Customs zone shall provide the list of GSTINs who have not submitted the CA certificate to the Board by the 15th November 2018.

(ix) Non submission of CA certificate shall affect the future IGST refunds of the exporter.

#### Post refund audit

5. The exporters would be subjected to a post refund audit under the GST law. DG (Audit) shall include the above referred GSTINs for conducting Audit under the GST law. The inclusion of IGST refund aspects in Audit Plan of those units may be ensured by DG (Audit). In case, departmental Audit detects excess refunds to the exporters under this procedure, the details of such detections may be communicated to the concerned GST formations for appropriate action.

6. This Circular deals only with the cases where the records have not been transmitted by GSTN to Customs EDI system . Once the records are transmitted by GSTN to Customs Systems based upon the above mentioned procedure , the usual procedure adopted in case of sanction of IGST refunds would have to be followed. In cases where errors like SB005 , SB006 etc. are encountered with the records so transmitted , the provisions of Circulars issued by Board earlier shall apply to them.

7. Exporters are hereby advised to sort out pending IGST refund claims where the records have not been transmitted from the GSTN to DG Systems.

*N. Padmasri*  
30.5.18  
(एन. पद्मस्री)

(N.PADMASRI)  
COMMISSIONER OF CUSTOMS  
COMMISSIONERATE VII (AIR CARGO)

To : All Concerned.

Copy to:

- The Chief Commissioner of Customs, Chennai Customs Zone.
- The Principal Chief Commissioner of CGST, Tamilnadu & Pondicherry
- The Principal Commissioner/Commissioner of Customs, Chennai I/II/III/IV/Audit
- All Principal Commissioner/Commissioners of GST, Tamilnadu & Pondicherry
- The Principal Secretary /Commissioner of Commercial Taxes/SGST, Chennai.
- All Addl./Dy./Asst. Commissioner of Customs, Air Cargo, Chennai.
- All the Trade Associations / Organizations.
- The Chennai Customs Brokers Association
- The Notice Board/Website.

Principal Chief Commissioner (Tamil Nadu & Puducherry),  
Office of the Principal Chief Commissioner of GST,  
No. 26/1, Mahathma Gandhi Road,  
Nungambakkam,  
Chennai- 600034.