

GOODS & SERVICES TAX/IDT UPDATE - 122

CBIC has amended various CGST Rules, 2017 vide [Notification No. 15/2021 Central Tax, dated 18th May, 2021](#) as under:

1. Rule 23-Revocation of cancellation of registration

Amendment in sub-rule (1)

The amendment in section 30 made vide the Finance Act, 2021 has been made effective from 01.01.2021. The amended provision provides for extension of time limit for applying for revocation of cancellation of registration on sufficient cause being shown and for reasons to be recorded in writing, by:

(a) the Additional or Joint Commissioner, as the case may be, for a period not exceeding thirty days;

(b) the Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a) above.

Consequential amendment has been made in rule 23(1) to provide that the time period of 30 days available for submission of an application for revocation of cancellation of registration in Form GST REG-21 can be extended by the Additional Commissioner or the Joint Commissioner or the Commissioner, as the case may be, in exercise of the powers provided under the proviso to sub-section (1) of section 30 of the CGST Act, 2017.

Further, consequential amendment has also been made in Form GST REG-21. Under sub-heading of “Instructions for submission of application for revocation of cancellation of registration”, in the first bullet point “after the words “date of service of the order of cancellation of registration”, the words and figures “*or within such time period as extended by the Additional Commissioner or the Joint Commissioner or Commissioner, as the case may be, in exercise of the powers provided under proviso to subsection (1) of section 30,*” have been inserted.

Till the time an independent functionality for extension of time limit for applying in Form GST REG-21 is developed on the GSTN portal, [Circular No. 148/04/2021 GST dated 18th May, 2021](#) has been issued to prescribe the following SOP for implementation of the provisions of above rule across the field formations:

Where a person applies for revocation of cancellation of registration beyond a period of 30 days from the date of service of the order of cancellation of registration but within 60 days of such date, the said person may request, through letter or e-mail, for extension of time limit to the proper officer by providing the grounds on which such extension is sought. The proper officer shall forward the request to the jurisdictional Joint/Additional Commissioner for decision on the request for extension of time limit, who, after examination of the request, may extend the time limit on sufficient cause being shown and for reasons to be recorded in writing.

In case the request is accepted, the extension of the time limit shall be communicated to the proper officer. The request will be rejected only after giving the person an opportunity of being heard and the grounds for such rejection may be communicated

to the person concerned, through the proper officer.

On receipt of the decision of the Joint/Additional Commissioner, the proper officer shall process the application according to the law and procedure laid down in this regard. Similar procedure shall be followed *mutatis mutandis* in case a person applies for revocation of cancellation of registration beyond a period of 60 days from the date of service of the order of cancellation of registration but within 90 days of such date.

2. Rule 90-Acknowledgement of refund application

Insertion of proviso in sub-rule (3)

The time period of 2 years for filing a fresh refund application after rectification of deficiencies as communicated by proper officer shall now be computed after excluding the time period between the date of filing of the refund claim in Form GST RFD-01 and the date of communication of the deficiencies in Form GST RFD-03 by the proper officer.

Insertion of new sub-rules (5) and (6)

The applicants are now allowed to withdraw refund application in Form GST RFD-01W at any time before issuance of provisional refund order or final refund order or payment order or refund withhold order or notice, in respect of any refund application filed in Form GST RFD-01. The new Form RFD-01W has been inserted in Part B of the CGST Rules, 2017.

On such withdrawal, amount debited by the applicant from electronic credit ledger or electronic cash ledger, as the case may be, while filing application for refund in Form GST RFD-01, shall be credited back to the ledger from which such debit was made.

3. Rule 92-Order sanctioning refund

Omission of proviso in sub-rule (1)

The proviso requiring the issue of order giving details of the adjustment in Part A of Form GST RFD-07 when the amount of refund is completely adjusted against any outstanding demand, has been omitted.

Substitution of words “Part B” in sub-rule (2) with “Part A”

The proper officer or the Commissioner will now pass the order in Part A of Form GST RFD 07 instead of Part B for withholding the refund in case he is of the opinion that the amount of refund is liable to be withheld under the provisions of section 54(10) or, as the case may be, section 54(11).

Insertion of proviso in sub-rule (2)

The proper officer or the Commissioner, on being satisfied that the refund is no longer liable to be withheld, may pass an order for release of withheld refund in Part B of Form GST RFD- 07.

4. Rule 96- Refund of IGST paid on goods (or services) exported out of India

Substitution of words “Part B” with “Part A” in sub-rule (6)

The proper officer shall now pass the order in Part A of Form GST RFD-07 instead of earlier Part B upon transmission of the intimation for withholding refund.

Amendment in sub-rule (7)

The jurisdictional officer shall now proceed to release the withheld refund amount in Form GST RFD 06 after passing an order for release of withheld refund in Part B of Form GST RFD-07.

Form GST RFD-07 has been accordingly amended.

5. Rule 138E - Restriction on furnishing of information in Part A of Form GST EWB-01

Rule 138E restricts a person (including a consignor, consignee, transporter, an e-commerce operator or a courier agency) from furnishing information in Part A of Form GST EWB-01 “*in respect of a registered person, whether as a supplier or a recipient*” in certain specified cases. The rule has been amended to specify that the information in Part A of Form GST EWB-01 cannot be furnished by a person “*in respect of any outward movement of goods of a registered person*” in the specified cases.

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