

सम्मिलित करते हुए, वह व्यक्ति जिसको प्रतिदाय किया गया है ऐसे प्रतिदाय की गई रकम को जमा करेगा, विक्रय प्रक्रिया के वसूली न किए गए के विस्तार तक, उक्त अवधि के समाप्ति के तीस दिनों के भीतर लागू ब्याज के साथ, यथास्थिति, विस्तारित अवधि आती है, जिसमें वह रकम का प्रतिदाय किया गया अधिनियम की धारा 73 या धारा 74 के उपबंधों के अनुसार वसूली जाएगी जैसी भी स्थिति हो, धारा 50 के अधीन ब्याज सहित त्रुटिपूर्ण वापसी के लिए वसूली की जाएगी :

परंतु जहां विक्रय की प्रक्रिया या उसका कोई भाग ऐसे निर्यात मालों के संबंध में विदेशी मुद्रा प्रबंध अधिनियम 1999 (1999 का 42) के अधीन अनुज्ञेय अवधि के भीतर आवेदक द्वारा वसूली नहीं की गई है, किंतु भारतीय रिजर्व बैंक गुणागुणों पर विक्रय प्रक्रियाओं की वसूली की आवश्यकता को अपलिखित करता है, आवेदक को संदत्त वसूली की वापसी नहीं होगी।

(2) जहां विक्रय प्रक्रिया आवेदक द्वारा वसूली की जाती है वसूली की रकम के पश्चात् संपूर्ण रूप से या उसके भाग रूप में उपनियम (1) के अधीन उससे वसूल की गयी है और आवेदक विक्रय प्रक्रिया के वसूली की तारीख से तीन महीने की अवधि के भीतर ऐसी वसूली के बारे में साक्ष्य प्रस्तुत करता है, ऐसी वसूली की गई रकम विक्रय प्रक्रियाओं के वसूली के विस्तार तक आवेदक को उचित अधिकारी द्वारा वापसी की जाएगी, परंतु विक्रय प्रक्रिया भारतीय रिजर्व बैंक द्वारा यथा अनुज्ञात ऐसी विस्तारित अवधि के भीतर वसूल की गयी हो।”

12. उक्त नियम में, नियम 141 के उप-नियम (2) में “आयुक्त” शब्द के स्थान पर “उचित अधिकारी” रखा जाएगा।

13. उक्त नियम में, “प्ररूप जीएसटी आरएफटी-01 में नियम 89(2)(छ) के अधीन घोषणा के बाद निम्नलिखित वचनबंध को अंतःस्थापित किया जाएगा, अर्थात् :-

| वचन बंध  |                     |
|--|---------------------|
| मैं, एतदद्वारा वचन देता हूं कि हिमाचल प्रदेश माल और सेवा कर नियम, 2017 की धारा 96 ख के साथ पठित आईजीएसटी अधिनियम, 2017 की धारा 16 के परंतुक के अनुसार विदेश विनियम की विप्रेषणादेश की दशा में ब्याज के साथ मंजूर प्रतिदाय की राशि सरकार को जमा करूंगा। |                     |
| हस्ताक्षर—   |                     |
| नाम  | प्रास्थिति / पदनाम” |

आदेश द्वारा,

जगदीश चन्द्र शर्मा,  
प्रधान सचिव (आबकारी एवं कराधान)।

[Authoritative English text of this Department Notification No.EXN-F(10)-4/2020 dated 23-06-2020 as required under clause (3) of Article 348 of the Constitution of India].

## EXCISE AND TAXATION DEPARTMENT

### Notification No. 16 /2020-State Tax

Shimla-2, the 23rd June, 2020

**No. EXN-F(10)-4/2020.**—In exercise of the powers conferred by section 164 of the Himachal Pradesh Goods and Services Tax Act, 2017 (10 of 2017), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Goods and Services Tax Rules, 2017, namely:—

1. (1) These rules may be called the Himachal Pradesh Goods and Services Tax (Third Amendment) Rules, 2020.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Himachal Pradesh Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 8, after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(4A) The applicant shall, while submitting an application under sub-rule (4), with effect from 01-04-2020, undergo authentication of Aadhaar number for grant of registration.”.

3. In the said rules, in rule 9, in sub-rule (1), with effect from 01-04-2020, the following sub-rule shall be inserted, namely:—

“Provided that where a person, other than those notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8, then the registration shall be granted only after physical verification of the principle place of business in the presence of the said person, not later than sixty days from the date of application, in the manner provided under rule 25 and the provisions of sub-rule (5) shall not be applicable in such cases.”.

4. In the said rules, for rule 25, the following rule shall be substituted, namely:—

**“Physical verification of business premises in certain cases.**—Where the proper officer is satisfied that the physical verification of the place of business of a person is required due to failure of Aadhaar authentication before the grant of registration, or due to any other reason after the grant of registration, he may get such verification of the place of business, in the presence of the said person, done and the verification report alongwith the other documents, including photographs, shall be uploaded in **FORM GST REG-30** on the common portal within a period of fifteen working days following the date of such verification.”.

5. In the said rules, in rule 43, in sub-rule (1) with effect from the 1st April, 2020,—

(a) for clause (c), the following clause shall be substituted, namely:—

“(c) the amount of input tax in respect of capital goods not covered under clauses (a) and (b), denoted as ‘A’, being the amount of tax as reflected on the invoice, shall credit directly to the electronic credit ledger and the validity of the useful life of such goods shall extend upto five years from the date of the invoice for such goods:

Provided that where any capital goods earlier covered under clause (a) is subsequently covered under this clause, input tax in respect of such capital goods denoted as 'A' shall be credited to the electronic credit ledger subject to the condition that the ineligible credit attributable to the period during which such capital goods were covered by clause (a), denoted as 'T<sub>ie</sub>', shall be calculated at the rate of five percentage points for every quarter or part thereof and added to the output tax liability of the tax period in which such credit is claimed:

Provided further that the amount 'T<sub>ie</sub>' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax and declared in **FORM GSTR-3B**.

*Explanation.—An item of capital goods declared under clause (a) on its receipt shall not attract the provisions of sub-section (4) of section 18, if it is subsequently covered under this clause.*

(b) for clause (d), the following clause shall be substituted, namely:—

“the aggregate of the amounts of 'A' credited to the electronic credit ledger under clause (c) in respect of common capital goods whose useful life remains during the tax period, to be denoted as 'T<sub>C</sub>', shall be the common credit in respect of such capital goods:

Provided that where any capital goods earlier covered under clause (b) are subsequently covered under clause (c), the input tax credit claimed in respect of such capital good(s) shall be added to arrive at the aggregate value 'T<sub>C</sub>';”;

(c) in clause (e), the following Explanation shall be inserted, namely:—

“**Explanation.**—For the removal of doubt, it is clarified that useful life of any capital goods shall be considered as five years from the date of invoice and the said formula shall be applicable during the useful life of the said capital goods.”;

(d) clause (f) shall be omitted.

6. In the said rules, in rule 80, in sub-clause (3), the following proviso shall be inserted, namely:—

“Provided that every registered person whose aggregate turnover during the financial year 2018-2019 exceeds five crore rupees shall get his accounts audited as specified under sub-section (5) of section 35 and he shall furnish a copy of audited annual accounts and a reconciliation statement, duly certified, in **FORM GSTR-9C** for the financial year 2018-2019, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.”.

7. In the said rules, in rule 86, after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(4A) Where a registered person has claimed refund of any amount paid as tax wrongly paid or paid in excess for which debit has been made from the electronic credit ledger, the said amount, if found admissible, shall be re-credited to the electronic credit ledger by the proper officer by an order made in **FORM GST PMT-03**.”.

8. In the said rules, in rule 89, in sub-rule (4), for clause (C), the following clause shall be substituted, namely:—

‘(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 or the value which is 1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier, as declared by the supplier, whichever is less, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both;’.

9. In the said rules, in rule 92,—

(a) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A)Where, upon examination of the application of refund of any amount paid as tax other than the refund of tax paid on zero-rated supplies or deemed export, the proper officer is satisfied that a refund under sub-section (5) of section 54 of the Act is due and payable to the applicant, he shall make an order in **FORM RFD-06** sanctioning the amount of refund to be paid, in cash, proportionate to the amount debited in cash against the total amount paid for discharging tax liability for the relevant period, mentioning therein the amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable and for the remaining amount which has been debited from the electronic credit ledger for making payment of such tax, the proper officer shall issue **FORM GST PMT-03** re-crediting the said amount as Input Tax Credit in electronic credit ledger.”;

(b) in sub-rule (4), after the words, brackets and figure “amount refundable under sub-rule (1)”, the words, brackets, figure and letter “or sub-rule (1A)”, shall be inserted;

(c) in sub-rule (5), after the words, brackets and figure “amount refundable under sub-rule (1)”, the words, figures and letter “or sub-rule (1A)”, shall be inserted.

10. In the said rules, in rule 96, in sub-rule (10), in clause (b) with effect from the 23rd October, 2017, the following Explanation shall be inserted, namely,—

“*Explanation.*—For the purpose of this sub-rule, the benefit of the notifications mentioned therein shall not be considered to have been availed only where the registered person has paid Integrated Goods and Services Tax and Compensation Cess on inputs and has availed exemption of only Basic Customs Duty (BCD) under the said notifications.”.

11. In the said rules, after rule 96A, the following rule shall be inserted, namely:—

**“96B. Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realised.—**(1) Where any refund of unutilised input tax credit on account of export of goods or of integrated tax paid on export of goods has been paid to an applicant but the sale proceeds in respect of such export goods have not been realised, in full or in part, in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, the person to whom the refund has been made shall deposit the amount so refunded, to the extent of non-realisation of sale proceeds, along with applicable interest within thirty days of the expiry of the said period or, as the

case may be, the extended period, failing which the amount refunded shall be recovered in accordance with the provisions of section 73 or 74 of the Act, as the case may be, as is applicable for recovery of erroneous refund, along with interest under section 50:

Provided that where sale proceeds, or any part thereof, in respect of such export goods are not realised by the applicant within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), but the Reserve Bank of India writes off the requirement of realisation of sale proceeds on merits, the refund paid to the applicant shall not be recovered.

(2) Where the sale proceeds are realised by the applicant, in full or part, after the amount of refund has been recovered from him under sub-rule (1) and the applicant produces evidence about such realisation within a period of three months from the date of realisation of sale proceeds, the amount so recovered shall be refunded by the proper officer, to the applicant to the extent of realisation of sale proceeds, provided the sale proceeds have been realised within such extended period as permitted by the Reserve Bank of India.”.

12. In the said rules, in rule 141, in sub-rule (2), for the word “Commissioner”. the words “proper officer” shall be substituted.

13. In the said rules, in **FORM GST RFD-01**, after the declaration under rule 89(2)(g), the following undertaking shall be inserted, namely:—

|   |
|---|
| <b>“UNDERTAKING</b>   |
| <i><b>I hereby undertake to deposit to the Government the amount of refund sanctioned along with interest in case of non-receipt of foreign exchange remittances as per the proviso to section 16 of the IGST Act, 2017 read with rule 96B of the HPGST Rules 2017.</b></i> |
| <b>Signature—</b>   |
| <b>Name—</b>  |
| <b>Designation / Status”.</b>   |

By order.

JAGDISH CHANDER SHARMA,  
*Principal Secretary (E&T).*

आबकारी एवं कराधान विभाग

अधिसूचना सं० 17/2020—राज्य कर

शिमला-2, 23 जून, 2020

**संख्या:ई.एक्स.एन.—एफ.(10)—4/2020.**—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 25 की उपधारा (6घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश परिषद् की सिफारिशों पर, अधिसूचित करते हैं कि उपधारा (6ख) या उपधारा (6ग) के उपबंध वह व्यक्ति, जो भारत का नागरिक नहीं है और निम्नलिखित व्यक्तियों के वर्ग से भिन्न व्यक्तियों के वर्ग पर लागू नहीं होंगे, अर्थात्:—