

  
 असम बाजपत्र  
 सत्यमेव जयते  
**THE ASSAM GAZETTE**

অসাধাৰণ  
**EXTRAORDINARY**  
 প্রাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্রকাশিত  
**PUBLISHED BY THE AUTHORITY**

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 No. 749 Dispur, Monday, 18th December, 2017, 27th Agrahayana, 1939 (S.E.)

GOVERNMENT OF ASSAM  
 ORDERS BY THE GOVERNOR  
 FINANCE (TAXATION) DEPARTMENT

**NOTIFICATION**

The 14th December, 2017

**No.FTX.56/2017/Pt-II/45.-** In exercise of the powers conferred by section 164 of the Assam Goods and Services Tax Act, 2017, the Governor of Assam is hereby pleased further to amend the Assam Goods and Services Tax Rules, 2017, hereinafter referred to as the principal rules, namely: —

Assam  
Act  
XXVIII  
of 2017

- |                                      |    |  |
|--------------------------------------|----|--|
| <b>Short title and commencement.</b> | 1. | (1) These rules may be called the Assam Goods and Services Tax (Twelfth Amendment) Rules, 2017.<br><br>(2) They shall be deemed to have come into force with effect from the 15 <sup>th</sup> day of November, 2017.   |
| <b>Amendment of rule 43.</b>         | 2. | In the principal rules, in rule 43, after sub-rule (2), the following explanation shall be inserted, namely:-<br><br><i>“Explanation - For the purposes of rule 42 and this rule, it is hereby clarified that the aggregate value of exempt supplies shall exclude the value of supply of services specified in the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 42/2017-Integrated Tax (Rate), dated the 27<sup>th</sup> October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number GSR 1338(E) dated the 27<sup>th</sup> October, 2017.”;</i> |
| <b>Amendment of rule 54.</b>         | 3. | In the principal rules, in rule 54, in sub-rule (2), for the words “supplier shall issue”, the words “supplier may issue” shall be substituted;  |

- Insertion of new rule 97A.**
4. In the principal rules, after rule 97, the following new rule shall be inserted, namely: —
- “Manual filing and processing.** 97A. 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.”;
- Insertion of new rule 107A.**
5. In the principal rules, after rule 107, the following new rule shall be inserted, namely: —
- “Manual filing and processing.** 107A. 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.”;
- Insertion of new rule 109A.**
6. In the principal rules, after rule 109, the following new rule shall be inserted, namely: —
- “Appointment of Appellate Authority.** 109A.(1) Any person aggrieved by any decision or order passed under this Act may appeal to —
- (a) the Commissioner of State tax or an officer authorized by him not below the rank of Additional Commissioner of State tax, where such decision or order is passed by the Joint Commissioner of State tax;
  - (b) the Commissioner of State tax or an officer authorized by him not below the rank of Joint Commissioner of State tax, where such decision or order is passed by the Deputy Commissioner of State tax;
  - (c) the Deputy Commissioner of State tax (Appeals) where such decision or order is passed by the Assistant Commissioner of State tax or Superintendent of State tax.

- (2) An officer directed under sub-section (2) of section 107 to appeal against any decision or order passed under this Act may appeal to –
- (a) the Commissioner of State tax or an officer authorized by him not below the rank of Additional Commissioner of State tax, where such decision or order is passed by the Joint Commissioner of State tax;
  - (b) the Commissioner of State tax or an officer authorized by him not below the rank of Joint Commissioner of State tax, where such decision or order is passed by the Deputy Commissioner of State tax;
  - (c) the Deputy Commissioner of State tax (Appeals) where such decision or order is passed by the Assistant Commissioner of State tax or Superintendent of State tax.”;

**Amendment of rule 124.** 4.

In the principal rules, in rule 124,—

- (a) in sub-rule (4), for the second proviso, the following proviso shall be substituted, namely:-

“Provided further that the Central Government with the approval of the Chairperson of the Council may terminate the appointment of the Chairman at any time.”;

- (b) in sub-rule (5), for the second proviso, the following proviso shall be substituted, namely: -

“Provided further that the Central Government with the approval of the Chairperson of the Council may terminate the appointment of the Technical Member at any time.”;

**Insertion of new form FORM GST RFD-01.** 5.

In the principal Rules, after the “**FORM GST RFD-01**”, the following forms shall be inserted, namely:-

**“FORM-GST-RFD-01 A**

[See rules 89(1) and 97A]

Application for Refund (Manual)

(Applicable for casual taxable person or non-resident taxable person, tax deductor, tax collector and other registered taxable person)

1.	GSTIN / Temporary ID	
2.	Legal Name	
3.	Trade Name, if any	
4.	Address	

5.	Tax period (if applicable)	From <Year><Month> To <Year><Month>						
6.	Amount of Refund Claimed(Rs.)	Act	Tax	Interest	Penalty	Fees	Others	Total
		Central tax						
		State / UT tax						
		Integrated tax						
		Cess						
	Total							
7.	Grounds of Refund Claim (select from drop down)	(a)	Excess balance in Electronic Cash Ledger					
		(b)	Exports of services- with payment of tax					
		(c)	Exports of goods / services- without payment of tax (accumulated ITC)					
		(d)	ITC accumulated due to inverted tax structure[under clause (ii) of first proviso to section 54(3)]					
		(e)	On account of supplies made to SEZ unit/ SEZ developer(with payment of tax)					
		(f)	On account of supplies made to SEZ unit/ SEZ developer (without payment of tax)					
		(g)	Recipient of deemed export					

**DECLARATION [second proviso to section 54(3)]**

I hereby declare that the goods exported are not subject to any export duty. I also declare that I have not availed any drawback on goods or services or both and that I have not claimed refund of the integrated tax paid on supplies in respect of which refund is claimed.

Signature

Name –

Designation / Status

**DECLARATION [section 54(3)(ii)]**

I hereby declare that the refund of ITC claimed in the application does not include ITC availed on goods or services used for making 'nil' rated or fully exempt supplies.

Signature

Name –

Designation / Status

**DECLARATION [rule 89(2)(f)]**

I hereby declare that the Special Economic Zone unit /the Special Economic Zone developer has not availed of the input tax credit of the tax paid by the applicant, covered under this refund claim.

Signature

Name

Designation / Status

**SELF- DECLARATION [rule 89(2)(l)]**

I/We \_\_\_\_\_ (Applicant) having GSTIN/ temporary Id -----, solemnly affirm and certify that in respect of the refund amounting to Rs. ---/ with respect to the tax, interest, or any other amount for the period from--to---, claimed in the refund application, the incidence of such tax and interest has not been passed on to any other person.

Signature  
Name –  
Designation / Status

*(This Declaration is not required to be furnished by applicants, who are claiming refund under clause (a) or clause (b) or clause (c) or clause (d) or clause (f) of sub-section (8) of section 54.)*

**8. Verification**

I/We<Taxpayer Name> hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my/our knowledge and belief and nothing has been concealed therefrom.

I/We declare that no refund on this account has been received by me/us earlier.

Place  
Date

Signature of Authorised Signatory  
(Name)  
Designation/ Status

**Annexure-1****Statement -1 [rule 89(5)]**

Refund Type: ITC accumulated due to inverted tax structure [clause (ii) of first proviso to section 54(3)]

(Amount in Rs.)

Turnover of inverted rated supply of goods	Tax payable on such inverted rated supply of goods	Adjusted total turnover	Net input tax credit	Maximum refund amount to be claimed [(1×4÷3)-2]
1	2	3	4	5

**Statement- 3A [rule 89(4)]**

Refund Type: Export without payment of tax (accumulated ITC) – calculation of refund amount

(Amount in Rs.)

Turnover of zero rated supply of goods and services	Net input tax credit	Adjusted total turnover	Refund amount (1×2÷3)
1	2	3	4

**Statement-5A [rule 89(4)]**

Refund Type: On account of supplies made to SEZ unit / SEZ developer without payment of tax (accumulated ITC) – calculation of refund amount.

(Amount in Rs.)

Turnover of zero rated supply of goods and services	Net input tax credit	Adjusted total turnover	Refund amount (1×2÷3)
1	2	3	4



