



Notification No 10/2018– Central Tax, dated 23rd Jan'18

Amendment to powers of State tax officers for processing and grant of refund

State tax officers, vide Notification No. 39/2017-Central tax dated 29th Dec'17, had been given powers to grant refund under section 54 or section 55 of the CGST Act read with the rules made there under **except rule 96** of the Central Goods and Services Tax Rules, 2017.

Rule 96 at such time dealt with refund of integrated tax paid on goods exported out of India.

Subsequently vide notification 75/2017 – Central Tax, dated 29th Dec '17, a sub rule 9 was inserted whereby the refund of tax paid on exports (goods or services) was restricted, in case the person making such exports has received supplies from a supplier claiming benefit of deemed export or claiming benefit of merchant export of charging 0.05% of CGST under notification No. 40/2017-Central Tax (Rate) dated 23rd Oct '17 or notification No. 41/2017-Integrated Tax (Rate) dated 23rd Oct '17.

Thus the State officers are given powers to check for any violation of the conditions mentioned in sub rule 9 under section 96 i.e. in case a person exports services then the State officer in terms of section 96(9) shall also ensure that such person has not obtained supplies from a supplier claiming benefit of deemed export or claiming benefit of merchant export of charging 0.05% of CGST under notification No. 40/2017-Central Tax (Rate) dated 23rd Oct '17 or notification No. 41/2017-Integrated Tax (Rate) dated 23rd Oct '17..