

(5) उक्त नियमों के नियम 59 के उपनियम (6) में, 1 जनवरी, 2022 से, -

- (i) खंड (क) में, “पिछले दो महीने के लिए”, शब्दों के स्थान पर, “पूर्ववर्ती मास के लिए”, शब्द रखे जाएंगे;
- (ii) खंड (ग) का लोप किया जाएगा;

(6) उक्त नियमों के नियम 89 में, -

- (i) उपनियम (1) में, ऐसी तारीख से जो अधिसूचित की जाए, “इलेक्ट्रॉनिक रूप से” शब्दों के पश्चात्, “, नियम 10ख के उपबंधों के अधीन रहते हुए,” शब्द अंतःस्थापित किए जाएंगे;
- (ii) उपनियम (1) के पश्चात्, निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :-

“(1क) अधिनियम की धारा 77 के अधीन उसके द्वारा संदत्त किसी कर के प्रतिदाय का दावा करने वाला कोई व्यक्ति, उसके द्वारा अन्तः राज्य प्रदाय समझे गए संव्यवहार के संबंध में, जो पश्चात्तवर्ती अन्तर-राज्य प्रदाय माना गया, अन्तर-राज्य प्रदाय पर कर के संदाय की तारीख से दो वर्ष की अवधि के अवसान के पूर्व, या तो प्रत्यक्ष रूप से या आयुक्त द्वारा अधिसूचित सुविधा केन्द्र के माध्यम से, कॉमन पोर्टल के माध्यम से प्ररूप जीएसटी आरएफडी-01 में इलैक्ट्रॉनिक ढंग से आवेदन कर सकेगा:

परन्तु उक्त आवेदन इस उपनियम के प्रभावी होने के पूर्व अन्तर-राज्य प्रदाय पर कर के किसी संदाय के संबंध में, उस तारीख से जिस से यह उपनियम प्रभावी होता है दो वर्ष की अवधि के अवसान के पूर्व फाइल किया जाएगा।”;

(7) उक्त नियमों के नियम 96 के उपनियम (1) में, खंड (ख) के पश्चात्, ऐसी तारीख से जो अधिसूचित की जाए, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :-

“(ग) आवेदक ने नियम 10ख में उपबंधित रीति से आधार अधिप्रमाणन करवाया है।”;

(8) उक्त नियमों के नियम 96ख के पश्चात्, ऐसी तारीख से जो अधिसूचित की जाए, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :-

“(96ग) प्रतिदाय जमा हेतु बैंक खाता – नियम 91 के उपनियम (3), नियम 92 के उपनियम (4) और नियम 94 के प्रयोजनों के लिए, “बैंक खाते” से आवेदक का ऐसा बैंक खाता अभिप्रेत होगा जो आवेदक के नाम पर है तथा उसकी स्थायी खाता संख्या पर प्राप्त किया गया है:

“परन्तु स्वत्वधारी समुत्थान की दशा में, स्वत्वधारी की स्थायी खाता संख्या स्वत्वधारी की आधार संख्या से भी जुड़ी हुई हो।”।

[फा. सं. सीबीआईसी-20006/26/2021-जीएसटी]

राजीव रंजन, अवर सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में, अधिसूचना सं. 3/2017-केन्द्रीय कर, तारीख 19 जून, 2017 द्वारा संख्यांक सा.का.नि. 610(अ), तारीख 19 जून, 2017 द्वारा प्रकाशित किए गए थे और उनका अंतिम संशोधन अधिसूचना सं. 32/2021-केन्द्रीय कर, तारीख 29 अगस्त, 2021 द्वारा संख्यांक सा.का.नि. 598(अ), तारीख 29 अगस्त, 2021 द्वारा किया गया।

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

NOTIFICATION

New Delhi, the 24th September, 2021

No. 35/2021–Central Tax

G.S.R. 659(E).—In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely: —

1. Short title and commencement. - (1) These rules may be called the Central Goods and Services Tax (Eighth Amendment) Rules, 2021.

(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 Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), —

(1) In rule 10A of the said rules, with effect from the date as may be notified, -

(a) after the words “details of bank account”, the words “which is in name of the registered person and obtained on Permanent Account Number of the registered person” shall be inserted;

(b) the following proviso shall be inserted, namely:-

“Provided that in case of a proprietorship concern, the Permanent Account Number of the proprietor shall also be linked with the Aadhaar number of the proprietor.”;

(2) After rule 10A of the said rules, with effect from the date as may be notified, the following rule shall be inserted, namely: -

“10B. Aadhaar authentication for registered person .— The registered person, other than a person notified under sub-section (6D) of section 25, who has been issued a certificate of registration under rule 10 shall, undergo authentication of the Aadhaar number of the proprietor, in the case of proprietorship firm, or of any partner, in the case of a partnership firm, or of the karta, in the case of a Hindu undivided family, or of the Managing Director or any whole time Director, in the case of a company, or of any of the Members of the Managing Committee of an Association of persons or body of individuals or a Society, or of the Trustee in the Board of Trustees, in the case of a Trust and of the authorized signatory, in order to be eligible for the purposes as specified in column (2) of the Table below:

TABLE

S. No.	Purpose
(1)	(2)
1.	For filing of application for revocation of cancellation of registration in FORM GST REG-21 under Rule 23
2.	For filing of refund application in FORM RFD-01 under rule 89
3.	For refund under rule 96 of the integrated tax paid on goods exported out of India

Provided that if Aadhaar number has not been assigned to the person required to undergo authentication of the Aadhaar number, such person shall furnish the following identification documents, namely: –

(a) her/his Aadhaar Enrolment ID slip; and

(b) (i) Bank passbook with photograph; or

(ii) Voter identity card issued by the Election Commission of India; or

(iii) Passport; or

(iv) Driving license issued by the Licensing Authority under the Motor Vehicles Act, 1988 (59 of 1988);

Provided further that such person shall undergo the authentication of Aadhaar number within a period of thirty days of the allotment of the Aadhaar number.”;

(3) In rule 23 of the said rules, in sub-rule (1), with effect from the date as may be notified, after the words “on his own motion, may”, the words, figures and letter “,subject to the provisions of rule 10B,” shall be inserted;

(4) In rule 45 of the said rules, in sub-rule (3), with effect from the 1st day of October, 2021, -

- (i) for the words “during a quarter”, the words “during a specified period” shall be substituted;
- (ii) for the words “the said quarter”, the words “the said period” shall be substituted;
- (iii) after the proviso, the following explanation shall be inserted, namely: -

“**Explanation.** - For the purposes of this sub-rule, the expression “specified period” shall mean.-

(a) the period of six consecutive months commencing on the 1st day of April and the 1st day of October in respect of a principal whose aggregate turnover during the immediately preceding financial year exceeds five crore rupees; and

(b) a financial year in any other case.”;

(5) In rule 59 of the said rules, in sub-rule (6), with effect from the 1st day of January, 2022, -

- (i) in clause (a), for the words “for preceding two months”, the words “for the preceding month” shall be substituted;
- (ii) clause (c) shall be omitted;

(6) In rule 89 of the said rules, -

- (i) in sub-rule (1), with effect from the date as may be notified, after the words “may file”, the words “, subject to the provisions of rule 10B,” shall be inserted;
- (ii) after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A) Any person, claiming refund under section 77 of the Act of any tax paid by him, in respect of a transaction considered by him to be an intra-State supply, which is subsequently held to be an inter-State supply, may, before the expiry of a period of two years from the date of payment of the tax on the inter-State supply, file an application electronically in **FORM GST RFD-01** through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

Provided that the said application may, as regard to any payment of tax on inter-State supply before coming into force of this sub-rule, be filed before the expiry of a period of two years from the date on which this sub-rule comes into force.”;

(7) In rule 96 of the said rules, in sub-rule (1), after clause (b), with effect from the date as may be notified, the following clause shall be inserted, namely:-

“(c) the applicant has undergone Aadhaar authentication in the manner provided in rule 10B;”;

(8) After rule 96B of the said rules, with effect from the date as may be notified, the following rule shall be inserted, namely:-

“**96C. Bank Account for credit of refund.**- For the purposes of sub-rule (3) of rule 91, sub-rule (4) of rule 92 and rule 94, “bank account” shall mean such bank account of the applicant which is in the name of applicant and obtained on his Permanent Account Number:

Provided that in case of a proprietorship concern, the Permanent Account Number of the proprietor shall also be linked with the Aadhaar number of the proprietor.”;

[F. No. CBIC-20006/26/2021-GST]

RAJEEV RANJAN, Under Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification No. 3/2017-Central Tax, dated the 19th June, 2017, published *vide* number G.S.R. 610(E), dated the 19th June, 2017 and were last amended *vide* notification No. 32/2021-Central Tax, dated the 29th August, 2021 *vide* number G.S.R. 598(E), dated the 29th August, 2021.