

**No. 12-25/2018-19-EXN-GST-(575)-16818-36**  
**Government of Himachal Pradesh,**  
**Excise and Taxation Department**

To

1. The Additional/Jt. Commissioner of State Taxes and Excise, (South Zone, North Zone, Central Zone), Shimla, Palampur, Mandi, H.P.
2. The Joint Commissioner of State Taxes and Excise, Flying Squad, (Central Zone, North Zone, South Zone), Una, Palampur, Parwanoo, H.P.
3. The Dy. Commissioner of State Taxes and Excise, Shimla, Solan, BBN Baddi, Sirmour, Bilaspur, Hamirpur, Mandi, Kullu, Chamba, Kangra, Revenue Distt Nurpur and Una, H.P.
4. The Asstt. Commissioner of State Taxes and Excise, Incharge Distt. Kinnour, H.P

Dated

Shimla-9

20-07-2020.

**Sir,**

**Subject: Clarification on refund related issues – reg.**

Doubts have arisen on the issue relating to refund of accumulated ITC in respect of invoices whose details are not reflected in the **FORM GSTR-2A** of the applicant. In order to clarify these issues and to ensure uniformity in the implementation of the provisions of law, in exercise of powers conferred by section 168 of the Himachal Pradesh Goods and Services Tax Act, 2017 (hereinafter referred to as “HPGST Act”), hereby clarifies the issues detailed hereunder:

2. Circular No.135/05/2020 – GST dated the \_\_\_\_\_ states that:

*“5. Guidelines for refunds of Input Tax Credit under Section 54(3)*

*5.1 In terms of para 36 of circular No. 125/44/2019-GST dated 10.12.2019, the refund of ITC availed in respect of invoices not reflected in FORM GSTR-2A was also admissible and copies of such invoices were required to be uploaded. However, in wake of insertion of sub-rule (4) to rule 36 of the HPGST Rules, 2017 vide notification No. 49/2019-State Tax dated 01.11.2019, various doubts have arisen regarding admissibility of refund of the ITC availed on the invoices which are not reflecting in the FORM GSTR-2A of the applicant.*

**Circular No. 139/09/2020-GST**

*5.2 The matter has been examined and it has been decided that the refund of accumulated ITC shall be restricted to the ITC as per those invoices, the details of which are uploaded by the supplier in FORM GSTR-1 and are reflected in the FORM GSTR-2A of the applicant. Accordingly, para 36 of the circular No. 125/44/2019-GST, dated 10.12.2019 stands modified to that extent.”*

3.1 Various taxpayers have shown concerns that in some cases, refund sanctioning authorities have rejected the refund of accumulated ITC in respect of ITC availed on Imports, ISD invoices, RCM etc. citing the above-mentioned Circular on the basis that the details of the said invoices/ documents are not reflected in **FORM GSTR-2A** of the applicant.

3.2 In this context it is noteworthy that before the issuance of Circular No. 135/05/2020- GST dated \_\_\_\_\_, 2020, refund was being granted even in respect of credit availed on the strength of missing invoices (not reflected in **FORM GSTR-2A**) which were uploaded by the applicant along with the refund application on the common portal. However, vide Circular No.135/05/2020 – GST dated the \_\_\_\_\_, 2020, the refund related to these missing invoices has been restricted. Now, the refund of accumulated ITC shall be restricted to the ITC available on those invoices, the details of which are uploaded by the supplier in **FORM GSTR-1** and are reflected in the **FORM GSTR-2A** of the applicant.

4. The aforesaid circular does not in any way impact the refund of ITC availed on the invoices / documents relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) etc.. It is hereby clarified that the treatment of refund of such ITC relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) will continue to be same as it was before the issuance of Circular No. 135/05/2020- GST dated \_\_\_\_\_, 2020.

5. This circular shall come into force w.e.f. 10.06.2020.

6. Difficulty, if any, in the implementation of this Circular may be brought to the notice of this office immediately.

**Dr. Ajay Sharma, (IAS)**  
**Commissioner of State Taxes and Excise,**  
**Himachal Pradesh**