

भारतसरकार / Government of India

वित्तमंत्रालयराजस्वविभाग

Ministry of Finance, Department of Revenue
/Office of the Commissioner

सी.जी.एस.टी.एवंकेंद्रीयउत्पादशुल्क

Central Goods Service Tax and Central Excise (CGST & CX)
२९, भरतपुरीप्रशासनिकक्षेत्र २९, Administrative Area, Bharatpuri

उज्जैन (मप्र)-४५६०१०/Ujjain (MP)-456010.

F.No. 1 (Gen)19-01/CEX/Trade Notice/2017-18/

Ujjain, Date. 26.02.2018

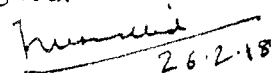
Standing Order No.12 /2017-18
Ujjain dated 26.02.2018

Sub: Directions under Section 168 of the CGST Act regarding non-transition of CENVAT credit under section 140 of CGST Act or non-utilization thereof in certain cases-reg.

Kind attention of officers and member of staff is invited towards the
"DIRECTIONS UNDER SECTION 168 OF THE CGST ACT REGARDING NON-TRANSITION
OF CENVAT CREDIT UNDER SECTION 140 OF CGST ACT OR NON-UTILIZATION
THEREOF IN CERTAIN CASES" issued under F.No. 267/67/2017-CX.8 (Copy
enclosed) by the C.B.E.C., New Delhi


Compliance of the contents of the aforesaid circular may please be ensured
Difficulties, if any, may brought to the notice of the undersigned.

Encl; - As above


(NEERRAV KUMAR MALLICK)
COMMISSIONER

Copy To:

- 1 The Chief Commissioner of CGST & CEX, Bhopal Zone, Bhopal for information please.
- 2 The Commissioner of Customs, Indore for information please
- 3 All Deputy / Assistant Commissioners of Customs, ICD Ratlam/Kheda/Pithampur.
- 4 All Deputy Commissioner / Assistant Commissioners of Divisions- Ratlam/ Khandwa/ Ujjain-I/ Ujjain-II/ Pithampur-I/ Pithampur-II/ Pithampur-III. Pithampur-IV.
- 5 Superintendent of Systems, Ujjain for uploading on Dept. Website.
- 6 Notice Boards.
- 7 Guard File.


Superintendent (Tech)

Circular No. 33/07/2018-GST

F. No. 267/67/2017-CX.8

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi, dated the 23rd Feb., 2018

To

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners/
Commissioner of Central Tax (All),

The Principal Director Generals/ Director Generals (All).

Pls run-up
draft PN/SC
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Madam/Sir,

Sub: Directions under Section 168 of the CGST Act regarding non-transition of CENVAT credit under section 140 of CGST Act or non-utilization thereof in certain cases-reg.

In exercise of the powers conferred under section 168 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as "Act"), for the purposes of uniformity in implementation of the Act, the Central Board of Excise and Customs hereby directs the following.

2. Non-utilization of Disputed Credit carried forward

2.1 Where in relation to a certain CENVAT credit pertaining to which a show cause notice was issued under rule 14 of the CENVAT Credit Rules, 2004, which has been adjudicated and where in the last adjudication order or the last order-in-appeal, as it existed on 1st July, 2017, it was held that such CENVAT credit is not admissible, then such CENVAT credit (herein and after referred to as "disputed credit"), credited to the electronic credit ledger in terms of sub-section (1), (2), (3), (4), (5) (6) or (8) of section 140 of the Act, shall not be utilized by a registered taxable person to discharge his tax liability under this Act or under the IGST Act, 2017, till the order-in-original or the last order-in-appeal, as the case may be, holding that disputed credit as inadmissible is in existence.

2.2 During the period, when the last order-in-original or the last order-in-appeal, as the case may be, holding that disputed credit as inadmissible is in operation, if the said disputed credit is utilised, it shall be recovered from the tax payer, with interest and penalty as per the provisions of the Act.

3. Non-transition of Blocked Credit

3.1 In terms of clause (i) of sub-section (1) of section 140 of the Act, a registered person shall not take in his electronic credit ledger, amount of CENVAT credit as is carried forward in the return relating to the period ending with the day immediately preceding the appointed day which is not eligible under the Act in terms of sub-section (5) of section 17 (hereinafter referred to as 'blocked credit'), such as, telecommunication towers and pipelines laid outside the factory premises.

3.2 If the said blocked credit is carried forward and credited to the electronic credit ledger in contravention of section 140 of the Act, it shall not be utilized by a registered taxable person to discharge his tax liability under this Act or under the IGST Act, 2017, and shall be recovered from the tax payer with interest and penalty as per the provisions of the Act.

4. In all cases where the disputed credit as defined in terms of para 2.1 or blocked credit under para 3.1 is higher than Rs. ten lakhs, the taxpayers shall submit an undertaking to the jurisdictional officer of the Central Government that such credit shall not be utilized or has not been availed as transitional credit, as the case may be. In other cases of transitional credit of an amount lesser than Rs. ten lakhs, the directions as above shall apply but the need to submit the undertaking shall not apply.

5. Trade may be suitably informed and difficulty if any in implementation of the circular may be brought to the notice of the Board.

(ROHAN)

Under Secretary to the Govt. of India