

CHAPTER - XIV
TRANSITIONAL PROVISIONS

Rule 117 : Tax or duty credit carried forward under any existing law or on goods held in stock on the appointed day

- (1) Every registered person entitled to take credit of input tax under section 140 shall, within ninety days of the appointed day, submit a declaration electronically in **FORM GST TRAN-1**, duly signed, on the common portal specifying therein, separately, the amount of input tax credit ¹[of eligible duties and taxes, as defined in Explanation 2 to section 140] to which he is entitled under the provisions of the said section:

Provided that the Commissioner may, on the recommendations of the Council, extend the period of ninety days by a further period not exceeding ninety days:

Provided further that where the inputs have been received from an Export Oriented Unit or a unit located in Electronic Hardware Technology Park, the credit shall be allowed to the extent as provided in sub-rule (7) of rule 3 of the CENVAT Credit Rules, 2004.

- ²[(1A) Notwithstanding anything contained in sub-rule (1), the Commissioner may, on the recommendations of the Council, extend the date for submitting the declaration electronically in **FORM GST TRAN-1** by a further period not beyond ³[31st March, 2020], in respect of registered persons who could not submit the said declaration by the due date on account of technical difficulties on the common portal and in respect of whom the Council has made a recommendation for such extension.]

- (2) Every declaration under sub-rule (1) shall-

- (a) in the case of a claim under sub-section (2) of section 140, specify separately the following particulars in respect of every item of capital goods as on the appointed day-
- (i) the amount of tax or duty availed or utilized by way of input tax credit under each of the existing laws till the appointed day; and
 - (ii) the amount of tax or duty yet to be availed or utilized by way of input tax credit under each of the existing laws till the appointed day;

¹ Inserted by Noti. No. 15/2017-Central Tax, dt. 01-07-2017 w.e.f. 01-07-2017.

² Sub-rule (1A) inserted by Noti. No. 48/2018-Central Tax, dt. 10-09-2018 w.e.f. 10-09-2018.

³ Substituted for "A[31st December, 2019]" by Noti. No. 02/2020-Central Tax, dt. 01-01-2020 w.e.f. 31-12-2019.

A Earlier substituted for "31st March, 2019" by Noti. No. 49/2019-Central Tax, dt. 09-10-2019.

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- (b) in the case of a claim under sub-section (3) or clause (b) of sub-section (4) or sub-section (6) or sub-section (8) of section 140, specify separately the details of stock held on the appointed day;
 - (c) in the case of a claim under sub-section (5) of section 140, furnish the following details, namely: –
 - (i) the name of the supplier, serial number and date of issue of the invoice by the supplier or any document on the basis of which credit of input tax was admissible under the existing law;
 - (ii) the description and value of the goods or services;
 - (iii) the quantity in case of goods and the unit or unit quantity code thereof;
 - (iv) the amount of eligible taxes and duties or, as the case may be, the value added tax [or entry tax] charged by the supplier in respect of the goods or services; and
 - (v) the date on which the receipt of goods or services is entered in the books of account of the recipient.
- (3) The amount of credit specified in the application in **FORM GST TRAN-1** shall be credited to the electronic credit ledger of the applicant maintained in **FORM GST PMT-2** on the common portal.
- (4)
 - (a)
 - (i) A registered person who was not registered under the existing law shall, in accordance with the proviso to sub-section (3) of section 140, be allowed to avail of input tax credit on goods (on which the duty of central excise or, as the case may be, additional duties of customs under sub-section (1) of section 3 of the Customs Tariff Act, 1975, is leviable) held in stock on the appointed day in respect of which he is not in possession of any document evidencing payment of central excise duty.
 - (ii) The input tax credit referred to in sub-clause (i) shall be allowed at the rate of sixty per cent. on such goods which attract central tax at the rate of nine per cent. or more and forty per cent. for other goods of the central tax applicable on supply of such goods after the appointed date and shall be credited after the central tax payable on such supply has been paid:
Provided that where integrated tax is paid on such goods, the amount of credit shall be allowed at the rate of thirty per cent. and twenty per cent. respectively of the said tax;
 - (iii) The scheme shall be available for six tax periods from the appointed date.
- (b) The credit of central tax shall be availed subject to satisfying the following conditions, namely:–
 - (i) such goods were not unconditionally exempt from the whole of the duty of excise specified in the First Schedule to the Central Excise Tariff Act, 1985 or were not nil rated in the said Schedule;

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- (ii) the document for procurement of such goods is available with the registered person;
 - ⁴[(iii) The registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2), submits a statement in **FORM GST TRAN 2** by 31st March 2018, or within such period as extended by the Commissioner, on the recommendations of the Council, for each of the six tax periods during which the scheme is in operation indicating therein, the details of supplies of such goods effected during the tax period:]
 - ⁵[**Provided that** the registered persons filing the declaration in **FORM GST TRAN-1** in accordance with sub-rule (1A), may submit the statement in **FORM GST TRAN-2** by ⁶[30th April, 2020];]
 - (iv) the amount of credit allowed shall be credited to the electronic credit ledger of the applicant maintained in **FORM GST PMT-2** on the common portal; and
 - (v) the stock of goods on which the credit is availed is so stored that it can be easily identified by the registered person..
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⁴ Clause (iii) substituted by Noti. No. 12/2018-Central Tax, dt. 07-03-2018 w.e.f. 07-03-2018. Earlier to substitution it read as under:

"(iii) the registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2), submits a statement in **FORM GST TRAN-2** at the end of each of the six tax periods during which the scheme is in operation indicating therein, the details of supplies of such goods effected during the tax period;"

⁵ Proviso inserted by N. No. 48/2018-Central Tax, dt. 10-09-2018 w.e.f. 10-09-2018.

⁶ Substituted for "A[31st January, 2020]" by Noti. No. 02/2020-Central Tax, dt. 01-01-2020 w.e.f. 01-01-2020.

A Earlier substituted for "30th April, 2019" by Noti. No. 49/2019-Central Tax, dt. 09-10-2019.