

Rule 92: Order sanctioning refund

- (1) Where, upon examination of the application, the proper officer is satisfied that a refund under sub-section (5) of section 54 is due and payable to the applicant, he shall make an order in **FORM GST RFD-06**, sanctioning the amount of refund to which the applicant is entitled, mentioning therein the amount, if any, refunded to him on a provisional basis under sub-section (6) of section 54, amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable:

Provided that in cases where the amount of refund is completely adjusted against any outstanding demand under the Act or under any existing law, an order giving details of the adjustment shall be issued in Part A of **FORM GST RFD-07**.

- ⁶[(1A) Where, upon examination of the application of refund of any amount paid as tax other than the refund of tax paid on zero-rated supplies or deemed export, the proper officer is satisfied that a refund under sub-section (5) of section 54 of the Act is due and payable to the applicant, he shall make an order in **FORM RFD-06** sanctioning the amount of refund to be paid, in cash, proportionate to the amount debited in cash against the total amount paid for discharging tax liability for the relevant period, mentioning therein the amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable and for the remaining amount which has been debited from the electronic credit ledger for making payment of such tax, the proper officer shall issue **FORM GST PMT-03** re-crediting the said amount as Input Tax Credit in electronic credit ledger.]
- (2) Where the proper officer or the Commissioner is of the opinion that the amount of refund is liable to be withheld under the provisions of sub-section (10) or, as the case may be, sub-section (11) of section 54, he shall pass an order in Part B of **FORM GST RFD-07** informing him the reasons for withholding of such refund.
- (3) Where the proper officer is satisfied, for reasons to be recorded in writing, that the whole or any part of the amount claimed as refund is not admissible or is not payable to the applicant, he shall issue a notice in **FORM GST RFD-08** to the applicant, requiring him to furnish a reply in **FORM GST RFD-09** within a period of fifteen days of the receipt of such notice and after considering the reply, make an order in **FORM GST RFD-06**, sanctioning the amount of refund in whole or part, or rejecting the said refund claim and the said order shall be made available to the applicant electronically and the provision of sub-rule (1) shall, *mutatis mutandis*, apply to the extent refund is allowed:
- Provided** that no application for refund shall be rejected without giving the applicant a reasonable opportunity of being heard.
- (4) Where the proper officer is satisfied that the amount refundable under sub-rule (1) ⁷[or sub-rule (1A)] or (2) is payable to the applicant under sub-

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section (8) of section 54, he shall make an order in **FORM GST RFD-06** and issue a ²[payment order] in **FORM GST RFD-05**, for the amount of refund and the same shall be electronically credited to any of the bank accounts of the applicant mentioned in his registration particulars and as specified in the application for refund. ³[on the basis of a consolidated payment advice].

¹Provided that the order issued in FORM GST RFD-06 shall not be required to be revalidated by the proper officer:

Provided further that the ²[payment order] in FORM GST RFD-05 shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said ²[payment order] was issued".

- ⁴[(4A) The Central Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (4).]
- (5) Where the proper officer is satisfied that the amount refundable under sub-rule (1) ⁸[or sub-rule (1A)] or sub-rule (2) is not payable to the applicant under sub-section (8) of section 54, he shall make an order in **FORM GST RFD-06** and issue ⁵[a payment order] in **FORM GST RFD-05**, for the amount of refund to be credited to the Consumer Welfare Fund.

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1. Inserted vide Notification No. 03/2019-State Tax dated 29/01/2019
 2. Substituted vide Notification No. 31/2019 – Central Tax dated 28/06/2019 **w.e.f. 24/09/2019** before it was read as "payment advice"
 3. Inserted vide Notification No. 31/2019 – State Tax dated 28/06/2019 **w.e.f. 24/09/2019**
 4. Inserted vide Notification No. 31/2019 – State Tax dated 28/06/2019 **w.e.f. 24/09/2019**
 5. Substituted vide Notification No. 31/2019 –State Tax dated 28/06/2019 **w.e.f. 24/09/2019** before it was read as "an advice"
 6. Inserted vide Notification No. 16/2020 – State Tax dated 31/03/2020
 7. Inserted vide Notification No. 16/2020 – State Tax dated 31/03/2020
 8. Inserted vide Notification No. 16/2020 – Central Tax dated 23/03/2020