



भारत सरकार/ GOVERNMENT OF INDIA  
वित्त मंत्रालय/ MINISTRY OF FINANCE  
राजस्व विभाग /DEPARTMENT OF REVENUE  
सीमा शुल्क आयुक्त का कार्यालय /OFFICE OF THE COMMISSIONER OF CUSTOMS  
सीमा शुल्क भवन, मार्मागोआ, गोवा - ४०३८०३ /CUSTOM HOUSE, MARMAGOA, GOA - 403803.  
दूरभाष क्रमांक-०८३२-२५२०६१५, फैक्स-०८३२-२५२०७४४ / Telephone No. 0832-2520615, Fax-0832-2520744

## PUBLIC NOTICE No. 12/2018

**विषय : Cases where IGST refunds have not been granted due to claiming higher rate of drawback OR where higher rate and lower rate were identical.**

Kind attention is invited to the Board's circular no.37/2018 dated 09.10.2018 issued wide F.No. 450/119/2017/-CusIV on the above subject.

Numerous representations have been received from exporters/ export association, regarding cases where IGST refunds have not been granted because higher rate of drawback has been claimed or where higher rate and lower rate were identical.

2.0 This issue has been examined extensively by the ministry. The legal provisions related to Drawback claims are as under:

2.1 Notes and condition (11) of Notification No.131//2016-Cus(NT) dated 31.10.2016 (as amended by Notification No. 59/2017-Cus(NT) dated 29.06.2017), under which All industry Rates of Drawback had been notified and which were applicable for availing composite rates during period in question (i.e. 01.07.2017 to 30.09.2017), prescribed that *"The rates and caps of drawback specified in column (4) and (5) of the said schedule shall not be applicable to export of a commodity or product if such commodity or product is -*

....

*(d) exported claiming refund of the integrated goods and services tax paid on such exports'.*

2.2 Notes and Condition (12A) of Notification No. 131/2016-Cus(NT) dated 31.10.2016 (as amended by Notification. No. 59/2017-Cus(NT) dated 29.06.2017 and 73/2017-Cus(NT) dated 26.07.2017) prescribed that *"The rates and capes of drawback specified in columns (4) and (5) of the said Schedule shall be applicable to export of a commodity product if the exporter satisfies the following conditions namely:-*

... ..

*(ii) If the goods are exported on payment of integrated Goods and Services Tax , the exporter shall declare that no refund of integrated Goods and Services Tax paid on export product shall be claimed; ... ..*

2.3 In terms of Rule 12 and 13 of Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, the shipping bill itself is treated as claim for drawback in terms of the declarations made on the shipping bill.

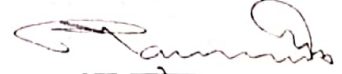
2.4 The declarations required in terms of above Notes and Conditions and provisions of the Drawback Rules are made electronically in the EDI system. When Composite drawback rate was claimed (by declaring suffix A or C with Drawback serial number), exporter was required to tick DBK002 and DBK003 declarations in the shipping bills. In fact, for period 01.07.2017 to 26.07.2017, a manual declaration was also required to be given as the changes made on 26.07.2016 were made applicable for exports made from 01.07.2017 onwards.

2.5 By declaring drawback serial number suffixed with A or C and by making above stated declarations, the exporters consciously relinquished their IGST/ITC claims.

3. It has been noted that exporters have availed the option to take drawback at higher rate in place of IGST refund out of their own volition. Considering the fact that exporters have made aforesaid declaration while claiming the higher rate of drawback, it has been decided that it would not be justified allowing exporters to avail IGST refund after initially claiming the benefit of higher drawback. There are no justifications for re-opening the issue at this stage.

4. Difficulties, if any may be brought to the notice of the undersigned.

फ़ा. सं.: S/99-173/2018- Appg. (IGST)  
दिनांक: 16.11.2018



आर. मनोहर  
आयुक्त

प्रति,

1. आयुक्त, सीमा शुल्क सीमा शुल्क, गोवा, सूचनार्थ (For information)
2. अपर आयुक्त, सीमा शुल्क सीमा शुल्क, गोवा, सूचनार्थ (For information)
3. समस्त उप/ सहायक आयुक्त, सीमा शुल्क
4. सभी निर्यातक, सी.एच.ए. सीमा शुल्क, गोवा
5. नोटिस बोर्ड