Lakshmikumaran & Sridharan attorneys

L&S Update

an e-update to clients from
Lakshmikumaran & Sridharan

L&S GST Update
No. 55 of 2017

EOUs – Procedure for procurement from DTA

Background

- As per Notification Number 48/2017-Central Tax, supplies made to EOU/EHTP/STP/BTP ("**EOU**") are treated as 'deemed exports' under GST.
- Further, as per recently amended Rule 89 of CGST Rules, refund of tax paid on 'deemed exports' can be claimed either by the recipient or by the supplier.
- CBEC *vide* Circular No. 14/14 /2017-GST, dated 6th November 2017 has prescribed the procedure and safeguards in respect of supply of goods to EOU.
- The same needs to be adhered to so as to ensure smooth processing of refund claims in such cases.

Procedure

- Before such deemed export supplies are made, an intimation shall be given by the EOU in **Form A** *(attached to the Circular)* to the following persons:
  - The registered supplier
  - The jurisdictional GST officer in charge of such registered supplier, and
  - The jurisdictional officer of EOU

- The goods shall be supplied by the registered supplier to the EOU under the tax invoice.

- Upon receipt of goods, EOU shall endorse the tax invoice and the copy of the endorsed tax invoice shall be sent to the persons mentioned in Point 1 above.

- <u>The endorsed tax invoice will be considered as proof of deemed export supplies made by the registered supplier to the EOU.</u>

Records to be maintained by EOU

- Records of receipt, use and removal of goods received under deemed export benefit shall be maintained by the EOU.

- Such records are to be maintained digitally in **Form B** *(attached to the Circular).*

- Apart from details mentioned in Form B, EOU may, at its own discretion, add any other detail to the said form.

- Form B should be kept updated, accurate, complete and available at the said unit at all times for verification by the proper officer, whenever required.

- A digital copy of **Form B** shall be provided to jurisdictional GST officer by the 10th of each month in a CD or Pen drive, as convenient to the said unit

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