

Government of Jammu and Kashmir  
**Finance Department**  
J&K, Civil Secretariat, Jammu

Notification  
Jammu, the 17<sup>th</sup> August, 2021

S.O. 281 .- Government in order to encourage investment in power projects in the Union Territory of Jammu and Kashmir hereby notifies the following scheme for reimbursement of State Goods and Services Tax (SGST) to executing Agency for development and construction of power projects namely 540 MW Kwar Hydro Electric Project(HEP), 1000MW PakalDul HEP, 624MW Kiru HEP and 850 Ratle HEP.

**1. SHORT TITLE AND COMMENCEMENT**

The scheme shall be called as **Reimbursement of State Goods and Services Tax on Utilization of Goods and Services in the Power Projects in the Union Territory of Jammu and Kashmir (RSGSTPP)**. The said scheme shall deem to have come into operation with effect from the date of commencement of construction of the projects and shall remain in force till the completion of the projects.

**1.1 OBJECTIVE**

The Government in order to encourage the investments in the power projects so as to attain self-sufficiency has decided to reimburse the State Goods and Services Tax (SGST) to the executing agency involved in the construction of Hydro Electric Power(HEP) projects namely 540 MW Kwar Hydro Electric Project(HEP), 1000MW Pakal Dul HEP, 624MW Kiru HEP and 850 Ratle HEP.

**2. DEFINITIONS**

**2.1 "Executing Agency"** means the entity with legal capacity responsible for executing the Project namely 540 MW Kwar Hydro Electric Project(HEP), 1000MW PakalDul HEP, 624MW Kiru HEP and 850 Ratle HEP

**2.2 "Project or Projects"** includes 540 MW Kwar Hydro Electric Project(HEP), 1000MW PakalDul HEP 624MW Kiru HEP and 850 Ratle HEP

**2.3 " Bills"** means invoices as prescribed under Jammu and Kashmir Goods and Services Tax Act, 2017

**2.4 "Party or Parties"** means the agency or agencies making supplies of Goods or Services to the Executing Agency in relation to the development and construction of the project.

**2.5 "Nodal Officer"** means an officer of the State Taxes Department nominated by the Commissioner to process the claims of reimbursement of the project.

**3. DETERMINATION OF THE AMOUNT OF REIMBURSEMENT**

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3.1 Under the RSGSTPP scheme the Government will reimburse to Executing Agency the State Goods and Services Tax (SGST) paid against the bills raised by the supplier of Goods and Services in relation to the development and construction of power projects namely 540 MW Kwar Hydro Electric Project (HEP), 1000MW Pakal Dul HEP, 624MW Kiru HEP and 850 Rattle HEP. The claim of reimbursement shall be restricted to SGST paid as per the invoices uploaded by the supplier of Goods and Services in its GSTR-1 and accordingly reflected in GSTR 2A of the Executing Agency including cash paid by it on Reverse Charge Mechanism (RCM) basis. The reimbursement would be credited in the designated account declared by the Executing agency with the State Taxes Department and is used to make payments against the receipt of goods and services. Executing Agency desirous of availing the benefit of the RSGSTPP scheme shall produce the copies of the supply orders/contracts along with the bills while claiming the reimbursement. In case of Goods returned to the consignor, the claim shall be filed after reversing the tax on account of such return and the detail of same should be attached with the claim. RSGSTPP shall be allowed, subject to specified conditions and exclusions as mentioned in the scheme.

3.2 Reimbursement under the scheme shall be worked out on quarterly basis for which claims shall be filed on a quarterly basis namely for January to March, April to June, July to September and October to December. All claims of SGST reimbursement shall be supported by the hard copies of the GST compliant bills or digitally signed soft copies of bills, supply orders and e way bills duly endorsed by the Executing agency certifying that the goods and services are exclusively meant for the projects (utilization certificate).

Provided the claims, if any, prior to the notification of the scheme shall be filed by the Executing Agency quarter wise within six months after the date of issuance of scheme.

3.3 Any supply invoice which is found on investigation to be false and fabricated shall lead to the rejection of the claim for the whole quarter or the proceedings shall be initiated for recovery of the reimbursement paid to the Executing Agency for the same period, if any.

3.4 The Executing Agency applying for the scheme for the first time shall file the following documents in the office of the nodal officer:

- (a) GST Registration certificate issued by the concerned Jurisdictional Officer
- (b) Copy of the Project Report/work allotment order. (digitally signed copies if submitted in soft form)
- (c) Copy of Agreement
- (d) Declaration with regard to the appointment of Executing Agency for the project.
- (e) Declaration as per **Annexure A** to be submitted on one time basis.
- (f) Any other document evidencing the details required in clause (a) to (d), may be accepted with the approval of the Commissioner.



3.5 There shall be no reimbursement of the SGST in case of supplies received from unregistered persons and the suppliers who have opted for the composition scheme under GST.

3.6 The Executing Agency will have to make declarations as enclosed in **Annexure B**, while claiming RSGSTPP benefit. It may be noted that if reimbursement is not specifically claimed in the Declaration, no refund would accrue to the Executing Agency for such bills not mentioned in the declaration. Even though the supply of Goods or Services is made for the project, the Executing Agency must indicate their intent for claim at the time of filing of claim itself. No changes in the claim will be allowed after the filing of the Declaration.

#### **4. MANNER OF REIMBURSEMENT**

4.1 The Executing Agency shall file an application on prescribed format to be notified by the Commissioner State Taxes for reimbursement of the amount as prescribed under para 3.1 in the office of the nodal officer not beyond 60 days of the succeeding month after end of the quarter after payment of tax relating to the quarter to which the claim relates. The reimbursement claims shall be accompanied with the certificate of the Executing Agency that the Goods and Services are exclusively meant for the project only.

4.2 Nodal Officer after such examination of the application as may necessary, shall sanction reimbursement amount. Discrepancies, if any, shall be communicated by the Nodal Officer to the Executing Agency in writing within one month after the filing of reimbursement claim.

4.3 The nodal officer shall credit the amount due in the declared bank accounts of the Executing Agency within one month after the issuance of the reimbursement order.

4.4 Nodal officer shall intimate the Commissioner State Taxes the amount disbursed to the beneficiary. Demand of funds shall be calculated in advance by the Nodal Officer so as to avoid the gap between the Demand and supply.

4.5 For the purpose of post-audit of reimbursement claims, a cell comprising of Deputy Commissioner State Taxes (IT, Data Analytics and Economic Intelligence) for each Division /Assistant Commissioner , one State Taxes Officer and Inspectors as required, under the overall supervision of Commissioner may be constituted. The cell should complete the post-audit before the expiry of six months from the date of payment and shall also be responsible for maintaining the record of the orders issued by refund sanctioning authorities. The cell shall also monitor and point out any discrepancy.

#### **5. REPAYMENT BY CLAIMANT/RECOVERY AND DISPUTE RESOLUTION**

5.1 The reimbursement allowed is subject to the conditions specified under the scheme and in case of contravention of any provision of the scheme, the reimbursement shall be deemed to have never been allowed and any inadmissible refund under this scheme shall be recovered alongwith an interest @18% per annum thereon. In case of recovery or voluntary adjustment of excess payment, repayment,



recovery or return, interest shall also be paid by unit at the rate of 18% per annum calculated from the date of payment of refund till the date of repayment, recovery or return.

5.2 When any amount under the scheme is availed by wrong declaration of particulars regarding meeting the eligibility conditions in this scheme necessary action would be initiated and concluded by the Nodal Officer.

5.3 That the Executing Agency failing to intimate the Department any change in the project conditions shall not be eligible for the reimbursement for the period in which the conditions are changed.

5.4 **The procedure for Recovery:** Where any amount is recoverable from the Executing Agency, Nodal Officer shall issue a demand note to the Executing Agency intimating the amount recoverable from them and the date from which interest thereon is due and directing the Executing Agency to deposit the full sum within 30 days of the issue of the demand note in the account head of the State Tax and submit proof of deposit.

5.5 Where the amount is not paid by the Executing Agency within the time specified as above, action for recovery shall be taken in terms of the Land Revenue Act.

## 6. SAVING CLAUSE

Upon the cessation of the scheme, the unpaid claims shall be settled in accordance with the provisions of the Scheme while the recovery and dispute resolution mechanism shall continue to be in force.

Sd/-  
Additional Secretary to Government,  
Finance Department.

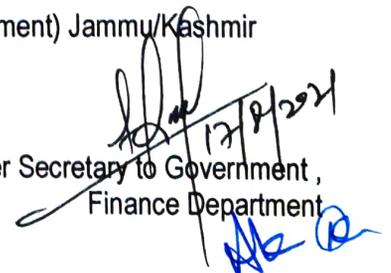
No: FD-Code/171/2021-03-FINANCE DEPARTMENT

Dated: 17 - 08-2021

Copy to the:-

1. All Financial Commissioners.
2. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
3. Principal Resident Commissioner, J&K Government, New Delhi.
4. Principal Secretary to Hon'ble Lt. Governor.
5. All Principal Secretaries to Government.
6. All Commissioner/Secretaries to Government.
7. Divisional Commissioner, Jammu/Kashmir.
8. Excise Commissioner, J&K, Srinagar.
9. Commissioner, State Taxes Department, J&K, Srinagar.
10. Additional Commissioner State Taxes (Administration & Enforcement) Jammu/Kashmir

Under Secretary to Government,  
Finance Department



## Annexure A

### AFFIDAVIT – CUM – INDEMNITY BOND

I / We Shri \_\_\_\_\_ s/o \_\_\_\_\_ (add names) in my/our capacity of \_\_\_\_\_ (designation) of \_\_\_\_\_ (Company/Unit Name) hereby solemnly affirm and declare for and on behalf of \_\_\_\_\_ (Executing Agency) that reimbursement of budgetary support has been filed on \_\_\_\_\_ under the Scheme called **Reimbursement of State Goods and Services Tax on Utilization of Goods and Services in the Power Projects in the Union Territory of Jammu and Kashmir (RSGSTPP)** notified by Finance Department, Government of Jammu & Kashmir.

I/We confirm that the Executing Agency is using the Goods and Services exclusively for development and construction of power projects namely 540 MW Kwar Hydro Electric Project(HEP), 1000MW PakalDul HEP 624MW Kiru HEP and 850 Ratle HEP and the claim will not include any other activity being carried out by the Executing Agency.

I/We further affirm and declare, as stated above, goods/services other than specified goods to be used in the projects will not be taken into account while filing the application under the scheme. No amount of reimbursement which is not due as per the conditions of the scheme notified by Finance Department, Government of Jammu & Kashmir shall be claimed by the Executing Agency and where any mis-declaration is detected, the amount paid by the Government shall be paid back by me/us with interest as prescribed in the scheme.

I/We solemnly affirm and declare that whatever is stated above is true to the best of my / our knowledge and record. I/We further indemnify the Government of Jammu and Kashmir to recover the amount, if any for any revenue loss which may occur (might have occurred) due to the above submission made by me / us.

DATE :NAME:

PLACE: SIGNATURE:

DESIGNATION:

ADDRESS:

#### Note:

1. This indemnity bond should be submitted on Rs.500/- Stamp Paper.
2. The bond is required to be notarised.
3. Proprietors /Partners / Directors / Authorised Signatory have/has to sign the bond alongwith their name and residential address. In case the bond is signed by authorized signatory, copy of power of attorney in favour of authorized signatory needs to be enclosed.

**Annexure - B**

Reimbursement Claim Form under Reimbursement of State Goods and Services Tax on Utilization of Goods and Services in the Power Projects in the Union Territory of Jammu and Kashmir (RSGSTPP)

1. Name/Address of the Executing Agency \_\_\_\_\_
2. GSTIN: \_\_\_\_\_
3. Circle & Division in which Registered \_\_\_\_\_

Period of Claim	January-March	April-June	July-September	October-December

Details of Inward suppliers making supply of goods and services to the Executive Agency.

S.No	Period(Quarter)	GSTIN	Address of the Business Premises	Place of Supply	HSN	Total Invoice Value	Tax details		Cash paid under RCM	Reimbursement Amount ( to be claimed)
							CGST	SGST		

Detail of Business Entity making purchases partly from Composition Dealers/Un-registered Persons

S. No	Period (Quarter)	GSTIN	Suppliers received by the Industrial Unit				Input Tax Claimed (SGST)	Supply to be used in the Project			
			Registered Dealers	Un-registered Dealers	Composition Dealers	Total		540 MW Kwar Hydro Electric Project(HEP)	1000 MW Pakal Dul HEP	524 MW Kiru HEP	850 Ratle HEP

I hereby certify that the claim Form submitted by the undersigned for an Amount of Rs.

\_\_\_\_\_ for the period of \_\_\_\_\_ is true and correct.

Place \_\_\_\_\_

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Name : \_\_\_\_\_

Status: \_\_\_\_\_

Seal: \_\_\_\_\_