

## **Aadhaar authentication is compulsory under GST w.e.f. January 01, 2022**

### **Background:**

The GST Council in its 45th meeting inter alia made recommendations regarding Aadhaar authentication of registration to be made mandatory for being eligible for filing refund claim and application for revocation of cancellation of registration under GST.

Accordingly, the CBIC vide *Notification No. 35/2021–Central Tax dated September 24, 2021* amended Central Goods and Services Tax Rules, 2017 (“**the CGST Rules**”) to adhere to the above- mentioned recommendation of 45th GST Council meeting.

### **Notification:**

The CBIC vide ***Notification No. 38/2021–Central Tax dated December 21, 2021*** has notified the below mentioned amendments in the *Notification No. 35/2021–Central Tax dated September 24, 2021* w.r.t Aadhaar authentication w.e.f. January 01, 2022.

- **Rule 10B of the CGST Rules [i.e., Aadhaar authentication for registered person] has been notified to provide that, for the purpose of**
  - i. Filing of application for revocation of cancellation of registration in Form GST REG-21 under Rule 23
  - ii. filing of refund application in Form RFD-01 under rule 89
  - iii. refund under Rule 96 of the integrated tax (IGST) paid on goods exported out of India

Authentication of Aadhar is must for every registered person and it shall be of Aadhaar number of authorized signatory of:

- ✓ the proprietor, in the case of proprietorship firm, or
- ✓ any partner, in the case of a partnership firm, or

- ✓ the karta, in the case of a Hindu undivided family, or
- ✓ the Managing Director or any whole time Director, in the case of a company, or
- ✓ any of the Members of the Managing Committee of an Association of persons or body of individuals or a Society, or
- ✓ the Trustee in the Board of Trustees, in the case of a Trust

Provided that, if Aadhaar number has not been assigned to the person required to undergo authentication of the Aadhaar number, such person shall furnish the following identification documents, namely: –

- a) her/his Aadhaar Enrolment ID slip; and
- b) Bank passbook with photograph or voter identity card or passport or driving license issued under the Motor Vehicles Act, 1988

Provided further that such person shall undergo the authentication of Aadhaar number within a period of thirty days of the allotment of the Aadhaar number

- **In effect, Rule 23(1) of the CGST Rules [i.e., Revocation of cancellation of registration] amended & notified and it reads as under:**

*“(1) A registered person, whose registration is cancelled by the proper officer on his own motion, may, **subject to the provisions of rule 10B**, submit an application for revocation of cancellation of registration, in FORM GST REG-21.....”*

- **Similarly, Rule 89(1) of the CGST Rules [i.e., Application for refund of tax, interest, penalty, fees or any other amount] amended & notified and it reads as under:**

*“(1) Any person, except the persons covered under notification issued under section 55, claiming refund of any tax, interest, penalty, fees or any other amount paid by him, other than refund of integrated tax paid on goods exported out of India, may file,*

*subject to the provisions of rule 10B, an application electronically in FORM GST RFD-01.....”*

- **Similarly, clause (c) has been notified in Rule 96(1) of the CGST Rules [i.e., Refund of integrated tax paid on goods or services exported out of India] amended & notified and it reads as under:**

*“(1) The shipping bill filed by an exporter of goods shall be deemed to be an application for refund of integrated tax paid on the goods exported out of India and such application shall be deemed to have been filed only when:-*

*a) the person in charge of the conveyance carrying the export goods duly files departure manifest or an export manifest or an export report covering the number and the date of shipping bills or bills of export; and*

*b) the applicant has furnished a valid return in FORM GSTR-3 or FORM GSTR-3B, as the case may be;*

***c) the applicant has undergone Aadhaar authentication in the manner provided in rule 10B;”***

#### **Conclusion:**

For the purpose of refund claim, Bank Account must be in name of the registered person and it must be obtained on Permanent Account Number of the registered person.

Further, Aadhaar authentication is must for filing of refund application and application for revocation of cancellation of registration.

The Notification can be accessed at: <https://www.cbic.gov.in/resources/htdocs-cbec/gst/notfctn-38-central-tax-english-2021.pdf>

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