

## Chapter XIV

### Transitional Provisions

**117. Tax or duty credit carried forward under any existing law or on goods held in stock on the appointed day.-** (1) Every registered person entitled to take credit of input tax under section 140 shall, within ninety days of the appointed day, submit a declaration electronically in **FORM GST TRAN-1**, duly signed, on the common portal specifying therein, separately, the amount of input tax credit<sup>1</sup>[of eligible duties and taxes, as defined in Explanation 2 to section 140] to which he is entitled under the provisions of the said section:

Provided that the Commissioner may, on the recommendations of the Council, extend the period of ninety days by a further period not exceeding ninety days.

Provided further that in the case of a claim under sub-section (1) of section 140, the applicant shall specify separately—

- (i) the value of claims under section 3, sub-section (3) of section 5, sections 6 and 6A and sub-section (8) of section 8 of the Central Sales Tax Act, 1956 made by the applicant; and

- (ii) the serial number and value of declaration in Forms C or F and certificates in Forms E or H or Form I specified in rule 12 of the Central Sales Tax (Registration and Turnover) Rules, 1957 submitted by the applicant in support of the claims referred to in sub-clause (i);

(2) Every declaration under sub-rule (1) shall-

- (a) in the case of a claim under sub-section (2) of section 140, specify separately the following particulars in respect of every item of capital goods as on the appointed day-
  - (i) the amount of tax or duty availed or utilized by way of input tax credit under each of the existing laws till the appointed day; and
  - (ii) the amount of tax or duty yet to be availed or utilized by way of input tax credit under each of the existing laws till the appointed day;
- (b) in the case of a claim under sub-section (3) or clause (b) of sub-section (4) or <sup>2</sup>[sub-section (6)] of section 140, specify separately the details of stock held on the appointed day;
- (c) in the case of a claim under sub-section (5) of section 140, furnish the following details, namely: –
  - (i) the name of the supplier, serial number and date of issue of the invoice by the supplier or any document on the basis of which credit of input tax was admissible under the existing law;
  - (ii) the description and value of the goods or services;
  - (iii) the quantity in case of goods and the unit or unit quantity code thereof;
  - (iv) the amount of eligible taxes and duties or, as the case may be,<sup>3</sup>[value added tax] charged by the supplier in respect of the goods or services; and
  - (v) the date on which the receipt of goods or services is entered in the books of account of the recipient.

(3) The amount of credit specified in the application in **FORM GST TRAN-1** shall be credited to the electronic credit ledger of the applicant maintained in **FORM GST PMT-2** on the common portal.

<sup>4</sup>[Omitted]

- (4) (a) (i) A registered person, holding stock of goods which have suffered tax at the first point of their sale in the State and the subsequent sales of which are not subject to tax in the State availing credit in accordance with the proviso to sub-section (3) of section 140 shall be allowed to avail input tax credit on goods held in stock on the appointed day in respect of which he is not in possession of any document evidencing payment of value added tax.
- (ii) Such credit referred to in sub-clause (i) shall be allowed at the rate of sixty per cent. on such goods which attract State tax at the rate of nine per cent. or more and forty per cent. for other goods of the State tax applicable on supply of such goods after the appointed date and shall be credited after the State tax payable on such supply has been paid:

Provided that where integrated tax is paid on such goods, the amount of credit shall be allowed at the rate of thirty per cent. and twenty per cent. respectively of the said tax.

(iii) The scheme shall be available for six tax periods from the appointed date.

(b) Such credit of State tax shall be availed subject to satisfying the following conditions, namely, -

- (i) such goods were not wholly exempt from tax under the West Bengal Value Added Tax Act, 2003;
- (ii) the document for procurement of such goods is available with the registered person;
- <sup>5</sup>[(iii) the registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2), submits a statement in **FORM GST TRAN-2** by the 31st March 2018, or within such period as extended by the Commissioner, on the recommendations of the Council, for each of the six tax periods during which the scheme is in operation indicating therein, the details of supplies of such goods effected during the tax period;]
- (iv) the amount of credit allowed shall be credited to the electronic credit ledger of the applicant maintained in **FORM GST PMT-2** on the Common Portal;
- (v) the stock of goods on which the credit is availed is so stored that it can be easily identified by the registered person.

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1. *Inserted by Notification No. 1221 –F.T. dated 06.07.2017 w. e. f. 01.07.2017.*

2. *Subs. by Notification No. 1568 –F.T. dated 30.08.2017 w. e. f. 01.07.2017 for “sub-section (6) or sub-section (8)”.*

3. *Subs. by Notification No. 1568 –F.T. dated 30.08.2017 w. e. f. 01.07.2017 for “value added tax [or entry tax]”.*

4. *Omitted by Notification No. 1221 –F.T. dated 06.07.2017 w. e. f. 01.07.2017.*

5. *Subs. by Notification No. 281-F.T. dated 07.03.2018 w. e. f. 07.03.2018 for –“(iii)the registered person availing of this scheme and having furnished the details of stock held by him in accordance with the provisions of clause (b) of sub-rule (2) of rule 1, submits a statement in FORM GST TRAN-2 at the end of each of the six tax periods during which the scheme is in operation indicating therein the details of supplies of such goods effected during the tax period;”*

**118. Declaration to be made under clause (c) of sub-section (11) of section 142.-** Every person to whom the provision of clause (c) of sub-section (11) of section 142 applies, shall within<sup>1</sup>[the period specified in rule 117 or such further period as extended by the Commissioner], submit a declaration electronically in **FORM GST TRAN-1** furnishing the proportion of supply on which Value Added Tax or service tax has been paid before the appointed day but the supply is made after the appointed day, and the Input Tax Credit admissible thereon.

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1. *Subs. by Notification No. 1763-F.T. dated 10.10.2017 w. e. f. 19.09.2017 for the words “a period of ninety days of the appointed day”.*

**119. Declaration of stock held by a principal and<sup>1</sup>[job-worker]. -**Every person to whom the provisions of section 141 apply shall, within <sup>2</sup>[the period specified in rule 117 or such further period as extended by the Commissioner], submit a declaration electronically in **FORM GST TRAN-1**, specifying therein, the stock of the inputs, semi-finished goods or finished goods, as applicable, held by him on the appointed day.

1. Subs. by Notification No. 1221 –F.T. dated 06.07.2017 w. e. f. 01.07.2017 for “agent”.
2. Subs. by Notification No.1763-F.T. dated 10.10.2017 w. e. f. 19.09.2017 for the words “ninety days of the appointed day”.

**120. Details of goods sent on approval basis.** -Every person having sent goods on approval under the existing law and to whom sub-section (12) of section 142 applies shall, within <sup>1</sup>[the period specified in rule 117 or such further period as extended by the Commissioner], submit details of such goods sent on approval in **FORM GST TRAN-1**.

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1. Subs. by Notification No.1763-F.T. dated 10.10.2017 w. e. f. 19.09.2017 for the words “ninety days of the appointed day”.

<sup>1</sup>**120A.**<sup>2</sup>**[Revision of declaration in FORM GST TRAN-1].** –Every registered person who has submitted a declaration electronically in **FORM GST TRAN-1** within the time period specified in rule 117, rule 118, rule 119 and rule 120 may revise such declaration once and submit the revised declaration in **FORM GST TRAN-1**electronically on the common portal within the time period specified in the said rules or such further period as may be extended by the Commissioner in this behalf.

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1. Inserted. ByNotification No. 1656 –F.T. dated 18.09.2017 w. e. f. 18.09.2017.
2. Inserted by Notification No.1763-F.T. dated 10.10.2017 w. e. f. 19.09.2017.

**121. Recovery of credit wrongly availed.** -The amount credited under sub-rule (3) of rule 117 may be verified and proceedings under section 73 or, as the case may be, section 74 shall be initiated in respect of any credit wrongly availed, whether wholly or partly.