

Office of the Commissioner of Customs
Custom House, Cochin – 9

Public Notice No. 06 / 2006

Attention of the trade and public is invited to the following instructions of the C.B.E.C and DGFT, enclosed herewith, for information:

Sl. No.	Instruction No. and origin	Subject
1	Notification No.07/2006- Cus(N.T) dated 31.01.2006 of CBEC	Amends the Notification No.36/2001 Cus(NT) dated 03.08.2001
2	Instruction in F.No.450/11/2006-Cus.IV dated 25.01.2006 of CBEC	Import of consignments of plants & plant products
3	Circular No.04/2006-Cus dated 12.01.2006 of CBEC	Computation of freight of time chartered/daughter vessel and its inclusion in the assessed value as extended cost of transportation – decision taken in the Chief Commissioners of Customs Conference on Valuation held at Mumbai on 1.10.05 and Board meeting dated 28.11.2005
4	Circular No.05/2006-Cua dated 12.01.2006 of CBEC	Includibility of ship demurrage charges in the assessable value – decision taken in the Chief Commissioners of Customs Conference on Valuation held at Mumbai on 1.10.05 and Board meeting dated 28.11.2005
5.	Circular No.06/2006-Cus dated 12.01.2006 of CBEC	Assessment of Bulk Liquid Cargo – Ship Ullage Report vs. Shore Tank receipt – ref. Circular No.96/2002-Customs, dated 27.12.2002
6.	Circular No.09/2006-Cus dated 23.01.2006 of CBEC	Retrospective levy of definitive Anti-Dumping Duty (ADD)
7.	Notification No.38 (RE-05)/2004-09 dated 17.01.2006 of DGFT	Amendments in the ITC(HS) classifications of Export Import Items, 2004-2009
8.	Notification No.39 (RE-05)/2004-09 dated 17.01.2006 of DGFT	Amendments in para 1.3 of Foreign Trade Policy, 2004-09
9.	Notification No.40(RE-05)/2004-09 dated 19.01.2006 of DGFT	Amendments in para 1.3 of Foreign Trade Policy, 2004-09
10.	Public Notice No.74 (RE-2005)/2004-09 dated 08.12.2005 of DGFT	Corrections/Amendments in Appendix – 37A of Handbook of Procedures Vol.I 2004-09
11.	Public Notice No.76 (RE-2005)/2004-09 dated 26.12.2005 of DGFT	Allocation of a total quantity of 19,300 MTs of Raw Sugar out of free sale portion of 2005-06 season's production for export to USA and EU for the fiscal year 2005 (October 1, 2005 to September 30, 2006)
12.	Public Notice No.77 (RE-2005)/2004-09 dated 26.12.2005 of DGFT	Amendments/corrections in the Book titled "Schedule of DEPB rates"
13.	Public Notice No.78 (RE-2005)/2004-09 dated 27.12.2005 of DGFT	Amendments in the Public Notice No.76 dated 26.12.2005
14.	Public Notice No.79 (RE-2005)/2004-09 dated 02.01.2006 of DGFT	Guidelines for disposal of the old cases of advance licences issued before 31.03.2002 where the licensee is unable to produce the logged DEEC books

[issued in F.No.C1/01/2006-TU]

sd/
(D D Ingty)
Commissioner of Customs

Cochin, dated the 15th February 2006.

// Attested //

(Baiju Daniel)
Appraiser (Tariff Unit)

Copy to:

Commissioner's file/ Addl. Commissioner / Jt. Commissioners / All D.Cs & A.Cs / Development Commissioner (CSEZ) / All Appraisers / All Sections / Guard File. All concerned officers are directed to note and comply with the instructions/changes. No separate S.O. is being issued.

Notification No. 7/2006 - Customs (N.T.)

dated 31st January, 2006

In exercise of the powers conferred by sub-section (2) of Section 14 of the Customs Act, 1962, (52 of 1962), the Board, being satisfied that it is necessary and expedient so to do, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.36/2001-Cus (N.T.), dated, the 3rd August 2001, namely: -

In the said notification, for the Table, the following Table shall be substituted namely:-

S.No.	Chapter heading / sub-heading	Description of goods	Tariff value US\$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	412
2	1511 90 10	RBD Palm Oil	427
3	1511 90 90	Others – Palm Oil	420
4	1511 10 00	Crude Palmolein	434
5	1511 90 20	RBD Palmolein	437
6	1511 90 90	Others – Palmolein	436
7	1507 10 00	Crude Soyabean Oil	484
8	7404 00 22	Brass Scrap (all grades)	2201"

F.No.467/87/2005-Cus.V

Note: - The Principal notification was published in the Gazette of India, Extraordinary, vide notification no.36/2001 – Customs (N.T.), dated, the 3rd August, 2001 (S.O.748 (E), dated, the 3rd August, 2001) and was last amended vide Notification No.02/2006-Customs (N.T), dated, the 16th January, 2006 (S.O.43(E) dated 16th January, 2006).

F.No.450/11/2006-Cus.IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

January 25th, 2006

Subject: Import of consignments of plants & plant products – reg.

I am directed to invite your attention to para 18 of the Chapter 9 of CBEC's Customs manual wherein it is mentioned that 'the Customs will have to ensure that plant/plant material (primary agricultural products) are granted clearance for home consumption only after necessary permission is granted by the concerned Plant and Quarantine Officer'.

2. Ministry of Agriculture (Department of Agriculture & Cooperation) has informed that the import of plants and plant products into the country is regulated under the provisions of the Plant Quarantine (Regulation of Import into India) Order, 2003 in order to prevent the ingress of exotic pests & diseases that may adversely affect the agriculture. Therefore, the import consignments of plants & plant products have to be inspected by the Plant Quarantine Authorities to verify absence of infestation of pests & diseases before being cleared for release by Customs. However, there have been instances where Customs officials have released the import consignments of garlic and other agricultural commodities imported from China and other countries without reference to the

Plant Quarantine Stations. Such action could lead to the inadvertent introduction of dangerous quarantine pests into the country and also result in loss of revenue that would otherwise have been realized through Plant Quarantine inspections and treatment of the imported consignments. The matter has gained importance since Department of Agriculture & Cooperation has stopped issuing any more permits for the import of garlic from China with immediate effect due to repeated interceptions of the *Embellisia allii*, a fungus that could adversely affect the indigenous production of garlic and garlic group of crops.

3. In view of above it is re-iterated that release of any import consignments of plants & plant products, including garlic, should not be done without prior clearance of the Plant Quarantine authorities.

Circular No.04/2006

dated 12th January, 2006

F.No.467/79/2005-Cus.V
Government of India
Ministry of Finance
Department of Revenue
CBEC

Sub:- Computation of freight of time chartered/daughter vessel and its inclusion in the assessed value as extended cost of transportation – decision taken in the Chief Commissioners of Customs Conference on Valuation held at Mumbai on 1.10.05 and Board meeting dated 28.11.2005 – reg.

While both imported crude and finished petroleum products are transported to Indian coasts in larger vessels on voyage charter basis (CNF/FOB), Industry charters certain vessels on time charter basis mainly to be used to lighter bigger vessels bringing the cargo from foreign ports. The mother vessels which bring the cargos usually cannot be berthed at almost all the ports in India and hence required to be lightered partly/fully. There is no set pattern for movement of time charter vessels and they operate in zig-zag fashion depending on the requirements and sometimes carry cargoes for multiple ports in the same voyage and the cargo size is also not predetermined. The payment to time charter vessel is not on voyage basis but on monthly hire basis. In addition to the charter hire, the industry bears the cost of bunkers and the port charges for these vessels. Consequently, the actual transportation cost for any particular voyage cannot be directly identified.

2. The issue regarding computation of freight of time chartered/daughter vessel and its inclusion in the assessable value was taken up in detail by the committee headed by Shri R.K.Chakraborti, the then Member (L&J), and it was held that the freight of daughter vessel would have to be treated as extension of freight and not as part of landing charges. It was also suggested that the same should be calculated on normative basis on the World Scale Norms. The World Scale gives the rate in terms of US\$ PMT annually for a standard vessel of capacity 75000 MT between two geographical points whose co-ordinates in terms of latitudes and longitudes are available with World Scale Organisation (WSO), and for different sizes of vessels and for different months, the rate can be determined after applying a multiplying factor (monthly average freight rate assessment) arrived on the basis of market trends world over.

3. Rule 9(3) of Customs Valuation Rules require addition of freight, insurance, loading, unloading and handling expenses on the basis of objective and quantifiable data which are available in the form of independent and objectively calculated WS rates and AFRA (Average Freight Rate Adjustment).

4. The above issue was discussed in the Chief Commissioner's Conference held on 1st October 2005 at Mumbai. The conference agreed that the recommendations of the Shri R.K.Chakraborti Committee should be accepted and that pending cases of assessments should be finalized as per the two alternative methods of computation of cost of transportation for daughter/time chartered vessel. The first option which is based on the World Scale rates duly adjusted on the basis of AFRA rates should be followed wherever the World scale rates are available for the transportation between high seas and respective minor ports in India. In cases where the World Scale Freight Rate Index is not available, the cost element required for arriving at the freight rate may be based on the benchmarks used by the World Scale Association. In both cases, Wharfage and transshipment charges should be added to arrive at the total freight. It was also made clear that the data in respect of these calculations should be submitted by the respective importers to the satisfaction of the assessing officer. Accepting services by the Cost Accountant's may also be considered by the respective Commissionrates depending upon the extent of complexity of the cases.

5. The matter has been considered by the Board and it has been decided that all pending cases involving lighterage charges would be finalized on the basis of World Scale Rates and AFRA

wherever available. In case of minor ports where WSO rates along with AFRA are not available, the concerned Commissioners should direct the shipping companies to get the WSO rates fixed.
6. All pending provisional assessments should be finalized accordingly.

Circular No.05/2006

dated 12th January, 2006

F.No.467/79/2005-Cus.V
Government of India
Ministry of Finance
Department of Revenue
CBEC

Sub:- Includibility of ship demurrage charges in the assessable value – decision taken in the Chief Commissioners of Customs Conference on Valuation held at Mumbai on 1.10.05 and Board meeting dated 28.11.2005.

Attention is invited to the Board letter issued vide F.No.467/01/2002-Cus.V, dated 20th October 2004 (copy enclosed) on the above subject, wherein, it was conveyed that in light of the decision of the Board to file review petition before the Supreme Court of India, in the case of M/s. Indian Oil Corporation [2004(165) ELT (SC)], all importations prior to 02.03.2001 may be kept provisional.

2. Now, in view of the Department's Review Petition in the case of Commissioner of Customs, Calcutta, Vs. Indian Oil Corporation Limited being dismissed by the Hon'ble Supreme Court, all pending provisional assessments in respect of importation prior to 02.03.2001 may be finalized accordingly.

3. With regard to period after 02.03.2001, the matter is under consideration and clarification shall be issued in due course.

Circular No.06 /2006

dated 12th January, 2006

F.No.467/79/2005-Cus.V
Government of India
Ministry of Finance
Department of Revenue
CBEC

Sub: - Assessment of Bulk Liquid Cargo – Ship Ullage Report vs. Shore Tank receipt – ref. Circular No.96/2002-Customs, dated 27.12.2002.

Attention is invited to the Board's Circular No.96/2002-Customs, dated 27.12.2002 on the above mentioned subject, wherein, it was conveyed that, in the case of bulk liquid cargo imports, whether for home consumption or warehousing, the shore tank receipt quantity should be taken as the basis for levy of customs duty.

2. A doubt has arisen in cases where customs duty is chargeable on ad-valorem basis, whether there would be any requirement for determination of the quantity of the goods as the basis for levy of customs duty would be the transaction value, i.e., invoice price and not the quantity.

3. The above issue has been under consideration for a long time and a number of assessments are pending at field level because of divergent views. The above issue was discussed in the Conference on "Customs Valuation and Customs Procedures" held on 21st and 22nd August 2003 and also in the Chief Commissioner's conference on Customs Valuation held on 1st October 2005 at Mumbai. The conference was of the view that the assessment of bulk liquid cargo should be based on invoice price, which is the price paid or payable for the imported goods, i.e., transaction value, irrespective of quantity ascertained through shore tank measurement or any other manner. Wherever the duty is leviable at specific rate, quantity determined during the shore tank measurement should be accepted.

4. The matter has been considered by the Board and it has been decided that, in all cases where customs duty is leviable on ad-valorem basis, the assessment of bulk liquid cargo should be based on invoice price, which is the price paid or payable for the imported goods, i.e., transaction value, irrespective of quantity ascertained through shore tank measurement or any other manner. Further, in respect of delivery at more than one port, the value should be apportioned based on the quantity intended to be discharged at the relevant ports. However, wherever the customs duty is leviable at specific rate, the determination of quantity would be relevant for levy of customs duty. In this regard, the contents of para 7 of the Circular no.96/2002, dated 27th December 2002 may be referred to only in respect of cases where the Customs duty is leviable at specific rate. All pending provisional assessment should be finalized accordingly.

5. Circular No.96/2002-Customs, dated 27th December 2002 stands amended to the extent as above.

Circular No. 9/2006-Cus

dated 23rd January, 2006

F.No. 523/2/2004-Cus.(TU)
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
(TARIFF UNIT)

Subject:- Retrospective levy of definitive Anti-Dumping Duty (ADD)-reg.

I am directed to say that divergence of opinion in the field formations regarding retrospective levy of final anti-dumping duty has come to the notice of the Board.

2. The matter has been examined in the Board's office. The issue under doubt is whether anti-dumping duty (ADD) under Section 9A of the Customs Tariff Act, 1975 is payable during the interregnum period between the date of expiry of provisional anti-dumping duty and imposition of final ADD, and whether it should be applied retrospectively from the date of imposition of provisional levy.

3. Section 9A of the Customs Tariff Act 1975 provides for levy of ADD. Sub-section (2) of this Section stipulates that pending determination in accordance with provisions of this Section and the rules made thereunder, the Central Government may impose an anti-dumping duty on the basis of provisional estimates. Rule 13 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as ADD rules) provides for levy of provisional anti-dumping duty for a period of six months and is extendable by the Central Government for a further period of three months. However, under rule 17 the Designated Authority may submit the final findings regarding imposition of definitive anti-dumping duty on any product within 12 months from the date of initiation of investigation or extended period of another 6 months. Therefore, there may be a time gap during which no ADD is in operation because provisional anti-dumping duty notification may have lapsed and final ADD notification may not have been issued based on such final findings.

4. As per Rule 21(2) of the Anti-Dumping Duty Rules, if the final anti-dumping duty (imposed w.e.f. the date of provisional anti dumping duty) is less than the provisional duty, the difference is to be refunded. If, on the other hand, the final ADD is more than the provisional duty, the difference is not to be collected from the importer.

5. An opinion has been expressed by some commissionerates as well as by the Ministry of Commerce & Industry that going by the spirit of Rule 21(1) of the anti-dumping duty rules, ADD should not be recovered for the period when there was neither provisional nor final anti-dumping duty in operation and therefore at the material time, rate of anti-dumping duty on that product may be treated as 'nil'. Hence, if later, final ADD is imposed on that product for the period under consideration, the difference should not be collected.

6. Board had referred the matter to the Ministry of Law & Justice on this issue. Law Ministry in its opinion (copy enclosed) had concluded that even if no provisional duty was collected during the intervening period after six months of the provisional duty, the goods shall attract the duty on imposition of final duty with a difference that the duty shall be collected on imposition of final duty.

7. The matter has since been decided by the principal bench of CESTAT in matter of Nitco Tiles Ltd. V/s Designated Authority {2006(193) ELT 17(Tri.-Del.)}. The Hon'ble Court has held that "*Rule 20(2)(a) is intra vires the provisions of the said Act and the anti-dumping duty has been validly imposed with effect from the date of imposition of the provisional anti-dumping duty and would continue to operate even during the 'interregnum period'.*"

8. Board has examined the issue in detail and it is felt that in the matters of interpretation of Law or Statute, opinion of the Law Ministry would prevail over any other technical opinion. Moreover, the opinion of the Law Ministry has been endorsed by the Tribunal. Therefore, it has been decided to follow the advice of the Ministry of Law in this matter.

9. It is accordingly clarified that in cases where finally determined anti dumping duty is imposed with a retrospective effect from the date of imposition of provisional anti-dumping duty, then the final antidumping duty would be payable even for the interregnum period subsequent to the expiry of the provisional duty period.

10. Trade and Industry should be suitably advised in this matter.

11. Pending assessments may be finalized accordingly.

Extract of Law Ministry's Opinion:

"In substance, the question is that if for any person the investigation leading to final determination takes more than six months after imposition of the provisional duty, would it disable the Central Govt. to impose

duty even after final determination so as to frustrate the very object of the Act and create dis-harmony with other Rules, for example, Rule 17, which provides a period of one year for completion of investigation.

It is well settled that the Rules are to be so interpreted as to promote the object of the Act – ut res magis valeat quem pereat. Further a harmonious reading needs to be given to the various Rules. Furthermore, the Rule cannot limit the operation of the Act. The Act has not created any such limitation as suggested as it would have created a gap between the periods of imposition of anti-dumping duty.

Apart from the above, from a strictly grammatical angle the word “from” preceding “the date of imposition of provisional duty” is important when read against other possible expressions like “for the period of”. The word ‘from’ indicates only a starting point running through all the events thereafter, whereas the expressions “for the period”, “during the period” etc., convey two points of time, the start and the end, usually of the same event or a chain of events. Section 9(2) and the word “from” in Rule 20(2) (a) leave no doubt as to the Government’s capacity to impose final anti dumping duty ‘from’ the date of imposition of the provisional duty without any break thereafter.

In the light of the above we are of the view that finally determined anti-dumping duty is payable from the date of imposition of provisional duty even after six months of the provisional duty.”

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION No. 38 (RE-05)/2004-2009

dated 17.01.2006

S.O.(E) - In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (Sl.No.66) read with Para 1.3, 2.1 & 2.29 of the Foreign Trade Policy, 2004-2009 (as amended from time to time), the Central Government hereby makes the following amendment in the Note under Chapter 26 of Schedule 2 of ITC(HS) Classifications of Export and Import Items, 2004-2009” : -

Existing Note

Note

1. Rare Earths , ores , concentrates and compounds of Monazite under code 2614 are freely exportable . However , Monazite is a mineral of rare earth Phosphate and contains uranium and thorium . It is a prescribed substance and is controlled as per provisions of Atomic Energy Act, 1962 .

2. Other minerals under code 2617 containing the following are freely exportable :-

“ Other minerals containing the following substances as accessory ingredients including :

(i) Samerskite

(ii) Uraniferous allanite Radium Ores and concentrates ”

These minerals / substances contain uranium and / or thorium and will be dealt as prescribed substances as per the provisions of the Atomic Energy Act, 1962.

Amended Note

“Note.

1 . Rare earth compounds are freely exportable , but rare earth phosphates, which contain uranium and thorium are prescribed substances and are controlled as per provisions of Atomic Energy Act, 1962.

2. Other minerals under code 2617 are freely exportable, except those which have been notified as prescribed substances and controlled under Atomic Energy Act, 1962 ”.

II. This issues in Public Interest.

(K.T. CHACKO)

DIRECTOR GENERAL OF FOREIGN TRADE

AND EX-OFFICIO ADDITIONAL SECRETARY TO THE GOVT. OF INDIA

(Issued from F.No.01/91/171/ 39/AM03/PC-III)

GOVERNMENT OF INDIA MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION NO. 39 (RE-2005) / 2004-2009

dated 17.01.2006

S.O. (E) In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992) read with paragraph 1.3 of the Foreign Trade Policy, 2004-09 as amended from time to time, the Central Government hereby makes the following amendments:

1. The sub paragraph of Para 5.1 after the sub paragraph "Second hand capital goods without any restriction on age may also be imported under the EPCG scheme" of Para 5.1 will be amended to read as follows:

"However, import of motor cars, sports utility vehicles/all purpose vehicles shall be allowed only to hotels, travel agents, tour operators or tour transport operators and companies owning/operating golf resorts whose total foreign exchange earning from the hotel, travel & tourism and golf tourism sectors in the current and preceding three licensing years is Rs 1.5 crores or more. The 'duty saved' amount on all EPCG licences issued in a licensing year for import of motor cars, sports utility vehicles/all purpose vehicles shall not exceed 50% of the average foreign exchange earnings from the hotel, travel & tourism and golf tourism sectors in the preceding three licensing years. However, the parts of motor cars, sports utility vehicles/ all purpose vehicles such as chassis etc. cannot be imported under the EPCG Scheme."

This issues in public interest.

(K.T. Chacko)

Director General of Foreign Trade And Ex-Officio Additional Secretary to the Govt. of India

(Issued from File No.01/94/162/46/AM06/PC-1)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE
NEW DELHI

NOTIFICATION No.40 (RE-2005)/2004-2009

Dated 19.01.2006

S.O.(E) In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act,1992 (No.22 of 1992) read with paragraph 1.3 of the Foreign Trade Policy, 2004-2009 (as amended from time to time), the Central Government hereby makes the following amendments in the "Schedule 2 of the ITC(HS) Classifications of Export and Import Items 2004-2009" :-

The following Export Licensing Note No.1 may be inserted after Sl. No.126 in Chapter 30 (i.e. Pharmaceutical Products) of Schedule-2 of ITC(HS):-

Export Licensing Note No.1 :

"The words 'Heavy metals within permissible limits' have to be conspicuously displayed on the container of purely Herbal Ayurveda, Siddha and Unani medicines to be exported. Alternatively, a Certificate that 'Heavy metals within permissible limits' issued either by an inhouse laboratory fully equipped with appropriate equipments for testing heavy metals or by any other NABL/GLP accredited laboratory or any other approved laboratory has to be produced along with other consignment papers."

2. This issues in public interest.

(K.T. CHACKO)

DIRECTOR GENERAL OF FOREIGN TRADE
AND EX-OFFICIO ADDL. SECRETARY TO THE GOVT. OF INDIA

(Issued from file No.01/91/180/957/AM06/PC.III).

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE

PUBLIC NOTICE NO. 74 (RE-2005) /2004-2009

dated 08.12.2005

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy 2004-2009, the Director General of Foreign Trade hereby makes the following amendments in Handbook of Procedures (Vol. I):

In Appendix 37A giving details of list of items eligible for benefits under Vishesh Krishi Upaj Yojana following corrections/amendments are made in respect of entry at Sl.No.606 (product code: 08.606), Sl.No.609 (product code: 08.609) and Sl.No.618 (product code: 08.618).

S.No.	Product Code	ITC Code	HS	Description

606	08.606	15159010	Fixed Vegetable oils viz. Neutralised and Bleached Mowrah oil/fat, Neutralised and Bleached Kokum oil/fat, Neutralised and Bleached Sal oil / sal fat / Stearine.
609	08.609	15159040	Fixed Vegetable oils viz. Neutralised and Bleached Mango kernel fat / oil / stearine / olein
618	08.618	23069026	Oil cake and Oil cake meal of Sal Fat/Oil

This issues in Public interest.

Sd/-
(K.T. CHACKO)
DIRECTOR GENERAL OF FOREIGN TRADE and
EX-OFFICIO ADDITIONAL SECRETARY TO THE GOVT. OF INDIA

(Issued from F.No. 01/94/180/009/AM06/PC.I)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

PUBLIC NOTICE NO. 76 (RE-2005)/2004-2009 dated 26.12.2005

S.O.(E) – In exercise of the powers conferred under Paragraphs 2.1, 2.4 and 2.29 of the Foreign Trade Policy, 2004-2009, the Director General of Foreign Trade hereby allocates a total quantity of 19,300 MTs of Raw Sugar out of free sale portion of 2005-2006 season's production for export to USA and EU for the fiscal year 2005 (October 1, 2005 to September 30, 2006), as under :-

- (i) 9,050 MTs as preferential Raw Cane Sugar Tariff Rate Quota to USA ; and
(ii) 10,0250 MTs as SPS Raw Sugar to EU .

2. It has also been decided to allocate a quantity of 10,000 MTs of White Sugar for export against preferential quota for EU. However, the export of this White Sugar will be allowed only in case of export obligations of sugar factories in respect of import of raw sugar under Advance Licences.

3. This refers to HS Code No.1701 00 00 in the Schedule 2 of ITC(HS) Classification of Export & Import Items, 2004-2009 under which M/s. Indian Sugar Exim Corporation Ltd, New Delhi is the designated agency for export of sugar to USA and EU under preferential quota.

4. As regards Special Certification requirement, entries to be made in document EUR and GSP are as follows : -

(i) ACP – India Preferential Sugar (White Sugar)

“(Application of Regulation (EC) No.1159/2003, No.ACP – India Preferential Sugar No.09.4321)”

(ii) Special Preferential Sugar (Raw Sugar)

“(ACP – India Preferential Sugar Quota No.09.4322 Regulation (EC) No.1159/2003).”

5. The existing procedure in respect of preferential sugar export to USA for issue of GSP certificate as well as other certification requirement, if any, prescribed specifically for export of sugar to USA shall continue to be followed. EUR form is to be endorsed by Customs at the port of shipment and the GSP Certificate by Export Inspection Agency / Directorate General of Foreign Trade.

6. This issues in Public Interest.

(G.K.PILLAI)
ADDITIONAL SECRETARY TO THE GOVT. OF INDIA
AND DIRECTOR GENERAL OF FOREIGN TRADE

(Issued from F.No.01/91/180/946/AM06/PC-III)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY

PUBLIC NOTICE No. 77 (RE : 2005)/2004-2009 dated 26.12.2005

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2004-2009 (Updated as on 31st March, 2005) and Paragraph 1.1 of the Handbook of Procedures (Vol.1)(Updated as on 31st March, 2005) the Director General of Foreign Trade hereby makes the following amendments /correction in the Book titled “Schedule of DEPB rates”: -

The following rates are made applicable for entries specified below for the period 06.10.2004 to 29.03.2005: -

Product Group : Engineering Product Code : 61

Sl. No.	Description	DEPB Rate (%)	Value cap
410 B	Forged Crank Shaft made of Alloy Steel	9%	Rs. 95/- per kg
411 B	Front Axle Beam Forging made of Alloy Steel	9%	Rs. 73/- per kg

Sd/-

(GOPAL K.PILLAI)

DIRECTOR GENERAL OF FOREIGN TRADE

This issues in public interest

(Issued from File No. 01/87/171/00001/AM05/DES VIII)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

PUBLIC NOTICE NO. 78 (RE-2005)/2004-2009 Dated 27.12.2005

S.O.(E) – In exercise of the powers conferred under Paragraphs 2.1, 2.4 and 2.29 of the Foreign Trade Policy, 2004-2009, the Director General of Foreign Trade hereby makes the following amendment in Public Notice No.76 dated 26.12.2005 :-

2. "The quantity of SPS Raw Sugar to EU mentioned in Para 1(ii) may be amended to read as 10,250 MTs instead of 10,0250 MTs."
3. This issues in Public Interest.

(G.K.PILLAI)

ADDITIONAL SECRETARY TO THE GOVT. OF INDIA
AND DIRECTOR GENERAL OF FOREIGN TRADE

(Issued from F.No.01/91/180/946/AM06/PC-III)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY

PUBLIC NOTICE NO . 79 (RE-2005)/2004-2009 dated 02.01.2006

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2004-09, the Director General of Foreign Trade hereby lays down the following guidelines in consultation with Department of Revenue for disposal of the old cases of advance licences issued before 31.03.2002 where the licensee is unable to produce the logged DEEC books. :

1. In respect of Quantity Based Advance Licence (QABAL) cases, the licensee is required to furnish the following documents before the RLA for processing the case for E.O. discharge:-
 - i. Original or Duplicate E.P. Copy or DEEC copy of the shipping bills with endorsement of custom's examination report;
 - ii. Original or bank attested duplicate copy of bank realization certificate;
 - iii. Customs attested invoice/packing list;
 - iv. An affidavit indemnifying the RLAs and the customs along with an undertaking that the export documents have not been utilized for obtaining benefits under any other Export Promotion Schemes etc. except the schemes which were allowed in addition to advance licence scheme against the same shipping bills as per the format annexed with this Public Notice;
 - v. A copy of the MODVAT Non-availment certificate duly countersigned by Central excise Authority.
2. In respect of Value Based Advance Licence(VABAL) cases, the licensee is required to furnish the following documents before the RLA for processing the case for E.O. discharge:-
 - i. Original or Duplicate E.P. Copy or DEEC copy of the shipping bills with endorsement of custom's examination report;
 - ii. Original or bank attested duplicate copy of bank realization certificate;
 - iii. An affidavit indemnifying the RLAs and the customs along with an undertaking that the export documents have not been utilized for obtaining benefits under any other Export Promotion Schemes etc except the schemes which were allowed in addition to advance licence scheme against the same shipping bills as per the format annexed with this Public Notice;
 - iv. A copy of the MODVAT Non-availment certificate duly countersigned by Central excise Authorities;

v. Shortfall in Exports obligation to be regularised in terms of Policy Circular No. 28(RE-2000) dated 22.9.2000;

vi. In case there is no report/remark by the customs authority on over-valuation/under-valuation of price of import or export consignment, the price data available with the licensing authority shall be considered for disposal of the case.

3. Before redemption of Bond/Bank Guarantee/LUT against advance licence for physical exports, the customs Authority at the port of registration shall verify that the details of exports given are as per their records.

4. Once the E.O. is discharged by RLA, a copy of the E.O discharge letter along with the required documents should be forwarded to the concerned customs authority. In addition, all RLAs are instructed to send monthly reports to the concerned commissioner of customs giving details of advance licences which have been discharged by RLAs based on above stipulated conditions.

5. However, the provisions of paragraph 1 to 2 stated above shall not be allowed in respect of the advance licences where mis-representation / fraud has come to the notice of the licencing/customs authorities and in respect of advance licences for Marble where import of rough marble was permitted. Further in respect of licences where adjudication orders have already been passed on account of non-submission of documents evidencing fulfillment of export obligation, other than logged DEEC books, the aforesaid provision stipulated in paragraph 1 to 2 shall not be admissible.

6. The Regional Licensing Authorities shall forward a Monthly Report to the Customs Authority at the Port of Registration for all such cases of advance licences where export obligation has been discharged by the RLA.

This issues in public interest.

Sd/-

(K.T. CHACKO)

DIRECTOR GENERAL OF FOREIGN TRADE

(Issued from F.No. 01/94/180/PN/AM06/PC-I)

Annexure to Public Notice No.79 dated 02.01.2006

AFFIDAVIT – CUM – INDEMNITY BOND

I / We hereby solemnly affirm and declare that the shipping bills as stated below have been filed and shipments cleared by the Customs under advance licence No. dated issued from the office of(name of the licensing authority) from F.No..... and the raw-material(s) allowed as per the licence has been cleared against Customs Exemption Notification No dated....

Sl.No.	Shipping Bill No. & date	Export Product	Weight	Value (in Rs.)
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I/We confirm that goods have been exported against above shipping bills and the export proceeds have been realized. I /We further affirm and declare that shipping bills, as stated above, have not been taken into account for fulfillment of export obligation against any other licence except the Schemes which were allowed in addition to Advance Licence Scheme against the same shipping bill(s). I/We further declare that neither any adjudication order have been passed nor any court case is pending for the matter related to aforesaid shipping bills or the advance licence. I/We further declare that photo copies of the documents submitted are the true copies of the genuine original documents.

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 India 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 :
PLACE:

NAME:
SIGNATURE:
DESIGNATION:
ADDRESS:

Note:

1. This indemnity bond should be submitted on Rs.150/- Stamp Paper.
2. The bond is required to notarised.
3. Proprietors /Partners / Directors / Authorised Signatory 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.