

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)

JAWAHARLAL NEHRU CUSTOM HOUSE, SHEVA,

TAL URAN, DIST RAIGAD, MAHARASHTRA 400 707.

F.No.S/26-Misc-27/2010-11 CRC(SAD) JNCH Date: 01.12.2010

PUBLIC NOTICE
(Referred / amended vide P.N.No. 23/2011)

NO.123

/2010

Attention OF ALL Exporters, Importers, Custom House Agent and Member of Trade and all concerned is invited to the Notification No.102/2007-Customs dated 14.9.2007, Notification No.93/2008-Customs dated 1.8.2008 and Boards Circulars No. 6/2008-Customs dated 28.4.2008, No.16/2008-Customs dated 13.10.2008, No.6/2009-Customs dated 9.2.2009, No.18/2010-Customs dated 8.7.2010 and No.23/2010-Customs dated 29.7.2010 regarding procedure to be followed by the Customs field formations in case of 4% CVD refund claims.

2. Circular No.6/2008Customs dated 28.4.2008 provides that the refund of 4% CVD paid at the time of import through DEPB scrips shall be disbursed by re-credit of the sanctioned refund amount to the relevant DEPB Licence. Further, Circular No.6/2009Customs dated 9.2.2009 extends the facility of similar re-credit to the relevant scrip for disbursing SAD refund in respect of other scrips like Vishesh Krishi and Gram Udyog Yojana (VKGUY), Focus Market Scheme (FMS) and Focus Product Scheme (FPS) also. However, it has been represented by the trade and industry that existing EDI facility does not allow re-credit of the amount of 4% CVD refund sanctioned in respect of these schemes in the relevant scrips and as a result of that, a large number of refund claims are held up in different customs houses. The matter was referred to DGFT for resolving the same.

3. DGFT have subsequently issued a Public Notice No.38/2009-2014 dated 3.2.2010 and also a Policy Circular No.22/2009-14 dated 3.2.2010 for extending the

validity of Duty Credit Scrips. Accordingly, concerned Commissionerates of Customs are required to issue a consolidated certificate indicating total amount sanctioned as refund (4% CVD). As per Public Notice, concerned DGFT / Regional Licensing Authorities (RLA) are required to issue necessary re-credit on the scrip on the basis of consolidated certificate issued by Commissionerate. Policy Circular No.22/2009-14 dated 3.2.2010 issued by DGFT also provides for sending a copy of such duty scrips where re-credit was allowed along with the details of original duty scrips so that the Customs authorities can compare the details before allowing clearance of import consignment against the scrips.

4. It has come to the notice of the Board that even after issue of the Public Notice and Policy Circular by DGFT on the issue of re-crediting DEPB scrips on account of 4% CVD refund, difficulties are still being faced by trade and industry as EDI, at present, does not have facility to register such re-credited scrips issued by DGFT in the system.

5. The matter has been examined in the Board. Board has considered the difficulties associated with change in EDI System to allow re-credit of scrips in case of 4% CVD refund and also the view of DGFT that modification in software at the end of DGFT for the purpose of re-credit of 4% CVD through Electronic Message System and its transmission to the Customs is not feasible at present.

6. Considering the large scale pendency of such refund claims and in order to address the difficulties in getting 4% CVD refund by re-crediting scrips, it has been decided by the Board that registration of re-credited duty scrips issued by DGFT on the basis of consolidated certificate furnished by Customs should be allowed on manual basis. The facility of manual filing of Bill of Entry for utilizing the amount of re-credited CVD refund for payment of duty is also allowed. This facility has been extended up to **30.12.2010** as a one-time measure with a view to liquidate all such pendencies by that time.

7. It has been decided that the re-credit amount of CVD refund should be used for payment of BCD and CVD only and not for 4% CVD so as to avoid cascading of subsequent re-credit of 4% CVD in the relevant scrips. Further, it is decided that in the interest of ensuring expeditious grant of refund of 4% CVD in cash, the importers are advised to make the initial payment of 4% CVD in cash.

8. The existing EDI software does not permit re-credit of such amount to the relevant scrips directly without re-assessment of the relevant B/E. Jawahar Custom House had prescribed a specific procedure for re-credit of such amount to the relevant scrips directly after re-assessment of the relevant B/E vide Standing Order No. 41/2009 dt. 09.09.2009.

9. It is decided that only those B/Es will be allowed for manual processing wherein the duty involved is equal to or less than the balance amount in the re-credited scrip. It has also been decided that re-credit amount of CVD refund will be used for payment of BCD and CVD only and not for 4% CVD so as to avoid cascading of subsequent re-credit of 4% CVD in the relevant scrips.

10. In order to streamline the process of issuing the centralized Consolidated Certificate and in order to have a proper monitoring system to ensure that the amount actually debiting to the relevant scrip manually, the following guidelines are prescribed:

- (i) Importer will submit item wise calculation work sheet while filing of refund in new and pending refund claims under scrips;
- (ii) Every file shall be checked by Compist for verification of refund amount claimed by the applicant;
- (iii) A centralized Consolidated Certificate to be issued to the applicant mentioning all the details as per Order-in-original passed by the DC/AC, CRC such as: License No., License dt. amount sanctioned against each License;
- (iv) A centralized Register to be maintained in CRC section and a centralized Consolidated Certificate Number to be issued and a copy of the same to be pasted in the register;
- (v) At the time of registration of re-credited License issued by DGFT, the importer has to verify the details of re-credited amount from the centralized Consolidated Certificate maintained at CRC Section;
- (vi) The importer files the manual Bs/E, wherein the duty involved is equal to or less than the balance amount in the re-credited scrip, to get the benefit of re-credit amount of the sanctioned SAD refund amount;
- (vii) The re-credit amount of CVD refund can be used for payment of BCD and CVD only and not for 4% CVD so as to avoid cascading of subsequent re-credit of 4% CVD in the relevant scrips;

(viii) No RA / TRA is allowed against the said re-credited amount;

11. In order to streamline the process of debiting of scrips Manually and in order to have a proper monitoring system to ensure that the amount actually debiting to the relevant scrip, the following guidelines are prescribed:

(i) At the time of verification of the re-credited amount at CRC section and debiting of Consolidated Certificate/manual scrips utmost care shall be taken to ensure that the amount should not beyond the amount sanctioned;

(ii) The License Section will maintain a separate record while debiting of these manual scrips;

(iii) The import noting section will maintain a separate record for allowing the manual Bs/E;

(iv) All Bs/E would be forwarded to PCA section for Pre-audit before assessing the said Bs/e.

12. The format of Consolidated Certificate is enclosed herewith as Annexure A.

13. The Public Notice No. 65/2009 dated 14.09.2009 is dispensed with immediate effect.

15. Difficulties faced if any in implementation of this Circular may be brought to the notice to the concerned Deputy/Assistant Commissioner of Customs.

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(MALA SRIVASTAVA)

COMMISSIONER OF CUSTOMS (IMPORT),

JNCH, SHEVA.

To,

All the Concerned.

Copy to:

1. The Director (Customs), CEBC, N. Delhi
2. The Chief Commissioner of Customs, JNCH, Mumbai Zone-II.
3. The Commissioner of Customs (Imports) , JNCH, Mumbai Zone-II.
4. The Commissioner of Customs (Exports) , JNCH, Mumbai Zone-II.
5. The Commissioner of Customs (Appeals) , JNCH, Mumbai Zone-II.
6. All the Addl./Jt. Commissioners of Customs, JNCH, Mumbai Zone-II.
7. The System manager, EDI, JNCH Website- For uploading in the intranet.
8. File Copy.
9. Noticed Board.

Encl: As stated above.