

18. IMPORTS FOR SPECIFIC USE IN INDUSTRIAL PRODUCTION

GENERAL EXEMPTION NO. 178

Exemption to goods imported for carrying out repairs, reconditioning, reengineering, testing, calibration or maintenance (including services). — In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) and in supersession of the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 103-Customs, dated the 5th December, 1970, the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in the Table annexed hereto, when imported into India for carrying out ¹[repairs, reconditioning, reengineering, testing, calibration or maintenance (including service),] from the **whole of the duty of customs** leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), and from the **whole of the** ²[integrated tax leviable thereon under sub-section (7) of section 3] of the said Customs Tariff Act, subject to the conditions that -

(a) the repairs, ³[reconditioning, reengineering, testing, calibration or maintenance (including service)] as the case may be, is undertaken in accordance with the provisions of section 65 of the Customs Act, 1962 (52 of 1962), and

(b) the goods ⁴[repaired, reconditioned, reengineered, tested, calibrated or maintained (including service)] as the case may be, are exported and are not cleared outside the Unit.

THE TABLE

1.	Capital goods and spares thereof.
2.	Material handling equipments, namely, fork lifts, overhead cranes, mobile cranes, crawler cranes, hoists and stackers and spares thereof.
3.	Captive power generating sets and their spares, fuel, lubricants and other consumables for such generating sets.
4.	Office equipments, spares and consumables thereof.
5.	Raw materials.
6.	Components.
7.	Consumables.
8.	Packaging materials.
9.	Tools, jigs, gauges, fixtures, moulds, dies, instruments and accessories and spares thereof.
10.	Goods imported for repairs, reconditioning or reengineering for export, after such repair, reconditioning or reengineering thereof, within three years of the date of importation.

[Notification No. 134/94-Cus., dated 22-6-1994 as amended by Notifications No. 119/95-Cus., dated 6-7-1995 and No. 43/2017-Cus., dated 30-6-2017.]

DEPARTMENTAL CLARIFICATIONS / CASE LAW

Goods returned from EPZ to DTA on payment of duty. Permission of the Customs does not constitute permission from the Development Commissioner which is must and to be shown to the Customs authorities as per condition in the Notification No. 134/94-Cus., for claiming refund of duty. — *Paam Pharmaceuticals (Delhi) Ltd. v. Commissioner - 1999 (111) E.L.T. 66 (Tri.)*.

GENERAL EXEMPTION NO. 179

Exemption to inputs required for the manufacture of Iron and Steel intermediates. — See Notification No. 10/95-Cus., dated 7-3-1995 under CHAPTER 72.

1 Substituted by Notification No. 119/95-Cus., dated 6-7-1995.

2 Substituted (w.e.f. 1-7-2017) by Notification No. 43/2017-Cus., dated 30-6-2017.

3 Substituted by Notification No. 119/95-Cus., dated 6-7-1995.

4 Substituted by Notification No. 119/95-Cus., dated 6-7-1995.