

GENERAL EXEMPTION NO.102**Exemption to goods when imported into India against a duty credit scrip issued under the Focus Market Scheme:**

[Notifn. No. 93/09-Cus., dt.11.9.2009 as amended by 123/09, 37/12, 40/12, 44/12, 50/12, 4/13, 20/13, 32/13, 29/13, 38/13, 52/13, 7/14, 5/15, 36/16, 54/16, 8/17, 26/17, 3/18, 25/2020 dt. 21.05.2020]

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods when imported into India against a duty credit scrip issued under the Focus Market Scheme in accordance with paragraph 3.14 of the Foreign Trade Policy (hereinafter referred to as the said scrip) from,-

- (a) the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975); and
- (b) the whole of the additional duty leviable thereon under sub-sections (1), (3) and (5) of section 3 of the said Customs Tariff Act,
subject to the following conditions, namely :-

- i. that the benefit under this notification shall be available only in respect of duty credit scrip issued against exports to the countries notified in Appendix 37-C of the Handbook of Procedures, Volume I of the Foreign Trade Policy;
- (a) in the opening paragraph, in condition (i), for the words and figure “Volume I of the Foreign Trade Policy”, the words and figures “ Volume I in terms of entitlement under paragraph 3.14.2 or against exports to the countries or regions specified in paragraphs 3.14.4(e) or 3.14.5(e) of the Foreign Trade Policy, as the case may be
- ii. that the said scrip is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the goods and the proper officer of customs taking into account the debits already made under this exemption and debits made under the notification No. 30 of 2012-Central Excise, dated the 9th July, 2012 and 6 of 2013- Service Tax, dt. the 18 th April, 2013 shall debit the duties leviable on the goods, but for this exemption
- iii. that the said scrip and goods imported against it shall be freely transferable ;
- iv. that the imports and exports are undertaken through seaports at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dhamra, Dharamtar, Dighi, Gopalpur, Haldia (Haldia Dock Complex of Kolkata Port), Hazira (Surat), Kakinada, Kandla, Kattupalli (Tamil Nadu), Kolkata, Krishnapatnam, Ennore (Tamil Nadu) and Karaikal (Union territory of Puducherry) Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the airports at Ahmedabad, Bangalore, Bhubaneswar, Calicut, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum, Varanasi and Visakhapatnam or through any of the Inland Container Depots at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada),

Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Mairipalem Village in Taluk of Edlapadu, District Guntur and Tondiarpet (TNPM), Chennai and Irungattukottai, SIPCOT Industrial Park, Katrambakkam Village, Sriperumbudur Taluk, Kanchipuram District, Tamil Nadu and Melapakkam Village (Arakkonam Taluk, Vellore District), Hosur (Tamil Nadu), Nattakkam Village (Kottayam Taluk and District), Kalinganagar and Tumb Village (Taluka Umbergaon, District Valsad), Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) Talegoan (District Pune), Dhannad Rau (District Indore), Kheda (Pithampur, District Dhar) and Patli (Gurgaon) or through the Land Customs Station at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may within the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

Provided further that the exports may also be undertaken through the Foreign Post Office at New Delhi

- v. that where the importer does not claim exemption from the additional duty of customs leviable under sub-sections (1), (3) and (5) of section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;
- vi. that the importer shall be entitled to avail of the drawback or CENVAT credit of additional duty leviable under sub-sections (1), (3) and (5) of section 3 of the said Customs Tariff Act against the amount debited in the said scrip;
- vii. that the benefits under this notification shall not be available to the items listed in Appendix 37B of the Hand Book of Procedures, Volume I.

2. The following categories of exports specified in paragraph 3.17.2 and 3.14.3 of the Foreign Trade Policy shall not be counted for calculation of export performance or for computation of entitlement under paragraph 3.14.2 of the Foreign Trade Policy:

- i. EOUs / EHTPs / BTPs who are availing direct tax benefits / exemption;
- ii. Export of imported goods covered under Para 2.35 of FTP;
- iii. Exports through transshipment, meaning thereby that exports originating in third country but transshipped through India;
- iv. Deemed Exports;
- v. Exports made by SEZ units or SEZ products exported through DTA units;

- vi. Items, which are restricted or prohibited for export under Schedule-2 of Export Policy in ITC (HS);
- vii. Supplies made to SEZ units;
- viii. Service Exports;
- ix.. Diamonds and other precious, semi precious stones;
- x. Gold, silver, platinum and other precious metals in any form, including plain and studded Jewellery;
- xi. Ores and Concentrates, of all types and in all forms;
- xii. Cereals, of all types;
- xiii. Sugar, of all types and in all forms;
- xiv. Crude / Petroleum Oil & Crude / Petroleum based Products covered under ITC HS codes 2709 to 2715, of all types and in all forms; and
- xv. Export of Milk and Milk Products covered under ITC HS Codes 0401 to 0406, 19011001, 19011010, 2105 & 3501.
- xvi. Export of Meat and Meat Products;
- xvii. Export of Cotton;
- xviii. Export of Cotton Yarn;
- xix. Export which are subject to Minimum Export Price or Export Duty.

3. For the purpose of calculation of export performance or for computation of entitlement under paragraph 3.14.4 or paragraph 3.14.5 of the Foreign Trade Policy, the incremental growth shall be in respect of each exporter [Importer Exporter Code (IEC) holder] without any scope of combining the export for group company or for transferring export performance from any other IEC holder and the incremental growth shall be in terms of freely convertible currency to the designated markets. The following categories of exports shall not be counted for calculation of export performance or for computation of entitlements :

- (i) Export of imported goods or exports made through trans - shipment;
- (ii) Export from SEZ/ EOU /EHTP /STPI /BTP/FTWZ;
- (iii) Deemed Exports;
- (iv) Service Exports;
- (v) Third Party exports;
- (vi) Diamond, Gold, Silver, Platinum, other precious metal in any form including plain and studded jewellery and other precious and semi - precious stones;
- (vii) Ores and concentrates of all types and in all formations.
- (viii) Cereals of all types;
- (ix) Sugar of all types and all forms;
- (x) Crude/petroleum oil and crude/primary and base products of all types and all formulations;
- (xi) Export of milk and milk products;
- (xii) Export performance made by one exporter on behalf of other exporter;
- (xiii) Supplies made to SEZ units;
- (xiv) Items, export of which requires an export authorisation (except SCOMET);
- (xv) Export of Meat and Meat Products;
- (xvi) Exports to Singapore, UAE and Hong Kong,
- (xvii) SEZ/EOU/EHTP/BTP/FTWZ products exported through DTA units
- (xviii) Cotton (for the paragraph 3.14.5 of the Foreign Trade Policy);
- (xix) Omitted;
- (xx) Export which are subject to Minimum Export Price or Export Duty (for the paragraph 3.14.5 of the Foreign Trade Policy).

Explanation,- In this notification,-

- (i) “Capital goods” has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;
- (ii) “Foreign Trade Policy” means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1 /2009-2014, dated the 27th August, 2009, as amended from time to time:
- (iii) “Goods” means any inputs, or goods including capital goods.