

I. FOCUS MARKET SCHEME:**GENERAL EXEMPTION NO. 35****Exemption to goods when imported under Focus Market Scheme.**

[Notfn. No. 90/2006-Cus., dt. 1.9.2006 as amended by 63/07, 72/07, 116/07,125/08, 15/09,19/09, 123/09, 93/10, 40/11, 37/12, 40/12, 50/12, 4/13, 20/13, 26/17]

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 3.9 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 :-

- (1) 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, Vol.I of the Foreign Trade Policy;
- (2) 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, but for this exemption:

Provided that exemption from duty shall not be admissible if there is insufficient credit in the said scrip for debiting the duties leviable on the goods, but for this exemption;

- (3) that the said scrip and goods imported against it shall be freely transferable ;
- (4) that the imports against the said certificate are undertaken through sea ports at Mumbai, Sikkim, Kolkata, Cochin, Magdalla, Kakinada, Kandla, Mangalore, Marmagoa, Chennai, Nhava Sheva, Paradeep, Pipavav, Sikka, Tuticorin, Visakhapatnam, Dahej, Mundhra, Nagapattinam, Okha, Bedi including Rozi-Jamnagar, Muldwarka, Porbander, Dharamtar, Vadimar and Haldia (Haldia Dock complex of Kolkata Port), Krishnapatnam and Ennore (Tamil Nadu), Karaikal (Union territory of Puducherry) and Kattupalli (Tamil Nadu) or through any of the airports at Ahmedabad, Bangalore, Bhubaneswar, Mumbai, Kolkata, Coimbatore, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum, Varanasi, Nagpur, Cochin, Rajasansi (Amritsar), Lucknow (Amausi), Indore and Dabolim (Goa) and Visakhapatnam or through any of the Inland Container Depots at Agra, Bangalore, Coimbatore, Delhi, Faridabad, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Kanpur, Ludhiana, Moradabad, Nagpur, Pimpri (Pune), Pitampur (Indore), Surat, Tirupur, Varanasi, Nasik, Rudrapur (Nainital), Dighi (Pune), Vadodara, Daulatabad (Wanjarwadi and Maliwada), Waluj (Aurangabad), Talegoan (District Pune), Dhannad Rau (District Indore), Kheda (Pithampur, District Dhar), Patli (Gurgaon), Irugur Village (Tamil Nadu), Thudiyalur (Tamil Nadu), Chettipalayam (Tamil Nadu) and Veerapandi (Tamil Nadu), Marripalem Village in Taluk of Edlapadu, District Guntur and Tondiarpet (TNPM), Chennai and Irungattukottai, SIPCOT Industrial Park, Kattrambakkam Village, Sriperumbudur Taluk, Kanchipuram District, Tamil Nadu, Anaparthi (Andhra Pradesh), Salem, Malanpur, Singanalur, Jodhpur, Kota, Udaipur, Ahmedabad, Bhiwadi, Madurai, Bhilwara, Pondicherry, Garhi Harsaru, Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur, Dadri, Tuticorin, Kundli, Bhadohi, Raipur, Mandideep (District Raisen), Durgapur (Export Promotion Industrial Park), Babarpur and Loni (District

- Ghaziabad) or through the Land Customs Station at Ranaghat, Singhabad, Raxaul, Jogbani, Nautanva (Sonauli), Petrapole, Mahadipur, Nepalganj Road, Dawki, Agartala, Sutarkhandi, Amritsar Rail Cargo Attari Road, Hilli, Ghojadanga and Changrabandha or Special Economic Zones as specified in the notification issued under section 76A of the said Customs Act;
- (5) 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.
 - (6) 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.
 - (7) that the exports made by EOUs/EHTPs/BTPs who do not avail of direct tax benefits/exemption shall be eligible, provided the same is not covered under paragraph 3.9.2.2 of the Policy;
 - (8) that the benefits under this notification shall not be available to the items listed in Appendix 37B of the Hand Book of Procedure, Volume 1.
 - (9) Omitted (Omitted vide Sec.55 (1) of Finance Act, 2011 w.e.f. 1.4.2008)
2. The following categories of exports specified in Paragraph 3.9.2.2 of the Foreign Trade Policy shall not be counted for calculation of export performance or for computation of entitlement under the scheme :-
- (a) (i) export of imported goods covered under Para 2.35 of Foreign Trade Policy;
 - (ii) exports through transshipment, meaning thereby that exports originating in third country but transshipped through India;
 - (b) export turnover of Special Economic Zone units or supplies made to such units or Special Economic Zone products exported through Domestic Tariff Area units;
 - (c) deemed exports;
 - (d) service exports;
 - (e) diamonds and other precious, semi precious stones;
 - (f) gold, silver, platinum and other precious metals in any form, including plain and studded jewellery;
 - (g) ores and concentrates, of all types and in all forms;
 - (h) cereals, of all types;
 - (i) sugar, of all types and in all forms;
 - (j) crude/petroleum oil and crude/petroleum based products covered under ITC HS Codes 2709 to 2715, of all types and in all forms; and
 - (k) items, which are restricted or prohibited for export under Schedule-2 of Export Policy in ITC (HS).

Explanation. -

In this notification –

- (i) “goods” means any inputs, or goods including capital goods.
- (ii) “capital goods” has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;
- (iii) “Foreign Trade Policy” means the Foreign Trade Policy 2004-2009, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1(RE-2006)/2004-2009, dated the 7th April, 2006.

