

GENERAL EXEMPTION NO. 15

Exemption to goods imported against Value Based Advance Licence -

[Notifn. No.203/92-Cus.dt. 19.5.1992 as amended by Notifn. Nos.289/92,9/93, 98/93,138/93, 183/93, 105/94, 179/94, 199/94, 82/95, 101/95, 46/13, 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 materials imported into India against an **Value based Advance Licence** (hereinafter referred to as the said licence) issued on or before 31st March, 1995, in terms of para 49 of the Export and Import Policy 1 April, 1992 - 31 March, 1997, 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 additional duty** leviable thereon under sub-section (1), (3) and (5) of section 3 of the said Customs Tariff Act, subject to the following conditions, namely:-

- (i) that the materials imported are covered by a Value based Duty Exemption Entitlement Certificate (hereinafter referred to as the said certificate), issued by the Licensing authority in the form specified in the Schedule annexed to this notification;
- (ii) that the importer at the time of clearance of the imported materials -
 - (a) produces proof of having executed a bond or a legal undertaking before the Licensing Authority concerned, for complying with the conditions of this notification; and
 - (b) makes a declaration before the Assistant Commissioner of Customs or Deputy Commissioner of Customs binding himself to pay on demand an amount equal to the duty leviable but for the exemption, on the imported materials in respect of which the conditions specified in this notification have not been complied with;

Provided that a bond or a legal undertaking and the declaration shall not be necessary in respect of imports made after discharge of export obligation in full, as evidence by endorsement of Licensing Authority in the said Certificate;

- (iii) that the said licence and the said certificate is produced before the proper officer of customs at the time of clearance of imported goods out of customs control;

Provided that no such imported materials shall be permitted clearance under this notification unless a debit entry has been made, in the said licence and the said certificate, by the proper officer of customs;

- (iv) that the imports and exports are undertaken from sea ports at Bombay, Calcutta, Cochin, Kandla, Mangalore, Mormoa, Madras, Nhava Sheva, Paradeep, Tuticorin and Visakhapatnam, or through any of the airports at Ahmedabad, Bangalore, Bombay, Calcutta, Delhi, Jaipur, Varanasi, Srinagar, Trivandrum, Hyderabad and Madras or through any of the Inland Container Depots at Bangalore, Coimbatore, Delhi, New Gauhati Goods Shed, Moradabad, Ludhiana and Hyderabad;

Provided that the Commissioner of Customs may by special order and subject to such conditions as may be specified by him permit imports and exports from any other sea port, airport, land customs station or inland container depots;

- (v) that the export obligations is discharged, within the period specified in the said certificate or within such extended period as may be granted by the Licencing Authority, by exporting goods manufactured in India in respect of which -
 - (a) no input stage credit is obtained under Rules 56A or 57A of the Central Excise Rules, 1944 (hereinafter referred to as the said Rules);
 - (b) facility, under rule 191A or rule 191B as in force immediately before the 1st October, 1994, or under

rule 12(1)(b) or rule 13(1)(b) of the said Rules, has not been availed; and",

- (c) drawback has not been claimed either under section 74 of the Customs Act, 1962 or Customs and Central Excise Duties Drawback Rules, 1971;
- (vi) exempt materials shall not be disposed of or utilized in any manner, except for utilisation in discharge of export obligation, before the export obligation under the said licence has been discharged in full and export proceeds realised;

Provided that Acetic Anhydride in respect of which the benefit of this notification is claimed shall be utilised by the importer in his own factory or in the factory of any other manufacturer indicated in the said certificate even after discharge of export obligation and realisation of export proceeds;

- (vii) where benefit of the notification is sought by a person other than licensee, such benefit shall be allowed against the said licence and the said certificate only if it bears endorsement of transferability by the Licensing Authority.

Provided that benefit of this notification shall not be allowed to a transferee of licence for import of Acetic Anhydride except where the licence is endorsed for transferability before 24th November, 1993, and is transferred to an actual user who undertakes to use the Acetic Anhydride in his own factory.

- (viii) Notwithstanding anything contained in conditions (vi) and (vii) above, the endorsement of transferability of disposal of materials shall be allowed in respect of licences issued for the export of all kinds of writing instruments (including gift sets and refills/nibs) on fulfilment of export obligation only in favour of manufacturer of writing instruments.

2. In a case of default in export obligation, when the duty on goods is paid to regularise the default, the amount of interest paid by the importer shall not exceed the amount of duty if such regularisation has been dealt in terms of Public Notice of the Government of India in the Ministry of Commerce No. 22 (RE-2013)/2009-2014 dated the 12th August, 2013.

Explanations:- In this notification,-

(i) "Export and Import Policy April, 1992 - March 1997" means the Export and Import Policy 1 April 1992 - March 1997 published vide Public Notice of the Government of India in the Ministry of Commerce No. 1-ITC(PN)/92-97, dated the 31st March, 1992 as amended from time to time.

(ii) "*Licensing Authority*" means an authority competent to grant a licence under Imports (Control) Order, 1955 made under the Imports and Exports (Control) Act, 1947 (18 of 1947).

(iii) "*Materials*" means -

(a) raw materials, components, intermediates, consumables, computer software and parts required for manufacture of export product;

Provided that in the case of electronic goods, and all kinds of writing instruments (including gift sets and refill/nibs), all export items covered by one serial number in Standard Input Output and Value Addition norms as contained in Handbook of Procedures, 1992-97, Volume-II Published, vide Public Notice No.121(PN)/92-97, dated the 31st March, 1993, of the Government of India in the Ministry of Commerce, shall be deemed to be single export product.

Provided further that nothing contained in this notification shall apply to import of Acetic Anhydride against licences issued after 24th November, 1993, except where such licences together with the quantity required for manufacture of the export product mentioned therein have been issued with

the approval of Advance Licensing Committee in the office of the Director General of Foreign Trade;

(b) spares and mandatory spares, within a value limit of 5% of the value of the licence, which are required to be exported along with the export product; and

(c) packaging materials required for packing of export product.

**THE SCHEDULE
VALUED BASED DUTY EXEMPTION ENTITLEMENT CERTIFICATE**

**PART - 1
(IMPORT)**

(This consists _____ of pages)

Serial No. _____

Date of issue _____

Port of registration: _____

This is granted in favour of

(name and full address of the licensee)

Materials imported against Advance Licence No. _____ dated the _____ issued by _____ to the above importer and covered by the list of materials specified under Part 'C' of this Certificate would be eligible for exemption from customs duties subject to the conditions specified in the notification of the Government of India, Ministry of Finance, Department of Revenue No.203/92-Customs dated the 19th May, 1992.

The importer shall make the exports in terms of the said notification within months from the date of issue of licence.

A bond/legal undertaking in terms of condition (b) of the said notification for Rs. _____ shall be executed with _____ (Licensing authority), before the clearance of the goods from the Customs.

Signature

Seal of licensing authority

Date:

Bond (s) / legal undertaking (s) executed on _____ for Rs. _____ (Rupees _____) and registered under S.No. _____ with this office.

It has been verified that the export obligations has been discharged in full. Therefore requirement of Bond/Legal undertaking is waived.

(Strike off inapplicable portion)

Signature

Seal of licensing authority

Date:

PART A

Names and addresses of the factories where the resultant products for exports are manufactured.

PART B

Names and addresses of the factories where the ancillaries to the resultant products for exports are manufactured.

PART C
LIST OF ITEMS OF IMPORT

Sl.No.	Item of Import	Quantity	Technical characteristics	Quantity	CIF Value in Indian Rs. & in equivalent US \$	S.No. of the resultant products in Part B
1	2	3	4	5	6	7

Total Value=

PART D
PARTICULARS OF IMPORTS (OF MATERIALS)

S.No.	S.No. of the materials in Part C	Bill of Entry No. and date and name of the Custom House of import	Description	Quantity and net weight	CIF Value
1	2	3	4	5	6

Duty leviable but for exemption

Heading No. of the First Schedule to the Customs Tariff Act, 1975 and Heading No. in the Schedule to the Central Excise Tariff Act, 1985 for levy of additional duty.	Rate of duty (i) Basic (ii) Additional (iii) Auxiliary	Amount of duty	Signature of Customs Officer with designation and seal

7

8

9

10

(Part E & F figure in the Export Part of this DEEC)

PART G

Duties paid on materials in respect of which the condition of the said notification are not complied with

S.No.	S.No. in Part D under	Descriptions quantity and value of	Rate of duty leviable i) Basic ii) Additional iii) Auxiliary	Amount of i) duty ii) Interest	Particulars of duty paying documents	Signature of the Customs Officer
	which the import of the materials has been entered	materials on which duty paid				
1	2	3	4	5	6	7

VALUE BASED DUTY EXEMPTION ENTITLEMENT CERTIFICATE

**PART-2
(EXPORT)**

(This consists ofpages)

Sl.No..... (EXP)

Date of issue

Port of Registration

Issued to

.....
.....

(name and full address of the licensee)

Materials imported against Licence No. dated issued by to the above importer and covered by the list of materials specified under part 'C' of this certificate would be eligible for exemption from custom duties subject to the conditions specified in the notification of the Government of India, Ministry of Finance, Department of Revenue No. 203/92-Customs, dated the 19th May, 1992.

The importer shall make the exports in terms of the said Notification within months from the date of issue of licence.

A Bond/Legal Undertaking, in terms of the said Notification, for Rs. shall be executed with (licensing authority), before clearances of the goods from the customs.

Signature

Seal of licensing authority

Date

Bond/Legal under taking executed on for Rs.

(Rs.) and registered under Sl.No. with this office.

It has been verified that the export obligation has been discharged in full. Therefore requirement of Bond/
Legal undertaking is waived.

(Strike off inapplicable portion)

Signature

Seal of licensing authority

Date

PART - A

Name and address of the factories where the resultant products for export are manufactured

PART - B

Name and address of factories where the ancillaries to the resultant products for export are manufactured.

(Part C and D figures in the Imports Part of this DEEC)

**PART - E
RESULTANT PRODUCTS**

Sl.No.	Description	Quality	Technical Characteristics
1	2	3	4

Quantity	FOB Value in Rs./US\$	S.No. of the materials in Part-C
5	6	7

PART - F
PARTICULARS OF EXPORTS

Sl.No.	Sl.No. of the resultant product in Part E	Name of the Customs House of Shipment	Shipping Bill No. and Date	Name of the vessel and outward entry of the vessel
1	2	3	4	5

Quantity	Net weight of the export product	Description as per the Shipping Bill	FOB value in Rs./US \$	Signature of Customs Officer with name, designation and seal & remarks if any
6	7	8	9	10

PART - H
Statement of Imports and Exports Made

Type of Licence: - Licence No. Date:

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Details of Imports Made

Sl.No.	Sl.No. of part C	Description	Quantity Imported	C.I.F. Value In Rs./In Equivalent US \$
1	2	3	4	5

Details of Exports Made

Sl.No.	Sl.No. of part E	Description	Quantity Exported	C.I.F. Value In Rs./In Equivalent US \$
1	2	3	4	5

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1. I/We hereby declare that information given in this statement are correct.
 2. I/We hereby declare that no benefit under rule 56A/57A/191A/191B as in force immediately before the 1st October, 1994, or under rule 57A/12(1)(b)/13(1)(b) of Central Excise Rules, 1944 has been availed in respect of exports made under this DEEC.

Signature
Name of the signatory
Designation
Full Address

Certificate by Chartered Accountant/Cost Accountant

I have examined that applicant firm's actual imports and exports as given above and find them as correct.

Signature
Seal
Membership No.

PART - I

Endorsement of Transferability

We have discharged the prescribed export obligation and the sale proceeds have been realized in full. We request that the licence and the DEEC may please be made transferrable.

Signature
Name of the signatory
Designation
Full Address

DEEC is made transferrable

Signature
Seal of licensing authority

