

No.01/93/180/1483/AM03/PC-I(B)
Government of India
Ministry of Commerce & Industry
Directorate General of Foreign Trade
Udyog Bavan, New Delhi

Policy Circular No. 21 (RE-2007)/2004-09 Dated 14.12.2007

To

All Licensing Authorities,
All Custom Authorities,

Subject:- Import of vehicles used in off-highway operations such as mining, industrial undertakings, irrigation, general construction etc.

1. A number of representations have been received by this office seeking clarification whether the conditions at Licensing Note No.1 and 2, of Chapter 87 of ITC (HS) Classification, are applicable on import of off-highway special purpose vehicles as mentioned above.
2. The matter has been examined in consultation with Department of Road Transport and Highways. Accordingly, it is clarified that:-
 - (a) Vehicles which are designed for off-highway operations in mining, industrial undertaking, irrigation and general construction though modified and manufactured with "on or off" or "on and off" highway capabilities, but are equipped to be driven on road on their own power and come on public road, even incidentally, and for a short duration, are motor vehicles within the meaning of Section 2 (28) of the Motor Vehicle Act and are required to meet all the requirements under Central Motor Vehicle Rules, 1989 including homologation.
 - (b) Those vehicles which are purely off-highway construction equipment vehicles designed and adapted for use in enclosed premises, factories or mine other than road network and are not equipped to travel on public road on their own power, shall not be deemed as motor vehicle and as such fall outside the purview of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989.

-2-

3. Thus, if a vehicle cannot travel on public road on its own power and works exclusively in the enclosed premises is not required to meet the provisions of Motor Vehicle Act, 1988 and Central Motor Vehicles Rules, 1989.
4. This issues with the approval of competent authority.

Sd/-
(O.P.Hisaria)
Joint Director General of Foreign Trade

[Issued from F.No.01/93/180/1483/AM03/PC-I(B)]

