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Section (ii)

Government of India
Ministry of Commerce & Industry
Department of Commerce

Notification No. 64 (RE-2010)/2009-2014
New Delhi, Dated: 4th August, 2011

Sub.: Policy for issue of import licenses of Rough Marble Blocks for the Financial year 2011-12.

S.O. (E) In exercise of powers conferred under section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in Schedule-I (Imports) to the ITC (HS) Classifications of Export and Import Items:

2. Import Licensing Note No. (2) inserted at the end of Chapter 25, will be amended to read as : “Import of rough marble blocks will be subject to conditions laid down in Notification No. 64 dated 4th August, 2011.”
3. Conditions for import of marble.
 - (A) The following Policy provisions will be applicable for import of Rough Marble Blocks for the financial year 2011-12. This will supersede earlier Policy /Guidelines for issue of import licenses of Rough Marble Blocks.
 - (B) Attention is invited to EXIM Code Nos. 25151100 and 25151210 indicated in Schedule-1 (Imports) of ITC (HS) Classifications of Export and Import Items. As per the provisions contained therein, import of Marble and Travertine - Crude or Roughly trimmed and merely cut, by sawing or otherwise, into blocks of a rectangular (including square) shape is restricted and subject to import licensing procedures.
 - (C) The applications for import license for import of rough marble blocks under the above mentioned EXIM Codes will be considered

in the following manner: -

I. Eligibility of the units will be decided based on the following three criteria:

- (a) Units who have installed marble gangsaw machine (except 100% EOUs and units in SEZ) on or prior to 31.3.2011. The marble gangsaw machine shall be in the name of the applicant only. No gangsaw on “Lease Basis” shall be considered for the purpose of allocation of import entitlement.
- (b) The Units should have been in operation for 5 years on or prior to 31.3.2011.
- (c) All eligible units as per (a) above should have cumulative turnover of atleast Rupees Five crores (Rs 5 Crores) during the 5 years period 2005-06 to 2009-10 irrespective of whether it is from domestic or foreign sources in respect of processed marble slabs/tiles only.

II. Floor Price-

Licenses for import of crude or roughly trimmed marble blocks or merely cut, by sawing or otherwise into blocks of a rectangular (including square) shape shall be subject to a floor price of US\$ 325 per Metric Tonne (MT), which shall be endorsed on all licenses.

III. Entitlement:

The total import of Rough Marble Blocks under EXIM Code Nos. 25151100 and 25151210 will be subject to a ceiling of 5 lakh MT for the whole of the licensing year, 2011-12. Eligible units will be entitled for an import license on the basis of cumulative turnover (indigenous or foreign) of atleast Rupees 5 crores of processed marble slabs/tiles only, over the previous five financial years 2005-06 to 2009-10. The quantity so calculated will however be subject to the overall ceiling of 3000 MT for the first gang saw and 1500 MT for every subsequent gang saw.

IV. Actual User Condition:

All licenses shall be subject to actual user condition. Modalities for submitting hard copies of the applications is attached as Annexure 1 to this notification.

V. Monthly Return

License holders shall file monthly returns regarding imports made by them, to the concerned Regional Authority of DGFT.

4. The eligible applicants shall send an e-mail at marbleimport2011-dgft@nic.in in the format given as Annexure 2 to this notification indicating their intent to import on the basis of which initial allocation will be made.
5. Effect of this notification:

Import policy of rough marble blocks for the year 2011-12 has increased the import quota from 3 lakh MT to 5 lakh MT with an MIP of US\$ 325 per MT.

(Anup K. Pujari)
Director General of Foreign Trade
E-mail: dgft@nic.in

(Issued from File No. 01/89/180/Misc-06/AM 08/ PC-2 A)

Annexure-1 to Notification No: 64 (RE-2010)/2009-14

Dated :4th August 2011

Modalities for submitting applications for grant of quota for import of rough marble blocks

1. Applications declaring intent to import rough marble blocks for the financial year 2011-12 from the eligible applicants will be sent to marbleimport2011-dgft@nic.in. Format in which the e-mail is to be sent is at Annexure 2 to this notification. Calendar of events is

attached as Annexure 3 to this Notification.

2. Thereafter applicants will submit hard copies of their application, in the relevant Aayaat Niryaat Form, along with the documents prescribed to concerned RA. The following conditions would need to be followed and documentary proof submitted to concerned RA :-

- (a) The Marble gangsaw in the Unit should be in the name of the Unit and established on or prior to 31.3.2011, as certified by State Industry Department (District Industry Centre). The gang saw should not be 'on Lease' from any other party. The marble gangsaw machine should have linear movement and should have minimum 60 steel blades impregnated with diamond segments and be used only for cutting marble blocks into slabs;
- (b) SSI/SIA Registration Certificate should show the Unit being in operation on or prior to 31.3.2006;
- (c) The list of equipments / capital goods (other than Marble gangsaw) set up by the applicant in the Unit for processing marble slabs / tiles should be prior to 31.3.2006, as per Balance Sheet as on 31.3.2006, duly certified by a Chartered Accountant;
- (d) Income Tax Return for the financial year 2005-06 indicating processing of marble by the Unit duly certified by a Chartered Accountant;
- (e) CA Certificate indicating domestic/foreign sales turnover of marble slabs / tiles of years 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10; and
- (f) A copy of Chartered Accountant certified statement of accounts, filed along with Balance Sheet to Income Tax authorities for each of the years i.e. 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 (in order to prove cumulative turnover from domestic or foreign sources) of marble slabs / tiles of atleast Rs. 5 crore in the last 5 years).
- (g) The sale against Form H and other relevant Forms, job work income earned by any unit sawing marble blocks of third parties in to slabs/tiles and the amount of excise duty, service tax and sales tax/VAT paid on such indigenous sales turnover of marble slabs/tiles may also be included for calculating indigenous sales turnover of the applicant. An applicant would

need to submit certified copies of VAT/Sales Tax returns filed by the applicant for each of the 5 years indicating the indigenous sales turnover of marble slabs/tiles alongwith the income tax returns for the same period.

- (h) With regard to calculation of indigenous sales turnover, it is further clarified that the turnover will include the net sales after deducting the sales returns from the gross sales. It is also clarified that the turnover of the applicant only shall be taken into consideration and the turnover of group concerns/ sister concerns/ subsidiaries etc. shall not be counted for calculating the turnover.
- (i) The applicant must not be on DEL (Denied Entities List).
- (j) In case any applicant/ firm is found to have furnished wrong/ false information or made any misrepresentation, then it shall be debarred from the allocation for import of marble and also liable for penal action under the provisions of FTD&R Act 1992, as amended.

3. The last date for receipt of hard copy of application with complete documents with RA shall be 30th August, 2011.

Annexure-2 to Notification No:64 (RE-2010)/2009-14 Dated : 4th August.2011

SAMPLE FORMAT FOR SENDING APPLICATION BY E-MAIL TO

[“marbleimport2011-dgft@nic.in”](mailto:marbleimport2011-dgft@nic.in)

Subject header of E-mail : Name of RA where import license to be obtained- IE Code- Name of the Firm/Applicant

(Example : Jaipur- 0500030001-ABC Exports)(*Fill this in the “Subject” field*)

Message Body (Content of E-mail)

Line 1 : IE Code (Example : 0500030001)

Line 2 : Name (Example : ABC Exports)

Line 3 : ITC(HS) Code (Example : 25151100 or 25151210)

Line 4 : Number of installed and functional gangsaws before 31.3.2011(Example: 2)

Line 5-10: Individual and Cumulative turnover(domestic or foreign) during 5 years:(2005-06, 2006-07, 2007-08, 2008-09 and 2009-10)

Line 5: 2005-06:Example Rs 2.4 Crores

Line 6: 2006-07:Example Rs 1.5 Crores

Line 7: 2007-08:Example Rs 2.5 Crores

Line 8: 2008-09:Example Rs 1.8Crores

Line 9:2009-10:Example Rs 2.8 Crores

Line 10: Cumulative total (Line5+6+7+8+9) Example:Total Rs 11 Crores

Line 11: Whether SSI/SIA Registration Certificate shows the Unit being in operation on or prior to 31.3.2006. (Example :Yes/No)

Line 12 : Whether the established Marble gangsaw is in the name of the Unit on or prior to 31.3.2011, as certified by State Industry Department (District Industry Centre. (Example: Yes/No)

Lines 13-23 : Details of Applicant

Line 13 : Name of the Applicant (in whose name IEC has been issued)

(Example : ABC Exports)

Line 14 : 1 Exact Postal Address

Line 15 : 1(Example: D-402, 1st Floor,

Line 16 : 1 Karim Nagar, New Delhi- 110010)

Line 17 : Phone Number(s) with STD Code (Example: 011-23456789)

Line 18 : Fax Number (Example: 011-23456793)

Line 19 : E-mail (Example : abcexports@yahoo.com)

Line 20 : Alternative E-mail (Example : ashokbhalla@gmail.com)

(Application must be from one of these two E-mails)

Line 21 : Name of the authorised person sending the application

(Example : Ashok Bhalla)

Line 22 : E-mail of the authorised person(Example : ashokbhalla@gmail.com)

Line 23 : Phone No of the authorized person (Landline & Cell phone)

_____ End of E-mail _____

Note: Any misdeclaration/false information furnished by applicants in the e-mail above will debar them from allocation and also make them liable for penal action under the provisions of FT(D&R) Act, 1992, as amended.

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Annexure -3 to Notification No:64 (RE-2010)/2009-14 Dated ;4th August 2011

CALENDAR OF EVENTS

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| 1. | Notification to be issued on | 4 th August 2011 |
| 2 | Receipt of Application by E-mail | |
| | Start | |
| | Date: | 1200 hours, Saturday, 6 th August 2011 |
| | Close | |
| | Date: | 1700 hours, Wednesday, 10 th August 2011 |
| 3 | Compilation Work | 11 th to 16 th August 2011 (13, 14 & 15 August, 2011 are holidays) |
| 4 | Declaration of Allocation | Wednesday , 17 th August 2011 |
| 5 | Document submission, Scrutiny & Issue of Import Licenses
(with the respective Regional Authorities) | |

Start	1000 hours, 18 th August, 2011
Date:	1700 hours ,30 th August 2011
	Close
Date:	