

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY

PUBLIC NOTICE No.19 /2002-07

NEW DELHI: the 31st July, 2003

In exercise of powers conferred under paragraph 2.4 of the Export and Import Policy, 2002-07, the Director General of Foreign Trade hereby makes the following amendment in the Handbook of Procedures (Vol.1):

1. Paragraph 2.2 may be amended to read as under:-

‘Unless other specifically provided, import/export will be valid from/to any country. However, import/exports of arms and related material from/to Iraq shall be prohibited.

The above provisions shall, however, be subject to all conditionality, or requirement of licence, or permission, as may be required under Schedule II of ITC (HS).

Export of items to Libya as listed out in Appendix-31 are prohibited’.

2. The following shall be added as paragraph 2.55.1.

‘Duty free imports of goods as specified in list 28A of Customs notification No. 21/2002 dated 1.3.2002, (as amended from time to time) upto 1% of the FOB value of exports made during the preceding licensing year, shall be allowed to agro chemicals sector unit having export turnover of Rs. 20 crore or above during preceding licensing year. Such facility shall be available only to a manufacturer having a research and development wing registered with Deptt. of Scientific and Industrial Research in Ministry of Science and Technology subject to fulfilment of condition no.53A of the said notification.

The eligible unit apply in the form given in Appendix-34A to the Regional Licensing Authorities under whose jurisdiction the registered office of company or head office of the firm is located.

The Regional Licensing authority shall verify the application on the basis of the declaration given by the unit and countersigned by Chartered Accountant.

3. Paragraph 4.51 of the Handbook (Vol.1) shall be amended as under:-

‘Goods imported under DEPB scheme, which are found defective or unfit for use, may be re-exported, as per the guidelines issued by the Department of Revenue. In such cases 98% of the credit amount debited against DEPB for the export of such goods, shall be generated by the concerned Commissioner of Customs in the form of a Certificate, containing the amount generated and the details of the original DEPB. Based on the certificate, a fresh DEPB shall be issued by the concerned Licensing Authority. The fresh DEPB, so issued, shall have the same port of registration and shall be valid for a period equivalent to the balance period available on the date of import of such defective/unfit goods’.

4. The paragraph 2(d) of Public Notice No. 18(RE-03)/2002-07 dated 24.7.2003 shall be corrected to read as under:-

‘We/I hereby undertakes that the goods imported would be installed in the factory of the importer within six months from the date of importation. These goods would not be transferred or sold for a period of seven years from the date of installation’.

5. A number of DEPB licences have expired in respect of export of yarn dyed madeups relating to product group – textiles due to differences in interpretation and delays in verification of such DEPB. It has therefore been decided that DEPB relating to S.No 69 and 72 of Product Group – Textiles (Product Code 89) shall be revalidated for a period of 6 months from the date of such endorsement by the licencing authority against submission of a request and TR/ demand draft for Rs 200. However no revalidation shall be granted by the licensing authority in cases where misrepresentation/ fraud has come to the notice of the licensing authority or adjudicating orders have already been passed.

This issues in public interest.

(L.Mansingh)
Director General of Foreign Trade

APPENDIX –34-A

APPLICATION FOR CERTIFICATION OF EXPORT PERFORMANCE OF UNITS IN AGRO CHEMICALS SECTORS BY THE REGIONAL OFFICES OF THE DGFT AS PER CUSTOMS NOTIFICATION NO 21/2002 DATED 1.03.2002 AS AMENDED FROM TIME TO TIME.

Note: Please refer paragraph 2.55 of this Handbook.

1. **Name and Address of the Applicant** :
2. **IEC Number** :
3. **Details of exports and import entitlement:** :

Preceding licensing year's physical exports (in Rs crores)	Entitlement @ 1% of the FOB value of physical exports	Cumulative imports already undertaken under Customs Not 21/2002 (in Rs. Crores)	Balance import entitlement (in Rs. crores) (2) – (3)	CIF Value of Import to be undertaken under this application (In Rs. crores)	Balance entitlement of imports (4) – (5)
(1)	(2)	(3)	(4)	(5)	(6)

Declaration/Undertaking by the Proprietor/Partner/Director

- a. We/I hereby declare that the said goods are to be imported for Research and Development purpose only
- b. We/ I hereby undertake that the total value of goods imported during 2003-2004 under Customs Notification No 21/2002 will not exceed 1% of the FOB value of exports in the financial year 2002-2003.
- c. We/I hereby undertake that the imported goods would be installed in the factory of the importer within 6 months of the date of importation. These goods would not be transferred or sold for a period of 7 years from the date of installation.

- d. We/I hereby declare that the imports by the unit are for Research and Development in the agro chemical sectors.
- e. We/I hereby declare that the Research and Development wing of the unit which has undertaken these imports is registered with the Department of Scientific and Industrial Research in the Ministry of Science and Technology of the Government of India.
- f. We/I hereby declare that the above statements are true and correct and nothing has been concealed or held therefrom. We/I fully understand that any information furnished if proved incorrect or false will render us/me liable for penal action and other consequences as may be prescribed in the FTDR Act 1992, Foreign Trade Regulation Rules, 1993 and Orders framed thereunder, and any other law in force

Name of the Proprietor/ Director (s)/
Partner (s)

Signature of the Proprietor/Director(s)/
Partner(s):

Designation

Date:

Place:
.....

CHARTERED ACCOUNTANTS CERTIFICATE

This is to certify that the We/ I have verified the details furnished by the unit as at S.Nos 1 to 3 along with the Declaration/ Undertaking given by the Proprietor/ Partner/ Director of the unit(s) and find them to be true and correct.

Chartered Accountant's Name:

CA Number:... ..

Address

VERIFICATION BY THE REGIONAL OFFICE OF THE DIRECTORATE GENERAL OF FOREIGN TRADE

This is to verify that the details supplied by the firm in the said Appendix have been verified by the Chartered Accountant and are correct as per the records submitted by the Unit to this office. The certificate is issued for allowing duty free import of listed equipment given in List 28-A of the Customs Notification 21/2002 dtd 01.03.2002 for a value of Rs words and figures subject to conditions mentioned in the aforesaid Customs Notification.

Date:.....

Place:.....

Foreign Trade Development Officer
Office of the Joint Director General of Foreign Trade,