TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY
(PART-I, SECTION-1)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY

PUBLIC NOTICE No 25 /2002-07
NEW DELHI: the 17th July, 2002

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) The following sentence is added at the end of para 3.12.1:
" However no RCMC would be insisted upon under any of the schemes under the Exim Policy if the product of export is shoddy and woollen yarn, wool fabrics, wool tops, hair belting of wool, felt and machine made carpets and woven shawls made of wool, wool scarves and wool stoles."

2) Para 4.22 of the Handbook of Procedures (Vol 1) stipulates the fulfilment of the export obligation under Advance Licence within a period of 18 months of the date of issue of the licence excepting in the case of Advance Licence for deemed exports where the EO has to be fulfilled within the contracted duration of execution of the project. However para 4.22.1 of the Handbook of Procedures (Vol 1) permits two EO extensions of six months each on payment of a composition fee of 1% and 5% respectively of the unfulfilled FOB value of exports with reference to the CIF value of imports made at that point of time. Therefore the exports under Advance Licence can be made upto a period of 30 months after payment of the composition fee.

Based on the general principle as ennuniciated in para 4.22 & 4.22.1 of the Handbook of Procedures (Vol 1), it has been decided to grant further extensions of the advance licence beyond the stipulated 30 months on payment of a composition fee of 1% per month proportionate to unfulfilled FOB value of exports vis a vis the CIF value of imports.

Such extensions would not be permitted in the case of the erstwhile Value based Advance Licences (VABAL's) or where the firm has committed any breach of the Foreign Trade (Development & Regulation Act), 1992 or other allied acts .

In line with this decision , a second sub para is added to para 4.22.1 as under:

However any further extensions beyond 30 months from the date of issue of the Advance Licence or the duration of the contracted project (in the case of Advance Licence for Deemed Exports) or on lapse of any other extension(s) granted by this office would be permitted on payment of a composition fee of 1% per month of unfulfilled part of the export obligation in proportion to the CIF value of imports actually made at that point of time. However such extensions would not be permitted in the case of the erstwhile Value based Advance Licences (VABALs). Additionally , no extension in export obligation would be allowed in respect of the licences where misrepresentation/ fraud has come to the notice of the licencing authorities. Further, in respect of licences where adjudication orders have already been passed, no extension in export obligation period shall be admissible.

3) Appendix 3 pertaining to the " Application Form for Allotment of Importer-Exporter Code (IEC) Number and Modification in Particulars of an Existing IEC No Holder" is amended as per Annexure to this Public Notice"

4) S.No 3 of the Documents to be enclosed with the application form in Appendix 10 C pertaining to the " Application Form for Duty Entitlement Pass Book (DEPB) on Post Export Basis " and Appendix 10 D pertaining to the "Application From for Grant of Duty Free Replenishment Certificate" is amended as under:

3. Bank Certificate of Exports and Realisation as given in Appendix 22 or Foreign Inward Remittance Certificate (FIRC) in the case of direct negotiation of documents. In case of FIRC, a declaration from the exporter that the remittance is in respect of Shipping Bill(s) No ____________ dtd _________ shall also be furnished .

This issues in public interest.

(N.L.Lakhanpal)
Director General of Foreign Trade

(A.B.Menon)
Dy.Director General of Foreign Trade

(F.NO. 01/94/180/26/AM03/PC-IV)

Annexure to Public Notice No 25 dtd 17th July, 2002

APPENDIX – 3

APPLICATION FORM FOR ALLOTMENT OF IMPORTER-EXPORTER CODE (IEC) NUMBER AND MODIFICATION IN PARTICULARS OF AN EXISTING IEC NO. HOLDER

Note:

1. **Please see paragraph 2.12 of the Policy and Paragraph 2.9 of this Handbook.**

2. **Please read the general instructions given at Appendix 1 before filling this application.**

3. In addition to this application form (in duplicate) also submit Appendix-2 (in duplicate) alongwith this application.

(FOR OFFICE USE ONLY)

File Number: ______________ Date:__________ IEC No. allotted:_________

---

1. Application for (please tick)

(A) Allotment of IEC No.|___| (B) Modification in particulars :__: of existing IEC No.holder

2. Name and address of the applicant (Registered Office in case of limited companies, and Head Office for others) :................................ :................................ :................................

PIN [][][][][][]

3. Address of all the Branches/ Divisions/ Units/ factories located in India and abroad.

1. .... PIN [][][][][][]
2. .... PIN [][][][][][]
3. .... PIN [][][][][][]
4. .... PIN [][][][][][]

4. In case the application is for modification in existing IEC, give:

a) Existing IEC No. : ....

b) Nature of modification required and details thereof : ....

(In case the application is for modification, information in S.No.2 and 3 above will be as per pre.modified status)

5. Particulars of Fees Paid:

(i) Bank Receipt/Demand Draft No. : ....

(ii) Amount(in Rs.) (In.figures) : ....

(in words : ....

(iii) Name of Bank & Branch of Issue : ....

6. Permanent Account Number (PAN) : ....

Issuing authority : ....

DECLARATION/UNDERTAKING

1. I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my /our knowledge and belief and nothing has been concealed or held therefrom.
2. I/We full understand that any information furnished in the application if proved incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
3. I/We undertake to abide by the provisions of the Foreign Trade (Development

and Regulation) Act, 1992, the Rules and Orders framed thereunder, the Export and Import Policy and the Handbook of Procedures.

4. I/We hereby declare that this application is made by me/us in the name of Registered/Head office and I/we have not obtained or applied for Importer Exporter Code Number previously in this name from any office of the DGFT/Development Commissioner (Not applicable for existing IEC number holder).

5. I hereby certify that I am authorised to verify and sign this declaration as per Paragraph 9.9 of the Policy.

6. I/we hereby certify that none of the Proprietor/ Partner(s)/ Director(s)/Karta of the firm or company is a Proprietor/ Partner(s)/ Director(s)/Karta of the firm/Company, which has come to the adverse notice of DGFT.

Photo of the applicant attested by bank

Signature of Applicant: ....
Name: ....
Designation: ....
Tele.No.: ....
Residential Address: ....
....
E. Mail address : ....

.= Official Address: ....

Plac
Date :

Documents to be enclosed with the application form:

---

1. Bank Receipt (in duplicate)/Demand Draft evidencing payment of application fee in terms of Appendix-29.

2. Certificate from the Banker of the applicant firm (as per Annexure-1 to this form)

3. Two Copies of Pass Port size photographs of the applicant duly attested by the banker of the applicant.

4. A copy of Permanent Account Number issued by Income Tax Authorities, duly attested by the applicant.

5. If there is any non.resident interest in the firm/company and non resident investment is to be made with repatriation benefits, full particulars thereof with photo copy of RBI approval must be submitted. Investment without repatriation benefits, a simple declaration indicating whether it is held with the general/ specific permission of RBI on the letter head of the firm should be furnished. In case of specific approval, a copy may also be furnished. Indian Companies issuing shares to foreign nationals/ NRIs under automatic route,100% scheme or 24/40% schemes are not required to obtain prior approval of RBI.

6. The applicant firm/company should also submit a simple declaration as under:-

The ______________________ (proprietor/ partner(s)/ director(s) as the case may be) of the firm/ company is/ are not associated as proprietor/ partner(s) or director(s) in any other firm/company which is in the caution list of RBI.

Note: Where the applicant declares that they are associated with firms/companies caution listed by RBI they will be allotted IE Code No. but with an additional condition that they can export only with RBI's prior approval and they should approach RBI for the purpose.

ANNEXURE.1 TO APPENDIX.3

BANK'S CERTIFICATE
(To be issued on the official letter head of the Bank)

Ref No. ....

To

....

....

....

....

(Name and address of the licensing authority)

Sir/ Madam,

We certify that M/s...
(Name and Address of the applicant)

are maintaining a Savings Bank Account / Current Account (tick whichever is applicable) No. .... **with us since** ....

....

(Signature of the Banker)

Name ....

Designation ....

Date: ....

Place: ....

Oval: (Official Stamp)