

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

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE

PUBLIC NOTICE NO. 6 (RE-99) /1997-2002

NEW DELHI: 22nd April, 1999

In exercise of powers conferred under paragraph 4.11 of the Export and Import Policy, 1997-2002, as notified in the Gazette of India extraordinary, Part-II- Section 3 – Sub- section (ii) vide S.O No. 283(E) dated 31.3.97, the Director General of Foreign Trade hereby makes the following correction/amendment in the Handbook of Procedures (Vol.1) (RE-99), 1997-2002.

1. The sub paragraph 3 of paragraph 4.24 shall be corrected to read as under:

Super Star Trading House/Star Trading House/Trading House/ Export House/Public Sector Undertaking /the Service Export House/International Service Export House/International Star Service Export House/ International Super Star Service Export House and Manufacturer exporter registered with excise authority with export of Rs.1 crore and above in preceeding year and who has not been penalised under the Customs Act, Excise Act, Foreign Trade (Development and Regulation) Act, 1992 and FERA shall be required to furnish Legal Undertaking in the form given in Appendix-24B. Other Manufacturer exporters shall be required to furnish bond supported by Bank Guarantee to the extent of 25% of Excise duty saved and merchant exporters (other than EH/TH/STH/ SSTH/Public sector undertakings/Service Export House, International Service Export House, International Star Service Export House, International Super Star Service Export House), shall be required to furnish bond supported by Bank Guarantee to the extent of 100% of excise duty saved on the items which they intend to procure indigenously in lieu of direct imports.

2. The paragraph 6.4 shall be corrected to read as under:

Notwithstanding the provisions contained in paragraph 4.15, for the import of spares, the validity of the EPCG licence shall be co-terminus with the validity of the export obligation period under paragraph 6.2 of the Policy, and the same shall be endorsed on the licence.

3. Paragraph 7.50 shall be corrected to read as under:

"No exports shall be allowed under post export or pre-export DEPB scheme unless the DEPB rate of export product is notified".

4. The word and expressions "and promising about the loss of Shipping Bills" appearing in sub-paragraph 4 of paragraph 7.51 shall stand deleted.

5. the paragraph 10.11 shall be corrected to read as under:

The supply of capital goods alone to the power projects in terms of paragraphs 10.2 (g) shall be entitled for deemed export benefits provided the same is certified by the Central Electricity Authority and the International Competitive Bidding procedures have been followed for supply of such capital goods to the power projects. The domestic supplier shall be eligible for the benefits given in paragraphs 10.3 (c) and (d) only.

Supplies under paragraph 10.2(g) of the Policy to the Oil and Gas sectors (excluding refineries) shall be entitled for deemed export benefits provided items of such supplies are covered under customs notification 11/97 dt 1.3.97 (S.No.152), as amended from time to time for import of on-shore and off-shore Oil and Gas explorations and exploration project and such supplies are made under ICB or limited global tender, without reference to bid evaluation methodology. The domestic supplier shall be eligible for the benefits given in paragraph 10.3 (c) and (d) only with further stipulation that the refund of Terminal Excise Duty under paragraph 10.3(c) would be restricted to the amount that would have been payable as excise @ 3%.

Supplies under paragraph 10.2(g) of the policy to the new refineries being set up during the Ninth plan period, shall be entitled for deemed export benefits provided items and equipments are covered under customs notification No. 55/97 dt. 13.6.97, as amended from time to time and such supplies are made under ICB or limited global tender without referring to bid evaluation methodology. The domestic supplier shall be eligible for the benefits given in paragraph 10.3 (a) (b) and (d) of the policy.

6. The following column may be added at the end of column 3 (a)(ii) of Appendix- 10A.

iii. 10% duty EPCG Scheme:

1. Column 4 of Appendix- 11D may be corrected to read as:

" DEPB entitlement as per paragraph 7.35 of the Policy: Rs. _____ "

2. Column 4 of Appendix- 20E shall be corrected to read as under:

"No. and date of quality/brand certificate as prescribed in paragraph

14.2 and name and address of the issuing authority".

3. The following may be added at S.No. 20 under Appendix- 32B in the list of IS/ISO 9000(series) Certificate agencies.

20. M/s Cetecom GmbH

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ESSEN

GERMANY

1. The heading of Certificate of Chartered Accountant/Cost and Works Accountant given in Appendix- 55 shall be corrected to read as under:
Certificate of Chartered Accountant/Cost and Works Accountant for issue of Special Import Licence to service providers.
2. The S.No. 554 of DEPB scheme under product group Engineering stands corrected to read as "Thinwalled Engine Bearing Bushing and Thrust Washers in Steel Backed Copper Based High Tin Alloy F-780/SP/H24/GS25/ KS25/ G-41/ SAE-49".
3. The S.No.37 of DEPB scheme under Product Group: Plastics stands corrected to read as "HDPE/PP beautycase/Suitcase/briefcase with or without Aluminium frame of any size".
4. The S.No. 64 of DEPB scheme under Product Group: Chemicals stands corrected to read as "Ranitidine HCL/Base".

14. The DEPB rate for the export product covered under Serial number Serial number 619 of the Product Group: Chemicals stands corrected to read as 20%.
15. The S.No. 733 of DEPB scheme under Product Group: Chemicals stands corrected to read as "Dextro Methorphan Hydrobromide"
16. The S.No. 734 of DEPB scheme under Product Group: Chemicals stands corrected to read as "Domperidone".
17. The paragraph concerning Import/Export of samples is to be numbered as 4.31 instead of 4.32.
18. In paragraph 7.11, the sentence "Advance Intermediate Licences may also be granted on production programme" stands deleted.
19. In paragraph 10.12 of the Handbook (Vol.1), the sentence "In such cases, main contractor shall be eligible for deemed exports benefits only to the extent of goods manufactured and supplied by him as indicated in the main contract and the project authority certificate given in Appendix14-A" stands deleted.
20. In Appendix-11C of Handbook (Vol.1), under S.No. 6 concerning "details of exports made", a new column 4A entitled "Date of export" needs to be added to the existing table.
21. Wherever, the column IEC/PAN number appear in the Appendices, the same stands corrected to read as "(a) IEC number (b) PAN Number".
22. The following shall be added at the end of note 5 in Appendix- 14A.

"(6) In case of supplies under Lease financing agreement, the Project Authority Certificate shall be jointly signed by the Project Authority and lease financing ".
23. The following shall be added in the list of documents to be enclosed with the application form as given in Appendix- 17 after column A(iii).

In such cases, the applicant shall furnish the copies of the excise invoices showing the receipt of the material by the Project Authority duly countersigned by the authorised person for this purpose as given in note (3) of Appendix-14A in lieu of payment certificate.

24. The following shall be added at the end of paragraph 10.15(ii):

However, in respect of supplies effected prior to 1.4.99, the supplier shall have the option to file claim either on the basis of the payment certificate received or on the basis of supplies effected. Such claims shall be filed within a period of six months from the end of monthly/quarterly/half yearly period as per the option of the applicant which shall be counted from the date of receipt of the payment certificate or from the date of receipt of the supplies by the Project Authority as per the applicant's option.

25. Paragraph 7.4(b) shall be corrected to read as under:

"In cases where norms have not been published, an application in Appendix-11B alongwith prescribed documents shall be furnished to SALC for fixation of norms. In such cases, the original copy of the application alongwith prescribed fee shall be filed with the Regional Licensing Authority concerned and an attested copy of the same shall be filed with SALC. The licences in such cases shall be issued by the RLA on the basis of recommendation of SALC.

The Committee shall also function as a recommendatory authority for Standard Input Output Norms.

This issues in public interest.

Sd/-

(N.L.Lakhanpal)

Director General of Foreign Trade

(Ajay Sahai)

Jt. Director General of Foreign Trade

(F.No. 01/94/180/30/AM99/Pol.IV)