

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

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY

PUBLIC NOTICE NO . 79 (RE-2005)/2004-2009

NEW DELHI : DATED the 2nd JANUARY, 2006

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2004-09, the Director General of Foreign Trade hereby lays down the following guidelines in consultation with Department of Revenue for disposal of the old cases of advance licences issued before 31.03.2002 where the licensee is unable to produce the logged DEEC books. :

1. In respect of Quantity Based Advance Licence (QABAL) cases, the licensee is required to furnish the following documents before the RLA for processing the case for E.O. discharge:-

- i. Original or Duplicate E.P. Copy or DEEC copy of the shipping bills with endorsement of custom's examination report;
- ii. Original or bank attested duplicate copy of bank realization certificate;
- iii. Customs attested invoice/packing list;
- iv. An affidavit indemnifying the RLAs and the customs along with an undertaking that the export documents have not been utilized for obtaining benefits under any other Export Promotion Schemes etc. except the schemes which were allowed in addition to advance licence scheme against the same shipping bills as per the format annexed with this Public Notice;
- v. A copy of the MODVAT Non-availment certificate duly countersigned by Central excise Authority.

2. In respect of Value Based Advance Licence(VABAL) cases, the licensee is required to furnish the following documents before the RLA for processing the case for E.O. discharge:-

- i. Original or Duplicate E.P. Copy or DEEC copy of the shipping bills with endorsement of custom's examination report;
- ii. Original or bank attested duplicate copy of bank realization certificate;
- iii. An affidavit indemnifying the RLAs and the customs along with an undertaking that the export documents have not been utilized for obtaining benefits under any other Export Promotion Schemes etc except the schemes which were allowed in addition to advance licence scheme against the same shipping bills as per the format annexed with this Public Notice;
- iv. A copy of the MODVAT Non-availment certificate duly countersigned by Central excise Authorities;

v. Shortfall in Exports obligation to be regularised in terms of Policy Circular No. 28(RE-2000) dated 22.9.2000;

vi. In case there is no report/remark by the customs authority on over-valuation/under-valuation of price of import or export consignment, the price data available with the licensing authority shall be considered for disposal of the case.

3. Before redemption of Bond/Bank Guarantee/LUT against advance licence for physical exports, the customs Authority at the port of registration shall verify that the details of exports given are as per their records.

4. Once the E.O. is discharged by RLA, a copy of the E.O discharge letter along with the required documents should be forwarded to the concerned customs authority. In addition, all RLAs are instructed to send monthly reports to the concerned commissioner of customs giving details of advance licences which have been discharged by RLAs based on above stipulated conditions.

5. However, the provisions of paragraph 1 to 2 stated above shall not be allowed in respect of the advance licences where mis-representation / fraud has come to the notice of the licencing/customs authorities and in respect of advance licences for Marble where import of rough marble was permitted. Further in respect of licences where adjudication orders have already been passed on account of non-submission of documents evidencing fulfillment of export obligation, other than logged DEEC books, the aforesaid provision stipulated in paragraph 1 to 2 shall not be admissible.

6. The Regional Licensing Authorities shall forward a Monthly Report to the Customs Authority at the Port of Registration for all such cases of advance licences where export obligation has been discharged by the RLA.

This issues in public interest.

Sd/-
(K.T. CHACKO)
DIRECTOR GENERAL OF FOREIGN TRADE

(Issued from F.No. 01/94/180/PN/AM06/PC-I)

Annexure to Public Notice No.79 dated 02.01.2006

AFFIDAVIT – CUM – INDEMNITY BOND

I / We hereby solemnly affirm and declare that the shipping bills as stated below have been filed and shipments cleared by the Customs under advance licence No. dated issued from the office of(name of the licensing authority) from F.No..... and the raw-material(s) allowed as per the licence has been cleared against Customs Exemption Notification No dated....

Sl.No.	Shipping Bill No. & date	Export Product	Weight	Value (in Rs.)
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I/We confirm that goods have been exported against above shipping bills and the export proceeds have been realized. I /We further affirm and declare that shipping bills, as stated above, have not been taken into account for fulfillment of export obligation against any other licence except the Schemes which were allowed in addition to Advance Licence Scheme against the same shipping bill(s). I/We further declare that neither any adjudication order have been passed nor any court case is pending for the matter related to aforesaid shipping bills or the advance licence. I/We further declare that photo copies of the documents submitted are the true copies of the genuine original documents.

I/We solemnly affirm and declare that whatever is stated above is true to the best of my / our knowledge and record. I/We further indemnify the Government of India to recover the amount, if any for any revenue loss which may occur (might have occurred) due to the above submission made by me / us.

DATE :
PLACE:

NAME:
SIGNATURE:
DESIGNATION:
ADDRESS:

Note:

1. This indemnity bond should be submitted on Rs.150/- Stamp Paper.
2. The bond is required to be notarised.
3. Proprietors /Partners / Directors / Authorised Signatory has to sign the bond alongwith their name and residential address. In case the bond is signed by authorized signatory, copy of power of attorney in favour of authorized signatory needs to be enclosed.