

**OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & CUSTOMS:**  
**TOWN CENTRE: N-5: CIDCO: AURANGABAD - 431 030.**

**MINUTES OF THE REGIONAL ADVISORY COMMITTEE MEETING (RACs) OF ORGANISED SECTOR SMALL SCALE SECTOR AND SERVICE TAX HELD ON 21.08.2009.**

Meeting of the Regional Advisory Committee for Organised Sector and Small Scale Sector, Aurangabad Commissionerate was held on 21.08.2009 at 16.00 hrs. under the Chairmanship of Shri Arun Sahu, Commissioner of Central Excise & Customs, Aurangabad.

The following members from the industries attended the meeting:-

01	Shri Shrinivas L. Rathi <a href="mailto:shreetube@bsnl.in">shreetube@bsnl.in</a>	M/s Shree Tube Mfg.Co.P.Ltd. Plot No. D-4, MIDC Area. Waluj, Aurangabad-431136
02	Shri R.M. Pandit <a href="mailto:raghuvirpandit@yahoo.com">raghuvirpandit@yahoo.com</a>	M/s Bhawati Shipping Pvt.Ltd. Clearing and Forwarding, Shipping and Warehousing Agnets, N-4, E-40, CIDCO, Aurangabad.
03	Shri Vishal V. Kulkarni <a href="mailto:vkulkarni@endurance.co.in">vkulkarni@endurance.co.in</a>	Asstt. Manager – Corporate Logistics M/s Endurance Technologies Pvt. Ltd. K-228-229, MIDC,Waluj, Aurangabad.
04	Shri. Vijaykumar S. Lekurwale <a href="mailto:Lekurwale.vijay@redifmail.com">Lekurwale.vijay@redifmail.com</a>	M/s Shardul Fasteners, Plot No.W-41, MIDC Area, Chikalthana, Aurangabad-431006

From department side Shri K.P. Mishra, Additional Commissioner, Shri C.H.Venkat Reddy, Additional Commissioner and Shri Virendra Kumar, Joint Commissioner, Aurangabad attended the meeting.

The Chairman welcomed the members attending the meeting. The Chairman further briefed the members about the computerization programme of the department and that learning module has been uploaded on [www.cbec.gov.in](http://www.cbec.gov.in) which the assessee can use to learn facilities with the programme. The Commissioner also informed the members that the officers of ICD Maliwada recently attended a training programme in Delhi in preparation of ICES implementation at Aurangabad.

**POINTS FOR DISCUSSION IN THE RAC MEETING SCHEDULED ON 21.08.2009**

**Points Sponsored by Shri Vishal V. Kulkarni, M/s. Endurance Technologies Pvt. Ltd., Waluj, Aurangabad**

1. Cenvat Credit on Courier Bill of Entry :-

In case of small Imported Consignments received through Courier, they are preparing common "Form – Courier Bill of Entry – IV (CBE-IV)" and paying all applicable duties like normal Imported consignments. IN such cases as the courier agencies are clearing the consignments in LOT, there is a single Bill of Entry & Challan for multiple importers.

In such cases, whether cenvat credit on photocopy of Bill of Entry attested by customs officer, is allowed ?

Kindly give us guidelines for availing CENVAT credit in such cases.

**Reply:-** There is no provision for taking CENVAT Credit on photo copy of bill of entry attested by the Customs Officer. However, under circular No.31/2007 dated 29.08.2007 it is clarified that whenever any consignee intends to take CENVAT credit on imported goods, normal bill of entry may be filed. This bill of entry may be used by the importer for taking CENVAT credit on any imported goods,

as per Clause (c) of Rule 9 of CENVAT Credit Rules, 2004. The Commissioner also referred to the representation made by Trade & Industry on the issue, and informed that this Commissionerate had not been informed of any changes in the current procedure.

2. Export Rebate Claim on Duty paid goods for un-registered Dealers / Premises :-

In case of un-registered Dealers/ Premises, where duty paid goods are procured for local supplies, wanted to export the duty paid goods. (Circular No. 294/10/97-Cx dt.30.01.1997).

What procedure / documents he should comply ?

Whether he can get the rebate of excise duty involved in the said goods ?

**Reply:-** The un-registered dealer is required to follow the procedure as mentioned in Circular No.294/10/97-CX dtd.30.01.1997 read with Circular No. 428/61/98 – CX dtd. 02.11.1998. He can get the rebate claim after following the prescribed procedure, subject to the conditions mentioned therein.

**Points sponsored by Shri R.M. Pandit, M/s. Bhagawati Shippint Pvt. Ltd, Clearing & Forwarding, Shipping & Warehousing Agents, Aurangabad**

I) Valuation of polymers & insistence of PLATT price prevailing at the time of Contract/ PO & delay thereof : The custom formation is insisting to furnish the PLATT prices prevailing on the date of contract/ PO & submission of self attested copy of PLATT price along with covering letter. This is in not line with Section 14 of Custom Act 1962 specified for the valuation of goods for the purpose of assessment prescribing transaction value of the goods. Proper guidelines/instructions may be issued for valuation of goods & relevance of PLATT prices for assessment.

**Reply:-** The PLATT prices are used only for reference or as a benchmark for valuation of plastic goods (polymers) etc but the valuation is done strictly in compliance with the Valuation Rules framed under Section-14 of the Customs Act, 1962. There is no such case where any prices have been enhanced arbitrarily on the basis of PLATT prices in contravention of the aforesaid Valuation Rules. PLATT prices are generally referred for the assessment of plastic goods, i.e. polymers, etc. in view the following departmental instructions:

A) In terms of the Standing Order No. 7493/99 dated 03-12-99 issued by the New Customs House Mumbai, variation up to 10% from PLATT rate (during the validity period of L.C) could be considered, if the import is from manufacturers. However after receiving suggestions from various field formations, DGOV issued Alert Circular No. 03/2009 dated 26-03-09 which did not permit variation of 10% on the PLATT rates for determination of value of polymers. Upon representation by the Trade, the DGOV has again issued revised instructions under F. No.VAL/TECH/56/2008 dated 25.05.2009 wherein earlier position (as initially suggested under Standing Order No. 7493/99 dated 03-12-99) accepting variation upto10% from the PLATT rates was restored.

The Commissioner of Customs Nhava Sheva has also issued P.N. No. 32/2009 dated 28.05.09 following the DGOV's fresh instructions under F. No.VAL/TECH/56/2008 dated 25.05.2009.

II) Minor amendment in IGM regarding Seal no. affixed on the import container: Sometime the seal no. mentioned on the documents i.e.B/L, IGM does not tally with physical seals due to typographical error. Such minor amendments when there is no fraudulent intention or any revenue implications by importer may be permitted based

on the tally sheet/correspondence with load part agent submitted by shipping line to reduce the transaction cost & 100% examination of the goods.

**Reply:-** Amendments in Import General Manifest are carried out as per Board's instructions issued vide Circular No. 13/2005-Cus dated 11.03.2005 and another Circular No. 44/2005-Cus. In the Circular No. 13/2005-Cus, places the nature of amendments in two categories, i.e. 'Major' and 'Minor'. Amendment in "seal no." falls under the 'Minor Amendment' category and such amendment is allowed treating it as a minor amendment only though subject to verification of fraudulent intention, if any, (as envisaged under Circular No. 44/2005-Cus) which is feasible by way of detailed examination of the goods only.

III) Confirmation of genuiness of RA'S issued form ICD MWD to ICD WLJ & vice versa. : The conformation of RA issued from ICD Waluj to ICD MaliWada & vice versa is being sought: The proper offices of both ICD'S being the same, these two formations may be considered one & confirmation may not be insisted.

**Reply:-** Verification process prescribed by the Board is required to be done. However, necessary instruction are being given to expedite the process.

IV) Examination as per CHALR 2004 The examination of the pass holders of CHA licencee are not conducted as per Sub regulation 3(19) since inception of ICD'S . Request to conduct the oral examination at the earliest.

**Reply:-** The no. of 'H' pass holders is being looked into and the examination of the aspirants will be conducted as per the laid procedure at the earliest.

During the course of meeting one of the member raised point regarding accumulation of huge amount of CENVAT Credit in respect of units manufacturing P.P. Medicines and asked for the solution to encashment of the same.

**Reply:-** There is at present, no provision in law for encashment of accumulated CENVAT Credit. The only way to encash the same is by Refund/Rebate on the goods exported.

**Sd/-01.09.2009**  
**(A.S. Sonawane),**  
**Deputy Commissioner(Tech),**  
**Central Excise and Customs,**  
**Aurangabad (Hdqrs.)**

F.No.VGN(30)227/TD/2008/Pt-I  
Aurangabad, the 01.09.2009

**Copy to :- As per Mailing list.**