

D. ADVANCE LICENCES FOR DEEMED EXPORTS :**GENERAL EXEMPTION NO. 20****Exemption to goods when imported against an Advance Licence for Deemed Exports.
[Notfn. No. 91/04-Cus. dt. 10.9.2004 as amended by 46/05, 77/05, 97/05]**

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts materials required for the manufacture of the final goods when imported into India, from **whole of the duty of customs** leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and from the **whole of the additional duty**, safeguard duty and anti-dumping duty leviable thereon respectively under sections 3, 8B and 9A of the said Customs Tariff Act, -

Provided that exemption from safeguard duty and anti-dumping duty shall not be available in respect of materials required for final goods as defined in clause (a), (b), (c), (h) and (i) of the explanation to this notification,-

subject to the following conditions, namely,-

- (i) that the importer has been granted **Advance Licence for deemed export** by the Licensing Authority for import of the said materials in terms of paragraph 4.1.3(c) of the Foreign Trade Policy (hereinafter referred to as the said licence) and the said licence is produced by the importer at the time of clearance for debit by the proper officer of customs;
- (ii) that the said licence contains the endorsements specifying, *inter alia*, -
 - (a) the description, quantity and value of materials allowed to be imported under the said licence;
 - (b) the description and quantity of materials allowed to be imported duty free; and
 - (c) the description and quantity of final goods to be manufactured out of, or with, the imported materials;
- (iii) that the importer executes a bond with such surety or security and in such form and for such sum as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, binding himself to pay on demand, an amount equal to the duty leviable on the imported material but for the exemption contained herein, in respect of which the conditions specified in this notification have not been complied with together with interest at the rate of fifteen per cent per annum from the date of clearance of materials;
- (iv) that the importer produces evidence of having discharged obligation to supply final goods to the satisfaction of the said Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, within a period of thirty days from the expiry of the period allowed for fulfilment of obligation to supply final goods or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may allow; and

(v) that the exempt materials are utilised for manufacture of final goods and no portion of such materials shall be loaned, transferred, sold or disposed of in any other manner :

Provided that where final goods in respect of which the said materials have been imported have already been manufactured and supplied as required under this notification, the importer may use the said materials for the manufacture of any other goods;

Provided further that where the Bond filed under condition (iii) against the said licence, has been redeemed by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, the unutilised material may be transferred to any other manufacturer for processing under actual user condition after complying the central excise procedure relating to Job Work.

(vi) that the imports and exports are undertaken through sea ports at Mumbai, Kolkata, Cochin, Magdalla, Kakinada, Kandla Mangalore, Mormagoa, Chennai, Nhava Sheva, Paradeep, Pipavav, Sikka, Tuticorin, Visakhapatnam, Dahej, Mundhra, Nagapattinam, Okha, Bedi (including Rozi-Jamnagar), Muldwarka and Porbander or through any of the airports at Ahmedabad, Bangalore, Bhubaneswar, Mumbai, Kolkata, Coimbatore, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum, Varanasi, Nagpur, Cochin, Rajasansi (Amritsar) and Lucknow (Amausi) or through any of the Inland Container Depots at Agra, Bangalore, Coimbatore, Delhi, Faridabad, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Kanpur, Ludhiana, Moradabad, Nagpur, Pimpri (Pune), Pitampur (Indore), Surat, Tirupur, Varanasi, Nasik, Rudrapur (Nainital), Dighi (Pune), Vadodara, Daulatabad (Wanjarwadi and Maliwada), Waluj (Aurangabad), Anaparthi (Andhra Pradesh), Salem, Malanpur, Singanalur, Jodhpur, Kota, Udaipur, Ahmedabad, Bhiwadi, Madurai, Bhilwara, Pondicherry, Garhi Harsaru, Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur, Dadri, Tuticoin, Kundli, Bhadohi and Raipur or through the Land Customs Station at Ranaghat, Singhabad, Raxaul, Jogbani, Nautanva (Sonauli), Petrapole, Mahadipur, Nepalganj Road, Dawki, Agartala, Sutarkhandi and Amritsar Rail Cargo or Special Economic Zone as specified in the notification issued under section 76A of the Customs Act, 1962 (52 of 1962).

Provided that the Commissioner of Customs may, by special order, and subject to such conditions as may be specified by him, permit import and export through any other sea port, airport or inland container depot or through a land customs station.

2. The said materials required for the manufacture of the final goods, when imported into India and supplied to Export Oriented Unit, Electronic Hardware Technology Park and Software Technology Park, shall be exempted from the whole of the duty of customs leviable thereon, under the First Schedule to the said Customs Tariff Act and from the whole of additional duty, safeguard duty and anti-dumping duty leviable thereon, respectively, under sections 3, 8 and 9A of the said Customs Tariff Act subject to the conditions mentioned in Paragraph 1.

Explanation – For the purposes of this notification

- (i) “Export Oriented Units” has the same meaning as assigned to it in paragraph 9.24 of the Foreign Trade Policy;
- (ii) “final goods” means -
 - (a) supplies against Advance Licence/ Advance Licence for Annual

- Requirement/Duty Free Replenishment Certificate under the Duty Exemption/Remission Scheme;
- (b) supplies made to Export Oriented Units or Software Technology Parks or Electronic Hardware Technology Parks ;
 - (c) supply of goods to the holders of licence under Chapter 5 of the Foreign Trade Policy;
 - (d) supplies made to projects financed by multilateral or bilateral Agencies or funds as notified by the Government of India in the Ministry of Finance (Department of Economic Affairs) under the International Competitive Bidding in accordance with the procedures of those Agencies or funds where an agreement provides for tender evaluation without including the duties of customs;
 - (e) supply of capital goods including capital goods in unassembled or disassembled condition including plant, machinery, accessories, tools, dies and such goods which are used for installation purpose till the stage of commercial production, and spares to the extent of 10 per cent. of the FOR value of such capital goods for fertilizer plants where such supplies are made by following the procedure of International Competitive Bidding without including the element of duties of customs.
 - (f) supply of goods to any project or purpose in respect of which the Government of India in the Ministry of Finance, by notification, permits the import of such goods at Zero duty of customs and where such supplies are made by following the procedure of International Competitive Bidding without including the element of duties of customs;
 - (g) supply of goods to power and refinery projects not covered in sub-clause (f) where such supplies are made by following the procedure of International Competitive Bidding without including the element of duties of customs;
 - (h) supply of Marine Freight Containers by Export Oriented Units (Domestic freight containers manufacturers) provided the said containers are exported out of India within 6 months or such further period as may be permitted by the Deputy Commissioner of Customs or the Assistant Commissioner of Customs as the case may be;
 - (i) supplies made to projects funded by United Nation Agencies;
 - (j) supplies of goods to nuclear power projects where such supplies are made by following the procedure of Competitive Bidding as opposed to International Competitive Bidding ;
- (iii) “Foreign Trade Policy” means Foreign Trade Policy 2004-09 published vide notification of the Government of India in the Ministry of Commerce & Industry, No. 1/2004, dated the 31st August, 2004;
- (iv) “Licensing Authority” means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;
- (v) “Materials” means -

- (a) raw materials, components, intermediates, consumables, catalysts and parts which are required for manufacture of resultant product;
- (b) mandatory spares within a value limit of 10 percent. of the value of the licence which are required to be exported alongwith the resultant product;
- (c) fuel required for manufacture of resultant product; and
- (d) packaging materials required for packing of resultant product.

GENERAL EXEMPTION NO. 20A

Exemption to specified goods imported under an Advance Licence for deemed exports under paragraph 4.1.1 of the EXIM Policy :-

[Notfn. No. 47/02-Cus. dt. 22.4.2002 as amended by Notfn. Nos. 113/02,57/03, 84/03, 97/03,63/04, 46/05, 77/05 and 97/05]

In exercise of the powers conferred by sub-section (i) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts materials required for the manufacture of the final goods when imported into India, from **whole of the duty of Customs** leviable thereon, under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), and from the **whole of the additional duty** leviable thereon under section 3 of the said Customs Tariff Act subject to the following conditions, namely:-

- (1) that the importer has been granted **Advance Licence for deemed export** by the Licensing Authority for import of the said materials for the aforesaid purpose in terms of paragraph 4.1.1 of the Export and Import Policy (hereinafter referred to as the said licence), and the said licence is produced by the importer at the time of clearance for debit by the proper officer of the customs;
- (2) that the said licence contains the endorsements specifying inter alia
 - (a) the description, quantity and value of materials allowed to be imported under the said licence;
 - (b) the description and quantity of materials allowed to be imported duty free; and
 - (c) the description and quantity of final goods to be manufactured out of, or with the imported materials;
- (3) the importer executes a bond with such surety or security and in such form and for such sum as may be specified by the Assistant Commissioner of Customs or Deputy Commissioner of Customs binding himself to pay on demand, an amount equal to the duty leviable on the imported material but for the exemption contained herein, in respect of which the conditions specified in this notification have not been complied with together with interest at the rate of 15 per cent per annum from the date of clearance of materials;
- (4) that the importer produces evidence of having discharged obligation to supply final goods to the satisfaction of the said Assistant commissioner of customs or Deputy commissioner of Customs within a period of thirty days from the expiry of the period

allowed for fulfilment of obligation to supply final goods or within such extended period as the Assistant Commissioner of Customs or Deputy Commissioner of Customs may allow; and

- (5) that the exempt materials are utilised for the manufacture of final goods and no portion of such materials shall be loaned, transferred, sold or disposed of in any other manner;

Provided that where final goods in respect of which the said materials have been imported have already been manufactured and supplied as required under this notification, the importer may use the said materials for the manufacture of any other goods;

- (6) that the imports and exports are undertaken through sea ports at Mumbai, Sikkim, Kolkatta, Cochin, Kandla, Mangalore, Mormagoa, Chennai, Nhava Sheva, Paradeep, Tuticorin, Visakhapatnam, Kakinada, Magdalla, Dahej, Mundhra, Nagapattinam, Okha, Pipavav, Bedi (including Rozi-Jamnagar), Muldwarka and Porbander or through any of the Airports at Ahmedabad, Bangalore, Mumbai, Kolkatta, Bhubaneshwar, Coimbatore, Nagpur, Cochin, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum, Varanasi, Rajasansi (Amritsar) and Lucknow (Amausi) or through any of the Inland Container Depots at Bangalore, Coimbatore, Delhi, Guwahati, Hyderabad, Kanpur, Ludhiana, Moradabad, Pimpri, (Pune), Pitampur (Indore), Agra, Faridabad, Jaipur, Guntur, Nagpur, Varanasi, Surat, Jodhpur, Salem, Tirupur, Singanallur, Waluj, Bhiwadi, Malanpur, Nasik, Rudrapur (Nainital), Dighi (Pune) Vadodara, Daulatabad (Wanjarwadi and Maliwada), Waluj, (Aurangabad), Anaparthi (Andhra Pradesh), Kota, Udaipur, Ahmedabad, Jalandhar, Bhilwada, Pondicherry, Garhi Harsaru, Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur, Dadri, Tuticoin, Kundli, Bhadohi and Raipur or through the Land Customs Stations at Ranaghat, Singhabad, Jogbani, Nautanva (Sonauli), Petrapole, Mahadipur, Nepalganj Road, Dawki, Agartala, Sutarkhandi and Amritsar Rail Cargo or Special Economic Zone as specified in the notification issued under section 76A of the Customs Act, 1962 (52 of 1962).

Provided that the Commissioner of Customs may by special order and subject to such conditions as may be specified by him, permit import and export through any other sea port, airport or inland container depot or through a land Customs station.

2. The said materials required for the manufacture of the final goods, when imported into India and **supplied to Export Oriented Unit, Special Economic Zone, Electronic Hardware Technology Park and Software Technology Park**, shall be exempted from the **whole of the duty of customs** leviable thereon, under the First Schedule to the said Customs Tariff Act and from the **whole of additional duty, safeguard duty and anti-dumping duty** leviable thereon respectively under section 3, 8 and 9A of the said Customs Tariff Act subject to the conditions mentioned in paragraph 1.

Explanation- In this notification

- (i) "Licensing Authority" means the Director General of Foreign Trade appointed under Section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;
- (ii) "Materials"- means-
- (a) raw materials, components, intermediates consumables, computer software

- and parts required for the manufacture of final goods;
- (b) packing materials required for the packing of final goods to be supplied;
 - (iii) "final goods" means,-
 - (a) supplies against Advance Licence/DFRC under the Duty Exemption / Remission Scheme;
 - (b) supplies made to 100 percent Export Oriented Units (EOUs) or units located in Export Processing Zones (EPZ) or Special Economic Zones (SEZ) or Software Technology Parks (STP) or Electronic Hardware Technology Parks (EHTP);
 - (c) supply of capital goods to the holders of licence under Chapter 5 of the Export and Import Policy;
 - (d) supplies made to projects financed by multilateral or bilateral agencies/funds as notified by the Government of India in the Ministry of Finance (Department of Economic Affairs) under international competitive bidding in accordance with the procedures of those agencies/funds where the legal agreements provide for tender evaluation without including the customs duty;
 - (e) supply of capital goods including capital goods in unassembled/dissembled condition including plant, machinery, accessories, tools, dies and such goods which are used for installation purpose till the stage of commercial production, and spares to the extent of 10 percent of the FOR value of such capital goods for fertilizer plants;
 - (f) supply of goods to any project or purpose in respect of which the Ministry of Finance, by a notification, permits the import of such goods at Zero customs duty coupled with the extension of benefits specified in chapter 8 of the Export and Import Policy for domestic supplies;
 - (g) supply of goods to power and refinery projects not covered in (f) above;
 - (h) supply of Marine Freight Containers by 100 percent Export Oriented Units (Domestic freight containers manufacturers) provided the said containers are exported out of India within 6 months or such further period as permitted by Customs;
 - (i) supplies made to projects funded by United Nation agencies;
 - (j) supplies made to nuclear power projects through competitive bidding;
 - (iv) "Export processing Zone" "hundred percent export oriented units" and "special economic zones"; have the same meaning as in Explanation 2 to Section 3 of the Central Excise Act, 1944 (1 of 1944) respectively.
 - (v) "Export and Import Policy" means Export and Import Policy 2002-2007, notified vide Notification No. 1/2002-2007, dated the 31st March, 2002.

GENERAL EXEMPTION NO. 21**Exemption to materials required for manufacture of the final goods when imported under Advance licence for deemed exporter :**

[Notfn. No. 50/00-Cus. dt.27.4.2000 as amended by Notfn. Nos. 140/00,60/01, 121/01, 113/02, 84/03, 97/03 and 63/04]

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 to 1962), the Central Government, being satisfied that it is necessary in the public interest so to do hereby exempts materials required for the manufacture of the final goods when imported into India, from **whole of the duty of Customs** leviable thereon, under the First Schedule to the Customs Traiff Act, 1975 (51 of 1975), and from the **whole of the additional duty** leviable thereon under section 3 of the said Customs Traiff Act subject to the following conditions, namely:—

(1) that the importer has been granted **Advance Licence for deemed exports** in terms of paragraph 7.3(c) of the Export and Import Policy or **Annual Advance licence for Deemed Exports** in terms of paragraph 7.2 of the Export and Import Policy 1997- 2002, notified by the Government of India in the Ministry of Commerce, vide notification No.1(RE-00)/1997-2002 dated the 31st March, 2001, as the case may be, (hereinafter referred to as the said licence) by the Licensing Authority for import of the said materials for the aforesaid purpose, and the said licence is produced by the importer at the time of clearance for debit by the proper officer of Customs;

(2) that the said licence contains the endorsements specifying inter-alia

(a) the description, quantity and value of materials allowed to be imported under the said licence;

(b) the description and quantity of materials allowed to be imported duty free; and

(c) the description and quantity of final goods to be manufactured out of, or with, the imported materials;

(3) the importer executes a bond with such surety or security and in such form and for such sum as may be specified by the Assistant Commissioner of Customs or Deputy Commissioner of Customs binding himself to pay on demand, an amount equal to the duty leviable on the imported materials but for the exemption contained herein, in respect of which the conditions specified in this notification have not been complied with together with interest at the rate of 15% per annum from the date of clearance of materials;(As per sec 120(1) of Finance Bill 2003 the rate of 15% is applicable w.e.f. 27.4.2000).

(4) that the importer produces evidence of having discharged obligation to supply goods to the satisfaction of the said Assistant Commissioner of customs or Deputy Commissioner of Customs within a period of thirty days from the expiry of the period allowed for fulfilment of obligation to supply final goods or within such extended period as the Assistant Commissioner of Customs or Deputy Commissioner of Customs may allow; and

(5) that the exempt materials are utilised for the manufacture or final goods and no portion of such materials shall be loaned, transferred, sold or disposed of in any other manner:

Provided that where final goods in respect of which the said materials have been imported have already been manufactured and supplied as required under this notification, the importer may use the said materials for the manufacture of any other goods;

(6) that the imports and exports are undertaken through sea ports at Mumbai, Calcutta, Cochin, Kandla, Mangalore, Marmagoa, Chennai, Nhava Sheva, Paradeep, Tuticorin, Visakhapatnam, Kakinanda, Magdalla, Sikka, Pipavav, Jamnagar and Muldwarka or through any of the airports at Ahmedabad, Bangalore, Mumbai, Calcutta, Bhubaneswar, Coimbatore, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum and Varanasi or through any of the Inland container Depots at Bangalore, Coimbatore, Delhi, Gauhati, Hyderabad, Kanpur, Ludhiana, Moradabad, Pimpri (Pune), Pitampur (Indore), Agra, Faridabad, Jaipur, Guntur, Nagpur, Varanasi, Surat, Jodhpur, Salem, Tirupur, Singanallur, Waluj, Malanpur, Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur and Dadri or through Land Customs Stations at Jogbani, Nautanva(Sonauli), Petrapole and Mahadipur.

Provided that the Commissioner of Customs may be special order and subject to such conditions as may be specified by him, permit import and export through any other sea port, airport or inland container Depot or through a land Customs station.

Explanation — In this notification,

(i) "Licensing Authority" means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorised by him to grant a licence under the said Act;

(ii) "materials" means —

(a) raw materials, components, intermediates, consumables, computer software and parts required for the manufacture of final goods;

(b) packing materials required for the packing of final goods to be supplied;

(iii) "final goods" means,—

(a) supplies made to the United Nations Organisation or under the aid programme of the United Nations or other multilateral agencies and paid for in foreign exchange;

(b) supplies made to projects financed by multi-lateral or bilateral agencies/Funds as notified by the Government of India in the Ministry of Finance (Department of Economic Affairs) under international competitive bidding in accordance with the procedures of those agencies/Funds where the legal agreements provide for tender evaluation without including the customs duty;

(c) supplies made to units in the free trade zones and hundred per cent export oriented units (excluding free trade zone units/export oriented undertakings engaged in Diamond, Gem and Jewellery);

(d) supply of capital goods including capital goods in unassembled/disassembled condition plant, machinery, accessories, tools, dies and such goods which are used for installation purposes till the stage of commercial production, and spares to the extent of 10% of the value of such capital goods for fertiliser plants if the supply of goods is made under the procedure of international competitive bidding;

(e) supply of capital goods to the holders of licence under paragraph 6.2 of the Export and Import Policy.

(f) supply of goods to any project or purpose in respect of which the Ministry of Finance, by a notification, permits the import of such goods at zero customs duty coupled with the extension of benefits under Chapter 10 of the Export and Import Policy for domestic supplies;

(g) supply of goods to power and refinery projects not covered in (f) above;

(h) goods specified in List 9 appended to the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.16/2000-Customs, dated 1st March, 2000, for supply to a refinery set up under the ninth five Year Plan;

(i) Supply of goods to any of the Mega Power Project (including generation and Transition) specified in list 33 appended to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 16/2000-Custom dated the 10th March, 2000 if such Mega Power Project.

(1) an inter-state thermal power plant of a capacity of 1500 MW or more; or

(2) an inter-state hydel power plant of a capacity of 500 MW or more;

— as certified by an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Power;

(j) supply of goods to Talcher-II and Talcher-II transmission projects in terms of the Public Notice of the Government of India in the Ministry of Commerce No.18 (RE:99)/1997-2000, dated the 1st July, 1999.

(k) supply of goods to Sasaram HVDC East-North Interconnector Project in terms of the Public Notice of the Government of India in the Ministry of Commerce No. 25 (RE:99)/1997-2002, dated the 28th July, 1999.

(l) supply of goods to the three OECF assisted projects, namely, Faridabad Gas based Power Project of NTPC, Simhadri Thermal Power Project of NTPC and Bakreshwar Thermal Power Project of WBPDC in terms of the Public Notice of the Government of India, in the Ministry of Commerce, No.30 (RE:99)/1997-2002, dated the 6th September, 1999

(m) supply of goods to the Maharashtra State Electricity Board for execution of Maharashtra Power Projects in terms of the Public Notice of the Government of India in the Ministry of Commerce, No. 31(RE:99)/1997-2002, dated the 23rd September, 1999;

(n) supply of goods to Rihand-Sasaram-Biharsharif HVDC Link back to back Station Project in terms of the Public Notice of the Government of India in the Ministry of Commerce, No.38 (RE:99)/1997-2002, dated the 5th November, 1999;

(o) supply of goods to Eastern Region System Coordination and Control (ERSC & C) Transmission Project in terms of the Public Notice of the Government of India in the Ministry of Commerce, No. 34(RE-2000)/1997-2002, dated the 15th September, 2000.

(p) supply of goods to Vindhyachal Super Thermal Power Project (STPP) Stage-II in the State of Madhya Pradesh and Kayamkulam Combined Cycle Power Project (CCPP) in the State of Kerala in terms of the Public Notice of the Government of India in the Ministry of Commerce, No.18(RE-01)/1997-2002, dated the 7th June, 2001.

(iv) "free trade zone", and "hundred percent export oriented units" have the same meaning as in Explanation 2 to sub-section (1) of section 3 of the Central Excise Act, 1944 (1 of 1944);

(v) "Export and Import Policy" means Export and Import Policy, 1997-2002, notified by the Government of India in the Ministry of Commerce vide notification number 1(RE-99)/1997-2002, dated the 31st March, 2000.