

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)

JAWAHARLAL NEHRU CUSTOM HOUSE, SHEVA,

DIST RAIGAD, MAHARASHTRA.

F.NO. S/22-Gen 135/05 A(M)(I)

Date: 24.01.2006

PUBLIC NOTICE NO.07/2006

SUB: Clarifications relating to DEPB Schemes reg.

Attention of all the Importers, Exporters, CHAs and Members of the Trade is invited to the provisions regarding DEPB Scheme.

[Notification No. 96/2004- Cus](#) dtd. 17.09.2004 issued under DEPB Scheme expired on 30.09.2005 and subsequently a new [notification \(No. 89/2005-Cus](#) dtd. 04.10.2005) has been issued to allow imports under DEPB Scheme without payment of customs duty upto 31st December, 2005. There was, thus, a gap of three days between the expiry of the earlier notification and issue of the new one. After issue of [notification No. 89/2005 Cus](#), several references have been received by the Board from the trade and industry seeking clarification on certain points. A request has been made that bills of entry filed during the period 01.10.2005 to 03.10.2005 (both days inclusive when [notification no. 96/2004 Cus](#). had expired and no other customs notification for allowing imports under DEPB Scheme was in operation) in respect of goods imported under

DEPB Scheme should be extended the benefit of DEPB Scheme by suitably amending [notification no. 89/2005-Cus](#). A second point raised is whether DEPB benefits can be extended to imported goods against a DEPB Licence contains an endorsement that this DEPB is issued under [notification NO. 96/2004-Cus](#) dtd. 17.09.2004.

The DGFT has also raised another point stating that at times the DEPB scrips issued under 45/2002 Cus (i.e. customs notification governing DEPB imports prior to 17.09.2004) are revalidated based on the evidence of dealy caused either at the Customs end or at the DGFT end in terms of paragraph 2.13 of the HBP. The DGFT has suggested that in such cases, the scrips should be honoured by the Customs field formations. Some field formations have also pointed out that since notification nos. 34/97-Cus dated 01.04.97 (the first customs notification on DEPB Scheme) and 45/2002-Cus dated 22.04.2002 are open-ended and no expiry date for the notifications is mentioned, DEPB benefit should be extended to the imported goods if the DEPB scrips are still valid and if the conditions of these notifications are fulfilled.

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The issues raised have been examined by the Ministry. Pending further examination of the matter, it is clarified that exports made during 1st October to 3rd October, 2005 shall be eligible for the benefit of the DEPB Scheme and that DEPB credit on imports against Bills of Entry filed during this period may be allowed to be utilized on a provisional basis. It is also clarified that DEPB benefit may be extended to imported goods under notification no. 89/2005 Cus even if the DEPB licence contains an endorsement that it is issued under [notification no. 96/2004-Cus](#). This would be

subject to the condition that the DEPB licence is valid to cover the imported goods and all conditions of [notification 89/2005-Cus](#) are fulfilled. It is further clarified that licences issued under notification no. 34/97-Cus and 45/2002-Cus may also be allowed to be utilized for clearance of goods under DEPB Scheme provided the licences are valid to cover the imported goods and the conditions of notification Nos. 34/97-Cus and 45/2002-Cus are fulfilled.

The contents of this notice may be brought to the notice of members of your Association / Organisation. Any difficulty faced by the trade may be brought to the notice of the undersigned.

(NAJIB SHAH)

COMMISSIONER OF CUSTOMS

IMPORTS

Copy to:

1. All the Trade Association / Organisation.
2. Bombay Custom House Agents Association.