

**OFFICE OF THE PR. COMMISSIONER OF CUSTOMS (NS-GEN)  
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,  
TALUKA URAN DIST. RAIGAD, MAHARASHTRA 400 707.**

F. No. S/12-Gen-179/2014-15 AM(X)

Dated: 14 .06.2016

**PUBLIC NOTICE NO. 86/2016**

**Sub. : Appropriate authority for sanction and disbursement of drawback claims on supplies made by domestic Tariff Area (DTA) units to units located in Special Economic Zone (SEZ) – regarding.**

Attention of all Custom House Agents, Importers, Exporters, Shipping Agents, Members of Regional Advisory Committees and Members of the Trade is invited to the above mentioned subject and Public Notice No. 32/2015 dated 21.04.2015 and Board's Circulars Nos. 6/2005-Cus dated 03.02.2005, **43/2007-Cus dated 05.12.2007** and **39/2010-Cus dated 15.10.2010** regarding sanction and disbursement of drawback claims made against supplies made by DTA units to units in SEZ. In modification of Public Notice No.32/2015 dated 21.04.2014, following Public Notice is being issued.

2. The Board [Circular No. 6/2005-Cus](#), dated 03.02.2005 clarified that with operationalisation of the provisions of Chapter X-A of the Customs Act, 1962 w.e.f. 11.5.2004, drawback is to be granted for the supplies made from the DTA to the SEZ. It was also clarified in the said Circular that the Dy./Asstt. Commissioner of Customs posted on deputation at the SEZ being the Dy./Asstt. Commissioner of Customs at the Customs Station of export shall be the authority for granting these drawback claims. The jurisdictional Commissioner of Customs in consultation with the Pay & Accounts Officer shall make arrangements for issue of authorisation and drawback cheque books (wherever EDI facilities are not available for directly crediting the said amount to the Bank Accounts of the exporters) with immediate effect.

3. The issue as to whether the jurisdictional Commissioners of Customs or Central Excise can sanction drawback claims against supplies made by DTA units to units in SEZ was examined by the Board and it was clarified vide Circular No. 43/2007-Cus dated 05.12.2007 that wherever admissible, drawback claims in respect of supplies made by DTA units to units or Developers in SEZ are not to be processed or sanctioned by the Customs and Central Excise formations. The Specified Officer posted in an SEZ is the appropriate authority for granting drawback in respect of goods supplied from DTA units to Developers and units in SEZ except where the unit or Developer issues a disclaimer to the DTA supplier in which case the Commissionerate of Central Excise /Customs & Central Excise having jurisdiction over the DTA unit would sanction the drawback. The jurisdictional "Commissioner of Customs" in consultation with the Pay & Accounts Officer shall make arrangements for issue of authorization and drawback cheque books (wherever EDI facilities are not available for directly crediting the said amount to the Bank Accounts of the exporters) as clarified by the Board vide Circular No.6/2005-Cus, dated 3.2.2005. It was also mentioned in the Circular No. 43/2007-Cus dated 05.12.2007 that according to Rule 2(zd) of SEZ Rules, 2006, Specified Officer means Joint Commissioner /Deputy Commissioner /Assistant Commissioner of Customs posted in the SEZ. The procedure regarding issue of authorization and drawback cheque books continued to be same as clarified by the Board vide Circular No.6/2005-Cus, dated 3.2.2005.

4. As regards the arrangement of obtaining authorization and cheque books from the jurisdictional Custom Houses, it was reported by Central Excise formations to the Board that this causes delays and some of the divisions are facing difficulties in getting the cheque books issued from the PAOs of the custom houses and requested for modification

of this procedure so as to allow the “Commissioner of Central Excise and Customs/ Central Excise” to sanction and disburse drawback claims without having to approach the jurisdictional Commissioner of Customs for issue of authorization and cheque books. The matter was examined by the Board in consultation with the office of the Principal, Chief Controller of Accounts. In view of the Principal, CCA letter no. Coord/2(1)/39/Jamnagar(Cus)/57 dated 30.06.2010, the procedure laid down in the Board circular No. 43/2007-Cus dated 5th December, 2007 was modified to the extent that the Commissioners of Central Excise or Customs and Central Excise, as the case may be, may issue authorization to Dy./Asstt. Commissioners of Central Excise posted in Divisions under them for the purpose of disbursing drawback to DTA units against disclaimers issued by SEZ units/developers. The cheque book issued by the Pay & Accounts Officer of the jurisdictional Central Excise or the Customs and Central Excise Commissionerate, as the case may be, to the Central Excise Division for making refunds may be used for disbursement of drawback and the accounting procedure.

5. As regards applications for fixation of brand rate of drawback, the same would continue to be filed with the Commissioner of Customs having jurisdiction over the manufacturing unit of the manufacturer or the supporting manufacturer, as the case may be. Copies of the brand rate fixation letters may be endorsed to the Development Commissioner and the Specified Officer of the SEZ.

6. Since drawback in respect of goods supplied by DTA units to Developers or units in SEZ can be claimed by either the SEZ unit or the Developer, as the case may be, or by the DTA supplier on the basis of the disclaimer issued by the SEZ unit or the Developer, necessary safeguard need to be taken to ensure that drawback is not availed of twice on the same goods. It may be ensured that the disclaimer certificate issued by the SEZ unit or the Developer to the DTA supplier is supported by a certificate from the Specified Officer in the SEZ to the effect that drawback has not been claimed/availed of on the goods by the SEZ unit or the Developer, as the case may be.

7. All the Trade Associations/Chamber of Commerce/Members of Regional Advisory Committees and Custom House Agents’ Association are requested to publicize the contents of this Public Notice among their members/constituents.

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(RAJEEV TANDON)  
PRINCIPAL COMMISSIONER OF CUSTOMS  
NS-GENERAL, JNCH

1. The Chief Commissioner of Customs, Mumbai Zone II.
2. The Pr. Commissioners of Customs/ Commissioner of Customs, NS-Gen, I, II, III, IV & V, JNCH
3. All Additional/Joint Commissioners of Customs, JNCH
4. All the Dy. /Assistant Commissioners of Customs, JNCH
5. All the Appraising Officers/Superintendents, JNCH
6. EDI for uploading on website