

**OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)  
JAWAHARLAL NEHRU CUSTOM HOUSE, SHEVA,  
TAL.: URAN, DIST.: RAIGAD, MAHARASHTRA ♦ 400 707.**

F.No.S/26-Misc-04/2010-11 CRC IV

JNCH♦♦♦♦♦♦♦♦♦♦♦♦♦♦♦♦ Date:12.05.2010

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**STANDING ORDER NO.♦ 30/2010**

**Subject:** Streamlining the procedure for refund of 4% Additional Duty of Customs in pursuance of Notification No. 102/2007-Customs dated 14.9.2007 ♦ Reg.

Attention of all the officers of Jawaharlal Nehru Custom House is drawn to the Customs Notification No. 102/2007-Cus. dated 14/09/2007, exempting Addl. Duty of Customs (SAD) leviable under Section 3(5) of the Customs Tariff Act on goods imported for subsequent sale, Board's Circular Nos.06/2008 & 16/2008-Customs, clarifying various related issues and this Custom House Public Notice Nos. 43/2008 & 04/2009 prescribing documents and the procedure for refund of the same.

1. It has been brought to notice that although the CBEC Circular No. 16/2008-Cus. Dated 13/10/2008 prescribes acceptance of copies of ST/VAT challans along with the certificate of the statutory auditor / Chartered Accountant, this Custom House requires submission of VAT/ ST Challans, duly certified by the statutory auditor/ Chartered Accountant of the importer, in terms of Public Notice No. 04/2009 dated 02/02/2009. It has been pointed out that in many cases the Chartered Accountants are not willing to certify the VAT/ ST Challans and they charge a fees for certifying every VAT/ ST Challans. Therefore, it is expensive, cumbersome and time consuming procedure, especially in cases where interstate/ multiple state sales are involved and there are thousands of VAT/ ST/ CST Challans, which are to be certified by the Chartered Accountant.
2. The issue has been examined and it is noticed that CBEC circulars on the subject do not prescribe submission of copy of ST/VAT Challan certified by the Chartered Accountant for sanction of refund. It is further seen that the statutory auditor / Chartered

Accountant is also issuing a certificate in proforma at Annexure II to the Public Notice No. 04/2009 which gives details of each VAT/ST Challans and / or evidence for adjustment of input tax credit as effective discharge of ST/VAT payment on imported goods. As each ST/VAT Challan number and date and the amount paid under each challan is specified in the certificate, further certification of each copy of ST/VAT Challans does not serve any useful purpose.

3. In view of above, it has been decided that henceforth, copies of ST/VAT Challans along with a certificate of the statutory auditor/Chartered Accountant, as per the proforma annexed to the Facility Notice issued in this regard, shall be accepted for the purpose of sanction of refund of SAD. This will be subject to requiring the original ST/VAT payment challans or other similar documents, in doubtful cases, which shall be returned to the importer after verification, as per the instructions of the Board in Circular No.16/2008-Customs.

4. Apart from this it has been noticed that presently the claimants are required to submit four different certificates from statutory auditor/Chartered Accountant in Annexures D, II, III and IV. This not only is expensive, cumbersome and time consuming but also creates lot of duplication and confusion as a result of which many a times the importers get certified their other documents from the Chartered Accountant which in fact are not so required. Therefore, in order to avoid duplication and make it simple, it has been decided to merge the various certificates from statutory auditor/Chartered Accountant in Annexures D, II, III and IV into a single certificate in format Annexure S enclosed to the Facility Notice issued in this regard.

5. It is further noticed that the calculation work sheet for refund as per Annexure-A to Public Notice No. 43/2008 dated 06/06/2008 emphasizes on unnecessary details without referring to import and sale quantity, which are essential for calculation of correct refund amount. Therefore, it has been decided to modify the format for calculation work sheet for refund as per revised Annexure-A, enclosed to the Facility Notice issued in this regard.

6. Public Notice Nos. 43/2008 dated 06/06/2008 and 04/2009 dated 02.02.2009 and related Standing Orders stand modified to the extent mentioned above. The instructions for acceptance of copies

of ST/VAT Challans along with a certificate of the statutory auditor/ Chartered Accountant shall come into force from immediate effect and shall also apply to all pending claims. The revised Annexure-◆A◆ and Annexure-◆S◆ shall be mandatory from 1<sup>st</sup> June 2010 but these may be voluntarily adopted with immediate effect.

7. The above instructions come into force with immediate effect and should be strictly followed by the concerned officers and staff.

**(A. K. Das)**

◆◆◆◆◆ COMMISSIONER OF CUSTOMS (IMPORT)

Copy to:◆

- 1.◆◆ The Chief Commissioner of Customs, M- II Zone, JNCH
- 2.◆◆ The Commissioner of Customs (Import), JNCH
3. All Addl. / Jt. Commissioners of Customs, JNCH
4. All Asst. / Deputy Commissioners of Customs, JNCH
5. All officers concerned.