

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
NO.1, WILLIAMS ROAD, CANTONMENT, TRICHY-1.

TRADE NOTICE: 13/2005

DATED: 10.03.2005.

Sub: Communication of Ministry's Circular's No. 810/7/2005 – CX
dated 01.03.2005 – Regarding.

Copy of Ministry's Circular's No. 810/7/2005 – CX dated 01.03.2005 [F.No. 209/30/2003 – CX 6] regarding Central Excise-Export of goods under Bond to Nepal and Bhutan- Notification No. 45/2001-CE (NT) dated 26th June, 2001 is communicated herewith.

The contents of the Trade Notice may be brought to the knowledge of all constituent members of Trade Associations / Chambers of Commerce

(Issued from file C.No.IV/16/2/2005 – C.Ex.Pol.)

//ATTESTED//

Sd./xxxx
(V. JAYARAMAN)
JOINT COMMISSIONER (TECH)

SUPERINTENDENT (TECH.)

To
As per mailing list II / III / All Section in Hqrs., Trichy.

Copy of Ministry's Circular's No. 810/7/2005 – CX Dated: 01.03.2005

I am directed to say that certain references were received from field formations raising doubts over the applicability of notification No. 45/2001-CE(NT) dated 26th June, 2001 dealing with the procedure of export under Bond to Nepal and Bhutan to merchant exporters. A view was expressed that since the notification No. 45/2001-CE(NT) dated 26th June, 2001 does not contain a clause of obtaining the goods without payment of duty by a merchant exporter under CT-1 certificate similar to notification No. 42/2001-CE(NT) dated 26th June, 2001, the said notification may not be applicable to merchant exporters. It was also stated that the above notification does not define the term 'merchant exporter' unlike other notification No. 42/2001-CE (NT).

2. The matter has been examined. It may be seen that the notification No. 45/2001-CE (NT) does not differentiate in the procedure on the basis of the status of the exporter and hence, no need was felt to mention the terms 'merchant- exporter' or 'manufacturer-exporter' in the said notification. Accordingly, no separate procedure for obtaining the goods without payment of duty was prescribed for each category of exporters. Further, in all cases of export to Nepal and Bhutan, the despatch of goods has been prescribed only from the factory of manufacture or warehouse or any other premises approved by the Commissioner in this behalf. Thus, it may be seen that the term 'exporter' has been used in general sense in the notification such that it covers both merchant-exporters and manufacturer-exporters. The fact that the term 'merchant exporter' has not been defined in the notification may not ipso-facto imply that the notification is meant for a particular category of exporters only.

3. Accordingly, it is clarified that the notification No. 45/2001-CE (NT) dated 26th June, 2001 for export under Bond to Nepal and Bhutan applies to both merchant-exporters and manufacturer-exporters.

4. Trade and field formations may be informed suitably.

5. Receipt of the Circular may please be acknowledged.

6. Hindi version will follow.

Yours faithfully,
(Neerav Kumar Mallick)
Under Secretary to the Govt. of India