

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

TRADE NOTICE: 23/2005

DATED : 20.05.2005.

Sub: Communication of Ministry's Notification Nos.19/2005 – CE dated 05.05.2005, 20/2005 – CE dated 13.05.2005, 21/2005 – CE dated 13.05.2005, 22/2005 – CE dated 13.05.2005, 23/2005 – CE dated 13.05.2005, 24/2005 – CE dated 13.05.2004, 25/2005 – CE dated 16.05.2005 and Notification No. 26/2005 – CE dated 16.05.2005 – Regarding.

Copy of Ministry's Notification Nos. 19/2005 – CE [F.No. 4/3/2002-CX.1] dated 05.05.2005, 20/2005 – CE [F. No.4/3/2004–CX.1 (pt.V)] dated 13.05.2005, 21/2005 – CE [F. No.4/3/2004–CX.1 (pt.V)] dated 13.05.2005, 22/2005 – CE [F.No.334/1/2005-TRU] dated 13.05.2005, 23/2005 – CE [F.No. 334/1 /2005-TRU] dated 13.05.2005, 24/2005 – CE [F.No. 334/1 /2005-TRU] dated 13.05.2005, 25/2005 – CE [F.No. 354/ 40/2005-TRU] dated 16.05.2005 and Notification No. 26/2005 – CE [F.No. 354/40/2005-TRU] dated 16.05.2005 are 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/16/3/2005 – C.Ex.Pol.)

//ATTESTED//

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

SUPERINTENDENT (TECH.)

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

Copy of Ministry's Notification No. 19/2005 CE Dated: 05.05.2005

In exercise of the powers conferred by sub-section (1) of section 5 of the Central Excise Tariff Act, 1985 (5 of 1986), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the First Schedule and the Second Schedule to the said Central Excise Tariff Act, namely:-

- (A) In the First Schedule, -
- (i) in Chapter 44, in Note 1(m), for the word and figures "Section XVII", the word and figures "Section XVIII" shall be substituted;

- (ii) In Chapter 44, after tariff item 4421 90 50, for the tariff item “4420 90 60” in column (1), tariff item “4421 90 60” shall be substituted;
 - (iii) in Chapter 48, in sub-heading note 10, for the figures “4802 20”, the figure “4804” shall be substituted;
 - (iv) In Section XI, in SUB-HEADING NOTE 1(d)(iii), for the word “silvers”, the word “slivers” shall be substituted;
 - (v) in Chapter 52 below the subject Cotton, for the words “SUB-HEADING NOTES”, the words “NOTES” shall be substituted;
 - (vi) in Chapter 57, Note 3 shall be omitted;
 - (vii) in Chapter 58, in Note 8, for the words “organdie processing,”, the words “organdie processing or” shall be substituted;
 - (viii) in Chapter 60, in Note 4, for the words “organdie processing,”, the words “organdie processing or” shall be substituted;
 - (ix) in Chapter 62, after sub-heading 6217 90, for the tariff item “6207 90 10” in column (1), the tariff item “6217 90 10” shall be substituted;
- (B) In the Second Schedule, against tariff item “2710 11 19”, in column (2), under Description of goods, for the expression “--- other”, the expression “---- other” shall be substituted.

2. This notification shall come into force on the date of publication in the Official Gazette.

F.No. 4/3/2002-CX.1

Ashok Kumar
Under Secretary to the Government of India

Copy of Ministry's Notification No. 20/2005 CE Dated: 13.05.2005
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In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944) read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) (hereinafter referred to as the said Act) the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in column (3) of the Table below and falling within the chapter or heading or sub-heading or tariff item of the First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) as specified in column (2) of the said Table, from so much of the additional duties of excise leviable under the said Act, as is in excess of the amount calculated at the rate specified in the corresponding entry in column (4) of the said Table.

Table

S. No.	Chapter or heading or sub-heading or tariff item	Description of goods	Rate of duty
(1)	(2)	(3)	(4)
1.	1701	Sugar (other than Khandsari sugar), required by the Central Government to be sold under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955)	Rs.21/- per quintal
2.	1701	Cane jaggery	Nil
3.	2401	Un-manufactured tobacco or tobacco refuse, other than bearing a brand name	Nil
4.	2403 10 10	Hookah or gudaku tobacco, other than bearing a brand name	Nil
5.	2403 10 90	Other goods, other than bearing brand name	Nil
6 .	2403 99 90	All goods other than bearing a brand name (other than pan masala containing tobacco)	Nil

Explanation.- For the purposes of S.Nos.2, 3, 4 and 5 of this notification, 'brand name' means a brand name, whether registered or not, that is to say, a name or a mark, such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and some person using such name or mark with or without any indication of the identity of that person

[F. No.4/3/2004–CX.1 (pt.V)]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

Copy of Ministry's Notification No. 21/2005 CE Dated: 13.05.2005

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944) read with sub-section (3) of section 136 of the Finance Act, 2001 (14 of 2001), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in column (3) of the Table below and falling within the heading, sub-heading or tariff item of the First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), specified in the column (2) of the said Table, from the whole of the National Calamity Contingent duty leviable under sub-section (1) of section 136 of the said Finance Act.

Table

S. No.	Heading or sub-heading or tariff item	Description of goods
(1)	(2)	(3)
1.	2403 10 10	Hookah or gudaku tobacco, other than bearing a brand name
2.	2403 10 90	Other smoking tobacco, other than bearing brand name
3.	2403 91 00	“Homogenised” or “reconstituted” tobacco, other bearing a brand name
4.	2403 99 60	Tobacco extracts and essence, other bearing a brand name
5.	2403 99 90	All goods not bearing a brand name (other than pan masala containing tobacco)
6.	8703	Three wheeled vehicles, meant for the transport of not more than seven persons including the driver
7.	8704	(i) Motor vehicles for transport of goods other than petrol driven (ii) Three wheeled motor vehicles
8.	8706 00 31	Chassis of three wheeled vehicles for transport of not more than 7 persons.

Explanation.- For the purposes of this notification, ‘brand name’ means a brand name, whether registered or not, that is to say, a name or a mark, such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and some person using such name or mark with or without any indication of the identity of that person

[F. No.4/3/2004–CX.1 (pt.V)]

V. Sivasubramanian
Deputy Secretary to the Government of India

Copy of Ministry’s Notification No. 22/2005 CE Dated: 13.05.2005

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby directs that the following notifications of the Government of India, in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, shall be amended in the manner and to the extent specified in the corresponding entry in column (3) of the said Table.

Table

S.No.	Notification No. and date	Amendments										
(1)	(2)	(3)										
1	6/2005-Central Excise, dated the 1 st March, 2005 [G.S.R. 126(E), dated the 1 st March, 2005]	In the said notification, in the preamble,- (i) for the portion beginning with the words, brackets and figures “sub-clause (3) of clause 85” and ending with the words “the force of law”, the words, brackets and figures “sub-section (3) of section 85 of Finance Act, 2005 (18 of 2005)” shall be substituted; (ii) for the words, brackets and figures “sub-clause (1) of clause 85 of the said Finance Bill, 2005”, the words, brackets and figures “sub-section (1) of section 85 of the said Finance Act” shall be substituted.										
2.	23/2003-Central Excise, dated the 31 st March, 2003 [G.S.R. 266 (E), dated the 31 st March, 2003]	In the said notification, in the Table, for S.No.1 and entries relating thereto, the following shall be substituted, namely:- <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th align="center">(1)</th> <th align="center">(2)</th> <th align="center">(3)</th> <th align="center">(4)</th> <th align="center">(5)</th> </tr> </thead> <tbody> <tr> <td align="center">“1.</td> <td align="center">Any chapter</td> <td align="center">All goods</td> <td align="center">Duty of excise leviable thereon as is equivalent to the additional duty of customs leviable on such goods under sub-section (5) of section 3 of the Customs Tariff Act, 1975 (51 of 1975), read with the proviso to sub-section (1) of section (3) of the said Central Excise Act.”</td> <td align="center">-”</td> </tr> </tbody> </table>	(1)	(2)	(3)	(4)	(5)	“1.	Any chapter	All goods	Duty of excise leviable thereon as is equivalent to the additional duty of customs leviable on such goods under sub-section (5) of section 3 of the Customs Tariff Act, 1975 (51 of 1975), read with the proviso to sub-section (1) of section (3) of the said Central Excise Act.”	-”
(1)	(2)	(3)	(4)	(5)								
“1.	Any chapter	All goods	Duty of excise leviable thereon as is equivalent to the additional duty of customs leviable on such goods under sub-section (5) of section 3 of the Customs Tariff Act, 1975 (51 of 1975), read with the proviso to sub-section (1) of section (3) of the said Central Excise Act.”	-”								
3.	9/2005-Central Excise, dated the 1 st March, 2005 [G.S.R. 129(E), dated the 1 st March, 2005]	In the said notification, in the preamble, the portion beginning with word and figure “as amended by clause 72” and ending with words “the force of law,” shall be omitted.										

F.No.334/1/2005-TRU

V. Sivasubramanian
Deputy Secretary to the Government of India

Note: (1)The principal notification number 6/2005-Central Excise, dated the 1st March 2005 was published in the Gazette of India, vide number 126(E), dated the 1st March 2005.

(2) The principal notification number 23/2003-Central Excise dated the 1st March 2003 was published in the Gazette of India, vide number 266(E), dated the 31st March 2003, and was last amended vide notification number 8/2005-Central Excise, dated the 1st

March, 2005, published in the Gazette of India vide number G.S.R. 128(E), dated the 1st March, 2005.

(3) The principal notification number 9/2005-Central Excise, dated the 1st March 2005 was published in the Gazette of India, vide number 129(E), dated the 1st March 2005.

Copy of Ministry's Notification No. 23/2005 CE Dated: 13.05.2005

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944) read with sub-section (3) of section 85 of the Finance Act, 2005 (18 of 2005), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts all goods, produced and used within the factory of their production in the manufacture of final product on which additional duty of excise is leviable under sub-section (1) of section 85 of the said Finance Act, from the whole of the additional duty of excise, leviable under said sub-section (1) of section 85 of the said Finance Act.

[F.No. 334/1 /2005-TRU]

V. Sivasubramanian
Deputy Secretary to the Government of India

Copy of Ministry's Notification No. 24/2005 CE Dated: 13.05.2005

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby rescinds the following notifications of the Government of India in the Ministry of Finance (Department of Revenue), except as respects things done or omitted to be done before such rescission, namely:-

(i) No. 7/2005-Central Excise, dated the 1st March 2005, which was published in the Gazette of India, Extraordinary, vide number G.S.R. 126(E), dated the 1st March 2005;

(ii) No. 12/2005-Central Excise, dated the 1st March 2005, which was published in the Gazette of India, Extraordinary, vide number G.S.R. 132(E), dated the 1st March 2005.

[F.No. 334/1 /2005-TRU]

V. Sivasubramanian
Deputy Secretary to the Government of India

Copy of Ministry's Notification No. 25/2005 CE Dated: 16.05.2005

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 9/2005-Central Excise, dated the 1st March, 2005, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 1st March, 2005, *vide* No. G.S.R. 129(E), dated the 1st March, 2005, except as respects things done or omitted to be done before such rescission.

[F.No. 354/ 40/2005-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

Copy of Ministry's Notification No. 26/2005 CE Dated: 16.05.2005

In exercise of powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 23/2003-Central Excise, dated the 31st March, 2003 which was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 266 (E), dated the 31st March, 2003, namely:-

In the said Notification,-

(A) in the Table, against Sr. No. 1, for the entry in column (5), , the entry "1" shall be substituted;

(B) in the Annexure, in Conditions, before Sr.No.2, the following shall be inserted, namely:-

Sr. No.	Conditions
"1.	If the goods being cleared into the Domestic Tariff Area are not exempt by the State Government from payment of sales tax or value added tax";

F.No. 354/40/2005-TRU

(V. Sivasubramanian)
Deputy Secretary to the Government of India

Note: The principal notification was published in the Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 1st March, 2005, *vide* No. G.S.R. 266(E), dated the 31st March, 2003 and was last amended *vide* notification No. 22 /2005-Central Excise, dated the 13th May, 2005 published in the Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 13th May, 2005, *vide* No. G.S.R. 295(E), dated the 13th May, 2005.