



BMC Advisors



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WEEKLY UPDATES

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MCA UPDATES

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 28th February, 2017

G.S.R. 175(E). – In exercise of the powers conferred under sub-sections (1) and (2) of section 434 of the Companies Act, 2013 (18 of 2013) read with sub-section (1) of section 239 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016) (hereinafter referred to as the Code), the Central Government hereby makes the following rules further to amend the Companies (Transfer of Pending Proceedings) Rules, 2016, namely: –

1. **Short title and Commencement.** – (1) These rules may be called the Companies (Transfer of Pending Proceedings) Amendment Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Transfer of Pending Proceedings) Rules, 2016, in rule 5, in sub-rule (1) in the proviso for the words “sixty days” the words “six months” shall be substituted.

[F. No. 1/5/2016-CL-V]

AMARDEEP SINGH BHATIA, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R 1119(E), dated the 7th December, 2016.

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 28th February, 2017

G.S.R. 178(E).—In exercise of the powers conferred by sub-sections (1), (2), (3), (4), (8), (9), (10) and (11) of section 125 and sub-section (6) of section 124 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, to amend the Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Rules, 2016, namely:-

1. (1) These rules may be called the Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Amendment Rules, 2017.

(2) They shall come into force from the 28th February, 2017.

2. In the Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Rules, 2016, (hereinafter referred to as the Principal rules) in rule 2, in sub-rule (1), for sub-rule (d), the following shall be substituted, namely:

(d) “Company” means a company defined in sub-section (20) of section 2 of the Act and includes ‘corresponding new bank’ as defined in sub-section (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and clause (b) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) and ‘subsidiary bank’ as defined in clause (k) of section 2 of State Bank of India (Subsidiary Bank) Act, 1959 (38 of 1959);

(da) “Corporate action” means any action taken by the company relating to transfer of shares and all the benefits accruing on such shares namely, bonus shares, split, consolidation, fraction shares etc., except right issue to the Authority;

3. In the principal rules, in rule 3, in sub-rule (2) for clause (g), the following clause shall be substituted, namely:-

‘(g) all amounts payable as mentioned in sub-section (3) of section 10B of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, section 10B of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and section 40A of the State Bank of India (Subsidiary Bank) Act, 1959; and’.

4. In the principal rules, for rule 6, the following rule shall be substituted, namely:-

“6. Manner of transfer of shares under sub-section (6) of section 124 to the Fund.- (1) The shares shall be credited to DEMAT Account of the Authority to be opened by the Authority for the said purpose, within a period of thirty days of such shares becoming due to be transferred to the Fund:

Provided that, in case the beneficial owner has encashed any dividend warrant during the last seven years, such shares shall not be required to be transferred to the Fund even though some dividend warrants may not have been encashed:

Provided further that in cases where the period of seven years provided under sub-section (5) of section 124 has been completed or being completed during the period from 7th September, 2016 to 31st May, 2017, the due date of transfer of such shares shall be deemed to be 31st May, 2017.

(2) For the purposes of effecting transfer of such shares, the Board shall authorise the Company Secretary or any other person to sign the necessary documents.

(3) The company shall follow the following procedure while transferring the shares, namely:-

(a) The company shall inform, at the latest available address, the shareholder concerned regarding transfer of shares three months before the due date of transfer of shares and also simultaneously publish a notice in the leading newspaper in English and regional language having wide circulation informing the concerned that the names of such shareholders and their folio number or DP ID - Client ID are available on their website duly mentioning the website address.

(b) In case, where there is a specific order of Court or Tribunal or statutory Authority restraining any transfer of such shares and payment of dividend or where such shares are pledged or hypothecated under the provisions of the Depositories Act, 1996 or shares already been transferred under sub-rule (1) above, the company shall not transfer such shares to the Fund:

Provided that the company shall furnish details of such shares and unpaid dividend to the Authority in Form No. IEPF 3 within thirty days from the end of financial year.

(c) For the purposes of effecting the transfer, where the shares are dealt with in a depository-

(i) the Company shall inform the depository by way of corporate action, where the shareholders have their accounts for transfer in favour of the Authority.

(ii) on receipt of such intimation, the depository shall effect the transfer of shares in favour of DEMAT account of the Authority.

(d) For the purposes of effecting the transfer where the shares are held in physical form-

(i) the Company Secretary or the person authorised by the Board shall make an application, on behalf of the concerned shareholders, to the company, for issue of duplicate share certificates;

(ii) on receipt of the application under clause (a), a duplicate certificate for each such shareholder shall be issued and it shall be stated on the face of it and be recorded in the register maintained for the purpose, that the duplicate certificate is "Issued in lieu of share certificate No..... for purpose of transfer to IEPF" and the word "duplicate" shall be stamped or punched in bold letters on the first page of the share certificate;

(iii) particulars of every share certificate issued as above shall be entered forthwith in a register of renewed and duplicate share certificates maintained in Form No. SH-2 as specified in the Companies (Share Capital and Debentures) Rules, 2014;

(iv) after issue of duplicate share certificates, the company shall inform the depository by way of corporate action to convert the duplicate share certificates into DEMAT form and transfer in favour of the Authority.

(4) The company shall make such transfers through corporate action and shall preserve copies for its records.

(5) While effecting such transfer, the company shall send a statement to the Authority in Form No. IEPF 4 containing details of such transfer.

(6) The voting rights on shares transferred to the Fund shall remain frozen until the rightful owner claims the shares:

Provided that for the purpose of the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011, the shares which have been transferred to the Authority shall not be excluded while calculating the total voting rights.

(7) The company shall maintain the details of shareholding of each individual shareholders whose shares have been credited to the DEMAT account of the Authority.

(8) All benefits accruing on such shares e.g., bonus shares, split, consolidation, fraction shares etc., except right issue shall also be credited to such DEMAT account.

(9) The shares held in such DEMAT account shall not be transferred or dealt with in any manner whatsoever except for the purposes of transferring the shares back to the claimant as and when he approaches the Authority or in accordance with sub-rule (10) and (11).

(10) If the company is getting delisted, the Authority shall surrender shares on behalf of the shareholders in accordance with the Securities and Exchange Board of India (Delisting of Equity Shares) Regulations, 2009 and the proceeds realised shall be credited to the Fund and a separate ledger account shall be maintained for such proceeds.

(11) In case the company whose shares or securities are held by the Authority is being wound up, the Authority may surrender the securities to receive the amount entitled on behalf of the security holder and credit the amount to the Fund and a separate ledger account shall be maintained for such proceeds.

(12) Any further dividend received on such shares shall be credited to the Fund and a separate ledger account shall be maintained for such proceeds”.

5. In the principal rules, for rule 7, the following rule shall be substituted, namely:-

“7. Refund to claimants from Fund.- (1) Any person whose shares, unclaimed dividend, matured deposits, matured debentures, application money due for refund, or interest thereon, sale proceeds of fractional shares, redemption proceeds of preference shares etc., has been transferred to the Fund, may claim the shares under proviso to sub-section (6) of section 124 or apply for refund under clause (a) of sub-section (3) of section 125 or under proviso to sub-section (3) of section 125, as the case may be, to the Authority by submitting an online application in Form IEPF-5 available on the website www.iepf.gov.in along with fee specified by the Authority from time to time in consultation with the Central Government.

(2) The claimant shall after making an application in Form IEPF-5 under rule (1), send the same duly signed by him along with, requisite documents as enumerated in Form IEPF-5 to the concerned company at its registered office for verification of his claim.

(3) The company shall, within fifteen days from the date of receipt of claim, send a verification report to the Authority in the format specified by the Authority along with all the documents submitted by the claimant.

(4) After verification of the entitlement of the claimant-

(a) to the amount claimed, the Authority and then Drawing and Disbursement Officer of the Authority shall present a bill to the Pay and Accounts Office for e- payment as per the guidelines,

(b) to the shares claimed, the Authority shall issue a refund sanction order with the approval of the Competent Authority and shall credit the shares to the DEMAT account of the claimant to the extent of the claimant's entitlement.

(5) The Authority shall, in its records, cause a note to be made of all the payments made under sub-rule (4).

(6) An application received for refund of any claim under this rule duly verified by the concerned company shall be disposed off by the Authority within sixty days from the date of receipt of the verification report from the company, complete in all respects and any delay beyond sixty days shall be recorded in writing specifying the reasons for the delay and the same shall be communicated to the claimant in writing or by electronic means.

(7) In cases, where the application is incomplete or not approved, a communication shall be sent to the claimant and the concerned company by the Authority detailing deficiencies of the application.

(8) In case, claimant is a legal heir or successor or administrator or nominee of the registered share holder, he has to ensure that the transmission process is completed by the company before filing any claim with the Authority.

(9) In case, claimant is a legal heir or successor or administrator or nominee of any other registered security or in cases where request of transfer or transmission of shares is received after the transfer of shares by company to the Authority, the company shall verify all requisite documents required for registering transfer or transmission and shall issue letter to the claimant indicating his entitlement to the said security and furnish a copy of the same to the Authority while verifying the claim of such claimant.

(10) The claimant shall file only one consolidated claim in respect of a company in a financial year.

(11) The company shall be liable under all circumstances whatsoever to indemnify the Authority in case of any dispute or lawsuit that may be initiated due to any incongruity or inconsistency or disparity in the verification report or otherwise and the Authority shall not be liable to indemnify the security holder or Company for any liability arising out of any discrepancy in verification report submitted etc., leading to any litigation or complaint arising thereof."

6. In the principal rules, -

(i) in forms IEPF-3 and IEPF-5, the word "/bank" and "/Bank Corporate Identification Number (BCIN)" shall be omitted, wherever they are occurring;

[F. No. 05/23/2016-IEPF]

AMARDEEP SINGH BHATIA, Jt. Secy.

Note: The principal rules were published in the Gazette of India Extraordinary, Part II Section 3, sub-section (i) vide number GSR 854 (E), dated the 5th September, 2016.

SEBI UPDATES

CIRCULAR

SEBI/HO/IMD/FPIC/CIR/P/2017/16

February 28, 2017

To
All Foreign Portfolio Investors
through their designated Custodians of Securities

The Depositories (NSDL and CDSL)

Sir / Madam,

Sub: Investments by FPIs in corporate debt securities

1. RBI on October 24, 2016, had amended the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) (Twelfth Amendment) Regulations, 2016 through a Gazette notification to permit FPIs to invest in unlisted corporate debt and securitised debt instruments. Thereafter, RBI vide circular RBI/2016-17/138 dated November 17, 2016 had enhanced the list of eligible instruments for investment by FPIs under the Corporate debt route along with certain terms and conditions.
2. Accordingly, the SEBI (Foreign Portfolio Investors) (Second Amendment) Regulations, 2017 were notified on February 27, 2017. It has been decided to permit FPIs to invest in the following:
 - a. Unlisted corporate debt securities in the form of non-convertible debentures/bonds issued by public or private Indian companies subject to the guidelines issued by the Ministry of Corporate Affairs, Government of India from time to time and also subject to minimum residual maturity of three years and end use-restriction on investment in real estate business, capital market and purchase of land. The expression 'Real Estate Business' shall have the same meaning as assigned to it in Foreign Exchange Management (Transfer or issue of Security by a Person Resident outside India) Regulations, 2000 Notification No.FEMA.362/2016-RB dated February 15, 2016. The custodians of the FPIs shall put in place an appropriate mechanism to ensure compliance with these conditions as prescribed by RBI from time to time.
 - b. Securitised debt instruments as under:
 - i. any certificate or instrument issued by a special purpose vehicle (SPV) set up for securitisation of asset/s where banks, FIs or NBFCs are originators;and/or
 - ii. any certificate or instrument issued and listed in terms of the SEBI(Public Offer and Listing of Securitised Debt Instruments) Regulations, 2008
3. Investment by FPIs in the unlisted corporate debt securities and securitised debt instruments shall not exceed INR 35,000 cr within the extant Corporate debt limit which currently is INR 2,44,323 cr.
4. Further, investment by FPIs in securitised debt instruments shall not be subject to the minimum 3-year residual maturity requirement.

5. All other existing terms and conditions for FPI investments in corporate debt securities shall continue to apply.

This circular shall come into effect immediately. This circular is issued in exercise of powers conferred under Section 11 (1) of the Securities and Exchange Board of India Act, 1992.

A copy of this circular is available at the links “Legal Framework □Circulars” and “Info for □F.P.I” on our website www.sebi.gov.in. Custodians are requested to bring the contents of this circular to the notice of their FPI clients.

Yours faithfully,

ACHAL SINGH
Deputy General Manager
Tel No.: 022-26449619
Email: achals@sebi.gov.in

CIRCULAR

SEBI/HO/IMD/DF2/CIR/P/2017/17

February 28, 2017

**All Mutual Funds/Asset Management Companies (AMCs)/
Trustee Companies/Boards of Trustees of Mutual Funds/
Association of Mutual Funds in India (AMFI)**

Sir/ Madam,

Subject: Circular on Mutual Funds

A. Amendments to SEBI (Mutual Funds) Regulations, 1996

1. Please refer to the gazette notification no. SEBI/LAD/NRO/GN/2016-17/031 dated 15 February 2017 pertaining to Securities and Exchange Board of India (Mutual Funds) (Amendment) Regulation, 2017 for your information and implementation. These amendments relate to investments by Mutual Funds in hybrid securities such as units of REITs/InvITs.
2. The investment restrictions mentioned at Clause 13 in the Seventh Schedule of SEBI (Mutual Funds) Regulations, 1996 shall be applicable to all fresh investments by all schemes, including an existing scheme. Any existing scheme intending to invest in units of REITs/InvITs shall abide by the provisions of Regulation 18 (15A) of SEBI (Mutual Funds) Regulations, 1996. For investment in units of REITs/InvITs by an existing Mutual Fund scheme, unit holders of the scheme shall be given a time period of at least 15 days for the purpose of exercising the exit option.
3. This circular shall be applicable with immediate effect.
4. This circular is issued in exercise of the powers conferred under Section 11 (1) of the Securities and Exchange Board of India Act 1992, read with the provision of Regulation 77 of SEBI (Mutual Funds) Regulation, 1996 to protect the interests of investors in securities and to promote the development of, and to regulate the securities market.

Yours faithfully,

Harini Balaji
General Manager
Investment Management Department
Tel no.: 022-26449372
Email: harinib@sebi.gov.in

RBI UPDATES

Financial Literacy by FLCs (Financial Literacy Centres) and rural branches - Policy Review

RBI/2016-17/236

FIDD.FLC.BC.No.22/12.01.018/2016-17

March 02, 2017

To Chairman/MD & CEO
Scheduled Commercial Banks
(Including RRBs)

Dear Sir/Madam,

Financial Literacy by FLCs (Financial Literacy Centres) and rural branches - Policy Review

Please refer to our circular FIDD.FLC.BC.No.18/12.01.018/2015-16 dated January 14, 2016 on guidelines for FLCs and rural branches. In terms of this circular, FLCs and rural branches were advised to conduct two types of camps viz. - Special camps for people newly inducted into the financial system (1 camp per month) for a period of one year and target group specific camps 1 each for five target groups' viz. farmers, small entrepreneurs, school children, senior citizens and SHGs. The one year period for conduct of special camps for people newly inducted into the financial system has come to an end in January 2017.

2. Given the recent developments on withdrawal of legal tender status of Specified Bank Notes and the focus on going digital, the policy on conduct of camps by FLCs and rural branches of the banks has been revised as under:

Financial Literacy Centres (FLCs): FLCs are advised to conduct special camps for a period of one year beginning April 1, 2017 on "Going digital" through UPI and *99# (USSD)". Two posters, one on UPI and one on *99# have been prepared for the benefit of the trainers and the audience. The English, Hindi and local language versions of the two posters are available at the financial education webpage of the Bank for download and printing purposes. While the A2 and A3 sizes can be used by trainers, A4 and A5 sizes can be distributed to the general public during the camps.

Besides the special camps on going digital, FLCs will continue to conduct the tailored camps for the different target groups as prescribed in our circular dated January 14, 2016. The tailored content for each target group is currently being prepared and is expected to be shared with banks/FLCs in due course of time. The proposed approach by FLCs and the operational guidelines for conduct of special camps is illustrated in Annex I.

Rural branches of banks: Rural branches of banks are henceforth required to conduct only one camp per month (on the Third Friday of each month after branch hours). This camp will cover all the messages that are part of the Financial Awareness Messages (FAME) booklet and the two digital platforms UPI and *99# (USSD). The proposed approach by rural branches is illustrated in Annex I. In case there are two or more rural branches in a village, the LDM may ensure that the rural branches conduct the camps on rotation basis every month.

Funding support from FIF: FLCs and rural branches of banks are eligible for funding support for the financial literacy camps to the extent of 60% of the expenditure of the camp subject to a maximum of ₹ 15,000/- per camp. For details on funding, please refer circular No. 240/DFIBT-33/ 2015 dated November 13, 2015 issued by NABARD.

Reporting mechanism: The reporting formats prescribed vide circular FIDD.FLC.BC.No. 12/12.01.018/2016-17 dated August 25, 2016 have been modified and the revised reporting formats are as per Annex II (Part A, B and C) for FLCs and Annex III for rural branches. The Annex II quarterly report on FLCs will be submitted by SLBCs/UTLBCs to the respective Regional office of RBI within 20 days from the end of the quarter and Annex III quarterly report on rural branches within 30 days from the end of the quarter.

The above guidelines will come into force from April 1, 2017 and the revised reporting formats will be effective from the quarter ending June 30, 2017. For the quarter ending March 2017, the quarterly returns may be submitted in the format as prescribed in circular FIDD.FLC.BC.No.12/12.01.018/2016-17 dated August 25, 2016.

The impact of the financial literacy camps will be assessed/evaluated on an ongoing basis by the Lead District Officers (LDOs) of Reserve Bank of India.

Yours faithfully,

(Uma Shankar)
Chief General Manager-in-Charge

Exim Bank's Government of India supported Line of Credit of USD 29.95 million to the Government of the Republic of Kenya

RBI/2016-17/237

A.P. (DIR Series) Circular No. 32

March 02, 2017

To
All Category - I Authorised Dealer Banks

Madam / Sir,

Exim Bank's Government of India supported Line of Credit of USD 29.95 million to the Government of the Republic of Kenya

Export-Import Bank of India (Exim Bank) has entered into an agreement dated July 11, 2016 with the Government of the Republic of Kenya for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 29.95 million (USD Twenty Nine million and Nine hundred Fifty thousand only) for financing up gradation of Rift Valley Textiles factory (RIVATEX East Africa Limited) in the Republic of Kenya. The goods including plant, machinery, equipment and services including consultancy services from India for exports under this agreement are those which are eligible for export under the Foreign Trade Policy of the Government of India and whose purchase may be agreed to be financed by the Exim Bank under this agreement. Out of the total credit by Exim Bank under this agreement, goods and services of the value of at least 72 per cent of the contract price shall be supplied by the seller from India and the remaining 28 per cent of goods and services may be procured by the seller for the purpose of the eligible contract from outside India.

2. The credit agreement under the LOC is effective from February 17, 2017. Under the LOC, the terminal utilization period is 60 months after the scheduled completion date of the project.

3. Shipments under the LOC will have to be declared on Export Declaration Form as per instructions issued by the Reserve Bank from time to time.

4. No agency commission is payable under the above LOC. However, if required, the exporter may use its own resources or utilize balances in its Exchange Earners' Foreign Currency Account for payment of commission in free foreign exchange. Authorised Dealer Category- I (AD Category- I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the extant instructions for payment of agency commission.

5. AD Category- I banks may bring the contents of this circular to the notice of their exporter constituents and advise them to obtain full details of the LOC from the Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005 or on their website www.eximbankindia.in.

6. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Deepak Kumar)
Chief General Manager

Infrastructure Financing- Definition of 'Infrastructure Lending'

RBI/2016-17/242

DNBR.PD.CC.No.085/03.10.001/2016-17

March 2, 2017

All Non-Banking Financial Companies

Dear Sir/ Madam,

Infrastructure Financing- Definition of 'Infrastructure Lending'

Please refer to the definition of 'Infrastructure Lending' contained in the Non-Banking Financial Company - Systemically Important Non-Deposit taking Company and Deposit taking Company (Reserve Bank) Directions, 2016 and Non-Banking Financial Company - Non-Systemically Important Non-Deposit taking Company (Reserve Bank) Directions, 2016.

2. The Government of India has further updated the Harmonised Master List of Infrastructure sub-sectors vide Gazette Notifications dated October 13, 2014, April 8, 2016 and August 1, 2016. In this regard, it is advised that for the purpose of definition of 'Infrastructure Lending', NBFCs may henceforth be guided by the Gazette Notifications issued by the Department of Economic Affairs, Ministry of Finance, Government of India, from time to time.

3. Updated Non-Banking Financial Company - Systemically Important Non-Deposit taking Company and Deposit taking Company (Reserve Bank) Directions, 2016 and Non-Banking Financial Company - Non-Systemically Important Non-Deposit taking Company (Reserve Bank) Directions, 2016 are enclosed.

Yours faithfully

(C.D.Srinivasan)
Chief General Manager

**Exim Bank's Government of India supported Line of Credit of USD 15 million to the
Government of the Republic of Kenya**

RBI/2016-17/238

A.P. (DIR Series) Circular No. 33

March 02, 2017

To
All Category - I Authorised Dealer Banks

Madam / Sir,

**Exim Bank's Government of India supported Line of Credit of USD 15 million to the
Government of the Republic of Kenya**

Export-Import Bank of India (Exim Bank) has entered into an agreement dated July 11, 2016 with the Government of the Republic of Kenya for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 15 million (USD Fifteen million only) for financing development of various small and medium enterprises in the Republic of Kenya. The goods including plant, machinery, equipment and services including consultancy services from India for exports under this agreement are those which are eligible for export under the Foreign Trade Policy of the Government of India and whose purchase may be agreed to be financed by the Exim Bank under this agreement. Out of the total credit by Exim Bank under this agreement, goods and services of the value of at least 75 per cent of the contract price shall be supplied by the seller from India and the remaining 25 per cent of goods and services may be procured by the seller for the purpose of the eligible contract from outside India.

2. The credit agreement under the LOC is effective from February 17, 2017. Under the LOC, the terminal utilization period is 60 months after the scheduled completion date of the project.

3. Shipments under the LOC will have to be declared on Export Declaration Form as per instructions issued by the Reserve Bank from time to time.

4. No agency commission is payable under the above LOC. However, if required, the exporter may use its own resources or utilize balances in its Exchange Earners' Foreign Currency Account for payment of commission in free foreign exchange. Authorised Dealer Category- I (AD Category- I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the extant instructions for payment of agency commission.

5. AD Category- I banks may bring the contents of this circular to the notice of their exporter constituents and advise them to obtain full details of the LOC from the Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005 or on their website www.eximbankindia.in.

6. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Deepak Kumar)
Chief General Manager

Exim Bank's Government of India supported Line of Credit of USD 23.50 million to the Government of the Republic of Malawi

RBI/2016-17/239

A.P. (DIR Series) Circular No. 34

March 02, 2017

To
All Category - I Authorised Dealer Banks

Madam / Sir,

Exim Bank's Government of India supported Line of Credit of USD 23.50 million to the Government of the Republic of Malawi

Export-Import Bank of India (Exim Bank) has entered into an agreement dated August 05, 2016 with the Government of the Republic of Malawi for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 23.50 million (USD Twenty three million and five hundred thousand only) for financing construction of a new water supply system from Likhubula river in Mulanje to Blantyre in the Republic of Malawi. The goods including plant, machinery, equipment and services including consultancy services from India for exports under this agreement are those which are eligible for export under the Foreign Trade Policy of the Government of India and whose purchase may be agreed to be financed by the Exim Bank under this agreement. Out of the total credit by Exim Bank under this agreement, goods and services of the value of at least 75 per cent of the contract price shall be supplied by the seller from India and the remaining 25 per cent of goods and services may be procured by the seller for the purpose of the eligible contract from outside India.

2. The credit agreement under the LOC is effective from February 20, 2017. Under the LOC, the terminal utilization period is 60 months after the scheduled completion date of the project.

3. Shipments under the LOC will have to be declared on Export Declaration Form as per instructions issued by the Reserve Bank from time to time.

4. No agency commission is payable under the above LOC. However, if required, the exporter may use its own resources or utilize balances in its Exchange Earners' Foreign Currency Account for payment of commission in free foreign exchange. Authorised Dealer Category- I (AD Category- I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the extant instructions for payment of agency commission.

5. AD Category- I banks may bring the contents of this circular to the notice of their exporter constituents and advise them to obtain full details of the LOC from the Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005 or on their website www.eximbankindia.in.

6. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Deepak Kumar)
Chief General Manager

Exim Bank's Government of India supported Line of Credit of USD 26 million to the Government of the Republic of Senegal

RBI/2016-17/240
A.P. (DIR Series) Circular No. 35

March 02, 2017

To
All Category - I Authorised Dealer Banks

Madam / Sir,

Exim Bank's Government of India supported Line of Credit of USD 26 million to the Government of the Republic of Senegal

Export-Import Bank of India (Exim Bank) has entered into an agreement dated July 15, 2016 with the Government of the Republic of Senegal for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 26 million (USD Twenty Six million only) for financing acquisition of buses in the Republic of Senegal. The goods including plant, machinery, equipment and services including consultancy services from India for exports under this agreement are those which are eligible for export under the Foreign Trade Policy of the Government of India and whose purchase may be agreed to be financed by the Exim Bank under this agreement. Out of the total credit by Exim Bank under this agreement, the goods and services of the value of at least 75 per cent of the contract price shall be supplied by the seller from India and the remaining 25 per cent of goods and services may be procured by the seller for the purpose of the eligible contract from outside India.

2. The credit agreement under the LOC is effective from February 16, 2017. Under the LOC, the terminal utilization period is 60 months after the scheduled completion date of the project.

3. Shipments under the LOC will have to be declared on Export Declaration Form as per instructions issued by the Reserve Bank from time to time.

4. No agency commission is payable under the above LOC. However, if required, the exporter may use its own resources or utilize balances in its Exchange Earners' Foreign Currency Account for payment of commission in free foreign exchange. Authorised Dealer Category- I (AD Category- I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the extant instructions for payment of agency commission.

5. AD Category- I banks may bring the contents of this circular to the notice of their exporter constituents and advise them to obtain full details of the LOC from the Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005 or on their website www.eximbankindia.in.

6. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Deepak Kumar)
Chief General Manager

Exim Bank's Government of India supported Line of Credit of USD 78 million to the Government of the Republic of Sierra Leone

RBI/2016-17/241
A.P. (DIR Series) Circular No. 36

March 02, 2017

To
All Category - I Authorised Dealer Banks

Madam / Sir,

Exim Bank's Government of India supported Line of Credit of USD 78 million to the Government of the Republic of Sierra Leone

Export-Import Bank of India (Exim Bank) has entered into an agreement dated August 11, 2016 with the Government of the Republic of Sierra Leone for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 78 million (USD Seventy Eight million only) for financing transmission line and substation project in the Republic of Sierra Leone. The goods including plant, machinery, equipment and services including consultancy services from India for exports under this agreement are those which are eligible for export under the Foreign Trade Policy of the Government of India and whose purchase may be agreed to be financed by the Exim Bank under this agreement. Out of the total credit by Exim Bank under this agreement, goods and services of the value of at least 75 per cent of the contract price shall be supplied by the seller from India and the remaining 25 per cent of goods and services may be procured by the seller for the purpose of the eligible contract from outside India.

2. The credit agreement under the LOC is effective from February 16, 2017. Under the LOC, the terminal utilization period is 60 months after the scheduled completion date of the project.

3. Shipments under the LOC will have to be declared on Export Declaration Form as per instructions issued by the Reserve Bank from time to time.

4. No agency commission is payable under the above LOC. However, if required, the exporter may use its own resources or utilize balances in its Exchange Earners' Foreign Currency Account for payment of commission in free foreign exchange. Authorised Dealer Category- I (AD Category- I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the extant instructions for payment of agency commission.

5. AD Category- I banks may bring the contents of this circular to the notice of their exporter constituents and advise them to obtain full details of the LOC from the Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005 or on their website www.eximbankindia.in.

6. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Deepak Kumar)
Chief General Manager

Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) (Second Amendment) Regulations, 2017

**Reserve Bank of India
Foreign Exchange Department
Central Office
Mumbai - 400 001**

Notification No. FEMA.385/2017-RB

March 03, 2017

Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) (Second Amendment) Regulations, 2017

In exercise of the powers conferred by clause (b) of sub-section (3) of Section 6 and Section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank of India hereby makes the following amendments in the Foreign Exchange Management (Transfer or issue of Security by a Person Resident outside India) Regulations, 2000 (Notification No. FEMA. 20/2000-RB dated 3rd May 2000) namely:-

1. Short Title & Commencement

(i) These Regulations may be called the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) (Second Amendment) Regulations, 2017.

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of the Regulations

A. In the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) Regulations, 2000, (Notification No. FEMA 20/2000-RB dated 3rd May 2000), **in Regulation 5, for the existing sub-regulation (9), the following shall be substituted, namely:**

“5 (9) A person resident outside India (other than a citizen of Pakistan or Bangladesh) or an entity incorporated outside India (other than an entity in Pakistan or Bangladesh), not being a Foreign Portfolio Investor or Foreign Institutional Investor or Foreign Venture Capital Investor registered in accordance with SEBI guidelines, may contribute foreign capital either by way of capital contribution or by way of acquisition / transfer of profit shares in the capital structure of an LLP under Foreign Direct Investment, subject to the terms and conditions as specified in Schedule 9”

B. Schedule 9 shall be substituted, namely

“Schedule 9

[See Regulation 5 (9)]

The Scheme shall be called Foreign Direct Investment (FDI-LLP) in Limited Liability Partnerships (LLP) formed and registered under the Limited Liability Partnership Act, 2008.

1. Eligible Investors:

A person resident outside India (other than a citizen of Pakistan or Bangladesh) or an entity incorporated outside India (other than an entity in Pakistan or Bangladesh), not being a Foreign Portfolio Investor or Foreign Institutional Investor or Foreign Venture Capital Investor registered in

accordance with SEBI guidelines, may contribute foreign capital either by way of capital contribution or by way of acquisition / transfer of profit shares in the capital structure of an LLP.

2. Eligible investment

Contribution to the capital of an LLP would be an eligible investment under the scheme.

Note: Investment by way of 'profit share' will fall under the category of reinvestment of earnings

3. Eligibility of a LLP

FDI in LLPs is permitted, subject to the following conditions:

- i. FDI is permitted under the automatic route in LLPs operating in sectors / activities where 100% FDI is allowed through the automatic route and there are no FDI linked performance conditions. For ascertaining such sectors, reference shall be made to Annex B to Schedule 1 of these Regulations
- ii. An Indian company or an LLP, having foreign investment, will be permitted to make downstream investment in another company or LLP engaged in sectors in which 100% FDI is allowed under the automatic route and there are no FDI linked performance conditions. Onus shall be on the Indian company / LLP accepting downstream investment to ensure compliance with the above conditions.
- iii. FDI in LLP is subject to the compliance of the conditions of Limited Liability Partnership Act, 2008.
- iv. A company having foreign investment can be converted into an LLP under the automatic route only if it is engaged in a sector where foreign investment up to 100 percent is permitted under automatic route and there are no FDI linked performance conditions.

4. Pricing

FDI in a LLP either by way of capital contribution or by way of acquisition / transfer of profit shares, would have to be more than or equal to the fair price as worked out with any valuation norm which is internationally accepted / adopted as per market practice (hereinafter referred to as "fair price of capital contribution / profit share of an LLP") and a valuation certificate to that effect shall be issued by the Chartered Accountant or by a practicing Cost Accountant or by an approved valuer from the panel maintained by the Central Government.

In case of transfer of capital contribution / profit share from a resident to a non-resident, the transfer shall be for a consideration equal to or more than the fair price of capital contribution / profit share of an LLP. Further, in case of transfer of capital contribution / profit share from a non-resident to resident, the transfer shall be for a consideration which is less than or equal to the fair price of the capital contribution / profit share of an LLP.

5. Mode of payment

Payment by an investor towards capital contribution in LLPs shall be made:

- (i) by way of inward remittance through banking channels; or
- (ii) by debit to NRE / FCNR(B) account of the person concerned, maintained with an AD Category - I bank in accordance with Foreign Exchange Management (Deposit) Regulations, 2016, as amended from time to time.

6. Reporting

(i) Reporting of foreign investment in LLPs and disinvestment/transfer of capital contribution or profit shares between a resident and a non-resident may be made in a manner as prescribed by Reserve Bank of India from time to time.

(ii) All LLPs which have received Foreign Direct Investment in the previous year(s) including the current year shall submit to the Reserve Bank of India, on or before the 15th day of July of each year, a report titled 'Annual Return on Foreign Liabilities and Assets' as specified by the Reserve Bank from time to time."

(Shekhar Bhatnagar)
Chief General Manager-in-Charge



SERVICE TAX UPDATES

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART 11, SECTION 3,
SUB-SECTION (i)]

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

Notification No.09/2017-Service Tax

New Delhi, the 28th February, 2017
Phalgun 9, 1938 Saka

G.S.R. (E).- Whereas, the Central Government is satisfied that in the period commencing on and from the 1st day of July, 2012 and ending with the 31st day of March, 2015 (hereinafter referred to as the said period), according to a practice that was generally prevalent, there was non levy of service tax, on the services by way of admission to a museum and this service was liable to service tax, in the said period, which was not being paid according to the said practice.

Now, therefore, in exercise of the powers conferred by section 11C of the Central Excise Act, 1944 (1 of 1944), read with section 83 of the Finance Act, 1994 (32 of 1994), the Central Government hereby directs that the service tax payable on the services by way of admission to a museum under section 66B of the Finance Act, 1994 but for the said practice, during the said period, shall not be required to be paid.

[F.NO. 137/68/2016 -Service Tax]

(Dr. Sreeparvathy S.L)
Under Secretary of the Government of India

CUSTOM UPDATES

TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (i) OF THE GAZETTE OF INDIA,
EXTRAORDINARY]
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE (CENTRAL BOARD OF EXCISE AND CUSTOMS)

Notification No. 07/2017 - Customs

New Delhi, the 1st March, 2017

G.S.R.---- (E)- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), 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. 9/2012- Customs, dated the 9th March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 129 (E), dated the 9th March, 2012, namely:-

In the said notification, -

(a) after the proviso to condition (v), the following paragraph shall be inserted, namely:-

"2. Notwithstanding anything contained herein above, the exemption contained in this notification shall also be applicable, if the exportation and re-importation of cut and polished diamonds as stated above are undertaken by the authorised offices or agencies in India of the laboratories mentioned under paragraph 4.74 of Handbook of Procedures 2015-2020 on behalf of the exporters subject to the fulfillment of conditions (ii),(iii),(iv) and(v) specified herein above and in the Foreign Trade Policy and Handbook of Procedures. ";

(b) for the Explanation, the following Explanation shall be substituted, namely,
"Explanation. - For the purposes of this notification, "Foreign Trade Policy" means the Foreign Trade Policy, 2015-2020, published by the Government of India in the Ministry of Commerce and Industry, vide notification No. 01/2015-2020, dated the 1st April, 2015, as amended from time to time."

F. No. DGEP/G&J/04/2017

(Dharmvir Sharma)

Under Secretary to the Government of India

Note. - *The principal notification No. 9/2012- Customs, dated the 9th March, 2012, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 129 (E), dated the 9th March, 2012 and was last amended by notification No. 16/2014-Customs, dated 11th July, 2014, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) vide number G.S.R. 463 (E), dated the 11th July, 2014.*

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART-II, SECTION-3,
SUBSECTION (ii)]
Government of India
Ministry of Finance
(Department of Revenue)
(Central Board of Excise and Customs)

Notification No. 13/2017-CUSTOMS (N.T.)

New Delhi, 28th February, 2017
9 Phalguna, 1938 (SAKA)

S.O. ... (E).- In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 748 (E), dated the 3rd August, 2001, namely:-

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted namely:-

"TABLE-1

| S. No. | Chapter/ heading/ sub-heading/ tariff item | Description of goods | Tariff value (US \$Per Metric Tonne) |
|--------|--|--------------------------|--|
| (1) | (2) | (3) | (4) |
| 1 | 1511 10 00 | Crude Palm Oil | 784 |
| 2 | 1511 90 10 | RBD Palm Oil | 801 |
| 3 | 1511 90 90 | Others - Palm Oil | 793 |
| 4 | 1511 10 00 | Crude Palmolein | 809 |
| 5 | 1511 90 20 | RBD Palmolein | 812 |
| 6 | 1511 90 90 | Others - Palmolein | 811 |
| 7 | 1507 10 00 | Crude Soya bean Oil | 814 |
| 8 | 7404 00 22 | Brass Scrap (all grades) | 3246 |
| 9 | 1207 91 00 | Poppy seeds | 2648 |

TABLE-2

| S.No. | Chapter/ heading/ sub-heading/ tariff item | Description of goods | Tariff value (US \$) |
|-------|--|--|----------------------|
| (1) | (2) | (3) | (4) |
| 1 | 71 or 98 | Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed | 409 per 10 grams |

| | | | |
|---|----------|--|------------------|
| 2 | 71 or 98 | Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed | 597 per kilogram |
|---|----------|--|------------------|

TABLE-3

| S.No. | Chapter/ heading/ sub-heading/tariff item | Description of goods | Tariff value (US \$ Per Metric Tonne) |
|-------|---|----------------------|---|
| (1) | (2) | (3) | (4) |
| 1 | 080280 | Areca nuts | 2594" |

[F. No. 467/01/2017 -Cus-V]

(Kshitendra Verma)

Under Secretary to the Govt. of India

Note: - The principal notification was published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide Notification No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, vide number S. O. 748 (E), dated the 3rd August, 2001 and was last amended vide Notification No. 11/2017-Customs (N.T.), dated the 15th February, 2017, e-published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 451(E), dated 15th February, 2017.

GOVERNMENT OF INDIA
 MINISTRY OF FINANCE
 (DEPARTMENT OF REVENUE)
 (CENTRAL BOARD OF EXCISE AND CUSTOMS)

Notification No.14/2017 - Customs (N.T.)

New Delhi, dated the 2nd March, 2017
 11 Phalgun, 1938 (SAKA)

In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the Central Board of Excise and Customs No.12/2017-CUSTOMS (N.T.), dated 16th February, 2017, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currencies specified in column (2) of each of Schedule I and Schedule II annexed hereto, into Indian currency or vice versa, shall, with effect from 3rd March, 2017, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SCHEDULE-I

| S.NO. | FOREIGN CURRENCY | Rate of exchange of one unit of foreign currency equivalent to Indian rupees | |
|-------|---------------------|--|--------------------|
| | | (a) | (b) |
| (1) | (2) | (3) | |
| | | (For Imported Goods) | (For Export Goods) |
| 1. | Australian Dollar | 52.10 | 50.30 |
| 2. | Bahrain Dinar | 183.50 | 171.25 |
| 3. | Canadian Dollar | 50.90 | 49.25 |
| 4. | Danish Kroner | 9.65 | 9.30 |
| 5. | EURO | 71.55 | 69.10 |
| 6. | Hong Kong Dollar | 8.70 | 8.50 |
| 7. | Kuwait Dinar | 226.05 | 211.65 |
| 8. | New Zealand Dollar | 48.55 | 46.85 |
| 9. | Norwegian Kroner | 8.05 | 7.80 |
| 10. | Pound Sterling | 83.40 | 80.65 |
| 11. | Singapore Dollar | 48.10 | 46.65 |
| 12. | South African Rand | 5.30 | 4.95 |
| 13. | Saudi Arabian Riyal | 18.40 | 17.25 |
| 14. | Swedish Kroner | 7.50 | 7.25 |
| 15. | Swiss Franc | 67.35 | 65.00 |
| 16. | UAE Dirham | 18.80 | 17.60 |
| 17. | US Dollar | 67.65 | 66.00 |
| 18. | Chinese Yuan | 9.85 | 9.55 |
| 19. | Qatari Riyal | 18.90 | 17.85 |

SCHEDULE-II

| | Foreign Currency | Rate of exchange of 100 units of foreign currency equivalent to Indian rupees | |
|-----|------------------|---|--------------------|
| (1) | (2) | (3) | |
| | | (a) | (b) |
| | | (For Imported Goods) | (For Export Goods) |
| 1. | Japanese Yen | 59.65 | 57.65 |
| 2. | Kenya Shilling | 67.25 | 62.90 |

[F.No. 468/01/2017-Cus.V]

(Kshitendra Verma)
Under Secretary to the Govt. of India
TELE: 011-2309 5541

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART-II, SECTION 3,
SUB-SECTION (ii)]
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 15/2017- Customs (N.T.)

New Delhi, the 2nd March, 2017.

S. O. 695 (E). - In exercise of the powers conferred by clause (a) of sub-section(1) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 62/94 -Customs (N.T), dated the 21st November, 1994, published in the Gazette of India, Extraordinary, vide number S.O. 829 (E), dated the 21st November, 1994, namely:-

In the said notification, in the Table, in serial number 8 relating to State of Maharashtra, against item (7) in column(3) relating to Revdanda Port, for items (a) and (b) and the entries relating thereto in column (4), the following shall be substituted, namely:-

“Unloading of imported goods and loading of export goods or any class of such goods.”

(F.No.574/04/2014-LC (pt.I)

(Satyajit Mohanty)
Director (International Customs Division)

Note : The principal notification was published in the Gazette of India, Extraordinary vide notification No. 62/1994-Customs(N.T.), dated the 21st November, 1994, vide number S.O. 829(E), dated the 21st November, 1994 and last amended vide notification No. 74/2015-Customs (NT), dated the 11th August, 2015, vide number S.O. 2186 (E), dated the 11th August,2015.

[To Be Published in The Gazette Of India, Extraordinary, Part II, Section 3, Sub-Section (i)]

Government of India
Ministry of Finance
(Department of Revenue)
(Central Board of Excise and Customs)

Notification
No. 16/2017-Customs (N.T.)

New Delhi, the 3rd March, 2017

G.S.R. (E).----In exercise of the powers conferred by section 157 of the Customs Act,1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following regulations, further to amend the Courier Imports and Exports (Clearance) Regulations, 1998, namely:-

1. (1) These regulations may be called the Courier Imports and Exports (Clearance) Amendment Regulations, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Courier Imports and Exports (Clearance) Regulations, 1998, in regulation 6, in the sub-regulation (3), for the first proviso, the following proviso shall be substituted, namely:-

"Provided that for the goods specified in Appendix 3C of the Foreign Trade Policy (2015-20) and for other commercial goods, not covered under clause (e) of sub-regulation (2) of regulation 2, where value of the consignment is up to rupees twenty-five thousand and transaction in foreign exchange is involved, such entry shall be made in Form Courier Shipping Bill CSB-V."

[F. No. 450/4/2013-Cus IV]

(Zubair Riaz)
Director (Customs)

Note: - The Principal regulations were published vide notification number 87/98-Cus. (N.T.), dated the 9th November, 1998 in the Gazette vide number G.S.R. 662(E). dated the 9th November, 1998 and last amended vide number 142/2016-Customs (N.T.) dated the 29th November, 2016, G.S.R. 1099 (E). dated the 29th November, 2016.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii)]

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification No. 17/ 2017-Customs (N.T.)

New Delhi, the 3rd March, 2017

S.O. (E). - In exercise of the powers conferred by sub-section (1) of section 4 and subsection (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby appoints officer mentioned in column 5 of the Table below to exercise the powers and discharge duties conferred or imposed on officers mentioned in column (4) of the Table in respect of Show Cause Notice mentioned in column (3) of the table, for purpose of adjudication of show cause notice mentioned therein, namely:-

Table

| Sl. No | Notice name and address | Show Cause Notice Number and date | Answerable to | Appointed Officer |
|--------|--|--|---|--|
| (1) | (2) | (3) | (4) | (5) |
| | M/s Fulchand & Sons, 3, Angeripalayam Road, Tiruppur | F.No.INV/DGCEI /CBER U/4/2005 dated 20.06.2006 | (i)Deputy Commissioner/ Assistant Commissioner of Customs, Customs House, Tuticorin (ii)Deputy Commissioner/ Assistant Commissioner of Customs, Air Cargo Complex, Mumbai (iii)Deputy Commissioner/ Assistant Commissioner of Customs, Air Cargo Complex, Chennai | Deputy Commissioner/ Assistant Commissioner of Customs, Customs House, Tuticorin |

[F.No. 437/02/2017-Cus IV]

(Z.R.Kamili)
Director (Customs)

[To Be Published In The Gazette Of India, Extraordinary, Part II, Section 3, Sub-Section (I)]

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification
No. 18 /2017-Customs (N.T.)

New Delhi, the 3rd March, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue) No.31/97-Customs, dated the 7th July, 1997, published vide number G.S.R.367(E), dated the 7th July, 1997 namely:-

In the said notification, for serial number 6 and the entry relating thereto, the following shall be substituted, namely:-

“6. All Assistant Directors of the Central Economic Intelligence Bureau.”

[F. No. 437/05/2017-Cus IV]

(Zubair Riaz)
Director Customs

Note: The principal notification was published vide number G.S.R.367(E), dated the 7th July,1997.

[To Be Published In The Gazette Of India, Extraordinary, Part II, Section 3, Sub-Section (I)]

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification
No. 19 /2017-Customs (N.T.)

New Delhi, the 3rd March, 2017

G.S.R. (E). - In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue) No.384/86-Customs, dated the 23rd July, 1986, published vide number G.S.R.954 (E), dated the 23rd July, 1986 namely:-

In the Table to the said notification, in column 1,-

- (i) against serial number 1, for the words "All Deputy Directors General", the words "All Additional Directors General" shall be substituted;
- (ii) against serial number 2, for the words "All Assistant Directors General", the words "All Additional Directors/Joint Directors" shall be substituted;
- (iii) against serial number 3, for the words "All Senior Technical Officers", the words "All Deputy Directors" shall be substituted.

[F. No. 437/05/2017-Cus IV]

(Zubair Riaz)
Director Customs

Note: The principal notification was published vide number G.S.R.954 (E), dated the 23rd July, 1986.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii)]

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification No. 20/ 2017-Customs (N.T.)

New Delhi, the 3rd March, 2017

S.O. (E). – In exercise of the powers conferred by sub-section (1) of section 4 and sub-section (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby appoints officer mentioned in column 5 of the Table below to exercise the powers and discharge duties conferred or imposed on officers mentioned in column (4) of the Table in respect of Show Cause Notice mentioned in column (3) of the table, for purpose of adjudication of show cause notice mentioned therein, namely:-

Table

| S. No | Notice name and address | Show Cause Notice Number and date | Answerable to | Appointed Officer |
|-------|--|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| 1. | M/s International Aircon Private Ltd. 303 Nirmal Avenue, Near Sadar Patel Colony, Naranpura, Ahmedabad | F.No.VIII/10-27/JC/ICDSND/O & A/2016 dated 09.08.2016 | Joint/Additional Commissioner of Customs, Custom House, Ahmedabad | Principal Commissioner/ Commissioner of Customs (Nhava ShevaV), Jawaharlal Nehru Custom House, Raigad |

[F.No. 437/06/2017-Cus IV]

(Z.R.Kamili)
Director (Customs)

Circular No. 5/2017-Cus

F.No.609/13/2017-DBK
Government of India
Department of Revenue
Central Board of Excise & Customs
Drawback Division

New Delhi, the 28th February, 2017

To
Principal Chief Commissioners / Principal Directors General
Chief Commissioners / Directors General
Principal Commissioners &
Commissioners, all under CBEC

Sir/Madam,

Subject: Exemption from drawal of samples for the purpose of grant of drawback to the AEO certificate holders.-reg

I am directed to invite your attention to Circular No. 34/95-Cus dated 06.04.1995 prescribing the monetary limits and frequency of drawal of sample for purposes of grant of drawback and Circular No. 57/1997-Cus dated 31.10.1997 read with Circular No. 25/2005- Cus exempting certain exporters having in house testing facilities and where the samples have earlier been drawn by Central Excise authorities, from drawal of samples for purposes of grant of drawback.

2. In continuation to above mentioned circular, and as a measure of further facilitation, it has been decided by the Board that those exporters who have been accorded Authorized Economic Operator (AEO) certificate (Tier II & Tier III) in terms of Circular No. 33/2016- Customs dated 22.07.2016 are being exempt from the requirements of drawal of samples for the purpose of grant of drawback, except in case of any specific information or intelligence.

3. Suitable Public Notice and Standing Order should be issued for guidance of the trade and officers. Any difficulty faced should be intimated to the Board.

Yours faithfully,

(Dipin Singla)
Senior Technical Officer (Drawback)

Circular No. 6/2017-Customs

F.No. 609/03/2017-DBK
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 28th February, 2017

To
Principal Chief Commissioners / Principal Directors General
Chief Commissioners / Directors General
Principal Commissioners
& Commissioners, all under CBEC

Sir/Madam,

Subject: Acceptance of e-BRC of DGFT towards proof of realization of sale proceeds for exports with LEO date upto 31.03.2014 under drawback scheme -reg.

Attention is invited to Board's Circular No. 5/2009-Customs dated 2.2.2009 which prescribes Bank Realization Certificate (BRC) as one of the documents that may be submitted to Customs by the exporters as proof of realization of sale proceeds for exports. Further, for exports with LEO date from 01.04.2014 onwards, an electronic system of reconciliation of sale proceeds (RBI-BRC module) is made functional by DG (Systems) in coordination with Reserve Bank of India (RBI), which has been dealt in Instruction No. 609/59/2012-DBK dated 27.11.2015.

2. A difficulty has been highlighted by field formations and trade that for exports with LEO date 12.08.2012 onwards till 31.03.2014, DGFT's e-BRC (which is also verifiable from DGFT website) is not being accepted and negative statement from statutory auditor or AD bank is insisted which adds to transaction cost. Non-acceptance of e-BRC of DGFT by field formations is due to fact that it contains "realized value" details but does not contain details of commission, freight, insurance etc. which are often relevant for drawback purpose.

3. In light of the above, the Board has decided that for exports with LEO dates 12.08.2012 onwards till 31.03.2014, DGFT's e-BRC would be accepted, except in case of specific intelligence or information of misuse. This shall be subject to appropriate declaration by the exporter on back of DGFT e-BRC. Format of the said declaration is annexed herewith.

4. A suitable Public Notice and Standing Order may be issued for the guidance of the trade and staff. Difficulties faced, if any, in implementation of the Circular may be brought to the notice of the Board at an early date.

Yours faithfully,
(Dipin Singla)
Senior Technical Officer (Drawback)

For Annexure refer link: <http://www.cbec.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2017/circ06-2017cs.pdf>

DGFT UPDATES

[To be published in the Gazette of India Extraordinary Part-II, Section - 3, Sub-Section (ii)]

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

CORRIGENDUM

New Delhi,
The 2nd March, 2017

Subject: Corrigendum to Notification No. 40/2015-2020 dated 23.02.2017.

In the English version of Notification No. 40/2015-2020 dated 23.02.2017, the words '**availed and Gems**' in the sixth line, second sentence of amended Paragraph 4.34(i) of Foreign Trade Policy 2015-20 shall be read '**availed and/or Gems**'.

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