



# BMC Advisors



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# ***WEEKLY UPDATES***

***April 10<sup>th</sup>, 2017 - April 16<sup>th</sup>, 2017***

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# MCA UPDATES

## RULE

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

**Government of India**  
**Ministry of Corporate Affairs**  
**Notification**

New Delhi, dated the 13<sup>th</sup> April, 2017

G.S.R. ....(E).- In exercise of the powers conferred by sub-sections (1), (2) and (4) of section 248 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules to amend the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016, namely:-

1. (1) These rules may be called the Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2017.

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

2. In the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 (hereinafter referred to as the principal rules), in rule 7, in sub-rule (1), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that the publication of notice under clause (iii) of this sub-rule, in respect of cases falling under sub-section (1) of section 248 shall be in Form No. STK-5A.”.

3. In the principal rules, after the Form STK-5, the following Form shall be inserted, namely:-

**“FORM No. STK – 5A**  
**PUBLIC NOTICE**

[Pursuant to sub-section (1) and sub-section (4) of section 248 of the Companies Act, 2013 and second proviso to rule 7(1) of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016]

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
Office of the Registrar of Companies  
(Address of RoC)

Public Notice No.-----

Date:-----

**Reference:**

In the matter of striking off names of companies under section 248 (1) of the Companies Act, 2013, of the companies as per details below:-

1. Notice is hereby given that the Registrar of Companies has a reasonable cause to believe that, the companies, whose names are listed on the \_\_\_\_\_ (provide web link of the page on Ministry's website where the names are listed),
  - (i) have not commenced business within one year of their incorporation; OR
  - (ii) have not been carrying on any business or operation for a period of two immediately preceding financial years and have not made any application within such period for obtaining the status of dormant company under section 455 of the Companies Act, 2013.

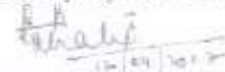
[Strike off whichever is not applicable]

And, therefore, proposes to remove/strike off the names of the above mentioned companies from the register of companies and dissolve them unless a cause is shown to the contrary, within thirty days from the date of such notice.

2. Any person objecting to the proposed removal/striking off of name of the companies from the register of companies may send his objection to the office address mentioned hereabove within thirty days from the date of publication of this notice.

Registrar of Companies<sup>7</sup>.

[F. No. 1/28/2013-CLV]



AMARDEEP SINGH BHATIA,

Joint Secretary to the Government of India

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3 of sub-section (i) vide number G.S.R. 1174(E), dated 26<sup>th</sup> December, 2016.


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

Government of India  
Ministry of Corporate Affairs  
Notification

New Delhi, the 13<sup>th</sup> April, 2017

S.O. \_\_\_\_\_ (E).- In exercise of the powers conferred by sub-section (3) of section 1 of the Companies Act, 2013 (18 of 2013), the Central Government hereby appoints the 13<sup>th</sup> day of April, 2017 as the date on which the provisions of section 234 of the said Act shall come into force.

[F. No. 1/37/2013 CL.V]

  
(AMARDEEP SINGH BHATIA)  
Joint Secretary to the Government of India

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

MINISTRY OF CORPORATE AFFAIRS  
NOTIFICATION

New Delhi, the 13<sup>th</sup> April, 2017

**GSR .** In exercise of the powers conferred by section 234 read with section 469 of the Companies Act, 2013, the Central Government, in consultation with the Reserve Bank of India, hereby makes the following rules to amend the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016, namely:-

1. (1) These rules may be called the Companies (Compromises, Arrangements and Amalgamations) Amendment Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016, (hereinafter referred to as the principal rules) after rule 25 the following rule shall be inserted, namely:-

**“25A. Merger or amalgamation of a foreign company with a Company and vice versa.** - (1) A foreign company incorporated outside India may merge with an Indian company after obtaining prior approval of Reserve Bank of India and after complying with the provisions of sections 230 to 232 of the Act and these rules.

(2) (a) A company may merge with a foreign company incorporated in any of the jurisdictions specified in Annexure B after obtaining prior approval of the Reserve Bank of India and after complying with provisions of sections 230 to 232 of the Act and these rules.

(b) The transferee company shall ensure that valuation is conducted by valuers who are members of a recognised professional body in the jurisdiction of the transferee company and further that such valuation is in accordance with internationally accepted principles on accounting and valuation. A declaration to this effect shall be attached with the application made to Reserve Bank of India for obtaining its approval under clause (a) of this sub-rule.

(3) The concerned company shall file an application before the Tribunal as per provisions of section 230 to section 232 of the Act and these rules after obtaining approvals specified in sub-rule (1) and sub-rule (2), as the case may be.



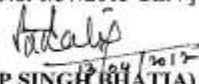
*Explanation 1.* For the purposes of this rule the term “company” means a company as defined in clause (20) of section 2 of the Act and the term “foreign company” means a company or body corporate incorporated outside India whether having a place of business in India or not:


*Explanation 2.* For the purposes of this rule, it is clarified that no amendment shall be made in this rule without consultation of the Reserve Bank of India.”

3. In the principal rules after Annexure A the following Annexure shall be inserted namely:-

<p><b>“Annexure B</b></p> <p><b>Jurisdictions referred to in clause (a) of sub-rule (2) of rule 25A</b></p> <p>Jurisdictions -</p> <p>(i) whose securities market regulator is a signatory to International Organization of Securities Commission’s Multilateral Memorandum of Understanding (Appendix A Signatories) or a signatory to bilateral Memorandum of Understanding with SEBI, or</p> <p>(ii) whose central bank is a member of Bank for International Settlements (BIS), and</p> <p>(iii) a jurisdiction, which is not identified in the public statement of Financial Action Task Force (FATF) as:</p> <p>(a) a jurisdiction having a strategic Anti-Money Laundering or Combating the Financing of Terrorism deficiencies to which counter measures apply; or</p> <p>(b) a jurisdiction that has not made sufficient progress in addressing the deficiencies or has not committed to an action plan developed with the Financial Action Task Force to address the deficiencies.”.</p>
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[F. No. 1/37/2013 CL.V]

  
(AMARDEEP SINGH BHATTIA)

 Joint Secretary to the Government of India

**Note:** The principal rules were published in the Gazette of India, extraordinary, Part II, Section 3, sub-section (i) vide number G.S.R 1134(E), dated the 14<sup>th</sup> December, 2016.

## RBI UPDATES

### Setting up of IFSC Banking Units (IBUs) - Permissible activities

RBI/2016-17/273  
DBR.IBD.BC.59/23.13.004/2016-17

April 10, 2017

All Scheduled Commercial Banks  
(excluding Regional Rural Banks)

Dear Sir/Madam,

### Setting up of IFSC Banking Units (IBUs) - Permissible activities

Please refer to RBI circular DBR.IBD.BC.14570/23.13.004/2014-15 dated April 01, 2015, as modified from time to time, setting out RBI directions relating to IFSC Banking Units (IBUs). We have received a few suggestions and queries from the stakeholders regarding operations of the IBUs and financial institutions in IFSCs. These issues have been examined and the directions stand further modified as follows:

2. The existing paragraph No.2.6 (vii) of Annex I and II of the aforesaid circular dated April 1, 2015 is amended to read as follows:

“With the prior approval of their board of directors, IBUs may undertake derivative transactions including structured products that the banks operating in India have been allowed to undertake as per the extant RBI directions. However, IBUs shall obtain RBI’s prior approval for offering any other derivative products. Before seeking RBI’s approval, banks shall ensure that their IBUs have necessary expertise to price, value and compute the capital charge and manage the risks associated with the products / transactions intended to be offered and should also obtain their Board’s approval for undertaking such transactions.”

3. A new paragraph No.2.6 (x) is added to the Annex I and II of the aforesaid circular dated April 1, 2015, which reads as under:

“The fixed deposits accepted from non-banks by the IBUs cannot be repaid pre-maturely within the first year. However, fixed deposits accepted as collateral from non-banks for availing credit facilities from IBUs or deposited as margin in favour of an exchange, can be adjusted prematurely in the event of default in repayment of the loan or meeting a margin call.”

4. New paragraphs No.2.6 (xi) and (xii) are added to the Annex I and II of the aforesaid circular dated April 1, 2015, which read as under:

“(xi) An IBU can be a **Trading Member** of an exchange in the IFSC for trading in interest rate and currency derivatives segments that the banks operating in India have been allowed to undertake as per the extant RBI directions.

(xii) An IBU can become a **Professional Clearing Member (PCM)** of the exchange in the IFSC for clearing and settlements in any derivatives segments. This shall be subject to the following conditions:

The parent bank of the IBU (“the bank”) shall fulfil the prudential requirements as set out in Para 21

of the Master Direction/DBR.FSD.No.101/ 24.01.041/2015-16 dated May 26, 2016.

The IBU shall, with the approval of the bank's Board, put in place effective risk control measures, prudential limits on risk exposure in respect of each of its trading clients, taking into account their net worth, business turnover, etc.

The IBU may, as a PCM of derivatives segments, guarantee trades executed by its clients as trading members of the exchanges subject to the condition that the total exposure which the bank would take on its registered clients should be determined by the Board in relation to the net worth of the bank and monitored regularly. However, the IBU should not guarantee any transaction other than what is required in its role as a PCM.

The IBU shall ensure strict compliance with various margin requirements as may be prescribed by the bank's Board as also the extant RBI guidelines regarding guarantees issued on behalf of commodity brokers.

The IBU shall comply with all the conditions, if any, stipulated by other regulatory bodies that may be relevant for their role as a PCM."

5. A new paragraph No.2.6 (xiii) is added to the Annex I and II of the aforesaid circular dated April 1, 2015, which reads as under:

"IBUs are allowed to extend facility of bank guarantees and short term loans to IFSC stock broking/commodity broking entities, subject to the terms and conditions contained in paragraph 2.3.1.2 of the Master Circular on Statutory Restrictions on Loans and Advances dated July 1, 2015."

6. The following text is added at the end of paragraph 2.11 of Annex I and II of the aforesaid circular dated April 1, 2015:

"As per FEMA Notification No.339/2015-RB dated March 02, 2015, a financial institution or a branch of a financial institution set up in the IFSC and permitted/recognised as such by the Government of India or a Regulatory Authority shall be treated as a person resident outside India. Further, under FEMA Notification No.5(R)/2016-RB (schedule-4) dated April 01, 2016, any person resident outside India, having business interest in India, may maintain Special Non-Resident Rupee Account(s) (SNRRA) with an Authorised Dealer in the domestic sector for meeting their administrative expenses in INR. Accordingly, any financial institution (as defined under FEMA Notification No.339/2015-RB dated March 02, 2015) or a branch of a financial institution including an IBU operating in an IFSC and permitted/recognised as such by the Government of India or a Regulatory Authority, can maintain SNRRA with a bank (Authorised Dealer) in the domestic sector for meeting its administrative expenses in INR. These accounts must be funded only by foreign currency remittances through a channel appropriate for international remittances which would be subject to the extant FEMA regulations. The financial institution can make payments, permissible under FEMA regulations, from its SNRRA, in its capacity as a customer, by suitably instructing the domestic bank with whom the SNRRA is maintained.

Yours faithfully,

(Rajinder Kumar)  
Chief General Manager

**Security Substitution Facility for term repos conducted by Reserve Bank of India under the Liquidity Adjustment Facility**

RBI/2016-17/274

FMOD.MAOG.No.120/01.01.001/2016-17

April 12, 2017

All Scheduled Commercial Banks  
(Excluding Regional Rural Banks),  
Scheduled Urban Co-operative Banks and  
Standalone Primary Dealers

Dear Sir/Madam,

**Security Substitution Facility for term repos conducted by Reserve Bank of India under the Liquidity Adjustment Facility**

As announced in the First Bi-monthly Monetary Policy Statement for 2017-18, it has been decided to allow substitution of collateral (security) by the market participants during the tenor of the term repos conducted by Reserve Bank of India under the Liquidity Adjustment Facility, from April 17, 2017.

2. The securities offered for substitution by the market participants shall be of similar market value based on the latest prices published by the Fixed Income Money Market and Derivatives Association of India (FIMMDA).

3. The facility will be available in the e-kuber portal from Monday to Friday between 9:00 a.m. and 5:00 p.m. on all working days in Mumbai.

4. Market participants facing genuine technical problem on any specific day can submit the security substitution request through e-mail or by fax (no. 022-22630981) before 4:45 p.m.

5. An illustration regarding security substitution is furnished in the Annex (<https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=10919&Mode=0>).

Yours faithfully,

(Radha Shyam Ratho)  
Chief General Manager

## Financial Literacy Week

RBI/2016-17/275

FIDD.FLC.BC.No.27/12.01.018/2016-17

April 13, 2017

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

Dear Sir/Madam,

### Financial Literacy Week

To emphasize the importance of financial literacy, it has been decided to observe the week June 5-9, 2017 as Financial Literacy Week across the country.

2. The literacy week will focus on four broad themes, viz. KYC, Exercising Credit Discipline, Grievance Redressal and Going Digital (UPI and \*99#). The five messages that will be communicated to the common man based on the above broad themes are available under "Financial Literacy Week" in the downloads section of the financial education webpage of RBI.

3. Local language versions of the posters (A3 size) to display in bank branches, flyers (A5 size) for distribution to camp participants and charts (A2 size) for use by trainers during camps would be printed and provided by the regional offices of RBI. Each bank branch would be provided with 5 A3 size posters (1 set of 5 posters). Each rural branch would additionally be provided with 500 A5 size flyers (100 sets of 5 flyers) for distribution in camps & bank branches and 5 A2 size charts (1 set of 5 charts) for use by rural branch managers during conduct of camps. Each FLC would be provided with 5 A2 size charts (1 set of 5 charts) for use by FLC Counsellors during conduct of camps and 1000 A5 flyers (200 sets of 5 flyers) for distribution to camp participants during camps by FLCs.

4. Banks are advised to make logistical arrangements to collect the posters/flyers/charts from the Regional offices of RBI during the first two weeks of May and distribute the same to their branches and FLCs well in advance before the Financial Literacy Week.

5. During the week, the following activities have been planned:

i Banks to advise their Financial Literacy Centres to conduct special camps on each of the five days in backward/unbanked areas. FLC Counsellors may utilize the charts of A2 size for training purposes. FLCs may distribute the promotional material of A5 sizes to the participants.

ii All bank branches in the country may display A3 size posters on the five messages in the local language in a prominent place inside the branch premises. These posters will continue to be displayed for at least six months in the branch premises even after the Financial Literacy week is over.

iii Banks may display one message each day on the home page of their websites in English and Hindi and also display one message each day on the ATM screens across the country in English and the local languages (Annexure) (for annexure please follow

iv All Rural branches may conduct one camp on any of the five days of the week after branch hours.

v An online quiz will be hosted for the general public on the four broad themes to generate interest/awareness about financial literacy. Details of the quiz will be intimated shortly through our website [www.rbi.org.in](http://www.rbi.org.in).

6. It is our endeavor to reach out to the common man during the Financial Literacy week and we seek the whole hearted co-operation from the banking fraternity at large in making this event a grand success.

Yours faithfully,

(Uma Shankar)  
Chief General Manager-in-Charge



**Revised Prompt Corrective Action (PCA) framework for banks**

RBI/2016-17/276  
DBS.CO.PPD. BC.No.8/11.01.005/2016-17

April 13, 2017

All Scheduled Commercial Banks  
(Excluding Regional Rural Banks)

Madam/ Dear Sir

**Revised Prompt Corrective Action (PCA) framework for banks**

Please refer to RBI circulars No. DBS.CO.PP.BC.9/11.01.005/2002-03 dated December 21, 2002 and DBS.CO.PP.BC.13/11.01.005/2003-04 dated June 15, 2004 on the scheme of Prompt Corrective Action.

2. The existing PCA framework for banks has since been reviewed and revised. The salient features are provided in the Annex (for annexure please follow <https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=10921&Mode=0>)

3. The provisions of the revised PCA framework will be effective from April 1, 2017 based on the financials of the banks for the year ended March 31, 2017. The framework would be reviewed after three years.

4. The PCA framework does not preclude the Reserve Bank of India from taking any other action as it deems fit in addition to the corrective actions prescribed in the framework.

5. The contents of the circular may be brought to the attention of the bank's Board of Directors.

Yours faithfully

**(Parvathy V. Sundaram)**  
**Chief General Manager-in-Charge**

**Grant of 'Certificate of Registration' - For carrying on the business of credit information -  
Transunion CIBIL Limited**

RBI/2016-17/277  
DBR.CID.BC. 60/20.16.040/2016-17

April 13, 2017

All Credit Institutions

Dear Sir / Madam

**Grant of 'Certificate of Registration' -  
For carrying on the business of credit information -  
Transunion CIBIL Limited**

Please refer to our circular DBOD.No.CID.BC.84/20.16.042/2011-12 dated March 05, 2012 regarding grant of 'Certificate of Registration' to Credit Information Bureau (India) Limited and circular DBR.No.CID.BC.16/20.16.042/2016-17 dated September 29, 2016 issued consequent to change in name of the company to TransUnion CIBIL.

2. The Company has since shifted its office to the location below. Accordingly, we have issued a new 'Certificate of Registration' to it on April 13, 2017 to carry on the business of credit information. The new address of the Company is as follows:

TransUnion CIBIL Limited  
One Indiabulls Centre,  
19th Floor, Tower 2A & 2B,  
841 Senapati Bapat Marg,  
Elphinstone Road,  
Mumbai - 400 013

Yours faithfully

(Rajinder Kumar)  
Chief General Manager



**Exim Bank's Government of India supported Line of Credit of USD 31.29 million to the Government of the Republic of Nicaragua**

**RBI/2016-17/278**

**A.P. (DIR Series) Circular No. 44**

**April 13, 2017**

To

All Category - I Authorised Dealer Banks

Madam / Sir,

**Exim Bank's Government of India supported Line of Credit of USD 31.29 million to the Government of the Republic of Nicaragua**

Export-Import Bank of India (Exim Bank) has entered into an agreement dated September 8, 2016 with the Government of the Republic of Nicaragua for making available to the latter, a Government of India supported Line of Credit (LOC) of USD 31.29 million (USD Thirty one million two hundred ninety thousand only) for financing the transmission lines and substations project in the Republic of Nicaragua. The credit is available for financing export of eligible goods from India which means any goods and services including machinery and equipment for the purpose of transmission lines and substation in terms of the Agreement and 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 Agreement under the LOC is effective from March 30, 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 for export 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 eligible value of export 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 from their website [www.eximbankindia.in](http://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



## SEBI UPDATES

### **Inclusion of "Derivatives on Equity shares" - IFSC**

SEBI/HO/MRD/DRMNP/CIR/P/2017/31

April 13, 2017

All recognized Stock Exchanges and Clearing Corporations in  
International Financial Services Centres

Dear Sir/Madam

### **Inclusion of "Derivatives on Equity shares" - IFSC**

Securities and Exchange Board of India (International Financial Services Centres) Guidelines, 2015 were notified by SEBI on March 27, 2015, which came into force on April 01, 2015.

2. Clause 7 of SEBI (IFSC) Guidelines, 2015 specifies the types of securities in which dealing may be permitted by stock exchanges operating in IFSC. Based on the recommendations of the Risk Management Review Committee of SEBI, it has been decided to specify "Derivatives on equity shares of a company incorporated in India" (hereinafter referred to as 'Derivatives on equity shares') as permissible security under sub-clause (vi) of Clause 7 of SEBI (IFSC) Guidelines, 2015. Accordingly, the recognized stock exchanges operating in IFSC may permit dealing in 'Derivatives on equity shares', subject to prior approval of SEBI.

3. SEBI registered Foreign Portfolio Investors (FPIs), operating in IFSC, in terms of SEBI Circular IMD/HO/FPIC/CIR/P/2017/003 dated January 04, 2017, and eligible entities which are incorporated and operating in IFSC shall be eligible to trade in 'derivatives on equity shares'.

4. The applicable position limits for eligible participants shall be as stipulated vide SEBI circulars SMDRP/DC/CIR-10/01 dated November 02, 2001, DNPD/Cir-30-2006 dated January 20, 2006 and SEBI/HO/MRD/DP/CIR/P/2016/143 dated December 27, 2016.

5. The Market Wide Position Limit (MWPL) for 'derivatives on equity shares' shall be equal to ten percent of the number of shares held by non-promoters in the relevant underlying security (i.e. free-float holding). Further, the MWPL for 'derivatives on equity shares' in recognized stock exchanges in IFSC shall be reckoned separately from that in recognized stock exchanges in domestic market and the MWPL (in value terms), in no circumstances, shall exceed the fifty percent of the MWPL (in value terms) in recognized stock exchanges in domestic market.

6. This circular is being issued in exercise of powers conferred under Section 11 (1) of the Securities and Exchange Board of India Act, 1992 to protect the interests of investors in securities and to promote the development of, and to regulate the securities market.

Yours faithfully

(Sanjay Purao)  
Deputy General Manager  
Division of Risk Management and New Products  
Market Regulation Department  
**Email:** sanjayp@sebi.gov.in

## 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)  
Notification No. 13/2017-Customs

New Delhi, the 13<sup>th</sup> April, 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.12/2012-Customs, dated the 17th March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 185(E), dated the 17th March, 2012, namely:-

In the said notification,

(A) in the Table, against serial number 78 A

(a) for the entry in column (3), after the words "total imports of such goods." The following proviso shall be inserted;- "Provided that the importer shall convert the raw sugar into white/refined sugar within a period, not exceeding two months, from the date of filing of bill of entry or the date of entry inwards, whichever is later.";

(b) for the entry in column (6), the entry "3 D and 5" shall be substituted.

(B) after the Table, in the proviso, in clause (I) for the figures, letters and words "13th day of June, 2017", the figures, letters and words "1st day of July , 2017" shall be substituted.

[F.No.354/78/2009-TRU (Pt.)]

(Mohit Tewari)

Under Secretary to the Government of India

*Note: The principal notification No.12/2012-Customs, dated the 17th March, 2012 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 185(E), dated the 17th March, 2012 and last amended vide notification No.12/2017-Customs, dated the 5th April, 2017, published vide number G.S.R. 334 (E), dated the 5th April, 2017*

[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.35/2017-Customs (N.T.)**

New Delhi, the 11<sup>th</sup> April, 2017

S.O. (E). – In exercise of the powers conferred by clause (34) of section 2 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. 40/2012-Customs (N.T.), dated the 2nd May, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 993 (E), dated the 2nd May, 2012, namely:-

In the said notification, in the TABLE, -

- (i) against Sl. no.2, in column(3), the entry (ii) shall be deleted;
- (ii) against Sl.no.3, in column (3), for the entry (xxxvii), the following shall be substituted, namely:-
  - “(xxxvii) Section 149 (after grant of order for clearance of goods under section 47 or section 51 of the Customs Act,1962 as the case may be;”
- (iii) against Sl. no.5, in column (3),-
  - (a) after entry (iv), the following entry shall be inserted, namely:-
    - “(iva) Section 30;”
  - (b) after entry (xxi), the following entry shall be inserted, namely:-
    - “(xxii) Section 149 (before grant of order for clearance of goods under section 47 or section 51 of the Customs Act, 1962 as the case may be.”

**[F.No.450/198/2015-Cus IV]**

(Zubair Riaz)  
Director (Customs)

Note.- The principal notification number 40/2012-Customs (N.T.), dated the 2nd May, 2012 was published in the Gazette of India, Extraordinary, Part II, Section3, Sub-section (ii), vide number S.O 993(E), dated the 2nd May, 2012 and was last amended vide notification number 25/2017-Customs (N.T.) dated 31st March,2017 published vide number S.O 1038 (E), dated the 31st March,2017.

[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. 36/2017-Customs (N.T.)**

New Delhi, the 11th April, 2017

S.O. (E). -In exercise of the powers conferred by clause (a) of sub-section (2) of section 157, read with clause (1) of sub-section (2) of section 158, of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following regulations further to amend the Levy of Fees (Customs Documents) Regulations, 1970, namely:-

1. (1) These regulations may be called the Levy of Fees (Customs Documents) Amendment Regulations, 2017.  
(2) They shall come into force on the date of their publication in the Official Gazette
2. In the Levy of Fees (Customs Documents) Regulations, 1970, in regulation 3, for the TABLE, the following table shall be substituted, namely:-

**"Table**

<b>S. No.</b>	<b>Purpose</b>	<b>Rate</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>(i)</b>	Amendment of import manifest or export manifest including supplementation thereof.	Rs. 1000.00;
<b>(ii)</b>	Amendment of vessel's name in a Shipping Bill.	Rs. 1000.00;
<b>(iii)</b>	Amendment of particulars (other than vessel's name) in a Shipping Bill	Rs. 1000.00;
<b>(iv)</b>	Amendment of particulars in a port clearance application	Rs. 1000.00;
<b>(v)</b>	Amendment of port on Outward Entry application	Rs. 1000.00;
<b>(vi)</b>	Amendment of Supplementation of a Short-shipment notice	Rs. 1000.00;
<b>(vii)</b>	cancellation of any document	Rs. 1000.00;
<b>(viii)</b>	supply of certified copies of- (a) a bill of entry, if the request is made prior to the passing of an order under section 46 or section 60 (b) a customs document relating to imports other than that referred to an item (a) (c) a shipping bill, if the request is made prior to the passing of an order under section 51 (d) a customs document relating to exports other than that referred to in item (c)	Rs. 100.00; Rs. 100.00; Rs. 100.00; Rs. 100.00;
<b>(ix)</b>	(a) Amendment of prior Bill of Entry filed under the proviso to subsection (3) of section 46 of the Customs Act, 1962 (52 of 1962) (b) Amendment of Bill of Entry other than those at (a) above	Nil; Rs. 1000.00"

[F.No.450/198/2015-Cus IV]

(Zubair Riaz)  
Director (Customs)

Note:- The principal regulation was published in the Gazette of India , Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 4018, dated the 26th December, 1970 and was last amended vide notification number 55/1992-Customs (N.T.) dated 30 th July, 1992 published vide number S.O. 574 (E) dated the 30th July,1992.

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRA ORDINARY PART-II, SECTION 3, SUB-SECTION-(i)]

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

**Notification**  
**No. 37/2017-CUSTOMS (N.T.)**

New Delhi, dated the 12<sup>th</sup> April, 2017

G.S.R. (E). – In exercise of the powers conferred by sub-section (1) of section 156 read with section 127B of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules to amend the Customs (Settlement of Cases) Rules, 2007, namely:-

1. (1) These rules may be called the Customs (Settlement of Cases) Amendment Rules, 2017.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Customs (Settlement of Cases) Rules, 2007 (hereinafter referred to as the said rules):-
  - (i) in rule 2 in clause (b), after the word, letters, brackets and figure, "Form SC (C)-1", the words, letters, brackets and figures "or Form SC (C)-2" shall be inserted;
  - (ii) In rule 3 of the said rules,-
    - (a) after sub-rule (1), the following sub-rule shall be inserted, namely:-

"(1A) An application under sub-section (5) of section 127B shall be made in Form SC (C) - 2.":-
    - (b) in sub-rule (3), after the word, letters, brackets and figure, "Form SC (C) -1", the words, letters, brackets and figure "or Form SC (C) -2, as the case may be" shall be inserted.
  - (iii). for rule 4 of the said rules, the following shall be substituted namely:-

"4. Disclosure of information in the application for settlement of cases.--The Settlement Commission shall, while calling for a report from the Commissioner of Customs under subsection (3) of section 127C, forward a copy of the application referred to in sub-rule (1) or sub-rule (1A) of rule 3, as the case may be, to the Commissioner of Customs along with the annexure and the statements and other documents accompanying such annexure to the application."

**(F.No.275/36/2016-CX.8A (Pt.I))**

(Y.S. Karoo)  
Under Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Subsection (i) vide No. G.S.R. 393 (e), dated the 28th May, 2007 vide notification no.54/2007-Cus. (N.T.), dated 28th May, 2007.



For annexure: Please find below link

<http://www.cbec.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2017/cs-nt2017/csnt37-2017.pdf>



[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3,  
SUBSECTION (i)]

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

**Notification No. 38/2017-Customs (N.T.)**

New Delhi, the dated 13th April, 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 further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.78/2014- Customs (N.T.), dated the 16th September, 2014, published vide number G.S.R. No. 655 (E), dated the 16th September, 2014, namely:-

In the said notification, in the Table, for serial numbers 3 and 5 and the entries relating thereto, the following serial numbers and entries shall respectively be substituted, namely:-

Sr. No.	Area	Designation of Officer		
(1)	(2)	(3)	(4)	(5)
“(3)	(i) The whole of the State of Jammu and Kashmir (except Sub Foreign Post Office, Srinagar, Air Cargo Complex, Srinagar, International Airport, Srinagar).  (ii) Area of the districts of Pathankot, Gurdaspur, Amritsar, Tarn Taran, Ferozpur and Fazilka in the State of Punjab.	Commissioner of Customs, Amritsar.	Additional Commissioners or Joint Commissioners of Customs, working under the control of the Commissioner of Customs, Amritsar	Deputy Commissioners, or Assistant Commissioners of Customs, working under the control of the Commissioner of Customs, Amritsar
(5)	(i) The whole of the State of Himachal Pradesh. (ii) The whole of the Union territory of Chandigarh. (iii) The State of Punjab (except the area of the districts of Pathankot Gurdaspur, Amritsar, Tarn Tarn, Ferozpur and Fazilka)	Commissioner of Customs, Ludhiana.	Additional Commissioners or Joint Commissioners of Customs, working under the control of the Commissioner of Customs, Ludhiana	Deputy Commissioners, or Assistant Commissioners of Customs working under the control of the Commissioner of Customs, Ludhiana.”

F.No.434/15/2016-Cus IV]

(Z.R.Kamili)  
Director (Customs)

Note.- The principal notification was published vide notification no.78/2014-Customs (N.T.), dated the 16th September, 2014, vide number G.S.R 655 (E), dated the 16th September, 2014 and was last amended by notification No.114/2016-Customs (N.T.), dated the 26th August, 2016, vide number G.S.R. 821(E), dated the 26th August, 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. 39/2017-CUSTOMS (N.T.)

New Delhi, 13<sup>th</sup> April, 2017  
 23 Chaitra, 1939 (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 3<sup>rd</sup> August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 748 (E), dated the 3<sup>rd</sup> August, 2001, namely:-

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

**"TABLE-1**

Sr. 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	725
2	1511 90 10	RBD Palm Oil	749
3	1511 90 90	Others- Palm Oil	737
4	1511 10 00	Crude Palmolein	755
5	1511 90 20	RBD Palmolein	758
6	1511 90 90	Others- Palmolein	757
7	1507 10 00	Crude Soya Bean Oil	770
8	7404 00 22	Brass Scrap (all grades)	3174
9	1207 91 00	Poppy seeds	2510

TABLE - 2

Sr. 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	414 per 10 grams
		Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324	595 per kilogram

2	71 or 98	of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	
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TABLE -3

Sr. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tonne)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	2682''

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

(Satyajit Mohanty)  
Director (ICD)

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 3<sup>rd</sup> August, 2001, vide number S. O. 748 (E), dated the 3<sup>rd</sup> August, 2001 and was last amended vide Notification No. 23/2017-Customs (N.T.), dated the 31<sup>st</sup> March, 2017, e-published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 1015(E), dated 31<sup>st</sup> March, 2017.

**Circular No. 14/2017- Customs**

F.No.450/198/2015-Cus IV  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs

227B, North Block  
New Delhi, the 11<sup>th</sup> April, 2017

To,

All Principal Chief Commissioners/Chief Commissioners of Customs/Customs (Preventive) /Principal Director General/ Director General, DRI  
All Principal Chief Commissioners/Chief Commissioners of Customs & Central Excise  
All Principal Commissioners/Commissioners of Customs/Customs (Preventive)  
All Principal Commissioners/Commissioners of Customs & Central Excise

**Sir/Madam,**

**Subject: Delayed, incomplete or incorrect filing of Import Manifest or Import Report - Regarding.**

Kind reference is invited to CBEC Circular No.'s 13/2005-Customs, dated 11-3-2005 & Circular No. 44/2005-Cus., dated 24-11-2005 on the above subject.

2. In the Circular No. 13/2005-Customs, dated 11.3.2005, CBEC had categorised the amendments carried out in the IGMs as Major and Minor respectively. Further in the amending circular No. 44/2005-Customs, dated 24-11-2005, it was provided that the need for adjudication will arise only in cases of major amendment involving fraudulent intention or **substantial** revenue implication. It was the view of the CBEC that the penal action is not initiated mechanically in all cases of IGM amendment and that due consideration may be given to the circumstances of amendment.

3. These measures have been in place for quite some time. Apart from bringing in simplification, reducing the overall dwell time at the Customs ports/ airports has been avowed objective of CBEC. Trade has been representing that owing to tedious process of IGM amendment, there is reluctance to avail the facility of advance/ Prior Bill of Entry. Board has examined these issues in detail and the following procedure is prescribed:

- a. In order to ensure that all amendment applications are disposed off within specified time limits, it is desired that all *minor amendments* are approved **on the same day** of the submission of complete application along with all the required documents. For EDI sites, the electronic request for amendment should be made prior to approaching

the officer with the documents. Further, in order to decentralise the minor amendment process, necessary changes have been carried out in the notification No. 40/2012-Customs (N.T.) dated 2.5.12 by notifying Superintendent of Customs and Central Excise or Appraiser as proper officer for Section 30 (minor amendments). Since the proper officer for purposes of Section 30 would henceforth be Superintendent rank officer or Appraiser (minor amendments), therefore, consequent changes in respect of notifying the proper officer for purposes of Section 149 have also been carried out. **[Notification No.35/2017-Customs (N.T.) dated 11<sup>th</sup> April, 2017 refers].**

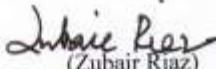
- b. All major amendments will *generally* be approved within 24 hours of the submission of the complete application. Delays beyond the laid down timelines are to be necessarily escalated and brought to the notice of Additional/Joint Commissioner in charge. All major amendments shall continue to be approved by the concerned Deputy Commissioner or the Assistant Commissioner as the case may be.
  - c. A combined application in the prescribed Form shall be submitted by the shipping line irrespective of the major or minor amendment(s) along with the required documents indicated against each type of amendment mentioned in the Annexure to the *Application Form* appended to this Circular leaving no scope for ambiguity.
  - d. Since the objective is to lend certainty to the amendment process with specific timelines, therefore, accepting incomplete forms should be avoided. In case an incomplete form for amendment is accepted for reasons to be recorded, a deficiency memo should be promptly issued the same day.
  - e. All cases of Minor amendment should be decided administratively without recourse to adjudication or levy of penalty. Levy of Fee (Customs Documents) Regulations, 1970 allows the proper officer to permit an IGM to be amended or supplemented, on payment of prescribed fees, if he is satisfied that there is no fraudulent intention. The said regulations have also been amended vide **Notification No.36/2017-Customs (N.T.) dated 11<sup>th</sup> April, 2017** to revise the fee(s) for carrying out amendments. The quantum of fee has been revised upwards so as to calibrate it to the realistic levels and also to discourage the tendency to file amendments. **A flat fee of Rs. 1000/- has been provided for amendment of IGMs.**

Further, no amendment fee shall be levied in respect of a Bill of Entry filed under the proviso to sub-section (3) of Section 46 of the Customs Act, 1962 (52 of 1962) where the amendment is necessitated due to amendment in import manifest.
  - f. The request for amendment shall be filed by the person in-charge of the conveyance or any person who has been authorized to issue delivery orders in favour of an importer, on the basis of which the custodian would deliver the imported goods.
4. The responsibility of amendment in the IGM rests solely with the Shipping Line/Agent,

as they file IGM with Customs under section 30 of Customs Act, 1962. It is, therefore, clarified that the fine/penalty imposed, if any, upon adjudication in such cases, shall be payable by the Shipping Line only or such other person as specified. No fine/penalty is required to be imposed on the consignee or others. No request for any amendment in the IGM from Custom Broker/Importer will be entertained.

5. While accepting requests for amendments, due precaution should be taken that requests for amendment to manifested items are accepted within the period stipulated in the Section 48 of the Customs Act, 1962.

Yours faithfully

  
(Zubair Riaz)  
Director (Customs)



## EXCISE UPDATES

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRA ORDINARY PART-II, SECTION 3,  
SUB-SECTION-(i)]

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)  
Notification No. 9/2017-CENTRAL EXCISE (N.T.)

New Delhi, dated the 12th April, 2017

G.S.R. (E). – In exercise of the powers conferred by section 37 read with section 32E of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules to amend the Central Excise (Settlement of Cases) Rules, 2007, namely:-

1. (1) These rules may be called the Central Excise (Settlement of Cases) Amendment Rules, 2017. (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Excise (Settlement of Cases) Rules, 2007 (hereinafter referred to as the said rules), (i) in rule 2, in clause (b), after the word, letters, brackets and figure, "Form SC (E)-1", the word, letters, brackets and figures "or Form SC (E)-2," shall be inserted;  
(ii) In rule 3 of the said rules,-
  - (a) after sub-rule (1), the following sub-rule shall be inserted, namely:-

"(1A) An application under sub-section (5) of section 32E shall be made in Form SC (E) -2".
  - (b) in sub-rule (3), after the word, letters, brackets and figure, "Form SC (E) -1", the words, letters, brackets and figure "or Form SC (E) -2, as the case may be" shall be inserted.
    - (iv) for rule 4 of the said rules, the following rule shall be substituted namely:-
- "4. Disclosure of information in the application for settlement of cases.--The Settlement Commission shall, while calling for a report from the Commissioner of Central Excise under subsection (3) of section 32F, forward a copy of the application referred to in sub-rule (1) of rule 2, or sub-rule (1A) as the case may be, to the Commissioner of Central Excise along with the annexure and the statements and other documents accompanying such annexure to the application."

(F.No.275/36/2016-CX.8A (Pt.I))

(Y.S. Karoo)

Under Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Subsection (i) vide No. G.S.R. 394 (E), dated the 28th May, 2007 vide notification no.28/2007-Central Excise (N.T.), date 28th May, 2007

For Form No. SC (E) -2 refer <http://www.cbec.gov.in/resources//htdocs-cbec/excise/cx-act/notifications/notfns-2017/cx-nt2017/cent09-2017.pdf>

[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)  
NOTIFICATION  
New Delhi, the 13<sup>th</sup> April, 2017  
No. 10/2017-Central Excise (N.T.),**

**G.S.R.---(E).**-In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) and section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the CENVAT Credit Rules, 2004, namely : -

1. (1) These rules may be called the CENVAT Credit (Second Amendment) Rules, 2017.

(2) They shall come into force on the 23<sup>rd</sup> day of April, 2017.

2. In the CENVAT Credit Rules, 2004,-

(1) in rule 2, in clause (l), for the words starting with “‘input service’ means’ and ending with “clearance of final products upto the place of removal,” following shall be substituted, namely,-

“‘input service’ means,-

(i) services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India where service tax is paid by the manufacturer or the provider of output service being importer of goods as the person liable for paying service tax for the said taxable services and the said imported goods are his inputs or capital goods; or

(ii) any service used by a provider of output service for providing an output service; or

(iii) any service used by a manufacturer, whether directly or indirectly, in or in relation to the manufacture of final products and clearance of final products upto the place of removal; ;

(2) in rule 4, in sub-rule (7), after the second proviso, following shall be inserted namely,-

“Provided also that in respect of services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India where service tax is paid by the manufacturer or the provider of output service being importer of goods as the person liable for paying service tax for the said taxable services, credit of service tax paid by the person liable for paying service tax shall be allowed after such service tax is paid.”;

(3) in rule 9, in sub-rule (1), after clause (e), following shall be inserted, namely,-

“(ea) a challan evidencing payment of service tax by the manufacturer or the provider of output service being importer of goods as the person liable for paying service tax for the services provided or agreed to be provided by a person located in non-taxable territory to a person located

in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India; or”.

[F. No. 354/42/2016-TRU]

**(Mohit Tewari)**  
**Under Secretary to the Government of India**

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification No. 23/2004 - Central Excise (N.T.) dated the 10th September, 2004 vide number G.S.R. 600(E), dated the 10th September, 2004 and last amended vide notification No. 4/2017 - Central Excise (N.T.) dated 2 nd February, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 98 (E), dated the 2 nd February, 2017.

## SERVICE TAX UPDATES

[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)  
NOTIFICATION  
No. 13/2017-Service Tax

New Delhi, the 13<sup>th</sup> April, 2017

**G.S.R..... (E).** - In exercise of the powers conferred by sub-section (1), read with sub-section (2) of section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Service Tax Rules, 1994, namely:-

1. (1) These rules may be called the Service Tax (Third Amendment) Rules, 2017.

(2) Save as otherwise provided, they shall come into force on the 23<sup>rd</sup> day of April, 2017.

2. In the Service Tax Rules, 1994,-

(i) in rule 2, in sub-rule (1), in clause (d), in sub-clause(i), for item (EEC), the following shall be substituted, namely:-

“(EEC) in relation to services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India, the importer as defined under clause (26) of section 2 of the Customs Act, 1962 (52 of 1962) of such goods;”

(ii) in rule 6,-

(a) after sub-rule (7C), the following sub-rule shall be inserted with effect from 22<sup>nd</sup> January, 2017, namely :-

“(7CA) The person liable for paying service tax for the taxable services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India, shall have the option to pay an amount calculated at the rate of 1.4% of the sum of cost, insurance and freight (CIF) value of such imported goods.”

(b) in sub-rule (7D) and (7E), for the brackets, words and figures “(7B) or 7(C)” wherever they occur, the brackets, word and figures “(7B), (7C) or (7CA)” shall be substituted with effect from 22<sup>nd</sup> January, 2017.”

[F. No. 354/42/2016-TRU]

(Mohit Tewari)

Under Secretary to the Government of India

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 2/94-Service Tax, dated the 28th June, 1994 vide number G.S.R. 546 (E), dated the 28th June, 1994 and last amended vide notification No. 6/2017-Service Tax, dated the 30th January, 2017 vide number G.S.R. 73 (E), dated the 30th January, 2017.

[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)  
NOTIFICATION  
No. 14/2016-Service Tax,

New Delhi, the 13th April, 2017

**G.S.R.---(E).**- In exercise of the powers conferred under sub-section (2) of section 67A and clause (a) and clause (hhh) of sub- section (2) of section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Point of Taxation Rules, 2011, namely : –

1. (1) These rules may be called the Point of Taxation (Amendment) Rules, 2017.

(2) They shall come into force on the 22nd day of January, 2017.

2. In the Point of Taxation Rules, 2011, after rule 8A, the following rule shall be inserted, namely,-

**“8B. Determination of point of taxation in case of services provided by a person located in non-taxable territory to a person in non-taxable territory.-**

Notwithstanding anything contained in these rules, the point of taxation in respect of services provided by a person located in non-taxable territory to a person in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India, shall be the date of bill of lading of such goods in the vessel at the port of export.”.

[F. No. 354/42/2016-TRU]

(Mohit Tewari)

Under Secretary to the Government of India

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification No. 18/2011 - Service Tax, dated the 1 st of March, 2011 vide number G.S.R. 175(E) dated the 1 st of March, 2011 and last amended vide notification No. 24/2016 - Service Tax dated 13 th April, 2016 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), by number G.S.R. 421.(E), dated the 13th April, 2016.

[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)  
NOTIFICATION  
No. 15/2017-Service Tax

New Delhi, the 13th April, 2017

**G.S.R. (E).**- In exercise of the powers conferred by sub-section (2) of section 68 of the Finance Act, 1994 (32 of 1994), the Central Government, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 30/2012-Service Tax, dated the 20th June, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 472 (E), dated the 20th June, 2012, namely:-

1. In the said notification, for Explanation III and Explanation IV, following shall be substituted, namely:-

“Explanation III.- The business entity located in the taxable territory who is litigant, applicant or petitioner, as the case may be, shall be treated as the person who receives the legal services for the purpose of this notification.

Explanation IV.- For the purposes of this notification, “non-assesse online recipient” has the same meaning as assigned to it in clause (ccba) of sub-rule 1 of rule 2 of Service Tax Rules, 1994.

Explanation V.- For the purposes of this notification, in respect of services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India, person liable for paying service tax other than the service provider shall be the importer as defined under clause (26) of section 2 of the Customs Act, 1962 (52 of 1962) of such goods.”.

2. This notification shall come into force on the 23 rd day of April, 2017.

[F. No. 354/42/2016-TRU]

(Mohit Tewari)

Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, vide notification No. 30/2012 - Service Tax, dated the 20th June, 2012, vide number G.S.R. 472 (E), dated the 20th June, 2012 and last amended vide notification No. 3/2017-Service Tax, dated the 12th January, 2017 vide number G.S.R. 26 (E), dated the 12th January, 2017.

## **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  
**Notification No. 02/2015-2020**  
**New Delhi, Dated: 13 April, 2017**

**Subject: TRQ for Raw Sugar: Amendment in import policy of raw sugar classified under Exim Code 170114 of Chapter 17 of ITC (HS), 2017-Schedule-1 (Import Policy).**

S.O. (E): In exercise of powers conferred by Section 3 of FT (D&R) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby makes the following amendments in the import policy conditions of 'Raw Sugar' classified under Exim Code 170114 of Chapter 17 of ITC (HS), 2017 - Schedule - 1 (Import Policy), as notified vide Notification No 1 dated 05.04.2017, as under:

2. (i) Import of 5 Lakh MT of raw sugar under Exim Code 170114 is allowed to be imported by millers/refiners duty free through the following Zones subject to quantity restriction indicated as in the table below:

Sl No.	Zone	Name of the Ports (import allowed only through the following ports)	Revised list of Ports (import allowed only through the following ports)	Zone wise Import Restriction (import can be made through any port within the overall quantity indicated against each Zone)
1	East Zone	Haldia (WB), Paradeep (Odisha)	Haldia (WB), Paradeep (Odisha)	0.50 lakh MT
2	South Zone	Tuticorin, Chennai (Tamil Nadu), Mangalore ( Karnataka) Kakinada( Andhra Pradesh)	Tuticorin, Chennai(Tamil Nadu), Mangalore ( Karnataka) Kakinada (Andhra Pradesh) Vishakhapatnam (Andhra Pradesh) Gangavaram (Andhra Pradesh) Karaikal( Puducherry)	3 lakh MT
3	West Zone	Kandla (Gujarat) Jawaharlal Nehru Port Trust/ Mumbai Port (Maharashtra)	Kandla (Gujarat) Jawaharlal Nehru Port Trust/ Mumbai Port (Maharashtra)	1.50 Lakh MT
		<b>Total</b>		<b>5.00 Lakh MT</b>

ii. Applications:

Column/ Para no.	Provision as in Notification No 1 dated 05.04.2017	Revised provision
2(ii) (b)	Applicants intending to import through Haldia and Paradeep ports are to submit their applications to RA, Kolkata; those intending to	Applicants intending to import through Haldia and Paradeep ports are to submit their applications to RA, Kolkata; while those intending to import through Tuticorin, Chennai and Karaikal ports are



	import through Tuticorin, Chennai and Kakinada are to submit their applications to RA, Chennai while those intending to import through Mangalore port may submit their applications to RA, Bangaluru. For imports through West Zone, all applications are to be submitted to RA, Mumbai.	to submit their applications to RA, Chennai. Applicants importing through Mangalore may submit their applications to RA, Bangaluru; while those importing through Kakinada, Vishakhapatnam and Gangavaram may submit their applications to RA, Vishakhapatnam. For imports through West Zone, all applications are to be submitted to RA, Mumbai.
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2(iii) Validity of Quota:

Column/ Para no.	Validity of Quota as in Notification No 1 dated 05.04.2017	Revised provision
2(iii)	TRQ benefit (duty free) under this Notification shall be available upto and inclusive of 12th June, 2017 as per Section 15 of the Customs Act, 1962	TRQ benefit (duty free) under this Notification shall be available upto and inclusive of 30th June, 2017 as per Section 15 of the Customs Act, 1962

**3. After para 2(vii) of the Notification No 1 dated 05.04.2017 the following is inserted:**

**(viii) Actual User Condition:** Actual User condition as in the Notification No 32/2016- Customs (N.T) dated 1st March, 2016 will be applicable on imports under this TRQ scheme and importer shall convert raw sugar into white/ refined sugar within a period, not exceeding two months from the date of bill of entry or the date of entry inwards, whichever is later.

**4. Effect of this Notification:** Notification no 1 dated 05.04.2017 stands amended.

(A K Bhalla)  
Director General of Foreign Trade



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