



## BMC Advisors

Corporate Laws and Intellectual Property Rights Consultants



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# ***WEEKLY UPDATES***

***SEPTEMBER 18<sup>TH</sup>, 2017-SEPTEMBER 24<sup>TH</sup>, 2017***

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# MCA UPDATES

[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 19<sup>th</sup> September, 2017

G.S.R. \_\_ (E). - In exercise of the powers conferred by sections 73 and 76 read with sub-section (1) and sub-section (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Acceptance of Deposits) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Acceptance of Deposits) Second Amendment Rules, 2017.  
  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Companies (Acceptance of Deposits) Rules, 2014 (hereinafter referred to as the principal rules), in rule 3, in sub-rule (3), for the proviso, the following shall be substituted, namely:-

"Provided that a Specified IFSC Public company and a private company may accept from its members monies not exceeding one hundred per cent. of aggregate of the paid up share capital, free reserves and securities premium account and such company shall file the details of monies so accepted to the Registrar in Form DPT-3.

*Explanation.-* For the purpose of this rule, a Specified IFSC Public company means an unlisted public company which is licensed to operate by the Reserve Bank of India or the Securities and Exchange Board of India or the Insurance Regulatory and Development Authority of India from the International Financial Services Centre located in an approved multi services Special Economic Zone set-up under the Special Economic Zones Act 2005 (28 of 2005) read with the Special Economic Zones Rules, 2006:

Provided further that the maximum limit in respect of deposits to be accepted from members shall not apply to following classes of private companies, namely:-

- (i) a private company which is a start-up, for five years from the date of its incorporation;
- (ii) a private company which fulfils all of the following conditions, namely:-

(a) Which is not an associate or a subsidiary company of any other company;

(b) the borrowings of such a company from banks or financial institutions or anybody corporate is less than twice of its paid up share capital or fifty crore rupees, whichever is less ; and

(c) such a company has not defaulted in the repayment of such borrowings subsisting at the time of accepting deposits under section 73:

Provided also that all the companies accepting deposits shall file the details of monies so accepted to the Registrar in Form DPT-3.”

[File No-1 /8/2013-CL-V]

(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, sub-section (i) aide number G.S.R. 256(E), dated the 31<sup>st</sup> March,2014 and were subsequently amended :-

- (1) Vide notification number G.S.R. 386(E) dated the 6<sup>th</sup> June, 2014;
- (2) Vide notification number G.S.R. 241(E) dated the 31<sup>st</sup> March, 2015;
- (3) Vide notification number G.S.R. 695(E) dated the 15<sup>th</sup> September, 2015;
- (4) Vide notification number G.S.R. 639(E) dated the 29<sup>th</sup> June, 2016; and
- (5) Vide notification number G.S.R. 454(E) dated the 11<sup>th</sup> May, 2017.

For form please find below link:

[http://www.mca.gov.in/Ministry/pdf/CompaniesAcceptanceofDepositSecondAmendmentRule\\_22092017.pdf](http://www.mca.gov.in/Ministry/pdf/CompaniesAcceptanceofDepositSecondAmendmentRule_22092017.pdf)

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

**Ministry of Corporate Affairs**

**NOTIFICATION**

New Delhi, 20.09.2017

GSR (E). In exercise of the powers conferred under proviso to clause (87) of section 2, section 450 read with sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, namely:-

**1. Short title and Commencement.-** (1) These rules may be called the Companies (Restriction on number of layers) Rules, 2017.

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

**2. Restriction on number of layers for certain classes of holding companies.-** (1) On and from the date of commencement of these rules, no company, other than a company belonging to a class specified in sub-rule (2), shall have more than two layers of subsidiaries:

Provided that the provisions of this sub-rule shall not affect a company from acquiring a company incorporated outside India with subsidiaries beyond two layers as per the laws of such country:

Provided further that for computing the number of layers under this rule, one layer which consists of one or more wholly owned subsidiary or subsidiaries shall not be taken into account.

(2) The provisions of this rule shall not apply to the following classes of companies, namely: -

(a) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);

(b) a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934) which is registered with the Reserve Bank of India and considered as systematically important non-banking financial company by the Reserve Bank of India;

(c) an insurance company being a company which carries on the business of insurance in accordance with provisions of the Insurance Act, 1938 (4 of 1938) and the Insurance Regulatory Development Authority Act, 1999 (41 of 1999);

(d) a Government company referred to in clause (45) of section 2 of the Act.

(3) The provisions of this rule shall not be in derogation of the proviso to sub-section (1) of section 186 of the Act.

(4) Every company other than a company referred to in sub-rule (2), existing on or before the commencement of these rules, which has number of layers of subsidiaries in excess of the layers specified in sub-rule (1) -

(i) shall file, with the Registrar a return in Form CRL-1 disclosing the details specified therein, within a period of one hundred and fifty days from the date of publication of these rules in the Official Gazette;

(ii) shall not, after the date of commencement of these rules, have any additional layer of subsidiaries over and above the layers existing on such date; and

(iii) shall not, in case one or more layers are reduced by it subsequent to the commencement of these rules, have the number of layers beyond the number of layers it has after such reduction or maximum layers allowed in sub-rule (1), whichever is more.

(5) If any company contravenes any provision of these rules the company and every officer of the company who is in default shall be punishable with fine which may extend to ten thousand rupees and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for every day after the first during which such contravention continues.

For annexure please find below link:

[http://www.mca.gov.in/Ministry/pdf/CompaniesRestrictionOnNumberofLayersRule\\_22092017.pdf](http://www.mca.gov.in/Ministry/pdf/CompaniesRestrictionOnNumberofLayersRule_22092017.pdf)

[F. No. 01/13/2013 CL-V (Vol.III)]

Amardeep Singh Bhatia, Joint Secretary.



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

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
Notification

New Delhi, the 20<sup>th</sup> September, 2017

S.O..... (E) In exercise of the powers conferred by sub-section (1) of section 210A of the Companies Act, 1956, (1 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Corporate Affairs, number S.O. 3118 (E), dated the 3<sup>rd</sup> October, 2016, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 3<sup>rd</sup> October, 2016, namely:-

2. In the said notification,-

(i) in paragraph 1, for serial number 2 and the entries relating thereto, the following serial number and the entries shall be substituted, namely:-

"2	Shri Sanjay Gupta, President, Nominee of the Institute of Cost Accountants of India	Member, [nominated under clause (b) of sub-section (2) of section 210A of the said Act].";
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(ii) in paragraph 2, for the words "one year" the words "two years" shall be substituted.

[F. No. 1/5/2001-CL-V (Part VI)]

AMARDEEP SINGH BHATIA, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Extra-ordinary, Part-II, Section 3, Sub-section (ii), vide number S.O. 3118 (E), dated the 3<sup>rd</sup> October, 2016 and was amended vide notification number S.O. 366(E), dated the 8<sup>th</sup> February, 2017 and vide notification number S.O. 944(E), dated the 23<sup>rd</sup> March, 2017.

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

Government of India  
MINISTRY OF CORPORATE AFFAIRS

**NOTIFICATION**

New Delhi, 20<sup>th</sup> September, 2017

S.O. \_\_\_\_\_(E).- In exercise of the powers conferred by subsection (3) of section 1 of the Companies Act, 2013 (18 of 2013), the Central Government hereby appoints the 20<sup>th</sup> September, 2017 as the date on which proviso to clause (87) of section 2 of the said Act shall come into force.

[F. No. 1/13/2013 CL-V]

AMARDEEP SINGH BHATIA, Jt. Secy.

# SEBI UPDATES

## CIRCULAR

SEBI/HO/MIRSD/MIRSD1/CIR/P/2017/104

September 21, 2017

1. All Recognized Stock Exchanges / Clearing Corporations
2. Stock Brokers and Clearing Members through Recognized Stock Exchanges
3. All recognised Depositories
4. Depository Participants through Depositories

**Sub: Integration of broking activities in Equity Markets and Commodity Derivatives Markets under single entity**

Dear Sir/Madam,

1. Please find enclosed Government of India Gazette notification no. G.S.R. 664(E) dated June 27, 2017 amending the Securities Contracts (Regulation) Rules, 1957 (hereinafter referred to as "SCRR") and Securities and Exchange Board of India (Stock Brokers and Sub-Brokers) (Amendment) Regulations 2017 notified on July 13, 2017 (hereinafter referred to as "the Stock Broker Regulation").
2. Through these amendments, restriction on stock brokers dealing in securities (other than commodity derivatives) to deal in commodity derivatives has been done away with. Similarly, restriction on stock brokers dealing in commodity derivatives to deal in other securities has also been done away with. Therefore, post these amendments, a stock broker can deal in commodity derivatives and other securities under a single entity, thereby facilitating ease of doing business.
3. As per the existing procedure under single registration mechanism, a one-time certificate of registration as stock broker / clearing member shall be granted by SEBI and subsequent permissions to act as a stock broker / clearing member of other stock exchanges / clearing corporations, shall be granted by the respective stock exchange / clearing corporation after proper due diligence.
4. In terms of SEBI Circular Nos. CIR/MIRSD/2/2011 dated June 03, 2011 and CIR/MIRSD/14/2011 dated August 02, 2011, prior approval from SEBI will be required to be obtained by the stock broker only in cases where integration leads to change in control of the stock broker/clearing member.
5. Further, to facilitate integration between stock brokers, it is clarified that client account may be transferred from one stock broker to the other stock broker, by taking the express consent of the client through a verifiable mode of communication and thereby continuing with the existing set of documentation in respect of broker client relationship.
6. Para 6 of the SEBI Circular No. CIR/MIRSD/4/2015 dated September 29, 2015, issued to the Commodity derivative exchanges and their members, is extended to other stock exchanges and their members and shall be read as follows:  
  
*"business in goods related to the underlying" and/ or "business in connection with or incidental to or consequential to trades in commodity derivatives", by a member of a stock exchange, would not be disqualified under Rule 8(1)(f) and Rule 8(3)(f) of the Securities Contract (Regulation) Rules, 1957.*
7. In view of the above mentioned amendments carried out in SCRR and the Stock Broker Regulation, the FMC circulars which continued to be applicable to Commodity Derivative Market in terms of

SEBI circular no. SEBI/HO/MIRSD/MIRSD2/CIR/P/2016/92 dated September 23, 2016, shall be dealt as under:

a. FMC Circulars No. No. IRD-DIV-III/I/FCR-I/2009 dated Dec 21, 2009, No. DIV-III/I/122/10/MR dated Jun 25, 2010 and 6/3/2008-MKT -II dated Feb 18, 2011, which restricted members of commodity derivative exchange or any other agent appointed by such members to have the words such as "Stock", "Share" or "Security" in their names, shall stand repealed.

b. Para 3 C) A. iv. of FMC Circular No. FMC/4/2011/G/30 Ref. No.: Div. III/I/89/07 dated December 16, 2011, which restricted seeking authorization through non-mandatory documents for any adjustment of funds among securities(stock)exchange and commodities exchange, will not be applicable, if such adjustment is within the same broking entity.

8. Stock exchanges / clearing corporations/ depositories are directed to:

a. take necessary steps to put in place systems for implementation of the circular, including necessary amendments to the relevant bye-laws, rules and regulations;

b. bring the provisions of this circular to the notice of their members and also disseminate the same on their websites;

c. carry out necessary due diligence including taking information from the other stock exchanges / clearing corporations where the applicant is / was a member, as part of process of granting approval to the stock broker/ clearing member registered with SEBI to operate in that stock exchange/ clearing corporation or segment(s) thereof.

9. This circular is issued in exercise of the 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,

**D Rajesh Kumar**  
**General Manager**  
**022-26449242**  
**Email: rajeshkd@sebi.gov.in**

**CIRCULAR**

SEBI/HO/MRD/DSA/CIR/P/2017/103

September 21, 2017

All recognised Stock Exchanges and Clearing Corporations in International Financial Services Centre (IFSC)

All recognised Stock Exchanges/ Clearing Corporations

All registered intermediaries

Dear Sir/Madam

**Clarification to SEBI (IFSC) Guidelines, 2015 - Liquidity Enhancement Scheme (LES) Circular**

SEBI vide circular SEBI/HO/MRD/DSA/CIR/P/2017/95 dated August 10, 2017 has granted exemption to stock exchanges at IFSC from complying with clauses 5.1 and 5.2 of SEBI circular dated April 23, 2014 subject to certain conditions.

2. Based on discussions held with the stakeholders, it is clarified that the exemption granted to stock exchanges at IFSC for the introduction of LES shall be applicable to all the products traded in IFSC.

3. 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

Bithin Mahanta  
Deputy General Manager  
Market Regulation Department  
**Email:** bithinm@sebi.gov.in

CIRCULAR

CFD/DIL3/CIR/2017/105

September 21, 2017

To

**All Listed Entities who have listed their equity and convertibles**  
**All the Recognized Stock Exchanges**

Dear Sir/Madam,

**Sub: Schemes of Arrangement by Listed Entities and (ii) Relaxation under Sub-rule (7) of Rule 19 of the Securities Contracts (Regulation) Rules, 1957**

1. SEBI Circular No. CFD/DIL3/CIR/2017/21 dated March 10, 2017 lays down the framework for Schemes of Arrangement by Listed Entities and relaxation under Rule 19(7) of the Securities Contracts (Regulation) Rules, 1957 (SCRR).

2. Clause III (A)(1)(b) of Annexure I of the aforesaid circular provides that at least twenty five per cent of the post-scheme paid up share capital of the transferee entity seeking relaxation from Rule 19(2)(b) of SCRR shall comprise of shares allotted to the public shareholders in the transferor entity.

3. In order to align the requirements specified for listing under schemes of arrangement under Clause III (A)(1)(b) of Annexure I of the Circular with those specified under Rule 19(2)(b) of SCRR, it has been decided to amend Clause III (A)(1)(b) of Annexure I of Circular No. CFD/DIL3/CIR/2017/21 dated March 10, 2017 as under:

*“(b) At least twenty five per cent of the post-scheme paid up share capital of the transferee entity shall comprise of shares allotted to the public shareholders in the transferor entity;*

*Provided that an entity which does not comply with the above requirement may satisfy the following conditions:*

*i. The entity has a valuation in excess of Rs.1600 crore as per the valuation report;*

*ii. The value of post-scheme shareholding of public shareholders of the listed entity in the transferee entity is not less than Rs.400crore;*

*iii. At least ten percent of the post-scheme paid up share capital of the transferee entity comprises of shares allotted to the public shareholders of the transferor entity; and,*

*iv. The entity shall increase the public shareholding to at least 25% within a period of one year from the date of listing of its securities and an undertaking to this effect is incorporated in the scheme”*

4. The Stock Exchanges are advised to bring the provisions of this circular to the notice of Listed Entities and also to disseminate the same on their websites.

5. This circular is issued under Section 11 of the SEBI Act, 1992 and Regulations 11, 37 and 94 read with Regulation 101(2) of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 and Rule 19(7) of Securities Contracts (Regulation) Rules, 1957.

6. This circular is available on SEBI website at [www.sebi.gov.in](http://www.sebi.gov.in) under the category “Legal / Circulars”.

Yours faithfully,

**Narendra Rawat**  
**Deputy General Manager**  
**[narendrar@sebi.gov.in](mailto:narendrar@sebi.gov.in)**

## RBI UPDATES

RBI/2017-18/59

DCBR.RAD. (PCB/RCB) Cir. No. 4/07.12.001/2017-18

September 21, 2017

All Co-operative Banks

Dear Sir/ Madam

**Change in name of "Gopinath Patil Parsik Janata Sahakari Bank, Ltd., Thane" to "GP Parsik Sahakari Bank Ltd, Kalwa, Thane " in the Second Schedule to the Reserve Bank of India,1934**

We advise that the name of "Gopinath Patil Parsik Janata Sahakari Bank, Ltd., Thane" has been changed to "GP Parsik Sahakari Bank Ltd, Kalwa, Thane" in the Second Schedule to the Reserve Bank of India,1934 by Notification DCBR.RAD. (PCB). Not. No. 1/08.02.205/2016-17 dated March 15, 2017 published in the Gazette of India (Part III-Section 4) dated September 2, 2017.

Yours faithfully,

(Neeraj Nigam)  
Chief General Manager



RBI/2017-18/60  
FIDD.CO.LBS.BC.No.15/02.08.001/2017-18

September 21, 2017

The Chairmen & Managing Directors/Chief Executive Officers  
All Lead Banks

Dear Sir/Madam,

**Formation of new districts in the State of West Bengal -  
Assignment of Lead Bank Responsibility**

The Government of West Bengal vide Gazette Notification dated March 20, 2017 had notified the creation of a new district "Jhargram" with effect from April 4, 2017 and by Gazette Notification dated March 24, 2017 created a new district "Paschim Bardhaman" with effect from April 7, 2017 in the State of West Bengal. It has been decided to assign the lead bank responsibility of the new districts as detailed below:-

Sr No	Newly carved district	Erstwhile District	Sub Divisions of newly created districts	Lead Bank Responsibility assigned to	District Working Code allotted to new district
1	Paschim Medinipur	Paschim Medinipur	Medinipur Sadar, Kharagpur, Ghatal	United Bank of India	112
2	Jhargram	Paschim Medinipur	Jhargram Sadar	United Bank of India	398
3	Purba Bardhaman	Purba Bardhaman	Bardhaman Sadar North, Bardhaman Sadar South, Katwa, Kalna	UCO Bank	399
4	Paschim Bardhaman	Purba Bardhaman	Asansol Sadar, Durgapur	State Bank of India	403

2. The District Working Code of the new districts have been allotted for the purpose of BSR reporting by banks.

3. There is no change in the lead bank responsibilities of the other districts in the State of West Bengal.

Yours faithfully

(Ajay Kumar Misra)  
Chief General Manager

RBI/2017-18/61  
FIDD. CO. Plan. BC 16/04.09.01/2017-18

September 21, 2017

The Chairman/ Managing Director  
Chief Executive Officer  
[All Domestic Scheduled Commercial Banks  
(excluding Regional Rural Banks &  
Small Finance Banks)]

Dear Sir/ Madam,

**Priority Sector Lending - Targets and Classification: Lending to non-corporate farmers - System wide average of last three years**

It was communicated vide our Circular No. FIDD.CO.Plan.BC.08/04.09.01/2015-16 dated July 16, 2015 on the captioned subject, that the system-wide average of the last three years achievement with regard to overall direct lending to non-corporate farmers will be notified in due course, and thereafter at the beginning of each year.

2. In this regard, the applicable system wide average figure for computing achievement under priority sector lending for the FY 2017-18 is 11.78 percent.

Yours faithfully,

(Uma Shankar)  
Principal Chief General Manager

RBI/2017-18/62  
DBR.No.Ret.BC.87/12.07.150/2017-18

September 21, 2017

All Scheduled Commercial Banks

Dear Sir,

**Inclusion of "Suryoday Small Finance Bank Limited" in the Second Schedule to the Reserve Bank of India Act, 1934**

We advise that the "Suryoday Small Finance Bank Limited" has been included in the Second Schedule to the Reserve Bank of India Act, 1934 vide Notification No. DBR. NBD. (SFB-Suryoday).No. 766/16.13.216/2017-18 dated July 24, 2017 and published in the Gazette of India (Part III - Section 4) dated September 2, 2017.

Yours faithfully

(M.G. Suprabhat)  
Deputy General Manager

RBI/2017-18/63  
FMRD.FMID No.3/02.05.002/2017-18

September 21, 2017

To,  
All Authorised Dealer - Category I Banks

Madam/Sir,

**Trade Repository for OTC Foreign Exchange and Interest Rate Derivatives**

Attention of Authorised Dealer Category - I (AD Category-I) banks is invited to circular no.FMD.MSRG.No.75/02.05.002/2012-13 dated March 13, 2013 on the captioned subject wherein a threshold of USD 1 million, and equivalent thereof in other currencies, was stipulated for reporting FCY-INR and FCY-FCY forward and options trades between AD Category-I banks and their clients to the Trade Repository (TR). Subsequently, Clearing Corporation of India Limited (CCIL), in consultation with Reserve Bank on June 02, 2016, had informed its members the removal of this threshold limit for reporting FCY-INR and FCY-FCY option trades w.e.f. July 04, 2016.

2. It has now been decided to remove the threshold for reporting FCY-INR and FCY-FCY forward trades between AD Category-I banks and their clients w.e.f. October 03, 2017.

3. As a one-time measure, in order to update the outstanding balances in the Trade Repository (TR), AD Category-I banks are advised to report the following to the CCIL by October 06, 2017:

- i. OTC currency option transactions between AD Category-I banks and their clients undertaken before April 02, 2013 and outstanding as on September 29, 2017.
- ii. OTC currency option transactions between AD Category-I banks and their clients, with value below USD 1 million and equivalent thereof in other currencies, undertaken in the period April 02, 2013 - July 03, 2016 and outstanding as on September 29, 2017.
- iii. Currency forward transactions between AD Category-I banks and their clients, with value below USD 1 million and equivalent thereof in other currencies, and outstanding as on September 29, 2017.

4. AD Category-I banks are advised to ensure that outstanding balances between their books and the TR are reconciled on an ongoing basis.

(T. Rabi Sankar)  
Chief General Manager

**RBI/2017-18/64**  
**A.P. (DIR Series) Circular No. 05**

**September 22, 2017**

To  
All Category - I Authorised Dealer Banks  
Madam / Sir,

**Investment by Foreign Portfolio Investors in Corporate Debt Securities – Review**

Attention of Authorised Dealer Category-I (AD Category-I) banks is invited to Schedule 5 to the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) Regulations, 2000 notified vide Notification No. FEMA.20/2000-RB dated May 3, 2000, as amended from time to time.

2. Currently, the limit for investment by Foreign Portfolio Investors (FPIs) in corporate bonds is ₹ 244,323 crore. This includes issuance of Rupee denominated bonds overseas (Masala Bonds) by resident entities of ₹ 44,001 crore (including pipeline). The Masala Bonds are presently reckoned both under Combined Corporate Debt Limit (CCDL) for FPI and External Commercial Borrowings (ECBs). On a review, and to further harmonise norms for Masala Bonds issuance with the ECB guidelines, the following changes are made:

- a. With effect from October 3, 2017, Masala bonds will no longer form a part of the limit for FPI investments in corporate bonds. They will form a part of the ECBs and will be monitored accordingly. Eligible Indian entities proposing to issue Masala Bonds may approach Foreign Exchange Department, Reserve Bank of India, Central Office, Mumbai as required in terms of A. P. (DIR Series) Circular No.47 dated June 7, 2017.
- b. The amount of ₹ 44,001 crore arising from shifting of Masala bonds will be released for FPI investment in corporate bonds over the next two quarters as specified in Table 1.

<b>Table 1 - Limit for FPI Investments in Corporate Bonds</b>	
	<b>Amount (₹ crore)</b>
1. Current FPI limits for corporate bonds (including masala bonds)	2,44,323
(a) of which Masala bonds (including pipeline)	44,001
2. FPI limit after shifting Masala bonds to ECB (1-(a))	2,00,322
3. Additional limit for Q3 FY18	27,000
4. FPI limit for corporate bonds from 03 Oct 2017 (2+3)	2,27,322
of which reserved for investment by long term FPIs in infrastructure	9,500
5. Additional limit for Q4 FY18	17,001
6. FPI limit for corporate bonds from January 01, 2018 (4+5)	2,44,323
of which reserved for investment by long term FPIs in infrastructure	9,500

3. An amount of ₹ 9,500 crore in each quarter will be available only for investment in infrastructure sector by long term FPIs (i.e., Sovereign Wealth Funds, Multilateral Agencies, Endowment Funds, Insurance Funds, Pension Funds and Foreign Central Banks). The definition of 'Infrastructure' shall

be the same as defined under the Master Direction on ECBs issued by the Reserve Bank of India. Long term FPIs will continue to be eligible to invest in sectors other than infrastructure.

4. All other existing conditions for investment by FPIs in the debt market remain unchanged.

5. AD Category-I banks may bring the contents of the circular to the notice of their customers/constituents concerned.

6. The directions contained in this circular have been issued under Sections 10(4) and 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

(Shekhar Bhatnagar)  
Chief General Manager-in- Charge

RBI/2017-18/65  
A.P. (DIR Series) Circular No. 06

September 22, 2017

To  
All Category - I Authorised Dealer Banks

Madam / Sir,

**Issuance of Rupee Denominated Bonds (RDBs) Overseas**

Attention of Authorized Dealer Category - I (AD Category - I) banks is invited to the provisions contained in paragraphs 2 and 8 of A.P. (DIR Series) Circular No.60 dated April 13, 2016 on issuance of Rupee denominated bonds overseas and paragraphs 3.2 and 3.3.9 of Master Direction No.5 dated January 1, 2016 on "External Commercial Borrowings, Trade Credit, Borrowing and Lending in Foreign Currency by Authorised Dealers and Persons other than Authorised Dealers", as amended from time to time.

2. It has been decided, in consultation with the Government of India, to exclude issuances of RDBs from the limit for investments by FPIs in corporate bonds with effect from October 3, 2017 vide A. P. (DIR Series) Circular No. 05 dated September 22, 2017.

3. Consequently, reporting requirement in terms of paragraph 8 (additional email reporting of RDB transactions for onward reporting to depositories) of A.P. (DIR Series) Circular No. 60 dated April 13, 2016 has been dispensed with. However, it should be noted that the reporting of RDBs will continue as per the extant ECB norms.

4. All other aspects of the ECB policy remain unchanged. AD Category - I banks may bring the contents of this circular to the notice of their constituents and customers.

5. The aforesaid Master Direction No. 5 dated January 01, 2016 will be updated to reflect the changes.

6. The directions contained in this circular have been issued under section 10(4) and 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

(Shekhar Bhatnagar)  
Chief General Manager-in- Charge

# CUSTOM 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. 88/ 2017-CUSTOMS (N.T.)

New Delhi, the 21<sup>st</sup> September, 2017

G.S.R. (E).In exercise of the powers conferred by section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules, namely:-

**1. Short title, extent and commencement.-**

- (1) These rules may be called the Customs and Central Excise Duties Drawback Rules, 2017.
- (2) They extend to the whole of India.
- (3) They shall come into force on the 1<sup>st</sup> day of October, 2017.

**2. Definitions.-** In these rules, unless the context otherwise requires, -

(a) “drawback” in relation to any goods manufactured in India and exported, means the rebate of duty excluding integrated tax leviable under sub-section (7) and compensation cess leviable under sub-section (9) respectively of section 3 of the Customs Tariff Act, 1975 (51 of 1975) chargeable on any imported materials or excisable materials used in the manufacture of such goods;

(b) “excisable material” means any material produced or manufactured in India subject to a duty of excise under the Central Excise Act, 1944 (1 of 1944);

(c) “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India or taking out from a place in Domestic Tariff Area (DTA) to a special economic zone and includes loading of provisions or store or equipment for use on board a vessel or aircraft proceeding to a foreign port;

(d) “imported material” means any material imported into India and on which duty is chargeable under the Customs Act, 1962 (52 of 1962);

(e) “manufacture” includes processing of or any other operation carried out on goods, and the term manufacturer shall be construed accordingly;

(f) “tax invoice” means the tax invoice referred to in section 31 of the Central Goods and Services Tax Act, 2017 (12 of 2017).

**3. Drawback.-** (1) Subject to the provisions of -

- (a) the Customs Act, 1962 (52 of 1962) and the rules made thereunder;



(b) the Central Excise Act, 1944 (1 of 1944) and the rules made thereunder; and

(c) these rules, a drawback may be allowed on the export of goods at such amount, or at such rates, as may be determined by the Central Government :

Provided that where any goods are produced or manufactured from imported materials or excisable materials, on some of which only the duty chargeable thereon has been paid and not on the rest, or only a part of the duty chargeable has been paid; or the duty paid has been rebated or refunded in whole or in part or given as credit, under any of the provisions of the Customs Act, 1962 (52 of 1962) and the rules made thereunder, or of the Central Excise Act, 1944 (1 of 1944) and the rules made thereunder, the drawback admissible on the said goods shall be reduced taking into account the lesser duty paid or the rebate, refund or credit obtained :

Provided further that no drawback shall be allowed -

(i) if the said goods, except tea chests used as packing material for export of blended tea, have been taken into use after manufacture;

(ii) if the said goods are produced or manufactured, using imported materials or excisable materials in respect of which duties have not been paid;

(iii) on jute batching oil used in the manufacture of export goods, namely, jute (including Bimlipatam jute or mesta fibre) yarn, twist, twine, thread, cords and ropes;

(iv) if the said goods, being packing materials have been used in or in relation to the export of -

(A) jute yarn (including Bimlipatam jute or mesta fibre), twist, twine, thread and ropes in which jute yarn predominates in weight;

(B) jute fabrics (including Bimlipatam jute or mesta fibre), in which jute predominates in weight;

(C) jute manufactures not elsewhere specified (including Bimlipatam jute or mesta fibre) in which jute predominates in weight.

(2) In determining the amount or rate of drawback under this rule, the Central Government shall have regard to, -

(a) the average quantity or value of each class or description of the materials from which a particular class of goods is ordinarily produced or manufactured in India;

(b) the average quantity or value of the imported materials or excisable materials used for production or manufacture in India of a particular class of goods;

(c) the average amount of duties paid on imported materials or excisable materials used in the manufacture of semis, components and intermediate products which are used in the manufacture of goods;

(d) the average amount of duties paid on materials wasted in the process of manufacture and catalytic agents:

Provided that if any such waste or catalytic agent is re-used in any process of manufacture or is sold, the average amount of duties on the waste or catalytic agent re-used or sold shall also be deducted;

(e) the average amount of duties paid on imported materials or excisable materials used for containing or, packing the export goods;

(f) any other information which the Central Government may consider relevant or useful for the purpose.

**4. Revision of rates.-** The Central Government may revise amount or rates determined under rule 3.

**5. Determination of date from which the amount or rate of drawback is to come into force and the effective date for application of amount or rate of drawback.-**

(1) The Central Government may specify the period upto which any amount or rate of drawback determined under rule 3 or revised under rule 4, as the case may be, shall be in force.

(2) Where the amount or rate of drawback is allowed with retrospective effect, such amount or rate shall be allowed from such date as may be specified by the Central Government by notification in the Official Gazette which shall not be earlier than the date of changes in the rates of duty on inputs used in the export goods.

(3) The provisions of section 16, or sub-section (2) of section 83, of the Customs Act, 1962 (52 of 1962) shall determine the amount or rate of drawback applicable to any goods exported under these rules.

**6. Cases where amount or rate of drawback has not been determined.-**

(1)(a) Where no amount or rate of drawback has been determined in respect of any goods, any exporter of such goods may, within three months from the date relevant for the applicability of the amount or rate of drawback in terms of sub-rule (3) of rule 5, apply to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, having jurisdiction over the place of export, for determination of the amount or rate of drawback thereof stating all the relevant facts including the proportion in which the materials or components are used in the production or manufacture of goods and the duties paid on such materials or components:

Provided that-

(i) in case an exporter is exporting the aforesaid goods from more than one place of export, he shall apply to the Principal Commissioner or Commissioner of Customs, having jurisdiction over any one of the said places of export;

(ii) the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, may extend the aforesaid period of three months by a period of three months and the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may further extend the period by a period of six months;

(iii) the Assistant Commissioner of Customs or Deputy Commissioner of Customs or Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, on an application and after making such enquiry as he thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;

(iv) an application fee equivalent to 1% of the FOB value of exports or one thousand rupees whichever is less, shall be payable for applying for grant of extension to the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be and an application fee of 2% of the FOB value or two thousand rupees whichever is less, shall be

payable for applying for grant of extension to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be.

(b) On receipt of an application under clause (a), the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, shall, after making or causing to be made such inquiry as it deems fit, determine the amount or rate of drawback in respect of such goods.

(2)(a) Where an exporter desires that he may be granted drawback provisionally, he may, while making an application under clause (a) of sub-rule (1) apply to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, that a provisional amount be granted to him towards drawback on the export of such goods pending determination of the amount or rate of drawback under clause (b) of that sub-rule.

(b) The Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, after considering the application, allow provisionally payment of an amount not exceeding the amount claimed by the exporter in respect of such export:

Provided that the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, for the purpose of allowing provisional payment of drawback in respect of such export, require the exporter to enter into a general bond for such amount, and subject to such conditions, as he may direct; or to enter into a bond for an amount not exceeding the full amount claimed by such exporter as drawback in respect of a particular consignment and binding himself, -

(i) to refund the amount so allowed provisionally, if for any reason, it is found that the duty drawback was not admissible; or

(ii) to refund the excess, if any, paid to such exporter provisionally if it is found that a lower amount was payable as duty drawback:

Provided further that when the amount or rate of drawback payable on such goods is finally determined, the amount provisionally paid to such exporter shall be adjusted against the drawback finally payable and if the amount so adjusted is in excess or falls short of the drawback finally payable, such exporter shall repay to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, the excess or be entitled to the deficiency, as the case may be.

(c) The bond referred to in clause (b) may be with such surety or security as the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may direct.

(3) Where the Central Government considers it necessary so to do, it may,-

(a) revoke the rate of drawback or amount of drawback, determined under clause (b) of sub-rule (1) by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be; or

(b) direct the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, to withdraw the rate of drawback or amount of drawback determined.

*Explanation.*- For the purpose of this rule, "place of export" means customs station or any other place appointed for loading of export goods under section 7 of the Customs Act, 1962 (52 of 1962) from where the exporter has exported the goods or intends to export the goods in respect of which determination of amount or rate of drawback is sought.

## 7. Cases where amount or rate of drawback determined is low.-

(1) Where, in respect of any goods, the exporter finds that the amount or rate of drawback determined under rule 3 or, as the case may be, revised under rule 4, for the class of goods is less than eighty per cent. of the duties paid on the materials or components used in the production or manufacture of the said goods, he may, except where a claim for drawback under rule 3 or rule 4 has been made, within three months from the date relevant for the applicability of the amount or rate of drawback in terms of sub-rule (3) of rule 5, make an application to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, having jurisdiction over the place of export, for determination of the amount or rate of drawback thereof stating all relevant facts including the proportion in which the materials or components are used in the production or manufacture of goods and the duties paid on such materials or components:

Provided that -

- (i) in case an exporter is exporting the aforesaid goods from more than one place of export, he shall apply to the Principal Commissioner or Commissioner of Customs, having jurisdiction over any one of the said places of export;
- (ii) the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, may extend the aforesaid period of three months by a period of three months and that the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may further extend the period by a period of six months;
- (iii) the Assistant Commissioner of Customs or Deputy Commissioner of Customs or Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, on an application and after making such enquiry as he thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;
- (iv) an application fee equivalent to 1% of the FOB value of exports or one thousand rupees whichever is less, shall be payable for applying for grant of extension to the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be and an application fee of 2% of the FOB value or two thousand rupees whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be.

(2) On receipt of the application referred to in sub-rule (1), the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, after making or causing to be made such inquiry as it deems fit, allow payment of drawback to such exporter at such amount or at such rate as may be determined to be appropriate, if the amount or rate of drawback determined under rule 3 or, as the case may be, revised under rule 4, is in fact less than eighty per cent. of such amount or rate determined under this sub-rule.

(3) Provisional drawback amount, as may be specified by the Central Government, shall be paid by the proper officer of Customs and where the exporter desires that he may be granted further drawback provisionally, he may, while making an application under sub-rule (1), apply to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, in this behalf in the manner as has been provided in clause (a) of sub-rule (2) of rule 6 for the application made under that rule along with details of provisional drawback already paid and the grant of further

provisional drawback shall be considered in the manner and subject to the conditions specified in clauses (b) and (c) of sub-rule (2), and sub-rule (3) of rule 6, subject to the condition that bond required to be executed by the claimant shall only be for the difference between amount or rate of drawback determined under rule 3 or, as the case may be, revised under rule 4 by the Central Government and the provisional drawback authorised by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, under this rule.

(4) Where the Central Government considers it necessary so to do, it may,-

(a) revoke the rate of drawback or amount of drawback determined under sub-rule (2) by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be; or

(b) direct the Principal Commissioner of Customs or the Commissioner of Customs, as the case may be, to withdraw the rate of drawback or amount of drawback determined.

*Explanation.-* For the purpose of this rule, "place of export" means customs station or any other place appointed for loading of export goods under section 7 of the Customs Act, 1962 (52 of 1962) from where the exporter has exported the goods or intends to export the goods in respect of which determination of amount or rate of drawback is sought.

**8. Cases where no amount or rate of drawback is to be determined.-** No amount or rate of drawback shall be determined in respect of any goods or class of goods under rule 6 or rule 7, as the case may be, if the export value of each of such goods or class of goods in the bill of export or shipping bill is less than the value of the imported materials used in the manufacture of such goods or class of goods, or is not more than such percentage of the value of the imported materials used in the manufacture of such goods or class of goods as the Central Government may, by notification in the Official Gazette, specify in this behalf.

**9. Upper Limit of Drawback amount or rate.-** The drawback amount or rate determined under rule 3 shall not exceed one third of the market price of the export product.

**10. Power to require submission of information and documents.-** For the purpose of -

(a) determining the class or description of materials or components used in the production or manufacture of goods or for determining the amount of duty paid on such materials or components; or

(b) verifying the correctness or otherwise of any information furnished by any manufacturer or exporter or other persons in connection with the determination of the amount or rate of drawback; or

(c) verifying the correctness or otherwise of any claim for drawback; or

(d) obtaining any other information considered by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, to be relevant or useful, any officer of the Central Government specially authorised in this behalf by an Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, may require any manufacturer or exporter of goods or any other person likely to be in possession of the same to furnish such information and to produce such books of account and other documents as are considered necessary by such officer.

**11. Access to manufactory.-** Whenever an officer of the Central Government specially authorised in this behalf by an Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, considers it necessary, the manufacturer shall give access at all reasonable times to the officer so authorised to every part of the premises in which the goods are manufactured, so as to enable the said officer to verify by inspection the process of, and the materials or components used for the manufacture of such goods, or otherwise the entitlement of the goods for drawback or for a particular amount or rate of drawback under these rules.

**12. Procedure for claiming drawback on goods exported by post.-**

(1) Where goods are to be exported by post under a claim for drawback under these rules,-

(a) the outer packing carrying the address of the consignee shall also carry in bold letters the words "DRAWBACK EXPORT";

(b) the exporter shall deliver to the competent Postal Authority, alongwith the parcel or package, a claim in the Form at Annexure I, in quadruplicate, duly filled in.

(2) The date of receipt of the aforesaid claim form by the proper officer of Customs from the postal authorities shall be deemed to be date of filing of drawback claim by the exporter for the purpose of section 75A and an intimation of the same shall be given by the proper officer of Customs to the exporter in such form as the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may prescribe.

(3) In case the aforesaid claim form is not complete in all respects, the exporter shall be informed of the deficiencies therein within fifteen days of its receipt from postal authorities by a deficiency memo in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, and such claim shall be deemed not to have been received for the purpose of sub-rule (2).

(4) When the exporter complies with the requirements specified in the deficiency memo within thirty days of its return, he shall be issued an acknowledgement by the proper officer in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, and the date of such acknowledgement shall be deemed to be date of filing the claim for the purpose of section 75A.

**13. Statement/Declaration to be made on exports other than by Post.-**

(1) In the case of exports other than by post, the exporters shall at the time of export of the goods -

(a) state on the shipping bill or bill of export, the description, quantity and such other particulars as are necessary for deciding whether the goods are entitled to drawback, and if so, at what rate or rates and make a declaration on the relevant shipping bill or bill of export that-

(i) a claim for drawback under these rules is being made;

(ii) in respect of duties of Customs and Central Excise paid on containers, packing materials and materials used in the manufacture of the export goods on which drawback is claimed, no separate claim for rebate of duty under the Central Excise Rules, 2002 or any other law has been or will be made to the Central excise authorities:

Provided that if the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, is satisfied that the exporter or his authorised agent has, for reasons beyond his control,

failed to comply with the provisions of this clause, he may, after considering the representation, if any, made by such exporter or his authorised agent, and for reasons to be recorded, exempt such exporter or his authorised agent from the provisions of this clause;

(b) furnish to the proper officer of Customs, a copy of shipment invoice or any other document giving particulars of the description, quantity and value of the goods to be exported.

(2) Where the amount or rate of drawback has been determined under rule 6 or rule 7, the exporter shall make an additional declaration on the relevant shipping bill or bill of export that –

(a) there is no change in the manufacturing formula and in the quantum per unit of the imported materials or components, if any, utilised in the manufacture of export goods; and

(b) the materials or components, which have been stated in the application under rule 6 or rule 7 to have been imported, continue to be so imported and are not being obtained from indigenous sources.

#### **14. Manner and time for claiming drawback on goods exported other than by post.-**

(1) Electronic shipping bill in Electronic Data Interchange (EDI) under the claim of drawback or triplicate copy of the shipping bill for export of goods under a claim of drawback shall be deemed to be a claim for drawback filed on the date on which the proper officer of Customs makes an order permitting clearance and loading of goods for exportation under section 51 and said claim for drawback shall be retained by the proper officer making such order.

(2) The said claim for drawback should be accompanied by the following documents, namely:-

(i) copy of export contract or letter of credit, as the case may be;

(ii) copy of ARE-1, wherever applicable;

(iii) insurance certificate, wherever necessary; and

(iv) copy of communication regarding rate of drawback where the drawback claim is for a rate determined by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, under rule 6 or rule 7 of these rules.

(3)(a) If the said claim for drawback is incomplete in any material particulars or is without the documents specified in sub-rule (2), shall be returned to the claimant with a deficiency memo in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, within 10 days and shall be deemed not to have been filed for the purpose of section 75A.

(b) where the exporter resubmits the claim for drawback after complying with the requirements specified in the deficiency memo, the same will be treated as a claim filed under sub-rule (1) for the purpose of section 75A.

(4) For computing the period of one month prescribed under section 75A for payment of drawback to the claimant, the time taken in testing of the export goods, not more than one month, shall be excluded.

#### **15. Payment of drawback and interest.-**

(1) The drawback under these rules and interest, if any, shall be paid by the proper officer of Customs to the exporter or to the agent specially authorised by the exporter to receive the said amount of drawback and interest.

(2) The officer of Customs may combine one or more claims for the purpose of payment of drawback and interest, if any, as well as adjustment of any amount of drawback and interest already paid and may issue a consolidated order for payment.

(3) The date of payment of drawback and interest, if any, shall be deemed to be, in the case of payment -

(a) by cheque, the date of issue of such cheque; or

(b) by credit in the exporter's account maintained with the Custom House, the date of such credit.

**16. Supplementary claim. -**

(1) Where any exporter finds that the amount of drawback paid to him is less than what he is entitled to on the basis of the amount or rate of drawback determined by the Central Government or Principal Commissioner of Customs or Commissioner of Customs, as the case may be, he may prefer a supplementary claim in the form at Annexure II:

Provided that the exporter shall prefer such supplementary claim within a period of three months, -

(i) where the rate of drawback is determined or revised under rule 3 or rule 4, from the date of publication of such rate in the Official Gazette;

(ii) where the rate of drawback is determined or revised upward under rule 6 or rule 7, from the date of communicating the said rate to the person concerned;

(iii) in all other cases, from the date of payment or settlement of the original drawback claim by the proper officer:

Provided further that -

(i) the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, may extend the aforesaid period of three months by a period of nine months and that the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may further extend the period by a period of six months;

(ii) the Assistant Commissioner of Customs or Deputy Commissioner of Customs or Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may, on an application and after making such enquiry as he thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;

(iii) an application fee equivalent to 1% of the FOB value of exports or one thousand rupees whichever is less, shall be payable for applying for grant of extension by the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be and an application fee of 2% of the FOB value or two thousand rupees whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be.



(2) Save as otherwise provided in this rule, no supplementary claim for drawback shall be entertained.

(3) The date of filing of the supplementary claim for the purpose of section 75A shall be the date of affixing the Dated Receipt Stamp on such claims which are complete in all respects and for which an acknowledgement shall be issued in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be.

(4)(a) Claims which are not complete in all respects or are not accompanied by the required documents shall be returned to the claimant with a deficiency memo in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be within fifteen days of submission and shall be deemed not to have been filed.

(b) Where the exporter resubmits the supplementary claim after complying with the requirements specified in the deficiency memo, the same will be treated as a claim filed under sub-rule (1) for the purpose of section 75A.

**17. Repayment of erroneous or excess payment of drawback and interest.** - Where an amount of drawback and interest, if any, has been paid erroneously or the amount so paid is in excess of what the claimant is entitled to, the claimant shall, on demand by a proper officer of Customs repay the amount so paid erroneously or in excess, as the case may be, and where the claimant fails to repay the amount it shall be recovered in the manner laid down in sub-section (1) of section 142 of the Customs Act, 1962 (52 of 1962).

**18. Recovery of amount of Drawback where export proceeds not realised.** -

(1) Where an amount of drawback has been paid to an exporter or a person authorised by him (hereinafter referred to as the claimant) but the sale proceeds in respect of such export goods have not been realised by or on behalf of the exporter in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, such drawback shall, except under circumstances or conditions specified in sub-rule (5), be recovered in the manner specified below:

Provided that the time-limit referred to in this sub-rule shall not be applicable to the goods exported from the Domestic Tariff Area to a special economic zone.

(2) If the exporter fails to produce evidence in respect of realisation of export proceeds within the period allowed under the Foreign Exchange Management Act, 1999, or any extension of the said period by the Reserve Bank of India, the Assistant Commissioner of Customs or the Deputy Commissioner of Customs, as the case may be, shall cause notice to be issued to the exporter for production of evidence of realisation of export proceeds within a period of thirty days from the date of receipt of such notice and where the exporter does not produce such evidence within the said period of thirty days, the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, shall pass an order to recover the amount of drawback paid to the claimant and the exporter shall repay the amount so demanded within thirty days of the receipt of the said order:

Provided that where a part of the sale proceeds has been realised, the amount of drawback to be recovered shall be the amount equal to that portion of the amount of drawback paid which bears the same proportion as the portion of the sale proceeds not realised bears to the total amount of sale proceeds.

(3) Where the exporter fails to repay the amount under sub-rule (2) within said period of thirty days referred to in sub-rule (2), it shall be recovered in the manner laid down in rule 17.

(4) Where the sale proceeds are realised by the exporter after the amount of drawback has been recovered from him under sub-rule (2) or sub-rule (3) and the exporter produces evidence about such realisation within a period of three months from the date of realisation of sale proceeds, the amount of drawback so recovered shall be repaid by the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, to the claimant provided the sale proceeds have been realised within the period permitted by the Reserve Bank of India:

Provided that-

- (i) the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, may extend the aforesaid period of three months by a period of nine months provided the sale proceeds have been realised within the period permitted by the Reserve Bank of India;
- (ii) an application fee equivalent to 1% of the FOB value of exports or one thousand rupees whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be.

(5) Where sale proceeds are not realised by an exporter within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), but such non-realisation of sale proceeds is compensated by the Export Credit Guarantee Corporation of India Ltd. under an insurance cover and the Reserve Bank of India writes off the requirement of realisation of sale proceeds on merits and the exporter produces a certificate from the concerned Foreign Mission of India about the fact of non-recovery of sale proceeds from the buyer, the amount of drawback paid to the exporter or the claimant shall not be recovered.

**19. Power to relax.** - If the Central Government is satisfied that in relation to the export of any goods, the exporter or his authorised agent has, for reasons beyond his control, failed to comply with any of the provisions of these rules, and has thus been entitled to drawback, it may, after considering the representation, if any, made by such exporter or agent, and for reasons to be recorded in writing, exempt such exporter or agent from the provisions of such rule and allow drawback in respect of such goods.

**20. Repeal and saving.** -

(1) From the commencement of these rules, the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 shall cease to operate.

(2) Notwithstanding such cesser of operation -

(a) every application made by a manufacturer or an exporter for the determination or revision of the amount or rate of drawback in respect of goods exported before the commencement of these rules but not disposed of before such commencement shall be disposed of in accordance with the provisions of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 as if these rules had not been made;

(b) any claim made by an exporter or his authorised agent for the payment of drawback in respect of goods exported before the commencement of these rules but not disposed of before such commencement shall be disposed of in accordance with the provisions of the Customs,

Central Excise Duties and Service Tax Drawback Rules, 1995 as if these rules had not been made;

(c) every amount or rate of drawback determined under the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 and in force immediately before the commencement of these rules shall cease to operate in respect of goods exported on or after commencement of these rules.

[F.No. 609/75/2017-DBK]

(Anand Kumar Jha)  
Under Secretary to the Government of India

For Annexure, please find below link:

<http://www.cbec.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2017/cs-nt2017/csnt88-2017.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 No. 89/2017-CUSTOMS (N.T.)**

New Delhi, the 21<sup>st</sup> September, 2017

G.S.R. (E). - In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962) and sub-section (2) of section 37 of the Central Excise Act, 1944 (1 of 1944), read with rules 3 and 4 of the Customs and Central Excise Duties Drawback Rules, 2017 (hereinafter referred to as the said rules) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 131/2016-Customs (N.T.), dated the 31<sup>st</sup> October, 2016, published vide number G.S.R. 1018(E), dated the 31<sup>st</sup> October, 2016, except as respect to things done or omitted to be done before such supersession, the Central Government hereby determines the rates of drawback as specified in the Schedule annexed hereto (hereinafter referred to as the said Schedule) subject to the following notes and conditions, namely :-

**Notes and conditions. -**

(1) The tariff items and descriptions of goods in the said Schedule are aligned with the tariff items and descriptions of goods in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) at the four-digit level only. The descriptions of goods given at the six digit or eight digit or modified six or eight digits in the said Schedule are in several cases not aligned with the descriptions of goods given in the First Schedule to the Customs Tariff Act, 1975.

(2) The general rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 shall, mutatis mutandis, apply for classifying the export goods listed in the said Schedule.

(3) Notwithstanding anything contained in the said Schedule, -

(i) all art-ware or handicraft items shall be classified under the heading of art-ware or handicraft (of constituent material) as mentioned in the relevant Chapters;

(ii) any identifiable ready to use machined part or component predominantly made of iron, steel or aluminium, made through casting or forging process, and not specifically mentioned at six digit level or more in Chapter 84 or 85 or 87, except those classifiable under heading 8432 or 8433 or 8436, may be classified under the relevant tariff item (depending upon material composition and making process) under heading 8487 or 8548 or 8708, as the case may be, irrespective of classification of such part or component at four digit level in Chapter 84 or 85 or 87 of the said Schedule;

(iii) the sports gloves mentioned below heading 4203 or 6116 or 6216 shall be classified in that heading and all other sports gloves shall be classified under heading 9506.

(4) The figures shown in column (4) in the said Schedule refer to the rate of drawback expressed as a percentage of the free on board value or the rate per unit quantity of the export goods, as the case may be.

(5) The figures shown in column (5) in the said Schedule refer to the maximum amount of drawback that can be availed of per unit specified in column (3).

(6) An export product accompanied with a tax invoice and forming part of project export (including turnkey export or supplies) for which no figure is shown in column (5) in the said Schedule, shall be so declared by the exporter and the maximum amount of drawback that can be

availed under the said Schedule shall not exceed the amount calculated by applying ad-valorem rate of drawback shown in column (4) to one and half times the tax invoice value.

(7) The rates of drawback specified against the various tariff items in the said Schedule in specific terms or on ad valorem basis, unless otherwise specifically provided, are inclusive of drawback for packing materials used, if any.

(8) Drawback at the rates specified in the said Schedule shall be applicable only if the procedural requirements for claiming drawback as specified in rule 12, 13 and 14 of the said rules, unless otherwise relaxed by the competent authority, are satisfied.

(9) The rates of drawback specified in the said Schedule shall not be applicable to export of a commodity or product if such commodity or product is –

(a) manufactured partly or wholly in a warehouse under section 65 of the Customs Act, 1962 (52 of 1962);

(b) manufactured or exported in discharge of export obligation against an Advance Authorisation or Duty Free Import Authorisation issued under the Duty Exemption Scheme of the relevant Foreign Trade Policy :

Provided that where exports are made against Special Advance Authorisation issued under paragraph 4.04A of the Foreign Trade Policy 2015-20 in discharge of export obligations in terms of Notification No. 45/2016-Customs, dated 13th August, 2016, the rates of drawback specified in the said Schedule shall apply as if in the said Schedule, the entries in columns (4) and (5) against the Tariff items in the said Schedule below all Chapters, except Chapter 61 and 62, are NIL, and those in Chapters 61 and 62 are as specified in the Table annexed hereto;

(c) manufactured or exported by a unit licensed as hundred per cent Export Oriented Unit in terms of the provisions of the relevant Foreign Trade Policy;

(d) manufactured or exported by any of the units situated in Free Trade Zones or Export Processing Zones or Special Economic Zones;

(e) manufactured or exported availing the benefit of the notification No. 32/1997-Customs, dated 1st April, 1997.

(10) Whenever a composite article is exported for which any specific rate has not been provided in the said Schedule, the rates of drawback applicable to various constituent materials can be extended to the composite article according to net content of such materials on the basis of a self-declaration to be furnished by the exporter to this effect and in case of doubt or where there is any information contrary to the declarations, the proper officer of customs shall cause a verification of such declarations.

(11) The term 'article of leather' in Chapter 42 of the said Schedule shall mean any article wherein (a) 60% or more of the outer visible surface area; or (b) 60% or more of the outer and inner surface area taken together, excluding shoulder straps or handles or fur skin trimming, if any, is of leather notwithstanding that such article is made of leather and any other material.

(12) The term "dyed", wherever used in the said Schedule in relation to textile materials, shall include yarn or piece dyed or predominantly printed or coloured in the body.

(13) The term "dyed" in relation to fabrics and yarn of cotton, shall include "bleached or mercerised or printed or melange".

(14) The term “dyed” in relation to textile materials in Chapters 54 and 55 shall include “printed or bleached or melange”

(15) In respect of the tariff items in Chapters 60, 61, 62 and 63 of the said Schedule, the blend containing cotton and man-made fibre shall mean that content of man-made fibre in it shall be more than 15% but less than 85% by weight and the blend containing wool and man-made fibre shall mean that content of man-made fibre in it shall be more than 15% but less than 85% by weight. The garment or made-up of cotton or wool or man-made fibre or silk shall mean that the content in it of the respective fibre is 85% or more by weight.

(16) The term “shirts” in relation to Chapters 61 and 62 of the said Schedule shall include “shirts with hood”.

(17) In respect of the tariff items appearing in Chapter 64 of the said Schedule, leather shoes, boots or half boots for adult shall comprise the following sizes, namely :-

(a) French point or Paris point or Continental Size above 33;

(b) English or UK adult size 1 and above; and

(c) American or USA adult size 1 and above.

(18) In respect of the tariff items appearing in Chapter 64 of the said Schedule, leather shoes, boots or half boots for children shall comprise the following sizes, namely :-

(a) French point or Paris point or Continental Size upto 33;

(b) English or UK children size upto 13; and

(c) American or USA children size upto 13.

(19) The drawback rates specified in the said Schedule against tariff items 711301, 711302 and 711401 shall apply only to goods exported by airfreight, post parcel or authorised courier through the Custom Houses as specified in para 4.72 of the Hand Book of Procedures, 2015-2020 published vide Public Notice No. 1/2015-2020, dated the 1st April, 2015 of the Government of India in the Ministry of Commerce and Industry, after examination by the Customs Appraiser or Superintendent to ascertain the quality of gold or silver and the quantity of net content of gold or silver in the gold jewellery or silver jewellery or silver articles. The free on board value of any consignment through authorised courier shall not exceed rupees twenty lakhs.

(20) The drawback rates specified in the said Schedule against tariff items 711301, 711302 and 711401 shall not be applicable to goods manufactured or exported in discharge of export obligation against any Scheme of the relevant Foreign Trade Policy of the Government of India which provides for duty free import or replenishment or procurement from local sources of gold or silver.

(21) “Vehicles” of Chapter 87 of the said Schedule shall comprise completely built unit or completely knocked down (CKD) unit or semi knocked down (SKD) unit.

2. All claims for duty drawback at the rates of drawback notified herein shall be filed with reference to the tariff items and descriptions of goods shown in columns (1) and (2) of the said Schedule respectively. Where, in respect of the export product, the rate of drawback specified in the said Schedule is Nil or is not applicable, the rate of drawback may be fixed, on an application by an individual manufacturer or exporter in accordance with the said rules. Where the claim for duty

drawback is filed with reference to tariff item of the said Schedule and it is for the rate of drawback specified herein, an application, as referred under sub-rule (1) of rule 7 of the said rules shall not be admissible.

3. The amount referred in sub-rule (3) of rule 7 of the said rules, relating to provisional drawback amount as may be specified by the Central Government, shall be equivalent to the drawback rate and drawback cap shown in column (4) and (5) in the said Schedule for the tariff item corresponding to the export goods, if applicable, and determined as if it were a claim for duty drawback filed with reference to such rate and cap.

4. This notification shall come into force on the 1<sup>st</sup> day of October, 2017.

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

**Notification No.90/2017 - Customs (N.T.)**

New Delhi, dated the 21<sup>st</sup> September, 2017  
 30 Bhadrapada 1939 (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.84/2017-CUSTOMS (N.T.), dated 7th September, 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 22<sup>nd</sup> September, 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	52.65	50.80
2.	Bahrain Dinar	177.05	165.45
3.	Canadian Dollar	53.15	51.45
4.	Chinese Yuan	9.95	9.65
5.	Danish Kroner	10.50	10.10
6.	EURO	77.95	75.35
7.	Hong Kong Dollar	8.40	8.15
8.	Kuwait Dinar	221.60	207.00
9.	New Zealand Dollar	48.20	46.50
10.	Norwegian Kroner	8.35	8.05
11.	Pound Sterling	88.60	85.70
12.	Qatari Riyal	18.00	16.85
13.	Saudi Arabian Riyal	17.80	16.65
14.	Singapore Dollar	48.50	47.00
15.	South African Rand	5.00	4.65
16.	Swedish Kroner	8.20	7.90
17.	Swiss Franc	67.60	65.35
18.	UAE Dirham	18.15	17.00
19.	US Dollar	65.40	63.70



**SCHEDULE-II**

S.No.	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	58.40	56.40
2.	Kenya Shilling	64.60	60.35

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

(Satyajit Mohanty)  
Director (ICD)  
TELE: 011-2309 3380

**Circular No. 37/2017-Customs**

F.No.450/08/2015-Cus.IV  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs

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Room No. 227B North Block, New Delhi.

Dated the 20th September, 2017.

To

All Principal Chief Commissioners/Chief Commissioners of Customs/Customs (Preventive)  
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

**Subject: Implementing Electronic Sealing for containers by exporters under self-sealing procedure prescribed by Circular 26/2017-Cus dated 1st July, 2017 and Circular 36/2017 dated 28th August, 2017. - reg.**

Sir/ Madam,

Representations have been received from several associations seeking information on the availability of RFID Tamper Proof One-time-bolt container seals. Field formations have also sought guidance of the Board regarding the identity of vendors, availability of the electronic seals, web-based application and provisioning of readers at various ports / ICDs.

2. Several potential vendors have communicated with the Board & field formations regarding availability of seals and their intention to provide reader devices (for reading the seals) at select or all ports/ICDs.

3. In order to ensure that electronic seals deployed are of a reliable quality, the Board has adopted international standards laid down under ISO 17712:2013 for high security seals and prescribed that vendors intending to offer RFID seals should furnish certifications required under the ISO standard (para 3 of circular No.36/2017 dated 28.8.2017 refers).

3.1 To ensure uniformity in acceptance of the certificates submitted by vendors, required under ISO 17712:2013, it has been decided that all vendors proposing to offer RFID Tamper Proof One-Time-Bolt Container Seals to exporters for self-sealing, must submit self-attested certificates from seal manufacturers to the Director (Customs), CBEC, North Block, New Delhi before commencing sales. Where the certification is found to comply with the requirements of the ISO standard, the names of such vendors shall be put up on the Board's website ([www.cbec.gov.in](http://www.cbec.gov.in)) for ease of reference of the trade and field formations, as soon as they are received.

3.2 The vendors shall also produce a contract or communication between the vendor and manufacturer, to serve as a link document and undertake that the seals for which ISO certifications are submitted are the same seals pressed into service.

3.3 Any time a vendor changes his manufacturer-supplier, he shall provide the documentation referred in para 3 of circular 36/2017-Customs to the CBEC, before offering the seals for sale.

3.4 Clarifications have also been sought regarding the type/specification of the web-hosted application. While each vendor may develop and design their own web-enabled application, the data elements prescribed under para 4 (a) of circular 36/2017-Customs have to be incorporated. For the purposes of consistency in process of communication with the customs stations and the RMD, each vendor shall provide information as specified in para 4 (b) of circular 36/2017-Customs to the department **by email in excel format or any other format that may be specified by any field formation or RMD**. This would permit ease of consolidation of multiple feeds at the customs station and data integration. All field formations are advised to communicate the designation based email addresses to the vendors, once the list is placed on the website as mentioned at para 3.1 above.

3.5 As a measure of data integrity and security of sealing, vendors are also required to ensure that the Tag Identification (TID) number is captured in their data base and the IEC code of the exporter is linked to the same at the time of sale of the seals. Upon reading at the Port / ICD, the software application shall ensure that the seal's identity is checked with its TID. Beyond this prescribed minimum feature, vendors will remain free to build upon any other features of RFID system for enhancing security / functionalities.

4. For the ease of reference of the exporters, vendors are advised to publicise on their website, name of each port / ICD where they have provided readers. Custodians and Customs brokers are also advised to proactively engage with vendors regarding availability of reading facilities at container terminals and ICDs so that there is no dislocation to logistics operations.

5. Considering the difficulties expressed by trade associations in locating vendors of RFID seals, the Board has decided that the date for mandatory self-sealing and use of RFID container seals is deferred to 1st November, 2017. The existing practice may continue till such time. It is also provided that exporters are free to voluntarily adopt the new self-sealing procedure based upon RFID sealing, if readers are in place at the customs station of export from 1.10.2017.

6. Apprehensions have been expressed by some associations and trade bodies regarding the availability of reading facilities in hinterland ICDs. In view thereof, custodians of ICDs are requested to facilitate the process of receiving handheld readers or installation of fixed readers at the ICDs and to approach the Board in case readers are not made available by vendors at any ICD by 10th October, 2017.

7. Difficulties, if any, may be brought to the notice of the Board.

**Yours faithfully,**

**(Zubair Riaz)**  
**Director (Customs)**

Circular No. 38/2017-Customs

F. No. 609/76/2017-DBK  
Government of India  
Ministry of Finance, Department of Revenue  
Central Board of Excise & Customs

New Delhi, dated 22<sup>nd</sup> September, 2017

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

Subject: The Customs and Central Excise Duties Drawback Rules, 2017 and All Industry Rates (AIRs) of Drawback related changes -reg.

Madam/Sir,

The Central Government has notified the Customs and Central Excise Duties Drawback Rules, 2017 (hereinafter referred to as Drawback Rules 2017) vide Notification No. 88/2017-Customs (N.T.) dated 21.9.2017 to replace the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995. These Rules takes effect from 1.10.2017. The Central Government has also revised All Industry Rates (AIRs) of Drawback vide Notification No. 89/2017-Customs (N.T.) dated 21.9.2017 which comes into force on 1.10.2017. The notifications may be downloaded from Board's website and carefully perused for details. Some of the important changes in the Rules and AIR Schedule notification are highlighted below -

- (a) Definition of Drawback has been amended to provide for drawback of Customs and Central Excise duties excluding integrated tax leviable under sub-section (7) and compensation cess leviable under sub-section (9) respectively of section 3 of the Customs Tariff Act, 1975 chargeable on any imported materials or excisable materials used in the manufacture of goods exported;
- (b) References to input services and Service Tax have been omitted;
- (c) As drawback is limited to incidence of duties of Customs on inputs used and remnant Central Excise Duty on specified petroleum products used for generation of captive power for manufacture or processing of export goods, only general AIRs under column (4) with caps under column (5) have been provided in the Schedule. For claiming these general AIRs, the relevant tariff item have to be suffixed with suffix 'B' e.g. for export of goods covered under tariff item 640609, the drawback serial no. should be declared as 640609B;
- (d) The Composite rates of Drawback are being discontinued w.e.f. 1.10.2017. Hence, the composite rates and Notes and Conditions pertaining to CENVAT credit, rebate of Central Excise duty, etc. stand omitted. Thus, the declaration required to be given by an exporter for claiming composite rate of drawback w.e.f. 1.7.2017 as per Circular no. 32/2017-Customs dated 27.7.2017 is no longer required w.e.f. 1.10.2017;

(e) In case of AIR claim against tariff item numbers 711301, 711302 and 711401, the requirement of declaration by exporter as per Circular no. 30/2016-Customs dated 24.6.2016 is no longer required w.e.f. 1.10.2017;

(f) The notification also specifies the alternative AIRs on garment exports (items covered under Chapter 61 and 62) made against the Special Advance Authorization (para 4.04A of FTP 2015-20) in discharge of export obligations in terms of Notification No. 45/2016-Customs dated 13.8.2016. These AIRs are provided in 'Table' in the said notification. For claiming these alternative AIRs, the relevant tariff item has to be suffixed with suffix 'D' instead of the usual suffix 'B';

(g) Para 3 of the Notification no. 89/2017-Customs (N.T.) dated 21.9.2017 specifies the amount for payment as provisional drawback by proper officer of Customs in terms of sub-rule (3) of Rule 7 of the Drawback Rules, 2017. This is equivalent to the AIR corresponding to the export goods, if applicable, and subject to the same conditions as applicable to a claim for that component. The amount paid as provisional drawback under the above dispensation shall be taken into account by the Customs to authorize further provisional drawback, where necessary;

(h) For fixation of Brand Rate, Circular no. 23/2017-Customs dated 30.6.2017 may be referred. The brand rate facilitation would continue and there should be no delay by Customs formations in finalizing applications for fixation of brand rate;

(i) Where in respect of export product, NIL rate or no rate of drawback is provided in AIR Schedule, an application for fixation of Brand Rate under Rule 7 of the Drawback Rules, 2017 shall not be admissible. In such situation, application for fixation of Brand Rate may be filed under Rule 6 of the Drawback Rules, 2017;

(j) In terms of Rule 20 of the Drawback Rules, 2017, brand rates of drawback already fixed will not apply for exports with Let export date 1.10.2017 onwards. Thus, exporters will be required to apply fresh for fixation of Brand Rate under Rule 6 or Rule 7 for such exports.

2. The Commissioners are expected to ensure due diligence to prevent any misuse. The shipping bills with parameters considered to be sensitive should be handled with adequate care at the time of export.

3. There is also need for continued scrutiny for preventing any excess drawback arising from mismatch of declarations made in the Item Details and the Drawback Details in a shipping bill.

4. With trade facilitation in view, tenure of the Drawback Committee constituted by the Central Government has been extended to 31.12.2017 to expeditiously look into issues arising from the changes made. Accordingly, exporters may immediately come forward with representations with supporting data and documents, if any, for higher rates than rates provided.

5. Suitable public notice and standing order should be issued for guidance of the trade and officers. Any inconsistency, error or difficulty faced should be intimated to the Board. The Commissioners may also inform, with appropriate data, the details of specific products where drawback cap needs to be imposed.

Yours faithfully,

(Dinesh Kumar Gupta)  
Director (Drawback)  
Tel: 23360581

## GST UPDATES

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

Government of India  
Ministry of Finance  
(Department of Revenue)

### Notification No. 24/2017-Central Tax (Rate)

New Delhi, the 21st September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 9, sub-section (1) of section 11, sub-section (5) of section 15 and sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.11/2017- Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 690(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, against serial number 3, for item (vi) in column (3) and the entries relating thereto, in columns (3), (4) and (5), the following shall be substituted, namely:-

(3)	(4)	(5)
“(vi) Services provided to the Central Government, State Government, Union Territory, a local authority or a governmental authority by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of –  (a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession;  (b) a structure meant predominantly for use as (i) an educational, (ii) a clinical, or (iii) an art or cultural establishment; or  (c) a residential complex predominantly meant for self-use or the use of their employees or other persons specified in paragraph 3 of the Schedule III of the Central Goods and Services Tax Act, 2017.	6	-
(vii) Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.	9	-“

[F. No.354/173/2017 -TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 11/2017 - Central Tax (Rate), dated the 28<sup>th</sup> June, 2017, *vide* number G.S.R. 690 (E), dated the 28<sup>th</sup> June, 2017 and was last amended by notification No. 20/2017-Central Tax (Rate) dated the 22<sup>nd</sup> August, 2017 *vide* number G.S.R. 1045(E), dated the 22<sup>nd</sup> August, 2017.

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

Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 25/2017- Central Tax (Rate)**

New Delhi, the 21st September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 11 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.12/2017- Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 691(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, after serial number 81 and the entries relating thereto, the following shall be inserted namely:-

(1)	(2)	(3)	(4)	(5)
"82	Chapter 9996	Services by way of right to admission to the events organised under FIFA U-17 World Cup 2017.	Nil	Nil".

[F. No.354/173/2017 -TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India

Note:- The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 12/2017 - Central Tax (Rate), dated the 28th June, 2017, *vide* number G.S.R. 691 (E), dated the 28th June, 2017 and was last amended by notification No. 21/2017 - Central Tax (Rate) dated the 22nd August, 2017 *vide* number G.S.R. 1046(E) dated the 22nd August, 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. 26/2017-Central Tax (Rate)**

New Delhi, the 21st September, 2017

**G.S.R.....(E).**-In exercise of the powers conferred by sub-section (1) of section 11 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby exempts intra state supply of heavy water and nuclear fuels falling in Chapter 28 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) by the Department of Atomic Energy to the Nuclear Power Corporation of India Ltd from the whole of the central tax leviable thereon under section 9 of the Central Good and Services Tax Act, 2017 (12 of 2017).

[F. No. 354/173/2017 TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India

[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. 27/2017-Central Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.1/2017- Central Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), *vide* number G.S.R. 673(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification,-

(A) in Schedule I-2.5%,-

(i) against serial numbers 11, 13, 25, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58 and 59, in column (3), for the words "put up in unit container and bearing a registered brand name", the words, brackets and letters "put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or any enforceable right in respect of such brand name has been voluntarily foregone, subject to the conditions as in the ANNEXURE]", shall be substituted;

(ii) after S. No. 29 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"29A	0802	Walnuts, whether or not shelled" ;
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(iii) after S. No. 33 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"33A	0813	Tamarind, dried" ;
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(iv) after S. No. 100 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"100A	2106	Roasted Gram" ;
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(v) in S. No. 105, in column (3), the brackets and words, "[other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake]", shall be omitted;

(vi) in S. No. 106, in column (3), the brackets and words, "[other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake]", shall be omitted;

(vii) in S. No. 107, in column (3), for the words, "other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake", the words "other than cotton seed oil cake", shall be substituted;

(viii) in S. No. 185, for the entry in column (3), the entry "Agarbatti, lobhan, dhoop batti, dhoop, sambhrani", shall be substituted;

(ix) after S. No. 198 and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

"198A	4601,4602	Grass, leaf or reed or fibre products, including mats, pouches, wallets";
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(x) in S. No. 200, in column (3), for the word "kites", the words "Kites, Paper mache articles", shall be substituted;

(xi) after S. No. 201 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"201A	4907	Duty Credit Scrips" ;
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(xii) after S. No. 219 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely:-

"219A	5801	Corduroy fabrics
219B	5808	Saree fall" ;

(xiii) after S. No. 257 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"257A	9404	"Cotton quilts of sale value not exceeding Rs. 1000 per piece" ;
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(xiv) after S. No. 259 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"259A	9601	Worked corals other than articles of coral" ;
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(xv) for S. No. 260 and the entries relating thereto, the following shall be substituted, namely:-

"260	9603 [other Than 9603 10 00]	Broomsticks [other than brooms consisting of twigs or other vegetable materials bound together, with or without handles]" ;
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(xvi) after S. No. 263 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"263A	Any chapter	Rosaries, prayer beads or Hawan samagri" ;
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(B) in Schedule II-6%,-

(i) in S. No. 15, in column (3), the word "walnuts," , shall be omitted;

(ii) in S. No. 17, in column (3), for the words and figure "dried fruits of Chapter 8", the words, figure and brackets, "dried fruits of Chapter 8 [other than tamarind, dried]", shall be substituted;

(iii) in S. No. 45, in column (3), for the words and brackets, "Texturised vegetable proteins (soya bari) and Bari made of pulses including mungodi", the words and brackets, "Texturised vegetable proteins (soya bari), Bari made of pulses including mungodi and batters, including idli / dosa batter", shall be substituted;

(iv) in S. No. 46, in column (3), for the words "ready for consumption form", the words and brackets, "ready for consumption form (other than roasted gram), shall be substituted;

(v) in S. No. 49, in column (3), for the words "put up in unit container and bearing a registered brand name", the words, brackets and letters "put up in unit container and, -

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any such actionable claim or enforceable right in respect of such brand name has been voluntarily foregone, subject to the conditions as specified in the ANNEXURE]", shall be substituted;

(vi) in S. No. 73, in column (3) , for the word "agarbattis", the words, "agarbattis, lobhan, dhoop batti, dhoop, sambhrani", shall be substituted;

(vii) after S. No. 85 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"85A	4016	Rubber bands" ;
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(viii) after S. No. 92 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"92A	44, 68, 83	Idols of wood, stone [including marble] and metals [other than those made of precious metals]";
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(ix) after S. No. 99 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"99A	4419	Tableware and Kitchenware of wood" ;
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(x) in S. No. 128, in column (3) , for the words "similar documents of title", the words and brackets, "similar documents of title[other than Duty Credit Scrips]", shall be substituted;

(xi) in S. No. 147, for the entry in column (3) ,the entry “Woven pile fabrics and chenille fabrics except Corduroy fabrics, other than fabrics of heading 5802 or 5806”, shall be substituted;

(xii) in S. No. 154, for the entry in column (3) ,the entry “Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles[other than saree fall]”, shall be substituted;

(xiii) ) after S. No. 171 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“171A	6501	Textile caps” ;
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(xiv) in S. No. 176, in column (3), after the words “Sand lime bricks” the words “or Stone inlay work” shall be inserted;

(xv) after S. No. 176 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“176A	6802	Statues, statuettes, pedestals; high or low reliefs, crosses, figures of animals, bowls, vases, cups, cachou boxes, writing sets, ashtrays, paper weights, artificial fruit and foliage, etc.; other ornamental goods essentially of stone”;
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(xvi) after S.No. 177 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely:-

“177A	6909	Pots, jars and similar articles of a kind used for the conveyance and packing of goods of ceramic
177B	6911	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china
177C	6912	Tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china
177D	6913	Statues and other ornamental articles” ;

(xvii) after S.No. 189 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“189A	8306	Bells, gongs and the like, non-electric, of base metal; statuettes and other ornaments, of base metal; photograph, picture or similar frames, of base metal; mirrors of base metal; metal bidriware”;
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(xviii) after S. No. 195 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"195A	8424	Nozzles for drip irrigation equipment or nozzles for sprinklers" ;
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(xix) after S. No. 224 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"224A	9404	Cotton quilts of sale value exceeding Rs. 1000 per piece" ;
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(xx) after S. No. 231 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"231A	9601	Worked ivory, bone, tortoise shell, horn, antlers, mother of pearl, and other animal carving material and articles of these materials, articles of coral (including articles obtained by moulding)" ;
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(C) in Schedule III-9%,-

(i) in S. No. 23, in column (3), for the words and bracket "Diabetic foods;[other than Namkeens", the words and bracket, "Diabetic foods, Custard powder;[other than batters including idli/dosa batter, Namkeens", shall be substituted;

(ii) in S. No. 111, in column (3), for the words "Plastic Tarpaulin", the words, "Plastic Tarpaulin, Medical grade sterile disposable gloves, Plastic raincoats", shall be substituted;

(iii) after S. No. 123 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"123A	4016	Rice rubber rolls for paddy de-husking machine" ;
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(iv) S. No. 140 and the entries thereof shall be omitted;

(v) in S. No. 157, in column (3), for the words "Braille paper", the words "Braille paper, kites, Paper mache articles" shall be substituted;

(vi) in S. No. 172, in column (3), for the words, "of felt", the words and brackets, "of felt [other than textile caps]", shall be substituted;

(vii) S. Nos. 186 and 187 and the entries thereof shall be omitted;

(viii) S. No. 304 and entries thereof shall be omitted;

(ix) in S. No. 325, in column (3), for the words "other than fire extinguishers, whether or not charged", the words, "other than fire extinguishers, whether or not charged and Nozzles for drip irrigation equipment or nozzles for sprinklers" shall be substituted;

(x) in S. No. 384, in column (3), for the words and figures, "Computer monitors not exceeding 17 inches", the words and figures, "Computer monitors not exceeding 20 inches", shall be substituted;

(xi) in S. No. 438, for the entry in column (3), the entry, "Coir mattresses, cotton pillows and mattresses", shall be substituted;

(xii) after S. No. 449 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"449A	9613	Kitchen gas lighters" ;
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(D) in Schedule-IV-14%,-

(i) in S. No. 9, in column (3), the words " , Custard powder" shall be omitted;

(ii) in S. No. 45, in column (3), for the words, " plastic tarpaulins", the words "plastic tarpaulins, medical grade sterile disposable gloves, plastic raincoats", shall be substituted;

(iii) in S. No. 49, in column (3), for the words, "other than erasers", the words, "other than erasers, rubber bands, rice rubber rolls for paddy de-husking machine", shall be substituted;

(iv) in S. No. 70, in column (3), for the words, " of Other calcareous stone", the words and brackets, "of Other calcareous stone [other than statues, statuettes, pedestals; high or low reliefs, crosses, figures of animals, bowls, vases, cups, cachou boxes, writing sets, ashtrays, paper weights, artificial fruit and foliage; other ornamental goods essentially of stone]", shall be substituted;

(v) in S. No. 85, the words, " ;ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods", shall be omitted;

(vi) S. No. 87 and the entries thereof shall be omitted;

(vii) in S. No. 154, in column (3), for the words and figures, "other than computer monitors not exceeding 17 inches", the words and figures, "other than computer monitors not exceeding 20 inches", shall be substituted;

(viii) S. No. 219 and entries thereof shall be omitted;

(ix) in S. No. 222, in column (3), for the words, "other than flints and wicks", the brackets and words, "[other than flints, wicks or Kitchen gas lighters]", shall be substituted;

(E) in Schedule-V-1.5%,-

in S.No. 2, in column (3), for the words, "other than Non-Industrial Unworked or simply sawn, cleaved or bruted", the words, "other than industrial or non-industrial, unworked or simply sawn, cleaved or bruted, including unsorted diamonds", shall be substituted;

(F) in Schedule-VI-0.125%,-

in S. No. 1, for the entry in column (3), the entry, "Diamonds, industrial or non-industrial, unworked or simply sawn, cleaved or bruted, including unsorted diamonds", shall be substituted;

(G) in the *Explanation*, for clause (ii), the following shall be substituted, namely: -

“(ii)(a) The phrase “brand name” means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase “registered brand name” means,-

(A) a brand registered as on the 15th May 2017 under the Trade Marks Act, 1999 irrespective of whether or not the brand is subsequently deregistered;

(B) a brand registered as on the 15th May 2017 under the Copyright Act, 1957(14 of 1957);

(C) a brand registered as on the 15th May 2017 under any law for the time being in force in any other country.”;

(H) after paragraph 2, the following Annexure shall be inserted, namely: -

“ANNEXURE

For foregoing an actionable claim or enforceable right on a brand name,-

(a) the person undertaking packing of such goods in unit containers which bear a brand name shall file an affidavit to that **effect with the jurisdictional commissioner of Central tax** that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and

(b) the person undertaking packing of such goods in unit containers which bears a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii)(a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily.”.

[F.No.354/117/2017-TRU Pt-II]

(Mohit Tewari)

Under Secretary to the Government of India

Note: - The principal notification No.1/2017-Central Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 673(E), dated the 28<sup>th</sup> June, 2017 and last amended by Notification No. 19/2017- Central Tax(Rate) dated 18<sup>th</sup> August, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number GSR 1032 (E), dated the 18<sup>th</sup> August, 2017.



[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. 28/2017-Central Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 11 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.2/2017- Central Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 674(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification,-

(A) in the Schedule,-

(i) against serial number 27, in column (3), for the words "other than put up in unit containers and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" , shall be substituted;

(ii) against serial numbers 29 and 45, in column (3), for the words "other than put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" , shall be substituted;

(iii) against serial numbers 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77 and 78, in column (3), for the words "other than those put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]" , shall be substituted;

(iv) against serial number 101, in column (3), for the words "other than put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of

such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(v) against serial number 108, in column (3), for the words “other than put up in unit containers and bearing a registered brand name”, the words, brackets and letters “other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]”, shall be substituted;

(vi) in S. No. 102, for the entries in column (2) ,the entries “2301,2302, 2308, 2309”, shall be substituted;

(vii) after S. No. 102 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“102A	2306	Cotton seed oil cake” ;
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(viii) after S. No. 130 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“130A	50 to 55	Khadi fabric, sold through Khadi and Village Industries Commission(KVIC) and KVIC certified institutions/outlets” ;
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(ix) after S. No. 135 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“135A	69	Idols made of clay” ;
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(x) in S. No. 138, for the entry in column (3) ,the entry “Charkha for hand spinning of yarns, including amber charkha”, shall be substituted;

(xi) in S. No. 143, for the entry in column (3), the entry “Indigenous handmade musical instruments as listed in ANNEXURE II”, shall be substituted;

(xii) in S. No. 144, for the entry in column (3) ,the entry “Muddhas made of sarkanda, Brooms or brushes, consisting of twigs or other vegetable materials, bound together, with or without handles”, shall be substituted;

(B) in the *Explanation*, for clause (ii), the following shall be substituted, namely: -

“(ii)(a) The phrase “brand name” means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase “registered brand name” means,-

(A) a brand registered as on the 15<sup>th</sup> May 2017 under the Trade Marks Act, 1999 irrespective of whether or not the brand is subsequently deregistered;

(B) a brand registered as on the 15<sup>th</sup> May 2017 under the Copyright Act, 1957(14 of 1957);  
(C) a brand registered as on the 15<sup>th</sup> May 2017 under any law for the time being in force in any other country.”;

(C) after paragraph 2, the following Annexures shall be inserted, namely: -

“ANNEXURE I

For foregoing an actionable claim or enforceable right on a brand name,-

(a) the person undertaking packing of such goods in unit containers which bears a brand name shall file an affidavit to that effect with the **jurisdictional commissioner of Central tax** that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and

(b) the person undertaking packing of such goods in unit containers which bear a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii)(a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily.

For Annexure II, please find below link:

<http://www.cbec.gov.in/resources//htdocs-cbec/gst/Notification28-CGST.pdf>

[F.No.354/117/2017-TRU Pt-II]

(Mohit Tewari)

Under Secretary to the Government of India

Note: - The principal notification No.2/2017-Central Tax (Rate), dated the 28<sup>th</sup> June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 674(E), dated the 28<sup>th</sup> June, 2017.

[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. 29/2017-Central Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by clause (ii) of the proviso to sub-section (3) of section 54 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.5/2017-Central Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 677(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification, in the Table, after S. No. 6 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely:-

"6A	5801	Corduroy fabrics."
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[F.No.354/117/2017-TRU Pt. II]

(Mohit Tewari)  
Under Secretary to the Government of India

Note: - The principal notification No.5/2017-Central Tax (Rate), dated the 28<sup>th</sup> June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 677(E), dated the 28<sup>th</sup> June, 2017.

[TO BE PUBLISHED IN THE GAZZETE OF INDIA, EXTRAORDINARY, PART II, SECTION 3,  
SUB-SECTION (i)]  
Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 24/2017-Integrated Tax (Rate)**

New Delhi, the 21<sup>st</sup> September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 5, sub-section (1) of section 6 and clause (iii) and clause (iv) of section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) read with sub-section (5) of section 15 and sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 8/2017- Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 683(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification, in the Table, against serial number 3, for item (vi) in column (3) and the entries relating thereto in columns (3), (4) and (5), the following shall be substituted, namely:-

(3)	(4)	(5)
“(vi) Services provided to the Central Government, State Government, Union Territory, a local authority or a governmental authority by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of -  (a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession;  (b) a structure meant predominantly for use as (i) an educational, (ii) a clinical, or(iii) an art or cultural establishment; or (c) a residential complex predominantly meant for self-use or the use of their employees or other persons specified in paragraph 3 of the Schedule III of the Central Goods and Services Tax Act, 2017.	12	-
(vii) Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.	18	-“

[F. No.354/173/2017 -TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 8/2017 - Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, *vide* number G.S.R. 683 (E), dated the 28<sup>th</sup> June, 2017 and was last amended by notification No. 20/2017-Integrated Tax (Rate), dated the 22<sup>nd</sup> August, 2017 *vide* number G.S.R. 1049(E), dated the 22<sup>nd</sup> August, 2017.

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

Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 25/2017-Integrated Tax (Rate)**

New Delhi, the 21<sup>st</sup> September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 6 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.9/2017- Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 684(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification, in the Table, after serial number 84 and the entries relating thereto, the following shall be inserted namely:-

(1)	(2)	(3)	(4)	(5)
"85	Chapter 9996	Services by way of right to admission to the events organised under FIFA U-17 World Cup 2017.	Nil	Nil".

[F. No.354/173/2017 -TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 9/2017- Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, *vide* number G.S.R. 684 (E), dated the 28<sup>th</sup> June, 2017 and was last amended by notification No. 21/2017 - Integrated Tax (Rate) dated the 22<sup>nd</sup> August, 2017 *vide* number G.S.R. 1050 (E), dated the 22<sup>nd</sup> August, 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. 26/2017-Integrated Tax (Rate)**

New Delhi, the 21<sup>st</sup> September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 6 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby exempts inter-state supply of heavy water and nuclear fuels falling in Chapter 28 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) by the Department of Atomic Energy to the Nuclear Power Corporation of India Ltd from the whole of the integrated tax leviable thereon under section 5 of the Integrated Good and Services Tax Act, 2017 (13 of 2017).

[F. No. 354/173/2017 TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India



[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. 27/2017-Integrated Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.1/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 666(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification,-

(A) in Schedule I-5%,-

(i) against serial numbers 11, 13, 25, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58 and 59, in column (3), for the words "put up in unit container and bearing a registered brand name", the words, brackets and letters "put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or any enforceable right in respect of such brand name has been voluntarily foregone, subject to the conditions as in the ANNEXURE]", shall be substituted;

(ii) after S. No. 29 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"29A	0802	Walnuts, whether or not shelled" ;
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(iii) after S. No. 33 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"33A	0813	Tamarind, dried" ;
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(iv) after S. No. 100 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"100A	2106	Roasted Gram" ;
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(v) in S. No. 105, in column (3), the brackets and words, "[other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake]", shall be omitted;

(vi) in S. No. 106, in column (3), the brackets and words, "[other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake]", shall be omitted;

(vii) in S. No. 107, in column (3), for the words, "other than aquatic feed including shrimp feed and prawn feed, poultry feed & cattle feed, including grass, hay & straw, supplement & husk of pulses, concentrates & additives, wheat bran & de-oiled cake", the words "other than cotton seed oil cake", shall be substituted;

(viii) in S. No. 185, for the entry in column (3), the entry "Agarbatti, lobhan, dhoop batti, dhoop, sambhrani", shall be substituted;

(ix) after S. No. 198 and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

"198A	4601, 4602	Grass, leaf or reed or fibre products, including mats, pouches, wallets";
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(x) in S. No. 200, in column (3), for the word "kites", the words "Kites, Paper mache articles", shall be substituted;

(xi) after S. No. 201 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"201A	4907	Duty Credit Scrips" ;
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(xii) after S. No. 219 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely:-

"219A	5801	Corduroy fabrics
219B	5808	Saree fall" ;

(xiii) after S. No. 257 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"257A	9404	Cotton quilts of sale value not exceeding Rs. 1000 per piece" ;
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(xiv) after S. No. 259 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"259A	9601	Worked corals other than articles of coral" ;
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(xv) for S. No. 260 and the entries relating thereto, the following shall be substituted, namely:-

"260	9603 [other than 9603 10 00]	Broomsticks [other than brooms consisting of twigs or other vegetable materials bound together, with or without handles]" ;
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(xvi) after S. No. 263 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"263A	Any chapter	Rosaries, prayer beads or Hawan samagri" ;
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(B) in Schedule II-12%,-

(i) in S. No. 15, in column (3), the word "walnuts," , shall be omitted;

(ii) in S. No. 17, in column (3), for the words and figure "dried fruits of Chapter 8", the words, figure and brackets, "dried fruits of Chapter 8 [other than tamarind, dried]", shall be substituted;

(iii) in S. No. 45, in column (3), for the words and brackets, "Texturised vegetable proteins (soya bari) and Bari made of pulses including mungodi", the words and brackets, "Texturised vegetable proteins (soya bari), Bari made of pulses including mungodi and batters, including idli / dosa batter", shall be substituted;

(iv) in S. No. 46, in column (3), for the words "ready for consumption form", the words and brackets, "ready for consumption form (other than roasted gram), shall be substituted;

(v) in S. No. 49, in column (3), for the words "put up in unit container and bearing a registered brand name", the words, brackets and letters "put up in unit container and, -

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any such actionable claim or enforceable right in respect of such brand name has been voluntarily foregone, subject to the conditions as specified in the ANNEXURE]", shall be substituted;

(vi) in S. No. 73, in column (3) , for the word "agarbattis", the words, "agarbattis, lobhan, dhoop batti, dhoop, sambhrani", shall be substituted;

(vii) after S. No. 85 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"85A	4016	Rubber bands" ;
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(viii) after S. No. 92 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"92A	44, 68, 83	Idols of wood, stone [including marble] and metals [other than those made of precious metals]" ;
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(ix) after S. No. 99 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"99A	4419	Tableware and Kitchenware of wood" ;
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(x) in S. No. 128, in column (3) , for the words “similar documents of title”, the words and brackets, “similar documents of title[other than Duty Credit Scrips]”, shall be substituted;

(xi) in S. No. 147, for the entry in column (3) ,the entry “Woven pile fabrics and chenille fabrics except Corduroy fabrics, other than fabrics of heading 5802 or 5806”, shall be substituted;

(xii) in S. No. 154, for the entry in column (3) ,the entry “Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles[other than saree fall]”, shall be substituted;

(xiii) ) after S. No. 171 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“171A	6501	Textile caps” ;
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(xiv) in S. No. 176, in column (3), after the words “Sand lime bricks” the words “or Stone inlay work” shall be inserted;

(xv) after S. No. 176 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“176A	6802	“Statues, statuettes, pedestals; high or low reliefs, crosses, figures of animals, bowls, vases, cups, cachou boxes, writing sets, ashtrays, paper weights, artificial fruit and foliage, etc.; other ornamental goods essentially of stone”;
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(xvi) after S.No. 177 and the entries relating thereto, the following serial numbers and the entries shall be inserted, namely:-

“177A	6909	Pots, jars and similar articles of a kind used for the conveyance and packing of goods of ceramic
177B	6911	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china
177C	6912	Tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china
177D	6913	Statues and other ornamental articles”;

(xvii) after S.No. 189 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“189A	8306	Bells, gongs and the like, non-electric, of base metal; statuettes and other ornaments, of base metal; photograph, picture or similar frames, of base metal;
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		mirrors of base metal; metal bidriware”;
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(xviii) after S. No. 195 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“195A	8424	Nozzles for drip irrigation equipment or nozzles for sprinklers” ;
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(xix) after S. No. 224 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“224A	9404	Cotton quilts of sale value exceeding Rs. 1000 per piece” ;
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(xx) after S. No. 231 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“231A	9601	Worked ivory, bone, tortoise shell, horn, antlers, mother of pearl, and other animal carving material and articles of these materials, articles of coral (including articles obtained by moulding)” ;
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(C) in Schedule III-18%,-

(i) in S. No. 23, in column (3), for the words and bracket “Diabetic foods;[other than Namkeens”, the words and bracket, “Diabetic foods, Custard powder;[other than batters including idli/dosa batter, Namkeens”, shall be substituted;

(ii) in S. No. 111, in column (3), for the words “Plastic Tarpaulin”, the words, “Plastic Tarpaulin, Medical grade sterile disposable gloves, Plastic raincoats”, shall be substituted;

(iii) after S. No. 123 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

“123A	4016	Rice rubber rolls for paddy de-husking machine” ;
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(iv) S. No. 140 and the entries thereof shall be omitted;

(v) in S. No. 157, in column (3), for the words “Braille paper”, the words “Braille paper, kites, Paper mache articles” shall be substituted;

(vi) in S. No. 172, in column (3), for the words, “of felt”, the words and brackets, “of felt [other than textile caps]”, shall be substituted;

(vii) S. Nos. 186 and 187 and the entries thereof shall be omitted;

(viii) S. No. 304 and entries thereof shall be omitted;

(ix) in S. No. 325, in column (3), for the words "other than fire extinguishers, whether or not charged", the words, "other than fire extinguishers, whether or not charged and Nozzles for drip irrigation equipment or nozzles for sprinklers" shall be substituted;

(x) in S. No. 384, in column (3), for the words and figures, "Computer monitors not exceeding 17 inches", the words and figures, "Computer monitors not exceeding 20 inches", shall be substituted;

(xi) in S. No. 438, for the entry in column (3), the entry, "Coir mattresses, cotton pillows and mattresses", shall be substituted;

(xii) after S. No. 449 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"449A	9613	Kitchen gas lighters" ;
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(D) in Schedule-IV-28%,-

(i) in S. No. 9, in column (3), the words " , Custard powder" shall be omitted;

(ii) in S. No. 45, in column (3), for the words, " plastic tarpaulins", the words "plastic tarpaulins, medical grade sterile disposable gloves, plastic raincoats", shall be substituted;

(iii) in S. No. 49, in column (3), for the words, "other than erasers", the words, "other than erasers, rubber bands, rice rubber rolls for paddy de-husking machine", shall be substituted;

(iv) in S. No. 70, in column (3), for the words, " of Other calcareous stone", the words and brackets, "of Other calcareous stone [other than statues, statuettes, pedestals; high or low reliefs, crosses, figures of animals, bowls, vases, cups, cachou boxes, writing sets, ashtrays, paper weights, artificial fruit and foliage; other ornamental goods essentially of stone]", shall be substituted;

(v) in S. No. 85, the words, " ;ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods", shall be omitted;

(vi) S. No. 87 and the entries thereof shall be omitted;

(vii) in S. No. 154, in column (3), for the words and figures, "other than computer monitors not exceeding 17 inches", the words and figures, "other than computer monitors not exceeding 20 inches", shall be substituted;

(viii)S. No. 219 and entries thereof shall be omitted;

(ix) in S. No. 222, in column (3), for the words, "other than flints and wicks", the brackets and words, "[other than flints, wicks or Kitchen gas lighters]", shall be substituted;

(E) in Schedule-V-3%,-

in S.No. 2, in column (3), for the words, "other than Non-Industrial Unworked or simply sawn, cleaved or bruted", the words, "other than industrial or non-industrial, unworked or simply sawn, cleaved or bruted, including unsorted diamonds", shall be substituted;

(F) in Schedule-VI-0.25%,-

in S. No. 1, for the entry in column (3), the entry, "Diamonds, industrial or non-industrial, unworked or simply sawn, cleaved or bruted, including unsorted diamonds", shall be substituted;

(G) in the *Explanation*, for clause (ii), the following shall be substituted, namely: -

"(ii)(a) The phrase "brand name" means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase "registered brand name" means,-

(A) a brand registered as on the 15th May 2017 under the Trade Marks Act, 1999. irrespective of whether or not the brand is subsequently deregistered;

(B) a brand registered as on the 15th May 2017 under the Copyright Act, 1957(14 of 1957);

(C) a brand registered as on the 15th May 2017 under any law for the time being in force in any other country.";

(H) after paragraph 2, the following Annexure shall be inserted, namely: -

"ANNEXURE

For foregoing an actionable claim or enforceable right on a brand name,-

(a) the person undertaking packing of such goods in unit containers which bear a brand name shall file an affidavit to that **effect with the jurisdictional commissioner of Central tax or jurisdictional commissioner of State tax, as the case maybe**, that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and

(b) the person undertaking packing of such goods in unit containers which bears a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii)(a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily."

[F.No.354/117/2017-TRU Pt-II]

(Mohit Tewari)

Under Secretary to the Government of India

Note: - The principal notification No.1/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 666(E), dated the 28<sup>th</sup> June, 2017 and last amended by Notification No. 19/2017-Integrated Tax(Rate) dated 18<sup>th</sup> August, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number GSR 1033 (E), dated the 18<sup>th</sup> August, 2017.

[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.28/2017-Integrated Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 6 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, being satisfied that it is necessary in the public interest so to do, on the recommendations of the Goods and Services Tax Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.2/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 667(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification,-

(A) in the Schedule,-

(i) against serial number 27, in column (3), for the words "other than put up in unit containers and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]", shall be substituted;

(ii) against serial numbers 29 and 45, in column (3), for the words "other than put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]", shall be substituted;

(iii) against serial numbers 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77 8and 78, in column (3), for the words "other than those put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]", shall be substituted;

(iv) against serial number 101, in column (3), for the words "other than put up in unit container and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in



respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]", shall be substituted;

(v) against serial number 108, in column (3), for the words "other than put up in unit containers and bearing a registered brand name", the words, brackets and letters "other than those put up in unit container and,-

(a) bearing a registered brand name; or

(b) bearing a brand name on which an actionable claim or enforceable right in a court of law is available [other than those where any actionable claim or enforceable right in respect of such brand name has been foregone voluntarily, subject to the conditions as in the ANNEXURE I]", shall be substituted;

(vi) in S. No. 102, for the entries in column (2) ,the entries "2301,2302, 2308, 2309", shall be substituted;

(vii) after S. No. 102 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"102A	2306	Cotton seed oil cake" ;
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(viii) after S. No. 130 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"130A	50 to 55	Khadi fabric, sold through Khadi and Village Industries Commission(KVIC) and KVIC certified institutions/outlets" ;
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(ix) after S. No. 135 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

"135A	69	Idols made of clay" ;
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(x) in S. No. 138, for the entry in column (3) ,the entry "Charkha for hand spinning of yarns, including amber charkha", shall be substituted;

(xi) in S. No. 143, for the entry in column (3), the entry "Indigenous handmade musical instruments as listed in ANNEXURE II", shall be substituted;

(xii) in S. No. 144, for the entry in column (3) ,the entry "Muddhas made of sarkanda, Brooms or brushes, consisting of twigs or other vegetable materials, bound together, with or without handles", shall be substituted;

(B) in the *Explanation*, for clause (ii), the following shall be substituted, namely: -

"(ii)(a) The phrase "brand name" means brand name or trade name, that is to say, a name or a mark, such as symbol, monogram, label, signature or invented word or writing which is used in relation to such specified goods for the purpose of indicating, or so as to indicate a connection in the course of trade between such specified goods and some person using such name or mark with or without any indication of the identity of that person.

(b) The phrase "registered brand name" means,-

- (A) a brand registered as on the 15th May 2017 under the Trade Marks Act, 1999 irrespective of whether or not the brand is subsequently deregistered;  
(B) a brand registered as on the 15th May 2017 under the Copyright Act, 1957(14 of 1957);  
(C) a brand registered as on the 15th May 2017 under any law for the time being in force in any other country.”;

(C) after paragraph 2, the following Annexures shall be inserted, namely: -

“ANNEXURE I

For foregoing an actionable claim or enforceable right on a brand name,-

(a) the person undertaking packing of such goods in unit containers which bears a brand name shall file an affidavit to that effect with the **jurisdictional commissioner of Central tax or jurisdictional commissioner of State tax, as the case maybe**, that he is voluntarily foregoing his actionable claim or enforceable right on such brand name as defined in Explanation (ii)(a); and

(b) the person undertaking packing of such goods in unit containers which bear a brand name shall, on each such unit containers, clearly print in indelible ink, both in English and the local language, that in respect of the brand name as defined in Explanation (ii)(a) printed on the unit containers he has foregone his actionable claim or enforceable right voluntarily.

For Annexure II, please find below link:

<http://www.cbec.gov.in/resources//htdocs-cbec/gst/Notification28-IGST-rate.pdf>

[F.No.354/117/2017-TRU Pt-II]

(Mohit Tewari)  
Under Secretary to the Government of India

Note: - The principal notification No.2/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 667(E), dated the 28<sup>th</sup> June, 2017.

[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.29/2017-Integrated Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by clause (ii) of the proviso to sub-section (3) of section 54 of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) the Central Government, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.5/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 670(E), dated the 28<sup>th</sup> June, 2017, namely:-

In the said notification, in the Table, after S. No. 6 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:-

"6A	5801	Corduroy fabrics."
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[F.No.354/117/2017-TRU Pt. II]

(Mohit Tewari)  
Under Secretary to the Government of India

Note: - The principal notification No.5/2017-Integrated Tax (Rate), dated the 28<sup>th</sup> June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 670(E), dated the 28<sup>th</sup> June, 2017.

[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. 30/2017-Integrated Tax (Rate)

New Delhi, the 22<sup>nd</sup> September, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 6 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, being satisfied that it is necessary in the public interest so to do, on the recommendations of the Goods and Services Tax Council, hereby exempts inter-State supplies of goods, the description of which is specified in column (3) of the Table below, falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2), from the whole of the integrated tax leviable thereon under section 5 of the Integrated Good and Services Tax Act, 2017 (13 of 2017), subject to the condition specified in column (4) of the Table below, namely:-

Table

Sl. No.	Tariff item, sub-heading, heading or Chapter	Description of Goods	Condition
(1)	(2)	(3)	(4)
1.	0402	Skimmed milk powder, or concentrated milk	When supplied to a distinct person as per sub - section (4) of section 25 of the Central Goods and Services Tax Act, 2017 (12 of 2017), for use in production of milk [for distribution through dairy cooperatives] and not for further supply of skimmed milk powder, or concentrated milk as such.

*Explanation. -*

(1) In this notification, "tariff item", "sub-heading" "heading" and "Chapter" shall mean respectively a tariff item, heading, sub-heading and Chapter as specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).

(2) The rules for the interpretation of the First Schedule to the said Customs Tariff Act, 1975, including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this notification.

[F.No.354/247/2017- TRU]

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

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

Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 24/2017-Union Territory Tax (Rate)**

New Delhi, the 21st September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 7, sub-section (1) of section 8 and clause (iv) and clause (v) of section 21 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017) read with sub-section (5) of section 15 and sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.11/2017- Union Territory Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 702(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, against serial number 3, for item (vi) in column (3) and the entries relating thereto, in columns (3), (4) and (5), the following shall be substituted, namely:-

(3)	(4)	(5)
“(vi) Services provided to the Central Government, State Government, Union Territory, a local authority or a governmental authority by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of -  (a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession;  (b) a structure meant predominantly for use as (i) an educational, (ii) a clinical, or (iii) an art or cultural establishment; or  (c) a residential complex predominantly meant for self-use or the use of their employees or other persons specified in paragraph 3 of the Schedule III of the Central Goods and Services Tax Act, 2017.	6	-
(vii) Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.	9	-“

[F. No.354/173/2017 -TRU]  
(Ruchi Bisht)

Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 11/2017 - Union Territory (Rate), dated the 28th June, 2017, *vide* number G.S.R. 702 (E), dated the 28th June, 2017 and was last amended by notification No. 20/2017 - Union Territory Tax (Rate) dated the 22nd August, 2017 *vide* number G.S.R. 1053 (E), dated the 22nd August, 2017.



[TO BE PUBLISHED IN THE GAZZETE OF INDIA, EXTRAORDINARY, PART II, SECTION 3,  
SUB-SECTION (i)]  
Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 25/2017- Union Territory Tax (Rate)**

New Delhi, the 21st September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 8 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.12/2017- Union Territory Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 703(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, after serial number 81 and the entries relating thereto, the following shall be inserted namely:-

(1)	(2)	(3)	(4)	(5)
"82	Chapter 9996	Services by way of right to admission to the events organised under FIFA U-17 World Cup 2017.	Nil	Nil".

[F. No.354/173/2017 -TRU]

(Ruchi Bisht)

Under Secretary to the Government of India

Note:-The principal notification was published in the Gazette of India, Extraordinary, *vide* notification No. 12/2017 - Union Territory Tax (Rate), dated the 28th June, 2017, *vide* number G.S.R. 703(E), dated the 28th June, 2017 and was last amended by notification No. 21/2017-Union Territory Tax (Rate) dated the 22nd August, 2017 *vide* number G.S.R. 1054(E). dated the 22nd August, 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. 26/2017- Union Territory Tax (Rate)**

New Delhi, the 21st September, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 8 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby exempts intra state supply of heavy water and nuclear fuels falling in Chapter 28 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) by the Department of Atomic Energy to the Nuclear Power Corporation of India Ltd from the whole of the Union territory tax as leviable thereon under section 7 of the Union Territory Good and Services Tax Act, 2017 (14 of 2017).

[F. No. 354/173/2017 TRU]

(Ruchi Bisht)  
Under Secretary to the Government of India



**E. No. 349/58/2017-GST**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Excise and Customs**

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New Delhi, the 18<sup>th</sup> September, 2017

**Order No. 02/2017-GST**

**Subject: Extension of time limit for submitting the declaration in FORM GST TRAN-1 under rule 120A of the Central Goods and Service Tax Rules, 2017**

In exercise of the powers conferred by rule 120A of the Central Goods and Services Tax Rules, 2017 read with section 168 of the Central Goods and Services Tax Act, 2017, the Commissioner, on the recommendations of the Council, hereby extends the period for submitting the declaration in **FORM GST TRAN-1** till 31<sup>st</sup> October, 2017.

-sd-  
(Upendar Gupta)  
Commissioner (GST)

**E. No. 349/58/2017-GST**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Excise and Customs**

\*\*\*

New Delhi, the 21<sup>st</sup> September, 2017

**Order No. 03/2017-GST**

**Subject: Extension of time limit for submitting the declaration in FORM GST TRAN-1 under rule 117 of the Central Goods and Services Tax Rules, 2017**

In exercise of the powers conferred by rule 117 of the Central Goods and Services Tax Rules, 2017 read with section 168 of the Central Goods and Services Tax Act, 2017, on the recommendations of the Council, the period for submitting the declaration in **FORM GST TRAN-1** is extended till 31<sup>st</sup> October, 2017.

-sd-  
(Upender Gupta)  
Commissioner (GST)

## 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  
Udyog Bhavan

**Notification No. 29 /2015-2020**  
**New Delhi, dated: 21 September, 2017**

**Subject: Amendment in Appendix 3 (SCOMET items) to Schedule- 2 of ITC (HS) Classification of Export and Import Items, 2012**

S.O. (E) In exercise of the powers conferred by Section 5 and Section 14A of the Foreign Trade (Development and Regulation) Act, 1992, as amended, read with Para 1.02 of the Foreign Trade Policy 2015-2020, the Central Government hereby makes the following amendment, with immediate effect, in the Appendix 3 to Schedule -2 of ITC (HS) Classifications of Export and Import Items as notified in DGFT Notification No. 5/2015-20 dated 24th April 2017 and No. 13/2015-20 dated 28.06.2017 :

A. Under the heading “Items on the SCOMET List are organized in the following categories”:

**(i) Category 2: Micro-organisms, toxins:** The entry under Category 2H shall be substituted with the following:

**Genetic Elements and Genetically-modified Organisms’**

**(ii) Category 7: Electronics, computers, and information technology including information security:** The entry against Category 7 containing sub-categories 7A, 7B, 7C, 7D and 7E and the entries relating thereto shall be substituted with the with the following:

**[Reserved]**

B. In the SCOMET Glossary after the definition of “**Microprogram**” and the entry relating thereto, the following expression shall be inserted:-

‘ **“Military use”** shall mean incorporation into military items listed in SCOMET Categories 5D or 6 or for the use, development, or production of military items listed in these categories’.

C. For SCOMET entry “2H Genetically Modified Organisms” and the entry “2H001”, the following shall be substituted:-

**‘2H Genetic Elements and Genetically-modified Organisms:**

**2H001** Any genetically-modified organism which contains, or genetic element that codes for:

(1) Gene(s) specific to virus, bacterium, fungus, parasites or plant pathogens listed in Categories 2A, 2B, 2C, 2D and 2G and which

- a. in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health, or
- b. could endow or enhance pathogenicity

(2) Toxin(s) or their sub-unit(s) listed in Category 2F.

**Technical note:**

(1) Genetically-modified organisms include organisms in which the nucleic acid sequences have been created or altered by deliberate molecular manipulation.

(2) Genetic elements include, inter alia: chromosomes, genomes, plasmids, transposons, vectors, and inactivated organisms containing recoverable nucleic acid fragments, whether genetically modified or unmodified, or chemically synthesized in whole or in part. For the purposes of the genetic elements control, nucleic acids from an inactivated organism, virus, or sample are considered recoverable if the inactivation and preparation of the material is intended or known to facilitate isolation, purification, amplification, detection, or identification of nucleic acid(s).

(3) Endow or enhance pathogenicity is defined as when the insertion or integration of the nucleic acid sequence(s) are likely to enable or increase a recipient organism ability to be used to deliberately cause disease or death. This might include alterations to (not limited to) inter alia: virulence, transmissibility, stability, route of infection, host range, reproducibility, ability to evade or suppress host immunity, resistance to medical countermeasures, or detectability.

**D.** In SCOMET entry **3D001(1)**, the following shall be inserted after entry 3D001(1)(ii)(h):-

- ‘(iii) Prefabricated repair assemblies and their specially designed components, that:
  - a. are designed for mechanical attachment to glass-lined reaction vessels or reactors that meet the parameters above; and,
  - b. have metallic surfaces that come in direct contact with the chemical(s) being processed which are made from tantalum or tantalum alloys’.

**E.** Existing SCOMET entry 3D001(2) shall be re-numbered **3D001(2)(i)** and thereafter the following shall be inserted:-

- ‘(ii) Prefabricated repair assemblies and their specially designed components,
  - a. are designed for mechanical attachment to glass-lined reaction vessels or reactors that meet the parameters above; and,
  - b. have metallic surfaces that come in direct contact with the chemical(s) being processed which are made from tantalum or tantalum alloys’.

**F.** SCOMET entry 3D004 shall be substituted as follows:-

'3D004 Toxic gas monitors and monitoring systems, and their dedicated detecting components as follows: detectors; sensor devices; replaceable sensor cartridges; and dedicated software for such equipment;

- a. designed for continuous operation and usable for the detection of chemical warfare agents or Category I chemicals at concentrations of less than 0.3 mg/m<sup>3</sup> ; or
- b. designed for the detection of cholinesterase-inhibiting activity.'

G. SCOMET entry 3D006 shall be substituted as follows:

**'3D006 Fermenters**

- (1) Fermenters capable of cultivation of micro-organisms or of live cells for the production of viruses or toxins, without the propagation of aerosols, having a total internal volume of 20 litres or greater;
- (2) Components designed for such fermenters, as follows:-
  - a. cultivation chambers designed to be sterilized or disinfected in situ;
  - b. cultivation chamber holding devices; or
  - c. process control units capable of simultaneously monitoring and controlling two or more fermentation system parameters (e.g. temperature, pH, nutrients, agitation, dissolved oxygen, air flow, foam control).

*Technical Note:*

Fermenters include bioreactors (including single-use (disposable) bioreactors), chemostats and continuous-flow systems.'

H. In SCOMET 3D014, the following shall be inserted:-

'3D014 Nucleic acid assemblers and synthesizers, which are partly or entirely automated, and designed to generate continuous nucleic acids greater than 1.5 kilobases in length with error rates less than 5% in a single run.'

I. SCOMET entry 4A007 shall be substituted as follows:-

'Vacuum or other controlled atmosphere metallurgical melting and casting furnaces and related equipment, as follows:-

- a. Arc remelt furnaces, arc melt furnaces and arc melt and casting furnaces having both of the following characteristics:-
  - 1. Consumable electrode capacities between 1000 and 20000 cm<sup>3</sup>; and
  - 2. Capable of operating with melting temperatures above 1973 K (1700° C);
- b. Electron beam melting furnaces, plasma atomisation furnaces and plasma melting furnaces, having both of the following characteristics:
  - 1. A power of 50 kW or greater; and
  - 2. Capable of operating with melting temperatures above 1473 K (1200° C);
- c. Computer control and monitoring systems specially configured for any of the furnaces specified in 4A007.a. or 4A007.b;

d. Plasma torches specially designed for the furnaces specified in 4A007.b.having both of the following characteristics:-

1. Operating at a power greater than 50kW; and
2. Capable of operating above 1473 K (1200° C);

e. Electron beam guns specially designed for the furnaces specified in 4A007.b.operating at a power greater than 50kW.

J. After the SCOMET entry 4A031 and the entry relating thereto, the following entry shall be inserted:-

**4A032** Target assemblies and components for the production of tritium as follows:-

- a. Target assemblies made of or containing lithium enriched in the lithium-6 isotope specially designed for the production of tritium through irradiation, including insertion in a nuclear reactor;
- b. Components specially designed for the target assemblies specified in 4A032.a.

**Technical Note:**

Components specially designed for target assemblies for the production of tritium may include lithium pellets, tritium getters, and specially-coated cladding.'

K. SCOMET entry 5C013 shall be substituted as follows:-

**5C013**

- a. Radiation Hardened microcircuits usable in protecting rocket systems, unmanned aerial vehicles and cruise missiles against nuclear effects (e.g electro-magnetic pulse (EMP), X-rays, combined blast and thermal effects);
- b. Analogue-to- digital converters, usable in the systems specified in 5A, having any of the following characteristics:

1. Designed to meet military specifications for ruggedised equipment; or
2. Designed or modified for military use and being any of the following types:
  - (i) Analogue-to- digital converter "microcircuits", which are "radiation hardened" or have all of the following characteristics:
    - a. Rated for operation in the temperature range from below -54°C to above +125°C; and
    - b. Hermetically sealed;

**Or**

(ii) Electrical input type analogue-to- digital converter printed circuit boards or modules, having all of the following characteristics:

- a. Rated for operation in the temperature range from below -45°C to above +80°C; and
- b. Incorporating "microcircuits" specified in 5C013.b.2.(i)

L. The SCOMET entry against Category 7 containing sub-categories 7A, 7B, 7C, 7D and 7E and the entries relating thereto shall be substituted with the with the following:

[Reserved]

M. SCOMET entry 8A301 b shall be substituted as follows:-

'8A301 b Microwave or millimetre wave items, as follows:-

**Technical Notes**

1. For purposes of 8A301 .b, the parameter peak saturated power output may also be referred to on product data sheets as output power, saturated power output, maximum power output, peak power output, or peak envelope power output.
2. For purposes of 8A301.b 1, 'vacuum electronic devices' are electronic devices based on the interaction of an electron beam with an electromagnetic wave propagating in a vacuum circuit or interacting with radio-frequency vacuum cavity resonators. 'Vacuum electronic devices' include klystrons, travelling-wave tubes, and their derivatives.
3. 'Vacuum electronic devices' and cathodes, as follows:-

**Note 1:** 8A301.b 1 does not apply to 'vacuum electronic devices' designed or rated for operation in any frequency bands and having all of the following:-

- a. Does not exceed 31.8 GHz; and
- b. Is "allocated by the ITU" for radio-communications services, but not for radio-determination.

**Note 2:** 8A301.b.1 does not apply to non-"space- qualified" 'vacuum electronic devices' having all of the following:

- a. An average output power equal to or less than 50 W; and
- b. Designed or rated for operation in any frequency band and having all of the following:-
  1. Exceeds 31.8 GHz but does not exceed 43.5 GHz; and
  2. Is "allocated by the ITU" for radio-communications services, but not for radio determination.

**2. Effect of this Notification:-**

Appendix 3 (SCOMET items) to Schedule - 2 of ITC (HS) Classification of Export and Import Items, 2012 has been amended.

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