



BMC Advisors

Corporate Laws and Intellectual Property Rights Consultants



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NOVEMBER 20TH, 2017-NOVEMBER 26TH, 2017

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RBI UPDATES

RBI/2017-18/100
DGBA.GBD.No.1387/15.01.001/2017-18

November 23, 2017

The Chairman/Managing Director/Chief Executive Officer/
Agency Banks Handling the Special Deposit Scheme 1975

Dear Sir

Special Deposit Scheme (SDS)-1975
Payment of interest for calendar year 2017

We want to inform that gazette notifications related to interest rates for SDS 1975 are available in Government of India website viz. egazette.nic.in which can be perused for guidance. You may please ensure that interest for the calendar year 2017 for SDS 1975 is disbursed to the account holders as per the rates mentioned in the gazette.

2. We advise that interest for the calendar year 2017 may be disbursed to the SDS account holders through electronic mode or by way of account payee cheques on **January 01, 2018** itself, subject to instructions, as applicable now, contained in our circular CO.DT.No.15.01.001/H-3527/2003-04 dated December 30, 2003.

3. Please issue suitable instructions to all your Deposit Offices.

Yours faithfully

(Harsha Vardhan)
Manager

RBI/2017-18/101
DNBR.PD(ARC)CC. No.04/26.03.001/2017-18

November 23, 2017

The Chairman/ Managing Director/ Chief Executive Officer
All registered Asset Reconstruction Companies

Dear Sir/Madam,

Conversion of debt into equity- Review

Please refer to our Circular DNBS (PD) CC.No. 35/SCRC/26.03.001/2013-14 dated January 23, 2014 on the above subject.

2. On a review of the limit imposed on shareholding of the post converted equity of the borrower company under reconstruction by Asset Reconstruction Companies (ARCs), it has been decided to exempt ARCs meeting the criteria set out in paragraph 3 below from the cap of 26% subject to compliance with the provisions of the SARFAESI Act, 2002, Guidelines/ Instructions issued by Reserve Bank of India from time to time as applicable to ARCs as well as Foreign Exchange Management Act, 1999, Reserve Bank of India Act, 1934, Companies Act, 2013, SEBI Regulations and other relevant Statutes. The extent of shareholding post conversion of debt into equity shall be in accordance with permissible Foreign Direct Investment (FDI) limit for that specific sector.

3. ARCs that meet the conditions mentioned below are exempted from the limit of shareholding at 26% of post converted equity of the borrower company:

- i. The ARC shall be in compliance with Net Owned Fund (NOF) requirement of Rs. 100 crore on an ongoing basis;
- ii. At least half of the Board of Directors of the ARC comprises of independent directors;
- iii. The ARC shall frame policy on debt to equity conversion with the approval of its Board of Directors and may delegate powers to a Committee comprising majority of independent directors for taking decisions on proposals of debt to equity conversion;
- iv. The equity shares acquired under the scheme shall be periodically valued and marked to market. The frequency of valuation shall be at least once in a month.

4. The ARC shall explore the possibility of preparing a panel of sector-specific management firms/ individuals having expertise in running firms/ companies which could be considered for managing the companies.

Yours faithfully,

(C D Srinivasan)
Chief General Manager

IPR UPDATES

No. CG/Meeting Circular- DIPP/2017/99

Dated: 21-11-2017

MEETING CIRCULAR

Subject: Meeting with IP stakeholders at Udyog Bhawan, DIPP, New Delhi
[Date: 7th December 2017; Time: 4.00 PM]

The Government of India has been making consistent efforts towards streamlining IPO functioning in terms of infrastructure development, IT enablement of Offices and augmentation of manpower. This has resulted into remarkable improvement in overall functioning of Intellectual Property Office, public service delivery and transparency as also in substantial reduction in pendency.

During this encouraging journey, due care is being taken to address needs of stakeholders by implementing National IPR policy to encourage creativity and innovation, simplifying IP procedures and effecting procedural reforms.

In order to receive feedback and for further streamlining the process, a meeting of stakeholders, including patent and trademark agents will be held at **Udyog Bhawan, New Delhi on 7th of December, 2017 from 4.00 pm to 5.00 pm**, which will be chaired by the Secretary, DIPP. Progress made in resolving issues discussed during the earlier stakeholder meetings will be reviewed and feedbacks/suggestions received from Stakeholders will be discussed in order to explore further streamlining of IP procedures/ issues.

Interested stakeholders are therefore requested to kindly make it convenient to attend the meeting. You are requested to send your confirmation to Dr. W.M. Dhumane at **wm.dhumane@nic.in** and Shri Sukhdeep Singh at **sukhdeep.ip@nic.in** on or before 4th December, 2017 by providing name (s) (maximum two), contact detail(s) of person(s) and name of the organization, so as to facilitate us to prepare security passes for participants. You are requested to submit your feedback/suggestions maximum two pages), if any, before the due date, so as to have more fruitful discussions.

(O.P. Gupta)
Controller General of Patents , Designs & Trade Marks

EXCISE 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)

New Delhi, the 23rd of November, 2017

NOTIFICATION
No. 27/2017 - Central Excise (N.T.)

G.S.R. ___ (E). - In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules to amend the Central Excise (Appeals) Rules, 2001, namely:-

1. (1) These rules may be called the Central Excise (Appeals) Amendment Rules, 2017.

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

2. In the Central Excise (Appeals) Rules, 2001 for rule 10, the following shall be substituted, namely:-

“10 (1) The revision application shall be filed in form E.A.-8 before the jurisdictional Principal Commissioner (Revisionary Authority) as per the jurisdiction specified in column (3) of the table below:-

Table

S.No. (1)	Office (2)	Jurisdiction to hear Revision Applications against Commissioner (Appeals) Order (State-wise and Union-Territory wise) (3)
	Principal Commissioner (RA) and ex-officio Additional Secretary to the Government of India- <u>Delhi</u>	Jammu & Kashmir, Himachal Pradesh, Punjab, Chandigarh, Uttar Pradesh, Delhi, Haryana, Uttarakhand, Bihar, Jharkhand, West Bengal, Andaman & Nicobar Islands, Sikkim, Odisha, Rajasthan, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura.
	Principal Commissioner (RA) and ex-officio Additional Secretary to the Government of India - <u>Mumbai</u>	Andhra Pradesh, Telangana, Karnataka, Kerala, Lakshadweep, Puducherry, Tamil Nadu, Gujarat, Dadra and Nagar Haveli, Daman and Diu, Maharashtra, Goa, Madhya Pradesh, Chhattisgarh.

2. The Board shall pass an order specifying therein an address, phone numbers and other details relating to the Revisionary Authority.

3. The revision application shall be deemed to have been submitted to the said Principal Commissioner (Revisionary Authority) on the date on which it is received in the office of Revisionary Authority.”

F. No. 116/33/2017-CX 3

(Shankar Prasad Sarma)
Under Secretary to the Government of India

Note:- The principal notification No. 32/2001-Central Excise (N.T.), dated the 21st June, 2001 was published *vide* G.S.R. 446 (E), dated the 21st June, 2001 and was last amended *vide* notification No. 23/2014-Central Excise (NT) dated 6th August, 2014 G.S.R. 566 (E), dated the 6th August, 2014.

CUSTOM UPDATES

INSTRUCTIONS NO. 17/2017-Customs

F. No. 524/17/2013-STO (TU)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

Room No. 229-A, North Block New Delhi,
20th November, 2017

To,

All Pr. Chief Commissioners/Chief Commissioners of Customs/Customs (Preventive)
All Pr. Chief Commissioners /Chief Commissioners of Customs and Central Excise
All Pr. Commissioners/Commissioners of Customs /Customs (Preventive)/ Customs and Central Excise

Madam/Sir,

Subject: Eligibility of dumpers imported for Coal Mines for benefits under Project Import Regulation-reg.

The Board has received references regarding eligibility of dumpers which are used in coal mines, for benefits under Project Import Regulations. The issue was examined in the past and it was clarified to the field formations that dumpers imported for Coal Mines are not eligible for Project import benefits.

2. The issue was also examined by High Level Committee (HLC) interact with Trade and Industries on tax Laws. The HLC in its second half yearly report (December 2015) was of the view that the dumpers are essential for coal mining and unless the mined coal is removed by these dumpers, further mining cannot take place. HLC recommended to issue a clarification that dumpers when duly certified by the Sponsoring Authority, may be considered for project import benefit for mining projects.

3. In the light of HLC recommendations, the issue was revisited by the Board and in this regard it is clarified that the dumpers designed for mining activities and to be used in coal mines, whether captive or otherwise, are eligible for Project Import benefits when duly certified by the concerned Sponsoring Authority.

4. All pending assessments, if any may be finalized accordingly and difficulty faced, if any, may be brought to the notice of the Board.

Yours faithfully,

(Piyush Bhardwaj)
STO, TU

Circular No. 45/2017-Customs (ADD)

F. No. 354/200/2016 -TRU
Government of India
Ministry of Finance
Department of Revenue
(Tax Research Unit)

North Block, New Delhi
Dated the 22nd of November, 2017

To,

The Principal Chief Commissioners/ Chief Commissioners of Customs (All)/ Principal Commissioners/ Commissioners of Customs & Central Tax (All) / Director General of Systems

Madam/ Sir,

Subject: Clarification in respect of anti-dumping duty on imports of color coated aluminium foil from China PR - regarding.

The Designated Authority vide notification No. 14/06/2015- DGAD dated 10th March, 2017, notified its final findings recommending imposition of anti-dumping duty on the imports of aluminium foil origination in or exported from China PR. Accordingly, on the basis of the recommendation of the DA, definitive anti-dumping duty was imposed on the subject goods for a period of five years from the date of imposition vide notification No. 23/2017- Customs (ADD) dated 16th May 2017.

2. CESTAT has in an order dated 09.10.2017, involved various parties, held that, Colour coated aluminium foil are excluded from the ambit of this notification. In this context, reference has been received from the concerned field formations seeking a clarification for further course of action. Now, the Directorate General of Anti-Dumping and Allied Duties, Department of Commerce, Ministry of Commerce & Industry in this background has clarified that:

"Colour-coated Aluminium Foil with either PE (Polyster) coating of PVDF (fluorine-carbon), coating falling under CTH 7607" is excluded from the scope of PUC."

3. Accordingly, assessment of colour coated aluminium foil may be done taking into account the above stated clarification by the Directorate General of Anti- Dumping.

(Gunjan Kumar Verma)
Under Secretary (TRU)

[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

New Delhi, the 24th November, 2017

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) and sub-section (12) of section 3 of Customs Tariff Act, 1975 (51 of 1975), the Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 50/2017- Customs, dated the 30th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 785(E), dated the 30th June, 2017, namely:-

In the said notification, in the ANNEXURE, in Condition No. 95, under the heading "Condition", for sub-clause (a), the following shall be substituted, namely:-

"(a) In case of imports for a project for which certificate regarding Mega Power Project status issued by an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Power is provisional, the importer furnishes a security in the form of a Fixed Deposit Receipt or Bank Guarantee from any Scheduled Bank for a term of one hundred and twenty-six months in the name of the President of India for an amount equal to the duty of customs payable on such imports but for this exemption, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, at the time of importation and if the importer fails to furnish the final mega power status certificate with in a period of one hundred and twenty months from the date of importation, the said security shall be appropriated towards duty of customs payable on such imports but for this exemption:

Provided that in case of provisional Mega Power Projects, the security in the form of a Fixed Deposit Receipt or Bank Guarantee may be released proportionately as per the proportionate mega certificate issued by the said Joint Secretary to the Government of India in the Ministry of Power;"

[F.No.354/94/2011-TRU(Pt-1)]

(Mohit Tewari)
Under Secretary to the Government of India

Note: The principal notification No. 50/2017-Customs, dated the 30th June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 785(E), dated the 30th June, 2017 and last amended *vide* notification No. 87/2017-Customs, dated the 17th November, 2017, published *vide* number G.S.R. 1430 (E), dated the 17th November, 2017.

F. No: 473/10/2017-LC
Govt. of India
Ministry of Finance
Dept. of Revenue
Central Board of Excise & Customs

North Block, New Delhi
Dated 24th November 2017

To,

All Principal Chief Commissioners / Chief Commissioners / Principal Commissioners /
Commissioners of Customs

Subject: Applicability of IGST / GST on goods transferred / sold while being deposited in a warehouse. -reg.

References have been received from the trade regarding levy of IGST/GST on sales of goods deposited in a customs bonded warehouse.

2. Ch IX of the Customs Act provides for deposit of goods into a customs bonded warehouse licensed under section 57 or 58 or 58A without payment of duty and the procedures to be followed with respect to the warehoused goods. Sub-section (5) of section 59 provides that the importer is at liberty to transfer the ownership of such goods to another person while the goods remain deposited in the warehouse.

3. It is to be noted that the value of imported goods, for purposes of charging customs duty, is determined as per section 14 of the Customs Act, 1962 at the time of import i.e. at the time of filing of the into-bond Bill of Entry. Any costs incurred after the import of goods, such as, port charges / port demurrage charges or costs for customs clearing or transporting the goods from the port to the customs bonded warehouse or costs of storage at the customs bonded warehouse, cannot be added to the value of the goods, for the purpose of levy of duties of customs at the stage of ex-bonding. Further, clause (b) of sub-section (1) of Section 15 of the Customs Act provides that the rate of duty or tariff valuation for an ex-bond Bill of Entry shall be the date on which it is filed. There is no provision to vary the assessable value of the goods at the ex-bond stage unless they are such goods on which tariff valuation applies. Therefore, duties of customs (BCD + IGST) shall be paid on the imported goods at the stage of ex-bonding on the value determined under section 14 of the Customs Act.

4. However, the transaction of sale / transfer etc. of the warehoused goods between the importer and any other person may be at a price higher than the assessable value of such goods. Such a transaction squarely falls within the definition of "supply" as per section 7 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as, "CGST Act") and shall be taxable in terms of section 9 of the CGST Act read with section 20 of the Integrated Goods and Services Tax Act, 2017 (hereinafter referred to as, "IGST Act"). It may be noted that as per sub-section (2) of section 7 of the IGST Act, any supply of imported goods which takes place before they cross the customs frontiers of India, shall be treated as an inter-State supply. Thus, such a transaction of sale/transfer will be subject to IGST under the IGST Act. The value of such supply shall be determined in terms of section 15 of the CGST Act read with section 20 of the IGST Act and the rules made thereunder, without prejudice to the fact that customs duty (which includes BCD and applicable IGST payable under the Customs Tariff Act) will be levied and collected at the ex-bond stage.

5. Thus, in respect of goods stored in a customs bonded warehouse, there is a possibility that certain cases may involve an additional taxable event, if a transfer of ownership of warehoused goods takes place between the importer and another person, before clearance of the goods, whether for home consumption or for export.

5.1 In other words, when goods remain deposited in a customs bonded warehouse and are transferred by the importer to another person, the transaction will be subject to payment of IGST at the value determined as per section 20 of the IGST Act read with section 15 of the CGST Act, 2017 and the rules made thereunder and the tax liability shall be reckoned as per section 9 of the CGST Act, 2017.

5.2 However, it may be noted that so long as such goods remain deposited in the warehouse the customs duty to be collected shall remain deferred. Further, it is only when such goods are ex-bonded under section 68, shall the deferred duty be collected, at the value as had been determined under section 14 of the Customs Act, 1962 in addition to IGST leviable, as indicated at Para 5.1 above. An illustrative chart on in bond sales and clearance thereof is attached as Annexure.

6. Difficulties in implementation, if any, may be brought to the notice of the Board

(Temsunaro Jamir)
Officer On Special Duty (ICD)

ANNEXURE

Sale of goods in a Bonded Warehouse and clearance thereof:

ILLUSTRATION

Box-A

Goods imported by "A" on 2nd July 2017. Importer wants to deposit the goods in a bonded warehouse to defer duty.

Box-B

Importer files an "into bond bill of entry" and the goods are deposited in a Bonded Warehouse. BCD and IGST (Section 3(7) of Customs Tariff Act 1975) are deferred.
Illustration of duty deferment:
A: Value of goods = Rs. 100
B: say BCD is 10% = Rs. 10 (10% of Rs. 100)
C: say IGST is 12% = Rs. 13.2 (12% of Rs. 110)
D: Duty Deferred (B+C) = 23.20

Box-C

"A" sells the goods to "B" on 21st July 2017 for Rs. 300 and charges IGST of Rs. 36 @12% (IGST) Payment of the above IGST of Rs. 36 and filing of return for the same should be done by 20th August 2017.

Box-D

"B" files an Ex-bond Bill of entry on 25th of September 2017 and pays Rs. 23.20 (the deferred duty). (In addition to duty of Rs. 36 paid earlier as indicated in Box-C).

GST UPDATES

Circular No. 19/19/2017-GST

F. No. 354/263/2017-TRU
Government of India
Ministry of Finance
Department of Revenue
Tax research Unit

North Block, New Delhi
20th November 2017

To,

The Principal Chief Commissioners/Chief Commissioners/ Principal Commissioners/
Commissioner of Central Tax (All) /
The Principal Director Generals/ Director Generals (All)

Madam/Sir,

Subject: Clarification on taxability of custom milling of paddy – regarding.

Representations have been received seeking clarification on whether custom milling of paddy by Rice millers for Civil Supplies Corporation is liable to GST or is exempted under S. No 55 of Notification 12/2017 - Central Tax (Rate) dated 28th June 2017.

2. The matter has been examined. S. No 55 of Notification 12/2017- Central Tax (Rate) exempts carrying out an intermediate production process as job work in relation to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce. Agricultural produce has been defined in the notification to mean, *any produce out of cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products, on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market.* Job work has been defined under section 2 (68) of the CGST Act to mean *any treatment or process undertaken by a person on goods belonging to another registered person.* Further, under Schedule II (para 3) of the CGST Act, *any treatment or process which is applied to another person's goods is a supply of service.*

3. Milling of paddy is not an intermediate production process in relation to cultivation of plants. It is a process carried out after the process of cultivation is over and paddy has been harvested. Further, processing of paddy into rice is not usually carried out by cultivators but by rice millers. Milling of paddy into rice also changes its essential characteristics. Therefore, milling of paddy into rice cannot be considered as an intermediate production process in relation to cultivation of plants for food, fibre or other similar products or agricultural produce.

4. In view of the above, it is clarified that milling of paddy into rice is not eligible for exemption under S. No 55 of Notification 12/2017 - Central Tax (Rate) dated 28th June 2017 and corresponding notifications issued under IGST and UTGST Acts.

5. GST rate on services by way of job work in relation to all food and food products falling under Chapters 1 to 22 has been reduced from 18% to 5% vide notification No. 31/2017-CT(R) [notification No. 11/2017-CT (Rate) dated 28.6.17, S. No. 26 refers]. Therefore, it is hereby clarified that milling of paddy into rice on job work basis, is liable to GST at the rate of 5%, on the processing charges (and not on the entire value of rice).

6. Difficulty if any, in the implementation of the circular should be brought to the notice of the Board.

Yours Faithfully,

Susanta Mishra
Technical Officer (TRU)
Email: susanta.mishra87@gov.in



F. No. 354/320/2017 -TRU (Pt)
Government of India
Ministry of Finance
Department of Revenue
Tax Research Unit

North Block, New Delhi
Dated the 22nd of November, 2017

To,

The Principal Chief Commissioner/Chief Commissioners/ Principal Commissioner/
Commissioner of Central Tax (All) / Director General of Systems

Subject: Issue related to classification and GST rate on Terracotta idols – regarding

The GST rate on Idols made of clay is nil. (S. No. 135A of Schedule notification 2/2017 dated 28.06.2017).

2. In this connection, references have been received as to whether this entry would cover idols made of terracotta.

3. The matter has been examined. As terracotta is clay based, terracotta idols will be eligible for Nil rate under Sl. No.135A of notification 2/2017 dated 28.06.2017.

may be, is leviable on repairs and maintenance done for such goods.

4. Difficulty if any, in the implementation of the circular should be brought to the notice of the Board.

(Ruchi Bisht)
Under Secretary (TRU)

F. No. 354/320/2017 -TRU (Pt)
Government of India
Ministry of Finance
Department of Revenue
Tax Research Unit

North Block, New Delhi
Dated the 22nd of November, 2017

To,

The Principal Chief Commissioner/Chief Commissioners/ Principal Commissioner/
Commissioner of Central Tax (All) / Director General of Systems

Subject: Clarification on Inter-state movement of rigs, tools and spares, and all goods on wheels [like cranes] - regarding.

The issue of IGST exemption on inter-state movement of various modes of conveyance, between distinct persons as specified in section 25(4) of the Central Goods and Services Tax Act, 2017, carrying goods or passengers or both; or for repairs and maintenance, [except in cases where such movement is for further supply of the same conveyance] was examined and a circular 1/1/2017-IGST dated 7.7.2017, was issued clarifying that such inter-state movement shall be treated “neither as a supply of goods nor supply of service” and therefore would not be leviable to IGST.

2. The issue pertaining to inter-state movement of rigs, tools and spares, and all goods on wheels [like cranes] was discussed in GST Council’s meeting held on 10th November, 2017 and the Council recommended that the circular 1/1/2017-IGST shall *mutatis mutandis* apply to inter-state movement of such goods, and except in cases where movement of such goods is for further supply of the same goods, such inter-state movement shall be treated ‘neither as a supply of goods or supply of service,’ and consequently no IGST would be applicable on such movements.

3. In this context, it is also reiterated that applicable CGST/SGST/IGST, as the case maybe, is leviable on repairs and maintenance done for such goods.

4. Difficulty if any, in the implementation of the circular should be brought to the notice of the Board.

(Ruchi Bisht)
Under Secretary (TRU)

DGFT UPDATES

Government of India
Ministry of Commerce and Industry
Department of Commerce
(Directorate General of Foreign Trade)
[ISO 9001:2008 Certified Organisation]
Udyog Bhawan, H-Wing, Gate No. 2,
Maulana Azad Road, New Delhi-110011
Tel. (EPBAX No.): 011-23061562
Fax No: 011-2306 2225
Web Site: <http://dgft.gov.in>
E-mail: dgft@nic.in

Policy Circular No. 03/2015-20

Dated 21.11.2017

To,

All Regional Authorities/All Customs Authorities/FIEO/EPCs/AII Concerned

Subject: Relief in Average Export Obligation in terms of Para 5.19 of Hand Book of Procedures of FTP 2015-20.

Para 5.19 of the Hand Book of Procedures of FTP 2015-20 permits re-fixation of Annual Average Export Obligation, in case the export in any sector/ product group decline by more than 5%. This implies that the sector/product group that witnessed such decline in 2016-17 as compared to 2015-16, would be entitled for such relief.

2. A list of such product groups showing the percentage decline in exports during 2016-17 as compared to 2015-16 is Annexed.
3. All Regional Offices are requested to re-fix the annual average export obligation for EPCG Authorizations for the year 2016-17 accordingly. Reduction, if any, in the EO should be appropriately endorsed in the licence file of the office of RA as also in the Amendment Sheet to be issued to the EPCG Authorisation holder.
4. Regional Offices, while considering requests of discharge of Export Obligation will ensure that in case of shortfall In Export Obligation fulfilment. Policy Circulars earlier issued in terms of Para 5.11.2 of HBP 2009-14, and Para 5.19 of Hand Book of Procedure of FTP 2015-20 are also considered before issuance of demand notice etc. This stipulation should also form part of Check-Sheet for the purpose of EODC.
5. This issues with the approval of DGFT.

(Rajbir Sharma)
Joint Director General of Foreign Trade
Tel. No. +91 11 2306 -1562 / Ext. 236
E-mail: rajbir.sharma@nic.in

Enclosure: Product Groups which experienced a decline of more than 5% in exports in 2016-17 as compared to 2015-16 (18-Pages)

For stated Annexure/ Encl., please follow below link
<http://dgft.gov.in/Exim/2000/CIR/CIR17/Policy%20Circular%2003%20dated%2021.11.2017.pdf>

[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. 38/2015-202
New Delhi, Dated: 22 November 2017

Subject: Export Policy of Pulses - Removal of prohibition on export of all varieties of Pulses till further orders - regarding.

S.O.(E) In exercise of the powers conferred by Section 3 of the Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) (as amended from time to time) read with paragraph 2.01 of the Foreign Trade Policy (FTP) 2015-2020, the Central Government hereby makes the following amendments in the ITC(HS) Classification of Export and Import.

2. In supersession of Notification No. 78 (RE-2013)/2009-2014 dated 31.03.2014, Notification No. 28/2015-20 dated 15.09.2017 and Notification No. 03/2015-20 dated 19.04.2017, the following amendments are made, with immediate effect, against entry at Sl. No. 54, Chapter 07 of Schedule 2 of ITC (HS) Classification of Export and Import Items 2012 :

Sl. No	Tariff Item HS Code	Unit	Item Description	Amended Policy	Policy Condition
54	0713 0713 10 00 0713 20 00 0713 31 00 0713 32 00 0713 33 00 0713 34 00 0713 35 00 0713 39 0713 39 10 0713 39 90 0713 40 00 0713 50 00 0713 60 00 0713 90 0713 90 10 0713 90 90	<u>Kg.</u>	All varieties of pulses including Organic pulses	Free	Export shall be through Custom EDI ports. However, export through the non- EDI Land Custom Stations (LCS) on Indo-Bangladesh and Indo-Nepal border shall also be allowed subject to registration of quantity with DGFT. Regional Authorities (RAs) in Kolkata & Patna and such other RAs as notified by DGFT from time to time will be the designated RAs for the purpose of such registration of quantity.

3. Effect of this Notification:

All varieties of pulses, including organic pulses, have been made 'free' for export without any quantitative ceilings, **till further orders**. However, for export through non-EDI Land Custom Stations (LCS), the exporter will have to do prior-registration of quantity with DGFT.

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

Notification No. 39/2015-202
New Delhi, Dated: 23 November 2017

Subject:-Export Policy of Onions-Imposition of Minimum Export Price (MEP).

S.O. (E) In exercise of powers conferred by Section 3 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), as amended, read with Para 1.02 of the Foreign Trade Policy, 2015-20, the Central Government hereby makes the following amendment, with immediate effect, in Notification No. 29/2015-20 dated 24.12.2015 relating to export of onion.

2. Para 2 of Notification No. 29/2015-20 dated 24.12.2015 is amended to read as:

“Export of onion for the item description at Serial Number 51 & 52 of Chapter 7 of Schedule 2 of ITC (HS) Classification of Export & Import Items shall be permitted **only on Letter of Credit (LC) subject to a Minimum Export Price (MEP) of US\$ 850 F.O.B. per Metric Ton till 31.12.2017**”.

3. **Effect of this notification:**

Export of all varieties of onion as described above will be allowed only on Letter of Credit (LC) subject to a Minimum Export Price (MEP) of US\$ 850 F.O.B. per Metric Ton **till 31.12.2017**.

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