

F.No. 603/01/2016-DBK
Government of India
Ministry of Finance, Department of Revenue
Central Board of Excise & Customs

New Delhi, dated 9th May, 2016

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

Subject: Audit Report No.15/2011-2012, Section 2 - Duty Drawback Scheme: Re-export under section 74 of Customs Act 1962 -regarding

Madam/Sir,

Attention of field formations is drawn to Board's Circular No.46/2011-Customs dated 20.10.2011 read with Circular No. 35/2013-Customs which strengthened the assessment practice for export under section 74 of the Customs Act 1962 with respect to whether identity of the goods is established or not as the same goods which were earlier imported on payment of duty under the specific import documents, the determination of use with respect to declaration that goods are "unused" and for ensuring compliance with provisions of Rule 5 of the Re-export of Imported Goods (Drawback of Customs Duties) Rules, 1995. The Circular had directed examination of goods and verification of various parameters for identification of goods and required each case of re-export to be dealt by the Asst/Deputy Commissioner of Customs through a speaking and reasoned appealable order. This has the advantage of being also examined by the Commissioner for its legality and propriety.

Based on feedback, Board has noted some issues and to enhance the efficiency of this mechanism it further directs that the examination report on shipping bill must be recorded separately in a self-contained and explicit manner on each of the two aspects of identity and use. The examination report should not be made of phrases that are cryptic, generalised or sweeping in nature such as 'as per declaration', 'in as such condition', 'found in order', 'found as declared', 'goods are same' etc.

Yours faithfully,

(Rajiv Shankar)
OSD (Drawback)
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