

To be published in the Gazette of India Extraordinary Part-I, Section (I)

**Government of India
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhawan, New Delhi**

**Public Notice 48/2015-2020
Dated the 29th December, 2016**

Subject: Procedure for claiming Duty Credit Scrips under Chapter 3 of FTP 2009 -14 for shipments where LEO date is upto 31.03.2015 but date of export is on or after 01.04.2015.

In exercise of powers conferred under paragraph 1.03 of the Foreign Trade Policy (2015-2020), the Director General of Foreign Trade hereby notifies the following procedure for claiming Duty Credit Scrips under Chapter 3 of FTP 2009 -14 for shipments where LEO date is upto 31.03.2015 but date of export is on or after 01.04.2015.

2. For claiming Chapter 3 benefits under FTP 2009-14, eligibility of an item was determined on the basis of **date of export** as per Paras 3.8.1(c), 3.9.1(b) and 3.11.11(b) of HBP read with Para 9.12 of HBP, 2009-14. Accordingly, if the date of export was after 31.03.2015, it would be ineligible for Chapter 3 benefit under FTP, 2009-14.

3. For claiming Chapter 3 benefits under FTP 2015-20, eligibility of an item is determined on the basis of date of **Let Export Order (LEO) as per Para 2.17(b)** read with Para 9.12(D) of the HBP, 2015-20. Accordingly, if LEO date is on or prior to 31.03.2015, it is not eligible for MEIS benefit under the FTP 2015-20.

4. Questions have been raised in various Open House Meetings as well as references have been received by this Directorate as to the treatment to the export consignments where **LEO** date was prior to 31.03.2015 and **Date of Export** was on or after 01.04.2015.

5. The issue has been examined in consultation with the Department of Revenue. In this regard, the last sub-Para within Para 9.12 of the Handbook of Procedure 2009-14 is reproduced below:

“However, wherever Procedural / Policy provisions have been modified to disadvantage of exporters, same shall not be applicable to consignments already handed over to Customs for examination and subsequent exports upto Public Notice / Notification date.

6. In view of the provision in Para 9.12 of HBP 2009-14 as stated above, it is clarified that the shipments, where the LEO date is on or prior to 31.03.2015, but the Date of Export is on or after 01.04.2015, shall be incentivized with the Chapter 3 benefits as was available in the

FTP 2009-14. It is also clarified that in all such cases, the LEO date shall be treated as date of export.

7. Applications for availing benefit under this Public Notice are to be filed with RAs concerned by 31 March, 2017 and in all such cases Late Fee under Para 9.3 of HBP (2009-15) will not be applicable. However, applications received after 31 March, 2017 will be subject to Late Fee as applicable under Para 9.3 of HBP (2009-14).

8. Necessary changes in the online application module have been made to change the LEO date as the Date of Export giving effect to the above decision.

Effect of this Public Notice: The procedure for claiming Chapter 3 benefits of FTP 2009-14 for exports where LEO date is upto 31.03.2015 but date of export is on or after 01.04.2015 is notified.



(A.K. Bhalla)
Director General of Foreign Trade
E-Mail: dgft@nic.in

(Issued from File No. 01/61/180/88/AM16/PC-3)