



**Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs  
New Delhi**

**Notification No. 38/2008-Central Excise (N.T.)**

Dated 29th September, 2008

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 further to amend the Central Excise Rules, 2002, namely :-

1. (1) These rules may be called the Central Excise (Fourth Amendment) Rules, 2008.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Central Excise Rules, 2002, in rule 12, after sub-rule (2), the following sub-rule shall be inserted, namely :-  
“(2A)(a) Every assessee shall submit to the Superintendent of Central Excise, an Annual Installed Capacity Statement declaring the annual production capacity of the factory for the financial year to which the statement relates in the form specified by notification by the Board by 30th day of April of the succeeding financial year :

Provided that for the year 2007-08, the said statement shall be furnished by 31st day of October, 2008.

- (b) The Central Government may, by notification, and subject to such conditions or limitations as may be specified in such notification, specify assessee or class of assessee who may not require to submit such an Annual Installed Capacity Statement.”

*Sd/-*  
(RAHUL NANGARE)  
Under Secretary to the Government of India

(F. No. 201/17/2008-CX.6)

**Note :** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section(i) vide Notification No. 4/2002-Central Excise (N.T.), dated the 1st March, 2002, G.S.R. 143 (E), dated the 1st March, 2002, and were last amended by Notification No. 23/2008-Central Excise (N.T.), dated the 23rd May 2008, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section(i) vide G.S.R. 397(E) dated the 23rd May, 2008.

**Member-exporters can avail the Notification No. 4/2002-Central Excise (N.T.), dated the 1st March, 2002 and Notification No. 23/2008-Central Excise (N.T.), dated the 23rd May, 2008 from the following Website :**

<http://www.cbec.gov.in/excise/cx-act/notfns-2k2/cent4-2k2.htm>

<http://www.cbec.gov.in/excise/cx-act/notfns-2k8/cent23-2k8.htm>