



ISSN 0971-9776

Info

ENGINEERING EXPORT BULLETIN

WEEKLY NEWSLETTER VOL. 10 ISSUE NO. 20 MAY 19, 2008

Highlights

India Pavilion at Automechanika 2008, Frankfurt, Germany

EEPC is organising an India Pavilion in Automechanika 2008, Frankfurt, Germany to be held on September 16 - 21, 2008. Members may avail the opportunity by displaying their company catalogues.

Public Notice No. 16 (RE-2008)/2004-2009 dated 13th May, 2008

-Amendment in the Hand Book of Procedures Vol. 1 - DEPB Fees.
Notification No. 64/2008-Customs dated 9th May, 2008 - Customs Duty on import under EPCG lowered to 3%.

Circular No. 868/6/2008-CX dated 9th May, 2008 - Amendments in the CENVAT Credit Rules, 2004 w.e.f. 01.04.2008 - regarding.

Circular No. 101/4/2008-ST dated 12th May, 2008 - Filing of claim for refund of Service Tax paid under Notification No. 41/2007-ST dated 6/10/2007 - regarding.

Govt. Notice Notifications/ Circulars/



Inter Machinery India 2008 Exhibition held on 15th May, 2008 in Bombay Exhibition Centre.

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For information about India Engineering Center, Chicago visit : www.indiaengineeringchicago.com

For information about Engineering Export Promotion Council visit : www.eepcindia.org

For information about EEPC Exhibitions visit : www.eepcindee.com

Chairman's Pen



My dear fellow exporters,

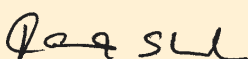
The Government is yet to notify a clarification to the Notification No. 66/2008-Customs dated 10th May, 2008 on the ITC HS Codes of goods on which export duty have been levied. This lack of clarification is creating immense harm to India's engineering exports since Customs Officials in different ports of the country are interpreting the above Notification as per their own sweet will. The Council has sent more than half a dozen letters to the relevant authorities in Finance and Commerce Ministries as well as taken up this issue in the media in the hope that the clarification would come through. We do believe that the Notification will be issued soon so that this problem can be sorted out at the earliest.

There has also been confusion on the Council's stand with regard to the export duty. The Council has since the last two months been advocating that export duty be put on primary iron and steel products. A large number of members have informed us that value added products belonging to intermediate and final goods categories have also been roped in by the Notification No.66/2008-Customs dated 10th May, 2008. We have, therefore, represented to the Government that export duty should be levied strictly on primary iron and steel products and not on valued added products since putting export duty on value added products gives a negative connotation of the country attempting to curb value creating exports through the levy of export duty. It may be mentioned that the media is agog with reports that the export duty would completely be rolled back. The Council believes that such complete roll back should not be attempted hastily and only value added products should be removed from the purview of the export duty. But the most important issue is that the Government should notify a clarification to the Notification No.66/2008-Customs by mentioning ITC HS Codes of the steel products on which export duty have been imposed.

The Council has also submitted its suggestions to the Government with regard to the effects of the Chile-China FTA on India's exports of engineering products. We have informed the Government that the Indo-Chile PTA is an imperfect substitute for the Chile-China FTA and will have a deleterious impact on India's engineering goods especially low to moderate value added items to Chile.

In the meanwhile, I would urge the members to kindly submit their suggestions on Indo-EU Trade Relations since the Indo-EU Trade Sub-Commission meeting will be held in the month of June and if there are any issues on which members would like the Government of India to take up problems relating to exporting to the European Union, they may kindly be brought to the notice of the Council so that they can be forwarded to the Government.

Yours sincerely,



(RAKESH SHAH)

Council's Activities



**Catalogue Show at Automechanika
Frankfurt, Germany
(September 16 - 21, 2008)**

Engineering Export Promotion Council (EEPC) is organizing an India Pavilion at **Automechanika 2008**, Frankfurt which would provide an excellent opportunity for establishing business relationships with customers from all over the world.

All booths booked.

May still have presence in the Exhibition

Display your company Catalogues through EEPC Information Booth.

EEPC will do the rest.

What you need to do?

Send your catalogues (Maximum 25 Nos., not exceeding 5 Kgs.) at the following address with a payment of Rs. 10,000/- by way of Cheque/Demand Draft drawn in favour of Engineering Export Promotion Council.

Rajat Srivastava

Regional Director

Engineering Export Promotion Council

Centre 1, 12th Floor

World Trade Centre, Cuffe Parade

Mumbai – 400 005

Tel. : 91-22-22186655/56/60

Fax : 91-22-22180119

E-mail : eepcmum@mtnl.net.in

eepcmum@vsnl.com

The cheque along with 25 catalogues must reach EEPC Office at above mentioned address immediately.

Overseas Market Information



Ethiopia

Hydro-power Projects Launch

Ethiopian Electric Power Corporation (EEPCO) will launch massive hydro-power projects in Tekeza (300 mw), Gibe II (1870 mw), Belese (460 mw), Gibe III (1870 mw) and Finch Amenti Neshe (1000 mw). Additionally, EEPCO will also construct a wind turbine farm which will generate 120mw of electricity near Mekalle Town and build geothermal plants for the new projects. EEPCO revealed that 124 billion Br (US\$ 13 billion) is required for the facilitation of the projects. Currently, a combination of a significant growth of the economy and the failure of Belg rain in the country are the causes of the existing power shortage in the country. EEPCO is responsible for generating, transmitting, distributing and selling electricity nation wide. According to EEPCO, Ethiopia has 15,000 – 30,000 megawatts of hydropower potential.

Ethiopian Electric Power Corporation (EEPCO)
P.O.Box 1233
Tel. : 251-01-560042
Fax : 251-01-550822
E-mail : eelpa@telecom.net.et

Road Development Project

The Ethiopian Roads Authority (ERA) has requested the Government to allocate Birr 12 billion (US\$ 1.2 billion) budget for the 2008/2009 budget year. In a request ERA solicited the Government to allocate 10 billion birr from its budget while the balance would be covered by a loan and grant. For the current budget year (2007/08), ERA had requested Birr 8.8 billion (US\$ 900 million); Birr 6.5 billion (US\$ 700 million) from the government as well as Birr 1.5 billion (US\$ 16 million) and Birr 879.6 million (US\$ 97.7 million) from multilateral and bilateral loans and grants respectively. In the 2007/2008 budget year, ERA has embarked on 109 road construction projects; 83 are existing projects while the remaining are new. Design and feasibility studies of 47 other projects are also part of the Authority's plan for this budget year. New road construction projects include Addis Abeba-Nazareth, Gedo-Nekempte, Gondar-Debark, Alaba-Humbo and Humbo-Arbaminch.

The Ethiopian Roads Authority (ERA)
Main Building, 4th Floor
Ras Ababa Aregay Street
Addis Ababa, Ethiopia
Tel. : 151-1882

Gammon-Technofab Engineering: Gammon-Technofab Engineering has been awarded the electromechanical and hydraulic equipments procurement and installation tender floated by the Ethiopian Ministry of water Resources (MOWR) for the drilling of boreholes for the Harar portable water project worth 100 million Birr (US\$ 10 million) in April, 2008. The project is expected to be completed in 10 months. The project is intended for Harar and the nearby towns which suffer from water shortages. Included in the project are the installation of a 71 km, 600 meter cube water pipe and the construction of reservoirs with a 200-4000 meter cube storage capacity.

(Source : Embassy of India, Ethiopia)



Panama

Texas-based **Harken Energy Corporation** signed a contract [at an estimated investment of more than US\$10 billion] with Panama to explore oil and gas off the country's Pacific coast. According to Commerce and Industry Minister Alejandro Ferrer, the concession allows Harken to explore an area of 690,000 acres [280,000 hectares] in the Gulf of San Miguel. Harken will invest US\$ 10 million in the exploration phase, which could last up to four years, said Stephen Voss, Director of Harken de Panama Ltd. Ferrer said the five-year concession could be extended as long as 20 years and requires Harken to assess potential environmental impact.

Harken Energy Corporation
HKN, Inc., 180 State Street, Ste. 200
Southlake, TX 76092
Phone : 817.424.2424

America Ports and the **Cosco Pacific** have jointly submitted a proposal to the Panamanian Government for its approval to develop a port at Farfán at an estimated cost of US\$ 500 million. The port project will include building and operating the terminal, as well as constructing warehouse facilities and other related infrastructure. The Panamanian Government had wanted to find a single developer for the project and started soliciting bids in 2005. However, bidding process failed to produce even a single bidder.

Canadian mining giants, **Teck Cominco Limited** and **Inmet Mining Corp.**, will proceed with the massive but increasingly expensive US\$ 3.5 billion Petaquilla copper and gold project in Panama by taking upfront financing for the potential mine in exchange for the right to operate the project. In a deal that some analysts say could delay the mine's startup until 2015, Inmet agreed to take on all the funding for the project up to \$ 50-million until September, 2009. By that time, Teck Cominco Ltd., which had been bankrolling the operation, will decide whether it will take a 26% interest in Petaquilla, which has been called one of the largest undeveloped copper projects in the world.

Teck Cominco Limited
600 - 200 Burrard Street
Vancouver
British Columbia
Canada, V6C 3L9
Tel. : 604.687.1117
Fax : 604.687.6100
E-mail : info@teckcominco.com

Inmet Mining Corp.
330 Bay Street, Suite 1000
Toronto
Ontario
Canada M5H 2S8
Tel. : +1.416.361.6400
Website : www.inmetmining.com
Investor relations : Tel. : +1.416.860.3976

Panama Canal

The **Panama Canal Authority [ACP]** awarded a contract to design and build a new cut and suction dredge, which will be used as part of the program to expand the Panama Canal at a cost of US\$ 95.9 million. The new dredge, which will be delivered in May 2011, will be designed and built by the Dutch company **IHC Beaver Dredgers B.V.**, a world-wide leader in this industry, in a shipyard in Sliedrecht, Holland and delivered in canal waters, according to the ACP. The dredge will have modern equipment, systems and components, with the required yield and functionality for its efficient operation. The machine will have the capacity to dredge throughout the canal [Corte Culebra, Gatún lake, and the Pacific and Atlantic entrances to the canal] and will be able to dredge down to a depth of 25 meters, even after the expansion is complete. With this new dredge



the ACP will increase the productive capacity of its dredging fleet. At the moment the ACP has one "cut and suction" dredge built in 1942

Panama Canal Authority
P.O. Box 526725
Miami, FL 33152-6725, U.S.A
Corporate Communications Office :
Tel. : 272-7602 or 272-1465
Central Telephone Exchange : 272-1111

Note : (507) is the country code for the Republic of Panama.
If you are calling from the United States, please dial 011(507)
and then the telephone number you want to reach. If you are
calling from another country, dial 00(507) and then the
telephone number you want to reach

IHC Beaver Dredgers B.V.
Molendijk 94, P.O. Box 3
3360 AA Sliedrecht
The Netherlands
Tel. : +31 (0)184 41 15 55
Fax : +31 (0)184 41 17 05
E-mail : corr@beaverdredgers.ihcholland.com
Website : www.ihcholland.com

The international consortia [including the Spanish construction company heading the Grupo Unidos por el Canal] competing for the contract to design and build a third set of locks in the Canal have requested the Panama Canal Authority [ACP] to extend the deadline for submitting their design plans and final offers [the current deadline falls on 22nd August]. According to Consorcio Atlántico-Pacífico de Panama, the results of an investigation into seismic conditions in the Canal had delayed the planning process for all of the interested parties. Lock designs alone could cost around US\$ 10 million. The consortia also expressed concerns about meeting bank requirements for financing the construction work, which will need to be guaranteed for approximately US\$ 850 million.

(Source : Embassy of India, Panama)



Serbia

US Steel to invest Dollars 50 million in environmental protection. US Steel Serbia Company announced that it will be investing Dollars 50 million in environmental protection projects by the end of 2009. The projects will be implemented with the assistance of the Environmental Protection Ministry pursuant to an agreement signed between Environmental Protection Minister Sasa Dragin and US Steel CEO Richard Vietch.

Serbia sent had started its implementation of water supply system renovation program. Minister of Public Administration and Local Self-Government Milan Markovic and German Ambassador to Belgrade Wolfgang Maas marked the launching of a water supply and sewage system reconstruction program in medium-sized municipalities in Serbia. The same is being financed by the German Government. The four-year program is worth of Euro 30 million and is financed by the German Bank for Development KfW.

Porsche Holding opens Euro 7 million Volkswagen center in Belgrade. Austria-based automobile trader Porsche Holding opened a sales and maintenance center for Volkswagen vehicles in Belgrade, in an investment worth Euro 7 million. Porsche Beograd Sever, spanning 20,000 square meters, is the largest Volkswagen sales and maintenance center in the region.

Porsche Holding
Abteilung für
Öffentlichkeitsarbeit
Vogelweiderstraße 75
5020 Salzburg
Austria
Tel. : 0043/662/4681-0)

Linde Gas worldwide leading supplier of gases, is expected to invest Euro 2.5 million into reconstruction of Becej factory. In this year, the company Linde Gas Serbia will invest additional Euro 2.5 million into reconstruction and equipping of the factory for liquid carbon dioxide production in Becej, the investment support fund in Vojvodina announced. Out of that amount, Euro 1.5 million will be invested into adaptation of the old factory, and a million into purchase of fixed assets.

Linde Gas
Petrovoselski put bb 21220 Becej
Serbia
Tel. : +381 21 6811 010
Fax : +381 21 6811 051
E-mail : carbodx@eunet.yu

Galenika signs contract on crediting construction of new factory. The pharmaceutical company Galenika signed a contract on crediting construction of a new pharmaceuticals factory, worth Euro 46 million, with UniCredit Bank and Intesa Bank. At the end of the last year, Galenika signed a contract on construction of new factory with Italian company IMA Italy as a building contractor.

Galenika
Tel. : +381 11 307 1000
E-mail : galenika@galenika.co.yu

Fidelinka planning investment of Euro 32 million in 2008. Subotica's Fidelinka industrial bakery is planning to invest in excess of Euros 32 million in expanding its capacities and modernizing production in 2008. Major part, Euro 25 million, will



go into building new bakery facilities. Euros 3 million will be invested in expanding and modernizing the existing bakery production lines in Subotica, production innovations, and new production programs, and as much again into opening new bakery cafés of the Bread & Co chain.

Fidelinka

Cantavirski put bb, Subotica

Tel. : 024 666-066

Fax : 024 666-067

E-mail : office@fidelinka.co.yu

Website : <http://www.fidelinka.co.yu/>

Serbian Railways contracted for supply of 750 freight railway cars. The public company Serbian Railways signed a contract on purchase of 750 freight railway cars at the price of Euro 56 million from the company International Railway Services (IRS). The purchase funds for railway cars have been insured through a credit by the European Bank for Reconstruction and Development, and delivery of railway cars would start in two months.

(Source : Embassy of India, Belgrade)



Snippets

Mining and minerals

Sergey Chemezov, Head of Rostekhnologii State Corporation, being set up on the basis of Rosoboronexport assets, has found a strategic partner for his mining project – Renova Holding (Viktor Vekselburg). One of Rosoboronexport structures has established a joint stock company with Renova for implementation of capital-intensive projects of Rostekhnologii in Russia and overseas.

Energy Sector

JSC Atomstroexport and JSC Tekhnopromexport are reported to have agreed to set up a joint venture for construction of energy objects in Russia and abroad with the aim of reducing competition in the local market.

(Source : Embassy of India, Moscow)

Tender Information



Egypt

Issued by : West Delta Electricity Production Company
Contracts & Purchases Department
Beheira Branch, Zawyet Ghazal
Damanhour, Egypt
Tel. : (45) 473801
Fax : (45) 473801

Power Transformers

Tender No. : **8/2007/2008**

For : Supply of a 422-MVA, 220/33-kV standby power transformer for a main transformer and a 20-MVA, 22/603-kV standby transformer for a main services transformer for the 300-MW unit at Damanhour power station.

Details on payment of £E 5,000.

Bid bond : £E 1.2 million.

Closing date : **25.06.2008**

Iraq

Issued by : General Directorate for Dams & Reservoirs
Water Resources Ministry
Legal Department, Palestine Street
Baghdad, Iraq
Tel. : (9641) 7720240
Fax : (9641) 7740672
E-mail waterresmin@yahoo.co.uk
Website : www.iraq-mowr.org

Water Pipes

Tender No. : **5/2008**

For : Supply of pipes with accessories for the Mosul dam.

Details on payment of ID 100,000.

Bid bond : ID 9.4 million.

Closing date : **05.06.2008**

Lathes and Equipment

Tender No. : **6/2008**

For : Supply of lathes and other equipment for the Mosul dam project.

Details on payment of ID 100,000.

Bid bond : ID 6.5 million.

Closing date : **09.06.2008**

Heavy Water Treatment Plant

- Tender No.** : 17/2008
For : Supply, installation and operation of a heavy water treatment plant.
Details on payment of ID 150,000.
Bid bond : ID 15 million.
Closing date : **12.06.2008**

Kuwait

- Issued by : Central Tenders Committee
PO Box 1070, Safat 13011, Kuwait
Tel. : (965) 2401200
Fax : (965) 2416574

Cable Extension and Welding Works

- Tender No.** : MEW/86/2007-2008
For : Extension and welding of 11-kV medium ground cables for the expansion of an electricity distribution network for the Electricity & Water Ministry.
Details on payment of KD 250.
Bid bond : KD 12,500.
Closing date : **08.06.2008**

Electric Power and Water Distillation Station O&M

- Tender No.** : MEW/89/2007-2008
For : Operation and maintenance (O&M) of electric power and water distillation stations and other utilities at the Electricity & Water Ministry.
Details on payment of KD 2,000.
Bid bond : 2.5 per cent of tender price.
Closing date : **10.06.2008**

Morocco

Electrical Transmission Network Works

- Issued by : Nationale de l'Electricite
Direction des Approvisionnements et Marches
Mme Dardabi
65 Rue Othman Ben Affane, BP 13498
Casablanca 20000, Morocco
Tel. : (21239) 945958
Fax : (21239) 945954
- Tender No.** : DN437075
For : Carrying out turnkey 60/22-kV electrical transmission network construction and extension works.
Details on payment of MD 1,500.
Bid bond : MD 1 million.
Closing date : **04.06.2008**

Syria

Issued by : General Establishment of Syrian Railways
PO Box 182
Aleppo, Syria
Tel. : (96321) 2213900
Fax : (96321) 2251002
E-mail : cfspc@mail.sy
Website : www.cfssyria.org

Rails

Tender No. : 19/2008

For : Supply of 24,000 rails in 25-metre lengths which comply with UIC-60 specifications.

Bid bond : £Syr 21 million or • 500,000.

Closing date : **14.07.2008**

Tunisia

Issued by : Societe Nationale des Chemins de Fer Tunisien
Direction Gestion des Achats
Bureau No. 405/407
Quatrieme Etage, 67
Avenue Farhat Hached
Tunis, Tunisia
Tel. : (21671) 334444
Fax : (21671) 344045

Railway Track Equipment

Tender No. : DEP.AC/No.821-014

For : Supply of equipment for railway tracks as part of a project to modernise the infrastructure of the railways.
Financed by the African Development Bank.

Details on payment of TD 100,000.

Closing date : **30.07.2008**

UAE

Issued by : Dubai Electricity & Water Authority
Office of the Contracts Manager
Zabeel East
PO Box 564
Dubai, UAE
Tel. : (9714) 3244444
Fax : (9714) 3248111
E-mail : contracts@dewa.gov.ae
Website : www.dewa.gov.ae

Pumping Station Equipment

Tender No. : **CW/147/2008**

For : Supply, delivery, installation, testing and commissioning of pumping station equipment.
Details on payment of AED 1,500.

Bid bond : 5% of tender price.

Closing date : **09.06.2008**

Power Cables

Notice No. : **CE/0175/2008**

For : Supply of 11-kV cross-linked polyethylene (XLPE) power cables.
Details on payment of AED 5,000.

Bid bond : 5% of tender price.

Closing date : **15.06.2008**

(Source : MEED.com website)

Mauritius

Issued by : The Registry (Ground Floor)
Head Office
Central Electricity Board (CEB)
Curepipe, Mauritius
Tel . : (230) 601 1100
Fax : (230) 675 7958/59
E-mail : ctc@ceb.intnet.mu
Website : <http://ceb.intnet.mu>

Tender No. : **OAB CPB/54/2008**

For : Supply and delivery of lubricating oils to CEB Power Stations.

Tender cost : Non-refundable fee of MRs 500 plus VAT per set.

Closing date: **16.06.2008** [up to 13.30 Hrs. (Mauritian time)]

For further details, please contact :

Shri Kartik Pande
Second Secretary (Political & Economic)
High Commission of India
Port Louis, Mauritius
Tel. : 230 2083775/76
Fax : 230 2086859

(Source : High Commission of India, Port Louis)

Trade Enquiries



Egypt

(Source : Direct from the party)

<i>Name of the Company</i>	<i>Addresses</i>	<i>Contact Person/Tel./Fax/E-mail</i>	<i>Items interested</i>
Al Burhan Company	6, Ahmed Sami Saeed Aquare 5th Floor, Flat No. 5 Al Mohendessin Cairo, Egypt	Attn. : Mohammed UI Baqir Malla Managing Partner Tel. : +20233376585 Fax : +20233357257 E-mail : mbmalla@link.net	Clinker crushing machine new or used in good working condition to produce cement one to two million tonnes per annum.

France

(Source : Direct from the party)

Garden Max	236 Rue Clement Ader 59118 Wambrechies France	Attn. : Miss Kantane Chey Export Manager Tel. : +33 3 20 68 57 57 Fax : +33 3 20 68 57 58 E-mail : kantane.chey@green-channel.hk	Steel & stainless steel products to realise spare parts (final product is barbecue)/need to be fold, pressed etc. <i>(Drawings can be obtained from any of the EEPC offices in India/ downloaded from EEPC website).</i>
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Australia

(Source : Direct from the party)

M/s. Reliable Traders, 74 Hillcrest Road, Alexander Heights, W.A. 6064, Australia, Tel/Fax : 61-8-93432932, E-mail : businessguru@hotmail.com (Attn. : Mr. Balbir Rajput) are interested to import hot dip galvanised angles with holes drilled into them for Australian market.

The angles are 50 x 50 x 5 mm with 12 & 16 holes of 12 mm each on two varieties. 4 holes will be 24 mm from the corner on both types & rest 8 & 12 holes will be 30 mm from the corners. The location of the holes is as per drawings.

The weight of the angle is roughly 11 kg. each piece which is 3050 mm long. The annual usage is 730 & 570 pcs in two sizes. The customer would prefer the supply to be split in two equal 6 monthly lots. Member-exporters may quote for full as well as half quantities (Lots of 730/ 570 and 365/ 285 pcs) per shipment also.

The prices must be on CIF (Fremantle) basis.

(Drawings can be obtained from any of the EEPC offices in India/downloaded from EEPC website.)



Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
New Delhi

Public Notice No. 16 (RE-2008)/2004-2009

Dated 13th May, 2008

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy 2004-2009, the Director General of Foreign Trade hereby makes the following amendment in the Handbook of Procedures Vol. I :

1. Serial No. 3 (4) in *Appendix 21-C* [Procedure of Electronic Fund Transfer] shall be amended to read as under :

3. Scale of Application fee	<i>Particulars</i>	<i>Amount of fee (in rupees)</i>
	4. Application for Duty Entitlement Passbook (DEPB) and other duty credit schemes	Two per thousand or part thereof subject to a minimum of Two hundred and maximum of One lakh and fifty thousand. However, for applications filed electronically, the maximum fee would be Rs. seventy five thousand

2. Application fee amount for issue of new IEC No. mentioned in ANF 2A shall be read as Rs. 250 (Two hundred fifty).

Sd/-
(R. S. GUJRAL)
Director General of Foreign Trade

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

Notification No. 62/2008-Customs

Dated 6th May, 2008

G.S.R.338(E) - In exercise of the powers conferred by Sub-Section (1) of Section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby directs that each of the Notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely :-

Table

S. No. (1)	Notification No. and date (2)	Amendment (3)
1.	154/94-Customs, dated the 13th July, 1994 [Vide GSR 583(E) dated the 13th July, 1994]	In the said Notification, in the said Table, against Sl. No. 3,- (i) in condition (iv), for the words, figures, and brackets "Rs. 75,000 (seventy five thousand)", the words, figures and brackets "Rs.1,00,000 (one lakh)", shall be substituted; (ii) in condition (v), in Clause (A), in sub-clause (b), for the words, figures and brackets "Rs. 75,000 (seventy five thousand)", the words, figures and brackets "Rs.1,00,000 (one lakh)", shall be substituted;
2.	21/2002-Customs, dated the 1st March, 2002 [Vide GSR 118(E) dated the 1st March, 2002]	In the said Notification, - (a) in Condition No. 53(i)(b) after the words "the Deputy Commissioner of Central Excise, as the case may be", the following words shall be inserted, namely :- "for the units registered with the Central Excise, and from an independent Chartered Engineer, for the units not registered with the Central Excise"; (b) in Condition No. 53(ii)(d) after the words "the Deputy Commissioner of Central Excise, as the case may be", the following words shall be inserted, namely :- "for the units registered with the Central Excise and from an independent Chartered Engineer, for the units not registered with the Central Excise";

S. No. (1)	Notification No. and date (2)	Amendment (3)
		(c) in Condition No. 53A (d) after the words “the Deputy Commissioner of Central Excise, as the case may be” the following words shall be inserted, namely :- “for the units registered with the Central Excise and from an independent Chartered Engineer, for the units not registered with the Central Excise”;

[F. No.602/01/2008-DBK]

Sd/-

(JAGMOHAN SINGH)

Under Secretary to the Government of India

- Note :** (i) The principal Notification No.154/94-Customs, dated the 13th July, 1994 was published in the Gazette of India, Part II, Section 3, Sub-Section (i), Extraordinary, vide number G.S.R. 583 (E), dated the 13th July, 1994, and was last amended by Notification No. 74/2007–Customs, dated the 21st May, 2007 vide number G.S.R. 366 (E), dated the 21st May, 2007.
- (ii) The Principal Notification No. 21/2002-Customs, dated the 1st March, 2002 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 118(E), dated the 1st March, 2002 and was last amended by Notification No. 56/2008-Customs, dated the 29th April, 2008 vide number G.S.R. 315 (E), dated 29th April, 2008.

Member-exporters can avail the Notification No. 74/2007-Customs, dated the 21st May, 2007; Notification No. 21/2002-Customs, dated the 1st March, 2002 and Notification No. 56/2008-Customs, dated the 29th April, 2008 from the following Website :

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/cs74-2k7.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k2/cs21-2k2.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k8/cs56-2k8.htm>

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

Notification No. 63/2008-Customs

Dated 8th May, 2008

G.S.R. 346 (E) - In exercise of the powers conferred by Sub-Section (1) of Section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby directs that each of the Notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely :-

Table

S. No. (1)	Notification No. and date (2)	Amendment (3)
1.	43/2002-Customs, dated the 19th April, 2002 [Vide G.S.R. 292(E), dated the 19th April, 2002]	In the said Notification, in the opening paragraph, in condition (iv), - (a) for the words “ and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
2.	46/2002-Customs, dated the 22nd April, 2002 [Vide G.S.R. 299(E), dated the 22nd April, 2002]	In the said Notification, in the opening paragraph, in condition (iv), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
3.	47/2002-Customs, dated the 22nd April, 2002 [Vide G.S.R. 292(E), dated the 22nd April, 2002]	In the said Notification, in the opening paragraph, in condition (6), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
4.	53/2003-Customs, dated the 1st April, 2003 [Vide G.S.R. 277(E), dated the 1st April, 2003]	In the said Notification, in the opening paragraph, in condition (5), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
5.	54/2003-Customs, dated the 1st April, 2003 [Vide G.S.R. 278(E), dated the 1st April, 2003]	In the said Notification, in the opening paragraph, in condition (4), - (a) for the words “ and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.

S. No. (1)	Notification No. and date (2)	Amendment (3)
6.	56/2003-Customs, dated the 1st April, 2003 [Vide G.S.R. 280(E), dated the 1st April, 2003]	In the said Notification, in the opening paragraph, in condition (6), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
7.	90/2004-Customs, dated the 10th September, 2004 [Vide G.S.R. 603(E), dated the 10th September, 2004]	In the said Notification, in the opening paragraph, in condition (iv), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
8.	32/2005-Customs, dated the 8th April, 2005 [Vide G.S.R. 222(E), dated the 8th April, 2005]	In the said Notification, in the opening paragraph, in condition (5), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.
9.	73/2006-Customs, dated the 10th July, 2006 [Vide G.S.R. 408(E), dated the 10th July, 2006]	In the said Notification, in the opening paragraph, in condition (5), - (a) for the words “and Vadimar”, the words and brackets “Vadimar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted; (b) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted.

Sd/-

(JAGMOHAN SINGH)

Under Secretary to the Government of India

[F. No. 602/01/2008-DBK]

- Note :**
- (i) The Principal Notification No. 43/2002-Customs, dated the 19th April, 2002 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 292(E), dated the 19th April, 2002 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
 - (ii) The Principal Notification No. 46/2002-Customs, dated the 22nd April, 2002 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 299(E), dated the 22nd April, 2002 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
 - (iii) The Principal Notification No. 47/2002-Customs, dated the 22nd April, 2002 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 292(E), dated the 22nd April, 2002 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
 - (iv) The Principal Notification No. 53/2003-Customs, dated the 1st April, 2003 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 277(E), dated the 1st April, 2003 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.

- (v) The Principal Notification No. 54/2003-Customs, dated the 1st April, 2003 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 278(E), dated the 1st April, 2003 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
- (vi) The Principal Notification No. 54/2003-Customs, dated the 1st April, 2003 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 280(E), dated the 1st April, 2003 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
- (vii) The Principal Notification No. 90/2004-Customs, dated the 10th September, 2004 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 603(E), dated the 10th September, 2004 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
- (viii) The Principal Notification No. 32/2005-Customs, dated the 8th April, 2005 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 222(E), dated the 8th April, 2005 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
- (ix) The Principal Notification No. 73/2006-Customs, dated the 10th July, 2006 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 408(E), dated the 10th July, 2006 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.

Member-exporters can avail the Notification No. 43/2002-Customs, dated the 19th April, 2002; Notification No. 46/2002-Customs, dated the 22nd April, 2002; Notification No. 47/2002-Customs, dated the 22nd April, 2002; Notification No. 53/2003-Customs, dated the 1st April, 2003; Notification No. 54/2003-Customs, dated the 1st April, 2003; Notification No. 90/2004-Customs, dated the 10th September, 2004; Notification No. 32/2005-Customs, dated the 8th April, 2005; Notification No. 73/2006-Customs, dated the 10th July, 2006 and Notification No. 116/2007-Customs, dated the 30th November, 2007 from the following Website :

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k2/cs43-2k2.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k2/cs46-2k2.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k2/cs47-2k2.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k3/cs53-2k3.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k3/cs54-2k3.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k4/cs90-2k4.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k5/cs32-2k5.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k6/cs73-2k6.htm>
<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/cs116-2k7.htm>

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

Notification No. 64/2008-Customs

Dated 9th May, 2008

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), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in the Table annexed hereto, from,-

- (i) so much of the duty of customs leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) as is in excess of the amount calculated at the rate of three percent ad-valorem, and
- (ii) the whole of the additional duty leviable thereon under Section 3 of the said Customs Tariff Act, when specifically claimed by the importer.

2. The exemption under this Notification shall be subject to the following conditions, namely :-

- (1) that the goods imported are covered by a valid licence or valid authorization issued under the Export Promotion Capital Goods (EPCG) Scheme in terms of Chapter 5 of the Foreign Trade Policy permitting import of goods at the rate of three percent duty and the said licence or authorization is produced for debit by the proper officer of customs at the time of clearance :

Provided that for import of spare parts specified at Sr.No.4 of the said Table, the validity period of the licence or authorization shall be deemed to be the period permitted for fulfillment of the export obligation in full :

Provided further that the import of motor cars, sports utility vehicles or all purpose vehicles shall be allowed only to hotels, travel agents, tour operators or tour transport operators and companies owning or operating golf resorts, subject to the condition that,-

- (i) the total foreign exchange earning from hotel, travel and tourism and golf tourism sectors in current and preceding three licensing years is Rs.one crore fifty lakhs or more;
- (ii) the duty saved amount on all EPCG authorizations issued in a licensing year for import of motor cars, sports utility vehicles or all purpose vehicles shall not exceed 50% of average foreign exchange earnings from hotel, travel and tourism and golf tourism sectors in preceding three licensing years; and
- (iii) the vehicles imported shall be so registered that the vehicle is used for tourist purpose only. A copy of the registration certificate shall be submitted to the concerned Customs authorities as a confirmation of import of vehicle within six months from the date of import :

Provided also that the benefit of import of capital goods at concessional duty under this Notification for creation of modern infrastructure shall be extended only to such retailers who have a minimum area of 1000 square meters.

- (2) that the goods imported shall not be disposed of or transferred by sale or lease or any other manner till export obligation is complete
- (3) that the importer executes a bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to fulfill export obligation on FOB basis equivalent to eight times the duty saved on the goods imported as may be specified on the

licence or authorization, or for such higher sum as may be fixed or endorsed by the Licensing Authority or Regional Authority in terms of Para 5.10 of the Handbook of Procedures Vol I, within a period of eight years from the date of issue of licence or Authorization, in the following proportions, namely :-

S. No. (1)	Period from the date of issue of licence (2)	Proportion of total export obligation (3)
1.	Block of 1st to 6th year	50%
2.	Block of 7th to 8th year	50%

Provided that where the duty saved is not less than Rupees one hundred crores, or where the licence or authorization is issued to units in the agri export zone as may be notified by the licensing authority or Regional Authority, the export obligation shall be fulfilled within a period of twelve years from the date of issue of licence in the following proportions, namely :-

S. No. (1)	Period from the date of licence (2)	Proportion of total export obligation (3)
1.	Block of 1st, to 10th years	50%
2.	Block of 11th to 12th year	50%

Provided further that where a sick unit is notified by the Board for Industrial and Financial Reconstruction or where a rehabilitation scheme is announced by the concerned State Government in respect of sick unit for its revival, the export obligation may be fulfilled within time period allowed as per the rehabilitation package or twelve years, if the time period is not specified in the rehabilitation package :

Provided also that where the capital goods are imported by agro units and units in tiny and cottage sector, the export obligation shall be fixed equivalent to six times the duty saved on the goods imported as may be specified on the licence, or for such higher sum as may be fixed by the licensing authority, within a period of twelve years from the date of issue of the licence or authorization :

Provided also that where the capital goods are imported for technological upgradation as per conditions specified in Para 5.10 of the Foreign Trade Policy or by small scale industry units as defined in paragraph 5.1 of the Foreign Trade Policy, as the case may be, the export obligation shall be fixed equivalent to six times the duty saved on the goods imported as may be specified on the licence or authorization, or for such higher sum as may be fixed by the Licensing Authority or Regional Authority, within a period of eight years from the date of issue of licence subject to the further condition that in the case of Small Scale Industry (SSI) units the landed CIF value of such imported capital goods under the scheme shall not exceed Rupees fifty lakhs and total investment in plant and machinery after such imports shall not exceed the SSI limit :

Provided also that export obligation of a particular block may be set off against the excess exports made in the said preceding block(s);

- (4) that if the importer does not claim exemption from the additional duty leviable under Section 3 of the Customs Tariff Act, 1975, the additional duty so paid by him shall not be taken for computation of the net duty saved for the purpose of fixation of export obligation provided the Cenvat credit of additional duty paid has not been taken;
- (5) that the importer produces within 30 days from the expiry of each block from the date of issue of licence or authorization or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs may allow, evidence to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs showing the extent of export obligation fulfilled, and where the export obligation of any particular block is not fulfilled

in terms of the preceding condition, the importer shall within three months from the expiry of the said block pay duties of customs of an equal amount equal to that portion of duties leviable on the goods, but for the exemption contained herein which bears the same proportion as the unfulfilled portion of the export obligation bears to the total export obligation together with interest at the rate of 15% per annum from the date of clearance of the goods;

- (6) where the importer fulfills 75% or more of the export obligation as specified in condition (3) within half of the period specified for export obligation as mentioned in condition (3), his balance export obligation shall be condoned and he shall be treated to have fulfilled the entire export obligation;
- (7) that the capital goods imported, assembled or manufactured are installed in the importer's factory or premises and a certificate from the jurisdictional Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, is produced confirming installation and use of capital goods in the importer's factory or premises, within six months from the date of completion of imports or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may allow :

Provided that in case of import of spares, the installation certificate shall be produced within three years from the date of import :

Provided further that if the importer is not registered with central excise or if he is a service provider, as the case may be, he may produce the said certificate of installation and usage issued by an independent Chartered Engineer :

Provided further that in the case of,-

- (i) manufacturer exporter and merchant exporter having supporting manufacturer(s) or vendor(s);
- (ii) import of irrigation equipment for use in contract farming for export of agricultural products; and
- (iii) importer rendering services;

the capital goods may be installed at the factory or premises of such other person whose name and address are endorsed on the licence or authorization referred to in condition (1) and also on the shipping bills and where the bond for full difference of duty, if necessary, in terms of condition (3) with or without a bank guarantee, as the case may be, is executed by the importer and such other person binding themselves jointly and severally to fulfill the export obligation and all other conditions of this Notification and to pay duty with interest at the rate of 15% per annum in case of default :

Provided also that agro units located in Agri Export Zones or service providers in Agri export Zones may move the capital goods within the Agri Export Zones under intimation to the jurisdictional Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, subject to the condition that the importer shall maintain accurate record of such movement;

- (8) that the imports and exports are undertaken through sea ports at Mumbai, Kolkata, Cochin, Magdalla, Kakinada, Kandla, Mangalore, Marmagoa, Chennai, Nhava Sheva, Paradeep, Pipavav, Sikka, Tuticorin, Visakhapatnam, Dahej, Mundhra, Nagapattinam, Okha, Bedi (including Rozi-Jamnagar), Muldwarka, Porbander, Dharamtar, Vadar, and Haldia (Haldia Dock Complex of Kolkata port), or through any of the airports at Ahmedabad, Bangalore, Bhubaneswar, Mumbai, Kolkata, Coimbatore, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum, Varanasi, Nagpur, Cochin, Rajasansi (Amritsar), Lucknow (Amausi), Indore and Dabolim (Goa), or through any of the Inland Container Depots at Agra, Bangalore, Coimbatore, Delhi, Faridabad, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Kanpur, Ludhiana, Moradabad, Nagpur, Pimpri (Pune), Pitampur (Indore), Surat, Tirupur, Varanasi, Nasik, Rudrapur (Nainital), Dighi (Pune), Vadodara, Daulatabad (Wanjarwadi and Maliwada), Waluj (Aurangabad), Anaparthi (Andhra Pradesh), Salem, Malanpur, Singanalur, Jodhpur, Kota, Udaipur, Ahmedabad, Bhiwadi, Madurai, Bhilwara, Pondicherry, Garhi Harsaru,

Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur, Dadri, Tuticorin, Kundli, Bhadohi, Raipur, Mandideep (District Raisen), Durgapur (Export Promotion Industrial Park), Babarpur and Loni (District Ghaziabad) or through the Land Customs Station at Ranaghat, Singhabad, Raxaul, Jogbani, Nautanva (Sonauli), Petrapole, Mahadipur, Nepalganj Road, Dawki, Agartala, Sutarkhandi, Amritsar Rail Cargo, Attari Road, Hilli, Ghojadanga and Changrabandha or a Special Economic Zone as notified under the Special Economic Zone, Act, 2005 (28 of 2005).

Provided that the Commissioner of Customs may, by special order or a public notice and subject to such conditions as may be specified by him, permit import and export through any other sea-port, airport, inland container depot or through a land customs station.

- (9) notwithstanding anything contained in condition (5) above, where the Licensing Authority or Regional Authority grants extension of block-wise period for any block(s) or overall period of fulfilment of export obligation upto a period of two years or regularization of shortfall in export obligation, not exceeding five percent of such export obligation, the said block-wise period or overall period of export obligation shall be extended or condoned by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be :

Provided that in respect of sick units referred to in the second proviso to condition (3) extension of overall period of export obligation shall not be allowed :

Provided further that the Regional Authority may grant further extension in the overall period of export obligation upto a period of further two years if the authorization holder pays fifty percent differential duty on the unfulfilled portion of export obligation and agrees to fulfill other conditions as may be specified by the Regional Authority for this purpose;

3. Where the goods specified in the said Table are found defective or unfit for use, the said goods may be re-exported back to the foreign supplier within three years from the date of payment of duty on the importation thereof :

Provided that at the time of re-export, the goods are identified to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, as the goods which were imported.

4. Waiver of Export Obligation may be considered where, because of force majeure or other unforeseen circumstances/ reasons which are beyond the control of the exporter (like steep fall in international prices, technological obsolescence etc.), the exporter is unable to fulfill export obligation. Such requests shall be considered by a Committee comprising representative(s) of Department of Commerce and Department of Revenue under the Directorate General of Foreign Trade. Decision of this Committee shall be implemented by the Department of Revenue.

Explanation – For the purpose of this Notification,-

- (1) “Capital goods” has the same meaning as assigned to it in Paragraph of 9.12 of the Foreign Trade Policy;

- (2) “Export obligation”, -

(i) means obligation on the importer to export to a place outside India, goods manufactured or capable of being manufactured or services rendered by the use of capital goods imported in terms of this Notification. The export obligation shall be over and above the average level of exports achieved by the importer in the preceding three licensing years for the same and similar products within the overall export obligation period including the extended period, if any. Such average shall be the arithmetic mean of export performance in the last 3 years for the same and similar products.

Provided that upto 50% of the export obligation may also be fulfilled by export of other good(s) manufactured or service(s) provided by the importer or his group company or managed hotel, which has the EPCG authorization

subject to the condition that in such cases, additional export obligation imposed shall be over and above the average exports achieved by the importer or his group company or managed hotel in preceding three years for both the original and the substitute product(s)/service(s) :

Provided further that in case of export of goods relating to handicraft, handlooms, cottage, tiny sector, agriculture, aqua-culture, animal husbandry, floriculture, horticulture, pisciculture, viticulture, poultry and sericulture, the importer shall not be required to maintain the average level of exports :

Provided also that the goods, excepting tools, imported under this Notification by the aforesaid sectors, shall not be allowed to be transferred for a period of five years from the date of imports even in cases where export obligation has been fulfilled. Transfer of capital goods would, however, be permitted within the group companies, after fulfillment of export obligation but before five years from the date of imports, under intimation to Regional Authority and jurisdictional Central Excise Authority :

Provided also that exports made to former USSR, or to such countries as notified by Director General of Foreign Trade as on 31.3.08, shall not be counted for fixing the average level of exports :

Provided also that the goods on which benefits of reward schemes under chapter 3 of the Foreign Trade Policy are taken shall not be counted towards the fulfillment of the export obligation :

Provided also that exports against only such shipping bills which mention the EPCG authorization No. and date shall be counted for the discharge of the export obligation;

(ii) shall be fulfilled through physical exports and the export proceeds shall be realized in freely convertible currency. However the following categories of supplies, shall also be counted towards fulfillment of export obligation :

(a) deemed exports, namely :

- (1) supply of goods against Advance Authorization/Advance Authorization for Annual Requirement/ Duty Free Import Authorization (DFIA);
- (2) supply of goods to Export Oriented Units (EOUs) or Software Technology Parks (STPs) or Electronics Hardware Technology Parks (EHTPs) or Bio-Technology Parks (BTPs);
- (3) supply of goods to projects financed by multilateral or bilateral agencies or Funds as notified by Department of Economic Affairs (DEA), Ministry of Finance (MOF) under International Competitive Bidding (ICB) in accordance with procedures of those agencies or Funds, where legal agreements provide for tender evaluation without including customs duty; supply and installation of goods and equipments (single responsibility of turnkey contracts) to projects financed by multilateral or bilateral agencies or Funds as notified by DEA, MOF under ICB, in accordance with procedures of those agencies/Funds, where bids may have been invited and evaluated on the basis of Delivery Duty Paid (DDP) prices for goods manufactured abroad;
- (4) supply of goods to any project or purpose in respect of which the Ministry of Finance, by a Notification, permits import of such goods at zero customs duty and the supply is made under ICB procedure;
- (5) supply of goods to power projects and refineries not covered in (4) above under ICB procedure;
- (6) Supply of goods to nuclear power projects through competitive bidding as opposed to ICB;

(b) Supply of ITA-1 items to Domestic Tariff Area, provided realization is in free foreign exchange;

(c) Royalty payments received in freely convertible currency and foreign exchange received for Research & Development (R&D) services; and

- (d) Payments received in rupee terms for port handling services in terms of chapter 9 of the Foreign Trade Policy.
- (3) "Foreign Trade Policy" means the Foreign Trade Policy 2004-2009 published vide Notification of the Government of India in the Ministry of Commerce and Industry, No. 1/2004 dated the 31st August, 2004 as amended from time to time;
- (4) "Licensing Authority or Regional Authority" means the Director General of Foreign Trade appointed under Section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence or authorization under the said Act;
- (5) "manufacture" has the same meaning as defined in clause (f) of Section 2 of the Central Excise Act, 1944 (1 of 1944).

Table

<i>S. No.</i>	<i>Description of goods</i>
<i>(1)</i>	<i>(2)</i>
1.	Capital goods for pre-production, production and post production including second hand capital goods.
2.	Capital goods in Semi Knocked Down (SKD)/Completely Knocked Down (CKD) conditions to be assembled into capital goods by the importer.
3.	Spare parts of goods specified at Serial Nos. 1 and 2 as actually imported and required for maintenance of capital goods so imported, assembled, or manufactured.
4.	Spare parts for the existing plant and machinery of the licence or authorization holder.
5.	Motor cars, sports utility vehicles/all purpose vehicles.

Sd/-

(JAGMOHAN SINGH)

Under Secretary to the Government of India

[F. No. 605/23/2008-DBK]

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

Notification No. 65/2008-Customs

Dated 9th May, 2008

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), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby directs that each of the Notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely :-

Table

S. No. (1)	Notification No. and date (2)	Amendment (3)
1.	49/2000-Customs, dated the 27th April, 2000 [Vide G.S.R. 365(E), dated the 27th April, 2000]	In the said Notification,- (a) after paragraph 3, the following paragraph shall be inserted, namely,- “4. where the total exports of a sector or product group during the year 2007-08 has declined by more than 5% as compared to the year 2006-07, the average export obligation of the licensee for 2007-08 may be reduced proportionate to the reduction in exports of that particular sector/product group during 2007-08 as against 2006-07;” (b) in the Explanation, in clause (4), after sub-clause (iii) the following sub-clause shall be inserted, namely,- “(iv) shall be, over and above, the average level of exports achieved by the licensee in the preceding three licencing years for same and similar products”.
2.	44/2002-Customs, dated the 19th April, 2002 [Vide G.S.R. 293(E), dated the 19th April, 2002]	In the said Notification,- (a) after paragraph 3, the following paragraph shall be inserted, namely,- “4. where the total exports of a sector or product group during the year 2007-08 has declined by more than 5% as compared to the year 2006-07, the average export obligation of the licensee for 2007-08 may be reduced proportionate to the reduction in exports of that particular sector or product group during 2007-08 as against 2006-07;” (b) in the Explanation, in clause (4), after sub-clause (iii) the following sub-clause shall be inserted, namely,- “(iv) shall be, over and above, the average level of exports achieved by the licensee in the preceding three licencing years for same and similar products”.
3.	55/2003-Customs, dated the 1st April, 2003 [Vide G.S.R. 299(E), dated the 1st April, 2003]	In the said Notification, - (a) in paragraph 2, in condition (5), - (i) for the words “and Vadinar”, the words and brackets “Vadinar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted;

S. No. (1)	Notification No. and date (2)	Amendment (3)
		<p>(ii) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted;</p> <p>(b) after paragraph 3, the following paragraph shall be inserted, namely,- “4. where the total exports of a sector or product group during the year 2007-08 has declined by more than 5% as compared to the year 2006-07, the average export obligation of the licensee for 2007-08 may be reduced proportionate to the reduction in exports of that particular sector/product group during 2007-08 as against 2006-07;”</p> <p>(c) in the Explanation, in clause (4), after sub-clause (ii) the following sub-clause shall be inserted, namely,- “(iii) shall be, over and above, the average level of exports achieved by the licensee in the preceding three licencing years for same and similar products”.</p>
4.	97/2004-Customs, dated the 17th September, 2004 [Vide G.S.R. 620 (E), dated the 17th September, 2004]	<p>In the said Notification, -</p> <p>(a) in paragraph 2, in condition (6), -</p> <p>(i) for the words “and Vadinar”, the words and brackets “Vadinar and Haldia (Halida Dock Complex of Kolkata Port)”, shall be substituted;</p> <p>(ii) for the words “and Indore”, the words and brackets “Indore and Dabolim (Goa)”, shall be substituted;</p> <p>(b) after paragraph 4, the following paragraphs shall be inserted, namely,- “5. where the total exports of a sector or product group during the year 2007-08 has declined by more than 5% as compared to the year 2006-07, the average export obligation of the licensee for 2007-08 may be reduced proportionate to the reduction in exports of that particular sector/product group during 2007-08 as against 2006-07”;</p> <p>(c) in the Explanation, in clause (4), after sub-clause (ii) the following sub-clause shall be inserted, namely,- “(iii) shall be, over and above, the average level of exports achieved by the licensee in the preceding three licencing years for same and similar products”.</p>

[F. No. 605/23/2008-DBK]

Sd/-
(JAGMOHAN SINGH)
Under Secretary to the Government of India

- Note :**
- (i) The Principal Notification No. 49/2000-Customs, dated the 27th April, 2000 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 365 (E), dated the 27th April, 2000 and was last amended by Notification No. 65/2004-Customs, dated the 22nd June, 2004 vide number G.S.R. 376 (E), dated 22nd June, 2004.
 - (ii) The Principal Notification No. 44/2002-Customs, dated the 19th April, 2002 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 293 (E), dated the 19th April, 2002 and was last amended by Notification No. 65/2004-Customs, dated the 22nd June, 2004 vide number G.S.R. 376 (E), dated 22nd June, 2004.
 - (iii) The Principal Notification No. 55/2003-Customs, dated the 1st April, 2003 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 299(E), dated the 1st April, 2003 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.
 - (iv) The Principal Notification No. 97/2004-Customs, dated the 17th September, 2004 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (1) vide number G.S.R. 620 (E), dated the 17th September, 2004 and was last amended by Notification No. 116/2007-Customs, dated the 30th November, 2007 vide number G.S.R. 745 (E), dated 30th November, 2007.

Member-exporters can avail the Notification No. 49/2000-Customs, dated the 27th April, 2000; Notification No. 65/2004-Customs, dated the 22nd June, 2004; Notification No. 44/2002-Customs, dated the 19th April, 2002; Notification No. 65/2004-Customs, dated the 22nd June, 2004; Notification No. 55/2003-Customs, dated the 1st April, 2003; Notification No. 116/2007-Customs, dated the 30th November, 2007 and Notification No. 97/2004-Customs, dated the 17th September, 2004 from the following Website :

<http://www.cbec.gov.in/customs/cs-act/notifications/cs49-2k.htm>

http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k4/cs65_2k4.htm

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k2/cs44-2k2.htm>

http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k4/cs65_2k4.htm

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k3/cs55-2k3.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/cs116-2k7.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k4/cs97-2k4.htm>

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

Notification No. 66/2008-Customs

Dated 10th May, 2008

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), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods specified in column (3) of the Table *annexed* hereto and falling under Heading No. of the Second Schedule to the Customs Tariff Act, 1975 (51 of 1975), specified in the corresponding entry in column (2) of the said Table, when exported out of India, from so much of the duty of customs leviable thereon under the said Second Schedule as is in excess of the amount calculated at the rate specified in the corresponding entry in column (4) of the said Table :

Table

S. No.	Heading No.	Description of goods	Rate of Duty
(1)	(2)	(3)	(4)
1.	27.	Pig iron and spiegeleisen in pigs, blocks or other primary forms	15%
2.	28.	Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products, in lumps, pellets or similar forms; iron having minimum purity by weight of 99.94%, in lumps, pellets or similar forms	15%
3.	29.	Ferrous waste and scrap, remelting scrap ingots of iron or steel	15%
4.	30.	Granules and powders, of pig iron, spiegeleisen, iron or steel	15%
5.	31.	Iron and non-alloy steel in ingots or other primary forms	15%
6.	32.	Semi-finished products of iron or non-alloy steel	15%
7.	33.	Flat rolled products of iron or non-alloy steel, hot rolled, not clad, plated or coated	15%
8.	34.	Flat rolled products of iron or non-alloy steel, cold rolled (cold-reduced), not clad, plated or coated	10%
9.	35.	Flat rolled products of iron or non-alloy steel, plated or coated with zinc	5%
10.	36.	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel	10%
11.	37.	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling	10%
12.	38.	Other bars and rods of iron or non-alloy steel	10%
13.	39.	Angles, shapes and sections of iron or non-alloy steel	10%
14.	40.	Wire of iron or non-alloy steel	10%
15.	41.	Tubes and pipes, of iron or steel	10%
16.	42.	Basmati rice	Rs. 8000 per tonne

Sd/-

(S. BAJAJ)

[F. No. B-1/1/2008-TRU]

Under Secretary to the Government of India

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

Notification No. 42/2008-Customs (N.T.)

Dated 12th May, 2008

G.S.R. (E).- In exercise of the powers conferred by Sub-Section (1B) of Section 129A of the Customs Act, 1962 (52 of 1962), the Board hereby makes the following further amendment in the notification of the Government of India, Ministry of Finance, Department of Revenue No. 49/2005-Customs (N.T.) dated the 17th June, 2005, vide number G.S.R.410(E) published in Gazette of India, Extraordinary, Part-II, Section 3, Sub-Section (i) dated the 17th June, 2005.

2. In the said Notification, in the Table, for Sl. No. 25 and the entries relating thereto, the following Sl. No. and entries shall be substituted, namely :-

(1)	(2)	(3)
25	(1) For the Jurisdiction of Commissioner of Customs, Pune Commissioner of Customs, Pune and Commissioner of Customs and Central Excise, Goa	Commissioner of Central Excise (Appeals), Goa
	(2) For the Jurisdiction of Commissioner of Customs and Central Excise, Goa Commissioner of Customs and Central Excise, Goa and Commissioner of Customs, Pune	
	(3) For the Jurisdiction of Commissioner of Customs and Central Excise, Belgaon Commissioner of Customs and Central Excise, Belgaon and Commissioner of Central Excise, Goa	

[F. No. 390/354/07-JC]

Sd/-
(SACHIN JAIN)

Under Secretary to the Government of India

Note : The principal Notification No. 49/2005-Customs (N.T.), dated the 17th June, 2005 was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-Section (i) vide number G.S.R. 410(E) dated the 17th June, 2005 and was subsequently amended by Notification No. 63/2006-Customs (N.T.), dated the 9th June, 2006 vide number G.S.R. 356(E), published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated the 9th June, 2006.

Member-exporters can avail the Notification No. 49/2005-Customs (N.T.), dated the 17th June, 2005 and Notification No. 63/2006-Customs (N.T.), dated the 9th June, 2006 from the following Website :

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k5/csnt49-2k5.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k6/csnt63-2k6.htm>

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

Notification No. 44/2008-Customs (N.T.)

Dated 15th May, 2008

S.O. (E) – In exercise of the powers conferred by Sub-Section (2) of Section 14 of the Customs Act, 1962 (52 of 1962), the Board, being satisfied that it is necessary and expedient so to do, hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Cus (N.T.), dated, the 3rd August, 2001, namely :-

In the said Notification, for the Table, the following Table shall be substituted namely :-

“T A B L E

<i>S. No.</i>	<i>Chapte/heading/ sub-heading/tariff item</i>	<i>Description of goods</i>	<i>Tariff value US\$ (Per Metric Tonne)</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
1.	1511 10 00	Crude Palm Oil	447 (i.e. no change)
2.	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3.	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4.	1511 10 00	Crude Palmolein	481 (i.e. no change)
5.	1511 90 20	RBD Palmolein	484 (i.e. no change)
6.	1511 90 90	Others – Palmolein	483 (i.e. no change)
7.	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8.	7404 00 22	Brass Scrap (all grades)	4468
9.	1207 91 00	Poppy seeds	5398 (i.e. no change)”

Sd/-

(ASEEM KUMAR)

(F. No. 467/23/2007-Cus.V)

Under Secretary to the Government of India

Note :- The Principal Notification was published in the Gazette of India, Extraordinary, vide Notification No. 36/2001 – Customs (N.T.), dated, the 3rd August, 2001 (S.O. 748 (E), dated, the 3rd August, 2001) and was last amended vide Notification No. 40/2008-Customs (N.T.), dated, the 2nd May, 2008 (S.O. 1075 (E) dated 2nd May, 2008).

Member-exporters can avail the Notification No. 36/2001-Customs (N.T.), dated 3rd August, 2001 and Notification No. 40/2008-Customs (N.T.), dated the 2nd May, 2008 from the following links :

<http://www.cbec.gov.in/cae/customs/cs-act/notifications/notfns-2k1/csnt36-2k1.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k8/csnt40-2k8.htm>

F. No. 267/43/2008-CX.8
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi

Circular No. 868/6/2008-CX

Dated 9th May, 2008

Subject : Amendments in the CENVAT Credit Rules, 2004 w.e.f. 01.04.08 - regarding.

In the budget 2008-09, certain amendments have been carried out in the CENVAT Credit Rules, 2004. Rule 6 of CENVAT Credit Rules, 2004 pertains to an assessee who manufactures dutiable and exempted goods and provision of taxable and exempted services. As a general principle, CENVAT credit is not allowed on input or input service used for the manufacture of exempted goods or provision of exempted services [refer Rule 6(1)]. Exception to Rule 6(1) is contained in rules 6(3), 6(5) and 6(6).

Rule 6(2) : Provides facility to an assessee to maintain separate Cenvat credit account for dutiable and exempted goods or services (hereinafter referred to as outputs) and take credit only on inputs and input services meant for use in dutiable outputs.

Rule 6(3) : Pertains to an assessee opting not to maintain separate Cenvat credit accounts for dutiable and exempted outputs. Such assessee has to opt for one of the following two options :

(i) Pay an amount equal to 10% of the value of the exempted goods or 8% of the value of the exempted services. Exempted service includes non-taxable service also.

OR

(ii) Pay an amount equivalent to the CENVAT credit attributable to inputs and input services used in or in relation to manufacture of exempted goods or for provision of exempted services. Rule 6(3A) prescribes the conditions and procedure to determine the amount of CENVAT credit attributable to exempted outputs.

Schemes under rule 6(3) are optional and each individual scheme is comprehensive and self-contained. An assessee can exercise the option in relation to all his activities as an assessee and the option is not available only in relation to a part of his activity and the option once exercised cannot be withdrawn during the said financial year.

2. Requests have been received from various trade and industry associations seeking clarifications on certain doubts relating to these amendments. Similar references have also been received from filed formations. For the sake of uniformity in practice and removal of doubts, following clarifications are issued in respect of queries received in this regard :

S. No.	Question	Answer
1.	Whether an assessee availing option (i) or option (ii) under rule 6(3) is allowed to take CENVAT Credit of duty paid on inputs and input services which are used for both dutiable and exempted goods or services.	Yes, credit on such inputs and input services is allowed. However, an assessee following option (i) or (ii) under rule 6(3) shall not be allowed to take CENVAT credit of duty paid on those inputs and input services which are used exclusively for the manufacture of exempted goods or provision of exempted services [refer Explanation II of rule 6(3)]. For the purpose of the calculation of amount under formula given under rule 6(3A), the total CENVAT credit taken on inputs and input services does not include excise duty paid on inputs or service tax paid on input services which are used exclusively for the manufacture of exempted goods or provision of exempted services.

S. No.	Question	Answer
2.	Whether an assessee availing option (i) in respect of certain exempted goods/services can also avail option (ii) in respect of other exempted goods or services simultaneously?	An assessee opting for either of the option is required to avail the said option for all the exempted goods manufactured by him and all the exempted services provided by him and the option once exercised during a financial year (F.Y.) cannot be withdrawn during the remaining part of the FY. Therefore, the same assessee cannot avail both option (i) and option (ii) simultaneously during a financial year. [Explanation I to Rule 6(3)].
3.	Assessee opting for option (i) is required to pay an amount equivalent to 10% of value of exempted goods or 8% of value of exempted services. What is the scope of term "value" for the said purpose	Value of the exempted goods is the transaction value as determined in terms of section 4 of the Central Excise Act, 1944 or value determined under Section 4A. However, in case of goods chargeable to specific rate of duty, the value, shall be the transaction value to be determined under section 4. Value of the exempted service is the gross amount charged for providing the exempted service [without abatement].
4.	What is the accounting code to be followed by the assessee who is required to pay 8% or other amount for the exempted service under Rule 6(3).	For the present, the assessee can pay the said amount under the accounting code applicable for Service Tax i.e. 0044.
5.	Whether input services distributor can also opt for option (i) or option (ii)?	As ISD does not provide any service, and is like a trader, the question of availing either of the options would not arise.
6.	Whether export of service without payment of Service Tax under Export of Service Rules shall be treated as exempted service for the purpose of rule 6(3)?	No, export of services without payment of Service Tax are not to be treated exempted services.
7.	What is the manner for calculation of CENVAT Credit amount attributable to inputs used in or in relation to the manufacture of exempted goods.	It is required to be done on the basis of actual consumption of inputs used and the quantification may be made based upon the stores/production records maintained by the manufacturer. Further, a certificate from Cost Accountant/Chartered Accountant giving details of quantity of inputs used in the manufacture of exempted goods, value thereof and CENVAT credit taken on these input may be submitted at the end of the year.
8.	Whether credit in respect of input services covered by rule 6(5) would be required to be taken into account for determination of amount payable as per formula provide in rule 6(3A).	No, the credit attributable to services mentioned in sub-rule (5), shall not be taken into account for determination of amount under rule 6(3A).

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

**F. No. 137/84/2008-CX.4
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi**

Circular No. 101/4/2008-ST

Dated 12th May, 2008

**Subject : Filing of claim for refund of Service Tax paid under
Notification No. 41/2007-ST dated 6/10/2007 - regarding.**

The Notification No. 41/2007-ST, dated 6/10/2007 allows refund of Service Tax paid on specified services used for export of goods. This Notification stipulates that a merchant exporter shall file the claim of refund to the Assistant Commissioner/Deputy Commissioner of Central Excise having jurisdiction over the registered office or the head office [Proviso to para 2(b) of Notification].

2. It has been brought to the notice of the Board that certain doubts have arisen in field, regarding,-
 - (a) Whether an office, other than the registered (as per The Companies Act 1956) or the head office, of a merchant exporter can file claim for refund; and
 - (b) Whether in cities, having exclusive Service Tax commissionerates, such claims should be filed with central excise formations or Service Tax formation.
3. In this connection, it has been brought to the notice of the Board that in a number of cases, regional or other offices (which is neither a head office nor a registered office in terms of the provisions of the Companies Act, 1956) of a merchant exporter are registered with department as service assesses, and it has been represented that in such cases, these offices registered with the department may be allowed to file the refund claim without insisting for filing of refund claim with the Assistant Commissioner/Deputy Commissioner of Central Excise having jurisdiction over the head office/registered office.
4. The matter has been examined. Normally, a merchant exporter is not required to register with the department, and therefore, the condition of filing a refund claim at the location of head office/registered office has been stipulated in the Notification. However, in cases, where a premises or an office of a merchant exporter is registered with the department under Service Tax law, the merchant exporter can, at his option, file refund claim with the jurisdictional office, he is registered with. Therefore, it is clarified that refund claims can be filed from any premises/office of a merchant exporter provided the same is registered for Service Tax purposes under the Finance Act, 1994 or rules made thereunder. However, even in such cases, if the merchant exporter so desires, he may file refund claim at the location where his head office/registered office is located, in the manner as prescribed in para 4.1 below.
 - 4.1 In cases where no premises or offices of merchant exporter is registered with the department, a merchant exporter should file a declaration, as prescribed in Notification No. 41/2007-ST, and thereafter, file the claims with the jurisdictional Assistant Commissioner/Deputy Commissioner as stipulated under proviso(ii) to paragraph 2(b) of the said Notification. In case, the head office/registered office is located within the jurisdiction of exclusive Service Tax Commissionerates at

Ahmedabad, Bangalore, Chennai, Delhi, Kolkata, and Mumbai, the claim should be filed before the jurisdictional Assistant Commissioner/Deputy Commissioner of Service Tax (who, as per the provisions is also an AC/DC of Central Excise). In all other cases, the refund claim should be filed with the Assistant Commissioner/Deputy Commissioner of Central Excise and Service Tax, having jurisdiction over Head office or Registered Office for the purposes of Service Tax.

5. As regards the manufacturer exporter, the proviso (i) to para 2(b) prescribes that he shall file the claim of refund to the Assistant Commissioner/Deputy Commissioner of Central Excise, having jurisdiction over the factory of manufacture or warehouse.
6. Wide publicity may be given (in the form of trade notices, advertisements) to make the stakeholders aware of the above clarification and compliance should be monitored. Any difficulty faced in implementing the above provisions may be immediately brought to the notice of the undersigned.

Sd/-

(GAUTAM BHATTACHARYA)

Commissioner (ST)

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

Notification No. 19/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E).- In exercise of the powers conferred by Sub-Sections (1) and (2) of Section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules to further amend the Service Tax Rules, 1994, namely :-

1. (1) These rules may be called the Service Tax (Second Amendment) Rules, 2008.
 - (2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.
2. In the Service Tax Rules, 1994,-
 - (i) in rule 4A, for the words “to a customer” wherever they occur, the words “to any person” shall be substituted with effect from the 16th day of May, 2008;
 - (ii) in rule 4B, for the words “to the customer”, the words “to the recipient of service” shall be substituted with effect from the 16th day of May, 2008;
 - (iii) in rule 6,-
 - (a) in sub-rule (1), after the third proviso, the following Explanation shall be inserted, namely :-

“*Explanation.*- For the removal of doubts, it is hereby declared that where the transaction of taxable service is with any associated enterprise, any payment received towards the value of taxable service, in such case shall include any amount credited or debited, as the case may be, to any account, whether called ‘Suspense account’ or by any other name, in the books of account of a person liable to pay Service Tax.”;
 - (b) after sub-rule (7A), the following sub-rule shall be inserted with effect from the 16th day of May, 2008, namely :-

“(7B). The person liable to pay Service Tax in relation to purchase or sale of foreign currency, including money changing, provided by a foreign exchange broker, including an authorised dealer in foreign exchange or an authorized money changer, referred to in sub-clauses (zm) and (zzk) of clause (105) of Section 65 of the Act, shall have the option to pay an amount calculated at the rate of 0.25 per cent. of the gross amount of currency exchanged towards discharge of his Service Tax liability instead of paying Service Tax at the rate specified in Section 66 of Chapter V of the Act :

Provided that such option shall not be available in cases where the consideration for the service provided or to be provided is shown separately in the invoice, bill or, as the case may be, challan issued by the service provider.

Illustration

Buying rate US\$ 1 = Rs. 38, selling rate US\$ 1 = Rs. 40

- (i) Person exchanged \$ 100 for equivalent rupees
Transaction value = Rs. 3800 (Rs. 38 x 100)
Service Tax payable = Rs. 9.5 (0.25% x 3800)

- (ii) Person exchanged equivalent rupees for \$ 100
Transaction value = Rs. 4000 (40 x 100)
Service Tax payable = Rs.10 (0.25% x 4000).”.

Sd/-
(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

Note : The principal rules were notified vide Notification No. 2/94-Service Tax, dated the 28th June, 1994 and published in the Gazette of India, Extraordinary vide number G.S.R.546 (E), dated the 28th June, 1994 and were last amended vide Notification No. 4/2008-Service Tax, dated the 1st March, 2008 and published vide number G.S.R. 148(E), dated the 1st March, 2008.

Member-exporters can avail the Notification No. 4/2008-Service Tax, dated the 1st March, 2008 from the following Website :

<http://www.servicetax.gov.in/notifications/notfns-2k8/st04-2k8.pdf>

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

Notification No. 20/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E). - In exercise of the powers conferred by Sections 93 and 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Export of Services Rules, 2005, namely :-

1. (1) These rules may be called the Export of Services (Second Amendment) Rules, 2008.
(2) They shall come into force on the 16th day of May, 2008.
2. In the Export of Services Rules, 2005, in rule 3, in sub-rule (1),-
 - (a) in clause (ii), for the brackets, letters and word "(zzzf) and (zzzp)", the brackets, letters and word "(zzzf), (zzzp), (zzzzg), (zzzzh) and (zzzzi)" shall be substituted;
 - (b) in clause (iii), after the proviso, the following proviso shall be inserted, namely :-

"Provided further that where the taxable service referred to in sub-clause (zzzzj) of clause (105) of Section 65 of the Act is provided to a recipient located outside India, then such taxable service shall be treated as export of taxable service subject to the condition that the tangible goods supplied for use are located outside India during the period of use of such tangible goods by such recipient."

Sd/-
(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

Note : The principal rules were notified vide Notification No. 9/2005-Service Tax, dated the 3rd March, 2005 and published in the Gazette of India, Extraordinary vide number G.S.R. 151(E), dated the 3rd March, 2005 and were last amended vide Notification No. 5/2008-Service Tax, dated the 1st March, 2008 vide number G.S.R. 149(E), dated the 1st March, 2008.

Member-exporters can avail the Notification No. 9/2005-Service Tax, dated the 3rd March, 2005 and Notification No. 5/2008-Service Tax, dated the 1st March, 2008 from the following Website :

http://www.servicetax.gov.in/servtax_notfns_idx.htm

<http://www.servicetax.gov.in/notifications/notfns-2k8/st05-2k8.pdf>

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

Notification No. 21/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E).- In exercise of the powers conferred by Sections 93 and 94 read with Section 66A of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Taxation of Services (Provided from Outside India and Received in India) Rules, 2006, namely :-

1. (1) These rules may be called the Taxation of Services (Provided from Outside India and Received in India) Second Amendment Rules, 2008.

(2) They shall come into force on the 16th day of May, 2008.

2. In the Taxation of Services (Provided from Outside India and Received in India) Rules, 2006, in rule 3,-

(a) in clause (ii), for the brackets, letters and word "(zzzf) and (zzzp)", the brackets, letters and word "(zzzf), (zzzp), (zzzgz), (zzzzh) and (zzzzi)" shall be substituted;

(b) in clause (iii), the following proviso shall be inserted at the end, namely :-

"Provided that where the taxable service referred to in sub-clause (zzzzj) of clause (105) of section 65 of the Act is received by a recipient located in India, then such taxable service shall be treated as taxable service provided from outside India and received in India subject to the condition that the tangible goods supplied for use are located in India during the period of use of such tangible goods by such recipient."

Sd/-

(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

Note : The principal rules were notified vide Notification No. 11/2006-Service Tax, dated the 19th April, 2006 and published in the Gazette of India, Extraordinary, vide number G.S.R. 227(E), dated the 19th April, 2006 and were last amended vide Notification No. 6/2008-Service Tax, dated the 1st March, 2008 vide number G.S.R. 150(E), dated the 1st March, 2008.

Member-exporters can avail the Notification No. 11/2006-Service Tax, dated the 19th April, 2006 and Notification No. 6/2008-Service Tax, dated the 1st March, 2008 from the following Website :

http://www.servicetax.gov.in/servtax_notfns_idx.htm

<http://www.servicetax.gov.in/notifications/notfns-2k8/st06-2k8.pdf>

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

Notification No. 22/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E).- In exercise of the powers conferred by Sub-Section (1) of Section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on 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. 1/2006-Service Tax, dated the 1st March, 2006 vide number G.S.R. 115 (E), dated the 1st March, 2006, namely :-

In the said Notification, in the Table,-

- (i) against S. No. 1, in column (3), for the words "to the client", the words "to any person" shall be substituted;
- (ii) against S. No. 4, in column (4), for the words "client", the words "recipient of service" shall be substituted;
- (iii) against S.No.5, in column (4), for the words "customer", the words "recipient of service" shall be substituted.

2. This Notification shall come into force on the 16th day of May, 2008.

Sd/-
(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

Note : The principal Notification No. 1/2006-Service Tax, dated the 1st March, 2006, was published in the Gazette of India, Extraordinary vide number G.S.R. 115(E), dated the 1st March, 2006 and was last amended by Notification No. 12/2008-Service Tax, dated the 1st March, 2008, vide number G.S.R. 156(E), dated the 1st March, 2008.

Member-exporters can avail the Notification No. 1/2006-Service Tax, dated the 1st March, 2006 and Notification No. 12/2008-Service Tax, dated the 1st March, 2008 from the following Website :

<http://www.servicetax.gov.in/notifications/notfns-2k6/st0106.pdf>

<http://www.servicetax.gov.in/notifications/notfns-2k8/st12-2k8.pdf>

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

Notification No. 23/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E).- In exercise of the powers conferred by Sub-Section (1) of Section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the Notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, to the extent specified in the corresponding entry in column (3) of the said Table, namely :-

S. No. (1)	Notification No. and date (2)	Amendment (3)
1.	18/2002-Service Tax, dated the 16th December, 2002 [G.S.R. 823(E), dated the 16th December, 2002]	In the said Notification, for the words "to a client", the words "to any person" shall be substituted.
2.	33/2004-Service Tax, dated the 3rd December, 2004 [G.S.R. 788(E), dated the 3rd December, 2004]	In the said Notification, for the words "to a customer", the words "to any person" shall be substituted.
3.	34/2004-Service Tax, dated the 3rd December, 2004 [G.S.R. 789(E), dated the 3rd December, 2004]	In the said Notification, for the words "to a customer", the words "to any person" shall be substituted.

2. This notification shall come into force on the 16th day of May, 2008.

Sd/-
(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

- Note :** (1) The principal Notification No. 18/2002-Service Tax, dated the 16th December, 2002, was published in the Gazette of India, Extraordinary vide number G.S.R. 823(E), dated the 16th December, 2002;
- (2) The principal Notification No. 33/2004-Service Tax, dated the 3rd December, 2004, was published in the Gazette of India, Extraordinary vide number G.S.R. 788(E), dated the 3rd December, 2004;
- (3) The principal Notification No. 34/2004-Service Tax, dated the 3rd December, 2004, was published in the Gazette of India, Extraordinary vide number G.S.R. 789(E), dated the 3rd December, 2004.

Member-exporters can avail the Notification No. 18/2002-Service Tax, dated the 16th December, 2002; Notification No. 33/2004-Service Tax, dated the 3rd December, 2004 and Notification No. 34/2004-Service Tax, dated the 3rd December, 2004 from the following Website :

http://www.servicetax.gov.in/servtax_notfns_idx.htm

http://www.servicetax.gov.in/servtax_notfns_idx.htm

http://www.servicetax.gov.in/servtax_notfns_idx.htm

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

Notification No. 24/2008-Service Tax

Dated 10th May, 2008

G.S.R.(E).- In exercise of the powers conferred by Sub-Section (1) of Section 93 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 41/2007-Service Tax, dated the 6th October, 2007 which was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 645(E), dated the 6th October, 2007, namely :-

In the said Notification, in the Schedule, after Sr. No. 15 and the entries relating thereto, the following shall be inserted, namely :-

(1)	(2)	(3)	(4)
"16.	Section 65(105)(zm)	services of purchase or sale of foreign currency, including money changing provided to an exporter in relation to export goods.	exporter shall produce evidence to prove that the services specified in column (3) are in relation to goods exported.
17.	Section 65(105)(zzk)	services of purchase or sale of foreign currency, including money changing provided to an exporter in relation to export goods.	exporter shall produce evidence to prove that the services specified in column (3) are in relation to goods exported.
18.	Section 65(105)(zzzzj)	services of supply of tangible goods for use, without transferring right of possession and effective control of tangible goods, provided to an exporter in relation to goods exported by the exporter.	exporter shall produce evidence to prove that the services specified in column (3) are used in relation to export of goods."

2. This Notification shall come into force on the 16th day of May, 2008.

Sd/-
(G. G. PAI)

[F. No. B1/5/2008-TRU]

Under Secretary to the Government of India

Note : The principal Notification was published in the Gazette of India, Extraordinary vide number G.S.R. 645(E), dated the 6th October, 2007 and was last amended by Notification No. 17/2008-Service Tax, dated the 1st April, 2008 which was published in the Gazette of India, Extraordinary vide number G.S.R. 260(E), dated the 1st April, 2008.

Member-exporters can avail the Notification No. 17/2008-Service Tax, dated the 1st April, 2008 from the following Website :

<http://www.servicetax.gov.in/notifications/notfns-2k8/st17-2k8.htm>

Steel Prices : Ex-Mandi Gobindgarh : on immediate payment basis

Mandi Gobindgarh

Open Market Rates of Rerollables (May 10, 2008)

(Inclusive of Excise Duty) (Trade Terms 1% Cash Discount)

(Rate Rs. per Tonne)

Ingots

Arc/Ind. Furnaces	
round quality (21x25)	33,500/-
structural quality (28x30)	33,400/-
Low carbon (12x16)	33,800/-
Semi-low carbon (16x20)	33,500/-
5x6 girder quality (28x30)	33,400/-
Runners/Risers	31,800/-
Bones/Clean	30,000/-

Billets & Squares

50x50x63x63x65x65 mm MS	–
75x75x80x80x90x90 mm MS	39,200/-
100x100 mm MS	39,400/-
125x125 mm MS	–
100x100 mm Concast-Billets	39,200/-
100x100 Concast-SAIL DSP	39,400/-
H.C. Billet SAIL 150x150 mm	–
H.C. Billets-Tisco 75x75 mm	–

Blooms

Above 251 mm Bloom (HC)	41,200/-
Above 251 mm Bloom (MS)	41,200/-
Bloom 160x250 mm (DSP)	40,800/-
130/135/140 mm (Tisco) MS	–
150x150 mm Concast (DSP)	42,650/-
150x150 mm MS (SAIL)	42,650/-
Bloom Cut into pcs. (MS)	41,700/-
Bloom Cut into pcs. (Medium)	41,500/-
Bloom Cut into (Patra Pass)	41,500/-

Slabs

Durgapur Slabs 14"x3"	–
Durgapur Slabs	30,800/-
Bokaro Slab Heavy	32,000/-
Tata Concast Slab (Heavy)	33,000/-
Skelp Tisco	–

Rails

Untested Rail - 75 lbs.	32,000/-
Untested Rail - 90 lbs.	31,900/-
Untested Rail - 105 lbs.	31,700/-
Rej. Wheel (Big)	30,800/-

Rej. Wheel (Small)	30,600/-
Cut Tyre (Big)	31,700/-
Cut Tyre (Small)	31,500/-

Melting Scrap (F.O.R.)

Rolling Mill end (Fresh)	27,800/-
Good Godown	26,100/-
Godown Scrap	25,800/-
Turning	25,800/-
Tin Tapper	24,300/-
Sponge Iron	25,500/-

Pig Iron (F.O.R.)

Foundry Grade	31,500/-
Steel Grade	28,500/-
C.I. Turning	17,000/-
Degi Scrap	26,600/-
Deg Casting	37,000/-
Ingot Moulds (Old)	26,000/-
Ingot Moulds (New)	36,500/-
Cut Ingot Moulds	28,200/-

Open Market Rates of Finished Goods (May 10, 2008)

(Inclusive of Excise Duty) (Trade Terms 1% Cash Discount)

(Rate Rs. per Qntl.)

M. S. Rounds

Mild	4 mm	5 mm	6 mm	8 mm	10 mm	12 mm	16/20 mm	22/25 mm
Medium-Semi	3700/-	3600/-	3500/-	3570/-	3620/-	3800/-	3800/-	3750/-
Zindi Pass (Drawing)	–	–	–	–	3600/-	3800/-	–	–
	–	–	–	3750/-	3750/-	3750/-	3820/-	3770/-

Above rates of 6 mm rounds are of length up to 14' Above 18' = 3500/-

Heavy Rounds

Mild	28 to 53 mm	63 to 100 mm	110 to 125 mm	140 to 150 mm	165 mm	180 mm	200 mm
	3750/-	3820/-	3920/-	4020/-	4120/-	4200/-	4220/-

M. S. Squares

Mild	4 mm	5 mm	6 mm	8 mm	10 mm	12 mm	16/20 mm	22/25 mm
	3700/-	3600/-	3500/-	3500/-	3560/-	3800/-	3800/-	3750/-

M. S. Angles

3 mm	20 mm	25 mm	32 mm	37 mm	50 mm	65 mm	75 mm	90 mm	100 mm
5 mm	3840/-	3750/-	3750/-	3750/-	3770/-	3790/-	–	–	–
6 mm	–	3720/-	3720/-	3720/-	3730/-	3730/-	3730/-	3790/-	3840/-
	–	3720/-	3720/-	3720/-	3730/-	3730/-	3730/-	3790/-	3840/-

M. S. Flats

3 mm	20 mm	25 mm	32 mm	37 mm	50 mm	65 mm	75 mm	100 mm
5 mm	3520/-	3620/-	3640/-	3660/-	3700/-	3720/-	3720/-	3670/-
6 mm	3520/-	3650/-	3650/-	3640/-	3640/-	3640/-	3640/-	3640/-
8 mm	3520/-	3650/-	3650/-	3640/-	3640/-	3640/-	3640/-	3640/-
10 mm	–	–	3650/-	3640/-	3640/-	3640/-	3640/-	3640/-
12/25 mm	–	–	3650/-	3640/-	3640/-	3640/-	3640/-	3640/-
18/19 Gauge	3920/-	3920/-	3940/-	3970/-	3990/-	3770/-	3770/-	3770/-

[Prices at other stockyards may vary]

[Source : Steel Town (Weekly), May 10, 2008]

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