



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

Notification No. 26/2007-Central Excise (N.T.)

Dated 11th May, 2007

G.S.R. (E).—In exercise of the powers conferred by Section 37 of the Central Excise Act, 1944 (1 of 1944) and Section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the CENVAT Credit Rules, 2004, namely :-

1. (1) These rules may be called the CENVAT Credit (Fifth Amendment) Rules, 2007.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the CENVAT Credit Rules, 2004, in rule 3, after sub-rule (5A), the following sub-rule shall be inserted, namely :-
“(5B). If the value of any,
(i) input, or
(ii) capital goods before being put to use, on which CENVAT Credit has been taken is written off fully or where any provision to write off fully has been made in the books of account, then the manufacturer shall pay an amount equivalent to the CENVAT credit taken in respect of the said input or capital goods :

Provided that if the said input or capital goods is subsequently used in the manufacture of final products, the manufacturer shall be entitled to take the credit of the amount equivalent to the CENVAT Credit paid earlier subject to the other provisions of these rules.”

Note : The principal rules were published in the Gazette of India, Extraordinary vide Notification No. 23/2004-Central Excise (N.T.), dated the 10th September, 2004, vide G.S.R. 600 (E), dated the 10th September, 2004 and were last amended vide Notification No. 24/2007-Central Excise (N.T.), dated the 25th April, 2007, vide G.S.R. 309 (E), dated the 25th April, 2007.

Sd/-

(RAHUL NANGARE)

Under Secretary to the Government of India

[F.No. 267/29/2002-CX8]