



**Government of India  
Ministry of Finance  
Department of Revenue  
New Delhi**

**Notification No. 80/2006-Customs (N.T.)**

Dated 13th July, 2006

G.S.R. 419 (E) In exercise of the powers conferred by Section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Customs and Central Excise Duties Drawback Rules, 1995 (hereinafter referred to as the said rules), namely :-

1. (1) These rules may be called the Customs, Central Excise Duties and Service Tax Drawback (Amendment) Rules, 2006.
- (2) Save as expressly provided otherwise, these rules shall come into force on the date of their publication in the Official Gazette.
2. In the preamble to the said rules for the words, figures and brackets, "and Section 37 of the Central Excise Act, 1944 (1 of 1944)", the sign, words, figures and brackets, ", section 37 of the Central Excise Act, 1944 (1 of 1944) and section 93A read with section 94 of the Finance Act, 1994 (32 of 1994)" shall be substituted.
3. In the said rules,-
  - (1) in sub-rule (1) of rule 1 for the words and figures "Customs and Central Excise Duties Drawback Rules, 1995", the words and figures "Customs, Central Excise Duties and Service Tax Drawback Rules, 1995" shall be substituted;
  - (2) in rule 2,-
    - (a) for clause (a) the following clause shall be substituted, namely :-  
" (a) "drawback" in relation to any goods manufactured in India and exported, means the rebate of duty or tax, as the case may be, chargeable on any imported materials or excisable materials used or taxable services used as input services in the manufacture of such goods;"
    - (b) after clause (d), the following clause shall be inserted, namely,-  
" (da) "input service" shall have the same meaning as is assigned to it in the CENVAT Credit Rules, 2004."
  - (3) in rule 3,-
    - (a) in sub-rule (1),-
      - (i) in clause (b), the word "and" appearing at the end shall be omitted;

- (ii) after clause (b), the following clause shall be inserted, namely,-  
" (bb) the Finance Act, 1994 (32 of 1994), and the rules made thereunder; and";
- (iii) for the first proviso the following proviso shall be substituted, namely :-  
" Provided that where any goods are produced or manufactured from imported materials or excisable materials or by using any taxable services as input services, on some of which only the duty or tax chargeable thereon has been paid and not on the rest, or only a part of the duty or tax chargeable has been paid; or the duty or tax paid has been rebated or refunded in whole or in part or given as credit, under any of the provisions of the Customs Act, 1962 (52 of 1962) and the rules made thereunder, or of the Central Excise Act, 1944 (1 of 1944) and the rules made thereunder, or of the Finance Act, 1994 (32 of 1994) and the rules made thereunder, the drawback admissible on the said goods shall be reduced taking into account the lesser duty or tax paid or the rebate, refund or credit obtained;"
- (iv) for the clause (ii) of the second proviso the following clause shall be substituted, namely :-  
" (ii) if the said goods are produced or manufactured, using imported materials or excisable materials or taxable services in respect of which duties or taxes have not been paid; or";
- (b) in sub-rule (2), after clause (e), the following clause shall be inserted, namely :-  
" (ea) the average amount of tax paid on taxable services which are used as input services for the manufacturing or processing or for containing or packing the export goods."
- (4) in rule 5, in sub-rule (2), after the words, "duty on inputs", the words, "or tax on input services" shall be inserted.
- (5) in rule 6, -
  - (a) in sub-rule (1), in clause (a),-
    - (i) for the words "manufactures exporter", the word "manufacturer" shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
    - (ii) after the word "components" occurring before the words "are used", the words "or inputs services", and after the word "components" occurring before the proviso, the words "or the tax paid on

- input services” shall be inserted;
- (iii) in the proviso, for the words, “manufacturer exporter” at both the places, the word “manufacturer” shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
- (b) in sub-rule (2),-
- (i) in clause (a), for the words “an exporter”, the words “a manufacturer or exporter” shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
- (ii) in clause (b), for the words “manufacturer exporter” wherever they occur, the word “manufacturer” shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
- (6) in rule 7,-
- (a) in sub-rule (1),-
- (i) for the words “manufacturer exporter” wherever they occur, the word “manufacturer” shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
- (ii) for the words, “duties paid on the materials or components”, the words “duties or taxes paid on the materials or components or input services” shall be substituted;
- (iii) for the words, “in which the materials or components are used in the production or manufacture of goods and the duties paid on such materials or components”, the words, “in which the materials or components or input services are used in the production or manufacture of goods and the duties or taxes paid on such materials or components or input services” shall be substituted;
- (b) in sub-rule (3), for the word “exporter”, the words “manufacturer or exporter” shall be substituted and shall be deemed to have been substituted with effect from 1st day of April, 2003;
- (7) in rule 9, for clause (a) the following clause shall be substituted, namely :-
- “(a) determining the class or description of materials or components or input services used in the production or manufacture of goods or for determining the amount of duty or tax paid on such materials or components or input services, or”.
- (8) in rule 12, in sub-rule (1), for sub-clause (ii) of clause (a) the following sub-clause shall be substituted, namely :-
- “(ii) in respect of duties of Customs and Central Excise paid on the containers, packing materials and materials and the service tax paid on the input services used in the manufacture of the export goods on which drawback is being claimed, no separate claim for rebate of duty or service tax under the Central Excise Rules, 2002 or any other law has been or will be made to the Central Excise authorities :”
- (9) in rule 13,-
- (i) in sub-rule (2), in clause (iii) for the letters, figure and word “AR-4 Form” the letters and figure “ARE-1” shall be substituted;
- (ii) after sub-rule (4), the following sub-rule shall be added, namely :-
- “(5) Subject to the provisions of sub-rules (2), (3) and (4), where the exporter has exported the goods under electronic shipping bill in Electronic Data Interchange (EDI) under the claim of drawback, the electronic shipping bill itself shall be treated as the claim for drawback”.
- (10) in rule 16A,-
- (a) in sub-rule (2), for the words “sixty days”, the words “thirty days” shall be substituted;
- (b) in sub-rule (3), for the words “sixty days”, the words “thirty days” shall be substituted;

Sd/-

(DR. M. SUBRAMANYAM)

Deputy Secretary to the Government of India

(F. No. 609/54/2006-DBK) (F. No. 601/8401/8/2004-DBK)

Note : The principal rules were published vide Notification No. 37/95-Customs & Central Excise (N.T.), dated the 26th May, 1995, G.S.R. 441(E), dated the 26th May, 1995, and was last amended vide Notification No. 10/2006-Customs (N.T.), dated the 15th February, 2006, G.S.R. 64 (E), dated the 15th February, 2006.