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FM Gives Relief to IT Manufacturing, Mobile CVD Slashed to 1% from 5%

- Hospital Services and Diagnostics Tests Exempted from New Levy in its Entirety
- Abatement Enhanced From 40% to 55% of Retail Sale Price for SSI Garment Manufactures
- Basic Custom Duty Reduced from 30 Per Cent to 5 Per Cent on Raw Silk AD Valorem
- Constitution Amendment Bill to Facilitate GST Introduced

We are giving below the Finance Minister's Reply to the Discussion on the Finance Bill 2011-12 in Lok Sabha on 22 March 2011. Text of the notifications will be covered in the next issue. Also we will give the notifications in our Daily Index of Changes.

Madam Speaker,

It is unfortunate that the colleagues from across the House chose not participate in the discussion on the Finance Bill 2011-12. In a democratic polity the Government stands to benefit from inputs from colleagues from both sides of the House. In turn, they have an opportunity to lend their voice and expertise to influence public policy in the larger national interest. When this does not happen, it does not bode well for the institution or the society at large.

2. I would like to thank all the speakers who chose to spoke on the Finance Bill 2011-12. A number of valuable suggestions have been made. I have already responded to some of these suggestions while replying to the General Discussion on the Budget and I also addressed a few concerns while introducing the Bill earlier today. I propose to address some more suggestions in the course of my reply.

3. In my proposals for the Direct Taxes, for the year 2011-12, I had proposed to provide lower tax rate of 15 per cent on dividends received by Indian companies from foreign subsidiary companies in which the Indian company holds more than 50 per cent share capital. Several representations have been made requesting further relaxation in the ownership pattern of the foreign subsidiaries. I, therefore, propose to lower the holding requirement in the foreign company from 50 per cent to 26 per cent. This will enable overseas joint ventures with Indian partnership, to also avail this benefit.

4. In order to provide for deduction to employer's contribution to a pension scheme on account of an employee, I propose a consequential amendment in section 40 A (9) so that the deduction to the employer for his contribution is not barred under this section.

5. As no deduction for export profits is allowed after April 1, 2005, I propose that such export profits should also not be allowed as a deduction while computing book profit for the purpose of levy of Minimum Alternate Tax (MAT) after the said date.

6. Suitable amendments have been proposed to the Finance Bill to give effect to these changes.

7. In respect of my Indirect Tax proposals, among the Government amendments to the Finance Bill, I propose to insert a new provision in the Customs Tariff Act to enable

the Central Government to extend anti-dumping duty imposed on an article in cases of circumvention. The other amendments are technical in nature and do not involve any substantive change.

8. The House would recall that one of the considerations that guided the formulation of my proposals on indirect taxes was to prepare the ground for the transition to GST, beginning with a reduction in the number of exemptions. It was in

this background that a mandatory levy of 10 per cent was proposed on branded ready-made garments and made-ups of textiles. I have received a large number of representations seeking a review of this proposal on the ground that this industry is still quite fragmented with a pre-dominance of unorganised units. While moving the Finance Bill for consideration earlier today, I have already announced an increase in the level of abatement on these products so that the overall burden of tax comes down and small manufacturers benefit. I would take this opportunity to re-emphasize that this would enable an SSI unit to continue to enjoy the exemption even if it had a turnover based on Retail Sale Price (RSP) of Rs.8.9 crore in 2010-11. I shall now take up some additional measures to provide relief to this sector.

9. It has been pointed out by the garment industry that often brand owners who outsource production to small units do not disclose the RSP to them. Since the duty is payable on a value linked to the RSP, this poses a problem for small manufacturers. A deeming provision is being made to enable such manufacturers to pay duty on the wholesale



price at which they make a sale to the brand owner. As and when the brand-owner affixes the RSP on the garment or made-up, he would pay the additional duty, if any.

10. The garment and made-up industry has a high incidence of return of unsold stock. In order to obviate the burden of double payment on such goods, I propose to exempt from excise duty, returned goods not exceeding 10 per cent of the value of clearances of the unit in the preceding financial year. Physical verification of stock of such returned goods by Central Excise officers would not be necessary.

11. The doubts and queries raised by the industry have also been examined. A detailed clarification is being issued on these. I would also like to recapitulate to the Hon'ble Members that –

- i) The levy does not apply to unbranded goods;
- ii) It does not apply to goods made to order for a retail customer;
- iii) The benefit of SSI exemption is available to goods bearing or sold under the brand name of the small manufacturer himself
- iv) Simplified Export procedure is available to units that predominantly export and sell unbranded goods or goods bearing their own brand name in the domestic market.

12. One issue that Hon'ble Members have persistently raised relates to the reduction of import duty on raw silk (not thrown) from 30 per cent ad valorem to 5 per cent ad valorem. Mr. Deve Gowda ji also mentioned it in his intervention today. The annual requirement of raw silk for the weaving industry is around 30,000 metric tonnes. The domestic sericulture industry is able to produce two-thirds of this requirement and around 10,000 metric tonnes needs to be imported. In reducing the duty Government have tried to balance the interests of the sericulture sector and silk weavers. As I have already stated earlier today, Government will keep close watch on import volumes and domestic prices and respond, if required, in the interests of domestic sericulture.

13. Some suggestions have been received in respect of the levy of 1 per cent Central Excise duty on 130 items. I propose to extend RSP based assessment with an abatement of 35 per cent to many of these items so that disputes with regard to valuation are avoided. I also propose to exempt any waste, scrap or parings arising in the course of manufacture of these items as a measure of relief.

14. To provide a simplified regime for taxpayers exclusively manufacturing these items, the following procedural relaxations are being made:

- i) Physical verification of premises would not be necessary for new registrants;
- ii) Visits to such units by Central Excise officers would be permitted only with due authorisation as in the case of SSI units;
- iii) They would be required to file only quarterly returns; and
- iv) A simplified return format will be prescribed.

15. Based on the feedback from domestic industry, I am proposing the following reliefs in customs and central excise duties with a view to encourage domestic manufacture:

- i) To extend the concessional rate of 5 per cent CVD and Nil SAD to parts of all computer printers imported by actual users;
- ii) To exempt seven specified parts of personal computers from levy of special additional duty of customs;
- iii) To restore full exemption from excise duty (and CVD) on silicon wafers imported for manufacture of solar cells/modules;
- iv) To exempt certain types of coking coal imported for the manufacture of iron or steel from customs duty;
- v) To prescribe an unconditional 1 per cent excise duty (and CVD) on mobile handsets including cellular phones in addition to 1 per cent NCCD already leviable; and
- vi) To reduce the basic customs duty from 60 to 30 per cent on CKD kits containing a pre-assembled engine, gear box or transmission assembly, imported for the manufacture of vehicles.

16. Notifications to give effect to these changes would be issued in due course and laid on the table of the House.

17. As for Service Tax, I have already announced earlier today our decision to exempt the new levy on health services in entirety both in respect of services provided by hospitals as well as by way of diagnostic tests.

18. Point of taxation Rules are due to come into force from April 1, 2011 and are meant to shift the payment of service tax from only cash basis towards accrual basis. The changes are essential to align the system of payment of taxes between goods and services. Many taxpayers have expressed concerns about some provisions and also sought some time for the switchover on account of changes required in their software. Accordingly, certain changes in the relevant provisions are being worked out and an additional period of three months up to June 30, 2011 is being provided to make the transition. These changes shall be notified shortly after completing the process of consultation.

[Source: PIB Press Releases dated 22 March 2011]



Areca Nut Market for Supari Crashes, Growers want Return of Plastic Sachets for Tobacco based Gutkha

Demand

- Give the gestation time for minimum one year for enforcing the said notification dated 4th Feb 2011, to develop any alternative eco friendly packing mechanism.
- To provide assistance of minimum Rs-1,000 crore, under MIS (Marketing Intervention Scheme) for the concerned co-operatives or any other government t statutory agencies to procure the areca nut from the farmers
- MSP (Minimum Support Price) should be declared immediately, based on the expert committee
- Alternative eco friendly packing system to make areca nut sachets through Indian Institute of Packaging (Mumbai).
- To entrust the appropriate authority to protect the interest of areca farmers in the Hon'ble Supreme court of India

Anantkumar Hegde - Parliamentarians Forum for Areca Nut Growers

India in Investment Promotion Mode with Nigeria

Anand Sharma, Union Minister of Commerce & Industry during the bilateral meeting with Mr. Henry Odein Ajumogobia, Foreign Minister of the Federal Republic of Nigeria, has expressed for an early conclusion of Bilateral Investment Promotion and Protection Agreement (BIPPA).

Mr. Sharma expressed satisfaction over the growing trade and investment between both countries. He said that, "There has been growth of bilateral trade by 61.65 % in 2010 as compared to 2009. The annual trade is expected to reach a record level of US \$ 12 billion in 2010-11". He further informed the visiting Minister that, the total Indian investment in Nigeria during 2010 is estimated to be around US \$ 5 billion and total FDI from Nigeria during April 2000 to December 2010 is US \$ 6.49 million.

There are over 100 Indian companies present in Nigeria mainly in telecom, hydrocarbons, textiles, chemicals, electrical equipment, pharmaceuticals, plastics, IT and autos sectors. Indian automobile companies have significant presence in Nigeria. Major Items of export are: machinery and instruments, drugs, pharma & fine chemicals, transport equipments, electronic goods, manufactures of metals and major items of import are: petroleum, crude & products, non-ferrous metals, wood and wood products, cashew nuts, etc.

[Source: PIB Press Releases dated 16-03-2011]

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Dollar-Rupee rate at NSE Futures

Trade Date	Open Price	High Price	Low Price	Close Price	Daily Settlement Price	Open Interest	No. of Contracts	Value (Rs. lakhs)	RBI Reference rate
21-Mar-11	45.0975	45.1625	45.0700	45.1050	45.1050	705246	2179780	983561	45.0500
18-Mar-11	45.2025	45.2375	45.1425	45.2150	45.2150	760679	2893979	1307908	45.0900
17-Mar-11	45.4000	45.4025	45.2100	45.2775	45.2775	752555	2838617	1285984	45.2400
16-Mar-11	45.3375	45.3800	45.2475	45.2600	45.2600	745445	2690106	1218521	45.1800
15-Mar-11	45.3275	45.5000	45.3275	45.3975	45.3975	795765	3543164	1608938	45.2700

[Source: NSE and RBI Website]

Unlocking Key (PUK) for Software is in 4907 while Paper Licence for Software is in 4911

Packaged Software with MRP will Attract only Excise Duty while Software without MRP will Attract Service Tax for Royalty Part and Excise on the Rest

Subject: Applicability of indirect taxes on packaged software

15-CBEC Representations have been
18.03.2011 received from some industry
(DoR) association on behalf of
software dealers about

difficulties being expressed in the assessment to customs duty of documents of title for IT software or documents that enable the transfer of the right to use such software at the time of its sale. It has been reported that there are frequent imports of such documents without any accompanying software. Such packages do not contain software but consist of paper licenses or PUK (Personal Unlocking Key, usually in the form of a scratch card of paper board or plastic) that are used to convey the right to use such IT software. The software in these cases could be freely downloadable or loaded by the OEM supplier under an arrangement with the software company as pre-loaded trial version of software on the computer system requiring the customer to purchase license or PUK after the trial period. Typically these licenses are used either to authorize additional uses against a sale of IT software that has already taken place in the past or to service transactions where the connected software is downloaded electronically by the customer. It has been pointed out that some of the field formations are insisting on the classification of such documents, even when imported without the packaged software, under CTH 8523 i.e. the heading applicable to IT software. It has also been represented that in certain cases the entire value of the license representing the right to use such IT software is sought to be loaded to the value of past imports of IT software by the importer.

2. The issue has been examined. According to Rule 1 of the Rules for the interpretation of the Tariff Schedule, classification is to be determined according to the terms of the heading and any relative Section or Chapter Notes. Heading No. 85.23 refers to "Discs, Tapes, Solid-State Non-Volatile Storage Devices, "Smart Cards" and other Media for the recording of Sound or of other phenomena, whether or not recorded, including Matrices and Masters for the production of Discs, but excluding products of Chapter 37." Tariff item 85238020 of this heading covers "Information Technology software." The supplementary note to Chapter 85 defines "Information Technology Software" to mean any representation of instructions, data, sound or image, including source code and object code, recorded in a machine readable form, and capable of being manipulated or providing interactivity to a user, by means of an automatic data processing machine. It is evident that document conveying the right to use software by themselves do not satisfy this definition and

therefore do not qualify for classification under this tariff item because they do not contain any representation of instructions, data, sound or image recorded in a machine readable form, which is capable of being manipulated or providing interactivity to a user. On the other hand, tariff item 49070030 of heading 4907 refers directly to "Documents of title conveying the right to use Information Technology software". Hence as per the said Rule 1 mentioned above, such paper licenses which are essentially documents conveying the right to use such IT software, merit classification under CTH 49070030. PUK cards on the other hand are not documents of title conveying the right to use Information Technology software per se but are actually printed matter containing numbers which when entered, enable the importer to access right to use such IT software. Hence they are liable to be classified under CTH 4911 as "other printed matter".

3. It is, therefore, clarified that **paper licenses or PUKs merit classification as per their individual character under heading 4907 in case of paper license and heading 4911 in case of PUK card, the same being other printed matter.**

4. In the context of assessment of pre-packaged software imports, kind attention is also drawn to Notification No 30/2010- Central Excise (N.T.) dated 21st December, 2010 by which all such packaged software or canned software were brought under the purview of assessment based on retail sale price, as also Notification No.25/2011-Cus, dated 01-03-11 and Notification No.14/2011-CE, dated 01-03-11, whereby in case of such packaged software which does not require affixation of Retail Sale Price (RSP), exemption has been provided, from payment of Excise duty/ CVD, on the portion of value representing consideration for transfer of right to use such packaged/ canned software. These exemptions have been issued in order to rule out taxation of this portion of the value twice-once as Excise duty/Additional duty of Customs and another time as Service Tax on the consideration that all package software is not sold as shrink wrapped software and that affixation of retail sale price is not required for certain categories viz. (i) software on optical media supplied free of charge, for which right to use or license is purchased separately; (ii) full pack – packaged software with limited validity, not for resale and generally imported for demonstrations or for OEMs;(iii) up-grade full pack-packaged software- supplied free of charge under annual maintenance/subscription/software assurance contract; and (iv) up-dates for packaged software- supplied free of charge under

No Food Import from Japan without BRIT/FSSAI Clearance from Navi Mumbai

Subject: Monitoring of food import from Japan for radioactive contamination

[Ref: CBEC Instructions F.No.450/22/2011-Cus.IV dated 17 March 2011]

Following the recent earthquake in Japan and concerns of possible radiation leakage from the affected nuclear plants, there is a need to increase surveillance of food imports from Japan to ensure that they are safe for consumption.

2. Accordingly, it has been decided that Food Safety and Standards Authority of India (FSSAI) would test samples of food articles, particularly fresh produce exported from Japan after March 11, 2011, such as sea food, fruits, vegetables and meat for radioactive contamination. FSSAI has directed their Authorised Officers to have the food articles tested for radioactive contamination from BRIT (Board of Radiation and Isotope Technology), Navi Mumbai before issuing 'No Objection Certificate' to Customs.

3. In view of the above, it is directed that all officers in charge of Ports, Airports, ICDs / CFSS, Land Customs Stations should ensure that clearance of such food items imported from Japan after 11.3.2011 is allowed only after complying with the above requirements and obtaining 'No Objection Certificate' from FSSAI.

4. A suitable Public Notice and Standing Order may be issued for the guidance of the trade and staff.

annual maintenance/subscription/software assurance contract etc.

5. Accordingly, **all packaged/ canned software imported in shrink wrapped packages, will attract Excise duty/CVD on such retail sale price declared** being the combined value of the software and the licenses (right to use). **Such software will, however, be exempt from payment of service tax under the category ITSS** (as provided in Notification No. 53/2010-ST dated 21st December 2010). On the other hand, **such packaged/ canned software, on which affixation of retail sale price is not required** under the relevant provisions for the packaged commodities, and the assessment is based therefore, on the value determined under section 4 of the central excise act, 1944, the **excise duty/ CVD will be charged only on the value, excluding the value representing consideration for transfer of right to use such packaged/ canned software. However, service tax under the category ITSS would be levied on such portion subsequently.**

6. All pending assessments of software, paper licenses and PUK cards may be finalized accordingly. These instructions may also be brought to the knowledge of the field formations and the trade. Any difficulty faced in implementation of these instructions may be brought to the attention of the Board.

F.No.354/189 /2009-TRU

No Drawback of Exports to Nepal on Third Country Imports - Circular

Sub: - No drawback on the goods exported to Nepal which were imported into India from third countries.

14-CBEC
15.03.2011
(DoR)

I am directed to invite your attention to Notification No.13/2011-Customs (N.T.) dated 24.02.2011 which

provides that no drawback shall be allowed on the goods exported to Nepal if such goods were imported into India from third countries.

2. To comply with the above provision, the exporter shall declare on the body of the shipping bill under claim of drawback that the goods being exported to Nepal have not been imported

into India from third countries. The field formations shall conduct random checking to ensure the genuineness of the exporter's declaration.

3. A suitable public notice for information of the Trade and Standing Order for guidance of the assessing officers and for strict adherence may be issued. Difficulties faced, if any, in implementation of the circular may please be brought to the notice of the Board at an early date.

F.No. 609/147/2010-DBK

No Drawback of Exports to Nepal on Third Country Imports - Notification

13-Cus(NT)
24.02.2011
(DoR)

In exercise of the powers conferred by sub-section (2) of section 76 of the Customs Act, 1962 (52 of

1962), 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.208/1977-Customs, dated the 1st October, 1977, published in the Gazette of India, Extraordinary,

Part II, Section 3, Sub-section (i), dated the 1st October, 1977, namely:-

In the said notification, in paragraph 2, before the Explanation, the following proviso shall be inserted, namely,-

"Provided that no drawback shall be allowed if the goods exported were imported into India from third countries and exported to Nepal."

F. No. 609/147/2010-DBK

25% Broken Rice Quota of 25,000 MT to Nepal through MMTC Allowed for the year 2010-11

Subject: Prohibition on export of Non-basmati Rice – Amendment in Notification No. 33/2009-14 dated 03.03.2010 relating to exemption for export to Nepal regarding

33-Ntfn(RE)
15.03.2011
(DGFT)

In exercise of the powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) read with Para 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in Notification No. 33/2009-14 dated 03.03.2010 relating to export of 25,000 MT of Non-Basmati rice to Nepal through MMTC.

2. In Notification No. 33/2009-14 dated 03.03.2010, relating to export of 25,000 MT of Non-Basmati rice to Nepal through MMTC, existing entries in para 3(a) and 3(i) shall be amended as under:

"3.

(a) the phrase "The rice to be exported shall be with a minimum of 25% of broken" appearing at

para 3 (a) will be substituted by the phrase "The rice to be exported shall be with a maximum of 25% of broken" ; and

(i) the phrase "The above quantity shall be exported by PSUs during KMS 2009-10" appearing at para 3 (i) will be substituted by the phrase "The above quantity shall be exported by PSUs during KMS 2010-11"

3. All other provisions of the Notification No. 33/2009-14 dated 03.03.2010, shall remain unchanged, and shall continue to apply. The above amendments are not applicable for export of 20,000 MT of rice (Ponni Samba) to Sri Lanka through PEC.

4. Effect of this notification:

By this amendment the export of 25,000 MT of non-Basmati rice to Nepal through MMTC shall be allowed during the KMS 2010-11 with a maximum of 25% broken.



Cotton Export Capped at 55 lakh Bales for Current Season

Assam Comillas Excluded

Subject: Quantity restriction of 55 lakh bales on export of cotton during Cotton Season, 2010-11-Exemption for export of 5000 bales of Assam Comilla cotton.

32-Ntfn(RE)
14.03.2011
(DGFT)

In exercise of the powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No.22

of 1992) read with Para 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in Notification No. 12(RE-2010)/2009-14 dated 16.12.2010.

2. Notification No. 12(RE-2010)/2009-14 of

16.12.2010 had stipulated the export policy for cotton(Tariff Code 5201, 5202 and 5203) under Serial Number 161 A. In respect of all these three tariff codes the existing entry in the column "Nature of Restriction" shall be substituted, with immediate effect, as under:

"Nature of Restriction"

"The contracts for export of cotton shall be registered with the Directorate General of Foreign Trade prior to shipment.



During the Cotton Season, 2010-11 (upto 30.09.2011) the export of cotton will be subject to a cap of 55 lakh bales or as notified by DGFT from time to time. Clearance of cotton consignments by Customs should be after verifying that the contracts have been registered."

3. However, export of 5,000 bales of Assam Comillas Cotton (Tariff Code 5201 00 12) is exempted from the ceiling of 55 lakh bales imposed on export of cotton during the Cotton Season, 2010-11 (upto 30.09.2011). Such export will also be required to be registered with DGFT.

4. The effect of this notification:-

The export of cotton is free subject to registration of export contracts with DGFT. The cap on export during the Cotton Season, 2010-11 (01.10.2010 to 30.09.2011) will be 55 lakh bales or as notified by DGFT from time to time. But, export of 5,000 bales of Assam Comillas Cotton (Tariff Code 5201 00 12) is exempted from the cap, but not from registration.

No Interest Claim where Cenvat Credit Wrongly Taken by Assessee

Subject: Liability of interest where CENVAT credit was wrongly taken but reversed by assessee before utilization

942-CBEC
14.03.2011
(DoR)

Attention is invited to the Board's Circular No. 897/17/2009-CX dated 03.09.09, wherein it was clarified that in

light of clear and unambiguous provisions of Rule 14 of the CENVAT Credit Rules, 2004, the interest shall be recoverable when credit has been wrongly "taken", even if it has not been utilized.

2. References have been received to re-examine the issue in light of judgement of P&H High Court in the case of Ind-Swift Labs. V/s UOI [2009(240) ELT328 (P&H)]. The said judgement of P&H High Court held that under provisions of Rule 14 of CENVAT Credit Rules, 2004, interest cannot be claimed from the date of wrong availment of credit. It is required to be paid from the date it is wrongly utilized.

3. The matter has been examined. It is observed that the issue has now been conclusively settled by the Apex Court in the departmental appeal against the above mentioned judgement of P&H High Court. The Apex Court vide its judgement dated 21.02.11 in Civil Appeal No. 1976 of 2011 has set aside the aforesaid order of Hon'ble High Court. The Apex Court has ruled that "If the aforesaid provision is read as a whole we find no reason to read the word "OR" in between the expressions 'taken or utilized wrongly or has been erroneously refunded' as the word "AND". On the happening of any of the three circumstances such credit becomes recoverable along with interest." In effect, therefore, the view taken by the Board in circular dated 03.09.09 has now been endorsed by the Apex Court.

4. Immediate action may be taken to safeguard revenue in light of the judgement of Apex Court.

5. Trade & Industry as well as field formations may be suitably informed.

F.No.267/83/2009-CX8 (Pt.I)

New 10 Norms for Steel Manufacture – Export List Pruned to only 4 Items of Basic Steel – Melting Scrap Quantity Cut by 10%

Subject: MODIFICATION OF SION C-514 under Engineering Product Group.

41-PN(RE) In exercise of the powers conferred
18.03.2011 under Paragraph 2.4 of the Foreign
(DGFT) Trade Policy, 2009-14, the following
amendment is made in the Handbook of
Procedure Vol. II (as stated in paragraph 1.1 of Vol. I):
SION S.No.C-514 of the Product Group "Engineering Product"
(Product Code: C)



Export Items:

Existing description: Non-Alloy Steel Bars & Rods (including rounds, flats, hexagons, octagons, wire rods, cold twisted deformed bars, thermomechanically treated reinforcing bars etc.) Angles, shapes and sections (including beam, joists, channels, special profiles etc.), Plates/ Sheets / Strips/Wide coils, Blooms / Billets / Slabs/ Ingots..... 1000 kgs

Modified description: Non-Alloy Steel Ingots/Blooms / Billets / Slabs...1000 kgs.

Import Items:

SNo.	Items	Existing Norms	Modified Norms
Major Inputs			
1.	Non-alloy steel melting scrap, pig iron, cast iron, sponge iron including Hot Briquetted Iron (HBI)	1200 kg	1115 kg
2.	Low silica limestone	95 kg	95 kg
Additives			
3.	Silico Manganese/ Ferro Silicon / Ferro Manganese	15 kg	15 kg
4.	Petroleum Coke/ Graphite Powder	5 kg	4 kg
5.	Aluminium Scrap /Ingots / Shots/ Powder in Cored Wire	1 kg	1kg
6.	Calcium silicide lump/powder in Cored Wire	1 kg	1 kg
7.	Lead shots/ powder in Cored wire (in case export product is lead bearing free cutting steel only)	2.5 kg	2.5 kg
8.	Copper Scrap / Copper Cathode /Copper Wire Bar/ Copper Rod (if Copper present in Export Pr.)	0.04 kg	0.04 kg
Consumables/Misc. Inputs			
9.	Graphite Electrode (Only for units with EAF)	6 kg	4 kg
10.	Copper Lined Moulds for Continuous Casting	0.019 kg	0.01 kg
11.	Shear Blades / Saw Blades	0.1 kg	0.01 kg
12.	Ceramic Coated Lancing Pipe/Oxygen lancing pipe (only for units with EAF)	0.75 kg	0.75 kg
13.	Temperature Tips	0.022 kg	0.50 nos.
14.	Sampler Tips	0.25 nos.	0.25 nos.
15.	Casting powder/ Anti-piping compound	2 kg	1 kg
16.	Cast Iron/Steel Rolls/ tungsten carbide rings for rolling mill (to be allowed only when export product is rolled billets/ blooms/ slabs)	1.77 kg	1.77 kg
Refractories			
17.	a) Shaped refractories (Fired/ Unfired)		5 Kg
	b) Monolithic Refractories (incl. Castables/Ramming Mass/Gunning mixes	10 kg	4 kg
	c) Speciality Refractories namely, CC refractory(shrouds, monoblock stoppers, SE Nozzles), Slide Gate Refractory, Porous Plug, Zircon/Zirconia Nozzles and Tundish Nozzles, seat blocks, sleeves.		1 Kg
Energy sources and lubricants			
18.	Furnace Oil (for units with CPP)	70 kg	70 kg
19.	Lubricants (only for units with CPP)	0.65 kg	0.60 kg
20.	Furnace Oil for Ladle/Tundish Heating	6 kg	4 kg
21.	Furnace oil for oil fired reheating furnace in rolling mill (to be allowed only when export product is rolled billets/ blooms/ slabs)	50 kg	30 kg

Note: 1). These norms will be applicable only if the export product is manufactured through Electric Arc Furnace route/Induction Furnace route using steel scrap as basic raw material.
2). Sl. 16 & 21 will be allowed only in case of export of rolled billets/blooms/slabs,
3). In case of export of rolled blooms/billets/ slabs, produced out of ingots, refractory items

under sl. 17 shall not be allowed.

4). Against export of ingots, import items at Sl. 10, 11, 16 & 21 shall not be allowed.

5). When export product has been manufactured through electric induction furnace route, import item No. 9 & 12 will not be allowed.

6). The item non alloy steel melting scrap will be

Form 10 Waiver Procedures Dual Use Drugs for Non Medicinal use only After 15 April 2011

The following Public Notice was issued by the Commissioner of Customs (Import), Jawaharlal Nehru Custom House on 11th March 2011.

26-PN Attention of all Importers,
11.03.2011 Exporters, Custom House Agents, and the Trade is invited to the Circular No.6-2/2004-DC dated 13.12.2005 issued by the Drug Controller General (I) regarding the procedure to be followed in respect of import of Drugs having dual usage and Drugs which are used as a raw material for the manufacture of other Drugs by the actual users.

The above Circular states that a blanket exemption from registration and from provisions contained in Chapter III of the Drugs and Cosmetics Act as given in Schedule D to the Drugs and Cosmetics Rules cannot be given for import of such categories of Drugs which are not intended for medicinal use or Drugs which may themselves be used as Drugs but are used for manufacture of other Drugs.

The Circular also states that to waive registration of import Licence in Form 10 for import of Drugs not intended for medicinal purpose, the importer will have to make an application to the CDSEO, HQ, where it will be examined on a case to case basis and necessary waiver from registration and import Licence will be granted accordingly.

However, as the procedures laid down by the Drug Control authorities have been challenged and the matter is now pending before the Hon'ble High Court of Delhi, the clearance of the subject goods has been held up.

Representations have now been received from the Trade stating that there is loss of production due to non-availability of materials such as Citric Acid and there are no manufacturers of the subject goods in India, and they are totally dependent on the import channels.

This issue has been examined in consultation with the Drug Control authorities and it has been decided that as a Trade Facilitation measure, the procedures laid down by the Drug Control authorities should be strictly followed after 15.4.2011.

F.No.S/26-Misc-5832/2011 Gr. IIC&D

allowed as per the definition given in section XV of Customs Tariff.

7). Individual quantity of Pig/cast iron, and sponge iron/ HBI shall not exceed 20% and 65% respectively of the total quantity of items to be permitted under import item No. 1.

Effect of this modification: There has been a change in the description of export product. On the input side the number of inputs have not changed, but quantity permitted in respect of some inputs have been reduced.

F.No.S/26-Misc-5832/2011 Gr.IIC&D

Centralised Bond Management Module for IPR Enforcement from 15 March 2011

The following Public Notice was issued by the Commissioner of Customs (Imports), Jawaharlal Nehru Customs House on 10th March 2011

Subject: Intellectual Property Rights (IPRs) Enforcement regime – Board's Circular No. 10/2011-Customs dated 24-Feb-2011 - web enabled Centralised Bond Management module

28-PN Attention of all Custom House
10.03.2011 Agents (CHA) and members of the trade is invited to the

CBEC's Circular No. 10/2011-Customs dated 24-Feb-2011 on the implementation of Centralised Bond Management Module as part of the existing Automated Recordation and Targeting System (ARTS) for IPR Protection. The main objective of this system is to provide for a single Centralized Bond account with security that can be used at all ports in India, so that the right holders do not have to rush to different Customs formations to execute consignment specific bonds with securities, in case of interdiction of allegedly infringing consignments at different Customs formations. The details of Centralized Bond Management module are explained in the aforementioned CBECE Circular.

2. The Centralised Bond Management module under ARTS for IPR Protection will be implemented with effect from 15-March-2011.

3. This module is part of the existing ARTS module which has been hosted on <http://www.icegate.gov.in/> and can be accessed by following the link <http://ipr.icegate.gov.in/IPR/index.jsp>. A new link has been added to the Home page of ARTS for viewing the Bond Registration Number (BRN) details.

4. This module allows the creation of a Centralised Bond Account for an IPR holder registered at a Customs location. This Account shall have a unique number known as BRN. This Bond Account can be credited with Bond amount by execution of Bonds and with security amount by submission of Bank Guarantees of appropriate value. Such credits can be topped up from time to time as required. The credits can be done only by the Customs location where the IPR is registered and hence BRN maintained. The credits can be debited at any Customs location where the right holder needs to provide Bond/Bank Guarantee in relation to interdiction of allegedly infringing goods. Re-credit including partial re-credit of debits made in the BRN Account, can be made only by the Customs location where debit has been made. Whenever any transaction (either credit, debit or re-credit, including partial re-credit) is done in any Centralized Bond Account, an auto-generated e-mail will be sent to the right-holder/authorized person at their registered e-mail id.

5. The existing right-holders, who have registered their rights with the Customs authorities (equipped with a valid UPRN) can migrate to the Centralised Bond Management System by communicating their willingness and submitting the Centralized Bond with security, as prescribed. Otherwise, they will continue to operate in the existing system of general bond and consignment specific bonds.

6. A Centralized Bond (which will be a running bond) can be registered only at the Customs location where the UPRN is registered. The

right-holders exercising the centralized bond will have to necessarily furnish a centralized bond, in the format as per Annexure-I to the CBECE Circular No. 10/2011-Customs dated 24-Feb-2011, and security in the prescribed format for an amount equivalent to 25% of the value of the centralized bond.

7. Upon fulfillment of these requirements by the right-holder, the Customs formation, where the right-holder is registered, will generate an online Centralized Bond Registration Number (BRN), which will be communicated to the right-holder/authorized representative at the registered e-mail id mentioned in the notice given by the right-holder. This BRN will have to be quoted in all correspondence, regarding the Centralized Bond Account, with the Custom authorities.

8. If a right holder has registered more than one IPR with Customs and hence holds more than one UPRN, all these UPRNs can be linked to one BRN at the Customs location where this BRN is generated. However, this linkage will be possible only if the applicant's name in case of all UPRNs sought to be linked is the same. This linking can be done of UPRNs of IPRs registered at other Customs locations also. In such case, the BRN Account can be used for proceedings vis a vis all linked UPRNs at all Customs locations.

9. In case of interdiction of any suspected infringing consignments at this location, the right-holder has to inform in writing to the IPR Cell duly mentioning the details of their BRN along-with the particulars of debit to be made in the Bond and the security accounts so that the same can be verified and debited by the IPR Cell. If the right-holder fails to submit such a letter, the Custom authorities will be under no obligation to suspend the clearance of the allegedly infringing goods. It is the responsibility of the right-holder to ensure that the centralized bond and security account has sufficient balance. In case of inadequate balance, the same can be supplemented by executing a supplementary bond with necessary security at the Custom location where the BRN Account is maintained.

10. For this purpose, an option to view the details of the BRN is provided in the home page of the ART System for IPR Protection. The details can be viewed by entering a valid UPRN and BRN. A printout of the same can also be taken by clicking on the "Printer" icon available at the bottom of the page.

11. The Public Notice No. 56/2007 dtd 06/12/2007 stands modified to the above extent.

12. In case of any doubt, the right-holder/authorized representative is requested to approach the Joint / Addl. Commissioner of Customs (IPR Cell).

F No. SG/Misc – 81/2010 IPR JNCH dated 10/03/2011

Procedure for Procuring Customs Bottle Seals in Bulk

The following Public Notice was issued by the Commissioner of Customs (Export), Jawaharlal Nehru Customs House on 11th March 2011

Sub: Issuance of Customs Bottle Seals in advance

27-PN Attention of the Members
11.03.2011 of Trade and Industry, including all persons who

require the Customs Bottle Seals in bulk for export or direct delivery purpose of Import Cargo like in case of import by 100% EOU. The revised procedure for procuring the Customs seals in bulk shall be as under:

A For Direct Delivery Containers

i. Sufficient nos. of Customs bottle seals would be issued to the Boarding Office at JN Port. To obtain the seal, the importer/exporter representative will make the necessary payments towards the cost of bottle seals and then would approach the Boarding office in advance along with the details and list of containers that are likely to be imported/exported.

ii. On the basis of requisition and presumed workload, bottle seals would be allotted to the importer/exporter representative. After the issue, the Boarding Officer will put his/her seal and dated signature on the requisition letter.

iii. At the gate, the gate PO will check and verify the bottle seal no. with respect to the requisition letter duly certified by Boarding officer

b. For forwarding from CFS

j. Sufficient nos. of Customs bottle seals would be issued to the Supdt. (Export) of respective CFS. To obtain the seal, the Authorized person will make the necessary payments towards the cost of bottle seals and then would approach the concerned CFS in advance along with the details and list of containers that are likely to be imported/exported.

ii. On the basis of requisition and presumed workload, bottle seals would be allotted to the exporter/importer representative. After the issue, the Supdt. i/c of respective CFS will put his/her seal and dated signature on the requisition letter.

iii. At the gate, the gate PO will check and verify the bottle seal no. with respect to the requisition letter duly certified by Supdt. i/c of respective CFS.

c. Separate registers will be kept in Boarding Office as well as in respective CFSs for proper accounting of bottle seals with opening balance and closing balance columns along with other columns viz. Sr. no., date of issue, IGM/BE No./Dt, No. of Container.

Any difficulties in implementation of these regulations may be brought to the notice of the undersigned immediately.

F.No.S/6-Gen-137/11 D'Node

Tariff Value on Brass Scrap Hiked by US\$34/MT

23-Cus(NT) In exercise of the powers conferred by sub-section (2)
15.03.2011 of section 14 of the Customs Act, 1962 (52 of 1962),
(DoR) 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:-

Table

SNo.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
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)	4406
9	1207 91 00	Poppy seeds	2950

[F. No. 467/2/2011-Cus.V]

Updation of Bank A D Code in Import

The following Public Notice was issued by the Commissioner of Customs
(Import), Jawaharlal Nehru Custom House on 9th March 2011.

24-PN During feeding of details of a Transit Bond, one of the
09.03.2011 mandatory parameters is to feed the particulars of the
Bank issuing the Bank Guarantee. The details are auto
populated in the system once correct Authorized Dealer AD Code of the
bank is fed, provided, the said branch of the bank pertaining to that
particular AD Code is registered in ICES system by ICEGATE.

2) It has been observed that often the CHAs/Importers are giving the
wrong AD Code of the Bank branch issuing Bank Guarantee, which
sometimes may get accepted (as the wrong AD Code is registered in the
system) although there will be mismatch in the address of the bank
issuing Bank Guarantee and that appearing in the system. Hence all
importers/CHAs are advised to fill in correct AD Code of the Bank Branch
issuing the bank guarantee.

3) It is also noticed that sometimes, the AD Code of bank branch is not
reflected in Import and/or Export menu of ICES System even though the
said AD Code is registered in ICEGATE. This happens mostly in cases
where the Bank guarantees are being issued by the newly opened Bank

Customs Valuation Exchange Rates

March 2011	Imports	Exports	
Schedule I			
1 Australian Dollar	46.05	44.65	
2 Canadian Dollar	46.40	45.10	
3 Danish Kroner	8.45	8.15	
4 EURO	62.80	61.10	
5 Hong Kong Dollar	5.85	5.75	
6 Norwegian Kroner	8.15	7.85	
7 Pound Sterling	74.15	72.20	
8 Swedish Kroner	7.15	6.90	
9 Swiss Franc	49.00	47.65	
10 Singapore Dollar	35.85	34.90	
11 U.S. Dollar	45.70	44.75	
Schedule II			
1 Japanese Yen	55.60	53.95	

Rate of exchange of one unit of foreign currency equipment to Indian Rupees

Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

(Source: Customs Notification 14(NT)/24.02.2011)

Commodity Spot Prices in India – 18-21 March 2011

These commodity prices are taken from Multi Commodity Exchange
of India (Mumbai) at 6 pm every day.

(Rs.)					
Commodity	Unit	Market	18-Mar	19-Mar	21-Mar
CER (Carbon Trading)	1 MT	Mumbai	795.5	832	832
Chana	100 KGS	Delhi	2505	2477	2442
Masur	100 KGS	Indore	3309	3300	3252
Potato	100 KGS	Agra	693.2	687.3	685.8
Potato TKR	100 KGS	Tarkeshwar	529.7	529.7	545.9
Arecanut	100 KGS	Mangalore	NA	NA	NA
Cashewkern	1 KGS	Quilon	NA	NA	NA
Cardamom	1 KGS	Vandanmedu	1047.9	1068.5	1046.7
Coffee ROB	100 KGS	Kushalnagar	NA	NA	NA
Jeera	100 KGS	Unjha	NA	NA	NA
Pepper	100 KGS	Kochi	NA	NA	NA
Red Chili	100 KGS	Guntur	NA	NA	NA
Turmeric	100 KGS	Nzmbad	10963	10963	10963
Guar Gum	100 KGS	Jodhpur	NA	NA	NA
Maize	100 KGS	Nzmbad	1199	1199	1199
Wheat	100 KGS	DELHI	1316.7	1312.1	1284.2
Mentha Oil	1 KGS	Chandausi	1232.7	1337.7	1248.1
Cotton Seed	100 KGS	Akola	NA	NA	NA
Castorsd RJK	100 KGS	Rajkot	4893.5	4869.5	4859.5
Guar Seed	100 KGS	Bikaner	2870	2850	2890
Soya Bean	100 KGS	Indore	2325.5	2350	2334.5
Mustrdsd JPR	20 KGS	Jaipur	541.9	541.9	535.6
Sesame Seed	100 KGS	Rajkot	5063	5063	5000
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA
Kapaskhali	50 KGS	Akola	1182	1177	1213
Coconut Oil	100 KGS	Kochi	9204	9204	9360
Refsoy Oil	10 KGS	Indore	609.1	609.85	608.15
CPO	10 KGS	Kandla	523.1	526.3	525.5
Mustard Oil	10 KGS	Jaipur	575.3	575.3	574.4
Gnutoilexp	10 KGS	Rajkot	760	765	760
Castor Oil	10 KGS	Kandla	NA	NA	NA
Crude Oil	1 BBL	Mumbai	4588	4557	4557
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA
Brent Crude	1 BBL	Mumbai	5198	5137	5137
Gur	40 KGS	Muzngr	NA	NA	NA
Sugars	100 KGS	Kolhapur	2710	2710	2700
Sugarm	100 KGS	Delhi	2938	2942	2942
Natural Gas	1 mmBtu	Hazirabad	188.1	187.9	187.9
Rubber	100 KGS	Kochi	22290	22294	22550
Cotton Long	1 Candy	Kadi	NA	NA	NA
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA
Jute	100 KGS	Kolkata	3498.5	3480.5	3453
Gold	10 GRMS	Ahmd	20776	20805	20940
Gold Guinea	8 GRMS	Ahmd	16687	16711	16819
Silver	1 KGS	Ahmd	52434	52753	53650
Sponge Iron	1 MT	Raipur	NA	NA	NA
Steel Flat	1000 KGS	Mumbai	NA	NA	NA
Steel Long	1 MT	Gobindgarh	29340	29300	NA
Copper	1 KGS	Mumbai	433.25	431.35	431.35
Nickel	1 KGS	Mumbai	1179.2	1179.2	1206.6
Aluminium	1 KGS	Mumbai	113.05	113.05	111.5
Lead	1 KGS	Mumbai	122.7	122.7	121.45
Zinc	1 KGS	Mumbai	104.05	104.05	103.75
Tin	1 KGS	Mumbai	1355	1355	1322.5

(Source: MCX Spot Prices)

Branches. In such a situation, EDI section, JNCH has been updating the said AD Code in ICES System locally. It is however noticed that this results into delay as the procedure for the same has not been standardized and intimated to public /concerned.

4) In view of above, it is hereby, directed that whenever any AD Code of bank branch issuing Bank guarantee is not reflected in Import and / or Export menu of ICES system, the following procedure shall be followed:

i) The CHA/Importer shall approach the helpdesk in EDI alongwith following documents,

a) A copy of AD Code registered in the

ICEGATE site.

b) Requisition letter from the Importer for updation of AD Code in Import/Export Menu.

c) Bank letter for updation of AD Code in Import/Export Menu.

ii) On the basis of the above said documents the concerned TA in EDI help desk shall enter the AD Codes in the Menu available in both Import and Export side.

5) Difficulties, if any, faced in the implementation of this Public Notice may be brought to the notice of the undersigned.

F.NO. S/6-GEN-9883/2011 BOND JNCH

Re-credited 4% SAD DEPB/Reward Scheme Scrips Use Extended upto 30 June 2011

The following Public Notice was issued by the Commissioner of Customs (Import), Jawaharlal Nehru Custom House on 8th March 2011.

23-PN Attention OF ALL Exporters,
08.03.2011 Importers, Custom House
Agent and Member of Trade

and all concerned is invited to the Circular No. 27/2010-Customs dated 13.08.2010 & Public notice no. 123/2010 dtd. 01.12.2010 regarding procedure to be followed by the Customs field formations in case of 4% CVD refund claims.

2. The above Circular provides the facility of

manual filing of Bill of Entry for utilizing the amount of re-credited 4% CVD (SAD) refunds for payment of duty in case of re-credited DEPB / Reward Scheme scrips upto 30.12.2010. However several representations have been received from trade and industry to extend the time upto 30th June 2011 for using re-credited 4% CVD (SAD) amount in DEPB as they have not been able to utilize the re-credited DEPB /

DRI Cracks Down on Calcutta Importer for Target Plus and DFCE Misuse

Importer Deposits Rs. 1.78 crore to Avoid Prosecution

[DRI Kolkata Press Release dated 15 March 2011]

Subject: Misuse of Duty Free Credit Entitlement Certificate and Target Plus Scheme by M/s. Calcutta Sea Foods

On the basis of specific intelligence that M/s. Calcutta Sea Foods has imported HDPE granules and PP granules film grade without payment of duty under Duty Free Credit Entitlement Certificate and Target Plus Scheme availing exemption under Notification No. 54/2003-Cus dated 01.04.2003 and 32/2005-Cus dated 08.04.2005 respectively during 2009-10 and 2010-11 and sold these materials in the market. As per the condition of the aforesaid two notifications the imported goods cannot be sold or transferred.

Consequently, searches were undertaken on 09.03.2011 in the offices of the above firm and some incriminating documents were seized. On preliminary investigation, it revealed that M/s Pekon Electronics Ltd, Kolkata, a Central Excise Registration holder having factory at Dankuni, Hooghly, W.B is engaged in importing of HDPE and PP granules. They got the Bills of Entry filed by M/s. Calcutta Sea Foods (licence holder) under the duty free Scheme showing transfer/sale of those import consignments on high sea sale basis to the said firm i.e. M/s. Calcutta Sea Foods . The duty foregone on account of duty free import is about **Rs. 1.78 crore**. The importer has admitted the aforesaid fact of duty foregone and deposited the entire duty of **Rs. 1.78 crore**. Further investigation is going on.

Reward Scheme scrips within the stipulated time.

3. The matter has been examined by the Board in consultation with the Ministry of Commerce. Accordingly, it has been decided to extend the time limit for using re-credited DEPB / Reward Scheme scrips in case of 4% CVD (SAD) upto **30th June 2011**.

4. This Public Notice issued only to extend time limit for using re-credited DEPB / Reward Scheme scrips in case of 4% CVD (SAD) upto **30th June 2011**. All the contents in Public Notice No. 123/2010 dated 01.12.2010 remain unchanged.

5. Difficulties faced if any in implementation of this Circular may be brought to the notice of concerned Deputy/Asstt. Commissioner of Customs.

F.No.S/26-Misc- 68/2010-11 CRC(SAD) JNCH

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