

**OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
CHENNAI II COMMISSIONERATE
692 MHU COMPLEX NANDANAM CHENNAI-35**

Trade Notice No: 7/2004

Dated: .1.2004

Sub: Communication of Notifications – Reg.

Please find enclosed herewith, copies of following notifications for information and necessary action.

1. **Notification No: 9/2004 – CE dated 21.1.2004** amending Notification 39/2001-CE dt.31.7.2001.
2. **Notification No: 10/2004 - CE dated 22.1.2004** amending Notification 6/2002-CE dt.1.3.2002.
3. **Notification No: 11/2004 - CE dated 29.1.2004** amending Notifications 56/2002-CE dt.14.11.2002 and 57/2002 CE dt.14.11.2002.
4. **Notification No: 12/2004 - CE dated 4.2.2004** amending Notifications 6/2002-CE dt.1.3.2002, 28/2002 - CE dt.13.5.2002, 14/2003-CE dt.1.3.2003 and 15/2003-CE dt.1.3.2003.

The contents of this trade notice may please be brought to the notice of all constituent members of your association in general and manufactures in particular.

(Issued from File C. No:IV/16/504/2004 –Tech)

**(K.R. UDAY BHASKAR)
ADDL. COMMISSIONER (TECH)**

To
Trade and Department (As per mailing list)

Copy to
The Superintendent Computer Cell – for placing the trade notice on
Department web site

21st January , 2004

Notification No. 9/2004 - Central Excise

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and sub-section (3) of section 3 of the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978 (40 of 1978), the Central Government, 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. 39/2001- Central Excise, dated the 31st July, 2001, namely:-

In the said notification,-

- (1). in condition (i) to para 3, for the figures, letters and words "31st day of July, 2004", the figures, letters and words "31st day of December, 2004", shall be substituted.
- (2). in the *Explanation I* , for clause (ii), the following shall be substituted, namely:-

“(ii) the expression “set up on or after the date of publication of this notification in the Official Gazette but not later than the 31st day of December, 2004” shall mean that,-

(a) any civil construction work on its factory premises and any installation of plant and machinery therein commences only on or after the date of publication of this notification in the Official Gazette; and

(b) the said civil construction work on its factory premises and installation of plant and machinery therein is completed, and the unit starts commercial production, not later than the 31st day of December, 2004.”

G. S.Karki
Under Secretary to the Government of India

F.No . 356/2/2001-TRU

Note:- The principal notification was published in the Gazette of India, Extraordinary, vide notification No. 39/2001-Central Excise, dated the 31st July, 2001 [G.S.R.565(E), dated the 31st July, 2001] and was last amended by notification no 65/2003-Central Excise, dated the 6th August, 2003 [G.S.R. 639 (E) dated the 6th August, 2003]

22nd January, 2004

Notification No. 10/2004 - Central Excise

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, 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. 6/2002-Central Excise, dated the 1st March, 2002, namely:-

In the said notification, in the Annexure, for Condition No. 61 and the Conditions relating thereto, the following Condition No. and Conditions shall be substituted, namely:-

Condi on No.	Conditions
"61.	<p>If, at the time of importation, the importer produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, a certificate from the Chairman or the Managing Director or the Director (Rolling Stock, Electrical and Signaling) or the Director (Finance) of the Delhi Metro Rail Corporation Ltd., to the effect that –</p> <p>(i) the goods are procured by or on behalf of the Delhi Metro Rail Corporation Ltd. for use in the Delhi MRTS project; and</p> <p>(ii) the goods are part of the inventory maintained by the Delhi Metro Rail Corporation Ltd. and shall be finally owned by the Delhi Metro Rail Corporation Ltd."</p>

G.S.Karki
Under Secretary to the Government of India

F.No. 354/7/2003-TRU

Note.- The principal notification was published in the Gazette of India, Extraordinary, vide notification No. 6/2002-Central Excise, dated the 1st March, 2002 [G.S.R. 127 (E), dated the 1st March, 2002] and was last amended by notification No. 5 /2004-Central Excise, dated the 19 January, 2004 [G.S.R. No. 50 (E), dated the 19 January, 2004].

Jan 29, 2004

Notification No. 11/2004 - Central Excise

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and sub-section (3) of section 3 of the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978 (40 of 1978), 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 erstwhile Ministry of Finance and Company Affairs (Department of Revenue), specified in column (2) of the Table hereto annexed, shall be further amended, in the manner specified in the corresponding entry in column (3) of the said Table.

Table

S. No.	Notification No. and date	Amendments
(1)	(2)	(3)

1

56/2002-Central
Excise, dated the 14th
November, 2002.

In the said notification, in para 3, for clause (b) and entries relating thereto, the following shall be substituted, namely:-

(b) Industrial units existing before the 14th day of June 2002, but which have,-

(i) undertaken substantial expansion by way of increase in installed capacity by not less than twenty-five per cent. on or after the 14th day of June, 2002; or

(ii) made new investments on or after the 14th day of June 2002, and such new investment is directly attributable to the generation of additional regular employment of not less than twenty-five per cent. over and above the base employment limit, subject to the conditions that,-

(1) the unit shall not reduce regular employment after claiming exemption, and once such employment is reduced below one hundred and twenty-five per cent. of the base employment limit, such industrial unit shall be debarred from claiming the exemption contained in this notification in future. However, the exemption availed by such industrial unit, prior to such reduction, shall not be recoverable from such industrial unit.

(2) the manufacturer shall produce a certificate, from General Manager of the concerned District Industries Centre to the jurisdictional Deputy Commissioner of Central Excise or the Assistant Commissioner of Central Excise, as the case may be, to the effect that the unit has created such additional regular employment.

Explanation : for the purposes of this notification,-

(a) ³base employment limit² means maximum number of regular employees employed at any point of time, by the concerned industrial unit, during last five years;

(b) ³regular employment² shall not include employment provided by the industrial unit to daily wagers or casual employees;

(c) ³new investment² shall not include investments which are used for paying off old debts or making payments for the plant or machinery installed prior to the 14th day of June 2002, or paying salaries to the employees..

2	57/2002-Central Excise dated the 14 th November, 2002.	<p>In the said notification, in para 3,-</p> <p>(i) clause (c) shall be re-lettered as clause (a) thereof;</p> <p>(ii) for clause (d) and entries relating thereto, the following shall be substituted, namely:-</p> <p>(b) Industrial units existing before the 14th day of June 2002, but which have,-</p> <p>(i) undertaken substantial expansion by way of increase in installed capacity by not less than twenty-five per cent. on or after the 14th day of June, 2002; or</p> <p>(ii) made new investments on or after the 14th day of June 2002, and such new investment is directly attributable to the generation of additional regular employment of not less than twenty-five per cent. over and above the base employment limit, subject to the conditions that,-</p> <p>(1) the unit shall not reduce regular employment after claiming exemption, and once such employment is reduced below one hundred and twenty-five per cent. of the base employment limit, such industrial unit shall be debarred from claiming the exemption contained in this notification in future. However, the exemption availed by such industrial unit, prior to such reduction, shall not be recoverable from such industrial unit.</p> <p>(2) the manufacturer shall produce a certificate, from General Manager of the concerned District Industries Centre to the jurisdictional Deputy Commissioner of Central Excise or the Assistant Commissioner of Central Excise, as the case may be, to the effect that the unit has created such additional regular employment.</p> <p><i>Explanation</i> : for the purposes of this notification,-</p> <p>(a) 'base employment limit' means maximum number of regular employees employed at any point of time, by the concerned industrial unit, during last five years;</p> <p>(b) 'regular employment' shall not include employment provided by the industrial unit to daily wagers or casual employees;</p> <p>(c) 'new investment' shall not include investments which are used for paying off old debts or making payments for the plant or machinery installed prior to the 14th day of June 2002, or paying salaries to the employees..</p>
---	---	--

G.S.Karki
Under Secretary to the Government of India

F.No . 354/173/2000-TRU

Footnote:

(1) The principal notification No.56/2002-Central Excise, dated the 14th November, 2002 was published in the Gazette of India, vide number G.S.R. 764 (E), dated the 14th November, 2002 and was last amended by notification No. 79/2003-Central Excise, dated the 22nd December, 2003, [G.S.R. 962 (E), dated the 22nd December, 2003]

(2) The principal notification No.57/2002-Central Excise, dated the 14th November, 2002 was published in the Gazette of India, vide number G.S.R. 765 (E), dated the 14th November, 2002 and was last amended by notification No. 65/2003-Central Excise, dated the 6th August, 2003, [G.S.R. 639(E), dated the 6th August, 2003]

Feb 4, 2004

Notification No. 12/2004 - Central Excise

In exercise of the powers conferred by sub-section 5A of the Central Excise Act, 1944 (1 of 1944), read with sub-section (3) of section 147 of the Finance act, 2002 (20 of 2002) 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 hereto annexed, 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.

Table

S. No.	Notification No. and date	Amendment					
(1)	(2)	(3)					
1.	6/2002-Central Excise, dated the 1st March, 2002	In the said notification, in the Table, - (i) for S.No . 32D and the entires relating thereto, the following S.No . and the entires thereto shall be inserted with effect from the 1st day of March, 2004, effective upto and inclusive of the 30th day of June, 2004, Namely : -					
		(1)	(2)	(3)	(4)	(5)	(6)
		"32D	27.10	5% ethanol blended petrol that is a blend, - a) consisting, by volume, of 95% Motor spirit, (commonly known as petrol), on which the appropriate duties of excise have been paid and of 5% ethanol on which the appropriate duties of excise have been paid, and b) conforming to Bureau of Indian Standards specification 2796. Explanation : For the purposes of this exemption "appropriate duties of excise" shall mean the duties of excise leviabale under the First Schedule and Second Schedule to the Central Excise Tariff Act, 1985 (1 of 1986), the additional duty of excise leviabale under the Finance (No. 2) Act, 1998 (21 of 1998) and the special additional excise duty leviabale under section 147 of the Finance Act, 2002 (20 of 2002) read with any relevant exemption notification for the time being in force.	Nil	Nil	
		(ii) against S.No . 83, for the entry in column (4), the entry "Nil" shall be substituted :					

2.	28/2002-Central Excise, dated the 13th May, 2002	In the said notification, in the Table, for S.No . 1A and S. No. 1B and the entries relating thereto, the following S. No. and the entries relating thereto shall be inserted with effect from the 1st day of March, 2004, effective upto and inclusive of the 30th day of June, 2004, namely : -
(1)	(2)	(3)
"1A	Motor spirit, (commonly known as petrol) when intended for use in ethanol blended petrol, that is, a blend a) consisting by volume, of 95% Motor spirit, (commonly known as petrol), or which the appropriate duties of excise have been paid and of 5% ethanol on which the appropriate duties of excise have been paid, and (b) conforming to Bureau of Indian Standards specification 2796 subject to following the procedure laid down in the Central Excise (Removal of Goods) at Concessional Rate of Duty for Manufacture of Excisable Goods Rules, 2001.	Five Rupees and seventy paise per litre
1B	5% ethanol blended petrol that is a blend.- (a) consisting, by volume, of 95% Motor spirit, (commonly known as petrol) on which the appropriate duties of excise have been paid and of 5% ethanol on which the appropriate duties of excise have been paid, and (b) conforming to Bureau of Indian Standards specification 2796. Explanation : for the purposes of this exemption "appropriate duties of excise" shall mean the duties of excise leviable under the First Schedule and Second Schedule to the Central Excise Tariff Act, 1985 (1 of 1986) the additional duty of excise leviable under the Finance (No. 2) Act, 1998 (21 of 1998) and the special additional excise duty leviable under section 147 of the Finance Act, 2002 (20 of 2002), read with any relevant exemption notification for the time being in force	Nil"
3.	14/200-Central Excise, dated the 1th March, 2003	In the said notification in para 2, for the figures, letters and words "29th day of February 2004", the figures, letters and words "30th day of June, 2004" shall be substituted.
4.	15/2003-Central Excise, dated the 1th March, 2003	In the said notification, in para 2, for the figures, letters and words "29th day for February, 2004", the figures, letters and words "30th day of June, 2004", shall be substituted.

G. S. Karki
Under Secretary to the Government of India

F.No . 354/16/2004-TRU