

F.No.134/8/2001-CX.4

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

Subject: CE - Classification of Ready Mix Concrete - Reg.

I am directed to refer to Board's Circular No.237/71/96-CX dated 12.8.96 and 315/31/97-CX dated 23.5.97 issued from F.No.126/1/96-CX.3 wherein it has been held that Ready Mix Concrete (RMC) falls under heading 38.23.

2. The matter has been re-examined on dismissal of department's appeal in the case of CCE, Mumbai IV Vs. M/s Associated Cement Co. wherein CEGAT in Order No.C-II/3333 dated 17.11.2000 has held that proviso to Section 11A cannot be evoked and the goods RMC are more appropriately classifiable under heading 68.07.

3. In view of the CEGAT decision holding the classification of Ready Mix Concrete under Chapter 68 and it being upheld by the Apex Court, the Ready Mix Concrete are correctly classifiable under heading 68.07 for the period prior to 1.3.97. Board has accepted the decision affirmed by the Apex Court. The above said Circulars, therefore, stand modified accordingly.

4. It may be noted that the Apex Court decision covers the period prior to 1.3.97 only. With effect from 1.3.97 a specific sub-heading 3824.20 has been inserted to cover Ready Mix Concrete.

5. The Trade and field formations may please be informed accordingly.

6. Receipt of this Circular may please be acknowledged.