

F.No.296/10/2009-CX-9(Pt.)

Government of India

Ministry of Finance

Department of Revenue

Central Board of Customs & Excise

New Delhi, the 29th May, 2013

To

All Chief Commissioners

All Directors General

Sub: Writing off of arrears of Central Excise duty, Customs duty and Service Tax - Constitution of Committees to advise the authority for writing off of arrears-reg.

Sir,

I am directed to refer to the [Circular No. 946/07/2011 dated 01.06.2011](#) issued from this file number on the subject and to say that certain amendments have been made in the Delegation of Financial Power Rules, 1978 vide [S.O. 3624 dated 14.12.2012](#). A copy of the said notification is enclosed.

2. With this amendment, the authorities competent to write-off the arrears of Central Excise and the Commissioner of Service Tax are also delegated powers to write-off the arrears of Service Tax as well. Consequently, the constitution of the Committees for examining the proposals for write-off of irrecoverable arrears and recommending deserving cases to the authority competent to order such write-off, also requires modification. Hence, para 4 & 5 of the **Circular No. 946/07/2011 be substituted by the following**:-

" 4. The constitution of the Committees and the powers to write off, delegated to the competent authorities are as under:-

S. No.	Competent Authority	Constitution of the Committee	Powers delegated
1.	Chief Commissioner of Customs & Central Excise/ Central Excise/ Customs	Committee of two Chief Commissioners of Customs & Central Excise/ Central Excise/ Customs and the Chief Commissioner (TAR)	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Customs Act, 1962, the Central Excise Act, 1944, the Gold Control Act, 1968 and the Finance Act, 1994; and (b) To write off irrecoverable amounts of Customs or Central Excise duty or Service Tax upto Rs. 15 lakhs subject to a report to the Board.
2.	Commissioner of Customs & Central Excise / Commissioner of Customs / Commissioner of Central Excise/ Commissioner of Service Tax	Committee of two Commissioners of Customs & Central Excise/ Central Excise/ Customs/ Service Tax and one Commissioner (TAR) nominated by CC(TAR))	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Customs Act, 1962, the Central Excise Act, 1944, the Gold Control Act, 1968 and the Finance Act, 1994; and (b) To write off irrecoverable amounts of Customs or Central Excise duty or Service Tax upto Rs. 10 lakhs subject to a report to the Chief Commissioner.

5. As regards write off of interest amount, it is clarified that once duty/ tax involved is written off, the interest due thereon would get automatically written off. It is also clarified that the duty/ tax involved in the case would determine the level of authority/Committee competent to write off the amount involved. "

Click here for : [Notification](#) | [Circular No. 946/07/2011 dated 01.06.2011](#)

Yours faithfully,

(Surendra Singh)

Under Secretary to the Govt. of India

