

Notification No.43/2001-Central Excise (N.T.)

In exercise of the powers conferred by of sub-rule (3) read with sub-rule (2) of rule 19 of the Central Excise (No.2) Rules, 2001, the Central Board of Excise and Customs hereby notifies the conditions, safeguards and procedures for procurement of the excisable without payment of duty for the purpose of use in the manufacture or processing of export goods and their exportation out of India, to any country except Nepal and Bhutan, namely: -

1. the manufacturer or the processor intending to avail benefit of this notification shall register himself under rule 9 of the Central Excise No.2) Rules, 2001;
2. provisions of the Central Excise (Removal of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2001 shall be followed, *mutatis mutandis*;
3. the manufacturer or processor shall, while filing declaration under the Central Excise (Removal of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2001, also declare ratio of input and output and rate of duty payable on excisable goods to be procured without payment of duty;
4. the Assistant Commissioner of Central Excise or the Deputy Commissioner of Central Excise shall also verify the correctness of the ratio of input and output and other particulars mentioned in the declaration filed before commencement of export of such goods. He may, if necessary, call for samples of finished goods or inspect such goods in the factory of manufacture for verifying the declarations. He shall, after being satisfied about the correctness of declarations, countersign the application in the manner specified in the Central Excise (Removal of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2001;
5. The manufacturer or processor may remove the excisable goods so received as such or after these have been partially processed during the course of manufacture or processing of finished goods to a place outside the factory -
 1. for the purposes of test, repairs, refining, reconditioning or carrying out any other operation necessary for the manufacture or processing of the finished goods and return the same to his factory without payment of duty for further use in the manufacture or processing of finished goods or remove the same without payment of duty in bond for export, provided that the waste, if any, arising in the course of such operation is also returned to the said factory of the manufacture or processing; or
 2. for the purpose of manufacture of intermediate products necessary for the manufacture or processing of finished goods and return the said intermediate products to his factory for further use in the manufacture or processing of finished goods without payment of duty or remove the same, without payment of duty in bond for export, provided that the waste, if any, arising in the course of such operation is also returned to the factory of manufacturer or processor; and
 3. any waste arising from the processing of the excisable goods may be removed on payment of appropriate duty as if such waste is manufactured in the factory of the manufacturer or processor;
1. the goods shall be exported on the application in Form A.R.E. 2 specified in the Annexure and the procedures specified in Ministry of Finance (Department of Revenue) notification No.40/2001-Central Excise (N.T.) dated 26th June, 2001 or in notification No.42/2001-Central Excise dated 26th June, 2001 shall be followed.

Explanation I: "Duty" for the purpose of this notification means duties of excise collected under the following enactments, namely: -

1. the Central Excise Act, 1944 (1 of 1944);
2. the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957);

- ## Annexure

Quintuplicate (Blue)

Sl. No.	Description of packages	Marks & Nos. on packages	Gross Weight	Net Weight and quantity of goods**	Description of finished goods	Value	Finished Stage Central Excise Duty	Invoice No. & date	Bond/Undertaking executed under rule 19 (if any)
Rate	Amount								

1	2	3	4	5	6	7	8	9	10
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*Strike out portion not applicable **Quantity of goods to be furnished in units of sale where it is different than weight. #Write NA where exports are under bond/letter of undertaking in terms of Rule 19 or where goods are not chargeable to duty

TABLE 2

Details of duty paid excisable Materials and Packing materials used in manufacture of export goods for which rebate under notification _____ dated _____ is being claimed

S. No.	Name/description of materials/ packing with technical specification/ Quantity	Central Excise Tariff Sub-heading	Unit	Qty used	Name of Supplier	Invoice No. & Value/ Unit Rs.	Assessable Value/ Unit Rs.	Rate of Central Excise duty	Duty Amt. per unit Rs.	Total Wastages	Recoverable
Recoverable	Irre- coverable										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	

Declaration :

- (a) We hereby certify that we have not availed facility of CENVAT credit under CENVAT Credit Rules, 2001
- (b) We hereby declare that the export is not in discharge of export obligation under a Value based Advance Licence issued prior to 31.03.95
- (c) We hereby declare that the materials on which input stage rebate is claimed are not sought to be imported under a Quantity Based Advance Licence issued prior to 31.03.95.
- (d) We further declare that we shall not claim any Drawback on export of the consignment covered under this application.
- (e) I / We hereby declare that the above particulars are true and correctly stated.
- (f) We have been granted permission by Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise Vide C.No. _____ date _____ for working under Notification _____ dated _____.

Time of Removal _____

Signature of owner or his authorised agent with date
Name in Block Letters & Designation
SEAL

Note 1: The A.R.E. 2 should be submitted by the manufacturer at least 24 hours intended removal of goods for export, to the superintendent of Central Excise.

Note 2 : A running serial of the factory starting with one every financial year should be allotted to every A.R.E. 2

FOR DEPARTMENT USE

PART A

CERTIFICATION BY THE CENTRAL EXCISE OFFICER

1. Certified that

*duty has been paid on the goods described above or duty is payable as recorded at entry number____ in Daily Stock Account.

or

*the owner has entered into B-1 bond No _____ /given an Undertaking _____ under Rule 19 of Central Excise (No.2) Rules, 2001 with the _____ or *the finished goods being exported are not dutiable

2. Certified that I have opened and examined the packages No. _____ and found that the particulars stated and the description of goods given overleaf read with the invoice and the packing list (if any) correct *[and that all the packages have been stuffed in the container No. _____ with Marks _____]*and the same has been sealed with Central Excise Seal/*One Time Seal (OST) No. _____

3. I have verified with the records, the declaration of the manufacture given at Sl. No. 3 overleaf regarding non availment of credit under rule CENVAT Rules and found it to be true.

4. Certified that I have drawn three representative samples from the consignment and have handed over two sets thereof duty sealed to the manufacturer/ his authorised representative. (wherever feasible)

5. Certified that the material consumption"s indicated in Table 2 overleaf are in accordance with the declaration No. _____ filed by _____ on _____

Place : _____

Date : _____

Signature	Signature
(Name in Block Letters)	(Name in Block Letters)
Superintendent of Central Excise	Inspector of Central Excise

*Strike out inapplicable portions

Note 3 : The details given in table 2 may be verified by the Superintendent of Central Excise subsequent to clearances. For this purpose a detailed verification report may be submitted by the Superintendent to the Assistant Commissioner of Central Excise along with Triplicate copy of A.R.E. 2

Note 4 : The original -duplicate and sextuplicate shall be returned to the manufacturer for presenting to the Customs Officer.

PART B

Certification by the Customs Officer

1. Certified that I have examined the consignment described overleaf, and the seals on the packages were found intact and I have satisfied myself that particulars of the consignment are as specified overleaf except for the shortages mentioned below:

2. Certified that the exports are not under Duty Drawback Scheme. It is further certified that exports are not in discharge of export obligation under Value Based Advance Licence or a Quantity Based Advance Licence issued before 31.03.95.

3. Certified that all copies of Shipping Bill / Bill of export contain endorsement of A.R.E. 2 No. in the space provided for indicating ARE 1.

4. Certified that the consignment was shipped under my supervision under *Shipping Bill No. / Bill of Export No. _____ dated _____ which left for _____ on _____ / which passed the frontier on _____

Duplicate copy of A.R.E. 2 Forwarded to Assistant/Deputy Commissioner of Central Excise on

Place

Date

Signature

(Name and designation of the Customs Officer in Block letters)

(Seal)

Note 5 : The customs shall send the duplicate to the address given at Sl. No. 1 over leaf and handover original and sextuplicate to the exporter

PART C*

Rebate Sanction Order Under Rule 18(1)

(On Original, Duplicate and Triplicate)

Refund Order No. _____ dated _____ Rebate of Rs. _____ (Rupees
_____ sanctioned vide cheque No. _____ dated _____

Place _____

Date _____

Assistant/Deputy Commissioner of Central Excise

PART D

Rebate Sanction Order under rule 18(2)

(On Original, Duplicate and Triplicate)

Refund Order No. _____ dated _____ Rebate of Rs. _____
(Rupees _____ sanctioned vide cheque No. _____ dated _____

Place _____

Date _____

Assistant/Deputy Commissioner of Central Excise

*Strike out inapplicable portions

2. This notification shall come into force on 1st July, 2001.

F.No.209/18/2001-CX.6

(P.K. Sinha)

Under Secretary to the Government of India