

F.No.605/06/2023-DBK
Government of India
Ministry of Finance, Department of Revenue
Central Board of Indirect Taxes & Customs

Drawback Division
New Delhi, dated the 17th May, 2023

To

All Principal Chief Commissioners / Chief Commissioners,
All Principal Directors General / Directors General,
All Principal Commissioners/Commissioners of Customs/Customs (Prev)/ Central Tax & Customs

Ma'am/Sir,

Subject: Amnesty Scheme for one time settlement of default in export obligation by Advance and EPCG authorization holders - Notification No.32/2023-Customs dated 26.04.2023.

The Ministry has issued Notification No.32/2023-Customs dated 26.04.2023 to amend 13 Customs notifications pertaining to Advance Authorization (AA) and Export Promotion Capital Goods (EPCG) Schemes. This is to implement the Public Notice No. 02 dated 01.04.2023 notified by DGFT that has provided a procedure, under category of regularization of bona fide defaults, in which all pending cases of the default in meeting export obligation (EO) may be regularized by the authorization holder on payment of applicable Customs duty, corresponding to the shortfall in EO. Interest payable is capped at maximum of 100% of such duties exempted on which interest is payable as specified in the said Public Notice dated the 01.04.2023. However, no interest is payable on the portion of Additional Customs Duty and Special Additional Customs Duty. The authorization holder choosing to avail this procedure must complete the process of payment on or before 30.09.2023.

2. The amendments made by the Notification No.32/2023-Customs provide that in a case of default in export obligation, when the duty on the goods is paid to regularize the default in term of Public Notice No. 02/2023 dated 01.04.2023 notified by DGFT, the amount of interest to be paid by the importer shall be payable as specified in the said Public Notice dated 01.04.2023. No other change is involved.

3. It may be noted that the cases under any investigation or adjudicated for involving fraud, mis-declaration or un-authorised diversion of material and/or capital goods are not covered in the scheme. Authorization holder shall not claim CENVAT Credit or Refund, under any provision of law, of any amount on duties paid under this scheme. However, there may be cases of calculation mistakes which are to be dealt on merits. Also, the DGFT PN No. 02/2023 dated 01.04.2023 specifies the necessary procedures which would be required to be followed.

4. The Principal Commissioners / Commissioners are to ensure that the exporters approaching for paying the duty, etc. are registered with the DGFT in terms of the Public Notice dated 02.04.2023 *ibid*. These cases under the scheme be monitored and tracked so that there is efficient handling and expeditious closure of these old cases of bona fide EO default in a seamless manner. Suitable mechanism for this should be put in place and closely supervised by the Principal Commissioners / Commissioners.

5. This Circular may be brought to the notice of all concerned by way of issuance of standing order/instruction/ trade notice. Difficulties faced, if any, may please immediately be brought to the notice of the Board.

Yours faithfully,


17.05.2023

(Chandan Kumar)

OSD (Drawback)

Tele:23367563/

Email: chandankumar.irs@gov.in