

F. No. 450/129/2023-Cus.IV
GOVERNMENT OF INDIA
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS

New Delhi, the 17th April 2023

Customs (Waiver of Interest) Third Order, 2023

Order No. 3/2023-Customs (N.T.)

WHEREAS, the Central Board of Indirect Taxes and Customs, had by Order No. 1/2023 – Customs (N.T.) dated 06.04.2023 followed by the Order No. 2/2023 – Customs (N.T.) dated 11.04.2023, waived, for reasons recorded in the said Orders, the whole of interest payable under sub-section (2) of section 47 of the Customs Act, 1962 (hereafter referred as said Act) for the period from 1st April, 2023 upto and including the 13th April, 2023, in respect of such goods, where the payment of import duty is to be made from the amount available in electronic cash ledger;

AND WHEREAS, the reasons were of technical difficulties on the Common Portal, and with the authorized banks, which were being resolved by the Directorate General of Systems, as they were encountered, and the new framework stabilized;

AND WHEREAS, the said technical difficulties have, to a large extent, been resolved by 13.04.2023;

AND WHEREAS, however, in respect of certain Bills of Entry on which, in terms of para 8.2 of Circular No. 9/2023-Customs dated 30.03.2023 the duty payment process was initiated on or before 13.04.2023, this process was not successful due to technical issues in the Common Portal leading to rejection coupled with an inability to re-initiate that payment from the electronic cash ledger at the Common Portal;

AND WHEREAS, as this difficulty arose, the concerned trade has also been subjected to calculation of interest on the Common Portal immediately from 14th April 2023 onward whether or not the said inability was removed on the Common Portal;

AND WHEREAS, had this difficulty not arisen, the concerned trade would not have been subjected to calculation of interest on the Common Portal;

AND WHEREAS, in terms of Section 143AA of the said Act, the Board may also for the purposes of facilitation of trade take measures to reduce the transaction cost of clearance.

NOW, THEREFORE, in exercise of the powers conferred by the third proviso below sub-section (2) of section 47 of the Customs Act, 1962, the Central Board of Indirect Taxes and Customs, being satisfied that it is necessary in the public interest so to do, hereby makes the following Order, namely, -

1. Short title. — This Order may be called the Customs (Waiver of Interest) Third Order, 2023.
2. The Central Board of Indirect Taxes and Customs, hereby waives the interest payable under sub-section (2) of section 47 of the said Act, for the period from 14th April, 2023 till the date of removal of

such system inability and thereafter upto three days (including holidays), in respect of such goods relating to those Bills of Entry on which the duty payment for the specific Bill of Entry was initiated in terms of para 8.2 of Circular No. 09/2023- Customs dated 30.03.2023 on or before 13.04.2023, but this process was not successful due to technical issues in the common portal leading to rejection coupled with an inability to re-initiate that payment from the electronic cash ledger.

3. The waiver contained in this Order shall be given effect if the following conditions are fulfilled:

(a) the duty and interest has been paid within 3 days (including holidays) from the date of removal of such system inability at the Common Portal, which shall be certified by the DG Systems;

(b) the importer undertakes at the port of import to not pass on the incidence of such interest paid; and

(c) the provisions of section 27 of Customs Act 1962 shall govern the consequential refund of such interest paid.


(Ananth Rathakrishnan)
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