



## **Bangalore Chamber of Industry and Commerce**

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### ***Taxation (Customs)***

Circular No.128

15.12.2009

All Members

Dear Sirs,

We enclose herewith the following Notifications and Circular issued from Government of India, Ministry of Finance and Department of Revenue – for your reference and record.

1. Notification No.127/2009 – Customs, dated 2<sup>nd</sup> December, 2009-[F. No.354/117/2009-TRU] - Import of Ceramic Glazed Tiles other than vitrified Tiles originating in or Exported from China
2. Notification No. 175/2009 - Customs (N.T.), dated 27<sup>th</sup> November, 2009-[F. No. 609/67/2009-DBK]
3. Circular No.33/2009-Customs, F.No.609/67/2009-DBK, dated 27th of November, 2009 - Introduction of new entries in the Drawback Schedule and clarification on certain issues-reg.

Thanking you,

Yours faithfully

**T.S. Sampath Kumar**  
Secretary General

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Notification No.127/2009 – Customs, dated 2<sup>nd</sup> December, 2009-[F. No.354/117/2009-TRU]

**Import of Ceramic Glazed Tiles other than vitrified Tiles originating in or Exported from China**

G.S.R. (E).- Whereas, in the matter of import of ceramic glazed tiles other than vitrified tiles where at least one of the sides (length or width) exceeds 17 inches or 431.80 millimeters (mm) or 43.18 centimeters (cm) or 1.4167 feet (hereinafter referred to as the subject goods), falling under tariff item 6908 90 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from China PR (hereinafter referred to as the subject country), the designated authority, in its preliminary findings vide notification No. 14/16/2008-DGAD, dated the 22nd April, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th April, 2009 had come to the conclusion that –

- (a) the subject goods had been exported to India from the subject country below its normal value;
- (b) the domestic industry had suffered material injury;
- (c) the injury had been caused by the dumped imports from subject country, and had recommended imposition of provisional anti-dumping duty on all imports of subject goods originating in, or exported from, the subject country;

And whereas on the basis of the aforesaid preliminary findings of the designated authority, the Central Government has imposed an anti-dumping duty vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 62/2009-Customs, dated the 15th June, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 418(E), dated the 15th June, 2009;

And whereas the designated authority vide its final findings vide notification No. 14/16/2008-DGAD, dated the 9th October, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 12th October, 2009, has come to the conclusion that -

- (a) the subject goods have been exported to India from the subject country below its normal value;
- (b) the domestic industry has suffered material injury;
- (c) the injury has been caused by the dumped imports from subject country, and has recommended imposition of definitive anti-dumping duty on all imports of subject goods from the subject country in order to remove the injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9A of the said Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff

(Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes on the imports into India of goods falling under tariff item of the First Schedule to the said Customs Tariff Act as specified in column(2) of the Table below, the description of which is specified in corresponding entry in column(3), the specification of which is specified in corresponding entry in column(4), originating in the country specified in corresponding entry in column(5), exported from the country specified in the corresponding entry in column(6), produced by the producers specified in the corresponding entry in column(7) and exported by the exporters specified in the corresponding entry in column(8), an anti-dumping duty at the rate equal to the amount specified in the corresponding entry in column(9) and as per the unit of measurement specified in the corresponding entry in column (10) and payable in the currency specified in the corresponding entry in column(11) and of the said Table.

**Table**

S.No.	Tariff Item	Description of Goods	Specification	Country of origin	Country of Export
(1)	(2)	(3)	(4)	(5)	(6)
1	6908 9090	Ceramic Glazed tiles other than vitrified tiles	Ceramic Glazed tiles where at least one of the sides (length or width) exceeds 17 inches or 431.80 Millimeters (MM) or 43.18 Centimeters (CM) or 1.4167 feet.	China PR	China PR
2	-do-	-do-	-do-	China PR	China PR
3	-do-	-do-	-do-	China PR	China PR

4	-do-	-do-	-do-	China PR	China PR
5	-do-	-do-	-do-	China PR	China PR
6	-do-	-do-	-do-	China PR	Any other than China PR
7	-do-	-do-	-do-	Any other than China PR	China PR

Producer	Exporter	Duty Amount	Unit of Measurement	Currency
(7)	(8)	(9)	(10)	(11)
Foshan Bailifeng Building Materials Co. Ltd. (formerly known as Foshan New Zhong Yuan Ceramics Co. Ltd.)	Foshan Lungo Ceramics Co. Ltd.	Nil	SQM	Rupees
	Foshan Sandebo Ceramics Co. Ltd.			
	New Zhong Yuan Ceramics Import & Export Co. Ltd. of Guangdong			
	Foshan Xinnanyue Building Ceramics Co., Ltd.			
	Foshan Xinyue Ceramics Co., Ltd.			
Sichuan New Zhong Yuan Ceramics Co. Ltd.	Sichuan New Zhong Yuan Ceramics	Nil	SQM	Rupees

	Co. Ltd.			
Guangdong Winto Ceramic Co. Ltd.	Guangdong Winto Ceramic Co. Ltd.	Nil	SQM	Rupees
Foshan Sanshui Newpearl Building Ceramics Industrial Co., Ltd. or Foshan Sanshui Summit Ceramics Co. Ltd.	Foshan Newpearl Trade Co. Ltd.	Nil	SQM	Rupees
Any other than combination at S. No. 1 to 4 above	137/-	SQM	Rupees	
Any	Any	137/-	SQM	Rupees
Any	Any	137/-	SQM	Rupees

2. The anti-dumping duty imposed under this notification shall be levied with effect from the date of imposition of the provisional anti-dumping duty i.e. the 15<sup>th</sup> June, 2009.

**Sd/-**  
**(Prashant Kumar)**  
**Under Secretary to the Government of India**

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Notification No. 175/2009 - Customs (N.T.), dated 27<sup>th</sup> November, 2009- [F. No. 609/67/2009-DBK]

G.S.R. 850 (E). – In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962), sub-section (2) of section 37 of the Central Excise Act, 1944 (1 of 1944), and section 93A and sub-section (2) of section 94 of the Finance Act, 1994 (32 of 1994), and in pursuance of rules 3 and 4 of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, the Central Government, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.103/2008-Customs (N.T.), dated the 29<sup>th</sup> August, 2008 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 627 (E) dated the 29<sup>th</sup> August, 2008, namely:-

In the said notification, -

(a) under the heading 'Notes and Conditions', after serial number (19), the following shall be inserted, namely, -

“(20) The drawback rates prescribed in the said Schedule against tariff items 711301 and 711302 shall apply only to goods exported by airfreight, post parcel or authorised courier through the Custom Houses as specified in para 4A.12 of the Hand Book of Procedures (Vol. I), 2009-14 published vide Public Notice No.1/2009-14 dated 27<sup>th</sup> August, 2009 of the Government of India in the Ministry of Commerce and Industry, after examination by the Customs Appraiser/Superintendent (Jewellery Expert) to ascertain the quality of gold/silver and the quantity of net content of gold/silver in the gold/silver jewellery. The Free on Board (FOB) value of any consignment through authorised courier shall not exceed rupees twenty lakhs.

(21) The drawback rates prescribed in the said Schedule against tariff items 711301 and 711302 shall not be applicable to goods manufactured or exported in discharge of export obligation against any scheme of the relevant Export and Import Policy or the Foreign Trade Policy of the Government of India which provides for duty free import/replenishment/procurement from local sources of gold/silver.”

(b) in the Schedule, -

(i) in Chapter 64, for the tariff item 640311 and the entries relating thereto, the following tariff items and the entries shall be substituted, namely:-

“640311	Leather safety footwear with protective metal toe-cap	pair	10.5%	175	2%	33
640399	Others		1%		1%”	

(ii) in Chapter 70, after tariff item 70139990 and the entries relating thereto, the following tariff item and the entries shall be inserted, namely:-

“70139991	Jars, Perfume Bottles, Candle Plate/Coasters, Votive, Lotion Dish, Bottle/Soap Dish, Ornamental Spheres/Stars/Bells	Kg.	9.4%	43	Nil”
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(iii) in Chapter 71, for tariff item 7113 and the entries relating thereto, the following tariff items and the entries shall be substituted, namely:-

"7113	Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal				
711301	Articles of jewellery and parts thereof, made of gold	Gms.	Rs.20.60 per gram of net gold content (.995 or more purity) in the jewellery		Rs.20.60 per gram of net gold content (.995 or more purity) in the jewellery
711302	Articles of jewellery and parts thereof, made of silver	Kg.	Rs. 1,030/= per kg of net silver content (.999 purity) in the jewellery		Rs.1,030/= per Kg of net silver content (.999 purity) in the jewellery
711399	Others		Nil		Nil"

(iv) in Chapter 83, for the tariff item 830603 and the entries relating thereto, the following tariff items and the entries shall be substituted, namely,-

"830603	of iron and steel	Kg.	12.5%	20.2	1%	1.6
830604	of aluminium	Kg.	9.1%	37.2	1%	4
830699	Others	Kg.	9%	9	1%	1"

(v) in Chapter 94, after tariff item 940505 and the entries relating thereto, the following tariff item and the entries shall be inserted, namely:-

"940506	Lanterns/Lamps predominantly of glass	Kg	9.4%	43	Nil"	
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(vi) in Chapter 95, after tariff item 95069962 and the entries relating thereto, the following tariff item and the entries shall be inserted, namely:-

"95069963	Rounder's Wooden	bat,	piece	11%	44	11%	44"
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**Sd/-**  
**(Rajesh Kumar Agarwal)**  
**Under Secretary to the Government of India**

Note: The principal notification No.103/2008-Customs (N.T.) was published in the Gazette of India, vide number G.S.R. 627(E), published in the Gazette of India, Extraordinary, part II, Section 3, Sub-section (i) dated the 29th August, 2008 and was last amended by notification No.2/2009-Cus (N.T.) dated 2<sup>nd</sup> January, 2009, vide number G.S.R. 8 (E) dated 2<sup>nd</sup> January, 2009.

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Circular No.33/2009-Customs, F.No.609/67/2009-DBK, dated 27th of November, 2009

**Introduction of new entries in the Drawback Schedule and clarification on certain issues-reg.**

The Ministry has issued notification No. 175/2009 Customs (NT) dated 27th November, 2009 introducing the following new entries in the present Drawback Schedule:-

- a) Gold and silver jewellery (711301 & 711302);
- b) Rounder's bat, wooden (sports goods) (95069963);
- c) Bells, gongs, statuettes, ornaments, picture frames etc of Aluminium and Iron & steel (830603 & 830604);
- d) Leather Safety Footwear with protective metal toe (640311);
- e) Jars, perfume bottles, candle plate/ coasters, votive, lotion bottle/soap dish, ornamental spheres/ stars/ bells made of glass (70139991);
- f) Lanterns/ lamps predominantly of glass (940506).

2. The notification is available at CBEC website [www.cbec.gov.in](http://www.cbec.gov.in) and may please be perused for details. The drawback rates and caps on other items remain unchanged. Thus, the drawback schedule which was announced vide notification NO. 103/2008-Cus (NT) dated 29<sup>th</sup> August, 2008 as amended shall continue to be in operation until a revised schedule is notified.

3. The drawback rates provided for gold & silver jewellery will only be applicable for exports made through the ports /custom houses as specified in para 4A.12 of the Hand Book of Procedures (vol.1), 2004-2009 after examination by the jewellery expert appraisers/superintendents to ascertain the quality of gold/silver and the quantum of gold/silver in the exported items. It may be noted that the drawback rate provided for gold & silver jewellery is a specific rate in terms of rupees per unit weight of net content of gold/silver in the jewellery. The drawback rates for gold & silver jewellery are equal to the prevalent import duty on gold/silver.

4. The drawback rates provided for gold & silver jewellery and parts thereof shall not be applicable to goods manufactured or exported in discharge of export obligation against any scheme of the relevant Export and Import Policy or the Foreign Trade Policy of the Government of India which provides for duty free import/replenishment/procurement from local sources of gold/silver.

5. It is requested that the export of gold and silver jewellery and parts thereof, which are high value items and for which a drawback entry is being introduced for the first time, may be closely monitored. A monthly report indicating the quantum of such exports and drawback availed may be sent to the board for the next six months beginning December 2009 and upto May 2010.

6. The drawback rates provided for bells, gongs, statuettes, ornaments, picture frames etc of Aluminium and Iron & steel; Jars, perfume bottles, candle plate/coasters, votive, lotion bottle/soap dish, ornamental spheres/ stars/ bells made of glass; and Lanterns/ lamps made predominantly of glass are the same as the drawback rates presently applicable to artware/handicraft items made of the respective constituent material. The new entries have been created with a view to minimise disputes in classification of artware/handicraft items.

7. It may be seen that lamps made of brass, copper, iron and aluminium are already covered under tariff items 940502, 940503, 940504 & 940505 respectively of the drawback schedule. These tariff items may also be taken to include lanterns made of the respective constituent material and the criteria of predominance of constituent material which has been incorporated in the tariff item 940506 (Lanterns/ lamps made predominantly of glass) may be adopted for classification of items in these tariff items also.

8. Representations have been received from FIEO, the Indian Silk Export Promotion Council and others that embroidered silk fabric should be extended the same drawback rate as plain silk fabric. Silk fabric with embroidery is being classified under heading 5810 of the drawback schedule at some ports. The drawback rate applicable on embroidery under heading 5810 of the drawback schedule is at 5.7% with cap of Rs. 25.2/kg. On the other hand, the drawback rate for silk fabric falling under heading 500701 of the drawback schedule is 9.8% with cap of Rs. 295/kg. The issue has been examined by the Board. The

drawback rates for heading 5007 were based on the understanding that silk fabrics, whether plain or embroidered, would be classified under this heading. It is therefore clarified that till a new drawback schedule is notified, silk fabrics with/without embroidery may be extended the same rate as prescribed against the applicable sub headings under heading 5007 of the drawback schedule. Past cases, if any, pending on this score may be settled accordingly.

9. A suitable Public Notice and Standing Order may be issued for the guidance of the trade and staff. Difficulties faced, if any, in implementation of the Circular may be brought to the notice of the Board at an early date.

**Sd/-  
(Pramod Kumar)  
Technical Officer (DBK)**

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