

Notification No. 50/2005 - Customs

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government on being satisfied that it is necessary in the public interest so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table hereto annexed shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table.

Table

Sr. No.	Notification No. and date	<u>Amendment</u>
(1)	(2)	(3)
1.	154/94- Customs, dated the 13th July, 1994	<p>In the said notification, against S. No. 3, in column (3),-</p> <p>(i) after condition (iv), the following proviso shall be inserted, namely:- "provided that where the samples relating to gem and jewellery industry are imported by exporters of gem and jewellery, the import of said sample shall not exceed value of Rs. 3,00,000 (Three lakhs) or 0.25% of average value of three immediately preceding years exports whichever is lower, and such samples shall not exceed 15 units in number, within a period of twelve months subject to the condition that the importer produces a certificate from the Gem and Jewellery Export Promotion Council certifying the value of export made during three immediately preceding years and also the value and quantity of goods already imported under this notification during the last twelve months."</p> <p>(ii) in sub-condition (A), for item (b), the following shall be substituted, namely:- "(b) the total import value of sample does not exceed Rs 3,00,000 (Three lakhs) or 0.25% of average value of three immediately preceding years exports whichever is lower, in the case the sample is related to gem and jewellery industry imported by exporter of gem and jewellery, as the case may be and Rs 60,000 (Sixty Thousand) in case of any other import of commercial samples and such sample shall not exceed 15 units in number, within a period of last twelve months; and".</p>
2	55/2001- Customs, dated the 16 th May, 2001	<p>In the said notification, -</p> <p>(1) in the condition (ii), for the figure "0.50", the figure "0.25" shall be substituted;</p> <p>(2) in condition (iv), after the entry (f), the following entry shall be inserted , namely:- "(g) Central Gem Laboratory, Miyagi Building, 5-15-14 Ueno Taito-Ku, Tokyo, Japan"</p>
3	52/2003- Customs, dated the 31 st March, 2003	<p>In the said notification, -</p> <p>(1) in the opening paragraph,-</p> <p>(i) in condition (4),-</p> <p>(a) in clause (ii), the following proviso shall be inserted at the end , namely:- "provided that for taking out of capital goods from one unit to another unit in a special economic zone or to other export oriented undertaking or Electronic Hardware Technology Park (EHTP) unit or Software Technology Park (STP) unit, as the case may be, no permission of the said officer shall be essential and the capital goods may be taken outside the unit after giving intimation to the said officer."</p> <p>(b) after clause (iii), the following clause shall be inserted , namely:- " (iiia) permit the capital goods to be taken outside the unit without payment of duty for the purposes of test, repairs calibration, refining and return thereof : Provided that in case of status holder, the capital goods may be taken out of the unit on the basis of prior intimation to the said officer and no prior permission shall be required."</p> <p>(ii) after condition (4), the following condition shall be inserted , namely:- "(4a) The unit may take outside the unit samples of manufactured goods to another unit in a special economic zone or to other export oriented undertaking or</p>

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Electronic Hardware Technology Park(EHTP) unit or Software Technology Park (STP) unit, as the case may be , without payment of duty for display, after giving intimation to the said officer subject to the condition that such sample shall be returned to the unit within a period of thirty days of taking out the sample from the unit."

(iii) in condition (6),-

(a) in clause (iv), the following proviso shall be inserted , namely:-

" provided that in case of status holder , no approval of Development Commissioner or permission of the said officer shall be essential and personal carriage of the goods may be undertaken after giving intimation to the Development Commissioner and the said officer.";

(b) in clause (xi), for the words " and Bangalore or" the words ",Bangalore and Ahmedabad or" shall be substituted;

(iv) for condition (12), the following condition shall be substituted namely:-

" (12) The said officer subject to the approval of the Commissioner of Customs or Commissioner of Central Excise, as the case may be, may allow diesel generating sets, captive power plants, central air-conditioning equipments, uninterrupted power supply system, networking equipments, EPABX, Fax, photocopier equipments, data transfer protocol equipments and security system imported by an export oriented undertaking, or Electronic Hardware Technology Park (EHTP) unit, or Software Technology Park (STP) unit to be utilized by other export oriented undertaking, or Electronic Hardware Technology Park (EHTP) unit, or Software Technology Park (STP) unit , belonging to the owner of the importing unit for the purposes of development of software, data entry and conversion, data processing, data analysis and control data management or call center services and export thereof but such goods shall not be removed from the premises of the importing unit.";

(2) in *Explanation* occurring after paragraph 13,-

(a) after clause (x), the following clause shall be added , namely:-

'(xi) "status holder" means importer having any status of Star Export House as categorized in paragraph 3.5.2 of the Foreign Trade Policy'

(3) in ANNEXURE-I, for entry against S.No.4, the following shall be substituted , namely:-

" Captive power plant including captive generating sets and transformers of capacity commensurate with the actual requirement of the unit and recommended by the Development Commissioner or Designated Officer. (For status holders, there shall be no requirement of recommendation by the Development Commissioner or Designated Officer)."

(4) in ANNEXURE-V, after Sr. No. 30, the following shall be added , namely:-

" 31. Spares up to 5% value of respective goods specified at Sl. No 1 to Sl No 29."

F. No.305/69/2005-FTT (Pt-IV)

V,KEZO
Under Secretary to the Government of India

Note:

1. Notification No. 154/94-Customs, dated the 13th July,1994, was published vide G.S.R.583(E), dated the 13th July,1994 and was last amended by notification No.28/2003- Cus, dated the 1st March,2003 [G.S.R.163 (E), dated the 1st March,2003]
2. Notification No. 55/2001-Cus, dated the 16th May, 2001 was published vide G.S.R. 360(E), dated the 16th May, 2001 and was last amended by notification No. 87/2004-Cus, dated the 6th September,2004 [G.S.R.566 (E), dated the 6th September,2004]
3. Notification No. 52/2003-Customs, dated the 31st March, 2003 was published vide G.S.R 274(E), dated the 31st March, 2003 and was last amended by notification No.87/2004-Cus, dated the 6th September, 2004, [G.S.R.566.(E), dated the 6th September,2004].