

THE SOLVENT EXTRACTORS' ASSOCIATION OF INDIA

Clarification for Notifications issued for excise duty

Government of India announced the package of Rs. 20,000 crores (US\$ 4 billion) in a bid to minimize the impact of global economic slow down on the Indian economy. In this regard, Ministry of Finance has across the board (except petroleum products) reduced 4% excise duty and has issued the Notifications No: 58 / 2008 - Central Excise and 59 / 2008 - Central Excise dated 7th Dec. 2008 (copies follows).

These Notifications has created an impression that 4% central excise on domestically produced vegetable oil and 4% ad valorem duty on imported oil would be applicable. In this regard we have checked the factual position and would like to advice the members that there is no excise duty levied on domestically produced edible oils nor ad valorem duty on imported oils by these notifications and continue to enjoy exemption under General Exemption No 46 of Central Excise regarding effective rates of duty for goods of various chapters. The customs are clearing imported vegetable oil shipment as hitherto.

We may add that excise duty on texturised vegetable protein (soya bari) HS ITC Code 2106 and isolated soya protein HS ITC Code 3504 00 91 has been reduced from 8% to 4%.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

New Delhi, the 7th December, 2008

Notification No.58/2008 - Central Excise

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, 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, namely :-

TABLE

S. No.	Notification number and date	Amendments
(1)	(2)	(3)
1.	23/2003-Central Excise, dated the 31 st March, 2003	In the said notification, in the Table, - (i) against Sr. No. 5, for the entry in column (4), the entry "In excess of "Nil" Explanation.- The value of the goods shall be determined in terms of section 4 of the Central Excise Act." shall be substituted; (ii) against Sr. No. 5A, for the entry in column (4), the entry "In excess of amount equal to 4% of duty of excise specified in the First Schedule to the Central Excise Tariff Act, 1985(5 of 1986). Explanation.- The value of the goods shall be determined in terms of section 4 of the Central Excise Act." shall be substituted; (iii) against Sr. No. 6, for the entry in column (4), the entry "In excess of amount equal to 4% of duty of excise specified in the First Schedule to the Central Excise Tariff Act, 1985(5 of 1986). Explanation.- The value of the goods shall be determined in terms of section 4 of the Central Excise Act." shall be substituted; (iv) against Sr. No. 7, for the entry in column (4), the entry "In excess of "Nil" Explanation.- The value of the goods shall be determined in terms of section 4 of the Central Excise Act." shall be substituted; (v) against Sr. No. 7A, for the entry in column (4), the entry "In excess of amount equal to 4% of duty of excise specified in the First Schedule to the Central Excise Tariff Act, 1985(5 of 1986). Explanation.- The value of the goods shall be determined in terms of section 4 of the Central Excise Act." shall be substituted.
2.	29/2004-Central Excise, dated the	In the said notification, in the Table, in column (4),- (i) for the entry "8%", wherever it occurs, the entry "4%" shall be

S. No.	Notification number and date	Amendments
(1)	(2)	(3)
	9 th July, 2004	substituted; (ii) for the entry "4%", wherever it occurs, the entry "Nil" shall be substituted.
3.	3/2005-Central Excise, dated the 24 th February, 2005	In the said notification, in the Table, against S. No.73, for the entry "8%" in column (4), the entry "4%" shall be substituted.
4.	3/2006-Central Excise, dated the 1st March, 2006	In the said notification, in the Table, in column (4), - (i) for the entry "14%", wherever it occurs, the entry "10%" shall be substituted; (ii) for the entry "8%", wherever it occurs, the entry "4%" shall be substituted.
5.	4/2006-Central Excise, dated the 1st March, 2006	In the said notification, in the Table, in column (4), - (i) for the entry "12%", wherever it occurs, the entry "8%" shall be substituted; (ii) for the entry "8%", wherever it occurs except for the entry occurring against S. No. 22 and 27, the entry "4%" shall be substituted; (iii) for the entry "Rs.220 per tonne", wherever it occurs, the entry "Rs.145 per tonne" shall be substituted; (iv) for the entry "Rs.370 per tonne", wherever it occurs, the entry "Rs.250 per tonne" shall be substituted; (v) for the entry "Rs.350 per tonne", wherever it occurs, the entry "Rs.230 per tonne" shall be substituted; (vi) for the entry "12% of retail sale price", wherever it occurs, the entry "8% of retail sale price" shall be substituted; (vii) for the entry "Rs.250 per tonne", wherever it occurs, the entry "Rs.170 per tonne" shall be substituted; (viii) for the entry "14% or Rs.400 per tonne, whichever is higher", wherever it occurs, the entry "10% or Rs.290 per tonne, whichever is higher" shall be substituted (ix) for the entry "14% of the value of such gold potassium cyanide excluding the value of gold used in the manufacture of such goods", wherever it occurs, the entry "10% of the value of such gold potassium cyanide excluding the value of gold used in the manufacture of such goods" shall be substituted; (x) for the entry "14% of the value of material, if any, added and the amount charged for such manufacture", wherever it occurs, the entry "10% of the value of material, if any, added and the amount charged for such manufacture" shall be substituted.
6.	5/2006-Central Excise, dated the 1st March, 2006	In the said notification, in the Table, in column (4), - (i) for the entry "14%", wherever it occurs, the entry "10%" shall be substituted; (ii) for the entry "12%", wherever it occurs, the entry "8%" shall be substituted; (iii) for the entry "8%", wherever it occurs, the entry "4%" shall be substituted.
7.	6/2006-Central Excise, dated the 1st March, 2006	In the said notification, in the Table, in column (4), - (i) for the entry "24%", wherever it occurs, the entry "20%" shall be substituted; (ii) for the entry "24% + Rs.15,000 per unit", wherever it occurs, the entry "20% + Rs.15,000 per unit" shall be substituted; (iii) for the entry "14%", wherever it occurs, the entry "10%" shall be substituted; (iv) for the entry "14% + Rs.10,000 per chassis", wherever it occurs, the entry "10% + Rs.10,000 per chassis" shall be substituted; (v) for the entry "12%", wherever it occurs, the entry "8%" shall be substituted; (vi) for the entry "12% + Rs.10,000 per chassis", wherever it occurs, the entry "8% + Rs.10,000 per chassis" shall be substituted; (vii) for the entry "8%", wherever it occurs, the entry "4%" shall be substituted.
8.	10/2006-Central Excise, dated the 1st March, 2006	In the said notification, in the Table, in column (4), for the entry "8%", wherever it occurs, the entry "4%" shall be substituted.

S. No.	Notification number and date	Amendments
(1)	(2)	(3)
9.	49/2006-Central Excise, dated the 30 th December, 2006	In the said notification, in the Table, in column (4), for the entry "12%", wherever it occurs, the entry "8%" shall be substituted.
10.	2/2008-Central Excise, dated the 1st March, 2008	In the said notification, in the Table, in column (3), - (i) for the entry "14%", wherever it occurs except for the entry occurring against S. No. 14, 16 and 18, the entry "10%" shall be substituted; (ii) for the entry "14% + Rs.10,000 per chassis", wherever it occurs, the entry "10% + Rs.10,000 per chassis" shall be substituted.

[F. No.354/210/2008-TRU]

[Unmesh Wagh]
Under Secretary to the Government of India

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

New Delhi, the 7th December, 2008

Notification No. 59/2008 -Central Excise

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods falling under the Chapter, heading, sub-heading or tariff item of the First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), as are specified in column (2) of the Table below, from so much of the duty of excise leviable thereon under the said First Schedule as is in excess of the amount calculated at the rate specified in the corresponding entry in column (3) of the Table aforesaid.

Explanation. - For the purposes of this notification, the rates specified in column (3) of the said Table are ad valorem rates, unless otherwise specified.

Table

S.No.	Chapter or heading or sub-heading or tariff item of the First Schedule	Rate
(1)	(2)	(3)
1.	1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516 (excluding 1516 10 00), 1517 (excluding 1517 10 22) and 1518	4%
2.	1905 31 00, 1905 32 19, 1905 90 10 and 1905 90 20	4%
3.	5004, 5005, 5006 and 5007	4%
4.	5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112 and 5113	4%
5.	5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211 and 5212	4%
6.	5302, 5305, 5306, 5308 (excluding 5308 10 10 and 5308 10 90), 5309, 5310 and 5311	4%
7.	5401, 5404 90, 5405 00 00, 5407 (excluding 5407 10 15, 5407 10 25, 5407 10 35, 5407 10 45, 5407 10 95, 5407 20 10, 5407 20 20, 5407 20 30, 5407 20 40, 5407 20 90, 5407 30 10, 5407 30 20, 5407 30 30, 5407 30 40, 5407 30 90, 5407 41 19, 5407 41 29, 5407 42 90, 5407 43 00, 5407 44 90, 5407 71 10, 5407 71 20, 5407 72 00, 5407 73 00, 5407 74 00, 5407 81 19, 5407 81 29, 5407 82 90, 5407 83 00, 5407 84 90, 5407 91 10, 5407 91 20, 5407 92 00, 5407 93 00 and 5407 94 00) and 5408	4%
8.	5407 10 15, 5407 10 25, 5407 10 35, 5407 10 45, 5407 10 95, 5407 20 10, 5407 20 20, 5407 20 30, 5407 20 40, 5407 20 90, 5407 30 10, 5407 30 20, 5407 30 30, 5407 30 40, 5407 30 90, 5407 41 19, 5407 41 29, 5407 42 90, 5407 43 00, 5407 44 90, 5407 71 10, 5407 71 20, 5407 72 00, 5407 73 00, 5407 74 00, 5407 81 19, 5407 81 29, 5407 82 90, 5407 83 00, 5407 84 90, 5407 91 10, 5407 91 20, 5407 92 00, 5407 93 00 and 5407 94 00	8%
9.	5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515 and 5516	4%
10.	5601 (excluding 5601 10 00 and 5601 22 00), 5602, 5603, 5604, 5605, 5606, 5607 (excluding 5607 50 10), 5608 (excluding 5608 11 10 and 5608 11 90) and 5609	4%
11.	5607 50 10, 5608 11 10 and 5608 11 90	8%
12.	57	4%
13.	5801 (excluding 5801 22 10 and 5801 35 00), 5802, 5803, 5804 (excluding 5804 30 00), 5806, 5808, 5809, 5810 and 5811.	4%
14.	5901, 5902 (excluding 5902 10 10 and 5902 10 90), 5903, 5904, 5905, 5906, 5907, 5908, 5909, 5910 and 5911.	4%
15.	60	4%
16.	61	4%
17.	62	4%
18.	63 (excluding 6309 00 00 and 6310)	4%
19.	8523 80 20	8%
20.	8702 10 11, 8702 10 12, 8702 10 19, 8702 90 11, 8702 90 12, 8702 90 19, 8703 23 10, 8703 23 91, 8703 23 92, 8703 23 99, 8703 24 10, 8703 24 91, 8703 24 92, 8703 24 99, 8703 32 10, 8703 32 91, 8703 32 92, 8703 32 99, 8703 33 10, 8703 33 91, 8703 33 92, 8703 33 99, 8703 90 90.	20% + Rs 20,000 per unit

21.	8702 90 13, 8703 (excluding 8703 23 10, 8703 23 91, 8703 23 92, 8703 23 99, 8703 24 10, 8703 24 91, 8703 24 92, 8703 24 99, 8703 32 10, 8703 32 91, 8703 32 92, 8703 32 99, 8703 33 10, 8703 33 91, 8703 33 92, 8703 33 99, 8703 90 90), 8704 10 90, 8704 31 10, 8704 31 90, 8704 32, 8704 90, 8706 00 21, 8706 00 39	20%
22.	8706 00 43, 8706 00 49	20% + Rs 10,000 per chassis
23.	9001 30 00, 9001 40 10, 9001 40 90, 9001 50 00	4%
24.	9504 40 00	4%

[F. No. 354/210/2008-TRU]

(Unmesh Wagh)
Under Secretary to the Government of India