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Govt Cracks Down on E-Commerce Websites, No More Discounts Beyond 25%

• Market Place Model under Attack

The government allowed 100% foreign direct investment (FDI) in online retail of goods and services under the so-called "marketplace model" through the automatic route.

It also notified new rules which could potentially end the discount wars, much to the disappointment of consumers. This is because the rules now prohibit marketplaces from offering discounts and capping total sales originating from a group company or one vendor at 25%.

Indian e-commerce companies such as Flipkart and Snapdeal have been following the marketplace model - which was not defined - and attracting large foreign investments. Marketplaces essentially act as a platform connecting sellers and buyers.

This has led to allegations from time to time by brick-and-mortar stores that Indian e-commerce companies were flouting existing policy norms to gain an unfair advantage, given that the government does not allow FDI in multi-brand retail companies.

It led to a legal challenge in the Delhi high court, even as the model came under the scrutiny of the authorities such as the Enforcement Directorate.

Close to \$10 billion in funding has been committed to the sector.

According to the press note issued by the department of industrial policy and promotion (DIPP), a marketplace model is an information technology platform run by an e-commerce entity on a digital and electronic network to act as a facilitator between buyer and seller.

However, DIPP has prohibited FDI in e-commerce companies that own inventories of goods and services and sell directly to consumers using online platforms.

The marketplace e-commerce companies will be allowed to provide support services to sellers on their platform such as warehousing, logistics, order fulfilment, call centre and payment collection.

The new policy also mandates such e-commerce companies to display contact details of the sellers online. The warranty/guarantee of products or services sold online will also be borne by the sellers, not the e-commerce company.

Amazon funds discounts by sellers indirectly through a route it calls "promotional funding". This is how it works: Amazon recommends the amount of discounts to its sellers on products, but doesn't force them to adopt these prices. Sellers, however, go along as Amazon finances the discounts.

Flipkart's largest seller WS Retail Services Pvt. Ltd easily generates more than 25% of the company's sales while Cloutail India Pvt. Ltd, the biggest seller on Amazon India, contributes even more.

Flipkart has been gradually reducing WS Retail's business over the past 15 months as it shifts to a marketplace model. Following the new regulations, Flipkart may have to accelerate its transition.

Cloutail India, a joint venture between Amazon.com Inc. and

N.R. Narayana Murthy's Catamaran Ventures, is now the key growth driver for Amazon India, generating at least 40% of the company's sales in some months. Cloutail is particularly dominant in electronics and fashion sales, two of the three largest categories for Amazon India (run by Amazon Seller Services Pvt. Ltd). The new regulations mean Amazon India may have to find new sellers on its platform.

"While a seller may sell goods at a discount, marketplaces have now been prohibited from funding discounts through bonus schemes, marketing cost reimbursement, etc. Accordingly, there is a strong possibility that prices of products online will revert to levels that are comparable with offline prices. This could make online marketplaces less attractive to shoppers and investors.

The share of e-commerce in retail is expected to jump from 2% in 2014 to 11% in 2019, while the share of physical, organized or modern retail is expected to shrink from 17% to 13%.

The government in the budget allowed 100% FDI in marketing of food products produced and manufactured in India. In November last year, the government also allowed a manufacturer to sell its products manufactured in India through retail e-commerce.

Crude cases on Market Place models

Two retail associations representing brick-and-mortar retailers, the RAI and the All India Footwear Manufacturers and Retailers Association, have approached the Delhi high court arguing that online retail companies have gained an undue advantage by being allowed access to FDI through which they are able to provide deep discounts that traditional retailers cannot match.

They also argued that the present retail policy of the government does not allow such e-commerce companies to directly sell to customers, but that, in the garb of the marketplace model, such online companies are directly selling to customers, violating rules.

In an affidavit submitted before the Delhi high court on 21 December, DIPP said the current FDI policy neither permits FDI in B2C e-commerce nor recognizes the marketplace model in e-commerce followed by companies such as Flipkart, Snapdeal and Amazon.



Crude Steadies at \$46.53

Crude Oil (Indian Basket) from 25 - 30 May 2016

	25 May	26 May	27 May	30 May
(\$/bbl)	46.74	47.23	46.53	46.53
(Rs/bbl)	3152.39	3178.11	3120.17	3133.13
(Rs/\$)	67.45	67.29	67.06	67.34

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

Philip Morris Resorts HK-Australia Investment Treaty in Cigarette Labelling Case

- Demands \$4.16bn Compensation
- Tobacco Major Loses Case

An investor-state investment dispute tribunal has published an edited version of its decision in the high-profile case between Australia and the Asian subsidiary of Philip Morris, the tobacco giant, concerning the ramifications of Canberra's plain packaging laws on the company's Australian investments.

While the tribunal's decision was made last December, it was only made public this month.

Under Australian law, tobacco goods cannot use logos, brand imagery, or promotional text, and must be sold in packaging that is uniform in size, colour, and format, among other rules.

In the dispute, Philip Morris (PM) Asia claimed that the policy went against the 1993 Australia-Hong Kong Bilateral Investment Treaty (BIT), unlawfully expropriating the company's

investment by effectively "banning" its trademarks and failing to provide that investment with fair and equitable treatment, full protection, and security.

PM Asia also asked the tribunal to order Australia not to apply the plain packaging policy to its company's cigarettes, and argued in favour of at least US\$4.16 billion in compensation.

In the decision published last week, the tribunal deemed that PM Asia was "abusing" the investor-state arbitration process in the plain packaging case, and therefore rejected the company's claims and declined to exercise jurisdiction over the dispute.

In recent years, however, tobacco sales in the country have fallen to their lowest ever, with some health surveys showing a drop in smoking rates for key age demographics.



World Steel Producers Call for Market Oriented Restructuring with Exit and Mergers

On Monday and Tuesday 18 & 19 April 2016, representatives of government and industry met in Brussels under OECD to discuss steel.

While no conclusion was reached during frank and open discussion, participants mentioned that excess capacity in the steel industry is a global problem, requiring global solutions. It was stressed that a level playing field must be promoted and preserved in dealing with the challenge. Subsidies should not be provided for non-viable enterprises and investments.

Governments agreed to continue discussions on a bilateral basis in the months ahead. The OECD is investigating the possibility of a follow-up meeting early in September this year.

Worldsteel proposed the following principles to guide future discussions on excess capacity and structural adjustment in the steel industry.

- Governments should promote a swift and timely restructuring of the steel industry by advancing policies that ensure market forces play a decisive role in determining the future of the industry.
- Past restructuring was only successful when government support and other barriers to or-

derly market transformation were removed. Industrial competitiveness was maintained and improved as a result of restructuring.

- Market oriented approaches should ensure survival of the fittest producers. Inefficient producers should not be subsidised to remain in operation.
- A level playing field must be maintained between producers. Long-term sustainable producers have to meet environmental, financial and social expectations.
- Barriers to exit that delay restructuring should be removed in an orderly and timely way.
- Development of a long-term restructuring plan should identify and remove barriers to exit. As the steel industry remains one of the least consolidated industries, barriers which prevent efficient mergers should also be reviewed.
- Develop safety net support that mitigates the consequences of restructuring.
- Support should focus on addressing the social and environmental impact of restructuring.
- Finally, commitments to adjust steel industry structure should be made known and tracked until finalisation.



China, Japan Demand Low Tariff from India in ASEAN + Talk

India faces pressure to increase its tariff liberalization proposal in the next round of negotiation in Auckland between 12-18 June.

Japan and China are pushing for either common tariff for all member countries in 10 years' time or to make the initial tariff liberalization more ambitious.

China, Japan, Australia and New Zealand on the level of ambition submitted

Papers in RCEP (ASEAN+) Talk.

Japan is saying as we progress, in 10 years' time, there should not be any deviation and there should be common concessions. Other countries want to increase the ambition level but retain the principle of deviation. China is saying limited deviation should



Cont'd..80

Xiaomi Ties Up with Microsoft, Buys Patents

Xiaomi Corp. bought nearly 1,500 technology patents from Microsoft Corp. in a deal that may smooth potential legal tangles over intellectual property as it pushes beyond China.

The patents cover a range of wireless communications, video, cloud and multimedia technologies, spokeswoman Kaylene Hong said. The acquisition came as part of a broader agreement announced Wednesday with the U.S. software giant, under which Microsoft Office and Skype will come pre-installed on the Chinese smartphone maker devices.

Xiaomi, which vies with Huawei Technologies Co. for the title of China's biggest mobile brand, has begun selling phones in emerging markets, but its lack of a wide-ranging mobile patents portfolio has been perceived as a stumbling block to expansion into regions such as Europe or the U.S. The company's push into India, currently its biggest overseas market, was met with a lawsuit from Ericsson AB.

Xiaomi had been one of China's most exciting startup stories, earning a valuation of \$45 billion by marketing cut-rate but reliable devices directly to consumers online and offering then-innovative social media and customization features. It now needs to sell into overseas markets with Chinese smartphone growth grinding to a halt.

Xiaomi sold more than 70 million smartphones last year, falling well short of its target and prompting founder Lei Jun to tell employees he was refocusing research efforts into "cool stuff" like robotics and virtual reality.

The deal also marks a rare sale of patents by Microsoft to a company in China, where it's facing a government antitrust investigation while simultaneously trying to fight piracy.

Microsoft moved into phone production almost two years ago when it bought Nokia's handset division for \$9.5 billion in a bid to make the company relevant in consumer computing beyond PCs. The company has since written down most of that purchase and in May agreed to sell its feature phone business to FIH Mobile Ltd. and HMD Global for \$350 million.

Technology companies use their intellectual property, including patents and trademarks, to protect innovations and provide a type of currency when it comes to using that of others through cross-licensing deals. The 2014 Indian lawsuit, which focused on Ericsson inventions enabling wireless devices to connect to networks, resulted in a court banning some Xiaomi devices in India.

The agreement announced on Wednesday also covered cross-licensing, though neither side would provide specifics.

KRISHI KALYAN CESS IS OPERATIONAL

0.5% Service Tax on All Services by way of Krishi Kalyan Cess from 1 June 2016

- Total Service Tax 15% Now – 14% + 0.5% (Swachh Bharat) + 0.5% (Krishi Kalyan)

Seeks to provide that notification No. 30/2012 - Service Tax, dated the 20th June, 2012, shall be applicable mutatis mutandis for the purposes of Krishi Kalyan Cess.

27-ST
26.05.2016
(DoR)

In exercise of the powers conferred by sub-section (2) of section 68 of the Finance Act, 1994 (32 of 1994) read with sub-section (5) of section 161 of the Finance Act, 2016 (28 of 2016), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby provides that notification No. 30/2012 - Service Tax, dated the 20th June, 2012,

published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 472 (E), dated the 20th June, 2012 shall be applicable mutatis mutandis for the purposes of Krishi Kalyan Cess.

This notification shall come into force from the 1st day of June, 2016.

[F.No. B-1/18/2016 - TRU]

No Service Tax on Krishi Kalyan Cess

28-ST
26.05.2016
(DoR)

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994) read with sub-section (5) of section 161 of the Finance Act, 2016 (28 of 2016), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts such taxable services from whole of Krishi Kalyan Cess leviable thereon which are either exempt from the whole of service tax by a notification or special order issued under sub-section (1) or as the case may be under sub-section (2) of section 93 of the Finance Act, 1994 or otherwise not leviable to service tax under section 66B of the Finance Act, 1994:

Provided that Krishi Kalyan Cess shall be leviable

only on that percentage of taxable value which is specified in column (3) for the specified taxable services in column (2) of the Table in the notification No. 26/2012-Service Tax, dated 20th June, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) vide number G.S.R. 468 (E), dated the 20th June, 2012.

Explanation.- It is hereby clarified that value of taxable services for the purposes of the Krishi Kalyan Cess shall be the value as determined in accordance with the Service Tax (Determination of Value) Rules, 2006.

This notification shall come into force from the 1st day of June, 2016.

[F.No. B-1/18/2016 - TRU]

Krishi Kalyan Cess Rebate

29-ST
26.05.2016
(DoR)

In exercise of the powers conferred by rule 6A of the Service Tax Rules, 1994, the Central Government, hereby makes following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 39/2012-Service Tax, dated the 20th June, 2012, published in the Gazette of India, Extraordinary, vide number G.S.R. 481(E), dated the 20th June, 2012,

namely:-

In the said notification, in *Explanation 1*, after clause (d), the following clause shall be inserted, namely:-

“(e) Krishi Kalyan Cess as levied under sub-section (2) of section 161 of the Finance Act, 2016 (28 of 2016).”

This notification shall come into force from the 1st day of June, 2016.

[F.No. B-1/18/2016 - TRU]

Krishi Kalyan Cess Refund on Services used in SEZ Units

30-ST
26.05.2016
(DoR)

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), read with sub-section (5) of section 161 of the Finance Act, 2016 (28 of 2016), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2013-Service Tax, dated the 1st July, 2013, published in the Gazette of India, Extraordinary, vide number G.S.R. 448(E), dated the 1st July, 2013, namely:-

In the said notification, in paragraph 3, in sub-paragraph (III),-

(i) for clause (b), the following clause shall be substituted, namely:-

“(b) the SEZ Unit or the Developer shall be entitled to refund of-

(i) the service tax paid on the specified services on which ab-initio exemption is admissible but not claimed, and

(ii) the amount distributed to it in terms of clause (a).”;

(ii) in clause (ba),

(a) in item (i), after the words “Swachh Bharat Cess”, the words “and Krishi Kalyan Cess” shall be inserted;

(b) in item (ii) for the words “by effective rate of Swachh Bharat Cess”, the words “by sum of effective rates of Swachh Bharat Cess and Krishi Kalyan Cess” shall be substituted.

This notification shall come into force from the 1st day of June, 2016.

[F.No. B-1/18/2016 - TRU]

Composition Rate for Krishi Kalyan Cess

Seeks to inter alia provide composition rate for Krishi Kalyan Cess as applicable to ST under sub-rules 7,7A,7B,7C of rule 6 of STR, 1994.

31-ST
26.05.2016
(DoR)

In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Service Tax Rules, 1994, namely:-

1. (1) These rules may be called the Service Tax (Third Amendment) Rules, 2016.

(2) These rules shall come into force from the 1st day of June, 2016.

2. In the Service Tax Rules, 1994, in rule 6, (i) in sub-rule (7D), for the figures “0.5” the words “effective rate of Swachh Bharat Cess” and for the words, figures and brackets “14 (fourteen)”, the words and figures “rate of service tax specified in section 66B of the Finance Act, 1994” shall be substituted;”;

(ii) after sub-rule (7D), the following sub-rule shall be inserted, namely:-

“(7E) The person liable for paying the service tax under sub-rule (7), (7A), (7B) or (7C) of rule 6, shall have the option to pay such amount as determined by multiplying total service tax liability calculated under sub-rule (7), (7A), (7B) or (7C) of rule 6 by effective rate of Krishi Kalyan Cess and dividing the product by rate of service tax specified in section 66B of the Finance Act, 1994, during any calendar month or quarter, as the case may be, towards the discharge of his liability for Krishi Kalyan Cess instead of paying Krishi Kalyan Cess at the rate specified in sub-section (2) of section 161 of the Finance Act, 2016 (28 of 2016) and the option under this sub-rule once exercised, shall apply uniformly in respect of such services and shall not be changed during a financial year under any circumstances.”

[F.No. B-1/18/2016 - TRU]

Cenvat Credit of Krishi Kalyan Cess (KKC) Paid on Input Services Available to Service Providers and Utilised for Discharge of Liability of KKC only

28-CE(NT)
26.05.2016
(DoR)

In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) and section 94 of the

Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the CENVAT Credit Rules, 2004, namely: -

1. (1) These rules may be called the CENVAT Credit (Seventh Amendment) Rules, 2016.

(2) They shall come into force on 1st of June, 2016.

2. In the CENVAT Credit Rules, 2004, in rule 3, (a) after sub-rule (1), the following sub-rule shall be inserted, namely: -

“(1a) A provider of output service shall be allowed to take CENVAT credit of the Krishi Kalyan Cess on taxable services leviable under section 161 of the Finance Act, 2016 (28 of 2016);”;

(b) in sub-rule (4), after the ninth proviso, the following proviso shall be inserted, namely,-

“Provided also that the Cenvat credit of any duty specified in sub-rule (1) shall not be utilised for

payment of Krishi Kalyan Cess leviable under section 161 of the Finance Act, 2016 (28 of 2016);”;

(c) in sub-rule (7),

(i) after the words, figures and brackets “sub-rule (1)”, the words, figures and brackets “, sub-rule (1a)” shall be inserted;

(ii) after clause (c), the following clause shall be

inserted, namely,-

“(d) Cenvat credit in respect of Krishi Kalyan Cess on taxable services leviable under section 161 of the Finance Act, 2016 (28 of 2016) shall be utilised only towards payment of Krishi Kalyan Cess on taxable services leviable under section 161 of the Finance Act, 2016 (28 of 2016)”;

[F.No. B-1/18/2016 - TRU]

Single Application for MEIS for Shipments from Multiple Ports

Effect of this Public Notice: The procedure for filing of application under MEIS Scheme for EDI Shipping Bills is simplified. Shipments from different EDI ports will not require separate applications. Accordingly the ANF 3A has been modified as per Annexure to this Public Notice.

Subject: Single application for filing claim under MEIS for shipments from different EDI Ports.

13-PN In exercise of powers conferred
27.05.2016 under paragraph 2.04 of the
(DGFT) Foreign Trade Policy, 2015-
2020, the Director General of
Foreign Trade, hereby notifies the amendments
to Handbook of Procedures of FTP 2015-20.
These amendments shall come into force with
immediate effect.

1. Amendment in Paragraph 3.01(e):

Existing Paragraph:

Applicant shall file separate application for each port of export.

Amended Paragraph:

Applicant shall file separate application for each port of export in case of Non EDI Shipping bills. In case of EDI shipping bills, the applicant can file a single application containing shipping bills of different EDI ports. Accordingly shipments from different EDI ports will not require separate applications.

2. Amendment in Paragraph 3.08(a) (i):

Existing Paragraph: Duty Credit Scrip (including splits) under MEIS shall be issued with a single port of registration which shall be the port of export.

Amended paragraph: Duty Credit Scrip (including splits) under MEIS shall be issued with a single port of registration which shall be any one of the EDI ports from where export is made. In case of shipments from Non EDI ports, the Duty Credit Scrip (including splits) under MEIS shall be issued with a single port of registration which shall be the port of export.

3. Amendment in Paragraph 3.16 (b):

Existing Paragraph: Port of registration for EDI enabled ports shall be the port of export. Accordingly separate application shall be filed for each EDI port.

Amended Paragraph: Port of registration for EDI enabled ports shall be any one of the ports from where export is made.

Anti-dumping Duty on Coumarin from China Extended for Five More years in Review

Ntnf 20-ADD Whereas, the designated
27.05.2016 authority, vide notification No.
(DoR) 15/26/2014-DGAD, dated the
16th March, 2015, published in
the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of Coumarin (hereinafter referred to as the subject goods) falling under tariff item 2932 20 10 of Chapter 29 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported, from the People's Republic of China (hereinafter referred to as the subject country), imposed vide notification of the Government of

India, in the Ministry of Finance (Department of Revenue) No. 12/2012-Customs (ADD), dated the 8th February, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 77(E), dated the 8th February, 2012;

And whereas, the Central Government had extended the period of imposition of anti-dumping duty on the subject goods, originating in or exported from the subject country upto and inclusive of the 22nd March, 2016 vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 08/2015-Customs (ADD), dated the 7th April, 2015, pub-

Table

SNo.	Tariff item	Description of goods	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	2932 20 10	Coumarin of all types	People's Republic of China	People's Republic of China	Any	Any	14.02	Kg.	US Dollar
2.	2932 20 10	Coumarin of all types	Any country other than People's Republic of China	People's Republic of China	Any	Any	14.02	Kg.	US dollar
3.	2932 20 10	Coumarin of all types	People's Republic of China	Any country other than People's Republic of China	Any	Any	14.02	Kg.	US Dollar

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be paid in Indian currency.

Explanation.- For the purposes of this notification, (a) “landed value” means the assessable value as

determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under sections 3,3A, 8B, 9 and 9A of the Customs Tariff Act, 1975;

(b) rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance

30% Export Duty Reappears on Chromium Ores and Concentrates, Zero Duty in Budget 2016 Withdrawn within Three Months

Ntnf 35 In exercise of the powers
26.05.2016 conferred by sub-section (1)
(DoR) of section 25 of the Customs
Act, 1962 (52 of 1962), the

Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 27/2011-Customs, dated the 1st March, 2011, published in the Gazette of India, Extraordinary, vide number G.S.R. 153(E), dated the 1st March, 2011, namely :-

In the said notification, in the Table, serial number 24BA and the entries relating thereto shall be omitted.

[F.No.354/40/2016 -TRU]

lished in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 266(E), dated the 7th April, 2015;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject country, the designated authority in its final findings, published vide notification No. 15/26/2014-DGAD, dated the 2nd March, 2016, in the Gazette of India, Extraordinary, Part I, Section 1, has come to the conclusion that –

(i) the subject goods has been exported to India from the subject country below normal value during the period of investigation (POI) despite the anti-dumping duty in force;

(ii) during the POI and post POI, although dumping has continued and dumping margin determined is positive, it has not caused injury to the domestic industry;

(iii) Chinese prices to third countries are dumped prices and if the product under consideration is imported in to India at the said prices, in the event of revocation of the anti-dumping duty, such imports are likely to cause injury to the domestic industry.

and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in, or exported from subject country and imported into India, in order to remove injury to the domestic industry;

(Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No. 354/22/2010-TRU]

Annexure to Public Notice No.13/2015-20, Dated 27th May 2016

ANF -3A – Application Form for Merchandise Exports from India Scheme (MEIS)

(Kindly read Paras 3.03 to 3.06 of FTP and Para 3.01 to 3.03 of HBP and other common procedural features applicable to MEIS before filing application)

Please note that separate applications are required to be filed for separate years (AM15, AM16 etc.) based on Let Export date. Shipments from EDI Ports and Non-EDI Ports cannot be clubbed in one application. Shipments from different EDI Ports can be clubbed together in a single application for a given licensing year. Separate application shall be filed for each Non EDI port

Part A

1. Applicant Details:

i IEC No.:

ii Name:

3. Details of Export:

Shipping Bill Details and Other details

SI No	Shipping Bill/Airway Number	Date of Shipping Bill/Airway	Port Code	Let export date	ITC (HS) code	Product Description as per Shipping Bill	Country Name and Relevant SI No. of Appendix 3B(Part 1)	Product SI No. of Appendix 3B (Part 2)	Realized FOB value of Exports or FOB value as given in S/B, whichever is less (in free foreign exchange)	Date of realization	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Exchange Rate	FOB in Rs. ie 10x13	Rate of Entitlement as per Appendix 3B (Part 2) (%)	Entitlement Amount (in Rs.)	Late Cut % if any	Late cut Amount (in Rs.)	Entitlement after Late Cut (in Rs.)
(13)	(14)	(15)	(16)	(17)	18	19
(16) = (14)X(15)					18=(16X17	19=16-18

4. Number of Split Certificates required (in multiples of Rs. 5 lakhs each):

5. Port of Registration for the purpose of imports. (The port of registration shall one of the ports from which exports have taken place in case of EDI Shipments. In case of Non EDI Shipments, the port of shipment shall be the port from which exports have taken place)

6. Declaration / Undertaking

1 I/We hereby certify that :

A. the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):

- (i) The Customs Act, 1962,
- (ii) The Central Excise Act 1944,
- (iii) Foreign Trade (Development & Regulation) Act 1992,
- (iv) The Foreign Exchange Management Act,1999; and
- (v) The Conservation of Foreign Exchange,

- iii Address:
- iv Telephone No:
- v Email ID:

Part B

2. Application Details:

(i) Export Licensing Year (pl. specify the year in which export has been made, based on Let export date (Para 9.12 of HBP):

(ii) Date of filing of Application:

(iii) Port of Export for this Application:

Note: Applicant to select/feed the details of one shipping bill at a time .A maximum of 50 shipping bills can be filed in one application

Prevention of Smuggling Activities Act, 1974

B. none of the Directors / Partners / Proprietor / Karta/ Trustees of the company /firm /HUF/ Trust, (as the case may be), is/are a Director(s)/ Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT;

C. neither the Registered Office of the company/ Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import/ export under any of the provisions of the Policy;

2 I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, as amended from time to time, the Rules and Orders framed there under, the Foreign Trade Policy, the Handbook of Procedures

3. I/We hereby certify that that particulars and

statements made in this application are true and correct and nothing has been concealed or held there from. I/We fully understand that any information furnished in the application if found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.

4 I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.06 of the Foreign Trade Policy.

5 I hereby declare that no benefit under MEIS, was availed (or applied for) previously against Shipping Bills currently included in this application.

6 I hereby declare that in terms of Para 3.17 of FTP, this application does not contain any exports in contravention to this provision. I further declare that these goods have actually been exported out of India

7 I hereby declare that the Exported Product/ goods and markets are covered under Appendix 3B and the exports, for which this application is being filed, are made on or after the respective admissible date of export, as indicated in relevant Appendix

8 I hereby declare that export product for which the duty credit scrip reward is being claimed does not contain any product which is listed as ineligible export categories / sectors in per Para 3.06 of FTP.

9 I fully understand that RA or any other agency, at any time, may ask me to provide documents on the basis of which rewards was granted and which are not submitted in original. I undertake to provide any such details/documents without any delay on my part. In case I am not able to provide such documentary evidence, I undertake to refund the amount of scrip in cash with interest at the rate prescribed under section 28AA of Customs Act, 1962, from the date of such scrip as prescribed in FTP and HBP and shall also be liable for penal action as per FTDR act.

Tick the box as acceptance of declaration/ undertaking and fill in the details below.

Signature of the Applicant:

Name:

Designation:

Official

Address

Flat/Plot/Block No:

Street/Area/Locality:

City:

State:

PIN Code:

Telephone No.:

Country Code ---

Area Code ---

Phone number

Fax No.:

Email:

Place:

Date:

Twelve Parties Allocated Pepper Quota for Duty Free Import from Sri Lanka under FTA

Sub: Allocation of quantity of Black Pepper, Vanaspati Bakery, Shortening & Margarine and Coconut for import under the Indo-Sri Lanka Free Trade Agreement for the financial year 2016-17.

07-TN
27.05.2016
(DGFT)

In terms of Annexure-1 to Appendix 2A of FTP, 2015-20 read with Public Notice No. 62 dated 25.02.2016, the allocation

of 2,500 MTs of Black Pepper for import under the Indo-Sri Lanka Free Trade Agreement for the

financial year 2016-17, is attached as Annexure to this Trade Notice. Since, no application has been received within the stipulated time i.e. 28.02.2016 for import of Vanaspati Bakery, Shortening & Margarine and Desiccated Coconut, allocation of quantity of Vanaspati Bakery, Short-

ening & Margarine and Desiccated Coconut could not be made.

2. Applicants who have been allowed to import pepper under the Indo-Sri Lanka Free Trade Agreement for the financial year 2016-17 may contact concerned Regional Authorities (RAs) of DGFT for obtaining license. The validity of the quota is till 31st March, 2017. The applicants who have been allowed to import pepper under Indo-Sri Lanka Free Trade Agreement shall submit utilization certificate of the quantity imported to the concerned Regional Authority and DGFT (HQ) by 31st

October, 2016, to enable to reassess the quota so available and for re-distributing the same on the basis of fresh application. If considered necessary. Failure to fully utilize the quota would debar the applicant from applying under ISLFTA for the next three financial year. The applicants allowed to import under quota have to assess their import requirement and if they are not able to utilize their quota, then they have to submit fully/partially the unutilized quota by 31st October, 2016. The surrendered quota will be put up for offer to fresh applicants. Applicants who are not able to utilize the quota and also fail to surrender by 31st October, 2016, will be black listed for the next 3 years without giving any further reason.

Annexure to Trade Notice No. 07/2016 dated 27 May, 2016

Allocation of quantity of Black Pepper under the Indo-Sri Lanka Free Trade Agreement for the financial year 2016-17.

SNo.	Name of the firm/File No.	Quantity Pepper of allotted
1.	M/s. Hindustan Global, Mumbai 01/53/162/Misc/AM-16/H-34/IC	252 MT
2.	M/s. MBS Agro, Pune - 01/53/8/639/AM-16/M-71/IC	30 MT
3.	M/s. Radha V Company, Mumbai 01/53/8/640/AM-16/R-56/IC	252 MT
4.	M/s. Shanuga Spices Pvt. Ltd., Pune 01/53/8/641/AM-16/S-142/IC	252 MT
5.	M/s. G.T. Jayanti Agrochem (India) Pvt. Ltd., Chennai 01/53/162/1077/AM-16/G-30/IC	252 MT
6.	M/s. Ruby Overseas, Chennai 01/53/8/643/AM-16/R-31/IC	100 MT
7.	M/s. Hira Traders, Chennai 01/53/8/642/AM-16/H-31/IC	100 MT
8.	M/s. Ashwin Traders, Mumbai 01/53/8/645/AM-16/A-87/IC	252 MT
9.	M/s. Jatin Traders, Mumbai 01/53/8/646/AM-16/J-24/IC	252 MT
10.	M/s. Indian Spices, Navi Mumbai 01/53/8/647/AM-16/J-50/IC	252 MT
11.	M/s. Raizada Exports, Delhi 01/53/162/1046/AM-16/R-57/IC	252 MT
12.	M/s. Lallson Overseas, Delhi 01/53/162/1045/AM-16/L-15/IC	252 MT
Total		2498 MT

Corrections in Application for FED Refund/ Drawback Claim (ANF 7A), Reimbursement of CST on Supplies made to EOUs, EHTP and STP (Appendix 6H)

Effect of the Public Notice: Amendments/Corrections have been made to the Appendix-6H and ANF 7A of the Appendices and Aayat Niryat Forms of FTP 2015-2020.

Subject: Amendment in Appendix - 6H [Procedure to be followed for reimbursement of Central Sales Tax (CST) on supplies made to Export Oriented Units (EOUs) and units in Electronic Hardware Technology Park (EHTP) and Software Technology Park (STP)] and ANF 7A [Application for claim of TED Refund/Duty Drawback/Brand Rate Fixation] as contained in the Appendices and Aayat Niryat Forms of FTP 2015-20.

14-PN In exercise of powers conferred under paragraph 1.03
30.05.2016 of the Foreign Trade Policy, 2015-2020, the Director
(DGFT) General of Foreign Trade hereby makes the following
amendments/corrections in Appendix-6H and ANF 7A of

Appendices and Aayat Niryat Forms of FTP 2015-20, to be effective from the 1st of April, 2015:

I. Amendment in Appendix 6H:

S. No.	Para No.	Existing Entry	Revised Entry
1.	S.No. 4 of Annexure-I to Appendix 6H	Registration No (with date or issue) issued by S.T. Authorities under CST Act 1956	Registration No (with date of issue) issued by S.T. Authorities under CST Act 1956.

2.	S.No. 5(i) and (j) of Annexure-I to Appendix 6H	5(i) Sales Tax Registration No. & date of the supplier under Section (j) of the Central Sales Tax Act, 1956.	5(i) Sales Tax Registration No. (with date of issue) of the supplier under Section 7 of the Central Sales Tax Act, 1956. 5(j) stands deleted
3.	Point (c) of Undertaking and Declaration Under Appendix 6H	Any information, if found to be incorrect, wrong or misleading, will render/us liable to rejection of our claim without prejudice to any other action that may be taken against us in this behalf. If as a result of scrutiny any excess payment is found to have been made to me/us, the same may be adjusted against any of the subsequent claims to be made by my/our firm or in the event no claim is preferred, the amount overpaid will be refunded by me/us to the extent of the excess amount paid.	Any information, if found to be incorrect, wrong or misleading, will render me/us liable to rejection of our claim without prejudice to any other action that may be taken against us in this behalf. If as a result of scrutiny any excess payment is found to have been made to me/us, the same may be adjusted against any of the subsequent claims to be made by my/our firm or in the event no claim is preferred, the amount overpaid will be refunded by me/us to the extent of the excess amount paid.
4.	Para (iii) of Annexure II to Appendix 6H	The payment has been made by the said M/s. to the DTA suppliers in respect of goods received against the original invoice bill(s) as indicated in the table annexed hereto.	The payments have been made through normal banking channel and have been credited to the accounts of the DTA suppliers.
	Para (iv) of Annexure II to Appendix 6H	The Payment has been made by the said M/s. to the "DTA/EOU/SEZ/EHTP/STP" suppliers in respect of goods received against the original invoice bill(s) as indicated in the table annexed hereto.	The payments have been made through normal banking channel and have been credited to the account of the "DTA/EOU/SEZ/EHTP/STP" supplier(s).
5.	Note appended to the Table in Annexure II of Appendix-6H	Note: Table shall show supplier-wise sub-total and grand total of column (v), (vii) and (x) Cheque/DD amount.	Note: Table shall show supplier-wise sub-total and grand total of column (v), (viii) and (x). [The words cheque/DD amount stand deleted]

(II) Amendment in ANF-7A:

S. No.	Para No.	Existing Entry	Revised Entry
(i)	S.No. 11. of ANF-7A	If answer to Col. No. 12 is yes, Advance Authorization no. & date and File. no. under which it was issued.	If answer to Col. No. 10 is yes, Advance Authorization no. & date and File. no. under which it was issued.
(ii)	S.No. (6) of the Column 23	Copy of contract if supplies were to Project Authority or supplier's copy of original ARO/ Invalidation Letter (if supply against ARO/Invalidation Letter issued against AA/DFIA/EPCH).	Copy of contract if supplies were made to Project Authority or supplier's copy of original ARO or recipient's copy of original Invalidation Letter, (If supply against ARO/ Invalidation Letter issued against AA/DFIA/EPCH, as the case may be).

Applications Digitally Signed by Power of Attorney Holders are Ok PAN Change will be Allowed with Liability Transfer to New Entity

06-TN 23.05.2016 (DGFT) Vide Public Notice No. 58 dated 01.02.2016 a new version of ANF-2A of Appendices at Aayat Niryat Forms (2015-20) was

introduced for Issue/Modification in Importer Exporter Code. Provision for modification in IEC is laid down in Para 2.14(b) of HBP (2015-20) as below:

"An application for modification may be made for change in details like name, address, constitution, ownership in Proprietorship firms, change in nature of the firm e.g. from proprietorship to partnership etc. Change in constitution however, does not include change in Directors of Public Limited Company."

2. It has, however, come to notice that applicants are still facing difficulties in seeking modification in their IEC, in cases where there is a change in the PAN. Representations have highlighted that with the change in the constitution of the firm/change in the nature of the firm such as from Partnership to Limited Liability Partnership etc., there is a change in the PAN number and the new PAN number needs to be incorporated in the existing IEC, replacing the PAN already registered against the current IEC. Since each IEC is tagged to a particular PAN in the system, modification in PAN was not being entertained by the Regional Authorities- the prime consideration being how to transfer and seamlessly carry forward the liabilities of one firm, which merges into

another or changes its nature and name.

3. To resolve the issue, matter was taken up with the Ministry of Corporate Affairs and they are of the view that conversion of a firm or an LLP into a company or merger of a company into another company or merger of two or more companies to form a new company or demerger of a company to form a new company does not extinguish the liability if any, of the Transferor Entity/Company and the liability of such Transferor Entity/Company would automatically vest in the Transferee Entity/Company, by operation of Law

5. Accordingly, the RAs shall henceforth consider applications seeking modification in IEC, involving change in PAN, by ensuring that liabilities of the previous applicant/applicant firm are transferred to the new applicant/applicant firm whose PAN will be reflecting in the modified IEC. RA's must also share the modified IEC, with the changed PAN incorporated in it, with all concerned authorities.

6. Further, it has been noticed that RAs have been rejecting applications digitally signed by Power of Attorney (instead of a Director) on the ground that power of attorney is not explicitly mentioned in the application format issued vide PN No. 58 dated 01.02.2016. In this regard, it is clarified that applications digitally signed by power of attorney holders/authorised signatories are to be entertained.

Indore SEZ Jurisdiction in Appendix 1A and 6J and Aayat Niryat Forms for EOUs and SEZs in MP

Effect of this notification: Indore Special Economic /one is included at Appendix - 1A & Appendix 6J of Appendices and Aayat Niryat Forms of (FTP-2015 20).

Subject: Amendment in Appendix - 1A and 6J of Appendices and Aayat Niryat Forms of 1-1-1) 2015-20 Jurisdiction of Special Economic Zones under Para.6.34 of Handbook of Procedure of 2015-2020.

12-PN 24.05.2016 (DGFT) In exercise of powers conferred under paragraph 2.04 of the Foreign Trade Policy 2015-2020, the Director General of Foreign Trade hereby makes amendment in Appendix 1A & Appendix-6J of Appendices and Aayat Niryat Forms of FTP 2015-20 i.e., to include Indore Special Economic Zone as under:

SNo.	Designation	Address/Phone/Fax/ E-mail/Website	Territorial Jurisdiction
Appendix-1A Sl.No.46	Development Commissioner/ Joint Development	Tel. 91-07292 256532 Email: sezindore@yahoo.co.in	Units situated in Indore Special
Appendix 6J Sl. No.8.	Commissioner/Deputy Development Commissioner/ Assistant Development Commissioner, Indore Special Economic Zone, sector II, Pithampur, Distt. Dhar Madhya Pradesh.	Website: www.indoresez.nic.in Fax: 0731 4290586	Economic Zones and EOU/SEZs situated in Madhya Pradesh.

Individual Arbitrator not Liable to Service Tax if Tax is Paid for Tribunal Services

Sub: Clarification regarding leviability of service tax in respect of services provided by arbitral tribunal and members of such tribunal.

193-ST 18.05.2016 (DoR) It has come to the notice of the Board that there is some confusion regarding the legal position with respect to continuance of reverse charge mechanism for services provided by arbitral tribunals and individual arbitrators on the arbitral tribunal, with effect from 1.4.2016.

2.1 Services provided by an arbitral tribunal to (i)

any person other than a business entity; or (ii) a business entity with a turnover up to rupees ten lakh in the preceding financial year, are exempt from services tax [Entry 6(a) of Notification No. 25/2012 – ST refers]. "Arbitral tribunal" has been assigned the same meaning in the exemption notification No. 25/2012 – ST [paragraph 2(c)] as in clause (d) of Section 2 of the Arbitration and Conciliation Act 1996, which is as follows:-

No Service Tax Exemption of Rs. 10 Lakhs on Rent Paid by Business Entities to Govt Agency

26-ST 20.05.2016 (DoR) In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994) and sub-section (2A) of section 5A of the Central Excise Act, 1944 (1 of 1944), read with section 83 of the Finance Act, 1994 (32 of 1994), the Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.25/2012-Service Tax, dated the 20th June, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 467 (E), dated the 20th June, 2012, namely:-

In the said notification, in Entry 48, the following Explanation shall be inserted, namely:-

"Explanation.- For the purposes of this entry, it is hereby clarified that the provisions of this entry shall not be applicable to the following services, namely:-

(a) services specified in sub-clauses (i),(ii) and (iii) of clause (a) of section 66D of the Finance Act, 1994;

(b) services by way of renting of immovable property."

[F. No. 334/8/2016 -TRU]

"arbitral tribunal means a sole arbitrator or a panel of arbitrators"

2.2 In the Budget 2016-17, the entry at (c) of Sl. No. 6 of notification No.25/2012-ST, has been omitted with effect from 1.4.2016. It read as:

"Services provided by a person represented on an arbitral tribunal to an arbitral tribunal."

3. The matter has been examined. It may be noted that the services provided or agreed to be provided by an arbitral tribunal to a business entity (turnover exceeding Rs. 10 lakh) located in the taxable territory, is taxable under reverse charge mechanism and recipient of service is liable to discharge service tax liability [Rule 2(d)(D)(I) of Service Tax Rules, 1994 and Notification No. 30/3012 – ST (Sl. No. 4) refer]. There is no change in the Budget 2016-17 with respect to the said provisions.

4. It could be argued that service provided by an arbitrator on the panel of arbitrators, to the arbitral tribunal is taxable under forward charge. However, this does not appear to be a correct interpretation of law. Any reference in Service Tax law to an "arbitral tribunal" necessarily includes the natural persons on the arbitral tribunal, by virtue of clause (d) of Section 2 of the Arbitration and Conciliation Act, 1996. Services are provided or agreed to be provided by the panel of arbitrators, as comprising the several natural persons on the said panel, to the business entity or to the arbitration institution approached by the business entity for purposes of arbitration. The liability to discharge service tax is on the service recipient, if it is a business entity

located in the taxable territory with a turnover exceeding rupees ten lakh in the preceding financial year.

5. In view of the above, it is clarified that Service Tax liability for services provided by an arbitral tribunal (including the individual arbitrators of the tribunal) shall be on the service recipient if it is a

business entity located in the taxable territory with a turnover exceeding rupees ten lakh in the preceding financial year.

6. All concerned are requested to acknowledge the receipt of this circular.

F.No. 356/1/2016-TRU

Cont'd..74

be allowed but with a 20-year phase-out period for 80-85% tariff liberalization.

India at present has proposed to follow a three-pronged strategy. One set is for its free trade partners, another for the Association of South-east Asian Nations (Asean), Japan and South Korea for a third set.

In tier-I, which includes the members of Asean countries, India has offered 80% tariff liberalization with 65% elimination of tariff will come into force immediately and another 15% tariff elimination will happen over a period of 10 years.

In tier-II, India has offered a 65% tariff elimination to South Korea and Japan with whom it has FTAs, while these two countries will give 80% tariff elimination.

In tier-III, India will offer 42.5% to China, Australia and New Zealand, while demanding India 42.5%, 80% and 65%, respectively.

While India is insisting on a change of product classification plus 40% value addition as a criteria in deciding whether a product is produced in a country or not, other countries are asking for lower value addition limits and either change in product classification or value addition as a criteria.

Started in May 2013, RCEP comprises the 10 economies of the Asean region (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam) and six of its free trade partners (Australia, China, India, Japan, New Zealand and South Korea).

Rupee Drawing Arrangement through XBRL System (Email)

Sub: Rupee Drawing Arrangement - Submission of statement/returns under XBRL

AP(DIR Srs) Attention of Authorised Dealer Category – I (AD Cat – I) banks is invited to the A.P. (DIR Series) Circular No. 28 [A. P. (FL/RL Series) Circular No. 02]

dated February 6, 2008 and the A. P. (DIR Series) Circular No. 7 dated July 18, 2014 in terms of which AD Cat- I banks were required to submit statement E on total remittances received every quarter.

2. Authorised Dealer Category – I (AD Cat – I) banks are now advised to report the above mentioned statement in eXtensible Business Reporting Language (XBRL) system from the quarter ending June 2016.

3. The reporting platform may be accessed at

https://secweb.rbi.org.in/orfsxbrl/. For User name and password, Authorised Dealer Category – I (AD Cat – I) banks are advised to submit the duly filled form (Annex I) through email on or before May 30, 2016.

4. FED Master Direction No. 18/2015-16 dated January 1, 2016 is being updated to reflect the changes.

5. The directions contained in this circular have been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act (FEMA), 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

[Annexure available at worldtradesScanner.com]

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Customs Valuation Exchange Rates			
20 May 2016		Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equipment to Indian Rupees]			
1	Australian Dollar	49.35	47.60
2	Bahrain Dinar	184.50	172.20
3	Canadian Dollar	52.25	50.65
4	Danish Kroner	10.35	9.95
5	EURO	76.70	74.15
6	Hong Kong Dollar	8.75	8.55
7	Kuwaiti Dinar	230.15	215.35
8	New Zealand Dollar	46.10	44.45
9	Norwegian Kroner	8.20	7.90
10	Pound Sterling	99.50	96.35
11	Singapore Dollar	49.40	47.90
12	South African Rand	4.35	4.10
13	South Arabian Riyal	18.50	17.35
14	Swedish Kroner	8.20	7.90
15	Swiss Franc	69.25	66.85
16	UAE Dirham	18.90	17.70
17	U.S. Dollar	68.05	66.35
18	Chinese Yuan	10.45	10.10
Schedule II [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]			
1	Japanese Yen	62.10	60.10
2	Kenyan Shilling	68.75	64.30

(Source: Customs Notification 77(NT)/19.05.2016)