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Foreign Trade Policy 2009-2014

Highlights of Foreign Trade Policy 2009-2014

Higher Support for Market and Product
Diversification
Technological Upgradation
EPCG Scheme Relaxations
Support for Green products and products from
North East
Status Holders
Stability/ continuity of the Foreign Trade Policy
Marine sector
Gems & Jewellery Sector
Agriculture Sector
Leather Sector

Tea
Pharmaceutical Sector
Handloom Sector
EOUs.
Thrust to Value Added Manufacturing
DEPB
Flexibility provided to exporters
Waiver of Incentives Recovery, On RBI Specific
Write off
Simplification of Procedures
Reduction of Transaction Costs
Directorate of Trade Remedy Measures

Higher Support for Market and Product Diversification

1. Incentive schemes under Chapter 3 have been expanded by way of addition of new products and markets.
2. 26 new markets have been added under Focus Market Scheme. These include 16 new markets in Latin America and 10 in Asia-Oceania.
3. The incentive available under Focus Market Scheme (FMS) has been raised from 2.5% to 3%.
4. The incentive available under Focus Product Scheme (FPS) has been raised from 1.25% to 2%.
5. A large number of products from various sectors have been included for benefits under FPS. These include, Engineering products (agricultural machinery, parts of trailers, sewing machines, hand tools, garden tools, musical instruments, clocks and watches, railway locomotives etc.), Plastic (value added products), Jute and Sisal products, Technical Textiles, Green Technology products (wind mills, wind turbines, electric operated vehicles etc.), Project goods, vegetable textiles and certain Electronic items.
6. Market Linked Focus Product Scheme (MLFPS) has been greatly expanded by inclusion of products classified under as many as 153 ITC(HS) Codes at 4 digit level. Some major products include; Pharmaceuticals, Synthetic textile fabrics, value added rubber products, value added plastic goods, textile madeups, knitted and crocheted fabrics, glass products, certain iron and steel products and certain articles of aluminium among others. Benefits to these products will be provided, if exports are made to 13 identified markets (Algeria, Egypt, Kenya, Nigeria, South Africa, Tanzania, Brazil, Mexico, Ukraine, Vietnam, Cambodia, Australia and New Zealand).

7. MLFPS benefits also extended for export to additional new markets for certain products. These products include auto components, motor cars, bicycle and its parts, and apparels among others.
8. A common simplified application form has been introduced for taking benefits under FPS, FMS, MLFPS and VKGUY.
9. Higher allocation for Market Development Assistance (MDA) and Market Access Initiative (MAI) schemes is being provided.

www.worldtrades scanner.com

Hourly Report
WTO Mini-Ministerial
New Delhi 3-4 Sept 2009
Reporting to start on 02 Sept

See also Full Text of
Foreign Trade Policy of India
2009-2014

- Speech of Minister of Commerce & Industry on Foreign Trade Policy, 27th August 2009
- Highlights of Foreign Trade Policy 2009-2014
- Text of Foreign Trade Policy of India 2009-2014
- Text of Handbook of Procedures of India 2009-2014
- ITC (HS) Classification of Export and Import (Schedule 1 - Import Policy)
- Export Policy of India 2009-2014 – (Schedule II)
- Appendices of Handbook of Procedures

Technological Upgradation

10. To aid technological upgradation of our export sector, EPCG Scheme at Zero Duty has been introduced. This Scheme will be available for engineering & electronic products, basic chemicals & pharmaceuticals, apparels & textiles, plastics, handicrafts, chemicals & allied products and leather & leather products (subject to exclusions of current beneficiaries under Technological Upgradation Fund Schemes (TUFS), administered by Ministry of Textiles and beneficiaries of Status Holder Incentive Scheme in that particular year). The scheme shall be in operation till 31.3.2011.

11. Jaipur, Srinagar and Anantnag have been recognised as 'Towns of Export Excellence' for handicrafts; Kanpur, Dewas and Ambur have been recognised as 'Towns of Export Excellence' for leather products; and Malihabad for horticultural products.

EPCG Scheme Relaxations

12. To increase the life of existing plant and machinery, export obligation on import of spares, moulds etc. under EPCG Scheme has been reduced to 50% of the normal specific export obligation.

13. Taking into account the decline in exports, the facility of Re-fixation of Annual Average Export Obligation for a particular financial year in which there is decline in exports from the country, has been extended for the 5 year Policy period 2009-14.

Support for Green products and products from North East

14. Focus Product Scheme benefit extended for export of 'green products'; and for exports of some products originating from the North East.

Status Holders

15. To accelerate exports and encourage technological upgradation, additional Duty Credit Scrips shall be given to Status Holders @ 1% of the FOB value of past exports. The duty credit scrips can be used for procurement of capital goods with Actual User condition. This facility shall be available for sectors of leather (excluding finished leather), textiles and jute, handicrafts, engineering (excluding Iron & steel & non-ferrous metals in primary and intermediate form, automobiles & two wheelers, nuclear reactors & parts, and ships, boats and floating structures), plastics and basic chemicals (excluding pharma products) [subject to exclusions of current beneficiaries under Technological Upgradation Fund Schemes (TUFS)]. This facility shall be available upto 31.3.2011.

16. Transferability for the Duty Credit scrips being issued to Status Holders under paragraph 3.8.6 of FTP under VKGUY Scheme has been permitted. This is subject to the condition that transfer would be only to Status Holders and

Scrips would be utilized for the procurement of Cold Chain equipment(s) only.

Stability/ continuity of the Foreign Trade Policy

17. To impart stability to the Policy regime, Duty Entitlement Passbook (DEPB) Scheme is extended beyond 31-12- 2009 till 31.12.2010.

18. Interest subvention of 2% for pre-shipment credit for 7 specified sectors has been extended till 31.3.2010 in the Budget 2009-10.

19. Income Tax exemption to 100% EOUs and to STPI units under Section 10B and 10A of Income Tax Act, has been extended for the financial year 2010-11 in the Budget 2009-10.

20. The adjustment assistance scheme initiated in December, 2008 to provide enhanced ECGC cover at 95%, to the adversely affected sectors, is continued till March, 2010.

Marine sector

21. Fisheries have been included in the sectors which are exempted from maintenance of average EO under EPCG Scheme, subject to the condition that Fishing Trawlers, boats, ships and other similar items shall not be allowed to be imported under this provision. This would provide a fillip to the marine sector which has been affected by the present downturn in exports.

22. Additional flexibility under Target Plus Scheme (TPS) / Duty Free Certificate of Entitlement (DFCE) Scheme for Status Holders has been given to Marine sector.

Gems & Jewellery Sector

23. To neutralize duty incidence on gold Jewellery exports, it has now been decided to allow Duty Drawback on such exports.

24. In an endeavour to make India a diamond international trading hub, it is planned to establish "Diamond Bourse (s)".

25. A new facility to allow import on consignment basis of cut & polished diamonds for the purpose of grading/ certification purposes has been introduced.

26. To promote export of Gems & Jewellery products, the value limits of personal carriage have been increased from US\$ 2 million to US\$ 5 million in case of participation in overseas exhibitions. The limit in case of personal carriage, as samples, for export promotion tours, has also been increased from US\$ 0.1 million to US\$ 1 million.

Agriculture Sector

27. To reduce transaction and handling costs, a single window system to facilitate export of perishable agricultural produce has been introduced. The system will involve creation of multi-functional nodal agencies to be accredited by APEDA.

Leather Sector

28. Leather sector shall be allowed re-export of unsold imported raw hides and skins and semi

finished leather from public bonded ware houses, subject to payment of 50% of the applicable export duty.

29. Enhancement of FPS rate to 2%, would also significantly benefit the leather sector.

Tea

30. Minimum value addition under advance authorisation scheme for export of tea has been reduced from the existing 100% to 50%.

31. DTA sale limit of instant tea by EOU units has been increased from the existing 30% to 50%.

32. Export of tea has been covered under VKGUY Scheme benefits.

Pharmaceutical Sector

33. Export Obligation Period for advance authorizations issued with 6-APA as input has been increased from the existing 6 months to 36 months, as is available for other products.

34. Pharma sector extensively covered under MLFPS for countries in Africa and Latin America; some countries in Oceania and Far East.

Handloom Sector

35. To simplify claims under FPS, requirement of 'Handloom Mark' for availing benefits under FPS has been removed. EOUs

36. EOUs have been allowed to sell products manufactured by them in DTA upto a limit of 90% instead of existing 75%, without changing the criteria of 'similar goods', within the overall entitlement of 50% for DTA sale.

37. To provide clarity to the customs field formations, DOR shall issue a clarification to enable procurement of spares beyond 5% by granite sector

EOUs

38. EOUs will now be allowed to procure finished goods for consolidation along with their manufactured goods, subject to certain safeguards.

39. During this period of downturn, Board of Approvals (BOA) to consider, extension of block period by one year for calculation of Net Foreign Exchange earning of EOUs. 1

40. EOUs will now be allowed CENVAT Credit facility for the component of SAD and Education Cess on DTA sale.

Thrust to Value Added Manufacturing

41. To encourage Value Added Manufactured export, a minimum 15% value addition on imported inputs under Advance Authorization Scheme has now been prescribed.

42. Coverage of Project Exports and a large number of manufactured goods under FPS and MLFPS.

DEPB

43. DEPB rate shall also include factoring of custom duty component on fuel where fuel is allowed as a consumable in Standard Input-Output Norms.

Dear Reader:

The Weekly Index of Changes with World Trade Scanner could not be published from 26 August-01 September 2009. Issue No. 23 is a combined issue, i.e., Issue No.22 and 23 dated 26 August to 08 September 2009.

Arun Goyal, Editor

Subscription rate for the Weekly Index with World Trade Scanner

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<input type="checkbox"/> 2 Years	Rs. 1200	US\$120
<input type="checkbox"/> 3 Years	Rs. 1800	US\$180

Flexibility provided to exporters

44. Payment of customs duty for Export Obligation (EO) shortfall under Advance Authorisation / DFIA / EPCG Authorisation has been allowed by way of debit of Duty Credit scrips. Earlier the payment was allowed in cash only.

45. Import of restricted items, as replenishment, shall now be allowed against transferred DFIA's, in line with the erstwhile DFRC scheme.

46. Time limit of 60 days for re-import of exported gems and jewellery items, for participation in exhibitions has been extended to 90 days in case of USA.

47. Transit loss claims received from private approved insurance companies in India will now be allowed for the purpose of EO fulfillment under Export Promotion schemes. At present, the facility has been limited to public sector general insurance companies only.

Waiver of Incentives Recovery, On RBI Specific Write off

48. In cases, where RBI specifically writes off the export proceeds realization, the incentives under the FTP shall now not be recovered from the exporters subject to certain conditions.

Simplification of Procedures

49. To facilitate duty free import of samples by exporters, number of samples/pieces has been increased from the existing 15 to 50. Customs clearance of such samples shall be based on declarations given by the importers with regard to the limit of value and quantity of samples.

50. To allow exemption for up to two stages from payment of excise duty in lieu of refund, in case of supply to an advance authorisation holder (against invalidation letter) by the domestic intermediate manufacturer. It would allow exemption for supplies made to a manufacturer, if such manufacturer in turn supplies the products to an ultimate exporter. At present, exemption is allowed upto one stage only.

51. Greater flexibility has been permitted to allow conversion of Shipping Bills from one Export Promotion scheme to other scheme. Customs shall now permit this conversion within three months, instead of the present limited period of only one month.

52. To reduce transaction costs, dispatch of imported goods directly from the Port to the site has been allowed under Advance Authorisation scheme for deemed supplies. At present, the duty free imported goods could be taken only to the manufacturing unit of the authorisation holder or its supporting manufacturer.

53. Disposal of manufacturing wastes / scrap will now be allowed after payment of applicable excise duty, even before fulfillment of export obligation under Advance Authorisation and EPCG Scheme.

54. Regional Authorities have now been authorised to issue licences for import of sports weapons by 'renowned shooters', on the basis of NOC from the Ministry of Sports & Youth Affairs. Now there will be no need to approach DGFT(Hqrs.) in such cases.

55. The procedure for issue of Free Sale Certifi-

cate has been simplified and the validity of the Certificate has been increased from 1 year to 2 years. This will solve the problems faced by the medical devices industry.

56. Automobile industry, having their own R&D establishment, would be allowed free import of reference fuels (petrol and diesel), upto a maximum of 5 KL per annum, which are not manufactured in India.

57. Acceding to the demand of trade & industry, the application and redemption forms under EPCG scheme have been simplified.

Reduction of Transaction Costs

58. No fee shall now be charged for grant of incentives under the Schemes in Chapter 3 of FTP. Further, for all other Authorisations/ licence applications, maximum applicable fee is being reduced to Rs. 100,000 from the existing Rs. 1,50,000 (for manual applications) and Rs. 50,000 from the existing Rs.75,000 (for EDI applications).

59. To further EDI initiatives, Export Promotion Councils/ Commodity Boards have been advised to issue RCMC through a web based online system. It is expected that issuance of RCMC would become EDI enabled before the end of 2009.

60. Electronic Message Exchange between Customs and DGFT in respect of incentive

schemes under Chapter 3 will become operational by 31.12.2009. This will obviate the need for verification of scrips by Customs facilitating faster clearances.

61. For EDI ports, with effect from December '09, double verification of shipping bills by customs for any of the DGFT schemes shall be dispensed with.

62. In cases, where the earlier authorization has been cancelled and a new authorization has been issued in lieu of the earlier authorization, application fee paid already for the cancelled authorisation will now be adjusted against the application fee for the new authorisation subject to payment of minimum fee of Rs. 200.

63. An Inter Ministerial Committee will be formed to redress/ resolve problems/issues of exporters.

64. An updated compilation of Standard Input Output Norms (SION) and ITC (HS) Classification of Export and Import Items has been published.

Directorate of Trade Remedy Measures

65. To enable support to Indian industry and exporters, especially the MSMEs, in availing their rights through trade remedy instruments, a Directorate of Trade Remedy Measures shall be set up.

FTP 2009-2014 - Policy Notification

01-Ntfn(RE) In exercise of powers conferred by Section 5 of the Foreign Trade (Development
27.08.2009 & Regulation) Act,1992 (No.22 of 1992) read with paragraph 1.2 of the Foreign
(DGFT) Trade Policy, 2009-2014, the Central Government hereby notifies the Foreign
Trade Policy, 2009-2014 as contained in Annexure to this notification. The Policy
shall come into force w.e.f. 27th August, 2009.
This issues in Public interest.

FTP 2009-2014 - Procedures Notification

01-PN(RE) In exercise of powers conferred under paragraph 2.4 of the Foreign Trade Policy,
27.08.2009 2009-14, the Director General of Foreign Trade hereby notifies the Handbook of
(DGFT) Procedures (Volume 1) as contained in Annexure to this Public Notice and the
Appendices to the Handbook of Procedures (Volume 1). This shall come into
force from 27th August, 2009.
This issues in public interest.

15% Supply of Precious Metal to Exporters by Nominated Agencies Must

Subject:- Amendment of Policy Circular No. 77 dated 31.03.09 related to "Guidelines for import of Precious Metal by the Nominated agencies"

01-Pol.Cir Attention is invited to Notification No. 88 dated 26.2.2009 and the Policy Circular
27.08.2009 No. 77 dated 31.03.09 on the above subject and to inform that the provision at
(DGFT) Sl. No. 3(c) of the said circular stands amended as follows:-
“(c) At least 15% of the imports of each entity shall be supplied to the exporters;”

This issues with the approval of Competent Authority.

Sports Weapons Import through RLA

Sub : Import of sports weapons by 'Renowned Shooters'.

02-Pol.Cir Import of sports weapons is restricted. As per Para 2.36 of Handbook of
27.08.2009 Procedures Vol.I, an application for import of restricted items may be made in
(DGFT) ANF 2B along with documents prescribed therein to Regional Authority (RA)
concerned. A self-attested copy of the same is to be submitted to DGFT. As per Para 2.37 of HBPv1,
such cases are considered by Exim Facilitation Committee in DGFT Hqrs and if approved by the
Committee, licence is issued by the concerned RA. This procedure is also applicable for import of
sports weapons by 'Renowned Shooters'.

2. In case of import of sports weapons, Exim Facilitation Committee in DGFT relies primarily on the recommendation received from Ministry of Sports and Youth Affairs. Thus, it has been decided to delegate issuance of licence for sports weapons to 'Renowned Shooters' to the Regional Authorities of DGFT. Accordingly, the following procedure shall be followed to reduce the time taken in issuance of such licence:

i) Application for import of sports weapons by 'Renowned Shooters' shall be made to the concerned RA of DGFT. The list of RAs of DGFT along with their addresses and jurisdiction has been provided in Appendix 1 of HBPv1. A copy of this Appendix is available on DGFT website at <http://www.dgft.gov.in/>.

- ii) On receipt of application, concerned RA shall send a copy of the application to Ministry of Sports and Youth Affairs, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi for their comments. After receipt of comments from the aforementioned Ministry, RA shall issue licence to the applicant.
- iii) After issue of licence, RA shall forward a copy of licence to Ministry of Sports and Youth Affairs, New Delhi with reference to their written recommendation for information.
- iv) In such cases, there would be no need to seek approval of DGFT Headquarters once written recommendation from Ministry of Sports & Youth Affairs has been received.

Nodal Officers in Each Port for Paper Waste Clearance

Subject: Implementation of certain provisions of the Hazardous Waste (Management, Handling and Transboundary) Rules, 2008 in respect of import of paper, paper board and paper product wastes

[CBEC Instruction F. No.401/48/2009-Cus.III dated 24 August 2009]

Please refer to the instructions of the Ministry of Environment and Forests (MoEF) dated 10.2.2006 for inspection by Customs authorities to ensure that only properly segregated paper, paper board and paper products waste enter the country for the purposes for which such imports have been authorised (copy enclosed). In this regard, provisions of the Hazardous Waste (Management, Handling and Transboundary) Rules, 2008 as applicable to paper, paperboard and paper products waste i.e. Basel No. B-3020 of Part 'B' list of Hazardous Wastes applicable for Import and Export not Requiring Prior Informed Consent, may also refer.

2. It is brought to your kind notice that the Ministry of Environment and Forests (MoEF) has issued a notification S.O. (E) 1799 dated 21st July, 2009 in implementation of certain provisions of the Hazardous Waste (Management, Handling and Transboundary) Rules, 2008 as applicable to paper, paperboard and paper products wastes. A copy of the said notification can be accessed in the department website of the Ministry of Environment & Forests '<http://www.envfor.nic.in/>'. The aforesaid notification permits import of paper, paperboard and paper products wastes by "the actual users without any license or restriction and subject to the condition that the shipment is accompanied by the movement document in Form – 9 and a pre-shipment inspection certificate issued by the inspection agency certified by the exporting country.

3. However, a new sub rule has been added under rule 6A wherein the customs authorities, at any time, if it considers necessary, may make random inspection of the consignment prior to its clearance. Board has already issued a Circular No.9/2009-Customs dated 23.2.2009 informing the Customs field formations about the facility of testing of samples of hazardous waste from the laboratories recognized by MoEF

4. In view of the above, Board hereby instructs all the Customs Commissionerates to designate nodal officers at appropriate level not below the rank of Assistant Commissioner / Deputy Commissioner for effective coordination and proper implementation of the aforesaid Rules for timely interaction with the State / Central Pollution Control Board on matters relating to testing of samples, import or export matters relating to hazardous waste.

5. The field formations as well as trade and industry may be suitably informed.

36 More Items for Marine Sector Target Plus and DFCE Scheme

Subject: Automatic Endorsement of Additional Items permitted for imports under Target Plus Scheme (under Para 3.7 - FTP RE2004/FTP RE2005) and under DFCE for Status Holders Scheme (under Para 3.7.2.1 (vi) of EXIM Policy (RE2003)).

03-Pol.Cir 27.08.2009 (DGFT) Representations have been received from the Marine Sector that they are unable to fully utilize the benefits granted under the abovementioned schemes. Accordingly, in consultation with Department of Revenue (Ministry of Finance), it has been decided that use of the Duty Credit Scrips of the Marine Sector, issued under the abovementioned schemes, are permitted for import of the some additional items.

2. In view of the above, the following shall be automatically endorsed on all Duty Credit Scrips (DFCEs) issued under the abovementioned schemes for the Marine Sector:

"Marine Sector beneficiaries of Target Plus Scheme (Para 3.7 - FTP RE2004/FTP RE2005) as well as of DFCE for Status Holders Scheme (Para 3.7.2.1(vi) - EXIM Policy (RE2003)) shall have the flexibility of importing additional items listed in Annexure to this Policy Circular."

This issues with the approval of DGFT.

[Issued from F.No.01/91/180/1845/AM09/PC-3] Annexure to Policy Circular No. 03 /2009-14 Dated: 27th August 2009

1. Breadcrumbs
2. Batter
3. Flavouring Oil
4. Food Colours
5. Monosodium Glutamate
6. Flavouring extracts, and sauces
7. Pre-formed HIPS Containers
8. Polyurethane and Polystyrene containers meeting buyers' requirements

9. Printed Plastic Pouches for Packing buyers brand
10. Food grade Phosphates
11. Food tenderizers
12. Food enzymes
13. Food marinates
14. Starch(Wheat/Non-Wheat)/ Pre-gelatinized Starch
15. Sucrose
16. Sodium Chloride
17. Seasoning salts / Acids such as Sodium Carbonate, Potassium Hydrogen tartrate
18. Oleoresins/Spice Extract
19. Natural Edible gum
20. Anti-Oxidents,BHT/EDTA/Sod,or Pot.Metabisulphite
21. Soya Protein
22. Citric Acid
23. Sorbitol
24. Seasoning Oil
25. Gel Ice (for air freighting chilled fish)
26. Fats/Hydroginated Oils
27. Milk Protein
28. Reduced Sugars,such as Lactose
29. Lecithin(emulsifier)
30. Glucose
31. Pre-Formed Crystallised poly ethylene Terephthalate(CPET) Containers
32. Ascorbic Acid
33. Sodium Citrate
34. Acid Sodium Carbonate (Sodium biCarbonate)
35. Sodium Sulphite
36. Active Oxygen

Fuels for R&D and Emission Testing Allowed

02-Ntfn(RE) 27.08.2009 (DGFT) In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy – 2009-2014, the Central Government hereby amends Schedule – I (Imports) of the ITC (HS) Classifications of Export and Import Items, as under:

1. **Import Licensing Note No. (4)** will be in-

serted at the end of **Chapter 27** and will read as follows :

"(4) Automobile industries, having R&D registration, are allowed to make free import of reference fuels (Petrol and Diesel) which are not manufactured in India, upto a maximum of 5 KL per annum, subject to the condition that the said imported reference fuels shall be used for R&D and emission testing purposes only."

2. This issues in public interest.

Amendments in Export Policy

03-Ntfn(RE) In exercise of the powers conferred by Section 5
27.08.2009 read with Section 3(2) of the Foreign Trade
(DGFT) (Development & Regulation) Act, 1992 (No.22 of 1992)
and also read with Para 1.3 and Para 2.1 of the Foreign
Trade Policy, 2009-2014, the Central Government hereby makes follow-
ing amendments in Table B of Schedule 2 of ITC(HS) Classifications of
Export and Import Items:

I. In **Chapter 3, Note 1** below the chapter heading may be substituted to read as following:

“**Note 1.** The term “Marine Products” in this Chapter covers all the eight digit Exim Codes in the Chapter of the ITC (HS) Classification of Export and Import items. All marine species that have been included in the Schedules of the Wild Life (Protection) Act, 1972 are prohibited for export and other species listed in CITES are subject to the provisions of the CITES.”

II. In **Chapter 5, Note 1** below the chapter heading may be substituted to read as following:

“**Note 1.** Export of wild animals and their parts and products as covered in Wild Life (Protection) Act, 1972 and CITES are prohibited and other species listed in CITES are subject to the provisions of the CITES. See restrictions in Table A for detail.”

III. (a) In **Chapter 12**, existing entries in the column titled ‘Item Description’, ‘Policy’ and ‘Nature of restriction’ at **S. No. 60**, are substituted to read as under:

Item Description	Policy	Nature of restriction
“(a) Plants and plant portions of wild origin, of species specified in any of the Schedules of Wild Life (Protection) Act, 1972 or Appendix I of CITES or Export Licensing Note 1	Prohibited	Not permitted to be exported. Special exemption can be granted for the purpose of research, education and life saving drugs on case by case basis by DGFT, on the recommendation of Ministry of Environment & Forests.
(b) Plants and plants portions of cultivation origin of species specified in any of the Schedules of Wild Life (Protection) Act, 1972 or Appendix I of CITES or Export Licensing Note 1.	Free	Subject to production of a Certificate of Legal Possession in favor of the exporter, issued by the DFO having jurisdiction where the exporter is situated. In case of species listed in Schedule VI of Wild Life (Protection) Act, 1972, subject to the exporter complying with the provision of S.17A of the Act. In case of species listed in Appendix I of CITES subject registration of the nursery and appropriate CITES documentation from the Asst. Management Authority.
(c) Plants, Plant portions of wild or cultivation origin, of species specified Appendix II or III of CITES.	Free	Subject to production of certificate of Legal Possession in favour of the exporter, issued by the DFO having jurisdiction where the exporter is situated. Export subject to CITES
(d) Plants, plant portions of wild or cultivation origin, of species not specified in any of the Schedules of Wild Life (Protection) Act, 1972 or Appendix I, II, III of CITES or Export Licensing Note 1.	Free	Subject to obtaining Certificate of cultivation from District Agriculture Officer or District Horticulture Officer or DFO”

(b) In **Chapter 12**, existing entry in the column titled ‘Item Description’, ‘Policy’ and ‘Nature of restriction’ at S. No. 61, is substituted to read as under:

Item Description	Policy	Nature of restriction
Derivatives, extracts and formulations	Free	Subject to the provisions of Wild Life (Protection) Act, 1972 and CITES”

(c) In **Chapter 12**, existing entry at ‘Export Licensing Note 3’ is substituted to read as under:

“Export Licensing Note 3

The term “formulation” used here may include products, which may contain portions / extracts of plants on the prohibited list. Further the term “formulation” shall also include value added formulations as well as herbal ayurvedic, and exports subject to the provisions of CITES or Wild Life (Protection) Act, 1972 in case where the formulation contains species listed therein.”

IV. In **Chapter 32, Note 1** below the chapter heading may be substituted to read as following:

“Note 1 Value added products of Red Sanders wood in this chapter require a licence and CITES documentation. For details see Chapter 44.”

V. In **Chapter 44**, existing entries in columns ‘Item Description’ ‘Policy’ and ‘Nature of Restriction’, respectively at **S. No. 149**, are substituted to read as under:

Tariff Item HS Code	Item Description	Policy	Nature of Restriction
4414 00 00	Finished Handicraft products of		
4415 00 00	(a) Sandalwood	Free	Subject to provisions of CITES
4419 00 00			
4420 00 00	(b) Other species	Free	Subject to provisions of CITES”
4421 90 60			
4421 90 90			

VI. (a) In **Chapter 31**, existing entries in columns ‘Item Description’ ‘Policy’ and ‘Nature of Restriction’, respectively at **S. No. 130**, are substituted to read as under:

Tariff Item HS Code	Item Description	Policy	Nature of Restriction
310530 00	N.P. Complex Fertilizers given below : Diammonium Phosphate (DAP) (18-46-00)	Restricted	Manufacturers of DAP as listed at Export Licensing Note 1 at List B below shall be allowed, with the prior permission of the Department of Fertilizer, to export their own manufactured DAP subject to the following conditions : (i) Intimation to Department of Fertilizer about quantity of export along with a self-declaration and a certificate issued by statutory auditors that no concession/ subsidy has been claimed for intended export. (ii) Production of above declaration / certificate as at (i) above to Customs at the time of export.”

(b) In **Chapter 31**, existing entries in columns ‘Item Description’ ‘Policy’ and ‘Nature of Restriction’, respectively at **S. No. 132**, are substituted to read as under:

Tariff Item HS Code	Item Description	Policy	Nature of Restriction
310420 00	Straight Potassic Fertilizers given below: Potassium Chloride (Muriate of Potash)	Restricted	Exports permitted, with the prior permission of the Department of Fertilizer, by direct importers of MOP out of quantity of import made during last six months subject to the following conditions :- (i) They will not claim any concession for the quantity intended to be exported ; or (ii) they will return the concession if already claimed from the Government; and

1. Furnish certificate from the statutory auditors to the Department of Fertilisers and Customs that the quantity intended to be exported has been imported in the last six months and no concession / subsidy has been claimed; and

2. Export realisation in free foreign exchange only.”

2. This issues in public interest.

Dumping Investigation Initiated on Tetrafluoroethane from China and Japan

Subject: Initiation of anti-dumping investigation concerning imports of 1,1,1,2-Tetrafluoroethane or R-134a of all types originating in or exported from China PR and Japan.

Initiation Notification No 14/24/2009- DGAD dated 19 August 2009

No. 14/24/2009- DGAD - Whereas M/s SRF Ltd., Gurgaon (hereinafter referred to as applicants) has filed an application before the Designated Authority (hereinafter referred to as the Authority), in accordance with the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the Rules), alleging dumping of 1,1,1,2-Tetrafluoroethane or R-134a of all types (herein after referred to as subject goods) originating in or exported from China PR and Japan (hereinafter referred to as "subject country") and requested for initiation of Anti Dumping investigation for levy of anti dumping duties on the subject goods.

1. Product under Consideration

The product under consideration in the present investigation is 1,1,1,2-Tetrafluoroethane or R-134a of all types. It is an inert gas used primarily as a high temperature refrigerant for domestic refrigeration and automobile air conditioners. R-134a, is also called as Tetrafluoroethane, Genetron 134a, Suva 134a or HFC-134a, HFA-134a, and Norflurane. It is a haloalkane refrigerant with thermodynamic properties similar to R-12 (dichlorodifluoromethane), but without its ozone depletion potential. It has the chemical formula CH_2FCF_3 , and a boiling point of "26.3 °C ("15.34 °F).

R-134a is an inert gas used primarily as a "high-temperature" refrigerant for domestic refrigeration and automobile air conditioners. Other uses include plastic foam blowing, as a cleaning solvent and as a propellant for the delivery of pharmaceuticals (e.g. bronchodilators), gas dusters, and in air driers, for removing the moisture from compressed air. The subject goods are being imported under Chapter 29 of the Customs Tariff Act under subheading 2903 under "Halogenated Derivatives of Hydrocarbons", under subheading 29033919 as "Other Fluorinated Derivatives", under the Indian Trade Classification (based on Harmonized Commodity Description and Coding System). The petitioner has, however claimed that the product under consideration does not have any dedicated customs classification code and are being imported under various other Customs sub-headings. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

2. Domestic Industry Standing

The application has been filed by M/s. SRF Ltd., Gurgaon. The producer has claimed to be the sole producer of the product in India. On the basis of information available the Authority notes that the applicant company constitutes a major proportion in Indian production. The Authority,

therefore, determines that the applicant constitutes domestic Industry within the meaning of the Rule 2 and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

3. Country Involved

The countries involved in the present investigation are People's Republic of China and Japan.

4. Like Article

The applicant has claimed that there are no known differences in subject goods produced by the petitioner and exported from China PR and Japan. Both products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc. The goods produced by the domestic industry are comparable to the imported goods from China PR and Japan in terms of essential product properties. The goods offered by the domestic industry are like article to the goods imported from China PR and Japan.

5. Normal Value

In terms of Para 8 in Annexure 1 to the Rules it is presumed that the producers of the subject goods in China PR are operating under non-market economy conditions. In view of the above non-market economy presumption and subject to rebuttal of the same by the responding exporters, normal value of the subject goods in China PR has been estimated in terms of Para 7 of Annexure 1 to the Rules. The Authority may however adopt an appropriate third country for the purpose of the above determination and notify the interested parties in due course.

In respect of Japan, however, the normal value for the subject goods has been estimated on the basis of best estimates of cost of production, including selling, general, administrative & finance expenses and reasonable profit.

6. Export Price

Export price of the subject goods from the subject countries has been estimated by considering transaction-wise import data collected from Secondary Sources. Adjustments have been made on account of ocean freight, marine insurance, commission, and port expenses in the exporting country to arrive at ex-factory export price.

7. Dumping Margin

Normal value and export price have been compared at ex-factory level, which shows significant dumping margin in respect of the subject countries. There is sufficient prima facie evidence that the normal value of the subject goods in China PR and Japan is significantly higher

than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by exporters from the subject countries. The dumping margins are estimated to be above *de minimis*.

8. Injury and Causal Link

The applicant has furnished information regarding volume and value of dumped imports from the subject countries and various parameters relating to material injury to the domestic industry, analysis of which shows that imports from China PR have significantly increased in absolute terms as also in relation to production and consumption in India whereas imports from Japan have marginally gone down. Various economic parameters relating to the domestic industry shows that loss in absolute term increased during the injury period and return on investment and cash flow declined over the injury period. Though, the production, sales & capacity utilization increased over the injury period, however, the same remains at very low level signifying, prima facie, that domestic industry has suffered material injury from dumped imports.

9. Initiation of Anti Dumping Investigations

In view of the above the Authority finds that sufficient prima facie evidence of dumping of the subject goods from the subject countries, injury to the domestic industry and causal link between the dumping and injury exist and therefore the Authority, in terms of Rule 5 of the Anti Dumping Rules hereby initiates an investigation into the alleged dumping and consequent injury to the domestic industry, to determine the existence, degree and effect of any alleged dumping and recommend the amount of anti dumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.

10. Period of Investigation (POI)

The period of Investigation for the purpose of the present investigation is 1st April 2008 to 31st March 2009 (12 months). The injury investigation period will, however, cover the period 2007-08 and the POI, as the applicant has started commercial production in the year 2007-08 only.

11. Submission of Information

The exporters in the subject country, Government through the Embassy, importers in India known to be concerned with this investigation and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address:

The Designated Authority
Directorate General of Anti Dumping & Allied Duties, Ministry of Commerce & Industry,
Department of Commerce,
Government of India,
Room No. 250A, Udyog Bhavan,
New Delhi – 110011.

Any other interested party may also make its submissions relevant to the investigation within the time limit set out below.

12. Time Limit

Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than 40 (forty) days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however required to submit the information within forty days from the date of the letter addressed to them separately. If no information is received within the prescribed time limit or the submitted information is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules. It may be noted that no request, whatsoever, shall be entertained for extension in the prescribed time limit.

13. Submission of Information on Non-Confidential Basis

In terms of Rule 6(7) of the Rules, the interested

parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summarization, a statement of reason thereof, is required to be provided. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Designated Authority may record findings on the basis of facts available and make such recommendations to the Central Government as deemed fit.

14. Inspection of Public File

In terms of Rule 6(7), the Designated Authority maintains a public file. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by the interested parties.

Customs Bound to Issue TRA at Port of Registration

195-PN(RE) In exercise of powers conferred
18.08.2009 under Para 2.4 of the Foreign
(DGFT) Trade Policy, 2004-09, the
Director General of Foreign

Trade hereby makes the following amendments in the Handbook of Procedures (Vol.1) (RE-2008):

1. **Paragraph 4.19.2** stands **deleted**.
2. **Paragraph 4.19.3** stands amended as follows:

For imports from Airport / Sea Port / ICD / LCS other than the Port of Registration, a TRA shall be issued by the Customs Authority at the Port of Registration to Customs Authority at the Port of Import.

This issues in public interest.

Cost of Scanner Repairs will be Recovered from Transport Operator and CFS

The following Public Notice was issued by the Office of the Commissioner of Customs (Imports), JNPT on 21 August 2009.

F. No. S/V-30/Misc-44/2008 CSD JNCH Dated: 21-08-2009

54-PN It has been observed that, of
21.08.2009 late, on a number of occasions,
the fixed scanner suffered

severe breakdown on account of negligent conduct of trailer drivers. The drivers have been found careless while placing the front wheels of the trailer on the scanning machine (CMS) in the scanning tunnel. This results in the CMS breaking down leading to suspension of the scanning operations for a long time. This, in turn, leads to piling up of containers meant for scanning and ultimately delays in all the containers getting scanned. The trailer drivers have also been found to ignore the driving discipline and jump queue in order to get their containers scanned. This also creates a logjam at the gates of the scanning sites. It has been felt in this regard that the acts of drivers were motivated by mala fide intentions i.e., avoid scanning.

Due to this kind of neglect on part of the trailer drivers, not only the scanners become non-operational, the trade also suffers delays as containers reach late to respective CFSs. Further, repair of the scanners also involve huge cost and efforts.

Accordingly, in case of negligent conduct of a container-laden-trailer-driver leading to breakdown of the scanners, the concerned transport operator and the CFS to which the container belongs will be jointly held responsible. The cost of repair of the scanners will be recovered from the said transport operator and the CFS. Further such acts of neglect will be viewed as an obstruction of an officer of Customs and also be dealt appropriately under the provisions of the Customs Act 1962, IPC 1860 and other relevant laws as are in force.

Time Schedule for Disposal of SEZ Applications

Instruction No. 33 - No. C.8/3/2009-SEZ Dated the 20th August, 2009

Sub: Time bound disposal of various categories of applications

33-SEZ-Cir As was decided earlier during one of the review meeting taken by Commerce
20.08.2009 Secretary on 3rd June 2008 regarding functioning of the Special Economic Zones, 'Time Schedule', as per attached annexure, is hereby prescribed for disposal of different applications in the Special Economic Zones.

2. It is requested that the same be followed strictly while disposing of various applications received from units/developers.

S.No	Category of Application	Prescribed Time limit for disposal (in days)
1.	Issue of LoA excepting cases requiring approval of BoA.	For approval of
2.	Annual permission for sub-contracting	all these
3.	Allotment of Importer-Exporter Code number	activities, along
4.	Allotment of land/industrial sheds in the special Economic Zone	with initial
5.	Water connection	issuance of
6.	Registration - cum- Membership Certificate	LoA -15
7.	Small Scale Industries Registration	
8.	Registration with Central Pollution Control Board	
9.	Power Connection	
10.	Building approval plan	
11.	Sales Tax Registration	
12.	Approval from inspectorate of factories	
13.	Pollution control clearance, wherever required	
14.	Amendment of LoA	15
15.	Acceptance of Bond cum LUT	7
16.	Renewal of Bond cum LUT	3
17.	Permission for broad banding / diversification	15
18.	Permission for Merger of Units	15
19.	Permission for enhancement of production capacity	7
20.	Cancellation LoA	15
21.	Permission for debonding / exit	15
22.	Eligibility certificate for employment visa for technicians	2
23.	Issue of Identity Card	2
24.	Renewal of Identity Card	Same day
25.	Permission for disposal of scrap/waste	2
26.	Permission for change in name	7
27.	Inter Unit Transfer	2
28.	Permission for re-import	Same day
29.	Permission for re-export	Same day
30.	Permission for replacement / repair of goods	Same day
31.	Authorization of softex form	Same day
32.	Issue of GSP Certificate	Same day

Raw Material can be Used for Machinery Manufacture in EOU

Sub: Use of duty free raw material for capital goods manufactured within EOU for captive use

F.No. DGEP/EOU/57/2009 dated 19th August, 2009

22-CBEC 19.08.2009 An Export Oriented Unit has represented regarding difficulties faced in grant of exemption from Customs & Central Excise duty on raw materials common for manufacture of both finished goods and capital goods (e.g. jigs, moulds, dies etc) within the EOU for captive use.

2. The issue has been examined. It is viewed that there may not be any difficulty in allowing duty free import/domestic procurement of raw materials common for the manufacture/production of finished goods as well as for the manufacture of capital goods for use within the unit. The usage of inputs, imported or procured domestically, for manufacture of finished goods is allowed as per Standard Input Output norms (SION) [condition (d) (I) (ii) of opening paragraph of notification No. 52/2003-Cus dated 31.03.2003].

3. Raw materials for making capital goods for use within the unit is allowed vide Sl. No. 16 of Annexure-I of notification No. 52/2003-Cus dated 31.03.2003. Capital goods manufactured out of duty free inputs for use within the EOU are required to be accounted for and bonded as per the usual bonding procedure. While following

the into-bond procedure, the value of such capital goods would be assessed by following the computed value method in terms of the Customs valuation Rules, which would inter alia account for the raw material captively consumed in manufacture of capital goods. Such goods would be liable to duty as applicable in case of clearance outside the unit or debonding or exit from EOU scheme. Exemption from payment of duty of excise leviable under section 3 of the Central Excise Act, 1944 vide notification No. 24/2003-CE dated 31.03.2003 shall not be applicable in such cases.

4. Hence, it is clarified that the capital goods manufactured for captive use should be accounted & bonded by following the usual procedure and shall be liable for payment of duty while making clearances outside the unit or debonding or exit from the EOU scheme.

5. This issues with the approval of Central Board of Excise & Customs.

6. Wide publicity may please be given to these instructions by way of issuance of Public/Trade Notice. Difficulties, if any, in implementation of these instructions, may be brought to the notice of the Directorate General of Export Promotion.

Special Procedure for Removal of Liquid Gases – Pass-out System

Subject: Modification in Circular No. 569/6/2001-CX dated 09.02.2001 regarding the Special Procedure for Removal of Liquid Gases-Pass-out System.

F.No.267/21/2008-CX-8 dated 20 August 2009

894-CBEC 20.08.2009 Representations have been received from the Trade and the field formations seeking waiver of pre-authentication of the pass-out documents by the departmental officers as prescribed in Para 3.2(iv) of Board's Circular No. 569/6/2001-CX dated 09.02.2001 issued from F.No.204/01/96-CX6.

2. The matter has been examined. It is seen that pre-authentication of clearance documents by Central Excise Officer is required for removal of liquid gases. However, in the present scheme of self removal, Govt. has imposed complete faith for the tax compliance on the taxpayers. Therefore, it is felt that the exemption from pre-authentication by the Central Excise Officer may be granted in deserving cases.

3. In view of above, in the above referred Circular,

after para 3.2(iv), following is inserted,-

"However, an assessee desirous of exemption from the pre-authentication by the Central Excise Officer may submit a written request to the jurisdictional AC/DC of the Division, who may grant the exemption for a period of one year at a time after satisfying that the internal control system followed by the assessee is reasonable and adequate to ensure determination of correct quantity of liquid gases sold to customer, subject to the condition that the permission is liable to be withdrawn in case of misuse of the facility by the assessee."

4. Para 1.1(f) of Part III of the Chapter 4 of CBEC Manual of Supplementary Instructions would also be modified accordingly.

5. Trade & Industry as well as field formations may be suitably informed.

SCOMET Items Manufacturers to Get Permission for Facilitating Site Visits

122-PN(RE) 19.08.2009 In exercise of powers conferred by Section 5 read with Section 3(2) of the Foreign Trade (DGFT) (Development & Regulation)

Act, 1992 (No.22 of 1992) and also read with Para 1.3 and Para 2.1 of the Foreign Trade Policy, 2004-2009, (as amended from time to time), the Central Government hereby amends

Appendix 3 of Schedule 2 of ITC (HS) Classification of Export and Import Items, 2004-2009.

2. Following shall be added below the first paragraph of Appendix-3 :

"It is mandatory for all companies and their subsidiaries registered in India and all other business entities operating in India and involved

in the manufacture, processing and use of Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) listed below to obtain permission of the Central Government before entering into any arrangement or understanding that involves an obligation to facilitate or undertake site visits, on-site verification or access to records/ documentation, by foreign Governments or foreign third parties, either acting directly or through an Indian party or parties. Requests for such permissions shall be considered in the manner in which requests for export/import licence are considered.

Provided that where obligations involving site visits, on-site verification or access to records/ documentation by foreign governments or foreign third parties are to be undertaken pursuant to a bilateral agreement or a multilateral treaty to which India is a party, the provisions of the relevant agreement or treaty shall apply."

3. This issues in public interest.

Advance Ruling Scheme Extended to Public Sector Companies and Project Importers

124-Cus(NT) 20.08.2009 In exercise of the powers conferred by sub-clause (iii) of clause (c) of section 28E of the Customs Act, 1962(52 of

1962), the Central Government hereby specifies following as class of persons for the purposes of said clause , namely :-

- i. any public sector company;
- ii. a resident who proposes to import goods claiming for assessment under heading 9801 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).

Explanation: — For the purpose of this notification .-

1. "public sector company" shall have the same meaning as assigned to it in clause (36A) of section 2 of the Income-tax Act, 1961 (43 of 1961);

2. "resident" shall have the same meaning as is assigned to it in clause (42) of section 2 of the Income-tax Act, 1961 (43 of 1961).

F.No 275/47/2009-CX8A

Public Sector Companies for Advance Ruling in Service Tax

27-ST 20.08.2009 In exercise of the powers conferred by sub-clause (iii) of clause (b) of section 96A of the Finance Act, 1994 (32 of 1994),

the Central Government hereby specifies any public sector company as class of persons for the purposes of the said clause.

Explanation. — For the purpose of this notification , a "public sector company" shall have the same meaning as is assigned to it in clause (36A) of section 2 of the Income-tax Act, 1961 (43 of 1961).

F.No 275/47/2009-CX8A

Safeguard Duty on Dimethoate Technical for Next Two Years – Final Findings

20% for 2009-2010 and 15% for 2010-2011

Nftn 87
27.08.2009 (DoR)

Whereas, in the matter of import of Dimethoate Technical (hereinafter also referred as the subject goods), falling under tariff item 3808 91 23 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Act), the Director General (Safeguard), in its preliminary findings published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 2nd February, 2009, *vide* number G.S.R.66(E), dated the 2nd February, 2009, had come to the conclusion that increased imports of Dimethoate Technical into India had caused and threatened to cause further serious injury to the domestic producers of Dimethoate Technical and it had necessitated for imposition of provisional safeguard duty on imports of Dimethoate Technical into India;

And whereas, on the basis of the aforesaid findings of the Director General (Safeguard), the Central Government had imposed provisional safeguard duty on imports of the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 25/2009-Customs, dated the 23rd March, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 23rd March, 2009, *vide* number G.S.R.186(E), dated the 23rd March, 2009;

And whereas, the Director General (Safeguard) in its final findings published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 18th May, 2009 *vide* num-

ber G.S.R.340(E), dated the 14th May, 2009, had come to the conclusion that increased imports of Dimethoate Technical into India had caused and threatened to cause further serious injury to the domestic producers of Dimethoate Technical and it necessitated to impose safeguard duty on imports of Dimethoate Technical into India, and had recommended the imposition of safeguard duty on imports of the subject goods into India;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 8B of the said Act, read with rules 12 and 14 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, the Central Government after considering the said findings of the Director General (Safeguards), hereby imposes on Dimethoate Technical, falling under tariff item 3808 91 23 of the First Schedule to the said Act, when imported into India, a safeguard duty at the rate of –

(a) **20% ad valorem**, when imported from the 23rd day of March, 2009 to 22nd day of March, 2010 (both days inclusive); and

(b) **15% ad valorem**, when imported from the 23rd day of March, 2010 to 22nd day of March, 2011 (both days inclusive).

2. Nothing contained in this notification shall apply to imports of Dimethoate Technical from countries notified as developing countries under clause (a) of sub-section (6) of section 8B of the said Act, other than People's Republic of China. [F.No.354/59/2009 – TRU]

Provisional Duty Notification Rescinded

Nftn 88
27.08.2009 (DoR)

In exercise of the powers conferred by sub-section (2) of section 8B of the Customs Tariff Act, 1975 (51 of 1975), read with rules 10 and 14 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, the Central Government hereby **rescinds** notification of the Government of India in the Ministry of Finance (Department of

Revenue) notification No. **25/2009- Customs, dated the 23rd March, 2009**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.186(E), dated the 23rd March, 2009, except as respects things done or omitted to be done before such rescission.

[F.No.354/59/2009 – TRU]

Safeguard Investigation of LAB Extended upto 18 November 2009

123-Cus(NT)
18.08.2009 (DoR)

In pursuance of sub-rule (1) of rule 11 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, the Central Government hereby extends the period upto and inclusive of 18th day of November, 2009 for submission of final findings on safeguard investigation concerning imports of Linear Alkyl Benzene into India.

[F. No.528/37/2009-Cus.(TU)]

No Excise Levied on Dough for Preparation of Baker's Wares for the period of 28 Feb 2005 to 27 May 2008

20-CE(NT)
18.08.2009 (DoR)

Whereas the Central Government is satisfied that a practice was generally prevalent regarding levy of duty of excise (including non-levy thereof) under Section 3 of the Central Excise Act, 1944 (1 of 1944) (hereinafter referred to as the said Act), on goods of the description given in table below, and that such goods were liable to duty of excise which was not being levied under section 3 of the said Act according to the said practice, during the period as specified in the said Table, namely :-

Advance Ruling in Service Tax

26-ST
19.08.2009 (DoR)

In exercise of the powers conferred by clauses (A) and (B) of section 113 of the Finance (No.2) Act, 2009 (33 of 2009), the Central Government hereby appoints the 1st day of September, 2009, as the date on which the provisions of the said Act shall come into force.

[F.No.B-1/2009-TRU]

Offshore Services included in Services Exports

25-ST
19.08.2009 (DoR)

In exercise of the powers conferred by section 93 and 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Export of Services Rules, 2005, namely :-

I. (1) These rules may be called the, Export of Services (Amendment) Rules, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Services Rules, 2005, in rule 3, for the Explanation the following

Explanation shall be substituted, namely:-

“**Explanation.**-For the purposes of this rule “India” includes the installations, structures and vessels in the continental shelf of India and the exclusive economic zone of India.”;

[F.No.B-1/2009-TRU]

Public Sector Companies for Advance Ruling in Excise

21-CE(NT)
20.08.2009 (DoR)

In exercise of the powers conferred by sub-clause (iii) of clause (c) of section 23A of the Central Excise Act , 1944(1 of 1944), the Central Government hereby specifies any public sector company as class of persons for the purposes of the said clause.

Explanation.- For the purpose of this notification , a “public sector company” shall have the same meaning as is assigned to it in clause (36A) of section 2 of the Income-tax Act, 1961 (43 of 1961)

F.No. 275/47/2009-CX8A

Description	“Table”	
	Tariff sub-heading	Period
(1)	(2)	(3)
Dough for preparation of Baker's wares of Heading no. 1905	1901 20 00	28 th February, 2005 to 27 th May, 2008

2. Now, therefore, in exercise of the powers conferred by section 11C of the said Act, the Central Government hereby directs that the whole of duty of excise leviable under the said Act on such goods falling under such tariff sub-heading as specified in the said Table but for the said practice, shall not be required to be paid for the period specified in column (3) of the said Table,

subject to fulfilment of condition that the benefit under this notification shall not be admissible unless the unit claiming benefit in terms of this notification reverse the input credit, if any, taken in respect of inputs used in manufacture of such goods on which the said duty of excise was not levied during the aforesaid period in accordance with the said practice.

[F. No. 13/04/07-CX 1]

Import Fall (-)37% in July 09, Further Fall of (-)10% Over June 09

India's exports during July, 2009 were valued at US \$ 13623 million (Rs 66041 crore) which was 28.4 per cent lower in dollar terms (minus 19.0 per cent in Rupee terms) than the level of US\$ 19036 million (Rs. 81548 crore) during July, 2008. Cumulative value of exports for the period April- July, 2009 was US \$ 49651 million (Rs. 241735 crore) as against US \$ 75289 million (Rs. 315978 crore) registering a negative growth of 34.1 per cent in Dollar terms and 23.5 per cent in Rupee terms over the same period last year.

India's imports during July, 2009 were valued at US \$ 19621 million (Rs. 95118 crore) representing a decrease of 37.1 per cent in dollar terms (minus 28.8 per cent in Rupee terms) over the level of imports valued at US \$ 31189 million (Rs. 133609 crore) in July, 2008. Cumulative value of imports for the period April- July 2009 was US\$ 78564 million (Rs. 382422 crore) as against US\$ 116382 million (Rs. 488668 crore) registering a negative growth of 32.5 per cent in Dollar terms and 21.7 per cent in Rupee terms over the same period last year.

Oil imports during July, 2009 were valued at US \$ 5638 million which was 55.5 per cent lower than oil imports valued at US \$ 12675 million in the corresponding period last year. Oil imports during April- July, 2009 were valued at US\$ 21964 million which was 48.0 per cent lower than the oil imports of US \$ 42217 million in the corresponding period of last year.

Non-oil imports during July, 2009 were esti-

mated at US \$ 13983 million which was 24.5 per cent lower than non-oil imports of US \$ 18514 million in July, 2008. Non-oil imports during April- July, 2009 were valued at US\$ 56600 million which was 23.7 per cent lower than the level of such imports valued at US\$ 74165 million in April- July, 2008.

The trade deficit for April-July, 2009 was estimated at US \$ 28913 million which was lower than the deficit of US \$ 41093 million during April-July, 2008

Exports & Imports : (US \$ Million)

(Provisional)

	July	April-July
Exports (including re-exports)		
2008-2009	19036	75289
2009-2010	13623	49651
%Growth 2009-2010/ 2008-2009	-28.4	-34.1
Imports		
2008-2009	31189	116382
2009-2010	19621	78564
%Growth 2009-2010/ 2008-2009	-37.1	-32.5
Trade Balance		
2008-2009	-12153	-41093
2009-2010	-5998	-28913

Figures for 2008-09 are the latest revised whereas figures for 2009-10 are provisional

Drought or drought-like conditions has been declared in 278 districts in India, or 44 percent of the nation's total, as rainfall has been 25 percent below average so far in the four-month monsoon season that started June 1, the farm ministry said Aug. 27.

Harvests Hit

Morgan Stanley economist Chetan Ahya and Nomura Securities Co. economist Sonal Varma said the drought will trim farm production though its impact on industry and services will be limited. Services including banking and software make up 55 percent of India's \$1.2 trillion economy, while industry accounts for a quarter.

India's industrial production in June gained 7.8 percent from a year earlier, the fastest pace in 16 months, the government said Aug. 12.

Ahya expects the economy to grow between 5.2 percent and 5.8 percent in the year to March 31. That pace still makes India the fastest growing major economy after China, attracting overseas companies including Harley-Davidson Inc., the biggest U.S. motorcycle maker. The U.S. economy shrank at a 1 percent annual rate last quarter. Chinese GDP rose 7.9 percent in the second quarter from a year earlier.

New Factories

Harley-Davidson said last week it plans to start sales in India from next year.

Steel Authority of India Ltd., the nation's second-largest steelmaker, said this month that demand for so-called flat products, mainly used to make automobiles, is rising and increased their prices by 900 rupees, or 3.4 percent, a tonne.

Volkswagen AG, Toyota Motor Corp. and other car manufacturers have announced plans to spend more than \$6 billion through 2012 to build factories in India to offset slumping demand in their home markets.

Grain Imports by Japan to Drop on DPJ Wheat, Soy Subsidy Plans

Japan plans to cut food imports that make up more than half its total supply, helping local farmers at the expense of growers in the U.S., under a 1 trillion yen (\$10.8 billion) policy by the nation's new government.

The country, which sources about 60 percent of its wheat shipments and 74 percent of its soybean imports from the U.S., may boost its food self-sufficiency rate to 50 percent by 2019 under the plan, according to Nobutaka Tsutui, a Democratic Party of Japan lawmaker in charge of agriculture policy. That would compare to a 41 percent rate in the year ended March 31.

The DPJ will take power for the first time after winning election with promises including paying farmers when prices drop below production costs and achieving self-sufficiency in "important grains." Japan depended on imports for 59 percent of its food in the year ended March 31, the highest rate among developed countries, according to the Ministry of Agriculture, Forestry and Fisheries.

Cont'd..272

India's GDP Grows 6.1%, Accelerating for First Time Since 2007

India's economic growth accelerated for the first time since 2007, indicating the global recession's impact on Asia's third-largest economy is waning.

Gross domestic product expanded 6.1 percent in the three months to June 30 from a year earlier after a 5.8 percent gain in the previous quarter, the Central Statistical Organisation said in New Delhi on 31 August. That was less than the median 6.2 percent forecast in a News survey of 27 economists.

The recovery may stall as a deficient monsoon threatens to reduce farm output in rural areas, where three-fifths of India's 1.2 billion people live. A growth slowdown coupled with the risk of faster inflation caused by higher food and commodity prices would pose a "dilemma" for the central bank on whether to raise borrowing costs, Governor Duvvuri Subbarao said last week.

Before the rains turned scanty, the Reserve Bank of India on July 28 forecast the economy would grow 6 percent "with an upward bias" in

the year to March 31, the weakest pace since 2003. It also raised its inflation forecast to 5 percent from 4 percent by the end of the financial year. The key wholesale price inflation index fell 0.95 percent in the week to Aug. 15.

The central bank's Aug. 27 annual report said withdrawing the cheap money available in the economy would heighten the risk of weakening "recovery impulses," while sustaining inexpensive credit for too long "can only increase inflation in the future."

Fiscal Stimulus

As the global recession hit India, the central bank injected about 5.6 trillion rupees (\$115 billion) into the economy, which together with government fiscal stimulus amounts to more than 12 percent of gross domestic product.

The Reserve Bank kept borrowing costs unchanged in its last monetary policy statement on July 28 and signaled an end to its deepest round of interest-rate cuts on concern that inflation will "creep up" from October. The next policy meeting is scheduled for Oct. 27.

Exchange Rates for Customs Valuation

IMPORTS and EXPORTS

The current notification No. 125-Customs(NT) dated 27th August 2009 supersedes notification 102-Customs(NT) dated 29th July 2009.

125-Cus(NT) In exercise of the powers conferred by section 14 of the 27.08.2009 Customs Act, 1962 (52 of 1962), and in supersession of (DoR) the notification of the Government of India in the

Ministry of Finance (Department of Revenue) No.102/

2009-CUSTOMS (N.T.), dated the 29th July, 2009 vide number S.O. 1857(E), dated the 29th July, 2009, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa shall, **with effect from 1st September, 2009** be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SNo	Currency	Imported Goods		Exported Goods	
		Current	Previous	Current	Previous

Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees

1	Australian Dollar	41.50	40.45	40.25	39.20
2	Canadian Dollar	45.50	45.20	44.35	44.05
3	Danish Kroner	9.55	9.40	9.20	9.10
4	EURO	70.70	69.55	68.90	67.90
5	Hong Kong Dollar	6.35	6.30	6.25	6.15
6	Norwegian Kroner	8.20	7.95	7.95	7.65
7	Pound Sterling	80.70	80.50	78.85	78.65
8	Swedish Kroner	7.05	6.65	6.80	6.45
9	Swiss Franc	46.60	45.75	45.30	44.45
10	Singapore Dollar	34.25	33.90	33.40	33.10
11	US Dollar	49.25	48.70	48.35	47.80

Schedule II – Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

1	Japanese Yen	52.55	51.50	51.15	50.10
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[F.No.468/13/2009-Cus.V]

Tariff Value on Brass Scrap Up by US\$135/MT

Poppy Seeds Tariff Value Up by US\$181/MT

131-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Board, being satisfied that it is necessary and expedient 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. 36/2001-Cus (N. T.), dated, the 3rd August 2001, namely -

In the said notification, for the Table, the following Table shall be substituted namely:-

“Table

SNo.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	484 (i.e. no change)
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	3235
9	1207 91 00	Poppy seeds	3011"

[F. No. 467/14/2009-Cus.V]

BIG's Weekly Index of Changes No 23/02-08 September 2009

Commodity Spot Prices in India – 27-29 August 2009

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day. The weekly prices of commodities from different cities of India will be given in the order of Harmonized System classification.

Commodity Spot Prices covers price movements of 55 commodities (agricultural products and metals) provided on Multi Commodity Exchange of India on a daily basis. This Commodity Spot Prices Table focuses on price movements from 27-29 August.

Commodity	Unit	Market	(Rs.)		
			27-Aug	28-Aug	29-Aug
CER (Carbon Trading)	1 MT	Mumbai	940.5	935	939.5
Chana	100 KGS	Delhi	2272	2304	2315
Masur	100 KGS	Indore	4648	4611	4583
Potato	100 KGS	Agra	1122.9	1133.5	1137.2
Potato TKR	100 KGS	Tarkeshwar	1299	1309.3	1328.6
Arecanut	100 KGS	Mangalore	8030	8027	8046
Cashewkern	1 KGS	Quilon	308	308	308
Cardamom	1 KGS	Vandanmedu	827.5	826.75	823.5
Coffee ROB	100 KGS	Kushalnagar	69.4	67.6	67.1
Jeera	100 KGS	Unjha	11750	11697	11740
Pepper	100 KGS	Kochi	14641	14677	14706
Red Chili	100 KGS	Guntur	6052	6058	6058
Turmeric	100 KGS	Nzmbad	7853	7883	7883
Guar Gum	100 KGS	Jodhpur	4725	4675	4725
Maize	100 KGS	Nzmbad	951	949	949
Mentha Oil	1 KGS	Chandausi	545.3	549.3	554
Cotton Seed	100 KGS	Akola	1398	1400	1402
Castorsd RJK	100 KGS	Rajkot	2742	2747	2748
Guar Seed	100 KGS	Jodhpur	2130	2059	2085
Soya Bean	100 KGS	Indore	NA	NA	NA
Mustrdsd JPR	20 KGS	Jaipur	536.1	536.2	538.9
Sesame Seed	100 KGS	Rajkot	6213	6231	6244
Coconut Oil Cake	100 KGS	Kochi	1014	1014	1014
RCBR Oil Cake	1 MT	Raipur	6717	6713	6723
Kapaskhali	50 KGS	Akola	606.1	607.7	608.4
Coconut Oil	100 KGS	Kochi	4940	4940	4940
Refsoy Oil	10 KGS	Indore	452.25	453.6	454.9
CPO	10 KGS	Kandla	350	352	351.3
Mustard Oil	10 KGS	Jaipur	523.3	516.3	517.2
Gnutoilexp	10 KGS	Rajkot	662	660.5	662.6
Castor Oil	10 KGS	Kandla	570	570	570.3
Crude Oil	1 BBL	Mumbai	3488	3551	3555
Furnace Oil	1000 KGS	Mumbai	27529	28720	28720
Sourcrd Oil	1 BBL	Mumbai	3606.5	3539.5	3539.5
Brent Crude	1 BBL	Mumbai	3460	3540	3538
Gur	40 KGS	Muzngr	1045	1053.8	1055.9
Sugars	100 KGS	Kolhapur	2883	2886	2876
Sugarm	100 KGS	Delhi	2994	2988	2990
Natural Gas	1 mmBtu	Hazirabad	160.8	157	148.2
Rubber	100 KGS	Kochi	10547	10635	10700
Cotton Long	1 Candy	Kadi	23680	23590	23600
Cotton Med	1 Maund	Abohar	2504.5	2504.5	2508.5
Jute	100 KGS	Kolkata	1904	1925.5	1916.5
Gold	10 GRMS	Ahmd	15025	15070	15128
Gold Guinea	8 GRMS	Ahmd	12020	12056	12103
Silver	1 KGS	Ahmd	23320	23510	23730
Sponge Iron	1 MT	Raipur	15215	14890	14915
Steel Flat	1000 KGS	Mumbai	31490	31870	31790
Steel Long	1 MT	Bhavnagar	23030	23270	23420
Copper	1 KGS	Mumbai	307.55	307.6	314.9
Nickel	1 KGS	Mumbai	949.6	957.5	957.5
Aluminium	1 KGS	Mumbai	90.05	91.9	91.9
Lead	1 KGS	Mumbai	98.95	103.5	103.5
Zinc	1 KGS	Mumbai	89	88.8	88.8
Tin	1 KGS	Mumbai	695.5	701.25	701.25

(Source: MCX Spot Prices)

Cont'd..270

Japan, self-sufficient in rice, wants to reduce dependency on overseas grain supplies to protect against volatile global prices that soared to records last year and to ensure long-term food security. The 1 trillion-yen-a-year allocation, equivalent to 40 percent of this fiscal year's agriculture budget, would start from April 2011.

Developed Countries

The DPJ plans to promote rice production as an

alternative to foreign wheat in flour milling, replacing 5 million tons of annual imports with domestic output.

Japan should ensure supply security by maintaining relationships with traditional trading partners because the country's weather and soil were unsuitable for high-quality wheat production, Utsunomiya said.

Japan imported 4.86 million tons of milling wheat in the year ended March 31, 2009, ac-

ording to the agriculture ministry, including 2.94 million tons from the U.S. Canada was the second-largest supplier with 1.12 million tons and Australia third with 799,000 tons. Overseas purchases and domestic sales are controlled by the ministry.

The DPJ also plans to require country-of-origin labeling on processed food and to ban beef imports from any country that ships supplies breaching mad cow disease safeguards.

Mad Cow

Subsidies to test all domestic cattle for mad cow disease, a measure consumer groups are demanding to ensure food safety, would be revived under the party's policies.

The cattle brain-wasting mad cow disease, officially known as bovine spongiform encephalopathy, has been linked to more than 150 human deaths worldwide.

Japan imposed a ban on U.S. beef imports in December 2003 after a case of the disease was discovered in Washington State. Imports resumed in 2005 from cattle aged up to 20 months on the condition that risk materials were removed. Imports from individual plants are suspended if the conditions are breached.

Inflation will Accelerate this Decade, Business Economists Say

The Federal Reserve will be unable to prevent the trillions of dollars in government stimulus pumped into the U.S. economy from stoking inflation later this decade, a survey of business economists showed.

The price gauge tracked by the central bank will rise 3 percent a year on average from 2014 through 2018, according to the median estimate in a poll taken by the National Association for Business Economics. The rate exceeds the 2 percent pace that the respondents said was the Fed's unofficial target.

The report is in line with surveys of consumers and indicates the central bank may have to work harder to damp inflation expectations after pouring more than \$1 trillion into credit markets in a strategy known as quantitative easing. Economists in the survey also said the Obama administration's \$787 billion stimulus program would push consumer prices higher.

The price measure that tracks consumer spending and excludes food and fuel costs, the Fed's favorite, rose 1.4 percent in July from the same month last year, the smallest gain since 2003, a Commerce Department report showed last week. The last time it exceeded 3 percent was in 1992.

Inflation Concerns

The main reasons cited for concern over the inflation outlook included "lagged effects of policies now in effect," "monetization of the debt" and an "ineffective exit strategy" by the central bank, the report said. Only a "small percentage" thought a loss of Fed independence will cause prices to accelerate.

WORLD TRADE SCANNER

Import Fall (-)37% in July 09, Further Fall of (-)10% Over June 09	270
India's GDP Grows 6.1%, Accelerating for First Time Since 2007	270
Grain Imports by Japan to Drop on DPJ Wheat, Soy Subsidy Plans	270
Commodity Spot Prices in India – 27-29 August 2009	271
Inflation will Accelerate this Decade, Business Economists Say	272

BIG's WEEKLY INDEX OF CHANGES**Foreign Trade Policy****Foreign Trade Policy 2009-2014 261**

01-Pol.Cir/27.08.2009	15% Supply of Precious Metal to Exporters by Nominated Agencies Must	263
02-Pol.Cir/27.08.2009	Sports Weapons Import through RLA	263
03-Pol.Cir/27.08.2009	36 More Items for Marine Sector Target Plus and DFCE Scheme	264
01-Ntfn(RE)/27.08.2009	FTP 2009-2014 - Policy Notification	263
02-Ntfn(RE)/27.08.2009	Fuels for R&D and Emission Testing Allowed	264
03-Ntfn(RE)/27.08.2009	Amendments in Export Policy	265
122-PN(RE)/19.08.2009	SCOMET Items Manufacturers to Get Permission for Facilitating Site Visits	268
01-PN(RE)/27.08.2009	FTP 2009-2014 - Procedures Notification	263
195-PN(RE)/18.08.2009	Customs Bound to Issue TRA at Port of Registration	267
33-SEZ-Cir/20.08.2009	Time Schedule for Disposal of SEZ Applications	267

Customs

14/24/2009- DGAD/19.08.2009	Dumping Investigation Initiated on Tetrafluoroethane from China and Japan	266
Ntfn 87/27.08.2009	Safeguard Duty on Dimethoate Technical for Next Two Years – Final Findings	269
Ntfn 88/27.08.2009	Provisional Duty Notification Rescinded	269
123-Cus(NT)/18.08.09	Safeguard Investigation of LAB Extended upto 18 November 09	269
124-Cus(NT)/20.08.09	Advance Ruling Scheme Extended to Public Sector Companies and Project Importers	268
125-Cus(NT)/27.08.09	Exchange rates for Customs Valuation – IMPORTS and EXPORTS	271
131-Cus(NT)/31.08.09	Tariff Value on Brass Scrap Up by US\$135/MT	271
54-PN/21.08.2009	Cost of Scanner Repairs will be Recovered from Transport Operator and CFS	267

Central Excise

20-CE(NT)/18.08.2009	No Excise Levied on Dough for Preparation of Baker's Wares for the period of 28 Feb 2005 to 27 May 2008	269
21-CE(NT)/20.08.2009	Public Sector Companies for Advance Ruling in Excise	269

CBEC Circulars

22-CBEC/19.08.2009	Raw Material can be Used for Machinery Manufacture in EOU	268
894-CBEC/20.08.2009	Special Procedure for Removal of Liquid Gases – Pass-out System	268
CBEC Cir./24.08.2009	Nodal Officers in Each Port for Paper Waste Clearance	264

Service Tax

25-ST/19.08.2009	Offshore Services included in Services Exports	269
26-ST/19.08.2009	Advance Ruling in Service Tax	269
27-ST/20.08.2009	Public Sector Companies for Advance Ruling in Service Tax	268