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SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification
No. 8/2016- Central Excise (N.T)

New Delhi, dated the 1st March, 2016

G.S.R. (E). – In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 2002, namely:–

1. (1) These rules may be called the Central Excise (Amendment) Rules, 2016.
(2) They shall come into force from the 1st April, 2016 except the provisions of rule 2, rule 3, rule 4 and rule 7, which shall come into force from the 1st of March, 2016 and the provisions of clause (v) of rule 5 and rule 6, which shall come into force from such date as the Central Government may, by notification, specify.
2. In the Central Excise Rules, 2002 (hereinafter referred to as the said rules), in rule 7, for sub-rule (4), the following sub-rule shall be substituted, namely:-

“(4) The assessee shall be liable to pay interest on any amount paid or payable on the goods under provisional assessment, but not paid on the due date specified under sub-rule (1) of rule 8 and the first proviso thereto, as the case may be, at the rate specified by the Central Government, vide, notification under section 11AA of the Act, for the period starting with the first day after the due date till the date of actual payment, whether such amount is paid before or after the issue of order for final assessment.

Explanation. - For the removal of doubt, it is hereby declared that goods under provisional assessment, cleared in the month of January, 2015, say a provisional duty of Rs 5000 is paid on the 6th February, 2015 [due date under sub-rule (1) of rule 8], a further duty of Rs 9000 is paid on the 15th April, 2015, and on the same day the documents for final assessment are submitted by the assessee. Final assessment order is issued on the 18th June, 2015, assessing the duty payable on goods as Rs 15000, and consequently the assessee pays a duty of Rs 1000 on the 30th June, 2015, then no interest shall be payable on Rs 5000, interest shall be payable on Rs 9000 from the 7th February, 2015, till the 15th April, 2015, and interest shall be payable on

Rs 1000 from the 7th February, 2015, till the 30th June, 2015 as due date for payment of duty of Rs 15000 is the 6th February, 2015.”.

3. In the said rules, in rule 8, in the second proviso, for Explanation -1, the following shall be substituted, namely:-

“*Explanation-1.* – For the removal of doubts, it is hereby clarified that,-

(a) an assessee, engaged in the manufacture or production of articles of jewellery, other than articles of silver jewellery but inclusive of articles of silver jewellery studded with diamond, ruby, emerald or sapphire, falling under chapter heading 7113 of the First Schedule of the Tariff Act shall be eligible, if his aggregate value of clearances of all excisable goods for home consumption in the preceding financial year, computed in the manner specified in the said notification, did not exceed rupees twelve crore;

(b) an assessee, other than (a) above, shall be eligible, if his aggregate value of clearances of all excisable goods for home consumption in the preceding financial year, computed in the manner specified in the said notification, did not exceed rupees four hundred lakhs.”.

4. In the said rules, in rule 11, in sub-rule (8), in the proviso, the words, “and self attested by the manufacturer” shall be omitted.

5. In the said rules, in rule 12,

(i) in sub-rule (2), in clauses (a) and (b), for the words "Annual Financial Information Statement", the words "Annual Return" shall respectively be substituted and in sub-clause (a), for the words “statement relates”, the words “ return relates ” shall be substituted;

(ii) in sub-rule (2), after clause (b), the following clause shall be inserted, namely:-

“(c) The provision of this sub-rule and clause (b) of sub-rule (8) shall *mutatis mutandis* apply to a hundred per cent. Export- Oriented Unit.”;

(iii) sub-rule (2A) shall be omitted;

(iv) in sub-rule (6), the words “or Annual Financial Information Statement or Annual Installed Capacity Statement” shall be omitted;

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

“ (8)(a) An assessee, who has filed a return in the form referred to in sub-rule(1) within the date specified under that sub-rule or the second proviso thereto, may submit a revised return by the end of the calendar month in which the original return is filed.

Explanation.- Where an assessee submits a revised return under clause (a), the “relevant date” for the purpose of recovery of Central Excise duty, if any, under section 11A of the Act shall be the date of submission of such revised return.

(b) An assessee who has filed Annual Return referred to in clause (a) of sub-rule (2) by the due date mentioned in clause (a) of that sub-rule, may submit a revised return within a period of one month from the date of submission of the said Annual Return.

6. In the said rules, in rule 17, after sub-rule (6), the following sub-rule shall be inserted, namely:-

“(7) An assessee, who has filed a return in the form referred to in sub-rule (3) within the date specified under that sub-rule, may submit a revised return by the end of the calendar month in which the original return is filed.

Explanation.- Where an assessee submits a revised return under this sub-rule, the “relevant date” for the purpose of recovery of Central Excise duty, if any, under section 11A of the Act shall be the date of submission of such revised return”;

7. In the said rules, in rule 26, after sub-rule (1), the following proviso shall be inserted, namely:-

“Provided that where any proceeding for the person liable to pay duty have been concluded under clause (a) or clause (d) of sub-section (1) of section 11AC of the Act in respect of duty, interest and penalty, all proceedings in respect of penalty against other persons, if any, in the said proceedings shall also be deemed to be concluded.

[F. No. 334/8/2016 –TRU]

(Mohit Tewari)

Under Secretary to the Government of India

Note.- The principal rules were published in the Gazette of India vide notification number 04/2002- Central Excise (N.T.), dated the 1st March, 2002 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 143(E), dated the 1st March, 2002 and last amended by notification number 26/2015-Central Excise (N.T.), dated the 18th December, 2015 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 986(E) , dated the 18th December, 2015.