

**Office of the Commissioner,
Customs & Central Excise Commissionerate (J&K),
OB-32, Rail Head Complex, Jammu
Ph. 0191-2471885**

**MINUTES OF THE 1ST MEETING OF REGIONAL ADVISORY COMMITTEE
(RAC) FOR THE BLOCK YEAR 2011-12 HELD ON 29.06.2010.**

The 1st Meeting of the Regional Advisory Committee of Customs and Central Excise Commissionerate, J&K, Jammu for the Block Year 2011-12 was held on 29.06.2011 in the office of the Commissioner, Customs and Central Excise, J&K, Jammu. Shri P.S. Sodhi, Commissioner and Chairman of the Committee, presided over the meeting. The following officers and members from Trade/Industry attended the meeting:-

A - Departmental Officers

- i. Sh. Rajesh Jindal, Additional Commissioner, Customs & Central Excise Commissionerate, J & K, Jammu.
- ii. Sh. M. L. Toofan, Deputy Commissioner, Customs & Central Excise Commissionerate, J & K, Jammu.
- iii. Sh. M. L. Kathuria, Assistant Commissioner, Central Excise Division, Jammu
- iv. Sh. H.K. Khatana, Assistant Commissioner (Technical) and AC, Customs & C.Ex. Division, Srinagar.
- v. Sh. A.K. Bhatnagar, Superintendent (Tech.), Customs & Central Excise Commissionerate, J & K, Jammu.

B - Members from the Trade & Industry

- i. Sh. Anil Suri, President, Bari Brahmana Industrial Association (Regd.) BBIA Bhawan, Bari Brahmana.
- ii. Sh. T. S. Reen, Chairman, Federation of Industries
- iii. Sh. Vijay Aggarwal, President of Association of Industrial Growth Centre, Samba.
- iv. Sh. A.A. Chaudhary, Joint Director of Industries & Commerce.
- v. Sh. Bipin Sharma, M/s J&K Wire & Steel Industries, Gangyal, Jammu
- vi. Sh. Kuldeep Singh, General Secretary, M/s Sambha Associates, Samba
- vii. Sh. Tara Chand Gupta, Service President of C.C.I.
- viii. Sh. Abdul Rashid, DGM (Finance) J&K Cements Ltd. Srinagar.
- ix. Sh. Anurag Guglani, Manager (Commercial), M/s Dabur India Ltd., Jammu.
- x. Sh. Ajay Kumar Sharma, M/s Dabur India Ltd., Jammu.
- xi. Sh. Vikrant Kuthiala, Director, M/s R.B. Jodha Mal & Co. (P) Ltd. Jammu.
- xii. Sh. Devender mahajan, M.D. M/s Annapurna Laminators (P) Ltd, Bari Brahmana, Jammu
- xiii. Sh. A.K. Katyal, President of M/s R.Kay Grinding Pvt. Ltd., Kathua.

2. At the outset, the Chairman welcomed the members for the RAC meeting and took up the points sponsored by members for discussion.

3. **Agenda points for the Meeting:-**

A. **Agenda points raised by the Bari Brahmana Industrial Association (Regd.) Jammu.**

Point No. 1:

Clarification regarding period of Availment of Exemption by a new unit vis-à-vis the existing units which have undertaken substantial expansion under Notification No; 56/2002-CE, dated; 14.11.2002.

Reply:

The matter has already been referred to the Board for clarification vide CCU letter F.No. 01/Zone-14/Tech/2009/1007 dated; 05.08.2010 followed by reminder of even No. 5718 dated 22.11.2010. No clarification has yet been received from the Board till date.

Point No. 2:

As agreed earlier also still the Range Officers are asking for the documents repetitively with the monthly returns – the check list needs to be reviewed and communicated to the range Officers.

Reply:

The AC, Central Excise Division, Jammu who was also present in the meeting informed that for early finalization of refund claims only requisite documents (original/duly attested) such as ER-I, Current Account PLA, Original GAR-7, copy of option availing self credit facility, certificate regarding availment of balance of Cenvat in the RG-23A-II at the end of the month and sale summary of the month, required for scrutiny of the refund claims/ monthly returns are being called as per the provisions of Notification No; 56/2002-CE dated; 14.11.2002 as amended.

Point No. 3:

The 100% refund of Excise duty is being refused to the assesses even after Hon'ble Court Judgment in this regard.

Reply:

As the Department has gone in Appeal before the Double Bench of Hon'ble High Court of Jammu & Kashmir and matter is subjudice and protective demands are being raised to safeguard the Govt. revenue.

B. Agenda points raised by M/s Jammu and Kashmir Cements Ltd., Srinagar.

Point No. 1:

Delay in clearance of due claims of assesses on the basis of pending appeals filed by the department not linked to the issue.

Reply:

The claim was found deficient in certain aspects which was conveyed to the party vide letter dated; 31.03.2011. In compliance thereof, the party has submitted the required documents vide their letter dated 02.06.2011. The claim of the party is being scrutinized. The Assistant Commissioner, Customs & C.Ex. Division, Srinagar who was also present in the meeting was requested to finalize the same immediately.

C. Points raised by Sh. Devinder Mahajan, M.D. M/s Annapurna Laminators (P) Ltd, Bari Brahmana, Jammu

Point No. 1:

Since it has been made mandatory to file ER-I online w.e.f. 01.04.2010 but the entrepreneur who have gone for substantial expansion are facing difficulties in filing the returns. It has been pointed out many times to rectify the software but the needful has not been done.

Reply:

This issue was also raised in RAC meeting held on 02.11.2010 and it was clarified at that time that if an assesees is registered under ACES, there is no distinction as to whether he has undergone substantial expansion or is a new unit. Both can access ACES in the same way. The RAC member needs to explain specific problem in detail, if any.

Point No. 2: In case of substantial expansion, the date approved by DIC is to be taken as date of commercial commencement and the 10 years exemption as per the notification, are to be counted from the date approved by DIC, which is very clear from the definition "which reads as exemption contained (56/2002) shall apply to any of the said units for a period not exceeding ten years from the date of publication of this notification in the official gazette or from the date of commencement of commercial production whichever is later". This means all types of units whether new or those who have gone for substantial expansion are entitled for 10 year exemption. In this case your goodself had recommended the case to Zonal Office, Chandigarh, which further forwarded the case to the Ministry of Finance, New Delhi, but the orders are pending for last one year.

Reply:

The reply to the point stands already given at point No. 1 of agenda raised by the Bari Brahmana Industrial Association (Regd.) Jammu. However, it is again informed that the matter has already been referred to the Board for clarification vide CCU letter F.No. 01/Zone-14/Tech/2009/1007 dated; 05.08.2010 followed by reminder of even No. 5718 dated 22.11.2010. No clarification has yet been received from the Board till date.

The meeting ended with a vote of thanks to the Chair.


(M.L. Toofan) 13/11
Deputy Commissioner

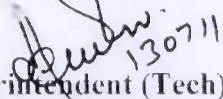
C. No. IV-16(19) HQ/TECH./RAC/J&K/2011-12/

4197-4209
14-7-11

Dated: .2011

Copy forwarded for information and necessary action to the:

1. The Chief Commissioner, Central Excise, Customs & Service Tax (Chandigarh Zone), Chandigarh.
2. The Chief Commissioner, Customs (Prev.) Delhi Zone, IGI Airport, New Delhi-110037.
3. The Commissioner, Central Excise Commissionerate, Chandigarh / II / Ludhiana.
4. The Commissioner, Customs (Prev.) Commissionerate, Amritsar.
5. The Deputy Commissioner, Central Excise Division, Jammu / Srinagar. They are requested to supply copies of the minutes to the RAC members under their jurisdiction.
6. The Deputy/ Assistant Commissioner (Tech.) / (Audit) / (Prev.), Customs & Central Excise Commissionerate, J & K, Jammu.
7. All the members of RAC (through jurisdictional AC/DC of the concerned Division).
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Superintendent (Tech)