

ANALYSIS OF INDIAN UNION BUDGET 2014-15

CUSTOM - NON TARIFF (Custom Act, 1962) & RULES MADE THEREUNDER

CLAUSE NO.	SECTION OF Custom Act, 1962	CHANGE AT GLANCE	APPLICABLE w.e f	EXECUTIVE SUMMARY
72-73	Custom Act	The Customs Act, 1962 is being amended so as to provide that a reference in that Act to a Chief Commissioner of Customs or a Commissioner of Customs may also include a reference to the Principal Chief Commissioner of Customs or the Principal Commissioner of Customs, as the case may be. It also seeks to provide for consequential amendments in the Act.	From the date of enactment of Finance Bill, 2014	After impugned amendment, any reference for Chief Commissioner of Custom / Commissioner of Custom under Custom Act, and any other laws for the time being in force, shall be meant to include Principal Commissioner of Custom / Commissioner of Custom as well.
74	Section 15	Section 15(1) is being amended to provide for determination of rate of duty and tariff valuation for imports through a vehicle in cases where the Bill of Entry is filed prior	From the date of enactment of Finance Bill, 2014	Section 15 provides for date for determination of rate of duty and tariff valuation. If the bill of entry is presented before date of entry by vessel or aircraft, the date would be day of such inward.

		to the filing of Import Report (as the Manifest is called in case of imports by land).		Now import through vehicle is also being included under this proviso.
75	Section 25	Section 25 is being amended to provide that the customs duties on mineral oils including petroleum & natural gas extracted or produced in the continental shelf of India or the exclusive economic zone of India shall not be recovered for the period prior to 7th February, 2002	From the date of enactment of Finance Bill, 2014	Simply, to waive off the custom duties levied prior to 7 th February, 2002.
76	Section 46	Section 46(3) is being amended to allow the filing of a Bill of Entry prior to the filing of Import Report (as the Manifest is called in case of imports by land) for imports through land route.	From the date of enactment of Finance Bill, 2014	Consequent and adjoining amendment to section 15(1) as stated in clause 74 above.
77	Section 127A	Section 127A is being amended to change the name of the 'Customs and Central Excise Settlement Commission' to the 'Customs, Central Excise and Service Tax Settlement Commission'.	From the date of enactment of Finance Bill, 2014	The name of "Customs and Central Excise Settlement Commission" is being changed to accommodate proposal year 2012 so as to include settlement of Service Tax matters as well.

78	Section 127B	Section 127B(1) is being amended to replace the reference to section 28AB with a reference to section 28AA.	From the date of enactment of Finance Bill, 2014	This is a clerical amendment to give effect of amendment in Finance Act, 2011. Section 28AB has been omitted by the Finance Act, 2011 and to provide that an application for settlement of cases can also be filed in cases where a Bill of Export, Baggage Declaration, Label or Declaration accompanying the goods effected through Post or Courier have been filed.
79	Section 127L	Section 127L is being amended so as to insert an Explanation that the concealment of particulars of duty liability relates to any such concealment made from the officer of customs and not from the Settlement Commission.	From the date of enactment of Finance Bill, 2014	This is an explanation to clarify that any concealment of particulars of duty liability shall be construed as concealment made from Officer Custom and not from Settlement commission.
80	Section 129A(1)	Section 129A(1) is being amended so as to increase the discretionary powers of the Tribunal to refuse admission of appeal from the existing Rs.50,000 to Rs.2 Lakhs.	From the date of enactment of Finance Bill, 2014	After amendment, if in any matter, duty involved is less or equal to Rs. 200,000/-, the Tribunal may refuse to admit such matter.

81	Section 129B	Section 129B(2A) is being amended to omit the first, second and third proviso in view of substitution of section 129E with a new section.	From the date of enactment of Finance Bill, 2014	Previously, if in any appeal, any order stay had been granted, the Tribunal was bound to dispose the appeal within 180 days this order of stay otherwise the order of stay would be vacated. Now in view of insertion of substitution of section 129E relating to pre-deposit, this required is being omitted.
82	Section 129D	Section 129D is being amended to insert a proviso in sub-section (3) so as to vest the Board with powers to condone delay for a period of upto 30 days, for review by the Committee of Chief Commissioners of the orders in original passed by the Commissioner of Customs.	From the date of enactment of Finance Bill, 2014	The Committee of Chief commissioners has been empowered to condone the delay upto 30 days in filing review petition
83	Section 129E	Section 129E is being substituted with a new section to prescribe a mandatory fixed pre-deposit of 7.5% of the duty demanded or penalty imposed or both for filing appeal with the Commissioner (Appeals) or the Tribunal at the	From the date of enactment of Finance Bill, 2014	Pre-deposit of (i) 7.5% of the duty demanded or penalty imposed or both, for filing an appeal before Commissioner (Appeals) or (ii) 10% of the duty demanded or penalty imposed or both, for filing appeal before

		<p>first stage and 10% of the duty demanded or penalty imposed or both for filing second stage appeal before the Tribunal. The amount of pre-deposit payable would be subject to a ceiling of Rs. 10 crores.</p>		<p>Tribunal.</p>
84	Section 131BA	<p>Section 131BA is being amended so as to enable the Commissioner (Appeal) to take into consideration the fact that a particular order being cited as a precedent decision on the issue has not been appealed against for reasons of low amount.</p>	<p>From the date of enactment of Finance Bill, 2014</p>	<p>Section 131BA empowers CBEC to issue orders, direction for regulating the filing of appeal, application, revision or reference by Custom Officer. The Appellate Authorities were required to take into consideration such facts for not filing of appeal. Now, Commissioner (Appeal) has also been included under such Appellate Authorities.</p>