

## Notification No. 30/2011 - Customs (N.T.)

New Delhi, 11th April, 2011

G.S.R 312 (E).- In exercise of the powers conferred by section 75 of the Customs Act, 1962 (52 of 1962), section 37 of the Central Excise Act, 1944 (1 of 1944) and section 93A read with section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, namely:-

1. (1) These rules may be called the Customs, Central Excise Duties and Service Tax Drawback (Second Amendment) Rules, 2011.

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

2. In the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, in rule 16(A),-

(i) in sub- rule(1), after the words " such drawback shall", the following words shall be inserted, namely:-

" ,except under circumstances or conditions specified in sub-rule (5)," ,

(ii) after sub-rule (4), the following sub-rule shall be inserted, namely:-

"(5) Where sale proceeds are not realised by an exporter within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), but such non-realisation of sale proceeds is compensated by the Export Credit Guarantee Corporation of India Ltd. under an insurance cover and the Reserve Bank of India writes off the requirement of realisation of sale proceeds on merits and the exporter produces a certificate from the concerned Foreign Mission of India about the fact of non-recovery of sale proceeds from the buyer, the amount of drawback paid to the exporter or the claimant shall not be recovered."

F.No. 605/39/2010-DBK

(RAJESH KUMAR AGARWAL)

Under Secretary to the Government of India

Note.- The principal rules were published vide notification No. 37/95-Customs (N.T.), dated the 26th May, 1995, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.441(E), dated the 26th May, 1995, and was last amended by notification number 9/2011-Customs (N.T.), dated the 10th February, 2011 vide number G.S.R. 80 (E), dated the 10th February, 2011.