

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT), MUMBAI-II, JAWAHAR LAL NEHRU CUSTOM HOUSE, SHEVA, TAL-URAN, DISTRICT - RAIGAD, MAHARASHTRA - 400707

F.NO. S/22-GEN- /2004-APPG.(MAIN-IMP.)

Date: /03/2004

STANDING ORDER NO. 18/2004

Sub: Admissibility of DEPB benefits in respect of supplies made by DTA Units to SEZ Units - reg.

CUSTOMS NOTIFICATION NO.57/2003-CUS. DTD. 01.04.2003 vide entry no. 2 has amended Notification No. 45/2002-Cus. dtd. 22.04.2002 issued under DEPB Scheme. Through this amendment the provisions of DEPB Scheme were extended in respect of supplies made by DTA units to SEZ units. Para 2.5 of the DOR Circular No. 25/2003-Cus. dated 01.04.2003 inter-alia outlined the procedure to be adopted for the purpose of availing benefit of DEPB Scheme in respect of such supplies.

2. Special provisions relating to Special Economic Zones were inserted in the Customs Act through Finance Act, 2002 by creating a new Chapter XA (vide Sections 76A to 76N) and the aforesaid provisions were to be brought into operation from a date to be notified. Till now, the said Chapter XA of the Customs Act pertaining to SEZ Scheme has not been brought into operation.

3. Till the operation of Chapter XA *ibid*, benefit of DEPB Scheme does not become legally available in respect of supplies made by DTA Units to SEZ Unit. It is, therefore, clarified that benefit of DEPB Scheme in respect of supplies made by DTA Units to SEZ Unit can only be allowed on & from a future date when Chapter XA *ibid* is brought into operation. In case benefit of DEPB Scheme was extended in respect of supplies made by DTA Units to SEZ Units in the past in terms of Customs Notification No. 45/2002-Cus. Dated 22.04.2002 as amended read with DOR Circular No. 25/2003-Cus. Dated 01.04.2003,

4. All the officers are directed to ensure strict compliance of aforesaid provisions. Any deviations from these instructions will be viewed seriously.

(R. SHARMA)
COMMISSIONER OF CUSTOMS(IMPORT)
JAWAHARLAL NEHRU CUSTOM HOUSE,
HAVA-SHEVA, DIST. RAIGAD.

