

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

Notification No. 38/2020-Customs

New Delhi, the 21<sup>st</sup> October, 2020

G.S.R. .... (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) (hereinafter referred to as the said Act), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods, when imported into India against a duty credit scrip (hereinafter referred to as the said scrip) issued by the Regional Authority under the Scheme for Rebate of State Levies on export of garments and made-ups (hereinafter referred to as the RoSL scheme) in accordance with paragraph 4.01(d) of the Foreign Trade Policy read with paragraphs 4.97 and 4.98 of the Handbook of Procedures from -

(a) the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act); and

(b) the whole of additional duty leviable thereon under sub sections (1), (3) and (5) of section 3 of the said Customs Tariff Act.

2. The exemption shall be subject to the following conditions, namely:-

(1) that the duty credit in the said scrip is issued -

(a) against exports of garments and made-ups (hereinafter referred to as the said goods) under the RoSL scheme where the order permitting clearance and loading of goods for exportation under section 51 of the said Act has been made on or after the 20th October, 2016 for garments, on or after the 23rd March, 2017 for made-ups, and till 6th March, 2019 for the said goods;

(b) against exports of the said goods as per the respective rate and cap as notified by the Ministry of Textiles from time to time and in operation at the time of the order permitting clearance and loading of goods for exportation under section 51 of the said Act;

(2) that the exporter has not claimed or shall not claim credit or rebate or refund or reimbursement of the State levies rebated under RoSL scheme under any other mechanism;

(3) that the rebate under the RoSL scheme shall not be applicable for exports made against the Advance Authorisation Scheme under the Foreign Trade Policy 2015-20;

(4) that the said scrip is registered with the Customs authority at the port of registration specified on the said scrip;

(5) that the said scrip is produced before the proper officer of Customs at the time of clearance for debit of the duties leviable on the goods and the proper officer of Customs after taking into account the debits already made under this exemption and debits made under the notification of

Government of India, Ministry of Finance, Department of Revenue, No.07/2020-Central Excise, dated the 21<sup>st</sup> October, 2020 shall ensure the debit of the duties leviable on the goods, but for this exemption;

(6) that the said scrip and goods imported against it shall be freely transferable;

(7) that where the importer does not claim exemption from the additional duty of customs leviable under sub-sections (1), (3) and (5) of section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;

(8) that the importer shall be entitled to avail of the drawback of the duty of customs leviable under the First Schedule to the said Customs Tariff Act against the amount debited in the said scrip; and

(9) that the importer shall be entitled to avail drawback or CENVAT credit of additional duty leviable under sub-sections (1), (3) and (5) of section 3 of the said Customs Tariff Act against the amount debited in the said scrip;

Explanation. – For the purposes of this notification, -

(a) "capital goods" has the same meaning as assigned to it in paragraph 9.08 of the Foreign Trade Policy;

(b) "Foreign Trade Policy" means the Foreign Trade Policy, 2015-2020, published by the Government of India in the Ministry of Commerce and Industry *vide* notification number 01/2015-2020, dated the 1st April, 2015 as amended from time to time;

(c) "garments" shall have the same meaning as assigned to it in the Ministry of Textiles' notification no. 12020/03/2016-IT, dated the 12<sup>th</sup> August, 2016 notifying the Scheme for Rebate of State Levies on Export of Garments;

(d) "made-ups" shall have the same meaning as assigned to it in the Ministry of Textiles' notification no. 12015/47/2016-IT, dated the 3<sup>rd</sup> January, 2017 notifying the Scheme for Rebate of State Levies on Export of Made-ups;

(e) "goods" means any inputs or goods including capital goods;

(f) "Regional Authority" means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorised by him to grant an authorisation including a duty credit scrip under that Act.

[F. No. 605/04/2019-DBK (Vol.I)]

(Gopal Krishna Jha)  
Director (Drawback)