



केन्द्रीय उत्पाद शुल्क एवं सेवाकर आयुक्तलय अहमदाबाद-III
COMMISSIONERATE OF CENTRAL EXCISE & SERVICE TAX
AHMEDABAD-III

सीमा शुल्क भवन CUSTOMS HOUSE, आकाशवाणी के पास NEAR ALL INDIA RADIO, नवरंगपुरा
NAVARANGAPURA, अहमदाबाद AHMEDABAD-380009
Tele:27545100/ Fax-27543676

व्यापार सूचना स 21/2016

Trade Notice No. 21/ 2016

विषय: केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड द्वारा जारी अधिसूचना/ अधिसूचनाओं का प्रेषण ।

इसके साथ भारत सरकार, वित्त मंत्रालय, राजस्व विभाग केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड, नयी दिल्ली द्वारा जारी निम्नलिखित अधिसूचना/ अधिसूचनाओं की प्रतियां व्यापारियों व क्षेत्रीय संगठनों एवं संबंधित मंडल कार्यालयों, निर्धारण परिक्षेत्रों, मुख्यालय अनुभागों की जानकारी, मार्गदर्शन एवं आवश्यक उचित कार्यवाही तथा कार्यान्वयन के लिए संलग्न की जाती है।

क्रम	अधिसूचना / परिपत्र संख्या	दिनांक	फा संख्या
1	1046/34/2016-CX	16.09.2016	268/01/2016-CX.8
2	1047/35/2016-CX	16.09.2016	268/01/2016-CX.8
3	1048/36/2016-CX	20.09.2016	267/09/2016-CX.8
4	1049/37/2016-CX	29.09.2016	267/40/2016-CX.8

अधिसूचना/ अधिसूचनाएँ स्वतः स्पष्ट हैं।

Circulars are self-explanatory.

All Trade Associations / Chamber of Commerce and the Members of the RAC / PGC are requested to bring this to the notice of their members / constituents.

सभी व्यापार सघ / वाणिज्य मण्डल और क्षेत्रीय सलाहकार समिति / लोक शिकायत समिति के सदस्यों से यह अनुरोध किया जाता है कि वे इसे अपने सदस्यों / विनिमाताओं के ध्यान में ला दें।

All JDC/JAC of C.Ex., Ahmedabad-III are directed to bring this to the notice of all Range officers under their charge.

सभी उप आयुक्त / सहायक आयुक्त को निर्देश दिये जाते हैं कि वे अपने प्रभार के सभी अधीनस्थ परिक्षेत्र अधिकारियों के ध्यान में ला दें।

अपर आयुक्त

केन्द्रीय उत्पाद शुल्क
अहमदाबाद-3

फा.सं. IV/16-20/MP/2016

दिनांक :04.10.2016

प्रतिलिपि प्रेषित: प्रशासनिक अधिकारी, केउशु, अहमदाबाद-3 को, विभागीय डाक सूची के अनुसार इस परिपत्र का परिसंचरण करने के लिए।

Copy to: Administrative Officer (ADM), C.Ex., H.Q., A'bad-III, for circulation of this Circular as per mailing list of Department.

2. The Superintendent, System, H.Q., C.Ex. Ahmedabad to upload on website.

F. No. 268/01/2016-CX.8
Government of India
Ministry of Finance
Department of Revenue)
(Central Board of Excise & Customs)

New Delhi, the 16th September, 2016

To

The Chief Commissioners of Customs Central Excise & Service Tax (All);
The Chief Commissioners of Customs (All);
The Director Generals/Directors of Customs, Central Excise & Service Tax (All);
Webmaster, CBEC.

Subject: Supply of goods manufactured by EOUs without payment of Central Excise Duty against Advance Licence/Authorisation- reg.

Madam/Sir,

Representations have been received from trade and field formations regarding applicability of second proviso to para 6 of notification no. 22/2003-CE dated 31.03.2003 as amended, when goods manufactured by EOU are supplied to Advance Licence /Authorisation holder in DTA. The said proviso seeks to deny the exemption from central excise duty on inputs, in cases where goods cleared into DTA are either non-excisable or in case of imports attract NIL rate of Customs duty and additional Customs duty. Identical proviso exists under para 3 of notification 52/3003-Cus dated 31.03.2003 as amended to deny exemption from customs duties on similar grounds. The said proviso reads as under,

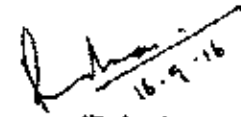
" Provided further that where such articles (including rejects, waste, scrap and remnants), are either non excisable or such articles (including rejects, waste, scrap and remnants), if imported, are leviable to nil rate of duty of customs specified under First Schedule to the Customs Tariff Act, 1975 and nil additional duty leviable under section 3 of the said Customs Tariff Act, read with exemption notification in this regard, if any, no exemption in respect of inputs utilized for the purpose of processing, manufacture, production or packaging of such articles (including rejects, waste, scrap and remnants) shall be available under this notification "

2. The issue was discussed in the last Central Excise Tariff Conference wherein it was decided that the same is required to be clarified by the Board.
3. The issue has been examined. It is seen that s.no. 22 of notification no. 23/2003-CE dated 31.03.2003 as amended, issued in respect of goods manufactured by EOUs and cleared in DTA, specifically exempts Central Excise duty when such manufactured goods are supplied to an Advance Licence/Authorisation Holder. In fact, clearance from EOU or DTA unit to Advance Licence/Authorisation holder has been allowed without payment of Central Excise duty, as both the cases are of "Import substitution." In case of supply of goods to Advance Licence/Authorisation holder, the export obligation is cast upon person holding Advance Licence/Authorisation and in case of default in export obligation recovery from the person holding Advance Licence/Authorisation is provided for in law.

4. Further, if the EOUs are made liable to pay back the amount availed as exemption on the inputs in case of supplies to Advance Licence/ Authorisation Holder, with reference to the said proviso under notification no. 22/2003-CE dated 31.03.2003, then the EOUs would be placed in a disadvantageous position when compared to a DTA unit which supply manufactured goods to Advance Licence Holder without payment of Central Excise duty in terms of notification no 44/2001-CE(N.T.) dated 26.06.2001 and without reversal of the CENVAT credit availed on inputs. This position has been clarified by Board vide circular no. 785/18/2004-CX dated 17.05.2004.

5. Accordingly, it is clarified that the second proviso to para 6 of the notification no. 22/2003-CE dated 31.03.2003 and the proviso to para 3 of notification no. 52/2003-Cus dated 31.03.2003 (refer para 1 of the circular) would not be applicable, in case of supply of manufactured goods by EOU to Advance Licence/Authorisation holder in DTA, without payment of Central Excise duty.

6. Hindi version of the circular would follow. Difficulty, if any, in implementation of the circular may be brought to the notice of the Board.



(Rohan)

Under Secretary to the Govt. of India

Circular No.1047/35/2016-CX

F. No. 268/01/2016-CX.8
Government of India
Ministry of Finance
Department of Revenue)
(Central Board of Excise & Customs)

New Delhi, the 16th September, 2016

To

The Principal Chief Commissioners/Chief Commissioners of Customs Central Excise & Service Tax (All);
The Principal Chief Commissioners/Chief Commissioners of Customs (All);
The Director Generals/Directors of Customs, Central Excise & Service Tax (All);
Webmaster, CBEC

Subject: Rebate of duties paid on raw materials used in manufacture or processing of export goods and admissibility of duty drawback in such cases – reg.

Madam/Sir,

Representations have been received from trade regarding difficulty in simultaneously availing drawback of Customs portion and rebate of duties of excise on raw material used in the manufacture or processing of goods exported. Declaration (d) of the Form A.R.E.2 viz. "we further declare that we shall not claim any drawback on export of the consignment under this application." leads to cases of denial of Customs portion of drawback even when input stage rebate of only excise portion is claimed. The issue was discussed in last Tariff Conference where it was recommended that to put an end to the litigation on the subject, declaration (d) in Form ARE 2, relating to availment of drawback, needs to be reviewed.

2.1. The issue has been examined. Board has already vide circular no. 35/2010-Cus dated 17.09.2010 clarified that as per notification no 84/2010-Customs (N.T.) dated 17.09.2010, Customs component of AIR drawback shall be available even if the rebate of Central Excise duty paid on raw material used in the manufacture of export goods has been taken in terms of Rule 18 of the Central Excise Rules, 2002, or if such raw materials were procured without payment of Central Excise duty under Rule 19(2) of the Central Excise Rules, 2002. The circular no. 35/2010-Cus dated 17.09.2010 continues to be in operation and Customs portion of drawback so available are specified as per rates and caps under column (6) & (7) of the drawback schedule.

2.2. Further, s.no. (11) of notes and conditions of the drawback schedule notified vide notification no. 110/2015-Customs (N.T.) dated 16.11.2015 states that the rates and caps of drawback specified in columns (4) and (5) of the said schedule shall not be applicable to

export of a commodity or products if rebate of duty on materials used in the manufacture or processing of such commodity or products is availed under rule 18 of Central Excise Rules, 2002 or if commodity or product is manufactured or exported in terms of sub-rule (2) of rule 19 *ibid*. However, drawback in such cases, as per rates and caps specified under columns (6) and (7) of AIR of the drawback schedule is admissible.

2.3. The declaration (d) of Form ARE-2 and para 1.5 of part-V of Chapter of the CBEC's Excise Manual of Supplementary Instructions, 2005 are at variance with legal position as explained in para 2.1 and 2.2 above. Accordingly, the said declaration (d) has been amended vide notification no. 44/2016-C.E. (N.T.) dated 16.09.2016. Further, other consequential amendments in Form ARE-2 have also been made for the purpose of harmonising the provisions as per above legal position.

3. In terms of legal position explained in para 2.1 and 2.2 above, rates and caps as per column (4) and (5) of the drawback schedule are applicable only in cases where none of the following benefits namely CENVAT credit or facility of input stage rebate under rule 18 of the Central Excise Rules, 2002 or facility of procurement of inputs under bond under sub-rule (2) of rule 19 *ibid* has been availed.

4. A further exception to above clarification is that in cases where input stage rebate on diesel is availed or diesel is procured without payment of Central Excise duty under sub-rule (2) of rule 19 of the Central Excise Rules, 2002, no drawback shall be available either with reference to column (6) and (7) or column (4) and (5). The declaration (d) of Form ARE-2 has been amended to incorporate the same. This is because a part of Excise duty on diesel, which is non-cenvatable, is factored under Customs component of the drawback rates as per rates and caps specified under column (6) and (7) of the schedule.

5. Accordingly, it is clarified that:-

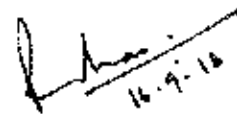
- (i) Where in respect of exports, CENVAT credit is not availed on inputs but input stage rebate on excisable goods except diesel is availed under rule 18 of the Central Excise Rules, 2002, drawback of Customs portion, as per rates and caps specified in column (6) and (7) of the drawback schedule shall be admissible;
- (ii) Where in respect of exports, CENVAT credit is not availed on inputs but the inputs except diesel, are procured without payment of Central Excise duty under sub-rule (2) of rule 19 of Central Excise Rules, 2002, drawback of Customs portion, as per rates and caps specified in column (6) and (7) of the drawback schedule shall be admissible;
- (iii) Where in respect of exports, input stage rebate on diesel under rule 18 of Central Excise Rules, 2002 is availed or diesel is procured without payment of Central Excise duty under sub-rule (2) of rule 19 of Central Excise Rules, 2002, no

drawback either under column (6) and (7) or column (4) and (5) of the drawback schedule shall be admissible.

(a) Divisional Assistant/Deputy Commissioner, Central Excise, while sanctioning the rebate claim should verify this aspect and in case of availment of any drawback, where input stage rebate on diesel under rule 18 of Central Excise Rules, 2002 is also availed shall deny the claim of rebate involved on diesel out of the rebate claimed, for violation of the declaration (d) of the ARE 2.

(b) In cases where diesel is procured without payment of Central Excise duty under sub-rule (2) of rule 19 of Central Excise Rules, 2002, and the goods are exported under claim of drawback the Central Excise duty involved on diesel shall be recovered for violation of the declaration (d) of the ARE 2. while examining the proof of export.

6. Hindi version of the circular would follow. Difficulty, if any, in implementation of the circular may be brought to the notice of the Board.



(Rohan)

Under Secretary to the Govt. of India

Circular No. 1048/36/2016-CX

F. No. 267/09/2016-CX.8
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi, dated the 20th September, 2016

To

The Principal Chief Commissioners/ Chief Commissioners/Principal Commissioners of
Central Excise (All)
The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners of
Central Excise & Service Tax (All)

**Sub: Service Tax Certificate for Transportation of goods by Rail (STTG Certificate)-
reg.**

Madam/ Sir,

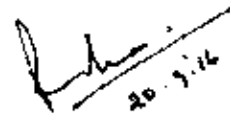
Kind attention is invited to Notification No. 45/2016-CE (N.T.) dated 20.09.2016 wherein clause (fa) in sub-rule (1) of rule 9 of CENVAT Credit Rules, 2004 has been substituted and the requirement of enclosing photocopies of the railway receipts (RRs) with the STTG certificate, as a document for availing CENVAT credit, has been amended such that railway receipts would not be required to be enclosed with the STTG certificate. The following procedure is hereby prescribed for availing CENVAT credit of service tax paid on transportation of goods by rail:

- i) The STTG Certificate shall be issued to rail customer (consignor/ consignee, whosoever makes the payment of Service Tax) by the Railways for the purpose of availing CENVAT credit. A proforma containing the format of STTG certificate to be filled by the consignor/ consignee is enclosed herewith as Annexure-A.
- ii) The STTG certificate shall capture various details such as name of the customer, no. of RRs issued, total service tax/ cess paid, Service Tax code, registration no., details of the certifying authority from railways etc.
- iii) The STTG certificate shall also contain details of RR(s) in a tabular form annexed to the STTG certificate (enclosed as Annexure-B). The details shall inter alia include RR number, date, name of the consignee, freight, service tax/ cess paid etc. The said list of RR(s) shall be certified by competent Railways Authority.
- iv) In cases where the Service Tax is paid by the consignor and he intends to avail the CENVAT credit, he may avail the same on the strength of the STTG certificate issued in his name in the format prescribed above.

v) In case if the Service Tax has been paid by the consignor but CENVAT credit is to be availed by the consignee, who is eligible for such credit as per the rules, the consignor shall make a written request to Railways for issue of consignee-wise STTG certificate duly indicating the RR details pertaining to the consignee in the format prescribed above. The competent Railway Authority shall issue the STTG certificate accordingly, even though it will require issuance of more than one STTG certificates to the customer (consignor) for a particular month. The consignor shall transfer the consignee-wise 'STTG certificate' in original to the consignee concerned. The consignee may avail the CENVAT credit on the strength of this certificate.

vi) Where a consolidated STTG Certificate has been issued in terms of clause (iii), no STTG Certificate consignee-wise in terms of clause (v) shall be issued and vice-versa.

2. Difficulty faced, if any, in implementing the circular should be brought to the notice of the Board. Hindi version will follow.



(ROHAN)

Under Secretary to the Govt. of India

Encl.: a) STTG CERTIFICATE (Annexure-A)
b) RR Details (Annexure-B)

ANNEXURE -A

(computer generated print)



**Service Tax Certificate for Transportation of goods by Rail
(STTG Certificate#)
(issued for the purpose of availing CENVAT Credit)**

Serial No.: CRXXXXXXX
(say for Central Railway)

Date: (dd/mm/yyyy)

Shri (Name of customer)
(Address of the customer)
Service Tax Registration No. (of the customer)

This is to certify that service tax has been collected for the period (dd/mm/yyyy) to (dd/mm/yyyy) from the customer mentioned above for transportation of goods by rail as per following details:

Number of Railway Receipts (RRs) issued*	Total freight (in Rupees)	Service Tax collected (in Rupees)			
		Service Tax	Swachh Bharat Cess^	Krishi Kalyan Cess^	Total

*RR details duly certified by the undersigned are enclosed with this certificate.

Service Tax collecting authority: (FA & CAO/ Central Railway, say for Central Railway)
(Address of the collecting authority)
Registration No.: (of Service Tax collecting authority)
Service tax Code: ZZZP

Smt./Shri (name of officer)
Dy.CAO(T) or officer nominated thereto
(Name of Railway, say Central Railway)
Mumbai)

(Seal)

Smt./Shri (name of officer)
(designation of the officer authorized by CCM)
(Name of Railway, say Central Railway)
Mumbai)

(Seal)

Note:

STTG certificate is issued to rail customer (either consignor or consignee, whosoever makes payment of Service Tax) for the purpose of availing CENVAT credit. In case when Service Tax has been paid by consignor but CENVAT credit is to be availed by consignee, the procedure will be as under -

- The customer (consignor) will make written request for issue of 'consignee-wise STTG certificate' duly indicating the RR details pertaining to the consignee. Railway administration will issue the STTG certificate accordingly, even though it will require issuance of more than one STTG certificates to the customer (consignor) for a particular month.
- The customer (consignor) will transfer the 'consignee-wise STTG certificate' in original to the consignee. On the strength of which, the consignee would approach concerned Service Tax authority for availing CENVAT credit.

^The nomenclature of Cess may be revised as per extant rules.

RR details
 (as mentioned in the Service Tax Certificate for transportation of goods by Rail issued vide Serial No. CRXXXXXXX dt. (dd/mm/yyyy))

S. No.	Railway Receipt (RR) No.	RR Date	Name of originating Station/ Siding	Name of destination Station/ Siding	Name of Consignor	Name of Commodity booked	Total freight (in Rupees)	Service Tax collected (in Rupees)			Total
								Service Tax	Swachh Bharat Cess	Krishi Kalyan Cess	
1	XXXXXXXX	dd/mm/yyyy									
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
Total											

RAs mentioned above are reflected in this certificate only and they are not part of any other certificate.

Smt./Shri (name of officer)
 Dy. CAO(T) or officer nominated thereto
 (Name of Railway, say Central Railway/Mumbai)

(Seal)

Note: The nomenclature of Cess may be revised as per extant rules.

Smt./Shri (name of officer)
 (Designation of the officer authorized by CCM)
 (Name of Railway, say Central Railway/Mumbai)

(Seal)

F. NO. 267/40/2016-CX.8
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, dated the 29th September, 2016

To,

All principal Chief Commissioners/Chief Commissioners of Central Excise/Service Tax
Principal Director Generals/Director Generals of Goods & Service Tax Systems/Central
Excise Intelligence/Audit Tax Payer Services
Chief Commissioner AR CESTAT
All Principal Commissioners/Commissioners of Central Excise/Service Tax
All Principal Additional Director Generals/Additional Directors Audit

**Sub: Revised Monetary Limits for adjudication of Show Cause Notice in Central Excise
and Service Tax-reg.**

Madam/ Sir,

Kind attention is invited to the following circulars issued by the Board regarding adjudication of cases in Central Excise and Service Tax. In supersession of these circulars and any other circular issued on the above subject, instructions from paragraph 2 onwards are hereby issued to revise the existing monetary limits for adjudication and to allow greater flexibility in allocation of cases amongst adjudicating authorities.

- i) Circular No. 752/68/2003-CX dated 01.10.2003
- ii) Circular No. 806/3/2005-CX dated 12.01.2005
- iii) Circular No. 865/3/2008-CX dated 19.02.2008
- iv) Circular No. 922/12/2010-CX dated 18.05.2010
- v) Circular No. 957/18/2011-CX dated 25.10.2011
- vi) Circular No. 80-1/2005-SI dated 10.08.2005
- vii) Circular No. 99/2/2008-SI dated 11.05.2008
- viii) Circular No. 130/12/2010-SI dated 20.09.2010

2. Adjudication of confiscation and penalty by the Central Excise Officers is provided in Section 33 of the Central Excise Act, 1944. Central Excise Officers have the power under Section 11A to adjudicate show cause notices demanding duty short paid or not paid and erroneously refunded. Similar powers exist in Service Tax under Section 73 and Section 83A of the Finance Act, 1994 (Notification No. 44/2016-Service Tax dated 28/09/2016 refers). It is hereby directed that henceforth powers of adjudication both in Central Excise and Service Tax shall be exercised, based on the monetary limit of the duty/ tax/ *credit* involved in a case, as under:-

Sl. No.	Central Excise Officer	Monetary Limits of duty/ tax/ <i>credit</i> demand for Central Excise and Service Tax
1.	Superintendent	Not exceeding rupees ten lakh
2.	Deputy/ Assistant Commissioner	Above ten lakh but not exceeding rupees fifty lakh
3.	Additional/ Joint Commissioner	Above fifty lakh but not exceeding rupees two crore
4.	Commissioner	Without limit i.e. cases exceeding rupees two crores

- i) Cases involving taxability, classification, valuation and extended period of limitation shall be kept out of the purview of adjudication by Superintendents. Such cases, upto rupees 10 lakhs, shall also be adjudicated by the Deputy Commissioner/ Assistant Commissioner in addition to the cases exceeding rupees 10 lakhs but not exceeding rupees 50 lakh.
- ii) The above monetary limits are hereby prescribed for all categories of cases, except the following:
- cases of refund (including rebate) under Section 44B of the Central Excise Act, 1944, as made applicable to Service Tax cases also under Section 83 of the Finance Act, 1994, shall be adjudicated by the Deputy Commissioner/ Assistant Commissioner without any monetary limit
 - cases related to issues mentioned at Sl. No. (a) and (d) under the first proviso to Section 35B(1) of the Central Excise Act, 1944 shall be adjudicated in the following manner:

Sl. No.	Central Excise Officer	Monetary Limits for Central Excise
1.	Additional/ Commissioner	Joint Exceeding Rs. 50 lakh
2.	Deputy/ Commissioner	Assistant Above Rs. 10 lakh but not exceeding Rs. 50 lakh
3.	Superintendent	Not exceeding Rs. 10 lakh

iii) In case different show cause notices have been issued on the same issue answerable to different adjudicating authorities Show Cause Notices involving the same issue shall be adjudicated by the adjudicating authority competent to decide the case involving the highest amount of duty.

iv) Every adjudicating authority of Central Excise and Service Tax in the field shall endeavour to adjudicate 100 cases in a year.

3. Further, in view of huge pendency of adjudication of Service Tax cases at the level of Commissioner, the Service Tax cases shall be earmarked to Commissioners of Central Excise and Commissioners (Audit) of Central Excise also, depending upon the pendency level in the Zone, in the following manner.

a) Central Excise Zones with no exclusive Service Tax Commissionerate

In such Zones, the Chief Commissioners shall review the position of Service Tax cases pending for adjudication at the level of Commissioner, and in exercise of powers conferred under Section 37A of the CEA, 1944 as made applicable to Service Tax by Section 83 of the Finance Act, 1994, read with notification no. 6/2009-S1 dated 30.01.2009, earmark these cases to Commissioners of Central Excise and Commissioners (Audit) also within their respective Zones. Orders allocating cases for adjudication would be required to be issued. Similar exercise can be done on the Central Excise side also by exercising powers under Section 37A of the CEA, 1944 read with notification no. 11/2007-CE (NE) dated 01.03.2007.

b) Central Excise Zones having exclusive Service Tax Commissionerates (namely Ahmedabad, Bangalore, Hyderabad, Meerut and Pune Zone)

In case of Central Excise Zones having exclusive Service Tax Commissionerates, the cases may be transferred within the same Zone from Service Tax Commissionerates

to Central Excise / Audit Commissionerates. The Chief Commissioner shall exercise powers conferred under Section 37A of the CTA, 1964 as made applicable to Service Tax by Section 83 of the Finance Act, 1994, read with notification no. 6/2009-ST dated 30.01.2009, and earmark these cases to the Commissioners of Central Excise and Commissioner (Audit) also within their respective Zones. Orders allocating cases for adjudication would be required to be issued.

e) Service Tax Zones

In case of exclusive Service Tax Zones, the cases would have to be transferred across the Zones. The Zonal Member in-charge of the Zone concerned shall take stock of pending cases at the Commissioner level, and in exercise of powers conferred to the Board, earmark these cases to Commissioner (Audit) and Commissioners of Central Excise across Zones if there is a need to do so. Orders allocating cases would need to be issued in these cases also. While issuing such order, powers under Rule 3 of Central Excise Rules, 2007 would also be required to be exercised and specified in the order.

d) It may be noted that the Commissioner (Audit) had been invested with powers of Central Excise Officer for the purposes of Audit and issue of Show Cause Notice, vide Notification No. 30/2014-CE (NT) dated 11.10.2014. The said notification has now been amended vide Notification no. 47/2016-Central Excise (NT) dated 28th September, 2016 to invest the Commissioner (Audit) with powers of adjudication.

4. The above directions shall apply only to adjudication of cases where the personal hearing is yet to be commenced. In all cases where the personal hearing has been completed, orders will be passed by the adjudicating authority before which the hearing has been held. Such orders should normally be issued within a month of the date of completion of the personal hearing.

5. Notwithstanding the above directions, cases which have been remanded back for *de novo* adjudication shall be decided by an authority of the rank which passed the said remanded order.


6. After issue of this circular, an immediate exercise may be undertaken by the field formations to take stock of the present pendency, redistribute them for adjudication and

transfer the relevant files and records to respective adjudicating authorities. The exercise of transfer of case records should be completed within a month from the date of issue of this circular and the recast figures should be reflected in the subsequent Monthly Performance Report.

7. It may also be noted that the age-wise pendency of cases as shown in monthly report should be reflected based on the date of issuance of Show Cause Notice and not on the basis of transfer of cases to the new adjudicating authority.

8. The Chief Commissioners concerned are directed to ensure that once the Show Cause Notices pending for adjudication are re-distributed and re-assigned, the pending cases are to be disposed by 31.03.2017. The Zonal Members, in-charge of respective Zones, may also monitor the progress of adjudication and ensure that these cases are disposed of within the prescribed timeline. It may be emphasised that the performance exhibited by the zones in this area shall form an important criteria at the time of performance appraisal of the officer concerned.

9. The field formations may be suitably informed. Difficulty faced, if any, in implementing the circular should be brought to the notice of the Board. Hindi version will follow.


(Santosh Kumar Mishra)
Under Secretary to the Government of India