

**Inclusion of Para 2.79G in Handbook of Procedures 2015-2020 (HBP 2015-20)**

[Public Notice No. 45/2015-20 dated 13.01.2022](#)

The Directorate General of Foreign Trade (DGFT) has inserted Para 2.79G - General Authorisation for Export of Chemicals and related equipment (GAEC) under Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) List in HBP 2015-20 to lay down the procedure for GAEC under Export of SCOMET List.

The para explains the following:

- Procedure to grant of GAEC
- Post reporting for export/ re-export of items under GAEC
- Record Keeping
- General Conditions & Exclusions
- Validity
- Suspension / Revocation

**Guidelines for one-time registration for SCOMET license and post-reporting requirements for export under GAEC, w.e.f. 19.01.2022**

[Trade Notice No. 30/2021-22 dated 13.01.2022](#)

The DGFT has provided a step-by-step guide for all the exporters seeking GAEC authorization for SCOMET items online. One time registration for obtaining General SCOMET license is required to be obtained for export under GAEC separately for each category/ sub-category.

It also provides a step-by-step guide for post-reporting for export under GAEC.

**'NIL' SWS in case of zero customs duty**

[Circular No. 03/2022 - Customs dated 01.02.2022](#)

The Central Board of Indirect Taxes and Customs (CBIC) has clarified that Social Welfare Surcharge (SWS) shall not be applicable on goods that are exempted from basic customs duty or taxes or cesses which are levied as a duty of customs.

The Circular states that the amount of SWS payable would be 'Nil' in cases where the aggregate of customs duties (which form the base for computation of SWS) is zero even though SWS has not been exempted.

### Introduction of the Customs (Import of Goods at Concessional Rate of Duty) Amendment Rules, 2022

[Notification No. 07/2022 – Customs \(N.T.\) dated 01.02.2022](#)

The Central Government (CG) has introduced the Customs (Import of Goods at Concessional Rate of Duty) (IGCRD) Amendment Rules, 2022, with effect from 01.03.2022 amending the existing Customs IGCRD Rules, 2017.

### Implementation of automation in the Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017

[Circular No. 04/2022 dated 27.02.2022](#)

The CG has implemented the Customs IGCRD Amendment Rules, 2022, Notification No. 07/2022 – Customs (N.T.) dated 01.02.2022 with effect from the 01.03.2022.

In addition to the said notification, the CBIC has made an amendment to implement automation in the existing Customs IGCRD Rules, 2017 to simplify the procedures with a focus on automation and making the entire process contact-less. These changes shall also come into effect from 01.03.2022.

The Circular has summarized the following procedure set out in the IGCR Rules, 2017 for an importer to follow:

- One-time prior intimation of intent to avail IGCR Benefit
- Import of goods at concessional rate
- Receipt of goods
- Goods sent for job work from importer's premises
- Receipt of goods from the job worker
- Inter-Unit transfer of goods
- Utilization of goods for intended purpose
- Re-Export or clearance for home consumption

- Monthly statement and maintenance of account
- Transitional measures

**Mandatory filing/ issuance of Registration Cum Membership Certificate (RC) through the DGFT common digital platform from 01.04.2022**

[Trade Notice No.35/2021-22 dated 24.02.2022](#)

The DGFT has directed that issuing and filing of RCMC shall be done through digital platforms with effect from 01.04.2022.

The prevailing procedure for submitting applications directly to the designated registering authorities has been discontinued from 31.03. 2022.

### Issuance of Shipping Bill Regulations, 2022

[Notification No.11/2022-Customs \(N.T.\) dated 22.02.2022](#)

The CBIC has issued the Shipping Bill (Post export conversion in relation to instrument-based scheme) Regulations, 2022 with effect from 22.02.2022.

The regulation enumerates –

- The manner and time limit for applying for post export conversion of Shipping Bill in certain cases
- Conditions and restrictions for conversion of Shipping Bill.

These regulations shall apply to shipping bills or bills of export filed on or after 22.02.2022.

### Amendment in last date for submission of applications for various schemes under Foreign Trade Policy, 2015-20

[Notification No.58/2015-20 dated 07.03.2022](#)

The DGFT has vide captioned notification, amended the Foreign Trade Policy, 2015-20 FTP, 2015-20), to provide for the last date for submission of applications for the schemes

mentioned in the table below-

Sr No	Scheme <i>NIL late cut if application submitted till the last date</i>	Last date of application
1	MEIS (for exports made during the period 01.04.2020 to 31.12.2020)	30.04.2022
2	2% additional ad hoc incentive (under para 3.25 of the FTP – for exports made during the period 01.01.2020 to 31.03.2020 only)	30.04.2022
3	ROSCTL (for exports made during the period 07.03.2019 to 31.12.2020)	15.03.2022
4	ROSL (for exports made up to 06.03.2019 for which claims have not yet been disbursed under script mechanism)	15.03.2022

No further applications would be allowed to be submitted after the abovementioned last date as they are time barred. Late cut provisions shall also not be available for submitting claims thereafter.

Further, the provisions with regard to allocation of Rs 5,000 Cr. stand omitted.

### Amendments in the Guidelines of ANF-4F of HBP 2015-20

[Public Notice No. 50/2015-2020 dated 17.03.2022](#)

The DGFT has amended the guidelines of ANF 4F of HBP 2015-20 to allow submission of FIRC, in case of exports made to OFAC listed countries, under Advance Authorization (AA).

The amended of Para 2(a)(i) further provides that in case of export to OFAC listed countries the exporter may submit FIRC along with the self-declaration, that the e-BRC could not be generated by the concerned bank.

### Operationalisation of the new online IT module for Interest Equalisation Scheme

[Trade Notice No.38/2021-22 dated 15.03.2022](#)

The DGFT has enumerated the procedure of the new online module for filing of electronic registration for all exporters seeking benefit under Interest Equalization Scheme w.e.f. 01.04.2022.

All exporters seeking the same need to apply online by navigating to the DGFT website (<https://www.dgft.gov.in/CP/>)~ Services Interest Equalization Scheme.

A Unique IES Identification Number (UIN) will get generated automatically which is required to be submitted to the concerned bank when availing Interest Equalization against their pre and post shipment rupee export credit applications.

Detailed procedure and guidelines to generate UIN is provided in the notice.

### Foreign Trade Policy 2015-20 and Handbook of Procedures 2015-20 extended till 30.09.2022

[Notification No. 64/2015-20 dated 31.03.2022](#) and [Public Notice No. 53/2015-2020 dated 31.03.2022](#)

The DGFT vide the captioned notifications has extended the validity of FTP 2015-20 and HBP 2015-20 to 30.09.2022 with immediate effect.

### CBIC exempts certain deposits made towards the duty, interest, penalty, fees from all provisions of section 51A of the Customs Act, 1962

[Notification No. 19/2022-Customs \(N.T.\) dated 30.03.2022](#)

The CBIC exempts the following deposits (with effect from 01.06.2022) from all provisions of section 51A of the Customs Act, 1962 i.e., these payments need not be routed through Electronic Cash Ledger:

- Goods imported or exported in customs stations where customs automated system is not in place;
- Accompanies baggage

- Other than those used for making payment of:
  - a. any duty of customs, including cesses and surcharges levied as duties of customs;
  - b. integrated tax;
  - c. Goods and Service Tax Compensation Cess;
  - d. Interest, penalty, fees or any other amount payable under the Customs Act, 1962, or the Customs Tariff Act, 1975.

## The Customs (Electronic Cash Ledger) Regulations, 2022

[Notification No. 20/2022-Customs \(N.T.\) dated 30.03.2022](#)

CBIC vide the captioned notification notifies the Customs (Electronic Cash Ledger) Regulations, 2022, with effect from 01.06.2022.

The regulations enumerates –

- **Manner of maintaining Electronic Cash Ledger**
  - a. The electronic cash ledger shall be maintained in FORM ECL-1 on the common portal for each person in regard to every deposit made towards duty, interest, penalty, fee or any other sum payable by the person under the provisions of the Act.
  - b. Any deposit into the electronic cash ledger shall be made by generating a deposit challan in FORM-ECL-2 on the common portal and the challan shall be valid for a period of 15 days.
  - c. The deposit shall be made through any of the following authorised modes, namely:
    - i. internet banking through an authorised bank;
    - ii. National Electronic Fund Transfer or Real Time Gross Settlement from any bank;
    - iii. over the counter payment through an authorised bank;
- **Manner of making payment from the Electronic Cash Ledger**
  - a. A person may use the amount available in the electronic cash ledger for making payment through payment challan in FORM ECL-3 generated, -

- i. by the customs automated system in accordance with provisions of the Act, rules or regulations made thereunder; or
  - ii. by the person on the basis of his own ascertainment of the amount of duty or sum payable by such person.
- b. The person shall select the payment challan so generated on the common portal for debit of the amount shown in the payment challan from electronic cash ledger of such person.
  - c. The successful debit, shall be visible on electronic cash ledger and the credit shall be shown in the Electronic Duty Payment Ledger (Cash) maintained in FORM ECL-4.

- **Refund**

- a. The balance in the electronic cash ledger, after payment of duty, interest, penalty, fee or any other amount payable, may be applied for refund by the person on the common portal in FORM ECL-5.
- b. Upon receipt of refund application, the amount applied shall no longer be available for use by the person and its refund shall be decided within thirty days from the date of application on the common portal and the amount to be refunded shall thereafter be credited to the bank account of the person registered with customs automated system.

- **Intimation of discrepancy in Electronic Cash Ledger**

A registered person shall, upon noticing any discrepancy in his electronic cash ledger, communicate the same on the common portal.

The notification also provides format of the respective forms.

## Reducing "Compliance Burden" and enhancing "Ease of doing Business" for Export Promotion Capital Goods Scheme (EPCG Scheme)

[Public Notice No. 03/2015-2020 dated 13.04.2022](#)

The DGFT has revised several provisions of HBP 2015-20 Chapter 5 with respect to compliance

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and procedure process under EPCG Scheme.

- Revised Para 5.14 now allows extension of Block wise fulfilment of Export Obligation (EO) on payment of composition fee when application is made after 6 months but within 6 years at a late fee of Rs. 10,000 per authorisation and beyond 6 years at an additional late fee of Rs. 5,000 for each year.
- Revised Para 5.15 requires EPCG authorisation holder to submit annual report of export by 30th June every year through Online method. Any delay in filing such annual report shall be regularised on payment of Rs. 5,000 as late fees for each financial year per authorisation.
- Revised Para 5.16 now clearly states that EPCG Authorisation will have 10% Automatic enhancement and customs need not require any DGFT RA endorsement on the same. The Fees for the same will also be paid by EPCG holder at the time of Export Obligation Discharge Certificate (EODC) Application. EO will automatically proportionately enhance.
- Revised Para 5.17 allows extension of EO period beyond 6 months but within 8 years at payment of late fee of Rs. 10,000 per authorisation. The application for EO extension will also be considered beyond 8 years for regularisation purpose with an additional late fee of Rs. 5,000 for each year.
- Revised Para 5.19A provides clear understanding on Annual Average Export Obligation and that it can be used to offset any shortfall in Average EO done in other year(s) of the EO period.

Scheme (Para 5.01(a) of FTP) and Export Oriented Unit (EOU) Scheme (Para 6.01(d)(ii) of FTP) till 30.06.2022.

Further, the CBIC have extended the exemption from IGST and Compensation Cess granted to EOUs on imports till 30.06.2022 by way of an amendment to Notification No. 52/2003 – Customs dated 31.03.2003.

### Exemption from IGST and Compensation Cess extended till 30.06.2022

[Notification No. 18/2022 – Customs dated 31.03.2022](#), [Notification No. 19/2022 – Customs dated 31.03.2022](#) and [Notification No. 66/2015-20 dated 01.04.2022](#)

The CBIC and the DGFT have extended the exemption from Integrated Goods and Services Tax (IGST) and Compensation Cess granted under AA Scheme (Para 4.14 of FTP), EPCG

# KEY TAKE AWAY

- DGFT lays down procedure for exporters seeking GAEC authorization for SCOMET items.
- SWS would be 'Nil' in cases where the aggregate of customs duties is zero.
- Filing or issuance of RCMC/ RC only through the DGFT common digital platform effective from 01.04.2022.
- DGFT extends the last date for MEIS application (period: Apr 20 to Dec 20) and 2% additional ad hoc incentive (period: Jan 20 to Mar 20) till 30.04.2022.
- DGFT extends validity of FTP 2015-20 and HBP 2015-20 till 30.09.2022.
- CBIC announces the Customs (Electronic Cash Ledger) Regulations, 2022, effective from 01.06.2022.
- DGFT revises several provisions of Chapter 5 of HBP 2015-20 to reduce compliance burden under EPCG Scheme.



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