



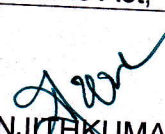
वित्त मंत्रालय / Ministry of Finance
राजस्व विभाग / Department of Revenue
सीमा शुल्क आयुक्त के कार्यालय / Office of the Commissioner of Customs
कस्टम हाउस, नई हार्बर एस्टेट / Custom House, New Harbour Estate
तूतुकुडि - 628 004 / Thoothukudi - 628004.
दूरभाष / Tel: 0461 2352655, 2352633 फेक्स / Fax 0461 2352019

PUBLIC NOTICE NO. 26/2013

The following Circular and instruction issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs is enclosed for guidance of the officers / Exporters / Importers/ Clearing Agents and Trading Public.

Received from	File No. & Date	Subject
CBEC, New Delhi	F. No. 473/1/2012-LC dated 01.10.2013	Circular No. 39/2013- Customs (Clarification on the commencement of the interest free period of 90 days under Section 61 of the Customs Act, 1962)

Dated: 17.12.2013
Custom House, Tuticorin


(D.RANJITHKUMAR)
ASSISTANT COMMISSIONER

(Issued from file C. No. VIII / 48/ 353 /2013-Cus.Pol Vol. II)

To
As per Mailing List I & II

Copy submitted to the Chief Commissioner of Customs (Preventive), Trichy

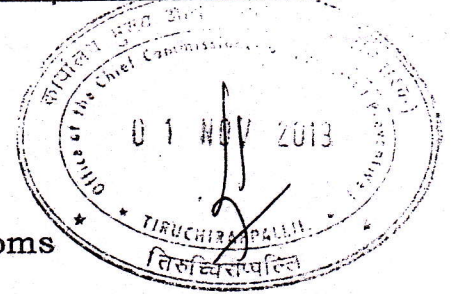
ICNO - 1528/13

Circular No. 39 /2013-Customs

F. No. 473/1/2012-LC

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 01 October, 2013



Received by
[Signature]
[Signature]

To

All Chief Commissioners of Customs/Customs (Preventive)
All Chief Commissioners of Customs and Central Excise
All Commissioners of Customs / Customs (Preventive)
All Commissioners of Central Excise and Customs
All Directors General under CBEC.

Subject: Clarification on the commencement of the interest free period of 90 days under Section 61 of the Customs Act, 1962 - Reg.

Madam/Sir,

A reference is invited to Sub-section 2 (ii) of Section 61 of the Customs Act, 1962, which provides that where any warehoused goods specified in sub-clause (b) of sub-section (1) of Section 61 *remain in a warehouse beyond a period of ninety days, interest shall be payable at such rate, as may be fixed by the Board, on the amount of duty payable at the time of clearance of the goods in accordance with the provisions of section 15 on the warehoused goods, for the period from the expiry of the said ninety days till the date of payment of duty on the warehoused goods.* A doubt has been raised as to when the period of ninety days would commence.

2. In this regard, the term '*warehoused goods*' is defined under Section 2 (44) of the Customs Act, 1962 as '*goods deposited in a warehouse*'. Section 61 further indicates that the warehoused goods

have to remain in the warehouse beyond a period of ninety days, for the interest to be chargeable.

3. Thus, a harmonious reading of the wording of Sub-section 2 (ii) of Section 61 and the definition of the term 'warehoused goods' indicates that when the goods deposited in a warehouse remain warehoused beyond a period of ninety days, then the interest starts accruing. In other words, the relevant date when the period of 90 days would commence would be the date of depositing the goods in the warehouse.

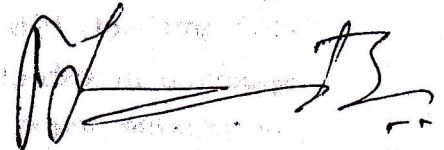
4. It is thus clarified that the period of 90 days, under Section 61 (2) (ii) of the Customs Act, 1962, would commence from the date of deposit of goods in the warehouse.

5. Any difficulty faced in the implementation of this circular may be brought to the notice of the Board.

6. Please acknowledge receipt.

7. Hindi version follows.

Yours faithfully,



(M. Satish Kumar Reddy
Director (ICD))