

Public Notice No.9 /2007

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, NEW HARBOUR ESTATE, TUTICORIN – 628 004
PUBLIC NOTICE NO. 09/2007

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

Sl. No	Circular No./ Date/File No	Subject
1	Circular C.No.AAR/ 16/ Tech/2/2005/8284 dated 29.05.2007 of the Authority for Advance Rulings, Customs and Central Excise, New Delhi	Amended format of applications for seeking Advance Rulings –uploaded in the CBEC web-site – http://www.cbec.gov.in/aar/aar.htm



(Issued from file C.No.VIII/48/05/07- Cus. Pol)

Dated: 06..2007 (M.N. DHAR)

Custom House, Tuticorin ADDITIONAL COMMISSIONER

GOVERNMENT OF INDIA
MINISTRY OF FINANCE : DEPARTMENT OF REVENUE
AUTHORITY FOR ADVANCE RULINGS, CUSTOMS & CENTRAL EXCISE
C.NO.AAR/16/Tech/2/2005 Dated 29th May, 2007

To

- (i) All chief Commissioners(Customs, Central Excise & Service Tax)
- (ii) All Director Generals (Customs, Central Excise & Service Tax)
- (iii) All Commissioners(Customs, Central Excise & Service Tax)
- (iv) All Directors (Customs, Central Excise & Service Tax)

Sir,

SUB: Amended format of applications for seeking Advance Rulings – Reg.

Your kind attention is invited to Notification Nos. 21/2007-Customs (N.T), 16/2007-Central Excise(N.T) & No.13/2007-S.T all dated 06.03.2007 where under Customs (Advance Rulings) Rules, 2002, Central RExcise (Advance Rulings) Rules, 2002 & Service tax (Advance Rulings) Rules, 2003 respectively have been amended. Comprehensive formats have now been prescribed for filing applications to seek an advance ruling.

2. The revised formats have now been up-loaded on authority's web-link available on the CBEC web-site. The address is <http://www.cbec.gov.in/aar/aar.htm>. You may like to download the same from the web-site for circulation among your subordinate offices for information. You may also consider issuance of suitable Trade/Public Notice to bring the revised formats to the notice of the trade and industry.

3. This issues with the approval of the chief Commissioner-cum-Secretary of the Authority.

Yours faithfully,

Sd/-

(Vijai Kumar)

Additional Commissioner.

“FORM- AAR (CUS-I)
[Application for Advance Ruling (Customs)]
(See rule 3 of the Customs (Advance Rulings) Rules, 2002)
BEFORE THE AUTHORITY FOR ADVANCE RULINGS
(CENTRAL EXCISE, CUSTOMS AND SERVICE TAX)
NEW DELHI

(Form of application for seeking Advance Ruling under section 28H
of the Customs Act, 1962)

Application No.....of.....

1. Details of Applicant

- (i) Full name :
- (ii) Complete address :
- (iii) Telephone number(with STD/ISD code) :
- (iv) Fax number (with STD/ISD code) :
- (v) E-mail address :

- (vi) Postal address (to be provided if different from (ii) above) :
2. Status of the Applicant(Tick whichever is applicable)
- i. (i) a non-resident setting up a joint venture in India in collaboration with,- :
- ii. (a) a non-resident; or :
- iii. (b) with a resident; :
- iv. (ii) a resident setting up a joint venture in India in collaboration with a non- resident; :
- v. (iii) a wholly owned subsidiary Indian company, of which the holding company : is a foreign company; :
- vi. (iv) a joint venture in India ; :
- vii. (v) a resident falling within any such class or category of persons, as the : Central Government may, by notification in the Official Gazette, specify in this behalf (mention notification number); :
- (vi) Importer/Exporter importing/ exporting any goods from Republic of : Singapore under Comprehensive Economic Cooperation Agreement (CECA) dated 29.06.2005. :
3. Basis for claim as a proposed joint venture [ref. 2(i) & (ii) above] (furnish copy of following).
- (a) Memorandum of Understanding; or :
- (b) Letter of Intent; or :
- (c) Articles of Association etc.; or :
- (d) Any other document. :
4. Details of proposed joint venture
- (i) Full name :
- (ii) Complete address :
- (iii) Telephone number(with STD/ISD code) :
- (iv) Fax number (with STD/ISD code) :
- (v) E-mail address :
- (vi) Postal address(to be filled if different from (ii) above) :
5. Details of resident/non-resident party other than the applicant forming the Joint Venture
- (i) Full name :
- (ii) Complete address :
- (iii) Telephone number(with STD/ISD code) :
- (iv) Fax number (with STD/ISD code) :
- (v) E-mail address :
- (vi) Postal address(to be filled if different from (ii) above) :
6. In case of a wholly owned Indian Subsidiary Company furnish the following details:-

- A. (i) Name of Foreign holding company :
- (ii) Complete address :
- (iii) Telephone number(with STD/ISD code) :
- (iv) Fax number (with STD/ISD code) :
- (v) E-mail address :
- (vi) Postal address(to be provided if different from (ii) above) :
- B. Percentage of Foreign holding in the Indian Subsidiary Company. :
7. In case of a joint venture [ref. 2(iv) above]
- (i) The persons forming the joint venture/ constitution of joint venture. :
- (ii) Status of constituent persons, i.e. resident/non-resident. :
- (iii) Existing activities if any. :
8. Nature of activity proposed to be undertaken. :
9. Present status of activity. :
10. Importer-Exporter Code number of the applicant (if any). :
11. Permanent Account Number (Income Tax) of the applicant (if any). :
12. Question of Law or fact on which Advance Ruling required
(Tick whichever is applicable and provide details against ticked item):-
- (i) classification of goods under the Customs Tariff Act, 1975; :
- (ii) applicability of a notification issued under sub-section (1) of section 25 of the Customs Act, 1962, having a bearing on the rate of duty; :
- (iii) the principles to be adopted for the purposes of determination of value of the goods under the provisions of the Customs Act,1962; :
- (iv) applicability of notification issued in respect of duties under the Customs Act,1962, the Customs Tariff Act, 1975 and any duty chargeable under any other law for the time being in force in the same manner as duty of Customs leviable under the Customs Act; :
- (v) determination of Origin of goods in terms of the rules notified under the Customs Tariff Act, 1975 and matters relating thereto. :
13. Statement of relevant facts having a bearing on the question(s) raised. :
14. Statement containing the applicant's interpretation of law and/or facts, as the case may be, in respect of the aforesaid question(s) (i.e. applicant's view point and submissions on issues on which the advance ruling is sought). :
15. Whether the question(s) raised is pending in the applicant's case before any officer of Customs, Appellate Tribunal or any Court of Law? If so, provide relevant details. :
16. Whether a similar matter as raised in the question(s) by the applicant has already been decided by the Appellate Tribunal or any Court? :
17. Concerned Commissioner of Customs i.e. from where import/export is proposed to be undertaken. :
18. List of documents/statement attached, (attach the list on a separate sheet, if necessary). :
19. Particulars of demand draft enclosed with the application :

(Applicant's signature)

VERIFICATION

- I, _____(name in full and in block letters), son/daughter/wife of _____ do hereby solemnly declare that to the best of my knowledge and belief information and statements furnished in above format and in the annexure(s) thereto including the documents enclosed are correct. I am making this application in my capacity as _____ (designation). I am competent to make and verify this application.
2. I also declare that the question (s) on which the advance ruling is sought is/are not pending in my case before any Customs Authority, Appellate Tribunal or any Court.
3. Verified this.....day.....of.....200at

(Applicant's signature)

ANNEXURE I

Statement of relevant facts having a bearing on the question(s) on which advance ruling is required

Place

Date

(Applicant's signature)

ANNEXURE II

Statement containing applicant's interpretation of law and/or facts, as the case may be, in respect of the questions(s) on which advance ruling is required

Place

Date

(Applicant's signature)

Notes:

- 1.1 The application must be filled in English or Hindi, in quadruplicate.
2. The application must be accompanied by an account payee demand draft of Indian Rupees two thousand five hundred drawn in favour of Authority for Advance Rulings(Central Excise, Customs & Service Tax), payable at New Delhi. Particulars of the draft should be entered in the column pertaining to item number 19.
3. The number and year of receipt of the application will be filled in by the office of the Authority for Advance Rulings.
4. If the space provided for answering any item in the application is found insufficient, separate sheets may be used for this purpose. Each sheet must be signed at the bottom by the applicant.
5. In reply to item number 2 the applicant must state its status i.e. whether an individual, Hindu undivided family firm, company, firm association of persons, wholly owned subsidiary, Joint Venture or any other person.
6. For item number 5, the reply must be given in the context of the provisions regarding 'residence' in India, 'non resident', 'Indian Company', and 'Foreign Company' as per the Income Tax Act, 1961(43 of 1961).
7. In reply to item number 9, the applicant must state the present status of the business activity in respect of which advance ruling has been sought i.e. the stage to which it has progressed.
8. Regarding item number 12, the question(s) should be based on the activity proposed to be under taken; hypothetical questions will not be entertained.
9. In respect of item number 13, the applicant must state in detail the relevant facts and also disclose the nature of his activity and the likely date and purpose of the proposed activity(s). Relevant facts reflected in document submitted along with the application must be included in the statement of facts and not merely incorporated by reference.
10. For item number 14, the applicant must clearly state his interpretation of law or facts in respect of the question(s) on which the advance ruling is being sought.

11. The application, the verification appended thereto, the Annexures to the application and the statements and documents accompanying the Annexures 1 and 2 must be signed on each page by the applicant.”
-