



GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE  
No.1, WILLIAMS ROAD, TRICHIRAPALLI – 620 001.

TRADE NOTICE : 16 / 2008.

DATED : 06.10.2008.

Sub:- C.Ex. Notification No.38/2008-C.Ex.(N.T.) dated 29.09.2008 in F. No. 201/17/2008-CX.6 reg Amendment in Central Excise Rules 2002 ( Fourth Amendment) & 39.2008 C.Ex. (NT) dated 29.09.2008 in F. No. 201/17/2008-CX.6 specifies Form ER-7 under Central Excise Rules 2002, Notification No. 40/2008-C. Ex. (N.T.) dated 29.09.2008 in F.No.224/52/2004-CX 6 Amends notfn. No 36/2001 CE (NT) dated 26.06.2008 & 41/2008-C.Ex. (N.T.) dated 29.09.2008 in F.No.224/52/2004-CX 6 amends notfn. No. 39/2004 CE.(NT) dated 25.11.2004 & Notification No.42/2008-C.Ex.(N.T.) dated 29.09.2008 in F.No.201/35/2006-CX .6 amends Notfn. No. 17/2006 CE (NT) dated 01.08.2008 – Reg.

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Copy of the Notification No.38/2008-C.Ex.(N.T.) & 39.2008 C.Ex. (NT) dated 29.09.2008 in F. No. 201/17/2008-CX.6, Notification No. 40/2008-C. Ex. (N.T.) & 41/2008-C.Ex. (N.T.) dated 29.09.2008 in F.No.224/52/2004-CX 6 & Notification No.42/2008-C.Ex. (N.T.) dated 29.09.2008 in F.No.201/35/2006-CX .6 is communicated herewith.

2. The contents of the Trade Notice may be brought to the knowledge of all constituent members of Trade Associations / Chambers of Commerce

(Issued from file C.No.IV/16/02/2008 – C.Ex.Pol.)

Sd/-  
(VASA SESHAGIRI RAO)  
ADDITIONAL COMMISSIONER

Encl.: As above.

To

As per mailing list II / III

**Copy of the Notification No.38/2008-C.Ex.(N.T.) dated 29.09.2008 in F. No. 201/17/2008-CX.6**

G.S.R. (E).- In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 2002, namely:-

- (1) These rules may be called the Central Excise (Fourth Amendment) Rules, 2008.  
(2) They shall come into force from the date of their publication in the Official Gazette.
- In the Central Excise Rules, 2002, in rule 12, after sub-rule (2), the following sub-rule shall be inserted, namely:-

“(2A)(a) Every assessee shall submit to the Superintendent of Central Excise, an Annual Installed Capacity Statement declaring the annual production capacity of the factory for the financial year to which the statement relates in the form specified by notification by the Board by 30<sup>th</sup> day of April of the succeeding financial year :

Provided that for the year 2007-08, the said statement shall be furnished by 31<sup>st</sup> day of October, 2008.

(b) The Central Government may, by notification, and subject to such conditions or limitations as may be specified in such notification, specify assessee or class of assessee who may not require to submit such an Annual Installed Capacity Statement.”

(Rahul Nangare)  
Under Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section(i) vide notification No. 4/2002-Central Excise (N.T.), dated the 1<sup>st</sup> March, 2002, G.S.R. 143 (E), dated the 1<sup>st</sup> March, 2002, and were last amended by notification No. 23/2008-Central Excise (N.T.), dated the 23<sup>rd</sup> May 2008, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section(i) vide G.S.R.397(E) dated the 23<sup>rd</sup> May 2008.

**Copy of the Notification No. 39/2008-C.Ex. (N.T.) dated 29.09.2008 in F.No. 201/17/2008-CX.6**

G.S.R. (E).- In exercise of the powers conferred by sub-rule (2A) of rule 12 of the Central Excise Rules, 2002, the Central Board of Excise and Customs hereby specifies the following Form for the purposes of the said rule, namely:-

**“Form E.R.-7**

**Annual Installed Capacity Statement**

1. Name of the manufacturer:
2. Address of factory
3. Central excise registration number:

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4. (i) Annual declaration
- 

(ii) Amendments to declaration already filed  
(Pl. tick the appropriate box)

5. Installed capacity as on -----

6. Details of installed capacity of the factory

Sl No	Description of each class of goods manufactured	Unit of measure	Annual production capacity

7. Details of main plant and machineries installed

Sl. No.	Description of main machineries /plant	Technical specifications (make, model, etc.)	Year of installation

8. Details of electricity connection:

- (a) Name of electricity supplying company

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- (b) Total number of electricity meters installed in the factory

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(c) (i) Electricity consumer number:

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(ii) Electricity meter number(s):

--	--	--	--	--	--	--	--	--	--

(d) Sanctioned electricity load:

(i) Unit of measurement (HP/KWh/others-specify)

--	--	--	--	--

(ii) Quantity

--	--	--	--	--

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(e) (i) Whether captive power plant installed

(ii) If so, its installed capacity

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9. (i) I/We \_\_\_\_\_ hereby declare that the information given above is true, correct and complete in every respect to the best of my/our knowledge and belief.

(ii) I/We am/are authorized to sign this declaration.

(Name in capital letters and signature of the assessee or authorized signature)

Place:

Date:

**ACKNOWLEDGEMENT**

	D	D	M	M	Y	Y	Y	Y	
Date of receipt									

Place:

Date:

Name and signature of the officer with seal

**INSTRUCTIONS**

1. In serial number 6, 'Each Class of Goods' means a broad category of goods which are cleared/sold from factory. For example, for a pharmaceutical unit, all types of tablets, capsules and syrup will be regarded as different classes of goods

2. In serial number 7, 'Main machineries/plant' means the machineries/plant producing the final product or intermediate product. For example, for a factory producing steel bar from iron ore, the kiln (used for making sponge iron), furnace (used for making ingot) and rolling mill (used for making steel bar) would be regarded as the main machinery/plant.

3. Where the excise duty is levied at specific rate, the same quantity measurement code as applicable for payment of duty shall be used for providing installed capacity.

4. Wherever quantity codes appear, indicate relevant abbreviations as given below.

Quantities	Abbreviations	Quantities	Abbreviations
Centimetre(s)	cm	Metre(s)	m
Cubic centimetre(s)	cm <sup>3</sup>	Square metre(s)	M <sup>2</sup>
Cubic metre(s)	m <sup>3</sup>	Millimetre(s)	mm
Gram(s)	g	Metric tonne	mt
Kilogram	kg	Number of pairs	pa
Kilolitre	kl	Quintal	q
Litre(s)	l	Tonne(s)	t
Thousand in number	Tu	Number	u

5. In case, any substantial expansion/addition of machineries is carried out during the year resulting into increase in the installed capacity by more than 25% of one class of product, an amendment to the declaration should be filed within 30 days of commencement of production of these new machineries.”

(Rahul Nangare)  
Under Secretary to the Government of India

**Copy of the Notification No. 40/2008-C. Ex. (N.T.) dated 29.09.2008 in F.No.224/52/2004-CX 6**

G.S.R. (E).- In exercise of the powers conferred by sub-rule (2) of rule 9 read with rule 33 of the Central Excise Rules, 2002, the Central Board of Excise and Customs, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 36/2001- Central Excise (N.T.), dated the 26th June, 2001, which was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section(i) vide number G.S.R. 465(E), dated the 26th June, 2001 namely:-

2. In the said notification,-

- (i) in para (1), after sub-para (i), for the proviso, the following provisos shall be substituted, namely,-

“Provided that a manufacturer availing exemption under clause (b), shall file a revised declaration for the previous year 2007-08 by 31<sup>st</sup> October, 2008:

Provided further that an independent weaver who intends to opt for the procedure specified in rule 8A of the CENVAT Credit Rules, 2002, shall file an application in the form specified in Annexure-IA to the notification No. 35/2001-Central Excise(N.T.), dated 26th June, 2001 (G.S.R. 464 (E), dated the 26th June, 2001) and shall obtain a twelve digit declarant code from the Superintendent of Central Excise having jurisdiction in this behalf, before issuance of any challan referred to in the said rule 8A; such option once exercised during a financial year cannot be withdrawn during the same financial year.”

- (ii) for the Schedule, the following Schedule shall be substituted, namely,-

**THE SCHEDULE**

1. Name and full address of the factory:

2. Name and addresses of other factories/manufacturers (producing such goods) in whom the manufacturer claiming the exemption has proprietary interest:

3. Status of business (tick only one box):

Proprietorship  Partnership  Registered Company

Unregistered Company  Trust  Society  Others

4. Permanent Account Number (PAN) allotted by the Income tax Deptt:

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5. VAT registration number allotted by the State VAT Deptt.:

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6. Details of electricity connection:

(a) Name of electricity supplying company

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(b) Total number of electricity meters installed in the factory

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(c) (i) Electricity consumer number:

--	--	--	--	--	--	--	--	--	--

(ii) Electricity meter number(s):

--	--	--	--	--	--	--	--	--	--

(d) Sanctioned electricity load:

(i) Unit of measurement (HP/KWh/others-specify)

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(ii) Quantity

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7. Details of the excisable goods manufactured by the factory during the preceding financial year \_\_\_\_\_

S.No.	Description of excisable goods	Classification under First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986)	Value of clearance (Rs.)	Notification No. and date, availed	Sr. No. in the notification (if any).
1.	2.	3.	4.	5.	6.

(Signature of the Declarant)

(Rahul Nangare)  
Under Secretary to the Government of India

Note: The principal notification was published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 36/2001-Central Excise (N.T.), dated the 26th June, 2001, vide number G.S.R. 465(E), dated the 26th June, 2001 and was last amended by notification No. 14/2005-Central Excise (N.T.), dated the 1<sup>st</sup> March, 2005 published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 137(E), dated the 1<sup>st</sup> March, 2005.

**Copy of the Notification No.41/2008-C.Ex. (N.T.) dated 29.09.2008 in [F.No.224/52/2004-CX 6]**

G.S.R. (E).- In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) read with sub-rule (4) of rule 9A of the CENVAT Credit Rules, 2004, the Central Government hereby makes the following amendment in the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 39/2004-Central Excise (N.T) vide number G.S.R. 768 dated the 25<sup>th</sup> November,2004, namely:-

In the said notification, in clause (i), the words “through account current” shall be omitted.

(Rahul Nangare)  
Under Secretary to the Government of India

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide notification No. 39/2004-Central Excise (N.T.), dated the 25<sup>th</sup> November, 2004, number G.S.R.768 (E) dated the 25<sup>th</sup> November, 2004.

**Copy of the Notification No.42/2008-C.Ex. (N.T.) dated 29.09.2008 in F.No.201/35/2006-CX 6**

G.S.R. (E).- In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) read with clause (b) of sub-rule (2) of rule 12 of the Central Excise Rules, 2002, the Central Government hereby makes the following amendment in the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 17/2006-Central Excise (N.T) vide number G.S.R. 455 dated the 1<sup>st</sup> August,2006, namely:-

In the said notification, in clause (i), the words “from account current” shall be omitted.

(Rahul Nangare)  
Under Secretary to the Government of India

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), vide notification No. 17/2006-Central Excise (N.T.), dated the 1<sup>st</sup> August, 2006, number G.S.R. 455(E) dated the 1<sup>st</sup> August, 2006.