

CHAPTER 9

MISCELLANEOUS MATTERS

9.1
Change In Name and Constitution An IEC holder must get the change in name / address / constitution incorporated within 90 days of such change. Provided, however, RA issuing IE Code may, condone delay on payment of penalty of Rs. 1000/-.

Change in constitution, aforesaid, does not include change in directors of Public Limited Company.

9.2
Denomination of Import Authorisation/Licence/ Certificate/ Permissions CIF value of Authorisation / FOB value of export obligation shall be indicated both in Rupees and in freely convertible currency(s) at the exchange rate(s) prevailing on Authorisation issue date.

9.2.1 Remittance of foreign exchange and discharge of export obligation against Authorisation shall be regulated in freely convertible currency.

9.2.1.1 No enhancement in Rupee value shall be necessary if remittance of foreign exchange is covered by CIF value of Authorisation shown in freely convertible currency.

9.2.2 However, on Advance Authorisation(s), issued for exports to ACU countries, export obligation shall be denominated and discharged in ACU dollars.

9.2.3 Export obligation in Advance Authorisation for intermediate supply and for deemed export, where supplies are to be made within the country, shall be denominated and discharged in Indian rupees.

9.3
Applications Received After Expiry of Prescribed Date of Receipt Wherever any application is received after expiry of last date for submission of such application, the application may be considered after imposing a late cut in the following manner:

1.	Application received after the expiry of	2%
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	last date but within six months from the last date	
2.	Application received after six months from the prescribed date of submission but not later than one year from the prescribed date	5%
3.	Application received after 12 months from the prescribed date of submission but not later than 2 years from the prescribed date	10%

**9.4
Supplementary
Claims**

Wherever any application for supplementary claim is received, within specified time limits, such application may also be considered after imposing a cut @2% on the entitlement.

**9.5
Furnishing of
Information**

Every importer/ exporter shall furnish such information as may be called for by DGFT or any officer duly authorised.

**9.6
Clarifications on
Policy/ Procedures**

A request seeking clarifications on any provision of FTP or HBP, importability or exportability of items under ITC(HS), may be made to DGFT in the form in Appendix-28. Clarification may also be sought on E-mail.

**9.7
Consumption
Register**

Importer shall maintain a register as in Appendix-23 (for 3 years period) of items imported under an Authorisation and separately for items imported with actual user condition and its consumption. In respect of particular schemes such register shall be maintained for specified period.

**9.8
Export Facilitation**

In order to resolve exporters' problems in a co-ordinated manner, field offices of DGFT shall act as Export Facilitation Centres and nodal agencies. In addition, Nodal Officers have also been nominated in other Ministries/ Departments and a list of such officers nominated to assist exporters is given in Appendix-17.

**9.9
Standing**

Detail of the Grievance Redressal Mechanism is given in para 2.49 of FTP.

**Grievance
Committee**

For speedy redressal of genuine grievances of trade and industry pertaining to FTP and Procedure, Grievance Committees have been constituted chaired by (i) DGFT at Headquarters and (ii) head(s) of RA(s) in regional offices. Grievance Committee will include representatives of Federation of Indian Export Organisations (FIEO), Export Promotion Councils/ Commodity Boards, Development Authorities, and Government Departments/ technical authorities as their members.

9.9.1 Chairman of the respective Grievance Committee(s) may also co-opt any other member. Meetings of such Committees shall be held on a monthly basis.

9.9.2 Every exporter/importer shall have a right to seek and have an opportunity to make a representation (in writing) to and be personally heard, if he so desires, by Grievance Committee.

9.9.3 A representation to Grievance Committee may be made in as in Appendix-26.

9.10 For speedy disposal of applications, "Counter Assistance" will
Counter Assistance function in all offices of DGFT.

An FTDO shall be in charge of counter in each office. On submission of application at the counter, applicant will be handed over a token and would be advised on same day whether his application is complete and admitted for further processing by the office or whether there is any deficiency that needs to be rectified.

9.10.1 Counter Assistant will send application to concerned section on day of receipt for necessary scrutiny. If there are any deficiencies, these will be noted by concerned section and returned to counter on the same day. In case of complete applications, applicant will be given a formal receipt indicating file number for further reference. Deficient applications will be returned to applicant for complying with all deficiencies. Complete applications shall be processed by concerned section within the time frame as given under paragraph 9.11.

The application for refund of Duty Drawback and Terminal Excise Duty under deemed export scheme would be received at the counter, scrutinized and deficiency, if any, would be pointed out at the counter itself and such application would be returned. Applicant will have to rectify this deficiency and a complete application would be accepted.

Communication of any deficiency noted subsequently should be undertaken only with approval of head of office who shall be responsible for effective functioning of Counter Assistance.

9.10.2

Counter Assistance may also be availed of for amendments of minor nature/enquiries. Applications, in such cases, will be received in regional offices at counter against a proper receipt. Authorisation/licence/list/enquiry, shall be returned after carrying out necessary amendments/ giving necessary reply as far as possible on the same day, across the Counter.

9.11 Time Bound Disposal of Applications

RA shall dispose off applications expeditiously. Following time schedule shall normally be followed to dispose of applications provided it is complete in all respects and is accompanied by prescribed documents.

S.No.	Category of Application	Time Limit For Disposal (in working days)
a)	IEC Number	2
b)	Advance Authorisation where Input-Output norms are notified or under paragraph 4.7, Advance Authorisation for Annual Requirement and DFIA.	3
	Advance Authorisation where Input-Output norms are notified but where cases are to be approved by Commerce & Industry Minister	15
	Advance Authorisations where Input-Output Norms are not notified,	45

	Fixation of input output norms	120
c)	DEPB	3
d)	(i)EPCG Authorisations on self declaration basis	3
	(ii)EPCG Authorisations for fixation of nexus (other than those covered in (i) above	45
e)	All Authorisations under Gem & Jewellery scheme.	3
f)	Revalidation of Authorisation and extension of export obligation period by R.A.	3
g)	Acceptance of BG/LUT	3
	Redemption of BG/LUT for Advance Authorisations and DFIA.	15
	Redemption of BG/LUT for EPCG Authorisations.	30
h)	Issuance/renewal of status certificate.	3
i)	Amendment of any category of Authorisation	3
j)	Fixation of deemed exports Drawback rate	45
k)	Miscellaneous	10
l)	All applications filed through EDI mode	1
m)	Refund of DBK/ TED under deemed export	30 days from the date of receipt of complete application

Cases of undue delay in disposal of applications may be brought to notice of head of regional offices by way of a written representation, which shall be promptly enquired into and responded to.

9.11 A Date of shipment/dispatch for imports will be reckoned as under:-
Date of Shipment/

Dispatch in respect	Mode of	Date of Shipment / Dispatch
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of Imports

Transportation

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| (i) By Sea | The date affixed on the Bill of Lading |
| (ii) By Air | Date of relevant Airway Bill provided this represents date on which goods left last airport in the country from which the import is effected. |
| (iii) From land-locked countries | Date of dispatch of goods by rail, road or other recognised mode of transport to consignee in India through consignment basis. |
| (iv) By Post Parcel | Date stamp of office of dispatch on the packet or dispatch note |
| (v) By Registered Courier Service | Date affixed on Courier Receipt/ Waybill |
| (vi) Multimodal transport | Date of handing over goods to first carrier in a combined transport Bill of Lading. |

9.12

Date of shipment/despatch for exports will be reckoned as under:

**Date of Shipment/
Dispatch in respect
of Exports**

Mode of Transportation

Date of Shipment / Dispatch

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| (i) By Sea | <p>For bulk cargo, date of Bill of Lading or date of mate receipt, whichever is later.</p> <p>a) For containerised cargo, date of "Onboard Bill of Lading", or "Received for Shipment Bill of Lading", where the L/C provides for such Bill of Lading. For exports by containers from Inland Container Depot (ICD), date of Bill of Lading issued by shipping agents at the time of loading of export goods in ICD after customs clearance.</p> |
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- b) For Lash barges, date of Bill of Lading evidencing loading of export goods on board.
- (ii) By Air Date mentioned by appropriate Officer of Customs on Shipping Bill, evidencing loading or handing over of goods to air cargo complex, which are not international airports, or by way of rotation of flight number and date.
- (iii) By Post Parcel Date stamped on postal receipt.
- (iv) By Rail Date of RR (Railway Receipt).
- (v) By Registered Courier Service Date affixed on Courier Receipt/Waybill.
- (vi) By Road Date on which goods crossed Indian border as certified by Land Customs Authorities.
- However, wherever Procedural / Policy provisions have been modified to disadvantage of exporters, same shall not be applicable to consignments already handed over to Customs for examination and subsequent exports upto Public Notice / Notification date.
- Similarly, in such cases where goods are handed over to the customs authorities before expiry of export obligation period but actual Exports take place after expiry of the export obligation period, such exports shall be considered within export obligation period and taken towards fulfilment of export obligation.

9.13 DGFT may, on his own or otherwise, call for records of any case pending with or decided by an officer subordinate to him or an officer of any EPC/FIEO including a Group/ Committee of officers nominated, appointed or authorised by him and pass such orders as he may deem fit.

General Power of Review.