

INDIRECT TAXES UPDATE - 124

EXCISE

Inclusion of cases filed with Settlement Commission in the "Call-Book"

Call Book contains the cases which have reached a stage when no action can or need be taken to expedite its disposal for at least 6 months with the approval of the Commissioner/ Commissioner (Judicial) / DG etc.

CBEC vide *Circular No. 992/16/2014-CX., Dated: December 26, 2014* has clarified that:

- i. Cases admitted by the Settlement Commission may be transferred to the Call-book
- ii. Where there are multiple noticees, the case can be transferred only in respect of those noticees who have made application in the Settlement Commission, and whose case has been admitted by Settlement Commission,
- iii. Cases shall be taken out of the Call-Book after Settlement Order has been issued or where the case has been reverted back for adjudication.

[*Circular No. 992/16/2014-CX., Dated: December 26, 2014*]

Monetary limit for filing appeal in the Tribunal/Courts

Instruction F.No.390/Misc./163/2010-JC dated 17.8.2011 dealt with reduction of Government litigation by providing monetary limits of Rs. 5 lakhs/ Rs 10 lakhs/ Rs 25 lakhs for filing appeals by the Department before CESTAT/High Courts and Supreme Court respectively.

CBEC vide *Instruction F. No. 390/Misc/163/2010-JC Dated: December 26, 2014* has clarified that monetary limits would also be applicable to cases of recurring nature and no appeal can be filed except for the cases where the constitutional validity of the provisions of an Act or Rule is under challenge or Notification/ Instruction/ Order or Circular has been held illegal or ultra vires.

[*Instruction F. No. 390/Misc/163/2010-JC Dated: December 26, 2014*]

CUSTOMS

Review of Accredited Clients Programme (ACP)

CBEC had launched Accredited Clients Programme vide *Circular No. 42/2005 - Cus, Dated: November 24, 2005* with an objective to grant assured facilitation to importers who have demonstrated capacity and willingness to comply with the Customs laws.

Many ACP clients made a request for restoration of their ACP status which has either been withdrawn or not extended on account of cases of Customs, Central Excise or Service Tax, booked against them in the previous three financial years.

CBEC vide *Circular No. 18/2014-Cus., Dated: December 22, 2014* has decided to restore the

Accredited Clients Programme status of ACP clients which would take place in the following manner:

- i. Restored after 3 months if the entity pays the duty demanded with interest and 25% penalty within 30 days of the Show Cause Notice or if the entity's application is allowed to be proceeded with by the Settlement Commission.
- ii. Restored after 6 months if the entity pays the duty demanded with interest.

The above are subject to the following conditions:

Time period within which the case is booked against ACP client	Period of Exclusion
3 months or 6 months period	1 year
1 year period	3 Years

The ACP status would not ordinarily be denied to an entity if the Customs/Central Excise duty involved is up to Rs. 50 lakhs and Service Tax involved is Rs. 25 lakhs.

The board has also desired that in order to encourage participation in ACP, the Risk Management Division (RMD) shall suo moto identify importers eligible for the ACP and approach them to enroll in the programme on 6-monthly basis.

[Circular No. 18/2014-Cus., Dated: December 22, 2014]

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