

## INDIRECT TAXES UPDATE - 126

### EXCISE

#### Issue of summons in Central Excise and Service Tax matters

Nowadays many senior officials of the company are issued summons by the Department to call for information/documents or even to enforce recovery of dues. To curb this issue, CBEC has previously issued circular vide F. No 208/122/89-CX.6 dated 13.10.1989 in respect of central excise and vide F. No. 137/39/2007-CX.4 dated 26.2.2007 in Service tax Matters. Now CBEC has issued the following *Instruction vide F. No 207/07/2014-CX-6 dated 20.01.2015* which provides that:

- Power to issue summons are generally exercised by Superintendents only after obtaining written permission from an officer not below the rank of Assistant Commissioner.
- If for operational reasons it is not possible to obtain written permission; oral/telephonic permission must be obtained and the same should be reduced to writing and intimated to the officer according such permission at the earliest opportunity.
- In all cases, where summons are issued, the officer issuing summons should submit a report and submit the same to the officer who has authorised the issue of summons.

CBEC has also clarified that CEO, CFO, General Managers of a large company or a PSU should not be issued summons at the first instance and should be summoned only when there are indications of involvement in the decision making process which lead to loss of revenue. It is also clarified that summons need not always be issued when a simple letter, politely worded, can also serve the purpose of securing documents relevant to the investigation. Further, it is emphasized that the use of summons be made only as a last resort when it is absolutely required.

*[Instruction F. No 207/07/2014-CX-6 dated 20<sup>th</sup> January, 2015]*

### CUSTOMS

#### Import & Export of Currency

Regulation (3) of Foreign Exchange Management (Export and Import of Currency) (Amendment) Regulations, 2009 provides that any person resident in India may take outside India or may bring into India (other than to and from Nepal and Bhutan) notified Indian currency notes up to an amount not exceeding Rs.10,000.

CBEC vide *Circular No. 03/2015-Customs, Dated: January 16, 2015* has clarified that The RBI vide *A.P. (DIR series) No. 146, dated 19.06.2014* has now enhanced the limit to Rs 25000/- per person from Rs 10,000/- per person. This means that any person resident in India may take outside India/ bring into India, notified Indian currency notes up to an amount not exceeding Rs. 25,000. Also any person resident outside India may take outside India/ bring into India, notified Indian currency notes up to an amount not exceeding Rs. 25,000.

*[Circular No. 03/2015-Customs, Dated: January 16, 2015]*

#### Re-export of goods imported under bona-fide mistake

*Circular No. 100/2003–Cus. Dated 28.11.2003* provides that permission for re-export of goods that are shipped contrary to instruction of the importer has to be granted by Commissioner of Customs.

Many references were received by the Board regarding the process being time consuming and causing avoidable hardships to importer/airlines/ CONSOL agents. Thus CBEC has now modified *Circular No. 100/2003–Cus. Dated 28.11.2003* vide *Circular No. 04/2015-Customs, Dated: January 20, 2015* which provides that with a view to expedite decision-making in respect of re-export of imported goods destined for elsewhere but which are inadvertently imported at a particular Customs station, the permission for re-export may be granted on merit by the Customs Officers concerned in accordance with their powers of adjudication.

*[Circular No. 04/2015-Customs, Dated: January 20, 2015]*

**Source: [www.cbec.gov.in](http://www.cbec.gov.in)**

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