

CUSTOMS ACT, 1962

BUDGET ANALYSIS 2023-24

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CUSTOMS ACT 1962:

Section	Existing	Amendment	Bizsol Analysis
25-4(A)		<p>“Provided further that nothing contained in this subsection shall apply to any such exemption granted to, or in relation to,—</p> <p>(a) any multilateral or bilateral trade agreement;</p> <p>(b) obligations under international agreements, treaties, conventions or such other obligations including with respect to United Nations agencies, diplomats and international organisations;</p> <p>(c) privileges of constitutional authorities;</p> <p>(d) schemes under the Foreign Trade Policy;</p> <p>(e) the Central Government schemes having validity of more than two years;</p> <p>(f) re-imports, temporary imports, goods imported as gifts or personal baggage;</p> <p>(g) any duty of customs under any law for the time being in force, including integrated tax leviable under sub-section (7) of section 3 of the Customs Tariff Act, 1975, other than duty of customs leviable under section 12.”</p>	<p>New Proviso is inserted.</p> <p>The validity of exemption for 2 years will not be applicable in case of exemptions granted to or in relation to specified exemptions in the proviso like,</p> <ul style="list-style-type: none"> ➤ Exemption under Free Trade Agreements ➤ Exemptions for Schemes under FTP ➤ Re-import related exemptions. <p>In other words, exemption under above specified categories will be continued to be governed by respective notifications.</p>
127C (8A)		<p>“(8A) The order under sub-section (5) shall be passed within a period of nine months from the last day of the month in which the application under section 127B is made, and if, no order is passed within the said period, the settlement proceedings shall abate, and the adjudicating authority before whom the proceeding at the time</p>	<p>New Sub-Section inserted.</p> <p>The order against the application before Settlement Commission is to be passed before the period of 9 months from the date of application and it can be extended for further period of 3 months for the reasons to be recorded in writing.</p>

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		<p>of making the application was pending shall dispose of the application in accordance with the provisions of this Act as if no application under the said section had been made:</p> <p>Provided that the period specified under this sub-section may, for reasons to be recorded in writing, be extended by the Settlement Commission for a further period not exceeding three months:</p> <p>Provided further that in respect of any application pending under sub-section (5) as on the date on which the Finance Bill, 2023 receives the assent of the President, the said period of nine months shall be reckoned from the date on which the said Finance Bill receives the assent of the President.”.</p>	<p>This is effective from the date of passing of finance bill.</p>

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CUSTOMS TARIFF ACT, 1975

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CUSTOMS TARIFF ACT 1975:

Section	Existing	Amendment	Bizsol Analysis
9(6)	<p>(6)The countervailing duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition:</p> <p>Provided that if the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of subsidization and injury, it may, from time to time, extend the period of such imposition for a further period 7 [upto five years] and such further period shall commence from the date of order of such extension:</p>	<p>(6)The countervailing duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition:</p> <p>Provided that if the Central Government, on consideration of a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of subsidization and injury, it may, from time to time, extend the period of such imposition for a further period 7 [upto five years] and such further period shall commence from the date of order of such extension:</p>	<p>The amendment has been made to clearly amplify intent and scope of levying CVD on subsidized items into India.</p> <p>This amendment is made retrospectively from 1st January 1995.</p>
9(7)	<p>(7) The amount of any such subsidy as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the identification of such article and for the assessment and collection of any</p>	<p>(7) The amount of any such subsidy as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the identification of such article and for the assessment and collection of any countervailing duty imposed upon the importation thereof under this section.</p>	<p>The amendment has been made to clearly amplify intent and scope of levying CVD on subsidized items into India.</p> <p>This amendment is made retrospectively from 1st January 1995.</p>

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Section	Existing	Amendment	Bizsol Analysis
	countervailing duty imposed upon the importation thereof under this section.		
9A(5)	<p>(5) The anti-dumping duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition :</p> <p>Provided that if the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury, it may, from time to time, extend the period of such imposition for a further period 8 [upto five years] and such further period shall commence from the date of order of such extension :</p>	<p>(5) The anti-dumping duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition :</p> <p>Provided that if the Central Government, on consideration of a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury, it may, from time to time, extend the period of such imposition for a further period 8 [upto five years] and such further period shall commence from the date of order of such extension :</p>	<p>The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty.</p> <p>This amendment is made retrospectively from 1st January 1995.</p>
9A(6)	<p>(6) The margin of dumping as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for any anti-dumping duty under this section may be identified, and for the manner in which</p>	<p>(6) The margin of dumping as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for any anti-dumping duty under this section may be identified, and for the manner in which the export price and the normal value of, and the margin of dumping in relation to, such articles may be</p>	<p>The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty.</p> <p>This amendment is made retrospectively from 1st January 1995.</p>

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Section	Existing	Amendment	Bizsol Analysis
	the export price and the normal value of, and the margin of dumping in relation to, such articles may be determined and for the assessment and collection of such anti-dumping duty.	determined and for the assessment and collection of such anti-dumping duty.	
9C(1)	<p>(1) An appeal against the order of determination or review thereof shall lie to the Customs, Excise and Service Tax Appellate Tribunal constituted under section 129 of the Customs Act, 1962 (52 of 1962) (hereinafter referred to as the Appellate Tribunal), in respect of the existence, degree and effect of -</p> <p>(i) any subsidy or dumping in relation to import of any article; or</p> <p>(ii) import of any article into India in such increased quantities and under such condition so as to cause or threatening to cause serious injury to domestic industry requiring imposition of safeguard duty in relation to import of that article.</p>	<p>(1) An appeal against the order-of determination or review thereof shall lie to the Customs, Excise and Service Tax Appellate Tribunal constituted under section 129 of the Customs Act, 1962 (52 of 1962) (hereinafter referred to as the Appellate Tribunal), in respect of the existence, degree and effect of -</p> <p>(i) any subsidy or dumping in relation to import of any article; or</p> <p>(ii) import of any article into India in such increased quantities and under such condition so as to cause or threatening to cause serious injury to domestic industry requiring imposition of safeguard duty in relation to import of that article.</p>	<p>The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty / CVD for subsidized articles w.r.t. appeal provisions.</p> <p>This amendment is made retrospectively from 1st January 1995.</p>
9C(2)	(2) Every appeal under this section shall be filed within ninety days of the date of order under appeal:	<p>(2) Every appeal under this section shall be filed within ninety days of the date of determination or review under appeal:</p> <p>Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of ninety days, if it is satisfied that the appellants was</p>	The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty / CVD for subsidized articles w.r.t. appeal provisions.

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Section	Existing	Amendment	Bizsol Analysis
	Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.	prevented by sufficient cause from filing the appeal in time.	This amendment is made retrospectively from 1st January 1995.
9C(3)	(3) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against.	(3) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such determination or review thereon as it thinks fit, confirming, modifying or annulling the order appealed against.	The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty / CVD for subsidized articles w.r.t. appeal provisions. This amendment is made retrospectively from 1st January 1995.
9C(5)	(5) Every appeal under sub-section (1) shall be heard by a Special Bench constituted by the President of the Appellate Tribunal for hearing such appeals and such Bench shall consist of the President and not less than two members and shall include one judicial member and one technical member.	(5) Every appeal under sub-section (1) shall be heard by a Special Bench constituted by the President of the Appellate Tribunal for hearing such appeals and such Bench shall consist of the President and not less than two members and shall include one judicial member and one technical member. 'Explanation.—For the purposes of this section, “determination” or “review” means the determination or review done in such manner as may be specified in the rules made under sections 8B, 9, 9A and 9B.'	The amendment has been made to clearly amplify intent and scope of levying Anti-Dumping Duty / CVD for subsidized articles w.r.t. appeal provisions. This amendment is made retrospectively from 1st January 1995.

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