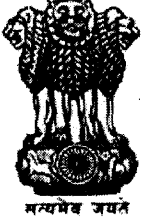


| | | | | |
|---------------|----------------|---|------------|----------------|
| टेलीफोन | : 0265-2388166 |  | Tele phone | : 0265-2388166 |
| फेक्स | : 0265-2388243 | | Fax | : 0265-2388243 |
| पी.ए.बी.एक्स. | : 0265-2388167 | | P.A.B.X. | : 0265-2388167 |

आयुक्त, केन्द्रीय उत्पाद व सीमा शुल्क वडोदरा-॥, का कार्यालय
केन्द्रीय उत्पाद एवं सीमा शुल्क भवन, सुभानपुरा, वडोदरा - 390023
Office of the Commissioner, Central Excise & Customs, Vadodara-II
Central Excise & Customs Building, Subhanpura, Vadodara-390023.

प्रति,

सभी अपर/संयुक्त/उप/सहायक आयुक्त,
सभी अनुभाग प्रधान,
केन्द्रीय उत्पाद एवं सीमा शुल्क
वडोदरा-॥

श्री बी. के. बंसल, आयुक्त, केन्द्रीय उत्पाद व सीमा शुल्क, वडोदरा-॥, की अध्यक्षता में क्षेत्रीय सलाहकार समिति की दिनांक 25 मार्च 2011 को 16.00 बजे आयोजित बैठक का कार्यवृत्त आवश्यक कार्यवाही हेतु प्रेषित है।

(बी के अगरवाल)
अपर आयुक्त (तकनीकी)

फा. सं. IV/16-117/Vad.2/T/09

दिनांक : 29.03.2011

प्रतिलिपि :-

1. अपर आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, वडोदरा-॥
2. संयुक्त आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, वडोदरा-॥
3. सभी मंडल, केन्द्रीय उत्पाद एवं सीमा शुल्क, वडोदरा-॥
4. उप/सहायक आयुक्त, लेखा परिक्षा, निवारक, सेवाकर, कर वसूली, पुनरीक्षण, विधि, केन्द्रीय उत्पाद एवं सीमा शुल्क, वडोदरा-॥
5. आयुक्त के निजी सहायक, केन्द्रीय उत्पाद एवं सीमा शुल्क, वडोदरा-॥
6. क्षेत्रीय सलाहकार समिति के सभी सदस्य



केन्द्रीय उत्पाद व सीमा शुल्क आयुक्तालय,
OFFICE OF THE COMMISSIONER OF
केन्द्रीय उत्पाद एवं सीमा शुल्क भवन,
CENTRAL EXCISE & CUSTOMS

तकनीकी एवं सूचना का अधिकार शाखा . *Technical Section & RTI Matters*
कमरा संख्या-135, पहली मंजिल, सुभानपुरा, वडोदरा - 390023
Room No. 135, 1st Floor Central Excise & Customs Building, Subhanpura, Vadodara - 390 023

वडोदरा - II / VADODARA - II

e - mail: - vad2tech@rediffmail.com (0265 - 2388 157)

**MINUTES OF THE MEETING OF REGIONAL ADVISORY
COMMITTEE FOR ORGANISED SECTOR, SSI SECTOR AND
SERVICE TAX SECTOR HELD ON 25th MARCH 2011 IN THE OFFICE
OF THE COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS,
CENTRAL EXCISE BUILDING, SUBHANPURA, VADODARA - II
COMMISSIONERATE:**

A meeting of the Regional Advisory Committee for Organised Sector, SSI Sector and Service Tax Sector was held on 25TH March 2011 at 04.00 P.M under the Chairmanship of Shri B. K. Bansal, Commissioner of Central Excise & Customs, Vadodara - II.

The following officers from department were present:-

- (i) Shri B. K. Bansal, Commissioner of Central Excise, Customs & Service Tax, Vadodara - II - Chairman.
- (ii) Shri V. N. Shakwar, Joint Commissioner (P & V), Central Excise, Customs & Service Tax, Vadodara - II
- (iii) Shri Pankaj Dwivedi, Joint Commissioner (Preventive & Service Tax), Central Excise, Customs & Service Tax, Vadodara - II
- (iv) Shri C. N. Patel, Deputy Commissioner, Central Excise, Customs, Bharuch Division, Vadodara - II
- (v) Shri U. V. Dalvi, Assistant Commissioner (Audit) & Service Tax Cell and City Division, Central Excise, Customs & Service Tax, Vadodara - II
- (vi) Shri Sushil Yadav, Assistant Commissioner, Mainpura Division & (Preventive), Central Excise, Customs & Service Tax, Vadodara - II
- (vii) Shri Raghavindra Singh, Assistant Commissioner, Waghodia Division, Central Excise, Customs & Service Tax, Vadodara - II
- (viii) Shri V. B. Verma, Assistant Commissioner, Central Excise, Customs & Service Tax, Halol Division, Vadodara - II

- (ix) Shri A.X.S. Jiwan, Superintendent (Tech), Central Excise, Customs & Service Tax, Vadodara – II

The following members of R A C were present.

- (i) Shri Bipinbhai P. Patel, Committee Member, Makarpura GIDC Industrial Estate Association, Vadodara.
- (ii) Shri K. S. Chabra, Committee Member, The Federation of Gujarat Industries, Vadodara.
- (iii) Shri Pravin A Patel, Committee Member, Federation of Small Scale Industries, Vadodara.
- (iv) Shri R. Mirchandani, Committee Member, EXIM Club (Association of Exports & Importers), Vadodara.
- (v) Shri Shiv Prasad Malkoti, Committee Member, M/s Golden Tobacco Limited (Tobacco Sector), Vadodara.

2. At the outset, the Chairman welcomed all the members for the 1st RAC meeting of the current calendar year.

3. The following points sponsored by the members were taken up for discussions:-

Point sponsored by Shri Bipinbhai P. Patel, Makarpura GIDC Industrial Estate Association, Vadodara.

Point No. 1. Show cause notices are issued by department for payment of Service Tax Credit on outward transportation contrary to CBEC's Circular No. 97/8/2007 – ST dated 23.08.2007 and Ambuja Cement Ltd. Vs. UOI 2009 (236)ELT 431 (P.&H)

Reply:

The Chairman replied that the CBEC Circular No. 97/8/2007 – ST dated 23.08.2007 does not give a blanket authority for grant of Service Tax Credit on outward transportation. In fact it outlines only the situations under which it may be considered and each case has to be decided in light of its specific facts. Further there are a number of cases where the department has not accepted the orders of the CESTAT and Court. Thus, the matter has not yet attained finality. Therefore, the show cause notices are being issued, but are kept pending till the final decision is reached.

Points sponsored by Shri K. S. Chabra, Federation of Gujarat Industries, Vadodara.

Point No. 2. Payment of MOT charges towards factory stuffing of export consignment at factory during office hours on working days. Notice has been received by their Unit at Halol for payment of MOT.

Reply: The Chairman informed that this matter has already been discussed at least twice in the RAC meetings i.e. one on 05.06.2009 and again on 29.12.2009. The Chairman informed that matter had also come up for discussion in a recent Open House held by FIEO at Ahmedabad on 28.01.2011. The matter is very clear that the MOT charges are required to be collected as per Customs Act - Regulation 3 of the Customs (Fees for Rendering Services by Customs Officers) Regulations, 1998 for the job of Customs Officers performed by the Central Excise Officers. The Chairman directed that a copy the minutes of the RAC meetings dated 05.06.2009 and 29.12.2009 along with the copy of Customs Act's Regulation 3 of the Customs (Fees for Rendering Services by Customs Officers) Regulations, 1998 be provided along with the minutes of this meeting.

Point No. 3. CENVAT Credit of Service Tax on Sales Commission. Show Cause Notices are issued by Central Excise Authorities, DAMAN.

Reply: As the point pertains to Daman Commissionerate, the same was not taken up for discussion.

Point No. 4 Problem faced with the Superintendent of Central Excise, Range - I, NAVSARI for non-supply of certified copies of ER-1 and Excise invoice etc.

Reply: As the point pertains to Navsari Range of Vapi Commissionerate, the same was not taken up for discussion.

Point No. 5. Non - issuance of NOC by the jurisdictional authorities for factory stuffing. There are some cases where the jurisdictional AC/DC do not issue NOC required by the Customs for the giving factory stuffing permission of containers.

Reply: The Chairman informed that the point pertains to Daman Commissionerate, hence cannot be discussed. However, he informed that NOC is to be issued by the JACs about availability of services of Central Excise Officers for attending sealing and stuffing of containers at the factory. No such instances where such NOC has been denied in Vadodara - II Commissionerate has been brought to notice so far.

Point No. 6. Readymade shirts as per the specifications by affixing brand name on the shirts will be manufactured by the third party on their behalf. A tag containing the shirt details will be tied to each shirt and will be re-packed from bulk packs exhibiting their name and address. In their view it is a mere trading

activity. Whether the above activity amounts to manufacturer and attract excise duty due to Budget – 2011

Reply: The Chairman replied that the point sponsored pertains to M/s Dinesh Mills, which does not fall under the jurisdiction of Vadodara – II Commissioner and therefore member was requested to advise M/s Dinesh Mills to take up the issue with the jurisdictional Commissionerate.

Points sponsored by Shri R. Mirchandani, Member Exim Club (Association of Exporters & Importers), Vadodara.

Point No. 7. Though online ER-1 returns are filed by the assesses, but still the department insist to file hard copy of ER-1 every month.

Reply: The Chairman reply that in earlier RAC meeting held on 26.11.2010 all the Range officers were directed that in case of electronically filed Returns, no Superintendent should insist for hardcopy and if required, a print-out hardcopy can be taken from the system. If any discrepancies in the Return are noticed, discrepancy memo should be issued to get the same rectified or action should be taken as per the Law. The Chairman again directed all JACs to instruct their JROs not to insist for hardcopy in cases where returns are filed electronically.

Point No. 8. Sometimes, due to lack of information of jurisdiction of the Range, the assesses while apply for the registration online make mistake by mentioning wrong Range and therefore, their applications transferred to wrong locations by the system. Further, there are cases where the passwords to assesses are not given even after making requests in writing. Thus, it was suggested that a Trade Notice notifying the jurisdiction of the Ranges should be issued and JROs should be asked to allot the passwords immediately on receipt of the requests.

Reply: Chairman replied that the jurisdiction of the Ranges of Vadodara – II is already available on the web-site of the Commissionerate at www.excisevadodara-ii.nic.in. With regard to allotting of password, no such case where requests were made by the assesses and passwords were not allotted has been brought to notice. Chairman asked the member to provide the list of such assesses who have requested for passwords, but not allotted the passwords. AC, Halol informed that password is communicated by the system on the e – mail ID given by the assesse and there are cases where assesse give e – mail IDs which is either wrong or has not in use for a long time and that may be the reason for an impression that there is delay in giving the password. Chairman requested the members to enlighten the members of their respective associations to access the Commissionerate web-site to know the Range locations and to follow the correct procedure of getting the passwords.

Point No. 9. Member requested to give clarification regarding availability of CENVAT Credit of Service Tax paid by the contractors on the services viz. (1) Canteen contractor, (2) Gardening Service, (3) Training of employees, (4) Vehicle hire charges and (5) Consultation charges.

Reply: The Chairman replied that there cannot be any general rule to decide the issue. The matter has to be examined on case to case basis in order to look into the nexus between the service tax credit and the manufacturing activities carried out by the manufacturers.

The meeting ended with a vote of thanks to the Chair. The Chairman also thanked the members of the Committee.


(V. K. Agarwal)

Additional Commissioner (Tech),
Central Excise & Customs,
Vadodara – II

F. No. IV/16 – 117/Vad.2/T/2010

29th March 2011

Copy to:-

1. The Additional Commissioner of Central Excise & Customs, (Tech/Stat/Legal/Review) Vadodara – II
2. The Joint Commissioner of Central Excise & Customs, (P.&V)/Preventive/Service Tax Vadodara – II
3. All Divisions in Vadodara – II
4. D.C/A.C. , Audit, Preventive, Service Tax, TRC, Review, Legal, Vadodara – II
5. P.A. to Commissioner
6. All RAC members as per mailing lists.