

**MINERAL PRODUCTS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) ACT,  
1958**

**27 of 1958**

**[4th September, 1958]**

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**MINERAL PRODUCTS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) ACT,  
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STATEMENT OF OBJECTS AND REASONS "The Mineral Oils (Additional Duties of Excise and Customs) Ordinance, 1958 (No. 6 of 1958), promulgated by the President on 30th June, 1958, provided for the levy and collection of additional duties of excise and the countervailing duties of customs on certain mineral oils. This Bill seeks to replace the provisions of the aforesaid Ordinance. 2. The Ordinance was issued to readjust the excise and customs duties in the light of the reduction in prices agreed to by the principal companies distributing mineral oil products in India with effect from 20-5-1958. The price reductions were not of a magnitude which, even if passed on to the consuming public, would be reflected to any significant extent, in the consumer prices. Besides, all available resources have to be tapped for fulfilling plan targets. It was, therefore, decided that the benefit of the price reductions should accrue to Government". Gaz. of India, 1958, Extra. Pt. II. S. 2. p. 721. II Amending Act 29 of 1959.- The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958). was enacted for the purpose of levying and collecting additional duties of excise and customs on certain mineral oils or the purpose of readjusting those duties in the light of the reduction in prices agreed to by the principal companies distributing mineral oil products in India with effect from 20-5-1958. As a result of further discussion between these companies and Government, the companies have agreed to reduce their prices further. In order that the benefit of the price reductions which amount to Rs. 3 crores for the period from 1st April, 1959 to the 31st October, 1959, accrues to Government as before, it has become necessary to retrospective effect the rates of excise and customs duties during this period. The rates of excise duty have been specified in the Bill itself, while the rates of customs duty will be specified by means of notification after the Bill becomes law. Gaz. of India, 16-12-1959. Pt. II. S.2. Ext.. p. 1459. III Amending Act 41 of 1964 :- The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 was enacted for the purpose of levying and collecting additional duties of excise and customs on certain mineral oils. The purpose underlying that enactment was to readjust, with effect from the 20th May, 1958, the excise and customs duties in the light of the reduction in prices agreed to by the principal Companies distributing mineral oil products in India. The aforesaid Act provides for ceiling rates within which effective rates are fixed by notification. Since the introduction of the revised pricing structure from the 1st October, 1961 and up to the 30th September, 1964, a sum of nearly rupees five crores has accrued

in favour of Government due to reduction of f.o.b. cost of petroleum products and freight thereon. It is expected that further accumulations of like nature will also accrue to Government. The existing ceiling rates will not enable a quick recovery of these amounts from the distributive companies. The Bill seeks to enhance the existing Ceiling rates adequately in respect of the in respect oil products already covered by the Act: at the same time. provision is also being made for levy of additional duties on certain other petroleum products such as asphalt and bitumen. This is being done with a view to enable appropriation from the companies of over-recoveries on these products, if found necessary in the future. Gaz. of India. 17-1 1-1964. Pt. I S. 2. Ext., p.788. IV Amending Act II of 1967:- The Mineral Products (Additional Duties of Excise and Customs) Act. 1958 was enacted for the purpose of levying and collecting additional duties of excise and customs on certain mineral oils. The Act provides for ceiling rates within which effective rates are fixed by notification. As a result of devaluation, the landed price in terms of rupees of imported products naturally increased to the extent of devaluation, and by virtue of the Import Price Parity Agreement with foreign refinery companies they became enabled to a corresponding increase in their selling prices of these products. In fact, however, the cost to these refineries increased only in respect of the imported components of the products such as crude oil, processing chemicals, etc. which constituted only a proportion of the total cost. There was, therefore, no reason to allow the refineries price increase to the full extent of the increase in the rupee landed cost of the products as a result of devaluation. To mop up this difference it became necessary to enhance the rates of non-recoverable additional excise duties, and this was possible only if the ceiling rates provided in the Act were raised. The Mineral Products (Additional Duties of Excise and Customs) Amendment Ordinance, 1966 (12 of 1966). was accordingly promulgated on the 15th December, 1966 to amend the Mineral Products Additional Duties of Excise and Customs) Act, 1958. 2. The Bill seeks to replace the Mineral Products (Additional Duties of Excise and Customs) Amendment Ordinance, 1966 S.O.R. sec Gaz. of India. 20-3-1967. Pt. II. S2. Ext.. p. 20.

**1. Short title and commencement :-**

(1) This Act may be called the <sup>1</sup> [Mineral Products] (Additional Duties of Excise and Customs) Act, 1958.

(2) It shall be deemed to have come into force on the twentieth day of May, 1958.

1. Substituted for the words "Mineral Oils" by the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1964 (41 of 1964). S. 3 ( 18-12-1964).

**2. Definition :-**

In this Act "motor spirit", "kerosene", "relined diesel oils and vaporizing oil" "diesel oil, not otherwise specified" and "furnace oil" shall have the meaning respectively assigned to them in Items Nos. 6, 7, 8, 9 and 10 of the First Schedule to the Central Excises and Salt Act, 1944.]

**3. Levy and collection of additional duties of excise on certain mineral oils :-**

(1) There shall be levied and collected in respect of the goods mentioned in column 1 of the Table hereunder duties of excise at such rates not exceeding those specified in relation thereto in column 2 of the said Table as may be specified by the Central Government by notification in the Official Gazette. <sup>1</sup>[TABLE

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Description of goods	Rate of additional duty	\	\1	\	\	\	\	\	\	\2
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<sup>2</sup>[1. Motor spirit ... Two hundred rupees per kilolitre at \ \ \ \ \ \ fifteen degrees of Centigrade \ \ \ \ \ \ thermometer.] <sup>3</sup>[2. Kerosene ... One hundred and sixty rupees per \ \ \ \ \ \ kilolitre at fifteen degrees of \ \ \ \ \ \ Centigrade thermometer.] <sup>2</sup>[3. Refined diesel

oils ... <sup>5</sup>[Two thousand rupees and vaporizing oil \ \ \ per kilolitre at fifteen degrees of Centigrade thermometer.] <sup>2</sup>[4. Diesel oil. not \ ... One hundred and twenty-nine otherwise specified \ \ \ rupees and forty-five paise \ \ \ \ \ per kilolitre at fifteen degrees of \ \ \ \ \ Centigrade thermometer.] <sup>2</sup>[5. Furnace oil ... Fifty-six rupees and sixty paise \ \ \ \ \ per kilolitre at fifteen degrees \ \ \ \ \ Centigrade thermometer.] <sup>3</sup>[6. Asphalt and Bitumen ... One hundred rupees per metric as described in item No. 11(1) tonne.] of the First Schedule to the Central Excises and Salt Act, 1944. \ <sup>4</sup>[two Thousand Rupees per \ \ \ \ \ metric tonne.] <sup>2</sup>[7. All products as ed in item No. 11A of the first Scheduled to the Central Excises and Salt Act, 1944.

<sup>1</sup>[(1-A) The provisions of sub-section (1) shall be deemed to have had effect in respect of the period commencing on the 1st day of April, 1959, and ending on the 31st day of October, 1959. as if from the words "at such rates" occurring in that sub-section up to the end thereof, the following had been substituted, namely :- "at the rates specified in relation thereto in column 2 of the said Table :-

(2) The duties of excise referred to in <sup>12</sup>[this section] in respect of the goods specified therein shall be in addition to the duties of excise chargeable in such goods under the Central Excises and Salt Act, 1944, or any other law for the time being in force.

(3) The provisions of the Central Excises and Salt Act, 1944, and the rules thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the additional duties of excise referred to in <sup>5</sup>[this section] as they apply in relation to the levy and collection of the duties of excise in respect of the goods specified in <sup>5</sup>[this section].

(4) Notwithstanding anything contained in this section, the Central Government may, having regard to the administrative or other difficulties, if any, which may arise in relation to the levy and collection of all or any of the additional duties of excise under this Act for any period commencing on the 20th day of May, 1958, and ending on the 29th day of June, 1958 <sup>15</sup> [or commencing on the 1st day of April, 1959, and ending on the 31st day of October, 1959, as the case may be] assess the additional duties of excise payable by any person under this Act to be such sum as to the Central Government appears proper in the circumstances.

1. Substituted for the former Table by the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1964 (41 of 1964), S.4 (18-12-1964).

2. Items 1, 3, 4, 5 and 7 substituted by the Finance Act, 1968 (19 of 1968), S. 41 (11-5-1968)

3. Items 2 and 6 substituted by the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1967 (11 of 1967), S. 2 (12-4-1967).

5. Entry against item 3 and item 7 substituted by the Finance Act, 1974 (20 of 1974). S. 23, Third Schedule (11-5-1974).

12. Substituted for sub-section (1), the Mineral Oil (Additional Duties of Excise and Customs) Amendment Act, 1959 (59 of 1959), S. 2 (24-12-1959) .

15. Inserted, the Mineral Oil (Additional Duties of Excise and Customs) Amendment Act, 1959 (59 of 1959), S. 2 (24-12-1959).

#### **4. Amendment of Act 32 of 1934 :-**

Repealed by the Indian Tariff (Amendment) Act, 1963 (3 of 1963), S. 4 (2-2-1963)].

#### **5. Additional duties of excise and customs not to be added to price of goods for sale :-**

Notwithstanding anything contained in S.64A of the Indian Sale of Goods Act, 1930, or in any other law for the time being in force, or in any contract or agreement, no purchaser purchasing any of the goods referred to in <sup>1</sup>[\* \* \*] section 3, shall be liable to pay or be sued for, or in respect of,-

(a) the whole or any part of the additional duties of excise leviable under this Act, or

(b) the whole or any part of the additional duties of customs leviable <sup>2</sup> [\*\*\*\*] under the Indian Tariff Act, 1934. to the extent to which such duties have become leviable by reason of this Act.

as an addition to the contract price payable by him in respect of the goods so purchased.

1. The words, brackets and figure "sub-section (1)" were omitted by the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1959(59 of 1959), section 3 (24-12-1959).

2. Words "Under Section 4 or", omitted by the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1964 (41 of 1964), Section 5 (18-12-1964).

**6. Repeal :-**

Repealed by Repealing and Amending Act, 1960 (58 of 1960), S. 2 and Sch. I.]