

PROJECT IMPORTS REGULATIONS, 1986

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PROJECT IMPORTS REGULATIONS, 1986

In exercise of the powers conferred by section 157 of the Customs Act, 1962 (52 of 1962), and in supersession of the Project Imports (Registration of Contract) Regulations, 1965, except as respect things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby makes the following regulations, namely

1. Short title and commencement :-

- (1) These regulations may be called the Project Imports Regulations, 1986.
- (2) They shall come into force on the 3rd day of April, 1986.

2. Application :-

These regulations shall apply for assessment and clearance of the goods falling under heading No. 98.01 of the First Schedule to the Customs Tariff Act, 1975 .

3. Definitions :-

For the purposes of these regulations, -

(a) "industrial plants" means an industrial system designed to be employed directly in the performance of any process or series of processes necessary for manufacture, production or extraction of a commodity, but does not include -

(i) establishments designed to offer services of any description such as hotels, hospitals, photographic studios, photographic film

processing laboratories, photocopying studios, laundries, garages and workshops; or

(ii) a single machine or a composite machine, within the meaning assigned to it, in Notes 3 and 4 to Section XVI of the said First Schedule.

Explanation:- For the purposes of sub-clause (i), the expression "establishments designed to offer services of any description" shall not include video recording or editing units, cinematographic studios, cinematographic film processing laboratories and sound recording, processing, mixing or editing studios; (b) "Sponsoring authority" means an authority specified in the Table annexed to these regulations; (c) "substantial expansion" means an expansion which will increase the existing installed capacity by not less than 25 per cent; (d) "unit" means any self-contained portion of an industrial plant or any self-contained portion of a project specified under the said Heading No. 98.01 and having an independent function in the execution of the said project).

4. Eligibility :-

The assessment under the said heading No. 98.01 shall be available only to those goods which are imported (whether in one or more than one consignment) against one or more specific contracts, which have been registered with the appropriate Custom House in the manner specified in regulation 5 and such contract or contracts have been so registered,

(i) before any order is made by the proper officer of customs permitting the clearance of the goods for home consumption;

(ii) in the case of goods cleared for home consumption without payment of duty subject to re-export in respect of fairs, exhibitions, demonstrations, seminars, congresses and conferences, duly sponsored or approved by the Government of India or Trade Fair Authority of India, as the case may be, before the date of payment of duty.

5. Registration of Contracts :-

(1) Every importer claiming assessment of the goods falling under the said heading No. 98.01, on or before their importation shall apply in writing to the proper officer at the port where the goods are to be imported or where the duty is to be paid for registration of the contract or contracts, as the case may be : Provided that in the case of consignments sought to be cleared through a Custom House other than the Custom House at which the contract is

registered, the importer shall produce from the Customs House of registration such information as the proper officer may require.

(2) The importer shall apply, as soon as may be, after he has obtained the Import trade control licence wherever required for the import of articles covered by the contract and in case of imports covered by the Open General Licence or imports made by Central Government, any State Government, statutory corporation, public body or Government undertaking run as a joint stock company (hereinafter referred to as "Government Agency") as soon as clearance from the ¹[concerned sponsoring authority], as the case may be, has been obtained.

(3) The application shall specify

(a) the location of the plant or project;

(b) the description of the articles to be manufactured, produced, mined or explored;

(c) the installed or designed capacity of the plant or project and in the case of substantial expansion of an existing plant or project the installed capacity and the proposed addition thereto;

(d) such other particulars as may be considered necessary by the proper officer for purposes of assessment under the said heading.

²[(4) The application shall be accompanied by the original deed of contract together with a true copy thereof, the import trade control licence, wherever required, and an approved list of items from the ³ [concerned sponsoring authority.]

(5) The importer shall also furnish such other documents or other particulars as may be required by the proper officer in connection with the registration of contract

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(6) The proper officer shall, on being satisfied that the application is in order register the contract by entering the particulars thereof in a book kept for the purpose, assign a number in token of the registration and communicate that number to the importer and shall also return to the importer all the original documents which are no longer required by him.

1. Substituted by M.F.(D.R.)Notificntu)n No. 153/95-Cus., dated 27-10-1995.

2. Substituted by M.F. (D.R.) Notification No. 142/92-Cus.. dated 10-3-1992.

3. Substituted by M.F. (D.R.) Notification No. 153/95-Cus., dated 27-10-1995.

6. Amendment of contract :-

(1) If any contract referred to in regulation 5 is amended, whether before or after registration, the importer shall make an application for registration of the amendments to the said contract to the proper officer.

(2) The application shall be accompanied by the original deed of contract relating to the amendments together with a true copy thereof and the documents, if any, permitting consequential amendments to the import trade control licence, wherever required, for the import of articles covered by the contract and in the case of imports covered by Open General Licence, as soon as clearance from the ¹ [concerned sponsoring authority], as the case may be, has been obtained alongwith a list of articles referred to in clause (4) of regulation 5, duly attested.

(3) On being satisfied that the application is in order, the proper officer shall make a note of the amendments in the register.

1. Substituted by M.F. (D.R.) Notification No. 153/95-Cus.. dated 27-10-1995,

7. Finalisation of contract :-

The importer shall within three months from the date of clearance for home consumption of the last consignment of the goods or within such extended period as the proper officer may allow, submit a statement indicating the details of the goods imported together with necessary documents as proof regarding the value and quantity of the goods so imported in terms of this Regulation and any other document that may be required by the proper officer for finalisation of the contract.]