

CHAPTER-9

MISCELLANEOUS MATTERS

Change In Name and Constitution 9.1

If there is any change in the name/address or constitution of IEC holder/ licensee/Actual User eligible for import without a licence/recognised status holders, the concerned IEC holder/ licensee/Actual User/status holders, as the case may be, shall cease to be eligible to import or export against the licence/IEC No. or any other facility permitted under the Policy and Handbook, after expiry of 60 days from the date of such change in his name or constitution, unless in the meantime,

- (a) the IEC holder/licensee/status holders has got the consequential changes effected in the IEC No./ licence or the recognition certificate, as the case may be, by the concerned licensing authority;
- (b) the Actual User has got the consequential changes effected from the concerned authority in the Industrial Licence issued by the Secretariat for Industrial Assistance (Ministry of Commerce and Industry) or Certificate of Registration as an Actual User issued by Director of Industries of the State Government or has received an acknowledgment for filing of a memorandum with the Secretariat for Industrial Assistance. Provided, however, the licensing authority issuing the IE Code may, condone the delay on payment of a penalty of Rs. 5000/-.

However, the change in the director of a public limited company shall not be considered as a change in the constitution of the company.

**Denomination of Import Licence/
Certificate/ Permissions** 9.2

Import Licence/Certificate /Permissions issued under the Policy shall indicate the value both in Rupees and in freely convertible currency(s) at the exchange rate(s) prevailing on the date of issue of the Licence/Certificate / Permission. In the case of Licence/Certificate /Permissions where export obligation is imposed, the value of the export obligation shall be indicated both in freely convertible currency(s) and in Rupees equivalent at the exchange rate(s) prevailing on the date of issue of the Licence/Certificate / Permission. Such exchange rate(s) shall also be indicated on the import Licence/Certificate/ Permission.

- 9.2.1 The remittance of foreign exchange and discharge of export obligation against the Licence/Certificate /Permission shall, however, be regulated in freely convertible currency. No enhancement in Rupee value shall be necessary if the remittance of foreign exchange is covered by the value of Licence/Certificate / Permission shown in freely convertible currency.
- 9.2.2 However, on the Advance Licence(s), issued for exports to ACU countries, export obligation shall be denominated and discharged in ACU dollars.
- 9.2.3 The export obligation against Advance Licence for intermediate supply and Advance Licence for deemed export, where supplies are to be made within the country, shall be denominated in Indian rupees and the export obligation shall be discharged in Indian rupees with reference to the CIF value of imports in Indian rupees irrespective of CIF value indicated on the licence.

Applications Received After Expiry of Prescribed date of receipt	9.3	Wherever any application is received after the expiry of the last date for submission of such application but within six months from the last date, such application may be considered after imposing a late cut @ 10% on the entitlement.
Supplementary Claims	9.4	Wherever any application for supplementary claim is received, within the specified time limits, such application may also be considered after imposing a cut @ 10% on the entitlement".
Furnishing of Information	9.5	Every importer/ exporter shall furnish such information as may be called for by the Director General of Foreign Trade or any officer duly authorised by him.
Clarifications On Policy/ Procedures	9.6	A request seeking clarifications on any provision of the Policy or Handbook of procedures, importability or exportability of items under ITC(HS), may be made to the Director General of Foreign Trade in the form given in Appendix-19. The clarification may also be sought on E-Mail.
Consumption Register	9.7	The importer shall maintain a register of items imported under a licence and its consumption. The importer shall also maintain such a register of items imported without a licence and its consumption provided such items are imported subject to actual user condition. The register shall be maintained in the form given in Appendix-18.
Export Facilitation	9.8	In order to resolve exporters' problems in a co-ordinated manner, the field offices of the Directorate General of Foreign Trade shall act as Export Facilitation Centres. These offices shall function as nodal agencies to attend to the problems and grievances of the exporters, and also co-ordinate with different Departments to resolve their trade and export related problems. In addition, Nodal Officers have also been nominated in other Ministries/ Departments and a list of such officers nominated to assist exporters is given in Appendix-38.

For resolving problems relating to different departments, facilitation committees shall be constituted in each department which shall be serviced by Directorate General of Foreign Trade.

- Grievance Committee**
- 9.9 In order to facilitate speedy redressal of genuine grievances of trade and industry pertaining to the Policy and Procedure, Grievance Committees have been constituted. These Grievance Committees are chaired by (i) the Director General of Foreign Trade at the Headquarters and (ii) head(s) of the concerned Regional Licensing Authority (s) in the respective licensing offices. Grievance Committee will include representatives of the Federation of Indian Export Organisations (FIEO), Export Promotion Councils/ Commodity Boards, Government Departments/ technical authorities as their members.
- 9.9.1 The Chairman of the respective Grievance Committee(s) may also co-opt any other member. The meetings of such Committees shall be held on a monthly basis.
- 9.9.2 Every exporter/importer shall have a right to seek and have an opportunity to make a representation to and be personally heard, if he so desires, by the Grievance Committee. For this purpose, he may send his request in writing seeking such personal hearing.
- 9.9.3 A representation to the Grievance Committee may be made in the form given in Appendix-23.

- Counter Assistance**
- 9.10 For speedy disposal of applications, a "Counter Assistance" will function in all the offices of the Directorate General of Foreign Trade. A Foreign Trade Development Officer (FTDO) shall be Incharge of the counter in each office. On submission of the application at the counter, applicant will be handed over a token and would be advised on the same day whether his application has been found complete and admitted for further processing by the office or whether is any deficiency that needs to be rectified.
- 9.10.1 Counter Assistance will send the application to the concerned section on the same day of its receipt for necessary scrutiny. If there are any deficiencies, these will be noted by the concerned section and returned to the counter on the same day. In case of complete applications, the applicant will be given a formal receipt indicating file number for further reference. In case of deficient applications, the same will be returned to the applicant for complying with all the deficiencies pointed out by the concerned section. Complete applications shall be processed by the concerned section within the time frame as given under paragraph 9.10. Communication of any deficiency noted subsequently should be undertaken only with the approval of the head of office who shall be responsible for effective functioning of Counter Assistance.
- 9.10.2 Counter Assistance may also be availed of for amendments of minor nature/ enquiries. Applications, in such cases, will be received in the licensing offices at the counter against a proper receipt and the licence/list/enquiry, as the case may be, shall be returned after carrying out necessary amendments/ giving necessary reply as far as possible on the same day, across the Counter.

Time Bound disposal of applications

S.No.	Category Of Application	Time Limit For Disposal
	IEC Code Number	2 working days
	Advance Licence where Input-Output norms are notified or under paragraph 4.7.	3 working days
	Advance Licence where Input-Output norms are notified but cases are to be placed before ALC	
	Advance Licences where Input-Output Norms are not notified,	15 working days
	Fixation of input output norms	
		45 working days
		90 working days
	DFRC/DEPB	3 working days
	EPCG licences on self declaration basis	3 working days
	EPCG licences for fixation of nexus (other than those covered in i) above	45 working days
	All licences under Gem & Jewellery scheme.	3 working days
	Revalidation of licence and extension of export obligation period by R.L.A	3 working days
	Acceptance of Bank Guarantee/ Legal Undertaking	3 working days
	Redemption of Bank Guarantee/ Legal Undertaking for Advance Licences.	
	Redemption of BG/LUT for EPCG licences.	15 working days
		30 working days
	Issuance/renewal of status certificate.	3 working days
	Amendment of any category of licence	3 working days

	Fixation of deemed exports Drawback rate	45 working days
	Miscellaneous	10 working days
	All applications filed through EDI mode	1 working day

Cases of undue delay in disposal of applications may be brought to the notice of the head of the regional offices by way of a written representation which shall be promptly enquired into and responded to.

Date Of Shipment/ Dispatch In respect of Imports	9.11	Date of shipment/dispatch for the purposes of imports will be reckoned as under:-												
		<table border="1"> <thead> <tr> <th>Mode of Transportation.</th> <th>Date of Shipment/Despatch</th> </tr> </thead> <tbody> <tr> <td>By Sea</td> <td>The date affixed on the Bill of Lading</td> </tr> <tr> <td>By Air</td> <td>The date of the relevant Airway Bill provided this represents the date on which the goods left the last airport in the country from which the import is effected.</td> </tr> <tr> <td>From land-locked countries</td> <td>The date of dispatch of the goods by rail, road or other recognised mode of transport to the consignee in India through consignment basis.</td> </tr> <tr> <td>By Post Parcel</td> <td>The date stamp of the office of dispatch on the packet or the dispatch note</td> </tr> <tr> <td>By Registered Courier Service</td> <td>The date affixed on Courier Receipt/Waybill</td> </tr> <tr> <td>Multimodal transport</td> <td>The date of handling over the goods to the first carrier in a combined transport Bill of Lading.</td> </tr> </tbody> </table>	Mode of Transportation.	Date of Shipment/Despatch	By Sea	The date affixed on the Bill of Lading	By Air	The date of the relevant Airway Bill provided this represents the date on which the goods left the last airport in the country from which the import is effected.	From land-locked countries	The date of dispatch of the goods by rail, road or other recognised mode of transport to the consignee in India through consignment basis.	By Post Parcel	The date stamp of the office of dispatch on the packet or the dispatch note	By Registered Courier Service	The date affixed on Courier Receipt/Waybill
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Date of Shipment/ Dispatch in respect of Exports	9.12	Date of shipment/despatch for the purposes of exports will be reckoned as under:-
Mode of Transportation	Date Of Shipment/ Dispatch	
By Sea	<p>For bulk cargo, the date of Bill of Lading or the date of mate receipt, whichever is later.</p> <p>For containerised cargo, the date of "Onboard Bill of Lading", or "Received for Shipment Bill of Lading", where the L/C provides for such Bill of Lading. For exports by containers from Inland Container Depot (ICD), the date of Bill of Lading issued by shipping agents at the time of loading of export goods in the ICD after customs clearance.</p> <p>For Lash barges, the date of Bill of Lading evidencing loading of the export goods on board</p>	
By Air	The date mentioned by the appropriate Officer of Customs on the Shipping Bill, evidencing loading or handing over of goods to the air cargo complex, which are not international airports, or by way of rotation of flight number and date.	
By Post Parcel	The date stamped on the postal receipt.	
By Rail	The date of RR (Railway Receipt).	
By Regd Courier Service	The date affixed on Courier Receipt/ Waybill	
By Road	The date on which the goods crossed the Indian border as certified by the Land Customs Authorities.	

However, wherever the Policy provisions have been modified to the disadvantage of the exporters, the same shall not be applicable to the consignments already handed over to the Customs for examination and subsequent exports upto the date of the Public Notice. Similarly, in such cases where the goods are handed over to the customs authorities before the expiry of the export obligation period but actual Exports take place after expiry of the Export Obligation period, such exports shall be considered within the export obligation period and taken towards fulfillment of export obligation.

General Power of review. 9.13

The Director General of Foreign Trade may, on his own or otherwise, call for the records of any case pending with or decided by an officer subordinate to him or an officer of any EPC/FIEO including a Group/ Committee of officers nominated, appointed or authorised by him and pass such orders as he may deem fit.