

Central Excise Act, 1944

Section 11D - Duties of Excise Collected from the Buyer to Be Deposited with the Central Government

1[11D. Duties of excise collected from the buyer to be deposited with the Central Government

(1) Notwithstanding anything to the contrary contained in any order or direction of the Appellate Tribunal or any Court or in any other provision of this Act or the rules made thereunder,2[every person who is liable to

pay duty under this Act or the rules made thereunder, and has collected any amount in excess of the duty assessed or determined and paid on any excisable goods under this Act or the rules made thereunder from the buyer of such goods in any manner as representing duty of excise, shall forthwith pay the amount so collected to the credit of the Central Government.

4[(1A) Every person, who has collected any amount in excess of the duty assessed or determined and paid

on any excisable goods or has collected any amount as representing duty of excise on any excisable goods which are wholly exempt or are chargeable to nil rate of duty from any person in any manner, shall forthwith pay the amount so collected to the credit of the Central Government.]

3[(2) Where any amount is required to be paid to the credit of the Central Government under 5[sub-section

(1) or sub-section (1A), as the case may be,] and which has not been so paid, the Central Excise Officer may serve, on the person liable to pay such amount, a notice requiring him to show cause why the said amount, as specified in the notice, should not be paid by him to the credit of the Central Government.

(3) The Central Excise Officer shall, after considering the representation, if any, made by the person on whom the notice is served under sub-section (2), determine the amount due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

(4) The amount paid to the credit of the Central Government under 5[sub-section (1) or sub-section (1A) or

sub-section (3), as the case may be,] shall be adjusted against the duty of excise payable by the person on finalisation of assessment or any other proceeding for determination of the duty of excise relating to the excisable goods referred to in 5[sub-section (1) or sub-section (1A), as the case may be].

(5) Where any surplus is left after the adjustment under sub-section (4), the amount of such surplus shall either be credited to the Fund or, as the case may be, refunded to the person who has borne the incidence of such amount, in accordance with the provisions of section 11B and such person may make an application under that section in such cases within six months from the date of the public notice to be issued by the Assistant Commissioner of Central Excise for the refund of such surplus amount.]

1. Inserted by Act 40 of 1991, section 5 (w.e.f. 20-9-1991).

2. Substituted by Act 10 of 2000, section 103, for certain words (w.e.f. 20-9-1991).

3. Substituted by Act 10 of 2000, section 103, for sub-section (2) (w.e.f. 20-9-1991).

4. Inserted by the Finance Act, 2008.

5. Substituted by Finance Act, 2008 for the word, brackets and figure sub-section (1) and sub-section (1) or sub-section (3).