

Customs Act, 1962

Section 28E - Definitions

In this Chapter, unless the context otherwise requires,-

(a) "activity" means import or export;

(b) "advance ruling" means the determination, by the Authority, of a question of law or fact specified in the application regarding the liability to pay duty in relation to an activity which is proposed to be undertaken, by the applicant;

1 (c) "applicant" means--

(i) (a) a non-resident setting up a joint venture in India in collaboration with a non-resident or a resident; or

(b) a resident setting up a joint venture in India in collaboration with a non-resident; or

(c) a wholly owned subsidiary Indian company, of which the holding company is a foreign company, who or which, as the case may be, proposes to undertake any business activity in India:

(ii) a joint venture in India; or

(iii) a resident falling within any such class or category of persons, as the Central Government may, by notification in the official Gazette, specify in this behalf,

and which or who, as the case may be, makes application for advance ruling under sub-section (1) of section 28H;]

4[Explanation.--For the purposes of this clause, "joint venture in India" means a contractual arrangement whereby two or more persons undertake an economic activity which is subject to joint control and one or more of the participants or partners or equity holders is a non-resident having substantial interest in such arrangement;]

(d) "application" means an application made to the Authority under sub-section (1) of section 28H;

(e) "Authority" means the 2[Authority for Advance Rulings (Central Excise, Customs and Service Tax)] constituted under section 28F;

(f) "Chairperson" means the Chairperson of the Authority;

(g) "Member" means a Member of the Authority and includes the Chairperson; and

3(h) "non-resident", "Indian company" and "foreign company" have the meanings respectively assigned to them in clauses (30), (26) and (23A) of section 2 of the Income-tax Act, 1961(43 of 1961).]

1. Substituted by the Finance Act, 2005, section 65, for "(c) "applicant" means--

"(i) a non-resident setting up a joint venture in India in collaboration with a non-resident or a resident; or
(ii) a resident setting up a joint venture in India in collaboration with a non-resident; or
(iii) a wholly owned subsidiary Indian company, of which the holding company is a foreign company,
who proposes to undertake any business activity in India and makes application for advance ruling under sub-section (1) of section 28H;"

2. Substituted by the Finance Act, 2005, section 65, for "Authority for Advance Rulings".

3. Substituted by Act 32 of 2003, section 110, for clause (h) (w.e.f. 14-5-2003).

4. Inserted by the Finance Act, 2007.