

Customs Act, 1962

Section 61 - Period for Which Goods May Remain Warehoused

¹ [61. Period for which goods may remain warehoused.--

(1) Any warehoused goods may be left in the warehouse in which they are deposited or in any warehouse to which they may be removed,--

(a) in the case of capital goods intended for use in any hundred per cent export oriented undertaking, till the expiry of five years; ² [***]

³ [(aa) in the case of goods other than capital goods intended for use in any hundred per cent export-oriented undertaking, till the expiry of three years; and]

(b) in the case of any other goods, till the expiry of one year,

after the date on which the proper officer has made an order under section 60 permitting the deposit of the goods in a warehouse:

Provided that-

⁴ [(i) in the case of any goods which are not likely to deteriorate, the period specified in ⁵ [clause (a) or clause (aa) or clause (b)] may, on sufficient cause being shown, be extended--

(A) in the case of such goods intended for use in any hundred per cent export oriented undertaking, by the Commissioner of Customs, for such period as he may deem fit; and

(B) in any other case, by the Commissioner of Customs, for a period not exceeding six months and by the Chief Commissioner of Customs for such further period as he may deem fit;]

(ii) in the case of any goods referred to in clause (b), if they are likely to deteriorate, the aforesaid period of one year may be reduced by the ⁶ [Commissioner of Customs] to such shorter period as he may deem fit:

Provided further that when the licence for any private warehouse is cancelled, the owner of any goods warehoused therein shall, within seven days from the date on which notice of such cancellation is given or within such extended period as the proper officer may allow, remove the goods from such warehouse to another warehouse or clear them for home consumption or exportation.

(2) ⁷ [Where any warehoused goods--

(i) specified in ⁸ [sub-clause (a) or sub-clause (aa)] of sub-section (1), remain in a warehouse beyond the period specified in that sub-section by reason of extension of the aforesaid period or otherwise, interest at such rate as is specified in section 47 shall be payable, on the amount of duty payable at the time of clearance of the goods in accordance with the provisions of section 15 on the warehoused goods, for the period from the expiry of the said warehousing period till the date of payment of duty on the warehoused goods;

(ii) specified in sub-clause (b) of sub-section (1), remain in a warehouse beyond a period of ⁹ [ninety days], interest shall be payable at such rate or rates not exceeding the rate specified in section 47, as may be fixed by the Board, on the amount of duty payable at the time of clearance of the goods in accordance with the provisions of section 15 on the warehoused goods, for the period from the expiry of the said ⁹ [ninety days] till the date of payment of duty on the warehoused goods]:

Provided that the Board may, if it considers it necessary so to do in the public interest, by order and under circumstances of an exceptional nature, to be specified in such order, waive the whole or part of any interest payable under this section in respect of any warehoused goods :

Provided further that the Board may, if it is satisfied that it is necessary so to do in the public interest, by notification in the Official Gazette, specify the class of goods in respect of which no interest shall be charged under this section.

Explanation.-For the purposes of this section, "hundred per cent export oriented undertaking" has the same meaning as in Explanation 2 to sub-section (1) of section 3 of the Central Excise Act, 1944 (1 of 1944)¹⁰ .]

1. Substituted by Act 32 of 1994, section 60, for section 61 (w.e.f. 13-5-1994).

2. Word "and" omitted by Act 32 of 2003, section 113 (w.e.f. 14-5-2003).

3. Inserted by Act 32 of 2003, section 113 (w.e.f. 14.05.2003).

4. Substituted by Act 20 of 2002, section 124, for clause (i) (w.e.f. 11-5-2002).

5. Substituted by Act 32 of 2003, section 113, for "clause (a) or clause (b)" (w.e.f. 14-5-2003).

6. Substituted by Act 22 of 1995, section 50, for "Collector of Customs" (w.e.f. 26-5-1995).

7. Substituted by Act 27 of 1999, section 107, for certain words (w.e.f. 11-5-1999).

8. Substituted by Act 32 of 2003, section 113, for "sub-clause (a)" (w.e.f. 14-5-2003).

9. Substituted by Act 32 of 2003, section 113, for "thirty days" (w.e.f. 14-5-2003).

10. Now the Central Excise Act, 1944 (1 of 1944).
