

Finance Act, 2003

Section 149 - Amendment of Rule 57r of the Central Excise Rules, 1944

(1) In the Central Excise Rules, 1944, made by the Central Government in exercise of the powers conferred by section 37 of the Central Excise Act, in rule 57R,-

(a) sub-rule (5) as substituted by the Central Excise (Third Amendment) Rules, 1996, published in the Official Gazette, vide notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 324(E), dated the 23rd July, 1996; and

(b) sub-rule (8) as inserted by the Central Excise (Amendment) Rules, 1997, published in the Official Gazette, vide notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 122(E), dated the 1st March, 1997,

shall stand amended and shall be deemed to have been amended retrospectively in the manner as specified in column (3) of the Sixth Schedule on and from the corresponding date specified in column (4) of that Schedule against each of said sub-rules specified in column (2) of that Schedule till the date on which those sub-rules were superseded and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action taken or anything done or purported to have been taken or done under the said sub-rules as so amended, shall be deemed to be, and always to have been, for all purposes, as validly and effectively, taken or done as if the said sub-rules, as amended by this sub-section, had been in force at all material times.

(2) Notwithstanding the supersession of the Central Excise Rules, 1944 referred to in sub-section (1), for the purposes of that sub-section, the Central Government shall have and shall be deemed to have the power to make rules with retrospective effect as if the Central Government had the power to make rules under section 37 of the Central Excise Act, retrospectively at all material times.

(3) Credit shall be allowed of all such specified duty, which have been disallowed but which would not have been disallowed if the amendment made by sub-section (1) had been in force at all material times.

(4) Refund shall be made of all such credit of specified duty, which have been collected but which would have not been collected if the amendment made by sub-section (1) had been in force at all material times.

(5) Notwithstanding anything contained in section 11B of the Central Excise Act, an application for the claim of refund of the credit of the specified duty paid on capital goods under sub-section (3) shall be made within six months from the day on which the Finance Bill, 2003 receives the assent of the President.

Explanation.--For the purposes of this section, the expression "specified duty" has the meaning assigned to it in rule 57Q of the Central Excise Rules, 1944 referred to in sub-section (1).