

Finance Act, 2003

Section 150 - Amendment of Rules 57f and 57ab 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,--

(a) in rule 57F, sub-rule (12), as substituted by clause (a) of rule 8 of 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; and

(b) in rule 57AB, in sub-rule (1), clause (b), as substituted by rule 5 of the Central Excise (Second Amendment) Rules, 2000, published in the Official Gazette vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. G.S.R. 203(E), dated the 1st March, 2000,

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each of the said sub-rules specified in column (2) of that Schedule till the date on which those sub-rules, were superseded.

(2) Any action taken or anything done or purported to have been taken or done, at any time during the period commencing on and from the 8th day of July, 1999 and ending with the day on which the Finance Bill, 2003 receives the assent of the President, under the Central-Excise Act or any rules made thereunder for not allowing the credit of specified duty or the CENVAT credit, as the case may be, to be taken or utilised which would have been allowed to be taken or utilised but for the amendments made by sub-section (1) shall be deemed to be, and to always have been, for all purposes, as validly and effectively taken or done as if the amendments made by sub-section (1) had been in force at all material times, and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority-

(a) no suit or other proceedings shall be maintained or continued in any court for allowing the credit of specified duty or the CENVAT credit, as the case may be, and no enforcement shall be made by any court of any decree or order allowing the credit of specified duty or the CENVAT credit, as the case may be, not allowed to be taken or utilised as if the amendments made by sub-section (1) had been in force at all material times;

(b) recovery shall be made of all the credit of specified duty or the CENVAT credit, which have been taken and utilised but which would not have been allowed to be taken and utilised, if the amendments made by sub-section (1) had been in force at all material times, within a period of thirty days from the day on which the Finance Bill, 2003 receives the assent of the President and in the event of nonpayment of such credit of duties within this period, in addition to the amount of credit of such duties recoverable, interest at the rate of fifteen per cent. per annum shall be payable, from the date immediately after the expiry of the said period of thirty days till the date of payment.

(3) 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 the 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.

Explanation 1.--For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

Explanation 2.--For the purposes of this section, the expressions "specified duty" and "CENVAT credit" have the meanings respectively assigned to them in rules 57A and 57AB of the Central Excise Rules, 1944 referred to in sub-section (1).