

Finance Act, 1997

Section 87 - PROVISIONS AS TO DUTIES OF EXCISE ON SPECIFIED PETROLEUM PRODUCTS IN RELATION TO A CERTAIN PERIOD AND VALIDATION

1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 240(E), dated the 3rd day of May, 1997, which was issued in exercise of the powers conferred by Rule 57-A of the Central Excise Rules, 1944-, to restrict credit of duties paid on specified petroleum products used as inputs in the manufacture of final products shall,- (a) be deemed to have, and to have always had, effect on and from the 23rd day of July, 1996; and (b) be deemed to prevail, and to have always prevailed, over all notifications issued on or after the 23rd day of July, 1996, but before the 3rd day of May, 1997, under Rule 57-A of the said rules in relation to specified petroleum products. Explanation.-For the purposes of this section, "specified petroleum products" means naphtha, furnace oil, low sulphur heavy stock, light diesel oil, bitumen and paraffin wax falling under Chapter 27 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986).

(2) Any action or thing taken or done or purported to have been taken or done, on or after the 23rd day of July, 1996, and before the 3rd day of May, 1997, in relation to specified petroleum products, under the Central Excise Rules, 1944-, read with notifications referred to in clause (b) of sub-section (1), shall be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the provisions of sub-section (1) had been in force at all material times and such action or thing had been taken or done under the Central Excise Rules, 1944-, read with the notification dated the 3rd day of May, 1997, referred to in sub-section (1), and, accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,- (a) credit of duties restricted on or after the 23rd day of July, 1996, and before the 3rd day of May, 1997 on specified petroleum products, shall be deemed to be, and shall be deemed to have always been, as validly restricted, as if the provisions of this section had been in force at all material times; (b) no suit or other proceedings shall be maintained or continued in any court for allowing the credit; and no enforcement shall be made by any court of any decree or order allowing the credit, of duties which have been restricted and which would have been validly restricted if the provisions of this section had been in force at all material times; (c) recovery shall be made of the credit of duties, which have not been restricted but which would have been so restricted if the provisions of this section had been in force at all material times, within a period of ninety days from the date of enactment of this Bill and the event of non-payment of such credit of duties within this period, in addition to the amount of credit of such duties recoverable, interest at the rate of eighteen per cent per annum shall be payable, from the date immediately after the expiry of the said period of ninety days till the date of payment. Explanation.-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.