Finance Act, 2002

Section 130 - REFUND OF ADDITIONAL DUTY OF CUSTOMS IN CERTAIN CASES

1) Notwithstanding anything contained in Section 25 of the Customs Act-, barge mounted power plants, falling under heading 98.01 of the First Schedule to the Customs Tariff Act, shall be deemed to have been exempted from the whole of the additional duty of customs leviable thereon under sub- section (1) ofSection 3 of the Customs Tariff Act-, within the period commencing from the 8th December, 2000 and ending with the 28th February, 2002 (both dates inclusive) and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, barge mounted power plants shall be deemed to be, and always to have been, exempted from the said additional duty of customs as if the exemption given by this subsection had been in force at all material times. (2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to exempt the goods referred to in the said sub-section with retrospective effect as if the Central Government had the power to exempt the said goods under sub-section (1) ofSection 25 of the Customs Act-, retrospectively at all material times. (3) Refund shall be made of all such additional duty of customs which have been collected but which would have not been so collected if the exemption referred to in sub- section (1) had been in force at all material times. (4) Notwithstanding anything contained in Section 27 of the Customs Act-, an application for the claim of refund of the additional duty of customs under sub-section (3) shall be made within six months from the date on which the Finance Bill, 2002 receives the assent of the President.