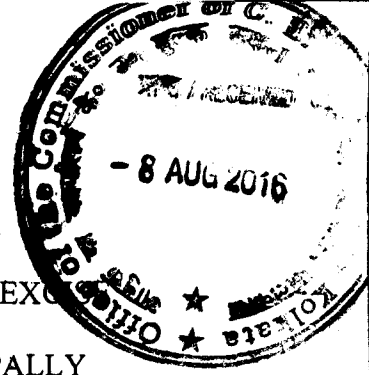


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GOVERNMENT OF INDIA
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF CENTRAL EXCISE
KOLKATA ZONE
KENDRIYA UTPAD SHULK BHAWAN, 2ND FLOOR, 180 SHANTI PALLY
RAJDANGA MAIN ROAD (R. B. AVENUE CONNECTOR), KOLKATA - 700 107
(PHONE: (033) 2441 - 6787 :: FAX : (033) 2441 - 6798)



Minutes of Regional Advisory Committee (Organised Sector and Small Scale Industries) Meeting held on 27th July, 2016

A meeting of Regional Advisory Committee (Organised Sector and Small Scale Industries) for the Kolkata Central Excise Zone was held on 27.07.2016 at 11.30 hrs. in the Office of the Principal Chief Commissioner at the above address. The meeting was chaired by Shri Rakesh Sharma, Chief Commissioner, Central Excise, Kolkata.

2. (a) The following members of the Trade & Industry attended the meeting:

- (i) Shri Vivek Jalan (Representing 'Bengal Chamber of Commerce & Industry')
- (ii) Shri Samar Kumar Dey (Representing 'Tata Metaliks Ltd.')
- (iii) Shri S. Majumder (Representing 'Gun & Shell Factory')
- (iv) Shri S. K. Mandal (Representing 'Gun & Shell Factory')

(b) The following departmental officers attended the meeting:

- (i) Shri S. K. Sinha, Commissioner, Kolkata-V Commissionerate
- (ii) Shri Gaurav Sharma, Additional Commissioner, Kolkata-I Commissionerate
- (iii) Shri M. A. Ansari, Additional Commissioner, CCO, Kolkata
- (iv) Smt. Mimi Chowdhury, Assistant Commissioner, Kolkata-I Commissionerate
- (v) Shri H. L. Songate, Assistant Commissioner, Kolkata-III Commissionerate
- (vi) Shri Ramesh Shibrām, Assistant Commissioner, Kolkata-I Commissionerate
- (vii) Shri S. P. Dey, Assistant Commissioner, CCO, Kolkata

3. The Chairman welcomed all the members of the Trade & Industry and the Departmental Officers to the meeting.

4. The following points were raised in the RAC meeting and taken up for discussion:

Point No. 1. (Fate of pending E & HE Cess)

Point sponsored by Shri Vivek Jalan (Representing 'Bengal Chamber of Commerce & Industry')

Shri Jalan pointed out that in the event of General Budget for 2015-16, payment of Education Cess and Higher Education Cess has been exempted from 01.03.2015 vide Notification Nos. 14/2015-CE and 15/2015-CE respectively, but what would be the fate of balance of Cess lying unutilized in Cenvat credit account of the manufacturer/service provider as on February 28.02.2015/01.03.2015.

The Chief Commissioner discussed the matter that no such Notification for the balance of credit lying in credit as on 28.02.15 as asked for has since been received. The fate of the Cess is a policy matter and would be addressed as per the directions received from the Board from time to time.

Point No. 2. (Submission of documents for taking registration)

Point sponsored by Shri Vivek Jalan (Representing 'Bengal Chamber of Commerce & Industry')

Shri Jalan pointed out that the concerned departmental offices are not accepting submission of hard copies of supporting documents by the applicant before Post Verification is done.

The Chief Commissioner described the online registration procedure pointing out that copies of documents are required to be submitted for verification and record. The concerned Range/Division Officers would be instructed to cooperate with the applicants as per the provisions, in future.

Point No. 3. (SCNs are issued by the department on oxygen produced by the help of free supply of power and water)

Point sponsored by Shri Samir Kumar Dey (Representing 'Tata Metaliks Ltd.')

Shri Dey pointed out that an oxygen producing unit is operating adjacent to the factory premises of M/s. Tata Metaliks Ltd. The former produces oxygen from the atmospheric air with the help of power and water supplied free of cost from the latter. This produced quantity of oxygen is entirely cleared to the manufacturing unit of M/s. Tata Metaliks without payment of duty, to be used in the production of pig iron.

According to Shri Dey, oxygen is produced from the atmosphere and electricity as well as water required for the operation are also supplied free of cost from Tata Metaliks Ltd.

The Chief Commissioner requested the Commissioner of Haldia Commissionerate, present in the meeting, to take up the matter to find out the taxability or exemption in question at the earliest.

Point No. 4. (Disallowance of input credit of service tax paid on Inspection Services)

Point sponsored by Shri Samir Kumar Dey (Representing 'Tata Metaliks Ltd.')

Shri Dey pointed out that his company had employed a third party inspection agency for inspection of manufactured goods at the job workers premises. The agency raised bill along with service tax on the company who in turn paid it and took input credit of the same.

The department objected to such availment of input credit by the company on the ground that the service had been rendered at the job worker's premises and thereby the service has been rendered to the job worker only and not to the said company.

In reply, Shri Mandal intimated that being a Government organization and maintaining no Profit & Loss Account as well as Balance Sheet, the Gun & Shell Factory has got no PAN card as a company.

The Chief Commissioner said that in case of a regular registration, PAN card is a must as per the Central Excise procedure. He advised that the assessee may go for a non-company PAN card, if the same is provided in terms of Income Tax provisions and then apply for registration afresh.

5. The meeting ended with a vote of thanks to the Chair.

This is issued with the approval of the Chief Commissioner.

M.A. Ansari
05/08/2016
(M. A. Ansari)

Additional Commissioner (CCO)

C.No.V (30) 102/CE/CC/RAC Meeting/Kol/2016/11696-1172 Date: 05.08.2016

Copy forwarded for kind information & necessary action and compliance of the observations/instructions of the Chief Commissioner on the points discussed in RAC meeting to:-

- i) The Commissioner of C.Ex., Kol-I / II/ III/ IV/ V Commissionerate
- ii) The Commissioner of C.Ex & S. Tax, Haldia / Bolpur Commissionerate
- iii) The Commissioner of C.Ex., Customs & S. Tax, Siliguri / Durgapur Commissionerate
- iv) The Commissioner of C.Ex., LTU / Audit Comm'te-I / Audit Comm'te-II, Kolkata
- v) The Asst. Director, Directorate of Taxpayers Service, Kolkata in terms of Office Order No. 02/Ad IV/2015 dated 27.08.15 and Board's subsequent letter F. No. 296/35/2014-CX.9 dated 07.03.16
- vi) The Asst. Commissioner (Systems), Kolkata-I Commissionerate, Kolkata with a request to upload the above minutes on to the official website of Central Excise, Kolkata Zone.

Copy forwarded for kind information & necessary action to:-

1) Bengal Chamber Of Commerce And Industry

Address: Royal Exchange, 6, Netaji Subhash Road, Kolkata, West Bengal 700001
Phone:033 2230 3711, 2230 8394-97, Fax: 2230 1289

2) Tata Metaliks Limited, Kharagpur Plant

Head Office, Kolkata. Kharagpur Plant. Tata Metaliks Limited Tata Centre, 10th Floor 43 Jawaharlal Nehru Road Kolkata - 700071. West Bengal, India.

3) Gun & Shell Factory

7, KHAGEN CHATTERJEE ROAD COSSIPORE, Kolkata,
West Bengal 700002, Phone: 033 2557 9684

S.P. Dey
05/8/16
(S. P. Dey)

Asst. Commissioner (CCO)