

MOST URGENT

CORPORATE OFFICE TAXATION SECTION 1 ST FLOOR, BHARAT SANCHAR BHAWAN JANPATH, NEW DELHI-1		BHARAT SANCHAR NIGAM LIMITED [A Government of India Enterprise]
---	---	--

No: 1002-15/2011-12/Taxation/ BSNL/ 181 Dated: 26-04-2012

To,

CGMs of Telecom circles/ Metro Districts/ Maintenance Regions/ Project Circles/ Task Force/Data Network / NCES/ ALTTC/ BRBRAITT/ NATFM/ Q&A/ T&D / Telecom Factories/ Telecom stores/CPAO (ITI Bills)/ IT Circle Pune/ AGM (R&P) Corporate Office.

Sub: - Amendment in CENVAT Credit Rules, 2004 -reg.

Ref:- This office letter No: 1002-15/2011-12/Taxation/ BSNL/ 175 Dated: 20-04-2012.

Kindly refer to this office letter cited above whereby Cenvat Credit (Third Amendment) Rules, 2012 issued by CBEC, MOF, Govt. of India vide Notification No. 18/2012-Central Excise(N.T.) Dated 17th March, 2012 has been circulated for information and necessary action. In continuation of the said letter please find enclosed herewith Notification No. 21/2012-Central Excise(N.T.) Dated 27th March, 2012 issued by CBEC, MOF, Govt. of India whereby Cenvat Credit Rules, 2004 has been amended further vide Cenvat Credit (Fourth Amendment) Rules, 2012. The brief of the some of the amended provisions is as follows.

1. Rule 2(d):- The definition of "Exempted Goods" has been amended.
2. Rule (2)(l) :- Definition of Input service has been amended.
3. Rule 3(1) :- Proviso to clause (i) of Rule 3(1) has been substituted which is as under:

" Provided that CENVAT credit of such duty of excise shall not be allowed to be taken when paid on any goods-

- (a) in respect of which the benefit of an exemption under notification No. 1/2011-CE, dated the 1st March, 2011 is availed ; or
- (b) Specified in serial numbers 67 and 128 in respect of which the benefit of an exemption under Notification No. 12/2012-CE, dated the 17th March, 2012 is availed".

Copy of notification No. 1/2011-CE, dated the 1st March, 2011 and Notification No. 12/2012-CE, dated the 17th March, 2012 are enclosed as Annexure-I & Annexure-II respectively.

This should be treated as most urgent and brought to the notice of all concerned. Also kindly go through the notifications mentioned above and special attention is to be given while availing Cenvat credit.

This issues with the approval of competent authority.

Encl:-As above.


(K. Jothi)
DGM (Taxation)

Copy for information & necessary action to :-

1. IFAs of All BSNL circle stated above.
2. All PGM/ Sr. GM /GM of Finance wing, Corporate office, New Delhi-1.

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB SECTION (i)]

Government of India
Ministry of Finance
Department of Revenue

Notification No. 21/2012 – Central Excise (N.T.)

New Delhi, the 27th March, 2012

G.S.R..... (E).- In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) and section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the CENVAT Credit Rules, 2004, namely : -

1. (1) These rules may be called the CENVAT Credit (Fourth Amendment) Rules, 2012.
(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the CENVAT Credit Rules, 2004,-

(i) in rule 2,- in clause (d), for the words "and goods in respect of which the benefit of an exemption under notification No. 1/2011-CE, dated the 1st March, 2011 is availed", the words, "goods in respect of which the benefit of an exemption under Notification No. 1/2011-CE, dated the 1st March, 2011 or under entries at serial numbers 67 and 128 of Notification No. 12/2012-CE, dated the 17th March, 2012 is availed" shall be substituted;

(ii) in rule 2, in clause (l), in sub-clause (BA), for the words "specified in sub-clauses (d) and (zo) of clause (105) of section 65 of the Finance Act," the words "specified in sub-clauses (d) and (zo) of clause (105) of section 65 of the Finance Act, in so far as they relate to a motor vehicle which is not a capital goods," shall be substituted with effect from the first day of April, 2012.

(iii) in rule 3, in sub-rule (1), in clause (i), for the proviso, the following shall be substituted, namely:-

"Provided that CENVAT credit of such duty of excise shall not be allowed to be taken when paid on any goods –

(a) in respect of which the benefit of an exemption under notification No.1/2011-CE, dated the 1st March, 2011 is availed; or

(b) specified in serial numbers 67 and 128 in respect of which the benefit of an exemption under Notification No. 12/2012-CE, dated the 17th March, 2012 is availed".

[F. No. 334/B1/2012-TRU]

(Raj Kumar Digvijay)
Under Secretary to the Government of India

Note. - The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 10th September, 2004, vide notification number 23/2004-Central Excise (N.T.), dated the 10th September, 2004, vide number G.S.R. 600(E), dated the 10th September, 2004] and was last amended vide notification number 18/2012- Central Excise (N.T.), dated the 17th March, 2012, vide number G.S.R. 182 (E), dated the 17th March, 2012.