Date for Determination of

- Duty Rate & Tariff Value
- Exchange Rate

Assessment

Sections	Descriptions
15	Date for Determination of Duty Rate & Tariff Value for Imported goods
16	Date for Determination of Duty Rate & Tariff value for Export goods.
17	Self Assessment
18	Provisional Assessment
19	Articles brought in Set
	Project import
14(3)	Exchange Rate notified by CBIC
Proviso to 14(1)	Date for exchange Rate for conversion of Value

Duty Rate - 10%
Ex. Rate -1$ = 64.80

Duty Rate - 20%
Ex. Rate -1$ = 64.20

Duty Rate - 15%
Ex. Rate -1$ = 64.80

Duty Rate - 15%
Ex. Rate -1$ = 64.20

DATE FOR DETERMINATION OF RATE AND TARIFF VALUE.

SECTION 15(1)FOR IMPORTED GOODS.

EI = Entry Inward

- If goods entered for home consumption
  - If BOE is presented after EI of vessel or arrival of air craft or vehicle → Relevant date for duty rate and tariff value is date of presentation of Bill of Entry
  - If presentation of BOE
    - Before EI order for vessel → Relevant date for duty rate and tariff value is date at EI order
    - Before arrival of aircraft / vehicle → Relevant date for duty rate and tariff value is date of arrival aircraft / vehicle
- If goods cleared from warehouse → Relevant date for duty rate and tariff value is date of presentation of exbond of bill of entry
- In the case of any other goods → Relevant date for duty rate and tariff value is date payment of duty.

Note:- for Imported goods & Exported Goods:
Exception:- This Provision shall not apply to baggage & goods imported by post.
Comment:-Sec 77 & 83 applies in case of baggage & goods imported by post, respectively.

SECTION 16(1)FOR EXPORT GOODS

- If goods entered for Export u/s 50 → Relevant date for duty rate & tariff value is Date of let export order i.e. date on which PO makes order permitting clearance & loading of goods for exportation.
- In the case of any other goods → Relevant date for duty rate and tariff value is date Payment of export duty.

DATE FOR DETERMINATION OF FOREIGN EXCHANGE RATE [ANALYTICAL TABLE]

Sr. No.	Particulars	Relevant date for duty under sec 15 & 16	Relevant date for Foreign exchange rate under proviso to Sec 14(1)
1.	If goods entered for home consumption		
	a) BOE presented after EI	Date of presentation of BOE	Date of presentation of BOE
	b) BOE presented before EI	Date of granting inward order.	Date of presentation of BOE
2.	If goods cleared from a warehouse	Date of Exbond BOE	Into Bond BOE
3.	If goods entered for export under section 50	Date of let Export Order	Date of Shipping Bill

SEC 14(3) : "RATE OF EXCHANGE" means the RATE OF EXCHANGE AS DETERMINED BY THE CBEC.

ASSESSMENT

SEC 17 SELF ASSESSMENT & RE -ASSESSMENT

(a) Duty to be self-assessed by importer/exporter:-

- Importer in his BOE, or exporter in his shipping bill/Bill of Export, shall **self assess** the duty leviable on such goods.
- PO may **verify** entries made, **examine** or **test** any imported goods or export goods based on risk evaluation.

(b) Verification by proper officer

PO may require to produce any document/ information, where the duty is leviable on goods& Such persons shall produce document/ furnish information as required by PO.

(c) Reassessment of duty by PO, if self-assessment not done correctly:-

If it is found on verification, that self-assessment is not done correctly, PO may **re-assess the duty** leviable on such goods & other actions may also be taken .

(d) Speaking order for re-assessment to be passed unless the importer agrees with the reassessment

In case, any re-assessment done is **contrary to self-assessment** done by importer or exporter,
1) If Importer/Exporter accept reassessment in writing – **No speaking order by officer**
2) If Importer/Exporter not accept reassessment in writing - **Speaking order within 15 days**

SEC 18 PROVISIONAL ASSESSMENT

[P.A = Provisional Assessment, F.A = Final Assessment, R.A = Re-Assessment]

a) Circumstances of provisional assessment:-

PO may direct for P.A. **only in following cases:-**
(a) If importer or exporter is unable to make self-assessment & request in writing.
(b) If PO deems it necessary to any chemical or other test,
(c) If required documents are produced & full information is furnished, but PO wants to make further enquiry, or
(d) If required documents are not produced or information is not furnished & PO wants to make further enquiry.

b) Security to be furnished:-

P.A. may be done on furnishing of security required by PO to pay the deficiency, if any, between finally assessed/ re-assessed duty & provisionally assessed duty.

c) Furnishing of documents & information

[F.A.D= Finally Assessed Duty, R.A.D= Re-assessed Duty ,P.A.D = Provisionally Assessed Duty].

- The importer/ exporter has to furnish required information & Document to PO for F.A. within prescribed time.
- PO shall finalise the P.A. in prescribed time and manner.
- Final assessment or re-assessment:-

a)	In case of goods cleared for home consumption or exportation	If F.A.D or R.A.D exceeds Provisional Duty Paid.	Interest @15% p.a. on differential amount from 1st day of month in which duty is P.A. till the date of its payment there of.
		If F.A.D or R.A.D less than Provisional Duty Paid	Interest @6% p.a.
b)	In case of warehoused goods.	If F.A.D or R.A.D is exceeds P.A.D	Importer shall execute a bond for twice the amount of excess duty.

Faceless Assessment (F.A) (also called as Virtual Assessment or Anonymised Assessment):-

1)	Meaning	➲ F.A. is a major Customs Reforms where a BOE, identified for scrutiny (non-facilitated BOE) is assigned to an A.O., physically located at a Customs station, which is not the Port of Import in the C.A.S. (Custom automated services) ➲ It is a component of "Turant Customs Programme". ➲ This initiative stands on the pillar of faceless, contactless & paperless customs, towards faster & cheaper customs clearance of imported goods. ➲ It separates the customs assessment process from the physical location of Port of Import, using a technology platform. ➲ No changes to the process of filing a B.O.E. Importer can file his documentation including B.O.E and supporting documents on the ICEGATE portal.
2)	Key objectives	a) Anonymity in assessment for reduced physical interface between trade and customs. b) Speedier customs clearances through efficient utilisation of manpower. c) Greater uniformity of assessment across locations. d) Promoting sector specific and functional specialisation in assessment.

PROJECT IMPORTS (Special Procedure):-

1)	Meaning	➲ Project imports are the imports of machinery, apparatus & appliances, components or raw materials, etc., falling under different classification, required for – ➢ Initial set up of unit or ➢ For substantial expansion of an existing unit. ➲ Spare parts, raw materials, & consumables stores upto 10% of value of goods can be imported.
2)	Complication in Assessment lead to Project Imports Scheme	When different items with at different rates of custom duties are required, then **one Consolidated rate of custom duty** is applicable for all the items imported under a project, irrespective of nature of goods & custom classification.
3)	Applicability	➲ Industrial Plants ➲ Irrigation Projects ➲ Power Projects ➲ Mining Projects ➲ Projects for Oil ➲ Mineral exploration ➲ Other notified projects.

Custom Tariff Act 1975 & Additional Duties of Customs

Do you want to remember Sections?

Sections	Descriptions
Sec 1	Short Title, Extent and Commencement
Sec 2	Duty Rate for Basic Customs Duty
Sec 3	Additional Customs Duty
Sec 4	Special Rate for preferential Countries
Sec 5	Low rate under international Trade agreement

SEC 3 : ADDITIONAL CUSTOM DUTY

Section - 2

BCD levied under section 1 are specified in the (I)and (II) schedules.

TARIFF

[BASED ON HARMONISED SYSTEM OF NOMENCLATURE]

CUSTOMS TARIFF ACT, 1975

- Schedule I **Imported Goods** → 21 Sections
- Schedule II **Export Goods** → 99 Chapters

Sec. 3 Additional Customs Duty

ACD 3(1)

1) such additional duty as would counter-balance the excise duty for the time being leviable on a like article if produced or manufactured in India.

2) This duty is called as additional duty.

Assessable value u/s 14(1)	xx
(+) BCD	xx
(+) SWS @10% of BCD	xx
(+) NCCD	xx
(+) Protective duty	xx
Value for ACD 3(1)	xxx

1) Duty rate = Excise duty as mentioned in Central Excise Tariff Act, 1985
2) In case of alcohol Duty Rate = Rate notified by C.G.
3) If excise duty is levied as % of value, duty= % of value of imported article.

ACD 3(5)

1) ACD 3(5) Duty to countervail effect of sales tax, VAT or local tax leviable on like article on its sale or purchase.

Assessable value u/s 14(1)	xx
(+) BCD	xx
(+) SWS @10% of BCD	xx
(+) NCCD	xx
(+) Protective duty	xx
(+) ACD 3(1)	xx
Value for ACD 3(5)	**xxx**

1) Duty rate = Rate notified by C.G. which should not exceeds 4 %

ACD 3(7) = IGST

2) It is leviable to counter balance the effect of GST payable on Supply of like goods in India.

Assessable value u/s 14(1)	xx
(+) BCD	xx
(+) SWS @10% of BCD	xx
(+) NCCD	xx
(+) Protective duty	xx
(+) ACD 3(1)	xx
(+) ACD 3(5)	xx
(+) Safeguard Duty	xx
(+) CVD on subsidies Article	xx
(+) Antidumping Duty	xx
Value for ACD 3(7)	**xxx**

1) Duty rate = Rate notified for levy of IGST under GST Act on like goods
2) This duty rate shall not exceed 40%.

ACD 3(9) = GST Cess

It is payable to Counter balance GST compensation Cess leviable u/s 8 GST (Compensation to States cess Act, 2017 on a like article on its supply in India.)

Assessable value u/s 14(1)	xx
(+) BCD	xx
(+) SWS @10% of BCD	xx
(+) NCCD	xx
(+) Protective duty	xx
(+) ACD 3(1)	xx
(+) ACD 3(5)	xx
(+) Safeguard Duty	xx
(+) CVD on subsidies Article	xx
(+) Antidumping Duty	xx
Value for ACD 3(9)	**xxx**

1) Duty rate = Rate notified by C.G. under GST Cess Act on like goods

SEC 4 : PREFERENTIAL RATE

1) C.G. has power to notify preferential area
2) Duty is payable at preferential rate of imported goods being produce or manufacture in preferential area
3) C.G. notify the rules for determination of goods produce or manufacture in preferential area .
4) In the interest of trade C.G. may reduce or increased or discontinue preferential rate
5) If preferential rate increased then it should not exceeds normal Rate

SEC 5 : LOWER RATE OF DUTY UNDER TRADE AGREEMENT

1) C.G. may notify lower agreement between Govt. of India & Foreign Country
2) C.G. notify the rules for determination of goods produce or manufacture in foreign country.