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July 08, 2022

Ms. Kapil Chaudhary
Joint Secretary (Drawback)
Central Board of Indirect Taxes and Customs (CBIC)
Ministry of Finance

Subject: Request for a Meeting to discuss issues related to the scheme for manufacture under The Manufacture and Other Operations in Warehouse (no. 2) Regulations, 2019, [“MOOWR, 2019”]

Respected Madam,

Greetings from MAIT!

We would like to take this opportunity to thank CBIC for its continued support to the industry in policy related issues.

We write to you in order to draw your kind attention towards the disadvantages faced by bonded warehousing units in respect of the benefits available to units set up for export promotion schemes. Please further note that this peculiar issue is in the context of clearance of used imported capital goods on payment of customs duty to the domestic tariff area.

On 1st October 2019, the Government released the Circular-34/2019-Customs, through which the modalities for the Manufacture and Other Operations in Warehouse (no. 2) Regulations, 2019, were explained. Through the said scheme several trade-friendly measures were introduced, which made the scheme welcoming to a certain extent and we earnestly thank the Government for the same. However, it also propagates a major concern which is because even though the MOOWR scheme does not have any provision denying depreciation on clearance of used and imported capital equipment, its Frequently Asked Questions (FAQs) still categorically mentions that depreciation is not available if imported capital goods (on which duty has been deferred) are cleared for home consumption after use in a Section 65 unit. Furthermore, the FAQs also states that when it comes to exports, the imported capital goods (on which duty has been deferred) after use in a Section 65 unit can be exported without payment of duty as per Section 69 of the Customs Act.

In view of the aforesaid observations, we are of the opinion that non-incorporation of provisions related to applicability of depreciation is grossly discriminatory in nature, especially because the Government has provided such benefits under other export related schemes. For example: - Under the Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017 [“**IGCR Rules**”] also, since 2021, depreciation is allowed in straight line method, as specified below:

- i. for every quarter in the first year @ 4%;
- ii. for every quarter in the second year @ 3%;
- iii. for every quarter in the third year @ 3%;
- iv. for every quarter in the fourth and fifth year @ 2.5%;
- v. and thereafter for every quarter @ 2%.

- Under the Handbook of Procedures (2015-2020) (in force till 30.09.2022), for Export Oriented Units ["EOUs"], Electronics Hardware Technology Parks ["EHTPs"], Software Technology Parks ["STPs"] Scheme and Bio-Technology Parks ["BTPs"], the depreciation rate for capital goods other than computers and computer peripherals is as below:

- 4% for every quarter in first year;
- 3% for every quarter in second and third year;
- 2.5% for every quarter in fourth and fifth year;
- 2% for every quarter thereafter.

The aforementioned examples clearly show that the Government has provided such benefits in other export related schemes as they appreciate the fact that capital goods by their very nature will lose their value once they are used and, therefore, in order to maintain the competitiveness in the exports sector alive, the existing machines will have to be continuously upgraded with newer machines and variants. Similarly, as a bonded unit is not different when compared with other export-oriented units, it is hence, imperative that the same benefits are extended and made applicable to all the other export promotion schemes as well.

In view of the aforesaid, we humbly request the following –

- i **the depreciation on imported capital goods** at the time of clearance may also be allowed under the MOOWR, 2019 regulations and,
- ii in order to support and promote the truest essence of *Make in India, For the World*, **duty should be computed on depreciated value** in line with other schemes such as Export Oriented Units / Special Economic Zones etc.
- iii **Extending RoDTEP benefits to MOOWR**. Further, the RoDTEP Scheme is not presently available for exporters who benefit from Other Operation in Warehouse Regulation (MOOWR) scheme. As you are aware, the MOOWR scheme exempts customs duty only on raw materials and not on other taxes and duties embedded in the manufacturing of export goods like electricity, fuel and tax component in other inputs and services. In this context, the Government of India should allow exporters to get the benefits of the RoDTEP scheme that are already availing the benefits under MOOWR scheme. We believe that this will bring all schemes together and can become a big step toward achieving the objective of "Make-in-India" and "Make-In-India for the World"

To discuss these issues in detail, we are writing to request you for an appointment on **Friday, 15th July, 2022 at a time convenient to you** for the MAIT Delegation to apprise you of the matter personally.

We would greatly appreciate your kind confirmation

With regards,



Col. Ali Akhtar Jafri, Retd.
Dy. COO
(Acting Director General – MAIT)