

Excise

Amendment of section 9. **78.** In the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), in section 9, 10 1 of 1944.
in sub-section (1), in clause (i), for the words "thirty lakh", the words "fifty lakh" shall be substituted.

Amendment of section 9A. **79.** In section 9A of the Central Excise Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences under 2 of 1974.
section 9, except the offences referred to in sub-section (1A), shall be non-cognizable within the 15
meaning of that Code.

(1A) The offences relating to excisable goods where the duty leviable thereon under this Act exceeds fifty lakh rupees and punishable under clause (b) or clause (bbbb) of sub-section (1) of section 9, shall be cognizable and non-bailable."

Amendment of section 11. **80.** Section 11 of the Central Excise Act shall be renumbered as sub-section (1) thereof, and in sub- 20
section (1) as so renumbered,—

(a) for the portion beginning with the words "may deduct" and ending with the words "or may recover the amount", the following shall be substituted, namely:—

"may deduct or require any other Central Excise Officer or a proper officer referred to in section 142 of the Customs Act, 1962 to deduct the amount so payable from any money owing to 25 52 of 1962.
the person from whom such sums may be recoverable or due which may be in his hands or under his disposal or control or may be in the hands or under disposal or control of such other officer, or may recover the amount";

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, 30
namely:—

"(2)(i) The Central Excise Officer may, by a notice in writing, require any other person from whom money is due to such person, or may become due to such person, or who holds or may subsequently hold money for or on account of such person, to pay to the credit of the Central Government either forthwith upon the money becoming due or being held, or at or within the time specified in the notice, not being before the money becomes due or is held, so much of the 35
money as is sufficient to pay the amount due from such person or the whole of the money when it is equal to or less than that amount; 43 of 1961.

(ii) every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and in particular, where any such notice is issued to a post office, banking company or an insurer, it shall not be necessary to produce any pass book, deposit receipt, 40
policy or any other document for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary;

(iii) in a case where the person to whom a notice under this sub-section has been issued, fails to make the payment in pursuance thereof to the Central Government, he shall be deemed to be a person from whom duty and any other sums of any kind payable to the Central Government 45
under any of the provisions of this Act or the rules made thereunder have become due, in respect of the amount specified in the notice and all the consequences under this Act shall follow."

Amendment of section 11A. **81.** In section 11A of the Central Excise Act, after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) Notwithstanding anything contained in sub-section (1) or sub-section (3) or sub-section (4) 50

- or sub-section (5), the Central Excise Officer may, serve, subsequent to any notice or notices served under any of those sub-sections, as the case may be, a statement, containing the details of duty of central excise not levied or paid or short-levied or short-paid or erroneously refunded for the subsequent period, on the person chargeable to duty of central excise, then, service of such statement shall be deemed to be service of notice on such person under the aforesaid sub-section (1) or sub-section (3) or sub-section (4) or sub-section (5), subject to the condition that the grounds relied upon for the subsequent period are the same as are mentioned in the earlier notice or notices.”
- 82.** In section 11DDA of the Central Excise Act, in sub-section (1), the words, brackets and figure “sub-section (1) of” shall be omitted. Amendment of section 11DDA.
- 83.** In section 20 of the Central Excise Act, for the words “shall either admit him”, the words “shall, where the offence is non-cognizable, either admit him” shall be substituted. Amendment of section 20.
- 84.** In section 21 of the Central Excise Act, in sub-section (2), in the proviso,—
 (i) in clause (a), for the words “shall either admit him”, the words “shall, where the offence is non-cognizable, either admit him” shall be substituted;
 (ii) in clause (b), after the words “against the accused person”, the words “in respect of offence which is non-cognizable” shall be inserted. Amendment of section 21.
- 85.** In section 23A of the Central Excise Act, for clause (a), the following clause shall be substituted, namely:—
 ‘(a) “activity” means production or manufacture of goods and includes any new business of production or manufacture proposed to be undertaken by the existing producer or manufacturer, as the case may be;’ Amendment of section 23A.
- 86.** In section 23C of the Central Excise Act, in sub-section (2), in clause (e), for the words “admissibility of credit of excise duty”, the words “admissibility of credit of service tax paid or deemed to have been paid on input service or excise duty” shall be substituted. Amendment of section 23C.
- 87.** In section 23F of the Central Excise Act, in sub-section (1), for the word, figures and letter “section 28-I”, the word, figures and letter “section 23D” shall be substituted. Amendment of section 23F.
- 88.** In section 35C of the Central Excise Act, in sub-section (2A), after the second proviso, the following proviso shall be inserted, namely:—
 “Provided also that where such appeal is not disposed of within the period specified in the first proviso, the Appellate Tribunal may, on an application made in this behalf by a party and on being satisfied that the delay in disposing of the appeal is not attributable to such party, extend the period of stay to such further period, as it thinks fit, not exceeding one hundred and eighty-five days, and in case the appeal is not so disposed of within the total period of three hundred and sixty-five days from the date of order referred to in the first proviso, the stay order shall, on the expiry of the said period, stand vacated.” Amendment of section 35C.
- 89.** In section 35D of the Central Excise Act, in sub-section (3), for the words “ten lakh rupees”, the words “fifty lakh rupees” shall be substituted. Amendment of section 35D.
- 90.** In section 37C of the Central Excise Act,—
 (i) in sub-section (1), in clause (a), after the words “registered post with acknowledgement due”, the words and figures “or by speed post with proof of delivery or by courier approved by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963” shall be inserted;
 (ii) in sub-section (2), after the words “delivered by post”, the words, brackets and figure “or courier referred to in sub-section (1)” shall be inserted. Amendment of section 37C.
- 91.** The Third Schedule to the Central Excise Act shall be amended in the manner specified in the Fifth Schedule. Amendment of Third Schedule.
- Central Excise Tariff*
- 92.** In the Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act), the First Schedule shall be amended in the manner specified in the Sixth Schedule. Amendment of First Schedule.