

## **Cenvat credit on Courier imports**

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Cenvat credit on courier import of goods has always been question of dispute by the department. Assessee would not get separate bill of entries (BOE) as courier agencies clear imported goods in bulk at customs station and agencies issue photocopy of consolidated BOE. Credit on photocopies always had been restricted by department.

Rule 9 of CCR 2004 lists out documents on the basis of which Cenvat credit could be availed. BOE and certificate issued by appraiser of customs in respect of goods imported through a Foreign Post Office have also been included in this. However, there is no mention of courier BOE in the list. Now, CBEC has been amended Rule 9 vide notification no.27/2015 dated 31.12.2015 to include certificate issued by customs appraiser in respect of goods imported through authorized Courier in this list. Though it is good development, tax department now could start asking for certificate from customs appraiser in case of all courier imports.

Earlier, CBEC issued Circular No.31/2007-Cus clarifying that the importer who wishes to avail Cenvat credit on CVD paid on import needs to file normal BOE. The tribunal in case of *Ruby Mills Ltd Vs CCE, Mumbai 2007 (220) E.L.T 212 (Tri -Mum)*, the tribunal held that credit is eligible if BOE is either certified or notarized by courier agency. Recently, the Delhi CESTAT in case *Interface Microsystems Vs. CCE 2015 (039) STR 0313* held that Cenvat credit is available even on the strength of courier BOE. Further, in case of *Stovec Industries OIO No. MP/2/AC/Div-VI/ 2013-14*, assistant commissioner held that credit is eligible based on document which contains basic details like duty payment, description of goods and goods receipt, accounting.

To avoid litigations, the assessee shall ensure the following:

- 1) File normal BOE for courier imports
- 2) If normal BOE not possible, a certificate from customs appraiser is required. Assessee could instruct the courier agency to get this certificate.
- 3) If both not possible, assessee should seek invoice from courier agency with details of duties paid which is duly certified by agency for availing credit.

Assessee who has not availed credit on courier BOE can start availing credit at least for past one year with intimation to department.

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