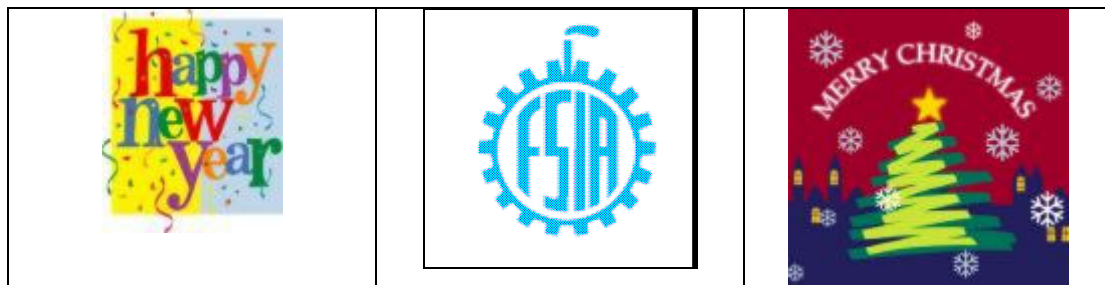


## E-circular dt 23-Dec-2006 : Notes for Exporters



Dear Friends,

We wish all members a Merry Christmas, and a fabulous New Year 2007.

### **Some Important News items for all**

1. If your ROC return has not yet been deposited, do it now, with the nominal late fee.
2. DIN-3 official last date is gone. Yet, they are available for filing. File it now, if you have not.
3. Advance tax date has just gone past – 15<sup>th</sup> December 2006. Do it now, if not done.
4. Fringe Benefit Tax advance tax date coming – 15<sup>th</sup> Jan 2007. Plan it now.
5. ETDS returns are to go before 15<sup>th</sup> Jan 2007, deposit all pending TDS now.
6. Do the income tax planning for yourself / spouse / children / company now.
7. If you are Salaried, give your Tax savings declaration to your company now.
8. Anyway, have a sitting with your CA now, for a better Advance tax planning.

## FSIA Exporter's special Circular

With the Indian Economy becoming more and more efficient, economical and effective. Our Exports are rising by almost 20% p.a. A lot of our FSIA members are also engaged in Exports . Hence, we are pleased to present some good notes for your benefit.

*( Source : Master Circular - Export of Goods and Services, issued by the Reserve Bank of India – Forex Dept ( MASTER CIRCULAR NO. 9/2006-07, DATED 1-7-2006) . For sake of brevity, and importance, We are giving excerpts of some selected paragraphs only.)*



### C.10 Follow-up of Overdue Bills

- (i) Authorised Dealer banks should closely watch realisation of bills and in cases where bills remain outstanding, beyond the due date for payment or six months from the date of export, the matter should be promptly taken up with the concerned exporter. If the exporter fails to arrange for delivery of the proceeds within six months or seek extension of time beyond six months, the matter should be reported to the RO concerned of the Reserve Bank stating, where possible, the reason for the delay in realising the proceeds. The duplicate copies of GR/SDF/PP Forms should, however, continue to be held by Authorised Dealer bank until the full proceeds are realised, except in case of undrawn balances covered by "Note" under paragraph C 5.

**FSIA → Means, in normal course, be specific, and get the funds in time. ( 180 days )**

- (ii) Authorised Dealer banks should follow up export outstandings with exporters systematically and vigorously so that action against defaulting exporters does not get delayed. Any laxity in the follow up of realisation of export proceeds by Authorised Dealer banks will be viewed seriously by Reserve Bank, leading to the invocation of the penal provision under FEMA, 1999.

**FSIA → Means, if you do not bring the export remittance in time, your Bank is going to be in problem . And obviously, Bank is not going to remain too friendly either.**

- (iii) Exporters who have been certified as 'Status Holder' in terms of Foreign Trade Policy are permitted to realise and repatriate the full value of export proceeds within a **period of 12 months** from the date of shipment.

**FSIA → Means, if you are a Recognised Export House – 1 star, 2 star etc → Then, you have a higher flexibility. You can get money in 12 months instead of 6 months. Good. ( So, become bigger, do more exports , and become a "Status Holder"**

- (iv) 100 per cent Export Oriented Units (EOUs) and units set up under Electronic Hardware Technology Parks (EHTPs), Software Technology Parks (STPs) and Bio-Technology Parks (BTPs) Schemes are permitted to realise and repatriate the full value of export proceeds within a period of 12 months from the date of export in respect of export made on or after September 1, 2004.

**FSIA → Means, if you are a 100% EOU , whether into Engineering, or Garments, or Furniture ( any stream ) → Then, again, you have a higher flexibility. You can get money in 12 months instead of 6 months. Good. (Another big benefit, is → the 100% EOU units are 100% tax free till 31.3.2009. → whereas a normal exporter pays full tax on all his income. The EOU are 100% tax free and the normal Exporters are fully taxed, just like normal domestic business.**


- (v) The stipulation of twelve months or extended period thereof for realisation of export proceeds is no longer applicable for units located in Special Economic Zones (SEZs). The units in SEZs will however continue to follow the GR/PP/Softex export procedure outlined in section B - Part II of this circular.

**FSIA → We all hear that SEZ's are expected to come up near Manesar / Palwal / Kundli Expressway, very near to our Factories in Faridabad/Gurgaon. So, if you are into Export line, and you feel that the benefits will be more than the costs, go ahead, and plan a future factory in SEZ.**

- (vi) Authorised Dealer banks should furnish to the RO concerned of the Reserve Bank, on half-yearly basis, a consolidated statement in Form XOS giving details of all export bills outstanding


beyond six months from the date of export as at the end of June and December every year. The statement should be submitted in triplicate within fifteen days from the close of the relative half-year.

**FSIA → And, all of you, when you give the Export Debtor Outstandings to you bank every month. Remember, Bank also forwards them to the RBI, regularly . Good Luck.**

	<p><b><u>Can I give Cash Discount in Exports also ?</u></b></p> <p>Yes, says, para : C.11 Reduction in Invoice Value on Account of Pre-payment of Usance Bills</p>
---	--

“....Occasionally, **exporters may approach Authorised Dealer** banks for reduction in invoice value on account of cash discount to overseas buyers for prepayment of the usance bills. Authorised Dealer banks **may allow cash discount** to the extent of amount of proportionate interest on the unexpired period of usance, calculated at the rate of interest stipulated in the export contract or at the prime rate/LIBOR of the currency of invoice where rate of interest is not stipulated in the contract ...”.

**FSIA → So, that is good. Money comes in Faster. But remember, (a) discount rate will not be more than the LIBOR, and (b) take the bank into confidence.**

	<p><b><u>Can I reduce the Invoice value in Exports also ?</u></b></p> <p>Yes, says, para : C.12 Reduction in Invoice Value</p>
---	--

**“.....C. 12 Reduction in Value**

If, after a bill has been negotiated or sent for collection, **its amount is to be reduced for** any reason, Authorised Dealer bank may approve such reduction, if satisfied about genuineness of the request, provided:

- a. **The reduction does not exceed 10 per cent of invoice value.**
- b. **It does not relate to export of commodities subject to floor price stipulations.**
- c. **The exporter is not on the exporters’ caution list of Reserve Bank.**
- d. **The exporter is advised to surrender proportionate export incentives availed of, if any.**

**FSIA → Great News, sometimes, the buyer deducts small amounts for Rate Difference, or minor breakages, or late shipment etc -> so in such cases, upto 10% write-off is allowed.**

**“.....C. 12 Reduction in Value .. continued ... for Established Exporters**

In the case of exporters who have been in the **export business for more than three years**, reduction in invoice value may be allowed, **without any percentage ceiling**, subject to the above conditions as also

subject to their track record being satisfactory, *i.e.*, the export outstandings do not exceed 5 per cent of the average annual export realisation during the preceding three calendar years.

**FSIA →** That is even Better news. Most of the exporters are in business for at least 3 years. And they can write-off any amount. ( it is their loss anyway). There is no 10 % per invoice restriction. So, if you have some old Export Bills being carried on in your Balance Sheets for last 1 –2 years, you can take this route to clean your Balance Sheets. [[[Provided that your such outstandings are less than 5% overall ]]]

**Ques : Can I Write-off some Un-collectibles – myself ?**

Yes, says, para : C.15 Self write-off and Extension of Time

### **C.15 Self write-off and Extension of Time**

For export proceeds due within the prescribed period during a calendar year

All exporters (including Status Holder exporters) have been allowed to:

- (a) Write off (including reduction in invoice value) outstanding export dues, and
- (b) Extend the prescribed period of realisation beyond 180 days or further period as applicable, provided
  - (i) the aggregate value of such export bills written-off (including reduction in invoice value) and bills extended for realisation does not exceed 10 per cent of the export proceeds due during the calendar year, and
  - (ii) such export bills are not a subject of investigation by Enforcement Directorate/Central Bureau of Investigation or any other Investigating Agencies.

**FSIA →** Bad Debts are bad news. Your customer refuses to pay, for some reason. It is a bad news. It gets even worse, if the Govt departments, prick you for that.  
**Now, you can Write-off such amounts, provided, it is less than 10% of your Overall Exports Proceeds.**  
**So, we recommend, do this , this year.**

(( ( there are some more conditions, applicable, on this clause, for Bankers dealing with Consortium of Banks, which we can provide to the interested Exporter Members, ---- please feel free to get in touch with us, for the full text . FSIA editorial Team )))

### **C.15 Self write-off and Extension of Time -- continued**

“ ... Within a month from the close of the calendar year, exporters should submit a statement (Annex 3), giving details of export proceeds due, realised and not realised to the Authorised Dealer bank concerned.”

**FSIA →** OK, please do that.

### **C.15 Self write-off and Extension of Time – continued 2**

**FSIA →** Just a caution, note, if the Limits are breached, or mis-used, then, (1) the bank shall intimate the RBI, and (2) also your facility for Extension / Writeoff will be withdrawn.

**Ques : Extension of Time Limit -- Apply to RBI ?**

### C.16 Extension of Time Limit in Other Cases

“.....1. (i) In cases where an exporter has not been able to realise proceeds of a shipment made within the period prescribed, for reasons beyond his control, but expects to be able to realise proceeds if extension of the period is allowed to him, necessary application (in duplicate) should be made to the Regional Office concerned of Reserve Bank in form ETX through his Authorised Dealer bank with appropriate documentary evidence in respect of cases not falling under para (ii) below.

(ii) Reserve Bank of India has permitted the Authorised Dealer banks to extend the period of realisation of export proceeds beyond 6 months from the date of export where the invoice value does not exceed US \$ 1mn. subject to the following conditions:

- a. The Authorised Dealer bank is satisfied that the exporter has not been able to realise export proceeds for reasons beyond his control.
- b. The exporter submits a declaration that he will realise the export proceeds during the extended period.
- c. The extension may be granted up to a period of 3 months at a time and while considering the extension beyond one year from the date of export the total export outstanding of the exporter should not be more than 10 per cent of the average of export realisations during the preceding 3 financial years.

....  
....

All the export bills outstanding beyond six months from the date of export may be reported in XOS statement as usual. However, where extension of time has been granted by the Authorised Dealer bank, the date up to which extension has been granted may be indicated in the ‘Remarks’ column.....”

**FSIA → If your case, does not lie in the new facility of “Self extension”, then, the application, has to be sent to the RBI. In prescribed formats.**

Ques : **Shipments Lost in Transit -- what to do ?**



### “.....C.17 Shipments Lost in Transit

When shipments from India for which payment has not already been received either by negotiation of bills under letters of credit or otherwise are lost in transit, the Authorised Dealer bank must ensure that insurance claim is made as soon as the loss is known. The duplicate copy of GR/SDF/PP form should be forwarded to Reserve Bank with following particulars:

- a. Amount for which shipment was insured.
- b. Name and address of the insurance company.
- c. Place where the claim is payable.

In cases where the claim is payable abroad, the Authorised Dealer bank must arrange to collect the full amount of claim due on the lost shipment, through the medium of his overseas branch/correspondent and release the duplicate copy of GR/SDF/PP form only after the amount has been collected. A certificate for the amount of claim received should be furnished on the reverse of the duplicate copy.

Note: Sometimes claims on shipments lost in transit are also partially settled directly by shipping companies/airlines under carrier’s liability. Authorised Dealer banks should ensure that amounts of such claims if settled abroad are also repatriated to India by exporters.

**FSIA → Facility is there. Pls take appropriate action.**

Ques : **Full Write-off ?? What to do ?**

The law says ....

**Para C. 19 A “Write off” of Unrealised Export Bills**

(i) An exporter who has not been able to realise the outstanding export dues despite best efforts, may approach the Authorised Dealer bank, who had handled the relevant shipping documents, with appropriate supporting documentary evidence with a request for write off of the unrealised portion. Authorised Dealer banks may accede to such requests subject to the under noted conditions:

**FSIA members pls note : The conditions are**

- a. The relevant amount has remained outstanding for one year or more;
- b. The aggregate amount of write off allowed by the Authorised Dealer bank during a calendar year does not exceed 10 per cent of the total export proceeds realised by the concerned exporter through the concerned Authorised Dealer bank during the previous calendar year;
- c. Satisfactory documentary evidence is furnished in support of the exporter having made all efforts to realise the dues;
- d. The case falls under any of the under noted categories:
  - i. The overseas buyer has been declared insolvent and a certificate from the official liquidator indicating that there is no possibility of recovery of export proceeds produced.
  - ii. The overseas buyer is not traceable over a reasonably long period of time.
  - iii. The goods exported have been auctioned or destroyed by the Port/Customs/Health authorities in the importing country.
  - iv. The unrealised amount represents the balance due in a case settled through the intervention of the Indian Embassy, Foreign Chamber of Commerce or similar Organisation.
  - v. The unrealised amount represents the undrawn balance of an export bill (not exceeding 10 per cent of the invoice value) remained outstanding and turned out to be unrealisable despite all efforts made by the exporter.
  - vi. The cost of resorting to legal action would be disproportionate to the unrealised amount of the export bill or where the exporter even after winning the Court case against the overseas buyer could not execute the Court decree due to reasons beyond his control.
  - vii. Bills were drawn for the difference between the letter of credit value and actual export value or between the provisional and the actual freight charges but the amount has remained unrealised consequent on dishonour of the bills by the overseas buyer and there are no prospects of realisation.
- e. The case is not the subject matter of any pending civil or criminal suit;
- f. The exporter has not come to the adverse notice of the Enforcement Directorate or the Central Bureau of Investigation or any such other law enforcement agency;
- g. The exporter has surrendered proportionate export incentives, if any, availed of in respect of the relative shipments. The Authorised Dealer bank should obtain documents evidencing surrender of export incentives availed of before permitting the relevant bills to be written off. Authorised Dealer banks are to put in place a system under which their internal inspectors or auditors carry out random sample check/percentage check of outstanding export bills written off;

**FSIA members pls note : The Bank will certify as under :**

(ii) Where there is no further amount to be realised against the GR/SDF/PP form covered by the write off, Authorised Dealer bank should certify the duplicate form as under:

“Write off of..... (Amount in words and figures) permitted in terms of paragraph C.18 of Directions to Authorised Dealer banks.”

Date .....

Stamp and Signature of  
Authorised Dealer bank

**FSIA members pls note : For Status Holder Exporters :**

(iii) Status holders exporters, as defined under in the Foreign Trade Policy, and manufacturer exporters exporting more than 50 per cent of their production, and recognised as such by DGFT, may be permitted to “ write off” outstanding export bills up to an annual limit of 5 per cent of their average annual realisations (not turnover) during the preceding three calendar years. The limit of 5 per cent will be cumulatively available in a year and subject to the following conditions.

1. The exporter should submit to the concerned Authorised Dealer bank a Chartered Accountant’s certificate indicating -

- a. the export realisation in the preceding three calendar years and also the amount of “write off” already availed of during the year, if any.
- b. the relevant GR/SDF Nos. to be written off, Bill No., invoice value, commodity exported, country of export,
- c. the export benefits, if any, availed of by the exporter have been surrendered.

2. The following do not qualify for the “write off” facility:

- a. Exports made to countries with externalisation problem *i.e.* where the overseas buyer has deposited the value of export in local currency but the amount has not been allowed to be repatriated by the central banking authorities of the country.
- b. GR/SDF forms which are under investigation by agencies like, Enforcement Directorate, Directorate of Revenue Intelligence, Central Bureau of Investigation, etc. as also the outstanding bills which are subject matter of civil/criminal suit.

3. After the “write off” has been permitted Authorised Dealer bank may certify the duplicate form as under:—

“Write off of .....(Amount in words and figures) permitted in terms of A.P. (DIR Series) Circular No. 30, dated April 4, 2001.”

Date

Stamp and Signature of  
Authorised Dealer bank

4. Authorised Dealer banks may note to take into account the amount written off under this facility while arriving at the eligible amount under paragraph C.18 of A. P. (DIR Series) Circular No.12 of September 9, 2000.

5. Authorised Dealer banks may forward a statement in form EBW to the Regional Office of Reserve Bank under whose jurisdiction they are functioning, indicating details of write offs etc., every half year ended 30th June and 31st December within 15 days from the date of completion of the relevant half year.

**Ques : Can I sell goods on Long Credit period, more than 180 days ?**

Yes , as defined below

**“...Para A.12 Export on Elongated Credit Terms**

Exporters intending to export goods on elongated credit terms may submit their proposals giving full particulars through their banks for consideration to the Regional Office concerned of the Reserve Bank.

In the case of **export of books on consignment basis**, Authorised Dealer banks may approve such proposals allowing for realisation of export proceeds up to 360 days from the date of shipment. The exporters may be allowed to abandon the books which remain unsold at the expiry of the period of the sale contract. Accordingly, the exporters may show the value of the unsold goods as deduction from the export proceeds in the Account Sales....”

**FSIA comments:** Some of FSIA members have good relations with their customers abroad, and want to give them some extended credit. ( more than 180 days, .... ) So, in this case , you can take the Bank into confidence. And do the needful. You can use the above for a appointing “Consignment Agents too”.

FSIA is also pleased for give a copy of these forms for your kind benefit :

*ANNEX 1*

**FOREIGN EXCHANGE MANAGEMENT (CURRENT ACCOUNT TRANSACTIONS) RULES, 2000**

[NOT REPRODUCED]

*ANNEX 2*

**NOTIFICATION NO. FEMA 23/2000-RB, DATED 3RD MAY, 2000 (AS AMENDED UPTO 25TH MARCH, 2004)**

[NOT REPRODUCED]

**Form XOS**

(Paragraph 6.C.12)

A.D. Code No. ....

**Statement of particulars of export bills outstanding beyond prescribed period/due date of realisation as at 30th June/31st December**

*PART I*

**OUTSTANDING EXPORT BILLS OTHER THAN THOSE ON DEFERRED PAYMENT TERMS**

<i>Sr. No.</i>	<i>Bill No. and date</i>	<i>Name &amp; Address of exporter</i>	<i>Exporter's Code No./ IE Code No.</i>	<i>Date of export</i>	<i>Due date of realisation</i>	<i>GR/PP/SOFTEX form No.</i>	<i>Port of Shipment</i>	<i>Ship-ping bill No. and date</i>	<i>Name &amp; address of the overseas buyer</i>	<i>Commodity</i>
<i>1.</i>	<i>2.</i>	<i>3.</i>	<i>4.</i>	<i>5.</i>	<i>6.</i>	<i>7.</i>	<i>8.</i>	<i>9.</i>	<i>10.</i>	<i>11.</i>

<i>Invoice value</i>	<i>Amount Realised</i>	<i>Amount Outstanding</i>	<i>Rupee equivalent of outstanding amount (To be classified as)</i>			<i>Remarks</i>
<i>Currency and Amount</i>	<i>Currency and Amount</i>	<i>Currency and Amount</i>	<i>Cash exports</i>	<i>Exports on consignment basis</i>	<i>Undrawn balances</i>	
<i>12.</i>	<i>13.</i>	<i>14.</i>	<i>15.</i>	<i>16.</i>	<i>17.</i>	<i>18.</i>



Total						

**PART II**

**EXPORTS ON DEFERRED PAYMENT TERMS WHERE INSTALMENTS (INCLUDING INTEREST) ARE OUTSTANDING BEYOND DUE DATE**

Sr. No.	Name & address of exporter	Exporter's Code No./ IE Code No.	No. & date of RBI approval for deferred payment term	Date of export	GR Form No.	Port of Shipment	Shipping bill No. and date	Name & address of the overseas buyer	Commodity	Invoice value Currency & Amount
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

Value of goods covered under deferred payment terms (including interest)		Total Amount of deferred instalments (including interest) already received		Total Amount of instalments outstanding beyond due date		Rupee equivalent of outstanding amount	Whether ECGC cover obtained (Yes/No)	No. & date of bank certificate issued	Remarks
Currency	Amount	Currency	Amount	Currency	Amount				
12.		13.		14.		15.	16.	17.	18.
Total									

**PART III  
SUMMARY**

	Part I		Part II
	'Cash' exports	Export on consignment basis	Undrawn balances
	Total	Exports on deferred payment basis	
	Rs.	Rs.	Rs.
Outstandings as on .....			

(End of previous half-year)  
*Add:* Addition during the half-year under report  
*Less:* Deletion during the half-year  
 Net position of outstanding as on

.....  
 (End of half-year under report)

We certify that all export bills *i.e.* export bills purchased, negotiated and sent for collection, outstanding beyond the prescribed period/due date of realisation of as at the end of half-year under report have been included in this statement.

Place: ..... Stamp (Signature of Authorised Official)  
 Name: .....  
 Date : ..... Designation: .....

**ANNEX 3**  
**(C.15 SELF WRITE-OFF AND EXTENSION OF TIME)**

(PART A)

**Annual statement to be furnished to Authorised Dealers by exporters giving details of export performance during a calendar year as on 31st Dec.....**

(Amount in Rs 000s)

<i>Total Export Proceeds Due within the prescribed period of 180 days or higher period as applicable</i>		<i>Total Export Proceeds realised within the prescribed period of 180 days or higher period as applicable</i>		<i>Export proceeds not realised within the prescribed period of 180 days or higher period as applicable</i>	
<i>No. of GR/SOFTEX/ SDF/PP forms due</i>	<i>Amount</i>	<i>No. of GR/SOFTEX/ SDF/PP forms</i>	<i>Amount</i>	<i>No. of GR/SOFTEX/ SDF/PP forms</i>	<i>Amount</i>
		Fully Realised			
		Partly Realised			

(PART B)

(Amount in Rs 000s)

<i>Details of Export Bills not Realised (partly or fully) within the prescribed period</i>		<i>Details of Extension/Reduction in invoice value/Write off by th`e Exporter himself</i>		<i>Extension/Reduction in invoice value/Write off sought from AD</i>	
<i>GR/SOFTEX/ SDF/PP No.</i>	<i>Amount</i>	<i>Amount</i>	<i>Revised due date @</i>	<i>Amount</i>	<i>Revised due date @</i>
(1)		(2)		(3)	
Total					

*Note :* (1) The exporter should approach AD/RBI for extension of time in respect of bills in Column (3) in Part B.

(2) Total of Bills in Column (2) in Part B should not exceed 10% of those in Column 1 of Part A

(3) From 2005 onwards Bills in Column 1 of Part A will include those which have been extended for realisation by the exporter himself or with the approval of AD/RBI.

(4) In respect of export bills written off (including reduction in invoice value) evidence for surrender of export incentives to be enclosed.

@ For cases of extension

Exporters Signature :

Verified by Authorised Dealer



Merry Christmas to all

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**For queries, suggestions and feedback , you can e-mail us at :**

**Sangeet Kumar Gupta**

FCA, ICWA, PGDMM, B.Com(Hons)

Honorary Consultant,

Faridabad Small Industries Association

93126-08426

[groupmlg@eth.net](mailto:groupmlg@eth.net)

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**Notes & disclaimer**

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Advt.

Many Successful businesses are controlling their Exports and Imports on the Finsys ERP packages ©  
MLG Infotech P Ltd 1992-2006.

**ARE-1 ( auto generated with a Export invoice)**

**Form A.R.E - 1**

Form A.R.E - 1 ARE 1 No. 000001 Date 23/12/2006

This Sheet is To be used to Make The ARE-1 Form Taking the Basic Data from the Sales Invoice and Updating it with Other Details that are required for ARE-1

**DEPB Export under EPCG Licence No.**  
190019/fbd/889

**B-1 Surety Bond No.**  
1919 / 12-12-2006

Invoice No. 001658 Invoice Dt. 23/12/2006

Customer HYUNDAI MOTOR CO, KOREA

Remarks on Invoice  
via Nava Sheva Port

No. of Pkg	Gross/Net Wt	Pkg Marking	Qty of Good	Description	USD Value	E. Duty	Cess	Rebate
22	220 kg	Made in India	100	D-PIPE ASSY	271	1952	39.04	12200

**Op. Balance of Bond** 10000  
**Duty Debited** 1952.00  
**Cess Debited** 39.04  
**Cl. Balance of Bond** 8008.96

New Edit Save Print Delete Cancel

Welcome to Finsys : AKITO KOWA INDIA LIMITED : (01/04/2006 To 31/03/2007) User : s (00)

Finsys ERP : & Sales & Marketing Module [Branch :- ]

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M.I.S Freight Own Transport Register Monthly Freight Report Despatch Register Delivery Confirmation Print Confirmation Exit

Branch: \_\_\_\_\_  
Year : 2006

**Finsys FRP**

For Trade Enquiries contact : Puneet Gupta 93500-18744, Dinesh Verma 9313136494 - MLG Infotech Pvt Ltd – the company that can give you both the full ERP and also modules , according to your need.