

G.S.R. (E).- In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944) and section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the CENVAT Credit Rules, 2004, namely:-

1. (1) These rules may be called the CENVAT Credit (Amendment) Rules, 2009.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the CENVAT Credit Rules, 2004 (hereinafter referred to as the said rules), in rule 2, in clause (k), in Explanation 2, after the words “factory of the manufacturer”, the following shall be inserted, namely:-
“but shall not include cement, angles, channels, Centrally Twisted Deform bar(CTD) or Thermo Mechanically Treated bar(TMT) and other items used for construction of factory shed, building or laying of foundation or making of structures for support of capital goods”.
3. In the said rules, in rule 3, for sub-rule (5B), the following sub-rule shall be substituted, namely:-
“(5B) If the value of any,
(i) input, or
(ii) capital goods before being put to use,
on which CENVAT credit has been taken is written off fully or where any provision to write off fully has been made in the books of account, then the manufacturer or service provider, as the case may be, shall pay an amount equivalent to the CENVAT credit taken in respect of the said input or capital goods:
Provided that if the said input or capital goods is subsequently used in the manufacture of final products or the provision of taxable services, the manufacturer or output service provider, as the case may be, shall be entitled to take the credit of the amount equivalent to the CENVAT credit paid earlier subject to the other provisions of these rules.”.
4. In the said rules, in rule 6, in sub-rule (3), for clause (i), the following clause shall be substituted, namely:-
“(i) the manufacturer of goods shall pay an amount equal to five per cent. of value of the exempted goods and the provider of output service shall pay an amount equal to six per cent. of value of the exempted services; or”.

[F.No.334/13/2009-TRU]

(Prashant Kumar)
Under Secretary to the Government of India

Note.- The principal rules were notified vide notification No. 23/2004-Central Excise (N.T.), dated the 10th September 2004, vide number G.S.R.600(E), dated the 10th September,2004, and last amended by notification No. 50/2008-Central Excise (N.T.), dated the 31st December, 2008, vide number G.S.R. 908(E), dated the 31st December, 2008.