

F. No. 354/342/2011/TRU
Government of India
Ministry of Finance
Department of Revenue
Tax Research Unit

New Delhi, dated the 24th February, 2012

To,

All Directors General
All Chief Commissioners of Central Excise and Customs
All Chief Commissioners of Central Excise

Sir/Madam,

Subject: Serial No.96E of Notification No. 4/2006-CE dated 01.03.2006; Tariff classification of Corrugated Paper Board Boxes manufactured from corrugated Paper & Paper Board - Using Kraft Paper & Duplex Board- reg.

Kind attention is invited to Serial No.96E of Notification No. 4/2006-CE dated 01.03.2006 as amended by Notification No. 4/2011-CE Dated 01.03.2011, whereby a concessional rate of 5% central excise duty has been made available to available to Cartons, boxes and cases, of corrugated paper or paperboard whether or not pasted with duplex sheets on the outer surface. Under column (2) of this entry the chapter or heading for Tariff Item of the Schedule has been indicated as 4819 10.

2. Representations have been received by this unit wherein it has been stated that some field formations have raised the issue on a member unit; of non eligibility of concessional Excise Duty; on Corrugated Board Boxes manufactured using Corrugated Board made of Kraft Paper & Duplex Paper Board on the ground that the product cannot be classified under Tariff Heading 4819 as Duplex Board has been used & that Kraft Paper is not predominant in the total quantum of Paper & Board used. Therefore demand for Duty of 10% has been raised on such clearances.

3. Board has examined similar issues in the past on more than one occasion. For example, vide Circular no.60/95 dated 4th June, 1995 and Circular no.9/96-Cus dated 13.2.1996, it has been clarified that the benefit of exemption will be available to goods where the goods are squarely covered by the description even though the goods mentioned in the notification are not covered by the Chapter/Heading Nos. /Sub-heading Nos. mentioned in the notification or if the heading no. indicated against the description is "incorrect".

4. In view of this position it is clear that the benefit of concessional rate of excise duty in the instant case is available to Cartons, boxes and cases, of corrugated paper or paperboard whether or not pasted with duplex sheets on the outer surface, subject to Condition No.12 of Notification 4/2006-CE dated 01.03.2006.

5. In this regard, it is requested that all the field formations under your jurisdiction may be advised accordingly, so that pending disputes, if any, may be decided.

Yours faithfully,

(Vivek Johri)
Joint Secretary (TRU-I)

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