

The Central Excise (Settlement of Cases) Rules, 2001

1. Short title, extent and commencement.- (1) These rules may be called the Central Excise (Settlement of Cases) Rules, 2001.
(2) They extend to the whole of India.
(3) They shall come into force on and from the 1st day of July, 2001.
2. Form and manner of Application.- (1) An application under sub-section (1) of section 32E of the Central Excise Act, 1944 (1 of 1944) (hereinafter referred to as the said Act), to the Customs and Central Excise Settlement Commission shall be made in the Form annexed to these rules.
(2) The application referred to in sub-rule (1), the verification contained therein and all relevant documents accompanying such application shall be signed ,
 - (a) in the case of an individual, by the individual himself or where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is a minor or is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;
 - (b) in the case of a Hindu undivided family, by the Karta and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;
 - (c) in the case of a company or local authority, by the principal officer thereof;
 - (d) in the case of a firm, by any partner thereof, not being a minor;
 - (e) in the case of any other association, by any member of the association or the principal officer thereof; and
 - (f) in the case of any other person, by that person or some person competent to act on his behalf.
- (3) Every application shall be filled in quintuplicate and shall be accompanied by a fee of one thousand rupees.
3. Disclosure of information in the application for settlement of cases.- (1) The Settlement Commission may, while calling for a report from the Commissioner of Central Excise under sub-section (1) of section 32F of the said Act, forward a copy of the application referred to in sub-rule (1) of rule 2 (other than the annexure and the statement and other documents accompanying such annexure).
(2) Where an order under sub-section (1) of section 32F of the said Act, has been made to proceed with the application by the Settlement Commission, the information contained in the Annexure to the application and the statements and other documents accompanying such annexure shall be sent to the Commissioner of Central Excise along with a copy of the said order.
4. Manner of Provisional Attachment of Property.- (1) Where the Settlement Commission, orders attachment under sub-section (1) of section 32G of the said Act, it shall send a copy of such order to the Commissioner of Central Excise having jurisdiction over the place in which the applicant owns any movable or immovable property or resides or carries on his business or has his bank account.
(2) On receipt of the order referred to in sub-rule (1). the Commissioner may authorise any officer subordinate to him and not below the rank of an Assistant Commissioner of Central Excise to take steps to attach such property of the applicant.
(3) The officer authorised under sub-rule (2) shall prepare an inventory of the property attached and specify in it, in the case of the immovable property the description of such property sufficient to identify it and in case of the movable property the place where such property is lodged or kept and shall hand over a copy of the same to the applicant or to the person from charge the property is attached.

(4) The officer authorised under sub-rule (2) shall send a copy of the inventory so prepared each to the Commissioner of Central Excise and the Settlement Commission.

5. Fee for Copies of reports.- Any person who makes an application, under section 32J of the said Act, for obtaining copies of reports made by any Central Excise Officer, shall pay a fee of five rupees per page of each report or part thereof.

Appendix
Form No. SC (E)-1

Before the Customs and Central Excise Settlement Commission ----- Bench at ----- (Form
of application for settlement of a case under Section 32E of the said Act)

1. Full Name and address of the applicant:
2. Address for communication:
3. (i) Permanent account no:
(ii) Central Excise registration no:
(iii) Status :
4. Commissioner of Central Excise having jurisdiction over the applicant:
5. Period / date of the cause / dispute in connection with which the application for settlement is made:
6. Whether monthly returns showing production, clearance and central excise duty paid were filed for the period of dispute:
7. Proceedings to which application for settlement relates, the date from which the proceedings are pending and authority before whom the proceedings are pending and authority before whom the proceedings are pending:
8. Where any appeal or application for revision has been preferred after the expiry of the period specified for filing such appeal or application for revision, as the case may be, whether such appeal or revision has been admitted:
9. Date of seizure, if any:
10. Brief facts of the case and particulars of the issues to be settled:
11. Total amount of duty involved in the dispute:
12. Additional amount of duty disclosed and accepted as payable:

Signature of the applicant.

Verification

I.....son/daughter/wife of.....residing atdo solemnly declare that I am making this application in my capacity as.....and I am competent to verify it.

That the contents of this application are true to the best of my knowledge and belief and no information relevant to the facts of the case has been suppressed. Annexures of the documents accompanying the application are true copies of the originals and the tables showing financial transaction are correct and are duly attested by me.

Verified today the.....day of.....(mention the month and year) at(mention the place)

Deponent.

Note: 1. The application fee should be credited in a branch of the authorised bank or a branch of the State Bank of India or a branch of Reserve Bank of India and the triplicate copy of the challan sent to the Settlement Commission with the application. The Settlement Commission will not accept cheques, drafts, hundies or other negotiable instruments

2. Please state whether individual, Hindu undivided family, company, firm, an association of persons, etc.

3. The additional amount of Central Excise duty accepted as payable referred to in item 12 of the application shall be given in Annexure to this application.

Annexure

Statement containing particulars referred to in item 12 of the application made under section 32E(1) of the Central Excise Act, 1944

1. Details of information which has not been correctly declared in the monthly return:
2. Additional amount of duty payable on the goods covered in the monthly return and the manner in which such duty has been derived:
3. Duty liability accepted out of the total duty demanded in the show cause notice, if any, issued and the manner in which such duty liability has been derived:
4. Full and true disclosure of the facts regarding the issues to be settled including the terms of settlement sought for by the applicant.

Signature of the applicant

Place:
Date: