To
All Category - I Authorised Dealer Banks

Madam / Sir,

Export of Goods and Services - Unrealised export bills –
Write-off - Surrender of export incentives

Attention of Authorised Dealer Category – I (AD Category –I) banks is invited to
Circular No. 30 dated April 04, 2001, A.P. (DIR Series) Circular No. 61 dated
and A.P. (DIR Series) Circular No. 33 dated February 28, 2007, in terms of which
the AD Category –I banks have been permitted to accede to the requests for
"write-off" made by the exporters, subject to the conditions, inter alia, that the
exporter had to surrender proportionate export incentives, if availed of, in respect
of the relative shipments.

2. It has since been announced in the Foreign Trade Policy (FTP) 2009-14
(extracts annexed), issued by the Department of Commerce, Ministry of
Commerce and Industry that realisation of export proceeds shall not be insisted
upon, under any of the Export Promotion Schemes under the Foreign Trade
Policy (FTP), subject to the following conditions:-

i) the write-off on the basis of merits is allowed by the Reserve Bank or by
the AD Category – I banks on behalf of the Reserve Bank, as per the
extant guidelines;

ii) the exporter produces a certificate from the Foreign Mission of India
concerned, about the fact of non-recovery of export proceeds from the
buyer; and
iii) this would not be applicable in self-write-off cases.

The above relaxation is applicable for the exports made with effect from August 27, 2009.

3. It is clarified that since the Drawback scheme is governed by the provisions of the Customs Act, 1962 and the Rules made there under, the provisions contained in para. 2.25.4 of the Handbook of Procedure – Vol. I. of the Foreign Trade Policy (FTP) (2009-2014) would not be applicable to the Duty Drawback scheme. Therefore, the drawback amount has to be recovered even if the claim is settled by the Export Credit Guarantee Corporation of India Limited (ECGC) or the write–off is allowed by the Reserve Bank.

4. Accordingly, the AD Category –I banks are advised not to insist on the surrender of the proportionate export incentives, other than under the Duty Drawback scheme, if availed of, by the exporter under any of the Export Promotion Schemes under the FTP 2009-14, subject to the fulfilment of conditions as stated in Para 2 above.

5. AD – Category I banks may bring the contents of this circular to the notice of their constituents and customers concerned.

6. The directions contained in this Circular have been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and is without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

G. Jaganmohan Rao
Chief General Manager
Annex
[Annex to A.P. (DIR Series) Circular No.03
dated July 22, 2010]

Extract of Para. 2.25.4 of the Handbook of Procedure – Vol. I –
2009 – 2014 of Foreign Trade Policy (FTP)

"Realization of export proceeds shall not be insisted under any of the
Export Promotion Schemes under this Foreign Trade Policy (FTP), if the Reserve
Bank of India (RBI) writes off the requirement of realization of export proceeds on
merits and the exporter produces a certificate from the concerned Foreign Mission
of India about the fact of non-recovery of export proceeds from the buyer.
However, this would not be applicable in self-write off cases."

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