

Medicines under MRP Based Assessment

02-CE(NT) In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 4A of the Central Excise Act, 1944 (1 of 1944),
07.01.2005 the Central Government hereby specifies the goods mentioned in column (3) of the Table below and falling under Chapter or Heading No. of the First Schedule to the Central Excise Tariff Act, 1985 (5 of 1986) mentioned in the corresponding entry in column (2) of the said Table, as the goods to which the provisions of the said sub-section (2) shall apply, and allows as abatement the percentage of retail sale price mentioned in the corresponding entry in column (4) of the said Table:-

Table

SNo	Chapter or Heading No	Description	Abatement as a percent age of retail sale price
(1)	(2)	(3)	(4)
1.	3003 or 3004	Patent or proprietary medicaments, other than those medicaments which are exclusively Ayurvedic, Unani, Siddha, Homoeopathic or Bio-chemic	42.5%
2.	3003 or 3004	Medicaments (proprietary) other than those which are other than patent or exclusively used in Ayurvedic, Unani, Siddha, Homoeopathic or Bio-chemic systems [Abatement Price revised to 42.5% from 35% by amending notification 2-CE(NT)/31.01.2007; Classification specified by 29-CE/06.06.2007]	42.5%

2. This notification shall come into force on the 8th day of January, 2005.

"Explanation 1.-For the purposes of this notification, "retail sale price" means the retail price displayed by the manufacturer under the provisions of the Drugs (Prices Control) Order, 1995.

Explanation 2.- For the purposes of this notification, "Patent or proprietary medicaments" means any drug or medicinal preparation, in whatever form, for use in the internal or external treatment of, or for the prevention of ailments in human beings or animals, which bears either on itself or on its container or both, a name which is not specified in a monograph, in a Pharmacopoeia, Formulary or other publications, namely:-

- (a) the Indian Pharmacopoeia;
- (b) the International Pharmacopoeia;
- (c) the National Formulary of India;
- (d) the British Pharmacopoeia;
- (e) the British Pharmaceutical Codex;
- (f) the British Veterinary Codex;
- (g) the United States Pharmacopoeia;
- (h) the National Formulary of the U.S.A.;
- (i) the Dental Formulary of the U.S.A.; and
- (j) the State Pharmacopoeia of the U.S.S.R.,

or which is a brand name, that is, a name or a registered trade mark under the Trade marks Act, 1999 (47 of 1999), or any other mark such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to that medicine for the purpose of indicating or so as to indicate a connection in the course of trade between the medicine and some person, having the right either as proprietor or otherwise to use the name or mark with or without any indication of the identity of that person

[Explanation substituted by 28-CE(NT)/29.12.2006]