

Clean Energy Cess Rules, 2010

06-CEC In exercise of the powers conferred
22.06.2010 by Section 84 of the Finance Act, 2010
(14 of 2010), the Central Government hereby makes the following rules, namely:-

Chapter 1 -Preliminary

1. Short title, extent and commencement

- (1) These rules may be called the Clean Energy Cess Rules, 2010.
- (2) They extend to the whole of India.
- (3) They shall come into force on the 1st day of July, 2010.

2. Definitions

In these rules, unless the context otherwise requires, –

- (a) “Act” means the Finance Act, 2010 (14 of 2010);
- (b) “Board” means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963);
- (c) “cess” means the Clean Energy Cess levied under section 83 of the Act;
- (d) “Central Excise Officer” shall have the meaning assigned to it in the Central Excise Act, 1944(1 of 1944);
- (e) “mine” shall have the meaning assigned to it under Mines Act,1952 (32 of 1952);
- (f) “producer” means any person engaged in the production of specified goods and includes a owner or agent as defined under section 2 of the Mines Act, 1952 (32 of 1952);
- (g) “removal” means despatch of specified goods from a mine and shall include despatch of such goods for captive consumption within that mine for any purpose other than for raising of such goods;
- (h) “specified goods “ means raw coal, raw lignite and raw peat.

Chapter 2 - Collection and Assessment of Cess

3. Registration

Every producer who is liable to pay cess shall get registered immediately with the jurisdictional Central Excise Officer but not later than a period of thirty days from the date of commencement of these rules by making an application to the jurisdictional Central Excise Officer :

Provided that where a producer commences production of the specified goods at any time after the commencement of these rules, such producer shall obtain registration within thirty days from the commencement of such production;

Provided further that where a producer has a centralized billing or accounting system in respect of such specified goods produced at different mines, he may, instead, opt for registering only the premises or office from where such centralized billing or accounting is done.

4. Cess payable on removal

Every producer shall pay the cess leviable on the removal of the specified goods in the manner provided in rule 6.

5. Assessment of cess

The producer shall himself assess the cess payable on the specified goods.

6. Manner of payment

- (1) Cess on the specified goods removed from the mine during a month shall be paid by the 5th of the second month, following the month in which the removals were made:

Illustration.” Cess payable on specified goods removed from the factory for the month of July, 2010 shall be paid by the 5th of September, 2010.

- (2) A producer who has opted for centralized registration in respect of its mines located at different places under rule 3, shall discharge the cess liability in respect of the aggregate removal of specified goods from all such mines effected during a month by the stipulated period specified in sub-rule (1)

- (3) Where a producer has paid to the credit of the Central Government any amount in excess of the amount required to be paid towards cess liability for a month, such producer may adjust such excess amount paid by him against the cess liability for the next month:

Provided that the adjustment of excess amount paid under sub-rule (2) shall be subject to the condition that such excess amount paid is on account of reasons not involving interpretation of law, taxability, or applicability of any exemption notification;

Provided further that the producer may, instead, file a refund claim for any excess amount of cess paid if such producer fails to adjust the excess amount against the cess liability for the next month.

(4) Where any producer fails to pay the cess by the due date, he shall be liable to pay the outstanding amount along with interest at the rate specified by the Central Government under section 11AA 44AB of the Central Excise, 1944 (1 of 1944) on the outstanding amount for the period starting from the first day after the due date till the date of the actual payment of the outstanding amount. [Amended by 01-CEC/17.03.2012]

(5) Where any producer defaults in payment beyond thirty days from the due date as specified in rule 6, such specified goods shall be deemed to have been cleared without payment of cess and the consequences and penalties under these rules and provisions of the Central Excise Act, 1944 (1 of 1944) as have been made applicable, shall follow in addition to payment of interest under sub-rule (4).

(6) The provisions of section 11 of the Central Excise Act , 1944 (1 of 1944) shall be applicable for recovery of the cess as assessed under rule 5 and the interest under sub-rule (4) in the same manner as they are applicable for recovery of any sums payable to the Central Government.

Explanation." For the purposes of this rule, -

(i) Cess liability shall be deemed to be discharged only if the amount payable is credited to the account of the Central Government by the specified date;

(ii) Where the registered person deposits cess by cheque, the date of presentation of the cheque in the bank designated by the Board for this purpose shall be deemed to be the date on which the cess has been paid subject to realization of the cheque.

7. Maintenance of records

(1) Every producer shall maintain accounts showing the quantity of specified goods actually removed during a month, particulars to whom these were removed, the amount of cess payable during a month and the total amount of cess paid:

Provided that where a producer has opted for centralized registration under rule 3, such producer shall maintain mine wise details mentioned in the sub-rule (1).

(2) The amount of cess payable on any removals shall be rounded off to the nearest rupee and the actual weight of a consignment shall be rounded off to the nearest tonne.

8. Access to registered premises or mine

(1) An officer empowered by the Commissioner in this behalf shall have access to any mine or premises registered under these rules for the purpose of carrying out any scrutiny, verification and checks as may be considered necessary to safeguard the interest of revenue.

(2) Every producer shall furnish to the officer empowered under sub-rule (1) , -

(i) all records prepared and maintained for accounting of transactions in regard to production, storage or removal of specified goods; and

(ii) financial records and statements including cost audit reports etc.

9. Goods to be removed under proper documents

(1) No specified goods leviable to cess shall be removed from a mine except under cover of a document indicating the quantity of specified goods and the name and address of the consignee.

10. Cess shall be shown separately in the invoice or bill

Cess shall be shown separately by the producer in the bill or invoice raised in respect of specified goods.

11. Filing of return

Every producer shall submit to the Jurisdictional Central Excise Officer, a return in Form - I showing the quantities of specified goods removed during the month in respect of which the payment has been made, the amount paid under rule 6 and other particulars specified in that form enclosing the evidence of payment of cess not later than 10th day of the second month, following the month in which removals were:

Provided that in the case of a producer who has obtained centralized registration under rule 3, the return in Form- I shall contain mine-wise information.

12. General penalty

Whoever contravenes any of the provisions of these rules shall be liable to pay a penalty which may extend to ten thousand rupees and confiscation of the goods in question in respect of which the contravention is made, if no penalty is provided elsewhere.

[F. No. 354/72/2010-TRU]

Form - I

Monthly return for removal of specified goods

(See Rule 11)

Return for Specified Goods: M M Y Y Y Y
for the Month

I. (1) Registration Number:

(2) Name of the Producer:

(3) Full Address:

II. Details of Specified Goods removed and Cess payable

(1) S.No:

(2) Name of the mine along with address:

(3) CETSH NO.:

(4) Description of specified goods:

(5) Unit of quantity:

(6) Quantity of specified goods removed during the month (in MT):

(7) Rate of cess per tone (Rs. per tonne):

(8) Notification availed:

(9) S.No. in notification:

(10) Total cess payable as per billing (Rs.):

(This part is to be repeated for each CETSH and for each mine, in case a producer has obtained centralized registration)

III. Details of payment

(1) Total Cess paid (Rs.):

(2) Amount of Cess adjusted during the month under Rule 6(3):

(3) Source document:

(4) Cess Code:

(5) Challan No. (CIN):

(6) Remarks:

(Total Cess paid should include Cess payment made during the month through challan as well as excess payment adjusted from earlier month(s).)

IV. Details of other Payments

Payments	Amount paid in cash(Rs.)	Challan No. (CIN)	Source document	
			No.	Date
Arrears of CESS under rule 6				
Other arrears				
Interest payment under rule 6(4)				
Other interest payments				
*Miscellaneous payments				
Total				

(*Miscellaneous payments include penalty, pre-deposit, redemption fine.)

V. (a) I hereby declare that the information given in this return is true, correct and complete in every respect and that I am authorized to sign on behalf of the assessee.

(b) During the month a total amount of Rs._____ was deposited vide TR-6 Challan (copies enclosed).

(c) During the month, invoices bearing S. No. ____ to ____were issued. (Mine-wise)

(Name and Signature of the Assessee or Authorised signatory)

Place:

Date :

Acknowledgment

Return of Specified Goods: MM YYYY

Return of Specified Goods: DD MM YYYY

(Name and Signature of the Range Officer with Official Seal)

Instructions

1. In case where a producer has obtained a centralized registration under Rule 3 of Clean Energy Cess Rules 2010 he should provide information in respect of table No. II and V (c) in respect of each Mine separately.
2. In case more than one item is produced, additional row may be inserted in each table.
3. 8-Digit CETHS No. may be indicated without any decimal point.
4. The details of the challans for duty payment should be mentioned in Table II. Separate challans should be used for pre-deposit of duty for the purpose of appellate remedy.
5. In the sixth column of Table at serial number IV specify the Order-in-Original number and date relating to the payment of arrears of duty and of interest, the period for which the said interest has been paid. For other miscellaneous payments, mention the source document number and date.”

[Rule 11 and Form - I Substituted by 07-CEC/08.09.2010]