

Registration under Excise

Introduction

For the administration of the Central Excise Act, 1944 and the Central Excise (No.2) Rules, 2001 (hereinafter referred to as the 'said Rules') manufacturers' of excisable goods or any person who deals with excisable goods, with some exceptions, are required to get the premises registered with the Central Excise Department before commencing business.

Persons requiring Registration

In accordance with Rule 9, the following persons are required to register:

- Every manufacturer of excisable goods (including Central/State Government undertakings or undertakings owned or controlled by autonomous corporations) on which excise duty is leviable.
- Persons who desire to issue CENVATABLE invoices under the provisions of the CENVAT Credit Rules, 2001.
- Persons holding private warehouses.
- Persons who obtain excisable goods for availing end-use based exemption notification.
- Exporters manufacturing or processing export goods by using duty paid inputs and intending to claim rebate of such duty or by using inputs received without payment of duty and exporting the finished export goods.

Separate registration is required in respect of separate premises, except in cases where two or more premises are actually part of the same factory (where processes are interlinked), but are segregated by public road, canal or railway-line. The fact that the two premises are part of the same factory will be decided by the Commissioner of Central Excise based on factors, such as:

- Interlinked process – product manufactured/produced in one premise are substantially used in other premises for manufacture of final products.
- Large number of raw materials are common and received/proposed to be received commonly for both/all the premises
- Common electricity supplies
- There is common labour /work force
- Common administration/ works management.
- Common sales tax registration and assessment
- Common Income Tax assessment
- Any other factor as may be indicative of inter-linkage of the manufacturing processes.

This is neither an exhaustive list of indicators nor is each indicator necessarily present in each case. The Commissioner has to decide the issue which varies from case to case.

Separate Registration is required for each depot, godown etc. in respect of persons issuing Cenvat invoices. However, in the case of liquid and gaseous products, availability of godown should not be insisted upon.

Exemption from Registration

The Central Board of Excise and Customs (CBEC), by Notification No. 36/2001-CE (NT) dt.26.6.2001, has exempted specified categories of persons/premises from obtaining registration, as follows:

- Persons who manufacture the excisable goods, which are chargeable to nil rate of excise duty or are fully exempt from duty by a notification.
- Small scale units availing the slab exemption based on value of clearances under a notification. However, such units will be required to give a declaration (Annexure-1) once the value of their clearances touches Rs.90 lakhs.
- In respect of ready-made garments, the job-worker need not get registered if the principal manufacturer undertakes to discharge the duty liability.
- Persons manufacturing excisable goods by following the warehousing procedure under the Customs Act, 1962, subject to the following condition.
 - a) The said excisable goods and any intermediary or by-product including the waste and refuse arising during the process of manufacture of the said goods under the Customs Bond are either destroyed or exported out of the country to the satisfaction of the Assistant Commissioner of Customs or the Deputy Commissioner of Customs, in-charge of the Customs Bonded Warehouse;
 - b) The manufacturer shall file a declaration in the specified form in triplicate for claiming exemption under this notification;
 - c) No drawback or rebate of duty of excise paid on the raw materials or components used in the manufacture of the said goods, shall be admissible.
- The person who carries on wholesale trade or deals in excisable goods (except first and second stage dealer, as defined in Cenvat Credit Rules, 2001).
- A Hundred per cent Export Oriented Undertaking or a unit in the Free Trade Zone or Special Economic Zone licensed or appointed, as the case may be, under the provisions of the Customs Act, 1962.
- Persons who use excisable goods for any purpose other than for process or manufacture of goods availing benefit of concessional duty exemption notification.

Procedure for Registration

- Application of registration should be made before starting production of excisable goods or dealership for the purpose of issue of invoice.
- Application should be made in prescribed form (A1, A2, A3 based on class of manufacture).
- Application should be accompanied with an attested copy of PAN and of the ground plan.
- Application should be submitted to the Jurisdictional AC/DC.
- No fees payable for registration.
- The registration certificate shall be issued within 7 working days in the form RC.
- The registrant shall be allotted a 15 digit registration number known as Excise Control Code [ECC].
 - a) 1st 10 – PAN - ABCDE1234H
 - b) Next 2 – Manufacturer or dealer.
 - c) Next 3 – No. Assigned to premise registered.

Period of Validity of Registration

- Once a Registration Certificate is granted, it has a permanent status unless it is suspended or revoked by the appropriate authority in accordance with law or is surrendered by the person or company concerned.
- If the person who applies for Registration with the department, is an individual, then the Certificate will cease to be valid in the event of the death of the said individual. If any other person(s) wish(es) to continue with the operations for which the deceased person was registered, he will have to apply afresh. (See notification no. 35/2001-Central Excise (N.T.) dated 26th June, 2001.).
- In the case of a limited company, the death of a director will not affect the status of Registration, since Registration is issued to the body corporate recognizing the same as a legal person.
- In the case of partnership firms too, normally, no difficulty should arise with regard to succession, since the surviving partners will continue either in the same name or with a change of name.
- However, in the case of proprietary business, when the proprietor dies, the successor in estate has to apply for a fresh Registration.

Surrender, Cancellation, Suspension or Revocation of Registration

- Registration Certificate may be surrendered as per an application in prescribed form in Notification No. 35/2001-CE (N.T.) dated 26.6.2001 [Annexure-4]. This is subject to compliance of the statutory obligations under the excise law, particularly the payment of all dues to the

Government including the duty on finished excisable goods lying in the factory/warehouse. In case of mis-declaration regarding compliance, the surrender of registration shall not be valid.

- Registration Certificate may be cancelled by the Registering authority when the registered person voluntarily surrenders the Certificate due to closure of business.
- As per rule 17 of the said Rules Registration Certificate may be revoked or suspended by the Deputy/Assistant Commissioner of Central Excise, if
 - a) the holder or any person under his employ has committed a breach of any condition of the Central Excises Act or the rules made there under or
 - b) has been convicted of an offence under Section 161 read with Section 109 or Section 116 of the Indian Penal Code [45 of 1860].

[Lost Registration Certificates](#)

When a Registration Certificate is reported to be lost, the registered person shall submit a written application to the Range Officer for issuing a DUPLICATE REGISTRATION CERTIFICATE. The same shall be issued after making necessary entries in the record or logs in the computer data.

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