

No K.43014(15)/2/2017-SEZ
 Government of India
 Ministry of Commerce & Industry
 Department of Commerce
 SEZ Division

Udyog Bhavan, New Delhi

Dated: 1st May 2019

To

All Development Commissioners
 Special Economic Zones

Subject: Granting condonation of delay in submission of SOFTEX Forms by certifying SEZ Authority itself. – reg.

Sir,

I am directed to refer to SEEPZ-SEZ's letter No. **SEEPZ-SEZ/CUSTOMS/S/1/Softex77/2016-17/27795** dated 28.11.2018 (copy enclosed) on the subject cited above and also refer to RBI's reply received in this regard vide their letter No. **FE.CO.TRADE/4342/05.31.042/2018-19** dated 21.01.2019 (copy enclosed).

2. The aforesaid issue has been examined in this Department and the same is clarified as under:

S.No.	Issues	Clarifications
1.	The cases which need adjudication, it is not clear whether RBI or SEZ Authority will adjudicate the same. Further, action to be initiated would be under the provisions of FTD&R Act, 1962 or relevant RBI Rules/ Regulations. It also needs to be clarified if action is taken under RBI Rules/ Regulations, which Authority will adjudicate the case viz. SEZ Authority or RBI Authorities	For matters under SEZ Act, SEZ is the adjudicating Authority. However, under FEMA 1999, Directorate of Enforcement as well as Reserve Bank are designated as adjudicating Authorities. In the instance case cited, the general approval from RBI has been given to SEZ Authorities for condonation of delay/ cancellation of SOFTEX Form.
2.	Whether the powers for condoning the delayed filing of SOFTEX and cancellation of SOFTEX Forms can be delegated by the Development Commissioner.	The process of condonation should be done at the Development Commissioner level.
3.	Format of application submitted by the unit/ exporter for Condonation of delay in SOFTEX	The application for condonation the delay in SOFTEX may be in a prescribed format as per ANNEXURE I & ANNEXURE II. The Development Commissioner will issue a speaking order for condoning

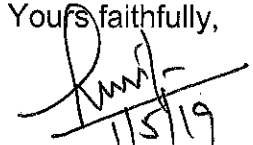
[Handwritten Signature]
 1/5/19

		the delay.
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3. This issues with the approval of Competent Authority.

Encls: As above.

Yours faithfully,



(Sumit Sachan)

Under Secretary to the Govt. of India

Tel. 011-2306 2496

Email: sumit.sachan@nic.in

Copy for information to:

Sh. S Goutham Raj, Manager, Foreign Exchange Department, Reserve Bank of India, Central Office, Central Office Building, Shahid Bhagat Singh Marg, Fort, Mumbai-400001



भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA

www.rbi.org.in

एफई.सीओ.ट्रेड /4342/ 05.31.042/ 2018-19

21 जनवरी 2019

Under Secretary, SEZ Division
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhawan
New Delhi 110 107

सहोदय

विषय : मूल पत्र के अनुसार

Handwritten signatures and initials:
R. Anand
S. K. Singh
R. Anand & P. Singh

Handwritten signature:
Aso (Tm)

संपर्युक्त विषय पर हमारा 21 जनवरी 2019 का समसंख्यक पत्र संलग्न है।

Handwritten signature:
एस. गौतम राज
एस गौतम राज
प्रबंधक
अनुलग्नक: यथोक्त

चेतावनी: भारतीय रिज़र्व बैंक द्वारा ई-मेल, डाक, दूरभाष या फोन कॉल के जरिए किसी को भी अनधिकृत जानकारी जैसे बैंक के खातों का उल्लेख, पासवर्ड आदि नहीं मांगी जाती है। यह धन रखने या देने का प्रस्ताव भी नहीं करता है। ऐसे प्रस्तावों का किसी भी तरीके में जवाब मत दीजिए।
Caution: RBI never sends mails, SMSs or makes calls asking for personal information like banks account details, passwords, etc. It never keeps or offers funds to anyone. Please do not respond in any manner to such offers.

विदेशी मुद्रा विभाग, फोरेन एक्सचेंज, इकोनॉमिक्स, अन्वेषण, शहीद भगत सिंह रोड, फोर्ट मुंबई - 400 001 भारत
वेबसाइट: www.rbi.org.in
फोन: (022) 2280 1000 फैक्स: (022) 2288 8330 अन्वेषण फोन: (022) 2260 3000 फैक्स: (022) 2269 4935 ई-मेल: helpdesk@rbi.org.in
Foreign Exchange Department, Capital Office, 5th Floor, Amar Building, Shahid Bhagat Singh Road, Fort, Mumbai - 400 001
COB: Tel: (022) 2260 1000 Fax: (022) 2269 5330 Amar Building Tel: (022) 2260 3000 Fax: (022) 2269 4935 E-mail: helpdesk@rbi.org.in
रिज़र्व आसंग हे, बुसका प्रयोग बदाइए



भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA

FE.CO.TRADE/4323/05.31.042/2018-19 www.rbi.org.in

January 21, 2019

Office of the Development Commissioner
SEEPZ Special Economic Zone
Ministry of Commerce & Industry
Andheri (East)
Mumbai 400 096

Dear Sir

Softex Issues – Condonation of Delay

Please refer to your letter No SEEPZ-SEZ/Customs/S/1/Softex77/2016-17/27796 dated November 28, 2018, a copy of which was endorsed to us.

2. Our response on the issues raised is as under:

Sr. No	Issues	Response
1	The cases which need adjudication, it is not clear whether RBI or SEZ Authority will adjudicate the same. Further, action to be initiated would be under the provisions of Foreign Trade (Development and regulation) Act 1992 or relevant RBI Rules/regulations. It also needs to be clarified if action is taken under RBI Rules/Regulations, which authority will adjudicate the case, viz SEZ Authority or RBI authorities.	For matters under SEZ Act, SEZ is the adjudicating authority. 2. However, under FEMA 1999, Directorate of Enforcement as well as Reserve Bank are designated as adjudicating authorities. In the instance case cited, the general approval from RBI has been given to SEZ Authorities for condonation of delay/cancellation of Softex form.
2	Whether the powers for condoning the delayed filing of SOFTEX and cancellation of SOFTEX forms can be delegated by the Development Commissioner.	Ideally, such condonation should be done at the Development Commissioner level. However, Ministry of Commerce & Industry, Government of India may take a view in the matter.

चेतावनी: रिज़र्व बैंक द्वारा ई-मेल, टाक, एलएमएस या फोन-कॉल के जरिए किसी की भी अनिश्चित जानकारी जैसे बैंक के खाते का न्योरा, पासवर्ड आदि नहीं मांगी जाती है। यह प्रश्न रखने या देने का प्रयास भी नहीं करता है। ऐसे प्रश्नों का किसी भी तरीके में जवाब मत दिलीए।

Caution : RBI never sends mails, SMSs or makes calls asking for personal information like bank account details, passwords, etc. It never keeps or offers funds to anyone. Please do not respond in any manner to such offers.

विदेशी मुद्रा विभाग, केन्द्रीय कार्यालय, केन्द्रीय कार्यालय भवन, शहीद भगतसिंह मार्ग, फोर्ट, मुंबई - 400 001, भारत
के.क्रा. फोन : (022) 2260 1000 फैक्स : (022) 2266 5330 अमर भवन फोन : (022) 2260 3000 फैक्स : (022) 2269 4935 ई-मेल : helpfed@rbi.org.in
Foreign Exchange Department, Central Office, Central Office Building, Shahid Bhagat Singh Marg, Fort, Mumbai-400 001, India
COB : Tel : (022) 2260 1000 Fax : (022) 2266 5330 Amar Building Tel: (022) 2260 3000 Fax : (022) 2269 4935 E-mail : helpfed@rbi.org.in

हिंदी आसान है, इसका प्रयोग बकाशए

3	Please also find enclosed the proposed annexure to be submitted by the concerned units, same may be consider for concurrence	SEZ and Ministry of Commerce & Industry, Government of India may take a view on the format for condoning the delay.
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Yours faithfully

- sd -

S Goutham Raj
Manager

Endt No. FE.CO.Trade (EXP) No 4342/ 05.31.042 / 2018-19 of date

Copy forwarded for information to the Under Secretary, SEZ Division, Ministry of Commerce & Industry, Department of Commerce, Udyog Bhawan, New Delhi 110 107 wit reference to Development Commissioner, SEEPZ Special Economic Zone, Ministry of Commerce & Industry letter No SEEPZ-SEZ/Customs/S/1/Softex77/2016-17/27796 dated November 28, 2018.


Manager

OFFICE OF THE DEVELOPMENT COMMISSIONER,
SEEPZ SPECIAL ECONOMIC ZONE,
MINISTRY OF COMMERCE & INDUSTRY,
ANDHERI (EAST), MUMBAI - 400 096.

F.No. SEEPZ-SEZ/CUSTOMS/S/1/Softex77/2016-17 /

Date: 28.11.2018

To
✓ The Under Secretary,
SEZ Division,
Ministry of Commerce & Industry,
Department of Commerce,
Udyog Bhavan,
New Delhi.

27795

Sir,

**Sub : Granting condonation for delay in submission of SOFTEX
Forms by certifying SEZ Authority itself - reg.**

Please refer to your letter No.K-43014(22)/8/2017-SEZ dated 07.09.2018 on the above mentioned subject.

In this regard, it is mentioned that there are certain issues related to the letter of Ministry dated 07.09.2018 enclosing RBI's letter no. FE.CO.Trade (EXP)No.6328/05.31.042/2017-18 dated 25.01.2018 (copy enclosed) regarding condonation of delay in filing of Softex Forms and cancellation of Softex, which are mentioned below :

- i) The cases which need adjudication, it is not clear whether RBI or SEZ Authority will adjudicate the same. Further action to be initiated would be under the provisions of Foreign Trade (Development & Regulation) Act, 1992 or relevant RBI Rules/Regulations. It also needs to be clarified if action is taken under RBI Rules/Regulations, which Authority will adjudicate the case, viz. SEZ Authority or RBI Authorities.
- ii) Whether the powers for condoning the delayed filing of SOFTEX and cancellation of SOFTEX Forms can be delegated by the Development Commissioner.
- iii) Please also find enclosed the proposed annexure to be submitted by the concerned Units, same may be considered for concurrence.

This issues with the approval of the Development Commissioner, SEEPZ-SEZ.

Yours faithfully,



(V. P. SHUKLA)
Joint Development Commissioner,
SEEPZ-SEZ, Mumbai.

Encl : As above.

No. K-43014(22)/8/2017-SEZ
Government of India/ Bharat Sarkar
Ministry of Commerce & Industry/ Vanijya Aur Udyog Mantralaya
Department of Commerce/ Vanijya Vibhag
(SEZ Division)

Udyog Bhavan, New Delhi
Dated: 7 September, 2018

Sr. Asst. P.
Am
14/9

To
All Development Commissioners
Special Economic Zones.

Subject: Granting condonation for delay in submission of SOFTEX Forms by certifying SEZ Authority itself – reg.

Sir/Madam,

I am directed to say that this Department has received representations from SEZ Units that authorities in SEZs are not condoning delay in filing of SOFTEX which are submitted after stipulated time period for various reasons. In this regard, attention is invited to RBI letter No. FE.CO.Trade(EXP) No. 6328/05.31.042/2017-18 dated 25.01.2018 (copy enclosed) granting general approval to Department of Commerce of RBI from FEMA angle for condoning delay in submission of SOFTEX forms and for cancellation of SOFTEX Forms by SEZ authorities.

- 2. The above guidelines from RBI are circulated herewith for guidance and compliance.
- 3. This issues with the approval of AS(BBS).

Yours faithfully,

(G. Srinivasan)
Under Secretary to the Govt. of India
Tel. 011-2306 2496
Email: srinivasan.g@nic.in

389/2018
JDCO

Copy for information to:

- 1. Smt Nanda Sameer Dave, Chief General Manager, Department of Payment and Settlement Systems, Reserve Bank of India, Central Office Building, Shahid Bhagat Singh Marg, Fort, Mumbai-400001.
- 2. Shri Vijay Gupta, NSDL



Pl send a copy to all SOs in the zone x pur up in file. dt 14/9
Asst. Secy / SO - Mumbai



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FE.CO.Trade (EXP) No. 6523 / 05.31.042 / 2017-18

January 25, 2018

Additional Secretary
Department of Commerce
Ministry of Commerce & Industry
Udyog Bhawan
New Delhi 110 107

Dear Sir

Issues related to Softex forms

As you are aware that information in respect of export of software is getting reflected in the EDPMS of RBI. Further action in respect of closure of these entries are taken by the banks of exporters who mark payment realization in EDPMS against relevant bills.

2. During the course of our interactions with bankers and software exporters we have come across issues related to condonation of delay in filing of Softex form and of cancellation of Softex forms. Software exporters have informed about difficulties in filing softex forms with a delay and getting confirmation from SEZ authorities regarding cancelled softex form.

3. In the past we have written two communications to your office requesting you to take necessary action in respect of cancelled bills (copies of our letters endorsement No. FED.CO. Trade (EXP) 2827/05.31.042/2017-18 dated September 28, 2017 and FED.CO. Trade (EXP) 4974/05.31.042/2017-18 dated December 07, 2017 enclosed)

4. Since Softex forms have to get reflected in EDPMS, you have general approval of RBI from FEMA angle for condoning delay in submission of Softex forms. Similarly RBI has no objection regarding cancellation of Softex forms by SEZ authorities.

5. In view of what has been said above, we request you to please arrange to issue suitable advisory to SEZ authorities towards condonation/cancellation letters to software exporters or make suitable amendments in the system, wherever required, so that the exporters can get the outstanding data rectified in EDPMS at the earliest.

Yours faithfully

S. Goutham Raj
Manager

भारतीय रिजर्व बैंक द्वारा भेजे गए एकसमेत का कोई भी कॉपी किसी भी बैंक या एजेंट को प्रेषित नहीं करना है। बैंक या एजेंट को किसी भी कॉपी के बचत न करने चाहिए।
Caution: RBI never sends mails. Please be beware calls seeking for personal information like bank account details, passwords, etc.
It never keeps or offers funds to anyone. Please do not respond in any manner to such offers.

ANNEXURE I

अनुबंध I

आ. ई. कोड प्रदान किया हुआ पत्र / Copy of the I. E. Code Letter.
विलंब से प्रस्तुतीकरण का कारण / Reason for late submission (valid reason expected and supportive documents to corroborate exporters argument for delay) :
पिछली अवधि के लिए सोफ़टेक्स फार्मों के प्रस्तुतीकरण का प्रमाणपत्र / Proof of submission of SOFTEX Forms for the previous period.
बाद के अवधि के लिए सोफ़टेक्स फार्मों के प्रस्तुतीकरण का प्रमाणपत्र / Proof of submission of SOFTEX Forms for the subsequent period.
पूरे ब्योरे जैसे सोफ़टेक्स फार्म से संबन्धित ईनवॉइस के माह और वर्षसहित हरएक सोफ़टेक्स फार्म की राशी देते हुए प्रस्तुतीकरण जानेवाले सोफ़टेक्स फार्मों की कुलसंख्या (जिसमें छूट मांगी गई है) / Total number of SOFTEX forms to be submitted, giving full details as to the amount of each SOFTEX form, along with the month and year of the invoice pertaining to the SOFTEX form (in respect of which condonation has been requested)
Refer Annexure - II for Details
अस्वीकृत पत्र, यदि कोई हो, की प्रति / Copy of the rejection letter, if any.
एसईजेड यूनिट का नाम जिसे सोफ़टेक्स फार्म प्रस्तुत किए जा रहे हैं / से अन्य कोई एसईजेड को प्रस्तुतीकरण के / Name of SEZ to which SOFTEX forms are being submitted.
पत्र में उल्लिखित सोफ़टेक्स फार्मों से अन्य कोई एसईजेड को प्रस्तुतीकरण के लिए विलंबित न होने का पुष्टीकरण / Confirmation that no SOFTEX form, other than mentioned in the letter are pending submission.
Details of invoices as certified by AD bank, viz, invoice Value, invoice number, invoice date, currency, name of the client, SOFTEX number, amount realized, date of realization, FIRC number etc.
Please refer Annexure-II
Undertaking from exporter (confirming lapses for delay in submission of SOFTEX forms would not recur in future) :
Please refer Annexure-II
Undertaking from AD bank regarding adverse notification from DOE/DRI/CBI or any other investigation agency:
Contact no./e-mail:

Annexure II

अनुबंध II

निम्नलिखित प्रारूप में एसईजेड को प्रस्तुत की गई सॉफटेक्स फार्म के विवरण:

Details of SOFTEX forms pending for submission to SEZ in following format.

Invoice Date	Amount	Whether actual exports of the lot of SOFTEX forms not submitted to SEZ has already been effected, if yes, when?	If exports have already been effected whether export proceeds have been realized	Date of Realization	Foreign inward Remittance Challan Number	AD name and AD Code
बीजक का दीनांक	राशि	क्या एसईजेड को प्रस्तुत न किए गए सॉफटेक्स फार्मों के लॉट के पहले की वास्तविक निर्यात हुए हैं, यदि हा, कब ?	यदि पहले ही निर्यात हुए हैं तो क्या निर्यात आय की वसूली हुई है ?	मुल्य प्राप्ति की तारीख	विदेशी आवक प्रमाणत्र की संख्या	एडी का नाम और कोड