प्रति निम्नलिखित को प्रेषित :—

1. आयातक———————को उनके पत्र सं.———————— दिनांक ————————के संदर्भ में। उनसे अनुरोध किया जाता है कि वे बैंकरों से परक्रामण दस्तावेजों की सुपुर्दगी लेने से पूर्व अपने बैंकरों के माध्यम से रुपये निक्षेप आदि को जमा करवाने की व्यवस्था करें। यदि विशेष परिस्थितियों की वजह से मूल परिवहन दस्तावेज प्रस्तुत किए बिना सीमा शुल्क प्राधिकारियों और पत्तन के प्राधिकारियों से माल की सुपुर्दगी सीधे ही प्राप्त कर ली हो, तो वहां सुपुर्दगी प्राप्त करने से पूर्व धनराशि जमा करवानी चाहिए। विदेशी संभरकों द्वारा दी गई सेवाओं के लिए भुगतान के मामले में, जैसे ही भुगतान के लिए बीजक अनुमोदित किए जाते हैं वैसे ही धनराशि जमा करवा देनी चाहिए। शीघ्र ही और सही रूप से धनराशि जमा करवाने में असफल होने पर लाइसेंसिंग शर्तों में उल्लिखित कार्रवाई की जाएगी।

2. आयातक का बैंक———————। उसे निदेश दिया जाता है कि भारतीय बैंक आफ इंडिया, टोकियो से दस्तावेज प्राप्त करो पर जापानी संभरकों को येन भुगतान के समतुल्य रुपया जमा करने की व्यवस्था करें। संभरकों को चुकाई गई धनराशि के बराबर रुपये की गणना सार्वजनिक सूचना सं. 8-आई टी सी (पी एन)/76, दिनांक 17-1-76 या अन्य ऐसी सार्वजनिक सूचना जो समय-समय पर जारी की जाए, के अनुसार विदेशी संभरकों को भुगतान करने की तिथि की यथा चलित परिवर्तन की निश्चित दर पर की जाएगी। विदेशी संभरक को भुगतान करने की तिथि से भारतीय बैंक को अदायगी करने की तिथि तक सरकार के लेखे में तुल्य रुपया जमा करने की अवधि के लिए सार्वजनिक सूचना सं. 31-आई टी सी (पी एन)/83, दिनांक 10-8-83, 35-आई टी सी (पी एन)/83, दिनांक 26-8-1983 के अनुसार पहले 30 दिनों के लिए 12 प्रतिशत वार्षिक दर पर और इससे अधिक की गणना की गई अवधि के लिए 18 प्रतिशत की दर से ब्याज भी सरकारी लेखे में जमा करना होगा। ब्याज दोनों दिनों के लिए देय होगा अर्थात् वह तिथि जिसको विदेशी संभरक को भुगतान किया जाता है और वह तिथि भी जिस दिन सरकारी लेखे में रुपया निक्षेप किया जाता है (यदि इस दर में कोई परिवर्तन होगा तो इसकी सूचना तुरन्त दी जाएगी)। इस बात का सुनिश्चय कर लेना चाहिए कि सीमाशुल्क निकासी के लिए आयातक को दस्तावेजों का मूल सेट दिए जाने से पूर्व यह धनराशि जमा कराई जाती है।

चालान के दाएं कोने में कोड सं. 5130000009 दर्शाते हुए ये धनराशियां या तो रिजर्व बैंक आफ इंडिया, नई दिल्ली या स्टेट बैंक आफ इंडिया, तीस हजारी, दिल्ली में जमा करानी चाहिए या स्टेट बैंक आफ इंडिया की किसी शाखा, या इसकी अनुषंगी संस्थाओं या किसी भी राष्ट्रीयकृत बैंक से उनके द्वारा प्राप्त की गई स्टेट बैंक आफ इंडिया, तीस हजारी शाखा दिल्ली-6 (आदेशिती और आदाता) के नाम में और उसकी देय दर्शनी हुण्डी के माध्यम से करनी चाहिए। इस संबंध में आपका ध्यान सार्वजनिक सूचना सं. 233-आई टी सी (पी एन)/68, दिनांक 24-10-68, सं. 132-आई टी सी (पी एन)/71, दिनांक 5-10-71, सं. 74-आई टी सी (पी एन)/74 दिनांक 31-5-74 और सं. 103-आई टी सी (पी एन)/76, दिनांक 12-10-76 की शर्तों की ओर दिलाया जाता है। लेखा शीर्ष जिसमें धनराशि जमा की जाएगी वह "के डिपोजिट्स एण्ड एडवासिज-843 सिविल डिपोजिट्स-डिपोजिटस फार परचेजिस एटसेक्ट्रा एआड परचेजिस अन्डर ग्रान्ट एण्ड क्रोस दि गवर्नमेंट आफ जापान फार 1988-89 अन्डर डिटेल्ड हैड 611 मिलियन येन ग्रान्ट एण्ड फार परचेज आफ एजुकेशनल टैक्नोलाजी एक्विपमेंट एण्ड सर्विसिस नेसेसरी फार इंस्टालेशन/ट्रांसपोर्टेशन आफ दी इक्विपमेंट है।

जिन मामलों में तुल्य रुपया रिजर्व बैंक आफ इंडिया, नई दिल्ली या स्टेट बैंक आफ इंडिया, तीस हजारी में सार्वजनिक सूचना सं. 132-आई टी सी (पी एन)/71, दिनांक 5-10-71 के अनुसार नकद जमा किया जाता है उनमें चालान की मूल रूप में एक प्रतिलिपि बैंक आफ इंडिया, टोकियो शाखा से प्राप्त सूचना टिप्पणी का पूर्ण विवरण देते हुए प्रेषण पत्र सहित उसके द्वारा निम्नलिखित पते पर भेजी जाएगी :—

लेखा तथा लेखा परीक्षा नियंत्रक,

वित्त मंत्रालय (आर्थिक कार्य विभाग),

पहली मंजिल, यू सी.ओ. बैंक बिल्डिंग,

संसद मार्ग, नई दिल्ली-110001.

जिस मामले में तुल्य रुपया ऊपर सैक्टोरियल सार्वजनिक सूचना दिनांक 24-10-1968 में यथा उल्लिखित दर्शाती हुण्डी द्वारा प्रेषित करना है उसकी सूचना उपर्युक्त पते पर भेजी जानी चाहिए सभी मामलों में ब्याज की चुकाई गई धनराशि और जिस अवधि के लिए ब्याज की गणना की गई है और उसके साथ जमा किए गए तुल्य रुपए का पूरा ब्यौरा इस विभाग को भेजा जाना चाहिए। बैंकिंग प्रभार जिनमें समुद्रपार संभरक के बैंकर के प्रभारी शामिल है, यदि कोई हो तो, बैंक आफ इंडिया, टोकियो शाखा के इंडियन बैंक और बैंक आफ इंडिया, टोकियो शाखा द्वारा पाने ही निर्धारित किए जाएंगे।

3. भारतीय दूतावास, टोकियो।

4 अवर सचिव, (टी सी), वित्त मंत्रालय, आर्थिक कार्य विभाग, नई दिल्ली।

(लेखा अधिकारी)

MINISTRY OF COMMERCE

(Import Trade Control

PUBLIC NOTICE NO. 94-ITC(PN)/88-91

New Delhi, the 25th January, 1989

Sub : Licensing Conditions for import of equipment and services under Japanese grant aid for 1988-89 :—(1) Yen 641 million for improvement of medical equipment of regional cancer centres; and (2) Yen 611 million for improvement of Educational Technology equipment of Indira Gandhi National Open University.

F. No. IPC/23(51)/88-91.—The terms and conditions governing import of equipment and services under Japanese grant aid for 1988-89 (1) Yen 641 million for improvement of medical equipment of regional cancer centres; and (2) Yen 611 million for improvement of Educational Technology equipment of Indira Gandhi National Open University, as given in Appendix to the Public Notice are notified for information.

K. V. IRNIRAYA, Chief Controller of Imports & Exports

APPENDIX TO THE MINISTRY OF COMMERCE PUBLIC NOTICE NO. 94-ITC(PN)/88-91 DATED 25-1-1989

Licensing conditions for purchase of medical equipment for Regional Cancer Centres and services necessary for installation/transportation of the equipment to ports in India and those for internal transportation therein under the Japanese grant aid of Yen 641 million for 1988-89 for improvement of medical equipment of regional cancer centres.

Section I. General Conditions

(i) The Japanese grant aid of Yen 641 million for 1988-89 is intended to be used for :—

(1) Import of CT Scanners and supplementary equipment of regional cancer centres and services necessary for installation|transportation of the equipment (Yen 406.4 Million)

(2) Import of Diagnostic equipment for the Madras Cancer Institute and services necessary for installation|transportation of the equipment (Yen 234.6 Million)—Out of Yen 234.6 Million an amount of Yen 26.5 Million is earmarked for procurement of Consultancy Services from Japan.

(ii) The import licences under this grant aid should be issued for an amount not exceeding Yen 705 Million (CIF) in favour of the importer and should bear the superscription "Yen 641 Million Japanese Grant Aid for 1988-89". The licence code for the first and second suffix will be "S|JN". However, no import licence is required for items covered under O.G.L.

(iii) The equipment and services should be produced only from Japan|India under this grant aid. The purchase order should be placed only on the Japanese suppliers.

(iv) The import licence will be issued on CIF basis with initial validity upto 31-3-1989.

(v) The contract should provide for payment on cash basis i.e. on presentation of shipping documents by the Japanese Suppliers to the Bank of India, Tokyo. It should also provide for the period of delivery as follows :

"delivery to be completed by 15-3-1989"

(vi) The contract value (C&F|FOB basis) should be expressed in Yen (fraction of Yen should be omitted) and should exclude Indian Agents' Commission, if any. In no circumstances the contract value should be expressed in any other currency.

The FOB cost and freight amount should be shown separately but it should be clarified in the contract itself whether the freight will be payable on actual basis or whether the freight charges indicated therein would be the amount payable irrespective of the actual charges.

(vii) The purchase contract should be entered into only in Japanese Yen with the Japanese nationals.

(viii) The procurement of goods and services under this grant aid should be done on the basis of an open tender confined to Japanese suppliers and the contract awarded to the lowest evaluated and technically acceptable bidder. In case it is proposed to procure the goods and services under this grant on direct negotiation basis prior approval of the Government of Japan may be obtained through the Ministry of Finance, Department of Economic Affairs (Japan Section).

Section II The following provision should be specifically incorporated in the supply contract :

(i) The contract is arranged in accordance with the Agreement dated the 8th November, 1988 between the Government of India and Government of Japan concerning the Grant Aid of Yen 641 million for 1988-89 and will be subject to the approval of both the Governments.

(ii) Payments to the suppliers shall be made through an 'Authorization to Pay' (A|P) which will be issued by the Controller of Aid Accounts & Audit, Ministry of Finance, Deptt. of Economic Affairs, UCO Bank Building, Parliament Street, New Delhi-110001 in favour of the Bank of India, Tokyo under the Japanese Grant Aid for 1988-89.

(iii) The Japanese suppliers agree to furnish such information and documents as may be required by the Government of India on the one hand and the Government of Japan on the other.

(iv) The Japanese supplier agree to make shipping arrangements in consultation with the Embassy of India, Tokyo and that for this purpose he would keep the Embassy of India, Tokyo informed of the delivery schedule of the goods involved and notify the Embassy of India, at least six weeks in advance of the shipping required so that suitable arrangements should be made. In exceptional cases, where the importer require it this period of notice may be reduced. The Japanese suppliers should also agree to send a cable advice to the importer after each shipment giving the necessary details and a copy thereof should be sent to the Embassy of India, Tokyo.

Section III. Contract Approval by Governments of India and Japan.

(i) As soon as the orders are finalised, the importer should forward to the Under Secretary (TC), Deptt. of Economic Affairs, Ministry of Finance, North Block, New Delhi, 5 copies of the contract (one original and 4 photocopies) duly signed by both parties or purchase orders by the Indian importer placed on the Japanese supplier supported by order confirmation in writing by the Japanese supplier or their photo copies complete in all respects together with two copies of the tender evaluation report and two copies of the "Request for issue of A|P" in the form at Annex I. The above procedure will also apply to all contract amendments causing essential modifications to the contents of contracts or in its price.

(ii) The Ministry of Finance (DEA), Japan Section will arrange to send two copies of the contract to the Government of Japan for their approval for financing under the Japanese Grant Aid for 1988-89 of Yen 641 million, and one set of the documents mentioned in (i) above will also be sent to the CAA&A and the Embassy of India in Tokyo simultaneously.

(iii) On receipt of the contract approval from the Government of Japan, Japan Section of the Department of Economic Affairs, Ministry of Finance, North Block, will inform the Controller of Aid Accounts & Audit, Department of Economic Affairs, Ministry of Finance, UCO Bank Building, Parliament Street, New Delhi-110001 of the same who will issue on 'Authorisation to Pay' (A|P) to the Bank of India, Tokyo in the form at Annexure II for making payment to the

Japanese supplier. Copies of the A|P will be endorsed to the Embassy of India, Tokyo, the importer, importer's Bank in India and Japan Section, Department of Economic Affairs, Ministry of Finance.

(v) The Japanese supplier shall, after effecting shipment present through his bankers the documents specified in the A|P to the BOI, Tokyo. If the documents are found to be in order, the Bank of India, Tokyo will release the amount specified in the documents to the Japanese supplier through his bankers.

(vi) Banking charges payable to the Bank of India, Tokyo for arranging the payment to the Japanese supplier shall be paid by the Embassy of India, Tokyo on behalf of importing Department. Rupee equivalent of these charges will be paid by the importing Deptt. to the Controller of Accounts, Ministry of External Affairs, New Delhi on receipt of suitable advice from the CAA&A, New Delhi.

Section IV. Responsibility for rupee deposit

(i) The original negotiable shipping documents will be invariably forwarded by the Bank of India, Tokyo, to the concerned importer's bank in India which would be a branch of the State Bank of India or any of the nationalised banks as mentioned in (o) in Annexure I who should release these negotiable set of documents to the importer concerned only after ensuring that the rupee equivalent of the Yen payments made to the Japanese supplier is deposited into Government of India account in terms of the Public Notice No. 74-ITC(PN)|74 dated 31-5-1974 as modified under Public Notice No. 103-ITC(PN)|76 dated 12-10-1976.

The Exchange rate to be adopted for computing the rupee equivalent of the Yen Payment will be the prevailing composite rate of exchange as laid down in CCI&E Public Notice No. 8-ITC(PN)|76 dated 17-1-1976 or as may be notified by Government from time to time through Public Notices of the CCI&E or through Exchange control circulars of the Reserve Bank of India. Any change in this regard will be notified as and when necessary. It will be the responsibility of the Indian Bank concerned to ensure that the amounts due are currently deposited into Government Account before the import documents are handed over to the importers. The importer should also ensure that the amounts due are correctly deposited into Government account before taking delivery of the documents from their bankers. It is the responsibility of the importer to ensure that the amounts due are correctly deposited into the Government account promptly even when they obtain delivery of the goods from the customs authorities under exceptional circumstances. In case the importer fails to deposit the amounts due to Government before taking delivery of the goods, the issue of further A|P to him may be stopped and the matter reported to the CCI&E so that no further import licence is issued to such an importer. No interest charges are recoverable in respect of imports made by Central Government Departments. The Head of Account to which the above rupee deposits should be credited is "K-Deposits and Advances-8443-Civil Deposits—Deposits for purchases etc., abroad-purchase under Grant Aid from the Government of Japan—for 1988-89"—Grant for purchase of the medical equipment and services necessary for the installation|transportation of equipment.

219 GI/89—3

(ii) The amount referred to above should be deposited in cash to the credit of the Government either in the Reserve Bank of India, New Delhi, indicating Code No. 5130000009 on the right hand corner of the Challan or in the State Bank of India, Tis Hazari, Delhi, or if this is not possible, should be remitted by means of a demand draft obtained from any branch of the State Bank of India or its subsidiaries or any one of the Nationalised Banks (Drawer) drawn on and made payable to the State Bank of India, Tis Hazari Branch, Delhi-6 (drawee and payee) for credit to Government account as contemplated in Public Notices No. 184-ITC(PN)|68 dated 30-8-1968, No. 233-ITC(PN)|68 dated 24-10-1968 and No. 132-ITC|(PN)|71 dated 5-10-1971, No. 74-11C(PN)|74 dated 31-5-1974 and No. 103-ITC(PN)|76 dated 12-10-1976.

(iii) The concerned bank in India shall also furnish such additional deposit in the same manner stipulated above as may be requested by the Government of India on account of service charges within seven days after such a demand is made by the Government. While filling in the various columns in the challan it should be ensured by the Importers|their bankers that the information prescribed in para 2 of Public Notice No. 132-ITC(PN)|71 dated 5-10-1971 and also in Public Notice No. 74-ITC(PN)|76 dated 31-5-1974 read with Public Notice No. 103-ITC(PN)|76 dated 12-10-1976 is invariably indicated in the column "full particulars of remittances and authority (if any)" of the challan. The following particulars should invariably be furnished in the Treasury Challans :

(a) Ministry of Finance 'A|P' (Authorisation to Pay) No. and date.

(b) Amount of Yen currency in respect of which deposits are to be made together with rate of conversion adopted.

(c) Date of Payment to the Japanese supplier.

(d) The amount of interest paid and the period for which it has been calculated.

(e) Total amount deposited.

Thereafter the Treasury Challans evidencing the rupee deposit should be sent by registered post to the CAA&A indicating reference to the A|P issued by him and also enclosing copies of invoice and shipping documents.

Note : Importer's Bank in India should ensure that the rupee deposits are invariably made within 10 days of the receipt of the advice of payment and negotiable shipping documents from the Bank of India, Tokyo and that the CAA&A. Ministry of Finance (DEA), New Delhi is informed immediately thereafter.

(iv) The concerned bank in India should also endorse the amount of rupee deposits on the exchange control copy of the licence and send the requisite 'S' Form to the Reserve Bank of India, Bombay.

Section V. Miscellaneous provisions

(i) Reports on the utilisation of the Grant Aid.

The importer should send a monthly report after the A|P has been issued regarding shipments and payments made there against and about the balance left, to the Controller of Aid Accounts and Audit, Department of Economic Affairs, Ministry of Finance, UCO Bank Building, Parliament Street, New Delhi.

The importer should apprise the supplier of any special provisions in the import of goods under this Grant Aid which may affect the suppliers in carrying out the transaction.

(ii) Disputes

It should be understood that the Government of India will not undertake any responsibility for dispute, if any, that may arise between the importer and the suppliers. The conditions to be fulfilled by the supplier before payment by the Bank of India, Tokyo must be clearly spelt out by the importer in Annexure & under "Terms of Payment". Provision dealing with a settlement of disputes be included in the condition of contract.

(iii) Future Instructions

The importer shall promptly comply with any directions, instructions or orders issued by the Government of India from time to time regarding any and all matters arising from or pertaining to the imports and for meeting all obligations under the Grant Aid for 1988-89 from Japan.

(iv) Breach or violation

Any breach or violation of conditions set forth in the above clauses will result in appropriate action under the Imports and Exports (Control) Act.

(v) List of Annexure :

Annexure-I—Request for issue of A|P

Annexure-II—Form of A|P.

ANNEXURE I

"REQUEST FOR ISSUE OF THE AUTHORISATION TO PAY"

No.

To

The Controller of Aid Accounts & Audit,
Ministry of Finance,
Department of Economic Affairs.
UCO Bank Building, 1st Floor,
Parliament Street.
New Delhi-110001.

Subject.—Purchase of medical equipment and services necessary, for the installation|transportation of the eqipment under the Japanese Grant Aid of Yen 641 million for 1988-89.

Sir,

In connection with the import of above mentioned equipment from Japan under the above mentioned Grant Aid, we furnish the following particulars to enable you to issue the A|P to the Bank of India, Tokyo in favour of the Japanese suppliers concerned:—

(a) Name and address of Indian importer.

(b) Number, date and value of the import licence and date upto which it is valid

(c) Method of procurement whether it is based on direct purchase or limited open tendering in which case it should be indicated whether the contract has been awarded on the basis of technically suitable offer with reasons, if any.

(d) Brief description of the goods.

(e) Origin of the goods.

(f Gross C&F or FOB value of contract (in Yen).

(g) Amount of Indian agents commission (in Yen), if any, payable in Indian rupees.

(h) Net C&F or FOB value (in Yen) for which the A|P is required.

(i) No. & date of the contract with Japanese suppliers.

(j) Name and address of the Japanese Supplier.

(k) Payment terms & probable dates on which payments under the contract will fall due.

(l) Expected date of completion of deliveries.

(m) Documents to be presented at the time of payment to Bank of India, Tokyo (indicating No. of sets each and their disposal).

(n) Shipment instructions (indicate if transhipment|partshipment permitted or not permitted).

(o) Name and address of Importer's bank in India.

(p) Understanding by the importer.—"We hereby undertake to make full and correct deposit of the rupee equivalent etc., of the payment made to the foreign supplier in the manner and at the rate prescribed by Government. The deposits will be made promptly before taking delivery of each consignment of the goods (material imported). In case of payments for services of foreign nationals, the deposits will be made as soon as the relevant invoices of the foreign supplier are approved by us and the payments made to the suppliers".

Yours faithfully,

India Code

ANNEXURE II

F. No.

Government of India
Ministry of Finance
Department of Economic Affairs

New Delhi, the ...., 198

To

The Bank of India,
Tokyo Branch,
Tokyo (Japan)

Subject : Purchase of equipment and services necessary for the installation|transportation of the equipment under Japanese Grant Aid of Yen 641 million Issue of Authorisation to Pay.

Dear Sir,

In accordance with the terms and conditions of the agreement dated .....entered into with your Bank, you are hereby authorised to pay an amount not exceeding Yen..... to M|s.————— as per details given in the appendix.

2. Please advise the Supplier of the fact of receipt of this Authorisation to Pay (A|P) and endorse a copy of this advice to the Government of Japan, Importers Bank, Embassy of India, Tokyo and this Ministry.

3. Payment to the Suppliers in terms of the A|P will be made on the basis of shipping documents as indicated in the Appendix.

4. Banking charges including, charges for handling documents and charges of Overseas Suppliers, Bankers if any payable to you by the importer, will be paid by the Embassy of India, Tokyo.

5. As and when any payment is made by you on the basis of shipping documents presented by the Japanese supplier an advice in the prescribed form should be sent to this Ministry and the importer's Bank.

6. No amendment to this A|P may be advised in the absence of a specific authority from this Ministry.

7. This A|P will remain valid upto .....

Yours faithfully,
(.....)
Accounts Officer

Copy forwarded to :—

1. Importer.....with reference to their letter No.————dated ————.

They are requested to arrange to deposit through their Bankers, the rupee deposits etc. at the prescribed rate and manner, before taking delivery of the negotiable documents from the Bankers. In case due to exceptional circumstances delivery of goods is obtained directly from the Customs and port authorities without furnishing the original shipping documents, the deposits should be made before taking the delivery In the case of payments for services rendered by foreign Nationals, the deposits should be made as soon as the relevant invoices are approved for payment. Failure to make the deposits promptly and correctly may antail action as mentioned in the Licensing conditions.

2. Importer's Banker ..... They are requested to arrange to deposit the rupee equivalent of the Yen payment ot the Japanese suppliers on receipt of documents from the Bank of India, Tokyo Branch. The rupee equivalent of amount disbursed to the suppliers will have to be calculated by applying the composite rate of conversion as prevailing on the date of payment to Japanese suppliers in accordance with the Public Notice No. 8-ITC(PN)|76 dated the 17th January 1976 or such other Public Notices as may be issued from time to time. Any change in this rate will be intimated if and when made. It should be ensured that these deposits are made before the original set of import documents are handed over to the importer for Customs Clearance.

These amounts should be deposited either with the RBI, New Delhi indicating Code No. 5130000009 on the right hand corner of the Challan or in the SBI, Tis Hazari, Delhi or remitted by means of a Demand Draft obtained by them from any Branch of the SBI or its subsidiaries or any one of the Nationalised Bank (Drawer) drawn on and made payable to the SBI, Tis Hazari, Delhi-6 (Drawee and Payee). In this connection their attention is also invited to the provisions of the Public Notice No. 233-ITC(PN)|68 dated the 24th October, 1968, 132-ITC(PN)|71 dated 5-10-71, No. 74-ITC(PN)|74, dated 31-5-1974 and No. 163-ITC(PN)|70 dated the 12th October, 1976. The head of account to be credited is "K-Deposits & Advances-8443-CIVIL Deposits-Deposit for purchases etc. aboard purchases under Grant Aid from Government of Japan for 1988-89" under detailed head "641 million grant aid for purchase of the medical equipment and services necessary for installation|transportation of equipment".

One copy of the challan in original, in cases where the rupee equivalents are credited in cash at the RBI, New Delhi of the SBI, Tis Hazari, Delhi as prescribed in Public Notice No. 132-ITC(PN)|71 dated 5th October 1971 should be sent by them to the address given below alongwith a forwarding letter giving full details of the advice notes received from the Bank of India, Tokyo Branch.

3. The controller of Aid Accounts & Audit, Ministry of Finance Department of Economic Affairs 1st Floor, UCO Bank Building, Parliament Street, New Delhi.

In cases where the rupee equivalents are remitted by means of demand drafts as laid down in the Public Notice dated 24-10-1968 mentioned above, intimations thereof should be sent to the address given above. In all cases, full particulars of the rupee equivalent deposited alongwith the amount of interest paid and the period for which interest has been calculated should be furnished to this Department.

Banking charges of the Bank of India, Tokyo Branch, including charges of the overseas suppliers, bankers, if any, would be paid by the Embassy of India, Tokyo, on behalf of the importing Deptt. Rupee equivalent of these charges will be calculated in the above manner and deposited in favour of controller of Accounts, Ministry of External Affairs,

New Delhi for this purpose CAA&A will issue suitable addresses to the Department.

4. Embassy of India, Tokyo.

5. The Under Secretary (TC), Ministry of Finance, Department of Economic Affairs, New Delhi.

(————————)
Accounts Officer

Licensing Conditions for purchase of Educational Technology equipment and services necessary for installation|transportation of the equipment for Indira Gandhi National Open University (IGNOU) under Japanese Grant Aid for 1988-89 of Yen Six hundred and eleven Million (Yen 611,000,000).

Section I. General Conditions :

(i) The Japanese Grant Aid for 1988-89 of Yen 611 million (C&F) is intended to be used for financing payments to Japanese Suppliers for purchase of educational technology equipment and services necessary for the installation|transportatioon of the equipment by the Indira Gandhi National Open University (IGNOU).

(ii) The import licence should be issued for an amount not exceeding Yen 672 million (CIF) in favour of the importer, and should bear the superscription "Yen 611 million Japanese Grant Aid for 1988-89". The licence code for the first and second suffix will be "S|JN". No import licence is required for items covered under O.G.L.

(iii) No remittance of foreign exchange will be permitted against the import licence, except bank charges to the Bank of India, Tokyo which may be remitted through normal banking channels, payment towards Indian Agent's Commission, if any, should be made in Indian rupees to the agents in India. Such payments, however, will form part of the licence value and will, therefore, be charged to the licence.

(iv) The equipment and service should be procured only from Japan|India under this Grant Aid. The purchase order should be placed only on the Japanese suppliers.

(v) The import licence will be issued on CIF basis with validity upto 31-3-1989.

(vi) The contract should provide for payment on cash basis i. e. on presentation of shipping documents by the Japanese suppliers to the Bank of India, Tokyo. It should also provide for the period of delivery as follows :—

"delivery to be completed by 15-3-1989"

(vii) the contract value (C&F|FOB basis) should be expressed in Yen (fraction of Yen should be omitted) and should exclude Indian Agent's Commission, if any. In no circumstances the contract value should be expressed in any other currency.

The FOB cost and freight amount should be shown separately but it should be clarified in the contract itself whether the freight will be payable on actual basis or whether the freight charges indicated therein would be the amount payable irrespective of the actual charges.

(viii) The purchase contract should be entered into only in Japanese Yen with the Japanese nationals or Japanese juridical persons controlled by Japanese nationals.

Section II. The following provisions should be specifically incorporated in the supply contract :—

(i) The contract is arranged in accordance with the Agreement dated the 8th November, 1988 between the Government of India and Government of Japan concerning the Grant Aid of Yen 611 million for 1988-89 and will be subject to the approval of both the Governments.

(ii) Payments to the suppliers shall be made through an 'Authorization to Pay' (A|P) which will be issued by the Controller of Aid Accounts & Audit, Ministry of Finance, Department of Economic Affairs, UCO Bank Building, Parliament Street, New Delhi-110001 in favour of the Bank of India, Tokyo under the Japanese Grant Aid for 1988-89.

(iii) The Japanese suppliers agree to furnish such information and documents as may be required by the Government of India on the one hand and the Government of Japan on the other.

(iv) The Japanese supplier agree to make shipping arrangements in consultation with the Embassy of India, Tokyo and that for this purpose he would keep the Embassy of India, Tokyo informed of the delivery schedule of the goods involved and notify the Embassy of India, at least six weeks in advance of the shipping required so that suitable arrangements should be made. In exceptional cases, where the importer require it this period of notice may be reduced. The Japanese supplier should also agree to send a cable advice to the importer after each shipment giving the necessary details and a copy thereof should be sent to the Embassy of India, Tokyo.

Section III. Contract Approval by Governments of India and Japan.

(i) As soon as the orders are finalised, the importer should forward to the Under Secretary (TC), Department of Economic Affairs, Ministry of Finance, North Block, New Delhi, 5 copies of the contract (one original and four photocopies) duly signed by both parties or purchase orders by the Indian importer placed on the Japanese supplier supported by order confirmation in writing by the Japanese supplier or their photo copies complete in all respects together with two copies of the "Request for issue of A|P" in the form at Annex I. The above procedure will also apply to all contract amendments causing essential modifications to the contents of contracts or in its price.

(ii) The Ministry of Finance (DEA), Japan section will arrange to send 2 copies of the contract to the Government of Japan for their approval for financing under the Japanese Grant Aid for 1988-89

of Yen 611 million, and one set of the documents mentioned in (i) above will also be sent to the CAA&A and the Embassy of India in Tokyo simultaneously.

(iii) On receipt of the contract approval from the Govt. of Japan, the Japan Section of the Department of Economic Affairs, Ministry of Finance, North Block will inform the Controller of Aid Accounts & Audit, Department of Economic Affairs, Ministry of Finance, UCO Bank Building, Parliament Street, New Delhi-110001 of the same who will issue an 'Authorisation to Pay' (A|P) to the Bank of India, Tokyo in the form at Annexure II for making payment to the Japanese supplier. Copies of the A|P will be endorsed to the Embassy of India, Tokyo, the importer, importer's Bank in India and Japan Section, Department of Economic Affairs, Ministry of Finance.

(iv) On receipt of the Authorisation to Pay (A|P) the Bank of India, Tokyo will intimate the fact of this receipt to the Japanese supplier under intimation to the Government of Japan, Embassy of India, Tokyo, the importer's Bank in India and the CAA&A.

(v) The Japanese supplier shall, after effecting shipment present through his bankers the documents specified in the A|P to the BOI, Tokyo. If the documents are found to be in order, the Bank of India, Tokyo will release the amount specified in the documents to the Japanese supplier through his bankers.

(vi) Banking charges payable to the Bank of India, Tokyo for arranging the payment to the Japanese supplier shall be settled by the concerned importer's bank in India by remittance to the BOI, Tokyo through normal banking channel without affecting the Government of India's account.

Section IV Responsibility for rupee deposit.

(i) The original negotiable shipping documents will be invariably forwarded by the Bank of India, Tokyo, to the concerned importer's bank in India which would be a branch of the State Bank of India or any of the nationalised banks as mentioned in (O) in Annexure I who should release these negotiable set of documents to the importer concerned only after ensuring that the rupee equivalent of the Yen Payments made to the Japanese supplier alongwith interest charges thereon calculated at the rate of 12% per annum for the first thirty days and at 18% for the period in excess thereof recokned from the date of payment by the Bank of India, Tokyo to the Japanese Supplier to the date of actual rupee deposit, is deposited into Government of India account in terms of the Public Notice No. 31-ITC (PN) |83 dated 10-8-83. The interest is payable for both the days i.e. the day on which payment is made to the Japanese supplier and also the day on which rupee deposits are made into Government account vide Public Notice No. 74-ITC (PN)|74 dated 31-5-1974 as modified under Public Notice No. 103-ITC (PN) |76 dated 12-10-1976. The exchange rate to be adopted for computing the rupee equivalent of the Yen payment will be the prevailing composite rate of exchange as laid down in CCI&E Public Notice No. 8-ITC (PN) |76 dated 17-1-76 or as may be notified by Government from time to time through Public Notices of the CCI&E or through Exchange control circulars of the Reserve Bank of India. Any change in this regard as also in regard to the rate of interest will be notified as and when necessary. It will be the responsibility of the Indian Bank concerned to ensure that the amounts due are correctly deposited into Government Account before the import documents are handed over to the importers. The importer should also ensure that the amounts due are correctly deposited into Government account before taking delivery of the documents from their bankers. It is the responsibility of the importer to ensure that the amounts due are correctly deposited into the Government account promptly even when they obtain delivery of the goods from the customs authorities under exceptional circumstances. In case the importer fails to deposit the amounts due to Government before taking delivery of the goods, the issue of further A|P to him may be stopped and the matter reported to the CCI&E so that no further import licence is issued to such an importer. The Head of Account to which the above rupee deposits should be credited is "K-Deposits and Advances—844 Civil Deposits—Deposits for purchases etc., abroad-purchase under Grant Aid from the Government of Japan-for 1988-89". Grant for purchase of the educational technology equipment and services necessary for the installation of the equipment|transportation of equipment by the IGNOU.

(ii) The amount referred to above should be deposited in cash to the credit of the Government either in the Reserve Bank of India, New Delhi, indicating Code No. 5130000009 on the right hand corner of the Challan or in the State Bank of India, Tis Hazari, Delhi, or if this is not possible, should be remitted by means of a demand draft obtained from any branch of the State Bank of India or its subsidiaries or any one of the Nationalised Banks (Drawer) drawn on and made payable to the State Bank of India, Tis Hazari Branch, Delhi-6 (drawee and payee) for credit to Government account as contemplated in Public Notices No. 184-ITC (PN) |68 dated 30-8-1968. No. 233-ITC (PN) |68 dated 24-10-1968 and No. 152-ITC (PN) |71 dated 5-10-1971, No. 74. ITC (PN) |74 dated 31-5-1974 and No. 103-ITC (PN)|76 dated 12-10-1976.

(iii) The concerned bank in India shall also furnish such additional deposit in the same manner stipulated above as may be requested by the Government of India on account of service charges within seven days after such a demand is made by the Government. While filling in the various columns in the Challan it should be ensured by the Importers|their bankers that the information prescribed in Para 2 of Public Notice No. 132-ITC (PN) |71 dated 5-10-1971 and also in Public Notice No. 74-ITC (PN) |74 dated 31-5-1974 read with Public Notice No. 103-ITC(PN)| 76 dated 12-10-1976 is invariably indicated in the column "full particulars of remittances and authority (if any)" of the challan. The following particulars

should invariably be furnished in the Treasury Cahllans :

(a) Ministry of Finance 'A|P' (Authorisation to Pay) No. and date.

(b) Amount of Yen Currency in respect of which deposits are to be made together with rate of conversion adopted.

(c) Date of payment to the Japanese supplier.

(d) The amount of interest paid and the period for which it has been calculated

(e) Total amount deposited.

(Interest is to be calculated for the period from the date of payment to the Japanese supplier upto inclusive of the date of deposit of rupee equivalents into Government Account)

Thereafter the Treasury Challans evidencing the rupee deposit should be sent by registered post to the CAA&A indicating reference to the A|P issued by him and also enclosing copies of invoice and shipping documents.

Note : Importer's Bank in India should ensure that the rupee deposits are invariably made within 10 days of the receipt of the advice of payment and negotiable shipping documents from the Bank of India, Tokyo and that the CAA&A, Ministry of Finance (DEA), New Delhi is informed immediately thereafters.

(iv) The concerned bank in India should also endorse the amount of rupee deposits on the exchange control copy of the licence and send the requisite "S" Form to the Reserve Bank of India, Bombay.

Section V the Miscellaneous provisions

(i) Reports on the utilisation of the Grant Aid

The importer should send a monthly report after the A|P has been issued regarding shipments and payments made there against and about the balance left, to the Controller of Aid Accounts and Audit, Department of Economic Affairs, Ministry of Finance, UCO Bank Building, Parliament Street, New Delhi.

The importer should apprise the supplier of any special provisions in the import of goods under this Grant Aid which may affect the suppliers in carrying out the transaction.

(ii) Disputes

It should be understood that the Government of India will not undertake any responsibility for dispute, if any, that may arise between the importer and the suppliers. The conditions to be fulfilled by the supplier before payment by the Bank of India, Tokyo must be clearly spelt out by the importer in Annexure-I under "Terms of Payment". Provision dealing with a settlement of disputes be included in the condition of contract.

(iii) Future Instructions

The importer shall promptly comply with any directions, instructions or orders issued by the Government of India from time to time regarding any and all matters arising from or pertaining to the imports and for meeting all obligations under the Grant Aid for 1988-89 from Japan.

(iv) Breach or violation

Any breach or violation of conditions set forth in the above clauses will result in appropriate action under the Imports and Exports (Control) Act.

(v) List of Annexures :

Annexure-I : Request for issue of A|P

Annexure-II : Form of A|P.

ANNEXURE-I

"Request for Issue of the Authorisation to pay"

No.

To

The Controller of Aid Accounts & Audit,
Ministry of Finance,
Department of Economic Affairs,
UCO Bank Building, 1st Floor,
Parliament Street, New Delhi-110001

Subject : Import of educational technology equipment and services necessary for the installation|transportation of the equipment under the Japanese Grant Aid of Yen 611 million for 1988-89

Sir,

In connection with the import of above mentioned equipment from Japan under the above mentioned Grant Aid, we furnish the following particulars to enable you to issue the A|P to the Bank of India, Tokyo in favour of the Japanese Supplier concerned :—

(a) Name and address of Indian Importer.

(b) Number date and value of the import licence and date upto which it is valid.

(c) Method of procurement whether it is based on direct purchase or limited open tendering in which case it should be indicated whether the contract has been awarded on the basis of technically suitable offer with reasons, if any.

(d) Brief description of the goods.

(e) Origin of the goods.

(f) Gross C&F or FOB value of contract (in Yen).

(g) Amount of Indian agents commission (in Yen), if any, payable in Indian rupees.

(h) Net C&F or FOB value (in Yen) for which the A|P is required.

(i) No. & date of the contract with Japanese Suppliers.

(j) Name & address of the Japanese Supplier

(k) Payment terms & probable dates on which payments under the contract will fall due.

(l) Expected date of completion of deliveries

(m) Documents to be presented at the time of payment to Bank of India, Tokyo (indicating No. of sets of each and their disposal).

(n) Shipment instructions (indicate if transhipment|partshipment permitted or not permitted).

(o) Name and address of Importer's bank in India.

(p) Undertaking by the importer :—"We hereby undertake to make full and correct deposit of the rupee equivalent etc. of the payment made to the foreign supplier in the manner and at the rate prescribed by Government The deposits will be made promptly before taking delivery of each consignment of the goods (Materiel imported). In case of payments for services of foreign nationals, the deposits will be made as soon as the relevant invoices of the foreign suppliers are approved by us and the payments made to the suppliers."

Yours faithfully,

ANNEXURE-II

No. F.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

Department of Economic Affairs

New Delhi, the .. ..

To

The Bank of India,
Tokyo Branch,
Tokyo (Japan)

Subject :—Import of educational technology equipment and services necessary for the Installation|transportation of the equipment under Japanese Grant Aid of Yen 611 million for 1988-89. Issue of Authorisation to Pay.

Dear Sirs,

In accordance with the terms and conditions of the agreement dated entered into with your Bank, you are hereby authorised to pay an amount not exceeding Yen———— to M|s. ———— as per details given in the appendix.

2. Please advise the Supplier of the fact of receipt of this Authorisation to Pay (A|P) and endorse a copy of this advice to the Government of Japan, Importers Bank, Embassy of India, Tokyo and this Ministry.

3. Payments to the suppliers in terms of the A|P will be made on the basis of shipping documents as indicated in the Appendix.

4. Banking charges including, charges for handling documents and charges of Overseas Suppliers, Bankers if any payable to you by the importer, will be settled directly by the importer's bank.

5. As and when any payment is made by you on the basis of shipping documents presented by the Japanese supplier an advice in the prescribed form should be sent to this Ministry and the importer's bank.

6. No amendment to this A|P may be advised in the absence of a specific authority from this Ministry

7. This A|P will remain valid upto ————.

Yours faithfully,

( )

Accounts Officer

Copy forwarded to :—

1. Importer ———— with reference to their letter No. ———— dated ———— .

They are requested to arrange to deposit through their Bankers, the rupee deposits etc. at the prescribed rate and manner, before taking delivery of the negotiable documents from the Bankers. In case due to exceptional circumstances delivery of goods is obtained directly from the Customs and port authorities without furnishing the original shipping documents, the deposits should be made before taking the delivery. In the case of payments for services rendered by foreign Nationals, the deposits should be made as soon as the relevant invoices are approved for payment. Failure to make the deposits promptly and correctly may entail action as mentioned in the Licensing conditions.

2. Importer's Banker————. They are requested to arrange to deposit the rupee equivalent of the Yen payment to the Japanese suppliers on receipt of documents from the Bank of India, Tokyo Branch. The rupee equivalent of amount disbursed to the suppliers will have to be calculated by applying the composite rate of conversion as prevailing on the date of payment to Japanese suppliers in accordance with the Public Notice No. 8-ITC (PN) |76 dated 17-1-1976 or such other Public Notices as may be issued from time to time. Interest @ 12% per annum for the first thirty days and at the rate of 18% per annum for the period excess thereof reckoned for the period between the date of payment to the supplier and the date on which the rupee equivalents are deposited into the Govt. account, is required to be deposited into the Government of India account in terms of the Public Notices No. 31-ITC (PN) |83 dated 18-1-83. The interest is payable for both the days i.e. the day on which payment is made to the supplier and also the date on which rupee deposit is made into Government. (Any change in this rate will be intimated if and when made). It should be ensured that these deposits are made before the original set of import documents are handed over to the importer for Customs Clearance.

These amounts should be deposited either with the RBI, New Delhi indicating Code No. 5130000009 on the right hand corner of the Challan or in the S.B.I., Tis Hazari, Delhi or remitted by means of a Demand Draft obtained by them from any Branch of the S.B.I. or its subsidiaries or any one of the Nationalised Banks (Drawer) drawn on and made payable to the S.B.I., Tis Hazari, Delhi-6 (Drawee and Payee). In this connection their attention is also invited to the Provisions of the Public Notices No. 233-ITC(PN) |68 dated 24-10-1968, No. 132-ITC (PN) |71 dated 5-10-1971, No. 74-ITC (PN) |74 dated 31-5-1974 and 103-ITC (PN)|76 dated 12-10-1976. The head of account to be credited is 'K-Deposits & Advances-8443 Civil Deposits—Deposit for purchases etc. abroad 'Purchases under Grant Aid from Government of Japan for 1988-89' under detailed head "Yen 611 million grant aid for purchase of the educational technology equipment and services necessary for installation|transportation of the equipment".

One copy of the challan in original, in cases where the rupee equivalents are credited in cash of the RBI, New Delhi or the SBI, Tis Hazari, Delhi as prescribed in Publice Notice No. 132-ITC (PN) |71 dated 5-10-1971 should be sent by them to the address given below alongwith a forwarding letter giving full details of the advice notes received from the Bank of India, Tokyo Branch.

The Controller of Aid Accounts & Audit, Ministry of Finance (Department of Economic Affairs), 1st floor, UCO Bank Building, Parliament Street, New Delhi-1.

In cases where the rupee equivalents are remitted by means of demand drafts as laid down in the Public Notice dated 24-10-1968 mentioned above, intimations thereof should be sent to the address given above. In all cases, full particulars of the rupee equivalents deposited alongwith the amount of interest paid and the period for which interest has been calculated should be furnished to this Department.

The banking charges, of the Bank of India, Tokyo Branch, including charges of the overseas Suppliers bankers, if any, should be settled directly between the Indian Bank and the Bank of India, Tokyo Branch.

3. Embassy of India, Tokyo.

4. The Under Secretary (TC), Ministry of Finance, Department of Economic Affairs, New Delhi.

( )

Accounts Officer

219 GI/89

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