

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT),

JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,

TAL: URAN, DIST : RAIGAD, MAHARASHTRA-400707.

F.No. S/3-GEN-214/2007 Imp. Noting

Date: 22.03.07

PUBLIC NOTICE No.12 /07.

(Referred / amended vide P.N.No. [29/2007](#))

Sub:-Dispense with practice for recovery of revenue deposit of Rs. 3000/- u/s. 42 of the Customs Act, 1962.- reg.

Attention is invited to the instructions issued by the CBEC vide F.28/12/70-Cus IV dated 22.5.1970 regarding security deposit in respect of foreign going and coastal vessels under Section 42 of the Customs Act, 1962. Accordingly, the quantum of deposit of Rs. 3000/- and Rs. 1000/- is taken from foreign vessels and coastal vessels, respectively, for covering liabilities of individual vessels. When Shipping Lines handle a number of vessels, a one time deposit of Rs. 15,000/- and Rs.5,000/- is taken for the foreign going coastal vessels, respectively.

2. As per Section 42 of the Customs Act, 1962, the vessel is permitted to depart from a customs station by proper officer after considering that the person in charge of the conveyance has complied with,-

- i) production of specified documents and replied the question, if any, raised.
- ii) Delivery of export manifest
- iii) Payment of all duties leviable on any stores consumed in the conveyance,
- iv) Payment of all charges and penalties due in respect of the conveyance.
- v) No penalty is leviable on the person-in-charge under Section 116 for the deficiency of goods.
- vi) Exports goods contravening any of provision of the Customs Act have been unloaded.

3. The issue has been examined by the Board and it has been observed that the procedure for taking a deposit initially and refunding it, each time the vessel enters and departs the port, involves available administrative inconvenience and delay in re-payment of deposit. In view of the above, and as a trade facilitation measure, it is decided to dispense with the practice of taking such security deposits provided the provisions under Section 42 of the Customs Act are complied with before permission is granted by the proper officer to the vessel to depart from the customs station.

4. In case, the Shipping Line /Agent seeking Port Clearance is not in a position to submit the relevant documents required for compliance of the

provisions under Section 42(2) of the Customs Act, a bond should be submitted to the proper officer by the Shipping Line /Agent. The condition of the Bond would be to fulfill the requirements prescribed under Section 42(2) of the Customs Act, 1962, and proforma of the bond is enclosed as Annexure-A to this Public Notice.

5. The Assistant /Deputy Commissioner in-charge of Port clearance should accept the bond mentioned above and maintain records of all such bonds accepted by him/her. These bonds should be monitored on regular basis and should be closed on receipt of all the relevant documents from the Shipping Line/Agent in compliance with the provisions prescribed under Section 42(2) of the Customs Act, 1962.

6. Difficulties, if any, may be brought to the notice of the undersigned.

SD/26.3.07

(SANJEEV BEHARI)

Commissioner of Customs

Import, JNCH.

Encl: Annexure A.

ANNEXURE - A

The President of India,
Acting through Commissioner of Customs (Export),
Jawaharlal Nehru Custom House,
Nhava Sheva.

KNOW ALL MEN BY THESE PRESENTS that we M/s .. herein after called Shipping Line/Agents of vessels (which expression shall include its successor/heirs, executors, administrators and legal representatives) are held and firmly bound unto the President of India hereinafter called the President (which expression shall include his successors and assigns), through the Commissioner of Customs (Exports), JNCH, Nhava Sheva for all liabilities and dues as is hereinafter mentioned.

WHEREAS, the Asstt./Dy. Commissioner of Customs (hereinafter called the Proper Officer) has agreed to give provisional port clearance for the vesselvoyageRotation No.date,as requested by the Shipping Line/Agent, pending submission of further documents and furnishing information as may be called for by the proper officer in compliance with the provisions prescribed under Section 42(2) of Custom Act, 1962, within one month of furnishing of this bond. Section 42(2) of the Customs Act, 1962, states that the port clearance shall not be given by the proper officer until -

- a) the person-in-charge of the conveyance has answered the questions put to him under section 38;
- b) the provisions of section 41 have been complied with;
- c) the shipping bills or bills of export, the bills of transshipment, if any, and such other documents as the proper officer may require have been delivered to him;
- d) all duties leviable on any stores consumed in such conveyance, and all charges and penalties due in respect of such conveyance or from the person-in-charge thereof have been paid or the payment secured by such guarantee or deposit of such amount as the proper officer may direct;
- e) the person-in-charge of the conveyance has satisfied the proper officer that no penalty is leviable on him under section 116 or the payment of any penalty that may be levied upon him under that section has been secured by such guarantee or deposit of such amount as the proper officer may direct;
- f) in any case where any export goods have been loaded without payment of export duty or in contravention of any provision of this Act or any other law for the time being in force relating to export of goods,-
 - (i) such goods have been unloaded, or
 - (ii) where the (Assistant commissioner of Customs or Deputy Commissioner of Customs) is satisfied that it is not practicable to unload such goods, the person-in-charge of the conveyance has given an undertaking, secured by such guarantee or deposit of such amount as the proper officer may direct, for bringing back the goods to India.

NOW THE CONDITION of above written bond is such that

- (1) If the Shipping Line/Agent shall within one month, or within such extended period as the Proper Officer may allow, produce such documents and furnish such information as may be called for by the Proper Officer in compliance with the provisions prescribed under Section 42(2) of the Customs Act, 1962, and
- (2) If the Shipping Line/Agent pays to the President any penalty and fine or any dues that may be chargeable on them in respect of the vessel for which provisional port clearance has been given by the Proper Officer.

Then the above written bond shall be void and of effect otherwise the same shall remain in full force and virtue.

AND IT IS HEREBY AGREED AND DECLARED by the Shipping Line/Agent as follows :-

- 1 This bond is given under the orders of the Central Government for the performance of
an act in which the public are interested.
- 2 This Bond shall remain in force for a period of one year from the date hereof and the obligation and liability of the Shipping Line/Agent shall be a continuing one.
- 3 The President through the Asstt./Dy. Commissioner of Customs or other officer may recover the said amount of fine, penalty or any other dues in the manner laid down in sub-section (1) of Section 142 of the Customs Act, 1962 without prejudice to any other mode of recovery.

IN WITNESS WHEREOF the Shipping Line/Agent has herein set and subscribed
its hands and seals the day, month and year first above written.

SIGNED AND DELIVERED by and on behalf of the Shipping Line/Agent at

..in the presence of :-

1.

2.

DATE :

Accepted

For and behalf of the President of India

(Signature of the Authorised Officer)

in the presence of

1.

2.