

**OFFICE OF THE COMMISSIONER OF CUSTOMS (N.S.-IV)
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA
TAL: URAN, DIST-RAIGAD, MAHARASTRA-400707.**

F. No. S/12-Gen-40/2014-15 AM(X)

Date: 21.11.2014

MINUTES OF PTFC MEETING (EXPORT) HELD ON 28.10.2014

The monthly meeting of Permanent Trade Facilitation Committee (PTFC) (Export) was held on 28.10.2014 at 11.30 am in the Conference Hall at the 7th floor of the Custom House. The meeting was conducted by Shri S.H. Hasan, Commissioner of Customs (Export), JNCH.

The following members of trade attended the meeting:

Sr. No.	Name and Designation	Sr. No	Name and Designation
01	Ms. Shyamali Banerjee, FIEO	09	Shri Subhash Rajkumar, MANSA
02	Shri Avinash Buge, Deputy Manager, JNPT.	10	Shri R. Rajasekhar, VP (Commercial), M/s. United Phosphorus
03	Shri Dinesh L. Thakker.	11	Shri Sunil Ingole, JNPT.
04	Shri K.M.Tope, Manager, MSWC	12	Shri Thomas V.M., Maersk.
05	Shri Ramakrishnan, MANSA	13	Shri Ganpat P. Korade, BCHAA
06	Shri Paresh Shah, BCHAA	14	Shri Suresh Dalvi, Indian Seaways.
07	Shri K S. Shetty	15	Shri Milan Desai.
08	Shri Kiran Rambhia, Vice President, BCHAA.	16	Shri Kiran Rambhia

2. The following officers of the Department attended the meeting:-

Sr. No.	Name and Designation	Sr. No.	Name and Designation
01	Shri A.J.Verma, Addl. Commissioner of Customs	03	Shri O.P.N.Singh, Deputy Commissioner of Customs
02	Shri Alok Agarwal, Joint Commissioner of Customs		

3. The Commissioner welcomed all the members and the meeting began with taking up the pending issues.

4. The following old points from the last PTFC meeting held on 28.10.2014 were taken up for the discussion:-

4.1 Point: A member of BCHAA raised a point regarding difficulties faced in filing of Shipping Bills due to difference in RITC between Central Excise and Customs Drawback Schedule in respect of Polyisocynate Resin Solution.

Reply: The CHA has been asked to submit product literature for correct classification. Comments/Suggestions, in this regard, have been called from Drawback Section.

(Point to be kept open)

4.2 Point: MANSA vide their letter dt. 17.06.2014 has raised a point in respect of difficulties faced in getting the Shipping Bills amended/splited and consequent delay in filing of EGM in the case of shutout/part cargo loading. With reference to the P.N 36/2004 dated 08.07.2004 they have stated that the procedure of amending/splitting Shipping Bill as prescribed in the said P.N is time Consuming. They have requested to re-visit the terms/requirements as required to be followed as per the P.N. 36/2004 and to simplify the procedures therein.

Reply: Matter is being examined in detail and therefore the matter will be taken up in consultation with EDI, Export Docks and a suitable solution will be worked out.

(Point kept open)

4.3 Point: Shri Suresh Kumar Pareek, Technocraft Industries (I) Ltd. vide his e-mail has stated that he applied for DEPB Licence against their S/Bill No. 5600124 dated 27.09.2011, as the Shipping Bill is shown in DGFT site as "Manual" and not "Available (A)". They have further stated that ICEGATE Help Desk vide email dated 17/09/2014 had intimated them to contact the Custom Location. They have intimated the last date for DEPB application on-line to DGFT as being 26.09.2014, hence sought urgent help to remove "Manual" or send the EDI Data for the said S/Bill urgently so that they can apply on-line to DGFT before the last date of submission.

Reply: The matter has been referred to EDI Section. DC, EDI vide his letter Dt. 22.09.2014 has informed that the matter has been taken up DG (Systems).

(Point closed)

5. The following fresh points came up for discussion in the present PTFC meeting:

5.1 Point: Ms Shyamali Banerjee, Joint Director, FIEO vide her e-mail dated 24.09.2014 has forwarded a representation from "All India Stainless Steel Industries Association". Representation relates to two 2 issues as stated below:

- i. Export of copper and copper alloy kitchenware are covered under 741898 741899, and have a drawback rate of 11.5%. Stainless steel utensils are covered under 732301 with 8.6% rate. They seek to export copper utensils with stainless steel interior (to make the product food safe). These are different from copper bottom utensils, because the products in question are not copper bottom, but fully made of copper (though with SS lining inside). The percentage of copper and copper alloys range from 40% to 60% depending on the product. Clarification is sought regarding tariff heading at the time of export and the percentage of drawback duty rate and application of Circular #9 of 2003.
- ii. Secondly, clarification is sought regarding Aluminum Utensils purchased from the market traders, under non excise invoice, with VAT paid. The trader would have bought it from the factory, which may have claimed Cenvat, and then charged full excise duty to the trader. The trader then sells it to the exporters on non excise invoice. They neither have excise duty charged on the invoice, and nor are they

released under CT Excise Bond procedure. Thus, it is apparent that the immediate seller, who sold the goods to them, could not possibly have claimed Cenvat. If they had claimed Cenvat, they would have either issued an excise charged invoice, or they would have issued AR-E form under CT-1 Bond procedure. In such a status, can they claim drawback under 761501A or 761501B.

Reply to Point No. (i): It was informed that wherever the goods can be classified in the Drawback Schedule in a particular sub serial, the Drawback admissible against the said sub serial will be available whether it is Table or Kitchen Ware of Stainless Steel or Copper as the case may be. In the regard, the procedure laid down under Note and Condition 16 of Notification No.98/2013 Cus (NT) dated 14.09.2013 and Board's Circular No. 3/2010-Cus shall be followed.

Reply to Point No. (ii): It was informed that the issue of exports by merchant exporters who procured goods for export from open market has been clarified by the Board vide Circular No. 16/2009-Cus dated 25.05.2009. In view of this, it is clarified that the merchant exporter can claim the Drawback under Serial No. 761501A subject to the conditions laid down in Board Circular No. 3/2010-Cus.

(Point closed)

6. The next PTFC meeting is scheduled to be held on 27.11.2014 at 11.30 hrs in Conference Hall, 7th Floor, JNCH. The PTFC members/trade representatives are requested to forward their agenda points, if any, well in advance on Fax No. 022-27243245 or by E-mail to Appraising Main (Export) Section on amx24082012nhavasheva@gmail.com for taking up the issue in the upcoming PTFC meeting.

7. The meeting ended with thanks to the Chair.

8. This issues with the approval of Commissioner of Customs (Export), JNCH.

(Alok Agarwal)
Joint Commissioner of Customs
Appraising Main (Export), JNCH

To,

All the Members of PTFC by e-mail

Copy to:-

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH, Sheva.
2. The Commissioner of Customs (Export), JNCH, Sheva
3. All ADC/JC, DC/AC of Customs (Export), JNCH, Sheva.
4. AC/EDI for uploading on JNCH website.
5. Office Copy.