

सीमाशुल्कआयुक्त (एनएस –I) कार्यालय  
**OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-I**  
मूल्यनिरूपणमुख्य (आयात) APPRAISING MAIN (IMPORT)  
जवाहरलालनेहरूसीमाशुल्कभवन, न्हावाशेवा,  
**JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA- SHEVA**  
ता. उरण,, TAL-URAN, जिलारायगड /RAIGAD – 400707,महाराष्ट्रMAHARASHTRA  
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Date: 04.03.2020

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**MINUTES OF MEETING OF THE PERMANENT TRADE FACILITATION**  
**COMMITTEE HELD ON 27.02.2020**

The PTFC meeting held on 27.02.2020 was chaired by Shri Sunil Kumar Mall, Commissioner of Customs (NS-I) and Shri R K Mishra, Commissioner of Customs (NS-V). The meeting was attended by the following members/participants of trade:-

Sr. No.	Names (S/Shri/Ms./Mrs.)	Organization/Association/Designation
01	Gaupat P. Kerade	BCBA
02	Mohan Nihalani	AIIEA
03	Roshan Irani	AIWCBA
04	Chetna Badheka	AIWCBA
05	Paresh K. Thakker	BCBA
06	Hardik Vaidya	DP World
07	Ashish Pendekar	MACCIA
08	Avinash Pande	MSWC
09	C.V Mane	MSWC
10	V. Narayana	CFSAI
11	Agnihotri Kamlesh	MSWC
12	Vinayak B. Aparaj	BCBA
13	Ashok Saini	BCBA
14	Maruti Gadge	BCBA
15	R.K. Rubin	AMTOI
16	Paresh K. Thakkar	BCBA
17	Shankar Shinde	BCBA
18	Kiran Rambhia	BCBA
19	Manish Kumar	MANSA
20	Mrs. Ganguly	AIWCA
21	V.M Thomas	CSLA
22	Mobin Choudhari	CSLA
23	Sunil K Vaswani	CSLA
24	Om Prakash Agarwal	MSWA
25	Karunakar S. Shetty	BCBA
26	Ashish Pednekar	MACCIA

27	Mark S. Fernandes	IMC
28	Rajendran Nair	AIIEA
29	Bindu Desai	N.G. Pillai
30	Capt. B. Fernande	DPW
31	Faiz Sayyed	BMCT
32	Avinash Satardekar	BMCT
33	Prashant Mhatre	APMT GTI
34	Vibhor Kachhawa	Punjab Conware
35	Bikramjit Singh Modi	EFC
36	Vinay Pathak	A.V. Global
37	Gunwant M. Taldeokar	Om Fright
38	Neelesh Datir	AILBIEA
39	Salim S.	CFSAI
40	S. Srinivas	CFSAI
41	Nimish Desai	WISA
42	Hiren Ruparel	BCBA
43	Dr K.U. Methekar	FSSAI

Following Officers from the department also attended the meeting:-

<b>Sr. No.</b>	<b>Names (Shri/Smt./Ms.)</b>	<b>Designation</b>
1	K. C. Kala	Addl. Commissioner of Customs, JNCH
2	Kamlesh Kumar Gupta	Addl. Commissioner of Customs, JNCH
3	Rajiv Ranjan	Addl. Commissioner of Customs, JNCH
4	Vijay Manvatkar	Addl. Commissioner of Customs, JNCH
5	T. Arivazaghan	Addl. Commissioner of Customs, JNCH
6	Vishal D. Jorande	Addl. Commissioner of Customs, JNCH
7	Saroj Samaiya	Joint Commissioner of Customs, JNCH
8	Dipin Singla	Joint Commissioner of Customs, JNCH
9	Rupak Kumar	Deputy Commissioner of Customs, JNCH

2) Shri Saroj Samaiya, Joint Commissioner of Customs, started the discussion related to the import agenda points of the meeting.

### **Old Agenda Points**

#### **Agenda Points represented by BCBA**

**Point No:1 Out of Scope /Unrelated items being marked to PGA such as FSSAI and ADC:-**We would like to submit that due to recent CTH change after 1.1.2020, there have been considerable instances where out of scope items are being marked to PGAs such as ADC, FSSAI etc.

Trade and industry is facing tremendous difficulty in obtaining Out of Scope permission form PGA's such as FSSAI, ADC etc. Hence, we suggest that, in case of out of Scope permission, PGAs should give permission on the same day itself in Single Window.

Further some of the PGA's (FSSAI / P&Q are subjected to A/C, D/C release whereas, other PGS (ADC, A&Q) are directly routed to Officer for out of charge.

We request that all the PGA's should be directly routed to officer for OUT OF CHARGE to avoid delays in release form A/C.

**Facts of the Matter:** In this regard it is to inform that two such instances have been noticed where the documents have been marked to PGAs whereas for the items declared therein such PGA NOC was not required. The issues have been brought to the notice of Addl. Commissioner in-charge of the group for further action in the matter.

In this regard it is also intimated that-

i) The matter was taken up with RMCC immediately and accordingly corrective measures have been taken by them. Hence, No such incident should occur after 20.01.2020.

ii) It is further to update that as informed by RMCC, new item list of FSSAI and Drug Controller was received by them through single window, which has been updated, hence, some new items are being marked to PGA which were not being sent erstwhile.

Accordingly, the issue faced by the BCBA regarding Out of Scope/Unrelated items being marked to PGA such as FSSAI and ADC has been addressed. The chairperson agreed to the stakeholders' demand that all the cases should be directly routed to the officer for Out Of Charge to avoid delay in clearance and informed that the dept. will recommend this to the DG (Systems).

It is also informed that only those BEs where NOC is not transmitted automatically due to any error in message exchange through SWIFT are presented before DC/AC for release and not all BEs are subjected to DC/AC release. The trade is requested to share the BEs which were manually released so the comparative data against total BEs sent to PGAs could be sent to DG Systems. The request has already been shared with this letter. The Joint Director, DG Systems, also informed that the option for manual release is only to be used in rarest circumstances and requested to list the CTH so that the root issue can be addressed. The chair asked the FASSAI representative to issue a public notice to incorporate new changes and FASSAI representative readily agreed to that.

[Point Closed]

### **New Agenda Points**

#### **Agenda Points represented by BCBA**

**Point No.1: Refund of Double Duty towards SWS (MEIS Debit + Cash payment) :-**We would like to bring to your kind notice that many Customs Brokers are facing difficulty in obtaining re-credit in license where they have already paid the SWS in cash, however the license debit in the EDI Systems shows the debit of both the basic custom duty as well as the SWS as per the original BE filed. After recall and re-assessment also, the system is not accepting or crediting the SWS in license.

As per CBIC Circular No 02/2020-Customs dated 10/01/2020, it has been stated that SWS should not be debited in the duty credit scrips and has to be paid in Cash only.

Request you to issue necessary instructions for refund of Double Duty towards SWS in larger interest of EXIM Trade.

**Facts of the Matter:** As per CBIC Circular no. 02/2020-Customs dated 10.01.2020, Para 10, the SWS cannot be debited through duty credit scrips and therefore has to be paid by the importer in cash. This Customs House has also issued Public Notice No. 06/2020 dated 13.01.2020 in this regards. The current

issue that SWS is paid by the importer in cash as well as debited in MEIS scrips needs to be addressed by concerned Group and EDI.

In the cases, where importer has paid SWS in cash as well as the same has been debited in MEIS License, as per instruction such Bills of Entry were re-assessed but system was not permitting re-credit of licences . Further, manual re-credit of amount debited for SWS in MEIS License is not possible. Hence, all such cases may be considered as excess duty payment and for refund of the excess paid amount procedures as laid down in Section 27 of the Customs Act may be followed.

The importers or Customs Brokers are also requested to share details of the said MEIS licenses involving double payment which would be shared with DG Systems for any possible solution. [Point Closed]

**Point No.2: Streamlining access system of token for members at PUB:-** It is observed that there is huge queue at Token system for Members to access respective groups as there are only 4 token systems available as on date. Further the Officers call screens are not functioning.

We request to streamline the process.

**Facts of the Matter:** Huge queue at the system is caused because one member takes multiple tokens and filing of data for each token generation takes time. Also the malfunctioning of officer's screen is mainly due to multiple windows opening at the token system by the members. For reducing the queue, as suggested by onsite engineer, we can opt for card based token generation. The chairperson informed that we are going to opt for card based token generation. For this we have to take combined effort and explore other possibilities also.

[Point Closed]

**Point No.3:** Clarification on Terminal Handling Charges(THC) payments to shipping lines for payment done to Terminals JN Customs Public Notice No. 11/2020 dated 17.01.2020:-

a) All DPD Customers having PD account at Port terminals and are paying the THC to Port terminals directly.

b) The JNCH PN extending paying THC at terminals, Importers insist that there is no THC payable to Shipping Line, However shipping lines do not issue D/O without THC payments- request clarification.

**Facts of the Matter:** In this regard, it is informed that vide Public Notice No.11/2020 dated 17.01.2020, the importers having AEO status and/or those who are availing DPD facility for containerized cargo have been allowed the facility of paying Terminal Handling Charges(THC) directly to the Terminal Operators through their P.D. account, instead of paying through Shipping Lines.

Terminals have requested for some time in bringing about necessary changes in their accounting software. However, they have been directed to bring about necessary changes in their billing system as early as possible and till the time necessary changes are made in the billing system, Terminal Handling Charges (THC) may be collected from eligible and willing importers by raising manual invoices.

The chair clarified that if importer wants to pay Terminal Handling Charges(THC) directly to the Terminal Operator then Shipping Lines cannot collect Terminal Handling Charges(THC) from importer. If shipping lines are still doing that, they are violating the PN. It is responsibility of the shipping line to adhere to the guidelines laid down by the Public Notice No. 11/2020 dated 17.01.2020.

[Point Closed]

### **Agenda Points represented by AIIEA**

**Point No.1: Complaint Cell:-**There is very urgent need for a COMPLAINT cell in all Customs Formations. The said cell should be manned by at least two Commissioners of proven commitment to 'Ease of Business - Customs". They should be trade friendly with a positive mind set. Also, this cell should have powers to recommend corrective measures in case of need. Also, this cell should have powers to recommend punitive measures in case of recalcitrant behavior on the part of the operating staff. The above will go a long way in curbing harassment and corruption. Also, the said Cell would be very much in consonance with the guide lines laid down by the PMO in curbing corruption and enhancing ease of doing business parameters.

**Facts of the Matter:** The chair informed that there already exists a responsive vigilance set up under NS (General) which is headed by Shri Sanjay Mahendru, Commissioner of Customs (NS-G) and opined that there is no need of any parallel set up which would perform the same function. The Chair asked the stakeholders to bring forth all their grievances before the Commissioners of JNCH.

[Point Closed]

3. The members of the meeting were informed that the next PTFC meeting shall be held on **26.03.2020 at 11:30 A.M.** at conference Hall, 7<sup>th</sup> Floor, JNCH. **All the Association members were requested to forward their agenda points, if any, at least 07 working days in advance by e-mail to Appraising Main (Import) Section on [appraisingmain.jnch@gov.in](mailto:appraisingmain.jnch@gov.in) for taking up the issue in the upcoming PTFC meeting.**

4. The meeting ended with vote of thanks to the Chair.

5. This issues with the approval of the Commissioner of Customs, NS-I.

6. Minutes are placed on JNCH website and also being sent through emails to the members.

**Sd/-**

**(Dinesh Kumar Fuldiya)**  
Dy. Commissioner of Customs  
Appraising Main (Import),  
JNCH, Nhava Sheva

**To,**

All the Members of PTFC (through email)

Copy to: (through email)

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH, Sheva.
2. The Principal Addl. Director General, Directorate General of Tax Payers Services, Mumbai Zonal Unit, Room No.138/139, New Custom House, Ballard Estate, Mumbai – 400 001 ([mzu-dgtps@gov.in](mailto:mzu-dgtps@gov.in)).

- 3.** The Ombudsman, Indirect Taxes, Mumbai.
- 4.** All Commissioners of Customs, Zone-II, JNCH, Sheva.
- 5.** All ADC/JC, DC/AC of Customs, JNCH, Sheva.
- 6.** DC/EDI for uploading on JNCH website.
- 7.** Office Copy.