

**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-II)**  
**MUMBAI ZONE-II, APPRAISING MAIN (EXPORT),**  
**JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA, TALUKA: URAN, DISTRICT**  
**RAIGAD, MAHARASHTRA-400707.**

**S/12-Gen-60/2018-19-AM(X)-Part-II**

**Date: 20.11.2020**

**MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION**  
**COMMITTEE (EXPORT), HELD ON 29.10.2020**

The P.T.F.C. meeting was held on 29.10.2020, through video conferencing. The meeting was chaired by Shri Sanjay Mahendru, Commissioner of Customs, (NS-Gen & NS-II).

2. The meeting was attended by the following Members of the trade:

<b>Sr.No.</b>	<b>Names (S/Shri/Smt./Ms.)</b>	<b>Organization/Association</b>
1	P.G. Rao	JNPT
2	R.K. Rubin	AMTOI
3	Leena Ganguly	AIWCBA
4	Capt. Jasbeer Singh	MANSA
5	V.K. Agarwal	Mirc Electronics Ltd. (ONIDA)
6	Rajasekhar R.	United Phosphorus Ltd.
7	Subhash Rajkumar	MANSA
8	Ganpat Korade	BCBA
9	Hiren Ruparel	BCBA
10	Shankar Shinde	BCBA
11	Manish Kumar	MANSA
12	Paresh Shah	WISA
13	Mark Fernandes	IMC
14	Neelesh Datir	AILBIEA
15	Amit Singh	DP WORLD
16	Laksha Tadadikar	CFSAI
17	Vinayak B. Aparaj	BCBA
18	Maruti Gadge	BCBA
19	Nimish Desai	WISA
20	Capt. Iyyer	MANSA
21	Paras Shah	-
22	Shyam	CSLA
23	Rekha	CSLA
24	Kiran Rambhia	BCBA
25	Bakshi Md. Hanif	SAMSARA MANSA
26	Dayanand Kotiyan	-
27	Sushant Singh Mhatre	-
28	Umesh Grover	CFSAI

29	Roshan Irani	AIWCBA
30	Sachin Mhatre	-
31	Karunakar Shetty	BCBA
32	Avinash Satardekar	BMCT

The following officers from the Department attended the meeting:

Sr.No.	Names (Shri/Smt./Ms.)	Designation
1	Rajiv Ranjan	Addl. Commissioner of Customs
2	Sanjay Kumar	Addl. Commissioner of Customs
3	Vishal Jaronde	Addl. Commissioner of Customs
4	Vijay Manvatkar	Joint Commissioner of Customs
5	Saroj Samaiya	Joint Commissioner of Customs
6	Dipin Singla	Joint Commissioner of Customs
7	Dinesh Kumar Fuldiya	Deputy Commissioner of Customs

3) The Chairperson welcomed all the members of the trade and after introductory talk asked Shri Sanjay Kumar, Additional Commissioner of Customs, J.N.C'.H. to take up the agenda points for discussion. The following agenda points were taken up for discussion:

### **Agenda Points represented by MANSA**

#### **Point No.1:**

MANSA, in their agenda point, has referred to Circular No. 01/2019-Customs dated 02/01/2019 of the Board, which defines the responsibility/role of each stakeholder with regards to filing of EGM. However as per the Customs Act, Shipping line or master of the vessel is responsible for error free filing of EGM. In the existing system customs penalty is always imposed on shipping line for non- filing or wrong filing and other amendment cases.

Further, they have urged all the concerned stake holders that, while feeding data related to EGMs on-line in the system, they should exercise adequate care and input absolutely correct data for preventing the necessity of corrections later on, which leads to a lot of inconvenience and delays in further processes.

**Facts of the matter:** The Chair referred to Sub-section (1) of Section 41 of the Customs Act, 1962 which has been amended so as to provide that the facility to furnish departure manifest shall, in addition to the person-in-charge of the conveyance, also given to **OTHER PERSON** notified by the Central Government. Further, such person-in-charge or **OTHER PERSON fails** to deliver the departure manifest or export manifest or the export report or any part thereof within such time, and the proper officer is satisfied that there is no sufficient cause for such delay, such person in-charge or OTHER PERSON shall be liable to pay penalty not exceeding fifty thousand rupees. In view of the said amendment Customs is conscious of responsibility/role of each stakeholder and penalty is imposed accordingly. The Chair further mentioned that since the last one year only a few cases were adjudicated and penalty was imposed.

**[Point Closed]**

#### **Point No.2:**

MANSA has urged that Customs should differentiate, on verification, of the reasons and exactly which stake holder has committed such errors on-line and whom to be held responsible.

#### **Facts of the matter:**

The Chair has expressed the view that problem will be completely resolved after SCMTR system becomes fully operational. Besides, as per aforesaid Section 41(1) of the Customs Act, if the proper

officer is satisfied that there is a sufficient cause for delay in filing EGM etc., no penalty will be imposed. However, matter shall be taken up with all ICDs and JNCH CFSs.

**[Action: DC/SCMT Cell]**

**Point No.3:**

MANSA in their agenda point has submitted that if non filing case is because of "A" error (train/truck report not filed by ICD operator) or non-updating of correct LCL container in customs system and other shipping bill related data errors, then shipping line should not be held responsible for those errors/non filing cases and penalty should not be imposed on shipping line for such cases. They have requested for consideration to park "A" error cases in the system and a provision should be made in the system so that when train/truck report is filed by ICD operator it should be regularized from the system itself without any need of separate filing by shipping lines for such cases.

MANSA has also requested that ICD customs must check whether train/truck report (ICD EGM) has been filed by ICD operator (correctly) before departure of train/truck from their respective location, Similarly CFS Customs must update correct LCL container number in the system before container leaves from CFS area. This process has been mentioned very clearly in CBIC circular also but ICD Customs/ LCL CFS customs officers are not abiding this process properly. Due to the errors committed cumulatively at various stages, the avoidable laborious work has to be done by ship Agent/Line/ their Surveyors in a time bound manner with great efforts.

**Facts of the matter:**

The Chair took cognizance of the issue and expressed the view that the problem will be completely resolved after SCMTR system becomes fully operational and assured that the matter shall be taken up with the EDI Section and also with all the ICDs and JNCH CFSs.

**[Action: DC/EDI Section & DC/SCMT Cell]**

**Point No.4:**

MANSA has stated that every year Customs give S/Agent/Line members a list of EGMs pending and invariably their surveyors spend extra efforts and time and consolidate the same and give it back to Customs to correct their systems and to update. However, it was observed that very often the concerned Section of the Customs without even taking any action apparently overlook all corrections and again after another 6 months or so the same list would be re-sent to make corrections all over again.

MANSA has requested to initiate a corrective action once for all and has also urged that all stakeholders should take their respective responsibilities which are being thrust on only one of the stake holder viz. Ship Agent/Line.

**Facts of the matter:**

The Chair did not agree to the above MANSA's statement. A few years ago, during the IGST clearance drive, shipping lines/agents/surveyors were providing correct container numbers to rectify the EGM errors, which is a pre-requisite for releasing IGST refund to exporters. During that time, thousands of EGM errors were rectified and IGST refund was done. In the year 2020, similar exercise was undertaken to rectify EGM errors in connection with disbursement of duty drawback and IGST refund to exporters. During that period, data was called for from shipping lines/surveyors and again thousands of EGM errors were rectified. Only few shipping lines are giving lists for correction of EGM errors and in such lists all types of errors are mentioned whereas EGM Co-ordination Unit (ECU) is able to correct only errors in 'Container Numbers' ('C' error); Number of containers mis-match ('N' error); and LEO date is greater than vessel sailing date ('L' error) or combination of these. This will help in timely rectification of errors and to disburse export incentives to exporters.

**[Point Closed]**

**Point No. 2: NON IMPLEMENTATION OF PN.74/2020:**

The MANSA has stated that the Customs at JNCH and the other ICDs are insisting on Physical copy of SB duly out of charge by customs being submitted for the purpose of filing EGM. This is in contrast with a clear cut instruction to the stake holder by CBIC circular no.30 dated 22.06.2020 followed by the above referred public notification by JNC. The initiation taken by the board to follow and promote "FACELESS, CONTACTLESS, PAPERLESS CUSTOMS CLEARANCE" where submission of hard copy of out of charge SB totally dispensed with. This according to the board circular was to be effective from 22.06.2020 but only the digital copy of the SB bearing the final LEO would be electronically transmitted to the custodians supplementing the hard copy.

However, the old practice still remains and this is causing a lot of hardship particularly during the covid time where such activities are totally not in the interest of the Exporter / Custom Broker staff. In the light of this we would like to stop the physical copy of SB being submitted forthwith the larger interest of the trade and to protect human lives.

**Facts of the matter:** The Chair informed that the practice of filing hard copy of EGM alongwith hard copies of shipping bill by the Shipping Lines with EGM Co-ordination Unit of JNCH has been dispensed with months ago. To this effect the minutes of PTFC meeting held on 30.07.2020 has also been circulated among all the concerned.

[Point Closed]

**Agenda Points from CFSAI**

**Point No.1: Renewal permission for Direct Stuffing of Agro Commodities –**

CFSAI has submitted that its Members have applied for renewal of the permission given earlier for direct stuffing of Agro Commodities. The earlier permission has now expired, however, our Members have applied well in advance seeking renewal and before the expiry of previous permission. Incidentally, they have been following up with JNCH for last few weeks, however renewal permission has not yet been received. It is requested that Chair may issue suitable instructions to the concerned so that needful is done expeditiously.

**Facts of the matter:** The issue is under consideration and the steps taken would be conveyed.

[Action: DC/FSP Cell]

**Point No.2: Damaged Packing's – Permission for repacking of goods in exceptional cases –**

CFSAI has submitted the recent JNCH Standing Order No. 33/2020 dated 23.09.2020 states that no repackaging of the export goods shall be allowed inside the premises. However, it is submitted that in exceptional cases where cargo / packing material gets damaged while handling or due to nature of previous packing and repackaging becomes essential, same should be allowed. Presently the concerned officers are not allowing such activity. Seek intervention of the Chair through a JNCH notification.

**Facts of the matter:** The Chair informed Members that it had come to notice that the export goods are received in the Export Shed without proper marks and numbers as also instances of repackaging of export cargo inside the CFSs. As per the instructions laid down in Public Notice No. 75/2010 dated 28.07.2010, Public Notice No. 93/2010 dated 17.09.2010 and Standing Order No. 12/2014 dated 17.12.2014 the goods brought into the CFSs should be in "ready to export conditions". Standing Order No. 33/2020 dated 23.09.2020 was issued to sensitize the officers to adhere to the instructions issued with regard to the procedure to be followed for export. In cases of cargo/packing material getting damaged and repacking becomes essential, such specific cases may be brought to the notice of the Deputy / Asstt. Commissioner of Customs, in-charge of the CFS for an appropriate decision in the matter on a case to case basis.

[Point Closed]

### **Point No.3: Allowing of Palletization of cargoes in CFSs -**

CFSAI has stated that the Standing Order No.33/2020 dated 23.09.2020 which inter-alia states that no repackaging of the export goods shall be allowed inside the premises **however it doesn't state anything on palletization**. Despite clarity, the concerned officers are disallowing palletization in the CFS premises. CFSAI has brought to notice that the earlier PN on the subject i.e. P.N. No.27/2005 dated 05/05/2005 allows palletization as this is not a re-packing activity and only unitization would be done after LEO is granted by officers.

In this regards, representation was given by CFSAI and BCBA and there was a joint meeting with CFSAI and BCBA, and subsequently Additional Commissioner, JNCH convened a meeting wherein it was clarified and agreed that the rectification would be issued in this regard with suitable instruction to the concerned officers. It is requested that Chair may give suitable instructions in this regard.

**Facts of the matter:** The Chair informed the Members that officers have been instructed not to club the issue of re-packing permission with palletisation requests and to consider the issue on case to case basis.

**[Action: DC/Export Docks]**

### **Point No.4: Awaiting Guideline on disposal of export longstanding goods lying in various CFSs for a long period –**

As represented by CFSAI on several occasions in the past and also discussed during last PTFC Meeting, we had submitted that in absence of any firm guidelines from CBIC on disposal of export cargoes abandoned by the exporter and remain unshipped, JNCH & Chair may consider giving a “one-time” permission for disposal of 770 Containers lying in various CFSs at JNCH. The Chair had kindly agreed during the last Meeting and have urged that they would be grateful if instructions can be issued expeditiously. Informatively, CFSAI has also made representation to CBIC earlier and again in the recent past and also matter was deliberated in 49<sup>th</sup> & 50<sup>th</sup> SCOPE (Shipping) meetings, wherein CBIC had agreed to look into this matter.

**Facts of the matter:** The Chair informed that the issue is under consideration.

**[Action: DC/Disposal]**

### **Point No.6: Special drive for the disposal of un-claimed / un-cleared / confiscated goods –**

CFSAI have placed an agenda point that their members are facing some delays and road-blocks, despite their wholehearted efforts. This activity since 2016, after UCC joint initiative of JNCH & CFSAI was launched and the process was automated, the approvals ought to come without CFSA Staff following up in JNCH on case to case basis and trace the file movement especially during this pandemic period, where social distancing is required. In order to ensure that all the backlog is cleared before 31<sup>st</sup> December 2020, JNCH-CFSAI-MSTC have been having coordination meetings and many issues have been resolved. However, seek Chair's intervention for following:

- (a) Request JNCH to issue fresh set of Group NOC – JNCH had issued common Group NOC dated 14<sup>th</sup> Aug 2020. Whilst CFSAI is validating those details with the data captured in UCC under Pending Group NOC, request JNCH to issue a fresh NOC.
- (b) Slow Progress in case of show cause notice, adjudication process & disposal NOC – Seek JNCH intervention in expediting the process.
- (c) Request JNCH to take up with Investigating Agencies to mark formal communication to CFSs for release of hold containers.

**Facts of the matter:** The Chair has informed that the data regarding pending containers wherein Group NOC is pending is called from various CFS and after receipt of the same will be forwarded to Groups for issuance of fresh NOC. The issue for speedy disposal of SCNs, adjudication process and

disposal NOC are often taken up with the concerned Groups. As regards taking up with Investigating agencies for marking formal communication to CFSs for release of hold containers the same would be considered.

[Action: DC/Disposal Cell]

### **Agenda Points from BCBA**

#### **Point No.1- Routing of Self Sealed Containers through CFS:**

BCBA has requested to undertake review of the process of the routing of self-sealed containers through CFS and allow for LEO to be taken at the CFS instead of Parking Plaza. Also, they have requested that CFS should procure RFID Readers in line of P.N. No. 39 / 2019.

**Facts of the matter:** The Chair informed that this Custom House has issued a Public Notice No.13/2019 dated 06.02.2019, which deals with the Standard Operating Procedure for clearance of self-sealed factory stuffed containers at Parking Plazas and the same practice is being followed at the Parking Plazas.

[Point Closed]

#### **Point No.2: Self-Sealing Permission-**

BCBA has referred to Board Circular No. 736/52/2003-CX, Board Circular No. 860/18/2007-CX and PN 159 / 2016 and has stated that most of the self-sealing permissions issued by JN Customs are valid till 31/12/2020. They have requested to extend the validity of the same on Suo Moto Basis, as per Para 3 of the said P.N.

**Facts of the matter:** The Chair informed the members that the matter is under consideration and the same will be processed shortly and will be informed to stakeholders.

[Action: DC/FSP Cell]

#### **Point No.3: Delays in Receipt of Electronic Copies of S/Bill –**

BCBA has stated that the P.N. No: 74 / 2020 does away with physical copies of S/bills. However, there are delays in receipt of the same on e-mail due to which physical S/bill prints are still being taken (for handing over the same for loading of containers). They have, therefore, requested to instruct all stakeholders to accept the same through digital modes.

**Facts of the matter:** The Chair informed the members that DC/EDI has sent an e-mail dated 23.10.2020 to Saksham Seva to look into the delay in receipt of Electronic copies of Shipping Bills.

[Action: DC/EDI]

### **Agenda points proposed by CSLA**

#### **Point No.1:**

SCMT Registration Issues – The ICEGATE team has not been responding on SCMT registration issues. Systems manager JNCH too has been raising this issue with Saksham & ICEGATE team since the last 3 months but still there has been no response from them. A special meeting was therefore arranged by the Commissioner General on this issue recently. After the meeting we had shared all registration related issues with the concerned authority. Without registration the unregistered members will not be in position to do SCMT testing / start parallel filing which is going to be rolled out in different phases from 23<sup>rd</sup> October. We therefore JNCH to escalate this issue in ICEGATE and arrange for a resolution on priority.

**Facts of the matter:** The Chair informed that the issues faced by entities during registration under SCMT have already been escalated by SCMT Cell in the ICEGATE, however resolution of the issues is being followed up.

[Action: DC/SCMT Cell]

**Point No.2: Guidelines for National Container Bond & Mapping of ASC/ASA PAN number with this bond –**

CSLA has stated that as per SCMT requirement, National Container Bond number & PAN number associated with that bond is required to be declared in SCMT filing. In absence of guidelines, their members are clueless about the process & documentation requirement. Also they need guidelines as to how extension process of pan India locations will be handled through this National Bond system. It is their belief that even the extension process will be handled electronically.

**Facts of the matter:-** The Chair informed that the format for National Continuity Bond for Temporary Import of Container has been circulated to all the Authorised Sea Carriers / Authorised Sea Agents / Authorised Carriers. The bond has to be given in the said format and the same has to be registered with PAN No. of the Authorised Sea Carriers / Authorised Sea Agents / Authorised Carriers in the ICES. For the extension of the said bond they have to submit the same physically to the Container Cell where the bond is registered.

**[Action: Point Closed]**

**Point No.3:**

CSLA has placed an agenda point regarding an error that could occur at the time of the application of Rotation No. by the line / agent. In such a situation if the mistake is noticed only at the time of the punching of the sailing report, the agent having taken the PC for the right vessel and having paid all dues allowance, has to then rectify the vessel/voyage. If the number were instead auto populated by the system it would help.

**Facts of the matter:** The Chair informed that the issue would be referred to Systems Directorate and the decision on the same would be conveyed.

**[Action: DC/ EGM & Boarding Cell]**

4. The Chairperson concluded the meeting by thanking the members for their participation in the PTFC meeting and also informed the members that the next P.T.F.C. meeting will be held on 26.11.2020 and requested to forward the agenda points, if any, at least 10 working days in advance by e-mail to Appraising Main (Export) on [apmainexp@jawaharcustoms.gov.in](mailto:apmainexp@jawaharcustoms.gov.in) for taking up the issue in the forthcoming P.T.F.C. meeting.
5. The meeting ended with vote of thanks to the Chair.
6. This issues with the approval of Commissioner of Customs (NS-Gen & NS-II).

Sd/-  
(Rahul Kumar)  
Deputy Commissioner of Customs  
Appraising Main (Export)

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.