

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
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F.No. S/22-Gen-44/2017-18 AM (I) Pt. III

Date:10.06.2019

MINUTES OF MEETING OF THE PERMANENT TRADE FACILITATION
COMMITTEE HELD ON 27.06.2019

The PTFC meeting held on 27.06.2019 was chaired by Shri Sunil Kumar Mall, Commissioner of Customs (NS-I), Shri R K Mishra, Commissioner of Customs (NS-III & V), and Shri Utkarsh R. Tiwari, Commissioner of Customs (NS-G). The meeting was attended by the following members/participants of trade:–

Sr. No.	Names (S/Shri/Ms./Mrs.)	Organization/Association/Designation
01	Prashant S Mhatre	APMT-GTI
02	Ganpat P. Korade	BCBA
03	Sachin Parab	APMT-GTI
04	Venkat Narayanan	CFSAI
05	Rajshekhar R	UPL
06	Vinayak V Aparaj	BCBA
07	Roshan Irani	AIWCBA
08	Neelesh Datir	AICBIEA
09	Maruti R. Gadge	BCBA
10	Ashok Saini	BCBA
11	Philomena Peneria	MACCIA
12	Hiren Ruparel	BCBA
13	Avinash Pandey	MSWC-CFS
14	Vinay Pathak	A V Global
15	P G Rao	JNPT
16	Uday Gharat	APMT
17	Om Prakash Agrawal	MSWA
18	Maruti R Gadge	BCBA
19	Sanjiv Vasu	APMT
20	V. M. Thomas	CSLA
21	Sunil Vaswani	CSLA
22	V K Agarwal	ONIDA
23	James Joseph	CFSAI
24	S. Srinivas	CFSAI
25	Sanjeev Kabblir	DP World
26	R K Rubin	AMTOI

27	Shirish Kamble	Concor DRT
28	Vibhor Kachhawa	PUNJAB CFS
29	Jeetendra V. Kadu	HIND CFS
30	Laksha Tadadikar	CFSAI
31	K Prakashchand	DP World
32	Milan Desai	IMISA
33	Paresh Shah	WISA
34	Dr K U Methekar	FSSAI
35	Faiz Sayyed	BMCT

Following Officers from the department also attended the meeting:-

Sr. No.	Names (Shri/Smt./Ms.)	Designation
1.	Sanjay Kumar	Addl. Commissioner of Customs, JNCH
2.	R. K. Singh	Addl. Commissioner of Customs, JNCH
3.	Rohit Singla	Joint Commissioner of Customs, JNCH
4.	Kamlesh Kumar Gupta	Joint Commissioner of Customs, JNCH
5.	Alok Shrivastava	Joint Commissioner of Customs, JNCH
6.	Rajiv Shankar	Joint Commissioner of Customs, JNCH
7.	Kunal Kashyap	Joint Commissioner of Customs, JNCH
8.	Prashant Kumar Sinha	Deputy Commissioner of Customs, JNCH
9	Sahil Seth	Deputy Commissioner of Customs, JNCH

2) The Joint Commissioner of Customs, Appraising Main (Import), started the discussion related to the agenda points of the meeting.

Old Agenda Points

Point No. 01:- SCMT (Sea Cargo Manifest and Transshipment) registration related issue:-

It has been represented that JNCH can further take up this issue with CBIC team for clarification. Presently authorized Sea Carrier option is not available for filing the IGM. Authorized sea carrier is very important in terms of SCMT regulation as most of the responsibilities have been conferred on the master of the vessel. Also there are some vessel operators (feeder operators for instance) who are just carriers and do not own any containers. They are unable to register themselves as authorized sea carrier. We need clarity on the issue of registration of authorized sea carrier.

The application of the existing authorized users are getting rejected under the new registration option due to a mismatch in the name on the PAN card viz-a-viz that appearing on the digital signature certificate. Presently those users are able to file IGM/EGM with their digital signature certificate. In most of the cases short name have been mentioned in PAN number whereas it is full name on the digital signature certificate. Due to this problem, shipping lines/agents

are not able to register themselves as authorized ship agent. All authorized users of existing system should be allowed to register in the new system, the details should be verified as per the documents uploaded in the existing system (either PAN or digital certificate).

Presently some ICEGATE applications like rotation number etc. are available to shipping agent only. Earlier shipping lines who were registered as shipping lines were not able to obtain rotation number through online ICEGATE ROTATION option, they had to get themselves registered also as shipping agents for such ICEGATE applications. All ICEGATE related options pertaining to shipping lines/shipping agents should be available for all registered Shipping lines (Authorized sea carrier) & shipping agents (Authorized shipping agent), or else the shipping lines will face the same issue again in the new system too. Data structure of the new SCMT module has not been provided to the stakeholders.

Facts on the matter: - It was informed that new SCMT schedule with some fundamental changes will be effective from 1st of August 2019. In this regard, training programme for some officers posted at JNCH has already been organized. It is further informed that training programme/workshop is going on in NACEN, Bhandup. Hence all the Shipping Agents/Shipping lines and stakeholders are advised to consult NACEN, Bhandup for training if required. If any problem occurred in this regard, same may be brought to the notice of EDI section.

It was informed that all the concerns of Shipping lines in this regard have already been communicated to the DG/Systems It was also informed that the data structure of amended SCMT has not been provided to Customs formations. It was directed that the technical guideline is available on the dialogue box of ICEGATE. Technical hitches are being gradually sort out by technical experts of DG/Systems.

[Action: Point

Closed]

Point No. 02:- Agenda Point from Sh. V K Agarwal (Mirc Electronics Ltd):-

It has been represented that if bonded consignment is under interest (after 90 days of bonding) and at the time of ex-bond, if we pay duty thru Scrip; the interest amount on duty appears on the first page of the BE under heading **“XBE Duty FG Int.”** But we are unable to pay this amount as its challan doesn't appear on ICEGATE unless we get it generated manually. But there is no such problem in case BCD is paid in cash.

To generate challan, we need to approach OOC Officer in bond section and provide BE number & date. Based on this information, Officer generates challan

in the system. After generating challan, it takes more than two hours to reflect it on ICEGATE site for payment. It is suggested that once duty is paid thru scrip, challan for Interest if any, on this amount need to be generated automatically thru system.

Facts on the matter: - It is informed that an email on the subject matter has already been sent to DG/Systems on 27.03.2019 and subsequent reminder has also been sent on 16.04.2019, 28.05.2019 and 24.06.2019 but reply is awaited. It was directed to take up the issue with DG/Systems.

[Action: AC/EDI]

New Agenda Points

Agenda Points represented by BCBA

Point No. 01:- Out of Scope items are still being referred by Single Window to PGA's:- It is represented that some out of scope items are still being referred by Single Window to PGA's. It is requested to look into the matter to amend the system to enable Custom Brokers to clear the shipment on time.

Facts on the matter: - It is informed that the PGA NOC is interdicted by the SWIFT system of ICES and any amendment in the parameters of the same can only be done by DG/Systems. This matter will be brought to the notice of DG/Systems. It was directed to take up the issue with DG/Systems.

[Action: AC/EDI]

Point No. 02:- AEO T1 application not being submitted online: - Please refer to JN P. N. No. 161/2018 dated 21.12.2018 regarding development of web based application for AEO T1. However, members are facing difficulty as the online module is not functional and they have to submit physical copies for AEO T1 registration at Customs. It is requested to authorities, kindly intervene in the matter and do the needful.

Facts on the matter: - It is informed that till date this office have processed more than 50 online applications of AEO T-1. It is noticed that despite of quite large number of online applications received, none of the application is filed as per provisions contained in JNCH P.N. No. 161/2018 dated 21.12.2018

alongwith documents to be uploaded, which are the basic requirement for AEO T-1 accreditation. A workshop is being organized to explain the process of filing online application and to brief about the documents to be uploaded along with application in conference hall, 7th floor, JNCH on 28.06.2019 at 03.00PM.

[Action: Point closed]

Agenda Points represented by CFSAI

Point No. 03:- Disposal mechanism for perishable goods:- It is represented that guidelines have been formulated as far as disposal of uncleared and unclaimed containerized cargoes are concerned as per CBIC Circular No. 49/2018, however due to procedural delays in obtaining NOCs for disposal from concerned PGAs, perishable cargoes are the worst impacted as due to small shelf life, their value reduces substantially on a day to day basis and soon it becomes a liability as these cargoes if not auctioned timely tend to rot, and are unfit for human consumption. Subsequently these need to be destroyed in a prescribed manner by the custodian at a huge cost. This need to be addressed.

Facts on the matter: - It is informed that Board's circular dated 03.12.2018 is applicable for perishable and non-perishable goods. All the files pertaining to perishable and non-perishable goods are accordingly processed. Trade was requested to submit their concerns on the above circular to Disposal section to be forwarded to the Board.

It was informed that by and large CFS's takes about 3 months to inform Custom on uncleared/unclaimed goods after its arrival adding to the delay in process of auction for which CFS's should be sensitized, especially in case perishable goods. Officers of Disposal section are also instructed to process perishable goods consignments on highest priority. In respect of perishable cargo NOC is required from FSSAI, PQ, ADC & AQ as the case may be. The matter regarding delay of issue of FSSAI NOC has been sorted out. The process of issue of NOC by PQ is delayed because PQ issues NOC from their Delhi office. It was informed that Customs is in communication with authorities of PQ on this issue.

[Action: Point closed]

Point No 4: Loss of revenue and no compensation (even Ground Rent) to Custodians for cargoes under "absolute confiscation" by Customs: - It is

represented that historically when cargo is to be adjudicated, the normal practice was to levy redemption fine to be paid by the custodian (in our case CFS) after which he could auction the goods with condition/s if any, imposed by customs are complied. However in several cases now the Customs auction the goods and the successful bidder is allowed to take the goods without even paying the ground rent and other legitimate dues accrued to the Custodians (CFS). In such a scenario, whilst CFSs incur expenses and costs relating to such cargoes they are being denied compensation from the proceeds realized by the Customs collected by them for such cargoes.

Facts on the matter: - With regard to loss of revenue and no compensation to custodian on absolute confiscated goods, it is informed that as per section 126 of the Customs Act, 1962 on confiscation, property to vest in Central Government. As per regulation 6 (1) (1) of the handling of cargo in Customs Areas regulation, 2009 which stipulates that subject to any other law for the time being in force, shall not charge any rent or demurrage on the goods seized or detained or confiscated by the proper officer. A P.N. No. 26/2010 has also been issued by Commissioner (Export) in this regard.

[Action: Point closed]

Point No 5: Procedure for scanning for Over Dimensional Containers

(ODC):- One of the issues raised regarding procedure for scanning for over dimensional containers (ODC) where scanning is not feasible. Revised procedure as prescribed in PN 47/2009 dated 29.07.2009 clearly states that such containers may be taken directly to the respective CFS without scanning & the Gate PO would endorse in the EIR copy of the said container as “ODC not scanned” and the copy of the EIR duly endorsed by the Gate PO would be presented to Container Scanning Division for obtaining NOC. However it has been observed that the CSD officers are not granting NOC for ODC Container and directing the CFSs to bring those containers to Container Scanning Division. Seek JNCH intervention in this matter.

Facts on the matter: - It is informed that CSD officers have been strictly following P.N. No. 47/2009 dated 29.07.2009 w.r.t. scanning of Odd Dimensions containers. Any non-compliance should be brought to the notice of the concerned Additional Commissioner.

[Action: Point closed]

Point No 6: No response from Plant Quarantine with respect to NOC for disposal of unclaimed/uncleared goods:- It has been noticed that in many cases the Plant Quarantine department is not responding to the communication issued by disposal section JNCH with respect to granting of NOC for the disposal of unclaimed/uncleared goods. There are several cases pending in our member CFSs for long duration. Awaiting NOC/directions for the disposal of goods lying uncleared/unclaimed.

Facts on the matter: - It is informed that this office has written to Joint Director, PQ on 17.05.2019, 23.05.2019 & also an officer from disposal section had visited the P & Q office Sewri, personally, to expedite the matter. Reply is awaited. Further the process of issue of NOC by PQ is delayed because PQ issues NOC from their Delhi office. It was informed that Customs is in communication with authorities of PQ on this issue.

[Action: Point closed]

Agenda Points represented by CSLA

Point No 7:- DPD Customers registered under OTI (One Time Intimation):-

It is noticed, currently, shipping lines refer to the OTI list for filing DPD shipments. In the event some CHAs/Consignees availing benefits with other CFSs which are not filed in their OTI, they request the shipping line to change the CFS, prior to 72 hours of the vessel's arrival. Since these changes are getting to be more frequent, subsequently results in not only additional cost to shipping lines (additional manpower) but also add to the risk for missing out any such changes requested through emails by the consignees/CHAs. Besides, one even gets to hear the consignees / CHAs saying that the lines be governed by the instructions appearing on the OTI as far as the choice of the CFS is concerned. It is therefore recommended that the instructions appearing on the OTI should be considered as final (at least for a period of six months / one year) and no changes in the CFS be permitted during this period.

Facts on the matter: - It is informed that OTI process has been introduced vide P.N. No. 36/2018 dated 09.03.2018 as amended vide P.N. No. 49/2018 dated 26.03.2018 and P.N. No. 126/2018 dated 21.08.2018 to obviate the need to submit 72 hours advance intimation each time to promote DPD. DPD importers who have not submitted the said "one time default intimation" have been advised to submit the same preferably electronically as provided in the above mentioned public notices. DPD importers have also been advised not to submit more than one request/intimation for one consignment. In cases, where more than one specific request/intimation in respect of any consignment is

received, shipping line may only consider first request and ignore subsequent request, even though submitted 72 hours in advance, in case OTDI has not been changed by Importer. All the stakeholders are requested to strictly comply with the provisions stipulated in P.N. No. 126/2018 dated 21.08.2018 and any change in OTD in specific case/cases can only be made 72 hours prior in the system by the importer. It was directed that a public notice in this regard may be issued to streamline the procedure of OTD and subsequent change made to it in specific consignments.

[Action: Point closed]

3. The members of the meeting were informed that the next PTFC meeting shall be held on **25.07.2019 at 11:30 AM** at conference Hall, 7th 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 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.

(SAHIL SETH)

Deputy 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).
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.

