

MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE HELD ON 10.05.2012

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)

JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,

TALUKA – URAN, DIST. RAIGAD, MAHARASHTRA-400 707

F.NO. S/22-GEN-170/2011 AM (I) JNCH DATE:17.05.2012

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The PTFC meeting held on 10.05.2012 was chaired by Shri. B. Ravichandran, Commissioner of Customs (Import) and attended by the following members/participants and officers from JNCH, Sheva:

Sr. No.	Names S/Shri	Organization/Association/Designation
01	Mohan Nihalani	AIIEA
02	Ashish Pednekar	MACCIA
03	Omprakash Agrawal	MACCIA
04	R. Rajasekhar	United Phosphorus
05	R. K. Rubin	AMTOI
06	George Joseph	BCHAA
07	D.L.Thakker	BCHAA
08	Pankaj Shah	BCHAA
09	Paresh Shah	BCHAA
10	Philoo Perere	BCHAA
11	Nana Zaware	CFS Navkar
12	A.B.Buge	J N P T
13	V.K.Agarwal	ONIDA
14	Milan Desai	BCHAA
15	P.Hemavathi	Addl. Commissioner of Customs
16	Rahul Nangare	Addl. Commissioner of Customs

17	P.Anjani Kumar	Addl. Commissioner of Customs
18	Amand Shah	Addl. Commissioner of Customs
19	S.P.Rao	Addl. Commissioner of Customs

The Chairman welcomed all the members present for the meeting.

Thereafter, minutes of the PTFC meeting held on 12.04.2012 were discussed and accepted.

1. 2. New Points raised in the PTFC meetings held on 10.05.2012:-

2.1 Shri Laxmichand Shah of Liladhar Pasoo raised the issue that as per Para 2 of P.N.No.116/2011 , if non-compliance is detected during examination , appropriate action is taken as per provision of Customs Act,1962. He pointed out that non compliance of RE 44 condition detected during examination is very common in most of the cases , therefore, Shed AO may be instructed to advice CHA /Importers to comply with RE 44 wherever applicable.

The Chairman informed that by as per Public Notice No.116/2011 (Para 2) , non compliance of RE-44 Notification issued by DGFT will attract penal provisions of the Customs Act, 1962 and shall attract adjudication proceedings. The provisions made in the PN supra permitting labelling on packages in docks before clearance from customs (OOC) on prior approval from the appropriate authorities as mentioned in the said PN is a procedure for enforcement of RE-44 condition followed by the department.

The Chairman also informed that as a measure of trade facilitation, PN No.116/2011 has been further relaxed vide P.N.No.33/2012 dated 30.04.2012 to allow permission to be given by AC/DC (Docks), even for bills of entry selected for verification. However, such permission has to be taken before registration and examination of the goods.

(POINT CLOSED)

2.2. Shri Laxmichand Shah of Liladhar Pasoo raised the issue that whenever consignment is to be adjudicated , and DC/Group approves the adjudication proposal, Group AO ask CHA/Importer whether SCN is required or not ? Normally, preparing SCN takes too much time and therefore CHA /Importers opts for PH and waive SCN to save time. SCN gives correct picture of proposed Adjudication and Importers are supposed to submit written explanation or oral submission on those ground of objections mentioned in the SCN. In absence of SCN, neither importer nor CHAs are always aware of full details of proposed Adjudication. He also pointed out that If SCN is required by the Importers then same should be issued within two or three days on such request.

The Chairman informed that the usually the importer waive SCN & PH to avoid delays. Wherever SCN is issued or Personal Hearing is held, all the points are taken note of and are discussed in detail. No arbitrary decision are taken while deciding the case. Party can raise all the points in their written reply or during personal hearing which will be taken into account while deciding the case. However, efforts will be made to ensure that in live cases where SCN is not waived, the same will be issued expeditiously.

(Action:- All Groups/ SIIB)

2.3. Representative of the BCHAA raised the issue that Docks/ Ex-bond officer are not giving out of charge even when the system is showing "Yet to pay duty" • even after payment of duty. They requested that manual out of charge should be given in such cases by verifying the manual copy of duty paid Challan.

It is seen that Public Notice No.44/2011 dated 29.03.2011 was issued to handle situation that was likely to crop up during transition to ICES 1.5 V at JNCH. However, since the ICES 1.5 V is smoothly functioning , the procedure mentioned in this Public Notice can be followed only in exceptional circumstances of problems in or failure of ICES 1.5 V. Attention is also invited to the Facility Notice No.01/2008 dated 02.01.2008, which provides for manual out of charge. However, it can be considered only if there is a failure in the main server or break in tele link for more than one hour . In such cases AC/DC (Docks) needs to confirm the status of connectivity by consulting System Manager/ AC (EDI), JNCH. This facility notice does not cover situation of system showing "yet to pay duty"™ after duty has been paid. In such cases, if there is inordinate delay, Importer /CHA may approach System Manager/ AC (EDI), JNCH to address the issue. If the problem still persists, System Manager may indicate the same to AC/Docks or AC/Bond for considering the request for manual out of charge.

(Action:- ADC/EDI, AC/Docks, AC/Bond)

It was observed that during the meeting many members raise the points without prior intimation. It will be appreciated if all the members forward their agenda point ten days before the meeting.

The meeting ended with thanks to the Chair.

3. The members were informed that the next PTFC meeting is scheduled to be held on **14.06.2012 at 11.00 hrs** in Conference Hall adjacent to the Office of the Commissioner of Customs (Import), 5th Floor, JNCH and the PTFC members/trade representatives are requested to forward their agenda points, if any, well in advance i.e. 10 days in advance on Fax No. 022-27243245 or by E-mail to Appraising Main (Imp) Section on appraisingmainjnchimp@gmail.com for taking up the issue in the upcoming PTFC meeting.

4. This issues with the approval of Commissioner of Customs (Import), JNCH.

(P. N. BALACHANDRAN)

ASST. COMMISSIONER OF CUSTOMS

APPRAISING MAIN (IMP), JNCH, SHEVA.

To,

All the Members of PTFC

Copy to:

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