

**OFFICE OF THE COMMISSIONER OF CUSTOMS, NHAVA SHEVA-I, III & V
JAWAHARLAL NEHRU CUSTOM HOUSE, POST-URAN
DIST.-RAIGAD, MAHARASHTRA – 400 707**

F. No. S/22-Gen-01/2014-15 AM (I) NS-III

Date: 08.07.2015

**MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION
COMMITTEE FOR NS I, III & V HELD ON 25.06.2015:**

The PTFC meeting held on 25.06.2015 was co-chaired by M/s Seema Jere Bisht, Commissioner of Customs, NS- I & III and Shri Subhash Agarwal Commissioner of Customs NS V and attended by the following Members/ Participants and Officers from NS-I, III & V:-

| Sr. No. | Names (S/Shri) | Organization/Association/Designation |
|----------------|-----------------------|---|
| 1 | Nimish Desai | WISA |
| 2 | Kiran R. | BCHAA |
| 3 | Milan Desai | BCHAA |
| 4 | Mohan Nihalani | AIIEA |
| 5 | Vinayak B. Apasat | BCHAA |
| 6 | Mark S. Fernandes | IMC |
| 7 | Subash Rajkumar | MANSA |
| 8 | D.L. Thakkar | BCHAA |
| 9 | K.S. Shetty | MACCIA |
| 10 | Dushyant Mulani | BCHAA |
| 11 | Suresh Dalvi | BCHAA |
| 12 | Om Prakash Agrawal | MACCIA |
| 13 | Ashish Pednekar | BCHAA |
| 14 | Shankar Shinde | RCCI |
| 15 | Rajashekhar R. | UPL |
| 16 | V K Agarwal | ONIDA |
| 17 | Jude Fernandes | INDEV CFS |
| 18 | R.K. Rubin | AMTOI |
| 19 | Hiren Ruparel | BCHAA |
| 20 | Jayyannt L. | AILBIEA |
| 21 | Paresh Shah | BCHAA |
| 22 | G. P. korade | BCHHA |
| 23 | SARFARAZ A. Khan | Raigad Chamber of Commerce |
| 24 | Jacob Thomas | G.D.L. & Punjab Conware |
| 25 | Jacob George | EEPC |
| 26 | Manish Kumar | MANSA |

| Sr. No. | Names (S/Shri) | Organization/Association/Designation |
|----------------|-----------------------|---|
| 27 | Victor Fernandes | MANSA |
| 28 | S. Anantha Krishnan | Addl. Commissioner of Customs, JNCH |
| 29 | Aseem Kumar | Addl. Commissioner of Customs, JNCH |
| 30 | Nilkanth N. Shelke | Joint Commissioner of Customs, JNCH |
| 31 | Rajesh Kumar Agarwal | Joint Commissioner of Customs, JNCH |
| 32 | Jomy Jacob | Dy. Commissioner of Customs, JNCH |

The Chairperson welcomed all the members in the combined PTFC meeting of Commissionerates NS-I, III & V. Thereafter, Agenda Points, which were not closed in the previous PTFC Meeting dated 14.05.2015, were taken up for discussion:

AGENDA POINTS IN PREVIOUS PTFC MEETINGS HELD ON 14.05.2015:

1. Cancellation of OOC and attending Jt. Survey by Customs in RMS Cleared B/E:-

On request of the trade a new Study Group was constituted comprising of the following members.

- (i) Shri Aseem Kumar, Additional Commissioner of Customs (Docks)- Chairperson
- (ii) Shri Paresh Shah, Representative of BCHHA- Member
- (iii) Shri Jude Fernandes, Indev Logistics CFS- CFS Association- Member
- (iv) Shri Mohan Nihalani- AIIEA- Member

The study group will re-examine the matter and submit report by next PTFC.

(Action: ADC Docks)

2. Re-assessment of Self assessed B/E or finally assessed B/E.

This matter has been discussed on number of earlier occasions. The latest case law referred by the BCHAA Association is the Hon'ble CESTAT Order no. A/133/15/CB dated 10.12.2014 arising out of O-in-A No. NGP/EXCUS/000/APPL/051/13-14 dated 27.03.2014 passed by Commissioner of Central Excise & Customs (Appeals), Nagpur in case of M/s Suryalaxmi Cotton Mills Ltd. In the instant case, the Hon'ble CESTAT has held that the appellant is entitled for refund claim and the case has been remanded back for *denovo* adjudication.

The Chairperson informed that this matter is under active consideration and decision on the CESTAT order will be taken shortly.

(Action: ADC (AM (I))

3. Request to fix the charges of Custom Approved Chartered Engineers for Examination and Valuation purpose:-

The Chairperson informed that the Department is in the process of issuing Public Notice for the professional fees payable to the Chartered Engineers.

(Action JC/ GR V)

4. Availing of 24x7 Facility:-

The Chairperson enquired from the trade members whether they are satisfied with the implementation of 24X7 facility. In response it was informed by the trade members that they are satisfied.

(Point Closed)

5. Different rates of Interest on Duty on Ex-Bond bill of entry under EDI and Manual challan:

BCHAA had represented that their Members have complained that when they are filing Ex-Bond bill of entry under duty free scrips and interest on duty is payable, same is collected under manual challan with interest @ 18%. However when the same bill of entry is filed under EDI, rate of interest on duty is charged @ 15%. BCHAA requested that the issue regarding two different rates of interest may be clarified.

The Chairperson informed that suitable instructions have already been given.

(Point Closed)

6. Part Delivery:-

The Members informed that ADC, Docks is allowing part delivery of cargo in some cases. The Members requested to review the need for taking permission for allowing part delivery by ADC/ JC in case of goods assessed are under MRP based CVD and instead, DC/Docks may give such permission. Further, they stated that the condition of 24 hours waiting time should be reduced in cases of homogeneous items and from the arrival of first container in the port instead in CFS.

The Chairperson directed ADC (Docks) to examine and put up a note in this regard.

(Action: ADC/ Docks)

7. Delay in refund of Special Additional Duty (SAD) raised by Metal Recycling Association of India (MRAI)-

The Representatives of MRAI raised the issue regarding difficulties faced by them in the matter of SAD refund.

The Chairperson informed the representatives of MRAI to take up the specific cases with JC, SAD refund of the respective section.

(JC/SAD Refund)

8. Integration of FSSAI & PQ with ICES system- mismatch in the instruction-

The representatives of BCHAA informed that in some of the import cases, mandatory FSSAI NOC is required but PQ NOC is not warranted. In such cases, the system requires approval on both accounts by the concerned DC/ Docks.

The Chairperson informed that it is a system based problem and the matter has been referred to Board. Meanwhile, ACs have been given manual override powers to help the trade. Further, the Chairperson requested the trade to give a list of commodities where the NOCs are not required so that the matter can be taken up with RMD.

(Action: JC/Grp. I&IA)

9. Suggestion on Draft Circular regarding Procedure for use of digital signature on records and invoices-

The Chairperson informed the PTFC members regarding the Draft Circular on the Procedure for use of digital signature on records and invoices, which is available on the CBEC website.

In the earlier PTFC meeting, the Chairperson had requested the PTFC members to give their valuable suggestion on the said draft Circular.

10. Increase in the no. of Collection Centre of DMS Coupons-

The representatives of BCHAA informed that they were facing difficulty in procuring DMS coupons as there were only two centres designated in this regard. They demanded that few more centres should be designated for the same. Presently the DMS coupons are available at (i) JNCH and (ii) Ashte CFS.

The matter has been referred to the Export Commissionerate for action at their end.

(Point Closed)

Fresh Points -

1. Dispensing with SDF Form - Request to make declaration regarding Foreign Exchange to be made part of Export invoice.

The representatives have submitted that the Shipping Bills are signed by the Custom Brokers and not Exporters (Most of the export shipments are handled by Custom Brokers). As brokers, we have no responsibility towards the timely realization of Foreign Exchange by exporters. Further, in terms of para 3 of the CBEC Circular No. 15/23015-Customs it is clearly mentioned that the said declaration should be furnished by Exporters. They had further requested that the said declaration be made part of export invoice to covered the provision of the FEMA.

The representative of trade informed that they have raised this issue in the PTFC meeting of Nhava Sheva – II, IV & General Commissionerate, held on 25.06.2015. It was directed by the Chairperson that since the matter pertains to export commissionerates and issue has been raised before proper authority, decision in the matter shall be taken from their end.

(Sponsored by: BCHAA) (Point Closed)

2. Choice of CFSs in terms of Public Notice No. 69/2011 issued to Shipping Lines-

The representatives of BCHAA have represented that many Shipping Lines are refusing to follow the above public notice for movement of import containers to CFSs as per Importers choice. This is a clear violation of the said Public Notice. They have further stated that some of the Shipping Lines have resorted to demanding huge money as security deposit(@ Rs.1.00 Lac per 20 container) with @ Rs.1500 to @ Rs.5000 per 20 container as service/Admin charges defeating the very purpose of the Public Notice and making it unviable to have choice of CFS by Importer. They have requested for suitable instructions by way of Public Notice to ensure trouble free operations and implementations.

It was informed by the Chairperson that Public Notice No. 69/2011 is quite elaborate and exhaustive to deal with the matter. The Chairperson also requested the trade to bring the cases of violation of the above referred notice to Departments' notice so that the erring entities may be penalized.

(Sponsored by: BCHAA) (Point Closed)

The members were informed that the next PTFC meeting shall not be held on 09.07.2015 due to scheduled CCFC meeting by the Chief Commissioner of Customs, instead the import PTFC will be held on 16/07/2015 at 11.30 A.M. The Chairperson requested all the Association Members to forward their agenda points, if any, well in advance or at least **03 days in advance** on Fax No. 022-27243245 or by e-mail to Appraising Main (Imp) Section on appraisingmain.jnchimp@gmail.com for taking up the issue in the upcoming PTFC meeting.

This issues with the approval of Commissioners of Customs NS I, III & V.

Sd/-

(08/07/2015)

(S. ANANTHA KRISHAN)

ADDL. COMMISSIONER OF CUSTOMS
CENTRALISED APPRAISING MAIN,
NS I, III & V, JNCH

To,

All the Members of PTFC

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH, Sheva.
2. The Commissioner of Customs NS II, IV, General and Appeals, JNCH, Sheva.
3. All ADC/JC, DC/AC of Customs (I, III, V), JNCH, Sheva.
4. DC/EDI for uploading on JNCH website.
5. Office Copy.