



सीमाशुल्कआयुक्त (एनएस -III) काकार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III
मूल्यनिरूपणमुख्य (आयात) APPRAISING MAIN (IMPORT)
जवाहरलालनेहरूसीमाशुल्कभवन, न्हावाशेवा,
JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA- SHEVA
ता. उरण, TAL-URAN, जिलारायगड /RAIGAD -

400707, महाराष्ट्र MAHARASHTRA

(e-mail:appraisingmain.jnch@gov.in Telephone No.022-27244979)

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

Date : 14.03.2018

**REVISED MINUTES OF MEETING OF THE PERMANENT TRADE
FACILITATION COMMITTEE HELD ON 22.02.2018.**

The PTFC meeting held on 22.02.2018 was chaired by Shri M.R. Mohanty, Commissioner of Customs, NS-II, Shri Vijay Singh Chauhan, Commissioner of Customs, NS-V, Shri Subhash Agrawal, Commissioner of Customs, NS-IV and Shri Utkaarsh R. Tiwaari, 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
1	Ashish Pednekar	BCBA
2	Mohan Nihalani	AIIEA
3	Hiren Ruparel	BCBA
4.	Rinku Vats	Hapag-Llyod
5	Paresh Shah	WISA
6	Bhakshi Md. Hanif	MANSA/SAMSARA
8	Mansih Kumar	MANSA
9	Umesh Grover	CFSAI
9	Venket Narayanan	CFSAI
10	Shankar Shinde	BCBA
11	Ganpat P. Kavade	BCBA
12	V.K. Aggarwal	ONIDA
13	Capt. Ashish	SPEEDY
14	S. C. Mohanty	MSWC CFS
15	Rajashekhar R.	UPL
16	Vinay Pathak	BCBA
17	Om Prakash Agarwal	MSWA
18	Karunakar S. Shetty	BCBA
19	Nirav Thakkar	24X7 Logistics Pvt. Ltd.
20	Manish Kumar	MANSA
21	Philumena Pereira	MACCIA
22	Virendra Singh	INDUS Chemicals
23	Dr Prakash Pathare	MelzirChemi
24	Amol R Jagdeep	FSSAI
25	S H Patankar	FSSAI
26	VinayakBadara	BCBA

27	NiravThakker	BCBA
28	SumitTanwar	CFSAI
29	Sandeep	QuentChem
30	Jude Fernandes	CFSAI
31	Manoj Jha	ISG
32	Victor Fernandes	MANSA
33	Hema Jaya K	Fine Organics
34	Rahul	CWC

Following Officers from the department attended the meeting:-

Sr. No.	Names (Shri/Smt./Ms.)	Designation
1.	DhirendraLal	Addl. Commissioner of Customs, JNCH
2.	R.P.Khandelwal	Addl. Commissioner of Customs, JNCH
3.	Nikhil R. Meshram	Addl. Commissioner of Customs, JNCH
4.	Pritee Chaudhary	Joint Commissioner of Customs, JNCH
5.	Alok Srivastava	Joint Commissioner of Customs, JNCH
6.	KunalKashyap	Joint Commissioner of Customs, JNCH
7.	RohitSingla	Joint Commissioner of Customs, JNCH
8.	Rajiv Shankar	Joint Commissioner of Customs, JNCH
9.	Sandeep Yadav	Deputy Commissioner of Customs, JNCH
10.	N Balram	Deputy Commissioner of Customs, JNCH
11.	KunalAnuj	Deputy Commissioner of Customs, JNCH
12.	Rahul Kumar Yadav	Deputy Commissioner of Customs, JNCH

2. The Addl. Commissioner of Customs, Appraising Main (Import), started the discussions related to the Agenda points of the meeting.

OLD POINTS

Point no. 1 to 6 represented by BCBA

Point no 1:- It is represented by the trade that the charges being recovered by DRT CFS are not as per their Public Tariff and very much on higher side, thus increasing transaction cost. It has been requested to take suitable action against DRT CFS for subletting to 3rd party which has already been represented by BCBA vide their letter no BCBA/GK/779/2017 dated 21.12.2017.

Fact on the Matter:-The Chair informed the trade that the audit of the DRT CFS was conducted by the Officers of CCSP Cell, JNCH, wherein it was found that CFS was not collecting the charges from the importers directly but through three companies, who were on rental basis handling the work of Import warehouses and that these charges was on higher side. Further the CFS has not taken permission for these outsourcing the handling of import warehouses work to the three companies, from the Commissioner of Customs, Nhava Sheva-General, JNCH.

As the above action by the CFS amounts to violations of HCCAR, 2009, the CCSP Cell is in the process of issuing Show Cause Notice to the DRT CFS.

[Point Closed]

Point no 2:- It is represented by the trade that due to stoppage of operations in CWC Impex Park, the importers are facing difficulty in clearance of consignments already landed there, as they are required to make all arrangement of handling on their own.

It is suggested that all the existing containers should be transferred to other CFS which are operative in en-block manner to enable the clearance. Trade should not be made to pay any additional cost for shifting & handling.

Fact on the Matter:- It is informed by DC/CCSP Cell CFS CWC Impex Park had assured that if any of the importers approaches the CFS or send mail on cwccfsimpexpark@yahoo.co.in, then they will provide the logistics support to deliver the containers to the party.

It has been further informed by representative of CFS that some importers had approached them for clearing their containers and were duly cleared by them; that only three containers (without hold) are left in the CFS; that the same would be cleared as soon as the importers approach to them.

[Point Closed]

Point no 3: It is represented by the trade that for import consignments which are facilitated under RMS, where sample to be tested by any PGAs, permission for the same is being given at the level of Addl. Commissioner. This is resulting in delay in clearance and increase of dwell time for RMS facilitated BE.

The Trade requested that in case of RMS facilitated Bs/E which require withdrawal of samples by PGAs, permission for opening of the container should be given by the concerned DC/ Docks.

Facts on the matter:-The Chair informed that an Standing Order no. 06/2006 dated 22.02.2006 was issued for implementation of RMS system in import. Para 8 of the said SO stipulates that *“docks officers may examine a consignment even if it is directly selected for OOC by the RMS, if they have valid reason for doing so. However, such examination should be done only after bringing the case to the notice of the ADC/JC (Docks). In case of accredited clients, it would require written approval of the Commissioner.”*

The Chair further informed that drawal of samples, which are to be tested by any PGAs is a routine work and accordingly, it should be provided that the jurisdictional DC/Docks may give permission in this regard. The said SO will be modified suitably.

[Action: Appraising Main (I)]

Point no 4 represented by Sh Mohan Nihalani, president, AIIEA

Point no 4:- With regard to examination charges and Terminal charges it has been accepted by the department that the speedy CFS has indulged in overcharging and have agreed to refund the said amount. Merely refunding the amount overcharged is not enough. Accordingly, Customs Audit is required to be done about the rates charged by the said CFS in the matter of DPD containers. Shri Nihalani reiterated that strong punitive action must be taken against the said CFS. Moreover, he has also requested for the copy of the said Audit Report.

Fact on the Matter:-It is informed by DC/CCSP Cell that Audit of M/s. Speedy CFS has been completed by the Officers of CCSP Cell. However, the audit report is in the advance stage of preparations. Further necessary action, if any, would be initiated after the completion of audit report.

With regard to request of Shri Mohan Nihalani for providing the copy of audit report, it has been informed by the DC/ CCSP Cell that as soon as the audit report is completed, the same would be made available.

[Point Closed]

NEW POINTS

Point no. 1 and 2 represented by BCBA

Point no 1:- It is represented that for valuation of new machines, the transaction value is being disputed by the assessment group and arbitrary loading of INR 150 per Kg is being taken as a benchmark. Rejection of declared value is being done without any basis or evidence. The trade suggested that this arbitrary loading of value by rejecting the declared value should be reviewed immediately

Facts on the matter:-The Chair informed The Trade that the claim of arbitrary loading is not correct. The declared value is being accepted in normal course. However, in case where the declared value is found very low compared to the international metal rates of the composition of said items and/or compared to contemporaneous import of similar items, only in such cases the declared value is rejected and re-determined as per the contemporaneous value.

[Point Closed]

Point no 2:-It is represented that there are several instances of imports of wooden products wherein as per the Customs Tariff the UQC is “Kgs”, whereas the unit price of transaction is on the basis of CBM, Pcs etc. The trade suggest that this CBM should be considered at the time of examination of the consignment.

Facts on the matter:-The Chair informed that as the UQC of this product is “Kgs” and goods are not easy to be measured in CBM during examination, it is imperative that the trade should declare the wt. of the consignments accurately. The Chair, however, directed BCBA to submit their detailed representation to Appraising Main (I) for further deliberation.

(Action: BCBA)

Point no 3 and 4 represented by CHEMEXCIL

Point no 3:- It is represented that many non-food use items like Lauric Acid, Citric Acid, Glycerine, Phenol, Myristic Acid, etc. are being sent for FSSAI NOC. These items may be considered under the “out-of-scope” list for FSSAI.

Facts on the matter:-The Chair informed the Trade that the subject items, i.e. Lauric Acid, Citric Acid, Glycerine, Phenol, Myristic Acid, etc. fall under the purview of FSSAI. Therefore, they cannot be out-rightly considered under the out-of -scope list of FSSAI.

[Point Closed]

Point no 4:- It is represented that imported materials are stuck for a long time leading to high demurrages due to classification issue. In one case, a particular item was being imported under Chapter 29, however, on arrival of consignment, the assessing officer has classified the product under chapter 15 and has sent the sample for testing in customs lab. Similarly, importer is also

advised to get FSSAI test report confirming the edible/ non edible grade. It is requested by CHEMEXCIL that if any CTH is mentioned in the COO certificate under any FTA agreement, the same is to be accepted for the said goods.

Facts on the matter:-The Chair informed the Trade that in case of items under disputed classification, due process is being followed. Aggrieved Party can always put their view before the adjudicating authority deciding such case.

[Point Closed]

3(i). **Request for e-sanchit :-**Representative of Trade were again requested to use e-sanchit for all their import clearances and also inform other Importers/Customs Brokers to use e-sanchit similarly.

3(ii). **Authorised Economic Operators:-** The Chair informed the Trade that an AEO Cell is functioning under jurisdiction of Commissioner of Customs, NS-III headed by one Additional Commissioner of Customs. The Chair requested representative of Customs Brokers to apply for AEO-LO and also inform their clients to fulfill the requirements and apply for AEO status. In this connection the procedure to apply for AEO status is available in Board Circular No 33/2016-Customs and JNCH PN No 16/2018 and 17/2018.

4. Before the close of meeting, with the permission of Chair, Commissioner, NS-V raised the issue of misbehaviour by some representatives of the Customs Broker with a few senior lady officers.

Expressing shock and deep anger at the incidents, he stated that such behaviour was absolutely unacceptable and condemned unambiguously. He advised the representatives to sensitize their officers accordingly. He concluded by saying, if such an incident was to recur, JNCH would initiate strongest possible action under the law against the erring person and the firm.

(Action: BCBA and any other association)

5. The members of the meeting were informed that the next PTFC meeting shall be held on **28.03.2018 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.**

6. The meeting ended with thanks to the Chair.

7. This issues with the approval of the Commissioner of Customs, NS-III.

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

Sd/-

(N. Balram)

Deputy Commissioner of Customs
Appraising main (I), JNCH
(Tel: 022-27244712)

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 (I, III, V), JNCH, Sheva.
- 6.** DC/EDI for uploading on JNCH website.
- 7.** Office Copy.