



OFFICE OF THE COMMISSIONER OF CUSTOMS (NS I, III & V)
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA
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F. No. S/22-Gen-189/2015-16 AM (I)

Date: 03.04.2017

**MINUTES OF MEETING OF THE PERMANENT TRADE FACILITATION
COMMITTEE HELD ON 30.03.2017.**

The PTFC meeting held on 30.03.2017 was chaired by Shri Shrawan Kumar, Commissioner of Customs, NS-III, Shri Subhash Agarwal, Commissioner of Customs, NS-G and NS-IV, Shri Vijay Singh Chauhan, Commissioner of Customs, NS-V and Shri M. R. Mohanty, Commissioner of Customs, NS-II. The meeting was attended by the following Members/Participants of trade:-

Sr. No.	Names (Smt./Shri/Ms./Mrs.)	Organization/Association/Designation
1	Ganpat Korede	BCHAA
2	Suresh Dalvi	BCHAA
3	K S Shetty	BCHAA
4	Hiren Ruparel	BCHAA
5	Ashish Pednekar	BCHAA
6	Paresh Thakkar	BCHAA
7	Vinayak Apsat	BCHAA
8	Nirav Thakker	BCHAA
9	Paresh Shah	WISA
10	Nimish Desai	WISA
11	Omparkash Agrawal	MSWA
12	Mohan Nihalani	AIIEA
13	C. G. Jham	AIIEA
14	Ganguly	AIWCBA
15	Roshan Irani	AIWCBA

16	Chetna Bhedeka	AIWCBA
17	Shankar Shinde	RCCI
18	Mark Fernandes	Sylvester & Co.
19	V. K. Agarwal	ONIDA
20	R. K. Rubin	AMTOI
21	Neelesh Datir	AILBIEA
22	Salim Shikalgar	CFSAI
23	Victor Fernandes	MANSA

Following Officers from department attended the meeting:-

Sr. No.	Names (Smt./Shri/Ms.)	Designation
1.	Dhirendra Lal	Addl. Commissioner of Customs, JNCH
2.	S. C. Gangar	Addl. Commissioner of Customs, JNCH
3.	Vijay Risi	Addl. Commissioner of Customs, JNCH
4.	Nikhil Meshram	Addl. Commissioner of Customs, JNCH
5.	Akhilesh Pandey	Addl. Commissioner of Customs, JNCH
6.	Jagdish Sharan	Addl. Commissioner of Customs, JNCH
7.	Pritee Chaudhary	Joint Commissioner of Customs, JNCH
8.	C.P.S. Chauhan	Dy. Commissioner of Customs, JNCH
9.	D. S. Rana	Dy. Commissioner of Customs, JNCH
10.	Dinbandhu Diwakar	Dy. Commissioner of Customs, JNCH
11.	O. P. Meena	Asst. Commissioner of Customs, JNCH
12.	Sunil Angane	Asst. Commissioner of Customs, JNCH
13.	J. C. Shahdadpuri	Asst. Commissioner of Customs, JNCH

2) At the outset, the Chairman welcomed all the members and mentioned several initiations taken by the JNCH to promote 'Ease of Doing Business' and to reduce the dwell time of cargo.

3) The Addl. Commissioner of Customs, Appraising (Main) (Import), thereafter, announced the following facilitation measures for Ease of Doing Business carried out by the department since the last PTFC meeting held on 27.02.2017.

i) Public Notice No.23/2017 JNCH dated 01.03.2017 regarding 'Procedure for filing warehouse Bills of Entry in cases where PGA NOC is required'.

ii) Public Notice No.26/2017 JNCH dated 02.03.2017 regarding 'Procedure for scanning of DPD containers'.

- iii) Facility Notice No.29/2017 JNCH dated 08.03.2017 regarding 'Working of All Groups and Docks in JNCH on 11.03.2017 in NS-I, III & V'.
- iv) Public Notice No.31/2017 JNCH dated 09.03.2017 regarding 'Customs Clearance on the basis of self-certified Copies of PTA/FTA certificates in case of DPD/AEO Clients'.
- v) Public Notice No.34/2017 JNCH dated 16.03.2017 regarding 'Implementation of Phase-I of Automation of Refund claims and Manual Brand rate drawback claim i.e. Digitization of Refund claims and Manual Brand rate Drawback claims at JNCH, Nhava Sheva'.
- vi) Facility Notice No.39/2017 JNCH dated 24.03.2017 regarding 'Working of Cash Section and all Groups on 25.03.2017 (Saturday)'.
- vii) Public Notice No.41/2017 JNCH dated 24.03.2017 regarding 'Customs Clearance in case of RMS facilitated BEs for the import of pulses for DPD/AEO Clients'.
- viii) Standing Order No.06/2017 JNCH dated 01.03.2017 - 'Instruction regarding First Check Basis Assessment'.
- ix) Standing Order No.08/2017 JNCH dated 09.03.2017 - 'Customs Clearance on the basis of self-certified Copies of PTA/FTA certificates in case of DPP/AEO Clients'.

4) Thereafter, the Agenda points were taken up for discussion.

Old Points

Point No.1:- Suggestion for successful implementation of PN No. 164/2016 regarding Mandatory Noting of Advance Bill of Entry

- a) Amendment procedure needs to be simplified for Example
 - _ Master Bill of Lading should not be insisted for Amendment as Shipping Lines are refusing to provide copy of Master Bill of Lading to the trade.
 - _ On Number of occasions, Shipping Lines file the IGM only with Master BL details by omitting the House BL. In such cases, amendment in the IGM should be permitted by Dy. Commissioner upon importers request for adding the House BL.
- b) Shipping Lines / NVOCCs need to provide Advance Invoice with all freight related charges for preparation of Import Bill of Entry. At present, on number of occasions, the Bill of Entry in advance is not possible to prepare in absence of freight details.

This point is also very important for efficient functioning of Direct Port Delivery.

- c) Shipping Lines should file the manifest at least 5 days in advance to reduce the dwell time.

Action taken:-

Point wise action taken is as under:-

- (a) Master Bill of Lading is a necessary document for allowing amendment and without Master Bill of Lading original owner of the goods cannot be identified and department is asking for a copy of the same only.
- (b) Advisory to shipping lines has already been issued to issue E-delivery order and E-invoice in advance and specific cases of non-compliances may be brought to the notice of Customs for further necessary action.
- (c) Section 30 of Customs Act 1962 requires shipping line to file IGM prior to arrival of vessel. Shipping lines have been requested to file IGM as early as possible.

(Point Closed)

Point No.2:- Various clarifications regarding DPD

DPD is one of the landmark features of Ease of Doing Business introduced by JNCH. To make it successful we suggest the following:-

- E form 13 submission is additional paper work and should be done away with.
- Custom Broker should be allowed to maintain P.D. Account with the Terminals.
- Custom Brokers employees should be provided with yearly passes to obtain DPD. A suitable Facility Notice should be issued to all stakeholders by Custom authorities. All 3 Port terminals should follow uniform procedures and common procedure/SOP. This should be widely circulated to trade for transparency.
- Loading of containers should be done in such a manner that door of the container should always be on the rear side of the vehicle.

- All Port terminals should raise billing invoice immediately on container/consignment wise. At present, bills are raised fortnightly. This is causing tremendous inconvenience to the trade.
- JNPT terminal is not stacking containers separately. This is leading to delay in DPD consignments and Custom Brokers are made to run pillar to post inside terminal for tracing and locating the containers.
- Delay in handling of containers and clearance at Speedy CFS. Lack of infrastructure at Speedy CFS is also deterrent for timely clearance.
- Nodal Officers required at each terminal with contact details 24x7 at the gate of terminals.

Action taken:-

The chairman informed the members of the trade that the above mentioned points have already been forwarded to CCO for inclusion in agenda of CCFC meeting.

DC (Import) Speedy CFS has been sensitised to handle issues of handling and clearance of containers at Speedy CFS.

Advisory has been issued to port terminals regarding loading of DPD containers.

(Point Closed)

Point No.3:- Simplification required for prior to final regularization of IGM

It was requested that prior to final regularization of IGM be done for entire IGM and not for each individual item.

Action taken:-

The chairman informed the members of the trade that a letter in this regard has already been send to ADG/Directorate of System & Data Management (ICES).

(Point Closed)

Point No. 4:- Issue regarding System directing Bill of Entry for PGA NOC.

In case where waiver has been granted in EDI system under Single Window from PGA, it is observed that at time of out of charge, system is directing for PGA NOC once again. It is requested to rectify the system issue as the print out of Bill of Entry is reflecting the waiver from any PGA NOC.

Action taken:-

The chairman informed the members of the trade that a letter in this regard has already been sent to the Commissioner (Single Window).

(Point Closed)

Point No. 5:- Issues relating to packing material in case of de-stuffed delivery.

In case of de-stuffed deliveries obtained by Importers, the packing material and pallets are the property of Importers and hence these should be permitted along with de-stuffed import deliveries.

Action taken:-

The chairman informed the members of the trade that the general practice followed by CFS under JNCH is that imported de-stuffed pallets/packing materials are cleared along with the imported goods or the same are cleared after appropriate permission from the Customs. However, in case of difficulty specific cases may be brought to the notice of the concerned ADC.

(Point Closed)

Point No. 6:- Goods Purchased on High Seas sale by DPD Importer.

B/E to be filed in Advance to avail DPD is done. All the required papers for High Seas allow prior to arrival of vessel are submitted in Import department. In absence of Manual IGM Copy in Import department procedure is not completed. B/E is ready by DPD approved importer, but due to non-completion of High Seas allow procedure, direct port delivery within time frame is not possible and are on hold for Speedy movement. It is requested that High Seas procedure to be completed and allowed without insisting on Manual IGM to avail

DPD. However same may be regularised once physical copy of IGM is available at Import department if required.

Action taken:-

The chairman informed the members of the trade that advance noting of high sea sales agreement for DPD accorded importers is being allowed in the import noting section without insisting on the manual IGM.

(Point Closed)

Point No. 7:- Re-print of B/E, debiting of Bond and FTA certificate on Saturday.

In case of assessed B/Es, if print is stuck up for technical reasons, need to re-print order from EDI, if there is any amendment in B/E after assessment, same is not visible and need re-print form EDI. In case of Advance B/Es, if there is any minor correction as per IGM (other than IGM amendment) such correction menu is only with DC. (Generally done by concern group DC) Bond debiting of assessed B/Es. In case of SVB-PD bond/EPCG/Advance authorisation/Warehouse bond, if bond debiting is balance same is not being done on Saturday. FTA certificate, certificate of origin (SAFTA/AFTA etc.) not verified pertaining to B/E filed on Friday and print generated late evening, OOC cannot be done till Monday. It is requested to consider and make arrangements for all above at JNCH for clearance of goods on week end Saturday.

Action taken:-

The chairman informed the members of the trade that this issue was examined and considering the shortage of staff, request of the member of the trade cannot be considered at present .The issue will be revised after three months.

(Point Closed)

New Points:

Point No.1:- Difficulty faced for clearance incase of Reprint at RMS Centre particularly on weekend

It was requested that in case of Reprint at RMS Centre reprint should be given by any of the DC/AC present in the docks and on such reprints signatures of the Custom officers are not required to be obtained and the requirement of manual signature should be done away with.

Action taken:-

The chairman informed the members of the trade that Deputy/Assistant Commissioner of Customs will be posted in RMS Facilitation Centre on Saturdays also.

(Action: ADC/RMS Facilitation Centre)

Point No.2:- Dispensing of manual signature on the OOC copy and Gatepass

Further to point No 1, we suggest that manual signature on the hard copy of the OOC copy and gatepass should be done away with as these are generated by EDI system only after OOC is given.

Action taken:-

The chairman informed the members of the trade that manual signature on the OOC copy and Gatepass will not be required and instruction/Public Notice in this regard will be issued shortly.

(Action: ADC/Import Docks)

Point No.3:-Assessment of 2nd Hand Machinery under 2nd Check

At present Bill of Entries are assessed under 1st Check. It is requested that for the consignment where Chartered Engineers certificate is accompanying from the origin, in terms CBEC Circular No 25/2015, the BEs in such cases should be assessed on 2nd check basis. This will help to reduce the dwell time for clearance and transaction cost.

Action taken:-

The chairman informed the members of the trade that in almost all the cases of assessment of old & used machinery, the 1st check examination is

requested by the importer as at the time of import, they are not aware of value and other particulars of the goods. The first check examination in rest of the cases are given to get the goods examined to find out whether the goods are Capital goods or otherwise. There is a policy restriction on goods other than Capital Goods. Also Goods are examined on first check basis to ascertain whether the particulars (residual life, YOM, Brand, Model, whether parts & accessories are standard and essential or otherwise, whether the goods are restricted as per FTP or otherwise etc.) declared in overseas Chartered Engineers certificate corroborates with the physical conditions of the goods or otherwise. If all the consignments of old & used machinery are assessed on 2nd check basis, almost all the consignments will be adjudicated as in almost all the cases, there will be enhancement of value. To avoid litigation, importers themselves ask for 1st check examination of the Old and used machinery. Further, Old & used machinery are assessed as per Board Circular No. 25/2015 on residual method under rule 9 of CVR, 2011 as condition of two machines of similar make and model may differ based on the usages condition which is a crucial fact for assessment of old & used goods. Therefore, assessment of old & used machinery cannot be done on 2nd check basis without ascertaining the crucial particulars which are required for assessment. Hence, request of members of the trade cannot be considered. Further, carefully considering the above facts assessment of old and used machinery have been excluded in Para 6 of the SO No. 006/2017 dated 01.03.2017 JNCH which was issued on the subject "Instruction regarding First Check Basis Assessment".

(Point Closed)

Point No.4:- Urgent requirement of touch screen KIOSK on 3rd & 4th Floor of JNCH, Nhava Sheva.

The KIOS screen to check the status of Bill of Entries is not operational at JNCH on 3rd and 4th floor; it is requested to operationalize the same.

Action taken:-

The chairman informed the members of the trade that bids are invited by offline tender for repair and running of the KIOSK and the same will be operational soon.

(Point Closed)

Point No.5:- CFS to permit examination immediately upon payment of Customs Duty

We refer to standing order no. 02/2013 and 62/2016 and suggest that upon payment of Customs duty (which is visible in the EDI System), seal cutting and examination be permitted without insisting upon duty payment challan. The provision of Standing Order no.02/2013 and 62/2016 may duly be amended accordingly.

Action taken:-

The chairman informed the members of the trade that this issue will be examined and a decision in the matter will be taken after receiving response from stakeholders.

{{(Action: ADC(Appraising Main))}}

Point No.6:-Difficulties faced by trade with Speedy CFS

In the recent past, the Association has received several complaints from members pertaining to operational, infrastructural and manpower issues at Speedy CFS. What is more surprising is, even the responsible officers are not providing any assistance to the trade. Common issues faced are

- Delay in movement of containers from Terminals to their CFS
- Labour issues
- Lack of equipments etc.

Request: We seek urgent intervention of Authorities to monitor the working of Speedy CFS on most urgent basis.

Action taken:-

DC (Import) Speedy CFS has been sensitised to handle issues of handling and clearance of containers at Speedy CFS.

(Point Closed)

5) Shri Mark Fernandes of M/s. Sylvester & Co. on behalf of the members of the trade offered heartfelt thanks and appreciated the steps taken by JNCH Customs on successful implementation of the 'Direct Port Delivery'. It was acknowledged and appreciated in the meeting by the members of the trade that the enthusiasm and efforts taken by JNCH Customs has made DPD successful in a short span of time which is remarkable. Members of the trade also applauded various other trade facilitation measures initiated by JNCH Customs especially

booklet published on DPD consisting FAQs related to DPD. The Chairman along with other Commissioner of Customs thanked all the stakeholders for their continuous co-operation and support in implementing DPD and other trade facilitation measures.

6) The members of the meeting were informed that the next PTFC meeting shall be held on **27.04.2017 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.

7) The meeting ended with thanks to the Chair.

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

-Sd/-

(C. P. S. Chauhan)

**Deputy Commissioner of Customs
Centralized Appraising main (Import)
NS-I, III & V JNCH
022-27244779**

To,

All the Members of PTFC.

Copy to:

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. The Pr. Commissioner/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.