

OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-II)
 MUMBAI CUSTOMS ZONE-II, APPRAISING MAIN (EXPORT),
 JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
 TALUKA: URAN, DISTRICT RAIGAD, MAHARASHTRA-400707.
 E-Mail: apmainexp@jawaharcustoms.gov.in

Date: 11.03.2021

S/12-Gen-60/2018-19-AM(X)-Part-II

**MINUTES OF THE MEETING OF THE
 PERMANENT TRADE FACILITATION COMMITTEE (EXPORT)
 HELD AT JAWAHARLAL NEHRU CUSTOM HOUSE ON 26.02.2021 AT 12:00 P.M.**

The P.T.F.C. meeting was held on 26.02.2021, through video conferencing. The meeting was chaired by Shri Sanjay Mahendru, Commissioner of Customs (NS-Gen & NS-II).

2. The meeting was attended by the following Members of the trade:

Sr.No.	Names (Shri/Smt./Ms.)	Organization/Association
1	Hiren Ruparel	BCBA
2	Kiran Rambhia	BCBA
3	Dushyant Mulani	BCBA
4	Manohar Patyane	BCBA
5	Vinayak Baparaj	BCBA
6	Paresh Thakkar	BCBA
7	Tej Contractor	BCBA
8	Ganpat Korade	BCBA
9	Faiz Sayyed	BMCT
10	Leena Ganguly	AIWCBA
11	R.K. Rubin	AMTOI
12	Captain Gautam	AMTOI
12	V. Rajappan	CDSCO
13	Umesh Grover	CFSAI
14	Jacob Thomas	CFSAI
15	Sunil Vaswani	CSLA
16	Shyam	CSLA
17	Rekha	CSLA
18	Shankar Shinde	FFFAI
19	Subhash Rajkumar	Hapag Lloyd
20	Capt. Savio Carnerio	IAL
21	P.G. Rao	JNPT
22	Capt. Iyer	MANSA
23	Manish Kumar	MANSA
24	Maruti Gadge	MCMA
25	V.K. Agarwal	Mirc Electronics Ltd. (ONIDA)
26	Rajshekhar	United Phosphorus Ltd.
27	Nimish Desai	WISA
28	Paresh Shah	WISA
29	Shailendra Penkar	-
30	Paresh Vaivade	-
31	Salim Shikalgar	-
32	Kalpesh Jadhav	-
33	Sushant Satish Mhatre	-
34	Vinay	-
35	Dinesh Gautam	-
36	Vasant	-

The following officer from the Department attended the meeting:

Sr.No.	Name of the officer	Designation
1	Shri Ajit Dan	Joint Commissioner of Customs

- 3) The Chairperson welcomed all the members of the trade and after introductory talk asked Shri Ajit Dan, Joint Commissioner of Customs, J.N.C.H. to take up the agenda points for discussion. The following agenda points were taken up for discussion:

Agenda points proposed by BCBA

Agenda Point No. 01:

Movement of CEAC to CPP: BCBA has requested to move the other stakeholders such as CEAC, PGA's etc. to the CPP for faster clearances of Export Shipments.

Reply: The matter is under process and will take some time. However, the issue is being continuously followed up with the CHS Section for infrastructure.

[Action: DC/C.P.P. & D.C./C.H.S. Section]

Agenda Point No. 02:

Facilities for Custom Brokers to be created in the Centralized Parking Plaza:

BCBA refers to the PTFC meeting held on 26.11.2020 regarding the need for proper infrastructure and support system that are essential at the newly created facility of Centralized Parking Plaza. They have urged to consider the following two points to start with for the Custom Brokers at the Centralised Parking Plaza:

- a) Proper sitting space for Custom Brokers to carry on their work with better efficiency
- b) Service centres facility with Xerox, email etc.

Reply: The Chair informed the members that the Centralized Parking Plaza (C.P.P.) is owned and managed by the J.N.P.T. Therefore, the request for space and other facilities can be taken up with J.N.P.T. At the same time this office too would take up with the J.N.P.T. Authorities for providing facilities to the Customs Brokers.

[Action: DC/C.P.P. & D.C./C.H.S. Section]

Agenda Point No. 03:

SOC (Shippers own container) Shipment- BCBA submits that the current process is especially for tank containers. As Declaration is given on BL these are SOC containers, despite of that members have to approach at Speedy CFS to complete CMC procedures.

Reply: In respect of Shippers Own Containers (SOC), most of the Importers clear the same on filing of Bill of Entry by paying Customs Duty on the value of the SOC shipment. Bond is being filed in Container Cells only for those SOC's sought to be re-exported/ imported by the Importers and such SOC are exempted from payment of duty on re-import when the Bond details of said container is furnished while filing IGM with Customs, CMC is required only for those SOC's where Bond of such containers are executed with Container Cell in terms of Board's Not.104/94.

Shri Hiren Ruparel, BCBA stressed that the present procedure being followed by Customs is very old and thus needs to be reviewed. In response the Chair asked the members to come up with proposals so that the same can be examined.

[Action: DC/Container Cell]

Agenda points proposed by AMTOI

Agenda Point No. 01:

De-stuffing and Releasing long-standing containers:

AMTOI has submitted that in India, cargoes lying uncleared for more than 2 months are required to be disposed of by auction. Without going into the procedures and time lines of government auctions, they have suggested that the Customs Department issue suitable directives to Custodians (CFSS) requiring laden import containers to be de-stuffed and empty container returned to the shipping line.

Reply: The Chair informed that in the past 03 months that in respect of several containers the goods have been de-stuffed and disposed by way of auction. The Department is in the process to ensure that all long-standing containers are cleared as soon as possible. The Chair also informed the members to bring to notice via e-mail any containers pending for release so that the same can be examined and issue is fast-tracked.

[Action: DC/Disposal Section]

Agenda Point No. 02:

Auctioned cargoes and Container Detention Charges

Once long-standing cargoes are auctioned a time of 2 or 3 days is given to the successful bidder to take delivery of the auctioned goods. But it has been noticed that the successful bidder tends to take much longer than 2 to 3 days to take delivery and in some cases taking more than a month. The Shipping Line (MTO) should be permitted to collect Container Detention Charges if a successful bidder fails to take delivery within 3 days. Hence, it is suggested that Customs Department issue suitable directives in this matter to the custodians requiring the bidder to pay the container detention charges prior taking delivery.

Reply: The Chair informed that the Department has to go for the auction process as per the Board's Circulars and Disposal Manual. The Department is also keen that the goods are taken delivery as soon as the same are auctioned. In some cases there are delays where the auctioned goods are not taken delivery. However, this office has undertaken a drive for release of containers. Further, the Chair also clarified that the auction proceeds also go towards the Container Detention Charges.

[Point Closed]

Agenda points proposed by CSLA

Agenda Point No. 01:

NATIONAL CONTAINER BOND

Presently there are shipping lines/feeder operators who only operate vessels. They don't have their own containers. Containers of other shipping lines are loaded on their vessels. Request clarification on whether they too will need to apply for the National Container Bond. As per the SCMT structure, the shipping line bond number is required to be updated by the vessel operator in the vessel section of the SCMT file. (At the last PTFC meeting, Shri. Sanjay Mahendru, Commissioner of Customs (NS-Gen & NS-II) was kind enough to say that he would check & revert on the above point. The rest of the queries too would be addressed by CBIC & an SOP released shortly. There would be just one National Bond applicable countrywide from 1/4/21 and hence all the lines would need to apply for the National Container Bond. However, no feedback / SOP received as yet from Customs / CBIC in the matter).

Reply: The Chair stated that as per Board's Circular No. 31/2005-Cus dated 25.07.2021, with regard to Containers and Containerized Cargo, Continuity Bond should be executed by the Shipping Line, Non Vessel Owning Common Carrier (NVOCC), Steamer Agents and their authorized representatives. In this regard, CBIC has issued a Circular No. 43/2020-Customs dated 30.09.2020 in respect of implementation of the SCMT Regulations. The categories of stakeholder's required to register and operate under the new SCMTR are i.e. Authorised Sea Carrier (Including Shipping Line) (ASC), Authorised Sea Agent (Steamer/Shipping Agent) (ASA), Authorised Carrier (Other notified carriers) (ANC) and Authorised Carriers for Inland Movement – Transhippers (ATP).

Accordingly, a Public Notice No. 141/2020/JNCH has been issued dated 10.11.2020 by Commissioner of Customs (NS-General), JNCH and it has been informed that for the purpose of SCMTR, a new national Container Bond has been introduced in the Customs System with the category name CG. The registered ASA, ASC etc. who have renewed their existing old Continuity Bond by executing the National Bond are being issued a National Bond Number generated by the System.

As regards the clarifications sought by CSLA it is stated as under:

- (i) DG (Systems) are in the process of issuing an advisory notice in this regard and the same will be issued soon.
- (ii) Feeder Operators / Shipping Lines who only operate vessels can quote the Container (CG) Bond Numbers of the respective Shipping Lines.
- (iii) The processes suggested in the SOP and the suggestions advised by the CSLA in respect of the National Container Bond have been referred to the DG (Systems) for consideration.

The Chair further added that the above issues are in the knowledge of DG (Systems) and at the same time urged members to file the National Container Bond.

[Action: DC/Container Cell]

Agenda Point No. 02:

SCMTR

CSLA has thanked for the PN Nos. 01/2021 & 16/2021. However, as requested in the previous PTFC meetings too, they have requested for a virtual seminar be held with the CSLA members as there are still issues that remain to be clarified / resolved.

Reply: The Chair asked the members that query-wise letters/e-mails may be forwarded to EDI, J.N.C.H. so that the same may be taken up with the appropriate authority i.e. DG (Systems), New Delhi, for effective resolution of the same. The Chair also assured members that any issues which are yet to be resolved will be taken up with DG (Systems) for resolution.

[Action: DC/EDI & DC/SCMT Cell]

Agenda Point No. 03:

EDI SHIPPING BILLS FROM CUSTOMS TO SHIPPING LINES

a) Electronic PDF Shipping bill & e-gate pass document must be issued instantly, preferably it should be issued within 15-20 minutes only.

b) A provision should be made to share Electronic PDF Shipping bill & e-gate pass data with shipping lines through EDI file in order to make this process complete paperless and faceless. The EDI sharing of shipping bill data with shipping lines will reduce 100% EGM errors and expedite IGST refund process as well.

c) Manual print out of electronic PDF shipping bill / Gate pass document should not be allowed in normal cases when customs online system is working perfectly.

Reply: The Chair asked the members to put up the issue separately or may take up the issue in the next PTFC meeting.

Agenda Point No. 04:

The case of container not returned / money not paid by CHA or BCBA:

There have been instances where empty containers have not been returned to the line after de-stuffing. As a matter of fact, we have a case on hand where a BCBA member has refused to return the empty container to one of our member lines, despite several requests over the last couple of years, on account of some dispute between him & the consignee. The concerned shipping line is therefore suffering for no fault of its own. While on the one hand, import containers need to be turned around quickly for making them available for exports, on the other, in cases such as this one, the return of empty boxes to the line are being unduly delayed.

Reply: The B.C.B.A members submitted that they have not received any specific instances from the Shipping Agents. The Chair urged the B.C.B.A. and Shipping Agents to sit together and get the issue resolved.

[Point Closed]

Agenda points proposed by CFSAI

Agenda Point No. 01:

Renewal of Permission Direct Stuffing of Agro Commodities -

This issue was discussed in last PTFC meeting dated 26th Nov 2020 & 31st Dec 2020 CFSAI Members had applied for renewal of the permission for Direct Stuffing of Agro Commodities well in advance before the validity date had expired, however our Members are still awaiting renewal permission . We once again request JNCH issue necessary Guidelines/PN.

Reply: The Chair assured the members that renewal permissions would be processed immediately as per the guidelines. The Chair at the same time asked the members to submit applications as many of the CFSs have not yet applied for the same.

[Point Closed]

Agenda Point No. 02:

Damaged Packing's Permission for repacking of goods in exceptional cases-

CFSAI had taken up this issue in the last PTFC meeting 26th Nov referring to recent Standing Order 33/2020 dated 23/09/2020 issued by your good office which states **that no repacking of the export goods shall be allowed inside the premises**. Our submission was that in exceptional cases where cargo/packing material gets damaged while handling or due to nature of previous packing and repackaging becomes essential, the same should be allowed. We once again request JNCH for suitable PN/Guidelines be issued by your good office.

Reply: The Chair pointed out that the above issue has already been discussed in meetings held on 29.10.2020, 26.11.2020 and 31.12.2020. The Standing Order No. 33 dated 23.09.2020 states that no repackaging of the export goods shall be allowed inside the premises. At the same time, it also states that in exceptional cases where repackaging becomes essential, the request may be considered by DC/AC-Export Docks on merit, on case to case basis. The Chair reiterated that if issues of such nature are not being addressed, the same may be brought to the notice of the Addl. Commissioner (Export), J.N.C.H. As explained, since the need for repackaging arises only in exceptional cases, therefore, this matter cannot be generalized and does not warrant issue of any P.N./Guidelines as sought by CFSAI.

[Point Closed]

Agenda Point No. 03:

Awaiting Guideline on disposal of export longstanding goods lying in various CFSs for a long period -

CFSAI had taken up this issue in the last PTFC meeting 26th Nov 2020 wherein our submission was that JNCH may consider giving one time permission for disposal of 770 containers lying in various CFSs. Our Members are still awaiting necessary Guidelines/PN in this regard. Commissioner General had assured in the last PTFC meeting that a PN in this regard would be issued. We request JNCH to kindly issue fresh PN/Guidelines.

Reply: The Chair informed that this office has already written to the Board and shortly a Public Notice for the guidelines on disposal of export longstanding goods lying in various CFSs will also be issued.

[Action: DC/Disposal Section]

Agenda Point No. 04:

Procedure to be followed for all Types of Scrap – CFSAI had made a representation dated 23rd Dec 2020 Ref # CFSAI/JNCH/84/2020-21 on the basis of your office letter F.No. S/JNCH-D-27/2020-21 Disp(A) that our Member CFSs ***can dispose the goods which are imported legally without any violation of rules and regulations set by Indian Customs*** . Further we had submitted that your office letter instructions need to be followed in cases of illegal import where the importer has not filed the Bills of Entry or the Bills of Entry filed but not assessed by the concerned appraising group in absence of mandatory documents like PSIC and actual user certificate. ***We humbly request considering reviewing the instructions issued by good office and issue a fresh guidelines.***

Reply: The Chair stated that the wherever the goods have been imported in violations of Acts, Rules and Regulations, the same will be adjudicated and auctioning of such goods will be by Customs auction only and no private auctions would be allowed.

[Point Closed]

Agenda Point No. 05:

Traffic Congestion at GTI Terminal – CFSAI & NSCOWA have been sending the Traffic Advisory last one week on the heavy congestion at GTI Terminals. Congestions had been severe and the TTs are taking more than 12-13 hours to reach the Terminal Gate. The congestion is adding to the woes of Importers / Exporters. We have taken up the issue with GTI & requested JNPCT to initiate steps and expedite activity in terminals so that trade does not suffer. Request PTFC Chair to sensitize the issue for benefit of all the stakeholders in the Containerized EXIM trade.

Reply: The Chair informed the members that the issue of traffic congestion has been taken up with the GTI Terminal Authorities. Further, as per report submitted by the Nhava Sheva Container Operators Welfare Association, there was no traffic towards the terminals.

[Point Closed]

Agenda Point No. 06:

Issuance of Notification for a period of 10 years as per Customs Circular No 33/2016 –

CFSAI submits that they had made various representations to this office on the issue that some of CFSAI Members had been granted permission for 5 years only instead of 10 years. They submit that most of their Members Facilities are AEO-LO Certified they are entitled to be granted permission for 10 years as per Customs Circular 33/2016. They further submit that Member CFSs having their facility at Mundra and Hazira have received 10 year validity CCSP certificate from Mundra & Hazira Commissionarate's. Therefore, they have requested to consider issuing fresh guidelines/PN with 10 years Validity is pending and have requested that full validity certificate be issued to their members who are AE-LO certificated.

Reply: The Chair assured the CFSAI members that pending issues would be resolved soon.

[Point Closed]

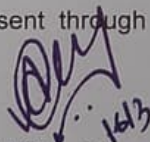
Additional point raised by Shri Hiren Ruparel, BCBA:

Shri Hiren Ruparel, Member-BCBA, recalled earlier PTFC meetings wherein a request was made that CFSAI may provide a separate examination area and also regarding e-invoicing which is provided in Handling of Cargo in Customs Areas Regulations, 2019.

Reply: The Chair asked the CFSAI to ensure that separate examination area with adequate security, CCTV cameras etc are provided in the CFSs. The Chair also asked the BCBA to put up in writing with regard to the above issue so that the same can be examined.

[Action: DC/CCSP Cell]

4. The PTFC meeting for the month of January-2021 ended after taking up for discussion the agenda points placed by the Association Members. The Association Members were informed that the date and mode of conducting next PTFC meeting shall be informed well in advance. All the Association members were requested to forward their agenda points, pertaining to NS-General and NS-II, if any, at least 10 working days in advance by e-mail to Appraising Main (Export) Section on apmainexp@jawaharcustoms.gov.in for taking up in the upcoming PTFC meeting.
5. The meeting ended with vote of thanks to the Chair.
6. This issues with the approval of the Commissioner of Customs, NS-General & NS-II.
7. Minutes are placed on JNCH website and also being sent through emails to the members.



(Abhijit L. Thorat)

Deputy Commissioner of Customs
Appraising Main (Export)

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 AD/JC, DC/AC of Customs, JNCH, Sheva.
6. DC/EDI for uploading on JNCH website.
7. Hindi Officer: for translation and issuance of Hindi version.
8. Office Copy