

# PTFC Meeting Held on 28-05-2015

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: 28.05.2015

## MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE HELD ON 14.05.2015:

The PTFC meeting held on 14.05.2015 was chaired by Shri Subhash Agrawal, Commissioner of Customs, NS-I, III & V and attended by the following Members/ Participants and Officers from NS-I, III & V:-

<b>Sr. No.</b>	<b>Names (S/Shri)</b>	<b>Organization/Association/Designation</b>
1	Nimish Desai	WISA
2	Tej Contractor	AMTOI
3	Milan Desai	BCHAA
4	Mohan Nihalani	AIIEA
5	Vinayak B. Aparaj	BCHAA
6	Mark S. Fernandes	IMC
7	Subash Rajkumar	MANSA
8	Rajesh Gosalia	BCHAA
9	Rohit Shah	MRAI
10	Sanjeev Chaturvedi	New India
11	Suresh Dalvi	BCHAA
12	Surendra Kachhara	MRAI
13	Dhaval Shah	MRAI
14	Amar Singh	MRAI
15	Milan Desai	BCHAA
16	V K Agarwal	ONIDA
17	Jude Fernandes	INDEV CFS
18	Rajesh Kachhara	MRAI
19	Hitesh Kachhara	MRAI
20	Pravin R.	MRAI
21	Paresh Shah	BCHAA
22	G. P. korade	BCHHA
23	S. Anantha Krishnan	Addl. Commissioner of Customs, JNCH
24	Nilkanth N. Shelke	Joint Commissioner of Customs, JNCH
25	Rajesh Kumar Agarwal	Joint Commissioner of Customs, JNCH
26	S. K. Vatsa	Dy. Commissioner of Customs, JNCH

2. The Chairman 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 16.04.2015, were taken up for discussion:

### **AGENDA POINTS IN PREVIOUS PTFC MEETINGS HELD ON 16.04.2015:**

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

In the last PTFC meeting dated 16.04.2015, the Chairperson had informed that the Study Group has submitted its report and the same were being examined. During the present meeting, the minutes of the Study Group was circulated. Some members of Trade requested to re-look into the matter by the new Study Group.

The Chairman decided that a new Study Group will re-examine the matter. The Chairman informed that the said Study Group will comprise of following persons:

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

**(Action : ADC Docks)**

#### **3.2.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 Chairman informed that no decision has been taken by the concerned Commissionerate on the issue as to whether department would file an appeal against the said Tribunal Order. The matter will be examined after any communication is received from the concerned Commissionerate. If the said Order is accepted by the department, a reference will be made to the Board before issuance of suitable instruction to Refund Section.

**(Action : ADC (AM))**

#### **3.3.Members of BCHAA informed Chairman that the name and mobile nos. of officers posted on weekly posting are not available on the website.**

The Chairman informed that it has been ensured that the Weekly Holiday posting Orders are uploaded on JNCH website and the same are forwarded to PTFC members through e-mail.

**(Point closed)**

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

In the last meeting, the Chairperson had informed the Members that a new panel of Chartered Engineers was being constituted.

The Chairman has informed that the matter is under consideration and some decision will be taken on this issue.

**(Action JC/ GR V)**

**3.5.Valuation of 2nd hand machinery**

In the last meeting, the Chairperson had requested the trade to submit representation with justification for revision of the minimum level prices in case of 2nd machinery, if any. No representation was received in this regard.

**(Point Closed)**

**3.6. Some members raised the issue of non-issuance of not honouring detention, demurrage waiver certificates by Customs by CFSs.**

In the last meeting, the Chairperson had asked the members of CFS Association to give a representation highlighting their apprehension so that the same can be addressed and process of issuance of the certificate can be institutionalised. No such correspondence has been received from CFS Association till date.

The Chairman enquired about any such representation in the present meeting. As no such apprehension was raised by the PTFC members, the Chairman instructed to close the point.

**(Point Closed)**

**AGENDA POINTS IN THE PTFC MEETINGS HELD ON 16.04.2015:**

**4.1 Availing of 24×7 Facility:-**

BCHAA have stated that “Officers posted on Holidays and Sundays are not available for examination on OOC at CFSs, since 24×7 facility is provided by Customs.”

The Chairman asked ADC (Docks) to issue instructions to the officers posted on holiday postings to be present on duty during prescribed hours.

**(Action: ADC Docks)**

#### **4.2 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 Chairman informed that as per the Customs Notification no. 18/2003 (NT) dated 01.03.2003, the rate of interest chargeable is 15% for the purpose of Section 61 of the CA'62 and accordingly, a suitable instruction will be given to the Cash section.

**(Action: ADC AM)**

#### **4.3 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 Chairman informed that the issue will be examined.

**(Action: ADC/ Docks)**

#### **FRESH POINTS:**

##### **5.1 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 Chairman informed the representatives of MRAI to take up the specific cases with JC, SAD refund of the respective section.

**(JC/SAD Refund)**

##### **5.2 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 Chairman informed that the matter will be examined and may be taken up with DG Systems.

**(Action: JC/Grp. I&IA)**

**5.3 Suggestion on Draft Circular regarding Procedure for use of digital signature on records and invoices-**

The Chairman 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. The Chairman requested to all the PTFC members to give their valuable suggestion on the said draft Circular.

**5.4.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 Chairman stated that the matter will be taken up with Office of the Commissioner (General).

**(Action:ADC/AM)**

6.The members were informed that the next PTFC meeting shall be held on Thursday, **i.e. 11.06.2015 at 1130hrs.** The Chairman requested all the Association Members to forward their agenda points, if any, well in advance atleast **03 days in advance** on Fax No. 022-27243245 or by e-mail to Appraising Main (Imp) Section on [appraisingmain.jnchimp@gmail.com](mailto:appraisingmain.jnchimp@gmail.com) for taking up the issue in the upcoming PTFC meeting.

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

**Sd/-28.05.2015**

**(S. K. VATSA)**

**DY. 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.