आयुक्त का कार्यालय (एन एस - II)
OFFICE OF THE COMMISSIONER OF CUSTOMS NS-II
आर टी आई कक्ष , बी-401, जवाहरलाल नेहरू सीमाशुल्क भवन
RTI CELL (EXPORT), B-401, JAWAHAR LAL NEHRU CUSTOM HOUSE,
न्हावा शेवा, जिला रायगड - महाराष्ट्र 400707
NHAVA -SHEVA, DIST- RAIGAD, MH - 400 707

File No.:GEN/RTI/APP/1330/2026-RTI Date-21-04-2026

To,
Ms. Pragya Dubey
O-23 Pramukh Vihar,
Silvassa, Pin-396230

Gentlewoman,

Subject: **RTI application bearing reg no- CCUM2/R/T/26/00213/1 filed Ms. Pragya Dubey dated 07.04.2026 seeking information under RTI Act, 2005 - reg.**

Please refer to your RTI application dated 07.04.2026, seeking information under RTI Act, 2005.

1. Based on information provided by the SIIB(X) & CIU section, JNCH, Nhava Sheva wherein, reply to the information sought by you is as under:-

The Point-wise reply to the information sought is as under:

Point No. 1
"Authorization Protocol for Withholding Consignments: Please provide the designation of the Competent Authority empowered to grant pre-facto and post-facto approval for the Hold, Interdiction, or Withholding of import/export consignments by intelligence branches in various Customs formations. Please provide certified copies/ link of the relevant Public Notice, Standing Order, Circular, Notification or Departmental Advisory governing these authorization protocols."

Reply: In JNCH, the procedure for placing consignments on hold is governed by Standing Order No. 15/2018 dated 04.05.2018, as amended by Standing Order No. 19/2021 dated 24.07.2021 and hold by, SIIB/CIU are required to be approved by the concerned Commissioner of Customs; however, in cases of urgency or where intelligence is received beyond office hours, consignments may be placed on hold on verbal instructions of an officer not below the rank of Assistant/Deputy Commissioner, subject to subsequent written confirmation. Further, Standing Order No. 06/2019 provides that references received from external intelligence agencies such as DRI/NCB for placing consignments on hold are processed in accordance with the procedure prescribed under Standing Order No. 15/2018.

Point No. 2
"Deviations from Approval Protocols: Are there any defined exigencies or emergency circumstances under which the requirement for formal approval (pre-facto or post-facto) for withholding a consignment may be bypassed or waived by the investigating agency in various Customs formations? If such provisions exist, please provide certified copies/ link of the relevant Public Notice, Standing Order, Circular, Notification or Departmental Advisory that outlines these exceptions and the subsequent reporting requirements."

Reply: The above query is answered in Standing Order No. 15/2018 dated 04.05.2018, as amended by Standing Order No. 19/2021.

Point No. 3
"Mandatory Seizure Procedures during Examination: When an investigation or examination is conducted by an intelligence agency in various Customs formations, is it mandatory under existing departmental instructions to formally seize all original documents associated with the consignment under a Panchanama at the time of the examination? Furthermore, please clarify if the seizure of representative samples of the goods must also be recorded under the same or a supplementary Panchanama."

Reply: The above query is answered in Section 110 and Section 144 of Customs Act, 1962.

Point No. 4
"Procedure for Handling and Preservation of Sealed Samples: Please provide the official guidelines or Standing Orders regarding the opening of a Sealed Sample previously seized under Panchanama. Specifically:
(a) Is it mandatory to draw a fresh Panchanama when such a seal is broken by an intelligence agency in various Customs formations in their office for further investigation or testing?
(b) Is there a mandatory requirement for the intelligence agency in various Customs formations to preserve the remnants or the original sealed sample for the purpose of future cross-examination or re-testing during departmental adjudication/inquiry proceedings? If so, please provide certified copies/ link of the relevant Public Notice, Standing Order, Circular, Notification or Departmental Advisory specifying the duration and manner of such preservation."

Reply:
(a) As per established departmental practice and investigative protocols, three (03) Representative Sealed samples are drawn under Panchanama. One sealed sample is sent testing Lab who acknowledge the receipt of sealed sample, oned is kept with department and the third sealed sample is given to the exporter/importer or his authorised agent. This ensures transparency and is legally sustainable that the sealed sample drawn under Panchanama in presence of exporter/importer or his authorised agent has been received by the lab for testing.

The preservation of duplicate and remnant samples is governed by departmental instructions, inter alia Standing Order No. 17/2009 dated 21.04.2009, which provides for retention of samples for a period of six months and for a longer

duration in cases where the matter is under investigation, adjudication, or otherwise requires retention. Further, as per Public Notice No. 97/2017 dated 28.07.2017 read with CBIC Circular No. 30/2017-Customs, such samples are preserved in a secure manner to facilitate re-testing, wherever required, in accordance with principles of natural justice.

Point No. 5
"Statutory Requirements for Panchanama Documentation: Is it a mandatory procedural requirement that a Panchanama be drafted in a language that the Panchas (witnesses) can read, write, and understand? Please provide any Public Notice or Instruction that specifies the procedure to be followed if the Panchas are not proficient in the language of the document. Additionally, please state if any deviation from this procedure is legally permissible under existing Board (CBIC) guidelines."

Reply: It is an established requirement under principles of natural justice that the Panch witnesses should understand the contents of the document before signing. Accordingly, as per departmental practice, the contents of the Panchanama are explained to the Panchas in a language understood by them to ensure evidentiary value, in line with the general principles governing admissibility of evidence under the Bharatiya Sakshya Adhiniyam, 2023.
In cases where the Panchas are not conversant with the language in which the Panchanama is drafted, the contents are read over and explained to them in a language known to them, and an endorsement to this effect is recorded in the Panchanama.

2. Accordingly, the RTI application dated 07.04.2026, filed by you is disposed off**.**

3. An appeal against this reply under Section 19 of the Right to Information Act, 2005, can be filed with the Appellate Authority, Shri Raghu Kiran B, Commissioner of Customs(In Situ), A-704, 7th floor,, JNCH, Nhava- Sheva, Tal- Uran, Dist- Raigad, Maharashtra- 400 707, within 30 days of receipt of this reply.

Yours sincerely,

Digitally signed by
Geradi Narayan Srinivas
Date: 21-04-2026
16:47:12

(G.N.Srinivas)

CPIO

NS-(G),NS-II,NS-IV, JNCH