

**OFFICE OF THE COMMISSIONER OF CUSTOMS (EXPORT)**  
**JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,**  
**TAL. URAN, DIST. RAIGADH, MAHARASHTRA 400 707.**

F.No.: S/12-Gen-87/09 DBK JNCH

Date: 15 /05/2009

**Public NoticeNo. 30/2009**

(Referred / amended vide P.N.No. [98/2009](#))

**Sub:** Observance of Drawback Clearance Month from 16<sup>th</sup> May to 15<sup>th</sup> June, 2009.

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It is for the information of all Exporters, Custom House Agents & the Trade that in pursuance to the directions from the Ministry this Custom House is observing Drawback Clearance Month from 16<sup>th</sup> May to 15<sup>th</sup> June, 2009 to liquidate the pendency of drawback claims. The pendency position of drawback claims in various queues under EDI System, as on 31/03/09, is as bellow -

<b>Current Queue</b>	<b>Description</b>	<b>Total S/Bills</b>
Brand	Brand rate fixation	27166
DBK AC	With Dbk AC	2
DBK Supdt	With Dbk Supdts	31
Exporter	Queries raised	14676
Sample	Sample drawn	1093
EGM	EGM not filed	8842
EGM error	EGM filed with errors	3360

Following measures are being initiated to liquidate pendency of drawback claims in various categories mentioned above

1. Brand Rate Claims

The exporters who opted for brand rate are not coming forward with brand letters issued by Central Excise Commissionerate concerned. Under the Drawback Rules an exporter has to apply for brand rate fixation within 60 days of the export. Therefore, the Brand Rate claims which are pending for several years could be owing to not making of an application by the exporter for Brand Rate fixation or rejection of the application by the C.Excise authorities. In this regard the exporters are called upon to submit the Brand Rate letters from concerned Central Excise Commissionerate along with the Bank Reasliation Certificate on or before 31/05/2009, failing which all the Brand Rate claims pending for over two years shall be processed at zero rate, without affecting right of the exporter to claim the drawback amount by filing supplementary claim subsequently without any time bar, as provided by P.N.04/2004 dated 12.01.2004.

## 2. Claims under Query

Large number of claims are lying under Query raised from time to time since introduction of EDI System in 1998. These are technically not pending with the department and are shown pending with exporters for reply as per Rule 13(3) of the Drawback Rules,1995. In this connection the exporters and their associations in some instances have contended that the exporters are unable to reply the queries as these are not communicated to them.

It is to mention that under the EDI system the drawback claims are processed online in paperless manner and queries are raised online. As per Para 18.9 of the Public Notice No.39/97 dated 12.11.97, the status of the Shipping bills and sanction of drawback claim under EDI System has to be ascertained from the service centre. A printout of the query/deficiency has to be obtained from the service center and the replies to such queries shall be entered in the EDI system at the service center. There is no provision or practice under the EDI or Manual System to suo-moto intimate queries to the exporters through individual official letters. However, to facilitate the exporters in this regard a Drawback Help Desk was created vide Public Notice No. 47/2005 dt. 27/09/2005 and vide [Public Notice No. 08/2007](#) it was requested to make full use of this facility. Further, this office vide [Facility Notice No.10/08](#) dated 18.1.08 has introduced a system of automatic e-mail based response to enquiries made by the exporters regarding status of their drawback claims by using internet. Apart from [Facility Notice No.10/08](#), the procedure for availing this facility is also explained in the JNCH website [www.jawaharcustoms.gov.in](http://www.jawaharcustoms.gov.in) . This facility can be accessed by anyone from anywhere anytime free of cost. The query status is also informed to the exporters on receipt of letters from them. In addition, this office had compiled 14750 queries pending as on 18.1.08, on CD and had forwarded to various exporters associations for circulation amongst their member exporters vide [Facility Notice No.12/08](#) dated 24.01.08. It appears very few exporters responded to the Public Notice. There is a possibility that the cases which are pending reply to query for long time could be owing to the exporters being fictitious/ non traceable or where export proceeds have not been realized.

Hence, it has been decided to process the shipping bills pending under Query raised before 31.12.2007 on merit, subject to production of BRC and the cases where BRC is not produced shall be

processed at zero drawback, without affecting right of the exporter to claim the drawback amount by filing supplementary claim subsequently without any time bar, as provided by P.N.04/2004 dated 12.01.2004.

3. Samples drawn, EGM not filed and EGM filed with errors.

Drawback Section has no control over the samples drawn, EGM not filed and EGM Errors. The exporters are requested to approach the Asstt./ Dy. Commissioner of the concerned CFS from where the goods were exported, with necessary documents for feeding of stuffing reports/ test reports, rectification of EGM errors and taking action against the steamer agent for non submission of EGM in terms of the Public Notices/ Standing orders issued from time to time.

For the purpose of liquidation of the pendency of drawback claims, during the period of Drawback Clearance Month from 16<sup>th</sup> May to 15<sup>th</sup> June, 2009, a Special Drawback Cell with exclusive set of officers has been set-up to attend to all the related work. All concerned exporters having pending drawback claims are requested to approach the Special Drawback Cell to expeditiously finalise all such claims.

Any difficulty faced in implementing this Public Notice may be brought to the notice of Addl./ Asstt.. Commissioner of Drawback Section, JNCH or the undersigned, if not resolved..

**(K.L. GOYAL)**

Commissioner of Customs (Export)

To

All the Concerned.

Copy to:-

1. The Chief Commissioner of Customs, Mumbai Zone II.,
2. The Commissioner of Customs (Import), JNCH

3. All the Addl./Jt. Commissioner of Customs, JNCH
4. All the Trade Associations.
5. The Bombay Custom House Agents Association.