

OFFICE OF THE CHIEF COMMISSIONER CUSTOMS, ZONE-II

**JAWAHARLAL NEHRU CUSTOM HOUSE, TAL URAN,
NHAVA SHEVA, DIST- RAIGAD, MAHARASHTRA 400707**

F.NO.- S/26-Misc-341/09-10/GR.-II E, JNCH Date:- 04.02.2011

PUBLIC NOTICE No. 09/2011
(Referred / amended vide P.N.No. [68/2011](#))

Sub:- Import of insecticides, fungicides and other chemicals notified under Section 3(e) of the Insecticides Act, 1968.

1. Attention of the Trade/Importers is invited to the judgement of the Honble Supreme Court in the case of Union of India Vs Insecticide Manufacturing and Formulators Association of India[2002(146)ELT.19(SC) and Boards Circular No. 61/2004 Cus. Dtd. 28/10/2004.
2. In view of the above, even in respect of a separately chemically defined compound, if it is a pesticide/insecticide, it will be classifiable under heading 3808 of the Customs Tariff (which is identical to the corresponding heading of the Central Excise Tariff) and not under the chapters 28 or 29. Also, as per the DGFT Policy the insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants

and similar products, which are classifiable under CTH 3808, are freely importable only when importer is registered with CIB & RC and the goods are not prohibited for import under the Insecticides Act, 1968 and formulation thereof.

3. Accordingly, all products referred to in para (2) above are required to be regulated as per the DGFT policy. All concerned importers are, therefore, required to obtain Registration/Import Permit from the CIB & RC under the Insecticides Act, 1968 and produce the same to Customs.

4. However, the Bills of Entry pertaining to the importers who are actual users and who are in the process of obtaining the Registration/Import Permit would be assessed provisionally subject to production of copies of the Registration/Import Permit from the CIB & RC under Insecticide Act, 1968 within 2 (two) months from the date of clearance.

(2)

5. This facility is extended only up to 15/03/2011 and after 15/03/2011 even the actual users shall furnish the CIB & RC certificate at the time of import and no Provisional Assessment will be permitted.

Sd/-

(MALA SRIVASTAVA)

COMMISSIONER OF CUSTOMS (IMPORT)

JNCH

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. Commissioners of Customs, JNCH
4. All the Trade Associations