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Office of the Chief Commissioner of Customs, Mumbai Customs Zone-II
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दिनांक /Date: 08.03.2024

MINUTES OF CUSTOMS CLEARANCE FACILITATION COMMITTEE (CCFC)
MEETING HELD ON 11.01.2024

The Customs Clearance Facilitation Committee (CCFC) Meeting was held on 11.01.2024. Shri Rajesh Pandey, Chief Commissioner of Customs, Mumbai Customs Zone-II, Nhava Sheva presided over the meeting.

The following officers of the Department attended the meeting: -

Sr.No.	Name	Designation
1.	Shri P.N. Pandey	Pr. Commissioner, NS-I
2.	Shri Dharendra Singh Garbyal	Commissioner, NS-Gen
3.	Shri Dipak Kumar Gupta	Commissioner, NS- IV
4.	Shri Sonal Bajaj	Commissioner, NS-V
5.	Shri Sanjeev Kumar Singh	Commissioner, NS-II
6.	Dr. Subhash Yadav	Addl. Commissioner of Customs, CCO
7.	Shri Tejram Meena	Deputy Commissioner, Directorate General of Systems
8.	Shri Rahul Dhingra	Deputy Commissioner of Customs, CCO
9.	Shri Venugopal Aiyer	Assistant Commissioner of Customs, CCO

The following PGAs/Stakeholders attended the meeting:-

Sr. No.	Name (S/Sh)	Name of the PGAs/Stakeholders
1	Ms. Pritee Chaudhary	Regional Director, FSSAI

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2	Sukant Chaudhary	FSSAI
3	Dr. K.U. Methekar	FSSAI
4	Kartikay Dhanda	Textile Committee
5	Prasanjit Khandare	Textile Committee
6	Arvind Hiwale	ADC(I), CDSCO
7	Devendra Nath	CDSCO
8	Shankar Shinde	FFFAI
9	Manish Kumar	CSLA/MANSA
10	Sunil Vaswani	CSLA
11	Jacob Thomas	CFSAI
12	Umesh Grover	CFSAI
13	Nimesh Desai	WISA
14	Paresh Shah	WISA
15	B. Timothy	AIIEA
16	S.D. Mohane	MPCB
17	Omprakash Agrawal	MACCIA
18	Mark S Fernandes	IMC Chamber of Commerce & Industry
19	Dushyant Mulani	BCBA
20	Hiren Ruparel	BCBA
21	Ganpat P. Korade	BCBA
22	Vinayak Aparaj	BCBA
23	Dr. Nirav Thakkar	BCBA
24	Tej Contractor	BCBA
25	Maruti Gadge	BCBA

26	Harsh Lapsia	BCBA
27	Subhash N. Dongre	ONE-Line
28	Sanjeev Kabbur	D P World
29	Paresh	J.M. Baxi
30	Shailendra Purkar	MANSA

The Chief Commissioner welcomed the participants and thanked all the stakeholders for their co-operation during the first phase of TRS 2024, and requested that TRS 2024 may be completed next month with continued with the co-operation of stakeholders & staff. It was also requested to complete the process as early as possible for the Bills of Entry (BEs) / Shipping Bills (SBs) which are still in pipeline so wherever the duty payments can be expedited, those be done. He also requested to all the stakeholders to put their best foot forward for the balance Bills of Entry. The Chief Commissioner informed that there will be two short presentation by NS-II Commissionerate (EPSMMC) and NS-V Commissionerate (CRCL Lab of JNCH) and thereafter Agenda Points of CCFC will be taken up.

i. In the first presentation by NS-II Commissionerate, it was informed that the software (X-MAS i.e. eXport promotion Monitoring and Analysis System) is developed by NS-II Export Commissionerate in-house to manage Advance and EPCG authorizations. The Chief Commissioner informed that there have been instances in the past wherein multiple letters were submitted by trade for cancellation of Bonds in respect of EPCG / Advance authorizations (licences) but in the absence of a proper system, such Bonds had remained pending. X-MAS initiative aims to have a complete database so that department is in a position to systematically interact with the authorization holders. He informed that link for accessing X-MAS is available at JNCH website.

Commissioner, NS-II informed that data in respect of more than 81000 licences has been entered into the X-MAS System by the Export Commissionerate.

ii. The second presentation was made by NS-V Commissionerate which was regarding sampling application. It is a QR code based application, wherein each sample is provided with a QR code. It was informed that now when the samples are received in CRCL JNCH, and when test report

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gets uploaded, importers will get SMS and email alerts. This will make it convenient for Importers and the CBs to track the status report by log in into CRCL JNCH application and thereafter they can approach the Appraising Group for finalization of their Bills of Entry (BE).

Trade applauded the steps taken by NS-II (Export) and NS-V Commissionerates through these initiatives.

Thereafter, DC/CCO introduced Regional Director, FSSAI. Deputy Director, Directorate General of Systems, Officers from Plant Quarantine, Textile Committee & CDSCO to trade/stakeholders and informed that any issues related to the concerned representatives may be informed to them for early resolution.

With this, the floor was opened for discussion of agenda points.

1.0 Discussion on Actionable Points as per Minutes of CCFC Meeting Dated 05.09.2023:

1.1 Uniform Implementation of PN No.76/2020 pertaining to Liquid Bulk Imports and Procedures issued by Mumbai Customs Zone-I. (Para 1.1 of the minutes of CCFC Meeting dated 05.09.2023).

Response: DC/CCO informed that there was a demand for issuing a Public Notice in the said matter and accordingly Public Notice No. 90/2023 dated 10.10.2023 has been issued in this regard. It was decided to close this agenda point.

[POINT CLOSED]

1.2 Standardized Examination Orders are being issued by System: Trade may give their feedback on the same. (e.g. Textile fabrics, Garments, Yarn, Float/Sheet glass) (Para 1.3 of the minutes of CCFC Meeting dated 05.09.2023).

DC/CCO informed that there were complaints that the AOs and AC/DCs give additional instructions in the System. It was also informed that additional instructions have to be given only with the approval of ADC/JC. Trade informed that there have been considerable instances where FAG officers go to the editor's module and give supplementary examination orders mentioning 100% examination, order to check misdeclaration /concealment, verify all policy conditions, etc. The trade was requested to give list of such BEs.

Response:

The Chief Commissioner agreed that this practice needs to be controlled and such issues need to be taken up with Convenors of the NACs to curtail the supplementary examination orders. If Standardized Examination Order of any commodity needs improvement, Trade should submit proposal for the same, by writing the text of the Standardized Examination Order and suggested improvement. JNCH will examine the same and convey to NCTC for early resolution. The Pr. Commissioner NS-I requested trade to forward details of such Bills of Entry. It was informed that the Standardized Examination Orders are also being looked into by JNCH on its own, to provide feedback to NCTC. Further, if supplementary examination orders are being given for certain commodities more often, then reasons for the same need to be found out and issue needs to be brought to the notice of the Convenor of the relevant NAC.

[POINT CLOSED]

1.3 Port clearance permission to be issued electronically as per JNCH PN 67/2020. (Para 1.4 of the minutes of CCFC Meeting dated 05.09.2023)

Response: DC/CCO informed that this matter has been escalated to Directorate General of Systems for implementation of the online module and Directorate General of Systems shall work on it.

[POINT CLOSED]

1.4 Issues related to NOC issued for similar products by FSSAI. (Para 1.5 of the minutes of CCFC Meeting dated 05.09.2023).

DC/CCO informed that when there are multiple items in the Bills of Entry which are similar, the FSSAI NOC comes for one of the items and for the other items NOC is not being given. Accordingly, trade has to approach the Customs Officer for waiver of the same. In the last meeting, the FSSAI representative had informed that there was some glitch in the System and they are working on it. The FSSAI representative informed that when there are two or three similar items/products in a BE, they pick only one item for sampling purpose as the batch of other items

remain same. However it is to be asked from the trade why they are dividing the similar items into three serial numbers. To this trade replied that they do so because of the difference in packaging like 1Kg box, 5Kg box which changes the unit price of the item also.

Response : The Pr. Commissioner, NS-I suggested that if products are identical or similar, trade should mention only one item as far as possible. He further requested Regional Director, FSSAI to find a way in their System to give NOC to all of the similar items as the same is to be done by their officer only. Chief Commissioner further added that if it requires any modification in the System of FSSAI, the same should be done at the earliest as it appears to be a minor amendment of auto-populating NOC to similar items. Regional Director, FSSAI informed that they have already sent this suggestion of System modification, however they will find out solution in the matter as advised by the Pr. Commissioner, NS-I.

[ACTION: FSSAI]

1.5 Creation of Appropriate Seating Facilities for Representatives of Trade and Industry who are required to visit Customs for any matters. (Para 1.8 of the minutes of CCFC Meeting dated 05.09.2023).

Response: DC/CCO informed that the seating arrangements for representatives of the trade in the waiting area on the 5th, 6th & 7th floor has been made. JNCH is in the process of getting some more funds for the augmentation of seating facilities and improving the aesthetics part and some progress is expected by the end of this financial year.

[POINT CLOSED]

1.6 Delay in scanning process of Import ICD Containers. (Para 1.11 of the minutes of CCFC Meeting dated 05.09.2023).

Response: It was informed that the matter regarding delay in scanning process of Import ICD containers had been discussed with BMCT Officials and they had informed that due to complexity and System migration process, they will take 4/5 months for new System to resolve this issue. DC/CCO informed that last time an interim solution was discussed to divert BMCT containers to the new Fixed scanner. The CSLA representative said that there is little improvement as first scanning process was done in 3-4 days now it takes 2-3 days. The Chief Commissioner informed that since BMCT representative is not present,

this point we will be taken up in next meeting.

[BMCT]

1.7 IDPMS/EDPMS not reflecting BE and SB details (Para 1.12 of the minutes of CCFC Meeting dated 05.09.2023).

Response: DC/CCO informed that the problem about forex remittance of BEs & SBs not reflecting in the System existed at the RBI end as they were only showing part payment rather than the full payment, especially when the remittances were received in parts. The Trade pointed out that this being a long standing issue, solution in this regard may be provided. DC/CCO informed that the matter has already been taken up by the Chief Commissioner with the Board, for early resolution. The same will be followed up.

[Action: NS-I {AM(I)} & NS-II {AM(X)}]

1.8 Container scanning for LCL cargo (Para 1.14 of the minutes of CCFC Meeting dated 05.09.2023).

Response : Whenever the LCL container is marked as suspicious cargo of all the BEs has to be examined. After discussion, it was decided that this long pending matter will be examined in detail and solution will be found. This matter will be also taken up with NCTC, as the selection of container is done by NCTC.

[Action: NS-III (CSD) & NS-I (AM(I))]

1.9 Denial of deferred duty payment to AEO T2/T3 without any intimation & no remedy to restore (Para 1.15 of the minutes of CCFC Meeting dated 05.09.2023).

Response : The Chief Commissioner informed that the problems on this count have reduced now and only few instances have been noticed wherein DC/EDI has helped in resolving the said issue. If there are any such issues in future the trade can inform DC/EDI for resolving the said issue.

[POINT CLOSED]

1.10 Handling of Hazardous Cargo at CFS (Para 1.24 of the minutes of CCFC Meeting dated 05.09.2023).

Response : The Chief Commissioner informed that CCSP Cell is now proactively taking action on the said issue. Action has been taken against certain CFSs, and in one case the permission for handling hazardous cargo of that CFS has been withdrawn.

[POINT CLOSED]

1.11 Insistence of Non-Deduction of TDS by CFS (Para 1.25 of the minutes of CCFC Meeting dated 05.09.2023).

Response: The Chief Commissioner informed that when such instances are noticed, CCSP Cell will intimate Income Tax Department for action under the Income Tax Law.

[POINT CLOSED]

1.12 Transshipment Process. (Para 3.1 of the minutes of CCFC Meeting dated 05.09.2023).

Response: DC/CCO informed that CSLA has requested that the Bond and Bank Guarantee requirement for transshipment should be waived. It was informed that the present system of manual transshipment which is happening from Port of Hajira and Mundra will continue till the problem is resolved by the Directorate General of Systems.

[POINT CLOSED]

1.13 Availability of Examination order after registration of Shipping Bill. (Para 4.1 of the minutes of CCFC Meeting dated 05.09.2023).

The Trade had requested that once the goods are registered, the examination order should be visible to them. The Chief Commissioner informed that the request was examined and was not found acceptable in view of the risk involved.

[POINT CLOSED]

1.14 Gate Automation / Universal RFID Reader for ease of process of Export Clearances (Para 4.2 of the minutes of CCFC Meeting dated 05.09.2023).

Trade has been requesting that there should be one RFID reader rather

than multiple RFID readers at CPP.

Response: The Chief Commissioner informed that a demo of Universal RFID seal reader was conducted recently and it was successful as connectivity was sought on trial basis only for that day. But still there are issues to be sorted out and there are decisions to be taken. He informed that more time will be required for implementation.

[POINT CLOSED]

1.15 Upgradation of Testing Laboratories (Para 4.5 of the minutes of CCFC Meeting dated 05.09.2023).

DC/CCO informed that DC/Sample Cell, NS-V had briefed about the matter at the start of the meeting. The Trade requested to fix timelines for testing of various products by CRCL JNCH, FSSAI and Textile Committee and displaying the same on their respective websites.

Response: Chief Commissioner of Customs welcomed the suggestion and asked that the timelines for various items as requested by the Trade, may be displayed on the relevant websites.

[Action: NS-V CRCL), FSSAI, Textile Committee]

1.16 Amendments (Para 4.7 of the minutes of CCFC Meeting dated 05.09.2023).

Response: It was requested by Trade that amendments in BL number, container no. and all non-revenue amendments should be routed to PAG only. Request was made to BCBA to submit the issue in detail. Further, it was stated by the Chief Commissioner that the issue of amendment requires more detailed examination depending upon the type of amendment and its implications. Certain types of amendments are in the process of being identified for which current processes are proposed to be modified in the System. Also, it is clarified that all types of amendments cannot be treated at par, as they have different implications. DC/CCO requested the Trade representatives to meet Pr. Commissioner, NS-I in this regard after this meeting, because NS-I Commissionerate is already working on a Public Notice in this regard.

[Action: BCBA & NS-I {AM(I)}]

1.17 Issue related to Faceless Assessment/System (Para 4.8 of the minutes of CCFC Meeting dated 05.09.2023).

The Committee was informed about delay in generation of Bill of Entry numbers quoting RMS waiting and because of RMS waiting all the B/Es are marked for 100% Examination orders. NS-I Commissionerate was instructed to look into this matter in the previous meeting. Pr. Commissioner, NS-I informed that the instructions have been given to the officers that in case of RMS delay where there is no RMS or CCR instructions in the Bill of Entry the officers are advised to give similar examination orders as given in the previous Bill of Entry for similar or identical items. If there is any issues related to such Bills of Entry regarding examination orders given by FAG officers, the trade can directly bring it to the notice of concerned Commissionerate so they can take it up with NACs.

[Action: NS-I {AM(I)}]

1.18 Automated examination (Para 4.9 of the minutes of CCFC Meeting dated 05.09.2023).

The Committee was informed that this point will be taken as fresh Agenda point in this meeting.

[POINT CLOSED]

1.19 Destuffing of cargo detained by SIIB (I) and releasing the empty container to the Shipping line (Para 6.1 of the minutes of CCFC Meeting dated 05.09.2023).

Response: DC/CCO informed that the Container detained by SIIB (I) as informed by MANSA in the CCFC meeting was examined by SIIB (I) and action was taken as per the procedures. No further action in this regard is pending with SIIB (I), JNCH. This was an individual issue raised by MANSA. DC/CCO requested the trade to not take up individual matters in CCFC meeting, rather to take it up with concerned Commissionerate.

[POINT CLOSED]

1.20 Non availability of CVD Notification No. 01/2023 dated 04/05/2023 in the System (Para 7.1 of the minutes of CCFC Meeting dated 05.09.2023).

Response: The Committee was informed that the matter has been referred to NS-Audit and they are taking necessary steps for recovery and now this Notification is available in the System. The Trade informed that there are multiple serial nos. stipulating different kind of duties against each serial no. When the BE is filed, under S.No. 8 of CVD Notification No. 01/2023, duty is not captured by the system; then the Trade has to go for re-assessment and when the assessment officer re-assesses the BE to S.No. 1 of CVD Notification No. 01/2023, only then the duty gets captured by the system. Chief Commissioner of Customs, JNCH directed DC, EDI to check this issue.

[Action: NS-I (EDI) & NS-Audit]

1.21 Delay in faceless assessment and raising of piecemeal queries (more than 1 query) by the FAG officer (Para 7.4 of the minutes of CCFC Meeting dated 05.09.2023).

Response: Committee was informed that the matter has already been discussed. If any of the Officers of any FAG has given such piecemeal queries, then the same may be brought to the notice of Pr. Commissioner/Commissioners so that they can take up the matter with NAC.

1.22 COO Certificates sent for verification by the department (Para 7.6 of the minutes of CCFC Meeting dated 05.09.2023).

Response: The Committee was informed that the Groups will finalize the Bills of Entry as soon the verification report is received from the Board. The Appraising Main (I) section is following up with the FTA Cell for early response. Standing Order No. 25/2023 dated 10.11.2023 has been issued in this regard to streamline the process. As per this SO, the pending Bills of Entry are being referred to FTA Cell for verification. Also, Groups have been directed to finalise the provisionally assessed Bills of Entry as soon as the requisite verification report is received.

[POINT CLOSED]

1.23 Customs ICEGATE / EDI System not accepting Customs Duty

on 2nd, 4th Saturday & Bank Holiday via RTGS and NEFT but calculates interest for the same (Para 7.7 of the minutes of CCFC Meeting dated 05.09.2023).

Response: The Committee was informed that the matter has been taken up by EDI, JNCH and it is informed that revenue collection reports are getting generated for 2nd and 4th Saturdays. It appears that the integration of duties in ICES is done in EDI even on the 2nd and 4th Saturdays. MACCIA (Maharashtra Chamber of Commerce, Industry and Agriculture) was further requested to contact Pr. Commissioner NS-I, if they are still facing any such problems.

[POINT CLOSED]

1.24 One Time Permission for disposal of Export Long standing goods lying in CFSs for longer Period - Approximately close to 794 export consignments are lying uncleared in CFSs for an indefinite period (Para 8.1 of the minutes of CCFC Meeting dated 05.09.2023).

Response: The Committee was informed that this point will be taken up as a fresh agenda.

[POINT CLOSED]

1.25 Expediting the decision of Hold containers withheld by various Investigating agencies - As on date approximately 1331 containers of 23 Member CFSs are on hold by various investigating agencies (Para 8.2 of the minutes of CCFC Meeting dated 05.09.2023).

Response: Committee was informed that age-wise pendency was submitted to the department. Commissioner, NS-General informed that Disposal Task Force is already working in this direction. The containers are being examined and wherever mis-declaration have been found the same are forwarded for investigation. For the rest of the containers, disposal section itself is working to reduce the pendency and more are in the pipeline. Chief Commissioner of Customs, JNCH informed that in last nine months more than thousand containers have been released. Board is also monitoring this issue. Department is submitting quarterly report to Board regarding age-wise pendency and its disposal. The Director General, DRI has also been requested for resolving the matter at the earliest. There are more than 1000 containers which are put on hold by various investigation agencies and it takes little bit of time to release

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containers and it is work in progress.

[Action: NS-General (Disposal)]

1.26 Expeditious Disposal of Uncleared/Unclaimed RED sanders lying with Custodians (Para 8.3 of the minutes of CCFC meeting dated 05.09.2023).

Response: The trade has raised this matter as a fresh agenda point.

[POINT CLOSED]

Fresh Agenda Points received from the various agencies/stakeholders/trade for CCFC meeting held on 11.01.2024

ADC(I), CDSCO requested to take up the points related to their office first.

BCBA requested to clarify whether a hospital is also required to take a Medical device (MD) licence before importing a medical device/machine in addition to MD licence taken by manufacturer/importer. To this ADC informed that there is a provision that the original MD licence holder/manufacturer has to come in agreement with the hospital and hospital has to submit the undertaking to ADC that they are importing directly from the licence holder. Further, MD licence holder/manufacturer has to submit an undertaking that manufacturer shall be responsible for the functioning of the medical device/machine. The said undertakings shall be submitted before import clearance. Chief Commissioner requested ADC(I), CDSCO to issue a Public Notice in this regard.

Further trade requested ADC to do away with the manual NOCs to which ADC replied that it is System issue as many characters are not taken up by the System and they are working on it. Further ADC informed that the documents do not open in ICES and therefore manual intervention is required. In response to this, Pr. Commissioner, NS-I stated that the same may be informed to him as it is defeating the whole purpose of SWIFT. ADC informed that for reports like Parliamentary Questions, RTIs etc. past records are also not available in the System. In this regard, Pr. Commissioner, NS-I informed that there is a CBIC OM dt. 31.01.2023 regarding sharing of CTHs/CTIs of interest, selectivity criteria and related correspondences by PGAs and an SOP regarding uniform implementation of Non-Tariff Measures, in compliance of the decision of NCTF chaired by the Cabinet Secretary. The Pr. Commissioner, NS-I advised ADC to

go through the said OM and SOP to mitigate the issues related to their PGA. Further all the queries regarding data by PGAs should be referred to Director, Customs who is the nodal officer of SWIFT through their headquarters.

2. Container Freight Stations Association of India (CFSAI)

2.1 Auction of UCC cargoes mandatory after 4 Auctions - However NOC for disposal is not forthcoming despite multiple auctions-

Response: Commissioner of Customs, NS-General informed that there are containers which are lying for more than 10 years, the department is trying to expedite it with the help of a special drive and will come out with some kind of one time solution. Department will seek the help of Trade to identify those cases where numerous auctions have been done and the auction price is less than 10% of original value. In case of hazardous and perishable cargo, JNCH is invariably following directions of Board for disposal. The Chief Commissioner suggested the to the Trade to give list of those containers which are below 10% value so that necessary steps for disposal may be taken to release the space and the container. The Trade assured to give the list to Commissioner of Customs, NS-General.

[Action: CFSAI & NS-General (Disposal)]

2.2 Re: Disposal of export longstanding containers lying in various CFSs for a long period- “one-time request for disposal” is pending –

Response : The Committee was informed that CFSAI has requested for one-time permission for disposal of export longstanding containers lying in various CFSs for long period and they also submitted that there should be an SOP in this regard. Chief Commissioner informed that the procedure has to be laid down. It was also informed that this matter is under consideration and procedure will be put in place through a Public notice.

[Action: NS-General (Disposal)]

2.3 Disposal of 102 Uncleared/Unclaimed Red Sanders lying with Custodians

Response : The Committee was informed that the Board has granted a fresh quota in 60 cases for disposal of said goods and similar cases from DRI. JNCH is taking up the matter with DRI for further action and after receiving positive reply these will be taken up for Disposal. The Chief

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Commissioner informed that JNCH will pursue it with DRI for early resolution.

[Action: NS-Gen(Disposal)]

3. Brihanmumbai Custom Brokers Association (BCBA)

a: Exports:

3.1 Non-intrusive examination to be conceptualised for export cargo

DC/CCO informed that BCBA has informed that there should be non-intrusive examination i.e. scanning in place of physical examination for goods under the NEEV initiative. In this regard, the Export Commissionerate has responded that the request to resort to scanning can be accepted in limited cases and not in all the cases because physical examination is also required for checking compliance with the CCR, the policy conditions and to know the quality and quantity of cargo. Scanning can only help in checking misdeclaration or concealment but not all EXIM policy related issues. Thus scanning is useful but it cannot be a substitute for physical examination and it cannot do away the examination process.

Response: The Chief Commissioner stated that for AEO clients or regular manufacturer exporters a different approach can be adopted regarding this. However, it has to be commodity wise and after considering the status of the exporter (AEO / non-AEO, manufacturer, etc.).

[Action: NS-II]

3.2 Request for monitoring Examination of export cargo as per PNs No. 19/2023 and 50/2023.

BCBA informed that the first round for Physical Examination of export shipments is getting started after 3 PM and the officers are not adhering to the norms laid down in the above PN. Further, request was made for monitoring the handling of Examination at all CFSs, especially at JWR and Conex CFSs.

Response : Commissioner of Customs, NS-II informed that they are

monitoring all CFSs regularly and have also instructed all the officers to clear all consignments even if it necessitates sitting late than normal working hours. A Townhall was also conducted on 29th December, 2023 wherein all Export Docks officers were once again sensitized to adhere to the norms of PNs No. 19/2023 and 50/2023.

[POINT CLOSED]

3.3 Review Examination Orders for Vaccines, Perishable cargo.

The Trade requested to review Examination Orders for Vaccines, Perishable cargo etc., wherein open examination orders are being given. Vaccines imported under reefer with temperature control cannot be opened as it can damage goods and the same can not be used.

Response : Pr. Commissioner of Customs, NS-I informed that the matter has been referred to NCTC for corroborating the specific Bills of Entry provided by BCBA wherein 100% examination order was given. The Chief Commissioner suggested that whenever any such instance arises, then the Trade can inform the concerned Joint/Additional Commissioner of Customs, Docks for early resolution.

[Action: NS – I]

3.4 Request for scanning of Containers at Terminals only

The Committee was informed that for AEO Clients, the container is allowed for scanning at Drive through scanner only after submission of bond and after due permissions. BCBA has requested that containers should be scanned at Terminals only.

Response : The Chief Commissioner informed that selection of the containers for scanning as well as for selection of scanning location, comes under the purview of NCTC. It was further informed that NS-III Commissionerate is pursuing this matter with NCTC. Principal Commissioner of Customs, NS-I, JNCH informed that NCTC is going to mark the container to specific scanner.

[Action: NS – III (CSD)]

3.5 Delay in clearance for testing of samples

Trade referred to JNCH Public Notice No. 34/2022-23 dated 17.6.2022, for testing of samples of goods falling under Chapter 25. For Bills of Entry assessed at FAG, certificate of analysis is being accepted. But,

delay is being noticed at the time of OOC as officers are insisting on drawal of samples. The Trade requested to issue necessary guidelines in this regard to avoid delay and for ensuring faster clearance.

Response : The Committee was informed that a reference is made in the agenda point to Public Notice No. 34/2022-23 dated 17.06.2022 which is regarding Practice of assessment of goods under Chapter 25 and Chapter 26. Para 3 of the same is the substantive part of the Public Notice, and is reproduced below :-

“In cases where importer is a manufacturer and have valid Previous Test Report (PTR) (not more than 6 months old covering the identical goods, grade, specifications, COO & supplier) is available with importer then in such cases Bill of Entry shall be finally assessed on second check basis subject to the following conditions :

(i) Importer has to upload the PTR on E-Sanchit.

(ii) Importer has to declare details of relied upon valid PTR in description of Bill of Entry.”

It is stated in the above para of the Public Notice that Bill of Entry shall be finally assessed on second check basis subject to the conditions therein. Hence, samples are required to be drawn on first check basis only if valid PTR is not uploaded on E-Sanchit by manufacturer importer or the details of the same is not declared in the description field of Bill of Entry. As long as the said PN is in place, the procedure being followed is in consonance with the same.

The Chief Commissioner suggested to review the said public notice as sample drawal should be tariff item specific rather than the whole Chapter.

[Action: NS-I (Gr. I/IA)]

3.6 Facility Notice from FSSAI to release goods provisionally for T2, T3 clients only

DC/CCO informed that presently the goods are being released provisionally for T2, T3 clients. The Trade has requested to extend this facility to T1 clients also. It was informed that T1 client cannot be equated with T2 and T3. There are certain incentives which Government gives to the Importers for upgrading the status from lower category to the higher ones.

Response: FSSAI representative informed that they are provisionally releasing the goods in respect of all AEO clients. Further, Commissioner NS-I informed all the PGAs that AEO flag is now visible to PGAs also.

[POINT CLOSED]

3.7 Refund of interest charged in ECL due to EDI issue

Due to issues of ECL module, on certain occasions, Customs Duty was not getting integrated with the E-payment module even after payment. This resulted in payment of interest for no fault of the Trade. Trade requested that for such interest which is charged or double payment which is incurred due to EDI issues, should be refunded back in a simplified manner to the Importer / Customs Broker who has paid the duty.

Response :- The Committee was informed that in terms of Para 2(d) of Advisory dated 27.07.2023 issued by ICEGATE and JNCH Public Notice No. 63/2023 regarding the same, this matter is to be referred to CRC section for necessary action. Furthermore, there is no question of double payment of duty, because if the electronic payment via ECL does not succeed, the amount paid will be reverted to the ECL from where it was initiated.

[POINT CLOSED]

3.8 Erroneous Examination Orders – Streamlining Process for Rectification:

The BCBA raised the point regarding increasing cases wherein erroneous Examination Orders are given, and the process to rectify these orders is taking 3-5 working days.

Response : The Committee was informed that all the Groups have been directed to follow Circular No. 16/2022 dated 29.08.2022. Further, it was suggested to trade that such cases where erroneous examination orders are given by RMS, the same may be brought to the notice of concerned Commissioner so that it can be analyzed and taken up with NCTC.

[POINT CLOSED]

3.9 Post arrival amendments should not result in re-assessment of the Bill of Entry

The Trade informed that Bills of Entry are now being re-assessed in the EDI system after amendment in the Bill of Entry, whereas earlier i.e. till a couple of months back, such changes were being regularized directly without re-assessment. This has resulted in reduction of filing of Advance Bill of Entry. Trade requested that the earlier provisions of incorporating such amendments in the Bill of Entry post arrival, may kindly be restored without re-assessment on online basis and without parallel manual paper work and process.

Response : This matter appears to be a policy matter and needs to be examined for the benefits vis-a-vis risk associated with it. The efforts should be directed to improve data quality by all relevant stakeholders through enhanced timely collaboration in order to minimize such increasing number of amendments. The Chief Commissioner insisted that proper data should be filed by Importers/CBs, in discussion with Shipping Lines. The Chief Commissioner also advised that the matter may be discussed in detail with the Principal Commissioner, NS-I after this meeting.

[Action: NS – I]

4. Container Shipping Lines Association (CSLA):

4.1 Online option for IGM amendment:

The IGM amendment is completely manual process. The application for IGM amendment is accepted in hard copy only. The import volumes have been increased significantly at all the ports in the last 5-6 years. Accordingly the number of amendment cases too have been increased in that proportion. Customs have digitized & simplified many legacy processes in the last five years. The amendment process too needs to be digitized & simplified. The online option of IGM amendment will assist trade to reduce dwell time in terms of cargo clearance process. The Trade asked for the update regarding the matter.

Response :

In this regard, it is informed that this issue was already discussed & closed in the previous CCFC meeting at para 3.2 wherein, Commissioner NS-General had informed that they have already taken note of it and they are following it up with Directorate General of Systems in this regard.

[POINT CLOSED]

4.2 Option required to download IGM & EGM acknowledgment on ICEGATE portal –

There is frequent delay in processing of IGM & EGM messages on ICEGATE portal. Many a times IGM / EGM response is communicated after 10-12 hours only. In many cases, the acknowledgment is not communicated to the concerned Shipping Line / Agent. In absence of acknowledgement file, the missing IGM item / EGM missing case comes to notice when customer doesn't find the BL or Shipping Bill details during the filing of Bill of Entry / IGST refund which delays the cargo clearance & EGM filing process. Trade requested JNCH to take up the matter with CBIC & Directorate General of Systems team to provide online solution to download the acknowledgment / message filing status of IGM / EGM.

Response : The Chief Commissioner informed that the matter is being examined by Principal Commissioner, NS-I and they will take up this matter with Directorate General of Systems for early resolution.

[Action: NS-I]

5. IMC Chamber of Commerce and Industry.

5.1 The Committee was informed that last Minutes of PTFC held on 26.10.2023, with reference to the points raised that Importer who chose to do DPD, their efforts were getting frustrated due to Shipping Lines claiming damage to containers; when containers are taken to the Shipping Line nominated Empty Yard, objections are raised that the container is damaged, thereby detaining the container on the truck and subsequently recovering container detention and damage bills. Many a times, their empty yard informs the Customs brokers that there is no space, resulting in a fresh nomination of empty yard to be procured from Shipping Lines, further increasing logistics cost. Bills are raised by Shipping Lines even though container is surveyed and it is certified that there is no damage to the container in the CFS when dispatched from CFS to empty yard. It was also requested if the following decision could be kindly taken, which would be of great assistance to the Exim Industry.

- 1. When the empty container is received at Empty Yard, the container should be immediately received and unloaded. If any damage is found, the same could be addressed subsequently, rather than compelling the Exim Industry to bear additional cost by detaining the trailer.*

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2. *If the empty Yard does not have space, the Shipping Lines should not recover any further container detention charges and must be liable to compensate for the detention of Trailer and diversion charges to newly nominated Empty yard.*
3. *This issue may be pursued with JNPA authorities for provision of empty container yard.*

Response :

It was suggested that the Shipping Line should waive the container detention charges subsequent to the period after empty container has been brought to the designated empty container yard as the trade has complied with its obligation by bringing back the empty container to the yard which was specified by the Shipping Line. If any charges have been levied on this count, then the same should be refunded in the fairness of the things. The Chief Commissioner suggested that inventory management must be improved by Shipping Lines and whenever the empty container yard reaches certain storage capacity (80% or 90%), then Trade should be informed through email / SMS, the details of the new empty yard so as to avoid eastage of time and money in diversion of empty container from one empty yard to another empty yard. Further, since the container line is accepting that it is very rare instance, burden of extra cost may be avoided on the Trade. Also container lines may sensitize their members. Further, if any case arises, the Trade can inform it to SCMTR Cell for resolution. Shipping line representative assured that they will not charge the customer for such kind of delays.

[POINT CLOSED]

5.2 It was requested the Commissioner of Police, Navi Mumbai, be invited to attend PTFC and CCFC Meetings to resolve the chaotic Traffic Problems on the route from Panvel to JN Port and outbound from JN Port on a daily basis. All users would have encountered and seen that despite there being beautiful 4 lane roads, Lorries and container trailers occupy all the lanes simultaneously, which leads to slowing down the movement of traffic and numerous accidents with loss of lives as well.

Response : As the matter is not related to Customs the same was withdrawn by IMC Chamber of Commerce and Industry.

[POINT CLOSED]

5.3 Exim Industry get daily exploited at all the CFS's when they have to clear LCL cargo. The EXIM trade is forced to pay Rs. 1900 per tempo to

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locals, without which clearance is not permitted, thereby creating law and Order problems and increasing handling cost. Copies of receipts were shown, which have no logical basis of collection.

Final comments : CFSAI representative confirmed that these charges are not imposed and collected by CFSs; that in fact, the bills enclosed with agenda point are generated by some transporters and not by CFSs. Therefore, no reply can be given in this regard as it is out of purview of Customs.

[POINT CLOSED]

6. The Chairman thanked all the participants.

This issues with the approval of Chief Commissioner of Customs, Mumbai Customs Zone-II, JNCH, Nhava Sheva.

(Venugopal Aiyer)
Asstt. Commissioner of Customs
CCO, JNCH, Nhava Sheva,
Mumbai Customs Zone-II

Copy to:

1. PS to Zonal Member / Member (Customs), CBIC, New Delhi
2. All Pr. Commissioners/Commissioners, JNCH, Nhava Sheva
3. All members of CCFC
4. DC/EDI (for uploading on website)
5. Office copy