

OFFICE OF THE COMMISSIONER OF CUSTOMS (EXPORT),

JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,

TAL: URAN, DIST : RAIGAD, MAHARASHTRA-400707.

F.No. S/12-GEN-2/06-07 AM(X) Date: 26.06.07

PUBLIC NOTICE No. 29 /07.

Sub:-Dispense with practice for recovery of revenue deposit of Rs. 3000/-

u/s. 42 of the Customs Act, 1962.- reg.

Attention is invited to the instructions issued by the CBEC vide [F.28/12/70-Cus](#) IV dated 22.5.1970 regarding security deposit in respect of foreign going and coastal vessels under Section 42 of the Customs Act, 1962 and Public Notice No 12/07 dated 22.3.2007.

2. [Public Notice No 12/07](#) dated 22.3.2007 prescribes a bond, each time provisional port clearance is sought, for each vessel, to be submitted to the proper officer by the Shipping Line /Agent to fulfill the requirements prescribed under Section 42(2) of the Customs Act, 1962. Shipping Lines/Agents have requested for a running, one time bond to cover all provisional port clearance allowed to them.

3. The issue has been examined and as a trade facilitation measure, it is decided to prescribe a running, one time bond to cover all provisional port clearances allowed to shipping lines/agents. Accordingly in partial modification of the PN No 12/07 dated 22.3.2007, the format of the bond shall be substituted by the format enclosed as Annexure to this Public Notice.

4. Difficulties, if any, may be brought to the notice of the undersigned.

sd/26.06.2007

(SANJEEV BEHARI)

Commissioner of Customs

EXPORT, JNCH.

Encl: Annexure A

ANNEXURE - A

General Bond For Provisional Port Clearance

The President of India,
through Commissioner of Customs (Export),
Jawaharlal Nehru Custom House,
Tal: Uran, Dist: Raigad
Nhava Sheva, Maharashtra

KNOW ALL MEN BY THESE PRESENTS that we M/s .. herein after called Shipping Line/Agents of vessels (which expression shall include its agents/successor/heirs, executors, administrators and legal representatives) are hereby held and firmly bound unto the President of India, hereinafter called the President (which expression shall include his successors and assigns), through the Commissioner of Customs (Exports), Jawaharlal Nehru Customs House, Tal: Uran, Dist: Raigad, Nhava Sheva, Maharashtra, for all liabilities and dues as is hereinafter mentioned.

WHEREAS, the Asstt./Dy. Commissioner of Customs, Jawaharlal Nehru Customs House, Tal: Uran, Dist: Raigad, Nhava Sheva, Maharashtra (hereinafter called the Proper Officer) has agreed to give provisional port clearance for such vessels and goods carried therein (with respect to which this Shipping Line/Agent is an agent for the purpose of Section 148 and Section 147 of the Customs Act, 1962), as requested by the Shipping Line/Agent, pending submission of further documents and furnishing information as may be called for by the Proper Officer in compliance with the provisions prescribed under Section 42(2) of Custom Act, 1962.

Section 42(2) of the Customs Act, 1962, states that the port clearance shall not be given by the proper officer until -

- a) the person-in-charge of the conveyance has answered the questions put to him under section 38;
- b) the provisions of section 41 have been complied with;
- c) the shipping bills or bills of export, the bills of transshipment, if any, and such other documents as the proper officer may require have been delivered to him;
- d) all duties leviable on any stores consumed in such conveyance, and all charges and penalties due in respect of such conveyance or from the person-in-charge thereof have been paid or the payment secured by such guarantee or deposit of such amount as the proper officer may direct;
- e) the person-in-charge of the conveyance has satisfied the proper officer that no penalty is leviable on him under section 116 or the payment of any penalty that may be levied upon him under that section has been secured by such guarantee or deposit of such amount as the proper officer may direct;
- f) in any case where any export goods have been loaded without payment of export duty or in contravention of any provision of this Act or any other law for the time being in force relating to export of goods,-
 - (i) such goods have been unloaded, or
 - (ii) where the Assistant commissioner of Customs or Deputy Commissioner of Customs is satisfied that it is not practicable to unload such goods, the person-in-charge of the conveyance has given an undertaking, secured by such guarantee or deposit of such amount as the proper officer may direct, for bringing back the goods to India.

NOW THE CONDITION of above written bond is such that

- (1) If the Shipping Line/Agent shall within one month or within such extended period as the Proper Officer may allow, produce such documents and furnish such information as may be called for by the Proper Officer as required by the provisions of Section 42(2) of the Customs Act, 1962, and
- (2) If the Shipping Line/Agent shall pay to the President, through the Commissioner of Customs (Exports), Jawaharlal Nehru Customs House, Tal:Uran, Dist:Raigad, Nhava Sheva, Maharashtra any penalty and fine or any dues that may be payable by them, in respect of the vessel and goods for which provisional port clearance has been given by the Proper Officer,
- (3) The Shipping Line/Agent shall pay such duties, fine, penalties and any other dues imposed and demanded within one month of a demand being made by the Proper Officer or any other officer of Customs so empowered by the Commissioner.

AND IT IS HEREBY AGREED AND DECLARED by the Shipping Line/Agent as follows :-

- 1 This bond is given under the orders of the Central Government for the performance of an act in which the public are interested.
- 2 This Bond shall remain in full force upto the obligations as above are fulfilled for all such vessels and goods for which provisional port clearance is allowed.

3 The President through the Asstt./Dy. Commissioner of Customs or other officer may recover the said amount of duties, fine, penalty or any other dues in the manner laid down in sub-section (1) of Section 142 of the Customs Act, 1962 without prejudice to any other mode of recovery.

IN WITNESS WHEREOF the Shipping Line/Agent has herein set and subscribed its hands and seals the day, month and year first above written.

SIGNED AND DELIVERED by and on behalf of the Shipping Line/Agent at ..in the presence of:-

1.

2.

DATE:

Accepted

For and behalf of the President of India

(Signature of the Authorized Officer)

in the presence of

1.

2.