



सीमाशुल्कप्रधानआयुक्तकार्यालय (एन. एस. -I)
OFFICE OF THE COMMISSIONER OF CUSTOMS (NS- I),
मूल्यनिरूपणमुख्य (आयात)/APPRAISING MAIN (IMPORT)

जवाहरलालनेहरूसीमाशुल्कभवन/JAWAHARLAL NEHRU CUSTOM HOUSE, शेवा/SHEVA,
तालुका/ TAL-उरण/URAN.; जिला/DISTRICT- रायगड/RAIGAD, महाराष्ट्र/MAHARASHTRA-
400707, (ई-मेल/email : appraisingmain.jnch@gov.inदूरभाष/Telephone No: 022-27244979)

फा. सं/F.N.:S/22-Gen-44/2017-18 AM(I)Pt. X

दिनांक /Date: - .09.2023

दिनांक31/08/2023कोसम्पन्न 'स्थायीव्यापारसुविधासमिति' (आयात) कीबैठककाकार्यवृत्त
MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE
(IMPORT) AUGUST HELD ON 31/08/2023

The PTFC meeting held through physical mode on 31/08/2023 was chaired by Shri. D. S. Garbyal, Commissioner of Customs (Gen/NS-III) and attended by Shri Sonal Bajaj, Commissioner of Customs (NS-V) and Shri Sanjeev Kumar Singh, Commissioner of Customs (NS-II).

The meeting was attended by the following members/participants of the trade: –

क्रमसं./ Sr. No.	नाम(सर्वश्री/सुश्री/श्रीमती) Names(S. Shri /Ms./Mrs.)	(संगठन/संघ/ पदनाम) Organisation/Association	Mode of Attendance
1	Anand Bhole	HMM Shipping	Physical
2	Victor Fernandes	MANSA	Physical
3	Kalpesh J. Jadhav	YML	Physical
4	S. Srinivas	CFSAI	Physical
5	Harshwardhan Gautam	Concor Terminal JN Port	Physical
6	Manish Kumar	CSLA/MANSA	Physical
7	Sunil Vaswani	CSLA	Physical
8	Subhash Bangar	All Cargo	Physical
9	Jacob Thomas	CFSAI	Physical
10	Venkatram Narayan	CFSAI	Physical
11	Nimish Desai	WISA	Physical
12	Ashok Saini	BCBA	Physical
13	Sanjay Shingote	BCBA	Physical
14	Maruti R. Gadge	BCBA	Physical
15	R. Rajasekhar	UPL	Physical
16	Nirav C. Thakker	BCBA	Physical

17	Ganpat P. Korade	BCBA	Physical
18	Vinayak B. Aparaj	BCBA	Physical
19	Sanjeev Harale	BCBA	Physical

2. विभागीय अथवा सेनिमल लिखित अधिकारियों ने बैठक में भाग लिया: -

Following Officers from the department attended the meeting: -

क्रमसं./ Sr.No.	नाम(सर्वश्री/सुश्री/श्रीमती) Names(Shri/Ms./Mrs.)	पदनाम Designation
1.	Shri Prasanna V. Pattanashetti	Addl. Commissioner, Customs
2.	Smt Mamta Saini	Addl. Commissioner, Customs
3.	Shri Vaibhav Pagare	Addl. Commissioner, Customs
4.	Shri Subhash Yadav	Addl. Commissioner, Customs
5.	Shri K.K. Prasad	Addl. Commissioner, Customs
6.	Ms. Usha Nilkanth Bhoyar	Joint Commissioner, Customs

Shri Prasanna V. Pattanashetti, Addl. Commissioner of Customs, NS-I Commissionerate, JNCH, started the discussion on the agenda points of the meeting relating to the import.

3) **BCBA के द्वारा उठाया गया कार्यबिन्दु / Agenda Points raised by BCBA**

i. **कार्यबिन्दु संख्या 01/Agenda Point No.01:**

- “ Review of Hazardous P.N. No. 42/2023 issued in lieu of 46/2017 – Issued for Haz Cargo for examination- importer and technical person to be present at the time of examination.*
- Kindly refer to P.N. No. 94/2017 dated 11.07.2017 clarification is issued hence we request you to kindly review the same.*
- Review/ withdrawal of P.N. No. 184/2016 – we have earlier requested to withdraw above P.N., Non-compliance customs Brokers are penalized, though OOC given by Deptt.”*

प्रतिक्रिया/Response:-

For these particular P.Ns. (P.N. No. 42/2023 regarding procedure for clearance of import cargo categorized as “ Hazardous Goods ” issued in lieu of 46/2017 regarding Procedure for clearance of export cargo categorised as “ Hazardous Goods ” and P.N. No. 94/2017 regarding “Procedure for chemical examination of cargo of non- hazardous category to be exported in ISO tanks”, it was suggested that trade may take up matter for discussion with the NS-I Commissionerate in a separate meeting as these P.Ns. are pertaining to NS-I, JNCH.

With respect to P.N. No. 184/2016 regarding “Clarification in respect of ‘part delivery’ where OOC is obtained at DPD/RMS Facilitation Centre at JNCH ”, wherein permission for part delivery is required from Customs. It was informed in the PN that RMS Facilitation Center does not have any access or physical control over the CFS. Hence, the permission for part delivery of cargo (other than DPD) will be permitted by AC/DC/Docks in charge of the concerned CFS. It

was discussed during the meeting that the issue may be examined and if any loopholes are found, it may be rectified on priority basis. Further, it has to be ensured that the facilitation may not be used by the miscreants for unlawful activities.

(Action: - NS-I Commissionerate)

4) **CFSAI के द्वारा उठाया गया कार्यबिन्दु / Agenda Points raised by CFSAI**

i. **कार्यबिन्दुसंख्या 01/Agenda Point No.01:**

“ *Expediting the decision of Hold containers withheld by various investigating Agencies – As on date approx. 1331 containers of 23 member CFSs are on hold. Request for taking up with investigating agencies at the earliest in getting the permission for disposal of said containers at the earliest and release the container to Shipping Line.*”

Ageing Analysis Summary of Containers

Ageing	Count of containers
10 years & above	291
8-10 years	88
5-8 years	186
3-5 years	209
1-3 years	353
Less than 1 year	204

Agency Wise Summary of Containers

Agency	Count of Containers
CBI	01
CESTAT	03
CIU	273
CSD Hold	01
Custom hold	03
Disposal	34
DRI	223
M & P	03
MPIU	07
NCB	01
NCLT	01
NSPU	09
NSPU & R&I	02
Others	07
Police	02
R&I	28
SIIB-Imports	690
SIIB-Exports	43

प्रतिक्रिया/Response:-

A Committee has been constituted wherein the Disposal Section, JNCH would interact with the Investigating Agencies and the Examination of the on-hold containers may be done with the help of the Disposal Section and Investigating Officer.

(बिन्दुसमाप्त/ Point Closed)

5) **IMC के द्वारा उठाया गया कार्यबिन्दु / Agenda Points raised by IMC**

- i. **कार्यबिन्दुसंख्या 01/Agenda Point No.01:** “ *Difficulties faced with ECL resulting in payment of Interest on Custom duty already paid not being displayed on the ICEGATE. Though ECL facility has largely stabilized and clearance are quicker, there are still cases wherein even though the Custom duty is paid the same does not figure on the ICEGATE, resulting in payment of interest, further there is no recourse for waiver of the same. The only recourse is for repayment of Custom duty with interest and subsequently making an Application for refund.*

We request that an easier solution be kindly formulated, wherein, the trade does not have to pay custom duty twice along with interest and then apply for refund.”

प्रतिक्रिया/Response:-

As per the P.N. 63/2023 regarding “ Advisory for operationalisation of the Customs and consequential regularization of electronic Bills of Entry in case of Out of Charge (OOC) ”, a solution to the problem of repayment of Customs Duty with interest was already addressed wherein with the help of challan generated in the ICEGATE system importer can file refund application in refund section under section 27 of Customs Act 1962 provided the conditions mentioned in PN 63/2023 are fulfilled. Thereafter, the refund may be processed on priority basis. If any pendency may be present regarding refund application despite submitting all necessary documents then the same may be brought under kind notice of Commissioner of Customs, NS-III, JNCH.

(बिन्दुसमाप्त/ Point Closed)

ii. **कार्यबिन्दुसंख्या 02/Agenda Point No.02:** “ *Setting up of WhatsApp group wherein the Customs and all Service providers, members of PTFC Meeting form part of the same. Since the TRS group has become non-functional.*

It is regularly noticed that many issues are encountered on daily basis-

1) Repeated break down of EDI System.

2) Officers not at CFS's or their work stations, delaying examinations.

3) Officers are granted leave and the replacement details are not shared.

4) Difficulties encountered with reference to Container damage resulting in clearance being delayed.”

प्रतिक्रिया/Response:-

The Whatsapp Group is already formed.

(बिन्दुसमाप्त/ Point Closed)

6) **CSLA के द्वारा उठाया गया कार्यबिन्दु /Agenda Points raised by CSLA**

i. **कार्यबिन्दुसंख्या 01/Agenda Point No.01:Transshipment Process:-**

Export / Import via transshipment through other Indian Port without going third country –

“ As per DG System circular 01/2018 foreign shipping lines have been allowed to do transshipment of EXIM containers from one Indian Port to Other Indian port. This is permissible in SCMTR under CBEC circular 38/2018 regulation 9 (a) as sea carriers are required to file departure & arrival manifest at each port whenever cargo is loaded or discharged. Since SCMT filing is not yet functional, presently IGM of import shipments, is filed at the 1st Indian port as transshipment to other Indian port and on the basis of the TP copy approved manually by gateway customs, this shipment is loaded on another ship for import discharge at the other Indian port of call. Subsequently a new IGM is filed at this next Indian port of call with CFS/ICD details. A common SOP needs to be developed to cater this kind of transshipment requirement.

This point was discussed with Principal ADG, ICES System during a meeting at NCH Mumbai held on 11th Aug 2023. He mentioned that the existing process may be continued till SCMT message filing is successfully tested & implemented. He may further discuss this issue with the policy team to issue proper advisory to avoid any ambiguity by the customs office across the country.

JNCH is requested to continue the existing process until the SCMT message filing process is successfully tested & implemented.”

प्रतिक्रिया/Response:-

Whenever the Transshipment is carried out through INNSA1, the already existing practice shall be followed without any changes.

(बिन्दुसमाप्त/ Point Closed)

7) **WISA केद्वाराउठायागयाकार्यबिन्दु /Agenda Points raised by WISA**

- i. **कार्यबिन्दुसंख्या 01/Agenda Point No.01:** *“Para 2.12 of Foreign Trade Policy states “Clearance of goods from Customs against Authorization – Goods already imported / shipped / arrived in advance, but not cleared from Customs may also be cleared against an authorization issued subsequently. However, such goods already imported / shipped / arrived in advance are first warehoused against Bill of Entry for Warehousing and then cleared for home consumption against an authorization issued subsequently.”*

Here, DGFT is not stipulating any condition but just narrating usual practice being followed. However, some officers in the department are insisting on first warehousing the goods (which are freely importable) and then using authorisation issued subsequently while ex-bonding the same. This is clearly not the intention of policy makers as evident from the language used in FTP.

We request you to kindly clarify the process and issue suitable instructions by way of PN/SO or recording in the minutes.”

प्रतिक्रिया/Response:-

There is no such case pertaining in general practice, if there is any issue at individual level then it should be informed to the DC / AC of that particular Docks or CFS and same may be resolved by DC / AC Docks.

(बिन्दुसमाप्त/ Point Closed)

ii. **कार्यबिन्दुसंख्या 02/Agenda Point No.02: Review of PN 34/2022 :**

“ The said PN stipulates mandatory testing or a valid PTR for all items covered under Chapters 25 & 26. We agree the same is much essential for minerals where composition and or ingredients may vary from batch to batch. However, manufactured items, more so those requiring mandatory BIS registrations like Grey Portland cement, White cement and other items manufactured in factories may be exempt from the mandatory testing. We request to modify the said PN suitably.”

प्रतिक्रिया/Response:-

During the meeting the trade was suggested to discuss the said issue with officers of Group I/IA, JNCH in detail so that the necessary action may be taken since the matter specifically pertains to Group I/IA.

(Action: - Group 1/1A)

- iii. **कार्यबिन्दुसंख्या 03/Agenda Point No.03:FAG not honoring 1st check requests:** *“ In some peculiar cases, importer seeks 1st check assessment for various reasons including provisional assessment (other than SVB cases) while filing a Bill of Entry. Such Bills of Entry are invariably marked for assessment by systems but goes to FAG and they assess it*

on 2nd check disregarding importer's request. Such Bills of Entry are re-called by PAG groups and marked for re-assessment on 1st check but they are again assessed on 2nd check by FAG. This is happening quite regularly and all such BEs with such requests may please be marked to PAG only going forward.”

प्रतिक्रिया/Response:-

Whenever the concerned Appraising Officer or AC/DC Docks found that the details submitted by the Importer regarding the respective consignment are enough to give 2nd check then there is no need to give 1st check in those instances. In case, if concerned PAG marked the BE for 1st check and the FAG gives 2nd check disregarding the PAG order, then such cases may be brought to the notice of the concerned ADC/ JC.

(बिन्दुसमाप्त/ Point Closed)

- 8) The meeting ended with a vote of thanks to the Chair.
- 9) This issues with the approval of the Commissioner of Customs, NS-I.
- 10) Any amendments to these minutes be provided within next four days.
- 11) Minutes are placed on the JNCH website and also sent through emails to the members.



(Shweta Suman)

स.आयुक्त, सीमाशुल्क/Asstt. Commissioner of Customs,
मूल्यनिरूपणमुख्य(आयात)/Appraising Main (I),
जे.एन.सी.एच., न्हावाशेवा/ JNCH, Nhava Sheva.

सेवामें /To,

पी.टी.एफ.सी. केसभीसदस्योंकोईमेलकेमाध्यमसे /All the Members of PTFC(through email)

प्रतिलिपि/Copy to :(ईमेलकेमाध्यमसे)

- 1) मुख्यआयुक्त, सीमाशुल्क, मुंबईअंचल-II/Chief Commissioner of Customs, MUM Zone-II;
- 2) प्रधानअपरमहानिदेशक, करदातासेवामहानिदेशालय, मुंबई/The Principal Add. Director General, Directorate General of Tax Payers Services, Mumbai Zonal Unit, room No 138/139, New Custom House, Mumbai-400001(mzu-dgtps@gov.in);
- 3) लोकपाल, अप्रत्यक्षकर, मुंबई/The Ombudsman, Indirect Taxes, Mumbai;
- 4) सीमाशुल्कआयुक्त, मुंबईअंचल-II/ Commissioner of Customs, Mumbai Zone-II;
- 5) सभीअपर/संयुक्तआयुक्त, जेएनसीएच, न्हावाशेवा /All ADCs/JCs JNCH, Nhava Sheva;
- 6) सभीउप/सहा. आयुक्त, जेएनसीएच, न्हावाशेवा /All DCs/ACs JNCH, Nhava Sheva;
- 7) सहा/उपआयुक्त, ईडीआई,
जेएनसीएच, न्हावाशेवाकोअविलंबवैबसाइटमेंअपलोडकरनेकेलिए/AC/DC, EDI, JNCH, Nhava Sheva, for uploading in JNCH website;
- 8) कार्यालयप्रति/Office Copy.