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#### MINUTES OF CUSTOMS CLEARANCE FACILITATION COMMITTEE (CCFC) MEETING HELD ON 04.10.2024

The Customs Clearance Facilitation Committee (CCFC) Meeting was held on 04.10.2024. Shri Rajesh Pandey, Pr. Chief Commissioner of Customs, Mumbai Customs Zone-II, JNCH, Nhava Sheva presided over the meeting.

Sr.	Name	Designation
No.		
1.	Shri Dipak Kumar Gupta	Commissioner, NS- IV
2.	Shri Sonal Bajaj	Commissioner, NS-V
3.	Shri Ashwini Kumar	Commissioner, NS-III
4.	Shri Sanjeev Kumar Singh	Commissioner, NS-II
5.	Shri Vinay Kumar Kantheti	Addl. Commissioner of Customs, CCO
6.	Shri Subhash Yadav	Addl. Commissioner, NS-I
7.	Shri Mallinath Jeure	Addl. Commissioner, NS-II
8.	Dr. Chittaranjan Wagh	Jt. Commissioner, NS-II
9.	Shri Venugopal Aiyer	Asstt. Commissioner of Customs, CCO
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The following officers of the Department attended the meeting: -

10	).	Shri Gurinder Singh Sohal	Assistant Commissioner, NS-Gen
11	ι.	Dr. P. Karmakar, Chemical	JNCH Lab(DYCC) CRCL
		Examiner, Grade-I	

The following PGAs/Stakeholders attended the meeting:-

Sr. No.	Name (S/Sh./Ms.)	Name of the PGAs/Stakeholders
1	Yogesh N. Warkad,	Dy. Director, Wildlife Crime Control
		Bureau(WCCB), WR
2	Rakesh Burman	Inspector, Wildlife Crime Control
		Bureau(WCCB), WR
3	Sukant Chaudhary	Dy. Director, FSSAI WR
4	Dr. Karuna Dhale	Asstt Director, FSSAI WR
5	Prasenjit Khandare	Textile Committee
6	Rajesh Verma	ADC, CDSCO
7	Milind P. Patil	ADC, CDSCO
8	Dr. Ranjith M	APPO, Plant Quarantine
9	N. K. Meena	Asst. Director, RPQS
10	Ravi D. Rao	JNPA
11	R. H. Mahesh	JNPA
12	Paresh Shah	WISA
13	Subhash N. Dongre	One(I) Pvt Ltd
14	Dushyant Mulani	FFFAI
15	Sanjeev Harale	BCBA
16	Hiren Ruparel	BCBA
17	Kiran Rambhia	BCBA
18	Paras Shah	BCBA
19	Harsh Lapsa	BCBA
20	Ganpat Karade	BCBA
21	Paresh K. Thakkar	BCBA
22	Shivendra Mhatre	GTI-APMT
23	Nimish Desai	WISA
24	Mrs. L. Ganguly	AIWCBA
25	Divya Shetty	AIWCBA

26	Rahul Mhatre	D P World
27	Jacob Thomas	CFSAI
28	Umesh Grover	CFSAI
29	S. Srinivas	CFSAI
30	Sunil Vaswani	CSLA
31	Manish Kumar	CSLA/MANSA

The Pr. Chief Commissioner warmly welcomed all the participants to the CCFC stating that due to unforeseen circumstances, this CCFC meeting was being held after a long time although there had been other meetings with most of the stakeholders like PGAs, Trade Associations, stakeholders and Customs Brokers. He further informed that the officers in the past one and half years have taken various local initiatives and developed some IT Applications like E-SAMADHAN, X-MAS, improvements in CRCL sample tracking application. A lot of extra effort is made by the officers to develop these applications. He emphasized on continuous engagement from all the stakeholders through feedback and suggestions on the said applications so as to refine the same. He highlighted that last year JNCH had launched E-SAMADHAN as a helpline and grievance redressal system for exports. Thereafter, in January, X-MAS (Export Promotion Monitoring & Analysis System) application for export obligation monitoring was launched in January, 2024. The Pr. Chief Commissioner also informed that during the visit of the Chairman, CBIC and Member, CBIC during the month of May, a kiosk for checking CRCL JNCH Test reports was inauguarted by the Chairman, CBIC.

The Pr. Chief Commissioner further informed that in addition to some of the local initiatives as mentioned above, at all India level, new ICETABs have been provided to the officers for examination purpose. The target is that the officers will carry out examination and feed the examination report and images of the goods on the spot before proceeding for the next examination so that all the examination reports are not fed in one go which had been happening all along. He further informed that the configuration of ICETABs and mapping of the officers was completed on 27<sup>th</sup> September, 2024. On 28<sup>th</sup> September, 30<sup>th</sup> September and 1<sup>st</sup> October, 2024; the percentage of examination process carried through ICETABs has been 22%, 59% and 70% respectively, which is constantly increasing. Various instances of connectivity issues in certain CFSs have been noticed. Being a major

initiative on examination side to ensure transparency and speedy completion of work, which will reduce dwell time of cargo, proper cooperation from Custodians of the CFSs is essential. It has been decided that if the CFSs are not able to provide connectivity within a reasonable time, which results in defeating the initiative of the Government, then, operations of those CFSs will have to be suspended so that no examination work is carried out there. It is to ensure that the Government's will is not defeated due to the inaction on the part of the Custodians of the CFSs. He requested for feedback and cooperation from all the stakeholders in order to make it a success.

The Pr. Chief Commissioner also informed that the Investigation Units of JNCH have been very active in recent months. There have been a series of seizures of betelnuts, sex toys, cigarettes, vintage cars and motorcycles, cashews, kiwis, red sanders, etc. All these seizures have been made on the basis of intelligence developed by the Officers. He requested all the stakeholders of the Customs ecosystem to be alert and provide inputs regarding smuggling so that we collectively keep our port and JNCH Customs safe.

The Pr. Chief Commissioner further informed that the Government has started work on a new Customs Integration System (CIS) which will eventually replace present ICES system. This whole initiative is being closely monitored by the Board and the Revenue Secretary. Inputs were gathered and a report was submitted in respect of the areas of Customs clearance which are not yet automated. The timeline for rollout of the Customs Integration System is in 2026. It is the Government's objective that all the stakeholders and PGAs shall work on the same Customs Integration System.

The Pr. Chief Commissioner informed that riding on the strength of the X-MAS (Export Promotion Monitoring & Analysis System) application, during the period of January, 2024 to August, 2024; 11,347 EPCG and Advanced Authorization licenses whose export obligation had been completed, were cancelled. Further, in the month of September, 2024 alone, more than 11,000 such licenses have been cancelled. He requested for feedback on all these IT applications developed by the Officers JNCH, including about what more can be done, any improvements can be made, etc.

The Pr. Chief Commissioner then inaugurated an Export Sale-Proceeds Monitoring System, named DRISHTI, which will give a wide view to the NS-II Commissionerate for monitoring the realisation of export sale proceeds. He then requested Shri Sanjeev Kumar Singh, Commissioner of Customs, NS-II to give a brief introduction regarding the same. The Commissioner of Customs, NS-II informed that DRISHTI is an Export Sale-Proceeds Monitoring System developed in-house by JNCH under the guidance of Shri Rajesh Pandey, Pr. Chief Commissioner and requested Shri Mallinath Juere, Additional Commissioner, NS-II to give a presentation on the same.

Shri Mallinath Juere, Additional Commissioner, NS-II informed that 'RBI-BRC Module' was introduced by the Board for proper monitoring of realization of export sale proceeds for all Shipping Bills. However, this module is not free from various concerns some of which include non-reporting of remittances by banks received in multiple parts, non-accountal of minor difference in forex realization due to bank charges, sales commission, etc., no provision of closing the matter after the exporter returns the proportionate drawback etc. Therefore, a need of a software application was felt. Accordingly, this Custom House has developed an inhouse Export Sale-Proceeds Monitoring System namely 'DRISHTI', in order to effectively monitor the realization of export sale proceeds for recovery of ineligible Drawback/ RODTEP/ ROSCTL. He also informed that the officers of Drawback Recovery Cell will be monitoring the realization of export sale proceeds through this software application and send the Consultative Letters / SCNs generated through this software application. This software application will help in issuing voluminous number of CLs/SCNs within a short period of time, which will be prepared by the software application and will be sent via email, thus ensuring easy tracking of status of CL/SCN etc. He further informed that accurate data shall ensure that exporters are not falsely flagged as defaulters and no repeated notices for the same Shipping Bills shall be sent, which shall result into enhanced process efficiency. He concluded the presentation by stating that DRISHTI is a critical tool for ensuring regulatory compliance and shall help in identifying real defaulters and recover ineligible drawback. He then requested for the support and feedback from the trade for smooth implementation and further improvement of this software application DRISHTI.

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

### 1.0 Discussion on Actionable Points as per Minutes of CCFC Meeting dated 21.05.2024

1.1 Delay in clearance for testing of samples (Para 1.14 of the minutes of CCFC Meeting dated 21.05.2024).

Assistant Commissioner/CCO, Shri Venugopal Aiyer informed that Public Notice No. 34/2022-23 dated 17.06.2022 is being reviewed individual tariff item wise in coordination with other FAGs. Once it gets finalized, the same will be informed accordingly. Further, the Commissioner of Customs, NS-V, Shri Sonal Bajaj informed that they shall be taking a log of the entire process of drawl of samples and take required action, if any.

#### [Action: NS-I, NS-V]

## **1.2** Option required to download IGM & EGM acknowledgment on ICEGATE portal (Para 1.16 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

The matter was discussed in detail with the stakeholders and the issue has been referred to Directorate General of Systems, New Delhi vide email dated 05.04.2024 for early resolution. The same will be followed up.

#### [Action: NS-I]

# **1.3** The consignments which are under investigation by any agencies of Customs (SIIB, CIU etc.) may be intimated to PQ department before referring for PQ NOC. (Para 2.2 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

Assistant Commissioner, CCO informed that if an investigation into a consignment of agro commodities reveals prima facie evidence of non-compliance with the Plant Quarantine (Regulation of Import into India) Order, 2003; then details about the said consignment will be intimated to PQ department.

#### [Point Closed]

### 1.4 Long Standing Containers: (Para 3.1 of the minutes of CCFC Meeting dated 21.05.2024).

It was informed that the issue of long standing containers has been discussed several times in the past, in the PTFC, CCFS & CTF (Container Task Force) meetings. In this regard, data of such containers is provided to the JNCH regularly by the CFSAI every month. However, the instructions contained in Board Circular 50/2005 issued for disposal of such containers, is not being followed resulting in congestion of space at the CFSs as well as non-availability of these containers for Indian exports. Storage of such containers also increases the cost of logistics. It was also recommended that JNCH restart holding CTF meetings at least every quarter with all the stake-holders & agencies to help monitor & expedite the clearance of long-standing containers, particularly containers pending beyond 6 months. It was also proposed that a time limit should be set for De-stuffing of cargo and release of such containers to the concerned lines so that these could be used for Indian exports.

#### **RESPONSE:**

As per data in respect of long-standing containers, as received from CFSs, the unsuccessful shipments/lots even after third auction, shall be considered for fourth auction against the fixed reserve price. Further there are many lots that are getting no bid at all. At present, there is no provision in respect of lots, which are not getting bid. Emphasis is given on holding CTF meeting on regular basis with all the stakeholders & agencies to expedite the clearance of long-standing containers. Further, with regard to the goods meant for destruction, 222 cases are pending for NOC from BARC. In this regard, reminder letters/mails dated 06.08.2024 and 23.08.2024 to BARC have been sent. However, reply is still awaited. GEN/1417/2024-CCSP-O/O COMMR-CUS-GEN-NHAVA SHEVA In case of 95 cases of non-perishable goods, the MPCB has denied to provide NOC for destruction. MPCB has been approached in this matter to conduct a meeting with the stakeholders and sort out the issue of destruction of non-perishable goods. A mail dated 09.05.2024, in this regard, was sent to MPCB Authority. Further, a mail dated 13.06.2024 to MPCB regarding NOC issuance of the said cases has been sent. However, reply from MPCB is still awaited. In respect of Reefer containers, BARC has issued the NOCs for destruction in case of 47 consignments vide their letter dated 10.04.2024. Out of 47 Reefer Containers, 20 Containers have been disposed of by the way of destruction. 13 containers are under hold of various investigation agencies, 11 containers are pending for destruction for Group NOC, 2 containers are pending for FSSAI NOC and 1 container is pending for PQ NOC. Correspondence with the concerned office is being done on regular basis in order to expedite the disposal of long standing containers. A special drive for disposal of long standing containers will be conducted in the near future.

[Action: NS-Gen]

### **1.5** SCANNING ISSUE: (Para 3.2 of the minutes of CCFC Meeting dated 21.05.2024).

The containers destined for ICDs are selected for Mobile & D scanning. One of the D scanners is outside the port gate. In order to avoid huge additional charges, recently ICD destined Containers, marked for D-1 scanning, are allowed for mobile scanning inside the port terminal in the working days. As D-2 scanning option is available inside BMCT terminal as well, the ICD destined Containers of other port terminal selected for D scanning should be allowed for D scanning at BMCT terminal. The trailer carrying scanning selected containers should be allowed to bring containers at D-2 scanning site at BMCT &vice versa through internal express / TP 3 road basis on SMTP /IGM hard copy document & customs scanning list. As per standard process the scanning stamp (CLEAR/ SUSPICIOUS) may be given on SMTP / IGM hard copy. This additional option will reduce at least two days of dwell time on weekends and assist faster evacuation of containers. At the last PTFC meeting, the Commissioner of Customs (General), Shri D.S. Garbyal, advised if the ICD destined containers were not being marked for the mobile scanner, the same should be brought to the notice. Further, it was informed that D-scanning, JNCH had written to NCTC to allow such containers to be scanned at BMCT. If this too did not happen then the concerned line should bring this matter to the attention of JNCH. As of now, the situation still persists & hence this request once again for an early resolution.

#### **RESPONSE:**

Since, the selection of the containers for scanning and scanning location pertains to NCTC, the same was pursued with NCTC with the request that all ICD destined containers to be scanned at DTCS-BMCT (DT-02)/Mobile Scanner (MXCS) only to resolve the issue. Assistant Commissioner, CCO informed that no ICD destined containers are being selected for D-1 scanning. However, if so, it may be brought to the knowledge of CSD so that NCTC can be apprised of the matter.

[Point Closed]

### **1.6** Delay in assessment: (Para 4.1 of the minutes of CCFC Meeting dated 21.05.2024).

On regular basis trade is facing delay in assessment. Irregular working of AEM and limited role of TSK are not able to help the trade. Suitable escalation mechanism needs to be created if the Bills of Entry are not

#### assessed within 24 hours.

Suggestion:

- CBIC Circular 14/2021-Cus sets a time limit for attending to Bills of entry. If this time limit is exceeded, the Bill of Entry should automatically be sent back to the PAG location for completing assessment.
- Urgent time-wise accountability needs to be created within EDI system.
- Creating a faceless monitoring system through CBIC for all locations, with a window to report issues through the CBIC website.
- AEM in terms of CBIC circular, needs to work seamlessly to mitigate delays.

#### **RESPONSE**:

Guidelines pertaining to the assessment under FAG are being judiciously adhered to by the officers working under the Groups. AEM grievances received are being attended to in orderly manner. It is being ascertained that no Bills of Entry are pending at the end of the day. Further, officers are ensuring that no Bills of Entry are pending for processing under FAG, at 1.00 pm, 5.00 pm and 8.00 pm i.e. end of the day. In this regard, Standing Order 01/2024 dated 01.01.2024 has been issued by JNCH for timely monitoring of daily review and disposal of pendency. This S.O. ensures that no actionable item is pending for processing and decision at the end of day.

TSK is immediately forwarding the grievances received through emails to the concerned port/concerned section & further pursuing it till issue gets resolved as per standing order No 18/2020 dated 14.07.2020. Further, a compilation is also being sent to F.A. Roll out group on regular basis.

The Principal Chief Commissioner of Customs, JNCH suggested to send a proposal to the Board for taking up the issue with the DG System for making necessary arrangement in the work flow.

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

**1.7** Monitoring of high number of queries and multiple queries to be avoided. The numbers of queries have gone up considerably. On many

occasions officer tends to raise 3 queries in a bill of entry which is leading to piecemeal approach towards resolution. On certain occasions, it is also experienced that after replied FAG officer often push bill of entry back to PAG where another query is raised by PAG Officers. (Para 4.2 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

On receipt of the Bills of Entry from FAG, under PAG, relevant queries, if necessary are raised. There is no other mechanism available with the Group officers to address to the issues, in cases where relevant information needs to be sought from the importer/CB. Specific instances, if any, may be shared for further action.

[Point Closed]

1.8 Recall and Re-assessment of Bills of entry in case of incorrect assessment. We request that there are many instances wherein during assessment at FAG, the FAG Officer denies the benefit of exemption notification and also enhance the assessable value without raising query. (Para 4.4 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

Laid out procedures with regards to re-call and re-assessment as per Board's Instruction vide F. No. 390/Misc/3/2019-1C dated 27.04.2020 are followed. Re-assessment is done only after raising specific query.

All officers in the groups have been sensitized on issue and directed to raise query before denying exemption notification or enhancing assessable value.

Further, all amendments are being taken as per Public Notice No. 13/2024, Board's Advisory No. 32/2020-Cus dated 13.09.2020 read with Board's Circular no. 40/2020 dated 04.09.2020. Any specific instances of apparent error may be brought to the notice of Concerned Commissioner.

#### [Point Closed]

1.9 Bill of Entry being kept aside on Low Priority: Provision to keep aside the Bill of Entry should be withdrawn on urgent basis. This provision is totally non-transparent against the basic principle of transparency and predictability. We request suitable amendment to CBIC circular no.45/2021. (Para 4.6 of the minutes of CCFC Meeting dated 21.05.2024).

Bills of Entry are kept on low priority only on rare instances like pending amendments, adjudication proceedings, verification of various factors like classification, valuation, benefits etc. Officers have been sensitized to record proper reason while setting aside the Bills of Entry.

#### [Point Closed]

**1.10** Delay in clearance of import consignments due to delay in testing of samples by DYCC (Para 4.7 of the minutes of CCFC Meeting dated 21.05.2024).

- Reducing procedure and timelines for drawing of samples and submission of the same for testing.
- Robust monitoring of time token by DYCC to test the samples and provide test report.
- Monitoring the reports given by DYCC especially in cases where there is variance as compared to Cargo Analysis Report.

#### **RESPONSE:**

Against the previous timeline of three days, after the introduction of the QR system and streamlining the procedure, the samples are sent to the laboratory on next day and are being received by the laboratory on the same day. All the samples pertaining to First Check, AEO, Second Check Live B/E, Liquid Cargo in Bulk etc. are tested and reported within 2-6 working days. For other samples also, all the Assistant Chemical Examiners and Chemical Assistants have been instructed to do the testing at the earliest. Time taken by the laboratory is regularly reviewed by the senior officers. Efforts are being made to get more manpower from CRCL New Delhi to deal with the pendency issues. In case of exigencies viz. non-availability of reagents, breakdown of instruments etc., the delay may occur or if the sample is received with trade name (without proper description/chemical composition). All the tests are done scrupulously in the Laboratory. The samples where there is a variance as compared to cargo-analysis report the importer has legal recourse. The trade suggested that all the PGAs to adopt the similar policy viz. Bar code, so that the status of test report may be known to the importer. The same was accepted for consideration by PGAs. The offices are kept open on Saturdays in the month of September and October, 2024 to reduce the dwell time. Further, the Commissioner of Customs, NS-V, Shri Sonal Bajaj informed that they shall be taking a log of the entire process of drawl of samples and take necessary action, if any.

[Action: NS-V (CRCL, JNCH)]

#### 1.11 Delay in clearance due to want of EIR Copy

EIR copies should be available online in EDI system. Consignments should not be held up for want of physical copy of EIR. This should be integrated with ICEGATE/ EDI systems and do away with manual interference. (Para 4.9 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

EDI has been working on integration of scanning image verdict with ICEGATE / ICES 1.5. Once complete integration and stabilization is tested, the presentation of physical copy of EIR copy will be phased out through a Public Notice.

[Point Closed]

### 1.12 Proposal to Amend PN No 42/2023 for Examination of HAZ cargo (Para 4.10 of the minutes of CCFC Meeting dated 21.05.2024).

- Discuss the need to issue a suitable advisory to amend PN No 42/2023 concerning the examination of hazardous (HAZ) cargo categorized under Class 5, Class 8 and Class 9.
- Consider allowing the examination of HAZ cargo in the presence of CFS (Container freight Station) personnel who possess a certified training certificate for handling HAZ cargo.
- Evaluate the feasibility and implications of instructing CFS to prominently display the certificate of handling HAZ cargo, along with a list of personnel who hold the certification.

#### **RESPONSE:**

The JNCH Public Notice No. 42/2023 dated 17.05.2023 has been issued from NS-I, JNCH which requires presence of expert supervision of trained personnel provided by the Importer. The name of expert person is to be displayed in the CFS. Specific instances, if any, may be shared for further action.

#### [Point Closed]

1.13 Streamlining Query Resolution Process for FAG Bill of Entry (Para 4.11 of the minutes of CCFC Meeting dated 21.05.2024).

- Review the challenges encountered when multiple queries are raised by the officer during the processing of FAG Bill of Entry.
- Discuss strategies to avoid delays in clearance by assessing the Bill of Entry at FAG itself, rather than passing it to PAG after repeated queries.
- Explore potential measures to improve efficiency and reduce the time taken to resolve queries, ensuring timely document clearance and smoother operational flow.
- All FAG Bills of Entry should not be allowed to push to PAG without permission from concerned Commissioner of Customs.
- Any additional examination order, if not approved by Joint/ Additional Commissioner, should not be considered as an Examination Order.

This issue already been discussed at **Point No. 1.7 previously**.

[Point Closed]

1.14 Addressing Issues with ICEGATE Functionality (Para 4.12 of the minutes of CCFC Meeting dated 21.05.2024).

Online amendment modules need to be strengthened and made robust. Due to frequent downtime of online amendment module, trade is required to approach the Service Centre. Further, whenever there is a downtime of online module, the Service Centers should be appropriately provided with man power to avoid the delay being faced at present. Service Centers should be available in all Clusters of CFS's.

#### **RESPONSE:**

It is informed that matter was earlier escalated to ICEGATE via email dated 14-05-2024. However, as of now no response has been received from their end. A reminder for the same has again been sent on 05.09.2024 for the earliest resolution.

#### [Action: NS-I(EDI)]

**1.15** Gate Automation / Universal RFID Reader for ease of process of Export clearances (Para 4.13 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

This point is also included as a fresh Agenda point and will be discussed at that time.

#### [Point Closed]

#### 1.16 Priority clearance for accredited and AEO Exporter / Status Holders / Manufacturers (Para 4.14 of the minutes of CCFC Meeting dated 21.05.2024).

With a view to progress with NEEV (Nhava Sheva Export Encouragement Vision) initiative and to support the export trade, the following is being suggested:

- Priority for Assessment and Examination (if not facilitated) Ref. PN 117/2018 scope to be enhanced and implemented.
- As available on import side, SB of AEO status holders, should be provided priority through EDI System.
- Priority to provide LEO.
- Routine queries to be avoided.
- Exemption from Drawl of Samples as per CBIC Circular No 5/2017-Cus dated 28.02.2017.

#### **RESPONSE:**

Board has constituted a committee headed by Commissioner NS-II to examine all aspects of export module of ICES. The Committee has submitted its report and a few recommendations have already been implemented in ICES. DG System is working on the recommendations of this report.

#### [Point Closed]

#### 1.17 Proper Infrastructure in Examination Centre at Parking Plaza. (Para 4.15 of the minutes of CCFC Meeting dated 21.05.2024).

#### **RESPONSE:**

In this regard, a committee was formed under the leadership of AC/CPP for giving suggestions regarding infrastructure development at CPP. The various facilities available at CPP are as follows:-

a. The foundation work is completed and installation of scanner at CPP garage is in progress.

b. Kiosk machine is already installed at CPP

c. CPP has sufficient labour available in the open examination shed and whenever there is a need of extra labour, the same is arranged.

d. There are 02 forklift machines in working condition.

e. CPP has developed the facility for examination of refers cargo in the open examination shed which has been successfully trial and tested by the respective Examination Officer Customs.

#### [Point Closed]

### FRESH AGENDA POINTS RECEIVED FROM THE VARIOUS AGENCIES/STAKEHOLDERS/TRADE:

#### 2. <u>CONTAINER SHIPPING LINES ASSOCIATION (INDIA)</u>

2.1 SMTPs email messages are not being forwarded to shipping line/agent's authorized user of respective port locations. This issue is unresolved since last 23 days. Despite escalation by JNCH, ICEGATE team is not taking any action to resolve this issue. Import ICD Container remain unreleased in the terminal until manual SMTP printout out is given by import noting section. JNCH is requested to take up this matter with ICEGATE and arrange resolution on top urgent basis.

#### **RESPONSE:**

The matter has been flagged to the Directorate General of Systems. They are aware of the issue and are working on it. Meanwhile the Import Noting Section is facilitating printing of SMTP documents during working days. On holidays/Sundays the Bond Officers are processing prints.

#### [Point Closed]

2.2 Poor response of ICEGATE team when IGM/EGM acknowledgement is not generated – After continuous follow up also, IGM/EGM acknowledgement when it is not auto processed is pending since last four -five months. In absence of acknowledgement, shipping lines are not aware how many shipping bills / BL items have been successfully validated or rejected. We request JNCH to designate one focal person at JNCH to co-ordinate with ICEGATE and arrange resolution in one day only. The designated focal person should be

#### available on weekend also to address weekend IGM/EGM issues.

#### **RESPONSE:**

The matter is flagged before the Directorate General of Systems. It has been informed by the Directorate General of Systems that they are attending to this issue.

#### [Point Closed]

2.3 EGM acknowledgement is not processed/communicated when sailing report is updated by the boarding officer after filing of EGM. Shipping lines/agent representative submit sailing report application to boarding office to update sail date & time in the system. The shipping lines representative don't get any confirmation from Boarding office whether sailing report have been updated or not. After one day of submission of sailing report application, assuming sailing report must have been updated by Boarding Officer, The shipping line/agent file EGM on ICEGATE portal. representative The negative acknowledgement is processed by ICEGATE with 'G' error when EGM is filed by the shipping line but sailing report is not updated by the boarding officer. Earlier, when sailing report was updated by the customs officials post filing of EGM also, the positive acknowledgment was auto processed and communicated to the authorized user of shipping line/agent. But in ICEGATE 2.0. once negative acknowledgement is processed, the positive acknowledgement is not processed if sailing report is updated post filing of EGM. This issue needs to be taken up with ICEGATE and earlier process of auto generating positive acknowledgement should be re-initiated.

#### **RESPONSE:**

The matter is flagged before DG, Systems.

[Action: NS I]

2.4 Update on Online Port Clearance Permission process – The discussion on online port clearance process was conducted at JNCH three – four months back. The online process was supposed to be started in the month of July 2024. JNCH is requested to share update on the online port clearance process.

#### **RESPONSE:**

Suggestion made in previous interaction. The Team developing online PC Module

has been asked to make presentation after incorporating all.

[Action: NS General]

2.5 There are few SCMT Cell / SIIB cases where Order-In-Original is pending for more than six months even for the case which is already examined & investigation process completed by one of the department more than six months ago. We will appreciate if a timeline is fixed for all such cases for timely completion of adjudication process so that the empty container could be released and utilized for Export purpose without keeping container idle for years.

#### **RESPONSE:**

All cases involving investigation reports from agencies are adjudicated according to the timelines specified in the Customs Act, 1962. Thus, ensuring a structured and timely approach to resolving these cases, maintaining compliance with legal requirements and facilitating efficient processing. Further, the timeline fixed for adjudication are being followed diligently and only in few cases such lacunae arise. Board already monitors Adjudication of issued SCNs vide SAADHIT and AAKALAN reports, therefore fixing of timeline for adjudication does not appear to be required at this moment, since the report itself prescribes it.

[Point Closed]

2.6 Need to conduct Container Task Force Meeting on regular basis for discussion of long standing cases. Earlier, this meeting was conducted in every two months. But since last 2-3 years, hardly any CTF meeting have been conducted.

#### **RESPONSE:**

NS-Gen is working on the issue and the Container Task Force Meeting shall be held shortly.

#### [Action: NS-General]

2.7 SCMT filing related issues are still unresolved, Need feedback from on all the issues. The structure of Export messages including multiple house BL and multiple shipping bill cases are still not available. CSLA have been sharing SCMT related issues with JNCH & DG System on regular basis, the feedback is still awaited. We request JNCH to arrange feedback on all CSLA related issues.

The matter has already been conveyed to the Directorate General of Systems.

[Point closed]

2.8 Presently 80% Import ICD Containers which discharged at other terminal too are marked for D2 scanner of BMCT that is leading congestion at BMCT and delays scanning process by 4-5 days. Further, the scanner of BMCT terminal is non-functional on many occasions which creates huge congestion in the scanning lane. The mobile scanning process is completed within 1-2 hour only. Transporters are not ready to deploy vehicle for BMCT D2 scanner especially for the import ICD containers which discharged at other port terminals. The Tractor Trailer have to go through different seven queues to scan one box. The Approx. gross waiting time takes 15-24 hrs/Box.

Port terminal should be engaged in scanning process to avoid multiple handling in yard and reduce dwell time of Import ICD Containers, This will help trade in saving huge additional logistics cost and improve evacuation performance.

A clear guideline is required for railing of Import ICD Containers when Scanning list is not generated by customs system for 3-4 days. Containers should not be on hold in the terminal for 3-4 days, this leads to huge port storage cost.

Transshipment containers too are selected for scanning at transshipment & gateway port. It should not be selected at transshipment port. The scanning selection of same transshipment containers at multiple port is delaying evacuation & increasing huge additional cost.

#### **RESPONSE:**

In this regard, it is submitted that this Commissionerate has no role in selection of the containers for scanning as well as selection of scanning location. Issue raised by the CSLA comes in the purview of NCTC and matter was pursued with NCTC. Further letters dated 20.03.2024 and 15.04.2024 were written to the NCTC to look into the request of CSLA to select all ICD bound container to be scanned at DTCS-BMCT (DT-02)/Mobile Scanner (MXCS) only to resolve the issue. Due to operational constraints and limitation of MXCS, all the ICD bound rail container

cannot be diverted to MXCS as it may create traffic congestion inside the port as the capacity of scanning of MXCS is very less compare to DTCS.

Regarding requirement of clear guideline for railing of Import ICD Containers when Scanning list is not generated by customs system for 3-4 days, it is submitted that the same is under consideration and proper guidelines will be issued in due course of time.

Regarding transshipment containers, it is submitted that Public Notice No. 60/2024 dated 05.07.2024 had already been issued. Para 2 of which provides the procedure of scanning of the rail bound ICD containers under transshipment.

The Principal Chief Commissioner of Customs, JNCH suggested Commissioner of Customs, NS-III to hold a meeting with all the stakeholders in this regard. It was also suggested to follow First-in-First-out (FIFO) policy for discharging of containers from the Port Terminal. Further, it was also advised that no distinction with respect to containers selected for scanning and not selected for scanning should be made.

#### [Action: NS III]

#### 3. <u>BCBA</u>

#### **Import related**

#### 3.1 Role of National Assessment Centres (NACs)

The role NACs were introduced under Faceless Assessment at the time its inception. The basic responsibility of NAC was to ensure speediest clearances without delay. CBIC circular no. 40/2020

- a. Ensure speedy and uniform practices.
- b. Overall conceptualize criteria role in successfully implementing.
- c. Further The Commissioner (s) in this zone would interact with trade and industry for inputs, and on issues relating to assessment and inter alia assist stakeholders, by taking suitable measures, locally and be a part of the National Assessment Centres constituted by Board.

#### \_The Present situation

• At present NAC have just started interaction with trade.

- There is urgent requirement to set up formal mechanism of redressal of issues such as delay in assessment, overriding of standing examination order, wrong examination order being prescribed, unilateral change of classification, valuation etc. keeping the Bills of Entry aside on low priority, non-providing of speaking order etc. BCBA Letter Ref. BCBA/DM/296:168/2024 dated 06.5.2024 is attached.
- Specific email IDs and contact details along with list of NAC convenors needs to be provided
- This valuable feedback from trade & industry to NAC will help to reduce the clearance time of import consignments.
- A structured escalation and monitoring mechanism will help as an important trade facilitation measure to create trust based working environment and Ease of Doing Business.
- A suitable CBIC circular along with Public Notice at each location would be important to laid down the clarity for evolving a process to carry out personal hearing and issuance of speaking order.
- Regular monthly meeting of ALL NAC Group needs to be convened on All India basis along with PAG Commissioner as this will be important trade facilitation measure to support our industry.
- On long term basis a suitable online mechanism through CBIC/ICEGATE portal needs to be worked out for escalation of issues faced by trade under Faceless Assessment.

NACs were established to ensure uniformity in customs assessments and expedite the clearance process. CBIC Circular No. 40/2020 clearly outlines the role of NACs in the Faceless Assessment framework and ensures that all NACs operate under standardized guidelines, providing a uniform experience across all customs ports. This Office is following CBIC circular no. 40/2020 and all the guidelines/instructions given by the NAC on a timely basis.

To foster collaboration, NACs maintain regular communication with trade bodies, as emphasized in CBIC Instruction No. 09/2020. Public Notice No. 50/2020 further enhances this interaction by providing contact details of NAC officials, encouraging feedback and proactive problem-solving to tackle operational inefficiencies in customs assessments. With regard to the request for a monthly meeting of all NAC Groups, it is suggested that a video conference may be conducted on a monthly basis to discuss challenges and measures to ensure trade facilitation.

With respect to clarity regarding personal hearings and the issuance of speaking orders, the matter would be dealt with at para 3.9 subsequently.

#### [Action: NS-I, NS-III, NS-V]

#### 3.2 <u>Erratic Functioning of ICEGATE delaying generation of SB and</u> <u>BE.</u>

We would like to bring to your kind notice that there is delay in generation of SB and BE due to erratic functioning of ICEGATE, which is further delaying clearance of Import and Export consignments. The following issues are being experienced

- Delay in Generation of SB and BE
- Late filing charges being levied.
- During the day, Public enquiry module remains down.

We request that on occasions of planned maintenance of ICEGATE, Auto waiver of late filing charges should be given at DC Group level.

#### **RESPONSE:**

The Directorate General of Systems has been informed regarding the same.

[Action: NS-I (EDI)]

#### 3.3 Tremendous congestion at Port Terminals at JNPA

We wish to bring to your kind notice that there is tremendous delay being faced for clearance at JNPA Port Terminals for movement of containers To and Fro from Port Terminals. It is experienced that overall clearance particularly DPD and DPE through CPP are also impacted. We also suggest that as per the meeting held with JNPA Chairman held on 09.09.2024, where the JNPA Chairman advised to all the Port Terminals for streamlining their operations and also not to charge for delay happening at their end and not to keep the containers on finance hold.

#### **RESPONSE:**

Time and again the Port Terminals were directed to ensure optimum utilization of existing infrastructure at Port Terminals as also in coordination with CFS operation especially optimization of Lean hours (12pm-9am). As regard to the issue w.r.t. APM Terminal, the Terminal were directed to enhance deployment of man force and infrastructure commensurate with the increased workload after 100% operationalization.

The Principal Chief Commissioner of Customs, JNCH suggested the formation of a committee under the Chairmanship of the Deputy Commissioner, Preventive General for solving the congestion issue, similarly to the committee formed in July, 2024.

#### [Action: NS-General]

#### 3.4 Delay in generation of OOC at RMS Centre

We would like to bring to your kind notice that substantial delay has been experienced since past few days for generation of OOC at RMS Centre. We request that all the OOC should be generated on the same day in order to reduce the dwell time for clearance. Most importantly this process is also having a major impact for delay in DPD containers. We request your kind intervention to resolve this issue.

#### **RESPONSE:**

It is hereby informed that 3 weeks ago trade had been experiencing some delays in getting Out Of Charged from RMS-FC due to Annual General Transfer of Officers working in RMSFC. In case of RMS facilitated B/E, on account of self-assessment, the importer has to comply with all the relevant circular/notifications/Public notices. Further, due to uploading of multiple documents E-sanchit & system issues, it becomes too cumbersome to view each of the uploaded documents. As a result, all outgoing officers had to train the incoming officers to help them facilitate trade. Therefore, there was a delay of 2-3 days on consignments being Out of Charged. However, all the incoming Officers have joined and are well trained to such an extent that that all the Bills of Entries are getting out of charge within 24 hrs.

#### [Point Closed]

### **3.5 Implementation of Auto-Debiting for COO under CEPA Agreement** (Korea)

We refer to CBIC Circular No. 10/2024 and ICES Advisory No 31/2023 dt 20.12.2023 which clearly specifies digital and online defacement of COO. This ensures that when a BE print gets ready, the COO gets auto

#### defaced in the EDI system.

Suggestion: As per the earlier discussion, defacement by TSK needs to be discontinued.

#### **RESPONSE:**

The implementation of auto-debiting for COO under the CEPA Agreement (Korea) aligns with CBIC Circular No. 10/2024 and ICES Advisory No. 31/2023, which mandates digital and online defacement of the Certificate of Origin (COO). This automated process ensures that once the Bill of Entry (BE) is printed, the COO is auto- defaced in the EDI system.

The auto defacing of COO has not been linked with system yet. Additional Commissioner, EDI, Dr. Subhash Yadav informed that the matter has already been flagged with the Directorate General of Systems. Additional Commissioner, EDI to follow up with the DG Systems.

[Action: NS I]

#### 3.6 <u>CBIC Advisory on Scanning of Containers for AEO T2 and T3</u> Clients

In view Circular issued by DGARM the higher number of containers which are scanned at present, needs to be reviewed in view of the Advisory issued by DGARM and for timely clearance consignments particularly AEO T<sub>2</sub> and T<sub>3</sub> clients, the scanning of such containers to be kept to minimum.

#### **RESPONSE:**

The process of scanning selection for a container is entirely system based and handled by National Customs Targeting Centre (NCTC) based on container selection module (CSM) of RMS on the basis of risk parameters identified by NCTC, which are dynamic. This Zone has no role in selection of containers for scanning.

#### [Point Closed]

**3.7** Procedure needs to be laid down for clearance of multiple foods items in a consignments, when a particular item from the lot is not as per parameter.

We request that in order to standardise the process of clearance of

import consignments, multiple foods items, in the instances where particular item within the lot is found not as per the parameters, a procedure for clearance of balance food products which are released by FSSAI, should be laid down.

The permission for such part release should be given by DC Docks. Since FSSAI has already released these products.

#### **RESPONSE:**

The matter needs to be examined as per law and violation needs to be decided by proper officer after due adjudication process. If there is any specific case, the same can be shared. Further, as per the prevailing practice, the importer may avail provisional release of goods which have been granted FSSAI NOC. Remaining goods may be kept on hold till FSSAI issues necessary NOC.

[Action: NS-I]

**3.8** Out of scope items for PGA such as FSSAI, ADC etc needs to be upgraded in the Customs EDI System.

#### **RESPONSE:**

The matter has been reported to NCTC / Directorate General of Systems.

[Action: NS-I]

#### 3.9 Speaking order not being issued:

On various occasion due to change in assessment carried out by FAG Officers speaking order is seldom issued. For any queried for example valuation, classification, denial of examination notification etc., speaking order should be issued on immediate basis to observe procedure of the principle of natural justice in terms of Section 17 of Customs Act 1962.

Suggestion: Speaking order wherever required, should be issued as per provisions of the Act. Most importantly principles of natural justice should be followed. We request a PN outlining the SOP for conducting Personal Hearings (PH) in Faceless, along with a time limit for issuing speaking orders.

### We request an SOP or mechanism for addressing delays in assessment within the Faceless system.

#### **RESPONSE:**

Speaking order is issued on a timely basis by the assessing officer, wherever required, as per the provisions of the Customs Act. Also, principles of natural of justice are followed in each case through PH, Query, etc. When the FAG disagrees with the self-assessment made by an importer, they notify the importer electronically and seek consent/clarification before re-assessment. If the importer disputes the proposed re-assessment, they are offered a hearing in virtual mode, in line with the Board's instructions (F. No. 390//Misc/3/2019-1C dated 27.04.2020). Following the assessment process, the FAG issues a speaking order within 15 days, as stipulated in Section 17 (5) of the Customs Act, 1962. This process ensures transparency and provides importers with an opportunity to present their case.

Further, a Public Notice in this regard shall be issued by the Appraising Main (Import), NS-I, JNCH.

[Action: NS-I]

#### **Export related**

#### 3.10 <u>Gate Automation / Universal RFID Reader for ease of process of</u> <u>Export Clearances</u>

In view of Digital India initiative of Govt. of India, we suggest that fully automated gates should be made available in the CPP, where full automation of the gates should be notified by automation engineers using live truck traffic which will include optical camera recognition (OCR), license plate recognition cameras and CCTV cameras for gate clerks.

The Factory stuffed containers are sealed with different types of RFID seals of different manufacturers and it takes additional time to read the RFID seals with different RFID readers, which delays the process of clearance.

<u>Suggestion</u>: We request that a Universal RFID Readers be installed in the Parking Plaza that can read the RFID seals of all different manufacturers, which will reduce the dwell time for clearance

**RESPONSE:** 

Under the umbrella of ease of doing business, JNCH is committed towards more facilitation and hassle-free customs clearance. Universal RFID reader is aimed at improving the accuracy of E-seal verification, non-editable verification, integration with ICEGATE, more accurate NCTC/RMS instructions based on mis-match of the e-seal data and faster clearance. The matter has been taken up with DG Systems and they have agreed to provide data through API to CPP, if CPP is registered as an e-seal vendor. CPP has applied for registration as a vendor to NCTC. Matter is being pursued with NCTC.

[Action: NS –II]

#### 3.11 Tremendous congestion at Port Terminals at JNPA

We wish to bring to your kind notice that there is tremendous delay being faced for clearance at JNPA Port Terminals for movement of cargo from CPP / CFS to Port Terminals. It is experienced that overall clearance particularly DPE through CPP are also impacted. We also suggest that as per the meeting held with JNPA Chairman held on 09.09.2024, where the JNPA Chairman advised to all the Port Terminals and other stakeholders for streamlining their operations. We request all stakeholders to not levy charges to trade due to this congestion.

#### **RESPONSE:**

The matter has been discussed at para 3.3 above.

[Action: NS-General]

#### 3.12 Trade facilitation measures for Exports

We request that to take forward the initiative of NEEV, it is important that Customs EDI / ICEGATE system is upgraded to facilitate Exports by incorporating the following points.

- Goods Registration
- Export Assessment on Sundays and Holidays.
- Non Intrusive Examination
- LEO
- Gate Out Approval
- Document Handover to S/Line
- Provisional Assessment in EDI System
- Option to download Shipping Bill Copy & Gate Pass from ICEGATE
- Physical Examination order to be shared by Email

- Option to pay Fees online through ICEGATE like in case of Imports
- Shipping Container for Export cargo to be considered as Unit of Package for examination
- Facility of display of shipping bill date for last 7 days should be reinstated
- System Linkage with RBI / AD Code Bank for accurate BRC updation
- Handling of RMS Facilitated SB for LEO by Shed Supdt

**Goods Registration** - Goods registration is being done on EDI system for all selfsealed shipments

**LEO** - LEO is being granted on EDI system

**Option to download Shipping Bill Copy & Gate Pass from ICEGATE** - This option is already available with the exporter/CHAs on ICEGATE.

**Option to pay Fees online through ICEGATE like in case of Imports** - This has not been commenced yet.

Handling of RMS Facilitated SB for LEO by Shed Supdt. - This system is already in place.

**Export Assessment on Sundays and Holidays -** In this regard, it is noted that the CEAC section operates every day of the week, excluding Sundays and holidays. All assessment work is completed on the same day. It has also been observed that whenever there are two consecutive days of holidays, a working day is invariably scheduled in between. Furthermore, the docks are closed on Sundays and holidays. Therefore, it is suggested that the assessment and dock examinations should be aligned with each other.

[Point Closed]

#### 4. <u>Western India Shippers' Association</u>

4.1 Details of containers selected for scanning: Details of containers selected for scanning is nowhere in public domain. Earlier it used to be displayed on JNCH website but it has been stopped since last couple of years. Now only CSD, Custodians and officers of the department are privy to container numbers which are selected for scanning. Trade is

facing a serious challenge in case of facilitated Bills of Entry. We get to know about this only after a query is raised by OOC officer asking for scanning report. Thereafter we need to follow up with CFS to secure scanning report, upload under e-Sanchit and the only reply to query. This process involves a delay of 12-24 hours minimum.

Suggestion: Ideally scanning data should get integrated with ICES on top most priority so that things can move seamlessly without delays and inconvenience to the trade.

#### **RESPONSE:**

The selection of the containers for scanning and scanning locations is pertaining to NCTC.

#### [Point Closed]

4.2 Challenges in faceless assessment: Faceless assessment still remains equally challenging despite various awareness initiatives by the department, specially NAC3 & NAC5 but challenges still remains. Officers are sometimes giving unwarranted examination orders, resorting to first check where not required, disregarding requests for first check when made while filing of BE etc. However, system does not support correcting many things most of the times despite senior officers are always upright and supportive.

Suggestion: System must permit senior PAG officers to intervene and take corrective measures wherever required.

#### **RESPONSE:**

Standard Examination orders given by the systems are not being altered by the officers. Additional orders or instructions are not being given, unless found necessary. The said orders are given after approval from the proper officer. The orders of first check examination were given only in the case wherein importer is possessing incomplete information regarding assessment. In such cases, officers may issue a 100% examination order. Additionally, officers must comply with RMS (Risk Management System) directives that require 100% examinations when mandated. No examination orders are prescribed that suppresses RMS facilitation orders without valid reasons and necessary approvals, thereby, maintaining the integrity of the assessment process. Further, any specific cases of deviation from the prescribed guidelines may be brought to the notice of the concerned

ADC/Commissioner.

[Point Closed]

4.3 Large numbers of BE being marked to FSSAI: Very significant number of Bills of Entry pertaining to imports of Chemicals and allied items are still being marked to FSSAI and they have been granting 'Out of Scope' but it is taking anything between 3-6 working days and thereby delaying entire clearance process.

#### **RESPONSE:**

The concern regarding a significant number of Bills of Entry (BEs) being marked to FSSAI, leading to delays in the clearance process, requires careful consideration. While the processing time of 3 to 6 working days for FSSAI to grant Out of Scope decisions can be frustrating, thus procedure is essential for ensuring compliance with safety and regulatory standards for imported chemicals and allied items.

The involvement of FSSAI serves a critical role in protecting public health and safety Chemicals and allied products can pose substantial risks if not assessed properly for compliance with food safety regulations.

Moreover, the delay experienced in the clearance process can be mitigated through improved coordination between customs and FSSAI Streamlining communication and enhancing the efficiency of the review process may help reduce wait times without compromising safety standards. Addressing the concerns through system enhancements rather than opposing the existing procedure would likely yield a more balanced outcome that prioritizes both regulatory compliance and operational efficiency.

The matter is sent to DG/ Systems as the system marks the Bill of Entry for PGA NOC.

#### [Action: NS I]

4.4 Terminals under JNCH recovering ground rent: There has been severe congestion in various terminals since several weeks and terminals are unable to delivery containers to CFSs on FIFO basis. This is gross mismanagement on part of terminals and delaying entire process of clearance thereby resulting in increased transaction costs and turnaround time. This issue entirely being between terminals and CFSs, for no fault of theirs importers are being penalized with ground rent charges for failure of other parties. Most of the times there is no intimation whatsoever to importer or their CB and containers are placed on financial hold leading to further delays and costs. JNCH had issued an advisory appealing to terminals to not charge ground rent for this period but they seem to have just ignored it. Effectively, they are benefitting for their own inefficiencies and every other stake holder suffers.

#### **RESPONSE:**

In general, all Port Terminals should take into consideration the congestion matter before resorting to penal charges. Case to case matter needs to be brought to the notice.

#### [Point Closed]

**5.** The Chairman thanked all the participants.

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

#### **(Venugopal S. Aiyer)** Asstt. Commissioner of Customs PCCO.

Asstt. Commissioner of Customs PCCO, 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
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- 4. DC/EDI (for uploading on website)
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