



Federation of Freight Forwarders' Associations in India

National Apex Body of CUSTOMS BROKERS' ASSOCIATIONS IN INDIA

FFFAI/MIINUTES/040/2023

07.02.2023

Minutes of the 11th EC Meeting held on 2nd & 3rd December, 2022 at Jio Centre & Orchid Hotel.

A) Members Present

Sr.No.	Office Bearers	Representing Association	Attendance
1	Mr. Shankar Shinde - Chairman	Nashik CHA Association	11/11
2	Mr. A.V.Vijayakumar - I.P.Chairman	FFFAI	11/11
3	Mr. Dushyant Mulani - Chairman Elect	Brihanmumbai CB Association	10/11
4	Mr. S.Nataraja - Vice Chairman	Chennai CHA Association	11/11
5	Mr. Amit Kamat - Vice Chairman	Gao CB Association	10/11
6	Mr. Sudip Dey - Vice Chairman	Calcutta CHA Association	11/11
7	Mr. Vinod Sharma -Honorary Secretary	Pune CHA Association	11/11
	Executive Committee Members	Representing Association	Attendance
8	Dr. Darshan Mashroo	Ahmedabad CB Association	08/11
9	Mr. Roopesh Kumar N	Bangalore CHA Association Ltd	04/11
10	Mr. Vinayak Aparaj	Brihanmumbai CB Association	07/11
11	Mr. Hiren Ruparel	Brihanmumbai CB Association	06/11
12	Mr. Nirav Thakker	Brihanmumbai CB Association	09/11
13	Mr. C.B.Bujangaram	Chennai CHA Association	08/11
14	Mr. S Balaji	Chennai CHA Association	10/11
15	Mr. Divakaran P Nair	Chennai CHA Association	09/11
16	Mr. Adil Khan	CB Association Hyderabad	05/11
17	Mr. P.S.Raj Kumar	CB Association Hyderabad	04/11
18	Mr. T Abhimanyu	CB Association Hyderabad	03/11
19	Mr. Suraj Muraleedharan	Cochin CB Association	03/11
20	Mr. V. S. Pradep	Cochin CB Association	03/11
21	Mr. R Rajesh Kumar	Coimbatore CH & SA Association	06/11
22	Mr. Puneet Jain	Delhi CB Association	09/11
23	Mr. Mandava Satyanarayana	The Kakinada CB Association	07/11
24	Mr. Sreeram Bhagawathi	The Kakinada CB Associationn	04/11
25	Mr. Dhiren Chhaya	Kandla CB Association	05/11
26	Mr. Amit Khanna	Kanpur CB Association	03/11
27	Mr. Vinod Kumar Mehrotra	Kanpur CB Association	03/11
28	Mr. T.V.Sujan	Mundra CB Association	05/11
29	Mr. Kiran D. Nagare	Nashik CHA Association	05/11
30	Mr. L Cecil Machado	Tuticorin Customs Broker's Assn	09/11

1





Federation of Freight Forwarders' Associations in India

National Apex Body of CUSTOMS BROKERS' ASSOCIATIONS IN INDIA

[ESTD. 1962]

31	Mr. J.Pinto Villavarayar	Tuticorin Customs Broker's Assn	09/11
32	Mr. KRB Prakash	Visakhapatnam CB Association	05/11
33	Mr. Sujit Chakroborty	West Bengal CHA Society	05/11
	Nominee of Associate Members	Port	Attenda nce
34	Mr. Belli Gowda	Bangalore	06/11
35	Mr. C.S. Nagendra Prasd	Bangalore	07/11
36	Mr. Balu S Govindrajan	Chennai	08/11
37	Mr. Vijayakumar Damodaran	Chennai	07/11
38	Mr. Mohamed Amzad GMR	Chennai	07/11
39	Mr. T.V.Gopu	Chennai	10/11
40	Mr. Syed Jameel Uddin	Hyderabad	02/11
41	Mr. V.R.R Bhagawathi	Kakinada	03/11
42	Mr. Ganpat P.Korade	Mumbai	09/11
43	Mr. Maruti R.Gadge	Mumbai	07/11
44	Mr. Karan Kiran Rambhia	Mumbai	07/11
45	Mr. Sohel Kazani	Mumbai	04/11
46	Mr.Tej Mayur Contractor	Mumbai	10/11
47	Mr. Jogesh Sethi	New Delhi	05/11
48	Mr. Palvinder Singh	New Delhi	09/11
49	Mr. Vaneet Aggarwal	New Delhi	09/11
50	Mr. C. Karthikeya Prabu	Tuticorin	07/11
	Advisors		Attenda nce
51	Mr. Rafeeq Iqbal	FFFAI	01/11
52	Mr. Mark Fernandes	FFFAI	01/11
	Women Wings		
53	Mrs. Philomena Pereira	Mumbai	
54	Ms. Chaitaly Mehta	Mumbai	
	INVITEES		
55	Mr. Devendra Thakker	President- Ahmedabad Association	
56	Mr. Sachidanda Pattanayak	President- Odisha Association	
57	Mr. Chinmay Kothari	Ahmedabad	
58	Mr. M.Naveen Kiran	Hyderabad	
59	Mr. Parvnder Singh	Hyderabad	
60	Mr.S.Anil Kumar	Hyderabad	
61	Mr. K.Vijay Kumar	Hyderabad	
62	Mr. Sanjeev Harale	Mumbai	
63	Mr. Mihir Bhadkamkar	Mumbai	

2





Federation of Freight Forwarders' Associations in India

National Apex Body of CUSTOMS BROKERS' ASSOCIATIONS IN INDIA

[ESTD. 1962]

64	Mr. Anand Dikshit	Mumbai	
65	Mr. Omprakash Agarwal	Mumbai	
66	Mr. Rajen Bhatia	Mumbai	
B)	Member Not Present -Request for leave of	absence received	
	Executive Committee Members	Representing Association	Attendance
1	Mr. Rajesh Verma - Vice Chairman	Ludhiana CHA Association	06/11
2	Mr. Shashidhar V Hebbar - Vice Chairman	Bangalore CHA Association Ltd	06/11
3	Mr. Kartik A Pancholi - Vice Chairman	Ahmedabad CB Association	09/11
4	Mr. Sudhir Agarwal - Honorary Treasurer	Nagpur CHA Association	10/11
5	Mr. Devang A.Joshi	Ahmedabad CB Association	05/11
6	Mr. B.N.Rajmoghon	Association of CHA - Thiruvanathapuram	07/11
7	Mr. Sailesh Bhatia	Aurangabad CHA Association	03/11
8	Mr. Girish Narayan	Bangalore CHA Association Ltd	06/11
9	Mr. Kiran Rambhia	Brihanmumbai CB Association	07/11
10	Mr. Paresh Thakkar	Brihanmumbai CB Association	05/11
11	Mr. Mannu Choudhary	Calcutta CHA Association	04/11
12	Mr. R N Sekar	Chennai CHA Association	10/11
13	Mr. Vishal Dadha	Chennai CHA Association	09/11
14	Mr. Dileep T. Abraham	Coimbatore CH & SA Association	04/11
15	Mr. Anurag Vijayvargiya	Indore CHA Association	02/11
16	Mr. Philip C C	Mangalore CHA Association	04/11
17	Mr. Shareef M	Mangalore CHA Association	02/11
18	Mr. Manoj Kotak	Mundra CB Association	04/11
19	Mr. Pramod Soneta	Mundra CB Association	05/11
20	Mr. R.K.Mehrotra	Noida Custom Brokers Association	04/11
21	Mr. Vipin Vohra	Noida Custom Brokers Association	02/11
22	Mr. Pankaj Lodaya	Pipavav Customs Broker's Assn	01/11
23	Mr. Pradeep Kale	Pune CHA Association	08/11
24	Mr. Rajdeepak Bhargava	Pune CHA Association	06/11
25	Mr. A.S. Ramaswamy	Tuticorin Customs Broker's Assn	07/11
26	Mr. G .Sambasiva Rao	Visakhapatnam CB Association	08/11

3





Federation of Freight Forwarders' Associations in India

National Apex Body of CUSTOMS BROKERS' ASSOCIATIONS IN INDIA

[ESTD. 1962]

	Nominee of Associate Members	Port	Attendance
27	Mr. M.A.Zahir Hussan	Chennai	08/10
28	Capt. Ashish Samarth	Pune	04/11
29	Mr. K.Suresh Kumar	Trivandrum	05/11
30	Mr. R.Sreedhar	Tuticorin	03/10
C)	Member Not Present -Request for leave of	absence Not received	
S.No	Executive Committee Members	Representing Association	Attendance
1	Mr. R.Suresh Kumar	Association of CHA - Thiruvanathapuram	03/11
2	Mr. Basanta Basu	Calcutta CHA Association	02/11
3	Mr. Alan Jose	Cochin CB Association	01/11
4	Mr. G.A.Kalyana Moorthy	Coimbatore CH & SA Association	03/11
5	Mr. Kailash Gupta	Delhi CB Association	01/11
6	Mr. Rajender Kumar Goyal	Delhi CB Association	01/11
7	Mr. Devendra Singh Bhadoria	Delhi CB Association	05/11
8	Mr. Bhim Singh Jain	Delhi CB Association	04/11
9	Mr. Vikrant Gogia	Delhi CB Association	05/11
10	Mr. J. A. D'souza	Goa CB Association	02/11
11	Mr. Amit Kumar Jain	Indore CHA Association	05/11
12	Mr. Dinesh Gupta	Kandla CB Association	05/11
13	Mr. Hemchandra Yadav	Kandla CB Association	01/11
14	Mr. Narinder M Prabhakar	Ludhiana CHA Association	02/11
15	Mr. Avtar Singh	Ludhiana CHA Association	03/11
16	Mr.Prasad S.Auguri	Nagpur CHA Association	04/11
17	Mr.Chirag Shah	Pipavav Customs Broker's Assn	01/11
18	Mr. Arun Sharma	Rajasthan CHA Association	01/11
19	Mr. Jagvir Singh	Rajasthan CHA Association	02/11
20	Mr. Sunil Sharma	Rajasthan CHA Association	01/11
21	Mr. Rolland Williams	Visakhapatnam Association	02/11
22	Mr. Shankar Prasad Verma	West Bengal CHA Society	00/11
23	Mr. Subhash Chandra Ghosh	West Bengal CHA Society	02/11
	Nominee of Associate Members	Port	Attendance
24	Mr. Chandrachari B.R.	Bangalore	02/11
25	Mr. R. Kumar	Chennai	09/11
26	Mr. S. Padmanbhan	Chennai	03/11
27	Mr. Thomas Alan	Cochin	01/11

4





Federation of Freight Forwarders' Associations in India

National Apex Body of CUSTOMS BROKERS' ASSOCIATIONS IN INDIA

[ESTD. 1962]

28	Mr. Chirag Vinod Sharma	Pune	01/11
29	Mr. M. Vijay Raghavan	Tuticorin	03/11
30	Mr. S.Sasikumar	Tuticorin	02/11
31	Mr. P.Jeyanth Thomas	Tuticorin	04/11
32	Mr. J. Manikandan	Tuticorin	04/11

Agenda no.1: Meeting call to an order by Hon. Secretary

Welcome Address by Chairman –FFFAI

Mr. Vinod Sharma welcomed the Executive Committee Members and Board of Advisor for the 11th Executive Committee Meeting of FFFAI held on 2nd and 03rd Dec 2022 at Jio Center and Hotel Orchid, Mumbai.

He requested Chairman Mr. Shankar Shinde to address the house.

Mr. Shankar Shinde read out Anti-Trust Statement (Annexure A).

Mr. Shankar Shinde informed the house about the sad demise of Shri Hemant Bhatia and observed two minutes silence to pay tributes to rest the departed soul in eternal Peace. He requested Mr Mark Fernandes to say few words about Shri Hemant Bhatia.

Mr. Shankar Shinde welcomed the Executive Committee Members and Board of Advisors for the 11th Executive Committee meeting.

Mr. Vinod Sharma read out the following announcement.

- i) Two new ordinary members enrolled into the fold of FFFAI resulting into membership strength of 30.
 - a. Odisha Customs Broker's Association
 - b. Customs Brokers Association, Amritsar
- ii) Cochin Custom Brokers Association had their General Body Meeting and following members were elected as the Office Bearers of the Associations for the term 2022-2024.

Name	Designation
Mr. Suraj Muraleedharan	President
Mr. Benny Fancies	Vice President
Mr. M. Prabhakar Kini	Honorary Secretary
Mr. Roy George	Honorary Secretary
Mr. Harikumar K. B	Hon. Jt. Secretary





Managing Committee Members

Name	Company
Mr. Andrew Antonio Fernandez	M/s. Elton & Sons
Mr. Elias Mathew	M/s. Ancheril Agencies
Mr. V.S. Pradeep	M/s. Sagar Shipping
Mr. Sanoj Pallipuram	M/s. AerOcea Shipping
Mr. Shaji P Kurian	M/s. Mark Logistics
Smt. Wilma S	M/s. S.M. Shipping
Mr. Dawn Jacob Varghese	M/s. Space Freight Logistics
Mr. Jomy Joseph	M/s. Monco Logistics
Mr. Alan Jose	Immediate Past President

- iii) Custom House Agents Association Hyderabad held their Annual General Meeting on 29th Oct. 2022 and following members were elected as Office Bearers and Managing Committee Members for the term 2022-2024

6

Name	Designation
Mr. T. Abhimanyu	President
Mr. Syed Jameeluddin	Vice President –I
Mr. Y. Rajender	Vice President – II
Mr. K. Vijay kumar	General Secretary
Mr. Pravinder singh	Secretary
Mr. V.S. Srinivas Varma	Joint Secretary-I
Mr. P. Srujana Rao	Joint Secretary-II
Mr. M.N. Kiran	Treasurer

- iv) Indore Custom House Agents Association had their election and following members were elected as Office Bearers.

Name	Designation
Mr. Anurag Vijayvargiya	President
Mr. Manish Agrawal	Vice President
Mr. Rajan Pillai	Secretary
Mr. Amit Kumar Jain	Joint Secretary
Mr. Kamlesh Panchmaiya	Treasurer
Mr. Ankit Mehta	Joint Treasurer



Chairman welcomed the new Ordinary members and stated that enrolling 2 new Association on occasion of Diamond Jubilee is great honour to FFFAI and has strengthened Federation on East and north region,

Also informed that for Amritsar Association we have received the Customs recognition letter however still awaiting the Association Registration details and shall complete formalities on receipt of complete documents as per FFFAI requirements.

Further we shall look into enrolling the Customs brokers from North East which is the foremost interest of development for Government of India.

Chairman further congratulated all the newly elected Office Bearers and Managing Committee Members of the respective association and sought their active participation in FFFAI.

Mr. Shankar Shinde also mentioned that FFFAI had nominate Mr. Samir J Shah for the post of Vice Chairman in FIATA Customs Affairs Institute and was glad to inform that Mr. Samir J. Shah has been elected as Vice Chairman of FIATA Customs Affairs Institute. He congratulated Mr. Samir J. Shah for the same. He further stated that FFFAI nominees are having two position in the FIATA Committee namely Advisory Body Information Technology is headed as Chairman by Mr Tej Contractor and Mr. Samir J. Shah as Vice Chairman of Customs Affairs Institute.

Agenda no.2: To note and grant leave of absence to all who have intimated

Mr. Vinod Sharma informed that Executive Committee members had request for leave of absence on email as well on whatsapp group. He sought permission of the house to grant leave of absence to those who had requested.

He requested to all EC members to send email to secretariat which will help us to maintain proper record. If the house approves leave of absence be granted.

The house unanimously approved leave of absence to the members who have sought for.

Agenda no.3: To confirm the minutes of the 10th Executive Committee Meeting held on 30th September, 2022 for the term 2021-2023. (Already sent by e-mail to EC members)

Mr. Vinod Sharma stated that minutes of 10th Executive committee meeting were circulated in advance. He inquired with the house, if there were any observations.

As there were no observations on the minutes of the 10th Executive Committee Meeting held on 30th September, 2022, the minutes was unanimously approved by the house.





Agenda no.4: To report and discuss action arising out of the minutes of the 10th Executive committee meeting held on 30th September, 2022.

Mr. Vinod Sharma informed that there are few actions arising points from the minutes of the 10th Executive Committee meeting.

a) Difficulties faced by members under faceless assessment:

Mr. Vinod Sharma stated that across location member are facing the problems under Faceless Assessment and FFFAI is continuously representing to CBIC about the issues faced by the members. He requested Chairman Elect Mr. Dushyant Mulani to brief the members on the same.

Mr. Dushyant Mulani informed the house that the issues faced under Faceless Assessment are regularly being addressed with CBIC. It has been represented to the Board that there should be single comprehensive query raised by the Officials instead of multiple queries and none of the bill of the entries should be kept aside as this delays the clearance of import consignment which results in detention and demurrage charges to the Exim trade.

8

The issue addressed was regarding 100% examination. The changes made by the FAG in BE submitted and assessed without speaking orders, also the time taken from PAG to FAG and vice versa need to be monitored. We have invited feedback from Executive Committee Members and Associations regarding changes in classification, enhancement of values and assessment if done by Officers without issuance of speaking orders for addressing the same with CBIC.

Mr. Shankar Shinde informed that meeting with CBIC Chairman and Member (Customs) regarding Faceless Assessment was good as the same could be addressed for which Chairman CBIC had noted

He stated that we are discussing the action arising points of the last Executive Committee Meeting hence we will discuss the same in detail during agenda point of Custom related issues.

b) Customs brokers being issued Show cause notices/ co-noticee at various locations.

Mr. Dushyant Mulani stated that at Mumbai Custom Brokers were being made party to show cause notice and were surprised to know that there were 912 show cause notices issued involving Customs Brokers in different issues like classification, levy of exemption notification, valuation or in the cases of exporters not submitting e-BRC.

It was informed that Custom Brokers should not be made co-noticee nor any action should be taken against the Custom Brokers license. The action against Custom Broker should be taken in extreme cases involving smuggling, forgery or handling of contraband such as narcotics.

He requested members to share copies of show cause notices issues if any.





Mr. A.V. Vijayakumar said that even after filing bill of entry, this dispute is different, which is beyond the scope of customs broker, so we highlight it and we request all centre to share with us if there is any feedback, we will take it up in appropriate forum.

Shri Vinod Sharma requested EC member to share the representation made at their respective location about the issues faced by them with FFFAI enabling us to address with the concerned authorities.

Mr. Sudip Dey requested the members to kindly represent giving reference of letter issued by CBIC circulated by FFFAI to their respective Chief Commissioner for involving Custom Brokers Association for ease of doing business measures in connection with trade facilitation.

Mr. S. Nataraja said that Chennai Association had a meeting with the Chief Commissioner of Customs and explained the depth of the letter and immediately the Chief Commissioner appointed an expert committee. The expert committee consists of 5 members in which there are 3 members from Chennai Association to discuss perennial problem faced by the trade and accordingly Chief Commissioner will escalates the issue to CBIC. The expert committee will met the Officials twice a week.

9

Agenda no.5: Presentation by Secretariat

Mr. Vinod Sharma informed the house the points received have been forwarded to respective council which can be discussed in the respective agenda of the council.

Agenda no.6: To ratify Membership applications approved in the Office Bearers meeting

a. Associate Membership:

Mr. C. Karthikeya Prabu stated it is the practice that Tuticorin Association is enrolling all their members as members of FFFAI but M/s. Hands International has approached directly to FFFAI for the membership of FFFAI and Tuticorin Association is **not aware of** the same.

Mr. Shankar Shinde informed FFFAI Secretariat to recheck the application and get confirmed from Tuticorin Association.

Mr. Devendra Thakker stated that AFT Shipping is not the member of Ahmedabad Association hence they have not recommended the application.

Mr. Puneet Jain stated that Delhi Association has not approved the application of Vistar Worldwide Logistics because Delhi Association has sought some documents about their KYC which member is yet to provide. Once we receive the document and approve the member of Delhi Association we will give confirmation for FFFAI membership also.





Mr. Shankar Shinde requested President of Member Associations to inform the Secretariat by mail if any issues, to keep the application on hold when the communication is forwarded to your respective association.

b. Allied Membership:

Mr. Shankar Shinde stated allied member are operating by their own but if members have any observation do let us know we will surely rectify.

Agenda 7: To update about Diamond Jubilee Celebration of FFFAI.

This point was not discussed as the further details were awaited

Agenda no.8: Open brief discussions and Presentation on:

Customs/EDI/CBLR

Mr. Dushyant Mulani stated that FFFAI has submitted several representations. He read out the points represented by FFFAI.

a. Creating Trust based environment

This is very important point as it is observed that interpretative disputes are being viewed as investigative disputes and often any dispute relating to classification, levy of exemption notification, valuation the Officers have often resorted by sending to SIIB or keeping the consignment pending for investigation for months together hence we have sought help that trust based environment needs to be reiterated absolutely at grass root level. It has been suggested to appoint a nodal officer to facilitate at each location.

b. Non-observance of various provisions of Custom Act & Regulations

It is often found that Section 14 dispute of transaction value without having any substantial evidence value is disputed, enhancement of value without issuing speaking order as given in Section 17, changing of classification unilaterally without raising query. Non-observance of time limit Section 28 where voluntary payment of customs duty is mandate under **Section 28 (1) and (2)**. The customs duty is underpaid even after clearance, or there is a need to change the classification which will lead for payment of custom duty. It is experienced that department sends the file to SIIB or are being informed pay 15% penalty on it. But the provision states that differential duty with the interest can be paid and then inform the proper officer which is there in law but it's not been implemented.

- Section 149/154: Amendment of documents and ratification of mistakes;

The law states there can be mistake which can be rectified, amendment can be carried out but it is not adhered.

10





[ESTD. 1962]

- Section 27: Refunds

There are time limits given but are not followed.

- Drawback Section 74-75

There are process, time limits but are not followed.

Therefore, in the budget proposal we have represented the above points. There is Trade Facilitation provisions created in budget few year back by the Central Government which clearly states that trade facilitation measures would be undertaken by the provision of the Act. We have represented that centralized monitoring mechanism should be created whereby an importers or exporters or customs brokers can escalate the problem if the provision of the Act are not being followed. Mr. Shankar Shinde along with Mr. S. Ramakrishna had meeting with CBIC Chairman - Mr Vivek Johri to brief them about the same.

c) Faceless Assessment

Mr. Dushyant Mulani stated that we are aware of the issues and have sought feedback from all places for addressing it. He further stated that new Revenue Secretary has resumed charge on 1st December and FFFAI will be making representation that we need transparency and predictability as India is signatory as per Trade Facilitation Agreement and time limits laid down under Faceless Assessment are being met. There is no centralised monitoring mechanism to overseas the delays except when Commissioner or Additional Commissioner puts bill of entry in national assessment centre's whatsapp group which is informal arrangement. It is required to ensure that escalation arrangement is made when there is delay.

Further wrong examination orders, 100% examination orders, wrong assessment being carried out and recall and re-assessment is the nightmare at PAG's. These issues are very well addressed and hoping that in couple of months there should be revised circular for Faceless version 2.0 which is single point agenda at present to ensure how we represent on behalf of all location across the country.

He further mentioned about NCTC alerts which are being received across the country. There are department comments which are being displayed on the screen of the officers which sometimes result in the BE being returned to SIIB or 100% examination to check mis-declaration with concealment. We have been told that this alerts are due to NCTC alert. Our representation is that, if NCTC wants to investigate let them investigate but at the grassroots level officials have created a situation that if it is NCTC alerts it more like DRI or CIU alert coming and would not clear the consignment for number of days.

He requested members from each location to address their concern issue with respective Commissioners and Chief Commissioners stating if there is any internal departmental comment by NCTC it should be resolved on the same day and we are addressing with CBIC that such alerts should be transparently given in bill of entry. He requested members to

11





[ESTD. 1962]

forward the copy of the letter addressed to Commissioner and Chief Commissioner at their respective location.

He further requested members to give points regarding exports. It is observed that across the country import is in focus. It has been experienced that export RMS facilitated shipping bills vis-à-vis import facilitated bill of entry, handling an export shipping bill is more cumbersome than the import bill of entry hence we have made representation that export RMS facilitated shipping bill should be handle directly by the Superintendent or Docks Appraiser level. It should not go through the inspector level as it is being done now which opens with the different kind of objections which are unwanted.

Mr. Dushyant Mulani requested the Chairman to brief about the meeting with CBIC Chairman. Mr. Shankar Shinde stated that Chairman – CBIC had invited for meeting on the representation done by FFFAI regarding GST on Ocean Freight. There was good debate with Chairman – CBIC, as for CBIC it was zero duty effect with no tax on it, just pass on the effect.

It was argued by CBIC that if other sector are willing to pay GST, then why not sea freight and what is the loss in paying it. It was explained that we compete with foreign companies and everyone will convert their consignment into FOB basis and leaving limited scope on CIF basis for exports which will affect our freight forwarding industry. The Indian freight forwarders/ Custom Brokers will lose their business to foreign MNC and also the control of freight to such Freight Forwarders. After long deliberation finally Chairman – CBIC understood the gravity of the issue and responded to look into the representation because their ultimate aim is to strengthen logistics sector as this is a big service industry playing a big role in the economy. Even the trade association like ACAAI and FEIO also support us.

After this meeting had opportunity to discuss with Chairman – CBIC about the issues faced under Faceless Assessment and explained him the ground reality. Though in the open forum we speak about ease of doing business, improving ranking of our country but in practical there are lot of issues under Faceless Assessment. CBIC Chairman understood the issues and stated that department is also monitoring the system.

During the meeting we requested Chairman – CBIC to have one meeting with President of All India Custom Brokers' Association for discussing the issues. Chairman – CBIC agreed to have meeting with President of All India Custom Brokers' Association and stated we will make practice to have such meeting every two months at CBIC office.

Mr. Dushyant Mulani requested members to give feedback on plastic EPR e-waste management issues as we would like to make representation to CBIC at the earliest. We are getting feedback across the country that consignments or pallets are being stopped if they are wrapped in plastic. It is being informed to importers and Customs Brokers to register under EPR and get the e-waste registered with CPCG done and then only consignment are being processed without that consignments are not being processed.

12





Mr. S. Natarajan said the EPR registration number is sufficient to upload an Excel sheet for clearance as per Central Pollution Control Guidelines, while nodal officers require a physical certificate for clearance. This was discussed in Chennai Customs where the Commissioner directs the ground level officers who accept the goods except of certain items.

CBLR:

Mr. Dushyant Mulani stated that FFFAI has made representation to Joint Secretary (Customs), CBIC informing that the personal hearing should be held prior to action/suspension of CB license. Further it is experienced that in cases pertaining to interpretative disputes during assessment, clearance, or post clearance audit, Custom Brokers are made part of the adjudication processing and are also made co-noticee in the show cause for action to be taken under CBLR.

There are several occasion faced by CB wherein an action of suspension is taken on the CB license first. On few occasion it is also experienced that Custom Brokers comes to know about his suspension when he is not able to file his Bill of Entry in EDI system and suspension order is provided subsequently. While the provisions of CBLR permit suspension of Custom Brokers license and holding of post decisional hearing is available. In our opinion suspending Custom Brokers license or taking any action on the same without providing an opportunity of a personal hearing is a very drastic step resulting in irreparable harm due to discontinuing of business and livelihood forgoing Natural Justice.

It has been suggested by FFFAI that in order to safeguard the livelihood of Custom Broker and their employees, it is earnestly requested that;

- a. Provision of CBLR may be suitably amended – Regulation 16, to ensure that a personal hearing needs to be held before taking any action against the Custom Brokers license.
- b. Suspension or action against Custom Brokers license should only be taken in extreme cases involving outright smuggling, forgery or handling of contraband such as narcotic. In rest of cases suspension of Custom Broker license should not be carried out and it is requested that Personal Hearing should be given prior to taking any action. This will help to restore Principle of Natural Justice. Suitable changes may kindly be made in CBLR.
- c. We requested suitable circular / instruction may also be kindly issued to the field formations, wherein a Custom Brokers who has filed the Bill of Entry or Shipping Bill on behalf of importer or exporter and for any interpretative dispute in the consignment, Custom Broker should not be made co-noticee in the show cause notices and not to be made part of the adjudication proceedings.

Mr. L. Cecil Machado stated that no benefit is given to AEO clients which also needs to be addressed with Board.





Mr. Shankar Shinde said that unlike AEO we do not have facility measures but we are mainly in clearance and facilitation area, no doubt as per RMS when they get details from the system it is seen to be running maximum on RMS but when it comes to treatment it is all alert based RMS and what NCTC is doing is on importer, if not importer then on cargo, cargo HSN, CCR compliances hence there are various factors under RMS which are working and that was reason that officers were giving vague examination order. FFFAI is working on it for standard examination orders by the system. If the importer and exporter have concern they should take up with respective Chamber of Commerce for representing and FFFAI will support them. Most of the time we are fighting their battle and we forget our issues thus adding more stress.

Mr. Mark Fernandes informed that as per law no export shipments can be stopped. Chairman stated that there is a circular to that effect where exports cannot be stopped. We will also share that circular with the members.

Mr. Omprakash Agrawal said that what the Chairman-Elect mentioned about SEC 149, Section 154 has already been clarified by the Supreme Court as well as the Bombay High Court. Based on that Nhava Sheva Customs has issued circulars and started accepting appealable orders but in other locations they have not started.

14

He further suggested that we should make our representation on Section 149 before the budget. He also thanked Mr. Dushyant Mulani for taking up the issue of co-noticee with all the three Commissionerates very strongly and also representing the same from FFFAI to the CBIC Board.

Mr. Karthikeya Prabu asked while filing bill of entry with advance authorization we need to file two or more authorizations, so there is no provision of bond number for each license which is causing difficulty.

He further requested that whenever there is delay in payment of bill of entry due to various reasons, automatic waiver of penalty up to the duty limit of 50k or the provision of equal duty amount where duty amount is less than penalty amount. We need to pursue this waiver separately and then explain the delay time, instead the system will be automatically programmed to waive up to the limit of 50K or in any case up to the duty equivalent amount limit.

Whenever RMS facilitates bill of entry for assessment, it is selected for examination and bill goes to RMS cell and then we have to follow up to send it to shed for examination and OOC which is causing difficulty.

Many exporters are getting frequent e-BRC alerts in respect of exports. Tuticorin custom without issuing pre-consulting notice is issuing for show cause notice for small amount of payment of drawback etc.





RODTEP which is effective from Jan. 2021 there are few exporters who have not received communications. The exporters have sent communication on the email ID directly but none of the mail were replied nor has the solution been provided.

He further stated that in imports, shutout of consignment at Transshipment Port, where Advance Bill of Entry is filed for five containers for shipment to Canada and Transshipment is done from Colombo but instead of 5 containers, 4 containers were loaded which was known after filing the IGM. Hence it is required to amend the bill of entry but amendment takes 4-5 days due to which we are forced to file the fresh bill of entry with penalty of Rs.5000/-. He suggested that there should be system wherein importer can carry out amend after the IGM is filed.

Mr. Dushyant Mulani thanked Mr. Karthikeya Prabu and requested him to compile all the points and forward to FFFAI.

Mr. S. Nataraja mentioned that RMS bills are diverted to groups when they go for any amendment etc. The RMS officers are sending BE to the group as they do not have any role to verify the values related to any other internal matter. They can only check the documents in order, if it is not in order they have to get permission from DC/ AC and forward to the groups. He further stated that with regard to eBRC kindly forward the samples and we will do the needful.

Mr. Shankar Shinde replied to Mr. Karthikeya Prabu about the short shipment / part shipment the issue has been taken up very strongly that it should be auto process as IGM is filed and based on the IGM filed we should be able to link with system and supplement bill of entry should get generated. Board is also working on the same. He requested members to provide the agenda points in advance which will help us to have fruitful discussion.

Mr. Devendra Thakker stated that with regard to EPR certificate members are not aware whether they should apply to the state or central pollution board and applying it takes couple of months and till that consignment is held up.

With regard to amendments, it is observed that penalty is being levied for 1K, 10K, 20K. There are some offline location which are not under the jurisdiction of Ahmedabad and when importer or exporter gives the demand draft it takes about week to clear the challan. He suggested if online challans can be generated it would be helpful and documents could be cleared by the Customs.

Mr. Dushyant Mulani said as per non-tariff notification 14/2017 which is very specific that it will be 1k and if the bill of entry is filed in advance then it will not be applicable.

Mr. Ganpat Korade raised an issue related to the goods held by investigating agency like CIU. If the goods were deposited in the custom house, it was applicable for a validity up to 30 days and if the validity has to be extended we have to approach the department for an extension of





[ESTD. 1962]

another 30 days. Since investigation takes lot of time department does not take any decision and extends the validity. He was requested to give a short note in this regard.

Mr. Shankar Shinde informed that NCTC's interception warnings and instructions needs to be studied but since everything is happening at the NCTC level where we do not have direct interaction, however informing CBIC board they would require the specific cases for studying. Mr. Kiran Nagare queried about IPR because we are often get alert but the problem is that as a trade and customs broker we don't know which products fall under this category. So it will be possible through customs and any circular that these are products covered by IPR and we are ready with the necessary documents.

Mr. Dushyant Mulani said that as per Notification 41/2007 it is very clearly mentioned that only VAT owners register as per IPR rules and their registration will appear on the screen of the registration officer. If it is not reflected the top level will not be subject to any IPR conditions. Top level officials raise issues and objections, they ask the customs broker to go to SIIB and check whether it is listed, if it is not visible on the screen. He informed to provide the note on the same for representing to CBIC that whoever is applying for IPR list of products should appear on CBIC website in a uniform and transparent manner.

16

Mr Shankar Shinde said that this is a good point and we will represent and this will be public domain information as well as they also ask for clearance, performance reports for public domain so we will definitely represent and be accessible.

EDI

Mr. S. Nataraja shared the updates of the meeting with the Principal DG System and discussed the issues related to EDI. He further stated that EDI meeting will be held every month and requested members to forward the issues if any for discussing in the EDI Committee and further representing.

Mr. K.R.B. Prakash said about Commercial assessment as there is no option to file bill of entry through CHA's RMS or assessment despite request for reassessment. The revaluation is taking time though statement regarding that is being forwarded. Similarly quality and value changes due to moisture content and there is no provision in customs for amending after finalization. Due to this GST is the issue.

He further stated that due to reduction in time by 5 days voyages from certain countries is not possible to file within 5 days hence it would be helpful if we could change the earlier arrival in bill of entry. The issue has been represented to Ministry of Coal which will be shared with FFFAI.

Mr. Dushyant Mulani said that as per the first point this is a very important point and any assessment other than SVB provisional assessment is not provisional to file in favour of customs broker and to address this issue we have gone back again. We have discussed with





[ESTD. 1962]

DG system both provisional shipping bills and bill of entry and even All India Bulk Importers and Exporters Association has also taken up the issue.

Mr. Shankar Shinde said that for the first time the DG system visited the FFFAI office. He noticed that the system manager at the port concerned was not functional and was not working hence every issue were addressed to DG Systems, Delhi. The issues related to ICEGATE or ICES, then it has to be addressed locally with the system manager, if the local system manager is not responding then the issue should be addressed to DG Systems, Delhi.

Agenda no.8 g. m.n: Shipping lines/NVOCCs/MTOs, Social media, Newsletter:

Mr. Vinod Sharma requested Mr. Amit Kamat to brief the house on shipping Line/NVOCCs/MTOs, Social Media and Newsletter.

Newsletter

Mr. Amit Kamat stated that FFFAI Bulletin was started in 2012 after that there was a gap and we started FFFAI Bulletin from October 2021 and is published quarterly. We have regular e-newsletter which is monthly newsletter which is circulated to all members via email. The quarterly bulletin printed in hard copy is circulated to all government department, Customs, Trade Association.

He requested Executive Committee Members and President of Member Association to kindly share the activities along with photographs of the local association for including the FFFAI Bulletin.

Social Media (Presentation attached)

Mr. Amit Kamat stated as per the desire of Chairman we have created Social Media account of FFFAI in Twitter, LinkedIn, Facebook, Instagram. After opening the account we observed that membership has increased compared to last year. The membership has increased due to the activities of FFFAI which reached to all members by way of Social Media as each and every activity is posted on the Social media platform.

He requested Executive Committee members to kindly participate social media handlers and repost the post which is posted by FFFAI so that members are aware of the activities of FFFAI. Mr. Amit Kamat invited Mr. Nirav Thakkar to give presentation on social media.

Mr. Nirav Thakkar thanked Chairman and Mr. Amit Kamat for giving him the opportunity to present on social media.

He said that people have been reading newspapers for years and now there are many mobile phone apps where we can scroll through and get the headlines all current affairs and breaking news come on social media and we get updates on what's app that's why we all get updated with it. People have started recognising FFFAI because of activities which FFFAI does. FFFAI have its own website where lot of information is available but social media does lot for





[ESTD. 1962]

creating awareness amongst the member. He shared statistics and update about twitter, LinkedIn too.

He requests every Executive Committee member to join the social media and connect with the social media activities on FFFAI and spread the information so that more members from every place can join here. If the member have any difficulty in joining they may contact FFFAI Secretariat for assistance.

Mr. Shankar Shinde said that Dr. Nirav Thakker is working hard but the statistics shown is not very encouraging though there is increase in number of members. He requested Dr. Nirav Thakker to prepare statistic with association first, then EC members, and then all members because Executive Committee members follow the associations so whatever the association creates and shares will be shared with members and individuals so this is a three tier system that we must follow.

Mr. Shankar Shinde stated that FFFAI Secretariat should inform Ms. Jasleen to create social media account for Executive Committee Members who do not have their social media account. Ms. Jasleen should also provide the list of Executive Committee Members who are still not part of the social media. He further stated that if any Social Media Committee can help of Mr. Sohel Kazani if require as he also has good knowledge about the Social Media.

18

Shipping Lines/ NVOCCs/MTOs

Mr. Amit Kamat stated that except for two webinars and one internal meeting we have not done much in the last year hence would like to make this committee vibrant as members are facing issue with shipping line regularly. He informed that Mr. Mohammed Amzad and Mr. S. Balaji – Member of Shipping Line committee have express their interest to compile the issues faced by members, plan the webinar for the members. Further we have received request from Mr. Kuldeep Thakur from Delhi to be part of the Shipping line committee and if the house approves we can include Mr. Kuldeep Thakur as member of the Shipping Lines/ NVOCCs/MTOs committee. The house unanimously agreed to include the name of Mr. Kuldeep Thakur as member of Shipping Lines/ NVOCCs/MTOs committee.

Mr. Amit Kamat assured Mr. Shankar Shinde that every month we will have an internal meeting and we will hold webinars on various topics related to the shipping line and will be able to give a concrete report before the next EC meeting.

Mr. Shankar Shinde appreciated the initiative taken by Mr. Amit Kamat and said that shipping line is the most effective sector for our industry and it is a tough time to get shipping lines on board.

He stated that each Committee should hold meeting once a month and also the webinar. The slot for the webinar can be blocked with FFFAI Secretariat so that there are no overlapping of the meeting/ webinar.





Agenda no.8 q: Women Wing: (Presentation attached)

Mr. Sudip Dey spoke about the importance of having women in the logistics sector. Global studies have shown that the more women we have in the logistics sector, the higher the country's ranking in the logistics sector, so how is that? FFFAI played a major role in this and is proud to say the good role of Convenor Ms. Chaitaly Mehta and Mentor Mrs. Philomena Pereira. During the field trip Women are actually going into the formations that have entered and checking how things are happening at the ground level which is the first step. He stated that at Kolkata Women wanted to go on field to understand how the things are happening at grass root level but were scared to go because the operation Male staff always scared them stating that there are lot of problems. He requested Ms. Chaitaly Mehta – Convenor to brief the house.

Ms. Chaitaly Mehta said that she is happy to present the report of the women wing before the committee. She said that we are actually growing slowly and steadily and more and more women are asking for membership, we are inducting more and more women into the women's wing.

19

She said Hi-Tea meeting was arranged on 19th November, 2022 at FFFAI Secretariat. It was good meeting wherein Women participated through zoom also. During the meeting important issues were discussed and also members shared their experience. Ms. Chaitaly appreciated Ms. Shikha for traveling from Jaipur to attending the field trips organised.

Ms. Chaitaly Mehta spoke about the upcoming programs.

- a) Visiting ICD Talegaon and thanked Joint Secretary PCHAA Ms. Poonam Sharma and Pune Custom House Association for creating a wonderful arrangement.
- b) Visit to Visakhapatnam from January 16th to 18th for field trip to Visakhapatnam Port/ Custom. Thanked Mr. G. Sambasiva Rao and Visakhapatnam Association for making the arrangement for the visit of the Women Wing members.
- c) Turkish Airlines has agreed to have interaction with members of Women Wing in their office along with their team.
- d) Session with Ms. Kruti Jobanputra as Guest Speaker is also arranged.

Agenda no.8 f: Inland Waterway Committee:

Mr. Sudip Dey said there has been a lot of discussion and dialogue about the PM Gati Shakti Movement and the Indian Waterways Movement in India. He briefed about PM Gati Shakti and briefed about DPR details. The PM Gati Shakti Varanasi Summit was attended by Mr. Soheli Kazani.

Mr Shankar Shinde said that PM Gati Shakti is all about infrastructure development and connectivity so anything and everything around this will come under PM Gati Shakti and integration of IT platforms of all Ministries comes under ULIP which develops by NSDL so





[ESTD. 1962]

ULIP IT platform to all Ministries provides interconnectivity and PM Gati Shakti is providing infrastructure for last mile and first mile connectivity.

Mr. Soheli Kazani informed that Ministry has stated to use all the APIs available to build our own software and automate the business so that human intervention is reduce.

Most of them are under development. The challenge we face today is that banks are not aggressively funding development; so we can also come forward with businesses to create confidence among investors which will give them confidence in cargo flow while developing waterways.

Mr. Soheli Kazani gave presentation on INSTC Dry Run Study.

Mr. Soheli Kazani stated the importance of this study which has been linked to Central Asia. He said Chabahar port came into existence after the final agreement signed by India in 2000 though dry run recommendation in our study was taken in 2015. He mentioned this time we can do something remarkable hence we need support of members to participate in this study. This will not only help them to grow their business but also will help our FFFAI to study more in detail and more comprehensively. He mentioned that technically we have qualified for the tender but pending final approval from IPGL.

20

He explained about four paths in which he mentioned path 1 and path 2 is very long and big. Mr. Soheli Kazani explained all railway routes and route studies and activities. He said PPT and check list of documents will be shared with the members. He requested EC members to express their interest for participating in this dry run project.

Agenda no8 h. ICD/CFS/CUSTODIANS

Mr. Puneet Jain said that the committee is running behind time and mentioned that the committee has a huge scope as discussed by our OB in-charge Mr. Rajesh Verma.

Mr. Puneet Jain said that Rajesh Verma has divided this committee into two parts and he takes care of CONCOR and ICD/CFS by Mr. Zahir Hussain and informed the FFFAI Secretariat to take note of it. He presented the questionnaires' which was circulated to the respective location president.

He said that we are going to circulate a Google form to all the members so fill the form accordingly and send back, based on that they are going to collect the details. He mentioned that DCBA visited some Nhava Sheva CFS.

He shared the survey details of ICD committee:

1. Container inward movement: container gate-in and placement in the CFS has to be online to the users.
2. Seal cutting procedure: Presently Doing manually with the bill of entry and other documents being uploaded or submitted.





[ESTD. 1962]

3. Submission of Kiosk machine: provided to be self-generated by the feeding the related data.
4. CFS charges payment: presently the Performa generated online but for the final invoice acceptance of charges has to be done at the CFS physically he said this feature must be online for the users.
5. E -gate pass: After all the payment done the physical gate pass made at the CFS rather the user submits the documents through electronically.
6. Weighment slips: Presently physical copies of Weighment slips are being generated.
7. Survey Report: loaded container from port gate terminal into CFS if any case enters into the CFS only after survey done at the CFS such survey report should be mandatory available to users to facilitate smooth offloading of the empty containers after Destuffing of cargo.
8. EIR (Equipment interchange report): presently it's physical process; it has two portions one is X-ray done on the loaded container and other portion is that which scan hold and these feature also done online.

Mr. Puneet Jain mentioned that our committee will submit its report in next 15 days.

Mr. Shankar Shinde thanked Mr. Puneet Jain and mentioned that operational level matter will be taken care at local association level we mainly focus on policy level matter and representation to Ministry and CBIC.

21

Mr. Hiren Ruparel gave the example of the Maersk model that after a fire in 2012 that killed many, decided not to allow CBs to enter their premises, defining the customs area where containers are brought in for inspection. Therefore, as adopted by Maersk, the HCCA regulation requires all CFS to be adopted.

Secondly he mentioned about the scanning report that the data consolidation was directly redirected to ICEGATE which is still not happening it is required to go to CFS if container does not match and move container to CFS to get EIR copies. So migrating all data will make your life easier.

Mr. Shankar Shinde asks to share the details of what the current operation is so we can take it up.

Mr. L. Cecil Machado said that we had taken up the RMS issue with the local the Commissioner but the issue is not solved.

Mr. Shankar Shinde requested Mr. L Cecil Machado to share the presentation and start taking the issue forward and asked the Chairman-elect to check and confirm.

Agenda no.9: To discuss and update about Indian Institute of Freight Forwarder

Mr. Tej Contractor made a presentation on IIFF and mentioned the structure and modules of the diploma courses conducted at IIFF; He said that we are trying to extend the support of all EC members to every forum and circle of friends. He noted that the IIFF is already in discussions with NITI and the Indian Foreign Trade Association.





Agenda no.10: To announce the date and venue of the next EC Meeting

Mr. Vinod Sharma informed that next Executive Committee Meeting is scheduled to be held at New Delhi.

Agenda no.11: To update on Registration:

a) FFFAI Registration Status:

Mr. Shankar Shinde stated that we are in process of preparing the documents for registering with skill development council like LSC or state council where we get GST exemption for training and skill development. He said on another side we are trying to get IIFF registered under these council to get GST Tax exemption on the course fee charged by IIFF.

b) Trade mark – FFFAI & IIFF: Mr. Shankar Shinde was glad to inform that we got trade mark registered for logo of FFFAI & IIFF.

c) Registration of COO: Mr. Shankar Shinde stated that we are working on the certificate of origin also. At present certificate of origin is issued by trade chamber of commerce but if it is issued online by FFFAI it will be beneficial for our members and it will be good revenue model for FFFAI. He further stated that we are discussing with IT service provider for issuing the COO online.

Agenda no.12: To update about FIATA Bill of Lading being issued by FFFAI

Mr. Shankar Shinde was glad to announce that FFFAI has started issuing FIATA paper Bill of Lading and is in dialog with FIATA for issuance of FIATA e-BL. He stated that we will keep the members updated on the same.

Agenda no.13: Any other matter with the permission of the Chair.

Mr. Sachidananda Pattanayak - President of Odisha association queried about the laboratory facility at Odisha as the same is not available.

Mr. Shankar Shinde mentioned that for lab facility kindly address the letter to local Custom and they will follow up with concerned agency. If the local Customs does not take up the concerned agency then forward the copy of the letter addressed to local Custom to FFFAI for doing the needful.

Mr. Vinod Sharma explained the details of the meetings which were held and the webinar which were attended by OBs and members.

Mr. Shankar Shinde said active participation of members is needed where we can nominate members to attend the meetings/ webinars.





He said let's study all the meetings properly, read the minutes and contact the secretariat if you do not have details and do not have an effective presentation.

Mr. Puneet Jain suggested that whenever there is a meeting, please have the secretariat staff prepare a brief summary of the previous meeting and have some background of the meeting as member who will be attending the meeting first time will not be aware of the background or the issues addressed earlier.

Mr. Shankar Shinde said secretariat always share meeting dates , details and previous minutes and agenda of previous meeting. He said Mr. Puneet Jain was present during last INSTC meeting, he shared the agenda and statement regarding the participation of the members, but we need to refer to the previous meeting; If you don't have one you can find anything from the secretariat and anything that happens in EC meetings during the transition period is available for discussions in EC meetings. So there is nothing that is not available but the only problem is that we also send emails and the challenge is how many members access those emails. We understand that there are lot of communications with FFFAI as well but it intends to be missed.

Mr. Vinod Sharma informed about local association event details.

Mr. Shankar Shinde said that we conclude with the secretariat report and if members want any details please write to the secretariat.

FFFAI had arranged a knowledge session with TransUnion regarding importance of CIBIL Rank & CCR in MSME growth. The presentation was made by Mr. Nitesh Jain. The session was well attended by Executive Committee Members of FFFAI.

Vote of Thanks

Mr. Vinod Sharma thanked Executive Committee Members, Board of Advisors for attending the meeting and FFFAI Foundation Day in large number.

As there was no matter for discussion the meeting concluded with vote of thanks to the Chair and recital of National Anthem.

For Federation of Freight Forwarders' Associations in India

Vinod Sharma
Honorary Secretary

To: All Executive Committee Members of FFFAI

To: All Member Associations of FFFAI

To: All Board of Advisors of FFFAI

To: All Nominees of Associate and Allied Members

