

सीमाशुल्कआयुक्त (एनएस -I) कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-I
मूल्यनिरूपणमुख्य (आयात) APPRAISING MAIN (IMPORT)
जवाहरलालनेहरूसीमाशुल्कभवन, न्हावाशेवा,
JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA-SHEVA
ता. उरण,, TAL-URAN, जिलारायगड /RAIGAD - 400707,महाराष्ट्र/MAHARASHTRA
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F.No. S/22-Gen-44/2017-18 AM (I) Pt.IV

Date: .06.2020

MINUTES OF MEETING OF THE PERMANENT TRADE FACILITATION
COMMITTEE HELD ON 30.06.2020

The PTFC meeting held through video conference on 30.06.2020 was chaired by Shri S.K. Vimalanathan, Commissioner of Customs (NS-III), Shri Sunil Kumar Mall, Commissioner of Customs (Ns-I), Shri R K Mishra, Commissioner of Customs (NS-V), and Shri Sanjay Mahendru, Commissioner of Customs (NS-II&General). The meeting was attended by the following members/participants of trade:-

Sr. No.	Names (S/Shri/Ms./Mrs.)	Organization/Association/Designation
01	Marks Fernandez	IMC
02	Nimish Desai	WISA
03	O.M. Agarwal	MCC
04	Bakshi Md. Hanif	SAMSARA MANSA
05	Shankar Shinde	BCBA
06	Paresh Shah	WISA
07	Umesh Grover	CFSAI
08	Manish Kumar	MANSA
09	Dushyant Mulani	BCBA
10	Sunil Vaswani	CSLA
11	Dr. K.U. Methakar	FSSAI
12	Leena Ganguly	AIWCBA
13	Hiren Ruparel	BCBA
14	Ashish Padenekar	MCC
15	Karunakar Shetty	BCBA
16	Neelesh Datir	AILBIEA
17	Jayant Lapsia	AILBIEA

Following Officers from the department also attended the meeting:-

Sr. No.	Names (Shri/Smt./Ms.)	Designation
1	Kamlesh Kumar Gupta	Addl. Commissioner of Customs, JNCH
2	Rajiv Ranjan	Addl. Commissioner of Customs, JNCH
3	Manish Thapaliyal	Addl. Commissioner of Customs, JNCH
4	Vijay Manvatkar	Addl. Commissioner of Customs, JNCH
5	T. Arivazaghan	Addl. Commissioner of Customs, JNCH
6	Dipin Singla	Joint Commissioner of Customs, JNCH

7	Pandurang Chate	Dy. Commissioner of Customs, JNCH
8	Sarvindu Chaubey	Appraiser
9	Jagmohan Sagar	Appraiser

2) Shri Manish Thapaliyal, Addl. Commissioner of Customs, JNCH, started the discussion related to the agenda points of the meeting.

3.

New Points

Agenda Points Represented By BCBA

Point No. 1: Delay caused due to the Signature of Preventive Officers' on Gate Pass of CFSs: We thank you for the landmark P N No. 54/2020 dtd. 14/04/2020 regarding Paperless Customs-Electronic Communication of PDF based Gate pass and OOC Copy of Bill of Entry to Custom Brokers/Importers.

But still the gate pass issued by CFSs requires the signature of the Preventive Officer before clearance of the consignment. In wake of this pandemic single officer is handling the job of multiple CFSs and it is difficult task to locate the availability of officer and take signature on gate pass before clearance.

Suggestion: We bring to your kind notice that at Kolkata Customs, there is no signature of Preventive Officer required on Gate Pass since 2016 as per PN No. 45/2016 dtd.31/05/2016. Copy of the same is enclosed herewith for your ready reference. The same procedure needs to be implemented at Jawahar Customs which will ease the procedures and help for smooth clearances.

Response: - There are only three adjacent CFSs where gate officers have been given additional duties taking into account the work load. However there is no need for signature of Gate officers on the BE / Gate passes after OOC as per PN 54/2020. **[Point Closed]**

Point No. 2: Request for withdrawal of waiver of late filing charges vide P N No. 71/2020 dtd.27/05/2020

Our members are putting full efforts in filing bill of entry on time to the best of their ability. However still a lot of issues are faced due to reason mentioned in our email dated 13th June 2020.

Suggestions: We request your good office to extend the benefits of waiver of late fees as per PN No. 24/2020 dtd. 20/02/2020 & 33/2020 dated 24.03.2020 till the situation comes to normal.

Response: -The regular procedure for waiver of late filing charges as per Section 46 (3) read with Notification No. 27/2017-Customs (N.T.) dtd. 31.03.2017 is still available in all eligible cases. **[Point Closed]**

Point No. 3: Out of Charge and assessment of Bills of Entry: We thank you for uploading the details of OOC status on website, however many of our members are informing us that their Bills of Entry are not attended even though the same is registered before the time mentioned in the status report.

Suggestion: We request you to kindly look into the same and ensure that Bills of Entry should not be kept on a low priority except reasons mentioned in PN No 56/2020 dtd. 24/04/2020 and also request you to upload the status report on website twice a day (before lunch time and at the end of the day) as it will immensely benefit to know the exact status of respective B/Es.

Response: -The BEs requiring additional documents like PGA NOC, COO, Scan status are attended as and when the required documents are presented. **[Point Closed]**

Point No. 4: Difficulties in examination of goods: The containers of one B/E were brought & discharged at two different CFS's during the lockdown period to decongest the port. This created lot of issues for custom examination as the custom officers were insisting to bring all the containers at one CFS's.

Suggestions: We request you to kindly allow us to examine such consignments at both the CFS's which will help for faster clearance and reduction of transaction cost.

Response: Presenting the containers for a BE in a particular CFS is a system requirement for OOC. **[Point Closed]**

Point No. 5: Issues with Non-de-stuffing of LCL Containers: Even though the B/E's are ready with all the custom formalities and payment of custom duty by importer, it has been brought to our notice that a lot of LCL containers were not being de-stuffed for more than 60 days by consolidators. Making things worse the consolidators have started charging container detention charges to importers for all such LCL containers.

De-stuffing of the container is the prime responsibility of consolidators and not importers or their custom brokers and levy of such charges are unrealistic as there is no existence of collecting container detention charges for LCL shipments.

Suggestions: Hence, we request your good office to kindly instruct CAI and their members to de-stuff the containers immediately after reaching to the CFS and not to charge any container detention charges.

Response: -CFSs are to de-stuff the LCL containers as soon as they enter the CFS. Status has been taken from all CFSs. Only in one CFS there has been a delay. Instructions in this regard will be issued to all CFSs for strict compliance. **[Point Closed]**

Point No.6: Waiver of Ground Rent: In spite of all the necessary guidelines being issued by your good office and all the concerned authorities like Ministry of Finance, Ministry of Shipping, D G shipping and J N Port none of the CFS's have adhered to the guidelines issued with regard to waiver of ground rent.

Suggestions: We request your kind intervention in this regard and ask all CFS's to adhere the guidelines issued by your good office and other concerned authorities. Also, request them to refund the charges collected by them against the consignments which are already cleared.

Response:-CFSs have been advised / guided in this regard. Regarding refund the CFSAI is required to consider and respond. **[Point Closed]**

Point No.7: Difficulties faced in obtaining delivery orders: Our members are still facing issues regarding issuance of Delivery Orders by Shipping Lines/NVOCC which takes more than 2-5 days, thus increasing the dwell time of the clearances.

Suggestions: We request the associations of steamer companies/NVOCC to issue common SOP's with regards to issuances of Delivery Order. This must be followed strictly by all their members. This will help to bring down the hassles faced and reduce the dwell time of clearance.

Response: -The Shipping lines and NVOCC have been directed to issue delivery order once the charges are paid and documents are submitted. **[Point Closed]**

Point No. 8: Issue in registering & debiting Certificate of Origin: As per PN No 59/2020 dtd. 22/04/2020, the assessment group will send a reply to importer / CB having fulfilled the requirements under PN No. 31/2017 and endorse it to RMS – FC email Id. But many of our members are complaining

about non- receipt of such e mails which create difficulties in getting OOC in time.

Suggestions: We request you to kindly ask assessment group to mark all such emails to concerned custom brokers which will help to expedite the out of charge.

Response:-AS per P.N. 59/2020 dtd. 22.04.2020, e-mails are received from concerned importer/CB and after verification of seals and signatures, details are entered in the registers maintained in Group. Accordingly, replies are being given with the copy of e-mail to RMS FC.

Messages regarding compliance of country of origin formalities are informed to RMS in time vide e-mail. RMS – FC gives OOC immediately on receipt of e-mail from Groups. If there are any specific instances of delay, then the same may be reported. **[Point Closed]**

Point No. 9: FSSAI issue: The clearances of food consignments are delayed due to non-receipt of test reports by FSSAI labs on time.

Suggestions: We request you and FSSAI authorities to allow the clearance under LG/Bond in lieu of test reports.

Response:-We will flag the issue with FSSAI.

[Point Closed]

Agenda Points Represented By MANSA

Point No.: -1 On the basis of earlier custom notification, the DPD units after 48 hrs were moved to ICD Mulund / Tarapur. This should now be stopped immediately since as of date there is no congestion at terminals/CFSs and also it is understood that the factories have been functionally opened. Thus the customers can definitely obtain delivery directly from Terminal itself.

Response: -DPD-DPD importers are taking delivery of the containers at the Terminal gates. During COVID period 5348 containers were delivered at the Terminal gates. **[Point Closed]**

Point No.:2 For the DPD units which are lying at ICD Mulund, if remain for long stay, Customs Authorities should pressurize and extend assistance to push the DPD importers for immediate clearance or their DPD status should be cancelled.

Response:-From 13.04.2020 totally 6895 containers were sent to ICD Mulund and out of which 6300 containers were delivered to the importers.

[Point Closed]

Point No.:3 Movement of Non DPD Import containers lying for more than 3 days at CWC D'node CFS. The en-block movement of these containers is necessary.

Response: -The issue will be taken up with all stakeholders and considered accordingly.

Point No.4: MANSA has sent 28 points relating to alternative to physical interface in areas of import noting, boarding, container cell, EGM co-ordination unit and cash section.

Response: 14 points have already been referred to the Board. Remaining points may be taken up with Commissioner (NS – Gen) separately.

Agenda Points Represented By CSLA

Point No.1: Online option for IGM/EGM amendment – The need for ONLINE IGM amendment was discussed earlier during the PTFC meetings held in the year 2019. Recall Customs ratifying the same & even mentioning that the contract had been assigned to a vendor for development of an online portal for IGM / EGM amendment which was supposed to have been completed in January 2020. With the prevailing situation, amendments are getting to be difficult and time-consuming. Request Customs to update on the current status on the automation of IGM / EGM Amendments, as this issue needs to be prioritized particularly under the current circumstances.

Response: The functionality is available in ICES. However, the new SCMTR will cover this also. **[Point Closed]**

Point No.2: Non-generation of SMTP Document due to missing of carrier's bond number in IGM- Sometimes carrier bond number is not fetched by the system due to mapping problem which causes no generation of SMTP documents. It doesn't make any impact on the IGM details (importer's name, weight, package, address etc.). This is regularized by feeding bond number in the carrier field. Earlier it was approved by the superintendent only. Our members have informed these days file is forwarded for this minor correction upto the commissioner level and thereafter permission to feed carrier bond number is allowed which delays generation of SMTP & evacuation of import ICD container. This should be allowed by the superintendent import noting as there is no impact on revenue because of updation of carrier bond number.

Response: -Necessary instructions has been issued to AC/DC (Import Noting) to deal with such matter. **[DC/Import Noting]**

Agenda Points Represented By WISA

Point No.1: JNCH has adopted very efficient e-mai based model for waiver of late filing fees during lock down. However, it is learnt that post withdrawal of facility of waiver for lockdown, despite provision of Bill of Entry Regulation 2018 still being in force, the department is insisting on waiver applications to be put up and processed manually which is consuming lots of time. In almost all cases, the waiver would arise out of non-functioning of ICEGATE and a screenshot of the same is being put up. The request is to continue the same email based system where screenshot could be attached with email and request be acceded to in the interest of ease of doing business. The department may choose to put process of retaining the printout, registering the same in records to make it foolproof.

Response: The request through e-mail is also being considered. **[Point Closed]**

Point No.2: Also, particularly in city of Mumbai and Mumbai Metropolitan Region, several areas are still under lockdown and public transport is still not available as usual. In the situation, we request you to kindly reconsider extending general waiver of late filing fees from 8th June 2020 till 30th June 2020.

Response: -The regular procedure for waiver of late filing charges as per Section 46 (3) is still available in all eligible cases. **[Point Closed]**

Point No.3: Making payment of charges before deliveries is becoming increasingly difficult with active interactions required for the purpose of making payment of their charges obtaining gate pass etc taking hours together under the present situation. The way customs department has brought most activities of interaction on e mail platform, the CFSs must be asked to replicate the same for all operations involving physical interactions to expedite the process of deliveries.

Response: -In this regard the matter is being pursued with all CFSs to minimize physical interaction with trade for speedy clearance/delivery of the cargo by utilizing their web-platform. **[Point Closed]**

Point No. 4: During lockdown period, despite provision for blanket waiver of late filing fees being there, many importers had paid duty online working from home including late filing fees. In all such cases, suitable guidelines be issued for claiming refund of such charges paid inadvertently due to oversight.

Response: -The issue is being examined.

Agenda Points Represent By AILBIEA

Point No.1: The assessment of documents is done on top most priority and expeditiously. Objections of avoidable nature at the assessing levels should be stopped and fast track clearance mode should be encouraged.

Response: - Queries are raised only in those cases where either sufficient information is not available in the bill of entry as well as documents uploaded on e-sanchit, or the importer has not complied with all the rules and provisions required for assessment of bills of entry as per the Customs Act, 1962, Allied Acts and relevant Circulars/ Public Notices/CCR instructions. **[Point Closed]**

Point No.2: Asst. Comm. /Dy. Comm. should be empowered to overrule frivolous objections raised by the assessing officers, instead of the matter being escalated to higher levels.

Response: Queries are being confirmed by DC/AC only after verification of requirement of the same as per existing rules & procedure for assessment in a particular Bill of Entry. **[Point Closed]**

Point No.3: Assessment of Bills of Entry should be monitored on daily basis to mitigate objections and ensure faster assessment, particularly in these trying times when the importer, Custom Broker, Shipping Agents, Transporters, CFSs and other agencies are desperately working against all odds, to ensure faster evacuation of the cargo and faster movement. This will reduce the risks to their lives and exposure to the Virus.

Response: Customs is working 24X7 and assessment of Bills of Entry is being monitored on daily basis. **[Point Closed]**

Point No.4.The most critical need of the hour is to ensure that consignments are cleared in the utmost expeditious manner without any impediments and hurdles, so that there is constant and uninterrupted movement of cargo [containers] at CFSs and the ports thus reducing the prospects of huge congestion.

Response: Bills of Entry are being assessed in expeditious manner where the importers follow the required rules and procedures for assessment of Bill of Entry. **[Point Closed]**

Agenda Points Represented By AIWCBA

Point No.1: Shipping Lines need to keep offices open for collecting Original BL either in PUB bldg or CFS. Currently some are calling for BL either to their residence or in offices situated in Fort, Andheri as per their convenience. Due to lock down it becomes very difficult to send our boys all over Mumbai.

Response: - The Chairperson directed the Shipping lines to consider the suggestion in spirit of ease of doing business. **[Point Closed]**

Point No.2: LCL cargo importer / CB cannot take delivery if not de-stuffed by CFS /shipping lines / Forwarders /NVOCC. Delivery order is not issued by shippinglines / Forwarders /NVOCC. In LCL shipment, Detention charges cannot be collected. Yet during COVID period we have seen such charges being collected by shipping lines / Forwarders /NVOCC for their own mistakes.

Response: - The Shipping lines and NVOCC have been directed to issue delivery order once the charges are paid and documents are submitted.

[Point Closed]

Point No.3: CFS are not following order of CBIC & Ministry to waive Ground rent here in JNCH but same CFS has allowed Ground rent free in Chennai? Can we request CFS to follow the same procedure in JNCH?

Response: - CFSs have been advised / guided in this regard. Regarding refund, the CFSAI is required to consider and respond. **[Point Closed]**

Point No4: Shipping lines insisting hard copies of Bond / BL copies with endorsement knowing very well that public transport has not started. In case of surrender of Seaway BL, request shipping lines to accept soft copies by mail. It is hardship to CBs if all shipping lines start demanding hard copies. CBs won't be able to function as all our staff have not joined office yet.

Response: - The Chairperson directed the Shipping lines to consider the point in spirit of ease of doing business. **[Point Closed]**

Point No.5: In case of loaded container deliveries of imports, some shipping lines are recovering empty container offloading charges and some are forcing the trade to pay directly to their nominated empty container yard. As it's truck driver who goes for offloading empty container, he may not always have ready cash. Also, most of these yards don't have proper staff to understand and interpret requirements of GST (name of billed party and its correct GSTIN), resulting in trade unable to avail input tax credits. These receipts are issued to the truck driver and never reaches the concerned CB or importer in time. Also, these charges are not uniform and keeps varying from Shipping Line wise and empty yard wise, making it further difficult for the trade to comply. (Receipt Copies enclosed)

Therefore, for operational ease and transparency we suggest all shipping lines be directed to recover empty container offloading charges themselves at the time of issuing delivery order.

Response: - The Chairperson directed the Shipping lines to consider the point in spirit of ease of doing business. **[Point Closed]**

4. The members of the meeting were informed that the date and mode of conducting next PTFC meeting shall be informed well in advance. **All the Association members were requested to forward their agenda points, if any, at least 07 working days in advance by e-mail to Appraising Main (Import) Section on appraisingmain.jnch@gov.in for taking up the issue in the upcoming PTFC meeting.**

5. The meeting ended with vote of thanks to the Chair.

6. This issues with the approval of the Commissioner of Customs, NS-I.
7. Minutes are placed on JNCH website and also being sent through emails to the members.

(Dinesh Kumar Fuldiya)

Dy. Commissioner of Customs
Appraising Main (Import),
JNCH, Nhava Sheva

To,

All the Members of PTFC (through email)

Copy to: (through email)

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH, Sheva.
2. The Principal Addl. Director General, Directorate General of Tax Payers Services, Mumbai Zonal Unit, Room No.138/139, New Custom House, Ballard Estate, Mumbai – 400 001 (mzu-dgtps@gov.in).
3. The Ombudsman, Indirect Taxes, Mumbai.
4. All Commissioners of Customs, Zone-II, JNCH, Sheva.
5. All ADC/JC, DC/AC of Customs, JNCH, Sheva.
6. DC/EDI for uploading on JNCH website.
7. Office Copy.