



**OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS, MUMBAI ZONE II**  
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F.No.: S/V-30-Misc-001/2019-20 CCO M-II ('A'-Cell)      Date : 07.10.2019

**MINUTES OF CUSTOMS CLEARANCE FACILITATION COMMITTEE (CCFC)**  
**MEETING HELD ON 28.08.2019 AT JNCH**

The meeting of Customs Clearance Facilitation Committee (CCFC) was held on 28.08.2019 at 11.00 A.M. in the Conference Room, at the 6<sup>th</sup> floor of the Jawaharlal Nehru Custom House, under the Chairmanship of Shri Vivek Johri, Principal Chief Commissioner of Customs, Mumbai Zone-II.

2. Following personnel and representatives from regulatory agencies and various stakeholders attended the meeting:

<b>Sr. No.</b>	<b>Name of the Organization</b>	<b>Name of the Representative &amp; Designation</b>
1.	TEXTILES COMMITTEE	Dr. P. Ravi Chandran, Deputy Director
2.	FSSAI, WR, MUMBAI	Dr. Krishna Methekar, Deputy Director
3.	FSSAI, WR, MUMBAI	Shri Shailesh Nimbalkar, Onsite Manager
4.	JNPT	Sh. Avinash Buge
5.	BMCT	Sh. Faiz Sayyed, Senior Manager
6.	BMCT	Sh. K Arul Raj
7.	DP WORLD-NSICT/NSIGT	Shri Sanjeev Kabbur
8.	DP WORLD-NSICT/NSIGT	Shri Hardik Vaidya, Head Ops.
9.	Portall	Sh. Manoranjan Gupta
10.	ONE Line	Sh. Subhash Dongre
11.	Evergreen Line	Sh. Sandeep Tawde
12.	Supreme Industries Ltd. (Importer)	Sh. R. Padman
13.	Reliance Industries Ltd. (Importer)	Sh. Dayanand Kotian, Gen. Mgr
14.	Balkrishna Industries Ltd. (Importer)	Sh. Santosh Jumbad, Dy. Mgr
15.	Zim & Star (Importer)	Sh. Satyajeet Patnaik
16.	Bennett & Coleman Ltd.	Sh. Ramesh
17.	AICBIEA	Sh. Neelesh
18.	BCBA	Sh. Paresh Thakkar
19.	BCBA	Mr. Kiran Rambhia, Sr. Vice- President
20.	BCBA	Shri Hiren Ruparel, Member MGM. Committee
21.	CSLA	Capt. Savio, Interasia shipping line
22.	CSLA	Sh. Shailesh Koli
23.	CSLA	Sh. V M Thomas
24.	CSLA	Sh. Pawan Kumar
25.	CFSAI	Shri Umesh Grover, Secretary General, CFSAI

26.	CFSAI	ShriLakshaTadadikar, MC Member & CEO EFC CFS
27.	CFSAI	Capt. Nishit Joshi, VP CFSAI & VP Hind Terminal
28.	MANSA	Shri Manish Kumar, Sr. Manager
29.	MANSA	Shri Bakshi Md. Hanif, Sr. Manager
30.	WISA	Shri Paresh Shah, Member
31.	WISA	Shri Nimish Desai, Member
32.	RCL	Shri Ramakrishnan

The department was represented by the following officers:

Sr. No.	Name of the officer & designation
1.	Shri S. Vimalnathan, Commissioner of Customs, NS- III
2.	Shri Sunil Kumar Mall, Commissioner of Customs, NS-I & Audit
3.	Shri Sanjay Mahendru, Commissioner of Customs, NS-Gen& NS-II
4.	Shri R.K. Mishra, Commissioner of Customs, NS-V
5.	Shri R.K. Singh, Additional Commissioner of Customs, CCO
6.	Shri Vishal D. Jaronde, Joint Commissioner of Customs
7.	Shri Rajiv Shankar, Joint Commissioner of Customs, Disposal
8.	Ms. Pallavi Gupta, Deputy Commissioner of Customs, CCO

3. The Chair welcomed all members and informed that the meeting will start with short presentation on time taken in clearance of cargo by all stakeholders at JNCH.

4. Ms. Pallavi Gupta, Deputy Commissioner of Customs, CCO made a power point presentation in respect of Dwell Time, highlighting the time taken in clearance of cargo by trade represented through Customs Broker, Customs and PGAs in the month of June, 2019.

Chair, after going through the Time Release Data for the month of June and its comparison with previous month and last year data, thanked all PGAs particularly FSSAI for significant decrease in dwell time in issuance of NOC.

At the same time, Chair expressed concern over the high time taken by trade/Customs Broker from assessment to payment of duty. He observed that substantially high time taken by CB/Trade is defeating the effort of reducing dwell time of release of import cargo. He asked for suggestions for measuring performance of CB's working in JNCH. ADC RMS/DPD informed Chair that the EoDB score system of CB can be put in public domain for information of other stakeholders including Importers to bring competitiveness among them provided the BCBA agrees to such proposal. BCBA representatives informed that all CBs are not covered by the EoDB scorecard and that there are issues related to performance indicator. The Chairman asked ADC DPD to at least have general data on CBs performance like percentage of CBS scoring above 4 ,3,2 EoDB scores etc. He requested BCBA to deliberate on the issue of bringing scorecard in public domain and come up with some suggestion.

**[Action: DPD Cell, BCBA]**

Chair informed members that the National TRS was conducted in the first week of August, 2019 for which the data was locked down by 07<sup>th</sup> September, 2019. He requested all stakeholders including PGAs to eliminate delay at all stages. He informed that delay in clearance of few consignments impacts the average release time. Sh. S. K. Mall, Commissioner requested CFSs, Shipping line etc to submit data related to NTRS in time bound manner.

Chairman expressed concern over the large number of persons visiting Custom House particularly in the Appraising Halls and near cabins of Group AC/DC ostensibly with no particular work. Given that all processes are computerised, the entry of CHA staff & others in such large numbers is not necessary. Overcrowding in the corridors creates a disorderly atmosphere, does not allow officer to work in peace and also poses a security risk. He asked BCBA to report about persons moving around Custom House who are not their employees or brokers. He informed members that a new electronic Token entry system (like the one deployed at Banks) is being introduced only for Appraising Hall and the Group AC/DC floor(2<sup>nd</sup> floor). Accordingly, visitors will be allowed to meet officers on the basis of a token and one by one. He requested all members particularly the CBs to help Customs in smooth implementation of the new entry system.

5. Thereafter, pending issues from earlier CCFCs and Agenda Points were taken up for discussion by ADC CCO.

#### **5.1 Delay in payment of duty:**

During the last meeting, Chair expressed concern about the high time taken by trade/Customs Broker from assessment to payment of duty resulting into increased release time thereby seriously affecting the Government policy of Ease of Doing Business and effort of bringing the Ranking under 50 by the year 2020.

In this regard, it is conveyed that BCBA may send its representative periodically to EDI Section and collect the list of Bs/E where assessment is complete and duty is yet to be paid so that their members may follow up with importers for expeditious payment. BCBA agreed to this and accordingly this agenda item was closed.

**(Point Closed)**

#### **5.2 Difficulty in execution of Dual-use Bond with ADC**

During the last meeting over the issue of submission of application for NOC electronically, Chair directed ADC to take up the matter with their Ministry to make the process online. Chair also asked BCBA to submit suggestions on reducing steps while issuing ADC NOC after studying the process of execution of Dual Use Bond.

On being asked, representative from ADC informed that the matter regarding electronic system for issuance of dual use NOC has been taken up with the higher authorities. He informed that dual use applications received including query raised are processed and disposed within five working days by their office. Dual use permissions/ NOC's are sent by e-mail on day to day basis. Queries raised are also e-mailed to applicant/CHA.

BCBA representative requested to allow them to submit copy of the application through pen drive or CD for dual use NOC at JWR CFS to save the time and expedite the procedure. In reply to this, representative from ADC informed that this process has already started to which the Chair appreciated the ADC authorities. In this regard, BCBA requested the Chair to issue a circular. The Chair asked ADC representative to issue a public notice or provide a copy of the instructions so that Customs can issue a public notice in this regard. It was decided that the point shall be treated as closed after issuance of above PN.

**[Action: ADC, DC CCO]**

#### **5.3 Procurement/ Installation of container scanner at Port:**

During last meeting, the Chair had asked Traffic Manager JNPT to ensure installation of Mobile Scanner by August and inform before the next CCFC accordingly. JNPT informed that 3 numbers of mobile scanners one each for JNPCT, NSICT & GTI have arrived. The civil and electrical works are nearly completed however, work related to ICES connectivity, regulatory clearance from AERD are pending. He told that all the three scanners are expected to be commissioned by November, 2019. The Chair raised his concern over delay in full functioning of these scanners. He directed that as soon as the first scanner is ready, it should get operationalised and be available for scanning of cargo of all Terminals instead of waiting for all three scanners to be made operational together.

**[Action: JNPT]**

#### **5.4 Time Taken for evacuation of DPD containers (Port to declare):**

During the last meeting, over the issue of separate stacking of CFS Containers and DPD-CFS mode of containers for a particular CFS, the Terminals and CFSs informed that separate stacking is not possible but it will be ensured that there is no delay in DPD-CFS evacuation. Chair directed that in case of delay in evacuation, the CFSs should be responsible to bear all charges and the same should be debited from their P.D account at Terminals and should not be recovered by CFS from Importers. (PN to be issued for above)

The representative from JNPT informed the Chair that the average time is not more than 18 hrs. The Chair expressed satisfaction and observed that the same should further be reduced further keeping in mind the overall average release time target of 24 hrs for sea cargo prescribed by the National Trade Facilitation committee. He asked JNPT to monitor the same and forward data on monthly basis to Customs.

**[Action: JNPT]**

#### **5.5 One time intimation (CSLA):**

During the last meeting, the issue of shifting of the DPD-containers to a CFS of Shipping Line's choice and not as per the OTDI was raised. ADC DPD requested Chair that CSLA/ MANSAA be asked to issue advisory to their members to adhere to the JNCH PN in this regard and resolve all such cases by compensating the loss of DPD Importer. He informed that as per JNCH PN the shipping line has to clearly go by the one time default intimation which has been uploaded on the DPD JNCH website.

CSLA/MANSA representatives informed that there are cases wherein different CBs of one importer gives different choice of CFS despite having submitted OTDI. ADC DPD informed members that in such situation as per JNCH PN **110/2018**, the SL has to go by the OTDI given by Importer electronically. In case the importer wants to change the choice of CFS, he needs to first change OTDI with Customs. In other words, in cases where OTDI has been given, the importer/broker cannot directly approach the Shipping line for a change in choice of CFS. He has to revise his OTDI to Customs who will publish the revised one on the JNCH DPD website immediately so that Shipping lines can act upon it. As for the others who have not opted for OTDI, as long as they send the emails 72 hrs prior to the arrival of the vessel, the shipping lines should consider their request.

The Chair asked Commissioner, NS-III to speak to stakeholders so as to bring more and more importers to opt for OTDI rather than advance intimation for each shipment/consignment.

**[Action: Commissioner NS-III]**

## **5.6 Longstanding containers put on hold in CFSs, by investigating agencies:**

During the last meeting, the Chair directed CFSAI & CSLA to give exact data in respect of long-standing containers that are put on hold by various agencies such as SIIB, DRI and pending for disposal in format circulated during the meeting by the 5<sup>th</sup> of each month to enable monitoring by CCO. The Chair also directed Commissioner (NS-Gen) to have the list examined and put up an action plan on the disposal of such containers within a month.

Commr. (Gen.) informed Chair about the progress made in obtaining NoC from DRI/SIIB etc and in disposal of long standing containers. Chair observed that a lot has to be done in this regard by Disposal unit and CFSs. He asked Commr Gen to convene meeting with CFS and other related agencies and submit the progress report in the next CCFC.

Issue of delays in disposal of long standing containers containing perishable cargo was raised by CFSAI. It was pointed out that CFSs incur a lot of expenses in providing constant electricity supply to refrigerated containers in which such cargo is stored. They informed that the main reason for delay is the NOC from FSSAI/PQ. They requested for guidelines from Customs for time bound disposal of such perishable cargo in refrigerated containers. Commr. Gen. informed that there is no separate process for disposal of perishable and non-perishable cargo and that under the current instructions NoC from PGAs is must before the auction. Under the earlier system, it was possible to go ahead with the auction without PGA clearance which it was left to the buyer to obtain. The FSSAI representative stated that in all such cases the NoC shall be issued within 2 days. After due discussion on the issue it was decided by the Chair that:-

- a) Commr. General should take up the matter with CBIC on the issue of formulating separate process for disposal of the perishable cargo which may become environmental hazard; and
- b) Convene meeting with FSSAI and other PGAs and issue time bound guideline for disposal of such cargo under the existing law and regulations.

**[Action: Disposal/ NS-GEN]**

## **5.7 EGM'S pending update-**

During the last meeting, Commissioner (NS-Gen) has directed CSLA to issue an advisory to their members and forwarders to provide copy of master bill of lading and EGM No. to the respective exporter in order to save time in removing errors of EGM. Shipping lines have issued an advisory to their members and forwarders to provide details of Bill of Lading to exporter so that EGM errors could be rectified.

Chair observed that EGM pendency is directly linked with IGST refund. He requested the FIEO representative present in the meeting to sensitise exporters in this regard. The point was closed.

**[Point Closed]**

## **5.8 Network facility of all cellular Operators with wi-fi facility at Parking Plaza:**

During the last meeting, the issue of wi-fi facility was deliberated. Terminals were directed to take necessary measures to resolve this issue without any further delay. Commissioner(NS-II) JNCH was asked to monitor the issue and action be taken under CCSP Regulation.

The Chair was informed that the connectivity issue still remains at Parking Plaza and other areas around JNPT . The Chair observed that the connectivity is the basic infrastructure of Port. The JNPT should take up matter with the MTNL and other private operators for proper connectivity.

**[Action: JNPT/Terminals]**

### **5.9. Nomination of area inside the port terminals for examination/sampling of DPD Containers going by Rail:**

During the last meeting, issue of earmarking an area for examination and sampling (On-Wheel Examination and Sampling) inside the terminals was deliberated. BCBA members and trade were directed to utilise the facility of On-wheel sampling facility at NSICT to reduce the cost and time of release. He asked Commr NS-I to sensitise such importers (especially Fertiliser importers) for which purpose, an officer from RCF has also been deputed at the Terminal.

The Chair observed that despite facilities being created for reduction of time and cost of clearance, there are very few takers, the reason for the same is hard to understand. He asked BCBA to sensitise the members for proper use of facility. The point was closed.

**[Point Closed]**

### **5.10 Movement of DPD units by default to Speedy CFS after 48 hours from JNPCT.**

CSLA & MANSA have raised the issue of movement of DPD Containers by default to Speedy CFS, despite Shipping lines having nominated other CFS as per PN 57/2018.

The Chair was informed that the matter has been taken care of. Now the containers are being shifted to other CFSs also and not only to Speedy. The representative of JNPT mentioned that data maintained by them on monthly movement of containers to CFSs confirms this. The point was closed.

**[Point closed]**

### **5.11 Sea Cargo Manifest & Transhipment (SCMT) regulations:**

Issue regarding SCMT was discussed. Commissioner (NS-II) informed that a Public Notice No. 23/2019 dated 01.03.2019 in this regard has already been issued. ADC/CCO informed the same has been shared with MANSA & CSLA vide e-mail on 07.03.2019. Chair informed that concern of CSLA & MANSA, over other issues related to SCMT were taken up with DG(System) and they are working on it and any development in this regard will be communicated to them accordingly. The members were informed about the workshop held on SCMT. The point was closed.

**(Action: Point Closed)**

### **5.12 BMCT- ITT movements and CRO movements:**

The issue of ITT to and from BMCT was discussed in detail during the last meeting where Chair enquired whether there is possibility of movement of containers to & from BMCT without Customs escort. Commissioner (NS-General) informed that in this regard an SOP is required where terminals/ Shipping Lines would take responsibility for movement of containers by submitting a carrier bond.

A meeting was called by the Commissioner General on this issue where BMCT refused to execute TP Bond for ITT movement. The Chair observed that consensus on the issue is still to be arrived. He asked Commr Gen. to examine the issue and submit report before the next CCFC.

**(Action: Commissioner (NS-Gen))**

### **5.13 On Line amendment of IGM.**

During the last meeting issue of amendment in IGM was deliberated. CSLA requested an electronic solution for amendment in IGM.

The Chair was informed by the JC Import Noting that online module for such amendment of IGM is being prepared and is expected to be released soon. Chair asked for the compliance report of its functioning and directed that the point be closed after getting the same.

**(Action: point to be closed)**

### **5.14 Boarding Procedures:**

MANSA& CSLA requested to reduce documentation requirements for Boarding. Boarding formalities need to be reviewed and simplified, as many of the procedures/paper work are obsolete.

During the deliberation, the Chair was informed that post SCMT the same may not be required. The point was closed.

**(Action: point to be closed)**

### **5.14 EGM filing Procedures:**

MANSA& CSLA informed that presently, EGM is filed in two ways: through EDI in ICEGATE and through Hard copy manually. They suggested the EGM for all the containers (Local+ICD) should be filed on-line.

The point was proposed to be closed since manual filing of EGM would not be required after implementation of SCMT Regulations, 2018 except for the cases covered under proviso to Regulation NO. 5 of SCMT Regulations, 2018.

**(Action: point to be closed)**

### **5.15 Transshipment Permission for import containers discharged at JNPT for other Ports in India:**

During the last meeting, MANSA& CSLA have raised the issue and requested that old system of processing TP permit through system after inward entry as in the case of SMTP (ICD containers) need to be reinstated at the earliest.

The Chair was informed by the members that issue would get addressed with SCMTRegulations, 2018.

**(Action: point to be closed)**

### **5.16 Continuity Bond with Container Cell:**

Representative of MANSA informed Chairman that in case of change in Agency dealing with containers, there should be a provision to transfer Bond from old Agency to new, on the basis of required documents submitted by both the Agents. Currently there is no such facility available and the previous Agent in whose name the Bond is obtained is held accountable to submit the re-export details and cancel the Bond. Also in case the Line decides to terminate or reduce the business in India, the Line / Agent should be allowed to reduce the Bond value accordingly. As per the present system, even if there are only few containers lying in India, they have to renew the Bond as per the original / additional Bond. As there is provision to add the number of containers in the Bond, similarly there should also be facility to reduce the number of containers.

JC Container Cell informed Chairman that the liability of continuity bond is shifted to new Agent subject to the submission of NoC from SL, Agreement between SL and new Agent, Documentary evidence of all liabilities of the previous agent shifted to new agent and NoC from Old Agent and New Agent. Chairman directed Commr General to issue PN for information of all concerned in this regard.

On the second issue of reduction in container numbers in Continuity Bond, the JC Container Cell informed explained that it will increase paperwork of Lines administrative work of Custom. The SL representative present in the meeting agreed with the view.

**(Action: Commissioner (NS-G))**

#### **5.17 Disposal of Bonded/ Uncleared and Unclaimed Cargo:**

CFSAI Members had made a representation seeking a review of CBIC circular 49/2018 dated 3<sup>rd</sup> December 2018 as they strongly opine that the prevalent system at JNCH which handles almost 50 % of the country's EXIM Containerized cargo is a robust system and same should be maintained. CFSs concern is mainly on e-auction to be done only by MSTC, which does not have the expertise in handling various commodities whereas private e-auctioneering houses are also presently following a transparent mechanism and provide value addition; by allowing only MSTC to be the sole vendor leads to monopolistic situation. They had requested to take up the matter with CBIC to maintain status quo and keep CBIC Circular 49/2018 in abeyance till a review is done and stakeholder's views are taken on board.

Since the Board Circular has already come into effect it should be complied with. However, Chairman asked Commr (G) to examine the issue and offer comments on the stand of CFSAI on CBIC Cir. 49/2018.

**(Action: Commr(g); DISPOSAL)**

#### **5.18 Non-requirement of depositing the recurring cost recovery charges in cases where CFSs have fulfilled the necessary performance benchmark and eligible for exemption on cost recovery charges.**

CFSAI on relying upon the recent judgment of Hon'ble Gujarat High Court in Special Civil Application No. 4083 of 2016 filed by M/s. Adani Ports & Special Economic Zone Limited, have requested to pursue the issue of waiver/exemption of cost recovery charge where CFSs have fulfilled the necessary performance benchmark with CBIC.

In this regard, the Chair asked about the practice being followed till date. The Commissioner General informed that the issue involves is whether Waiver will be applicable from prospective date i.e. date of decision on application for waiver or retrospective date i.e. the date from which the CFS has fulfilled the criteria. The CFSs are asking for the latter. After the judgement of Hon'ble Gujarat High Court, again a reference has been made to DGHRD for clarification and follow up of the same is being done Chair asked him to take up the issue with DGHRD again with a copy to CCO so that it can be followed up.



**(Action: Commr(Gen))****5.19 Recovery of Terminal charges:**

The representatives of M/s Benett Coleman, Supreme Industries and Reliance, present in the meeting informed Chairman that Shipping Lines are collecting high amount for Terminal Handling Charges, which is a service given by Port Terminal. They further informed that the THC charged by Terminals as per TAMP is much less than that collected by Shipping Lines on behalf of Terminals from Importers. They requested the Chair that such malpractice by Shipping Lines should be stopped and alternatively, they being DPD client of JNCH and having PD account at all Terminals, be allowed to pay THC directly to the Port Terminals.

Chair asked for the comments of CSLA/MANSA on the issue. The representative present in the meeting stated that this is not the right forum to take up this issue and that the matter is being discussed with Ministry of Shipping. ADC, DPD stated that facilitation of DPD client is the mandate of Customs and the importer who is using DPD-DPD facility and is having PD account with terminal should be allowed to pay THC directly to the Terminals and not to third parties or intermediaries like shipping lines. He informed the Chair that the DPD cell has received many such grievances and attended the same as per provisions contained in PN issued for DPD clients. He further informed Chair that since the importers are DPD clients and have PD account in all Terminals for DPD delivery, they may be allowed to pay the same directly to Terminals. The representative of CSLA/MANSA stated that the invoice value for THC include other services also.

Chairman informed that it has been brought to his notice also that there is a minimum mark-up of 30 to 40% in the THC charged by SLs. He observed that the matter is very much related to the CCFC and asked CSLA/MANSA to give their comment on the request made by importers within a month's time. He directed ADC DPD to take breakup of THC charges from SL and examine the issue of payment of the same by DPD importers directly to the Terminals. Chair told the representatives that the matter is being discussed and the decision shall be taken after proper examination of the issue.

Chair informed members that the EODB policy of Government aims not only at reduction in time of release but also in cost. He observed that costs incurred by an importer in clearance of goods are a pass through and are ultimately borne by the domestic consumers of those goods. He said that everybody should be able to justify the charges that are being levied by them. They would be justified in charging for the services they are providing. He directed everyone whether CFS, shipping line or Broker that the charges they invoice to the importer should be justified.

**(Action: Terminals, CFSAI, CSLA)****5.20 DPD Codes:**

CSLA has informed that they have common codes for DPD customers and it would be more convenient to have all the 5 terminals to have a common format for FORM13 plus common group codes for CFS/ICD. CSLA requested to standardise the same.

Representative of JNPT informed the Chair that they are already working on it. The Chair concluded this issue by informing that there is agreement to it and there will be common code and JNPT has already started working on it and all are going to follow what JNPT recommends to CFS or terminals. He requested JNPT to share the outcome

**(Action: JNPT)****5.21 Simplify IGM modification process for Import Short landing Shipments:**

CSLA informed that import containers are short landed due to operational reasons (damaged cell guides, terminal equipment breakdown etc.). Most of the times, numbers of containers are short landed with containers of multiples BLs and multiple importers. Further the short landed containers arrive on the next vessel and since there is no revenue implication and fraudulent intention, the short landing case should be treated as a common / specific case and not an amendment case and the Consignee documents should not be required for IGM modification in Short landing case.

ADC, CCO informed the Chair that Commissioner General's office had already issued Standing Order 14/2019 prescribing the new format which is to be issued in the form of public notice in a day or two. The Chair informed that process to streamline has already started in phases. He asked Commissioner General to further streamline the same.

**(Action: Commissioner (NS-G))**

### **5.22 Delay in transmission of vessel data from PCS to ICEGATE system & no provision to view vessel details on ICEGATE:**

CSLA has informed that Vessel details (New vessel / change of vessel name/change of call sign etc.) are updated in the PCS system by the vessel operator, which is approved by the Port Harbor Master after verifying all the documents. After the approval of the Harbor Master, the vessel details are then transmitted from the PCS system to the ICEGATE system which gets delayed on several occasions. There is no visibility to the shipping lines if the ICEGATE has received the vessel details from the PCS system or not. The ICEGATE has provision to generate rotation numbers electronically, but in this rotation application, there is no provision to view the vessel name. Hence at times, the rotation number gets processed with the old / wrong vessel name. ICEGATE should be requested to auto populate the vessel name whenever IMO/CALL sign of a vessel is given by the user in the electronic rotation application. PCS should also be requested to share the vessel data with the ICEGATE on a real time basis.

Chair directed to take up the issue with DG (Systems) for examination and necessary procedural amendments.

**(Action: DC/EDI)**

### **5.23 PGAs to give list of Out of Scope Items on weekly basis:**

ADC, CCO informed Chair that the matter is being taken up with the PGA's and as soon as they provide the list, it would be uploaded on the website. The chair enquired whether out of scope items list is being published on our website or not. He requested PGA's to update the out of scope list.

**(Action: FSSAI, AQ, PQ)**

### **5.24 Choice of CFS to importer:**

AIWCBA has informed that the shipping lines are not honouring the choice of CFS of non DPD importers and are charging extra for their choice of CFS

After detailed deliberation on this issue, the Chair stated that Importers are free to choose Shipping Lines, Forwarders and CFSs of their choice. He informed that this Custom House is receiving complaints where different charges are being collected from Non-DPD importers. Chair asked Shipping Lines to submit their stand on the issue.

**(Action: CFSAI, CSLA, MANSAL)**

## **6. Following New Points were taken up in CCFC by ADC CCO.**

### **6.1 Use of OoC data transferred thro Message Exchange to Terminals for Release of DPD Containers:-**

Presently the DG Systems CBIC is forwarding OoC data on real time basis to all Terminals of JNPT. Further the same data is also being forwarded to PCS1x. However instead of using the same in their ToS (Terminal operating System) for release of OoC DPD containers from the Port premise, the Terminals are relying on the e-mail from Customs Broker with the scan copy of OoC print out and the D.O. received from Shipping Line. There is no mechanism for verification or checking authenticity of such e-mail. The Terminals are also not getting OoC data from PCS1x.

Non use of on-line OoC data is resulting into wastage of time and manpower of Customs and DPD importers, who have to be physically present for release of containers at Port Gate. The Terminals should inform about the status of use of On-line OoC data for release of DPD Containers.

On being asked, JNPT informed that they have started using the ICES data for release of containers in the ToS. The remaining Terminals informed Chair that the same is under implementation. The Chair directed all terminals to use the online data of OoC for release of containers in their system. He asked ADC CCO to take the status from all Terminals and report.

**[Action: Terminals/Shipping Lines]**

### **6.2 Disposal of Bonded / Uncleared and Unclaimed Cargo –**

CFSAI has raised concern of their association on the CBIC circular 49/ 2018 dated 3<sup>rd</sup> December 2018.

In this regard, ADC, CCO informed the Chair that the matter has already been discussed above while discussing the old agendas at point 18.

### **6.3 Review of longstanding containers that are put on hold by investigating agencies SIIB, DRI, CIU and others-**

CFSAI informed Chair that more than 700+ containers are pending for clearance in CFSs of NhavaSheva which have been put on hold by various governmental investigating agencies, some of them for more than 5 years. CFSAI informed that their member CFSs tend to lose revenue on same and also the precious space in CFSs gets blocked.

ADC, CCO informed the Chair that the matter has already been discussed by this CCFC in old point (Para 5.6 of this Minutes). Chair asked Commr (G) to submit the status of progress made in getting NoC from DRI, CIU etc.

### **6.4. Review of RED sanders lying uncleared/unclaimed with custodian–**

CFSAI informed Chair that approximately 114 containers of Red Sanders are lying uncleared/unclaimed for several years (as much as 8-10 years). They submitted a list of such containers and requested directives/guidelines to expedite disposal of these containers.

The Chair informed that there is certain quota being given for disposal of RED sanders to different agencies by CITES. The Customs has not been allotted the same. JC Disposal informed Chair that DRI has also exhausted the quota given to them for disposal. He also informed that there was a meeting held in New Delhi regarding the disposal of RED sanders and it was concluded in that meeting to device a mechanism for in-house disposal of RED sanders. However, guidelines are yet to be issued. The Chair asked Commr (G) office to find out as to whether Andhra Pradesh still has quota

left with them. If yes, then to write to Andhra Pradesh Forest Corporation requesting them to lift the stock of RED Sanders lying in JNCH jurisdiction.

**[Action: Commissioner (G)]**

### **6.5 Disposal of goods brought into CFS/Customs area for export but not exported and not obtained shut out –**

CFSAI informed the Chair that for various reasons the Export goods are abandoned by exporters after carting & even after grant of Let Export Order (LEO). CFSs consistently follow up with the concerned exporters /CHAs advising them to either expedite export or remove it from CFSs after getting due customs permissions. However, such export cargoes remain "uncleared" & block precious space in CFSs. CFSAI has forwarded a List of 770 Export Consignments which are free from any hold of investigating agency but remain uncleared from CFSs. They requested intervention of the Chair for expeditious disposal of export cargo. It is further requested that JNCH / CBIC may consider formulating guidelines for disposal of longstanding export cargo.

In this regard, JC/Disposal informed Chair that process has been finalised and a public notice is being issued shortly. The Chair asked Commr (G) to expedite the process and inform the progress made in disposal of such export cargo.

**[Action: Disposal/Commissioner (G)]**

### **6.6 Textile Committee testing Reports to be issued at JN Customs:**

BCBA informed Chair that Textile Committee have an office in the Port Users' Building opposite JNCH where test reports of samples drawn from import consignments are received. However, after testing, reports are being sent to DRT CFS by them for issuance. Their Members have to collect report from DRT CFS and bring back to JNCH for assessment which leads to delay in clearances. They requested for arrangements for collection of test reports from the Textile Committee office in PUB directly by JNCH.

Chair observed that the Textile Committee should have no problem in issuing TR from PUB itself. It was decided that the TR shall be issued by TC from PUB only. He directed ADC CCO to take up with TC for implementation of the decision.

**[Action: ADC CCO]**

### **6.7 Manual forwarding at Docks-**

BCBA has informed that manual forwarding at docks are to be taken for opening of containers as many officers are having charge of more than two CFSs, hence Custom brokers have to run from pillar to post and requested to stop this practice. It was clarified that manual forwarding from the Customs Officers is required for allowing the CFS to grant seal-cutting permission for a container.

Chair observed that for examination of goods to be meaningful and effective, it is imperative that the containers seal is cut in the presence of the Customs Officer examining the goods. It cannot be done in advance. BCBA agreed to withdraw this point.

**[Action: point withdrawn]**

### **6.8 SOP required from PGA's for samples sent for testing-**

BCBA informed that samples are drawn for purpose of testing by all PGAs. In this regard they have requested for SOP regarding what quantity is required for testing purpose in grams/litres/No. of bobbins: Metres/ food grains in kgs etc. to make speedy clearance. There are many instances where PGAs have raised query because the Sample size was found to be inadequate.

In this regard, representative from FSSAI and PQ informed that SOPs have already been notified on their website. Chair asked Commr (NS-1), incharge of Appraising main to issue Standing order for officers in this regard.

**[Action: Commissioner(NS-1)]**

#### **6.9. Guidelines required from DYCC-**

BCBA representative informed Chair that many a times DYCC refuse to accept sample for test stating that testing facility for the same is not available. The entire process takes a week and results in delay of clearance of cargo. Hence, they requested that DYCC should clearly issue the list of items which cannot be tested so that the Appraising Groups can send it to other labs. Commissioner NS-V informed that a list of such items is being prepared.

Chair directed Commr NS-V to have the collated list and uploaded on JNCH website. He observed that all Groups should use the Test Module and asked Commr NS-V to give status on the same.

**[Action: Commissioner NS-V]**

#### **6.10 Operationalization of Mobile Scanner for DPD/RMS Containers at port-**

BCBA has informed that the mobile scanner in the terminal is not operational any more for many months now. They have requested to operationalize it quickly to process DPD/RMS shipments smoothly.

The matter has already been discussed at point 6.3 of the old agenda.

#### **6.11 OTI for DPD shipment highlighted in last PTFC meeting – Any amendment done to the PN notice?**

CSLA has informed that DPD Customers registered Under OTDI (One Time Default Intimation) and that during the PTFC meeting held on the 27<sup>th</sup> of June 2019, CSLA recommended that any change in the OTDI pertaining to CFS nomination by the consignee, should be done by the consignee (Importer / CHAs) on the DPD JNCH website. However, they are still following the same old process for change of OTI through emails. They have proposed that change of OTI take place only through the DPD JNCH website.

The matter has already been discussed and clarified above in old agenda point no. 5

#### **6.12. 3<sup>rd</sup> party nomination resulting in long-stay – auction proceeds not shared by the CFS along with the Shipping Lines**

CSLA/MANSA representative informed Chair that the CFSs are not sharing details of disposal or its proceed with them in cases where import containers are shifted to the CFS of Importer's choice.

Chair observed that Shipping Lines should be informed and asked CFSAI to issue advisory to all CFS.

[Action: CFSAI]

### **6.13. DPD shipments moved to consignee nominated CFS (DPD+ CFS) going into long-stay**

CSLA informed Chair that due to mis-declaration of cargo/ invoice value etc., customs holds DPD shipments resulting in holding the Shipping line container. They have proposed that such DPD consignee should be barred from DPD status and customs need to review all DPD customers and only those consignees with AEO status should be given the benefit of DPD.

The matter has already been discussed above. The Chair directed CSLA to provide the list of cases wherein DPD containers are lying in CFS without the OOC being given so that action could be initiated against those CFS.

[Action: CSLA]

### **6.14. Empty unit not returned by BCBA registered CHA.**

The BCBA representative requested for the specific case in this regard so that necessary action can be taken. The point was proposed to be closed by representatives of both associations.

[Action: CSLA]

### **6.15 Agenda Points sponsored by FSSAI**

- FSSAI need ready to move approximately 2000 sq feet area to set up office and storage area near JNPT port.

The representative from JNPT informed that land is available and asked FSSAI representative to apply for the same to Port authorities. The Chair observed that presence of PGAs at port is a mandatory requirement. He asked FSSAI to approach JNPT in this regard and inform CCFC of the outcome so that Customs could take necessary action on the issue.

[Action: FSSAI, JNPT]

- There are cases where the BEs get deleted from ICEGATE due to late filing/Duty payment but FSSAI has already issued NOC. In such cases, the importers approach FSSAI again for NoC after filing another BE for the same consignment.

It was informed to the Chair that the importers needs to approach FSSAI again because of a change in BE number. Chair requested FSSAI to share specific cases and asked Commr NS-1 to examine the issue of requirement of another NOC for the same consignment.

[Action: Commr. NS-1, FASSAI]

- "FS Pending" status not shown for BE and same also not exchanged via SWIFT but Customs gives examination order in writing for FSSAI NOC. The BE should come for NOC through SWIFT only.

ADC CCO informed the FSSAI representative that this happens in cases where the BE is filed under CTH not attracting FSSAI intervention but subsequently re-assessed by Appraising Group under CTH requiring FSSAI NoC. Such BE cannot be automatically routed through SWIFT because the routing of Bs/E to PGA's

happens at the filing stage only and not subsequently. The matter has already been taken up with Commissioner SWIFT, Delhi requesting for transmission of such Bs/E to PGA's via SWIFT too so that the NOC can be sent by them online.

#### **6.16 Shipping lines not honouring Customs PN for choice of CFS (Non DPD):**

Western India Shippers' Association has forwarded mails received from two shipping lines stipulating several conditions in blatant defiance of Customs PN on the subject. An advisory issued by Maersk line – world's largest carrier has also been forwarded regarding levying additional charges for choice of CFS for non-DPD customers. They have requested for intervention of JNCH in stopping these unwanted recoveries from the trade thereby increasing transaction costs in these troubled times.

In this regard, the Chair directed CCSP management Cell to look into the matter and report.

**[Action: CCSP]**

#### **6.17. Point Sponsored by NSICT Terminal**

NSIGT Terminal has submitted following issues along with the request for necessary approval required for the same:

<b>Sr. No.</b>	<b>Issue</b>	<b>Approval Required</b>
1.	If consignees obtain Customs OOC within 48 hours of landing but request to hold cargo for logistic reason.	Terminal may be authorized to hold the boxes in its premise on customers request to facilitate DPD.
2.	If the Consignee is in the process of obtaining OOC and requests the Terminal to hold the containers within its premise beyond 48 hours	Terminal is authorized to hold such boxes on its own commercial risk with the consignee to facilitate DPD against approval of ADC JNCH.
3.	If the Consignee is unable to pick containers as DPD from the Terminal within 48 hours and requests the Terminal to nominate the containers to a CFS of his choice different from the line nominated CFS.	The Terminal is authorized to make change of nomination to the CFS desired by the importer subject to the Importer agreeing to pay the Terminal as per post 48 hour DPD delivery charges.
4.	If the consignee is not reachable and the Shipping line has not advised any preferred CFS and 48 hours have elapsed since landing	The Terminal is authorized to self nominate a CFS of is choice and have the container evacuated

**Point No.1** :-After hearing the Terminal, ADC DPD and CFSAI, the Chair observed that as long as OOC is within 48 hours of landing, it is between the importer and the terminal to decide about the release of such container for DPD-DPD mode of delivery. However the same shall not be allowed if the importers have opted for DPD-CFS mode of delivery.

**Point No.2**:-The Chair observed that the procedure in such cases has already been notified by JNCH wherein the JC/ADC DPD is allowed to extend the period of evacuation to 72 hours on being satisfied with the reasons of delay. Hence the request of Terminal may not be accepted.

**Point No. 3 &4**:-The CFSAI representatives opposed the proposal of NSICT and stated that no other terminals are asking for the same and also. It is not as per the processes defined for DPD by JNCH. The Chair asked NSICT, JNPT, GTI, BMCT and the CFSAI to submit their comment on the issue to DPD Cell JNCH and asked ADC DPD to examine the same.

7. After the discussion over all the agenda points of CCFC, the Chair concluded the meeting with a vote of thanks.

8. This issues with the approval of the Pr. Chief Commissioner of Customs, Mumbai Customs Zone-II.

**Sd/-**

**(Rupak Kumar)**

Deputy Commissioner of Customs,  
Principal Chief Commissioner's Office,  
Mumbai Customs Zone-II.

Copy to:

1. Member (Customs), Member (Zone), CBEC, New Delhi
2. All Commissioner of Customs, JNCH, Mumbai Zone-II
3. DC/EDI, JNCH (with a request to upload the minutes on website)
4. All members of CCFC Meeting (via e-mail)
5. Office Copy