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Minutes of Permanent Trade Facilitation Committee (PTFC), Customs Clearance Facilitation Committee (CCFC) and Public Grievance Committee (PGC) Meeting

Minutes of the meeting of Permanent Trade Facilitation Committee (PTFC), Customs Clearance Facilitation Committee (CCFC) and Public Grievance Committee (PGC), Customs Mundra held on 22.11.2017 at 11.30 A.M. at Mundra Custom House under the chairmanship of Shri Sanjay Kumar Agarwal, Commissioner of Customs, Mundra.

The meeting was attended by the following:-

1. Shri G. P. Meena, Additional Commissioner, CH, Mundra
2. Shri Joginder Singh, Deputy Commissioner, CH, Mundra
3. Shri Rajesh Tripathi, Deputy Commissioner, CH, Mundra
4. Shri M S Meena, Deputy Commissioner, CH, Mundra
5. Shri Sharvan Ram, Deputy Commissioner, CH, Mundra
6. Shri Dharmraj Khatik, Assistant Commissioner, CH, Mundra
7. Shri Nagendra Kumar Trivedi, Assistant Commissioner, CH, Mundra
8. Shri Rajesh Rai, Assistant Commissioner, CH, Mundra
9. Shri Naresh K. Saini, Deputy commissioner, Mundra
10. Shri Raj Kumar Meena, Superintendent, Mundra
11. Shri L Mohanty, Allcargo CFS, Mundra
12. Shri Hemchandra B. Yadav, Shivam Seatrans Pvt. Ltd.
13. Shri Manoj Kotak, Secretary, MCHAA
14. Shri Dinesh Gupta, President, MCHAA
15. Shri K K Dubey, Insynergy SCS Pvt. Ltd
16. Shri Kaushik Joshi, APSEZ, Mundra.
17. Shri Sandeep Trehan, Transworld CFS/TG-Terminal, Mundra
18. Shri Sandeep Rajwanshi, Honeycomb CFS, Mundra.
19. Shri Suresh Mutang, Honeycomb CFS, Mundra
20. Capt Rohit Batra, Mundra CFS, Mundra
21. Shri G Bhargan, Landmark CFS, Mundra
22. Shri H C Tharwani, Aditya Marine Ltd.
23. Shri K M T V Sujana, Act Shipping Ltd
24. Shri Rajeev Kasyap, Kasyap Shipping Ltd.
25. Shri Bhavin Thakkar Swayam Shipping Ltd.
26. Shri Tushar P Harsora, J M Baxi (SCI).
27. Shri Mukesh Parmar, PMA.
28. Shri Prithviraj Rathore, MSC Agency.
29. Shri Jatin, CMA CGM.

At the outset, the chairman welcomed all members present in the meeting. After that the Agenda Points were discussed in detail and the point-wise minutes of the PTFC meeting are as under:

| Sr. No. | Points raised in PTFC, CCFC and PGC meeting | Reply given by the Chairman |
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| 1 | It is observed that in the case of RMS facilitated Bills of Entry wherein third party like FSSAI, PPQ, and Animal Quarantine etc. is involved are directed by the DE staff to obtain permission from the Additional Commissioner. In such cases the seal Cutting permission may directly be given by the Inspector | The Chairman replied that as per existing guidelines permission for Seal cutting for RMS BEs can be granted with prior approval of ADC. However, Chairman directed the DC (Docks) to identify the cases wherein NOC of third agency is required so that Seal cutting permission for RMS BOE can be granted by the Docks Officers on request made by CHA/Importer. A Facility Notice |

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| | (DE) | No. 10/2017-18 dated 29/11/2017 has been issued in this regard. |
| 2 | At Para 11 of the minutes of P.T.F.C meeting held on 03.02.2016 in the presence of Principal Commissioner it was very specific about the weighment procedure which is not followed as on date the same is required to be instructed to the docks examination staff | The Chairman replied that the officers of Docks are following the observations of Para 11 of PTFC dated 03.02.2016. However, if trade faces any difficulty, the same can be brought to the notice of the ADC (DE). |
| 3 | If there is any valuation dispute and the importer is not ready to load the value instead is requesting for provisional release against Bond and Bank Guarantee of difference duty @ 100% may kindly be accepted. | The Chairman replied that the Re-assessment is being done under the provisions of Section 17 of the Customs Act, 1962. |
| 4 | An Order in Original to be issued within fifteen days from the date of assessment wherever value of the goods are enhanced as per Section 17 of the Customs Act 1962 | The Chairman replied that in case where the value enhancement is not accepted in writing by the importers or their representatives, the issuance of speaking orders within fifteen days from the date of re-assessment of the bill of entry or the shipping bill is a legal requirement as per Sub-section 5 of Section 17 of the Customs Act, 1962. Any instance of deviation may be brought to the notice of Additional Commissioner (Group). |
| 5 | It is specified in the Public Notice No. 09/2015 that wherever there is an excess of more than 5% the same is required to be adjudicated. In this regard it is to submit that an OIO was issued by Mundra Customs vide OIO No. Mun/Cus/OOC/APP/092-099/15-16 imposing Fine and Penalty which was set aside by the Commissioner Appeal vide order no. C11245 to 11252/15-16 and the same was also accepted by Mundra Customs. We have also approached the Customs Authorities to revoke the practice of adjudication through our letter dtd. 13.12.2016. | The issue was deliberated in detail in the meeting and it was explained that the Public Notice No. 09/2015 was issued to avoid delay in clearance in situations of weight variation and therefore, recall of said PN would not be in the interest of Trade. |
| 6 | The person holding a H-Card should be allowed to sign the documents on behalf of Importer/Custom Broker as per Public Notice No. 07/2017 dated 07.01.2017 issued by Mumbai Customs. | The issue was accepted by the Chairman and a Public Notice No. 34/2017-18 dated 24/11/2017 has been issued in this regard. |
| 7 | As per High Court Judgment No. SCA/1490/2007/34/34 dated 24.02.2010 stamp duty is not required on imported goods even though the CFS Authorities are insisting for Stamp duty payment. | The Chairman replied that the issue is in the domain of state authorities. However if any representation in this regard from the stakeholders is received, the same will be sent to the State authorities. |
| 8 | It is also observed that most of the time due to slow connectivity of ICEGATE most of the importers have to suffer from Penalty charges as well as the charges of demurrage/detention. A suitable Public Notice may kindly be issued wherein not only the penalty may be waived off but the charges of CFS and Shipping line also. In this regard it is requested to issue suitable Public Notice. | The Chairman replied that a standing Order No. 05/2017-18 dated 08/11/2017 has already been issued. However, as far as waiver of demurrage/detention charges collected by the CFS and Shipping Lines charges is concerned, decision will be taken after due discussion on legal parameters. |
| 9 | Most of the time the connectivity of EDI System is down at PUB and the work is held up and sometimes is down for 2-3 days. It is requested that a second lease line may be installed at the earliest. | The Chairman replied that BSNL has improved the connectivity. However, the DG (System) has already been appraised about the problem and necessary action will be taken as per their directions. |
| 10 | The ratio of Bills of Entry processed in RMS is very low comparatively at other ports. | The Chairman replied that the profile of importers and the commodities imported varies from port to port and accordingly the RMS facilitation also varies. Therefore, comparison of RMS |

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| | | facilitation at different port is un-warranted. |
| 11 | The monitoring of Bills of Entry should be done every day and someone to be held the responsibility. | The Chairman replied that the BOEs are being monitored regularly. Any specific instance of delay may be brought to the Notice of Additional Commissioner (Group). |
| 12 | The items falling under tariff value should be facilitated through RMS. Wherever it is necessary that examination is required necessary CTH to be targeted for examination. Wherever you have fixed the prices for some items such item may not go to RMS if the price is lower than targeted. Most of the times the bills of entry are to be re-called for reassessment after the permission of Additional Commissioner which cause delay. | Since the issue was not clear, the CB Association was asked to explain the issue. It was explained by them that issue is RMS facilitation of Tariff Value items such as brass scrap needs to be examined 100%. The Chairman replied that Facility Notice No. 11/2017-18 Dated 29/11/2017 has been issued specifying category of RMS BEs which may be recalled without permission from the Additional Commissioner (Group) to avoid delays. |
| 13 | Assessment and verification of documents, including defacing important documents as well as debiting bond and licence are work of appraising groups, but it is seen that most of these work is passed on to Dock Examination by way of examination order, which cause delay in clearances. | The Chairman replied that most of times the CB representative are not able to produce the original required documents at the time of assessment and therefore the Groups pass on the verification work at the end of Docks, which reduce the dwell time as well as physical interface with the officers. |
| 14 | Practice of examination of goods on first check should be allowed on lawful basis where at the time of assessment value or quantity of imported goods cannot be ascertain on the basis of document produced by importer/CHA. As First Check examination given at Mundra Port without specific basis. It is seen that most of import of food stuff are ordering examination on first check basis without any specific reason. First check examination practice should not be adopted in routine basis without specific reason. | The Chairman broadly discussed the reason of first check as mentioned below:- i) On request of CB/Importer ii) If submitted documents are not clear iii) If Brand name is not mentioned iv) To ascertain the specification or nature etc. The Chairman requested to the members that to reduce the requirement of first check a detailed and full declaration is required while filing BoE and no column should be left blank. |
| 15 | Statutory prohibition/ restriction /safeguard with regard to imported goods based on classification should be examined by assessment officers and should not be passed on the dock examination staff so as to avoid re-referral the matter to appraising groups. As subsequent objection raised at Dock examination level cause undue delay as the file required to be re-referred to appraising group. | Both the issues were discussed in detail and the Chairman replied that examination is required to ascertain the nature of goods/specification of goods which is work of Officers of Docks. The Chairman further informed that if CB noticed that the imported goods is restricted or prohibited and he submits advance intimation with bonafide intention to the department a lenient view will be taken on role of CB while finalising the case. |
| 16 | Goods restricted/prohibited to be imported at Mundra should be examined by assessment group and where any goods is restricted/prohibited to import at Mundra, Bill of Entry thereof should not be allowed to assess so as to save time of importer to decide further course of action (re-export of otherwise). | |
| 17 | The Direct Port Delivery should be allowed to the Bills of Entry processed through RMS. Even Adani Port & Terminal has agreed to provide the space and equipment's required. (except in the case where other agency NOC id required) | The Chairman replied that containers for DPD are staked separately at Terminal and such a suggestion is feasible only if RMS facilitation status of Bill of entry is known well in advance of arrival of vessel so that the Shipping Lines/Agents can be suitably notified. The issue would require detailed deliberation with all the stakeholders which can be done separately. |
| 18 | The strength of other Allied Agencies is | The Chairman replied that the posting of staff by |

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| | required to be enhanced since the working period of these agencies are 10 AM to 5 PM from Monday to Friday. It is to submit that Mundra Port is functional 24X7 as per the CBEC Circular No. 19/2014 dtd. 31.12.2014 and as per para 3 all the agencies concerned with the export/import process are required to work 24x7. | allied agencies is determined by such agencies themselves. However, if any representation is received from the trade, the same will be referred to the concerned Ministry/Department for suitable solution. |
| 19 | Installation of High Definition Scanner is required to be installed to bring an end to the anti-national activity. As regards funds the same may be recovered from the trade as a scanning fee under Public Private Project. | The Chairman replied that the work of installation of Container Scanner is under progress. |
| 20 | A Preventive Officer to be allotted to every CFS in the Dock Preventive Section and whenever an officer is not present an additional Preventive officer to be allotted instead of allotting charge to other officer already posted. The employees of the Custom Broker have to wander from CFS to CFS and moreover there have been past incidence of accidents. | The Chairman replied that the posting of staff to particular location is done on the basis of quantum of work. However, while posting of officers the proximity of CFS will be kept in mind. |
| 21 | All CFS & Terminal should connect to Port Clearance System Electronically to avoid any Anti-National Activity to avoid illegal harassment of the CFS Authorities. | The Chairman replied that the issue needs elaborate deliberation with the concerned stakeholders and require involvement of Directorate General of System. The stakeholders may make a submission of their preparedness so that the matter may be taken up with DG (System). |
| 22 | Every CFS should be equipped with the CMC Staff and Printers. Presently the print out of the shipping bills and bills of entry are carried out at 3 CFS against 13 CFS. The trade is paying the requisite charges of the CMC still the staffs is not provided. Further most of the time there are incidents like accidents running from 1 CFS to another. | The Chairman asked to the representatives of CFS about the reasons for not providing printing facility in some CFSs. The representatives assured that printers would be provided in all CFSs. |
| 23 | Issue of Bio-Metric (Digital) Custom I-Card is required to issue to all the stakeholders working with Mundra Customs. The payment of the same will be borne by Mundra Custom Brokers Association. | The Chairman appreciated the point raised & replied that to implement this suggestion, the instructions will be issued to install the necessary infrastructure for the same and I. Card. |
| 24 | As per the Rules of FSSAI after receipt of 5 reports from FSSAI sample need not be taken for the upcoming consignments whereas every time the sample is drawn and the importer has to bear the FSSAI charges as well as time consumed turns out to additional detention/demurrage charges. | The Chairman accepted the issue and directed DC (Docks) for strict compliance of Board's Circular No. 03/2011-Cus dated 06.01.2011. |
| 25 | All the Bills of Entry filed under X-Bond should process under RMS. | The Chairman requested the CBs to provide a detailed representation on the issue, so that the same may be taken up with RMD. |
| 26 | The power to re-call bills of entry assessed under RMS should be allotted to the Assistant/Deputy Commissioners wherein minor issues like Bond/Bank Guarantee is required to be removed in case of utilization of License of other ports, minor amendments etc. | The Chairman accepted the point and a Facility Notice No. 11/2017-18 dated 29/11/2017 has been issued in this regard. |
| 27 | Installation of E-Seal Readers is required to be installed at a very short period since the CBEC is of the view of | The Chairman replied that 03 vendors have already provided their E-seal Readers and in a very short period remaining vendors will provide |

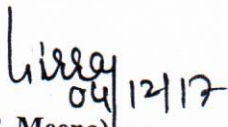
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| | implementing it shortly. Also a seminar/training is required to be conducted to enable us it's functioning. The payment of the same will be borne by Mundra Custom Brokers Association. | their readers. After installation training will be conducted for all stakeholders. |
| 28 | The operations carried out in the CFS premises are done by the employees/equipment of the CFS. The Stuffing/de-stuffing is also carried out by them but when a container gets damaged the cost is laden on the exporter/importer. Necessary directions may please be issued to the CFS Authorities/Shipping Liners. | The Chairman asked the representatives of Shipping Lines to respond. They informed that as per the contract the cost of damage due to improper stuffing of cargo is to be borne by shipper. In view of the discussion during the meeting, it was decided that each instance is to be examined on the basis of facts involved and no general direction can be issued. |
| 29 | A KYC Cell is required at Mundra Custom House. In case of first time import/export the mandatory online verification should be conducted to avoid fake importer/exporter. | The Chairman replied that KYC is sole responsibility of Customs Brokers. |
| 30 | Most of the time due to some manual queries raised by the officer's results in unnecessary delay and the importer has to suffer from detention/demurrage charges it is requested that if the officers have any doubt a query in the system to be raised. Since the queries are raised in system there will be transparency between the Customs and trade. | The Chairman replied that the query is raised by the assessment Group only in system. However, if at the time of examination any document is required, the same cannot be called by raising a query in system. Therefore, the Docks Officer make query in file to check/verify the same. |
| 31 | It has become a routine practice to take discharge permission for import of bulk cargo. It is but natural that if a vessel has arrived it has come for discharge and there are officers posted in the R & I Section for inspection. As regards the quantity and commodity the same can be verified from the IGM. It is therefore requested to kindly discontinue the same. | The Chairman replied that the issue needs thorough examination and action will be taken accordingly. |
| 32 | Looking towards the recent scenario and the present condition installation of CCTV cameras are required to be installed. Since Custom House is a Public place the CCTV cameras must be installed at every department which will bring transparency and the recent scenario will come to an end. | The Chairman accepted the point and directed the ADC (P&V) to take steps for installation of CCTV Camera at main Gate and in Corridor. |
| 33 | The entry of unauthorized person shall be completely banned at Custom House. If anyone is found necessary legal action must be initiated along with the officer helping him clear his consignment. | The Chairman replied that any person can visit Customs House. However, as far as entry in CFSs is concerned, Custodians are allowing entry to authorised Card Holders only. |
| 34 | Surprise checks to be conducted every day/week to avoid any fraudulent or Anti-National Activities. | The Chairman replied that team of SIIB is already doing the surprise checks. |
| 35 | The Tariff rates of the CFS are very high comparatively all over India. We have raised the similar objection in many of the meetings but still the rates have not been revised. For example empty container lift on/lift off charges, fuel surcharge, container placement/grounding charges etc. | The Chairman replied that fixation of Tariff is right of Custodian and therefore no interference is warranted. |
| 36 | The option of movement of Import laden container shall be allowed to the importer's choice CFS. | The Chairman accepted the point and assured to issue suitable Public Notice in this regard. |
| 37 | We have also requested for shifting of the main terminal gate to Rangoli parking to avoid accidents. | The issue was discussed in detail with the representative of Port authority. The Chairman replied that the Rangoli Gate is beyond the |

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| | | Customs notified Area and roads from there lead to CFS and SEZ units also and therefore, Customs check at entry cannot be shifted to Rangoli Gate. |
| 38 | SL/SA are receiving list of EDI EGM pending for IGST vide e-mails from MCD section, many a times there is only screen shot only, in order to speed up the process, we request to provide a consolidated list in excel file containing ICD Location code, Shipping bill no, container no along with concern SL/SA details. | The Chairman accepted the suggestion and directed the MCD Section to provide the required information in excel sheet. |
| 39 | Understand that the supplementary EDI EGM is being rejected by the officer, if any error appears while approving the same. For which SL/SA did not receive any intimation, through system. Requesting to pls advise on this, as these s/bills were again left as non-filed EDI EGM as pending list. | The Chairman replied that the rejected supplementary EGM will be shared with respective Shipping Lines. |
| 40 | SL/SA are submitting EDI EGM for ICD shipping bills, where error "A" is being generated, which reflects that the Local EDI EGM at ICD customs not being filed by the concern Custodian, Hence requesting to kindly circulate an advisory to all concern ICD Customs house & Custodians at ICD destinations indicating that filing of EDI EGM is mandatory, also seek an option through ICEGATE, that once EDI EGM at Gateway port filed & at later stage if local EDI EGM file at ICD customs, than system should automatically checks & clear the cycle | The Chairman asked to the SA/SL to bring such type of cases to the notice of Customs. Any such instance may be brought to the Notice of Additional Commissioner (MCD). |
| 41 | While obtaining the rotation Nos., if name of any vessel changed, then SL/SA modify the vessel name against the IMO no. in the PCS/ICEGATE system. This option is not being facilitated at Mundra Customs, hence SL/SA need to take help of their office at Mumbai. Requesting to kindly seek provision for same. | The Chairman replied that the issue will be examined and necessary action will be initiated accordingly. |
| 42 | Penalty is being imposed considering as Major category (under any other amendment) for the cases where SL/SA missed to file/wrongly filed details in the Carrier PAN No/Carrier Bond No/MLO Code. These are the parameters which are included in the EDI IGM for online facilitation of the ICD distained containers, hence if any changes in these parameters should not considered as amendment under major category. | The Chairman replied that the amendments & penalty are in accordance to the Board's Circular No. 14/2017 dated 11.04.2017. Any instance of non-compliance may be brought to the Notice of Additional Commissioner (Import Noting). |
| 43 | Amendment request moved to appraiser for their report/NOC, (if B/E filed), which is taking much time for amendment. As per latest Circular no. 14/2017 Dt. 11-April 2017, Report/NOC from concern Group (in case if B/E has already been filed) is required only in the cases where amendment requested for change of bill of Lading No. | The Chairman quoted Facility Notice No. 47/2016, dated 15.03.2016, issued by the Customs, JNPT, & replied that Report/NOC from the concerned Group is mandatory in case Bill of Entry has already been filed. He further added that there is no such guidelines in the Circular No. 14/2017, dated 11.04.2017, as stated by the SL/SA association. |

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| 44 | For the amendment of ICD destined container, once SMTP passed, however the container still lying at gateway port, for amendment in destination change from ICD to Local, in this cases SL/SA have to obtain report from concern ICD destination indicating that the said line was deleted from their system, this process is time taking. Requesting to pls seek feasibility to allow amendment first without NOC from ICD destination & once amendment done, an intimation to concern ICD destination sent for deletion of Line along with to correct ICD location/Local Customs indicating to add the said line. | The Chairman replied that pre-requirement of NOC from the destination ICDs cannot be dispensed with. As IGM has already been filed for the destination ICDs for particular container. Hence, before amending the IGM to change the destination ICDs, the line has to be deleted at destination ICDs. |
| 45 | Auction procedure is getting delayed and taking much time, hence SL/SA has requested to expedite the same specifically for the used cloths and used cut tyres. | The Chairman directed the DC (Disposal) to expedite the process of disposal. |
| 46 | Auction of restricted cargo by the custodian | The Chairman replied that the Custodian may obtain permission of Customs and thereafter may proceed for auction process. The custodian must ensure that the successful Bidder is fulfilling all mandatory requirements/NOCs. |
| 47 | Long lying cargo seized by various agencies like SIIB, DRI, Customs | The Chairman requested the Custodians to provide the list of cargo seized by the DRI, so that matter may be taken up with DRI. The Chairman also directed the AC (SIIB) to provide details of cases wherein SIIB seized the cargo and directed to take early steps to dispose off the same. |
| 48 | Report of sought from the custodian even after the auction process is complete | The Chairman replied that some of the reports are required for onward submission and therefore the same are sought even after completion of auction process. |

The meeting ended with vote of thanks to the Chairman.

This issues with the Approval of the Commissioner of Customs, Mundra.


 (G. P. Meena)
 Additional Commissioner

F. No. VIII/48-25/AG/CHM/2015-16

Date: 04/12/2017

Copy to:-

1. The Chief Commissioner, Directorate General of Taxpayer Services, C R, Building, IP Estate, New Delhi – 110109.
2. The Chief Commissioner of Customs, Gujarat Zone, Ahmedabad.
3. PA to Principle Commissioner of Customs, Custom House, Mundra.
4. Additional Commissioner (Group) of Customs, Custom House, Mundra.
5. Additional Commissioner (DE/DP) of Customs, Custom House, Mundra.
6. All Deputy/Assistant Commissioners of Customs, Custom House, Mundra.
7. The Chamber of Commerce and Industry, Kutch/Gandhidham.
8. Mundra Customs House Broker's Association, Mundra.
9. Kandla Customs House Broker's Association. Gandhidham.
10. Mundra Shipping Agent Association.
11. M/s Adani Logistics Ltd. APSEZ, Mundra.
12. Container Freight Station Association, Mundra.
13. Notice Board.