



कार्यालय: प्रधान आयुक्त सीमाशुल्क, मुन्द्रा,
सीमाशुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात-370421
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370 421.
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F. No. VIII/48-09/FN/AG/2017-18

Dated: 23.03.2018

PUBLIC NOTICE No. 51 /2017-18

Subject:- Compliance of Procedure for movement of import cargo in containers from Port to CFS as prescribed vide Facility Notice No 12/2017-18, dated 15.12.2017 and provisions of "Handling of Cargo in Customs Areas Regulations, 2009" by, Shipping Lines / Shipping Agents etc. : reg.

Attention of the Members of Trade and Industry, steamers/ Shipping Agents(SA), Port/Terminal Operators and CFS Operators including all other persons responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods in any capacity in a Customs area is invited to the Facility Notice No. 12/2017-18 dated 15.12.2017 issued by Mundra Custom House and Handling of Cargo in Customs Areas Regulations, 2009 as amended by Notification No. 96/2010 dated 12.11.2010.

2. Importers / Exporters as well as Trade Associations in various Permanent Trade Facilitation Committee (PTFC) meetings and Customs Clearance Facilitation Committee (CCFC) Meetings have repeatedly raised their grievances / complaints about non-compliance of Facility Notice No. 12/2017-18 dated 15.12.2017 by shipping lines and steamer agents

3. Facility Notice No. 12/2017-18 dated 15.12.2017 provided that all Shipping Lines/Steamer Agents will be required to compulsorily indicate in the IGM against each line, the name/code of the Container Freight Station, opted for and intimated by the importers/CHAs for delivery of their imported cargo. For this purpose, the importers/CHAs were advised to intimate the shipping line/agents about their option of the destination CFS, at least 72 hours prior to the arrival of the vessel (Entry inward).

4. Thus, it can be seen that in order to get delivery of imported cargo to the Container Freight Station (CFS) opted by importer, only requirement prescribed vide aforesaid FN is 72 hours prior intimation to Shipping Lines/Steamer Agents. However, it has been represented by trade that Shipping Lines/Steamer Agents are imposing extra condition on the importer. These extra conditions includes:

- (i) Original Bill of Lading (BL) should be submitted to CFS 72 hours prior to vessel arrival;
- (ii) Security Deposits of the value of Container, which is normally Rs 1.25 Lakhs for 20' container and Rs 2.5 Lakhs for 40' container;
- (iii) Raising invoice for collecting extra amount from such applicants in various names such as "nomination fees" etc (over and above the charges being collected by Shipping Lines, if cleared to Shipping Line nominated CFSs);
- (iv) Requiring importers to submit number of additional documents / certificates (over and above the documents being collected by Shipping Lines, if cleared to Shipping Line nominated CFSs)

The requirement to comply these extra conditions are resulting not only in delay of clearances but also increasing the compliance cost.

5. Attention of Shipping Lines / shipping Agents are also invited to **Regulation 5**, which provides that any person who is a Customs Cargo Service provider shall provide Infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling stuffing and de-stuffing of containers, storage, dispatch and delivery of containers and cargo etc. to the satisfaction of the Commissioner of Customs.
6. **Clause (o) of said Regulation 5 (1) (i)** also provides that Customs Cargo Service provider shall provide such other facilities as the Commissioner of Customs may specify having regard to the custody and handling of imported or export goods in a customs area;
7. **Sub Regulation (4) of Regulation 5** provides that the “Customs Cargo Services provider” is bound to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.
8. Sub Regulation (2) of Regulation 7 empowers the Commissioner of Customs to regulate the entry of goods in a customs area for efficient handling of such goods.
9. With an aim to bring ease of doing business, transparency in transaction cost of EXIM Trade, increasing the volume of Direct Port Delivery and ensuring the compliance of the Facility Notice No.12/2017-18 dated 15.12.2017 in letter and spirit, it has been decided that:
- (i) Shipping Lines/Steamer Agents should not prescribe / put any extra condition on the importer opting to avail choice of CFS facility as provided under Facility Notice No. 12/2017-18 dated 15.12.2017.
 - (ii) Shipping Lines/Steamer Agents should not prescribe / put any extra condition on the importer opting to avail Direct Port Delivery facility.
10. Needless to say that all Shipping Lines, Shipping agents are bound to comply with Sub-Regulation (3) of said Regulation 6 and Public Notices issued by CHM with a aim to bring ease of doing business, transparency in transaction cost of EXIM Trade in terms of **Clause (o) of Regulation 5 (1)(i) & Sub Regulation (5) of Regulation 5, of Handling of Cargo in Customs Areas Regulations, 2009**. In case of any violation of said legal requirement, suitable action would be taken under Handling of Cargo in Customs Areas Regulations, 2009.
11. Any difficulties experienced in this regard may be brought to the notice of undersigned immediately.


(Sanjay Kumar Agarwal)
Commissioner of Customs.

Copy to:-

1. The Chief Commissioner of Custom, Gujarat Zone, Ahmedabad.
 2. All Additional Commissioners of Custom, CH Mundra.
 3. All Deputy/ Assistant Commissioner of Custom, CH Mundra.
 4. Mundra Custom Brokers Association.
 5. Container Freight Station Association, Mundra.
 6. Mundra Shipping Agent Association.
 7. All Trade Associations.
 8. Notice Board/Website
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