



Ministry of Finance,  
Department of Revenue,  
Central Board of Indirect Tax and Customs,  
Office of the Principal Commissioner of Customs,  
Customs House, Mundra Port & SEZ, Kutch, Gujarat-370421  
Phone:- 02838-271029, Fax:- 02838-271162

**PUBLIC NOTICE NO.35/2018-19**  
**DATED- 26.11.2018**

**Sub: Procedure for Disposal of Unclaimed/Uncleared Cargo and Confiscated Cargo.**

Attention of all Importers/Exporters, Custom Brokers, CFSs, Members of trade associations and all other concerned is invited to the CBIC Circular No.50/2005-Cus dated 01.12.2005 and Circular No.52/2005-Cus dated 09.12.2005 on the above subject and the installation of UCC Software at Mundra Port. As prescribed under these circulars, the following procedure shall be followed:-

**1. Disposal of unclaimed/uncleared cargo under Section 48 of the Customs Act, 1962 -**

**A. Procedure for unclaimed/uncleared Cargo under Section 48 of the Customs Act, 1962 landed at least one year prior to the date of their import:**

- (i) All CFS's under the Custom House, Mundra shall issue notices (first and second/final notice) under section 48(as amended), to the consignee/importer whose consignment would not get cleared/warehoused/transhipped within 30 days after unloading/arrival in their CFS or within such further time as the proper officer may allow, as the case may be. The notice shall be serve to the consignee/importer at his known address and will also be displayed on the custodian's notice board stating that if the goods are not cleared within 15 days of receipt of the notice, they be sold by the custodian under Section 48 of the Customs Act, 1962. A Final Notice (i.e. 2<sup>nd</sup> notice) shall also be issued by the custodian, if the consignee/importer fails to reply the first notice in this regard. The custodian shall make an entry in UCC Software (Web base <http://103.239.139.99:4050/>) about the status of Notice-1 and Notice-2 issued to the consignee/importer. Correspondence in this regard shall be conveyed to the DC (Disposal Section) in time.
- (ii) If the custodian does not receive any reply, even after issuance of two notices from the consignee/importer regarding clearance of the cargo, custodian will intimate and request the Disposal Section for the permission of disposal of the cargo. Accordingly, the custodian will furnish the list of items to be considered

- for disposal to the Disposal Section, Custom House, Mundra. The list will contain complete particulars such as Bill of Lading, description of goods, weight, CTH, name of the consignee/consignor, etc. alongwith the compliance received from the consignee/importer, if any.
- (iii) Disposal Section, on receipt of such request regarding disposal permission from the custodian will make entry of file no. in the UCC Software as given in the file register of the Disposal Section.
- (iv) Further, Disposal Section will forward the list/case ripe for the disposal to the concerned Group, who will scrutinize the list/case with their own files/records and will intimate the Disposal Section a list/case of disputed or stayed consignment/s or consignment/s required to be retained for any investigation/adjudication/court proceedings, motor vehicles or negative list items as restrictions imposed under the allied acts and the custodian would not put such goods for e-auction/e-tender. Group will also confirm whether any Compulsory Compliance Requirements (CCR) i.e. clearance from FSSAI, ADC, PQ, Lab Test etc. to be complied with prior to auction and/or delivery of goods and accordingly provide the NOC to the Disposal Section for disposal of the cargo by way of e-auction-cum-e-tender. The group will also update of above report in UCC software by logging in to their respective user id's and password as being provided to them.
- (v) With regard to the cases other than restricted, prohibited and/or confiscated cargo, the group shall submit NOC to the Disposal Section upon which the Disposal Section will write to the custodian (with copy to AC/DC, Dock Examination) for necessary inventory and examination.
- (vi) The Officers of Dock Examination will choose 10% consignments for which detailed inventory shall be made in their presence for sample check and if sample is needed to be drawn for any test, the same will also be drawn and forward to the Govt. approved Labs (i.e. CRCL etc.) through Central Sample cell of Custom House Mundra. The Dock Examination officer will send the Examination report and sample test report to Disposal Section and will update UCC software accordingly.
- (vii) Upon receiving Group NOC, Examination Report and Sample Test Report, if any, the AC/DC (Disposal Section) will give permission for e-auction-cum-e-tender and accordingly the custodian may proceed for e-auction-cum-e-tender sale of the cargo ensuring the compulsory compliance requirement, if any (as per para A (iv) of this notice) being mentioned clearly in the E-auction catalogue. The responsibility of the disposal of cargo shall be exclusively with the Custodian. The disposal of the goods shall be made through E-auction-cum-e-tender process. The date of the E-auction-cum-e-tender should be adequately publicized in advance through the national newspapers (both in English and Hindi), Notice Board, as well as in at least one newspaper in the local language. The additional modes and level of publicity i.e. using internet, TV, radio, trade directories and other publications available in the market may be taken for wide publicity. It is mandatory for the custodian to make/update an entry to such effect in UCC Software.

- (viii) The Custodian shall fix a reserve price arrived at by a panel of Government approved valuers appointed by the Custodian [irrespective of any value arrived at by the Customs Appraisers earlier], which should include an expert on the product line. The Custodian will also update the UCC software regarding valuation/reserve price. The same will also be intimated to the Disposal Section.
- (ix) The custodian shall fix a date for holding the e-auction-cum-e-tender and communicate such date to the AC/DC (Disposal). Customs shall not withdraw any consignments at the last moment from the e-auction-cum-e-tender except with the written approval of the Principal Commissioner/Commissioner of Customs.
- (x) E-auction-cum-e-tender report such as highest bid details with Highest Bidder Name should be updated into UCC software as well as same report will be submitted to Disposal Section for approval/rejection, if any, by the competent authority. Disposal Section will convey decision regarding bid approval/rejection to the custodian. Accordingly custodian will either file consolidated Bill of Entry or put the cargo for re-auction. Simultaneously, Disposal Section will update the UCC Software regarding approval/rejection of the bid. The bids will be approved/rejected as per the Departmental instructions issued from time to time in this regard.
- (xi) The bidding shall be on cum-duty price and duty shall be back-calculated from the sale price [taxes like GST, Compensation Cess etc], if any, will be charged/recovered extra from the buyer].
- (xii) For each consignment which is sold, the custodian will file a consolidated Bill of Entry, buyer-wise, for the assessment of effective rate of duty by the Customs. Auctioned goods will be allowed out of charge only after the duty assessed is paid by the custodian [Refer Unclaimed Goods (Bill of Entry) Regulations, 1972] and the status will be updated by the custodian into UCC Software as well.
- (xiii) The sale proceeds shall be shared as per the provisions of section 150 of the Customs Act, 1962. After Out of Charge, the custodian will submit the copies of Bill of Entry, Challan, CCR, if any, etc to Disposal Section and on submission of the same the disposal procedure will be completed.

**B. The procedure for uncleared/ unclaimed goods which are lying for a period less than one year from their date of import-**


After receiving NOC from the department, the custodian shall get the reserve price fixed by a panel of Government approved valuers appointed by the Custodian. Customs will not associate itself with the valuation of such the goods lying uncleared with the custodian. However, both reserve price and bids would be approved by the Customs. Provision under Para 1. A (vi) of this notice regarding detailed inventory shall stand applicable to this category of goods also.

**2. Disposal of prohibited/restricted and/or confiscated cargo under Section 48 of the Customs Act, 1962-**

After receiving a detailed report from the concerned group to such effect, the Disposal Section shall write to the Dock Examination asking them to prepare detailed inventory and examination as prescribed in Para 1.A.(vi) of this notice. The officers of Dock Examination upon receiving such request shall conduct an examination and inventory of the consignment/s. Valuation in these cases will be carried out by the Disposal Section from the Govt. approved valuer. On completion of examination and valuation of the cargo, the Disposal Section will adjudicate the matter, if not already adjudicated, and after completing confiscation process of the cargo, the Disposal Section will initiate auction process through the govt. authorized agency (i.e. M/s. MSTC Ltd.): Accordingly, the Disposal Section will also update the status of the case in the disposal module of UCC software at the time of examination, valuation, adjudication, e-auction proceedings & disposal of the cargo.

In case of any difficulty faced, matter may be brought to the notice of the undersigned.

This Notice shall act as a standing order to the officers/staff of the Customs House, Mundra.

  
(SANJAY KUMAR AGARWAL)  
Commissioner of Customs  
Custom House, Mundra

F.No.S/Disp-178/MCH/Misc-order/2018-19

Mundra, Dated-26.11.2018

**Copy to:**

- 1) The Chief Commissioner, Customs Zone, Ahmedabad, Gujarat.
- 2) All Addl./ Joint Commissioners, Custom House, Mundra
- 3) All DC's/AC's, Custom House, Mundra
- 4) All Sections, Custom House, Mundra
- 5) Container Freight Station Association, Mundra
- 5) Custom Broker Association Mundra.
- 6) Notice Board.
- 7) Guard File.