



वित्तमंत्रालय/ Ministry of Finance
राजस्वविभाग / Department of Revenue
सीमाशुल्कआयुक्तकार्यालय/ Office of the Commissioner of Customs
कस्टमहाउसनयीहारबरएस्टेट/ Custom House, New Harbour Estate
तूत्तुकुडी- 628 004 / Thoothukudi - 628004.
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C.No.VIII/48/58/2016- Cus. Pol.(PF)

Dated: 30.12.2020

**MINUTES OF PERMANENT TRADE FACILITATION COMMITTEE (PTFC)
MEETING/CCFC MEETING HELD ON 23.12.2020 AT 16:00 HRS. IN VIRTUAL
MODE AT CUSTOM HOUSE, TUTICORIN**

The PTFC [PERMANENT TRADE FACILITATION COMMITTEE] Meeting/CCFC (Customs Clearance Facilitation Committee) Meeting was held on 23.12.2020 at 16.00 Hrs. in virtual mode at Custom House, Tuticorin under the Chairmanship of Shri Dinesh K.Chakravarthy, Commissioner of Customs, Tuticorin.

2. The following officers/members from the other agencies/CFS attended the meeting:

Sl. No.	Name of the officer	Designation
1.	Shri Dayanandan.T	Joint Commissioner
2.	Shri W.Paul Peter	Assistant Commissioner
3.	Shri S.Sivaprakasam	Assistant Commissioner
Sl. No.	Name of Nominated Members	Name of the Organization
1.	Shri John Ponraj	St.John ICD
2.	Shri J. David Raja	St.John ICD
3.	Shri C. Karthikeya Prabhu	TCBA
4.	Shri Rajkumar	Secry. NACFS Association
5.	Shri Sahayaraj Fernando	Jt.Secry.,TSA Association
6.	Shri S.Thivakar	TSA Association
7.	Shri S.M.Moorthy	TSA Association
8.	Shri Ebanazer	Chakiat Agencies
9.	S.Ashwin	Chola CFS
10.	Shri R Sreedhar	President,TCBA
11.	Shri Cecil Machado	Vice President, TCBA
12.	Shri S. Sasikumar	Secetary, TCBA
13.	Shri Pinto Villavarayar	Asst.Secretary,TCBA

14.	Shri.A.S.Ramasamy	EC Member,TCBA
15.	Shri P.Jeyanth Thomas	EC Member,TCBA
16.	Shri T A M Athavan	EC Member,TCBA
17.	Shri Minesh Raja	EC Member,TCBA
18.	Vijaya Raghavan	EC Member,TCBA
19.	Smt. Jovitha Machado	EC Machodo
20.	Shri M Subramanian	CWC(Nhavaseva) CFS
21.	Shri E.M.Arun	DBGT
22.	Shri Emerstone Peter	DBGT
23.	Shri KSPS Natarajan	CFS Park

At the outset, the Chairman welcomed the Officers and members from other agencies. During the meeting the following issues raised by the members were taken up for discussion and solution.

FRESH POINTS RAISED FOR CONSIDERATION:

1) G Card Exam

G-Card examination have not been conducted for more than 3 years and it is requested to conduct the same at the earliest and on yearly basis.

(Tuticorin Customs Brokers' Association)

Reply:

Due to Covid-19 pandemic situation and national wide lockdown, the G Card Examination could not be conducted in the year 2020 as no venue for examination was available. The G Card examination would be conducted in the beginning of the year 2021.

Action: AC(CBLR)

2) Defacing of COO for BE clearance under FTA Scheme & Separate desk for TSK

We understand in most of the customs locations the defacing of the COO is also being done by the CFS/DOCKS/RMS Cell Officers, but in Tuticorin the same is done by the group assessing officers.

So, kindly consider to change the present system of defacing and allocate the same to CFS/DOCKS/RMS Cell officers also, which will facilitate easy and fast clearance.

We also request to set-up an exclusive desk for TSK to resolve the issues pertaining to faceless assessment.

(Tuticorin Customs Brokers' Association)

Reply:

Defacing of COO is the specific task of TSK cell only and it is being done based on the instructions contained in Board's instruction No.9/2020 dtd.05.06.2020.

An exclusive TSK desk help for resolving the issues pertaining to Faceless Assessment is made available.

Action: AC(Import)

3) Single Window Clearance system-PGA-Import shipments

The SWIFT program initiated during 2016 was successfully having a link with FSSAI & PQ and seamless process of documents were happening. However, from October, 2020 onwards, for certain commodities the system based direct linking of NOC is not available as per SWIFT procedure and the CBs are required to get a manual permission from the Superintendent & Assistant Commissioner (Imports/RMS). Thereafter, the NOC from PQ and FSSAI are to be manually uploaded in system to get OOC clearance.

(Tuticorin Customs Brokers' Association)

Reply:

It is noticed for specific commodities. Already it is escalated to DG(System). It will be followed up.

Action: AC(Import)

4) BRC related issues

BRC related issues are being taken up by the department and an alert is updated in the system. The Exporters are submitting necessary proof for revoking the alert and thereafter the Customs Department is also issuing SCN, in which the SCN date and dispatch date to Exporters is very late. So, the time stipulated for submission or to report in person on any date prior to certain date, which is lapsed due to delay of communication.

The need for SCN itself is not required where the proof of BRC have been submitted for removing the alert initiated by the Department.

We also would like to inform that no such BRC alert or SCN system is being followed in other Customs location as per our information.

(Tuticorin Customs Brokers' Association)

Reply:

As RBI Circular No.04 dated 15.09.2017, AD Banks are directed to update the EDPMS with date of export proceeds on "as and when realized basis". The Public Notice No.07/2018 dated 14.03.2018, 09/2018 dated 05.04.2018 and 07/2019 dated 03.05.2019 had also been issued by the Tuticorin Commissionerate and the exporters were sensitized to check BRC integration status and to take up the pendency (if any) with AD Banks for its closure. In this regard, it is informed that the alert is being made in the system (ICES) for non-submission of proof of BRC pertaining to shipping bills on or before August, 2018.

In this connection, it is submitted that SCNs are promptly issued from the section to the exporter for production of e-BRC's. As a matter of fact about more than 200 SCNs are issued to different exporters per day on the subject. All the SCNs clearly specifies that the time limit to furnish reply to SCN is within 30 days from the date of receipt of SCN as per provision of Rule 16A(2) of the Customs, Central Excise duties and Service Tax drawback Rules, 1995. Hence, the contention of the Customs Brokers Association that the time stipulated or to report in person has lapsed due to delay of communication does not arise.

The SCNs have been issued by this office as per the provisions of Rule 16A of the Customs, Central Excise duties and Service Tax drawback Rules,1995 which is a statutory requirement binding on all departmental officers.

Action: AC(BRC)

5) Updating of BRC through EDPMS module

Please refer Public Notice No.07/2019 of this office and alert given for IEC, in this regard given below are the issues which has to be addressed with Reserve Bank of India.

- a) There are certain shipping Bills which has been realized by the exporter as per their invoice, however the bank charges towards transaction has been deducted by bankers and the balance amount has been credited to the exporters.
- b) There are some shipping bills which reflect part payment realised or not fully received as per our system. But the shipper has confirmed that they have received their payments and also their bankers has updated in EDPMS.

In this regard the issue has to be taken up with RBI for clarification and also with regard to bank realisation the concerned bankers of the shippers have issued NIL balance certificates which is not been accepted as per the current system.

(Tuticorin Customs Brokers' Association)

Reply:

Point No.(a) : Finalisation of SCNs through the issuance of Order-in-original (OIO) is being done, based on the provision contained in CBIC Circular No.33/2019-Customs dated 19.09.2019 issued in F.No.609/19/2019-DBK. The provision of Public Notice No.07/2019 dated 03.05.2019 issued by this office speaks about the insertion of IEC alerts and does not speak about deduction of Bank charges.

Point No.(b) : The EDPMS Data reflects in the system will be the same everywhere and will not change as contented by TCBA. As per the representation of Customs Brokers Association regarding the non-acceptance of Nil balance certificates as per the current system, it is submitted that as per Public Notice No.07/2018 dated 14.03.2018 issued in File C.No.II/20/154/2017-BRC, the BRC Cell of Tuticorin Customs Commissionerate would monitor the realization of export proceeds for the Shipping Bills, with LEO dates on or after 01.04.2014, under new RBI - BRC module and would stop accepting / acknowledging 6 monthly negative statement from authorized dealer bank / chartered accountants showing the proof of realization of export proceeds.

Action: AC(BRC)

6) BRC related issues:

RBI and all the Authorised Dealer Banks are to be sensitised by CBIC and DGFT for proper update of the BRC information in the EDPMS module to avoid the unnecessary alert initiation by the Customs Department. This is adding unnecessary work load to the Exporters, besides their Exports are held up at various other Customs locations due to no fault of the Exporters.

We request to kindly take up the issue to the concerned authorities.

(Tuticorin Customs Brokers' Association)

Reply:

Public Notice Nos.07/2018 and 09/2018 and 07/2019 have emphasized the fact that it is the duty and responsibility of the exporters to follow up the pendency in realization with authorized dealer banks and to get information transmitted to portal of RBI(EDPMS). Hence, no action is required from department's side. All the stakeholders are required to take necessary steps in this matter.

Action: AC(BRC)

7. Refund of duty

- a) There are Bill of Entries provisionally assessed for want of clarification on 3rd country invoices from LDC Countries. We request to finally assess the Bill of Entries and the BG/Bond to be returned within a time frame.
- b) Few Importers to avoid Detention & Demurrage and on urgency have paid the Customs Duty in full by re-assessing the BEs after removing the exemption notification due to delay on clarification of third country invoices. We request to facilitate with refund of the Duties based on clarification as per board circular No 53/2020.

(Tuticorin Customs Brokers' Association)

Reply:

- a) The final assessment of BE has already been completed for submitted documents and the rest will be undertaken as and when documents submitted.
- b) The refund of duties based on clarification as per Board's Circular No.53/2020 will be undertaken as and when refund applications are filed with refund section by the Importers.

Action: AC(Import)

8. Problem faced in faceless assessment

- a) In faceless assessment there are open order for bulk vessels mentioning First check with sampling and testing, as bulk vessels are time bound where every minute is accounted it's not possible to exercise the process which will increase the transaction cost and time delay.
- b) There is also an open order for AEO client's and for certain bill of entry's where examination has not been prescribed. In such cases as per RMS circular the open order should be marked with the approval of concern Addl. / Joint Commissioner. Whereas most of the bill of entries are marked without any reason. We request to take up the issue with CBIC to have uniform open order for the commodities which are regularly imported.

(Tuticorin Customs Brokers' Association)

Reply:

- a) Since this is happening in other port FAGS, it will be escalated to the concerned authorities for immediate redressal/resolution.
- b) Same as (a) above.

Action: AC(Import)

9) DRI/CUSTOMS seized container/Cargo lying at CFS/ICD:

Seeking assistance from Customs to take an appropriate action to clear/dispose these Cargoes at the earliest.
(National Association of Container Freight Station)

Reply:

CBIC has issued Instruction No.17/2020-Customs, dated 10.08.2020 and Board's letter dated 08.10.2020 for speedy disposal of the all the long standing Goods and Containers.

In this regard, Disposal Committee has been formed and a special disposal drive is going on in our Commissionerate for expeditious clearance of such Cargoes and Containers. The Disposal Drive is being monitored at Board level.

In case any difficulty being faced in clearance of such Goods and Containers from Customs side, Assistant Commissioner(Disposal) may be contacted for addressing the grievances.

Action: AC(Disposal)

10) Difficulties faced in SCMTR Child registration even after uploading the specified documents.

(TUTICORIN SHIP AGENTS' ASSOCIATION)

Reply:

It is informed that the points received from the Tuticorin Ship Agent's Association, Tuticorin, are forwarded on 23.12.2020 to saksham.seva@icegate.gov.in for redressal.

Action: AC(IG)

11) St. John ICD

St.John ICD as per SCMTR has to register ATP apart from normal ACU and ACU has already been registered and approved. But as far as ATP is concern we have registered on 22.10.2020 and received confirmation that approval from customs. we have sent many reminders to ICEGATE Registration and our Ticket No Incident IM01214283 has been raised and still the Ticket no. has not closed and we have continuously from ICEGATE registration for contact Tuticorin custom house nodal officer. Wherein the nodal officer has yet to receive the ATP approval. In this regard our Custom House EDI has also communicated to ICEGATE registration highlighting non - receipt of St.John ICD ATP approval menu. But yet to get response from ICEGATE registration. Request for commissioner's intervention to solve this unresolved problem.

(St. John ICD)

Reply:

It is informed that the point received from St.John ICD, is forwarded on 23.12.2020 to saksham.seva@icegate.gov.in for redressal.

Action: AC(IG)

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30/12/2020
(DINESH K. CHAKRAVARTHY)
COMMISSIONER OF CUSTOMS

To

✓ The Members of the Permanent Trade Facilitation Committee.

- a) Tuticorin Customs Brokers' Association,
No.50, Beach Road, Opp. State Bank of India,
Tuticorin - 628001.

- b) Tuticorin CFS Association,
No. 108A, V.E.Road, Opp. DSF Grand Plaza,
Tuticorin - 628002.
- c) Tuticorin Ship Agents' Association,
50, Beach Road, Tuticorin - 628001.
- d) The Traffic Manager, VOC Port Trust, Tuticorin.
- e) PSA SICAL Terminal Limited, Tuticorin.
- f) D.B.G.T. Terminal Limited, Tuticorin.

Copy Submitted to:

1. The Chief Commissioner of Customs (Preventive) Trichy.
2. Directorate General of Taxpayer Service, Customs & Central Excise, C.R. Building,
I.P.Estate, New Delhi-110109
3. Additional Directorate General of Taxpayer Service (Chennai Zone),
26/1 Mahatma Gandhi Road, Nungambakkam, Chennai-600034

Copy to:

1. All the Assistant Commissioners of Customs, Custom House, Tuticorin.
2. The EDI Section - for uploading in the Official website.