



वित्त मंत्रालय / Ministry of Finance

राजस्व विभाग / Department of Revenue

श्रीमती शुल्क आयुक्त के कार्यालय / Office of the Commissioner of Customs

कस्टम हाउस, नई हार्बर एस्टेट / Custom House, New Harbour Estate

तूतुकुडि - 628 004 / Thoothukudi - 628004.

दूरभाष / Tel: 0461 2352655,2352633 फेक्स / Fax 0461 2352019

## **PUBLIC NOTICE NO. 01/2014**

Attention of the Custodians of all Container Freight Stations and Inland Container Depot under this Commissionerate is invited to CBEC's Circular No. 45/2013 dated 31<sup>st</sup> December 2013, Handling of Cargo in Customs Areas Regulations (HCCAR) 2009 and CBEC's letter F. No. 450/105/2008-Cus.IV dated 25<sup>th</sup> July 2008 giving clarifications regarding Outsourcing / Sub-letting / Transfer of Operations by CFS / ICD.

2. Regulation 6(1)(k) of the HCCAR 2009 mandates that the Custodian shall be responsible for the secure transit of the goods from the said customs area to any other customs area at the same or any other customs station in accordance with the permission granted by the Deputy Commissioner or Assistant Commissioner of Customs.

3. Regulation 6(2) of the HCCAR 2009 also mandates that *the Customs Cargo Service provider approved for custody of imported or export goods and for handling of such goods shall not lease, gift, sell or sublet or in any other manner transfer any of the premises in a customs area; or sub contract or outsource functions permitted or required to be carried out by him in terms of these regulations to any other person, without the written permission of the Commissioner of Customs.*

4. CBEC's letter F. No. 450/105/2008-Cus.IV dated 25<sup>th</sup> July 2008 also states as follows:

3. *The approval of the Government for setting up an ICD / CFS is given to the person who had applied for the same and hence, trading in custodianship, in full or in part, is against the principle of custodianship vested on the person to whom approval for setting up of an ICD / CFS and Letter of Intent was given. Hence, transfer of custodianship by way of lease, gift, sale or transfer in part or in full is not permissible. However, activities such as aggregation of cargo at ICD / CFS by bulk buyers abroad or segregation or similar operation, provision of fork lifts and other material-handling equipments, cleaning and housekeeping etc. which do not take away the primary responsibility of a custodian and the chain of custody of goods shall be permissible to be outsourced subject to prior approval of the jurisdictional Commissioner of Customs.*

4. *In view of the above, it is clarified that the jurisdictional Commissioner of Customs is the competent authority to decide in a specific case whether subletting / outsourcing of any of the functions of CFS/ICD should be permitted and to give approval or reject the same after taking into account the concerns of the revenue for safeguarding the duty on imported goods and ensuring that the custodian duly appointed by the Commissioner on the approval of Inter-Ministerial Committee (IMC) continues to be held responsible for proper discharge of his functions including the ones that have been outsourced with prior permission.*

