



सीमा शुल्क के आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER OF CUSTOMS

जीएसटी भवन, 41/ए ससून रोड, पुणे 411001 -

GST BHAVAN, 41/A, SASSOON ROAD, PUNE - 411001

T. Phone: 020-26051839, Fax: 020-26051849, e-mail: commr-cuspune@nic.in

Pune, 29-06-2022

MINUTES OF THE 76th PERMANENT TRADE FACILITATION COMMITTEE
MEETING HELD ON 9th MAY 2022 AT 15:30 HRS.

The 76th Permanent Trade Facilitation Committee Meeting of the Pune Customs Commissionerate was held on 09-05-2022 at 15:30 hrs in the conference Room of the Commissioner of Customs, 4th floor, E wing, 41/A, GST Bhavan, Sassoon Road, Opposite Wadia College, Pune- 411 001 under the Chairmanship of Shri.Yashodhan Wange, Commissioner, Customs, Pune.

The following members from the Trade and Industry attended the meeting at the office in person & also through Video conferencing: -

S.No.	Name of the Member	Representing
1	Shri R.D. Bhargava	MCCIA
2	Shri Pradeep Kale	PCHAA
3	Shri Anand Paranjape	EXIM Management Services
4	Shri Vinod Sharma	PCHAA
5	Shri Bhagwan Singh	PCHAA
6	Shri Somnath Joshi	PCHAA
7	Shri Krishna Barad	BDO India LLP
8	Shri J.S. Bhurbhura	Air India Ltd.
9	Shri. Ajay Keer	DHL
10	Shri Sanjay Dularey	AAI, Pune Airport
11	Shri Simant Suman	AAI
12	Capt. Ashish Samarth	Samson Freight

3. Following Officers from the Department attended the meeting:

S.No.	Name of the Officer	Designation/ Formation
1	Shri. Dhruva Seshadri	Joint Commissioner
2	Shri V. Mangaraju	Joint Commissioner
3	Smt. Himani Dhamija	Deputy Commissioner, Preventive
4	Smt. Sumangala Sharma	Deputy Commissioner, Technical
5	Shri. Sachin B. Ghagare	Deputy Commissioner ICD-Talegaon, ICD-Bhamboli
6	Shri M.K.S. Murthy	Assistant Commissioner, Admin
7	Smt. Savani Kulkarni	Superintendent Technical-III(TPSC)
8	Shri Vaibhav Agarwal	Superintendent Technical-I

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4. The Chairman welcomed all the PTFC members and departmental officers present in the meeting & those attending via Video Conferencing.

5. Shri Dhruva Seshadri, Joint Commissioner, also welcomed all the members and introduced the Departmental Officers present in the meeting in person/On-line at the Conference Hall to the Trade.

As there were no new Agenda points, The Chairman highlighted 3 major points of the previous meeting wherein all the compliances were received & issues were resolved. Deputy Commissioner Smt. Himani Dhamija, then explained the point wise reply to the points raised by the PTFC in the 75th Meeting as mentioned below:

COMPLIANCE TO THE PARAS RAISED IN THE 75th PERMANENT TRADE FACILITATION COMMITTEE MEETING HELD ON 30th DECEMBER 2021 AT 15:00 HRS were discussed: -

Point No.1: Challenges faced under Faceless assessment of Bill of Entries under CAROTAR (forwarded by PCHAA (Shri Pradeep Kale))

Members had observed certain delays and difficulties during the assessment of Bill of Entries filed for availing the CAROTAR benefits. In compliance of CAROTAR Rule 2020 in terms of Custom Notification No.81/2020 (NT) the Bill of Entry are filed along with form A-I(GSP COO certificate) on e-Sanchit. Particular reference was made to the message being displayed at final out of charge stage viz. "OOC cannot be given. Contact System R Manager" is being displayed. It was informed that the same error is observed in some cases even if the importer executed bond and bank guarantee from beginning. They also requested to refer to the Standing Order No 40/2020 dated 02.11.2020 issued by JNCH and Standing Order No 26/2021 dated 27.08.2021 issued by JNCH Customs in terms of Board Instructions No 18/2021

Action taken :- In this regards, a letter dt 25-2-2022 addressed to all formations wherein directions to follow all provisions of CAROTAR Rule 2020, has been issued by the Joint Commissioner of Customs.

(Point closed)

Point No. 2: Part delivery of FCL import consignments at ICDs in Pune (forwarded by PCHAA (Shri. Pradeep Kale))

Shri Kale informed that members of PCHAA have experienced partial arrival of containers belonging to a single Bill of Entry filed at ICD location and the balance arriving after a gap of 3-4 days or at times even a week due to various reasons like congestion at port, shortage of vehicles, difficulty in movement and locating containers at port etc. He suggested that manual permission may be given to clear part consignments, and that Public Notice may be issued permitting part clearance, in line with other Customs sites where such instances are observed.

Action taken:- Public Notice No. 02/2022 dt. 9-2-2022 is issued by Joint Commissioner of Customs.

(Point closed)

Point No.3: Conducting "G category" examination under CBLR on annual basis.

PCHAA informed that currently examination for G Card category is conducted every two years. They requested the Commissionerate to conduct examination for G Card category (in terms of CBLR Regulation 13 (5)) every year and preferably in fixed month, as availability of operation staff for Custom Brokers is very important for

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timely clearance of EXIM consignments at Custom Stations and ICDs,

Action taken: - Examination is declared and scheduled for 9th June 2022. The applications received are being processed and scrutinized.

(Point closed)

Point No.4: "AEO-LO" Status of Custom Broker to be printed on Shipping Bill or Bill of Entry as the case may be.

PCHAA reiterated the same point which was taken in 74th PTFC meeting held on 17th February'2021 as Para No.5 and as per minutes of the meeting, it has been sent to CCU for further necessary action. However, they informed that necessary changes in EDI systems are not yet reflected and it's still not getting printed.

Action taken:-A letter dt. 14-12-2020, was already sent to CCO Pune for follow up with DG Systems.

(Point closed)

Point No.5 : Custom Brokers license issued by Pune Custom Commissionerate, Principal and Parent Commissionerate is Pune, Custom Broker need to register through Mumbai Custom House CB Section.

PCHAA reiterated the point taken in 74th PTFC meeting held on 17th February'2021 as Para No.6 and as per minutes of the meeting, it has been sent to CCU for further necessary action.

They requested take it up once again the matter with CBIC and DG Systems and allow to register Pune Licenses through Pune System Manager in EDI System.

Action taken :- A letter dt. 14-12-2020, was already sent to CCO Pune from EDI for follow up with DG Systems. As the same is pending with DG, Systems, a fresh letter is sent to DG Systems for extending the facility of registration / renewal of Customs Broker licenses at Pune itself on 8-3-2022.

(Point closed)

Point No.6: Auto Capture of Data from ICDs to Gateway Port / Airport

Shri Vinod Sharma, PCHAA explained this point and stated that Export Cargo / Containers are being sent in CBTs / Container Vehicles and after Export, the ICDs need to file Local EGM. As soon as Cargo / Containers reaches at Gateway Airport / Ports Gateway, EGM is to be filed. This manual uploading of export stuffing report may lead to human errors a, which further results in EGM errors and data mismatch. He suggested that auto capturing of data from shipping bill will reduce human error and time required for feeding the export stuffing report. This will also result in timely release of IGST refunds and Drawback claims. He requested for kind support for this.

Action taken:- On study of the request it is seen that, the auto population of Shipping Bills in the gateway EGM filed by the shipping line/airline would bypass the checks and balance essential for examining the details of actual cargo moving from ICD and that out

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of the country from gateway. Hence it is felt that the existing procedure appears to be necessary and mismatch errors are in fact indicative of the difference in details of cargo at the two locations.

(Point

closed)

Point No.7: Development of facilities and traffic for cargo movement Inbound and Outbound from Pune International Airport at Lohegaon.

Shri Vinod Sharma, PCHAA explained that despite Pune being an industrial hub and having huge agriculture and farm production in surrounding areas, exports and imports from the region continue to be predominantly via Mumbai International Airport.

He added that, at Pune Airport, there is shortage of storage facility, handling equipment, labours etc, and that trade need support from Pune International Airport and need more and more airlines support catering to various destinations and at the same time, infrastructure support to handle International Cargo movement without any limitations of size, numbers and weight.

He further suggested that, a special committee of various stakeholders could be formed to study the issue, call for stakeholder suggestions and work towards development of cargo facilities at Pune International Airport.

Action taken:- In this regard as per directions of Commissioner of Customs, a focused group of stakeholders including Director of Airport Authority Of India. Representatives of DCCI, BCAS, various Airlines/CHAs, operating/ willing to operate cargo from Pune.

(Point closed)

Point No. 8: Pendency of AFS application: -

Shri. Vinod Sharma also informed that, ICD Dighi has applied for Air Freight Stations but this application is pending at Delhi. The process of permission for AFS is taking considerable amount of time.

Action taken:- As per directions from Commissioner of Customs, the application AFS application filed by ICD, Dighi was examined and found the same to be incomplete. Therefore, a letter dt. 1-2-2022 has been sent to the Custodian at ICD, Dighi communicating the same and requesting to submit the complete application as per CBIC Circular No. 50/2020 dt. 5-11-2020.

(Action:- Custodian)

Point No. 9: Point raised by Shri. Siddharth Kambale, JSW Steel Ltd., Dolvi

10.1 Shri Kambale expressed the grievance relating to reassessment of Bills of Entry with addition of Social Welfare Surcharge @10% on BCD, whereas BCD shows 0% in EDI system.

10.2 He further requested that assessment may be facilitated without insistence of signature on Certificate of Origin in case of imports from Least Developed Countries, and quoted Circular No. 19/2021-Customs dt. 16-8-2021 in this regard.

10.3 He had also requested for facilitation of assessment of Bill Of Entry by (PAG) Port Assessment Group.

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Since Mr. Kamble had not attended the meeting, Shri. Wanage Sir, Commissioner Customs asked Shri. Amit Nayak, Deputy Commissioner of Ratnagiri to respond on this point.

For pt No. 10.1, Shri. Amit Nayak, Deputy Commissioner submitted that the matter is sub-judice and that the importer has already filed an appeal. He also submitted that once the matter was decided by the Appellate Authority and directions as per Appellate Authority will be strictly followed.

As regards para 10.2, Shri. Amit Nayak, Deputy Commissioner replied that the said provision is made in circular 19/2021 for those cases listed out in circular 18/2020. He submitted that the party is very much capable of submitting signed original copies as has been done in the recent past. Therefore, the importer's request to accept unsigned copies appears unreasonable to the extent that the reason for the same is not due to Covid Disruptions, which is the very purpose of the circular 18/2020 whose reference is found in circular 19/2021. However, on being asked whether the said circular has been revoked or in force, it is submitted that the circular does not contain any sunset clause and appears to be in force.

Shri. Dhruva Seshadri, Joint Commissioner added to the point that as per point 5d of Circular No. 19/2021. This one refers to the cases covered under the circular no 18/2020, which is a Circular issued in the very specific context of Covid-19 where because of the disruptions to the Trade, the original COO could not be obtained.

As regard para 10.3, Shri. Amit Nayak, Deputy Commissioner replied that assessment by Port Assessment Group is only allowed in exceptional cases. The DC also explained the grievance of the importer, ie. discharge of goods into another vessel for coastal discharge at their Factory located at Dolvi, in order to save berthing / unloading time. He also confirmed that the department has allowed in the past and has no objection to discharge of goods anywhere once Out of Charge is granted or within the notified area if Out of Charge is pending. He also submitted that to resolve the issue, the Port Custodian needs to enhance notified area in order to include the area where the importer wants to discharge into a coastal vessel before OOC.

Action taken:- W.r.t. Board Circular No. 03/2022-Customs dated 01.02.2022 it is clarified that if aggregate customs duty payable is zero on account of an exemption, the Social Welfare Surcharge shall be computed as 10% of value equal to 'Nil' (as aggregate amount of customs duties payable is zero). Law does not require computation of SWS on a notional customs duty calculated at tariff rate where applicable aggregate of duties of customs is zero. **Accordingly, Bill of Entries are being finalized on the basis of Circular No. 03/2022-Customs dated 01.02.2022, considering the SWS zero whereas BCD is zero.**

(ii) It is to mention that the importer's request to accept unsigned copies of Certificate of Origins is unreasonable as the Circular 19/2021 quoted by the importer for exemption from signed copies of Certificate Of Origin also has reference of Circular No. 18/2020 that allows the provisional clearance of goods imported in India without original Certificate Of Origin under certain conditions like Covid-19 pandemic. Therefore, importer's request cannot be accepted as there is no such condition at present.

Directions of The Hon'ble Commissioner, Customs, Pune on the same to examine such cases of Bills of Entry and assess the same in terms of the extant circular are being followed.

(iii) In respect of said query, it is to mention that assessment of BEs by the Port Assessment Group (PAG) is being allowed in exceptional cases, as per extant circulars.

(Point closed)

Point No. 10: Point raised by Shri. Shailendra Voleti, GM (Mktg. – Int'l LNG), GAIL India Ltd.

We would like to discuss the issue of Out Of Charge (OOC) for LNG cargoes being imported by GAIL at KLL Dabhol LNG terminal.

For this para, the Divisional DC described the problem in detail. KLL i.e Custodian has notified only the jetty area of their terminal. No storage tanks are notified as of today. Further KLL has not yet provided an office with EDI connections as mandated under HCCAR, 2009 regulation 5(1). Therefore, once cargo is discharged from the vessel, it is stored in storage tanks that are outside the Customs Notified Area. Therefore, the same is being cleared for home consumption as soon as discharge begins. However, as stipulated under section 45, goods can be cleared for home consumption only after a written order i.e. Out of Charge is granted by the proper officer. Since no EDI system has been made available by the custodian, the process is completed at Dapoli Division Office where EDI system is available. However, this takes time. The importer therefore is requesting to allow discharge of cargo outside Customs Area, inside the storage tanks, prior to Out of Charge.

This point was elaborated by Mr. Subandhu Sinha, DGM, GAIL India Ltd.

Shri. Wanage Sir, Commissioner Customs asked further as to how much time is required now for OOC. The Commissioner Sir stated this extension can happen at Commissionerate level. He further asked about the problem and whether GAIL can take it up with Custodian And asked Shri. Amit Nayak, Deputy Commissioner to give his say on this.

The Divisional DC replied that an early resolution is available in the form of notification of storage tanks. However, he also stated that the same is in the purview of the Custodian and that the custodian is already aware of the matter. No application seeking extension of notification to the storage tanks is received as yet from the custodian.

Chairman Shri. Wanage Sir reassured if the Custodian would take a lead and we are ready to extend it from here as soon as we receive application. However, without an application it cannot be done suo-moto.

(Point closed)

Point No. 11: Issues related to Refund of Project Cargo

Shri Adesh More, M/s Boskalis Dredging India Pvt. Ltd. informed regarding instances of refund wherein after a lapse of a few months they receive a show cause notice for return of the refund amount paid along with interest, and though they are paying the interest this is causing confusion and financial unpredictability. He informed that the refund should be given once and for all after examining all aspects.

Action Taken:- M/s. Konkan LNG Ltd. i.e. custodian informed that the storage area into the notified area is not possible technically, as the LNG imports and stores at cryogenic temperature @ (-) 160°C, the LNG gets boiled off due to change in temperature and converted into the gaseous form. This Boiled off Gas (BOG) need to processed or vented due to safety reason as the tank and pipeline designed to be operated at low pressure. The same was explained in details about the difficulties for non-inclusion of storage area in the notified area to the Hon'ble Commissioner, Customs during his visit to M/s. Konkan LNG Ltd., Dabhol on 03.02.2022.

Also installation of EDI system at custodian site is under process.

The refund claim of excess duty paid filed of Rs. by M/s.Boskalis Smith India LLP was

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sanctioned by the then Assistant Commissioner vide OIO No.01/CUS/RTN/REF/2019-20 dated 12.04.2019. Further the said OIO was reviewed by the Principal Commissioner, Customs, Pune and have directed the Assistant Commissioner of Customs, Ratnagiri Division to file appeal against the said OIO before Commissioner (Appeals), Pune. Accordingly, appeal was filed before Commissioner (Appeals), Pune-II.

Commissioner (Appeals), Pune-II has allowed departmental appeal by setting aside the OIO passed by the Assistant Commissioner, Ratnagiri Customs with a direction to recover the refunded amount alongwith interest. A demand letter was issued to the claimant to pay the refunded amount alongwith interest.

(Point closed)

Point no. 12: Issues related to non-updation of EGM in the Shipping Bill

Shri Govind Soni, GE India Pvt. Ltd., Chakan informed regarding 26 Shipping Bills filed by them at ICD Talegaon wherein neither the ICD's EGM nor Gateway EGM were updated, leading to certain difficulties.

He was requested to share the specific details of the Shipping Bills and attempt to resolve the issue with the assistance of officers at ICD Talegaon.

Action taken:- Email dt. 28-1-2022 regarding Closure of ticket has been received, hence issue of this para is resolved.

(Point closed)

After all the previous points were discussed, the Chairman enquired about any other issues being faced by anyone attending the meeting, to which the following points were added with the permission of the chair:

Point No.1: Drawback amount pending at Pune Airport (Asked via video conference by Shri Anand Paranjape from EXIM Management Services.)

Shri Anand Paranjape informed that they have come down to problem where DBK amount of Pune Airport are pending – in fact before covid their team were in touch with staff and found that Pune Airport Customs do not have Bank Account to credit DBK amount to Exporters – bank forms are also submitted with Public Notice and will like to know status of same. He also mentioned that Scrolls were pending since 2018.

In reply to this, the chairman asked about the number of scrolls & amount pending for Drawback, to which Shri Anand said that he needs to check the exact number but last DBK was received in 2017. The Commissioner, instructed his officers to find out the exact number of Drawbacks pending at Pune Airport & dispose the same at the earliest.

Action:- DC Airport

Point No.2 : Issues in Customs Clearance at Pune Airport (Asked via video conference by Shri Anand Paranjape from EXIM Management Services.)

Shri Anand Paranjape further informed that they needed some system to be installed at Pune Airport for processing documents like assessment & out of charge of all Shipping Bills filed for exports. He is thankful to Superintendent of Customs Mr. Rajesh Dixit who without any hesitation rush with them to Pune Customs HQ for assessment and then again go back to Airport for clearance of the same & then again for LEO as required.

Shri Dhruva Seshadri, Joint Commissioner asked about the issue in detail & major reason for the issue. Shri Anand replied that the entire system needs to be checked. On this The Joint Commissioner gave assurance to have a look on this situation & expedite the pass of the concerned officer who will take care of this in future.

Action:- DC Airport

Point No.3 : GATE WAY EGM ERROR (NEED HELP TO REPRESENT EDI EGM SYSTEM)
(Asked via video conference by Shri Anand Paranjape from EXIM Management Services.)

Shri Anand Paranjape also informed that they are doing shipments form ICD Dighi where they found IGST and DBK both are not being credited to the party account due to GATE WAY EGM ERRORS. They have submitted a letter on facing problem of GATE WAY EGM DATE – this gate way EGM date should be On Board date but as mark in Red this date is date before Shipping bill date / before LEO Date of shipping and also before LOCAL EGM DATE. He also stated that he has attached a file in mail having list of such 468 PENDING CASES.

The Deputy Commissioner asked about whether the problem is in transit also or EGM Gateway only, Shri Anand replied that the problem is in EGM Gateway only. The DC then assured that they will definitely look into the matter & get it resolved at the earliest & also insisted Shri Anand to keep communicating with the Gateway portal in the meanwhile.

Action:- DC EDI

Point No.4 : Shipping Bill query not resolving in the System. (Asked via video conference by Capt. Ashish Samarth from Samson Freight)

Capt. Ashish Samarth from Samson Freight stated that A query was raised on a Shipping Bill & even after responding to that query it is still shows pending in the System as if it has not been responded.

The Commissioner asked to share the details of the same so as to be send to DG Systems.

Action:- Capt. Ashish Samarth

Point No.5 : Provision to destuff Part Cargo in case the entire cargo has not reached the port. (Asked via video conference by Capt. Ashish Samarth from Samson Freight)

Capt. Ashish Samarth from Samson Freight stated that there is a shipment coming to Chakan in which 5 Containers have arrived out of 6 & 1 Container is pending. Due to that the 5 Containers which have come are also stuck as there is no provision to destuff these containers even at the port until the entire shipment arrives. Due to this they have to bear charges & even the Containers are stuck for free movement. Since these containers are a part of a Single Second hand Machine which is being imported therefore it is not possible to clear them container wise also.

The DC Bhamboli has communicated that the OOC for all the 6 containers have been given.

(Point Closed)

As all the points were discussed, Shri Dhruva Seshadri, Joint Commissioner added a few points to be communicated to the trade to conclude the meeting:

1. Whenever a request is made for AD Code updation or Bank account Updation, a mail should also be sent to respective TSK as the data available in of all India & its

difficult to find a particular application. A Public Notice regarding the same will also be issued.

2. Since it's a start of a new F.Y. so we are focusing on resolving all our pending issues like IGST Refund & Provisional Assessment. Therefore, all the requested to get in touch & resolve these matters at the earliest.
3. A new development with regards to Drawback, wherein the Scroll were generated but was not received. It was caused due to internal issues of the bank which has now been resolved.

This is issued with the approval of the Commissioner of Customs, Pune.

(DHURVA SESHADRI)
JOINT COMMISSIONER
CUSTOMS, PUNE

F.No. VIII/Cus/Tech/48-97/PTFC/15-16/Pt. III
Pune, the June, 2022

Copy to: -

1. The Director General of Tax Payer Service, New Delhi – 110 109.
2. The Director (Customs), CBEC, New Delhi
3. The Chief Commissioner, CGST & Customs, Pune Zone
4. Dy./Asstt. Commissioner of Customs all Custom ICDs/Pune Airport/ Air Cargo
5. Dy./Asstt. Commissioner of Customs, Ratnagiri/Sindhudurg/ Dapoli Division
6. All members of PTFC, Pune
7. PCHAA/MCCIA/DCCIA, Pune
8. DGFT, Pune
9. Notice Board and Website/EDI Section
10. Master File.