



सीमाशुल्क आयुक्त (आयात) का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT),
मुंबई ज़ोन -III, जन संपर्क अनुभाग, हवाई माल संकुल
MUMBAI ZONE – III, PRO CELL, AIR CARGO COMPLEX,
सहार, अंधेरी (पूर्व), मुंबई- ४०० ००९९
SAHAR, ANDHERI (EAST), MUMBAI – 400 099
e-mail- proaccsahar@gmail.com Phone-022-22816696

F.No. S/3-MISC-PRO-516/2013 ACC(I) Part 6

Date: 06.2020

MINUTES OF THE PERMANENT TRADE FACILITATION COMMITTEE
MEETING HELD ON 19.06.2020

The monthly meeting of the Permanent Trade Facilitation Committee (PTFC) for Air Cargo Complex, Sahar, was held on 19.06.2020 at 03.00 pm and was co-chaired by Shri Vijay Singh Chauhan, Commissioner of Customs (General) and Shri Vinayak Azaad, Commissioner of Customs (Import), and co-ordinated by Shri Vinayak Azaad. In the absence of Shri Anantha Krishnan, Commissioner (Export), Shri Vijay Singh Chauhan officiated as Commissioner (Export). In view of the government directives pursuant to the lockdown on account of the Covid-19 situation, the meeting was conducted via Web-Conference.

Following Customs officers and representatives from the stakeholder organizations participated in the meeting:

Name & designation	Organization
Shri M. K. Sarangi, Addl. Commissioner (Import)	Customs, ACC, Sahar
Shri Shalabh Katiyar, Jt. Commissioner (General)	Customs, ACC, Sahar
Shri Prabhakar Kumar Jt. Commissioner (Export)	Customs, ACC, Sahar
Shri M.H. Hingorani, Asstt. Commissioner of Customs (Import)	Customs, ACC, Sahar
Shri BipinJadhav, Asstt. Commissioner of Customs (Import)	Customs, ACC, Sahar
Shri Ashwini Bandekar, Asstt. Commissioner of Customs (Import)	Customs, ACC, Sahar
Name of attendees from stakeholder organizations	संगठन/Organization
Ms. Chaitaly Mehta	ACAAI
Shri DushyantMulani, Shri Sanjeev Harale, Shri Kaushal Thakkar, Shri Ketan Desai, Shri K.Shetty Shri GanpatKorde, Shri ShanakrShinde, Shri Tej Contractor	BCBA (formerly known as BCHAA)
Ms. Vaishali Kulkarni	COSIA

Shri Manoj Sing, Shri AshokSatahare, Shri Mohamed Nasir, Shri NandanKanchan	MIAL
Shri K. D. Dhule	AIATSL
Shri Mark Fernandes	MSF Bombay
Shri Prasad	Emirates Airlines
Shri Harish Zade	Lufthansa Airlines
Shri Amardeep and Shri Lynn Boothella	British Airways
Shri B.S. Khatib	Godrej & Boyce Mfg. Co.

At the outset, Commissioner of Customs (Import), welcomed the members of Trade, Customs Broker Associations, Airlines Representatives, Custodian Representatives, and other stake holders present in the meeting.

Following agenda points were taken up:

AGENDA POINT # 2 FROM PREVIOUS MEETING SPONSORED BY BCBA:

1. There are huge non-traceability of consignments in MIAL

The Trade informed that the situation had improved remarkably since the last PTFC.

(Point Closed)

AGENDA POINTS OF THE MEETING:

BCBA

1. Uploading of KYC Documents on eSanchit for the First-time Importers:

In order to ensure paperless working environment, Trade requested that First-time import KYC documents may be allowed to be uploaded via eSanchit, while submitting the first Bill of Entry (BE) and to issue instruction in this regard.

Commissioner (I) observed that submission of KYC documents in case of first-time import is a one-time due diligence exercise. Though it is need of the hour and even CBIC is also trying to achieve paper-less working environment, but the same needs to be pursued ensuring compliance and prevention of frauds. The ease of obtaining IEC has made possible the mis-use of this trade facility measure. The extant Public Notice mandates submission of KYC documents in case of first time import. It is required to

submit original documents like Bank letters, etc. when Trade claims export benefits and instances have come to light in other Commissionerate, wherein frauds have been seen to have been committed.

Addl. Commissioner (I) informed that though there was no harm for submission of documents on eSanchit, however some documents like Original Bank certificates for certifying signature of importer, etc., are required to be submitted in original. Since, it was a one-time exercise, it would be appropriate to continue with the submission of original documents.

BCBA representative submitted that the move could help in moving towards paperless working. For ensuring safety, it was suggested that, as was being done at some other Customs stations like JNCH and ACC, Delhi, where checking of GST registration format/details and completing other formalities was allowed to be done in advance, the first-time import formalities may be allowed to be completed well in advance of arrival of shipment at ACC, too, in order to avoid delay.

Commissioner (I) concluded the issue stating that the suggestion was noted and same would be studied and would be discussed in coming weeks, since it was the endeavour of the Department to move towards paperless clearances. CBIC had also launched eOffice in order to achieve paperless working environment and to facilitate ease of doing business. But in the process to promote ease of doing business, department could not implement any facilitation measure without proper study of the issue and due diligence. For the present, Commissioner (I) observed that it would be prudent to continue the present practice. However, the issue could be reviewed in future.

(Point Closed)

2. Online module / e-mail Id, for registration of A.D. Code for fresh applications by exporters.

Jt. Commissioner (X) explained that A.D. Code registration was done by the EDI staff and that issues had cropped up in past causing some delays but it has since been resolved.

BCBA informed that their request was to get the registration of AD code done by sending documents via email rather coming and submitted documents physically which would save time and do away with the need for human intervention.

JC (X) submitted that the proposal could be checked for its feasibility based on the requirement for verification of original documentation.

Commissioner(I) asked JC(X) to check whether there was requirement of original documents at the time of registration at EDI and based on that a call could be taken on the request of the Trade.

Trade further informed that for requirement of original number, IEC number and AD Code of Bank was mentioned on Bank certificate and same could be verified online.

Commissioner(I) reiterated the need to examine the issue on the lines of the discussions with the Export Commissionerate before taking it further.

(Export Comm'te)

3.Online payment module for surrender of drawback and MEIS benefit for re-import shipments and also for voluntary surrender of incentives.

JC (X) informed that the subject matter had already been taken up with Directorate of System and was under process and that as soon as a mechanism is devised, it would be informed to the Trade. It was also informed that the situation arose very rarely when export benefits are required to be surrendered.

Commissioner(G) observed that there were various processes for which CBs have to physically present themselves at ACC. Also, there was a firm commitment of CBIC to do away with physical interface of the departmental officers with CBs and other stakeholders. Infact, that CBIC had asked for all such processes and it had been written to the Board enlisting some such processes. Commissioner(G) requested BCBA to furnish a list of all such processes, which it felt could be moved to the electronic medium or through a module in order to be further referred to the Board and the dateline would be to complete it by 31st Dec, 2020.

BCBA representative submitted that the said list would be compiled and submitted by next Friday.

Commissioner(G) assured the trade that within 24 hours of receipt of said list, same would be forwarded to the Board.

(Action BCBA)

4. Increase in Export Volumes: More Officers required in Export Shed. Currently all the batches have 1 Superintendent and 1 Examiner for processing the documents.

Commissioner (G) informed that though agenda point says that there are 1 Supdt. and 2 examiners, but he had been informed that there were 2 Supdts and 4 examiners. Despite that, if there are delays in export, then an increase in deployment could be done even though it would be a challenge in the present scenario.

JC(X) informed that there were 2 Supdt and 4 POs/Examiners posted in the Shed but they were working in 24 hours, shifts so sometimes there were only 1 Supdt. and 1 examiner or 1 Supdt. and 2 examiners. The reduced strength was due to Covid19 pandemic. Further, that on one particular day there was issue of the system, however all exports were cleared by 11 PM. There were no regular delays. Still, if any such delays persist, more officers would be deployed.

(Point Closed)

5. We request for setting up Online Module/ E-mail ids for resolving drawback queries in time bound manner to reduce manual intervention:

JC(X) informed that there were two consecutive issues; one of drawback, and the other of IGST. As far as IGST was concerned there was no intervention of Custom Officers: If there was account detail problem then it comes as PMFS and EDI is to rectify it. Another is inverse mismatch SV005, where party is required to submit the required documents, corrected invoice etc. If the issue persists, then it was being intervened and same was being referred via Commissioner's email id. from where 5 to 10 issues were being resolved on daily basis. As far as Drawback was concerned, there were very few queries and same were received at drawbackediexport@gmail and that 15 to 20 issues were being resolved daily.

Commissioner(G) confirmed the submissions of JC(X) based on daily review of emails so received. That of the emails received daily, half of them pertain to the two aforesaid issues. Therefore, resolving the issues takes time as there are errors emanating from mis-match of data provided by the exporters which does not match in an electronic environment. He also assured that emails are being checked and issues resolved on daily basis.

(Point Closed)

6. We request that IGST refund queries be attended in time bound manner and a specific online module should operational.

BCBA representative submitted that the same had already been addressed in the previous agenda point.

(Point closed)

FOR CUSTODIANS

7. We appreciate MIAL and entire cargo team for mitigating the non-traceability in the import shed to a great extent. In order to improve the dwell time we kindly request MIAL to augment additional forklift operators and loaders in the shed which will facilitate faster delivery:

MIAL representative informed that though manpower was a challenged, still they delivered as per the commitment made by them in the last PTFC meeting. That 60% of manpower had already been augmented since first week of June. As against 15 to 20 emails that were being received by MIAL on daily basis earlier, no emails had been received from last 10 days on the issue of non-traceability of packages: 3 digits non-traceability has been reduced to single digit, presently. MIAL requested Trade to clear the 768 tonnes of consignments pending since March 2020 lying uncleared. There was still wrong feed-back in the Trade that Customs Air Cargo was closed and yet not operational. BCBA was urged to request Trade to clear the said consignments early. A list comprising such uncleared consignments would be made available to BCBA and would also be submitted to Customs.

Commissioner(G) reminded BCBA that it had been requested to provide feedback on how to expedite the clearance of such consignments and that the same had not been made available till date.

BCBA informed that they have had several meetings with the MIAL and had forwarded the uncleared list of consignment to all Customs Brokers resulting in clearance of most of the backlog. For the few shipments lying uncleared, MIAL is providing and the data and the same would be followed up.

Commissioner(G) informed that from the study of the available data, it was observed that every month there existed shipments which were not cleared, but this number jumped unusually in the month of March, 2020. It came down in the months of April and May, 2020. However, March, 2020 figures of uncleared consignment were still very high. Gate passes issued were more related to the fresh consignment coming in and thus it cannot be concluded that backlog has already been cleared. Hence, it was decided that all consignments which had arrived in the month of March till 31.03.2020 (which can be extended to 15.04.2020) and if process of clearance of same is not started by 30.06.2020, then MIAL may move for the process under Section 48 of the Customs Act.

BCBA agreed for the same.

Commissioner(G) requested MIAL to provide the list of such consignments and make it an attachment to the Minutes of this meeting so that the process under Section 48 could be commenced as decided above.

(MIAL/BCBA)

8. We request MIAL & AIR INDIA to give refund of demurrage charges which have been paid in excess on topmost priority by 30th June, 2020.

MIAL informed that as per Ministry of Civil Aviation Order, their system was automatically giving waiver of demurrage wherever applicable. However, if there was any case where applicable waiver was not given, the same may be brought to their notice so that they could expedite the same.

BCBA submitted that these were cases pertaining to 1st check or 2nd check consignments where full demurrage charges have been charged and paid. However, importers had been given assurance that refund of demurrage would be given. BCBA would call for such data from members of his association and would submit the same to MIAL for compliance and requested MIAL to consider the same early.

MIAL submitted that in case of 1st check and 2nd check consignments, in those case where the documentation had been done properly, proper SOP followed and evidence of process executed, then such cases would be the cases where they would process refund. Only genuine cases would be considered.

BCBA submitted that their request was in compliance of the MOCA circular. He further informed that there was no response from Air India and their request to Air India was to refund the applicable waiver of 50%.

AIATSL/Air India representative Mr. Dhule submitted that they have updated their system with respect to waiver and it is at par with MIAL. They have given waiver in system itself and it has been done and receipt is being generated with remark "Refund of 50% Waiver given as per MoCA circular". A total 597 cases had been given waiver as per MoCA circular. He also asked BCBA representative to give list of cases which have not been given waiver.

BCBA representative submitted that he would ask members of CHA association to submit the data.

Shri Dhule submitted that 50% waiver was already given by their system by default as MoCA directions had been incorporated in system on par with MIAL system.

Commissioner(G) concurring with submissions of AIATSL that they had incorporated waiver in system as per MoCA circular, suggested to BCBA to provide AIATSL details of such case where waiver had not been given.

BCBA representative agreed to do so.

Commissioner(I) concluded the point with the suggestion that next time the Trade should come with a list of such cases which has not been resolved, if any, so that case to case basis discussion could be held. Until such time the matter may be taken up with MIAL and AIATSL, respectively.

(Point Closed)

B. ACAAI:

9. We request the Custodians to enforce Social Distancing very rigorously and ensure it is followed.

Commissioner(I) explained that it was a twin challenge to keep the show going and maintain social distancing, at the same time. Initially, there were some issues in Appraising Hall but later on the same were resolved. There are restrictions in place on movement and entry in Import Shed. Further, he asked ACAAI if there was any suggestion from their side.

ACAAI representative thanked Customs, MIAL, AIATSL, and other stakeholders for effectively working during the lockdown. It was submitted that they had no issue except that of following of social distancing norms.

Commissioner(I) assured that social distancing would be ensured.

MIAL representative submitted that they were putting all their efforts to sanitise the area of ACC on daily basis. Signage have been displayed. Patrolling was being done in order to secure the ACC. It was informed that gathering was noticed while people were leaving office. They were trying their level best to ensure social distancing. MIAL requested help from volunteers from all stake holders to come forward for ensuring proper precautions: Given the volume of trade at ACC, it was a big challenge. It was necessary to educate the people. Soon trade was going to increase and challenges of taking precautions like social distancing, etc., were also going to increase.

Commissioner(I) concluded the point and requested all stakeholder to ensure bare minimum staff at ACC. On completion of their work, they should be instructed to leave the premises.

(Point Closed)

Additional points raised by Stake Holders with the permission of the Chair:

1.ACAAI representative Ms. Mehta thanked all the stakeholders for all the help extended to the Trade. She also thanked M/s Air India team for their efforts to resolve the issues raised by them.

(Point Closed)

2.Mr. Mark Fernandes, MSF Bombay, while thanking the stakeholders, reported that some of officers in exports were raising objections and exports were being stopped. In a particular case, officers had asked to see IGST and original invoices before allowing the consignment for export. The said issue was brought into the knowledge of JC(X), Shri Prabhakar and Shri Dushyant Mulani, but such issues were unresolved. He requested for resolution as it was not possible to come physically to ACC for the same.

Commissioner(G) requested to provide specific detail of the case so that issue could be investigated.

(MSF)

3.Mr Mark Fernandes further raised another issue regarding Import and reported that on 15th and 16th June, EDI System was down. He requested waiver of penalty, interest and other charges should be done automatically if EDI is not functioning and there should be no need that their staff go for it in person. This should be done online.

Commissioner(I) explained that if an issue required bringing changes in the System, then the same would have to be addressed to the Dte of System in order to incorporate the same. However, if it was a measure of Ease of doing business, and it is found that, in general, it is required to grant waiver, then in that case Customs issues Public Notice and moving of individual file was not warranted.

Mr. Fernandes further requested that their request for waiver may be allowed to be sent on email to concerned DC without the need for them to come to ACC personally as was being done at JNCH.

Commissioner(I) informed that there was no need of coming in person for such issue and online request for waiver are already being attended.

(Point Closed)

4. BCBA representative Shri Dushyant Mulani appreciated the efforts of Customs and ADC to work on line with respect to imports and exports and this was setting a benchmark for other Customs stations. Clearance of 700 to 800 documents on daily basis on requests made on the email addresses of Export and Imports departments, was a remarkable achievement. Delhi and Chennai had emulated the same. If same process was created for other PGAs, it would greatly help.

(Point Closed)

5. British Airways raised the point of levy of charges on minor and major amendments and online payment of such charges.

Commissioner(G) informed that it was being looked into by him personally and that it may take some time.

(Point Closed)

The meeting ended with thanks to the Chair.

This issues with the approval of Commissioner of Customs (General/Import/Export), Mumbai Customs Zone-III.

Sd/
(M. H. Hingorani)
Asst. Commissioner of Customs PRO, (Import)
Air Cargo Complex, Sahar, Mumbai

Copy to:

1. Chief Commissioner of Customs, Zone-III, Mumbai - For kind information, please.
2. Pr. Commissioner / Commissioner of Customs, Import / Export / General, APSC, ACC.
3. All Addl./Jt./DC/AC Commissioner of Customs, Import / Export / General, APSC, ACC.
4. All members of PTFC meeting (via E-mail)
5. E &T Section/PSO Sectionfor circulation in Export/General Commissionerate.
6. EDI Section- For uploading on ACC Website.
7. Office copy.

