



भारत सरकार

GOVERNMENT OF INDIA

सीमा शुल्क मुख्य आयुक्त का कार्यालय, कोलकाता क्षेत्र

OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS, KOLKATA CUSTOMS
ZONE

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**MINUTES OF THE CUSTOMS CLEARANCE FACILITATION COMMITTEE
(CCFC) MEETING HELD ON 24.08.2023**

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The meeting of the Customs Clearance Facilitation Committee (CCFC) of Kolkata Customs Zone was held on 24.08.2023 at 03:00 PM under the Chairmanship of Shri Ashutosh Awasthi, Chief Commissioner of Customs, Kolkata Customs Zone. The meeting was conducted via Web Conference.

The following officers/representatives attended the meeting:-

Sl. No.	Name & Designation (Shri/Ms)	Organisation
1	Shri Ataur Rahman	Commissioner of Customs(AP & ACC) and (Port)
2	Shri Gaurav Sinha	Commissioner of Customs (Preventive), WB
3	Shri Pawan Kumar	Additional Commissioner (CCO & CCP)
4.	Shri Sushil Kale	Additional Commissioner (AP & ACC)
5	Shri S. Devrajan	Additional Commissioner (Port)
6	Shri Sheikh Aminkhan	Joint Commissioner (AP & ACC)
7	Shri Piyush Katiyar	Joint Commissioner (A&A)
8	Shri B. K Singh	Joint Commissioner (Port)
9	Smt. Anindita Nag	Assistant Commissioner of Customs (CCO)
10	Shri Bappa Ditya Banerjee	Assistant Commissioner of Customs (ACC)
11	Shri Rattan Singh	Assistant Commissioner of Customs (Airport)
12	Shri Sanjib Kumar Guha	Assistant Commissioner of Customs (Airport)
13	Shri Rajiv Kumar Sinha	Assistant Commissioner of Customs (Airport)
14	Shri Ranjeet Kumar Prasad	Superintendent of Customs (Prev.)
15	Shri Amarjeet Kumar	Preventive Officer

16	Shri Kishor Kumar Sharma	Inspector, WCCB, Kolkata
17	Shri Sujit Cakraborty	President WBCHAS
18	Dr Jimlee Sarmah	Quarantine Officer, Animal Quarantine
19	Shri PC Maity	Chairman, Airport Sub Committee
20	Shri Salim	GJEPC
21	Shri Kaushik Ghosh	Assstt. Director, GJEPC
22	Dr. Kishore Kumar Sharma	WLI, WCCB
23	Shri Kuntal Ghosh	(CAPEXIL)
24	Shri Pramod Kr Srivastava	National President, NACFS
25	Shri Arnab	
26	Shri Biswajit Saikia	

The Chairman extended a welcome to all the members and opened the conference for discussion and directed , Shri Pawan Kumar, ADC, CCO to start the meeting with the ATR with respect to the Minutes of CCFC meeting held on 27.07.2023, which are as follows:

Issue 1	<u>Sponsored by he Gem & Jewellery Export Promotion Council:-</u> Request for update on Hand carriage to be operational from ACC Kolkata.
Action taken	<u>ATR submitted by Airport Commissionerate:</u> As most of the members of the earlier committee constituted for framing an SOP for the export of gems and jewellery through hand carriage mode through Kolkata NSCBI Airport, have been either got transferred or retired. Hence, on the direction of the Commissioner of Customs, AP & ACC, a new committee has been re-constituted and members have been directed accordingly to submit their proposals/suggestions in a time bound manner so that the SOP can be framed at the earliest. The committee members have also been asked to write letters or communicate to the other Customs Commissionerate where export of gems and Jewellery through hand carriage mode is already in operation. Moreover, letters have also been issued to the AAICLAS (Custodian), NSCBI Airport (Departure Terminal) and General Managers of the different airlines having their operations in foreign countries asking their opinion/suggestions/lacunae (if any) on the feasibility of the export of Gems and Jewellery through hand carriage mode. In the said letter it has also been stated that many of the foreign destined flights are not direct flight. They flight generally via Mumbai or New Delhi. Therefore, before framing the intended SOP it is pertinent to ensure that the export shipment on which substantial Government Revenue is involved might not get diverted from their

	transit Indian airport. The replies of the airlines and Custodian are still awaited.
Discussion during the Meeting	Shri Abhijit Bhattacharyya, AC (ACC) informed that a committee has been constituted comprising three Officers namely Zainab Sayeed, DC (Airport), Apurba Swarnakar, DC and he himself. Further, he stated that all the Airlines have been asked for the inputs in this regard and only the report from Indigo Airlines has been received in the matter. Further, he said that matter would be finalized once the inputs from all the Airlines are received.
Issue 2	<u>Sponsored by P.C.Maity, Chairman and Ali Haider, Chairman, Chairman, Airport Sub Committee:-</u> 1. In the case of KBE (Perishable) import clearance NOC received from AQ and FSSAI as per PN No: 35/2022-23 dtd: 01/10/2023 on that basis DC / AC shed give the approval for OOC but PQ is not included in the aforesaid PN. Therefore, these 3 agencies NOC not reflecting in the ICES, and DC / AC approval is required for OOC. On holidays and post-working hours, the shipments got stuck. 2. All the embassy consignments (Diplomatic bags) for import and export the system detects for opening the consignments. As per the Diplomatic Relations Act 1972, these types of cargo are not supposed to be opened in this situation; the clearance process got delayed for approval of respected Commissioner Sir.
Action taken	ATR submitted by Airport Commissionerate (Issue 2, Point 1): As per Para 7 of PN-35/2023 "in case of clearance during night when online SWIFT NOC from AQ or FSSAI may not be possible in the system, manual out of charge may be given on the basis of hard copy of their NOC. But the officer giving such release order must regularize in the system when the NOC is available in the system. On this point the following clarifications are provided: 1) It is a fact that at para 7 of the aforesaid PN it has been mentioned that under the circumstances where NOC cannot be given through System, Manual out of charge can be given by the officers of Customs on the basis of the hard copies of the NOC s issued by AQ and FSSAI but PQ or Plant quarantine has not been mentioned along with these two agencies. 2) However, on a reading of the entire PN –in particular paras 1, 5 and 6 of the same – it is very clear that para 7 also implies in spirit PQ along with AQ and FSSAI for the following reasons: i. At serial III of para 1 of the above PN it clearly mentions that Kachcha Bills of Entry or KBEs can be filed inter alia for “Fresh Fruits, Flowers, Vegetables, Perishable seeds and any other goods of perishable nature”. It is commonplace understanding that such items would require NOC from PQ. - ii At para 5 of the above PN it is clearly mentioned..... the following documents are to presented to the IFO -

	a) Airway Bill b) Invoice and Packing List d) Other required documents such as Certificate/NOC from Port Health Officer/Assistant Drug Controller/Plant Quarantine Officer etc, wherever required iii At para 6 of ibid PN it is clearly mentioned that “He(<i>read Supdt of the Shed designated for OoC to such KBEs</i>) will also ensure (read before giving OoC)that all other requirements related to clearance of the goods have been complied with and all necessary documents –Original Invoice, Copy of Airway Bill, Copy of Delivery Order, Certificates, NOC from Port Health Officer/Assistant Drug Controller/Quarantine Officer, have been attached with the print-out of the assessed KBE.” 3. Therefore, it is clear on a reading of the above PN in totality that at para 7 of the same PQ has also been implied along with the AQ and the FSSAI whose NOCs in hard copies can be relied upon to give Manual Out of Charge if it is not transmitted through the System. It transpires, therefore, that it has been an inadvertent error while drafting the subject PN that PQ has not been mentioned at para 7. A suitable corrigendum shall be issued in this regard at the earliest. <u>Pertaining to Points No.2 of Issue No. 2:-</u> ATR submitted by Airport Commissionerate: As per Para 03 of Article -27 of “The Diplomatic Relations (Vienna Convention) Act, 1972 (Act no. 43 of 1972)- “The diplomatic bag shall not be opened or detained,” however in few cases RMS prescribes to conduct examination, in such cases the diplomatic pouch is being after inspecting the packages and verifying the marks, numbers and labels, however, no such diplomatic bag/pouch has been examined or opened. And the such permission is being accorded by Pr. Commissioner/Commissioner sir in e-office to release the diplomatic pouch/bags by over-riding the RMS instructions.
Discussion during the Meeting	<u>(Point 1 of Issue 2)</u> Shri Ataur Rahman, the Commissioner of Customs (Airport & ACC) stated that the PN does refer to the PQ case also, so if needed, Manual NOC would be granted like in the case of AQ and FSSAI. <u>(Point 2 of Issue 2)</u> Further speaking on Diplomatic Cargo issue, Shri Ataur Rahaman, Commissioner of Customs (Airport & ACC) said that generally examination is not indicated but if gets indicated then it can be overridden by the proper authority and the cargo may be allowed as per the Convention.
Issue 3	<u>Sponsored by Prabhat Srivastava, Hony. Secretary, West Bengal</u>

	<u>Custom House Agents' Society:-</u> We are suppose to deduct TDS on payment of services provided by CWC (Petrapole) but they don't allow us to do so & force us to violate the law even being a Government Agency. In the circumstances when we pay the full amount & ask them to refund the TDS amount after providing proper evidence they delay it year after year. What should be the remedy of this situation. Please advise suitably.
Action Taken	The issue has been communicated to CWC, Petrapole how have informed that it is not possible for CWC, Petrapole to change the billing procedure which is in practice in Petrapole LCS. Moreover, CWC Petrapole has referred the matter to CWC, Kolkata Regional Office for necessary instruction. The reply for which is still awaited.
Discussion during the Meeting	In this regard, Shri Pawan Kumar, ADC, directed Shri Anil Kumar, AC to pursue the issue with CWC Kolkata to get early response.
Misc Issues raised during the Meeting	<u>Sponsored by Shri Ali Haider, Chairman, CHA Association:-</u> 1. The issue related to import of Medical Equipment at Kolkata Airport. Even if there is no instruction from RMS, Assessing Officer is forwarding most of such BEs to Drug Controller for NOC. 2. It was regarding the containers imported in the Same BL, and of the same certificate of origin which are coming to dock on different occasions.
Action Taken	<u>ATR submitted by Airport Commissionerate pertaining to Point No.1</u> As per office memorandum no. 01/2023 dated 31.01.2023 vide F.No. cbic_500401/4/2022-single window section-CBEC-part (3), New Delhi wherein it has been directed to forward all the Bills of Entry pertaining to medical devices including surgical gloves and medical examination gloves to the concerned ADC Office for ensuring the compliance of the requirements for import of medical devices under MDR-2017. The Office Memorandum directs that the SOP may be adhered to. <u>ATR submitted by Port Commissionerate pertaining to Point No.2</u> The matter has been shared with the TSK and EDI section of Port Commissionerate for necessary action.
Discussion during the Meeting	(<u>Miscellaneous issues raised by Shri Ali Haider regarding Import of medical equipments</u>) Shri Ataur Rahman, Commissioner of Customs (Airport & ACC) stated that since there is a OM in this regard, all the Bills of Entry pertaining to medical devices has to be referred to the ADC, Drug Controller as per SOP and OM and further stated that if there is any deviation from this it should be brought to the notice of the authority. (<u>On the point of import of more than one consignment against the single COO certificate</u>)

	Shri Ataur Rahman, Commissioner of Customs, (Port) stated that there are differences in various agreements of different countries regarding COO , hence a detailed study is required to find the solution within the agreements and in case a solution is not feasible the matter will be escalated to the appropriate authority.
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After discussion on ATR in respect of last CCFC Meeting, Shri Pawan Kumar, ADC, CCO proceeded the Meeting with the Agenda Points of the current CCFC Meeting, which are as follows:

Issue 1	<u>Agenda points sponsored by Foreign Post, Kolkata:-</u> 1. Huge number of parcels/articles are kept detained by the customs authority since years together. The matter has already been placed as agenda In previous CCFC meeting, but no substantial progress has so far been noticed, in this respect it is to be mentioned that Directorate of Postal authority has instructed to every Sub Foreign Post offices/Foreign Post Offices to undertake special drive to clear the pending Parcels/articles after consultation with the Custom authority as per norms for detention of different items categorically. The present picture of detained parcels/articles ying under the custody of this office are furnished below:- <table><tr><td>Category</td><td>EMS</td><td>Parcel</td><td>Registered Letter</td><td>Ordinary letter/Mail Artele</td></tr><tr><td>Number</td><td>435</td><td>252</td><td>673</td><td>700</td></tr></table> 2. Two X-ray baggage inspection system(XBIS), used for assessment of EMS items, lying at 1", floor and one x-ray baggage inspection system(XBIS), used for screening of Letter Mail articles lying at 2, floor are existing as non-functional since a long time. It is requested to remove the unworkable machines to utilise the scarcity of space in this office. 3. One X-ray baggage inspection system (XBIS), occupying a considerable space generated for installation at ground floor of this office is kept unused since installation. It is requested to activate the said machine as early as possible to accelerate the assessment procedure in this office as export volume is increasing day by day with introduction of Dak Niryat Kendra by Dept. of Posts. 4. Dakghar Nirayat Kendra: In order to boost export through the Postal Channel the Department of Posts is constantly endeavouring wide publicity of the booking process through the DNK activated booking Post Offices. However, it is observed that such items are experiencing delayed assessment and release and thereby delayed despatch of the items from Kolkata FPC, resulting in negative vibe amongst the exporters.	Category	EMS	Parcel	Registered Letter	Ordinary letter/Mail Artele	Number	435	252	673	700
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Number	435	252	673	700							
Comments of	<u>Comments submitted by Port Commissionerate:</u>										

Department	1. Huge number of parcels/articles are kept detained by Custom Authority: Comments: In this regard, it may be informed that in the previous CCFC meeting held on 28.03.2023, wherein the Postal Department had been advised by the chair to prepare the list of all such detained articles with all particulars as per Circular No 49/2018 Customs dated 03.12.2018 and submit to Customs for clearance of pending Parcels/articles. After submission of the complete list, committee of two officers each from Customs & FPO was to be formed to examine the parcels/articles for disposal. Accordingly, for early disposal of the detained articles, a letter followed by reminders dated 10.04.2023, 18.04.2023 and 29.05.2023 were issued from PAD wherein Postal department had been asked to submit the list of detained articles which contain the particulars such as name of the consignee/consignor, Tracking ID, description of goods, weight, Value of the Goods, Bill of lading/Airway Bill No. But, Postal Department submitted a list of detained articles received on 17.08.2023 which contains data of Tracking Id and Date only. Hence, the matter has been pursued with the Superintendent of FPO to provide the complete details and accordingly a letter dated 22.08.2023 has been issued to the Superintendent of FPO, Kolkata. Once, all the requisite information from FPO received, a committee, in terms of direction of the chair in the CCFC meeting held on 28.03.2023, will be formed. 2. Removal of two X-ray Baggage Inspection System (XBIS) lying at 1st floor and one X-ray Baggage Inspection System (XBIS) lying at 2nd floor: Comments: Regarding “Two X-Ray Baggage Inspection System (XBIS) used for assessment of EMS Items lying at 1st floor”, it is to clarify that there is only one machine of the said specification, lying dismantled at two different places on the 1st floor. The postal people were duly briefed about that. In this regard, it is intimated that the referred XBIS (X-ray Baggage Inspection System) machine bearing Model No-ECR-520, Serial No-11, Machine Code-0620 of ECIL-Rapiscan Limited make has been lying non-operational for a long time at Foreign Post Office, Kolkata occupying substantial working space of FPO, Kolkata. As the said machine is currently not in operational mode and more than 8 years rather precisely 22 years old, thus became obsolete and dilapidated, we approach the manufacturer for disposing the junk at the earliest. However, the manufacturer cautioned that as the X-ray Generator in the baggage scanner is a sealed unit and emits radiation only when it is power on and can cause damage to the surroundings during disposal, it is mandated to return the equipment to OEM for disposal as per AERB (Atomic Energy Regulatory Board) guidelines. Now the machine will be disposed of in conformity with the specified guidelines of Directorate of Logistics, New Delhi, communicated vide F.No. DOL/AS/MISC/3/2023-AS-DOL-DELHI/167 dated 17-05-2023, at an early date. A draft has already been placed for
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approval. Another, presently non-operational, old XMIS Mail Scan machine 5030 of Serial No-002 of Bharat Electronics make is occupying floor space on 2nd Floor, thus allegedly causing hindrances in day-to-day work. The said machine is currently not in operational mode. However, it reveals that the AMC is active for that machine. Accordingly, the service provider, M/s Bharat Electronics was contacted over telephone and after persuasion, their Engineer checked the machine and found that only the motherboard of scanner requires replacement and accordingly he serviced the machine and removed the motherboard for replacement that according to them will be replaced within 20 days and will make the machine fully operational.

3. Removal of one X-ray Baggage Inspection System (XBIS) lying at ground floor:

Comments: It is further to inform that one new 3D XBIS machine of Model NoXR3D-6D, Serial No-6DC21959 of VOTI Detection make remains nonoperational at the ground floor since installation. It was heard earlier that when contacted, the vendor of the VOTI machine had expressed their inability to make the machine operational. The machine has just completed the warranty period. Now, repeated communiqué with M/s VOTI Detection, Canada reveals that it was already taken over by M/s. Rapiscan Limited, USA. M/s Rapiscan also conveyed their willingness to provide service through ECIL-Rapiscan Systems for any existing VOTI machines. However, it will take some time as their discussion with DOL is in progress regarding maintenance of VOTI Machines all over India by ECIL-Rapiscan. After consent from DOL, Rapiscan will train their Engineers on maintenance of VOTI machines. And immediately start maintenance. The machine will become operational after that.

Further, it is to mention that the Postal Department was also briefed about the present status of the three machines.

4. Delay in assessment and release of parcels under DNK:

Comments: The accusation against Customs regarding delayed assessment of Dakghar Nirayat Kendra (DNK) parcel is improper. In recent past the DNK exports have increased distinctly. As per the the Board Circular No. 06/2023 & 20/2023 dtd. 01.03.2023 & 07.08.2023, a large number of Post Offices in North Eastern Region, Assam, West Bengal, Jharkhand. Bihar and Odisha have been notified as DNK Post Offices with booking facility of e-commerce exports under jurisdiction of Kolkata Foreign Post Office. Accordingly, a considerable number of parcels have been reached in this office. While examination/assessment of this parcels it is seen that the exporters have opt for availing different export benefits for which uploading of supporting documents is necessary, but in so many cases even invoices was not uploaded at all. Also in many cases incomplete item description like Misc, Others etc. is noticed, provided CTH is totally inappropriate and no PGA documents have been uploaded by the exporters. Number of this type

	of parcels are so large that customs officials have no option to clear the goods in a hurry. In most cases there is no symmetry in PBE declaration with invoice value & Currency etc. In repeated cases department raised query to the party even over telephone make them informed about the discrepancy but again the same type of mistake has been noticed. As per Standard Operating Procedure (SOP) for Dak Ghar Niryat Kendra (Ver.1.1), issued vide F.No. CF-4/2/2020-CF dated 15.09.2022, the Postal Assistant deployed at DNK should have educate/assist the exporters in preparation of excel sheet having requisite details and uploading the sheet along with other documents viz. invoices/certificates etc. and educate the exporter about different facilities/schemes, incentives, tax benefits etc. of Government of India available for commercial exports at the time of booking the Parcel. Hence, it appears that the Postal Authority is not assisting properly to the exporter due to which these problems arise and accordingly delay in assessment is happening. Also, while checking the supporting export documents download of the same is required which takes considerable time in the available domain network speed. So, the delay in assessment, if any, not due to the customs process, but may be for the ignorance of guidelines/procedure by the new exporters.
Discussion During the meeting	As no representation from FPO Kolkata was found, The Chair stated that taking up these points would not serve any purpose. On this Shri Ataur Rahman, Commissioner, Port, stated that the points need not to be taken up, as these are the follow up issues raised in earlier CCFC meeting. Moreover, the report submitted by Port Commissionerate may separately be communicated to the FPO and wherever action is pending from their part, we may request them to take action and the department shall do whatever is required on their part.
Issue 2	<u>Sponsored by Prabhat Srivastava, Hony. Secretary, West Bengal Custom House Agents' Society:-</u> We are attaching herewith list of Shipping Line-wise long-stay laden containers lying at Kolkata / Haldia off docks CFSs as provided by the respective Operators to us so far. We shall provide you further upon receipt from remaining CFS / ICD Operators shortly. We seek you kind and urgent assistance for expeditious disposal of such cargoes lying in containers, enabling return of empty units to respective Shipping Lines for catering to export shipments urgently.
Comments of Department	<u>Comments submitted by Port Commissionerate:</u> As per records available in the department, the following submission is made: As on 07.09.2021, the total number of containers pending at CFS/Docks. is 2250. Continuous efforts have been made and as a result as on 01.08.2023, 1293 containers have already been released and the status of remaining 957 containers is as follows: 1. Pending for court cases – 120

	2. Held by investigating agencies – 390 3. Pending for destruction – 49 4. Auction in process – 91 5. Others - 307 According to the standing order no. 06/2018, NOC from SDC will be issued after receiving the NOC from the concerned sections like SIIB, Legal, Concerned Group etc.
During the Discussion	The matter was not discussed as there was no representation from West Bengal Custom House Agents' Society.

The meeting ended with a vote of thanks to the Chair.

This issues with the approval of the Competent Authority.

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(ANINDITA NAG)
ASSISTANT COMMISSIONER
Chief Commissioner's Office
Kolkata Customs Zone

Dated: 30-08-2023

Copy to:

1. The Principal Commissioner of Customs (A&A)
2. The Principal Commissioner of Customs (Port)
3. The Principal Commissioner of Customs (Prev.), West Bengal
4. The Additional/Joint Commissioner of Customs (Port/A&A/CCP)
5. All Concerned.
6. DC(EDI) for uploading in Kolkata Customs Web Page.