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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 27.07.2023

The meeting of the Customs Clearance Facilitation Committee (CCFC) of Kolkata Customs Zone was held on 27.07.2023 at 04:00 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 Sheikh Aminkhan	Joint Commissioner (AP & ACC)
6.	Shri Piyush Katiyar	Joint Commissioner (A&A)
7.	Shri Anil Kumar Singh	Assistant Commissioner (Petrapole)
8.	Shri Gautam Salui	Assistant Commissioner of Customs (CCO)
9.	Shri Ranjeet Kumar Prasad	Superintendent of Customs (Prev.)
10.	Shri Amarjeet Kumar	Preventive Officer
11.	Dr Jimlee Sarmah	Quarantine Officer, Animal Quarantine
12.	Shri Kishor Kumar Sharma	Inspector, WCCB, Kolkata
13.	Dr. Kishore Kumar Sharma	WLI, WCCB
14.	Shri Sujit Cakraborty	President, WBCHAS
15.	Shri P C Maity	Chairman, Airport Sub Committee

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16.	Shri Prabhat Srivastava	Hony. Secretary, WBCHA's Society
17.	Shri Ali Haider	Chairman, Airport Sub Committee
18.	Shri Pankaj Parekh	GJEPC
19.	Shri Kaushik Ghosh	GJEPC
20.	Shri Kuntal Ghosh	(CAPEXIL)
21.	Shri Pramod Kr Srivastava	National President, (NACFS)
22.	Shri Debdatta Nandwani	FIEO
Some other officials of various Organizations were also present.		

On the onset of the said CCFC meeting, Shri Pawan Kumar, ADC, CCO addressed the meeting and welcomed the participants. Further, he requested the Chair to address the meeting.

The Chair also welcomed the participants on behalf of Kolkata Customs Zone and directed Shri Pawan Kumar, ADC, CCO to start the meeting .

Issue 1	<u>Sponsored by he Gem & Jewellery Export Promotion Council:</u> Request for update on Hand carriage to be operational from ACC Kolkata.
Discussion during the Meeting	During the discussion in the Meeting, Mr. Pankaj Parekh, GJEPC stated that it had been informed that an SOP was being prepared to resolve the issue and that it is on the verge of conclusion but till date no update in the matter has been received. Shri Ataur Rahman, Commissioner Airport and ACC, reaffirmed that a Committee has been constituted on this but that there has been a delay due to the recent transfer of the Assistant Commissioner; however that the new incumbents have been directed to expedite and assured that matter would be concluded before the next CCFC meeting.
Direction of the Chair	The Chair assured that the matter would be concluded before the next CCFC Meeting.
Action to be Taken	- The Commissioner of Customs (A&A)
Issue 2	<u>Sponsored by P.C.Maity, Chairman and Ali Haider, 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

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	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.
Remarks of Department	<u>Comments to Points No.1 of Issue No. 2:-</u> 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 hardcopy of their NOC. But the officer giving such release order must regularize in the system when the NOC is available in the system." In case of PQ is not able to give NOC in the system, AC/DC of ACC insert the certificate (NOC) in ICES on the basis of physical copy of NOC issued by PQ, after that Shed Superintendent is able to give OOC in system, the same is followed only when AC/DC is available at ACC on office time only. Long term of this issue may be resolved by adding "the NOC from PQ" in para -7 of the said PN along with other NOC from AQ or FSSAI. <u>Comments to Points No.2 of Issue No. 2:-</u> 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 released by over-riding the RMS instructions after getting the approval from competent authority
Discussion during the Meeting	<u>Pertaining to Points No.1 of Issue No. 2:-</u> Shri Sushil Kale, ADC (Airport), mentioned that a PN has been issued wherein procedures for the clearance /out of charge are given in case of manual NOC and suggested that NOC from PQ may also added in the PN to mitigate the problem. However during the course of discussion it was learnt that in case of manual NOC from PQ and FSSAI, approval from AC/DC is required and clearance becomes a problem on holidays as DC/ACS are not posted on holidays,

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	<u>Pertaining to Points No.2 of Issue No. 2:-</u> Mr. PC Maity explained that recently a diplomatic cargo was opened for examination as per RMS instruction which was against the spirit of the Diplomatic Relation Act, 1972 and was released after necessary orders were given based on application made. During the discussion it was learnt that this was a rare incident triggered by RMS and not a regular feature and that in the event of any such issue in the future it would be taken up at that point of time.
Direction of the Chair	<u>Pertaining to Points No.1 of Issue No. 2:-</u> The Chair directed the Commissioner of Customs (A&A) to resolve the issue before the next CCFC meeting.
Action to be Taken	<u>Pertaining to Points No.1 of Issue No. 2:-</u> The Commissioner of Customs (A&A)
Issue 3	<u>Sponsored by Prabhat Srivastava, Hony. Secretary, West Bengal Custom House Agents' Society: -</u> 1. We are supposed 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. 2. Can a holder of H-Card or G-Card issued under CBLR-2018 from one Commissionerate can work in other Commissionerate with the same H-Card or G-Card. We have received some issues when the officials have asked for G-Card or H-Card from same Commissionerate. Please issue proper guideline in the matter.
Remarks of Department	<u>Pertaining to Points No.1 of Issue No.3:-</u> It is submitted by the CWC, Petrapole that more than 200 parties are doing business through ICP Petrapole. It is not possible for CWC to check whether any party has paid TDS or not. So CWC, Petrapole takes the full payment of the bill raised by them and when the parties submit TDS Certificate to CWC, then after due verification by CWC, Regional Office, Kolkata, refund of TDS amount is made to the parties.

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	<u>Pertaining to Points No.2 of Issue No. 3:-</u> It is to state that H-cards and G-cards are issued to the Customs Broker by the jurisdictional Assistant/Deputy Commissioner under Regulation 13 (3) & (4) of Customs Broker Licensing Regulation, 2018 wherein the said Customs Broker has been permitted to transact business. Thus, it implies that Customs Broker holding H-cards and G-cards cannot work in other Commissionerate. To work in other Commissionerate, CB, holder of H- cards and G-cards, needs to obtain license from that particular Commissionerate. -
Discussion during the Meeting	<u>Pertaining to Points No.1 of Issue No. 3:-</u> Shri Anil Kumar Singh, Assistant Commissioner, Petrapole requested that the grievance may be submitted to him for him to examine the issue and take appropriate action. On this issue Sujit Chakraborty informed that CWC Kolkata is allowing the TDS deduction while the same company is following a variant practice at Petrapole. <u>Pertaining to Points No.2 of Issue No. 3:-</u> Shri Piyush Katiyar, Joint Commissioner, Airport/ ACC stated that as per regulation (CBLR), a person registered in one Commissionerate for G-card/H-Card cannot work in a different Commissionerate, separate G-card/H-card is needed for a person to work in different Commissionerates. In this regard, Shri Ataur Rahman, Commissioner of Customs (A&A), upon inquiry by the Chair about the practices in Mumbai Custom, explained that Mumbai t has a single policy section hence, this problem is not there while in Kolkata, Port/ Airport and Preventive Commissionerates have separate policy sections.
Direction of the Chair	<u>Pertaining to Points No.1 of Issue No. 3:-</u> The Chair suggested Mr. Prabhat Srivastav to submit the grievances related to CWC- Petrapole in writing and that the Section concerned should take up the matter. - <u>Pertaining to Points No.2 of Issue No. 3:-</u> The Chair concluded that the legal position in the matter was clear and that a separate G card will be required to work in the Preventive Commissionerate . -
Action to be Taken	<u>Pertaining to Points No.1 of Issue No. 3:-</u> Assistant Commissioner (Petrapole), CCP

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Misc. Issues raised during the Meeting	<u>Sponsored by Shri Ali Haider, Chairman, CHA Association:-</u> 1. The issue related to import of Kapoor Fiber under HS code 1404, mapped under SWIFT, further stating that the RMS does not forward the documents to PQ in the system hence, it is being drawn and forwarded manually to PQ which is time taking. 2. It was related to sending the RMS Bill of Entry when the system instructs for sample drawing. In this regard, Mr. Haider Ali enquired whether drawing sample at Custom House is possible or not as the NOC is given from Facilitation Centre and further said that sending the RMS bill of entry to dock for drawing samples becomes time taking process. 3. 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. 4. 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. -
Discussion during the Meeting	<u>Pertaining to Points No.1:-</u> On the said issue, Shri Ataur Rahman, Commissioner of Customs (A&A) stated that there is a letter from Local PQ and as well as letter from Delhi and the practice being followed is based on the same. <u>Pertaining to Points No.2:-</u> On the said issue, Shri Ataur Rahman, Commissioner of Customs (A&A), stated that the drawing of sample has to take place where the goods are located. <u>Pertaining to Points No.3:-</u> On the said issue, Shri Ataur Rahman, Commissioner of Customs (A&A) directed Shri Sushil Kale, ADC, (A&A) to look into the matter. <u>Pertaining to Points No.4:-</u> Mr. Ali Haider discussed the issue regarding a case where defacement was not possible for the second lot of containers as BL was same and he requested for a solution for such cases. Shri Ataur Rahman, Commissioner of Customs (A&A)

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	asked for details and copies of such Bills of Entry to be submitted for examination of the matter.
Direction of the Chair	<u>Pertaining to Point No.1</u> The Chair concluded that the matter requires no redressal. <u>Pertaining to Point No.2</u> The Chair concluded that sample drawing at Custom House is practically not feasible. <u>Pertaining to Point No.3</u> The Chair directed that the matter would be examined by the concerned Officer/Section. <u>Pertaining to Point No.4</u> The Chair asked Mr. Haider Ali to give the details of the issue in writing so that the issue may be examined.
Action to be Taken	<u>Pertaining to Point No.3</u> Additional Commissioner of Customs (A&A) -
Misc Issue raised during the Meeting	<u>Sponsored by Shri Kishor Kumar Sharma, WCCB:</u> Mr. Sharma raised the issue related to mapping of his SSO ID, which is not working for last two months and informed that the mapping will be done by Airport Commissionerate.
Discussion during the Meeting	On this Shri, Sushil Kale, ADC, Airport requested Mr. Sharma to send the details and assured that the needful in the matter would be done.
Misc Issue raised during the Meeting	<u>Sponsored by Dr. Jimlee Sharma, Animal Quarantine:-</u> Dr. Jimlee Sharma, AQ, enquired about delays regarding Animal Quarantine clearance
Discussion during the Meeting	Sri Prabhat Srivastav spoke about facing delay at Petrapole as AQ is closed on Sunday. Ms. Sharma requested that the matter may be intimated in writing to the Ministry since any change at local level was not possible.
Direction of the Chair	The Chair asked Mr. Prabhat Srivastav, Hony. Secretary, WBCHA's Society to write to the concerned Ministry with a copy to AQ, Kolkata and Customs.

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

This issues with the approval of the Competent Authority.

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

Dated: 01-08-2023

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.

Signed by Anindita Nag
Date: 01-08-2023 17:04:48
Reason: Approved