

Date: 30.03.2021



**OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)**  
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**PUBLIC NOTICE No. 09/2021 - CUSTOMS**

**Sub: Clarifications on the legislative changes in Section 46 of Customs Act, 1962 - reg.**

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Attention of the Shipping Liners, Freight Forwarders, Shipping/Steamer Agents, Importers, Exporters, Customs Brokers, Custodians/Container Freight Stations, Terminal operators and all other Stakeholders is invited to CBIC Board's Circular No.08/2021-Customs dated 29.03.2021 on the above subject

2. Reference is also invited to the amendments in Section 46 of the Customs Act, 1962 introduced through the Finance Act, 2021. These changes facilitate pre-arrival processing and assessment of Bills of Entry (BE) by mandating their advance filing thus leading to significant decrease in the Customs clearance time. The amended Section 46 requires an importer to file a BE before the end of the day (including holidays) *preceding* the day of arrival of the vessel/aircraft/vehicle carrying the imported goods at a Customs port/station at which such goods are to be cleared for home consumption or warehousing. However, Board is empowered to prescribe different time limits for such filing in certain cases, but by not later than the end of the day of arrival of the vessel/aircraft/vehicle at the Customs port/station.

**Changes in Section 46**

3. In this regard, Board has carried out consultations with members of the trade and Customs field formations for the smooth implementation of the changes to the Customs Act, 1962 as above. After examining the relevant issues Board notes that the ground reality is that in case of short haul vessels/flights the importer may at times not get the Master Bill of Lading (MBL)/Master Airway Bill (MAWB) on the preceding day of the arrival of the vessel/aircraft. Further, when goods arrive by vehicle at a LCS, it is invariably the case that the import report is filed only at the time of its arrival. In these situations it would be difficult for the importer to adhere to the new requirement of Section 46, as above. Accordingly, with a view to facilitate the importers, Board has amended the Bill of Entry (Electronic Integrated Declaration) Regulations, 2018 by issue

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of Notification No.34/2021-Customs(N.T.), dated 29.03.2021 thereby prescribing different time-limits for filing BE in respect of goods imported by various modes of transport. It may be noted that, the existing provision that a BE may be presented upto 30 days prior to the expected arrival of the aircraft or vessel or vehicle carrying the imported goods continues. Thus, with certain exceptions, as notified, the BE can now be filed anytime from 30 days prior to the expected arrival of the aircraft or vessel or vehicle upto the end of day preceding the day of such arrival. Similarly, changes have been carried out in the Bill of Entry (Forms) Regulations, 1976 vide Notification No.35/2021-Customs (N.T.) dated 29.03.2021 in case of manual filing of BEs.

3.1 For clarification of the importers and trade, the changes that have been made effective vide the above stated notification dated 29.03.2021 are as follows

S.No.	Customs Station	Bill of Entry is Required to be Filed Latest by End of the Day of Arrival of the Vessel/Aircraft / Vehicle	Bill of Entry is Required to be Filed Latest by the End of Day Preceding the Day of Arrival of the Vessel/Aircraft/Vehicle
1	2	3	4
1	Sea Port	Imports consigned from following countries viz. 1. Bangladesh 2. Maldives 3. Myanmar 4. Pakistan 5. Sri Lanka	Imports consigned from all countries other than those mentioned in column (3)
2	Airport	All imports	None
3	Land Customs Station (LCS)	All imports	None
4	Inland Container Depot (ICD)	None	All Imports

3.2 The importers are encouraged to file the BE well in advance and definitely by the above-mentioned timelines. In accordance with the said Section 46 read with the said Regulations, a BE that is filed after the above timelines shall attract late charges. Similarly, relevant dates for determining the late charges as clarified earlier by Circular No. 12/2017- Customs, dated 31<sup>st</sup> March , 2017 for different types of Customs Stations remains unchanged i.e., Entry Inwards for the Seaport and Date of Arrival at the Airport, ICDs/Air Freight Stations and Land Customs Stations.

3.3 In respect of import goods arriving at seaports, consigned country (refer column 3 of the Sl. No 1 of above table) refers to the country where the goods have been consigned by the exporter of the goods by way of Bill of Lading (HAWB/HBL, or MAWB/MBL, as the case may be). The same is already being mentioned as the country of consignment in the Bill of Entry. *To illustrate, in respect of the goods consigned from Sri Lanka by the*

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*Sri Lanka exporter, Bill of Entry is to be filed latest by the end of the day of the arrival, whereas in respect of the goods consigned from let us say, Hong Kong, but merely transshipped through Sri Lanka, Bill of Entry is required to be filed latest by the end of day preceding the day of the arrival of the vessel.*

**Removal of the need for MBL/MAWB in Advance BE :**

4. Several representations have been received by Board regarding the non-availability of MBL/MAWB within the prescribed time-limits leading to delay in filing advance BE. Upon carefully examining this matter and noting the genuine difficulties of the importers, Board has decided to do away with the requirement of MBL/MAWB for the filing of advance BE. Only the reference to House Bill of Lading (HBL)/ House Airway Bill (HAWB) would be sufficient at the time of advance filing. Thus, an importer can now file the advance BE on the strength of either a MBL/MAWB or the HBL/HAWB or both.

.1 Further, to regularize the BE filed in advance with the Arrival Manifest (IGM) when a BE has been filed only with the HBL/HAWB (and not MBL/MAWB), it is proposed to enable an option in ICEGATE for the importer to subsequently update the MBL/MAWB in the BE. This amendment to the already filed BE would be auto approved in the Customs Automated System without the need for approval of a Customs officer. An automated approval by the Customs Automated System is supported by section 149 of the Customs Act, 1962 amended vide Finance Act, 2021. Since all such amendments would be auto approved by the Customs Automated System, these would not be subject to levy of fees under the Levy of Fees (Customs Documents) Regulations. 1970.

5. In this regard, the Directorate General of Systems has issued Advisory No. 10/2021 dated 29.03.2021 and this office has issued Public Notice No. 08/2021 dated 30.03.2021.

6. Difficulties, if any, faced in implementation of this Public Notice may be brought to the notice of the undersigned.

*K. Venkat Ram Reddy*  
 (K. VENKAT RAM REDDY)  
 COMMISSIONER

To

1. Notice Board of the Concerned Customs Formations
2. Copy submitted to the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, GST Bhavan, Port Area, Visakhapatnam – 530 035 for information

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**Copy to :**

1. The Additional Commissioner of Customs, Krishnapatnam Custom House, KAPS Building, CVR Complex, Krishnapatnam Port Area, Gopalapuram, MUTHUKURU – 524 344, S. P. S.R. Nellore District for information with a direction to give wide publicity among the stakeholders under the jurisdiction KPCH.
2. The Additional Commissioner of Customs, Kakinada Custom House, Port Road, KAKINADA – 533 007, East Godavari District for information with a direction to give wide publicity among the stakeholders under the jurisdiction KKDCH.
3. The Deputy / Assistant Commissioner of Customs, ICD, MARRIPALEM – 522 233, Yedlapadu Mandalam, Marripalem Post, Guntur District for information with a direction to give wide publicity among the stakeholders under the jurisdiction of ICD, Marripalem.
4. The Deputy / Assistant Commissioner of Customs, Customs Division, Visakhapatnam / Kakinada / Tirupati for information with a request to display this Public Notice on the Notice Boards of concerned Customs Division.
5. Copy to Superintendent (Computers), CPC, Hqrs. Office, Vijayawada for display on CPC, Vijayawada website [www.apcustoms.gov.in](http://www.apcustoms.gov.in).
6. Copy to M/s. Krishnapatnam Port Company Limited (KPCL), the Custodian / Custom Cargo Service Provider of Krishnapatnam Port , Muthukur , SPSR Nellore District for information with a request to upload this Public Notice on their website for the knowledge of the stakeholders and public.
7. Copy to M/s. Kakinada Sea Ports Limited, the Custodian / Custom Cargo Service Provider of Kakinada Port, Kakinada, East Godavari District for information with a request to upload this Public Notice on their website for the knowledge of the stakeholders and public.
8. Copy to M/s. Leap International Private Limited , the Custodian / Custom Cargo Service Provider of ICD, Marripalem – 522 233, Yedlapadu Mandalam, Marripalem Post, Guntur District for information with a request to upload this Public Notice on their website for the knowledge of the stakeholders and public.
9. Copy to The Kakinada Custom Brokers Association, Kakinada (through the Joint Commissioner of Customs, Custom House, Kakinada) for information with a request to upload this Public Notice on their website for the knowledge of their members and public.
10. Notice Board.