



सीमा शुल्क (निवारक) के आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
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C. No: VIII/48/644/2018-Cus.Tech

Date: 26.04.2019

PUBLIC NOTICE NO.09/2019-Customs

Sub : Procedure in respect of discharge and clearance of Dry Bulk Cargo (Coal and Coke) after grant of Out-of-Charge (OOC) - Reg.

Representations have been received from M/s. The Cocanada Chamber of Commerce, Kakinada, from time to time with regard to difficulties experienced in discharge and clearance of dry bulk cargo more specifically coal and coke. Along with the representations, they have also enclosed the Standing Order No.08/2010, dated 09.03.2010 issued from file F.No.S/20-01/2010/Appg(G) of Kandla Custom House, addressing the issue of clearance of dry bulk cargo after granting out of charge in a comprehensive manner. The said Standing Order has been based on the judgment of Shaw Wallace & Co. Ltd Vs Assistant Commissioner of Customs & others, as reported in 1986 (25) ELT 986 (Bombay) and also the instructions issued at Para 7.17 (c) (iv) of "Manifest Clearing Department (MCD)", Appraising Manual, were also taken into account for addressing the issue.

2. As difficulties are being experienced by the importers as well as Custom Brokers and Shipping Agents, the request of M/s. The Cocanada Chamber of Commerce, Kakinada, has been examined and for ease of doing business and as a trade facilitation measure, a Public Notice is being issued in line with the Standing Order No.08/2010, dated 09.03.2010 of Kandla Custom House, under the jurisdiction of Customs Commissionerate (Preventive), Vijayawada.

Dry Bulk Cargo:-

In respect of dry bulk cargo, an independent survey report should be prepared by the carrier and the consignee and such report should be countersigned by the Customs Officer before discharge of the Cargo. Such report should be accepted for the purpose of ascertaining the actual cargo unloaded.

3. Thus, in respect of dry bulk cargo customs duty is required to be recovered on the quantity ascertained on the basis of draft survey report jointly signed by Consignee / Owner or his agent, receiver or his surveyor and Customs Officers. Further, as per paragraph 7.08 (i) of the appraising manual in case of coal and coke, shortage up to 2% of the manifested quantity may be allowed and no further weighment of coal is warranted.

Shortages in Manifested quantities – Instructions as per 7.08 (i)

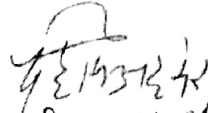
The following instructions shall be followed in respect of the shortages observed in the manifested quantities.

1. **Coal and Coke :**

Shortages up to 2% of the manifested quantities may be allowed without penalty under Section 116 of the Customs Act, 1962. If the deficiency exceeds 2%, the agents of the vessels should be required to explain the shortage. If their explanation is not satisfactory, penalty should be imposed under section 116 of the Customs Act for the whole shortage.

4. Since the duty on coal is already paid on the basis of weighment determined in draft survey, there do not appear to be any danger to revenue in case certain shortage/excess are noticed upon physical weighment conducted at the time of delivery of cargo out of the port by the custodian. Once particular quantity of coal is given out of charge by the proper officer of Customs, the custodian can deliver the cargo to the parties concerned on the basis of delivery order issued by the shipping agent. They may use weighbridge inside or outside the port.

5. In view of the above, it has been directed that the procedure of 100% weighment of dry bulk cargo (coal and coke) before dispatch may not be required, since Customs Duty is collected based on the draft survey report.


 (एस. फहीम अहमद) 26/4/2019
 (S.FAHEEM AHMED)
 प्रधान आयुक्त
 PRINCIPAL COMMISSIONER

To

All the Exporters / Customs Brokers Agencies / Customs Brokers Licensees / Customs Brokers Associations under the jurisdiction of Customs Commissionerate (Preventive), Vijayawada through Additional Commissioner of Customs, Krishnapatnam Custom House / Joint Commissioner of Customs, Kakinada Custom House and Deputy / Assistant Commissioner of Customs, ICD Marripalem.

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

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.
2. The Joint Commissioner of Customs, Kakinada Custom House, Port Road, **Kakinada – 533 007** East Godavari District for information.
3. The Assistant Commissioner of Customs, ICD **Marripalem – 522 233**, Guntur District for information.

4. Copy to M/s. Krishnapatnam Port Company Limited (KPCL), the Custodian / Custom Cargo Service Provider of Krishnapatnam Port, Muthukur, SPSR Nellore District, for information.
5. Copy to M/s. Kakinada Sea Ports Limited, the Custodian / Custom Cargo Service Provider of Kakinada Port, Kakinada, for information.
6. Copy to M/s. Leaap International Private Limited, the Custodian / Custom Cargo Service Provider of ICD MARRIPALEM, Guntur (Through Deputy / Assistant Commissioner of Customs, ICD MARRIPALEM, Guntur) for information.
7. Copy to Superintendent (Computers), CC(P) Hqrs. Office, Vijayawada for display on CC(P) Vijayawada website www.apcustoms.gov.in.
8. Notice Board.

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