

	<b>भारत सरकार/ GOVERNMENT OF INDIA</b> <b>सीमा शुल्क आयुक्त का कार्यालय (पत्तन)</b> <b>OFFICE OF THE COMMISSIONER OF CUSTOMS (PORT)</b> <b>सीमा शुल्क सदन, 15/1 स्ट्रैंड रोड, कोलकाता- 700001 (प. बं.)</b> <b>CUSTOM HOUSE, 15/1 STRAND ROAD, KOLKATA- 700001 (WB)</b>
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**MINUTES OF THE TRADE FACILITATION COMMITTEE MEETING (TFC)**  
**HELD ON 11.06.2024 AT 11.30 HOURS**

The Trade Facilitation Committee (TFC) Meeting in June 2024 was held on 11.06.2024 (Tuesday) at 11.30 hours in the Conference Room, Custom House Kolkata. The meeting was presided over by Shri Ataur Rahman, Commissioner of Customs (Port Commissionerate). The meeting was convened for PORT Commissionerate with officers and stakeholders related to Port Commissionerate taking part in the meeting.

The following attended the meeting:

<b>DEPARTMENTAL OFFICERS</b>		
<b>PORT COMMISSIONERATE</b>		
<b>Sl. No.</b>	<b>NAME (Shri/Smt)</b>	<b>DESIGNATION (of Customs)</b>
1.	Mayank Sharma	Additional Commissioner
2.	S Devarajan	Additional Commissioner
3.	Brajesh Kumar Singh	Additional Commissioner
4.	Sovon Kumar Mandal	Joint Commissiner
5.	Shashi Bhushan	Deputy Commissioner
6.	Rajan Kumar Verma	Assistant Commissioner
7.	B Mahesh Babu	Assistant Commissioner
8.	L T Bhutia	Assistant Commissioner
9.	M K Chaudhary	SC(P)
10.	Amitabh Kr. Jha	SC(P)
11.	Ranjan Kumar	SC(P)
12.	Sumit Kumar II	Appraiser
13.	Soumen Maity	Examiner

<b>PGA/TRADE REPRESENTATIVES</b>		
<b>Sl. No.</b>	<b>NAME (Shri/Smt.)</b>	<b>Organization</b>
1.	Farid Zamal	CCHAA
2.	Sayantan Kumar Ghosh	CCHAA
3.	Anushree Datta	FFFAI Women's Wing
4.	Faiyaz Shamim	AllCargo CFS
5.	MD Jamil	AllCargo CFS
6.	Deepak Baptist	A L Logistics CFS

7.	M. Pattanayak	Concor CFS
8.	Abhijit Sinha	Concor CFS
9.	U. D. Rao	Phonex CFS
10.	MD Kamal Hasa	Phonex CFS
11.	Tanay Kumar Pal	SMPK
12.	Aloy Roy	Transworld CFS
13.	Chittaranjan Sur	Transworld CFS
14.	Porna B. Bist	Century CFS
15.	Mahesh Mandha	Century CFS
16.	Arnab Bose	Ralson CFS
17.	Darshan Lal Dhondiyal	MPEDA
18.	Jaynta Sen	ASIC
19.	Dipankar Ghosh	Haldia Dock, SMPK
20.	Abhishek Roy Chowdhury	
21.	Sarwan Singh	Balmer Lawrie CFS
22.	Dhiman Halder	CWC CFS
23.	Arpit Srivastava	CWC CFS
24.	Kaushik Banerjee	WBSWC
25.	Krishnendu Bhattacharya	WBSWC

At the outset, the Chair welcomed all the members present in the meeting and thereafter following issues were discussed in the meeting.

#### **I. Agenda Points Sponsored by CCHAA:**

##### **(a) Display of schedule charges for the various services in relation to the import/export goods in Customs Area**

Under “Handling of Cargo in Customs Areas Regulations, 2009” – Clause 6(3) – the cargo handler has to publish its rates on its website – however there are some such cargo handlers, viz All cargo CFS, is charging bills under heads & rates which are not published on their website. Further it has also been found that CONCOR CFS also does not have any rates prescribed and are working through one Mercantile Logistic who has no website as well, so their rates cannot be cross verified. Specific details of such cases can be provided for closer scrutiny as required.

##### ***Comments:***

*As per para 6(3) of Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR, 2009) – M/s All Cargo Terminals & M/s CONCOR is required to publish and display at prominent places including website/webpages of the schedule charges for the various services in relation to the import/export goods in customs area. Accordingly a letter addressed to the above mentioned CFSs namely M/s All Cargo Terminals & M/s CONCOR was written by CFS Unit with a direction to comply with the provisions of 6(3) – HCCAR, 2009.*

*It is further informed that M/s All Cargo Terminals has uploaded the rate chart on their website.*

##### **Directions:**

**For CFS CONCOR-** The Chair informed that as per para 6(2) of Handling of Cargo in Customs Areas Regulations, 2009, the Customs Cargo Service provider approved for custody of imported or export goods and for handling of such goods shall remain

responsible for compliance of the regulations, even if they appoint any service provider. In case of non-compliance with any regulations, the CFS concerned shall be held responsible for it. The Chair directed CFS CONCOR to follow the requirements in HCAAR, 2009.

**(b) Exorbitant charges for the handling import/export goods, specially LCL consignments.**

During the discussion a point was raised regarding exorbitant fees charged by CFSs for handling import/export goods, especially LCL consignments.

**Comments:**

*The Chair stated that it has been reported that some CFSs are collecting exorbitant charges for LCL consignments which is a matter for concern. He further added that the said exorbitant charges may include the freight on LCL consignments, which are being done with a purpose to evade the customs duty on freight portion of the assessable value.*

**Directions:**

The Chair requested all CFSs to examine whether their charges are justified. All the CFSs shall examine these matters and take corrective measures, if any, on their part. If any such case is reported, the same may be brought to the notice of CFS Unit by AC, CFSs.

**[Action: AC, CFS and AC, CFS Unit]**

**Miscellaneous Points:**

**Point I. Regarding Waiver of Detention Charges:** It has come to the notice that CFSs All Cargo, Balmer Lawrie, CFS Transworld and CFS Century have not yet waived the detention charges as asked by Customs in terms of Regulation 6(1)(l) of the Handling of Cargo in Customs Area Regulations, 2009 and Clause (l) of Sub-Regulation (1) of Regulation 10 of the Sea Cargo Manifest and Transshipment Regulations, 2018.

**Directions of the Chair:** *The Chair asked the CFSs concerned to comply with the given directions to waive detention charges by the end of week, to avoid action from Customs as per HCAAR, 2009.*

**[Action: CFSs All Cargo, Balmer Lawrie and Transworld ]**

**Point II.** CFSs are audited every year by Customs to oversee compliances with Regulations. After audit it is expected that the deficiencies shall be resolved by the CFSs by the end of the year itself. However, it has been observed that some issues have remained unattended as pointed by Audit. Despite these observations from Audit side, it is unfortunate that some of these issues have remained unresolved.

A number of such issues have been mentioned:

**a) CFS CWC:** RFID seals introduction for tracking of cargo- Not fulfilled by CFS CWC.

**Comments by CFS CWC during the meeting:** The introduction of RFID seals in CWC CFS is under process. For the time being working software has been deployed at CWC CFS to track the movement of containers in the CFS.

**Directions of the Chair:** RFID seals are not provided for in the HCAAR, 2009 and this is only a recommendation to have RFID seal for better management.

**b) AL LOGISTICS, HALDIA:** Pavement was uneven, and, in some locations, cracks were noticed, some areas were waterlogged, which had the potential to damage containers.

**Comments by AL LOGISTICS HALDIA during the meeting:** It was submitted that the issues were resolved in the maintenance schedule.

**Directions of the Chair:** *The Chair asked the CFS to resolve these issues suo moto on monthly basis and not to wait for any annual inspection or maintenance schedule.*

**c) ALL CARGO CFS:** (i) Approaching roads towards the zone of unclaimed/uncleared cargo is full of mud, dust without a proper outlet system which may create water logging. Uneven pavements should be rebuilt with concrete. (ii) Samples drawn for examination are not kept in proper manner and the lighting system inside the shed area is insufficient.

**Comments by ALL CARGO CFS during the meeting:** It was stated that these infrastructural issues shall be resolved.

**Directions of the Chair:** The Chair asked AC All Cargo to inspect the CFS regarding the resolution to above mentioned infrastructural issues and provide a report to the CFS Unit.

**[Action: AC, CFS All Cargo]**

**d) CFS CONCOR:** Infrastructural lapse regarding construction of boundary wall. Arrangements of security in CFS, work to make the pavement even throughout the CFS is required.

**Comments by CFS CONCOR during the meeting:** *It has been stated that works related to boundary wall and fencing is under process and is expected to finish soon. The security in CFS and construction of pavements in CFS has been taken care of.*

**Directions of the Chair:** The Chair asked AC, CFS CONCOR to inspect the CFS regarding the resolution to above mentioned issues and provide a report to the CFS Unit.

**[Action: AC, CFS CONCOR]**

**Point III:** The Chair advised all the CFSs that the handling of import and export cargo in the CFSs shall be done only by the authorized persons. Any unauthorized person shall not enter in the CFS area which is a protected area. If any such case of unauthorized entry and cargo handling is noticed, the responsibility shall lie with the CFS.

#### **Point IV: Disposal of Unclaimed/Uncleared Cargo**

A number of cases have been brought to the notice where action is pending on the part of the CFSs.

**West Bengal State Warehousing Corporation (WBSWC):** A number of cargos are lying in the warehousing corporation pending auction. The representative of WBSWC informed that they shall forward all the pendencies to MSTC for auction by this week.

**CFS CENTURY PLY JJP:** 23 cases are pending for destruction and 7 cases are pending auction. The CFS representative submitted that approval from KMC is pending for destruction cases.

**Directions of the Chair:** The Chair asked the CFS to not delay the subsequent auction after one auction is unsuccessful.

Further, it was brought to the notice that one hazardous cargo pertaining to Nepal is long-standing in JJP CFS. The representative of the CFS informed that the importer has intimated that they shall pay the duty and take its delivery. However, they have not yet come forward for the same.

**Directions of the Chair:** The CFS shall not wait if the importer does not turn up and proceed for its disposal. Also, Nepal Bhutan Unit should provide the NOC in this case.

**[Action: AC, Nepal Bhutan Unit and JJP CFS]**

**All Cargo CFS:** The Chair asked AC All Cargo to review the disposal pendency at All Cargo CFS where actions are to be taken by the CFS and submit a report to the SDC.

**[Action: AC, All Cargo CFS]**

**AL Logistics, Haldia:** DC, MCH Haldia informed that NOC has been given in all the 15 cases that were sent for NOC to them.

**Ralson Petrochemicals, Haldia:** The representative of CFS concerned submitted that NOC request is pending for some cases. The Chair asked the representative of CFS to take cognizance of the pendencies and expedite the disposal process and DC, MCH Haldia was asked to review the disposal pendency.

**[Action: DC, MCH Haldia]**

**Phonex CFS:** The representative of CFS informed that 5 out of 20 cases pending auction has been disposed of. 19 cases pending destruction are under process, necessary permissions for the same from agencies like PCB etc. are being taken.

**Direction of the Chair:** The Chair further asked the CFS Phonex to review the pendency of Hazardous Cargo and to dispose of the same as per the prescribed rules.

**[Action: CFS**

**Phonex]**

**Transworld CFS:** The representative of the CFS informed that 01 case pending destruction and 02 cases pending auction shall be disposed soon.

**Balmer Lawrie CFS:** The representative of CFS informed that pending 03 cases for destruction have been disposed of last month.

**CENTURY PLY SONAI CF S:** The representative of CFS informed that 02 out of 04 cases pending destruction shall be done by this month. 09 cases of auction are also under process.

**CWC CFS:** The representative of CFS informed that 05 cases pending destruction shall be done by this month. Auction for 04 cases is also under process.

**CWC Warehouse:** The representative of CFS informed that 07 lots have been auctioned and delivery is under process. Inventory for 45 lots has been done.

**NSD:** It was informed that auction for 122 cases has been scheduled in the month of June 2024.

**Directions of the Chair:** The Chair asked AC, SDC and AC all CFS/Docks to keep a watch on all the pendencies due to hold by Investigation agencies.

**[Action: AC, SDC, All CFSs/Docks]**

**Point V:** SCMTR- As per the Sea Cargo Manifest and Transshipment Regulations, 2018, (SCMTR, 2018) all the Authorised Sea Carrier, Authorised Sea Agent, Authorised Carrier, Terminal Operator and Custodian had to get themselves registered under SCMTR. Vide the latest Customs Notification No. 26/2024 (NT) dated 28.03.2024, the implementation of the SCMTR has been extended upto 30.06.2024. However, there may not be any further extension of timelines for registration after 30<sup>th</sup> June, 2024.

**Directions of the Chair:** The Chair asked all the stakeholders to register themselves within the stipulated time. All the details for it are available on the ICEGATE.

**[Action: All stakeholders mentioned above]**

**Point VI:** Requirement of NOCs from West Bengal Pollution Control Board to CFSs as per objections raised by CAG.

**Directions of the Chair:** The Chair directed AC CFS Unit to write a letter to WBPCB asking them about the status of NOCs sought or whether any NOC is required or not.

**[Action: AC, CFS Unit]**

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The meeting ended with a vote of thanks to the presiding officer.

This issues with approval of the Commissioner of Customs (Port).

(MAYANK SHARMA)  
Additional Commissioner of Customs,  
Appraising General (Port)  
Custom House, Kolkata

Date: 24-06-2024

Copy to :-

1. Sr. PS to the Chief Commissioner of Customs, Kolkata.
2. PS to the Commissioner of Customs (A&A)
3. PS to the Commissioner of Customs (CCP)
4. All ADCs/JCs (Port)
5. All DCs/ACs (Port)
6. A.C. (EDI) – for uploading in the Kolkata Customs website