



**GOVERNMENT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE COMMISSIONER OF CUSTOMS
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PUBLIC NOTICE No. 23/2015

The following Instruction issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, New Delhi is enclosed for guidance of the officers/ Importers/ Exporters/ Customs Brokers and Trade.

Sl.No.	Circular No. & Date	Subject
1.	Instruction under F.No. 609/59/2012-DBK dated 27.11.2015	Systems Alert for monitoring realization of export proceeds in EDI under the BRC Module for ICES (introduced in year 2009) and the new RBI BRC Module introduced under DG (Systems letter dated 28.08.2014

2. Any difficulties faced, may be brought to the notice of the Joint Commissioner of Customs, Trichy.

(Issued from File C.No. VIII/09/05/2013-Cus.Pol dated 01.12.2015)


(K. C. JOHNY)
COMMISSIONER

To

1. As per mailing list
2. Commissionerate website
3. Notice Board, Trichy.

Copy submitted to: The Chief Commissioner of Customs (Prev.), Trichy.

F. No. 609/59/2012-DBK
Government of India Ministry of Finance,
Department of Revenue Central Board of Excise & Customs
Drawback Division

New Delhi, dated the November 27 th, 2015

To Principal Chief Commissioners / Chief Commissioners (All under CBEC)
Principal Directors General / Directors General (All under CBEC)
Principal Commissioners/Commissioners (All under CBEC)

Madam /Sir,

**Subject: Systems Alert for monitoring realisation of export proceeds in EDI
under the BRC Module for ICES (introduced in year 2009) and
the new RBI BRC Module introduced under DG (Systems) letter
dated 28.8.2014**

Attention of field formations is invited to Board's Circular No. 5/2009-Cus, Instruction no. 609/119/2010-DBK dated 18.1.2011, Instruction No. 609/35/2013-DBK dated 4.4.2013 and para 3 of Instruction No. 603/01/2011-DBK dated 11.10.2013 which, amongst other aspects, direct the methodical, time bound and monitored feeding of details of realization/non-realization received from exporters/their statutory auditors/banks/RBI in the BRC Module of ICES implemented in year 2009 for achieving complete and effective implementation of the statutory requirement of recovery of drawback with interest with respect to all drawback EDI shipping bills where there is absence of the timely realisation of export proceeds.

2. Subsequently, the DG (Systems) letter No. IV (35)/46/2013-System dated 28.8.2014 has introduced the RBI BRC module to the field formations conveying that this was expected to receive foreign exchange realization data for shipping bills with LEO dates from 1.4.2013 onwards. However, due to technical reasons the RBI BRC Module shall provide foreign exchange realization data for shipping bills with LEO dates from 1.4.2014 onwards as has been informed to field formations by DG (Systems) letter No. IV(35)/58/2012-Sys dated 18/20.11.2015.

3. Consequently, for EDI shipping bills with LEO dates from 1.4.2013 to 31.3.2014 the respective field formations are required to take up the work in terms of the directions referred in para 1 above, in a smooth manner.

4. Since the BRC Module is dependent upon information entered manually by designated officers in the EDI for generating the list of actionable cases, the Commissioners have a responsibility that there should not be situations where exporter has proof of submission of requisite certificates or negative statements while the special cells have not entered these details or ask repeatedly for same information. The existence of adequate room to avoid unfruitful work is evident from the information that a large number of notices related to recovery of drawback on account of absence of reconciliation issued in the past were dropped as proceeds were already correctly realised. This needs to be minimised through better management.

5. Each Commissioner should firstly ensure that every certificate/statement already received is expeditiously fed in to the BRC Module. Further, Commissioners should issue a public notice latest by 4.12.2015 (also place on their website) seeking submission of the certificates/negative statements by exporters not later than 27.1.2016 for all drawback EDI shipping bills with LEO dates from 1.4.2013 to 31.3.2014. The public notice may also indicate a nodal officer for receiving these documents through submission or post. The concerned Joint/Additional Commissioner should be made responsible for ensuring that the officers, specially designated by the Commissioner to verify the certificate/statement and to make entries in the BRC Module, complete these duties expeditiously. While making the entries, the relevant XOS statements (which do not report on shipment details of goods valued up to USD 25,000) shared by RBI may also be kept in view. It may also be mentioned that specified offices of Customs which receive the XOS from RBI have to share the information with other Customs locations, as may be necessary. All the location-wise cum IEC No.-wise shipping bill numbers that remain un-reconciled as on 31.1.2016 should be placed, along with a public notice dated 1.2.2016, on the website of the field formation giving a further window till 24.2.2016 to the concerned exporters to file the relevant documents. The fresh filings may also be dealt expeditiously under supervision of the said Joint/Additional Commissioner.

6. This entire process should be treated as a special drive with dedicated staff deployment. The cases for checks, by way of audit (in terms of para 8 of Circular 5/2009-Cus), should be selected only by the Commissioner.

7. The overall list of all drawback EDI shipping bills where export proceeds have not been realised in time should be generated from the BRC Module on 1.3.2016. This list should be immediately placed in the public domain. The Assistant/Deputy Commissioner should issue notices in such cases by clubbing cases pertaining to individual IEC No. to recover the drawback, excluding relevant cases like where such action is already initiated or where the requisite details are produced before notice is issued, etc.

8. Each Zone should report, by 10.3.2016, the said overall position generated on 1.3.2016 in the following format to the Commissioner of Customs (Export), NCH, Mumbai for consolidation on all India basis and onward submission by 15.3.2016 to the Board-

Sr.	Zone Name	No. of DBK EDI SB in BRC Module (of 2009 where export proceeds not realized as on 01.03.2016)	Amount of DBK in (II) [Rs. In Lakh]	Out of (III), No. of SB where notice issued	Amount of DBK in (V) [Rs. In Lakh]	Out of (III), No. of SB where notice is not issued as case is otherwise reconciled and closed	Amount of DBK in (VIII) [Rs. Lakh]	Out of (III), No. of SB where notice yet to be issued	Amount of DBK in (IX) [Rs. In Lakh]
(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Figures of (I) to (IV) shall be frozen as on 1.3.2016; (V) + (VII) + (IX) = (III); (VI) + (VIII) + (X) = (IV)									

The Chief Commissioners are requested to monitor disposal of above outstanding shipping bills on monthly basis and also intimate status of columns (V) to (X) to the Commissioner of Customs (Export), NCH, Mumbai every three months from 1.3.2016 (i.e. status as on 1.6.2016 to be reported by 10.6.2016 and so on) for consolidation of all-India zone-wise quarterly report and conveying it to the Board.

9. With respect to the RBI BRC module which deals with EDI shipping bills with LEO dates from 1.4.2014 onwards, the field formations are requested to bring difficulties, if any, faced to notice of Systems Directorate.

Yours faithfully,
Sd/x.x.x.
Vinod Kumar Agrawal OSD (Drawback)
Tel: 23341480