



सीमा शुल्क आयुक्त का कार्यालय
नं.1, विल्लियम्स रोडकन्टोनमेंट, तिरुच्चिरापल्लि - 620 001.
OFFICE OF THE COMMISSIONER OF CUSTOMS
NO.1 WILLIAMS ROAD, CANTONMENT, TIRUCHIRAPPALLI - 620 001.

NOTIFICATION No. 01/2016 Customs (N.T.)

In exercise of the powers conferred under Section 45(1) of the Customs Act, 1962, I K. C. JOHNY, Commissioner of Customs, Trichy do hereby appoint "M/s.Karaikkal Port Private Limited, having Registered Office at Keelavanjore Village, T. R. Pattinam Commune, Karaikkal Taluk, Pondicherry Union Territory Pin Code - 609 606" to be the Custodian of the Customs Sea Port located at Keelavanjore Village, T. R. Pattinam Taluk, Pondicherry Union Territory as notified by Commissioner of Customs under Section 8(a) & 8(b) of the Customs Act, 1962 vide Notification No.01/2009 dated 09.04.2009 and Notification No.02/2011(N.T.) dated 06.04.2011 for the purpose of unloading of imported cargo and loading of export cargo brought at the said premises till they are either cleared for home consumption or exported or warehoused or transshipped in accordance with the provisions of the said Act and subject to the following conditions:-

1. The Custodian of the goods meant for import and export would be required to comply with the provisions of Section 45 and other relevant Sections of the Customs Act, 1962 and Rules & regulations made there under as well as the instructions issued from time to time in this regard.
2. The custodian shall comply with the Regulations stipulated in "Handling of Cargo in Customs Areas Regulations, 2009" communicated vide Board's Notification Nos. 26/09-Cus(N.T) dated 17.03.09, 95/2010-Cus dated 12.11.2010, Circular No: 4/2011-Cus dated 10.01.2011 and 13/2009 dated 23.03.09.
3. The custodian should provide all the infrastructure and other equipment facilities as per the above said Regulations and also to undertake to comply with responsibilities specified under the said Notification.
4. The custodian shall provide sufficient space as prescribed by the Commissioner of Customs, Trichy for Customs department in their cargo terminal, which shall be utilized by Trichy Customs Department for its activities. No alteration of the plan in the accommodation, boundary wall and building, etc. shall be made without the concurrence of the Commissioner of Customs, Trichy.
5. The custodian shall provide sufficient space as prescribed by the Commissioner of Customs, Trichy as office space for Customs in the sheds.
6. Conditions to be fulfilled by the Custodian:

The Customs Cargo Service provider for custody of imported goods or export goods and for handling of such goods in a customs area shall fulfill the following conditions, namely:-

(1) Provide the following to the satisfaction of the Commissioner of Customs, namely:

(i) Infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling, stuffing and de-stuffing of containers, storage, dispatch and delivery of containers and cargo etc., including:-

- (a) standard pavement for heavy duty equipment for use in the operational and stacking area;
 - (b) free of cost or rent fully furnished office accommodation for Customs, Customs Electronic Data Interchange (EDI) Service Centre, with required amenities and facilities and residential accommodation and transportation facilities for customs staff;
 - (c) premises for user agencies with basic amenities and facilities;
 - (d) storage facility, separately for imported, export and transshipment goods;
 - (e) gate complex with separate entry and exit;
 - (f) adequate parking space for vehicles;
 - (g) boundary wall;
 - (h) internal service roads;
 - (i) electronic weigh-bridge and other weighing and measuring devices;
 - (j) computerized system for location and account of goods, and processing of documents;
 - (k) adequate air-conditioned space and power back up, hardware, networking and other equipment for secure connectivity with the Customs Automated system; and for exchange of information between Customs Community partners;
 - (l) facilities for auction, including by e-auction, for disposal of uncleared, unclaimed or abandoned cargo;
 - (m) facilities for installation of scanning equipment;
 - (n) security and access control to prohibit unauthorized access into the premises, and
 - (o) such other facilities as the Commissioner of Customs may specify having regard to the custody and handling of imported or export goods in a customs area;
 - (i) safe, secure and spacious premises for loading, unloading, handling and storing of the cargo for the projected capacity and for the examination and other operations as may be required in compliance with any law for the time being in force;
 - (ii) insurance for an amount equal to the average value of goods likely to be stored in the customs area based on the projected capacity, and for an amount as the Commissioner of Customs may specify having regard to the goods which have already been insured by the importers or exporters.
- (2) Undertake to bear the cost of the Customs officers posted, at such customs area, on cost recovery basis, by the Commissioner and shall make payments at such rates and in the manner prescribed, unless specifically exempted by an order of the Government of India in the Ministry of Finance;
- (3) Execute a bond equal to the average amount of duty involved on the imported goods and ten *per cent* of value of export goods likely to be stored in the customs area during a period of thirty days and furnish a bank guarantee or cash deposit equivalent to ten *per cent* of such duty;
- (4) Undertake to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under
- (5) Undertake to indemnify the Commissioner of Customs from any liability arising on account of damages caused or loss suffered on imported or export goods, due to accident, damage, deterioration, destruction or any other unnatural cause during their receipt, storage, delivery, dispatch or otherwise handling.

7. Responsibilities of Custodian:

(1) The Custodian shall –

- (a) keep a record of imported goods, goods brought for export or transshipment, as the case may be, and produce the same to the proper officer as and when required;
- (b) keep a record of each activity or action taken in relation to the movement or handling of imported or export goods and goods brought for transshipment;
- (c) display or make available in any other manner, information of process or movement or handling of imported or export goods and goods brought for transshipment;
- (d) demarcate separate areas for unloading of imported goods for their storage with respect to the category of importers, nature of goods, place of destination, mode of transportation or any other criterion as the Commissioner of Customs may specify having regard to the custody and handling of imported goods in a customs area;
- (e) demarcate separate areas for loading of export goods for their storage with respect to categories of exporters, nature of goods, examined and sealed containers or other criterion as the Commissioner of Customs may specify having regard to the custody and handling of export goods in a customs area;
- (f) not permit goods to be removed from the customs area, or otherwise dealt with, except under and in accordance with the permission in writing of the proper officer;
- (g) not permit any export cargo to enter the customs area without a shipping bill or a bill of export having been filed with the proper officer;
- (h) not permit any import cargo to enter the customs area or be unloaded therein without the import report or the import manifest having been filed with the proper officer;
- (i) be responsible for the safety and security of imported and export goods under its custody;
- (j) be liable to pay duty on goods pilfered after entry thereof in the customs area;
- (k) be responsible for the secure transit of the goods from the said customs area to any other customs area at the same or any other customs station in accordance with the permission granted by the proper officer;
- (l) Subject to any other law for the time being in force, shall not charge any rent or demurrage on the goods seized or detained or confiscated by the proper officer;
- (m) Dispose off in the manner specified and within a time limit of ninety days, the imported or export goods lying unclaimed, un-cleared or abandoned:

Provided that the period of ninety days may be extended by the Commissioner of Customs by such further period as may be allowed, on sufficient cause being shown for delay in the disposal;
- (n) not make any alteration in the entry or exit points or boundary wall without the permission of the Commissioner of Customs;
- (o) shall bear the cost of the customs officers posted by the Commissioner of Customs on cost recovery basis and shall make payments at such rates and in the manner specified by the Government of India in the Ministry of Finance unless specifically exempted by an order of the said Ministry;
- (p) shall observe the Central Government holidays as followed by the jurisdictional Customs formations and in case of any variation in the working days, intimate the same to Commissioner of Customs and the trade, at least seven days in advance, and
- (q) abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under.

(2) The Customs Cargo Service provider approved for custody of imported or export goods and for handling of such goods shall not lease, gift, sell or sublet or in any other manner transfer any of the premises in a customs area; or sub contract or outsource functions permitted or required to be carried out by him in terms of these regulations to any other person, without the written permission of the Commissioner of Customs.

(3) The Customs Cargo Service provider shall publish and display the schedule of charges for the various services provided by him in relation to the imported goods or export goods in the customs area.

8. Duration of appointment shall remain for a period of 5 years from the date of issue of such approval and subject to the satisfaction of the Commissioner of Customs.

9. The Commissioner of Customs shall have the right to terminate the appointment at any time after assigning specific reasons and giving an opportunity for the custodian to explain his case.

10. The Commissioner of Customs shall review the approval granted before the expiry of the period of approval of 5 years and may extend such approval to a further period of 5 years at a time, provided that the Commissioner of Customs, for reasons to be recorded in writing may order for review of the approval granted before the completion of before the expiry of the period of approval.



(K. C. JOHNY)
COMMISSIONER.

Place: Trichy
Date: 04.04.16

(Issued from File C.NO.VIII/43/02/09 Cus Pol)

To

M/s Karaikkal Port Private Ltd, Karaikkal

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

Copy forwarded to:-

1. The Secretary, CBEC, New Delhi
2. All Chief Commissioners of Customs & Central Excise
3. The Directorate of Publicity & Public Relations, Customs & C.Ex., New Delhi
4. The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi
5. The Directorate General of Inspection, Customs & Central Excise, New Delhi
6. The Directorate General of Revenue Intelligence, New Delhi
7. The Directorate General of Statistics & Intelligence, Customs & C.Ex., New Delhi
8. All Commissioner of Customs & Central Excise
9. All DCs/Acs of Customs, Trichy Customs Commissionerate
10. The Comptroller & Auditor General of India, New Delhi
11. The Director General of C.Ex, Intelligence, New Delhi.
12. The Chief Secretary, Government of Pondicherry.
13. The Director of Ports, Port Department, Pondicherry.
14. The Web Admin, Customs, Trichy. (JAD Section)