



Government of India
Ministry of Finance, Department of Revenue
Custom House, New Harbour Estate
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PUBLIC NOTICE NO. 35/2015

It has been reported to this office that some of the CFSs and the ICD had been affected by heavy rain and subsequent floods during November 2015 (here-in-after referred as 'the incident'). Therefore, with a view to ensure proper statutory compliance with Customs Laws and other Allied Acts by importers, the following instructions relating to the procedure to be followed for clearance of such goods are issued herewith for strict compliance by all concerned.

2. Each of the CFSs and the ICD shall, immediately, file an incident report on the said floods and the consequent damage caused or likely to have caused to import/export goods lying in Custom area in their respective CFS/ICD. The said report shall contain particulars of the goods affected/likely to have been affected, the details of BEs or of IGMs if BE is yet to be filed and also the details relating to the container. The report shall be filed by the custodians in separate annexures and as per the categories of goods specified below.

Annex. A - Details of goods damaged/likely to have been damaged, in respect of which Bills of Entry have since been filed during the period after the date of 'incident' and which were cleared out of customs area.

Annex. B - Details of goods damaged/likely to have been damaged, in respect of which Bills of Entry were filed on or after the date of 'incident' and which were granted 'out of charge order' by customs but goods are yet to be cleared out of the customs area.

Annex. C - Details of goods damaged/likely to have been damaged, in respect of which Bills of Entry were filed on or after the date of 'incident' and which were examined by customs but 'out of charge order' is yet to be issued by customs.

Annex. D – Details of goods damaged/likely to have been damaged in respect of which Bills of Entry are yet to be filed.

Annex. E – Details of goods damaged/likely to have been damaged which had been confiscated and pending disposal or detained or deposited for safe custody by seizing units like DRI, SIIB.

Annex. F – Details of 'unclaimed, un-cleared or abandoned goods' and which are pending action/disposal under Section 48 of Customs Act, 1962 which have been damaged /likely to have been damaged.

3. The Custodians (CFS and ICD) under INTUT1 and INTUT6 shall not clear any such consignments, in part or in full, which have since been affected by the rain / flood waters afore-said, and in respect of which though the necessary statutory clearances from other agencies had been obtained prior to the date 'incident' and such damage or suspected damage to goods, without subjecting such goods to further test and permission for clearance from such statutory agencies concerned.

4. Such of those consignments affected/damaged by the 'incident' and in respect of which OCC had earlier been granted by Customs, but are yet to be cleared out of the Customs area, shall not be permitted to be cleared out of the customs area of the CFS/ICD without subjecting the goods to statutory clearances afresh from the concerned other agencies and without obtaining further permission from the Asst. Commissioner of Customs (Docks) of ICD as the case may be. Such permission by customs for clearance shall be granted only on production of the required statutory clearance from the other agencies which shall, inter-alia, relate also to that part of the goods which are claimed to be unaffected/non-damaged by the 'incident'.

5. Customs shall not permit clearance out of customs such of those goods affected /damaged by the incident without further clearance from FSSAI or other similar agencies even if other agencies had drawn samples prior to the date of such 'incident' without following the above procedure.

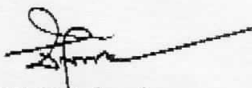
6. It has been reported that some of the custodians have, on their own, taken up within the customs area segregation and insurance survey of the goods damaged or suspected to be damaged in respect of the Bills of entry where OCC had been granted by customs. While the

entitlement of persons interested in goods and claims of damage to undertake such activity within customs area is acknowledged, it is to be noted that such activity within the customs area need to be carried out necessarily after obtaining prior approval of the Asst. Commissioner (Docks) or the Asst. Commissioner (ICD) as the case may be and that such survey shall necessarily be in the presence of the Customs officer and Customs Broker and such other parties interested in the matter. It is to be noted that goods, damaged or otherwise, lying in Customs area, whether granted OCC or not, continue to be under control of Customs and shall not be dealt with by way of de-stuffing /segregation/survey etc. by anyone without the above said permission. Such goods shall not be disposed of in any manner from segregation carried out, than by way of clearance provided under sections 46 or Section 48 of the Customs Act, 62 and without further approval by customs.

7. The above instructions are issued in view of special circumstances herein stated above and in public interest so as to ensure that goods which have been or likely to have been rendered unfit for human consumption particularly or otherwise rendered unfit for the purposes for which statutory clearances had been obtained prior to the date of the 'incident' causing damage to the goods in question and also since it is likely that such statutory clearances could have been obtained without due regard to the fact and extent of the damages caused to the goods by the rains and floods due to lack of clarity in this matter.

(Issued from the File No.VIII/48/358/2014-Cus-Pol dated 04/12/2015)

Date: 04.12.2015



(K.C. Johny)

(Commissioner of Customs)

To

1. As per Mailing List I, II and III.

2. Notice Board.

3. EDI Section, Custom House, Tuticorin for uploading in the website.

Copy submitted to

The Chief Commissioner of Customs, Trichy.