

15
YEARS OF
INDEPENDENCE
OF
INDIA



ಭಾರತಸರ್ಕಾರ, ಹಣಕಾಸುವಿಭಾಗ, ಕಂದಾಯಇಲಾಖೆ
भारतसरकार, वित्तमंत्रालय, राजस्वविभाग
Government of India, Ministry of Finance, Department of Revenue,
ಆಯುಕ್ತರಕಛೇರಿ, ನಗರಸೀಮಾಸುಂಕ,
ಅಂಚೆಸಂ5400., ಕೇಂದ್ರೀಯರಾಜಸ್ವಭವನ, ಕ್ವೀನ್ಸ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು
Office of the Commissioner of Customs, City Customs Commissionerate,
P.B. No. 5400, C.R. Building, Queen's Road, Bengaluru – 560 001

F.No.:VIII/09/30/2020 City Cus Tech

Date: 30 /04/2020

ADVISORY

(DIN No:20200472MR00007UBB9E)

To,

All Custodians of ICD/CFS,
City Customs Commissionerate,
Bengaluru.

Sub: COVID-19 PANDEMIC- Waiver of Detention/Demurrage charges by
Custodians of ICDs/CFs –reg

Attention is drawn to CBIC Letter F. No. 394/46/2020-Cus(AS) dated 23.04.2020 issued by the Director(AS) on the above subject.

2. The Ministry of Home Affairs, GOI had issued Order No. 40-3/ 2020-Cus(AS) dated 24. 3. 2020 and subsequently issued further order dated 15.04.2020 imposing lockdown till 03.05.2020 to contain the spread of COVID-19 pandemic in the country. On account of lockdown measures, the logistic chain of business has been adversely impacted. The chain includes the activities of all stakeholders, viz., importers, exporters, customs brokers, transporters, labour etc dealing with the clearance of cargo from customs facilities, viz., Ports, ICDs and CFs. As a result, importers are not able to clear the import consignments for the reasons beyond their control. In circumstances, numerous importers and trade associations requested for the waiver of penal charges, which are collected why the custodians on the imported goods lying at various ports, ICDs, CFs, beyond the normal free period.

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3. The CBIC letter dated 23.04.2020 further states that in the above context, the Director General Shipping, Ministry of Shipping vide order number 7 / 2020 dated 29.03.2020 advised Sea Ports, Carriers, Shipping Lines not to impose any container detention charges on import and export shipments for the lockdown period. Vide DGS Order No. 8/2020 dated 31.03.2020, it was advised not to charge, levy, or recover any damage ground rent beyond allowed free period for non-containerized cargo for the lockdown period due to delay in evacuation of cargo caused by reasons attributable to lockdown measures. Further, Ministry of Shipping has, again in its Order No. PD-14033/4/2020-PD VII dated 21.04. 2020(copy enclosed) which supersedes it's order No. PD-14300/4/2020-PD VII dated 31.03.2020, directed, inter alia, that no penal charges, demurrage, detention charges, dwell time charges etc., shall be levied and ports shall ensure strict implementation by port users including ICDs, CFSs, shipping lines etc. Accordingly, the aforementioned Orders issued by DG of Shipping under Ministry of Shipping are brought to your attention for strict compliance.

4. It is brought to the notice of the undersigned that the said benefit of waiver as per the Order of DG, Shipping is not being complied with by some custodians and Detention/Demurrage/Penal charges are being demanded by. It is directed that the benefit of waiver of detention/Demurrage/Penal charges beyond the normal free period shall not be collected on import consignment during lockdown period up to 03.05.2020 since the non-clearance of the cargo by importers is beyond their control and is a case of Force Majeure. In this regard, attention is brought to the MO No. F. 18/4/2020-PPD dated 19.02.2020 of Procurement Policy Division, Department of Expenditure, Ministry of Finance wherein it is clarified that the disruption of supply chains due to spread of Coronavirus will be covered in the Force Majeure Clause (FMC). Further, any charges already collected by the ICD/CFS owners on such consignments may be refunded by way of adjustment in future consignments by issuing credit notes for the charges collected during lockdown period up to 03.05.2020.


30.04.2020
(BASWARAJ NALEGAVE)
COMMISSIONER

Copy submitted to: -
The Chief Commissioner of Customs, Bengaluru Zone