



सीमा शुल्क के आयुक्त का कार्यालय, बंगलुरु सिटी, केंद्रीय राजस्व भवन,
क्वींसरोड, बंगलुरु- 560001

OFFICE OF THE COMMISSIONER OF CUSTOMS, BENGALURU CITY,
C.R. BUILDING, QUEEN'S ROAD, P.B. NO.5400, BENGALURU - 560001

F.No. VII/48/23/2020 Cus Tech

Date: 03.06.2020

PUBLIC NOTICE NO. 35/2020

Subject : Invitation of applications for empanelment of Chartered Engineers for examination/valuation of Second / Old & Used machinery/goods etc. in the jurisdiction of Bangalore Customs Commissionerate- regarding

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Attention of all Importers/ Exporters / Customs Brokers, Members of the Trade bodies and general public is invited to the CBEC Circular No. 07/2020 -Cus dated 05.02.2020 issued by Central Board of Indirect Taxes & Customs regarding valuation of second hand machinery.

2. In terms of the above Circular dated 5.02.2020, this office proposes draw a Panel of Chartered Engineers for the purpose of valuation of second hand / old & used imported machinery, equipment, other capital goods, computers, photocopiers/MFDs, office equipment, tools etc. and their parts/accessories. Accordingly, applications are invited in the prescribed proforma from Chartered Engineers (Individual / Proprietor /Partnership / Company) duly affiliated to or recognized by the Institution of Engineers (India) to empanel Chartered Engineers for valuation of imported second hand machinery etc.

3. The work requires high degree of professional expertise, integrity and fairness. Matters may be referred to them seeking expert opinion on valuation of subject goods. In the case of second hand / old & used machinery, equipment, other capital goods, computers, photocopiers/MFDs, office equipment, tools etc. and their parts/accessories, the empanelled Chartered Engineers are required to prepare their report in accordance with CBEC Circular No. 07/2020 dated 5th February, 2020 after verification of the goods.

4. The applicants shall submit application in the prescribed proforma and prescribed undertaking(**Annexure A-I to A-III**) along with supporting documents, copies of the relevant certificates issued by the Institution of Engineers, Institute of the Valuers, Registration Certificate of GST (if Applicable) and all certificates of experience shall be enclosed (as per enclosure) by the applicant. Eligibility Criteria for empanelment as Chartered Engineer and other Conditions as per **Annexure B** to this Public Notice. Incomplete applications shall be summarily rejected.

6. The Department reserves this right to call for additional documents/information from the applicants. The applicants shall submit all requisite documents on or before 30.06.2020. After applicants are shortlisted, it will be verified that they have not come in adverse notice of the Customs and DRI, GST etc before they are approved for empanelment.
7. After scrutiny and evaluation, applications will be referred to the Institute of Engineers (India), Kolkata, who will verify their eligibility to evaluate second hand / old & used capital goods, machinery etc. On receipt of recommendation from the Institute of Engineers (India), empanelment for valuation as per the terms and conditions of this Custom House will be finalised.
8. The empanelment will be done through process of formal interview by a panel of officers of rank of Additional Commissioner of Customs / Joint Commissioner of Customs. The dates of interview and name of applicants/persons shortlisted for interview will be published on the website of Bangalore Customs.
9. The applicant, in case of a Firm/Company shall sponsor such employees/partners/directors who have the requisite qualification and experience for interview. Only such persons who are employees/partners/directors who have appeared and qualified in the interview will be allowed to carry out the Inspection/Valuation of imported goods. At the time of empanelment, the Public Notice will Notify the Firms/Directors with the names of such employees/partners/directors who can carry out the Inspection/Valuation.
10. On empanelment of Chartered Engineer, this office will issue a Public Notice giving names and address of Chartered Engineers who can be contacted by the Importers / Custom Brokers in terms of board CBEC Circular No. 07/2020 dated 5.02.2020..
11. On selection, such Chartered Engineers have to submit their half yearly self-appraisal, i.e. April to September and October to March, report in this office to assess their performance by end of October and by end of April respectively to assess their performance to decide whether they are fit to continue or not.
12. The importers/Trade/Customs Brokers shall use services of any of the empanelled Chartered Engineers who have requisite specialization in that field/faculty for assisting Customs Officers for valuation of machinery/goods. The Fees/Service charges as claimed by the Chartered Engineers shall be borne by the importers/CHA/Trade as applicable. Department shall not be responsible for non-payment/Short payment of fees for services availed in this regard by the importers/CHA/Trade.
13. The procedure of accepting the Valuation certificates from PSIA listed in Appendix 2G of the Hand Book of Procedures (2015-2020) Volume-I shall be discontinued upon the notification of empanelment of Chartered Engineers, in terms CBIC Circular No. 07/2020 dated 05.02.2020.
14. Submission of any wrong information / valuation would result in suspension / cancellation of Candidature/Membership from the panel and also attract Penal Provisions under the Customs Act, 1962.

15. The submission of application does not bestow any right for selection. The Department reserves the right to accept or reject any of the applications received for which no claim of the applicant shall be entertained.

16. Before examination/valuation of goods, AC/DC (Docks) shall be at liberty to allow only such Chartered Engineers who have domain knowledge/ expertise of valuation, examination of such goods.

17. The contents of this Public Notice may be publicized and brought to the knowledge of the member constituents of the Trade. The Public Notice and Performa may be downloaded from the website of Mangalore Customs.

17. The duly filled and signed application along with required documents shall be submitted by Registered Post/Speed Post to Asst/Deputy Commissioner Bangalore City Customs, Last date of submission of application is 30.06.2020 up to 1600 Hrs. In view of the current covid situation, applications will also be accepted by email at commrcity-cusblr@nic.in

A. K. 31/6/2020

(Aniruddha Kulkarni)
Joint Commissioner

To,

Bangalore Customs Website.

Copy to:

1. Chief Commissioner of Customs, Bangalore Zone, Bangalore
2. Notice Board of all formations in Bangalore City Customs and Airport & ACC Commissionerates
3. CHA Association
4. Institution of Engineers, Bangalore Chapter, Near Indian Express Circle, Bangalore with a request to display in their Notice Board

ANNEXURE A-I

Proforma for application

(Please see Eligibility and Other Conditions as per Annexure B)

1. Name of the Applicant :

2. Father's Name :

3. Date of Birth:

4. Present Address :

5. Aadhar Number:

6. PAN Number :

7. GSTIN (if applicable):

8. E-mail ID:

9. Telephone No. (s) :

10. Qualifications :

Qualification	Name of the Educational Institution	Year passing	of	Percentage of Marks obtained
10th Std				
12th Std/Diploma				
UG				
PG				
Any Other Specialisation				

10. Chartered Engineer Certification.:

(Please mention details of Certificate No. & Date):

11. Experience in Valuation:

(Mention Period with documentary Proof)

12.1 Details of specialization in valuation of Import goods for Customs purpose.:

(Mention Period with documentary Proof)

12.2 Any other relevant information/data:

(Certification of Valuation of Machinery and Equipment)

(Membership of Professional Body of Valuers/Appraisers)

13. Is applicant applying in the capacity of individual or on behalf of the company:
Individual/Firm/Company:

If on behalf of the firm/company the following details may be furnished

13.1. Name of the Firm/Company:

13.2. Type of the Firm/Company:

13.3 . Registered address and address of the head office:

(a) Registered Office address:

(b) Head office address:

14. Details of the Partners/Directors with their names, address and qualification:

15. Whether the company engaged in valuation survey of Machinery and equipment:

16. Does the company have foreign Collaboration/Branch/abroad if so, complete details thereof:

17. Whether valuation relating to imported goods was ever done by Company for Customs if so the details thereof:

18. Quality Policy of the Company if any: Certifications if any may be mentioned

19. Standard Operation Procedure/Manuals of the Co. relating to valuation/Estimation work to be enclosed if any:

Signature(s) with Name(s)(Individual/All Partners/Directors)

ANNEXURE A-II

**DECLARATION
(by the individual applicant)**

I hereby declare that I have not been penalised for any offence under the Customs Act,1962, the Central Excise Act, 1944, the Finance Act, 1994, the Central Goods and Services Tax Act and Integrated Goods and Services Tax Act, 2017 nor any case is pending against me under the above Acts. I further declare that I have neither been convicted by a competent court for an offence nor any criminal proceeding is pending against me in any court of law

Date:

(Signature of the Applicant)

Place:

Name:

or

**DECLARATION
(by the applicant which is s firm/company)**

It is hereby declared that none of the partners/directors of M/s. being a Firm/Company applying for empanelment as Chartered Engineers, have been penalised for any offence under the Customs Act,1962, the Central Excise Act, 1944, the Finance Act, 1994, the Central Goods and Services Tax Act and Integrated Goods. We further declare that none of the partners/directors have neither been convicted by a competent court for an offence nor any criminal proceeding is pending against them in any court of law

Date :

Place:

Signature(s) with names (All Partners/Directors)

ANNEXURE A-III

(Format of undertaking to be submitted by the Chartered Engineers for empanelment)

UNDERTAKING

(Given before the Commissioner of Customs, Bangalore for empanelment as Chartered Engineer for Inspection/Valuation of Secondhand Machinery)

Ref. No.: Public Notice No. dated.

Sub.: Empanelment for Chartered Engineers

I/We, (1)S/o, D/o, W/O (2).....S/o, D/O, W/04 _S/o, D/o, W/o, ... do hereby solemnly affirm/confirmed/undertake/ declare and state that:

1. I/We am/are citizen(s) of India.
2. I/We have not been removed / dismissed from service/ employment earlier.
3. I/We have not been convicted of any offence and sentenced to a term of imprisonment.
4. I/We have not been found guilty of misconduct in professional capacity.
5. I/We am/ are not insolvent.
6. I/We have not been convicted of an offence connected with any proceeding under the Custom Act 1962 and Custom Valuation Rules, 2007 or any other allied acts.
7. Our PAN card number / GSTIN is mentioned in relevant filed.
8. I/We undertake to keep you informed of any events or happenings which would make me / us ineligible for empanelment as Chartered Engineer.
9. I/We have not concealed or suppressed any material information, facts and records and I/We have made a complete and full disclosure. 10. I/We shall act with independence, integrity and objectivity while carrying work assigned w.r.t import and export of goods and I/We shall carry out all such works with an independent mind and shall not come under any influence of anybody.
10. I/We am/are not related to any of the personnel in the department/dealing with valuation work directly. 12. I/We agree to comply with the terms and conditions as mentioned in Public Notice: 01/2019

For & on behalf of

Name	Designation	Signature

(Individual/All partners/directors)

ANNEXURE B

1. ELIGIBILITY CRITERIA FOR EMPANELMENT OF CHARTERED ENGINEER AND OTHER CONDITIONS :

1.1 All Chartered Engineers (CE for short) empanelled by Customs shall be governed by the provisions of the Public Notice and Instructions issued by the department from time to time.

1.2 While conducting a valuation, CEs have to comply with Internationally Accepted Valuation Standards (IVS) as applicable plant and Machinery(IVS300).

2. **Age:** The minimum age of Chartered Engineer in case of Individual applicant at the time of making application for empanelment with the Department shall be 30 years. In case the applicant is a Firm/Company, the Engineers who will be deployed for Inspection and valuation shall be of age above 30 years. The maximum age limit is 70 Years.

3. **Qualifications and Previous Work Experience:** It is necessary that a CE possesses proper educational qualifications which make him competent to carry out the task of valuation of Machinery. In addition, relevant work experience is also important. Persons possessing the following educational qualifications and work experience shall be eligible for empanelment as CEs:

A	Educational Qualification: Bachelor's degree in Mechanical, Electrical, Production, Industrial, Computer, Electronics from a University or Institution recognised by Government of India
B	Work Experience: FIVE years of work experience in the field of valuation of plant and machinery after completion of the degree or equivalent .
C	Additional Requirement / Remarks: Preference should be given to Applicants have completed certificate course in valuation of plant and machinery recognized by AICTE
D	Membership of any one national or international body of Appraisers/Valuers is mandatory

3.1 Applicants empanelled on the basis of criteria of qualification and certifications prescribed hereinabove shall be eligible for empanelment provided they have not been de-listed /de-panelled / removed for unsatisfactory performance and/or for negligence and/or for professional misconduct and/or for any fraudulent activity and/or for any other reason whatsoever, at the discretion of the Department.

3.2 **Qualifications and Previous Work Experience:**

a. In case of empanelment of partnership firms and companies for undertaking valuations, the qualification and experience shall apply to all partners and key personnel/ directors respectively of the partnership firm and company unless otherwise specified.

b. Experience of CE shall be calculated from the date of his/its first empanelment with any State/Central Government Department/PSU/ Scheduled Banks.

c. CEs should have thorough knowledge of the industry concerned and also the type of machinery to be valued.

d. CEs should constantly update their knowledge base by actively participating in various continuing education programmes including seminars, conferences, workshops, training programmes, capacity building programmes, etc.

e. References:

(i) Applicant Chartered Engineers should provide evidence of previous work experience to the Department. Reference checks on applicant CE shall be carried out by the Department before empanelling on its panel to verify the competence, performance and service quality of applicant CE.

(ii) For the purpose, applicant CE shall necessarily submit ATLEAST TWO reference letters from Govt Departments / any other public sector banks / financial institutions / DRT / courts / undertaking where the CEs had done valuations previously or companies for whom the CE had done valuations previously, obtained on letter head and duly signed by a senior level official at zonal/head office and bearing rubber stamp of the issuing office.

4. Retired Staff Members: A retired staff member who is otherwise eligible for empanelment may also be considered for empanelment by the Department subject to following restrictions:

(i). No punishment/penalty arising out of disciplinary proceedings has been imposed upon him/her either during the service career or subsequent to his/her superannuation.

(ii) No disciplinary /criminal /judicial proceedings are contemplated/ pending subsequent to his/her superannuation from the service.

5. Other Conditions and Declaration-cum-Undertaking:

In addition to the above eligibility criteria, the following are the other conditions to be fulfilled by applicant CE:

5.1. The CE [individual/sole-proprietor / all partners / all directors] is a citizen of India / the entity is a body corporate registered in India.

5.2. The CE has a clean track record in as much as –

(i) The CE has not been removed / dismissed from valuation related service / previous employment earlier.

(ii) The CE has not been found guilty of misconduct in professional capacity.

(iii) The CE has not been convicted of any offence and sentenced to a term of imprisonment.

(iv) The CE has not been convicted of an offence connected with any proceeding under the Customs Act, 1962, Central Excise Act, 1944, Service Tax and GST provisions.

(v) The CE has no complaints registered against him/it with CBI and/or police and/or court of law 3. The CE is not an undischarged insolvent.

5.3. The CE/ the firm and all the partners of the firm and, the company and all the directors of the company shall each possess PAN Card.

5.4. The CE possesses required Goods and Services Tax Registration Number [not mandatory].

5.5. All directors of the company shall each have DIN allotted to them.

5.6. The CE shall comply with the guidelines, standards and procedures, and abide by the code of conduct prescribed and as amended by the Department from time to time.

5.7. The CE shall act with independence, integrity and objectivity; shall undertake all valuation works with an independent mind and shall not come under any influence of anybody.

5.8. The CE shall not undertake valuation of any imported goods that may be assigned to him/it from time to time in which he/the firm/the company/any of the partners/any of the directors/any of his/its employees have direct or indirect interest in the goods/machinery being valued.

5.9. The CE shall complete the assignment of valuation and submit duly signed [by lead CEs in case of Company] Valuation Report within the timeframe stipulated by the Department.

5.10. The CE shall not conceal or suppress any material information and facts prejudicial to the interest of the Department and shall make a complete and full disclosure at the time of application for empanelment, and should disclose immediately to the Department any such developments that may take place during the tenure of his/its empanelment with the Department.

5.11. The CE shall keep the Department informed immediately of any happenings or events that would make him/it ineligible for empanelment.

5.12. For any negligence, lapses, professional misconduct and/or unfair practices resorted to by CE whether with the Department and/or other institutions, his/its empanelment with the Department will stand cancelled without further reference.

NOTE:

1. The above conditions apply to the individual, proprietor in case of sole proprietary concern, all individual partners and firm in case of partnership firm, all directors and company in case of company.

2. Applicant CE shall submit to the Department declaration-cum- undertaking to the above effect duly executed on non-judicial stamp paper of requisite value [individual/sole-proprietor / all partners of the firm / all directors of the company in both representative and personal capacity] at the time of his/its empanelment.

6. CODE OF CONDUCT FOR CHARTERED ENGINEERS:

All CEs empanelled with department shall strictly adhere to the following code of conduct.

6.1 Integrity and Fairness

6.1.1. A CE shall, in the conduct of his/its business, follow high standards of integrity and fairness in all his/its dealings with his/its clients and other CEs.

6.1.2. A CE shall maintain integrity by being honest, straightforward, and forthright in all professional relationships.

6.1.3. A CE shall endeavour to ensure that he/it provides true and adequate information and shall not misrepresent any facts or situations.

6.1.4. A CE shall refrain from being involved in any action that would bring disrepute to the profession.

6.1.5 A CE shall keep public interest foremost while delivering his services.

6.2 Professional Competence and Due Care

6.2.1 A CE shall render at all times high standards of service, exercise due diligence, ensure proper care and exercise independent professional judgment.

6.2.2 A CE shall carry out professional services in accordance with the relevant technical and professional standards that may be specified from time to time

6.2.3. A CE shall continuously maintain professional knowledge and skill to provide competent professional service based on up-to-date developments in practice, prevailing regulations/guidelines and techniques.

6.2.4. In the preparation of a valuation report, the CE shall not disclaim liability for his/its expertise or deny his/its duty of care, except to the extent that the assumptions are based on statements of fact provided by the company or its auditors or consultants or information available in public domain and not generated by the CE.

6.2.5. A CE shall not carry out any instruction of the client insofar as they are incompatible with the requirements of integrity, objectivity and independence.

6.2.6. A CE shall clearly state to his client the services that he would be competent to provide and the services for which he would be relying on other CEs or professionals or for which the client can have a separate arrangement with other CEs.

6.2.7 A CE shall not deploy any person other than notified by department to conduct any Inspection/Valuation. Deploying persons other than those listed/empanelled as CE by the department will be considered as a case of mis-conduct.

6.3 Independence and Disclosure of Interest

6.3.1 A CE shall act with objectivity in his/its professional dealings by ensuring that his/its decisions are made without the presence of any bias, conflict of interest, coercion, or undue influence of any party, whether directly connected to the valuation assignment or not.

6.3.2 A CE shall not take up an assignment if he/it or any of his/its relatives or associates is not independent in terms of association to the company.

6.3.3 A CE shall maintain complete independence in his/its professional relationships and shall conduct the valuation independent of external influences.

6.3.4. A CE shall wherever necessary disclose to the clients, possible sources of conflicts of duties and interests, while providing unbiased services.

6.3.5. A CE shall not use or divulge to other clients or any other party any confidential information about the subject company, which has come to his/its knowledge without

proper and specific authority or unless there is a legal or professional right or duty to disclose.

6.4 Information Management

6.4.1. A CE shall ensure that he/ it maintains written contemporaneous records for any decision taken, the reasons for taking the decision, and the information and evidence in support of such decision. This shall be maintained so as to sufficiently enable a reasonable person to take a view on the appropriateness of his/its decisions and actions.

6.4.2 A CE shall appear, co-operate and be available for inspections and investigations carried out by the authority, any person authorised by the authority.

6.4.3 A CE shall provide all information and records as may be required by the authority, the Commissioner(Appeals), Appellate Tribunal etc.

6.4.4. A CE while respecting the confidentiality of information acquired during the course of performing professional services, shall maintain proper working papers for a period of three years or such longer period as required in its contract for a specific valuation, for production before a regulatory authority or for a peer review. In the event of a pending case before any authority of Customs, the record shall be maintained till the disposal of the case.

6.5 Gifts and hospitality:

6.5.1. A CE or his/its relative shall not accept gifts or hospitality which undermines or affects his independence as a CE.

6.5.2. A CE shall not offer gifts or hospitality or a financial or any other advantage to a public servant or any other person with a view to obtain or retain work for himself/ itself, or to obtain or retain an advantage in the conduct of profession for himself/ itself.

6.6 Remuneration and Costs.

6.6.1. A CE shall provide services for remuneration which is charged in a transparent manner, is a reasonable reflection of the work necessarily and properly undertaken, and is not inconsistent with the applicable rules.

6.6.2. A CE shall not accept any fees or charges other than those which are disclosed in a written contract with the person to whom he would be rendering service.

6.7 Occupation, employability and restrictions.

6.7.1. A CE shall refrain from accepting too many assignments, if he/it is unlikely to be able to devote adequate time to each of his/ its assignments.

6.8 NEGLIGENCE AND PROFESSIONAL MISCONDUCT BY PANEL CHARTERED ENGINEERS

6.8.1. Sincerity and honesty apart, CE should be guided by the quality of diligence in inspecting the imported goods in detail and investigate, inspect and analyse it accordingly. He/it should take reasonable care in arriving at the valuation of the machinery entrusted.

6.8.2 CE may be accused of negligence if he/it disregards the following: (i) Import of machineries of comparable value. (ii) Inadequate physical inspection of the machinery. (iii) Failure to consider major defects in the structural defects in the machinery etc.

6.8.3 Lapses may include conspiracy of CE with importer/exporter in undervaluation/overvaluation, incomplete, false and/or misleading report on the goods being valued.

7. DE-PANELMENT

7.1 For any professional misconduct of CE and/or where the Revenue suffers loss due to any negligence and/or lapses on the part of CE, it will initiate such action against him/it as deemed necessary. Keeping in view the gravity of the lapses and/or misconduct, the department may take following action(s):

(i) Removal of CE's name from its panel after giving him/it an opportunity of being heard followed by a written communication to that effect.

(ii) Initiation of legal proceedings, including filing of FIR, criminal complaint before Court.

(iii) Inform related professional bodies and institutions regarding misconduct of CE.