



**सीमा शुल्क आयुक्त का कार्यालय**  
**नव सीमा शुल्क भवन, पणंबूर, मंगलूर-५७५०१०**  
**OFFICE OF THE COMMISSIONER OF CUSTOMS**  
**NEW CUSTOMS HOUSE, PANAMBUR, MANGALURU – 575 010**

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(Comp. No. 196157)

Date: As e-signed

DIN: 20240272MQ000000CADC

**PUBLIC NOTICE No. 02/2024**

M/s JSW Mangalore Container Terminal Pvt. Ltd., Mangaluru, had been approved vide Public Notice No. 04/2022 dtd.15.02.2022, as the “**Custodian**” of an area measuring 1,67,383 Sq. Mtrs. (**including Berth No.14**) within the jurisdiction of New Mangaluru Port Authority (NMPA), Panambur, Mangaluru (notified as Customs Area vide Notification No. 02/2018 dtd.25.06.2018) for handling of bulk cargo, under Section 45 (1) of the Customs Act, 1962 and also had been appointed as a “**Customs Cargo Service Provider**” for the said notified area, in exercise of Regulation 10 of the Handling of Cargo in Customs Areas Regulation, 2009 (HCCAR, 2009).

2. M/s JSW Mangalore Container Terminal Pvt. Ltd., Mangaluru, vide letter Ref No. JSWMCTPL/MLR/2023-24/078 dtd.07.11.2023, have furnished an application in Form-A as prescribed under Regulation 9(1) of Handling of Cargo in Customs Areas Regulations(HCCAR), 2009, for approval and renewal of the Custodianship of an area measuring 1,67,383 Sq. Mtrs. (including Berth No.14) within the jurisdiction of New Mangaluru Port Authority (NMPA), Panambur, Mangaluru. The Custodian has executed a Custodian Bond dtd.18.01.2024 of Rs.15,49,00,000/-, undertaking to abide by the conditions specified in Handling of Cargo in Customs Area Regulations (HCCAR), the provision of Customs Act, 1962 and all Rules, Regulations, Circulars and Notifications made there under. Further, the Custodian has also executed an Export Bond dtd.18.01.2024 of Rs.11,67,00,000/-, as per CBEC Circular No. 42/2016 Customs dtd.31.08.2016 and Customs Notification No. 115/2016 (N.T.) dtd.26.08.2016. The Custodian has furnished Indemnity Bond dtd.18.01.2024, indemnifying the Commissioner of Customs from any liability arising on account of damages caused or loss suffered on imported or export goods and a General Insurance Policy No.110132333110000003 dtd.01.10.2023 of Rs.270,22,60,483/- issued by the Reliance General Insurance Co. Ltd., as per Circular No. 42/2016 Customs dtd.31.08.2016. Further, the Custodian has submitted two Renewed Bank Guarantees in favour of Commissioner of Customs, Mangaluru, issued by the Axis Bank Ltd., corresponding to the Bonds submitted by them of an amount of Rs.1,16,00,000/- and Rs.1,17,00,000/- each, inserted with an ‘auto renewal’ clause. The said Bonds and Bank Guarantees and the Insurance Policies should be renewed from time to time before expiry of the same.

3. Now therefore, in exercise of the powers vested under Section 45 (1) of the Customs Act, 1962, (52 of 1962), I, **P. Vinitha Sekhar**, Commissioner of Customs, Mangaluru, do hereby **extend the Custodianship** of M/s JSW Mangalore Container Terminal Pvt. Ltd., Mangaluru, for **five years**, as per the provisions of Regulation 10(2) and 10(3) of the HCCAR, 2009 i.e., up to **14.02.2029** or until further orders, whichever is earlier, in accordance with the provisions laid down under the Customs Act, 1962 and any other laws,

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rules and regulations, notifications, instructions, circulars, public notices made there under, subject to the following conditions:

- (i) M/s JSW Mangalore Container Terminal Pvt. Ltd., Mangaluru, as the Custodian of an area measuring 1,67,383 Sq. Mtrs. (including Berth No.14) within the jurisdiction of New Mangaluru Port Authority (NMPPA), Panambur, Mangaluru, for handling of bulk cargo, shall comply with the provisions of Section 45(2) and 45 (3) of the Customs Act, 1962 and Handling of Cargo in Customs Areas Regulations, 2009 as well as any other rules and regulations and instructions issued thereon from time to time, in this regard.
- (ii) If any imported goods/bulk cargo or goods meant for export are pilfered or lost after unloading in the customs area while in the custody of the custodian, then, in terms of the provisions of Section 45 (3) of the Customs Act, 1962, they shall be liable to pay duty on such goods as applicable.
- (iii) The Custodian is responsible for any loss arising on account of fire, theft, pilferage etc and shall make good the loss to the importer and this liability is unambiguously of the custodian in any legal proceedings that may follow on account of fire, theft, pilferage etc.
- (iv) The Custodian shall also ensure safe transport of the cargo discharged from the vessels and its dispatch after completion of all the Customs and Port formalities and shall be responsible for any pilferage, loss, damage in transit. The custodian shall also remain solely responsible for any legal suits arising out of loss, damage, theft etc.
- (v) The goods which are not cleared for home consumption or warehoused or transhipped within 30 days of unloading thereof, at customs stations or within such further time as the proper officer may allow or if the title to any imported or export goods is relinquished, shall not be sold under Section 48 of the Customs Act, 1962, by the CCSP/Custodian unless the permission is sought from the proper officer of the customs.
- (vi) The custodian 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.
- (vii) The custodian 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.

4. Further, the Custodian shall provide the following as required under Regulation 5 of Handling of Cargo in Customs Areas Regulations, 2009.

- (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) storage facility, separately for imported, export and transshipment goods;
  - (c) gate complex with separate entry and exit;
  - (d) adequate parking space for vehicles;
  - (e) boundary wall ;
  - (f) internal service roads;
  - (g) electronic weigh-bridge and other weighing and measuring devices;
  - (h) computerized system for location and accountal of goods, and processing of documents;
- (i) security and access control to prohibit unauthorized access into the premises, and
- (j) 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;

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- (ii) 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;
  - (iii) insurance for an amount equal to the average value of goods likely to be stored in the customs area based on the projected capacity (as amended by Circular No. 42/2016 Customs dated 31.08.2016), 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.
  - (iv) 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;
  - (v) 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 (as amended by CBEC Circular No. 42/2016 Customs dated 31.08.2016 and Customs Notification No. 115/2016 (N.T.) dated 26.08.2016) and furnish a bank guarantee or cash deposit equivalent to ten per cent of such duty;
  - (vi) Execute a separate bond for an amount equal to ten percent of value of export goods with a bank guarantee for an amount equal to ten percent of the value of the bond, towards the export goods transported from the customs area to any other customs area for export or transshipment, as the case may be;
  - (vii) Undertake to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.
  - (viii) 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.
5. The Custodian/Customs Cargo Service Provider shall also -
- (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) provide information regarding arrival of the imported goods to the Deputy Commissioner or Assistant Commissioner of Customs immediately on arrival of said goods in the customs area and also information about their departure after the clearance thereof;
  - (c) 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;
  - (d) 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;
  - (e) 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;
  - (f) 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;
  - (g) 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;
  - (h) 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;
  - (i) 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;

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- (j) be responsible for the safety and security of imported and export goods under its custody;
- (k) be liable to pay duty on goods pilfered after entry thereof in the customs area;
- (l) 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;
- (m) 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 Superintendent of Customs or Appraiser or Inspector of Customs or Preventive officer or examining officer, as the case may be;
- (n) dispose off in the manner specified and within a time limit of ninety days, the imported or export goods lying unclaimed, uncleared 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;

- (o) not make any alteration in the entry or exit points or boundary wall without the permission of the Commissioner of Customs;
- (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 abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under.

6. This renewal of custodianship shall be subject to the following conditions:-

- I. Compliance of the custodian with legal requirements as stipulated above, as per the provisions of Section 45(2) and 45(3) of the Customs Act, 1962 and Handling of Cargo in Customs Areas Regulations, 2009.
- II. Renewal of all the Bank Guarantees, Bonds and the Insurance Policies from time to time before expiry of the same.
- III. This permission shall not be construed as un-restricted leave to the custodian to delegate any function of the custodian to a person, firm or company other than those specified herein above.
- IV. All charges from the users of the services shall be collected by the custodian only and the custodian has to pay for the activities outsourced.

The approval given is without prejudice to cancellation for contravention of any expressly stated provisions or other relevant provisions.

(P. VINITHA SEKHAR)  
Commissioner of Customs,  
Mangaluru Commissionerate.

Copy Submitted to:

1. The Chief Commissioner of Customs, Bengaluru Zone, Bengaluru-560001.
2. M/s JSW Mangalore Container Terminal Pvt. Ltd., Berth No.14, New Mangalore Port Authority, Panambur, Mangalore-575010.
3. M/s JSW Mangalore Container Terminal Pvt. Ltd., [formerly known as JSW Terminal (Mormugao) Pvt. Ltd.], Site Office Building, Berth No.5A & 6A, Mormugao Harbour, Goa-403803.

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4. The Deputy/Assistant Commissioner of Docks/Tech/Preventive/Audit/CH Sections of Mangaluru Customs.
  5. The President, Custom Brokers Association, Mangaluru.
  6. The President, Steamer Agents Association, Mangaluru.
  7. The EDI Section, Mangaluru Customs, for uploading in the website.
  8. Notice Board.