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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				
GEN/CB/Misc/187/2021-CH			Date: e-signed	

PUBLIC NOTICE NO. 17/2022

M/s. Central Warehousing Corporation, Container Freight Station(CFS), Panambur, Mangaluru, a Public Sector Undertaking of Government of India, had been approved vide notification No. 3/97 Cus. (NT) dated 06.02.1997, as the custodian of imported goods under Section 45 (1) of the Customs Act, 1962, until they are cleared for home consumption or warehoused or transshipped in accordance with the provisions of Chapter VIII of the Act ibid and also for the goods intended for export till they are exported subject to certain conditions specified therein. Further, vide notification No. 04/2005 Cus (NT) dated 07.06.2005, the Commissioner of Customs, Mangaluru, had modified the limits of the area of the CFS located at CWC, Panambur, Mangaluru.

2. M/s. Central Warehousing Corporation(CWC), vide letter dated 03.11.2022, 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 license as Customs Cargo Service Provider(CCSP)/custodian for custody of imported and export goods and handling of such goods. The custodian has executed a custodian cum carrier bond of Rs. 5 Crores (Rupees Five Crores only) on 13th October 2022 towards custodianship of import/export goods at CFS, CWC, Panambur, Mangaluru, until the goods are cleared for home consumption or for warehousing or for transshipment or for export in accordance with the provisions laid down under the Customs Act, 1962 and rules and regulations made there under. The said custodian bond is valid for five years till 10.10.2027. Further, the custodian has also executed continuity bond of Rs. 5 crores (Rupees Five Crores only) on 11th October 2022, separately for imported goods and export of goods likely to be stored as per Regulation 5(3) of HCCAR, 2009. Both the above bonds are valid till 10.10.2023 and it is stated that the same shall be renewed from time to time on expiry of the same. Further, the custodian

also has furnished special contingency insurance policy for Rs. 657.86 Crores, an all India floater policy including all Container Freight Stations working under CWC, as per Regulation 5(1) (iii) of HCCAR, 2009, which is valid till 31.05.2023. The said contingency insurance policy shall be renewed from time to time on 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, Reena Shetty, Commissioner of Customs, Mangaluru, do hereby extend the custodianship of M/s. CWC for five years, as per the provisions of Regulation 10(2) and 10(3) of the HCCAR, 2009 ie, **up to 05.11.2027** or until further orders, whichever is earlier, in accordance with the provisions laid down under the Customs Act, 1962 and any other laws, rules and regulations, notifications, instructions, circulars, public notices made there under, subject to the following conditions:

- (i) Central Warehousing Corporation, Panambur, Mangaluru, as the CCSP/ custodian of the imported goods, and goods meant for export, 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 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 CCSP/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 CCSP/custodian shall give a separate bond as prescribed by the Board from time to time towards the duty incentive in the export goods transported from the customs area to the gateway port/ any other customs area for export/ transshipment. The custodian shall also be held responsible for the duty and for other penalties leviable for the goods lost during the transshipment from the said customs area to the gateway port/ other customs area. Any claim arising on loss of goods during transshipment theft, remains the undivided responsibility of the Custodian.
- (v) The CCSP/custodian shall also ensure safe transport of export goods to the port of shipment 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.

- (vi) 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.
- (vii) The CCSP/custodian shall also ensure that the time taken for movement of goods between CWC, Panambur, Mangaluru and gateway ports should not exceed more than one day, and shall ensure safe transit of the Cargo. The custodian shall take all effective steps including verifying antecedents of transporters and their staff to maintain integrity of the transshipment cargo.
- (viii) The CCSP/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.
- (ix) 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 CCSP/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) fully furnished office accommodation for Customs office, Customs Electronic Data Interchange(EDI) Service Centre, with required amenities and facilities, free of any rent for Customs staff posted exclusively;
 - (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 accountable 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;
- (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.

5. The CCSP/custodian 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) 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, 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, 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;
- (n) not make any alteration in the entry or exit points or boundary wall without the permission of the Commissioner of Customs;
- (o) 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

(p)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 continuity bond for Rs. Five Crores for import/export and insurance policy furnished by CWC from time to time on a periodical basis before the expiry of validity period mentioned and furnished along with the application as in Form-A.
- 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.

(REENA SHETTY)
COMMISSIONER

To:

1. The Warehouse Manager, Container Freight Station located at Central Warehousing Corporation, Panambur, Mangaluru - 575 010.
2. The Regional Manager, CWC, Bengaluru.
3. The Deputy/Assistant Commissioner (Docks/Tech/Preventive/ UB (CWC / Audit/CH).
4. The President, Custom Brokers Association, Mangaluru.
5. The President, Steamer Agents Association, Mangaluru.
6. EDI Section for posting in the website of Mangaluru Customs Commissionerate.

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