

F. No.450/24/2012-Cus.IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

Room No.229 A, North Block
New Delhi, dated 14th March, 2012

To,
All Chief Commissioners of Customs / Customs (Prev.).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev.).
All Commissioners of Customs & Central Excise.
Director General of Revenue Intelligence.

Subject: 'Handling of Cargo in Customs Areas Regulations, 2009' - regarding.

Sir / Madam,

Attention is invited to the provisions of Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR, 2009) and various circulars and instructions issued by the Board on the above subject from time to time. HCCAR, 2009 provides for a comprehensive mechanism for handling of goods in a customs area and sets out the terms and condition for all facilities where customs cargo is handled.

2. It has been reported that in a large number of cases, containers detained by Directorate of Revenue Intelligence (DRI), Special Intelligence & Investigation Branch (SIIB) or Preventive formations are not being released after elapse of considerable time. This has caused undue hardship to shipping companies by paying exorbitant demurrage charges.

3. The matter has been examined. It is felt that one of reasons for longer detention can be lack of adequate space for storing such goods in a Customs area. In this regard, Board desires that sufficient space for custody / storage of detained imported / export goods should be provided by Customs Cargo Service Provider (CCSP) as per regulations 5 (1) (o) of the HCCAR, 2009 so that detained goods may be stored after de-stuffing from the containers and empty containers be returned to the concerned Shipping Line. Further, in terms of regulation 6 (1) (l) of the HCCAR, 2009 that CCSP shall subject to any other law for the time being in force not charge any rent or demurrage on detained goods. In case containers are detained / seized under the Customs Act, 1962, the same may be considered for provisional release subject to furnishing of Bond and Bank Guarantee under the Customs Act, 1962.

4. Board also desires that investigations wings of the department like DRI, Preventive and SIIB wings of the Commissionerates should finalise investigation at the earliest keeping in mind the genuine concerns of shipping lines and also constraints of resources with the CCSP.

5. These instructions may be brought to the notice of all the concerned by issuing suitable

Standing orders/instructions.

Yours faithfully,

(G. S. Sinha),
OSD (Customs IV)