

**OFFICE OF THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, COCHIN – 682 009.**

Trade Facility No. 15/2005

Subject: MOVEMENT & STORAGE OF IMPORTED CASHEW CONTAINERS AT CONCOR YARD

M/s. IGTPL has requested for movement of Uncleared Cashew Containers to CONCOR yard in Willingdon Island which was notified 'as Customs area' vide Notfn.1/2005 dated 27.01.2005 for storage and subsequent auction to ease congestion at the Terminal. M/s.CONCOR has also been notified as Custodian of 'Raw Cashew' cargo and containers under Section 45(1) of Customs Act, 1962 vide Notification No.10/2005 dtd.14.10.2005. As a measure of Trade Facility and in public interest, the request has been allowed subject to following procedure .

1. The permission is limited to containers manifested as containing 'Raw Cashew' which are subject to 'nil' rate of Customs duty.
2. The movement of containers will be permitted only after completion of statutory period of 30 days as prescribed under Sec 48 of Customs Act,1962.
3. CONCOR will be responsible for the safety and security of the cargo and containers during the transit and storage period. CONCOR will have to discharge all responsibilities of Custodian as prescribed under Sec 45 of Customs Act. They will also take up for the auction and disposal of cargo as per Sec 48 of Customs Act, 1962, after obtaining necessary permission from Customs.
4. IGTPL and CONCOR will file a joint application with D.C (Docks) seeking permission for movement. The application will invariably contain all particulars like IGM no., Line no., Consignee name, Container number, Cargo description as per IGM and particulars of notice issued to the consignee/Steamer agent, if any, and seal No. (which is to be filled by staff of Container Cell after sealing). The Dy./Asst. Commissioner (Docks), after verification of the details submitted, will permit the movement of the containers. The subsequent procedure will be in terms of the Trade Facility No.1/2005 dt 28/1/2005 which, interalia, lays down that:
 - (1) upon receipt of permission, a copy of it will be submitted to Container Cell, and the officers of Container Cell shall seal the container and endorse the seal number, against the respective container number, in the above application. The Container Cell will also maintain an account of such containers allowed for movement.
 - (2) The sealed container will move to the CONCOR yard under Preventive escort.
 - (3) IGTPL should pay charges to Customs in terms of Customs (Fees for rendering services by Customs officers)Regulation,1998, wherever applicable. Upon receipt of containers in CONCOR yard, CONCOR will pay any charges as per above regulation, wherever applicable.
5. Customs will be indemnified of any dispute between the IGTPL/CONCOR and the consignee or Steamer agent regarding movement and storage of the containers. It will be the responsibility of IGTPL to sort out any such issue . I&B Section of the Custom House will deal with necessary documentation of this aspect.
6. CONCOR will store these containers in a designated area exclusively meant for imported containers as per the ground plan approved by Customs. This area shall be separated from domestic containers by means of a permanent wall/fencing. The duty paid scrap containers which have been hitherto permitted to be brought into this area for examination should be properly segregated from cashew containers.
7. IGTPL will maintain an account of containers sent to CONCOR date wise and an extract of this account shall be submitted to the Customs Container Cell at the Docks on a daily basis. Similarly, CONCOR will also maintain an account of containers received date wise and submit an extract of same to the Container Cell. The Container Cell will reconcile the particulars submitted by IGTPL/CONCOR with the permission given by Dy. Commissioner of Customs(Docks) and in case of any discrepancy, the same should be brought to the notice of Dy. Commissioner of Customs(Docks) for necessary action. In addition CONCOR should send details of cargo auctioned and

submit a monthly stock statement to the Customs. The stock taking of the containers lying in CONCOR yard will be periodically made by an officer nominated by D.C.(Prev.).

8. IGTPPL and CONCOR shall follow all provisions of Customs Act, 1962, and instructions issued under the Act, *ibid*. In case of any violation this permission is liable to be withdrawn.
9. The delivery of any container by CONCOR will be subject to all statutory requirements like PHO, PQ clearances etc., in addition to Out of Charge by Customs

Sd/-

(D D INGTY)

COMMISSIONER OF CUSTOMS

F.No.C1/56/04-TU

Dated: 18.10.05

Custom House, Cochin-09

Copy to: Commissioner's file/Addl. Commisisoner/Jt. Commissioner/All D.Cs & ACs/Preventive Unit (for circulation to places of posting)/All Appraisers/Airport/ Superintendent (General)/ I&B / Container Cell / Guard File.

// Attested //

(Devasish Paul)
Appraiser (Tariff)