

**OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-G  
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,  
MUMBAI CUSTOMS ZONE-II  
TAL:- URAN, DIST : RAIGAD. PIN – 400 707.**

F. No. S/5-Gen.-21/2016-17 CFS M Cell/JNCH

Dated: 16.09.2016

**PUBLIC NOTICE NO. 127/2016**

**Sub: Ease of doing business- DPD related matter: reg.**

Attention of the members of trade and industry, including all persons responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods in any capacity in a customs area is invited to the Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR, 2009) as amended by Notification No. 96/2010 dated 12.11.2010.

**2.** According to Regulation 2(b) of HCCAR, 2009 “Customs Cargo Services provider” means any person responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods and includes a custodian as referred to in section 45 of the Act and persons as referred to in sub-section (2) of section 141 of the said Act;

**3.** CBEC vide Circular No. 13/2009-Cus., dated 23-3-2009 [F. No. 450/55/2008-Cus.IV] has already clarified that “*Handling of Cargo in Customs Areas Regulations, 2009*” provide for the manner in which the imported goods/export goods shall be received, stored, delivered or otherwise handled in a customs area. The regulations also prescribe the responsibilities of persons engaged in the aforesaid activities. The regulations shall be applicable to all ‘Customs Cargo Service Providers’ (CCSPs) that is to say all persons operating in a customs area and engaged in the handling of import/export goods. These include the Custodians holding custody of import/export goods and handling such goods and all persons working on behalf of such custodians such as fork lift or material handling equipment operators, etc. The regulations would also cover consolidators/break bulk agents and other persons handling imported/export goods in any capacity in a customs area. The regulations provide for various responsibilities and conditions for different kinds of CCSPs.”

**4.** Port terminals, CFSs, shipping lines and transporters are responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods in a customs area and therefore are required to comply with provisions of HCCAR, 2009. Imported goods and export goods remains in the exclusive possession of shipping lines and transporters (from port to CFSs / ICDs ) or end user in case of DPD clients and adoption of best and efficient practices by each stakeholder in the EXIM trade contributes to overall speed of clearance process.

**5.** Attention of port terminals is invited to Regulation 5 of the HCCAR, 2009 which provides that a CCSP shall provide infrastructure, equipment and adequate manpower for handling of containers to the satisfaction of the Commissioner of Customs.

**6.** The Clause (n) of said Regulation 5 (1) also provides that CCSP shall provide 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;

**7.** Sub Regulation (4) of Regulation 5 provides that the CCSP is bound to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.

**8.** Sub Regulation (2) of Regulation 7 empowers the Commissioner of Customs to regulate the entry of goods in a customs area for efficient handling of such goods.

**9.** Attention of all the stakeholders is also invited toward the Facility Notice No. 63/08 dated 01.09.2008 issued on “Facility of Direct Port Delivery to select importers availing the Direct Port Delivery Facility for ACP Clients/ 100 % EOU” by the JNCH. It covers the roles and responsibilities of the stakeholders in the subject matter.

**9.1.** With DPD facility, the following are direct benefits to the importer:

- i) The prompt and timely delivery by the port terminals will help in reducing inventory cost.
- ii) Saving of transportation charges from port terminal to customs bond warehouses/CFSs.
- iii) Saving of handling and storage charges at warehouse/CFSs.
- iv) Saving of container detention charges payable to shipping lines.
- v) Delivery of DPD container at port terminals is on 24x7 basis.

**10. Direct Port Delivery at JNPT**

Under ease of doing business, JNPT has issued Trade Notice dated 09.02.2016 to extend the DPD facility to all ACP Clients irrespective of their monthly volume. This was done in order to extend the benefit of DPD to more number of importers and to reduce the handling cost/dwell time at JNPT.

**10.1.** The procedure for registration of DPD clients at Port Terminal is given below for the benefit of the trade:

- i) The importer who intends to avail DPD facility shall have to submit duly filled in **registration** form along with following documents to get themselves registered with the Port Terminal:
  - a) Self attested copy of valid AEO/ACP letter under Authorized Economic Operator (AEO)/Accredited Client Program (ACP) issued by Office of Addl. Director General, RMD, 13, Sir Vithaldas Thackersey Marg, New Marine Lines, Mumbai-400020.
  - b) Self attested copy of permission issued by JNCH, Nhava Sheva for DPD facility.
  - c) Self attested copy of certificate of registration of company & MOA.
  - d) Self attested copies of PAN card and IT returns of last two years.
  - e) Letter of authorization of CHA for carrying out clearance of containers.
  - f) List of authorized signatures for the company on letter head.
  - g) Address proof of the agency, e.g. MTNL bill.
- ii) After scrutiny of the documents, DPD applicants will be registered in the system and a DPD code will be provided by JNPT. The same is required to be provided to the concerned shipping agency to indicate the same in the import advance list submitted to port terminal for a particular vessel.

**11.** Whereas it has come to the notice of the department that port terminals are asking the ACP clients **to give a security deposit** as a pre-condition of registration. Port terminals can't put an extra condition on DPD applicants from their side without the approval of the competent authority.

**12.** In order to make further efforts to provide ease of doing business, reduce dwell time and thereby reducing costs involved, following directions are issued to port terminals in terms of Clause (n) of Regulation 5(1) and Sub Regulation (2) of Regulation 7 of HCCAR, 2009:

- i.** Port terminals are required to get themselves registered as CCSP under HCCAR, 2009. They shall apply for the same within 15 days of the issuance of this P.N.

- ii.** Ports terminals should immediately stop the practice of taking security deposit as a mandatory condition of DPD registration or for any other purpose from importers/exporters.
  - iii.** Port terminals are required to return all such security deposits within 15 days of the issuance of this Public Notice to the respective ACP clients failing which necessary action will be initiated against them as per HCCAR, 2009.
  - iv.** Port terminals are also required to publish and display, at prominent places including their website or webpage the schedule of charges for the various services provided by him in relation to the imported goods or export goods in the customs area as per Regulation 6 (3) of HCCAR, 2009.
- 13.** Any difficulties experienced in this regard may be brought to the notice of the Additional Commissioner (PG).

**Sd/-**

(M. R. Mohanty)  
COMMISSIONER OF CUSTOMS  
JNCH, Nhava Sheva (NS-Gen.)

To:

1. The Chief Commissioner, Zone-II, JNCH for information.
2. The Pr. Commissioner NS-1, NS-II, JNCH
3. The Commissioner NS-G, NS-II / III/ IV / V, JNCH
4. All Additional / Joint Commissioner, JNCH
5. All Dy. / Asstt. Commissioner, JNCH
6. All Sections / Groups