

PUBLIC NOTICE NO.058
DTD.03.05.2017

Attention of the Importers, Exporters, General Trade, Port Terminal Operator, Shipping Lines / Shipping Agents, CFSs coming under the jurisdiction of JNCH, Nhava Sheva and all other stakeholders is invited to the issue regarding "request for discontinuation of High Seas Sale Registration at Import Noting Section, JNCH".

2. In terms of para 2.24 of the Foreign Trade Policy (2004-2009) [para 2.38 of the Foreign Trade Policy (2015-2020)], sale of goods on high seas for importation into India is permitted subject to the said policy or any other law for the time being in the force. Standing Order No. 32/2005 dated 10.08.2005 issued by JNCH prescribes procedures for registration of High Sea Sale agreement in the Import Department. Vide this Standing Order, it was made mandatory to register HSS agreement in Import Noting Section, JNCH before clearance of such import consignments. Vide Facility Notice No. 47/2016 dated 15.03.2016, essential documents necessary for registration of High Seas Sale contract / transaction were prescribed. The said documents are –

a) **High Seas Sales contract** signed by both the buyer and seller and duly notarized. In the cases where the HSS contract is not notarized, the same is required to be attested by the authorized signatory of Bankers. The date of Contract/Notarization/Attestation by the bankers should be not later than the date of the IGM;

b) **Non-negotiable copy of Bill of Lading** in original. If same is not available, then a photocopy of such Bill of Lading (duly authenticated by Shipping Line/Steamer Agent/Custom Broker);

c) **"High Seas Sale Invoice"** and "Commercial Invoice" in original or a duly attested copy thereof;

d) **Authority letter for Customs Broker (CB) from High Seas Sales buyer** in original (if CB is appointed) or application from High Seas Sale buyer, addressed to the Deputy/Assistant Commissioner of Customs/Concerned Group/Docks (as the case may be);

e) IEC copies of both the buyer and the seller;

3. The issue was re-examined in light of various representation received from trade representative for discontinuation of mandatory registration of HSS agreement in Import Noting Section on the ground that aforesaid registration purpose does not serve any purpose as all the aforesaid documents are also required to be submitted before concerned Assessment Groups / Import Docks.

4. In order to reduce transaction cost, delay and provide further ease of doing business, it has been decided to prescribe following new procedure as regards import involving "High Sea Sale" transactions: –

i. Bill of Entry / Integrated declaration filed by the Customs Broker/Importer should contain correct and complete details of the "High Seas Sale Buyer & Seller" along with "High Seas Sale Commission".

ii. Aforesaid documents as prescribed in Public Notice No 47/2016 should be mandatorily presented alongwith other shipment documents (mentioned in para 2 above) before Proper Officer (Assessment Group / Import Docks officer).

iii. Proper Officer of Customs during verification of self- assessment of Bill of Entry / Integrated declaration and during Out of charge (in case of RMS facilitated Bill of Entry / Integrated declaration) will check (besides all other checks normally checked / verified) the correctness of the details / particulars regarding "High Seas Sale" as mentioned in the Bill of Entry viz. correctness of calculation of High Seas Sale Commission, duly Notarized Agreement between Buyer & Seller, Letter of Confirmation of Purchase & Sale from Buyer & Seller, Copy of Invoice, Date of High Seas Sale, endorsement on the Bill of Lading copy and any other relevant documents.

iv. Where more than one HSS agreement were executed, authorized Customs Broker will provide details of all these HSS alongwith relevant documents before Proper Officer.

v. Henceforth, there would not be any requirement for prior registration of HSS in the Import Noting Section as all such checks would be conducted by proper officer either during "verification of assessment" or before giving "Out of Charge (OOC) in the manner as prescribed above.

5. Aforesaid new procedure will come into force with effect from **10.05.2017**. Difficulties, if any, in this regard may be brought to the notice of the Additional / Joint Commissioner, AM(X) or Additional / Joint Commissioner, AM (I).

6. This, issues with approval of the Chief Commissioner of Customs, Mumbai Zone-II, JNCH.

Sd/-
(SUBHASH AGRAWAL)