

I/414817/2022



भारत सरकार

GOVERNMENT OF INDIA

वित्त मंत्रालय , राजस्व विभाग

MINISTRY OF FINANCE, DEPARTMENT OF REVENUE

सीमाशुल्कआयुक्तकाकार्यालय

नवसीमाशुल्कभवन, पणंबूर, मंगलूर-५७५०१०

OFFICE OF THE COMMISSIONER OF CUSTOMS

NEW CUSTOMS HOUSE, PANAMBUR, MANGALURU – 575 010

दूरभाष/ Phone No. 0824-2408164 फैक्स/Fax No. 0824-2407100 ईमेल/e-mail: commr-cusmnglr@nic.in

Computer No.196157

Date: 15.02.2022

To

M/s JSW Mangalore Container Terminal Pvt. Ltd.,
Berth No.14, New Mangalore Port Trust,
Panambur, Mangalore.

M/s JSW Container Terminal Pvt. Ltd.,
(formerly known as JSW Terminal (Mormugao) Pvt.Ltd.),
Site office building, Berth No.5A &6A,
Mormugao Harbour,
Goa 403803.

Gentlemen,

**Sub: Issue of Custodianship to M/s JSW Mangalore
Container Terminal Pvt. Ltd. -reg.**

Please refer to your application No. JSWMCTPL/MLR/2021 dated 02.02.2022 for appointment of custodianship of Berth No.14 and Container Storage and Stackyard at New Mangalore Port.

The Commissioner of Customs, Mangalore, is pleased to accord the permission to operate as Custodians of Berth No. 14 and the Container Storage and Stackyard area, admeasuring 12250 sq.mtrs berth area of Berth No.14, 15133 sq. Mtrs. for truck queueing and connectivity and 65000 sq.mtr of container storage with an additional of 75000 sq.mtr. for proposed stackyard behind the Container Yard, at New Mangalore Port vide Public Notice No.04/2022 dated 15.02.2022 for a period of two years i.e. **from 15.02.2022 to 14.02.2024**, in terms of Regulation 10 (1) of Handling of Cargo in Customs Areas Regulations, 2009, without prejudice to the initiation of appropriate action for any contravention noticed in future and subject to the following conditions:

- i) Registration as an Authorised Custodian under the Sea Cargo Manifest and Transhipment Regulations, 2018.
- ii) Compliance with the provisions of Section 45 of the Act, the other relevant sections of the Customs Act, 1962, the Rules and Regulations made there under as well as the instructions issued from time to time in this regard.

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The Custodians shall also abide by the following conditions:

- i) The Custodian shall comply with "Handling of Cargo in Customs Area Regulations, 2009, issued vide Notification 26/2009 Cus (NT) dated 17.03.2009", as amended from time to time.
- ii) The Custodian of the goods meant for import and export would be required to comply with the provisions of Section 45 and other relevant sections of the Customs Act, 1962 and rules and regulations made there under as well as the instructions issued from time to time in this regard.
- iii) The Custodian shall be responsible for the proper receipt, handling, storage and shall be accountable for the loss of goods whether imported or those meant for export or transshipment after their receipt and before their intended purpose. The Custodian shall maintain proper record of all such goods including those disposed of under Section 48 or otherwise.
- iv) If any imported/ export/ transshipment goods are pilfered or lost after unloading in the customs area and while in the custody of the Custodian, then the Custodian shall be liable to pay duty on such pilfered/lost goods in terms of provisions of Section 45(3) of the Customs Act, 1962.
- v) The imported/ export / transshipment goods, which are not cleared for their intended purpose within 30 days or within such extended period as the proper officer may allow; or in case of relinquishment of title by the importer in terms of Section 23(2) of the Customs Act, 1962 such goods shall not be sold without obtaining permission from the proper officer of Customs under the provisions of Section 48 of the Customs Act, 1962.
- vi) Entire cargo within the premises shall be fully insured by the Custodian.
- vii) The Custodian shall comply with the provisions of the Section 45(2) of the Customs Act, 1962 as well as with all Rules, Regulations and Instructions in existence and issued from time to time in this regard.
- viii) The Custodian shall make adequate arrangements for sanitary facility, water, supply and other facilities including the canteen facility for the officers posted at the terminal.
- ix) The Custodian shall not charge any rent/ demurrage for the goods seized or detained or confiscated by the Customs department under the Customs Act, 1962 or any other law, for the time being in force.
- x) At present the container terminal is operating under NMPT. Hence, at present the services of Customs Officers posted at Docks office is proposed to be utilized for the Customs related work of the said custodian.

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- xi) In case the Custodian intends to sublet any of the functions inside the Customs Area or connected with the Customs Area, the same shall be done only with the prior written approval of the Commissioner of Customs and the Custodian shall remain responsible for all omissions and commissions of such agency.
- xii) Uninterrupted thoroughfare shall be provided to the Customs officials in the entire premises of Customs Area.
- xiii) The Custodian shall be responsible for any improper removal of imported / export goods and shall be liable to pay appropriate duties, cess etc. on such improper removals.
- xiv) The Custodian is required to provide for increase in space and infrastructure as and when requisitioned by the Customs.
- xv) In the event of the Custodian not being able to achieve and sustain expected service/ delivery standards and is not able to improve even after being informed by the Commissioner of the Customs, Mangalore- the notifying authority, the Commissioner of the Customs, reserves the right to de notify or relocate the processing/handling activities to the other custodian.

Duration of the appointment of custodianship will be for two years from **15.02.2022 to 14.02.2024** or until further orders, whichever is earlier, subject to the satisfaction of the Commissioner of Customs, Mangalore.

(Y C SHIVAKUMARA SWAMY)
ADDITIONAL COMMISSIONER

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

Copy to: The Asst. Commissioner of Customs, (Docks/Appraising/Warehousing/ EDI/ Audit/ Tech.), New Custom House, Panambur, Mangalore.
The President, CHA Association, Mangaluru.