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F. No.V/16-12/MP/2011/Pt.II
09.06.2011

Date :

FACILITY NOTICE NO.01/2011

Sub: Procedure for issuance of NOC to exporters requesting for supervision of stuffing and sealing of containerized cargo and allocation of work amongst the field officers for such supervision and sealing.

Attention of all manufacturers and exporters is invited to various Circulars/instructions issued by the Board from time to time laying down the procedures of stuffing and sealing of export containers, provision for single factory stuffing permission, export of non-excisable goods under self-sealing and self-certification and other related instructions in the subject matter.

2. The reports called from the field formations have indicated that the number of exporters opting for stuffing and sealing of export containers in presence of the Central Excise officers has substantially increased even though the facility of self-sealing has been extended to all the categories of manufacturer-exporters. It is also noticed that the work of supervision of stuffing and sealing of the export containers has grown in a lop-sided manner where some ranges have been overloaded with such work as compared to the others which may be affecting the quality of examination being carried out for exports. In this background the issue has been examined and in order to bring uniformity in practice in the Commissionerate the following procedures are being laid down to streamline the procedures :-.

3. Procedure for issuing No Objection Certificates [NOC] and Verification Reports.

3.1 The earlier practice where the Custom House on receipt of application for permission for factory stuffing from the exporters made reference to the concerned

jurisdictional Assistant/Deputy Commissioner of Central Excise [with a copy to the jurisdictional range Officer] for verification of genuineness of the existence and functioning of the Unit has been changed by JNCH, Nhava Sheva vide their Public Notice No. 23/2010 dated 26.02.2010 issued from F.NO. S/6-Misc-02/2007-FSP-JNCH. The Public Notice [in Para 10] now requires the exporters to submit their applications for Factory Stuffing Permission [FSP] along with the following documents:

- (i) NOC issued by the Central Excise Authorities for deputing officers for supervising the stuffing of export cargo;
- (ii) Original copy of the verification report on genuineness of the existence and functioning of the factory.

This implies that the exporters would seek the NOC and the verification report from the jurisdictional Central Excise authorities prior to submitting their application for Factory Stuffing Permission [FSP].

3.2 The exporter requiring the documents mentioned in (i) & (ii) above shall make an application to the jurisdictional Assistant/Deputy Commissioner in the prescribed application form [as in **Annexure-I**] along with the supporting documents. The jurisdictional Assistant/Deputy Commissioner of Central Excise shall either issue NOC or communicate the inability to provide the officers for the supervision work to the exporter within 3 working days from the receipt of the application. The NOC and the verification report must invariably be issued under the signature of the jurisdictional Assistant/Deputy commissioner of Central Excise.

3.3 The facility of self-certification and self-sealing extended to all categories of manufacturer exporters by the Board under the Circular no. 736/52/2003-CX dated 11.08.2003 needs to be encouraged amongst all such manufacturer exporters so as to decrease the excessive work load on the field officers. Attention is also invited to the Board Circular No.860/18/2007-CX dtd.22.11.2007 issued under F.No.209/06/2007-CX.6, wherein it has been reiterated that exports under free Shipping Bill i.e. Shipping

Bill wherein no export benefits are being sought, the manufacturer-exporter shall mandatorily resort to self-sealing of containers. No request for stuffing and sealing of such export containers shall be entertained.

4. Allocation of the work of supervision of stuffing and sealing of the export containers.

4.1 The exporter to whom the NOC has been given and who has obtained the factory stuffing permission from the concerned Customs Station, as per the existing instructions, shall make an application to the Assistant/Deputy Commissioner in-charge of Technical Section in the format prescribed [as in **Annexure-II**], at least 48 hours in advance, for allocation of officers for the work of supervision of examination, stuffing and sealing of the export containers. Attention, in this regard, is drawn to the Board's Circular No. 934/24/2010-CE dated 25.08.2010. Board has decided to provide online scheduling for factory stuffing examination by Central Excise Officers. The trade should, accordingly, submit their requisition for officers in the official e-mail id centechraj@yahoo.com provided to the Technical Section, Rajkot.

4.4 All the applications received from the exporters would be acknowledged by endorsing the time and date of receipt. The applications shall be disposed by following the standards of First-in First-out [FIFO]. The Technical Section will depute the officers to attend / supervise the work of examination, stuffing and sealing of export containers. If the officers are not available the exporter would be immediately informed about the inability to provide the requisite officers. The name of the officer nominated for the work of supervision along with his contact details will be informed to the exporter who would get in touch with the officer for getting the work done.

4.5 It may be noted that the work of supervision of export container, not being the normal work of Central Excise, shall be attended only on payment of Merchant Overtime Fee [MOT]. Merchant Overtime Fee for supervision of stuffing and sealing of export cargo is required to be paid at the specified rates under Customs (Fees for rendering Services by Customs Officers) Regulations, 1998. If a manufacturer or exporter

requisitions the services of Central Excise Officers for supervision and examination of export cargo and stuffing in containers at his premises, such officers also discharge functions of “Customs Officers”. The MOT fees are to be paid in advance by the exporter as per their plan for stuffing. On confirmation of the availability of the officers by the Technical Section the exporter shall pay the MOT in advance and submit a copy of challan to the Technical Section.

4.6 If the Factory stuffing permission issued by the Custom Station requires supervision of Assistant/Deputy Commissioner the jurisdictional Assistant/Deputy Commissioner of Central Excise shall do the needful.

5. Submission of Report regarding examination, stuffing and sealing of containers.

5.2 The inspector/superintendent nominated, for the purpose of examination, stuffing, sealing of containers, would act as a Sector/Range officer for that purpose. The officer shall, after supervising / examining the export consignment, submit the signed export documents along with the samples drawn to the jurisdictional range office as per the relevant departmental instructions. He would also ensure that duly completed examination report accompanies the export goods as per the extant instructions/circulars on the subject.

6. The above procedure is to be read with the existing Board instructions and circulars and shall strictly be complied. Any difficulty in following the above mentioned instructions may be brought to the notice of the undersigned.

7. The above procedure will come into effect from 4th July,2011.

(B.K.Bansal)
Commissioner
Central Excise Rajkot.

Date : 09.06.2011

Copy to:

Enclosures:

- i. Annexure-I**
- ii. Annexure-II**

ANNEXURE - I (to Div. AC & SUPDT, WITH RELEVANT DOCUMENTS)

**[Prescribed under Standing Order No.01/2011]
Application form for obtaining NOC from Central Excise authorities**

1. Applicant Firm Details
i. Name
ii. Address (Registered Office in case of Companies and Head Office in case of Others)
iii. Address of Factory where goods are manufactured
iv. Telephone Nos.
v. Email address (for correspondence)

2. Excise Details
i. Excise Registration Number
ii. Issuing Authority
iii. Range & Address
iv. Division & Address
v. Commissionerate & Address.

3. Details of Proprietor/ Partners/ Directors of the applicant firm
i. Name
ii. Father's Name
iii. Residential Address
iv. Telephone

4. Nature of Concern (please tick)	
i. Government Undertaking	
ii. Public Limited Company	
iii. Private Limited Company	
iv. Proprietorship	
v. Partnership	

vi. Others	
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5. IEC Details	
i. IEC Number	
ii. Date of issue	
iii. Issuing Authority	
6. Type of Exporter (please tick)	
i. Merchant Exporter	
ii. Manufacturer Exporter	
iii. Merchant cum manufacturer Exporter	
iv. Other (please specify)	

7. Industrial Registration Details	
i. SSP/IEM/LOI or IL Registration Number	
ii. Date of issue	
iii. Issuing Authority	
iv. Products for which registered	

8. RCMC Details	
i. RCMC Number	
ii. Date of issue	
iii. Issuing Authority	
iv. Valid upto	
v. Products for which registered	

9. Status House Details	
i. One/Two/Three/Four/Five Star	
ii. Certificate Number	
iii. Date of Issue	
iv. Issuing Authority	
v. Validity Date	

10. PAN and Bank Details	
i. Pan Number	
ii. Issuing Authority	
iii. Name of the Bank	

iv. Account No.
v. Type of Account

11. VAT Details
i. VAT Registration Number
ii. Issuing Authority

12. Turnover Details for the preceding three licensing years

Financial Year	Annual Domestic Turnover (Rs. Lakhs)	Annual Export Turnover (Rs. Lakhs)

(enclose copies of Balance sheets is for three years)

13. Factory Stuffing Premises Details
i. Name
ii. Address (including Survey No)
iii. Storage / handing capacity
iv. Facilities in the premises (Attach a separate sheet)
v. Telephone No of CEO/GM
vi. email address
vii. Details of directs of the stuffing premises

14. Details of goods for which permission is sought
i. Nature and description of export goods
ii. Scheme of export
iii. CETH, RITC Code Nos. (Attach a separate sheet, if required)
iv. Nature of packing material used in the export of goods

15. Please provide details of proceedings initiated under Customs / Excise / Service Tax, if any, for past three years.

Place :
Date :

Signature of the Applicant
Name

Designation
Official Address
Residential Address
Email Address
Telephone No.
Mobile No.

DECLARATION / UNDERTAKING

1. I / We hereby declare that the particulars and the statements made in this application are true and correct to the best of my / our knowledge and belief and nothing has been concealed or withheld therefrom.
2. I / We fully understand that any information furnished in the application if found incorrect or false will render me / us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
3. I / We hereby certify that the firm / Company for whom the application has been made has not been penalized under Central Excise Act/Allied Acts.
4. I hereby certify that I am authorized to verify and sign this declaration in terms of Power of Attorney vested in me by the Firm / company.

Place :
Date :

Signature of the Applicant
Name

Designation
Official Address
Residential Address
Email Address
Telephone No.
Mobile No.

ANNEXURE - II
(in Duplicate & in advance before 48 hours)

To,

The Deputy/ Assistant Commissioner (Tech.),
Central Excise & Customs,
Hdgrs., Rajkot Commissionerate
Subject: Requisition for allotment of Inspector/ Superintendent
for

supervision of stuffing/ sealing of export container

We have planned export of our cargo under Central Excise supervision. This would require allocation of Inspector/ Superintendent for the purpose of examination, stuffing and sealing of export container(s).

The details are as given below:

Sr. No.	Container No.	Name of commodity	Nature of goods	Qty	Assessable Value	MOT paid for	Export under Rebate / Bond	Export Promotion Scheme	Dating container stuffing

You are requested to depute your officer as requested above.

yours faithfully, (Exporter/ Authorised signatory)