

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)
Notification No. 61/2021-Customs (N.T.)

New Delhi, the July 23rd, 2021

G.S.R. (E). - In exercise of the powers conferred by section 157, read with sections 30, 30A, 41, 41A, 53, 54, 56, sub-section (3) of section 98 and sub-section (2) of section 158 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes and Customs hereby makes the following regulations further to amend the Sea Cargo Manifest and Transhipment Regulations, 2018, namely: -

1. Short title and commencement. - (1) These regulations may be called the Sea Cargo Manifest and Transhipment (Fifth Amendment) Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Sea Cargo Manifest and Transhipment Regulations, 2018 (hereinafter referred to as the said regulations), in regulation 3,-

(a) for sub-regulation (2), the following sub-regulations shall be substituted, namely:-

“(2) Where the Jurisdictional Commissioner of Customs is satisfied with the information provided by the applicant in the Form-I, he shall register such applicant for transacting business under these regulations”;

(b) for sub-regulation (4), the following sub-regulation shall be substituted, namely: -

“(4) The registration shall be valid unless and until revoked in terms of the provisions under regulation 3A or regulation 11:

Provided that the registration of the authorised carrier shall be deemed invalid if the authorised carrier is found to be inactive for a period of one year.

Explanation.- The term ‘inactive’ refers to an authorised carrier who does not transact any business pertaining to Customs during a period of one year, excluding the period for which registration has been suspended under regulation 11.”;

(c) after sub-regulation (5), the following sub-regulation shall be inserted, namely: -

“(5) Subject to the provisions of sub-regulation (1A), the Jurisdictional Commissioner of Customs may, on an application made by the authorised carrier in Form IA, after the registration has been deemed invalid under sub-regulation (4), renew the registration from the date of expiration, after satisfying himself that the applicant is otherwise eligible for registration under this regulation within one month of the date of receipt of the application”.

3. In the said regulations, after regulation 3, the following regulation shall be inserted, namely:-

“3A. Surrender of registration.- (1) An authorised carrier may surrender his registration issued under regulation 3 through a written request to the Jurisdictional Commissioner of Customs.

(2) On receipt of the request under sub-regulation (1), the Jurisdictional Commissioner of Customs may revoke the registration, if, -

- (a) the authorised carrier has paid all dues payable to the Central Government under the provisions of the Act, rules or regulations made thereunder; and
- (b) no proceedings are pending against the authorised carrier under the Act, rules or regulations made thereunder”.

4. In the said regulations, in regulation 11, for sub-regulation (2), the following sub- regulation shall be substituted, namely: -

“ (2) The Commissioner of Customs may, subject to the provisions of regulation 12, suspend the operations of such authorised carrier in his jurisdiction by an order, for reason to be recorded in writing, on any of the following grounds, namely: —

- (a) failure to comply with any of the provisions of these regulations, within his jurisdiction or anywhere else;
- (b) failure to comply with any of the conditions of the bond executed by him under these regulations;
- (c) any misconduct, within his jurisdiction, which in the opinion of the Commissioner of Customs renders him unfit to transact any business in the Customs Station;
- (d) adjudicated as an insolvent;
- (e) of unsound mind;
- (f) convicted by a competent court for an offence involving moral turpitude or otherwise”.

5. In the said regulations, in regulation 12, for sub-regulation (5), the following sub-regulation shall be substituted, namely: -

“(5) At the conclusion of the inquiry, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall prepare the report of inquiry and after recording his findings thereon, submit the report within a period of ninety days from the date of issue of a notice under sub-regulation (1)”.

6. In the said regulations, after Form I, the following Form shall be inserted namely :-

“FORM - IA
[See regulation 3 (5)]

Application by authorised carrier to renew registration

To,

The Commissioner of Customs
Custom House

Sl. No.	Particulars	Remarks
1.	Name of the authorised carrier with details of PAN	
2.	Full address of the authorised carrier	
3.	Custom House of issue	

4.	Has the applicant paid all dues payable to the Central Government under the provisions of the Customs Act, 1962 (52 of 1962), rules or regulations made thereunder? (Yes/No)	
5.	Whether bond and furnishing of security executed, if applicable is still active? (Yes/No)	
6.	Is there a change in the name and Permanent Account Numbers (PAN) of partner/partners or director/directors who will actually be engaged in the work as authorised carrier, in case the applicant is a firm or a company? If Yes, Provide the details:	(Yes/No)
7.	Reason for renewal	
	Declaration:	
(a)	I have working knowledge of English/local language (.....)/Hindi.	
(b)	The firm or company by whom the undersigned is employed have earlier held an authorised carrier registration under the Sea Cargo Manifest Transhipment Regulations, 2018 and not cancelled or suspended.	
(c)	The details of cases booked under the provisions of the Customs Act, 1962 (52 of 1962) against the applicant/the person proposed to be employed by the applicant	

I/We hereby affirm that I/we have read the Sea Cargo Manifest Transhipment Regulations, 2018 and agree to abide by them.

Date :

Signature of applicant”.

[F. No. 450/58/2015- Cus IV(Pt)]



(Manish Kumar Choudhary)
Under Secretary to the Government of India

Note: The principal regulations were published in the Gazette of India, Extraordinary, Part II, Section 3 Sub-section (i) vide number G.S.R. 448(E), dated the 11th May, 2018 and were last amended vide notification No. 56/2021-Customs (N.T), dated the 30th June, 2021 vide number G.S.R. 457 (E), dated the. 30th June, 2021.