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STANDING ORDER NO.01/2011

Sub: Instructions / 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 is invited to the 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. Further the reports received from various Commissionerates indicate that there is no uniformity in complying with the above mentioned Board's instructions. 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 In terms of earlier practice, the entire work of examination and supervision of stuffing of export containers was limited to the Divisional/Range level and therefore the Commissionerate Headquarter was not aware of the tasks being discharged at that level including the quantum of work and the availability of officers for such work. As this function is sought to be restructured, with more

responsibility being vested in the Commissionerate Headquarters, the following action will be undertaken immediately by the Technical Section of the Commissionerate.

3.2 The Technical Section will first analyse the existing load of stuffing work in the Commissionerate and allocation of officers for such work. To begin with, the Technical Section shall call the details of all the NOCs given by the Divisional Assistant/Deputy Commissioners of Central Excise along with the details of the number of containers being supervised per month for each of the NOC holders. Based on this report, the Assistant/Deputy commissioner in-charge of the Technical Section, under the supervision of the controlling Joint/Additional Commissioner, would analyse the workload of the Commissionerate keeping in mind the number of Inspectors/Superintendents who have submitted their willingness to attend the work in accordance with the procedure laid down in para 4 below. This analysis would enable them to deduce whether any further NOC can be given to the exporters or otherwise. This work should be completed within 7 days from the date from the date of issue of Standing Order.

3.3 The new procedure has been formulated also keeping in mind the requirements of various Customs formations. 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].

3.4 The exporter requiring the documents mentioned in para 3.3 (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. On receipt of the application, the jurisdictional Assistant/ Deputy Commissioner shall advise, on the same day, the jurisdictional Range Officer in-charge of the Unit to certify the genuineness and existence of the Unit. The concerned Range Officer shall verify the details of the application within 2 days from its receipt including the track record of the applicant and shall thereafter send his report to the jurisdictional Assistant / Deputy Commissioner. On receipt of verification report from the Range Officer, the jurisdictional Assistant/Deputy Commissioner would ask the Technical (Headquarter) to inform whether NOC could be given based on the existing workload.

3.5 The Technical Section would, on receipt of letter from the jurisdictional Assistant/Deputy Commissioners, inform the availability/non availability of the officers on the same day. Based on the intimation received from the Assistant/Deputy Commissioner (Technical), 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 date of receipt of the application.

3.6 The jurisdictional Assistant/Deputy Commissioner has the responsibility to ensure that no delay occurs in forwarding the application for verification and receipt of report from the Range Office. For this purpose he will maintain a record (either in computer or in a register, manually) in the format [as prescribed in **Annexure-IV**]. All applications will be maintained, in alphabetical order, in proper box files for future references.

3.7 The jurisdictional Assistant/Deputy Commissioner of Central Excise after satisfying himself about the verification report received from the range Superintendent and getting the intimation about the availability of officers to supervise the work of stuffing from the Technical Section of the Headquarter, shall issue the No Objection Certificate for stuffing of the export Container and the verification report to the respective Custom House/station in a sealed cover signed across the flap. The verification report should also be e-mailed to the concerned Customs formation from the official e-mail ID of the jurisdictional Assistant/Deputy Commissioner. The NOC and the verification report must invariably be issued under the signature of the jurisdictional Assistant/Deputy

Commissioner of Central Excise.

3.8 The jurisdictional Assistant/Deputy Commissioner should, however, make efforts to encourage the exporters to opt for Self-sealing which would reduce the burden on the field staff. In this regard attention is invited to 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 either at HQ or at Divisional level.

3.9 The copy of the NOC issued by the jurisdictional Assistant/Deputy Commissioner shall be forwarded to Assistant/Deputy Commissioner (Technical) Headquarter who will be in-charge of planning and allocation of officers to supervise sealing and stuffing of the export container. The Joint/Additional Commissioner (Technical) will closely monitor the entire work of planning and allocation of officers.

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

4.1 The Technical Section of the Commissionerate has been entrusted with the task of evaluation of the workload, planning and allocation of officers for supervising stuffing and sealing of the export containers. The Technical Section will seek willingness of the officers who are ready to work beyond office hours and on holidays for supervision of export containers. The names of the willing officers shall be entered, in alphabetical order, in the roster maintained in the section in the prescribed format [as in **Annexure-III**] in computer as well as in hard copy. Normally, the allocation of the work to the officers shall be done serially as per the roster depending upon the availability of the officer on the given day. However, to ensure convenience of movement for the exporters and the officers, the officers in the roster posted nearer to the stuffing premises may be allocated the work. The Technical Section, while keeping in mind the nature of commodity, should ensure that a single stuffing supervision application does not contain unrealistic numbers of containers. The application has to cover a quantity which can be physically examined by the assigned officer in the given time. If the officer is not available, the officer next in the list shall be assigned the work. Once the willingness is given by the officer, he should normally not refuse to the work

of supervision. It is pertinent to note that the Inspector/Superintendent nominated for the work of examination, stuffing, sealing of containers, shall act as a Sector/Range officer in that respect and must, therefore, follow the existing Notifications/circular/instructions while doing such work.

4.2 The work of supervision of export container being a sensitive work, the Technical Section shall follow the existing instructions while allocating the officers for such works.

4.3 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 container. 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 respective Central Excise Commissionerate is required to make necessary arrangement in this respect by specifying the official e-mail Id on which the trade can forward their request for such factory stuffing inspection. The trade should be made aware of this circular and should be encouraged to submit their requisition for officers in the official e-mail Id provided to the Technical Section.

4.4 All the applications received from the exporters must 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 shall depute the officers as per the roster and as per the availability of the officer to attend / supervise the export and the locational proximity in terms of para 4.1 above. If the officers are not available, the exporter should immediately be 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 should be informed to the exporter who would get in touch with the officer for getting the work done. The Technical Section shall keep the details of the export supervision work allotted by them in prescribed 'Export Supervision Allocation Register' [as in **Annexure-V**].

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 Over time 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 Technical Section while nominating the officers must ensure that the MOT fees are 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 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.

5.1 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 obtain the One-time bottle seal from the Range Office and would make necessary entries in the register/record maintained in the Range office and put his signature. The Range office, in terms of the extant instructions, would maintain registers for receipt and issue of the bottle seal. The Ranges shall also maintain the record of allotment of bottle seals to the exporters with date of issue and the serial number of the seal.

5.2 The officer who has been allotted the work of supervision 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. If during examination any discrepancy is noticed the same should be brought to the notice of the jurisdictional Divisional Assistant/Deputy Commissioner. Duly completed examination report must accompany the export goods as per instructions/circulars on the subject. The export register maintained in the Range offices shall now have the additional columns giving the details of the officers who supervised the work of examination, sealing and stuffing of the export container. The details shall include, amongst

others, the name of the officer, designation, place of posting (Division/Range/Section in HQ), whether examination report submitted, whether Triplicate Copy of ARE-1/ARE-2 signed and submitted, sample submitted etc.

6. The above instructions are to be read with the existing Board instructions and circulars. The officers shall strictly adhere to the laid down procedures and difficulties, if any, faced in implementation of the Standing Order may be brought to the notice of the undersigned.

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

(V.RAMU)
COMMISSIONER

F.No.IV/16-32/MP/2011-12

Ahmedabad, dated : 10.06.2011

Copy to :

1. Chief Commissioner, Central Excise, Ahmedabad Zone
2. Additional/Joint Commissioner, Central Excise, Ahmedabad-III
3. Asst/Dy.Commissioner, Division-Kalol, Kadi, Mehsana, Gandhinagar & Nadiad.
4. All Section Heads of H.Q. Office, Central Excise, Ahmedabad-III
5. Superintendent (Systems), Central Excise, HQ, Ahmedabad-III to upload the same on the official website of the Commissionerate.

Enclosures:

- i. Annexure-I
- ii. Annexure-II
- iii. Annexure-III
- iv. Annexure-IV
- v. Annexure-V

ANNEXURE - I
[Prescribed under Standing Order No.1/2011]
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	

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)

Date : / /2011

To,
The Deputy/ Assistant Commissioner (Tech.),
Central Excise & Customs,
Hdqrs., Ahmedabad-III 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	Date & time of container to be stuffed

You are requested to depute your officer as requested above.

Yours faithfully,

(Exporter/ Authorised signatory)

ANNEXURE - III

ROSTER

(Prescribed under Standing Order No. 1/2011)

Sr. No.	Name of the Officer	Designation	Place of posting	Contact details (Mob. No.)

ANNEXURE - IV
(Prescribed under Standing Order No. 1/2011)

Register for Receipt/Disposal of NOC/Verification Application received from the Exporters
[To be maintained at the Divisional Level]

1	2	3	4	5	6	7	8	9	10
Date of receipt of Application	Time	Name of the exporter	Address of Factory Premises	Jurisdictional Range Office	Date & Time on which forwarded to RO for Verification	Date & Time on which forwarded to Tech (HQ) for NOC	Date of receipt of verification report from RO	Date of Receipt of NOC or otherwise from Tech (HQ)	Date of Issue of NOC or rejection

