



**OFFICE OF THE COMMISSIONER OF CUSTOMS:
CUSTOM HOUSE: KANDLA.**

**New Customs Building, Near Balaji Temple
Kandla, Kutch, GUJARAT**

PHONE : 02836-271468-469 FAX : 271467



F. No.S/20-23/DBK/Public Notice/15-16 Kandla, dated 01.02.2016

FACILITY NOTICE NO. 06/2016

Sub.:- Systems Alert for monitoring realization of export proceeds in EDI under the BRC Module for ICES (introduced in year 2009) and the new RBI BRC Module introduced under DG (Systems) letter dated 28.8.2014.

Attention of the Exporters, Custom House Agents and Trade is invited to Public Notice No. 25/2015 dated 04.12.2015, which amongst other aspects, direct the methodical, time bound and monitored feeding of details of realization/non-realization received from exporters/their statutory auditors/banks/RBI in the BRC Module of ICES implemented in year 2009 for achieving complete and effective implementation of the statutory requirement of recovery of drawback with interest with respect to all drawback EDI shipping bills export proceeds are not realized within statutory time limit.

2. It has been observed that number of exporters have not produced a "negative statement" for a specified six monthly period from their AD/Chartered Accountant/ Copy of BRC (AD wise separately for each six month period) that no foreign exchange is pending realization for the export in the given period, till **27.01.2016**. List of defaulter Exporters as **Annexure-A** is enclosed who have failed to produce evidence in respect of realization of export proceeds within the period allowed under the FEMA, 1999 or as extended by the Reserve Bank of India (RBI).

3. In terms of the provisions of Section 75 (1) of the Customs Act, 1962 read with sub-rule 16A (1) of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, where an amount of drawback has been paid to an exporter but the sale proceeds in respect of such exported goods have not been realized within the time allowed under the Foreign Exchange Management Act (FEMA), 1999, such drawback amount is to be recovered. Sub-rule 16A (2) stipulates that if the exporter fails to produce evidence in respect of realization of export proceeds within the period allowed under the FEMA, 1999 or as extended by the Reserve Bank of India (RBI), the Assistant/Deputy Commissioner of Customs shall issue a notice to the exporter for production of evidence of realization of export proceeds, failing which an order shall be passed to recover the amount of drawback paid to the claimant.

4. For the new BRC Module, Exporters are requested to check BRC integration status with Customs, using the ICEGATE enquiry module or else follow up with the AD Banks to get information transmitted to Export Data Processing Monitoring Systems (EDPMS) and to furnish the BRCs/Certificates/Negative statements from AD/CA in the prescribed Annexure in respect of all the Drawback Shipping Bills having LEO dates from **01.01.2008 to 31.12.2014** (AD wise separately for each six months period) **by 24.02.2016**.

5. It is requested to follow the instruction strictly as imparted vide Public Notice No. 25/2015 dated 04.12.2015, failing which action will be initiated for monitoring realization of export proceeds by treating it as a special drive and Show Cause Notices will be issued in respect of Shipping Bills where export proceeds have not been realized in time as on **01.03.2016**.

6. In case any difficulty is faced while implementing the above instruction, the same should be brought to the notice of the Assistant Commissioner, Drawback Section, Room No. 20, Ground Floor, Customs House, Kandla-370 210, Phone No. 02836-271487.

Encl.:- Annexure-A.

Attested by


(Manpreet Arya) 2/2/16

Additional Commissioner,
Customs House, Kandla

S/d
(P.V.R. Reddy)
Principal Commissioner
Customs House, Kandla.

Copy to :-

1. The Chief Commissioner of Customs, Gujarat Zone, Ahmedabad.
2. All Additional Commissioners of Customs, Customs House-Kandla.
3. All the Deputy/Assistant Commissioners of Customs, Customs House-Kandla.
4. The Assistant Commissioner of Customs, Customs Divisions-Bhuj.
5. All Groups/Sections, Customs House- Kandla.
6. The Chairman, Kandla Port Trust, Gandhidham.
7. All Trade Associations/CB Association, Kandla.
8. EDI Section to upload the same on website.
9. Notice Board/ Guard File.

ANNEXURE-A to Facility Notice No.06/2016

DETAILS OF PENDING BRC IN EDI SYSTEM AS ON 01.02.2016

Sr. No.	YEAR	Total No. of Shipping Bills pending for BRC
1.	2008	3504
2.	2009	1616
3.	2010	1664
4.	2011	2012
5.	2012	3286
6.	2013	2459
7.	2014	1074
Total		15615*

*Note:-Shipping Bill wise details are available on website of Custom House, Kandla. i.e. www.kandlacustoms.gov.in