



आयुक्त, सीमा शुल्क का कार्यालय, कांडला
OFFICE OF THE COMMISSIONER OF CUSTOMS,

न्यू कस्टम हाउस, कांडला

NEW CUSTOM HOUSE, KANDLA-370 210

Phone No:02836-271468/469, Fax No.02836-271467

F. No. S/20-249/AG/2016-17

Dated: 10.01.2017

PUBLIC NOTICE No.08/2017

SUB: Transferability of goods imported/procured by debiting duty in SFIS scrips -Reg.

Attention of all Importers, Exporters, Customs Brokers and members of Trade is invited to the CBEC's Circular No. 49/2016-Customs dated 27.10.2016, on the above cited subject.

2. The transferability of goods imported/procured by debiting duty in SFIS scrips was considered by the Board in the context of reconciling the Department of Commerce Notification No. 30/2009-2014 dated 1.8.2013 that amended FTP 2009-14 to provide that goods imported/procured under SFIS can be alienated on completion of 3 years from the date of import/procurement, the judgment dated 23.5.2016 of Hon'ble Delhi High Court in Writ Petition (C) No. 1809/2016 in the matter of Greatship (India) Ltd. and the Notification nos. 92/2004-Cus and 91/2009-Cus or 34/2006-CE. The Board has also consulted with the DGFT. It is clarified that -

- (a) The goods imported/procured utilizing SAS Scrip issued in terms of FTP 2009-14 may be sold/transferred on completion of 3 years from the date of clearance of import/procurement in terms of the Department of Commerce notification no. 30 dated 1.8.2013.
- (b) In the light of the Hon'ble High Court's order and absence of specific amendment by Dept. of Commerce to the FTP 2004-09, requests for sale/transfer of goods imported/procured utilizing SFIS scrip issued in terms of FTP 2004-09 shall be considered by DGFT in terms of para 2.5 of FTP 2004-09 on merits keeping in view the spirit of the Hon'ble High Court's order to the effect that transferability of goods that have completed 3 years is not deniable only on the ground that imports were in terms of the FTP 2004-09.
- (c) In view of DGFT conveying interpretation under para 2.3 of FTP 2004-09/2009-14 that the provision of transferability after 3 years is not applicable to consumables (including food items and alcoholic beverages) since such consumables are meant to be consumed in the course of day to day business of the applicant, such consumables are non-transferable even after 3 years. Hence these shall be exception to (a) and (b) above.

3. DGFT would also consider, on merits under para 2.5 of FTP 2004-09/2009-14 requests for export sale of goods any time after import/procurement, subject to such export being without claim for any export incentive, rebate, refund, drawback

and/or re-credit of incentive and the bringing back into India being treated as a fresh import.

4. If any difficulty is foreseen or arises out of the implementation of this notice, the same may be brought to the notice of the Pr. Commissioner of Customs, Kandla.

Yours faithfully



(P. V. R. Reddy),
Principal Commissioner,
Custom House, Kandla

Copy to:

01. The Chief Commissioner of Customs, Gujarat Zone, Ahmedabad.
02. The Principal Commissioner of Customs, CH Mundra.
03. The Development Commissioner, KASEZ, Gandhidham.
04. All Additional / Joint Commissioners of Customs, CH Kandla.
05. All Deputy/ Assistant Commissioner of Customs, CH Kandla.
06. The President, Kandla Custom House Agents' Association, Gandhidham Chamber Of Commerce & Industry Building, Plot No.71, Sector No.8, 2Nd Floor, Room No.7, Gandhidham.
07. The President, Kandla Port Steamship Agents Association, No. 5, Chambers Bhawan, 2nd Floor, Sector 8, Plot No.71, Gandhidham.
08. The Gandhidham Chamber of Commerce & Industries, Plot No.71, Sector No.8, 2Nd Floor, Gandhidham.
09. The Chairman, KPT, Business Development Cell, P.O. Box 50, Administrative Building, Gandhidham.
10. The President, Kandla Timber association, "Timber Bhavan" Plot No. - 47, Sector-8, Gandhidham
11. The President, Kandla Liquid Tank Terminal Association, Maitri Bhavan, Opp. Post Office, Plot No. 18, Sector- I, Gandhidham.
12. The EDI Section, for uploading on Commissionerate's Website.
13. Notice Board

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