

F. No.473/02/2020-LC
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

Room No.49, North Block, New Delhi

Dated 03rd April, 2020

To,

All Principal Chief Commissioners/ Chief Commissioners of Customs/ Customs (Preventive),

All Principal Chief Commissioners/ Chief Commissioners of Customs & Central Tax,

All Principal Commissioners/ Commissioners of Customs/ Customs (Preventive), All Principal Commissioners/ Commissioners of Customs & Central Tax

Sub.: Measure to facilitate trade during the lockdown period - section 143AA of the Customs Act, 1962 - reg.

Madam/Sir,

Board has received representations from the field formations about difficulty being faced by importers/ exporters and their authorised Customs Brokers, during the ongoing lockdown period announced by the Government to prevent the spread of COVID-19 pandemic in the country, in obtaining notarised stamp papers for furnishing bonds required by Customs in certain situations during the assessment and clearance of goods. The measures taken by the Government to prevent the said pandemic are at present in force for a period of 21 days w.e.f 25.03.2020 i.e. till 14.04.2020.

2. In light of the unprecedented situation caused due to COVID-19 pandemic, Board has decided to take certain measures for a temporary period in terms of section 143AA of the Customs Act, 1962 with a view to expedite Customs clearance of goods and for maintaining balance between Customs control and facilitation of legitimate trade.

3. In this regard, Board has approved relaxation of the requirement to submit bonds prescribed under section 18, section 59 and section 143, and under notifications issued in terms of section 25 of the Customs Act, 1962, subject to compliance of conditions as listed below in this Circular.

3.1 While the above-referred lockdown is presently in force till 14.04.2020, considering that the importer/ exporter may find it difficult to comply with requirement of furnishing bond for some more time thereafter till the situation normalizes, the said relaxation shall be available up to 30.04.2020. This relaxation shall however be subject to review by the Board at the end of the lockdown period i.e. 14.04.2020.

3.2 In the period up to 30.04.2020, Customs field formations may accept request for submission of an undertaking from the importer/exporter in lieu of a bond prescribed under the above-mentioned provisions. This relaxation will apply to the following categories of the importers/exporters:

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- a. Government/Public Sector Undertakings (Central/State/UT Govts. or Administrations and their undertakings)
- b. Manufacturer/Actual User importer
- c. Authorised Economic Operators
- d. Status holder
- e. All importers availing warehouse facility in terms of section 59 of the Customs Act, 1962

3.3 Each such relaxation, where requested, should comply with the following conditions:

- i. The content of the undertaking should, to the extent possible, be same as the content of the prescribed bond.
- ii. The undertaking should be duly signed by the IEC holder concerned on their business letter head and submitted by the registered email ID of the IEC holder or their authorised Customs Broker.
- iii. The undertaking should include a commitment from the IEC holder to submit the proper bond in prescribed format on notarised stamp paper etc. on or before 07.05.2020.
- iv. The undertaking will not be treated as a substitute for security, wherever mandated.
- v. The security, where required, shall be furnished in the nature and manner as deemed fit by the proper officer. Board's instructions issued from time to time regarding such security in specific cases should be kept in view in this regard.
- vi. In case of warehoused goods, any subsequent movement of goods to another warehouse under section 67 of the Customs Act, 1962, shall be allowed only to manufacturer/actual user importer or AEO or Status holders. For requests related to change of ownership after warehousing, the facility shall be considered only in cases where the prospective buyer is either manufacturer/actual user importer or AEO or Status holder.

4. Such relaxation from submitting a bond may also be considered on case to case basis for any other importer and exporter who requests for the same, with such additional safeguards over and above those listed in this Circular, as deemed fit by the jurisdictional Commissioner to safeguard revenue and ensure compliance of the statutory provisions.

5. Importers /Exporters availing this facility shall ensure that the undertaking furnished in lieu of bond is duly replaced with a proper bond before the stipulated period i.e. 07.05.2020. Customs field formations shall maintain a record of all cases of relaxation allowed by them.

6. Suitable Trade Notice/ Standing Order may be issued to guide the trade and industry. Difficulty, if any, faced in implementation of this Circular may be brought to the notice of Board immediately.


(M. Sangha)

Joint Commissioner (Customs)