



**OFFICE OF COMMISSIONER OF CUSTOMS NS- IV**  
**JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA SHEVA**  
**TAL: URAN, DIST. RAIGAD, MAHARASHTRA-400707**

F.No. S/12-Gen-82/2015-16 AM(X)

Date: 28.07.2017

**PUBLIC NOTICE NO. 99/2017**

**Sub: Operational problems being faced by EOU in GST regime consequent to amendment in Notification no. 52/2003-Customs dated 31-3-2003 - reg.**

Attention of all the importers, Exporters, Customs Brokers, and other stake holders is invited to the Board Circular No. 29/2017-Cus dated 17.07.2017 on the above subject.

2. EOUs are allowed duty free import of goods under notification No.52/2003-Customs, dated 31-3-2003. However, in view of GST, the said notification has been consequently amended by notification No. 59/2017- Customs dated 30-6-2017.

2. Trade has brought out problems faced by them in following certain procedures.

- a) It has been represented, that field formations are insisting upon submission of a continuity bond, in view of rule 5 of the Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017, despite units having executed B-17 bond which is a general purpose running bond.
- b) EOUs have also expressed apprehension that information about estimated quantity and value of goods to be imported is required to be submitted for a period of one year, in view of rule 5 of said IGCR, rules. They apprehend that the requirements may increase or change during this period of one year.
- c) Trade has also sought a clarification regarding inter unit transfer of goods from one EOU to another, which was supported by procurement certificate (PC) in view of Circular no. 35/2016 –Customs dated 29-7-2016 .
- d) Trade has also requested to continue the procedure of procurement certificates for transitional period for import of goods by EOUs.

3. Matter has been examined by the Board and it has been decided and clarified vide aforesaid Board Circular that –

- i. The B-17 bond, being a general purpose running bond will serve the requirement of continuity bond to be submitted under Customs (Import of

Goods at Concessional Rate of Duty) Rules, 2017, and therefore EOU/STP/EHTP units are not required to submit separate continuity bond.

- ii. It is also clarified that the requirements of information about estimated quantity and value of goods to be imported are to be provided under Rule 5(1)(a) of the (Import of Goods at Concessional Rate of Duty) Rules, 2017 for a period not exceeding one year. This means that units may submit the requirements for any shorter period than one year and then can give requirements for the subsequent period. Also there is no bar in the said rules to amend/give additional information. Therefore, the units can amend/modify/add such information from time to time as per the requirement of import of goods.
  - iii. For the transitional period upto 31-7-2017, the EOU/EHTP/STP units would have option to follow the procedure of Rule (5) of IGCR, rules or use procurement certificate for import of goods.
  - iv. The inter unit transfer would be on invoice on payment of applicable GST taxes. However, such transfer would be without payment of custom duty. The supplier unit will endorse on such documents the amount of custom duty, availed as exemption, if any, on the goods intended to be transferred. The recipient unit would be responsible for paying such basic customs duty, as is obligated under Notification no. 52/2003-Cus dated 31-3-2003 (as amended), when the finished goods made out of such goods or such goods are cleared in DTA. The circular no. 35/2016 –Custom dated 29-7-2016 would stand amended to the extent that no procurement certificates would be required for inter- unit transfer.
4. The earlier Public Notices issued in this regard as mentioned above stands amended to the above extent. Difficulty, if any may also be brought to the notice of Deputy / Assistant Commissioner in charge of Appraising Main (Export) through email / phones (email address: apmainexp@jawaharcustoms.gov.in, Phone No : 022-27244959,).
5. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-  
(SUBHASH AGRAWAL)  
Commissioner of Customs (NS-IV).

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
2. The Commissioner of Customs, NS-G/ NS-I/ NS-II / NS-III/ NS-IV / NS-V, JNCH.

3. All Additional / Joint Commissioner of Customs, JNCH.
4. All Deputy / Assistant Commissioner of Customs, JNCH.
5. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH.
6. Representative of BCBA / FIEO for information and circulation among their members for information.
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