



GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)  
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C: Nq.VIII(48)5-16/Cus/Tech/Public Notice/2011/

Dated: 08.12.2015

**Instruction No. 01/2015**

**Dated: 08.12.2015**

**Subject:- Commodities having Minimum Export Price (MEP) and Minimum Import Price (MIP)  
Procedure - regarding.**

Attention is invited to all the officers of the Commissionerate to the Notification No. 17/2015-20 dated 06.08.2015 and Notification No. 18/2015-20 dated 24.08.2015 issued by DGFT, Ministry of Commerce and Industry, Government of India, by which export of specified commodities is permitted subject to Minimum Export Price (MEP). Instances have come to notice of this office that the exporters while exporting notified goods through different LCSs of this Commissionerate are declaring Export Price in their invoices and shipping bills above Minimum Export Price (MEP) but the import documents filed by exporters for the same consignment with the Nepalese Customs are accompanied with different invoices having lesser value. It has been reported that e-BRC module of ICES, does not reflect BRCs against shipping bills of these exported commodities. The aforesaid instances raise the doubt about realization of export proceeds of these commodities through Banking Channel in respect of export made through different shipping bills, thereby defeating the purpose of fixation of MEP by Government of India.

2. In view of above, in order to reasonably satisfy export of notified goods above MEP by the Customs, it is imperative that export proceeds declared in shipping bill must be realized by exporter through banking channel.

3. Therefore, as required under clause 'c' and clause 'd' of para 2.06 of Foreign Trade Policy, 2015-20, it is prescribed that the exporter exporting notified goods having MEP is required to submit Bank Realization Certificate(BRC) to Customs for each shipping bill pertaining to export of these commodities.

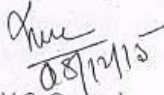
As stipulated time limit for realization of export proceeds as per the Foreign Exchange Regulation (Export of Goods and Services) Regulation, 2000 is 12 months, therefore export of commodities having MEP should be allowed provisionally by the Customs on execution of bond by the exporter under Section 143 of Customs Act, 1962.

4. Customs should discharge Bond once exporter submit the BRC for the concerned shipping bill within stipulated period failing which appropriate action should be initiated against the exporter under the provisions of Customs Act, 1962 read with Foreign Trade (Development Regulation), 1992. In respect of export already taken place through different LCSs of the Commissionerate for aforesaid MEP commodities, officers are required to call for the BRC from the concerned exporter to verify realization of export proceeds as declared in the Shipping Bill filed with the LCS failing which appropriate action has to be initiated.

5. Similarly import of certain Commodities like Betel Nut are allowed only if CIF value of import is above specified value ( refer DGFT Notification No. 10/2015-2020 dtd. 08.06.2015) i.e. Minimum Import Price (MIP) has been fixed for Import of such Commodities. As for import from Nepal, BCD is exempted and trades normally take place in Rupee term, therefore it becomes imperative for Customs to verify the correctness of MIP declared by Importer in Bill of Entry.

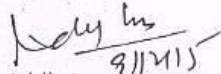
In view of above importer importing goods having MIP is required to submit Authorized Dealers's (Bank) Remittance Certificate corresponding to the amount shown in Bill of Entry. In such situation, customs should allow import provisionally on execution of Bond under Section 143 of Customs Act subject to complying with prescribed norms for import of that commodity. Customs is required to monitor discharge of Bond by getting 'Remittance certificate' of Authorized dealer (Bank) from Importer failing which appropriate action as per Customs Act, 1962 read with FT (DR), 1992 needs to be taken.

6. Any difficulty in implementation of instruction may be brought to the notice of Technical Section of the Commissionerate.

  
(V.C. Gupta)  
Commissioner  
Customs (Prev), Patna.  
Dated: 08.12.2015  
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C. No. As above/ 10313  
Copy to:

- (i) The Chief Commissioner, Customs (P) Patna Zone, Patna for information.
- (ii) The Additional Commissioner, Customs (Prev), Patna for information and necessary action.
- (iii) The Dy./Asstt. Commissioner, LCS, Raxaul /Jogbani, Customs Division, Muzaffarpur / Motihari / Forbesganj /Patna and GIA Gaya for information and necessary action.
- (iv) The Superintendent (Systems), Customs (Prev), Hqrs, Patna for uploading the instruction at Commissionerate's website.
- (v) Notice Board
- (vi) Guard file.

  
Addl. Commissioner  
Customs (Prev), Patna.