

F.No.450/77/2021-Cus-IV(Pt-1)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs

Room No.227B, North Block,
New Delhi, dated the 24th of March, 2021

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,
All Principal Director Generals/Director Generals under CBIC.

Madam/ Sir,

Subject: Urgent measures to sensitise trade in light of proposed changes to Section 46 of the Customs Act, 1962–reg.

Kind reference is invited to the proposed amendments in Section 46 of the Customs Act, 1962 introduced through the Finance Bill, 2021 [clause 84 of the Bill].

2. Subject to passing of Finance Bill, 2021 by the Parliament of India, these changes in Section 46 would facilitate pre-arrival processing and assessment of Bills of Entry (BE) by mandating their advance filing thus leading to significant decrease in the Customs clearance time. The amended Section 46 would require an importer to file a BE *before* the end of the day (including holidays) *preceding* the day of arrival of the vessel/aircraft/vehicle carrying the imported goods at a Customs port/station at which such goods are to be cleared for home consumption or warehousing.

3. The proposed amendments in Section 46 also empower the Board to prescribe different time limits for filing of BE in certain cases, but not later than the end of the day of arrival of the vessel/aircraft/vehicle at the Customs port/station. Trade has represented for a relaxation so as to prescribe a different time line for filing of Bills of Entry in respect of imports at Land Customs Stations and airports, imports consigned from neighbouring countries, which arrive by short-haul vessels citing practical difficulties that may arise in filing of the BE before the end of the day (including holiday) preceding the day of arrival of the vessel/aircraft/vehicle carrying the imported goods at a Customs port/station. Board is considering the same. However, any relaxation, that is found merited can be notified only after the proposed amendment to Section 46 comes into effect.

4. It may be noted that the aforementioned changes would be a distinct departure from the present legal provision that allows the filing of a BE even *after* the arrival of the vessel/aircraft/vehicle. Therefore, it is of utmost importance that the trade/Customs Brokers etc. are alerted to be ready for the change, which would come into force shortly with the enactment of the Finance Bill, 2021. Hence, Board requests all the field formations to issue

suitable Public Notices/Trade Notices urgently to sensitize the trade so as to avoid inconvenience and disruptions.

5. Board would shortly issue a detailed clarificatory circular on the subject, once the Finance Bill, 2021 is enacted.

6. Difficulties, if any, may please be brought to the notice of Board. Hindi version follows.

Yours faithfully,



(Ananth Rathakrishnan)
Deputy Secretary (Customs)