

Government of India
Ministry of Commerce and Industry
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Policy Circular No. 2 / 2015-20

New Delhi, dated: 12.06.2015

To

- 1. All Regional Authorities**
- 2. Central Board of Excise & Customs**

Subject: Clarification regarding clearance of goods after expiry of Nominated Agency Certificate.

1. References have been received in this Directorate enquiring whether or not import consignments which started by ship during validity of the Nominated Agency Certificate (NAC) in March, 2015 can be allowed clearance, irrespective of the fact that the consignments arrived in India after 1.04.2015, when the NAC was no longer valid.
2. In this context reference is invited to **Paragraph 2.12.2** of HBP v1 2009-14 [now para 2.17 (a) of HBP 2015-20] which reads as under:

“Validity of an import Authorization is decided with reference to date of shipment / dispatch of goods from supplying country as given in Paragraph 9.11A of HBP v1 and not the date of arrival of goods at an Indian Port”.
3. Further, as per paragraph **9.11 A** of the said HBP v1 2009-14 [now paragraph 9.11 of HBP 2015-20], date for shipment/ dispatch of import is to be reckoned with reference to “Bill of Lading”, in case of transportation by Sea.
4. A combined reading of both the above paragraphs makes it abundantly clear that “effective date” for any shipment / dispatch of import is to be reckoned with reference to “Bill of Lading,” in case of transportation by Sea.
5. Therefore it is clarified that if any importer has a valid Nominated Agency Certificate on the date of import i.e date of shipment/dispatch of goods from supplying country, as evidenced by Bills of lading, then such shipments shall be eligible for clearance, regardless of actual date of arrival of the consignment in India.

This issues with the approval of DGFT.

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