Circular No.25/2011-Customs

F.No.502/4/2011-Cus.VI
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

North Block, Room No. 253-A,
New Delhi, the 22nd June, 2011.

To,

All Chief Commissioners of Customs/Customs (Prev).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev).
All Commissioners of Customs & Central Excise.

IndiaCode

Subject: Issue of Custom House Agent License - Reference from field formations - regarding.

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Sir / Madam,

Attention is invited to provisions of the Custom House Agents Licensing Regulations (CHALR), 2004 and various circulars and instruction issued from time to time in this regard.

2. Attention is also invited to Board's Circular No.9/2010-Customs dated 8.4.2010 which stipulates that those applicants who have passed the examination referred to in Regulation 9 of CHALR, 1984, but were not given Licence under the said Regulation were required to appear in the examination and qualify the same under Regulation 8 of CHALR, 2004 in respect of additional subjects as provided in Notification No.30/2010-Customs (NT) dated 8.4.2010. The persons who qualify in the aforesaid examination shall be deemed to have passed under regulation 8 of the CHALR, 2004 and would be considered for grant of CHA licence in terms of regulation 9 of the CHALR, 2004.

3. Further, Board's Circular No.9/2010-Customs dated 8.4.2010 clearly mentions that the requirement of number of licences will be determined by market forces and no numerical criterion can be fixed. Considering the pendency of non-grant of Licences to eligible qualified applicants, Board, in the past, vide instruction issued in F.No.502/5/2005-Cus.VI dated 31.10.2007, had also directed that all pending cases be liquidated and all eligible candidates should be granted Licences.

4. It has been reported that in spite of the aforementioned Circular/Instruction of Board individual Commissioners are still continuing to regulate the number of CHA. Despite qualifying in the examinations and passing additional subjects, licences are still not being granted under Regulation 9 of CHALR, 2004 by concerned Commissioner on the ground that the Commissionerate have to issue a separate public notice inviting fresh applications in this regard.

5. Board has taken a serious note of non-compliance of its instructions by the Commissioners who are not issuing licence to eligible applicants. In order to resolve the issue, it is reiterated that Commissioners should not restrict the number of CHAs and shall grant licences to all eligible applicants. A compliance report indicating number of eligible applicants who have been granted licence may be sent by 15.07.2011. Needless to state the other procedural requirements will have to be fulfilled by all such eligible applicants who are being granted licences.

6. Boards decision may be brought to the notice of the trade by issuing suitable Trade/Public Notices. Suitable Standing orders/instructions may also be issued for the guidance of the field officers.

7. Difficulties faced, if any, in implementation of this Circular may be brought to the notice of the Board immediately.

Yours faithfully,

Internal Circulation-As usual.

(Vikas)
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