Circular No. 52/2005-Cus

F.No.442/12/2004-Cus.IV (Pt.II)

Government of India

Ministry of Finance

Department of Revenue

Central Board of Excise & Customs

December 09, 2005

Subject:- Procedure for disposal of unclaimed/ uncleared cargo under section 48 of the Customs Act, 1962, lying with the custodians - regarding

I am directed to invite your attention to the Board's Circular No. 50/2005-Cus dated 01.12.2005 on disposal of unclaimed/ uncleared cargo, under section 48 of the Customs Act, 1962. Para 3 of the said Circular deals with the disposal of unclaimed/uncleared cargo 'landed more than one year category' while para 4 of the Circular deals with the disposal of uncleared cargo landed 'less than one year category'. Field formations have raised doubt over the applicability of para 4 to disposal of cargo 'landed less than one year category'.

2. The matter has been examined by the Board. In order to clearly state the intention behind the para 4 of the Circular No. 50/2005-Cus dated 01.12.2005, it has been revised as follows,-

"4. For uncleared/ unclaimed goods which are lying for a period less than one year, the custodian would get the reserve price fixed by a panel of Government approved valuers appointed by the Custodian. Customs shall not associate itself with the valuation of the such goods lying uncleared with the custodian. However, both reserve price and bids would be approved by the Customs. Further, if these goods remain unsold and pass into the category of landed-more-than-one-year-prior, then the custodians can sell the same following the independent procedure as detailed in para 3 without any reference to customs, and adjusting the number of auctions/tenders to which the lot was already subjected to against the prescribed number of four such auctions/ tender.**"**

3. Para 4 of the Circular No. 50/2005-Cus dated 01.12.2005 would be replaced with the text as mentioned above.

4. The above instructions may be brought to the notice of all concerned immediately through appropriate Public Notice.

5. Receipt of this Circular may kindly be acknowledged.