



सीमा शुल्क प्रधान आयुक्त (सामान्य) का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)
कस्टम ब्रोकर अनुभाग, नवीन सीमा शुल्क भवन, बेलार्ड इस्टेट, मुंबई - I
CUSTOMS BROKER SECTION, NEW CUSTOM HOUSE, BALLARD ESTATE,
MUMBAI - I.

F.No: GEN/CB/ACTN/87/2021 CBS

Date: 07.09.2021

DIN No: 2021097700000000FF09

ORDER No. 21 / 2021-22

M/s Interglobe Shipping and Logistics, (PAN No. BCNPS8641F) hereinafter referred to as the Customs Broker/CB situated at 003/19, Sonam Classic CHS Ltd., Phase-XI, New Golden Nest, Bhayandar (East), Thane-401105, is holding a regular Customs Broker License No. 11/1994 issued by Commissioner of Customs, Mumbai.

2. Acting on specific intelligence. DRI, Kolkata intercepted one live consignment of Black Pepper imported by M/s Bruno Exports through Nhava Sheva port using Advance Authorization. The importer imported duty free goods under Advance Authorization scheme and diverted them in the local market illegally in place of using in manufacture of export-goods. The syndicate was found to have diverted such duty free imported black pepper and dry dates worth Rs. 4.75 Crore using the same modus operandi since June, 2020 and the Customs Brokers namely M/s Peejaycee and company, M/s Interglobe Shipping and Logistics, M/s Shlok Logistics Pvt. Ltd. And M/s Silverline Global Freight Pvt. Ltd. were found to have cleared the said consignments. It was noted that the importer firm has no physical existence at any of the registered addresses as per the IEC and Advance Authorization License issued in their name.

3. Further, the consignments were mostly imported by some importers who were also found non-existent at their registered addresses. Later, the consignments were sold to the Advance Authorization License Holder M/s Bruno Exports either on High Sea Sale basis or by transfer of ownership at the Bonded Warehouse. The consignments were then cleared by the subject CB firms without payment of Customs duty causing huge duty loss to the Govt. exchequer of about Rs. 2.74 Crore.

4. Statements of Mrs. Anjali of M/s Bruno Exports were recorded under Section 108 of the Customs Act, 1962 on 09.03.2021 and 10.03.2021 wherein she inter alia stated that she met Shri Vipin Kumar in the office of Shri Lalit Jain (her boss) in August 2019; that she was in acute need of money at that time; that Shri Vipin Kumar informed her that he would open a company in her name

and identity for that she would earn Rs. 20,000/- a month; that the only work she had to do was to sign some papers; that she gave her residential address as the office of M/s Bruno Exports; that she stopped attending the office since September, 2019 as she was already earning sufficient amount as salary from Shri Vipin Kumar; that the works of M/s Bruno Exports are looked after by Shri Vipin Kumar and she know nothing about the function and business of the firm; that separate mobile phone along with Sim was provided to her for communicating with them; that she informed her colleague Shri Rohan Kumar about his firm and he too was employed by Shri Vipin Kumar in the firm; that as far as she knows Rohan Kumar also didn't know anything about the function of the firm; that she didn't know or ever asked Shri Vipin Kumar about other partners of the firm; that she know that Shri Vipin Kumar is the actual owner of the firm M/s Bruno Exports; that on being asked about the four imported consignments, two of which were black peppers and two dry dates where there was a evasion of Rs. 3.50 Crore approximately, she stated that she didn't know anything about the business and only Shri Vipin Kumar can clearly explain the fact; that she knew Shri Prashant Rastogi as he used to accompany Shri Vipin Kumar and sometimes used to pay her the monthly salary of Rs. 20,000/-; that she saw Shri Vipin Kumar and Shri Prashant Rastogi come and meet Shri Lalit Jain in his office; that they used to visit Shri Lalit Jain twice a week at his office.

5. Statements of Shri Rohan Kumar were recorded under Section 108 of the Customs Act, 1962 on 09.03.2021 and 10.03.2021 wherein he inter alia stated that two persons named Shri Vipin Kumar and Shri Prashant Rastogi used to come to his boss Shri Lalit Jain who had offered his colleague Mrs. Anjali that they would open a company in her name and identity for that she would earn Rs. 20,000/- per month and the only work is to sign some papers; that as Mrs. Anjali told me about this, I agreed to join the firm; that Shri Vipin Kumar took photocopies of my PAN Card and Aadhar Card and started me paying Rs. 20,000/- per month; that on advise of Shri Vipin Kumar and Prashant Rastogi he used to sign on different papers every now and then; that when he asked about the documents, Shri Prashant Rastogi told him that they were making some business just to avoid the burden of income tax; that the mobile phone along with Sim card provided to Mrs. Anjali was used to communicate with both them; that he only know that Shri Vipin Kumar and Shri Prashant Rastogi are the actual owners of M/s Bruno Exports; that he knew nothing about the four imported consignments, two of which were black peppers and two dry dates where there is duty evasion of Rs. 3.50 Crore approximately; that Santosh Kumar Mishra is his uncle and when DRI officers visited his house on 03.03.2021, his uncle didn't recognize him as his pet name is Sushant; that his relatives and parents call him in that name; that there are two houses in the same postal

address, one of them was occupied by his uncle and he reside in the other with his family. Further, he stated that he didn't know what actual work was done by Shri Lalit Jain; that he didn't know directly whether their names were proposed as partners of M/s Bruno Exports; that Shri Prashant Rastogi assured him that he need not come to Kolkata in response to the summons issued to him; that after the last summon from DRI, he asked her sister Rakhi Thakur what he had been asked for, she informed him that he have to submit some license, agreements, bank statements etc. about which he knew nothing; that Shri Lalit Jain advised him to come to Kolkata immediately.

6. Statement of Shri Anant Ganesh Dicholar, G-card holder and authorized Signatory of M/s Interglobe Shipping Logistics was recorded under Section 108 of the Customs Act, 1962 on 11.01.2021 where he inter-alia stated that before handling Export/import consignments, they used to collect the KYC from the consignee through email and original hard copies through courier; that on being asked about how they got the job of one import consignment of M/s Trends Overseas under BOE No. (WH) 7290318 dated 18.03.2020, he stated that one of their business partners Mr. Maruti Gadhave of M/s Arnav Air Sea Logistics forwarded this job to them; that Shri Tejveer Singh, proprietor of M/s Trends Overseas sent the KYC documents and authorisation in original in their office address via courier and mail; that they received the KYC and other required documents through courier and e-mail alongwith commercial invoice, packing list, BL, Café control certificate, fumigation certificate, phytosanitary certificate and triple duty consignment bond of value Rs. 2,10,00,000/- for total customs duty Rs. 67,40,088/-; that accordingly they filed the warehouse BOE under section 59 of Customs Act, 1962 and consignment was transferred to M/s Contegrate Enterput Pvt. Ltd. as per space certificate NOC No. CEPL-02-299 dated 09.04.2020; that the payment for shipping line, CFS warehouse and stamp duty was received from M/s Arnav Air Sea Logistics; that later for Ex-Bond clearance of the same consignment under B/E No. 7930429 dated 17.06.2020 from Warehouse for M/s Bruno Exports, authorisation for transferring their (M/s Trends Overseas) ownership to M/s Bruno Exports was received by them; that they received nothing from the original importer firm M/s Bruno Exports nor did they verify their KYC details physically; that it was the 1st consignment of M/s Bruno Exports they handled.

7. In the view of above, it appears that the CB M/s Interglobe and Shipping has failed to fulfil the obligations mandated under:

Regulation 10(d): advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case maybe;

7.1 The authorised signatory of the CB Shri Anant Ganesh Dicholar in his statement recorded under section 108 of the Customs Act, 1962 dated 11.01.2021 inter alia stated that they received nothing from the original importer M/s Bruno Exports; that they get the job from M/s Trends Overseas and one of their business partner Shri Maruti Gadhawe of M/s Arnav Air Sea Logistics forwarder the job to them. The CB had no contact with the original importer so as to advise him to comply with the provisions of the Act. Thus, it appears that the CB had failed to fulfil the provisions mandated under regulation 10(d) of the CBLR, 2018.

Regulation 10(n): verify the correctness of Importer Exporter Code (IEC) number, Goods and Services Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information;

7.2 The authorised signatory of the CB Shri Anant Ganesh Dicholar in his statement recorded under section 108 of the Customs Act, 1962 dated 11.01.2021 inter alia stated that one of their business partners Mr. Maruti Gadhawe of M/s Arnav Air Sea Logistics forwarded this job to them where they filed one BOE (WH) 7290318 dated 18.03.2020; that Shri Tejveer Singh, proprietor of M/s Trends Overseas sent the KYC documents and authorisation in original in their office address via courier and mail; that they did not verify the KYC details physically nor had any contact with the original importer. Thus, it appears that the CB failed to check the authenticity of the importer by using reliable means and has violated the obligations mandated under Regulation 10(n) of CBLR, 2018.

8. In the view of above, considering the acts of omission and commission on the part of the Customs Broker firm M/s Integlobe Shipping and Logistics (CB No. 11/1994), it appears that the said firm has violated Regulation 10(d) and 10(n) of the Customs Brokers Licensing Regulations, 2018 and is liable for action under the provisions of the said Regulations.

9. Accordingly, I pass the following order:-

ORDER

9.1 I, Principal Commissioner of Customs (General), in exercise of powers conferred upon me under the provision of Regulation 16(1) of CBLR, 2018, hereby suspend the license of M/s Interglobe Shipping and Logistics (PAN based Registration NO. BCNPS8641FCH001) bearing Customs Broker License No.11/1994 with immediate effect, being fully satisfied that the Custom Broker has prima-facie not fulfilled their obligations as laid down under Regulation 10(d) and 10(n) of CBLR. 2018.

- 9.2 However, I offer the Customs Broker M/s Interglobe Shipping and Logistics an opportunity of personal hearing on 21/9/2021 at 11:30 am pm. Any written representation against this order should reach the undersigned before the date of hearing.
- 9.3 M/s Interglobe Shipping and Logistics is directed to surrender all the original Custom Passes issued to their employee/partner/director/Proprietor immediately.
- 9.4 This order is being issued without prejudice to any other action that may be taken against the CB or any other person(s)/firm(s) etc. under the provisions of the Customs Act, 1962 and Rules/Regulations framed there under or under any other law for the time being in force.


7/9/2021
(Sunil Jain)

Principal Commissioner of Customs (G)
NCH, Mumbai - I.

To,

M/s Interglobe Shipping and Logistics (CB No: 11/1994)
003/19, Sonam Classic CHS Ltd.,
Phase-XI, New Golden Nest,
Bhayandar (East),
Thane-401105

Copy to:

1. The Principal/Chief Commissioner of Customs, Mumbai I, II, III Zone
2. The Pr. Commissioner of Customs (Preventive), NCH, Mumbai.
3. CIU's of NCH, ACC & JNCH
4. EDI of NCH, ACC & JNCH
5. Bombay Custom House Agent Association
6. Office copy
7. Notice Board