



प्रधानआयुक्त सीमाशुल्ककाकार्यालय (सामान्य)
OFFICE OF THE PR. COMMISSIONER OF CUSTOMS (GENERAL)
कस्टमब्रोकरअनुभाग, नवीनसीमाशुल्कभवन, बेलार्डइस्टेट, मुंबई- I
CUSTOMS BROKER SECTION, NEW CUSTOM HOUSE, BALLARD ESTATE,
MUMBAI - I.

F. No. Gen/CB/134/2022-CBS

Date: 10.06.2022

DIN: 20220677000000444B98

ORDER NO. 11/2022-23

M/s Ghanshyam Patel Freight Forw. Pvt. Ltd. bearing PAN based Registration No. AAACG5078RCH001, holding a regular Customs Broker License No. 11/581 issued by Commissioner of Customs, Mumbai under Regulation 10(1) of the Customs House Agents Licensing Regulations (CHALR), 1984 [Now regulation 7(2) of Customs Broker Licensing Regulations (CBLR, 2018)] and such they are bound by the regulation and condition stipulated therein.

2. On the basis of specific information from Directorate of Revenue Intelligence Nhava Sheva-I, Mumbai Zonal Unit, that the goods imported vide Bill of Entry No. 7559043 dated 19.02.2022 are branded shoes but not unbranded shoes as were declared. Therefore, 04 containers were put on hold. On the basis of above information, SIIB (I) JNCH initiated investigation in two cases. First case pertains to Bills of Entry No. 7559043 dated 19.02.2022, 7524351 dated 16.02.2022, 7556398 dated 18.02.2022 and 7556399 dated 18.02.2022 filed by CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. on behalf of Importer M/ s Nihalika Overseas and second case pertains to bills of entry no.7667367, 7667212 & 7667135 all three dated 27.02.2022 and 7673537 dated 28.02.2022 filed by M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd.) on behalf M/s U & S Business Components Private Limited.

3. The Bills of Entry mentioned above were examined under Panchnamas, details of which are mentioned as under.

3.1 Goods under bill of entry 7559043 dated 19.02.2022 were examined under Panchnama dated 03.03.2022 & 04.03.2022. Examination revealed that undeclared Branded Shoes of Nike, Asics, Reebok, Adidas and New Balance were stuffed into Container in place of declared unbranded Shoes.

3.2 Goods under bill of entry 7524351 dated 16.02.2022 were examined under Panchnamas dated 05.03.2022 and 06.03.2022. Examination revealed that declared Optical Frames were excess in quantity and grossly undervalued.

3.3 Goods under bills of entry 7556398 dated 18.02.2022 and 7556399 dated 18.02.2022 were examined under Panchnama dated 11.03.2022. Examination revealed that knitted polyester fabric was mi-declared as cotton knitted dyed fabric.

3.4 Goods under bills of entry 7667135 dated 17.02.2022 and 7673537 dated 28.02.2022 were examined under Panchnama dated 26.03.2022. Examination revealed that undeclared Branded Shoes of Nike, Asics, Reebok, Adidas and Puma were stuffed into Container in place of declared unbranded Shoes.

3.5 Goods under bills of entry no. 7667367 dated 27.02.2022 and 7667212 dated 27.02.2022 were examined under Panchnama dated 29.03.2022. Examination revealed that Ladies Brassieres and Ladies Brief were grossly mis-declared in terms of quantity.

Thus, the examination of subject goods revealed that the goods were mis-declared in terms of Brand, Quantity and Value.

4. During the course of investigation, a search was conducted on 04.03.2022 at the office of M/s Ghanshyam Patel Freight Forw. Pvt. Ltd situated at A-346, Antop Hill, Warehouse Complex, 3 FL, Vidyalankar College, Wadala East, Mumbai, but the office was found to be a childhood adventure workshop with the name 'Mapayah'. Another search was also conducted at the office of M/s Ghanshyam Patel Freight Forw. Pvt. Ltd. situated at office no. 1 and 2, Cotton Exchange Building near Cotton Green (east), Mumbai-400033. The office was found to be closed and it was learnt during the search that the office was vacated by Customs Broker, in September, 2018.

5. During the course of Investigation, statement of Shri Jayesh Patel, Director of CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. was recorded on

19.02.2022 wherein he *inter alia* stated that his plan was to shift the office on temporary basis due to ill health of parents. However due to the pandemic he could not shift back, since it was only temporary therefore he did not update the address with Mumbai Customs, since he would move back to the same office in Cotton Green." The office location was changed in January, 2019 whereas the Corona pandemic started in January, 2020. He further stated that "due to an alert on their License from Air Cargo Customs, we are not filing any export documents from their firm for last 11 months. Since their clients are with them for last 03 decades and they could not lose them, they continued to serve their clients by deputing the export clearance work to M/s. Mayuraa Shipping Services (CHA No. 11/2062) and in turn they deputed their import clearance to M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd."

DISCUSSION AND FINDING

6. I have gone through the facts of the case and discuss hereunder the charges against the CB.

6.1 Regulation 10 (d) of CBLR,2018: - A Customs Broker shall—

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 may be;*

The investigation conducted so far has revealed that the goods were mis-declared in terms of Brand, Quantity and Value. Therefore, it appears that the Importer had not been advised by CB regarding laws related to Intellectual Property Right, Customs Act,1962 and Customs Valuation (Determination of Value of Imported Goods) Rules,2007. If CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd had properly advised to the Importers M/s Nihalika Overseas and M/s U & S Business Components Private Limited regarding the provisions of Intellectual Property Right, Customs Act,1962 and Customs Valuation (Determination of Value of Imported Goods) Rules,2007 the importers would have declared the goods as per law. The non-compliance of laws, rules, regulation on behalf of the importers was never brought to the notice of the Proper Officer by the CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd.

Therefore, it appears that CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd have violated the Regulation 10(d) of CBLR,2018.

6.2 Regulation 10 (o) of CBLR,2018: -A Customs Broker shall—
"inform any change of postal address, telephone number, e-mail etc. to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, of all Customs Stations including the concerned Deputy Commissioner or Assistant Commissioner of the Commissionerate who has granted the license immediately within two days."

Shri Jayesh Patel, Director of CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. has stated in his statement dated 19.02.2022 that due to an alert on their License from Air Cargo Customs, they were not filing any export documents through their firm for last 11 months. The alert inserted by Air Cargo Customs on CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. reveals that CB had committed serious violation of Customs Act,1962 or Rules, regulation made there under.

The investigation conducted so far has also revealed that Customs Broker M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. have attempted to clear mis-declared goods in terms of Brand, Quantity and Value. Therefore, it appears that CB is habitual in violation of the provisions of the Customs Act,1962 or Rules, regulation made thereunder. In the subject case CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. did not fulfil his obligation mentioned in 10(o) of the Customs Brokers License Regulations, 2018 by not informing the department regarding change in the office address and that Shri. Jayesh G. Patel, Director, M/s Ghanshyam Patel Freight Forw. Pvt. Ltd. has knowingly violated the Customs Brokers License Regulations, 2018. As per Section 10(o) of CBLR, 2018, it is an obligation on Customs Broker that they shall inform any change of postal address, telephone number, e-mail etc. to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, of all Customs Stations including the concerned Deputy Commissioner or Assistant Commissioner of the Commissionerate who has granted the license immediately within two days.

In the impugned case a search was conducted at the office of M/s Ghanshyam Patel Freight Forw. Pvt. Ltd situated at A-346, Antop Hill, Warehouse Complex,3 FL, Vidyalankar College, Wadala East, Mumbai, but the

office was found to be a childhood adventure workshop with the name 'Mapayah'. Another search was also conducted at the office of M/s Ghanshyam Patel Freight Forw. Pvt. Ltd. situated at office no. 1 and 2, Cotton Exchange Building near Cotton Green (East), Mumbai-400033. The office was found to be closed and it was learnt during the search that the office was vacated by Customs Broker, in September, 2018.

Shri Jayesh Patel, Director of CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. has also accepted in his statement dated 19.02.2022 that his plan was to shift the office on temporary basis due to ill health of parents. However, due to the pandemic he could not shift back. Since it was only temporary, and would move back to the same office in Cotton Green, therefore, he did not update the address with Mumbai Customs. Corona Pandemic as the reason for non-intimation regarding shifting of office premises does not hold ground as it was shifted in 2018 or 2019 but Corona Pandemic situation prevailed in India from 2020 onwards. It appears that CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. intentionally did not update their office address to defraud the Customs in transaction of Customs clearance business. Since, CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. have failed to inform change of postal address to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, it appears that CB M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. have violated Regulation 10 (o) of CBLR, 2022.

7. From the above facts, prima facie it appears that Customs Broker M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. (CHA No. AAACG5078RCH001) having Customs Broker Licence No. 11/581 failed in discharging their obligation as required under provisions of Regulation 10(d) and 10(o) of CBLR, 2018. M/s Ghanshyam Patel Freight Forw. Pvt. Ltd. It is therefore apprehended that the Custom Broker may adopt similar *modus operandi* in future consignments and department cannot remain oblivious to the danger posed by such an eventuality.

8. Accordingly, I pass the following Order:

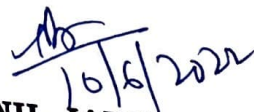
ORDER

(i) I, Principal Commissioner of Customs (General), in exercise of powers conferred upon me under the provisions of Regulation 16 (1) of CBLR, 2018 hereby suspend the licence of M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. (CHA No. AAACG5078RCH001) having Customs Broker Licence No. 11/581 with immediate effect, being fully satisfied that the Customs Broker has prima-facie not fulfilled their obligations as laid down under Regulations 10(d) and 10(o) of CBLR, 2018.

(ii) However, I offer the Customs Broker M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. (CHA No. AAACG5078RCH001) an opportunity of personal hearing on **24.06.2022** at **11:30 AM** through video conferencing facility. Any written representation against this order should reach the undersigned before the date of hearing.

(iii) M/s. Ghanshyam Patel Freight Forw. Pvt. Ltd. (CHA No. AAACG5078RCH001) having Customs Broker Licence No. 11/581 is directed to surrender all the original Custom Passes issued to their employee/partner/director/proprietor immediately.

9. 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.


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

To:
M/s Ghanshyam Patel Freight Forw. Pvt. Ltd.
(CHA No. 11/581, AAACG5078RCH001)
Email: info@vllindia.com

- Copy to:
1. The Pr./ Chief Commissioner of Customs, Mumbai I, II, III Zone
 2. CIU's of NCH, ACC & JNCH
 3. Pr. Additional Director General, DRI, MZU.
 4. EDI of NCH, ACC & JNCH
 5. Bombay Custom House Agent Association
 6. Office copy
 7. Notice Board