



**OFFICE OF THE PRINCIPAL COMMISSIONER/COMMISSIONER OF
CUSTOMS (GENERAL)
CUSTOMS BROKER SECTION, NEW CUSTOM HOUSE,
BALLARD ESTATE, MUMBAI - I**

F.No: GEN/CB/438/2022-CBS
DIN: 2022117700000000A901

Date: 30.11.2022

ORDER No. 45/2022-23

1 Whereas, this office is in receipt of Offence Report received from the CIU, NCH regarding case of goods imported vide Bill of Entry No. 9853531 dated 03.08.2022 filed by the Importer M/s Madiha Trading Company (IEC: EWBPS2362N) for clearance from Mumbai Port. The assessable value of the imported goods declared in the said Bill of Entry was Rs. 10,39,031/-.

2 Whereas, the said B/E was filed through the CB M/s S. S. International Logistics (here-in-after referred to as the CB), CB No. 11/2447, (PAN: ADVFS1633DCH001), which was granted CB Licence at Mumbai Customs Commissionerate under 7(2)(a) of CBLR, 2018.

3 Whereas, the goods covered by the above mentioned Bill of entry were examined 100% by the officers of CIU, NCH under panchnama dated 17.08.2022. Various violations were found in respect of the goods imported and the same are mentioned below:

- I) **RE-44-** Goods declared as Cleaning MOP, Electric Lunch Box, Self Stirring Coffee Mug, Egg Poacher, Mini Pocket Shaver, Derma Roller Massager, Electric Kettle 2L, Mini Hair Dryer, Hair Trimmer, Hot Air Brush, Razor (6Pcs/Card), Mini Hair Straightener, Star Projection Lamp, Wax Heater were found in pre-packaged condition and thus falling under the purview of General Note 5 "Packaged products" of ITC(HS) read with DGFT Notification No. 44(RE-2000)/1997-2002 dated 24.11.2000 and the corresponding provisions of the Legal Metrology Act, 2009 and the Legal Metrology (Packaged Commodities)Rules, 2011.
- II) **Mis-declaration:** Mis-declaration regarding description was found in cleaning mop which were not ordinary mop but actually electric cleaning mop.

III) Mis- classification: Navrang Ball, description was appropriately classifiable as a toy under CTH 95030090, which fall under the purview of the Safety of Toys as per IS 9873 for Self-Declaration of conformity (i.e. Scheme-I of Bureau of Indian Standards)

IV) There was short quantity of goods also.

4 During the course of investigation, statement of Shri Mainuddin A Sattar, having G card with CHA Firm M/s. S.S. International Logistics (11/2447) was recorded by the investigating agency under Section 108 of the Customs Act 1962 on 09.09.2022, wherein he inter-alia stated that he was present on 17.08.2022 when the container no. TEMU7820012 was examined 100% by the officers of the CIU. On being questioned with regard to the violation regarding LMPC, RE-44 compliance, mis-declaration in terms of description, statutory compliance of BIS not being fulfilled, he stated that he filed the Bill of Entry on the basis of the documents like invoice and other import related documents provided by the importer.

5 Thus, the investigation clearly appears to have brought out the fact that the said CB M/s S. S. International Logistics, with their acts of commission/omission, for having abetted the importer for the clearance of goods without following the proper procedures and without producing the proper documents/Registration/Certificates required for the import of the said goods, has contravened the provisions of the Customs Brokers Licensing Regulations, 2018 as mentioned below:

a) Regulation 10(d)

(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;

In this matter, the Customs Broker M/s S. S. International Logistics (11/2447) failed to properly advise their client M/s. Madiha Trading Company regarding the rules and regulations of Customs and allied acts and failed to inform them about the declarations to be made for pre-packaged goods falling under the purview of General Note 5 "packaged products" of ITC (HS) read with DGFT Notification No. 44(RE-2000)/1997-2002 dated 24.11.2000 and the

corresponding provisions of the Legal Metrology Act, 2009 and the Legal Metrology (packaged Commodities) Rules, 2011.

Hence, it is the responsibility of the Customs Broker to inquire about the condition (i.e., pre-packaged or bulk), specifications of the goods etc. with the importer and advise the importer to comply with the extant rules which was not done in the instant case. By doing so, the Customs Broker appears to have violated the provisions of Regulation 10(d) of CBLR, 2018.

b) Regulation 10(m)

(m) discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;

In the instant case, while filing the Bill of Entry and uploading the invoice in e-sanchit, Customs Broker did not seek any clarification from the importer. The Customs Broker did not upload BIS certificate for Toy declared as Navrang Ball to be uploaded in e- sanchit for clearance of goods mentioned in invoice and the Customs Broker proceeded to file the Bill of Entry. Therefore, by not uploading the correct documents and by not seeking necessary clarifications from the importer, it appears that the Customs Broker has failed to discharge his duties with utmost efficiency and caused a significant delay in Customs clearance thereby violating the provisions of Regulation 10(m) of CBLR, 2018.

7 In view of the facts stated above it appears that the CB has failed to discharge his duties as incumbent on him under **regulations 10(d) and 10(m)** of Customs Brokers Licensing Regulations, 2018. It is 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. Accordingly, I pass the following Order:

ORDER

1 I, Principal Commissioner of Customs (General), in exercise of powers vested in me under Regulation 16(1) of the Customs Brokers Licensing Regulations, 2018, hereby suspend the Customs Broker License of M/s. S. S. International Logistics [CB License No. ADVFS1633DCH001, 11/2447] with immediate effect.

2 M/s. S. S. International Logistics is directed to immediately surrender the Customs Broker License Booklet and all the F/G/H cards issued to their Directors/Employees in Mumbai to the Customs Broker Section, New Customs House, Mumbai.

3 I also offer M/s. S. S. International Logistics [CB License No. ADVFS1633DCH001, 11/2447], an opportunity of personal hearing on 13/12/2022 at 1200 hours. Any written representation against this order should reach the undersigned before the date of hearing.

4 This order is being issued without prejudice to any other action that may be taken against the Customs Broker or any other person(s)/firm(s), etc. under the provisions of the Customs Act, 1962 and Rules/Regulations framed there under or any other law for the time being in force.


(Sunil Jain)

Pr. Commissioner of Customs (Gen)
New Customs House, Mumbai.

To,

Copy to:

1. The Chief Commissioners of Customs, Mumbai Zone-I / II / III.
2. The Pr. Commissioners / Commissioners of Customs (Gen), Mumbai Zone-I / II / III
3. The Commissioner of Customs (General), CIU, NCH.
4. CIU of NCH, JNCH & ACC
5. EDI of NCH, JNCH & ACC
6. Office copy
7. Notice Board