



प्रधान सीमाशुल्कआयुक्त (सामान्य) का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)
कस्टम ब्रोकरअनुभाग, नवीन सीमाशुल्क भवन, बेलार्डइस्टेट, मुंबई- 400001
CUSTOMS BROKER SECTION, NEW CUSTOM HOUSE, BALLARD
ESTATE, MUMBAI - 400001.
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F. No. GEN/CB/409/2026-CBS

Date: 05-10-2026

DIN:- 20261078NW0000D3BDA8

SHOW CAUSE NOTICE No. 30/2026-27
UNDER REGULATION 17 OF THE CBLR, 2018

1. M/s. Impress India Supply Chain Management Pvt. Ltd. (CB Licence No. 11/2148), having office/registered address at "Office No. 104, 1st Floor, Rangoli Apartment, Next to Sahar Air Cargo Complex, Sahar Road, Andheri (East), Mumbai - 400099" (hereinafter referred to as "the Customs Broker" or "the CB"), is the holder of Customs Broker Licence No. 11/2148, issued by the Commissioner of Customs, Mumbai under Regulation 7(1) of the Customs Brokers Licensing Regulations (CBLR), 2013 [Now Regulation 7(2) of CBLR, 2018], and as such is bound by the regulations and conditions stipulated therein.

2. As per offence report in the form of Order-in-Original No. 343/2026-27/ADC/CEAC/NS-II/CAC/JNCH dated 20.07.2026 (RUD-I), passed by Additional Commissioner of Customs, CEAC, NS-II, JNCH, a penalty of Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand only) has been imposed on the Customs Broker under Section 114AA of the Customs Act, 1962, for contravention of Section 50 ibid, arising out of the CB's role in facilitating entry of export cargo into the customs area on the strength of dummy/non-existent Shipping Bill numbers, prior to the filing of the corresponding valid Shipping Bills, in respect of four Shipping Bills filed by the CB on behalf of three exporters. The conduct of the CB has further been held, vide Para 30(iii) of the said Order-in-Original, to be in contravention of Regulations 10(d) and 10(e) of the CBLR, 2018, and it has accordingly been directed that a copy of the Order be forwarded to the jurisdictional Customs Broker Licensing Authority for examination and initiation of appropriate action, if deemed fit, under the provisions of the CBLR, 2018.

Brief Facts of the Case

3. During inspection of the open bonded area of M/s. Kerry Indev Logistics Pvt. Ltd. (Container Freight Station, CFS Code: NSA1U003),

Nhava Sheva, carried out by the Bond Section, Jawaharlal Nehru Custom House (JNCH), consequent upon suspension of the said CFS's bonded warehouse operations, certain goods purportedly meant for export were found lying in the open bonded area. On cross-verification of the cargo with the records/documents furnished by the warehouse-keeper vis-à-vis the particulars available in the ICES system, it emerged that, in respect of certain Shipping Bills, the gate-in of cargo had taken place prior to the filing of the corresponding Shipping Bills, and that, in certain cases, dummy/non-existent Shipping Bill numbers had been used for gate-in of export cargo, without any corresponding entry traceable in ICEGATE/ICES. As the matter involved possible violation of the Customs Act, 1962, it was referred to SIIB(Export), JNCH for detailed investigation.

4. The investigation was confined to four Shipping Bills pertaining to three exporters, all filed through the Customs Broker M/s. Impress India Supply Chain Management Pvt. Ltd., as tabulated below: -

Sr.	Shipping Bill No. & Date	Exporter	Description of Goods	FOB Value (Rs.)	Container No.
1	6960188 dated 02.01.2025	M/s. Shri Shyam Ji Khadya Bhandhar	Indian Non-Basmati (Sona Masoori) Rice	31,53,814/-	SKIU2012820
2	5928093 dated 26.11.2024	M/s. Farmart Services Pvt. Ltd.	Indian Parboiled Rice	12,72,161/-	SKIU2012121
3	3726981 dated 03.09.2024	M/s. Farmart Services Pvt. Ltd.	Indian Long Grain Parboiled Rice (5% Broken)	7,12,580/-	BSVU2607716
4	6294284 dated 09.12.2024	M/s. Nutrich Foods Pvt. Ltd.	Yellow Maize	5,04,505/-	BSVU2615060

Examination of Goods

5. The goods covered under the subject Shipping Bills were subjected to 100% examination under Panchanamas dated 05.03.2025 and 07.03.2025, drawn in the presence of independent pancha witnesses and representatives of the exporters and of the Customs Broker. The findings, Shipping Bill-wise, are set out below: -

5.1 Shipping Bill No. 6960188 dated 02.01.2025 (M/s. Shri Shyam Ji Khadya Bhandhar): The cargo, gated-in on 26.12.2024, was examined under Panchanama dated 07.03.2025. On de-stuffing, the goods were found to be Indian Non-Basmati (Sona Masoori) Rice weighing 26,925 Kgs, packed in 1,487 bags, as against the declared quantity of 9,000

bags/packages under the Shipping Bill. The bags, though similar in nature, were not properly marked, and scrutiny of the export documents revealed that the goods had not been registered with the concerned authority prior to export.

5.2 Shipping Bill No. 3726981 dated 03.09.2024 (M/s. Farmart Services Pvt. Ltd.): The cargo, gated-in in parts on 10.05.2024, 11.05.2024, 18.05.2024 and 19.05.2024, was examined under Panchanama dated 05.03.2025. On de-stuffing, the goods were found to be Indian Long Grain Parboiled Rice (5% Broken) weighing 24,610 Kgs, packed in 490 packages, as against the declared quantity of 5,229 packages under the Shipping Bill. Of the packages found, 79 were damaged, resulting in spillage of rice inside the container. The packages were not properly marked, and the goods had not been registered with the concerned authority prior to export.

5.3 Shipping Bill No. 5928093 dated 26.11.2024 (M/s. Farmart Services Pvt. Ltd.): The cargo, gated-in on 25.11.2024, was examined under Panchanama dated 07.03.2025. The goods were found to be Indian Parboiled Rice weighing 5,405 Kgs, packed in 217 bags, as against the declared quantity of 10,600 bags/packages under the Shipping Bill. Of these, 5 bags were found damaged. The packages were not properly marked, and the goods had not been registered prior to export.

5.4 Shipping Bill No. 6294284 dated 09.12.2024 (M/s. Nutrich Foods Pvt. Ltd.): The cargo, gated-in on 31.12.2024, was examined under Panchanama dated 05.03.2025. The goods were found to be Yellow Maize packed in 387 polypropylene bags (22,490 Kgs), as against a gate-in slip reflecting 510 bags and a Shipping Bill declaration of 1,385 bags. The bags bore markings pertaining to commodities other than Yellow Maize, and several bags were found damaged; the packages were not properly marked.

6. Combined Findings: The consignments covered under the above Shipping Bills were found to have remained stored in the open bonded area of the CFS for prolonged periods and showed signs of deterioration on that account. Examination revealed substantial discrepancies in the quantity and number of packages, both as against the particulars available with the Bond Section and as against the quantities declared in the respective Shipping Bills; the goods were, in each instance, found improperly marked, and several packages were found damaged.

Additional Containers Examined Subsequently

7. Subsequently, the Bond Section informed, vide e-mails dated 16.05.2025 and 02.06.2025, that two additional containers bearing Nos. SKIU2012651 (pertaining to Shipping Bill No. 6960188 dated 02.01.2025) and SKIU2012224 (pertaining to Shipping Bill No. 5928093 dated 26.11.2024) had inadvertently remained un-examined during the earlier proceedings. These containers were accordingly subjected to 100% examination on 15.07.2025 under Panchanama, in the presence of

independent pancha witnesses and concerned representatives, which again revealed gross discrepancy between the declared and physically available quantities, as under: -

Shipping Bill No.	Exporter	Container No.	Quantity as per S/B	Quantity Found on Examination
6960188 dated 02.01.2025	M/s. Shri Shyam Ji Khadya Bhandhar	SKIU2012651	9,000 Bags	1,500 Bags
5928093 dated 26.11.2024	M/s. Farmart Services Pvt. Ltd.	SKIU2012224	10,600 Bags	261 Bags

Seizure

8. On reasonable belief that the goods were liable to confiscation under the provisions of the Customs Act, 1962, the goods covered under the subject Shipping Bills were seized vide Seizure Memos bearing DIN Nos. 20250378NT000000E16E, 20250378NT0000999FF8, 20250378NT000000D0E9 and 20250378NT0000116841, all dated 25.03.2025.

Provisional Release

9. During the course of investigation, the exporters requested provisional release of the seized goods for Back-to-Town (BTT) vide letters dated 03.04.2025, and, in respect of the goods found in the two additional containers referred to above, vide further letters dated 17.07.2025. The requests were considered and accepted by the competent authority in terms of Board Circular No. 01/2011-Cus dated 04.01.2011 read with Circular No. 30/2013-Cus dated 05.08.2013, and the goods were accordingly released for Back-to-Town, subject to the prescribed conditions.

Adjudication Qua the CFS

10. The role of the CFS, M/s. Kerry Indev Logistics Pvt. Ltd., as Customs Cargo Service Provider/custodian, in permitting the impugned gate-in without verification of valid Shipping Bills, has been separately examined and adjudicated under the Handling of Cargo in Customs Areas Regulations (HCCAR), 2009, vide Order-in-Original No. 77/2025-26 dated 03.06.2025, which records violation of Regulation 6(1)(g) of HCCAR, 2009 and notes that export cargo had entered the customs area without valid Shipping Bills; that adjudication having already been made, and the present proceedings being confined to the Customs Broker, the CFS's role is not re-agitated herein.

Statements Recorded Under Section 108 of the Customs Act, 1962

11.1 Statement of the Customs Broker: Summons dated 20.03.2025 was issued to the CB, in pursuance of which the statement of Shri Santosh Ramchandra Mohite, G-Card holder and authorised representative of M/s. Impress India Supply Chain Management Pvt. Ltd., was recorded on 20.03.2025, wherein he, inter alia, stated that: -

- he had been handling both import and export clearance work of M/s. Farmart Services Pvt. Ltd., M/s. Shri Shyam Ji Khadya Bhandhar and M/s. Nutrich Foods Pvt. Ltd. for the preceding two years, and confirmed that all four subject Shipping Bills had been filed by the CB on behalf of the respective exporters;
- he described the standard procedure followed by the CB is as follows: filing of the shipping bill, arrival of cargo at the CFS as per the packing list/invoice, carting and registration of the shipping bill, examination by Customs officers, grant of Let Export Order (LEO), stuffing and sealing, generation of the Container Loading Plan (CLP), and forwarding of the goods to the port for loading;
- on being confronted with the fact that, contrary to the above procedure, the cargo under all four Shipping Bills had in fact been gated-in before the respective Shipping Bills were filed and in one instance (SB No. 3726981 dated 03.09.2024, gated-in on 10.05.2024) nearly four months in advance. He admitted that dummy shipping bill numbers had been filed with the CFS to enable gate-in of the cargo, as the invoices had not yet been finalised; he explained that, since agricultural commodities are perishable and exporters accordingly sent cargo directly to the CFS after procurement, dummy shipping bill numbers were used to secure gate-in and avoid the exporters incurring extra transportation and private-warehousing charges, and that there was no mala fide intent;
- he initially stated that the exporters were aware that dummy shipping bill numbers had been used to gate-in the cargo, and that the shipping bills had been filed on the exporters' instructions;
- on being asked whether the practice had been followed on past occasions, he stated that it was not the CB's regular procedure, but that dummy shipping bills had, on occasion in the past, been used for gate-in where the consignee's invoices had not been finalised; he could not recall the specific instances at that time, but undertook to furnish particulars subsequently;
- he attributed the damage to packages under three of the four Shipping Bills to prolonged storage of perishable commodities (rice and maize) at the CFS without proper facilities, and stated that re-transportation to the place of origin was commercially unviable;
- he explained the gross shortfall between the declared and physically-available quantities on the footing that cargo covered under a single shipping bill arrived at the CFS in multiple truckloads over several days, that only part-cargo had been received against three of the four Shipping

Bills at the time of examination, and that the CFS permitted part-cargo to be carted in, issuing a formal receiving only once the entire declared quantity had been gated-in;

- he stated that he was unaware that the goods had been stored in the "open bonded area" of the CFS, as, in his understanding, the area had not been properly fenced or demarcated from the general open yard, and that this was a lapse attributable to the CFS;

- he requested provisional release of the goods, stating that the CB and the exporters were genuine traders who would cooperate fully with the investigation.

11.2 Subsequent Retraction: Vide e-mail dated 10.06.2026, the CB was called upon to furnish documentary evidence in support of its earlier claim that the exporters were aware of the use of dummy Shipping Bills for gate-in of the cargo. In response, vide e-mail dated 10.06.2026, the CB retracted its earlier claim and admitted that the dummy Shipping Bills had been used solely at its own instance, without the knowledge or consent of the exporters, and that it was unable to produce any documentary evidence in support of its earlier allegation. The CB further stated that the exporters had come to know of the use of dummy Shipping Bills only after the consignments were put on hold by Customs and were informed of the position verbally thereafter.

12. Statements of the Exporters: Statements of the authorised representatives of the three exporters were also recorded under Section 108 of the Customs Act, 1962, as under: -

12.1 **Statement of Shri Chetan Murji Gajra, Export Executive (M/s. Farmart Services Pvt. Ltd.)** recorded on 18.05.2026, wherein he confirmed having filed Shipping Bill Nos. 3726981 dated 03.09.2024 and 5928093 dated 26.11.2024 through the CB, but stated that he was not aware of the gate-in details of the cargo, as gate-in and cargo-movement formalities were handled entirely by the CB; he denied any awareness of cargo being gated-in on the basis of dummy Shipping Bills, and, when confronted with the CB's allegation that he was so aware, denied the same; he attributed the shortfall between the declared and physically-found packages to the goods having been intended for gate-in in multiple containers in phases, of which only a part had initially been gated-in; and he stated that he became aware of the goods lying in the bonded area only after Customs' action, whereupon he made inquiries with the CB.

12.2 **Statement of Shri Suresh Dharamshi Bhanushali, Export Executive (M/s. Nutrich Foods Pvt. Ltd.)**, recorded on 19.05.2026, wherein he confirmed having filed Shipping Bill No. 6294284 dated 09.12.2024, but stated that he was not aware of the gate-in details, the same having been handled by the CB; on being confronted with the gate-in slip reflecting only 510 bags as against the Shipping Bill-declared quantity of 1,385 bags, he stated that the entire consignment had, to his

understanding, been gated-in and that BTT permission had been granted for the whole consignment; he could not explain the further discrepancy whereby only 387 packages were found physically present against the gate-in record of 510 bags, or the submission of differing invoice numbers at the time of gate-in, stating that customs formalities had been handled by the CB; and he stated that he became aware of the goods lying in the bonded area only after Customs' action and subsequent intimation by the CB.

12.3 Statement of Shri Himmat Narshi Bhanushali, Export Executive (M/s. Shri Shyam Ji Khadya Bhandhar), recorded on 18.05.2026 wherein he confirmed having filed Shipping Bill No. 6960188 dated 02.01.2025, but stated that he was not aware of the gate-in details, the same having been handled by the CB; on being confronted with the CB's allegation that he was aware of the use of dummy Shipping Bills, he denied the same; on being asked how LEO came to be granted against a Shipping Bill declaring 9,000 bags when the full consignment was never available for examination, he stated that the goods thereafter found lying in the CFS were not, in fact, the goods covered by the Shipping Bill against which LEO had already been granted and export effected, and that a fresh Shipping Bill was proposed to be filed for the goods remaining in the CFS, before the seizure intervened; and he stated that he became aware of the goods lying in the bonded area only after Customs' action, whereupon he made inquiries with the CB.

13. The statements of the three exporters are materially consistent in denying any knowledge of, or complicity in, the use of dummy/non-existent Shipping Bill numbers for gate-in of the cargo, and in attributing the entirety of the gate-in and cargo-movement formalities to the CB. No evidence has been found on investigation nor is any recorded in the Order-in-Original to controvert these statements or to implicate the exporters; on the contrary, the CB's own subsequent retraction (Para 11.2 above) of its initial allegation against the exporters, for want of any supporting evidence, corroborates the exporters' position.

Findings of the Investigation

14.1 Of the four Shipping Bills, the cargo covered under three Shipping Bill Nos. 6960188 dated 02.01.2025, 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024 was found to have entered the customs area prior to the filing of the respective Shipping Bills, on the strength of dummy/non-existent Shipping Bill numbers not traceable in ICEGATE/ICES; the cargo under the fourth, Shipping Bill No. 6294284 dated 09.12.2024, entered the customs area after the Shipping Bill was filed, though it too was attended by material irregularities a gate-in slip reflecting only 510 bags against a declared 1,385 bags, submission of differing invoice numbers at gate-in, and only 387 packages, bearing markings of other commodities, being physically found on examination.

14.2 In each of the four cases, the physically available quantity was a small fraction of the quantity declared in the Shipping Bill 1,487 (and, on later examination of the balance container, a further 1,500) bags against a declared 9,000 bags under Shipping Bill No. 6960188; 217 (and, on later examination, a further 261) bags against a declared 10,600 bags under Shipping Bill No. 5928093; 490 packages against a declared 5,229 packages under Shipping Bill No. 3726981; and 387 bags against a declared 1,385 bags under Shipping Bill No. 6294284 indicating that the Shipping Bills, as filed, did not reflect a true and complete declaration of the cargo actually tendered for export at the material time.

14.3 The CB's own statement establishes that the use of dummy Shipping Bill numbers was a conscious and deliberate expedient, adopted at the CB's own instance to save the exporters transportation and private-warehousing charges, and not an inadvertent, one-off clerical error: it recurred across three Shipping Bills, in respect of two different exporters, over a span of nearly four months (September 2024 to January 2025), and the CB has itself admitted while professing an inability to recall specific instances that the practice had been resorted to on other, unspecified past occasions as well.

14.4 The CB's initial attempt to attribute knowledge of the dummy Shipping Bills to the exporters, followed by an unconditional retraction made only after the CB was specifically called upon to substantiate the allegation with documentary evidence, and admittedly for want of any such evidence reflects adversely on the reliability of the CB's representations to the Department, and confirms that responsibility for the irregularity rests with the CB alone.

14.5 On these findings, the Adjudicating Authority, in the Order-in-Original dated 20.07.2026 (RUD-I), has held the CB liable to penalty under Section 114AA of the Customs Act, 1962, for knowingly and intentionally using false and incorrect material particulars - the dummy/non-existent Shipping Bill numbers in the transaction of business under the Customs Act, in contravention of Section 50 thereof, and has further held that the CB's conduct is in contravention of Regulations 10(d) and 10(e) of the CBLR, 2018.

Role of the Customs Broker Analysis of Violation of the CBLR, 2018

15. It appears that the CB, M/s. Impress India Supply Chain Management Pvt. Ltd., far from merely failing to detect or report an irregularity committed by its clients, was itself the author and instrument of the irregularity namely, the entry of export cargo into the customs area on the strength of dummy/non-existent Shipping Bill numbers, in contravention of Section 50 of the Customs Act, 1962 and thereby failed to fulfil its obligations under the Customs Brokers Licensing Regulations (CBLR), 2018. The relevant provisions, the manner of their contravention, and the CB's explanation thereto (as recorded in the statement of its G-

Card holder, Shri Santosh Ramchandra Mohite, and in its subsequent e-mail dated 10.06.2026) are discussed in detail below: -

15.1 The Customs Broker occupies a position analogous to a gatekeeper of the export process, and is licensed under the CBLR, 2018 precisely because the Department reposes trust in the CB to ensure that the statutory procedure for export including the fundamental requirement of Section 50 of the Customs Act, 1962, that cargo be entered for export only upon presentation of a valid Shipping Bill is faithfully observed. In the present case, unlike a situation in which a CB's obligations under Regulation 10 fall to be assessed alongside an exporter's independent obligations under Section 50(2)/50(3) of the Customs Act, 1962 in respect of a mis-declaration committed by the exporter, the investigation and the Order-in-Original dated 20.07.2026 record a specific and unrebutted finding that the exporters had no knowledge of, and no role in, the use of dummy Shipping Bill numbers, and that this device was resorted to by the CB "solely at its own instance". There is accordingly no scope, on the facts of this case, to attribute any part of the default to client-side conduct; the entirety of the conduct in issue is that of the CB itself, which sharpens rather than dilutes the case for its regulatory culpability under the CBLR, 2018.

15.2 The nature and scale of the violation are material to an assessment of the CB's conduct. This is not a case of a single, isolated lapse: the use of dummy/non-existent Shipping Bill numbers recurred across three of the four subject Shipping Bills, filed in respect of two separate exporters, over a span of nearly four months from September 2024 to January 2025 with the delay between gate-in on a dummy number and actual filing of the valid Shipping Bill running to as long as four months in one instance (Shipping Bill No. 3726981 dated 03.09.2024, gated-in on 10.05.2024). The CB, in its own statement, has admitted that this was not a practice devised for the first time in the subject consignments, but one that it had, on unspecified past occasions, resorted to as well indicating an established, if unofficial and unlawful, mode of operation adopted by the CB in handling the agricultural-commodity export trade, rather than a one-off aberration attributable to inadvertence or oversight.

Regulation 10(d) of CBLR, 2018:-

"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,"

15.3 Regulation 10(d) casts a dual obligation on the CB: first, to advise the client to comply with the Act (which, self-evidently, includes Section 50 of the Customs Act, 1962, governing entry of goods for export); and, second, in the event of non-compliance, to bring the matter to the notice of the jurisdictional Deputy/Assistant Commissioner of Customs.

In the ordinary run of cases, a violation of Regulation 10(d) arises where the CB fails to advise a client who is, independently, disposed to non-compliance, or fails to escalate a non-compliance of which the client is the author. The present case presents a materially graver situation: the CB was not a passive bystander to the exporters' non-compliance, but was itself the originator of the non-compliance, having supplied dummy/non-existent Shipping Bill numbers to the CFS to secure gate-in of cargo in advance of any valid Shipping Bill being filed which is a course adopted, on the CB's own admission, to spare the exporters transportation and private-warehousing charges. Far from advising the exporters that cargo could not lawfully be presented for gate-in without a valid Shipping Bill, and far from bringing this practice to the notice of the jurisdictional Deputy/Assistant Commissioner of Customs, the CB concealed the practice altogether: the irregularity came to light only through an unrelated inspection of the CFS's bonded area by the Bond Section, JNCH and not through any disclosure, contemporaneous or otherwise, by the CB. The CB's explanation that the practice was resorted to for the exporters' commercial convenience does not answer the charge; if anything, it is an admission that the CB knowingly departed from the requirement of Section 50 of the Customs Act, 1962 for commercial expediency, rather than advising the exporters of, and adhering to, the correct procedure. This indicates a clear failure to advise the client to comply with Section 50 of the Customs Act, 1962 an "allied Act" within the meaning of Regulation 10(d) and a failure to report the non-compliance to the jurisdictional Deputy/Assistant Commissioner of Customs, in contravention of Regulation 10(d) of the CBLR, 2018.

Regulation 10(e) of CBLR, 2018:-

"exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;"

15.4 The obligation of due diligence under Regulation 10(e) is not confined to the correctness of information imparted about the goods being cleared.

it extends equally to the correctness of the customs-facing particulars including the Shipping Bill numbers that the CB furnishes to the custodian/CFS and to the Customs automated system in the course of clearance work undertaken on the client's behalf, since this information forms the very basis on which cargo is admitted into, and moved within, the customs area. In the present case, the CB furnished, and caused the CFS to rely upon, Shipping Bill numbers that the CB knew because they had not yet been generated by filing did not correspond to any Shipping Bill filed in ICES. This was not a case of an erroneous or unverified declaration innocently made; it was the conscious use of a number known, at the time of its use, to be fictitious for the purpose for which it was being furnished. A CB exercising the due diligence contemplated by Regulation 10(e) would, at a minimum, decline to present cargo for gate-in otherwise

than against a valid, system-verifiable Shipping Bill, whatever the resultant inconvenience or cost to the client; the CB's adoption of a contrary practice, as a matter of standing convenience in its dealings with agricultural-commodity exporters, is the antithesis of due diligence within the meaning of the Regulation.

15.5 The consequences of this failure of due diligence are amply borne out by the magnitude of the discrepancies between declared and physically-available cargo recorded at Paragraph 14.2 above ranging, even after the belated examination of the balance containers, from as little as about 17% (2,987 of 9,000 bags found under Shipping Bill No. 6960188) to about 33% (478 of 10,600 bags found under Shipping Bill No. 5928093) and 9% (490 of 5,229 packages found under Shipping Bill No. 3726981) of the declared quantities.

A CB exercising the diligence contemplated by Regulation 10(e) verifying that the quantity gated-in corresponds, within a reasonable margin, to the quantity declared, before permitting the shipping bill process to proceed on the strength of a manufactured number could not have allowed such gross and repeated divergence to pass unaddressed across three separate consignments. Equally, in respect of Shipping Bill No. 6294284 (M/s. Nutrich Foods Pvt. Ltd.), where cargo entered after filing of the Shipping Bill but a gate-in slip reflecting invoice numbers different from those in the Shipping Bill documentation, and only 387 of a gate-in-recorded 510 bags (against a Shipping Bill-declared 1,385 bags), came to be physically found and the CB has offered no explanation whatsoever, further underscoring the absence of any meaningful verification of the correctness of the particulars it imparted in the course of clearance.

15.6 The due diligence expected of a CB under Regulation 10(e) also extends to the correctness and reliability of representations made by the CB to the Department itself in the course of an inquiry into its conduct. The CB's initial, unsubstantiated assertion that the exporters were aware of, and had sanctioned, the use of dummy Shipping Bill numbers, an assertion squarely contradicted by the exporters and withdrawn by the CB itself, without any supporting evidence, the moment it was called upon to substantiate it. This conduct of CB is itself indicative of a want of the diligence and candour that Regulation 10(e) is designed to secure in a CB's dealings with the Department, quite apart from its bearing on the credibility of the CB's remaining explanations.

15.7 It is also relevant that the Order-in-Original dated 20.07.2026 (RUD-I) concluded that the CB "knowingly and intentionally" used false and incorrect material particulars, within the meaning of Section 114AA of the Customs Act, 1962, a provision requiring proof of a considerably higher threshold of mens rea than is called for under the CBLR, 2018. Regulations 10(d) and 10(e) do not require proof of knowledge or intent; they are contravened by the mere failure to advise/report non-compliance,

or the mere failure to exercise due diligence, regardless of intent. It follows, a fortiori, that the lesser regulatory standard prescribed under Regulations 10(d) and 10(e) of the CBLR, 2018 stands established on the very facts and admissions that have already been held, by a order which requires satisfaction regarding considerably more stringent standard under Section 114AA of the Customs Act, 1962.

15.8 Taken cumulatively, it can be concluded that :-

(i) The CB was not merely negligent in respect of a client's default, but was itself the deliberate author of a scheme to bypass the requirement of a valid Shipping Bill before gate-in, adopted admittedly for commercial convenience and without any mala fide being conceded but equally without any claim of inadvertence being available on the facts.

(ii) The practice was repeated across three Shipping Bills, two exporters and nearly four months, and was, on the CB's own admission, resorted to on unspecified past occasions as well, negating any characterisation of the conduct as an isolated or technical lapse

(iii) At no stage did the CB bring the practice, or any non-compliance flowing from it to the notice of the jurisdictional Deputy/Assistant Commissioner of Customs. The irregularity surfaced only through an unconnected inspection by the Bond Section

(iv) The CB's attempt to implicate the exporters, retracted only when required to be substantiated, reflects adversely on the reliability that Regulation 10(e) is intended to secure.

(v) The gross and repeated divergence between declared and physically-available cargo, across every one of the four Shipping Bills, demonstrates that no meaningful verification was applied at any stage together indicate a substantial, systemic and knowing failure on the part of the CB to discharge the obligations cast upon it under Regulations 10(d) and 10(e) of the CBLR, 2018, resulting in a direct compromise of Customs' control over export cargo and of the statutory scheme of Section 50 of the Customs Act, 1962 that the CB, as a licensed intermediary, is duty-bound to uphold.

16. The Customs Broker occupies a position of trust in the customs clearance process, a role that has become more, and not less, critical in the current environment of trade facilitation, where an increasing proportion of export consignments move without examination and Customs relies correspondingly more on the diligence and integrity of the Customs Broker at the stage of filing and gate-in. Considering the findings recorded above, and the findings of the Adjudicating Authority in the Order-in-Original dated 20.07.2026 (RUD-I), it appears that the CB, M/s. Impress India Supply Chain Management Pvt. Ltd., has, by its acts of commission, violated Regulations 10(d) and 10(e) of the CBLR, 2018.

Show Cause

17. In view of the above, in terms of Regulation 17(1) of the CBLR, 2018, the Customs Broker M/s. Impress India Supply Chain Management Pvt. Ltd. (CB Licence No. 11/2148) is hereby called upon to show cause as to why:
- (i) the licence bearing No. 11/2148, issued to them, should not be revoked;
 - (ii) the security deposit should not be forfeited;
 - (iii) penalty should not be imposed upon them,
- under Regulation 14 read with Regulations 17 and 18 of the CBLR, 2018, for their failure to comply with the provisions of the CBLR, 2018, as elaborated in the foregoing paragraphs, within 30 days from the date of issue of this notice.
18. The Customs Broker is directed to appear for a personal hearing on the date and time as may be fixed, and to produce evidence/documents, if any, in its defence, before the Inquiry Officer, **Shri Rakesh Thakur, Assistant Commissioner, Export, NCH, Mumbai, Zone-I** who shall conduct the inquiry under Regulation 17 of the CBLR, 2018. If no reply is received within the stipulated period, it will be presumed that the Customs Broker has no explanation to offer and does not wish to be heard in person, and the matter will be decided on the facts available on record.
19. This notice is issued without prejudice to any other action that may be taken against the CB, or any other person(s)/firm(s), under the provisions of the Customs Act, 1962, and the rules/regulations framed thereunder, or under any other law for the time being in force.

The documents/records relied upon are as under:

- i. Order-in-Original No. 343/2026-27/ADC/CEAC/NS-II/CAC/JNCH dated 20.07.2026 passed by the Additional Commissioner of Customs, CEAC, NS-II, JNCH.


5.10.26

(Ajay Kumar Pandey)
Principal Commissioner of Customs (General)
CBS, New Custom House, Mumbai Zone-I

To,
M/s. Impress India Supply Chain Management Pvt. Ltd. (CB No. 11/2148)
Office No. 104, 1st Floor, Rangoli Apartment,
Next to Sahar Air Cargo Complex, Sahar Road,
Andheri (East), Mumbai – 400099.

Copy to:
The Inquiry Officer appointed to conduct inquiry into the case under
Regulation 17 of the CBLR, 2018.

Order-in-Original No.: 343/2026-27/ADC/CEAC/NS-II/CAC/JNCH**issued to M/s. Impress India Supply Chain Management Pvt.****cbsec.nch** < cbsec.nch@gov.in >**Ltd.-reg.****CEAC JNCH** < ceac.jnch@gov.in >

Thu, 23 Jul 2026 6:41:08 PM +0530

To "SIIB(X) JNCH"<siibx.jnch@gov.in>,"Crac.jnch Crac.jnch"
<crac.jnch@gov.in>,"Centralized Cell JNCH"<ccrc-jnch@gov.in>,"Drawback Jnch"
<drawback.jnch@gov.in>,"CAC JNCH"<jnch.cac@gov.in>,"commr ns2"
<commr.ns2@gov.in>,"EDI SECTION"<edi.jc@gov.in>,"CHS JNCH"<chs-
jnch@gov.in>,"Customs Broker Section"<cbsec.nch@gov.in>

Sir/Madam,

Please find attached herewith a copy of the captioned Order-in-Original No.:
343/2026-27/ADC/CEAC/NS-II/CAC/JNCH issued to M/s. Impress India Supply
Chain Management Pvt. Ltd. for information/further necessary action.

CEAC, JNCH

1 Attachment(s)

OIO-Impress.pdf

480.7 KB



सीमाशुल्क आयुक्त का कार्यालय, एनएस-II
OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II
केंद्रीकृत निर्यात आकलन कक्ष, जवाहरलाल नेहरू सीमाशुल्क भवन
CENTRALIZED EXPORT ASSESSMENT CELL, JAWAHARLAL
NEHRU CUSTOM HOUSE,
न्हावा शेवा, तालुका -उरण, जिला- रायगढ़, महाराष्ट्र -400707
NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD,
MAHARASHTRA-400707

फ़ा.सं. /F. No.: CUS/ASS/MISC/828/2026-CEAC

Date of

Order: **20.07.2026**

द.प.सं./DIN: 20260788NT00007A3B0F

Date of

Issue: **20.07.2026**

जारीकर्ता/Passed By: सुश्री ज्योति अग्रवाल/Ms. Jyoti Agarwal
Additional Commissioner of Customs,
CEAC, NS-II, JNCH, Nhava Sheva.

मूल आदेश सं./Order-In-Original No.:
Order-In-Original No. 343/2026-27/ADC/CEAC/NS-II/CAC/JNCH

निर्यातक का नाम/Exporter's Name: M/s. Impress India Supply Chain Management Pvt. Ltd.,
 Customs Broker

मूल आदेश

- यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निः शुल्क दी जाती है।
- इस आदेश के विरुद्ध अपील सीमाशुल्क अधिनियम 1962 की धारा 128 (1) के तहत इस आदेश की संसूचना की तारीख से साठ दिनों के भीतर सीमाशुल्क आयुक्त (अपील), जवाहरलाल नेहरू सीमाशुल्क भवन, शेवा, ता. उरण, जिला – रायगढ़ – ४०० ७०७, महाराष्ट्र को की जा सकती है। अपील दो प्रतियों में होनी चाहिए और सीमाशुल्क (अपील) नियमावली, 1982 के अनुसार फॉर्म सी.ए.-1 संलग्नक में की जानी चाहिए। अपील पर न्यायालय फीस के रूप में 1.50 रुपये मात्र का स्टॉप लगाया जायेगा और साथ में यह आदेश या इसकी एक प्रति लगायी जायेगी। यदि इस आदेश की प्रति संलग्न की जाती है तो इस पर न्यायालय फीस के रूप में 1.50 रुपये का स्टॉप भी लगाया जायेगा जैसा कि न्यायालय फीस अधिनियम 1870 की अनुसूची 1, मद 6 के अंतर्गत निर्धारित किया गया है
- इस निर्णय या आदेश के विरुद्ध अपील करने वाला व्यक्ति अपील अनिर्णीत रहने तक, शुल्क या शास्ति के संबंध में विवाद होने पर माँगे गये शुल्क के 7.5% का, अथवा केवल शास्ति के संबंध में विवाद होने पर शास्ति का भुगतान करेगा।

ORDER-IN-ORIGINAL

- This copy is granted free of charge for the use of the person to whom it is issued.

2. An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, Nhava Sheva, Tal: Uran, Dist.: Raigad, Maharashtra – 400707 under section 128(1) of the Customs Act, 1962 within sixty days from the date of communication of this order. The appeal should be in duplicate and should be filed in Form CA-1 Annexure on the Customs (Appeal) Rules, 1982. The Appeal should bear a Court Fee stamp of Rs.1.50 only and should be accompanied by this order or a copy thereof. If a copy of this order is enclosed, it should also bear a Court Fee Stamp of Rs. 1.50 only as prescribed under Schedule 1, item 6 of the Court Fee Act, 1970.

3. Any person desirous of appealing against this decision or order shall, pending the appeal, make payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.

BRIEF FACTS OF THE CASE

1.1 During inspection of the open bonded area of M/s Kerry Indev Logistics Pvt. Ltd. (CFS Code: NSA1U003) by the Bond Section, Jawaharlal Nehru Custom House (JNCH), wherein bonded warehouse operations were suspended, certain goods purportedly meant for export were found lying in the bonded area.

1.2 The export cargo was verified with the records and documents furnished by the warehouse keeper and the particulars thereof were cross-verified with the data available in the ICES system. Scrutiny of the records revealed that, in respect of certain Shipping Bills, the gate-in of cargo had taken place prior to filing of the corresponding Shipping Bills in ICES. Further, in certain cases, dummy/non-existent Shipping Bill numbers were found to have been used for gate-in of export cargo, without corresponding entries traceable in ICEGATE/ICES.

1.3 The Bond Section observed, inter alia, that:

- (i) the carting gate-in had taken place prior to the filing of the corresponding Shipping Bill;
- (ii) gate-in particulars for certain consignments were not produced by the warehouse keeper during inspection; and

(iii) Several gate-in register entries pertained to Shipping Bills not traceable in ICEGATE/ICES and therefore appeared to be dummy or non-existent Shipping Bills.

1.4 Since the matter related to export cargo and involved possible violations of the Customs Act, 1962, the same was referred to SIIB (Export), JNCH for detailed investigation.

2. SCOPE OF INVESTIGATION

2.1 The Bond Section report covered multiple exporters operating through M/s Kerry Indev Logistics Pvt. Ltd. (NSA1U003). However, the scope of the present investigation is confined to the following exporters and Shipping Bills:

(i) M/s Shri Shyam Ji Khadya Bhandhar – Shipping Bill No. 6960188 dated 02.01.2025;

(ii) M/s Farmart Services Pvt. Ltd. – Shipping Bill Nos. 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024; and

(iii) M/s Nutrich Foods Pvt. Ltd. – Shipping Bill No. 6294284 dated 09.12.2024.

2.2 The details of the subject Shipping Bills are tabulated below:

Table-I

Sr No	SB No. & date	Pkgs in Bonded area	Description of goods	Exporter Name	FOB value (in Rs.)	Container No
1.	6960188 dated 02.01.2025	3000	Indian Non-Basmati Rice	Shri Shyam Ji Khandya Bhandhar	3153814.34	SKIU2012820
2.	5928093 dated 26.11.2024	200	Indian Parboiled Rice	Farmart Services Pvt Limited	1272161	SKIU2012121
3.	3726981 dated 03.09.2024	490	Indian Long Parboiled Rice	Farmart Services Pvt	712580	BSVU2607716

	4			Limited		
4.	6294284 dated 09.12.202 4	387	Yellow Maize	Nutrich Foods Private Limited	504505	BSVU261506 0

3. INVESTIGATION BY SIIB (EXPORT)

3.1 Pursuant to the referral received from the Bond Section, SIIB (Export), JNCH undertook detailed investigation into the matter.

3.2 The goods covered under the subject Shipping Bills were subjected to 100% examination under various Panchanamas drawn in the presence of independent pancha witnesses, representatives of the exporters and representatives of the Customs Broker.

3.3 The details of the examination proceedings are as under:

Table-II

Sr. No.	SB No. & date	Description of goods	Exporter Name	Quantity	Gate Date	in Panchanam a
1	6960188 dated 02.01.202 5	Indian Non-Basmati Rice	Shri Shyam Ji Khandya Bhandhar	26,925 Kgs (1487 Pkgs)	26.12.202 4	07.03.2025
2	5928093 dated 26.11.202 4	Indian Parboiled Rice	Farmart Services Pvt Limited	5405 Kgs (217 Pkgs)	25.11.2024	07.03.2025
3	3726981 dated 03.09.202 4	Indian Long Parboiled Rice	Farmart Services Pvt Limited	24,610 Kgs (490 Pkgs)	10.05.2024 , 11.05.2024 , 18.05.2024 ,	05.03.2025

					19.05.2024	
4	6294284 dated 09.12.202 4	Yellow Maize	Nutrich Foods Private Limited	22490 Kgs (387 Bags)	31.12.2024	05.03.2025

4. EXAMINATION OF GOODS

4.1 During examination, it is found that the consignments had remained stored in the open bonded area of the CFS

4.1 Shipping Bill No. 6960188 dated 02.01.2025

Exporter: M/s Shri Shyam Ji Khadya Bhandhar

4.1.1 During 100% examination, the container was de-stuffed and the cargo was physically verified.

4.1.2 The goods were found to be Indian Non-Basmati Rice (Sona Masoori Rice) weighing 26,925 Kgs and packed in 1,487 bags.

4.1.3 The goods were found to be similar in nature. However, the packages were not properly marked.

4.1.4 Scrutiny of the relevant export documents revealed that the goods had not been registered with the concerned authority prior to export.

4.2 Shipping Bill No. 3726981 dated 03.09.2024 –

Exporter : M/s Farmart Services Pvt. Ltd.

4.2.1 During examination, the container was de-stuffed and the cargo was physically verified.

4.2.2 The goods were found to be Indian Long Grain Parboiled Rice (5% Broken), weighing 24,610 Kgs and packed in 490 packages.

4.2.3 The packages were not properly marked.

4.2.4 Out of the total packages, 79 packages were found damaged, resulting in spillage of rice inside the container.

4.2.5 Scrutiny of documents revealed that the goods had not been registered with the concerned authority prior to export.

4.3 Shipping Bill No. 5928093 dated 26.11.2024

Exporter: M/s Farmart Services Pvt. Ltd.

4.3.1 During examination, the goods were found to be Indian Parboiled Rice weighing 5,405 Kgs packed in 217 bags.

4.3.2 Five bags were found damaged.

4.3.3 The packages were not properly marked and the goods were found not registered prior to export.

4.4 Shipping Bill No. 6294284 dated 09.12.2024

Exporter: M/s Nutrich Foods Pvt. Ltd.

4.4.1 The goods were found to be Yellow Maize packed in 387 polypropylene bags.

4.4.2 The bags bore markings relating to commodities other than Yellow Maize.

4.4.3 Several bags were found damaged.

4.4.4 The packages were not properly marked.

4.5 Combined Findings

4.5.1 It is found that the consignments covered under above mentioned S/Bs had remained stored in the open bonded area of the CFS.

4.5.2 Examination revealed substantial discrepancies in the quantity and number of packages vis-à-vis the particulars available with the Bond Section and those declared in the Shipping Bills.

4.5.3 The goods were improperly marked and several packages were found damaged.

4.5.3 The consignments had remained stored for prolonged periods and showed signs of deterioration.

5. SEIZURE

5.1 On reasonable belief that the goods were liable to confiscation under the provisions of the Customs Act, 1962, the goods covered under the subject Shipping Bills were seized vide Seizure Memos bearing DIN Nos. 20250378NT000000E16E, 20250378NT0000999FF8, 20250378NT000000D0E9 and 20250378NT0000116841, all dated 25.03.2025.

6. ORDER-IN-ORIGINAL PASSED BY BOND SECTION

6.1 The Import Bond Section, JNCH has already adjudicated the warehousing-related violations of M/s Kerry Indev Logistics Pvt. Ltd. vide OIO No. 77/2025-26 dated 03.06.2025.

6.2 The said order records violation of Regulation 6(1)(g) of HCCAR, 2009 and notes that export cargo had entered the customs area without valid Shipping Bills.

6.3 The adjudication was confined to warehousing and custodianship issues and specifically left open action under the Customs Act, 1962 in respect of the goods and persons involved.

7. PROVISIONAL RELEASE

7.1 During the course of investigation, all the exporters requested provisional release of the seized goods for Back to Town (BTT) vide letters dated 03.04.2025. Investigation further revealed that the Shipping Bills in respect of all the subject consignments had been filed through the same Customs Broker, **M/s. Impress India Supply Chain Management Pvt. Ltd.**

7.2 The requests were considered by the competent authority and accepted in terms of Board Circular No. 01/2011-Cus dated 04.01.2011 read with Circular No. 30/2013-Cus dated 05.08.2013.

7.3 Accordingly, the goods were provisionally released for Back to Town subject to prescribed conditions.

8. ADDITIONAL CONTAINERS REFERRED BY BOND SECTION

8.1 Subsequently, SIIB (Export), JNCH received e-mails dated 16.05.2025 and 02.06.2025 from the Bond Section informing that two additional containers bearing Nos. SKIU2012651 and SKIU2012224, pertaining to Shipping Bill No. 6960188 dated 02.01.2025 and Shipping Bill No. 5928093 dated 26.11.2024 respectively, had inadvertently remained omitted from the earlier communication and were required to be investigated.

8.2 It was further informed that no examination of the said containers had been conducted during the earlier proceedings undertaken by SIIB (Export).

8.3 Accordingly, 100% examination of the said containers was conducted on 15.07.2025 under Panchanama in the presence of independent pancha witnesses and concerned representatives.

8.4 The examination revealed substantial discrepancies between the quantities declared in the Shipping Bills and the quantities physically available in the containers, as detailed below:

Table- III

Shipping Bill No.	Exporter Name	Container No.	Declared Quantity as per SB.	Quantity Found during examination.
6960188 dated 02.01.2025	M/s. Shri Shyam Ji Khandya Bhandhar	SKIU201265 1	9000 Bags	1500 Bags
5928093 dated 26.11.2024	M/s. Farmart Services Pvt Limited	SKIU201222 4	10600 Bags	261 Bags

8.5 subsequently, the exporters namely M/s. Farmart Services Pvt Limited and M/s. Shri Shyam Ji Khandya Bhandhar requested provisional release of the seized goods (additionally 2 container SKIU2012651, SKIU2012224) for Back to Town(BTT) vide letters dated 17.07.2025.

8.6 The requests were considered by the competent authority and accepted in terms of Board Circular No. 01/2011-Cus dated 04.01.2011 read with Circular No. 30/2013-Cus dated 05.08.2013.

8.7 Accordingly, the goods were provisionally released for Back to Town subject to prescribed conditions.

9. STATEMENTS RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962

9.1 Statement of Customs Broker

9.1.1 Further, in order to record the statement of the exporter, summons CBIC –DIN-20250378NT0000419244 dated 20.03.2025, was issued to CHA M/s. Impress India Supply Chain Management Pvt. Ltd.

In pursuance thereof, the statement of Shri Santosh Ramchandra Mohite, G-card holder, authorised representative of M/s. Impress India Supply Chain Management Pvt. Ltd, was recorded under Section 108 of the Customs Act, 1962 on 20.03.2025 wherein he, inter alia, stated that:

- i) On being asked to give his introduction and how he was related to M/s. Farmart Services Private Limited (IEC: AACCF7560M), M/s. Shri Shyam Ji Khadya Bhandhar and M/s. Nutrich Foods Private Limited, and what sort of work he did, he replied that his name was Santosh Ramchandra Mohite, G-Card holder of M/s. Impress India Supply Chain Management Pvt. Ltd., and that he handled both import and export clearance-related work of the firms at JNCH.
- ii) On being asked since when he had been working with the said firms, he replied that he had been working with M/s. Farmart Services Private Limited, M/s. Shri Shyam Ji Khadya Bhandhar and M/s. Nutrich Foods Private Limited for the last 02 years, and that he handled both import and export clearance-related work of the firms at JNCH.
- iii) On being asked whether he knew why he had been called, he replied that he was aware that he had been called in order to assist in the ongoing investigation with respect to Shipping Bill No. 3726981 dated 03.09.2024, 5928093 dated 26.11.2024, 6960188 dated 02.01.2025 and 6294284 dated 09.12.2024 in the open bonded area at Kerry Indev Logistics CFS.
- iv) On being asked whether the shipping bills mentioned in the previous reply were filed by him on behalf of the exporters, he stated that yes, all the four shipping bills were filed by their Customs Broker on behalf of the exporters.
- v) On being asked about the standard procedure followed by his CB during customs clearance after filing of the shipping bill, he replied that after filing of the shipping bill, the exporter sent the cargo to the CFS as per the packing list and invoice of the shipping bill. Thereafter, they carted the goods into the CFS and

then registered the shipping bill in the respective CFS. After that, the goods were examined or inspected by Customs officers as per the examination order given in the system. Once examination or inspection of the cargo is done, the shipping bill is given LEO by the Customs officer. After that, they stuff the goods into container and seal them with Customs bottle seals, and CLP is generated thereafter. After completion of all due processes, the goods are forwarded to the port by the CFS, where the container is loaded onto the scheduled vessel.

vi) On being asked that if that was the procedure, then when the cargo covered under Shipping Bill No. 3726981 dated 03.09.2024, 5928093 dated 26.11.2024, 6960188 dated 02.01.2025 and 6294284 dated 09.12.2024 was gated-in, he replied that Shipping Bill No. 3726981 dated 03.09.2024 was gated-in on 10.05.2024, Shipping Bill No. 5928093 dated 26.11.2024 was gated-in on 25.11.2024, Shipping Bill No. 6960188 dated 02.01.2025 was gated-in on 26.12.2024 and Shipping Bill No. 6294284 dated 09.12.2024 was gated-in on 31.12.2024.

vii) On being asked that according to the reply above, the cargo covered under Shipping Bill No. 3726981 dated 03.09.2024 was gated-in on 10.05.2024, Shipping Bill No. 5928093 dated 26.11.2024 was gated-in on 25.11.2024, Shipping Bill No. 6960188 dated 02.01.2025 was gated-in on 26.12.2024 and Shipping Bill No. 6294284 dated 09.12.2024 was gated-in on 31.12.2024, but in the previous answer at sr.no. V he had stated that the goods were gated-in only after filing of the shipping bills, whereas in these shipping bills the cargo was gated-in prior to filing of the shipping bills, and whether he could explain the reason for the same and also why the above-mentioned shipping bill was filed after a long span of 04 months, he replied that generally the procedure mentioned by him in answer at sr.no.V was followed by their CB. However, sometimes the goods arrived before filing of the shipping bills, especially in the case of

agricultural commodities. Agricultural commodities are perishable in nature; therefore, many times exporters sent the cargo directly to the CFS after procurement from farmers and also to avoid loss of grains due to repeated loading and unloading of agricultural commodities. Thereafter, they filed dummy shipping bill numbers with the CFS to get the cargo gated-in, as the invoices were not finalized. Once their consignee finalized the invoice, they filed the shipping bills in order to avoid extra transport and private warehouse charges incurred by the exporter and to let the cargo go inside the CFS. However, there was no mala fide intention involved at their end, and they were only trying to save the exporter from extra charges incurred during private warehousing by letting the goods be carted inside the CFS. Further, in respect of Shipping Bill No. 3726981 dated 03.09.2024, which was gated-in on 10.05.2024, he stated that the order had been cancelled from the buyer's side and finally they had to take the goods for BTT.

viii) On being asked that if they had filed dummy shipping bills as the invoices were not finalized, then why they did not wait for finalization of the invoices and file the shipping bills before gating-in the goods into the CFS, and also who had advised them to file dummy shipping bills and whether the respective exporters were aware of the filing of dummy shipping bills by him on their behalf, he replied that the trade of agricultural commodities was very volatile, wherein orders were frequently given and cancelled; therefore, it was very difficult to finalize invoices. He further explained that due to the perishable nature of the goods and to avoid loss caused by repeated loading and unloading of the cargo, the exporters brought the goods directly from the farms to the CFS. He further stated that there was no mala fide intention involved at their end and that they had filed the shipping bills on the instructions of the exporters, who were also aware of the said fact.

ix) On being asked whether he had followed the practice of letting cargo enter on the basis of dummy shipping bill numbers in the past, he replied that this was not the regular procedure followed by them. However, in the past, due to non-finalization of invoices from their consignee's end, they had gated-in shipments on the basis of dummy shipping bills. At that point, he could not recall the exact instances, but stated that they would update the same later.

x) On being asked to justify the fact that some packages of the goods covered under Shipping Bill No. 3726981 dated 03.09.2024, 5928093 dated 26.11.2024 and 6294284 dated 09.12.2024 were found damaged during examination, he replied that the goods covered under the said shipping bills had been stored in the CFS for a long period and that the goods, i.e., rice and maize, were perishable in nature. Due to such prolonged storage of perishable commodities without proper facilities, the same got damaged. Further, since the goods had come from another State which was far away, re-transportation to the original place from where they had been brought to the CFS was very expensive; hence, the goods were kept in the CFS itself.

xi) On being asked to explain the reason that Shipping Bill No. 3726981 dated 03.09.2024 declared 5229 packages, whereas during examination only 490 packages were found; Shipping Bill No. 5928093 dated 26.11.2024 declared 10600 packages, whereas during examination only 217 packages were found; and Shipping Bill No. 6960188 dated 02.01.2025 declared 9000 packages, whereas during examination only 387 packages were found, he replied that the export of agricultural commodities was voluminous and that the cargo covered under one shipping bill arrived in 9–10 trucks. Therefore, many times it took 8–10 days to bring the whole cargo covered under one shipping bill into the CFS, and sometimes even more time if a truck broke down on the way. In the present shipping bills, they had not received the full

cargo and had received only part cargo against Shipping Bill No. 5928093 dated 26.11.2024, 6960188 dated 02.01.2025 and 6294284 dated 09.12.2024. Further, in respect of Shipping Bill No. 3726981 dated 03.09.2024, they had obtained permission for BTT and more than half of the cargo had been sent for BTT, but due to non-arrangement of transportation they could not remove the remaining cargo and were trying to remove the same at the earliest.

xii) On being asked whether the CFS allowed them to bring and cart part cargo, as he had stated that they had received only part cargo against the said shipping bills, he replied that yes, the CFS allowed them to bring part cargo into the CFS, but receipt was given only when the whole cargo was gated-in into the CFS.

xiii) On being asked to explain the procedure followed to cart part cargo once the goods were gated-in, he stated that once the goods were gated-in, they asked the CFS surveyor to allot a place to cart their goods. Once the goods were carted, the surveyor tallied the goods, and if he found that the goods carted were as per the shipping bill, then he gave receiving for the same. Thereafter, they registered the goods, after which the goods were examined and when everything was found in order, the officer gave the examination report of the cargo and thereafter LEO of the goods. Once LEO was granted, they took permission for stuffing the goods, after which CLP was generated. Thereafter, the container was sealed and then they applied for Form-13.

xiv) On being asked whether he was aware that the goods covered under Shipping Bill No. 3726981 dated 03.09.2024, 5928093 dated 26.11.2024, 6960188 dated 02.01.2025 and 6294284 dated 09.12.2024 were kept in the bonded area, he replied that the goods covered under the above-mentioned shipping bills were kept by the CFS and that they were not aware about the location of the goods, as it was the sole responsibility of the CFS officials. He further stated that the designated open bonded area had not been

properly fenced or segregated by the CFS and that there was no difference between the open yard and the open bonded area.

xv) On being asked whether keeping the goods covered under Shipping Bill No. 3726981 dated 03.09.2024, 5928093 dated 26.11.2024, 6960188 dated 02.01.2025 and 6294284 dated 09.12.2024 in the bonded area was the mistake of the CFS, he replied that yes, it was the mistake of the CFS and that they had no knowledge that the containers were kept in the bonded area.

xvi) On being asked whether he had asked the CFS supervisor the reason for keeping the containers in the open bonded area, he replied that it was a regular practice of the CFS to keep the goods in that area and since there was no marking on the place, they did not know that the area was an open bonded area.

xvii) On being asked whether he had anything more to say regarding the case apart from the submissions made above, he replied that he had already stated the facts above and that they were genuine traders who followed all rules and regulations. He further stated that they would co-operate with the Customs authorities in the investigation. He stated that he had nothing more to say and only wanted to request the office to release the goods provisionally at the earliest so that they could export the goods; otherwise, the same would get damaged with the passage of time.

9.1.2 Further, Vide email dated 10.06.2026, the Customs Broker was asked to furnish documentary evidence in support of its statement recorded on 20.03.2025 under Section 108 of the Customs Act, 1962, wherein it had stated that the exporters were aware that the subject goods had entered the CFS on the basis of dummy Shipping Bills.

In response, vide email dated 10.06.2026, the Customs Broker submitted that the exporters were not aware of the entry of goods into the CFS on the basis of dummy Shipping Bills. The Customs Broker further admitted that the dummy Shipping Bills were utilized solely at

its own instance, without any consent or knowledge of the exporters. It was also stated that the exporters came to know about the existence of the dummy Shipping Bills only after the consignments were put on hold by Customs authorities and were informed verbally thereafter.

9.2 Statement of CFS Kerry Indev Logistics Pvt. Ltd.

CFS Licensee (Kerry Indev Logistics Pvt. Ltd.; NSA1U003) Summons under Section 108 of the Customs Act, 1962 were issued to the CFS. Statements of the authorised representative were recorded on 10.06.2025 and 24.07.2025 in the office of SIIB (X), JNCH. In his statements, he, inter alia, stated that—

(i) With regard to export cargo being carted into the open bonded area, he stated that due to pavement work the fencing of the open bonded area had been dismantled, and during this period export cargo was inadvertently carted inside the bonded area.

(ii) On being asked about use of dummy or non-existent Shipping Bill numbers for gate-in, he stated that security staff had been instructed to check Shipping Bills on ICEGATE before gate-in. Due to a system issue the online check could not be done and the cargo was admitted on the basis of the copy provided by the Customs Broker. He added that due to heavy workload the online verification was not completed even after the system became operational.

(iii) On being asked to describe the step-wise process followed for export cargo, he stated that once cargo reaches the CFS, the Customs Broker produces the checklist, invoice and manual cargo gate pass; security at the gate checks the checklist and vehicle number and allows gate-in; the surveyor then checks the vehicle number with the gate pass, carts the cargo, does the physical count, issues the vehicle out-gate pass and places a stack card showing Shipping Bill number, package count, gross weight, account holder name and remarks.

(iv) On being asked why the referred cargo was kept in a container and whether carting took place in the container, he stated that the cargo arrived by truck and, due to lack of space, carting was carried out in a domestic container.

(v) On being asked about the procedure for changing the Shipping Bill after gate-in, he stated that any change is made only after receipt of written permission from the Superintendent of Export Dock.

(vi) On being asked whether they were aware that export goods kept in a domestic container were carted in the open bonded area, he stated that the team was not aware that the area being used was part of the bonded area, since fencing had been removed during pavement work, and that carting inside the bond occurred inadvertently.

(vii) On being asked why the surveyor carting stamp was not available on the Shipping Bill copy, he stated that the surveyor stamps only when full cargo for a Shipping Bill is received. In this case only part cargo had been received.

(viii) On being asked why it should not be concluded that there was collusion or wilful negligence by CFS staff, he stated that there was no collusion. He acknowledged procedural lapses and lack of stringent verification and assured full cooperation, including production of all relevant records and documents.

(ix) On being asked whether there is an internal Standard Operating Procedure for situations where ICEGATE verification is not possible, he stated that there is no documented SOP specifically for system downtime or inability to verify Shipping Bills at gate-in; operational staff relied on physical documents submitted by Customs Brokers.

(x) On being reminded of Regulation 6(1)(g) of the Handling of Cargo in Customs Areas Regulations, 2009, which requires the custodian not to

permit entry of export cargo into the customs area without filing of a Shipping Bill or Bill of Export, he acknowledged that due diligence was not exercised at the operational level and described this as a procedural lapse for which the CFS accepts responsibility.

9.3 Statement of M/s Farmart Services Pvt. Ltd.

Further, in order to record the statement of the exporter, summons CBIC-DIN-20260578NT000000C687 dated 14.05.2026 was issued to M/s. Farmart Service Pvt Ltd. In pursuance thereof, the statement of Shri Chetan Murji Gajra, authorised representative of M/s. Farmart Service Pvt Ltd, was recorded under Section 108 of the Customs Act, 1962 on 18.05.2026 wherein he, inter alia, stated that:

i) On being asked to introduce himself and explain his association with M/s. Farmart Service Pvt. Ltd., as well as to state the profile and business activities of the firm, his role in the company, and the nature of work handled by him, he stated that he was working as an Export Executive with M/s. Farmart Service Pvt. Ltd. The firm was engaged in export-related business activities. His role in the company was to handle and manage export operations, including preparation of invoices and checklists, coordination with the CHA, obtaining phytosanitary certificates, and handling other logistics-related work pertaining to export consignments.

ii) On being asked about the commodity primarily exported by the firm, he stated that the firm primarily exported rice and, on certain occasions, also exported maize.

iii) On being asked about the countries to which the firm primarily exported, he stated that the firm primarily exported to East African countries, including Djibouti, Mombasa, and Dar es Salaam.

iv) On being asked whether he knew why he had been called, he stated that he had been called to assist in the ongoing investigation with respect to Shipping Bill No. 3726981 dated 03.09.2024 and Shipping Bill No. 5928093 dated 26.11.2024 in the open bonded area at Kerry Indev Logistics CFS, JNCH.

v) On being asked whether he had filed Shipping Bill No. 3726981 dated 03.09.2024 and Shipping Bill No. 5928093 dated 26.11.2024, he stated that the said Shipping Bills had been filed by them.

vi) On being asked when the cargo covered under Shipping Bill No. 3726981 dated 03.09.2024 and Shipping Bill No. 5928093 dated 26.11.2024 had been gated-in, he stated that he was not aware of the gate-in details of the said Shipping Bills, as the same had been handled by the Customs House Agent (CHA).

vii) On being asked who the CHA handling the export consignment covered under Shipping Bill No. 3726981 dated 03.09.2024 and Shipping Bill No. 5928093 dated 26.11.2024 was, and whether he had coordinated with them regarding the shipment, he stated that the export consignment had been handled by the appointed CHA, M/s. Impress India Supply Chain Management Pvt. Ltd. He further stated that he had coordinated with the CHA in relation to export documentation and shipment processing; however, the gate-in and cargo movement formalities had been handled by the CHA.

viii) On being asked whether he was aware of cargo being allowed gate-in on the basis of dummy Shipping Bill numbers, he stated that he was not aware of any cargo being allowed gate-in on the basis of dummy Shipping Bills. As far as his knowledge was concerned, the export documentation had been processed through the appointed CHA.

ix) On being informed that the CHA, in his statement, had stated that he was aware of the dummy Shipping Bills filed by the CHA and being asked to comment in this regard, he denied the said allegation and

stated that he was not aware that any dummy or non-existent Shipping Bill had been filed by the CHA. He further stated that he had only been coordinating with the CHA in relation to export documentation and routine shipment processing.

x) On being asked that if he was not aware of the dummy or non-existent Shipping Bills, then how the CHA could file and process such Shipping Bills and handle the cargo movement without his knowledge or permission, he stated that he had provided the CHA with the necessary export documents for processing the shipment. He further stated that the filing and operational handling in the Customs system had been carried out by the CHA and that he was not aware that any dummy or non-existent Shipping Bill had been filed or used during the process.

xi) On being asked to explain the reason for the discrepancy between the declared quantity and the physically available quantity, wherein Shipping Bill No. 5928093 dated 26.11.2024 declared a quantity of 10,600 bags/packages whereas only 217 packages were found during examination, and Shipping Bill No. 3726981 dated 03.09.2024 declared a quantity of 5,229 bags/packages whereas only 490 packages were found during examination, he stated that the discrepancy in quantity had occurred because the goods were intended to be gated-in in multiple containers in phases. He further stated that, in the present case, only a part of the total quantity had initially been gated-in, while the remaining goods were planned to be brought in for gate-in over the following days.

xii) On being asked whether he was aware that the export consignment was lying in the bonded area and when he became aware that the goods covered under the Shipping Bills were kept in the bonded area, he stated that he was not aware that the export consignment was lying in the bonded area, as the handling and movement of the cargo were being managed by the concerned CHA and logistics personnel. He further stated that after becoming aware of the action conducted by the

Customs authorities in the bonded area, he had made inquiries with the concerned CHA regarding the goods and the discrepancy.

xiii) On being asked whether he had anything more to say or add in the case apart from his submissions above, he stated that he had deposed his true and correct statement as per his best knowledge. Apart from this, he had nothing more to say. He further stated that he would co-operate with the ongoing investigation and appear for further submissions whenever called upon to do so.

9.4 Statement of M/s Nutrich Foods Pvt. Ltd.

Further, in order to record the statement of the exporter, summons was issued to M/s. Nutrich Foods Private Limited (3108017195). In pursuance thereof, the statement of Shri Suresh Dharamshi Bhanushali, authorised representative of M/s Nutrich Foods Private Limited (3108017195), was recorded under Section 108 of the Customs Act, 1962 on 19.05.2026 wherein he, inter alia, stated that:

- i. On being asked about his identity, designation and association with M/s Nutrich Foods Private Limited, Shri Suresh Dharamshi Bhanushali stated that he is working as an Export Executive in the said firm and is responsible for handling export operations including documentation, coordination with shipping lines, CHA and other logistics-related activities.
- ii. On being asked the purpose of his appearance before SIIB, he stated that he had been called to give his statement in respect of Shipping Bill No. 6294284 dated 09.12.2024 filed by M/s Nutrich Foods Private Limited.
- iii. On being asked whether the said Shipping Bill was filed by the exporter, he confirmed that Shipping Bill No. 6294284 dated 09.12.2024 had been filed by the firm.
- iv. On being asked about the CHA handling the export consignment, he stated that the consignment was handled by M/s Impress India Supply Chain Management Pvt. Ltd. and that he coordinated with the CHA regarding export documentation and shipment

processing, while gate-in and cargo movement formalities were handled by the CHA.

- v. On being asked about the commodities generally exported by the firm, he stated that the firm exports rice, maize, etc.
- vi. On being asked about the procurement process, he stated that the goods were procured from various suppliers located in Nasik and other places.
- vii. On being asked about the source of procurement of the goods covered under the said Shipping Bill, he stated that the goods were procured from Nasik and that the relevant purchase invoices were not readily available but would be submitted within two days.
- viii. On being asked about the logistics and movement of the export goods from procurement stage till intended export, he stated that the goods were transported directly to the CFS and were not stored at any other place prior to export.
- ix. On being asked about the quantity of goods dispatched under the said Shipping Bill, he stated that the entire cargo was dispatched directly to the CFS.
- x. On being asked about the gate-in details of the cargo covered under the said Shipping Bill, he stated that he was not aware of the gate-in details as the same were handled by the CHA.
- xi. On being confronted with the Gate-In Slip showing only 510 bags against the declared quantity of 1385 bags, he stated that the entire consignment had been entered into the CFS and that provisional release for BTT had been granted for the whole consignment comprising 1385 bags.
- xii. On being asked about the submission of different invoice numbers at the time of gate-in and non-availability of original documents, he stated that he was not aware of those facts.
- xiii. On being confronted with the discrepancy wherein only 387 packages were found physically present against the gate-in record of 510 bags/packages, he stated that the entire consignment had

been provisionally released for BTT and that he was not aware of the circumstances as customs formalities were handled by the CHA.

- xiv. On being asked whether he was aware that the export consignment was lying in the bonded area, he stated that he was not aware of the same as the handling and movement of the cargo were being managed by the concerned CHA and logistics personnel.
- xv. On being asked when he became aware that the goods covered under the Shipping Bill were lying in the bonded area, he stated that he came to know about the same only after the action conducted by Customs authorities and subsequent intimation by the CHA.
- xvi. On being asked whether he had anything further to state, he submitted that he had deposed true and correct facts to the best of his knowledge and assured full cooperation in the ongoing investigation.

9.5 Statement of M/s Shri Shyam Ji Khadya Bhandhar

Further, in order to record the statement of the exporter, summons was issued to M/s. Shri Shyam Ji Khandya Bhandhar (IEC- 0616908431). In pursuance thereof, the statement of Shri Himmat Narshi Bhanushali, authorised representative of M/s Shri Shyam Ji Khandya Bhandhar(IEC- 0616908431), was recorded under Section 108 of the Customs Act, 1962 on 18.05.2026 wherein he, inter alia, stated that:

- i. On being asked to introduce himself and explain his association with M/s. Shri Shyam Ji Khandya Bhandhar, as well as the profile and business activities of the firm, his role in the company and the nature of work handled by him, Shri Himmat Narshi Bhanushali stated that he is working as an Export Executive with M/s. Shri Shyam Ji Khandya Bhandhar. He stated that the firm is engaged in export-related business activities and his responsibilities include handling export operations, export

documentation, coordination with Customs authorities, shipping lines, CHA and other logistics-related activities pertaining to export consignments.

- ii. On being asked whether he was aware of the reason for which he had been summoned, Shri Himmat Narshi Bhanushali stated that he had been called to give his statement on behalf of M/s. Shri Shyam Ji Khandya Bhandhar in respect of Shipping Bill No. 6960188 dated 02.01.2025.
- iii. On being asked whether Shipping Bill No. 6960188 dated 02.01.2025 was filed by them, Shri Himmat Narshi Bhanushali stated that the said Shipping Bill had been filed by them.
- iv. On being asked about the gate-in details of the cargo covered under Shipping Bill No. 6960188 dated 02.01.2025, Shri Himmat Narshi Bhanushali stated that he was not aware of the gate-in details as the same was handled by the Customs House Agent (CHA).
- v. On being asked about the CHA handling the export consignment covered under Shipping Bill No. 6960188 dated 02.01.2025 and whether he had coordinated with them, Shri Himmat Narshi Bhanushali stated that the consignment was handled by M/s. Impress India Supply Chain Management Pvt. Ltd. and that he had coordinated with the CHA regarding export documentation and shipment processing. He further stated that gate-in and cargo movement formalities were handled by the CHA.
- vi. On being asked whether he was aware of cargo being allowed gate-in on the basis of dummy Shipping Bills, Shri Himmat Narshi Bhanushali stated that he was not aware of any cargo being allowed gate-in on the basis of dummy Shipping Bills and that, to the best of his knowledge, export documentation had been processed through the appointed CHA.
- vii. On being confronted with the statement of the CHA alleging that he was aware of the dummy Shipping Bill filed by the CHA, Shri Himmat Narshi Bhanushali denied the allegation and stated that

he was not aware that any dummy or non-existent Shipping Bill had been filed by the CHA. He further stated that he was only coordinating with the CHA in relation to export documentation and routine shipment processing.

- viii. On being asked that if he was not aware of the dummy or non-existent Shipping Bill, then how the CHA could file and process such Shipping Bill and handle the cargo movement without his knowledge or permission, Shri Himmat Narshi Bhanushali stated that he had provided the CHA with the necessary export documents for processing the shipment. He further stated that the filing and operational handling in the Customs system were carried out by the CHA and that he was not aware that any dummy or non-existent Shipping Bill had been filed or used during the process.
- ix. On being asked to explain the discrepancy wherein Shipping Bill No. 6960188 dated 02.01.2025 declared a quantity of 9000 bags/packages whereas only 2987 packages were found during examination, Shri Himmat Narshi Bhanushali stated that the discrepancy arose because the goods were intended to be gated-in in multiple containers in parts. He stated that only two containers had initially been gated-in and the remaining goods were proposed to be brought for gate-in over the subsequent days.
- x. On being asked how Let Export Order (LEO) was obtained/granted against Shipping Bill No. 6960188 dated 02.01.2025 declaring 9000 bags/packages when the full consignment was not available for examination and export, Shri Himmat Narshi Bhanushali stated that the goods were initially entered into the CFS on the basis of the said Shipping Bill. He further stated that the goods found in the CFS were not actually meant for export under the said Shipping Bill as the same had already been granted LEO and the corresponding goods had already been exported. He stated that a fresh Shipping Bill was proposed to be filed subsequently for the goods lying in the CFS. However, before filing a new

Shipping Bill, the goods were seized by Customs authorities and remained in the CFS premises. Thereafter, BTT permission was obtained from SIIB for taking back the goods to town.

- xi. On being asked whether he was aware that the export consignment was lying in the bonded area, Shri Himmat Narshi Bhanushali stated that he was not aware of the same as the handling and movement of the cargo were being managed by the concerned CHA and logistics personnel.
- xii. On being asked as to when he became aware that the goods covered under the Shipping Bill were lying in the bonded area, Shri Himmat Narshi Bhanushali stated that after becoming aware of the action conducted by Customs authorities in the bonded area, he made enquiries with the concerned CHA regarding the goods and the discrepancy noticed therein.
- xiii. On being asked whether he had anything further to state in the matter, Shri Himmat Narshi Bhanushali stated that he had deposed his true and correct statement to the best of his knowledge and had nothing further to add. He further stated that he would cooperate with the ongoing investigation and appear before the department whenever called upon to do so.

10. RELEVANT PROVISIONS OF LAW APPLICABLE IN THIS CASE: -

Section 50: Entry of goods for exportation. -

(1) The Exporter of any goods shall make entry thereof by presenting [electronically] [on the customs automated system] to the proper officer in the case of goods to be exported in a vessel or aircraft, a shipping bill, and in the case of goods to be exported by land, a bill of export [in such form and manner as may be prescribed];

Provided that the [Principal Commissioner of Customs or Commissioner of Customs] may, in cases where it is not feasible to make entry by presenting electronically [on the customs automated system], allow an entry to be presented in any other manner.]

(2) The Exporter of any goods, while presenting a shipping bill or bill of export, shall make and subscribe to a declaration as to the truth of its contents.

(3) The Exporter who presents a shipping bill or bill of export under this section shall ensure the following, namely: -

- (a) the accuracy and completeness of the information given therein;*
- (b) the authenticity and validity of any document supporting it; and*
- (c) Compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.*

Section 114AA. Penalty for use of false and incorrect material. —*If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods*

Foreign Trade (Development and Regulation) Act, 1992

Section 11:*(1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made there under and the foreign trade policy for the time being in force.*

Foreign Trade (Regulation) Rules, 1993

Rule 11: *On the importation into, or exportation out of, any customs ports of any goods, whether liable to duty or not, the owner of such goods shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962 (52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.*

Customs Brokers Licensing Regulations, 2018: *Obligations of Customs Broker. —A Customs Broker shall —*

(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;

(e) Exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage.

HCAAR, 2009 regulation 6.- “Responsibilities of Customs Cargo Service provider: (1) The Customs Cargo Service provider shall -

(e) demarcate separate areas for loading of export goods for their storage with respect to categories of exporters, nature of goods, examined and sealed containers or other criterion as the Commissioner of Customs may specify having regard to the custody and handling of export goods in a customs area;

(g) not permit any export cargo to enter the customs area without a shipping bill or a bill of export having been filed with the Deputy Commissioner or Assistant Commissioner of Customs;”

(q) abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.”

11. Whereas, from the investigation, the following facts emerge:

11.1 During the inspection of the open bonded area of M/s Kerry Indev Logistics Pvt. Ltd. (CFS Code: NSA1U003) conducted by the Bond Section, JNCH, following the suspension of bonded warehouse operations of the said CFS, it was, inter alia, observed that certain goods, purportedly meant for export, were lying in the bonded area.

11.2 The export cargo was verified with the records and documents furnished by the warehouse keeper and the particulars thereof were cross-verified with the data available in the ICES system. Scrutiny of the records revealed that, in respect of certain Shipping Bills, the gate-in of cargo had taken place prior to filing of the corresponding Shipping Bills in ICES. Further, in certain cases, dummy/non-existent Shipping Bill

numbers were found to have been used for gate-in of export cargo, without corresponding entries traceable in ICEGATE/ICES

11.3 That, the aforesaid discrepancies pertained to various SB including Shipping Bill No. 6960188 dated 02.01.2025 filed by M/s. Shri Shyam Ji Khadya Bhandhar, Shipping Bill Nos. 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024 filed by M/s. Farmart Services Pvt. Ltd. and Shipping Bill No. 6294284 dated 09.12.2024 filed by M/s. Nutrich Foods Pvt. Ltd., the details whereof were referred to SIIB (Export), JNCH for detailed investigation.

11.4 Therefore, the export-related violations were referred to SIIB (Export), JNCH for detailed investigation

11.5 The goods pertains to subject shipping bills were examination 100% under various Panchanama dated 05.03.2025 and 07.03.2025 in the presence of two independent panchas and representatives of the exporters and Customs Broker.

11.6 Furter, the said goods were seized vide Seizure Memos bearing DIN Nos. 20250378NT000000E16E, 20250378NT0000999FF8, 20250378NT000000D0E9 and 20250378NT0000116841, all dated 25.03.2025.

11.7 In the meantime, all the exporters vide their letter dated 03.04.2025 requested for provisional release of the goods for Back to Town. The said request was considered and accepted by the competent authority in terms of Board Circular No. 01/2011-Cus dated 04.01.2011 read with Circular No. 30/2013-Cus dated 05.08.2013. Accordingly, the goods covered under Shipping Bill No. 6960188 dated 02.01.2025, 5928093 dated 26.11.2024, 3726981 dated 03.09.2024 and 6294284 dated 09.12.2024 were allowed to be taken Back to Town on provisional release basis, subject to compliance with the prescribed conditions.

11.8 Thereafter, vide e-mails dated 16.05.2025 and 02.06.2025, the Bond Section informed that two additional containers bearing No. SKIU2012651 and SKIU2012224 pertaining to Shipping Bill No. 6960188 dated 02.01.2025 and Shipping Bill No. 5928093 dated

26.11.2024 respectively, had inadvertently remained omitted from the earlier communication and were required to be referred to SIIB (X) for necessary action. It was further informed that no examination of the said containers had been conducted during the earlier visit proceedings. Meanwhile, 100% examination of the said containers was conducted under panchanama dated 15.07.2025.

11.9 During the Statements recorded under Section 108 of the Customs Act, 1962 from representatives of the Customs Broker and the CFS, wherein they have stated that the cargo was permitted gate-in into the customs area without verification of valid Shipping Bills available in the Customs automated system at the relevant time. Such entry of export cargo into the customs area without a valid Shipping Bill is in contravention of Section 50 of the Customs Act, 1962, which mandates filing of a Shipping Bill before goods can be entered for export.

11.10 In view of the it is emerged that;-

(i) The Goods covered under Shipping Bill Nos. 6960188 dated 02.01.2025, 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024 had entered the customs area prior to filing of the respective Shipping Bills on the basis of dummy/non-existent Shipping Bill numbers.

(ii) The goods covered under shipping bill No. 6294284 dated 09.12.2024 in respect of exporter M/s. Nutrich Foods entered the customs area after filling the shipping bill.

11.11. Further, Customs Broker initially stated that the exporters were aware of the entry of goods into the CFS on the basis of dummy Shipping Bills, it subsequently admitted, vide email dated 10.06.2026, that the exporters were not aware of the entry of goods into the CFS on the basis of dummy Shipping Bills. The Customs Broker further admitted that the dummy Shipping Bills were utilized solely at its own instance, and failed to furnish any documentary evidence in support of its earlier claim. Thus, the investigation has not found any evidence to establish that the exporters were aware of the use of dummy Shipping Bills for entry of goods into the CFS.

11.12 Role of Customs Broker

11.12.1 From the investigation conducted and the evidence available on record, it appears that M/s Impress India Supply Chain Management Pvt. Ltd., Customs Broker, knowingly and wilfully facilitated the gate-in and movement of export cargo into the customs area on the basis of dummy/non-existent Shipping Bill numbers prior to filing of valid Shipping Bills. The authorised representative of the Customs Broker had, in his statement recorded under Section 108 of the Customs Act, 1962, admitted that dummy Shipping Bill numbers were used to enable gate-in of export cargo into the CFS. Such acts demonstrate a conscious disregard of the statutory provisions governing export procedures and a failure to exercise due diligence as mandated under Regulations 10(d) and 10(e) of the Customs Brokers Licensing Regulations, 2018.

11.12.2 Further, the investigation reveals that dummy/non-existent Shipping Bill particulars were intentionally and knowingly used for the purpose of permitting entry of export cargo into the customs area prior to filing of valid Shipping Bills. The deliberate use of such false and incorrect material particulars in customs transactions, with full knowledge that the Shipping Bill numbers were not genuine and were not available in the Customs automated system, indicates wilful contravention of the provisions of the Customs Act, 1962. The acts of using, causing to be used, and relying upon false or incorrect Shipping Bill particulars appear to have been undertaken with mala fide intent to circumvent the prescribed statutory procedure and facilitate unauthorised gate-in of export cargo. Therefore, M/s Impress India Supply Chain Management Pvt. Ltd. appears liable to penalty under Section 114AA of the Customs Act, 1962 for knowingly and intentionally using false and incorrect material particulars in the transaction of business under the Customs Act, 1962.

11.12.3 Accordingly, apart from penal action under Sections 114AA of the Customs Act, 1962, the conduct of M/s Impress India Supply Chain Management Pvt. Ltd. warrants examination by the Licensing

Authority for initiation of appropriate proceedings under the Customs Brokers Licensing Regulations, 2018.

11.13 Role of CFS / CCSP

11.13.1 Investigation has revealed that M/s Kerry Indev Logistics Pvt. Ltd., being the Customs Cargo Service Provider (CCSP) and custodian of the customs area, failed to discharge its statutory obligations prescribed under the Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR, 2009). The records and statements gathered during investigation establish that export cargo was allowed entry into the customs area without verification of valid Shipping Bills and without ensuring compliance with the prescribed Customs procedures. In their statements recorded under Section 108 of the Customs Act, 1962, admitted that cargo was admitted on the basis of documents furnished by the Customs Broker without verification through ICEGATE/ICES. They further admitted that adequate control and supervision over the customs area was not exercised and that lapses occurred in the maintenance and monitoring of the bonded area.

11.13.2 The investigation further revealed that the subject export cargo remained stored within the customs area for prolonged periods despite the absence of valid customs documentation at the time of entry. Had the prescribed verification procedures been followed diligently, the unauthorised gate-in of export cargo on the basis of dummy/non-existent Shipping Bill numbers could not have taken place. The failure of the CFS to verify the authenticity of Shipping Bills, maintain proper control over cargo movement and safeguard the integrity of the customs area directly facilitated the irregular entry and storage of export cargo, thereby compromising Customs control over goods meant for export.

11.13.3 Therefore, the acts and omissions of M/s Kerry Indev Logistics Pvt. Ltd. appear to constitute violations of Regulations 6(1)(e), 6(1)(g) and 6(1)(q) of HCCAR, 2009. The evidence on record indicates gross negligence and failure to exercise due diligence in the discharge of statutory responsibilities entrusted to a CFS Custodian. Accordingly, the matter is required to be referred to the competent authority/CCSP Cell

for initiation of appropriate action under the provisions of HCCAR, 2009 and other applicable provisions of law.

12. To summarize, as per the investigation it appears that:

12.1 Investigation has established that export cargo covered under Shipping Bill Nos. 6960188 dated 02.01.2025, 5928093 dated 26.11.2024, and 3726981 dated 03.09.2024 entered the customs area without valid Shipping Bills and on the basis of dummy/non-existent Shipping Bill numbers and were lying at open bonded area of CFS M/s Kerry Indev Logistics Pvt ltd.

12.2 M/s Impress India Supply Chain Management Pvt. Ltd. for violation of Section 50 of Customs Act 1962, appears liable to penalty under Section 114AA of the Customs Act, 1962 for the reasons detailed in aforementioned Paras.

12.3 Apart from penal action under Section 114AA of the Customs Act, 1962, the conduct of M/s Impress India Supply Chain Management Pvt. Ltd. warrants examination by the Licensing Authority for initiation of appropriate proceedings under the Customs Brokers Licensing Regulations, 2018.

12.4 The role of M/s Kerry Indev Logistics Pvt. Ltd. in the present matter was examined with reference to the provisions of the Handling of Cargo in Customs Areas Regulations (HCCAR), 2009. It is observed that the alleged irregularities pertaining to the CFS have already been examined and adjudicated by the competent authority vide **Order-in-Original No. 77/2025-26 dated 03.06.2025**, wherein appropriate penal action has been imposed upon the CFS. Since the same set of facts and violations have already been the subject matter of adjudication and penalty, no further action is considered warranted against the CFS in the present proceedings on the principle of avoiding duplication of penal action for the same offence.

13. Now, Customs Broker M/s Impress India Supply Chain Management Pvt. Ltd. are hereby called upon to Show Cause to the Additional Commissioner of Customs, CEAC, NS-II, JNCH, having office at Jawaharlal Custom House, Nhava Sheva, Tal-Uran, Dist-

Raigad, Maharashtra, within 30 days of receipt of this notice as to why:

- I. Penalty should not be imposed under section 114AA of the Customs Act, 1962 on M/s Impress India Supply Chain Management Pvt. Ltd. for violation of Section 50 of Customs Act 1962, and for the reasons detailed in aforementioned Paras.
- II. Apart from penal action under Section 114AA of the Customs Act, 1962, the conduct of M/s Impress India Supply Chain Management Pvt. Ltd. should not be examined by the Licensing Authority for initiation of appropriate proceedings against them under the Customs Brokers Licensing Regulations, 2018.

14. REQUEST FOR NON ISSUANCE OF SCN AND WAIVER OF P.H

The Noticee, through e-mail dated 30.06.2026 and letter dated 30.06.2026, has stated that the issuance of the Show Cause Notice and the grant of Personal Hearing be waived. The Noticee submitted that the facts of the case had already been informed to them by SIIB(X) and expressed their willingness to bear the consequences arising under the provisions of the Customs Act, 1962.

WRITTEN SUBMISSIONS OF THE EXPORTER

15. The Noticee, through e-mail dated 30.06.2026 and letter dated 30.06.2026, has stated that the issuance of the Show Cause Notice and the grant of Personal Hearing be waived. The Noticee submitted that the facts of the case had already been informed to them by SIIB(X) and expressed their willingness to bear the consequences arising under the provisions of the Customs Act, 1962. Apart from this the Noticee has not submitted any document as submission.

DISCUSSION AND FINDINGS

16. I have carefully gone through the records of the case, the Show Cause Notice, the relied upon documents, the statements recorded under Section 108 of the Customs Act, 1962, the written submissions

made by the Noticee, and all other materials available on record. I have also considered the request of the Noticee to waive the issuance of Show Cause Notice and the opportunity of personal hearing. The Noticee has submitted that the facts of the case had already been explained to them by SIIB (Export) and that they were willing to bear the consequences under the provisions of the Customs Act, 1962. Accordingly, I proceed to decide the matter on the basis of the records available.

17. I find that the following issues are required to be decided in the instant case:

- I. Penalty should not be imposed under section 114AA of the Customs Act, 1962 on M/s Impress India Supply Chain Management Pvt. Ltd. for violation of Section 50 of Customs Act 1962, and for the reasons detailed in aforementioned Paras.
- II. Apart from penal action under Section 114AA of the Customs Act, 1962, the conduct of M/s Impress India Supply Chain Management Pvt. Ltd. should not be examined by the Licensing Authority for initiation of appropriate proceedings against them under the Customs Brokers Licensing Regulations, 2018.

18. I have carefully gone through the records of the case, the Show Cause Notice, the relied upon documents, the statements recorded under Section 108 of the Customs Act, 1962, the written submissions made by the Noticee, and all other materials available on record. I have also considered the request of the Noticee to waive the issuance of Show Cause Notice and the opportunity of personal hearing. The Noticee has submitted that the facts of the case had already been explained to them by SIIB (Export) and that they were willing to bear the consequences under the provisions of the Customs Act, 1962. Accordingly, I proceed to decide the matter on the basis of the records available.

19. The issue for determination in the present proceedings is whether M/s Impress India Supply Chain Management Pvt. Ltd., Customs Broker, knowingly and intentionally used false or incorrect material

particulars by facilitating entry of export cargo into the customs area on the basis of dummy/non-existent Shipping Bill numbers prior to filing of valid Shipping Bills, thereby rendering themselves liable to penalty under Section 114AA of the Customs Act, 1962.

20. From the records, it is evident that during inspection conducted by the Bond Section, JNCH, export cargo relating to Shipping Bill Nos. **6960188 dated 02.01.2025, 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024** was found to have entered the customs area before filing of the corresponding Shipping Bills in the Customs automated system. The investigation further established that dummy or non-existent Shipping Bill numbers were used for gate-in of the export cargo. These facts stand corroborated by the records maintained by the CFS, the gate-in details, the ICES data and the investigation conducted by SIIB (Export).

21. The authorised representative of the Customs Broker, Shri Santosh Ramchandra Mohite, in his statement recorded under Section 108 of the Customs Act, 1962, admitted that dummy Shipping Bill numbers were used to facilitate entry of export cargo into the CFS before the export invoices were finalized and before valid Shipping Bills were filed. He stated that such a practice was adopted to avoid transportation costs and private warehouse charges and to facilitate early movement of agricultural commodities into the CFS. Thus, there is a clear admission that the cargo entered the customs area without valid Shipping Bills, contrary to the statutory procedure prescribed under Section 50 of the Customs Act, 1962.

22. I further observe that although the Customs Broker initially stated that the exporters were aware of the use of dummy Shipping Bills, the said stand was subsequently withdrawn vide e-mail dated 10.06.2026. In the said communication, the Customs Broker categorically admitted that the dummy Shipping Bills were used solely at its own instance

without the knowledge or consent of the exporters and that the exporters came to know of the same only after Customs intervention. The Customs Broker also failed to produce any documentary evidence to support its earlier allegation against the exporters. The statements recorded from the exporters under Section 108 of the Customs Act, 1962 are consistent in denying any knowledge regarding the use of dummy Shipping Bills. Therefore, I find no evidence on record to establish that the exporters had knowledge of or were involved in the use of dummy Shipping Bills.

23. The records further reveal that the entry of export cargo into the customs area on the basis of dummy Shipping Bill numbers could not have occurred without conscious action on the part of the Customs Broker. The use of false Shipping Bill particulars was not an inadvertent clerical error but a deliberate act adopted to bypass the statutory requirement that a valid Shipping Bill must exist before export cargo is permitted to enter the customs area. The explanation offered by the Customs Broker that such practice was adopted to avoid transportation costs or due to commercial exigencies cannot justify deviation from the mandatory provisions of the Customs Act, 1962.

24. Section 50 of the Customs Act, 1962 mandates that an exporter shall make entry of export goods by presenting a Shipping Bill before export procedures are undertaken. The statutory scheme does not contemplate entry of export cargo into the customs area on the basis of fictitious or non-existent Shipping Bill numbers. The use of dummy Shipping Bill numbers defeats the integrity of the Customs automated system and undermines Customs control over export cargo.

25. Section 114AA of the Customs Act, 1962 provides that any person who knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular in the transaction of any

business under the Customs Act shall be liable to penalty. The essential ingredients of the provision are:

- (i) use of a declaration, statement or document;
- (ii) such declaration or document being false or incorrect in a material particular; and
- (iii) such use being knowing or intentional.

26. In the present case, I find that all the essential ingredients of Section 114AA stand satisfied. The Customs Broker knowingly used dummy/non-existent Shipping Bill particulars for facilitating gate-in of export cargo into the customs area. The Shipping Bill numbers used were admittedly not genuine Shipping Bills existing in the Customs automated system. Such particulars constituted false material particulars used during customs transactions. The conduct of the Customs Broker was conscious, deliberate and intentional, as is evident from its own statement recorded during investigation. Therefore, the Customs Broker has rendered itself liable to penalty under Section 114AA of the Customs Act, 1962.

27. I also note that the investigation disclosed procedural lapses on the part of the CFS in permitting entry of cargo without proper verification of Shipping Bills. However, the role of the CFS has already been examined separately by the competent authority under the Handling of Cargo in Customs Areas Regulations, 2009, and Order-in-Original No. 77/2025-26 dated 03.06.2025 has already been passed imposing appropriate action. Therefore, no further findings are required in the present proceedings against the CFS.

28. The conduct of M/s Impress India Supply Chain Management Pvt. Ltd. also reflects failure to discharge the obligations cast upon a Customs Broker under Regulations 10(d) and 10(e) of the Customs Brokers Licensing Regulations, 2018, which require the Customs Broker to advise clients to comply with the provisions of the Act and to exercise

due diligence in customs transactions. On the contrary, the Customs Broker itself devised and adopted a procedure contrary to law by using dummy Shipping Bill numbers. Such conduct deserves examination by the jurisdictional Licensing Authority for appropriate action under the Customs Brokers Licensing Regulations, 2018.

29. In view of the foregoing discussion, I hold that M/s Impress India Supply Chain Management Pvt. Ltd. knowingly and intentionally used false and incorrect material particulars by facilitating entry of export cargo into the customs area on the basis of dummy/non-existent Shipping Bill numbers prior to filing of valid Shipping Bills. Accordingly, I hold that the Noticee is liable to penalty under Section 114AA of the Customs Act, 1962. I further hold that a copy of this Order is required to be forwarded to the jurisdictional Licensing Authority for examination of appropriate action under the Customs Brokers Licensing Regulations, 2018.

30. In view of the above discussions, I pass the following order.

ORDER

(i) I hold that M/s. Impress India Supply Chain Management Pvt. Ltd., Customs Broker, has knowingly and intentionally facilitated the entry of export cargo into the Customs area prior to filing of valid Shipping Bills by using dummy/non-existent Shipping Bill numbers in respect of Shipping Bill Nos. 6960188 dated 02.01.2025, 5928093 dated 26.11.2024 and 3726981 dated 03.09.2024, thereby contravening the provisions of Section 50 of the Customs Act, 1962 and rendering themselves liable to penalty under Section 114AA of the Customs Act, 1962.

(ii) I impose a penalty of Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand only) upon M/s. Impress India Supply Chain Management Pvt. Ltd., Customs Broker, under Section 114AA for contravening the provisions of Section 50 of the Customs Act, 1962.

(iii) I further hold that the conduct of M/s. Impress India Supply Chain Management Pvt. Ltd. is in contravention of the obligations cast upon a Customs Broker under **Regulations 10(d) and 10(e)** of the Customs Brokers Licensing Regulations, 2018. Accordingly, a copy of this Order-in-Original shall be forwarded to the jurisdictional Customs Broker Licensing Authority for examination and initiation of appropriate action, if deemed fit, under the provisions of the Customs Brokers Licensing Regulations, 2018.

31. This order is issued without prejudice to any other action that may be taken in respect of the goods in question and/or against the persons concerned or any other person, if found involved, under the provisions of the Customs Act, 1962, and/or any other law for the time being in force in the Republic of India.

Digitally signed by
Jyoti Agrawal
Date: 20-07-2026
18:14:40

(**JYOTI AGRAWAL**)
Additional Commissioner of
Customs,
CEAC (NS-II), JNCH.

To,

1. M/s. Impress India Supply Chain Management Pvt. Ltd

Addressed:-

Office NO. 104, 1st Floor, Rangoli Apartment,
Next to Sahar Air Cargo Complex, Sahar Road,
Andheri (East), Mumbai, Maharashtra 400099, India

Copy to:

1. The Dy. Commissioner of Customs, SIIB (Export), JNCH, Nhava Sheva.
2. The Dy. Commissioner of Customs, CRAC, JNCH, Nhava Sheva.
3. The Dy. Commissioner of Customs, CRRC, JNCH, Nhava Sheva.
4. The Dy. Commissioner of Customs, Drawback, JNCH, Nhava Sheva

5. The Dy. Commissioner of Customs, Centralized Adjudication Cell (CAC) NS-V, JNCH, Nhava Sheva.
6. The Dy. Commissioner of Customs, EDI, JNCH, Nhava Sheva.
7. The Dy. Commissioner of Customs, CB Section
8. Supdt. (P), CHS, JNCH for display on Notice Board.
9. Office copy.

ANNEXURES

Sr. No.	RELIED UPON DOCUMENT S-No	Relied upon documents Details
1	RELIED UPON DOCUMENT S-I	2640988 dated 23.07.2024.
2	RELIED UPON DOCUMENT S-II	Panchanama dated 06.08.2024
3	RELIED UPON DOCUMENT S-III	Test Reports vide Lab Reports dated 07.08.2024
4	RELIED UPON DOCUMENT S-IV	Seizure Memo
5	RELIED UPON DOCUMENT S-V	Statement of Mr. Rajveer Anil Singh, Director of M/s Wellchem Pharma Private Limited
6	RELIED UPON DOCUMENT S-VI	Market enquiry was conducted on 27.01.2025