



प्रधानआयुक्त, सीमाशुल्क (सामान्य) का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL),
नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001.
NEW CUSTOM HOUSE, BALLARD ESTATE, MUMBAI - 400 001.

संचिका सं./F. No.- GEN/CB/565/2022- CBS

आदेश दिनांक/Date of Order: 29.12.2023

CAO No. 59/CAC/PCC(G)/SJ/CBS-Adj

जारी दिनांक/Date of issue: 29.12.2023

संख्या:

DIN : 20231277000000621546

द्वारा जारी : सुनील जैन
प्रधान आयुक्त, सीमाशुल्क(सामान्य)
मुंबई -400 001

Issued By : Sunil Jain
Pr. Commissioner of Customs(Gen.),
Mumbai - 400 001.

ORDER-IN-ORIGINAL मूल आदेश

ध्यान दीजिए/ N.B. :

1. यह प्रति उस व्यक्ति को निजी उपयोग हेतु निःशुल्क प्रदान की जाती है, जिसे यह जारी की जा रही है।
This copy is granted free of charge for the private use of the person to whom it is issued.

2. इस आदेश के विरुद्ध अपील माँगे गए राशी के **7.5%** के भुगतान पर सीमाशुल्क अधिनियम, 1962 की धारा 129A(1B)(i) के संबंधमें सीमाशुल्क, केंद्रीय उत्पाद शुल्क एवं सेवाकर अपील अधिकरण में स्वीकार्य है, जहाँ शुल्क या शुल्क एवं जुर्माना विवादित हों, या जुर्माना, जहाँ सिर्फ जुर्माना ही विवादित हो। यह अपील इस आदेश के संप्रेषण की तारीख के तीन महीने के अंदर दायर की जाएगी। यह अपील सीमाशुल्क, केंद्रीय उत्पाद शुल्क एवं सेवाकर अपील अधिकरण (कार्यविधि) नियमावली, 1982, के प्रावधानों के अंतर्गत, यथोत्तखंडपीठ में स्वीकार्य है।

An appeal against this order lies with the Customs, Central Excise and Service Tax Appellate Tribunal in terms of section 129A(1B)(i) of the Customs Act, 1962 on payment of **7.5%** of the amount demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute. It shall be filed within three months from the date of communication of this order. The appeal lies with the appropriate bench of the Customs, Central Excise and Service Tax Appellate as per the applicable provisions of Customs, Excise and Service Tax Appellate Tribunal (Procedure) Rules, 1982.

3. यह सूचित किया जाता है की इस आदेश के अमल में आते ही, न्याय निर्णयन अधिकारी का अधिकार क्षेत्र समाप्त होता है और सीमाशुल्क, केंद्रीय उत्पाद शुल्क एवं सेवाकर अपील अधिकरण, पश्चिम क्षेत्रीय खंडपीठ, के M/s Knowledge Infrastructure Systems Pvt. Ltd. & Others vs ADG, DRI, Mumbai के संदर्भ में जारी आदेश क्रमांक A/86617-86619/2018 दिनांक 31.05.2018 के अनुसार न्यायिक आदेश तदोउ प्रांत न्याय निर्णयन अधिकारी *functus officio* बन जाता है

It is informed that the jurisdiction of the Adjudicating Authority stands alienated with the conclusion of the present adjudication order and the Adjudicating Authority attains the status of *functus officio* as held by Hon'ble CESTAT, Mumbai in its decision in the case of M/s Knowledge Infrastructure Systems Pvt. Ltd. & Others vs ADG, DRI, Mumbai vide Order No. A/86617-86619/2018 dated 31.05.2018.

4. यदि एक ही प्रकरण में उसी पक्षकार के विरुद्ध कई कारण बताओ नोटिस लगाकर आदेश पारित किया जाता है तो प्रत्येक प्रकरण में अलग अपील दायर की जाए।

In case where an order is passed by bunching several show cause notices on an identical issue against the same party, separate appeal may be filed in each case.

5. यह अपील फॉर्म C.A.-3 में दायर की जानी चाहिए जो कि सीमाशुल्क (अपीलस) नियमावली, 1982 के नियम 6 के तहत निर्धारित है एवं उसी नियमावली के नियम 3 के उपनियम 2 में उल्लेखित व्यक्ति द्वारा हस्ताक्षरित एवं सत्यापित की जाएगी।

The Appeal should be filed in Form C.A.-3 prescribed under Rule 6 of the Customs (Appeals) Rules, 1982 and shall be signed and verified by the person specified in sub-rule 2 of rule 3 rules ibid.

6. (i) यदि प्रतिवादित आदेश, जिसके विरुद्ध अपील की गई है, में शुल्क एवं मांगे गए ब्याजवलागाएगाए जुर्माने की राशि रु. पाँच लाख या इस से कम होती रु. 1000/-, (ii) यदि यह राशि रु. पाँच लाख से अधिक हो किंतु पचास लाख से अधिक न होती रु. 5000/- एवं (iii) यदि यह राशि रु. पचास लाख से अधिक होती रु. 10000/- के शुल्क का भुगतान क्रॉस्ड बैंक ड्राफ्ट के माध्यम से अधिकरण की खंडपीठ के सहायक पंजीयक के पक्ष में जिस स्थान पर खंडपीठ स्थित है, के किसी भी राष्ट्रीय क्रत बैंक की शाखा में किया जाए एवं डिमांड ड्राफ्ट अपील के साथ संलग्न किया जाए।

A fee of (i) Rs. 1000/- in case where the amount of duty and interest demanded and the penalty imposed in the impugned order appealed against is Rupees Five Lakhs or less, (ii) Rs. 5000/- in case where such amount exceeds Rupees Five Lakhs but not exceeding Rupees Fifty Lakhs and (iii) Rs. 10000/- in case where such amount exceeds Rupees Fifty Lakhs, is required to be paid through a crossed bank draft in favour of the Assistant registrar of the Bench of the Tribunal on a branch of any nationalized bank located at the place where the bench is situated and demand draft shall be attached to the Appeal.

7. अपील की एक प्रति में कोर्ट फी अधिनियम, 1870 की अनुसूची मद 6 के तहत निर्धारित रु. 50 का कोर्ट फी स्टैम्प लगा होना चाहिए एवं इसके साथ संलग्न इस आदेश की उक्त प्रति में रु. 50 का कोर्ट फी स्टैम्प लगा होना चाहिए।

Once copy of the Appeal should bear a Court Fee Stamp of Rs. 50 and said copy of this order attached therein should bear a Court Fee Stamp of Rs. 50 as prescribed under Schedule item 6 of the Court Fee Act, 1870, as amended.

BRIEF FACTS OF THE CASE

M/s. Trade Wings Ltd., having office address at Building No. 5, Unit No. A/25, Mittal Ind. Estate, Marol, Andheri (East), Mumbai - 400059, [hereinafter, referred to as the Customs Broker/CB] bearing PAN based Registration No. AA ACT4639FCH001 are holding a regular Custom Broker License No 11/52 issued by Commissioner of Customs, Mumbai under Regulation 10(1) of the Customs House Agents Licensing Regulations (CHALR), 1984 [Now regulation 7(2) of Customs Broker Licensing Regulations (CBLR, 2018)] and as such they are bound by the regulation and condition stipulated therein.

- 2.** The Customs Broker had filed 02 Shipping Bills No. 5524619 dtd. 19.04.2017 and 6268651 dtd. 24.05.2017 on behalf of exporter M/s World Wide Export (hereinafter referred to as the exporter) for clearance of goods, from Air Cargo Complex, Sahar, Mumbai, in which DRI, MZU, Mumbai booked a case of overvaluation in export on the basis of fake invoices.
- 3.** An Offence report in the form of Show Cause Notice No.35/ADJ(X)/2022-23 dated 15.11.2022 issued by Additional Commissioner of Customs, SIIB(X), Air Cargo Complex, Sahar, Mumbai was received in this office on 24.11.2022, wherein, it was informed that on the basis of specific information received by DRI, MZU, Mumbai, investigation was conducted which revealed that various export firms including M/s. World Wide Export (IEC - 0303025581) were procuring fake purchase bills against the export consignments from one Mr. Suhel Ansari, through fake firms floated by him. Searches were conducted at the premises of Mr. Suhel Ansari, which led to the recovery of copies of bogus bills in the names of several companies issued by him.
- 4.** During the course of investigation, statement of Mr. Suhel Parvez Ansari and Mr. Shaikh Mohammed Arshad employee of Mr. Suhel Parvez Ansari was recorded on 24.08.2015 by DRI, Mumbai where they inter-alia stated that they supplied fake invoices to various export firms including M/s. World Wide Export.
- 5.** DRI vide its letter F. No. DRI/MZU/D/INT-31/2015/7766 dated 04.10.2016 mentioned that undue drawback is being claimed by the exporters by overvaluing the exports whereas cheaper material is exported and to justify the value of the goods, fake invoices from Mr. Suhel Ansari, are procured showing the higher purchase price. DRI further gave a list of exporters and stated that these exporters which included M/s. World Wide Export may have also adopted similar modus operandi.
- 6.** During investigation, the details of exports made by the exporter M/s. World Wide Export (IEC - 0303025581) were retrieved from the ICES System. During the period from 2012 to 2017, the exporter has made exports of 31 shipping bills

with FOB value of 3.54 crores and availed the total drawback of Rs. 3.31 lakhs. Further, on scrutiny of the 31 shipping bills filed by the exporter M/s. World Wide Export, it was found that the Customs Brokers M/s. Trade Wings Ltd. had facilitated clearance of 02 shipping bills.

7. DRI, MZU, Mumbai forwarded the report to the Special Intelligence and Investigation Branch (Exports) of Air Cargo Complex, Sahar, Mumbai for carrying out further investigation regarding the details of exporters including M/s. World Wide Export (IEC - 0303025581) who have claimed undue drawback by overvaluing the exports and justifying the value of the goods by procuring fake invoices showing the higher purchase price from Mr. Suhel Ansari.

8. Further, Special Intelligence and Investigation Branch (Exports) of Air Cargo Complex, Sahar, Mumbai issued various summons to Mr. Moize Ahmed Ali Angoothiwala, Partner of M/s. World Wide Export to record statement and in response to Summons No. ARK/397/2021-22 dated 09.03.2022, statement of Mr. Moize Ahmed Ali Angoothiwala was recorded under Section 108 of Customs Act, 1962 wherein he inter-alia stated that:

- M/s. World Wide Exporters is their partnership firm. They had obtained IEC from DGFT in August, 2008. M/s. World Wide Exporters is merchant exporter. He was actively involved in the business of M/s. World Wide Exporters.
- He got the orders of goods from DAU and South African buyers than he searched the goods in local markets and complete the orders. Thereafter, they prepared packing list and invoice and handover it to CHA and Forwarding Agency for filing the shipping bill. After receiving the invoice and packing list, the CHA contacted freight forwarder and they booked the flight to export the goods. Thereafter, they booked a tempo which took the goods from the warehouse and delivered the goods to Air Cargo Complex, Mumbai. Thereafter, representative of CHA, handle the further customs proceedings till the LEO of export of goods.
- He has given authorisation to CHA, but now he doesn't remember the names of the CHAs but he took help from local freight forwarders who handled the documentation and further necessary procedures.
- The CHA raised the invoice containing both freight and clearance charges then he made the payment through cheque.
- On being asked about whether any CHA/Freight Forwarders carry out address verification of M/s. World Wide Exporter, he said physically no one came for verify the address.
- On being asked about the documents they provide at time of exports, he answered that they used to provide Invoice, Packing List, SDF Form at the time of export.

- On being asked about the method of procurement, he replied inter-alia that imitation jewellery exported were supplied by different Karigars located in the suburbs of Mumbai, as well as Jodhpur, Delhi, Agra, Rajkot etc. Further he added that as these were small time Karigars, they only provided "Kaccha Bill" and were not able to provide proper invoices as they were not registered with Excise authorities.
 - On being asked about any knowledge regarding invoices from M/s Ruby Trading Co., M/s Alaska Trading Company and other companies which were allegedly floated by Mr. Suhel Ansari, he replied he didn't remember but same would be reflected in his bank statement which he would provide in few days.
 - On being asked about Suhel Parvez Mohammed Sharif Ansari and whether he supplied any invoices, he replied that he did not know this person by name as there are aliases for the people in the market so he might not know his actual name. He further added that he had not received any invoices from the said person directly. Further, if any, he might have received, it might have come through third party including parties mentioned above.
 - Further he was shown statement of Shri Suhel Parvez Mohammed Sharif Ansari dated 24.08.2015 and mentioning of firm M/s World Wide export and also the acknowledgement before DRI that he (Shri Suhel Parvez Mohammed Sharif Ansari) submitted fake and bogus Invoices to M/s World Wide Export to which he (Shri Moize Ahmed Ali Angoothiwala) replied that he did not know this person by name.
9. Statement of Shri. Santosh Digamber Mayekar, Authorised Signatory of M/s Trade Wings Ltd. recorded under Section 108 of the Customs Act,1962 on 26.04.2022, wherein he inter-alia stated:
- They had their directors having name as Dr. S P Shailendra Parmeshwar Mittal, Shri R Vaidyanathan, Mrs. Jayasantha Nayagam & Shri Hemant R Panchal.
 - On being asked about his role he stated that their marketing team used to handle the clients for Import and Exports. He used to look after all the import and export operations. Regarding export consignments, he used to book orders with airlines and get the rates and finally distribute the same to their sales team. Once the cargo was confirmed with booking with the airlines, they used to ask the clients to send their export documents to their documentation team who used to verify whether the previous consignments had been done by the exporter, if not, they used to follow the first time procedure as prescribed by Customs deptt. Thereafter, their documentation team used to prepare check lists on the basis of

documents forwarded by their clients i.e. Invoice, Packing List, SDF, Annexure-I. After the approval/confirmation of the clients, they used to upload the Shipping Bill at ICEGATE. Once the Shipping Bills was generated, they used to ask the clients to send the cargo at Air Cargo Complex, Mumbai for further clearance.

- They had handled only two shipments of M/s World Wide Export in the year 2017 vide Shipping Bills Nos. 5524619/19.04.2017 & 6268651/24.05.2017, which contained Indian made merchandise goods containing imitation Jewellery such as brass bangles, brass necklace set etc. No duty drawback was claimed for these two shipping bills. However, benefit under MEIS was claimed for these two Shipping Bills.
- Their company M/s Trade Wings Ltd. was authorised by exporter M/s World Wide Export vide letter dated 17.04.2017. The sales person had carried out address verification of exporters.
- They did not get the AD code registration done for the exporter as the exporter already had an AD Code registered.
- On being asked about the procedure, replied that they received documents from the exporter regarding export of goods. Based on the same, they checked the declared items/description with Invoice; they checked CTH as per items declared after that they prepared the check list as per the invoice and packing list received from the exporter and after that share the check list with the exporter for approval. Payment is received after the shipment had been exported.
- They verified the correctness of the classification and the same was carried out as per the Indian Customs Tariff and as per the description of the product mentioned in the invoice.
- The exporter M/s World Wide Export had forwarded their consignment through their Tempo directly at Air Cargo Complex, Mumbai. After Customs clearance, consignments were exported.

10. From the investigations and the BRC details of defaulting IECs (FOB yet to be realized), generated from ICES System, it was found that FOB amount 2,81,722 in Foreign Currency has not been realized in respect of 31 Shipping Bills of M/s. World Wide Export. Also, Drawback Amount of Rs. 3,31,367/- which has already been disbursed to the exporter appears to be recoverable as per Rules 16/16A of the Customs, Central Excise Duties and Service Tax Drawback Rule, 1995.

11. From the investigations, scrutiny of various documents retrieved and statements recorded by DRI, MZU, Mumbai, it appears that Mr. Suhel Parvez Ansari was in the business of raising fictitious bills which involved just printing of bills in the names of the firms / companies which did not exist and no

purchase and sale of the goods were effected as per details mentioned in the said bills and he got bills printed in the names of various fake firms; that no purchase of any kind of goods be it in the form of garments /imitation Jewellery had been made by him and the proprietors /directors of these firms/ companies were all his friends and no sale as shown on the bills had been made to any exporters shown on the bills. The same was admitted by the Mr. Suhel Parvez Ansari in his statements recorded by DRI, MZU, Mumbai and corroborated by Mr. Moize Ahmed Ali Angoothiwala, partner of M/s World Wide Exports, in his statement that their suppliers could not provide them with proper bills. From this shows, it appears that Mr. Suhel Parvez Ansari had supplied fake and bogus bills in the name of a number of companies including M/s. World Wide Export.

12. It appears from investigation that goods were procured from Domestic Tariff Area (DTA) without any invoices so no details of its manufacturing, production, using imported material or excisable material therein were available so it could not be ascertained whether any duties have been paid or otherwise. During investigation, exporter could not produce any such details in respect of manufacturing, production or use of any imported material in impugned export goods, though he was having enough opportunity as he presented himself for recording of his statement but he failed to produce any such details.

13. During the investigation DRI enquired with the Consulate General of India, Dubai, UAE who vide letter dated 08.03.2018 reported that from the scrutiny of the documents provided by Federal Customs Authority, Dubai it emerged that goods had been cleared and unit values had been much lower than what has been declared to Indian Customs. As per DRI, the instant exporter has also adopted the similar modus-operandi.

14. As stated in the Show Cause Notice issued by SIIB(X), ACC, Sahar, Mumbai these exports were fictitious as purchase bills were fictitious. Actual movements of goods are always under cover of Challan and Invoices. There are other requirements of local Government which prevent movement of goods without documentation. It is also unlikely that Customs Broker has been receiving goods based on fictitious Bills and he was not aware. Further, the Customs Broker has responsibility to guide exporter and inform about the requirement that only in certain cases, both types of Drawback can be claimed by the exporter. Therefore, under the fact and such circumstances, the Customs Broker M/s. Trade Wings Ltd. actively connived with exporters in claiming undue Drawback and over valuing the export goods and mis- declaring in Shipping Bill. Therefore, CB has rendered themselves liable for Penal action under Section 114(i) and/or 114(iii) and also under (114 AA) of Customs Act, 1962.

15. As per Order-in-Original No. CAO/ADC/PKK/39/2023-24 Adj(X) ACC dated 20.05.2023 issued by Additional Commissioner of Customs (Export), ACC, Sahar, Mumbai, a penalty of Rs. 50,000/- under Section 114(i), a penalty of Rs. 50,000/- under Section 114(iii) and a penalty of 25,000/- under Section 114AA of the Customs Act, 1962 was imposed on the Customs Broker.

16. On perusal of the Show Cause Notice issued by SIIB(X), Air Cargo Complex, Sahar, Mumbai it appears that the CB did not advise the exporter and abetted the exporter by declaring the incorrect value of the goods in shipping bills against the fake invoices to avail undue drawback and did not bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs. Further, in terms of Boards Circular No. 5 of 2009 Customs dated 02.02.2009 vide F. No. 609/167/2003-DBK, the exporter is required to submit the proof of export realization to the Custom House within the stipulated time-limit. It further appears that CB did not guide the exporter with respect to realization of export proceeds within stipulated time frame allowed under Foreign Exchange Management Act, 1999 in order to claim drawback. Thus, the CB appears to have violated Regulation 10(d) of CBLR, 2018.

17. It appears that CB failed to exercise due diligence and aided the exporter in availing the undue drawback by the exporters by overvaluing the exports, whereas cheaper material was exported, and to justify the value of the goods, fake invoices from Suhel Ansari, were procured showing the higher purchase price. On scrutiny of the subject case, it appears that CB did not exercise due diligence and did not impart the information relating to realization of export proceeds within the stipulated time frame to the client. Thus, the CB appears to have violated Regulation 10(e) of CBLR, 2018.

18. Whereas in the instant case, CB M/s. Trade Wings (11/52) have failed to discharge their duties efficiently as it appears that they actively connived with exporters in over valuing the export goods in Shipping Bill. The foreign remittance of all the Shipping Bills filed have not been realized till date through formal banking channel; even after lapse of the time limit prescribed by the RBI guidelines, as per database available with the custom. Thus, it appears that the CB has violated the provisions of Regulation 10 (m) of the CBLR, 2018.

19. During the course of investigations, Mr. Moize Ahmed Ali Angoothiwala, partner of M/s. World Wide Export in his statement recorded under Section 108 of Customs Act, 1962 on 09.03.2022 inter-alia admitted that physically no one came to verify the address. Thus, it appears that Customs Broker M/s. Trade Wings Ltd. did not verify the address of the exporter M/s. World Wide Export. Thus, it appears that the CB has violated the provisions of Regulation 10 (n) of the CBLR, 2018.

20. Therefore, under the fact and such circumstances, the Customs Broker M/s. Trade Wings Ltd. (CB No. 11/52) actively connived with exporters in declaring the incorrect value of the goods in shipping bills against the fake invoices and to avail undue drawback and did not bring the matter to the notice of Deputy Commissioner of Customs or Assistant Commissioner of Customs.

It is evident that the CB was working in a seriously negligent manner and was in violation of the obligations casted upon them under the CBLR, 2018. By their acts of omission and commission, it appears that the said CB has violated Regulation 10(d), 10(e), 10(m) and 10(n) of the Customs Brokers Licensing Regulations, 2018 and rendered himself liable for penal action under Regulations 14, 17 & 18 of CBLR, 2018.

Legal Provision of the CBLR, 2018:-

Regulation 10 (d) of the CBLR, 2018:- "A Customs broker shall 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;"

Regulation 10 (e) of the CBLR, 2018:- "A Customs broker shall 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;"

Regulation 10(m) of the CBLR, 2018:- "A Customs Broker shall discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay".

Regulation 10(n) of the CBLR, 2018:- "A Customs Broker shall verify correctness of Importer Exporter Code (IEC) number, Goods and Service Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information".

21. **SHOW CAUSE NOTICE:** M/s. Trade Wings Ltd. (CB No. 11/52) was issued a Show Cause Notice (SCN) No. 56/2022-23 dated 28.03.2023 by the Principal Commissioner of Customs (General), NCH, Mumbai, Zone-I asking them to show cause as to why the licence bearing no. 11/52 issued to them should not be revoked and security deposited should not be forfeited and/or penalty should not be imposed upon them under Regulation 14 read with 17 & 18 of the CBLR, 2018 for their failure to comply with the provisions of CBLR, 2018. They were directed to appear for a personal hearing and to produce proof of evidence/documents if any, in their defense to Shri Bhavsar

Tarul Dilip, Deputy Commissioner of Customs who was appointed an Inquiry Officer to conduct inquiry under regulation 17 of CBLR, 2018.

22. INQUIRY REPORT

Inquiry Officer submitted Inquiry Report dated 30.06.2023, wherein, the charges against CB M/s. Trade Wings Ltd. (CB No. 11/52) in respect of violation of Regulation 10(d), 10(e), 10(m) and 10(n) of CBLR, 2018 were held as 'Proved'.

22.1 CB's WRITTEN SUBMISSION :

Inquiry Officer submitted that personal hearing was granted to the CB on 24.04.2023. Shri Ranjeet Singh, Advocate for M/s. Trade Wings Ltd. appeared on behalf of the CB firm and submitted copy of their reply dated 12.04.2023 and reiterated their submissions. They have submitted that the Show Cause Notice, the contentions raised therein, and the action proposed by the Show Cause Notice are totally unsustainable in law.

The following submission was given in the reply dated 12/04/2023: -

- (i) The CB submitted that they have duly complied with all the statutory obligations prescribed under Customs Broker Licensing Regulation. They obtained an authorization from the exporter and verify their credentials; advised their client to comply with the provisions of the Act and exercised due diligence in performing their duty as Customs Broker. The CB humbly state that no provisions of the Act or Regulation, as applicable to them had been violated.
- (ii) The CB further stated that prior approval was also obtained from the exporter before finally submitting the checklist This was done to doubly ensure that the declaration are up to the satisfaction of the exporter who is well experienced in the import / export formalities / procedure being in the business since years together. In this regard, the CB relied on the following judgments:
 - a) *M/s. Tata Motors Ltd 17s. Commissioner of Customs (Import), Mumbai reported in 2015(316) ELT. 257 [Tri-Mumbai]*
 - b) *Escorts Ltd. v. CC, New Delhi reported in 2000 (122) E.L.T. 576.*
 - c) *Transocean Discoverer 534 LLC v CO, Visakhapatnam-11 reported in 2009 (236) E.L.T. Tri.)*
 - d) *P.D. Manjreker v. CO, Mumbai reported hi 2007 (213) E.L.T. 405,*
- (iii) The CB submitted that they dutifully delivered checklist along with all the export documents to proper officer for examination and assessment. There is no allegation that the CB withheld / suppressed any information / document either from his client or from the Customs Authority.
- (iv) The CB submitted that they have conducted due diligence and provided all the requisite information pertaining to the export and as

per the documents made available to them by the exporter. The CB has relied upon judgement of Hon'ble Tribunal, Mumbai in the matter of M/s. L.M.S. Transport Co. V/s Commissioner of Customs (G) Mumbai, 2014(229) E.L.T.368(Tri.- Mumbai).

(v) Regarding violation of Regulation-10(d) of CBLR, 2018, the CB submitted the following;

- a) There is no Drawback claim against the Shipping Bills handled by the CB.
- b) As regards over-valuation, this is pertinent to mention here that the goods exported against the shipping bills handled by the CB were 'imitation jewellery', The value of such goods depends not only on material with which it is manufactured but also on the design /artistry / individual preference etc. Therefore, CB cannot be expected to comment on the price of such goods.
- c) Further, the goods were subjected to examination, so proper officer accorded LEO only after due application of mind and satisfying description/value etc.

(vi) Regarding violation of Regulation-10(e) of CBLR, 2018, the CB submitted that there is no Drawback involved in exports handled by CB. Further, the due diligence is with respect to the information which he imparts to his client. In this regards, the CB relied on the judgment of Hon'ble Tribunal in M/s. Kunal Travels (Cargo) Vs CC(185G), IGI Airport, New Delhi reported in 2017 (354) E.L.T. 447 (Del.).

(vii) Regarding violation of Regulation-10(m) of CBLR, 2018, the CB has referred above contentions, wherein, it has been brought forth that the entire duties were performed by the CB. Thus, there is no violation of Regulation 10(m).

(viii) Regarding violation of Regulation-10(n) of CBLR 2018, the CB submitted the following:

- (a) There is nothing wrong with the IEC, the requisite verification was carried out by the CB before accepting the authorization for handling customs clearance;
- (b) The Goods and Service Tax Identification Number (GSTIN) was carefully examined scrutinized. It is found in order.
- (c) The exporter is in existence and not fictitious. KYC verification was done by the CB.
- (d) As regards the statement of exporter that 'no one personally came to verify the address' is not an admissible piece of evidence against the CB, it can be used as, evidence against the person who makes it.

(ix) The functioning of the client at the given address was also established during the course of investigation by Customs Authority. Further, the exporter joined the investigation.

(x) The mere claim of the exporter that no one physically verified the address is not sustainable so long as the exporter and place of functioning is genuine and in existence even today.

(xi) This is also pertinent to mention here that identity of the client and functioning of his client at the declared address are to be verified by using reliable, independent, authentic documents, data or information. That means physical verification is not envisaged under the regulation.

The department is having correspondence with the exporter at the address mentioned in the KYC documents as can be gathered from the SCN No. 35/ ADJ(X)/2022-23 dated 15.11.2022 which is the basis of impugned SCN.

(xii) Further, the Customs Broker in his statement recorded under Section 108 of the Customs Act, 1962 has categorically stated that they verified the declared address.

(xiii) This also pertinent to mention here that during the course of PH apprehension was also expressed about the claim of MEIS credit, and issue of such claim is not covered/raised in the SCN No. 35/ ADJ(X)/2022-23.

22.2. COMMENTS OF THE INQUIRY OFFICER :-

22.2.1 Article of Charge-I :- Violation of Regulation 10 (d) of CBLR, 2018:

Regulation 10(d) of CBLR, 2018 reads as "A Customs Broker shall advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of noncompliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be."

Department's contention: -

The CB did not advise the exporter and abetted the exporter by declaring the incorrect value of the goods in shipping bills against the fake invoices to avail undue drawback and did not bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs.

Defence of the Customs Broker:

The CB M/s Trade Wings Ltd. had filed 02 shipping bills on behalf of exporter M/s World Wide Exports and had not claims any drawback against these 02 shipping bills. The exported goods were 'imitation jewellery' and the value of such goods depends on design/ artistry / individualistic preference etc. Therefore, CB cannot be expected to comment on the price of such goods.

Inquiry Officer's report:

IO found that the exporter had exported the Indian made merchandise goods containing imitation jewellery and prices were grossly overvalued the goods. Fake invoices were procured to justify the value of the goods. IO also found that the exporter was not advised by the CB regarding overvaluation of the

goods.

Further, IO found that despite of knowing the above facts, the CB has filed the S/Bills to clear the goods. It was duty of the Customs Broker to bring these discrepancies regarding overvaluation to the notice of the Customs Officers at the time of export of the said goods, but it appears that they have not done their duty. Accordingly, IO hold the allegation of violation of Regulation 10(d) of the CBLR, 2018 as "Proved".

22.2.2 Article of Charge-II :- Violation of Regulation 10 (e) of CBLR, 2018:-

Regulation 10(e) of CBLR, 2018 reads as –“A Customs Broker shall 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”.

Department's contention:

The CB failed to exercise due diligence and aided the exporter in availing the undue drawback by overvaluing the exports, whereas cheaper material was exported, and to justify the value of the goods, fake invoices from Suhel Ansari, were procured showing the higher purchase price. On scrutiny of the subject case, it appears that CB did not exercise due diligence and did not impart the information relating to realization of export proceeds within the stipulated time frame to the client.

Defence of the Customs Broker:

CB submitted that no DBK is involved in exports. CB has exercised due diligence with respect to the information which he imparts to his client. The CB has placed reliance on the judgment of Hon'ble Tribunal in M/s. Kunal Travels (Cargo) Vs CC(I85G), IGI Airport, New Delhi reported in 2017 (354) E.L.T. 447 (Del.).

Inquire Officer's report:

IO found that the exporter had produced fake invoices showing higher purchase price and the CB also did not verify the authenticity of the same. It is the duty of the CB to verify the authenticity of any documents produced by the exporter and bring any discrepancies to the notice of the Customs Officers, but it appears that they have not done their duty. Accordingly, IO hold the allegation of violation of Regulation 10(e) of the CBLR, 2018 as "Proved".

22.2.3 ARTICLE OF CHARGE - III (Regulation 10(m) of the CBLR, 2018):

The Regulation 10(m) of CBLR, 2018 reads as: A Customs Broker discharges his duties as a Customs Broker with utmost speed and efficiency and

without any delay;

Department's contention:

The CB has failed to discharge their duties efficiently as it appears that they actively connived with exporters in over valuing the export goods in Shipping Bill, the foreign remittance of all the Shipping Bills filed have not been realized till date through formal banking channel, even after lapse of the time limit prescribed by the RBI guidelines, as per database available with the customs. Thus, the CB has violated Regulation 10 (m) of CBLR, 2018.

Defence of the Customs Broker:

The CB has duly complied with all the statutory obligations prescribed under CBLR, 2018. They obtained an authorization from exporter and verify their credentials. They transacted business in the Customs station through an employee duly authorized; advised their client to comply with the provisions of the Act and exercised due diligence in performing their duties as CB. Check list was prepared on the basis of documents furnished by the exporter. Further, the prior approval was also obtained from the exporter before finally submitting the checklist. CB has relied upon following judgement of Hon'ble CESTAT in the matter of

- i) M/s. Tata Motors Ltd. V/s. Commissioner of Customs (Import), Mumbai reported in 2015 (316) ELT [Tri-Mumbai]
- ii) L. M. S. Transport Co. V/s. Commissioner of Customs (General), Mumbai reported in 2014 (229) ELT 368 [Tri-Mumbai]

The CB dutifully delivered checklist alongwith all export documents to proper officer for examination. There is no allegation that the CB withheld / suppressed any information / document either from his client or from the Customs Authority.

Inquiry Officer's report:-

The CB M/s. Trade Wings Ltd. had filed 02 shipping bills on behalf of exporter M/s World Wide Exports during the investigation period. In both cases, slightly less foreign remittance has been realized.

Further, IO found that the exporter had grossly overvalued the goods and to justify the value of the goods, fake invoices were procured during the investigation showing the higher purchase price. All these fraudulent exports are not possible without the connivance of the CB. Accordingly, IO hold the allegation of violation of Regulation 10(m) of the CBLR, 2018 as "Proved".

22.2.4 ARTICLE OF CHARGE – IV (Regulation 10(n) of the CBLR, 2018):

The Regulation 10(n) of CBLR, 2018 reads as: Customs Broker shall verify

correctness of Importer Exporter Code (IEC) number, Goods and Service Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information.

Department's contention:

Mr. Maize Ahmed Ali Angoothiwala, partner of M/s. World Wide Export in his statement recorded under Section 108. of Customs Act, 1962 on 09.03.2022 inter-alia admitted that physically no one came to verify the address. Thus, it appears that Customs Broker M/s. Trade Wings Ltd. did not verify the address of the exporter M/s. World Wide Export.

Defence of the Customs Broker:

There is nothing wrong in the IEC as can be gathered from the investigation carried out by the SIIB. The requisite verification was carried out by the CB before accepting the authorization for handling customs clearances; The GSTIN was carefully examined; the exporter is in existence and not fictitious. KYC verification was done by the CB. As regards the statement of exporter that 'no one personally came to verify the address' is not an admissible piece of evidence against the CB; The said Regulation does not prescribe physical verification. It is an admitted fact that the exporter is in existence and dealing with CHA.

Inquiry Officer's report

IO observed that the investigation unit SIIB(X), ACC, Sahar had visited the declared premises of the exporter, during its physical verification of the address of M/s. World Wide Export it was ascertained that the address belonged to one "Shri Kamal Uddin". On enquiry about "Shri Moize Ahmedali Anghoothiwala" he stated that he is his relative and not staying here.

Further, IO observed that as per statement of Shri Moize Ahmed Ali Angoothiswala, partner of M/s World Wide Export, he admitted that physically no one came to verify the address; that in this aspect also it is again clearly obvious that CB has failed in discharging his obligation under regulation 10(n) of CBLR 2018. Accordingly, relied upon the statement and visit report, IO hold the allegation of violation of Regulation 10(n) of the CBLR, 2018 as "Proved".

23. PERSONAL HEARING AND RECORDS OF PERSONAL HEARING :-

A personal hearing was granted to Customs Broker on 07.12.2023. Shri Ranjeet Singh, authorized representative of CB firm appeared for personal hearing and submitted written submission dated 07.12.2023 and re-iterated

that they had filed only 02 free Shipping Bills & no drawback was claimed; In O-in-O dated 20.05.2023 passed by Addl. Commissioner of Customs, Air Cargo Complex, Sahar, Mumbai only drawback is denied & no overvaluation has been upheld, so, it also cannot be said that goods were overvalued; As CB, they cannot go back to verify purchase invoice on the basis of which overvaluation is alleged; they are a private limited company with about 250 employees & so, no penalty should be imposed on them.

24. DISCUSSION AND FINDINGS: -

I have gone through the facts of the case, material evidence on record, the Show Cause Notice 56/ 2022-23 dated 28.03.2023, Inquiry Report dated 30.06.2023 and written and oral submissions of the said CB.

24.1 I observe that the charges against the said CB is of violation of Regulation 10(d), 10(e), 10(m) and 10(n) of CBLR, 2018 made vide Show Cause Notice No. 35/2022-23 dated 13.02.2023. The Inquiry Officer vide inquiry report dated 30.06.2023 held the charges of violation of Regulations 10(d), 10(e), 10(m) and 10(n) of CBLR, 2018 as "proved".

24.2 For brevity, I refrain from reproducing the brief facts of the case which have already being discussed above. I, now, examine the charges in the SCN sequentially.

24.3 With regard to violation of Regulation 10(d) of CBLR, 2018:

The Regulation 10(d) of CBLR, 2018 reads as: -

"A Customs broker shall 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;"

- (i) I observe that IO in his report submitted that exporter had grossly overvalued the goods and to justify the value of goods, fake invoices were procured from fake firms showing the higher purchase price. IO submitted that exporter was not advised by the CB regarding overvaluation of the goods and if CB had properly advised to the exporter M/s World Wide Exports regarding overvaluation/fraudulent export, the exporter would have declared the goods as per law; despite of knowing the above facts the CB has filed the S/Bills to clear the Goods; It was duty of the Customs Broker to bring these discrepancies regarding overvaluation to the notice of the Customs Officers at the time of export of the said goods, but CB has failed in their duty. Accordingly, IO proved that CB had violated the Regulation 10(d) of the

CBLR, 2018.

(ii) The CB in his various submissions has stated that the findings of IO are centered on the assumption that the goods are overvalued; whereas, the fact remains that the declared value had neither been rejected nor been re-determined by the appropriate authority. Thus, the findings are mechanically recorded without the application of mind and without appreciating the facts of the case. Therefore, the whole findings are based on assumption and presumption.

(iii) I find that various export firms including M/s. World Wide Export was procuring fake purchase bills against the export consignments from one Mr. Suhel Ansari. M/s. World Wide Export claimed undue export benefits by overvaluing the exports, whereas cheaper material was exported and to justify the value of goods, fake invoices from Suhel Ansari were procured showing the higher purchase price. Vide letter dated 08.03.2018, the Consulate General of India, Dubai, UAE had informed that "from the scrutiny of the documents provided by Federal Customs Authority, Dubai it emerged that original/actual unit value of the exported goods were found abnormally low compared to declared value in the Shipping Bills". Further as per the investigation, the instant exporter has also adopted the similar modus-operandi.

Hence, it is impossible to assume that the exporter without wilful collusion with CB could have exported the impugned goods, therefore, the CB cannot shy away from the responsibilities & obligations cast upon them under the CBLR, 2018. I also find that during the material period, the exporter M/s World Wide Export was a merchant exporter. Further, they had purchased the goods from local market on "kaccha bill" and was using fake invoice to overvalue the goods.

(v) In this context, I rely upon the judgment of Hon'ble CESTAT, Mumbai in the case of M/s Eagle Transport Services Vs Commissioner of Customs, Mumbai in 1997 (96) E.L.T. 469 (Tribunal) wherein though the matter was different yet the ratio of judgement may be applied to the present case. In this case, Hon'ble CESTAT, Mumbai has held at para no. 7 (relevant portion) that:

"a Custom house agent has a very significant role to play in the clearance of goods through Customs and Port Trust. Such clearance involves application of many specialized laws and detailed procedures often contain complex statutory requirements. It is for this reason that Customs Brokers have been licensed. Before he is granted permanent license, he has to qualify an examination in which his knowledge of relevant

procedures is vested. The object of these regulations is to ensure that the Customs Brokers acts honestly and efficiently in the conduct of their business. It is not difficult to foresee the consequences that would arise if the Custom House Agent does not co-act in such a manner. The Custom House Agent makes various representations before the Custom House on behalf of the importer and exporter relating to the nature of the goods conditions under which they were imported their value etc. The statements that he makes and the information that he provide are crucial for assessing the goods to duty and deciding whether the import is prohibited or not. The Custom House Agent thus can the status of a professionally qualified person akin to an advocate, Chartered Accountant or number of other professions which requires a minimum standards of knowledge for minimum standards of conduct. If the Custom House Agent acts negligently or dishonestly, the Custom House can be defrauded money due to the Government, and in good faith permit import or export of prohibited goods."

(vi) From the above facts and circumstances, I agree with the findings of IO and I am of the considered view that the said Custom Broker failed to advise the Exporter to dissuade away from such overvaluation in order to avail undue export benefit. Further, the CB did not bring the said discrepancy to the notice of the Deputy or Assistant Commissioner of Customs. Therefore, I hold that the CB has violated the provisions of Regulation 10(d) of the CBLR, 2018.

24.4 With regard to violation of Regulation 10 (e) of CBLR, 2018:

The Regulation 10(e) of CBLR, 2018 reads as: -

"A Customs broker shall 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;"

(i) I observe that IO in his report found that the CB failed to exercise due diligence and aided the exporter in availing the undue export benefits by overvaluing the exports, the exporter M/s World Wide Export had produced fake invoices/ purchase bills showing higher purchase price against the export consignments from one Mr. Suhel Ansari. M/s World Wide Export claimed undue export benefits by overvaluing the exports, whereas, cheaper material is exported and to justify the value of the goods, fake invoices from Shri Suhel Ansari are procured showing the higher purchase price. The CB also did not verify the authenticity of the documents produced by the exporter and bring any discrepancies to the notice of the Customs Officers, so, CB have not done their duty. Therefore, IO proved that CB had violated the Regulation 10(e) of the CBLR, 2018.

- (ii) The CB's submitted that no drawback is involved in exports handled by them. Further, the due diligence is with respect to the information which he imparts to his client. In this regards, the judgment of Hon'ble Tribunal in M/s. Kunal Travels (Cargo) Vs. CC(I & G), IGI Airport, New Delhi reported in 2017 (354) E.L.T. 447(Del.). The CB has submitted that the findings are mechanically recorded without the application of mind in as much SCN does not lay claim regarding production of purchase invoice to the CB. So, the CB has not violated the said provision in as much as there is nothing on record to suggest that CB has furnished incorrect information.
- (iii) I observe that there is a weight in submission of the CB. There is no evidence on record which proves that the CB has provided wrong information to the exporter in respect of work related to clearance of said cargo. Hence, the violation of regulation 10(e) could not be substantiated. Therefore, I hold that the CB has not violated the provisions of Regulation 10(e) of the CBLR, 2018.

24.5 With regard to violation of Regulation 10(m) of CBLR, 2018:

The Regulation 10(m) of CBLR, 2018 reads as: -

"A CB shall discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;

- (i) I find that IO in his report submitted that the CB M/s. Trade Wings Ltd. had filed 02 shipping bills on behalf of exporter M/s World Wide Exports during the investigation period. In both cases, slightly less foreign remittance has been realized.
- (ii) Further, IO found that the exporter had grossly overvalued the goods and to justify the value of the goods, fake invoices were procured showing the higher purchase price; All these fraudulent exports are not possible without the connivance of the CB. Thus, IO held that the CB failed on the count of exhibiting efficiency in dealing with Customs declarations and there by violation of regulation 10 (m) of CBLR 2018 is proved.
- (iii) The CB in his submission on the IO report stated that they have duly complied with all the statutory obligations prescribed under Customs Broker Licensing Regulation, 2018. The CB has submitted that checklist was prepared for clearance of impugned consignment for export on the basis of documents furnished by the exporter and prior approval was also obtained before finally submitting the checklist.
- (iv) I observe that exporter had produced fake invoices to justify the value of exported goods. If CB could have been more efficient in verifying the details

of documents, all these fraudulent exports could have been averted. Thus, the CB failed to discharge their duties efficiently by conniving with exporter to overvalue the export goods and claim undue export benefits, by submission of overvalued invoices in the Shipping Bills. So, I agree with the findings of Inquiry Officer.

- (v) In view of the above, I am of the considered view that the CB failed to discharge his duties with efficiency in respect of fraudulent exported goods. Therefore, I hold that the CB has violated the provisions of Regulation 10(m) of the CBLR, 2018.

24.6 With regard to violation of Regulation 10(n) of CBLR, 2018:

The Regulation 10(n) of CBLR, 2018 reads as: Customs Broker shall verify correctness of Importer Exporter Code (IEC) number, Goods and Service Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information.

- (i) During the course of investigations, Shri Moize Ahmed Ali Angoothiwala, partner of M/s World Wide Export, in his statement recorded under section 108 of Customs Act, 1962 on 09.03.2022 inter alia admitted that physically no one came to verify the address. Thus, it appears that the Customs Broker M/s. Trade Wings Ltd. did not verify the address and functioning of the exporter M/s. World Wide Export at the declared address by using reliable, independent, authentic documents, data or information.
- (ii) CB submitted that the statement of an accused cannot be used against the CB without confronting the same. Therefore, the basis of allegation is illegal and not sustainable in law; there is nothing wrong with the IEC as can be gathered from the investigation carried out by the SIIB. The identity of the exporter client was verified on the basis of statutory / public documents; The requisite verification was carried out by the CB before accepting the authorization for handling customs clearance; The Goods and Service Tax Identification number (GSTIN) was carefully examined / scrutinized; The exporter is in existence and not fictitious. KYC verification was done by the CB. As regards the statement of exporter that '*no one personally came to verify the address*', is not an admissible piece of evidence against the CB; assuming without admitting that '*address was not physically verified*', the said Regulation does not prescribe physical

verification.

- (iii) In this regard, I observed that the investigation unit of SIIB(X), Air Cargo Complex, Sahar, Mumbai had visited the declared address of the exporter, and it was ascertained that the address belonged to one "Shri Kamal Uddin". On enquiry about exporter, he stated that exporter is his relative and not staying there. The CB also failed to submit any documentary proof to substantiate that they had verified the credentials of the said exporter including functioning of client at the declared address using reliable & independent information such as speed post etc.
- (iv) From the above facts and circumstances, I am of the considered view that the CB has failed to fulfil obligation casted upon him under regulation 10(n) of the CBLR, 2018. Therefore, I hold that the CB has violated the provisions of Regulation 10(n) of the CBLR, 2018.

25. I have gone through the various Case Laws referred by the said CB in his various submissions and observed that the ratios of the judgment of said Case Laws are not squarely applicable in the instant case, as the facts and circumstances are different and clearly distinguishable.

26. While deciding the matter, I rely upon judgements of the Hon'ble Supreme Court in the case of Commissioner of Customs V/s. K. M. Ganatra and Co. in civil appeal no. 2940 of 2008 upheld the observation of Hon'ble CESTAT Mumbai in M/s. Noble Agency V/s. Commissioner of Customs, Mumbai that:

"A Custom Broker occupies a very important position in the customs House and was supposed to safeguard the interests of both the importers and the Customs department. A lot of trust is kept in CB by the Government Agencies and to ensure made under CBLR, 2013 and therefore rendered themselves liable for penal action under CBLR, 2013 (now CBLR, 2018)".

27. The Hon'ble CESTAT Delhi in case of M/S. Rubal Logistics Pvt. Ltd. Versus Commissioner of Customs (General) wherein in (para 6.1) opined that: -

"Para 6.1 These provisions require the Customs Broker to exercise due diligence to ascertain the correctness of any information and to advice the client accordingly. Though the CHA was accepted as having no mensrea of the noticed mis-declaration /under- valuation or mis-quantification but from his own statement acknowledging the negligence on his part to properly ensure the same, we are of the opinion that CH definitely has committed violation of the above mentioned Regulations. These Regulations caused a mandatory duty upon the CHA, who is an important

link between the Customs Authorities and the importer/exporter. Any dereliction/lack of due diligence since has caused the Exchequer loss in terms of evasion of Customs Duty, the original adjudicating authority has rightly imposed the penalty upon the appellant herein."

28. In a regime of trade facilitation, a lot of trust is placed on the Customs Broker who acts as a vital link between Customs Authorities and importers/exporters. Failure to comply with regulations by the CB mandated in the CBLR, 2018 gives room for unscrupulous persons to get away with import-export violations and revenue frauds. The CB has a prominent role in advising the exporter to mention the correct transaction value in the export document and to bring the matter to the notice of the Customs authorities wherever discrepancy is noticed.

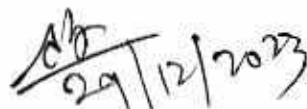
29. In view of above facts and circumstances, I hold that the charges against the CB under Regulation 10(d), 10(m) & 10(n) of the CBLR, 2018 are proved, and the CB is liable for penal action under the CBLR, 2018. However, as in the instant case, the CB has filed only two Shipping Bills and direct collusion of the CB with the exporter in said export fraud could not be established, I opine that awarding maximum punishment of revocation of license of CB under CBLR, 2018 is not justifiable. Accordingly, I pass the following order: -

ORDER

30. I, Principal Commissioner of Customs (General), in exercise of the power conferred upon me under Regulation 17(7) of the CBLR, 2018, pass the following order:

- (i) I hereby impose penalty of Rs. 50,000/- (Rupees Fifty Thousands only) on CB M/s. Trade Wings Ltd. (CB no. 11/52) under Regulation 18 of the CBLR, 2018.
- (ii) I hereby order for forfeiture of entire amount of security deposit furnished by CB under Regulation 14 of the CBLR, 2018.
- (iii) However, I refrain from revoking the CB License No. 11/52 under Regulation 14 of the CBLR, 2018.

This order is passed without prejudice to any other action which may be taken against the Customs Broker and their employees under the Customs Act, 1962, or any other act for the time being in force in the Union of India.



(SUNIL JAIN)

**PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)
MUMBAI ZONE-I**

To,

M/s. Trade Wings Ltd.,

Customs Broker License No. 11/52 (PAN No.AAACT4639F)

Building No. 5, Unit No. A/25,

Mittal Ind. Estate, Marol,

Andheri (East), Mumbai - 400059,

EM683080805 JW

Copy to: -

1. The Pr. Chief Commissioner/Chief Commissioner of Customs, Mumbai I, II, III Zone
2. All Pr. Commissioners/Commissioners of Customs, Mumbai I, II, III Zone
3. Commissioner of Customs (Export), ACC, Sahar, Mumbai
4. CIU's of NCH, ACC & JNCH
5. EDI of NCH, ACC & JNCH
6. ACC (Admn), Mumbai with a request to circulate among all departments.
7. JNCH (Admn) with a request to circulate among all concerned.
8. Cash Department, NCH, Mumbai.
9. Notice Board
10. Office Copy.
11. Guard File (Admin)