

1/1571856/2023

2086-2103

01.12.23



भारत सरकार

Government of India

वित्त मंत्रालय, राजस्व विभाग

Ministry of Finance, Department of Revenue

कार्यालय आयुक्त सीमा शुल्क (निवारक), उत्तर प्रदेश एवं उत्तराखण्ड

Office of the Commissioner, Customs (Prev) Uttar Pradesh & Uttarakhand

पांचवां तल, केंद्रीय भवन, सेक्टर एच, अलीगंज, लखनऊ

5th Floor, Kendriya Bhawan, Sector-H, Aliganj, Lucknow

Phone No. : 0522 2329828, E-Mail ID: cuslko.technical@gov.in

DIN: 2023/2800F0000000E Date: 30-11-2023
34E

**Order for suspension of Customs Broker Licence
No.02/CB/ LKO/2017 dated 12.07.2017**

Subject: Suspension of Customs Broker License No. 02/CB/ LKO/2017 dated 12.07.2017 (PAN:AORPS6306L) issued to Shri Abhay Narayan Singh, R/o 2/16 Jay Durga Chawl, LM Road, Dahisar(W), Mumbai, 400068 for not exercising due diligence in discharging his obligation as required under provisions of Customs Broker Licensing Regulations, 2018- Reg

Shri Abhay Narayan Singh, R/o 2/16 Jay Durga Chawl, LM Road, Dahisar(W), Mumbai, 400068 (hereinafter called as customs Broker) is holding a Customs Broker License No. 02/CB/ LKO/2017 dated 12.07.2017 issued by the Commissioner of Customs, Customs (Prev.) Commissionerate, Lucknow. The license of Customs Broker is also endorsed to Delhi, Mumbai and Mundra Customs also.

As per the Incident Report communicated vide letter C.No.VIII(26)132/CHA Enquiry/SNL/2023 dated 22.9.2023, it was informed by the Deputy Commissioner, Land Customs Station, Sonauli that on the basis of NCTC Alert No. 435/EXP/2023-24, an inquiry was conducted in respect of 06 shipping bill filed by the Exporters namely M/s Dhanam Enterprises (IEC BKQPY8460F) and M/s Shankar Enterprises (IEC FGKPB1099B) whereupon it is revealed that Shri Surendra Kumar Sharma (G card holder), Shri Surya Prakash Sahi (H card holder) and Shri Vijay Kumar Sahani (H-Card Holder), all were authorized by Shri Abhay Narayan Singh, CHA have filed certain shipping bills in respect of goods intended to be exported. However, the goods have not actually reached the port. The said persons misguided the Customs Authorities to get their SBs/Document passed and got Let Export Order (LEO) for their consignments.

During the course of inquiry the above persons were summoned and their statement were recorded in connection with the following shipping bills intended to be used for fake

export.

Sl. No.	Shipping Bill No.	Shipping Bill Date	Name of the exporter	Commodity	IGST Payment status
1	3553780	29.08.2023	M/s Dhanam Enterprises	Charging Socket for e-Bike	LUT
2	3553758	29.08.2023	M/s Shankar Enterprises	Spark Plug	LUT
3	3658047	02.09.2023	M/s Shankar Enterprises	Spark Plug	LUT
4	3658051	02.09.2023	M/s Shankar Enterprises	Spark Plug	LUT
5	3710591	05.09.2023	M/s Shankar Enterprises	Spark Plug	LUT
6	3710609	05.09.2023	M/s Shankar Enterprises	Spark Plug	LUT

The above mentioned persons have owned the responsibility of knowing the fact that the goods intended to be exported were not actually reached the LCS and they misguided the customs authorities to get their SBs/Documents passed.

An action under Regulation 17 (9) of the Customs Broker Licensing Regulations, 2018 (hereinafter called as CBLR, 2018) was taken whereunder Shri Surendra Kumar Sharma (G Card-holder) was debarred from transacting the business for a period of six months. The G card and H cards of the said persons have got surrendered from them.

In the instant case the employees of the Customs Broker were prima-facie found involved in execution of fake export through LCS Sonauli, the accountability of which shall lies with the Customs Broker representing the exporter as per Regulation 13 (12) of CBLR, 2018.

Regulation 10 of CBLR, 2018 stipulates obligation for customs broker. The relevant portion are reproduced as under-

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

10(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;

10(i) not attempt to influence the conduct of any official of the Customs Station in any matter pending before such official or his subordinates by the use of threat, false accusation, duress or the offer of any special inducement or promise of advantage or by the bestowing of any gift or favour or other thing of value;

10(n) verify correctness of Importer Exporter Code (IEC) number, Goods and Services Tax Identification Number (GSTIN), identity of his client and functioning of his

I/1571856/2023

client at the declared address by using reliable, independent, authentic documents, data or information;

From the foregoing, it appears that the Customs Broker has failed to comply with the regulation 10 (d), (e), (i), (n) and Regulation 13 (12) of the CBLR, 2018.

As the Custom Broker failed to comply with the obligations imposed upon him under the provisions of Regulation 10 of the CBLR, 2018 and Regulation 13 (12) of the CBLR, 2018, prima-facie liable for their acts of omission and commission leading to the contravention of the regulations of CBLR, 2018.

In view of the facts stated above, I come to the conclusion that, prima facie, Shri Abhay Narayan Singh, R/o 2/16 Jay Durga Chawl, LM Road, Dahisar(W), Mumbai, 400068 (Customs Broker License No. 02/CB/ LKO/2017 dated 12.07.2017) is liable for their acts of Omission and Commission for contravention of the provisions of CBLR, 2018, which also amounts to breach of trust and faith imposed on the Customs Broker by the Department. Thus they appear to have failed to fulfill their responsibilities as per regulations 10(d), 10(e), 10(i), 10(n) and 13 (12) of CBLR, 2018, which warrants urgent action. In view of above, I pass the following order :-

ORDER

In exercise of powers conferred upon me under the provisions of regulation 16(1) of CBLR, 2018, I hereby suspend the Customs Broker Licence No.02/CB/LKO/2017 dated 12.07.2017 issued to Shri Abhay Narayan Singh, R/o 2/16 Jay Durga Chawl, LM Road, Dahisar(W), Mumbai-400068 with immediate effect. The Customs Broker is directed to submit all the Customs Identity Cards issued to him and his staff by the Department immediately.

Further, in terms of Regulation 16(2) of CBLR, 2018, a personal hearing is hereby fixed on 08.12.2023 at 11.30 AM. Any written representation against this order shall reach the undersigned before the date of hearing.

Signed by Ranjeet Kumar
Date: 30-11-2023 13:57:13
Reason: Approved

(RANJEET KUMAR)
COMMISSIONER OF CUSTOMS

To,

Shri Abhay Narayan Singh,
R/o 2/16 Jay Durga Chawl,

1571856/2023

LM Road, Dahisar(W)
Mumbai-400068

Copy forwarded for information and necessary action to –

1. The Dy./Assistant Commissioner (CB), O/o the Commissioner of Customs (Airport and General), New Customs House, New Delhi-110037.
2. The Deputy/Assistant Commissioner, (Customs Broker Section), Customs House, Mundra Port, MP & SEZ, Mundra – 370421 (Kutch).
3. The Deputy/Assistant Commissioner (General), Customs Broker Section, New Customs House, Ballard Estate, Mumbai-400001.
4. The Deputy/Assistant Commissioners, Division-Lucknow /Nautanwa/ Varanasi/ Bareilly/ Gorakhpur/ CCSI Airport Lucknow /LBSI Airport Varanasi / ICD JRY / ICD Chakeri / ICD Panki / ICD Agra/ SIIB Lucknow
5. The Superintendent, Adjudication, Customs Headquarters, Lucknow for causing personal hearing on the date fixed.
6. The Superintendent (Systems), Customs (Prev.) Commissionerate, Lucknow for uploading on official website.