



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

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Order for suspension of Customs Broker Licence
No.03/CB/ REGULAR/KNP/2015 dated 10.04.2015

Subject: Suspension of Customs Broker License No.03/CB/ REGULAR/KNP/2015 dated 10.04.2015 (PAN: ESAPS9317E) issued to Shri Chhitij Sengar, 2A/144, Azad Nagar, Nawabganj, Kanpur, for not exercising due diligence in discharging his obligation as required under provisions of Customs Broker Licensing Regulations (CBLR), 2018- Reg

M/s. Chhitij Sengar, address: 2A/144, Azad Nagar, Nawabganj, Kanpur (hereinafter called as Customs Broker) is holding a Customs Broker License No.03/CB/REGULAR/KNP/2015 dated 10.04.2015 (PAN: ESAPS9317E) issued by the Commissioner of Central Excise, Kanpur and valid upto 09.04.2025. The Customs broker is endorsed in Vijaywada, Chennai, Mundra, Delhi and Noida Customs also.

The Joint Commissioner (Policy), Noida Customs Commissionerate vide letter C.No.VIII(30)Noida-Customs/CB/Chhitij Sengar/98/2019/1105(S/L) dated 29.06.2021 has informed that the involvement of Customs Broker M/s Chhitij Sengar was noticed in the following cases of bogus export of RMG overvalued by M/s AWDH Enterprises, concealment of black pepper with dry dates in import consignment of M/s DC International, concealment of areca-nut with dry dates in import consignment of M/s Nikate Global Trade LLP and investigation by DRI Noida in export consignment returned back in Startrack CFS where further investigations are under progress. It has also been informed that Noida Customs has cancelled the permission given to Customs Broker under Regulation-7(3) of Customs Broker Licensing Regulations, 2018 (hereinafter called as CBLR,2018) to work at any ports of

Noida Customs Commissionerate. The investigation report submitted by Assistant Commissioner ICD Dadri/Rori vides C.No. VIII(30)Cus/ICD-DD/DRI Surat/DCI/13/2021/918 dated 21.06.2021 is as under –

(a) On specific intelligence, consignment of Dry Dates imported by M/ s. D C International vide Bill of Entry No. 4035044 dated 22.05.2021 was detained and examined under panchanama dated 08.06.2021. The said Bill of Entry was filed by Customs Broker M/s. Shri Chhitij Sengar (ESAPS9317ECHO01) as an authorized representative of the importer. The description of the goods was declared as Dry Dates and quantity was declared as 28 MT. The said consignment was lying at LCD Rori for clearance. The said Customs Broker was informed vide letter F. N. VIII(30)CUS/ICD-RORI/DRI-SURAT/DCI/13/2021 dated 04.06.2021 to make arrangements for examination of the said consignment. Since, there was no response, he was once again requested to make necessary arrangement for examination vide reminder letter dated 05.06.2021. However, he did not turn up till 08.06.2021. Therefore, said goods were examined under panchanama dated 08.06.2021 in presence of panchas and custodian's representative. It was found that said Customs Broker took seal cutting permission for drawl of sample for FSSAI NOC. However, he never turned up for examination. During examination, 17.876 MT black pepper found concealed with 10 MT dry dates. The importer did not declare the goods black pepper in the said Bill of Entry. Non appearance of the said Customs Broker for examination of goods and not presenting goods for examination after taking seal cutting permission, shows that he was aware of concealment of the undeclared goods. It appears that he did not advice his client to comply with the provisions of Act, and in case of non-compliance, shall bring the matter to the notice of the Deputy Commissioner or Assistant Commissioner, as the case, may be. It was his duty to exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to the clearance of goods. His acts prove that he has concealed the information about the goods as he opened the container.

(b) On specific intelligence, consignment of Dry Dates imported by M/s. Nikate Global Trade LLP vide Bill of Entry No. 4025572 dated 21.05.2021 was detained and examined under panchanama dated 10.06.2021. The said Bill of Entry was filed by Customs Broker M/s. Shri Chhitij Sengar (ESAPS9317ECHO01) as an authorized representative of the importer. The description of the goods was

declared as Dry Dates and quantity was declared as 55 MT. The said consignment was lying at ICD Rori for clearance. The said Customs Broker was informed vide letter F. N. VIII(30)CUS/ICD-RORI/NGT/14/2021 dated 09.06.2021 to make arrangements for examination of the said consignment. However, he did not turn up again. Therefore, said goods were examined under panchanama dated 10.06.2021 in presence of panchas and custodian's representative. It was found that said Customs Broker took seal cutting permission for drawl of sample for FSSAI NOC. However, he never turned up for examination. During examination, 27.303 MT arecanuts found concealed with 28.311MT dry dates. The importer did not declare the goods arecanuts in the said Bill of Entry. The said Customs Broker did not present the consignment for examination after taking seal cutting permission, this give rise to reasonable belief that he was aware of about concealment.

(c) The Directorate of Revenue Intelligence, Noida Regional Unit had detained a container No CCSU1633135 at INSTT6 vide IGM No 3451389 dated 29.05.2021. The said container was containing the goods earlier exported vide Shipping Bill Nos 7838098, 7837757, 7837817, 7837768, 7837818 & 7838057 all dated 11.01.2021. It was found that said Shipping Bills were filed by the said Customs Broker. It has been gathered that goods exported were sub standard quality/old/used. The involvement of said Customs Broker cannot be ruled out."

In the present case, the role of Customs Broker seems to be dubious as the Custom Broker failed to comply with the obligations imposed upon him under the provisions of Regulation 10 of the CBLR, 2018. It also appears that Customs Broker has played a key role in attempting to clear the impugned goods and mis-declaring of description of Goods deliberately and wilfully by suppressing its true and correct declaration with an intend to evade Customs Duty and therefore has deliberately violated the provisions of the Customs and other Allied Acts and also appeared to have contravened the provisions of CBLR, 2018. Thus he has failed to discharge his duties as a Customs Broker and 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, M/s Chhitij Sengar, address: 2A/144, Azad Nagar, Nawabganj, Kanpur holding Customs Broker License No.03/CB/REGULAR/KNP/2015 dated 10.04.2015 (PAN: ESAPS9317E) 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 he appears to have failed to fulfil his responsibilities as per regulations 10(d), 10(e), 10(m), & 10(q) of the 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.03/CB/REGULAR/KNP/2015 dated 10.04.2015 (PAN: ESAPS9317E) issued to Shri Chhitij Sengar, 2A/144, Azad Nagar, Nawabganj, Kanpur, 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 any of 26, 27 or 28 July 2021. Any written representation against this order shall reach the undersigned before the date of hearing.

Signed by Ved Prakash
Shukla
Date: 14-07-2021 15:16:24
Reason: Approved

(Ved Prakash Shukla)
COMMISSIONER OF CUSTOMS

To,

Shri Chhitij Sengar,
2A/144, Azad Nagar, Nawabganj,
Kanpur - 208002

Copy to –

1. The Joint Commissioner (Policy), Noida Customs Commissionerate, Concor Complex, P.O. Container Depot, Greater Noida, Gautam Budh Nagar – 201311 with request to communicate outcome of the inquiry being carried out in r/o the Customs Broker.
2. The Dy./Assistant Commissioner (Tech.), O/o The Commissioner of Customs (Prev.), 55-17-3, C-14, 2nd Floor, Road No.2, Industrial Estate, Autonagar, Vijayawada – 520007.
3. The Dy./Assistant Commissioner (CBS), O/o The Commissioner of Customs (Chennai – VIII), Customs House, No.60, Rajaji Salai, Chennai - 600001.
4. The Deputy/Assistant Commissioner, (Customs Broker Section), Customs House, Mundra Port, MP & SEZ, Mundra – 370421 (Kutch)

5. The Dy./Assistant Commissioner (CB), O/o the Commissioner of Customs (Airport and General), New Customs House, New Delhi-110037.
6. The Superintendent, Adjudication, Customs Headquarters, Lucknow for causing personal hearing on the date fixed and adjudication.
7. The Deputy/Assistant Commissioners, Division-Nautanwa/Gorakhpur/Bareilly/Lucknow/Varanasi; EP circles-Agra/Kanpur & CCSI Lucknow/LBSI Varanasi Airport.
8. The Deputy Commissioner SIIB Branch Customs (Prev.) Commissionerate Lucknow.
9. The Superintendent (Systems), Customs (Prev.) Commissionerate, Lucknow for uploading on Official website.

2946 ✓
16-07-2021