



प्रधान सीमाशुल्क आयुक्त (सामान्य) का कार्यालय  
**OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)**  
कस्टम ब्रोकरअनुभाग, नवीन सीमाशुल्क भवन,  
**CUSTOMS BROKER SECTION, NEW CUSTOM HOUSE,**  
बेलाई इस्टेट, मुंबई - I  
**BALLARD ESTATE, MUMBAI - I**

F.NO. GEN/CB/125/2024-CBS

Date: 26.03.2024

DIN: 2024037700000099109f

**ORDER NO. 54/2023-24**

M/s Modern Cargo Services Pvt. Ltd. (Licence no. 11/881, CB code AAACM7088BCH001), having registered address at 14, 3rd floor, Samhita Warehousing Complex, Off Andheri Kurla Road, Andheri East, Mumbai 400072 (hereinafter referred as the Customs Broker/CB) is holder of Customs Broker License No. 11/881, issued by the Commissioner of Customs, Mumbai under Regulation 8 of CHALR, 1984, [Now regulation 7(2) of CBLR, 2018] and as such they are bound by the regulations and conditions stipulated therein.

2. During the course of the investigation, it was revealed that Black Pepper was imported by M/s Golden Feathers Traders from ICD, Rajsico, Jaipur through their CB, M/s Modern Cargo Services Pvt. Ltd. The imported goods were subsequently sold to M/s Shivaansh Marketing & M/s RM Enterprises in Bond to Bond Sale. The goods were either clandestinely removed from M/s Akshay Logistics warehouse (NSAIU131) or taken to a private warehouse and were being illegally diverted to the local market to evade the payment of Customs Duty and to circumvent the restrictions imposed under the Customs Act, 1962 or by any other law for the time being in force. The permission for bond-to-bond transfer from ICD, Rajsico, Jaipur to Mumbai was taken on the basis of fake/ forged documents/signature/stamp of the customs officers. Neither the firm M/s Golden Feather Traders nor its proprietor Shri Lakshay Kumar was found existing /residing on the declared address.

3. Statement of Mr. Kaushlendra was recorded on 24.07.2023 u/s 108 of the Customs Act, 1962. In the statement, he informed that he was working as Deputy Manager (G card) of M/s Modern Cargo Services Pvt. Ltd. since Nov, 2019 and looked after all customs clearances and sales in Jaipur.

3.1 He stated that he was contacted by Mr. Rana Thakur in Sept, 2023. Mr. Thakur introduced himself as an authorized person of M/s Golden Feather Traders, Delhi and wanted to import Black Pepper. Mr. Thakur said that they were importing the goods in Jaipur instead of Delhi because the warehousing charges were low in ICD RSIC and that they would clear the consignment as and when they would get customer. Mr. Thakur provided copies of IEC, GSTIN, Aadhar, PAN and KYC attested by the bank for the firm and its proprietor. Mr. Kaushlendra stated that it was his obligation to verify the correctness of IEC, GSTIN, identity of the client and functioning of the client at the declared address, however, he did not verify identity of the client and functioning of the client at the declared address personally.

3.2 He asked Mr. Thakur as to why they were not clearing the consignment for sale to Delhi to which Mr. Thakur informed that they would transfer the

goods to M/s Akshay Logistics on warehouse-to-warehouse basis and later they would sell the goods in Mumbai.

3.3 He stated that when he received various calls from his Mumbai office regarding tendering statement to DRI, Nhava Sheva in the matter of import of Black Pepper by M/s Golden Feather Traders, he got scared and ran away to his native village in UP. He was informed by an ICD, RSIC officer about removal of goods from the warehouse by theft without payment of Customs Duty. He then contacted Mr. Thakur about status of the goods and provide FIR copy if any theft had been done. He was provided FIR copy by Mr. Thakur which he then submitted to ICD, RSIC customs.

4. In his statement dated 18.09.2023, Mr. Kaushlendra stated that he met with Mr. Rana Thakur in ICD, RSIC during clearance of export goods of one of their clients. He also stated that he never met Mr. Lakshay Kumar, proprietor of M/s Golden Feather Traders, Delhi personally. He informed that Mr. Thakur submitted space certificate to proceed in customs for transfer of goods bond basis.

4.1 He further informed that he introduced Mr. Kailash Singh of M/s Daksh Logistics to Mr. Thakur for transportation of warehoused goods to M/s Akshay Logistics, Raigarh. He said that he did not have contact details of M/s Akshay Logistics so he gave the mobile number of Mr. Thakur to the drivers instead of the contact details of M/s Akshay Logistics, Raigarh. Mr. Thakur told the drivers to call him once they enter Raigarh and then he would give the contact details of the person who would guide the drivers to the premises of M/s Akshay Logistics. He stated that as per documents, containers containing Black Pepper were moved from Jaipur to M/s Akshay Logistics, Raigarh, however, as per statement of Mr. Mahendra Singh dated 15.09.2023, the containers were unloaded in a warehouse in Panvel instead of M/s Akshay Logistics, Raigarh.

5. Statement of Mr. Krishna Kumar Govindrajan, General Manager, M/s Modern Cargo Services Pvt. Ltd. was recorded under Section 108 of the Customs Act, 1962, wherein he inter-alia stated that he was the General Manager of M/s Modern Cargo Services Pvt. Ltd. since 03.12.2018 and looked after General administration of the company. He informed that Mr. Kaushlendra was their Branch Manager at Jaipur and handled their Jaipur branch business. Mr. Kaushlendra would liaise with Mr. Firdos, CEO of their company for any business related issues from time to time. Mr. Firdos expired on 16.01.2023.

5.1 He further stated that in November 2022 they got aware that some import business of M/s Golden Feather Traders was on boarded by Mr. Kaushlendra and the shipment was to be examined 100%. Mr. Firdos initially advised Mr Kaushlendra not to take up such new shipments, however, the BE was already filed. Therefore, Mr. Kaushlendra was later advised to take caution and proceed.

5.2 He informed that they were not aware of the importer M/s Golden Feather Traders, its proprietor Mr. Lakshay Kumar and authorized signatory Mr. Rana Thakur as all the company affairs were handled by Mr. Kaushlendra for Jaipur branch. The KYC documents, IEC and GST Registration of M/s Golden Feathers Traders were verified online. They did not verify genuineness of the importers and its proprietor's residential address in Delhi. They were also not aware of the Bond to Bond transfer of the imported goods.

5.3 They received a call from DRI, Nhava Sheva in the 3<sup>rd</sup> week of March, 2023 to produce Mr. Kaushlendra before the agency. Mr. Kaushlendra was informed about it and was requested various times to come to Mumbai to co-operate with the agency, however, he refused to come and emailed them on 31.03.2024 saying that he would not be available on call or email as he had to leave his hometown for some urgent work. 03 people from the CB firm, including Mr. Govindrajan went to the residence of Mr. Kaushlendra in Jaipur, however, he was not at home. Mr. Kaushlendra was terminated from the CB firm on 29.05.2023.

5.4 They invoiced M/s Golden Feather Traders an amount of Rs.10,000.00 for filing BE per container. They had totally invoiced 8 Bills for an amount of Rs 147500.00. An amount of Rs. 1,18,000.00 was received in their HDFC Bank A/c No: 12042320000267. An amount of Rs. 29,500.00 was still due for payment.

### **Role of Customs Broker:**

6. The Customs Broker is an agent of export importer. He works on behalf of importer. He also takes authorization to work on behalf of importer. A CB, remains fully aware that omission and commission by the importer affects working of image of CB. It is a business practice that CB knows on whose behalf they are working, as CB can face investigation for omission and commission at any time. As per CB Regulation, a CB also requires to know the client. Even in the absence of such requirement it is business practice that the CB knows on whose behalf they are working as the relation between CB and importer is a long time relation. In view of the above, it appears the CB has violated Regulations 10(d), 10(e) and 10(n) of CBLR, 2018.

Under Regulation 10 of 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 noncompliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;*

In the instant case, Customs Broker M/s Modern Cargo Services Pvt. Ltd. did not advise their clients to follow the procedure of bond to bond transfer of goods neither did they bring the matter to the notice of the customs authorities which is sheer non-compliance at the end of Customs broker.

*(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;"*

In the instant case, the said CB did not exercise their duties with due diligence and failed to check any scope for fraud or loss of Government Revenue it appears that the CB had tacitly connived with the exporter.

*(n) "verify correctness of Importer Exporter Code (IEC) number, Goods and Services 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;"*

In the instant case, the said CB did not verify identity and declared address either of M/s Golden Feathers Traders or of its proprietor Mr. Lakshay Kumar. The CB has never met with the importer and only dealt with a third party, Mr. Rana Thakur.

10. From the above facts it appears that, prima facie, Customs Broker M/s Modern Cargo Services Pvt. Ltd. (Licence no. 11/881, CB code AAACM7088BCH001) had violated Regulation 10(d), 10(e) & 10(n) of CBLR, 2018. It is apprehended that the Custom Broker may adopt similar modus operandi in future consignments and department cannot remain oblivious to the danger posed by such an eventuality.

Accordingly, I pass the following Order:

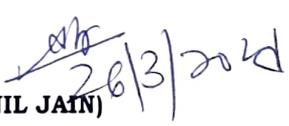
**ORDER**

11. I, Principal Commissioner of Customs (General), in exercise of powers conferred upon me under the provisions of Regulation 16 (1) of CBLR, 2018 hereby suspend the licence of M/s Modern Cargo Services Pvt. Ltd. (Licence no. 11/881) with immediate effect, being fully satisfied that the Customs Broker has prima-facie not fulfilled their obligations as laid down under Regulation 10(d), 10(e) & 10(m) of CBLR, 2018.

12. However, I offer the Customs Broker M/s Modern Cargo Services Pvt. Ltd. (Licence no. 11/881) an **opportunity of personal hearing on 10<sup>th</sup> April 2024 at 12:00 PM hours**. Any written representation against this order should reach the undersigned before the date of hearing.

13. M/s. Modern Cargo Services Pvt. Ltd. (Licence no. 11/881, CB code AAACM7088BCH001) is directed to surrender all the original Custom Passes issued to their employee/partner/director/Proprietor immediately.

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

  
(SUNIL JAIN)

**Principal Commissioner of Customs (G)  
NCH, Mumbai - I**

To

M/s. Modern Cargo Services Pvt. Ltd.  
(Licence no. 11/881, CB code AAACM7088BCH001),  
14, 3<sup>rd</sup> floor, Samhita Warehousing Complex, Off Andheri Kurla Road,  
Andheri East, Mumbai 400072

Copy to:

1. The Pr./Chief Commissioner of Customs, Mumbai Zone I, II, III
2. CIU's of NCH, ACC & JNCH
3. The Commissioner of Customs, Mumbai Zone I, II, III
4. EDI of NCH, ACC & JNCH
5. Bombay Custom House Agent Association
6. Office copy
7. Notice Board