




S40

	<p>सीमा शुल्क के आयुक्त का कार्यालय OFFICE OF THE COMMISSIONER OF CUSTOMS जी. एस. टी. भवन, 41/ए ससून रोड, पुणे-411001 GST BHAVAN , 41/A, Sasson Road, Pune-411001 Ph. No. 020-26051839, Fax No. 020-26051849 (Customs Broker Section) e-mail : cha- cuspune@gov.in</p>
---	--

Date: 12-08-2025

**SHOW CAUSE NOTICE No. 03/2024-25  
UNDER REGULATION 17 OF THE CUSTOMS BROKER LICENSING  
REGULATION, 2018  
DIN-20250868MF0000323492**

M/s. Sai Dutta Shipping Agency Private Ltd., (Herein to referred as "Customs Broker") a Proprietorship concern, having PAN No. AAFCS5242L & declared office premises at Flat No. 10, Jain House, 1st Floor, 154 Jerbai Wadia Road, Parel, Mumbai, Maharashtra- 400012 are holder of a Customs Broker License bearing No. PN/R/044/2001 dated 26.02.2001 issued by Pune Customs as Parent Commissionerate under Regulation 7(2) of CBLR, 2018. They are also operating from other ports as well under Regulation 7(3) of CBLR, 2018 and as such they are bound by the regulations and conditions stipulated therein. The validity of the license held by M/s. Sai Dutta Shipping Agency Private Ltd. is lifetime and Shri Harshad Majrekar is the Operating Manager of M/s. Sai Dutta Shipping Agency Private Ltd. They are also working in Mumbai Customs (CB No. 4896/2022), under Regulation 7(3) of CBLR, 2018.

2. The offence report issued by the Deputy Commissioner of Customs-CBS NCH, Mumbai-I received in this office through e-mail on 02.06.2025 vide letter F.No. GEN/CB/268/2025-CBS dated 02.06.2025 requesting this office to take appropriate action against CB under CBLR, 2018 since Pune Customs being the parent Commissionerate and Show Cause Notice No.1700/2024-25/Gr.II(A-B)/NS-I/CAS/ & IA/NS-I/CAC/JNCH dated 04.02.2025 issued by Commissioner of Customs, NS-1, JNCH, in respect of M/s. Air Liquide India Holding Pvt. Ltd. (IEC No. 056028539) having its registered address at Plot B-1 Chakan Industrial Area, PH-II Village Sawardari, Tehsil Khed, Pune, Maharashtra has been received in this

office through e-mail on 02.06.2025. **BOE No. 7357869 dated 14.08.2023 and 2817053 dated 30.03.2024** was filed by M/s. Sai Dutta Shipping Agency Private Ltd. for customs clearance of goods covered under said BOE for their client M/s. Air Liquide India Holding Pvt Ltd., the importer in the present case. The findings in the show cause notice are as under:

3. M/s. Air Liquide India Holding Pvt. Ltd. (IEC No. 056028539) had filed Bill of Entry No. **7357869 dated 14.08.2023 and 2817053 dated 30.03.2024**, for clearance through its Authorized Customs Broker, M/s. Sai Dutta Shipping Agency Private Ltd. The declaration made in the BOE is indicative of the fraudulent intent of the importer and Customs Broker. It is observed that Importer has imported DA PUR and DMF Acetylene under CTH 29012910 filled in cylinders on return basis (as per declaration) and paid applicable duty only on chemical/gas (Acetylene) filled in cylinders. It was found that returnable cylinders neither declared as separate items in respective import documents nor has claimed any exemption notification/benefit for import of cylinders (Imported on returnable basis).

3.2 Furthermore, as per the PESO certificate/license given at the time of import (mentioned in respective import bills of entry) there was specific condition for import of said Gas/Chemical in cylinders.

Which is stated below:

*"Please note that the cylinders in question after emptied shall be returned to the supplier of the cylinders under intimation to this office. The copies of re-export bond and bank guarantee executed to The President of India through Commissioner of Customs shall be submitted to this office for reference and record. This permission does not absolve you to obtain necessary permission/license from any other authorities."*

3.3. Export Docks Officer asked CHA/exporter to provide details regarding duty payment on cylinder at the time of import or details regarding any exemption notification claimed on import of cylinder on returnable basis, as there was not any notification mentioned in import bill of entry. Also, exporter was asked to provide details/copy of re-export bond and bank guarantee which was to be submitted at the time of import (as cylinders were imported on returnable basis). However, CHA/ exporter has failed to provide.

3.4 Furthermore as per condition of Notification No. 104/94-Cus dated

16.03.1994 goods are to be re-exported within six months or such extended period as approved by the competent authority. However, exporter also failed to provide documentary evidence regarding the extension in re-export period.

3.5 It appears that CB filed bills of entry 7357869 dated 14.08.2023 and 2817053 dated 30.03.2024 as per offence report without taking landing permission as per Rule 32 of Gas Cylinder Rules, 2016 as the same is not found uploaded in E-Sanchit. It appears that this is the violation of provision of DGFT Notification No. 17/2015-20 dated 05.09.2019 by not doing compulsory SIMS registration.

### **Gas Cylinder Rules 2016**

**Rule 32.** *Permission of the Commissioner of Customs (1) No imported cylinder, valve and LPG regulator shall be landed except with the permission of the Commissioner of Customs (2) If the Commissioner of Customs is satisfied that the gas cylinder, valve and LPG regulator can lawfully be imported, he shall permit it to be landed. (3) Nothing in this rule shall affect the power of the Commissioner of Customs to detain the gas cylinder, valve and LPG regulator under any other law for the time being in force.*

### **4. Customs Broker's Complicity:**

(i) M/s. Sai Dutta Shipping Agency Private Limited, in collusion with the importer, has mis-declared the goods and failed to exercise due diligence in verifying the information provided. This negligence facilitated the importation of prohibited goods, making the customs broker liable for penalties under Sections 112, 114A, 114AA and 117 of the Customs Act, 1962.

### **ii. Failure to Comply with Licensing Regulations:**

M/s. Sai Dutta Shipping Agency Private Ltd. has failed to fulfil obligations as stipulated under the Customs Broker Licensing Regulations, 2018 (CBLR, 2018) This non-compliance warrants penal action related to the attempted clearance of the consignments for the importer.

5. Accordingly, in the present case, **Customs Broker** was issued with the Show Cause Notice (**RUD 2**) under Section 124 of Customs Act, 1962, by Commissioner of Customs, NS-1, JNCH, proposing imposition of penalty under sections 112(a), 112(b), 117, 114A and 114AA of the

Customs act, 1962 for their role in the said imports.

**6 . Role and Contraventions by the Custom Broker M/s. Sai Dutta Shipping Agency Private Ltd.**

The investigation has revealed that M/s. Air Liquide India Holding Pvt Ltd. as the importer, collaborated with the Customs Broker to import DMF Acetylene Cylinders (On returnable and rotation basis) into India, by fraudulently without landing permission as per Rule 32 of Gas Cylinder Rules, 2016 & without SIMS registration and also not advised the importer to declare cylinders separately in various bills of Entry as per offence report which lead to evasion of higher Customs Duty on cylinders as per clarification provided vide Circular No. 51/20200-Customs dated 20.11.2020. In the instant case, it appears that, M/s. Air Liquide India Holding Pvt Ltd. has filed BoE in which DMF Acetylene Cylinders (On returnable and rotation basis) were declared as separate item in bill of entry. However, the duty was paid which was applicable on DMF Acetylene. This misclassification has resulted in evasion of customs duty and without taking landing permission as per Rule 32 of Gas Cylinder Rules, 2016. It was responsibility of the Custom Broker to advise his client to comply with the provisions of the Act and Rules and Regulations thereof and in case of non-compliance shall bring the matter to the notice of concern Custom Officers. However, the Customs Broker instead of advising his client to comply with correct provisions of the Regulations, connived with them and filed Bill of Entry by mis-declaring the goods in terms of description and knowingly concerned themselves. They also failed to declare the correct information to the Customs authorities. Thus, it appears that Custom Broker has thereby violated various provisions of Regulation 10 of the CBLR, 2018 which reads as under:

***10(d) "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***

7. Further, the Custom Broker has failed to exercise due diligence to the correctness of information in r/o the fraudulent intent of the importer. The CB has failed to verify the correctness of functioning of his client properly, as the said importer has been found to be engaged in similar activities in more than one case. Therefore, it appears that Custom Broker

has violated the Regulation 10 (e) of CBLR, 2018, which reads as under:

**10(e) "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;"**

7.2 A Customs broker must not withhold any information contained in an order, instruction, or public notice issued by the Customs Authorities regarding the clearance of cargo or baggage. This information must be promptly and accurately provided to the client.

However, in this case, it appears that the Customs broker failed to disclose the essential information to the concerned client. As a result, the broker has violated Regulation 10(f) of the Customs Brokers Licensing Regulations (CBLR), 2018, which emphasizes the duty of a Customs broker to act with transparency, fairness, and accountability in their professional conduct. Therefore, it appears that the Customs Broker has also violated Regulation 10(f) of CBLR, 2018, which reads as follows:

**10(f) "A Customs broker shall not withhold information contained in any order, instruction or public notice relating to clearance of cargo or baggage issued by the Customs authorities, as the case may be, from a client who is entitled to such information;"**

7.3 Further, the Custom Broker has failed to discharge his duties as a Customs Broker and act with slowness or inefficiency or cause necessary delay in carrying his responsibility. Therefore, it appears that Custom Broker has violated the Regulation 10 (m) of CBLR, 2018, which reads as under:

**10(m) "A Customs broker shall discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;"**

7.4. The evidence on record indicates that the Custom Broker was working in a seriously negligent manner and was in violation of the obligations cast upon them under the CBLR 2018. A Custom Broker occupies a very important position in the Customs House and is supposed to safeguard the interest of both the importers and the Customs Department. A lot of trust is kept on Custom Broker by the Government

Agencies, but by their acts of omission and commission, it appears that the said Custom Broker has violated Regulation 10(d), 10(e), 10(f) and 10(m) of the Customs Brokers Licensing Regulation, 2018 and rendered themselves for action under Regulations 14 and 17 of CBLR, 2018. For the above Omissions and Commissions which led to contravention of the provisions of the CBLR, 2018 as discussed above, they have also rendered themselves liable for penalty under Regulation 18 of CBLR, 2018.

8. The above said acts have been committed knowingly by the Customs Broker. Hence this Show Cause Notice is being issued under the Regulation No.17 of the CBLR, 2018 read with Boards Circular No. 09/2010 -Cus. dated 08-04-2010.

**9. Now therefore, the Customs Broker M/s. Sai Dutta Shipping Agency Private Limited, holder of CHA License No: PN/R/044/2001 is hereby called upon to show cause as to why:-**

- i. The Customs Broker license bearing no. PN/R/044/2001 dated 26.02.2001 issued to them by Pune Customs, Pune should not be revoked;
- ii. An amount of Rs. 75,000/- as a Security Deposit in the form of NSC VIII Issue issued by Asstt Post Master NSC/KYP Dadar HPO Mumbai valid upto 25-06-2029 should not be ordered for forfeiture under Regulation 14 of the CBLR, 2018;
- iii. Penalty should not be imposed upon them under Regulation 18 of the CBLR, 2018 for their failure to comply with the provisions of CBLR, 2018 as detailed in this show cause notice.

10. M/s. Sai Dutta Shipping Agency Private Limited, holder of CHA License No: PN/R/044/2001 are hereby directed to submit a written submission in their defence and request letter, if they desire to be heard in person, within (30) thirty days from date of receipt of this Notice, to the Inquiry Officer, S. Vivekanandhan, Assistant Commissioner, Pune Customs, who shall conduct the inquiry under Regulation 17 of CBLR, 2018. If no reply or request for hearing is received within the stipulated time period, it will be presumed that they have no explanation to offer and it will be presumed that they do not want any personal hearing and the issue will be decided on the facts available on records.

11. This notice 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 any other law for the time being in force in Union of India.

12. List of Documents Relied Upon: -

RUD No.	Particulars
1	The offence report issued by the Deputy Commissioner of Customs- CBS NCH, Mumbai-I received in this office through e-mail on 02.06.2025 vide letter F.No. GEN/CB/268/2025-CBS dated 02.06.2025
2	Copy of SCN No. 1700/2024-25/Gr.II(A-B)/NS-I/CAS/ & IA/NS-I/CAC/JNCH dated 04.02.2025 issued by Commissioner of Customs, NS-1, JNCH,

Digitally signed by  
D Anil  
Date: 12-08-2025  
17:32:06

(D.Anil)  
Commissioner of Customs  
PUNE

To,  
M/s. Sai Dutta Shipping Agency Private Ltd.,  
Shop No.1, 'Neelkanth Corner' Co-Op. HSG. Society Ltd.,  
Plot No.2, Sector-2, Sanpada,  
Navi Mumbai-400705

Copy to:-

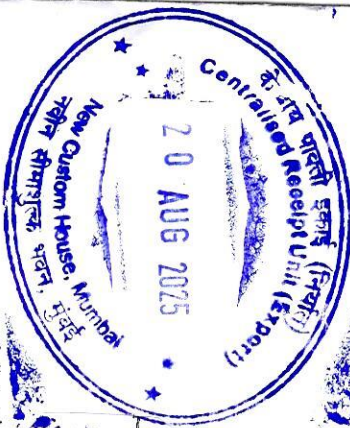
S. Vivekanandhan, Assistant Commissioner of Customs, Pune  
appointed as the Inquiry Officer to conduct an inquiry into the case  
under Regulation 17 of CBLR, 2018.

Copy to:-

- 1. The Pr. Commissioner of Customs, (NS-I), Mumbai Customs Zone-II, JNCH, Raigad-400707, for information.
- 2. All A.C/D.C In charge of ICD/CFS under the jurisdiction of Pune, Customs.
- 3. EDI Section NCH, Mumbai. New Custom House, Ballard Estate, Mumbai-400001
- 4. Office Copy
- 5. Notice Board



एक कदम स्वच्छता की ओर



भारत सरकार सेवार्थ  
ON GOVT. OF INDIA SERVICE

546



प्रति / To,

Customs.

3. EDI Section NCH, Mumbai.
  4. Office Copy
  5. Notice Board
- New Custom House, Ballard Estate, Mumbai.

4000001

जाचक लिपिक / Despatch Clerk

केन्द्रीय सीमा शुल्क, पुणे आयुक्त का कार्यालय, पुणे  
41/ए, आय.सी.ई. हाक्स, ससून रोड, पोस्ट बॉक्स नं. 176, पुणे - 411 001.  
Office of the Commissioner of Customs, Pune  
41/A, ICE House, Sassoon Road, P.B. No. 176, Pune - 411 001.



BOOKED UNDER BNPL SCHEME  
SPCC, PUNE - 411 001.

BNPL NO.10601

14 AUG 2025

DATE

WT.

CHARGES :