

1. Information needed in the form of documents and clarification.
2. The required information for the period from 2004 to 2018.
3. The particular details of information or documents asked for is given below.
 - a. Why customs house agents demand for know your customer (KYC) form to be filled, signed by an importer/exporter/IEC holder (furnish the document)
 - b. Need to know under which section of Indian customs act CHA will have rights to demand KYC from IEC holder/exporter/importer.(please furnish the documents or circulars)
 - c. Need to have certified copy of Indian customs circular number 09/2010 dated 08/04/2010 issued by director customs. If any further circulars pertaining to KYC.
 - d. Why this circular number 09/2010 dated 08/04/2010 insist for KYC FORM to be filled and signed by IEC HOLDER/IMPORTER/EXPORTER.
 - e. Why in the annexure of circular number 09/2010 dated 08/04/2010 insist for power of attorney granted to employee in the case of partnership firm, to complete the KYC formality and to authorise CHA to represent customs on behalf of IEC HOLDER/IMPORTER/EXPORTER.
 - f. Under which section of Indian customs act ,IEC HOLDER/IMPORTER /EXPORTER is responsible for pros and cons for the act of CHA and others without the knowledge of the IEC HOLDER/IMPORTER/EXPORTER
 - g. What is the action taken against CHA and others for filing the shipping bill without the knowledge of IEC HOLDER/IMPORTER/EXPORTER even by not completing the KYC formality
 - h. Why customs house agents demand for an authority letter or authorisation signed by an importer/exporter/IEC holder (furnish the document)
 - i. Need to know under which section of Indian customs act CHA will have rights to demand authority letter or authorisation from IEC holder/exporter /importer.(furnish the documents or circulars)
 - j. Need to have certified copy of Indian customs Brokers Licensing Regulations 2013
 - k. Why in the Indian customs Brokers Licensing Regulations 2013, point 11. (a) Clearly insist CHA to obtain an authorisation from IEC HOLDER/IMPORTER/EXPORTER.
 - l. Under which section of Indian customs act IEC HOLDER/IMPORTER /EXPORTER is responsible for pros and cons for the act of CHA and others, when they file shipping bill for the goods of unknown person /or company, under the name of IEC HOLDER/IMPORTER/EXPORTER without the knowledge of IEC holder and without even authorisation from the IEC holder
 - m. What is the action taken against CHA and others for filing the shipping bill for the UN known person /company goods, without the knowledge of IEC HOLDER/IMPORTER/EXPORTER, when he is failed to follow the Indian customs Brokers Licensing Regulations 2013, point 11. (a).

**Information Sought
(जानकारी मांगी):**

**Original RTI Text (मूल
आरटीआई पाठ):**

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- m. What is the action taken against CHA and others for filing the shipping bill for the UN known person /company goods, without the knowledge of IEC HOLDER/IMPORTER/EXPORTER, when he is failed to follow the Indian customs Brokers Licensing Regulations 2013, point 11. (a).

3	<p>Order Part:</p> <p>In this regard, required para-wise information are given below;</p> <p>a) As per regulation 11(a) of Customs Brokers Licensing Regulations (CBLR),2013 {now regulation 10(a) of CBLR,2018} - a Customs Broker shall obtain an authorisation from each of the companies, firms or individuals by whom he is for the time being employed as a Customs Broker and produce such authorization whenever required by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be and;</p> <p>further, in terms of regulation 11(n) of CBLR,2013 {now regulation 10(n) of CBLR,2018 } - a Custom Broker shall verify antecedent, correctness of Importer Exporter Code (IEC) number, identity of his client and</p>
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functioning of his client at the declared address by using reliable, independent, authentic documents, data or information.

- b) In terms of regulation 11 of CBLR,2013 { now regulation 10 of CBLR,2018 } read with Section 146 of the Customs Act,1962 CHA may ask for KYC from IEC Holder/Exporter/Importer.
- c) Copy of Circular No. 09/2010-Customs dated 08.04.2010 is enclosed. Same is also available in public domain on department website i.e. www.cbic.gov.in
- d) Pertains to Central Board of Excise & Customs (now CBIC).
- e) Pertains to Central Board of Excise & Customs (now CBIC).
- f) IEC holder/ Importer/Exporter is responsible for pros & cons for the act of CHA under the provisions of Custom House Agents Licensing Regulations, 2004 as amended, (Principal Notification No. 85-Customs (N.T.) dated 19.03.1984
- g) Action for revoking of licence or imposition of penalty may be taken under regulations of CBLR,2018 {erstwhile CBLR,2013}.
- h) & i) same as a) above
- j) Copy of Custom Brokers Licensing Regulation,2013 is enclosed, however, the same is also available in public domain on department website i.e. www.cbic.gov.in
- k) Pertains to Central Board of Excise & Customs (now CBIC).
- l) Same as f) above.
- m) Action for revoking of license or imposition of penalty can be taken under Regulation of CBLR, 2018 (erstwhile CBLR, 2013).

4 In case you are not satisfied with this reply, you may prefer an appeal within 30 days from the date of receipt of this letter before the Appellate Authority :- Shri Ajay Kumar, Additional Commissioner & Appellate Authority, Custom House, Kandla, Near Balaji Mandir, Kandla.



(Mukesh Chadha)

सीपीआईओ एवं सहायक आयुक्त (RTI)

सीमाशुल्क आयुक्तालय

कांडला