



OFFICE OF THE COMMISSIONER
CUSTOM HOUSE, KANDLA
NEAR BALAJI TEMPLE, NEW KANDLA
Phone : 02836-271468/469 Fax: 02836-271467

A	फाइल संख्या/ File No.	S/7-58/CHA/2009
B	आदेश में मूल सं./ Order-in-Original No.	KND-CUSTM-000-COM- 03 -2019-20
C	पारितकर्ता/Passed by	SHRI SANJAY KUMAR AGARWAL, PRINCIPALCOMMISSIONER OF CUSTOMS, KANDLA
D	आदेश की दिनांक/Date of order	02.05.2019
E	जारी करने की दिनांक/Date of issue	02.05.2019
F	आदेश की दिनांक/Date of order	F.No. S/7-58/CHA/2009 dated 11.05.2017
G	नोटीसी पार्टी /Noticee/Party	M/s Bright Shiptrans Pvt. Ltd., 244, Sector 1A, First Floor, Opp. Kutch Uday Press, Gandhidham, Kutch District, Gujarat - 370201

- यह अपील आदेश संबन्धित को नि शुल्क प्रदान:कियाजाता है।
This Order - in - Original is granted to the concerned free of charge.
- Any person aggrieved by this Order - in - Original may file an appeal under Section 129A(1)(a) of Customs Act, 1962 read with Rule 6(1) of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A.-3 to:

"केंद्रीय उत्पाद शुल्क एवं सेवाकर अपील अधिकरण"

पश्चिम क्षेत्रीय बेंच

द्वितीयतल, आसरवा बहुमाली भवन

गिरधर नगर ब्रिज के समीप ००४ ३८० -अहमदाबाद, गिरधर नगर,

**Customs Excise & Service Tax Appellate Tribunal,
West Zonal Bench,**

2nd Floor, Bahumali Bhavan Asarwa,

Nr. Girdhar Nagar Bridge, Girdhar Nagar, Ahmedabad - 380004

- उक्त अपील यह आदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए।
Appeal shall be filed within sixty days from the date of communication of this order.
- उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 2/- रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए-
Appeal should be accompanied by a fee of Rs. 2/- under Court Fee Act it must accompanied by -
(i) उक्त अपील की एक प्रति और
A copy of the appeal, and
(ii) इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची-1 के अनुसार न्यायालय शुल्क अधिनियम-1870 के मद सं.-6 में निर्धारित 5.00/- रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।
This copy of the order or any other copy of this order, which must bear a Court Fee Stamp of Rs. 5.00/- (Rupees Two only) as prescribed under Schedule - I, Item 6 of the Court Fees Act, 1870.
- अपील ज्ञापन के साथ इयूटि/ ब्याज/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।
Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.
- अपील प्रस्तुत करते समय, सीमा शुल्क नियम (अपील), 1982 और सीमा शुल्क अधिनियम, 1962, के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।
While submitting the appeal, the Customs (Appeals) Rules, 1982 and other provisions of the Customs Act, 1962 should be adhered to in all respects.
- इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, न्यायाधिकरण के समक्ष मांग शुल्कका %7.5 भुगतान करना होगा।
An appeal against this order shall lie before the Appellate Authority on payment of 7.5% of the duty demanded wise duty or duty and penalty are in dispute, or penalty wise penalty alone is in dispute.

Subject:- Revocation of suspension of Customs Broker license of M/s Bright Shiptrans Pvt. Ltd, Gandhidham.

The facts in brief of the matter are that M/s Bright Shiptrans Pvt. Ltd., 244, Sector 1A, Gandhidham, Kutch District, Gujarat (formerly; Plot no. 333, Sector1-A, Opp: BMCB Park gate, Oslo Circle, Gandhidham), is holding CB Licence No. KDL/CHA/R/06/2011 (PAN- AACCB5107E), issued by Custom House, Kandla, valid up to 09/02/2021, in terms of the Customs House Agents Licensing Regulations, 2004.

2.1 The Deputy Commissioner (CBS), Custom House Mundra vide letter F. No. S/07-07/CBS/2017-18 dated 19.04.2017 has forwarded Order F. No. S/07-07/CBS/Mundra/2017-18 dated 18.04.2017 issued under the provisions of Regulation 23 of CBLR,2013 by the Principal Commissioner Custom House, Mundra, under which the Customs Broker M/s. Bright Shiptrans Pvt. Ltd. was prohibited from transacting business in the jurisdiction of Customs Commissionerate, Mundra

2.2 The Principal Commissioner of Customs, Kandla in exercise of powers conferred under Regulation 19 of CBLR, 2013, ordered to suspend the CB Licence No. KDL/CHA/R/06/2011, (PAN No. AACCB5107E) of M/s. Bright Shiptrans Pvt. Ltd., vide Order F. No. S/7-58/CHA/2009 dated 25.04.2017 with immediate effect. Further, in exercise of powers conferred under Regulation 19 of the CBLR, 2013, read with Regulation 11 of CBLR, 2013, the Principal Commissioner of Customs, Customs House Kandla confirmed the continued suspension vide order F. No. S/7-58/CHA/2009 dated 11.05.2017.

3. The Customs Broker has filed appeal before the CESTAT, WZB, Ahmedabad against the Suspension Order dated 11.05.2017. The Tribunal, Ahmedabad vide Order No. A/11225-11226/2018 dated 10.04.2018 has set aside the impugned Order and allowed the appeal filed by the CB for revoking the suspension order dated 11.05.2017.

3.1 The department has filed appeal (Tax Appeal No. 5299/2019) before the Hon'ble High Court of Gujarat along with Civil Application {CA/01/2019(stay)}, which is pending before the Hon'ble High Court of Gujarat.

4. The Additional Commissioner (CBS), Custom House Mundra vide letter F. No. S/07-07/CBS/Mundra/2017-18 dated 31.10.2018 has forwarded a final report in the matter, thereof, Show Cause Notice No. S/7-58/CHA/2009 dated 20.11.2018 was issued by the Commissioner of Customs, Kandla under Regulation 17 of Customs Brokers Licensing Regulations,2018 for the revocation of CB license of M/s Bright Shiptrans Pvt. Ltd, Gandhidham.

4.1 The CB M/s Bright Shiptrans Pvt. Ltd have filed writ petition - Special Civil Application (SCA) No. 20446/2018 before the Hon'ble High Court of Gujarat against the Show Cause Notice No. S/7-58/CHA/2009 dated 20.11.2018. The Hon'ble Court vide Order dated 24.12.2018 has granted stay on the impugned

SCN. Thereafter, in compliance of Hon'ble Court Order Department has not proceeded further in the matter of SCN dated 20.11.2018.

5. Further, the Hon'ble High Court of Gujarat vide Oral order dated 29.04.2019 directed the department to forthwith permit the petitioner (M/s Bright Shiptrans Pvt. Ltd) to work as Custom House Agent till further orders.

ORDER

Accordingly, I order to revoke the suspension of the Customs Broker License No. KDL/CHA/R/06/2011 (PAN: AACCB5107E) issued to M/s Bright Shiptrans Pvt. Ltd., 244, Sector 1A, Gandhidham, Kutch District, Gujarat-370201 (formerly; Plot no. 333, Sector1-A, Opp: BMCB Park gate, Oslo Circle, Gandhidham) subject to outcome of Tax Appeal No. 5299/2019 and Civil Application - CA/01/2019 (stay) filed by the department before the Hon'ble High Court of Gujarat against the CESTAT Order No. A/11225-11226/2018 dated 10.04.2018.


(SANJAY KUMAR AGARWAL)
PR. COMMISSIONER

To,
M/s Bright Shiptrans Pvt. Ltd.,
244, Sector 1A, First Floor,
Opp. Kutch Uday Press,
Gandhidham, Kutch District,
Gujarat -370201
(Formerly; Plot no. 333, Sector1-A,
Opp: BMCB Park gate, Oslo Circle, Gandhidham)

Copy to:

1. The Chief Commissioner of Customs, Customs Zone, Ahmedabad,
2. The Principal Commissioners of Customs, Ahmedabad/Mundra/Mumbai.
3. The Commissioner of Customs (Preventive), Jamnagar.
4. All Section Heads, Kandla Custom House.
- ✓ 5. The Joint Commissioner of Customs, EDI Section, Customs House, Kandla with a request to unblock the CB in system.
6. Office copy.
7. Notice Board.

