

F.No. - 8/7-58/CHA/2009



OFFICE OF THE COMMISSIONER
CUSTOM HOUSE, KANDLA
NEAR BALAJI TEMPLE, NEW KANDLA

Phone : 02836-271468/460 Fax: 02836-271467

A	संकेत संख्या/ File No.	S/7-37/CHA/2005/Pl-III
B	आदेश में मूल सं./ Order-In-Original No.	KND-CUSTM-000-COM-09-2019-20
C	परिष्कार/Passed by	SHRI BANJAY KUMAR AGARWAL, PRINCIPAL COMMISSIONER OF CUSTOMS, KANDLA
D	आदेश की तिथि/Date of order	23.09.2019
E	आदेश जारी करने की तिथि/Date of issue	23.09.2019
F	आदेश की तिथि/Date of order of suspension	KND-CUSTM-000-COM-02-2019-20 dated 30.04.2019
G	नोटिसी पार्टी /Notice/Party	M/s M.N.Thakker and Company, Room No. 207, 2 nd Floor, Nilesh Park Building, Behind KDHA Gymkhana, Gandhidham, Kutch -370201

1. यह आदेश आदेश संबंधित को निम्नलिखित प्रदान किया जाता है।
This Order - In - Original is granted to the concerned free of charge.
2. 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:

“संघीय टैक्स एवं सेवाकर अपील अधिकरण”
परिचय संशोधन संघ
द्वितीयक, अहमदाबाद
गिरधर नगर ब्रिज के समीप 2nd - ऊपरी मंजूर, गिरधर नगर,
Customs Excise & Service Tax Appellate Tribunal,
West Zonal Bench,
2nd Floor, Bahumali Bhavan Asarwa,
Nr. Giridhar Nagar Bridge, Giridhar Nagar, Ahmedabad - 380004

3. उक्त आदेश यह आदेश भेजने की तिथि से 60 दिनों के भीतर दाखिल की जानी चाहिए।
Appeal shall be filed within sixty days from the date of communication of this order.
4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 2/- रुपये का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अलवच 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 एक 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 - 1, Item 6 of the Court Fees Act, 1870.
5. अपील जमान के साथ द्यूटि इन्टरिस्ट एवं जुर्माना आदि के प्रमाण संलग्न किया जाना चाहिए।
Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.
6. अपील प्रस्तुत करते समय, सीमा शुल्क अधिनियम (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.
7. इस आदेश के विरुद्ध अपील निम्नलिखित शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां दण्ड जुर्माना विवाद में हो, न्यायाधिकरण के समक्ष सीमा शुल्क का 7.5 प्रतिशत का दर होगा।
An appeal against this order shall be 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.

F.No. - S/7-88/CHA/2009

Subject: - Revocation of suspension of Customs Broker License of M/s B.N.Thakker and Company, Gandhidham.

The facts in brief of the matter are that M/s B. N. Thakker and Company, Room No. 207, 2nd Floor, Plot No 80, Sectre S, Nilcah Park Building, Behind KDBA Gymkhana, Gandhidham, Kutch -370201, is holding CB Licence No. CHA/KCH/R/2/1994 (PAN No. AACFB1035E) dated 15.03.1994, valid up to 13.03.2027, issued by Custom House, Kandla, in terms of regulation 10(1) of CHALR,1984 (now regulation 7(2) of CBLR,2018.

- 2.1 An offence report along with Order-in-Original No. MCH/ADC/PK/114/2018-19 dated 26.02.2019, were received on 26.03.2019 from the Additional Commissioner (CBS), Custom House Mundra vide F. No. S/07-46/Misc-CB/CHM/2018-19 dated 15.03.2019 from the Deputy Commissioner (CBS), Custom House Mundra outlining the role of the Custom Broker in the case of export of cheap quality overvalued goods viz. Polyester Baby Rompers, Polyester frock, Ladies undergarments with an intention to avail higher amount of drawback and for the necessary action against the CB M/s B. N. Thakker and Company under Customs Brokers Licensing Regulations, 2018.
- 2.2 The Principal Commissioner of Customs, Kandla in exercise of powers conferred under Regulation 16(1) of CBLR, 2018 read with regulation 10 of CBLR,2018, ordered to suspend the CB Licence No. CHA/KCH/R/2/1994 (PAN No. AACFB1035E) of M/s B. N. Thakker and Company., vide Order-In-Original No. KND-CUSTM-000-COM-01-2019-20 dated 11.04.2019 issued from F. No. S/7-57/CHA/2005 with immediate effect. Further, in exercise of powers conferred under Regulation 16(2) of CBLR, 2018 read with Regulation 10 of CBLR, 2018, the Principal Commissioner of Customs, Customs House Kandla confirmed the continued suspension vide Order-In-Original No. KND-CUSTM-000-COM-02-2019-20 dated 30.04.2019 issued from F. No. S/7-57/CHA/2005.
3. The Customs Broker has filed appeal before the CESTAT, WZB, Ahmedabad against the Suspension Order dated 30.04.2019 vide Customs Appeal No. 11073 of 2019. The CESTAT, Ahmedabad vide it's Order No. A/11474/2019 dated 05.08.2019 has set aside the impugned O-In-O dated 30.04.2019 and allowed the appeal filed by the Customs Broker.

ORDER

Accordingly, I order to revoke the suspension of the Customs Broker License No. CHA/KCH/R/2/1994 (PAN No. AACFB1035E) issued to M/s B. N. Thakker and

P.No. - 6/7-58/CHA/2009

Company, Room No. 207, 2nd Floor, Plot No 80, Sectre 8 Nilesh Park Building, Behind
KDBA Gymkhana, Gandhidham, Kutch -370201.

S. J. L.
(SANJAY KUMAR AGARWAL)
PR. COMMISSIONER
CUSTOMS HOUSE, KANDLA

Sagar K. Thakker

Devtakbar

25/09/19

To,
M/s B. N. Thakker and Company, Room No. 207,
2nd Floor, Plot No 80, Sectre 8, Nilesh Park Building,
Behind KDBA Gymkhana,
Gandhidham, Kutch -370201

Copy to:

1. The Chief Commissioner of Customs, Customs Zone, Ahmedabad,
2. The Principal Commissioner of Customs, Custom House Maandra.
3. The Principal Commissioner/Commissioner of Customs, New Custom House, Ballard Estate, Mumbai.
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.

23.09/19

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