

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI
PRINCIPAL BENCH-COURT NO. 1**

CUSTOMS APPEAL NO. 51134 OF 2025

[Arising out of Order in Original No. 82/ZR/Policy/2023 dated 03.11.2023 passed by the Pr. Commissioner of Customs (Airport & General), New Delhi]

M/S GLOBAL LINKS

.....APPELLANT

B-36, Sarita Vihar,
New Delhi-110076

Vs.

**PRINCIPAL COMMISSIONER OF
CUSTOMS (AIRPORT & GENERAL)-NEW
DELHI**

.....RESPONDENT

110037

Appearance:

Shri Prabhat Kumar and Shri Karan Kanwal, Advocates for the Appellant

Shri Girijesh Kumar, Authorised Representative for the Respondent

CORAM:

**HON'BLE MR. JUSTICE DILIP GUPTA, PRESIDENT
HON'BLE MR. P.V.SUBBA RAO, MEMBER (TECHNICAL)**

FINAL ORDER NO. 50058 /2026

**DATE OF HEARING : 17/10/2025
DATE OF DECISION : 14/01/2026**

P.V. SUBBA RAO

1. M/s Global Links, New Delhi¹ filed this appeal to assail the order dated 03.11.2023 passed by the Principal Commissioner (Airport & General) revoking its customs broker licence and imposing a penalty of Rs. 50,000/- and forfeiting the entire amount of security deposit under Regulations 14 and 18 read with Regulations 17(7) of the Customs Broker Licencing

1 Appellant

Regulations, 2018² by the Commissioner of Customs (Airport & General), New Delhi. The appellant is Customs Broker licensed under CBLR by the Commissioner of Customs (Airport & General), New Delhi. It could file Bills of Entry and Shipping Bills through any port or airport in the country as per the CBLR. On 23.1.2023, the appellant filed three Bills of Entry at Mumbai port bearing no. 4324995 and 4325182 on behalf of M/s Dreams Inc., and Bill of Entry No. 4325118 on behalf of M/s Aahanna Associates. On the basis of intelligence, the Central Intelligence Unit at Mumbai put the consignments on hold and subjected them to 100% examination. Examinations revealed that the description, quantity and value of the goods were mis-declared. Further, the consignment contained undeclared items. There was also violation of Bureau of Indian Standards³ Certification requirement and contravention of RE-44 Notification with respect to the packing material of the goods and there were also violation of Legal Metrology Provisions. The matter was investigated and action was initiated against the importers and the appellant herein as the Customs Broker and penalties were also imposed on the employees of the appellant under section 112 of the Customs Act, 1962⁴.

2. Reports of these detections were received from Commissioner of Customs (Airport & General), New Delhi. Based on these Offence Reports dated 20.02.2023, the appellant's Customs Broker licence was suspended by order dated

2 CBLR
3 BIS
4 Act

13.03.2023 and the suspension was confirmed by order dated 09.05.2023. Thereafter, show cause notice dated 16.06.2023 was issued to the appellant proposing to revoke its Customs Broker's licence, to impose penalty and to forfeit the security deposit for alleged violation of Regulations 10(d), 10(e), 10(f), 10(m) and 13(12) of CBLR. Inquiry officer was appointed in terms of Regulation 17(4). The inquiry officer submitted his report dated 08.08.2023, a copy of which was provided to the appellant. After considering the submissions made by the appellant in defence, the Commissioner, by the impugned order, revoked the appellant's Customs Broker licence, imposed penalty and forfeited the security deposit. Aggrieved, this appeal is filed by the appellant.

3. We have heard learned counsel for the appellant and the learned authorized representative appearing for the department and perused the records.

4. The short questions to be answered are whether, based on the available evidence on record, it can be said that the appellant had violated Regulations 10(d), 10(e), 10(f), 10(m) and 13(12) of CBLR and if so, whether the penalty imposed on the appellant is proportionate to the violations. These regulations read as follows:

10. 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 non-compliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;

(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;

(f) 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;

(m) discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;

13. Engagement or employment of persons.— (1) A person who has qualified the examination referred to in regulation 6 may engage himself in the work relating to the clearance of goods through customs on behalf of a firm or a company licensed under these regulations.

(12) The Customs Broker shall exercise such supervision as may be necessary to ensure proper conduct of his employees in the transaction of business and he shall be held responsible for all acts or omissions of his employees during their employment.”

5. It must be pointed out that the mere fact that the importer had mis-declared the nature of the goods, quantity, value and had imported some goods which it did not declare cannot be held against the appellant. This is for the reason that the Customs Broker has no authority to examine the goods and this authority is only with the Customs Officers. Before clearance, the goods will continue to be in the custody of the custodian, (Inland Container Depot or Container Freight Station). It is the custodian’s responsibility to present the goods for examination by the customs officers.

6. However, in this case there was also violation of various legal requirements in the imports such as BIS certification, RE-44 Notification, Legal Metrology Provisions, etc.

7. **Regulation 10(d)** requires the Customs Broker to comply with the provisions of the Act, other Allied Acts and Rules and Regulations thereof and in case of non-compliance bring the matter to the notice of the Deputy Commissioner or Assistant Commissioner.

8. **Regulation 10(e)** requires the customs broker to exercise due diligence to ascertain the correctness of any information which imparts to a client with reference to any work related to clearance of cargo or baggage. Therefore, if the Customs Broker fails to advise his client about the provisions of the Act and allied Acts and Rules which need to be complied with, it will be a violation of Regulation 10(d). If, on the other hand, the Customs Broker imparts incorrect information to the client, it will be a violation of Regulation 10(e). In the impugned order, the Commissioner has relied on the statements of the importer Shri Pankaj Bansal in case of Offence Report-I in which he said that the Customs Broker had not informed him anything about the requirements of compliance of RE-44 and other compliances. Similarly in Offence Report 2, Shri Puneet Bansal of the importer M/s Aahanna Associates also made statement that the appellant had not informed him about the requirements of RE-44 and IPR Rules. It is for these reasons, the Commissioner has concluded that the appellant had violated Regulation 10(d) and 10(e).

9. Any statement made before the Customs Officer under section 108 of the Act will be relevant to these proceedings if the procedure prescribed under section 138B of the Act is followed and the adjudicating authority admits it as evidence. Section 138B reads as follows:

138B. Relevancy of statements under certain circumstances.--(1) A statement made and signed by a person before any gazetted officer of customs during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains,--

(a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or

(b) when the person who made the statement is examined as a witness in the case before the court and the court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceeding under this Act, other than a proceeding before a court, as they apply in relation to a proceeding before a court."

10. In this case, we find that the impugned order does not indicate that the Commissioner had examined either of the importers under section 138B (2) as witnesses and recorded his opinion that having regard to the circumstances of the case, the statements should be admitted as evidence. Since the Commissioner did not admit the statements as evidence, they also are not relevant and cannot be relied upon in these proceedings. Therefore, the finding that the appellant had violated Regulations 10(d) and 10(e) cannot be sustained.

11. **Regulation 10(f)** mandates that the Customs Broker shall not withhold information contained in any order, instructions or public notice relating to the clearance of cargo or baggage issued by the Customs Authority from the client. Based on the statements of the importers recorded under section 108 of the Customs Act, the Commissioner concluded that the appellant had not provided any information to the importer regarding compliance of RE-44, BIS guidelines, leviability of anti dumping duty and IPR violations. As discussed above, these findings,

based on the statements made before the Customs Officers under section 108 of the Act by the importers, cannot also be relied upon as the Commissioner did not follow the procedure prescribed under section 138B, admit the statements as evidence. Therefore, the finding that the appellant violated Regulation 10(f) cannot be sustained.

12. **Regulation 10(m)** requires the Customs Broker to discharge its duties as Customs Broker with utmost speed and efficiency and without any delay. The Commissioner recorded, that based on the statements made by the importers, that the Customs Broker failed to discharge his duties with utmost efficiency and caused a delay in customs clearances thereby violating regulations 10(m).

13. This finding is also based on the statement recorded before the Customs Officer under section 108 of the Act and the Commissioner has, as discussed above, not examined the persons who made the statements has witnesses and admitted them as evidence. Therefore, the statements are also not relevant under section 138D of the Act. Hence, the finding that the appellant violated Regulation 10(m) cannot be sustained.

14. **Regulation 13(12)** of the CBLR requires the Customs Broker to exercise such supervision as may be necessary to ensure proper conduct of his employees in the transaction of business and further customs broker is responsible for the acts or omissions of it employee. The Commissioner concluded, based by the statements made by the importers, that the

employees of the appellant had not conducted themselves properly and, therefore, violated regulation 13(12).

15. This finding is also based on the various statements made by the importers who have not been examined as witness by the Commissioner in these proceedings. He did not, after examining admit these statements as evidence.

16. In short, all the findings in the impugned order regarding violation of various provisions of CBLR by the appellant were only based on various statements. The Commissioner could have summoned and examined the persons who made the statements and could have admitted their statements as evidence but he did not. Not only the persons were not examined by Commissioner but the statements of various persons have also not been relied upon in the SCN.

17. In view of the above, the impugned order cannot be sustained and deserved to be set aside.

18. The impugned order is set aside and the appeal is allowed with consequential relief to the appellant.

[Order pronounced on **14.01.2026**]

(JUSTICE DILIP GUPTA)
PRESIDENT

(P. V. SUBBA RAO)
MEMBER (TECHNICAL)