



भारत सरकार

Government of India

वित्त मंत्रालय, राजस्व विभाग

Ministry of Finance, Department of Revenue

कार्यालय आयुक्त सीमा शुल्क (निवारक), उत्तर प्रदेश एवं उत्तराखण्ड

Office of the Commissioner, The Customs (Prev.) Uttar Pradesh and Uttarakhand

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DIN: 20251180 OF0000318843

Date: 06.11.2025

**Order No. 02/TECH/2025**

(Issued under Regulation 16 of Customs Broker Licensing Regulation, 2018)

**Subject: Suspension of Customs Broker License No. 05/CB/REGULAR/KNP/2016 dated 28.09.2016 (PAN: ASLPG5339H) issued to Shri Prakhar Gupta, 117/H-2/115, Pandu Nagar, Kanpur - 208025 under Regulation 16 of Customs Broker Licensing Regulations, 2018- reg.**

M/s Prakhar Gupta, 117/H-2/115, Pandu Nagar, Kanpur - 208025 (hereinafter referred to as Customs Broker) is holding a Customs Broker License No. 05/CB/REGULAR/KNP/2016 dated 28.09.2016 issued by the Commissioner of Customs & Central Excise, Commissionerate, Kanpur. The license of Customs Broker is also endorsed to Delhi & Mumbai.

2. An Offence Report in the form of Order-in-Original No. 122/2025-26/COMMR/NS-V/CAC/JNCH dated 14.07.2025 (**RUD-1**) passed by the Commissioner of Customs, NS-V, JNCH, Nhava Sheva, Raigad was received in this office on 08.08.2025 from the CBS, NCH, Mumbai wherein inter-alia following were informed:

2.1 M/s. Raj Traders (IEC: 0316949132) having registered address at MB7/A, Mezz Floor, 10121, Flox Chamber, Tata Road No.-1, Opera House, Girgaon, Mumbai-400004 (hereinafter referred to as 'the importer') through their authorized Customs Broker (CB), M/s Prakhar Gupta (ASLPG5339H) filed Bills of Entry No. as mentioned in Table-I (hereinafter referred to as 'subject bills of entry') for import of "LED TV Panel of different sizes" during the year 2019 and 2020. Details of said bills of entry are tabulated as below: -

Table-I

Sr. No.	BE No.	BE Date	Type of Goods found	Declared Brand	Qty (in Pcs)	UQC	Declared Value (in USD)	Declared Unit Value in RS
1	5075763	27.09.2019	LED TV PANEL 43"	Sony	150	Pcs	90	6498
			LED TV PANEL 48"	Sonv	20	Pcs	100	7220
			LED TV PANEL 49"	Sonv	35	Pcs	103	7436.6
			LED TV PANEL 55"	Sony	35	Pcs	120	8664
2	5481421	30.10.2019	LED TV PANEL 49"	Sonv	8	Pcs	103	7446.9
			LED TV PANEL 55"	Samsung	113	Pcs	120	8676
			LED TV PANEL 65"	Samsung	74	Pcs	140	10122
			LED TV PANEL 75"	Samsung	21	Pcs	266	19231.8
			LED TV PANEL 82"	Samsung	18	Pcs	310	22413
3	5921215	03.12.2019	LED TV PANEL 55"	Samsung	92	Pcs	120	8730
			LED TV PANEL 65"	Samsung	122	Pcs	140	10185
			LED TV PANEL 75"	Sony	8	Pcs	266	19351.5
			LED TV PANEL 82"	Samsung	15	Pcs	310	22552.5
			LED TV PANEL 85"	Sonv	2	Pcs	320	23280
4	6284652	30.12.2019	LED TV PANEL 55"	Samsung	210	Pcs	120	8628
			LED TV PANEL 65"	Samsung	76	Pcs	140	10066
			LED TV PANEL 75"	Sony	12	Pcs	266	19125.4
			LED TV PANEL 82"	Sony	6	Pcs	310	22289
5	7074946	02.03.2020	LED TV PANEL 55"	Samsung	214	Pcs	120	8718
			LED TV PANEL 65"	Samsung	52	Pcs	140	10171
			LED TV PANEL 75"	Sony	22	Pcs	266	19324.9
6	9602410	17.11.2020	LED TV PANEL 55"	Samsung	180	Pcs	120	9018
			LED TV PANEL 65"	Samsung	88	Pcs	140	10521
			LED TV PANEL 75"	Samsung	15	Pcs	160	12024
			LED TV PANEL 82"	Sony	5	Pcs	180	13527
7	9821365	04.12.2020	LED TV PANEL 43"	Sony	75	Pcs	86.75	6480.22
			LED TV PANEL 55"	Sony	240	Pcs	120	8964
			LED TV PANEL 65"	Sonv	50	Pcs	140	10458
8	2136618	28.12.2022	LED TV PANEL 55"	Samsung	89	Pcs	120	8934
			LED TV PANEL 65"	Samsung	128	Pcs	140	10423
			LED TV PANEL 70"	Sony	1	Pcs	150	11167.5
			LED TV PANEL 75"	Samsung	26	Pcs	160	11912
			LED TV PANEL 82"	Sony	3	Pcs	180	13401
			LED TV PANEL 85"	Samsung	3	Pcs	200	14890

**2.2** During the course of investigation by SIIB(I), JNCH, in a case vide F. No. SG/Inv-65/2020- 21/C-cell/SIIB (I)/JNCH, it was observed that importer did not declare the brand name with the description and also undervalued the subject imported goods. It was checked in ICES system and found that M/s. Raj Traders imported the same items i.e., LED TV PANEL of different sizes with generic description in past also as mentioned above in Table-I by way of wilful mis-declaration in terms of generic description and undervaluation during the year 2019 and 2020 to evade applicable customs duty.

**2.3** During the course of investigation, statement of Shri. Bimal Shah, Proprietor

of M/s Raj traders was recorded under Section 108 of Customs Act, 1962, wherein, he inter alia stated that they declared the brand in respective column of the bill of entry, however, they didn't declare brand in description column.

**2.4** During the investigation, statement of Shri Toushif Ibrahim Shaikh, H-Card Holder of M/s Prakhar Gupta was recorded under Section 108 of Customs Act, 1962, on 26.12.2022, wherein, he inter alia stated that:

- i) On being asked to specify what kinds of goods did he clear, were there any specific category of goods or he cleared goods in general he replied they did not work in any specific category. Actually, they work in general category which means any kind of work which comes to them and allowed under Customs Act and other Allied Act.
- ii) On being asked how they acquired clients, he stated that they generally tried to acquire clients through their references in the industry and these 04 clients namely M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders, were brought to them by Shri Hakim Shaikh who was worked in their CB, M/s. Prakhar Gupta.
- iii) On being asked who filed Bill of Entry in their office in Mumbai, he replied that only he filed bill of entry after the checklist was verified by the importer.
- iv) On being asked about all the bills of entry for M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders, he stated that he filed all the bills of entry in respect of these importers through CB, M/s. Prakhar Gupta.
- v) On being asked why he did not mention the brand as per the invoice and packing list, he replied that they did not write brand name in description column, however, there is specific column for the brand and model no. in bill of entry and he always mentioned brand and model no. in the respective column as per the details available in invoice, packing list or any other import documents.
- vi) On being asked did he mention the brand like Sony and Samsung in the respective column of the bill of entry, he replied that he mentioned Samsung/ Sony or any other brand as per the invoice and packing list; that in case of LED TV panel there have been instances where the IPR NOC was also taken from IPR cell, when the docks or assessing group raised such query.
- vii) On being asked did he visit the address of all the four importers, he replied that Shri Hakim Shaikh had visited the address situated in Delhi and he verified the address situated in Mumbai; that out of these four importers, M/s. Global International and M/s. Raj Traders are based in Mumbai and remaining two are based in Delhi.
- viii) On being asked what Shri Hakim Shaikh was doing those days, he replied

since 2021, Shri Hakim Shaikh was working with their firm but from 2022 he had joined new custom broker firm and he did not know where he had joined.

- ix) On being shown the copy of summons issued to M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders vide Summons No. KS/41012022-23, KS/41112022-23, KS/413/2022-23 and KS/412/2022-23, respectively all dated 23.11.2022, which were sent vide speed post and he was given the hard copy for the same but none of the importer has turned up and further asked did he has any communication with the importer, he replied that he had forwarded the said summons to Shri Hakim Shaikh and followed up with him and one similar matter of M/s. Narayan Industries was pending in assessing group for adjudication, so, they would come and attend the same after adjudication.
- x) On being asked has he had any knowledge about the remittance made by importer against the imported goods (LED TV Panel) by M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders, he replied that as per the invoice payment was 90 days after delivery so he couldn't confirm whether the payment had been made or not.
- xi) On being asked how he received invoice and packing list and other import related document from importer M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders, he replied that the document was given to them in the office by the importer based in Mumbai, however, for the importer situated in Delhi the document was given to them in office by the office boys of Shri Gurvinder Singh Kocher, who was authorized by the importer for giving them the document.
- xii) On being asked as he said the document was given to their office in hard copy, so did he ever receive the original copy of documents or their office always received the scanned copy of the documents, he replied that the documents other than BL was given in colored copy to them and the said documents were not in original; that they always received original BL, sometimes the BL was surrendered before it reaches to them.
- xiii) On being asked did he present during the examination of Samsung/Sony LED TV Panel imported by M/s. Electronic Stock Exchange, M/s. Global International, M/s. Ideal Impex and M/s. Raj Traders, he stated that he was present in many examinations of the said goods and the goods were always found as declared in terms of quantity, description, brand and any other declaration by the importer.
- xiv) He stated that they always mentioned the brand, model no. or any other details as per the invoice, packing list and other import documents in respective columns of the bills of entry and these goods, when subjected to the IPR verification, were accorded IPR NOC

**2.5** Since there was apparent hiding of information with regard to brand of goods being imported and apparent undervaluation of the goods in the subject consignment, the declared value of the goods of all the bills of entry needs to be re-determined in accordance with the Customs valuation (Determination of Price of Imported Goods) Rules, 2007 (CVR 2007), read along with Section 14(1) of the Customs Act, 1962.

**2.6** On the basis of NIDB data, the value of imported goods was total Re-determined as Rs. 6,33,83,648/ and duty thereon re-determined as Rs. 2,37,49,853/-. Based on the re-determined assessable value, the duty differential duty worked out to be Rs. 1,57,38,020/-.

**2.7** Para 8.5 & 8.6 of the said OIO clearly records the role and culpability of the Customs Broker highlighting that to declare all the particulars relevant truthful to the assessment of the goods, ensuring their accuracy and authenticity is responsibility of importer as well as Customs Broker, which the importer and Customs Broker clearly failed to do with malafide intention. They suppressed the fact before the Customs Department regarding correct description (mentioning the generic description) of the goods and under-valued the goods to claim the undue duty benefit at the time of clearance of the said imported goods. Taking all the issues, relating to subject imports, into account and in view of finding that goods were mis-declared by suppressing correct description of goods, The Adjudicating Authority found that Customs Broker, M/s. Prakhar Gupta has by his acts of commission and omission, as discussed above, has rendered the impugned goods liable for confiscation under Section 111(m) of the Customs Act, 1962 and thereby made themselves liable for penalty under Section 112 *ibid*. Further, the aforesaid acts of omission and commission of the Customs Broker, M/s. Prakhar Gupta resulted in use of false and incorrect declaration in the clearance of goods, hence, Customs Broker, M/s. Prakhar Gupta, is liable for penal action under Section 114AA *ibid*

**2.8** The Adjudicating Authority vide OIO No. 122/2025-26/COMMR/NS-V/CAC/JNCH dated 14.07.2025 imposed penalties of Rs. 10,00,000/- under Section 112(a) and Rs. 50,00,000/- under Section 114AA of the Customs Act, 1962 upon CB, M/s Prakhar Gupta.

**3.** Based on the facts on record and applicable law, Rules and Regulations, *prima facie* it appears that the Customs Broker have violated various provisions of Customs Brokers Licensing Regulations (CBLR), 2018 which have been elaborated and discussed as under:

### **3.1 Violation of Regulation 10 (d) of CBLR, 2018:**

*"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 of Customs or Assistant Commissioner of Customs as the case may be";*

On perusal of the offence report, it is observed that the importer has mis-declared the subject goods in terms of description, value and CTI. Consequently, the importer has paid less duty and cleared the goods without BIS compliances. By non-payment of applicable duty on the subject goods, which tantamount to suppression of material facts and wilful mis-statement. It was the responsibility of the CB to advise his client to declare all the particulars relevant truthful to the assessment of the goods, ensuring their accuracy and



authenticity. Moreover, the CB also failed to bring the matter of these non-compliances to the Deputy/Assistant Commissioner of Customs. Hence, it appears that CB failed to perform due obligation under Regulation 10(d) of CBLR, 2018.

### **3.2 Violation of Regulation 10 (e) of CBLR, 2018:**

*"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."*

On scrutiny of the offence report, it is amply clear the imported goods have been mis-declared in terms of description & Value. It appears that the CB failed to exercise due diligence and to sensitize the importer to make proper declaration. CB also appears to have failed in verifying the correctness of declarations in Bill of Entry, leading to gross negligence. Thus, CB failed to perform due obligation under Regulation 10(e) of CBLR, 2018.

### **3.3 Violation of Regulation 10 (n) of CBLR, 2018:**

*"A Customs Broker shall verify correctness of Importer Exporter Code (IEC) number, Goods and Services Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information";*

On perusal of statement of H-Card Holder of the CB, it is observed he has not verified the identity & functioning of importer at the declared address being based in Delhi. Thus, CB failed to perform due obligation under Regulation 10(n) of CBLR, 2018.

4. As the Custom Broker failed to comply with the obligations imposed upon him under the provisions of Regulation 10 of the CBLR, 2018, prima-facie liable for their acts of omission and commission leading to the contravention of the regulations of CBLR, 2018.

5. In view of the facts stated above, I come to the conclusion that, prima facie, M/s Prakhar Gupta, 117/H-2/115, Pandu Nagar, Kanpur - 208025 (Customs Broker License No. 05/CB/REGULAR/KNP/2016 dated 28.09.2016) is liable for their acts of Omission and Commission for contravention of the provisions of CBLR, 2018, which also amounts to breach of trust and faith imposed on the Customs Broker by the Department. Thus, they appear to have failed to fulfil their responsibilities as per regulations 10(d), 10(e) & 10(n) of CBLR, 2018, which warrants urgent action. In view of above, I pass the following order:-

**ORDER**

In exercise of powers conferred upon me under the provisions of regulation 16(1) of CBLR, 2018, I hereby suspend the Customs Broker Licence No. 05/CB/REGULAR/KNP/2016 dated 28.09.2016 issued to M/s Prakhar Gupta, 117/H-2/115, Pandu Nagar, Kanpur - 208025 with immediate effect. The Customs Broker is directed to submit all the Customs Identity Cards issued to him and his staff by the Department immediately.

Further, in terms of Regulation 16(2) of CBLR, 2018, a personal hearing is hereby fixed on **17.11.2025** at **11.30 AM**. Any written representation against this order shall reach the undersigned before the date of hearing.

Encl: RUD-1

Digitally signed by  
Ranjeet Kumar  
Date: 04-11-2025  
19:55:26  
(Ranjeet Kumar)  
Commissioner of Customs (P)  
Lucknow

To,

**Shri Prakhar Gupta,**  
**(Proprietor of Customs Broker M/s Prakhar Gupta)**  
**R/o 117/H-2/115,**  
**Pandu Nagar, Kanpur - 208025**

Copy forwarded for information and necessary action to :

1. The Commissioner of Customs, NS-V, JNCH, Nhava Sheva, Tal. Uran, Raigad – 400707
2. The Deputy Commissioner of Customs (General), Customs Broker Section, New Customs House, Ballard Estate, Mumbai-400001.
3. The Deputy Commissioner (CB Section, Policy), O/o the Commissioner of Customs (Airport and General), New Customs House, New Delhi-110037 for necessary updation in 'ICEGATE EDI SYSTEM'.
4. The Deputy/Assistant Commissioner (Policy), Customs Broker Section, Land Customs Station, Raxaul for necessary updation in 'ICEGATE EDI SYSTEM'
5. The Deputy/Assistant Commissioners, Division-Lucknow /Nautanwa/ Varanasi/ Bareilly/ Gorakhpur/ CCSI Airport Lucknow /LBSI Airport Varanasi / ICD JRY / ICD Chakeri / ICD Panki / ICD Agra/ SIIB Lucknow
6. The Superintendent (Systems), Customs (Prev.) Commissionerate, Lucknow for uploading on official website.
7. Notice Board.

O/c