

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL  
CHENNAI**

REGIONAL BENCH – COURT No. I

**Customs Appeal No. 41907 of 2017**

(Arising out of Order-in-Original No. 55677/2017 dated 25.05.2017 passed by the Commissioner of Customs, Custom House, No. 60, Rajaji Salai, Chennai - 600 001)

**Commissioner of Customs**

Chennai VIII Commissionerate,  
No. 60, Custom House,  
Rajaji Salai,  
Chennai – 600 001.

**...Appellant**

*Versus*

**M/s. OPMS Clearing and Forwarding Agencies  
Pvt. Ltd.**

No. 51, Chevalier Shivaji Ganesasn Salai (South Bough Road),  
Prem Nagar Colony, Flat No. 24,  
1<sup>st</sup> Floor, P Block,  
T. Nagar,  
Chennai- 600 017.

**...Respondent**

**APPEARANCE:**

For the Appellant : Mr. Sanjay Kakkar, Authorised Representative  
For the Respondent : None

**CORAM:**

**HON'BLE MR. VASA SESHAGIRI RAO, MEMBER (TECHNICAL)**

**HON'BLE MR. AJAYAN T.V., MEMBER (JUDICIAL)**

**FINAL ORDER No. 41249 / 2025**

DATE OF HEARING : 13.08.2025  
DATE OF DECISION : 07.11.2025

**Per Mr. VASA SESHAGIRI RAO**

This Customs Appeal No. C/41907/2017 has been filed by Commissioner of Customs, Chennai-VIII (hereinafter referred to as the 'Appellant') assailing the Order-in-Original No. 55677/2017 dated 25.05.2017 in the case of M/s. OPMS Clearing and Forwarding Agencies Pvt. Ltd. (hereinafter referred to as the 'Respondent').

2. The Respondent was issued the Customs Broker Licence No. R-288/CHA by Chennai Customs Commissionerate and the licence was said to be valid upto 14.03.2025.

3. Briefly stated the facts obtaining in this appeal are that based on intelligence received from the Directorate of Revenue Intelligence that multifunctional audio systems were being cleared by undervaluing the goods, mis-declaring them as Computer Peripherals, mis-classifying them under CTH heading 8518 through suppression of facts about the information/features available in the system and without resorting to Retail Sale Price (RSP) based assessment for paying Counterveiling Duty (CVD), the officers from Special Intelligence and Investigation Branch (SIIB) searched the office premises of one such importer, viz. M/s V.M. Electronics, Chennai on 07.05.2013. Since the premises was under renovation and remained unoccupied, the officers could not carry out the search. Thereafter, when the officers proceeded to the declared address of residential premises of Shri Sreehari, Proprietor of M/s V.M. Electronics, Chennai on 08.05.2013, it was found that the premises with the old and new numbers of the said address was occupied by some other persons. Further, through the EDI system it was found

that 4 Bills of Entry, viz. 9984487 dated 29.04.2013, 2164086 dated 17.05.2013, 2478499 dated 20.06.2013 and 2979529 dated 13.08.2013, filed by M/s V.M. Electronics, Chennai through the Respondent for clearance of computer multimedia speakers and DVD players from China were pending for clearance.

4. On completion of investigation, it came to light that one Shri Govindasamy, Proprietor of M/s. Pranav Exim was providing shipping, clearing and forwarding services to M/s. V.M. Electronics, M/s. Goodwill Enterprises, M/s. Shaolin Enterprises and M/s. PA Enterprises using the licence of the Respondent for the past 4 years. Shri Sasikumar of the Respondent firm also has confirmed that Shri Govindasamy was providing C & F services on behalf of the Respondent.

5. Further, all the multifunctional audio systems imported by the above importers had additional features such as USB Player, SD slot, FM radio and remote control. The live consignments were found to be multifunction speakers having multiple functions namely sound reproducing and radio reception apparatus and therefore, the live consignments were required to be assessed on the basis of their RSP. The declared value was also found to be liable for rejection on account of the fact that the importer has not

declared the features as available on the imported speakers like USB Port, SD Slot, FM radio, etc., and there were contemporaneous imports of similar goods at a higher value than the value declared in the live bills of entry.

6. The Customs Broker Licence No. R-288/CHA of the Respondent was suspended *vide* order dated 04.05.2017 for alleged violation of Regulations 10, 11(a), 11(n), 11(d) and 11(e) of Customs Broker Licensing Regulations, 2013 on account of the following facts: -

- i. Shri Govindasamy of M/s. Pranav Exim, which is not a Customs Broker, was providing Customs Broker services on behalf of the Respondent;
- ii. The Respondent had not obtained any authorization and not verified the correctness of the importer; and
- iii. The Respondent is not aware of its clients.

7. The order of suspension dated 04.05.2025 issued against the Respondent was revoked *vide* the impugned Order-in-Original dated 25.05.2017 passed by the Adjudicating Authority wherein it was further ordered that the Respondent was not absolved from all the charges made against them in the suspension order dated 04.05.2017 and proceedings under Regulation 20 of CBLR, 2013 will be followed.

8. On review, the Appellant has preferred the present appeal assailing the impugned Order-in-Original No. 55677/2017 dated 25.05.2017. The prayer of the Department was for remanding back to the Commissioner of Customs for revoking the Licence and forfeiture of the security deposit.

9. The Learned Authorized Representative Mr. Sanjay Kakkar, appeared for the appellant and submitted that while the Respondent has *prima facie* failed in discharging its obligations as Customs Broker under Regulation 10, 11(a), (d), (e) and (n) of CBLR, 2013, the Adjudicating Authority has failed to justify why the suspension was revoked. He submitted further that the Adjudicating Authority having recorded in his finding that the Respondent had violated the provisions laid down under CBLR by lending its licence, had not obtained any authorization and not verified the correctness of the importer, has not recorded any valid reason for revoking the suspension of the Customs Broker.

10. The Respondent neither appeared in-person nor was represented by any Advocate or Consultant.

11. We have examined the records of the case including the appeal papers.

12. The only issue that is for determination in this appeal is whether revocation of the Customs Broker Licence is justified in the facts of this case?

13. The case of the Appellant is that the adjudicating authority has not spelt out the reasons for revocation of suspension of Customs Broker licence and that considering the gravity of the offence committed, the adjudicating authority should have waited for the outcome of the inquiry before revoking the suspension of the Customs Broker licence.

14. In this regard, we refer to para 32 of the impugned Order-in-Original dated 25.05.2017, wherein the adjudicating authority has spelt out the reason for revocation of suspension of the Customs Broker Licence as under: -

*"32. I would like to discuss the allegations mentioned above with the written representations dated 06.05.2017 made by the Customs Broker against them.*

*CB's counsel in para 10 of the written submission statement stated that the Show Cause Notice merely seeks for or foresees suspension of CB's licence in terms of Regulations, 2013 and the very invocation of the said provision is illegal and unsustainable. It is the further contention of CB that the said order of suspension does not speak of pendency of any enquiry proceedings or contemplation of any enquiry proceedings and in light of the judgments / orders referred in the same written submission the Respected Adjudicating Authority is*

*estopped from initiating any such proceedings. The same would entail that no enquiry proceedings either pending or contemplated as against CB and therefore the question of continuation of the Suspension of CB licence is unsustainable on facts and in law and the order of suspension dated 04.05.2017, having been passed without consideration of the said facts, deserves to be revoked, as the same is unjustifiable and contrary to, settled judicial pronouncements.*

*According to the SCN received from SIIB, Chennai, it is clear that CB has violated provisions which are laid down under CBLR, 2013. The Customs Broker has clearly lent its licence to Shri Govindasamy of M/s. Pranav Exim, which is not a CB, for providing the Customs Broker services on behalf of them which was confirmed by Shri Sasikumar of M/s. OPMS Clearing and Forwarding Agencies Pvt. Ltd. Also the Customs Broker has not obtained any authorization and not verified the correctness of the importer.*

*However, the evidences on record require further inquiry. I am of the opinion that continuation of suspension does not merit consideration at this juncture”.*

15. There is nothing in the impugned order to support the Appellant’s contention that the adjudicating authority has not considered the enormity of the offence before revoking the suspension of the Customs Broker licence of the Respondent. On the contrary, the Adjudicating Authority has observed in the impugned order that according to the SCN received from SIIB, it is clear that CB has violated provisions which are laid down under CBLR, 2013. Therefore, it is apparent that while revoking the suspension of the Customs Broker Licence issued to the Respondent, the Adjudicating Authority has taken into consideration the alleged offence committed by the Respondent.

16. Thus, the grounds on which the Appellant has challenged the impugned order are found to be

unsustainable even for the reason that for contravention of provisions of CBLR action is required to be initiated as per the timelines prescribed therein. This appeal was filed in 2017 and that issuance of Show Cause Notice within 90 days from the receipt of offence report, appointment of an enquiry officer, submission of his report to the Adjudicating Authority and passing the order on revocation or otherwise are reasonable presumed to have been computed long back by the Department.

17. Further, during pendency of this appeal, the Customs Broker Licence of the Respondent was again suspended on 27.02.2023 in connection with some other case as per the statement made by the Ld. Authorized Representative during the hearing of the case before the Tribunal. Therefore, the present appeal becomes infructuous.

18. As such, we do not find any ground to interfere with the impugned Order-in-Original No. 55677/2017 dated 25.05.2017 and the appeal is dismissed as infructuous.

(Order pronounced in open court on 07.11.2025)

Sd/-  
**(AJAYAN T.V.)**  
MEMBER (JUDICIAL)

Sd/-  
**(VASA SESHAGIRI RAO)**  
MEMBER (TECHNICAL)