

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
KOLKATA**

REGIONAL BENCH – COURT NO.2

Customs Appeal No. 75876 of 2022

(Arising out of Order-in-Original No. KOL/CUS/Airport/ADMN/25/2022 dated 16.08.2022 passed by Commissioner of Customs (Appeals), Kolkata.

M/s Chatterji & Co.

(61, Bentinck Street, 2nd Floor, Kolkata-700069)

...Appellant

VERSUS

Commissioner of Customs (Port), Kolkata,

(Customs House, 15/1, Strand Road, Kolkata-700001)

...Respondent

..

APPEARANCE :

Shri B. N. Pal, Advocate for the Appellant

Shri Tariq Suleman, Authorized Representative for the Respondent

CORAM:

HON'BLE MR. R. MURALIDHAR MEMBER (JUDICIAL)

HON'BLE MR. RAJEEV TANDON MEMBER (TECHNICAL)

Final Order No...75237/2026

DATE OF HEARING : 04.02.2026

DATE OF PRONOUNCEMENT : 12.02.2026

PER R. Muralhdhar :

On the ground that the appellant has violated the provisions of CBLR 2018, a Show Cause Notice came to be issued on 16.07.2019. This Show Cause Notice was as a result of the Offence Report received from the DRI on 30.04.2019. Thereafter, the license of the appellant was suspended on 01.05.2019. The appellant filed their reply to the Show Cause Notice, making submissions in their defence. However, the adjudicating authority, after following the principles of natural justice, has revoked the Customs Broker's License held by the appellant. He has also imposed a penalty of Rs.50,000/-. Being aggrieved, the appellant is before the Tribunal.

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2. The Learned Counsel appearing on behalf of the appellant submits the details of chronological events leading to the present litigation. He submits that vide OIO Number KOL/CUS/AIRPORT/ADMN/OBDIG/16/2019, the license of the present appellant was suspended. This Bench vide Final Order Number 75731/2024 dated 19.04.2024 set aside the suspension order and allowed the appeal filed by the appellant.

3. He further submits that in case of the appellant Amit Bhuturia [the valuer], the issue about the overvaluation of the Rough / Semi-precious stones came up before this Bench. Vide Final Order Number 77825-77826/2025 dated 2-12-2025, the Bench set aside the order passed against that appellant and allowed the appeal. Therefore, he submits these two Final Orders would clarify that the basic contravention by the main appellant has not been proved and the suspension of the license of the present appellant was set aside on account of delayed action taken by the Revenue authorities. He submits that the appellant has fulfilled the requirements under Regulation 10(a) (d) and (e) of the Customs Brokers Licensing Regulation, 2018 [CBLR 2018].

4. He further submits that OIO was passed on 16-08-2022 whereas the Inquiry Report was submitted by the Asst Commissioner on 28-03-2022. As per Rule 17 (7) of CBLR 2018, the OIO is required to be passed within 90 days from the date of Inquiry Report. This has not

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been done by the Principal Commissioner while passing the impugned order.

5. In view of these submissions, he prays that the appeal may be allowed.

6. The Learned AR appearing on behalf of the Revenue reiterates the findings of the lower authority.

6. Heard both sides perused the appeal papers and the documents submitted before us.

7. The list of dates showing the chronological event is reproduced below:-

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Reg. C/Appeal No. 75876 of 2022

Chatterji & Co.-vs – Pr. Commissioner of Customs (Airport & ACC)

LIST OF DATES

30.04.2019	Offence report received from DRI. ..P. 65
01.05.2019	Customs Broker license suspended vide Customs Broker order no.39/2019. P. 51
23.05.2019	Confirmed suspension of Customs Broker license vide Order in Original No. Kol/Cus/Airport Admn/16/2019 in terms of 16(2) of CBLR, 2018 and ordered further inquiry proceeding as per Regulation 17 of CBLR,2018. ... P. 45
16.07.2019	Commissioner (A & A) issued SCN no.12/2019 – why Customs Broker license should not be revoked and security deposit be forfeited under Reg.14 of CBLR, 2018.P. 65
17.08.2019	Reply to SCN submitted. P.70
11.11.2021	Inquiry officer appointed.
28.03.2022	Inquiry report submitted..... P.91/92
20.06.2022	Customs Broker submitted reply against inquiry report. – P. 104
16.08.2022/22.08.2022.	Pr. Commissioner passed Order in Original for revocation of C.B. Licence under Regulation 17(7) of CBLR,2018 ... P.23
19.04.2024	Suspension order dated 23.05.2019 has been set aside vide Hon'ble CESTAT's order dated 19.04.2024 (Copy submitted).

N.B.(i) Order of Revocation of CB Licence has been passed beyond the time limit stipulated in 17(7) of CBLR 2018. Enquiry report submitted on 28.03.2022. Revocation order passed on 16.08.2022, dispatched on 22.08.2022, beyond the time limit of 90 days

(ii) SCN has been issued on 16.07.2019. Enquiry report has been submitted by the Enquiry Officer on 28.03.2022 which is also beyond the time limit of 90 days from the date of issue of notice under Regulation 17(1) if CBLR 2018.

(iii) In addition to above, the allegation of arrangement of Govt. valuer and to get the value done as per direction of C.B., has been set aside by the Hon'ble Tribunal vide final order Nos .77825-77826/2025 dated 02.12.2025 (copy submitted).

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8. We observe that the suspension order issued against the appellant was set aside by this Bench on various grounds. One of the grounds is the delayed proceedings initiated by the Revenue. However, since we are deciding the issue specifically to the extent of revocation of the license under CBLR 2018, it has to be seen if any such time violation has taken place while passing the impugned OIO.

9. As per the above timeline chart, we find that the Inquiry Report was submitted by the Assistant Commissioner Customs on 28-03-2022. The Adjudicating Authority at Para 11 of the impugned clearly states that Shri M. K. Rehman, Assistant Commissioner of Customs Calcutta and Inquiry Officer has submitted the Inquiry Report on 28-03-2022.

10. The Regulation 17 (7) of the Customs Brokers Licensing Regulations 2018, reads as under.

"(7) The Principal Commissioner or Commissioner of Customs shall, after considering the report of the inquiry and the representation thereon, if any, made by the Customs Broker, pass such orders as he deems fit either revoking the suspension of the license or revoking the license of the Customs Broker within ninety days from the date of submission of the report by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, under sub-regulation (5)".

11. A careful reading of this provision shows that the Principal Commissioner is required to pass the Order of suspension / revocation within 90 days from the date of submission of the Inquiry report by the Deputy Commissioner. Admittedly, the Deputy Commissioner of the

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Assistant Commissioner has filed his report on 28-03-2022 as noted by the Principal Commissioner in the impugned order. Therefore, the OIO should have been passed within 90 days from 28-03-2022. We find that the present OIO has been passed on 16-08-2022, that is after more than 130 days from the date of inquiry report being submitted by the Assistant Commissioner. This is clear time-violation on the part of the Adjudicating authority. From the CBLR 2018, we do not find that there exists any saving clause if the time limit of 90 days is exceeded.

12. In view of the above discussions, we set aside the impugned order and allow the appeal. The appellant would be eligible for consequential relief if, any as per law.

(Pronounced in the open court on...12.02.2026..)

Sd/-
(R. Muralidhar)
Member (Judicial)

Sd/-
(Rajeev Tandon)
Member (Technical)

Tushar Kr.