

	<p><b>कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा,</b>  <b>सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात-</b>  <b>370421</b></p> <p><b>OFFICE OF THE PRINCIPAL COMMISSIONER OF</b>  <b>CUSTOMS,</b></p> <p><b>CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT-</b>  <b>370421</b></p> <p>PHONE:02838-271426/271423 FAX:02838-271425 Email: ag-  mundra@gov.in</p>
<b>A. File No.</b>	: F.NO. CUS/AG/MISC/1291/2025-A/G
<b>B. Order-in-Original No.</b>	: MUN-CUSTM-000-COM-05-2026-27
<b>C. Passed by</b>	: Nitin Saini, Commissioner of Customs, Customs House, AP & SEZ, Mundra.
<b>D. Date of order and Date of issue:</b>	: 05.05.2026 & 05.05.2026
<b>E. SCN No. &amp; Date</b>	: F.NO. VIII/48-517/AG/CHM/SCA NO.12436ALLCARGO/2021-22 Date: 23.02.2022
<b>F. Noticee(s) / Party / Importer</b>	: M/s All Cargo Logistics Limited (CFS) at Bharat CFS Zone 1, Adani Ports & SEZ, Mundra - 370421.

1. यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

This Order - in - Original is granted to the concerned free of charge.

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए 3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

Any person aggrieved by this Order - in - Original may file an appeal under Section 129 A (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:

“केन्द्रीय उत्पाद एवं सीमा शुल्क और सेवाकर अपीलीय प्राधिकरण, पश्चिम जोनल पीठ, 2<sup>nd</sup> फ्लोर, बहुमाली भवन, मंजुश्री मील कंपाउंड, गिर्धनगर ब्रिज के पास, गिर्धनगर पोस्ट ऑफिस, अहमदाबाद-380 004”

“Customs Excise & Service Tax Appellate Tribunal, West Zonal Bench, 2<sup>nd</sup> floor, Bahumali Bhavan, Manjushri Mill Compound, Near Girdharnagar Bridge, Girdharnagar PO, Ahmedabad 380 004.”

3. उक्त अपील यह आदेश भेजने की दिनांक से तीन माह के भीतर दाखिल की जानी चाहिए।  
Appeal shall be filed within three months from the date of communication of this order.
4. उक्त अपील के साथ -/ 1000 रुपये का शुल्क टिकट लगा होना चाहिए, जहाँ शुल्क, व्याज, दंड या शास्ति रुपये पाँच लाख या कम माँगा हो 5000/- रुपये का शुल्क टिकट लगा होना चाहिए, जहाँ शुल्क, व्याज, शास्ति या दंड पाँच लाख रुपये से अधिक किंतु पचास लाख रुपये से कम माँगा हो 10,000/- रुपये का शुल्क टिकट लगा होना चाहिए, जहाँ शुल्क, दंड व्याज या शास्ति पचास लाख रुपये से अधिक माँगा हो। शुल्क का भुगतान खण्ड पीठ बेंचआहरितट्रिब्यूनल के सहायक रजिस्ट्रार के पक्ष में खण्डपीठ स्थित जगह पर स्थित किसी भी राष्ट्रीयकृत बैंक की एक शाखा पर बैंक ड्राफ्ट के माध्यम से भुगतान किया जाएगा।  
Appeal should be accompanied by a fee of Rs. 1000/- in cases where duty, interest, fine or penalty demanded is Rs. 5 lakh (Rupees Five lakh) or less, Rs. 5000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 5 lakh (Rupees Five lakh) but less than Rs.50 lakh (Rupees Fifty lakhs) and Rs.10,000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 50 lakhs (Rupees Fifty lakhs). This fee shall be paid through Bank Draft in favour of the Assistant Registrar of the bench of the Tribunal drawn on a branch of any nationalized bank located at the place where the Bench is situated.
5. उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपये कोर्ट फीस स्टाम्प जबकि इसके साथ संलग्न आदेश की प्रति पर अनुसूची- 1, न्यायालय शुल्क अधिनियम, 1870 के मदसं.-6 के तहत निर्धारित 0.50 पैसे की एक न्यायालय शुल्क स्टाम्प वहन करना चाहिए।  
The appeal should bear Court Fee Stamp of Rs.5/- under Court Fee Act whereas the copy of this order attached with the appeal should bear a Court Fee stamp of Rs.0.50 (Fifty paise only) as prescribed under Schedule-I, Item 6 of the Court Fees Act, 1870.
6. अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।  
Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.
7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और CESTAT (प्रक्रिया) नियम, 1982 सभी मामलों में पालन किया जाना चाहिए।

While submitting the appeal, the Customs (Appeals) Rules, 1982 and the CESTAT (Procedure) Rules 1982 should be adhered to in all respects.

8. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, न्यायाधिकरण के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

An appeal against this order shall lie before the Tribunal on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.

### **Brief Facts of the case**

M/s All Cargo Logistics Limited (CFS) having registered office at 6th Floor, Avashya House, CST Road, Kalina, Santacruz (East) and site office at Bharat CFS Zone 1, Adani Ports & SEZ, Mundra - 370421 (hereinafter referred as noticee) has been approved as custodian vide notification no. 07/2007 dated 17.04.2007 under section 45 of the Customs Act, 1962 and notified vide notification no. 07/2007 dated 17.04.2007 under the relevant provisions of the Customs Act, 1962.

2. The said noticee is a custodian as Customs Cargo Service Provider (CCSP) as per regulation of the Handling of Cargo in Customs Area Regulation, 2009 (hereinafter referred as HCCAR, 2009) as amended from time to time and according to which noticee is responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods. The said regulations provide for a comprehensive mechanism for handling of goods in a customs area and set out the terms and condition for all facilities where custom cargo is handled. The said regulations issued under the provisions of sub-section (2) of section 141 read with section 157 of Customs Act, 1962 provide for a comprehensive conduct of a CCSP. Also, upon the request of the noticee for approval/renewal of custodianship, the same has been renewed by the competent authority upon the submission of bond. Also, the noticee has given legal undertaking to follow all the conditions scrupulously and continue to fulfill obligation casted upon him.

3. As per Para 5(1)(i) of the HCCAR, 2009 stipulates that the custodian shall provide to the satisfaction of the Commissioner of Customs, namely infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling, stuffing and de-stuffing of containers, storage, dispatch and delivery of containers and cargo. Certain instances have been brought to notice by officers posted in Docks Examination regarding delay in placement of containers for the purpose of examination. Instances have also been brought to notice that the Docks officer's gave instruction to de-stuff the container, however the same was not followed by the noticee in the specific time.

4. As per Para 5(1)(i)(n) of the HCCAR, 2009, the custodian shall provide to the satisfaction of the Commissioner of Customs, namely security and access control to prohibit unauthorized access into the premises. However, during the surprise visit by the vigilance team of Mundra Customs on 16.11.2021, it was found that as many as 07 (seven) persons were found inside the premises of the CFS without any permit card or authorization

issued by Customs Authorities and by allowing such unauthorized access to custom area, the noticee has failed to comply with the provisions of HCCAR, 2009 read with relevant provisions of the Customs.

5. The Para 5(1)(ii) of the HCCAR, 2009 stipulates that the custodian shall provide to the satisfaction of safe, secure and spacious premises for loading, unloading, handling and storing of the cargo for the projected capacity and for the examination and other operations as may be required in compliance with any law for the time being in force. However, it has been also brought to notice that in the late evening of 30.11.2021 an untoward incident had happened alleging misbehavior with a custom officer by the employee/service provider of the CFS and thereby causing obstruction in discharge of his official duties.

6. In view of the above, a show cause notice (SCN) dated 23.02.2022 was issued to the noticee and they were called upon to submit their reply and show cause to Shri Pawan Kumar, Deputy Commissioner of Customs, who was appointed as Inquiry Officer (I.O.) having office at Office of the Principal Commissioner of Customs, Mundra, Pub Building, Adani Port & SEZ, Mundra, Kutch, Gujarat-370421, within 30 days of receipt of the said SCN dated 23.02.2022, explaining that:-

(a) Why the approval granted to the custodian as CCSP should not be suspended in view of the multiple violations committed by him as per the provisions of Para 11(i) of HCCAR, 2009.

(b) Why the security in the form of bond given by the CCSP should not be forfeited from the noticee as per the provisions of the Para 11(i) of HCCAR, 2009.

(C) Why penalty should not be imposed on noticee as per the provisions of Para 12 (8) of the HCCAR, 2009.

(d) Why penalty should not be imposed under section 117 of the Customs Act, 1962 for the failure to comply with the provisions of the Act, Rules and Regulation made thereof.

7. Shri Pawan Kumar, Deputy Commissioner was appointed as Inquiry Officer (I.O.) in the case to conduct the inquiry under the provisions of the Regulation 12 of the HCCAR, 2009. Accordingly, it was requested to the noticee to submit its response and co-operate with the I.O. to complete the proceedings as per the procedure prescribed therein.

8. **A reply to the said Show Cause Notice dated 23.02.2022 was submitted by the Noticee on 23.03.2022. In the said reply, the noticee had submitted as under:**

8.1 On surprise visit of Vigilance Team of Mundra Customs, total 7 persons were identified, who was present in the CFS premise, without holding any valid pass issued by the Customs. Out of 7 people as listed in the impugned Show Cause Notice, Sr. No. 1 to 4 were holding Customs authorized passes whereas, Sr. No. 5 to 7 were the representatives of Customs Brokers and their names were recorded in the CFS register and were issued temporary permits by the CFS.

8.2 With respect to incident report dated 28 & 29<sup>th</sup> October, 2021 stating that "on Dy. Commissioner's visit at CFS, the containers were not placed for inspection at CFS". In this regard, it was a mere coincidence that the Deputy Commissioner's visit to CFS coincided with the equipment being temporary inoperative and whilst alternate equipment was in the process of being arranged. This was indeed as good as a force majeure event.

8.3 Regarding non-compliance of regulation 5(1)(i) of the HCCAR, 2009, CFS as a CCSP never received any notice on non-compliance of the said rule. Our CFS being a global conglomerate has developed state-of-the-art infra for handling EXIM cargoes. Further, in addition to having experienced and trained manpower, as per the requirement, adequate good quality equipment has been installed for seamless operations at our CFS. High resolution CCTV cameras as per requirement are installed at various places within CFS. We have been upgrading the cargo handling equipment using best technology to ensure that CFS operations are performed well. We have been imparting training to CCSP staff and employees and educating them on the improvised techniques and new introductions in arena. Having complied with all the requirements prescribed in the Mundra Customs all the rules and regulations recently have renewed our CCSP license. Informatively, we are also an AEO-LO certified facility.

8.4 With respect to point no 5 (a), All entry entry/exit points, movements within CFS, admin building, survey points, customs area, cargo operation activities are very closely monitored and surveillance through CCTV cameras. Hence, as CCSP, we have not violated any provision of Para 5 (1) (i) (n) of HCCAR 2009 on security and access control to prohibit unauthorized access into the premises and should not be held liable for any penalties as levied under 12 (8) of HCCAR 2009; Sec 117 of customs act 1962 or any other provision of law.

8.5 With respect to para no 6, it is unfortunate that in one of the stray incident one of the contractual employees (not in direct employment of CFS) did enter into a lengthy discussion with Custom staff. However, it was with CFS and Custom officials timely intervention the Issue was resolved. In this instance, the conversation was apparently related to shipping documents on

which possibly a lengthy discussion took place. We humbly submit that this cannot not be construed as causing obstruction in discharge of official duties". We conduct regular training for all the employees (own, contractual or vendors employees) and educating on rules and regulations and etiquettes. We, as a responsible facility running multiple CFS & ICD facilities pan- India, are fully aware of the implications and repercussion of such acts. Therefore, we have not violated provisions of Regulation 5 (1) of HCCR, 2009 and/ or any provisions of the law and hence we are not liable for any penalties as levied under 12 (8) of HCCAR 2009; sec 117 of customs act 1962 or any other provision of law.

8.6 Based on the above, it is profoundly submitted that we as CCSP have not violated provisions of Regulation 5(1)(i);5(1)(i)(n);5(1)(ii) of HCCAR, 2009 and/or any other provisions of section 11(i) of HCCAR,2009 should be initiated against us and no penalty should be imposed under provisions of HCCAR,2009 and/or under sec. 117 of the Customs Act,1962 or any other law at all.

8.7 We request that our CCSP approval should not be suspended/ revoked. Further, we seek an opportunity to be heard in person to enable us to present any further clarification in this matter. Since there are no violations of the Customs Act, 1962 or regulations of HCCAR, 2009 or any other law for that matter, no penalty should be imposed on us under regulation 12(8) of HCCAR, 2009 and under sec. 117 of the Customs Act, 1962. We humbly seek that SCN dated 23<sup>rd</sup> February 2022 may please be withdrawn and/or set aside and proceedings may be dropped.

9. After considering the incidents reports, show cause notice, replies of the noticee dated 23.03.2023, the inquiry officer has submitted investigation report F. No. VIII/48-43/Inquiry/AllCargo/2021-22 dated 01.06.2022 and concluded that:-

9.1 **Issue regarding placement of containers:** Regarding the issue of delay in placement of containers, the said CFS is a habitual offender. In a previous incident report dated 29.10.2021 regarding the episode of 28.10.2021 and 29.10.2021, the non-cooperation on the part of the said Noticee is very clear. The above mentioned incident report very specifically alleges that in the past too, the said CFS has shown such casual approach in placing the containers for examination.

Further, in their written reply dated 23.03.2022, the noticee has countered the allegation very casually. In paragraph 5 of their above mentioned reply, they have mentioned how they have been compliant in attaining all levels of rules and regulations including but not limited to sub-section 2 of Section

141 and Section 157 of the Customs Act, 1962 on comprehensive conduct of CCSP. They further mentioned that they ensure that the equipment is kept in good order and is deployed promptly. Regarding the visit of Dy. Commissioner (DE) and the Incident Report dated 29.10.2021; the said noticee very casually stated that the non-placement of the containers was a mere coincidence as the equipment was temporarily inoperative. They very audaciously stated that it would not be correct to mention that there have been instances of delays. This is a very shameless trial on the part of the said noticee to negate the allegation of past delays made in the above Incident Report dated 29.10.2021.

**9.2 Presence of unauthorized persons inside the premises of the CFS:**

In the incident on 16.11.2021 when the officers of Vigilance Section visited the premises of the said CFS, seven unwanted people, without authorized Customs entry permit, were found loitering inside. In this regard, the noticee, in their written reply dated 23.03.2022 stated that several people regularly visit the Admn. building either to meet the Customs officials or CFS staff as per their work and the brokers are issued valid entry permits for entering the CFS. In paragraph (4)(b) of their reply, they stated that out of the seven people as listed in the impugned Show Cause Notice, Sr. No. 1 to 4 were holding Customs authorized passes whereas, Sr. No. 5 to 7 were the representatives of Customs Brokers and their names were recorded in the CFS register and were issued temporary permits by the CFS. This straightway contradicts the allegation made in the impugned Show Cause Notice. While the impugned Show Cause Notice states that people mentioned in Sr. No. 1 to 4 were holding Entry Permit of Mundra SEZ and people mentioned in Sr. No. 5 to 7 were having no legal entry passes, the noticee states that the former were holding authorized Customs passes and the latter were holding temporary CFS passes. This is outright deceptive on the part of the noticee and purely fallacious.

**9.3 Issue of manhandling the officer on duty:** The said Noticee M/s. All Cargo Logistics Ltd., Mundra is equally as guilty as Ram Gadhvi. In their written reply dated 23.03.2022, they deliberately did not mention how Ram Gadhvi could escape from the scene in spite of he being encircled by CFS staff. Surprisingly, in sub-para (g) of paragraph 5 of their above mentioned letter, they have mentioned that Ram Gadhvi had a lengthy discussion with the Customs Officer Shri Prashant Tripathi whereas, in the incidence report dated 30.11.2021, the said PO has categorically stated that Ram Gadhvi had physically assaulted him (slapped him). This is enough for the undersigned to understand that the Noticee is trying to lighten the entire incident to save their employee Ram Gadhvi who assaulted an on duty executive officer of Customs House, Mundra.

Further, in the incident report, Shri Prashant Tripathi, PO had mentioned that the incident occurred near the entrance of the CFS, inside the CFS premises. However, on being asked to provide CCTV footage, the said Noticee, vide their letter dated 27.04.2022, replied that CCTV footage was not available as the incident occurred in the car parking which was not covered under CCTV.

These incidents, which contradict the incident report submitted by Shri Prashant Tripathi, PO, seem to be afterthought and with deliberate intention to degrade the PO who was manhandled on duty and prevented to perform the govt. duty he was entrusted upon. The entire occurrence to be a perfectly planned by the CFS management and hence, conniving with Ram Gadhvi, they made a scapegoat of the latter.

#### 10. **Personal Hearing:**

As per the principles of Natural Justice, the Noticee had been allowed to be heard in person and a letter dated 05.02.2026 and 10.03.2026 was issued to the noticee, inviting them to appear before the Hon'ble Commissioner of Customs, Mundra on 11.02.2026 and 13.03.2026 for personal hearing.

10.1 Shri Yagnesh Limbani, Authorized representatives of M/s. All Cargo Logistics Ltd., Mundra physically appeared before the Hon'ble Commissioner on 13.03.2026. **Regarding Delay in placement of containers for the examination**, he submitted that the Kalmar deployed in the CFS was not working properly due to some technical issues and submitted the copy of the Equipment Log sheet in support of their submission.

10.2 **Regarding 07(seven) unauthorized person found in the CFS premises**, he submitted a letter in which they admitted the lapse and deeply apologize and acknowledge that the same was a violation of the prescribed customs regulations and security protocol.

10.3 **Regarding alleging misbehavior with the Customs Officer by the employee of the CFS**, the he submitted that they had dismissed the employee from the CFS. They submitted the copy of the Discontinuation of service letter dated 01.12.2021.

#### 11. **Discussion and Findings**

I have carefully gone through the records of the case, submissions made by M/s. All Cargo Logistics Ltd., Mundra, investigation report

submitted by the Inquiry officer, record of personal hearing held. The issues to be decided by me are as to whether-

- (a) the approval granted to the custodian as CCSP should not be suspended in view of the multiple violations committed by him as per the provisions of Para 11(i) of HCCAR, 2009.
- (b) the security in the form of bond given by the CCSP should not be forfeited from the noticee as per the provisions of the Para 11(i) of HCCAR, 2009.
- (c) penalty should not be imposed on noticee as per the provisions of Para 12 (8) of the HCCAR, 2009.
- (d) penalty should not be imposed under section 117 of the Customs Act, 1962 for the failure to comply with the provisions of the Act, Rules and Regulation made thereof.

11.1 M/s. All Cargo Logistics Limited (CFS), having its registered office at 6th Floor, Avashya House, CST Road, Kalina, Santacruz (East), Mumbai, and site office at Bharat CFS Zone 1, Adani Ports & SEZ, Mundra – 370421, was approved as a custodian vide Notification No. 07/2007 dated 17.04.2007 under Section 45 of the Customs Act, 1962. The said CFS, being a Customs Cargo Service Provider, is required to comply with the provisions of the Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR, 2009) as well as the relevant provisions of the Customs Act, 1962 and the Rules and Regulations made thereunder.

11.2 I find that two incident reports were received from the Docks Examination Section and one incident report was received from the Vigilance Section alleging violations of the provisions of the HCCAR, 2009 by the said CFS.

11.3 I find that the Incident reports dated 28.10.2021 & 29.10.2021 were received from the Docks Examination Section alleging delay in placement of containers for examination and delay in de-stuffing of containers at the said CFS. Such delay adversely affected customs examination and clearance of cargo. It was specifically reported that in the case of cargo handled through Customs Broker M/s Luvkush Shipping Services, seal cutting was permitted on 15.10.2021, the container was scanned on 16.10.2021, but was placed for examination only on 20.10.2021. It was further reported that in certain consignments handled through other Customs Broker M/s. Daksh Shipping, containers were not de-stuffed/placed despite instructions of

Customs officers. These allegations require examination with reference to the obligations cast upon the CCSP under Regulation 5(1)(i) of HCCAR, 2009.

11.4 In response to the aforesaid allegation, the said CFS submitted that the delay in placement of containers for examination coincided with the visit of the Deputy Commissioner of Customs to the CFS on the relevant date. It was contended that, at that time, the Kalmar/equipment deployed for handling containers had become temporarily inoperative due to technical issues, and alternate equipment was simultaneously being arranged. The said CFS submitted that the delay was purely temporary and incidental in nature and not due to any deliberate non-cooperation or intentional lapse on their part. The said CFS also relied upon the equipment log sheet in support of its submission.

11.5 The matter was examined in detail by the Inquiry Officer appointed under the Show Cause Notice dated 23.02.2022. The Inquiry Officer, vide report dated 01.06.2022, after examining the facts and records of the case, concluded that non-cooperation on the part of the said CFS was evident during the course of inquiry. The Inquiry Officer further concluded that the allegations mentioned in para 2 of the Show Cause Notice stood substantiated.

11.6 I find that it is the obligation of the said CFS to provide adequate infrastructure, equipment and manpower for proper handling of cargo, including timely placement of containers, seal cutting, de-stuffing and allied operations, in terms of Regulation 5(1)(i) of the HCCAR, 2009. During the course of personal hearing, the said CFS submitted that the Kalmar deployed at the CFS was not functioning properly due to technical issues and furnished a copy of the Equipment Log Sheet in support of the said submission. Upon examination of the records produced, I find that the equipment had remained temporarily inoperative during the relevant period.

11.7 Further, with regard to the issue of unauthorized persons found inside the premises of the said CFS, I find that during a surprise visit conducted by the Vigilance Section, Custom House, Mundra on 16.11.2021, it was noticed that seven persons were present inside the CFS premises without possessing valid Customs entry permit/pass/card or any authorization issued by the competent Customs authority. The said incident indicates deficiency in access control and security measures required to be maintained by the said CFS within the notified customs area.

11.8 In this regard, during the course of personal hearing, the said CFS submitted a written communication wherein they admitted the lapse,

expressed regret for the incident, and acknowledged that the presence of such unauthorized persons inside the CFS premises was in violation of the prescribed Customs regulations and security protocol.

11.9 I find that it is the obligation of the said CFS to ensure that no unauthorized person is permitted entry into the customs notified area, in terms of Regulation 5(1)(i)(n) of the HCCAR, 2009.

Regulation 5(1)(i)(n) of the Handling of Cargo in Customs Areas Regulations, 2009 provides as under:

**5. Conditions to be fulfilled by Customs Cargo Service provider**

*Any person who intends to be approved as a Customs Cargo Service provider for custody of imported goods or export goods and for handling of such goods, in a customs area, hereinafter referred to as the applicant, shall fulfill the following conditions, namely:*

*(1) Provide the following to the satisfaction of the Commissioner of Customs, namely:*

*(i) Infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling, stuffing and destuffing of containers, storage, dispatch and delivery of containers and cargo etc., including:-*

*(n) Security and access control to prohibit unauthorized access into the premises.*

From the analysis of the incident reports, the Inquiry Report submitted by the Inquiry Officer, and the reply furnished by the said CFS, I find that the said CFS has failed to comply with the provisions of Regulation 5(1)(i)(n) of the HCCAR, 2009. I, therefore, hold that the said CFS is liable for penal action under Regulation 12 of the HCCAR, 2009.

11.10 Further, with regard to the incident involving misconduct with the officer on duty, it is observed that in the evening of 30.11.2021, Shri Ram Gadhvi, an employee of the said CFS, allegedly manhandled Shri Prashant Tripathi (P.O.) while he was discharging his official duties. It is further on record that the said person left the premises despite directions of the Deputy Commissioner (DE) to the said CFS not to allow him to leave. On perusal of the Show Cause Notice and the Inquiry Report submitted by the Inquiry Officer, I find that the said CFS failed to exercise proper supervision and control over its employee, thereby contributing to the occurrence of the said incident.

11.11 In this regard, during the course of personal hearing, the said CFS submitted that the concerned employee had been discontinued from service

with immediate effect. In support of the said submission, they furnished a copy of the Discontinuation of Service Letter dated 01.12.2021. Upon perusal of the same, I find that the said CFS had taken corrective action in response to the incident referred to above.

12. During the course of personal hearing, the Authorized Representative reiterated that the said CFS is committed to ensuring compliance with all applicable Customs laws and the provisions of the HCCAR, 2009, and requested that the written submissions along with supporting documents be taken on record and duly considered while deciding the case. I have carefully gone through the facts of the case and the provisions of the HCCAR, 2009. A Customs Cargo Service Provider is required to comply with all the obligations and conditions prescribed therein. However, in the present case, it is evident that the said CFS failed to adhere to such obligations, particularly in as much as unauthorized persons were found inside the premises of the CFS without any valid permit card or authorization issued by the Customs authorities, thereby permitting unauthorized access into the customs area.

13. In view of the facts discussed above, the Investigation Report, and the reply submitted by the said CFS, it is evident that the said CFS has violated the provisions of the HCCAR, 2009. However, considering the overall facts and circumstances of the case, namely that the violations noticed are procedural in nature, that no revenue loss or case of smuggling has been brought on record, that the said CFS has admitted certain lapses, expressed regret, and taken prompt corrective measures including discontinuation of the concerned employee, and further considering that suspension of custodianship may adversely impact trade facilitation and cargo operations, I take a lenient view and refrain from suspending the approval granted to the custodian as CCSP. I also refrain from ordering forfeiture of the security in the form of bond furnished by the said CFS. Nevertheless, the said CFS is expected to ensure strict compliance with all statutory obligations in future and any repetition of such lapses shall invite stricter action under law. But in order to create a deterrence, some form of token penalty needs to be imposed. I order accordingly:

**ORDER**

(i) I drop the proceedings initiated for suspension of the approval granted to the custodian as Customs Cargo Service Provider (CCSP).

(ii) I drop the proceedings initiated for forfeiture of the security in the form of bond furnished by the said Customs Cargo Service Provider (CCSP).

(iii) I impose a penalty of Rs. 10,000/- (Rupees Ten Thousand only) upon M/s. All Cargo Logistics Limited (CFS), Bharat CFS Zone 1, Adani Ports & SEZ, Mundra – 370421, under Regulation 12(8) of the Handling of Cargo in Customs Areas Regulations, 2009.

(iv) I further impose a penalty of Rs. 10,000/- (Rupees Ten Thousand only) upon M/s. All Cargo Logistics Limited (CFS), Bharat CFS Zone 1, Adani Ports & SEZ, Mundra – 370421, under Section 117 of the Customs Act, 1962.

Digitally signed by  
Nitin Saini  
Date: 05-05-2026  
12:03:33

(Nitin Saini)  
Commissioner,  
Custom House, Mundra

**BY SPEED POST/RPAD**

**F.No.** CUS/AG/MISC/1291/2025-A/G

**To (The Noticee):**

M/s All Cargo Logistics Limited (CFS) ,  
Bharat CFS Zone 1,  
Adani Ports & SEZ, Mundra – 370421

Copy for information and further necessary action/information/record to:

- a. The Chief Commissioner of Customs, CCO, Ahmedabad.
- b. The Deputy/Assistant Commissioner (legal/Prosecution), Customs House, Mundra
- c. The Deputy/Assistant Commissioner (Recovery/TRC), Customs House, Mundra
- d. The Deputy/Assistant Commissioner (EDI), Customs House, Mundra.