



DIN:- 20260271MO00004984B8

Show Cause Notice No.: 49/2025-26/COMM/N.S./Adj/MCH

SHOW CAUSE NOTICE

(Issued under the Sea Cargo Manifest and Transshipment Regulation, 2018)

M/s. OOCL India Pvt. Ltd. (herein after referred as the 'Authorized Sea Carrier) had filed IGM No.2296850 dated.16.11.2021 under Regulation-4 of Sea Cargo Manifest and Transshipment Regulation, 2018 in respect of Vessel MV Shiling/005E (IMO No.9290452) on behalf of the Master of Vessel under section 30 of the Customs Act,1962.

2 . Acting upon the intelligence received by the Directorate of Revenue Intelligence (**hereinafter referred to as "DRI"**) investigation was initiated in respect of goods brought by Container Ship MV Shiling /005E (IMO No. 9290452). I t was noticed that authorized Sea Carrier i.e. OOCL India Pvt. Ltd. acting on behalf of the Master of MV Shiling/005 had delivered electronically to the proper officer of Customs at Mundra a prior Arrival Manifest/IGM No. 2296850 on 16.11.2021 [**RUD1 (part 1 & 2)**] in terms of Regulation 4 of the Sea Cargo Manifest and Transshipment Regulations, 2018 (**Hereinafter referred to as "SCMTR"**) read with Section 30 of the Customs Act, 1962. The vessel was likely to arrive at Mundra Port on 18.11.2021. On primary scrutiny of the said arrival manifest, it was found that the ASC M/s. OOCL India had though delivered the arrival manifest with Mundra Customs on 16.11.2021, they had not filed any declaration in respect of "Same Bottom Cargo"/"Cargo brought in Transit"/ "Retention on Board cargo", which were meant for unloading at the destination other than Mundra Port.

3. The vessel arrived at Mundra on 18.11.2021. The Custom officer of Mundra Customs boarded the said vessel on its arrival at Mundra Port on 18.11.2021 along with the officers of DRI. The Master of MV Shiling/005E provided the documents to the boarding officer (RUD 2). Since the ROB/Transit/SBC cargo was not found in the arrival manifest delivered by the Authorized Sea Carrier at Mundra Customs and there was no updating sought by the Authorized Sea Carrier in respect of the said arrival manifest, the Branch Manager of Authorized Sea Carrier was asked to provide the complete list of ROB containers and other related documents. The ASC provided some documents vide letter dtd.18.11.2021. (RUD No. 3).

4. The documents provided by the Authorized Sea Carrier vide letter dtd.18.11.2021 included list of the ROB Cargo (**RUD 3/1**). While going through the list, it was observed that there were seven shipping containers (flat racks) on board MV Shiling/005E vide

Booking Number 2683539260, and they were located at Bay No. 34, Slot No. 340814, 340614, 341014, 340714, 340414, 340914 and 340514.

5. Vide letter dtd.18.11.2021, a copy of Draft B/L No. OOLU2683539260 (**RUD 3/2**) was also provided by M/s. OOCL India, which was describing the description of cargo as 'Re-Export/ Return of Empty Fuel Containers 7x40' Flat Racks –CY/CY, FCL/FCL. Total 28xFuel Containers'. In the copy of draft B/L provided, the date of issue of B/L was found blank. The particulars of cargo, mentioned in the draft B/L No. OOLU2683539260 were as follows-

CNTR Nos. Marks and Numbers	Quantity Packages	Description of Packages and goods
OOLU4262747	OODM123456	1 Bulk/FCL/FCL/40FQ
OOLU4264858	OODM123456	1 Bulk/FCL/FCL/40FQ
SEGU7651493	OODM123456	1 Bulk/FCL/FCL/40FQ
SEGU7652308	OODM123456	1 Bulk/FCL/FCL/40FQ
CRXU7689190	OODM123456	1 Bulk/FCL/FCL/40FQ
OOLU4264842	OODM123456	1 Bulk/FCL/FCL/40FQ
TRIU0788636	OODM123456	1 Bulk/FCL/FCL/40FQ

6. On visual inspection of the goods by the boarding officer and DRI officers on board, it was observed that each shipping container was a flat rack container; each of them carrying 04 blue colored fuel containers/tanks/casks mounted inside the saffron colour frames/specialised freight containers placed on the flat rack shipping containers. Shielding for the 28 casks was also provided. It was further observed that the 28 fuel containers were specialized tanks/casks and they were appearing as purposefully designed containers/tanks and the 28 fuel containers inside frames/specialized freight containers were though declared as empty containers/tanks in the B/L etc. documents, they were found duly labelled/marked with Hazardous Material Identification number "Radioactive II.... contents.... U" (enriched equal to or less than 20%.... Activity 281.6 GBq" "UN 3327" etc. in accordance with the national and international regulations pertaining to the same. The "Type-II" Package label with Hazard Class 7 and activity written by hand, Type- 1 Package label, Criticality Safety Index (CSI) for Fissile Material etc. were indicating carriage of nuclear material by the said 28 containers/tanks, although they were declared as empty containers.

7. With respect to filing of Import General Manifest, provisions of Section-30 of Customs Act. 1962 are relevant to mention here.

30. Delivery of 1[arrival manifest or import manifest] or import report.—2[(1) The person-in charge of— (i) a vessel; or (ii) an aircraft; or (iii) a vehicle, carrying imported goods 3[or export goods] or any other person as may be specified by the Central Government, by notification in the Official Gazette, in this behalf shall, in the case of a vessel or an aircraft,

deliver to the proper officer 4[an 1[arrival manifest or import manifest] by presenting electronically prior to the arrival] of the vessel or the aircraft, as the case may be, and in the case of a vehicle, an import report within twelve hours after its arrival in the customs station, in 5[such form and manner as may be prescribed] and if the 1[arrival manifest or import manifest] or the import report or any part thereof, is not delivered to the proper officer within the time specified in this sub-section and if the proper officer is satisfied that there was no sufficient cause for such delay, the person-in-charge or any other person referred to in this sub-section, who caused such delay, shall be liable to a penalty not exceeding fifty thousand rupees:] 6 [Provided that the 7[Principal Commissioner of Customs or Commissioner of Customs] may, in cases cases where it is not feasible to deliver 1[arrival manifest or import manifest] by presenting electronically, allow the same to be delivered in any other manner.]

(2) The person delivering the 1[arrival manifest or import manifest] or import report shall at the foot thereof make and subscribe to a declaration as to the truth of its contents.

(3) If the proper officer is satisfied that the 1[arrival manifest or import manifest] or import report is in any way incorrect or incomplete, and that there was no fraudulent intention, he may permit it to be amended or supplemented.

7.1 As per Section 30(1) of the Customs Act, 1962, the person-in-charge of the vessel is required to deliver an Arrival Manifest or Import Manifest by presenting electronically prior to the arrival of the vessel in the Customs station, in such form and manner as may be prescribed. As per the first proviso to Section 30(1) of the Customs Act, 1962, in cases where it is not feasible to deliver arrival manifest by presenting electronically, the same are to be allowed to be delivered in any other manner.

7.2 Section 30(2) of the Customs Act, 1962 makes it mandatory for the person delivering the Import Manifest to subscribe to a declaration as to the truth of its contents.

7.3 Section 30(3) of the Customs Act, 1962 provides for permitting amendment of Import Manifest, if fraudulent intention is not found, but no such application for amending Arrival Manifest made so far.

8. Regulation-4 of Sea Cargo Manifest and Transshipment Regulation, 2018 reads as under-

Delivery of an Arrival Manifest. - (1)

An authorised sea carrier carrying imported goods, export goods or coastal goods, shall deliver the arrival manifest to the proper officer electronically: Provided that where it is not practicable to deliver the arrival manifest or any part thereof electronically, then the manifest or any part thereof shall be submitted manually in duplicate with the approval of the Commissioner of Customs or any other officer authorized by him: Provided further that for the vessels carrying only coastal goods and operating from exclusive berths meant for coastal goods at the loading as well as the unloading ports, there shall be no requirement of delivering arrival manifest.”;

(2) The arrival manifest shall consist of,

(a) an application for entry inwards in Form-II (except in case of vessel carrying exclusive coastal goods); .

(b) a general declaration in Form-III;

(c) vessel's stores list in Form- IV;

(d) list of private property in the possession of the Master and crew, in Form- V

(e) cargo declaration: -

i) (ii) for vessel arriving at an Indian port from a Foreign port in Form-VIA; or for vessel arriving at an Indian Port from another Indian Port directly or through designated foreign route in Form-VIB;

(f) any other declaration which, under the provisions of the Customs Act or any other Act for the time being in force is required to be delivered to the proper officer on arrival of vessel.

----- (remaining portion not reproduced for brevity)

9. Regulation-6 of Sea Cargo Manifest and Transshipment Regulation, 2018 reads as under-

Regulation 6. Declaration in respect of specific cargo. -

1. *the cargo declaration in respect of*

a. *arms;*

b. *ammunition;*

c. *explosives;*

d. *narcotics and psychotropic substances;*

¹*[(e) * * * *];*

f. *silver;*

g. radio-active material for import, export, transshipment, or for being carried as same bottom cargo shall be delivered in ²[Form- XII].

Where a vessel does not carry any of the cargoes referred

As per Regulation 6 of Sea Cargo Manifest and Transshipment Regulation, 2018, the cargo declaration in respect of arms, ammunition, explosives and radioactive material for import, export, transshipment or being carried as 'Same Bottom Cargo' is to be delivered mandatorily in Form XII. Whereas from the documents produced by the Authorized Sea Carrier M/s. OOCL India as well as the Master of MV Shiling/005E, and also from the visual inspection of aforesaid 07 containers and the cargo contained therein, it appeared that the 28 tanks being carried by 07 flat rack containers were specialized tanks appeared to be containing or relating to the arms, ammunition, explosive, radioactive material and accordingly the same are covered under the category of SCOMET and Weapons of Mass

Destruction and Hazardous cargo, but the same were mis-declared as “empty fuel tanks” and the actual nature of the said tanks were not at all declared in the statutory declarations filed by the Authorized Sea Carrier. Hence, it prima facie appeared that the said 28 tanks/casks were packed inside seven specialised freight containers/frames and those seven specialised freight containers/frames were mounted on seven flat rack containers, were imported into India, in violation of the provisions of SCMTR, 2018 and the Customs Act, 1962. The filing of a nil declaration or omission to declare the said cargo, amounts to non-compliance with the mandatory requirements of Regulation 6 of SCMTR, 2018.

10. Regulation-10 of Sea Cargo Manifest and Transshipment Regulation, 2018 reads as under-

Regulation 10. Responsibilities of the authorized carrier under these regulations-

1. An authorized carrier shall-

- a. *transact business in the customs station either personally or through an employee duly approved by the Deputy Commissioner or Assistant Commissioner of Customs, as the case may be;*
- b. *keep a record of imported goods, export goods, coastal goods or goods brought for transshipment as the case may be, and produce such records to the proper officer as and when required;*
- c. *keep a record of movement or handling of imported goods, export goods, coastal goods or goods brought for transshipment;*
- d. *make available track and trace facility for locating imported or export goods, coastal goods or goods brought for transshipment;*
- e. *be responsible for the safety, security and delivery of imported, export goods or coastal goods under its custody;*
- f. *be liable to pay duty on goods pilfered, lost during the transit or transshipment thereof in the customs area or en-route ¹[, under its custody];*
- g. *be responsible for re-export of hazardous goods where such goods are ordered to be exported back to the exporting country;*
- h. *advise his client to comply with the provisions of the Act and in case of non-compliance, shall bring the matter to the notice of the deputy commissioner or assistant commissioner of customs as the case may be;*
- i. *not procure or attempt to procure directly or indirectly, information from the government records or other government sources of any kind to which access is not granted by the proper officer;*
- j. *ensure electronic transmission of delivery orders to the importer or the consignee and intimation of the same to the custodian and the proper officer;*
- k. *publish and display at prominent places including website or web page of the authorized carrier the schedule of charges for the various services provided by him in relation to the imported goods or export goods or coastal goods in the customs area;*

²[(1) not demand any container detention charges for the containers laden with the goods detained by customs for purpose of verifying the entries made under section 46 or section 50 of the Act, if the entries are found to be correct.

Provided that the authorized carrier may demand, container detention charges for the period, commencing after expiry of sixty days.];

(m) abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under;

³*[(2) The authorized carrier, after intimation to the Commissioner of customs, may outsource any function, required to be carried out by him under these regulations, to any other person on his behalf. The authorized carrier and such person shall be liable for any act of commission or omission while transacting business under these regulations.];*

10.1 Regulation 10 of the Sea Cargo Manifest and Transshipment Regulations, 2018 fixes the responsibilities of the Authorized Sea Carrier and mandates strict compliance with the provisions of the Customs Act, 1962 and the regulations framed thereunder. The Regulation 10 of SCMTR, 2018 casts a duty upon the Authorized Sea Carrier to ensure proper declaration, safe handling, security and regulatory compliance in respect of the cargo carried under its custody. In the present case, it appears that the Authorized Sea Carrier failed to discharge the responsibilities cast upon it under the said Regulation inasmuch as hazardous / radioactive material was found onboard without proper declaration in the Arrival Manifest and without compliance with the specific requirements prescribed for such sensitive cargo. The omission to declare such cargo and to ensure regulatory compliance, prima facie, indicates non compliance with the provisions Regulation 10(1) of SCMTR, 2018.

11. Regulation-12 of SCMTR, 2018 reads as under-

Regulation 11. Suspension of operations or revocation of registration of an authorized carrier. -

1. *The jurisdictional Commissioner of Customs may revoke the registration of the authorized carrier, for failure to comply with any provisions of the regulations.*

¹*[(2) The Commissioner of Customs may, subject to the provisions of regulation 12, suspend the operations of such authorized carrier in his jurisdiction by an order, for reason to be recorded in writing, on any of the following grounds, namely: -*

- a. *failure to comply with any of the provisions of these regulations, within his jurisdiction or anywhere else;*
- b. *failure to comply with any of the conditions of the bond executed by him under these regulations;*
- c. *any misconduct, within his jurisdiction, which in the opinion of the Commissioner of Customs renders him unfit to transact any business in the Customs Station;*
- d. *adjudicated as an insolvent;*
- e. *of unsound mind;*
- f. *convicted by a competent court for an offence involving moral turpitude or otherwise]*

The Commissioner of Customs shall, within fifteen days from the date of such suspension order, shall give an opportunity of hearing to the person and pass such order within fifteen days from the date of the said hearing, as he deems fit, either revoking the suspension or continuing it for a further period not exceeding ninety days from the date of suspension, as the case may be.

Provided that where the suspension against the authorized carrier has been continued, the Commissioner of Customs concerned shall intimate to the jurisdictional Commissioner of Customs, about the order within fifteen days from the date of issue of such order.

11.1 Regulation 11 of the Sea Cargo Manifest and Transshipment Regulations, 2018 empowers the Jurisdictional Commissioner of Customs to revoke the registration of an Authorized Sea Carrier for failure to comply with any of the provisions of the said Regulations. The said Regulation further provides that the Commissioner may, for reasons to be recorded in writing and subject to the procedure prescribed under Regulation 12, suspend the operations of the Authorized Sea Carrier in his jurisdiction in cases of non-compliance with the provisions of the Regulations or other specified grounds.

In view of the facts discussed hereinabove, the acts and omissions on the part of the Authorized Sea Carrier are liable to be examined under the aforesaid provisions for revocation of registration or suspension of operations as may be considered necessary in accordance with law and after following the prescribed procedure.

12. Whereas, from the foregoing discussion and the material available on record, it is observed that the cargo, though declared as “empty fuel containers”, was found onboard bearing hazardous / radioactive markings and neither was any declaration in Form-XII filed, nor was the presence of such hazardous cargo disclosed in the Arrival Manifest. The said non-declaration and mis-declaration are contrary to the statutory requirements prescribed under the Sea Cargo Manifest and Transshipment Regulations, 2018. Further, the failure to declare the true and complete particulars of the cargo in the prescribed manner also amounts to contravention of Regulation 4 of the SCMTR, 2018, which mandates accurate and complete filing of manifest information.

In view of the facts and circumstances of the case, it appears that the Authorized Sea Carrier, M/s. OOCL (India) Pvt. Ltd., did not fully discharge the obligations cast upon it under the SCMTR, 2018 read with the Customs Act, 1962, and the aforesaid acts and omissions, prima facie, amount to contravention of Regulation 4, Regulation 6(1)(g) and Regulation 10(1) of the SCMTR, 2018. Accordingly, the Authorized Sea Carrier appears to be liable for action under the relevant provisions of the said Regulations, including imposition of penalty under Regulation 13 and initiation of proceedings under Regulation 12 for revocation of registration, in accordance with law.

13. Accordingly, in terms of Regulation-12(1) of the Sea Cargo Manifest and

Transshipment Regulation, 2018, Shri Ajoy Kumar, Assistant Commissioner, Customs House, Mundra is being appointed as the Inquiry Officer in the case. M/s. OOCL (India) Pvt. Ltd. the Authorized Sea Carrier is required to submit a written statement of defense against the charges mentioned in the preceding paras, before the Inquiry Officer within 30 days of the issuance of this Show Cause Notice.

14. The Inquiry Officer shall submit a report within 90 days of the issuance of the Show Cause Notice to the Commissioner of Customs, Customs House, Mundra. On receipt of the Inquiry report, the same shall be shared with the Authorized Sea Carrier for their comments.

15. Now, therefore, M/s. OOCL (India) Pvt. Ltd. Authorized Sea Carrier are hereby called upon in terms of provisions of Regulation 12 of Sea Cargo Manifest and Transshipment Regulation, 2018 to show cause to the Inquiry Officer as mentioned in para of this notice as to why-

- i. The Authorized Sea Carrier registration issued to them should not be revoked under Regulation 12 of Sea Cargo Manifest and Transshipment Regulation, 2018.
- ii. Penalty should not be imposed on them in terms of Regulation-13 of Sea Cargo Manifest and Transshipment Regulation, 2018 for failure to comply with provisions of Regulation 4, 6(1) and 10(1) of the SCMTR, 2018.

16. M/s. OOCL (India) Pvt. Ltd. should tender all the evidences on which they intend to rely upon along with a reply to this show cause notice and the Inquiry Report. They should also mention in their reply as to whether they would like to be heard in person before the case is finally adjudicated. If no specific mention is made about the same in their written submission, it shall be presumed that they do not wish to be heard in person, and the case would be decided on the basis of evidences available on record. M/s. OOCL (India) Pvt. Ltd. should produce at the time of showing cause, all the evidences upon which they intend to rely in support of their defense.

17. M/s. OOCL (India) Pvt. Ltd. are further required to note that their reply should reach within 30 (thirty) days from the date of receipt of the inquiry officer's report. If no cause is shown against the action proposed above within 30 days from the receipt of the inquiry officer's report or if they do not appear when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.

18 . This Show-Cause-Notice is being issued under Regulation 12 of the Sea Cargo Manifest and Transshipment Regulation, 2018 without prejudice to any other action that

may be taken or has been initiated against the M/s. OOCL (India) Pvt. Ltd. or any other person(s) concerned in respect of this matter under the provisions of the SCMTR,2018 readwith Customs Act, 1962 and/or any other law for the time being in force.

19. The relied upon documents to Show-Cause-Notice are available with the noticee.

20. The department also reserves its right to amend, modify or supplement this notice at any time prior to the adjudication of the case.

(Nitin Saini)
Commissioner of Customs
Custom House Mundra

F.No.CUS/MCD/CASE/1/2023-MCD

Date- **12.02.2026**

Show Cause Notice No.: 49/2025-26/COMM/N.S./Adj/MCH

BY RPAD/SPEED POST/E-MAIL/HAND DELIVERY/By Service Under Section 153(1)(e) of the Customs Act. 1962

(To Noticee)

1. **M/s. Orient Overseas Container Line Ltd. OOCL** Hong Kong Branch, 16/F., One Harbour Square, 181 Hoi Bun Road, Kwun Tong, Kowloon, Hong Kong (To be served through M/s. OOCL (India) Pvt. Ltd.)

2. **M/s. OOCL (India) Pvt. Ltd., Authorized Sea Carrier,**

Branch Office- Office No.02, 2nd floor "Time Square-3", Plot No.08, Ward 7/B, Gandhidham (Kutch), Gujarat- 370201.

Head Office- M/s. OOCL India Pvt. Ltd., ICC Chambers, 05th Floor, Saki Vihar Road, Opp. Santogen Silk Mills, Powai, Mumbai-400 072.

Copy to-

- i. Shri Ajoy Kumar, Assistant Commissioner of Customs, Custom House, Mundra (Inquiry Officer), for conducting Inquiry in terms of Regulation 12 of Sea Cargo Manifest and Transshipment Regulations, 2018.
- ii. Deputy Commissioner (EDI), Customs House, Mundra with a request to

upload the Show Cause Notice in Official Website.

- iii. Notice Board.
- iv. Guard File.