CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, MUMBAI

REGIONAL BENCH - COURT NO. I

Customs Appeal No. 85395 of 2026

(Arising out of Order-in-Original No. PUNE-CUSTOMS-000-COMMR-07/2025-26 dated 10.12.2025 passed by the Commissioner of Customs, Pune.)

J.B. Singh & Sons **..... Appellant**
CB License No. PNR/MIRAJ/012/2004
23-9, Bhupat Bhavan, Ground Floor
Vaju Kotak Marg, Fort
Mumbai - 400 001.

Versus

Commissioner of Customs **.... Respondent**
GST Bhavan,
41/A, Sasson Road,
Pune – 411 001.

Appearance:

Shri Anil Balani, Advocate for the Appellant
Shri C.S. Vinod, Authorized Representative for the Respondent

CORAM:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)

HON'BLE MR. M.M. PARTHIBAN, MEMBER (TECHNICAL)

FINAL ORDER NO. A/85947/2026

Date of Hearing: 01.07.2026

Date of Decision: 31.07.2026

PER: M.M. PARTHIBAN

This appeal has been filed by M/s J.B. Singh & Sons (herein after, referred to as 'the appellant'), holders of Customs Broker License No. PNR/ MIRAJ/012/2004 assailing Order-in-Original No. PUNE-CUSTOMS-000-COMMR-07/2025-26 dated 10.12.2025 (herein after, referred to as 'the impugned order') passed by the learned Commissioner of Customs, Pune.

2.1. Briefly stated, the facts of the case are that the appellant herein are a Customs Broker (CB) holding a regular CB license issued by Pune Customs under Regulation 7(2) of Customs Brokers Licensing Regulations (CBLR), 2018. The said CB firm was also holding Customs pass No. G/ MUMBAI/202147476 for customs clearance work in Mumbai. A communication was received from Directorate of Revenue Intelligence, Bangalore Zonal Unit (DRI) dated 25.03.2025, informing the Commissioner of Customs (General), New Customs House (NCH), Mumbai that goods imported by an importer M/s Shree Gayathri Pulses, Jalgaon (IEC 03090499440) vide Bill of Entry (B/E) No. 7999485 dated 25.01.2025 and cleared through Nhava Sheva port were intercepted by them, and upon physical examination, it was found that "Green Peas", a restricted item was found as against the declared item of "Yellow Peas". Further, the said communication also stated that import policy for "Green Peas" is restricted and is permitted through Kolkata port only, subject to the fulfillment of Minimum Import Price (MIP) fixed for import at Rs.200/Kg. CIF; however, the imports in the referred case were in violation of these restrictions prescribed in terms of Directorate General of Foreign Trade (DGFT) Notification No.37/2015-20 dated 18.12.2019. Therefore, the imported goods have been seized, and further investigations were being carried out by DRI. The importer had been arrested on 19.03.2025, and since the Customs Broker (CB) handling such transaction in the present B/E and earlier B/Es had played direct role in preparing and submitting documentation, necessary action under 10(d) of the Customs Brokers Licensing Regulations, 2018 (CBLR) may be taken by the Commissionerate including suspension/revocation of their license for their failure to discharge their obligations under CBLR, 2018.

2.2. On the basis of DRI investigation reporting the modus operandi of illegal import of "Green Peas" by M/s Shree Gayathri Pulses through mis-declaration, for which three B/Es were filed by the appellant CB, the jurisdictional Commissioner of Customs, Pune had concluded that there is a prima facie case against the appellant for having contravened Regulation 10(d) of CBLR, 2018. Accordingly, he had immediately suspended the CB license of the appellant under Regulation 16(1) of *ibid*, vide Order No. 02/2025 dated 01.08.2025; and such suspension was continued, while the department had issued show cause notice No.01/2025-26 dated 01.08.2025 for initiating inquiry proceedings under Regulations 14 ibid read with 17 and 18 *ibid*, against violations of Regulations 10(d), 10(e), 10(f) and 10(m) of CBLR.

2.3. Subsequently, the Commissioner of Customs, Pune had appointed the Inquiry Officer (IO) and the IO held personal hearing on 11.09.2025. Upon completion of the inquiry, a report was submitted on 22.09.2025 concluding that two charges framed against the appellant under Regulations 10(d) and 10(e) *ibid* have been "proved" and another two charges under Regulations 10(f) and 10(m) *ibid* have been held to have not been proved and therefore recommended for taking action against appellant CB under Regulations 14(b), 14(c) and 18 of CBLR. Accordingly, the Commissioner of Customs, Pune, being the licensing authority had passed the impugned order dated 10.12.2025 under Regulations 14, 17(7) and 18 *ibid,* for revoking CB License of the appellant, for forfeiture of entire amount of security deposit and for imposition of penalty of Rs.50,000/- on the appellant CB. Feeling aggrieved by the impugned order, the appellant had preferred this appeal before the Tribunal.

3.1. Learned Advocate for the appellant contends that both the allegations of violation against Regulations 10(d) and 10(e) of CBLR, 2018 have been countered by them. At the outset, learned Advocate submitted that the SCN dated 01.08.2025 has been issued under CBLR, 2018 after the expiry of 90 days, as the alleged offence involving mis-declaration of imported goods was intercepted on 25.01.2025 and the offence report was later issued on 14.02.2025. Therefore, he stated that SCN was issued beyond the prescribed period of 90 days and proceedings *ab initio* is irregular and the proceedings are liable to be set aside on this ground alone. Further, he also stated that after the immediate suspension of the CB license, no post decisional hearing was offered for passing necessary order for continuing the suspension, during the period of conducting regular inquiry proceedings as prescribed under the CBLR, 2018.

3.2 In respect of Regulations 10(d) ibid, learned Advocate stated that the appellant Customs Broker can be held to be violating Regulation 10(d) only if it is established that he was aware about the attempt made by the importer to clear the goods by mis-declaration or by undervaluation and that despite knowing this, he has abetted or colluded with the importer. In the present case, there is absolutely no evidence to conclude that the appellant Customs Broker had abetted and colluded with the importer to evade duty or smuggle the restricted goods. In all proceedings before DRI, Inquiry Officer and the licensing authority, the CB had stated the fact that he was not having knowledge of DGFT notification prescribing the restrictions on the imported Green peas, as they had referred to the Customs Tariff and relevant item is restricted or not. Further, he stated that the appellant CB had acted on verifying the Bill of Lading, invoice mentioning the item as 'whole peas' and HS Code 0713 1010; therefore, they had adopted the same Customs Tariff Item (CTI) 0713 1010 and the description given in the tariff, in the declarations made for preparation of check list for B/E; the said check list have been shown to the importer and it is only upon the satisfaction of the importer and their acceptance in writing, the same was filed as B/E before the customs authorities. Therefore, he pleaded that there was no ground to state that the appellant CB had advised incorrectly for evading the restrictions imposed by DGFT and MIP etc.

3.3 He further stated that in the authorisation letter dated 29.11.2023 obtained from the importer M/s Shree Gayathri Pulses, they had got it confirmed from the importer that the imports were legitimate and are not in violation of customs laws. They declared that there was no import of prohibited items and submitted a full set of KYC documents. As per practice, the appellant CB also firstly send the check list of B/E duly verified and gets it approved by the importer before filing with the Customs authorities. Further, he stated that the appellant CB did not have any prior knowledge or any slightest indication that green peas were imported under the guise of yellow peas by the importer. In this regard, they relied upon the decision of the Hon'ble High Court of Bombay delivered on 04.10.2022 in the case of *Jayesh Shah Vs. The Union of India and Ors.* in W.P. No.1421/2021, to state that the role of the appellant CB is only to file the declarations on behalf of the importer relying on the documents given by him, and for the mismatch in the description of goods mentioned in documents given by importer to the CB, and those found in the FCL container, then prima-facie, the CB/CHA cannot be made liable. He further stated that it is pertinent to note that the investigating authorities had not brought out any document to establish that the appellant CB had deliberately mis-declared the description of goods to avoid the compliance requirements of DGFT notification, as they had expressed that they were not aware of the same.

3.4 With regard to violation that the appellant had failed to exercise due diligence to ascertain the correctness of the information that they were imparting to their client (importer) under Regulation 10(e) ibid, learned Advocate submitted that the role of the Customs Broker is to file the bill of entry based on the documents given to them by the Importer. A Customs Broker is not expected to scrutinize or verify the genuineness of the details and documents given by the importer concerned. In the present case, he stated that the goods were declared as per the documents given by the importer and with their approval and hence the allegations raised on the violation of 10(e) of CBLR, has no legs to stand, in the absence of any documentary evidence. He further submitted that the very fact that the customs officers have also allowed the clearance of goods at the port of import after due verification and it is only later such mis-declaration was found out by DRI, supports the case of the appellant that there was no mis-declaration identified at the time of clearance of goods. He further stated that this clearly show that the Department could not arrive at a conclusion for finding out any mis-declaration earlier and it was only after physical examination of the goods by DRI it was found out, would further substantiate the case of the appellant that they were not aware about the mis-declaration just like the Department had come to know about the alleged act of mis-declaration only after the completion of investigation by DRI. Thus, he pleaded that there was no violation against Regulation 10(e) ibid. Further, he also stated that they were not given opportunity for cross examination of the importer and other concerned persons, on the basis of which the allegations were made against them and thus the proceedings are defective to this extent.

3.5 The appellant has relied upon the following case laws:

(i) *Shasta Freight Services Private Limited Vs. Principal Commissioner of Customs, Hyderabad* - 2019 (368) E.L.T. 41 (Telangana)

(ii) *Commissioner of Customs Vs. CC, National Shipping Agency* - 2008 (226) E.L.T. 46 (Bom.)

(iii) *Commissioner of Customs (General) Vs. S.A. Dalal & Co.* - 2008 (221) E.L.T. 488 (Bom.)

(iv) *S.S. International Vs. Commissioner of Customs (Seaport-Import), Chennai* – 2015 (327) E.L.T. 713

Therefore, learned Advocate stated that impugned order is liable to be set aside and prayed that the appeal filed by the appellant may be allowed.

4. Learned Authorised Representative (AR) reiterated the findings made by the Commissioner of Customs in the impugned order and submitted that each of the violation under sub-regulations (d) and (e) of Regulation 10 of CBLR, 2018 has been examined in detail by him. The appellant CB, though have got all the documents for import from the importer, rather, was helping the importer by adopting mis-declaration of description of goods in order to avoid the DGFT restriction and by not adopting the correct declaration of the imported goods by use of their knowledge of customs law and work experience to find out from various documents in their hand to find out the correct description, and thus have failed to comply with the obligations cast upon them under CBLR. Thus, learned AR justified the action of Commissioner of Customs in revocation of the appellant's CB license, forfeiture of security deposit and imposition of penalty in the

impugned order and stated that the same is sustainable in law. It is further stated by him that the impugned order complied with the timelines specified in CBLR and the timelines for issue of SCN should be viewed as directory in nature and not a mandatory factor.

5. Heard both sides and perused the case records. We have also considered the additional written submissions given in the form of paper books by learned Advocate for the appellant as well as Authorised Representative for the Revenue.

6.1 The issue involved herein is to decide whether the appellant Customs Broker has fulfilled all his obligations as required under CBLR, 2018 or not. The specific sub-regulations which were violated by the appellant are Regulations 10(d) and 10(e) *ibid*, and hence there are two distinct charges framed against the appellant. On perusal of the records of the case, it is found that immediate suspension of appellant CB license under Regulation 16(1) *ibid* was issued by the learned Commissioner of Customs, Pune vide Order No. 02/2025 dated 01.08.2025. However, it is also seen that no post decisional hearing was given and no separate order has been passed for deciding whether the immediate suspension should be continued or otherwise, pending the inquiry proceedings under Regulation 17 *ibid*, as mandated under Regulation 16(2) *ibid.* However, the department issued show cause notice No.01/2025-26 dated 01.08.2025 for initiating inquiry proceedings under CBLR. Subsequently, the Commissioner of Customs, after taking into consideration the inquiry report dated 22.09.2025, the written submissions made by the appellant CB and had also taken into account the record of oral submission made by them at the time of personal hearing on 13.10.2025 for considering the charges of violations against them. Thus, we are of the considered view, that though the learned Commissioner had failed to immediately give post decisional hearing, by issue of SCN and in providing sufficient and reasonable opportunity of personal hearing given to the appellant before passing an order in respect of charges framed against them, he had attempted to overcome the deficiency is not complying with Regulation 16(2) ibid, and to state that there is no infirmity of the impugned order in not following the principles of natural justice in this regard. Further, on the submission made by the learned Advocate that there is delay in issue of SCN, and therefore the proceedings are defective, from the record of the case and more particularly from the Order dated 01.08.2025, we find that the offence report dated 25.03.2025 was sent by DRI addressed to the Commissioner of Customs (General), Mumbai; and that such offence report was received by the Commissioner of Customs, Pune, as attachment vide e-mail dated 09.07.2025, who is the licensing authority for initiating action under CBLR in this case. Considering such fact, the SCN has been issued in this case well within the prescribed time of 90 days. Therefore, we are of the view that there is no force in the submission of the learned Advocate that the SCN was issued beyond the period of 90 days from the date of receipt of the offence report.

6.2 In the suspension order dated 01.08.2025 at paragraph 2(i) and in the impugned order at paragraph 18.2, the basis for initiating action against the appellant CB as described therein is that they were involved in facilitating the illegal import of restricted goods i.e., by mis-declaring "Green Peas" which is restricted for import under DGFT Notification dated 18.12.2019, as "Yellow Peas" which is allowed free for import; further, the Minimum Import Price (MIP) prescribed for Green Peas at Rs.200 per Kg. CIF was not followed in the said imports. It was also stated therein that the appellant CB was in possession of documents relating to import which indicated that the goods were green peas and not yellow peas. Further, the customs classification for both these goods and applicable Basic Customs Duty (BCD) are different; green peas is classifiable under CTI 0713 1020 attracting BCD of 10%, whereas yellow peas is classifiable under CTI 0713 1010 attracting 'Nil' BCD as effective rates of duty. Furthermore, import of Green Peas is allowed only through Kolkata Sea port and not through any of the ports in India. Therefore, learned Commissioner had come to the conclusion that even if the importer had sought classification of imported goods under a particular description, classification which the appellant CB, being inconsistent with the documents in hand with them, should have brought to the notice of the department, and hence held that the appellant CB had violated Regulation 10(d) of CBLR. Similarly, on the allegation of violation against 10(e) of CBLR, the learned Commissioner have observed that since the appellant CB had in his possession all requisite documents which indicated that green peas has been wrongly declared as yellow peas, instead of bringing this variation to the notice of importer or correcting it, the appellant CB had proceeded to file the B/E declaration on the same lines as stated by the importer. Thus, he concluded that the appellant CB had violated Regulation 10(e) of CBLR.

6.3 However, in respect of the allegations of violations against Regulation 10(f) and 10(m) of CBLR, since the Inquiry Officer in his report dated

15.10.2025 has held that the same has not been proved, and that he had found that there is no information that was withheld by the appellant CB and that there was no delay or inefficiency in carrying out his responsibility as customs broker in clearance of imported goods in the present case, he had held that the appellant CB had not violated the Regulation 10(f) and 10(m) of CBLR, 2018.

7. In order to examine the above facts, we have for immediate reference extracted the notification No. 37/2015-2020 dated 18.12.2019 and given below:

To be published in the Gazette of India Extraordinary Part-II, Section-3, Sub-Section (II)
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

Notification No. 37 /2015-2020
New Delhi, Dated: 18th December, 2019

Subject: Amendment in import policy and Policy condition under HS code 0713 1000 of Chapter 7 of ITC (HS), 2017, Schedule – I (Import Policy).

S.O. (E): In exercise of powers conferred by Section 3 of FT (D&R) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby amends import policy and policy conditions under HS code 0713 1000 of Chapter 7 of ITC (HS), 2017, Schedule – I (Import Policy), as under:

Exim code	Item description	Existing import policy	Revised policy	Existing Policy condition	Revised Policy condition
0713 10 00	Peas (Pisum sativum) including Yellow peas, Green peas, Dun Peas and Kaspa Peas.	Restricted	Restricted and subject to Minimum Import Price (MIP) of Rs.200/ CIF per kg.	Import of Peas shall be subject to an annual (fiscal year) quota of 1.5 lakh MT as per procedure notified by DGFT. This Restriction shall not apply to Government's import commitments under any Bilateral or Regional Agreement or Memorandum of Understanding	Import of Peas shall be subject to an annual (fiscal year) quota of 1.5 lakh MT as per procedure notified by DGFT and it will be subject to Minimum Import Price (MIP) of Rs. 200/- and above CIF per kilogram and import is allowed through Kolkata sea port only. This Restriction shall not apply to Government's import commitments under any Bilateral or Regional Agreement or Memorandum of Understanding.

Effect of the Notification: Import of Peas *(Pisum sativum)* including Yellow peas, Green peas, Dun Peas and Kaspa Peas is restricted and import subject to MIP of Rs.200/- CIF per kilogram and import is allowed only through Kolkata sea port.

This issues with the approval of Minister of Commerce & Industry.

(Diwakar Nath Misra)
Joint Secretary to the Government of India

दिवाकर नाथ मिश्रा/Diwakar Nath Misra
संयुक्त सचिव/Joint Secretary
वाणिज्य एवं उद्योग मंत्रालय
Ministry of Commerce & Industry
वाणिज्य विभाग/Department of Commerce
भारत सरकार/Government of India

(F.No. 14/3/2018-EP(Agri.III))

Note: The principal notification No. 36/2015-2020, dated the 17th January, 2017 was published in the Gazette of India, Extraordinary vide number S.O. 172 (E), dated the 17th January, 2017 and last amended vide Notification S.O. 6364(E) dated 28th December, 2018.

The period of imports in the present case relates to November, 2024 to January, 2025, as the B/Es referred to are No.6932468, No.6743890 and No.6865388 all dated 25.11.2024 and No. 7999485 dated 25.01.2025.

8.1 In terms of general provisions regarding import as per Para 2.01 of the Foreign Trade Policy, 2023 (FTP) all import of goods shall be "Free" except when regulated by way of 'Prohibition', "Restriction' or "Exclusive trading through State Trading Enterprises (STEs)' as laid down in the Indian Trade Classification (Harmonized System) [ITC (HS)]. Any change in the FTP is made through amendment by way of issue of notification in exercise of the powers vested with the Central Government under Sections 3 and 5 of the Foreign Trade (Development & Regulations) Act, 1992. On careful perusal of the above notification providing revised import policy condition in respect of goods specified therein, it transpires that the existing import policy had been revised w.e.f. 18.12.2019. The import policy of absolute restriction by stating as 'restricted' was changed to restriction with certain specified conditions. The description of the goods/ items for which the revised restriction has been brought in force vide notification dated 18.12.2019 covered all goods described as "Peas (*Pisum sativum*)"; and it included (i) Yellow peas; (ii) Green peas; (iii) Dun Peas and (iv) Kaspa peas, by mentioning the EXIM code no. 0713 1000. Further conditions of such restrictions placed therein are that import quantity of peas allowed for import into the country is upto a prescribed annual quota of 1.5 lakh MTs; and the MIP shall be Rs.200/- or above per Kg. CIF and such importation can also be permitted only through Kolkata sea port and not through any other ports in India. However, certain exceptions have been carved out for non-application of such restrictions in respect of imports made by the Government in fulfillment of commitments made through Bilateral or Regional Agreements or MoU. This was amended by another Notification No.50/2023 dated 08.12.2023, which is also extracted and given below:

To be published in the Gazette of India Extraordinary Part-II, Section-3, Sub-Section (II)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

Notification No.50 /2023
New Delhi, Dated: 08th December, 2023

Subject: Amendment of Import Policy and Policy Conditions for Yellow Peas under ITC(HS) Code 07131010 of Chapter 07 of ITC(HS), 2022, Schedule –I (Import Policy).

S.O. (E).—In exercise of powers conferred by Section 3 and Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2023, as amended from time to time, the Central Government hereby amends Import Policy and Policy conditions for Yellow Peas under ITC(HS) Code 07131010 of Chapter 07 of ITC(HS), 2022, Schedule –I (Import Policy) as under–

HS Code & Description	Existing Import Policy	Existing Policy Condition	Revised Import Policy	Revised Policy Condition
07131010-- Yellow Peas	Restricted	Import of Peas shall be subject to an annual (fiscal year) quota Minimum Import Price (MIP) of Rs. 200/- and above CIF per kilogram and import is allowed through Kolkata Sea port only. This Restriction shall not apply to Governments import commitments under any Bilateral or Regional Agreement or Memorandum of Understanding.	Free	a) Import is 'Free' without the MIP condition and without Port Restriction, for the period up to 31st March 2024. Import consignments where Customs out-of-charge is issued after 31st March 2024 shall not be considered as 'Free'. b) With effect from 1st April 2024, the 'Restricted' import policy and associated policy conditions as existing prior to this Notification shall come into force. c) All import of Yellow Peas during this period up to 31st March 2024 shall be allowed subject to compulsory registration under the Import Monitoring System.

2. Procedures in regard to prior registration of Yellow Peas consignments under the Import Monitoring System shall be notified separately.

Effect of the Notification: Import of Yellow Peas under ITC(HS) Code 07131010 is "Free" subject to registration under the Import Monitoring system with immediate effect for the period up to 31st March 2024. MIP condition and Port Restriction shall also not be applicable to such Yellow Peas imports for the period up to 31st March 2024.

This is issued with the approval of the Minister of Commerce & Industry.

8.12.2023
(Santosh Kumar Sarangi)
Director General of Foreign Trade &
Ex- officio Addl. Secretary to the Government of India
E-mail: dgft@nic.in

[Issued from F. No.M-5012/300/2002/PC-2[A]/Part-VI/E-9019]

8.2 The changes brought through this amendment in the import policy is that with effect from 08.12.2023, the import policy for the said goods was considered as "free" and the conditions of MIP and import being allowed only through Kolkata sea port (prescribed earlier vide notification dated 18.12.2019) were removed for 'Yellow Peas' of HS Code 0713 1010 for a period upto 31.03.2024, and it was prescribed that such imports will be registered under the Import Monitoring System of DGFT. However, it is stated therein that import of 'Yellow Peas' from 01.04.2024, will again be subjected to same MIP and port restrictions. The Yellow Peas Import Monitoring System (IMS) as notified by the DGFT vide Public Notice No.35/2023 is an online registration system launched by the Directorate General of Foreign Trade (DGFT) to monitor the import of certain agricultural products into India. Under IMS, the importer is required to register the import information in advance on an online system and obtain an Automatic Registration Number, which is required to be shared at the time of customs clearance of such goods for registration of import details for compliance with the policy conditions prescribed by DGFT.

8.3 However, instead of bringing back the restrictions of MIP & port of importation, in public interest various Notifications No. 61/2023 dated 23.02.2024; No.04/2023 dated 05.04.2024; No. 12/2024-25 dated 08.05.2024; No.29/2024-25 dated 13.09.2024; No.43/2024-25 dated 24.12.2024; No.63/2024-25 dated 10.03.2025; No.16/2025-26 dated 31.05.2025 and No.70/2025-26 dated 31.03.2026 were issued by the DGFT, allowing import of 'Yellow Peas' with import policy as 'Free' without MIP condition and without port restrictions, in respect of import consignments where Bill of Lading had been issued on or before 31.04.2024, 30.06.2024, 31.10.2024, 31.12.2024, 28.02.2025, 31.05.2025, 31.03.2026 and 31.03.2027, respectively. In other words, where the 'Yellow Peas' were shipped on Board a vessel from 08.12.2023 to 31.03.2027 would be allowed for import 'free' subject to registration under Yellow Peas IMS. This is evidential from the extract of the aforesaid notifications No. 61/2023 dated 23.02.2024 which was issued immediately for first extension to the last such extension provided vide Notification No.70/2025-26 dated 31.03.2026 given as on date. The extract of such notifications are given below:

To be published in the Gazette of India Extraordinary Part-II, Section-3, Sub-Section (II)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Vanijya Bhawan

Notification No. 61/2023
New Delhi, Dated: 23rd February, 2024

Subject: Extension in Import Period for Yellow Peas under ITC (HS) Code 07131010 of Chapter 07 of ITC (HS), 2022, Schedule –I (Import Policy).

S.O. (E).—In exercise of powers conferred by Section 3 and Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2023, as amended from time to time, and in continuation to Notification No. 50/2023 dated 08.12.2023, the Central Government hereby amends Import Policy conditions for Yellow Peas under ITC(HS) Code 07131010 of Chapter 07 of ITC(HS), 2022, Schedule –I (Import Policy) as under–

ITC(HS) Code & Description	Existing Policy Condition	Revised Policy Condition
07131010-- Yellow Peas	a) Import is 'Free' without the MIP condition and without Port Restriction, for the period up to 31st March 2024. Import consignments where Customs out-of-charge is issued after 31st March 2024 shall not be considered as 'Free'. b) With effect from 1st April 2024, the 'Restricted' Import Policy and associated Policy conditions as existing prior to this Notification shall come into force. c) All import of Yellow Peas during this period up to 31st March 2024 shall be allowed subject to compulsory registration under the Import Monitoring System.	a) Import is 'Free' without the MIP condition and without Port Restriction, for Import consignments where **Bill of Lading (Shipped on Board) has been issued on or before 30th April 2024**. b) Imports where Bill of Lading (Shipped on Board) is issued after 30th April 2024 shall be 'Restricted' and associated Import Policy Conditions as existing prior to DGFT Notification 50/2023 dated 08.12.2023 shall come into force. c) All Import of Yellow Peas where Bill of Lading (Shipped on Board) is dated on or before 30th April 2024 shall be subject to compulsory registration and uploading the copy of Bills of Lading under the Import Monitoring System.

2. Revised Procedures in regard to prior registration of Yellow Peas consignments under the Import Monitoring System shall be notified separately.

Effect of the Notification: Import of Yellow Peas under ITC(HS) Code 07131010 is "Free" without the MIP condition and without Port Restriction, subject to registration under the Import Monitoring system, with immediate effect for all Import Consignments where Bill of Lading (Shipped on Board) is issued on or before 30th April 2024.

This is issued with the approval of the Minister of Commerce & Industry.

23.2.2024
(Santosh Kumar Sarangi)
Director General of Foreign Trade &
Ex- officio Addl. Secretary to the Government of India
E-mail: dgft@nic.in

[Issued from F. No.M-5012/300/2002/PC-2[A]/Part-VI/E-9019]

[To be published in the Gazette of India Extraordinary Part-II, Section-3, Sub-Section (ii)]
Government of India
Ministry of Commerce & Industry Department of Commerce
Directorate General of Foreign Trade
Vanijya Bhawan

Notification No. 70/2025-26
New Delhi, Dated: 31st March, 2026

Subject: Extension in Import Period for Yellow Peas under ITC (HS) Code 07131010 of Chapter 07 of ITC (HS) 2022, Schedule -I (Import Policy)-reg.

S.O. (E) In exercise of powers conferred by Section 3 and Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2023, as amended from time to time, and in continuation to Notification Nos. 50/2023 dated 08.12.2023, 61/2023 dated 23.02.2024, 04/2023 dated 05.04.2024, 12/2024-25 dated 08.05.2024, 29/2024-25 dated 13.09.2024, 43/2024-25 dated 24/12/2024, 63/2024-25 dated 10.03.2025 and 16/2025-26 dated 31.05.2025, the Central Government hereby extends the current Import Policy Condition for Yellow Peas under ITC(HS) Code 07131010 of Chapter 07 of ITC(HS), 2022, Schedule -I (Import Policy,, which is valid till 31st March, 2026, **upto 31st March, 2027.** All other terms and conditions remain the same as in the above-referred Notifications.

Effect of the Notification:

Import of Yellow Peas under ITC (HS) Code 07131010 is "Free" without the MIP condition and without Port Restriction, subject to the registration under online Import Monitoring System, with immediate effect, for all import consignments where Bill of Lading (Shipped on Board) is issued **on or before 31st March 2027.**

This is issued with the approval of the Minister of Commerce & Industry.

(Lav Agarwal)
Director General of Foreign Trade &
Ex- officio Addl. Secretary to the Government of India
E-mail: dgft@nic.in

[File No. M-5012/300/2002/PC-2[A]/Part-VI/[E-9019]]

8.4 For the purpose of understanding the implications of the aforesaid notifications revising the relevant import policy conditions, from the earlier existing policy condition, nature of such revision made therein, we would like to refer to the Customs Tariff classification and the ITC (HS) schedule. The headings and their tariff entries of goods relevant for the issue under examination in this appeal, as provided in the First Schedule to the Customs Tariff Act, 1975 and ITC (HS) are extracted and given below:

First Schedule to the Customs Tariff Act, 1975

"*CHAPTER 7*
Edible vegetables and certain roots and tubers

xxx xxx xxx xxx

Tariff Item	Description of goods
(1)	(2)
0713	**Dried leguminous vegetables, shelled, whether or not skinned or split**
0713 10	*- Peas (Pisum sativum) :*
0713 1010	--- Yellow peas
0713 1020	--- Green peas
0713 1030	--- Other peas

&

ITC(HS), 2022

Schedule 1 Import Policy

Section II, VEGETABLE PRODUCTS

Main Notes			
Sl.No.	**Notes**	**Notification No.**	**Notification Date**
1	In this Section, the term "pellets" means products which have been agglomerated either directly by compression or by the addition of a binder in a proportion not exceeding 3 (percent) by weight.		

Chapter 07 Edible Vegetables And Certain Roots And Tubers.

Main Notes			
Sl.No.	**Notes**	**Notification No.**	**Notification Date**
1	This Chapter does not cover forage products of heading 1214.		
2	In headings 0709, 0710, 0711 and 0712, the word "vegetables" includes edible mushrooms, truffles, olives, capers, marrows, pumpkins, aubergines, sweet corn (Zea mays var. saccharata), fruits of the genus Capsicum or of the genus Pimenta, fennel, parsley, chervil, tarragon, cress and sweet marjoram (Majorana hortensis or Origanum majorana).		
3	Heading 0712 covers all dried vegetables of the kinds falling in headings 0701 to 0711, other than : (a) dried leguminous vegetables,shelled (heading 0713);		

Product Description and Import Policy						
HS Code		**Description**	**Import Policy**	**Policy Condition**	**Notification No.**	**Notification Date**
071310	-	Peas (Pisum sativum)				
07131010	---	Yellow peas	Free	a) Import is 'Free' without the MIP condition and without Port Restriction, for Import consignments where Bill of Lading (Shipped on Board) has been issued on or before 31st March, 2027. b) Imports where Bill of Lading (Shipped on Board) is issued after 31st March, 2027 shall be 'Restricted' and associated Import Policy Conditions as existing prior to the DGFT Notification 50/2023 dated	70/2025-26	31/03/2026

				08.12.2023 shall come into force. c) All imports of Yellow Peas where Bill of Lading (Shipped on Board) is dated on or before 31st March, 2027 shall be subject to compulsory registration under the online Import Monitoring System.		
07131020	---	Green peas	Restricted	Import shall subject to Minimum Import Price (MIP) of Rs. 200/- and above CIF per kilogram and import is allowed through Kolkata sea port only. This Restriction shall not apply to Governments import commitments under any Bilateral or Regional Agreement or Memorandum of Understanding	S.O. 1225(E) , S.O.1260(E)	16/04/2020
07131090	---	Other	Restricted	Import shall be subject to Minimum Import Price (MIP) of Rs. 200/- and above CIF per kilogram and import is allowed through Kolkata sea port only. This Restriction shall not apply to Governments import commitments under any Bilateral or Regional Agreement or Memorandum of Understanding	S.O. 1225(E) , S.O.1260(E)	16/04/2020

8.5 On detailed scrutiny of the above, it clearly transpires that all five different types of peas viz., (i) "Peas (*Pisum sativum*)"; (ii) Yellow peas; (iii) Green peas; (iv) Dun Peas and (v) Kaspa peas, covered under the chapter sub-heading 0713 10 i.e., goods covered under CTI 0713 1010, 0713 1020 and Dun peas and Kaspa peas covered under CTI 0713 1030 were kept under the scope of the DGFT's import policy restrictions initially under Notification No.37/2015-2020 dated 18.12.2019. However, with the issue of Notification S.O. No. 1225 (E) dated 28.03.2020, the Central Government had allowed the import of 'Peas' i.e., Yellow peas; Green peas; and other peas viz., Dun Peas and Kaspa peas, as per the annual quota/quantity mentioned therein, for the fiscal year 2020.2021. Subsequently, in terms of notification dated 08.12.2023, the import policy for the 'Yellow Peas' covered under ITC HS Code 0713 1010 alone was considered as "free" and the conditions of MIP and import being allowed only through Kolkata port (prescribed earlier vide notification dated 18.12.2019) were removed, initially for a period upto 31.03.2024 and subsequently upto 31.03.2027, and it was prescribed that such imports will be registered under the Import Monitoring System of DGFT. As per these changes, it was made clear in such notification that import policy condition for the rest of the category of peas viz., Green Peas, Dun Peas, Kaspa peas and other similar goods is restricted, whereas for 'yellow peas' the import policy is 'free' subject to prescribed policy conditions specified therein.

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1225(E).—In exercise of powers conferred by section 3 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), read with paragraphs 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby notifies the annual quota for the fiscal year 2020–21 for the items of Chapter 7 of the Indian Trade Classification (Harmonized System), 2017, Schedule-1 (Import Policy), as under :

Exim Code	Item Description	Import Policy	Quota for fiscal year 2020-2021
0713 10 10	Yellow Peas	Restricted	1.5 lakh MT (the quantity of each category of peas will be notified shortly)
0713 10 20	Green Peas	Restricted	
0713 10 90	Other	Restricted	
0713 31 90	Moong (Beans of the SPP Vigna Radiata (L.) Wilczek).	Restricted	1.5 lakh MT
0713 60 00	Tur/Pigeon peas (Cajanus cajan)	Restricted	4 lakh MT

2. The import policy conditions such as Minimum import price (MIP) of Rs.200/ and port restriction through Kolkata sea port only for all peas (07131010, 07131020 & 07131090) as notified *vide* Notification No. 37, dated 18th December, 2019 remain unchanged .

3. The above quota restriction will not apply to Government's import commitments under any bilateral/regional Agreement/Memorandum of Understanding.

4. This notification shall come into force from the date of its publication in the official Gazette. The above mentioned quota for the fiscal year 2020-2021 shall be allotted only to millers / refiners as per detailed procedure to be notified by Directorate General of Foreign Trade.

[F. No. 14/3/2018-EP (Agri.III) (pt.)]

DIWAKAR NATH MISRA, Jt. Secy.

Note : The principal notification No. 36/2015-2020, dated the 17th January, 2017 was published in the Gazette of India, Extraordinary *vide* S.O. 172(E), dated the 17th January, 2017 and last amended *vide* notification No. 14/3/2018-EP (Agri.III) published in the Gazette of India, Extraordinary *vide* S.O. 1122(E), dated the 17th March 2020.

With the aforesaid series of amendments in the notifications, the import policy conditions initially prescribed for all types of 'Peas' and later variation of such conditions only for 'Yellow Peas' and its continuation with IMS, it is reasonable to appreciate that such changes could have created certain doubts in the minds of importers or CBs or in their understanding of the import policy conditions. However, it is expected that the customs field officers working at the port of imports would not have any doubt as they are equipped to implement the import requirements under the ITC (HS) of Foreign Trade Policy. In such context, when the restrictions are to be applied to all such types of prescribed 'Peas' other than 'Yellow Peas' covered under sub-heading 0713 1010, then we are unable to understand, how such goods are even allowed entry in other ports such as Jawaharlal Nehru Custom House, Nhava Sheva. Further, as the broad description of "Peas" itself would alert the Customs EDI system or the customs officers handling such imports to verify whether these imports are compliant with the restrictions imposed in terms of DGFT's notification dated 18.12.2019, irrespective of whether "Green peas" or "Yellow peas" or any "other peas" of sub-heading 071310. However, this was not the case here.

8.6 Further, in the impugned order at paragraph 17, the learned Commissioner of Customs in sub-paragraph 17.1 has mentioned regarding the Inquiry Officer's report as of date 22.09.2025 and stated that the impugned SCN of date 01.08.2025; and in the next sub-paragraph 17.2, he has referred to the Inquiry Officer's report as of date 15.10.2025 and the allegations referred in SCN No.02/2024-05 dated 05.08.2025. The above-mentioned sub-paragraphs of the impugned order are extracted and given below:

"17. DISCUSSION AND FINDINGS:

17.1 I have carefully gone through impugned Show Cause Notice dated 01.08.2025 having facts of the case, material evidence on record, Inquiry Report dated 22.09.2025, oral and written submissions made by CB.

17.2 I observe that the charges framed against the said CB is for violation of Regulation 10(d), 10(e), 10(f) and 10(m) of CBLR, 2018 and alleged in Show Cause Notice No.02/2024-25 dated 05.08.2025. Accordingly to the Inquiry Officer vide his Inquiry Report dated 15.10.2025 states that there is violation of regulations 10(d), 10(e), & there is no violation of Regulation 10(f) and 10(m) of CBLR, 2018."

It appears that mention of different dates of the SCN and Inquiry Reports could be of clerical or typographical mistake, but the two different sub-paragraphs referred to in the impugned order being in the opening portion of the 'Discussion and Findings' by the learned adjudicating authority, where the reference to the facts of the case are different, these raises serious question on the manner of handling such issues and the order passed thereon. Therefore, prima facie, we are of the view that the impugned order has not been passed with proper appreciation of the facts of the case, and therefore on these grounds itself, the impugned order is liable to be set aside. However, we would like to ignore such incorrectness, for examining the case on merits, in the following paragraphs.

9.1 We find that Regulation 10 of CBLR, 2018, provide for the obligations that a Customs Broker is expected to be fulfilled during their transaction with Customs in connection with import and export of goods. The specific regulations that was alleged to have been violated in this case are as follows:

"Regulation 10. Obligations of Customs Broker: -

A Customs Broker shall -

(d) 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 of Customs or Assistant Commissioner of Customs, as the case may be;

…

(e) 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;"

9.2 We find that the Commissioner of Customs had come to the conclusion that the two charges framed are confirmed in agreeing with the findings of the inquiry officer, as the specific omissions and commissions on the part of appellant CB for contravention of Regulations 10(d) and 10(e) *ibid*, have enabled the importer to evade compliance requirements of DGFT notification in allowing the restricted item "Green Peas" being allowed for clearance through JNCH, Nhava Sheva port. In respect of above issue of "Green Peas" being brought under guise of "Yellow Peas", as discussed in paragraphs at 8.1 to 8.5 above, we are of the considered view that the plain reading of various notifications issued by DGFT, does not support such an interpretation.

9.3 We find from the factual matrix of the case, that the said restrictions imposed by DGFT have been brought into force from 18.12.2019 and vide series of amendments brought in through various notifications No. 61/2023 dated 23.02.2024; No.04/2023 dated 05.04.2024; No. 12/2024-25 dated 08.05.2024; No.29/ 2024-25 dated 13.09.2024; No.43/2024-25 dated 24.12.2024; No.63/ 2024-25 dated 10.03.2025; No.16/2025-26 dated 31.05.2025 and No.70/ 2025-26 dated 31.03.2026, where by 'Yellow Peas' were allowed without any such MIP condition and port restrictions for the period specified therein from time to time. Further, Notification S.O. No. 1225 (E) dated 28.03.2020 continued the restrictions for other types of peas. Therefore, in the present case relating to imports that had taken place during November, 2024 to January, 2025, it is not clear as to how the imported goods were allowed to be cleared after proper verification either by the customs officers or after subjecting these import declarations under the Risk Management System. Therefore, it is not clear how such a restriction placed on similar nature of goods are not captured in the National Customs Targeting Centre alert system of CBIC or how the major custom house like JNCH, Nhava Sheva are not aware of the existence of such restriction in import of various types of 'peas', as similar goods have been cleared in the past. Therefore, it transpires that such a mis-declaration was noticed in respect of other consignments cleared in the past, only by specific intelligence and thorough investigation by DRI undertaken subsequently. Thus, except for such action by DRI, the said modus operandi could not have been identified by the customs officers at the port of import, prior to its clearance for domestic consumption.

9.4 Further, it is also on record in the inquiry report dated 22.09.2025 at paragraph 15.2 and at paragraph 18.2 of the impugned order dated 10.12.2025, that the appellant CB had provided all the available documents to the investigation agency which include the correct packing lists containing the details of the imported goods being mentioned as "Green Peas"; however, despite having such correct packing lists for the imported goods, the same was not declared so and provided to the customs department while filing the B/Es, as the B/E was field as per the declaration found as per invoice and bill of lading. In this regard, it is also found that commercial invoice cum packing list No. EXP-299/2024 dated 29.09.2024 specify the imported goods as "Peas" and the classification of HS Code as 0713 1010 and the check list providing specific description of "Yellow Peas" declaring classification under Tariff item 0713 1010 has been duly approved by the importer M/s Shree Gayatri Pulses before filing the B/E. Therefore, we find that appellant CB have filed the bills of entry as per the documents given by the importers stating the same to be correct and available in their possession. Thus, we are of the considered view that the violation of Regulation 10(d) *ibid*, as concluded in the impugned order is not sustainable.

9.5 In this regard, we find that the Hon'ble High Court of Bombay in its judgement dated 04.10.2022, passed in the case of Jayesh Shah Vs. Union of India and Ors. have held that the Custom House Agent/Customs Broker cannot be held liable for mismatch in the documents and actual goods loaded in a container as he was not aware of mis-declaration or any concealment. The relevant paragraph of the said judgement is extracted below:

> *"7……In our view, if an FCL container has been loaded on board a ship, prima-facie, no-one except exporter or person who stuffed the containers will know what was inside the container.*
>
> *8 The Custom House Agent, which the Petitioner was, only files the Bills of Entry on behalf of the importer relying on the documents provided to him by the importer, and if there is mis-match between what is mentioned in the documents given to the Customs House Agent to file Bills of Entry and what is found in the FCL container, prima-facie, the Custom House Agent cannot be made liable; Added to that in the case at hand the 7x40 ft. containers were FCL containers."*

10.1. Learned Commissioner of Customs had come to the conclusion that the CB had violated the provision of Regulation 10(e) *ibid,* as it has been established that the appellant CB had failed to file the B/Es properly as per the correct packing lists. Thus, he concluded that the appellant CB is liable for violation of the Regulation 10(e) ibid.

10.2. The charges framed under the SCN dated 01.08.2025 are an independent proceeding under CBLR, 2018 for which the adjudicating authority is required to give specific findings on the basis of inquiry proceedings conducted as per Regulation 17 and 18 ibid. Further, with respect of the packing lists containing the correct description etc., the appellant CB did not impart any specific information to the importers, rather it is the case that such information about the description of imported goods was provided by the importers to the appellant, as it is reflected in the invoice and bill of lading. Thus, it is not feasible to sustain a charge on the appellant CB, that they did not exercise due diligence to impart correct information to their clients. Therefore, we are of the view that conclusion arrived at by the Commissioner of Customs is without any basis of documents or facts, in the impugned order with respect to Regulation 10(e) *ibid*, and therefore it is not sustainable.

10.3 We find that the Hon'ble High Court of Delhi has held in the case of *Kunal Travels (Cargo) Vs. Principal Commissioner of Customs (I&G), IGI Airport, New Delhi* reported in 2017 (354) E.L.T. 447 (Del.), that the appellant CB is not an officer of Customs who would have an expertise to identify misclassification or over/under valuation of goods. However, the factual matrix of the present case are entirely different and the facts on record clearly demonstrate that all types of Peas were initially restricted and subsequently, other than yellow peas, all other peas are restricted and neither the appellant CB nor the customs officers handling the imported goods at the port of import, were aware of the same, until the mis-declaration was found by the DRI officers during their examination, subsequent to the clearance of goods from the port. Hence, the benefit of doubt has be given to the appellant CB in terms of the above cited case law to the rescue of the appellant CB in this case.

11. In view of the foregoing discussions, we do not find any merits in the impugned order passed by the learned Commissioner of Customs, Pune in revoking the license of the appellant and for forfeiture of security deposit along with imposition of penalty, inasmuch as there is no violation of regulation 10 (d) and 10(e) *ibid* and the findings in the impugned order is contrary to the facts on record.

12. Therefore, by setting aside the impugned order we allow the appeal in favour of the appellant.

(Order pronounced in court on 31.07.2026)

(S.K. MOHANTY)
MEMBER (JUDICIAL)

(M.M. PARTHIBAN)
MEMBER (TECHNICAL)

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