

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 12-09

CENTURY METAL RECYCLING PVT. LTD

COMPLAINANT

V.

DACON LOGISTICS, LLC DBA CODA FORWARDING, GREAT AMERICAN
ALLIANCE INSURANCE COMPANY, AVALON RISK MANAGEMENT, HAPAG
LLOYD AMERICA, INC. AND MITSUI OSK LINES

RESPONDENTS

SUPPLEMENTAL AFFIDAVIT OF RAJIV KAUSHAL

The undersigned, being duly sworn, does hereby depose and state as follows:

1. I am over the age of eighteen (18) years, and I believe in and understand the obligations of an oath.

2. I am a Vice President of Century Metal Recycling, Pvt. Ltd. ("Century Metal").

3. I make this affidavit based on my personal knowledge of the business records and practices of Century Metal.

4. As to paragraph 8 of my Affidavit in Support of Plaintiff's Motion for Default Judgment, the amount of Indian Rupees (INR) 1,145,510.20 is the total of two invoices from Albatross Inland Ports, one for INR 1,127,532.60 and another for INR 17,977.60. Copies of both the invoices are attached. Thus, total amount of \$29,431.01 claimed by Century Metal is not affected.

5. In paragraph 12 of the affidavit the amount of \$133,012.21 is correct. The questions posed can be answered as follows:

(a) 11.12.2012 mean December 11, 2012.

(b) The amount of INR 7,240,045.15 consists of two payments of INR 3,250,141.55 towards detention charged paid to Hapag Lloyd and INR 3,989,903.60 towards ground rent paid to Albatross Inland Ports.

(c) There is no discrepancy between \$133,012.21 claimed by CMR in paragraph 12 and \$84,700 mentioned in Exhibit F. To clarify, \$84,700 does not include 12% service tax, 2% Education Cess and 1% SHE Cess shown in the invoice. CMR paid INR 3,250,141.55 to Hapag Lloyd after discount and INR 3,989,903.60 to Albatross for ground rent making a total of INR 7,240,045.15, which has been converted to \$133,012.21 at an exchange rate of 1 \$ = 54.43 Indian Rupees.

6. The conversion rate from Indian Rupees to \$ used by CMR is INR 54.43/1 USD, which was the prevailing exchange rate at the time of payment by CMR.

7. Details of payment made by CMR to Dacon are as follows:-

Invoice NO. Paid \$	Date	Amount\$	Date of Payment	Amount
WR-12-103137	Jul/24/2012	19050	Aug/02/2012	19050
WR-12-103140	Aug/07/2012	19050	Aug/30/2012	19050
WR-12-103145	Aug/22/2012	6725	Sep/05/2012	6725
WR-12-103143	Aug/14/2012	11175	Aug/30/2012	11175
WR-12-103142	Aug/14/2012	4500	Aug/30/2012	4500

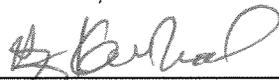
8. Century Metal is not aware of how much Hapag Lloyd and Mitsui charged Dacon for transportation of each consignment.

9. Century Metal is not aware that Dacon paid anything to Hapag Lloyd and Mitsui for the shipments.

10. CMR paid Hapag Lloyd and Mitsui \$54,740 for ocean transportation in addition to detention charges and ground rent, consisting of \$17,540.00 to Hapag Lloyd and \$37,200.00 for Mitsui.

Further, affiant sayeth naught.
Dated this 22 day of May, 2013

AFFIANT,



Rajiv Kaushal

Vice President, Century Metal Recycling, Pvt. Ltd



Subscribed and sworn to before me
This 22 day of May 2013.



Notary Public *Worshipful*

My commission expires: 08/31/13

2908798v.1





ALBATROSS INLAND PORTS PVT LTD

ICD-DADRI, TILPATA ROAD, P. S - SURAJPUR, DISTT.-GAUTAM BUDDH NAGAR, DADRI-201307, U.P.
Tel: 0120-2352300 Fax:0120-2352350
Email: cs@albatross-inlandports.com

Service Tax No :- AAECA8052BST001

PAN No :- AAECA8052B

Party Name : SANJIVANI NON FERROUS TRADING PVT LTD
KHASRA NO 30/5/2 VILLAGE DEVL I DIST PALWAL

INVOICE No : I-1212-0001877

Date : 26-Dec-2012

CHA AC Forwarder PARADISE CARGO SERVICES

Document No : 8561808

IMPORTER NAME SANJIVANI NON FERROUS TRADING PVT LTD
KHASRA NO.30/6/2 VILLAGE DEVL I DIST PALWAL DELHI

Job Order : GPC/12-12/0689

Line : MOL

20' : 0

40' : 5

TEUS : 10

SrNo	Charge	Amount	S. Tax	Ed. Cess	H. Ed. Cess	Total Amount
1	Import Ground Rent	1002500.00	120300.00	2406.00	1203.00	1126409.00
2	Fuel Surcharge-Import	1000.00	120.00	2.40	1.20	1123.60
		1,003,500.00	120,420.00	2,408.40	1,204.20	1127532.60

Amount in words : Eleven lakhs twenty-seven thousand five hundred thirty-two rupees and sixty paise only

Prev. Invoices : I-1212-0001890

COMPUTER GENERATED INVOICE NO SIGNATURE REQUIRED

Inventory No	SIty	Wt.	From Date	DATED	FUELSU RCHIMP	IMPGR	STAX	E.CESS	H.CESS	T.AMT
CAXU9369441	40HQ	24.07	13-OCT-12	26-DEC-12	200	200500	24084	481.68	240.84	225506.52
MOTU0786471	40HQ	24.09	13-OCT-12	26-DEC-12	200	200500	24084	481.68	240.84	225506.52
TCLU5963382	40HQ	24	13-OCT-12	26-DEC-12	200	200500	24084	481.68	240.84	225506.52
TGHU6023166	40HQ	23.9	13-OCT-12	26-DEC-12	200	200500	24084	481.68	240.84	225506.52
HU6023660	40HQ	24.08	13-OCT-12	26-DEC-12	200	200500	24084	481.68	240.84	225506.52

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ALBATROSS INLAND PORTS PVT LTD

ICE-BADRJI, TILPATA ROAD, P. S. - SURAJPUR, DISTT -GAUTAM BUDDH NAGAR, DADRJI 201307, U.P.
Tel: 0120-2352300 Fax 0120-2352350
Email: cs@albatross-inlandports.com

Service Tax No - AAECA8052B5T001

PAN No - AAECA8052B

Party Name : SANJIVANI NON FERROUS TRADING PVT LTD
KHASRA NO 308/2 VILLAGE DEVI DIST PALWAL

INVOICE No : I-1212-0001944

Date : 27-Dec-2012

CHA AC Forwarder : PARADISE CARGO SERVICES

Document No : 8561806

IMPORTER NAME : SANJIVANI NON FERROUS TRADING PVT LTD
KHASRA NO 308/2 VILLAGE DEVI DIST PALWAL DELHI

Job Order : GPC/12-12/0712

Line : MOL

20' 0

40' 2

TEUS : 4

SrNo	Charge	Amount	S. Tax	Ed. Cess	H. Ed. Cess	Total Amount
1	Import Ground Rent	16000.00	1920.00	38.40	19.20	17977.60
		16,000.00	1,920.00	38.40	19.20	17977.60

Amount in words : Seventeen thousand nine hundred seventy-seven rupees and sixty paise only

Prev. Invoices : I-1212-0001877, I-1212-0001690

COMPUTER GENERATED INVOICE NO SIGNATURE REQUIRED

Inventory No	SiTy	Wt.	From Date	DATED	IMPGR	STAX	E.CESS	H.CESS	T.AMT
CAXU9369441	40HQ	24.07	27-DEC-12	27-DEC-12	8000	960	19.2	9.6	8988.8
TCLU5963362	40HQ	24	27-DEC-12	27-DEC-12	8000	960	19.2	9.6	8988.8

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