

	<p>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.</p> <p>PHONE:- 02838-271426/271423 FAX :02838- 271425</p> <p>ईमेल- adj-mundra@gov.in</p>
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DIN-20251171MO0000215378

SHOW CAUSE NOTICE**WHEREAS IT APPEARS THAT-**

Intelligence collected by the officers of Directorate of Revenue Intelligence, Headquarters, New Delhi (hereinafter referred to as "The DRI, HQ") indicated that M/s BM Imports (IEC No.0514044594) (hereinafter referred to as 'the importer'), having registered office at B-28/3, Basement, Wazirpur Industrial Area, New Delhi, had been importing the Cold Rolled Stainless Steel Strips/ Coils (of different grades) by under-valuing them for evading appropriate Customs duty and also mis-classifying the same under CTH 72209022 for wrongly availing the benefits (at Sr No. 734) under Notification No. 50/2018-Customs dated 30.06.2018.

UNDER-VALAUTION IN IMPORT OF COLD ROLLED STAINLESS STEEL COILS:**2. PAST INVESTIGATIONS AND UNDER-VALUATION IN IMPORT OF COLD ROLLED STAINLESS STEEL COILS UNEARTHED BY THE DRI:**

2.1 In 2019, the DRI had undertaken a detailed investigation concerning import of Cold Rolled Stainless Steel Coils. During the investigation certain Chinese suppliers/exporters were identified against whom genuine invoices—reflecting higher transaction values—were retrieved by the DRI. All such retrieved genuine invoices (Record of all proceedings vide which the invoices were retrieved – **RUD 1**) are enclosed as **Annexure I** (consisting of total 355 pages) (**RUD 1A**). On comparison of these genuine Invoices to corresponding invoice declared before Indian customs authority at time of Customs clearance, it emerged that the Customs declaration were filed and cleared by the concerned importers at lower price, however the genuine invoice had higher price. Thus, a modus-operandi of using forged invoices—at under-valued price, by such importers was un-earthed. Analysis of above retrieved genuine Invoices, led to emergence of names of certain Chinese suppliers who, along with the Indian importers were suspected to be involved in issuing fabricated invoices—at lower value. Further, on comparison of the genuine/actual invoice with the invoices declared with the Indian Customs it emerged that the under-valued values of the imported item i.e. Cold Rolled

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Stainless steel (of different grade) declared before Indian Customs authority had a common pattern in the declared import-price-range which was found under-valued to evade applicable Customs duties.

2.2. Further, these importers (i.e. entities who were found importing goods from the Chinese suppliers as per the retrieved invoices), in their voluntary statements recorded under Section 108 of the Customs Act 1962, accepted that the genuine invoices—reflecting higher transaction values, which were retrieved by the DRI, were actual invoices and the Chinese suppliers being hand-in-glove with the concerned importer issued fabricated/duplicate invoices—with lower transaction value. Further, these importers filed their import Customs declaration based on these fabricated invoices to evade appropriate Customs duty. The details are as under:

TABLE 1

SN O	Name of Case booked/Fir m (M/s)	Name of the person (Shri) and Statement dated	GIST	Remarks
1	M/s Mahadev ji exports & others firms	Vijay Goel, Statement dated 16.11.2022(RUD 02) & 17.11.2022(RUD 03)	<ul style="list-style-type: none"> -that the invoices retrieved by the DRI were genuine; -that he under-valued imported goods using fabricated invoices provided to him by Chinese suppliers; -that he used to receive these fabricated invoices from Chinese Suppliers; -that there was difference between actual and declared value of the impugned goods; -that he paid differential amount-on account of under-valuation, to Chinese suppliers through Hawala. 	Shri Vijay Goel is alleged to be the master mind who controlled 06 firms and used them to import under-valued goods i.e. Cold Rolled Stainless Steel Coils
2.		Pranshu Goel (Proprietor), dated 16.11.2022(RUD 04)	<ul style="list-style-type: none"> - that there was huge difference of value of the invoices filed before Indian Customs during clearance and value of invoices retrieved by 	Shri Pranshu Goel (son of Shri Vijay Goel), alleged to be assisted his father in

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			<p>DRI. He further mentioned that usually they clear the item stainless steel coil J3 grade at USD 0.75 per kg. However, the same item was being brought from Chinese supplier at 2 times higher rate.</p> <p>-that he used to receive two set of invoices (with same serial number) from Chinese suppliers one with higher value and other with lower value.</p> <p>- retrieved invoices are the actual invoices which has been received from the overseas Chinese suppliers</p>	under-valuation.
3	Seeno Stainless Steel	Deepak Jindal, dated 15.12.2023(RUD 05) & 06.02.2024 (RUD 06)	<p>-that the invoices retrieved by the DRI were genuine;</p> <p>-that they used forged invoices in Customs declaration.</p> <p>- that he paid differential amount-on account of under-valuation of the imported goods, to Chinese suppliers through Hawala.</p>	Shri Deepak Jindal is proprietor of M/s Seeno Stainless Steel accused of importing under-valued goods i.e. Cold Rolled Stainless Steel Coils
4	SS Enterprises	Sandeep Garg, dated 15.12.2023 (RUD 07) & 06.02.2024 (RUD 08)	<p>-that the invoices retrieved by the DRI were genuine.</p> <p>- that he used to declare the imported goods at a lower price @ 0.75 to 0.98 USD Per KG, by way of using forged/duplicate under-valued Import Invoices, before Indian Customs, to evade Customs Duty. However, the actual price of</p>	Shri Sandeep Garg is proprietor of M/s S S Enterprises accused of importing under-valued goods i.e. Cold Rolled Stainless Steel Coils

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			<p>imported goods was higher in the range of \$ 1.3 to \$ 2 USD Per Kg.</p> <p>-that they used forged invoices in Customs declaration;</p> <p>that he paid differential amount-on account of under-valuation, to Chinese suppliers through Cash.</p>	
5	Royal Steel Trading	Vikas Jindal, dated 13.02.2024(RUD 09)	<p>-that the invoices retrieved by the DRI were genuine.</p> <p>-that they used forged invoices in Customs declaration.</p>	Shri Vikas Jindal is proprietor of M/s Royal Steel Trading accused of importing under-valued goods i.e. Cold Rolled Stainless Steel Coils
6	Gemini Metal Corporation	Gaurav Jindal dated 09.01.2024(RUD 10) & 04.03.2024(RUD 11)	<p>-that the invoices retrieved by the DRI were genuine;</p> <p>-that Chinese supplier supplied them forged invoices-with lower value;</p> <p>-that they used forged invoices in Customs declaration</p>	Shri Gaurav Jindal is proprietor of M/s Gemini Metal Corporation accused of importing under-valued goods i.e. Cold Rolled Stainless Steel Coils

2.3. All the above controllers/proprietors had admitted during their voluntary statements recorded under Section 108 of Customs Act that the invoices retrieved by the DRI were genuine and accordingly, these genuine invoices could be relied upon during the instant matter. In respect of the firms appearing at Serial No. 1& 2 above, a Show Cause Notice (SCN) under Section 124 of the Customs Act 1962, on the ground of misdeclaration of the imported goods through undervaluation, bearing F.No. GEN/ADJ/ADC/2132/2023-Adjn dated. 15.11.2023, was issued by

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Additional Commissioner of Customs, Customs House, Mundra. The said SCN has been adjudicated by the Adjudicating Authority Customs Mundra vide OIO NO. MCH/ADC/AKM/258/2024-25 dated 20.01.2025 (**RUD 12**) wherein it has been found that impugned goods had been improperly imported to the extent that they were declared undervalued by hiding true transaction value by manipulating import documents with the help of foreign suppliers. Also, a Show Cause Notice under Section 28(4) of the Customs Act 1962, bearing F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o-Pr.Commr-Cus-Mundra dated 08.11.2024 has also been issued by Pr Commissioner of Customs, Customs House, Mundra wherein demand of duty has been proposed on account of undervaluation of the imported goods and the said SCN has been adjudicated by the Adjudicating Authority Customs Mundra vide OIO NO. MUN-CUSTM-000-COM-33-25-26 dated 06.11.2025 (**RUD 13**). In respect of firms mentioned at Serial no. 3,4 & 5 a Show Cause Notice under Section 124 and 28(4) of the Customs Act 1962, bearing F.No. GEN/ADJ/COMM/582/2024-Adjn-O/o Pr Commr-Cus-Mundra dated 13.12.2024 has also been issued by Pr Commissioner of Customs, Customs House, Mundra wherein demand of duty has been proposed on account of undervaluation of the imported goods. Further, for the firm mentioned at serial no 6, Show Cause Notice under Section 124 and 28(4) of the Customs Act 1962, bearing F.No. KOL/CUS/PC/PORT/GR.4/26/2024 dated 13.12.2024 has been issued by Pr Commissioner of Customs, Customs House, Kolkata and the same has been adjudicated by the concerned port Kolkata via OIO No. KOL/CUS/Commissioner /Port/Adjn/22/2025 date 16.06.2025. (**RUD 14**).

2.4. Thus, the investigation conducted by DRI corroborated the genuineness of the retrieved invoices and role of certain Chinese suppliers in issuing these invoices.

2.5. Further, based on retrieved genuine invoices (**Annexure I**), 18 Chinese suppliers were identified who, as per evidences and statements recorded, were found to be accused of issuing fabricated invoices to the above firms:

Table – 02

S. NO.	NAME OF THE CHINESE SUPPLIERS (M/s)	S. NO .	NAME OF THE CHINESE SUPPLIERS (M/s)
1	FIA INTERNATIONAL TRADING CO. LTD	11	FOSHAN WEN ZHI YUAN TRADING CO LTD
2	GUANGDONG GUANGXIN GOLDETEC HOLDINGS	12	FOSHAN XUANZHENG TRADING CO. LTD.

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3	HONGKONG WINNER STEEL CO., LIMITED	13	FS-ESSENTIAL INTERNATIONAL CO. LIMITED
4	JIAYAO (HONGKONG) INTERNATIONAL GROUP LIMITED	14	GOLD COAST LOGISTICS HONG KONG LIMITED
5	LEO METALS LIMITED	15	HK PINGAN IMP AND EXP CO LIMITED
6	MFY METAL COMPANY LIMITED	16	HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED
7	ART STEEL MAGIC CO., LIMITED	17	LIYI HONGKONG TRADING CO., LIMITED
8	FOSHAN JIA WEI IMPORT AND EXPORT CO. LTD.	18	NEWWEI TRADING COMPANY LIMITED
9	BOSOM METAL CO LTD		
10	FOSHAN TIAN MAIDUO IMPORT AND EXPORT CO. LTD.		

2.6 In addition, ongoing through sets of parallel invoices (genuine Invoices retrieved and fabricated invoices submitted before Indian Customs), the investigation revealed a striking pattern that all importers(i.e. entities who were found importing goods from the Chinese suppliers as per the retrieved invoices) declared nearly identical or closely matching undervalued price ranges for the impugned goods i.e. Cold Rolled Stainless Steel Coils (of various grades), despite sourcing from different suppliers. This uniformity in under-declaration strongly suggests a deliberate and coordinated practice rather than isolated instances of valuation errors or commercial negotiations. The level of consistency in undervaluation across unrelated entities indicates a systemic modus operandi aimed at evading customs duties and gaining unfair market advantage. In view of the above, it appears that there exists sufficient grounds to conclude that any importer declaring values within the same suspicious price range might be engaging in similar undervaluation practices. The convergence of under-reported values across multiple importers and availability of genuine retrieved invoices issued by above Chinese suppliers as credible documentation to support genuine prices, provide indication of intentional misdeclaration with the aim to evade applicable Customs duties. Therefore, it was imperative that any importers declaring import values within this identified undervalued price range need to be subjected to enhanced scrutiny.

2.7 Further, few sample Copies of retrieved genuine invoices of the above Chinese suppliers vis-à-vis Customs invoices (collectively referred as Parallel Invoices in this SCN) are appended below for better understanding:

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

I. Genuine Invoice of Chinese Supplier M/S HONGKONG WINNER STEEL CO. LIMITED to M/s Mahadev Ji Exports vis-à-vis Invoice declared with Customs Authorities:

HONGKONG WINNER STEEL CO.,LIMITED						
Add.: Room 803, Chevalier House, 45-51 Chatham Road South, Tsim Sha Tsui, Kowloon, Hong Kong						
COMMERCIAL INVOICE						
C/I NO.: 21LR3S33-38C ✓			INVOICE DATE: 2022/3/3			
SHRI MAHADEV JI EXPORTS ADD: A-104, FIRST FLOOR, WAZIRPUR INDL. AREA, NEAR SHRI RAM CHOWK, DELHI-110052 IEC CODE: CPTPG4273F GST: 07CPTPG4273F1ZM PAN: CPTPG4273F MAIL: SHRIMAHADEVJI2000@GMAIL.COM PHONE: 9871576508						
DESCRIPTION OF GOODS:		COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX - STOCK				
PRICE TERM: CIF TO MUNDRA						
NO.	DESCRIPTION OF GOODS	QUANTITY		Finish	UNIT PRICE	TOTAL AMOUNT
		(KGS)	(coils)			
1	600*0.26	3,760	1	2B	2.060	7,745.60
2	600*0.26	3,658	1	2B	2.060	7,535.48
3	650*0.26	4,192	1	2B	2.060	8,635.52
4	650*0.26	4,060	1	2B	2.060	8,363.60
5	650*0.26	3,560	1	2B	2.060	7,333.60
6	650*0.26	4,758	1	2B	2.060	9,801.48
7	650*0.26	4,094	1	2B	2.060	8,433.64
8	650*0.26	4,204	1	2B	1.700	7,146.80
9	600*0.26	3,724	1	2B	1.700	6,330.80
10	600*0.26	3,698	1	2B	1.700	6,286.60
11	650*0.26	4,118	1	2B	1.700	7,000.60
12	650*0.26	3,942	1	2B	1.700	6,701.40
13	650*0.26	4,138	1	2B	1.700	7,034.60
14	650*0.26	4,116	1	2B	1.700	6,997.20
Total		56,022	14	2B	105,346.92	
Less Payment		105,346.92				

BANK INFORMATION:

BENEFICIARY : HONGKONG WINNER STEEL CO., LIMITED

BENEFICIARY'S ADDRESS: ROOM 803, CHEVALIER HOUSE, 45-51 CHATHAM ROAD SOUTH, TSIM SHA TSUI, KOWLOON, HONG KONG

BANK NAME: CITIBANK N.A., HONG KONG BRANCH

ADD: 3 GARDEN ROAD, CENTRAL, HONG KONG

ACCOUNT NUMBER: 705020349

SWIFT CODE: CITIHKHX (CITIHKHXXXX * IF 11 CHARACTERS ARE REQUIRED)

BANK CODE: 006

BRANCH CODE: 391 * IF PAYING FROM HONG KONG BANKS

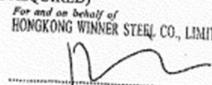
For and on behalf of
HONGKONG WINNER STEEL CO., LIMITED

(Signature) _____
Authorized Signature(s)

Singed By(Seller):
(Signature) _____

Genuine Invoice of M/s Shri Mahadev Ji Exports with Invoice No. 21LR3S33-38C

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">NO.</th> <th rowspan="2">DESCRIPTION OF GOODS</th> <th colspan="2">QUANTITY</th> <th rowspan="2">Finish</th> <th rowspan="2">UNIT PRICE (USD/KG)</th> <th rowspan="2">TOTAL AMOUNT (USD)</th> </tr> <tr> <th>(KGS)</th> <th>(coils)</th> </tr> </thead> <tbody> <tr><td>1</td><td>600*0.26</td><td>3,760</td><td>1</td><td>2B</td><td>0.750</td><td>2,820.00</td></tr> <tr><td>2</td><td>600*0.26</td><td>3,658</td><td>1</td><td>2B</td><td>0.750</td><td>2,743.50</td></tr> <tr><td>3</td><td>650*0.26</td><td>4,192</td><td>1</td><td>2B</td><td>0.750</td><td>3,144.00</td></tr> <tr><td>4</td><td>650*0.26</td><td>4,060</td><td>1</td><td>2B</td><td>0.750</td><td>3,045.00</td></tr> <tr><td>5</td><td>650*0.26</td><td>3,560</td><td>1</td><td>2B</td><td>0.750</td><td>2,670.00</td></tr> <tr><td>6</td><td>650*0.26</td><td>4,758</td><td>1</td><td>2B</td><td>0.750</td><td>3,568.50</td></tr> <tr><td>7</td><td>650*0.26</td><td>4,094</td><td>1</td><td>2B</td><td>0.750</td><td>3,070.50</td></tr> <tr><td>8</td><td>650*0.26</td><td>4,204</td><td>1</td><td>2B</td><td>0.750</td><td>3,153.00</td></tr> <tr><td>9</td><td>600*0.26</td><td>3,724</td><td>1</td><td>2B</td><td>0.750</td><td>2,793.00</td></tr> <tr><td>10</td><td>600*0.26</td><td>3,698</td><td>1</td><td>2B</td><td>0.750</td><td>2,773.50</td></tr> <tr><td>11</td><td>650*0.26</td><td>4,118</td><td>1</td><td>2B</td><td>0.750</td><td>3,088.50</td></tr> <tr><td>12</td><td>650*0.26</td><td>3,942</td><td>1</td><td>2B</td><td>0.750</td><td>2,956.50</td></tr> <tr><td>13</td><td>650*0.26</td><td>4,138</td><td>1</td><td>2B</td><td>0.750</td><td>3,103.50</td></tr> <tr><td>14</td><td>650*0.26</td><td>4,116</td><td>1</td><td>2B</td><td>0.750</td><td>3,087.00</td></tr> <tr> <td></td><td>Total</td><td>56,022</td><td>14</td><td>2B</td><td>0.750</td><td>42,016.50</td></tr> </tbody> </table>						NO.	DESCRIPTION OF GOODS	QUANTITY		Finish	UNIT PRICE (USD/KG)	TOTAL AMOUNT (USD)	(KGS)	(coils)	1	600*0.26	3,760	1	2B	0.750	2,820.00	2	600*0.26	3,658	1	2B	0.750	2,743.50	3	650*0.26	4,192	1	2B	0.750	3,144.00	4	650*0.26	4,060	1	2B	0.750	3,045.00	5	650*0.26	3,560	1	2B	0.750	2,670.00	6	650*0.26	4,758	1	2B	0.750	3,568.50	7	650*0.26	4,094	1	2B	0.750	3,070.50	8	650*0.26	4,204	1	2B	0.750	3,153.00	9	600*0.26	3,724	1	2B	0.750	2,793.00	10	600*0.26	3,698	1	2B	0.750	2,773.50	11	650*0.26	4,118	1	2B	0.750	3,088.50	12	650*0.26	3,942	1	2B	0.750	2,956.50	13	650*0.26	4,138	1	2B	0.750	3,103.50	14	650*0.26	4,116	1	2B	0.750	3,087.00		Total	56,022	14	2B	0.750	42,016.50
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<small>BENEFICIARY : HONGKONG WINNER STEEL CO., LIMITED BENEFICIARY'S ADDRESS: ROOM 803, CHEVALIER HOUSE, 45-51 CHATHAM ROAD SOUTH, TSIM SHA TSUI, KOWLOON , HONG KONG</small>																																																																																																																							
<small>BANK NAME: CITIBANK N.A., HONG KONG BRANCH ADD: 3 GARDEN ROAD, CENTRAL, HONG KONG ACCOUNT NUMBER: 705020349</small>																																																																																																																							
<small>SWIFT CODE: CITIHKHX (CITIHKXXXX * IF 11 CHARACTERS ARE REQUIRED) BANK CODE: 006 BRANCH CODE: 391 * IF PAYING FROM HONG KONG BANKS</small>																																																																																																																							
<small>For and on behalf of HONGKONG WINNER STEEL CO., LIMITED  Authorized Signature(s)</small>																																																																																																																							
<small>Signed By(Seller):</small>																																																																																																																							

Invoice of M/s Shri Mahadev Ji Exports with Invoice No. 21LR3S33-38C

declared before Indian Customs

On comparison of the above two invoices, it can be seen that Unit Price of impugned goods was suppressed from USD 2.060 & 1.700 per KG to USD 0.75 per Kg. However, every other aspect of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier, invoice number and date etc. are identical.

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II. Genuine Invoice of Chinese Supplier **M/S LEO METALS LIMITED** to M/s Shri Mahadev Ji Exports vis-à-vis Invoice declared with Custom Authorities.

LEO METALS LIMITED

FLAT/RM 1502 EASEY COMMERCIAL BUILDING 253-261 HENNESSY ROAD WANCHAI HK

COMMERCIAL INVOICE

BUYER: SHRI MAHADEV JI EXPORTS

Invoice No.: 211008J03-5

A-104,FIRST FLOOR, WAZIRPUR INDL. AREA, NEAR
SHRI RAM CHOWK, DELHI-110052
EMAIL:SHRIMAHADEVJI2000@GMAIL.COM
IEC:CPTPG4273F
GST:07CPTPG4273F1ZM
PAN:CPTPG4273F

Date: DEC.10.2021

COMMODITY:COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX - STOCK

PRICE TERM: CIF MUNDRA,INDIA

MARKS& NOS	SIZE (MM)	QUANTITY (MTS)	UNIT PRICE (USD/MTS)	AMOUNT (USD)
N/M	0.26*510*C	14.172	2000	28344.00
	0.26*600*C	3.156	2000	6312.00
	0.26*650*C	14.822	2000	29644.00
	0.26*690*C	19.46	2000	38920.00
	Total :	51.610	/	103,220.00
TOTAL AMOUNT:	SAY U.S DOLLAR ONE HUNDRED AND THREE THOUSAND TWO HUNDRED TWENTY ONLY.			

BANK INFORMATION

BENEFICIARY NAME: LEO METALS LIMITED

BANK NAME: BANK OF COMMUNICATIONS CO.,LTD. OFFSHORE BANKING UNIT

BANK ADDRESS: NO.188, YINCHENG ZHONG ROAD, SHANGHAI CHINA

SWIFT CODE: COMMNCN3XOB

BANK ACCOUNT NO.: OSA90000343828100

UZ *Moel* *10/10/23*
Genuine Invoice of M/s Shri Mahadev Ji Exports with Invoice No. 211008J03-

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

LEO METALS LIMITED

FLAT/RM 1502 EASEY COMMERCIAL BUILDING 253-261 HENNESSY ROAD WANCHAI HK

COMMERCIAL INVOICE

BUYER: SHRI MAHADEV JI EXPORTS

Invoice No.: 211008J03-5

A-104, FIRST FLOOR, WAZIRPUR INDL. AREA, NEAR
SHRI RAM CHOWK, DELHI-110052

EMAIL:SHRIMAHADEVJI2000@GMAIL.COM

IEC:CPTPG4273F

GST:07CPTPG4273F1ZM

PAN:CPTPG4273F

Date: DEC.10.2021

COMMODITY: COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX - STOCK

PRICE TERM: CIF MUNDRA, INDIA

MARKS& NOS	SIZE (MM)	QUANTITY (MTS)	UNIT PRICE (USD/MTS)	AMOUNT (USD)
N/M	0.26*510*C	14.172	750	10629.00
	0.26*600*C	3.156	750	2367.00
	0.26*650*C	14.822	750	11116.50
	0.26*690*C	19.46	750	14595.00
	Total :	51.610	/	38,707.50
TOTAL AMOUNT:	SAY U.S DOLLAR THIRTY EIGHT THOUSAND SEVEN HUNDRED SEVEN AND CENTS FIFTY ONLY.			

BANK INFORMATION

BENEFICIARY NAME: LEO METALS LIMITED

BANK NAME: BANK OF COMMUNICATIONS CO.,LTD. OFFSHORE BANKING UNIT

BANK ADDRESS: NO.188, YINCHENG ZHONG ROAD, SHANGHAI CHINA

SWIFT CODE: COMMNCN3XOB
Leo Metals Limited

BANK ACCOUNT NO.: OSA90000343828100
麗寶金屬有限公司

T. J. Li
.....
Authorized Signature(s)

Invoice of M/s Shri Mahadev Ji Exports with Invoice No. 211008J03-5
declared before Indian Customs.

On comparison of the above two invoices it can be seen that the Unit Price of impugned goods was suppressed from USD 2000 per MT to USD 750 MT, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc , are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

III. Genuine Invoice of Chinese Supplier **M/S GUANGDONG GUANGXIN GOLDTECH HOLDINGS CO., LTD.** To M/s Goel Exim, vis-à-vis
Invoice declared with Custom Authorities.

GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO.,LTD				
12 FLOOR, EAST TOWER, NO.1000 XINGANG EAST ROAD, HAIZHU DISTRICT, GUANGZHOU, CHINA				
INVOICE			ORIGINAL	
TO MESSRS.		Invoice No.:	SMJ210301705-1	
GOEL EXIM		INV Date:	2021/4/9	
GROUND FLOOR, A-84/1, INDUSTRIAL AREA.,WAZIPUR,NEW DELHI,NORTH WEST DELHI,DELHI,110052 IEC NO. - AIFPG0671A E mail - Goolexim69@gmail.com Phone No - 9818084989 Pan No. - AIFPG0671A 07AIFPG0671A1ZW				
From CHINA		To MUNDRA,INDIA		
Terms of payment: TT		FILE NAME:SMJ210301705		
MARKING	Description of Goods	Quantity (MT)	Unit Price(USD/MT)	Amount (USD)
N/M	COLD ROLLED STAINLESS STEEL COIL EX- STOCK		CFR MUNDRA,INDIA	
	2*690	4.434	2110	9355.74
	0.9*690	4.306	2110	9085.66
	0.58*690	4.294	2124	9120.46
	1.5*690	4.284	2110	9039.24
	2*690	4.276	2110	9022.36
	1.2*690	4.252	2110	8971.72
	1.2*730	4.248	2110	8963.28
	2*690	4.232	2110	8929.52
	0.9*690	4.22	2110	8904.20
	1.2*690	4.21	2110	8883.10
	1.5*690	4.19	2110	8840.90
	0.58*690	4.184	2124	8886.82
	0.68*690	4.142	2110	8739.62
	2*690	4.128	2110	8710.08
	0.58*690	4.098	2124	8704.15
	1.2*690	3.972	2110	8380.92
	1.5*730	4.482	2110	9457.02
	1.5*730	4.492	2110	9478.12
	0.58*690	4.36	2124	9260.64
	0.68*690	4.422	2110	9330.42
	1.2*690	4.606	2110	9718.66
	1.2*730	4.552	2110	9604.72
	1.2*730	4.394	2110	9271.34
	1.2*730	4.658	2110	9828.38
MADE IN CHINA				
TOTAL	103.436		218487.06	
		SAY USD two hundred and eighteen thousand four hundred and eighty-seven point zero six ONLY.		
WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN				

Genuine Invoice of M/s Goel Exim with Invoice No. SMJ210301705-1

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

GUANGDONG GUANGXIN GOLDETEC HOLDINGS CO.,LTD 12 FLOOR, EAST TOWER, NO.1000 XINGANG EAST ROAD, HAIZHU DISTRICT, GUANGZHOU, CHINA				
INVOICE			ORIGINAL	
TO MESSRS. GOEL EXIM		Invoice No.:	SMJ210301705-1	
GROUND FLOOR, A-84/1, INDUSTRIAL AREA,,WAZIRPUR,,NEW DELHI,NORTH WEST DELHI,DELHI,110052 IEC NO. - AIFPG0671A E mail - Goalexim89@gmail.com Phone No - 9818084989 Pan No. - AIFPG0671A 07AIFPG0671A1ZW		INV Date:	2021/4/9	
From CHINA		To MUNDRA,INDIA		
Terms of payment: TT		FILE NAME:SMJ210301002		
MARKING	Description of Goods	Quantity (MT)	Unit Price(USD/MT)	Amount (USD)
N/M	COLD ROLLED STAINLESS STEEL COIL EX- STOCK		CFR MUNDRA,INDIA	
	2*690	4.434	750	3325.50
	0.9*690	4.306	750	3229.50
	0.58*690	4.294	750	3220.50
	1.5*690	4.284	750	3213.00
	2*690	4.276	750	3207.00
	1.2*690	4.252	750	3189.00
	1.2*730	4.248	750	3186.00
	2*690	4.232	750	3174.00
	0.9*690	4.22	750	3165.00
	1.2*690	4.21	750	3157.50
	1.5*690	4.19	750	3142.50
	0.58*690	4.184	750	3138.00
	0.68*690	4.142	750	3106.50
	2*690	4.128	750	3096.00
	0.58*690	4.098	750	3073.50
	1.2*690	3.972	750	2979.00
	1.5*730	4.482	750	3361.50
	1.5*730	4.492	750	3369.00
	0.58*690	4.36	750	3270.00
	0.68*690	4.422	750	3316.50
	1.2*690	4.606	750	3454.50
	1.2*730	4.552	750	3414.00
	1.2*730	4.394	750	3295.50
	1.2*730	4.658	750	3493.50
MADE IN CHINA		SN 209		
TOTAL		103.436	77577.00	
WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN.				
 <p>SAY USD seven thousand seven hundred and seventy seven only. Guangdong Guangxin Goldtec Holdings Co., Ltd.</p> <p>2021/4/9</p>				

Invoice of M/s Goel Exim with Invoice No. SMJ210301705-1 declared before Indian Customs

On comparison of the above two invoices it can be seen that the Unit Price of impugned goods was suppressed from USD 2110 and 2124 per MT to 750 per MT to USD 850 per MT, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc , are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

IV. Genuine Invoice of Chinese Supplier **M/S JIAYAO (HONGKONG) INTERNATIONAL GROUP LIMITED** to M/s Shri Mahdevji Exports, vis-à-vis Invoice declared with Custom Authorities.

BLC NO.	GSTIN NO.	PAN NO.	STM NO.	TEI NO.	CFD NO.	BR NO.	CC NO.	SI NO.
JIAYAO(HONGKONG) INTERNATIONAL GROUP LIMITED						3400846 Date : 14.2.21		
RM 4 16/F HO KING COMM CTR 2-16 FA YUEN ST MONG KOK KL								
COMMERCIAL INVOICE								
COMPANY: SHRI MAHADEV JI EXPORTS ADD : A-104, FIRST FLOOR,WAZIPUR INDL. AREA, NEAR SHRI RAM C BLC NO. : CPTPG4273F GSTIN NO. : 07CPTPG4273F1ZM PAN: CPTPG4273F MAIL ID: SHRI MAHADEVJI2000@GMAIL.COM TEL. : 9871576508 CONTACT PERSON: PRANSHU GOEL						NO.: FSSR210302-2 DATE: 2021-3-12		
Description of Goods &/ or Services COLD ROLLED STAINLESS STEEL COIL GRADE J3 STOCK LOT FROM: SHEKOU, CHINA TO: MUNDRA, INDIA								
NO.	GRADE	SURFACE	SIZE (MM)	PRICE (USD/KG)	QUANTITY (KG)	AMOUNT (USD)	CNF MUNDRA, INDIA	
1	201	2B	0.26*510	\$1.410	3608	\$5,087.28		
2	201	2B	0.26*510	\$1.410	3490	\$4,920.90		
3	201	2B	0.26*550	\$1.410	3744	\$5,279.04		
4	201	2B	0.26*620	\$1.410	4278	\$6,031.98		
5	201	2B	0.26*650	\$1.410	3682	\$5,191.62		
6	201	2B	0.26*650	\$1.410	4216	\$5,944.56		
7	201	2B	0.26*720	\$1.410	4400	\$6,204.00		
8	201	2B	0.26*510	\$1.410	3342	\$4,712.22		
9	201	2B	0.26*550	\$1.410	3874	\$5,462.34		
10	201	2B	0.26*620	\$1.410	4228	\$5,961.48		
11	201	2B	0.26*650	\$1.410	3320	\$4,681.20		
12	201	2B	0.26*690	\$1.410	4240	\$5,978.40		
13	201	2B	0.26*650	\$1.410	3996	\$5,634.36		
14	201	2B	0.26*690	\$1.410	4426	\$6,240.66		
15	201	2B	0.26*510	\$1.410	3482	\$4,909.62		
16	201	2B	0.26*550	\$1.410	3616	\$5,098.56		
17	201	2B	0.26*650	\$1.410	3914	\$5,518.74		
18	201	2B	0.26*650	\$1.410	4072	\$5,741.32		
19	201	2B	0.26*690	\$1.410	4066	\$5,733.06		
20	201	2B	0.26*720	\$1.410	4268	\$6,017.88		
21	201	2B	0.26*720	\$1.410	4026	\$5,676.66		
22	201	2B	0.26*510	\$1.410	3456	\$4,872.96		
23	201	2B	0.26*510	\$1.410	3478	\$4,903.98		
24	201	2B	0.26*550	\$1.410	3724	\$5,250.84		
25	201	2B	0.26*650	\$1.410	4108	\$5,792.28		
26	201	2B	0.26*650	\$1.410	4036	\$5,690.76		
27	201	2B	0.26*690	\$1.410	4220	\$5,950.20		
28	201	2B	0.26*720	\$1.410	4476	\$6,311.16		
TOTAL:					109786	\$154,798.26		
TOTAL SAY US DOLLARS Company Bank Account Information Beneficiary: JIAYAO HK INTL GROUP LTD Beneficiary Bank Name: SHENZHEN DEVELOPMENT BANK CO LTD., H.O. OFFSHORE BANKING CENTRE Bank Account No.: 11013250734101 Beneficiary Bank Address: 11/F, NO 5047 ROAD SHENNAN DONG, SHENZHEN P.R.CHINA SWIFT Code: SZDBCNBS Company Address: RM 4 16/F HO KING COMM CTR 2-16 FA YUEN ST MONG KOK KL								

ISSUED BY BENEFICIARY
JIAYAO(HONGKONG) INTERNATIONAL GROUP LIMITED

Genuine Invoice of M/s Shri Mahadev Ji Exports with Invoice No.

FSSR2103302-2

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

JIAYAO(HONGKONG) INTERNATIONAL GROUP LIMITED

RM 4 16/F HO KING COMM CTR 2-16 FA YUEN ST HONG KOK KL.

COMMERCIAL INVOICE

COMPANY: SHRI MAHADEV JI EXPORTS
ADD : A-104, FIRST FLOOR, WAZIRPUR INDL. AREA, NEAR SHRI RAM CHOWK, DELHI-110052
IEC NO. : CPTPG4273F
GSTIN NO. : 07CPTPG4273F12M
PAN: CPTPG4273F
MAIL ID: SHRI MAHADEV JI 2009@GMAIL.COM
TEL: 9871576508
CONTACT PERSON: PRANSHU GOEL

Descripts of Goods &/ or Services

COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK

FROM: SHEKOU, CHINA

NO.: FSSR210302-2

DATE: 2021/3/12

NO.	GRADE	SURFACE	SIZE (MM)	PRICE (USD/KG)	QUANTITY (KG)	TO: MUNDRA, INDIA	
						CIF MUNDRA, INDIA	
1	J3	2B	0.26*510	\$0.750	3608	\$2,706.00	
2	J3	2B	0.26*510	\$0.750	3490	\$2,617.50	
3	J3	2B	0.26*550	\$0.750	3744	\$2,808.00	
4	J3	2B	0.26*595	\$0.750	4278	\$3,208.50	
5	J3	2B	0.26*598	\$0.750	3682	\$2,761.50	
6	J3	2B	0.26*598	\$0.750	4216	\$3,162.00	
7	J3	2B	0.26*585	\$0.750	4400	\$3,300.00	
8	J3	2B	0.26*510	\$0.750	3342	\$2,506.50	
9	J3	2B	0.26*550	\$0.750	3874	\$2,905.50	
10	J3	2B	0.26*595	\$0.750	4228	\$3,171.00	
11	J3	2B	0.26*598	\$0.750	3320	\$2,490.00	
12	J3	2B	0.26*590	\$0.750	4240	\$3,180.00	
13	J3	2B	0.26*598	\$0.750	3996	\$2,997.00	
14	J3	2B	0.26*590	\$0.750	4426	\$3,319.50	
15	J3	2B	0.26*510	\$0.750	3482	\$2,611.50	
16	J3	2B	0.26*550	\$0.750	3616	\$2,712.00	
17	J3	2B	0.26*598	\$0.750	3914	\$2,935.50	
18	J3	2B	0.26*598	\$0.750	4072	\$3,054.00	
19	J3	2B	0.26*598	\$0.750	4066	\$3,049.50	
20	J3	2B	0.26*585	\$0.750	4268	\$3,201.00	
21	J3	2B	0.26*585	\$0.750	4026	\$3,019.50	
22	J3	2B	0.26*510	\$0.750	3456	\$2,592.00	
23	J3	2B	0.26*510	\$0.750	3478	\$2,608.50	
24	J3	2B	0.26*550	\$0.750	3724	\$2,793.00	
25	J3	2B	0.26*598	\$0.750	4108	\$3,081.00	
26	J3	2B	0.26*598	\$0.750	4056	\$3,027.00	
27	J3	2B	0.26*590	\$0.750	4220	\$3,165.00	
28	J3	2B	0.26*585	\$0.750	4476	\$3,357.00	
TOTAL:				109786		\$82,339.50	

TOTAL: SAY US DOLLARS EIGHTY TWO THOUSAND THREE HUNDRED THIRTY NINE AND CENTS FIFTY ONLY

Company Bank Account Information

Beneficiary: JIAYAO INTL GROUP LTD

Beneficiary Bank Name: SHENZHEN DEVELOPMENT BANK CO LTD., H.Q. OFFSHORE BANKING CENTRE

Bank Account No.: 11011250714101

Beneficiary Bank Address: 11/F, NO 5047 ROAD SHENNAN DONG, SHENZHEN P.R.CHIINA

SWIFT Code: SZDBNBS

Company Address: RM 4 16/F HO KING COMM CTR 2-16 FA YUEN ST HONG KOK KL

ISSUED BY BENEFICIARY
JIAYAO(HONGKONG) INTERNATIONAL GROUP LIMITED



Custom Invoice of M/s Shri Mahadev Ji Exports with Invoice No.

FSSR2103302-2

On comparison of the above two invoices, it can be seen that there is difference in Description of goods and Unit Price of impugned goods (from USD 1.410 per KG to USD 0.75 per KG), however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Dimension of

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

Goods, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc., are identical.

V. Genuine Invoice of Chinese Supplier **M/S NEWWEI TRADING COMPANY LIMITED** to M/s M K Overseas, vis-à-vis Invoice declared with Custom Authorities

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NEWWEI TRADING COMPANY LIMITED

ADD: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONG KONG

COMMERCIAL INVOICE

ORIGINAL

BUYER:

M K OVERSEAS

INVOICE NO.: 23SS0710-1

310, 3RD FLOOR, VARDAN HOUSE, 7/28 ANSARI
ROAD, DARYAGANJ, CENTRAL DELHI, DELHI,
110002

ADDRESS:

GSTIN : 07ASHPS8562N1ZT
PAN: ASHPS8562N
IEC NO : ASHPS8562N
EMAIL ID : MKOVERSEAS2011@GMAIL.COM
CONTACT PERSON: RAKESH SHARMA
CONTACT NUMBER: 9543317092

DATE: 2023/07/31

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		PALLETS		USD/KG	
COLD ROLLED STAINLESS STEEL COILS EX STOCK GRADE 33	0.38*300*2C	1	4,422.00	1,200	5,306.40
	0.38*300*2C	1	3,246.00	1,200	3,895.20
	0.38*350*2C	1	5,144.00	1,200	6,172.80
	0.38*350*2C	1	3,802.00	1,200	4,562.40
	0.38*325*2C	1	3,012.00	1,200	3,614.40
	0.38*325*2C	1	3,666.00	1,200	4,399.20
	0.38*325*2C	1	3,244.00	1,200	3,892.80
TOTAL		7	26,536.00	CIF MUNDRA, INDIA	31843.20

PAYMENT TERM: T/T

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED

ADDRESS: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONG KONG

Account NO: 774-018-14752-8

Bank Code: 040

Swift Code: DSBAHKHHXXX

Bank Name: Dah Sing Bank, Limited

Bank Address: Shop No. G7, G7A & G8G/F, Dah Sing Financial Centre, 248 Queen's Road East, Wan Chai, Hong Kong

SIGNATURE



Genuine Invoice of M/s M K Overseas with Invoice No. 23SS0710-1

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

NEWWEI TRADING COMPANY LIMITED

ADD ROOM B22,7/F,KING YIP FACTORY BUILDING,59 KING YIP STREET,KWUN TONG,KOWLOON,HONGKONG

COMMERCIAL INVOICE

ORIGINAL

BUYER:	M.K OVERSEAS	INVOICE NO.:	23SS0710-1
310,,3RD FLOOR,VARDAAN HOUSE,7/28 ANSARI ROAD,DARYAGANJ,CENTRAL DELHI,DELHI, 110002			
GSTIN : 07ASHPS8562N1ZT PAN: ASHPS8562N IEC NO : ASHPS8562N EMAIL ID : MKOVERSEAS2011@GMAIL.COM CONTACT PERSON:RAKESH SHARMA CONTACT NUMBER: 9643317092		DATE: 2023/07/31	
ADDRESS:			

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		PALLETS	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COILS EX STOCK GRADE J3	0.38*300*2C	1	4,422.00	1.100	4,864.20
	0.38*300*2C	1	3,246.00	1.100	3,570.60
	0.38*350*2C	1	5,144.00	1.100	5,658.40
	0.38*350*2C	1	3,802.00	1.100	4,182.20
	0.38*325*2C	1	3,012.00	1.100	3,313.20
	0.38*325*2C	1	3,666.00	1.100	4,032.60
	0.38*325*2C	1	3,244.00	1.100	3,568.40
TOTAL		7	26,536.00	CIF MUNDRA,INDIA	29189.60

PAYMENT TERM: T/T

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED
ADDRESS: ROOM B22,7/F,KING YIP FACTORY BUILDING,59 KING YIP STREET,KWUN TONG,KOWLOON,HONGKONG
Account NO: 774-018-14752-8
Bank Code: 040
Swift Code: DSBANKHHXXX
Bank Name:Dah sing Bank, Limited
Bank Address: Shop No.G7,G7A & G8G/F, Dah Sing FinanciaCentre, 248 Queen'sRoad East,Wan Chai,Hong Kong



Signature valid

Digitally signed by MUKESH GROVER
Date: 2023.08.23 14:38:50 IST
Reason: Secure Document
Location: India



Invoice of M/s M K Overseas with Invoice No. 23SS0710-1

declared before Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.200 per KG to 1.10 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

VI. Genuine Invoice of Chinese Supplier **M/S NEWWEI TRADING COMPANY LIMITED** to M/s Seeno Stainless Steel, vis-à-vis Invoice declared with Custom Authorities

(99) 81 (10)

NEWWEI TRADING COMPANY LIMITED

ADD: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONGKONG

COMMERCIAL INVOICE

ORIGINAL

BUYER:	SEENO STAINLESS STEEL	INVOICE NO.: 23SS0724A-2
SHED NO.283, GIDC ESTATE, ODIHAV, AHMEDABAD, GUJARAT, 382415 GSTIN: 24AGSPJ1611Q1Z2 PAN: AGSPJ1611Q IEC: AGSPJ1611Q CONTACT PERSON: DEEPAK JINDAL PI: +91 8010971183 EMAIL: SEENOSTAINLESS@GMAIL.COM		DATE: 2023/10/14
ADDRESS:		

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COILS	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COILS GRADE 32 EX STOCK	0.29*600*C	1	3,944.00	1.285	5,068.04
	0.29*600*C	1	4,154.00	1.285	5,337.89
	0.29*600*C	1	4,830.00	1.285	6,206.55
	0.29*600*C	1	4,870.00	1.285	6,257.95
	0.29*780*C	1	5,134.00	1.285	6,597.19
	0.29*780*C	1	5,002.00	1.285	6,427.57
TOTAL		27,931.00	CIF MUNDRA,INDIA	35895.19	

PAYMENT TERM: 100% IN ADVANCE

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED
 ADDRESS: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONGKONG
 Account NO: 774-018-14752-8
 Bank Code: 040
 Swift Code: DSBAHKHHXXX
 Bank Name: Dah Sing Bank, Limited
 Bank Address: Shop No.G7,G7A & G8G/F, Dah Sing Financial Centre, 248 Queen's Road East, Wan Chai, Hong Kong




Genuine Invoice of M/s Seeno Stainless Steel with Invoice No. 23SS0724A-2

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

NEWWEI TRADING COMPANY LIMITED

ADD: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONGKONG

COMMERCIAL INVOICE

ORIGINAL

BUYER:	SEENO STAINLESS STEEL	INVOICE NO.:	23SS0724A-2
	SHED NO.283, GIDC ESTATE, ODHAV, AHMEDABAD, GUJARAT, 382415 GSTIN: 24AGSPJ1611Q1ZZ PAN: AGSPJ1611Q IEC: AGSPJ1611Q CONTACT PERSON: DEEPAK JINDAL PH: +91 8010971183 EMAIL: SEENOSTAINLESS@GMAIL.COM		
ADDRESS:		DATE:	2023/10/14

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COILS	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COILS GRADE J2 EX STOCK	0.29*600*C	1	3,944.00	1.100	4,338.40
	0.29*600*C	1	4,154.00	1.100	4,569.40
	0.29*690*C	1	4,830.00	1.100	5,313.00
	0.29*690*C	1	4,870.00	1.100	5,357.00
	0.29*780*C	1	5,134.00	1.100	5,647.40
	0.29*780*C	1	5,002.00	1.100	5,502.20
TOTAL		6	27,934.00	CIF MUNDRA,INDIA	30727.40

PAYMENT TERM: 100% IN ADVANCE.

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED

ADDRESS: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONGKONG

Account NO: 774-018-14752-8

Bank Code: 040

Swift Code: DSBAHKHHXXX

Bank Name: Dah sing Bank, Limited

Bank Address: Shop No.G7,G7A & G8G/F, Dah Sing FinanciaCentre, 248 Queen'sRoad East, Wan Chai, Hong Kong



Signature Not Verified

Digitally signed by MUKESH GROVER
Date: 2023.10.25 19:11:57 IST
Reason: Secure Document
Location: India



Invoice of M/s Seenno Stainless Steel with Invoice No. 23SS0724A-2 declared

before Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.285 per KG to 1.10 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

True Invoice of Chinese Supplier **M/S NEWWEI TRADING COMPANY LIMITED** to M/s S.S. Enterprises, vis-à-vis Invoice declared with Custom Authorities

18.

6(67) 62 (65)
NEWWEI TRADING COMPANY LIMITED

ADD: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONG KONG

COMMERCIAL INVOICE

ORIGINAL

MANUFACTURER:	M/S FUJIAN DINGXIN TECHNOLOGY CO., LTD LANGZHU VILLAGE, WANWU FUAN, FUJIAN CHINA-355000.	CONTRACT NO.: 23SS0911
BUYER:	S S ENTERPRISES	INVOICE NO.: 23SS0911-9
ADDRESS:	C-9/I WAZIRPUR INDUSTRIAL AREA NEW DELIH-110052 GST: 07ADZPG1501C1ZW IEC: ADZPG1501C PAN: ADZPG1501C EMAIL: JNDALDEEPAK1230@GMAIL.COM PH: +918010971183	DATE: 2023/11/22

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COILS			
COLD ROLLED STAINLESS STEEL COILS GRADE N1	0.33*660*C	1	5,475.00	1,460	7,993.50
	0.33*660*C	1	5,245.00	1,460	7,657.70
	0.48*630*C	1	5,109.00	1,413	7,219.02
	0.48*630*C	1	5,073.00	1,413	7,168.15
	0.48*640*C	1	5,307.00	1,413	7,498.79
TOTAL		5	26,209.00	CIF MUNDRA, INDIA	37537.16

PAYMENT TERM: T/T

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED

ADDRESS: ROOM B22, 7/F, KING YIP FACTORY BUILDING, 59 KING YIP STREET, KWUN TONG, KOWLOON, HONG KONG

Account NO: 774-018-14752-8

Bank Code: 040

Swift Code: DSBAHKHXXXX

Bank Name: Dah sing Bank, Limited

Bank Address: Shop No.G7, G7A & G8G/F, Dah Sing FinanciaCentre, 248 Queen'sRoad East, Wan Chai, Hong Kong

[Handwritten Signature]
SIGNATURE

Genuine Invoice of M/s S.S. Enterprises with Invoice No. 23SS0911-9

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

NEWWEI TRADING COMPANY LIMITED

ADD:ROOM B22,7/F,KING YIP FACTORY BUILDING,59 KING YIP STREET,KWUN TONG,KOWLOON,HONGKONG

COMMERCIAL INVOICE

ORIGINAL

MANUFACTURER:	M/S FUJIAN DINGXIN TECHNOLOGY CO., LTD LANGZHU VILLAGE,WANWU FU'AN,FUJIAN CHINA-355000.	CONTRACT NO.:	23SS0911
BUYER:	S S ENTERPRISES	INVOICE NO.:	23SS0911-9
ADDRESS:	C-9/1 WAZIRPUR INDUSTRIAL AREA NEW DELHI-110052 GST:07ADZPG1501C1ZW IEC:ADZPG1501C PAN:ADZPG1501C EMAIL: JINDALDEEPAK1230@GMAIL.COM PH: +918010971183	DATE:	2023/11/22

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COILS	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COILS GRADE N1	0.33*660*C	1	5,475.00	1.100	6,022.50
	0.33*660*C	1	5,245.00	1.100	5,769.50
	0.48*630*C	1	5,109.00	1.100	5,619.90
	0.48*630*C	1	5,073.00	1.100	5,580.30
	0.48*640*C	1	5,307.00	1.100	5,837.70
TOTAL		5	26,209.00	CIF MUNDRA,INDIA	28829.90

PAYMENT TERM: T/T

Please arrange payment to following account:

Account Name: NEWWEI TRADING COMPANY LIMITED

ADDRESS: ROOM B22,7/F,KING YIP FACTORY BUILDING,59 KING YIP STREET,KWUN TONG,KOWLOON,HONGKONG

Account NO: 774-018-14752-8

Bank Code: 040

Swift Code: DSBAHKHHXXXX

Bank Name:Dah sing Bank, Limited

Bank Address: Shop No.G7,G7A & G8G/F, Dah Sing FinanciaCentre, 248 Queen'sRoad East,Wan Chai.Hong Kong



Signature Not Verified

Digitally signed by MUKESH GROVER
Date: 2023.12.08 14:40:29 IST
Reason: Secure Document
Location: India



Invoice of M/s S.S. Enterprises with Invoice No. 23SS0911-9 declared before
Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.413 to 1.460 per KG to 1.10 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

VInuine Invoice of Chinese Supplier **M/S FS-Essential International Co. LIMITED** to M/s Maha Shakti Exims, vis-à-vis Invoice declared with Custom Authorities

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FS-ESSENTIAL INTERNATIONAL CO.,LIMITED				
SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HONG KONG				
COMMERCIAL INVOICE				
ORIGINAL				
TO MESSRS:				
MAHA SHAKTI EXIMS ADDRESS - FIRST FLOOR, A-104,,INDUSTRIAL AREA, WAZIRPUR,,NEW DELHI, NORTH WEST DELHI, DELHI, 110052, INDIA		发票号码/Invoice No.: 21VJ1227 日期/Date: DEC.27,2021 Reference No.:2021HR081805		
装船口岸/ From SHEKOU PORT, CHINA		目的地/ To MUNDRA PORT , INDIA		
付款方式/ Terms of payment: TT				
唛头 Marks	货品名称 Description of Goods	重量 Quantity (MT)	单价 Unit Price	总值 Amount
N/M	COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK			
	0.21MM X 730MM X COIL	27.440	\$1,740.00	\$47,745.60
			CIF MUNDRA	
		TOTAL	27.440	

Account Name: FS-ESSENTIAL INTERNATIONAL CO.,LIMITED
Address: FLAT/RM A 12/F KIU FU COMM BLDG 300 LOCKHART RD WAN CHAI HONG KONG
SELLER'S ACCOUNT NO.: 015-192-68-00313-9
SELLER'S BANK: The Bank of East Asia,Limited
ADD: Ground Floor Shop B & C, 228 Queen's Road East, Wanchai
SWIFT CODE: BEASHKHH



SN-112

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49/112

Genuine Invoice of M/s Maha Shakti Exims with Invoice No. 21VJ1227

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

FS-ESSENTIAL INTERNATIONAL CO.,LIMITED				
SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HONG KONG				
COMMERCIAL INVOICE				
				ORIGINAL
TO MESSRS:				
MAHA SHAKTI EXIMS ADDRESS - FIRST FLOOR, A-104, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTH WEST DELHI, DELHI, 110052, INDIA		发票号码/Invoice No.: 21VJ1227 日期/Date: DEC.27,2021 Reference No.: 2021HR081805		
装船口岸/ From SHEKOU PORT, CHINA 付款方式/ Terms of payment: TT		目的地/ To MUNDRA PORT, INDIA		
唛头 Marks	货品名称 Description of Goods	重量 Quantity (MT)	单价 Unit Price	总值 Amount
N/M	COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK			
	0.21MM X 595 MM X COIL	27.440	\$750	\$20580
			CIF MUNDRA	
	TOTAL	27.440		\$20580

Account Name: FS-ESSENTIAL INTERNATIONAL CO.,LIMITED
Address: FLAT/RM A 12/F KIU FU COMM BLDG 300 LOCKHART RD WAN CHAI HONG KONG
SELLER'S ACCOUNT NO.: 015-192-68-00313-9
SELLER'S BANK: The Bank of East Asia, Limited
ADD: Ground Floor Shop B & C, 228 Queen's Road East, Wan Chai
SWIFT CODE: BEASHKHH



Invoice of M/s Maha Shakti Exims with Invoice No. 21VJ1227 declared before

Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.740 per KG to 0.75 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

IX. Genuine Invoice of Chinese Supplier **HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED** to M/s Shree International, vis-à-vis
Invoice declared with Custom Authorities

41

HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED				
SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HONG KONG				
COMMERCIAL INVOICE				
ORIGINAL				
TO MESSRS:				
SHREE INTERNATIONAL PLOT NO 15, PROPERTY NO 112, KUMAR TOWER, COMMUNITY CENTER, WAZIRPUR DELHI NORTH WEST DELHI, DELHI - 110052 PAN NO : BJUPB6242F IEC NO : BJUPB6242F		发票号码/Invoice No.: 21VJ0827		
装船口岸/ From SHEKOU PORT, CHINA		日期/Date: AUG.27,2021		
付款方式/ Terms of payment: TT		目的地/ To MUNDRA PORT, INDIA		
唛头 Marks	货品名称 Description of Goods	重量 Quantity (MT)	单价 Unit Price	总值 Amount
N/M	COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK			
	0.26MM X 730MM X COIL	5.160	\$1,685.00	\$8,694.60
	0.26MM X 730MM X COIL	5.100	\$1,685.00	\$8,593.50
	0.26MM X 690MM X COIL	4.840	\$1,685.00	\$8,155.40
	0.26MM X 690MM X COIL	4.915	\$1,685.00	\$8,281.78
	0.26MM X 550MM X COIL	2.712	\$1,685.00	\$4,569.72
	0.26MM X 650MM X COIL	4.414	\$1,685.00	\$7,437.59
			CIF MUNDRA	
	TOTAL	27.141		\$45,732.59

Beneficiary Bank: CHINA ZHESHANG BANK

SWIFT BIC: ZJCBCHN2N

Address: No.1 Financial Street, Xi Cheng District, Beijing, China

Beneficiary: Account Number: NRA1000000011420100098895

Name: HUAYE INTERNATIONAL DEVELOPMENT(HK)LIMITED

ADD: SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HON



SN-169

409
11/1/23

Genuine Invoice of M/s Shree International with Invoice No. 21VJ0827

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED

SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HONG KONG

COMMERCIAL INVOICE

ORIGINAL

TO MESSRS:

SHREE INTERNATIONAL PLOT NO 15, PROPERTY NO 112, KUMAR TOWER, COMMUNITY CENTER, WAZIRPUR DELHI NORTH WEST DELHI, DELHI - 110052 PAN NO : BJUPB6242F IEC NO : BJUPB6242F	发票号码/Invoice No.: 21VJ0827																																											
	日期/Date: AUG.27,2021																																											
装船口岸/ From SHEKOU PORT, CHINA	目的地/ To MUNDRA PORT , INDIA																																											
付款方式/ Terms of payment: TT																																												
<table border="1"> <thead> <tr> <th>唛头 Marks</th><th>货品名称 Description of Goods</th><th>重量 Quantity (MT)</th><th>单价 Unit Price</th><th>总值 Amount</th></tr> </thead> <tbody> <tr> <td rowspan="8">N/M</td><td>COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK</td><td></td><td></td><td></td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>5.160</td><td>\$750.00</td><td>\$3,870.00</td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>5.100</td><td>\$750.00</td><td>\$3,825.00</td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>4.840</td><td>\$750.00</td><td>\$3,630.00</td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>4.915</td><td>\$750.00</td><td>\$3,686.25</td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>2.712</td><td>\$750.00</td><td>\$2,034.00</td></tr> <tr><td>COLD ROLLED STAINLESS STEEL COIL</td><td>4.414</td><td>\$750.00</td><td>\$3,310.50</td></tr> <tr><td></td><td></td><td>CIF MUNDRA</td><td></td></tr> <tr> <td colspan="2">TOTAL</td><td>27.141</td><td></td><td>\$20,355.75</td></tr> </tbody> </table>		唛头 Marks	货品名称 Description of Goods	重量 Quantity (MT)	单价 Unit Price	总值 Amount	N/M	COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK				COLD ROLLED STAINLESS STEEL COIL	5.160	\$750.00	\$3,870.00	COLD ROLLED STAINLESS STEEL COIL	5.100	\$750.00	\$3,825.00	COLD ROLLED STAINLESS STEEL COIL	4.840	\$750.00	\$3,630.00	COLD ROLLED STAINLESS STEEL COIL	4.915	\$750.00	\$3,686.25	COLD ROLLED STAINLESS STEEL COIL	2.712	\$750.00	\$2,034.00	COLD ROLLED STAINLESS STEEL COIL	4.414	\$750.00	\$3,310.50			CIF MUNDRA		TOTAL		27.141		\$20,355.75
唛头 Marks	货品名称 Description of Goods	重量 Quantity (MT)	单价 Unit Price	总值 Amount																																								
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			CIF MUNDRA																																									
TOTAL		27.141		\$20,355.75																																								

Beneficiary Bank: CHINA ZHESHANG BANK

SWIFT BIC: ZJBCN2N

Address: No.1 Financial Street, Xi Cheng District, Beijing, China

Beneficiary: Account Number: NRA100000011420100098895

Name: HUAYE INTERNATIONAL DEVELOPMENT(HK)LIMITED

ADD: SUITE 2409, EVERBRIGHT CENTRE 108 GLOUCESTER ROAD, WAICHAI, HONG KONG



Invoice of / s M/s Shree International with Invoice No. 21VJ0827 declared
before Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.685 per KG to 0.75 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

X. Genuine Invoice of Chinese Supplier **FOSHAN XUANZHENG TRADING CO. LTD.** to M/s Goel Exim, vis-à-vis Invoice declared with Custom Authorities

FOSHAN XUANZHENG TRADING CO.,LTD.

ROOM F,UNIT 2109,BUILDING 2,THRIVEUNITE IFC,1ST SHILONG SOUTH ROAD,GUICHENG, NANHAI DISTRICT, FOSHAN

COMMERCIAL INVOICE

ORIGINAL

BUYER: GOEL EXIM

INVOICE NO.: GXGJ-SMJ210401013-3CI

GROUND FLOOR, A84/1, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI,
NORTHWEST DELHI, DELHI, 110052
IEC NO.: AIFPG0671A
ADDRESS: E MAIL: GOLEXIM69@GMAIL.COM
PHONE NO: 9818084989
PAN NO: AIFPG0671A
GST NO.: 07AIFPG0671A1ZW

DATE: 2021-08-07

CONTRACT NO.: GXGJ-SMJ210401013

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COIL	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX-STOCK	0.35*580	4	15688	1409	22104.39
	0.35*690	2	9595	1399	13423.41
	0.35*510	6	19958	1409	28120.82
	0.35*485	3	10454	1409	14729.69
	0.35*603	10	38674	1399	54104.93
	0.35*620	3	10908	1399	15260.29
	0.35*530	1	3694	1409	5204.85
MADE IN CHINA					
TOTAL		29	108971		152948.37
SAY USD ONE HUNDRED FIFTY TWO THOUSAND THREE HUNDRED FORTY FOUR AND CENTS THIRTY FOUR ONLY.					

WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN.



Genuine Invoice of M/s Goel Exim with Invoice No. GXGJ-SMJ210401013-3CI

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
SCN No. 29/2025-26/COMM/N.S/Adjn/MCH

FOSHAN XUANZHENG TRADING CO.,LTD.
ROOM F,UNIT 2109,BUILDING 2,THRIVEUNITE IFC,1ST SHI LONG SOUTH ROAD,GUICHENG, NANHAI DISTRICT, FOSHAN

COMMERCIAL INVOICE

ORIGINAL

BUYER: GOEL EXIM

GROUND FLOOR, A84/1, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTHWEST DELHI, DELHI, 110052
IEC NO.: AIEPC00671A

ADDRESS: E MAIL: GOELEXIM09@GMAIL.COM
PHONE NO: 9818084989
PAN NO.: AIEPPG0671A
GST NO.: 07AIEPPG0671A1ZW

INVOICE NO.: GXGJ-SMJ210401013-3CI

DATE: 2021-08-07

CONTRACT NO.: GXGJ-SMJ210401013

PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	UNIT PRICE	AMOUNT
		COIL	KG	USD/KG	USD
COLD ROLLED STAINLESS STEEL COIL, GRADE J3 EX-STOCK	COLD ROLLED STAINLESS STEEL COIL	4	15688	750	11766.00
	COLD ROLLED STAINLESS STEEL COIL	2	9595	750	7196.25
	COLD ROLLED STAINLESS STEEL COIL	6	19958	750	14968.50
	COLD ROLLED STAINLESS STEEL COIL	3	10454	750	7840.50
	COLD ROLLED STAINLESS STEEL COIL	10	38674	750	29005.50
	COLD ROLLED STAINLESS STEEL COIL	3	10908	750	8181.00
	COLD ROLLED STAINLESS STEEL COIL	1	3694	750	2770.50
MADE IN CHINA					
TOTAL		29	108971		81728.25

SAY USD EIGHTY ONE THOUSAND SEVEN HUNDRED TWENTY EIGHT AND CENTS TWENTY FIVE ONLY.

WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN.



Invoice of M/s Goel Exim with Invoice No. GXGJ-SMJ210401013-3CI declared before Indian Customs

On comparison of the above two invoices, it can be seen that the Unit Price of impugned goods was suppressed from USD 1.399-1.409 to 0.750 per KG, however, in this case also other aspects of both the invoices viz. Name of Chinese Supplier, Name of Importer, Description of Good, Dimension of Good, Weight of Good, Bank Account details and Bank Details of Chinese supplier etc, are identical.

2.8 Thus, ongoing through above sets of parallel invoices (genuine as well as invoices submitted before Indian Customs), it can be seen that the declared price before Indian Customs, of the impugned goods i.e. Cold

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Rolled Stainless Steel Coils was lower, however, the actual price as per retrieved genuine invoices, was much higher. In addition, a striking similar pattern of declared transaction value was also revealed in all such importers (i.e. entities who were found importing goods from the Chinese suppliers as per the retrieved invoices) who declared goods at identical or closely matching undervalued price ranges for the impugned goods (Cold Rolled Stainless Steel Coils (Ex Stock) grade J3 at USD 0.75 per KG to USD 1.1 per KG despite sourcing from different suppliers. Further other grades were also found to be imported at lower price i.e. grade J2 at USD 1.1 per KG and for grade N1 at USD 1.38 per KG. This uniformity in under-declaration strongly suggests a deliberate and coordinated practice rather than isolated instances of valuation errors or commercial negotiations. The level of consistency in undervaluation across unrelated entities indicates a systemic modus operandi aimed at evading customs duties and gaining unfair market advantage. Therefore, value of all other supplies by the above suspected Chinese suppliers for Cold Rolled Stainless Steel Coils appear doubtful. In addition, genuineness of price of the impugned goods supplied by other Chinese suppliers at same price, is also questionable.

2.9 In view of the above, it appears that there exist sufficient grounds to conclude that any importer declaring values within the same suspicious price range might be engaging in similar undervaluation practices. The convergence of under-reported values across multiple importers and availability of genuine retrieved invoices issued by above Chinese suppliers as credible documentation to support genuine prices, provide indication of intentional misdeclaration with the aim to evade applicable Customs duties. Therefore, it was imperative that any importers declaring import values within this identified undervalue price range need to be subjected to enhanced scrutiny.

Based on above findings and parameters a case was booked against M/s. BM Imports.

3. IMPORT HISTORY OF M/S BM IMPORTS VIS-À-VIS GENUINE INVOICES RETRIVED BY DRI HQ, NEW DELHI, IN THE PAST INVESTIGATIONS::

3. Analyzing the past import data, it was observed that from year 2020 onwards, M/s BM Imports imported the impugned goods i.e. Cold Rolled Stainless Steel Coil (Ex Stock) (Grade J2 /J3/N1) from various Chinese suppliers who had a doubtful history of issuing fabricated under-valued invoices, substantiated in the past investigations. As per the import data, the details of the all-Chinese suppliers, supplying the impugned goods i.e. Cold Rolled Stainless Steel Coils (of different Grades) is as under:

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18.4 SNo	NAME OF THE CHINESE SUPPLIER (M/S)*
1	ART STEEL MAGIC CO., LIMITED
2	CROWN STEEL COMPANY LIMITED
3	EMETAL COMPANY LIMITED
4	FOSHAN GOG STAINLESS STEEL CO., LTD
5	FOSHAN JIAQI IMPORT AND EXPORT CO.,
6	FOSHAN LIHENGYUAN STEEL CO. LTD
7	FOSHAN WEN ZHI YUAN TRADING CO.,
8	FOSHAN XUANZHENG TRADING CO. LTD.
9	FS-ESSENTIAL INTERNATIONAL CO.,
10	GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO. LTD
11	HONG KONG ZHENGSAN TRADE LTD.
12	HONGKONG GUANGXHUNG TRADE CO., LTD
13	HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED
14	JIAYOA(HONGKONG) INTERNATIONAL GROUP LIMITED
15	LEO METALS LIMITED
16	LINYI FEICHI IMPORT AND EXPORT CO LTD
17	LINYI SHINUO INTERNATIONAL TRADE CO. LTD
18	MCH STEEL INDUSTRY CO.,LIMITED
19	NEWWEI TRADING COMPANY LIMITED
20	OUGE INDUSTRIAL CO LIMITED
21	RUKING INTERNATIONAL CO LTD
22	SHANDONG HAORUI METAL MATERIAL CO, LTD
23	SHANDONG MENGYIN HUARUN IMP. AND EXP. CO LTD

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24	SINOSS EVER INTERNATIONAL LIMITED
25	TROLAND CO., LIMITED
26	UNOX METAL COMPANY LIMITED.

**The Chinese suppliers appearing at Sr No. 7,8,9,10,13,14,15, &19 had the history of issuing fabricated under-valued invoices as retrieved by DRI in the investigation concerning import of cold rolled stainless steel by other importers, as detailed in the para supra of this notice.*

4. ACTUAL RANGE OF VALUES AS FOUND DURING THE INVESTIGATION FOR IDENTIFYING UNDER-VALUATION:

Based on genuine Invoices (**Annexure I**) retrieved by DRI during investigation proceedings concerning import of cold rolled stainless steel by certain importers, and where corresponding invoice declared before Indian customs were found to be filed at suppressed (under-valued) prices, a price range has been found for the goods—Cold Rolled Stainless Steel Coils of various grades—which appears to reflect the actual value of the impugned goods.

ACTUAL PRICE RANGE DERIVED IN USD PER KG (MINIMUM TO MAXIMUM) FOR SUSPECTED CHINESE SUPPLIERS AS FOUND MENTIONED IN THEIR GENUINE RETRIEVED INVOICES FOR DIFFERENT GRADES OF COLD ROLLED STAINLESS STEEL

TABLE- 03

S. NO	NAME OF THE CHINESE SUPPLIERS (M/S)	RANGE OF UNIT PRICE AS PER GENUINE INVOICE (In USD PER KG)							
		J3 GRADE		J2 GRADE		N1 GRADE		304 GRADE	
		MINIM UM	MAXIMU M	MINIM UM	MAXIMU M	MINIM UM	MAXIMU M	MINIM UM	MAXIM UM
1	FIA INTERNATIONAL TRADING CO. LTD	1.273	1.441	-	-	-	-	-	-
2	GUANGDONG GUANGXIN	1.39	2.124	-	-	-	-	2.11	2.131

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	GOLDTEC HOLDINGS								
3	HONGKONG WINNER STEEL CO., LIMITED	1.32	2.35	-	-	-	-	2.35	2.35
4	JIAYAO (HONGKONG) INTERNATIONAL GROUP LIMITED	1.41	2.965	-	-	-	-	-	-
5	LEO METALS LIMITED	1.15	2	-	-	-	-	2.785	2.93
6	MFY METAL COMPANY LIMITED	1.333	1.395	-	-	-	-	-	-
7	ART STEEL MAGIC CO., LIMITED	1.36	1.36	-	-	-	-	-	-
8	FOSHAN JIA WEI IMPORT AND EXPORT CO. LTD.	1.7	3.01	-	-	-	-	-	-
9	BOSOM METAL CO LTD	1.90	1.98	-	-	-	-	-	-
10	FOSHAN TIAN MAIDUO IMPORT AND EXPORT CO. LTD.	1.925	3.215	-	-	-	-	-	-
11	FOSHAN WEN ZHI YUAN TRADING CO LTD	1.15	2.03	-	-	-	-	-	-
12	FOSHAN XUANZHENG TRADING CO. LTD.	1.301	2.317	-	-	-	-	-	-
13	FS-ESSENTIAL INTERNATIONAL CO. LIMITED	1.25	3.01	-	-	-	-	2.865	3.162
14	GOLD COAST LOGISTICS	1.7	1.7	-	-	-	-	-	-

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	HONG KONG LIMITED								
15	HK PINGAN IMP AND EXP CO LIMITED	1.56	1.56	-	-	-	-	-	-
16	HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED	1.44	2.855	-	-	-	-	-	-
17	LIYI HONGKONG TRADING CO., LIMITED	1.715	2.65	-	-	-	-	-	-
18	NEWWEI TRADING COMPANY LIMITED	1.14	1.587	1.244	1.465	1.413	1.497	-	-

Thus, on analysing the above data, it can be seen that actual price range derived (by taking all value found mentioned in genuine invoices) for different grades of stainless-Steel Coils ranges from USD 1.14 to 3.215 per KG for Grade J3, USD 1.244 to 1.465 per KG for Grade J2 and USD 1.413 to 1.497 per KG for Grade N1.

5. PATTERN OF THE TRANSACTION VALUE DECLARED BY M/S BM IMPORTS, WHICH APPEARS TO BE UNDER-VALUED:

5. analysis of import data of M/s. BM Imports, it emerged that this firm imported the impugned goods at substantial lower price (which has been found from the genuine invoices retrieved by DRI) from the same set of Chinese overseas suppliers, at or about the same time and around same commercial levels. It has been observed that above firm declared and cleared the impugned goods at a price range of USD 0.745 to 1.1 per KG for grade J3, USD 1.1 for grade J2 and USD 1.38 per KG for grade N1 which appears to be under-valued in light of evidences (retrieved genuine invoices) and discussion in para supra.

5.1 The details of the all-Chinese suppliers of above firm supplying the impugned goods i.e. Cold Rolled Stainless Steel Coil Grade of Grade J3, J2 and N1 with price ranges are as under:

Table – 04

SNo	NAME OF THE CHINESE SUPPLIER (M/S)*	GRADE J3	GRADE J2	GRADE N1

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
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1	ART STEEL MAGIC CO., LIMITED	0.9 to 1.1	1.1	-
2	CROWN STEEL COMPANY LIMITED	0.95 to 1.1	-	-
3	EMETAL COMPANY LIMITED	0.75	-	-
4	FOSHAN GOG STAINLESS STEEL CO., LTD	0.75	-	-
5	FOSHAN JIAQI IMPORT AND EXPORT CO.,	0.9	-	-
6	FOSHAN LIHENGYUAN STEEL CO. LTD	0.75	-	-
7	FOSHAN WEN ZHI YUAN TRADING CO.,	1.02	-	-
8	FOSHAN XUANZHENG TRADING CO. LTD.	0.75	-	-
9	FS-ESSENTIAL INTERNATIONAL CO.,	0.75 to 0.9	-	-
10	GUANGDONG GUANGXIN GOLYTEC HOLDINGS CO. LTD	0.75	-	-
11	HONG KONG ZHENG SAN TRADE LTD.	0.75	-	-
12	HONGKONG GUANGXHUNG TRADE CO., LTD	0.85	-	-
13	HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED	0.75 to 0.85	-	-
14	JIAYOA(HONGKONG) INTERNATIONAL GROUP LIMITED	0.75	-	-
15	LEO METALS LIMITED	0.75 to 0.9	-	-
16	LINYI FEICHI IMPORT AND EXPORT CO LTD	1.015 to 1.1	-	-

F.No. GEN/ADJ/COMM/675/2025-Adjn-O/o Pr Commr-Cus-Mundra
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17	LINYI SHINUO INTERNATIONAL TRADE CO. LTD	0.9	-	-
18	MCH STEEL INDUSTRY CO.,LIMITED	0.75 to 1.02	-	1.38
19	NEWWEI TRADING COMPANY LIMITED	0.9	-	-
20	OUGE INDUSTRIAL CO LIMITED	0.95 to 1.1	1.1	1.38
21	RUKING INTERNATIONAL CO LTD	0.9	-	-
22	SHANDONG HAORUI METAL MATERIAL CO, LTD	0.749	-	-
23	SHANDONG MENGYIN HUARUN IMP. AND EXP. CO LTD	0.75	-	-
24	SINOSS EVER INTERNATIONAL LIMITED	0.9 to 1.05	-	-
25	TROLAND CO., LIMITED	1.025	-	-
26	UNOX METAL COMPANY LIMITED.	0.9 to 1.1	-	-

**The Chinese suppliers appearing at Sr No. 7,8,9,10,13,14,15, &19 had the history of issuing fabricated under-valued invoices as retrieved by DRI in the investigation concerning import of cold rolled stainless steel by other importers, as detailed in the para supra of this notice.*

5. Further, a brief of Bills of Entry filed by above firm for Cold Rolled Stainless Steel Coil Grade of different grades, for the relevant period, is as under:

18.4 TABLE-05

S No.	Total Bills of Entry	Assessable Value (INR)	Duty Paid (INR)
1	170	52,60,70,184	14,94,42,954

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	TOTAL	52,60,70,184	14,94,42,954
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5.4 An examination of past import transactions undertaken by M/s BM Imports from the year 2020 onwards, involving the importation of Cold Rolled Stainless Steel grades(Ex stock) (grade J3/J2/N1), reveals indications of under-valuation. The subject goods were procured from certain Chinese suppliers who were found to be accused of issuing forged invoices and had been previously associated with cases involving systematic under-valuation. The declared transaction value in the consignments of above firm exhibit a striking similarity to the pricing patterns typically observed during the investigation involving such suspect suppliers. Accordingly, it appears that impugned goods imported by M/s. BM Imports, from these suspected Chinese suppliers and other Chinese suppliers (at similar price) are liable to be considered as under-valued and liable for appropriate penal action under the Customs Act, 1962.

6. Voluntary statements recorded under Section 108 of the Customs Act 1962, in relation to analysis for undervaluation of Imported Goods:

During the course of the investigation statements of Shri Gagan Sangal Proprietor of M/s B M Imports was recorded on 19.09.2024(**RUD 15**) under section 108 of the customs act 1962, in relation to investigation for undervaluation in imports made by M/s B M Imports;

Relevant portions of the statement are appended below:

6A. Statement dated 19.09.2024 of Gagan Sangal Proprietor of “M/s B M Imports, wherein inter-alia he stated that: (RUD No. 15)

- i) On being shown 03 sets of parallel invoices bearing serial No. 210520J01-1 dated 26.05.2021, FSMJ210819-1 dated 27.08.2021 and GXGJ-SMJ210301001 dated 12.03.2021, issued by a Chinese supplier M/s Leo Metals Limited, M/s Jiayao (Hongkong) International Group Limited and M/s Guangdong Guangxin Goldtech Holdings Co. Ltd. Ltd, to M/s Goel Exim and M/s Shri Mahadev ji exports, and M/s Shri Mahadev ji exports, respectively, for supplying “Cold Rolled Stainless Steel Coil, grade J3”, Shri Gagan Sangal Proprietor of “M/s B M Imports” inter-alia stated that, first set of invoices **bearing serial No. 210520J01-1 dated 26.05.2021 issued by M/s Leo Metals Limited** contained two invoices; that both the invoices have same serial Number, name of buyer, description of goods, quantity etc., but the prices of goods are different i.e. one is @ 1.470 USD per KG and another is @ USD 0.75

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per KG . That second set of invoices bearing serial No. **FSMJ210819-1 dated 27.08.2021; issued by a Chinese supplier Jiayao(Hongkong) International Group Limited.**, also contained two invoices ; both the invoices have same serial Number, name of buyer, description of goods, quantity etc., but the prices of goods are different i.e. one is in range of @ 1.595 to 1.740 USD per KG and another is @ 0.75 USD per KG . Similarly, 3rd set of invoices bearing serial No. **GXGJ-SMJ210301001 dated 12.03.2021; issued by a Chinese supplier M/s Guangdong Guangxin Goldtech Holdings Co. Ltd. Ltd.**, also contained two invoices; both the invoices have same serial Number, name of buyer, description of goods, quantity etc., but the prices of goods are different i.e. one is @ 1.430 USD per KG and another is @ 0.75 USD per KG; that there is a significant difference in the price mentioned in the above 03 sets of invoices ; that because there is difference in the prices, the invoice with higher value will have higher Customs duty implications.

- ii) On being asked, as per Import data of his firm M/s BM IMPORTS, impugned goods "Cold Rolled Stainless Steel coils/strips" have been imported from the same supplier/s namely M/S LEO METALS LIMITED, GUANGDONG GUANGXIN GOLDTECH HOLDING CO LTD., and M/s JIAYO (HONGKONG) INTERNATIONAL GROUP LIMITED in year 2020 onwards at the same/ lower price of the @USD 0.75 per KG, Shri Gagan Sangal Proprietor of "M/s B M Imports" inter-alia stated that he has no justification for it; that impugned goods i.e. Cold Rolled Stainless Steel J3 Grade, imported by his firm from namely M/S LEO METALS LIMITED, GUANGDONG GUANGXIN GOLDTECH HOLDING CO LTD., and M/s JIAYO (HONGKONG) INTERNATIONAL GROUP LIMITED were actually defected/low quality goods; that therefore he can guess that his import price was lower.
- iii) On being asked that, did he declare this fact before Indian Customs that goods purchased from suppliers namely M/S LEO METALS LIMITED, GUANGDONG GUANGXIN GOLDTECH HOLDING CO LTD., and M/s JIAYO (HONGKONG) INTERNATIONAL GROUP LIMITED, were actually defected goods, Shri Gagan Sangal Proprietor of "M/s B M Imports" inter-alia stated that, he did not make any such declaration before Indian Customs.
- iv) On being further asked about, could he submit any documents in support of his claim viz. any contracts, any communication (emails

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etc.) with M/S LEO METALS LIMITED, GUANGDONG GUANGXIN GOLDTECH HOLDING CO LTD., and M/s JIAYO (HONGKONG) INTERNATIONAL GROUP LIMITED., substantiating that imported goods were actually defective, and therefore were available to him at discounted price, Shri Gagan Sangal Proprietor of "M/s B M Imports" inter-alia stated that, he does not have any documents in support of his claim; that he does not have any other justification for his import price for goods i.e. "Cold Rolled Stainless Steel Coil," being lower than other importer from the same Chinese suppliers.

Ongoing through the above, it is evident that Shri Gagan Sangal Proprietor of "M/s B M Imports" could not give any satisfactory reply on why transaction value of his firm M/s BM IMPORTS were being lower than other importers from the same Chinese suppliers. Further, as per the documents uploaded by the importer at the time of importation, there exists no documentary evidence to indicate that the imported goods were defective, as claimed by the importer during his statement. In view of facts and evidences discussed in foregoing Paras, it is difficult to conclude that transaction value declared by M/s BM IMPORTS are beyond doubt. This raises questions about the accuracy and fairness of the declared transaction value by M/s BM IMPORTS. It appears that M/s BM IMPORTS had used fabricated-under-valued invoices to suppress actual value of the impugned goods. Furthermore, the common Chinese suppliers involved in these transactions appear to be operating under comparable pricing structures, which reinforces the presumption of undervaluation in importation of impugned goods. In addition, the explanation provided by the importer that the goods were actually defective goods, appears to be an afterthought and M/s BM IMPORTS did not have any documents in support of this claim. Thus, the evidence appears to suggest that M/s BM IMPORTS is knowingly involved, in under-valuation of import of the impugned goods to evade applicable Customs duties.

**7. WRONGFUL AVAILMENT OF DUTY BENEFITS UNDER S.NO.734 OF
NOTIFICATION NO. 50/2018-CUSTOMS DATED 30.06.2018 (SAPTA
BENEFITS) BY M/S BM IMPORTS:**

7.1 The investigation also revealed that M/s BM Imports was importing the impugned goods i.e. "Cold Rolled Stainless Steel Strips/Coils Grade (Ex Stock)" by mis-classifying the same under CTH 72209022 and wrongly availed the benefit (at Sr. No.734) under Notification No.50/2018-Customs dated 30.06.2018. Ministry of Finance (Department of Revenue) Notification No.50/2018-Customs dated 30.06.2018, provides for concessional benefits in duty of Customs for the goods imported from countries listed in APPENDIX I (Bangladesh, People's Republic of China, Republic of Korea & Sri Lanka))

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and APPENDIX II (Bangladesh & Lao People's Democratic Republic) of the notification. Further, the Chapter/ Heading No/ Sub-heading No./ tariff item and description of the eligible goods have been specified in column (2) and (3) respectively, of the Table annexed with the notification. In addition, extent of tariff concession (percentage of applied rate of duty in %) has been provided in column (4) of the said Table. Entry No. 734 of the said notification provides for:

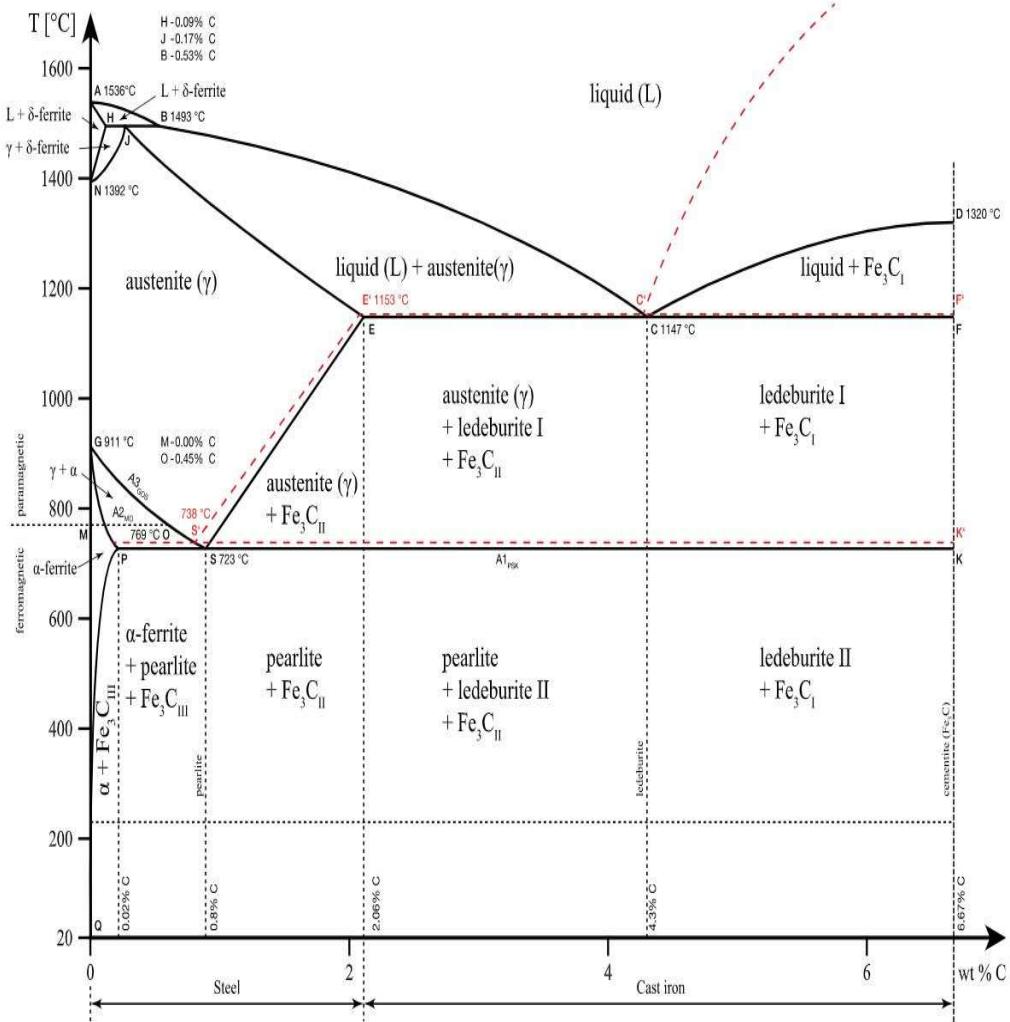
Sr No	Chapter Head No., Heading No., sub- Heading No., or Tariff Head	Description of good	Extent of Tariff concession (Percentage of applied rate of duty, in %)
1	2	3	4
A- 734	72209022	All Goods	45

Thus, there is a provision of concession of Customs duty in Notification No.50/2018-Customs dated 30.06.2018, for the goods imported from China & falling under **CTH 72209022** i.e. Flat-Rolled Stainless Steel (less than 600MM width) - *Nickel Chromium Austenitic Type*.

**8. Examination of Mill Test Report of Imported Goods vis-à-vis
Austenitic Stainless Steel of Nickel Chromium type:**

8.1 The Austenitic Stainless Steel refers to a type of Non-Magnetic alloy of Iron. Its Face Centered Cubic crystal structure is formed at elevated temperature above 723 degree Celsius and below 1493 degree Celsius, as shown in the Iron-Carbon diagram below:

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Source: Open

Further, Austenitic Stainless-Steels are divided into 300-series and 200-series subgroups. In 300 series stainless steels, the austenitic structure is obtained primarily by adding Nickel (Ni). In 200 series stainless steels the structure is obtained by adding Manganese (Mn) and Nitrogen (N), with a small amount of Nickel (Ni) content, making 200 series a cost-effective nickel-chromium austenitic type stainless steel.

Composition of different grades of Austenitic Steel with respect to different alloying elements, as specified in Bureau of Indian Standards (BIS) IS 6911:1992, are as follows:-

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Table 1 Chemical Composition

(Clauses 7.1 and 7.2)

2661 : 116.5

Grade Designation		C	Si Max	Mo	Ni	Cr	Mo	S Max	P Max	Others		
Letter [see IS 1762 (Part 1)]	Numerical Symbol ISS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Ferritic Steels												
X 04Cr12	405	0'08 Max	1'0	1'0 Max	—	11'5-13'5	—	0'030	0'040	Al 0'10-0'30		
X 07Cr17	430	0'12 Max	1'0	1'0 Max	0'50 Max	16'0-18'0	—	0'030	0'040			
Martensite Steel												
X 12Cr12	410	0'08-0'15	1'0	1'0 Max	1'0 Max	11'5-13'5	—	0'030	0'040			
X 20Cr13	420 S1	0'16-0'25	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 30Cr13	420 S2	0'26-0'35	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 40Cr13	420 S3	0'35-0'45	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 15Cr16Ni2	431	0'10-0'20	1'0	1'0 Max	1'25-2'50	15'0-17'0	—	0'030	0'045			
X 108Cr17Mo	440	0'95-1'20	1'0	1'0 Max	0'50 Max	16'0-18'0	0'75 Max	0'030	0'045			
Austenitic Steels												
X 10Cr17Mn6Ni4N20	201	0'20 Max	1'0	4'0-8'0	3'5-5'5	16'0-18'0	—	0'030	0'045	N 0'05-0'20		
X 07Cr17Mn12Ni4	201 A	0'12 Max	1'0	10'0-14'0	3'5-5'5	16'0-18'0	—	0'030	0'045			
X 10Cr18Mn9Ni5	202	0'15 Max	1'0	8'0-10'0	4'0-6'0	17'0-19'0	—	0'030	0'045			
X 10Cr17Ni7	301	0'15 Max	1'0	2'0 Max	6'0-8'0	16'0-18'0	—	0'030	0'045			
X 07Cr18Ni9	302	0'15 Max	1'0	2'0 Max	8'0-10'0	17'0-19'0	—	0'030	0'045			
X 04Cr19Ni9	304 S1	0'08 Max	1'0	2'0 Max	8'0-10'0	17'5-20'0	—	0'03	0'045			
X 02Cr19Ni10	304 S2	0'03 Max	1'0	2'0 Max	8'0-12'0	17'5-20'0	—	0'030	0'045			
X 15Cr24Ni13	309	0'20 Max	1'5	2'0 Max	11'0-15'0	22'0-25'0	—	0'030	0'045			
X 20Cr25Ni20	310	0'25 Max	2'5	2'0 Max	18'0-21'0	24'0-26'0	—	0'030	0'045			
X 04Cr17Ni12Mo2	316	0'03 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045			
X 02C,17,Ni12Mo2	316 L	0'08 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045			
X 04Cr17Ni12Mo2Ti	316 Ti	0'08 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045	Ti Min-5 (C + N)		
										Ti Max-0'80		
X 04Cr18Ni10Ti	321	0'08 Max	1'0	2'0 Max	9'0-12'0	17'0-19'0	—	0'030	0'045	Ti Min-5 (C + N)		
										Ti Max-0'8		
X 04Cr18Ni10Nb	347	0'08 Max	1'0	2'0 Max	9'0-12'0	17'0-19'0	—	0'030	0'045	Nb Min-10C		
										Nb Max-1'0		

In view of the above, it is clearly evident that the **Austenitic Stainless-Steel** grades have essentially content by weight (%) of alloying elements Chromium (Cr) and Nickel (Ni) as:

Subgroups of Austenitic stainless steel		Minimum- Maximum range of Nickel (Ni) (% by weight)	Minimum- Maximum range of Chromium (Cr) (% by weight)
300 Series		6 - -1	16 - -5
200 Series		3.5 - -	16-19

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8.2. Further, Mill Test Certificate (MTC), also known as a Mill Certificate or a Material Test Report (MTR), is a quality assurance document used in the manufacturing and inspection of materials, particularly in industries such as metalworking, construction, and manufacturing. The primary purpose of an MTC is to provide essential information about the properties and quality of a specific batch or lot of material, typically metals like steel or other critical materials used in construction or engineering projects.

8.3 During investigation of Mill Test Certificate/Report uploaded by M/s BM IMPORTS, the content of Nickel (Ni) and Chromium (Cr) in the imported goods (Cold Rolled Stainless Steel Coil (Ex Stock, various grades) was not found as per specification required to qualify in any of the two subgroups (200 & 300 Series) of Austenitic stainless steel.

8.4 Few samples Mill Test Certificates/Report of the imported Cold Rolled Stainless Steel by M/s BM Imports are appended below (All the impugned MTC uploaded by the importer are placed as RUD-16):

A. Sample MTC/MTR in respect of M/s Shandong Huarun Imp. & Exp. Co. Ltd.

 工厂检验证明书 MILL TEST CERTIFICATE															
山东蒙阴华润进出口有限公司 SHANDONG MENGYIN HUARUN IMP. AND EXP. CO., LTD. NO.205 XINCHENG ROAD, MENGYIN COUNTY, SHANDONG, CHINA TEL:0086-18669626822 FAX:0086-539-4272462															
品名 (Commodity)	CR STAINLESS STEEL COILS GRADE J3				客户名称: Customer		BM IMPORTS								
	发票号码 (Invoice No.)	20BI1130				合同号: Contract No.		2020BI100802							
证明书号 (Certificate)		2020QC1130				开单日期: Issue Date:		NOV.30,2020							
	序号	钢卷编号	规格尺寸(mm)	件数(coil)	重量(kg)	重量(kg)	炉号	化学成分 Chemical composition %							
No.								Coil No.	Size	Package	Net W.T.	Gross W.T.	Heat No.	C	Si
1	2011120069	0.33MM X 500MM	1	2690	2700	20BI1130-1	0.151	0.434	10.52	0.035	0.019	0.83	12.62	0.67	0.089
2	2011120069	0.33MM X 500MM	1	2536	2546	20BI1130-2	0.151	0.434	10.52	0.035	0.019	0.83	12.62	0.67	0.089
3	2011120070	0.33MM X 500MM	1	2670	2680	20BI1130-3	0.153	0.437	10.58	0.034	0.017	0.81	12.56	0.72	0.087
4	2011120070	0.33MM X 500MM	1	2644	2654	20BI1130-4	0.153	0.437	10.58	0.034	0.017	0.81	12.56	0.72	0.087
5	2011040007	0.33MM X 560MM	1	3084	3094	20BI1130-5	0.149	0.436	10.39	0.037	0.018	0.82	12.56	0.70	0.089
6	2011040007	0.33MM X 560MM	1	2842	2852	20BI1130-6	0.149	0.436	10.39	0.037	0.018	0.82	12.56	0.70	0.089
7	2010280043	0.33MM X 580MM	1	4192	4202	20BI1130-7	0.156	0.432	10.5	0.035	0.018	0.83	12.52	0.69	0.088
8	2010280043	0.33MM X 580MM	1	2672	2682	20BI1130-8	0.153	0.432	10.5	0.035	0.018	0.83	12.52	0.69	0.088
9	2011040034	0.33MM X 595MM	1	3668	3678	20BI1130-9	0.152	0.431	10.56	0.036	0.019	0.81	12.59	0.67	0.090
	TOTAL		9	26998	27088										
															

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B. Sample MTC/MTR in respect of M/s Shandong Huarun Imp. & Exp. Co. Ltd

GUANGDONG GUANGXIN GOLTEC HOLDINGS CO. LTD															
12 FLOOR, EAST TOWER, NO. 1000 XINGANG EAST ROAD, HAIZHU DISTRICT GUANGZHOU, CHINA															
TEST CERTIFICATE															
Customer	BM IMPORTS							Product		CR STAINLESS STEEL COILS GRADE J3					
	B28/3 BASEMENT, WAJIRPUR IND AREA NEW DELHI-110052							Customer Order NO		MCHBM201112-1	Date of Issue	DEC 03,2020			
Specification			Conduct NO		MCHBM201112-1			Certificate NO		Delivery Date					
NO	Steel. Mat NO	Specification (mm)	GRADE	Weight(kg)	Chemical Composition (wt.%) (Heat Analysis)							Tensile Test(Gauge Length=50mm)		Hard Ness	
					C	Si	Mn	P	S	Cr	Ni	Cu	Yield Strength (MPa)	Tensile Strength (MPa)	Rear Extension Degree (%)
					0.0751	0.3227	10.5210	0.0350	0.0019	13.1630	1.2529	0.8381			(HRB)
1	MCH20201201	0.26*485	J3	3085	0.0751	0.3227	10.5210	0.0350	0.0019	13.1630	1.2528	0.8380			225-230
2	MCH20201202	0.26*485	J3	3098	0.0753	0.3228	10.5212	0.0351	0.0018	13.1631	1.2528	0.8380			225-230
3	MCH20201203	0.26*485	J3	3078	0.0754	0.3224	10.5213	0.0352	0.0018	13.1632	1.2527	0.8359			225-230
4	MCH20201204	0.26*510	J3	3440	0.0755	0.3225	10.5214	0.0353	0.0017	13.1633	1.2528	0.8365			225-230
5	MCH20201205	0.26*510	J3	3290	0.0756	0.3221	10.5215	0.0355	0.0017	13.1634	1.2525	0.8368			225-230
6	MCH20201206	0.26*550	J3	3384	0.0759	0.3220	10.5217	0.0358	0.0016	13.1635	1.2524	0.8363			225-230
7	MCH20201207	0.26*550	J3	3668	0.0751	0.3227	10.5210	0.0350	0.0019	13.1630	1.2529	0.8381			225-230
8	MCH20201208	0.26*550	J3	3786	0.0753	0.3228	10.5212	0.0351	0.0018	13.1631	1.2528	0.8360			225-230
9	MCH20201209	0.26*510	J3	3194	0.0754	0.3224	10.5213	0.0352	0.0018	13.1632	1.2527	0.8359			225-230
10	MCH20201210	0.26*510	J3	3250	0.0755	0.3225	10.5214	0.0353	0.0017	13.1633	1.2528	0.8365			225-230
11	MCH20201211	0.26*598	J3	3432	0.0756	0.3221	10.5215	0.0355	0.0017	13.1634	1.2525	0.8368			225-230
12	MCH20201212	0.26*598	J3	3872	0.0759	0.3220	10.5217	0.0358	0.0016	13.1635	1.2524	0.8383			225-230
13	MCH20201213	0.26*550	J3	3806	0.0751	0.3227	10.5210	0.0350	0.0019	13.1630	1.2529	0.8381			225-230
14	MCH20201214	0.26*550	J3	3894	0.0753	0.3228	10.5212	0.0351	0.0018	13.1631	1.2528	0.8360			225-230
15	MCH20201215	0.26*485	J3	3106	0.0754	0.3224	10.5213	0.0352	0.0018	13.1632	1.2527	0.8359			225-230
16	MCH20201216	0.26*485	J3	3190	0.0755	0.3225	10.5214	0.0353	0.0017	13.1633	1.2528	0.8365			225-230
17	MCH20201217	0.26*510	J3	3410	0.0756	0.3221	10.5215	0.0355	0.0017	13.1634	1.2525	0.8368			225-230
18	MCH20201218	0.26*335+355	J3	3228	0.0759	0.3220	10.5217	0.0358	0.0016	13.1635	1.2524	0.8363			225-230
19	MCH20201219	0.26*335+355	J3	3280	0.0751	0.3227	10.5210	0.0350	0.0019	13.1630	1.2529	0.8381			225-230
20	MCH20201220	0.26*335+355	J3	3302	0.0753	0.3228	10.5212	0.0351	0.0018	13.1631	1.2528	0.8360			225-230
21	MCH20201221	0.26*335+355	J3	3176	0.0754	0.3224	10.5213	0.0352	0.0018	13.1632	1.2527	0.8359			225-230
22	MCH20201222	0.26*335+355	J3	3284	0.0755	0.3225	10.5214	0.0353	0.0017	13.1633	1.2528	0.8365			225-230
23	MCH20201223	0.26*335+355	J3	3288	0.0756	0.3221	10.5215	0.0355	0.0017	13.1634	1.2525	0.8368			225-230
24	MCH20201224	0.26*335+355	J3	3170	0.0759	0.3220	10.5217	0.0356	0.0016	13.1635	1.2524	0.8363			225-230
Total		80637		Remarks											
Sutes		WE CERTIFY THAT THE PRODUCT HAS BEEN MANUFACTURED AND TESTED IN ACCORDANCE WITH THE ABOVE REQUIREMENTS AND THAT THE RESULTS MEET THE REQUIREMENTS.							SIGNATURE: DATE:						



C. Sample MTC/MTR in respect of M/s Guangdong Guangxin GoldTec Holdings Co. Ltd.

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GUANGDONG GUANGXIN GOLTEC HOLDINGS CO. LTD																
12 FLOOR, EAST TOWER, NO. 1000 XINGANG EAST ROAD, HAIZHU DISTRICT GUANGZHOU, CHINA																
TEST CERTIFICATE																
Customer		Product						CR STAINLESS STEEL COILS GRADE J3								
		Customer Order NO						MCHBM201207-2 Date of Issue JAN 06,2021								
Specification		Conduct NO		MCHBM201207-2				Certificate NO		Delivery Date						
NO	Steel. Mat NO	Specification (mm)	GRADE	Chemical Composition (wt.%) (Heat Analysis)								Tensile Test(Gauge Length=50mm)			Hard Ness (HRB)	
				Weight(kg)	C	Si	Mn	P	S	Cr	Ni	Cu	Yield Strength (MPa)	Tensile Strength (MPa)		Rear Extension Degree (%)
1	MCH20210102	0.26*595	J3	3954	0.0753	0.3226	10.5212	0.0351	0.0018	13.1631	1.2528	0.8360		225-230		
2	MCH20210102	0.26*595	J3	3914	0.0753	0.3226	10.5212	0.0351	0.0018	13.1631	1.2528	0.8360		225-230		
3	MCH20210103	0.26*580	J3	4086	0.0754	0.3224	10.5213	0.0352	0.0018	13.1632	1.2527	0.8359		225-230		
4	MCH20210104	0.19*590	J3	3900	0.0733	0.3289	10.5278	0.0360	0.0017	13.1571	1.2476	0.8343		225-230		
5	MCH20210104	0.19*590	J3	3758	0.0733	0.3289	10.5278	0.0360	0.0017	13.1571	1.2476	0.8343		225-230		
6	MCH20210105	0.33*595	J3	3850	0.0796	0.3354	10.5361	0.0342	0.0016	13.1653	1.2582	0.8371		225-230		
7	MCH20210104	0.33*595	J3	3920	0.0796	0.3354	10.5361	0.0342	0.0016	13.1653	1.2582	0.8371		225-230		
Total				27382	Remarks											
Sutes				WE CERTIFY THAT THE PRODUCT HAS BEEN MANUFACTURED AND TESTED IN ACCORDANCE WITH THE ABOVE REQUIREMENTS AND THAT THE RESULTS MEET THE REQUIREMENTS.								SIGNATURE: DATE:				
												 Guangdong Goldtec Holdings Co., Ltd. Guangzhou Guangdong China				

Examination of the above Mill Test Certificates (MTC) uploaded by M/s BM IMPORTS, issued by the overseas suppliers for "Cold Rolled Stainless Steel strips/Coil" reveal that **Nickel content is less than 1.5% and Chromium content is less than 16%**, which in comparison with the chemical composition of Austenitic Stainless Steel of Nickel Chromium type, is much less. Therefore, it appears that Cold Rolled Stainless Steel Coils is not Nickel Chromium Austenitic type and cannot be classified as such.

9. Voluntary statements recorded under Section 108 of the Customs Act 1962, in relation to analysis for Mis Classification of Imported Goods:

During the course of the investigation statements of following person(s) were recorded under section 108 of the customs act 1962, in relation to investigation for under-valuation in imports made by M/s B M Imports;

S. No.	Name of Proprietor of firm/Authorized Signatory of CHA/Customs Broker	Dt. of Statement	RUD No.
1	Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS"	15.02.2023, 23.03.2023, 19.05.2023 & 05.02.2024	RUD- 17,18,19 & 20
2	Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd.	27.02.2023 & 19.09.2025	RUD- 23 & 24

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3	Shri Jitender Kumar of M/s Shri Balaji Logistics	03.10.2023 & 10.09.2025	RUD-25 & 26
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Relevant portions of the statement are appended below:

9A. Statement dated 15.02.2023, 23.03.2023, 19.05.2023 & 05.02.2024 of Gagan Sangal Proprietor of “M/s B M Imports, wherein inter-alia he stated that: (RUD-17,18,19 & 20)

- “M/s BM IMPORTS” initially was engaged in import of Stainless-Steel Circles from China, but since year 2020 “M/s BM IMPORTS” started import of “Cold Rolled Stainless Steel Coil/strips J3 grade (Ex-stock)” from China and selling the same in local market i.e. Wazirpur Industrial Area; that names of Major Chinese Suppliers are M/s Leo Metals Limited, M/s Guangdong Guangxin Goldtec Holdings Co. Ltd., M/s MCH Steel Industry Co. Ltd. etc.
- that “Cold Rolled Stainless Steel Coil/strips (Ex-stock)”, is a sub-standard Cold Rolled Stainless Steel where amount of Nickel is below 1.5%, Copper below 1.2 %, Chromium less than 16%. He further stated that “Cold Rolled Stainless Steel Coil/Strips J3 Grade” is equivalent to 201 Grade of Stainless Steel which is far below in standards as compared to Cold Rolled Stainless Steel Coils of 304 Grade.
- On
- n being asked to explain the Nickel Chromium Austenitic type stainless steel, he stated that it is a high-grade stainless steel; that “”M/s BM IMPORTS” never imported Nickel Chromium austenitic type Stainless Steel and only imported Grade Cold Rolled Stainless Steel Coil/strip (Ex stock), which was a sub-standard item.
- On
- being asked about the decision to classify the imported goods i.e. “Cold Rolled Stainless Steel Coil/Strips J3 Grade” under CTH-72209022 he stated that during the year 2020, CHA Shri Manoj Rawat of M/s Sahil Logistics Pvt. Ltd. advised him to classify “Cold Rolled Stainless Steel Coil/strips J3 Grade” under CTH 72209022 and since 2021, CHA Shri Jitender Kumar of M/s Shri Balaji Logistics used to instruct him to classify Cold Rolled Stainless Steel Coil/strips J3 Grade under CTH 72209022.
- that his firm “M/s BM IMPORTS” classified the “Cold Rolled Stainless Steel Coil/Strips J3 Grade” under CTH-72209022 to avail 45%

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concession on Basic Customs Duty under Notification 50/2018-Cus dated 30.06.2018 to make the goods competitive in market;

- that as per the documents Custom Tariff Chapter-72, Section -XV and “Stainless Steel Plate, Sheet and Strip specification (first revision)” issued by Bureau of Indian standards (IS 6911:1992) and Tariff of Chapter-72-shown to him, he could say that “Cold Rolled Stainless Steel Coil/Strips J3 Grade” should not be classified under CTH-72209022 as this CTH is for Nickel Chromium Austenitic Type Stainless steel. Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS” also put his dated signature on each page of Custom Tariff Chapter-72, Section -XV (**RUD 21**) & “Stainless Steel Plate, Sheet and Strip specification (first revision)” issued by Bureau of Indian standards (IS 6911:1992) (**RUD-22**), on token of having seen and understood the same.
- that his firm “M/s BM IMPORTS” mis-classified the import goods under CTH 72209022 to avail 45% concession on Customs Duty available under Notification No. 50/2018 dated 30.06.2018 to make the goods competitive in the market. He also put his dated signature on Mill Test Certificates in token of its correctness.
- He further stated that “stainless-steel coil” imported by his firm is “cold-rolled stainless-steel coil” (less than 600MM), which is produced by taking hot rolled steel and letting it cool to room temperature and then passing it through a series of rollers. Thus, it goes through processing of Hot Rolling as well as Cold Rolling.
- That “Stainless-steel coil” imported by his firm are used for manufacturing of utensils only.
- That by going through the above that as imported goods are manufactured by both Hot Rolling and Cold Rolling, therefore they shall be classified under subheading of “others” in CTH 7220, i.e. 7220 90. Further, within the sub-heading 7220 90, there are further categories based on the shape of goods (i.e. skelp or strips) and end use (i.e. used for pipes and tubes). In the instant the goods imported are in Strip form and suitable for manufacturing of utensils not for pipes and tubes. Therefore, they shall be classified under CTH 7220 9090 of “others” category of CTH 7220 90.

9B. Statement dated 27.02.2023 & 19.09.2025 of Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd. (Customs Broker) recorded under Section 108 of Customs Act, 1962 stated that (RUD 23 & 24):

- He along with his wife is director in M/s Sahil Logistics Pvt. Ltd ; that he looks after all the work of M/s Sahil Logistics Pvt. Ltd ;

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- That M/s Sahil Logistics Pvt. Ltd is a freight forwarder, but for some clients it also provides services of Customs Clearances Services through various CHAs all over the India;
- That he knows Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS” since 2015, who provided him the work related to clearance of the goods in r/o M/s BM IMPORTS; that he used to receive the Customs documents from Shri Gagan Sangal on his WhatsApp No. and email ID and sometimes through courier; that he used to forward the same to the concerned CHA;
- that classification of the imported goods i.e. Cold Rolled Stainless Steel under CTH 72209022 was done as per requirement of Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS”; that the decision to classify the impugned goods under CTH 72209022 was on mutual consent between him and Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS”;
- He admitted that classification of imported goods i.e. Cold Rolled Stainless Steel under CTH 72209022 was for availing concessional Customs duty benefits under Notification No.50/2018-Customs dated 30.06.2018; he further admitted that classification of impugned goods under CTH 72209022 was wrong, but he refrained from rectifying the same due to fear of losing his client i.e. “M/s BM IMPORTS”.
- On being shown the copy of Stainless Steel Plate, Sheet and Strip specification (first revision) clauses 7.1 and 7.2 of BIS norms (ISI 6911: 1992) issued by Bureau of Indian standards (IS 6911:1992) he inter-alia stated that as per clauses 7.1 and 7.2 of BIS norms (ISI 6911: 1992) wherein the chemical composition of the Austenitic steel 201 grade is as under:

Numerical symbol ISS/Grade	C	Si	Mn	Ni	Cr	Mo	S max	P max	Others
	.20 max	1.0 max	4.0- 8.0	3.5- 5.5	16.0- 18.0	-	0.030	0.045	N 0.05- 0.2

That as per mill test certificates in respect of the M/s B M Imports, the chemical composition range is as below:

Elements	C	Mn	S	P	Si	Ni	Cr	Cu
Composition in %	0.07- 0.153	10.52- 10.58	0.0017- 0.018	0.034- 0.037	0.32- 0.43	0.81- 1.25	12.52- 13.16	0.67- 0.83

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- That as per the BIS certificate (ISI 6911: 1992) and the Mill Test certificate of the imported goods i.e. cold rolled stainless steel by M/s B M imports, shows that to qualify the category of “Nickel Chromium austenitic type” under CTH 72209022, the chemical composition of the Nickel (Ni) and Chromium (Cr) shall be in the range of 3.5 to 5.5 and 16 to 18 respectively; that however, in case of M/s B M Imports the chemical composition of the Nickel (Ni) and Chromium (Cr) is lower and therefore do not merit classification under CTH 72209022; that it appears that there is misclassification in imports of cold rolled stainless steel by M/s B M Imports and the classification i.e. CTH 72209022 appears to be wrong.

9C. Shri Jitender Kumar, Proprietor of M/s Shri Balaji Logistics in his statement dated 03.10.2023 and 10.09.2025 (Customs Broker) in his statement recorded under Section 108 of Customs Act, 1962 stated that(RUD-25 & 26):

- he never instructed “M/s BM IMPORTS” to classify the imported goods under CTH 72209022; that he used to classify the goods under CTH 72209022 on basis of documents provided by “M/s BM IMPORTS and approval of Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS”;
- On being shown the copy of Stainless Steel Plate, Sheet and Strip specification (first revision) clauses 7.1 and 7.2 of BIS certificate (ISI 6911: 1992) issued by Bureau of Indian standards (IS 6911:1992) he inter-alia stated that as per BIS certificate (ISI 6911: 1992), wherein the chemical composition of the Austenitic steel 201 grade is as under:

Numerical symbol ISS/Grade	C	Si	Mn	Ni	Cr	Mo	S max	P max	Others
	.20 max	1.0 max	4.0- 8.0	3.5- 5.5	16.0- 18.0	-	0.030	0.045	N 0.05- 0.2

That as per the mill test certificates in respect of the firm M/s BM Imports and the chemical composition range is as below:

Elements	C	Mn	S	P	Si	Ni	Cr	Cu
Composition in %	0.0751- 0.149	10.521- 10.56	0.016- 0.019	0.035- 0.037	0.322- 0.437	0.81- 1.2582	12.52- 13.1653	0.67- 0.8388

- That as per the BIS certificate (ISI 6911: 1992) shown and the Mill Test certificate of import of commodity cold rolled stainless steel by M/s BM Imports, shows that to qualify the category of Nickel Chromium austenitic type under CTH 72209022, the chemical composition of the Nickel (Ni) and Chromium (Cr) shall be in the range of 3.5 to 5.5 and 16 to 18; that however, in case of M/s BM imports the chemical composition of the Nickel (Ni) and Chromium (Cr) falls in range of 0.81 to 1.2582 and 12.52 to 13.1653, respectively ; that therefore, the goods imported by BM Imports do not fall under CTH 72209022; that the goods imported by M/s BM Imports had lower concentration of Nickel (Ni) and Chromium (Cr).
- That he was not aware and have no role in misclassification of goods; that he filed the documents before customs provided by M/s BM Imports.

10. Correct classification of imported goods i.e. Cold Rolled Stainless Steel, under CTH 7220 9090:

Classification of import/export goods is governed by the Indian Customs Tariff Act, 1975. The first Schedule specifies the nomenclature that is based on the Harmonized Commodity Description and Coding System generally referred to as "Harmonized System Nomenclature" or simply "HSN", developed by the World Customs Organization (WCO), which is applied uniformly for international trade all over the world.

On Examination of Mill Test Certificates as discussed in Para supra, it appears that M/s BM IMPORTS imported goods i.e. "Cold Rolled Stainless Steel strips/ Coil" -which do not contain Ni and Cr as prescribed under IS 6991:1992 and accordingly do not merit classification under Tariff heading of Austenitic Stainless Steel of Chromium and Nickel type. Further, M/s BM IMPORTS has not correctly mentioned the description of the imported goods at the time of filing of Bills of Entry and have-not mentioned the imported items as 'Nickel chromium austenitic type', rather they have indicated a generic description as 'Cold Rolled Stainless Steel Coils Ex Stock'. This indicated mala fide intention to wrongly avail the benefits of concessional duty under notification 50/2018- Customs which was available in respect of nickel Chromium austenitic type Steel (CTH 72209022).

Further as far as manufacturing process is concerned, the impugned goods i.e. Cold-rolled stainless steels are manufactured through both processing of Hot Rolling and Cold Rolling, therefore, the goods appear to be classifiable under subheading of "**others**" under CTH 7220 i.e. CTH 722090. Further, under CTH 7220, within the sub-heading "7220 90 - other", further classification is based on shape of the imported goods (i.e. skelp or strips) and its end use (i.e. used for pipes and tubes). In the instant

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matter the goods imported are in Coil forms and suitable for manufacturing of utensils, as stated by the importer in his voluntary statement recorded under Section 108 of the Customs Act 1962. Therefore, the imported goods appear to be further classifiable under CTH 7220 9090 - "other" category of CTH 7220 90. Thus, the correct classification of the impugned goods i.e. "Cold Rolled Stainless Steel strips/Coil" appears to be under CTH 7220 9090 and not under CTH 7220 9022, as declared by the importer.

Further, concessional rate of Basic Customs Duty as availed by M/s BM IMPORTS under S. No.734 of Notification No.50/2018-Customs dated 30.06.2018 available for Austenitic Stainless Steel of Chromium and Nickel type under CTH 7220 9022, appears not available for the impugned imported goods i.e. "Cold Rolled Stainless Steel strips/Coil(Ex Stock)" as the correct classification of the impugned goods appears to be under CTH 7220 9090. Therefore, benefit of concessional rate of Basic Customs Duty availed by the M/s BM IMPORTS under S. No.734 of Notification No.50/2018-Customs dated 30.06.2018 appears to have been taken incorrectly.

11. Summary of Investigation:

Thus, investigation of all the evidences retrieved, statements recorded, brought out two major offences under Customs Act 1965, by Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS, in their controlled firms, which are as under:

1. Under-Valuation in importation of Cold Rolled Stainless Steel; and
2. Mis-classification of Cold Rolled Stainless Steel (Ex Stock) under CTH 7220 9022 to avail undue benefits under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018.

12. The main points of investigation have been summarized below:

12.1 Under-valuation in import of Cold Rolled Stainless Steel by Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS":

Investigation revealed that Shri Gagan Sangal, through his firm namely M/s BM IMPORTS was engaged in under-valuation in import of Cold Rolled Stainless Steel, from China; that Modus-operandi emerged to have been used by Shri Gagan Sangal was to declare the impugned goods at under-valued price by using fake/fabricated Invoices –with lower-value, for declaration before Indian Customs to evade appropriate Customs duty.

12.2 Purchase of the impugned goods by M/s BM IMPORTS (Shri Gagan Sangal's Proprietorship Firm) from suspected Common Chinese Suppliers:

Investigation and analyzing the past import data, revealed that from year 2020 onwards, M/s BM IMPORTS imported the impugned goods i.e. Cold Rolled Stainless Steel Coil (of different Grads) from various Chinese suppliers who had a doubtful history of issuing fabricated under-valued invoices namely M/S GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO. LTD, M/s LEO METALS LIMITED, M/s NEWWEI TRADING COMPANY LIMITED, M/s ART STEEL MAGIC CO., LIMITED , M/s FS-ESSENTIAL INTERNATIONAL CO etc.

In the past investigations, genuine invoices-*with actual prices of goods*, have been retrieved; issued by such Chinese suppliers, in which undervaluation in import has been corroborated by price comparison with corresponding Customs Invoices declared which has been found to be lower than genuine invoices.

12.3 Resemblance of Pattern of the transaction value Declared by M/s BM IMPORTS (Shri Gagan Sangal's Proprietorship Firm), which was found to be Under-Valued in previous investigations:

Examination of transaction value declared by above firm for the impugned goods i.e. Cold Rolled Stainless Steel (of different grade), shows resemblance with the transaction value found to be undervalued in prior investigations. On analysis of import data of above firm, it emerged that transaction value declared for the impugned goods i.e. Cold Rolled Stainless Steel of different grades i.e. Grade J3 at a price range of USD 0.75 to 1.1 per KG, which shows similarity with the range of suppressed price found mentioned in fabricated invoices. Further other grades like grade J2 and N1 were also found to be declared at lower prices of USD 1.1 per KG and USD 1.38 per KG, respectively.

In addition, the above transaction value were also found lower than the "Minimum value" of USD 1.14 per KG for J3 grade and USD 1.244 per Kg for Grade J2 and USD 1.413 per KG for grade N1 (discussed in previous paras) which emerged to be under-valued price as per the investigation conducted by DRI as discussed in para supra. Thus, the imports made by M/s BM Imports in the past (2020 onwards), of the impugned goods i.e. Cold Rolled Stainless Steel (Grade J3, Grade J2 and grade N1), also appear to be under-valued.

12.4. Mis-classification of Cold Rolled Stainless Steel (grade J3) under CTH 7220 9022 to avail undue benefits under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018.

M/S BM IMPORTS has not correctly mentioned the description of the imported goods at the time of filing of Bills of Entry and have-not mentioned the imported items as 'Nickel chromium austenitic type', rather the firm have indicated a generic description as 'Cold Rolled Stainless Steel Coils Ex Stock'. This indicate mala fide intention to wrongly avail the benefits of concessional duty under notification 50/2018- Customs which was available in respect of nickel Chromium austenitic type Steel (CTH 72209022). Further, examination of **Mill Test Certificate (MTC)**, also known as a Mill Certificate or a Material Test Report (MTR), a quality assurance document used in the manufacturing and inspection of materials, submitted by M/s BM Imports indicated that the content of Nickel (Ni) and Chromium (Cr) in the imported goods (Cold Rolled Stainless Steel Coil) was not found as per specification required to qualify in any of the two subgroups (200 & 300 Series) of Austenitic stainless steel. Further, M/s BM IMPORTS filed the Bills of Entry under CTH 72209022, i.e. Flat-Rolled Stainless Steel (less than 600MM width) - *Nickel Chromium Austenitic Type*, however, analysis of weight percentage of Nickel (Ni) and Chromium (Cr), manufacturing process and end use of the goods etc., it was revealed that the correct classification of the imported goods should be under CTH 7220 9090 - *–others*". Therefore, the imported goods by M/S BM IMPORTS do not merit classification under **CTH -72209022** i.e. Flat-Rolled Stainless Steel (less than 600MM width) - *Nickel Chromium Austenitic Type*. Thus, 45% concession on Basic Customs Duty under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018 availed by above firm is also wrong and appears to be not available to it.

12.5 Statements of Shri Gagan Sangal (Proprietor of M/s BM IMPORTS:

Shri Gagan Sangal Proprietor of M/s BM IMPORTS in his statements accepted mis-classification of the impugned goods under CTH 72209022 to avail undue benefits under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018. Further, on aspect of undervaluation in import of impugned goods by M/s BM IMPORTS, Shri Gagan Sangal could not give any satisfactory reply on why transaction values of his firm from suspected Chinese supplier was at similar range which was found to be under-valued in the past investigations; that these Chinese suppliers had been found accused of

issuing under-valued invoices to other firms; that the transaction value for the impugned goods (for different grades) declared by M/s BM IMPORTS was found to be lower than the "Actual Value" derived on the basis the investigation conducted by DRI in the past and as mentioned in para supra of this notice. In addition, the explanation provided by Shri Gagan Sangal that the goods were actually defective goods, appears to be an afterthought; that the importer also did not have any documents in support of his claim.

13. LEGAL PROVISIONS:

- A) Section 2 (39) of Customs Act defines "smuggling", "in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113;**
- B) [(3A) "b"neficial owner" "eans any person on whose behalf the goods are being imported or exported or who exercises effective control over the goods being imported or exported;]**
- C) (26) "i"porter" "n relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes 22 [any owner, beneficial owner] or any person holding himself out to be the importer;**
- D) Section 14: Valuation of goods.**

(1r the purposes of the Customs Tariff Act, 1975 (51 of 1975), or any other law for the time being in force, the value of the imported goods and export goods shall be the transaction value of such goods, that is to say, the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, or as the case may be, for export from India for delivery at the time and place of exportation, where the buyer and seller of the goods are not related and price is the sole consideration for the sale subject to such other conditions as may be specified in the rules made in this behalf:

(18) Provided that such transaction value in the case of imported goods shall include, in addition to the price as aforesaid, any amount paid or payable for costs and services, including commissions and brokerage, engineering, design work, royalties and licence fees, costs of transportation to the place of importation, insurance, loading, unloading and handling charges to the extent and in the manner specified in the rules made in this behalf:

Provided further that the rules made in this behalf may provide for,-

(ie circumstances in which the buyer and the seller shall be deemed to be related;

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(18) (ii) the manner of determination of value in respect of goods when there is no sale, or the buyer and the seller are related, or price is not the sole consideration for the sale or in any other case;

(iii) the manner of acceptance or rejection of value declared by the importer or exporter, as the case may be, where the proper officer has reason to doubt the truth or accuracy of such value, and determination of value for the purposes of this section:

Provided also that such price shall be calculated with reference to the rate of exchange as in force on the date on which a bill of entry is presented under section 46, or a shipping bill of export, as the case may be, is presented under section 50.

(2) Notwithstanding anything contained in sub-section (1), if the Board is satisfied that it is necessary or expedient so to do, it may, by notification in the Official Gazette, fix tariff values for any class of imported goods or export goods, having regard to the trend of value of such or like goods, and where any such tariff values are fixed, the duty shall be chargeable with reference to such tariff value.

Explanation.-For the purposes of this section-

(a) "rate of exchange" means the rate of exchange-

(i) determined by the Board, or

(ii) ascertained in such manner as the Board may direct, for the conversion of Indian currency into foreign currency or foreign currency into Indian currency;

(b) "foreign currency" and "Indian currency" have the meanings respectively assigned to them in clause (m) and clause (q) of section 2 of the Foreign Exchange Management Act, 1999 (42 of 1999).

E] Section 28. Recovery of duties not levied or not paid or short-levied or short-paid] or erroneously refunded. -

(1) Where any duty has not been levied or not paid or short-levied or short-paid] or erroneously refunded, or any interest payable has not been paid, part-paid or erroneously refunded, for any reason other than the reasons of collusion or any willful mis-statement or suppression of facts,-

(a) proper officer shall, within two years from the relevant date, serve notice on the person chargeable with the duty or interest which has not been so levied or paid or which has been short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice;

(18) Provided that before issuing notice, the proper officer shall hold pre-notice consultation with the person chargeable with duty or interest in such manner as may be prescribed;]

(b) the person chargeable with the duty or interest, may pay before service of notice under clause (a) on the basis of,-

- (i) his own ascertainment of such duty; or
- (ii) the duty ascertained by the proper officer,

the amount of duty along with the interest payable thereon under section 28AA or the amount of interest which has not been so paid or part-paid.

7[**Provided** that the proper officer shall not serve such show cause notice, where the amount involved is less than rupees one hundred.]

(2) The person who has paid the duty along with interest or amount of interest under clause (b) of sub-section (1) shall inform the proper officer of such payment in writing, who, on receipt of such information, shall not serve any notice under clause (a) of that sub-section in respect of the duty or interest so paid or any penalty leviable under the provisions of this Act or the rules made thereunder in respect of such duty or interest:

Provided that where notice under clause (a) of sub-section (1) has been served and the proper officer is of the opinion that the amount of duty along with interest payable thereon under section 28AA or the amount of interest, as the case may be, as specified in the notice, has been paid in full within thirty days from the date of receipt of the notice, no penalty shall be levied and the proceedings against such person or other persons to whom the said notice is served under clause (a) of sub-section (1) shall be deemed to be concluded.

(3) Where the proper officer is of the opinion that the amount paid under clause (b) of sub-section (1) falls short of the amount actually payable, then, he shall proceed to issue the notice as provided for in clause (a) of that sub-section in respect of such amount which falls short of the amount actually payable in the manner specified under that sub-section and the period of 9[two years] shall be computed from the date of receipt of information under sub-section (2).

(4) Where any duty has not been 10[levied or not paid or has been short-levied or short-paid] or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of,-

- (a) collusion; or

(b) any wilful mis-statement; or

(c) suppression of facts,

by the importer or the exporter or the agent or employee of the importer or exporter, the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been 11[so levied or not paid] or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.

(5) Where any 12[duty has not been levied or not paid or has been short-levied or short paid] or the interest has not been charged or has been part-paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts by the importer or the exporter or the agent or the employee of the importer or the exporter, to whom a notice has been served under sub-section (4) by the proper officer, such person may pay the duty in full or in part, as may be accepted by him, and the interest payable thereon under section 28AA and the penalty equal to 13 [fifteen per cent.] of the duty specified in the notice or the duty so accepted by that person, within thirty days of the receipt of the notice and inform the proper officer of such payment in writing.

(6) Where the importer or the exporter or the agent or the employee of the importer or the exporter, as the case may be, has paid duty with interest and penalty under sub-section (5), the proper officer shall determine the amount of duty or interest and on determination, if the proper officer is of the opinion-

(i) if the duty with interest and penalty has been paid in full, then, the proceedings in respect of such person or other persons to whom the notice is served under sub-section (1) or sub-section (4), shall, without prejudice to the provisions of sections 135, 135A and 140 be deemed to be conclusive as to the matters stated therein; or

(18) (ii) that the duty with interest and penalty that has been paid falls short of the amount actually payable, then, the proper officer shall proceed to issue the notice as provided for in clause (a) of sub-section (1) in respect of such amount which falls short of the amount actually payable in the manner specified under that sub-section and the period of 14 [two years] shall be computed from the date of receipt of information under sub-section (5).

(7) In computing the period of two years referred to in clause (a) of sub-section (1) or five years referred to in sub-section (4), the period during which there was any stay by an order of a court or tribunal in respect of payment of such duty or interest shall be excluded.

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(7A). Save as otherwise provided in clause (a) of sub-section (1) or in sub-section (4), the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed, and the provisions of this section shall apply to such supplementary notice as if it was issued under the said sub section (1) or sub-section (4).]

(8) The proper officer shall, after allowing the concerned person an opportunity of being heard and after considering the representation, if any, made by such person, determine the amount of duty or interest due from such person not being in excess of the amount specified in the notice.

(9) The proper officer shall determine the amount of duty or interest under sub-section (8),-

(a) within six months from the date of notice, 17 [***] in respect of cases falling under clause (a) of sub- section (1);

(b) within one year from the date of notice, 17 [***] in respect of cases falling under sub-section (4).

Provided that where the proper officer fails to so determine within the specified period, any officer senior in rank to the proper officer may, having regard to the circumstances under which the proper officer was prevented from determining the amount of duty or interest under sub-section (8), extend the period specified in clause (a) to a further period of six months and the period specified in clause (b) to a further period of one year:

Provided further that where the proper officer fails to determine within such extended period, such proceeding shall be deemed to have concluded as if no notice had been issued.

(9A) Notwithstanding anything contained in sub-section (9), where the proper officer is unable to determine the amount of duty or interest under sub-section (8) for the reason that-

(a) an appeal in a similar matter of the same person or any other person is pending before the Appellate Tribunal or the High Court or the Supreme Court; or

(b) an interim order of stay has been issued by the Appellate Tribunal or the High Court or the Supreme Court; or

(c) the Board has, in a similar matter, issued specific direction or order to keep such matter pending; or

(d) the Settlement Commission has admitted an application made by the person concerned, the proper officer shall inform the person concerned the

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reason for non determination of the amount of duty or interest under sub-section (8) and in such case, the time specified in sub-section (9) shall apply not from the date of notice, but from the date when such reason ceases to exist.]

(10) Where an order determining the duty is passed by the proper officer under this section, the person liable to pay the said duty shall pay the amount so determined along with the interest due on such amount whether or not the amount of interest is specified separately.

(10A) Notwithstanding anything contained in this Act, where an order for refund under sub-section (2) of section 27 is modified in any appeal and the amount of refund so determined is less than the amount refunded under said sub-section, the excess amount so refunded shall be recovered along with interest thereon at the rate fixed by the Central Government under section 28AA, from the date of refund up to the date of recovery, as a sum due to the Government.

(10B) A notice issued under sub-section (4) shall be deemed to have been issued under sub-section (1), if such notice demanding duty is held not sustainable in any proceeding under this Act, including at any stage of appeal, for the reason that the charges of collusion or any wilful mis-statement or suppression of facts to evade duty has not been established against the person to whom such notice was issued and the amount of duty and the interest thereon shall be computed accordingly.

11 Notwithstanding anything to the contrary contained in any judgement, decree or order of any court of law, tribunal or other authority, all persons appointed as officers of Customs under sub-section (1) of section 4 before the 6th^{day} of July, 2011 shall be deemed to have and always had the power of assessment under section 17 and shall be deemed to have been and always had been the proper officers for the purposes of this section.]

Explanation 1 . - -or the purposes of this section, "relevant date" means,-

(a) in a case where duty is 21[not levied or not paid or short-levied or short-paid], or interest is not charged, the date on which the proper officer makes an order for the clearance of goods;

(b) in a case where duty is provisionally assessed under section 18, the date of adjustment of duty after the final assessment thereof or re-assessment, as the case may be;

(c) in a case where duty or interest has been erroneously refunded, the date of refund;

(d) in any other case, the date of payment of duty or interest.

Explanation 2 . - -or the removal of doubts, it is hereby declared that any non-levy, short-levy or erroneous refund before the date on which the Finance Bill, 2011 receives the assent of the President, shall continue to be governed by the provisions of section 28 as it stood immediately before the date on which such assent is received.]

22[**Explanation 3** . - -or the removal of doubts, it is hereby declared that the proceedings in respect of any case of non-levy, short-levy, non-payment, short-payment or erroneous refund where show cause notice has been issued under sub-section (1) or sub-section (4), as the case may be, but an order determining duty under sub-section (8) has not been passed before the date on which the Finance Bill, 2015 receives the assent of the President, shall, without prejudice to the provisions of sections 135, 135A and 140, as may be applicable, be deemed to be concluded, if the payment of duty, interest and penalty under the proviso to sub-section (2) or under sub-section (5), as the case may be, is made in full within thirty days from the date on which such assent is received.]

23[**Explanation 4** - -or the removal of doubts, it is hereby declared that notwithstanding anything to the contrary contained in any judgment, decree or order of the Appellate Tribunal or any Court or in any other provision of this Act or the rules or regulations made thereunder, or in any other law for the time being in force, in cases where notice has been issued for non-levy, short-levy, non-payment, short payment or erroneous refund, prior to the 29th day of March, 2018 (13 of 2018), being the date of commencement of the Finance Act, 2018, such notice shall continue to be governed by the provisions of section 28 as it stood immediately before such date.]

F) Section 28AA. Interest on delayed payment of duty. -

18) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made thereunder, the person, who is liable to pay duty in accordance with the provisions of section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub-section (2), whether such payment is made voluntarily or after determination of the duty under that section.

(1) Interest at such rate not below ten per cent. and not exceeding thirty-six per cent. per annum, as the Central Government may, by notification in the Official Gazette, fix, shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to

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have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty.

(2) Notwithstanding anything contained in sub-section (1), no interest shall be payable where,-

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(a) the duty becomes payable consequent to the issue of an order, instruction or direction by the Board under section 151A; and

(b) [the amount of duty is voluntarily paid in full, within forty-five days from the date of issue of such order, instruction or direction, without reserving any right to appeal against the said payment at any subsequent stage of such payment.]

G.) Section 46. Entry of goods on importation. -

-1) The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically on the customs automated system to the proper officer a bill of entry for home consumption or warehousing in such form and manner as may be prescribed :

Provided that the Principal Commissioner of Customs or Commissioner of Customs] may, in cases where it is not feasible to make entry by presenting electronically on the customs automated system, allow an entry to be presented in any other manner:

Provided further that if the importer makes and subscribes to a declaration before the proper officer, to the effect that he is unable for want of full information to furnish all the particulars of the goods required under this sub-section, the proper officer may, pending the production of such information, permit him, previous to the entry thereof (a) to examine the goods in the presence of an officer of customs, or (b) to deposit the goods in a public warehouse appointed under section 57 without warehousing the same.

(2) Save as otherwise permitted by the proper officer, a bill of entry shall include all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.

(3) The importer shall present the bill of entry under sub-section (1) before the end of the day (including holidays) preceding the day on which the aircraft or vessel or vehicle carrying the goods arrives at a customs station at which such goods are to be cleared for home consumption or warehousing:

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Provided that the Board may, in such cases as it may deem fit, prescribe different time limits for presentation of the bill of entry, which shall not be later than the end of the day of such arrival:

Provided further that a bill of entry may be presented at any time not exceeding thirty days prior to the expected arrival of the aircraft or vessel or vehicle by which the goods have been shipped for importation into India: **Provided** also that where the bill of entry is not presented within the time so specified and the proper officer is satisfied that there was no sufficient cause for such delay, the importer shall pay such charges for late presentation of the bill of entry as may be prescribed.

(4e importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, and such other documents relating to the imported goods as may be prescribed.

(4A) The importer who presents a bill of entry shall ensure the following, namely:-

- (a) the accuracy and completeness of the information given therein;
- (b) the authenticity and validity of any document supporting it; and
- (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

(5 the proper officer is satisfied that the interests of revenue are not prejudicially affected and that there was no fraudulent intention, he may permit substitution of a bill of entry for home consumption for a bill of entry for warehousing or vice versa.

H) Section 111. Confiscation of improperly imported goods, etc.

The following goods brought from a place outside India shall be liable to confiscation: -

(ay goods imported by sea or air which are unloaded or attempted to be unloaded at any place other than a customs port or customs airport appointed under clause (a) of section 7 for the unloading of such goods;

(by goods imported by land or inland water through any route other than a route specified in a notification issued under clause (c) of section 7 for the import of such goods;

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(cy dutiable or prohibited goods brought into any bay, gulf, creek or tidal river for the purpose of being landed at a place other than a customs port;

(dy goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;

(ey dutiable or prohibited goods found concealed in any manner in any conveyance;

(f) any dutiable or prohibited goods required to be mentioned under the regulations in an 1 [arrival manifest or import manifest] or import report which are not so mentioned;

(g) any dutiable or prohibited goods which are unloaded from a conveyance in contravention of the provisions of section 32, other than goods inadvertently unloaded but included in the record kept under sub-section (2) of section 45;

(h) any dutiable or prohibited goods unloaded or attempted to be unloaded in contravention of the provisions of section 33 or section 34;

(iy dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;

(j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the permission of the proper officer or contrary to the terms of such permission;

(k) any dutiable or prohibited goods imported by land in respect of which the order permitting clearance of the goods required to be produced under section 109 is not produced or which do not correspond in any material particular with the specification contained therein;

(l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;

(m) 2[any goods which do not correspond in respect of value or in any other particular] with the entry made under this Act or in the case of baggage with the declaration made under section 77 3 [in respect thereof, or in the

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case of goods under trans-shipment, with the declaration for trans-shipment referred to in the proviso to sub-section (1) of section 54];

(n) any dutiable or prohibited goods transited with or without trans-shipment or attempted to be so transited in contravention of the provisions of Chapter VIII;

(o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer;

(p) any notified goods in relation to which any provisions of Chapter IVA or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.

(q) any goods imported on a claim of preferential rate of duty which contravenes any provision of Chapter VAA or any rule made thereunder.

I) SECTION 112. Penalty for improper importation of goods, etc.-

Any person, -

(a), in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

shall be liable, -

(i) the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty 1 [not exceeding the value of the goods or five thousand rupees], whichever is the greater;

(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher :

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Provided that where such duty as determined under sub-section (8) of section 28 and the interest payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent. of the penalty so determined;]

- (iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty 4 [not exceeding the difference between the declared value and the value thereof or five thousand rupees], whichever is the greater;]
- (iv) in the case of goods falling both under clauses (i) and (iii), to a penalty 5 [not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest;
- (v) in the case of goods falling both under clauses (ii) and (iii), to a penalty 6 [not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest.]

J) Section 114A. Penalty for short-levy or non-levy of duty in certain cases.

Where the duty has not been levied or has been short-levied or the interest has not been charged or paid or has 2 [****]been part paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, as the case may be, as determined under 3 [sub-section (8) of section 28] shall also be liable to pay a penalty equal to the duty or interest so determined:

4 [**Provided** that where such duty or interest, as the case may be, as determined under 3 [sub-section (8) of section 28], and the interest payable thereon under section 5 [28AA], is paid within thirty days from the date of the communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent of the duty or interest, as the case may be, so determined:

Provided further that the benefit of reduced penalty under the first proviso shall be available subject to the condition that the amount of penalty so determined has also been paid within the period of thirty days referred to in that proviso :

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Provided also that where the duty or interest determined to be payable is reduced or increased by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, then, for the purposes of this section, the duty or interest as reduced or increased, as the case may be, shall be taken into account:

Provided also that in case where the duty or interest determined to be payable is increased by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, then, the benefit of reduced penalty under the first proviso shall be available if the amount of the duty or the interest so increased, along with the interest payable thereon under section 5 [28AA], and twenty-five percent of the consequential increase in penalty have also been paid within thirty days of the communication of the order by which such increase in the duty or interest takes effect :

Provided also that where any penalty has been levied under this section, no penalty shall be levied under section 112 or section 114.

Explanation. - -or the removal of doubts, it is hereby declared that -

-ie provisions of this section shall also apply to cases in which the order determining the duty or interest 3 [sub-section (8) of section 28] relates to notices issued prior to the date* on which the Finance Act, 2000 receives the assent of the President;

(ii) any amount paid to the credit of the Central Government prior to the date of communication of the order referred to in the first proviso or the fourth proviso shall be adjusted against the total amount due from such person.]

K) Section 114AA. Penalty for use of false and incorrect material. -

-if a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.

L) Further, vide Finance Act, 2011 w.e.f. 08.04.2011 “Self-Assessment” has been introduced under the Customs Act, 1962.

Section 17 of the said Act provides for self-assessment of duty on import and export goods by the importer or exporter himself by filing a bill of entry or shipping bill as the case may be, in the electronic form, as per Section 46 or 50 respectively. Thus, under self-assessment, it is the importer or exporter who will ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption

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notification claimed, if any in respect of the imported/ exported goods while presenting Bill of Entry or Shipping Bill.

M) Customs Valuation (Determination of Value of Imported Goods) Rules,2007:

.....

3.termination of the method of valuation.-

(1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;

(2) Value of imported goods under sub-rule (1) shall be accepted: Provided that –

(a) there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which –

(i) are imposed or required by law or by the public authorities in India; or

(ii) limit the geographical area in which the goods may be resold; or

(iii) do not substantially affect the value of the goods;

(b) sale or price is not subject to some condition or consideration for which a value cannot be determined in respect of the goods being valued;

(c) no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of rule 10 of these rules; and

(d) the buyer and seller are not related, or where the buyer and seller are related, that transaction value is acceptable for customs purposes under the provisions of sub-rule (3) below.

(3) (a) Where the buyer and seller are related, the transaction value shall be accepted provided that the examination of the circumstances of the sale of the imported goods indicate that the relationship did not influence the price.

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(b) In a sale between related persons, the transaction value shall be accepted, whenever the importer demonstrates that the declared value of the goods being valued, closely approximates to one of the following values ascertained at or about the same time.

- (i) the transaction value of identical goods, or of similar goods, in sales to unrelated buyers in India;*
- (ii) the deductive value for identical goods or similar goods;*
- (iii) the computed value for identical goods or similar goods:*

Provided that in applying the values used for comparison, due account shall be taken of demonstrated difference in commercial levels, quantity levels, adjustments in accordance with the provisions of rule 10 and cost incurred by the seller in sales in which he and the buyer are not related;

substitute values shall not be established under the provisions of clause (b) of this sub-rule.

(4 the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through rule 4 to 9.

4. Transaction value of identical goods. –

(1)(a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;

Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.

(b) In applying this rule, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the value of imported goods.

(c) Where no sale referred to in clause (b) of sub-rule (1), is found, the transaction value of identical goods sold at a different commercial level or in different quantities or both, adjusted to take account of the difference attributable to commercial level or to the quantity or both, shall be used, provided that such adjustments shall be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustments, whether such adjustment leads to an increase or decrease in the value.

(2) Where the costs and charges referred to in sub-rule (2) of rule 10 of these rules are included in the transaction value of identical goods, an adjustment shall be made, if there are significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and means of transport.

(3 applying this rule, if more than one transaction value of identical goods is found, the lowest such value shall be used to determine the value of imported goods.

5. Transaction value of similar goods.-

(1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued:

Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.

(2) The provisions of clauses (b) and (c) of sub-rule (1), sub-rule (2) and sub-rule (3), of rule 4 shall, mutatis mutandis, also apply in respect of similar goods.

6. Determination of value where value cannot be determined under rules 3, 4 and 5.-

If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 or, when the value cannot be determined under that rule, under rule 8.

Provided that at the request of the importer, and with the approval of the proper officer, the order of application of rules 7 and 8 shall be reversed.

7. Deductive value.-

(1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions : -

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- (i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;
- (ii) the usual costs of transport and insurance and associated costs incurred within India;
- (iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

(2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.

(3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.

(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).

8. Computed value.- Subject to the provisions of rule 3, the value of imported goods shall be based on a computed value, which shall consist of the sum of:-

- (a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;
- (b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;
- (c) the cost or value of all other expenses under sub-rule (2) of rule 10.

9. Residual method.-

(1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the

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principles and general provisions of these rules and on the basis of data available in India;

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

(2) No value shall be determined under the provisions of" "his rule on the basis of –

- (i) the selling price in India of the goods produced in India;*
- (ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;*
- (iii) the price of the goods on the domestic market of the country of exportation;*
- (iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;*
- (v) the price of the goods for the export to a country other than India;*
- (vi) minimum customs values; or*
- (vii) arbitrary or fictitious values.*

14. REJECTION OF THE TRANSACTION VALUE DECLARED BY M/S BM IMPORTS, UNDER RULE 12 OF CUSTOMS VALUATION RULES 2007:

14.1 From the investigation and evidences discussed above, it has inter alia emerged that the actual price of the goods was significantly higher than declared by M/s BM Imports; that undervaluation of impugned goods appears to have been done in the Bills of entry by way of submission of forged and fabricated invoices with an intent to illegally evade payment of appropriate Customs duty ; that Shri Gagan Sangal, Proprietor of “M/s BM IMPORTS”, instead of declaring the correct transaction value at the landing port, resorted to wilfully suppressing the actual value of goods. Hence, the declared value of the impugned goods is not the correct transaction value at which the said goods have been purchased by the importer from the suspected Chinese suppliers including others Chinese suppliers where the import value found similar with the prices found mentioned in fabricated invoices, which emerged to be under-valued price as per the investigation conducted by DRI in case referred to in para supra of this notice; hence, the declared value of the goods is not the correct transaction value at which the said goods have been

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purchased by the importer from the overseas Chinese suppliers. Therefore, the declared transaction value of the impugned goods is liable to be rejected.

14.2. Further, in terms of Section 14 of the Customs Act, 1962, the value of the imported goods shall be the transaction value that is to say that price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, subject to such other conditions as may be specified in this behalf by the rules made in this regard.

14.3 Further, in accordance with such provisions, Central Government has made Customs Valuation (Determination of value of imported goods) Rules, 2007 (herein after referred to as "CVR 2007"). Further, as per Rule 3 of the CVR, 2007, the transaction value of imported goods shall be the price actually paid or payable for the goods when sold for export. The evidences and voluntary statements recorded under Section 108 of Customs Act, 1962 discussed herein foregoing paras have strongly suggested that the values declared in relation to the impugned goods i.e. Cold Rolled Stainless Steel coils(Ex Stock) are not the correct value and the same are liable to be rejected in terms of Rule 12 of the Customs Valuation (Determination of value of Imported Goods) Rules, 2007.

14.3.(a) Rule 3 (1) of the CVR, 2007 lays down that the value of the imported goods shall be the transaction value adjusted in accordance with provisions of Rule 10 CVR 2007. Further Rule 2(g) of CVR 2007 defines transaction value as the value referred to in sub-section (1) of Section 14 of the Customs Act 1962.

Rule 13 of the CVR, 2007 lays down that the interpretative notes specified in the Schedule to these rules shall apply for the interpretation of these rules. The interpretative note to Rule 3 provides that price actually paid or payable is the total payment made or to be made by the buyer to or for the benefit of the seller for the imported goods.

14.4. On a combined reading of the Section 14 ibid & the CVR 2007, it appears that customs duty is payable on transaction value that is to say that:

- (1) Price actually paid or payable for the goods i.e. the total payment made by the buyer
- (2) When sold for export to India for delivery
- (3) At the time and place of importation

14.5. It appears that in terms of Rule 3 of the CVR 2007 read with Section 14 of the Customs Act, 1962 and the schedule to the valuation rules (CVR 2007), the actual price paid or payable for the impugned goods, should have formed

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part of the assessable value for the purpose of calculation of Customs duty as the same is the actual transaction value of the imported goods.

14.6. It appears that the values declared by the importer are not the correct values and are liable to be rejected in terms of Rule 12 of the Customs Valuation Rules, 2007, as M/s BM Imports appears to have indulged in mis-declaration of value of the goods and have used fraudulent and manipulated documents [explanation 1(iii) (d) & (f) of Rule 12 CVR 2007]. Rule 12(1) provides that in such cases it shall be deemed that the transaction value cannot be determined under the provisions of sub- Rule 1 of Rule 3.

14.7. From the foregoing, there appears sufficient reason to believe that the value of the impugned items declared by M/s BM Imports in the respective Bills of Entry are not the actual transaction values and the same appear liable to be rejected in terms of rule 12 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

**15. RE-DETERMINATION OF VALUE OF THE IMPUGNED GOODS
UNDER THE CUSTOMS VALUATION (DETERMINATION OF VALUE OF
IMPORTED GOODS) RULES, 2007:**

Further, the value of import consignments appears liable to be re-determined under Customs Valuation (Determination of value of imported goods) Rules, 2007. Further, in terms of Rule 3 (4) of the said rules, the value has to be re-determined by proceeding sequentially through Rule 4 to 9.

15.1. Application of Rule 4 of CVR, 2007:

Rule 4 of the Valuation Rules, 2007 provides that the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued. However, the following conditions as per Rule 4 read with Rule 2(1)(d) of the Valuation Rules, 2007 must be satisfied by the 'identical goods', before their value can be used as a basis for determining the correct values of the goods in question. Thus, the identical goods should be:

- i. which are same in all respects, including physical characteristics, quality and reputation as the goods being valued except for minor differences in appearance that do not affect the value of the goods;
- ii. produced in the country in which the goods being valued were produced; and
- iii. produced by the same person who produced the goods, or where no such goods are available, goods produced by a different person;

The value of the Cold Rolled Stainless Steel Coils depends upon number of factors including their constituents, width, thickness, surface finish, etc.

Further, the nature of goods varies greatly in physical characteristics due to their composition, quality, reputation etc. In the absence of correct composition, surface finish etc., it is not feasible to identify the 'identical goods' (which satisfied the above criteria) imported by the other importers during contemporaneous time for comparing the value declared by the other importers vis a vis value declared by the instant importer. Hence, it would not be proper to determine the value of the goods under Rule 4 of the CVR 2007

15.2. Application of Rule 5 of CVR, 2007:

15.2.1. Rule 5 of the Valuation Rules, 2007 provides that the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued. However, the following conditions as per Rule 5 read with Rule 2(l)(f) of the Valuation Rules, 2007 must be satisfied by the 'similar goods', before their value can be used as a basis for determining the correct values of the goods in question. Thus, the 'similar goods', should be :

- i) which although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable with the goods being valued having regard to the quality, reputation and the existence of trade mark;
- ii) produced in the country in which the goods being valued were produced; and
- iii) produced by the same person who produced the goods being valued, or where no such goods are available, goods produced by a different person,

This provision ensures a logical, consistent, and legally sound framework for valuation in complex import scenarios. In the instant case, the availability of 'similar goods', from the same suppliers, provides a practical and justifiable route for determining customs value. Firstly, while the imported goods may not be 'identical' due to their diverse physical features, their functional interchangeability, commercial comparability, and availability in the same market segment often qualify them as "similar goods" under the definitions provided in the Valuation Rules. These goods may serve similar purposes and cater to the same consumer base. Therefore, though minor distinctions exist, their economic value and utility are sufficiently aligned, allowing reasonably rely on their transaction values for valuation purposes. Secondly, the availability of similar goods simplifies the valuation process significantly. In an increasingly globalized trading environment, firms often engage with the same suppliers for a variety of goods with marginal differences. This commercial reality results in a rich repository of invoices and import records, providing multiple reference points for similar transactions. Such documentation enhances transparency, traceability, and accuracy in customs assessment, reinforcing the legitimacy of values derived through comparison. Moreover, using the transaction value of similar goods is not only procedurally

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permissible but also equitable. It ensures that the valuation reflects a price actually paid or payable for comparable merchandise under comparable conditions. This deters undervaluation and promotes a level playing field for all importers, as duties are levied based on fair market benchmarks rather than arbitrary estimations. Lastly, the presence of multiple retrieved (genuine) invoices pertaining to the same suppliers or suppliers from same country dealing in similar goods further strengthens the application of Rule 5. These invoices reflect genuine pricing trends and reduce anomalies during valuation. **Therefore, use of these retrieved genuine invoices appears justifiable to arrive at a reliable and verifiable valuation for the impugned goods, even in the absence of a direct transaction value for the impugned goods in question.** In the instant case, the impugned goods have the same description (i.e. J3/J2,N1, Ex stock) as that of the goods mentioned in the retrieved invoices and have been imported from the same set of Chinese suppliers who have been identified as suspicious suppliers in the past investigation. Further, the impugned goods have been imported at or about the same time as that in the retrieved invoices and have like characteristics and are commercially interchangeable with the goods mentioned in the retrieved invoices. Therefore, it appears that the impugned goods are similar goods with the goods mentioned in the retrieved invoices thus meriting the use of rule 5 of the valuation rules for arriving at the redetermined prices.

15.2.2. Accordingly, valuation of the imported goods, imported at or around the same time as that of the genuine retrieved invoices) by M/s BM Imports, in terms of Rule 5 of the valuation rules, has been arrived at as follows:

- In those imports, where importer has imported the Cold Rolled Stainless Steel coils (Ex stock) (Grade J3 /J2/N1 in instant matter) from a suspected Chinese supplier(i.e supplier belonging to the list of 18 Chinese Suppliers as identified under para 2 of this notice) and a genuine invoice from that suspected Chinese supplier for the same grade (i.e. Grade J3 /J2/N1) is available, the valuation for these imports is determined based on the lowest-value mentioned in the all genuine invoice for that grade of cold rolled stainless steel, issued by that suspected Chinese supplier(namely- FOSHAN WEN ZHI YUAN TRADING CO., FOSHAN XUANZHENG TRADING CO. LTD., FS-ESSENTIAL INTERNATIONAL CO., GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO. LTD, HUAYE INTERNATIONAL DEVELOPMENT (HK) LIMITED, JIAYOA(HONGKONG) INTERNATIONAL GROUP LIMITED, LEO METALS LIMITED and NEWWEI TRADING COMPANY LIMITED).
- In those imports, where the importer has imported goods of a particular grade (Grade J3 /J2/N1 in instant case) and where genuine invoice of that suspected Chinese supplier are not

available, then for valuation purpose, genuine invoice available having the lowest value of that particular grade, among all the suspected Chinese supplier, has been taken to arrive at the redetermined value.

16. Role of Key Persons and Analysis and findings:

From the investigation conducted in the case and from the facts and records, evidences have come on record from which it appears that:

A) Shri Gagan Sangal, through his proprietorship firm namely M/s B M Imports, imported under-valued goods namely coils of cold rolled stainless steel, by using fabricated invoices; that Shri Gagan Sangal appears to in hand and glove with Chinese suppliers and manipulated and forged the import invoices and declared them before Customs; that the importer could not provide any satisfactory answer as to why the price of his imported goods shows same price pattern which was found under-valued as per Genuine Invoices retrieved by DRI in past investigations; that the statements of Shri Gagan Sangal, that the prices were on lower side as imported goods were being defective, is not tenable and appears to be an afterthought; that the importer could not provide any documents in support of his claim; that Shri Gagan Sangal appears to have meticulously planned the unscrupulous modus-operandi to defraud the government by not declaring the correct value of the imported goods and consequently paid/attempted to pay lesser Customs duty on import of the goods.

Further, Shri Gagan Sangal also mis-declared the correct classification of the impugned goods under CTH 72209022 and wrongly availed the benefit (at Sr. No.734) under Notification No.50/2018-Customs dated 30.06.2018; evidences on records suggested that mis-declaration of description and mis-classification of goods in the import documents viz. Bills of Entry presented by "M/s BM IMPORTS" before the Customs authorities, was done on the directions of Shri Gagan Sangal; that Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS" was aware that the consignments, imported by "M/s BM IMPORTS" were actually Cold Rolled Stainless Steel /strips Coils falling under CTH 72209090, which is evident from his voluntary statements recorded under Section 108 of the Customs Act 1962. Further, "M/s BM IMPORTS" received the Mill Test Report (MTC), wherein the elemental composition of Stainless Steel was eligible to be classified under CTH 72209090 but Shri Gagan Sangal, instructed Customs broker to file the Bills of entries under CTH 72209022 to avail concessional benefits illegally, available under Notification No. 50/2018-Customs dated 30.06.2018.

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Ongoing through the above, that Shri Gagan Sangal through his firm M/s B M Imports had been involved in under-valuation and misclassification of the impugned goods over the years with an intent to evade payment of appropriate customs duty; that in terms of Section 46(4), the importer, while presenting the Bill of Entry shall make and subscribe to a declaration as the truth of the contents of such Bill of Entry and shall, in support of such declaration, produce to the proper officer, the invoice, if any, relating to the imported goods. In view of the above, it appears that that Shri Gagan Sangal Proprietor of M/s B M Imports have violated the provisions of Section 46 of the Customs Act, 1962 by mis-declaring the value and description of the goods. Thus, Shri Gagan Sangal appear to have violated the provisions of Section 46(4) of the Customs Act in as much as he has undervalued and mis-declared the description of the goods imported by him in his firm M/s B M Imports, thus, consequently rendered himself liable for penalty under Section 114A and/or 112(a)&(b) and Section 114AA Section of the Customs Act, 1962.

- B) Shri Manoj Rawat, through his firm M/s Director M/s Sahil Logistics Pvt. Ltd. provided Customs Clearances Services and freight forwarding services to M/s BM Imports; that he assisted in a way in the act of mis-declaration of the goods in terms of description of the imported goods; that he and Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS through mutual consultations and agreement, wrongly declared the impugned goods under CTH 72209022; that he did not protest the act of mis-declaration due to fear of losing of his client; that as per his statements recorded under Section 108 of the Customs Act, he was aware that the goods being imported by M/s BM IMPORTS were mis-declared; thus, due to his act of omission and commission he has rendered himself liable to penalty under Section 112 (a)&(b) and Section 114AA of Customs Act 1962.
- C) Shri Jitender Kumar of M/s Shri Balaji Logistics, handled the Customs clearance of consignments imported by M/s BM Imports by filing Bills of Entry under CTH 72209022 on the instructions and documents provided by the importer. Although Shri Jitender Kumar admitted to filing documents as per the directions of the importer, he also acknowledged that the chemical composition of the imported goods did not qualify as Nickel-Chromium Austenitic Stainless Steel under CTH 72209022. By failing to exercise due diligence and knowingly filing incorrect classification leading to mis declaration and wrongful availment of Notification 50/2018- Customs benefit, M/s Shri Balaji Logistics is complicit in the misclassification of goods and has rendered himself liable for penal action under Section 112(a)&(b) and Section 114AA of the Customs Act, 1962.

17. Applicability of Section 28(4) of the Customs Act, 1962:

17.1. In the present case, it is evident that the actual facts were known to Shri Gagan Sangal Proprietor of M/s B M Imports; that Shri Gagan Sangal had knowingly and deliberately indulged in suppression of facts and wilfully misrepresented/mis-stated the material facts in contravention of the provisions of Section 46(4) of the Customs Act, 1962 read with other provisions mentioned at para supra. In terms of Section 46(4) of Customs Act, 1962, the importer was required to make a declaration as to truth of the contents of the Bills of Entry submitted for assessment of Customs duty. For these contraventions and violations, the goods fall under the ambit of 'smuggled goods' within the meaning of Section 2(39) of the Customs Act, 1962, and are liable for confiscation under the provisions of Section 111(m) and 111(o) of the Customs Act, 1962.

17.2. It further emerged that mis-declaration in valuation and mis classification of the impugned goods in the import documents viz. Bills of Entry, import invoices etc. presented by M/s B M Imports, before the Customs authorities, were done by Shri Gagan Sangal in order to avoid appropriate levy of Customs duty on the actual transaction value.

17.3 All the aforesaid acts of omissions and commissions on the part of M/s B M Imports have rendered the imported goods liable for confiscation under Section 111 (m) and 111(o) of the Customs Act, 1962, and consequently rendered M/s B M Imports liable for penalty under Section 112 of the Customs Act, 1962. Further, acts of Shri Gagan Sangal, who knowingly and intentionally prepared/got prepared, signed/got signed and used the declaration, statements and/or documents presented the same to the Customs authorities, which were incorrect in as much as they were not representing the true, correct and actual value of the imported goods, has rendered himself liable for penalty under section 114AA of the Customs Act, 1962. Shri Gagan Sangal has also violated the provisions of Section 17 and 46 of the Customs Act, 1962. Therefore, the duty not paid/short paid is liable to be recovered from M/s B M Imports by invoking the extended period of five years as per Section 28(4) of the Customs Act, 1962, in as much as the duty is short paid on account of wilful mis-statement as narrated above.

17.4 Thus, the instant case appears to fall squarely within the ambit of Section 28(4) of Customs Act, 1962, and the differential duty appears liable to be demanded as per the extended period clause contained therein, and accordingly, M/s B M Imports also appear liable for penalty under Sec 114A of Customs Act 1962.

17.5: Compliance of Section 28BB of the Customs Act 1962:

In the instant case, the competent authority has duly extended the time limit on 20.12.2024, for completion of investigation, to a further period of one year under proviso to sub section (1) of Section 28BB of the Customs Act 1962.

18. Voluntary Deposits made by Shri Gagan Sangal Proprietor of "M/s B M Imports":-

During the course of investigation "M/s BM IMPORTS" has voluntarily made part payment against their differential duty liabilities amounting to Rs.25 Lakh that arose due to mis-declaration of the impugned goods imported by his firm, as detailed below:

Table 06

Sno	Amount	DD/cheque no and date	Challan no	Rud no
1	Rs. 15,00,000/-	No 506805 dated 15.02.2023	TR-6 Challan No. 95 dated 12.04.2023	RUD 27
2	Rs. 10,00,000/-	No 506720 dated 19.05.2023	TR-6 Challan No. 651 dated 07.07.2023	
Total	Rs 25,00,000/-			

Further, vide letter dated 16.02.2023 (**RUD- 28**) addressed to the Director General, DRI (Hqrs.), New Delhi, Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS" has submitted that amount of Rs 15 Lakhs deposited vide ICICI bank DD bearing No 5066805 dated 15.02.2023 drawn in favour of Commissioner of Customs, Mundra may be treated as under protest. However, subsequently, during his voluntary statement dated 23.03.2023, Shri Gagan Sangal, when asked to comment on his letter dated 16.02.2023 had stated that he wrote the letter dated 16.02.2023 on the basis of legal advice of his advocate, which he understand is contrary to his earlier statement dated 15.02.2023 and he request that the same (i.e his letter dated 16.02.2023) may kindly be withdrawn. He also stated that he understood that the goods i.e Cold Rolled Stainless Steel Coil J3 Grade was not classifiable under CTH-72209022 and in import of goods in M/s BM Imports, the goods i.e. Cold Rolled Stainless Steel was classified under this CTH i.e. 72209022 to avail undue benefit of SAPTA under notification 50/2018 dated 30.06.2018 to make the price of goods competitive in market.

19. Calculation of Duty:

The value of goods declared by the importer M/s B M Imports, has been rejected on the basis of investigation and re-determination of value of the goods have been done as per para supra. Further concessional duty benefits availed under S.No. 734 of Notification No. 50/2018-Customs 30.06.2018 has also been denied, as the same not available on impugned goods, as discussed

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in detail in paras supra. Therefore, the calculation of duty with respect to M/s B M Imports are tabulated below:

19A. CALCULATION OF DUTY FOR M/S B M IMPORTS :-

Total duty liability on account of under-valuation and wrongful availment of concessional duty benefits under s.no.734 of notification no. 50/2018-customs dated 30.06.2018(BE wise detailed computation of duty is as per Annexure X):

Summary of Annexure X:

Sr . N o.	Ports / ICDs	ASSESSABLE VALUE DECLARED BY THE IMPORTER (RS.)	DUTY PAID (RS.)	ASSESSABLE VALUE RE-DETERMINED (RS.)	DUTY PAYABLE (RS.)	Customs Duty Short paid/ to be recovered (Rs.) (Col 6-Col 4)
1	INMUN1	52,60,70,184	14,94,42,954	73,50,01,683	21,84,90,223	6,90,47,269
	TOTAL	52,60,70,184	14,94,42,954	73,50,01,683	21,84,90,223	6,90,47,269

Accordingly, the differential Customs duty amounting to **Rs. 6,90,47,269/-** as indicated in **Annexure-X** to the SCN is liable to be recovered from M/s B M Imports, under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28 AA ibid.

Further, details of Bills of Entry where undue benefits under S.no.734 of notification no. 50/2018-customs dated 30.06.2018 have been taken and the imported goods merits reclassification under CTH 72209090, has been detailed in **ANNEXURE Y**.

Charging Section:

20. Now, therefore Shri Gagan Sangal, Proprietor of M/s. B M Imports (IEC No.0514044594) registered office at B-28/3, Basement, Wazirpur Industrial Area, New Delhi is hereby called upon to show cause to the Pr. Commissioner/Commissioner, Mundra Customs within 30 days from the receipt of this Notice as to why:

i) The declared assessable value of Rs. 52,60,70,184/- of the imported goods should not be rejected under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules 2007 and re-determined as Rs. 73,50,01,683/-, in terms of Rule 5 of the Customs Valuation

(Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962;

- ii) The classification of the impugned goods under CTH 72209022 in the Bills of Entry (as per Annexure-Y) should not be rejected and benefit of notification 50/2018-Customs dated 30.06.2018 should not be denied and accordingly, imported goods should not be re-classified under CTH 72209090;
- iii) The goods at (i) above should not be held liable for confiscation under Section 111(m) of the Customs Act 1962.
- iv) The goods at (ii) above should not be held liable for confiscation under 111(m)&(o) of the Customs Act 1962.
- v) The differential duty of Rs. **6,90,47,269** /- (as per **Annexure X**) on account of under-valuation and wrongful availment of concessional duty benefits under S.No.734 of notification no. 50/2018-customs dated 30.06.2018, should not be demanded and recovered from him under Section 28(4) of the Customs act 1962;
- vi) An amount of Rs. 25,00,000/- deposited during the investigation should not be appropriated and adjusted towards the duty/interest/other adjudication levies.
- vii) Interest under Section 28AA of the Customs Act, 1962 as applicable, should not be demanded and recovered from him.
- viii) Penalty should not be imposed upon M/s BM Imports under Section 114AA, Section 114A and/or Section 112(a)&(b) of Customs Act 1962 for an act of omission and commission discussed in the foregoing paras.

21. Now, therefore, Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd is hereby called upon to Show Cause in writing to the Pr. Commissioner of the Customs, O/o the Principal Commissioner of Customs, Custom House, Mundra Port (INMUN1), Gujarat within 30 days from the date of receipt of this notice, as to why:

- i) the Penalty should not be imposed upon him under Section 112 (a)&(b) and Section 114AA of Customs Act for his act of omissions and commissions as discussed in foregoing paras

22. Now, therefore, Shri Jitender Kumar of M/s Shri Balaji Logistics, (Customs Broker) is hereby called upon to Show Cause in writing to the Pr. Commissioner of the Customs, O/o the Principal Commissioner of Customs, Custom House, Mundra Port (INMUN1), Gujarat within 30 days from the date of receipt of this notice, as to why:

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- i) the Penalty should not be imposed upon him under Section 112 (a)&(b) and Section 114AA of the Customs Act for his act of omissions and commissions as discussed in foregoing paras

23. The Noticees should state in their written reply to this notice as to whether they desire to be heard in person. If no reply to this notice is received from them within 30 days from the date of receipt of this notice or if they fail to appear for the personal hearing on the date and time intimated to them, the case is liable to be decided *ex parte* based on evidences available on record without any further reference to them.

24. This notice is issued without prejudice to any other action that may be taken against the Noticees or any other person(s) under the provisions of the Customs Act, 1962 and the Rules & Regulations made thereunder or any other law for the time being in force.

25. The Department reserves its rights to add, alter, amend, modify or supplement this Notice at any time on the basis of any evidence, material facts related to import of goods in question, which may come to the notice of the department after issuance of this notice and prior to the adjudication of the case. Further, this Show Cause Notice is only with respect to the issue in the instant case and the department reserves the right to issue Show Cause Notice on other issues relation to "M/s BM Imports". This Show Cause Notice is issued without prejudice to any other action that may be taken against the persons/firms mentioned herein or any other person under the Customs Act, 1962 or any other law for the time being in force.

26. A copy of this Show Cause Notice is also e-mailed to the noticees as under at their email ID in terms of clause (C) of sub-section 1 of Section 153 of the Customs Act, 1962, so that such service through e-mail shall be deemed to have been received by the noticees in terms of clause (C) of sub-section 1 of section 153 of the Customs Act 1962,

Encl.: As above.

(Nitin Saini)
Commissioner of Customs

To:

- i) M/s BM Imports (IEC No.0514044594), B-28/3, Basement, Wazirpur Industrial Area, New Delhi; (Email gagansangal2014@gmail.com, bmimports2014@gmail.com)
- ii) Shri Gagan Sangal, Proprietor of "M/s BM Imports", A-253, 2nd Floor, Meera Bagh, Paschim vihar, Delhi-110087; Email gagansangal2014@gmail.com)

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- iii) Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd., WZ-1390/14B, 2nd Floor, Pankha Road, Nangal Raya, New Delhi-110046; Email-sahillogisticspvtltd12@gmail.com)
- iv) Shri Jitender Kumar of M/s Shri Balaji Logistics, No.602, B-5 Tower, Palm Grove Heights, Ardee Mall, Ardee City, Sector-52, Wazirabad, Gurgaon, Haryana-122003 Email- jitensehgal@gmail.com)

Copy to:

- i) The Pr. Additional Director General, Directorate of Revenue Intelligence (Hqrs.), 7th Floor, I.P. Bhawan, I.P. Estate, New Delhi.
- ii) The Additional Director (CI), Directorate of Revenue Intelligence (Hqrs.), 7th Floor, I.P. Bhawan, I.P. Estate, New Delhi.
- iii) The Superintendent (EDI), Mundra Customs for uploading on the website.

List of documents relied upon in this SCN:

Table-07

RUD No.	Description of Document
RUD No 1	Record of all proceedings
RUD No 1A	Retrieved genuine invoices in Past Investigation
RUD No 2	Statement of Vijay Goel, dated 16.11.2022, Controller of "M/s Mahadev ji exports"
RUD No 3	Statement of Vijay Goel, dated 17.11.2022, Controller of "M/s Mahadev ji exports"
RUD No 4	Statement of Pranshu Goel, dated 16.11.2022, Proprietor of "M/s Mahadev ji exports"
RUD No 5	Statement of Shri Deepak Jindal, dated 15.12.2023, proprietor of M/s Seeno Stainless Steel
RUD No 6	Statement of Shri Deepak Jindal, dated 06.02.2024, proprietor of M/s Seeno Stainless Steel

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RUD No 7	Statement of Shri Sandeep Garg, dated 15.12.2023, proprietor of M/s S S Enterprises
RUD No 8	Statement of Shri Sandeep Garg, dated 06.02.2024, proprietor of M/s S S Enterprises
RUD No 9	Statement of Shri Vikas Jindal, dated 13.02.2024, proprietor of M/s Royal Steel Trading
RUD No 10	Statement of Shri Gaurav Jindal dated 09.01.2024, proprietor of M/s Gemini Metal Corporation
RUD No 11	Statement of Shri Gaurav Jindal dated 04.03.2024, proprietor of M/s Gemini Metal Corporation
RUD No 12	OIO NO. MCH/ADC/AKM/258/2024-25 dated 20.01.2025 in respect of M/s Mahadev ji exports and others
RUD No 13	OIO no MUN-CUSTM-000-COM-33-25-26 dated 06.11.2025 in respect of M/s Mahadev ji exports and others
RUD No 14	OIO No. KOL/CUS/Commissioner /Port/Adjn/22/2025 in respect of Gemini Metal Corporation dated 16.06.2025
RUD No 15	Statement of Shri Gagan Sangal Proprietor of "M/s B M Imports dated 19.09.2024
RUD No 16	MTC certificates
RUD No 17	Statement of Shri Gagan Sangal Proprietor of "M/s B M Imports dated 15.02.2023
RUD No 18	Statement of Shri Gagan Sangal Proprietor of "M/s B M Imports dated 23.03.2023
RUD No 19	Statement of Shri Gagan Sangal Proprietor of "M/s B M Imports dated 19.05.2023
RUD No 20	Statement of Shri Gagan Sangal Proprietor of "M/s B M Imports dated 05.02.2024
RUD No 21	Custom tariff Section -XV

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RUD No 22	Stainless Steel Plate, Sheet and Strip specification (first revision) Bureau of Indian standards (IS 6911:1992)
RUD No 23	Statement of Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd. Dated 27.02.2023
RUD No 24	Statement of Shri Manoj Rawat, Director M/s Sahil Logistics Pvt. Ltd. Dated 19.09.2025
RUD No 25	Statement of Shri Jitender Kumar of M/s Shri Balaji Logistics dated 03.10.2023
RUD No 26	Statement of Shri Jitender Kumar of M/s Shri Balaji Logistics dated 10.09.2025
RUD No 27	Details of challan
RUD No 28	letter dated 16.03.2023 of Shri Gagan Sangal, Proprietor of "M/s BM IMPORTS"