	OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, MP & SEZ MUNDRA, KUTCH-GUJARAT प्रधान आयुक्त का कार्यालय,सीमा शुल्क सदन, एमपी और एसईजेड, मुंद्रा, कच्छ-गुजरात -370421 EMAIL: group5-mundra@gov.in	

F.

No. CUS/APR/MISC/2679/2024-Gr 5-6-O/o Pr Commr-Cus-Mundra-Part(6) **Date: 03-06-2026**

SCN No.-72/2026-27/ADC/ZDC/MCH

SHOW CAUSE NOTICE

(ISSUED UNDER SECTION 28(4) OF CUSTOMS ACT, 1962)

M/s A. Dayal Drilling Private Limited (IEC- 0805008616) having its registered office at Shree Hari Darshan Plotting, Survey Opp. NKR Factory, GIDC, Phase IV, V, Ahmedabad – 382445, (hereinafter referred to as *"the importer"* for sake of brevity), had filed Bills of Entry as detailed in Table-I for import of goods declared as "Parts of Rock Breaker" and "Hydraulic Breakers and Spare Parts" under Customs Tariff Heading (CTH) 84314910 of the First Schedule to the Customs Tariff Act, 1975, and availed 20% BCD concession under Sr. No. 995 of Notification No. 50/2018-Customs dated 30.06.2018, as amended.

2. During scrutiny under LAR No. 11/2022-23, Para 20 (OBS-477673), it was noticed that the importer had misclassified the imported goods under CTH 84314910, thereby wrongly availing the notification benefit and resulting in short levy of Basic Customs Duty (BCD). Audit observed that the goods imported vide BE No. 4649276 dated 12.07.2021 and BE No. 4802168 dated 24.07.2021 do not merit classification under CTH 84314910 (Parts of road rollers) and are correctly classifiable under CTH 84314990 (Others), attracting BCD without any notification concession.

3. Details of Bills of Entry and Goods Imported –

TABLE – I : Details of Bills of Entry

Sr. No.	BE NO	BE Date	Item Description	Inv No	Item No	CTH	Assess Value(Item)	Duty(Item) @ 25.788%	Duty leviable @27.735%	Differential duty payable
1	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 140X1300SB81 (30 NOS) -	1	1	84314910	3,25,614.64	83,969.50	90,309.22	6,339.72
2	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 100X1000SB50 (30 NOS) -	1	2	84314910	1,42,169.77	36,662.70	39,430.79	2,768.09
3	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 75X750SB43 (30 PCS) -	1	3	84314910	68,791.83	17,740.10	19,079.41	1,339.31
			ROCK BREAKER							

4	4649276	12-07-2021	SPARESCHISEL 40CR 155X1500SB121 (10 NOS) -	1	5	84314910	1,71,979.56	44,350.10	47,698.53	3,348.43
5	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 135X1300DEMO210 (20 NOS) -	1	6	84314910	2,10,961.60	54,402.80	58,510.20	4,107.40
6	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 140X1300DEM0230 (5 NOS) -	1	7	84314910	54,269.11	13,994.90	15,051.54	1,056.64
7	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 105X1000DMB140 (10 NOS) -	1	8	84314910	49,682.98	12,812.30	13,779.57	967.27
8	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 100X1000SAGA120 (5 NOS) -	1	9	84314910	24,841.49	6,406.10	6,889.79	483.69
9	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 135X1300HM2180 (7 NOS) -	1	10	84314910	73,836.56	19,041.00	20,478.57	1,437.57
10	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR 135X1250ADD215 (10 NOS) -	1	11	84314910	1,05,480.80	27,201.40	29,255.10	2,053.70
11	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR113X1100ADH80 (5 NOS) -	1	12	84314910	32,485.03	8,377.20	9,009.72	632.52
12	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR145X1300HB2000 (2 NOS) -	1	13	84314910	25,835.15	6,662.40	7,165.38	502.98
13	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR95X1000SB452 (3 NOS) -	1	14	84314910	14,216.98	3,666.30	3,943.08	276.78
14	4649276	12-07-2021	ROCK BREAKER SPARESCHISEL 40CR99X990ADD552 (5 NOS) -	1	15	84314910	23,694.96	6,110.50	6,571.80	461.30
15	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRDEMO210 (2 NOS) -	1	17	84314910	70,320.53	18,134.20	19,503.40	1,369.20
16	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRALICON210 (1 NOS) -	1	18	84314910	35,160.27	9,067.20	9,751.70	684.50
17	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRDEMO140 (2 PCS) -	1	19	84314910	68,180.34	17,582.30	18,909.82	1,327.52

18	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRMB1500 (2 NOS) -	1	20	84314910	70,320.53	18,134.20	19,503.40	1,369.20
19	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRSAGA210 (2 NOS) -	1	21	84314910	70,320.53	18,134.20	19,503.40	1,369.20
20	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRSB121 (1 NOS) -	1	22	84314910	52,358.22	13,502.10	14,521.55	1,019.45
21	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRSB43 (5 NOS) -	1	23	84314910	61,148.29	15,768.90	16,959.48	1,190.58
22	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRSB40 (5 NOS) -	1	24	84314910	43,950.33	11,333.90	12,189.62	855.72
23	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRADD80 (1 NOS) -	1	25	84314910	37,606.20	9,697.90	10,430.08	732.18
24	4649276	12-07-2021	ROCK BREAKER SPARESFRONT HEAD 40CRADD60 (1 NOS) -	1	26	84314910	35,160.27	9,067.20	9,751.70	684.50
25	4649276	12-07-2021	ROCK BREAKER SPARESPISTON SB121 (2 NOS) -	1	27	84314910	45,861.22	11,826.80	12,719.61	892.81
26	4649276	12-07-2021	ROCK BREAKER SPARESPISTON SAGA210 (2 NOS) -	1	28	84314910	24,459.32	6,307.70	6,783.79	476.09
27	4649276	12-07-2021	ROCK BREAKER SPARESPISTON ALICON210 (2 NOS) -	1	29	84314910	24,459.32	6,307.70	6,783.79	476.09
28	4649276	12-07-2021	ROCK BREAKER SPARESPISTON DEMO210 (2 NOS) -	1	30	84314910	24,459.32	6,307.70	6,783.79	476.09
29	4649276	12-07-2021	ROCK BREAKER SPARESPISTON DEMO140 (2 NOS) -	1	31	84314910	15,287.07	3,942.20	4,239.87	297.67
30	4649276	12-07-2021	ROCK BREAKER SPARESPISTON ADD2180 (2 NOS) -	1	32	84314910	25,835.15	6,662.40	7,165.38	502.98
31	4649276	12-07-2021	ROCK BREAKER SPARESTHROUGHT BOLT 40CRHM2180 (10 NOS) -	1	34	84314910	19,108.84	4,927.80	5,299.84	372.04
32	4649276	12-07-2021	ROCK BREAKER SPARESTHROUGHT BOLT 40CRSB81 "X" TYPE (10 NOS -)	1	36	84314910	22,166.25	5,716.30	6,147.81	431.51
33	4649276	12-07-2021	ROCK BREAKER SPARESTHROUGHT BOLT 40CRSB121 (10 NOS) -	1	37	84314910	22,930.61	5,913.30	6,359.80	446.50
		12-	ROCK BREAKER							

34	4649276	07-2021	SPARESROD PIN WITH HOLESB81 (20 NOS) -	1	38	84314910	15,287.07	3,942.20	4,239.87	297.67
35	4649276	12-07-2021	ROCK BREAKER SPARESROD PIN NEWHM2180 (30 NOS) -	1	39	84314910	41,275.10	10,644.10	11,447.65	803.55
36	4649276	12-07-2021	ROCK BREAKER SPARESROD PIN OLDHM2180 (30 NOS) -	1	40	84314910	29,809.79	7,687.40	8,267.75	580.35
37	4649276	12-07-2021	ROCK BREAKER SPARESROD PIN NOHOLESB121 (10 NOS) -	1	41	84314910	8,407.89	2,168.20	2,331.93	163.73
38	4649276	12-07-2021	ROCK BREAKER SPARESSIDE BOLT 40CRSB121 (10 NOS) -	1	42	84314910	11,847.48	3,055.20	3,285.90	230.70
39	4649276	12-07-2021	ROCK BREAKER SPARESSIDE BOLT 40CRSB81 (30 NOS) -	1	43	84314910	22,930.61	5,913.30	6,359.80	446.50
40	4649276	12-07-2021	ROCK BREAKER SPARESSIDE BOLT 40CRSB50 (30 NOS) -	1	44	84314910	12,382.53	3,193.30	3,434.29	240.99
41	4649276	12-07-2021	ROCK BREAKER SPARESSIDE BOLT 40CRSB43 (10 NOS) -	1	45	84314910	2,980.98	768.80	826.77	57.97
42	4649276	12-07-2021	ROCK BREAKER SPARESSIDE BOLT 40CRSB40 (10 NOS) -	1	46	84314910	2,293.06	591.40	635.98	44.58
43	4649276	12-07-2021	ROCK BREAKER SPARESBUSH SET 40CRSB121 (5 NOS) -	1	47	84314910	34,395.91	8,870.10	9,539.71	669.61
44	4649276	12-07-2021	ROCK BREAKER SPARESGAS CHARGING VALVE SOOSAN (200 NOS) -	1	48	84314910	15,287.07	3,942.20	4,239.87	297.67
45	4649276	12-07-2021	ROCK BREAKER SPARESSTOP PIN20X220 (200 NOS) -	1	50	84314910	15,287.07	3,942.20	4,239.87	297.67
46	4649276	12-07-2021	ROCK BREAKER SPARESSTOP PIN17X170 (200 NOS) -	1	51	84314910	15,287.07	3,942.20	4,239.87	297.67
47	4649276	12-07-2021	ROCK BREAKER SPARESSTOP PINDEMO210 (100 NOS) -	1	52	84314910	7,643.54	1,971.10	2,119.94	148.84
48	4649276	12-07-2021	ROCK BREAKER SPARESSTOP PINDEMO140 (100 NOS) -	1	53	84314910	7,643.54	1,971.10	2,119.94	148.84
49	4649276	12-07-2021	ROCK BREAKER SPARESSTOP PIN SB121 (30 NOS) -	1	54	84314910	2,293.06	591.40	635.98	44.58
50	4649276	12-07-2021	ROCK BREAKER SPARESSPANNER70MM (10 NOS) -	1	55	84314910	6,573.44	1,695.10	1,823.14	128.04

51	4649276	12-07-2021	ROCK BREAKER SPARESSPANNER65MM (10 NOS) -	1	56	84314910	6,573.44	1,695.10	1,823.14	128.04
52	4649276	12-07-2021	ROCK BREAKER SPARESGAS CHARGING KIT WITH BOX SOOSAN (SPARES - NO.13) (30 NOS)	1	57	84314910	19,491.02	5,026.30	5,405.83	379.53
53	4649276	12-07-2021	ROCK BREAKER SPARESGAS CHARGING KIT WITH BOX DEMO (SPARES NO - .14) (30 NOS)	1	58	84314910	49,300.81	12,713.60	13,673.58	959.98
54	4802168	24-07-2021	HYDRAULIC BREAKER MODEL NO.SHAKTI1800HD - SILENCE TYPE (2 P - CS)	1	1	84314910	8,36,825.61	2,15,800.60	2,32,093.58	16,292.98
55	4802168	24-07-2021	HYDRAULIC BREAKER MODEL NO.SHAKTI2900 - SILENCE TYPE (2 PCS -)	1	2	84314910	12,55,238.41	3,23,700.90	3,48,140.37	24,439.47
56	4802168	24-07-2021	HYDRAULIC BREAKER MODEL NO.ADD140 - SILENCE TYPE (8 PCS) -	3	1	84314910	22,43,300.76	5,78,502.40	6,22,179.47	43,677.07
57	4802168	24-07-2021	SIDE BOLT MODEL NO.SB43 - BANANA TYPE (30 PCS) -	3	2	84314910	10,270.13	2,648.40	2,848.42	200.02
58	4802168	24-07-2021	INNER PLATE MODEL NO.SB43 - BANANA TYPE (6 PCS) -	3	3	84314910	14,606.41	3,766.70	4,051.09	284.39
59	4802168	24-07-2021	CYLINDER MODEL NO.SB40 - SILENCED TYPE (1 PCS) -	3	4	84314910	28,908.51	7,455.00	8,017.78	562.78
60	4802168	24-07-2021	PISTON MODEL NO.SB81 - SILENCED TYPE (1 PCS) -	3	5	84314910	15,215.01	3,923.70	4,219.88	296.18
			TOTAL				68,24,308.39	17,59,853.30	18,92,721.93	1,32,868.63

4. LAR Observations

During the course of Audit under Para 20 of LAR No. 11/2022-23, the following discrepancy and misclassification were pointed out:

4.1 BE No. 4649276 dated 12.07.2021 and BE No. 4802168 dated 24.07.2021:

4.1.1 The goods imported vide these Bills of Entry were declared as "Parts of Rock Breaker" / "Hydraulic Breakers and Spare Parts" and classified under CTH **84314910** — "Parts suitable for use solely or principally with road rollers, mechanically propelled" — attracting total duty at the concessional rate of **25.788%** by availing the benefit of 20% BCD concession under **Sr. No. 995 of Notification No. 50/2018-Customs dated 30.06.2018** (as amended). The said notification grants concession of 20% on BCD payable to all goods falling under CTH 84314910 originating from China.

4.1.2 A scrutiny of the Customs Tariff Act, 1975 (First Schedule) reveals the following Tariff Items under Heading 8431:

> *8431 49 10 — Parts suitable for use solely or principally with road rollers, mechanically propelled*
>
> *8431 49 90 — Other*

4.1.3 The goods imported by the importer are admittedly "Parts of Rock Breaker" — Chisels, Pistons, Front Heads, Through Bolts, Rod Pins, Side Bolts, Bush Sets, Gas Charging Valves, Stop Pins, Spanners, Gas Charging Kits — and Hydraulic Breakers (SHAKTI1800HD, SHAKTI2900, ADD140 — Silence Type), which are not parts of road rollers, mechanically propelled. Rock breakers/hydraulic breakers are attachments used with excavators and construction equipment for breaking rocks and concrete, entirely distinct from road rollers. Therefore, the imported goods do not merit classification under CTH 84314910, which is specifically reserved for parts of road rollers. The correct classification of the said goods is under CTH 84314990 (Others), on which no concessional BCD rate is available under the aforesaid Notification. The applicable duty on goods classifiable under CTH 84314990 is 27.735% (without any notification concession).

4.1.4 This misclassification resulted in wrongly availing the benefit of 20% BCD concession under Sr. No. 995 of Notification No. 50/2018-Customs dated 30.06.2018, and paying total duty at the concessional rate of 25.788% instead of the applicable rate of 27.735%, thereby causing a short levy of duty of Rs. 1,32,869/- (Rupees One Lakh Thirty-Two Thousand Eight Hundred Sixty-Nine only), as calculated in Table-II below.

5.1 It is further submitted that the classification of the impugned goods is governed by the General Rules for the Interpretation of Import Tariff (GIR). As per Rule 1 of GIR, classification shall be determined according to the terms of the headings and any relevant Section or Chapter Notes. The relevant excerpt from the GIR is produced as below:

> *"1. The titles of Sections, Chapters and sub-Chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes and, provided such headings or Notes do not otherwise require, according to the following provisions."*

5.2 Heading 8431 covers "parts suitable for use solely or principally with the machinery of headings 8425 to 8430." Within this heading, tariff item 84314910 specifically covers parts suitable for use solely or principally with road rollers, mechanically propelled. In the present case, the imported goods such as chisels, pistons, front heads, bolts, and other components are admittedly parts of hydraulic rock breakers, which are attachments used with excavators and not with road rollers. Since the goods are not solely or principally suitable for use with road rollers, they do not satisfy the specific description under CTH 84314910. Consequently, by application of GIR Rule 1, and in the absence of a more specific entry, the goods are appropriately classifiable under the residual tariff item 84314990 — "Other." Further, Rule 3(a) of GIR also supports this view, as a specific description (parts of road rollers) must prevail over a general one, and where such specificity is not met, classification defaults to the appropriate residual entry. Hence, the impugned goods merit classification under CTH 84314990.

6. Differential Duty Calculation

TABLE – II : Short Levy of BCD — Calculation

Sr. No.	BE No.	BE Date	No. of Items	Assessable Value (Rs.)	BCD Paid @ 25.788% (Rs.)	BCD Leviable @ 27.735% (Rs.)	Differential Duty (Short Levy) (Rs.)
1	4649276	12.07.2021	53	24,19,944/-	6,24,056/-	6,71,171/-	47,116/-
2	4802168	24.07.2021	7	44,04,365/-	11,35,798/-	12,21,551/-	85,753/-
	TOTAL		**60**	**68,24,309/-**	**17,59,854/-**	**18,92,722/-**	**1,32,869/-**

The differential duty thus works out to Rs. 1,32,869/- (Rupees One Lakh Thirty-Two Thousand Eight Hundred Sixty-Nine only). The said amount is recoverable from the importer under section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962.

7. Relevant provisions of the Customs Act, 1962 related to filling Bill of Entry and confiscation and seizure of the imported goods are reproduced herein under:

As per Section 2 (23*), import, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;*

As per Section 2 (25*), imported goods means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption;*

As per Section 2 (26), ***importer****, in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes, any owner, beneficial owner or any person holding himself out to be the importer*

Section 17. Assessment of duty. –

1. *An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods*
(4) Where it is found on verification, examination or testing of the goods or otherwise that the self- assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods

Section 28. Recovery of duties not levied or not paid or shortlevied or short-paid or erroneously refunded. –

(4) Where any duty has not been [10][levied or not paid or has been shortlevied 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.

Section 28AA. Interest on delayed payment of duty. –

1. *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.*
2. *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 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.*

Section 46. Entry of goods on importation. -

(4) The importer while presenting a bill of entry shall [12][* *] 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, [13][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.]*

Section 111. Confiscation of improperly imported goods, etc. –

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

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 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:

Relevant portion of the Notification No. 50/2018 dated 30.06.2018:

G.S.R.(E).-In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962)and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 72/2005-Customs, dated the 22ndJuly, 2005, published in the Gazette of India, Extraordinary, vide number G.S.R.497(E), dated the 22ndJuly, 2005, the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the goods of the description specified in column (3) of the Table hereto annexed and falling under the Chapter, Heading No., Sub-heading No. or tariff item of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975)and specified in the corresponding entry in column (2) of the said Table, -

(a) in the case of goods specified in Part A of the said Table, when imported into India from a country listed in APPENDIX I hereto annexed;

Table

Sr. No.	***Chapter, Heading No., Sub-Heading No., or tariff item***	***Description of goods***	***Extent of tariff concession (percentage of applied rate of duty; %)***
		PART A	
995	*84314910*	*All Goods*	*20*

Appendix I	
Sr. No.	***Country***
1	*Bangladesh*
2	*People's Republic of China*
3	*Republic of Korea*
4	*Shri Lanka*

8. In view of the above, it appears that the importer/noticee has wilfully mis-stated the facts and wrongly classified the goods imported vide Bill of Entry Nos. 4649276 dated 12.07.2021 and 4802168 dated 24.07.2021 under CTH 84314910, thereby wrongly availing the benefit of concessional Basic Customs Duty under Sr. No. 995 of Notification No. 50/2018-Customs dated 30.06.2018, as amended, whereas the said goods, being parts of rock breakers/hydraulic breakers such as chisels, pistons, front heads, bolts, pins and other components are correctly classifiable under CTH 84314990 attracting higher rate of duty without any notification benefit. It is evident that the importer was fully aware of the true nature and usage of the goods, which are specifically designed for use with rock breakers and excavator-mounted hydraulic attachments and not with road rollers, mechanically propelled. However, the importer deliberately classified the goods under the specific entry meant for parts of road rollers with an intent to avail ineligible concessional rate of duty.

The importer ought to have known that when a specific tariff entry restricts classification to parts suitable for use with road rollers, goods meant for entirely different machinery cannot be classified therein and must fall under the residual category CTH 84314990. With the introduction of self-assessment under Section 17 of the Customs Act, 1962, the importer is under a legal obligation to correctly assess the duty leviable on imported goods. However, in the present case, the importer has deliberately misused the facility of self-assessment by misdeclaring the classification of the goods and wrongly availing notification benefit, thereby evading payment of appropriate Customs duty. Therefore, it appears that the importer has wilfully violated the provisions of Section 17(1) of the Act and also contravened the provisions of Section 46(4) and Section 46(4A) of the Act by failing to ensure accuracy and correctness of the declarations made in the Bills of Entry. The acts of omission and commission on the part of the importer amount to wilful mis-statement and suppression of facts with intent to evade payment of Customs duty, rendering the goods liable for confiscation under Section 111(m) of the Customs Act, 1962 and making the importer liable for penalty under Section 114A of the Customs Act, 1962.

9. In view of the foregoing, M/s A. Dayal Drilling Private Limited (IEC-0805008616), having its registered office at Shree Hari Darshan Plotting, Survey Opp. NKR Factory, GIDC, Phase IV, V, Ahmedabad – 382445, are hereby called upon to show cause to the Additional Commissioner of Customs, Custom House, Mundra, within 30 (thirty) days from the date of receipt of this notice, as to why –

(i) The goods imported under BE No. 4649276 dated 12.07.2021 and BE No. 4802168 dated 24.07.2021 should not be re-classified under CTH 84314990 (Other Parts) of the First Schedule to the Customs Tariff Act, 1975.

(ii) The differential duty works out to Rs. 1,32,869/- (Rupees One Lakh Thirty-Two Thousand Eight Hundred Sixty-Nine only) should not be demanded and recovered under Section 28(4) of the Customs Act, 1962 along with the interest under Section 28AA of the Customs Act, 1962.

(iii) The goods imported under the said two Bills of Entry having assessable value of Rs. 68,24,309/- should not be held liable to confiscation under Section 111(m) of the Customs Act, 1962;

(iv) Penalty should not be imposed upon them under Section 114A of the Customs Act, 1962.

10. The above importer/noticee is further required to note that their reply should reach within 30 (thirty) days or within such extended period as may be allowed by the adjudicating authority. If no cause is shown against the action proposed above within 30 days from the receipt of this Show Cause Notice or if they do not appear before the adjudicating authority as and when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.

11. The importer/noticee is further informed that they have the right to opt for closure of these proceedings under Section 28(6) of Customs Act, 1962. If they so decide, then in terms of Section 28(5) of the Customs Act, 1962, they may pay the duty demanded in this Show Cause Notice in full or in part, as may be accepted by them, and the interest payable thereon under Section 28AA and penalty equal to fifteen percent of the duty specified in this notice or the duty so accepted by them, within 30 days of the receipt of the notice and inform the concerned Adjudicating Officer of such payment in writing.

12. This Show Cause Notice is issued without prejudice to any other action that may be

taken against them, under this Act or any other law for the time being in force, or against any other Company, person(s), goods and conveyances whether named in this Notice or not.

13. The Department reserves its right to amend, modify or supplement this Notice at any time on the basis of evidences available/evidences gathered later on, prior to the adjudication of the case.

Digitally signed by
Dipakbhai Zala
Date: 03-06-2026
18:47:06

Zala Dipakbhai Chimanbhai
Additional Commissioner of Customs
Custom House, Mundra

To,
M/s A. Dayal Drilling Private Limited
(IEC- 0805008616)
Shree Hari Darshan Plotting, Survey
Opp. NKR Factory, GIDC, Phase IV, V
Ahmedabad - 382445

Copy to:
1. The Deputy Commissioner, Audit, Custom House, Mundra
2. The Deputy Commissioner, EDI, Custom House, Mundra
3. Office copy
4. Notice Board