



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद

“सीमाशुल्क भवन”, पहली मंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा, अहमदाबाद – 380 009.

दूरभाष: (079) 2754 4630 **E-mail:** cus-ahmd-adj@gov.in फ़ैक्स: (079) 2754 2343

DIN: 20250871MN0000275963

PREAMBLE

A	फ़ाइल संख्या/ File No.	:	GEN/ADJ/ADC/1634/2025-ICD-SRT-CUS-COMMRTE-AHMEDABAD
B	कारण बताओ नोटिस संख्या-तारीख / Show Cause Notice No. and Date	:	VIII/10-63/O&A/ADC/ Shreeji/2021 dated:12.08.2021
C	मूल आदेश संख्या/ Order-In-Original No.	:	114/ADC/SR/O&A/2025-26
D	आदेश तिथि/ Date of Order-In-Original	:	19.08.2025
E	जारी करनेकी तारीख/ Date of Issue	:	19.08.2025
F	द्वारापारित/ Passed By	:	Shravan Ram, Additional Commissioner, Customs Ahmedabad.
G	आयातक का नाम औरपता / Name and Address of Importer / Passenger	:	M/S. SHREEJI TEXTILES, PLOT NO. 215-216, KRISHNA INDUSTRIAL ESTATE, VILLAGE- GOTHAN, TAL- OLPAD, SURAT- 394540. SHRI TUSHARBHAI BHIMJIBHAI KALATHIYA, PROP. OF M/S. SHREEJI TEXTILES, A-19, RAJDEEP NAGAR SOCIETY, SIGNAPORE CHAR RASTA, SURAT-395004.
(1)	यह प्रति उन व्यक्तियों के उपयोग के लिए निःशुल्क प्रदान की जाती है जिन्हे यह जारी की गयी है।		
(2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्ति की तारीख के 60 दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क(अपील), चौथी मंज़िल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।		
(3)	अपील के साथ केवल पांच (5.00) रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए और इसके साथ होना चाहिए:		
(i)	अपील की एक प्रति और;		
(ii)	इस प्रति या इस आदेश की कोई प्रति के साथ केवल पांच (5.00) रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए।		
(4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को 7.5 % (अधिकतम 10 करोड़) शुल्क अदा करना होगा जहां शुल्क या ड्यूटी और जुर्माना विवाद में है या जुर्माना जहां इस तरह की दंड विवाद में है और अपील के साथ इस तरह के भुगतान का प्रमाण पेश करने में असफल रहने पर सीमा शुल्क अधिनियम, 1962 की धारा 129 के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।		

BRIEF FACTS OF THE CASE:

M/s. Shreeji textiles, Plot No. 215-216, Krishna Industrial Estate, Village-Gothan, Tal- Olpad, Surat- 394540 (hereinafter referred as “the noticee” for the sake of brevity), holding Import Export Code No.5211002075 had imported 08 Sets of capital goods viz. Used Second Hand Shuttleless Water Jet Looms Machinery under EPCG Licence No. 5230009260 dated 25.07.2011 **[RUD-1 TO SCN]**, as amended, by saving duty of **Rs.9,72,725/- (Actual Duty Utilized of Rs. 5,13,919/-)[RUD-2 TO SCN]** and had cleared the same vide below mentioned Bill of Entry at zero duty while availing the benefit of exemption available under Notification No. 103/2009-Cus dated 11.09.2009. The details of import are as under:

S. N .	B/E No. & Date	Qty machiner y cleared	Assessable Value Rs.	Duty Saved/ available as per EPCG Licence (Rs.)	Total Duty Foregone/Debited at the time of clearance (Rs.)	BG Amount (Rs.)
1	780/11-12 dtd: 19.08.2011	08	42,61,877/-	9,72,725/-	5,13,919/-	85,000/-
	Total	08	42,61,877/-	9,72,725/-	5,13,919/-	85,000/-

2. The importer had executed Bond dated 24.08.2011 for Rs. 30,00,000/- **[RUD-3 TO SCN]** backed by Bank Guarantee No. 0642IGFFIN003911 dated 08.08.2011 for Rs. 85,000/- issued by the Bank of Baroda, Ring Road, Surat for EPCG License No. 5230009260 dated 25.07.2011. They had also undertaken to fulfill all the terms and conditions specified in the License and the said Notification.

3. The 08 Sets of Used Second Hand Shuttleless Water Jet Looms Machinery imported under the above said EPCG License were installed at the factory/business premises i.e **M/s. Shreeji textiles**, Plot No. 215-216, Krishna Industrial Estate, Village- Gothan, Tal- Olpad, Surat- 394540, as per the Installation Certificate dated 17.09.2011 issued by Chartered Engineer Dr. P. J. Gandhi, Surat certifying the receipt of the goods imported and its installation. **[RUD-4 TO SCN]**

4. In terms of the conditions of Notification No. 103/2009-Cus dated 11.09.2009, the Noticee was required to fulfill the export obligation on FOB basis equivalent to Six times of the duty saved on the goods imported as specified on the license or authorization.

4.1 Further, the Noticee was required to execute a Bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to fulfill export obligation on FOB basis equivalent to Six times the duty saved on the goods imported as may be specified on the license or authorization, or for such higher sum as may be fixed or endorsed by the licensing Authority or Regional Authority, within a period of eight years from the date of issuance of license or authorization, i.e. complete 50% export obligation within first block of 1st to 6th years and remaining 50 % in second block of 7th to 8th years.

4.2. The Noticee was, thus, required to fulfill the export obligation within a period of Eight years from the date of issuance of EPCG Licence in terms of the condition laid down in the Notification and in the EPCG License itself. In the instant case, the EPCG Licence was issued to the Noticee on 25.07.2011 and accordingly, the said Noticee was required to fulfill export obligation by 24.07.2019 i.e. within a period of eight years from the date of issuance of license or authorization. Further, the Noticee was also required to submit the Export Obligation Discharge Certificate (EODC) issued by the Regional DGFT Authority before the jurisdictional Customs authorities by the date as specified above.

5. Letters dated 24.04.2018, 07.02.2020, 21.02.2020 & 01.05.2021 were issued vide F. No. VIII/6-11351/ICD-Sachin/2011-12 , **[RUD-5 TO SCN]** to the Noticee requesting them to furnish the copy of EODC or any extension issued by the Regional Authority, DGFT, Surat for fulfillment of Export Obligation. However, the Noticee has not responded to the above communication.

5.1 A letter dated 28.04.2021 vide F. No. ICD-Sachin/DGFT/07/2020-21 **[RUD-6 TO SCN]** was issued to the Foreign Trade Development Officer, DGFT, Surat requesting them to inform this office whether the EODC has been issued or any extension granted to the said Noticee or any documents showing the fulfillment of the export obligation have been received by their office against the aforesaid EPCG Licence No. 5230009260 dated 25.07.2011. FTDO, DGFT, Surat vide letter F. No. EPCG/Mis/2020-21 dt. 04.05.2021 **[RUD-7 TO SCN]** intimated that the said importer/noticee had not submitted any documents to them against fulfilment of export obligation.

5.2 In view of the above, it is evident that the Noticee had failed to fulfill the export obligation as specified in the License and did not comply with the mandatory condition of the Notification No. 103/2009-Cus dated 11.09.2009, the condition of EPCG License and also the conditions of the Bond executed and furnished by them.

6. LEGAL PROVISIONS:

6.1 The said section is produced herein below for reference:

“SECTION 143. Power to allow import or export on execution of bonds in certain cases. - (1) *Where this Act or any other law requires anything to be done before a person can import or export any goods or clear any goods from the control of officers of customs and the Assistant Commissioner of Customs or Deputy Commissioner of Customs is satisfied that having regard to the circumstances of the case, such thing cannot be done before such import, export or clearance without detriment to that person, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, notwithstanding anything contained in this Act or such other law, grant leave for such import, export or clearance on the person executing a bond in such amount, with such surety or security and subject to such conditions as the Assistant Commissioner of Customs or Deputy Commissioner of Customs approves, for the doing of that thing within such time after the import, export or clearance as may be specified in the bond.*

(2) *If the thing is done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall cancel the bond as discharged in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable to any penalty provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.*

(3) *If the thing is not done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall, without prejudice to any other action that may be taken under this Act or any other law for the time being in force, be entitled to proceed upon the bond in accordance with law.”*

6.2 SECTION 111. “Confiscation of improperly imported goods, etc. -

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

...

(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;"

6.3 SECTION 112: It provides for penalty for improper importation of goods according to which,

"Any person, -

(a) who 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

...

Shall be liable;-

...

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

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;

..."

6.4 SECTION 117:

"Penalties for contravention, etc., not expressly mentioned. -

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees]."

7. The Noticee was allowed clearance of the aforesaid capital Goods/machines, by the proper officer, on execution of a Bond in terms of the provisions of section 143 of the Customs Act, 1962. By executing the Bond before the Deputy/Assistant Commissioner of Customs, ICD-Sachin, Surat, the Noticee had bound themselves to discharge liability within a specified period, however, it

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appears the said noticee has failed to do, by not fulfilling the export obligation. Therefore, the Customs authorities are entitled to recover the Duty not paid or short paid by the Noticee by raising a demand and appropriating the Bank Guarantee furnished by them against the proposed demand.

7.1 Therefore, it appears that the noticee failed to fulfill the conditions laid down under Notification No. 103/2009-Cus dated 11.09.2009 in as much it appears that the noticee has failed to fulfill export obligations against the goods imported by using the aforesaid EPCG License No. 5230009260 dated 25.07.2011. The Noticee neither submitted the EODC issued by the DGFT, Surat nor could produce any documents showing extension granted to them for fulfillment of Export Obligation.

7.2 The Noticee was, therefore, liable to pay Customs Duty not paid (i.e. saved) by them amounting to Rs. 5,13,919/- at the time of import/clearance along with interest at the applicable rate, in terms of conditions of the said Notification read with condition of the Bond executed by them read with Section 143 of the Customs Act, 1962.

8. It also appears that the imported capital goods were not used for intended purpose for which the exemption from payment of duty was claimed and therefore, the aforesaid capital goods imported against the above said EPCG License were liable for confiscation under Section 111(o) of the Customs Act, 1962. It therefore appears that the Noticee had rendered themselves liable to penalty under Section 112 (a) and Section 117 of the Customs Act, 1962.

9. Since, the Noticee could not submit the said EODC and therefore appears to have failed to fulfill the conditions laid down under Notification No. 103/2009-Cus. dated 11.09.2009 as well as under the EPCG License and the Bond; the Bank Guarantee No. 0642IGFFIN003911 dated 08.08.2011 for Rs. 85,000/- issued by the Bank of Baroda, Ring Road, Surat furnished by the Noticee against the aforesaid EPCG License No. 5230009260 dated 25.07.2011 appears liable to be encashed and deposited in the Government exchequer.

10. In the view of the above, **M/s. Shreeji textiles**, Plot No. 215-216, Krishna Industrial Estate, Village- Gothan, Tal- Olpad, Surat- 394540 was issued a show cause notice bearing F. No. VIII/10-63/O&A/ADC/ Shreeji/2021 dated:12.08.2021 by the Joint Commissioner of Customs, Surat, as to why:

- (i) The benefit of concessional rate of duty @ 3% for EPCG Scheme under Notification No. 103/2009-Cus dated 11.09.2009 on the subject imported Used Second Hand Shuttleless Water Jet Looms Machinery in the name of

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M/s. Shreeji textiles, Plot No. 215-216, Krishna Industrial Estate, Village-Gothan, Tal- Olpad, Surat- 394540 should not be denied.

- (ii) Customs Duty totally amounting to **Rs. 5,13,919/- (Rupees Five Lakh Thirteen Thousand Nine Hundred Nineteen only)** being the Duty forgone at the time of import under EPCG Licence, should not be demanded and recovered from them in terms of Notification No. 103/2009-Cus dated 11.09.2009 as amended, read with the Conditions of Bond executed and furnished by them in term of Section 143 of the Customs Act, 1962 by enforcing the terms of the said Bond and as to why the Bank Guarantee No. 0642IGFFIN003911 dated 08.08.2011 for Rs. 85,000/- issued by the Bank of Baroda, Ring Road, Surat backed against the Bond, should not be appropriated and adjusted towards the Duty liability as mentioned above.
- (iii) Interest at the applicable rate should not be recovered from them on the Customs Duty as mentioned at (ii) above in term of Notification No. 103/2009-Cus dated 11.09.2009 as amended from time to time read with Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962.
- (iv) The imported Capital Goods should not be held liable for confiscation under Section 111(o) of the Customs Act, 1962 read with conditions of Bond executed, in terms of Section 143 of the Customs Act, 1962 read with Notification No. 103/2009-Cus dated 11.09.2009 as amended from time to time.
- (v) Penalty should not be imposed on the noticee under Section 112(a) of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vi) Penalty should not be imposed on the noticee under Section 117 of the Customs Act, 1962 for the acts of omission & commission mentioned above.

10.1. The case was adjudicated by the then adjudicating authority vide OIO No. 11/MK/ADC/SRT/2022-23 dt. 11.05.2022 Wherein the adjudicating authority passed order as under: –

- (i) disallowed the benefit of concessional rate of duty @ 3% for EPCG Scheme under Notification No. 103/2009-Cus dated 11.09.2009 on the subject imported capital goods.
- (ii) confirmed the demand of customs duty amounting **Rs. 5,13,919/- (Rupees Five Lakh Thirteen Thousand Nine Hundred Nineteen only)** being the Duty forgone at the time of import under EPCG Licence, in terms of Notification No. 103/2009-Cus dated 11.09.2009 as amended, read with the Conditions of Bond executed and ordered for recovery in terms of the Section 143 of the Customs Act, 1962.

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(iii) ordered to appropriate the amount of Rs. 85,000/-, by encashment of the Bank Guarantee No. 0642IGFFIN003911 dated 08.08.2011 for Rs. 85,000/- issued by the Bank of Baroda, Ring Road, Surat submitted by the noticee. The same is required to be encashed and deposited in the Government exchequer. The amount may be adjusted against the duty liability.

(iv) Ordered for confiscation of impugned capital goods under Section 111(o) of Customs Act, 1962. However, allowed the noticee an option to release the said goods on payment of redemption fine of Rs. 4,26,100/- under Section 125(1) of Customs Act, 1962.

(v) Ordered for recovery of Interest at the applicable rate from M/s. Momaya Creation on the Customs Duty as mentioned at (ii) above in term of Notification No. 103/2009-Cus dated 11.09.2009 as amended from time to time read with Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962 by enforcing the Bond.

(vi) Imposed penalty of Rs. 51,300/- under Section 112(a) (ii) of Customs Act, 1962.

(vii) Imposed penalty of Rs. 1,00,000/- under Section 117 of Customs Act, 1962.

10.2. Being aggrieved with the Order in Original No. 11/MK/ADC/SRT/2022-23 dt. 11.05.2022 issued by the Additional Commissioner of Customs, Surat the noticee filed an appeal with the Commissioner of Customs(Appeals), Ahmedabad. The Commissioner of Customs(Appeals), Ahmedabad, vide Order-in-Appeal No. AHD-CUSTM-000-APP-455-23-24 dated 21.02.2024, allowed the appeal by way of remand to the adjudicating authority for passing fresh order after taking the submissions made by the appellant in the present appeal on record and pass fresh order. The appellate authority observed that appellant has submitted that they have completed 51.28 % export obligation and also applied for Amnesty Scheme for one time settlement of default in export obligation by AA/EPCG authorization holders for the portion of export obligation not fulfilled. It was further observed that these submissions are made for the first time before appellate authority and not raised before adjudicating authority. Thereafter, the appellate authority allowed the appeal of the noticee- “ by way of remand to the adjudicating authority for passing fresh orders after considering the submissions made by the appellant in the present appeal as well as submission dt. 15.02.2024 on record. The adjudicating authority shall examine the available facts, documents, submissions and issue speaking order afresh following principles of natural justice and legal provisions.” Accordingly, as directed by the Appellate authority, the case has been taken up for fresh adjudication.

DEFENSE SUBMISSION AND PERSONAL HEARING:

11. Noticee vide letter dated 18.03.2024 submitted that they have applied for regularization under Amnesty Scheme and submitted application to DGFT, Surat on 26.10.2023. Noticee vide above letter further submitted that they have received letter dt. 06.03.2024 from DGFT, Surat for payment of customs duty and interest and requested to issue challan. They submitted that they want to pay customs duty and applicable interest in terms of Public Notice No. 02/2023 dt. 01.04.2023 . Noticee vide letter dated 13.03.2025 further submitted that their License has been regularized under Amnesty Scheme and DGFT, Surat has issued EODC regularization under Amnesty Scheme vide letter dt. 24.10.2024. They also submitted copy of EODC regularization letter dt. 24.10.2024 issued by DGFT, Surat.

11.1 The case was put into call book in terms of para 5 of the Board Circular No.16/2017-Customs dated 02.05.2017. Now, noticee vide letter dt. 13.03.2025 has submitted EODC regularization letter dt. 24.10.2024 issued by DGFT , Surat and the case has been taken up for adjudication. Noticee vide letter dated 01.05.20025, received on 28.05.2025, also submitted that they have fulfilled export obligation and requested to drop the SCN proceedings initiated against them. They also submitted that they do not require any Personal hearing in the case and the case may be decided on merits.

DISCUSSIONS AND FINDINGS:

12. I have carefully gone through the Show cause notice , records, submissions and facts in the present case.

13. I find that in the present case a Show Cause Notice F. No. VIII/10-63/O&A/ADC/ Shreeji/2021 dated:12.08.2021 was issued to the noticee/importer, holding EPCG License No. 5230009260 dated 25.07.2011, by the Joint Commissioner of Customs, Surat for non-fulfillment of export obligation as prescribed vide Notification No. 103/2009-Cus dated 11.09.2009 and non-submission of Export obligation discharge certificate (EODC), issued by DGFT authorities in this regard, to the Customs authorities. As per Notification No. 103/2009-Cus dated 11.09.2009 the importer was required to fulfill the export obligation on FOB basis equivalent to eight times the duty saved on the goods imported within eight years from the date of authorization, as may be specified on the License or authorization. I also find that the present case was transferred into callbook in terms of para 5 of the Board Circular No.16/2017-Customs dated 02.05.2017 after the noticee informed that they have gone into

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Amnesty Scheme before DGFT, Surat , issued vide Public Notice No. 02/2023 dt. 01.04.2023, and submitted proof of acknowledgment before Customs authorities. Now, in view of the letter dt.13.03.2025 of the noticee and submission of EODC regularization letter dt. 24.10.2024, issued by DGFT, Surat, by the noticee , the case has been taken out from call book in April-2025 with the approval of competent authority and has been taken up for adjudication. Now, the issues for consideration before me are as follows:

- (i) Whether the noticee has fulfilled export obligation as prescribed under zero duty EPCG scheme under the said Notification No. 103/2009-Cus dated 11.09.2009 and also whether fulfilled Amnesty Scheme criteria for the EPCG license issued to them as per Table-1.
- (ii) Whether the noticee is liable for confiscation of Capital Goods and penalties as proposed in the SCN.

14. Now I proceed to decide whether the noticee has fulfilled the export obligation prescribed under zero duty EPCG scheme under the said Notification No. 103/2009-Cus dated 11.09.2009 and also whether fulfilled Amnesty Scheme criteria for the EPCG license issued to them as per Table-1.

14.1. I find that present recovery proceeding was initiated for non-submission of proof of fulfillment of export obligation and non-submission of Export obligation discharge certificate (EODC) in respect of the EPCG authorization No. 5230009260 dated 25.07.2011 against which concessional rate of duty @ 3 % during import was availed by the noticee. Now, the noticee vide letter dt. 13.03.2025 has submitted that that DGFT, Surat vide letter dt. 24.10.2024 has issued EODC regularization letter under Amnesty Scheme issued from F. No. 52EEPC04624AM24 i.r.o of the impugned EPCG authorization No. 5230009260 dated 25.07.2011. I also find that the neither the application for EODC under Amnesty Scheme to DGFT by the noticee nor the EODC regularization Letter dt. 24.10.2024 issued by DGFT, Surat was available at the time of issuance of the impugned Show cause notice.


14.2. I also find from the records that noticee have applied for Amnesty Scheme before DGFT on 26.10.2023. The DGFT vide Public Notice No. 2/2023 dated 01.04.2023 has introduced Amnesty Scheme having subject as “Amnesty Scheme for one time settlement of default in export obligation by Advance and EPCG authorization holder.”

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14.3 I find from the records and submission of the noticee that Export obligation period was extended to 12 years from original 08 years vide amendment sheet dt. 21.09.2022 on payment of customs duty amounting Rs 2,50,960/- being 50 % of the DSV in term of the para 5.11 of the H.B 2009-14. I further find from the records and deficiency letter dt. 06.03.2024, issued by DGFT under amnesty scheme, that noticee have completed 51.027 % of the export obligation and was required to pay Customs duty amounting Rs. 2,50,387/0 and applicable interest in terms of the Public Notice No. 2/2023 dated 01.04.2023. The noticee had paid Rs 2,56,960/- vide TR 6 Challan 30/2022-23 dt. 19.07.2022 and Rs. 46,160/- vide TR 6 Challan 167/2023-24 dt. 18.03.2024 paid towards Customs Duty & interest respectively. Further, the noticee vide letter dated 13.03.2025 submitted that the DGFT, Surat has issued "FINAL DUTY PAID REGULARISATION LETTER UNDER AMNESTY SCHEME " dated 24.10.2024 issued from F.No. 52EEEP04624AM24 in respect of EPCG Authorisation No. 5230009260 dated 25.07.2011. Vide the said FINAL DUTY PAID REGULARISATION LETTER DT. 24.10.2024 issued from F. No. 52EEEP04624AM24, DGFT, Surat has communicated to the noticee as per Image -1 below:-

Image-1

UDINEPCG00442677AM25



Government of India / भारत सरकार
Ministry of Commerce and Industry / वाणिज्य और उद्योग मंत्रालय
Department of Commerce / वाणिज्य विभाग
Directorate General of Foreign Trade / विदेश व्यापार महानिदेशालय
Office of the Joint Director General of Foreign Trade, Surat / संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय, सूरत
6th Floor, Resham Bhavan, Lal Darwaja, SURAT, GUJARAT, 395003 / छठी मंजिल, रेशम भवन, लाल दरवाजा, सूरत,
सूरत, गुजरात, 395003
Email Office : surat-dgft@nic.in , Phone Office : 0261-2423381

FILE NO: 52EEEP04624AM24

Date: (Refer Date of Digital Signature)

FINAL DUTY PAID REGULARIZATION LETTER

To,

SHREEJI TEXTILES,
PLOT NO 215 216 217 218 KRISHNA IND. ESTATE,
SURAT - 394130.

AMNESTY SCHEME

SUBJECT : Payment of Customs Duty with Interest against EPCG Authorization No. 5230009260 DATED : 25/07/2011 regularization and Closer of the case.

With reference to your letter dated 25/07/2011 , I write to inform you the your case stands Closed against payment of Customs Duty for Rs. 2,56,960 with interest of Rs. 46.160 Total Rs. 3,03,120 against the unfulfilled EO portion. For regularization of the case.

1. Issued from File Number 52EEEP04624AM24 Date 23/10/2024

2. Copy forwarded to Commissioner of Customs,

EEC Cell,

Commissioner customs, (130) SURAT DIAMOND PARK, GIDC, SACHIN, SURAT-394230 .

(In case the document is digitally signed please refer Digital Signature at the bottom of the page)

Note: If digitally signed, the date of digital signature may be taken as date of document.

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Signature Not Verified

Digitaly Signed
Name: PRAMOD MUKUNDAN NAMBIAR, FTDO,
Date: 24-Oct-2024 11:33
Reason: PRAMOD NAMBIAR@GOV.IN
Location: RA SURAT

14.4. I find that the noticee has complied with the procedure as laid down by the DGFT for "Amnesty Scheme for one time settlement of default in export obligation by Advance and EPCG authorization holder" introduced vide Public Notice No. 2/2023- dated 01.04.2023 for the EPCG Authorisation No. 5230009260 dated 25.07.2011 and have paid the Customs Duty of Rs. 2,56,960/- alongwith Interest of Rs. 46,160/- for regularization of their case.

14.5. Sub Para (vi) of Para II of the said Public Notice No. 2/2023 dated 01.04.2023, reads as- The applicant thereafter can pay Customs duty plus interest with the Jurisdictional Customs Authorities concerned and submit proof thereof to the regional authority of DGFT concerned". I find that the noticee had paid customs duty amounting Rs 2,56,960/- vide TR 6 Challan 30/2022-23 dt. 19.07.2022, & Interest of Rs. 46,160/- vide TR 6 Challan 167/2023-24 dt. 18.03.2024. Thus, total Rs. 3,03,120/-(Three Lakh Three Thousand One Hundred Twenty Only) is paid by the noticee under Amnesty Scheme for one time settlement of default in export obligation. I find that in view of payment of applicable Customs duty and interest and subsequent issue of FINAL DUTY PAID REGULARISATION LETTER DT. 24.10.2024 by the DGFT, Surat, noticee has fulfilled the conditions of the Amnesty Scheme. Accordingly, I find that customs duty amounting Rs. 2,56,960/- is required to be confirmed and balance amount of customs duty demand amounting Rs.2,56,959/- is liable to be dropped for fulfilled portion of export obligation in terms of Public Notice No. 2/2023 dated 01.04.2023 read with CBIC circular 11/2023-cus dt.17.05.2023. Thus, I find that total Customs duty of Rs. 2,56,960/- paid by the noticee is required to be appropriated against the total demand confirmed. Further, Interest of Rs. 46,160/- paid by the noticee under amnesty scheme is also required to be appropriated against the demand of interest.

15. Now I proceed to decide whether the noticee is liable for confiscation of Capital Goods and penalties as proposed in the Show Cause Notice.

15.1 Since the noticee has complied with the conditions of "Amnesty Scheme for one time settlement of default in export obligation" against EPCG Authorisation No. 5230009260 dated 25.07.2011 in accordance with Public Notice No. 2/2023 dated 01.04.2023 issued by the DGFT read with CBIC circular 11/2023-cus dt.17.05.2023, I do not find it worth to held the goods liable for confiscation under Section 111 (o) of the Customs Act, 1962 as proposed in the Show Cause Notice. Accordingly, I also find that no penalty is imposable on the noticee under Section 112 (a) and 117 of the Customs Act, 1962.

16. In view of above discussion and findings, I pass the following order:

GEN/ADJ/ADC/1634/2024-ICD-SRT-CUS-COMMRTE-AHMEDABAD
114/ADC/SR/O&A/2025-26**ORDER**

16.1. I confirm the demand of Customs Duty amounting to **Rs. 2,56,960/- (Rupees Two Lakh Fifty Six Thousand Nine Hundred Sixty only)** being the duty foregone at the time of import of Capital Goods under said EPCG Licence in terms of Notification No. 103/2009-Cus dated 11.09.2009 as amended, read with the Conditions of Bond executed and order the same to be recovered from M/s. Shreeji textiles, Plot No. 215-216, Krishna Industrial Estate, Village-Gothan, Tal- Olpad, Surat- 394540, in terms of Section 143 of the Customs Act, 1962 by enforcing the terms of the above mentioned Bond. I drop the demand of Customs duty amounting to **Rs. 2,56,959/- (Rupees Two Lakh Fifty Six Thousand Nine Hundred Fifty Nine only)** in terms of Public Notice No. 2/2023 dated 01.04.2023 issued by the DGFT read with CBIC circular 11/2023-cus dt.17.05.2023 for fulfilled export obligation portion. I order to appropriate the Customs Duty of Rs. 2,56,960/- & Interest of Rs. 46,160/- paid by M/s. Shreeji textiles in terms of Public Notice No. 2/2023 dated 01.04.2023 issued by the DGFT read with CBIC circular 11/2023-cus dt.17.05.2023.

16.2. Since M/s. Shreeji textiles, Plot No. 215-216, Krishna Industrial Estate, Village- Gothan, Tal- Olpad, Surat- 394540 had paid the Customs Duty of Rs. 2,56,960/- & Interest of Rs. 46,160/- in terms of Public Notice No. 2/2023 dated 01.04.2023 for 'Amnesty Scheme for one time settlement of default in export obligation' issued by the DGFT and issuance of "FINAL DUTY PAID REGULARISATION LETTER UNDER AMNESTY SCHEME" by the DGFT, Surat vide F.No. 52EEPC04624AM24 dated 24.10.2024, I do not hold the goods having assessable value of **Rs. 42,61,877/- (Rupees Forty Two Lakh Sixty One Thousand Eight Hundred Seventy Seven only)** liable for confiscation under Section 111 (0) of the Customs Act, 1962 and consequently no Redemption Fine under Section 125 (1) is imposable.

16.3. I do not impose any penalty upon M/s. Shreeji textiles, Plot No. 215-216, Krishna Industrial Estate, Village- Gothan, Tal- Olpad, Surat- 394540, in terms of Section 112(a) & 117 of the Customs Act, 1962.

17. The Show Cause Notices F. No. VIII/10-63/O&A/ADC/ Shreeji/2021 dated:12.08.2021 is disposed off in above terms.

(Shravan Ram)
Additional Commissioner
Customs Ahmedabad

DIN: **20250871MN0000275963**

F. No. GEN/ADJ/ADC/1634/2025-ICD-SRT-CUS-COMMRTE-AHMEDABAD

Dated: 19.08.2025

GEN/ADJ/ADC/1634/2024-ICD-SRT-CUS-COMMRTE-AHMEDABAD
114/ADC/SR/O&A/2025-26

By Speed Post A.D./E-mail /Hand Delivery/Through Notice Board

To,

**M/S. SHREEJI TEXTILES,
PLOT NO. 215-216,
KRISHNA INDUSTRIAL ESTATE,
VILLAGE- GOTHAN, TAL- OLPAD,
SURAT- 394540.**

**SHRI TUSHARBHAI BHIMJIBHAI KALATHIYA,
PROPRIETOR OF M/S. SHREEJI TEXTILES,
A-19, RAJDEEP NAGAR SOCIETY,
SIGNAPORE CHAR RASTA,
SURAT-395004.**

Copy to:-

1. The Principal Commissioner, Customs, Ahmedabad.
2. The Deputy Commissioner of Customs, ICD-Sachin, Surat.
3. The System In-Charge, Customs HQ, Ahmedabad for uploading on the official website i.e. <http://www.ahmedabadcustoms.gov.in>
4. The Joint Director General, DGFT, 6th Floor, Resham Bhavan Lal Darwaja, Surat-395003 for information and necessary action.
5. Guard File/Office copy.
6. Notice Board