

		<p style="text-align: center;">प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOM HOUSE: MUNDRA, KUTCH MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA-370421 ई-मेल/ E-Mail: group5-mundra@gov.in</p>
A	फा /सं .FILE NO.	CUS/APR/BE/MISC/79/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra
B	मूल आदेश सं. ORDER-IN- ORIGINAL NO.	MCH/ADC/ZDC/560/2025-26
C	द्वारा पारित किया गया PASSED BY	Dipak Zala, Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	19-01-2026
E	जारी करने की तिथि DATE OF ISSUE	20-01-2026
F	कारण बताओ नोटिस सं एवं तिथि . SCN NO. & DATE	Importer requested for SCH & PH Waiver
G	नोटिसीपार्टी / आयातक/ NOTICEE/PARTY/ IMPORTER	M/s. UNIQUE ENTERPRISES (IEC No. 0513073442) New F-32, Ground Floor, Nag Mandir, Shashtri Nagar, Delhi - 110 052
H	डिन DIN	20260171MO0000422686

- यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।
This Order - in - Original is granted to the concerned free of charge.
- यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-
Any person aggrieved by this Order - in - Original may file an appeal under Section 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:
"सीमा शुल्क आयुक्त) अपील(, चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद 380009"
"The Commissioner of Customs (Appeals), Mundra, 4TH Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009."
- उक्त अपील यह आदेश भेजने की दिनांक से तीन माह के भीतर दाखिल की जानी चाहिए।
Appeal shall be filed within three months from the date of communication of this order.
- उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 5 -/रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए -
Appeal should be accompanied by a fee of Rs. 5/- under Court Fee Act it must accompanied by -
- उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपये कोर्ट फीस स्टाम्प जबकि इसके साथ संलग्न आदेश की प्रति पर अनुसूची- 1, न्यायालय शुल्क अधिनियम, 1870 के मदसं-6 के तहत निर्धारित 0.50 पैसे की एक न्यायालय शुल्क स्टाम्प वहन करना चाहिए।
The appeal should bear Court Fee Stamp of Rs.5/- under Court Fee Act whereas the copy of this order attached with the appeal should bear a Court Fee stamp of Rs.0.50 (Fifty paisa only) as prescribed under Schedule-I, Item 6 of the Court Fees Act, 1870.
- अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.
- अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।
While submitting the appeal, the Customs (Appeals) Rules, 1982 and the Customs Act, 1962

should be adhered to in all respects.

8. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, Commissioner (Appeals) के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।
An appeal against this order shall lie before the Commissioner (A) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.

BRIEF FACTS OF THE CASE

Based on specific intelligence, the consignment imported by M/s Unique Enterprises (IEC No. 0513073442) and exported by M/s Cixi Sunzen Spark Plug Co. Ltd, Qianbing Village, Kuangyan Town, Cixi City, Zhejiang Province, China., covered under Bill of Entry No. 5738900 dated 17.11.2025 (Z-Type), is put on hold at the premises of M/s FASTTRACK CFS PVT. LTD. (SEZ Warehouse Unit), Plot No. 02, Block-C, Sector-11, APSEZ, Mundra-370421 for detailed examination by SIIB, Mundra, and prior intimation in this regard is also issued to the Development Commissioner, APSEZ, Mundra (Kutch) on 20.11.2025.

As per the **Bill of Entry, Invoice, and Packing List**, the goods are declared as under:

Sr. No.	CTH	Description of Goods	Unit Price (USD)	Quantity	UQC	Amount (USD)
1	85111000	Spark Plug	0.025500	668700	Number	17051.852

2. Action Taken - Examination Findings:

The examination of the subject consignment was conducted vide **panchnama dated 27.11.2025** in the presence of the panch witnesses, **Shri Sodha Diprajsinh** and **Shri Yogesh Verma, Shri Khemabhai P. Parmar**, Manager, Fasttrack CFS Pvt. Ltd., and **Shri Gadhavi Vipul Meghraj**, authorised representative of the CHA, M/s R U Imports Exports Private Limited, as well as of the importer. For the purpose of examination, labour was arranged by the CFS unit to facilitate cutting of the container seal and destuffing of the cargo.

Prior to opening, the container seal was carefully examined and found to be intact and tallying with the seal number mentioned in the relevant documents. Thereafter, the seal was cut in the presence of all concerned, and the container doors were opened. On examination of the contents, various packages packed in PP bags of different colours were found stacked inside the container. The cargo was then completely destuffed and segregated by visible type/colour. After completion of destuffing, a detailed physical count of the packages was carried out jointly by the officers, during which the representative of the SEZ unit/warehouse also participated. A total of **1,972 packages** were found, which was confirmed by the SEZ unit representative through a duly stamped and signed tally sheet shown to the officers. Subsequently, the packages were marked, classified, and their average weights were recorded for further verification, the details of which are tabulated below:-

S.No	Marking on Packages	Average Wt (Kgs)	Pieces per Pkg	Pkgs Found	Total Pcs	Total Wt. (Kgs)
1	SBG A7CTC 5 (Red)	13.52	500	77	38500	1041.04
2	SBG C7E4 (Yellow)	14.91	500	281	140500	4189.71
3	SBG A7TC1 (Green)	13.36	500	84	42000	1122.24

4	SBG BAJ9 (Black)	14.43	300	99	29700	1428.57
5	SBG C7E6 (White)	14.42	500	110	55000	1586.2
6	SBG A7TC3 (Grey)	14	500	615	307500	8610
7	SBG PUL (Mustard Yellow) Each PP bag has two BOX	7.24	400	130	52000	1882.4
8	SBG HH (Grey) Each PP bag has two BOX	6.87	400	576	230400	7914.24
	Total			1972	895600	27774.4

The total no. of Packages declared as per said bill of entry are 1989 but during the physical count the total packages found are 1972. **The total no. of pieces found in 1972 packages are 8,95,600 as tabulated above, which are 2,26,900 in excess than the declared no. of pieces i.e 6,68,700 as per bill of entry. This is evidencing the misdeclaration of the goods declared in bill of entry. No concealment of any other goods found in the cargo and packing material.** The total wt. of the container as per Bill of Entry is 27460 Kgs, Weight Slip of the unit shown the weight of the cargo as 27830 Kgs and weight of the cargo found during the examination is 27774 Kgs (approx.).

3. Investigations Conducted: -

Based on the prima facie findings, the imported goods appeared to be mis-declared in terms of quantity and undervalued in comparison to the value declared by the importer; therefore, in order to ascertain the correct assessable value and ensure proper valuation in accordance with Section 14 of the Customs Act, 1962 read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, it was considered necessary to obtain an independent valuation from a Chartered Engineer to determine the actual nature, specifications, and fair market value of the goods and to safeguard government revenue.

3.1 Rejection of declared value & Redetermination of Assessable Value:

Rule 3 of the Customs Valuation (Determination of Price of Imported Goods) Rules, 2007 (hereinafter referred to as "the CVR, 2007") provides the method of valuation. Rule 3(1) of the CVRs, 2007 provides that subject to Rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of Rule 10. Rule 3(4) *ibid* states that if 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 of CVR, 2007. Whereas, it appears that, transaction value in terms of Rule 3 of the CVR, 2007, is to be accepted only where there are direct evidences with regard to the price actually paid or payable in respect of the imported goods by the importer. Whereas, in the present case, it appears that, there is reasonable doubt regarding the truth and accuracy of the declared value as the goods have been found to be mis-declared in terms of quantity, and hence the transaction value appears to be liable to be rejected in terms of Rule 12 of the CVR, 2007. Since the items found during the examination with no specification, the valuation of the same could not be determined in terms of Rule 4 to 8 of the CV Rules, *ibid*. Therefore, valuation of the goods appears liable to be done under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and accordingly, opinion of the empanelled Chartered Engineer was sought for determination of the value of the imported goods. The Chartered Engineer vide his

Report No. - **ABJ:INSP:CE:SIIB:SB:RU:25-26:05** Date: **31/12/2025 (RUD-1)** has suggested the value of the imported goods as **27405.36 USD (CIF Value)** as detailed in Table-C below:-

Table-C

VALUATION TABLE (1 USD = 89.50 INR)

Sr. No.	Description of Goods	Total Quantity as per BE/Invoice (In PCs)	Per Unit declared CIF Value in USD	Total Declared CIF Value in USD	Description of the Goods found on Examination Found as per Customs Examination Report	Total Quantity Found as per Customs Examination	Per Unit Suggestive Average CIF Value in Bulk Quantity in USD (Approx)	Total Suggestive Average CIF Value in Bulk Quantity in USD (Approx)
1	Spark Plug	668700	0.0255	17051.85	Spark Plugs	895600	0.0306	27405.36
Total		668700		17051.85		895600		27405.36

3.2 On the basis of CE report, the Assessable Value of the goods imported by the importer comes to Rs. 24,52,780/- as follows: -

TABLE-D

Description of Goods	CTH	Quantity	UQC	Per Unit Suggestive Average CIF Value in USD (Approx)	Total Suggestive Average CIF Value in USD (Approx)	In INR (1USD=89.50 INR)
Spark Plug	85111000	895600	Number	0.006	27405.36	2452780/-
TOTAL					27,405.36/-	24,52,780/-

3.3 As per the Indian Customs Tariff, the correct classification of the imported goods is as detailed below:-

Sr. No.	Description of Goods	CTH
1	Spark Plugs	85111000

3.4 The duty on the imported goods needs to be re-determined based on the revised assessable value of Rs. 24,52,780/-, instead of the declared value of Rs. 15,26,141/-, and the applicable Customs duty rates. On this basis, the total Customs duty payable on the imported goods amounts to Rs. 9,19,057/-, as opposed to Rs. 5,71,845/- self-assessed by the importer in the said Bill of Entry. Consequently, there is a case of non/short levy of

Customs duty amounting to Rs. 3,47,212/-. The re-determined duty has been calculated in accordance with the applicable duty rates, and the details of the recalculated duty are presented in Table-F below.

Table-F

SR. NO.	PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED	ASSESSABLE VALUE	BCD (15%)	SWS (10%)	IGST (18%)	TOTAL DUTY
1	Spark Plugs	2452780	367917	36792	514348	919057
TOTAL		24,52,780/-	3,67,917/-	36,792/-	5,14,348/-	9,19,057/-

4. RELEVANT LEGAL PROVISIONS:

(A) RELEVANT PROVISIONS OF SEZ ACT, 2005:

2. Definitions.— In this Act, unless the context otherwise requires,—

.....

(o) “**import**” means—

(i) *bringing goods or receiving services, in a Special Economic Zone, by a Unit or Developer from a place outside India by land, sea or air or by any other mode, whether physical or otherwise; or*

(ii) *receiving goods, or services by a Unit or Developer from another Unit or Developer of the same Special Economic Zone or a different Special Economic Zone;*

Section 21: Single enforcement officer or agency for notified offences. —

- The Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
- The Central Government may, by general or special order, authorise any officer or agency to be the enforcement officer or agency in respect of any notified offence or offences committed in a Special Economic Zone.*
- Every officer or agency authorised under sub-section (2) shall have all the corresponding powers of investigation, inspection, search or seizure as is provided under the relevant Central Act in respect of the notified offences.*

Section 22: Investigation, inspection, search or seizure. —

The agency or officer, specified under section 20 or section 21, may, with prior intimation to the Development Commissioner concerned, carry out the investigation, inspection, search or seizure in the Special Economic Zone or in a Unit if such agency or officer has reasons to believe (reasons to be recorded in writing) that a notified offence has been committed or is likely to be committed in the Special Economic Zone:

Provided that no investigation, inspection, search or seizure shall be carried out in a

Special Economic Zone by any agency or officer other than those referred to in sub-section (2) or sub-section (3) of section 21 without prior approval of the Development Commissioner concerned:

Provided further that any officer or agency, if so authorised by the Central Government, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit without prior intimation or approval of the Development Commissioner

Notification Nos. 2665(E) and 2667(E) dated 05.08.2016:

1. *In exercise of the powers conferred by section 22 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government by Notification No. 2667(E) dated 05.08.2016 issued by the Ministry of Commerce & Industry, has authorized the jurisdictional Customs Commissioner, in respect of offences under the Customs Act, 1962 (52 of 1962) to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in a Special Economic Zone. The enforcement officer(s), for the reasons to be recorded in writing, may carry out the investigation, inspection, search or seizure in a Special Economic Zone or Unit with prior intimation to the Development Commissioner, concerned. Under Section 21(1) of the SEZ Act, 2005, the Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
2. *The Central Government, by the Notification 2665(E) dated 05.08.2016 has notified offences contained in Sections 28, 28AA, 28AAA, 74, 75, 111, 113, 115, 124, 135 and 104 of the Customs Act, 1962 (52 of 1962) as offences under the SEZ Act, 2005.*

47 (5) Refund, Demand, Adjudication, Review and Appeal with regard to matters relating to authorise operations under Special Economic Zones Act, 2005, transactions, and goods and services related thereto, shall be made by the Jurisdictional Customs and Central Excise Authorities in accordance with the relevant provisions contained in the Customs Act, 1962, Central Excise Act, 1944, and the Finance Act, 1994 and the rules made thereunder or the notifications issued thereunder.

(B) RELEVANT PROVISIONS OF CUSTOMS ACT, 1962:

Section 2(22): "goods" includes (a) vessels, aircrafts and vehicles; (b) stores; (c) baggage; (d) currency and negotiable instruments; and (e) any other kind of movable property;

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

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;

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 2(39): "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.

Section 11A: "illegal import" means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force.

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 46. Entry of goods on importation:

(4) *The 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, relating to the imported goods.*

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

--

(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) *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 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54;*

Section 112. Penalty for improper importation of goods, etc. –

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

(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.
- 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:*

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.

(C) Relevant Provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007:

“Rule 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;

.....

(3) *In 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.*

“Rule 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

(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.*

Rule 12. Rejection of declared value . - (1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.

5. Summary of Investigations Conducted:

5.1 Based on specific intelligence, the consignment imported by M/s Unique Enterprises (IEC No. 0513073442) and exported by M/s Cixi Sunzen Spark Plug Co. Ltd, Qianbing Village, Kuangyan Town, Cixi City, Zhejiang Province, China., covered under Bill of Entry No. 5738900 dated 17.11.2025 (Z-Type), is put on hold at the premises of M/s FASTTRACK CFS PVT. LTD. (SEZ Warehouse Unit), Plot No. 02, Block-C, Sector-11, APSEZ, Mundra-370421 for detailed examination by SIIB, Mundra, and prior intimation in this regard is also issued to the Development Commissioner, APSEZ, Mundra (Kutch) on 20.11.2025.

5.2. The examination of the consignment was conducted vide panchnama dated 27.11.2025 in the presence of panch witnesses, the CFS manager, and the authorised representative of the CHA and importer, with labour arranged by the CFS to cut the seal and destuff the container. The seal was found intact and matching the documents, and upon opening, 1,972 packages packed in PP bags of different colours were destuffed, segregated, counted, and verified jointly with the SEZ unit/warehouse representative, who confirmed the count through a stamped and signed tally sheet. As per the Bill of Entry, 1,989 packages were declared, while the total number of pieces found was 8,95,600, exceeding the declared 6,68,700 pieces by 2,26,900 pieces, evidencing mis-declaration, though no other goods were concealed. The container weight was recorded as 27,774 kg, against the declared 27,460 kg and the unit weigh slip of 27,830 kg.

5.3 Based on the Chartered Engineer's findings vide **Report No. ABJ:INSP:CE:SIIB:SB:RU:25-26:05 Date: 31/12/2025**, the value of the imported goods has been assessed at **USD 27,405.36 (CIF value)**. Accordingly, the duty on the goods requires re-determination on the basis of the **revised assessable value of Rs. 24,52,780/-**, instead of the **declared value of Rs. 15,26,141/-**, along with the applicable customs duty rates. On recalculation, the **total Customs duty payable** amounts to **Rs. 9,19,057/-**, as against **Rs. 5,71,845/-** self-assessed by the importer, resulting in a **short levy of Rs. 3,47,212/-**. The revised duty has been computed strictly in accordance with the applicable tariff rates.

5.4 The Chartered Engineer (CE) report has been duly accepted by the importer, as informed vide their email dated 01.01.2026. The importer has further conveyed their willingness to accept the revised valuation and to pay all applicable duties, fines, and penalties. They have also requested that the matter be settled without issuance of a Show Cause Notice and without the requirement of a personal hearing.

5.5 Thus, by the act of omission and commission at the level of importer, it appears that, the importer has contravened the provisions of Section 46 and Section 17 of the Customs Act, 1962, in as much as, they failed to make correct and true declaration and information to the Customs Officer in the form of Bill of Entry and also failed to assess their duty liability correctly and accordingly the goods imported by the importer appear liable to be confiscation under Section 111(m) of the Customs Act, 1962 and the importer M/s. Unique Enterprises have rendered themselves liable for penalty under Section 112(a)(ii) and 114AA of the Customs Act, 1962.

6 . The importer, as informed vide their email dated 01.01.2026, has conveyed their readiness to discharge all applicable customs duties, fines, and penalties arising out of the discrepancies noticed in the case, and has further requested that the matter be settled without issuance of a Show Cause Notice and without conducting a personal hearing.

PERSONAL HEARING AND SUBMISSIONS

7. The importer M/s. UNIQUE ENTERPRISES vide letter dated 16.01.2026 has submitted the following:

“Refer to B/E no. 5738900 / 17.11.2025, in this connection we do not want Show Cause Notice & personal hearing, kindly waive the same and finalize the matter.

Kindly do the needful.”

DISCUSSION AND FINDINGS

8. I have carefully gone through the records of the case and Investigation Report No. 213/2025-26 dated 08.01.2026. The importer vide letter dated 16.01.2026 has requested for waiver of Show Cause Notice and personal hearing in the matter. Thus, I find that the principles of natural justice as provided under Section 122A of the Customs Act, 1962 have been complied with and I proceed to decide the case on the basis of documentary evidence available on record. The main issues to be decided are:

(i) Whether the declared assessable value of **Rs. 15,26,141/-** for the goods under Bill of Entry No. 5738900 dated 17.11.2025 is liable to be rejected under Rule 12 of CVR, 2007 and re-determined as **Rs. 24,52,780/-** as per the Chartered Engineer's valuation report in terms of Rule 9 of CVR, 2007;

(ii) Whether the Bill of Entry No. 5738900 dated 17.11.2025 requires re-assessment under Section 17(4) of the Customs Act, 1962 to levy the re-determined duty;

(iii) Whether the goods are liable for confiscation under **Section 111(l)** and **Section 111(m)** of the Customs Act, 1962;

(iv) Whether penalty under **Section 112(a)(ii)** and **114AA** of the Customs Act, 1962 is imposable on the importer M/s. Unique Enterprises;

9.1 Regarding the first issue, I find that the declared assessable value was **Rs. 15,26,141/-** for the goods covered under Bill of Entry No. 5738900 dated 17.11.2025. However, based on the examination conducted vide panchnama dated 27.11.2025, significant discrepancies were found between the declared quantity and the actual quantity found during examination. The examination found 8,95,600 pieces of Spark Plugs against 6,68,700 pieces declared, showing an excess of 2,26,900 pieces.

9.2 I find that since the goods found on examination differ significantly from the declared goods in terms of quantity, the declared value cannot be accepted as the true transaction value. As per Rule 12 of CVR, 2007, when the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, and after receiving further information or in the absence of a response, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.

9.3 I find that as per Rule 3(4) of CVR, 2007, if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through Rules 4 to 9. In the present case, since the items found during examination had no detailed specifications available, the value of these goods cannot be determined under Rules 4 to 8 of CVR, 2007.

9.4 I find that accordingly, the value is to be determined under Rule 9 (Residual method)

of CVR, 2007. The empanelled Chartered Engineer was engaged for valuation purposes and vide CE Report No. ABJ:INSP:CE:SIIB:SB:RU:25-26:05 dated 31/12/2025, has provided the valuation of the goods. The Chartered Engineer has determined that the suggestive CIF value of the goods is **Rs. 24,52,780/-**. The importer vide email dated 01.01.2026 has accepted the Chartered Engineer's valuation report.

9.5 I find that the declared assessable value was **Rs. 15,26,141/-**, whereas the re-determined assessable value as per the Chartered Engineer's report is **Rs. 24,52,780/-**, showing an undervaluation of **Rs. 9,26,639/-**. This significant undervaluation and mis-declaration of quantity clearly establishes that the declared value is not acceptable.

9.6 In view of the above, I hold that the declared assessable value of **Rs. 15,26,141/-** is liable to be rejected under Rule 12 of CVR, 2007 and the value is re-determined at **Rs. 24,52,780/-** in terms of Rule 9 of CVR, 2007 based on the Chartered Engineer's valuation report dated 31.12.2025.

10.1 Regarding the second issue, I find that Section 17(4) of the Customs Act, 1962 provides that "*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.*" In the present case, I find that the self-assessment is incorrect as it is based on incorrect quantity and undervalued goods. The declared value has been rejected and re-determined as **Rs. 24,52,780/-** as discussed above. The duty liability needs to be re-calculated based on the re-determined assessable value.

10.2 I find that as per the re-determined assessable value of **Rs. 24,52,780/-**, the duty liability is as follows:

Sr. No.	Item Description	Total Assessable Value (In Rs.)	Re-determined Value (In Rs.)	BCD (in Rs.)	SWS (in Rs.)	IGST (In Rs.)	Total determined Duty (In Rs.)	Re-declared Duty (In Rs.)	Differential Duty (In Rs.)
1	Spark Plugs	24,52,780/-		3,67,917/-	36,792/-	5,14,348/-	9,19,057/-	5,71,845/-	3,47,212/-

10.3 Therefore, I hold that Bill of Entry No. 5738900 dated 17.11.2025 is liable to be re-assessed under Section 17(4) of the Customs Act, 1962 and the total re-determined duty liability is **Rs. 9,19,057/-** as against the declared duty of **Rs. 5,71,845/-**, resulting in differential duty of **Rs. 3,47,212/-** (Rupees Three Lakh Forty Seven Thousand Two Hundred Twelve Only).

11.1 Regarding the third issue, I find that Section 111(l) of the Customs Act, 1962 provides for confiscation of "*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.*" In the present case, I find that the importer declared 6,68,700 pieces of Spark Plugs in the Bill of Entry. However, on examination 8,95,600 pieces were found, resulting in an excess of 2,26,900 pieces. This clearly establishes that there were excess goods which were not included in the entry made under the Act.

11.2 I find that Section 111(m) of the Customs Act, 1962 provides for confiscation of "*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 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54.*" I find that in the present case, the goods do not correspond with the entry made in the Bill of Entry in respect of quantity and value. I find that the importer has violated Section 46(4) of the Customs Act, 1962 by not

making a true declaration as to the contents of the Bill of Entry. Further, the importer has violated Section 46(4A) of the Customs Act, 1962 by not ensuring the accuracy and completeness of the information given in the Bill of Entry. The significant discrepancies in quantity and value clearly establish that the declaration made was false and incorrect.

11.3 I find that the importer's acts of omission and commission have rendered the goods liable to confiscation. The excess quantity and significant undervaluation collectively establish that the goods do not correspond with the entry made under the Act. Therefore, I hold that the goods imported vide Bill of Entry No. 5738900 dated 17.11.2025 having re-determined assessable value of **Rs. 24,52,780/-** are liable for confiscation under **Section 111(l)** and **Section 111(m)** of the Customs Act, 1962.

11.4 Further, I note that as per Section 125(1) of the Customs Act, 1962, in case of confiscation of goods other than prohibited goods, an option to pay fine in lieu of confiscation shall be given to the owner. In the present case, since the imported goods are not prohibited goods, I find it appropriate to give the importer an option to redeem the confiscated goods on payment of appropriate redemption fine under **Section 125** of the Customs Act, 1962.

12.1 Regarding the fourth issue, I find that Section 112(a)(ii) of the Customs Act, 1962 provides for penalty in the case of dutiable goods, other than prohibited goods, on any person 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. In the present case, I find that the importer has imported misdeclared and undervalued goods with differential duty liability of **Rs. 3,47,212/-**. The importer's acts of declaring incorrect quantity and significant undervaluation have rendered the goods liable to confiscation under Section 111(l) and Section 111(m) of the Customs Act, 1962. These acts of omission and commission attract penalty under **Section 112(a)(ii)** of the Customs Act, 1962.

12.2 I find that Section 114AA provides for penalty for "use of false and incorrect material". In the present case, the importer has used invoices and packing list while filing Bill of Entry, and examination revealed significant discrepancies regarding the actual quantity and value of the goods. I find that the importer knowingly suppressed material facts regarding the actual quantity of the goods, stating an incorrect quantity of 6,68,700 pieces whereas actual quantity was 8,95,600 pieces, and significantly undervaluing the goods, resulting in an undervaluation of Rs. 9,26,639/-. I find that the importer used invoices and a packing list while filing the Bill of Entry; these documents contain incorrect or false material particulars regarding the quantity and value of the imported goods, which are material particulars affecting both duty liability and assessment. This suppression of material facts regarding the quantity and value of the goods, and the significant undervaluation of Rs. 9,26,639/-, constitutes the use of false and incorrect material particulars in documents filed for Customs purposes, thereby attracting a penalty under **Section 114AA** of the Customs Act, 1962.

12.3 Therefore, I find that penalties under **Sections 112(a)(ii)** and **114AA** of the Customs Act, 1962 are imposable upon the importer M/s. Unique Enterprises.

ORDER

13. In view of the foregoing discussion and findings, I pass the following order:

(i) I order to reject the declared assessable value of **Rs. 15,26,141/-** in respect of goods covered under Bill of Entry No. 5738900 dated 17.11.2025 under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and order re-determination of assessable value at **Rs. 24,52,780/-** (Rupees Twenty Four Lakh Fifty

Two Thousand Seven Hundred Eighty Only) in terms of Rule 9 of CVR, 2007;

(ii) I reject the self-assessment of Bill of Entry No. 5738900 dated 17.11.2025 and order to re-assess the same under Section 17(4) of the Customs Act, 1962. The differential duty on the imported goods comes out to **Rs. 3,47,212/-** (Rupees Three Lakh Forty Seven Thousand Two Hundred Twelve Only);

(iii) I order to confiscate the imported goods covered under Bill of Entry No. 5738900 dated 17.11.2025 having re-determined assessable value of **Rs. 24,52,780/-** (Rupees Twenty Four Lakh Fifty Two Thousand Seven Hundred Eighty Only), under Sections 111(l) and 111(m) of the Customs Act, 1962. However, I give option to the importer to redeem the said goods for home consumption under **Section 125** of Customs Act, 1962 on payment of Redemption Fine of **Rs. 2,40,000/-** (Rupees Two Lakh Forty Thousand Only);

(iv) I impose penalty of **Rs. 30,000/-** (Rupees Thirty Thousand Only) on the importer M/s. Unique Enterprises under **Section 112(a)(ii)** of Customs Act, 1962;

(v) I impose penalty of **Rs. 50,000/-** (Rupees Fifty Thousand Only) on the importer M/s. Unique Enterprises under **Section 114AA** of Customs Act, 1962.

14. This order is issued without prejudice to any other action that may be taken against the importer or any other person under the provisions of the Customs Act, 1962 or any other law for the time being in force in the Republic of India.

(Dipak Zala)

Additional Commissioner of Customs
Custom House, Mundra

To,

M/s. UNIQUE ENTERPRISES (IEC No. 0513073442)
New F-32, Ground Floor, Nag Mandir,
Shashtri Nagar, Delhi - 110 052

Copy to:

1. The Deputy Commissioner, SIIB, Customs House, Mundra
2. The Deputy Commissioner, Review, Customs House, Mundra
3. The Deputy Commissioner, TRC, Custom House, Mundra
4. The Deputy Commissioner, EDI, Customs House, Mundra
5. The Deputy Commissioner, APSEZ, Mundra
6. Guard File