

	सीमा शुल्क के आयुक्त का कार्यालय सीमा शुल्क सदन, मुंद्रा, कच्छ, गुजरात OFFICE OF THE COMMISSIONER OF CUSTOMS CUSTOMS HOUSE, MUNDRA, KUTCH, GUJARAT <u>Phone No.02838-271165/66/67/68 FAX.No.02838-271169/62,</u> <u>Email-adj-mundra@gov.in</u>	
A. File No.	:	GEN/ADJ/COMM/526/2024-Adjn-O/o Pr. Commr-Cus-Mundra
B. Order-in-Original No.	:	MUN-CUSTM-000-COM-33-25-26
C. Passed by	:	Nitin Saini, Commissioner of Customs, Customs House, AP & SEZ, Mundra.
D. Date of order and Date of issue:	:	06.11.2025 07.11.2025
E. SCN No. & Date	:	GEN/ADJ/COMM/526/2024-Adjn-O/o Pr. Commr-Cus-Mundra, dated 08.11.2024.
F. Noticee(s) / Party / Importer	:	M/s. Mahadev Ji Exports & Others
G. DIN	:	20251171MO000071287C

1. यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

This Order - in - Original is granted to the concerned free of charge.

2. 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 सीए-3-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 129 A (1) (a) of Customs Act, 1962 read with Rule 6 (1) of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -3 to:

“केन्द्रीय उत्पाद एवं सीमा शुल्क और सेवाकर अपीलीय प्राधिकरण, पश्चिम जोनल पीठ, 2nd फ्लोर, बहुमाली भवन, मंजुश्री मील कंपाउंड, गिर्धनगर ब्रिज के पास, गिर्धनगर पोस्ट ऑफिस, अहमदाबाद-380 004”

“Customs Excise & Service Tax Appellate Tribunal, West Zonal Bench, 2nd floor, Bahumali Bhavan, Manjushri Mill Compound, Near Girdharnagar Bridge, Girdharnagar PO, Ahmedabad 380 004.”

3. 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.

4. उक्त अपील के साथ - / 1000रुपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, व्याज, दंड या शास्ति रुपये पाँच लाख या कम माँगा हो 5000/- रुपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, व्याज, शास्ति या दंड पाँच लाख रुपये से अधिक किंतु पचास लाख रुपये से कम माँगा हो 10,000/- रुपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, दंड व्याज या शास्ति पचास लाख रुपये से अधिक माँगा हो। शुल्क का भुगतान खण्ड पीठ बैंचआहरितट्रिभुवनल के सहायक रजिस्ट्रार के पक्ष में खण्डपीठ स्थित जगह पर स्थित किसी भी राष्ट्रीयकृत बैंक की एक शाखा पर बैंक ड्राफ्ट के माध्यम से भुगतान किया जाएगा।

Appeal should be accompanied by a fee of Rs. 1000/- in cases where duty, interest, fine or penalty demanded is Rs. 5 lakh (Rupees Five lakh) or less, Rs. 5000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 5 lakh (Rupees Five lakh) but less than Rs. 50 lakh (Rupees Fifty lakhs) and Rs. 10,000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 50 lakhs (Rupees Fifty lakhs). This fee shall be paid through Bank Draft in favour of the Assistant Registrar of the bench of the Tribunal drawn on a branch of any nationalized bank located at the place where the Bench is situated.

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

5. उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रूपये 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.

6. अपील ज्ञापन के साथ झूटि/ 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.

7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और CESTAT (प्रक्रिया) नियम, 1982 सभी मामलों में पालन किया जाना चाहिए।

While submitting the appeal, the Customs (Appeals) Rules, 1982 and the CESTAT (Procedure) Rules 1982 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, न्यायाधिकरण के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

An appeal against this order shall lie before the Tribunal 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-

Whereas, in an investigation in respect of fraudulent Export of Ready-Made Garments (RMG) against various Export Firms under control of one Shri Vijay Goel, his residential premises located at DU-10, Pitampura, New Delhi, was searched on 21.09.2021, by the officers of DRI, HQRS. During the search, two mobile phones of his son Shri Pranshu Goel were resumed under Panchnama dated 21.09.2021 (**RUD-1**). Forensic examination of resumed mobile phones was carried out under Panchnama dated 18.04.2022 and 19.04.2022 (**RUD-2**), which resulted in retrieval of incriminating evidences (i.e., Invoices/Sale Contracts/Bills of Lading etc.) suggesting undervaluation by 04 firms, in import of Cold Rolled Stainless Steel (grade J3/304), imported from China, to evade appropriate Customs duty. Subsequently, as investigation progressed, evidences also revealed that the same modus was being followed by two more firms. Details of all these 06 firms are as under:

Table-1

S. No.	IEC Code	Name of the Importer	Remarks
1	AIFPG0671A	M/s Goel Exim	Part of initial Investigation
2	BJUPB6242F	M/s Shree International	Part of initial Investigation
3	CPTPG4273F	M/s Shri Mahadev Ji Exports	Part of initial Investigation
4	EERPS7577K	M/s Maha Shakti Exims	Part of initial Investigation
5	BLVPK1122Q	M/s Ganesh Steels	Added during further investigation
6	AGGPK9873P	M/s Vinayak Steels	Added during further investigation

2. Pursuant to the aforementioned gathered intelligence, the DRI HQ initiated a series of actions to further investigate the matter against above 06 firms. Searches were conducted, visit reports prepared, statements of relevant persons were recorded, electronic and other evidences were detained/seized, live containers were interdicted; put on hold for examination and bank accounts were provisionally attached, to safeguard government revenue. Details of all such actions are tabulated below for better understanding:

2A. Details of Searches conducted:**Table-2**

S. No.	Name of Persons/Firms	Address Searched	Under Panchnama Dated	RUD
1.	Smt. Nisha Goel proprietor of M/s. Goel Exim	DU-10, Pitampura, New Delhi.	16.11.2022	RUD-3
2.	M/s Shri Mahadev Ji Exports and M/s Maha Shakti Exims	Plot No. A-104, Block-A, 1st Floor, Wazirpur Industrial Area, Near Shri Ram Chowk, North West Delhi, Delhi, 110052.	16.11.2022	RUD-4

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

3.	Dev Shree Bhatt proprietor of M/s Shree International	H.No.H-26, Anand Vihar Colony, Raipur, Chhattisgarh.	16.11.2022	RUD-5
4.	CHA M/s Shri Balaji Logistics	Located at 501, 5th Floor, 55, Madhuban Building, Nehru Place, New Delhi	16.11.2022	RUD-6

2B. **Details of Visit Reports prepared:****Table-3**

S. No.	Search	Address of Search	Visit Report	RUD
1.	M/s. Shree International	Property No. 112, Plot No. 15, Kumar Tower, Community Centre, Wazirpur, New Delhi	Never been operational	RUD-7
2.	Residential premise of M/s Maha Shakti Exims	House No. 354, Gali No. 7, Village Shalimar Bagh, New Delhi	Owned by another unrelated individual	RUD-8
3.	M/s Goel Exim Office Premise	A-84/1, Ground Floor, Industrial Area, Wazirpur, North West Delhi-110052	Under-construction building of Shri Vijay Goel (husband of Proprietor of M/s Goel Exim)	RUD-9
4.	Residential premise of Shri Pranshu Goel	BU-108, Pitampura, New Delhi	Sold to Shri Subhash Jain 5 years ago	RUD-10

2C. **Details of voluntary statements recorded under Section 108 of the Customs Act, 1962:****Table-4**

S. No.	Name of Person	Role/connection with ongoing investigation	Date of Statement Recorded u/s 108	RUD
1.	Shri Vijay Goel	Controller of Firms	16.11.2022	RUD-11
2.	Shri Pranshu Goel	Proprietor of M/s Shri Mahadev Ji Exports	16.11.2022	RUD-12
3.	Shri Jitendra Kumar	Proprietor of M/s Shri Balaji Logistics (CHA)	16.11.2022	RUD-13
4.	Shri Pranshu Goel	Proprietor of M/s Shri Mahadev Ji Exports	17.11.2022	RUD-14
5.	Shri Vijay Goel	Controller of Firms	17.11.2022	RUD-15
6.	Ms. Devshree Bhatt	Proprietor of M/s Shree International	17.11.2022	RUD-16
7.	Shri Ajay Kumar	Proprietor of M/s Vinayak Steel	07.12.2022	RUD-17
8.	Shri Ajay Kumar	Proprietor of M/s Vinayak Steel	14.12.2022	RUD-18

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

9.	Shri Pinkal Rathi	Partner of M/s Oriental Trade Link	20.12.2022	RUD-19
10.	Smt. Nisha Goel	Proprietor of M/s Goel Exim	27.01.2023	RUD-20
11.	Shri Dhanraj Jain	Director of M/s Savitri Stainless Steel Pvt. Ltd. New Delhi	23.03.2023	RUD-21
12.	Shri Ram Singhal	Proprietor of M/s Singhal Steel	18.04.2023	RUD-22
13.	Shri Dinesh Goel	Proprietor of M/s Shiv Enterprises	24.04.2023	RUD-23
14.	Shri Sanjay Goel	Director of M/s Karan Metawares Pvt. Ltd.	08.05.2023	RUD-24
15.	Shri Manoj Singhal	Proprietor of M/s Sohum Trading Company	09.05.2023	RUD-25
16.	Shri Kartik Singla	Proprietor of M/s Singla Metals	26.05.2023	RUD-26
17.	Shri V. Radhakrishnan	Director of M/s Fast Track CFS Pvt. Ltd.	11.07.2023	RUD-27
18.	Shri Pinkal Rathi	Partner of M/s Oriental Trade Link	28.08.2023	RUD-28
19	Shri C K Shrikantha	Head (Compliance) of M/s Kerry Indev Logistics Pvt Ltd	12.09.2023	RUD-29
20	Shri Kushal Goyal	Controller of M/s Maa Bhanbori Steel and Alloys	15.09.2023	RUD-30
21	Shri Rakesh Maheshwari	Proprietor of M/s M/s Aarvi Shipping	25.09.2023	RUD-31
22	Shri Suresh Kumar Jawantrajji Bohra	Proprietor M/s Inox Importers	27.09.2023	RUD-32
23	Shri Jitendra Kumar	Proprietor of M/s Shri Balaji Logistics (CHA)	03.10.2023	RUD-33
24	Shri Deepak Kukreja	Partner of M/s SNP Steel	14.03.2024	RUD-34
25	Shri Nikhil Dua	Partner M/s Pride Steel	14.03.2024	RUD-35
26	Shri Vijay Goel	Controller of Firms	16.07.2024	RUD-36

2D. Details of confiscation Show Cause Notice issued under Section 124 of the Customs Act, 1962 [SCN issued vide F. No GEN/ADJ/ADC/2132/2023-Adjn-O/o Pr. Commr-Cus-Mundra/ 1542574/2023 dated 15.11.2023 issued by the Additional Commissioner of Customs, Customs Mundra.] **[RUD 37]**

Table 2D.1: Containers for which Show Cause Notice under Section 124 of the Customs Act 1962, has been issued:

Table-5

Name of importer	Container No	Bill of Entry No. and Date	Quantity in Kg	Declared rate \$/Kg	Rate of Exchange Applicable	Assessable Value declared (Rs.) (COL4*COL 5*COL 6)	Rate \$ per kg as per invoices found	Re-determined Assessable Value (Rs.) (COL 4 *COL6*COL 8)
M/s Goel Exim	TELU2237293	3257125 DT. 11.11.2022	28330	1.1	83.8	2611459.4	2.4	5697730
	IAAU2709160	3303610 DT.						
	IAAU2738298	15.11.2022	55454	1.1	83.8	5111749.72	2.4	11152908
	IAAU2811188	3072207 DT.						
	TCLU3683594	28.10.2022	55088	1.1	83.9	5084071.52	2.4	11092520
	TRHU2464885	3091438 DT.						
	GRMU2124837	29.10.2022	54840	1.2	83.9	5521291.2	2.4	11042582
M/s Mahashakti Exim	IAAU2867905	3303633 DT. 15.11.2022	27994	1.1	83.8	2580486.92	2.4	5630153
M/s Shri Mahadev JI Export 2018	TEMU3390438	3293673 DT.						
	TEMU3722954	14.11.2022	53478	1.1	83.8	4929602.04	2.4	10755495
						Total (Rs.)		55,371,389

Table 2D.2: Details of 34 Bank Accounts proposed to be confiscated vide SCN dated 15.11.2023, issued under Section 124 of Customs Act, 1962:

Table-6

S. No.	Firm / person name	Bank A/c No.	Bank Details	Balance
1	AJAY Goel	36905003537	ICICI	12,486.00
2	Ajay Goel (LINKED ACCOUNT TO VINAYAK STEEL)	36901513636	ICICI	7,351.00
3	Ajay Goel (LINKED ACCOUNT TO VINAYAK STEEL)	90962010053749	Canara Bank	6,836
4	Ajay Kumar	4047571257	Kotak Mahindra	12,000.00
5	POOJA GOEL (LINKED ACCOUNT TO VINAYAK STEEL)	90962010073368	Canara Bank	25,145

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

6	M/s Vinayak Steel	10064173260	ICICI	60,224.20
			Total	1,24,042.05
1	Devshree Bhatt	1145433104	Kotak Mahindra	25,790.00
2	M/s Shree International	2245256426	Kotak Mahindra	5,271.58
3	M/s Shree International	10087171153	IDFC First Bank, Ashok Vihar, New Delhi	22,232.00
4	M/s Shree International	102801508912	ICICI Bank, Ashok Vihar, New Delhi	1,871.00
5	M/s Shree International	107563300001862	Yes Bank, GT Karnal Road, New Delhi	19,452
			Total	74,616
1	M/s Ganesh Steel	9746304465	Kotak Mahindra	96,144.94
2	M/s Ganesh Steel	10085457157	IDFC First Bank, Ashok Vihar, New Delhi	24,164.00
3	M/s Ganesh Steel	10085098300	IDFC First Bank, Ashok Vihar, New Delhi	18,70,000.00
			Total	19,90,308.94
1	M/s Goel Exim	8845156470	Kotak Mahindra	5,610.49
2	M/s Goel Exim	10092744754	IDFC First Bank, Ashok Vihar, New Delhi	27,54,000.00
3	M/s Goel Exim	33105005788	ICICI Bank, Ashok Vihar, New Delhi	2,05,79,354.30
4	Nisha Goel	1565101026396	Canara Bank	3,35,580.66
5	Nisha Goel	1645663704	Kotak Mahindra	2,10,708.00
6	Nisha Goel	1645663711	Kotak Mahindra	52,677.00
7	Nisha Goel	1645663728	Kotak Mahindra	2,10,708.00
8	Nisha Goel	1645663735	Kotak Mahindra	52,677.00
			Total	2,42,01,315.45
1	M/s Maha Shakti Exims	10103248501	IDFC First Bank, Ashok Vihar, New Delhi	30,11,000.00
2	M/s Maha Shakti Exims	33105005809	ICICI Bank, Ashok Vihar, New Delhi	8,63,381.00

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

			Total	38,74,381.00
1	M/s Shri Mahadev Ji Exports	3145141591	Kotak Mahindra	18,894.00
2	M/s Shri Mahadev Ji Exports	3145150340	Kotak Mahindra	11,347.00
3	M/s Shri Mahadev Ji Exports	10089013784	IDFC First Bank, Ashok Vihar, New Delhi	22,78,000.00
4	M/s Shri Mahadev Ji Exports	33105005777	ICICI Bank, Ashok Vihar, New Delhi	52,869.54
5	M/s Shri Mahadev Ji Exports	1565201003915	Canara Bank, Pitampura, New Delhi	60,698.53
6	M/s Shri Mahadev Ji Exports	3114460319	Kotak Mahindra Bank, Ashok Vihar, New Delhi	60,224.20
7	Pranshu Goel	1815053151	Kotak Mahindra	9,567.94
8	Pranshu Goel	10088283561	IDFC First Bank, Ashok Vihar, New Delhi	177.75
			Total	24,91,779
1	Vijay Goel	6245382239	Kotak Mahindra	3,253.80
2	Vijay Goel	1565136000091	Canara Bank	7,08,986
			Total	7,12,239.80
			G. Total	3,34,68,683

3. Modus Operandi: During the course of investigation it emerged that Shri Vijay Goel and Shri Pranshu Goel, together, controlled all 6 import firms (Details in Table 1 of this SCN). Shri Vijay Goel and Shri Pranshu Goel used these 06 firms for importing Cold Rolled Stainless Steel of different grades from China at under-valued prices, by using fake/parallel invoices. Further, the differential price-on account of undervaluation, was paid to Chinese Suppliers through the Hawala Transfers and Telegraphic Transfer (TT) Payments. These under-valued impugned imported goods were also further sold in domestic market at under-valued price, by issuing under-valued GST invoices. Further, the differential payments were settled in cash with domestic recipients.

In addition, investigation revealed that these firms were also engaged in mis-classification of impugned goods for wrongly availing of BCD exemption under S. No. 734 of Notification No. 50/2018-Customs.

That these firms imported impugned goods through Customs Port Mundra as well as through SEZ Kandla. All the above aspects have been discussed in detail in subsequent paras.

4. All the firms under investigation were controlled by Shri Vijay Goel and Shri Pranshu Goel. Further, Shri Vijay Goel and Shri Pranshu Goel were the actual beneficial owners; they opened dummy firms in the name of relatives, friends and known persons:

During the course of investigation, it came to light that all the above 6 firms namely M/s Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels and M/s Vinayak Steels **were controlled by Shri Vijay Goel, with support of his son Shri Pranshu Goel**. Shri Vijay Goel and Shri Pranshu Goel were the **beneficial owner** in relation to all the imports made by these firms. That these firms were registered in the name of dummy proprietors (relatives, friends and knowns) who were being compensated for handing over the control of these firms to Shri Vijay Goel and Shri Pranshu Goel. As per evidences as mentioned below all these firms were used by Shri Vijay Goel and Shri Pranshu Goel for their own interests:

- i) **Shri Vijay Goel, in his statement recorded under Section 108 of the Customs Act, 1962 on 16.11.2022, stated that**, he established **M/s Shri Mahadev Ji Exports** (IEC-CPTPG4273F) under his son's name, Shri Pranshu Goel, for importing Stainless-Steel Coil J3 Grade (Ex-Stocks) through Mundra Port ; that all the business activity (*including fixing of prices of imported goods, bank transfers, and custom clearances etc*) of M/s Shri Mahadev Ji Exports was looked after by him with support of his son Shri Pranshu Goel; that he also established **M/s Goel Exim (IEC: AIFPG0671A)** in the name of his wife Smt. Nisha Goel in 2021 and imported Cold Rolled Stainless Coils J3 Grade (Ex Stocks/Stock Lot) from China; that he and his son Shri Pranshu Goel looked after all Import-Export related works of M/s Goel Exim (*including Fixing of Prices of Imported goods, bank transfers, and custom clearances etc*); that he also determined import prices, managed transactions, customs clearances, and sales to buyers in domestic market for other firms namely **M/s Maha Shakti Exims** , owned by his tenant Shri Upendra Pratap Singh ; **M/s Shree International**, owned by his friend's sister Ms. Devshree Bhatt; **M/s Ganesh Steel** , owned by his friend Shri Santan Kamat; that he used to pay Rs. 10,000/- (in cash) per container to the owner/proprietors of the aforementioned firms, whereas, he kept all the profits and losses in the above firms.
- ii) **Shri Pranshu Goel, in his Statement dated 16.11.2022, recorded under Section 108 of the Customs Act**, stated that Shri Vijay Goel is his father; that M/s Shri Mahadev Ji Exports (IEC-CPTPG4273F) was opened in his name in year 2018; that in this firm, he imported Cold Rolled Stainless Steel Coil from China and supplied the same to different buyers in India; that his father Shri Vijay Goel and he himself look after imports in M/s Shri Mahadev Ji Exports.
- iii) **Shri Jitender Kumar, Proprietor of M/s Shri Balaji Logistics (CHA), in his statement dated 16.11.2022**, recorded under Section 108 of the Customs Act, 1962 stated that he is associated with firm M/s Shri Balaji Logistics and M/s Endurance Logistics Pvt. Ltd; that he provided CHA services to controlled firms of Shri Vijay Goel and Shri Pranshu Goel from April 2021 to Oct 2022 namely M/s. Goel Exim, M/s. Shri Mahadev Ji Exports, M/s. Maha Shakti Exims, M/s Shree International, M/s Ganesh steel, M/s Vinayak Steels, for import of "Cold Rolled Stainless Steel Coils" from Mundra Port; that Shri Pranshu Goel provided all Custom related documents of above firms to his email ID (neeraj@endurancelogistics.com) from respective email IDs of firms namely M/s Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels, and M/s Vinayak Steels.

iv) **Shri Pranshu Goel, Proprietor of M/s. Shri Mahadev Ji Exports, in his statement dated 17.11.2022** recorded under Section 108 of the Customs Act, stated that he and his father Shri Vijay Goel had been looking after the import related work of M/s Shri Mahadev Ji Exports, M/s Goel Exim, M/s Shree International, M/s Ganesh Steel, M/s Mahashakti Exim and M/s Vinayak Steel.

v) **Shri Vijay Goel in his Statement dated 17.11.2022** recorded under Section 108 of the Customs Act, stated that all documents related to the import in M/s Vinayak Steel was provided to CHA M/s Balaji Logistics by him or his son Shri Pranshu Goel ; that all the import related work in M/s Vinayak Steel was looked after by him ; that he fully agreed with the answer of the question No.04 of the statement dated 16.11.2022 of Shri Jitendra Kumar, CHA that he engaged CHA M/s Balaji Logistics for Customs clearance work of M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exim, M/s Shree International, M/s Ganesh Steel & M/s Vinayak Steel.

vi) **Ms. Devshree Bhatt, Proprietor of M/s Shree International in her statement dated 17.11.2022** recorded under Section 108 of the Customs Act, stated that the firm M/s Shree International was opened in her name but she was not the actual beneficiary of it; that Shri Pranshu Goel and his father Shri Vijay Goel were the actual beneficiaries of the firm; that they looked after all import and domestic sale of imported goods in respect of M/s Shree International; that Shri Pranshu Goel and his father Shri Vijay Goel were looking after and managing the operations and made arrangement for clearance of goods of the firm M/s Shree International ; that she met Shri Vijay Goel in Delhi in 2020 where they decided to open an import export firm; that she provided her documents such as AADHAR, PAN, Driving License, Bank Details etc. to Shri Shri Vijay Goel to open the firm in her name ; that she had no active role in the said firms; that her role was limited only to share OTP received on her mobile number 9522277775 to Shri Vijay Goel and his son Shri Pranshu Goel for customs clearance/other firm's related work; that Shri Vijay Goel explained her that in case she takes active role; manages and controls the firm, then she would get the percentage of profit earned from M/s Shree International ; further other option was that she would not work, remains passive and Shri Vijay Goel would manage and control the firm; and she would get an amount of Rs.15,000/- per month.

vii) **Shri Ajay Kumar, Proprietor of M/s Vinayak Steel, in his voluntary statement dated 17.11.2022**, recorded under Section 108 of the Customs Act 1962, he is real brother of Shri Vijay Goel ; that in year 2020 on request of Shri Vijay Goel he provided his firm's (M/s Vinayak Steel) documents to Shri Vijay Goel, to obtain IEC for import of Cold Rolled Stainless Steel from China ; that all the payment for import in his firm M/s Vinayak Steel was made by Shri Vijay Goel through the bank account of his firm M/s Vinayak Steel ; that Shri Vijay Goel used to forge his signature in firm's bank documents / cheque to which he (Shri Ajay Kumar) has given consent; that all online transaction and RTGS related to his firm M/s Vinayak Steel was done by Shri Vijay Goel, as Shri Vijay Goel knew the passwords and bank OTPs were received by Shri Vijay Goel in his phone; that he has no knowledge about how much

import was made by his firm M/s Vinayak Steel as all the imports were made by Shri Vijay Goel.

viii) **Shri Ajay Kumar, Proprietor of M/s Vinayak Steel, in his Statement dated 14.12.2022**, recorded under Section 108 of the Customs Act, stated that Shri Pranshu Goel was actively involved in activities of his father Shri Vijay Goel ; that he provided his firm's (M/s Vinayak Steel) documents to Shri Pranshu Goel on his WhatsApp Number to obtain IEC ; that his brother Shri Vijay Goel and Son Shri Pranshu Goel used to undervalue the price of imported goods before Customs to evade applicable duty and to make goods competitive in domestic market; that as per his knowledge, Shri Pranshu Goel and Shri Vijay Goel controlled 4-5 firms whose bank accounts were also controlled by Shri Vijay Goel and Shri Pranshu Goel by forging signatures of the proprietor of the concerned firm, under their control.

ix) **Shri Pinkal Rathi, Partner of M/s Oriental Trade Link (CHA Firm) in his statement dated 21.12.2022**, recorded under Section 108 of the Customs Act, 1962, stated that his firm provided CHA services to the firms of Shri Vijay Goel and Shri Pranshu Goel namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Shree International, M/s Ganesh steel ; that he provided Customs clearance services for import of consignments of Cold Rolled Stainless Steel Coils 304 grade (Ex-stock)" at Mundra Port; imported from China in above firms ; that Shri Pranshu Goel used to provide him documents of above firms for Customs Clearance at his email ID otl.docs@gmail.com from the respective email IDs of the above firms; that after Customs clearances , Shri Pranshu Goel used to provide him transporter details (Vehicle No. & Driver details) for handing over of the imported goods.

x) **Smt. Nisha Goel, Proprietor of M/s Goel Exim in her voluntary statement dated 27.01.2023**, recorded under Section 108 of the Customs Act, 1962 stated that her husband and son were in business of import of Cold Rolled Stainless Steel and selling the same in local market; that in year 2021 his husband Shri Vijay Goel open M/s Goel Exim in her name ; that apart from M/s Goel Exim, she was director with her husband Shri Vijay Goel, in M/s KVM Apparels Pvt. Ltd and M/s Siddhi Vinayak Private Limited; that all the work related to the above firms were taken care of by her husband Shri Vijay Goel; that she only signed documents and shared Bank OTPs with her husband Shri Vijay Goel; that she has no knowledge about the import and duty payment in her firm M/s Goel Exim.

xi) **Shri Ram Singhal, Proprietor of M/s Singhal Steel in his voluntary statement dated 18.04.2023** recorded under Section 108 of the Customs Act, 1962 stated that he is a local trader engaged in buying and selling of stainless steel coils and circle in domestic market; that he has business relation with Shri Vijay Goel and Shri Pranshu Goel, who operate their business through firms namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Ganesh Steels, M/s Vinayak Steels, M/s Shree International and M/s Maha Shakti Exim; that for making business deals he used to contact Shri Vijay Goel and Shri Pranshu Goel over phone for purchasing Stainless-Steel Coils imported by them; that for these purchases Shri Vijay Goel and Shri Pranshu Goel used to issue sale invoices at under-valued rates and on their

directions he used to pay the differential amount-*accrued due to under-valuation*, in Cash to them.

xii) **Shri Dinesh Goel, Proprietor of M/s Shiv Enterprises, in his voluntary statement dated 09.04.2023** recorded under Section 108 of the Customs Act, stated that he is a local trader engaged in buying and selling of stainless steel coils and circle in domestic market; that he purchased stainless steel coils and circle from M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Ganesh Steels, M/s Vinayak Steels, M/s Shree International and M/s Mahashakti Exim which were operated and controlled by Shri Vijay Goel and Shri Pranshu Goel; that he had purchased only imported stainless steel coils from the above firms ; that Shri Vijay Goel and Shri Pranshu Goel told him that they would under-value the sale invoice and the differential amount would be paid in Cash.

xiii) **Shri Sanjay Goel Director of M/s Karan Metawares Pvt. Ltd (now M/s Naman Metawares Pvt. Ltd.) in his voluntary statement dated 08.05.2023**, recorded under Section 108 of the Customs Act, 1962, stated that he is elder brother of Shri Vijay Goel; that his firm is manufacturer of utensils ; also engaged in import, purchase and sale of stainless steel coils and sheets ; that he purchased stainless steel coils from firms namely M/s Mahadev Ji Exports, M/s Shree International, M/s Mahashakti Exim, M/s Goel Exim and M/s Ganesh Steel; that Shri Vijay Goel and Shri Pranshu Goel controlled and operated all above firms; that Shri Vijay Goel and Shri Pranshu Goel used to under-value the price of goods in sale invoices and differential amount was paid by him to Shri Vijay Goel and Shri Pranshu Goel in Cash.

xiv) **Shri Manoj Singhal Proprietor of M/s Sohum Trading Company in his statement dated 09.05.2023**, recorded under Section 108 of the Customs Act, 1962, stated that Shri Vijay Goel and Shri Pranshu Goel operated business through their firms namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Ganesh Steels, M/s Vinayak Steels, M/s Shree International and M/s Mahashakti Exim; that Shri Vijay Goel and Shri Pranshu Goel used to under-value the price of goods in sale invoices and differential amount was paid by him to Shri Vijay Goel and Shri Pranshu Goel in Cash.

xv) **Shri Kartik Singla, Proprietor of M/s Singla Metals in his statement dated on 26.05.2023**, recorded under Section 108 of the Customs Act, 1962, stated that he knew that Shri Vijay Goel and Shri Pranshu Goel control and operate business through their firms namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Ganesh Steels, M/s Vinayak Steels, M/s Shree International and M/s Mahashakti Exim.”

xvi) **Shri V. Radhakrishnan Director of M/s Fast Track CFS Pvt. Ltd (under SEZ Mundra) in his statement dated 11.07.2023**, recorded under Section 108 of the Customs Act stated that warehousing and handling for M/s Goel Exim, M/s Maha Shakti Exims, M/s Ganesh Steel, M/s Shree International and M/s Shri Mahadev Ji Export was done by his SEZ warehousing unit M/s Fast Track CFS Pvt. Ltd. at APSEZ Mundra”

4A. Thus, from the Investigation conducted and the evidences discussed in above paras, it emerged that Shri Vijay Goel, with assistance from his son Shri Pranshu Goel, raised 06 import

firms (*namely; M/s Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels, M/s Vinayak Steels*) in the names of his family members/relatives and friends. That Shri Vijay Goel and Shri Pranshu Goel controlled all the operations of the above 06 firms and used these firms for importing under-valued and mis-declared goods by using parallel invoices to evade Customs Duty. That all the financial control and benefits were actually owned by Shri Vijay Goel and his son Shri Pranshu Goel. Further, from the above paras, it is apparent that Shri Vijay Goel along with his son Shri Pranshu Goel were the controllers, managers and actual beneficiaries-in respect of imports made by these above mentioned 06 firms, in terms of Section 2(3A) of the Customs Act, 1962.

As per Section 2(3A) of the Customs Act, 1962, "beneficial owner" means any person on whose behalf the goods are being imported or exported or who exercises effective control over the goods being imported or exported. Further, as per sub-section (26) of section 2 of the Customs Act, 1962, "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.

Hence, the definition of "importer" as per section 2(26) also includes beneficial owner; as defined in Section 2(3A) of the Customs Act, 1962. Hence, "importer" means any person, including beneficial owner, who brings goods into India from a place outside India. From the foregoing paras, it is evident that Shri Vijay Goel and Shri Pranshu Goel are the actual controller of the import firms and had effective control over the imported goods, therefore they emerged out to be actual beneficiaries and owner of the impugned goods.

5. Under-Valuation in importation of Cold Rolled Stainless Steel Coils of J3/304 Grade by using bogus Parallel Invoices by Shri Vijay Goel and Shri Pranshu Goel in their controlled firms :

During the course of investigation, it also emerged that Shri Vijay Goel with support of Shri Pranshu Goel (his son) generated and used fake/parallel Invoices in import of Cold Rolled Stainless Steel of J3/304 grade from China. These fake/parallel Invoices were deliberately under-valued for declaration before Customs, with an intent to evade appropriate Customs duties and other applicable taxes. Evidences suggesting the above findings are as follows:

- i) **Shri Vijay Goel in his Statement dated 16.11.2022, recorded under Section 108 of the Customs Act** admitted that he undervalued imported goods (Cold Rolled Stainless Steel 304 & J3 grade) in his controlled firms (*namely; M/s Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels, M/s Vinayak Steels*); that undervaluation was around 20-25% of the value of goods imported by M/s Shree Mahadev Ji Exports, M/s Goel Exim, M/s Maha Shakti Exim, M/s Ganesh Steel & M/s Shree International; that the differential amount of actual and declared value was paid by him to the overseas supplier through **Hawala** Channels ; that main overseas suppliers for import goods for the aforementioned firms were M/s Crown Steel Company Ltd, M/s Foshan Jia Wei Import and Exports, M/s Leo Metal Ltd., China ; that he used to receive undervalued invoices from overseas suppliers on his WhatsApp number (9818084989) ;
- ii) **Shri Pranshu Goel, in his Statement dated 16.11.2022, recorded under Section 108 of the Customs Act** stated that in addition to his firm M/s Shri Mahadev Ji

Exports, his father Sh. Vijay Goel used M/s Goel Exim, owned by his mother Smt Nisha Goel, to import under-valued Cold Rolled Stainless Steel Coil from China; that Sh. Vijay Goel further sold the imported goods to different domestic buyers; that all the work related to import, sale and purchase in M/s Goel Exim and Mahadev Ji Exports were being looked after by his father Sh. Vijay Goel; that his father Shri Vijay Goel also negotiated with foreign suppliers for import of Cold Rolled Stainless Steel Coil ; that the suppliers of M/s Goel Exim were M/s Crown Steel Company Limited, M/s Foshan Ambocy Stainless Steel, M/s Foshan Jia Wei Import and Export, M/s Hongkong Winner Steel Co Limited etc.; that in his firm M/s Shri Mahadev Ji Exports the major suppliers were M/s Aofeng Metal Material Co. Ltd, M/s Crown Steel Company Limited, M/s Foshan Jia Wei Import and Export etc ;

iii) **Shri Pranshu Goel in his Statement dated 17.11.2022, recorded under Section 108 of the Customs Act** stated that he had gone through the invoices retrieved from the forensic analysis of his mobile phones; that these retrieved invoices pertained to M/s Shri Mahadev Ji Exports, M/s Goel Exim, M/s Maha Shakti Exim and M/s Shree International; that these invoices are actual invoices with higher value of imported goods; that there was considerable difference in value of these retrieved actual invoices and the value declared before Indian Customs during clearance; that they usually declared value of import goods at USD 0.75 per kg, however, the same item was being brought from Chinese supplier at 2 times higher rate;

On being asked to go through and explain WhatsApp Chats with Shri Sunny (in WhatsApp group named Vijay Sunny Coil); retrieved in forensic analysis from his mobile phone (Oppo Black Colour), Shri Prashu Goel stated that Shri Sunny is representative of his Chinese supplier namely M/s Fosan Jia Wei Import and Export Co. Ltd ; that Shri Sunny used to send him the documents for import goods on his WhatsApp number ; that documents retrieved in forensic analysis of his mobiles are actual documents viz. Invoices (with higher rate), Packing Lists, Bill of Ladings and Sale/ Purchase contacts for goods imported by M/s Goel Exim; that he also put his dated signatures on WhatsApp chat print outs and documents, in token of its correctness **[RUD-38]**.

Shri Prashu Goel further stated that the Chinese suppliers used to send two sets of invoices with same invoice number but with different value-*one higher and other lower*; that he used to receive the documents through courier(DHL); that he used to supply documents with lower value to his CHAs for filing papers before Customs.

iv) **Shri Vijay Goel, in his voluntary statement dated 17.11.2022 recorded under Section 108 of the Customs Act**, stated that clearance of stainless steel coil in the firms controlled by him were done at the price of USD 0.75 per KG, although the same was purchased from the Chinese supplier at almost twice of the declared price; that Shri Sunny , a representative of foreign supplier used to provided him import documents including actual invoices; that the differential amount, on account of undervaluation, was adjusted by way of cash payment; that all the activities related to imports of the aforementioned firms were looked after by him and his son; that his wife Smt. Nisha Goel was name sake proprietor of M/s Goel Exim;

v) **Shri Ajay Kumar proprietor of M/s Vinayak Steel, in his voluntary Statement dated 14.12.2022**, recorded under Section 108 of the Customs Act stated that the price of Cold Rolled Stainless Steel was high in China; that to make price of Cold Rolled Stainless Steel competitive in market, Shri Vijay Goel and Pranshu Goel used to declare low price before Indian Customs; that Shri Pranshu Goel and Shri Vijay Goel were controlling 4-5 firms whose bank accounts were also controlled by Shri Vijay Goel and Shri Pranshu Goel by means of forged signatures of the concerned persons under their control; that Shri Vijay Goel and Shri Pranshu Goel were the actual beneficiaries of the firms.

vi) **Smt. Nisha Goel proprietor of M/s Goel Exim, in her voluntary statement dated 27.01.2023** recorded under Section 108 of the Customs Act, 1962, stated that her husband Shri Vijay Goel and son Shri Pranshu Goel controlled work of M/s Goel Exim and M/s Shri Mahadev Ji Exports; that apart from these two firms her husband and son also controlled other firms; that her husband and son were involved in under-valuation and mis-classification in imported goods ; that for this omission she would try to pay the duty liability;

vii) **Shri Pinkal Rathi, partner of M/s Oriental Trade Link, in his voluntary statement dated 28.08.2023**, recorded under Section 108 of the Customs Act 1962, stated that in October, 2022 he cleared Goods i.e. Cold Rolled Stainless Steel 304 grade for M/s Goel Exim at Mundra, at a declared price range of USD 1.1 to 1.4 per KG, however, in the same period he also cleared same goods for M/s Ratnaveer Metals Ltd. @ USD 2.39 per kg (BE No. 2813667 dt. 10.10.2022); that rates declared by M/s Goel Exim for same goods is considerably lower than that declared by M/s Ratnaveer Metal Ltd; that similarly goods imported through Mundra SEZ by the firms controlled by Shri Vijay Goel and his son Shri Pranshu Goel were also at lower rate ranging from USD 1.1 per Kg to USD 1.4 per Kg.” ; that M/s Manilaxmi Trading Co. imported same goods i.e. cold Rolled Stainless Steel Coil 304 grade and value of the said goods in their import ranges at the price range of USD 2.29 to USD 2.42 per kg; that value of the goods imported by the firms controlled by Shri Vijay Goel and Shri Pranshu Goel was lower as compared to value of the similar goods imported by other firms.

5A. Further, on comparison of the retrieved parallel invoices with Invoices declared before Customs Authorities under Bills of Entry, it is evident that actual value of import goods was much higher. Thus, it emerged that the bogus invoices (with lower value) were used to declare before Custom Authorities to evade applicable custom duties and other levies. Further, settlement of payment with Chinese suppliers were made as per actual invoices (with Higher Value); part through Banking Channels and part in Cash through HAWALA.

5A.1 Details of all such Parallel Invoices retrieved during course of investigation in respect of M/s. Ganesh Steel, M/s. Goel Exim, M/s. Maha Shakti Exims, M/s. Shree International, M/s. Shri Mahadev Ji Exports vis-à-vis Customs declaration details (Bills of Entry and price), are detailed in **Annexure-C**. Examination of above clearly indicated under-valuation in imports made by firms controlled by Vijay Goel by using parallel/fake invoices.

5B. Thus, investigation revealed that said control firms of Shri Vijay Goel and Shri Pranshu Goel imported undervalued and mis-declared goods i.e. Cold Rolled Stainless Steel

Coils/sheets of **Grade 304 & J3** by way of using fake/parallel invoices to evade Customs duty. However, actual prices of these imported goods were much higher as discussed in Para 5A above. As per import data, these controlled firms of Shri Vijay Goel imported Cold Rolled Stainless Steel Coils/sheets of Grade 304 & J3 through Mundra Port in year 2021-2022:

Before Customs, Mundra (in year 2021-2022):

TABLE-7

S. NO.	NAME OF THE FIRMS	RANGE OF UNIT PRICE DECLARED (USD PER KG)		VALUE DECLARED BEFORE CUSTOMS (in INR)
		304 GRADE	J3 GRADE	
1	GOEL EXIM	1.10 to 1.40	0.75 to 0.85	80,90,56,006
2	MAHA SHAKTI EXIMS	1.10 to 1.40	0.75 to 0.85	30,19,33,723
3	SHRI MAHADEV JI EXPORTS	1.10 to 1.40	0.75 to 0.80	49,11,75,732
4	GANESH STEEL	1.40	0.75 to 0.80	18,18,50,389
5	SHREE INTERNATIONAL	1.40	0.75 to 0.85	14,75,56,046
6	VINAYAK STEEL	---	0.74 to 0.85	46,15,628
	GRAND TOTAL			1,93,61,87,525

However, the Original/parallel invoices retrieved show unit price of the goods in the range of USD 2.11 to 3.16 per KG for Grade 304 and USD 1.16 to 3.22 per KG for Grade J3, as detailed in **Annexure C**.

5C. Under-valuation in importation of Cold Rolled Stainless Steel of 304 Grade by Shri Vijay Goel and Shri Pranshu Goel , by their controlled firms , from SEZ Kandla :

During investigation, it was also observed that the firms namely, M/s Goel Exim, M/s Maha Shakti Exims, M/s Shree International, M/s Ganesh Steel, have imported Cold Rolled Stainless Steel of 304 Grade from Kandla SEZ in year 2022, at a unit price of 1.1 USD per Kg. Details as below:

Before SEZ, Kandla (in the year 2022):

TABLE-8

S. NO.	NAME OF THE FIRMS	UNIT PRICE DECLARED (USD PER KG) Grade 304	VALUE DECLARED BEFORE CUSTOMS (INR)
1	GOEL EXIM	1.1	51,05,664
2	MAHA SHAKTI EXIMS	1.1	2,28,50,502
3	SHREE INTERNATIONAL	1.1	7,02,99,649
4	GANESH STEEL	1.1	94,25,758
	TOTAL		10,76,81,573

Whereas the Original/parallel invoices retrieved show actual unit price of goods to in the range of USD USD 2.11 to 3.16 per KG for Grade 304 as discussed in above paras and attached as **Annexure C**.

6. Under-Invoicing in domestic sale of the impugned goods i.e. Cold Rolled Stainless Steel Coils of J3/304 Grade to domestic buyers, by controlled firms of Shri Vijay Goel and Shri Pranshu Goel:

Investigation revealed that these under-valued imported goods i.e. Cold Rolled Stainless Steel, were further supplied to domestic buyers by under-invoicing. It was found that the firms controlled by Shri Vijay Goel and Shri Pranshu Goel further sold imported goods to domestic buyers at suppressed value. Evidences supporting under-valuation in domestic sale of import goods are as follows:

i). **Shri Pranshu Goel proprietor of M/s Shri Mahadev Ji Exports in his statement dated on 16.11.2022**, recorded under Section 108 of the Customs Act 1962, explained his WhatsApp Chats with Shyam Ji A73 Manish Ji, Chandan Mukesh Ji Dalmia and Sunny China ; that Shri Shyam Ji and Shri Manish Ji are brothers and his local buyers ; that Chandan Mukesh Ji Dalmia is also his local buyer ; that on directions of his father Shri Vijay Goel, he prepared fake sale invoices-*without supply of goods*, to M/s Star India and M/s Dalmia Steel ; that against these fake invoices he received Online/Banking Payments (RTGS) from these firms; that he paid certain commission to the senders (local buyers) for these Online/Banking Payments (RTGS) ; that his father Shri Vijay Goel used to re-pay these senders (local buyers) for these online payments in Cash ; that for the payment of cash he used serial numbers of 2 Rupee note as a token ; to be used by taker and receiver during delivery of Cash;

That Shri Sunny is representative of his foreign suppliers; that his WhatsApp chats with sunny is regarding import of goods and payments against it; that the payments were used to be made to foreign suppliers on actual value of invoices; that for these payments he used to make advance payments from banking channels and rest by his father in Cash; that he is putting his dated signature on printouts of WhatsApp chat as a token of its correctness;

ii) **Shri Ram Singhal, proprietor of M/s Singhal Steel, in his statement dated 18.04.2023**, recorded under Section 108 of the Customs Act, stated that he purchased only imported stainless steel coils from the firms of Shri Vijay Goel and Shri Pranshu Goel ; that against these purchases he made payment to the respective bank account of these firms; that the sale invoices raised by Shri Vijay Goel and Shri Pranshu Goel for goods i.e. Cold Rolled Stainless Steel J3 grade, was in the range between Rs. 75 per kg to Rs. 102 per kg ; that these value were not correct; that the actual value of Cold Rolled Stainless Steel J3 grade was higher in the range of Rs. 120 to Rs. 125 per Kg; that for the sake of covering undervaluation done during import, Sh. Vijay Goel and Pranshu Goel, used to under-value the domestic invoice in the range of Rs. 75 per kg to Rs. 102 per kg; that however, payment for the same was done as per actual value of the goods; part through

banking channel (RTGS) in the account of respective firms of Shri Vijay Goel and Shri Pranshu Goel and remaining part in cash; that he did all this as per directions of Sh Vijay Goel & Pranshu Goel ;

iii) **Shri Dinesh Goel proprietor of M/s Shiv Enterprises, in his statement dated 09.04.2023**, recorded under Section 108 of the Customs Act, stated that he purchased only imported stainless steel coils from the firms of Shri Vijay Goel and Shri Pranshu Goel; that he made payments against purchases to the respective bank accounts of the firms.; that Shri Vijay Goel and Shri Pranshu Goel were big businessmen and had good hold in Wazirpur Industrial Area; that Shri Pranshu Goel informed him that he was buying goods at high rate and importing the same by way of undervaluation by declaring low rates before Customs; that for local sales to his firm M/s Shiv Enterprises, Shri Pranshu Goel would provide under-valued invoice and would take the remaining amount in cash;

iv) **Shri Sanjay Goel Director of M/s Karan Metaware Pvt. Ltd (now M/s Naman Metwares Pvt. Ltd), in his statement dated 08.05.2023** recorded under Section 108 of the Customs Act, stated that Shri Vijay Goel and Shri Pranshu Goel were engaged in import of goods i.e. Cold Rolled Stainless Steel Coil J3 grade ; that they also sold these imported goods in local market ; that rate for local sale in these firms was fixed by Shri Vijay Goel; that payments related matters in these firms were dealt by Shri Pranshu Goel; that in his firm M/s Karan Metaware Pvt. Ltd., he purchased goods from firms of Shri Pranshu Goel and Shri Vijay Goel namely M/s Mahadev Ji Exports, M/s Shree International, M/s Mahashakti Exim, M/s Goel Exim and M/s Ganesh Steel; that he purchased goods at average price of Rs. 70 per kg , however, the price of imported Cold Rolled Stainless Steel Coil J3 grade was approximately Rs. 120-125 per kg; that Shri Vijay Goel and Shri Pranshu Goel used to issue under-valued domestic invoice at Rs. 70 per kg ; that the payments for the same was done as per actual value of the goods; part through banking channel (RTGS) in the account of respective firms of Shri Vijay Goel and Shri Pranshu Goel and remaining part in cash; that for such transactions he paid around Rs. 2 to 3 crores in cash to Shri Pranshu Goel till date; that in most of the cases fake invoices were issued-*without supply of goods*; that transactions were made only on paper for which Shri Pranshu Goel used to pay him a commission of 3.5% of the amount involved in transaction;

v) **Shri Manoj Singhal, Proprietor of M/s Sohum Trading Company, in his statement dated 09.05.2023** recorded under Section 108 of the Customs Act, stated that he had purchased only imported cold rolled stainless steel coils/sheets J3 grade from the firms namely M/s Mahadev Ji Exports, M/s Shree International, M/s Mahashakti Exim, M/s Goel Exim except from M/s Ganesh Steel; that he did not know proprietors of above firms ; that above firms were totally controlled and operated by Shri Vijay Goel and Pranshu Goel; that on their directions he made payments in the respective bank account of the firms; that he purchased Stainless Steel Coil/sheet J3 Grade at price ranging from Rs. 69 to Rs. 98 per kg from Shri Vijay Goel and Pranshu Goel; that this price was not correct and was under-valued; that the actual value of Cold Rolled Stainless Steel J3 grade was higher, ranging from Rs. 100 to Rs. 110 depending upon the condition and quality of the Cold Rolled

Stainless Steel coil/sheet ; that Shri Vijay Goel and Pranshu Goel issued under-valued invoices in the range of between Rs. 69 per kg to Rs. 98 per kg ; that for the under-valued price he made payments through Banking channels (RTGS) in the banks accounts of the respective firms of Shri Vijay Goel and Shri Pranshu Goel ; that for remaining differential amount of actual value and invoice value, payment was paid in cash.

vi) **Shri Kartik Singla Proprietor of M/s. Singla Metals, in his statement dated 26.05.2023**, recorded under Section 108 of the Customs Act on 26.05.2023, he stated that he bought only Stainless Steel coils/sheet J3 Grade from firms of Shri Vijay Goel and Shri Pranshu Goel; that Shri Vijay Goel and Shri Pranshu Goel used to issue under-valued invoices; that for the under-valued price he made payments through Banking channels (RTGS) in the banks accounts of the respective firms of Shri Vijay Goel and Shri Pranshu Goel ; that for remaining differential amount of actual value and invoice value, as per directions of Shri Vijay Goel and Shri Pranshu Goel , payment was paid in cash.

7. Laundering of Cash by non-genuine/fake Online Transactions by Shri Vijay Goel:

Cash generation is an outcome of Customs/GST fraud. Evasion of applicable Customs duties and other applicable taxes, usually lead to settlement of payments in Cash in order to evade detection by Customs/GST/Income Tax authorities. Investigation in the subject matter also revealed that Shri Vijay Goel and Shri Pranshu Goel resorted to laundering of cash through non-genuine transactions with many firms. Modus Operandi adopted was to issue fake domestic sale invoices –*without supplies of goods*, to these domestic buyers (firms) and receive payments through Banking channels (RTGS), on charge of certain commission; to be paid to these senders (domestic buyers/firms). Further, these online payments were re-paid in Cash to these domestic buyers/firm by Shri Vijay Goel and Shri Pranshu Goel, to launder cash. Evidences came to light suggesting above are enumerated below:

i) **Shri Pranshu Goel proprietor of M/s Shri Mahadev Ji Exports, in his statement dated 16..11.2022**, recorded under Section 108 of the Customs Act, explained term “10 Kgs Mangolpuri cash ke liye note de do” in his WhatsApp Chats with Chandan Mukesh Ji Dalmia (at page No. 11 of his WhatsApp Chats), as serial numbers of 2 Rupee note may be provided ; to be used by taker and receiver during cash (Hawala) transactions;

ii) **Shri Ajay Kumar proprietor of M/s Vinayak Steel, in his statement recorded under Section 108 of the Customs Act on 14.12.2022**, stated that on the direction of Shri Pranshu Goel, he made some cash transactions with him, for which his firm M/s Savitri Stainless Steel Pvt. Paid online payments (RTGS) to firms of Shri Pranshu Goel and Shri Vijay Goel ;

iii) **Shri Dhanraj Jain Director of M/s Savitri Stainless Steel Pvt Ltd, in his statement dated 23.03.2023**, recorded under Section 108 of the Customs Act, commented upon the statement dated 14.12.2022 of Shri Ajay Kumar, proprietor of M/s Vinayak Steel (*point ii above*) that he knew Shri Pranshu Goel who was son of Shri Vijay Goel; that both father and son were engaged in import of stainless Steel

Coils through their controlled firms M/s Vinayak Steel, M/s Goel Exim ; that they also controlled some other firms which he did not know; that Shri Vijay Goel and Shri Pranshu Goel sold the these imported Stainless Steel Coil J3 grade (ex-stock) in domestic market at under-valued price ; that Shri Vijay Goel and Shri Pranshu Goel issued under-valued domestic invoices to local buyers; that the differential amount on account of under-valuation was paid to Shri Vijay Goel and Pranshu Goel in Cash ; that to launder cash, such fake RTGS transactions were received by Shri Vijay Goel and Pranshu Goel from many firms; that he also made fake RTGS transactions to firms namely M/s Vinayak Steel and M/s Goel Exim, controlled by Shri Vijay Goel and Shri Pranshu Goel ; that these fake RTGS were made by him by charging a commission of 4% of the amount involved in transaction ; that he was compensated in cash against these fake RTGS by Shri Vijay Goel and Shri Pranshu Goel through a local agent; that he explained modus operandi as fake invoices- *without supply of goods*, and e-way bill, were issued by Shri Vijay Goel and Shri Pranshu Goel for sale of scrap from their firm namely M/s Vinayak Steel; that against these fake sales he paid money through Banking Channels (RTGS) in account of M/s Vinayak Steel ; that he was re-paid by Shri Vijay Goel and Shri Pranshu Goel in cash against these fake RTGS; that thus, he had made RTGS of more than one Crore in firms of Shri Vijay Goel and Shri Pranshu Goel.

iv) **Shri Sanjay Goel Director of M/s Karan Metaware Pvt. Ltd. (now M/s Naman Metwares Pvt. Ltd.) in his statement dated 08.05.2023**, recorded under Section 108 of the Customs Act, stated that there were very few transactions where goods were actually delivered to him; that in most of the cases the transactions were made only on paper; that against fake RTGS he made Shri Pranshu Goel used to pay him a commission of 3.5% of the amount involved in transaction;

8. Settlement of differential payments with Chinese Suppliers and Domestic Buyers through the route of Hawala Transfer and Cash Settlements respectively.

During the search conducted on 16.11.2022 at residential premises of Shri Vijay Goel, situated at DU-10, Pitampura , New Delhi, certain diaries (**RUD - 39**) were resumed. These diaries contained hand written accounts/ledgers/calculations which appeared to be maintained in normal course of business. On cross-examination, Shri Vijay Goel in his statement dated 16.07.2024, gave evasive replies; that these diaries did not pertain to him. Whereas, Shri Vijay Goel could not provide any satisfactory reply as to why these Diaries were found at his residential premises situated at DU-10, Pitampura, New Delhi; that these diaries were resumed under Panchnama dated 16.11.2022, which was counter signed by Shri Vijay Goel. Although, replies of Shri Vijay Goel in context of these diaries were evasive, but, these Diaries were very well documented records of day to day business operations of Shri Vijay Goel, with respect to these controlled firms. On careful examination of entries in these diaries, it was observed that these contained details of Banking transactions, Cash transactions, imports made, domestic supplies, Hawala transactions through Chines middle men etc., related to business operations of Shri Vijay Goel.

9. Wrongful availment of duty benefits under S.No.734 of Notification No. 50/2018-Customs dated 30.06.2018 (SAPTA Benefits) for the firms namely M/s. Shree International, M/s. Shree Mahadev Ji Exports, M/s. Goel Exim and M/s. Maha Shakti Exim:

Investigation also revealed that Shri Vijay Goel and Shri Pranshu Goel through their Controlled firms were importing the goods namely "**Cold Rolled Stainless Steel Strips/Coils Grade J3**" by mis-classifying the same under CTH 72209022 and wrongly availed the benefit (at Sr. No.734) under Notification No.50/2018-Customs dated 30.06.2018.

Ministry of Finance (Department of Revenue) Notification No.50/2018-Customs dated 30.06.2018, provides for concessional benefits in duty of Customs for the goods imported from countries listed in APPENDIX I (*Bangladesh, People's Republic of China, Republic of Korea & Sri Lanka*) and APPENDIX II (*Bangladesh & Lao People's Democratic Republic*) of the notification. Further, the Chapter/ Heading No/ Sub-heading No./ tariff item and description of the eligible goods have been specified in column (2) and (3) respectively, of the Table annexed with the notification. In addition, extent of tariff concession (percentage of applied rate of duty in %) has been provided in in column (4) of the said Table. Entry No. 734 of the said notification provides for:

<u>Sr. No</u>	<u>Chapter Head No., Heading No., sub-Heading No., or Tariff Head</u>	<u>Description of good</u>	<u>Extent of Tariff concession (Percentage of applied rate of duty, in %)</u>
1	2	3	4
734	72209021, 72209022	All Goods	45

Thus, there is a provision of 45% of Customs duty concession in Notification No.50/2018-Customs dated 30.06.2018, for the goods imported from China & falling under CTH 72209022 i.e. **Flat-Rolled Stainless Steel (less than 600MM width) - Nickel Chromium Austenitic Type**. Chapter 7220 is appended below for reference:

7220	FLAT-ROLLED PRODUCTS OF STAINLESS STEEL, OF A WIDTH OF LESS THAN 600 MM		
<i>- Not further worked than hot-rolled:</i>			
7220 11	-- <i>Of a thickness of 4.75 mm or more :</i>		
7220 11 10	--- Skelp for pipes and tubes	kg.	15%
	--- <i>Strips for pipes and tubes (other than skelp) :</i>		-
7220 11 21	---- Chromium type	kg.	15%
7220 11 22	---- Nickel chromium austenitic type	kg.	15%

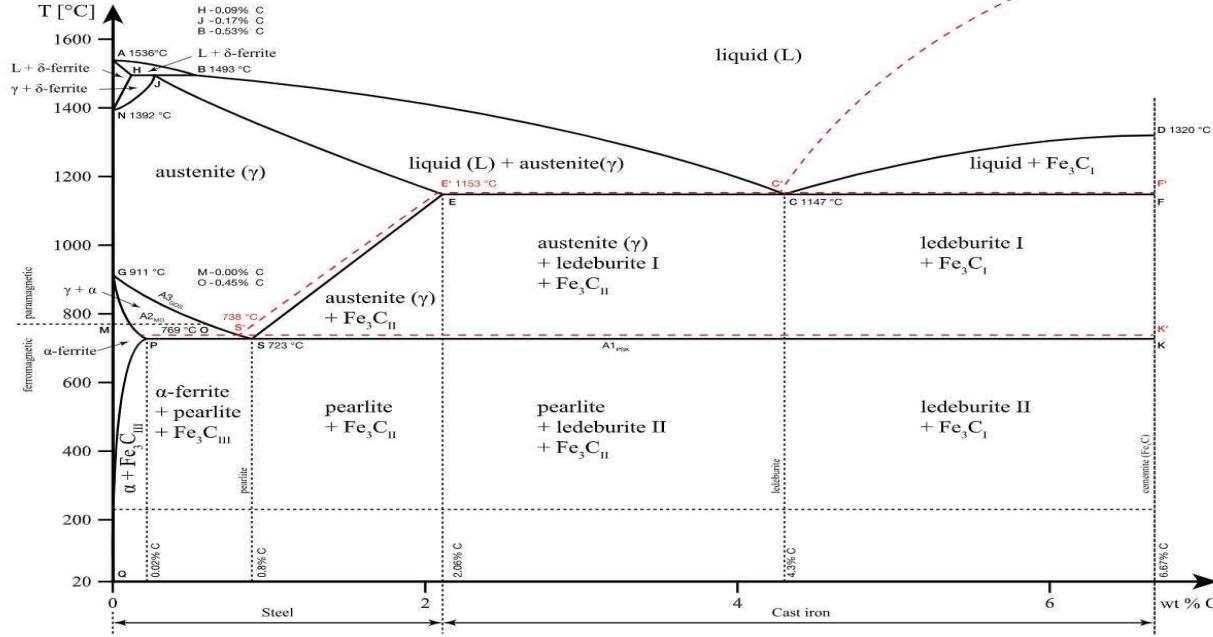
F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

7220 11 29	---- Other	kg.	15%	-
7220 11 90	--- Other	kg.	15%	-
7220 12	-- <i>Of a thickness of less than 4.75 mm :</i>			
7220 12 10	--- Skelp for pipes and tubes	kg.	15%	-
	--- <i>Strips for pipes and tubes (other than skelp) :</i>			
7220 12 21	---- Chromium type	kg.	15%	-
7220 12 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 12 29	---- Other	kg.	15%	-
7220 12 90	--- Other	kg.	15%	-
7220 20	- <i>Not further worked than cold-rolled (cold- reduced) :</i>			
7220 20 10	--- Skelp for pipes and tubes	kg.	15%	-
	--- <i>Strips for pipes and tubes (other than skelp) :</i>			
7220 20 21	---- Chromium type	kg.	15%	-
7220 20 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 20 29	---- Other	kg.	15%	-
7220 20 90	--- Other	kg.	15%	-
7220 90	- <i>Other :</i>			
7220 90 10	--- Skelp (strips for pipes and tubes)	kg.	15%	-
	--- <i>Strips for pipes and tubes (other than skelp) :</i>			
7220 90 21	---- Chromium type	kg.	15%	-
7220 90 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 90 29	---- Other	kg.	15%	-
7220 90 90	--- Other	kg.	15%	-

9A. Examination of Mill Test Report of Imported Goods vis-à-vis Austenitic Stainless Steel of Nickel Chromium type:

9A.1 As per open sources available on internet (https://en.wikipedia.org/wiki/Austenitic_stainless_steel), the Austenitic stainless steel is one of the five classes of stainless steel by crystalline structure (*along with ferritic, martensitic, duplex and precipitation hardened*). Its primary crystalline structure is austenite (face-centered cubic) and it prevents steels from being hardenable by heat treatment and makes them essentially non-magnetic.

Thus, the Austenitic Stainless Steel refers to a type of Non-Magnetic alloy of Iron. Its Face Centered Cubic crystal structure is formed at elevated temperature above 723°C and below 1493°C . As shown in the Iron-Carbon diagram below from technical documents available in open source:



Source: Open Source

Further, to stabilize Austenitic Stainless-Steel at room temperature, it is alloyed with other elements like Nickel and Chromium.

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

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

Table 1 Chemical Composition
(Clauses 7.1 and 7.2)

Grade Designation		C	Si Max	Mo	Ni	Cr	Mo	S Max	P Max	Others		
Letter [see IS 1762 (Part 1)]	Symbol ISS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Ferritic Steels												
X 04Cr12	405	0'08 Max	1'0	1'0 Max	—	11'5-13'5	—	0'030	0'040	Al 0'10-0'30		
X 07Cr17	430	0'12 Max	1'0	1'0 Max	0'50 Max	16'0-18'0	—	0'030	0'040			
Martensite Steel												
X 12Cr12	410	0'08-0'15	1'0	1'0 Max	1'0 Max	11'5-13'5	—	0'030	0'040			
X 20Cr13	420 S1	0'16-0'25	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 30Cr13	420 S2	0'26-0'35	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 40Cr13	420 S3	0'35-0'45	1'0	1'0 Max	1'0 Max	12'0-14'0	—	0'030	0'040			
X 15Cr16Ni2	431	0'10-0'20	1'0	1'0 Max	1'25-2'50	15'0-17'0	—	0'030	0'045			
X 108Cr17Mo	440	0'95-1'20	1'0	1'0 Max	0'50 Max	16'0-18'0	0'75 Max	0'030	0'045			
Austenitic Steels												
X 10Cr17Mn6Ni4N20	201	0'20 Max	1'0	4'0-8'0	3'5-5'5	16'0-18'0	—	0'030	0'045	N 0'05-0'20		
X 07Cr17Mn12Ni4	201 A	0'12 Max	1'0	10'0-14'0	3'5-5'5	16'0-18'0	—	0'030	0'045			
X 10Cr18Mn9Ni5	202	0'15 Max	1'0	8'0-10'0	4'0-6'0	17'0-19'0	—	0'030	0'045			
X 10Cr17Ni7	301	0'15 Max	1'0	2'0 Max	6'0-8'0	16'0-18'0	—	0'030	0'045			
X 07Cr18Ni9	302	0'15 Max	1'0	2'0 Max	8'0-10'0	17'0-19'0	—	0'030	0'045			
X 04Cr19Ni9	304 S1	0'08 Max	1'0	2'0 Max	8'0-18'0	17'5-20'0	—	0'03	0'045			

X 02Cr19Ni10	304 S2	0'03 Max	1'0	2'0 Max	8'0-12'0	17'5-20'0	-	0'030	0'045
X 15Cr24Ni13	309	0'20 Max	1'5	2'0 Max	11'0-15'0	22'0-25'0	-	0'030	0'045
X 20Cr25Ni20	310	0'25 Max	2'5	2'0 Max	18'0-21'0	24'0-26'0	-	0'030	0'045
X 04Cr17Ni12Mo2	316	0'03 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045
X 02Cr17Ni12Mo2	316 L	0'08 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045
X 04Cr17Ni12Mo2Ti	316 Ti	0'08 Max	1'0	2'0 Max	10'0-14'0	16'0-18'0	2'0-3'0	0'030	0'045 Ti Min-5 (C + N)
									Ti Max-0'80
X 04Cr18Ni10Ti	321	0'08 Max	1'0	2'0 Max	9'0-12'0	17'0-19'0	-	0'030	0'045 Ti Min-5 (C + N)
									Ti Max-0'8
X 04Cr18Ni10Nb	347	0'08 Max	1'0	2'0 Max	9'0-12'0	17'0-19'0	-	0'030	0'045 Nb Min-10C
									Nb Max-1'0

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

Subgroups of Austenitic stainless steel	Minimum-Maximum range of Nickel (Ni) (% by weight)	Minimum-Maximum range of Chromium (Cr) (% by weight)
300 Series	6 - 21	16 - 25
200 Series	3.5 - 6	16-19

9A.2 Further, **Mill Test Certificate (MTC)**, also known as a Mill Certificate or a Material Test Report (MTR), is a quality assurance document used in the manufacturing and inspection of materials, particularly in industries such as metalworking, construction, and manufacturing. The primary purpose of an MTC is to provide essential information about the properties and quality of a specific batch or lot of material, typically metals like steel or other critical materials used in construction or engineering projects.

During investigation of Mill Test Certificate/Report uploaded by importing firms controlled by Shri Vijay Goel and Shri Pranshu Goel, the content of Nickel (Ni) and Chromium (Cr) in the imported goods (Cold Rolled Stainless Steel Coil of J3 grade) was not found as per specification required to qualify in any of the two subgroups (200&300 Series) of Austenitic stainless steel. Examination of the Mill Test Certificates (MTC) uploaded by controlled firms of Shri Vijay Goel ; issued by the overseas suppliers for "Cold Rolled Stainless Steel strips/Coil Grade J3", revealed that these goods contained **Nickel content less than 1.5% and Chromium less than 16%**. Whereas, as prescribed under BIS standard IS 6911:1992, the contents of Nickel (Ni) and Chromium (Cr) for Austenitic Steel is higher in the range of 3.5 to 21 percentage for Nickel (Ni) and 16 to 25 for Chromium (Cr).

A comparison of Nickel (Ni) and Chromium (Cr) percentage in impugned goods with the content percentage prescribed in IS 6911:1992 for Austenitic Steel, clearly shows that impugned goods imported by the controlled firms of Shri Vijay Goel and Shri Pranshu Goel, do not qualify to be classified as Austenitic Stainless Steel of Nickel Chromium type as discussed in Para 9A.1 above. Therefore, it appears that Shri Vijay Goel and Shri Pranshu Goel mis-declared the impugned goods as Austenitic Steel of Nickel and Chromium type under CTH 72209022 i.e. *Flat-Rolled Stainless Steel (less than 600MM width) - Nickel Chromium Austenitic Type*, in order to avail undue benefits of Notification No.50/2018-Customs dated 30.06.2018. Evidences suggested above are discussed below:

9B. **Examination of Statements recorded under Section 108 of the Customs Act, 1962:**

- i) **Shri Vijay Goel, in his statement dated 16.11.2022, recorded under Section 108 of the Customs Act**, stated that, he availed SAPTA benefits available under Notification No.50/2018-Customs dated 30.06.2018, in his firms M/s Shree International, M/s Shree Mahadev Ji Exports, M/s Goel Exim and M/s Maha Shakti Exim; that he later stopped taking the above benefits on instruction of his CHA Shri Jitendra Kumar, proprietor of M/s Balaji Logistics .
- ii) **Shri Jitendra Kumar Proprietor of M/s Shri Balaji Logistics (CHA), in his statement dated 16.11.2022** recorded under Section 108 of the Customs stated that the imported goods were classified under CTH-72209022, that Mill Test Certificates (MTC)/Quality Certificates uploaded with Customs shows quantity of nickel less than 1 % and Chromium approx. 12-14% ; that as per his knowledge Nickel-Chromium austenitic type stainless steel contains around 16 to 26 percent chromium and higher percentage of nickel by weight; that as per MTC/Quality Certificates of the firms, the percentage of nickel and chromium was very low ; that these goods should not be classified under 72209022; that in August, 2021 and he instructed the importers not to claim the benefits of SAPTA under Notification No.50/2018-Customs dated 30.06.2018 and stop classifying goods under CTH-72209022; that these goods having such low % age of Nickel and Chromium would fall under others CTH category and not eligible for the SAPTA benefit.
- iii) **Shri Pinkal Rathi partner of M/s Oriental Trade Link (CHA firm), in his statement dated 21.12.2022** recorded under Section 108 of the Customs Act, stated that classification of imported goods under CTH 72209022 was done as per instruction of Shri Pranshu Goel in the firms;

As discussed in foregoing paras, it emerged that the Nickel and Chromium contents in the imported goods i.e. Cold Rolled Stainless Steel of J3 grade, were less than 1.5% and 16% respectively, therefore, the impugned goods do not qualify to be classified as Austenitic Stainless-Steel; as prescribed under BIS Standard IS 6911:1992. Thus, the declared CTH of impugned goods as "Nickel chromium austenitic type" under **CTH 72209022** appears to be in-correct. Further, as per investigation, no evidences regarding Mill Test Certificates (MTCs) being false were noticed, which gives credence to the fact that the subject goods were imported under wrong CTH i.e. 72209022 and therefore, the impugned goods need to be re-classified under correct CTH.

9C. Correct classification of imported goods i.e. Cold Rolled Stainless Steel of -J3 Grade, under CTH 7220 9090:

Classification of import/export goods is governed by the Indian Customs Tariff Act, 1975. The first Schedule specifies the nomenclature that is based on the Harmonized Commodity Description and Coding System generally referred to as "Harmonized System Nomenclature" or simply "HSN", developed by the World Customs Organization (WCO), which is applied uniformly for international trade all over the world. The 8-digit HS code is used to classify goods at more detailed level. The first 02 digit is called "**Chapter**", the 04 digit is called "**Headings**"; the 06 digit code is called "**Sub-Heading**" and 8 digits code is called "**tariff item**"

The impugned goods are cold rolled stainless steel coils (J3/304 grade) of width less than 600MM. The Customs Tariff Heading (CTH) 7220 is appended below:

7220	FLAT-ROLLED PRODUCTS OF STAINLESS STEEL, OF A WIDTH OF LESS THAN 600 MM			
	<i>- Not further worked than hot-rolled:</i>			
7220 11	<i>-- Of a thickness of 4.75 mm or more :</i>			
7220 11 10	---	Skelp for pipes and tubes	kg.	15%
	<i>--- Strips for pipes and tubes (other than skelp) :</i>			
7220 11 21	----	Chromium type	kg.	15%
7220 11 22	----	Nickel chromium austenitic type	kg.	15%
7220 11 29	----	Other	kg.	15%
7220 11 90	---	Other	kg.	15%
7220 12	<i>-- Of a thickness of less than 4.75 mm :</i>			
7220 12 10	---	Skelp for pipes and tubes	kg.	15%
	<i>--- Strips for pipes and tubes (other than skelp) :</i>			
7220 12 21	----	Chromium type	kg.	15%
7220 12 22	----	Nickel chromium austenitic type	kg.	15%
7220 12 29	----	Other	kg.	15%
7220 12 90	---	Other	kg.	15%
7220 20	<i>- Not further worked than cold-rolled (cold- reduced) :</i>			
7220 20 10	---	Skelp for pipes and tubes	kg.	15%
	<i>--- Strips for pipes and tubes (other than skelp) :</i>			
7220 20 21	----	Chromium type	kg.	15%

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

7220 20 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 20 29	---- Other	kg.	15%	-
7220 20 90	--- Other	kg.	15%	-
7220 90	- <i>Other :</i>			
7220 90 10	--- Skelp (strips for pipes and tubes)	kg.	15%	-
	--- <i>Strips for pipes and tubes (other than skelp) :</i>			
7220 90 21	---- Chromium type	kg.	15%	-
7220 90 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 90 29	---- Other	kg.	15%	-
7220 90 90	--- Other	kg.	15%	-

9C.1 As discussed in forgoing paras, the imported goods i.e. Cold Rolled Stainless Steel (grade J3/304) appear to be classifiable under Heading 7220 - “*Flat-rolled products of stainless Steel of width of less than 600mm*”.

That further classification (Sub-heading and Tariff head) is based on manufacturing process, shape of goods and its end use.

9C.2 As far as manufacturing process is concerned the impugned goods i.e. Cold-rolled stainless steels are manufactured through both processing of Hot Rolling and Cold Rolling, therefore, the goods appear to classifiable under subheading of **7220 90 -“others”** under CTH 7220.

9C.3 Further, within 7220 90, there are further classification for Tariff Head based on the shape of goods (i.e. skelp or strips) and its end use (i.e. used for pipes and tubes). In the instant case, the impugned goods are in Strip form and suitable for manufacturing of utensils, therefore, they appear to be correctly classifiable under **CTH 7220 9090 - “others”** under CTH 7220 90.

9D. Wrongful availment of concessional Benefits of Customs duty under Notification No.50/2018-Customs dated 30.06.2018 by classifying impugned goods under CTH 72209022:

Thus, Investigation revealed that Shri Vijay Goel and Shri Pranshu Goel, in their controlled firms, mis-classified the impugned goods under CTH 72209022, to avail concessional benefits @45% of duty of Customs, available under Sr. No. 734 of the notification. Details are as under:

Table-8A

Sr. No.	NAME OF IMPORTER	YEAR	INELIGIBLE BENEFITS AVAILED (in INR) UNDER NOTIFICATION No. 50/2018-cus dated 30.06.2018
1	GOEL EXIM	2021	6987911.48
2	MAHA SHAKTI EXIMS	2021	371992.96
3	SHREE INTERNATIONAL	2021	241222.56
4	SHRI MAHADEV JI EXPORTS	2021	3185837.97
	TOTAL		1,07,86,965

Further, as discussed in above paras (Para 9C), the impugned goods appears correctly classifiable under CTH 72209090. Therefore, availing of duty benefits under Notification No.50/2018-Customs dated 30.06.2018 , by the controlled firms of Shri Vijay Goel and Shri Pranshu Goel, appears to be incorrect, as there is no concessional benefits available for the goods classifiable under **CTH 7220 9090-“others”** , under the above Notification.

10. Summary of Investigation:

Thus, investigation of all the evidences retrieved, statements recorded, panchnama examined etc. brought out two major offences under Customs Act 1965, by Shri Vijay Goel and Shri Pranshu Goel , in their controlled firms, which are as under:

1. Under-Valuation in importation of Cold Rolled Stainless Steel of J3 and 304 Grade; and ;
2. Mis-classification of Cold Rolled Stainless Steel of J3 Grade under CTH 7220 9022 to avail undue benefits under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018.

10A. Under-Valuation in import of Cold Rolled Stainless Steel of J3 and 304 Grade, through Ports and SEZ ; evasion of Customs Duty :

That Shri Vijay Goel with the active support of his son Shri Pranshu Goel was engaged in undervaluation in import of the impugned goods in their 06 controlled firms namely M/s. Goel Exim, M/s. Shree International, M/s. Shri Mahadev Ji Exports, M/s. Maha Shakti Exims, M/s. Ganesh Steels, and M/s. Vinayak Steels.

That Shri Vijay Goel and Shri Pranshu Goel imported goods i.e. Cold Rolled Stainless Steel of J3 and 304 grade from China; under-valuing them by creation and using of undervalued bogus/ parallel invoices. Details of all such parallel invoices retrieved during course of investigation are tabulated in **Annexure C.**

Whereas, invoices declared with customs authorities were undervalued with an intent to evade applicable Customs duties and other taxes, the differential payments-*on account of under-valuation*, of such imports were paid to Chinese suppliers through illicit routes of Hawala Transfers and Telegraphic Transfers (TT).

Further, these under-valued imported goods were further sold in Domestic markets to recipients/firms at under-invoiced GST Invoices. That the Differential payments of such under-invoiced domestic transactions were settled through cash settlements.

In addition, evidences suggested that Shri Vijay Goel and Shri Pranshu Goel also laundered cash into bank transactions by issuing fake sale invoices-*without supply of goods*, to certain firms on charge of commission.

10B. Mis-classification of Cold Rolled Stainless Steel of J3 Grade ; availing undue Customs duty benefits under S. No.734 of Notification No. 50/2018 – Customs dated 30.06.2018.

Additionally, Shri Vijay Goel and Shri Pranshu Goel, through their controlled firms, were also appear to have indulged in mis-classification of Cold Rolled Stainless Steel of J3 under CTH 72209022 in order to avail undue 45% Customs duty concession available under S. No. 734 of Notification No. 50/2018-Cusroms dated 30.06.2017.

Whereas, such exemption is available for goods of “Nickel Chromium Austenitic Type”; having higher percentage of Nickel and Chromium content as specified in BIS Standard IS 6911:1992. Whereas, J3 grade has lower Nickel and Chromium content, and it does not merit classification under CTH 72209022.

Thus, the alleged controlled firms of Shri Vijay Goel wrongfully classified Cold Rolled Stainless Steel of J3 grade under CTH 72209022 to avail the undue benefit of concessional rate of duty.

11. Outcome of the Investigation:

Thorough investigation of all the evidences retrieved, statements recorded, Panchnamas examined, revealed that Shri Vijay Goel with active assistance of his son Shri Pranshu Goel, masterminded and executed a well-orchestrated plan to defraud the government exchequer by evasion of appropriate Customs Duties and other applicable taxes, as explained below:

That the six firms i.e. M/s. Goel Exim, M/s. Shree International, M/s. Shri Mahadev Ji Exports, M/s. Maha Shakti Exims, M/s. Ganesh Steels and M/s. Vinayak Steels, controlled by Shri Vijay Goel and Shri Pranshu Goel, were engaged in under-valuation of Cold Rolled Stainless Steel of J3/304 grade, imported from China; that in such imports, Shri Vijay Goel and Shri Pranshu Goel created and used under-valued bogus/parallel invoice and declared lower value of goods before Indian Customs Authorities, with an intent to evade applicable custom duties and other taxes.

Further, the differential payments-*on account of undervaluation*, in such imports were made through illicit routes of Hawala and Telegraphic Transfers (TT).

Subsequently, these under-valued imported goods were further sold in domestic markets and supplied to the recipients/firms at under-valued GST invoice; that differential payments related to such under-invoiced domestic sales were settled through cash transactions.

Lastly, the cash generated through this entire illicit international and domestic transactions was laundered by Shri Vijay Goel and Shri Paranshu Goel, by issuing fake domestic Sale invoices-*without movement of goods*; received Online/Bank Payments (RTGS)

from recipients against such fake sales; re-paid these Online/Bank Payments (RTGS) to the recipients in cash with a commission @3.5 to 4%.

Additionally, importing firms were also engaged in mis-classification of Cold Rolled Stainless Steel of J3 grade under CTH 72209022 to wrongly avail the tariff concession of 45% available under S. No. 734 of Notification No.50/2018-Cus dated 30.06.2018, whereas, such exemption is available for goods classifiable under CTH 7220 9022 that are “Nickel Chromium Austenitic Type”, which have higher percentage of Nickel and Chromium content as defined in BIS Standard IS 6911:1992. Whereas, J3 grade due to the lower Nickel and Chromium content does not merit classification under the tariff heading of Nickel Chromium Austenitic Stainless Steel.

12. Rejection of declared Assessable Value under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007:

In view of foregoing paras and evidences on record, the declared import value of impugned goods, by the firms controlled by Shri Vijay Goel and Shri Pranshu Goel, appear doubtful.

12.1 Import data of these 06 firms revealed import unit price (in USD/KG) and import value of the impugned goods, as below:

Before Customs, Mundra (in year 2021-2022):

TABLE-7

S. NO.	NAME OF THE FIRMS	RANGE OF UNIT PRICE DECLARED (USD PER KG)		VALUE DECLARED BEFORE CUSTOMS (in INR)
		304 GRADE	J3 GRADE	
1	GOEL EXIM	1.10 to 1.40	0.75 to 0.85	80,90,56,006
2	MAHA SHAKTI EXIMS	1.10 to 1.40	0.75 to 0.85	30,19,33,723
3	SHRI MAHADEV JI EXPORTS	1.10 to 1.40	0.75 to 0.80	49,11,75,732
4	GANESH STEEL	1.40	0.75 to 0.80	18,18,50,389
5	SHREE INTERNATIONAL	1.40	0.75 to 0.85	14,75,56,046
6	VINAYAK STEEL	---	0.74 to 0.85	46,15,628
	GRAND TOTAL			1,93,61,87,525

Before SEZ, Kandla (in the year 2022):

TABLE-8

S. NO.	NAME OF THE FIRMS	UNIT PRICE DECLARED (USD PER KG) Grade 304	VALUE DECLARED BEFORE CUSTOMS (INR)

1	GOEL EXIM	1.1	51,05,664
2	MAHA SHAKTI EXIMS	1.1	2,28,50,502
3	SHREE INTERNATIONAL	1.1	7,02,99,649
4	GANESH STEEL	1.1	94,25,758
	TOTAL		10,76,81,573

However, retrieved parallel invoices of these firms show actual unit price of the impugned goods in the range of USD 2.11 to 3.16 per KG for Grade 304 and USD 1.16 to 3.22 per KG for Grade J3, as detailed in **Annexure C**.

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

Further, in accordance with such provisions, Central Government has made Customs Valuation (Determination of value of imported goods) Rules, 2007 (herein after referred to as "CVR 2007").

12.2 Further, as per Rule 3 of the CVR, 2007, the transaction value of imported goods shall be the price actually paid or payable for the goods when sold for export. The evidences and voluntary statements recorded under Section 108 of Customs Act, 1962 discussed herein foregoing paras have strongly suggested that the values declared in relation to the impugned goods i.e. Cold Rolled Stainless Steel coils 304/J3 are not the correct value and the same are liable to be rejected in terms of Rule 12 of the Customs Valuation (Determination of value of Imported Goods) Rules, 2007.

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

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

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

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

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

calculation of Customs duty as the same is the actual transaction value of the imported goods.

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

14. Valuation of impugned goods under the Customs Valuation (Determination of Value of Imported goods) Rules, 2007:

14.1 Based on the investigation conducted and evidences on records, there appears sufficient reasons to believe that the value of the impugned goods declared by the importer in the respective Bills of Entry detailed in **Annexure-A** (*for imports from Mundra Port*) & **Annexure-B** (*for clearance through SEZ Kandla*) is not the actual transaction value and the same appears liable to be rejected in terms of Rule 12 of CVR 2007.

14.2 In terms of Section 14(1) of the Act read with the CVR, 2007, the transaction value is liable to be rejected under Rule 12 ibid and must be re-determined. Further, voluntary statement under Section 108 of the Customs Act 1962, of concerned persons along with evidence on records (Parallel Invoices) substantiate that the declared value of the impugned goods was not true. Following evidence have come on record in support of rejection and re-determination of value declared in the Bills of Entry: -

A. Acceptance by Shri Vijay Goel, Shri Pranshu Goel and other stakeholders in their voluntary statements, about using under-valued fake/parallel invoices before Customs authorities, to evade Customs duty.

B. Disclosure of the transaction value of the impugned by Shri Vijay Goel, Shri Pranshu Goel and other stakeholders, in the voluntary statements recorded under Section 108 of the Customs Act 1962

C. Original/Parallel invoices retrieved during investigation, mentioning correct value of imported goods;

Further, as per import data, total Numbers of Bills of Entries filed by above 06 firms, Total Number of Original/Parallel Invoices retrieved, Number of Bills of Entries for which Original/Parallel Invoices available, are as below:

TABLE-9

Total Bills of Entries Filed	Total Number of Parallel invoices retrieved	Number of Bills of Entries, for which Original/Parallel Invoices available
434 (<i>Containing 618 items</i>)	131	90

14.3. As per Rule 3 of Customs Valuation Rules, 2007, subject to Rule 12 Ibid, the **value of goods shall be the 'transaction value' of goods**. Further, in terms of Section 14 of the Customs Act, 1962, the transaction value is the price actually paid or payable for the goods

when the goods are sold for delivery at the time and place of importation. In this case, the investigations have led to the recovery of irrefutable evidence that the value declared before Customs is not the actual transaction value of goods. **Therefore, in terms of Rule 3 of Customs Valuation Rules, read with Section 14 of the Customs Act, the value declared in the resumed invoices is being taken as the actual transaction value of the goods for the purpose of valuation of goods.**

Further, for the goods where original invoices are not available, in view of the evidence unearthed / recovered during the investigation as discussed supra and as per the statements of Sh. Vijay Goel and Sh. Pranshu Goel and other associated persons, it appears that gross under-valuation and mis-declaration had been done in import in relation to the actual value of the imported goods at the time of import before the Indian Customs and therefore, the values of said consignments are to be re-determined under Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

In view of the above discussions and legal provisions, it appears that the value declared in the Bills of Entry during importation is not the correct value and is liable to be rejected in terms of Rule 12 of the Valuation Rules, 2007, as the importer has indulged in mis declaration of goods in terms of value [explanation 1(iii) (f) of Rule 12]. Rule 12(1) provides that in such cases it shall be deemed that the transaction value cannot be determined under the provisions of sub- Rule 1 of Rule 3. Further it appears that in terms of Rule 3 (4) of the said rules, the value has to be re-determined by proceeding sequentially through Rule 4 to 9.

It appears that value cannot be determined in terms of **Rule 4 of the said rules** as investigations have revealed that the goods have been mis declared in terms of value. Besides, due to the nature of goods that vary greatly in physical characteristics due to their composition and also quality, reputation etc. "identical goods" are not available for an effective comparison. Likewise, value of goods cannot be determined as per **Rule 5** as the goods have been mis-declared in terms of value and "similar goods" are not available for comparison due to large variation in physical characteristics due to difference in composition , quality, reputation etc.

It also appears that the "deductive value" as provided for under **Rule 7** cannot be arrived at as the importer has failed to provide the one to one correlation of goods imported. Further, it appears that "computed value", as provided under **Rule 8**, cannot be calculated in the absence of quantifiable data relating to cost of production, manufacture or processing of import goods. As such, it appears that there is no option but to invoke the provisions of Rule 9 i.e. residual method for determining the value of the impugned import goods. Rule 9 provides for determination of value using reasonable means consistent with the principles and general provisions of these rules. The underlying principle behind the Valuation Rules for determination of transaction value is that it should reflect the actual price paid or payable for the import goods. The wording employed in Section 14 of the Customs Act, 1962 also lends credence to this theory. It appears that, in keeping with the principles of the said rules and Section 14, the ends of justice would be met if the actual price paid by the buyer of the goods is taken as the transaction value of the impugned goods

Therefore, for the rest of the Bills of Entries, where no corresponding actual invoices are available reference can be taken from available Original/Parallel Invoices to arrive at actual value of the goods in terms of Rule 9 of the Customs Valuation Rules , 2007.

Further, on analysing all these Original/Parallel invoices, it was noticed that actual price range (Minimum to Maximum) for the goods for different grades, are as below:

Table-10

Actual price range (Minimum to Maximum) as found mentioned in Parallel Invoices for different grades of Cold Rolled Stainless Steel

Name Of the Importer	Grade of Goods (Stainless Steel Coils)	Minimum Value found (in USD per KG)	Maximum value found (in USD per KG)
M/S GANESH STEEL	J3	1.82	1.88
M/S GOEL EXIM	304	2.11	2.79
	J3	1.30	2.35
M/S MAHA SHAKTI EXIMS	304	2.93	2.97
	J3	1.30	3.22
M/S SHREE INTERNATIONAL	304	2.87	3.16
	J3	1.55	2.86
M/S SHRI MAHADEV JI EXPORTS	304	2.11	3.02
	J3	1.16	3.02

Therefore, for valuation of above Bills of Entry, provisions of **Rule 9** of CVR 2007 of the CVR 2007; residual method appears applicable:

Rule 9 of CVR 2007 provides for the determination of value using reasonable means consistent with the principles and general provisions of these rules. The underlying principle behind the Valuation Rules for the determination of transaction value is that it should reflect the actual price paid or payable for the import goods. It appears that, in keeping with the principles of the said rules and Section 14 of the Act, price mentioned in the original/ parallel invoices retrieved during investigation, issued by the overseas suppliers, appears reasonable for valuation purpose.

Thus, for the Bills of Entries, where corresponding original/ parallel invoices are available, the value mentioned in these Original/parallel invoices have been taken for valuation.

Further, for the remaining Bills of Entries-*where corresponding original/ parallel invoices are not available*, the lowest unit price of the goods (grade J3/304) mentioned in available Original/parallel invoice of that firm, appear justifiable for valuation purpose.

In addition, where no parallel invoices are available for a particular firm/grade, in such case, lowest value for that grade mentioned in **Table 10** above (*minimum value for that grade in Original/parallel invoice of all the firms*) has been taken to re-determine the value of such imported goods.

The details of lowest value found in retrieved Original/Parallel invoices, are as below:

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

**Lowest value available in Original /Parallel Invoices a for cold rolled stainless steel
(grade 304):**

TABLE-11

COLD ROLLED STAINLESS STEEL (GRADE 304)							
S. NO.	NAME OF IMPORTER	NAME OF CHINESE SUPPLIER	PARALLEL INVOICE NO.	PARALLEL DATE OF INVOICE	UNIT PRICE AS PER PARALLEL INVOICE (USD/KG)	BE NUMBER AND DATE	PRICE DECLARED BEFORE CUSTOMS (USD/KG)
1	M/S GOEL EXIM	GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO. LTD	SMJ210301705-1	09-04-2021	2.11	3883104 dated 09-05-2021	0.75
2	M/S MAHA SHAKTI EXIMS	LEO METALS LIMITED	210802J02-1	05-08-2021	2.93	5300918 dated 03.09.2021	0.75
3	M/S SHREE INTERNATIONAL	FS-ESSENTIAL INTERNATIONAL CO. LIMITED	SMJ202108016-3/2111011-1	10-12-2021	2.87	6980314 dated 06.01.2022	0.75
4	M/S SHRI MAHADEV JI EXPORTS	GUANGDONG GUANGXIN GOLDTEC HOLDINGS CO. LTD.	GXGJ-SMJ210301705-2-CI	19-04-2021	2.11	3940521 dated 13.05.2021	0.75

**Lowest value available in Original /Parallel Invoices a for cold rolled stainless steel
(grade J3):**

Table-12

COLD ROLLED STAINLESS STEEL (GRADE J3)							
S. No.	NAME OF IMPORTER	NAME OF CHINESE SUPPLIER	PARALLEL INVOICE NO.	PARALLEL DATE OF INVOICE	UNIT PRICE AS PER PARALLEL INVOICE (USD/KG)	BE NUMBER AND DATE	PRICE DECLARED BEFORE CUSTOMS (USD/KG)
1	M/S GOEL EXIM	FOSHAN XUANZHENG TRADING CO. LTD.	GXGJ-SMJ210301014-I	30-06-2021	1.30	5143494 dated 21.08.2021	0.75
2	M/S MAHA SHAKTI EXIMS	FOSHAN XUANZHENG TRADING CO. LTD.	GXGJ-SMJ21030101014/8015	19-08-2021	1.30	5328347 dated 09.09.2021	0.75
3	M/S SHREE INTERNATIONAL	FS-ESSENTIAL INTERNATIONAL CO. LIMITED	SMJ8015-9/0901-3CI	17-01-2022	1.55	6923409 dated 01.01.2022	0.75

4	M/S SHRI MAHADEV JI EXPORTS	LEO METALS LIMITED	1028J02-3	30-03-2021	1.16	3866635 dated 07.05.2021	0.75
5	M/S GANESH STEEL	FOSHAN JIA WEI IMPORT AND EXPORT CO. LTD.	22SPJW-SMJ0021	11-04-2022	1.82	8641287 dated 11.05.2022	0.80

Further, since no parallel invoice pertaining to M/s. Vinayak Steels was available, therefore, the lowest value of cold rolled stainless steel coil (J3 and 304 Grade) in Original/parallel invoices of other 05 controlled firms of Shri Vijay Goel, has been taken for redetermination of Assessable Value and calculation of differential duty.

14.4 Accordingly, valuation of the imported goods (*Cold Rolled Stainless Steel of J3/304 grade*) by the 06 firms controlled by Shri Vijay Goel and Shri Pranshu Goel, in terms of Rule 9 of the valuation rules, has been arrived at, i.e., by taking value mentioned in available Original/parallel Invoices ; where corresponding Bills of Entries are found, and by taking lowest unit price mentioned in the available Original/parallel Invoice (as mentioned in the table 9 & 10 above) for the rest of the Bills of Entry.

Further concessional duty benefits availed by four firms namely, M/s Goel Exim, M/s Shri Mahadev Ji Export, M/s Shree International, and M/s Mahashakti Exim under S.No. 734 of Notification No. 50/2018-Customs 30.06.2018 has also been denied, as the same is not available on impugned goods, as discussed in detail in paras supra.

Accordingly, as detailed in **Annexure-A** (*for imports from Mundra Port*) & **Annexure-B** (*for clearance through SEZ Kandla*), differential duty appears to be recoverable in respect of 06 controlled firms of Shri Vijay Goel and Shri Pranshu Goel, are as under-

Table-13 (For Import from Port Mundra)

Name of the Importer	Sum of Total Assessable Value - Assessed	Sum of Re-determined assessable value in Rs.	Sum of differential duty
GANESH STEEL	18,18,50,389	37,62,31,404	5,39,11,574
GOEL EXIM	80,90,56,006	1,40,07,33,988	16,41,01,888
MAHA SHAKTI EXIMS	30,19,33,723	64,99,19,161	9,65,13,761
SHREE INTERNATIONAL	14,75,56,046	31,32,31,626	4,59,50,122
SHRI MAHADEV JI EXPORTS	49,11,75,732	78,71,52,316	8,20,89,105
VINAYAK STEEL	46,15,628	1,19,00,843	20,20,554
GTOTAL	1,93,61,87,525	3,53,91,69,338	44,45,87,006

Table 14 (For Import from SEZ Kandla)

Name of the Importer	Sum of Total Assessable Value - Assessed	Sum of Re-determined assessable value in Rs.	Sum of differential duty
GANESH STEEL	51,05,664	97,81,925	12,96,961
GOEL EXIM	2,28,50,502	4,38,19,852	58,15,849
MAHA SHAKTI EXIMS	7,02,99,649	18,35,49,370	3,14,09,810
SHREE INTERNATIONAL	94,25,758	2,45,51,560	41,95,141
G,TOTAL	10,76,81,573	26,17,02,707	4,27,17,762

15. Applicability of Section 28(4) of the Customs act, 1962:

15.1 In the present case, it is evident that the actual facts were known to Shri Vijay Goel and Shri Pranshu Goel, who were emerged to be the actual beneficial owners of the impugned goods imported by the firms namely M/s. Goel Exim, M/s. Shri Mahadev Ji Exports, M/s. Shree International, M/s. Maha Shakti Exims, M/s Ganesh Steels and M/s. Vinayak Steels; that Shri Vijay Goel and Shri Pranshu Goel, along with the proprietors of these 06 firms had knowingly and deliberately indulged in suppression of facts and wilfully misrepresented/misstated the material facts in contravention of the provisions of Section 46(4) of the Customs Act, 1962 read with other provisions mentioned at para 13 above. In terms of Section 46(4) of Customs Act, 1962, the importer was required to make a declaration as to truth of the contents of the Bills of Entry submitted for assessment of Customs duty. For these contraventions and violations, the goods fall under the ambit of 'smuggled goods' within the meaning of Section 2(39) of the Customs Act, 1962, and are liable for confiscation under the provisions of Section 111(m) of the Customs Act, 1962.

15.2 It further emerged that mis-declaration in classification and valuation of the impugned goods in the import documents viz. Bills of Entry, import invoices etc. presented by M/s. Goel Exim, M/s. Shri Mahadev Ji Exports, M/s. Shree International, M/s. Maha Shakti Exims, M/s Ganesh Steels and M/s. Vinayak Steels, before the Customs authorities, was done on the directions of Sh. Vijay Goel and Pranshu Goel, beneficial owners of these firms, in order to avoid appropriate levy of Customs duty on the actual transaction value, and to avail undue concessional benefits under Notification No. 50/2018-Customs dated 30.06.2018.

Thus, Shri Vijay Goel and his son Shri Pranshu Goel along with proprietors of these controlled firms appear to have run a syndicate engaged in under-valuation and mis-declaration of imported goods i.e. Cold Rolled Stainless Steel Grade J3/304.

15.3 All the aforesaid acts of omissions and commissions on the part of Sh. Vijay Goel and Pranshu Goel, have rendered the imported goods liable for confiscation under Section 111 (m) of the Customs Act, 1962, and consequently rendered them liable for penalty under Section 112 of the Customs Act, 1962. Further, acts of Shri Sh. Vijay Goel and Pranshu Goel, beneficial owners of the impugned goods who knowingly and intentionally prepared/got prepared, signed/got signed and used the declaration, statements and/or documents presented the same to the Customs authorities, which were incorrect in as much as they were

not representing the true, correct and actual classification of the imported goods, has rendered themselves liable for penalty under Section 114AA of the Customs Act, 1962. Sh. Vijay Goel and Pranshu Goel, beneficial owners of the impugned goods imported by M/s. Goel Exim, M/s. Shri Mahadev Ji Exports, M/s. Shree International, M/s. Maha Shakti Exims, M/s Ganesh Steels and M/s. Vinayak Steels have also violated the provisions of Section 17 and 46 of the Customs Act, 1962. Therefore, the duty not paid/short paid is liable to be recovered from M/s. Goel Exim, M/s. Shri Mahadev Ji Exports, M/s. Shree International, M/s. Maha Shakti Exims, M/s Ganesh Steels and M/s. Vinayak Steels **by invoking the extended period of five years as per Section 28(4) of the Customs Act, 1962, in as much as the duty is short paid on account of wilful mis-statement as narrated above.**

16. Now therefore, **Shri Vijay Goel and Sh. Pranshu Goel**, controllers and beneficial importers of the controlled firms namely M/s. Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels, and M/s Vinayak Steels, having address at DU-10, Pitampura, New Delhi are hereby called upon to Show Cause to the Pr. Commissioner of Customs, Custom House, Mundra within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why:

a. In relation to controlled firm, namely **M/s Goel Exim** (IEC AIFPG0671A) having address at A-84/1. Ground Floor, Industrial Area, Wazirpur North, West Delhi-110052:

- (i) The declared value of the goods imported through Mundra Port (INMUN1) totalling to **Rs. 80,90,56,006/- (Rupees Eighty Crores Ninety Lakhs Fifty-Six Thousand-Six only)** as detailed in Table 13 should not be rejected under Rule 12 of the CVR, 2007 and **re-determined as Rs. 1,40,07,33,988/- (Rupees One Hundred-Forty-Crores Seven-Lakhs Thirty-Three-Thousand Nine-Hundred Eighty-Eight only)** under Rule 9 of the CVR, 2007 as discussed in paras supra.
- (ii) The goods as detailed in para (i) above excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/1542574/2023 dated 15.11.2023 has already been issued, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to the mis-declaration of value and other material facts while importing the impugned goods;
- (iii) Differential duty of **Rs. 16,41,01,888/- (Rupees Sixteen-Crores Fifty-One Lakhs One-Thousand Eight-Hundred-Eighty-Eight Only)** on the **re-determined value** of the goods mentioned at (i) should not be demanded and recovered from them along with applicable interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; [**Refer Annexure-A**]
- (iv) The declared value of the goods imported through SEZ, Kandla totalling to Rs.2,28,50,502/- (Rupees Two crores, Twenty Eight lakhs, fifty thousand, and five hundred two only) as detailed in Table 14, above should not be rejected under Rule 12 of the CVR, 2007 and **re-determined as Rs. 4,38,19,852 (Rupees Four-Crores Thirty-Eight-Lakhs Nineteen- Thousand Eight-Hundred-Fifty-Two only)** under Rule 9 of the CVR, 2007 as discussed in para supra.

(v) The goods as detailed in (iv) above should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods;

(vi) **Differential duty of Rs. 58,15,849/- (Rupees Fifty-Eight-Lakhs Fifteen- Thousand Eight-Hundred-Forty-Nine only)** in respect of the goods mentioned at (iv) should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; **[Refer Annexure-B]**

(vii) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s. Goel Exim (IEC-AIFPG0671A)** under Section 114A and Section 114AA of the Customs Act, 1962 for their act of omission and commission as discussed in the foregoing paras;

b. In relation to controlled firm, namely **M/s. Maha Shakti Exims (IEC No. EERPS7577K)** having address at FIRST FLOOR, A-104, INDUSTRIAL AREA, WAZIRPUR, NORTH WEST DELHI, DELHI-110052:

- (i) The declared value of the goods imported through Mundra Port totalling to Rs.30,19,33,723/- (Rupees Thirty crores nineteen lakhs thirty-three thousand seven hundred twenty-three only) as detailed in **Table 13** should not be rejected under Rule 12 of the CVR, 2007 and **re-determined as Rs.64,99,19,161/- (Rupees Sixty-Four Crores, Ninety-Nine-Lakhs, Nineteen-Thousand, One-Hundred-Sixty-One only)** under Rule 9 of the CVR, 2007 as discussed in paras supra.
- (ii) The goods as detailed in para (i) above excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/1542574/2023 dated 15.11.2023 has already been issued, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts while importing the impugned goods;
- (iii) **Differential duty of Rs. 9,65,13,761 /- (Rupees Nine-Crores, Sixty-Five Lakhs Thirteen-Thousand Seven-Hundred-Sixty-One-Only)** in respect of the goods mentioned at para (i) above should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; **[Refer Annexure-A]**
- (iv) The declared value of the goods imported through SEZ, Kandla totalling to Rs.7,02,99,649/- (Rupees Seven crores Two lakhs, Ninety Nine thousand and Six hundred forty nine only) as detailed in Table 14 above should not be rejected under Rule 12 of the CVR, 2007 and **re-determined as Rs.18,35,49,370/- (Rupees Eighteen Crores, Thirty-Five-Lakhs, Forty-Nine-Thousand, Three- Hundred-Seventy only)** under Rule 9 of the CVR, 2007 as discussed in para supra.

(v) The goods as detailed in para (iv) above, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods;

(vi) **Differential duty of Rs.3,14,09,810/- (Rupees Three-Crore, Fourteen -Lakh-Nine-Thousand, Eight-Hundred-Ten only)** in respect of the goods mentioned at (iv) above, should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; [Refer **Annexure-B**]

(vii) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s. Maha Shakti Exims** under Section 114A and Section 114AA of the Customs Act, 1962 for their act of omission and commission as discussed in the foregoing paras;

c. In relation to controlled firm, namely **M/s Shri Mahadev Ji Exports (IEC-CPTPG4273F)**, having address at 1st FLOOR, PLOT NO. A-104 BLOCK A, WAZIRPUR INDL. AREA, NEAR SHIRIRAM CHOWK, NORTH WEST DELHI, DELHI-110052

(i) The declared value of the goods imported through Mundra Port totalling to Rs.49,11,75,732/- (Rupees Forty-nine crores, eleven lakhs, seventy-five thousand, seven hundred thirty-two only) as detailed in Table 13 should not be rejected under Rule 12 of the CVR, 2007 and re-determined as **Rs. 78,71,52,316 (Rupees Seventy-Eight Crores, Seventy-One Lakhs, Fifty-Two Thousand, Three-Hundred-Sixteen only)** under Rule 9 of the CVR, 2007 as discussed as discussed in paras supra.

(ii) The goods as detailed in (i) above excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/ 1542574 /2023 dated 15.11.2023 has already been issued, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts while importing the impugned goods;

(iii) Differential duty of **Rs. 8,20,89,105 (Rupees Eight-Crores, Twenty- Lakhs, Eighty-Nine-Thousand One-Hundred-Five only)** in respect of the goods mentioned at para (i) above, should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; [Refer **Annexure-A**]

(iv) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s. Shri Mahadev Ji Exports** under Section 114A and Section 114AA of the Customs Act, 1962 for their act of omission and commission as discussed in the foregoing paras.

d. In relation to controlled firm, namely **M/s Ganesh Steel (IEC- BLVPK1122Q)**, having address 1st Floor, A-84/1, Industrial Area, Wazirpur, North West Delhi-110052:

i) The declared value of the goods imported through Mundra Port totalling to Rs.18,18,50,389/- (Rupees Eighteen crores, eighteen lakhs, fifty thousand, three

hundred eighty-nine only) as detailed in Table 13 should not be rejected under Rule 12 of the CVR, 2007 and **re-determined as Rs 37,62,31,404/- (Rupees Thirty-Seven Crores, Sixty-Two-Lakhs, Thirty-One-Thousand, Four-Hundred-Four only)** under Rule 9 of the CVR, 2007 as discussed in paras supra.

- ii) The goods as detailed in (i) above should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts of the impugned imported goods;
- iii) **Differential duty of Rs.5,39,11,574/- (Rupees Five-Crores, Thirty-Nine Lakhs, Eleven-Thousand, Five-Hundred-Seventy-Four only) (Refer Annexure -A)** in respect of the goods mentioned at (i) should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- iv) The declared value of the goods imported through SEZ, Kandla totalling to Rs.51,05,664/- (Rupees Fifty-one-lakhs, Five-thousand, Six-hundred-sixty-four only) as detailed in Table 14 above should not be rejected under Rule 12 of the CVR, 2007 and re-determined as **Rs. 97,81,925 / - (Rupees Ninety-Seven-Lakhs, Eighty-One-Thousand, Nine-Hundred-Twenty-Five only)** under Rule 9 of the CVR, 2007 as discussed in para supra.
- v) The goods as detailed in (iv) above should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods;
- vi) **Differential duty of Rs. 12,96,961/- (Rupees Twelve-Lakh, Ninety-Six -thousand, Nine-hundred-Sixty-One only) in respect of the goods mentioned at 17(d)(iv) should not be demanded** and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; [Refer Annexure-B]
- vii) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s Ganesh Steel** under Section 114A and Section 114AA of the Customs Act, 1962 for their act of omission and commission as discussed in the foregoing paras;

e. In relation to controlled firm, namely **M/s Shree International (IEC-BJUPB6242F), Proprietor Ms. Devshree Bhatt**, having address at PLOT NO 15, PROPERTY NO.112, KUMAR TOWER, COMMUNITY CENTER, WAZIRPUR, NORTH WEST DELHI, DELHI-110052 & H.No.H-26, Anand Vihar Colony, Raipur, Chhattisgarh:

- (i) The declared value of the goods imported through Mundra Port totalling to Rs. 14,75,56,046/- (Rupees Fourteen-crores, seventy-five-lakhs, fifty-six thousand, forty-six only) as detailed in Table 13 should not be rejected under Rule 12 of the CVR, 2007

and re-determined as **Rs.31,32,31,626/- (Rupees Thirty-One-Crores, Thirty-Two-Lakhs, Thirty-One-Thousand, Six-Hundred-Twenty-Six only)** under Rule 9 of the CVR, 2007 as discussed in foregoing paras;

- (ii) The goods as detailed in para (i) above, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts of the impugned imported goods;
- (iii) Differential duty of **Rs. 4,59,50,122/- (Rupees Four-Crores, Fifty-Nine Lakhs, Fifty-Thousand, One-Hundred-Twenty-Two only)** in respect of the goods mentioned at para (i) above, should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; **[Refer Annexure-A]**
- (iv) The declared value of the goods imported through SEZ, Kandla totalling to **Rs.94,25,758 /- (Rupees Ninety-Four-Lakhs, Twenty-Five-Thousand, Seven-Hundred-Fifty-Eight only)** as detailed in Table 14 above should not be rejected under Rule 12 of the CVR, 2007 and re-determined as **Rs. 2,45,51,560 (Rupees Two-Crore, Forty-Five-Lakhs, Fifty-One-Thousand, Five-Hundred-Sixty only)** under Rule 9 of the CVR, 2007 as discussed in paras supra;
- (v) The goods as detailed in para (iv) above should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts of the impugned imported goods;
- (vi) Differential duty of **Rs. 41,95,141/- (Rupees Fort-One-Lakh, Ninety-Five- Thousand, One-Hundred-Forty-One only)** in respect of the goods mentioned at para (iv) should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; **[Refer Annexure-B]**
- (vii) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s. Shree International** under Section 114A and Section 114AA of the Customs Act, 1962 for their act of omissions and commissions as discussed in the foregoing paras;

f. In relation to controlled firm, namely **M/s. Vinayak Steel (IEC- AGGPK9873P)** having address at First Floor, B-26 Group, Wazirpur, Industrial Area North West Delhi, Delhi-110052:

- (i) The declared value of the goods imported through Mundra Port totalling to **Rs. 46,15,628/- (Rupees Forty-Six-Lakh, Fifteen-Thousand, Six-Hundred-Twenty-Eight only)** as detailed in Table 13 should not be rejected under Rule 12 of the CVR, 2007 and re-determined as **Rs. 1,19,00,843/- (Rupees One-Crore, Nineteen-Lakhs, Eight-hundred-forty-three only)** under Rule 9 of the CVR 2007 as discussed above.

- (ii) The goods as detailed in para (i) above, should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts of the impugned imported goods;
- (iii) Differential duty of **Rs. 20,20,544/- (Rupees Twenty-Lakhs, Twenty-Thousand, Five-Hundred-Fifty-Four Only)** in respect of the goods mentioned at (i) above should not be demanded and recovered from them along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962; [**Refer Annexure-A**]
- (iv) Penalty should not be imposed upon **Shri. Vijay Goel and Shri Pranshu Goel beneficial importer of M/s. Vinayak Steel** under Section 114A and Section 114AA of the Customs Act, 1962 for his act of omission and commission as discussed in the foregoing paras;

17. Now, therefore, **Smt. Nisha Goel, Proprietor of M/s. Goel Exim (IEC-AIFPG0671A)** having address at A-84/1, Ground Floor, Industrial Area, Wazirpur, North West Delhi-110052 is hereby called upon to Show Cause to the Pr. Commissioner, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for her act of omissions and commissions and role played, as discussed in the forgoing paras.

18. Now, therefore, **Sh. Upendra Pratap Singh, Proprietor of M/s. Maha Shakti Exims (IEC No. EERPS7577K)** having address at FIRST FLOOR, A-104, INDUSTRIAL AREA, WAZIRPUR, NORTH WEST DELHI, DELHI-110052 is hereby called upon to Show Cause to the Pr. Commissioner, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for his act of omissions and commissions and role played, as discussed in the forgoing paras.

19. Now, therefore, **Sh. Shri Pranshu Goel, Proprietor of M/s Shri Mahadev Ji Exports (IEC-CPTPG4273F)**, having address at 1st FLOOR, PLOT NO. A-104 BLOCK A, WAZIRPUR INDL. AREA, NEAR SHRIRAM CHOWK, NORTH WEST DELHI, DELHI-110052 is hereby called upon to Show Cause to the Pr. Commissioner, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for his act of omissions and commissions and role played, as discussed in the forgoing paras.

20. Now, therefore, **Shri Santan Kamat, Proprietor of M/s Ganesh Steel (IEC-BLVPK1122Q)**, having address 1st Floor, A-84/1, Industrial Area, Wazirpur, North West Delhi-110052, is hereby called upon to Show Cause to the Pr. Commissioner, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for his act of omissions and commissions and role played, as discussed in the forgoing paras.

21. Now, therefore, **Ms. Devshree Bhatt proprietor of M/s Shree International (IEC-BJUPB6242F)**, having address at Plot No 15, Property No.112, Kumar Tower, Community Center, Wazirpur, North West Delhi, Delhi-110052 & H.No.H-26, Anand Vihar Colony, Raipur, Chhattisgarh, is hereby called upon to Show Cause to the Pr. Commissioner, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for her act of omissions and commissions and role played, as discussed in the forgoing paras.

22. Now, therefore, **Shri Ajay Kumar, Proprietor of M/s. Vinayak Steel (IEC-AGGPK9873P)** having address at First Floor, B-26 Group, Wazirpur, Industrial Area North West Delhi, Delhi-110052, is hereby called upon to Show Cause to the Pr. Commissioner of Customs, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why, Penalty should not be imposed upon them under Section 112(a) and Section 114AA of the Customs Act, 1962 for his act of omissions and commissions and role played, as discussed in the forgoing paras.

23. Further, **Shri Jitender Kumar, Proprietor of CHA/CB firm M/s. Shri Balaji Logistics (CHA Code No.: AIMPK5658GCH001)** Located at 501, 5th Floor, 55, Madhuban Building, Nehru Place, New Delhi, is hereby called upon to Show Cause to the Pr. Commissioner of Customs, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why:

(i) Penalty should not be imposed upon him under Section 112(b) of the Customs Act, 1962 and Customs Brokers Licensing Regulations, 2018 (CBLR, 2018) separately for his act of omissions and commissions and role played, as discussed in the forgoing paras.

24. Further, **Shri Pinkal Rathi (CHA/CB), Partner of M/s. Oriental Trade Link (CHA CODE-AADFO4509PCH002)**, located at Office No. 4, 2nd Floor, Gajjar Chamber, Plot No. 241, Ward 12/B, Gandhidham, Gujarat, is hereby called upon to Show Cause to the Pr. Commissioner of Customs, Custom House, Mundra, Gujarat within 30 days of receipt of this Show Cause Notice in writing, in person or through any authorized representative, as to why:

(i) Penalty should not be imposed upon him under Section 112(b) of the Customs Act, 1962 and Regulation 18 of the Customs Brokers Licensing Regulations, 2018 (CBLR, 2018) separately for his act of omissions and commissions and role played, as discussed in the forgoing paras.

RECORD OF PERSONAL HEARING-

25. Opportunities of personal hearing were provided to all the noticees on 14.10.2025, 28.10.2025 and 31.10.2025 vide this office letters dated 24.09.2025, 15.10.2025 and 29.10.2025 respectively.

26. Shri Shubankar Jha, Advocate appeared for personal hearing on 28.10.2025 on behalf of Shri Jitender Kumar, Proprietor of CHA firm M/s Shri Balaji Logistics. During the course of the hearing, Mr. Shubhankar Jha, Advocate reiterated the submissions and contentions already made in the written reply dated 28.10.2025 to the Show Cause Notice, and requested that the case be considered in a fair and judicious manner, and that a

sympathetic and reasoned decision be taken based on the facts and circumstances of the case.

27. Shri Anmol Arya appeared for personal hearing on 31.10.2025 on behalf of Shri Vijay Goel, Shri Pranshu Goel and Smt. Nisha Goel. During the course of the hearing, Mr. Anmol Arya, Advocate, submitted that the Noticees had not received the Relied Upon Documents (RUDs) pertaining to the Show Cause Notice and requested that the same be provided to enable them to file the defence reply.

It is pertinent to mention here that all the RUDs relied upon in the said Show Cause Notice had already been forwarded to the Noticees on 11.11.2024 through registered mail. However, considering the request made by Mr. Anmol Arya, Advocate, during the course of the hearing, all the RUDs of the Show Cause Notice were once again forwarded through registered mail on 31.10.2025, to file their defence reply and they were provided another opportunity on 04.11.2025. Shri Anmol Arya appeared for personal hearing on 04.11.2025. During the course of the hearing, Shri Anmol Arya drew attention to his letter dated 04.11.2025, submitted during the hearing proceedings, wherein he requested the cross-examination of various persons whose statements have been relied upon in the Show Cause Notice dated 08.11.2024. He was informed that despite the lapse of eleven months from the date of issuance of the said Show Cause Notice, no written reply has been submitted on behalf of the noticees. In response, Shri Anmol Arya submitted that the reply would be filed latest by 05.11.2025.

28. I find that remaining noticees were afforded sufficient opportunities to submit their written reply as well as to appear for personal hearings. However, neither any reply was filed nor any of the hearings was attended by them. Accordingly, I hold that the requirement of compliance with the Principles of Natural Justice, as envisaged under Section 122A of the Customs Act, 1962, stands duly satisfied. Further, I note that the adjudication proceedings are required to be completed within the statutory time limit of one year from the date of the show cause notice, as prescribed under Section 28(9) of the Customs Act, 1962. In view of the above, and to ensure adherence to the statutory mandate, I proceed to adjudicate the matter *ex parte*, based on the evidences available on record.

SUBMISSION-

29. Shri Jitender Kumar, Prop. M/s. Shri Balaji Logistics (CHA) vide their submission dated 28.10.2025, interalia, submitted that-

(i) They have argued that-

a. Non-supply of RUDs:

The noticee states that only the SCN has been received; no relied-upon documents (RUDs) have been supplied. Hence, the reply is interim and subject to revision upon receipt of RUDs.

b. Denial of Allegations:

A categorical denial of all allegations — of knowledge, participation, or collusion in undervaluation or misdeclaration.

c. Role of CHA:

The CHA acted purely as a documentation facilitator, filing Bills of Entry based on documents provided by importers, without any independent control or involvement in valuation or classification.

(ii) Legal Position:

- (iii) A Customs Broker acts as an *agent* of the importer and cannot be penalized without evidence of *mens rea* or *abetment*.
- (iv) References several CESTAT and High Court judgments supporting this principle:
 - a. *Tulsi Impex Pvt. Ltd. v. Principal Commissioner of Customs (2024, CESTAT Ahmedabad)*
 - b. *Commissioner of Customs v. Trinetra Impex Pvt. Ltd. (Delhi HC, 2020)*
 - c. *Commissioner of Customs (Exports) v. I. Sahaya Edin Prabhu (Madras HC, 2015)*
- (v) Statement of the CHA:

Statements under Section 108 reveal no admission of complicity. The CHA relied on information shown by DRI (including Wikipedia printouts) and acted in good faith by later advising importers to rectify classification issues.
- (vi) Compliance with CBLR, 2018:

Full adherence to KYC norms, authorizations, and record-keeping obligations. No evidence of fabrication, parallel invoices, or undue benefit.
- (vii) Reliance on CBIC Instruction No. 20/2024-Customs (dated 03.09.2024):

This instruction directs that Customs Brokers should not be routinely implicated in SCNs unless the element of *abetment* is *clearly established and detailed*.
- (viii) Prayer:

Seeks dropping of proceedings and penalty under Section 112(b) of the *Customs Act, 1962*, as the CHA acted bona fide and within the scope of its duties.

30. Shri Vijay Goel, Shri Pranshu Goel and Smt. Nisha Goel vide their submission dated 04.11.2025 sought cross- examination of various noticees/persons whose statements have been relied upon in the SCN. They have argued that the only basis for implicating Vijay Goel and Pranshu Goel is the statements of certain third parties recorded under Section 108 of the Customs Act. The department has not produced corroborative evidence to substantiate those statements. The statements are general, vague, and lack specificity, possibly made under pressure or not voluntarily. Hence, reliance on them without giving an opportunity for cross-examination would violate principles of natural justice.

31. Shri Vijay Goel, Shri Pranshu Goel and Smt. Nisha Goel in their submission dated 05.11.2025 has interalia submitted that-

That the impugned Show Cause Notice is arbitrary, whimsical, and violative of settled principles of law and natural justice.

It is respectfully submitted that the impugned Show Cause Notice bearing No. GEN/ADJ/COMM/526/2024-Adjn dated 08.11.2024 has been issued in a most mechanical, perfunctory, and arbitrary manner without due application of mind to the material on record. The notice proceeds on presumptions, conjectures, and assumptions rather than cogent, tangible, and admissible evidence as required under law. The adjudicating authority, while framing allegations, has failed to consider the relevant documents, factual matrix, and legal position.

It is further submitted that the entire proceedings are based on statements allegedly recorded under duress and reliance on documents which neither belong to the Noticee nor have any nexus with the alleged offence. The notice suffers from procedural infirmities, misinterpretation of facts, and legal misapplication, rendering the same liable to be quashed.

2. Violation of Section 138B of the Customs Act, 1962 and Non Compliance with Mandatory Procedure for Use of Statements

That it is an admitted position that the Department has placed heavy reliance upon the statements allegedly recorded under Section 108 of the Customs Act, 1962 from Shri Vijay Goel and Shri Pranshu Goel. However, these statements were obtained under coercion, threat, and physical assault on 16.11.2022 and 17.11.2022, when both individuals were taken forcibly to the DRI office without the issuance of any summons.

The said statements were immediately retracted before the Learned Metropolitan Magistrate at the first available opportunity, wherein even complaints regarding physical assault and ill treatment were placed on record. The Hon'ble Court had directed the Jail Superintendent to conduct medical examination of both accused persons; however, no report was ever produced, which further substantiates that the statements were extracted under coercive circumstances.

In terms of Section 138B(1)(b) of the Customs Act, the statements made under Section 108 cannot be used as evidence unless the person making the statement is examined as a witness before the adjudicating authority, and an opportunity for cross-examination is afforded. In the present case, no such procedure has been followed, and the adjudicating authority has blindly relied upon such inadmissible material.

Reliance is placed upon the decision of **Hon'ble CESTAT, Delhi in Shanti Swaroop Sharma v. Principal Commissioner of Customs, ICD TKD (Custom Appeal No. 50071 of 2024)**, wherein it has been categorically held that unless the procedure laid down under Section 138B is followed, no reliance can be placed on such statements. The ratio is squarely applicable to the present case. Hence, the reliance on the said statements is wholly illegal and unsustainable.

In view of the provisions of sub-section (2) of section 9D of the Central Excise Act or sub-section (2) of section 138B of the Customs Act, the provisions of sub-section (1) of these two Acts shall apply to any proceedings under the Central Excise Act or the Customs Act as they apply in relation to proceedings before a Court. What, therefore, follows is that a person who makes a statement during the course of an inquiry has to be first examined as a witness before the adjudicating authority and thereafter the adjudicating authority has to form an opinion whether having regard to the circumstances of the case the statement should be admitted in evidence, in the interests of justice. Once this determination regarding admissibility of the statement of a witness is made by the adjudicating authority, the statement will be admitted as evidence and an opportunity of cross-examination of the witness is then required to be given to the person

against whom such statement has been made. It is only when this procedure is followed that the statements of the persons making them would be of relevance for the purpose of proving the facts which they contain.

Further it was observed by the Hon'ble CESTAT After examining various judgments of the High Court and the Tribunal, the Tribunal observed as follows: . It, therefore, transpires from the aforesaid decisions that both section 9D(1)(b) of the Central Excise Act and section 138B(1)(b) of the Customs Act contemplate that when the provisions of clause

(a) of these two sections are not applicable, then the statements made under section 14 of the Central Excise Act or under section 108 of the Customs Act during the course of an inquiry under the Acts shall be relevant for the purpose of proving the truth of the facts contained in them only when such persons are examined as witnesses before the adjudicating authority and the adjudicating authority forms an opinion that the statements should be admitted in evidence. It is thereafter that an opportunity has to be provided for cross-examination of such persons. The provisions of section 9D of the Central Excise Act

and section 138B(1)(b) of the Customs Act have been held to be mandatory and failure to comply with the procedure would mean that no reliance can be placed on the statements recorded either under section 14D of the Central Excise Act or under section 108 of the Customs Act. The Courts have also explained the rationale behind the precautions contained in the two sections. It has been observed that the statements recorded during inquiry/investigation by officers has every chance of being recorded under coercion or compulsion and it is in order to neutralize this possibility that statements of the witnesses have to be recorded before the adjudicating authority, after which such statements can be admitted in evidence

3. Illegal Search, Seizure and Coercive Action in Violation of Statutory Safeguards

It is most respectfully submitted that the search and seizure proceedings undertaken by the officers of the Directorate of Revenue Intelligence (DRI) on 16.11.2022 at the residential premises of Shri Vijay Goel were conducted in gross violation of statutory safeguards and without following due process of law. After completion of the residential search, the officers forcibly took both Shri Vijay Goel and his son Shri Pranshu Goel to the DRI office premises, where their statements were recorded under threat, duress, and coercion.

Further, it is an admitted position that during the said intervening night, the officers even **physically assaulted** the Noticee and compelled them to sign on papers purportedly containing extracts of the forensic analysis of the mobile phones seized long back on **21.09.2021**. The forensic examination of those mobile phones was admittedly conducted in their absence, and no opportunity was afforded to the Noticee to verify the contents, thereby rendering the entire process illegal.

The conduct of the officers, in forcibly detaining and compelling the Noticees to sign documents, clearly violates the fundamental principles of fair investigation and transparency envisaged under the Customs Act, 1962. Such illegalities vitiate the entire proceedings from inception.

4. Invalid Provisional Attachment of Bank Accounts under Section 110(5) of the Customs Act

That the Department, vide its communication dated 17.11.2022, addressed to ICICI Bank and other financial institutions, purportedly provisionally attached the bank accounts of the Noticee and its proprietors under Section 110(5) of the Customs Act, 1962. However, it is pertinent to note that no formal order of provisional attachment was ever served upon the Noticee firm or the proprietors.

The said attachment was done in an ex parte and clandestine manner, without issuing any prior notice or affording an opportunity of hearing, and without furnishing a copy of the alleged order to the affected party. Except for M/s Kotak Mahindra Bank, no bank even intimated the Noticee regarding such attachment. The said attachment, therefore, stands vitiated being contrary to law, ultra vires, and violative of the principles of natural justice.

The Department's act of blocking and freezing legitimate bank operations without serving statutory orders demonstrates arbitrary exercise of powers, which has caused severe financial hardship to the Noticee and amounts to abuse of authority.

5. Rejection of Transaction Value under CVR, 2007 is Illegal and Contrary to Judicial Precedents

That the adjudicating authority has proceeded to reject the declared transaction value of imports made by the Noticee under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 without satisfying the preconditions prescribed therein. No evidence of contemporaneous imports at higher values, no corroborative data, and no credible material has been brought on record.

Further, the subsequent enhancement of value under Rule 9 is equally unsustainable as the same has been done without any justifiable reason or tangible evidence of additional consideration. The rejection of declared value and arbitrary enhancement is thus contrary to law as laid down in a catena of judgments by Hon'ble Tribunals and High Courts, which mandate that the transaction value can be rejected only on the basis of concrete evidence and not on mere suspicion or assumption.

Accordingly, the rejection and enhancement are devoid of legal sanctity and liable to be set aside.

6. Reliance on Proforma or Negotiation Invoices is Misconceived and Legally Unsustainable

That the reliance placed by the Department on certain so-called "parallel invoices" is completely misplaced, as the said documents are nothing but **proforma invoices** exchanged during initial negotiations with suppliers. These documents are not commercial invoices evidencing actual sale or shipment.

It is settled law that **proforma invoices have no evidentiary value** in determining the assessable value under Section 14 of the Customs Act read with CVR, 2007. Enhancement of transaction value based solely on such provisional and non-binding documents is wholly arbitrary, beyond jurisdiction, and contrary to the settled law.

Therefore, reliance on such uncorroborated documents deserves to be rejected outright.

7. No Evidence of Wrongful Availment of SAPTA Benefits

That the Noticee's firm, after obtaining IEC on 23.03.2021, commenced import of Cold Rolled Stainless Steel Coils from Malaysia availing the SAPTA benefit. However, upon discovering that the supplier had indulged in fraudulent conduct with respect to the Country-of-Origin certificate, the Noticee immediately discontinued such imports from Malaysia and shifted sourcing to China.

The Department has completely ignored this bona fide conduct of the Noticee, who acted diligently upon discovering the fraud and voluntarily ceased such imports. Continuing to allege SAPTA misuse despite such action reflects non-application of mind and bias on part of the Department. The Noticee cannot be penalized for the fraudulent act of the foreign supplier, particularly when corrective steps were immediately taken.

8. Allegations of Cash Transactions are Unsubstantiated and Based on Retracted Statements

It is humbly submitted that the allegation of cash transactions is solely based on the alleged oral statement of Shri Pranshu Goel, which was immediately retracted. No documentary evidence, bank trail, ledger entry, or corroborative proof has been brought on record by the Department to substantiate the same.

In absence of corroboration, reliance on such oral and retracted statements is contrary to settled evidentiary principles and judicial pronouncements. The adjudicating authority's findings on this aspect are speculative and therefore deserve to be discarded.

9. Denial of Cross-Examination and Violation of Principles of Natural Justice

That the Noticee had categorically requested for cross-examination of all persons whose statements have been relied upon in the Show Cause Notice. The adjudicating authority's refusal to grant such opportunity constitutes gross violation of **audi alteram partem** the foundational principle of natural justice.

The Hon'ble Supreme Court in ***Andaman Timber Industries v. CCE (2015) 62 taxmann.com 3 (SC)*** has held that denial of cross-examination of witnesses whose statements are relied upon for adjudication renders the entire proceedings void. The ratio directly applies to the present matter. Hence, the impugned proceedings are liable to be quashed on this ground alone.

10. Conduct of Investigation Tainted with Mala Fide and Abuse of Authority

The coercive methods adopted by the DRI officers, including physical assault, forced statement recording, illegal detention, and arbitrary freezing of accounts, clearly demonstrate mala fide intent and colorable exercise of power. The investigation appears motivated and designed to extract forced admissions rather than unearth the truth. Such conduct vitiates the sanctity of the investigation and the credibility of its outcome.

The Noticee submits that the investigation is vitiated by bias, coercion, and violation of human rights, and therefore, no finding emerging therefrom can be sustained in law.

11. That the Impugned Show Cause Notice is Liable to be dropped

In light of the above facts, legal grounds, and precedents, it is evident that the impugned Show Cause Notice suffers from incurable legal defects, procedural irregularities, violation of statutory mandates, and denial of natural justice.

DISCUSSION AND FINDINGS-

- 32.** I have carefully gone through the Show Cause Notice, all the written submissions on record, records of personal hearing and all the evidences available on record.
- 33.** The issues to be decided before me are the following:-
 - a. Whether the noticee firms having been controlled by Shri Vijay Goel and Shri Pranshu Goel were engaged in undervaluation and mis-classification of the imported goods in connivance with other noticees in order to evade duties of Customs;
 - b. Whether Shri Vijay Goel and Shri Pranshu Goel are the beneficial owners in the instant case and therefore liable to pay duties of customs alongwith interest and penalties;
 - c. Whether the imported goods are liable to confiscation under Section 111(m) of the Customs Act, 1962;
 - d. Whether penal action under various sections are invokable as proposed in the show cause notice;
- 34.** The present proceedings originate from the investigation conducted by the Directorate of Revenue Intelligence (DRI), Headquarters, in connection with improper import of Cold Rolled Stainless Steel (Grade J3/304) from China, with the intent to evade customs duty by resorting to undervaluation and mis-classification by a network of six firms namely — (1) M/s Goel Exim, (2) M/s Shree International, (3) M/s Shri Mahadev Ji Exports, (4) M/s Maha Shakti Exims, (5) M/s Ganesh Steels, and (6) M/s Vinayak Steels controlled by Shri Vijay Goel and his son Shri Pranshu Goel. During the course of investigation various incriminating evidences in the form of invoices, sale contracts, and bills of lading were retrieved which revealed instances of gross undervaluation. The evidences gathered from these actions revealed that Shri Vijay Goel and Shri Pranshu Goel were the actual

controllers and beneficial owners of all six firms. These firms were found to have been registered in the names of dummy proprietors—relatives, friends, and associates—who were monetarily compensated for lending their names, while the actual control, decision-making, and financial benefits rested with Shri Vijay Goel and his son. The investigation further established that the said firms were engaged in the import of Cold Rolled Stainless Steel Coils of various grades from China at deliberately under-declared values, through use of fake or parallel invoices, resulting in large-scale evasion of customs duty. Further, the differential price was settled through Hawala Channels and Telegraphic Transfers (TTs) to the overseas suppliers. The undervalued imported goods were subsequently sold in the domestic market at similarly suppressed invoice prices, with the differential amount realized in unaccounted cash from domestic buyers. The firms (importer firms) were also found to have misclassified the imported goods in order to wrongly avail of Basic Customs Duty (BCD) exemption under Sr. No. 734 of Notification No. 50/2018-Cus.

35. In light of the foregoing facts emerging from the investigation, it becomes necessary to examine the evidences relied upon in the Show Cause Notice in detail. The instant case relies on documentary as well as electronic records retrieved during the course of investigation, corroborated by statements recorded under Section 108 of the Customs Act, 1962. These evidences collectively bring out the manner in which the noticee firm, in connivance with other related entities, engaged in systematic undervaluation and misclassification of imported goods with intent to evade payment of customs duty.

UNDERVALUATION OF GOODS-

36. During the course of investigation, substantial evidences were gathered establishing that the importer firms, under the control and management of Shri Vijay Goel and Shri Pranshu Goel, were actively engaged in deliberate evasion of Customs Duties through systematic undervaluation of imported goods. The key evidences substantiating the aforesaid findings are enumerated below for ready reference:

- (i) Original/actual Import invoices retrieved from the mobile phones of Shri Vijay Goel and Shri Pranshu Goel, indicating the true transactional value of the imported goods;
- (ii) WhatsApp communications exchanged with foreign suppliers evidencing actual prices;
- (iii) Diaries recovered from the residential premises of Shri Vijay Goel, recording details of differential value payments made through hawala channels and telegraphic transfers.
- (iv) Corroborative and self-incriminating voluntary statements tendered by various stakeholders, including Shri Vijay Goel and Shri Pranshu Goel, proprietors/partners of the importer firms whose IECs were utilized for imports, local purchasers of the undervalued goods, and the Customs House Agents (CHAs) who facilitated such irregular imports;

Parallel invoicing at the time of import-

37. The investigation has revealed that Shri Vijay Goel and Shri Pranshu Goel procured two sets of invoices from their overseas suppliers — one set reflecting the actual transaction value and another, a parallel or fabricated set, showing suppressed unit prices which were declared before Customs at the time of import clearance. The

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

evidences clearly establish that while the goods were actually purchased at prices ranging between USD 2.11 to USD 3.16 per kg for Grade 304 and USD 1.16 to USD 3.22 per kg for Grade J3, the same were declared before Customs at artificially low values, ranging between USD 0.75 to USD 1.40 per kg. Copies of such invoices are reproduced below for ready reference:-

FOSHAN JIA WEI IMPORT AND EXPORT CO.,LTD					
ROOM 7020, EVIAN INTERNATIONAL FORTUNE CENTER, NO.235, FENJIANG SOUTH ROAD, LECONG TOWN, SHUNDE FOSHAN, GUANGDONG, CHINA					
COMMERCIAL INVOICE					
ORIGINAL					
BUYER:	GOEL EXIM		INVOICE NO.: SPMJ300908 ✓		
ADDRESS: GROUND FLOOR, A-84/1, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTH WEST DELHI, DELHI-110052, INDIA GSTIN: 07AIFPG0671A1ZW PAN NO.: AIFPG0671A IEC NO.: AIFPG0671A EMAIL: GOELEXIM69@GMAIL.COM TEL: 9818084989			DATE: 2022/9/25 CONTRACT NO.: SMJ300802		
PRODUCT'S NAME COLD ROLLED STAINLESS STEEL COIL EX-STOCK	SIZE(MM)	QUANTITY	TOTAL WEIGHT	CIF MUNDRA PRICE	AMOUNT
		COILS	KG	USD/KG	USD
	0.9*620	1	7510	2.310	17348.10
	1.5*690	1	4980	2.310	11503.80
	1.5*690	1	4956	2.310	11448.36
	1.5*690	1	5030	2.310	11619.30
	1.5*690	1	5630	2.310	13005.30
		5	28106		64924.86
	0.87*620	1	5140	2.310	11873.40
	0.87*620	1	5112	2.310	11808.72
	0.9*620	1	7574	2.310	17495.94
1.5*690	1	5932	2.310	13702.92	
1.5*690	1	4354	2.310	10057.74	
	5	28112		64938.72	
MADE IN CHINA		10	56218		129863.58
TOTAL 10 56218 129863.58					
SAY USD one hundred and twenty-nine thousand eight hundred and sixty-three point five eight ONLY.					
WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN.					
Please arrange payment to following account: Account Name: FOSHAN JIA WEI IMPORT AND EXPORT CO.,LTD Address: ROOM 7020, 7TH FLOOR, BLOCK 6, EVIAN INTERNATIONAL FORTUNE CENTER, NO.235, FENJIANG SOUTH ROAD, LECONG TOWN, SHUNDE DISTRICT, FOSHAN CITY, GUANGDONG PROVINCE Account NO: 801101001268955656 Bank Code: RCCSCNBS Bank: GUANGDONG SHUNDE RURAL COMMERCIAL BANK COMPANY LIMITED Bank Address: B-18, LIZHONG RD, LECONG, SHUNDE, FOSHAN, GUANGDONG, CHINA					
 FOSHAN JIA WEI IMPORT AND EXPORT CO., LTD. SHUNDE DISTRICT, FOSHAN CITY, GUANGDONG PROVINCE, CHINA 2022/9/25 SIGNATURE: _____					

Actual/Correct Invoice of M/s Goel Exim with Invoice No. SPMJ300908

Above Invoice dated 25.09.2022 retrieved during the course of investigation, issued by Chinese supplier M/s Fosha Jia Wei Import and Export Co. Ltd to M/s Goel Exim to supply Cold Rolled Stainless Steel Coil in USD 2.310 Per KG, whereas, Invoice submitted to Customs at the time of import is appended below to draw a comparison between Actual Invoice and Invoice declared before the customs:

FOSHAN JIA WEI IMPORT AND EXPORT CO.,LTD <small>ROOM 7020, EVIAN INTERNATIONAL FORTUNE CENTER, NO.235, FENJIANG SOUTH ROAD, LECONG TOWN, SHUNDE FOSHAN, GUANGDONG</small>																																																																																																					
COMMERCIAL INVOICE																																																																																																					
ORIGINAL																																																																																																					
BUYER:	GOEL EXIM		INVOICE NO.: SPMJ300908																																																																																																		
<small>GROUND FLOOR, A-84/1, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTH WEST DELHI, DELHI-110052, INDIA GSTIN: 07AIFPG0671A1ZW</small>			<small>DATE: 2022/9/25</small>																																																																																																		
ADDRESS:	<small>PAN NO.: AIFPG0671A IEC NO.: AIFPG0671A</small>																																																																																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="text-align: left; padding: 2px;">PRODUCT'S NAME</th> <th rowspan="2" style="text-align: left; padding: 2px;">SIZE(MM)</th> <th style="text-align: left; padding: 2px;">QUANTITY</th> <th style="text-align: left; padding: 2px;">TOTAL WEIGHT</th> <th style="text-align: left; padding: 2px;">CIF MUNDRA PRICE</th> <th style="text-align: left; padding: 2px;">AMOUNT</th> </tr> <tr> <th style="text-align: left; padding: 2px;">COILS</th> <th style="text-align: left; padding: 2px;">KG</th> <th style="text-align: left; padding: 2px;">USD/KG</th> <th style="text-align: left; padding: 2px;">USD</th> </tr> </thead> <tbody> <tr> <td rowspan="10" style="text-align: center; vertical-align: middle; padding: 2px;">COLD ROLLED STAINLESS STEEL COIL EX-STOCK</td> <td style="text-align: center; padding: 2px;">0. 9*620</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">7510</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">8261.00</td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">4980</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">5478.00</td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">4956</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">5451.60</td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">5030</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">5533.00</td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">5630</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">6193.00</td> </tr> <tr> <td style="text-align: center; padding: 2px;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">5</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">28106</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">30916.60</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">0. 87*620</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">5140</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">5654.00</td> <td style="text-align: center; padding: 2px;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">0. 87*620</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">5112</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">5623.20</td> <td style="text-align: center; padding: 2px;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">0. 9*620</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">7574</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">8331.40</td> <td style="text-align: center; padding: 2px;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">5932</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">6525.20</td> <td style="text-align: center; padding: 2px;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">1. 5*690</td> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">4354</td> <td style="text-align: center; padding: 2px;">1.100</td> <td style="text-align: center; padding: 2px;">4789.40</td> <td style="text-align: center; padding: 2px;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">5</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">28112</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">30923.20</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">MADE IN CHINA</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">10</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">56218</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;">61839.80</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">TOTAL</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 3px double black;">10</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 3px double black;">56218</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 3px double black;"></td> <td style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 3px double black;">61839.80</td> <td style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 3px double black;"></td> </tr> <tr> <td colspan="6" style="text-align: center; padding: 2px; border-top: 1px solid black; border-bottom: 1px solid black;"> <small>SAY USD SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY NINE AND CENTS EIGHTY ONLY.</small> </td> </tr> </tbody> </table>						PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	CIF MUNDRA PRICE	AMOUNT	COILS	KG	USD/KG	USD	COLD ROLLED STAINLESS STEEL COIL EX-STOCK	0. 9*620	1	7510	1.100	8261.00	1. 5*690	1	4980	1.100	5478.00	1. 5*690	1	4956	1.100	5451.60	1. 5*690	1	5030	1.100	5533.00	1. 5*690	1	5630	1.100	6193.00		5	28106		30916.60		0. 87*620	1	5140	1.100	5654.00		0. 87*620	1	5112	1.100	5623.20		0. 9*620	1	7574	1.100	8331.40		1. 5*690	1	5932	1.100	6525.20		1. 5*690	1	4354	1.100	4789.40			5	28112		30923.20		MADE IN CHINA	10	56218		61839.80		TOTAL	10	56218		61839.80		<small>SAY USD SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY NINE AND CENTS EIGHTY ONLY.</small>					
PRODUCT'S NAME	SIZE(MM)	QUANTITY	TOTAL WEIGHT	CIF MUNDRA PRICE	AMOUNT																																																																																																
		COILS	KG	USD/KG	USD																																																																																																
COLD ROLLED STAINLESS STEEL COIL EX-STOCK	0. 9*620	1	7510	1.100	8261.00																																																																																																
	1. 5*690	1	4980	1.100	5478.00																																																																																																
	1. 5*690	1	4956	1.100	5451.60																																																																																																
	1. 5*690	1	5030	1.100	5533.00																																																																																																
	1. 5*690	1	5630	1.100	6193.00																																																																																																
		5	28106		30916.60																																																																																																
	0. 87*620	1	5140	1.100	5654.00																																																																																																
	0. 87*620	1	5112	1.100	5623.20																																																																																																
	0. 9*620	1	7574	1.100	8331.40																																																																																																
	1. 5*690	1	5932	1.100	6525.20																																																																																																
1. 5*690	1	4354	1.100	4789.40																																																																																																	
	5	28112		30923.20																																																																																																	
MADE IN CHINA	10	56218		61839.80																																																																																																	
TOTAL	10	56218		61839.80																																																																																																	
<small>SAY USD SIXTY ONE THOUSAND EIGHT HUNDRED THIRTY NINE AND CENTS EIGHTY ONLY.</small>																																																																																																					
<small>WE CERTIFY THAT THE GOODS ARE OF CHINA ORIGIN.</small>																																																																																																					
<small>Please arrange payment to following account:</small>																																																																																																					
<small>Account Name: FOSHAN JIA WEI IMPORT AND EXPORT CO.,LTD</small>																																																																																																					
<small>Address: ROOM 7020, 7TH FLOOR, BLOCK 6, EVIAN INTERNATIONAL FORTUNE CENTER, NO.235, FENJIANG SOUTH ROAD, LECONG TOWN, SHUNDE DISTRICT, FOSHAN CITY, GUANGDONG PROVINCE</small>																																																																																																					
<small>Account NO: 801101001268955656</small>																																																																																																					
<small>Bank Code: RCCSCNBS</small>																																																																																																					
<small>Bank: GUANGDONG SHUNDE RURAL COMMERCIAL BANK COMPANY LIMITED</small>																																																																																																					
<small>Bank Address: B-18,LIZHONG RD,LECONG,SHUNDE,FOSHAN,GUANGDONG,CHINA</small>																																																																																																					
																																																																																																					
<small>SIGNATURE:</small>																																																																																																					

Custom Invoice of M/s Goel Exim with Invoice No. SPMJ300908

A comparison of the Actual Invoice and invoice declared before the customs indicates that they have identical Name of Supplier, Name of Importer, Date of Invoice, Number of Invoice, Nature of Goods, Description of Goods in terms of dimensions and weight, Account Name and Address of Chinese supplier, Account No., Bank Code, Bank Name and Bank Address **except the Unit Price**, which is suppressed from USD 2.310 per Kg to USD 1.100 per Kg.

38. In this regard, the noticee in their submission dated 05.11.2025 has argued that the retrieved invoices are the performa invoices and the same can not be relied upon. However, on perusal of the actual invoices and parallel invoices, it is seen that both are identical in all respects except the rate of goods. Both the invoices are 'Commercial Invoices' as mentioned on the top of the invoices. Further, it is pertinent to note that Shri Pranshu Goel, in his voluntary statement dated 17.11.2022, after perusing the invoices retrieved through forensic analysis of his mobile phones, categorically admitted that the said retrieved invoices—showing values higher than those declared before Customs—represented the actual transaction value of the imported goods. Accordingly, the retrieved invoices hold substantial evidentiary value, having been duly

acknowledged and confirmed by Shri Pranshu Goel in his voluntary statement. Thus, the argument of the noticees has no merit and are admissible as an evidence to establish that the noticees suppressed the actual value of the goods.

WhatsApp communications exchanged with foreign suppliers evidencing actual prices-

39. It is observed from the forensic analysis of the mobile phones resumed from the premises of Shri Pranshu Goel that several WhatsApp chats and shared documents were retrieved, which bear direct relevance to the acts of undervaluation and manipulation of import and domestic sale transactions. The said WhatsApp conversations, particularly those with one Shri Sunny, representative of M/s Foshan Jia Wei Import and Export Co. Ltd., China, in the WhatsApp group titled "Vijay Sunny Coil", revealed that Shri Sunny had forwarded Shri Pranshu Goel a number of documents such as Invoices, Packing Lists, Bills of Lading, and Sale/Purchase Contracts, reflecting the actual transaction value of the imported goods, which was substantially higher than the value declared before Customs. Shri Pranshu Goel, in his voluntary statement recorded under Section 108 of the Customs Act, 1962, admitted that the documents exchanged in the said WhatsApp chats were the genuine invoices received from the Chinese supplier and that he used to forward separately created parallel invoices with suppressed values to the Customs Brokers for filing Bills of Entry, with an intent to evade payment of appropriate customs duty. Further, examination of WhatsApp communications with other persons, namely Shri Shyam Ji, Shri Manish Ji, Shri Chandan Mukesh Ji Dalmia, and Shri Sunny China, revealed messages pertaining to creation of fake domestic invoices, receipt of RTGS payments against non-existent supplies, and subsequent repayment of equivalent amounts in cash. The recovered whatsapp chats with Chandan Mukesh Ji Dalmia contained coded messages such as "10 Kgs Mangolpuri cash ke liye note de do", which Shri Pranshu Goel himself explained as referring to the exchange of ₹2 currency note serial numbers used as a token during delivery of cash in hawala settlements. Thus, the WhatsApp chats, duly authenticated by Shri Pranshu Goel with his dated signatures on their printouts (RUD-38), constitute corroborative electronic evidence demonstrating the deliberate undervaluation of imported goods, dual invoicing practices, and subsequent laundering of cash through hawala transactions, establishing the conscious and wilful involvement of Shri Pranshu Goel and Shri Vijay Goel in the evasion of customs duty.

Diaries recovered from the residential premises of Shri Vijay Goel, recording details of differential value payments made through hawala channels and telegraphic transfers.

40. During the search conducted on 16.11.2022 at residential premises of Shri Vijay Goel, situated at DU-10, Pitampura, New Delhi, certain diaries (RUD - 39) were resumed. These diaries contained hand written accounts/ledgers/calculations which were maintained in normal course of business. During the investigation, Shri Vijay Goel could not provide any satisfactory reply as to why these Diaries were found at his residential premises situated at DU-10, Pitampura, New Delhi. These diaries were resumed under Panchnama dated 16.11.2022, which was counter signed by Shri Vijay Goel. It is observed that these Diaries were very well documented records of day to day business operations of Shri Vijay Goel, with respect to these controlled firms. On careful examination of entries in these diaries, it was observed that these contained details of

Banking transactions, Cash transactions, imports made, domestic supplies, Hawala transactions through Chines middle men etc., related to business operations of Shri Vijay Goel.

41. On deeper analysis, it is observed that two types of accounts were maintained by Shri Vijay Goel to records his business transactions, related to his controlled firms:

- A) Common-Daily-Ledger: Recording Daily-inward-outward flow of money (RTGS/CASH) ;
- B) Individual Firm-wise/Person-Wise Ledger: A running account; suggesting records for sale of impugned goods at under-valued price to domestic buyers (firms/persons) and inward-outward flow of money pertains to such transactions.

The excerpts from these diaries maintained by Shri Vijay Goel are discussed in detail, as below:

A. COMMON-DAILY-LEDGER

RECORD OF DAILY-INCOME-EXPENDITURE MAINTAINED BY SHRI VIJAY GOEL (SAMPLE FOR 01 SEPTEMBER 2022)

①	Page No.	Date: 11/11/22	②	Page No.	Date: 11/11/22
Goel IICl	Mahadev IICl	18890	ज्योति अ	120	पाते अ
4089886-B/	[707419-)	9733639-B/	8482-17021.	500000	SNP-hissu
870000-Ram-A30	8482-17021.	700000	Shander 851	3950000	Kamal-LR
99190-Cumt-B32	-795951-B/	3942110 Ramul-LR	363810	1000000	Ram-A130
300000-Pride Steel		601614-Diamond Tube	37000	207001	A8411 material
23220-Ayush-hissu	Mahadev IDFC	14777353-	93050	830	A8411 तर फिल
0291276-B/	141803-	-4200000-Ganesh	426780	10000	Safedi wala. A8411
1750000-Shree.	-3500000-Mahadev IDFC	7077353-	5436790	120	Palte A8411
3500000-B/S			4997950	400	गृहि
Goel IDFC	5391803-		4997950	300	अंगूष्ठ फिल
12473160-B/	5178342-T/	Shree	4997950	100	AJAY Patel. 1201
12312975-T/	213461-B/	3117861-B/	180000	200	ANIL. Patel. 1201
160185-B/	-1750000-Pride Steel		180000	150	AKSHI. Patel
		1367861-B/	180000	13000	Shander Selby.
Ganesh.	9 Ant kars		180000	18000	पाते अ
597746	16/11/22		3000000	750	Pranesh. Dinesh Rikhy
4200000-B/S			3000000	100	2000 6-92
4797746-			3000000	4997950	
-4700070-T/			870000	870000	
17676-B/	9 Mai San		23220-Ayush-hissu	180000	
	16/11/22		601614-Diamond Tube	180000	

DETAILS OF
MONEY RECEIVED
THROUGH RTGS
OR CHEQUE

42. There are 05 columns in the "Daily-Ledger", represented here by Column- I, II, III, IV & V;

- **Column-I, II & III** detail receipt of RTGS Payments in Bank Accounts of **M/S Goel Exim** (ICICI Bank A/C No. 033105005788/IDFC BANK A/C No. 10092744754), **M/s Shri Mahadev Ji Exports** (ICICI Bank A/C No. 10088283561/IDFC BANK A/C No.

10088283561), **M/S Mahashakti Exims** (ICICI A/C No. 033105005809), **M/s Shree International** (IDFC BANK A/C No. 10087171153); **M/s Ganesh Steel** (IDFC A/C No. 100854577157), from different firms/persons;

- Column-IV details inward-flow of Cash (received by Shri Vijay Goel) from firms and individuals;
- Column-V details out-ward flow of Cash (Handing over/ Transfer/Expenditure);

B. INDIVIDUAL FIRM-WISE/PERSON-WISE LEDGER

FIRM-WISE/PERSON-WISE RUNNING ACCOUNT (KHATA) OF GOODS SOLD AND RECEIPT OF MONEY MAINTAINED BY SHRI VIJAY GOEL

INDEX

Serial No.	Date	Topic	Teacher's Sign	Remarks
1	Deepanshu. B72/4		P	
6	ANKIT. Durg-Steel. A72/155			Ankit kumar
10	Amrendu Ji Job work			
11	Nitin Gupta Ji		16/11/22	(02)
13	Jagdamba Ent. A71/21			52
14	Sunil. T-7. -			P2
15	Supendar A85/1			52
17	Sunil. 78/5			F3
18	Ramesh. B42/6			52
19	Mukesh C-12/1			Mukesh
20	Prveen. A-33.		16/11/22	
21	MANISH. VASHU. C-3/1			P2
22	Ganesh. B-31/2			(52)
23	Rajesh. murari hossain			52
24	modi Saffron. -	SAFFRON - 10		(52)
25	S46484-9816			52
26	RAM. A130.77/1			52
27	ANKUR. A-101/1			52
28	Anil Ji A 8/1			OF
29	MANISH. A21			OF
30	Ram. B70 -			OF
31	DAIMOND TUBES.			OF

INDEX

Serial No.	Date	Topic	Teacher's Sign	Remarks
33		Malipad.	75	Malipad 9515
34		Ayyas. hisson	76	malit. A-46
41		Subham. 96/1	77	ABHISHEK TRIPATHI
42		Vikash. 98/AM/1		
43		ABHEY. A 97/3.		
44		Namash. A 103/9.		
45		SANJAY B-72/3 (STERLING PICT)	78	RISHI
47		Pradeep. TRIPATHI		
50		Rishi		
52		Ram. Narash. Jobwork.		
54		Nishish. Farukhabad.		
56		SANJAY. A77/2		
57		Sandeep. C-9/1		
58		Rakesh. B-73-		
61		Vikas. C 9/1		
60		Prashant Guttu. hisson		
59		ATUL. A-46.		
62		SQUAD A-39.		
63		SANJAY PHELADPUR		
66		lalu A-11/12		
64		Rajesh. Narela.		
68		Rajat Jain Scarp. hisson		
68		KIL STAINLESS.		
70		SNP. hisson		
71		Raghav. A. Jighar		
73		DEV Raj. NSP.		
74		Pride Steel. Kishore.		

SAMPLE-1 (Sr. No 74 above) : M/S PRIDE STEEL FROM 24.08.2022 TO 02.09.2022

COLUMN-A	COLUMN-B	COLUMN-C	NAME OF THE FIRM	Date-wise details of Payments received
			Page No.	
25/8	27032 x 120 = GST: x 18%	3243840 3243840 503891 7071571-	2950000-24/8- 4140000-25/8 2500000-26/8 2000000 27/8	
26/8	56000 x 84/10 =	4709600 -		
27/8	27720 27658			
	55378 x 120 x 18%	6645360 1196164		
	(Cash) x 183	6257714	7365274	
			26987969- 11540000-	
			11540000	
			15447969- B/-	
	late Differ 55378 x 20	-	1107560	1107560
			14340409- B/-	
				7000000- 31/8 6000000 31/8 (Surplus Fund available)
				3000000 17/9 1500000- 21/9. 59129. 21/9
			14340409	12159129-
	Balance	2)	9181286 (B/-)	

- That there are 04 columns in the "Individual Firm-Wise/Person-Wise Ledger", represented by Column-A, B, C & D;
- Column-A details date of transaction;
- Column-B details sale of impugned goods (Stainless Coils) to M/s Pride Steel;
- Column-C Details Total amount involved;
- Column-D details inward flow of money (Cash/RTGS as mentioned) from M/s Pride Steel;

ENTRY DATED 25.08.2022, explained below: -

$$27032 \times 120 = 3243840$$

$$\times 120 = 3243840$$

$$\text{GST} \times 18\% = 583891$$

7071571/-

Here, 27032 is weight of SS Coil is KG ;

Here, 120 is rate of coil for sale under GST invoice;

Here, 32,43,840/- is total value of SS Coils in INR under GST invoice;

Here, other 120 and 32,43,840 (in second line) represents rate and value of coil to be under-valued; to be paid in Cash;

Here, Rs. 5,83,891/- is GST @18% on Rs. 32,43,840/- (ie. Invoice value)

Here, 7071571 is original/actual value of SS Coil (including 18% GST of Rs. 5,83,891) to be fully recovered from the purchaser part through RTGS and part in Cash.

ENTRY DATED 29.08.2022, explained below: -

$$55378 \times 120 = 6645360$$

$$\times 18\% = 1196164$$

$$(\text{Cash}) \times 113 = 6257714$$

Here, 55378 is weight of SS Coil is KG ;

Here, 120 is rate of coil for sale under GST invoice;

Here, 66,45,360/- is total value of SS Coils in INR under GST invoice;

Here, Rs. 1196164/- is GST @18% on Rs. 66,45,360/- (ie. Invoice value)

Here, (Cash) x 120 and 6257714 (in third line) represents rate and value of coil to be under-valued; to be paid in Cash;

Further, right side entries are for money received by Sh Vijay Goel in Cash/RTGS on different dates.

SAMPLE-2 (Sr. No 74 above) : M/S PRIDE STEEL FROM 12.09.2022 TO 08.10.2022

PRide Steel		CLASSTIME Pg. No.	(25)
Date	/ /		
12.09.2022	68/1	564610-R	600000- 12/10 P140
13.09.2022	26708		1000000- 14/10
14.09.2022	26618		6000000- 14/10
15.09.2022	53326 X 120 X 18Y. GST	6399120- 1151841-	
16.09.2022	F01 X 108	5759208- 18874769	7600000- P120
17.09.2022	BL	6274769	1500000- 15/10 P140
18.09.2022	Car 01421-26/1	2500000- 322786-	3000000- 27/10 P120
19.09.2022	Car 01420-27/1	12002569	1500000- 29/10 2500000- 30/10
20.09.2022	27145 - REFL 28115 X 120 - Belan	2570- 6631200-	12000000- P120
21.09.2022	X 108-	5968000- 1193616-	1000000- 3/10 P120
22.09.2022	X 18Y.	13795386	500000- 3/10 1500000- 4/10 2500000- 6/10
23.09.2022	18795386 61120000 2595386 (R)		700000- 7/10 500000- 8/10 1120000

ENTRY DATED 10.09.2022, explained below: -

53326 x 120 = 6399120
 x 18% GST = 1151841
 x 108 = 5759208

13874769/- (including Opening Balance of Rs. 5,64,600/-

Here, 53326 is weight of SS Coil is KG ;

Here, 120 is rate of coil for sale under GST invoice;

Here, 63,99,120/- is total value of SS Coils in INR under GST invoice;

Here, Rs. 11,51,841/- is GST @18% on Rs. 63,99,120/- (ie. Invoice value)

Here, other 108 and 5759208 (in third line) represents rate and value of coil to be under-valued; to be paid in Cash;

SAMPLE-3 (Sr. No 70 above) : M/S SNP HISSAR FROM 18.08.2022 TO 08.09.2022

SNP-hissar			Page No. _____	Date _____
Car. 18/8/2022	27/8	660000-	500000 - 18/8	
28/8	27808		998400 - 22/8.	
28/8	28080		2500000 - 23/8	
55888	x 120	6706560	277760 - 26/8	
	x 18%.	1207180	3555500 - 27/8	
	x 193.-	7433104	4000000 - 29/8	
			8576160-	
			8576160	
			2100000 - 31/8	
			2100000 - 31/8	
			1117760	1117760
			6312924-	
			1500000 - 31/8	
			1302910 - 31/8	
			700000 - 1/9	
			2998360 - 21/9	
			3850000 - 31/9.	
			728000 - 5/9.	
			11079210 -	
			1000000 - 8/9.	

ENTRY DATED 29.08.2022, explained below: -

$$\begin{aligned}
 55888 &\times 120 = 6706560 \\
 &\times 18\% = 1207180 \\
 &\times 133 (\text{overwritten as 113}) = 7433104
 \end{aligned}$$

Here, 55888 is weight of SS Coil is KG ;

Here, 120 is rate of coil for sale under GST invoice;

Here, 67,06,560/- is total value of SS Coils in INR under GST invoice;

Here, Rs. 1207180/- is GST @18% on Rs. 67,06,560/- (i.e. Invoice value)

Here, x 133 and 7433104 (in third line) represents rate and value of coil to be under-valued; to be paid in Cash;

Further, right side entries are for money received by Sh Vijay Goel in Cash/RTGS on different dates

SAMPLE 4- (Sr. No 70 above): M/S SNP HISSAR FROM 12.09.2022 TO 08.10.2022

SNP-hissar		CLASSTIME Pg.No.	27
Date	1	1	1
10/9.	27342.	5766286-	10/9
✓	27084	300000-12/9.	
	54426 x 120 =	131503- B.R.	
	187. GST.	8768- 7/9.	
	108.	5878008	13/9.
		13584729.	6706552
		687817.	
		450000- 15/9.	
		4000000- 16/9	
29/9.	1.2+1.50 x 690 = 27814.	1800000/- 17/9	
✓	1.2 x 690 = 27564.2	1000000/- 18/9	
	55378 x 120 = 6645360.	7250000-	
	55378 x 107 = 5925446	300000- 23/9	
	20645143-	700000- 24/9.	
	19638760	200000- 27/9	
	1006383-B/	1350000- 29/9	
		439000- 30/9	
		16539000-	
		500000- 1/10	
		870680- 4/10	
		129080- 6/10	
		1500000- 7/10	
		600000- 8/10	
		19638760-	

ENTRY DATED 10.09.2022, explained below: -

$$\begin{aligned}
 55426 &\times 120 = 6531120 \\
 &\times 18\% = 1175601 \\
 &\times 108 = 5878008
 \end{aligned}$$

Here, 55426 is weight of SS Coil is KG ;

Here, 120 is rate of coil for sale under GST invoice;

Here, 6531120/- is total value of SS Coils in INR under GST invoice;

Here, Rs. 1175601/- is GST @18% on Rs. 6531120/- (ie. Invoice value)

Here, x 108 and 5878008 (in third line) represents rate and value of coil to be under-valued; to be paid in Cash;

Further, right side entries are for money received by Sh Vijay Goel in Cash/RTGS on different dates

Thus, the above hand-written accounts suggested that Shri Vijay Goel, through his controlled firms, sold the impugned good to domestic firms/persons at under-valued price. Further, the differential amount-on account of under-valuation, was received in Cash/RTGS by Shri Vijay Goel, which is explained below.

Flow of money (CASH/RTGS) in accounts of controlled firms of Shri Vijay Goel

43. The hand written accounts further mention inward-outward flow of money (Cash/RTGS) against names of controlled firms of Shri Vijay Goel, namely M/S Goel Exim, M/s Shri Mahadev Ji Exports, M/s Mahashakti Exims, M/s Shree International, M/s Ganesh Steel and M/s Ganesh Steel.

On comparison of these entries with the corresponding Bank accounts statements of M/S Goel Exim (*ICICI Bank A/C No. 033105005788/IDFC BANK A/C No. 10092744754*), M/s Shri Mahadev Ji Exports (*ICICI Bank A/C No. 10088283561/IDFC BANK A/C No. 10088283561*), M/S Mahashakti Exims (*ICICI A/C No. 033105005809*), M/s Shree International (*IDFC BANK A/C No. 10087171153*); M/s Ganesh Steel (*IDFC A/C No. 100854577157*), it was noticed that these entries exactly match with Bank statements.

For better understanding a comparison of handwritten accounts vis-à-vis Banks accounts of controlled firms of Shri Vijay Goel is illustrated below:

- **Daily-Ledger (LEFT PAGE) : Transactions for 01 September 2022 Vis-à-vis Bank Statements:**

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

Goel 1011 Date: 16/11/22
 4089006-B/- 787419- 9733639-B/
 870000-Rama 8482-127041- 500000 CITIZEN
 99190-Ganesh 795951-B/- 3942110 Ramulal
 300000-Pade Street 601614-Diamond Tu
 282200-Ayush 100000-mahadev IDFC 14777353-
 8291276-B/- 141803- 4200000-Ganesh
 1750000-Shree. -3500000-mahadev ID
 3500000-PJS 7877353-
 Goel 1011 5391803-
 12473160-B/- 5170342-TT. Shree
 12312925-TT. 213461-B/- 3117821-B/
 160185-B/- - 1750000-mahadev ID
 1367861-B/-
 Ganesh 597746 16/11/22
 4200000-M/S
 4797746-
 -4700070-TT
 17676-B/- 16/11/22

M/S Goel Exim (ICICI Bank A/C No. 033105005788)

Bank_Na	Customer_Na	Account_Nu	IFSC_Cod	Date_of_tr	Tr	Narration	Debit	Credit	Line_Bala
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T	INF/NFT/029176667161/goel /SINGHAL STE	870000	4959886.76	
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T	NEFT-INDBN01098417934-AAKASH ENTERPRISES-RTGS TO V	99190	5059076.76	
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T	RTGS-HDFCR52022090192905694-PRIDE STEELS-502000318	3000000	8059076.76	
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T	INF/NFT/029181099781/FundtransfertoGOLEXIM/SINGL	232200	8291276.76	

M/s Mahashakti Exims (ICICI Bank A/C No. 033105005809)

Bank_Na	Customer_Name	Account_Nu	IFSC_Cod	Date_of_tr	Tr	Narration	Debit	Credit	Line_Bala
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	INF/NFT/029174211341/mahashakti /CITIZEN INDU	500000	10233419.24	
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	RTGS-PUNBR52022090115977036-SHRI SHYAM ENTERPRISES	3000000	13233419.24	
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	RTGS-PUNBR52022090115977495-SHREE NATH JI ENTERPRISE	942100	14175519.24	
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	RTGS/CICR42022090100535330/IDFB0020194/GANESH ST	4200000	9975519.24	
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	RTGS/CICR42022090100535645/IDFB0020194/SHRI MAHA	3500000	6475519.24	
ICICI Bank	MAHA SHAKTI EXIMS	033105005809	ICIC0000331	01-09-2022	T	RTGS-UBINR22022090101639824-DIAMOND TUBES-30630501	601614	7077133.24	

M/s Mahadevji Exports (IDFC Bank A/C No. 10088283561)

ACCOUNT	TRANS_DATE_AND_TIME	JOURNAL	CREDIT	DEBIT	BALANCE	USER_NARRATION	FROM	TRANSFER_ACCT
10089013784	01/09/22 17:08:48	13016364	1750000	1891803	10233419.24	IFT/10087171153/SHREE INTERNATIONAL /13016364	F	10087171153
10089013784	01/09/22 17:30:14	13545963	3500000	5391803	13233419.24	RTGS/ICICR42022090100535645/MAHA SHAKTI/ICIC0000011	F	98001102049
10089013784	01/09/22 22:00:31	19448897	5178342	213461	8291276.76	OVRM201942253125CRE001-OVRM201942253125		0

M/s Goel Exims (IDFC Bank A/C No. 10092744754)

ACCOUNT	TRANS_DATE_AND_TIME	POST_DATE_AND_TIN	JOURNAL	CREDIT	DEBIT	BALANCE	USER_NARRATION
10092744754	01/09/22 00:08:04	01/09/22 00:08:04	21026552	12312975.27	160185.72	14411118.25	OVRM201942251912CRE001-OVRM201942251912

M/s Shree International (IDFC Bank A/C No. 10087171153)

ACCOUNT	TRANS_DATE_AND_TIME	JOURNAL	CREDIT	DEBIT	BALANCE	USER_NARRATION	FROM	TRANSFER_ACCT
10087171153	01/09/22 17:08:48	13016364	1750000	1367861.77	10233419.24	IFT/10087171153/SHREE INTERNATIONAL /13016364	T	10089013784

M/s Ganesh Steels (IDFC Bank A/C No. 10085457157)

ACCOUNT	TRANS_DATE_AND_TIME	JOURNAL	CREDIT	DEBIT	BALANCE	USER_NARRATION	FROM	TRANSFER_ACCT
10085457157	01/09/22 17:26:37	13449542	4200000	4797746.28	5178342	RTGS/ICICR42022090100535330/MAHA SHAKTI/ICIC0000011	F	98001102049
10085457157	01/09/22 21:38:29	19058999	4780070.12	17676.16	5000000	OVRM201942253107CRE001-OVRM201942253107		0

Ongoing through above, it is observed that money flow dated 01.09.2022, mentioned in hand-written accounts of Shri Vijay Goel completely matches with the corresponding Bank account statements dated 01.09.2022 of the controlled firms of Shri Vijay Goel. Thus, it corroborates that the above firms were under control of Shri Vijay Goel; being used by Shri Vijay Goel to import impugned goods by under-valuing them and further sale in domestic market. It also corroborates that the authenticity of the hand-written accounts of Shri Vijay Goel are beyond doubt.

44. Similarly, **Common-Daily-Ledger (RIGHT- PAGE) :-** Cash Transactions **for 01 September 2022** are as follows:

		119/2022	Page No.
			Date : 1 / 1
18890	Shri Ramdas Vasant Saini	ग्राम खाते के नाम	
700000	SNP-Hissar	3900000	Ramal. LR
363800	Surendra 85/1	1000000	Ram. A130
5000	Nishish Farukhabad	20700	A84/1 material
5500	Manish-A21	830	A84/1 तार फिल
67800	Ayush Hissar	10000	Safedi wala. A84/1
5436790		1200	Paile A84/1
4997930		400	ग्राम
4388601		300	ग्राम देना 50 liter
3815005		100	Ajay Petrol.
		200	Amil. etal. 50 liter
		150	Ashish. Petrol
		13000	Surendra Selby.
		200	Rutesh.
		750	Prashant. Dinesh Petrol
		279	100 492
		CASH OUTGOING DETAILS	
		CASH INCOMING DETAILS	

Above entries are reproduced below:

Opening Balance/carrying forward-18890

- 700000 -SNP Hissar
- 363800-Surendra 85/1
- 77000-Nishish Farukhabad
- 93000-Manish-A21
- 4767800-Ayush Hissar

The above entries (movement of cash) can be traced in the personal account ledger of respective firms/persons:

- Entry at (a) above in respect to M/s SNP Hissar can be traced in his personal ledger, representing receipt of Rs. 7,00000/- in Cash on 01.09.2022.

SNP Hissar (78)		
Page No.	Date	
Car. 1000000 - 18/8	6600000 -	5000000 - 18/8
22808		998400 - 22/8
28080		2500000 - 23/8
55888 X 100	6706560	277760 - 22/8
X 18/-	1202180	3000000 - 22/8
X 193/-	7433104	4000000 - 29/8
12079210	16006844	8576160 -
6312924	8576160	
55888 X 20 - Diff.	24000000	1117760
12079210 -	6312924	1117760
6312924	6312924	1117760
5766286 -	5766286 -	1000000 - 8/9.

Rs. 7 lakh
received in
cash from SNP
Hissar on
01.09.2022

Further, RTGS amounting Rs. 40,00,000/- on 29.08.2022 received from SNP Hissar can be corroborated with the Bank account transaction dated 29.08.2022 of M/s Goel Exim (ICICI 033105005788):

Bank Na	Customer Na	Account Num	IFSC Cod	Date of tra	tra	Narration	Debit amount	Credit	Line Bala
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	29-08-2022	T	INF/INFT/029137139061/GOLEXIM/MAHA SHAKTI EXI		4999998	5022268.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	29-08-2022	T	RTGS/ICICR42022082900510382/CNRB0001565/NISHA GOE	49,99,980.00		22288.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	29-08-2022	T	RTGS-HDFCR52022082991883025-J S I METALS LIMITED-1		1500000	1522288.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	29-08-2022	T	RTGS-KKBKR12022082900931623-S N P STEELS-721383357		4000000	5522288.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	29-08-2022	T	RTGS-HDFCR52022082991889122-SHREE PARWATI STFFI AN		7013961	6223684.76

- similarly, entry No.(e) above in respect to Shri Ayush Hissar can be traced in his personal ledger, representing Rs. 42,67,800/- received in Cash.

Ayush Hissar (10)		
Page No.	Date	
Balanc -	1350000 -	600000 -
8382 X 99/85 X 5/-	41847	600000 -
2830 X 99/60 X 5/-	14093	600000 -
55990 X 125 X 6/-	355868	250000 -
3670 X 150 X 7/-	32656	150000 -
		400000 -
		1600000 -
		35460 -
		3152000 -
		15387400 -
		1044464 -

Rs. 42,67,800/-
received in cash
on 01.09.2024
from Ayush Hissar

Further, RTGS amounting Rs. 2,32,200/- on 01.09.2022 was received in Bank account of M/s Goel Exim (ICICI 033105005788) from Shri Ayush Hissar:

Bank	Na	Customer Na	Account Num	IFSC Cod	Date of tra	Tran	Narration	Debit_ar	Credit_	Line Bal
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T		INF/INFT/029176667161/goel /SINGHAL STE		870000	4959886.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T		NEFT-INDBN01098417934-AAKASH ENTERPRISES-RTGS TO V		99190	5059076.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T		RTGS-HDFCR52022090192905694-PRIDE STEELS-502000318		3000000	8059076.76
ICICI Bank	GOEL EXIM	033105005788	ICIC0000331	01-09-2022	T		INF/INFT/029181099781/FundtransfertoGOELEXIM/SINGL		232200	8291276.76

45. Further, the hand-written accounts of Shri Vijay Goel also suggested that the differential payments-on account of under-valuation in imports of the impugned goods, were transferred to Chinese suppliers by laundering cash through various middlemen like Shri Sunny, Shri. Madan-Vijay, Shri Sunil etc., explained as below:

In the screenshot reproduced below, it can be inferred that one Shri Madan-Vijay is responsible for doing telegraphic transfers for Mr. Vijay Goel through one Shri Sunny; a representative of his Chinese supplier.

Madan-VIJAY -7-T.		DATE: _____	PAGE: _____	65
S/S.	100000 x 80/20 50000 x 80/20.	Sunny Sunny	12030,000/-	6500000-515 8600000-915
9/5	99000 x 80/25 51000 x 80/25	Sunny Sunny	12127500/- 24157500-	4745700/8/5 4000000-10/5 23845700- 319800-23/5

Above 80/20 is Dollar-INR exchange rate. Here, on 05.05.2022, USD150000 (@Rs.80.20/USD) amounting to Rs.1,20,30,000/- has been settled on different occasions against cash amounts of Rs.65,00,000/- ; Rs.86,00,000/- and Rs.47,45,700/- :

Madan-VIJAY		CLASSTIME Pg. No.	(88)
		Date / /	
12/9	✓ 92298 x 84/60 Jit Bhai	7808410	5000000-13/9.
			2808000-13/9
			7808000
13/9	✓ 100000 x 84/60 Jit	8440000	2500000-14/9
			5000000-15/9.
13/9	✓ 100000 x 84/50 80000 50000 x 84/50 80000	8450000 4225000	7000000-18/9
			5000000-20/9
			21115000- 1950000 1615000-23/9 21115000

Here above, on 12.09.2022, USD 792298 (@Rs.84.60/USD) amounting to Rs.7808410/- has been settled on different occasions against cash amounts of Rs.50,00,000/- and Rs.28,08,000/- :

S/No. - I - I.		(20)	
(32)		CLASSTIME/Fg. No. Date / /	
Cash	500000 (Rs.)	5000000 1996	199
Cash	2500000	2250000 8/9	8/9
1900000 x 84.35 (Inr)	6744000 1996	3000000 9/9	9/9
1100000 x 84.35 (Inr)	91832800 10.2.2022	2500000 9/9	9/9
1100000 x 84.35 (Inr)	14444400	16500 9/9	9/9
162500 (Baleno)	1662500 (Rs.)	12781500	
		1500000 9/9	
Cash 110/9.	3000000 1996	7585000 12/9.	
12/9. 100000 x 84.35 Baleno	8435000 1996	3000000 12/9	
6X41568 x 84.35 2022	35062600 1996	9000 2997	
13/9. 100000 x 84.35 (Inr)	8440000	4509800 13/9	
100000 x 84.35 (Inr)	8440000	4760000 14/9	
28000 x 84.35 (Inr)	2363200	2997	
100000 x 84.35 (Inr)	84184460 1996	19863800	
	14320660		

Here above, on 12.09.2022 & 13.09.2022, total USD 369568 (@Rs.84.35 & 84.40/USD) amounting to Rs.34184460/- has been settled on different occasions against cash amounts.

46. In view of the above evidences and illustrations, it stands clearly established that the cash differentials arising from undervaluation were laundered and remitted abroad through a network of intermediaries engaged in illegal money transfers. The investigation revealed that Shri Vijay Goel and Shri Pranshu Goel, in order to settle the undeclared portion of the transaction value with the Chinese suppliers, channelled the funds through middlemen such as Shri Madan, Shri Vijay, Shri Sunil, and Shri Sunny, who acted as agents and facilitators for hawala-based Telegraphic Transfers. These individuals collected equivalent amounts in Indian currency from the noticees and arranged for corresponding payments to be made to the overseas suppliers through informal remittance networks operating outside the authorised banking system. The said modus operandi was voluntarily confessed by both Shri Vijay Goel and Shri Pranshu Goel in their statements recorded under Section 108 of the Customs Act, 1962, wherein they admitted that such hawala and Telegraphic Transfers were resorted to in order to compensate the foreign suppliers for the difference between the genuine invoice values and the under-declared prices submitted before Customs. These admissions, when read in conjunction with the recovered diaries, WhatsApp communications, and corroborative witness statements, conclusively establish the deliberate laundering of cash and illegal outward remittance of differential amounts, thereby confirming the conscious involvement of the noticees in systematic undervaluation and evasion of customs duty.

Voluntary Statements of various stakeholders-

47. From the voluntary statements recorded under Section 108 of the Customs Act, 1962, it stands clearly established that Shri Vijay Goel, with active assistance from his son Shri Pranshu Goel, had orchestrated a deliberate and well-structured modus

operandi for importing Cold Rolled Stainless Steel Coils of J3 and 304 Grades at undervalued prices through a network of firms controlled by them. As admitted by Shri Vijay Goel in his voluntary statements dated 16.11.2022 and 17.11.2022, the firms under their control—namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Shree International, M/s Ganesh Steels, and M/s Vinayak Steels—were used as conduit entities for import of goods from Chinese suppliers. The undervaluation was achieved by maintaining two sets of invoices—one genuine invoice reflecting the actual transaction value and another fabricated invoice with suppressed values used for customs clearance. Shri Pranshu Goel, in his voluntary statements dated 16.11.2022 and 17.11.2022, corroborated this practice and admitted that he used to receive two sets of invoices, with same invoice number but with different values—one higher and other lower, from the Chinese supplier and he used to supply documents with lower value to his CHAs for filing paper before Customs. Shri Vijay Goel further confirmed that the differential value between the declared and actual prices was settled through hawala channels and telegraphic transfers with the overseas suppliers. This position also finds corroboration in the voluntary statement dated 14.12.2022 of Shri Ajay Kumar, proprietor of M/s Vinayak Steel and real brother of Shri Vijay Goel, who categorically stated that Shri Vijay Goel and his son Shri Pranshu Goel were controlling multiple import firms, forging his signatures for bank transactions, and deliberately declaring lower import prices before Customs in order to evade duty and remain competitive in the domestic market. Further, in her voluntary statement dated 27.01.2023, Smt. Nisha Goel, proprietor of M/s Goel Exim, admitted that she was merely a name-lender; that all operational and import-related activities were managed by her husband and son; that both were involved in undervaluation and misclassification of goods; and that she used to share banking OTPs with them for firm-related transactions. The cumulative effect of these statements, coupled with corroborative electronic evidence such as WhatsApp chats (RUD-38), irrefutably establishes the conscious and wilful design adopted by Shri Vijay Goel and Shri Pranshu Goel for evasion of customs duties.

48. The investigation further revealed that the undervalued imported goods were subsequently sold in the domestic market at further suppressed values. As apparent from the voluntary statements of domestic buyers—Shri Ram Singhal (dated 18.04.2023), Shri Dinesh Goel (dated 09.04.2023), Shri Sanjay Goel (dated 08.05.2023), and Shri Manoj Singhal (dated 09.05.2023)—the firms controlled by Shri Vijay Goel and Shri Pranshu Goel issued under-valued GST invoices in the range of ₹70 to ₹102 per kg, whereas the prevailing market value of similar stainless-steel coils ranged between ₹120 and ₹125 per kg. The differential amount was paid in cash, thereby perpetuating unaccounted transactions in the domestic market. Shri Pranshu Goel, in his voluntary statement dated 16.11.2022, further explained that such cash settlements were executed through hawala mechanisms, wherein code phrases and token identifiers like the serial numbers of ₹2 notes were used for identifying parties during physical delivery of cash, as also evident from the WhatsApp chats referred in Para 7 of the SCN. It is further pertinent to note that Shri Pranshu Goel in his statement dated 16.11.2022, Shri Sanjay Goel in his statement dated 08.05.2023 and Shri Dhanraj in his statement dated 23.03.2023 admitted that in most of the cases the

domestic transactions were made only on paper and only in a few cases goods were actually delivered and payments received through Banking Channels (RTGS) which was to be re-paid to these senders (domestic buyers) in cash. The voluntary admissions of the principal persons, corroborated by digital, documentary, and oral evidences, conclusively establish that Shri Vijay Goel and Shri Pranshu Goel had, through their controlled entities, systematically indulged in undervaluation at both import and domestic stages, with the intent to generate and launder unaccounted cash proceeds and thereby evade payment of legitimate customs duties.

49. The voluntary statement of Shri Pinkal Rathi, Partner of M/s Oriental Trade Link, recorded under Section 108 of the Customs Act, 1962, on 28.08.2023, further substantiates the allegation of undervaluation against the noticees. Shri Pinkal Rathi stated that his firm had provided Customs House Agent (CHA) services for the clearance of consignments of *Cold Rolled Stainless Steel Coils of 304 grade (Ex-stock)* imported by firms controlled by Shri Vijay Goel and Shri Pranshu Goel, namely M/s Goel Exim, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Shree International and M/s Ganesh Steel, through Mundra Port. He categorically deposed that during October 2022, he had cleared consignments of identical goods for M/s Goel Exim at a declared price ranging between USD 1.10 to USD 1.40 per kg, whereas in the same period he had cleared similar goods for other independent importers such as M/s Ratnaveer Metals Ltd. at USD 2.39 per kg (BE No. 2813667 dated 10.10.2022), and for M/s Manilaxmi Trading Co. at prices ranging from USD 2.29 to USD 2.42 per kg. His statement therefore demonstrates that the goods imported by the firms controlled by Shri Vijay Goel and Shri Pranshu Goel were declared at significantly lower assessable values than the contemporary import prices of identical goods at the same port during the same period. This material corroboration from an independent CHA, who handled both the undervalued consignments and genuine imports of similar goods, clearly establishes that the noticees had deliberately declared suppressed prices before Customs with the intent to evade payment of appropriate duties.

50. It is pertinent to note that all the statements recorded under Section 108 of the Customs Act, 1962, from various persons connected with the investigation — including Shri Vijay Goel, Shri Pranshu Goel, Smt. Nisha Goel, Shri Ajay Kumar, Shri Pinkal Rathi, Shri Ram Singhal, Shri Dinesh Goel, Shri Sanjay Goel, and Shri Manoj Singhal are uniform, corroborative, and mutually reinforcing in material particulars. Each of these statements independently confirms the modus operandi of undervaluation at the time of import, further under-invoicing in domestic sales, and settlement of differential amounts through cash and hawala channels. None of these statements were ever retracted or disputed at any subsequent stage of the proceedings, nor was any allegation made of coercion, threat, or inducement at the time of recording. The voluntary nature, inter-consistency, and corroboration of these statements with documentary and electronic evidence such as WhatsApp chats, parallel invoices, diaries and ledger records lend them high evidentiary value under the law. Accordingly, the statements, supported by corroborative evidences conclusively establish the deliberate and conscious acts of undervaluation and evasion of customs duties by the noticees.

51. In view of the foregoing discussion and the evidences brought on record, I hold that the importer firms controlled and managed by Shri Vijay Goel and Shri Pranshu

Goel have wilfully and with mala fide intent engaged in the undervaluation of imported goods, by declaring suppressed assessable values before Customs and remitting the differential amounts through hawala channels. Their actions clearly satisfy the ingredients of suppression of facts, wilful misstatement, and collusion, as envisaged under the proviso to Section 28(4) of the Customs Act, 1962. Accordingly, the importer-firms are liable to pay the differential customs duty so evaded on account of undervaluation, along with applicable interest under Section 28AA of the said Act. The invocation of the extended period of limitation is therefore justified in the present case, as the evasion has occurred through deliberate and conscious acts intended to defraud the exchequer.

RE-DETERMINATION OF VALUE OF GOODS-

52. It is observed from the investigation that the declared assessable value of the imported Cold Rolled Stainless Steel coils by M/s Shri Mahadev Ji Exports and other associated firms is liable to be rejected under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. The forensic analysis of mobile devices, coupled with statements recorded under Section 108 of the Customs Act, 1962, revealed the existence of parallel invoices indicating significantly higher transaction values than those declared before Customs. Furthermore, the investigation unearthed a systematic pattern of differential payments made to overseas suppliers through unofficial channels, including Hawala and Telegraphic Transfers (TT), which were not reflected in the declared import documentation. These findings conclusively establish that the declared transaction value does not represent the actual price paid or payable for the imported goods. Accordingly, the declared value is rejected under Rule 12.

Re-determination of value of imported goods where Actual Invoices were retrieved-

53. To re-determine the value of imported goods, it is observed that out of the total 434 Bills of Entries filed, only 131 Actual Invoices were retrieved in respect of 90 Bills of entries filed. In terms of Section 14 of the Customs Act, 1962, the value of the imported goods is the transaction value that is "the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation", subject to such other conditions as may be specified in this behalf by the rules made in this regard. Rule 3 (1) of the CVR, 2007 lays down that the value of the imported goods shall be the transaction value adjusted in accordance with provisions of Rule 10 CVR 2007. Rule 13 of the CVR, 2007 lays down that the interpretative notes specified in the Schedule to these rules shall apply for the interpretation of these rules. The interpretative note to Rule 3 provides that price actually paid or payable is the total payment made or to be made by the buyer to or for the benefit of the seller for the imported goods. Therefore, in terms of Rule 3 of Customs Valuation Rules, read with Section 14 of the Customs Act, the value declared in the resumed invoices is required to be taken as the actual transaction value of the goods for the purpose of valuation of goods.

Re-determination of value of imported goods where actual Invoices are not available-

54. In accordance with Rule 3(4) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, once the declared transaction value is rejected, the value

of the imported goods must be re-determined by sequentially applying Rules 4 to 9. In the present case, valuation under Rule 4 is not feasible, as the investigation has established that the goods were mis-declared in terms of value. Moreover, due to the inherent variability in the physical characteristics of the goods—such as differences in composition, quality, and brand reputation—no truly identical goods are available for a comparison. Similarly, Rule 5 cannot be applied, as the goods are not “similar” within the meaning of the Rules, owing to the same variations in physical and qualitative attributes. Further, the deductive value method under Rule 7 is inapplicable, as the importer has failed to establish a one-to-one correlation between the imported goods and their subsequent sales in the domestic market. Likewise, the computed value method under Rule 8 cannot be employed due to the absence of reliable and quantifiable data regarding the cost of production, manufacture, or processing of the imported goods. In view of the above, the only viable option is to invoke Rule 9, the residual method, which permits determination of value using reasonable means in accordance with the principles and general provisions of the Valuation Rules and Section 14 of the Customs Act, 1962. The core objective of these provisions is to ensure that the assessable value reflects the actual price paid or payable for the imported goods. Therefore, in keeping with the spirit of the law and to uphold the ends of justice, the actual transaction value—evidenced through the parallel/original invoices recovered during the investigation—shall be adopted as the basis for re-determination of value under Rule 9. For those Bills of Entry where such invoices are not directly available, reference may be drawn from comparable actual invoices to arrive at a fair and reasonable assessable value.

55. Thus, for the Bills of Entries, where corresponding original invoices are available, the value mentioned in these Original invoices have been taken for valuation. Further, for the remaining Bills of Entries-where corresponding original invoices are not available, the lowest unit price of the goods (grade J3/304) mentioned in available Original invoice of that firm, is justifiable for valuation purpose. In addition, where no actual invoices are available for a particular firm/grade, in such case, minimum value for that grade has been taken to re-determine the value of such imported goods.

MIS-CLASSIFICATION OF GOODS-

56. It is observed that Shri Vijay Goel and Shri Pranshu Goel through their Controlled firms were importing the goods namely “**Cold Rolled Stainless Steel Strips/Coils Grade J3**” by classifying the same under CTH 72209022 and availing the benefit (at Sr. No.734) of concession of 45% of Customs duty as provided under Notification No.50/2018-Customs dated 30.06.2018. Notification No.50/2018-Customs dated 30.06.2018, provides for concessional benefits in duty of Customs for the goods imported from countries listed in APPENDIX I (*Bangladesh, People's Republic of China, Republic of Korea & Sri Lanka*) and APPENDIX II (*Bangladesh & Lao People's Democratic Republic*) of the notification. Further, the Chapter/ Heading No/ Sub-heading No./ tariff item and description of the eligible goods have been specified in column (2) and (3) respectively, of the Table annexed with the notification. In addition, extent of tariff concession (percentage of applied rate of duty in %) has been provided in in column (4) of the said Table. Entry No. 734 of the said notification provides for:

<u>Sr. No</u>	<u>Chapter Head No., Heading No., sub-Heading No., or Tariff Head</u>	<u>Description of good</u>	<u>Extent of Tariff concession (Percentage of applied rate of duty, in %)</u>
1	2	3	4
734	72209021, 72209022	All Goods	45

Thus, there is a provision of 45% of Customs duty concession in Notification No.50/2018-Customs dated 30.06.2018, for the goods imported from China & falling under CTH 72209022 i.e. **Flat-Rolled Stainless Steel (less than 600MM width) - Nickel Chromium Austenitic Type**. Chapter 7220 is appended below for reference:

7220 FLAT-ROLLED PRODUCTS OF STAINLESS STEEL, OF A WIDTH OF LESS THAN 600 MM					
<i>- Not further worked than hot-rolled:</i>					
7220 11	-- <i>Of a thickness of 4.75 mm or more :</i>				
7220 11 10	--- Skelp for pipes and tubes	kg.	15%	-	
	--- <i>Strips for pipes and tubes (other than skelp) :</i>				
7220 11 21	---- Chromium type	kg.	15%	-	
7220 11 22	---- Nickel chromium austenitic type	kg.	15%	-	
7220 11 29	---- Other	kg.	15%	-	
7220 11 90	--- Other	kg.	15%	-	
7220 12	-- <i>Of a thickness of less than 4.75 mm :</i>				
7220 12 10	--- Skelp for pipes and tubes	kg.	15%	-	
	--- <i>Strips for pipes and tubes (other than skelp) :</i>				
7220 12 21	---- Chromium type	kg.	15%	-	
7220 12 22	---- Nickel chromium austenitic type	kg.	15%	-	
7220 12 29	---- Other	kg.	15%	-	
7220 12 90	--- Other	kg.	15%	-	
7220 20	- <i>Not further worked than cold-rolled (cold- reduced) :</i>				
7220 20 10	--- Skelp for pipes and tubes	kg.	15%	-	
	--- <i>Strips for pipes and tubes (other than skelp) :</i>				

7220 20 21	---- Chromium type	kg.	15%	-
7220 20 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 20 29	---- Other	kg.	15%	-
7220 20 90	--- Other	kg.	15%	-
7220 90	- <i>Other :</i>			
7220 90 10	--- Skelp (strips for pipes and tubes)	kg.	15%	-
	--- <i>Strips for pipes and tubes (other than skelp) :</i>			
7220 90 21	---- Chromium type	kg.	15%	-
7220 90 22	---- Nickel chromium austenitic type	kg.	15%	-
7220 90 29	---- Other	kg.	15%	-
7220 90 90	--- Other	kg.	15%	-

57. Before proceeding further, it is important to understand the chemical composition of Stainless steels specifically Nickel Chromium Austenitic type (CTH 72209022). Stainless Steels are broadly categorized in five categories namely Austenitic, Ferritic, Martensitic, Duplex and Precipitation hardening stainless steel grades. These categories are defined based on the atomic structure and alloying elements resulting in range of properties required for various end use. Austenitic is the most widely used type of stainless steel. It has excellent corrosion and heat resistance with good mechanical properties over a wide range of temperatures. These are popularly known as 300 and 200 series grades which are non-magnetic in nature. 200 Series grades are alloyed with chromium, nickel, and manganese where 300 Series are alloyed with chromium and nickel. When nickel (Ni) is added to stainless steel in sufficient quantities the crystal structure is changed from ferrite to austenite, hence the term austenitic stainless steels. In 200 series stainless steels the structure is obtained by adding Manganese (Mn) and Nitrogen (N), with a small amount of Nickel (Ni) content, making 200 series a *cost-effective and a substitute of nickel-chromium austenitic type stainless steel*. The Ni content in these steels (200 grades) is generally below 1.5%, while Mn content exceeds 5.5–7.5%, and Cr ranges from 16–18%. These are lower-cost substitutes for Nickel-based grades, offering reduced corrosion resistance and mechanical strength.

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

Table 1 Chemical Composition
(*Clauses 7.1 and 7.2*)

IS 6911 : 1992

Grade Designation		C	Si Max	Mn	Ni	Cr	Mo	S Max	P Max	Others		
Letter Symbol [see IS 1762 (Part 1)]	Numerical Symbol ISS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Ferritic Steels												
X 04Cr12	405	0.08 Max	1.0	1.0 Max	—	11.5-13.5	—	0.030	0.040	Al 0.10-0.30		
X 07Cr17	430	0.12 Max	1.0	1.0 Max	0.50 Max	16.0-18.0	—	0.030	0.040			
Martensite Steel												
X 12Cr12	410	0.08-0.15	1.0	1.0 Max	1.0 Max	11.5-13.5	—	0.030	0.040			
X 20Cr13	420 S1	0.16-0.25	1.0	1.0 Max	1.0 Max	12.0-14.0	—	0.030	0.040			
X 30Cr13	420 S2	0.26-0.35	1.0	1.0 Max	1.0 Max	12.0-14.0	—	0.030	0.040			
X 40Cr13	420 S3	0.35-0.45	1.0	1.0 Max	1.0 Max	12.0-14.0	—	0.030	0.040			
X 15Cr16Ni2	431	0.10-0.20	1.0	1.0 Max	1.25-2.50	15.0-17.0	—	0.030	0.045			
X 108Cr17Mo	440	0.95-1.20	1.0	1.0 Max	0.50 Max	16.0-18.0	0.75 Max	0.030	0.045			
Austenitic Steels												
X 10Cr17Mn6Ni4N20	201	0.20 Max	1.0	4.0-8.0	3.5-5.5	16.0-18.0	—	0.030	0.045	N 0.05-0.20		
X 07Cr17Mn12Ni4	201 A	0.12 Max	1.0	10.0-14.0	3.5-5.5	16.0-18.0	—	0.030	0.045			
X 10Cr18Mn9Ni5	202	0.15 Max	1.0	8.0-10.0	4.0-6.0	17.0-19.0	—	0.030	0.045			
X 10Cr17Ni7	301	0.15 Max	1.0	2.0 Max	6.0-8.0	16.0-18.0	—	0.030	0.045			
X 07Cr18Ni9	302	0.15 Max	1.0	2.0 Max	8.0-10.0	17.0-19.0	—	0.030	0.045			
X 04Cr19Ni9	304 S1	0.08 Max	1.0	2.0 Max	8.0-10.0	17.5-20.0	—	0.03	0.045			
X 02Cr19Ni10	304 S2	0.03 Max	1.0	2.0 Max	8.0-12.0	17.5-20.0	—	0.030	0.045			
X 15Cr24Ni13	309	0.20 Max	1.5	2.0 Max	11.0-15.0	22.0-25.0	—	0.030	0.045			
X 20Cr25Ni20	310	0.25 Max	2.5	2.0 Max	18.0-21.0	24.0-26.0	—	0.030	0.045			
X 04Cr17Ni12Mo2	316	0.03 Max	1.0	2.0 Max	10.0-14.0	16.0-18.0	2.0-3.0	0.030	0.045			
X 02Cr17Ni12Mo2	316 L	0.08 Max	1.0	2.0 Max	10.0-14.0	16.0-18.0	2.0-3.0	0.030	0.045			
X 04Cr17Ni12Mo2Ti	316 Ti	0.08 Max	1.0	2.0 Max	10.0-14.0	16.0-18.0	2.0-3.0	0.030	0.045	Ti Min-5 (C + N)		
										Ti Max-0.80		
X 04Cr18Ni10Ti	321	0.08 Max	1.0	2.0 Max	9.0-12.0	17.0-19.0	—	0.030	0.045	Ti Min-5 (C + N)		
										Ti Max-0.8		
X 04Cr18Ni10Nb	347	0.08 Max	1.0	2.0 Max	9.0-12.0	17.0-19.0	—	0.030	0.045	Nb Min-10C		
										Nb Max-1.0		

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

Subgroups of Austenitic stainless steel	Minimum-Maximum range of Nickel (Ni) (% by weight)	Minimum-Maximum range of Chromium (Cr) (% by weight)
300 Series	6 - 21	16 - 25
200 Series	3.5 - 6	16-19

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

60. However on examination of the Mill Test Certificate/Report uploaded by importing firms controlled by Shri Vijay Goel and Shri Pranshu Goel, the content of Nickel (Ni) and Chromium (Cr) in the imported goods (Cold Rolled Stainless Steel Coil of J3 grade) was not found as per specification required to qualify in any of the two subgroups (200&300 Series) of Austenitic stainless steel.

61. Few sample Mill Test Certificates/Report of the imported Cold Rolled Stainless Steel of J3 grade are appended below:

工厂检验证明书 MILL TEST CERTIFICATE															
品名 (Commodity)		COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK			客户名称: Customer		SHREE INTERNATIONAL								
表面加工 (Surface)		2B			合同号: Contract No.		2021HR081805								
发票号: Invoice No.		21VJ0827			开单日期: Issue Date:		AUG.27,2021								
序号	钢卷编号	规格尺寸 (mm)	件数(COIL)	重量 (kg)	重量 (kg)	炉号		化学成分 Chemical composition %							
						No.	Coil No.	Size	Package	Net W.T.	Gross W.T.	Heat No.	C	Si	Mn
1	21080621	0.26MM x 730mm	1	5160	5180	TA21-07-130	0.153	0.436	10.52	0.035	0.017	0.80	12.52	0.72	0.089
2	21080621	0.26MM x 730mm	1	5100	5120	TA21-07-130	0.155	0.435	10.37	0.036	0.019	0.81	12.6	0.71	0.088
3	21080128	0.26MM x 690mm	1	4840	4860	TA21-07-372	0.143	0.437	10.61	0.037	0.018	0.82	12.64	0.69	0.090
4	21080128	0.26MM x 690mm	1	4915	4935	TA21-07-372	0.149	0.432	10.44	0.037	0.019	0.82	12.64	0.72	0.087
5	21083425	0.26MM x 550mm	1	2712	2732	TA21-08-094	0.149	0.432	10.44	0.037	0.019	0.82	12.64	0.72	0.087
6	21083412	0.26MM x 650mm	1	4414	4434	TA21-08-271	0.152	0.434	10.51	0.035	0.018	0.82	12.66	0.70	0.089
TOTAL			6	27141	27261	SHANDONG MENGYIN HUARUN IMP. & EXP. CO., LTD.									

CERTIFICATE OF QUALITY																	
Customer:	GOEL EXIM																
Address:	GROUND FLOOR, A-84/1, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTH WEST DELHI, DELHI, 110052 IEC NO. - AIFPG0671A E MAIL - GOELEXIM69@GMAIL.COM PHONE NO - 9818084989 PAN NO. - AIFPG0671A 07AIFPG0671A1ZW																
Invoice No.:	GXGJ-SMJ210301907																
Product No.	MATERIAL DESCRIPTION			Chemical Composition(%)								Mechanical Test	Hardness	HEAT NO			
	SIZE	SURFACE	PRODUCT	C	Si	Mn	P	S	Ni	Cr	Cu				N	Fe	T.S
COLD ROLLED STAINLESS STEEL COIL EX- STOCK	mm			0.04~0.15	0.4~0.5	8~11	0.038	s0.030	0.7~1.3	12.5~15.0	0.2~1.0	0.14	73~Max	>420mpa	%	about 240	
	1	0.52*690	304	0.120	0.430	10.210	0.037	0.002	1.400	13.490	0.220	0.188	73.903				S044738
	2	0.9*690	304	0.120	0.430	10.210	0.037	0.002	1.400	13.490	0.220	0.188	73.903				JY2104036B
	3	0.58*690	304	0.121	0.450	10.180	0.035	0.002	1.370	13.450	0.260	0.190	73.942				JY2104034B
	4	1.2*730	304	0.130	0.420	10.220	0.037	0.002	1.400	13.490	0.210	0.188	73.903				S046055
	5	0.68*730	304	0.130	0.420	10.220	0.037	0.002	1.400	13.490	0.210	0.188	73.903				4-304S
	6	1.2*730	304	0.121	0.450	10.180	0.035	0.002	1.370	13.450	0.260	0.190	73.942				HJY2104018BB
	7	0.52*690	304	0.139	0.422	10.170	0.035	0.002	1.384	13.393	0.222	0.172	74.061				R2104JY033A
	8	0.52*690	304	0.142	0.420	10.164	0.035	0.002	1.383	13.380	0.222	0.169	74.084				R2104JY033B
	9	0.68*690	304	0.143	0.420	10.161	0.034	0.002	1.382	13.373	0.222	0.168	74.096				R2104JY032A
	10	0.68*690	304	0.145	0.418	10.155	0.034	0.002	1.381	13.359	0.221	0.165	74.119				R2104JY032B
	11	0.68*690	304	0.147	0.418	10.153	0.034	0.002	1.380	13.353	0.221	0.164	74.130				R2104JY035A
	12	0.68*690	304	0.148	0.417	10.150	0.034	0.002	1.379	13.346	0.221	0.163	74.142				R2104JY035B
	13	0.52*690	304	0.149	0.416	10.147	0.034	0.002	1.379	13.339	0.220	0.161	74.153				R2104JY034B
	14	0.52*690	304	0.153	0.414	10.138	0.033	0.002	1.376	13.319	0.220	0.158	74.188				R2104JY034A
	15	0.7*600	304	0.120	0.430	10.210	0.037	0.002	1.400	13.490	0.220	0.188	73.903				SXY04944A
	16	0.7*600	304	0.120	0.430	10.210	0.037	0.002	1.400	13.490	0.220	0.188	73.903				SXY04944B
	17	0.68*690	304	0.121	0.450	10.180	0.035	0.002	1.370	13.450	0.260	0.190	73.942				SXY04945A
	18	0.68*690	304	0.130	0.420	10.220	0.037	0.002	1.400	13.490	0.210	0.188	73.903				SXY04945B
	19	0.7*600	304	0.130	0.420	10.220	0.037	0.002	1.400	13.490	0.210	0.188	73.903				SXY04943B
	20	1.5*730	304	0.121	0.450	10.180	0.035	0.002	1.370	13.450	0.260	0.190	73.942				4-489B
	21	0.7*600	304	0.140	0.421	10.167	0.035	0.002	1.384	13.386	0.222	0.170	74.073				SXY04943A
	22	1.5*730	304	0.142	0.420	10.164	0.035	0.002	1.383	13.380	0.222	0.169	74.084				4-488A
	23	1.5*730	304	0.143	0.420	10.161	0.034	0.002	1.382	13.373	0.222	0.168	74.096				4-488B
	24	1.5*730	304	0.145	0.418	10.155	0.034	0.002	1.381	13.359	0.221	0.165	74.119				4-489A
	25	0.68*730	304	0.147	0.418	10.153	0.034	0.002	1.380	13.353	0.221	0.164	74.130				4-490A
26	0.68*730	304	0.148	0.417	10.150	0.034	0.002	1.379	13.346	0.221	0.163	74.142				4-490B	
WE HEREBY CERTIFY THAT THE MATERIAL HEREIN HAS BEEN MANUFACTURED IN ACCORDANCE WITH THE ORDER AND SPECIFICATION												FOSHAN XUANZHENG TRADING CO., LTD. WUHAN HUARUN TRADE CO., LTD. WUHAN HUARUN TRADE CO., LTD.					
1. Size and Surface: Guaranteed 2. Materials are free from mercury contamination 3. Secondary quality												* SXY04944A * SXY04944B * SXY04945A * SXY04945B * SXY04943B * 4-489B * 4-488A * 4-488B * 4-489A * 4-490A * 4-490B					

CERTIFICATE OF QUALITY												
Customer:		MAHA SHAKTI EXIMS ADDRESS - FIRST FLOOR, A-104, INDUSTRIAL AREA, WAZIRPUR, NEW DELHI, NORTH WEST DELHI, DELHI, 110052 IEC CODE - EERPS7577K PAN NO. - EERPS7577K GST NO- 07EERPS7577K1Z9 CONTACT NO - 9871576508 EMAIL ID - mahashaktiexims1@gmail.com										
Address:		FOSHAN XUANZHENG TRADING CO.,LTD. ROOM F,UNIT 2109,BUILDING 2,THIRIVEUNITE IFC,1ST SHI LONG SOUTH ROAD,GUICHENG,NANHAI DISTRICT,FOSHAN										
Invoice No.:		GXGJ-SMJ210301010 GXGJ-SMJ210301014 GXGJ-SMJ202108015										
Product No.		MATERIAL DESCRIPTION										
Product No.	SIZE mm	PRODUCT	Chemical Composition(%)									
			C 0.04~0.15	Si 0.4~0.5	Mn 8~11	P 0.038	S ≤0.030	Ni 0.7~1.3	Cr 12.5~15.00	Cu 0.2~1.0	N 0.14	Fe 73~Max
1	0.32*79.5		0.120	0.430	10.210	0.037	0.002	1.256	13.490	0.220	0.140	74.095
2	0.32*79.5		0.120	0.430	10.210	0.037	0.002	1.198	13.490	0.220	0.140	74.153
3	0.32*79.5		0.121	0.430	10.180	0.035	0.002	1.270	13.490	0.260	0.140	74.092
4	0.32*79.5		0.130	0.420	10.220	0.037	0.002	1.216	13.490	0.210	0.140	74.135
5	0.28*59.5		0.130	0.420	10.220	0.037	0.002	1.250	13.490	0.210	0.140	74.101
6	0.28*59.5		0.121	0.450	10.180	0.035	0.002	1.227	13.450	0.260	0.140	74.135
7	0.28*59.5		0.139	0.422	10.170	0.035	0.002	1.187	13.393	0.222	0.140	74.290
8	0.28*59.5		0.143	0.420	10.161	0.034	0.092	1.118	13.373	0.222	0.140	74.388
9	0.28*59.5		0.145	0.418	10.155	0.034	0.002	1.257	13.359	0.221	0.140	74.268
10	0.29*79.5		0.147	0.418	10.153	0.034	0.002	1.147	13.353	0.221	0.140	74.387
11	0.29*79.5		0.148	0.417	10.150	0.034	0.002	1.250	13.346	0.221	0.140	74.294
12	0.29*79.5		0.135	0.416	10.147	0.034	0.002	1.158	13.339	0.220	0.140	74.409
13	0.32*79.5		0.136	0.414	10.138	0.033	0.002	1.216	13.319	0.220	0.140	74.382
14	0.32*79.5		0.120	0.430	10.210	0.037	0.002	1.250	13.490	0.220	0.140	74.101
15	0.85*730		0.121	0.450	10.180	0.035	0.002	1.225	13.450	0.260	0.140	74.137
16	0.85*730		0.130	0.420	10.220	0.037	0.002	1.148	13.490	0.210	0.140	74.203
17	0.85*730		0.130	0.420	10.220	0.037	0.002	1.189	13.490	0.210	0.140	74.162
18	1.15*730		0.121	0.450	10.180	0.035	0.002	1.158	13.450	0.260	0.140	74.204
19	1.15*730		0.140	0.421	10.167	0.035	0.002	1.193	13.386	0.222	0.140	74.294
20	0.8*730		0.142	0.420	10.164	0.035	0.002	1.186	13.380	0.222	0.140	74.310
21	1.15*730		0.145	0.418	10.155	0.034	0.002	1.195	13.359	0.221	0.140	74.330
22	0.31*79.3		0.147	0.418	10.153	0.034	0.002	1.184	13.353	0.221	0.140	74.350
23	0.31*79.3		0.148	0.417	10.150	0.034	0.002	1.182	13.346	0.221	0.140	74.362
24	0.51*119		0.120	0.430	10.210	0.037	0.002	1.256	13.490	0.220	0.140	74.095
25	0.51*119		0.120	0.430	10.210	0.037	0.002	1.198	13.490	0.220	0.140	74.153

ORIGINAL

工厂检验证明书
MILL TEST CERTIFICATE

山东蒙阴华润进出口有限公司
SHANDONG MENGYIN HUARUN IMP. AND EXP. CO., LTD.
NO.205 XINCHENG ROAD, MENGYIN
COUNTY, SHANDONG, CHINA
TEL:0086-18669626822 FAX:0086-539-4272462

品名 (Commodity)	COLD ROLLED STAINLESS STEEL COIL GRADE J3 EX STOCK				客户名称: Customer	MAHA SHAKTI EXIMS								
表面加工 (Surface)	2B				合同号: Contract No.	2021HR081805								
发票号: Invoice No.	21VJ1215				开单日期: Issue Date:	DEC.15,2021								
No.	钢卷编号 Coil No.	规格尺寸 (mm) Size	件数 (coil) Package	重量 (kg) Net W.T.	重量 (kg) Gross W.T.	炉号 Heat No.	化学成分 Chemical composition %							
1	0.27MM X 730MM X COIL	1	5294	5314	FY2111-003A	0.150	0.435	10.45	0.037	0.017	0.80	12.71	0.72	0.086
2	0.27MM X 730MM X COIL	1	4914	4934	FY2111-003B	0.153	0.437	10.54	0.035	0.019	0.82	12.69	0.71	0.088
3	0.27MM X 730MM X COIL	1	5106	5126	FY2111-004A	0.153	0.437	10.54	0.035	0.019	0.82	12.69	0.71	0.088
4	0.27MM X 730MM X COIL	1	5194	5214	FY2111-004B	0.149	0.432	10.58	0.036	0.019	0.80	12.59	0.70	0.09
5	0.27MM X 730MM X COIL	1	2954	2974	FY2111-005A	0.149	0.432	10.58	0.036	0.019	0.80	12.59	0.70	0.09
6	0.27MM X 730MM X COIL	1	3414	3434	FY2111-005B	0.154	0.435	10.42	0.037	0.017	0.82	12.47	0.72	0.086
TOTAL		6	26876	26996										

SHANDONG MENGYIN HUARUN
IMP. & EXP. CO., LTD.
MENGYIN

62. Examination of the Mill Test Certificates (MTC) uploaded by controlled firms of Shri Vijay Goel ; issued by the overseas suppliers for "Cold Rolled Stainless Steel strips/Coil Grade J3", clearly revealed that these goods **contained Nickel content less than 1.5% and Chromium less than 16%**. Whereas, as prescribed under BIS standard IS

6911:1992, the contents of Nickel (Ni) and Chromium (Cr) for Austenitic Steel is higher in the range of 3.5 to 21 percentage for Nickel (Ni) and 16 to 25 for Chromium (Cr).

63. A comparison of Nickel (Ni) and Chromium (Cr) percentage in impugned goods with the content percentage prescribed in IS 6911:1992 for Austenitic Steel, clearly shows that impugned goods imported by the controlled firms of Shri Vijay Goel and Shri Pranshu Goel, do not qualify to be classified as Austenitic Stainless Steel of Nickel Chromium type as discussed above. Therefore, it is clear that Shri Vijay Goel and Shri Pranshu Goel mis-declared the impugned goods as Austenitic Steel of Nickel and Chromium type under CTH 72209022 i.e. Flat-Rolled Stainless Steel (less than 600MM width) - Nickel Chromium Austenitic Type, in order to avail undue benefits of Notification No.50/2018-Customs dated 30.06.2018.

64. The technical conclusion is reinforced by independent statements of Customs House Agents (CHAs) who handled the consignments, including Shri Jitendra Kumar (CHA) and Shri Pinkal Rathi (Partner, M/s Oriental Trade Link), who confirmed that the MTCs show low Ni/Cr values and that classification under CTH 7220 90 22 (Nickel-Chromium austenitic type) was contrary to the compositional data reflected in those MTCs. Shri Pinkal Rathi in his statement dated 21.12.2022 further admitted that the classification under CTH 72209022 was done as per the instruction of Shri Pranshu Goel in the firms. Thus, the documentary evidence of Mill Test Certificate (MTCs) is further corroborated by the statements recorded under Section 108 of the Customs Act, 1962.

CORRECT CLASSIFICATION OF GOODS-

65. I find that the imported goods, namely Cold Rolled Stainless Steel Coils/Strips of Grade J3/304, are found to be classifiable under Heading 7220 – “Flat-rolled products of stainless steel, of a width less than 600 mm.” The further classification under this heading depends upon the manufacturing process, physical form, and end use of the goods. It is observed that the impugned goods are manufactured by the process of hot rolling followed by cold rolling, and therefore appropriately fall under Sub-heading 7220 90 – “Others.” Within this sub-heading, classification is further determined on the basis of the shape (whether in the form of skelps, strips, or coils) and the intended end use (such as for manufacture of tubes, pipes, or utensils). The investigation has revealed that the imported goods were in strip form, of width less than 600 mm, and were used for manufacture of utensils and allied items, rather than for pipes and tubes. Accordingly, the goods are correctly classifiable under **Tariff Item 7220 90 90 – “Others”** under 7220 90, attracting the corresponding rate of customs duty applicable thereunder.

BENEFICIAL OWNER/IMPORTER-

66. From the cumulative evidences and statements recorded under Section 108 of the Customs Act, 1962, it is conclusively established that Shri Vijay Goel, with active assistance from his son Shri Pranshu Goel, orchestrated the creation and operation of six import firms—M/s Goel Exim, M/s Shree International, M/s Shri Mahadev Ji Exports, M/s Maha Shakti Exims, M/s Ganesh Steels, and M/s Vinayak Steels—in the names of family members, relatives, and close associates. In his statement dated 16.11.2022, Shri Vijay Goel admitted that he established M/s Shri Mahadev Ji Exports and M/s Goel Exim in the names of his son and wife respectively, and that he managed

all business activities including pricing, banking, and customs clearance. He further confirmed in his statement dated 17.11.2022 that he looked after import-related work of all six firms and provided documents to the CHA for customs clearance. Shri Pranshu Goel, in his statements dated 16.11.2022 and 17.11.2022, corroborated that he and his father jointly managed the import operations of all six firms. Multiple other statements—such as those of Ms. Devshree Bhatt (17.11.2022), Shri Ajay Kumar (17.11.2022 and 14.12.2022), Smt. Nisha Goel (27.01.2023), and Shri Jitender Kumar (16.11.2022)—further affirm that Shri Vijay Goel and Shri Pranshu Goel exercised complete control over the firms' documentation, banking, customs procedures, and commercial decisions. These firms were merely nominal proprietorships, while the actual ownership, control, and pecuniary benefits vested solely with Shri Vijay Goel and Shri Pranshu Goel. Accordingly, both Shri Vijay Goel and Shri Pranshu Goel fall squarely within the meaning of "person on whose behalf the goods are imported or who exercises control over the goods being imported" as defined under Section 2(3A) of the Customs Act, 1962. Therefore, they are deemed to be the beneficial owners/importers of the goods imported through the aforementioned six firms and are liable for payment of differential duty under Section 28(4) of the Customs Act, 1962.

QUANTIFICATION OF DUTY-

67. The differential duty arising from the undervaluation and misclassification of imported goods is liable to be recovered under the provisions of Section 28(4) of the Customs Act, 1962 as in the present case, the investigation has clearly established deliberate undervaluation through parallel invoicing, misdeclaration of goods, and concealment of actual transaction values—constituting willful suppression of material facts. Accordingly, recovery under Section 28(4) is legally warranted. Further, as detailed in **Annexure-A** (for imports from Mundra Port) & **Annexure-B** (for clearance through SEZ Kandla), differential duty recoverable in respect of 06 controlled firms of Shri Vijay Goel and Shri Pranshu Goel, are as under:-

(For Import from Port Mundra)

Name of the Importer	Sum of Total Assessable Value - Assessed	Sum of Re-determined assessable value in Rs.	Sum of differential duty
GANESH STEEL	18,18,50,389	37,62,31,404	5,39,11,574
GOEL EXIM	80,90,56,006	1,40,07,33,988	16,41,01,888
MAHA SHAKTI EXIMS	30,19,33,723	64,99,19,161	9,65,13,761
SHREE INTERNATIONAL	14,75,56,046	31,32,31,626	4,59,50,122
SHRI MAHADEV JI EXPORTS	49,11,75,732	78,71,52,316	8,20,89,105
VINAYAK STEEL	46,15,628	1,19,00,843	20,20,554
TOTAL	1,93,61,87,525	3,53,91,69,338	44,45,87,006

(For Import from SEZ Kandla)

Name of the Importer	Sum of Total Assessable Value - Assessed	Sum of Re-determined assessable value in Rs.	Sum of differential duty
GANESH STEEL	51,05,664	97,81,925	12,96,961
GOEL EXIM	2,28,50,502	4,38,19,852	58,15,849
MAHA SHAKTI EXIMS	7,02,99,649	18,35,49,370	3,14,09,810
SHREE INTERNATIONAL	94,25,758	2,45,51,560	41,95,141
TOTAL	10,76,81,573	26,17,02,707	4,27,17,762

CONFISCATION OF GOODS-

68. It is observed that the imported goods in question have been deliberately mis-declared in terms of their assessable value, as evidenced by the recovery of parallel invoices, differential payments made through unofficial channels, and statements recorded under Section 108 of the Customs Act, 1962. The declared transaction value does not reflect the actual price paid or payable for the goods, thereby constituting a material misdeclaration intended to evade customs duty. In view of this, the goods are liable for confiscation under Section 111(m) of the Customs Act, 1962, which provides for confiscation of any goods that are misdeclared in terms of value, description, quantity, or any other material particulars. The act of undervaluation through suppression of actual transaction value and submission of false documentation squarely attracts the provisions of Section 111(m), warranting confiscation of the impugned goods.

69. In the present proceedings, it is observed that the goods are not physically available for confiscation as the matter pertains to improper importation of goods cleared in the past. Thus, in such cases, option of redemption fine in lieu of confiscation can not be given to the owner of goods as provided under Section 125(1) of the Customs Act, 1962. Therefore, redemption fine is not imposable in the instant case. In this regard, I rely upon the decision of Hon'ble High Court of Bombay in the matter of Commissioner of Customs (Import), Mumbai vs Finesse Creation (Inc.) 2009 (248) E.L.T 122 (Bom.) wherein Para 5 and 6, the Hon'ble Court held that-

“5. In our opinion, the concept of redemption fine arises in the event the goods are available and are to be redeemed. If the goods are not available, there is no question of redemption of the goods. Under Section 125 a power is conferred on the Customs Authorities in case import of goods becoming prohibited on account of breach of the provisions of the Act, rules or notification, to order confiscation of the goods with a discretion in the authorities on passing the order of confiscation, to release the goods on payment of redemption fine. Such an order can only be passed if the goods are available, for redemption. The question of confiscating the goods would not arise if there are no goods available for confiscation nor consequently redemption. Once goods cannot be redeemed no fine can be imposed. The fine is in the nature of computation to the state for the wrong done by the importer/exporter.

6. *In these circumstances, in our opinion, the tribunal was right in holding that in the absence of the goods being available no fine in lieu of confiscation could have been imposed. The goods in fact had been cleared earlier. The judgment in Weston (supra) is clearly distinguishable. In our opinion, therefore, there is no merit in the questions as framed. Consequently appeal stands dismissed."*

The above decision of the Hon'ble High Court of Bombay has been affirmed by the Hon'ble Supreme Court of India 2010 (255) E.L.T. A120 (S.C.) [12-05-2010].

CROSS-EXAMINATION-

70. Shri Vijay Goel, Shri Pranshu Goel and Smt. Nisha Goel vide their submission dated 04.11.2025 sought cross-examination of Shri Jitender Kumar, Ms. Devshree Bhatt, Shri Ajay kumar, Ms. Pinkal Rathi, Sh. Ram Singhal, Shri Dinesh Goel, Shri Manoj Singhal, Shri Karthik Singhla while arguing that the only basis for implicating Vijay Goel and Pranshu Goel is the statements of certain third parties recorded under Section 108 of the Customs Act. The department has not produced corroborative evidence to substantiate those statements. The statements are general, vague, and lack specificity, possibly made under pressure or not voluntarily. Hence, reliance on them without giving an opportunity for cross-examination would violate principles of natural justice.

71. It is observed that the noticees have contended that the case of the department rests solely upon the statements recorded under Section 108 of the Customs Act, 1962, without any corroborative evidence to substantiate the same. In this regard, I find that the investigation has relied upon various corroborative evidences of substantial probative value, including invoices and other import-related documents, WhatsApp communications with foreign suppliers retrieved from the forensic analysis of the mobile phone of Shri Pranshu Goel, and diaries recovered from the premises of Shri Vijay Goel reflecting details of financial transactions such as cash payments through hawala channels and telegraphic transfers. These documentary evidences were duly shown to and perused by the noticees, namely Shri Vijay Goel and Shri Pranshu Goel, during the course of investigation, who verified the authenticity and correctness of the same.

72. It is pertinent to note that Shri Vijay Goel and Shri Pranshu Goel, in their respective statements recorded under Section 108 of the Customs Act, 1962, have categorically admitted that they were exercising effective control over six import firms and were instrumental in the undervaluation and misclassification of the imported goods. Further, Smt. Nisha Goel, in her statement, also confirmed that her husband and son were managing and controlling the affairs of these firms and were actively involved in the aforesaid acts of undervaluation and misclassification. The fact of such effective control and operational involvement has also been duly affirmed by the respective proprietors of the firms, namely Shri Ajay Kumar, Ms. Devshree Bhatt, and Smt. Nisha Goel. All the statements are uniform, corroborative of each other, and have been recorded voluntarily, without any coercion or duress.

73. Further, during his statement dated 16.11.2022, Shri Pranshu Goel admitted that he was engaged in the preparation of fake domestic sale invoices without any corresponding supply of goods, and that payments against such invoices were received through online banking channels (RTGS). He further deposed that his father, Shri Vijay

Goel, used to reimburse the senders of such online payments in cash, using the serial number of a ₹2 currency note as a token reference. This modus operandi was affirmed by the statements of Shri Ram Singhal dated 18.04.2023, Shri Dinesh Goyal dated 09.04.2023, Shri Sanjay Goel dated 08.05.2023, Shri Manoj Singhal dated 09.05.2023, and Shri Karthik Singla dated 26.05.2023. It is further observed that all these statements are corroborative, voluntary, and have never been retracted by them.

74. I find that even after issuance of the Show Cause Notice dated 08.11.2024, the noticees have not disputed any of the evidences or any of the connected statements relied upon during the investigation. The present request for cross-examination has been made only on 04.11.2025, i.e., nearly one year after issuance of the Show Cause Notice, which clearly appears to be an afterthought, devoid of any new or justifiable grounds. As they have themselves accepted these facts and never retracted their statements, I find no necessity for cross-examination of the witnesses sought. Noticees own uncontested confessional statements constitute direct and primary evidence of the conspiracy, mens rea, and duty evasion. While Section 138B mandates relevance and admissibility of statements, it does not confer an absolute right to cross-examination in quasi-judicial proceedings, which are not akin to court trials under the Evidence Act, 1872. Cross-examination is an element of procedural justice, not a sine qua non of natural justice, and may be denied where statements are corroborated by independent evidence. Any prudent person, after scrutiny the facts of the case, would clearly understand that Shri Vijay Goel and Shri Pranshu Goel were actively involved in the scheme planned to evade duties of customs by undervaluation and mis-classification of goods. Further, it is a settled position that proceedings before the quasi-judicial authority is not at the same footing as proceedings before a court of law and it is the discretion of the authority as to which request of cross examination to be allowed in the interest of natural justice. I rely on the following case-laws in reaching the above opinion:-

- a. Poddar Tyres (Pvt) Ltd. v. Commissioner - 2000 (126) E.L.T. 737**:- wherein it has been observed that- in quasi-judicial adjudication proceedings, cross examination is not a 'sine qua non'. It is not a part of natural justice but only that of procedural justice and in the present case, since many dealers had themselves admitted that they had sold these tyres @ Rs. 70/- and sold them for use in mopeds and the Department had made enquiries in various parts of the country from different dealers, it was not necessary that all of them may be called and offered for cross examination and the collector was justified in his observations.
- b. Shivom Ply-N-Wood Pvt. Ltd. Vs Commissioner of Customs & Central Excise Aurangabad- 2004(177) E.L.T 1150(Tri.-Mumbai)**:- wherein it has been observed that cross-examination not to be claimed as a matter of right.
- c. Hon'ble Andhra Pradesh High Court in its decision in Sridhar Paints v/s Commissioner of Central Excise Hyderabad** reported as 2006(198) ELT 514 (Tri-Bang) held that: denial of cross-examination of witnesses/officers is not a violation of the principles of natural justice, We find that the Adjudicating Authority has reached his conclusions not only on the basis of the statements of the concerned persons but also the various incriminating records seized. We hold that the statements have been corroborated by the records seized (Para 9)

d. Similarly in **A.L Jalauddin v/s Enforcement Director reported as 2010(261)ELT 84 (mad) HC** the Hon High court held that; ".....Therefore, we do not agree that the principles of natural justice have been violated by not allowing the appellant to cross-examine these two persons: We may refer to the following paragraph in AIR 1972 SC 2136 = 1983 (13) E.L.T. 1486 (S.C.) (Kanungo & Co. v. Collector, Customs, Calcutta)".

e. In the case of Patel Engg. Ltd. vs UOI reported in 2014 (307) ELT 862 (Bom.) Hon'ble Bombay High Court has held that;

f. "Adjudication — Cross-examination — Denial of—held does not amount to violation of principles of natural justice in every case, instead it depends on the particular facts and circumstances — Thus, right of cross-examination cannot be asserted in all inquiries and which rule or principle of natural justice must be followed depends upon several factors — Further, even if cross-examination is denied, by such denial alone, it cannot be concluded that principles of natural justice had been violated." [para 23]

g. In the case of Suman Silk Mills Pvt. Ltd. Vs. Commissioner of Customs & C.Ex., Baroda [2002 (142) E.L.T. 640 (Tri.-Mumbai)], Tribunal observed at Para 17 that—

"Natural Justice — Cross-examination — Confessional statements — No infraction of principles of natural justice where witnesses not cross-examined when statements admitting evasion were confessional."

h. In the case of Commissioner of Customs, Hyderabad v. Tallaja Impex reported in 2012 (279) ELT 433 (Tri.), it was held that—

"In a quasi-judicial proceeding, strict rules of evidence need not to be followed. Cross-examination cannot be claimed as a matter of right."

i. Hon'ble Tribunal in the case of P. Pratap Rao Sait v/s Commissioner of Customs reported as 1988 (33) ELT (Tri) has held in Para 5 that:

"The plea of the learned counsel that the appellant was not permitted to cross-examine the officer and that would vitiate the impugned order on grounds of natural justice is not legally tenable."

From the above discussion, I find the request for cross-examination is devoid of merit. It is unnecessary in view of the admitted facts, corroborated evidence, noticees own admissions, scientific findings, and was also filed belatedly after accepting the material facts.

ROLE PLAYED BY VARIOUS PERSONS/FIRMS AND PENAL CONSEQUENCES THEREOF-

75. Shri Vijay Goel: The investigation has conclusively established that Shri Vijay Goel was the principal architect and controller of a syndicate comprising six import firms, which were operated in the names of his family members and associates. He orchestrated the import of Cold Rolled Stainless Steel coils through these entities by systematically undervaluing the goods using parallel invoices and misdeclaring the

classification to avail undue exemption under Notification No. 50/2018-Customs. Evidence including statements under Section 108 and forensic recovery of documents confirms that Shri Vijay Goel managed all aspects of import transactions, including negotiations with foreign suppliers, generation of undervalued invoices, and payment settlements through both banking and Hawala channels. He also directed the domestic sale of the imported goods at suppressed invoice values, with differential payments settled in cash to evade local taxes.

Being the beneficial owner of the imported goods, as discussed in the foregoing paras, he qualifies as the person chargeable with duty under Section 28(4) of the Customs Act, 1962, and is accordingly liable for penalty under Section 114A of the said Act. Shri Vijay Goel, knowingly and willfully filed or caused to be filed incorrect declarations in the Bills of Entry and submitted false invoices suppressing the actual transaction value of the imported goods, has rendered himself liable for penal action under Section 114AA of the Customs Act, 1962.

76. Shri Pranshu Goel: Shri Pranshu Goel, proprietor of M/s Shri Mahadev Ji Exports and son of Shri Vijay Goel, played an active and knowing role in the operation of the syndicate. He assisted in managing the six firms, coordinated with foreign suppliers, and facilitated the use of parallel invoices to undervalue imports. He also participated in payment settlements through unofficial channels and in domestic sales of the impugned goods at suppressed values. His statements and corroborative evidence demonstrate full awareness and involvement in the modus operandi adopted by Shri Vijay Goel, including the use of forged documentation and misdeclaration before Customs authorities. He was a joint beneficiary of the proceeds from the undervalued imports and domestic sales. Accordingly, Shri Pranshu Goel is held liable for the misdeclaration of value and classification. Being the beneficial owner of the imported goods routed through the six firms—namely M/s Goel Exim, M/s Maha Shakti Exims, M/s Shri Mahadev Ji Exports, M/s Ganesh Steel, M/s Shree International, and M/s Vinayak Steel—as established in the preceding paragraphs, he qualifies as the person chargeable with duty under Section 28(4) of the Customs Act, 1962, and is therefore liable for penalty under Section 114A of the said Act in respect of all six firms where differential duty has been demanded. Further, Shri Pranshu Goel, knowingly and willfully filed or caused to be filed incorrect declarations in the Bills of Entry and submitted false invoices suppressing the actual transaction value of the imported goods, has rendered himself liable for penal action under Section 114AA of the Customs Act, 1962 in respect of all the six firms.

It is observed that the Show Cause Notice, in Para 20, has proposed imposition of penalties under Sections 112(a) and 114AA of the Customs Act, 1962 upon Shri Pranshu Goel in his capacity as proprietor of M/s Shri Mahadev Ji Exports. In this regard, it is noted that since penalty under Section 114A has already been imposed upon him as the beneficial owner/importer in respect of the said firm, no separate penalty under Section 112(a) is warranted, in view of the **fifth proviso to Section 114A** of the Act. Furthermore, as penalty under Section 114AA has also been imposed upon him in his capacity as beneficial owner/importer, penalty under the same provision in

his capacity as proprietor would amount to **double jeopardy**, and is therefore not sustainable.

77. Smt. Nisha Goel, Proprietor of M/s Goel Exim: Smt. Nisha Goel, proprietor of M/s Goel Exim and wife of Shri Vijay Goel, knowingly permitted her firm to be used for the import of undervalued goods. She provided full operational control and access to bank accounts to Shri Vijay Goel and Shri Pranshu Goel, thereby facilitating the parking of proceeds from the sale of misdeclared imports. She admitted in her statement dated 27.01.2023 that her husband and son were involved in the undervaluation and mis-classification and for this omission she would pay the liability. Her voluntary statement and associated evidence indicate tacit approval and complicity in the use of parallel invoices and misdeclaration of value and classification. She enabled the submission of incorrect documentation before Customs authorities, which contributed to the evasion of duty.

In light of the above, Smt. Nisha Goel is held liable for her role in the misdeclaration and undervaluation. The goods imported through her firm are liable for confiscation under Section 111(m) of the Customs Act, 1962, and therefore she is liable for penalty under Sections 112(a) and 114AA of the Customs Act, 1962.

78. Shri Upendra Pratap Singh, Proprietor of M/s. Shri Mahadev ji Exports- The investigation has revealed that Shri Upendra Pratap Singh, proprietor of M/s Maha Shakti Exims, knowingly permitted Shri Vijay Goel to operate and control his firm for the purpose of importing Cold Rolled Stainless Steel coils by grossly undervaluing the goods through the use of parallel and fabricated invoices. His firm was registered at premises owned by Shri Vijay Goel, and he allowed the use of his firm's bank accounts for routing transactions related to the undervalued imports. In return, he received *monetary compensation on a per-container basis*, indicating his conscious involvement in the orchestrated fraud.

By enabling the use of his firm and financial infrastructure for misdeclaration of value and facilitating evasion of customs duty, Shri Upendra Pratap Singh has rendered the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Consequently, he is liable for penalty under Section 112(a) of the said Act for abetting the fraud. Further, his acts of knowingly signing or causing to be signed incorrect declarations and documents submitted before Customs authorities, which did not reflect the true classification and valuation of the goods, render him liable for penal action under Section 114AA of the Customs Act, 1962.

79. Shri Santan Kamat, Proprietor of M/s. Ganesh Steel- The investigation has revealed that Shri Santan Kamat, proprietor of M/s Ganesh Steel, knowingly permitted Shri Vijay Goel to manage and operate his firm for the purpose of importing Cold Rolled Stainless Steel coils by undervaluing the goods through the use of parallel and fabricated invoices. He was aware of the modus operandi employed by Shri Vijay Goel and facilitated the use of his firm's bank accounts for routing transactions related to

the undervalued imports. In return, he received monetary compensation on a per-container basis, indicating his conscious participation in the scheme.

By allowing his firm and financial infrastructure to be used for misdeclaration and duty evasion, Shri Santan Kamat has rendered the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Consequently, he is liable for penalty under Section 112(a) of the said Act. Further, his acts of knowingly signing or causing to be signed incorrect declarations and documents submitted before Customs authorities, which misrepresented the true classification and valuation of the goods, render him liable for penal action under Section 114AA of the Customs Act, 1962.

80. Miss Devshree Bhatt, Proprietor of M/s. Shree International- The investigation has revealed that Ms. Devshree Bhatt, proprietor of M/s Shree International, knowingly permitted Shri Vijay Goel and Shri Pranshu Goel to establish and operate the firm using her identity and banking credentials. She provided access to her personal documents and allowed full operational and financial control of the firm in exchange for a fixed monthly payment, despite being aware that the firm was being used to import undervalued goods through the use of parallel and fabricated invoices.

By enabling the use of her firm and bank accounts for misdeclaration and duty evasion, Ms. Devshree Bhatt has rendered the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Consequently, she is liable for penalty under Section 112(a) of the said Act. Further, her acts of knowingly signing or causing to be signed incorrect declarations and documents submitted before Customs authorities, which misrepresented the true classification and valuation of the goods, render her liable for penal action under Section 114AA of the Customs Act, 1962.

81. Shri Ajay Kumar, Proprietor of M/s. Vinayak Steel- The investigation has established that Shri Ajay Kumar, proprietor of M/s Vinayak Steel and younger brother of Shri Vijay Goel, knowingly allowed his firm to be used by Shri Vijay Goel for importing Cold Rolled Stainless Steel coils at undervalued prices. He provided firm-related documents for obtaining IEC, permitted use of his bank accounts, and even allowed his signatures to be forged on financial documents. He also shared banking credentials, thereby facilitating the manipulation of import transactions and concealment of actual values.

By permitting his firm and financial infrastructure to be used for fraudulent imports and misdeclaration, Shri Ajay Kumar has rendered the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Accordingly, he is liable for penalty under Section 112(a) of the said Act. Additionally, his acts of knowingly preparing or allowing the use of incorrect declarations and documents before Customs authorities attract penal liability under Section 114AA of the Customs Act, 1962.

82. Shri Jitender Kumar, Proprietor of CHA/CB Firm M/s. Shree Balaji Logistics (CHA Code no. AIMPK5658GCH001)- The investigation has revealed that Shri Jitender Kumar, proprietor of M/s Shree Balaji Logistics, provided Customs House Agent

(CHA) services to the six firms controlled by Shri Vijay Goel and Shri Pranshu Goel for the import of Cold Rolled Stainless Steel coils. He remained in direct contact with Shri Pranshu Goel and received all customs-related documents from the respective email IDs of these firms.

Shri Jitender Kumar in his submission dated 28.10.2025 has mainly argued that he has not contravened any provision of the Customs Act and all the Bills of Entry were filed on the basis of genuine documents supplied by the importer. He has further argued that there is no evidence to suggest role or abatement of the CHA in the offence. In this regard, I find that Shri Jitender Kumar in his statement dated 16.11.2022 has admitted that Mill Test Certificate uploaded, on the portal, by them shows quantity of Nickel less than 1% and Chromium approx. 12-14%. He further categorically admitted that '*as per his knowledge Nickel-Chromium Austenitic type stainless steel contains around 16 to 26 percent Chromium and higher percentage of Nickel by weight and the imported goods should not be classified under 72209022 and would fall under others CTH category and not eligible for SAPTA benefit*'. His admission clearly shows that he was well aware of the correct classification of the goods and did not advise his clients to correctly classify the goods. The element of mens rea for attracting penal action under Section 112(b) is present in the instant case.

By facilitating the clearance of mis-declared goods despite being aware of the correct classification of the goods, Shri Jitender Kumar has rendered the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Consequently, he is liable for penalty under Section 112(b) of the said Act for his role in abetting the improper importation of goods.

83. Shri Pinkal Rathi, Custom Broker and partner of M/s. Oriental Trade Link- Oriental Trade Link, provided CHA services to the six firms controlled by Shri Vijay Goel and Shri Pranshu Goel for the import of Cold Rolled Stainless Steel coils. In his statement dated 28.02.2023, Shri Pinkal Rathi categorically admitted that the declared value of goods imported by M/s Goel Exim—cleared through his agency—was significantly lower than the value declared by other importers of similar goods, such as M/s Ratnaveer Metal Ltd and M/s Manilaxmi Trading. This admission clearly indicates that Shri Pinkal Rathi was aware of the undervaluation being practiced by the noticee firms and yet continued to facilitate their imports without exercising due diligence.

By knowingly abetting the import of undervalued goods, Shri Pinkal Rathi has rendered the impugned goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Accordingly, he is liable for penalty under Section 112(b) of the said Act for his role in enabling and facilitating the improper importation of goods in contravention of customs law.

However, it is pertinent to note that the question of imposing penalty under the Customs Brokers Licensing Regulations, 2018 (CBLR, 2018), as proposed in the show cause notice, does not fall within the scope of the present adjudication proceedings, as the instant Show Cause Notice has been issued under Section 28 read with Section 124

of the Customs Act, 1962. Any action under the CBLR, 2018, including imposition of penalty or suspension/cancellation of licence, is to be undertaken through a separate proceeding initiated under Regulation 17 of the said Regulations, following the prescribed procedure therein.

84. In view of the above discussion and findings, I hereby pass the following order:-

A. ORDER IN RESPECT OF SHRI VIJAY GOEL AND SH. PRANSHU GOEL, CONTROLLERS AND BENEFICIAL OWNERS/IMPORTERS OF THE CONTROLLED FIRMS-

a. In relation to controlled firm, namely **M/s Goel Exim (IEC AIFPG0671A)** having address at A-84/1. Ground Floor, Industrial Area, Wazirpur North, West Delhi-110052:-

- (i) I reject the declared value of the goods imported through Mundra Port (INMUN1) totalling to Rs. 80,90,56,006/- (Rupees Eighty Crores Ninety Lakhs Fifty-Six Thousand-Six only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs. 1,40,07,33,988/- (Rupees One Hundred-Forty-Crores Seven-Lakhs Thirty-Three-Thousand Nine-Hundred Eighty-Eight only) under the provisions of the CVR, 2007.
- (ii) I hold that the goods as detailed above, excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/1542574/2023 dated 15.11.2023 was issued, are liable for confiscation under Section 111(m) of the Customs Act, 1962 due to the mis-declaration of value and other material facts while importing the impugned goods. Since the subject goods have been cleared in the past and are not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.
- (iii) I determine and confirm the differential duty of Rs. 16,41,01,888/- (Rupees Sixteen-Crores Forty One Lakhs One-Thousand Eight-Hundred-Eighty-Eight Only) on the re-determined value of the goods mentioned at (i) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with applicable interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962.
- (iv) I reject the declared value of the goods imported through SEZ, Kandla totalling to Rs.2,28,50,502/- (Rupees Two crores, Twenty Eight lakhs, fifty thousand five hundred and two only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs. 4,38,19,852 (Rupees Four-Crores Thirty-Eight-Lakhs Nineteen- Thousand Eight-Hundred-Fifty-Two only) in terms of the CVR, 2007.

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

(v) I hold that the goods as detailed in (iv) above are liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods. Since the subject goods have been cleared in the past and are not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.

(vi) I determine and confirm the Differential duty of Rs. 58,15,849/- (Rupees Fifty-Eight-Lakhs Fifteen- Thousand Eight-Hundred-Forty-Nine only) in respect of the goods mentioned at (iv) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;

(vii) I impose a penalty of ₹16,99,17,737/-, equivalent to the duty amount confirmed at paras (iii) and (vi) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the beneficial owners/importers of M/s Goel Exim. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28(4) of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.

(viii) I impose a penalty of Rs. 70,00,000/- (Rupees Seventy Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.

(ix) I impose a penalty of Rs. 70,00,000/- (Rupees Seventy Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

b. In relation to controlled firm, namely **M/s. Maha Shakti Exims (IEC No. EERPS7577K)** having address at FIRST FLOOR, A-104, INDUSTRIAL AREA, WAZIRPUR, NORTH WEST DELHI, DELHI-110052:-

(i) I reject the declared value of the goods imported through Mundra Port totalling to Rs.30,19,33,723/- (Rupees Thirty crores Nineteen lakhs thirty-three thousand seven hundred twenty-three only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs.64,99,19,161/- (Rupees Sixty-Four-Crores, Ninety-Nine-Lakhs, Nineteen-Thousand, One-Hundred-Sixty-One only) under the provisions of CVR, 2007.

(ii) I hold that the goods, as detailed in (i) above excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/1542574/2023 dated 15.11.2023 was issued, are held liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

declaration of value and other material facts while importing the impugned goods. Since the subject goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.

- (iii) I determine and confirm the differential duty of Rs. 9,65,13,761/- (Rupees Nine-Crores, Sixty-Five Lakhs Thirteen-Thousand Seven-Hundred-Sixty-One-Only) in respect of the goods mentioned at (i) above under the provisions of Section 28(8) and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (iv) I reject the declared value of the goods imported through SEZ, Kandla totalling to Rs.7,02,99,649/- (Rupees Seven crores Two lakhs, Ninety Nine thousand and Six hundred forty nine only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs.18,35,49,370/- (Rupees Eighteen Crores, Thirty-Five-Lakhs, Forty-Nine-Thousand, Three- Hundred-Seventy only) in terms of the CVR, 2007 as discussed in para supra.
- (v) I hold that the goods as detailed in (iv) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.
- (vi) I determine and confirm the Differential duty of Rs.3,14,09,810/- (Rupees Three-Crore, Fourteen -Lakh-Nine-Thousand, Eight-Hundred-Ten only) in respect of the goods mentioned at (iv) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (vii) I impose a penalty of ₹12,79,23,571/- equivalent to the duty amount confirmed at paras (iii) and (vi) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the beneficial owners/importers of M/s Maha Shakti Exims. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28(4) of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.
- (viii) I impose a penalty of Rs. 40,00,000/- (Rupees Forty Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.
- (ix) I impose a penalty of Rs. 40,00,000/- (Rupees Forty Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

c. In relation to controlled firm, namely **M/s Shri Mahadev Ji Exports (IEC-CPTPG4273F)**, having address at 1st FLOOR, PLOT NO. A-104 BLOCK A, WAZIRPUR INDL. AREA, NEAR SHIRIRAM CHOWK, NORTH WEST DELHI, DELHI-110052

(i) I reject the declared value of the goods imported through Mundra Port totalling to Rs.49,11,75,732/- (Rupees Forty-nine crores, eleven lakhs, seventy-five thousand, seven hundred thirty-two only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs. 78,71,52,316 (Rupees Seventy-Eight Crores, Seventy-One Lakhs, Fifty-Two Thousand, Three-Hundred-Sixteen only) in terms of CVR, 2007 as discussed as discussed in paras supra.

(ii) I hold that the goods as detailed in (i) above excluding the goods for which SCN No. GEN/ADJ/ADC/2132/2023-Adj-O/o Pr. Commr-Cus-Mundra/ 1542574 /2023 dated 15.11.2023 was issued, are liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts while importing the impugned goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.

(iii) I determine and confirm the differential duty of Rs. 8,20,89,105 (Rupees Eight-Crores, Twenty- Lakhs, Eighty-Nine-Thousand One-Hundred-Five only) in respect of the goods mentioned at (i) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;

(iv) I impose a penalty of ₹8,20,89,105/-, equivalent to the duty amount confirmed at para (iii) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the beneficial owners/importers of M/s Shri Mahadev Ji Exports. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28 of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.

(v) I impose a penalty of Rs. 40,00,000/- (Rupees Forty Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.

(vi) I impose a penalty of Rs. 40,00,000/- (Rupees Forty Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

d. In relation to controlled firm, namely **M/s Ganesh Steel (IEC- BLVPK1122Q)**, having address 1st Floor, A-84/1, Industrial Area, Wazirpur, North West Delhi-110052:

- (i) I reject the declared value of the goods imported through Mundra Port totalling to Rs.18,18,50,389/- (Rupees Eighteen crores, eighteen lakhs, fifty thousand, three hundred eighty-nine only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs 37,62,31,404/- (Rupees Thirty-Seven Crores, Sixty-Two-Lakhs, Thirty-One-Thousand, Four-Hundred-Four only) in terms of the CVR, 2007 as discussed in paras supra.
- (ii) I hold that the goods, as detailed in (i) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts of the impugned imported goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing Redemption fine under Section 125 of the Customs Act, 1962.
- (iii) I determine and confirm the differential duty of Rs.5,39,11,574/- (Rupees Five-Crores, Thirty-Nine Lakhs, Eleven-Thousand, Five-Hundred-Seventy-Four only) in respect of the goods mentioned at (i) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (iv) I reject the declared value of the goods imported through SEZ, Kandla totalling to Rs.51,05,664/- (Rupees Fifty-one-lakhs, Five-thousand, Six-hundred-sixty-four only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs. 97,81,925/- (Rupees Ninety-Seven-Lakhs, Eighty-One-Thousand, Nine-Hundred-Twenty-Five only) in terms of CVR, 2007 as discussed in para supra.
- (v) I hold that the goods, as detailed in (iv) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts while importing the impugned goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing Redemption fine under Section 125 of the Customs Act, 1962.
- (vi) I determine and confirm the Differential duty of Rs. 12,96,961/- (Rupees Twelve-Lakh, Ninety-Six -thousand, Nine-hundred-Sixty-One only) in respect of the goods mentioned at (iv) under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (vii) I impose a penalty of ₹5,52,08,535/-, equivalent to the duty amount confirmed at paras (iii) and (vi) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

beneficial owners/importers of M/s Ganesh Steel. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28 of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.

- (viii) I impose a penalty of Rs. 20,00,000/- (Rupees Twenty Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.
- (ix) I impose a penalty of Rs. 20,00,000/- (Rupees Twenty Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

e. In relation to controlled firm, namely **M/s Shree International (IEC-BJUPB6242F), Proprietor Ms. Devshree Bhatt**, having address at PLOT NO 15, PROPERTY NO.112, KUMAR TOWER, COMMUNITY CENTER, WAZIRPUR, NORTH WEST DELHI, DELHI-110052 & H.No.H-26, Anand Vihar Colony, Raipur, Chhattisgarh:

- (i) I reject the declared value of the goods imported through Mundra Port totalling to Rs. 14,75,56,046/- (Rupees Fourteen-crores, seventy-five-lakhs, fifty-six thousand, forty-six only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs.31,32,31,626/- (Rupees Thirty-One-Crores, Thirty-Two-Lakhs, Thirty-One-Thousand, Six-Hundred-Twenty-Six only) in terms of the CVR, 2007 as discussed in foregoing paras;
- (ii) I hold that the goods as detailed in para (i) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of value and other material facts of the impugned imported goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.
- (iii) I determine and confirm the differential duty of Rs. 4,59,50,122/- (Rupees Four-Crores, Fifty-Nine Lakhs, Fifty-Thousand, One-Hundred-Twenty-Two only) in respect of the goods mentioned at para (i) above under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (iv) I reject the declared value of the goods imported through SEZ, Kandla totalling to Rs.94,25,758/- (Rupees Ninety-Four-Lakhs, Twenty-Five-Thousand, Seven-Hundred-Fifty-Eight only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs. 2,45,51,560 (Rupees Two-Crore,

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

Forty-Five-Lakhs, Fifty-One-Thousand, Five-Hundred-Sixty only) in terms of CVR, 2007 as discussed in paras supra;

- (v) I hold that the goods, as detailed in para (iv) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962, due to the mis-declaration of value and other material facts of the impugned imported goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.
- (vi) I determine and confirm the Differential duty of Rs. 41,95,141/- (Rupees Fort-One-Lakh, Ninety-Five- Thousand, One-Hundred-Forty-One only) in respect of the goods mentioned at para (iv) under the provisions of Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (vii) I impose a penalty of ₹5,01,45,263/-, equivalent to the duty amount confirmed at paras (iii) and (vi) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the beneficial owners/importers of M/s Shree International. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28 of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.
- (viii) I impose a penalty of Rs. 17,00,000/- (Rupees Seventeen Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.
- (ix) I impose a penalty of Rs. 17,00,000/- (Rupees Seventeen Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

f. In relation to controlled firm, namely **M/s. Vinayak Steel (IEC- AGGPK9873P)** having address at First Floor, B-26 Group, Wazirpur, Industrial Area North West Delhi, Delhi-110052:

- (i) I reject the declared value of the goods imported through Mundra Port totalling to Rs. 46,15,628/- (Rupees Forty-Six-Lakh, Fifteen-Thousand, Six-Hundred-Twenty-Eight only) under Rule 12 of the CVR, 2007 and order to re-determine the same as Rs.1,19,00,843/- (Rupees One-Crore, Nineteen-Lakhs, Eight-hundred-forty-three only) in terms of the CVR 2007 as discussed above.
- (ii) I hold that the goods as detailed in para (i) above, are liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mis-declaration of

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

value and other material facts of the impugned imported goods. Since the goods have been cleared in the past and not available for confiscation, I refrain from imposing any Redemption fine under Section 125 of the Customs Act, 1962.

- (iii) I determine and confirm the differential duty of Rs. 20,20,544/- (Rupees Twenty-Lakhs, Twenty-Thousand, Five-Hundred-Forty-Four Only) in respect of the goods mentioned at (i) above under Section 28(8) of the Customs Act, 1962 and order to recover the same from Shri Vijay Goel and Shri Pranshu Goel, jointly and severally, along with interest in terms of provisions of Section 28(4) read with Section 28AA of the Customs Act, 1962;
- (iv) I impose a penalty of ₹20,20,544/-, equivalent to the duty amount confirmed at para (iii) above, upon Shri Vijay Goel and Shri Pranshu Goel under Section 114A of the Customs Act, 1962, in their capacity as the beneficial importers of M/s Vinayak Steel. Since the said penalty is required to be paid by the person liable to pay the duty in terms of Section 28 of the Act, I direct that Shri Vijay Goel and Shri Pranshu Goel, having been held liable for the duty, shall discharge the penalty amount in equal proportion.
- (v) I impose a penalty of Rs. 6,00,000/- (Rupees Six Lakhs only) upon Shri Vijay Goel under Section 114AA of the Customs Act, 1962.
- (vi) I impose a penalty of Rs. 6,00,000/- (Rupees Six Lakhs only) upon Shri Pranshu Goel under Section 114AA of the Customs Act, 1962.

C. ORDER IN RESPECT OF OTHER PERSONS/FIRMS WHOSE IECs WERE UTILISED FOR IMPORTING GOODS-

I hereby impose penalties equivalent to the amounts specified in **Columns (3) and (4)** of the Table appended below, upon the respective persons named in **Column (2)** thereof:-

Sr.No.	Name of the notice	Section 112(a) (in Rs.)	Section 114AA (in Rs.)
1.	Smt. Nisha Goel, Prop. M/s. Goel Exim	50,00,000/- (Rupees Fifty lakhs Only)	10,00,000/- (Rupees Ten Lakhs only)
2.	Shri Upendra Pratap Singh, Prop. M/s. Maha Shakti Exims	40,00,000/- (Rupees Forty lakhs only)	10,00,000/- (Rupees Ten lakhs only)
3.	Shri Pranshu Goel, Prop. M/s. Shri Mahadev Ji Exports	Don't impose	Don't impose

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr. Commr-Cus-Mundra

4.	Shri Santan Kamat, Prop. of M/s. Ganesh Steel	25,00,000/- (Rupees Twenty Five lakhs only)	10,00,000/- (Rupees Ten lakhs only)
5.	Miss Devshree Bhatt, Prop. of M/s. Shree International	20,00,000/- (Rupees Twenty lakhs only)	10,00,000/- (Rupees Ten lakhs only)
6.	Shri Ajay Kumar, Prop. M/s. Vinayak Steel	2,00,000/- (Rupees Two lakhs only)	10,00,000/- (Rupees Ten lakhs only)

D. ORDER IN RESPECT OF CHA/CB FIRMS-

I hereby impose penalties equivalent to the amounts specified in Columns (3) and (4) of the Table appended below, upon the respective persons named in Column (2) thereof.

Sr.No.	Name of the notice	Section 112(b) (in Rs.)	Regulation 18, CBLR, 2018
1.	Shri Jitender Kumar, Prop. M/s. Shri Balaji Logistics	10,00,000/- (Rupees Ten lakhs Only)	Don't impose
2.	Shri Pinkal Rathi, Prop. M/s. Oriental Trade Link	10,00,000/- (Rupees Ten lakhs only)	Don't impose

85. This order is issued without prejudice to any other action that can be taken against any person/firm/noticee under this Act or any other law for the time being in force.

(Nitin Saini)
Commissioner of Customs
Custom House, Mundra

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr. Commr- Cus-Mundra

DIN-20251171MO000071287C

To

1.M/s. Goel Exim, Ground Floor, A-84/1, Industrial Area, Wazirpur, North West Delhi, Delhi-110052;

2.M/s Shree International, Plot No 15, Property No.112, Kumar Tower, Community Center, Wazirpur, North West Delhi, Delhi-110052 & H.No.H-26, Anandvihar Colony, Raipur, Chhattisgarh

3.M/s Shri Mahadev Ji Exports, Plot No. A-104, Block-A, 1st Floor, Wazirpur Industrial Area, Near Shri Ram Chowk, North West Delhi, Delhi, 110052

F.No. GEN/ADJ/COMM/526/2024-Adjn-O/o Pr.Commr-Cus-Mundra

4. M/s Maha Shakti Exims, Plot No. A-104, Block-A, 1st Floor, Wazirpur Industrial Area, Near Shri Ram Chowk, North West Delhi, Delhi, 110052.

5. M/s Ganesh Steels, 1st FLOOR, A-84/1, Industrial Area, Wazirpur, North West Delhi, Delhi-110052

6. M/s Vinayak Steels; First Floor, B-26 Group, Wazirpur, Industrial Area North West Delhi, Delhi-110052;

7. Sh. Vijay Goel, DU-10, Pitampura, New Delhi-110034;

8. Sh. Pranshu Goel, S/o Sh. Vijay Goel, BU-108, Pitampura, New Delhi-110034;

9. Shri Jitender Kumar, Proprietor of CHA firm M/s. Shri Balaji Logistics (CHA Code: AIMPK5658GCH001), 501, 5th Floor, 55, Madhuban Building, Nehru Place, New Delhi-110019;

10. Smt. Nisha Goel (W/o Sh. Vijay Goel), Proprietor of M/s Goel Exim, DU-10, Pitampura, New Delhi-110034

11. Shri Santan Kamat, Proprietor of M/s Ganesh Steel, 1st Floor, A-84/1, Industrial Area, Wazirpur, North West Delhi-110052

12. Shri Ajay Kumar, Proprietor of M/s. Vinayak Steel, First Floor, B-26 Group, Wazirpur, Industrial Area North West Delhi, Delhi-110052

13. Ms. Devshree Bhatt, Proprietor of M/s Shree International, Plot No 15, Property No.112, Kumar Tower, Community Center, Wazirpur, North West Delhi, Delhi-110052

14. Sh. Upendra Pratap Singh, Proprietor of M/s Maha Shakti Exims, having address at First Floor, A-104, Industrial Area, Wazirpur, North West Delhi, Delhi-110052

15. Shri Pinkal Rathi (CHA/CB), Partner of M/s. Oriental Trade Link, resident of 498, Sathwara Colony, Sector-05, Gandhidham, Gujarat-370201

Copy to:

- (i) The Chief Commissioner, Gujarat Customs Zone, Ahmedabad
- (ii) The Additional Director (CI), Directorate of Revenue Intelligence, 7th floor, Drum Shaped Building, I.P. Bhavan, I.P. Estate, New Delhi-110002.
- (iii) The Superintendent (EDI/Recovery/Legal) for necessary action.
- (iv) The Deputy/Assistant Commissioner, CBLR for necessary action under CBLR, 2018.
- (v) Guard file.