

		कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.
A	FILE NO. फाइल संख्या	CUS/APR/ASS/123/2026-Gr 4- O/o Pr Commr-Cus-Mundra
B	OIO NO. आदेश संख्या	MCH/ADC/ZDC/567/2025-26
C	PASSED BY जारीकर्ता	Zala Dipak Additional Commissioner of Customs Custom House, Mundra
D	DATE OF ORDER आदेश की तारीख	20.01.2026
E	DATE OF ISSUE जारी करने की तिथि	20.01.2026
F	SCN No. & Date कारण बताओ नोटिस क्रमांक	Waived as per request letter of Imparter dated 15.01.2025.
G	NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/ आयातक	M/s. Vinola Impex, (IEC: AAVFV4094J) Plot No. 6, Shakti Ceramic Industry, Behind Vishal Furniture, Morbi-363641
H	DIN/दस्तावेज पहचान संख्या	20260171M00000666BA4

1. यह 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 आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा 128 A के अंतर्गत प्रपत्र सीए-1 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 128A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“सीमाशुल्क आयुक्त (अपील),
चौथी मंजिल, हुडको बिल्डिंग, ईश्वरभुवन रोड,
नवरंगपुरा, अहमदाबाद 380 009”

“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA

**HAVING HIS OFFICE AT 4TH FLOOR, HUDCO BUILDING, ISHWAR
BHUVAN ROAD,
NAVRANGPURA, AHMEDABAD-380 009.”**

3. उक्तअपील यहआदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए।

Appeal shall be filed within sixty days from the date of communication of this order.

4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए-

Appeal should be accompanied by a fee of Rs. 5/- under Court Fee Act it must be accompanied by –

(i) उक्त अपील की एक प्रति और **A copy of the appeal, and**

(ii) इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची-1 के अनुसार न्यायालय शुल्क अधिनियम-1870 के मद सं.-6 में निर्धारित 5/- रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।

This copy of the order or any other copy of this order, which must bear a Court Fee Stamp of Rs. 5/- (Rupees Five only) as prescribed under Schedule – I, Item 6 of the Court Fees Act, 1870.

5. अपील ज्ञापन के साथ इयूटि/ ब्याज/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।

Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.

6. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमाशुल्क अधिनियम, 1962 के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।

While submitting the appeal, the Customs (Appeals) Rules, 1982 and other provisions of the Customs Act, 1962 should be adhered to in all respects.

7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, **Commissioner (A)** के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

An appeal against this order shall lie before the Commissioner (A) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.

1. Issue Brief and Details of Bill of Entry:

The importer M/s. Vinola Impex, Plot No. 6, Shakti Ceramic Industry, Behind Vishal Furniture, Morbi-363641 (hereinafter referred as 'the said importer') has filed Bill of Entry No. 5616570 dated 10.11.2025 at Mundra Port for import of the goods as tabulated below. As per Docks Examination Section indicates the possibility of mis-classification/mis-declaration and under valuation in respect of the goods, the consignment covered under the above said BoE was put on hold. The details of the goods as declared in the said Bill of Entry are as follows:

Table-I

Sr. No.	CTH	Description of Goods	Unit Price (in USD)	Quantity (in No.)	Amount (FOB) (in USD)
1	73249000	Waterfall Faucet	1.25	2650	3312.50
2	73249000	RO Faucet	0.52	2500	1300.00
3	39229000	Soap Dispenser	0.19	2500	475.00
4	39229000	Glass Washer	0.30	2500	750.00
5	73249000	Vegetable Basket with Chopping Board	1.7451	2800	4886.28
6	73249000	Piano Faucet	4.11	2	8.22
Total				12,952	10732

2. Examination of the Goods:

Report dated 29.11.2025 at the premises of M/s. Transworld Terminals Pvt. Ltd., Mundra in the presence of Shri Vikram Sinh, Authorised person of the importer, M/s. Vinola Impex and Shri Vinay Mishra, Operation Senior Executive of CFS M/s. Transworld Terminals Pvt. Ltd., Mundra. During the examination, container was completely de-stuffed by the officer of SIIB. The weightment slip was cross checked and the details are as below:

Table-II

Sr. No.	Bill of Entry No. and Date	Container No.	BL weight (in KGs)	CFS Weight (in KG)
1	5616570 dt. 10.11.2025	ESDU4350668	8470	9490 (1020 Kg Excess)

Further, the goods were examined by the SIIB officers. The container number was verified with the corresponding Bill of Lading. As the examination had already been conducted by the Docks Section, the container was found without seal. The goods were packed in corrugated box and same was placed in open area as one upon the other. Prima facie the goods appear as the goods are Kitchen Sink accessories of different size. The details of the goods found on examination is as below:

Sr. No.	Declared in BE	Examination Observation	Box	PCs/Box	Quantity in PCs	Approx. weight of 1 package (Kgs)	Total weight in Kgs
1	Waterfall Faucet (73249000)	Sink Accessories	166	16	2656	27.54	3194.6
2	RO Faucet (73249000)	Sink Accessories	25	100	2500	29.8	745
3	Soap Dispenser (39229000)	Made of Plastic	11	200	2200	12.74	165
			2	150	300	12.5	
4	Glass Washer (39229000)	Made of Plastic	25	100	2500	19	475
5	Vegetable Basket with chopping Board	(i) small size Drain basket (Sink Accessories)	10	30	300	12.8	128
		(ii) Medium Size Drain Basket (Sink Accessories)	38	50	1900	18.4	1900
		(iii) Stainless Steel Basin (Sink Accessories)	20	30	600	11	220
		(iv) Chopping	100	25	2500	24	2400

		Board (Made of wood)					
6	Piano Faucet (73249000)	Sink Accessories	1	2	2	8.5	8.5
7	-	Washer & Fixing Tool of Sink Accessories	1	1 PP bag	-	71	71
			399				9307 KGs

During the examination, the goods declared in the said Bill of Entry was found mis-declared in terms of classification and quantity. Based on the Examination Report dated 29.11.2025, the goods under Bill of Entry No. 5616570 dated 10.11.2025, 2500 pcs. of Chopping Boards are mis classified/mis-declared under CTH 73249000 & should be classified under CTH 44191100 and 71 Kg. undeclared items 'Washer and Fixing Tool of Sink Accessories' should be classified under CTH 73249000.

3. Rejection and Re-Determination of Valuation:

As the goods imported vide B/E No. 5616570 dated 10.11.2025, were found mis-declared in terms of description/Quantity and classification, thus value, hence they were liable to be re-assessed under section 17(4) of the Customs Act, 1962. Since, mis-description of the goods, which have relevance to value, was noticed, the declared value of the undeclared goods is liable to be determined in terms of Rule 12, explanation 1(i), of the Customs Valuation Rules (CVR), 2007, by going sequentially from Rule 2 to 9 thereof. Determination of valuation:

(a) Efforts were made to find out the correct assessable value of the imported goods found undeclared. It was observed that the imported goods were found in different variety, description, specification and quality, so, it was not possible to find and compare the same with other goods having identical/similar description, brand, make, model, quantity and Country of Origin. As the import data extracted with respect to contemporaneous imports was general in nature and

contemporaneous data for imports of identical/similar goods was not available/found, therefore, the value could not be determined under Rules 4 and 5 of CVR, 2007.

(b) As per Rule 6 *ibid*, if the value cannot be determined under Rules 3, 4 and 5 same shall be determined under the provisions of Rule 7 or when same cannot be determined under that rule then under Rule 8.

(c) As the imported goods were found to be non-standard, the sale price of identical or similar goods was not available in the domestic market as the goods are miscellaneous in nature and found in different variety, description, specification, model, brand, make, sizes and quality, therefore, determination of transaction value under Rule 7 of CVR, 2007 was not possible.

(d) As substantial data related to the cost or value of materials and fabrication or other processing employed in producing the imported goods required to compute the value under Rule 8 is also not available. Therefore, valuation of the impugned goods could not be ascertained under Rule 8 of CVR, 2007.

(e) Hence, valuation of the goods is to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid*.

Accordingly, empanelled Chartered Engineer was appointed for the valuation of the goods. The Chartered Engineer vide Report Ref. No. ABJ:INSP:CE:SIIB:AM:VI:25-26:01 dated 18.12.2025 has suggested the valuation of the imported goods as under:

Table-IV

Sr. No.	Declared in BE	Examination Observation	Quantity in PCs	Per Unit FOB Declared Invoice Value (in USD)	Total FOB Declared Invoice Value (in USD)	Per unit suggestive average FOB value by CE in USD (Approx.)	Total unit Suggestive average FOB Value by CE in USD (approx.)
1	Waterfall Faucet (73249000)	Sink Accessories	2656	1.25	3312.5	2.8	7436.8
2	RO Faucet	Sink Accessories	2500	0.5	1300.0	2.6	6500.0
3	Soap Dispenser	Made of	2200 300	0.19	475.0	0.34	850.0

	(39229000)	Plastic					
4	Glass Washer (39229000)	Made of Plastic	2500	0.30	750.0	0.5	1250.0
5	Vegetable Basket with Chopping Board	(i) small size Drain Basket (Sink Accessories)	300	1.7451	4886.28	1.67	501.0
		(ii) medium size Drain Basket (Sink Accessories)	1900			1.9	3610.0
		(iii) Stainless Steel Basin (sink Accessories)	600			1.8	1080.
		(iv) Chopping Board (made of Wood)	2500			0.15	375.0
6	Piano Faucet (73249000)	Sink Accessories	2	4.11	8.22	16.8	33.6
7	-	Washer and Fixing Tool Sink Accessories	71 Kg (1 PP Bag)	-	-	1.54	109.34
Total					10732 USD		21,745.74 USD

4. As per Table IV, the total FOB value is re-evaluated as Rs. 19,46,244/ (21745.74 USD * 89.5 INR). Therefore, considering the freight 1100 USD and Insurance amount as 1.125%, as per BE, the total Assessable value (CIF) are as under:

Table-V**(1USD: 89.5 INR)**

S. No.	Description of Goods	CTH	Suggestive FOB Value by CE (USD)	Freight (USD)	Insurance @1.125% (USD)	CIF (USD)	CIF (INR)
1	Waterfall Faucet	73249000	7436.80	376.27	83.66	7896.73	706757.69
2	RO Faucet	73249000	6500.00	328.72	73.13	6901.85	617715.13
3	Soap Dispenser	39229000	850.00	43.00	9.56	902.56	80779.34
4	Glass Washer	39229000	1250.00	63.25	14.06	1327.31	118794.47
5(i)	Small Size Drain Basket (Sink Accessories)	73249000	501.00	25.36	5.64	532.00	47613.66
5(ii)	Medium Size Drain Basket (Sink Accessories)	73249000	3610.00	182.63	40.61	3833.24	343075.20
5(iii)	Stainless Steel Basin (Sink Accessories)	73249000	1080.00	54.60	12.15	1146.75	102634.13
5(iv)	Chopping Board (made of wood)	44191100	375.00	18.95	4.22	398.17	35636.10
6	Piano Faucet	73249000	33.60	1.70	0.38	35.68	3193.18
7	Washer & Fixing Tool (Sink Accessories)	73249000	109.34	5.52	1.23	116.09	10390.06

Total	21745.74	1100.0 0	244.64	23090.3 8	20,66,589
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5. The total Assessable value (CIF) is re-evaluated as Rs. 20,66,589/- (Rs. Twenty Lakh Sixty Six Thousand Five Hundred Eighty Nine Only). However, the declared assessable value was Rs. 10,69,770/-.

6. Re-determination of Duty:

6.1. Based on the foregoing paragraphs, it is evident that the importer has attempted to evade payment of duties and taxes by undervaluing the imported goods. The duty liability for the goods found during examination is ascertained as under:

Table-VI

Sr. No.	Description of Goods	CTH	CIF (INR)	BCD@10 % & 15% as applicable	SWS@10 %	IGST@5% & 18% as applicable	Total Duty (in Rs.)
1	Waterfall Faucet	7324900 0	706758	70676	7068	141210	218954
2	RO Faucet	7324900 0	617715	61772	6177	123419	191368
3	Soap Dispenser	3922900 0	80779	12117	1212	16939	30268
4	Glass Washer	3922900 0	118794	17819	1782	24911	44512
5	(i) Small Size Drain Basket (Sink Accessories)	7324900 0	47614	4761	476	9513	14751
	(ii) Medium Size Drain Basket (Sink Accessories)	7324900 0	343075	34308	3431	68546	106285
	(iii) Stainless Steel Basin (Sink Accessories)	7324900 0	102634	10263	1026	20506	31796

	(iv) Chopping Board (made of wood)	4419110 0	35636	3564	356	1978	5898
6	Piano Faucet	7324900 0	3193	319	32	638	989
7	Washer & Fixing Tool (Sink Accessories)	7324900 0	10390	1039	104	2076	3219
Total			206658 9	216638	21664	409738	648039

From the Table VI above, it appears that the total duty liability of the importer is Rs. 6,48,039/- (Rs. Six lakh forty eight thousand thirty nine one only).

6.2 The importer in the Bill of Entry No. 5616570 dated 10.11.2025, has declared the value of the goods as Rs. 10,69,770/- and calculated the applicable duties and taxes on the good declared, based on the declared value and classification in the Bill of Entry as Rs. 3,39,339/-.

6.3 Based on the calculations from Table VI of Para 6.1 and Para 6.2, the importer is required to pay/levy a differential liability of Rs. 3,08,700/- (Rs. Three lakh eight thousand seven hundred only) on the mis declared/undervalued goods after adjustment. This amount represents the additional duty and tax liability that the importer must pay due to the mis declaration/undervaluation of goods.

7. LEGAL PROVISIONS:

7.1 Section 2(14) of the Customs Act, 1962, “dutiable goods” means any goods which are chargeable to duty and on which duty has not been paid;

7.2 Section 46 of the Act, prescribes that the importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, and such other documents relating to the imported goods as may be prescribed.

7.3 Further, **Section 111** of the Act, prescribes the Confiscation of improperly imported goods, etc. as under

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

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

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

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of baggage with the declaration made under Section 77 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub section (1) of section 54.

7.4 Further, **Section 112** of the Act provides the penal provisions for improper importation of goods, etc. which read as under:

Any person, -

- (a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or
- (b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

Shall be liable, -

- (i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding the value of the goods or five thousand rupees, whichever is the greater;
- (ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not

exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:

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

(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding the difference between the declared value and the value thereof or five thousand rupees], whichever is the greater;

(iv) in the case of goods falling both under clauses (i) and (iii), to a penalty not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest;

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest.

7.5 **Section 114AA.** Penalty for use of false and incorrect material.—If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.

7.6 SECTION 124 prescribes the mandatory issuance of show cause notice before confiscation of goods, which read as under:

No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person-

- a. is given a notice in writing with the prior approval of the officer of Customs not below the rank of an Assistant Commissioner of Customs, informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;
- b. is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and
- c. is given a reasonable opportunity of being heard in the matter:

Provided that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned be oral.

Provided further that notwithstanding issue of notice under this section, the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed.

7.7 **SECTION 125** provides the Option to pay fine in lieu of confiscation as under:

(1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods or, where such owner is not known, the person from whose possession or custody such goods have been seized, an option to pay in lieu of confiscation such fine as the said officer thinks fit:

Provided that where the proceedings are deemed to be concluded under the proviso to sub-section (2) of section 28 or under clause (i) of sub-section (6) of that section in respect of the goods which are not prohibited or restricted, 3 [no such fine shall be imposed]:

Provided further that, without prejudice to the provisions of the proviso to sub-section (2) of section 115, such fine shall not exceed the market price of the goods confiscated, less in the case of imported goods the duty chargeable thereon.

(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1), shall, in addition, be liable to any duty and charges payable in respect of such goods.]

(3) Where the fine imposed under sub-section (1) is not paid within a period of one hundred and twenty days from the date of option given thereunder, such option shall become void, unless an appeal against such order is pending.

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

“Rule 4. Transaction value of identical goods. - (1) (a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;

.....

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

“Rule 5. Transaction value of similar goods . - (1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued:

Provided that

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

Rule 7. Deductive value.-

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

(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within India;

(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

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

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

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

Rule 8. Computed value:-

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

(a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;

(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;

(c) the cost or value of all other expenses under sub-rule (2) of rule 10.

Rule 9. Residual method:-

(1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;

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

(2) No value shall be determined under the provisions of this rule on the basis of

(i) the selling price in India of the goods produced in India;

(ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;

(iii) the price of the goods on the domestic market of the country of exportation;

(iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;

(v) the price of the goods for the export to a country other than India;

(vi) minimum customs values; or

(vii) arbitrary or fictitious values.

Rule 12. Rejection of declared value. –

(1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such

imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.

8. Outcome of the Investigation:

8.1 As discussed in foregoing paras, it appears that the goods imported and covered under Bill of Entry No. 5616570 dated 10.11.2025 have been mis declared in terms of classification, quantity and valuation by the said importer.

8.2 The goods were examined by the Officers of SIIB, Mundra under examination report dated 29.11.2025 at the premises of M/s. Transworld Terminals Pvt. Ltd., Mundra in the presence of Shri Vikram Sinh, Authorised person of the importer, M/s.Vinola Impex and Shri Vinay Mishra, Operation Senior Executive of CFS M/s. Transworld Terminals Pvt. Ltd., Mundra.

During the examination, the goods declared in the said BE was found mis-declared in terms of classification, quantity and valuation. However, the quantity was found as declared in Bill of Entry. Furthermore, the assessable value of the items under import also found as mis-declared as per report from Govt. approved empanelled chartered engineer. Therefore, value of the consignments declared by the importer under Rule 3 of the Customs Valuation (Determination of value of imported goods) Rules, 2007 ('CV Rules' for sake of brevity) appears liable to be rejected in terms of Rule 12 of the Rules, *ibid*. Since, the items found during the examination are of unbranded with no specification, the valuation of the same could not be determined in terms of Rule 4 to 8 of the CV Rules, *ibid*. Therefore, valuation of the goods is found appropriate to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empanelled Chartered Engineer was sought for determination of the value of the goods under import.

8.3 As per inspection report valuation opinion of Govt. Approved empanelled Chartered Engineer provided vide Report Ref: ABJ:INSP:CE:SIIB:AM:VI:25-26:01 dated 18.12.2025, it appears that goods imported vide Bill of Entry No. 5616570 dated 10.11.2025 filed by M/s. Vinola Impex, Plot No. 6, Shakti Ceramic Industry, Behind Vishal Furniture, Morbi-363641, has been under valued. The CE re-determined the value of the goods as Rs. 20,66,589/- instead of declared value of Rs. 10,69,770/-.

8.4 From the Table V above, it appears that the total duty liability of the importer is Rs. 6,48,039/- (Rs. Six lakh forty eight thousand thirty nine one only). The importer in the BE No. 5616570 dated 10.11.2025, has declared the value of the goods as Rs. 10,69,770/- and calculated the applicable duties and taxes on the good declared, based on the declared value and classification in the Bill of Entry as Rs. 3,39,339/-. Based on the calculations from Table V of Para 6.1 and Para 6.2, the importer is required to pay/levy a differential liability of Rs. 3,08,700/- (Rs. Three lakh eight thousand seven hundred only) on the mis classified/mis-declared/undervalued goods after adjustment.

8.5. Further, it is also found that the goods found mis-declared and undervalued imported vide Bill of Entry No. 5616570 dated 10.11.2025 having re-determined valued at total Rs. 20,66,589/-. In view of the above, it appears that the said goods are liable for confiscation under the provisions of Section 111(l) and Section 111(m) of the Customs Act, 1962 and thus has also rendered themselves liable for penal action under Section 112(a)(ii) and 114AA of the Customs Act, 1962.

9. WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING:-

The importer vide letter dated 15.01.2026 has submitted that they are agreed with the valuation opined by the Chartered Engineer and requested to decide the matter on merit and they do not want any SCN and PH in the matter and ready to pay fine and penalty in the matter & further requested for permission to release of the goods at the earliest.

10. Discussion and Findings:-

I have carefully gone through the records of the case, investigation report dated 13.01.2026, Valuation report by empanelled Chartered Engineer and the applicable provisions of law. The importer, M/s. Vinola Impex, vide letter dated 15.01.2026 has requested for waiver of Show Cause Notice and Personal hearing. Thus, the principles of Natural justice as provided in Section 122a of the Customs Act, 1962 have been complied with and I proceed to decide the case on the basis of documentary evidence available on records. The issues to be decided by me are:

- (i) Whether the declared value of the goods imported under Bill of Entry No.5616570 dated 10.11.2025, i.e. 10,69,770/- is liable to be rejected, under Rule 12 of the CVR, 2007 and required to be re-determined as Rs. 20,66,589/- in terms of Tule 9 of CVR, 2007.
- (ii) Whether the declared classification of the item no. 6 of Table-V, i.e. "Chopping Board" (made of wood) (CTH:73249000) in the Bill of Entry no. 5616570 dated 10.11.2025 is liable to be rejected and the same is re-classified under CTH 44191100 and the undeclared items "Washer and Fixing Tool of Sink accessories" should be classified under CTH 73249000, as discussed in foregoing paras.
- (iii) Whether the imported goods are required to be re-assessed as discussed in the foregoing paras, as the goods as well as their quantity have been found mis-declared by the importer. The differential duty of Rs. 3,08,700/- (Rs. Three Lakh Eight Thousand Seven Hundred only) (as mentioned at Para 6.3 above) has not been levied on the mis-declared/under-valued goods and is to be included in the importer's duty liability.
- (iv) Whether the goods imported in excess of the declared quantities and also goods found mis-declared/mis-classified/under-valued, therefore, the goods with re-determined value as 20,66,589/-are liable for confiscation under Section 111(l) and Section 111(m) of the Customs Act, 1962.
- (v) Whether the Importer M/s Vinola Impex is liable for penalty under Section 112(a)(ii) and 114AA of the Customs Act, 1962.

11. Regarding the first issue, I find that M/s Vinola Impex, vide Bill of Entry No. 5616570 dated 10.11.2025, attempted to clear goods i.e. Water faucet, RO faucet, Soap dispenser, Glass washer and sink accessories. During the examination, the goods declared in the said Bill of Entry was found mis-declared in terms of classification and quantity. Based on the Examination Report dated 29.11.2025, the goods under Bill of Entry No. 5616570 dated 10.11.2025, 2500 pcs. of Chopping Boards are mis classified/mis-declared under CTH 73249000, which is rightly classifiable under CTH 44191100 and 71 Kg. of un-declared items 'Washer and Fixing Tool of Sink Accessories' rightly classifiable under CTH 73249000. Further, I find that inconsistency observed in filing of the Bill of Entry suggests deliberate Undervaluation of the goods. The declared value of the goods is liable to be determined in terms of Rule 12. As the imported goods

were found in different variety, description, specification and quality, so, it was not possible to find and compare the same with other goods having identical/similar description, brand, make, model, quantity and Country of Origin. As the import data extracted with respect to contemporaneous imports was general in nature and contemporaneous data for imports of identical/similar goods was not available/found, therefore, the value could not be determined under Rules 4 and 5 of CVR, 2007.

12. As per Rule 6 *ibid*, if the value cannot be determined under Rules 3, 4 and 5 same shall be determined under the provisions of Rule 7 or when same cannot be determined under that rule then under Rule 8. The imported goods were found to be non-standard, the sale price of identical or similar goods was not available in the domestic market as the goods are miscellaneous in nature and found in different variety, description, specification, model, brand, make, sizes and quality, therefore, determination of transaction value under Rule 7 of CVR, 2007 was not possible. As substantial data related to the cost or value of materials and fabrication or other processing employed in producing the imported goods required to compute the value under Rule 8 is also not available. Therefore, valuation of the impugned goods could not be ascertained under Rule 8 of CVR, 2007.

13. Hence, valuation of the goods is to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid*. Accordingly, the Chartered Engineer was appointed for valuation of the goods. The Chartered Engineer vide his report ref no. ABJ:INSP:CE:SIIB:AM:VI:25-26:01 dated 18.12.2025 has suggested the valuation of the imported goods. The chartered engineer, empanelled by the government, determined the fair value of the goods to be Rs. 20,66,589/- (Rs. Twenty Lakh Sixty Six Thousand Five Hundred Eighty Nine only) in contrast to the declared assessable value as Rs. 10,69,770/-. In view of above, the declared value of the goods, i.e. Rs. 10,69,770/-, is liable to be

rejected and the same needs to be re-determined as Rs. 20,66,589/- as mentioned above in Table-V.

14. Regarding the second issue, I find that the item no. 6 of the Table-V, i.e. chopping board is made of wood, however classified under CTH 73249000 which pertains to articles of iron and steel. Hence, its declared CTH 73249000 is liable for rejection and it should be appropriately classified under CTH 44191100 which is the specific sub-heading for the "Bread Boards, Chopping Boards and Similar Boards" under the heading 4419, "Tableware and Kitchenware of wood". Another item which was not declared in the Bill of Entry No. 5616570 dated 10.11.2025 i.e. "Washer and Fixing Tool of Sink Accessories" should be rightly classifiable under CTH 73249000 which is specific sub-heading for "other, including parts" under the heading 7324, "Sanitary ware and parts thereof, of iron or steel".

15. Regarding the third issue, the self-assessment done by the importer is liable to be rejected and the BE needs to be re-assessed with differential duty of Rs. 3,08,700/- under Section 17(4) of the Customs Act, 1962. I find that from the above discussion, it is evident that the importer has undervalued/mis-declared the imported goods to evade payment of duties and taxes by. As per valuation done by the Chartered Engineer, empanelled by the Government, the fair value of the goods amounts to be Rs. 20,66,589/- in contrast to the declared assessable value as Rs. 10,69,770/-, resulting in the duty difference of Rs. 3,08,700/-. The duty liability for the imported goods as per re-determined value is ascertained. Therefore, I find that the self assessment done by importer is liable for rejection and re-assessment of the Bill of Entry should be done under Section 17(4) of the Customs Act, 1962.

16. Regarding the fourth issue, I find that the importer has mis-declared and undervalued the goods. During the examination, the goods declared in the said Bill of Entry was found mis-declared in terms of classification and quantity and 71 Kg. of un-declared items 'Washer and Fixing Tool of Sink Accessories'. I find that

from the above discussion, it is evident that the importer has undervalued/mis-declared the imported goods to evade payment of duties and taxes by. As per valuation done by the Chartered Engineer, empanelled by the Government, the fair value of the goods amounts to be Rs. 20,66,589/- in contrast to the declared assessable value as Rs. 10,69,770/-, resulting in the duty difference of Rs. 3,08,700/-. Therefore, importer's acts of mis-declaration and undervaluation of the dutiable goods, rendered the goods liable for confiscation under Section 111(m) of the Customs Act, 1962.

17. Regarding the seventh issue, the importer is liable for penalty under Section 112(a)(ii) and 114AA of the Customs Act, 1962.- I find that From the above discussion, it appears that the importer has intentionally misdeclared and undervalued the goods to evade Customs Duty, which leads to confiscation of dutiable goods u/s 111(l) and 111(m) of the Customs Act, 1962. The importer has intentionally misdeclared the dutiable goods, which leads to the confiscation of the said goods, rendered the importer themselves also liable for penalty under Section 112(A) of the Customs Act, 1962. As the importer has deliberately undervalued and misdeclared the goods, which rendered him also liable for penalty under Section 114AA of the Customs Act, 1962.

18. In view of the facts above, I pass the following order.

ORDER

(i) I order to reject the declared total assessable value of goods as Rs. 10,69,770/-, of the Bill of Entry No. 5616570 Dated 10.11.2025 and order to re-determine the value of the goods as Rs. 20,66,589/-.

(ii) I Order to re-assess the Bill of Entry 5616570 dated 10.11.2025 as per table-VI with differential duty of Rs. 3,08,700/- under section 17(4) of the customs Act, 1962.

(ii) I order to confiscate the imported goods of re-determined assessable value 20,66,589/- under Section 111(l) and 111(m) of the Customs Act, 1962. However, I give the importer an option under provision of Section 125(1) of the Customs Act, 1962, to redeem the said goods on payment of redemption fine of **Rs. 2,00,000/- (Rupees Two Lakh only)**.

(iii) I impose a penalty of **Rs. 30,000/- (Rupees Thirty Thousand only)** on M/s. Vinola Impex u/s. 112 (a)(ii) of the Customs Act, 1962.

(v) I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand only)** on M/s Vinola Impex u/s 114AA of the Customs Act, 1962.

20. This Order-in-Original is issued without prejudice to any other action that may be taken against the importer under the Customs Act, 1962 or any other law for the time being in force.

Additional Commissioner of Customs

Import Assessment

Custom House, Mundra

To,

**M/s. Vinola Impex, (IEC: AAVFV4094J)
Plot No. 6, Shakti Ceramic Industry,
Behind Vishal Furniture, Morbi-363641,**

Copy to:-

1. The Addl. Commissioner (PCA), Custom House, Mundra.
2. The Assistant Commissioner (RRA/TRC/EDI), Custom House,

Mundra.

3. Guard File