



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद
सीमा शुल्क भवन, आल इंडीया रेडीओ के बाजू में, नवरंगपुरा, अहमदाबाद 380009
दूर भाष (079) 2754 46 30 फैक्स (079) 2754 23 43
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, AHMEDABAD
CUSTOMS HOUSE, NEAR ALL INDIA RADIO, NAVRANGPURA, AHMEDABAD
380009
PHONE : (079) 2754 46 30 FAX (079) 2754 23 43

SHOW CAUSE NOTICE

निबन्धित पावती डाक द्वारा / By **SPEED POST A.D.**

फा. सं./ **F. No.: VIII/10-41/Pr.Commr./O&A/2023-24**

DIN- 20240771MN0000814371

Whereas, M/s. Hitech Projects Private Limited, (hereinafter referred to as "the said Noticee"), a Private Limited Company having GSTIN:-24AADCH8918G1ZJ and registered address at A-1401, Block-A, West Gate Business Bay, Besides Signature-1, S G Highway, Makarba, Ahmedabad 380051, is a supplier of goods viz. TMT Bars and Steel structures falling under Chapter 72 of the 1st Schedule to the Customs Tariff Act, 1985 to the entities registered in GIFT-SEZ, Gandhinagar for their authorized operation.

2. Whereas, Central Government vide Notifications No. 28/2022-Cus dated 21.05.2022 & 29/2022-Cus dated 21.05.2022 imposed export duty on goods falling under HSN 7208, 7209, 7210, 7213, 7214, 7219, 7222 and 7227@ 15% with effect from 22.05.2022. The SEZ (Special Economic Zone) is deemed as a Foreign Territory for matters that relate to the Trade Tariffs, Duties, and Operations and therefore Export duty appears to be attracted on domestic (DTA) supply of the goods to SEZ covered under Notification No. 28/2022-Cus dated 21.05.2022 & 29/2022-Cus dated 21.05.2022 .

2.1 Whereas, third Proviso to Rule 27 of SEZ Rules, 2006 was inserted vide Notification 19th Sep'2018, wherein reads as follows:

"Provided also that supplies from Domestic Tariff Area to Special Economic Zones shall attract Export Duty, in case, export duty is leviable on items attracting export duty. "

Thus, Export Duty on Certain Steel Items was made applicable in case of Supplies from Domestic Tariff Area (DTA) to Special Economic Zone (SEZ).

2.2 Central Government vide Notifications No. 28/2022-Cus dated 21.05.2022 & 29/2022-Cus dated 21.05.2022 imposed export duty on goods falling under HSN 7208, 7209, 7210, 7213, 7214, 7219, 7222 and 7227@ 15% with effect from 22.05.2022. Notifications No 28/2022-Cus dated 21.05.2022 & 29/2022-Cus dated 21.05.2022 is re-produced herein below for reference:

Notifications No 28/2022-Cus dated 21.05.2022: Iron ore and Concentrates, (Non-agglomerated/Agglomerated), Flat-rolled products of iron or non-alloy steel and Flat-rolled products of stainless steel — Export duty revised:

Whereas, the Central Government is satisfied that export duty should be levied or increased on certain articles and that circumstances exist which render it necessary to take immediate action.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 8 of the Customs Tariff Act, the Central Government, hereby directs that the Second Schedule to the Customs Tariff Act shall be amended in the following manner, namely :-

In the Second Schedule to the Customs Tariff Act, -

- (1) against Sl. No. 21, for the entry in column (4), the entry "50%" shall be substituted;
- (2) against Sl. No. 22, for the entry in column (4), the entry "50%" shall be substituted;
- (3) against Sl. No. 43, for the entry in column (3), the entry "Flat rolled products of iron or non-alloy steel, clad, plated or coated" shall be substituted;
- (4) after Sl. No. 48 and the entries relating thereto, the following Sl. Nos. and entries relating thereto shall be inserted, namely :-

| (1) | (2) | (3) | (4) |
|-----|-----|-----------------------------------|-----|
| "48 | 721 | Flat-rolled products of stainless | 15% |

| | | | |
|-----|----------|--|-----------|
| A. | 9 | steel, of a width of 600 mm or more | |
| 48B | 722 2 | Other bars and rods of stainless steel; angles, shapes and sections of stainless steel | 15% |
| 48C | 722 7 | Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel | 15% ”; |

2. This notification shall come into force on the 22nd day of May, 2022.

Notifications No 29/2022-Cus dated 21.05.2022: Export duty — Exemption to Iron ore and Other specified goods of Chapter 26 withdrawn — Customs duty on export of Iron ore pellets, Pig iron and spiegeleisen in pigs, Flat rolled products of iron or non-alloy steel, cold rolled (cold-reduced), clad not clad, plated or coated revised w.e.f. 22-5-2022 — Amendment to Notification No. 27/2011-Cus.:

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 27/2011- Customs dated the 1st March, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 153(E), dated the 1st March, 2011, namely :-

In the said notification, in the Table,

- (i) S. No. 20A and the entries relating thereto shall be omitted;
- (ii) against S. No. 23, in column (4), for the entry, the entry “45%” shall be substituted;
- (iii) against S. No. 48, in column (4), for the entry, the entry “15%” shall be substituted;
- (iv) against S. No. 54, in column (4), for the entry, the entry “15%” shall be substituted;
- (v) against S. No. 55, in column (4), for the entry, the entry “15%” shall be substituted;
- (vi) for S. No. 56 and the entries relating thereto, the following S. Nos. and entries shall be substituted, namely :-

| (1) | (2) | (3) | (4) |
|-----|----------|---|---------|
| “56 | 721 0 | Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated | 15 % |
| 56 | 721 | Flat rolled products of iron or non- | Nil” |

| | | | |
|----|---|-------------------------------------|---|
| A. | 2 | alloy steel, clad, plated or coated | ; |
|----|---|-------------------------------------|---|

(vii) against S. No. 57, in column (4), for the entry, the entry "15%" shall be substituted;

(viii) against S. No. 58, in column (4), for the entry, the entry "15%" shall be substituted;

2. This notification shall come into effect on the 22nd day of May, 2022.

2.3. It is thus evident from above referred Notifications No. 28/2022-Cus dated 21.05.2022 & 29/2022- Cus dated 21.05.2022 that "Export duty is leviable on goods falling under CTH 7208, 7209, 7210, 7213, 7214, 7219, 7222 and 7227 at the rate of 15%" .

3. Whereas, Central Government vide Notification No. 58/2022-Customs dated 18.11.2022 (w.e.f. 19.11.2022) has amended the Notification No. 27/2011-Customs dated: 01.03.2011 and substituted the "15%" rate of duty with "NIL" rate of duty. Said Notification is reproduced herein below for reference:

No. 58/2022-Customs dated 18.11.2022 (w.e.f. 19.11.2022):

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 27/2011-Customs, dated the 1st March, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 153(E), dated the 1st March, 2011, namely :-

In the said notification, in the Table,

(i) after S. No. 20 and the entries relating thereto, the following S. No. and entries shall be inserted, namely :-

| (1) | (2) | (3) | (4) |
|-------|---|---|-------|
| "20A. | 2601 11 21, 2601 11 22, 2601 11 41, 2601 11 42 | All Goods | Nil |
| 20C | 2601 11 | All Goods, other than goods mentioned in S. No. 20A | 30% |
| 20D | 2601 12 | All Goods, other than iron ore pellets | 30%"; |

(ii) against S. No. 23, in column (4), for the entry “45%”, the entry “Nil” shall be substituted;

(iii) against S. No. 48, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(iv) against S. No. 54, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(v) against S. No. 55, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(vi) against S. No. 56, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(vii) against S. No. 57, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(viii) against S. No. 58, in column (4), for the entry “15%”, the entry “Nil” shall be substituted;

(ix) after S. No. 61 and the entries relating thereto, the following S. Nos. and entries shall be inserted, namely : -

| (1) | (2) | (3) | (4) |
|-------|------|--|-------|
| “61A. | 7219 | Flat-rolled products of stainless steel, of a width of 600 mm or more | Nil |
| 61B. | 7222 | Other bars and rods of stainless steel; angles, shapes and sections of stainless steel | Nil |
| 61C. | 7227 | Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel | Nil”; |

2. This notification shall come into force on the 19th day of November, 2022.

4. Whereas it is evident from the above that the Government has with effect from 19 November’ 2022 rolled back export duty on iron ore pellets and steel products, including pig iron, flat-rolled products of carbon steel and stainless steel, bars, rods and non-alloy steel, vide Notification No. 58/2022-Customs, dated 18 November 2022. Export duty on iron ores with a grade higher than 58% has been reduced from 50% to 30%, while the lower grade iron ores no longer attract export duty restoring back the exemption granted up to 21 May 2022. **In other words, the supply of flat-rolled products of carbon steel and stainless steel, bars, rods and non-alloy steel to SEZ attracted levy of export duty during the period from 22.05.2022 to 18.11.2022.**

4.1. *M/s. Waystar Properties LLP*, registered in GIFT-SEZ, Gandhinagar have procured goods which are falling under HSN 7208, 7209, 7210, **7214** & 7219 without payment of export duty

during the period between 22.05.2022 and 18.11.2022 from the Noticee. Details of such supplies are tabulated herein below as "Table-A":

Table- A

| Sr. No | Invoice No | Invoice Date | Details of Item | HSN | Qty | Rate | Per | Value | Details of Supplier | GST Reg No of Supplier | Developer/Unit |
|--------|------------|--------------|---|------|-------|----------|-----|-----------|------------------------|------------------------|------------------------|
| 1 | 29 | 04-08-2022 | HMR reinforcement Steel TMT Bar FE 500 8 MM | 7214 | 1.02 | 58136 | MT | 59238.72 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 2 | 29 | 04-08-2022 | HMR reinforcement Steel TMT Bar FE 500 10 MM | 7214 | 1 | 56949 | MT | 56948 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 3 | 29 | 04-08-2022 | HMR reinforcement Steel TMT Bar FE 500 12 MM | 7214 | 0.59 | 56102 | MT | 33100.18 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 4 | 29 | 04-08-2022 | HMR reinforcement Steel TMT Bar FE 500 16 MM | 7214 | 2.04 | 56102 | MT | 114448.08 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 5 | 105 | 24-09-2022 | TMT Bar 16 mm | 7214 | 9.76 | 56200 | MT | 548512 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 6 | 105 | 24-09-2022 | TMT Bar 25 mm | 7214 | 34.61 | 56200 | MT | 1945082 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 7 | 111 | 27-09-2022 | HMRFO085 Reinforcement Steel TMT Bar Fe500D 25 MM | 7214 | 29.9 | 55677.97 | MT | 1664771 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 8 | 110 | 27-09-2022 | HMRFO085 Reinforcement Steel TMT Bar Fe500D 32 MM | 7214 | 32.77 | 56441 | MT | 1849572 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 9 | 113 | 28-09-2022 | HMRFO085 Reinforcement Steel TMT Bar Fe500D 25 MM | 7214 | 31.71 | 56440.68 | MT | 1789734 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 10 | 112 | 28-09-2022 | HMRFO031 Reinforcement Steel TMT Bar Fe500D 25 MM | 7214 | 32.9 | 55678 | MT | 1831806 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |
| 11 | 114 | 29-09-2022 | Reinforcement Steel TMT Bar | 7214 | 10.14 | 57712 | MT | 585200 | Hitech Project Pvt Ltd | 24AADCH8918G1ZJ | Waystar Properties LLP |

| | | | | | | | | | | | |
|----|-----|------------|--|------|-------|--------------|----|-------------|---------------------------|---------------------|---------------------------|
| | | | Fe500D 8 MM | | | | | | | | |
| 12 | 114 | 29-09-2022 | Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 25 | 55789. 36 | MT | 1394734 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 13 | 115 | 30-09-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 4.94 | 55678 | MT | 275049.32 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 14 | 115 | 30-09-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 30 | 56441 | MT | 4693230 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 15 | 116 | 30-09-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 31.87 | 57500 | MT | 1832525 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 16 | 118 | 01-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 45.04 | 56441 | MT | 2542102.64 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 17 | 117 | 01-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 42.29 | 56441 | MT | 2386889.89 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 18 | 130 | 03-10-2022 | HMRFO030 Reinforce ment Steel TMT Bar Fe500D 20 MM | 7214 | 14.92 | 55339 | MT | 825657.88 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 19 | 130 | 03-10-2022 | HMRFO030 Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 22.08 | 55678 | MT | 1229370.24 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 20 | 129 | 03-10-2022 | HMRFO030 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 35.51 | 57100 | MT | 2027621 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 21 | 132 | 04-10-2022 | Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 29.77 | 55677. 97 | MT | 1657533.167 | Hitech Project Pvt Ltd | 24AADCH8 918G1ZJ | Waystar Properties LLP |
| 22 | 135 | 05-10-2022 | HMRFO031 Reinforce | 7214 | 29.63 | 55677. 97 | MT | 1649738.251 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |

| | | | | | | | | | | | |
|----|-----|------------|--|------|-------|----------|----|-------------|---------------------------|---------------------|---------------------------|
| | | | ment Steel TMT Bar Fe500D 25 MM | | | | | | | | |
| 23 | 136 | 05-10-2022 | HMRFO031 Reinforce ment Steel TMT Bar Fe500D 25 MM | 7214 | 7.79 | 55677.97 | MT | 433731.3863 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 24 | 136 | 05-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 29.79 | 56440.68 | MT | 1681367.857 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 25 | 137 | 05-10-2022 | HMRFO083 Reinforce ment Steel TMT Bar Fe500D 10 MM | 7214 | 9.82 | 56525 | MT | 555075.5 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 26 | 137 | 05-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 29.75 | 56441 | MT | 1679119.75 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 27 | 163 | 09-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 31.98 | 57600 | MT | 1842048 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 28 | 164 | 09-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 32.71 | 57600 | MT | 1884096 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 29 | 179 | 12-10-2022 | Reinforce ment Steel TMT Bar Fe500D 12 MM | 7214 | 22.13 | 57881 | MT | 1280906.53 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 30 | 191 | 14-10-2022 | Reinforce ment Steel TMT Bar Fe500D 12 MM | 7214 | 13.07 | 57881 | MT | 756504.67 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 31 | 235 | 22-10-2022 | HMRFO082 Reinforce ment Steel TMT Bar Fe500D 8 MM | 7214 | 20.11 | 57034 | MT | 1146953.74 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 32 | 235 | 22-10-2022 | HMRFO083 Reinforce ment Steel TMT Bar Fe500D 10 MM | 7214 | 15 | 55847 | MT | 837705 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 33 | 236 | 22-10-2022 | HMRFO082 Reinforce | 7214 | 10.06 | 57034 | MT | 573762.04 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |

| | | | | | | | | | | | |
|----|-----|------------|--|------|-------|----------|----|-------------|---------------------------|---------------------|---------------------------|
| | | | ment Steel TMT Bar Fe500D 8 MM | | | | | | | | |
| 34 | 236 | 22-10-2022 | HMRFO085 Reinforce ment Steel TMT Bar Fe500D 32 MM | 7214 | 20.05 | 55847 | MT | 1119732.35 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 35 | 238 | 28-10-2022 | HMRFO028 Reinforce ment Steel TMT Bar Fe500D 12 MM | 7214 | 30.86 | 55000 | MT | 1697300 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 36 | 271 | 17-11-2022 | HMRFO028 Reinforce ment Steel TMT Bar Fe500D 12 MM | 7214 | 10 | 53898.31 | MT | 538983.1 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 37 | 271 | 17-11-2022 | HMRFO084 Reinforce ment Steel TMT Bar Fe500D 16 MM | 7214 | 7.97 | 53898.31 | MT | 429569.5307 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |
| 38 | 271 | 17-11-2022 | HMRF-030- Reinforce ment Steel TMT Bar Fe500D 20 MM | 7214 | 17.07 | 53559.32 | MT | 914257.5924 | Hitech Project Pvt Ltd | 24AADCH891 8G1ZJ | Waystar Properties LLP |

48363976.41

5. Since M/s. Hitech Projects Private Limited, have not discharged the duty liability, the same is calculated as under:

Duty liability Calculation (TABLE-B)

| Details of Value of Goods & Duty Liability (Amt. in Rs.) | |
|--|------------------|
| HSN of Supplied Goods | 7214 |
| Total Value of Supplied Goods | Rs.4,83,63,976/- |
| Export Duty @15% | Rs.72,54,596/- |

6. Thus, it appears that M/s. Hitech Projects Private Limited, had supplied goods without payment of export duty amounting to Rs. 72,54,569/- and have thereby contravened the provisions under the Customs Notifications 28/2022-Cus dated 21.05.2022 & 29/2022-Cus dated 21.05.2022, suo-motu, which is required to be recovered from them under Section 28(l)(a) of the Customs Act, 1962, along with interest under Section 28AA of the Customs Act, 1962.

7. Further as there is a non-levy and thereafter non-payment of export duty, *M/s. Hitech Projects Private Limited*, is also liable for penalty under Section 114 of the Customs Act, 1962.

8. Pre-notice consultation in terms of the provisions of Section 28(1)(a) read with Pre-Notice Consultation Regulations, 2018 was held on 23.7.2024 wherein the Noticee submitted that in their case, it is supply of composite services of works contract for the civil structure. Whereas, on scrutiny of the documents forwarded by Development Commissioner, GIFT-SEZ, Gandhinagar vide letter dated SO/20/GIST-SEZ/Iron & Steel Export Duty/2023, it appears that said Noticee has supplied impugned goods under the document named as 'Delivery Challan' (**RUD-1**) to M/s. Waystar Properties LLP, a SEZ Developer. The 'Delivery Challan' contains details viz. Description, HSN/SAC, Qty, Unit/Rate and Total Amount. The Noticee has specifically mentioned HSN of goods and No SAC for 'composite works contract' as claimed by the noticee is mentioned. Therefore, the submission made during the pre-notice consultation held on 23.07.2024 that they have provided 'composite works contract' service cannot be taken into consideration.

9. Whereas, contents of Delivery Challan No. 29 dated 04.08.2022 issued to M/s. Waystar Properties LLP is reproduced as under:

Scanned image of Delivery Challan No. 29 dated 04.08.2022

HITECH PROJECTS PVT LTD

307, Phase 1, Road, AYS PLATE BUILDING, Opp. Ganga Party, New Masipada, S. B. Highway, Anantnagar - 180001
 Gujarat, INDIA 390014, IND. +91 9000903000 / 9000909000


140010159130123, Gujarat

GST No. 24

DELIVERY CHALLAN

| TO: M/S WAVSTAR PROPERTIES LLP Address: Plot no-15C, Block-15, Near Paryat GRT ST, GRT CITY, Gandhinagar, Gujarat 382015 | | | | | | D.C NO. 29 Date: 04.08.2022 | |
|--|--|---------|-------|------|-------|--|--|
| GST IN: 24AAD1W2786G129A Project Location: GRT ST, GRT CITY Gandhinagar - 382015, Gujarat, India | | | | | | Vehicle No. GJ 11T-5407 Nature of work: CIVIL | |
| SR NO. | Description | HSN/SAC | Qty | Unit | Rate | Total Amount | |
| 1. | HRBF 400E - Reinforcement Steel TMT Bar (250x4 mm) | 721420 | 1.000 | M T | 58131 | 58284.72 | |
| 2. | HRBF 400E - Reinforcement Steel TMT Bar (250x4 mm) | 721420 | 1.000 | M T | 56549 | 56549 | |
| 3. | HRBF 400E - Reinforcement Steel TMT Bar (250x4 mm) | 721420 | 0.500 | M T | 56102 | 28051.10 | |
| 4. | HRBF 400E - Reinforcement Steel TMT Bar (250x4 mm) | 721420 | 2.000 | M T | 58131 | 116442.00 | |
| TOTAL AMOUNT | | | | | | 211276.82 | |
| HITECH PROJECTS PVT LTD | | | | | | | |
| Authorized Signature | | | | | | | |

2840
 04/08/2022
 18:02
 913175489



10. Whereas, on perusal of the aforesaid Delivery challan, it appears that noticee has supplied the goods covered under HSN 721420 which attract the Export duty as per Notification No. 58/2022-Customs dated 18.11.2022 (w.e.f. 19.11.2022) has amended the Notification No. 27/2011-Customs dated: 01.03.2011. Details of such supplies are tabulated in **Table-A** hereinabove.

11. Whereas Noticee have supplied (exported) the impugned goods

to SEZ totally valued at Rs.4,83,63,976/- without making payment of Export duty under Notifications No. 28/2022-Cus dated 21.05.2022 & 29/2022- Cus dated 21.05.2022 and which is required to be recovered under Section 28 (1)(a) of the Customs Act, 1962. The Noticee has not paid the export duty of **Rs.72,54,596/- [Rupees Seventy Two lakh, Fifty Four Thousand, Five Hundred & Ninety Six only]**, which was otherwise leviable on supply to SEZ and therefore export duty of **Rs.72,54,596/-** appears to be recoverable from M/s. Hitech Projects Private Limited under Section 28(1)(a) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962

12. Whereas, it appears that supplier M/s. Hitech Projects Private Limited had subscribed to a declaration as to the truthfulness of the contents of the Bill of Export/Invoice meant for supply to SEZ in terms of Section 50(2) of the Customs Act, 1962 in all their SEZ supply consignments. Further, consequent upon the amendment to Section 17 of the Customs Act, 1962 vide Finance Act, 2011, 'Self-Assessment' has been introduced in Customs. Section 17 of the Customs Act, 1962 effective from 08.04.2011, provides for self-assessment of Duty on export goods by the exporter by filing a Shipping Bill /Bill of Export. Section 50 of the Customs Act, 1962 makes it mandatory for the Exporter to make entry for the export goods by presenting a S/B/ Bill of Exports to the proper officer. Noticee by not paying the Export duty leviable vide Notification No. 28/2022-Cus dated 21.05.2022 & 29/2022- Cus dated 21.05.2022 have contravened the provision of Section 50 (2) of the Customs Act, 1962 and thereby the supply of impugned goods to SEZ having value of Rs. Rs.4,83,63,976/- is liable for confiscation under Section 113(i) of the Customs Act, 1962. Further, it appears that for the said act and omission on the part of Noticee, the noticee rendered themselves liable for penalty under Section 114 of the Customs Act, 1962.

13. In view of the above, Now, therefore, M/s. Hitech Projects Private Limited, A-1401, Block-A, West Gate Business Bay, Besides Signature-1, S G Highway, Makarba, Ahmedabad 380051, are hereby called upon to show cause to the Principal Commissioner, Customs, Ahmedabad, having his office at 1st floor, Custom House, Nr. All India Radio, Income Tax Circle, Navrangpura, Ahmedabad within 30 days of the receipt of this Show Cause Notice as to why:

- a) Export Duty of **Rs.72,54,596/- [Rupees Seventy Two lakh, Fifty Four Thousand, Five Hundred & Ninety Six only]**, as detailed in Table B of this notice, for the duty free procurement of TMT during the period between 22.05.2022 and 18.11.2022 should not be demanded and recovered from them under Section 28(l)(a) of the Customs Act, 1962.
- b) Interest at applicable rates should not be demanded and recovered from them under Section 28AA of the Customs Act, 1962 on the duty liability mentioned at Sr. No. (a) above.
- c) Impugned goods having assessable value of Rs.4,83,63,976/- (Rs. Four Crore, Eighty Three Lakh, Sixty Three Lakh, Nine Hundred, Seventy Six only) should not be held liable for confiscation under Section 113 (i) of the Customs Act, 1962.
- d) Penalty under Section 114 should not be imposed and recovered from them.

14. The Noticee is hereby directed to produce all evidences upon which they intend to rely in support of their defence at the time of showing cause. If no mention is made about the same in their written explanation, it will be presumed that they do not desire a personal hearing and the case will be decided on the basis of the evidences and records available on file.


15. If no cause is shown by them against the action proposed to be taken within 30 days of receipt of this notice or if they do not appear before the adjudication authority when the case is posted for hearing, the case would be decided on merits, on the basis of evidence available on records, without any further reference to them.

16. This notice is issued without prejudice to any other action(s) that may be taken against them or against any person(s), under the provision of the Customs Act, 1962 and/or the Rules framed there under or under any other law for the time being in force.

17. The department reserves the right to add, amend, modify, delete any part or portion of this notice and any such addendum,

amendment, modification, deletion, if made, shall be deemed to be part and parcel of this notice.

18. The relied upon documents are listed in Annexure-R appended to this Notice.


(Shiv Kumar Sharma)
Principal Commissioner

F.No.: VIII/10-41/Pr. Commr/O&A/2023-24

Date: 29.07.2024

DIN: 20240771MN0000814371

By Speed Post/ By Email/By Hand Delivery/ Through Notice Board:

To,

M/s.Hitech Projects Private Limited,
A-1401, Block-A, West Gate Business Bay,
Besides Signature-1, S G Highway,
Makarba, Ahmedabad 380051

Copy to:

1. The Development Commissioner, GIFT-SEZ, Gandhinagar.
2. The Specified Officer, GIFT SEZ, Gandhinagar
3. The Superintendent (Systems) for uploading on website of Customs Ahmedabad <https://www.ahmedabadcustoms.gov.in>
4. Guard File.