

		<p>कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421</p> <p><b>OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.</b></p>
<b>A</b>	<b>FILE NO.</b> फाइल संख्या	<b>CUS/APR/ASS/265/2026-Gr 4-O/o Pr Commr-Cus-Mundra</b>
<b>B</b>	<b>OIO NO.</b> आदेश संख्या	<b>MCH/ADC/ZDC/628/2025-26</b>
<b>C</b>	<b>PASSED BY</b> जारीकर्ता	<b>Dipak Zala Additional Commissioner of Customs Custom House, Mundra</b>
<b>D</b>	<b>DATE OF ORDER</b> आदेश की तारीख	<b>11-02-2026</b>
<b>E</b>	<b>DATE OF ISSUE</b> जारी करने की तिथि	<b>11-02-2026</b>
<b>F</b>	<b>SCN No. &amp; Date</b> कारण बताओ नोटिस क्रमांक	<b>Waived as per request letter of Imparter dated 21.01.2026.</b>
<b>G</b>	<b>NOTICEE/ PARTY/ IMPORTER</b> नोटिसकर्ता/पार्टी/आयातक	<b>M/s Bluequan Solution (IEC-EOZPK3380A) Address: Flat No.1142, Sector-4C, Vasundhara, Ghaziabad-201012 (U.P.)</b>
<b>H</b>	<b>DIN/दस्तावेज़ पहचान संख्या</b>	<b>20260271MO000000C0D1</b>

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

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

1. 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:**

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

**“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA  
HAVING HIS OFFICE AT 4<sup>TH</sup> FLOOR, HUDCO BUILDING, ISHWAR  
BHUVAN ROAD,  
NAVRANGPURA, AHMEDABAD-380 009.”**

2. उक्तअपील यहआदेश भेजने की दिनांक से 60दिन के भीतर दाखिल की जानी चाहिए।  
**Appeal shall be filed within sixty days from the date of communication of this order.**

3. 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 ड्यूटी /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, 1982और सीमाशुल्क अधिनियम,

1962के 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.**

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**1. BRIEF FACTS OF THE CASE:**

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As per investigation report No. 230/2025-26 dated 27.01.2026 issued by SIIB section, Customs House, Mundra, on the basis of specific intelligence, the consignment of goods imported by the importer namely M/s Bluequan Solution having IEC-EOZPK3380A & registered address at Flat No.1142, Sector-4C, Vasundhara, Ghaziabad-201012 (U.P.) was destined to INAJM6 (Mundra SEZ). The goods covered under SEZ Z Type B.E. No. 5627779 dated 11.11.2025 were stuffed into Container No. EITU1946737 was placed at the warehouse of M/s. Fast Track CFS Private Limited, Plot No.3, Block C, Sector 11, ASPEZ, Mundra-370421 and goods covered under SEZ Z Type B.E. No. 5627779 dated 11.11.2025 was put on hold for 100% examination by SIIB, Customs House, Mundra.

**2. EXAMINATION OF THE GOODS AND INVESTIGATION CONDUCTED:**

2.1 Description of goods as mentioned in the SEZ Z Type Bill of Entry No. 5627779 dated 11.11.2025 are as under:

**TABLE-I**

**(1 USD = 88.85 INR)**

S. No.	Description (CTH)	Package/cartoon	Quantity	UQC
1	Decorative	309	483	DOZ



1	Decorative Table Show pieces (39269099)	Creative desk/table lamp(TYPE-1)	49	40	1960	10.9	534	Goods found Mis-declared
		Creative desk/table lamp (TYPE-II)	52	50	2600	17.7	920	
2	Plastic Pen Holder (39269099)	NOT FOUND	0	0	0	0	0	NOT Found
3	Alarm Clock (91051900)	Alarm Clock with PEN HOLDER	26	96	2496	19.76	513.76	Excess Quantity found
		Alarm clock TYPE-1	2	200	400	24.51	49.02	
		Alarm clock TYPE-2	5	60	300	16.9	84.5	
		Alarm clock TYPE-3	5	100	500	18.6	93	
4	Empty Glass Cup (70133700)	Ceramic Mug with Spoon	49	48	2352	21.7	1063.3	item appears made of ceramic, NOT glass and appears mis- classification
		Ceramic Mug	144	72	10368	31.24	4498.56	
5	Plastic Stool (3926909)	Plastic Stool	1	5	5	-	10	Found as declared

6	9) Blower (84145920),	Woode n stea mer	1	5	5	-	12	Mis-declared in classificati on
7	Christ mas Dé cor ite m (95051000),	Christ mas Dé cor ite m	1	44	44	7.4	7.4	Found as declared
8	Plastic Leaf (39269099)	Artifici al Chri stmas Trees ( Big Siz e )	1			42	42	Mis-declared in classificati on
		Artifici al Chri stmas Trees ( Small Size )	1			11	11	
9	Screw ( 73181500)	Self-Dr illing S crew	383			23.2	8885.6	Excess Quantity found, Pa cking material of Carton fo und of each box approx. 1.3 kg. therefore , Net weight found 13395 KGS (Approx. 9.2 )
		Dry Wa ll Scre w	252			22.1	5569.2	
10	Towel (63049260)	Towel	5	100	500	27.5	137.5	Found as declared
11	Table F urniture (94031090)	Table F urniture (94031090)	2	5	10	27.6	55.2	Found as declared
	Girls Ni	Girls N	38	100	3800			
			1	92	92			

1	ght Suit	ght Su	1	115	115	70.2	343	short quantity found
2	(61083	it	8	120	960		9.8	
	990)		1	126	126			
1	NOT De	Wireles	11	20	220	18.9	208	Non-declared Item Found
3	clared	s Karao						
		ke Set						
1	NOT De	Toiletry	4	1	1	36	144	Non-declared Item Found
4	clared	and ma						
		akeup ta						
		ble						
		TOTAL	1045				26,044	
							KGS	

During the examination, the goods declared in the said Z Type Bill of Entry was found mis-declared in terms of classification and quantity. Based on the Examination Report dated 11.11.2025, the goods under SEZ Z Type Bill of Entry No. 5627779 dated 11.11.2025, 4560 Pieces of Decorative Table Showpieces are mis-classified/mis-declared under CTH 39269099 & should be classified under CTH 94051100. 3000 Pcs. Plastic Pen Holders declared under CTH 39269099 are not found. 3696 Pcs. of Alarm Clocks declared under CTH 91051900 are found mis-declared in terms of quantity. 12,720 Pcs. of Empty Glass Cup are mis-classified/mis-declared under CTH 70133700 & should be classified under CTH 69120020 which attracts Anti-Dumping Duty (ADD) under Notification No. 59/2022-Cus. (ADD) dated 20.05.2022. 5 Pcs. of Blower made of bamboo are mis-classified under CTH 84145920 & should be classified under CTH 44191900. 2 Pcs. of Artificial Christmas Trees are mis-classified under CTH 39269099 & should be classified under CTH 95051000. 13,395 Kg Screw declared under CTH 73181500 are found mis-declared in terms of quantity. 19,800 pcs. of Girls Night Suits declared under CTH 61083990 are found mis-declared in terms of quantity. 220 pcs. of Un-declared Items Wireless Karaoke Set should be classified under CTH 85185000. Further, 36 pcs. of Un-declared Items Toiletry and makeup table should be classified under CTH should be classified under CTH 94037000.

#### 2 . 4 Rejection of declared value & Redetermination of Assessable

**Value:-**

As the goods imported vide SEZ Z Type Bill of Entry No. 5627779 dated 11.11.2025, were found to be 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. Further, the value declared by the importer in the corresponding Bills of Entry and invoices did not appear to be the true transaction value under the provisions of Section 14 of the Customs Act, 1962 read with the provisions of the Customs Valuation (determination of Value of Imported Goods) Rules, 2007 and thus the same appear liable to be rejected in terms of Rule 12 of CVR, 2007. The value is required to be re-determined by sequentially proceeding in terms of Rules 4 to 9 of CVR, 2007. 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.

The Chartered Engineer vide his report Ref No. ABJ:INSP:CE:MUN:SIIB:MX:ALM:BS:25-26:01 dated 27.12.2025, has suggested the valuation of the imported goods as under:

**Table-III**

**(1 USD = 89.5 INR)**

S. No.	Declared Items in BE and Packing List	Items found during the examination	Total Quantity (IN PCS)	Per Unit Suggested C&F Value in USD	Total Suggested C&F Value in USD	Total CIF Value In USD considering Insurance 1.125%	Total CIF Value In INR
1	Decorative Table Showpieces	Creative desk /table lamp (TYPE-1)	1960	0.3588	594.615	53218.04	
		Creative desk /table lamp (TYPE-II)	2600	0.225	657.3125	58829.47	
2	Plastic Pen Holder	NOT FOUND	-	-	0	0	
3	Alarm Clock	Alarm Clock with Pen Holder	2496	0.26988	706.7424	63253.44	
		Alarm clock TYPE-1	400	0.315	141.575	12670.96	
		Alarm clock TYPE-2	300	0.415	136.5188	12218.43	
		Alarm clock TYPE-3	500	0.3519	197.1938	17648.43	

		YPE-3		9			84
4	Empty Glass Cup	Ceramic Mug with Spoon	2352	0.22	517.44	523.2612	46831.88
		Ceramic Mug	10368	0.15	1555.2	1572.696	140756.3
5	Plastic Stool	Plastic Stool	5	1.5	7.5	7.584375	678.8016
6	Blower	Wooden steamer	5	8	40	40.45	3620.275
7	Christmas Décor item	Christmas Décor item	44	0.28	12.32	12.4586	1115.045
8	Plastic Leaf	Artificial Christmas Trees ( Big Size )	1	63	63	63.70875	5701.933
		Artificial Christmas Trees ( Small Size )	1	14.74	14.74	14.90583	1334.071
9	Screw	Screw	13,395 Kg	1.5	20092.5	20318.54	1818509.38
10	Towel	Towel	500	0.4	200	202.25	18101.38
11	Table Furniture	Table Furniture	10	40	400	404.5	36202.75
12	Girls Night Suits	Girls Night Suits	5093	0.33	1680.69	1699.598	152114
13	NOT Declared	Wireless Karaoke SET	220	0.9	198	200.2275	17920.36
14	NOT Declared	Toiletry and makeup table	4	5.6	22.4	22.652	2027.354
		TOTAL			<b>27210.67 USD</b>	<b>27516.79 USD</b>	<b>24,62,753 INR</b>

As per Table III, the total C & F value is re-evaluated as **27210.67 USD**. Therefore, considering the Insurance amount as 1.125%, as per BE, the total assessable value (CIF) is re-evaluated as **27516.79 USD**, after adding the insurance amount 306.12 USD (27210.67 USD\*1.125%).



1	9405 1900	Creative desk/table lamp (TYPE-1)	53218	106 44	10 64	0	0	116 87	23395
2	9405 1900	Creative desk/table lamp (TYPE-II)	58829	117 66	11 77	0	0	129 19	25861
3	3926 9099	Plastic Pen Holder	0	0	0	0	0	0	0
4	9105 1900	Alarm Clock with Pen Holder	63253	126 51	12 65	0	0	138 90	27806
5	9105 1900	Alarm clock TYPE-1	12671	253 4	25 3	0	0	278 3	5570
6	9105 1900	Alarm clock TYPE-2	12218	244 4	24 4	0	0	268 3	5371
7	9105 1900	Alarm clock TYPE-3	17649	353 0	35 3	0	0	387 6	7758
8	6912 0010	Ceramic Mug with Spoon	46832	936 6	93 7	98972	0	780 5	11708 0
9	6912 0010	Ceramic Mug	140756	281 51	28 15	418726	0	295 22	47921 5
10	3926 9099	Plastic Stool	679	102	10	0	0	142	254
11	4419 1900	Wooden steamer	3620	362	36	0	0	201	599
12	9505 1000	Christmas Décor item	1115	223	22	0	0	245	490
13	9505 1000	Artificial Christmas Trees (Big Size )	5702	114 0	11 4	0	0	125 2	2507
14	9505 1000	Artificial Christmas Trees (Small Size )	1334	267	27	0	0	293	586
15	7318 1500	Self-Drilling Screw	1818509	272 776	27 27 8	0	0	381 341	68139 5
16	6304 9260	Towel	18101	181 0	18 1	0	0	361 7	5608
17	9403 1090	Table Furniture	36203	724 1	0	0	1 8 1 0	782 0	16870

18	6108 3990	Girls Night Suits	152114	304 23	30 42	0	0	927 9	42744
19	851 8500 0	Wireless Karaoke S ET	17920	0	0	0	0	0	0
20	9403 9900	Toiletry and make up table	2027	405	0	0	1 0 1	438	945
Total			<b>2462753</b>	<b>39 58 35</b>	<b>38 81 9</b>	<b>517698</b>	<b>1 9 1 2</b>	<b>48 97 93</b>	<b>1444 057</b>

From the Table-IV above, it appears that the total duty liability of the importer is Rs. 14,44,057/- (Rs. Fourteen lakh forty four thousand fifty seven only).

3.2 The importer in the SEZ (Z type) Bill of Entry No. 5627779 dated 11.11.2025, has declared the value of the goods as Rs. 13,20,988/- and calculated the applicable duties and taxes on the good declared, based on the declared value and classification in the Bill of Entry, the importer has assessed the duty and taxes as Rs. 4,50,366/-.

3 . 3 Based on the calculations from Para 3.1 (Table IV) and Para 3.2 above, the importer is required to pay/levy a differential liability of Rs. 9,93,691/- (Rs. Nine lakh ninety three thousand six hundred ninety one only) on the mis-declared/mis-classified/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.

#### **4. LEGAL PROVISIONS:**

##### **(A) RELEVANT PROVISIONS OF SEZ ACT, 2005:**

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

.....

(o) “**import**” means—

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

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

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

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

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

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

*Provided that no investigation, inspection, search or seizure shall be carried out in a Special Economic Zone by any agency or officer other than those referred to in sub-section (2) or sub-section (3) of section 21 without prior approval of the Development Commissioner concerned:*

*Provided further that any officer or agency, if so authorised by the*

*Central Government, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit without prior intimation or approval of the Development Commissioner*

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

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

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

**(B) RELEVANT PROVISIONS OF CUSTOMS ACT, 1962:**

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

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

**Section 2(25):** *“imported goods”, means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption;*

**Section 2(26):** *“importer”, in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes [any owner, beneficial owner] or any person holding himself out to be the importer;*

**Section 2(39):** *“smuggling”, in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113.*

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

**Section 17. Assessment of duty. –**

*(1) An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods.*

..

*(4) Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.*

**Section 46. Entry of goods on importation:**

**(4)** *The importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, relating to the imported goods.*

**(4A)** *the importer who presents a bill of entry shall ensure the following, namely:*

- (a) The accuracy and completeness of the information given therein;*
- (b) The authenticity and validity of any document supporting it; and*
- (c) Compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.*

**Section 111.** *Confiscation of improperly imported goods, etc. – The following goods brought from a place outside India shall be liable to confiscation:-*

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

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

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

*Any person,-*

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

shall be liable,-

- i. ....
- ii. *in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:*

**114AA. Penalty for use of false and incorrect material.—**

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

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

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

.....

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

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

*Provided that .....*

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

*respect of similar goods.*

**Rule 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.*

## **5. OUTCOME OF THE INVESTIGATION:**

5.1 From the above discussion, it appears that the importer has filed Z Type Bill of Entry No. 5627779 dated 11.11.2025 for import of goods as mentioned at Table No.1. Upon investigation, it is noticed that the items under import are mis-declared/un-declared (quantity wise) and accordingly mis-classified and undervalued the said goods. 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.

5.2 Accordingly, it is found that the goods imported by the said importer (as mentioned in Para 2.1 above) having assessable value ascertained to Rs. 13,20,988/- were mis-declared and undervalued in the Z Type Bill of Entry No. 5627779 dated 11.11.2025 filed by the said importer. Thus, the said goods (as mentioned in Table-III at Para 2.4) having assessable value of Rs. 24,62,753/- are found liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962. Further, it is pertinent to mention that the un-declared Items 220 pcs. of Wireless Karaoke Set are found to be 'prohibited' for import regarding non-compliance of the BIS Standards and WPC/ETA certificate issued by the Ministry of Communications, the Customs duty liveable thereon has not been worked out and taken into consideration in the said differential duty.

5.3 "Further, it is observed that the item "Wireless Karaoke Set" (Sr. No. 19 of Table-IV above) is covered under the provisions of "Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2021, which mandates BIS certification as per IS 616:2017. Since no BIS licence/registration or ISI marking was produced for the said goods, their import is in violation of the provisions of the Foreign Trade Policy read with the Bureau of Indian Standards Act, 2016. Accordingly, the "Wireless Karaoke Set" is rendered as 'prohibited goods' for import into India and is liable for confiscation under Section 111(d) & 111(o) of the Customs Act, 1962 and have thus rendered the importer liable for penal action under Section 112(a)(i) of the Customs Act, 1962."

5.4 In view of the above, it appears that the importer has mis-declared the items under import vide SEZ Z Type Bill of Entry No. 5627779 dated 11.11.2025, both in terms of quantity, classification and value. Therefore, it appears that the importer has contravened the provisions of Section 14 and Section 46 of the Customs Act, 1962 read with Rule 11 of the CVR, 2007 as well as Rule 47(4) of & Rule 48(2) of the SEZ Rules, 2006, inasmuch as they failed to declare and assess the correct description, quantity and value of the goods in the Customs documents filed by them. These acts of omission and commission on the part of the importer have made the imported goods (as mentioned in Table-IV) having re-determined value of Rs. 24,62,753/- liable for confiscation under Section 111(l) & 111(m) of the Customs Act, 1962 and have thus rendered the importer liable for penal action under Section 112(a)(ii) & 114AA of the Customs Act, 1962.

#### 6. **WAIVER OF NOTICE AND PERSONAL HEARING: -**

The importer vide their e-mail letter dated 20.01.2026 that they have requested for waiver of issuance of show cause notice and personal hearing in the matter and undertake to pay duty, penalty, fine or other charges as imposed by the Competent Authority under the Customs Law.

#### 7. **DISCUSSION AND FINDINGS:**

I have carefully gone through the records of the case, investigation report dated 27.01.2026, Valuation report by empanelled Chartered Engineer and the applicable provisions of law. The importer, M/s. Bluequan Solution, vide letter 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 assessable value Rs. 13,20,988/- of these mis-declared imported goods imported vide Z Bill of Entry no. 5627779 dated 11.11.2025 is liable to be rejected and to be re-determined as Rs. 24,62,753/-, as detailed mentioned at Table-III of para 2.4 above, as determined by the Chartered Engineer's report dated 27.12.2025, as per Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962;
  - ii. Whether the imported goods having re-determined value of Rs. 24,62,753/- are liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962, as they were mis-declared and undervalued in the import documents.
  - iii. Whether the imported goods namely "Wireless Karaoke Set" (Sr. No. 19 of Table-IV above) are covered under the "Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2021 and since no BIS licence/registration has been produced, the same are rendered as 'prohibited goods' for import into India. Accordingly, the said goods are liable for confiscation under Section 111(d) and 111(o) of the Customs Act, 1962;
  - iv. Whether the imported goods are required to be re-assessed as discussed in the foregoing paras, as the goods as well as their quantity, classification and value have been found mis-declared by the importer. The differential duty of Rs. 9,93,691/- (Rs. Nine lakh ninety three thousand six hundred ninety one only) has not been levied on the mis-declared/under-valued goods and is to be included in the importer's duty liability.
  - v. Whether the importer M/s. Bluequan Solution (IEC: EOZPK3380A) is liable for penalty under Section 112(a)(i), Section 112(a)(ii) & 114AA of the Customs Act, 1962.
8. Regarding the first issue, Regarding the first issue, I find that M/s Bluequan Solution, vide Z type Bill of Entry No. 5627779 dated 11.11.2025, attempted to clear various goods i.e. Creative desk lamp, Alarm clock, Ceramic Mug, Plastic Stool, Christmas decor item and

Christmas tree (artificial). Screw, Towel, Furniture, wireless karaoke, and Toiletry and makeup table. During the examination, the goods declared in the said Bill of Entry was found mis-declared in terms of description, classification and quantity. Based on the Examination Report dated 11.11.2025, the goods under Bill of Entry No. 5627779 dated 11.11.2025, 4560 Pieces of Decorative Table Showpieces are mis-classified/mis-declared under CTH 39269099 & should be classified under CTH 94051100. 3000 Pcs. Plastic Pen Holders declared under CTH 39269099 are not found. 3696 Pcs. of Alarm Clocks declared under CTH 91051900 are found mis-declared in terms of quantity. 12,720 Pcs. of Empty Glass Cup are mis-classified/mis-declared under CTH 70133700 & should be classified under CTH 69120020 which attracts Anti-Dumping Duty (ADD) under Notification No. 59/2022-Cus. (ADD) dated 20.05.2022. 5 Pcs. of Blower made of bamboo are mis-classified under CTH 84145920 & should be classified under CTH 44191900. 2 Pcs. of Artificial Christmas Trees are mis classified under CTH 39269099 & should be classified under CTH 95051000. 13,395 Kg Screw declared under CTH 73181500 are found mis-declared in terms of quantity. 19,800 pcs. of Girls Night Suits declared under CTH 61083990 are found mis-declared in terms of quantity. 220 pcs. of Un-declared Items Wireless Karaoke Set should be classified under CTH 85185000. Further, 36 pcs. of Un-declared Items Toiletry and makeup table should be classified under CTH should be classified under CTH 94037000. 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.

9. 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.

10. 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:MUN:SIIB:MX:ALM:BS:25-26:01 dated 27.12.2025 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. 24,62,753/- (Rs. Twenty Four Lakh Sixty Two Thousand Seven Hundred Fifty Three only) in contrast to the declared assessable value as Rs. 13,20,988/-. In view of above, the declared value of the goods, i.e. Rs. 13,20,988/-, is liable to be rejected and the same needs to be re-determined as Rs. 24,62,753/- as mentioned above in Table-III.

11. Regarding the second issue, I find that the importer has mis-declared in terms of description, classification, quantity and undervalued the goods. During the examination, 4560 Pieces of Decorative Table Showpieces are mis-classified/mis-declared under CTH 39269099 & should be classified under CTH 94051100. 3000 Pcs. Plastic Pen Holders declared under CTH 39269099 are not found. 3696 Pcs. of Alarm Clocks declared under CTH 91051900 are found mis-declared in terms of quantity. 12,720 Pcs. of Empty Glass Cup are mis-classified/mis-declared under CTH 70133700 & should be classified under CTH 69120020 which attracts Anti-Dumping Duty (ADD) under Notification No. 59/2022-Cus. (ADD) dated 20.05.2022. 5 Pcs. of Blower made of bamboo are mis-classified under CTH 84145920 & should be classified under CTH 44191900. 2 Pcs. of Artificial Christmas Trees are mis classified under CTH 39269099 & should be classified under CTH 95051000. 13,395 Kg Screw declared under CTH 73181500 are found mis-declared in terms of quantity. 19,800 pcs. of Girls Night Suits declared under CTH 61083990 are found mis-declared in terms of quantity. 220 pcs. of Un-declared Items Wireless Karaoke Set should be

classified under CTH 85185000. Further, 36 pcs. of Un-declared Items Toiletry and makeup table should be classified under CTH should be classified under CTH 94037000. 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 and circumvent the regulations and compliance required for the import. As per valuation done by the Chartered Engineer, empanelled by the Government, the fair value of the goods, except item No. 19 of Table-III i.e. Wireless Karaoke Set, amounts to be Rs. 24,44,883/- in contrast to the declared assessable value as Rs. 13,20,988/-, resulting in the duty difference of Rs. 9,93,691/-. Therefore, importer's acts of mis-declaration and undervaluation of the dutiable goods, rendered the goods liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962.

12. Regarding the third issue, the imported goods namely "Wireless Karaoke Set" (Sr. No. 19 of Table-IV above) having the assessable value of Rs. 17,920 are covered under the "Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2021 and since no BIS licence/registration has been produced, the same are rendered as 'prohibited goods' for import into India. Hence, I find that the imported goods namely "Wireless Karaoke Set" (Sr. No. 19 of the table-IV above) is liable for confiscation under Section 111(d) of the Customs Act, 1962.

13. Regarding the fourth issue, the self-assessment done by the importer is liable to be rejected and the Z-Bill of Entry No. 5627779 dated 11.11.2025 needs to be re-assessed with differential duty of Rs. 9,93,691/- (Rs. Nine lakh ninety three thousand six hundred ninety one only) 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. 24,62,753/- in contrast to the declared assessable value as Rs. 13,20,988/-, resulting in the duty difference of Rs. 9,93,691/-(Rs. Nine lakh ninety three thousand six hundred ninety one only). 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.

14. Regarding the fifth issue, I find that importer has undervalued/mis-declared the imported goods to evade payment of duties, anti dumping duty and taxes by and circumvent mandatory requirement of BIS (for wireless karaoke set). This leads to the confiscation of goods (except wireless karaoke set) of assessable value of Rs. 24,44,883/- liable for confiscation under Section 111 (l) and 111(m) of the customs Act, 1962. This act of omission and commission on the part of importer has rendered themselves liable for penal action under Section 112 (a)(ii) of the Customs Act, 1962.

15. Further, the imported goods namely "Wireless Karaoke Set" (Sr. No. 19 of Table-IV above) having the assessable value of Rs. 17,920 are covered under the "Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2021 and since no BIS licence/registration has been produced, the same are rendered as 'prohibited goods' for import into India. Hence, I find that the imported goods namely "Wireless Karaoke Set" (Sr. No. 19 of the table-IV above) is liable for confiscation under Section 111(d) of the Customs Act, 1962 and this act of omission and commission by importer rendered themselves liable for penalty under Section 112(a)(i) of the Customs Act, 1962. Finally, 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.

16. 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. 13,20,988/-, of the misdeclared goods imported vide Z-Bill of Entry No. 5627779 Dated 11.11.2025 and order to re-determine the value of the goods as Rs. 24,62,753/-.

(ii) I Order to re-assess the Bill of Entry 5627779 dated 11.11.2025 with differential duty of Rs. 9,93,691/- under section 17(4) of the customs Act, 1962.

(ii) I order to confiscate the imported goods (except wireless karaoke set) having re-determined assessable value 24,44,883/- 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. 2,40,000/- (Rupees Two Lakh Forty Thousand only)**.

(iii) I order to confiscate the imported goods namely Wireless Karaoke Set having re-determined assessable value 17,920/- under Section 111(d) of the Customs Act, 1962. However, I give the importer an option under provision of Section 125(1) of the Customs Act, 1962, for the re-export purpose only, on payment of redemption fine of **Rs. 5,000/- (Rupees Five Thousand only)**.

(iv) I impose a penalty of **Rs. 90,000/- (Rupees Ninety Thousand only)** on M/s. Bluequan Solution u/s. 112 (a)(ii) of the Customs Act, 1962 for item no. 1 to 4 and 7 and 9.

(v) I impose a penalty of **Rs. 5,000/- (Rupees Five Thousand only)** on M/s. Bluequan Solution u/s. 112 (a)(i) of the Customs Act, 1962 for item no. 5, 6 and 8.

(vi) I impose a penalty of **Rs.50,000/- (Rupees Fifty Thousand only)** on M/s Bluequan Solution u/s 114AA of the Customs Act, 1962.

**15.** 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. Bluequan Solution (IEC: EOZPK3380A)**

**Flat No.1142, Sector-4C, Vasundhara,  
Ghaziabad-201012 (U.P.)**

Copy to:-

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