

	<p>प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, एमपी और एसईजेड, मुंद्रा, कच्छ-गुजरात - 370421  OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, MP &amp; SEZ MUNDRA, KUTCH-GUJARAT - 370421  EMAIL: group5-mundra@gov.in</p>	 <p>आज़ादी का अमृत महोत्सव</p>
A	File No.	CUS/APR/MISC/1386/2025-Gr 5-6-O/o Pr Commr-Cus-Mundra
B	Order-in-Original No.	MCH/ADC/ZDC/22/2026-27
C	Passed by	<b>Dipak Zala, Additional Commissioner, Custom House, Mundra</b>
D	Date of Order	10-04-2026
E	Date of issue	10-04-2026
F	SCN No. & Date	SCN No. 08/2025-26/ADC/AKM/Gr-V/MCH dated 11-04-2025
G	Noticee/Party/Importer/ Exporter	<b>M/s. Johnson Controls-Hitachi Air Conditioning India Limited (IEC-0888020503) address at Hitachi Complex, Karan Nagar, Kadi, Village, Mahesana-382727</b>
H	DIN No.	20260471MO000000CF95

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

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

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमा शुल्क 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 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“ सीमा शुल्क आयुक्त (अपील),

**7 वीं मंजिल, मृदुल टावर, टाइम्स ऑफ इंडिया के पीछे, आश्रम रोड़, अहमदाबाद 380 009”**

**“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA**

**Having his office at 7<sup>th</sup> Floor, Mridul Tower, Behind Times of India, Ashram Road, Ahmedabad-380 009.”**

3. उक्त अपील यह आदेश 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 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, सीमा शुल्क (अपील) नियम, 1982 और सीमा शुल्क 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.

### **Brief Facts of the Case:-**

M/s. Johnson Controls-Hitachi Air Conditioning India Limited (IEC-0888020503) having address at Hitachi Complex, Karan Nagar, Kadi, Village, Mahesana-382727 (hereinafter also referred to as "the importer" for the sake of brevity") has filed Bill of Entry No. 2518511 dated 11-03-2024 for the import of goods i.e. 4W CASSETTE- Parts for Air Conditioner covered under CTH 84159000 for home consumption.

The details are as below:

**Table:1**

BE No	BE Date	CTH	Invoice No.	Item No.	Item Desc	Qty (In NOS)	Assess Val (In RS.)	Duty @42.08% (BCD 10% SWS 10% of BCD and IGST 28%)* (In RS.)
2518511	11-03-24	84159000	1	4	4W CASSETTE 600X600 2.0 HP (5.6 KW)(ITEM CODE-RCIM-2.0FSREME) (PARTS FOR AIR CONDITIONER)	272	8123595.1	3418408.8
2518511	11-03-24	84159000	2	2	4W CASSETTE 600X600 2.5 HP (7.1 KW)(ITEM CODE-RCIM-2.5FSREME) (PARTS FOR AIR CONDITIONER)	15	463440.39	195015.72
2518511	11-03-24	84159000	1	3	4W CASSETTE 600X600 1.5 HP (4.0 KW)(ITEM CODE-RCIM-1.5FSREME) (PARTS FOR AIR CONDITIONER)	15	424820.36	178764.41
2518511	11-03-24	84159000	1	2	4W CASSETTE 600X600 1.0 HP (2.8 KW)(ITEM CODE-RCIM-1.0FSREME) (PARTS FOR AIR CONDITIONER)	15	422245.69	177680.99
					Total		9434101.6	3969870

2. CTH 84159000 covers "Parts of Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated" and attracts total duty at

the rate of 56.16 percent (BCD @20%, SWS @2% and IGST @28%). 10% Basic customs duty is applicable to "All goods other than indoor or outdoor units of split-system air conditioner" of CTH 8415 9000 vide sr. no. 449A of Notification 50/2017-cus.

3. During the analysis of the data of import made at Custom House, Mundra for the period Oct 2023 to March 2024, Audit observed that M/s Johnson Controls-Hitachi Air Conditioning India Ltd has filed Bill of entry no. 2518511 dated 11-03-2024 of assessable value INR 94.34 lacs for import of "4W CASSETTE 600X600 2.0 HP (5.6 KW) (ITEM CODE-RCIM 2.0FSREME) (PARTS FOR AIR CONDITIONER)" under CTH 8415 9000. The importer has paid duty at the rate of 42.08% (BCD 10% SWS 10% of BCD and IGST 28%) under sr. no. 449A of Notification 50/2017-cus ibid.

3.1 It is observed that the same importer has imported goods "UNIT - 5.0 HP 4-WAY CASSETTE WITH PANEL RCI-5.0FSKDN1Q (AIR CONDITIONER SPARE PARTS)" vide Bill of Entry 2513511 dated 11-03-2024 and paid duty @ 56.16% (BCD 20% SWS 10% of BCD and IGST 28%) and did not claim exemption notification mentioned above.

3.2 Audit further found that per unit price of "4W CASSETTE AIR PANEL RCIM 0,4-2,5 HP (ITEM CODE-P AP56NAM) (PARTS FOR AIR CONDITIONER)" which was imported vide same Bill of entry 2518511 was Rs. 3,776/- only, thus, the same qualified to be a part of Air Conditioner. Whereas, per unit price of subject imported goods are ranging from Rs.19,137/- to Rs.30,896/- which are higher to the goods imported vide Bill of Entry 2513511 dated 11-03-2024 wherein duty was paid @ 56.16% (BCD 20% SWS 10% of BCD and IGST 28%).

4. Therefore, imported goods 4W CASSETTE 600X600 2,0 HP (5,6 KW) appears to be an indoor unit of the air conditioner system. Thus, exemption availed under Sl.No. 449A of Notification 50/2017-cus on this item by treating it as parts for air conditioner under Sl.No. 449A of Notification 50/2017-cus was irregular.

5. In view of the above, it appears that imported goods i.e 4W CASSETTE 600X600 are an indoor unit of Air Conditioner. Thus, it appears that importer has wrongly availed the duty exemption vide sr. no. 449A of Notification 50/2017-cus. and short paid the duty of Rs. 13,28,321/-.

Details are as under:

**Table:2**

BE No	BE Date	CTH	Invoice No.	Item No.	Item Desc	Assess Val (In Rs.)	Duty @42.08% (BCD 10% SWS 10% of BCD and IGST 28%)* (In Rs.)	Duty applicable @56.16% (BCD 20% SWS 10% of BCD and IGST 28%) (In Rs.)	Duty Difference (@14.08%) (In Rs.)
2518511	11-03-24	84159000	1	4	4W CASSETTE 600X600 2.0 HP (5.6 KW)(ITEM CODE-RCIM-2.0FSREME) (PARTS FOR AIR CONDITIONER)	8123595.1	3418408.8	4562211	1143802
	11-				4W CASSETTE 600X600 2.5 HP (7.1				

2518511	03-24	84159000	2	2	KW)(ITEM CODE-RCIM-2.5FSREME) (PARTS FOR AIR CONDITIONER)	463440.39	195015.72	260268.12	65252
2518511	11-03-24	84159000	1	3	4W CASSETTE 600X600 1.5 HP (4.0 KW)(ITEM CODE-RCIM-1.5FSREME) (PARTS FOR AIR CONDITIONER)	424820.36	178764.41	238579.11	59815
2518511	11-03-24	84159000	1	2	4W CASSETTE 600X600 1.0 HP (2.8 KW)(ITEM CODE-RCIM-1.0FSREME) (PARTS FOR AIR CONDITIONER)	422245.69	177680.99	237133.18	59452
<b>Total</b>						<b>9434101.6</b>	<b>3969870</b>	<b>5298191</b>	<b>1328321</b>

6. Relevant Legal Provisions, in so far related to the facts of the case are as under:

### **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 28. 1[Recovery of 2[duties not levied or not paid or short levied or short- paid] or erroneously refunded.**

*(4) Where any duty has not been 10[levied or not paid or has been short levied or short-paid] or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of,*

- (a) collusion; or*
- (b) any wilful mis-statement; or*
- (c) suppression of facts,*

*by the importer or the exporter or the agent or employee of the importer or exporter; the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been 11[so levied or not paid] or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.*

### **[Section 28AA. Interest on delayed payment of duty.**

*(1) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made thereunder; the person, who is liable to pay duty in accordance with the provisions of section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub-section*

*(2), whether such payment is made voluntarily or after determination of the duty*

*under that section. (2) Interest at such rate not below ten per cent. and not exceeding thirty-six per cent. per annum, as the Central Government may, by notification in the Official Gazette, fix, shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty.*

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

*(4) The importer while presenting a bill of entry shall 12 [\* \* \*] 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, 13 [and such other documents relating to the imported goods as may be prescribed].*

*14 [(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. (m)**

*2[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 3 [in respect thereof, or in the case of goods under trans-shipment, with the declaration for trans-shipment referred to in the proviso to sub-section (1) of section 54];*

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

*(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)..... shall be liable,*

*2 [(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.*

#### **[Section 114A. Penalty for short-levy or non-levy of duty in certain cases. –**

*Where the duty has not been levied or has been short-levied or the interest has not been charged or paid or has 2 [\*\*\*\*]been part paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, as the case may be, as determined under 3 [sub-section (8) of section 28] shall also be liable to pay a penalty equal to the duty or interest so determined:*

7. With the introduction of self-assessment under Section-17, more faith is bestowed on the importer, as the practices of routine assessment, concurrent audit etc. have been dispensed with. As a part of self-assessment by the importer, they have been entrusted with the responsibility to correctly self-assess the duty. However, in the instance case, the

importer intentionally abused this faith placed upon them by the law of the land. Therefore, it appears that the importer has wilfully violated the provisions of Section 17(1) of the Act in as much as Importer has failed to correctly self-assess the duty on the impugned goods and has also wilfully violated the provisions of sub-section (4) and (4A) of Section 46 of the Act. Therefore, the goods having assessable value of Rs. 94,34,102/- (Ninety four lakh thirty four thousand one hundred two only) imported vide the Bill of Entry No. 2518511 dated 11-03-2024 appears liable for confiscation under Section 111(m) of the Customs Act, 1962.

8. Whereas it appears that the Importer has not paid the applicable duty which has resulted into short payment of duty of Rs. 13,28,321/ (Rupees Thirteen Lakh Twenty Eight Thousand Three Hundred Twenty One Only) which is required to be recovered from the importer under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Act. For such act of omission and commission, the importer has rendered themselves liable to penalty under Section 114A of the Customs Act, 1962.

9. Now, therefore, M/s. Johnson Controls-Hitachi Air Conditioning India Limited (IEC-0888020503) are hereby called upon to show cause to the Additional Commissioner of Customs, Import Assessment, Custom House, Mundra, having office at 103, 1st Floor, PUB Building, 5B, Mundra (Kutch) Gujarat-370 421, as to why:

*I. The above said goods having assessable value of Rs. 94,34,102/- (Ninety four lakh thirty four thousand one hundred two only) should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962;*

*II. Differential duty amounting to Rs. 13,28,321/- (Rupees Thirteen Lakh Twenty Eight Thousand Three Hundred Twenty One Only) for the said goods imported vide above said Bill of Entry should not be recovered under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962.*

*III. Penalty should not be imposed upon them under Section 114A of the Customs Act, 1962*

#### **PERSONAL HEARING AND WRITTEN SUBMISSIONS:**

10. The above Show Cause Notice No. 08/2025-26/ADC/AKM/Gr-V/MCH dated 11-04-2025 vide File No. CUS/APR/MISC/1386/2025-Gr 5-6-O/o Pr Commr-Cus-Mundra was issued to M/s. Johnson Controls-Hitachi Air Conditioning India Limited **for denying claim of exemption Notification** for imported goods, recovery of differential duty along with interest and imposition of penalty under the relevant provisions of the Customs Act, 1962. In response the Show Cause Notice issued under Section 28 of the Customs Act, 1962 to the importer submitted differential duty along with interest and penalty which details are as under:

Sl. No.	Type of Payment	Amount	Challan No.	Challan Date
1	Differential Duty	1328321	1917191507	07-05-2025
2	Interest	230958	1799818472	07-05-2025
3	Penalty	199248	3167073893	07-05-2025

11. In order to comply with the principles of natural justice, an opportunity for personal hearing was granted to the noticee vide letter dated 09-02-2026 for fixing the hearing on 19-02-2026. Importer vide letter dated 10-02-2026 has submitted that Duty demand has been already paid and pass the OIO for closure of the SCN. Accordingly, I proceed to decide the case on the basis of the facts on record and evidences available in the case file.

#### **DISCUSSIONS AND FINDINGS:**

12. I have carefully gone through the records of the case and the allegations made in the Show Cause Notice dated 11-04-2025 issued under Section 28(4) of the Customs Act, 1962. An opportunity of Personal Hearing was granted to the noticee vide letter dated 09-02-2026. Importer vide letter dated 10-02-2026 has submitted that Duty demand has been already paid and pass the OIO for closure of the SCN. I therefore find that sufficient opportunity as required under Section 122A of the Customs Act, 1962 has been provided and the principles of natural justice have been complied with.

13. After carefully considering the facts of the case and written submissions made by the Noticee, I find that after issuance of Show Cause Notice on 11.04.2025, the Importer M/s. Johnson Controls-Hitachi Air Conditioning India Limited paid Rs. 13,28,321/- as differential duty vide challan dated 07-05-2025, interest amounting to Rs. 2,30,958/- on 07-05-2025 and penalty amounting to Rs. 1,99,248/- on 07-05-2025. Accordingly, M/s Johnson Controls-Hitachi Air Conditioning India Limited requested to conclude the proceedings under Section 28(6) of the Customs Act, 1962.

14. Sections 28(5) and 28(6) of the Customs Act, 1962 deal with the conclusion of the proceedings initiated under Section 28(4) of the Customs Act, 1962 and the same are reproduced below:

*“28(5) Where any duty has not been levied or not paid or has been short- levied or short paid or the interest has not been charged or has been part-paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts by the importer or the exporter or the agent or the employee of the importer or the exporter, to whom a notice has been served under sub- section (4) by the proper officer, such person may pay the duty in full or in part, as may be accepted by him, and the interest payable thereon under section 28AA and the penalty equal to fifteen per cent. of the duty specified in the notice or the duty so accepted by that person, within thirty days of the receipt of the notice and inform the proper officer of such payment in writing.*

*28(6) Where the importer or the exporter or the agent or the employee of the importer or the exporter, as the case may be, has paid duty with interest and penalty under sub-section (5), the proper officer shall determine the amount of duty or interest and on determination, if the proper officer is of the opinion-*

*(i) that the duty with interest and penalty has been paid in full, then, the proceedings in respect of such person or other persons to whom the notice is*

*served under sub-section (1) or sub-section (4), shall, without prejudice to the provisions of sections 135, 135A and 140 be deemed to be conclusive as to the matters stated therein; or*

*(ii) that the duty with interest and penalty that has been paid falls short of the amount actually payable, then, the proper officer shall proceed to issue the notice as provided for in clause (a) of sub-section (1) in respect of such amount which falls short of the amount actually payable in the manner specified under that sub-section and the period of two years shall be computed from the date of receipt of information under sub-section (5).”*

15. I find that the facility of conclusion of the proceedings under Section 28(6) of the Customs Act, 1962, is available subject to two conditions stipulated in Section 28(5) *ibid*, i.e. (i) payment of duty, interest & 15% penalty within 30 days of the receipt of the notice, and (ii) informing the proper officer of such payment in writing. Show Cause Notice was issued to M/s Prime Enterprise along with other noticees on 01.01.2025. I find that the importer had paid Rs. 82,93,510/- as differential duty vide challan dated 21.11.2024 during course of investigation and paid interest amounting to Rs. 4,95,000/- and penalty (15% of duty demanded in SCN) amounting to Rs. 12,45,000/-, on 18.01.2025 (within 17 days of SCN) and informed the said payments to Adjudicating Authority on 18.01.2025 itself. Thus the importer has made the payment of differential Custom duty, applicable interest and penalty equivalent to 15% of differential duty amount within the prescribed period of 30 days from the date of receipt of the SCN and has also intimated about the aforesaid payments. Thus, I find that the importer has fulfilled the conditions of Section 28(5) of the Customs Act, 1962. Hence, I find that the instant proceedings against main noticee i.e. M/s Johnson Controls-Hitachi Air Conditioning India Limited are fit for conclusion in terms of Section 28(6)(i) *ibid*. Further, the proceedings against other noticees are also deemed concluded as per Section 28(6)(i) of the Customs Act, 1962. The relevant portion is produced below:

*(6) Where the importer or the exporter or the agent or the employee of the importer or the exporter, as the case may be, has paid duty with interest and penalty under sub-section (5), the proper officer shall determine the amount of duty or interest and on determination, if the proper officer is of the opinion —*

*(i) that the duty with interest and penalty has been paid in full, then, the proceedings in respect of such person or other persons to whom the notice is served under sub-section (1) or sub-section (4), shall, without prejudice to the provisions of sections 135, 135A and 140 be deemed to be conclusive as to the matters stated therein;*

16. There is one issue which I would like to address here. The present SCN invokes demand under Section 28 as well confiscation of seized goods under Section 111 and imposition of redemption fine under Section 125. Earlier, there was a clarification by way of Circular No. 11/2016 dated 15.03.2016 which stated that while deemed conclusion was allowed under Section 28 for both main notice and other co-noticees, cases involving seizure of goods under Section 110 of the Customs Act or cases where confiscation provisions were invoked would be out of purview of deemed conclusion. The Circular was however held to be non-binding and Hon'ble Tribunal in a number of cases, cited in defence - 1. Krishna Capital v/s Commissioner of Customs, Hon'ble CESTAT Delhi, 2. Rohit Sakhuja vs New Delhi (ICD TKD), Hon'ble CESTAT Delhi and 3. M/s Damani Shipping Pvt. Ltd. Vs Commissioner of Customs (Import-I), Hon'ble CESTAT, Mumbai, have allowed deemed conclusion for cases where both Section 28 and confiscation and imposition of fine under Section 125 had been invoked.

17. The provisions related to confiscation as existed at that time of issue of the aforesaid Circular of 2016 including provisions under Section 125 have since been amended in vide Finance Act, 2018 and Finance Act (No. 2) Act, 2019 effective from 01.08.2019 to make it clear that if the proceedings have been deemed to be concluded under the proviso to section 28[2] or section 28[6][i], then no fine shall be imposed in lieu of confiscation provided the goods are not prohibited or restricted. In other words, full deemed conclusion under Section 28 is allowed for both main noticee and co-noticees even if confiscation provisions have been invoked in a SCN. The proviso inserted in Section 125 is below:-

*“Section 125*

*(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 hereof 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 1 [or, here 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, [no such fine shall be imposed].”*

17.1 Now the imported goods in the present case - (PARTS FOR AIR CONDITIONER) – are neither restricted nor prohibited and hence under the newly inserted proviso, no fine is to be imposed and therefore deemed conclusion under Section 28 is allowed for noticee M/s

Johnson Controls-Hitachi Air Conditioning India Limited. I order accordingly.

18. In view of the foregoing discussion and findings recorded hereinabove, I pass the following order:

**ORDER**

19. The proceedings under SCN No. 08/2025-26/ADC/AKM/Gr-V/MCH dated 11.04.2025 hereby deemed concluded in terms of Section 28(6)(i) of the Customs Act, 1962.

20. This order is issued without prejudice to any other action that may be taken against notice/importer or any other person(s) under the provisions of the Customs Act, 1962 and rules/regulations framed there under or any other law for the time being in force in the Republic of India.

Zala Dipakbhai Chimanbhai  
ADDITIONAL COMMISSIONER  
Additional Commissioner  
Import Assessment Group-5,  
Custom House, Mundra

**To,**  
**M/s. Johnson Controls-Hitachi Air Conditioning India Limited**  
**(IEC-0888020503) having address at Hitachi Complex, Karan**  
**Nagar, Kadi, Village, Mahesana-382727**

**Copy to:**

1. The Deputy Commissioner of Customs, Review Section, Custom House, Mundra.
2. The Deputy Commissioner of Customs, TRC, Custom House, Mundra.
3. The Deputy Commissioner of Customs, EDI, Custom House, Mundra
4. The Deputy Commissioner of Customs, Audit, Custom House, Mundra
5. Office copy.