कार्यालय: प्रधान आयुक्त सीमाशुल्क, मुन्द्रा,
सीमाशुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS:
CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT-370421.
PHONE : 02838-271426/271163 FAX :02838-271425
E-mail id- adj-mundra@gov.in

A	**FILE NO.** फ़ाइल संख्या	GEN/ADJ/ADC/969/2024-Adjn-O/o Pr Commr-Cus-Mundra
B	**OIO NO.** आदेश संख्या	MCH/ ADC/ ZDC/192/2026-27
C	**PASSED BY** जारीकर्ता	Dipak Zala, Additional Commissioner of Customs/अपर आयुक्त सीमा शुल्क, Custom House, Mundra/कस्टम हाउस, मुंद्रा।
D	**DATE OF ORDER** आदेश की तारीख	16.06.2026
E	**DATE OF ISSUE** जारी करने की तिथि	16.06.2026
F	**SCN No. & Date** कारण बताओ नोटिस क्रमांक	GEN/ADJ/ADC/969/2024-Adjn-O/o Pr Commr-Cus-Mundra dated 03.06.2024
G	**NOTICEE/ PARTY/ IMPORTER** नोटिसकर्ता/पार्टी/आयातक	**(i)** M/s. Hiralal Exim (IEC- BYGPK7845E) **(ii)** M/s Shri Imran Karimbhai Makwana **(iii)** Shri Amit Kumar Mishra **(iv)** M/s. Aspire Logistics Pvt Ltd **(v)** Shri Yogesh Kondappa **(vi)** Shri Prince Priydarshi

1. यह आदेश संबन्धित को नि:शुल्क प्रदान किया जाता है।
This Order - in - Original is granted to the concerned free of charge.

2. यदि कोई व्यक्ति इस आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा 128 के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते परअपील कर सकताहै-
Any person aggrieved by this Order - in - Original may file an appeal under Section 128 of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

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

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

3. 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 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 ड्यूटि/ 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 सीमाशुल्क अधिनियम, 1962 के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।

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

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

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

BRIEF FACTS OF THE CASE

M/s. Hiralal Exim (IEC- BYGPK7845E)(*herein referred* to as *as the importer*) having address as First Floor, Shop No.04, Sardar Chowk, Amar Nagar Road, JETP, Rajkot-360370, is engaged in the smuggling of Areca Nuts by way of concealment in the import consignment of PP Plastic Regrind from UAE at Mundra Port.

Intelligence gathered by the Directorate of Revenue Intelligence, Gandhidham indicated that M/s. Hiralal Exim was engaged in the smuggling of Areca Nuts by way of concealment in the import consignment of PP Plastic Regrind from UAE. Intelligence further indicated that M/s. Hiralal Exim had filed Bill of Entry No. 6184468 dated 30.05.2023 for the clearances of the import goods at Mundra Port. The declared description of the goods in the said import consignment was 'PP Plastic Regrind (Non Hazardous)' classified under HS Code 39021000 and imported through container bearing No. HLBU1840160 and HLBU3311398.

2. Acting upon intelligence the import consignments covered under Bill of Entry 6184468 dated 30.05.2023 were put on hold and examination of the goods was carried out by the officers of Directorate of Revenue Intelligence and the officers of SIIB, Mundra Customs House under panchnamas dated 10.06.2023 . The examination of the goods pertaining to Container No. HLBU1840160 and HLBU3311398 was carried out at M/s. All Cargo CFS, Mundra, Gujarat.

The details of the import consignment is as follows,

Bill of Lading No.	HLCUDX3230513310 dated 22.05.2023		
Shipper	M/s Polytech Middle East FZE, PO., BoX, 7072, Business Centre, Al Shmookh Building UMM Al Quwain United Arab Emirates		
Invoice No.& Dt.	AE/2023/5106 dated 20.05.2023		
Importer & IEC	M/s. Hiralal Exim, First Floor, Shop No.04, Sardar Chowk, Amar Nagar Road, JETP, Rajkot (IEC-BYGPK7845E)		
B/E & Dt.	6184468 dated 30.05.2023		
Declared description of the goods declared	PP Plastic Regrind (Non-Hazardous), H.S code: 39021000		
Container No.	Seal No.	Packages declared	Nt.wt. In M.ton
HLBU3311398	MS5139462	703 Bags	24.45

HLBU1840160	MS5139461	688 Bags	25.53

3. During examination of the import consignment covered under Bill of Entry No. 6184468 dated 30.05.2023, it was gathered that the seal cutting permission was taken before the SIIB alert for examination by docks officers. Both the container was found to have Jumbo Bags in front side and the jute bags of grey colour were visible between the Jumbo Bags. On unloading of Jumbo Bags from both the container it was found that both containers were found to be stuffed with 8 Jumbo bags which appears to be stuffed with waste/scrap of plastic which appears to be flakes of plastic material having dirt over. Further it was seen that both the containers were stuffed with the jute bags behind the jumbo bags. The jute bags from both the containers were placed in the warehouse in such a manner that the bags remain accessible and goods inside can be examined easily. Jute bags was cut and it was found that all of the jute bags were stuffed with Areca Nut. The container No. HLBU3311398 was found to be stuffed with 255 jute bags and the container No. HLBU1840160 was found to be stuffed with 256 Jute bags. Weight of one jute bags was found to be 81.8 Kg and that of empty jute bags was found to be 1.8 Kg. The summary of the goods found during examination as are summarized as under;

Container No.	Weight of Plastic waste (including pkg. material)	Weight of Areca Nuts/ (including pkg. material)	Net Weight of Areca Nuts (Excl. pkg. material weight 1.8 Kg/Box)
HLBU3311398	4290 Kgs/ 8 Jumbo Bags	20859 Kgs/ 255 Jute Bags	20400 Kgs
HLBU1840160	4530 Kgs/8 Jumbo Bags	20940.8/256 Jute Bags	20480 Kgs
Total	**8820 Kgs/ 16 Jumbo Bags**	**41799.8/511 Jute Bags**	**40880 Kgs**

The Areca Nucts were found concealed in the import consignment of declared goods 'PP Plastic Regrind (Non Hazardous). The total above quantity of 40.88 MT Areca Nuts (CTH 080280) was the item importable at fixed values called "Tariff Values", under Notification issued under Section 14(2) of the Customs Act, 1962 by the Board, If the tariff values are fixed for any goods, ad valorem duties thereon are required to be calculated with reference to such tariff values only following Rule 2 of the Customs Valuation Rules 2007 and not at the "transaction values" as specified vide Rule 3(i) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Hence, the importer tried to avoid the

correct tariff value was USD 10379 per Metric Ton, as per the applicable Notification No. 34/2023-CUSTOMS (N.T.) New Delhi, 15th May, 2023, issued under Section 14(2) of the Customs Act 1962**.**

4. Since the above mentioned 41799.8 MTs (Gross Weight) of Areca Nut were not declared in the Bill of Entry No. 6184468 dated 30.05.2023, there existed reasonable belief that the same were liable for confiscation under the provisions of the Customs Act, 1962. Thus, the said 41799.8 MTs gross weight (Net Weight 40880 Kg) of Areca Nut and 8820 Kg of Plastic Waste stuffed in the container No. HLBU3311398 and HLBU1840160 were placed under seizure under section 110 of the Customs Act, 1962 vide Seizure Memorandum dated 13.06.2023 (DIN-20230671MO0000000D4A). The seized consignment was handed over to the custodian M/s All Cargo CFS, Mundra under Supartnama dated 13.06.2023**.**

5. Pursuant to the above, searches/examination were conducted by the officers of DRI at following premises

5.1 The search at the premises of M/s Hiralal Exim, First Floor, Shop No.04, Sardar Chowk, Amar Nagar Road, JETP, Rajkot (IEC-BYGPK7845E) could not be executed, the premises were found locked as informed by DRI, Jamanagar Regional Unit vide letter dated 26.06.2023.

5.2 Office premises of CHA firm M/s Aspire Logistics, Pvt. Ltd., Plot No. 89, Suraj Nagar, Mundra, Kutch- 370421 by the team of DRI Officers under the Panchnama dated 23.06.2023.

5.3. Search at Mumbai based office premises of CHA firm M/s Aspire Logistics, Pvt. Ltd., 2nd Floor, No. 211, Warehouse Complex, Plot No. 165-174, Sector, 19C, Opposite Masala Market, Vashi, Navi Mumbai- 400705 by the team of DRI Officers under the Panchnama dated 24.06.2023**.** During the search operation one person named Shri Haroon Shaikh who introduce himself as branch manager of M/s Aspire Logistics informed the officers that the Director of M/s Aspire logistics are Shri Palanisamy Prasad and Shri Palani Murali both from Chennai, Tamil Nadu. Shri Haroon further told that he looked after the Customs Clearance work for the goods imported/ exported from Mumbai and Gujarat ports. He himself told that the he looks after the Customs Clearance work in Mumbai and for the Customs Clearance work at Mundra Port, he appointed Shri Yogesh Kondapa. During the search proceedings he told the officers that Shri Yogesh Kondapa told him about

the examination of the container found concealed with Areca Nut pertaining to importer M/s Hiralal Exim imported by Bill of Entry No. 6184468 dated 30.05.20223. Shri Amit Kumar Mishra gave the documents for the said import to Shri Prince partner of Shri Yogesh Kondappa for filing the Bill of Entry in the name of M/s Hiralal Exim for the clearance of Areca Nut by mis-declaring the same. Shri Haroon Shaikh further told the officers that his Dubai based representative met the supplier Shri Imran Karimbhai Makwana, it was gathered that the M/s Polytech Middle East FZE, UAE and M/s Jaliyan Polymers are related parties.

5.4 Visit Note dated 04.07.2023 at the premises of M/s Anmol Enterprises, Address Nehru Nagar, 2/4, Near Khoja Hall, Raiya Road, Rajkot, Gujarat. During the visit it was found that the premises was residence of Shri Imran Karimbhai Makwana mastermind who supplied the areca nut to M/s Hiralal Exim and others.

6. Further, the facts of statements of persons whose statements were recorded have been mentioned in the Show Cause Notice and the records of statements thereof have been attached to Show Cause Notice as RUDs. For sake of brevity contents of statements of such persons are not produced hereunder. The details of the persons whose statements were recorded are as under: -

- Statement of Shri Amit Kumar Mishra, H-card holder of M/s Shree Jogni Enterprises, Custom Broker, was recorded on 14.06.2023, 23.06.2023, 24.06.2023 and 25.06.2023 under section 108 of the Customs Act.

- Statement of Shri Kondappa Yogesh Aged- 25 Years H-card holder of Mis Aspire Logistics Pvt Ltd, Custom Broker was recorded on 14.06.2023, 26.06.2023 under section 108 of the Customs Act.

- Statement of Shri Kunpara Divyesh Hiralal, Son of Shri Hiralal Laljibhai Kunpara Aged-31 Years, Proprietor of M/s Hiralal Exim was recorded on 03.07.2023 under section 108 of the Customs Act.

- Statement of Shri Haroon Sharapuddin Shaikh, G-Card Holder, M/s Aspire Logistics Pvt. Ltd., Mumbai Branch, was recorded on 26.06.2023 under section 108 of the Customs Act.

- Statement of Shri Chavada Kishorsinh Karubha, Son of Shri Karubha Shivba Chavada, Aged-28 Years, Employee of M/s. PYD Shipping was recorded on 23.06.2023 under section 108 of the Customs Act.

- Statement of Shri Prince Priydarshi, Aged- 25 Years was recorded on 03.07.2023 under section 108 of the Customs Act.

- Statement of Shri Nitish Kumar Mishra was recorded on 22.07.2023 under section 108 of the Customs Act.

7. Summons vide DIN No. CBIC-DIN- 202306DDZ10000555B80 dated 24.06.2023, 202307DDZ1000000BC48, dated 05.07.2023, 202307DDZ1000000F196 dated 18.07.2023, 202308DDZ100004143E4 dated 04.08.2023 and 202306DDZ1000000A8F0 dated 26.08.2023 were issued to the Shri Imran Karimbhai Makwana, Partner of M/s Jaliyan Polymers and M/s Anmol Enterprises and closely related to M/s Hiralal Exim, also the supplier of Areca Nut to get the required details/documents and her version in the matter, and to appear before investigating officer, but no response was received from him against the Summons but he have opted for not responding to the same and deliberately avoided their appearance in contravention of the provisions of Section 108(3) of the Customs Act, 1962 to intentionally obstruct the inquiring officer in the exercise of the powers conferred in him under the provisions of Section 108 of the Customs Act, 1962.

8. Finding of the Investigation:

8.1 The investigation carried out so far has revealed that Shri Imran Karimbhai Makwana is one of the main culprit, potential beneficiary and the mastermind of the smuggling racket. Shri Imran Karimbhai Makwana is engaged in importing high value and higher duty goods involving mis-declaration on successive imports. It is gathered that Shri Imran Karimbhai Makwana runs partnership firms, either in partnership or in the someone else's name, like M/s Jaliyan Polymers, M/s Hiralal Exim and M/s Anmol Enterprise. Further, Shri Imran Karimbhai Makwana also set up firms in UAE and himself used to export the high value and high duty involving goods like Areca Nut by concealing the same with declared goods i.e. PP Plastic Regrind to evade the Customs Duty.

8.2 Acting upon intelligence, 100% examination of the goods imported by the partnership firm vide Bill of Entry No. 6184468 dated 30.05.2023 was carried by the officers SIIB, Mundra and DRI, Gandhidham on 10.06.2023 at M/s. All Cargo CFS, Mundra in the presence of representatives of the importer firm, Customs Broker and the warehouse Unit. During examination total 40880 MTs of Areca Nuts whole/splits (CTH 080280) were found concealed in the said import consignment alongwith approximate quantity of 8.82 MTs of PP Plastic waste. The investigation revealed that the seal cutting permission was obtained from the Docks officer, Customs House Mundra for the examination of the subject cargo on 06.06.2023.

8.3 The investigation further revealed that the proprietor Shri Kunpara Divyesh Hiralal of firm M/s Hiralal Exim had lended his IEC to Shri Imran Karimbhai Makwana for the import of cargo from Dubai on assurance of giving Rs. 20000/- per container. Shri Kunpara Divyesh Hiralal met Shri Imran Karimbhai Makwana through his father who was posted in Gujarat Police in the village of Shri Imran Karimbhai Makwana. Shri Kunpara further revealed that Shri Imran himself arranged the Customs Broker for the clearance of subject cargo and he was not aware for whom the subject cargo was finalized to deliver. Shri Imran used the IEC of M/s Hiralal Exim for the import of Areca Nut by concealing the same with PP Plastic regrind to evade the Customs Duty. The shipper M/s Polytech Middle East is owned by Shri Imran Karimbhai Makwana.

8.4 Shri Kondappa Yogesh, H-card holder of M/s Aspire Logistics Pvt. Ltd, Customs Broker who filed the Bill of Entry for the clearance of the subject cargo stated in his statement that he has one forwarder firm by the name M/s PYD Shipping Logistics. The clearance work related to the subject cargo was approached to his partner Shri Prince through Shri Amit Kumar Mishra accomplice of Shri Imran Karimbhai Makwana. .On the directions of Shri Imran he provided the relevant documents to Shri Amit Kumar Mishra for clearance of the consignment. Shri Kishor employee of Shri Kondappa informed that the seal cutting permission for the cargo covered under Bill of Entry No. 6184468 dated 30.05.2023 pertaining to M/s Hiralal Exim was obtained on 06.06.2023. The officer and he noticed Jumbo bags in front of both the containers, the officers instructed to empty both the containers. Thereafter he conveyed the instructions made to him by officer to Shri Prince who in turn told him to do as per the instruction of the officer. While emptying the container Shri Kishor noticed Jute Bags at the backside of jumbo bags and found that the jute bags were stuffed with the Areca/Betel Nut. On noticing the same he told about the concealment to Shri Prince who in turn informed about the concealment to Customs Officer.

8.5 Shri Amit Kumar Mishra has stated that one person met him at Mundra and introduced himself as Ramesh bhai who posed himself as an importer and asked him to help him in importing and clearing PP regrind at Mundra Port; that he shared his mobile no. with him and the next day one person called him on whatsapp and introduced himself as Shri Imran Karimbhai and told him that both the firms M/s Jaliyan Polymers and M/s Hiralal Exim were his (Imran) firms and

that they were importing 3 containers of PP regrind as told by Shri Ramesh bhai and he would send him (Amit Mishra) the documents of the said containers. Shri Amit Kumar Mishra further stated that he contacted his cousin Shri Nitesh Mishra H- card holder of M/s NG Pillai a Customs Broker firm; that Shri Nitesh Mishra contacted Shri Prince Priydarshi of M/s Aspire Logistics and who told his cousin Shri Nitish that Rs.33500/- per container will be charged as expenses for the clearance of the said 3 containers. He further stated that he received of Rs. 9,96,000/- on 08.06.2023 through Angadia for payment of duty for cargo imported by M/s Hiralal Exim vide Bill of entry no. 6184468 dated 30.05.2023; that the said money was sent by Shri Imran Karim bhai and the same was to be handed over to Shri Prince Priydarshi for depositing the duty for cargo imported by M/s Hiralal Exim vide Bill of Entry no. 6184468 dated 30.05.2023. He further stated that he further gave the said money of Rs. 996000/- to Shri Satish Maheshwari of a Custom Broker Continental Shipping, Mundra on 09.06.2023 as Shri Satish Maheswari threatened him that the said importers are his client asked him to provide him the said money.

8.6 Shri Amit Kumar Mishra admitted in his statement that **he was fully aware with the concealment of Areca Nuts** in the import consignments of the said three containers; that Shri Imran called him on whatsapp on 28/29.05.2023 and informed him that they will stuff 80% Areca Nut and 20% PP regrind in each of the three containers FFAU114266, HLBU1840160 and HLBU3311398 imported vide Bill of entry No. 6184466 dated 30.05.2023 by M/s. Jaliyan Polymers and Bill of entry No. 6184468 dated 30.05.2023 by M/s. Hiralal Exim at Mundra Port. Shri Imran offered Rs.13,50,000/- per container to him for getting the containers stuffed with Areca Nut/Betel Nut cleared through Customs; that the said money was to be paid after the delivery of the Cargo to the place to be decided by Shri Imran; that the Customs duty for clearance of the declared cargo was to be paid separately; that he agreed with the offer of Shri Imran. Shri Amit Kumar Mishra stated that he was present during the examination of the goods at Mundra Port also. He stated that he was aware with the applicable Customs Duty on the imported Areca Nuts as the Notification No. 34/2023 Customs dated 15.05.2023 which was $10379 per Metric Ton under CTH 080280 of Areca Nuts.

8.7 It is to noted that Areca Nuts splits (CTH 080280) is an item taxable at fixed values which are called “Tariff Values”, under Notification issued under Section

14(2) of the Customs Act, 1962 by the Board, If the tariff values are fixed for any goods, ad valorem duties thereon are required to be calculated with reference to such tariff values only following Rule 2 of the Customs Valuation Rules 2007 and not at the "transaction values" as specified vide Rule 3(i) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Hence, to avoid the correct tariff value which was USD 10,379/MT, as per the applicable Notification No. 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962, the importer has sought clearance of the import goods by mis-declaring the description, quantity, value etc of the import goods. The declared value in the Bills of Entry was just USD 540/MT. Further the product Areca nut correctly classifiable under CTH 080280 is attracting much higher Customs Duty rate (of 110%) than the declared item, PP Regrind (CTH 39021000) assessable at 7.5% duty ad valorem, thus the above mis-declaration has also resulted in far lower duty assessment under Section 17 of the Customs Act 1962. The act of the importer and his accomplices in suppressing the actual details, value, classification etc. of the Import Consignment, on each of the import documents like IGM, Sale Invoice, Packing List, B/E, B/L & COO was aimed at evasion of the applicable Customs Duty estimated to be around **Rs. 3,88,78,015/-**. The item Areca Nut is not produced in UAE, hence the COO submitted for the said consignment also appears to be fabricated. The same might have been submitted by the importer before Customs authorities in order to hide actual COO of the goods. On being found reasonable belief that the aforementioned import goods are liable of confiscation under Section 111, 118 and 119 of the Customs Act, 1962, the same were placed under seizure by the officers of DRI invoking Section 110 of the Customs Act, 1962.

8.8 In the instant case of import, Areca Nuts have been attempted to be imported under the pro-rata CIF value of Rs.54/- per Kg in the subject Bill of Entry against the MIP of Rs. 351/Kilogram specified by the EXIM Policy. Thus, the whole live consignment of 40.88 MTs of Areca Nut is rendered "Prohibited goods" for import under the existing EXIM policy. Therefore, the above goods being the "Prohibited Goods" as defined under Section 2(33) of Customs Act, 1962 and being the goods imported without due compliance with the Policy provisions, were also found liable to be categorized as "Smuggling" within the meaning of Section 2(39) of the Customs Act, 1962.

8.9 Thereafter, it was gathered that Shri Imran Karimbhai Makwana has also exported the Areca Nut from Dubai to M/s Jaliyan Polymers and M/s Anmol Enterprises which were found to be related to Shri Imran Karimbhai Makwana. Shri Imran Karimbhai Makwana followed the same modus operandi of mis-declaring same as 'PP Plastic Regrind'. Three containers of these two firms were also examined and on examination Areca nut was found concealed with declared goods. Examination of a total of five containers related to three firms (M/s Jaliyan Polymers, M/s Hiralal Exim and M/s Anmol Enterprise) led to the recovery of **98.54 MTs of Arecanut valued at approx. Rs. 8.52 crore**, which were being attempted to be smuggled to the country.

8.10 Shri Pravinbhai Barvadiya, partner of M/s Jaliyan Polymers, Shri Imran Karimbhai Makwana and accomplice Shri Amit Kumar Mishra have played a pivotal role in the smuggling of high value goods on documents having incomplete/false material particulars. Shri Pravinbhai Barvadiya, partner of M/s. Jaliyan Polymers stated that their firm is engaged in manufacturing of HDPE Granules from HDPE Regrind. They started this firm in August, 2022 and imported first consignment of HDPE Regrind in the month of November, 2022. Till date they have imported approximately 7 consignments. Shri Pravinbhai looks after the work related to production and sales of the HDPE Granules, whereas his partner Shri Imran Karimbhai Makwana who mostly resides in Dubai, looks after purchase related work. He procures HDPE Regrind from Dubai and manages to ship the same to their firm at Kagvad, Virpur. Their firm is also engaged in trading of PP plastic regrind.

8.11 From the above, it is also apparent that Shri Imran Karimbhai is one of the partners in the importing firm M/s. Jaliyan Polymers and M/s Anmol Enterprise, and also illegally used the IEC of M/s Hiralal Exim. He alongwith his accomplices, used to import Arecanuts, illegally by way of concealing the same in the other declared goods such as PP Plastic Regrind.

8.12 It is also to be mentioned that during investigation, Shri Pravinbhai Barvadiya and Shri Amit Kumar Mishra were arrested on 25.06.2023 for violations of the provisions of the Customs Act, 1962. They were thereafter produced before Hon'ble CJM Court, Mundra on 25.06.2023 and considering the facts and

evidences on record, role and culpability of the two accused vis-à-vis the violations committed, the Hon'ble CJM Court, Mundra ordered for their judicial custody. Upon application for bail with the Hon'ble CJM court Mundra, the same came to be rejected after considering the departments' plea. Consequently, the two accused had filed bail applications before the Hon'ble Sessions Court of Bhuj on 03.07.2023, which were also rejected again by the Hon'ble Sessions Court vide judgement dated 17.07.2023,

8.13 Shri Imran Karimbhai Makwana had filed Anticipatory Bail Application No. 1000/2023 on 06.09.2023 against the DRI, Gandhidham, Regional which came to be dismissed vide order dated 23.09.2023, of Hon'ble Additional Sessions Judge Bhuj Kutch. Overall it is clear that the Shri Imran Karimbhai Makwana has dishonoured various summons and tried to misuse the legal remedies, instead of joining in the investigation. Further the DRI has filed criminal complaint under Sections 174, 175, 176 and 228 of Indian Penal Code, 1860 before the additional Chief Judicial Magistrate, Gandhidham on 03.01.2024.

9. Confiscation of goods: - M/s. Hiralal Exim filed Bill of Entry No. 6184468 dated 30.05.2023 of declared goods as "PP Plastic Regrind" having total declared assessable Value of Rs. 28,12,837.65/-. M/s. Hiralal Exim sought clearance thereof through M/s. Aspire Logistics Pvt. Ltd., Mundra, however, during examination total 40.880 MTs Betel Nuts/ Areca Nuts whole/splits, (CTH 080280) were found concealed in the import consignment alongwith total 8.82 MTs of PP Plastic Regrind. It was revealed that M/s. Hiralal Exim had mis-declared the description, classification, value, quantity etc. at the time of filing import documents for clearance of the said import consignment. Total 511 Jute bags of Areca Nut weighing around 40.880MTs was found concealed with 8.82 MTs of goods declared as PP plastic Regrind. As per Section 46 of the Customs Act, 1962 an importer shall make entry of the imported goods with correct details, description/classification, value etc. In the present case, it was found that proprietor Shri Kunpara Divyesh Hiralal was assured to give Rs. 20000/- per container for lending his IEC for the import of PP Plastic Regrind and shipper Shri Imran Karimbhai Makwana was very well aware with the actual description, quantity and value of the concealed goods, however, they had mis-declared the same before Customs Authorities. M/s. Hiralal Exim were also aware with tariff 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-

Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 which fixed the tariff value of the concealed goods. However, M/s. Hiralal Exim unintentionally allowed shipper to use his IEC for import of PP regrind who not declared and mis-declared the subject goods with intention to evade the applicable Customs Duty. Accordingly, total 40.880 MTs of Betel Nuts/ Areca Nuts whole/splits, (CTH 080280) found concealed with the declared 'PP Plastic Regrind' were liable for confiscation under Section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962. Also, total 8.82 MTs of PP Plastic Regrind appeared to have been used for concealment of 40.880 MTs of Betel Nuts/Areca Nuts, appeared to liable for confiscation under Section 119 of the Customs Act, 1962. Section 2(39) of the Customs Act, 1962 provides the definition of 'Smuggling' in relation to any goods as;

"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 of the Customs Act, 1962"

Therefore, as mentioned above the Betel Nuts/Areca Nuts having total quantity 40.880 MTs which was found concealed in the import consignment falls under the category of smuggled goods.

10. Role and Culpability of Various persons

10.1 Role of Shri Imran Karimbhai Makwana: Shri Imran Karimbhai Makwana emerges as a central figure in an intricate smuggling operation, orchestrating the illegal import and export of Arecanuts by employing deceptive practices. Identified as the mastermind, he operates through partnership firms like M/s Jaliyan Polymers, M/s Hiralal Exim and M/s Anmol Enterprises. His role extends to misdeclaring imported Arecanuts as 'PP Plastic Regrind' to evade Customs Duty. Imran is implicated in arranging financial transactions for duty payments, using intermediaries such as Shri Kondappa Yogesh and Shri Amit Kumar Mishra. Offering financial incentives, he is alleged to have promised Rs. 13.5 lakhs per container for successful clearance to Shri Amit Mishra. Imran's involvement in using his own export firm in UAE, changing Customs brokers, influencing the examination of cargo, and obtaining seal cutting permission underscores his active participation in the logistics of the smuggling network. In the instant case Shri Imran Makwana supplied total 40.88 MTs of Areca Nut by concealing with 8.8 MT PP Plastic Regring. The supplier firm M/s Polytech Middle East in Dubai, is owned

by Imran, solidifying his pivotal role. He is directly engaged in transportation logistics through Customs brokers and logistics firms. The seizure of concealed Arecanuts, valued at Rs. 3,53,43,650/-, during examination further substantiates the allegations. The imported Arecanuts are classified as "Prohibited Goods," subjected to confiscation and labeled as "Smuggling" under the Customs Act. The rejection of anticipatory bail applications for Imran highlight the severity of charges and the judicial recognition of violations. In essence, Imran Karimbhai Makwana's multifaceted involvement positions him as a key player in the alleged Customs Duty evasion and Arecanut smuggling case. The modus operandi adopted by the syndicate belonging to him is reflecting as pre-planned manner of organized smuggling, where not only the concealment of the high value goods with specified tariff rate and attracting higher duty rates, has taken place but claimed to have allowed usage of IEC of M/s Hiralal Exim pertain to his known Shri Kunpara Divyesh Hiralal .

10.1.1 The omission and commission on the part of Shri Imran Karimbhai Makwana i.e. mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Areca/Betel (Qty. 40880 KG, Assessable Value- Rs. 3,53,43,650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. Also, since Shri Imran Karimbhai Makwana was knowingly concerned in importing, concealing, purchasing/selling and dealing with such goods, he has rendered himself liable to penalty under **Section 112 (a)** and **Section112 (b)** of the Customs Act, 1962. Since Shri Imran Karimbhai Makwana knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962. For various acts of not joining the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, Shri Imran Karimbhai Makwana is liable to penalty under **Section 117** ibid too.

10.2 Role or Culpability of M/s Hiralal Exim: The proprietor of M/s Hiralal Exim allowed to use his IEC to Shri Imran Karimbhai Makwana to import the cargo

from Dubai. Shri Kunpara Divyesh Hiralal was promised a renumeration of Rs. 20000/-per container for lending his IEC for the import of the cargo. Shri Imran Karimbhai Makwana without informing the proprietor exported the Areca Nut from Dubai. M/s Hiralal Exim never placed any order for the import of subject cargo nor they arranged the Customs Broker for the clearance of subject goods imported vide Bill of Entry No. 6184468 dated 30.05.2023 Total 40880 KG of Areca Nuts which was found concealed in the import consignments attracts the Customs Duty of Rs. 38878015/-. Shri Kunpara Divyesh Hiralal has indulged his firm M/s Hiralal Exim in importing, removing, depositing, harboring, keeping, concealing, selling and dealing with mis-declared goods which were liable for confiscation in terms of Section 111 of Customs Act, 1962. It is evident that Shri Kunpara has only lend his IEC for the import of PP Plastic Regrind on the assurance of Rs. 20000/- per container and all the other relevant or associates work were arranged by Shri Imran Karimbhai or his associates.

10.2.1 The omission and commission on the part of M/s Hiralal Exim i.e. mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Arecanut (Qty. 40,880 kg, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs),** liable to confiscation under section 119 of the Customs Act,1962. Due to careless lending of the IEC, M/s Hiralal Exim has knowingly rendered themselves liable for penalty under **Section 112 (a)** and **Section 112(b)** of the Customs Act,1962. Further since the BE filed by M/s Hiralal Exim had false and incorrect material, M/s Hiralal Exim have also rendered themselves liable for penalty under **Section 114AA**. Further, for the omissions and commissions discussed above, M/s Hiralal Exim is also liable to penalty under **Section 117** of the Customs Act, 1962

10.3 Role and Culpability of Shri Amit Kumar Mishra: Shri Amit Mishra, an employee of the customs brokerage firm M/s Shree Jogni Enterprises, is deeply involved in a smuggling operation as detailed above. Initially contacted by Shri Rameshbhai, who claimed to be an importer seeking assistance with the clearance of PP regrind at Mundra Port, Amit Mishra soon found himself entangled in a more complex scheme. Shri Imran Karimbhai, introduced as a partner of M/s Jaliyan Polymers and M/s Hiralal Exim, later contacted Mishra, revealing control over both

firms. Following negotiations, it was agreed that Amit Mishra would receive Rs. 13,50,000 per container for customs clearance of shipments containing 80% Areca Nut and 20% PP regrind. Amit Mishra received documents related to the import consignments from Shri Pravinbhai Barvadiya, a partner of M/s Jaliyan Polymers, and also received Rs. 9,96,000 through hawala from Shri Imran Karimbhai. Shri Amit Mishra has willfully and deliberately indulged into conspiracy of importing Tariff Value attracting goods in guise of general cargo at transaction value, by way of mis-declaration and concealing the same in the consignment of other goods imported at Mundra. From the evidences gathered during investigation and facts admitted in his statement, it is evident that Shri Amit Mishra S/o Late Shri Vinod Mishra was part of the smuggling cartel and has played a pivotal role in the smuggling of high value goods on fabricated documents and abetting the forging/fabricating/manipulating the documents issued through the supplier making him culpable under relevant sections of the Customs Act, 1962.

10.3.1 The omission and commission on the part of Shri Amit Kumar Mishra i.e., mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Arecanut (Qty. 40880 kg, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs),** liable to confiscation under section 119 of the Customs Act,1962. Also, since Shri Amit Kumar Mishra was knowingly concerned in importing, concealing, purchasing/selling and dealing with such goods, he has rendered himself liable to penalty under **Section 112 (a)** and **Section112 (b)** of the Customs Act, 1962. Since Shri Amit Kumar Mishra knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, Shri Amit Kumar Mishra is liable to penalty under **Section 117** ibid too.

10.4 Role and culpability of M/s Aspire Logistics Pvt. Ltd.: M/s Aspire Logistics Pvt Ltd filed the Bill of Entry for the clearance of subject goods, the KYC

details of M/s Jaliyan Polymers and M/s Hiralal Exim were verified through the DGFT and GST portal, confirming the existence of both firms. Shri Yogesh Kondappa, an H-card holder of M/s Aspire Logistics, handled the clearance work for these firms. Authorization from both firms was received, granting permission for M/s Aspire Logistics to act as their Custom Broker. All relevant KYC documents, including IEC, PAN card details, and GST registration certificates, were obtained. The checklist for cargo clearance, associated with Bill of Entry Nos. 6184466 and 6184468, was sent to Shri Yogesh Kondappa for approval. The communication was facilitated through Shri Yogesh's personal email, documentation.pyd@gmail.com, with Shri Sonu from M/s Aspire Logistics communicating with Shri Yogesh via WhatsApp. Shri Yogesh sent the checklist for approval to email id jaliyanpolya@gmail.com of M/s Jaliyan Polymers on 30.05.2023 and email id polvplastic92@gmail.com through email documentation.pyd@gmail.com on 29.05.2023 in support of his saying submitted the screenshot of the emails. Shri Yogesh stated that his counterpart Shri Prince received the approval for the Checklist and accordingly he informed his Mumbai office for filing the Bill of Entry. M/s Aspire Logistics did not book the container for M/s Jaliyan Polymers and have no idea who booked the container for import of subject goods. The Customs Clearance work to M/s Aspire Logistics was provided to Shri Yogesh Kondappa through his counterpart Shri Prince. For the clearance of subject goods Shri Prince was contacted by Shri Nitish Mishra who in turn was contacted by his cousin brother Shri Amit Mishra who was arrested for making the arrangement for the clearances of subject goods which was found concealed with Areca Nut. Shri Amit Mishra was fully aware that the subject cargo was concealed with the Areca Nut and did not told to anyone about the same. M/s Aspire Logistics was not getting any agency charges for the subject cargo as there was mutual understanding with Shri Yogesh to keep the agency charges with himself if the business at Mundra Port came through him but he has to handle the other work of M/s Aspire Logistics at Mundra Port for which he was not getting any salary. M/s Aspire Logistics had filed Bill of Entry Nos. 6184466 and 6184468 for M/s Jaliyan Polymers and M/s Hiralal Exim, respectively. On obtaining the seal cutting permission from the Customs officers for cargo covered under Bill of Entry No. 6184468 dated 30.05.2023 pertaining to M/s Hiralal Exim, the seal was cut and the employee of Shri Yogesh noticed some Jute Bags at the backside. On closely looking at the bags he found that the Bags were stuffed with the Arecanut who in turn inform the same to Shri Prince. They informed about the concealment to Customs Authority

on the same day. Throughout the whole process of the filing, the Customs Broker, M/s Aspire Logistics Pvt. Ltd. failed to verify the credibility and genuineness of the documents as well as the importer, M/s Jaliyan Polymers, and thus, failed to comply with their liability as per the CBLR, 2018, as per which it is the liability of the Customs Broker to comply advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be.

10.4.1 The omission and commission on the part of M/s Aspire Logistics Pvt. Ltd., Custom Broker i.e. by filing the Bill of Entry without verifying the approval for Checklist received from the Importer or not have rendered the subject illegally imported goods **Arecanut (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. M/s Aspire Logistics Pvt. Ltd. was knowingly concerned in importing, concealing, purchasing/selling and dealing with such goods, he has rendered himself liable to penalty under **Section 112 (a)** and **Section112 (b)** of the Customs Act, 1962. M/s Aspire Logistics Pvt. Ltd. knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, M/s Aspire Logistics Pvt. Ltd. is liable to penalty under **Section 117** of the Customs Act, 1962.

10.5 Role of Shri Yogesh Kondappa, H card hold of M/s Aspire Logistics: Shri Yogesh Kondappa, an H-card holder at M/s Aspire Logistics Pvt Ltd, holds a significant role in the customs clearance process, as indicated by his statement. He takes direct responsibility for decisions related to customs clearance at Mundra Port, revealing a critical position within the company's operations. Shri Yogesh acknowledges his involvement in categorizing shipments under the second check, highlighting the importance of his role in the decision-making process. Furthermore, his admission of lapses in precautions for new clients dealing with

non-prime commodities suggests a degree of oversight or negligence in due diligence processes. Shri Yogesh Kondappa informed their Mumbai officer that they have received approval for checklist from both the importers for filing Bill of Entry No. 6184466 dated 30.5.2023 pertaining to M/s Jaliyan Polymers and Bill of Entry No. 6184468 dated 30.05.2023 pertaining to M/s Hiralal Exim. Shri Prince informed about the approval of checklist from both the importer on the receiving confirmation for approval from Shri Amit Mishra.

10.5.1 The omission and commission on the part of Shri Yogesh Kondappa i.e. by communicating to M/s Aspire Logistics that the approval for checklist is received from importer without verifying the same for filing the Bill of Entry have rendered the subject illegally imported goods **Areca/Betel (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. Shri Yogesh Kondappa has rendered himself liable to penalty under **Section 112 (a)** and **Section112 (b)** of the Customs Act, 1962 for the various reason discussed above. Since Shri Yogesh Kondappa knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above,, Shri Yogesh Kondappa is liable to penalty under **Section 117** of the Customs Act, 1962

10.6 Role of Shri Prince Priydarshi: Shri Prince, an employee of M/s Aspire Logistics Pvt Ltd, plays a crucial role in the initial stages of business transactions, particularly in handling business opportunities and managing the preliminary documentation process. His statement indicates involvement in coordinating with clients, understanding their requirements, and initiating the necessary paperwork for customs clearance. Shri Prince serves as a link between clients and the company, facilitating the commencement of import-export activities. Shri Prince inform Shri Yogesh that the approval of Checklist from both the importer has been received from Shri Amit Mishra the basis of which Bill of Entry No. 6184466 dated

30.5.2023 pertaining to M/s Jaliyan Polymers and Bill of Entry No. 6184468 dated 30.05.2023 pertaining to M/s Hiralal Exim were filed. Shri Prince should have asked Shri Amit that the importers are required to send the confirmation mail to their official mail id.

10.6.1 The omission and commission on the part of Shri Prince Priydarshi i.e. by informing Shri Yogesh that he had received approval of Checklist from importer on the basis of communication made to him by Shri Amit Kumar Mishra without verifying the same for filing the Bill of Entry have rendered the subject illegally imported goods **Arecanut (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. For the various reason discussed above he has rendered himself liable to penalty under **Section 112 (a)** and **Section112 (b)** of the Customs Act, 1962. Since Shri Prince Priydarshi knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, Shri Prince Priydarshi is also liable to penalty under **Section 117** of the Customs Act, 1962.

11. Accordingly, Show Cause Notice F.no. Gen/Adj/ADC/969/2024-Adjn-O/o Pr. Commr-Cus-Mundra dated 03.06.2024 was issued to **M/s. Hiralal Exim,** wherein they were called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra as to why: -

(a) The illegally imported goods i.e. **Areca Nut (Qty. 40880 Kg, Tariff Value- Rs. 3,53,43,650/-)** should not be confiscated under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962.

(b) The declared imported goods **PP Plastic Regrind (Qty. 8820 KG, Total Declared Value- Rs. 28,12,837.65)**, used for the purpose of concealment of smuggled 40880 KG Areca Nut, should not be confiscated under the provisions of Section 119 of the Customs Act, 1962.

(c) Penalty should not be imposed on them under Section 112(a) &112(b), 114AA & 117 of the Customs Act, 1962.

12. Vide SCN dated 03.06.2024, the following persons/companies/firms/concerns are hereby individually and separately called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra as to why Penalty should not be imposed on each of them individually under below mentioned penal provisions, respectively under the Customs Act,1962 (as appearing at Column 3 to 6):

Table-IV

S. No.	**Name (S/Shri/Ms/Smt/ M/s)**	**Penal provisions under Customs Act, 1962**			
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
1	Shri Imran Karimbhai Makwana (Partner of M/s Jaliyan Polymers)	112(a)	112(b)	114AA	117
2	Shri Amit Kumar Mishra	112(a)	112(b)	114AA	117
3	M/s Aspire Logistics	112(a)	112(b)	114AA	117
4	Shri Yogesh Kondappa	112(a)	112(b)	114AA	117
5	Shri Prince Priydarshi	112(a)	112(b)	114AA	117

13. Written Submission

13.1 M/s. Hiralal Exim (IEC:BYGPK7845E) [Noticee no. 1]:

Neither M/s. Hiralal Exim, nor their authorized representative has preferred any written submission or defense reply to the present Show Cause Notice.

13.2 Shri Imran Karimbhai Makwana, [Noticee no. 2] submitted his reply dated 19.09.2024, wherein he had, *inter alia*, submitted that:

13.2.1 The Noticee categorically denied all allegations levelled against him, asserting that the Show Cause Notice (SCN) is entirely based on unfounded accusations, procedural errors, and legal misinterpretations. He submitted that the

charges regarding his involvement in the smuggling of Areca Nuts lack any substantive or concrete proof. Contending that the investigation relies solely on speculative assertions, circumstantial evidence, and oral testimonies—which fail to meet the stringent legal thresholds established by the Apex Court—the Noticee argued that such uncorroborated claims are insufficient to establish guilt or legal liability. Consequently, he firmly rejected the charges and provided the detailed response below to address the specific allegations and prove his innocence.

13.2.2 Submissions Regarding the Conflicting Statements of Co-Noticee (Shri Amit Mishra)

The Noticee strongly contested the reliance on the statements of the co-noticee, Shri Amit Mishra, arguing that his testimonies recorded across multiple dates (14.06.2023, 23.06.2023, 24.06.2023, and 25.06.2023) are riddled with major contradictions, thereby rendering them legally unreliable.

The Noticee highlighted that Shri Amit Mishra deliberately shifted his narrative from being a passive, unaware customs broker to an active participant in the smuggling conspiracy. The Noticee pointed out the following specific inconsistencies in Shri Amit Mishra's statements:

- Knowledge of Concealment: Initially (on 14.06.2023), Shri Mishra claimed absolute ignorance regarding the concealed Areca Nuts behind the PP regrind. However, he completely contradicted himself in later statements (24.06.2023), claiming he was fully aware of the concealment and attempting to shift the blame by alleging the Noticee had informed him.
- Financial Transactions: In his first statement, Shri Mishra categorically denied receiving any money for clearance work. He subsequently retracted this in later statements, claiming he received Rs. 9,96,000/- from the Noticee for customs duties, while simultaneously introducing a new narrative that he handed this money to a third party (Sh. Satish Maheshwari) under threat.
- Role and Responsibility: Shri Mishra initially minimized his role to merely processing documentation without any authorization or strategic involvement. Later, he admitted to being part of the operational planning and being offered a substantial sum of Rs. 13,50,000/- per container, exposing a much deeper level of complicity.

- Contact with Imran and others: Shri Amit Kumar Mishra's initial accounts suggested minimal contact with the Noticee. Over the course of subsequent interrogations, he continuously expanded on his interactions, eventually alleging that the Noticee had arranged the stuffing of containers in Dubai.
- Information about Associates: Shri Mishra initially withheld information regarding other associates. In subsequent statements, he introduced various individuals (including Sh. Pravinbhai and Sh. Kunpara Divyesh), fundamentally altering the described structure of the operation.

The Noticee submitted that this evolving and highly inconsistent narrative clearly demonstrates Shri Amit Mishra's attempt to minimize his own severe culpability and protect himself. Because Shri Mishra continuously changed his testimony regarding his financial gain, coercion, and level of knowledge, the Noticee argued that these statements are entirely discredited and cannot be relied upon as substantive or corroborative evidence against the Noticee.

13.2.3 The Noticee Submitted regarding Conflicting statements given by Shri Kondappa Yogesh (Co-noticee):-

The Noticee submitted that the statements of the co-noticee, Shri Kondappa Yogesh, recorded on 14.06.2023 and 26.06.2023, provide highly conflicting accounts of his involvement in the customs clearance process. The Noticee highlighted that his narrative shifts significantly from claiming a limited role to revealing active involvement. Based on the statements, the Noticee deduced the following major contradictions:

a. Role and Responsibilities: In his statement dated 14.06.2023, Shri Kondappa Yogesh claimed his primary role was limited to marketing and operations at Mundra Port, with the Mumbai office handling documentation. In his subsequent statement on 26.06.2023, he contradicted this by asserting he personally handled the custom clearance work using the CHA license of M/s Aspire Logistics Pvt Ltd, with no direct involvement from the Mumbai office.

b. Document Handling: Shri Yogesh initially stated that he forwarded shipment-related documents to the Mumbai office via WhatsApp. He later changed this account, claiming that Shri Prince Priydarshi directly handled and forwarded the KYC and shipment documents without his direct involvement.

c. Payment and Financial Transactions: His earlier statement suggested that his firm, PYD Shipping and Logistics, managed payments for customs work and made no payments to M/s Aspire Logistics Pvt Ltd for the use of their CHA license. In contrast, his later statement indicated a mutual arrangement where PYD handled documentation free of charge in exchange for utilizing Aspire's CHA license.

d. Knowledge and Interaction with Importers: Shri Yogesh initially stated he had no knowledge of the importers, M/s Jaliyan Polymers and M/s Hiralal Exim. He later retracted this, describing detailed interactions where he and Shri Prince Priydarshi finalized deals with Nitesh Mishra, demonstrating a thorough understanding of the KYC documents and payment arrangements for these specific firms.

e. Concealment Discovery: His early statements mentioned that another individual (Mr. Kishor) inspected the containers with the concealed Areca Nuts and informed Shri Prince Priydarshi. In his later statement, Shri Yogesh described being informed about the concealment after its discovery, detailing his further direct interactions with the importers and customs authorities.

The Noticee submitted that these continuous contradictions suggest a constantly shifting narrative regarding Shri Kondappa Yogesh's actual role, knowledge of the concealment, and financial transactions. The Noticee argued that these fundamental discrepancies severely undermine the reliability and credibility of his statements.

13.2.4 The Noticee Submitted regarding Statement of Shri KunparaDivyeshHiralal, Son of Shri HiralalLaljibhaiKunpara Aged-31 Years, Proprietor of M/s Hiralal Exim was recorded on 03.07.2023:

The Noticee contested the statement of Shri Kunpara Divyesh Hiralal recorded on 03.07.2023, submitting that it contains numerous inaccuracies and misrepresentations regarding his actual involvement. The Noticee countered the specific claims as follows:

- Misrepresentation of Role and Responsibilities: The Noticee clarified that his role was strictly logistical and managerial. He merely coordinated the overall import process and did not personally oversee the granular customs clearance procedures, nor did he have any hand in the concealment of the cargo.

- False Allegations of Concealment Knowledge: The Noticee categorically denied any knowledge of or involvement in the concealment of Areca Nuts. He asserted that the cargo was handled according to standard practices based solely on the declared nature of the goods, and any illegal concealment was entirely unforeseen and beyond his control.
- Inaccurate Representation of Payment Arrangements: The Noticee submitted that all financial transactions were managed according to standard, legitimate business practices. He argued that any delays or issues with payments were routine operational matters and not indicative of any fraudulent activity.
- Misstatement Regarding IEC Usage: The Noticee firmly stated that the use of Shri Kunpara's Importer Exporter Code (IEC) was not unauthorized. Rather, it was conducted with full knowledge, mutual consent, proper documentation, and agreed-upon compensation.
- Denial of Coercion Claims: The Noticee vehemently denied any allegations of employing threats, coercion, or intimidation. He maintained that all his interactions with other parties were professional, ethical, and strictly within legal boundaries.
- Clarification on Documentation and Customs Procedures: The Noticee pointed out that he did not personally micromanage customs documentation or procedures. Instead, he relied entirely on designated customs brokers and professionals to handle those specific tasks.
- Evidence of Compliance: To counter these inaccuracies, the Noticee expressed his readiness to provide communication records, contracts, and financial documents to prove that his involvement was entirely legitimate and compliant with legal requirements.
- Addressing Misunderstandings: The Noticee suggested that any discrepancies between the statements are the result of natural misunderstandings arising from complex, multi-party operations, rather than deliberate misrepresentation. He emphasized that all his actions were conducted in good faith.

In summary, the Noticee maintained that his involvement in the import process was completely lawful and transparent. He requested that the adjudicating authority consider these rebuttals and the forthcoming supporting evidence, as Shri Kunpara's statements do not accurately reflect the Noticee's true role.

13.2.5 The Noticee Submitted regarding Incorrect Reporting of Examination Process:- The Noticee submitted that Para 9.2 of the SCN incorrectly asserts that a representative of M/s Hiralal Exim was present during the 100% examination of the goods on 10.06.2023. The Noticee highlighted a critical discrepancy: the panchnama drawn on the exact same date explicitly omits any representative from M/s Hiralal Exim, listing only other specific individuals. Relying on Supreme Court rulings that emphasize strict adherence to procedural requirements, the Noticee argued that this direct contradiction suggests significant procedural lapses. The Noticee contended that this omission undermines the credibility of the examination process and consequently invalidates the SCN's findings regarding the examination.

13.2.6 The Noticee Submitted regarding Absence of Evidence for Intentional Mis-declaration:- The Noticee strongly contested the allegation in Para 9.3 of the SCN that the Importer Exporter Code (IEC) of M/s Hiralal Exim was utilized to intentionally mis-declare Areca Nuts as PP Plastic Regrind. The Noticee submitted that the SCN lacks substantive, direct evidence to prove deliberate fraudulent intent or *mens rea* to evade customs duties. The Noticee argued that the relied-upon documentation, including the Bills of Entry, does not demonstrate any intentional deception. Consequently, the Noticee maintained that the severe charge of intentional mis-declaration is completely unfounded and legally unsustainable without concrete proof.

13.2.7 The Noticee Submitted regarding Delay in Documentation and Reporting:- The Noticee pointed out an unexplained and critical delay in the investigation timeline. While Para 9.4 of the SCN states that seal-cutting permission was granted on 06.06.2023, the actual examination and corresponding panchnama did not occur until 10.06.2023. Relying on established Apex Court principles regarding procedural fairness and the necessity of timely reporting, the Noticee argued that this unaddressed four-day gap raises serious concerns regarding the integrity of the investigation. The Noticee submitted that such an unexplained delay casts doubt on procedural adherence and compromises the reliability of the evidence collected.

13.2.8 The Noticee Submitted regarding Neglect of Key Individual Rameshbhai:- The Noticee submitted that the investigation was severely incomplete as it failed to investigate a key individual, "Rameshbhai," who was specifically implicated in the

import and clearance process within the statement of Shri Amit Mishra (as referenced in Para 9.5 of the SCN). Citing Supreme Court jurisprudence that mandates thorough and comprehensive investigations into all connected individuals, the Noticee argued that the complete omission of this crucial figure indicates a significant investigative flaw. The Noticee contended that the failure to examine a vital player like Rameshbhai compromises the fairness, completeness, and overall credibility of the SCN's conclusions.

13.2.9 The Noticee Submitted regarding ambiguity in Seizure Memo and Documentation:-

The Noticee submitted that the seizure of goods, as detailed in Para 9.7 of the SCN under Section 110 of the Customs Act, 1962, suffers from critical documentation discrepancies and a failure to adhere to mandatory procedures. The Noticee highlighted the following specific flaws:

- Ambiguity in Seizure Memo: The Noticee pointed out that the Seizure Memo dated 13.06.2023 improperly refers to the goods as being "detained" rather than formally "seized." The Noticee argued that this is a significant terminological error that negatively impacts the legal standing and procedural correctness of the action under Section 110.
- Lack of Panchnama: The Noticee highlighted that no panchnama was prepared at the time of the seizure. The Noticee submitted that this omission is a direct violation of CBEC Instruction No. 01/2017 dated 08.02.2017, which strictly mandates the preparation of a panchnama whenever goods are seized under Section 110.

Relying on Supreme Court jurisprudence, the Noticee argued that strict adherence to procedural norms is not merely a formality, but a fundamental requirement for validating investigative actions. The Noticee contended that the use of ambiguous terminology combined with the failure to draw a panchnama constitutes a severe procedural flaw, rendering the seizure invalid and legally unsustainable.

13.2.10 The Noticee Submitted regarding Unsubstantiated Claims of Mastermind Role:-

The Noticee strongly refuted the allegation in Para 11 of the SCN that he was the "mastermind" behind the Areca Nut smuggling operation. Relying on established

Supreme Court jurisprudence, the Noticee argued that such a severe accusation requires robust, tangible proof rather than unverified claims or conjecture. The Noticee submitted that the SCN fails to meet this legal standard and highlighted the following specific evidentiary gaps:

- Absence of Direct Evidence: The Noticee pointed out that the SCN fails to provide any direct evidence—such as documents, communications, or physical proof—that links him to actively orchestrating the smuggling operation.
- Reliance on Hearsay: The Noticee contended that the allegations rely almost entirely on hearsay statements from co-noticees and other individuals. He argued that these statements do not constitute direct proof of his involvement and fail to establish a clear connection to the alleged illegal activities.
- Lack of Corroborative Evidence: The Noticee emphasized the complete absence of any independent corroborative evidence in the SCN. He submitted that corroboration is legally essential to substantiate hearsay and verify serious allegations of being the central figure in a smuggling conspiracy.

The Noticee concluded that characterizing him as the mastermind is legally unsustainable due to a complete lack of concrete proof. He argued that because the allegations rely purely on speculative assertions and uncorroborated hearsay, the claim is entirely unfounded and must be dismissed.

13.2.11 The Noticee Submitted regarding Ignoring Critical Statements:-

The Noticee submitted that the SCN incorrectly identifies him as the mastermind by deliberately ignoring a crucial piece of evidence. Specifically, the Noticee highlighted a statement made by Shri Haroon Shaikh during a panchnama dated 24.06.2023 at M/s Aspire Logistics, which indicated that co-noticee Shri Amit Mishra might actually be the principal figure behind the mis-declaration and smuggling activities. Relying on Supreme Court rulings that mandate the thorough examination of all evidence to prevent unjust conclusions, the Noticee presented the following points:

- Critical Statement Overlooked: The Noticee argued that the investigating authorities failed to adequately consider Shri Haroon Shaikh's statement

implicating Shri Amit Mishra. This significant omission ignores a vital alternative perspective regarding who is truly responsible for the operation.

- Implications for Fair Investigation: The Noticee contended that ignoring such a critical statement distorts the facts and leads to the unfair targeting of the Noticee. A legally sound and fair investigation requires that all relevant statements be weighed to accurately identify the actual perpetrators.
- Need for Comprehensive Review: The Noticee emphasized that a comprehensive review of all facts is essential for an accurate investigation. The failure to incorporate Shri Shaikh's statement demonstrates a lack of due diligence by the authorities and severely undermines the overall credibility of the SCN.

In conclusion, the Noticee submitted that the failure to address Shri Haroon Shaikh's statement points to a significant gap in the investigation process. The Noticee argued that this omission compromises the integrity of the investigation, thereby rendering the allegations that he is the mastermind completely unfounded.

13.2.12 The Noticee Submitted regarding failure to Adhere to Procedural Norms:-

The Noticee submitted that the investigation suffers from significant procedural deficiencies that fundamentally undermine the validity and reliability of the findings and the actions taken against him. The Noticee highlighted the following key procedural errors:

- Delayed Documentation and Reporting: The Noticee pointed out an unexplained delay in the investigative timeline, noting that while seal-cutting permission was obtained on 01.06.2023, the examination of the goods was not conducted until 10.06.2023. He argued that the failure to ensure prompt and timely documentation casts serious doubt on the accuracy and procedural integrity of the findings.
- Non-Adherence to CBEC Instructions: The Noticee highlighted that the Seizure Memo dated 13.06.2023 improperly refers to the "detention" of goods and that no panchnama was prepared at the time. He submitted that this failure to prepare a panchnama directly violates the mandatory requirements of CBEC Instruction No. 01/2017 for seizures under Section 110 of the Customs Act, 1962, thereby undermining the transparency and procedural validity of the seizure.

- Implications of Procedural Errors: The Noticee argued that these compounded procedural errors—specifically the documentation delays and the disregard for CBEC instructions—compromise the credibility and fairness of the entire investigation. He contended that such non-compliance challenges the legal validity of the actions taken and warrants the dismissal of the charges.
- Legal Precedent: Relying on established Apex Court rulings, the Noticee submitted that procedural lapses, particularly those affecting documentation and reporting during crucial stages, can invalidate the entire investigative process. He emphasized that strict adherence to procedural norms is a mandatory legal requirement for ensuring fairness.

In summary, the Noticee concluded that the failure of the investigating authorities to adhere to established procedural norms highlights significant gaps in the investigation. He argued that these deficiencies fundamentally undermine the credibility of the findings and prove that the allegations against him are legally unfounded.

13.2.13 The Noticee Submitted regarding Lack of Independent Verification:-

The Noticee submitted that the SCN relies almost exclusively on the statements of co-noticees without adequate independent verification or corroboration. He argued that this lack of independent validation raises significant concerns regarding the overall accuracy, fairness, and credibility of the investigation. The Noticee highlighted the following key issues regarding this procedural deficiency:

- Reliance on Unverified Statements: The Noticee argued that the SCN predominantly depends on the unverified claims of co-noticees, specifically Shri Amit Mishra and Shri Yogesh Kondappa. He emphasized that relying solely on individuals who may have inherent personal interests or biases—without independent corroboration—severely undermines the integrity of the investigation and leads to unjust conclusions.
- Absence of Corroborative Evidence: The Noticee pointed out the complete lack of independent evidence to support the co-noticees' allegations. Specifically, he noted that Shri Amit Mishra’s statement implicating him is entirely unsubstantiated by any additional verifying records, suggesting the investigation is based on incomplete or biased information.

- Need for Comprehensive Investigation: Relying on established Supreme Court principles, the Noticee submitted that a fair and effective investigation cannot rest solely on the statements of involved parties. He argued that independent verification is legally essential to prevent unfair bias and ensure all relevant facts are thoroughly examined.
- Legal Precedent: The Noticee cited various judicial precedents emphasizing that statements from co-noticees must be independently validated. He argued that courts consistently require corroborative evidence to avoid reliance on potentially biased testimonies.
- Implications of Lack of Verification: The Noticee contended that the failure to seek independent corroboration risks the acceptance of misleading or incomplete information. He submitted that this procedural lapse inevitably leads to unjust conclusions and compromises the fairness of the entire assessment process.

In summary, the Noticee concluded that the SCN's reliance on unverified co-noticee statements without independent corroboration constitutes a significant procedural deficiency. He argued that these discrepancies point to a lack of thoroughness and fairness, indicating that the conclusions drawn against him are based on incomplete information and must be addressed to ensure a just legal outcome.

13.2.14 The Noticee Submitted regarding Lack of Substantial Evidence and Misinterpretation:-

The Noticee submitted that the investigation report fails to provide any substantial, direct evidence—such as financial transactions, orders, or explicit instructions—implicating him in the alleged smuggling activities. He argued that the prosecution has failed to meet the heavy burden of proof required for serious charges, relying instead on weak, circumstantial correlations. The Noticee highlighted the following key points:

- Lack of Evidence Demonstrating Intentional Coordination: The Noticee argued that labelling someone a "mastermind" requires proof of intentional, coordinated actions to further illegal activities, which is entirely absent in this case. He maintained that his involvement was strictly that of a legitimate businessman engaging in standard commercial transactions, with absolutely no criminal intent or awareness of any illegal operations.

- Misinterpretation of Routine Business Transactions: The Noticee contended that the Directorate of Revenue Intelligence (DRI) fundamentally misinterpreted routine international trade practices, erroneously conflating legitimate business operations with a smuggling racket. He asserted that portraying him as a key figure is based entirely on flawed assumptions and oversight rather than concrete facts.
- Presumption of Guilt and Inadequate Proof: The Noticee submitted that prematurely labelling him as the central figure reflects an unfair presumption of guilt rather than an objective analysis. He argued that this biased approach blatantly disregards the fundamental legal principle of "innocent until proven guilty" and severely prejudices the case against him.

In summary, the Noticee maintained that the investigation's reliance on unsubstantiated claims and the misinterpretation of routine business transactions renders the "mastermind" label both unjust and legally indefensible. Asserting that he is a legitimate businessman wrongfully accused based on presumptions, the Noticee respectfully requested an objective re-evaluation of the evidence and the dismissal of the unfounded notion that he architected the smuggling activity.

13.2.15 The Noticee Submitted regarding Reliance on Case Law for Defense:-

To support his defense, the Noticee relied upon a series of judicial pronouncements, primarily from the Hon'ble Supreme Court of India, to argue that accusations based solely on circumstantial evidence—particularly the serious charge of being a "mastermind"—require substantial, direct, and conclusive proof rather than speculative reasoning or hearsay.

The Noticee cited numerous landmark judgments, including *Rajendra Pralhadrao Wasnik v. State of Maharashtra*, *Gambhir v. State of Maharashtra*, *Sharad Birdhichand Sarda v. State of Maharashtra*, *Ashok Kumar v. State of M.P.*, *Bodh Raj v. State of J&K*, *C. Chenga Reddy v. State of A.P.*, *Padala Veera Reddy v. State of A.P.*, and *Hanumant v. State of M.P.*, along with the High Court judgment in *Om Prakash Gupta v. State of Bihar*.

13.2.16 The Noticee Submitted that INVESTIGATION is BASED ON PRESUMPTIONS:-

The Noticee submitted that the investigation conducted by the DRI is fundamentally flawed as it relies heavily on presumptions, conjectures, and speculative assumptions rather than concrete, substantive evidence. The Noticee argued that drawing conclusions from unverified assumptions severely undermines the foundational legal principle of "innocent until proven guilty" and jeopardizes the fairness of the legal process. He contended that any penalty must be based on clear, direct evidence that establishes guilt beyond a reasonable doubt.

In support of the defense against presumptive reasoning, the Noticee relied upon the following judicial pronouncements:

- Ajodhya Prasad Bhargava vs. Bhawani Shanker Bhargava (Allahabad High Court): The Noticee cited this decision to emphasize the legal requirement of "Certainty" in evidence. He argued that evidence must possess a high degree of certainty; mere conjectures, suggestions, or uncertain inferences regarding what might have happened are not legally competent to prove guilt.
- Hanumant Govind Nargundkar v. State of M.P. (AIR 1952 SC 343) & Sharad Birdhichand Sarda v. State of Maharashtra (AIR 1984 SC 1622): The Noticee reiterated the Supreme Court's stringent standards for circumstantial evidence. He emphasized that the prosecution bears the onus to fully establish a complete and unbroken chain of circumstances. Applying the "Panchsheel" (five golden principles) laid down by the Apex Court, he submitted that the circumstances must conclusively and unerringly point to the guilt of the accused ("must or should be," not merely "may be"), while explicitly excluding every other reasonable hypothesis of innocence.

13.2.17 The Noticee Submitted regarding THE PRINCIPLE OF "INNOCENT UNTIL PROVEN GUILTY":-

The Noticee submitted that the investigation violates the foundational, globally recognized tenet of criminal justice: "innocent until proven guilty." He argued that the burden of proof rests entirely on the prosecution to establish guilt through clear, direct evidence beyond a reasonable doubt, rather than relying on unverified presumptions and speculative reasoning. To reinforce this requirement, the Noticee relied upon the following judicial decisions:

- P.N. Krishna Lal v. Government of Kerala (1994 Supp(2) SCC 187)
- Sharad Birdhichand Sarda v. State of Maharashtra
- Collector of Customs vs. D. Bhoormull (1974) 2 SCC 544

13.2.18 The Noticee Submitted regarding RELIANCE ON EXAMINATION OF GOODS AND ALLEGED CONCEALMENT:-

The Noticee submitted that while the case against him predominantly relies on the examination of goods and their alleged concealment, the investigation has failed to provide any clear, direct, and unambiguous evidence linking him to these specific illegal activities. The Noticee argued that the evidence is entirely indirect and lacks the concrete clarity required in criminal proceedings. To substantiate his defense, the Noticee highlighted the following points:

- The Noticee relied heavily on the Supreme Court's judgment in *Ramanand @ Nandlal Bharti v. State of Uttar Pradesh*, which references Jeremy Bentham's principles distinguishing between the principal fact to be proved (*factum probandum*) and the evidentiary fact (*factum probans*). The Noticee emphasized that circumstantial evidence must be cogently and firmly established, forming a complete and unbroken chain that leaves no reasonable alternative explanation other than the accused's guilt.
- Applying the principles from the *Ramanand* case, the Noticee argued that for the examination of goods to be considered reliable circumstantial evidence, it must be conducted with strict adherence to procedural fairness and legal standards.
- The Noticee contended that if the examination of goods lacks transparency or deviates from established legal procedures, the integrity and reliability of that evidence are fundamentally undermined.

13.2.19 The Noticee Submitted regarding THE CHAIN OF CUSTODY OF THE ALLEGED CONCEALED ARECA NUTS:-

The Noticee submitted that the chain of custody regarding the alleged concealed Areca Nuts is severely compromised, raising significant doubts about the integrity of the evidence. The Noticee pointed out an undocumented gap of over a week between the initial examination on 01.06.2023 and the subsequent examination on 10.06.2023. He argued that this interim period lacks clear documentation,

suggesting potential mishandling or tampering with the goods. The Noticee highlighted that a later examination conducted on 27.06.2023 took place without his presence or the presence of any representative from M/s Hiralal. He submitted that this exclusion is a direct breach of proper procedural protocol, which requires the presence of relevant parties to ensure transparency and prevent tampering.

13.2.20 The Noticee Submitted regarding ABSENCE OF DIRECT EVIDENCE:

The Noticee submitted that the investigation report completely lacks direct evidence linking him to the alleged smuggling activities. He argued that in cases involving serious charges like smuggling, the prosecution bears the heavy burden of establishing guilt beyond a reasonable doubt using clear and direct evidence, which is entirely absent in this instance.

Relying on the Supreme Court judgment in *Hari Charan Kurmi vs. State of Bihar (1964) AIR SC 1184*, the Noticee contended that circumstantial evidence must be robust, directly connected to the accused, and create a narrative that strictly excludes all reasonable hypotheses of innocence. He asserted that the department's reliance on weak, uncorroborated circumstantial evidence is legally insufficient to sustain a conviction.

The Noticee concluded that the entire Show Cause Notice is fundamentally flawed as its foundation rests almost exclusively on the statements of co-accused persons, which cannot be legally treated as substantive evidence. Highlighting the lack of credible proof, the absence of independent corroboration, and the aforementioned lapses in procedural fairness, the Noticee respectfully requested a complete re-evaluation of the evidence to ensure a fair and just outcome.

13.2.21 The Noticee Submitted regarding LACK OF MENS REA (INTENT):-

The Noticee submitted that the fundamental legal element of *mens rea* (criminal intent) is entirely absent in this case. He argued that to establish criminal liability, it is mandatory to prove deliberate intent or knowledge of the illegal activities, which cannot be inferred merely from circumstantial evidence. The Noticee highlighted that the investigation report fails to present any evidence of direct communication or explicit instructions from him to the customs broker regarding the alleged mis-declaration of goods.

13.2.22 The Noticee Submitted regarding NO DIRECT EVIDENCE:- The Noticee submitted that the DRI's conclusions rely entirely on inherently weak circumstantial evidence rather than direct proof. Asserting that the investigating agency has failed to discharge the burden of proving guilt beyond a reasonable doubt, the Noticee argued that his involvement, if any, was innocent and unintentional. He emphasized that the complete absence of *mens rea* and direct communication renders the speculative conclusions insufficient to establish culpability.

13.2.23 The Noticee firmly denied all allegations of misdeclaration, forgery, fraud, collusion, suppression of facts, and the illegal import of prohibited goods. He asserted that he has consistently adhered to legal requirements and that all relevant documentation was accurately prepared by M/s Continental Shipping Services. The Noticee submitted that the claim of forgery is entirely baseless, and the authorities have failed to provide substantive, direct evidence demonstrating document falsification or an intent to smuggle.

13.2.24 The Noticee Submitted regarding Accusations of Fraud, Collusion, and Suppression of Facts:- The Noticee strongly rejected the accusations of fraudulent activities and collusion. He submitted that his business operations and interactions with partners were conducted openly, transparently, and in full compliance with the law. He maintained that there is absolutely no factual basis or evidence to suggest he participated in any secret agreement to deceive, defraud, or suppress material information.

13.2.25 The Noticee Submitted regarding Allegations of Knowingly Dealing with Illegally Imported Goods: The Noticee challenged the proposed imposition of penalties under Sections 112(a), 112(b), 114AA, and 117 of the Customs Act, 1962, arguing a complete lack of required intent and knowledge: Regarding penalties under Sections 112(a) and 112(b), the Noticee argued that the law requires direct, concrete evidence of an intent to smuggle and actual knowledge that the goods were illegally imported. Relying on Apex Court judgments like *Collector of Customs vs. D. Bhoormull* and *C. P. Joshi vs. Union of India*, he submitted that mere suspicion or circumstantial inferences cannot justify these penalties. Regarding Section 114AA, the Noticee contended that any documentation discrepancies were likely clerical errors rather than deliberate misdeclarations. Citing *K. I. Pavunny* and *Union of India vs. Hindustan Zinc Ltd.*, he emphasized that this penalty

requires unequivocal proof of intentional fraud, which is absent. Regarding the general penalty under Section 117, the Noticee argued that it requires proof of willful intent or knowledge of a breach. Furthermore, he submitted that because specific penalties (Sections 112 and 114AA) have been proposed, the general penalty under Section 117 should not be applied.

13.2.26 In light of the detailed arguments and evidence presented, the Noticee respectfully prayed for the following relief:

a. The withdrawal of the Show Cause Notice and the dismissal of all allegations against him due to a lack of substantive evidence.

b. A thorough and complete investigation by the authorities into all relevant aspects of the case, specifically the involvement of Shri Rameshbhai and a detailed examination of all financial transactions.

13.3 M/s. Aspire Logistics, [Noticee no. 4] submitted their reply dated 19.11.2025, wherein they have, *inter alia*, submitted that:

13.3.1 The Noticee denies the charges and allegations levelled in the captioned SCN. The Noticee under the bonafide belief that the Bill of Entry which was filled was as per the documents and information provided by the importers

13.3.2 The Noticee submitted that, as per the staternents of all the co-noticees and other persons in the said matter recorded by the investigating authority, it is self-explanatory that the Noticee had no prior knowledge about concealment of Areca Nuts in the said containers and further that the agent of the Noticee ie Mr. Prince Priydarshi was the one who approached the Custom Authorities and told the same about probable concealment of Areca Nuts behind the declared cargo PP Plastic Grind

13.3.3 The Noticee has already disclosed all the material facts and information to the investigating authority and the same is reflected in its statement recorded by the investigating authority.

PENALTY UNDER SECTION 112 (A), 112 (B), 114AA AND 117 HAS BEEN WRONGLY PROPOSED

13.3.4 On reading section 112 (a) and 112 (b) of the Customs Act, it clearly depicts that a person should have done any act or omission, or acquires possession of the goods which are liable to be confiscated under the act and Section 114AA it clearly depicts that a is a person knowingly or intentionally declares incorrect material and Section 117 clearly depicts that if any person is in contravention to any provisions of the act or abets any such contravention and fails to comply with the act. However in the present case Noticee has neither done any act which attracts the above said provisions of the act and has no prior knowledge that the importers had stuffed Areca Nuts under the said consignment.

13.3.5 The Noticee submitted that the Noticee acts as the Customs Broker of the Importer as per the Authorization letter issued in favour of the M/s Aspire Logistics Private Limited. The role of the Noticee incepts at the time when a vessel arrives at a port and to make sure all the import documents such as invoices, packing list, bill of lading, certificate of origin and other import related documents which are provided by the importer or its agents are filled.

13.3.6 During the investigation statement of the Noticee through its Branch Manager, Mr. Haroon Sharapuddin Shaikh was recorded. In the present case, the Noticee has not facilitated in alleged mis-declaration of goods or has anyhow helped the offender in committing the alleged offence. The Department has not brought forward any evidence to show that the Noticee was aware about the mis-declaration of goods and has not committed any offence in the alleged mis-declaration of goods and does not attract any provisions of Section 112 (a), 112 (b), 114AA and 117 of the Customs Act, 1962. Reliance is placed upon the decision of the Hon'ble CEGAT in the case of Syndicate Shipping Services Pvt. Ltd. vs Commissioner of Customs, wherein the Hon'ble Tribunal held under.

> "*Para No. 5. ..This fact reflects upon the appellant's plea of innocence. Otherwise also there is no positive evidence on records to show that the appellant was an accomplice or abettor It has been held in a number of cases that mere failure by the Custom House Agent to carry out his duties in accordance with law by itself is not sufficient ground to impose personal penalty under Section 117 of the Customs Act, 1962 unless there is evidence to show that the failure was on account of mala fide intention."*

13.3.7 The Noticee further relied upon the following judgements:-

(i) Commissioner Of Customs, Tuticorin Vs M/S. Moriks Shipping And Trading Pvt. on 11 February, 2008,

(ii) Vetri Impex Vs. Commissioner of Customs, Tuticorin [2004 (172) ELT 347 (Tri Chennai))

(iii) M/s. Shakti Cargo Movers vs. Commissioner Of Customs, Airport &.... on 29 April, 2024.

13.3.8 The investigating authority in the captioned SCN has only alleged that the Noticee has failed to verify the creditability and genuineness of the documents of the importers and failed to comply with the rules of CBLR, 2018 and omission of filling Bill of Entry without verifying the approval of checklist from the importers and mis-leading the investigation by not revealing the correct facts and details of other key persons involved in the case.

13.3.9 It is submitted by the Noticee that the investigating authorities did not bring any evidence on record to prove that the Noticee had the knowledge regarding mis-declaration of goods. The Hon'ble Tribunal has taken consistent view that if there is no evidence of aiding and abetting against the Customs Breker, then penalty cannot be imposed on Customs Broker. Reliance is placed upon the decision of the Hob'ble CESTAT, Bangalore in the case of M/s. Schenker India Pvt. Lid v Commissioner of Customs wherein the Hob'ble Tribunal held as under

> “Para 6: After considering the submissions of both the parties and persoal of the material on record. I find that the appellant before filing the Bill of Eniry has sent the check- list and after confirmation from the importer, he filed the bill of Entry containing the details which were supplied to him by the importer. Further, I find that the appellant has filed the Bill of Entry on the basis of the invoices which is given to him and if the importer has given him the wrong invoice then it is the importer who has contravened the provisions of the Act and penalty should have been imposed on the importer and not the appellant who is only acting as a CHA Further, I find that the department has not brought any evidence on record to prove that the appellant had the knowledge of the final invoice or the payment made by Weir to Mis. Barron. This issue has

been considered in many decisions of the Tribunal and it has been consistently held that if there is no evidence of anding and abetting against the CHA, then penalty cannot be imposed on CHA"

13.3.10 Therefore, it is submitted that the role of the Noticee starts as soon as the vessel arrives and documents provided by the importer are submitted to the customs department. The Noticee files the Bills of Entry on the basis of the documents provided by the importers. In the present case, all the documents provided by the respective importer. Accordingly, the Noticee filed the Bills of Entry. It is to be noted that the Department has not brought any evidence to show that the Noticee has abetted in the alleged mis-declaration of goods. The Noticee under its bonafide belief, filed Bills of Entry on the basis of the documents provided by the importer. The Department proposes to impose penalty upon the Noticee which is a residuary provision. It is clear from the statement of the Noticee and others that the Noticee had no direct or indirect role to play in the alleged mis-declaration of goods. Therefore, penalty ought to be dropped on this count alone.

13.3.11 The investigating authority has not produced any shred of evidence to suggest that the Noticee was aware about the alleged mis-declaration of goods.

13.3.12 The Noticee being a Customs Broker had filled the bill of entry as per the documents and information provided by the importer. There is no direct or indirect role of the Noticee in the alleged mis-declaration of goods. Statement of the co-noticees and other persons whose statement were recorded are self-exculpatory to show that the Noticee did not have any knowledge of the alleged mis-declaration. Reliance is placed upon the decision of the Hon'ble Tribunal in the case of M.J. Joshy v Commissioner of Customs, Chennai, it was held under:

"I find that Shri Usman Ali of M/s. Miracle Impex has confirmed that he was processing documents through Shri A.P. Ravi and, therefore, the appellant herein cannot be faulted for having dealt with the representative of the exporter Mis. Miracle Impex. There is no material on record to conclude that the appellant facilitated misdeclaration of value of the export goods so as to enable the exporter to avail undue drawback. Penalty under Section 117 of the Customs Act, 1962 can be imposed only if abetment on the part of the appellant is brought out which

means that the appellant should have knowledge or reason to believe that the provisions of the customs act relating to correct valuation of the goods were being contravened. No such evidence is forthcoming; therefore, penalty upon the appellant cannot be sustained. Accordingly I set aside the same and allow the appeal"

13.3.13 Reliance is placed upon the decision of the Hon'ble Tribunal in the case of M/s. Irma Impex v/s Commissioner of Customs, it was held under:

"Para 8- We find that there is no evidence on record to show that the CHA had connived with the importer in respect of misdeclaration of consignments with intent to evade payment of duty. In absence of any evidence on record that the CHA had connived with the importer or with the other Appellants and acted in a way which violated the provisions of the Customs Act read with other Acts and Rules, we find the penalty on the CHA is not sustainable and the same is set aside. The Appeals are disposed off, as indicated above."

13.3.14 The investigating authority has not adduced any evidence to show that the Noticee had prior knowledge regarding alleged mis-declaration of goods. In the case of Jeena & Co. Vs. Commissioner of Customs 2021 (378) ELT 528, the Hon'ble Tribunal observed that there was no material evidence that the revenue to come to conclusion that the assessee had knowledge of wrong-doing of the importer and has colluded with the importer to defraud the revenue. It is held that in absence of any material evidence of knowledge and evidence, it is not appropriate to punish the Noticee who had done its assignment as per the information and documents provided by the importer.

13.3.15 Further, it is submitted that there was no mala fide intention on the part of the Noticee. The Noticee under the bonafide belief that the documents provided by the Importers are genuine filed the Bills of Entry. And had no prior knowledge about Areca Nuts being imported by way of concealment. The investigating agency/Department has not produced any evidence to establish mala fide intent of the Noticee. Therefore, in the absence of any mala fide intention, the Noticee ought not to

be penalized. Reliance is placed upon the decision of the Hon'ble CESTAT Alunedabad in the case of M/S Hazel Mercantile Lid v CC, Kandla reported in 2011-TIOL-1167-CESTAT-AHM wherein the Hon'ble Tribunal dropped the penalty under Section 117 since no evidence could be adduced in support of establishing any mala fide intention on the part of the Appellant.

13.3.16 In view of the above facts, it suffice that the Noticee has not acted as an abettor, facilitator or assisted or conspired or mis-leaded the investigation in any manner in the alleged mis-declaration of goods.

13.3.17 In view of the above submissions and cited various case laws as above, the Noticee prays that the allegations and charges levelled in the show cause notice may kindly be dropped in the interest of justice and oblige.

13.4 Shri Yogesh Kondappa [Noticee no. 5] submitted his reply dated 19.11.2024, wherein they have, *inter alia*, submitted that:

13.4.1 The Noticee denies the charges and allegations levelled in the captioned SCN. The Noticee under the bonafide belief that the Bill of Entry which was filled was as per the documents and information provided by the importers.

It is further submitted that, as per the statements of all the co-noticees and other persons in the said matter recorded by the investigating authority, it is self-explanatory that the Noticee had no prior knowledge about concealment of Areca Nuts in the said containers and further that the agent of the Noticee i.e Mr. Prince Priydarshi was the one who approached the Custom Authorities and told the same about probable concealment of Areca Nuts behind the declared cargo PP Plastic Grind.

13.4.2 That the Noticee has already disclosed all the material facts and information to the investigating authority and the same is reflected in its statement recorded by the investigating authority.

13.4.3 On reading section 112 (a) and 112 (b) of the Customs Act, it clearly depicts that a person should have done any act or omission, or acquires possession of the goods which are liable to be confiscated under the act and Section 114AA it clearly depicts that a is a person knowingly or intentionally declares incorrect material and

Section 117 clearly depicts that if any person is in contravention to any provisions of the act or abets any such contravention and fails to comply with the act. However in the present case that Noticee has neither done any act which attracts the above said provisions of the act.

It is submitted that the Noticee acts as the Customs Broker of the Importer as per the Authorization letter issued in favour of the M/s. Aspire Logistics Private Limited whereby the Noticee is an employee. The role of the Noticee incepts at the time when a vessel arrives at a port and to make sure all the import documents such as invoices, packing list, bill of lading, certificate of origin and other import related documents which are provided by the importer or its agents are filled.

13.4.4 During the investigation statement of the Noticee was recorded and it is clear and evident from the statement of the Noticee that he did not file the Bill of Entry and as per the documents received from the importer M/s. Aspire Logistics Pvt. Ltd. filled the Bill of Entry. The Noticee submits that there was no reason to doubt the genuineness of the documents and as such the Noticee and its company diligently and as per the standard practices relied upon the information provided by the importers in the present case. It is also further submitted by the Noticee that in accordance to the new criminal law i.e. under section 46 of Bhartiya Nyay Sanhita which defines abetment to include 'instigating any person to do that thing, or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, or intentionally aids, by any act or illegal omission, the doing of that thing. For intentionally aiding the offender the abettor has to facilitate the crime or has to help the offender in committing the crime/offence,

13.4.5 In the present case, the Noticee has not facilitated in alleged mis-declaration of goods or has anyhow helped the offender in committing the alleged offence. The Department has not brought forward any evidence to show that the Noticee was aware about the mis-declaration of goods and has not committed any offence in the alleged mis-declaration of goods and does not attract any provisions of Section 112 (a), 112 (b), 114AA and 117 of the Customs Act, 1962. Reliance is placed upon the decision of the Hon'ble CEGAT in the case of Syndicate Shipping Services Pvt. Ltd. vs Commissioner Of Customs, wherein the Hon'ble Tribunal held under:

Para No. 5... This fact reflects upon the appellant's plea of innocence. Otherwise also there is no positive evidence on records to show that the appellant was an accomplice or abettor. It has been held in a number of cases that mere failure by the Custom House Agent to carry out his duties in accordance with law by itself is not sufficient ground to impose personal penalty under Section 117 of the Customs Act, 1962 unless there is evidence to show that the failure was on account of mala fide intention."

13.4.6 The Noticee further relied upon the following judgements:-

(i) Commissioner Of Customs, Tuticorin Vs M/S. Moriks Shipping And Trading Pvt. on 11 February, 2008,

(ii) Vetri Impex Vs. Commissioner of Customs, Tuticorin [2004 (172) ELT 347 (Tri Chennai))

13.4.7 The investigating authority in the captioned SCN has only alleged that the Noticee has not exercised due diligence processes in respect of information provided by the importer.

13.4.8 It is submitted by the Noticee that the investigating authorities did not bring any evidence on record to prove that the Noticee had the knowledge regarding mis-declaration of goods. The Hon'ble Tribunal has taken consistent view that if there is no evidence of aiding and abetting against the Customs Broker, then penalty cannot be imposed on Customs Broker. Reliance is placed upon the decision of the Hob'ble CESTAT, Bangalore in the case of M/s. Schenker India Pvt. Ltd v Commissioner of Customs wherein the Hon'ble Tribunal held as under:

"Para 6 After considering the submissions of both the parties and perusal of the material on record, I find that the appellant before filing the Bill of Entry has sent the check-list and after confirmation from the importer, he filed the bill of Entry containing the details which were supplied to him by the importer. Further, I find that the appellant has filed the Bill of Entry on the basis of the invoices which is given to him and if the importer has given him the wrong invoice then it is the importer who has contravened the provisions of the Act and penalty should have been imposed on the importer and not the appellant who is only acting as a CHA. Further, I find that the department has not brought any evidence on record to

prove that the appellant had the knowledge of the final invoice or the payment made by Weir to Mis Barron. This issue has been considered in many decisions of the Tribunal and it has been consistently held that if there is no evidence of aiding and abetting against the CHA, then penalty cannot be imposed on CHA."

13.4.9 Therefore, it is submitted that the role of the Noticee starts as soon as the vessel arrives and documents provided by the importer are submitted to the customs department. The Noticees employer files the Bills of Entry on the basis of the documents provided by the importers. In the present case, all the documents provided by the respective importer Accordingly, the Noticees employer filed the Bills of Entry. It is to be noted that the Department has not brought any evidence to show that the Noticee has abetted in the alleged mis-declaration of goods. The Noticees employer under its bonafide belief, filed Bills of Entry on the basis of the documents provided by the importer. The Department proposes to impose penalty upon the Noticee which is a residuary provision. It is clear from the statement of the Noticee and others that the Noticee had no direct or indirect role to play in the alleged mis-declaration of goods. Therefore, penalty ought to be dropped on this count alone.

13.4.10 The investigating authority has not produced any shred of evidence to suggest that the Noticee was aware about the alleged mis-declaration of goods.

The Noticees employer being the customs broker had filled the bill of entry as per the documents and information provided by the importer. There is no direct or indirect role of the Noticee in the alleged mis-declaration of goods. Statement of the co-noticees and other persons whose statement were recorded are self-exculpatory to show that the Noticee did not have any knowledge of the alleged mis-declaration. Reliance is placed upon the decision of the Hon'ble Tribunal in the case of M.J. Joshy v Commissioner of Customs, Chennai, it was held under

"I find that Shri Usman All of Mix Miracle Impex has confirmed that he was processing documents through Shri A.P. Ravi and, therefore, the appellant herein cannot be faulted for having dealt with the representative of the exporter M/s.Miracle Impex. There is no material on record to conclude that the appellant facilitated misdeclaration of value of the export goods so as to enable the exporter to avail undue drawback Penalty under Section 117 of the Customs Act, 1962 can be imposed only if abetment on the part of the appellant is brought out which

means that the appellant should have knowledge or reason to believe that the provisions of the customs act relating to correct valuation of the goods were being contravened. No such evidence is forthcoming, therefore, penalty upon the appellant cannot be sustained. Accordingly I set aside the some and allow the appeal."

13.4.11 The investigating authority has not adduced any evidence to show that the Noticee had prior knowledge regarding alleged mis- declaration of goods. In the case of Jeena & Co. Vs. Commissioner of Customs 2021 (378) ELT 528, the Hon'ble Tribunal observed that there was no material evidence that the revenue to come to conclusion that the assessee had knowledge of wrong-doing of the importer and has colluded with the importer to defraud the revenue. It is held that in absence of any material evidence of knowledge and evidence, it is not appropriate to punish the Noticee who had done its job as per the information and documents provided by the importer.

13.4.12 Further, it is submitted that there was no mala fide intention on the part of the Noticee. The Noticee under the bonafide belief that the documents provided by the Importers are genuine filed the Bills of Entry. And had no prior knowledge about Areca Nuts being imported by way of concealment. The investigating agency/Department has not produced any evidence to establish mala fide intent of the Noticee. Therefore, in the absence of any mala fide intention, the Noticee ought not to be penalized. Reliance is placed upon the decision of the Hon'ble CESTAT Ahmedabad in the case of M/S Hazel Mercantile Ltd v CC, Kandla reported in 2011-TIOL-1167-CESTAT-AHM wherein the Hon'ble Tribunal dropped the penalty under Section 117 since no evidence could be adduced in support of establishing any mala fide intention on the part of the Appellant.

13.4.13 In view of the above facts, it suffice that the Noticee has not acted as an abettor, facilitator or assisted or conspired or mis-leaded the investigation in any manner in the alleged mis declaration of goods.

In view of the above submissions and cited various case laws as above, the Noticee peays that the allegations and charges levelled in the show cause notice may kindly be dropped in the interest of justice and oblige.

13.5 Shri Prince Priydarshi, [Noticee no. 6] submitted his reply dated 17.11.2025, wherein they have, *inter alia*, submitted that:

13.5.1 The Noticee, Shri Prince Priydarshi, submits the following foundational arguments, which demonstrate a fundamental failure of the SCN to establish the requisite elements of knowledge, intent, and action necessary for the imposition of any penalty.

Noticee's Actual Status and Role: The Noticee is not the IEC holder, not the Customs Broker (CB) , and holds no proprietary or financial interest in the seized goods. His role was purely peripheral and ministerial, assisting M/s PYD Shipping and Logistics, which used M/s Aspire Logistics Pvt Ltd's CB license.

Exculpatory Action by Noticee – The Actus Contrarus to Conspiracy: The Noticee vehemently denies all charges of conspiracy, fraud, and mis-declaration. His complete lack of knowledge of the concealment is substantiated by his own voluntary and proactive disclosure to the Customs officers on June 6 and 7,. This self-reporting action led to the seizure of the contraband and was directly contrary to the instruction given by the conduit, Shri Amit Kumar Mishra, who asked him "not to inform the Custom Authorities at the moment". A co-conspirator would never act to sabotage the primary goal of the conspiracy (smuggling the goods for high profit).

Conduit's Denial of Knowledge to Noticee (Critical Exculpatory Admission): The investigation record, which is the sole basis of the SCN, contains a critical, exculpatory admission from the principal conduit, Shri Amit Kumar Mishra (Para 7.3 of SCN): "He stated that he did not tell about the said concealment to anyone [including Shri Prince Priydarshi]". The Department cannot selectively rely on the statement of a co-accused for incrimination while simultaneously disregarding the portion of the same statement that completely exculpates the Noticee regarding knowledge18.

13.5.2 The Noticee submitted that the role played by the Noticee is described in para 11.6 and 11.6.1 of the SCN.

The Noticee asserts, as a fundamental point of fact, that he is not an employee, authorized representative, or agent of the Custom Broker in the instant case. Furthermore, the Noticee is not a licensed Custom Broker under the CBLR..

The crux of the allegation against the Noticee is strictly confined to the assertion that the Noticee informed the Custom Broker that *"the approval of Checklist from both the importer has been received from Shri Amit Mishra the basis of which Bill of Entry was filed."*

The Noticee unequivocally states that, even assuming *arguendo* the veracity of this communication, such an act constitutes a relay of information and does not, in itself, constitute a statutory violation, a negligent act, or an intentional misrepresentation under the relevant provisions of the Customs Act, 1962 (as amended) and the Customs Brokers Licensing Regulations ("CBLR").

The provisions of the CBLR and the Customs Act, 1962, impose specific, stringent, and non-delegable duties upon the Custom Broker (CB) for the transaction of customs business. The Noticee is outside the purview and scope of the CBLR. There exists no express or implied provision within the Customs Act, 1962, or the CBLR that mandates the Noticee, as a third-party non-licensee, to undertake the verification of the Importer's KYC or obtain the final authorization for filing the BoE. The ultimate legal responsibility for the integrity of the BoE rests solely with the Custom Broker.

The Noticee respectfully submits that the imposition of penalties under Sections 112, 114AA, and 117 of the Customs Act, 1962, is legally untenable based on the factual matrix of the case. Specifically, he submitted that a penalty under Section 112 is not imposable as he is not the importer; a penalty under Section 114AA is inapplicable because he did not sign any documents and had no fraudulent intent; and the general penalty under Section 117 cannot be invoked as the SCN completely fails to identify any specific provision of the Customs Act that he allegedly contravened.

13.5.3 Statutory Defense Against Penalty under Section 112:-

The SCN proposes penal action against the Noticee under both Section 112(a) and Section 112(b). The Noticee submits that both provisions are legally non-applicable due to a fundamental failure to establish mens rea (guilty knowledge) and a proprietary disconnect.

A. <u>Mens Rea Requirement for Abetment (Section 112)</u>

Section 112(a) of the Customs Act, 1962, pertains to any person who "does or omits to do any act which act or omission would render such goods liable to confiscation... or abets the doing or omission of such an act".

Requirement of Mens Rea for Abettors: It is a well-established principle of law that for the imposition of a penalty on an alleged abettor, the affirmative establishment of "mens rea," or a culpable state of mind with conscious knowledge of the illicit activity, is necessary.

Judicial Precedent on Abetment: The Hon'ble Bombay High Court (Full Bench) in Amritlakshmi Machine Work vs. Commr (Import), 2016 (335) ELT 225 (Bom.), held that while mens rea may not be required for the principal offender under the first part of Section 112(a), it is a sine qua non for imposing a penalty on an abettor.

> *"Mere facilitation without knowledge would not amount to abetting an offence. Parliament has specifically included abetment in Section 112(a) of the Act, to include acts done with knowledge...".*

B. Act is Mere Facilitation (Not Abetment): The SCN's core charge against the Noticee is an "act of omission," alleging he communicated a Checklist approval "without verifying the same". This constitutes, at worst, a minor lapse in a procedural protocol for an agent and is an act of mere facilitation without knowledge. As per the judicial ratio above, punishing such an innocent facilitation, where the primary conduit (Shri Amit Mishra) actively concealed the criminal intent from the Noticee , is legally untenable.

While dealing with the meaning and scope of the word abetment qua section 112(a) of the Customs Act in detail, the Hon'ble High Court Delhi in Custom Appeal no. CUSAA 3/2021, in case of RAJEEV KHATRI VERSUS COMMISSIONER OF CUSTOMS (EXPORT) held that in the context of Section 112(a) of the Customs Act, by definition, the expression 'abet' means instigating, conspiring, intentionally aiding the acts of commission or omission that render the goods liable for confiscation. The Hon'ble Court observed:

> *31. The use of the expression 'abet' in Section 112(a) of the Customs Act, makes it implicit that the person charged, who is alleged to have abetted the acts of omission or commission, has knowledge and is aware of the said acts. A plain meaning of the word 'abet' means instigation, aid, encouragement of an offence* ***[Simpson, J. A., & C., W. E. S. (1989). The oxford english***

dictionary (2nd ed., Vol. 1). Clarendon Press.]. *It necessarily involves the knowledge that the act being abetted is wrong*.

36. Thus, in the context of Section 112(a) of the Customs Act, by definition, the expression 'abet' means instigating, conspiring, intentionally aiding the acts of commission or omission that render the goods liable for confiscation.

C. Proprietary Disconnect and Non-Applicability of S. 112(b)

Non-Proprietary Status: The Noticee has no legal or proprietary interest in the seized Areca Nuts or the declared PP Plastic Regrind. He is neither the Importer of Record nor the beneficial owner. The ultimate proprietary interest rested with Shri Imran Karimbhai Makwana and the importing firms.

Thus whereas section 112(a) deals with act/ abete or omission which would render such goods liable to confiscation, section 112(b) deals with having possession or dealing with goods like carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing etc.

S. 112(b) Requires Knowledge or Reason to Believe: Section 112(b) strictly applies to a person who "deals with any goods... which he knows or has reason to believe are liable to confiscation". As the Noticee's own actions of reporting the concealment conclusively prove his lack of knowledge , and the goods were ostensibly declared as 'PP Plastic Regrind' (a non-prohibited item) , this prerequisite is not met.

The Appellant also relies on following case laws;

(i) M.S. EXIM SERVICES Versus C.C., LUDHIANA reported in 2021 (377) E.L.T. 615

(ii) HIM LOGISTICS PVT. LTD. Versus COMMISSIONER OF CUSTOMS, NEW DELHI (T2016 (340) E.L.T. 388 (Tri. - Del.)

(iii) BRIJESH INTERNATIONALVersusCOMMR. OF CUS. (IMPORT & GENERAL), NEW DELHI

13.5.4 Statutory Defense Against Penalty under Section 114AA (False Documents)

The penalty under Section 114AA is legally indefensible against the Noticee. Section 114AA requires a person to "knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document...".

A Noticee Did Not Sign Any Document: As per the SCN itself (Para 7.12) and the investigation findings, the Bill of Entry was filed by Shri Haroon S. Shaikh (G-card Holder) from the Mumbai office. The Noticee did not make, sign, or use any of the core false documents (Bill of Entry, Invoice, or Packing List) that rendered the goods liable to confiscation. The noticee submits that this section does not apply to them because they never signed, made, or used any false import documents. The Noticee is neither an importer nor a custom broker and therefore is not bound by any regulation which directs him to comply the provisions. The noticee is not duty bound to make any declaration or submit any documents before Customs.

The noticee further rely on decision in -2024 (6) TMI 779 - CESTAT MUMBAI Suresh Kumar Aggarwal Versus Commissioner of Customs -III, Raigad, Maharashtra.

B. Targeting the Principal vs. the Agent: The high severity penalty of S. 114AA is designed to address the gravest documentary violations initiated by the principal schemer (i.e., the Importer or the person who provides the false documents). The charge against the Noticee—failure to verify a procedural checklist approval—falls far short of the required knowing or intentional fabrication of a false document necessary for this Section.

The Principal Conspirator's Role: The key person responsible for making, signing, or using the false import documents was Shri Imran Karimbhai Makwana, who owned the supplier firm and orchestrated the mis-declaration. The Noticee cannot be held liable for the principal's fraud.

13.5.5 Rebuttal of Conspiracy Allegation and Penalty under Section 117:-

A. Weakness of Conspiracy Allegation

Omission from Core Findings: Para 9, which summarizes the "Finding of the Investigation," repeatedly names Shri Imran Karimbhai Makwana, Shri Pravinbhai Barvadiya, and Shri Amit Kumar Mishra (Para 9.9, 9.10) as the central figures and conspirators. The name of the Noticee, Shri Prince Priydarshi, is conspicuously absent from this list of primary conspirators. This omission in a detailed finding report

strongly suggests that the Department could not establish the Noticee's role as a primary conspirator.

Peripheral Involvement: The Noticee's involvement was peripheral, a recipient of business introduced by a remote contact (Shri Amit Mishra via Shri Nitish Mishra). His minuscule financial interest (sharing ₹33,500/- per container after expenses, with a proposed illegal payoff of ₹13.5 Lakhs per container to the conduit, Shri Amit Mishra confirms his role as a low-level processing agent, not a core member of the criminal syndicate.

B. Non-Applicability of Section 117 (General Penalty)

No Contravention or Obstruction: Section 117 is a general penalty provision for procedural contraventions or failure to comply. The SCN does not make any specific allegation against the Noticee regarding failure to appear on summons or any other procedural obstruction.

The Noticee argued that the fundamental legal precondition for invoking this section is the establishment of a definite contravention or failure to comply with a specific provision of the Act. However, the SCN completely failed to cite any foundational statutory provision that was allegedly contravened (such as Section 46), nor did it make any specific allegation of procedural obstruction, such as a failure to appear upon summons.

The Noticee contended that without an explicit statutory nexus—clearly identifying the specific duty, contravention, or failure to comply with a mandated requirement—the penalty under Section 117 cannot be legally applied or sustained on vague, generalized grounds.

C. Acts of Facilitation, Not Obstruction: The Noticee’s conduct of voluntarily reporting the concealment to the Customs authorities on June 6 and 7, is the antithesis of obstructing the investigation or committing a procedural contravention. His actions actively led to the seizure and successful conclusion of the investigation regarding the seized goods, making the invocation of Section 117 wholly unwarranted and legally unsound.

13.5.6 Conclusive Proof of Bona Fide and Lack of Intent (Detailed Analysis)

The Noticee's conduct immediately upon learning of the concealment serves as the most potent evidence of his non-involvement in the conspiracy.The Noticee's actions of

immediately reporting the concealment and defying the instructions of the main conduit establish his bona fide beyond doubt.

13.5.7 The Noticee Prayed that :-

In light of the detailed and exhaustive submissions presented above, particularly the irrefutable evidence from the SCN itself that the primary conduit (Shri Amit Kumar Mishra) confirms the Noticee's lack of knowledge of the concealment, and the Noticee's subsequent acts of voluntary disclosure to the Customs Authorities, the Noticee, Shri Prince Priydarshi, most respectfully prays that the Learned Adjudicating Authority may be pleased:

To drop all charges and proposed penalties against the Noticee, Shri Prince Priydarshi, under Section 112(a), Section 112(b), Section 114AA, and Section 117 of the Customs Act, 1962.

To acknowledge that the Noticee's action of immediately reporting the concealment established his bona fide and his non-involvement in the criminal conspiracy.

13.6 Shir Amit Kumar Mishra [Noticee no. 3]:

Neither Shri Amit Kumar Mishra, nor their authorized representative has preferred any written submission or defense reply to the present Show Cause Notice.

14. PERSONAL HEARING

14.1 M/s. Hiralal Exim (IEC:BYGPK7845E) [Noticee no. 1]:

In compliance with the principles of natural justice, M/s. Hiralal Exim was granted multiple opportunities for a personal hearing scheduled on 17.01.2025, 11.03.2025, and 10.10.2025. However, neither the Noticee nor any authorized representative on their behalf appeared for the personal hearing on any of the aforementioned dates.

14.2 Shir Imran Karimbhai Makwana [Noticee no. 2]:

Shri D.B. Zala, Consultant appeared for personal hearing on 17.01.2025 and 10.10.2025 on behalf of Shri Imran Karimbhai Makwana in the case of M/s. Hiralal Exim and re-iterated his earlier submission dated 19.09.2024.

He stated that Shri Imran Karimbhai Makwana is neither a partner nor a proprietor of M/s. Hiralal Exim and was also not present during the examination of goods. He did not file the Bill of Entry also. He further stated that during the investigation, statement of Shri Imran Karimbhai Makwana was not recorded.

14.3 Shri Amit Kumar Mishra [Noticee no. 3] :

In compliance with the principles of natural justice, Shri Amit Kumar Mishra was granted multiple opportunities for a personal hearing scheduled on 17.01.2025, 11.03.2025, 10.10.2025 and 03.11.2025. However, neither the Noticee nor any authorized representative on their behalf appeared for the personal hearing on any of the aforementioned dates.

14.4 M/s. Aspire Logistics Pvt. Ltd [Noticee no. 4]

In compliance with the principles of natural justice, M/s. Aspire Logistics Pvt. Ltd. was granted opportunities for a personal hearing on 17.01.2025, 10.10.2025, and 03.11.2025. Availing the opportunity, Shri Rahul Giri appeared for the personal hearing on 03.11.2025 as the authorized representative on behalf of Noticee No. 4 M/s. Aspire Logistics Pvt. Ltd.

He submitted that he is working as operational manager in M/s. Aspire Logistics Pvt Ltd. He submitted that in this case, all the documents i.e. invoice, P/L, B/L and KYC of importers were received from Shri Amit Mishra (employee of other CHA firm). M/s. Aspire Logistics Pvt Ltd had no idea about any concealment in the said case.

14.5 Shir Yogesh Kondappa, [Noticee no. 5]

In compliance with the principles of natural justice, Shri Yogesh Kondappa was granted opportunities for a personal hearing on 17.01.2025, 10.10.2025, and 15.06.2026. Availing the opportunity, Shri Yogesh Kondappa appeared for the personal hearing on 15.06.2026.

In the personal hearing, he re-iterated his earlier submission dated 19.11.2024 and submitted that there was no mala fide intention on his part. He under the bonafide belief that the documents provided by the Importers are genuine filed the Bills of Entry. He had no prior knowledge about Areca Nuts being imported by way of concealment. He is just an H-Card holder employee of M/s. Aspire Logistics Pvt. Ltd., CB firm and there is no involvement of him.

Further, as soon as, he came to know that there is concealment of 'Areca Nut', he informed the customs department immediately. Also, he fully co-operated the department during the investigation. Therefore, he requested to exonerate him from all the penalties.

14.6 Shri Prince Priydarshi [Noticee no. 6]

In compliance with the principles of natural justice, Shri Prince Priydarshi was granted opportunities for a personal hearing on 17.01.2025, 11.03.2025 and 10.10.2025. Availing the opportunity, Shri Prince Priydarshi appeared for the personal hearing on 10.10.2025.

In the personal hearing, he informed that, he is working as marketing employee and used to give work to various CHA on commission basis only. He submitted that in this case he had taken all the documents i.e. invoice, P/L, B/L and KYC of importer from Shri Nitish Mishra (employee of other CHA firm) and forwarded to PYD Shipping email id. Additionally, he also informed that he helped PYD Shipping in custom clearance procedure. He had no idea about any concealment in the said case.

DISCUSSION AND FINDINGS

15. I have carefully gone through the facts of the case, Show Cause Notice dated 03.06.2024 and the noticee's submissions both, in written and in person. I find that in the present case, principle of natural justice have been complied with and therefore, I proceed to decide the case on the basis of applicable laws/rules, written submissions and documentary evidences available on record.

16. I now proceed to decide the issues framed in the instant SCN before me. On a careful perusal of the subject Show Cause Notice and case records, I find that following main issues are involved in this case, which are required to be decided at the stage of adjudication: -

(a) Whether the illegally imported goods i.e. **Areca Nut (Qty. 40880 Kg, Tariff value- approx. Rs. 3,53,43,650/-)** should be confiscated under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 or otherwise.

(b) Whether the declared imported goods **PP Plastic Regrind (Qty. 8820 kg, total declared value- Rs. 28,12,837.65)**, used for the purpose of concealment of smuggled 40880 Kgs Areca Nut, should be confiscated under the provisions of Section 119 of the Customs Act, 1962 or otherwise.

(c) Whether the noticees are liable for penalty imposed under Section 112(a) &112(b), 114AA & 117 of the Customs Act, 1962 or otherwise.

17.1 I observe that M/s. Hiralal Exim had filed Bill of Entry No. 6184468 dated 30.05.2023 for clearances of the import goods at Mundra Port. The declared description of the goods in the said import consignment was 'PP Plastic Regrind (Non Hazardous)' classified under HS Code 39021000 and imported through container bearing No. HLBU1840160 and HLBU3311398.

17.2 I further find that examination of the goods was carried out by the officers of Directorate of Revenue Intelligence and the officers of SIIB, Mundra Customs House under panchanama dated 10.06.2023. During examination of the import consignment, it was noticed that the containers was stuffed with jumbo bags in front side and the jute bags of grey colour in backside. After unloading of Jumbo Bags from both the container it was found that both containers were found to be stuffed with 8 Jumbo bags which were stuffed with waste/scrap of plastic which appears to be flakes of plastic material having dirt over. Both the containers were stuffed with the jute bags behind the jumbo bags. The jute bags from both the containers were placed in the warehouse in such a manner that the bags remain accessible and goods inside can be examined easily. Jute bags was cut and it was found that all of the jute bags were stuffed with Areca Nut. The container No. HLBU3311398 was found to be stuffed with 255 jute bags and the container No. HLBU1840160 was found to be stuffed with 256 Jute bags. Weight of one jute bags was found to be 81.8 Kg and that of empty jute bags was found to be 1.8 Kg. The details of the goods found during examination is summarized as under:-

Container No.	Weight of Plastic waste (including pkg. material)	Weight of Areca Nuts/ (including pkg. material)	Net Weight of Areca Nuts (Excl. pkg. material weight 1.8 Kg/Box)
HLBU3311398	4290 Kgs/ 8 Jumbo Bags	20859 Kgs/ 255 Jute Bags	20400 Kgs
HLBU1840160	4530 Kgs/8 Jumbo Bags	20940.8/256 Jute Bags	20480 Kgs

Total	**8820 Kgs/ 16 Jumbo Bags**	**41799.8/511 Jute Bags**	**40880 Kgs**

17.3 I find that the Areca Nuts were found concealed in the import consignment of declared goods 'PP Plastic Regrind (Non-Hazardous). The above quantity of 40.88 MTS Areca Nuts (CTH 080280) was the item importable at fixed values called "Tariff Values", under Notification issued under Section 14(2) of the Customs Act, 1962 by the Board. If the tariff values are fixed for any goods, ad valorem duties thereon are required to be calculated with reference to such tariff values only following Rule 2 of the Customs Valuation Rules 2007 and not at the "transaction values" as specified vide Rule 3(i) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Hence, to avoid the correct tariff value was USD 10379 per Metric Ton, as per the applicable Notification No. 34/2023-CUSTOMS (N.T.) New Delhi, 15th May, 2023, issued under Section 14(2) of the Customs Act 1962 the act of the Importer and his accomplices in suppressing the actual details, value, and classification etc. of the Import Consignment rendered the whole import consignment liable for confiscation under the provisions of the Customs Act, 1962.

17.4 I find that 41799.8 MTs (Gross Weight) of Areca Nut were not declared in the Bill of Entry No. 6184468 dated 30.05.2023 and on reasonable belief that the goods were liable for confiscation under the provisions of the Customs Act, 1962. Thus, the said 41799.8 MTs gross weight (Net Weight 40880 Kg) of Areca Nut and 8820 Kg of Plastic Waste stuffed in the container No. HLBU3311398 and HLBU1840160 were placed under seizure under section 110 of the Customs Act, 1962 vide Seizure Memorandum dated 13.06.2023 (DIN-20230671MO0000000D4A). The seized consignment was handed over to the custodian M/s All Cargo CFS, Mundra under Supartnama dated 13.06.2023.

17.5 I also find that it is a fact that consequent upon amendment to the Section 17 of the Customs Act, 1962 vide Finance Act, 2011; 'Self-Assessment' has been introduced in Customs. Section 17 of the Customs Act, effective from 08.04.2011, provides for self-assessment of duty on imported goods by the importer himself by filing a Bill of Entry, in the electronic form. Provisions of the Section 46 of the Customs Act, 1962 makes it mandatory for the importer to make proper & correct entry for the imported goods by presenting a Bill of Entry electronically to the proper officer. As per Regulation 4 of the Bill of Entry (Electronic Declaration) Regulation, 2011 (issued under Section 157 read with Section 46 of the Customs

Act, 1962) the Bill of Entry shall be deemed to have been filed and after self-assessment of duty completed when, after entry of the electronic declaration (which is defined as particulars relating to the imported goods that are entered in the Indian Customs Electronic Data Interchange System) in the Indian Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the service centre, a Bill of Entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration. Thus, under self-assessment, it is the importer who has to ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported goods while presenting the Bill of Entry. Thus, with the introduction of self-assessment by amendments to Section 17, since 8th April, 2011, it is the added and enhanced responsibility of the importer to declare the correct description, value, quantity, notification, etc and to correctly classify, determine and pay the duty applicable in respect of the imported goods.

17.6 From the above, I find that the Noticee has violated Sub-Section (4) and 4(A) of Section 46 of the Customs Act as they have concealed the tariff valued goods and evaded the payment of applicable duty. I find that the Noticee was required to comply with Section 46 which mandates that the importer filing the Bill of Entry must make true and correct declarations and ensure the following:

(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.

In the instant case, I find that the importer- M/s Hiralal Exim was fully aware of the actual goods imported by them. Thus, in view of the facts discussed in the foregoing paras and material evidences available on records, I find that the importer has contravened the provisions of Section 46(4) and 46(4A) of the Customs Act, 1962, in as much as they had intentionally mis-declared the description of the goods imported by them with a malafide intention to import a prohibited good by way of concealment in order to evade the applicable Custom duties.

18. Confiscation of the Goods under section 111 of the Customs Act, 1962.

18.1 The section 111 of the Customs Act, 1962 provides for the following:

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

111(a) ……

……..

……..

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

111 (e) any dutiable or prohibited goods found concealed in any manner in any conveyance;

111 (f) any dutiable or prohibited goods required to be mentioned under the regulations in an [arrival manifest or import manifest] or import report which are not so mentioned;

……

111 (i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;

……

111 (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.

18.2 I find that M/s. Hiralal Exim filed Bill of Entry No. 6184468 dated 30.05.2023 of declared goods as "PP Plastic Regrind" having declared assessable Value of Rs. 28,12,837.65. M/s. Hiralal Exim sought clearance thereof through M/s. Aspire Logistics Pvt. Ltd., Mundra, however, during examination total quantity of 40.880 MTs Areca Nuts, (CTH 080280) were found concealed in the import consignment alongwith total 8.82 MTs of PP Plastic Regrind. It was revealed that M/s. Hiralal Exim had mis-declared the description, classification, value, quantity etc. at the time of filing import documents for clearance of the said import consignment. Further total 511 Jute bags of Areca Nut weighing around 40.880 MTs was found concealed with 8.82 MTs of goods declared as PP plastic Regrind.

As per Section 46 of the Customs Act, 1962 an importer shall make entry of the imported goods with correct details, description/classification, value etc. In the present case, it was found that proprietor Shri Kunpara Divyesh Hiralal was assured to give Rs. 20000/- per container for lending his IEC for the import of PP Plastic Regrind and shipper Shri Imran Karimbhai Makwana was very well aware with the actual description, quantity and value of the concealed goods, however, they had mis-declared the same before Customs Authorities

As per Section 46 of the Customs Act, 1962 an importer shall make entry of the imported goods with correct details, description/classification, value etc. In the present case, it was noticed that the importer was very well aware with the actual description, quantity and value of the concealed goods, however, they had mis-declared the same before Customs Authorities. M/s. Hiralal Exim was also aware with tariff 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 which fixed the tariff value of the concealed goods. Areca Nuts have been attempted to be imported under the pro-rata CIF value of Rs. 54/- per Kg in the subject Bill of Entry against the MIP of Rs. 864.57 /Kg specified by the EXIM Policy. Which was declared as 351/Kg due to typographical error in SCN dated 03.06.2024, however the total value of the Areca Nuts remains same as per SCN. MIP is calculated on the basis of notification no. 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023 along with exchange rate Notification No. 36/2023 - Customs (N.T.) dated 18.05.2024.

Prohibited goods and Smuggling as defined under Section 2(33) and Section 2(39) respectively of Customs Act, 1962 is as under :-

"Prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

"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;

Accordingly, the whole consignment of **40880 Kgs of Areca Nut** is rendered "Prohibited goods" for import under the existing EXIM policy. Therefore, the above goods being the "Prohibited Goods" as defined under Section 2(33) of Customs Act, 1962 and being the goods imported without due compliance with the Policy provisions, were also found liable to be categorized as "Smuggling" within the meaning of Section 2(39) of the Customs Act, 1962. The Areca Nuts found concealed in the import consignment falls under the category of smuggled goods.

In view of above, I find that M/s. Hiralal Exim deliberately and knowingly not declared and mis-declared the subject goods with intention to evade the applicable Customs Duty. The importer by way of concealment and violating the tariff value decided time to time. Accordingly, I find that 40.88 MTs quantity of Areca Nuts whole/splits, (CTH 080280) found concealed with the declared 'PP Plastic Regrind' were liable for confiscation under Section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962.

18.3 Confiscation of the Goods under section 119 of the Customs Act, 1962.

The section 119 of the Customs Act, 1962 provides for the following:

"119 Any goods used for concealing smuggled goods shall also be liable to confiscation."

I find that during examination of the import consignment, it was noticed that the containers was stuffed with plastic bags containing plastic waste. After unloading of the few front rows, it is found that the container was stuffed with grey colour jute bags which were found to be stuffed with Areca Nut. The containers was found to be stuffed with 511 jute bags and 16 jumbo bags containing plastic waste. It is evident that PP Plastic Regrind as declared in the import documents were used for concealment of Areca nut.

Therefore, I find that the declared imported goods PP Plastic regrind (Qty. 8820 Kgs) used for concealment of the smuggled goods i.e. Areca nut are liable to be absolutely confiscated under section 119 of the Customs Act,1962.

19. Imposition of Redemption fine in lieu of confiscation of the goods under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962.

19.1 On plain reading of the provisions of the Section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962 (mentioned at Point no. 18.1) it is clear that the impugned goods i.e. areca nut was imported in violation of the tariff Notification 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 which fixed the tariff value of the concealed goods. Areca Nuts have been attempted to be imported under the pro-rata CIF value of Rs. 54/- per Kg in the subject Bill of Entry against the MIP of Rs. 864.57/Kilogram specified by the EXIM Policy in the guise of PP Plastic regrinds) rendering the imported goods i.e Areca Nut (Qty. 40880 Kg) as smuggled and PP Plastic regrinds (Qty. 8820 Kgs) being used for concealment of the smuggled goods.

As discussed in the foregoing para's, it is evident that the Importer has deliberately mis-declared the imported goods with a malafide intention to bypass the policy condition. Therefore, I hold the impugned imported goods Areca Nut (Qty. 40880 Kg) liable for absolute confiscation as per the provisions of Section 111(d), 111(e),111(f), 111(i) and 111(l) of Customs Act, 1962 and PP Plastic Regrind (Qty. 8820 Kgs) being used for concealment of the smuggled goods liable for absolute confiscation under section 119 of the Customs Act, 1962.

19.2 As the impugned goods are found to be liable for confiscation under Section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962, I find that it is necessary to consider as to whether redemption fine under Section 125 of Customs Act, 1962, is liable to be imposed in lieu of confiscation in respect of the impugned goods as alleged vide subject SCN. The Section 125 ibid reads as under:

"*Section 125. Option to pay fine in lieu of confiscation.-(1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods 1[or, where such owner is not known, the person from whose possession or custody such goods have been seized,] an option to pay in lieu of confiscation such fine as the said officer thinks fit.*"

19.3 A plain reading of the above provision shows that in the case of prohibited goods, the adjudicating officer may give the option of redemption fine — it is a discretion, not a mandate. In the case of other (non-prohibited) goods, the officer

shall give such option. In the present case, the smuggled Areca Nuts are "Prohibited Goods" within the meaning of Section 2(33) of the Customs Act, 1962, having been imported in violation of the MIP/tariff value conditions of the EXIM Policy, and their import amounts to "Smuggling" as defined under Section 2(39) of the Customs Act, 1962. Accordingly, the discretion whether or not to grant the option of redemption fine vests in the adjudicating authority.

19.4 I find that in the present case, the entire modus operandi was a deliberate, premeditated and carefully orchestrated scheme to smuggle high-value, high-duty Areca Nuts into India by concealing them behind declared goods, using fabricated import documents, and exploiting the IEC of an unsuspecting importer. The concealment involved 511 jute bags of Areca Nuts stacked at the rear of two containers behind 16 jumbo bags of plastic waste — a scheme that required advance planning, coordination across multiple entities in India and UAE, and wilful falsification of all import documents including the invoice, packing list, Bill of Lading, and Bill of Entry. The scheme was designed to evade Customs duty amounting to approximately Rs. 3,88,78,015/-. The principal mastermind Shri Imran Karimbhai Makwana has evaded all summons and has not joined the investigation. No representation, request for redemption or claim over the goods has been made by the owner of the smuggled Areca Nuts.

19.5 I find that no request for release or redemption of the impugned Areca Nuts has been made by the importer M/s Hiralal Exim or by any person claiming ownership of the smuggled goods. The nature of the violation — deliberate concealment, use of fabricated documents, duty evasion of nearly Rs. 3.89 crore — is of the most serious kind. There is no scope for leniency in the instant case. Accordingly, exercising the discretion vested in me under Section 125(1) of the Customs Act, 1962, I do not grant any option to redeem the smuggled Areca Nuts. I order absolute confiscation of 40,880 Kgs of Areca Nuts (CTH 080280) having assessable value of Rs. 3,53,43,650/- under Sections 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962.

19.6 As regards the PP Plastic Regrind (8,820 Kgs, declared value Rs. 28,12,837.65/-) confiscated under Section 119 of the Customs Act, 1962, I find that the same was used as a tool of concealment in a deliberate smuggling scheme. No claim over these goods has been made either. The goods used for concealment of smuggled goods are equally tainted by the fraud perpetrated. Accordingly, I order absolute confiscation of 8,820 Kgs of PP Plastic Regrind (declared value Rs.

28,12,837.65/-) under Section 119 of the Customs Act, 1962 as well, without granting any option of redemption.

20. DISCUSSION ON IMPOSITION OF PENALTIES ON NOTICEES

I have carefully gone through the Show Cause Notice, the relied upon documents, the voluntary statements of all persons recorded under Section 108 of the Customs Act, 1962, the written submissions filed by Noticees 2, 4, 5 and 6, the personal hearing submissions, and all other material available on record. I note that M/s Hiralal Exim (Noticee 1) and Shri Amit Kumar Mishra (Noticee 3) have neither filed any written submissions nor appeared for personal hearing despite being granted multiple opportunities. Their cases are being decided ex-parte on the basis of available records. I find that the principle of natural justice has been complied with in respect of all Noticees. It would now be appropriate to examine the role and liability of each Noticee individually.

21. Penalty on M/s. Hiralal Exim (Noticee No. 1):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against M/s Hiralal Exim. Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against M/s Hiralal Exim.

21.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

I find that M/s. Hiralal Exim filed Bill of Entry No. 6184468 dated 30.05.2023 at Mundra Port declaring the goods as "PP Plastic Regrind (Non-Hazardous)" under CTH 39021000, whereas on examination, 40,880 Kgs of Areca Nuts (CTH 080280) were found concealed behind 8,820 Kgs of PP Plastic waste in containers HLBU3311398 and HLBU1840160. M/s. Hiralal Exim is the importer of record for the subject Bill of Entry and bears primary legal responsibility for the import made under their name and IEC.

21.1.1 I find that Shri Kunpara Divyesh Hiralal, Proprietor of M/s. Hiralal Exim, in his voluntary statement dated 03.07.2023, admitted that he lent his IEC to Shri Imran Karimbhai Makwana for the purpose of importing cargo from Dubai, in exchange for an assured payment of Rs. 20,000/- per container. He admitted that

he did not place any order for the import of subject cargo, nor did he arrange the Customs Broker for the clearance. He admitted that the entire logistics of the import — including the Customs Broker, the overseas supplier and the cargo — was arranged by Shri Imran Karimbhai Makwana, while he merely provided his IEC for consideration.

21.1.2 I find that the act of M/s. Hiralal Exim in allowing their IEC to be used by Shri Imran Karimbhai Makwana for commercial consideration — without exercising any control or oversight over the nature, description or legality of the goods being imported under their name — is not merely negligent but constitutes a knowing act of omission which directly facilitated the illegal import of 40,880 Kgs of smuggled Areca Nuts under the garb of PP Plastic Regrind. The IEC is a statutory instrument of identity and accountability in international trade and its holder cannot escape responsibility for the import made under it merely by claiming ignorance of the contents. The Bill of Entry was filed in the name of M/s. Hiralal Exim, under their IEC, with their declared description and classification — making all legal consequences of that import attributable to them.

21.1.3 I further find that by accepting Rs. 20,000/- per container as consideration for lending their IEC, M/s. Hiralal Exim knowingly and deliberately put their statutory identity into the hands of a person who used it to import smuggled and prohibited goods. The omission and commission on the part of M/s Hiralal Exim i.e. mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Arecanut (Qty. 40,880 kg, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs),** liable to confiscation under section 119 of the Customs Act,1962. Accordingly, M/s. Hiralal Exim has rendered itself liable for penalty under **Section 112(a)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(b) of the Customs Act, 1962.

21.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards penalty under Section 114AA, I find that Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation it has come to the notice that the imports were made in violation of tariff Notification No. 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962. The importer with the malafide intention imported "Areca Nusts' by concealing the same behind the goods "Plastic Regrind" declared in the import documents, to evade the duty liability as specified in the exim policy. This deliberate mis-declaration was supported by invoices and packing lists that were found to be incorrect in respect of the description and value of the goods. It is clearly evident that that M/s. Hiralal Exim has violated the provisions of Section 14 and Section 46 of the Customs Act, 1962. The act of knowingly using incorrect documents to facilitate the smuggling of Areca Nuts makes the noticee liable for a penalty, as the documentation was instrumental in the attempt to clear prohibited goods under the guise of 'Plastic Regrind'. The Bill of Entry filed in the name of M/s. Hiralal Exim contained false and incorrect declarations in all material particulars — including description, classification, value, quantity and nature of the goods. By providing their IEC and thereby causing the Bill of Entry to be filed in their name with these false declarations, M/s. Hiralal Exim knowingly and intentionally caused to be made, signed and used a declaration which was false and incorrect in material particulars. Accordingly, M/s. Hiralal Exim has rendered itself liable for penalty under **Section 114AA** of the Customs Act, 1962.

21.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

As regards penalty under Section 117, I find that M/s. Hiralal Exim has illegally imported areca nut in by concealing the same in the PP Plastic regrinds in violation of the Notification No. 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023,

issued under Section 14(2) of the Customs Act 1962 to evade the duty liability as specified in the exim policy. Further, I also find that M/s. Hiralal Exim through their partners for various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, discussed above. Also, M/s. Hiralal Exim neither filed any written submissions in reply to the Show Cause Notice, nor appeared for personal hearing despite being granted three opportunities on 17.01.2025, 11.03.2025 and 10.10.2025. Their continued non-cooperation with the adjudication proceedings constitutes failure to comply with the provisions of the Customs Act, 1962, rendering them liable for penalty under **Section 117** of the Customs Act, 1962.

22. Penalty on Shri Imran Karimbhai Makwana (Noticee No. 2):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against **Shri Imran Karimbhai Makwana**. Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against **Shri Imran Karimbhai Makwana**.

22.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

22.1.1 I find that Shri Imran Karimbhai Makwana is the principal mastermind and chief architect of the smuggling scheme in the present case. The investigation has established the following facts about his central and orchestrating role:

(i) Shri Imran owns and operates M/s Polytech Middle East FZE, UAE — the very entity from which the subject consignment was shipped. He thus controlled both ends of the transaction — the export from UAE and the import into India — in his own hands.

(ii) He illegally used the IEC of M/s. Hiralal Exim by inducing Shri Kunpara Divyesh Hiralal with a payment of Rs. 20,000/- per container to import the smuggled goods in someone else's name, thereby shielding his own identity.

(iii) He operated a parallel smuggling operation through M/s Jaliyan Polymers — of which he is a partner — using an identical modus operandi in the same batch of containers.

(iv) He engaged Shri Amit Kumar Mishra as an onshore facilitator and offered Rs. 13,50,000/- per container for successfully clearing the containers stuffed with 80% Areca Nut and 20% PP Regrind through Customs.

(v) Shri Amit Kumar Mishra, in his voluntary statement dated 24.06.2023, stated that Shri Imran personally informed him on 28/29.05.2023 — before the examination — that the containers would be stuffed with Areca Nuts, and that Shri Imran sent Rs. 9,96,000/- through Angadia for payment of Customs duty on the declared cargo.

(vi) Shri Imran wilfully and deliberately disobeyed five summons issued by DRI on 24.06.2023, 05.07.2023, 18.07.2023, 04.08.2023 and 26.08.2023, forcing DRI to file a criminal complaint before the Additional CJM, Gandhidham. His Anticipatory Bail Application was dismissed by the Additional Sessions Judge, Bhuj, on 23.09.2023.

22.1.2 I have considered the detailed written submissions filed by Shri Imran Karimbhai Makwana dated 19.09.2024 and reiterated in personal hearings on 17.01.2025 and 10.10.2025. His submissions are examined and rejected for the following reasons:

(i) **Denial of involvement and challenge to co-noticee statements**: The Noticee has denied all allegations and sought to discredit the statements of Shri Amit Kumar Mishra by pointing to alleged internal contradictions across his multiple statements. I find that the core and material admissions in Shri Amit Mishra's statements — that Shri Imran communicated with him via WhatsApp about the stuffing of Areca Nuts, that Shri Imran offered Rs. 13.5 lakhs per container for customs clearance, and that money for Customs duty was sent by Shri Imran through Angadia — are entirely consistent across all four statements recorded on 14.06.2023, 23.06.2023, 24.06.2023 and 25.06.2023. Peripheral inconsistencies in narrative sequence do not undermine the substance of the incriminating admissions. The law is well settled that statements of co-accused/co-noticees, when consistent on material facts and corroborated by other evidence on record, can be relied upon in adjudication proceedings.

(ii) **Claim of no direct evidence**: The supplier M/s Polytech Middle East FZE is owned by Shri Imran himself. He owned the cargo, controlled the shipment, arranged the IEC, engaged the onshore facilitator, financed the duty payment and

directed the entire operation. These are direct acts — not circumstantial inferences — each of which is established by material evidence on record.

(iii) **Claim of statement not recorded**: Shri Imran deliberately and wilfully refused to appear before DRI despite five summons. He cannot benefit from an evidentiary vacuum that he himself created by evading the investigation. Adverse inference is drawn against him for his deliberate non-cooperation.

(iv) **Reliance on criminal law standard of proof**: The Noticee has cited various Supreme Court judgments on the standard of proof in criminal matters. Customs adjudication proceedings are civil in nature and the applicable standard is preponderance of probabilities — not proof beyond reasonable doubt. On the preponderance of probabilities, the material evidence on record overwhelmingly establishes Shri Imran's role as the mastermind of the smuggling operation.

(v) **Claim about Shri Haroon Shaikh's statement**: The Noticee argues that Shri Haroon Shaikh's statement points to Shri Amit Mishra as the principal figure. The investigation has consistently revealed that Shri Imran was the overseas orchestrator and Shri Amit Mishra was the onshore facilitator — both played different but essential and complementary roles. The identification of Shri Amit Mishra's onground role does not diminish Shri Imran's role as the person who owned the supplier firm, stuffed the containers in Dubai, arranged the IEC and financed the entire operation.

22.1.3 The omission and commission on the part of Shri Imran Karimbhai Makwana i.e. mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Areca/Betel (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. Concealing 40,880 Kgs of smuggled Areca Nuts in containers imported into India under a completely false declaration, using a fraudulently arranged IEC, with fabricated documents, causing evasion of Customs duty of approximately Rs. 3,88,78,015/-, and deliberately evading investigation — which constitute smuggling as defined under Section 2(39) of the Customs Act, 1962, Shri Imran Karimbhai Makwana has rendered himself liable for penalty under **Section 112(a)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(b) of the Customs Act, 1962.

22.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards the penalty on Shri Imran Karimbhai Makwana under Section 114AA of the Customs Act, 1962 is concerned, Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation it has come to the notice that the imports were made in violation of tariff notification 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 to evade the duty liability as specified in the exim policy and thereby it's clearly evident that that Shri Imran Karimbhai Makwana has violated the provisions of Section 14 and Section 46 of the Customs Act, 1962. Shri Imran Karimbhai Makwana knowingly and intentionally caused to be made, signed and used false and incorrect import documents — including the invoice, packing list, Bill of Lading and Bill of Entry — which were false and incorrect in all material particulars including description, quantity, value and classification of the goods, thereby rendering himself liable for penalty under **Section 114AA** of the Customs Act, 1962.

22.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

Shri Imran Karimbhai Makwana is the beneficial owner of the goods who has operated from behind the curtains has emerged as the key conspirator of the intricate smuggling operation, orchestrating the illegal import of Arecanuts by employing deceptive practices to smuggle the goods into in violation of tariff notification 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 to evade the duty liability as specified in the exim policy. Shri Imran Karimbhai Makwana wilfully and deliberately disobeyed five

summons issued under Section 108 of the Customs Act, 1962 and therefore by not joining the investigation and not revealing the correct facts and details of other key persons involved in this case, rendered himself additionally liable for penalty under **Section 117** of the Customs Act, 1962.

23. Penalty on Shri Amit Kumar Mishra (Noticee No. 3):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against **Shri Amit Kumar Mishra**. Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against **Shri Amit Kumar Mishra**.

23.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

23.1.1 I find that Shri Amit Kumar Mishra, H-card holder of M/s. Shree Jogni Enterprises, Custom Broker, was the principal onshore facilitator of the smuggling scheme. In his voluntary statement dated 24.06.2023 he made the following categorical admissions:

(i) He was fully aware of the concealment of Areca Nuts in the containers even before their examination by DRI.

(ii) Shri Imran Karimbhai Makwana personally informed him on 28/29.05.2023 that the three containers would be stuffed with 80% Areca Nut and 20% PP Regrind.

(iii) He agreed to accept Rs. 13,50,000/- per container for facilitating successful Customs clearance of the smuggled consignment.

(iv) He received Rs. 9,96,000/- through Angadia from Shri Imran for payment of Customs duty.

(v) He was personally present at Mundra Port during the examination of the goods.

(vi) He was aware of the applicable Tariff Value of Areca Nuts as per Notification No. 34/2023-Customs (N.T.) dated 15.05.2023 — establishing that he knew the duty implications of the goods being smuggled.

These are categorical, voluntary and repeated admissions made across multiple statements recorded on 14.06.2023, 23.06.2023, 24.06.2023 and 25.06.2023

under Section 108 of the Customs Act, 1962. Shri Amit Kumar Mishra neither filed written submissions nor appeared for personal hearing despite four opportunities on 17.01.2025, 11.03.2025, 10.10.2025 and 03.11.2025. His failure to file any rebuttal further strengthens the case against him.

23.1.2 I find that Shri Amit Mishra has willfully and deliberately indulged into conspiracy of importing Tariff Value attracting goods in guise of general cargo at transaction value, by way of mis-declaration and concealing the same in the consignment of other goods imported at Mundra. From the evidences gathered during investigation and facts admitted in his statement, it is evident that Shri Amit Mishra S/o Late Shri Vinod Mishra was part of the smuggling cartel and has played a pivotal role in the smuggling of high value goods on fabricated documents and abetting the forging/fabricating/manipulating the documents issued through the supplier making him culpable under relevant sections of the Customs Act, 1962.

23.1.3 I find that he omission and commission on the part of Shri Amit Kumar Mishra i.e., mis-declaration of subject goods by way of forging documents, fraud, collusion, and suppression of facts and illegal import of prohibited goods have rendered the subject illegally imported goods **Arecanut (Qty. 40880 kg, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs),** liable to confiscation under section 119 of the Customs Act,1962. His active and knowing participation in the smuggling conspiracy from inception, combined with his financial stake in the successful clearance, constitutes a direct act under Section 112(a) rather than mere dealing. Accordingly, Shri Amit Kumar Mishra has rendered himself liable for penalty under **Section 112(a)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(b) of the Customs Act, 1962.

23.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards the penalty on Shri Amit Mishra under Section 114AA of the Customs Act, 1962 is concerned, Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation it has come to the notice that the imports were made in violation of

tariff notification 34/2023-Customs (N.T.) New Delhi, 15th May, 2023 and Notification No. 38/2023-Customs (N.T.) New Delhi, 31st May, 2023, issued under Section 14(2) of the Customs Act 1962 to evade the duty liability as specified in the Exim policy. Shri Amit Mishra has willfully and deliberately indulged into conspiracy of importing Tariff Value attracting goods in guise of general cargo at transaction value, by way of mis-declaration and Shri Amit Mishra in collusion with Shri Imran Karimbhai Makwana has knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods etc., with mala-fide intention, and therefore, I find that Shri Amit Mishra is liable to penalty under **Section 114AA** of the Customs Act, 1962.

23.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

Shri Amit Mishra in collusion with Shri Imran Karimbhai Makwana involved in the illegal import of Arecanuts by employing deceptive practices to smuggle the goods into in violation of various tariff notification discussed above in order to evade the duty liability as specified in the Exim policy. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, I find that Shri Amit Mishra is liable to penalty under **Section 117** of the Customs Act, 1962.

24. Penalty on M/s. Aspire Logistics Pvt. Ltd. (Noticee No. 4):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against **M/s. Aspire Logistics Pvt. Ltd.** Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against **M/s. Aspire Logistics Pvt. Ltd.**

24.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

24.1.1 I find that M/s. Aspire Logistics Pvt. Ltd. filed Bill of Entry No. 6184468 dated 30.05.2023 for M/s. Hiralal Exim using their Customs Broker license. Their Branch Manager Shri Haroon Shaikh confirmed during the search at their Mumbai office that the import documents and KYC details for the importer were received through Shri Yogesh Kondappa — their H-card holder — who in turn received them from Shri Amit Kumar Mishra, an H-card holder of an entirely different CHA firm M/s Shree Jogni Enterprises. Shri Rahul Giri, appearing at personal hearing on 03.11.2025, confirmed this chain of document flow.

24.1.2 I have considered the written submissions of M/s. Aspire Logistics Pvt. Ltd. dated 19.11.2025 and the personal hearing submissions. Their primary defence is that they had no prior knowledge of the concealment, that the Bill of Entry was filed in good faith on the basis of documents provided by the importer/their agent, and that their associate Shri Prince Priydarshi proactively disclosed the concealment to Customs officers. I have considered these submissions carefully and find that:

(i) M/s. Aspire Logistics, as a licensed Customs Broker, was obligated under Regulation 10 of the Customs Brokers Licensing Regulations, 2018 to exercise due diligence and independently verify the credibility and genuineness of the importer and the documents before filing the Bill of Entry. Obtaining all import documents from a third-party H-card holder of a different CHA firm (Shri Amit Mishra of M/s Shree Jogni Enterprises) — without any direct or independent verification with the importer M/s Hiralal Exim — is a fundamental failure of the due diligence obligation mandated under Regulation 10(d) and 10(e) of the CBLR, 2018.

(ii) The checklist approval from the importer was not obtained directly or verified through M/s Aspire Logistics' own registered communication channels. Instead, the approval was relayed through a chain of intermediaries — Shri Amit Mishra → Shri Prince Priydarshi → Shri Yogesh Kondappa → M/s Aspire Logistics Mumbai office. This multi-layered, unverified chain of communication for a mandatory compliance step is a serious procedural failure that enabled the fraud.

(iii) The case laws cited by the Noticee — including Syndicate Shipping Services, Schenker India, M.J. Joshy, Irma Impex, Jeena & Co. and Hazel Mercantile — have been considered. These decisions hold that a Customs Broker cannot be penalised

merely for filing a Bill of Entry based on documents provided by an importer, in the absence of evidence of connivance or knowledge. However, the present case is distinguishable. The standard of due diligence under Regulation 10 of the CBLR 2018 specifically requires the CHA to verify the credentials of the importer and not merely accept documents from third-party intermediaries. The complete failure to undertake this basic verification — and instead relying entirely on documents routed through an H-card holder of another CHA firm — goes beyond a bonafide procedural error and constitutes a culpable omission which rendered the goods liable to confiscation.

24.1.3 In view of the above, I find that M/s. Aspire Logistics Pvt. Ltd. has, by its omissions — namely failure of due diligence in verifying import documents and importer credentials, and filing a Bill of Entry which was false and incorrect in material particulars — committed acts rendering the subject illegally imported goods **Arecanut (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. Accordingly, M/s. Aspire Logistics Pvt. Ltd. has rendered itself liable for penalty under **Section 112(a)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(b) of the Customs Act, 1962.

24.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards the penalty on M/s. Aspire logistics under Section 114AA of the Customs Act, 1962 is concerned, Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation it has come to the notice that M/s. Aspire Logistics filed the Bill of Entry without verifying the approval for Checklist received from the Importer. M/s. Aspire Logistics Pvt. Ltd. has knowingly and intentionally caused to be made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, thereby rendering itself liable for penalty under **Section 114AA** of the Customs Act, 1962.

24.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

M/s. Aspire Logistics filed the Bill of Entry without verifying the approval for Checklist received from the Importer as discussed above and accordingly evaded the duty liability as specified in the Exim policy. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, I find that M/s. Aspire Logistics is liable to penalty under **Section 117** of The Customs Act, 1962.

25. Penalty on Shri Yogesh Kondappa (Noticee No. 5):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against **Shri Yogesh Kondappa**. Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against **Shri Yogesh Kondappa**.

25.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

25.1.1 I find that Shri Yogesh Kondappa, H-card holder of M/s. Aspire Logistics Pvt. Ltd., was responsible for handling Customs clearance work at Mundra Port and was the operational link between M/s. Aspire Logistics and the transaction in the present case. In his voluntary statement, he admitted that he received the business through a chain of intermediaries — Shri Amit Mishra → Shri Nitish Mishra → Shri Prince Priydarshi → Shri Yogesh — and that he communicated the checklist approval to M/s. Aspire Logistics' Mumbai office on the basis of information relayed to him by Shri Prince Priydarshi, who had received it from Shri Amit Mishra, without any direct verification with the importers M/s Hiralal Exim or M/s Jaliyan Polymers.

25.1.2 I have considered the written submissions of Shri Yogesh Kondappa dated 19.11.2024 and his personal hearing submission on 15.06.2026. He has submitted that he had no prior knowledge of the concealment, that he acted in good faith, and

that the Bill of Entry was ultimately filed by M/s. Aspire Logistics' Mumbai office and not by him.

25.1.3 I find that Shri Yogesh Kondappa was the key person at the Mundra Port end who received and processed the business for these clearances. He takes direct responsibility for decisions related to customs clearance at Mundra Port, revealing a critical position within the company's operations. Shri Yogesh acknowledges his involvement in categorizing shipments under the second check, highlighting the importance of his role in the decision-making process. Furthermore, his admission of lapses in precautions for new clients dealing with non-prime commodities suggests a degree of oversight or negligence in due diligence processes. Shri Yogesh Kondappa informed their Mumbai officer that they have received approval for checklist from both the importers for filing Bill of Entry No. 6184466 dated 30.5.2023 pertaining to M/s Jaliyan Polymers and Bill of Entry No. 6184468 dated 30.05.2023 pertaining to M/s Hiralal Exim. Shri Prince informed about the approval of checklist from both the importer on the receiving confirmation for approval from Shri Amit Mishra.

25.1.4 I find that his failure to obtain and verify the checklist approval directly from the importers — and instead accepting a relay of approval through a chain culminating from Shri Amit Mishra — was a critical lapse. The omission and commission on the part of Shri Yogesh Kondappa i.e. by communicating to M/s Aspire Logistics that the approval for checklist is received from importer without verifying the same for filing the Bill of Entry have rendered the subject illegally imported goods **Areca/Betel (Qty. 40880 KG, Assessable Value- Rs. 35343650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. I find that his culpability is at the level of being knowingly concerned in dealing with goods which, on account of the false documents processed by him. Accordingly, Shri Yogesh Kondappa has rendered himself liable for penalty under **Section 112(b)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(a) of the Customs Act, 1962.

25.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards Section 114AA, I find that Shri Yogesh Kondappa, being the H-card holder responsible for the Mundra Port clearance work, was part of the chain that caused the false Bill of Entry to be filed. Since Shri Yogesh Kondappa knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore he is also be liable to penalty under **Section 114AA** of the Customs Act, 1962

25.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

Shri Yogesh Kondappa communicating to M/s Aspire Logistics that the approval for checklist is received from importer without verifying the same for filing the Bill of Entry as discussed above and accordingly evaded the duty liability as specified in the Exim policy. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, I find that Shri. Yogesh Kondappa is liable to penalty under **Section 117** of The Customs Act, 1962.

26. Penalty on Shri Prince Priydarshi (Noticee No. 6):

I find that the SCN has proposed penalty under section 112(a), 112(b), section 114AA and Section 117 of the Customs Act, 1962 against **Shri Prince Priydarshi**. Now I will discuss liability of them under the proposed sections of the customs act, 1962 for levying penalty against **Shri Prince Priydarshi**.

26.1 Imposition of Penalty under 112(a) & 112(b) of the Customs Act, 1962:-

26.1.1 From the investigation carried out, I find that Shri Prince, plays a crucial role in the initial stages of business transactions, particularly in handling business opportunities and managing the preliminary documentation process. His statement

indicates involvement in coordinating with clients, understanding their requirements, and initiating the necessary paperwork for customs clearance. Shri Prince serves as a link between clients and the company, facilitating the commencement of import-export activities. Shri Prince was an associate operating in connection with M/s. PYD Shipping Logistics, which worked with M/s. Aspire Logistics Pvt. Ltd. at Mundra Port. He received import documents from Shri Nitish Mishra (who received them from Shri Amit Mishra) and forwarded them for the filing of the Bill of Entry. He is not the IEC holder, not the licensed Customs Broker, not a formal employee of M/s. Aspire Logistics Pvt. Ltd.

26.1.2 I have carefully considered the detailed written submissions filed by Shri Prince Priydarshi dated 17.11.2025 contending that his act of reporting the concealment to Customs serves as irrefutable evidence of his bona fides and lack of criminal intent. These submissions have been examined in detail and are rejected for the following reasons:

1. The noticee's primary defense is that he informed Customs about the "probable concealment". However, the investigation reveals that this disclosure was not a proactive act of honesty but a reactive, "damage control" measure. In the context of a large-scale smuggling conspiracy, a disclosure made when detection is imminent does not wash away the initial abetment. A "belated" truth born out of the fear of seizure does not negate the culpability of filing a false declaration (Bill of Entry) in the first instance.

2. The noticee claims he was unaware of the nature of the cargo. This is untenable for a professional in the Customs clearance business. Shri Prince was the direct link between the unauthorized conduit (Amit Mishra) and the port operations. By his own admission, he processed documents for a newly formed firm without verifying its antecedents or meeting its partners. By bypassing standard verification protocols and relying on a middleman who had direct knowledge of the importing of prohibited goods 'Areca Nuts', Shri Prince engaged in "willful blindness." This omission to perform statutory due diligence provided the domestic logistical support necessary for the smuggling of 40.88 MTs of Areca Nuts.

3. The noticee argues that he had no financial interest in the smuggling. The physical fact remains that he facilitated the submission of Bills of Entry that contained "false and incorrect" declarations regarding the description and value of the goods. By allowing the firm's license and his professional

standing to be used to present these false documents to Customs, he has directly attracted the penal provisions of the Act.

26.1.3 I note that as the person who received the import documents from Shri Nitish Mishra and relayed the checklist approval to Shri Yogesh Kondappa on the basis of information received from Shri Amit Mishra — without any direct verification with the importers — Shri Prince Priydarshi was part of the chain that enabled the filing of the false Bill of Entry. The omission and commission on the part of Shri Prince Priydarshi i.e. by informing Shri Yogesh that he had received approval of Checklist from importer on the basis of communication made to him by Shri Amit Kumar Mishra without verifying the same for filing the Bill of Entry have rendered the subject illegally imported goods **Arecanut (Qty. 40880 KG, Assessable Value- Rs. 3,53,43,650/-)** liable to confiscation under section 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act,1962 and declared imported goods **PP Plastic Regrind (Qty. 8.82 MTs,** liable to confiscation under section 119 of the Customs Act,1962. His act of relaying unverified information regarding checklist approval, which directly enabled the filing of a Bill of Entry declaring false goods, makes him concerned in dealing with goods which were liable to confiscation under Section 111 of the Customs Act, 1962 Accordingly, Shri Prince Priydarshi has rendered himself liable for penalty under **Section 112(b)** of the Customs Act, 1962.

I find that imposition of penalty under Section 112(a) and Section 112(b) simultaneously amounts to imposition of double penalty; therefore, I refrain from imposition of penalty under Section 112(a) of the Act.

26.2 Imposition of Penalty under 114AA of the Customs Act, 1962:-

As regards the penalty on Shri Prince Priydarshi under Section 114AA of the Customs Act, 1962 is concerned, Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation it has come to the notice that Shri Prince Priydarshi serves as a link between clients and the company, facilitating the commencement of import-export activities and Shri Prince must have asked Shri Amit that the importers are required to send the confirmation mail to their official mail id. Shri Prince Priydarshi knowingly and intentionally made, signed or used and/or caused to be made/signed/used the import documents, Bill of Entry and other related

documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods with mala-fide intention, and therefore, I find that Prince Priydarshi is also liable to penalty under **Section 114AA** of the Customs Act, 1962.

26.3 Imposition of Penalty under 117 of the Customs Act, 1962

The section 117 of the Customs Act, 1962 provides for the following:-

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding 1[four lakh rupees].

Shri Prince Priydarshi informed Shri Yogesh that he had received approval of Checklist from importer on the basis of communication made to him by Shri Amit Kumar Mishra without verifying the same and accordingly, Bill of entry was filed and accordingly evaded the duty liability as specified in the Exim policy. For various acts of mis-leading the investigation by not revealing the correct facts and details of other key persons involved in this case, as discussed above, I find that Shri Prince Priydarshi is liable to penalty under **Section 117** of The Customs Act, 1962.

27. In view of the aforesaid discussions and findings, I pass the following ORDER:

ORDER

27.1 Order for Confiscation:

(i) I order **absolute confiscation** of **40,880 Kgs (Net Weight) of Areca Nuts whole/splits (CTH 080280), having assessable value of Rs. 3,53,43,650/- (Rupees Three Crore Fifty Three Lakh Forty Three Thousand Six Hundred and Fifty Only)**, found concealed in containers HLBU3311398 and HLBU1840160 imported vide Bill of Entry No. 6184468 dated 30.05.2023, under Sections 111(d), 111(e), 111(f), 111(i) and 111(l) of the Customs Act, 1962, without granting any option for redemption under Section 125 of the Customs Act, 1962.

(ii) I order **absolute confiscation** of **8,820 Kgs of PP Plastic Regrind (declared value Rs. 28,12,838/- (Rupees Twenty Eight Lakh Twelve Thousand Eight**

Hundred and Thirty Eight Only)), used for the purpose of concealing the smuggled Areca Nuts, under **Section 119** of the Customs Act, 1962, without granting any option for redemption under Section 125 of the Customs Act, 1962.

27.2 Penalty under Section 112 of the Customs Act, 1962:

(i) I impose a penalty of **Rs. 35,00,000/- (Rupees Thirty Five Lakh Only)** on **M/s. Hiralal Exim (IEC: BYGPK7845E)** under Section 112(a)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(b) simultaneously, for the reasons discussed above.

(ii) I impose a penalty of **Rs. 35,00,000/- (Rupees Thirty Five Lakh Only)** on **Shri Imran Karimbhai Makwana** under Section 112(a)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(b) simultaneously, for the reasons discussed above.

(iii) I impose a penalty of **Rs. 35,00,000/- (Rupees Thirty Five Lakh Only)** on **Shri Amit Kumar Mishra** under Section 112(a)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(b) simultaneously, for the reasons discussed above.

(iv) I impose a penalty of **Rs. 4,00,000/- (Rupees Four Lakh Only)** on **M/s. Aspire Logistics Pvt. Ltd.** under Section 112(a)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(b) simultaneously, for the reasons discussed above.

(v) I impose a penalty of **Rs. 1,00,000/- (Rupees One Lakh Only)** on **Shri Yogesh Kondappa** under Section 112(b)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(a) simultaneously, for the reasons discussed above.

(vi) I impose a penalty of **Rs. 1,00,000/- (Rupees One Lakh Only)** on **Shri Prince Priydarshi** under Section 112(b)(i) of the Customs Act, 1962. I do not impose penalty under Section 112(a) simultaneously, for the reasons discussed above.

27.3 Penalty under Section 114AA of the Customs Act, 1962:

(i) I impose a penalty of **Rs. 5,00,000/- (Rupees Five Lakh Only)** on **M/s. Hiralal Exim** under Section 114AA of the Customs Act, 1962.

(ii) I impose a penalty of **Rs. 5,00,000/- (Rupees Five Lakh Only)** on **Shri Imran Karimbhai Makwana** under Section 114AA of the Customs Act, 1962.

(iii) I impose a penalty of **Rs. 5,00,000/- (Rupees Five Lakh Only)** on **Shri Amit Kumar Mishra** under Section 114AA of the Customs Act, 1962.

(iv) I impose a penalty of **Rs. 2,00,000/- (Rupees Two Lakh Only)** on **M/s. Aspire Logistics Pvt. Ltd.** under Section 114AA of the Customs Act, 1962.

(v) I impose a penalty of **Rs. 50,000/- (Rupees Fifty Thousand Only)** on **Shri Yogesh Kondappa** under Section 114AA of the Customs Act, 1962.

(vi) I impose a penalty of **Rs. 50,000/- (Rupees Fifty Thousand Only)** on **Shri Prince Priydarshi** under Section 114AA of the Customs Act, 1962.

27.4 Penalty under Section 117 of the Customs Act, 1962:

(i) I impose a penalty of **Rs. 1,00,000/- (Rupees One Lakh Only)** on **M/s. Hiralal Exim** under Section 117 of the Customs Act, 1962.

(ii) I impose a penalty of **Rs. 1,00,000/- (Rupees One Lakh Only)** on **Shri Imran Karimbhai Makwana** under Section 117 of the Customs Act, 1962.

(iii) I impose a penalty of **Rs. 1,00,000/- (Rupees One Lakh Only)** on **Shri Amit Kumar Mishra** under Section 117 of the Customs Act, 1962.

(iv) I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** on **M/s. Aspire Logistics Pvt. Ltd.** under Section 117 of the Customs Act, 1962.

(v) I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** on **Shri Yogesh Kondappa** under Section 117 of the Customs Act, 1962.

(vi) I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** on **Shri Prince Priydarshi** under Section 117 of the Customs Act, 1962.

28. This OIO is issued without prejudice to any other action that may be taken against the Noticees under the provisions of the Customs Act, 1962 or rules made thereunder or under any other law for the time being in force.

29. The Show Cause Notice issued vide F. No. GEN/ADJ/ADC/969/2024-Adjn-O/o Pr. Commr-Cus-Mundra dated 03.06.2024 is hereby disposed of on the above terms.

Digitally signed by Dipakbhai Zala
Date: 16-06-2026 15:32:57

(Dipak Zala)
Additional Commissioner of Customs,
Custom House, Mundra.

To,

1. M/s. Hiralal Exim (IEC-BYGPK7845E)
   First Floor, Shop No.04,
   Sardar Chowk, Amar Nagar Road,
   JETP, Rajkot

2. Shri Imran Karimbhai Makwana
   S/o Makwana Karimbhai
   Abdulbhai Samadhi Road
   Virpur, Rajkot
   Gujarat-360380
   (email IDs :imran4websolution@gmail.com)

3. Shri Amit Kumar Mishra
   House No.-145, 2nd Floor
   Sadguru Smart Villa
   Umiya Nagar, Mundra,Gujarat
   (email ID: Mishra.1991@am@gmail.com)

4. M/s Aspire Logistics Pvt. Ltd.
   No. 211, 2nd Floor, Warehouse Complex
   Plot No. 165-174, Sector-19C,
   Opposite Masala Market, Vashi
   Navi-Mumbai-400705
   (email IDs: aspirelogistics.mun@gmail.com)

5. Shri Yogesh Kondappa
   House No.-89, Suraj Nagar,
   Baroi Road, Mundra-370421
   Gujarat
   (email ID:yogeshkondappa@gmail.com, documentation.pyd@gmail.com)

6. Shri Prince Priydarshi

House No.-89,
Suraj Nagar, Baroi Road,
Mundra-370421 Gujarat
(email ID:princepriydarshi777@gmail.com)

Copy to: -

1. The ADG, DRI Regional Unit, Gandhidham
2. The Dy./Asstt. Commissioner (RRA/TRC), Customs House, Mundra.
3. The Dy./Asstt. Commissioner (EDI), Customs House, Mundra... *(with the direction to upload on the official website immediately).*
4. Guard File.