प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, MUNDRA, KUTCH
MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA-370421
Phone No. 02838-271029/423 FAX No. 02838-271425
Email:- group5-mundra@gov.in

A	फा .सं /.FILE NO.	CUS/APR/INV/648/2026-Gr 5-6
B	मूल आदेश सं. ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/413/2026-27
C	द्वारा पारित किया गया PASSED BY	Dipak Zala Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	19-10-2026
E	जारी करने की तिथि DATE OF ISSUE	19-10-2026
F	कारण बताओ नोटिस सं .एवं तिथि SCN NUMBER & DATE	SCN and PH waiver vide email dated 01.09.2026
G	नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER	M/s. Astoniya E-Commerce Private Limited, 778, 5th Floor, Shop No. 5, Nicholson Road, Kashmere Gate, New Delhi – 110006

1. यह अपील आदेश संबंधित को निःशुल्क प्रदान किया जाता है। This Order in Original is granted to the concerned free of charge.
2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 128 के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है- Any person aggrieved by this Order - in - Original may file an appeal under Section 128 of the Customs Act, 1962, read with Rule 3 of the Customs (Appeals) Rules, 1982, in quadruplicate in Form C. A. -1 to:
3. **"सीमा शुल्क आयुक्त) अपील(, चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद 3 8 0 0 0 9 " "The Commissioner of Customs (Appeals), 4th Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009."**
4. उक्त अपील यह आदेश भेजने की दिनांक से के भीतर दाखिल की जानी चाहिए। Appeal shall be filed within Sixty Days from the date of communication of this order.
5. 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 the Court Fees Act; it must be accompanied by –

6. उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रूपये कोर्ट फीस स्टाम्प जबकि इसके साथ संलग्न आदेश की प्रति पर अनुसूची- 1, न्यायालय शुल्क अधिनियम, 1870 के मदसं°-6 के तहत निर्धारित 0.50 पैसे की एक न्यायालय शुल्क स्टाम्प वहन करना चाहिए।The appeal should bear a Court Fee Stamp of Rs.5/- under Court Fee Act whereas the copy of this order attached with the appeal should bear a Court Fee stamp of Rs.0.50 (Fifty paisa only) as prescribed under Schedule-I, Item 6 of the Court Fees Act, 1870.
7. अपील ज्ञापन के साथ ड्यूटी/दण्ड/जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिए। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।
8. While submitting the appeal, the Customs (Appeals) Rules, 1982 and the Customs Act, 1962 must be followed in all respects.
9. 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 (Appeals) 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

1. Based on specific intelligence, the import consignment covered under Bill of Entry No. 2406348 dated 09.07.2026 (Z-Type), filed by M/s. Astoniya E-Commerce Private Limited (IEC No. ABECA1418N) and contained in Container No. MRSU6285078, was placed on hold for detailed scrutiny and examination at the premises of M/s. Shoolin Trade Link LLP, SEZ Warehouse Unit, Plot No. 11A, Block No. 11B, Sector 12S, Light Engineering Zone, Mundra. The Bill of Entry was filed for goods imported from China and supplied by M/s. Equilibrium Trade and Tech Limited, RM 511, 5/F, Ming Sing Industrial Building, 19-21 Hing Yip Street, Kwun Tong, Hong Kong, China. The examination was conducted on 13.08.2026 in the presence of Shri Pranjal Singh, Warehouse Manager/Authorised Representative of M/s. Shoolin Trade Link LLP, the importer's authorised representative, and two Panch witnesses.

The declared assessable value was Rs. 8,57,704/- and the declared duty was Rs. 2,96,470/-. The weighment recorded at the time of examination is summarised below:

Table A

Sr. No.	Container No.	Gross Weight declared in B/E/BL (Kgs)	Gross Weight as per package-wise weighment (Kgs)	Difference (Kgs)
1	MRSU6285078	16,760	21,535.15	4,775.15

The importer/authorised representative produced Bill of Entry No. 2406348 dated 09.07.2026 and the connected import documents. The declared goods comprised Shower Head (Sanitary), Airflow (Automobile Spare Parts), Carburettor (Automobile Parts), Angle Valve (Sanitary), Car Wiper (Auto Parts), and Big Gear (Auto Parts), falling under CTH 39229000, 87089900, 87089900, 84818020, 85129000, and 87089900, respectively. The declared quantities were 1,342 Kgs, 74 Kgs, 1,785 Kgs, 26,880 pieces, 3,771 Kgs and 2,783 Kgs respectively. The consignment comprised 1,016 packages with a declared gross weight of 16,760 Kgs.

ACTION TAKEN AND EXAMINATION FINDINGS

2. The container bearing No. MRSU6285078 was identified and presented for examination. It was secured with Seal No. CN6360684, as declared in the Bill of Entry. The seal was opened in the presence of the Panch witnesses, the importer's authorised representative, and the Customs Officer. On opening, the container was found stuffed with packages/cartons. The goods were de-stuffed with the assistance of labourers and stacked in the SEZ warehouse. The Customs Officer opened and examined the packages one by one, verified them against the declared description and quantity, checked the weight of different types of packages and carried out a physical count along with the representative of the SEZ Unit.

The goods declared in the Z-Type Bill of Entry were as follows:

Table B

Sr. No.	Declared CTH	Declared Description	Declared Quantity
1	39229000	Shower Head (Sanitary)	1,342 Kgs
2	87089900	Airflow (Automobile Spare Parts)	74 Kgs
3	87089900	Carburettor (Automobile Parts)	1,785 Kgs
4	84818020	Angle Valve (Sanitary)	26,880 Pcs
5	85129000	Car Wiper (Auto Parts)	3,771 Kgs
6	87089900	Big Gear (Auto Parts)	2,783 Kgs

During detailed examination, the goods were segregated item-wise, and a physical inventory was prepared. The inventory recorded 1,028 cartons containing 1,20,050

pieces with an aggregate weight of approximately 21,535.15 Kgs. Discrepancies were found in description and quantity vis-à-vis the Bill of Entry declaration. The complete examination inventory was as follows:

Table C

Sr.	Description	Marking	Cartons	Pcs/Carton	Total Pcs	Avg. Wt.	Total Wt. Kgs
1	Shower Head (Sanitary)	Nitu-Rekon Slim Shower Head	52	60	3,120	10.76	559.52
2	Air Flow (Automobile Spare Parts)	SA-1	11	20	220	5.37	59.07
2	Air Flow (Automobile Spare Parts)	SA-1	1	30	30	7.64	7.64
3	Carburetor (Automobile Parts)	Pumu	105	30	3,150	22.67	2,380.35
4	Angle Valve (Sanitary)	Nitu-Runner	224	120	26,880	24.46	5,479.04
5	Car Wiper (Auto Parts)	BTC-Soft 155	166	100	16,600	11.78	1,955.48
5	Car Wiper (Auto Parts)	BTC-Soft 153	53	100	5,300	10.90	577.70
5	Car Wiper (Auto Parts)	BTC Metal	55	100	5,500	12.72	699.60
6	Big Gear (Auto Parts)	SR-RAJ	195	10	1,950	12.09	2,357.55
7	Belt	NSC	125	360	45,000	42.30	5,287.50
7	Belt	NSC-2	18	300	5,400	48.66	875.88
7	Belt	BSN	23	300	6,900	56.34	1,295.82
	TOTAL		1,028		1,20,050		21,535.15

The quantities were derived from the item-wise inventory examination. The inventory recorded 3,120 Shower Heads, 250 Airflow parts, 3,150 Carburettors, 26,880 Angle Valves, 27,400 Car Wipers, 1,950 Big Gears and 57,300 Belts, aggregating to 1,20,050 pieces.

REDETERMINED DESCRIPTION CLASSIFICATION AND QUANTITY

3. The importer declared six items in the Bill of Entry. Examination revealed mis-declaration in description and quantity and also revealed a belt, which was not

declared in the Bill of Entry. The description, classification and quantities were therefore proposed to be re-determined as follows:

Table D

Sr.	Declared Description	Re-determined Description	Declared CTH	Re-determined CTH	Qty Kgs	Qty Pcs
1	Shower Head (Sanitary)	Shower Head (Sanitary)	39229000	73242900	559.52	3,120
2	Airflow (Automobile Spare Parts)	Air Flow (Automobile Spare Parts)	87089900	87089900	66.71	250
3	Carburetor (Automobile Parts)	Carburetor (Automobile Parts)	87089900	87089900	2,380.35	3,150
4	Angle Valve (Sanitary)	Angle Valve (Sanitary)	84818020	84818020	5,479.04	26,880
5	Car Wiper (Auto Parts)	Car Wiper (Auto Parts)	85129000	85124000	3,232.78	27,400
6	Big Gear (Auto Parts)	Big Gear (Auto Parts)	87089900	87084000	2,357.55	1,950
7	Not declared	Belt	Not declared	42033000	7,459.20	57,300
	TOTAL				21,535.15	1,20,050

INVESTIGATION CONDUCTED

4. The physical examination established discrepancies in description, particulars and quantity vis-a-vis the Bill of Entry. The declared gross weight of 16,760 Kgs was substantially lower than the aggregate examined weight of 21,535.15 Kgs. Variations were found in the quantities of the declared goods, while 57,300 pieces of Belt weighing 7,459.20 Kgs were found, though Belt was not declared at all. The discrepancies created reasonable doubt regarding the truth and accuracy of the declaration and the declared value. To ascertain the correct assessable value under Section 14 of the Customs Act, 1962, read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, the Department obtained an independent valuation from an empanelled Chartered Engineer.

REJECTION OF DECLARED VALUE AND REDETERMINATION

5. Rule 3(1) of the Customs Valuation Rules, 2007 provides that, subject to Rule 12, the value of imported goods shall be the transaction value adjusted in accordance with Rule 10. Rule 3(4) provides that where value cannot be determined under sub-rule (1), it shall be determined sequentially under Rules 4 to 9. The substantial

mis-declaration in description, quantity and weight raised reasonable doubt regarding the truth and accuracy of the declared value, making it liable to rejection under Rule 12.

The value could not be determined under Rules 4 and 5 because reliable contemporaneous imports of identical or similar goods of matching quality, composition and specifications were not available. Deductive value under Rule 7 and computed value under Rule 8 could not be applied for want of the requisite sale and cost data. Accordingly, recourse was taken to Rule 9, which permits determination by reasonable means consistent with the principles and general provisions of the Rules and on the basis of data available in India.

Shri Anwar Y. Kukad, Chartered Engineer and Government Approved Valuer, inspected the goods and submitted Valuation Report No. AYK: VAL: 03031:2026 dated 25.08.2026 (RUD-1), assessing the total CIF value at USD 23,252.00, equivalent to Rs. 22,13,590.40 at the Customs exchange rate of Rs. 95.20 per USD, as detailed below:

Table E

Sr.	Marking	Description	Pieces	Unit CIF USD	Total CIF USD	CIF INR
1	Nitu-Rekon Slim Shower Head	Shower Head (Sanitary)	3,120	0.450	1,404.00	1,33,660.80
2	SA-1	Air Flow (Automobile Spare Parts)	220	0.550	121.00	11,519.20
2	SA-1	Air Flow (Automobile Spare Parts)	30	0.550	16.50	1,570.80
3	Pumu	Carburetor (Automobile Parts)	3,150	0.800	2,520.00	2,39,904.00
4	Nitu-Runner	Angle Valve (Sanitary)	26,880	0.200	5,376.00	5,11,795.20
5	BTC-Soft 155	Car Wiper (Auto Parts)	16,600	0.350	5,810.00	5,53,112.00
5	BTC-Soft 153	Car Wiper (Auto Parts)	5,300	0.350	1,855.00	1,76,596.00
5	BTC Metal	Car Wiper (Auto Parts)	5,500	0.400	2,200.00	2,09,440.00
6	SR-RAJ	Big Gear (Auto Parts)	1,950	0.850	1,657.50	1,57,794.00

7	NSC	Belt	45,000	0.040	1,800.00	1,71,360.00
7	NSC-2	Belt	5,400	0.040	216.00	20,563.20
7	BSN	Belt	6,900	0.040	276.00	26,275.20
	TOTAL		1,20,050		23,252.00	22,13,590.40

The Chartered Engineer report was shared with the importer. Vide email dated 01.09.2026, the importer accepted the valuation, expressed willingness to proceed as per the outcome of the investigation, and requested settlement without issuance of a Show Cause Notice and without personal hearing. Accordingly, the assessable value was proposed to be re-determined from Rs. 8,57,704/- to Rs. 22,13,590/-.

IMPORTABILITY AND POLICY COMPLIANCE

6. The importer failed to produce the requisite Steel Import Monitoring System (SIMS) registration for the Shower Heads at Sr. No. 1 of Table D, re-classified under CTH 73242900. In the absence of the prescribed SIMS compliance, the said goods appeared to have been imported in contravention of the applicable restriction and appeared liable to confiscation under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962.

REDETERMINATION OF APPLICABLE DUTY

7. On the basis of the re-determined classification and value, the duty leviable on the goods proposed to be released for home consumption was recalculated. Duty was not calculated on the Shower Heads because they did not comply with the applicable SIMS requirement. The calculation was as follows:

Table F

Sr.	Description	CTH	Value Rs.	BCD Rs.	SWC Rs.	IGST Rs.	Total Duty Rs.
1	Shower Head (Sanitary)	73242900	1,33,661	--	--	--	Not calculated due to SIMS
2	Airflow (Automobile Spare Parts)	87089900	13,090	1964	196	2745	4905
3	Carburetor (Automobile Parts)	87089900	2,39,904	35986	3599	50308	89893
4	Angle Valve (Sanitary)	84818020	5,11,795	38385	3839	99723	141947
5	Car Wiper (Auto Parts)	85124000	9,39,148	140872	14087	196939	351898

6	Big Gear (Auto Parts)	87084000	1,57,794	23669	2367	33089	59125
7	Belt	42033000	2,18,198	21820	2182	43596	67598
	TOTAL INCLUDING RESTRICTED ITEM		22,13,590	2,62,696	26,270	4,26,401	7,15,367

The re-determined assessable value of the goods releasable for home consumption was Rs. 20,79,930/- and the re-determined duty thereon was Rs. 7,15,367/-, as against the total declared duty of Rs. 2,96,470/-. The differential duty worked out to Rs. 4,18,897/-.

OUTCOME OF INVESTIGATION

8. The investigation revealed significant irregularities in the consignment covered by Z-Type Bill of Entry No. 2406348 dated 09.07.2026. The goods actually found did not correspond with the declared description, classification, and quantity; the physical weight exceeded the declared gross weight by 4,775.15 Kgs; and 57,300 pieces of belts weighing 7,459.20 Kgs were found but not declared in the Bill of Entry. The declared value of Rs. 8,57,704/- was therefore proposed to be rejected and the assessable value re-determined at Rs. 22,13,590.40 under Rule 9 of the Customs Valuation Rules, 2007. The releasable goods attracted duty of Rs. 7,15,367/- and differential duty of Rs. 4,18,897/-. The Shower Heads under CTH 73242900 were not supported by mandatory SIMS registration.

The goods appeared liable to confiscation under Sections 111(l) and 111(m), and the Shower Heads additionally under Section 111(d), of the Customs Act, 1962. The importer appeared liable to penalty under Sections 112(a)(i), 112(a)(ii) and 114AA for acts and omissions resulting in improper importation, mis-declaration and use of an incorrect declaration in material particulars.

RELEVANT LEGAL PROVISIONS

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

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

……..

(o) "**import**" means—

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

(ii) receiving goods, or services by a Unit or Developer from another Unit or

Developer of the same Special Economic Zone or a different Special Economic Zone;

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

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

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

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

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

Provided further that any officer or agency, if so authorised by the Central Government, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit without prior intimation or approval of the Development Commissioner

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

1. *In exercise of the powers conferred by section 22 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government by Notification No. 2667(E) dated 05.08.2016 issued by the Ministry of Commerce & Industry, has authorized the jurisdictional Customs Commissioner, in respect of offences under the Customs Act, 1962 (52 of 1962) to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in a Special Economic Zone. The*

enforcement officer(s), for the reasons to be recorded in writing, may carry out the investigation, inspection, search or seizure in a Special Economic Zone or Unit with prior intimation to the Development Commissioner, concerned. Under Section 21(1) of the SEZ Act, 2005, the Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.

2. *The Central Government, by the Notification 2665(E) dated 05.08.2016 has notified offences contained in Sections 28, 28AA, 28AAA, 74, 75, 111, 113, 115, 124, 135 and 104 of the Customs Act, 1962 (52 of 1962) as offences under the SEZ Act, 2005.*

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

(B) RELEVANT PROVISIONS OF CUSTOMS ACT, 1962:

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

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

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

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

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

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

Section 17. Assessment of duty. –

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

..

(4) Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may,

without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.

Section 46. Entry of goods on importation:

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

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

(a) The accuracy and completeness of the information given therein;

(b) The authenticity and validity of any document supporting it; and

(c) Compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

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

--

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

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

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

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

Any person,-

a. *who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or*

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

shall be liable,-

i. *in the case of goods in respect of which any prohibition is in force under this Act or*

any other law for the time being in force, to a penalty of 1 [not exceeding the value of the goods or five thousand rupees], whichever is the greater;

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

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

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

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

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

……..

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

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

Provided that ……..

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

Rule 12. Rejection of declared value *. - (1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.*

WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING

10. Vide email dated 01.09.2026, the importer accepted the examination findings and the valuation suggested in Chartered Engineer Certificate No. AYK: VAL: 03031:2026 dated 25.08.2026 and requested waiver of the Show Cause Notice and personal hearing in respect of the subject Bill of Entry.

11. In view of the investigation, it appeared that:

i. The declared particulars, description and quantity of the imported goods in Bill of Entry No. 2406348 (Z-Type) dated 09.07.2026, filed by M/s. Aston(i)ya E-Commerce Private Limited (IEC No. ABECA1418N), are liable to be rejected to the extent of discrepancies noticed during examination, including variations in the description and quantity of the goods found during physical examination vis-à-vis the declarations made in the said Bill of Entry;
ii. The assessable value of the mis-declared imported goods is liable to be re-determined instead of the value declared in the Bill of Entry under Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, read with Section 14 of the Customs Act, 1962. The details are as under: -

BE No. & Date	Declared Value	Re-determined Value
2406348 (Z-Type) dated 09.07.2026	Rs. 8,57,704/-	Rs. 22,13,590/-

iii. The said Bill of Entry No. 2406348 (Z-Type) dated 09.07.2026 is liable to be re-assessed accordingly under Section 17(4) of the Customs Act, 1962;
iv. The goods imported vide Bill of Entry No. 2406348 dated 09.07.2026, as detailed in the Table-D, item no. 01, which are found to be prohibited/restricted in the absence of requisite SIMS mandatory regulatory compliance, if established during investigation, are liable for confiscation under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962;
v. The other goods except item no. 1 mentioned in Table D, imported vide Bill of Entry No. 2406348 dated 09.07.2026, in respect of which discrepancies in description and/or quantity were noticed during examination, are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962;
vi. The importer, M/s. Astoniya E-Commerce Private Limited, appears liable for penalty under Sections 112(a)(i) and 112(a)(ii) of the Customs Act, 1962;
vii. The importer, M/s. Astoniya E-Commerce Private Limited, appears liable for penalty under Section 114AA of the Customs Act, 1962;

DISCUSSION AND FINDINGS

12. I have carefully gone through the records of the case and Investigation Report No. 265/2026-27. The importer, vide letter dated 09.09.2026, accepted the examination findings and the valuation suggested by the Chartered Engineer vide

Certificate No. AYK: VAL: 03031:2026 dated 25.08.2026 and requested waiver of the Show Cause Notice and personal hearing. As the importer has expressly waived the Show Cause Notice and personal hearing and has accepted the material relied upon in the proceedings, I proceed to decide the case on the basis of the documentary evidence available on record.

12.1 The issues which arise for determination are:

(i) Whether the description, classification and quantity particulars of the goods covered under Bill of Entry No. 2406348 (Z-Type) dated 09.07.2026 are required to be amended and re-determined in accordance with Table D above;

(ii) Whether the declared assessable value of Rs. 8,57,704/- is liable to rejection under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determination at Rs. 22,13,590/- under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962;

(iii) Whether the subject Bill of Entry is liable to re-assessment under Section 17(4) of the Customs Act, 1962 and whether differential duty of Rs. 4,18,897/- is payable on the goods eligible for clearance for home consumption;

(iv) Whether the Shower Heads at Sr. No. 1 of Table D, imported without mandatory SIMS registration, are liable to confiscation under Sections 111(d), 111(l) and 111(m), and whether the remaining goods are liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962; and

(v) Whether M/s. Astoniya E-Commerce Private Limited is liable to penalties under Sections 112(a)(i), 112(a)(ii) and 114AA of the Customs Act, 1962.

13.1 Regarding the first issue, I find that the consignment covered under Bill of Entry No. 2406348 dated 09.07.2026 was subjected to detailed examination by SIIB officers on the basis of specific intelligence. Against 1,016 packages having a declared gross weight of 16,760 Kgs, the detailed package-wise weighment revealed an aggregate weight of 21,535.15 Kgs, showing an excess weight of 4,775.15 Kgs. The physical inventory recorded 1,028 cartons containing 1,20,050 pieces.

13.2 The examination further established substantial variations in the description, classification and quantities of the declared goods. Shower Heads declared under CTH 39229000 were found classifiable under CTH 73242900; Car Wipers declared under CTH 85129000 were found classifiable under CTH 85124000; and Big Gears declared under CTH 87089900 were found classifiable under CTH 87084000. Further, 57,300 pieces of Belt weighing 7,459.20 Kgs and classifiable under CTH 42033000 were found in the consignment although the said goods were not declared at all in the Bill of Entry. The item-wise discrepancies are recorded in

Tables C and D above.

13.3 I find that these discrepancies are neither minor nor clerical. They are material particulars having a direct bearing upon classification, import policy, valuation and assessment of duty. Under Section 46(4) and Section 46(4A) of the Customs Act, 1962, the importer was statutorily required to make a true declaration and ensure the accuracy and completeness of the information furnished in the Bill of Entry. The goods actually found did not correspond with the entry in material particulars. I therefore hold that the declared description, classification, and quantity particulars are liable to rejection to the extent of the discrepancies and must be amended and re-determined in accordance with Table D above.

14.1 Regarding valuation, I find that the material mis-declaration in description, classification, quantity and weight provided sufficient and objective grounds to doubt the truth and accuracy of the declared transaction value. The declared assessable value of Rs. 8,57,704/- was substantially lower than the value of Rs. 22,13,590/- determined upon independent technical valuation. The declared value was therefore liable to rejection under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

14.2 Once the declared value was rejected, valuation was required to proceed sequentially under Rules 4 to 9 of the Customs Valuation Rules, 2007. The value could not be determined under Rules 4 and 5 in the absence of reliable contemporaneous import data relating to identical or similar goods of matching nature, quality and specifications. Deductive valuation under Rule 7 was not feasible for want of reliable sale data in India, while computed valuation under Rule 8 could not be undertaken in the absence of the requisite cost of production and processing data. Therefore, recourse to the residual method under Rule 9 was proper.

14.3 Shri Anwar Y. Kukad, Chartered Engineer and Government Approved Valuer, physically inspected the goods and submitted Valuation Report No. AYK: VAL: 03031:2026 dated 25.08.2026. The Chartered Engineer assessed the aggregate CIF value at USD 23,252.00, equivalent to Rs. 22,13,590/- at the Customs exchange rate of Rs. 95.20 per USD. The item-wise valuation is recorded in Table E above. The report was shared with the importer and was expressly accepted by it vide email dated 01.09.2026.

14.4 Accordingly, I reject the declared assessable value of Rs. 8,57,704/- under Rule 12 of the Customs Valuation Rules, 2007 and re-determine the assessable value at Rs. 22,13,590/- under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962.

15.1 Regarding re-assessment and duty, I find that the importer had self-assessed the subject Bill of Entry under Section 17(1) of the Customs Act, 1962 on the basis of incorrect description, classification, quantity and value. Since verification and examination established that the self-assessment was not correctly made, the Bill of Entry is liable to re-assessment under Section 17(4) of the Customs Act, 1962.

15.2 I find that as recorded in Table F, the re-determined assessable value of the goods eligible for clearance for home consumption is Rs. 20,79,930/- and the duty leviable thereon works out to Rs. 7,15,367/-, as against the declared duty of Rs. 2,96,470/-. The resultant differential duty is Rs. 4,18,897/-. Duty was not calculated for the Shower Heads at Sr. No. 1 of Table D because the importer failed to produce the mandatory SIMS registration. However, I find that the importer has now submitted a valid SIMS registration No. MOSSIMS180926689149 dated 18.09.2026 and requested home clearance of the goods, i.e. Shower Heads, at Sr. No. 1 of Table D. In view of the above, I find it necessary to calculate the duty, including the item at Sr. No. 1 of Table D, as under:

Table G

Sr.	Description	CTH	Value Rs.	BCD Rs.	SWC Rs.	IGST Rs.	Total Duty Rs.
1	Shower Head (Sanitary)	73242900	1,33,661	20049	2005	28029	50083
2	Airflow (Automobile Spare Parts)	87089900	13,090	1964	196	2745	4905
3	Carburetor (Automobile Parts)	87089900	2,39,904	35986	3599	50308	89893
4	Angle Valve (Sanitary)	84818020	5,11,795	38385	3839	99723	141947
5	Car Wiper (Auto Parts)	85124000	9,39,148	140872	14087	196939	351898
6	Big Gear (Auto Parts)	87084000	1,57,794	23669	2367	33089	59125
7	Belt	42033000	2,18,198	21820.00	2182.00	43596.00	67598.00
	TOTAL INCLUDING RESTRICTED ITEM		22,13,590	**2,82,745**	**28,275**	**4,54,430**	**7,65,449**

The re-determined assessable value of the goods releasable for home consumption is Rs. 22,13,590/- and the re-determined duty thereon is Rs. 7,65,449/-, as against the total declared duty of Rs. 2,96,470/-. The differential duty worked out to Rs.

4,68,979/-. I therefore hold that the goods eligible for home consumption are liable to re-assessment and the importer is liable to pay differential duty of Rs. 4,68,979/-.

16.1 Regarding importability and confiscation, I find that the Shower Heads found during examination are classifiable under CTH 73242900. The importer failed to produce the mandatory Steel Import Monitoring System registration applicable to the said goods. Section 46(4A)(c) requires the importer to ensure compliance with restrictions or prohibitions applicable under the Customs Act or any other law for the time being in force. In the absence of the prescribed SIMS compliance, the said goods were imported in contravention of the applicable import policy condition and are liable to confiscation under Section 111(d) of the Customs Act, 1962. However, I find that the importer has now submitted a valid SIMS registration No. MOSSIMS180926689149 dated 18.09.2026 and requested home clearance of the goods, i.e. Shower Heads at Sr. No. 1 of Table D.

16.2 The Shower Heads were also declared under an incorrect tariff heading and did not correspond with the entry in respect of classification and value. They are therefore additionally liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

16.3 As regards the remaining goods, the detailed examination established non-correspondence in description, classification, quantity, weight and value. Most significantly, 57,300 pieces of belts weighing 7,459.20 Kgs were not included in the Bill of Entry. The declared goods also showed material variations in quantity and classification. I therefore hold that the remaining goods are liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

17.1 Regarding penalty, I find that by filing an inaccurate and incomplete Bill of Entry, failing to declare the Belt found in the consignment, mis-declaring material particulars of the other goods and failing to comply with the mandatory SIMS requirement applicable to the Shower Heads, the importer committed acts and omissions which rendered the imported goods liable to confiscation under Section 111. The importer is therefore liable to a penalty under Section 112(a)(i) in respect of the goods imported in contravention of the policy restriction and under Section 112(a)(ii) in respect of the other dutiable goods.

17.2 I further find that the Bill of Entry made and used in the Customs transaction contained incorrect material particulars concerning the description, classification, quantity and value of the goods. The discrepancies were substantial and multiple in nature and included a wholly undeclared item weighing 7,459.20 Kgs. These facts establish use of an incorrect declaration in material particulars for the

purposes of the Customs Act. The importer is therefore liable to penalty under Section 114AA of the Customs Act, 1962.

17.3 I note that the importer accepted the examination findings and the Chartered Engineer valuation and waived issuance of the Show Cause Notice and personal hearing. Such acceptance and cooperation may be considered as mitigating factors while determining the quantum of redemption fine and penalties; however, they do not extinguish the statutory consequences of the contraventions established on record.

ORDER

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

(i) I order that the description, classification and quantity particulars of the imported goods covered under Bill of Entry No. 2406348 (Z-Type) dated 09.07.2026 be amended and re-determined in accordance with Table D above;

(ii) I reject the declared assessable value of Rs. 8,57,704/- under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determine the assessable value at Rs. 22,13,590/- (Rupees Twenty-Two Lakh Thirteen Thousand Five Hundred and Ninety only) under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962, in accordance with Table E above;

(iii) I confiscate 3,120 pieces of Shower Head (Sanitary), classifiable under CTH 73242900 and having re-determined assessable value of Rs. 1,33,661/- (Rupees One Lakh Thirty-Three Thousand Six Hundred and Sixty-One only), under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962. However, I find that the importer has now submitted a valid SIMS registration No. MOSSIMS180926689149 dated 18.09.2026 and requested home clearance of the goods. In view of above, I give the importer an option under Section 125 of the Customs Act, 1962 to redeem the said goods for the home consumption on payment of redemption fine of **Rs. 13,000/- (Rupees Thirteen Thousand only)**;

(iv) I confiscate the remaining imported goods having re-determined assessable value of Rs. 20,79,930/- (Rupees Twenty Lakh Seventy-Nine Thousand Nine Hundred and Thirty only) under Sections 111(l) and 111(m) of the Customs Act, 1962. However, I give the importer an option under Section 125 of the Customs Act, 1962 to redeem the said goods for home consumption on payment of redemption fine of **Rs. 2,00,000/- (Rupees Two Lakh only)**;

(v) I reject the self-assessment made under Section 17(1) of the Customs Act, 1962 in respect of Bill of Entry No. 2406348 (Z-Type) dated 09.07.2026 and order re-assessment under Section 17(4) of the Customs Act, 1962. I determine the duty on

the goods eligible for clearance for home consumption at Rs. 7,65,449/- (Rupees Seven Lakh Sixty-Five Thousand Four Hundred and Forty-Nine only), resulting in differential duty of Rs. 4,68,979/- (Rupees Four Lakh Sixty-Eight Thousand Nine Hundred and Seventy-Nine only), which shall be paid by the importer on DTA clearance in accordance with Table G above;

(vi) I impose penalty of **Rs. 5000/- (Rupees Five Thousand only)** upon M/s. Astoniya E-Commerce Private Limited under Section 112(a)(i) of the Customs Act, 1962;

(vii) I impose penalty of **Rs. 45,000/- (Rupees Forty Five Thousand only)** upon M/s. Astoniya E-Commerce Private Limited under Section 112(a)(ii) of the Customs Act, 1962; and

(viii) I impose penalty of **Rs. 10,000/- (Rupees Ten Thousand only)** upon M/s. Astoniya E-Commerce Private Limited under Section 114AA of the Customs Act, 1962.

19. This order is issued without prejudice to any other action that may be taken against the importer or any other person under the Customs Act, 1962 or any other law for the time being in force in the Republic of India.

Digitally signed by
Dipakbhai Zala
Date: 19-10-2026
14:13:17

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

To,
M/s. Astoniya E-Commerce Private Limited
778, 5th Floor, Shop No. 5, Nicholson Road
Kashmere Gate, New Delhi – 110006

Copy to:
1. The Deputy/Assistant Commissioner, SIIB, Customs House, Mundra
2. The Deputy Commissioner, Review, Customs House, Mundra
3. The Deputy Commissioner, TRC, Customs House, Mundra
4. The Deputy Commissioner, EDI, Customs House, Mundra
5. The Deputy Commissioner, APSEZ, Mundra
6. Guard File