OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
CUSTOMS HOUSE, MP & SEZ
MUNDRA, KUTCH-GUJARAT – 370421
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सत्यमेव जयते

SCN No. 112/2026-27/ADC/ZDC/MCH Date:23.07.2026

Show Cause Notice

(Issued under section 28(4) of Customs Act, 1962)

M/s. V.K. Imports, Basement, F-63, Kalidas Marg , Jaipur, Rajasthan-302016 having IEC No. BRJPG7214D (hereinafter also referred to as "the importer'' for the sake of brevity") has filed Bill of Entry No. 5002955 dated 10.08.2021 for import of items under CTH 69120090. It is noticed that the importer vide the said Bill of Entry has not paid applicable ADD as per the Notification No. 04/2018-Customs (ADD) dated 21.02.2018 (hereinafter also referred to as "the ADD Notification" For the sake of brevity"); wherein Anti-Dumping Duty imposed on Ceramic Tableware and Kitchenware imports from People's Republic of China whereas, the said goods attracts ADD @1.04/kg USD. This has resulted into short payment of ADD on part of the importer.

2. Whereas, Articles of Ceramic Tableware and Kitchenware imports from People's Republic of China attracts ADD as per said notification, it contains specific clarification that Bone China, stoneware and porcelain- ware all constitute ceramic products' merit classification under CTH- 69120090 and leviable to ADD at the rate of 1.04 per kg USD. Applicable ADD @1.04$/kg as per the Notification No. 04/2018-Customs (ADD) dated 21.02.2018 and the relevant table of above said notification is as under:

				origin	export			USD)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	6911 and 6912	Ceramic Tablewares and Kitchenwares	Any	China PR	China PR	Any	Any	1.04	KG
2.	6911 and 6912	Ceramic Tablewares and Kitchenwares	Any	China PR China P	Any	Any	Any	1.04	KG
3.	6911 and 6912	Ceramic Tablewares and Kitchenwares	Any	Any	China PR	Any	Any	1.04	KG

3. In the instant case, the importer has not paid the applicable ADD as per said notification, which has resulted in short payment of ADD amounting to **Rs. 3,68,729/-** as well as applicable IGST@12 i.e. **Rs.44,247/-** on ADD which is required to be recovered from the importer under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Act. Duty calculation is as below:

Sr. No.	BE NO. & Date	Item No.	Importer Name	Description	Assessed CTH	Assessed Value	Declared Duty	Qty (in Kgs)	ADD Payable	IGST @12	Total duty payable
1	5002955 & 10.08.2021	14	V.K. IMPORTS	HUKKA (SY-011)	69120090	31,392	11,502	65	5,077	609	5,686
2		15		SILICON CHILLUM (YG-4)	69120090	88,393	32,387	195	15,230	1,828	17,058
3		16		SILICON CHILLUM (YG-13)	69120090	88,393	32,387	215	16,792	2,015	18,807
4		17		SILICON CHILLUM WITH CLOUD (YG-2)	69120090	1,81,742	66,590	385	30,070	3,608	33,678
5		18		CLOUD FOR SILICONE CHILLUM (TG-3)	69120090	90,871	33,295	143	11,169	1,340	12,509
6		19		SIEVE (TG-7)	69120090	16,522	6,054	15	1,172	141	1,312
7		21		HUKKA (651)	69120090	2,18,917	80,211	549	42,879	5,145	48,025
8		22		HUKKA (HY-1)	69120090	2,10,656	77,184	341	26,633	3,196	29,829
9		23		HUKKA (SY-7)	69120090	2,78,065	1,01,883	397	31,007	3,721	34,728
10		24		HUKKA (SY-040)	69120090	1,68,524	61,747	226	17,652	2,118	19,770
11		25		HUKKA (MKHY-03)	69120090	1,33,134	48,781	275	21,479	2,577	24,056
12		26		HUKKA (SY-8)	69120090	1,48,807	54,523	275	21,479	2,577	24,056
13		27		HUKKA (SY-009)	69120090	2,09,139	76,629	301	23,509	2,821	26,330
14		28		HUKKA (SY-056)	69120090	3,67,215	1,34,547	301	23,509	2,821	26,330
1		29		HUKKA	691						

5				(SY-060)	20090	1,31,281	48,101	243	18,979	2,278	21,257
16		30		HUKKA (MKHY-25)	69120090	3,76,867	1,38,084	443	34,600	4,152	38,752
17		31		SILICON PIPE (XG-27)	69120090	75,175	27,544	139	10,856	1,303	12,159
18		32		SILICON PIPE (XG-01)	69120090	1,26,393	46,311	213	16,636	1,996	18,632
			Total			**29,41,484**	**10,77,760**	**4,721**	**3,68,729**	**44,247**	**4,12,976**

4. Relevant Legal provisions, in so far related to the facts of the case are as under:-

Section 17. Assessment of duty. –

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

....

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

Section 28. Recovery of duties not levied or not paid or short-levied or short-paid or erroneously refunded. –

(4) Where any duty has not been levied or not paid or has been short-levied or short-paid or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of,-
(a) collusion; or
(b) any willful mis-statement; or
(c) suppression of facts,
by the importer or the exporter or the agent or employee of the importer or exporter, the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been [so levied or not paid] or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice".

Section 28AA. Interest on delayed payment of duty.–

(1) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made thereunder, the person, who is liable to pay duty in accordance with the provisions of section

28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub- section (2), whether such payment is made voluntarily or after determination of the duty under that section.

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

Section 46: Entry of goods on importation:

(4) The importer while presenting a bill of entry shall 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:-*
....
(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) ....
shall be liable,-

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

Section 114A. Penalty for short-levy or non-levy of duty in certain cases.- *Where the duty has not been levied or has been short-levied or the interest has not been charged or paid or has been part paid or the duty or interest has been erroneously refunded by reason of collusion or any willful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, as the case may be, as determined under sub-section (8) of Section 28 shall also be liable to pay a penalty equal to the duty or interest so determined:*

5. With the introduction of self-assessment under Section-17, more faith is bestowed on the importer, as the practices of routine assessment, concurrent audit etc. have been dispensed with. As a part of self-assessment by the importer, they have been entrusted with the responsibility to correctly self-assess the duty. However, in the instance case, the importer intentionally abused this faith placed upon them by the law of the land. Therefore, it appears that the importer has wilfully violated the provisions of Section 17(1) of the Act in as much as Importer has failed to correctly self-assess the duty on the impugned goods and has also wilfully violated the provisions of sub-section (4) and (4A) of Section 46 of the Act. Therefore, the goods having assessable value of **Rs. 29,41,484/-** imported vide the said Bill of Entry appear liable for confiscation under Section 111(m) of the Customs Act, 1962.

6. Whereas, it appears that the importer has not paid the applicable ADD as per notification no. 04/2018-Customs dated 21.02.2018, which has resulted into short payment of **ADD** amounting to **Rs. 3,68,729/-** and **IGST Rs. 44,247/-, Total Rs.4,12,976/- (Rupees Four Lakh Twelve Thousand Nine Hundred Seventy Six only)** which is required to be recovered from the importer under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Act. For such act of omission and commission, the importer has rendered themselves liable to penalty under Section 112(a) of the Customs Act, 1962.

7. Now, therefore, M/s. V.K. Imports, Basement, F-63, Kalidas Marg , Jaipur, Rajasthan- 302016 having IEC No. BRJPG7214D are hereby called upon to show cause to the **Additional Commissioner of Customs, Import Assessment,** Custom House, Mundra, having office at 1st Floor, Room No. 112, PUB Building, 5B, Mundra (Kutch) Gujarat-370 421, as to why:

i. The above said goods imported vide Bill of Entry No. 5002955 dated 10.08.2021 under CTH 69120090 having assessable value of **Rs. 29,41,484/-** should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962;

ii. The differential duty of **Rs.4,12,976/- (Rupees Four Lakh Twelve Thousand Nine Hundred Seventy Six only),** as discussed above, for the said goods imported vide above said Bills of Entry No. 5002955 dated 10.08.2021 should not be recovered under Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962.

iii. Penalty should not be imposed upon them under Section 112(a) (ii) and/or 114A of the Customs Act, 1962.

8. The importer is further required to produce at the time of showing cause, all the evidences upon which they intend to rely in support of their defense. They are further called upon to inform in writing to the Additional Commissioner of Customs, Custom House, Mundra as to whether they desire to be heard in person before the case is adjudicated. If no cause is shown within 30 days from the date of receipt of this notice or if they fail to appear for personal hearing when the case is posted for hearing, the case will be decided ex-parte on the basis of evidences available on record.

9. This Show Cause Notice is being issued as per the scrutiny of records conducted so far. Hence, the department reserves its rights under the provisions of Customs Act, 1962 to conduct further Audit/Scrutiny of the records and issue subsequent or separate show cause notice(s), if any.

10. The present Show Cause Notice is issued without prejudice to any other action that may be taken under any other provision of the Customs Act, 1962 and/or rules made there under and/or under the provisions of any other law for the time being in force in India. The department is also free to issue addendum to this Show Cause Notice, if any, further fact/documents come to notice.

11. The importer is further informed that they have the right to opt for closure of these proceedings under Section 28(6) of Customs Act, 1962. If they so decide, then in terms of Section 28(5) of the Customs Act, 1962, they may pay the duty demanded in this Show Cause Notice in full or inpart, as may be accepted by them, and the interest payable thereon under Section 28AA and penalty equal to fifteen percent of the duty specified in this notice or the duty so accepted by them, within 30 days of the receipt of the notice and inform the concerned Adjudicating and/or of such payment in writing.

Digitally signed by
Dipakbhai Zala
Date: 24-07-2026
11:21:47

(#ApprovedName#)
#ApprovedByDesignation#,
Additional Commissioner,
Import Assessment,
Custom House, Mundra.

To,
M/s. V.K. Imports,
Basement,F-63, Kalidas Marg,
Jaipur, Rajasthan- 302016.
IEC No. BRJPG7214D.

Copy to:

1. The Deputy/Assistant Commissioner of Customs (RRA/TRC/EDI), Custom House, Mundra.

2. Office Copy.