



## प्रधान आयुक्त का कार्यालय, सीमा शुल्क ,अहमदाबाद

“सीमाशुल्कभवन ,”पहलीमंजिल ,पुरानेहाईकोर्टकेसामने ,नवरंगपुरा ,अहमदाबाद – 380 009.

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**DIN: 20250971MN000000AD23**

### PREAMBLE

A	फ़ाइल संख्या/ File No.	:	CUS/EPCG/MISC/335/2023-ICD-SRT-CUSCOMMRTE-AHMEDABAD
B	कारण बताओ नोटिस संख्या एवं तारीख / Show Cause Notice No. and Date	:	CUS/EPCG/MISC/335/2023-ICD-SRT-CUSCOMMRTE-AHMEDABAD dated 19.04.2023
C	मूल आदेश संख्या/ Order-In-Original No.	:	<b>133/ADC/SR/O&amp;A/2025-26</b>
D	आदेश तिथि/ Date of Order-In-Original	:	<b>24.09.2025</b>
E	जारी करने की तारीख/ Date of Issue	:	<b>24.09.2025</b>
F	द्वारा पारित/ Passed By	:	Shravan Ram, Additional Commissioner, Customs, Ahmedabad
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	:	M/s. Shreeji Creation, 1019, Indrajeet Soc., B/H. Navratna Avenue, Opp. Sardar Mall, Nikol Gam Rd, Ahmedabad-382350.  Smt. Jayaben Maganbhai Bhuva, Proprietor of M/s. Shreeji Creation, 38, Sarvamangal Society, Opp. Trimurti Complex, Nr. Suvas Vidyalaya, India Colony Road, Bapunagar, Ahmedabad-380024
1	यह प्रति व्यक्ति के उपयोग के लिए निःशुल्क प्रदान किया जाता है जिन्हें यह जारी किया जाता है।		
2	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्त किया तारीख के ६० दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क (अपील), ४वि मंजिल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।		
3	अपील के साथ केवल पांच (५.00) रुपये पे न्यायलय शुल्क टिकिट लगा होना चाहिए और इसके साथ होना चाहिए:		
(i)	अपील की एक प्रति और;		
(ii )	इस प्रति या इस आदेश की कोई प्रति के साथकेवल पांच (५.00) रुपये पे न्यायलय शुल्क टिकिट लगा होना चाहिए।		
4	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को ७.५% अधिकतम १० करोड़ शुल्क हम करना होगा जहां शुल्क या इयूटी और जुर्माना विवाद में है या जुर्माना जहां इस तरह की दंड विवाद में है और अपील के साथ इस तरह के भुगतान का प्रमाण पेश करने में असफल रहने पर सीमा शुल्क अधिनियम, १९६२ के धरा १२९ के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।		

**BRIEF FACTS OF THE CASE:**

**M/s. Shreeji Creation**, 1019, Indrajeet Soc., B/H. Navratna Avenue, Opp. Sardar Mall, Nikol Gam Rd, Ahmedabad-382350 (hereinafter referred as “the noticee” for the sake of brevity), holding Import Export Code No. 0814026745 had imported 05 Sets of capital goods viz. Computerized Embroidery Machine under EPCG Licence No. 0830007154 dated 27.04.2015, as amended, by saving duty of **Rs. 6,83,334/- (Actual Duty Utilized of Rs. 6,98,541/-)** and had cleared the same vide below mentioned Bill of Entry at zero duty while availing the benefit of exemption available under Notification No.16/2015-Cus dated 01.04.2015. The details of import are as under:

S. N.	B/E No. & Date	Qty. Machinery Cleared	Assessable Value (Rs.)	Duty Saved/ available as per EPCG Licence (Rs.)	Total Duty Foregone/Debited at the time of clearance (Rs.)	BG Amount (Rs.)
1	9207641 dtd. 12.05.2015	04	23,86,594/-	6,83,334/-	5,58,833/-	1,05,000/-
2	9281667 dtd. 19.05.2015	01	5,96,649/-		1,39,708/-	
	TOTAL	05	29,83,243/-	6,83,334/-	6,98,541/-	1,05,000/-
As per para 5.10 of Handbook of Procedures, 10% enhancement in CIF value of duty saved amount is admissible.						

**2.** The importer had executed Bond dated 08.05.2015 for Rs. 18,50,000/- **backed** by Bank Guarantee No. 0294BGFD000216 dated 05.05.2015 for Rs 1,05,000/- issued by the ICICI Bank Ltd, Ahmedabad for EPCG License No. 0830007154 dated 27.04.2015. They had also undertaken to fulfill all the terms and conditions specified in the License and the said Notification.

**3.** The 05 Sets of Computerized Embroidery Machine imported under the above said EPCG License were installed at the factory/business premises i.e. **M/s. Shreeji Creation**, 1019, Indrajeet Soc., B/H. Navratna Avenue, Opp. Sardar Mall, Nikol Gam Rd, Ahmedabad-382350, as per the Installation Certificate dated 14.10.2015 issued by Chartered Engineer Dr. P. J. Gandhi, Surat certifying the receipt of the goods imported and its installation.

**4.** In terms of the conditions of Notification No. 16/2015-Cus dated 01.04.2015, the Noticee was required to fulfill the export obligation on FOB basis equivalent to Six times of the duty saved on the goods imported as specified on the license or authorization.

**4.1** Further, the Noticee was required to execute a Bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to

fulfill export obligation on FOB basis equivalent to Six times the duty saved on the goods imported as may be specified on the license or authorization, or for such higher sum as may be fixed or endorsed by the licensing Authority or Regional Authority, within a period of Six years from the date of issuance of license or authorization, i.e. complete 50% export obligation within first block of 1<sup>st</sup> to 4<sup>th</sup> years and remaining 50 % in second block of 5<sup>th</sup> to 6<sup>th</sup> years.

**4.2** The Noticee was, thus, required to fulfill the export obligation within a period of Six years from the date of issuance of EPCG Licence in terms of the condition laid down in the Notification and in the EPCG License itself. In the instant case, the EPCG Licence was issued to the Noticee on 27.04.2015 and accordingly, the said Noticee was required to fulfill export obligation by 26.04.2021 i.e. within a period of six years from the date of issuance of license or authorization. Further, the Noticee was also required to submit the Export Obligation Discharge Certificate (EODC) issued by the Regional DGFT Authority before the jurisdictional Customs authorities by the date as specified above.

**4.3** Letter dated 13.01.2023 was issued vide F.No. ICD-Sachin/Misc./01/2022-23, to the Noticee requesting them to furnish the copy of EODC or any extension issued by the Regional Authority, DGFT, Surat for fulfillment of Export Obligation. However, the Noticee has not responded to the above communication.

**4.4** In view of the above, it is evident that the Noticee had failed to fulfill the export obligation as specified in the License and did not comply with the mandatory condition of the Notification No. 16/2015-Cus dated 01.04.2015, the condition of EPCG License and also the conditions of the Bond executed and furnished by them.

## **5. LEGAL PROVISIONS:**

**5.1** The said section is produced herein below for reference:

***“SECTION 143. Power to allow import or export on execution of bonds in certain cases.***

*- (1) Where this Act or any other law requires anything to be done before a person can import or export any goods or clear any goods from the control of officers of customs and the Assistant Commissioner of Customs or Deputy Commissioner of Customs is satisfied that having regard to the circumstances of the case, such thing cannot be done before such import, export or clearance without detriment to that person, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, notwithstanding anything contained in this Act or such other law, grant leave for such import, export or clearance on the person executing a bond in such amount, with such surety or security and subject to such conditions as the Assistant Commissioner of Customs or Deputy Commissioner of Customs approves, for the doing of that thing within such time after the import, export or clearance as may be specified in the bond.*

(2) *If the thing is done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall cancel the bond as discharged in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable to any penalty provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.*

(3) *If the thing is not done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall, without prejudice to any other action that may be taken under this Act or any other law for the time being in force, be entitled to proceed upon the bond in accordance with law.”*

## **5.2 SECTION 111. “Confiscation of improperly imported goods, etc. -**

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

...

*(o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer;”*

**5.3 SECTION 112:** It provides for penalty for improper importation of goods according to which,

*“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*

...

*Shall be liable; -*

...

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

*PROVIDED that where such duty as determined under sub-section (8) of section 28 and the interest payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent of the penalty so determined;*

...”

## **5.4 SECTION 117:**

*“Penalties for contravention, etc., not expressly mentioned. -*

*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].”*

6. The Noticee was allowed clearance of the aforesaid capital Goods/machines, by the proper officer, on execution of a Bond in terms of the provisions of section 143 of the Customs Act, 1962. By executing the Bond before the Deputy/Assistant Commissioner of Customs, ICD-Sachin, Surat, the Noticee had bound themselves to discharge liability within a specified period, however, it appears the said noticee has failed to do, by not fulfilling the export obligation. Therefore, the Customs authorities are entitled to recover the Duty not paid or short paid by the Noticee by raising a demand and appropriating the Bank Guarantee furnished by them against the proposed demand.

7.1 Therefore, it appears that the noticee failed to fulfill the conditions laid down under Notification No. 16/2015-Cus dated 01.04.2015 in as much it appears that the noticee has failed to fulfill export obligations against the goods imported by using the aforesaid EPCG License No. 0830007154 dated 27.04.2015. The Noticee neither submitted the EODC issued by the DGFT, Surat nor could produce any documents showing extension granted to them for fulfillment of Export Obligation.

7.2 The Noticee was, therefore, liable to pay Customs Duty not paid (i.e. saved) by them amounting to Rs. 6,98,541/- at the time of import/clearance along with interest at the applicable rate, in terms of conditions of the said Notification read with condition of the Bond executed by them read with Section 143 of the Customs Act, 1962.

8. It also appears that the imported capital goods were not used for intended purpose for which the exemption from payment of duty was claimed and therefore, the aforesaid capital goods imported against the above said EPCG License were liable for confiscation under Section 111(o) of the Customs Act, 1962. It therefore appears that the Noticee had rendered themselves liable to penalty under Section 112 (a) and Section 117 of the Customs Act, 1962.

9. Since, the Noticee could not submit the said EODC and therefore appears to have failed to fulfill the conditions laid down under Notification No. 16/2015Cus dated 01.04.2015 as well as under the EPCG License and the Bond; the Bank Guarantee No. 0294BGFD000216 dated 05.05.2015 for Rs 1,05,000/- issued by the ICICI Bank Ltd, Ahmedabad furnished by the Noticee against the aforesaid EPCG License No. 0830007154 dated 27.04.2015 appears liable to be encashed and deposited in the Government exchequer.

10. In the view of the above, **M/s. Shreeji Creation**, 1019, Indrajeet Soc., B/H. Navratna Avenue, Opp. Sardar Mall, Nikol Gam Rd, Ahmedabad-382350 was issued a show cause notice bearing F. No. CUS/EPCG/MISC/335/2023-ICD-SRTCUS-

COMMRTE-AHMEDABAD dated: 19.04.2023 by the Additional Commissioner of Customs, Surat, as to why:

- (i) The benefit of Zero Duty for EPCG Scheme under Notification No. 16/2015Cus dated 01.04.2015 on the subject imported Computerized Embroidery Machine in the name of **M/s. Shreeji Creation**, 1019, Indrajeet Soc., B/H. Navratna Avenue, Opp. Sardar Mall, Nikol Gam Rd, Ahmedabad-382350 should not be denied.
- (ii) Customs Duty totally amounting to Rs. 6,98,541/- (Rupees Six Lakh Ninety-Eight Thousand Five Hundred Forty-One only) being the Duty forgone at the time of import under EPCG Licence, should not be demanded and recovered from them in terms of Notification No. 16/2015-Cus dated
- (iii) 01.04.2015 as amended, read with the Conditions of Bond executed and furnished by them in term of Section 143 of the Customs Act, 1962 by enforcing the terms of the said Bond and as to why the Bank Guarantee No. 0294BGFD000216 dated 05.05.2015 for Rs.1,05,000/- issued by the ICICI Bank Ltd, Ahmedabad backed against the Bond, should not be appropriated and adjusted towards the Duty liability as mentioned above.
- (iv) Interest at the applicable rate should not be recovered from them on the Customs Duty as mentioned at (ii) above in term of Notification No. 16/2015-Cus dated 01.04.2015 as amended from time to time read with Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962.
- (v) The imported Capital Goods should not be held liable for confiscation under Section 111(o) of the Customs Act, 1962 read with conditions of Bond executed, in terms of Section 143 of the Customs Act, 1962 read with Notification No. 16/2015-Cus dated 01.04.2015 as amended from time to time.
- (vi) Penalty should not be imposed on the noticee under Section 112(a) of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vii) Penalty should not be imposed on the noticee under Section 117 of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (viii) Bond executed by them at the time of import should not be enforced in terms of Section 143(3) of the Customs Act, 1962 and the Bank Guarantee thereof should not be encashed for recovery of the Customs Duty as mentioned above and interest thereupon.

**10.1.** The case was adjudicated by the then adjudicating authority vide OIO No. 36/AB/ADC/ICD-SACHIN/SRT/2023-24 dt. 08.12.2023 Wherein the adjudicating authority passed order as under: -

- (i) Disallowed the benefit of Zero Duty for EPCG Scheme under Notification No.16/2015-Cus dated 01.04.2015 on the subject imported capital goods.
- (ii) Confirmed the demand of customs duty amounting **Rs. 6,98,541/- (Rupees Six Lakh Ninety-Eight Thousand Five Hundred Forty-One only)** being the Duty forgone at the time of import under EPCG Licence, in terms of Notification No. 16/2015-Cus dated 01.04.2015 as amended, read with the Conditions of Bond executed and ordered for recovery in terms of the Section 143 of the Customs Act, 1962.
- (iii) Ordered to appropriate the amount of Rs. 1,05,000/- by encashment of the Bank Guarantee No. 0294BGFD000216 dated 05.05.2015 for Rs. 1,05,000/- issued by the ICICI Bank Ltd, Ahmedabad submitted by the noticee. The same is required to be encashed and deposited in the Government exchequer. The amount may be adjusted against the duty liability.
- (iv) Ordered for confiscation of impugned capital goods under Section 111(o) of Customs Act, 1962. However, allowed the noticee an option to release the said goods on payment of redemption fine of Rs. 7,45,811/- under Section 125(1) of the Customs Act, 1962.
- (v) Ordered for recovery of Interest at the applicable rate from M/s. Shreeji Creation on the Customs Duty as mentioned at (ii) above in term of Notification No. 16/2015-Cus dated 01.04.2015 as amended from time to time read with Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962 by enforcing the Bond.
- (vi) Imposed penalty of Rs. 69,854/- on M/s. Shreeji Creation under Section 112(a)(ii) of the Customs Act, 1962.
- (vii) Imposed penalty of Rs. 1,00,000/- on M/s. Shreeji Creation under Section 117 of the Customs Act, 1962.

**10.2.** Being aggrieved with the Order in Original No. 36/AB/ADC/ICD-SACHIN/SRT/2023-24 dt. 08.12.2023 issued by the Additional Commissioner of Customs, Surat the noticee filed an appeal with the Commissioner of Customs (Appeals), Ahmedabad. The Commissioner of Customs (Appeals), Ahmedabad, vide Order-in-Appeal No. AHD-CUSTM-000-APP-355-2425 dated 26.03.2025, allowed the appeal by way of remand to the adjudicating authority for passing fresh order after taking the submissions made by the appellant in the present appeal on record and pass fresh order. The appellate authority observed that appellant has submitted a copy of the EODC Certificate dated 06.02.2024 issued by the DGFT, Ahmedabad towards the fulfillment of the export obligation in respect of the EPCG Licence No. 0830007154 dated 27.04.2015. It was further observed that these submissions are made for the first time before appellate authority and not raised before adjudicating authority. Thereafter, the appellate authority allowed the appeal of the noticee- “by

way of remand to the adjudicating authority for passing fresh orders after considering the submissions made by the appellant in the present appeal on record. The adjudicating authority shall examine the available facts, documents, submissions and issue speaking order afresh following principles of natural justice and legal provisions.” Accordingly, as directed by the Appellate authority, the case has been taken up for fresh adjudication.

**DEFENSE SUBMISSION AND PERSONAL HEARING:**

**11.** Opportunity for Personal hearing was given to the Noticee on 23.07.2025, in compliance with Principle of Natural Justice.

**11.1** In response to Personal hearing dt. 23.07.2025, the Noticee vide letter dt. 28.07.2025 informed that they had fulfilled their export obligation and requested to drop the SCN proceeding initiated against the Noticee. The Noticee also submitted a copy of the EODC /Redemption letter dated 06.02.2024 issued by the DGFT, Ahmedabad. They further conveyed that they do not wish to avail any personal hearing in the matter and requested that the case be decided on merits.

**DISCUSSIONS AND FINDINGS:**

**12.** I have carefully gone through the Show cause notice, records, submissions and facts in the present case.

**13.** I find that in the present case a Show Cause Notice F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated: 19.04.2023 was issued to the noticee/importer, holding EPCG License No. 0830007154 dated 27.04.2015, by the Additional Commissioner of Customs, Surat for non-fulfillment of export obligation as prescribed vide Notification No. 16/2015-Cus dated 01.04.2015 and non-submission of Export obligation discharge certificate (EODC), issued by DGFT authorities in this regard, to the Customs authorities. As per Notification No. 16/2015-Cus dated 01.04.2015 the importer was required to fulfill the export obligation on FOB basis equivalent to six times the duty saved on the goods imported within six years from the date of authorization, as may be specified on the License or authorization. The case was adjudicated by the then adjudicating authority vide OIO No. 36/AB/ADC/ICD-SACHIN/SRT/2023-24 dt. 08.12.2023 wherein he confirmed the demand. Being aggrieved, the noticee preferred an appeal before Commissioner of Customs (Appeals), Ahmedabad. The Commissioner of Customs (Appeals), Ahmedabad, vide Order-in-Appeal No. AHD-CUSTM000-APP-355-24-25 dated 26.03.2025 allowed the appeal by way of remand to the adjudicating authority for passing fresh order after taking the submissions made by the appellant in the



present appeal on record and pass fresh order. In view of Commissioner of Customs (Appeals), Ahmedabad direction, the case has been taken up for fresh adjudication.

Now, the issues for consideration before me are as follows:

- (i) Whether the zero duty for EPCG scheme under the said Notification No. 16/2015-Cus dated 01.04.2015 is admissible to the Noticee in absence of non-fulfillment of the export obligation prescribed therein, as alleged in the Show cause notice.
- (ii) Whether the noticee is liable for confiscation of Capital Goods and penalties as proposed in the SCN.

**14. Now I proceed to decide whether the zero duty for EPCG scheme under the said Notification No. 16/2015-Cus dated 01.04.2015 is admissible to the Noticee.**


**14.1.** I find that present recovery proceeding was initiated against noticee for non-submission of proof of fulfillment of export obligation and non-submission of Export obligation discharge certificate (EODC) in respect of EPCG License No. 0830007154 dated 27.04.2015, against which zero rate of duty during import was availed by the noticee. As per Notification No. 16/2015-Cus dated 01.04.2015 the importer was required to fulfill the export obligation on FOB basis equivalent to six times the duty saved on the goods imported within six years from the date of authorization, as may be specified on the License or authorization.

**14.2.** I find that Commissioner of Customs (Appeals), Ahmedabad while remanding the case back has observed that- *“appellant has submitted a copy of the EODC Certificate dated 06.02.2024 issued by the DGFT, Ahmedabad towards the fulfillment of the export obligation in respect of the EPCG Licence No. 0830007154 dated 27.04.2015. It is further observed that these submissions are made for the first time before appellate authority and not raised before adjudicating authority. In view of above, I set aside the impugned order and allow the appeal filed by the appellant by way of remand to the adjudicating authority for passing fresh orders after considering the submissions made by the appellant in the present appeal on record”*. I further find that the noticee vide letter dt. 28.07.2025 has submitted that that DGFT, Ahmedabad has issued EODC/Redemption Letter dt. 06.02.2024 issued from F. No. 08EEEPC03429AM24 in respect of the impugned EPCG authorization No. 0830007154 dated 27.04.2015. I also find that the neither the application for issue of EODC to DGFT by the noticee nor the EODC/Redemption Letter dt. 06.02.2024 issued by DGFT, Ahmedabad was available at the time of issuance of the impugned Show cause notice.

**14.3.** I find that noticee vide letter dated 28.07.2025 submitted that DGFT, Ahmedabad has issued EODC dt. 06.02.2024 in the case. Vide the said EODC/Redemption letter 06.02.2024 issued from F. No.08EEEP03429AM24, DGFT has communicated to the noticee as per Image-1 below

**Image 1**

UDINEPCG00471166AM24



Government of India / भारत सरकार  
Ministry of Commerce and Industry / वाणिज्य और उद्योग मंत्रालय  
Department of Commerce / वाणिज्य विभाग  
Directorate General of Foreign Trade / विदेश व्यापार महानिदेशालय  
Office of the Additional Director General of Foreign Trade, Ahmedabad /अपर महानिदेशक, विदेश व्यापार का कार्यालय, अहमदाबाद  
3rd Floor, HUDCO Bhavan, Ishvar Bhuvan Road, Navrangpura, AHMADABAD, GUJARAT, 380009 / तीसरी मंजिल, हुडको भवन, ईश्वर भवन रोड, नवरंगपुरा, अहमदाबाद, गुजरात, 380009  
Email Office : ahmedabad-dgft@nic.in , Phone Office : 07925506297

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File No: 08EEEP03429AM24  
Date : (Refer Date of Digital Signature)

**REDEMPTION LETTER**

To :  
SHREEJI CREATION  
1019, INDRAJEET SOC, B/H: NAVRATNA  
RD, AHMEDABAD, GUJARAT, INDIA.  
382350

**SUBJECT: EODC/REDEMPTION against EPCG Authorization No. 0830007154**

Dated 27/04/2015

I write to inform you that on the basis of document submitted towards discharge of export obligation by you, it is observed that the Export Obligation stipulated in the License has been met in full in proportion to duty amount utilized by you. Consequently, Export Obligation has been discharged against the said Authorization in terms of Para 5.10 of Hand Book of procedure.

**Issued from File Number 08EEEP03429AM24**

Dated 06/02/2024

Copy To :  
1. COPY FORWARDED TO THE ASSISTANT COMMISSIONER OF CUSTOMS, EPCG CELL,  
2. Commissioner customs, 130 SURAT DIAMOND PARK, GIDC, SACHIN, SURAT-394230

(In case the document is digitally signed please refer Digital Signature at the bottom of the page)

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This document has been digitally signed by Ashwin Golapkar, Assistant DGFT, RA AHMEDABAD on 06-Feb-2024.

**Signature Not Verified**

Digitally Signed by:  
NAME: GOLAPKAR, ASHWIN  
DESIGN: Assistant DGFT RA  
Date: 06-Feb-2024 17:24:58  
Reason: ashwin.golapkar@gov.in

**14.4.** I find that DGFT has issued EODC/Redemption Letter dt. 06.02.2024 as discussed above. In view of the EODC/Redemption letter dt. 06.02.2024 issued by DGFT, I find that in the present case noticee has fulfilled the export obligation as required by them and mandated under Notification No. 16/2015-Cus dated 01.04.2015 and as such eligible for Zero duty EPCG scheme under Notification No. 16/2015-Cus dated 01.04.2015. Therefore, I hold that demand of customs duty initiated against the noticee vide Show Cause Notice F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated: 19.04.2023 is not sustainable.

**15. Now I proceed to decide whether the Capital Goods under consideration are liable to confiscation and whether noticee is liable for penalties as proposed in the Show Cause Notice.**

**15.1.** In view of the EODC/Redemption Letter dt 06.02.2024 issued by DGFT in respect of the impugned EPCG authorization No. 0830007154 dated 27.04.2015, I find that the noticee has fulfilled the conditions stipulated in the Customs Notification No. 16/2015-Cus dated 01.04.2015 and the conditions of the Bond executed by them by fulfilling the export obligation as stipulated vide the said EPCG authorization No. 0830007154 dated 27.04.2015. Accordingly, I find that impugned capital goods are

not liable for confiscation under Section 111 (o) of the Customs Act, 1962 and consequently no penalty is imposable on the noticee under Section 112 (a) and 117 of the Customs Act, 1962. In view of same, I hold that the demand initiated against noticee vide Show Cause Notice F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated: 19.04.2023 is not sustainable and liable to be dropped.

**16.** In view of above discussion and findings, I pass the following order:

**ORDER**

**I drop the proceedings initiated against the noticee vide subject SCN F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated 19.04.2023.**

**17.** The Show Cause Notices F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUSCOMMRTE-AHMEDABAD dated: 19.04.2023 is disposed of in above terms.

**(Shravan Ram)**  
**Additional Commissioner**  
**Customs, Ahmedabad**

DIN: 20250971MN000000AD23

**F. No. CUS/EPCG/MISC/335/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD Date-24.09.2025**

By Speed Post A.D./E-mail /Hand Delivery/Through Notice Board

**To,**

**M/s. Shreeji Creation,  
1019, Indrajeet Society, B/H. Navratna Avenue,  
Opp. Sardar Mall, Nikol Gam Road,  
Ahmedabad-382350.**

**Smt. Jayaben Maganbhai Bhuva,  
Proprietor of M/s. Shreeji Creation,  
38, Sarvamangal Society,  
Opp. Trimurti Complex,  
Nr. Suvas Vidyalaya, India Colony Road,  
Bapunagar, Ahmedabad-380024**

**Copy to: -**

1. The Principal Commissioner, Customs, Ahmedabad.
2. The Deputy Commissioner of Customs, ICD-Sachin, Surat.
3. The System In-Charge, Customs HQ, Ahmedabad for uploading on the official website i.e. <http://www.ahmedabadcustoms.gov.in>
4. The Joint Director General, DGFT, 6<sup>th</sup> Floor, Resham Bhavan Lal Darwaja, Surat-395003 for information and necessary action.
5. Guard File/Office copy.
6. Notice Board