

	<p>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</p>	
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DIN:-20250371MO0000515096

Show Cause Notice

(Under Section 124 of Customs Act, 1962)

Intelligence gathered by the Directorate of Revenue Intelligence (DRI), Gandhidham Regional Unit suggested that M/s. Diksha Enterprise (IEC-ANUPS4631E), 38, Barrah Etaye, Mariahu, Jaunpur- 222161 (hereinafter referred to as "M/s Diksha Enterprise/the Importer"), is indulged in duty evasion through mis-declaration of goods.

2. Investigation Summary:

2.1 Acting on the intelligence, investigation was initiated by DRI with respect to the following live consignments pending for clearance at Mundra Custom House as mentioned in Table A below:

TABLE-A

Sl. No	Bill of Entry No.	Bill of Entry Date	Bill of Lading No. and date	Container No.	IGM No. and Date
1	5611842	14-09-2024	COAU7252747020 dated 18.08.2024	FCIU9849961	2387666 dated 10.09.2024
2	5595336	13-09-2024	EGLV143464465291 dated 24.08.2024	FFAU5003601	2387526 dated 07.09.2024
3	5595343	13-09-2024	EGLV143454760711 dated 24.08.2024	EMCU1641407	2387526 dated 07.09.2024
4	5611821	14-09-2024	COAU7252652310 dated 18.08.2024	TGBU5023318	2387666 dated 10.09.2024
5	5595341	13-09-2024	EGLV143464465312 dated 24.08.2024	TGBU8031955	2387526 dated 07.09.2024
6	5611817	14-09-2024	KMTCNBO8204957 dated 24.08.2024	BMOU6377797	2387785 dated 11.09.2024
7	5611818	14-09-2024	COAU7252747140 dated 18.08.2024	CBHU7082640	2387666 dated 10.09.2024
8	5611823	14-09-2024	COAU7252652350 dated 18.08.2025	OOCU8522804	2387666 dated 10.09.2024
9	6176035	17-10-2024	EGLV143464474508 dated 05.09.2024	EITU1436501	2388662 dated 20.09.2024
10	6176039	17-10-2024	ONEYNB4J1F761700 dated 03.09.2024	TCLU7973014	2388734 dated 21.09.2024
11	6314267	24-10-2024	031E574465 dated 22.08.2024	WHSU5545571	2387857 dated 11.09.2024

12	6314300	24-10-2024	031E574468 dated 22.08.2024	WHSU6643530	2387857 dated 11.09.2024
13	6314278	24-10-2024	EGLV143464470511 dated 30.08.2024	TRHU5232760	2388144 dated 14.09.2024
14	6314289	24-10-2024	EGLV143464470529 dated 30.08.2024	EITU9034263	2388144 dated 14.09.2024
15	6339125	25-10-2024	EGLV143469496984 dated 05.09.2024	EITU1026744	2388765 dated 21.09.2024
16	6339179	25-10-2024	EGLV143459204875 dated 11.09.2024	EMCU9899527	2389323 dated 28.09.2024
17	6375284	28-10-2024	EGLV143459194543 dated 30.08.2024	EITU1242661	2388144 dated 14.09.2024
18	6375224	28-10-2024	EGLV143459190653 dated 03.09.2024	BSIU9510661	2388734 dated 21.09.2024

The goods contained in the aforementioned containers of **Table- A** were examined under the respective panchnama drawn at the respective Container Freight Station, Mundra (**RUD No. 1**) with the details as mentioned in the **Table-B** and representative samples were drawn from them.

TABLE-B

Sr. No.	BE no. / date	Container No.	Panchnama date	Panchnama drawn at Container Freight Station (CFS) Detail M/s.	CTH declared in BE	CTH declared in IGM	CTH declared in BL provided by Custom Broker during panchnama	Shipping Line	CTH declared in BL supplied by Shipping Line	CTH in BL ICE S
1	5611842 dated 14.09.2024	FCIU9849961	18/19.10.2024	Saurashtra Freight Pvt. Ltd. Mundra	5208290	FABRIC HS 5903 9090	FABRIC HS 5208 2290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 5903 9090	FABRIC HS 5208 2290
2	5595336 dated 13.09.2024	FFAU5003601	16.11.2024	Saurashtra Freight Pvt. Ltd. Mundra	5208290	FABRIC HS 5903 9090	FABRIC HS 5208 2290	Evergreen line	FABRIC HS 5903 9090	FABRIC HS 5208 2290
3	5595343 dated 13.09.2024	EMCU1641407	13.12.2024	Saurashtra Freight Pvt. Ltd. Mundra	5208290	FABRIC HS 5903 9090	FABRIC HS 5208 2290	Evergreen line	FABRIC HS 5903 9090	FABRIC HS 5208 2290
4	5611821 dated 14.09.2024	TGBU5023318	13.12.2024	Saurashtra Freight Pvt. Ltd. Mundra	5208290	FABRIC HS 5903 9090	FABRIC HS 5208 2290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 5903 9090	FABRIC HS 5208 2290

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5	5595341 dated 13.09.2024	TGBU8031955	16.11.2024	Saurashtra Freight Pvt. Ltd. Mundra	52082290	FABRIC HS 59039090	FABRIC HS 52082290	Evergreen line	FABRIC HS 59039090	FABRIC HS 52082290
6	5611817 dated 14.09.2024	BMOU6377797	12.11.2024	Seabird Marine Services (Gujarat) Pvt. Ltd.	52082290	FABRIC HS CODE 59039090	FABRIC HS 59039090	KMTC Line	FABRIC HS 59039090	FABRIC HS 52082290
7	5611818 dated 14.09.2024	CBHU7082640	18/19.10.2024	Saurashtra Freight Pvt. Ltd. Mundra	52082290	FABRIC HS 59039090	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290
8	5611823 dated 14.09.2024	OOCU8522804	30.11.2024	Saurashtra Freight Pvt. Ltd. Mundra	52082290	FABRIC HS 59039090	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290
9	6176035 dated 17.10.2024	EITU1436501	25.11.2024	Transworld Terminals Pvt. Ltd. Mundra	55151130/60063200/54075290	FABRIC HS 59039090	FABRIC HS 59039090	Evergreen line	FABRIC HS 59039090	FABRIC HS 59039090
10	6176039 dated 17.10.2024	TCLU7973014	06.12.2024	Landmark CFS, Mundra	55151130/60063200	FABRIC HS 59039090	FABRIC HS 59039090	Ocean Network Express	FABRIC HS 59039090	FABRIC HS 59039090
11	6314267 dated 24.10.2024	WHSU5545571	28.11.2024	Landmark CFS, Mundra	55151130	FABRIC HS 59039090	FABRIC HS 59039090	Wan Hai lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 59039090
12	6314300 dated 24.10.2024	WHSU6643530	13.12.2024	Landmark CFS, Mundra	55151130/60063200	FABRIC HS 59039090	FABRIC HS 59039090	Wan Hai lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 59039090
13	6314278 dated 24.10.2024	TRHU5232760	06.12.2024	Landmark CFS, Mundra	55151130/60063200/54075290	FABRIC HS 59039090	FABRIC HS 59039090	Evergreen line	FABRIC HS 59039090	FABRIC HS 59039090
14	6314289 dated 24.10.2024	EITU9034263	16.11.2024	Landmark CFS, Mundra	54075290/60063200/55	FABRIC HS 5903	FABRIC HS 5903	Evergreen line	FABRIC HS 5903	FABRIC HS 5903

	024			dra	151130	9090	9090		39090	39090
15	6339125 dated 25.10.2024	EITU1026744	11.12.2024	Landmark CFS, Mundra	58109290/60063200/6019200/54076190	FABRIC	FABRIC	Evergreen line	FABRIC	FABRIC
16	6339179 dated 25.10.2024	EMCU9899527	25.11.2024	Transworld Terminals Pvt. Ltd. Mundra	58109290/54075290/6019200/54076190	FABRIC(HSCODE:600632)	FABRIC	Evergreen line	FABRIC	FABRIC
17	6375284 dated 28.10.2024	EITU1242661	11.12.2024	Landmark CFS, Mundra	58109290/54075290/6019200/60063200	FABRIC	FABRIC	Evergreen line	FABRIC	FABRIC
18	6375224 datd 28.10.2024	BSIU9510661	16.12.2024	Landmark CFS, Mundra	58109290/54075290/6019200/60063200/63039200	FABRIC	Fabric	Evergreen line	FABRIC	FABRIC

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During investigation, it was noticed that different CTH were declared by the respective shipping lines while filing of IGM in respect of import consignments as mentioned in Table-B above at Sr. No. 1,2,3,4,5,7 and 8 and accordingly the copies of Bills of Lading were called for and it was found that corresponding Bills of Lading contains the CTH as "59039090" (**RUD No. 2**) and same CTH was declared while filing of IGM. However, during the examination of the import consignments the concerned Custom Broker i.e. M/s. SRV Shipping have produced copies of Bills of Lading containing the different CTH declared as "52082290" (**RUD No. 3**) and same CTH was declared while filing corresponding Bills of Entry in respect of Bills of Entry at Sr. No. 1,2,3,4,5,7, and 8 of Table-A above. Moreover, it is also noticed that the importer in connivance with Custom Broker had deliberately changed the CTH in corresponding Bill of Entry mentioned at Sr. No. 6 and had forged the corresponding Bills of lading with two different CTH for the same cargo with one Bill of Lading having details as FABRIC HS 59039090, produced during the examination and other Bill of Lading with details as FABRIC HS 52082290, produced to the Customs and uploaded in ICES. During the panchnama proceedings, representative samples were drawn from each container for laboratory testing of fabric.

2 . 2 The representative samples so drawn under panchnama dated

18/19.10.2024, 12.11.2024, 16.11.2024, 25.11.2024, 28.11.2024, 30.11.2024, 06.12.2024, 11.12.2024, 13.12.2024 and 16.12.2024 were forwarded to Custom House Laboratory, Custom House Kandla for necessary testing therefore in respect of nature, characteristics, GSM, etc. of the fabric.

2.3 The test reports were received from Custom House Laboratory, Custom House Kandla for samples forwarded vide Test Memo No. 519/2024 to 571/2024 dated 09.12.2024 and Test Memo No. 582/2024 to 651/2024 dated 30.12.2024. All the test reports were received vide letters dated 01.01.2025, 10.01.2025, 17.01.2025, 28.01.2025 and 05.02.2025 issued by Custom House Laboratory, Kandla (**RUD No. 4**).

2.4 On going through the test report received from Custom House Laboratory, Custom House Kandla, it came to notice that goods imported vide Bills of Entry mentioned at Sr. No. 1 to 18 of Table-A were mis-declared in terms of description, CTH etc. with intention to evade applicable customs duties. From the Test Reports received from Custom House Laboratory, Custom House Kandla, it appears that the declared description and classification in corresponding Bills of Entry filed for the subject goods is liable to be rejected. Further, it was noticed that the CTH mentioned in these Bills of Entry mentioned from Sr. No. 9 to 14 of the Table-A were deliberately changed against the CTH mentioned in corresponding Bills of Lading in connivance of the Customs Broker/CHA i.e. M/s. SRV Shipping. Also, it was noticed that there was reason to believe that the subject goods imported vide 18 Bills of Entry mentioned in Table-A were liable for confiscation as per provisions of Section 111 of Customs Act, 1962. In view of the above facts, the subject imported goods were placed under seizure as per the provisions of Section 110(1) of the Customs Act, 1962 vide Seizure Memos dated 19.02.2025 and 20.02.2025 (**RUD No. 5**). The same has been summarized in Table-C below:

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Table C

Sr. No. (1)	BE no. dated (2)	Goods declared in BE (3)	CTH declared in BL ICES (4)	CTH declared in BE (5)	CTH Ascertained as per Test Reports (6)
1	5611842 dated 14.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60063200
2	5595336 dated 13.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	54079200, 54075129, 60063200
3	5595343 dated 13.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	58019090, 60019200, 60063200, 60063100, 54079200
4	5611821 dated 14.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60063200

5	5595341 dated 13.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60063200, 60063100
6	5611817 dated 14.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60063200, 58101000, 54076900, 58109290, 58041090
7	5611818 dated 14.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60063200, 54079200,
8	5611823 dated 14.09.2024	COTTON WOVEN UNDYED FABRIC	FABRIC HS 52082290	52082290	60019200, 60063200
9	6176035 dated 17.10.2024	POLYESTER VISCOSE FABRIC WIDTH 58, KNITTED FABRIC, POLYESTER FABRIC	FABRIC HS 59039090	55151130/60063200/54075290	60019200, 54079200, 60063200
10	6176039 dated 17.10.2024	POLYESTER VISCOSE FABRIC WIDTH 58, KNITTED FABRIC	FABRIC HS 59039090	55151130/60063200	58019090, 60019200, 54076900, 54079200, 60063200
11	6314267 dated 24.10.2024	POLYESTER VISCOSE FABRIC WIDTH 58	FABRIC HS 59039090	55151130	54079200, 60063200, 54076190, 60019200
12	6314300 dated 24.10.2024	POLYESTER VISCOSE FABRIC WIDTH 58, KNITTED FABRIC	FABRIC HS 59039090	55151130/60063200	60063200, 54076900
13	6314278 dated 24.10.2024	POLYESTER VISCOSE FABRIC WIDTH 58, KNITTED FABRIC, POLYESTER FABRIC	FABRIC HS 59039090	55151130/60063200/54075290	54079200, 60019200, 60063200, 54076900
14	6314289 dated 24.10.2024	POLYESTER FABRIC WIDTH 58, KNITTED FABRIC, POLYESTER VISCOSE FABRIC WIDTH 58	FABRIC HS 59039090	54075290/60063200/55151130	54078290, 60063200, 54076900, 54079200, 58019090
	6339125 dated	EMBROIDERED FABRICS 58*, POLYESTER KNITTED FABRICS, PILED KNITTED		58109290/600	54079200, 6001

15	d 25.10.2024	FABRICS, POLYESTER WOOVEN FABRICS 58(2247.60 KGS) (29142 MTRS 42932 SQM)	FABRIC	63200/60019200/54076190	9200, 54076900, 58101000,
16	6339179 dated 25.10.2024	POLYESTER KNITTED FABRICS, PILED KNITTED FABRICS, POLYESTER WOOVEN FABRICS 58(27750 KGS) (27076 MTRS AND 39888 SQM), POLYESTER DYED FABRICS 58*	FABRIC	58109290/54075290/60019200/54076190	60063200, 54076900
17	6375284 dated 28.10.2024	EMBROIDERRY FABRICS 58*, POLYESTER KNITTED FABRICS, PILED KNITTED FABRICS, POLYESTER WOOVEN FABRIC 58"(3580 KGS)(34402 MTRS AND 50681 SQM)	FABRIC	58109290/54075290/60019200/60063200	58101000, 60019200, 54076900, 54079200
18	6375224 dated 28.10.2024	EMBROIDERRY FABRICS 58, POLYESTER KNITTED FABRICS, PILED KNITTED FABRICS, POLYESTER CURTAIN FABRICS 118*-119*, POLYESTER WOOVEN FABRICS 58(1007 KGS) (10546 MTRS AND 15536SQM), POLYESTER DYED FABRICS 58*	FABRIC	58109290/54075290/60019200/60063200/63039200	60063100, 54076190, 54075290, 54076900, 58101000, 60019200

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2 . 5 In view of the test report received from Custom House Laboratory, Kandla it came to notice that goods covered under the said 18 Bills of Entry of Table-C were mis-declared in terms of description and CTH, by the importer with intention to evade applicable customs duties. Moreover, it was observed that the goods of the Bills of Entry at Serial No. 1,2,3,4,5,7 and 8 of Table-A above, were mis-declared in the Bills of Lading/IGM Entries and forged/parallel Bills of Lading were submitted before Customs during assessment as well as during examination of the import goods by DRI. Moreover, it is also noticed that the importer in connivance with Custom Broker had deliberately changed the CTH in corresponding Bill of Entry mentioned at Sr. No. 6 and had forged the corresponding Bills of lading with two different CTH for the same cargo. It was

also noticed that the importer has filed Bills of Entry from serial number 9 to 18 of the Table-C above after initiation of enquiry by DRI with different CTH, description filed in Bills of entry as compared with the CTH, description mentioned in the respective Bills of Lading. Further, it was noticed that even then the importer has mis-declared these goods in terms of CTH, description etc. in the said Bills of Entry. It appears that the importer had got changed the CTH, description in Bills of Entry from serial no. 9 to 18 of the Table-C above against the CTH, description mentioned in the corresponding Bills of Lading after initiation of DRI enquiry to evade enforcement action.

2.6 Further during the investigation, summons were issued to the persons mentioned in the below Table C1 for tendering their statements and produce /explain the documents :

Table-C1

Sr. No.	Name of the person/importer to whom summon issued	Summon issued date	Date of appearance as per summon issued
1.	Proprietor of M/s. Diksha Enterprise	17.01.2025	28.01.2025
2.	Proprietor of M/s. Freight Link Logistics	17.01.2025	31.01.2025
		13.02.2025	17.02.2025
3.	Partner of M/s. SRV Shipping	17.01.2025	30.01.2025
	Partner of M/s. SRV Shipping	13.02.2025	17.02.2025
	Partner of M/s. SRV Shipping	27.02.2025	05.03.2025
	Partner of M/s. SRV Shipping	12.03.2025	12.03.2025
4.	Shri Dharendra Shukla	10.03.2025	12.03.2025

2.6.1 Statement of Shri Akhilesh Singh, son of Lt. Shri Rai Bahadur Singh, Proprietor of M/s. Diksha Enterprise was recorded on 29.01.2025 (**RUD-6**) under section 108 of the Customs Act where he inter-alia stated as follows:

- He started the proprietorship firm M/s. Diksha Enterprise in January 2024 with the purpose of dealing in fabrics and is responsible for all the business activities of the firm.
- He had never visited China and on advice of Shri Dharendra Shukla alias Sonu he had procured Import-Export Certificate from DGFT for the purpose of importing the goods and Shri Dharendra Shukla had assured him for providing assistance in importing fabric material from China and his firm M/s. Diksha Enterprise has imported the goods/fabrics for the first time.
- M/s. Diksha Enterprise has imported 18 containers of fabrics in Mundra and 3 containers of the fabrics in Nhava Sheva. Further he stated that he has not paid a penny and on the direction of Shri Dharendra Shukla alias Sonu he was handling marketing and was procuring orders from domestics market and has no idea about the actual beneficiary of these 21 consignments and also he stated that he has no idea about who has financed for such huge consignments of fabrics. Further, he stated that as per his knowledge no payments have been made to the overseas supplier and other stakeholders.
- He stated that he knows Shri Krishna Shahi as an assistant of Shri

Dhirendra Shukla alias Sonu and Shri Krishna Shahi handles the work related to customs clearances and logistics/transportation of import consignment at Mundra Port.

- He stated that he didn't have any direct connection with any person/representatives of M/s. SRV Shipping and /or M/s. Freight Link Logistics and he had directed Shri Dhirendra Shukla alias Sonu for handling the customs clearances and Shri Dhirendra Shukla was the one who decided the CTH, approved the checklist and provided all the documents and co-ordinated with the Custom Broker for filing Bills of Entry for the consignment imported by M/s. Diksha Enterprise. Also. he stated that there was delay in filing of bill of entry for 10 containers due to interception by the DRI and he had directed Shri Dhirendra Shukla alias Sonu to cross check and verify the nature and particulars of the imported goods from the overseas shipper and only then file the Bills of Entry with the correct particulars as he didn't want any trouble.
- He stated that he had no idea about the parallel Bills of lading with the different CTH declarations and as Shri Dhirendra Shukla alias Sonu was in contact with the overseas shipper, he is the right person to answer.
- He stated that he is ready to pay the applicable customs duties as per the contemporary import rates or the prevailing MIP (if applicable) in respect of the consignments imported by M/s. Diksha Enterprise and pending for customs clearances.

2.6.2 Statement of Shri Deepak Singh, Son of Shri Vinod Singh, Manager of Custom Broker firm M/s. Freight Link Logistics was recorded on 17.02.2025 **(RUD-7)** under section 108 of the Customs Act where he inter-alia stated as follows :

- He had joined M/s. Freight Link Logistics in the year 2014 and looks after the work related to documentation and finance on behalf of M/s. Freight Link Logistics.
- He was contacted by his known friend Shri. Pradeep Tiwari to handle customs clearances for the importer M/s. Diksha Enterprise and Shri Akhilesh Singh, proprietor of M/s. Diksha Enterprise has directly sent him the documents through mail dikshaenterprise8@gmail.com , dated 23.10.2024.
- He had handled the custom clearance work related to 04 consignments only of the importer M/s. Diksha Enterprise and has received all the KYC related documents, commercial invoice, packing list, Bills of lading through email dikshaenterprise8@gmail.com and accordingly prepared the checklist and sent them for approval to the importer vide revert email and after receiving the approval only, he had filed the respective Bills of Entry for the importer M/s. Diksha Enterprise.
- He has not received any amount till date, however, the agency charges of Rs. 5000/- was agreed for handling the import consignment of M/s. Diksha Enterprise. Further, he stated that even though no CTH was mentioned on the Bills of Lading No. EGLV143459194543 dated 30.08.2024, EGLV143459190653 dated 03.09.2024, EGLV143469496984 dated 05.09.2024 and EGLV143459204875 dated 11.09.2024 as received by him from the importer, he has filed the respective Bills of Entry with the applicable CTH on the basis of the item descriptions mentioned on the commercial invoice in consultation with the importer.

- He stated that for BL No. EGLV143459204875 dated 11.09.2024 in Sea IGM enquiry CTH mentioned is "600632" due to some clerical mistake done by the shipping line while filing the IGM in respect of BL No. EGLV143459204875 dated 11.09.2024. Further, he stated that in the subject Bill of lading supplied by the importer to him , no CTH was mentioned.

2.6.3 Statement of Shri Sanatan Jha, Son of Shri Rajendra Jha, Authorised Representative of Custom Broker firm M/s. SRV Shipping was recorded on 12.03.2025 (**RUD-8**) under section 108 of the Customs Act where he inter-alia stated as follows :

- He had joined M/s. SRV Shipping in the year 2017 as partner cum manager and used to look after the day to day activities related to customs and field work on behalf of M/s. SRV Shipping and later in 2023, he discontinued the said partnership and started a proprietorship firm namely M/s. S J Logistics (Forwarder) but continued to use the license of M/s. SRV Shipping on rental charges of Rs. 1000-1500 per container basis.
- He came in contact with Shri Krishna Shahi (Mob. No. 7666339214) from M/s. SRL Shipping, Mumbai during May-2023 regarding the customs work. Thereafter, the staff of M/s. SRL Shipping used to send all the related documents of import consignments in respect of importer M/s. Diksha Enterprise, Jaunpur, Uttar Pradesh through mail id – import.srl@gmail.com to official mail id - sjlogisticsgdm@gmail.com of his firm M/s. S J Logistics, Gandhidham which he used to forward to official mail id – srvshipping@gmail.com of M/s. SRV Shipping for further documentation and Bills of Entry filing.
- He used to receive agency charges of Rs. 2000-2500/- per container for handling the documentation work in relation to import consignments of M/s Diksha Enterprise and till date he had handled customs clearance work related to 14 import consignment of M/s. Diksha Enterprise. Further he stated that the work related to examination, getting out of charge from customs as well as handling loading/unloading and logistics of the import consignment was handled by Shri Krishna Shahi himself alongwith his associates.
- M/s. S J Logistics have received all the KYC related documents, commercial invoice, packing list, Bills of Lading, COO, AZO test reports, draft checklist for reference and accordingly he had forwarded these documents to M/s. SRV Shipping for further necessary documentation and preparation of the final draft checklist and thereafter, he had sent them back for approval of the importer/forwarder through revert mail and after receiving the approved checklist only, M/s. SRV Shipping filed the respective Bills of Entry for the said importer.
- He had uploaded and filed the Bills of Entry on the basis of the copies of Bill of Lading that was supplied to him by M/s. SRL Shipping and on perusing the copies of two different sets of Bills of Lading for the import consignment related to M/s. Diksha Enterprise, one set of copy of Bill of Lading supplied by authorized representatives of the Custom Broker-M/s. SRV Shipping during examination of goods by DRI and also uploaded by the Custom Broker on e-sanchit on ICEGATE portal and the other set of copy of Bill of Lading supplied by concerned shipping lines, he stated that

it appears that the shipping line has amended the BL on the request of the shipper or importer, however, he was not aware about such amendment done.

- On perusing the copy of Bill of Lading No. KMTCNBO8204957 dated 24.08.2024 containing the CTH declared as “59039090” supplied by KMTC shipping line/provided by the authorised representative Shri. Suresh Sukla during the examination to the DRI as well as parallel BL containing the CTH declared as “52082290” which was supplied to him by M/s. SRL Shipping, Mumbai he stated that on the basis of BL copy having CTH “52082290” as mentioned on it and the checklist duly approved by the importer/forwarder; the CTH “52082290” was declared by Custom Broker while filing the concerned Bill of Entry No. 5611817 dated 14.09.2024 and he was not aware who had provided a copy of different Bill of Lading containing different CTH declared as “59039090” to Shri Suresh Shukla, an authorized representative of M/s. SRV Shipping, during examination of goods by DRI. Further, he stated that there is a possibility that either the CFS has provided the said BL with CTH declared as “59039090” as received by them from the KMTC shipping line or M/s. SRL Shipping, Mumbai may have forwarded the said Bill of Lading to Shri Suresh Shukla.
- M/s. SJ Logistics used to receive complete set of documents through courier in which M/s. SRV Shipping was authorised consignment wise by the respective importer to take the Delivery Order on behalf of them from the concerned shipping lines. Also, he stated that the Custom Broker used to verify the IGM details like BL no., BL date, IGM date, Gross Weight, Total Packages etc. which were necessary for filing the Bill of Entry, however the column “Desc of Goods” which covers Description of Goods, CTH, GST No. and contact details of the importer as uploaded by the concerned shipping lines are made available on ICEGATE portal, the Custom Broker rarely verifies the CTH details from the ICEGATE portal and files Bill of Entry on the basis of Bill of Lading, Commercial Invoice, Packing List and approved checklist as provided by the importer/forwarder.

2 . 7 The records indicate that the importer actively engaged with the authorities and via correspondence dated 05.12.2024 and 21.12.2024 (**RUD No. 9**), requested the issuance of an NOC for warehousing under Section 49 of the Customs Act, 1962. These requests were approved, with letters issued to Customs House Mundra on 06.12.2024 and 23.12.2024 respectively.

3. Seizure:

In view of the test report received from Custom House Laboratory, Kandla it came to notice that goods covered under Bills of Entry from Serial No. 01 to 18 of the Table C above were mis-declared in terms of description, CTH, etc. by the importer. Further as mentioned above, parallel Bills of Lading were forged for the cargo covered under Bills of Entry from Serial No. 1 to 8 of the Table –B above, showing clear intention of the importer to evade the applicable customs duty. Hence, there was reason to believe that the subject goods imported vide all 18 Bills of Entry as mentioned from serial no. 1 to 18 of the Table- B above, were liable for confiscation as per provisions of Section 111 of Customs Act, 1962. Accordingly, the subject imported goods were placed under

seizure as per the provisions of Section 110(1) of the Customs Act, 1962 vide Seizure Memo dated 19.02.2025 and 20.02.2025.

4. Rejection of declared CTH of the imported goods:

On going through the Test Reports related to the subject import consignments of M/s. Diksha Enterprise received from Custom House Laboratory, Custom House Kandla, it is revealed that the subject goods are not only mis-declared in respect of description of the goods but also mis-declared in respect of classification thereof. The declared classification and actual classification of the subject import consignment is mentioned under **Table-C** for all the 18 Bills of Entry. Hence the declared CTH in these Bills of Entry as summarized in Column 5 of Table C is liable to be rejected and re-determined as mentioned in Column 6 of Table C.

5 . Rejection of Assessable Value of the imported goods and re-determination of assessable value:

5.1. For the Bills of Entry mentioned at Sr. No. 1 to 18 in Table C, the actual goods covered under the import consignments of M/s Diksha Enterprise were found different from the goods declared in the said Bills of Entry and Bills of Lading. Hence, the value declared in the Bills of Entry cannot be considered as true assessable value when the nature of goods declared in the Bills of Entry and Bills of Lading are itself wrong. Hence the declared value of the consignment is liable to be rejected as per Rule 12 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

5 . 2 . In view of the above, the value declared by the importer in the corresponding Bills of Entry and invoices did not appear to be the true transaction value under the provisions of Section 14 of the Customs Act, 1962 read with the provisions of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and thus the same appear liable to be rejected in terms of Rule 12 of CVR, 2007. The value is required to be re-determined by sequentially proceeding in terms of **Rules 4 to 9 of CVR, 2007**. The relevant Rules of CVR, 2007 are reproduced hereunder: -

3. Determination of the method of valuation. -

(1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;

(2) Value of imported goods under sub-rule (1) shall be accepted:

Provided that -

(a) there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which -

(i) are imposed or required by law or by the public authorities in India; or

(ii) limit the geographical area in which the goods may be resold; or

i. *do not substantially affect the value of the goods;*

(b) the sale or price is not subject to some condition or consideration for which a value cannot be determined in respect of the goods being valued;

(c) no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of rule 10 of these rules; and

(d) the buyer and seller are not related, or where the buyer and seller are related, that transaction value is acceptable for customs purposes under the provisions of sub-rule (3) below.

(3) (a) Where the buyer and seller are related, the transaction value shall be accepted provided that the examination of the circumstances of the sale of the imported goods indicate that the relationship did not influence the price.

(b) In a sale between related persons, the transaction value shall be accepted, whenever the importer demonstrates that the declared value of the goods being valued, closely approximates to one of the following values ascertained at or about the same time.

(i) the transaction value of identical goods, or of similar goods, in sales to unrelated buyers in India;

(ii) the deductive value for identical goods or similar goods;

(iii) the computed value for identical goods or similar goods:

Provided that in applying the values used for comparison, due account shall be taken of demonstrated difference in commercial levels, quantity levels, adjustments in accordance with the provisions of rule 10 and cost incurred by the seller in sales in which he and the buyer are not related;

(c) substitute values shall not be established under the provisions of clause (b) of this sub-rule.

(4) if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through rule 4 to 9.

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;

Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.

(b) In applying this rule, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the value of imported goods.

(c) Where no sale referred to in clause (b) of sub-rule (1), is found, the transaction value of identical goods sold at a different commercial level or in different quantities or both, adjusted to take account of the difference attributable to commercial level or to the quantity or both, shall be used, provided that such adjustments shall be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustments, whether such adjustment leads to an increase or decrease in the value.

(2) Where the costs and charges referred to in sub-rule (2) of rule 10 of these rules are included in the transaction value of identical goods, an adjustment shall be made, if there are significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and means of transport.

(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 such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.

(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.

Further, as per Rule 6 of the CVR, 2007, if the value cannot be determined under Rule 3, 4 & 5, then the value shall be determined under Rule 7 of CVR, 2007.

Rule 7 of the CVR, 2007, stipulates that:-

(1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions :-

(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within India;

(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

(2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.

(3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.

(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).

5.3. Since data of import of identical goods is not available hence value of the goods cannot be determined using Rule 4. Subsequently Rule 5 of Customs Valuation Rules 2007 is to be applied to arrive at the correct value of the subject consignment.

5.4. The subject import consignments have been imported from China by M/s Diksha Enterprise. As appeared from contemporary data of import of the said fabrics, it is noticed that some importers have imported similar type of fabric having similar thickness, description, nature etc. during the month of June, 2024 to November, 2024 vide Bills of Entry filed at Indian ports/Air Cargo Centres as **detailed in the Annexure A** to this notice with one such example as Bill of Entry No. 6265717 dated 22.10.2024 filed at port INMAA1. On going through the details available, relevant unit price has been taken and considering the quantity found during examination of goods covered under all the 18 Bills of Entry as mentioned in table-A above, an **Annexure-A** has been prepared which shows the amount of duty intended to be evaded through mis-declaration. The said Annexure-A contains declared value and new ascertained value on the basis of contemporary imports. Therefore, it appears that the importer M/s. Diksha Enterprise have deliberately mis-declared the assessable value of the subject 18 consignments as **Rs. 6,11,00,316/-** on which declared total customs duty comes to **Rs. 3,27,16,424/-** whereas considering the valuation based on contemporary imports, the appropriate assessable value comes to **Rs. 60,91,70,219/-** on which total customs duties comes to **Rs. 16,27,41,189/-**.

5 . 5 . As mentioned above, the declared transaction value of **Rs. 6,11,00,316/-** declared by the importer while filing the 18 Bills of Entry as mentioned in the Table-A above is liable to be rejected under Rule 12 of Customs Valuation Rules 2007. Since the declared value of the subject goods is liable to be rejected under Rule 12 of the Customs Valuation (Determination of value of imported goods) Rules, 2007, therefore, the same is required to be re-determined under Section 14 of the Customs Act, 1962 under Rule 5 Customs Valuation (Determination of value of imported goods) Rules, 2007 as **Rs. 60,91,70,219/-**. The re-determined new value for individual Bill of Entry

considering correct CTH and rate is also mentioned in **Annexure-A** to this Notice.

6. Liability of imported goods for confiscation

6.1 It appears that M/s. Diksha Enterprise mis-declared the description and classification of the goods in their bills of entry. The quantity of various types of fabric actually found during examination was also different from those mentioned in the Bills of Entry. By resorting to this fraud, the importer also managed to declare very low value in the Bills of Entry and attempted to fraudulently evade the payment of applicable customs duty. On the basis of facts discussed above, it appears that against 18 (Eighteen) Bills of Entry, the assessable value of the same has been declared as **Rs. 6,11,00,316/-**. Whereas, the appropriate assessable value of the subject import consignments comes to **Rs. 60,91,70,219/-**. During investigation, the appropriate value of the subject import consignments of M/s. Diksha Enterprise covered under total 18 (Eighteen) Bills of Entry comes to **Rs. 60,91,70,219/-**. Therefore, the declared assessable value of the goods as **Rs. 6,11,00,316/-** cannot be considered the actual transaction value for the subject import consignments. The same appeared to have grossly been mis-declared with clear intention of evasion of appropriate Customs duty applicable thereon.

6.2 It is apparent from the above that the importer has mis-declared the description, CTH and value in the import documents. Hence, it appears that the goods covered under 18 (Eighteen) Bills of Entry are actually classifiable under CTH mentioned in **Column No. (12) of Annexure-A** instead of declared CTH as mentioned in **Column No. (4) and Column No. (6) of Annexure-A** having declared total assessable value **Rs. 6,11,00,316/-** and re-determined total amount as **Rs. 60,91,70,219/-** are liable for confiscation under **Section 111(m)** of the Customs Act, 1962.

6.3 Investigation also revealed that in the IGM/Bills of lading for these consignments, the description of the goods was not correct. It appears that the importer had not mentioned the actual description of the goods in IGM/Bill of Lading in connivance with foreign supplier in order to hide the true nature of the fabric being imported. Hence, it appears that the subject goods are also liable for confiscation under **Section 111(f)** of the Customs Act.

6.4 Further, investigation revealed that for consignments covered under Serial No 1 to 8 of Table C, the importer had imported "Polyester Knitted Fabric having CTH 60063100 and 60063200 by way of concealment. as per DGFT Notification No. 77/2023 dated 16.03.2024, for import of goods falling under CTH 60063100 and 60063200, a minimum import price of 3.5 USD per KG is imposed. Any import of these goods below Minimum Import price is prohibited. It appears that the importer had not declared these goods having CTH 60063100 and 60063200 in the Bills of Entry for consignments covered under Serial No 1 to 8 of Table C, as summarised in Column 5 and Column 6 of the Table-C, with the intention to evade the application of Minimum import price on these goods. The importer had attempted to import "Polyester Knitted Fabric having CTH 60063100 and 60063200, by way of concealment and below minimum import price as mandated by DGFT Notification No. 77/2023 dated 16.03.2024" thereby It appears that the subject goods covered under Bill of Entry from Serial no. 1 to 8 of the Table-C are liable for confiscation under **Section 111(d)** of the Customs Act 1962.

7. Presentation of False documents/ declarations/entries to Customs

7.1 During the course of investigation, it was noticed that for 7 consignments (SL no. 1,2,3,4,5,7,8 of Table-D below) two types of Bills of Lading were available for the same set of consignments. First was the Bill of Lading provided by the Custom Broker during examination proceedings/ uploaded in the ICES Portal while filing Bill of Entry and the second was the Bill of lading provided by the concerned Shipping Line. These two types of Bills of Lading were having different CTH declaration as “**52082290**” in the Bill of Lading provided by the Custom Broker during examination proceedings/ uploaded in the ICES Portal while filing Bill of Entry and CTH “**59039090**” in the Bill of lading provided by the concerned Shipping Line. For consignment mentioned at Serial No. 6 of Table-D below, it was observed that the Custom Broker was already having two sets of Bill of Lading one with CTH declaration as “**52082290**” submitted to customs and uploaded in the ICES portal and the other with CTH declaration as “**59039090**” for the subject cargo and provided to DRI officers during examination/provided by the concerned Shipping line.

Bills of lading had varying descriptions of goods and CTH mentioned in them as per Table –D below.

Table-D

Sr. No.	BE no. dated	Container No.	CTH declared in BE	CTH declared in BL provided by Custom Broker during panchanam	Shipping Line	CTH declared in BL supplied by Shipping Line	CTH in BL uploaded in ICES
1	5611842 dated 14.09.2024	FCIU9849961	52082290	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290
2	5595336 dated 13.09.2024	FFAU5003601	52082290	FABRIC HS 52082290	Evergreen line	FABRIC HS 59039090	FABRIC HS 52082290
3	5595343 dated 13.09.2024	EMCU1641407	52082290	FABRIC HS 52082290	Evergreen line	FABRIC HS 59039090	FABRIC HS 52082290
4	5611821 dated 14.09.2024	TGBU5023318	52082290	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290

5	5595341 dated 13.09.2024	TGBU8031955	52082290	FABRIC HS 52082290	Evergreen line	FABRIC HS 59039090	FABRIC HS 52082290
6	5611817 dated 14.09.2024	BMOU6377797	52082290	FABRIC HS 59039090	KMTC Line	FABRIC HS 59039090	FABRIC HS 52082290
7	5611818 dated 14.09.2024	CBHU7082640	52082290	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290
8	5611823 dated 14.09.2024	OOCU8522804	52082290	FABRIC HS 52082290	Cosco Shipping Lines (India) Pvt. Ltd.	FABRIC HS 59039090	FABRIC HS 52082290

7.2 From the above facts and evidences, it is revealed that two types of Bills of Lading with different CTH declaration as “**52082290/59039090**” and description as “Fabrics” were available in respect of import consignments of M/s. Diksha Enterprise. The Bill of lading issued by the Shipping Line is unique and can not be modified by the Custom Broker /Importer as per his shims and fancies. It appears that both the importer and customs broker, M/s SRV Shipping, which has filed Bills of Entry for these 08 consignments, were involved in forging the Bills of Lading by not declaring the correct CTH and mis-declaring the CTH having low customs duty implications in order to evade applicable custom duties. Also, from the test reports received from the Customs House Laboratory, Kandla it is evident that the importer had imported “Polyester Knitted Fabric having CTH 60063100 and 60063200 prohibited as per DGFT Notification No. 77/2023 dated 16.03.2024” and the importer in connivance with the Custom Broker M/s SRV Shipping (Customs Broker, CB Code: ADLFS0369JCH001) had not declared the same in the above 08 Bills of Entry shows clear intentions of the importer to evade the applicable customs duty.

7.3 After initiation of enquiry by DRI, it is observed that, in order to save themselves from penal consequence for their act of forging the Bills of lading, the custom broker, M/s SRV Shipping (Customs Broker, CB Code: ADLFS0369JCH001) and the importer have restrained themselves from submitting the forged Bills of Lading for the Bills of Entry at serial No. 9 to 14 of the Table-A above and had filed the said Bills of Entry with CTH declared on copy of Bills of Lading/IGM details. Also, for the Bills of Entry from Serial No. 15 to 18 M/s. Freight Link Logistics had filed the said Bills of Entry for the importer. However, from the test reports received from the Custom House Laboratory, Kandla, it is evident that even the declared CTH by the importer/ Custom Broker in the said Bills of Entry from Serial No. 1 to 18 of the Table-C above are incorrect.

8. Relevant Legal provision

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;

.....

(f) any dutiable or prohibited goods required to be mentioned under the regulations in an 1 [arrival manifest or import manifest] or import report which are not so mentioned;

.....

(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 transshipment, with the declaration for transshipment 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, harboring, 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 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 :

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;

(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding the difference between the declared value and the value thereof or five thousand rupees, whichever is the greater;

(iv) in the case of goods falling both under clauses (i) and (iii), to a penalty not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest;

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest.

SECTION 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.

9. Role of various persons involved:

9.1 Role of M/s. Diksha Enterprise:

9.1.1 From the investigations carried out as narrated in foregoing paras, it is revealed that the importer M/s. Diksha Enterprise (IEC-ANUPS4631E), 38, Barraha Etaye, Mariahu, Jaunpur- 222161, imported goods and mis-declared the same vide Bills of Entry from serial No. 1 to 18 of Table-C above and mentioned in **Annexure-A** and mis-declared the description, classification, value etc. in the import documents in violation to the provisions of Section 46 of the Customs Act, 1962.

“Section 46(2) provides that “Save as otherwise permitted by the proper officer, a bill of entry shall include all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.”

Section 46(4A) puts certain responsibilities on the importer as mentioned below:

“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.]”*

In the current case the importer has violated the provisions of Section 46(2) as the bills of entry filed by them did not correspond to the goods

mentioned in the Bill of lading in case of 08 consignments mentioned in **Table D**. The importers also appears to have violated the provisions of Section 46(4A) as they have not declared true description, classification and valuation of goods in their Bills of Entry for all 18 consignments.

It also appears that the importer has mis-declared the description, CTH, quantity and value in the Bills of Entry thereby rendering the goods covered under subject 18 (Eighteen) Bills of Entry having declared total assessable value **Rs. 6,11,00,316/-** and re-determined total amount as **Rs. 60,91,70,219/-** liable for confiscation under Section 111(m) of the Customs Act, 1962. It also appears that the importer had not mentioned the actual description of the goods in IGM/Bill of Lading in connivance with foreign supplier in order to hide the true nature of the fabric being imported thereby rendering the subject goods liable for confiscation under Section 111(f) of the Customs Act. Further, for the goods covered under Bills of Entry from Serial No. 1 to 8 of Table-C above, the importer had imported "Polyester Knitted Fabric having CTH 60063100 and 60063200, by way of concealment and below minimum import price as mandated by DGFT Notification No. 77/2023 dated 16.03.2024" thereby rendering the subject goods liable for confiscation under Section 111(d) of the Customs Act 1962. From the above, it appears that the importer is liable for penal action under **Section 112 (a)** and **112(b)** of the Customs Act, 1962.

9.1.2 During the course of investigation, the shipping line M/s. Cosco Shipping Lines (India) Pvt. Ltd., M/s. Evergreen line and M/s. KMTC Line submitted the copy of Bill of Lading as detailed in the Table-D above, in respect of import consignment wherein declared CTH is mentioned as "59039090". However, it is revealed that parallel Bill of Lading but with different CTH declaration as "52082290" was submitted to Customs and uploaded in systems while filing of the respective Bill of Entry. From the above, it appears that the importer was engaged in submitting forged Bills of Lading to Customs by not declaring the correct CTH and mis-declaring the CTH having low customs duty implications in order to evade applicable custom duties. Accordingly, it appears that M/s Diksha Enterprise knowingly and intentionally made, signed or used and/or caused to be made/signed/used import documents and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore, they are also be liable to penalty under **Section 114AA** of the Customs Act, 1962.

9.2 Role of M/s SRV Shipping (Customs Broker, CB Code: ADLFS0369JCH001)

9.2.1 The Customs broker is responsible for filing the Bill of Entry with correct declarations. In the current case, it is observed that **M/s SRV Shipping** had uploaded forged Bills of Lading with different CTH for the Bills of Entry mentioned at serial no. 1 to 8 of Table-C above. The actual Bills of lading provided by the Shipping Lines for these consignments were having different CTH. It appears that such forging has been done by the Custom Broker to ensure that the CTH mentioned by them in the Bills of Entry matches with the CTH mentioned in the Bills of lading uploaded in ICES. Further, it was also observed that Shri Rajesh Kumar Jain of M/s. SRV Shipping, the Custom House Agent in case of Bills of Entry from serial no. 1 to 14 of the Table-C has digitally signed all the uploaded Bills of Lading in the ICES, authenticating the

truthfulness of the information provided to the customs. Also, for consignment mentioned at Serial No. 6 of Table-D above, it was observed that the Custom Broker was already having two sets of Bill of Lading one with CTH declaration as “52082290” submitted to customs and uploaded in the ICES portal and the other with CTH declaration as “59039090” for the subject cargo and provided to DRI officers during examination/provided by the concerned Shipping line. Thus, shows clear involvement and intention of the Custom Broker to assist the importer in concealment and mis-declaration in order to evade restrictions of minimum import price/evade the applicable customs duty.

It is also observed that after the initiation of enquiry against M/s Diksha Enterprises by the DRI, the concerned Custom Broker had filed the Bill of Entry from serial no. 9 to 14 of the table-C above by uploading the original Bill of Lading issued by Shipping Line without any forging. However for these consignments the CTH declared in the Bills of Entry was not matching with the uploaded Bills of lading in clear violation of provisions of Section 46 of the Customs Act. It clearly shows that the Customs broker had willfully mis-declared the goods in these Bills of Entry. It also shows that they had full knowledge of the fact that there was difference in the description, CTH, etc. of the goods in these consignments from what has been declared in the bills of entry.

All the 14 consignments for which Bills of Entry was filed by the said customs broker were found to be grossly mis-declared as per test reports from the Custom House Laboratory, Kandla. Such acts on the part of M/s SRV Shipping (Customs Broker, CB Code: ADLFS0369JCH001) who were knowingly concerned in mis-declaration of the description, classification and value in the import documents have rendered themselves liable to penalty under **Section 112 (a) and 112(b)** of the Customs Act, 1962.

Moreover, during the course of investigation, the shipping line M/s. Cosco Shipping Lines (India) Pvt. Ltd., M/s. Evergreen line and M/s. KMTC Line submitted the copy of Bill of Lading as detailed in the Table-D above, in respect of import consignment wherein declared CTH is mentioned as “59039090”. However, it is revealed that parallel Bill of Lading but with different CTH declaration as “52082290” was submitted to Customs and uploaded in systems while filing of the respective Bill of Entry. Also, for consignment mentioned at Serial No. 6 of Table-D above, it was observed that the Custom Broker was already having two sets of Bill of Lading one with CTH declaration as “52082290” submitted to customs and uploaded in the ICES portal and the other with CTH declaration as “59039090” for the subject cargo and provided to DRI officers during examination/provided by the concerned Shipping line. From the above, it appears that the customs broker was involved in forging the Bills of Lading by not declaring the correct CTH and mis-declaring the CTH having low customs duty implications in order to evade applicable custom duties. Accordingly, M/s SRV Shipping knowingly and intentionally made, signed or used and/or caused to be made/signed/used import documents and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore they are also be liable to penalty under **Section 114AA** of the Customs Act, 1962.

9.3 Roles of M/s. Freight Link Logistics (Custom Broker)

9.3.1 During the investigation, it is observed that the custom broker M/s. Freight Link Logistics had filed the respective Bills of Entry from serial no. 15 to 18 of the table-C above in consultation with the importer. Further, upon testing of the samples drawn from the said Bills of Entry filed from serial No. 15 to 18 of the Table-C above from the Custom House Laboratory, Kandla, the respective test reports revealed that the CTH and description of the goods as per respective Bills of Entry to be incorrect. In all these cases, the Bills of Lading uploaded for these Bills of Entry on ICES were having different descriptions than those mentioned by the Custom Broker in the Bills of Entry. It indicates that the Custom Broker was aware of the nature of mis-declaration in the cargo and yet assisted the importer in resultant concealment and mis-declaration in order to evade restrictions of minimum import price/evade the applicable customs duty.

The omission and commission on the part of M/s. Freight Link Logistics who were knowingly concerned in mis-declaration of the description, classification and value in the import documents have rendered themselves liable to penalty under **Section 112 (a)** and **112(b)** of the Customs Act, 1962.

9.4 Role of Shri. Dharendra Shukla alias Sonu Shukla.

During the course of investigation, it is revealed that Shri Dharendra Shukla alias Sonu Shukla is the actual **beneficiary owner** of the cargo covered under the subject 18 Bills of Entry as per Table-C above and filed in the name of M/s. Diksha Enterprise. During investigation it is revealed that Shri Akhilesh Singh, son of Lt. Shri Rai Bahadur Singh, Proprietor of M/s. Diksha Enterprise, on advice of Shri Dharendra Shukla alias Sonu Shukla had procured the Import-Export certificate from DGFT for importing the goods. Further, it is revealed that Shri Akhilesh Singh had never visited China nor was in direct contact with the overseas shipper and Shri Dharendra Shukla had assured him for providing assistance in importing fabric material from China.

Further, during investigation, it is revealed that Shri Dharendra Shukla alias Sonu was the actual beneficiary owner of the subject cargo as he was the key person who was giving directions to Shri Akhilesh Singh and was directly in contact with overseas shipper and was the one deciding the CTH of the subject import cargo, approved checklist and co-ordinated with the Custom Broker. Also, Shri Akhilesh Singh informed that it was first time that M/s. Diksha Enterprise had imported 21 consignment of fabrics (18 in Mundra and 03 in Nhava Sheva) but he was not the actual beneficiary owner of the subject cargo nor he had paid anyone for the subject cargo and on directions of Shri Dharendra Shukla alias Sonu, he was handling marketing and procuring orders from domestic market only.

The omission and commission on the part of Shri Dharendra Shukla alias Sonu Shukla, who was knowingly concerned in mis-declaration of the description, classification and value in the import documents have rendered themselves liable to penalty under **Section 112 (a)** and **Section 112(b)** of the Customs Act, 1962.

Also, Shri Dharendra Shukla alias Sonu Shukla, knowingly and intentionally made, signed or used and/or caused to be made/signed/used import documents and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods,

therefore Shri Dharendra Shukla alias Sonu Shukla is also liable to penalty under **Section 114AA** of the Customs Act, 1962.

Also, Shri Dharendra Shukla of M/s. SRL Shipping during the course of investigation didn't joined the investigation proceedings and showed cleared disregard to the summon issued dated 10.03.2025 by not appearing for recording his statement and explaining the documents. Thus, had made himself liable to penalty under **Section 117** of the customs Act, 1962.

9.5 Role of Shri. Krishna Nand Shahi alias Shri Krishna Shahi

During the investigation, it is revealed that Shri Krishna Shahi (Mob. No. 7666339214) of M/s. SRL Shipping was an accomplice to Shri Dharendra Shukla, importer and the Custom Broker in providing the false information and documents to the Customs related to the Bills of entry from serial no. 1 to 14 of the Table-C above. Further, during the course of investigation it is revealed that M/s. SRL Shipping used to send all the related documents of import consignments in respect of importer M/s. Diksha Enterprise through mail id – import.srl@gmail.com to official mail id - sjlogisticsgdm@gmail.com who inturn used to forward to official mail id – srvshipping@gmail.com of M/s. SRV Shipping for further documentation and filing of the Bills of Entry.

Further, it is also revealed that M/s. SJ Logistics used to send a draft checklist for reference to M/s. SRV Shipping, who after preparation of the final draft checklist used to send it back to the M/s. SJ Logistics for approval and only after receiving the approved Checklist from the forwarder/importer through M/s. SJ Logistics, M/s. SRV Shipping used to file the respective Bill of Entry for the said importer thus clearly shows that Shri Krishna Shahi/M/s. SRL Shipping was fully aware about the mis-declaration of the consignments and yet assisted the importer in resultant concealment and mis-declaration in order to evade restrictions of minimum import price/evade the applicable customs duty. Also, it was revealed that Shri Krishna Shahi was actively involved in handling the work related to examination, getting out of charge from customs as well as handling loading/unloading and logistics of the import consignment. It was Shri Krishna Shahi who provided forged Bills of lading for filing these Bills of Entry.

The omission and commission on the part of Shri Krishna Shahi, who was knowingly concerned in mis-declaration of the description, classification and value in the import documents have rendered themselves liable to penalty under **Section 112 (a)** and **Section 112(b)** of the Customs Act, 1962.

Also, Shri Krishna Shahi, knowingly and intentionally made, signed or used and/or caused to be made/signed/used import documents and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore Shri Krishna Shahi, is also liable to penalty under **Section 114AA** of the Customs Act, 1962.

9.6 Role of Shri Sanatan Jha :

During the course of investigation, it was revealed by Shri Sanatan Jha that M/s. SRL Shipping used to send all the related documents of import

consignments in respect of importer M/s. Diksha Enterprise through mail id – import.srl@gmail.com to mail id - sjlogisticsgdm@gmail.com who in turn used to forward to mail id – srvshipping@gmail.com of M/s. SRV Shipping for further documentation and filing of the Bills of Entry in the name of M/s Diksha Enterprise. Also, it was revealed that Shri Krishna Nand Shahi was actively involved in handling the work related to examination, getting out of charge from customs as well as handling loading/unloading and logistics of the import consignment. Shri Sanatan Jha had previously worked with M/s SRV Shipping (Customs Broker) and was very well aware of the Customs procedure. He was also aware that no other person except the authorized employees of Customs Broker is allowed to handle examination and clearance of imported cargo. Despite knowing the same, the same was being handled by unauthorized persons. Shri Sanatan Jha had not provided any supportive claim i.e. e-mail correspondences etc. evidencing that he used to get approval of importer before filing of Bill of Entry.

The omission and commission on the part of Shri Sanatan Jha, who was knowingly concerned in mis-declaration of the description and classification in the import documents have rendered himself liable to penalty under **Section 112 (a)** and **Section 112 (b)** of the Customs Act, 1962. Also, Shri Sanatan Jha, knowingly and intentionally made, signed or used and/or caused to be made/signed/used import documents and other related documents, which were false or incorrect, in material particulars, for the purposes of illegal import of subject goods, therefore Shri Sanatan Jha, is also liable to penalty under **Section 114AA** of the Customs Act, 1962. For not providing the supportive evidence of his claim regarding correspondence on e-mails from import.srl@gmail.com to srvshipping@gmail.com, Shri Sanatan Jha is also liable to penalty under **Section 117** of the Customs Act, 1962.

10. Now, therefore,

10.1 M/s. Diksha Enterprise (IEC-ANUPS4631E) having address at 38, Barrah Etaye, Mariahu, Jaunpur- 222161 is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why:-

- i. the declared description/CTH of import goods declared as per Column No. 6 of Annexure-A in the respective 18 (Eighteen) Bills of Entry should not be rejected and re-determined/re-assessed as per Column No. (12) of Annexure-A.
- ii. Since the goods mentioned in subject import consignments covered under the subject 18 Bills of Entry from serial No. 1 to 18 as mentioned in column 2 of the Annexure-A are found mis-declared in respect of value thereof, therefore the declared assessable value **Rs. 6,11,00,316/-** should not be rejected and re-determined as **Rs. 60,91,70,219/-** under Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.
- iii. the goods covered under **the subject 18** Bills of Entry having declared assessable value **Rs. 6,11,00,316/-** should not be confiscated under Section 111(m) and 111 (f) of the Customs Act, 1962.
- iv. the goods covered under **the subject 08** Bills of Entry from serial no. 1 to 8 of table-C above, having declared assessable value **Rs. 1,39,59,270/-** and found

to contain the goods “Polyester Knitted Fabric having CTH 60063100 and 60063200,” and imported in contravention to the DGFT Notification No. 77/2023 dated 16.03.2024” should not be confiscated under Section 111(d) of the Customs Act, 1962.

- v. penalty should not be imposed on the importer under **Section 112 (a), Section 112(b) & Section 114AA** of the Customs Act, 1962

10.2 M/s SRV Shipping (Customs Broker), Bungalow No. 42, Navratan Drems, Behind Club Holiday Resorts, Meghpar Borichi, Kachchh, Gujarat - 370110 are hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why Penalty should not be imposed on him under **Section 112 (a), Section 112(b) & Section 114AA** of the Customs Act, 1962 considering forging of 8 Bills of Lading and/or mis-declaration in all 14 (Fourteen) Bills of Entry mentioned at serial no. 1 to 14 of Table-C above and in **Annexure-A** to this Notice.

10.3 M/s. Freight Link Logistics, having address at Second Floor, office No. 8, Plot No. 69, Sector-9C, Gandhidham, Kachchh, Gujarat – 370201 are hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why Penalty should not be imposed on him under **Section 112 (a) and Section 112(b)** of the Customs Act, 1962 considering mis-declaration in all 04 (04) Bills of Entry mentioned at Serial No. 15 to 18 of Table-C above and in **Annexure-A** to this Notice.

10.4 Shri Dharendra Shukla alias Sonu Shukla is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why Penalty should not be imposed on him under **Section 112 (a), Section 112(b), Section 114AA & Section 117** of the Customs Act, 1962 considering forging of 08 Bills of Lading and/or mis-declaration in all 18 (Eighteen) Bills of Entry mentioned at serial no. 1 to 18 of Table-C above and in **Annexure-A** to this Notice.

10.5 Shri Krishna Nand Shahi alias Shri Krishna Shahi is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why Penalty should not be imposed on him under **Section 112 (a), Section 112(b) & Section 114AA** of the Customs Act, 1962 considering forging of 08 Bills of Lading and/or mis-declaration in all 14 (Fourteen) Bills of Entry

mentioned at serial no. 1 to 14 of Table-C above and in **Annexure-A** to this Notice.

10.6 Shri Sanatan Jha is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why Penalty should not be imposed on him under **Section 112 (a), Section 112(b), Section 114AA and Section 117** of the Customs Act, 1962 considering forging of Bills of Lading and/or mis-declaration in all 14 (Fourteen) Bills of Entry mentioned at serial no. 1 to 14 of Table-C above and mentioned in **Annexure-A** to this Notice.

11. The noticee are hereby 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 required to indicate in their written explanation as to whether they desire to be heard in person before the case is adjudicated. If no mention is made about this in their written explanation, it will be presumed that they do not desire a personal hearing. If no cause is shown by them against the action proposed to be taken within 30 days of receipt of this notice or if they do not appear before the adjudicating authority when the case is posted for hearing, the case would be liable to be adjudicated on the basis of evidences on records.

12. This Show Cause Notice is issued without prejudice to any other actions that may be taken against the persons involved in the subject case, under the provisions of the Customs Act, 1962 or any other Allied Acts for the time being in force.

13. The documents as listed at Annexure-R are relied upon and scanned copies of all relied upon documents is enclosed with this show cause notice.

AMIT KUMAR MISHRA
ADDITIONAL COMMISSIONER
ADC/JC-II-O/o Pr Commissioner-Customs-Mundra
21-03-2025

By Speed Post/Regd. Post/E-mail/Hand Delivery

To,

1. M/s. Diksha Enterprise (IEC-ANUPS4631E), 38, Barrah Etaye, Mariahu, Jaunpur- 222161 (*email id: dikshaenterprise8@gmail.com*)
2. M/s SRV Shipping (Customs Broker), Bunglow No. 42, Navratan Drems, Behind Club Holiday Resorts, Meghpar Borichi, Kachchh, Gujarat – 370110.
3. M/s. Freight Link Logistics (Custom broker), Second Floor, office No. 8, Plot No. 69, Sector-9C, Gandhidham, Kachchh, Gujarat – 370201.
4. Shri Dharendra Shukla alias Sonu Shukla having address as Flat No. 303,

3rd Floor, Sal Kutir CHS Ltd., Plot No. 184, Sector-17, Ulwe, Panvel, Raigarh, Maharashtra-410206 (dhirendrakshukla7379@gmail.com).

5. Shri Krishna Nand Shahi alias Shri Krishna Shahi having address as Pappu Arcade, Room No. 47, Baroi Road, Mundra – 370421 (email : krishnanandshahi@gmail.com)
6. Shri Sanatan Jha having address as House No. 21, Bageshree Township-06, LS No. 476/1, Varsamedi, Anjar, Kutch, Gujarat-370110 (email : sjlogisticsgdm@gmail.com, sanatanjha87@gmail.com).

Copy to:

1. The Additional Director General, Directorate of Revenue Intelligence, Ahmedabad.
2. The Additional Director, Directorate of Revenue Intelligence, Regional Unit, Gandhidham (Kutch).
3. Guard File.