

		<p>सीमाशुल्ककेआयुक्तकाकार्यालय (निवारक),सीमाशुल्कभवन, जामनगर-राजकोटहाइवे,विक्टोरियाब्रिजकेपास, जामनगर001 361 – (गुजरात)</p> <p>Office of the Commissioner of Customs (Preventive), 'Seema Shulk Bhavan', Jamnagar – Rajkot Highway, Near Victoria Bridge, Jamnagar (Gujarat) – 361 001</p> <p>Email: commr-custjmr@nic.in; adj-custjmr@nic.in</p>
DIN - 20240471MM00002782AD		
1.	फ़ाइलक्रमांक/ File Number	CUS/4374/2023-Adjn
2.	मूलआदेशक्रमांक/ Order-in-Original No.	01/Additional Commissioner/2024-25
3.	द्वारापारित/passed by	हरकिरपाल खटाना/ Harkirpal Khatana अपरआयुक्त/ Additional Commissioner, सीमाशुल्क) निवारक/(Customs (Preventive) जामनगर/ Jamnagar.
4	Date of Order/आदेशदिनांक	09.04.2024
	Date of issue / आदेशजारीकिया	09.04.2024
5.	कारणबताओनोटिसक्रमांकएवंदिनांक Show Cause Notice Number & date	ADC-04/2023-24 dated 25.09.2023
6.	नोटिसीकानाम/ Name of Noticee	(1)M/s. Vansh Traders and Exporters, Nagpur-441401 (2) Shri Sulabh Halkeprasad Shrivastav, (Proprietor of M/s. Vansh Traders and Exporters), Nagpur-441401 (3) Shri Nirav Gaurang Bhatt, (Authorised Representative of M/s. Vansh Traders and Exporters), Bhavnagar-364001 (4) Shri Savaliya Jignesh Ghanshyambhai, (Autho. Representative of M/s. Vansh Traders and Exporters), Surat-395013 (5) Shri Kuvadiya Milanbhai Laxmanbhai, (Autho. Representative of M/s. Vansh Traders and Exporters), Sihor, Bhavnagar-364240 (6) Shri Bharat Kanjibhai Naina, (Autho. Representative of M/s. Vansh Traders and Exporters), Ahmedabad- 382330 (7) Shri Ravi Sharma,C.A., Delhi- 110092
01	इस आदेश की मूल प्रति संबन्धित व्यक्ति को निशुल्क प्रदान की जाती है।	
	The original copy of this order is provided free of cost to the person concerned	

02	<p>इस मूल आदेश से व्यक्तित्व कोई भी व्यक्तिसीमा शुल्क अधिनियम, की धारा 1962128A)(1)a(सीमा शुल्क अपील) नियम), 1982 के नियम 3के साथ पठित, के प्रावधानों के तहत, इस आदेश की प्राप्ति की तारीख से 60 दिनके भीतर फॉर्म सीए-1 में निम्नलिखित पते पर अपील दायर कर सकता है।फॉर्म सीए-1, में अपील का प्रपत्र,दो प्रतियों में दायर किया जाएगा और उसके साथ इस आदेश की समान संख्या में प्रतियों संलग्न की जाएंगी जिसके विरुद्ध अपील की गई है। जिनमें से कम से कम एक प्रमाणित प्रति हो)।</p> <table border="1"> <tr> <td>आयुक्त अपील 4 वी मंजिल, हुड़को बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद-</td><td>Commissioner (Appeals), 4th Floor, HUDCO Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad – 380 009</td></tr> </table>		आयुक्त अपील 4 वी मंजिल, हुड़को बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद-	Commissioner (Appeals), 4 th Floor, HUDCO Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad – 380 009
आयुक्त अपील 4 वी मंजिल, हुड़को बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद-	Commissioner (Appeals), 4 th Floor, HUDCO Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad – 380 009			
	<p>Any Person aggrieved by this Order-In-Original may file an appeal in Form CA-1, within sixty days from the date of receipt of this order, under the provisions of Section 128 of the Customs Act, 1962, read with Rule 3 of the Customs (Appeals) Rules, 1982 before the Commissioner (Appeals) at the above mentioned address. The form of appeal in Form No. CA.-1 shall be filed in duplicate and shall be accompanied by an equal number of copies of the order appealed against (one of which at least shall be a certified copy).</p>			
03	<p>अपील पर 5/- रुपये का कोर्ट फीस स्टाम्प लगा होना चाहिए। जैसा कि भारतीय स्टाम्प अधिनियम, 1989 के तहत प्रदान किया गया है, या राज्य विधान द्वारा संशोधित किया जा सकता है, जबकि इस अपील के साथ संलग्न आदेश की प्रति पररुपये) 0.50पचास पैसे के बल (का कोर्ट फीस स्टाम्प होना चाहिए। जैसा कि न्यायालय शुल्क अधिनियम, 1870 की अनुसूची -I, मद 6 के तहत निर्धारित किया गया है।</p>			
	<p>The appeal should bear the Court Fee Stamp of Rs. 5/- as provided under the Indian Stamp Act, 1989, modified as may be, by the State Legislation, whereas the copy of the order attached with this appeal should bear a Court Fee Stamp of Rs. 0.50 (Fifty paisa only) as prescribed under Schedule – I, Item 6 of the Court Fees Act, 1870.</p>			
04	<p>अपीलीय ज्ञापन के साथ शुल्क भुगतानअर्थ दंड का सबूत भी संलग्न करे अन्यथा सीमा शुल्क /जुर्माना / अधिनियम, ,1962 की धारा 128 के प्रावधानों का अनुपालन ना होने के कारण अपील को खारिज किया जा सकता है।</p>			
	<p>Proof of payment of duty / fine / penalty should also be attached with the appeal memo, failing to which appeal is liable for rejection for non-compliance of the provisions of Section 128 of the Customs Act, 1962.</p>			
05	<p>अपील प्रस्तुत करते समय यह सुनिश्चित करे की सीमा शुल्क अपील)) नियम,और सिस्टेट प्रक्रिया 1982 (प्रोसीजर) नियम),के सभी नियमों का पूरा पालन हुआ है। 1982</p>			
	<p>While submitting the Appeal, the Customs (Appeals) Rules, 1982, and the CESTAT (Procedure) Rules, 1982, should be adhered to in all respects.</p>			
06	<p>इस आदेश के खिलाफ आयुक्त (अपील), सीमा शुल्क, उत्पाद शुल्क और सेवा कर अपीलीय न्यायाधिकरण के समक्ष मांग की गई शुल्क के %7.5के भुगतान पर होगी, जहां शुल्क या शुल्क और जुर्माना विवाद में है, या जुर्माना विवाद में है, या जुर्माना जहां जुर्माना है अकेले विवाद में है।</p>			
	<p>An appeal, against this order shall lie before the Commissioner (Appeals), on payment of 7.5% of the duty demanded, where duty or duty and penalty are in dispute, or penalty are in dispute, or penalty, where penalty alone is in dispute.</p>			

Brief Facts of the Case:-

Intelligence collected by the officers of SIIB, CH Pipavav, indicated that some unscrupulous exporters were availing higher input tax credit of Central Goods & Services Tax and/or State Goods & Services Tax by showing fictitious purchases of the goods at inflated rates and claiming credit thereon on the basis of such fictitious supplier's invoices. Further, the said goods fictitiously purchased by them at inflated rates, were exported upon making payment of Integrated Goods & Services Tax from the said Input Tax Credit availed on purchase of the said goods, and claiming the refund thereof. However, such suppliers of goods have not made such sales i.e. the exporters were claiming input tax credit of Central Goods & Services Tax and/or State Goods & Services Tax on the basis of fictitious purchase bills to avail undue refund of Integrated Goods & Services Tax with an intention to defraud exchequer.

2. Whereas, it appeared that, M/s. Vansh Traders and Exporters, 01, 1-Teachers Colony, Patel Nagar, Pipari, Kanhan, Totaladoh, Nagpur-441401, Maharashtra, holders of Import Export Code No. FYBPS8775J and GST Registration No. 27FYBPS8775J1ZH, filed following 17 Free Shipping Bills for Export, with Customs House, Gujarat Pipavav Port Limited, Pipavav, to export "*PRINTED GLAZED DESIGN GLUED SHEET*" to M/s. Vinkit Trading LLC, Post Box No: 52013, Dubai, United Arab Emirates by classifying the same under Customs Tariff Heading No. 4814 20 00.

Sl. No	Shipping Bill		Invoice Number & Date	Qty. Sq. ft.	Weight (Kgs)	Price per Sq. ft. (In USD)	DECLARED F.O.B. (In INR)	IGST involved (In INR)
	Number	Date						
01	453045 3	29.09.22	01/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
02	453142 1	29.09.22	02/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
03	453098 2	29.09.22	03/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
04	453097 0	29.09.22	04/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
05	453140 0	29.09.22	05/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
06	453137 2	29.09.22	06/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
07	453140 1	29.09.22	07/22-23 dtd.	22500	276.47	7/-	1,23,95,250	22,31,145

			28.06.22					
08	453164 4	29.09.22	08/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
09	453164 3	29.09.22	09/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
10	453164 1	29.09.22	10/22-23 dtd. 28.06.22	22500	276.47	7/-	1,23,95,250	22,31,145
11	453169 9	29.09.22	11/22-23 dtd. 28.06.22	13500	276.47	7/-	1,23,95,250	22,31,145
12	453198 1	29.09.22	12/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
13	453198 3	29.09.22	13/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
14	453198 0	29.09.22	14/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
15	453198 9	29.09.22	15/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
16	453199 2	29.09.22	16/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
17	453199 1	29.09.22	17/22-23 dtd. 31.08.22	22500	276.47	7/-	1,23,95,250	22,31,145
Total ----->				3,73,500	4699.99		21,07,19,250	3,79,29,465

3. Whereas, during the course of assessment in the case of above mentioned 17 Shipping Bills filed by M/s. Vansh Traders and Exports, Nagpur it appeared that the quantity and value of the goods were not correctly declared. The goods covered under Shipping Bills referred to at Para-2 were warehoused at CFS, M/s.LCL Logistics Pvt. Ltd., godown No.01, at Pipavav Port. The same were thoroughly examined under regular panchnama dtd.01.10.2022 in the presence of two independent panchas, alongwith Shri Nirav Bhatt, authorised representative of M/s. Vansh Traders and Exporters, Nagpur.

4. At the time of examination carried out under panchnama proceedings dtd.01.10.2022, the declared goods meant for export i.e. Glazed designed glued sheet were found lying in de-stuffed condition in packages of around 3-4 feet long PP bags. Upon counting, totally 100 packages were found. There was no sticker on the PP bags but the serial number and weight was marked with marker pen. On opening of the packages, there were wallpaper rolls ranging from 9 to 11 per package. Totally, 1000 Wallpaper rolls were found in the 100 packages. Quality of the rolls appeared to be below average quality. Upon careful examination, it was found that the wallpaper sheet was having and additional layer of

paper. No glue kind of substance was found in either of the wallpaper sheet or on the paper. Apparently, it was found that the goods do not match with the declaration of goods made in Shipping Bills, which was 'glazed designed glue sheet' rolls. The wall paper rolls did not appear to be from fresh stock as there was dust and dirt on the wallpaper rolls. Also, the packaging appeared to be much older. Shri Nirav Bhatt informs that the rolls were purchased during the month of May-2022 and that they are about 5-6 months old. Further, that he is exporting the wallpaper to Dubai for \$ 7 per Sq. ft.. On being asked as to why there was only 1 package declared in the Shipping Bill, he explains that he has not declared number and marks on packages correctly and that he declared cargo as per KG and that the cargo lying in the warehouse was not arranged as per Shipping Bill and that he wanted to export all 17 consignment together. It was found that the total weight declared for all the 17 Shipping Bills is 4700 (276.47 kg x 17) whereas as per weighing bridge, the actual weight was only 4270 Kg i.e. there was difference of 430 Kg between Shipping Bill declared cargo weight and actual weight. Per Sq. ft. price of the wallpapers was declared as 7 USD. Quality of the wallpaper in the given condition of goods indicated that the declared price was several times higher than the retail price of such goods in open market. Further, to ascertain the quantity of wallpaper in square feet (total 100 rolls), on sample roll from each PP bags was opened fully and spread wide open. All rolls in any particular PP bags were identical in shape, size and design. The examining officers, with the help of CFS staff measure one roll after spreading it wide open and then re-roll it and put it in original package. After completing this exercise, it was found that 83 rolls were having identical size of 32.9 x 3.6 feet and area equals to 118.44 Sq. ft. of each roll. So total quantity in these 83 rolls were 9830.52 Sq. ft. (118.44 x 83). Remaining 17 rolls were of same width but of different lengths. Details of the same are as under:

Sr. No.	Package No./ Marking	Length in feet	Width in feet	Area (Sq. ft)
1.	71	7.1	3.6	25.56
2.	165	8.8	3.6	31.68
3.	163	13.3	3.6	47.88
4.	17	11	3.6	39.6
5.	62	9.11	3.6	32.79
6.	16	12.8	3.6	46.08
7.	11	9.6	3.6	34.56
8.	74	11.8	3.6	42.48
9.	164	5.10	3.6	18.36
10.	160	16.9	3.6	60.84
11.	152	18.4	3.6	66.24

12.	161	22	3.6	79.20
13.	139	7.1	3.6	25.56
14.	39	7.1	3.6	25.56
15.	56	7.1	3.6	25.56
16.	86	9.11	3.6	32.79
17.	1	7.1	3.6	25.56
Total :				660.30

Total area of the 100 rolls was found to be 10491 Sq. ft. (9830.52 + 660.30) and the exporter had warehoused 1000 rolls. All rolls in any particular PP bag were found to be of the same length, width and design. Thus, it was found that the total quantity available in the warehouse was 104910 Sq. ft. approximately. It was found that for 16 Shipping Bills, the exporter had declared 22500 Sq. ft and for 01 Shipping Bill No.4531699, exporter had declared quantity as 13500 Sq. ft. Thus, total declared export area quantity in 17 Shipping Bills was found to be 373500 Sq. ft. which was approximately 268590 Sq. ft. (373500 - 104910) higher than the actual cargo available. It also appeared that value of the goods was higher considering the quality and condition of the good. Therefore the entire lot of goods having declared FOB value of Rs. 21,07,19,250 was placed under seizure vide Seizure Memo dtd.02.10.2022 under provision of Section 110 under bonafide belief that the goods were liable to confiscation under Section 113 of the Customs Act, 1962. The goods were then handed over to the custodian i.e. Shri Tony John, Senior Manager, LCL Logix Park CFS (CEVA Logistics) Pipavav for safe custody vide Suparatnama dated 02.10.2022.

5. Further, sampling of the export goods were carried out under panchnama dtd.19.10.2022 at CFS-M/s. CEVA LOGISTICS INDIA PVT. LTD., Logix Park, (At Warehouse No.1), Rajula Pipavav Port by the officers of SIIB, Pipavav in the presence of Shri Nirav Bhatt, Authorised signatory of M/s. Vansh Traders and Exporters, Nagpur. Out of 100 packages, 5 (Five) representative samples were drawn in 3 sets as per the following details:

Marking on the Package	Batch No.
120	1
56	2
162	3
41	4
137	5

The aforesaid samples were sealed with paper seal. After completion of the above sampling process, the remaining goods for export

continued to remain under the safe custody of the custodian Viz. M/s. CEVA Logistics India Pvt. Ltd. (At Warehouse No.1).

6. Whereas, investigation was extended by way of issuing summon dtd.01.10.2022 to M/s. Vansh Traders and Exporters by the Superintendent, SIIB, Pipavav, served through email dtd.01.10.2022 at their registered email id Viz. Vanshexim21@gmail.com. In response to the mail, Shri Sulabh Halkeprasad Srivastava, Proprietor of M/s. Vansh Traders and Exporters, sent a reply mail dtd.01.10.2022 informing that he was out of town for medical treatment and authorised (1)Shri Savaliya Jignesh Ghanshyambhai (2) Shri Bhartbhai Kanjibhai Naina (3) Milan Kuwadiya (4) Nirav Gaurangbhai Bhatt to attend the summons and further proceedings on his behalf.

7. A statement of Shri Nirav Gaurang Bhatt, Authorised Signatory of M/s. Vansh Traders and Exporters, Nagpur, was recorded on 01-10-2022 under Section 108 of the Customs Act, 1962, wherein he *inter-alia* stated that his firm had filed 17 shipping bills to export "Printed Glazed Design Glued Sheet", that he had arrived at Pipavav Port at 1600 Hrs on 29.09.2022 along with S/Shri Savaliya Jignesh Ghanshyambhai, Bharat Kanjibhai Naina and Milan Kuwadiya who were accomplice with him in this entire transaction; that they had a meeting with LCL (CEVA Logistics) Staff and did arrangement for the cargo to be exported; that that they met customs officials, LCL (CEVA Logistics) Staff and transporters; that M/s. Vansh Traders and Exporters was a proprietorship firm and he was the representative of the firm; that Shri Sulabh Halkeprasad Shrivastava was the proprietor for the firm; that they are engaged in trading and export of Engine parts falling under tariff heading 8409 and Printed Glazed Design Glued Sheet falling under Chapter head 4814; that this was the first export consignment of the firm as well as first purchase of the firm; that they had purchased the export goods Viz. Printed Glazed Design Glued Sheet from black market and procured fake invoices from other firms and their major suppliers were M/s. Satyakamal Enterprise (GSTN No.27AEBPV6842E1ZB), M/s. Kumar Enterprises (GSTN No. 07CPPK7995N1ZM) and M/s. Sukhdev Enterprise (GSTN No.07DQFPA0512M1Z6); that export was meant to avail the IGST refund in cash for the fake ITC availed on purchase invoices; that he was using the firm to get IGST refund in cash by

fraudulently availing the input tax credit; that he gives 5% commission to the person who has arranged the IEC for export.

8. Further, upon being asked as to how he knew the proprietor and what was his relation with the exporter; he informed that one accountant named Shri Niraj from Nagpur gave him the details of the firm and asked for commission of 5% (Refund amount) for doing any business with the firm.

8.1 Shri Nirav Bhatt further stated that after deciding to export the consignment from Pipavav port, he brought the consignment from Bhavnagar to Pipavav in Vehicle No.HR38X4302; that he had come to Pipavav Port to export the cargo which has been procured already in cash and utilising GST ITC on the strength of Fake invoices and to get fraudulent IGST refund in cash; and to fulfil that purpose, he had filed 17 Shipping Bills on account of IEC FYBPS8775J; that in response to summons dtd.01.10.2022 (received on email id vanshexim21@gmail.com); M/s. Vansh Traders and Exporters has authorised him and 03 other persons Viz. S/Shri Savaliya Jignesh Ghanshyambhai, Bharat Kanjibhai Naina and Milan Kuwadiya to attend the summons and further proceedings on the firms behalf and that all of them were accomplice in the entire transaction.

8.2 Shri Nirav Bhatt further stated that one Shri Saurabh (Cell No.+971521784075) at Dubai would receive the cargo on behalf of the Importer Viz. M/s. Vinkit Trading LLC, UAE; that he had met Shri Saurabh in Delhi in April, 2021 through a common friend; that Shri Saurabh explained to him how and from where to procure fake invoices and goods from black market and the modus operandi of fake invoicing and export of goods procured from fake invoices and encashing IGST refund.

8.3 On being asked how the orders were placed for purchase of Printed Glazed Glued Sheet from the major suppliers mentioned at Para-7, Shri Nirav informed that he has only procured the invoices from the said suppliers; that goods are purchased from black market of Paharganj in Delhi through a broker named Raunak and made the payment through SR Angadiya, Bhavnagar, Shakti Angadiya, Ahmedabad and paid some cash at Delhi; that the importer of Dubai Shri Saurabh had

introduced him to Mr. Ravinder from Delhi who provided him the export goods; that there was no legal contract made between them and the supplier; however that the value of the goods was fixed at Rs.60 Lakhs; that Rs.35 Lakhs were already paid to the supplier and the payment was made through Hawala.

8.4 Further, on being asked if the quantity of the cargo was the same as declared in the Shipping Bill or was there any mis-declaration; Shri Nirav informed that the cargo declared in the Shipping Bill was 3,73,500 Sq. ft and actual quantity of cargo is approx. 1,05,000 Sq. ft; and this was done to get maximum IGST refund in cash; further that the goods were brought to Bhavnagar from Delhi and further brought to Pipavav Port in 'Eicher' transport vehicle; further that he had procured the goods in the month of Aril-2022 and warehoused it at Bhavnagar; that he had tried to export the same cargo from Porbandar in the month of August, 2022 under the exporter name M/s. Shraddha Exports (IEC CQMPD2636R); that they had filed the Shipping Bill on account of M/s. Shraddha Exports at Porbandar to export the same cargo, however they could not ship the cargo to Porbandar; that to evade from customs, they had changed the IEC and filed the Shipping Bills on account of another IEC (i.e. M/s. Vansh Tranders and Exporters) at Pipavav; further that as his funds were stuck in the cargo for several months and as he had taken loan from other person on interest; he decided to export the goods from Pipavav port and accordingly warehoused the cargo at Logix Park CFS at Pipavav; that one accountant named Mr. Niraj from Nagpur had provided the details and also digital signature of the proprietor of M/s. Vansh Exports and M/s. Shraddha exports; that Shri Saurabh from Dubai had introduced him to Mr. Niraj and they had a meeting at Delhi; that he had promised to pay 5% of the IGST refund to the exporters and to Mr. Niraj who arranged the IEC of M/s. Vansh Traders and Exporters; that Shri Niraj from Nagpur looks after the GST returns and Shipping Bills, for which he pays him 5% of the IGST refund; that they had filed the Shipping Bills as per purchase invoices (one purchase invoice for 01 Shipping Bill); further that the goods for export were brought from Delhi to Bhavnagar under fake E-way bills and no E-way bill was generated from transporting the same from Bhavnagar to Pipavav; further that he had not measured the exact quantity of the goods on receipt has he had ordered in Kgs; that their sole purpose was to get more IGST refund and that's why they filed the Shipping Bills with quantity in Sq. ft; however,

they had not expected that the Customs Officers would examine the cargo thoroughly and measure the wall papers; further that Shri Savaliya Jignesh Ghanshyambhai had assured that he will get the clearance of the cargo from Pipavav port with Shri Milan and Shri Bharat; that they will do the liaison with Pipavav Customs and get the cargo cleared without any hurdle.

8.5 Shri Nirav Bhatt stated that S/Shri Savaliya Jignesh Ghanshyambhai, Bharat Kanjibhai Naina and Milan Kuwadiya were his partners only for the purpose of sharing profit and that they have not invested a single rupee in the cargo; that after getting the IGST refund, they all will be sharing equal amount and that their role was to get the cargo cleared for export and liaisoning with customs officers; that in the process of attempted export through Pipavav Port he was assisted by following persons:

Sr. No.	Name & address	Role Played
1.	Saurabh, Dubai	Importer in Dubai
2.	Niraj, Nagpur	Provided IEC
3.	Ravinder, Delhi	Supplied goods
4.	Sulabh Halkeprasad Shrivastava	Whose IEC was used
5.	Ravi Sharma (CA), Delhi	Provided fake invoices/promised for future supply of fake invoices
6.	Savaliya Jignesh Ghanshyambhai, Surat	Partner in profit sharing in lieu of arranging liaison with customs
7.	Bharat Kanjibhai Naina, Ahmedabad	Partner in profit sharing in lieu of arranging liaison with customs
8.	Milan Kuwadiya, Bhavnagar	Partner in profit sharing in lieu of arranging liaison with customs

9. Statement of Shri Savaliya Jignesh Ghanshyambhai, Authorised Representative of M/s. Vansh Traders and Exporters, under Section 108 of the Customs Act, 1962 was recorded on 01-10-2022 wherein he *inter alia* stated that he was residing at Surat and was engaged in providing manpower services under contract of CNG Gas Pipeline; that his friends friend Shri Nirav Gaurang Bhatt looks after the work of M/s. Vansh Traders and Exporters, Nagpur and that he did not know anything about the business activities of M/s. Vansh Traders and Exporters; that he did not know the proprietor of M/s. Vansh Traders and Exporters and had no relation with him; that he only knew Shri

Bharatbhai who is a friend of Shri Nirav Gaurang Bhatt; that he had met Shri Nirav Gaurang Bhatt for the first time on 28.09.2022 at Bhavnagar bypass; that he was never in contact with Shri Nirav Gaurang Bhatt and that he had only received his call on the evening of 30.09.2022; that he did not know how many times the firm has exported any cargo neither he knew any major suppliers from whom M/s. Vansh Traders and Exporters procured Printed Glazed Glued Sheet; that no CHA was appointed and Shri Nirav Gaurang Bhatt was filing all documents.

9.1 On being asked why he had come to Pipavav on behalf of exporters, Shri Savaliya Jignesh Ghanshyambhai told that he came with Shri Bharat Bhai who is a friend of Shri Nirav Gaurang Bhatt; that Shri Bharatbhai had asked him to accompany him to assist in clearance of export cargo by liaisoning with Customs; that Shri Nirav Gaurang Bhatt had informed him that due to Corona, his cargo was not sold hence he had placed the cargo at his godown in Bhavnagar; that his cargo was tax paid; that there is no monetary commitment with Shri Bhatt; that he had only helped Shri Bhatt as a friend; that he had arrived at Pipavav Port on 28.09.2022; that his friend Shri Bharatbhai had informed him that his friends cargo was lying at M/s. CEVA Logistics (LCL Logistics) and he came alongwith him to get the cargo cleared; that he had come to Pipavav from Ahmedabad alongwith Shri Bharatbhai and on the way, they had picked up Shri Nirav Bhatt and Shri Milanbhai from Bhavnagar; that during his stay at Pipavav they started the procedure to get the cargo cleared.

10. Statement of Shri Kuvadiya Milanbhai Laxmanbhai, was recorded under Section 108 of the Customs Act, 1962 on 01-10-2022 wherein he *inter alia* stated he was residing at Bhavnagar and he was owner of Shanknath News Channel at Bhavnagar; that he does not know anything about M/s. Vansh Traders and Exporters; that Shri Bharat Prajapati had called him 03 days back and informed that he and Shri Nirav Bhatt had some port work at Pipavav Port and asked to accompany him as it was a day's work and then they all would go to Diu; further that when he joined Shri Bharat Prajapati at Nari Chowkdi, Bhavnagar; one person was already in the car and Shri Bharat Prajapati introduced him as Shri Jigneshbhai from Surat; that after that Shri Nirav Bhatt joined them in the car; that on being asked Shri Milanbhai stated that he knew Shri Bharat Prajapati for about 10 years as he was regularly in

touch with him being in journalist friends circle at Ahmedabad; that Shri Nirav Bhatt was from Bhavnagar and he had met him at a function about 3 years ago introduced by somebody; that Shri Nirav had told him that he was doing import/export work and since then he was in touch with him; that he introduced Shri Nirav Bhatt to Shri Bharat Prajapati around 2 years ago; that he did not know Shri Jigneshbhai and that Shri Bharat Prajapati had introduced him and Shri Nirav Bhatt to Shri Jigneshbhai in the car for the first time.

10.1 On being asked Shri Milanbhai further stated that while on way to Pipavav Port from Bhavnagar he had asked Shri Bharat Prajapati and Shri Nirav Bhatt the reason for going Pipavav; that he was informed that Shri Nirav had to load one container from Pipavav Port for export; that after reaching Pipavav Port, Shri Nirav Bhatt had told him that one truck/lorry of paper roll was coming to Pipavav for export; that he did not know Shri Halkeprasad, Proprietor of M/s. Vansh Traders and Exporters and had no relation with him. On being asked about how many times this firm has exported any cargo and the details of the items exported, Shri Milanbhai informed that Shri Nirav Bhatt always told him that he exports cargo but he was not sure about firm name; that after reaching Pipavav Port Shri Nirav Bhatt asked him to accompany him to truck in which cargo was loaded and accordingly all the four Viz. Shri Milanbhai, Shri Nirav Bhatt, Shri Bharat Prajapati and Shri Jignesh Savaliya went to see the cargo; that Shri Nirav Bhatt told him that it was Wallpapers roll and that he will export them to Dubai; that he did not have any knowledge to M/s. Vansh Traders and Exporters and that he did not even know what was CHA.

10.2 Further, on being asked why he was at Pipavav on behalf of exporter; Shri Milanbhai replied that he had come alongwith Shri Bharat Prajapati and Shri Nirav Bhatt to Pipavav Port as it was on the way to Diu; that they initially told him that it was only a days work at Pipavav Port; that however, due to delay in their work at Pipavav port, he had stayed with them; that he visited the port areas, customs office, cargo lorry and warehouse with them for giving them company. Further, on being asked about who the importer at Dubai was, he replied that Shri Nirav Bhatt had told him that it was his monopoly and he did not share the name of importer at Dubai with anyone and that Shri Milanbhai had no relation with either the importer or exporter; that he did not had any

idea about or relation with M/s. Vansh Traders and Exporters; that he did not know about the goods or invoices or shipping bills; that he had just accompanied Shri Bharat Prajapati on his request.

11. Statement of Shri Bharat Kanjibhai Naina, was recorded under Section 108 of the Customs Act, 1962 on 01-10-2022 *wherein he inter alia* stated that he was residing at Ahmedabad and he has no idea about the firm M/s. Vansh Traders and Exporters nor did he know anything about the constitution or business activities provided by them; that he did not knew or met Shri Sulabh Halkeprasad Srivastava (Proprietor of M/s. Vansh Traders and Exporters); that however he knew Shri Nirav Bhatt who was using the IEC of M/s. Vansh Traders and Exporters for export through the shipping bills under investigation. Further, on being asked as to why he had come to Pipavav on behalf of exporters Viz. M/s. Vansh Traders and Exporters, Shri Bharat Kanjibhai Naina replied that Shri Nirav Bhatt had informed him that one export consignment of Printer Glazed Glued Sheet was to be exported and asked me to arrange for a liaison at Pipavav Port and accordingly, he introduced Shri Jigneshbhai to him.

12. Statement of Shri Sulabh Halkeprasad Shrivastav, Proprietor of M/s. Vansh Traders and Exporters, Nagpur (hereinafter referred to as was recorded under the Provisions of Section 108 of the Customs Act, 1962 before the Superintendent Preventive, Hq., Customs(Prev.), Jamnagar on 30.03.2023 wherein he inter alia stated that the firm Viz. M/s. Vansh Traders and Exporters was a sole proprietorship firm in his name and the core business activity of the firm was trading Engine Parts; that the firm was registered in his name by using his documents and his mobile No.9921232649 was registered in GST registration and all other government registration documents and therefore OTP and other notifications in respect of GST Return filing were received on his above mentioned mobile no. but the firm was actually handled by S/S Shrirang Deshkar and Shri Shreyas; that the firm was registered with GST and the Directorate General of Foreign Trade in the month of October-2021 and that all registration related work was completed by Shri Shreyas from Nagpur by using his documents i.e. Aadhar Card and Pan Card; that he had met Shri Shreyas through one of his known Person Viz. Shri Shrirang Deshkar from Nagpur and all mentioned documents were collected by him; on being questioned as to why he agreed to register any

frim in his name Shri Sulabh Halkeprasad Shrivastav informs that when he met Shri Shreyas alongwith Shri Shrirang Deshkar, they told him that all of them will in the work of sale/purchase of automobile/ship engine parts and told about a person name Saurav who has a manufacturing unit of automobile/ship engine parts in Gurarat and he resides in Dubai; that Shri Shreyas informed him that he worked for Saurav; eventually he agreed with them because he had knowledge about the automobile industry as he was working in it since 2018; moreover they lured him by promising to give comission on profit in lieu of using his firm; that when messages from the GST portal were received on his mobile phone about the non-filing of GST returns, he asks Shri Shreyas about the same and in return Shri Shreyas provided him contact no. of Shri Sanjay Chindaliya, Chartered Accountant and informed that Shri Chindaliya would handle the same.

12.1 Shri Sulabh Halkeprasad was asked to explain about the attempted mis-declaration and over valuation of export of wallpaper from Pipavav Port by M/s. Vansh Traders and Exporters, Nagpur, to which he stated that he was not aware of this attempted export until a team of officers from Customs, Nagpur came to his residence for conducting search in relation to the said attempted export; that he did not know anything about the procurement of goods meant for export. On being shown the 17 Shipping Bills which were filed for attempted export, Shri Sulabh replied that he did not know anything about it, however he agreed to the fact that the signature on the invoices which were attached to the Shipping Bills are of his; further that Shri Shrirang Deshkar used to take his signature on blank invoices due to which he was unaware about the Shipping Bills and Invoices that were used in the attempted mis-declared export of wallpaper from Pipavav Port; that he had not received any commission or monetary benefit as promised by Shri Shreyas and Shri Shrirang Deshkar; that bank account of M/s. Vansh Traders and Exporters was with The Maharashtra State Co-operative Bank Ltd. and that the account was opened on 21.09.2021 and his mobile No. 9921232649 was registered with the bank in respect of the said account; that the account was handled by Shri Shreyas and ATM card, Cheque Book and online activities were also handled by him; further on being asked about the total transaction of Rs.1.53 Crore being taken place in the account, he replied that OTP for the transaction are being received on his phone and the same is being share with Shri

Shrirang Deshkar; and that when messages of huge amount were received on his phone he used to ask with Shri Shreyas who would in reply inform that this was a current account and if the transaction is not done, the account will be blocked, that's why he was doing these transactions; further on being asked whether he knew Shri Nirav Gaurang Bhatt, Shri Savaliya Jignesh Ghanshyambhai, Shri Kuvadiya Milanbhai and Shri Bharat Kanjibhai Naina, Shri Sulabh Halkeprasad replies that he did not know anything about any of the persons; further, on being shown a copy of an e-mail through which it was submitted that they were authorised representative of M/s. Vansh Traders and that the email was sent from the registered mail id of M/s. Vansh Traders i.e. vanshexim21@gmail.com, Shri Halkeprasad replies that he does not know anything about the same as the official registered email of M/s. Vansh Traders and Exporters are being handled by Shri Shreyas and Shri Shrirang Deshkar.

13. A further statement of Shri Nirav Gaurang Bhatt, Authorised Representative of M/s. Vansh Traders and Exporters, under Section 108 of the Customs Act, 1962 was recorded on 12-10-2022 wherein he inter alia agreed with the contents of his earlier statement dated 01-10-2022 and in token thereof he put his dated signature thereon. On being asked about the persons accompanied him on 28.09.2022 to Pipavav, Shri Nirav Gaurang Bhatt informed that he had been accompanied with S/Shri Jignesh Savaliya, Bharat Kanjibhai Naina and Kuvadiya Milanbhai during his visit to Pipavav on 28.09.2022; that he did not had any contact details of Shri Niraj from Nagpur who provided details of IEC of M/s. Vansh Traders and Exports, Nagpur; that he would try to get contact address of Shri Niraj; further upon being asked how Shri Ravinder (Supplier of goods (Para-7.6)) coordinated with him in respect of the goods supplied by him and his contact details and address, Shri Nirav Bhatt stated that Shri Saurav introduced him to Shri Ravinder and gave his contact number; that it was Shri Saurav who had coordinated with him for the supply of goods, which were attempted to be exported through M/s. Vansh Traders and Exports, Nagpur; that Shri Ravinder coordinated with him for receiving the cash payment against the supply of goods; that he had never met Shri Ravinder and that he used to talk on Whatsapp call and that he did not save the number as he contacted him only a few times.

14. A search was carried out at the office premises of Shri Ravi Sharma, situated at C-1/3, Main Madhu Vihar Market, 2nd Floor, Delhi under regular panchnama dtd.23.12.2022 by the officers of Customs(Prev.), Delhi along with the Inspector, Customs(Prev.), Jamnagar. During the search Shri Ravi Sharma was present in his office along with other staff where he introduced himself as the Director of M/s. Yuvaan Taxation Pvt. Ltd. During the search some records/documents which appeared to be relevant to the investigation were seized.

15. Statement of Shri Ravi Sharma, Director of M/s. Yuvaan Taxation Pvt. Ltd., situated at C-1/3, Madhu Vihar Main Market, IP Extension, Delhi was recorded under Section 108 of the Customs Act, 1962 before the Superintendent of Preventive Wing, Commissionerate of Customs, New Delhi (General) on 24.12.2022 wherein he inter-alia stated that he had worked with one Chartered Accountant firm M/s. Manmohan Gupta & Co., Karol Baugh, New Delhi from 2011 to 2014, then he worked as an accountant in M/s. V.K. Textiles, Gandhinagar, New Delhi from 2014 to 2018; that thereafter he has started freelancing accountant services under his own company i.e. M/s. Yuvaan Taxation Pvt. Ltd.; that there are 12 employees working for his firm and that they file GST Returns and other Taxation Returns on behalf of their clients i.e. various companies; that they also prepared Customs documents for import and export on behalf of various companies in Delhi; that M/s. Yuvaan Taxation Pvt. Ltd. had been registered at 209, Tagore Gali, Gandhinagar, Delhi but currently they were operating from 2nd floor, C-1/3, Madhu Vihar, Main Market, East Delhi; that the various other companies registered in his name were M/s. Bayley International Export Pvt. Ltd., registered at 209, Tagore Gali, Gandhinagar, Delhi, M/s. YRD Impex India Pvt. Ltd., registered at Hauz Khas Village and M/s. YRD Textiles India Pvt. Ltd., situated at Property No.245C185U99, Gali No. Bawariya Dham Temple, Murthal Chowk, Sonipat; further that M/s.YRD Impex India Pvt. Ltd. and M/s. YRD Textiles India Pvt. Ltd. deals in trading of fabric and readymade garments; that they purchase fabric from the domestic market and get it stitched through job work and finally export the readymade garments. On being specifically asked if he knew anything about M/s. Vansh Traders and Exporters, Nagpur and had they performed any business transactions with them, he stated that he did not know anything about M/s. Vansh Traders and Exporters and that

his firm had never made any business transactions with them. Further, it was inquired whether he knew anything about M/s. Satyakamal Enterprise, M/s. Sukhdev Enterprise and M/s. Kumar Enterprise and if they have raised any sales invoices to these companies to which he replied that he had heard the name of these companies for the first time and they have never made any business transactions or raised any sales invoices for them; further on being questioned he replied that he has never dealt with "Wallpaper" or any similar products; that they are engaged only in trading of fabric and ready made garments.

16. It appeared from the investigations that the export was intended to get the maximum IGST refund in cash for declaring the higher value of the goods and therefore, Shri Pankaj N. Udani, Skill India Ltd., Ahmedabad was appointed as valuer for the purpose of valuation of the Glazed Designed Glued Rolls (Wallpaper). Shri Pankaj N. Udani, Govt. Approved Valuer, vide his letter dtd.03.10.2022, submitted the valuation report in respect of the seized goods lying with the custodian at LCL, Logix Park CFS (CEVA Logistics), Pipavav and reported inter alia that the goods declared as Glazed designed glued rolls (wall paper) were not glued rolls but it was a simple paper base wall paper sheet rolls and opined that considering the condition and quality of the goods, the reasonable and fair price would be Rs.42/Sq. ft. in retail market and Rs.35/Sq. ft. in wholesale market.

17. The Chief Commissioner (In situ) of Custom (Preventive), Jamnagar in exercise of powers vested in him under first proviso to Section 110(2) of the Customs Act, 1962 extended the time limit for issuance of Show Cause Notice under Section 124 *ibid* for further 6 months i.e. 01-10-2023 for the goods seized on 01-10-2022. The same was communicated vide his letter F. No. CUS/SIIB/INT/128/2023-Prev dated 28-03-2023. The Letter was served in person and received by Shri Sulabh Halkeprasad Shrivastava, Proprietor of M/s. Vansh Traders and Exporters, Nagpur on 30.03.2023 at the Customs Preventive, Hq., Jamnagar.

18. It appeared that, M/s. Vansh Traders and Exporters, Nagpur were indulged in and under process to get refund of Integrated Goods and Service Tax by attempting illegal export of goods by way of overvaluing the seized goods covered under 17 shipping bills filed with

the customs in contravention of provisions of Section 14(1) of the Customs Act, 1962 read with Rule 7 of the Customs Valuation (Determination of value of Export Goods) Rules, 2007 inasmuch as they have failed to declare the correct value of the goods and in violation of Section 50(2) of the Customs Act, 1962 inasmuch as they declared incorrect value of the goods and failed to discharge the onus casted upon them under Section 50(3) of the Customs Act, 1962. The details of 17 Shipping Bills filed at the Pipavav port are as under:-

Sl. No.	Shipping Bill		Invoice Number & Date	DECLARED F.O.B. (In INR)	IGST involved (In INR)
	Number	Date			
01	4530453	29.09.22	01/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
02	4531421	29.09.22	02/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
03	4530982	29.09.22	03/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
04	4530970	29.09.22	04/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
05	4531400	29.09.22	05/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
06	4531372	29.09.22	06/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
07	4531401	29.09.22	07/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
08	4531644	29.09.22	08/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
09	4531643	29.09.22	09/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
10	4531641	29.09.22	10/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
11	4531699	29.09.22	11/22-23 dtd. 28.06.22	1,23,95,250	22,31,145
12	4531981	29.09.22	12/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
13	4531983	29.09.22	13/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
14	4531980	29.09.22	14/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
15	4531989	29.09.22	15/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
16	4531992	29.09.22	16/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
17	4531991	29.09.22	17/22-23 dtd. 31.08.22	1,23,95,250	22,31,145
Total ----->				21,07,19,250	3,79,29,465

19. It therefore appeared that M/s. Vansh Traders and Exporters, Nagpur, the seized goods having declared F.O.B. value of Rs. 21,07,19,250/- involving refund of Integrated Goods & Services Tax of Rs. 3,79,29,465/- were liable to confiscation under Section 113 of the Customs Act, 1962.

20. It appeared from the investigations and statements of Shri Nirav Gaurang Bhatt that, it was he who arranged the cargo purchased without bill for export, managed help from other persons at the Pipavav port for attempting illegal export of seized goods. It appeared Shri Nirav Gaurang Bhatt had tried to defraud exchequer by attempting illegal export mis-declaring F.O.B. value of Rs. 21,07,19,250/- to claim ineligible and illegal refund of Integrated Goods & Services Tax amounting to Rs.3,79,29,465/- .

21. It appeared that, Shri Jignesh Ghanshyambhai Savaliya, Shri Bharat Kanjibhai Naina, Shri Milan Kuwadiya, were the accomplice of Shri Nirav Gaurang Bhatt and Shri Ravi Sharma (CA), Delhi provided the fake invoices. It therefore appeared that, this act of each of this individual made the goods liable to confiscation and hence they appeared liable for penal action under Section 114 and 114AA of the Customs Act, 1962.

22. The investigation culminated in to issuance of Show Cause Notice No. ADC-04/2023-24 dated 25.09.2024 under Section 124 of the Customs Act, 1962 to

(I) M/s. Vansh Traders and Exporters, Nagpur, so as to why:

- (a) goods having declared F.O.B. value of Rs. 21,07,19,250/- involving Integrated Goods & Services Tax amounting to Rs. 3,79,29,465/- should not be held liable to confiscation under Section 113 (d) & 113 (i) of the Customs Act, 1962;
- (b) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon them for rendering the goods appearing at (a) above liable for confiscation; and
- (c) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon them.

(II) Shri Nirav Gaurang Bhatt as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and

(b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

(III) Shri Savaliya Jignesh Ghanshyam, as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and
- (b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

(IV) Shri Kuvadiya Milanbhai Laxmanbhai, as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and
- (b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

(V) Shri Bharat Kanjibhai Naina as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and
- (b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

(VI) Shri Sulabh Halkeprasad Shrivastav, as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and
- (b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

(VII) Shri Ravi Sharma, as to why:

- (a) penalty under Section 114 of the Customs Act, 1962 should not be imposed upon him; and
- (b) penalty under Section 114AA of the Customs Act, 1962 should not be imposed upon him.

DEFENSE SUBMISSION:

23. Shri Sulabh Halkeprasad Shrivastav, Proprietor, M/s. Vansh Traders and Exporters, vide his letter Ref. No. Nil dated 2/11/2023 in reply to the Show Cause Notice submitted and stated that he was ordinary individual from a middle class background, '*gainfully employed*'; that he had no prior experience in the complexities of export or import procedures; that he was lured and deceived by individual mentioned in the Show Cause Notice; that no monetary transaction ever transpired

between those individuals and him; that it was his first time involvement in any purchase or sale relating to international trade; that the documentation involved in the export transaction was executed by those individuals and his role was limited to providing them with one time passwords (OTPs) from his mobile phone for reasons he was unaware of at the material time; that he was completely oblivious to the shipment's existence until he received the summons' that upon receipt of summons he promptly attended and cooperated fully and transparently; that he had been honest in all interactions with the customs.

23.1 Shri Sulabh Shrivastava further submitted that considering the above facts, his non-involvement and confession of the individuals responsible for the misuse of documents, he sought for exoneration from any liability or penalty in the matter. As for the confiscated goods, he stated that he left it to the discretion of the department to determine its fate and he hold no claim or interest in those items.

24. Shri Nirav Bhatt, authorised representative of the M/s. Vansh Traders and Exporters who made all transaction with customs at Pipavav for export of the seized goods did not filed any reply to the Show Cause Notice however appeared for personal hearing on dated 27.02.2024 and sought for 10 days time to file reply. However, no reply/submission is received from him in the matter.

25. Shri Bharat Kanijibhai Naina, filed reply reference no. Nil dated 10.02.2024 to the Show Cause Notice wherein he inter alia submitted that he was not knowing anything about M/s. Vansh Traders and Exporters as mentioned in his statement dated 1.10.2022; that he referred para 12.1 of the Show Cause Notice to submit that Shri Sulabh Shrivastav has also confirmed that he does not know anything about any of the person including Shri Bharat Naina; that the statement of the proprietor confirmed that he was not authorised representative of M/s. Vansh Traders and Exporters.

25.1 Shri Bharat Naina submitted that he was designated part in M/s. Aarushi Infra Engineers LLP, M/s. Howeeels Ventures LLP, M/s. Exotica Fragrance Marketing LLP and also a director in M/s. Bhavya and Divya Trading Pvt Ltd and none of these his companies had ever entered into an of the transaction with M/s. Vansh Traders and Exporters; that

he did not know anything about M/s. Vansh Traders and exporters as well as its business activity; that did not have any knowledge about the goods under the subject matter as well as the procedure of the customs clearances required to clear the export consignment; that as per statement of Shri Nirav Bhatt, he had procured the material of subject matter, filed the shipping bills arranged the transportation of material and other allied activities; that he was never aware about the consignment not about the goods to be exported; that as per his written statement, he had introduced Mr. Jigneshbhai to Mr Nirav Bhatt for export consignment as I was under the impression that Mr. Jignesh has knowledge of the export clearances and it was a friendly introduction by him.

25.2 That he accompanied Mr. Jignesh Savaliya and Mr Nirav Bhatt along with Mr Nirmal Kuvadiya for a trip to Diu; that however, since Shri Nirav Bhatt had a day's work at Pipavav port he and Shri Milan Kuvadiya stayed with Shri Nirav Bhatt and Shri Jignesh Savaliya for their work of clearance of Cargo at Pipavav port and then was to continue planned trip to DIU.

25.3 That he being a non technical person was not aware about the products, its quantity, quality and declaration of details in various documents of the export consignment and he had not even visited the consignment as well; that he was not aware with export procedures to be followed.

25.4 That he was not in any way concerned with M/s. Vansh Traders and Exporter having no oral or written authorization by the proprietor; that the proprietor also denied the email mentioning the authorization; that mere statement of Shri Nirav Bhatt about joining as a partner does not prove his involvement in the said transaction of the export; that introduction of Shri Jignesh Savaliya to Shri Nirav Bhatt is also a common courtesy amongst friends and circles and in no way mean to his involvement directly or indirectly; that he had arranged a meeting between Shri Nirav Bhatt and Mr Jignesh Savaliya for the business purpose and he was not involved in understating between them; that documents relating to export was neither created by him nor signed by him; that Shri Nirav Bhatt had managed the invoices, material,

transportation facilities and submission of documents for shipping bills and export clearances.

25.5 That for penal action under Section 114 and Section 114AA of the Customs Act, 1962 there must be evidences to establish any overt act or *mens rea* to facilitate the commission of offence which is not proved in his case and hence proceedings may be dropped initiating against him vide the impugned Show Cause Notice.

26. Shri Milan Laxmibhai Kuvadiya vide his reply dated 10.02.2024 *inter alia* submitted that he was not knowing anything about M/s. Vansh Traders and Exporters as mentioned in his statement dated 1.10.2022; that he referred para 12.1 of the Show Cause Notice to submit that Shri Sulabh Shrivastava has also confirmed that he does not know anything about any of the person including Shri Bharat Naina; that the statement of the proprietor confirmed that he was not authorised representative of M/s. Vansh Traders and Exporters

26.1 That he was owner of Shankhnath News Channel at Bhavnagar and running a News Channel; that that he did not know anything about M/s. Vansh Traders and exporters as well as its business activity; that did not have any knowledge about the goods under the subject matter as well as the procedure of the customs clearances required to clear the export consignment; that as per statement of Shri Nirav Bhatt, he had procured the material of subject matter, filed the shipping bills arranged the transportation of material and other allied activities; that he was never aware about the consignment nor about the goods to be exported.

26.2 Shri Milan Kuvadiya further submitted that he had joined Shri Bharat Naina for a Trip to Diu and on completion of export work of a common friend Shri Nirav Gaurangbhai Bhatt they were supposed to go to Diu.

26.3 That he being a non technical person was not aware about the products, its quantity, quality and declaration of details in various documents of the export consignment and he had not even visited the consignment as well; that he was not aware with export procedures to be followed

26.4 That he was not in any way concerned with M/s. Vansh Traders and Exporter having no oral or written authorization by the proprietor; that the proprietor also denied the email mentioning the authorization; that mere statement of Shri Nirav Bhatt about joining as a partner does not prove his involvement in the said transaction of the export; that he joined Shri Bharat Naina for a trip to Diu; that documents relating to export was neither created by him nor signed by him; that Shri Nirav Bhatt had managed the invoices, material, transportation facilities and submission of documents for shipping bills and export clearances.

26.5 That for penal action under Section 114 and Section 114AA of the Customs Act, 1962 there must be evidences to establish any overt act or *mens rea* to facilitate the commission of offence which is not proved in his case and hence proceedings may be dropped initiating against him vide the impugned Show Cause Notice.

27. Shri Jignesh Savaliya, Shri Nirav Bhatt and Shri Ravi Sharma did not file any reply to the Show Cause Notice.

PERSONAL HEARING

28. Personal Hearing in the matter was fixed on 20.12.2023, 04.01.2024, 15.02.2024 and final opportunity was given on 27.02.2024. However, M/s. Vansh Traders and Exporters, Nagpur vide email reply dated 18.12.2023 (physical copy of letter dated Nil received on 26.12.2023) referred his reply to the Show Cause Notice however did not appear for the hearing. Personal hearing was re-fixed on 04.01.2024 and to that the noticee vide email dated 31.12.2023 requested for adjournment on humanitarian ground. Therefore, hearing was again fixed on 15.02.2024 and being non responded final hearing was fixed on 27.02.2024. In response, M/s. Vansh Traders and Exporters, Nagpur vide their email dated 24.02.2024 (physical copy of letter dated Nil received on 26.02.2024) requested for various clarification, information and did not attend the personal hearing. M/s. Vansh Traders and Exporters vide the email response dated 24.02.2024 and letter dated Nil (received on 26.02.2024) has *inter alia* submitted as under:

"1. In total on 01.10.2022 there were 4 other statements taken by the department in addition to that of the exporter which was on 30.03.2023. How did the

department know that there were exactly 4 persons not 1 less or more? How did the department get hold of these exact 4 people, summon them, take statement? At what time did these 4 people apprehended and at what time did the statements conclude?

2. At the outset it is submitted that the exporter has never given any authorisation to any person for the purpose of export nonetheless mentioned in para 7 of the SCN No. ADC-04/2023-24 dated 25.09.2023. all the contents of personal effects of all the people in the individual statements as to full name, DOB, address, property details and such other are denied for lack of personal knowledge.

3. At the opening statement/para 1 of the SCN it is stated that "Intelligence collected by the officers....". However, after perusing the SCN and the statements of the so called authorised persons(?) the officers have failed to mention the reasonable suspicion which arose to collect the intelligence or was it just a gut feeling? In para 3 of the SCN it is stated that "it appeared that there is a case of mis declaration with respect to the quantity of goods...." Where as in para 4 it is stated that "looking to quality and condition of goods it appeared to be overvalued....". What was observed first quantity less/more? Or quality ? In the same para 4 regular panchanama was conducted alongwith 2 panch and Nirav Bhat. What was the status of Nirav Bhat at the time of Panchnama? how did the officers know or acknowledge Nirav Bhat to be authorised representative of exporter at the time of panchanama? Did the officers issue any summons or any other document to exporter when they first found out about such alleged misdeclaration of quantity and quality? If so we have not received any copy of the same. Sr. No.2 of Annexure A to SCN not received by us. Neither Sr No. 3 nor 4 has been received as mentioned in para 4 of SCN.

4. In para 5 of the SCN it is stated that "the declared price was several times higher than the retail price....". How and when was this ascertained because so far as the valuation report submitted by the alleged authorised valuer is dated 03.10.2022.

5. In para 6 it is stated that 2nd panchnama was carried out on 19.10.22, whereas supurtnama was conducted on 02.10.22 Sr. No. 4. Before conducting second panchnama what precautionary measures were taken so that there is no tampering of evidence by the custodian or any other person? Was any statement of any person to that effect taken by the department?

6. Para 7 states about authorising 4 persons as authorised representatives. Did the officers sought any prudence as to why the exporter authorised 4 persons for 1 single case? Did the officers sought any additional clarifications as to what role each person would perform necessitating 4 people from the exporter? Furthermore, summons if perused was issued on 01.10.2022 at 4:34 pm seeking presence at 5:00 P.M. The exporter feels sorry for not to be present in 26 mins from Nagpur to Pipavav. The department made sure impossibility of performance on the part of the exporter. Perusing the reply mail sent to this summons alleged authorisation was sent on behalf of 4 persons simultaneously which the department logicalised to be normal. In all the statement of all the alleged authorised person not a single question was asked as to why you were authorised to appear on behalf of the exporter. Now questioning the time line was the alleged mis declaration detected before the alleged authorisation or after? And why does the summons only mention mis-declaration without reference to quantity or quality or valuation as alleged? The exporter reserves his right to produce proper evidence as to the alleged authorisation till the time warrants it to be.

7. In para 8, it is mentioned that Mr. Nirav arrived at port at 1600 hrs, but meticulously the time and date of gate in of cargo is omitted for the reason best known to the investigating officer. A continuum Of time necessitates the impartial investigation. Also the question arises was the entry of Mr. Nirav at 1600 hrs as duly noted; was in his personal capacity or as authorised person of exporter? There is no mention of time of panchnama conducted. Also that the persons in question met officials at customs, at what time did they meet them and in what capacity with respect to the exporter and exactly with whom? What exactly was the

conversation or purpose of meeting, was this explored? If not why? Furthermore if not explored to whom does the benefit of doubt goes?

8. In para 8 it is also mentioned that these 4 people are engaged with exporter in trading and export of engine parts. Which type of engine how much turn over so far. Has the officers really investigated into such trading? If so what are the findings? Wherein contrary to their alleged theory it is specifically mentioned in the same para 8 that "this is the first export of the company as well as first purchase of the firm. In the same para 8 it is stated "that he gives 5% commission to the person who has arranged the IEC for export", and not to the exporter directly and the same is reiterated in para 8.1 also the same is mentioned in answer to question no. 20 in page 5 of the statement of Mr. Nirav. However in para 8.5 it clearly mentions that he had promised to pay 5% to exporter. When was this payment to occur, before the refund or after the refund? Out of this the department is relying upon which fact? It clearly goes to show that the exporter in person has been a clear victim of identity fraud which was never considered by the investigating officers.

9. Para 8.2 states that "utilising GST ITC on the strength of fake invoices....". Did the IO made it to the knowledge of Mr. Nirav who was giving statement U/s 108 of customs Act, that this would amount to confession and the legal consequences thereafter, if so why was it not specifically mentioned in the statement?

10. In para 8.3 is mention of Mr. Saurabh from Dubai alongwith his alleged phone number, did the officers ever try as per procedure to contact him, did they ever tried to verify the identity of a person with whom an alleged business transaction of crores of rupees was supposed to happen. If so please provide the information.

11. The modus operandi mentioned in para 8.4 is a clear case of heresy evidence which was not perused by the IO and hence the investigation necessitates further pursuance.

12. In the later part of para 8.4 it was finding of the IO that hawala was used, in simple terms PMLA was to be invoked, did the officer use ordinary prudence so as to investigate or report the matter accordingly if so kindly provide necessary details; as the amount involved (allegedly confessed is to the tune of 35 lacs). Also the names of the people through whom the hawala was conducted is to be mentioned. Did the IO ever cause an investigation as to uphold this statement? If so kindly provide details..

13. In para 8.5 the IO appears to state that Mr. Nirav was aware that export quantity was 373500 sq ft whereas upon asking Mr. Nirav said that actual quantity was 105000 sq ft. Did the IO in any manner try to ascertain the truthfulness of this statement if so how? It is also stated that "they could not ship to Porbandar..." was the goal to ship to Porbandar or from Porbandar? Does the IO intend to say that Mr. Nirav had full knowledge about deficiency of 268500 sq ft of material. How did the IO come to this conclusion?

14. In the same para 8.5 if the goods were procured in April 2022 and allegedly tried to export from Porbandar in august 2022, and the same cargo was moved to pipavav in September 2022 did the IO examine the chain of custody of cargo and if yes what was the conclusion? Reasons for "could not ship the cargo to Porbandar; to evade from customs....". How did the IO conclude on this?

15. Para 8.5 states that "warehoused the cargo at...." Meticulously omits the time and date. Further it states paying 5% to the exporter and to Mr. Niraj which is clearly in contravention to earlier submissions by Mr. Nirav as is evident from para 8 and 8.1. No efforts to clarify this self contradicting statements.

16. In para 8.6 the IO has clearly mentioned the role that exporter's IEC was clearly "USED". Nevertheless goes to admit that exporter never agreed but was used. In the same para it is a matter of record as to who played what role. In totality it is self evident as to the role of the exporter. There is no *prima facie* evidence so far to associate the role of exporter for wilful violation of any law in India. Further in para 8.6 it is stated that "after getting the IGST refund, they all

will be sharing equal amount... ". No efforts were made to ascertain if it was before giving 5% to the exporter/person who arranged IEC, or after giving the same?

17. *Repetitive references to liaising with customs or custom officers concerning cargo clearance are noted, yet specifics regarding the nature of liaison, procedural details for cargo clearance, or the individual roles performed remain elusive. This opacity casts doubt on the transparency and comprehensiveness of the investigation.*

18. *In para 9 Mr. Savaliya states that he has no connection with the exporter, even then no efforts were made to seek clarification as to why the exporter would make him a representative in a case involving crores of rupees of alleged mis-declared cargo.*

19. *In para 9.1 it is stated that "Shri Bharatbhai had asked him to accompany him to assist in clearance of export cargo by liaisoning with customs..." what expertise did he have in such alleged clearance or liaisoning was never questioned. Shady investigation does not establish any kind of wilful conspiracy.*

20. *In para 10.1 Shri. Milan Bhai appears to state that "all the four..... went to see the cargo..." Curiously, there was a conspicuous absence of inquiries regarding the quantity or quality of the cargo, a topic deftly sidestepped by the investigating officer. This deliberate avoidance raises questions about the thoroughness and integrity of the investigation.*

21. *In para 10.2 Shri Milan Bhai clearly states "does not have any relation with either importer or exporter...", as such he was there only to keep company with other people in question; no efforts were made to seek clarification as to why the exporter would make him a representative in a case involving crores of rupees of alleged mis-declared cargo.*

22. *In Para 11 and also in the statement of the Mr. Bharat Bhai, in response to question no. 8 Mr. Bharat bhai never mentioned that he was there on behalf of the exporter but on request of Mr. Nirav Bhat. Again no effort as to why exporter would name him as representative in a case involving crores of rupees of alleged mis-declared cargo.*

23. *Paragraph 30 unmistakably designates Mr. Nirav Bhat as the principal perpetrator, pinpointing him as the mastermind behind the eleventh-hour alteration of the Importer Exporter Code (IEC) to evade Porbandar customs—a fact firmly established on the investigative record. However, the investigating officer's failure to substantiate any intent on the part of the exporter to engage in fraudulent collusion with Mr. Nirav Bhat is conspicuous. Notably, the omission of crucial details, such as the exporter's susceptibility to inducements of commission through the signing of blank invoices under the guise of prospective domestic trades in engine parts, is notably meticulous.*

24. *In the statement of the exporter in response to question 12 the exporter wishes to explain further, that all the questions were asked to him was in Hindi and of course the reply was also in Hindi, when the exporter was shown the export invoices and asked Ques. No. 12, the Hindi reply was "Ha sir, Lagta to mere hi hai" was wilfully construed to the advantage of IO as "Yes sir, I agree with the fact that these documents are signed by me". Relying to the memory of date of statement the exporter exerts that the invoices which were shown can clearly be a case of photoshop and does not necessarily be the ones upon which actual signatures were taken. Upon further pursuing the matter of photoshop, it has now come to the knowledge of exporter that in Adobe PDF there is a special feature for just adding signature. Did the IO take into account the advancement of technology was there any digital forensic investigation conducted as to the signature on invoices.*

25. *Except for the exporter wherein the statements were recorded it is clearly mentioned in every concluding paras that "I put my dated signature on each page of my statement" however, the copies received by the exporter does not contain dated signature on each page except on the last page. If the copies of statements*

received by the exporter do not contain dated signatures on each page as mentioned in the concluding paragraphs of the statements, it raises concerns about the authenticity and accuracy of the documents. Upon review of the copies of statements provided to exporter, it is evident that dated signatures are absent on all pages except for the final page. This deviation from what is stated in the concluding paragraphs raises concerns regarding the accuracy, completeness, and authenticity of the documents provided to exporter.

26. All the personal hearing notices and their respective replies are a matter of record, and we reserve our right to invoke the contents of the same as and when required.

27. The exporter's right to seek clarifications and question the line of investigation is inherent in the legal framework to ensure a fair and transparent process. This right is aligned with the principles of natural justice, which encompass the right to be heard and the right to challenge the evidence presented. Therefore, the exporter can exercise this right to maintain fairness and integrity in the investigation process.

28. In order to further build our defence we shall require following explanations/clarifications from the department. A detailed questionnaire is annexed herewith. A soft copy of the same has also been sent via mail. Given the numerous discrepancies, procedural irregularities, and substantive deficiencies highlighted in the petitioner's communication, it is evident that the investigation conducted by the Customs Department lacks transparency, fairness, and adherence to procedural norms.

Questionnaire for the Customs Department Regarding Investigation:

1. Can the department provide clarity regarding the basis of intelligence collected by the officers as mentioned in the opening statement/para 1 of the Show Cause Notice (SCN)?
2. In para 3 of the SCN, it is mentioned that there is a case of misdeclaration with respect to the quantity of goods, while in para 4, it is stated that the goods appeared to be overvalued. Could the department specify which observation was made first – quantity discrepancy or valuation concerns?
3. What was the status of Nirav Bhat at the time of the Panchnama mentioned in para 4? How was his authorization as the exporter's representative acknowledged by the officers?
4. Were any summons or documents issued to the exporter when the alleged misdeclaration of quantity and quality was first discovered? If so, could copies of those documents be provided?
5. Can the department clarify how and when the declared price being higher than the retail price was ascertained, especially considering the valuation report submitted by the alleged authorized valuer was dated 03.10.2022?
6. Before conducting the second Panchnama mentioned in para 6, what precautionary measures were taken to prevent tampering of evidence? Were any statements regarding this matter obtained from relevant individuals?
7. Could the department provide justification for accepting authorizing four persons as representatives of the exporter for a single case? Were additional clarifications sought regarding the roles of each representative?
8. Regarding the discrepancy in timing between the issuance of the summons and the alleged authorization of the representatives, was the misdeclaration detected before or after the authorization? Why does the summons only mention misdeclaration without reference to quantity, quality, or valuation?
9. Can the department provide clarification on the time and date of Mr. Nirav's arrival at the port and his capacity during that time? Additionally, can details regarding the meetings with customs officials mentioned in para 8 be provided?
10. Was there an investigation into the trading activities mentioned in para 8? If so, what were the findings?
11. Can the department explain the discrepancies regarding the promised commission to the exporter/person who arranged the IEC, as mentioned in para 8?
12. Regarding the mention of hawala transactions in para 8.4, was there an investigation into this matter? If so, what were the findings?

13. How did the department ascertain the truthfulness of Mr. Nirav's statement regarding the export quantity and the alleged deficiency of material mentioned in para 8.5?
14. Was there an examination of the chain of custody of the cargo mentioned in para 8.5? What were the conclusions drawn?
15. Could the department clarify the discrepancies regarding the payment of commission mentioned in para 8.5?
16. How was the utilization of the exporter's IEC addressed in para 8.6? Was there an attempt to determine if it was used with the exporter's consent?
17. Can the department provide justification for the absence of dated signatures on each page of the provided statements, as stated in the concluding paragraphs of the statements?

28.1 M/s. Vansh Traders and Exporters vide this office email dated 26.02.2024 advised "to attend the personal hearing on 27.02.2024 and make suitable representation/ submission to the averments in the Show Cause Notice issued based on the investigations and evidences placed on record and relied upon and adjudication process will be carried out based on such submission including oral/ written submissions at the time of personal hearing".

28.2 M/s. Vansh Traders and Exporters instead of availing opportunity of personal hearing again responded via email dated 26.02.2024 and sought for information / clarification from the department with reference to their email dated 24.02.2024.

29. Personal hearing was fixed on 4.12.2023 held and communicated to Shri Milan Laxmanbhai Kuvadiya and Shri Bharat Naina however, at their request was adjourned to 04.01.2024 and further adjourned on 15.02.2024. However, after allowing another adjournment, hearing in case of both the person was held virtually on 20.02.2024.

29.1 Shri Dhaval Trivedi, Chartered Accountant, attended the virtual hearing on behalf of Shri Mila Kuvadiya and also on behalf of Shri Bharat Naina.

29.2 Shri Dhaval Trivedi submitted that Shri Bharatbhai was not in any way related to business of M/s. Vansh Traders and exporters and Shri Bharatbhai only introduce Shri Nirav Bhatt with Shri Jigneshbhai however he did not know about exports and transaction by Shri Nirav Bhatt and M/s. Vansh Traders and Exporters; that Shri Bharatbhai has no direct or indirect connection with M/s. Vash Traders and Exporter; that Shri Bharatbhai joined Shri Nirav Bhat only for the purpose of a

Trip to Diu; that a written submission is being filed by them in this regard.

29.3 Shri Trivedi submitted that Shri Milanbhai was not in any way related to business of M/s. Vansh Traders and exporters; that Shri Milanbhai joined Shri Nirav Bhatt only for the purpose of a vacation Trip to Diu; that he did not knew about business or exports of M/s. Vansh Traders and Exporters. He submitted that Shri Nirav Bhatt admitted that all documents were prepared by him and also managed procurement of material to Pipavav; that Shri Milan bhai was not aware about this consignment and transaction. That to join for a picnic at DIU does not mean that he was part of Transaction of Export consignment. Shri Dhaval Trivedi submitted that a written submission is being filed by them in this regard.

29.4 Records of personal hearing was mailed to Shri Dhaval Trivedi on 20.03.2024 for confirmation. Shri Trivedi vide his email dated 21.03.2024 submitted duly signed scanned copy of records of personal hearing confirming his agreement of records of virtual hearing on 20.03.2024. However no further submissions made by him.

30. Personal hearing was fixed on 04.12.2023, 20.12.2023, dated 04.01.2024 and on 15.02.2024 and communicated to Shri Nirav Gaurang Bhatt and no response to any of the communication was received. However, on 27.02.2024 Shri Nirav Bhatt appeared in person (produced his aadhar card bearing No. 9613 1804 5163) before the adjudicating authority with request letter dated 27.02.2024 that owing to personal and family reason he could not attend the personal hearing and he wanted to be heard in person. His request was acceded to and personal hearing was held in physical mode on 27.02.2024.

30.1 Shri Nirav Bhatt during the personal hearing inter alia submitted that he was at port for export consignment along with four other for consulting of export procedures; that the export cargo was short received on port form the supplier as against declared quantity in the Shipping Bills; that there was no profit sharing agreement with the exporter in the matter; that he had not appointed any advocate in the matter till date and he requested to grant 15 days time to file his defence reply. His

request to file defence reply was acceded to however, no defence reply was received from Shri Nirav Bhatt in the matter.

31. Personal hearing was fixed on 04.12.2023, 20.12.2023, 04.01.2024 and on 15.02.2024 and communicated by way of sending it through Registered Post to Shri Jignesh Savaliya, however, no response to any of the communication was received from him.

32. Personal hearing was fixed on 05.12.2023, 20.12.2023, 04.01.2024 and on 15.02.2024 and communicated by way of sending it through Registered Post to Shri Ravi Sharma however letters issued were returned by the Postal Authority with remarks "Incomplete address" (05.12.2023), "No such person" (20.12.2023) and "No such person" (04.01.2024). Personal Hearing fixed on 15.02.2024 was served by way of uploading the letter dated 30.1.2024 on the website of this office i.e. office of the Commissioner (Prev), Customs, Hqrs, Jamnagar and pasted to the Notice Board of the office under Panchnama 01.02.2024.

FINDINGS

33. I have carefully gone thorough the facts of the case, documents available on record, Show Cause Notice and written submissions made by the Noticees including the details of Personal Hearing.

34. The issues to be decided in this case are as under:-

- (i) whether the goods presented for export out of the country are liable to confiscation under the provisions of Section 113(d) and Section 113(i) of the Customs Act, 1962 or not; and
- (ii) whether M/s. Vansh Traders and Exporters, Shri Sulabh Shrivastav Proprietor, and other co noticees Shri Nirav Bhatt, Shri Jignesh Savaliya, Shri Bharat Naina, Shri Milan Kuvadiya Shri Ravi Sharma are liable to penal action under Section 114 and Section 114AA of the Customs Act, 1962 or not.

35. The facts of the case are that M/s. Vansh Traders and Exporters, Nagpur (IEC FYBPS8775J, GST REGI No. 27FYBPS8775J1ZH) have filed 17 shipping bills, with Customs House, Gujarat Pipavav Port Limited, Pipavav, for export of "*PRINTED GLAZED DESIGN GLUED SHEET*" to M/s. Vinkit Trading LLC, Post Box No: 52013, Dubai, (United Arab Emirates) by classifying the same under Customs Tariff Heading No. 4814 20 00.

36. The consignment of entire cargo was presented for export under different 17 shipping bills at the Pipavav Port declaring the quantity and value of goods as under:

Details of goods declared in 17 Shipping Bills					
Description of goods	Total Qty (Sq Ft.)	Total Qty (in Kgs)	Price declared (Per Square Ft.)	Declared FOB value (In Rs.)	IGST Involved (in Rs.)
PRINTED GLAZED DESIGN GLUED SHEET	3,73,500	4699.99	USD 7	21,07,19,250	3,79,29,465

37. However, during the assessment, *prima facie*, the cargo being appeared mis-declared in terms of quantity and its value, detailed examination was carried out in presence of two independent Pancha and Shri Nirav Bhatt, authorised representative of the Notice no.1 M/s. Vansh Traders and Exporters Nagpur.

37.1 The facts recorded in the panchnama dated 01.10.2022 reveals that:

- (1) There were total 1000 Wall paper Rolls in 100 packages and each package was containing 9 to 11 Wall paper rolls
- (2) No glue kind of substance was found in either of the wallpaper sheet or on the paper.
- (3) Shri Nirav Bhatt stated that cargo was not arranged as per Shipping Bills in warehouse and cargo was not declared with number and marks on packages.
- (4) Weighment of the cargo revealed that actual weight was only 4270 Kg as against declared weight of 4699.99 kgs i.e. there was difference of 430 Kg between declared weight in Shipping Bill and actual weight
- (5) Panchnama revealed that total quantity of cargo presented for examination was found to be 104910 Sq. ft. as against declared quantity of 373500 Sq. ft. Thus, declared quantity of export cargo was higher by 268590 Sq. ft. (373500 – 104910) than the actual cargo presented before Pipavav Customs for export.

37.2 Shri Nirav Bhatt, authorised representative of M/s. Vansh Traders and Exporters vide his statement dated 01.10.2022 admitted that the cargo declared in the Shipping Bill was 3,73,500 Sq. ft and actual quantity of cargo is approx. 1,05,000 Sq. ft; and this was done to get maximum IGST refund in cash. Shri Nirav Bhatt, also admitted in his statement dated 01.10.2022 that the export was meant to avail the

IGST refund in cash for the fake ITC availed on purchase invoices; Shri Bhatt also admitted procurement of fake Invoices in support of goods procured whereas the goods were purchased without invoice from Black market; that he is using the firm to get IGST refund in cash by fraudulently availing the input tax credit.

37.3 I therefore, find that Shri Nirav Bhatt's submission during the personal hearing that the cargo was short received/supplied is an afterthought and not supported by any evidence. Once the admission made by the Shri Nirav bhatt that cargo was purchased from black market and he also attempted to export it from Porbandar port earlier, there is no evidence before me to substantiate that cargo purchased way back in the month of April'2022 was short received especially when purchase was from the black market. Thus, I hold that attempted export of goods in 17 shipping bills were mis-declared in terms of quantity and was with intent to avail benefit on higher quantity of export of goods against actual export cargo available on the port and presented for examination/ assessment.

38. As regards value of the goods declared in the Shipping Bill, I find that no legal documents in support of purchase of goods was produced before the customs as admitted by Shri Nirav Bhatt. Rule 7 and Rule 8 of the Customs Valuation (Determination of Value of Export goods) Rules, 2007 provides for obligation of exporter to declare correct value of export goods and rejection of declared value by the proper officer in case of reasonable doubt about accuracy of the value declared by the exporter. Rule 7 and Rule 8 are reproduced as under for ease of reference:-

7. Declaration by the exporter. — *The exporter shall furnish a declaration relating to the value of export goods in the manner specified in this behalf.*

8. Rejection of declared value. — (1) *When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any export goods, he may ask the exporter of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such exporter, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, the transaction value shall be deemed to have not been determined in accordance with sub-rule (1) of rule 3.*

(2) At the request of an exporter, the proper officer shall intimate the exporter in writing the ground for doubting the truth or accuracy of the value declared in relation to the export goods by such exporter and provide a reasonable opportunity of being heard, before taking a final decision under sub-rule (1).

Explanation. - (1) For the removal of doubts, it is hereby declared that -

(i) This rule by itself does not provide a method for determination of value, it provides a mechanism and procedure for rejection of declared value in cases where there is reasonable doubt that the declared value does not represent the transaction value; where the declared value is rejected, the value shall be determined by proceeding sequentially in accordance with rules 4 to 6.

(ii) The declared value shall be accepted where the proper officer is satisfied about the truth or accuracy of the declared value after the said enquiry in consultation with the exporter.

(iii) The proper officer shall have the powers to raise doubts on the declared value based on certain reasons which may include -

(a) the significant variation in value at which goods of like kind and quality exported at or about the same time in comparable quantities in a comparable commercial transaction were assessed.

(b) the significantly higher value compared to the market value of goods of like kind and quality at the time of export.

(c) the mis declaration of goods in parameters such as description, quality, quantity, year of manufacture or production.

38.1 I find that Shri Nirav Bhatt in his statement dated 01.10.2022 admitted that the cargo was procured illegally from Black Market and managed fake invoices towards the said purchase. Shri Nirav Bhatt in his statement stated that there is no legal contract made by him/exporter with the supplier however value of the goods was fixed INR 60 Lacs and 35 lacs already been paid to the supplier. All the payment were made through HAWALA. It is also admitted by Shri Bhatt that the goods received from Delhi to Bhavnagar on fake E-way Bills, however for the transportation of goods from Bhavnagar to Pipavav was made without any E way Bill. It is also admitted by Shri Nirav Bhatt that the intention of export was to get higher IGST refund by showing higher value of the goods. I also find that Shri Nirav Bhatt has not defended this admitted fact while representing his case in personal hearing. Also , Shri Sulabh Shrivastav proprietor of M/s. Vansh Traders and Exporters in his reply to Show Cause Notice left the fate of the cargo at the discretion of the department. These facts establishes that the goods were procured without invoice and was not a legitimate transaction of purchase and sale and value declared in the Shipping Bills was higher with intent to claim higher IGST refund.

38.2 I find that Shri Pankaj N. Udani, Government Approved Valuer was appointed to ascertain the market value of the goods. Shri Pankaj Udani vide his letter dated 03.10.2022 submitted the valuation report in respect of the seized goods lying with the custodian at LCL, Logix Park CFS (CEVA Logistics), Pipavav and inter alia reported as under:-

"The inspection of Glazed designed glued. rolls (wall paper) was carried out on the basis of verification of documents and find outs of our physical inspection.

It is a simple paper base wall paper. Looking to the present condition of the Glazed designed glued rolls (wall paper) and after my thorough inspection of the same as mentioned in the invoices and shipping bills it is checked that the goods specified as Glazed designed glued rolls (wall paper) are not glued rolls but it is a simple paper base wall paper sheet rolls. No glue or adhesive material is found on the sheets.

Further we have to state that the goods are found old and damaged from the sides and corner, all dirt and dust was found on the sheets (Wallpaper). Further the packing of the sheets in roll form is in PP Bags and there was no marking or stickers found on the packed PP Bags."

38.3 It is inter alia further reported that the goods declared as Glazed designed glued rolls (wall paper) were not glued rolls but were simple paper base wall paper sheet. He opined that considering the condition and quality of the goods, the reasonable and fair price would be Rs.42/Sq. ft. in retail market and Rs.35/Sq. ft. in wholesale market. The relevant portion of the report is reproduced as under:-

"The value assessed as above in report by the undersigned Approved valuer is based on our past experience, data gathered and documentary evidences provided to us, which we opine is fair and reasonable, i.e. as mentioned above and compare the same with equivalent type of wallpaper and market survey carried out the cost of wallpaper per square feet comes out to Rs.42/ Sq Feet in Indian currency (INR) in retail market. Whereas in wholesale market the rate of above goods as per the equivalent type of wallpaper it comes to Rs.35/ Sq. Feet in Indian Currency (INR).

Hence we conclude that the Glazed Designed Glued Rolls (Wall Paper) as mentioned in the shipping bill is on a higher side as compared with the equivalent quality in retail and wholesale market as per the market survey."

38.4 Thus, from the facts discussed as above I find that there was mis-declaration of goods in parameters such as description, quality, quantity, and has significant higher side variation in value of the goods declared as "Printed Glazed Design Glued Sheet". Therefore, considering (i) the

deposition by Shri Nirav Bhatt that the purchase value from the black market was Rs.60 Lakh, (ii) the value of the goods ascertain by the Government Approved Valuer as Rs.35 per sq ft (wholesale)/ Rs.45 per sq ft (Retail) and (iii) in absence of any supporting legal documents for its procurement I hold that the value of the goods in the consignment under attempted exportation at Pipavav port by M/s. Vansh Traders and Exporters Declared as Rs.21,07,19,250/- for total Quantity of 104910 square feet cannot be accepted as true and accurate transaction value of the goods and deemed to be have not been determined in accordance with sub -rule (1) of Rule 3 of the Custom Valuation(Determination of Valuation of Export Goods) Rules ,2007 and therefore the value declared in the Shipping stands rejected under Rule 8 of Customs Valuation (Determination of Valuation of Export Goods) Rules ,2007 read with Section 14 of the Customs Act, 1962.

38.5 I therefore find that value was shown higher than that of actual market value of the goods presented for export. Thus, exporter also mis-declared the export consignment in terms of its value in violation of Rule 7 of the Customs Valuation (Determination of Valuation of Export Goods) Rules ,2007 read with Section 50 of the Customs Act, 1962. It is admitted fact that the goods were purchased from black market and exporter failed to produce supporting evidence to justify legal procurement of the goods reflecting the actual value of the goods. In view of the above discussion and facts on records that the goods declared by M/s. Vansh Traders and Exporter in 17 Shipping Bills in question for its export do not match with the declaration of goods made in Shipping Bills, which was 'glazed designed glue sheet' inasmuch as (1) it was not containing glue (2) quantity of goods was declared higher by 268590 in Sq Feet, by 430 kgs in weight and (3) value of the goods declared on much higher side to Rs.21,07,19,250 as against admitted value of Rs.60 Lakh and ascertained market value of Rs.35 (Wholesale) to Rs.45 (Retail) per Sq. ft. Shri Sulabh Shrivastav, Proprietor of M/s. Vansh Traders and Exporters in his reply to Show Cause Notice and proposal to confiscate the said goods submitted that he had left the matter to the discretion of the department to determine its fate and he hold no claim or interest in those items. He also submitted that he be exonerated from penalty. Thus the facts of the case, acts and omissions brought on records are not disputed by him. Also, Shri Nirav Bhatt did not disputed the fact while

making submission during the personal hearing that cargo was short received and also submitted no written agreement was there with Shri Sulabh Shrivastav for profit sharing.

38.6 Section 113(d) and Section 113(i) of the Customs Act, 1962 provides for confiscation of goods attempted to be improperly exported and reproduced as under:-

SECTION 113. Confiscation of goods attempted to be improperly exported, etc. — The following export goods shall be liable to confiscation :-

(d) any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;;

(i) any goods entered for exportation which do not correspond in respect of value or in any material particular with the entry made under this Act or in the case of baggage with the declaration made under section 77;

Section 50 (2) and Section 50 (3) of the Customs Act, 1962 stipulates exporters should subscribe to a declaration as to truth of its contents and to ensure accuracy and completeness of the information, authenticity and validity of supporting documents. Section 50 (2) and Section 50 (3) reads as under:-

“Section 50:

(1) ..

(2) The exporter of any goods, while presenting a shipping bill or bill of export, shall make and subscribe to a declaration as to the truth of its contents.

(3) The exporter who presents a shipping bill or bill of export under this section 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.”

38.7 I find from all these facts discussed hereinabove, that Shri Sulabh Shrivastav Proprietor of M/s. Vansh Traders and Exporters by using his identity and official documents attempted to fraudulently export the said goods by declaring higher value, higher quantity using fake invoices to claim higher amount of refund of IGST. Thus, M/s. Vansh Traders and Exporters mis-declared the goods meant for export brought into port area of Pipavav Port in violation of provisions of Section 50(2) ,Section 50 (3) of the Customs Act, 1962 and Rule 7 of the Customs

Valuation (Determination of Valuation of Export Goods) Rules ,2007. Therefore, goods declared as "Printed Glazed Design Glued Sheet" and presented at Pipavav for attempted export under different 17 Shipping Bills did not correspond to the entry made under Section 50 of the Customs Act. Therefore, I hold that the exporter acting through Shri Nirav Bhatt at Pipavav Port failed to give truthful declaration under Section 50(2) and Section 50(3) of the Act. I therefore find that 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- liable to confiscation in terms of Section 113(d) and Section 113 (i) inasmuch the seized goods attempted to be exported and brought at the Piapvav Port for the purpose of being exported by procuring without legit Invoice and using fake invoice to claim ineligible IGST refund under Rule 96 of the Central Goods and Service Tax Rules, 2017 and inasmuch as good were not corresponding to the declared value, quality and quantity as discussed herein above. I therefore hold the goods liable to confiscation under Section 113(d) and Section 113 (i) of the Customs Act, 1962. While holding so, I have also gone through the defence submission dated 02.11.2023 and issues raised vide email dated 24.02.2024 of the exporter which is found to be untenable in light of the facts and evidences including admitted facts on record as discussed above.

PENAL ACTION PROPOSED AGAINST SHRI SULABH SHRIVASTAV AND and M/s. VANSHEXIM21@GMAIL.COM TRADERS AND EXPORTERS

39. I further find that once the goods are held liable to confiscation under Section 113, penal action under Section 114 of the Customs Act, 1962 is attracted. I find that Shri Sulabh Halkeprasad Shrivastav, Proprietor of the M/s. Vansh Traders and Exporters in his statement dated 30.03.2023 admitted that his firm is registered with GST and DGFT using his documents i.e. Aadhar Card and Pan Card and registered mobile number 9921232649 and email id of vanshexim21@gmail.com. He carried out transaction through his known persons namely S/S Shrirang Deshkar and Shri Shreyas. He also admitted that his firm M/s. Vansh Traders and Exporters was having bank account with The Maharashtra State Co-operative Bank Ltd. which was being operated and transaction was being done by using OTP on his mobile No. 9921232649.

39.1 I further find that Shri Sulabh Halkeprasad Srivastava has authorised Shri Nirav Bhatt and others through email from his email id of vanshexim21@gmail.com to represent his firm. Shri Nirav Bhatt in his statement dated 1.10.2022 and also dated 12.10.2022 admitted that attempted export of seized goods was meant to avail the IGST refund in cash for the fake ITC availed on purchase invoices. Shri Bhatt also admitted procurement of fake Invoices in support of goods procured whereas the goods were purchased without invoice from Black market.

39.2 I observe that in response to communications made by this office during the adjudication proceedings, Shri Sulabh Shrivastav proprietor of M/s. Vansh Traders and Exporters has made his submissions dated 18.12.2023, 31.12.2023, and 24.02.2023 vide email from email id "vanshexim21@gmail.com". Duly signed Physical copies in respect of replies dated 18.12.2023 and 31.12.2023 were received by this office. Email dated 18.12.2023 also mentioned reply dated 02.11.2023 which was duly signed physical letter submitted by Shri Sulabh Shrivastav in reply to Show Cause Notice dated 25.09.2023. Thus, I find that Shri Sulabh Shrivastav is actual user of the email id and not used by someone else as claimed by him in defense reply to Show Cause Notice. I find that during the investigation authorisation was also sent from this email id "vanshexim21@gmail.com" by Shri Sulabh Shrivastav Proprietor of M/s. Vansh Traders and Exporters in connection to investigations of the export consignment. Shri Sulabh Shrivastav Proprietor of M/s. Vansh Traders and Exporters allowed utilisation of his mobile number, aadhar card, pan card, GSTIN number, IEC number for attempting fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- which is held liable to confiscation in terms of Section 113 (d) and Section 113 (i) of the Customs Act, 1962. This act and omissions in relation to the seized 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" of Shri Sulabh Shrivastav is in abetment of Shri Nirav Bhatt in fraudulent export of goods. It is not the case before me that Shri Sulabh Shrivastav has lodged any complaint or made any case against person authorised by him i.e. co-noticees of this case for fraud against him and therefore I hold that issues raised by him vide email dated 24.02.2024 are misplaced. I therefore hold that this act and omission by the Shri Sulabh Shrivastav, Proprietor of M/s. Vansh Traders and Exporters, has rendered the goods

liable to confiscation under Section 113 of the Customs Act, 1962 and made himself liable for penalty under the provisions of Section 114 of the Customs Act, 1962.

40. Section 114AA provides for penal action where 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 the Customs Act, 1962. I find that Shri Sulabh Shrivastav, Proprietor of M/s. Vansh Traders and Exporters has by intentionally used his email id, carried out transaction with his GSTIN number and IEC number mis-declared the details of export cargo in relation to 17 Shipping Bills filed for export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- and caused to made declaration and documents false while attempting to export those goods. I therefore hold that Shri Sulabh Shrivastav Proprietor of M/s. Vansh Traders and Exporters has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

40.1 M/s. Vansh Traders and Exporters being proprietorship firm, as per the settled law, the proprietor as well as the proprietary concern cannot be imposed simultaneous penalty and hence refrain from imposing simultaneous penalty on both under Section 114 and Section 114 AA.

PENAL ACTION PROPOSED AGAINST SHRI NIRAV BHATT

41. I find that Shri Nirav Gaurang Bhatt was present at Pipavav Port along with his three person i.e. Shri Savaliya Jignesh Ghanshyambhai, Mr. Bharat bhai Kanjibhai Naina and Mr. Milan Kuwadiya on 01.10.2022 when examination of goods under Panchnama proceedings were carried out. Shri Nirav in his statement dated 1.10.2022 admitted that he has managed procurement of cargo without invoice and filed 17 Shipping bill on account of IEC FYBPS8775J and mis declared quantity of goods etc to get maximum benefit of IGST Refund. Relevant portion representing question and answer at Sr No. 8 to Sr No. 16 of the statement dated 01.10.2022 is re-produced below:

"Que. 8 Please explain Why you came here on behalf of exporter and modus operandi of your business/export ?

Ans: 8- After deciding to export from the Pipavav Port, I brought the consignment from Bhavnagar in the vehicle No. HR38X4302. I have come here for the sole purpose to export the cargo which has been procured already in cash and utilising GST ITC on the strength of Fake invoices and to get fraudulent IGST refund in cash. To fulfil the purpose I have filed 17 Shipping Bills on account of IEC FYBPS8775J. In this connection, summons dated 01.10.2022 were received on vanshexim21@gmail.com In response the proprietor Sh. Sulabh email Halkeprasad Shrivastav authorised me and 3 other persons. (Savaliya Jignesh Ghanshyambhai, Mr. Bharat bhai Kanjibhai Naina and Mr. Milan Kuwadiya). I and 3 other persons mentioned above are accomplice in this entire transaction. As all of us were already near the port for export clearance , we have come here for recording the statement.

Que. 9 Who is the importer there at Dubai and how you have made contact with them?

Ans. 9. There is one Saurabh (Mob. No, +971521784075, Dubai Cell Number who would receive the cargo on behalf of Importer.(M/s VINKIT TRADING LLC), UAE, I met Saurabh in Delhi in Apr 2021 through a common friend. He explained me how and from where to procure fake invoices and goods from black market. In short he explained me all the modus operandi of fake invoicing and export of goods procured from fake invoices and encashing IGST refund.

Que.10. Please state how orders were placed for purchase of Printed Glazed Glued Sheet from the following mentioned suppliers :

- (i) M/s. Satyakamal Enterprise (27AEBPV6842E12B),
- (ii) M/s. Kumar Enterprises (07CPPK7995N1ZM) and
- (iii) M/s. Sukhdev Enterprise (07DQFFPA0512M1Z6) as mentioned in your reply to Que. 6 ?

Ans:10 I have only procured the invoices from the supplier mentioned in Answer 6. Goods are purchased from black market of Paharganj in Delhi. I procured the goods through a broker name Raunak and made payment through SR Angadiya, Bhavnagar, Shakti Angadiya Ahmedabad and paid some cash in delhi.

Que.11. Please state who introduced you to the suppliers as mentioned in Que.10? Is there any purchase order? Any advance payment done on the purchase from the said suppliers? Any contract entered between M/s. Vansh Traders and Exporters and the suppliers of Printed Glazed Glued Sheet ?

Ans. 11, Importer Saurabh from Dubai has introduced me to Mr. Ravinder from Delhi who provided me goods. There is no legal contract made between me/ exporter and supplier. However goods value was fixed INR 60 Lacs and 35 lacs already been paid to the supplier. All the payment made through HAWALA.

Que. 13. Please verify is the cargo is same in quantity as declared by you for export? Is there any mis-declaration?

Ans. 13. No, Cargo declared in the the SB is 373500 Sq. Ft. , and actual quantity of cargo is approx 105000 Sq. Ft.

Que. 14. Why you have mis-declared the quantity.

Ans. 14. To get maximum IGST refund in cash.

Que. 14(i) The goods are declared to be Printed Glazed Design Glued Sheet,during examination it was found that wallpapers are not having glue content. Explain.

Ans:-14 (i) Do not have much idea about products, we declared as per HSN description.

Que. 15. Please explain how goods are delivered / transported to you.

Ans. 15. Goods were first brought to Bhavnagar in the month of Apr 2022. From Bhavnagar goods are brought to Pipavav in Eicher transport vehicle.

Que. 16. Why did you choose to export the cargo from Pipavav Port which is far from your principal place of business and the sourcing place?

Ans. 16. I have procured the goods in the month of Apr 2022 and warehoused in Bhavnagar. I have tried to export the same cargo from porbander in the month of August under the exporter name M/s Shraddha Exports (IEC COMPD2636R). However we could not ship the cargo to Porbander. As my funds struck in the cargo for several months and I had taken loan from other person on interest, I decided to export from Pipavav port and we shipped the cargo at Logix Park CFS at Pipavav."

41.1 A further statement dated 12.10.2022 was recorded under Section 108 of the Customs Act, 1962 wherein he inter alia confirmed the admission made vide his earlier statement dated 01.10.2012.

41.2 I find from the above facts that it was Shri Nirav Bhatt who met one Shri Saurabh from Dubai during April, 2021 at Delhi. He was in touch of Shri Saurabh at Dubai and planned with him to receive the exported consignment there on behalf of the Importer M/s. Vinkit Trading LLC, UAE. Shri Nirav contacted the other 03 persons Viz. S/Shri Savaliya Jignesh Ghanshyambhai, Bharat Kanjibhai Naina and Milan Kuwadiya with a proposal to export the overvalued goods with an intention to avail refund of Integrated Goods & Services Tax paid. Accordingly, they had arrived at Pipavav Port at 1600 Hrs on 29.09.2022 did arrangement for the cargo to be exported by keeping liaison with all concerned including Logistics Staff and transporters etc. Shri Nirav Bhatt had purchased the export goods Viz. Printed Glazed Design Glued Sheet from black market of Paharganj in Delhi through brokers and made the payment through Angadiya and paid some cash at Delhi. The goods were procured in the month of April-2022 on fake invoices. And brought the consignment to Bhavnagar from Delhi, warehoused at Bhavnagar and then brought to Pipavav. I also took note of the fact that Shri Nirav attempted to export the same cargo from Porbandar in the month of August, 2022 under the exporter name M/s. Shraddha Exports (IEC CQMPD2636R) by filing Shipping Bill. However he managed to file Shipping Bills on account of another IEC i.e. M/s. Vansh Traders and Exporters) at Pipavav. Shri Nirav also managed transportation of goods

from Delhi to Bhavnagar and further to Pipavav, obtained digital signatures of the proprietor of M/s. Vansh Traders and Exports for the promised reward of 5% of the IGST refund to the exporters, Shri Nirav admitted and confessed that other 03 accomplices were his partners only for the purpose of sharing profit and they have not invested a single rupee in the cargo. Thus, I find that Shri Nirav Gaurang Bhatt acted in the above manner and had tried to defraud exchequer by claiming illegal refund of Integrated Goods & Services Tax amounting to Rs.3,79,29,465/- by attempting to export the goods having declared F.O.B. of Rs. 21,07,19,250/- in 17 shipping bills as Tabulated in foregoing Para. I therefore hold that Shri Nirav Gaurang Bhatt, conspired in attempted export of overvalued goods and getting illegal refund of Integrated Goods & Service Tax under Rule 96 of the Central Goods and Service Tax Rules, 2017. I therefore hold that Shri Nirav Bhat was perpetrator of entire fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- and this act of Shri Nirav Gaurang Bhatt has rendered the goods with declared F.O.B. worth Rs. 21,07,19,250/- liable for confiscation under Section 113(d) and Section 113(i) of the Customs Act, 1962 and has rendered himself liable for penalty under Section 114.

42. I further find that as discussed above, Shri Nirav Bhatt procured fake Invoices and filed Shipping Bills using IEC of M/s. Vansh Tranders and Exports and mis-declared the goods by claiming refund of IGST available under Rule 96 of Central Goods and Service Tax Rules, 2017 with malafide intention to get higher refund of IGST which would otherwise not eligible on export of seized goods. I find that Shri Bharat Naina in his statement dated 01.10.2022 in reply to Question No.35 and Question No. 36 stated that goods were purchased by Shri Niravbhai and everything was arranged from Nagpur. Thus, Shri Nirav Bhatt in abetment of Shri Sulabh Shrivastav Proprietor of M/s. Vansh Traders and exporters knowingly and intentionally made wrong declaration, submitted false document while attempting fraudulent export by not giving truthful declaration under Section 50(2) and Section 50(3) of the Customs Act, 1962 and under Rule 7 of the Customs Valuation (Determination of Valuation of Export Goods) Rules ,2007 before the Customs at Pipavav port. I therefore hold that Shri Nirav Gaurangbhai

Bhatt has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

PENAL ACTION PROPOSED AGAINST SHRI JIGNESH SAVALIYA

43. As regards proposal of penalty under Section 114 upon Shri Jignesh Savaliya, I find that it is on records that Shri Jignesh Savaliya along with Shri Nirav Bhatt and others were arrived at Pipavav port on 29.09.2022. Shri Nirav Bhatt in his statement dated 1.10.2022 admitted that S/Shri Savaliya Jignesh Ghanshyambhai, Shri Bharat Kanjibhai Naina and Shri Milan Kuwadiya were accomplice with him in this entire transaction and they did arrangement for the cargo to be exported. Shri Jignesh also promised Shri Nirav Bhatt to get cleared the consignment at Pipavav port. In his statement dated 01.10.2022 at question No.9 on being asked about why he was there at Pipavav, he replied that he was there with Mr Bharat Bhai who is a friend of Shri Nirav Bhatt asked me to accompany him to assist in clearance of export cargo by liasioning with Customs. Shri Nirav on being asked at Question No. 26 of his statement dated 01.10.2022 he stated that he will get assistance from Shri Jignesh for clearance at Pipavav port. I find that Shri Nirav Bhat who was king pin in planning this modus operandi, in reply to question no. 28 of his statement dated 01.10.2022 stated that Shri Jignesh Savaliya was a Partner in profit sharing in lieu of arranging liason with customs. I therefore find that Shri Jignesh Savaliya has abetted Shri Nirav bhatt in fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- which is held liable to confiscation under Section 113 of the Customs Act, 1962 in foregoing Para. This act of Shri Jignesh Savaliya has rendered himself liable for penalty under Section 114 of the Customs Act, 1962. I therefore hold that Shri Jignesh Savaliya is liable to penalty under Section 114 of the Customs Act, 1962. This action on his part also caused to made declaration and documents false while attempting to export those 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/-. I therefore hold that Shri Jignesh Savaliya has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

PENAL ACTION PROPOSED AGAINST SHRI BHARAT NAINA

44. Show Cause Notice proposes penal action under Section 114 and under Section 114AA upon Shri Bharat Naina. Shri Bharat Naina in his defense reply submitted that he was on way to Diu for a Trip and not knowing M/s. Vansh Traders and Exporters. It is his submission that he introduced Shri Jignesh Savaliya to Shri Nirav Bhatt in friendly terms. I find that it is on records that Shri Bharat Naina along with Shri Nirav Bhatt and others were arrived at Pipavav port on 29.09.2022. I find that presence of Shri Bharat Naina at Pipavav port and his stay is not disputed. I find that Shri Bharat Naina in reply to Question No. 21 of his statement dated 01.10.2022 stated about commission of 12% in the transaction was going to Shri Niravbhai. Thus, Shri Bharat Naina was well aware about the cargo and intricacy of the things. Shri Nirav Bhatt in his statement dated 1.10.2022 admitted that S/Shri Savaliya Jignesh Ghanshyambhai, Shri Bharat Kanjibhai Naina and Shri Milan Kuwadiya were accomplice with him in this entire transaction and they did arrangement for the cargo to be exported. I find that Shri Nirav Bhat who was king pin in planning this modus operandi, in reply to question no. 28 of his statement dated 01.10.2022 stated that Shri Bharat Naina was a Partner in profit sharing in lieu of arranging liaison with customs. I therefore find that Shri Bharat Naina has abetted Shri Nirav bhatt in fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- which is held liable to confiscation under Section 113 in foregoing Para. This act of Shri Bharat Naina has rendered himself liable for penalty under Section 114 of the Customs Act, 1962. I therefore hold that Shri Bharat Naina is liable to penalty under Section 114 of the Customs Act, 1962. This action on his part also caused to made declaration and documents false while attempting to export those 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/-. I therefore hold that Shri Bharat Naina has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

PENAL ACTION PROPOSED AGAINST SHRI MILAN KUVADIYA

45. Show Cause Notice proposes penal action under Section 114 and under Section 114AA upon Shri Milan Kuvadiya. Shri Milan Kuvadiya in

contended that he has joined Shri Bharat Naina for a Trip to DIU with their common friend Shri Nirav Bhatt. It is his submission that he was owner of Shankhnath News Channel and operating a news channel. It was his contention that he was not knowing M/s. Vansh Traders and Exporters and he relied upon statement of proprietor of M/s. Vansh Traders and Exporters wherein it was stated that proprietor of M/s. Vansh Traders and Exporters was not knowing him. He also argued that there was no oral or written authorisation to represent the Exporter. I find that it is on records that Shri Milan Kuvadiya along with Shri Nirav Bhatt and others were arrived at Pipavav port on 29.09.2022. I find that presence of Shri Milan Kuvadiya at Pipavav port and his stay for the purpose is not disputed. Shri Nirav Bhatt in his statement dated 1.10.2022 admitted that S/Shri Savaliya Jignesh Ghanshyambhai, Shri Bharat Kanjibhai Naina and Shri Milan Kuvadiya were accomplice with him in this entire transaction and they did arrangement for the cargo to be exported. I find that Shri Nirav Bhat who was king pin in planning this modus operandi, in reply to question no. 28 of his statement dated 01.10.2022 stated that Shri Milan Kuvadiya was a Partner in profit sharing in lieu of arranging liaison with customs. I therefore find that Shri Milan Kuvadiya has abetted Shri Nirav bhatt in fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- which is held liable to confiscation under Section 113 in foregoing Para. This act of Shri Milan Kuvadiya has rendered himself liable for penalty under Section 114 of the Customs Act, 1962. I therefore hold that Shri Milan Kuvadiya is liable to penalty under Section 114 of the Customs Act, 1962. This action on his part also caused to made declaration and documents false while attempting to export those 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/-. I therefore hold that Shri Milan Kuvadiya has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

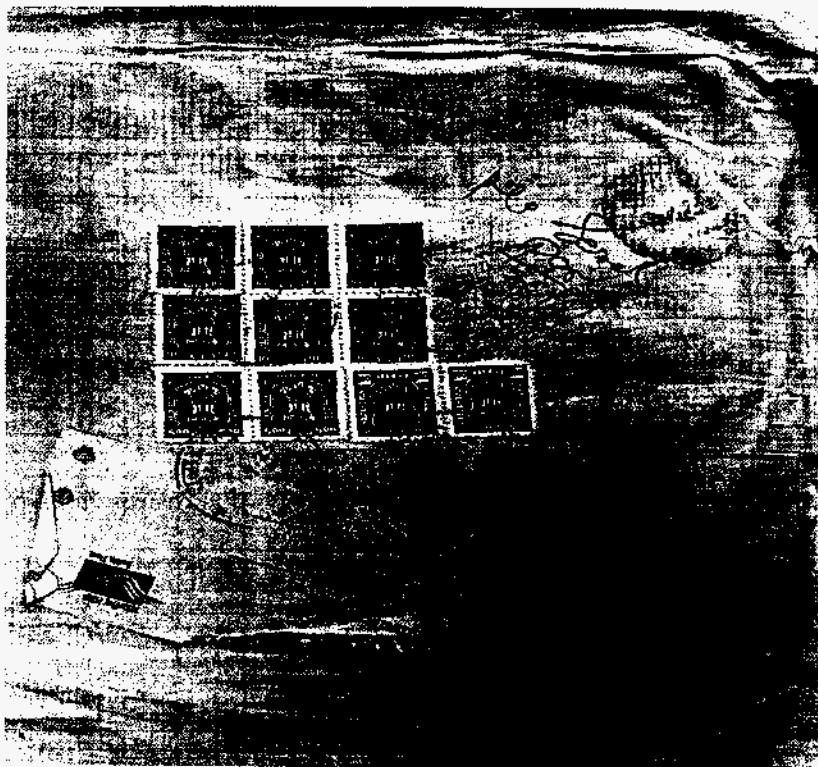
PENAL ACTION PROPOSED AGAINST SHRI RAVI SHARMA

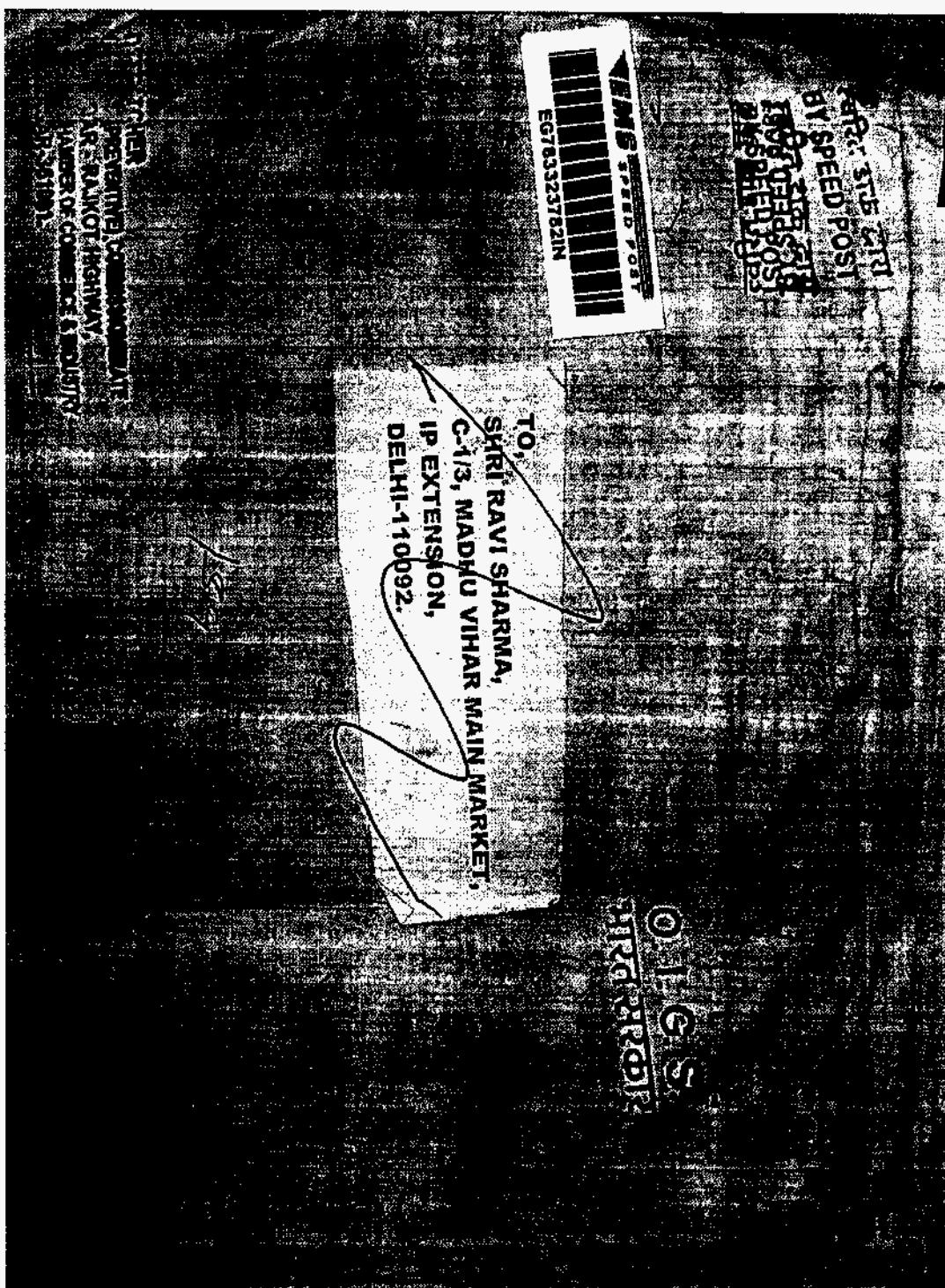
46. Show Cause Notice proposes penal action Section 114 and Section 114AA on Shri Ravi Sharma (CA), Delhi. I find from the records that the Show Cause Notice was issued and dispatched for its service by Indian Post Receipt No. EG783323782IN dated 26.09.2023. However Postal

authority returned the post undelivered as no such person. (Copy of the Receipt and returned envelope is reproduced below:

26-09-2023
EE783323782IN TWR:6971783323782
SP GULANAGAR SO (361007)
Counter No:1,26/09/2023,13:22
To:RAVI SHARMA,DELHI
PIN:110092, Laxmi Nagar SO East Delhi
From:CUSTOM COMM,JAHNAGAR
Wt:310gms
Amt:0.00RS:72.00Tax:10.80
(Track on www.indiapost.gov.in)
(Dial 18002666868) Clear Masks, STB
26-09-2023

Envelop return by the Postal Authority:





46.1 Therefore, the Show Cause Notice was served by way of affixing it on the Notice Board of the office vide Panchnama dated 17.10.2023 scanned image of which is reproduced below:

Page 1 of Panchnama dated 17.10.2023

PANCHNAMA DATED 17.10.2023 DRAWN AT THE OFFICE
PREMISES OF COMMISSIONER OF CUSTOMS(PREVENTIVE),
JAMNAGAR, BESIDES JAMNAGAR CHAMBER OF COMMERCE,
RAJKOT JAMNAGAR HIGHWAY, JAMNAGAR-361001

Sr. No.	Name & Address of Pancha Witness	Age	Occupation
1.	Vaghela Hemanshu Kanjibhai, S/o Kanjibhai harshad milni chali, MAhavir nagar house no 05 Digvijay Plot Jamnagar 361005 Aadhar 905468250156	19	Service
2.	Shah Mohomadraufsha Ibrahimsha Near Mota aashapura, fakirwadd Jamnagar 361001 Aadhar 811336913536	37	Service

We the above named panchas on being called upon introducing himself as Shri Abhishek Gadia Inspector of Customs(Prev.), Jamnagar, present ourselves before him at the above mentioned premises of Customs(Prev.), Jamnagar at 11-00 A.M. on 20.09.2023. Shri Abhishek Gadia, introduces other person present before him as Shri John Superintendent of Customs(Prev.), Jamnagar. We further explained by the above named officer that in continuation of the Show Cause Notice issued to M/s. Vansh Traders and Exporters dated 20.09.2023 issued to one of the notice i.e Shri Ravi Sharma, Manager, Main Market IP extension, Delhi-110092 F.No. CUS/4374/2023-Adjn. dated 20.09.2023, Superintendent(O&A), therefore the said notice is being withdrawn. Notice Board of the office is being undertaken to be witness. We agree to the request to withdraw the above Show cause Notice No. ADC-04/2023-24 dated 20.09.2023 issued to M/s. Vansh Traders and Exporters on the Notice Board of the office of the Commissioner of Customs(Preventive), Jamnagar in accordance with the provision of the Customs Act, 1962.

Thereafter, the SCN No. ADC-04/2023-24 dated 20.09.2023, 20230921MM0000777D2A dated 20.09.2023.

Page 2 of Panchnama dated 17.10.2023

Traders is being pasted on the notice Board of the Office by the above named officers in our presence. The Notice Board is at the noticeable location in the office. In token of having witness the above proceedings we panchas put our dated signature on the front page of the SCN and letter dated 13.10.2023 issued by Superintendent(O&A). Thereafter, the proceeding is concluded.

The Panchnama is typed in lap top and printed out was taken out. This panchnama proceedings started started at 11.40 Hrs on 17.10.2023 and concluded at 12.30 P.M on the same day and during which we remained present and witnessed the whole proceedings satisfactorily. We have read the panchnama and explain by the officers and found it recorded factually. Agreeing to its full content we put our dated signature on the panchnama.

Drawn by Me


(Abhishek Gadia)

Inspector (PI), Customs, HQ
Jammnagar

Before Me


(Sejal Jotani)
Superintendent (O&A)
CUSTOMS (P), JAMNAGAR

46.2. I further find that while the case was taken up for adjudication, Notices issued from F No. CUS/4374/2023-Adjn dated 30.10.2023, dated 5.12.2023, dated 21.12.2023 and dated 30.01.2024 for personal hearing fixed on dated 05.12.2023, dated 20.12.2023, dated 05.01.2024, and on 15.02.2024 was sent through Postal dispatch for its service to

Shri Ravi Sharma. However, notices dated 5.12.2023, dated 21.12.2023 and dated 30.01.2024 were returned undelivered by the Postal Authority with remarks as "No Such Person". Therefore, Personal hearing Notice dated 30.01.2024 was also served through affixing on the Notice Board of Office of the Customs (Preventive) Jamnagar under Panchnama dated 01.02.2024 and also by uploading on website of the Office of the Customs (Preventive), Jamnagar. Copy of website showing the uploaded PH Notice is reproduced below:-

[Skip to Main Content](#)



JAMNAGAR CUSTOMS

index.html

Govt. of India, Ministry of Finance, Dept. of Revenue

[HOME INDEX.HTML](#)

Personal Hearing

Personal Hearing

Sr. No.	Date	Download
09	30-01-24	Download (ph/9 PH Notice Sh. Ravi Sharma.pdf)
08	30-01-24	Download (ph/8 PH Notice Sh. Kavadev Mitambhai.pdf)
07	30-01-24	Download (ph/7 PH Notice Sh Savita Janeshbhai.pdf)
06	30-01-24	Download (ph/6 PH Notice Sh Nitay Shant.pdf)
05	30-01-24	Download (ph/5 PH Notice Shri Bharat Kanjibhai Naisa.pdf)
04	25-09-23	Download (ph/4.pdf)
03	15-12-22	Download (ph/3.pdf)
02	05-12-22	Download (ph/2.pdf)
01	22-11-22	Download (ph/1.pdf)

46.3 Section 153 of the Customs Act , 1962 provides modes for services of Notice, Order etc. Section 153 is reproduced below for ease of reference:

"SECTION 153. Modes for service of notice, order, etc. — (1) An order, decision, summons, notice or any other communication under this Act or the rules made thereunder may be served in any of the following modes, namely :—

- (a) by giving or tendering it directly to the addressee or importer or exporter or his customs broker or his authorised representative including employee, advocate or any other person or to any adult member of his family residing with him;
- (b) by a registered post or speed post or courier with acknowledgement due, delivered to the person for whom it is issued or to his authorised representative, if any, at his last known place of business or residence;
- (c) by sending it to the e-mail address as provided by the person to whom it is issued, or to the e-mail address available in any official correspondence of such person;
- (ca) by making it available on the common portal;
- (d) by publishing it in a newspaper widely circulated in the locality in which the person to whom it is issued is last known to have resided or carried on business; or
- (e) by affixing it in some conspicuous place at the last known place of business or residence of the person to whom it is issued and if such mode is not practicable for any reason, then, by affixing a copy thereof on the notice board of the office or uploading on the official website, if any.

(2) Every order, decision, summons, notice or any communication shall be deemed to have been served on the date on which it is tendered or published or a copy thereof is affixed or uploaded in the manner provided in sub-section (1).

(3) When such order, decision, summons, notice or any communication is sent by registered post or speed post, it shall be deemed to have been received by the addressee at the expiry of the period normally taken by such post in transit unless the contrary is proved.

46.4 I find that the Show Cause Notice is sent by Registered post as well as by affixing in office notice board. Similarly Personal hearing Notice was sent through post and also affixing it on office notice board along with uploading on official website of this office. Thus, the Show Cause Notice and Notices for personal hearing were served in accordance with law i.e. provisions of Section 153(1) of the Customs Act, 1962. In light of the above provisions, I find that the Show Cause Notice No. ADC-04/2023-24 dated 25.09.2023 has been deemed received by the noticee Shri Ravi Sharma under Section 153 (2) of the Customs Act, 1962. I further find that personal hearing Notices dated 30.10.2023, dated 5.12.2023, dated 21.12.2023 and dated 30.01.2024 have been deemed served upon Shri Ravi Sharma under Section 153 (2) of the Customs Act, 1962. I find that the Hon'ble High Court of Mumbai in the case of M/s. TECHNICOM SYSTEMS (I) PVT. LTD. Versus Dy. Commissioner of Customs has held as under:-

"15. In the precise context of the provision of Section 153 of the said Act, the Division Bench of the Madras High Court in *P. Bhoormal Tirupati v. The Additional Collector of Customs - AIR 1974 Madras 224 = 2000 (126) E.L.T. 65* (Mad.) has held that Section 153 of the said Act only requires that the notice shall be served by sending it by registered post to the person for whom it is intended, it does not require that effective service should be effected upon the person receiving it. Read with Section 27 of the General Clauses Act, it becomes clear that when a document to be served is sent by registered post to the proper address with prepaid postage its service is deemed to be effected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved. Based upon all these, we are unable to accept the Petitioners' contention that there has been no proper service as contemplated under Section 153 of the said Act."

46.5 By relying the judgment of the Hon'ble High Court of Mumabi I proceed to decide the proposal of penal action under Section 114 and under Section 114AA of the Customs Act, 1962 on Shri Ravi Sharma as I have no option to decide the matter ex parte on the basis of records and evidences available before me.

46.6 I find that Shri Nirav Bhat in his statement dated 1.10.2023 in reply to question No. 28 has categorically stated that Shri Ravi Sharma (CA), Delhi has provided fake invoices and also promised for future supply of fake invoice. I further find that Shri Nirav Bhatt in his further statement dated 12.10.2022 gave details of Shri Ravi Sharma and confirmed that Shri Ravi Sharma had provided fake invoices for the goods attempted to be exported declared as "Printed Glazed Design Glued".

"Question:3 Please provide contact details/address of Shri Ravi Sharma CA, who have provided you fake invoices in respect of the goods attempted to be exported i.e. Printed glazed Design Glued by M/s. Vansh Traders & Exports Nagpur through Pipavav port?

Answer: Shri Ravi Sharma CA is having his office in Delhi situated at 209, 1st Floor Tagore Gali, Ram Nagar, Gandhi Nagar, Delhi East, Delhi -110031.

Question:4 How Shri Ravinder has coordinated with you in respect of the goods supplied by him to you, which were attempted to be exported through Pipavav port by you. Please provide contact details/address of Shri Ravinder.

Answer: Shri Saurav introduce me with Shri Ravinder and provided me his contact number. It was Saurav who have co-ordinated with me for the supply of goods, which were attempted to be exported through M/s. Vansh Traders & Exports, Nagpur. Shri Ravinder coordinated with me for receiving the cash payment against the supply of good to

me. I further state that I never met with shri Ravinder, shri Ravinder used to talk with me on whatsapp call, I did not saved his number as he just contacted me only a few times."

46.7 I further find that Shri Ravi Sharma in his statement dated 24.12.2012 confirmed his details and stated that they were currently operating from 2nd floor, C- 1/3, Madhu Vihar, Main market, East Delhi-110092. It therefore established that the Shri Nirav Bhatt and Shri Ravi Sharma has nexus and Shri Ravi Sharma has provided fake invoices in connection to get maximum refund of IGST on attempted fraudulent export of 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- which is held liable to confiscation under Section 113 of the Customs Act, 1962 in foregoing Para. This act of Shri Ravi Sharma has rendered himself liable for penalty under Section 114 of the Customs Act, 1962. I therefore hold that Shri Ravi Sharma is liable to penalty under Section 114 of the Customs Act, 1962. Shri Ravi Sharma has provided fake invoices in connivance with Shri Nirav Bhatt with intention to claim huge ineligible refund under Rule 96 of the Central Goods and Service Tax Rule, 2017 and thus he knowingly and intentionally caused to made declaration and documents false while attempting to export those 4270 kgs MT and 104910 Sq. Ft. of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/-. I therefore hold that Shri Ravi Sharma has rendered himself liable to a penalty under Section 114AA of the Customs Act, 1962 and I hold so.

47. In view of the above I pass following order:

:: O R D E R ::

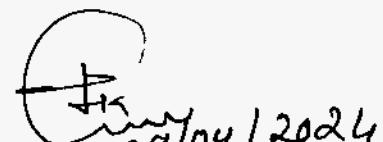
- (i) I confiscate the seized 104910 Sq. Ft. (4270 kgs) of goods declared as "Printed Glazed Design Glued Sheet" having declared value at Rs.21,07,19,250/- (Rupees only) at Pipavav Port of M/s. Vansh Traders and Exporters, Nagpur under Section 113(d) and Section 113(i) of the Customs Act, 1962.
- (ii) I offer the goods, ordered for confiscation above, for redemption under Section 125(1) of the Customs Act, 1962 upon payment of a fine of Rs. 20,00,000/- (Rupees Twenty Lakh only) which shall be in addition to duties

and charges payable under Section 125(2) of the Customs Act,1962. Further, as per the provisions of Section 125(3) of the Customs Act, 1962, if option of payment of fine is not exercised within 120 days from the date of this order, the same shall become void.

- (iii) I impose penalty of Rs. 25,00,000/- (Rupees Twenty Five Lakh only) on Shri Sulabh Halkeprasad Shrivastav, (Proprietor of M/s. Vansh Traders and Exporters), Patel Nagar, Pipari Kanhan, Nagpur-441401 under Section 114 of the Customs Act, 1962.
- (iv) I impose penalty of Rs. 5,00,000/- (Rupees Five Lakh only) on Shri Sulabh Halkeprasad Shrivastav, (Proprietor of M/s. Vansh Traders and Exporters), Patel Nagar, Pipari Kanhan, Nagpur-441401 under Section 114AA of the Customs Act, 1962.
- (v) I impose penalty of Rs.25,00,000/- (Rupees Twenty Five Lakh only) on Shri Nirav Gaurang Bhatt, Bhavnagar under Section 114 of the Customs Act, 1962.
- (vi) I impose penalty of 5,00,000/- (Rupees Five Lakh only) on Shri Nirav Gaurang Bhatt, Bhavnagar under Section 114AA of the Customs Act, 1962.
- (vii) I impose penalty of Rs.2,00,000/- (Rupees Two Lakh only) on Shri Shri Savaliya Jignesh Ghanshyambhai under Section 114 of the Customs Act, 1962.
- (viii) I impose penalty of Rs.50,000/- (Rupees Fifty Thousand only) on Shri Shri Savaliya Jignesh Ghanshyambhai under Section 114AA of the Customs Act, 1962
- (ix) I impose penalty of Rs.2,00,000/- (Rupees Two Lakh only) on Shri Bharat Kanjibhai Naina, Ahmedabad under Section 114 of the Customs Act, 1962.
- (x) I impose penalty of Rs.50,000/- (Rupees Fifty Thousand only) on Shri Bharat Kanjibhai Naina, Ahmedabad under Section 114AA of the Customs Act, 1962

- (xi) I impose penalty of Rs.2,00,000/- (Rupees Two Lakh only) on Shri Shri Kuvadiya Milanbhai Laxmanbhai, Bhavnagar under Section 114 of the Customs Act, 1962.
- (xii) I impose penalty of Rs.50,000/- (Rupees Fifty Thousand only) on Shri Kuvadiya Milanbhai Laxmanbhai, Bhavnagar under Section 114AA of the Customs Act, 1962
- (xiii) I impose penalty of Rs.2,00,000/- (Rupees Two Lakh only) on Shri Ravi Sharma, C.A., Delhi under Section 114 of the Customs Act, 1962.
- (xiv) I impose penalty of Rs.50,000/- (Rupees Fifty Thousand only) on Shri Ravi Sharma, Delhi under Section 114AA of the Customs Act, 1962

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



09/04/2024

हरकिरपाल खटाना / (Harkirpal Khatana)

अपरायुक्त / Additional Commissioner

F. No: CUS/4374/2023-Adjn.

दिनांक: 09.04.2024

By Speed Post/ By Email/ By Hand Delivery/ Through Notice Board/ Uploading on website:

1. M/s. Vansh Traders and Exporters,
01, 1, Teachers Colony, Patel Nagar,
Pipari, Kanhan, Totaladoh,
Nagpur-441401, Maharashtra.
2. Shri Sulabh Halkeprasad Shrivastav,
(Proprietor of M/s. Vansh Traders and Exporters),
Patel Nagar, Pipari Kanhan,
Nagpur-441401. Maharashtra
3. Shri Nirav Gaurang Bhatt,
(Authorised Representative of M/s. Vansh Traders and Exporters),
43, Natural Park, Near Ajaywadi,

Airport Road, Subhasnagar,
Bhavnagar-364001
Gujarat

- 4. Shri Savaliya Jignesh Ghanshyambhai,**
(Authorised Representative of M/s. Vansh Traders and Exporters),
House No.152, Laxmi Nagar Society,
Sarthana Jakatnaka,
Surat-395013
Gujarat
- 5. Shri Kuvadiya Milanbhai Laxmanbhai,**
(Authorised Representative of M/s. Vansh Traders and Exporters),
Shanknath Farm,
Ahmedabad Ghaghli Road,
Sihor, Bhavnagar-364240
Gujarat
- 6. Shri Bharat Kanjibhai Naina,**
(Authorised Representative of M/s. Vansh Traders and Exporters),
8, Pushpam Tenament,
Near Payal Nagar Garden Road,
Naroda Gaam,
Ahmedabad-382330
Gujarat
- 7. Shri Ravi Sharma,**
C-1/3, Madhu Vihar Main Market,
IP Extension,
Delhi-110092

Copy to:

- 1) The Commissioner of Customs (Prev), Jamnagar.
- 2) The Dy. Commissioner (Prev.), Customs (Preventive) HQ, Jamnagar
- 3) The Assistant Commissioner, CH, Pipavav.
- 4) The Deputy Commissioner (Disposal), Customs (P), Hq. Jamnagar.
- 5) Superintendent, RRA Section.
- 6) Superintendent (Prev) for entry in DIGIT platform.
- 7) Superintendent (Systems).
- 8) Superintendent, STF/Recovery.
- 9) Guard File