

	कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.	
A	FILE NO. फाइल संख्या	CUS/APR/ASS/2705/2025-Gr 4- O/o Pr Commr-Cus-Mundra
B	OIO NO. आदेश संख्या	MCH/ADC/ZDC/467/2025-26
C	PASSED BY जारीकर्ता	Zala Dipak Additional Commissioner of Customs Custom House, Mundra
D	DATE OF ORDER आदेश की तारीख	29-12-2025
E	DATE OF ISSUE जारी करने की तिथि	29-12-2025
F	SCN No. & Date कारण बताओ नोटिस क्रमांक	Waived as per request letter of Importer dated 20.12.2025.
G	NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक	M/s. Mayedass India Private Limited (IEC: AAPCM6481P) Killa No. 42/24/2/1/1, Dhaturi, Sonipat, Haryana - 131039
H	DIN/दस्तावेज पहचान संख्या	20251271MO0000059183

1. यह आदेश संबंधित को निःशुल्क प्रदान किया जाता है।

This Order - in - Original is granted to the concerned free of charge.

2. यदि कोई व्यक्ति इस आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा 128 A के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

Any person aggrieved by this Order - in - Original may file an appeal under Section 128A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“सीमाशुल्क आयुक्त) अपील,

चौथी मंजिल, हुडको बिल्डिंग, ईश्वरभुवन रोड,

नवरंगपुरा, अहमदाबाद 380 009”

“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA
HAVING HIS OFFICE AT 4TH FLOOR, HUDCO BUILDING, ISHWAR
BHUVAN ROAD,
NAVRANGPURA, AHMEDABAD-380 009.”

3. उक्त अपील यह आदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए।

Appeal shall be filed within sixty days from the date of communication of this order.

4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 5 -/रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए-

Appeal should be accompanied by a fee of Rs. 5/- under Court Fee Act it must be accompanied by -

- i. उक्त अपील की एक प्रति और **A copy of the appeal, and**
- ii. इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची 1-के अनुसार न्यायालय शुल्क अधिनियम 1870-के मद सं. 6-में निर्धारित 5 -/रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।

This copy of the order or any other copy of this order, which must bear a Court Fee Stamp of Rs. 5/- (Rupees Five only) as prescribed under Schedule - I, Item 6 of the Court Fees Act, 1870.

5. अपील ज्ञापन के साथ ड्यूटी /ब्याज /दण्ड /जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।

Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.

6. अपील प्रस्तुत करते समय, सीमाशुल्क) अपील (नियम, 1982 और सीमाशुल्क अधिनियम, 1962 के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।

While submitting the appeal, the Customs (Appeals) Rules, 1982 and other provisions of the Customs Act, 1962 should be adhered to in all respects.

7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, **Commissioner (A)** के समक्ष मांग शुल्क का 7.5 % भुगतान करना होगा।

An appeal against this order shall lie before the Commissioner (A) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.

Brief facts of the Case

1. As per Investigation report No. 190/2025-26 dated 11.12.2025. issued by SIIB Section, Customs House, Mundra, M/s. Mayedass India Private Limited (IEC: AAPCM6481P) (hereinafter referred to as 'the importer' for the sake of brevity) having

address at Killa No. 42/24/2/1/1, Dhaturi, Sonipat, Haryana - 131039, had filed Bill of Entry No. 4193758 dated 30.08.2025 for import of goods declared as Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3, (CTH- 72199090) in Container Nos. WHLU0461507 & WHLU0703998 at Mundra Port:

TABLE -I

Sr. No.	Bill of entry No. and Date	Container No.	Description of goods	Value of goods(in Rs.)	Duty(in Rs.)
1	4193758 dated 30.08.2025	WHLU0461507 & WHLU0703998	Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3, Size 1240 MM (CTH- 72199090) (CTH- 72199090)	52,62,443/-	0

2. The said goods were examined by the Preventive Officer, Docks Examination wherein during the examination of the goods Positive Material Identification (PMI) was conducted with the help of PMI Test Gun under the supervision of Superintendent (DE) and in presence of Customs Broker Representative. The PMI gun test results suggest variations in the composition of specified chemical components as suggested in the BIS for Non Magnetic Stainless Steel Coil J3 grade. At the time of examination, the importer submitted the Advance Authorisation Licence Number 0511034063 dated 24.07.2025 wherein he was authorized to import Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3 only. Accordingly, the case was transferred to SIIB, Customs Mundra for further investigation.

3. The goods were examined by the officer of SIIB, Customs Mundra on 29.09.2025 in presence of Shri Rajesh Balan Nair, authorized representative of the CB/ Importer and during examination of the goods Positive Material Identification (PMI) was conducted with the help of PMI Test Gun. The results of the PMI gun test results are as under:

Sr. No.	Container No.	No. of Rolls	Grade declared in BE	Grade found during PMI
1.	WHLU0461507	6	Grade J3	02 Rolls of Grade J1 04 Rolls of Grade J3
2.	WHLU0703998	6	Grade J3	03 Rolls of Grade J1 03 Rolls of Grade J3

On the basis of above examination, it is found that the importer has declared 12 rolls of Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3, however on PMI examination only 7 rolls were found as declared wherein 5 rolls were found to be of Grade J1.

4. For further investigation, summons dated 19.11.2025 was issued to the importer and subsequently, statement of Shri Shubham Bhardwaj, Director of M/s. Mayedass India Private Limited was recorded on 19.11.2025 wherein he interalia stated that:

- Their firm, M/s Mayedass India Private Limited is engaged in the manufacturing of

Stainless Steel Kitchen Utensils & Other Household articles made from stainless steel. The raw material used for manufacturing of the above products are imported by them from China vide Advance Authorization No. 0511034063 dated 24.07.2025 issued by DGFT. The main raw material is Non Magnetic Stainless Steel Coil Rolled Coil Grade J3 series;

- On being asked about marking such as Heat No./ Coil no. not mentioned on the goods and net weight/ gross weight mentioned on the goods are not tallying with that of Mill Test Certificate the importer clarified that on enquiring with the supplier, it is known that they are exporting same type of cargo to many suppliers and countries and everywhere they are following the same process of not mentioning any marks/ label such as Heat No. Further, they have enquired with the supplier and it is informed that engrossing of Heat No. and marks is not possible on the coils, however, from the next shipment they are agreed to paste the above markings on the goods itself. Further, as far as tallying of net weight mentioned in the paperslip pasted on coils, he submitted that the same may be clerical mistake on part of the supplier. As the total weight of the cargo is tallying with weighment slip, there is no duty evasion on their part.
- He perused the PMI gun report conducted during the examination dated 29.09.2025 the goods and agreed with the outcome of the PMI gun report where 05 rolls are found as J1 grade. He submitted that they had ordered for 12 rolls of “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3” only to their supplier in good faith but it seems their supplier has sent 5 rolls of J1 grade by mistake.
- On being asked that he was authorized to import only “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3” vide Advance Authorization No. 0511034063 dated 24.07.2025 issued by DGFT, he submitted that they have produced Advance Authorization issued by DGFT wherein “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” has also been included in their authorization for import of the same. In view of the Policy Circular No. 02/2025-26 dated 22.07.2025, they have obtained the advance authorization of goods namely “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1”, the said goods may be cleared against the above advance authorization.
- He further stated that as per their understanding, they have ordered for “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3” only and declared the goods as per the Commercial invoice issued by the Supplier in good faith. However, on examination, it came to their knowledge that the goods in question also contains different grade i.e. Grade-J1. He further stated that the goods imported will be used in manufacture of goods for export, accordingly a lenient view therefore may kindly be taken. Further he also stated that now they have produced the relevant advance authorization of Grade J1 from the DGFT and that if there is any implication of fine and penalty, they will pay the same.
- He requested the Department to take lenient view in the matter and release their cargo. Further, they don't want any Show Cause Notice or Personal Hearing in the matter.

From the above, it appears that the importer has ordered for 12 rolls of Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3 from their supplier under Advance Authorization. However, on PMI examination only 7 rolls were found as declared wherein 5 rolls were found to be of Grade J1. The importer has submitted they had ordered for the declared goods under good faith and it was noticed only during the examination only wherein they have now produced Advance Authorisation Licence of “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” also. The importer has also requested the department to take lenient view as they have ordered the goods in good faith and has now in

possession of advance license for clearance of the said goods.

5. On perusal of the advance authorization no. 0511034063 dated 24.07.2025 uploaded on e-sanchit at the time of filing bills of entry no. 4193758 dated 30.08.2025, it appears that the grade J1 is not mentioned in the column of details of items sought to be imported duty free under the Authorisation and only input items “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3” have been mentioned in the said Authorisation. However, the importer has now submitted the advance authorization license no. 0511034063 dated 24.07.2025 issued by DGFT for import of goods without payment of duty. On perusal of the Advance Authorization, it appears that same include “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” also. Therefore, as per the Policy Circular No. 02/2025-26 dated 22.07.2025 the quantity & value of goods imported vide Bills of entry no. 0511034063 dated 24.07.2025 should be debited from the remaining balance of quantity & CIF value of goods to be imported duty free under the said authorisation as per the Policy Circular No. 02/2025-26 dated 22.07.2025.

6. Further, on perusal of the past Bill of Entries, contemporary data available in EDI system and NIDB data, the value declared by the importer seems fair.

7. Legal Provisions

Relevant provisions of the Customs Act, 1962 related to filling Bill of Entry and confiscation and seizure of the imported goods are reproduced herein under:

Customs Act, 1962, as amended:

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

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

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

Section 46. Entry of goods on importation. –

(1) The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically on the customs automated system to the proper officer a bill of entry for home consumption or warehousing in such form and manner as may be prescribed:

....

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

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

- (a) the accuracy and completeness of the information given therein;
- (b) the authenticity and validity of any document supporting it; and
- (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

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

.....

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

.....

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

Any person,-

- (a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or
- (b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

shall be liable,-

- (i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty 1 [not exceeding the value of the goods or five thousand rupees], whichever is the greater;
- (ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:

8. Summary of Investigation Conducted:

8.1. M/s. Mayedass India Private Limited (IEC: AAPCM6481P) (hereinafter referred to as 'the importer' for the sake of brevity) having address at Killa No. 42/24/2/1/1, Dhaturi, Sonipat, Haryana - 131039, had filed Bill of Entry No. 4193758 dated 30.08.2025 for import of goods declared as Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3 (CTH- 72199090). The said goods were examined by the Preventive Officer, Docks Examination wherein during the examination of the goods Positive Material Identification

(PMI) was conducted with the help of PMI Test Gun. The PMI gun test results suggest variations in the composition of specified chemical components as suggested in the BIS for Non Magnetic Stainless Steel Coil J3 grade. The case was transferred to SIIB, Customs Mundra. Wherein, on the basis of above examination conducted by SIIB Mundra, it is found that the importer has declared 12 rolls of Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3, however on PMI examination only 7 rolls were found as declared wherein 5 rolls were found to be of Grade J1. The importer has submitted the Advance Authorisation Licence Number 0511034063 dated 24.07.2025 wherein he was allowed to import Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3 only.

8.2. For further investigation, summons dated 19.11.2025 was issued to the importer and subsequently, statement of Shri Shubham Bhardwaj, Director of M/s. Mayedass India Private Limited was recorded on 19.11.2025 wherein he interalia stated that he perused the outcome of the PMI gun report where 05 rolls are found as J1 grade. He further stated that they have ordered for 12 rolls of “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3” only to their supplier in good faith but their suppliers have sent only 7 rolls of J3 grade wherein the remaining 5 rolls are of J1 grade. He further stated that their Advance Authorization “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” has also been included for import of the same. In view of the Policy Circular No. 02/2025-26 dated 22.07.2025, they have obtained the advance authorization of goods namely “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1”, the said goods may be cleared against the above advance authorization. He further stated that the goods imported will be used in manufacture of goods for export, accordingly a lenient view therefore may kindly be taken. Further he also stated that now they are in the possession of relevant advance authorization including Grade J1 from the DGFT and that if there is any implication of fine and penalty, they will pay the same. Further, they requested for waiver of PH and Show Cause Notice.

8.3. From the above, it appears that the importer has mis-classified the whole goods as “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3”, however the goods also contain rolls of Grade-J1 as per PMI test report and importer has also agreed that the 5 rolls are not of Grade J3 but of Grade J1. It appears that the importer has filed the bill of entry in good faith wherein he had ordered for “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J3”, however due to the mistake of the supplier the goods also included Grade J1 also. However, the importer has now produced advance authorization license no. 0511034063 dated 03.10.2025 issued by DGFT for import of goods without payment of duty wherein DGFT after due diligence has allowed to include “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” in the Advance Authorization which seems proper in terms of Policy Circular No. 02/2025-26 dated 22.07.2025. As the importer has mis-declared the goods at the time of filing of Bill of Entry, the act of omission and commission on the part of importer has made these goods liable for confiscation under Section 111(m) of the Act, *ibid* and has thus rendered themselves liable for penal action under Section 112 (a) (ii) of the Customs Act, 1962.

PERSONAL HEARING AND WRITTEN SUBMISSION

9. The importer M/s. Mayedass India Private Limited (IEC: AAPCM6481P), vide its representative, Shri Shubham Bhardwaj on 19.11.2025 submitted that importer has ordered for 12 coils of “Non-Magnetic Stainless Steel Cold Rolled Coil Grade-J3”, however due to mistake of the supplier, the goods include 5 rolls of “Non-Magnetic Stainless Steel Cold Rolled Coil Grade-J1” and 7 rolls of

“Non-Magnetic Stainless Steel Cold Rolled Coil Grade-J3”. Importer has amended the Advance licence no. 0511034063 dated 03.10.2025 issued by DGFT for import of goods wherein “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” have also been included. In view of the above, lenient view in the present matter may be taken and their cargo be released. Shri Shubham Bhardwaj has accepted the PMI Gun Test report and ready to pay the fine/penalty accordingly. Further, vide letter dated 20.12.2025, they requested for the waiver of SCN and PH and mentioned that they don’t want any Show Cause Notice or Personal Hearing in the matter.

DISCUSSION & FINDINGS

10. I have carefully gone through the facts of the case and records & evidences submitted before me and I find that the importer vide its representative Shri Shubham Bhardwaj’s statement recorded on 19.11.2025, have requested for the waiver of the Personal Hearing & Show Cause Notice in the matter, therefore, I find that the principle of natural justice as provided in section 122 A of the Customs Act, 1962, have been completed. Hence, I proceed to decide the case on the basis of the documentary evidence available on records.

11. I find that on examination of the goods imported under Bill of Entry no. 4193758 dated 30.08.2025, out of 12 rolls of “Non-Magnetic Stainless Steel Cold Rolled Coil Grade J3”, only 7 rolls were found as declared and rest 5 rolls were found to be of Grade J1. Thus, the importer has mis-declared goods while filing of Bill of Entry No. 4193758 dated 30.08.2025.

12. At the time of Verification of self-assessment of the Bill of entry, it was found that the declared Unit Price of the said goods was on lower side compared to other contemporaneous imports for similar goods for the similar quantity and same Country of origin. As per para 12(1) of CVR, 2007, the declared value of the goods can be rejected “When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3”.

13. Further, a web meeting of the NAC — Metal Products (NAC-MP) was held on 28.07.2023 at 11.30 Hrs. under the Chairmanship of Convener Shri Deep Shekhar, Chief Commissioner of Customs, Ahmedabad Zone. Shri D.S. Garbyal, Commissioner of Customs, NS-III informed the NAC that on analysis of data, it appeared that there was under valuation in imports of J3 grade steel. He further informed that the matter had already been referred under Customs

(Assistance in Value Declaration of Identified Imported Goods) Rules, 2023 (“CAVR, 2023” for short). Shri Deep Shekhar, the Convener was of the view that it is appropriate that the matter has been referred for being taken up under CAVR, 2023. Till the matter is decided under CAVR, 2023, the assessing officers at all FAG locations should take guidance from valuation study of DGoV for assessing the target consignments in the range of USD 1 per Kg to USD 1.295 per Kg, if undervaluation is noticed.

14. Since the declared value is on lower side, therefore, the value declared by the importer cannot be accepted for assessing the goods imported by them and the same has to be rejected in terms of Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rule, 2007 [the CVR, 2007] and required to be re-determined as per contemporary import. It was observed that the data for similar goods, with near identical /similar description for grade / type / specification were found in NIDB for the contemporary times against various bills of entry.

S. No.	BE No.	BE Date	Description	Country	CTH	Location	QTY	Unit	AV (in Rs.)
1	4672494	23/09/2025	NON MAGNETIC STAINLESS STEEL COIL OF GRADE J3(SIZES AND OTHER DETAILS AS PER INVOICE) (SIMS: M08250825226673)	China	72193590	INMUN1	17146	KG	115.06
2	4387934	09/09/2025	NON MAGNETIC STAINLESS STEEL COLD ROLLED COIL GRADE J3 THICK 780XC MM	CN	72199090	INMUN1	20364	KG	115.26
3	4784446	27/09/2025	Magnetic/Non-magnetic Stainless Steel Sheet/Coils OF WIDTH ABOVE 600 MM (J1, J2, J3,J4) SIZE 0.24MM X 600MM GRADE 201	China	72193590	INNSA1	8782	KG	158.15
4	5278735	24/10/2025	Magnetic/Non-magnetic Stainless Steel Sheet/Coils OF WIDTH ABOVE 600 MM (J1, J2, J3,J4) SIZE 0.47MM X 605MM GRADE 201	China	72193590	INNSA1	9945	KG	148.57
5	534433	27/10/2025	NON-MAGNETIC STAINLESS STEEL COLD ROLLED COILS J3 (0.25*124 0MM)	China	721990	INMUN1	5386	KG	142.9

6	6	25			90		1	8
6	43			Ch		IN	6	
	85			ina	721	MU	9	11
	77	09/0	COLD ROLLED STAINLESS STEEL COIL GRADE J3 (SIZE		990	N1	1	0.1
	1	9/20	MM- 0.26 X 8 10)		90		8	8
		25						
7	53			Ch		IN	3	K
	64	28/1		ina	721	MU	6	G
	45	0/20	COLD ROLLED STAINLESS STEEL COIL GRADE J3 (SIZE		990	N1	0	S
	3	25	MM-0.26 X 65 0)		90		0	11
								1.7
								6
8	44			Ch		IN	3	K
	33	11/0		ina	721	MU	9	G
	13	9/20	COLD ROLLED STAINLESS STEEL COIL GRADE J3 (SIZE		990	N1	3	S
	7	25	MM- 0.26 X 6 90)		90		0	11
								2.1
								4
9	41			Ch		IN	2	K
	78	29/0		ina	721	MU	7	G
	44	8/20	NON MAGNETIC STAINLESS STEEL CR COILS GRADE 20		935	NS	2	S
	7	25	1 (J3)		90	A1	3	11
							2	3.8
								3
1	41			Ch		IN	1	K
0	54	28/0		ina	721	MU	8	G
	06	8/20	NON-MAGNETIC STAINLESS STEEL COLD ROLLED COIL		990	N1	2	S
	1	25	GRADE J3 , SI ZE 1240 MM		90		1	11
							0	4.2
								7

14. I find that Valuation of the imported goods is governed by the provisions of Section 14(1) of the Customs Act, 1962 read with the provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (hereinafter referred to as "CVR, 2007"). As per the provisions of Rule 13 of the CVR, 2007, the Interpretative Notes specified in the Schedule to the CVR, 2007 shall apply for the interpretation of the rules. As per Note 12 of the Interpretative Notes, the stipulated value of the goods can be accepted, only if the importer is able to give proper characteristics of the goods as mentioned in Rule 12 of the CVR, 2007.

15. Explanation 1(iii) to Rule 12 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 reads as:-

"The Proper Officer shall have the powers to raise doubts on the truth or accuracy of the declared value based on certain reasons which may include –

- a. *The significantly higher value at which identical or similar goods imported at or about the same time in comparable quantities in a comparable commercial transaction were assessed;"*

16. Since, Cold rolled Stainless Steel Coil Grade J3 is same in all respects, the value can be re-determined by applying the provisions of Rule 4 (identical

goods) of the CVR, 2007 which reads as under:-

Transaction value of identical goods/similar goods:

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

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

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

10.7 I find that unit price as per contemporary data (through NIDB) and as per the recommendations of NAC- Metal Products vide Minutes dated 02.08.2023 is 113.57 INR/Kg (USD 1.295/KG). Importer failed to justify the correctness of the transaction value, therefore, the declared unit price is liable to be rejected in term of Rule 12 of the CVR,2007 and re-determine as per contemporary import data as USD 1.295/KG. Importer vide letter dated 20.12.2025 has given consent that valuation of goods @USD1.295/KG is acceptable to him.

Weight of Goods	Rate in USD	Exchange Rate	Total Value
56,516 KGs	1.295	87.69	Rs.64,17,875
Total			Rs.64,17,875

Hence, the value of the imported goods is re-determined to be **Rs. 64,17,875/-**.

17. I find that consequent upon amendment to the Section 17 of the Customs Act, 1962 vide Finance Act, 2011, 'Self-Assessment' has been introduced in Customs. Section 17 of the Customs Act, effective from 08.04.2011, provides for self assessment of duty on imported goods by the importer himself by filing a Bill of Entry, in the electronic form. Self-assessment is supported by Section 17 and 46 of the Customs Act, 1962 and the Bill of Entry (Electronic Declaration) Regulation, 2011. Section 46 of the Customs Act, 1962 makes it mandatory for the importer to make entry for the imported goods by presenting a Bill of Entry electronically to the Proper Officer. Thus, under self-assessment, it is the importer who has to ensure that he declares the correct description, value, classification, Notification No., if any, in respect of the imported goods while presenting the Bill of Entry. Self -Assessment can result in assured facilitation for compliant importers. However, delinquent importers would face penal action on account of wrong self-assessment made with intent to evade duty or avoid compliance of conditions of Notifications, Foreign Trade Policy or any other provisions under the Customs Act, 1962 or the allied Acts. In this regard, in the instant case, I find that by reason of mis-declaration of description of goods under import by the importer, the goods rendered liable for confiscation under the provisions of Section 111(d) and

Section 111(m) of the Customs Act, 1962.

18. I observe that Section 17 of the Customs Act, 1962, governs self assessment and casts a statutory obligation on the importer to correctly assess and discharge customs duty. This responsibility is not contingent upon departmental intervention. In addition, Section 46(4) of the Act specifically mandates that an importer, while presenting a Bill of Entry, shall make and subscribe to a declaration as to the truth of the contents. Therefore, any misrepresentation or suppression in the declaration, especially with regard to classification, directly attracts penal consequences under the Act. In the present case, the importer, by mis declaring the goods under inapplicable Advance Licence at the time of filing of said Bill of Entry, failed in their legal responsibility. This act of omission and commission on the part of importer has made these goods liable for confiscation under Section 111(d) and Section 111(m) of the Customs Act, 1962 and this act of importer of mis-declaring the freely importable dutiable goods has rendered themselves liable for penal action under Section 112 (a) (i) of the Customs Act, 1962.

14. I find that the importer, during investigation, submitted amended Advance Authorization No. 0511034063 dated 03.10.2025 to include “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” for import of the same, while the goods had not been cleared for home consumption and still in Customs area. However, at the time of filing of Bill of Entry No. 4193758 dated 30.08.2025, importer did not have “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” included in the said Advance Licence. Out of 12 Coils, 5 Coils of “Non-Magnetic Stainless Steel Cold Rolled Coils Grade-J1” were found as detailed below:

Sr. No.	Container No.	No. of Rolls	Grade declared in BE	Grade found during PMI Test
1.	WHLU0461507	6	Grade J3	02 Rolls of Grade J1 04 Rolls of Grade J3
2.	WHLU0703998	6	Grade J3	03 Rolls of Grade J1 03 Rolls of Grade J3

Therefore, it appears that importer mis-declared 02 rolls from Container No. WHLU0461507 and 03 rolls from container no. WHSU2226396. The total weight of J3 grade and J1 Grade is 31960 KGs and 24556 KGs respectively. As per Para 16 above, the value of the goods is liable for rejection and re-determined as USD1.295/KG as per contemporary data which importer has accepted vide the letter dated 20.12.2025. Therefore, the value of 5 mis-declared coils becomes Rs. 27,88,544/- (24556 x 1.295 x 87.69).

Weight of Misdeclared Goods	Rate in USD	Exchange Rate	Total Value	Duty (BCD+SWS+IGST=27.735%)
24556 KGs	1.295	87.69	27,88,543.75	Rs. 7,73,402.61
Total			Rs.27,88,544	Rs. 7,73,403

Therefore, the duty pertaining to mis-declared goods amounts to Rs. 7,73,403/-.

15. I find in view of the Policy Circular No. 02/2025-26 dated 22.07.2025, the importer obtained the advance authorization for import of “Non-Magnetic Stainless Steel Cold Rolled Coil Grade J1” and the said goods may be cleared against the above advance authorization.

16. In view of the foregoing discussion and findings, I pass the following Order.

ORDER

- i. I order to reject the declared total assessable value of goods as Rs. 52,62,443/- and quantity of the Bill of Entry No. 4193758 Dated 30.08.2025 and order to re-determine the value of the goods as Rs. 64,17,875/-.
 - ii. I order to re-assess the Bill of Entry 4193758 dated 30.08.2025 under section 17(4) of the customs Act, 1962.
 - iii. I order to confiscate the imported goods of the Bill of Entry No. 4193758 dated 30.08.2025, of re-determined assessable value 64,17,875/- under Section 111(d) and 111(m) of the Customs Act, 1962. However, I give the importer an option under provision of Section 125(1) of the Customs Act, 1962, to redeem the said goods against the amended advance licence No. 0511034063 dated 03.10.2025, on payment of redemption fine of Rs.6,00,000/- (Rupees Six Lakh only).
 - iv. I also impose a Penalty of Rs.3,00,000/- (Rupees Three Lakh Only) on M/s. Mayedass India Private Limited (IEC: AAPCM6481P) under Section 112(a)(i) of the Customs Act, 1962.
17. This order is issued without prejudice to any other action which may be required to be taken against any person as per the provision of the Customs Act, 1962 or any other law for the time being in force.

Additional Commissioner of Customs
Import Assessment
Customs House, Mundra

To:

M/s. Mayedass India Private Limited (IEC: AAPCM6481P)
Killa No. 42/24/2/1/1, Dhaturi, Sonipat, Haryana - 131039,

Copy to:

1. The Addl. Commissioner (PCA), Custom House, Mundra.
2. The Assistant Commissioner (RRA/TRC/EDI), Custom House, Mundra.
3. Guard File