

	<p>अपर आयुक्त, सीमा शुल्क कार्यालय OFFICE OF THE ADDITIONAL COMMISSIONER OF CUSTOMS सीमा शुल्क सदन, सूरत/CUSTOMS HOUSE, SURAT 4th Floor, CUSTOMS HOUSE, Beside SMC Ward Office, Althan-Bhimrad Road, Althan, Surat - 395007 Tel. No.- 0261-2990051</p>	 आज़ादी का अमृत महोत्सव
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F.No.VIII/26-41/AIU/CUS/2023-24

Dated : 18.06.2024

DIN: 20240671MN00008188E1

SHOW CAUSE NOTICE**(Issued under Section 124 of the Customs Act, 1962)**

Shri Tulsibhai Gordhanbhai Langadia, aged 50 years, having address at 252, Nilkanth Society, "L.H. Road, Varachha, Surat City, Pin-395006, Gujarat (as per passport) holding passport bearing No. U1308349 (hereinafter referred to as "Passenger/Noticee") was departing to Dubai vide Air India Flight No. IX 173 scheduled on 26.01.2024 from Surat International Airport.

2. In course of frisking and hand baggage scanning by the CISF unit ASG Surat, one passenger namely, Shri Tulsibhai Gordhanbhai Langadia who was about to board Flight No. IX-173 dated 26.01.2024 from Surat to Dubai was found to be carrying foreign currencies. The foreign currency recovered from above passenger by the CISF is as under:-

Sr No.	Name of the passenger	Details of foreign Currency recovered by CISF
1.	Shri Tulsibhai Gordhanbhai Langadia	14,855 USD

3. The CISF unit ASG Surat handed over the passenger alongwith his baggage, above mentioned recovered foreign currencies as well as Seizure List drawn by them (CISF), to the Customs, Surat International Airport on 26.01.2024. The said passenger was then brought to the Customs office located at the Arrival Area of Surat International Airport. The Customs officer asked the passenger whether he had anything to declare to Customs, in reply to which the passenger denied. Thereafter, the Customs officer informed the said passenger, that they would be conducting his personal search and detailed examination of his baggages. Then, the Customs officers offered their personal search to the passenger, however the passenger politely denied the same. The Customs officers asked the passenger whether he wants to be searched in front of the Executive Magistrate or Superintendent of Customs, in reply to which the said passenger gave his consent to be searched in front of the Superintendent of Customs. Thereafter the Customs Officers carried out physical search of the passenger, however nothing suspicious was found. However, upon search of black colour

bagpack of brand "Priority" carried by the said passenger, it was noticed that foreign currency viz, UAE Dirhams are concealed in the said bag. The said currency was taken out and counted and found to be 615 UAE Dirhams. The details of total foreign currency recovered from the said passenger, including the currency detained by the CISF, ASG, Surat is enclosed (**Annexure-A** to panchnama). The summary of the same is reproduced as under in Table-1:-

TABLE-1

Name & Passport No. of pax & Annexure	Type of currency	Denomination	No. of Notes	Total	Conversion Rate (Notfn. No. 04/2024-Customs (NT) dated 18.01.24)	TOTAL Value in Indian Rupees
Tulsibhai Gordhanbhai Langadia (U1308349) (Annexure-A)	US Dollars	100	148	14800	82.35	1218780
	US Dollars	50	01	50	82.35	4117.50
	US Dollars	5	01	05	82.35	411.75
	TOTAL US Dollars			14855		1223309.25
	UAE Dirham	200	01	200	22.00	4400
	UAE Dirham	100	02	200	22.00	4400
	UAE Dirham	50	02	100	22.00	2200
	UAE Dirham	20	04	80	22.00	1760
	UAE Dirham	10	02	20	22.00	440
	UAE Dirham	05	03	15	22.00	330
	TOTAL UAE Dirham			615		13530
	GRAND TOTAL					12,36,839.25

On being asked about any legal document showing the purchase/ownership of these foreign currencies, the passenger informed that at that moment he did not have receipt of the same.

4. Following documents were withdrawn from the passenger, Shri Tulsibhai Gordhanbhai Langadia, for further investigations:-

- Copy of Aadhar Card bearing No. 8020 7166 2728.
- Copy of boarding pass indicating Seat No. 21C, PNR No. N5ZMRJ from Surat to Dubai by flight No. IX- 173 on 26.01.2024.

iii. Passport No. U1308349 issued at Surat on 31.01.2020 and valid upto 30.01.2030.

5. The foreign currencies i.e. 14855 US Dollars (US Dollar Fourteen Thousand Eight Hundred Fifty Five only) and 615 UAE Dirhams (UAE Dirham Six Hundred Fifteen only) totally equivalent to INR 12,36,839.25 recovered from the passenger Shri Tulsibhai Gordhanbhai Langadia, were placed under seizure under Panchnama proceedings dated 26.01.2024, on a reasonable belief that the said foreign currencies were attempted to be smuggled outside India without declaring to Customs Authority by way of concealment and were liable for confiscation under provisions of the Customs Act, 1962. The black colour backpack of brand "Priority" carried by the passenger which was used for concealment of foreign currencies was also placed under seizure.

6. A statement of Shri Tulsibhai Gordhanbhai Langadia was recorded on 26.01.2024 under provisions of Section 108 of the Customs Act, 1962, wherein he inter alia stated:-

- that he is married person staying with his family at 252, Nilkanth Society, L.H.Road, Varachha, Surat City, PIN-395006; that his family consists of his wife Smt. Deepaben Tulsibhai Langadia, two daughters namely Krupa Tulsibhai Langadia and Pooja Tulsibhai Langadia and a son Dhruv Tulsibhai Langadia; that he is the owner of M/s Pooja Diamond & Jewellery which is situated at 42, 1st floor, Thakor Dwar Society, Varacha Road, Opp. Princess Plaza, Surat; that M/s. Pooja Diamond & Jewellery is engaged in manufacturing and sale of polished diamonds; that he has studied upto 8th Std. and can read, write and understand Hindi, English and Gujarati languages.
- that he was shown Panchnama dated 26.01.2024 drawn at International Airport, Surat and after perusing and understanding it, he has put his dated signature on the panchnama in token of acceptance of the facts stated therein.
- that he was going to Dubai on 26.01.2024 by Air India Express Flight No.IX-173 from Surat International Airport; that he was stopped by the CISF unit ASG Surat after clearing security check of Airlines in the departure hall of Surat International Airport; that during the hand bag checking by the CISF officers, they found foreign currency from his hand bag, amounting to USD 14855/-; that he had not declared before Customs that he was carrying US Dollars with him to Dubai.
- that upon search of black colour backpack carried by him, UAE Dirham 615/- were found in the said bag by the Customs.
- the details of foreign currency so recovered from his possession are as given under :

Type of currency	Denomination	No. of Notes	Total
US DOLLAR	100	148	14800
US DOLLAR	50	1	50
US DOLLAR	5	1	5
UAE Dirham	200	1	200

UAE Dirham	100	2	200
UAE Dirham	50	2	100
UAE Dirham	20	4	80
UAE Dirham	10	2	20
UAE Dirham	05	3	15

- that at that time he did not have any purchase vouchers / legal documents of said foreign currency recovered from his possession and subsequently placed under seizure under panchnama dated 26.01.2024.
- that the said foreign currency belong to him and he would submit the valid legal documents for the exchange of currency recovered from his possession within ten days.
- that the money belonged to him and he had earned the same from his profession of being diamond manufacturer & merchant and that he got it exchanged from the approved money exchanger; that he would produce the bank statement and other relevant details within ten days.
- that he was carrying the US Dollar for advance payment of rough diamonds and UAE Dirham for expenditure.
- that he had carried USD 14855 & UAE Dirham 615 without declaring the same to Customs Authorities.
- that he was aware that carrying forex without declaring the same is an offence under the Customs Act.
- that he admitted that he was aware that he had committed an offence by not declaring the same to Customs for which he would have to face the consequences as prescribed under Customs law.

7. The passenger, Shri Tulsibhai Gordhanbhai Langadia vide his letter dated 02.02.2024, interalia, stated that his friend, Shri Ashokbhai Madhabhai Lathiya, who is an Indian national residing in Dubai, visits him from time to time in Surat and he used to give him (Shri Tulsibhai) small amounts in dollars. The passenger submitted copies of 'Guarantee letter' dated 27.01.2024 of said Shri Ashokbhai Madhabhai Lathiya, professional license of his company M/s Smart Fintech IT Solutions, copy of his passport (bearing No. B7675362) and UAE Resident Identity Card (bearing No. 784-7981-5006304-2). In the said 'Guarantee letter' dated 27.01.2024, Shri Ashokbhai Madhabhai Lathiya stated as under-

"I guarantee Ashokbhai Madhabhai Lathiya that Tulsibhai Gordhanbhai Langadia is my friend.

So I travel from India to Dubai frequently for business so I have some cash money with me in dollars then some dollars I have loaned to my friend Tulsibhai from time to time which amount is about 14855 dollars.

So this cash dollar I had given to Tulsibhai as an invitation to visit Dubai which was a gift to my friend on loan.

So Tulsibhai left for Dubai with those cash dollars, but he did not know how much cash to keep, so the Surat airport customs department seized this cash from Tulsibhai.

So I warrant that this cash money is mine."

8. During investigation, summons dated 03.02.2024 were issued to Shri Ashokbhai Madhabhai Lathiya, holding Passport No. B7675362 and residing at 90, Gautam Park Society, At Post Punagam, Tal. Choriyasi, Surat City, Pin-

394210, Gujarat and his statement under Section 108 of the Customs Act, 1962 was recorded on 13.02.2024, wherein he inter alia stated as under:-

- that he is a married person presently staying at 90, Gautam Park Society, At Post Punagam, Tal. Choriyasi, Surat City, Pin-394210, Gujarat with his family comprising of his mother, wife and three sons.
- that he is a partner in Aloud Commercial Brokers, which is a real estate broker company and partner in Smart Finetech IT Solution, which is a website developer company.
- that he has completed studies upto Class VIII and can read, write and understand English, Hindi and Gujarati languages.
- that he was shown Panchnama dated 26.01.2024 drawn at International Airport, Surat and after perusing and understanding it, he has put his dated signature on the panchnama.
- that he was shown the Guarantee letter dated 27.01.2024, submitted by the passenger, Shri Tulsibhai Gordhanbhai Langadia, and after perusing it he stated that the facts narrated in the Guarantee letter are true and correct and in token of the same, he put his dated signature on it.
- that he knows Shri Tulsibhai Gordhanbhai Langadia since past 10-11 years, as both of them were earlier in diamond industry; that the daughter of Shri Tulsibhai Gordhanbhai Langadia, Miss Krupa Tulsibhai Langadia resides at his residence in Dubai as a cook for him;
- that the foreign currency viz 14855 USD seized from Shri Tulsibhai Gordhanbhai Langadia belongs to Shri Tulsibhai Gordhanbhai Langadia; that he had paid Shri Tulsibhai Gordhanbhai Langadia this amount for the cooking work done by his daughter, Miss Krupa Tulsibhai Langadia for him at Dubai; that in the Guarantee letter dated 27.01.2024 he had mistakenly mentioned that he had lent the seized USD 14855 to Shri Tulsibhai Gordhanbhai Langadia; that in actual the seized currency belongs to Shri Tulsibhai Gordhanbhai Langadia only.
- that he does not possess any valid legal documents regarding acquisition of the said 14855 USD; that he had collected it from his customers of real estate in Dubai; that he had handed over the said amount to Shri Tulsibhai Gordhanbhai Langadia on the occasions when Shri Tulsibhai Gordhanbhai Langadia visited Dubai.
- that Shri Tulsibhai Gordhanbhai Langadia had informed him that he was going to purchase some rough diamonds from this amount; that he knew that Shri Tulsibhai Gordhanbhai Langadia was carrying foreign currency but he did not know the specific amount being carried by him.
- that he did not possess any legal documents regarding the said seized foreign currency (14855 USD).

9. LEGAL PROVISIONS RELEVANT TO THE CASE

- a) As per Section 3(2) of the Foreign Trade (Development and Regulation) Act, 1992- "the Central Government may by Order make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by or under the Order, the import or export of goods or services or technology."
- b) As per Section 3(3) of the Foreign Trade (Development and Regulation) Act, 1992- "All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of which is prohibited or restricted by or under the Order."

which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly."

- c) As per Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1992- "no export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the foreign trade policy for the time being in force."
- d) As per Section 11(3) of the Customs Act, 1962- "Any prohibition or restriction or obligation relating to import or export of any goods or class of goods or clearance thereof provided in any other law for the time being in force, or any rule or regulation made or any order or notification issued thereunder, shall be executed under the provisions of that Act only if such prohibition or restriction or obligation is notified under the provisions of this Act, subject to such exceptions, modifications or adaptations as the Central Government deems fit."
- e) As per Section 2(3) - "baggage" includes unaccompanied baggage but does not include motor vehicles.
- f) As per Section 2(22), of Customs Act, 1962 definition of 'goods' includes-
 - a. vessels, aircrafts and vehicles;
 - b. stores;
 - c. baggage;
 - d. currency and negotiable instruments; and
 - e. any other kind of movable property;
- g) As per Section 2(33) of Customs Act 1962, "prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force.
- h) As per Section 2(39) of the Customs Act 1962- 'smuggling' in relation to any goods, means any act or omission, which will render such goods liable to confiscation under Section 111 or Section 113 of the Customs Act 1962.
- i) As per Section 11H (a) of the Customs Act 1962- "illegal export" means the export of any goods in contravention of the provisions of this Act or any other law for the time being in force;
- j) As per Section 77 of the Customs Act 1962, the owner of any baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer.
- k) As per Section 113 of the Customs Act 1962, 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;
 - (e) any goods found concealed in a package which brought within the limits of a Customs area for the purpose of exportation;
- l) As per Section 114 of the Customs Act 1962, any person 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 113, or abets the doing or omission of such an act, shall be liable,-
 - (i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not

- exceeding three times the value of the goods as declared by the exporter or the value as determined under this Act, whichever is the greater;
- m) As per Section 119 of Customs Act 1962- "any goods used for concealing smuggled goods shall also be liable for confiscation."
 - n) As per Section 110 of Customs Act, 1962- "if the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods."
 - o) As per Rule 7 of the Baggage Rules, 2016, - "the import and export of currency under these rules shall be governed in accordance with the provisions of the Foreign Exchange Management (Export and Import of Currency) Regulations, 2015, and the notifications issued thereunder."

p) FOREIGN TRADE POLICY 2015-20

Para 2.45- Export of Passenger Baggage

- (a) Bona-fide personal baggage may be exported either along with passenger or, if unaccompanied, within one year before or after passenger's departure from India. However, items mentioned as restricted in ITC (HS) shall require an Authorisation. Government of India officials proceeding abroad on official postings shall, however, be permitted to carry along with their personal baggage, food items (free, restricted or prohibited) strictly for their personal consumption. The Provisions of the Para shall be subject to Baggage Rules issued under Customs Act, 1962.

q) THE FOREIGN EXCHANGE MANAGEMENT ACT, 1999;

SECTION 2. Definitions.- In this Act, unless the context otherwise requires, - (m) "foreign currency" means any currency other than Indian currency;

SECTION 3. Dealing in foreign exchange, etc.- Save as otherwise provided in this Act, rules or regulations made thereunder, or with the general or special permission of the Reserve Bank, no person shall (a) deal in or transfer any foreign exchange or foreign security to any person not being an authorised person;

SECTION 4. Holding of foreign exchange, etc.- Save as otherwise provided in this Act, no person resident in India shall acquire, hold, own, possess or transfer any foreign exchange, foreign security or any immovable property situated outside India.

- r) **Notification No. FEMA - 6 (R)/RB-2015 dated 29/12/2015 {Foreign Exchange Management (Export and import of currency) Regulations, 2015} [Earlier Notification No. FEMA 6 /RB-2000 dated 3rd May 2000 {Foreign Exchange Management (Export and Import of Currency) Regulations, 2000}] :-**

REGULATION 5: Prohibition on export and import of foreign currency:-

Except as otherwise provided in these regulations, no person shall, without the general or special permission of the Reserve Bank, export or send out of India, or import or bring into India, any foreign currency.

Import of foreign exchange into India:-

REGULATION 6: Import of foreign exchange into India:-

A person may -

provided in this Act, no person shall acquire, hold, own, possess or transfer any foreign exchange, foreign security or any immovable property situated outside India.

- a. send into India without limit foreign exchange in any form other than currency notes, bank notes and travellers' cheques;
 - b. bring into India from any place outside India without limit foreign exchange (other than unissued notes),
- provided that bringing of foreign exchange into India under clause (b) shall be subject to the condition that such person makes, on arrival in India, a declaration to the Custom authorities in Currency Declaration Form (CDF) annexed to these Regulations;
- provided further that it shall not be necessary to make such declaration where the aggregate value of the foreign exchange in the form of currency notes, bank notes or traveller's cheques brought in by such person at any one time does not exceed US \$ 10,000 (US Dollars ten thousand) or its equivalent and/or the aggregate value of foreign currency notes brought in by such person at any one time does not exceed US \$ 5,000 (US Dollars five thousand) or its equivalent.

REGULATION 7: Export of foreign exchange and currency notes:-

- (1) An authorised person may send out of India foreign currency acquired in normal course of business,
- (2) Any person may take or send out of India, -
 - a. Cheques drawn on foreign currency account maintained in accordance with Foreign Exchange Management (Foreign Currency Accounts by a person resident in India) Regulations, 2000;
 - b. foreign exchange obtained by him by drawal from an authorised person in accordance with the provisions of the Act or the rules or regulations or directions made or issued thereunder ;
 - c. currency in the safes of vessels or aircrafts which has been brought into India or which has been taken on board a vessel or aircraft with the permission of the Reserve Bank;
- (3) Any person may take out of India, -
 - a. foreign exchange possessed by him in accordance with the Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2015;
 - b. unspent foreign exchange brought back by him to India while returning from travel abroad and retained in accordance with the Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2015;
- (4) Any person resident outside India may take out of India unspent foreign exchange not exceeding the amount brought in by him and declared in accordance with the proviso to clause (b) of Regulation 6, on his arrival in India.

s) Notification No. FEMA 11(R)/2015-RB Dated 29.12.2015: Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2015.

REGULATION 3: Limits for possession and retention of foreign currency or foreign coins:-

For the purpose of clause (a) and clause (e) of Section 9 of the Act, the Reserve Bank specifies the following limits for possession or retention of foreign currency or foreign coins, namely :-

- i) Possession without limit of foreign currency and coins by an authorised person within the scope of his authority;

- ii) Possession without limit of foreign coins by any person;
- iii) Retention by a person resident in India of foreign currency notes, bank notes and foreign currency travellers' cheques not exceeding US\$ 2000 or its equivalent in aggregate, provided that such foreign exchange in the form of currency notes, bank notes and travellers cheques;
 - a. was acquired by him while on a visit to any place outside India by way of payment for services not arising from any business in or anything done in India; or
 - b. was acquired by him, from any person not resident in India and who is on a visit to India, as honorarium or gift or for services rendered or in settlement of any lawful obligation; or
 - c. was acquired by him by way of honorarium or gift while on a visit to any place outside India; or
 - d. represents unspent amount of foreign exchange acquired by him from an authorised person for travel abroad.

CONTRAVENTION AND VIOLATION OF LAWS

10. It therefore appears that:

- a. The passenger, Shri Tulsibhai Gordhanbhai Langadia attempted to improperly export/smuggle the seized foreign currency (US Dollar 14855 and UAE Dirham 615) by concealing in his baggage. He was unable to produce any document evidencing legitimate procurement of the said seized foreign currency in terms of Regulation 7(2) & 7(3) of the Foreign Exchange Management (Export and Import of currency) Regulations, 2015. He also failed to produce any declaration, if any made in compliance to the provisions of the Section 77 of Customs Act, 1962. He has violated Regulation 5 and 7 of the Foreign Exchange Management (Export and Import of Currency) Regulations, 2015 by attempting to illegally export the foreign currency seized from his possession. The passenger has illegally dealt with, acquired, held and possessed the seized foreign currency and attempted to improperly export or physically transfer the same at a place outside India. He has thus contravened Section 3 and Section 4 of the Foreign Exchange Management Act, 1999. The amount of foreign currency found in his possession exceeds the limits prescribed for a resident in India under the Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2015. The passenger has thus violated Regulation 3 of the the Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2015. It appears that by virtue of restrictions on the export of foreign currency, and non-compliance of the statutory requirements, the seized foreign currencies appears to be "prohibited goods" in terms of Section 2(33) of the Customs Act, 1962. Therefore, it appears that the passenger indulged in smuggling as defined under Section 2(39) of the Customs Act, 1962 and the attempted export constitutes an act of "illegal export" as defined under Section 11II(a) of the Customs Act, 1962. The passenger has thus violated Para 2.45 of the Foreign Trade Policy 2015-20 read with Section 3(2), 3(3) and 11(1) of the Foreign Trade

(Development and Regulation) Act, 1992 further read in conjunction with Section 11(3) of the Customs Act, 1962.

- b. The seized foreign currencies (US Dollar 14855/- and UAE Dirham 615/-) equivalent, in total, to Indian Rs. 12,36,839/- (Rupees Twelve Lakh Thirty Six Thousand Eight Hundred Thirty Nine only) as per Notification No. 04/2024-Customs (NT) dated 18.01.2024, which was attempted to be improperly and illegally exported by the passenger by concealing it in his baggage in violation of the Customs Act, 1962, Baggage Rules, 2016 and other laws in force appears liable for confiscation under Section 113(d) and 113(e) of the Customs Act, 1962. The said act of the passenger appears to be an act of "smuggling" as defined under Section 2(39) of the Customs Act, 1962. The passenger by his above described acts of omission and commission has rendered the seized foreign currency liable for confiscation under Section 113 of the Customs Act, 1962 and therefore he appears liable for penalty under Section 114(i) of the Customs Act, 1962.
- c. The baggage i.e., black colour backpack of brand "Priority" used for concealing the impugned foreign currency also appears liable for confiscation under Section 118 & 119 of the Customs Act, 1962.
- d. Shri Ashokbhai Madhabhai Lathiya appears to have been concerned in smuggling of foreign currency from Surat to Dubai. In the 'Guarantee letter' dated 27.01.2024, he states that he had loaned his friend, Shri Tulsibhai the amount of 14855 dollars. He further states that he had given these dollars in cash to Shri Tulsibhai as an invitation to visit Dubai. In his statement dated 13.02.2024 recorded under Section 108 of the Customs Act, 1962, Shri Ashokbhai Madhabhai Lathiya has sought to retract the facts mentioned in the said 'Guarantee letter' dated 27.01.2024 and instead stated that he had paid Shri Tulsibhai Gordhanbhai Langadia this amount for the cooking work done by his daughter, Miss Krupa Tulsibhai Langadia for him at Dubai. From the above, it appears that Shri Ashokbhai Madhabhai Lathiya, with a view to mislead the investigation, gave a statement which contradicts his own undertaking given in the 'Guarantee letter' dated 27.01.2024 issued by him in favour of his friend, Shri Tulsibhai Gordhanbhai Langadia. In the Guarantee letter, he states that the cash money belongs to him, while in the statement, he stated that the cash belongs to Shri Tulsibhai Gordhanbhai Langadia only thereby contradicting his own version mentioned in the guarantee letter. In his statement dated 13.02.2024, he also agreed that he was aware that Shri Tulsibhai Gordhanbhai Langadia was carrying foreign currency with him from Surat to Dubai. Moreover, Shri Ashokbhai Madhabhai Lathiya did not possess any legal document regarding the said foreign currency. From the above facts, it appears that Shri Ashokbhai Madhabhai Lathiya willingly connived and contributed in the commission of above said attempt of smuggling of foreign currency by Shri Tulsibhai Gordhanbhai Langadia which has rendered the said goods liable for confiscation under Section 113 (d)

and (e) of the Customs Act, 1962. It appears that the impugned foreign currency belongs to Shri Ashokbhai Madhabhai Lathiya and he connived with Shri Tulsibhai Gordhanbhai Langadia to illicitly smuggle the same out of India to Dubai. Thus, he appears to have knowingly and willingly aided and abetted in the smuggling of foreign currency and thereby contravened the provisions of Para 2.45 of the Foreign Trade Policy 2015-20 read with Section 3(2), 3(3) and 11(1) of the Foreign Trade (Development and Regulation) Act, 1992 further read in conjunction with Section 11(3) of the Customs Act, 1962. Thus, by his above acts of omission and commission, Shri Ashokbhai Madhabhai Lathiya has rendered himself liable for penalty under Section 114 of the Customs Act, 1962.

11. Now therefore, Shri Tulsibhai Gordhanbhai Langadia is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, I/c of Surat International Airport, Surat, having his office situated on the 4th Floor, Customs House, Beside SMC Ward Office, Althan-Bhimrad Road, Althan, Surat - 395017 within 30 days from the receipt of this notice as to why :-

- (i) The foreign currencies (US Dollar 14855/- and UAE Dirham 615/-) equivalent, in total, to Indian Rs. **12,36,839/-** (Rupees Twelve Lakh Thirty Six Thousand Eight Hundred Thirty Nine only) seized from him vide seizure order dated 26.01.2024 under Panchnama proceedings dated 26.01.2024 should not be confiscated under section 113 (d) and 113 (e) of the Customs Act, 1962;
- (ii) The baggage i.e., one black colour backpack of brand "Priority" seized vide Seizure Memo dated 26.01.2024 should not be confiscated under Section 118 and Section 119 of the Customs Act, 1962;
- (iii) Penalty should not be imposed upon him under Section 114(i) of the Customs Act, 1962.

12. Now therefore, Shri Ashokbhai Madhabhai Lathiya is hereby called upon to show cause in writing to the Additional/Joint Commissioner of Customs, I/c of Surat International Airport, Surat, having his office situated on the 4th Floor, Customs House, Beside SMC Ward Office, Althan-Bhimrad Road, Althan, Surat - 395017 within 30 days from the receipt of this notice as to why :-

- (i) Penalty should not be imposed upon him under Section 114(i) of the Customs Act, 1962.

13. The noticees are further required to state specifically in their written reply as to whether they wish to be heard in person before the case is adjudicated. If no specific mention is made about this in their written submissions, it shall be presumed that they do not wish to be heard in person. They should produce at the time of showing cause, all the evidences upon which they intend to rely in support of their defense.

14. The noticees are further required to note that their reply should reach within 30 (thirty) days from the receipt of this SCN or within such extended period as may be allowed by the adjudicating authority. If no cause is shown

against the action proposed above within 30 days from the receipt of this SCN or if they do not appear before the adjudicating authority as and when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.

15. The relied upon documents for the purpose of this notice are listed in the **Annexure-A** to this notice and the copies thereof are enclosed with this notice.

16. This Show Cause Notice is issued without prejudice to any other action that may be taken against the noticees, under this Act or any other law for the time being in force, or against any other company, person(s), goods and conveyances whether named in this notice or not. The Department reserves its right to amend, modify or supplement this notice at any time prior to the adjudication of the case.



(Anunay Bhati)
Additional Commissioner

BY SPEED POST A.D.

F.No. VIII/26-41/AIU/CUS/2023-24

Date: 18.06.2024

DIN : 20240671MN00008188E1

To

- ✓ 1. Shri Tulsibhai Gordhanbhai Langadia, 252, Nilkanth Society, L.H. Road, Varachha, Surat City, Pin-395006, Gujarat.
2. Shri Ashokbhai Madhabhai Lathiya, 90, Gautam Park Society, At Post Punagam, Tal. Choriyasi, Surat City, Pin-394210, Gujarat.

Copy to:

1. The System In-charge, Customs Commissionerate HQ, Ahmedabad for uploading on official web-site i.e., <http://www.ahmedabadcustoms.gov.in>.
2. Guard File.