

	OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS CUSTOMS HOUSE, MP & SEZ MUNDRA, KUTCH-GUJARAT -370421 Email: Group4-mundra@gov.in	 सत्यमेव जयते
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A	FILE NO. फाइल संख्या	CUS/APR/BE/MISC/2187/2025-Gr 4
B	OIO NO. आदेश संख्या	MCH/ADC/ZDC/411/2025-26
C	PASSED BY जारीकर्ता	Dipak Zala Additional Commissioner of Customs, Customs House, AP & SEZ, Mundra.
D	DATE OF ORDER आदेश की तारीख	02.12.2025
E	DATE OF ISSUE जारी करने की तिथि	03-12-2025
F	SCN No. & Date कारण बताओ नोटिस क्रमांक	Importer requested for waiver of PH and SCN vide letter dated 29.11.2025
G	NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक	M/s SAKSHI IMPEX (IEC: 3712002751) OFFICE NO.12, 1ST FLOOR, CORPORATE PLOT NO.102, SECTOR 8, GANDHIDHAM, GANDHIDHAM - 370201
H	DIN/दस्तावेज़ पहचान संख्या	20251271MO0000333B75

1. यहआदेश संबन्धित 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 परअपील 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:

“सीमाशुल्कआयुक्त) अपील(,
चौथी मंजिल, हुड्को 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. उक्तअपील यहआदेश भेजने की दिनांक से 60दिन 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-1870के 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 ऊटि /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, 1982और 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.

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BRIEF FACTS OF THE CASE

M/s **SAKSHI IMPEX (IEC: 3712002751)** (hereinafter referred to as the 'Importer'),

having their office at OFFICE NO.12, 1ST FLOOR, CORPORATE PLOT NO.102, SECTOR 8, GANDHIDHAM, GANDHIDHAM - 370201, have filed a Bill of Entry No. 5104962 dated 14.10.2025, (hereinafter referred to as the 'said Bill of Entry') through their Customs Broker M/s. Pravin Bhatt & sons. Details of declared Assessable Value and Duty are as below-

Table-A

Item No.	Bill of Entry No.	Description of Goods	Assessable Value(Rs.)	Duty (Rs.)
1	5104962 dated 14.10.2025	Heavy Melting Scrap	10,72,425/-	1,93,037/-

2. During assessment proceedings it was found that PSIC issuing inspection Agency had issued PSIC outside it's Area/Region of operation, making it invalid PSIC as per para 2.52 & 2.53 of the Hand Book of procedure 2023. The PSIC was found to be invalid. Details of PSIC are as under:

Table-B

Sl. No.	Certificate No.	Agency Name	Details of metallic scrap	Country of inspection/place of inspection
1	PSICAI ALXX518639AM26	ASIA INSPECTION AGENCY LTD	HEAVY MELTING SCRAP HS CODE- 72044900	ANTIGUA/ST. JOHN'S

3. As per, approved PSIA List uploaded in DGFT website, Area/Region of operation notified to above mentioned agency are mentioned as under:

Sr.no.	Handheld Radiation Survey Meter Unique Number	Country
1	100631	Guinea
2	100632	Kenya
3	100633	Switzerland
4	100634	Myanmar
5	100635	Mozambique
6	100636	Turkey
7	100637	Venezuela

4. Further, As per, Para 2.52 chapter 2 of Hand book of procedures issued by DGFT:

2.52 Recognition as Pre-shipment Inspection Agency (PSIA) and issuance of Pre-shipment Certificate (PSIC)

(a) Applications for recognition in respect of PSIAs have to be made online on DGFT Website (<https://dgft.gov.in>) by payment of applicable fee in terms of Appendix 2K of FTP.

(b) The online applications will be considered by an Inter-Ministerial Committee.

(c) The recognized PSIAs will be notified under Appendix 2G for a period of three years. At the end of 3 years PSIA has to make a fresh online application for further recognition by DGFT.

(d) PSIA shall issue PSIC in the format given in Appendix 2H. PSIA shall generate PSICs using the facility provided on the DGFT website.

(e) A PSIA can also carry out inspections in countries, where it does not have a full-time equipped branch office but which falls within its area of operation, by deputing its Inspectors. However, for such inspections in other countries, the PSIA will be required to give prior intimation to DGFT by sending an email (at psia-travel-dgft@gov.in) and furnishing details of visit / inspection done by the Inspector in PSIC.

(f) The PSIA applicant(s) may submit online application(s) initially without bank guarantee, as required under S.No.9 of ANF-2L. Their applications would not be rejected only on the ground of non-submission of bank guarantee. Applicants would, however, be required to submit bank guarantee or an equivalent financial instrument, before they are notified as PSIA, by the competent authority.

(g) Any application for amendment in instruments and/or areas of operation of the existing PSIA has to be made online on the DGFT website.

5. In view of the above, it is observed that PSIA has to carry out inspections in countries, which falls within its area of operation, by deputing its Inspectors. However, in the instant case, above mentioned PSIC issuing inspection Agency had issued PSIC outside it's Area/Region of operation. As the country of inspection-Antigua not in the Area/Region of inspection notified to said agency.

6. Further, it is submitted that As Import of un-shredded compressed and loose form of metallic waste, scrap listed in paragraph 2.51(a) of the Handbook of Procedure (HBP), 2023 shall be subject to the following conditions: -

(a) At the time of the clearance of goods, importer shall furnish to the Customs pre-shipment inspection certificate as per the format in Appendix 2H from any

of the Inspection & Certification agencies given in Appendix-2G to the effect that the consignment does not contain any type of arms, ammunition, mines, shells, cartridges, or any other explosive material in any form either used or otherwise, and that the consignment was checked for radiation level and it does not contain radiation level (gamma and neutron) in excess of natural background. The certificate shall give the value of background radiation level at that place as also the maximum radiation level on the scrap.

7. Since, goods were imported into India without the valid PSIC certificate, the impugned goods have been imported without authorization and are liable for confiscation under Section 111(d) of the Customs Act, 1962, and for his act of omission and commission the importer is liable for penalty under Section 112(a) of the Customs Act, 1962.

8. The relevant provisions of law relating to import and valuation of goods in general, the Foreign Trade Policy and Rules relating to imports, the liability of the goods to confiscation under the provisions of the Custom Act, 1962 and other laws for the time being in force are summarized as under:

- a. As per **Section 46(4) of the Customs Act, 1962**, 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, relating to the imported goods.
- b. **Section 111(d) of the Customs Act, 1962** provides for confiscation of any goods which are imported or attempted to be imported or are brought within the Indian Customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force.
- c. **Section 112(a) of the Customs Acts 1962:** - penalty for 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 111, or abets the doing or omission of such an act.

9. In view of above, it appears that impugned goods are imported with invalid PSIC certificate. Therefore, it appears that the goods imported vide impugned bill of entry are liable for confiscation under Section 111(d) of the Customs Act, 1962 and the importer is liable for penalty under Section 112(a) of the Customs Act, 1962.

10. However, In view of letter dated 03.11.2025, the importer had requested

for first check examination and to allow Post PSIC certificate for the subject goods. Thereafter, the inspection of said goods had been conducted on CWC CFS, Mundra by inspection agency Global Marine Inspection and Post shipment inspection certificate sr.no. IN11202586006 issued for the subject goods. The findings of the inspection report is as- The consignment does not contain any type of arms, ammunition, mines, shells, cartridges or any other explosive material in any form, either used or otherwise, and that the consignment was checked for radiation level and it does not have radiation levels(gamma and neutron) in excess of natural background.

RECORD OF PERSONAL HEARING AND SUBMISSION OF IMPORTER

1 1 . The Importer vide their letter dated 29.11.2025 has made following submission:

"We have imported 02x40' Fcl Containers, of The cargo is HEAVY MELTING SCRAP and had filed above Bill of Entries through our CHA M/s. PRAVIN BHATT & SONS, Gandhidham.

In this Context we would like to inform that our POST Inspection is processed by your good office. Further we would request you to kindly waive off the show-cause Notice / P Hearing & decide the matter on merits.

We are ready to pay RF & Penalty as decided by adjudicating authority.

We further request your good selves to Levy minimum fine and penalty and you are also requested to take a lenient view considering our Bonafide intention.

You are request to adjudicate the matter as soon as. Your kind consideration & understanding in this matter shall be highly appreciated."

DISCUSSION AND FINDINGS

1 2 . I have carefully gone through the facts of the case. I find M/s **SAKSHI IMPEX** (IEC: 3712002751) filed Bill of Entry No. 5104962 dated 14.10.2025 with declared Assessable value as Rs. 10,72,424/- . I find that during assessment proceedings it was found that the PSIC issuing inspection Agency had issued PSIC outside it's Area/Region of operation, making it invalid PSIC as per para 2.52 & 2.53 of the Hand Book of procedure 2023. I find that goods were imported into India without the valid PSIC certificate. I also find that the Importer waived their right of Show Cause Notice and Personal Hearing.

10. Now, I take up the above matter in detail. I find that goods imported vide said bill of entry required compulsory PSIC certificate for importing into India in

terms of guidelines issued by DGFT in para 2.51, 2.52 & 2.53 of the Hand Book of procedure 2023. The importer could avail the services from any other inspection agency, under which area/region of operation for country of inspection(Antigua) has been notified from DGFT. However, in the instant case, the importer had availed the services for issuance of PSIC from agency, whom authorisation to inspect in mentioned country of inspection had not been notified by DGFT. Therefore, it is evident that PSIC issued by Asia Inspection Agency for country of inspection-Antigua, falls outside its area/region of operation. Hence, the said PSIC is liable to be considered as invalid.

12. Since goods were imported into India without a valid PSIC certificate, the impugned goods have been imported without authorization and therefore, are liable for confiscation under Section 111(d) of the Customs Act, 1962, and for his act of omission and commission the importer is liable for penalty under Section 112(a) of the Customs Act, 1962. Since the Importer has submitted Post PSIC certificate on date 26.11.2025, therefore, the goods can be cleared for home consumption under the provision of Section 125 (1) of the Customs Act, 1962.

13. Accordingly, I pass the following order:

ORDER

- i. I order for confiscation of the impugned goods imported vide Bill of Entry No. 5104962 dated 14.10.2025 having assessable value of 10,72,425/- under Section 111(d) 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 on payment of redemption fine of **Rs.50,000/- (Rupees Fifty Thousand only)**.
- ii. I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand only)** on **SAKSHI IMPEX (IEC: 3712002751)** under Section 112(a)(i) of the Customs Act, 1962, for their act of omission and commission.

14. This Order is issued without prejudice to any other action that may be taken against the noticee or persons or imported goods under the provisions of the Customs Act, 1962 or any other law for the time being in force in India.

Zala Dipakbhai Chimanbhai
ADDITIONAL COMMISSIONER
Import Assessment,
Customs House, Mundra.

To,

M/s **SAKSHI IMPEX (IEC: 3712002751)**

OFFICE NO.12, 1ST FLOOR, CORPORATE PLOT NO.102,
SECTOR 8, GANDHIDHAM, GANDHIDHAM - 370201,

Copy to:

1. The Asst./Dy. Commissioner of Customs (Review Cell), CH, Mundra.
2. The Asst./Dy. Commissioner of Customs (EDI), CH, Mundra.
3. The Asst./Dy. Commissioner of Customs (TRC), CH, Mundra.
4. Office Copy.