कार्यालय: प्रधान आयुक्त सीमाशुल्क, मुन्द्रा,
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Azadi Ka Amrit Mahotsav

A. File No.	:	GEN/ADJ/ADC/1220/2026-Adjn-O/o Pr Commr-Cus-Mundra
B. SCN No.	:	127/2026-27/ADC/ZDC/MCH
C. Date of Issue		25-08-2026
D. Passed by	:	**Dipak Zala,** Additional Commissioner of Customs, Customs House, AP&SEZ, Mundra.
E. Noticee(s)/Importer	:	**1.** M/s. Apex Global (IEC: GOKPP9715K) **2.** Shri Priyanshu, Proprietor of M/s. Apex Global

(Show Cause Notice under Section 124 of the Customs Act, 1962)

Whereas it appears that:

1.1 M/s Apex Global, having its registered office at Pvt. No. 106, 6 A/1, First Floor, WEA, Karol Bagh, New Delhi–110005, and holding IEC No. GOKPP9715K (hereinafter referred to as the 'importer' for the sake of brevity), is engaged in the import of Ready-made garments at Mundra SEZ.

1.2. The Directorate of Revenue Intelligence, Ahmedabad Zonal Unit (hereinafter referred to as 'DRI' for the sake of brevity), received specific intelligence indicating that M/s Apex Global had mis-declared goods with the intent to import other items by way of concealment.

1.3. Based on the intelligence received, the goods imported by the importer vide Bill of Entry No. 7749499 dated 25.02.2026 were placed on hold and examined by the officers of DRI. The declared particulars of the import consignment, as per the import documents, are as under:

Table "1"

SEZ BE No. & Date	Bill of Lading No.	Container No.	CTH	Description of goods as per BE
7749499 dated 25.02.2026	**147502279561 dated 17.01.2026**	EGHU9666201	61159600	Socks (Set of 2 PCS Each) Unbranded
			62043390	Boys Synthetic Woven Trouser (Unbranded)
			61113000	Baby Top

				(Unbranded)
			61083990	Girls Synthetic Knitted Night Dress (Unbranded)
			62045390	Ladies Skirt (Unbranded)
			61062010	Girls Synthetic Knitted Top (Unbranded)

2. Examination of Goods

2 . 1 . Consequently, physical examination of the goods mentioned under the above BE No. 7749499 dated 25.02.2026 filed at Mundra SEZ was conducted under Panchnama dated 27/28.02.2026 (**RUD-1**).

2.2. During the examination of the goods, copies of documents such as the Bill of Entry, Bill of Lading, Packing List, Invoice, etc., were obtained. On the basis of these documents, the following details were ascertained:

Table – "2"

S. N.	Particulars	Details
1.	Name of Importer	M/s APEX GLOBAL, Pvt. No. 106, 6A/1, First Floor WEA, Karol Bagh, New Delhi-110005 (IEC: GOKPP9715K)
2.	Bill of Entry No. & Date	7749499 dated 25.02.2026
3.	Bill of Lading No.	147502279561 dated 17.01.2026
4.	Name of Exporter	M/s. Irish Tech Trading Limited
5.	PAN No.	GOKPP9715K
6.	GST No.	07GOKPP9715K1Z4
7.	Email ID	24apexglobal@gmail.com
8.	Sales Invoice No.	ITTL-25-321GG
9.	Description of goods	As per Table-3
10.	Country of consignment	China

Table –"3"

Sr. No.	Declared Description of goods	Declared CTH	Declared Quantity	Declared Unit
1	Socks (Set of 2 PCS Each) Unbranded	61159600	18700	DOZ
2	Boys Synthetic Woven Trouser (Unbranded)	62043390	500	DOZ
3	Baby Top (Unbranded)	61113000	900	DOZ
4	Girls Synthetic Knitted Night Dress (Unbranded)	61083990	200	DOZ

5	Ladies Skirt (Unbranded)	62045390	520	DOZ
6	Girls Synthetic Knitted Top (Unbranded)	61062010	2500	PCS

2.3. During the examination, all the imported goods under the said container were de-stuffed and subjected to systematic inspection. Goods of the same type were segregated and counted. It was observed that the goods imported in the said container differed from those declared in the import documents. On examination of the container, the goods were found to be mis-declared and different from those declared under Bill of Entry No. 7749499 dated 25.02.2026, thereby rendering them liable to confiscation under Section 111 of the Customs Act, 1962. The details of the goods found during the examination are as under:

Table – "4"

Sr No	Description	Carton	Total
1	LEGGINGS	57	3724
2	SHORTS	10	1215
3	TOPS	90	10116
4	LOWER	27	2066
5	SHIRTS	53	6179
6	SWEAT SHIRTS	28	3237
7	SWEATER	5	695
8	JEANS	37	2859
9	PANTS	8	994
10	JACKET	9	1200
11	LADIES DRESS	4	530
12	BABY GARMENT	3	2874
13	LADIES SKIRT	1	150
14	SOCKS	130	156000

2.4 During the examination of container the goods were found mis-declared and different from the goods declared under the Bill of Entry No. 7749499 dated 25.02.2026 which make the goods liable for confiscation under Section 111 of the Customs Act, 1962.

2.5. Further, representative samples of each type of goods were drawn under the said Panchnama dated 27/28.02.2026 for laboratory testing and for analysis to ascertain their exact identity and Customs Classification.

3. Seizure of Goods

3.1. The above ascertained misdeclaration and misclassification appeared to be a deliberate attempt to evade applicable Customs duties. Accordingly, the imported goods covered under Bill of Entry No. 7749499 dated 25.02.2026 were placed under Seizure vide Seizure Memo F. No. DRI/AZU/CI-I/Enq-09(Int-05)/2026 dated 02.04.2026 **(RUD-2)**, as they were found to be liable for confiscation under Section 111 of the Customs Act, 1962.

3.2. Vide the above Seizure Memo dated 02.04.2026, M/s Apex Global was also given an option to approach the Jurisdictional Customs Authority for provisional release of the seized goods under the provisions of Section 110A of the Customs Act, 1962. However, no such option has been availed by M/s Apex Global.

4. Sample Test Reports

The duly sealed representative samples of each type of goods as drawn under the said Panchnama dated 27/28.02.2026 were forwarded to CRCL Vadodara for laboratory testing and for analysis vide Test Memo's No. as mentioned below:

1. 01/7749499/ APEX GLOBAL of Sample 1B
2. 02/7749499/ APEX GLOBAL of Sample 2B
3. 03/7749499/ APEX GLOBAL of Sample 3B
4. 04/7749499/ APEX GLOBAL of Sample 4B
5. 05/7749499/ APEX GLOBAL of Sample 5B
6. 06/7749499/ APEX GLOBAL of Sample 6B
7. 07/7749499/ APEX GLOBAL of Sample 7B
8. 08/7749499/ APEX GLOBAL of Sample 8B
9. 09/7749499/ APEX GLOBAL of Sample 9B
10. 10/7749499/ APEX GLOBAL of Sample 10B
11. 11/7749499/ APEX GLOBAL of Sample 11B
12. 12/7749499/ APEX GLOBAL of Sample 12B
13. 13/7749499/ APEX GLOBAL of Sample 13B
14. 14/7749499/ APEX GLOBAL of Sample 14B

Outcome of Test reports (RUD-3):

4.1. In respect of Sample 1 B with item description "Leggings" under Test Memo No. 01/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6118-17.03.2026 dated 06.04.2026 reported that:
"*Nature:- The sample as received is in the form of ready made garment "Leggings".*
Composition:- It is made of dyed knitted fabric of polyester filament yarn together with elastomeric (spandex) yarn. having following-----Total wt=234.0 gms. % composition:- Polyester=70.61% by wt. Elastomeric yarn (spandex)=balance G.S.M. (as such) = 235.6."

4.2. In respect of Sample 2 B with item description "Shorts" under Test Memo No. 02/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6119/17.03.2026 dated 13.04.2026 reported that:
"*The sample is in the form of dyed, knitted readymade garment. It is made of nylon filament yarns and spandex. % composition: Nylon=68.6% Spandex=Balance.*"

4.3. In respect of Sample 3 B with item description "Tops" under Test Memo No. 03/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6120/17.03.2026 dated 13.04.2026 reported that
"*The sample is in the form of dyed, knitted Readymade garment. It is made of Nylon filament yarns and spandex. % composition: Nylon=65.3% Spandex=Balance*"

4.4 In respect of Sample 4 B with item description "Lower" under Test Memo No. 04/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6121/17.03.2026 dated 06.04.2026 reported that:
"Nature:- The sample as received is in the form of ready made garment "Lower".
Composition: It is made of dyed fabric with stitched elastomeric tape along with cord at upper portion, having following % composition. Total wt. of sample = 437.00 gms. % composition:-Fabric=91.99%, Elastomeric Tape=5.54%, Cord=balance Fabric:- It is made of dyed knitted fabric of Polyester filament yarn together with elastomeric yarn having following % composition:-Polyester= 85.20% Elastomeric yarn (spandex)=balance G.S.M. (as such) = 195.32
Cord:- It is knitted fabric, made of polyester filament yarn. Elastomeric tape:- It is made of polyester filament yarn (82.26%) and polyurethane thread=balance. thread."

4.5 In respect of Sample 5 B with item description "Shirt" under Test Memo No. 05/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6122/17.03.2026 dated 06.04.2026 reported that:
"Nature:- The sample as received is in the form of ready made garment shirt.
Composition:- It is made of dyed woven fabric of Cotton yarn fitted with plastic and metallic button. Having following % composition. Total wt=196.0 gram Cotton=98.03% Plastic button composed of polymeric material=1.32% metallic button composed of Aluminium=balance G.S.M. of fabric=153.8".

4.6 In respect of Sample 6 B with item description "Sweat Shirt" under Test Memo No. 06/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP /6123/17.03.2026 dated 07.04.2026 reported that:
"The sample as received is in the form of two layered, dyed, knitted readymade garment. Base fabric is made of Polyester filament yarns and blended spun yarns of Polyester & cotton. % Composition (Base fabric): Polyster=82.50%, Cotton=Balance".

4.7 In respect of Sample 7 B with item description "Sweater" under Test Memo No. 07/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6124/17.03.2026 dated 20.04.2026 reported that:
"The sample is in the form of dyed, knitted, Readymade garment. It is made of Nylon, Polyester filament yarns & viscose spun yarn. % Composition: Viscose=49.17% Polyester=30.99% Nylon=Balance.".

4.8 In respect of Sample 8 B with item description "Jeans" under Test Memo No. 08/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6125/17.03.2026 dated 07.04.2026 reported that:
"The sample as received is a readymade garment (Pant) made from outer layer of cotton woven fabric and inner layer of knitted Polyester filament years. % Composition:Dyed, woven, outer layer, made of cotton=64.10% Dyed, knitted, inner layer made of Polyester filament yarns=Balance"

4.9 In respect of Sample 9 B with item description "Pants" under Test Memo No. 09/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6126/17.03.2026 dated 13.04.2026 reported that:
"The sample is in the form of dyed, woven Readymade garment. It is made of Polyester filament yarns & Spandex. % composition: Polyester filament yarn=96.9% Spandex=Balance"

4.10 In respect of Sample 10 B with item description "Jacket" under Test Memo No. 10/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6127/17.03.2026 dated 22.04.2026 reported that:

"The sample is in the form of Readymade garment made from outer Printed woven fabric (Base fabric) of Polyester filament yarns & inner lining of Dyed, knitted fabric of Polyester filament yarns."

4.11 In respect of Sample 11 B with item description "Ladies Dress" under Test Memo No. 11/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6128/17.03.2026 dated 20.04.2026 reported that:

"The sample is in the form of yarn dyed, knitted Readymade garment. It is made of Viscose spun yarns & Polyester filament yarns. % composition: Viscose spun yarns=67.2% Polyester filament yarns=Balance."

4.12 In respect of Sample 12 B with item description "Baby Garments" under Test Memo No. 12/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6129/17.03.2026 dated 20.04.2026 reported that:

"The sample is in the form of yarn dyed, knitted Readymade garment. It is made of Viscose & Nylon filament yarns. %composition: Viscose=60.1% Nylon=Balance."

4.13 In respect of Sample 13 B with item description "Ladies Skirt" under Test Memo No. 13/7749499/ APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6130/17.03.2026 dated 25.03.2026 reported that

"The sample as received is in the form of readymade garment, fitted with elastic tap on upper end. Total weight of sample=300.5 gm, Elastomeric tape=6.8%, Garment made of three layer of fabric, Upper layer is made of dyed netted fabric. Middle layer is dyed embroidery fabric made of filament yarn and Inner layer is dyed knitted fabric made of filament yarn. Each layer of fabric composed of polyester filament yarn"

4.14 In respect of Sample 14 B with item description "Socks" under Test Memo No. 14/7749499/APEX GLOBAL, CRCL Vadodara vide their Test Report No. RCL/DRI AH/IMP/6131 /17.03.2026 dated 25.03.2026 reported that:

"The sample is in the form of article (Socks). It is made of dyed knitted fabric of filament yarns of polyester together with spandex yarn, having following, composition % of spandex=1.6, Polyester=balance."

5. Classification of Goods:

5.1.1 <u>Classification of Sample-1</u>

On the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara the product is found to be a ready-made legging manufactured from dyed knitted fabric composed predominantly of Polyester=70.61% together with elastomeric (Spandex) yarn. Since the article is a completed garment and the fabric is knitted in nature, the goods are classifiable under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, covering "Articles of apparel and clothing accessories, knitted or crocheted." **Further, as per instruction No. 4 issued by Ministry of finance vide F. No. 528/115/2016-STO(TU) on 21.04.2017 leggings,**

merit classification under Heading 6115 covering "Panty hose, tights, stockings, socks and other hosiery, including graduated compression hosiery, knitted or crocheted." As per the findings of the CRCL report, the principal fabric is composed of polyester filament yarn. Accordingly, the goods are correctly classifiable under tariff item 61159600, covering hosiery articles of synthetic fibers.

5.1.2. Classification of Sample-2

On the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara the product is found to be a ready-made Garment manufactured from dyed, knitted fabric composed predominantly of nylon=68.6% together with elastomeric (Spandex) yarn. Since the article is a complete garment and the fabric is knitted in nature, the goods are classifiable under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, covering "Articles of apparel and clothing accessories, knitted or crocheted." Further the garment is **specifically identifiable as "Men's shorts"** which merit classification under Heading 6103 covering "**Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts**" As per the findings of the CRCL report, the principal fabric is composed of nylon filament yarn. Accordingly, the goods are correctly classifiable under tariff item 61034300, covering Trousers, bib, and brace overalls, breeches and shorts of synthetic fibers.

5.1.3. Classification of Sample-3

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a ready-made knitted garment for women, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to **"Articles of apparel and clothing accessories, knitted or crocheted."** Further, as the garment is **specifically identifiable as a women's top**, the same is classifiable under Heading 6106 covering "**Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted**." Since, the garment is made predominantly of nylon filament yarns along with elastomeric yarns, it is rightly classifiable under 6106.20. Accordingly, the importer has rightly declared the goods under tariff item 61062010, covering "Women's tops of man-made fibers, knitted or crocheted."

5.1.4. Classification of Sample-4

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a ready-made knitted garment for women, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is **specifically identifiable as a women's Lower**, the same is classifiable under Heading 6108 covering "**Women's or girls' slips, petticoats, briefs, panties, nightdresses, Pyjamas, Negliges, Bathrobes, dressing gowns and similar articles, Knitted or crocheted,**" Since, the garment made predominantly of man mad fibers specifically Polyester filament yarns along with elastomeric yarns, it is rightly classifiable under 6108.32. Accordingly, the goods are correctly classifiable under tariff item 61083210, covering "Women's pyjamas of synthetic fibers, knitted or crocheted."

5.1.5. Classification of Sample-5

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a ready-made garment made up of woven fabric, it is appropriately covered under Chapter 62 of the First Schedule to the Customs Tariff Act, 1975, relating to "**Articles of apparel and clothing accessories, not knitted or crocheted**." Further, as the garment is **specifically identifiable as a Men's Shirt**, the same is classifiable under Heading 6205 covering "**Men's or Boys shirts, not knitted**". Since, the garment is made predominantly of cotton yarns, it is rightly classifiable under CTH 6205.20. Accordingly, the goods are correctly classifiable under tariff item 62052090, covering "Men's or Boys shirts, not knitted".

5.1.6. Classification of Sample-6

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a knitted readymade garment, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "**Articles of apparel and clothing accessories, knitted or crocheted**." Further, as the garment is specifically **identifiable as a Sweat Shirt**, the same is classifiable under Heading 6110 covering "Jersey, Pullover, cardigans, waistcoats and similar articles, Knitted or crocheted". Since, the garment made predominantly of Polyester filament yarns along with cotton yarns, it is rightly classifiable under 61103010. Accordingly, the goods are correctly classifiable under tariff item 61103010, covering "Jersey, Pullover, cardigans, waistcoats and similar articles, of synthetic fibers, knitted or crocheted."

5.1.7. Classification of Sample-7

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a knitted readymade garment, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is specifically **identifiable as a sweater**, the same is classifiable under Heading 6110 covering "Jersey, Pullover, cardigans, waistcoats and similar articles, Knitted or crocheted". Since, the garment made predominantly of Polyester filament yarns and nylon filament yarn along with Viscose yarns, it is rightly classifiable under 611030 covering Jersey made of man-made fibers. Accordingly, the goods are correctly classifiable under tariff item 61103010, covering "**Jersey, Pullover, cardigans, waistcoats and similar articles, of synthetic fibers, knitted or crocheted**."

5.1.8. Classification of Sample-8

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is predominantly Not knitted, woven readymade garment (Pant) it is appropriately covered under Chapter 62 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, not knitted or crocheted." Further, as the garment is specifically **identifiable as a Pant/jeans for**

women/girls, the same is classifiable under Heading 6204 covering "**women or girls suits, ensembles, blazers, Jackets, dresses, skirts, trousers, bib and similar articles, not Knitted or crocheted**". Since, the garment is made predominantly of cotton woven fabric along with knitted polyester fabric, it is rightly classifiable under 620462 covering "Trousers, bib and brace overalls, breeches and shorts of women made predominantly of cotton woven fabric. Accordingly, the goods are correctly classifiable under tariff item 62046290, covering "**Trousers, bib and brace overalls, breeches and shorts made predominantly of cotton woven fabric**".

5.1.9. Classification of Sample-9

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is predominantly Not knitted, woven readymade garment (Pants) it is appropriately covered under Chapter 62 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, not knitted or crocheted." Further, as the **garment is specifically identifiable as a Pants for women/girls**, the same is classifiable under Heading 6204 covering "women or girls suits, ensembles, blazers, Jackets, dresses, skirts, trousers, bib and similar articles, not Knitted or crocheted". Since, the garment is made predominantly of Polyester filament yarns along with Spandex, it is rightly classifiable under 62046300 covering "Trousers, bib and brace overalls, breeches and shorts of women made predominantly of synthetic woven fibers. Accordingly, the goods are correctly classifiable under tariff item 62046300, covering "**Trousers, bib and brace overalls, breeches and shorts of women made predominantly of synthetic woven fibers**".

5.1.10. Classification of Sample-10

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is predominantly Not knitted, woven readymade garment (Jackets) it is appropriately covered under Chapter 62 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, not knitted or crocheted." Further, as the **garment (jacket) is specifically identifiable for Men's or boys**, the same is classifiable under Heading 6203 covering "Men's or boys' suits, ensembles, blazers, Jackets, dresses, skirts, trousers, bib and similar articles, not Knitted or crocheted". Since, the garment's (base fabric) is made predominantly of Polyester filament yarns, it is rightly classifiable under 62033300 covering "**Jackets and blazers made predominantly of synthetic woven fibers**". Accordingly, the goods are correctly classifiable under tariff item 62033300, covering "Jackets and blazers made predominantly of synthetic woven fibers".

5.1.11. Classification of Sample-11

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a ready-made knitted garment for women, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is **specifically identifiable as a women's Dress**, the same is classifiable under Heading 6104 covering "women or girls suits, ensembles, blazers, Jackets, dresses, skirts, trousers, bib and similar articles, Knitted or crocheted," Since, the garment is made predominantly of Viscose spun yarns along with polyester filament yarn, it is rightly classifiable under 61044400 covering women dresses made of artificial fibers. Accordingly, the goods are correctly classifiable under tariff item 61044400, covering "Women's dress made predominantly of knitted artificial fibers".

5.1.12. Classification of Sample-12

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is a ready-made knitted garment, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is **specifically identifiable as a Baby Garments**, the same is classifiable under Heading 6111 covering "babies garments and clothing accessories, knitted or Knitted or crocheted," Since, the garment made predominantly of Viscose yarns along with Nylon filament yarn, it is rightly classifiable under 61119020 covering baby garments made of knitted artificial fibers. Accordingly, the goods are correctly classifiable under tariff item 61044400, covering "Women's dress made predominantly of knitted artificial fibers".

5.1.13. Classification of Sample-13

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article is ready-made garment for women having three layers and inner layer is a made of knitted fabric, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is **specifically identifiable as a women's Skirt**, the same is classifiable under Heading 6104 covering "women or girls suits, ensembles, blazers, Jackets, dresses, skirts, trousers, bib and similar articles, Knitted or crocheted," Since, the garment is made predominantly of polyester filament yarn, it is rightly classifiable under 61045300 covering women dresses made of artificial fibers. Accordingly, the goods are correctly classifiable under tariff item 61044400, covering "Women's skirt made predominantly of knitted artificial fibers, However the importer has mis-classified the article as ladies Skirt Under the CTI 62045390.

5.1.14. Classification of Sample-14

The classification of the subject goods has been determined on the basis of the test report issued by Central Revenue Control Laboratory (CRCL), Vadodara. Since the article (socks) is ready-made garment of knitted fabric, it is appropriately covered under Chapter 61 of the First Schedule to the Customs Tariff Act, 1975, relating to "Articles of apparel and clothing accessories, knitted or crocheted." Further, as the garment is **specifically identifiable as socks**, the same is classifiable under Heading 6115 covering "Panty Hose, tights, stockings, socks and other hosiery, including graduated compression hosiery and similar articles, Knitted or crocheted," Since, the garment made predominantly of polyester filament yarn, it is rightly classifiable under 611596 covering other items (including socks) made of synthetic fibers. Accordingly, the importer had rightly declared the goods under tariff item 61159600, covering "socks" made predominantly of knitted synthetic fibers.

5.2 The facts on foregoing paras clearly establish that M/s Apex Global deliberately mis-declared the nature, description, and classification of the imported goods in the Bill of Entry no. 7749499 dated 25.02.2026. While the import documents described the consignment as assorted garments such as socks, trousers, Girls tops, Girls night dresses, ladies skirts, the physical examination revealed that the goods were in fact different articles of apparel, including leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks, in substantially different quantities and descriptions. The test reports further confirmed that several of the goods were misclassified under incorrect tariff items, as the declared classifications did not correspond to the actual composition and nature of the goods. Such deliberate misdeclaration and misclassification, coupled with concealment of the true identity of the imported goods, rendered the goods liable to confiscation under Section 111 of the Customs Act, 1962.

6. Undervaluation and revised valuation as per Customs Valuation Rules:

6.1. The facts stated above clearly establish that M/s Apex Global deliberately mis-declared the nature, description and classification of the imported consignment declared in Bill of Entry No. 7749499 dated 25.02.2026. Although the import documents described the shipment as socks, trousers, girls' tops, girls' night dresses, ladies' skirts, physical examination and CRCL test reports show the consignment comprised of different apparel articles — including leggings, shorts, tops, lowers, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts and socks — in materially different quantities and with compositions at variance from the declared entries. Several items were therefore misclassified; the declared CTIs do not correspond with the actual nature and fibre composition recorded in the test Reports. In view of the above it is evident that **actual goods found were different in terms of nature, quantity, and classification from what had been declared**, and the goods actually found did not match the declared invoice description. Since, the invoice does not represent the true value of the imported goods, it is clear that the Invoice and Goods are not related. Hence, in absence of invoice representing true value of goods the transaction value declared by the importer in the bill of entry is liable to be rejected under Rule 12 of the Customs Valuation Rules 2007.

6.2. Valuation of goods for assessment of Customs duties is governed by the provisions of Section 14 of the Customs Act, 1962, which provides that the value of imported goods shall be the transaction value of such goods, when sold for export to India for delivery at the time and place of importation, where the buyer and seller of the goods are not related and price is the sole consideration for the sale, subject to such other conditions as may be specified in the rules made in this behalf. Further, the Customs Valuation Rules (Determination of Price of imported goods) 2007 (hereinafter referred to as the 'CVR, 2007'), having been framed under the provisions of Section 14 of the Customs Act 1962, provide for the determination of value in a variety of situations. More specifically, Rule 3 of the CVR, 2007 provides that, subject to Rule 12, the value of the goods shall be the Transaction Value adjusted in accordance with Rule 10.

6.3. From the foregoing, it is evident that the goods actually found during examination were entirely different from the goods declared in the Bill of Entry. While the importer declared the consignment as socks, trousers, tops, night dresses, and skirts, the examination revealed that the container actually contained various other articles of apparel, including leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks. The test reports further confirmed that several of the goods were incorrectly classified, as the declared tariff items did not correspond with the actual composition, nature, and description of the goods. The quantities of the goods found during examination also did not match the quantities declared in the Bill of Entry. Thus, the declared value before Customs does not appear to represent the true transaction value of the goods actually imported. **The importer has not only grossly mis-declared the description and classification of the garments, but has also mis-declared and under-declared their quantities,** thereby creating serious doubt about the correctness and authenticity of the declared value. In view of these discrepancies, the said transactional value declared in the Bill of Entry appears to have failed the test of acceptability under Rule 3(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, which mandates that the declared price must reflect the actual price paid or payable. Accordingly, the declared value is liable to be rejected under Rule 12 read with Rule 3(2) due to the absence of genuine, valid commercial documentation.

6.4. Further, Shri Priyanshu, Proprietor of M/s APEX GLOBAL, the importer of the impugned goods, while admitting that the test report indicated the container actually contained various articles of apparel different from those declared in the Bill of Entry, failed to furnish any documentary evidence substantiating the true transaction value of the imported goods.

6.5. Rule 3 (4) of the CVR 2007 prescribes that, "If the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through rules 4 to 9 of CVR 2007.

6.6. As per Rule 4 of the CVR, 2007, the value of the imported goods shall be the Transaction Value of identical goods sold for export to India and imported at or about the same time as the goods being valued, subject to certain conditions and parameters. To arrive at the value of the goods under Rule 4, the import data of Each CTI of corresponding goods as discussed above imported at or about the same time as the impugned goods, obtained from the ICES, was examined. However, in the absence of the Brand, quality or other details of the impugned goods, identical goods for comparison could not be obtained.

6.7 As per Rule 5 of the CVR, 2007, the value of imported goods shall be the Transaction Value of similar goods sold for export to India and imported at or about the same time as the goods being valued, subject to certain conditions and parameters. To arrive at the value of the goods under Rule 5, the import data of Each CTI of corresponding goods as discussed above imported at or about the same time as the impugned goods, obtained from the ICES, was examined. However, in the absence of quality, nature and type of fabric used in garments or other details of the impugned goods, similar goods for comparison could not be obtained.

6.8 Rule 6 of the CVR 2007 prescribes that, "If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 of CVR 2007 or, when the value cannot be determined under that rule, under rule 8.

Provided that at the request of the importer, and with the approval of the proper officer, the order of application of rules 7 and 8 shall be reversed.

6.9. Rule 7 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 applies only where the imported goods, or identical or similar imported goods, are sold in India in the same condition as imported, at or about the time of importation, and the assessable value is required to be determined on the basis of the unit price at which such goods are sold in the greatest aggregate quantity, after making the prescribed deductions towards commission or profit, inland transport, insurance, customs duties, and other taxes. The rule is also applicable, in the alternative, where such goods are sold in India within ninety days of importation or, if not sold in the condition as imported, after further processing, subject to appropriate deductions for value addition. In the present case, however, in the absence of reliable and complete particulars regarding the quality, nature, type of fabric used in the garments, and other relevant details of the impugned goods, and in the absence of verifiable evidence of contemporaneous domestic sale of identical or similar goods in the condition as imported, the provisions of Rule 7 are not attracted. Accordingly, the value of the impugned goods cannot be determined under Rule 7.

6.10. As per Rule 8 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, where the value cannot be determined under the preceding rules, the value of imported goods is required to be determined on the basis of the computed value. Such computed value shall comprise the cost or value of materials and fabrication or other processing employed in producing the imported goods, together with an amount for profit and general expenses usually reflected in sales of goods of the same class or kind made by producers in the country of exportation for export to India, as well as the cost or value of all other expenses specified under sub-rule (2) of Rule 10. However, in the present case, in the absence of details regarding the quality, profit margin, cost of raw materials, general expenses, and other relevant particulars of the impugned goods, no reliable basis is available to determine the value under the computed value method.

6.11 As per the Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) if the value of the impugned goods could not be determined under the provisions of Rules 3 to 8 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, the same is liable to be determined under Rule 9 of the said Rules, being the residual method. Under this rule, the value is required to be determined by reasonable means consistent with the principles and general provisions of the Valuation Rules and on the basis of data available in India, subject to the condition that such value shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade.

In the present case, representative samples of the imported goods were examined by Chartered Engineer **Shri Bhaskar G. Bhatt** under a panchnama dated 01.05.2026 **(RUD-4)** for analyzing the quality and nature of the constituents, and for arriving at a fair assessable value by reference to similar products available in the Indian market. For this purpose, he also took photographs of various products for record and comparison. Accordingly, the reference prices collected from Indian online platforms pertain to domestic sale prices of similar items, which ordinarily include GST, dealer margins, retail mark-ups, storage, freight, handling and other post-import commercial expenses, none of which form part of the assessable value at the stage of import.

Accordingly, the domestic market prices of each product, as available on the relevant Indian online platforms, were compared separately, and the minimum of the available prices for each product was taken as the benchmark for the purpose of valuation under the residual method. Since even the lowest domestic price includes embedded taxes and commercial mark-ups, 40% of such minimum domestic market price has been adopted as the assessable value, with a view to neutralize the incidence of GST, Customs Duty, profit element, and other post-import additions ordinarily reflected in the retail price. This redetermination has been made because the declared value did not reflect the true nature, description, and classification of the goods actually imported, and the preceding methods of valuation were found to be inapplicable on the facts and circumstances of the case. The detailed valuation of the imported goods is tabled below:

On the basis of the inspection carried out and the local market survey conducted in the presence of the DRI officer, the Chartered Engineer Shri Bhaskar G. Bhatt has arrived at the estimated CIF value of the imported goods. The Chartered Engineer Report REF:BB/E-22.2/26/AG/DRI records that the valuation was made after examining the goods physically, verifying the sample pieces, and comparing the same with the prevailing local market value of similar items available in the open market. While arriving at the assessable value, due adjustment was made for retailer's margin of profit, bulk discounts, incidental expenses, and applicable duties and taxes, as specifically mentioned in the report. The valuation suggested by the Chartered Engineer is as under **(RUD-5)**:

"Table- 5"

Sr. No.	Item Name	Total Cartoons	Total No of Pieces	Discounted rate	Amount (In Rs.)
1	LEGGINGS	57	3724	60.00	223440
2	SHORTS	10	1215	199.60	242514
3	TOPS	90	10116	92.00	930672
4	LOWER	27	2066	119.60	247094
5	SHIRTS	53	6179	223.60	1381624
6	SWEATSHIRT	28	3237	239.60	775585
7	SWEATER	5	695	319.60	222122
8	JEANS	37	2859	219.60	627836
9	PANTS	8	994	179.60	178522
10	JACKET	9	1200	295.60	354720
11	LADIES DRESS	4	530	228.00	120840
12	BABY GARMENT	3	2874	239.60	688610

13	LADIES SKIRT	1	150	239.60	35940
14	SOCKS	130	156000	8.00	1248000
	Total				7277520

Accordingly, the Chartered Engineer has certified the **estimated CIF value at ₹72,77,520/- (Rupees Seventy-Two Lakh Seventy-Seven Thousand Five Hundred and Twenty only)**, and the same was arrived at on the basis of local market survey and comparative market inquiry conducted in the presence of the DRI officer.

6.12. Therefore, in terms of the provisions of Rule 9 of the Customs Valuation (Determination of Value of Imported Goods), 2007, value of goods such as leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks imported under the Bill of Entry no. 7749499 dated 25.02.2026, was redetermined by considering the valuation provided by Chartered Engineer arrived by using residual method.

6.13 In his statement dated 30.06.2026, the importer confirmed that he had perused the Chartered Engineer's report regarding the valuation of all the goods, as well as the re-determined classification of the imported goods, and found the same to be correct. He further affirmed that the valuation appeared to have been carried out in accordance with the applicable Rules.

7. Statements Recorded

7.1 Summons dated 27.04.2026 were issued to M/s Apex Global to appear on 11.05.2026 for recording of statement. However, no representative appeared to give a voluntary statement under the provisions of Section 108 of the Customs Act, 1962.

7.2 Summons dated 18.05.2026 were issued to M/s Apex Global to appear on 28.05.2026 for recording of statement. However, no representative appeared to give a voluntary statement under the provisions of Section 108 of the Customs Act, 1962. Importer vide email stated that due to personal reasons, he is unable to appear for the statement on the scheduled date and requested to appear at DRI office on the next date without fail.

7.3 Summons dated 22.06.2026 were issued to M/s Apex Global to appear on 30.06.2026 for recording of statement. Shri Priyanshu, proprietor of M/s. Apex Global appeared on 30.06.2026 for recording of voluntary statement under the provisions of Section 108 of the Customs Act, 1962. During the statement Shri Priyanshu stated that **(RUD-6)**:

a. He takes care of all the business activity in the firm M/s. Apex Global.
b. M/s Apex Global imports goods from China and sell them in local market and they mainly deal in ready-made garments.
c. Due to marriage ceremony of his cousin, he could not attend the previous summons.
d. He sells these imported goods to retailers situated at Karol Bagh.
e. He mainly imports from real concept, Irish tech trading company and HY trading limited.
f. Order of the said consignment was placed in December end to Mr. David. The said goods were scheduled to be cleared before Chinese New Year. The supplier arranged the shipment to be delivered just before the warehouse closure.
g. The supplier has confirmed that due to mistake, incorrect items were loaded in the

container and he agreed with the details of the panchnama.

h. He had perused all the 14 test reports of CRCL Vadodara and agreed with the findings of the test report.
i. He perused the CTH wise classification of the goods as arrived from the outcome of the test report and accepted all the classification of goods.
j. He is aware of the specific per piece basic customs duty on some of the imported goods and he is willing to pay the same.
k. He perused the customs duty calculation sheet of the imported goods and agreed to the calculations of the same. He ensured that he would discharge all his liabilities of Customs duty with applicable interest and penalty.
l. He agreed with the valuation report of the Chartered Engineer Shri Bhaskker Bhatt.

8. Revised Quantification of Assessable Value and duties/taxes Thereon

8.1. Revised Quantification under Rule 9.

Considering the above, liabilities in respect of the imported goods have been quantified, as below:

Table – "6"

Sr No	Description	Total QTY	Actual Classification	Total Taxable Value of Goods (In INR)	Applicable BCD %	BCD Amount (In INR)	SWS %	SWS Amount	IGST Assessable Value (6+8+10)	IGST %	IGST Amount	Total Duty Payable (8+10+13)
1	2	3	4	5	6	7	8	9	10	11	12	13
1	LEGGINGS	3724	61159600	223440	20	44688	10	4468.8	272596.8	5	13629.84	62786.6
2	SHORTS	1215	61034300	242514	20	48502.8	10	4850.28	295867.08	5	14793.354	68146.4
3	TOPS	10116	61062010	930672	20% or Rs. 25 per piece	252900	10	25290	1208862	5	60443.1	338633.1
4	LOWER	2066	61083210	247094	20	49418.8	10	4941.88	301454.68	5	15072.734	69433.4
5	SHIRTS	6179	62052090	1381624	20% or 85 rs per piece whichever is higher	525215	10	52521.5	1959360.5	5	97968.025	675704.5
6	SWEAT SHIRTS	3237	61103010	775585	20% or 110 rs per piece whichever is higher	356070	10	35607	1167262	5	58363.1	450040.1
7	SWEATER	695	61103010	222122	20% or 110 rs per piece whichever is higher	76450	10	7645	306217	5	15310.85	99405.9
8	JEANS	2859	62046290	627836	20% or Rs. 135 per piece	385965	10	38596.5	1052397.5	5	52619.875	477181.4
9	PANTS	994	62046300	178522	20	35704.4	10	3570.44	217796.84	5	10889.842	50164.7
10	JACKET	1200	62033300	354720	20	70944	10	7094.4	432758.4	5	21637.92	99676.3
11	LADIES DRESS	530	61044400	120840	20% or Rs. 255 per piece	135150	10	13515	269505	5	13475.25	162140.3
12	BABY GARMENT	2874	61119020	688610	20	137722	10	13772.2	840104.2	5	42005.21	193499.4

13	LADIES SKIRT	150	61045300	35940	20% or Rs. 110 per piece,	16500	0	0	52440	5	2622	19122
14	SOCKS	156000	61159600	1248000	20	249600	10	24960	1522560	5	76128	350688
Total				72,77,520		2384830		236833			4,94,959	31,16,622

The detailed duty calculation is enclosed as Annexure-A **(RUD-7)**

8.2. This undervaluation, in tandem with misclassification and concealment of goods, clearly points to the fraudulent intent of the importer to evade Basic Customs Duties, thereby causing loss to Government Revenue. Details of the Customs Duty sought to be evaded by the importer is tabulated as below:

Sr No.		DECLARED DETAILS	DETAILS AFTER REASSESSMENT	DIFFERENCE
1	ASSESSABLE VALUE	1148662.71	7277520	6128857.29
2	BCD	245765.6	2384830	2139064.4
3	SWS	18326.6	236833	218506.4
4	IGST	70638	494959	424321
5	TOTAL DUTY	334731	3116622	2781891

8.3 By mis-declaring the nature, description, and classification of the imported goods, the importer has tried to evade customs duty amounting to **Rs. 27,81,891/-** (Rupees Twenty-Seven Lakhs Eighty-One Thousand Eight Hundred and Ninety-One only), comprising differential Basic Customs Duty of Rs. 21,39,064/- (Rupees Twenty-One Lakhs Thirty-Nine Thousand Sixty-Four only), differential Social Welfare Surcharge (SWS) of Rs. 2,18,506/- (Rupees Two Lakhs Eighteen Thousand Five Hundred and Six only), and differential Integrated Goods and Services Tax (IGST) of Rs. 4,24,321/- (Rupees Four Lakhs Twenty-Four Thousand Three Hundred and Twenty-One only).

9. Legal Provisions

9.1. **Section 17 of the Customs Act, 1962**

17. Assessment of duty. – (1) An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods.

…….

(4) Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.

9.2. **Section 46 of the Customs Act, 1962**:

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 4[electronically] 5[on the customs automated system] to the proper officer a bill of entry for home consumption or warehousing 6[in such form and manner as may be prescribed]:*

9.3. **Section 110 of the Customs Act, 1962**

110. Seizure of goods, documents and things.— (1) If the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods: Provided that where it is not practicable to seize any such goods, the proper officer may serve on the owner of the goods an order that he shall not remove, part with, or otherwise deal with the goods except with the previous permission of such officer.

9.4. **Section 111 of the Customs Act, 1962**

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 3[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;

9.5. **Section 112 of the Customs Act, 1962**

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 5[not exceeding the value of the goods or five thousand rupees], whichever is the greater;

(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ***ten per cent****. of the duty sought to be evaded or five thousand rupees, whichever is higher: Provided that where such duty as determined under sub-section (8) of section 28 and the interest*

payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent. of the penalty so determined;]

(iii) ……………………………………..

9.6. **Section 114AA of the Customs Act, 1962**

114AA. Penalty for use of false and incorrect material. —If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.]

9.7. **Section 124 of the Customs Act, 1962**

124. Issue of show cause notice before confiscation of goods, etc.—No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person—
(a) is given a notice in writing with the prior approval of the officer of Customs not below the rank of 2[an Assistant Commissioner of Customs], informing] him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;
(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and
(c) is given a reasonable opportunity of being heard in the matter:

Provided that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned, be oral. 3 [Provided further that notwithstanding the issue of notice under this section, the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed.]

9.8. **Section 125 of the Customs Act, 1962**

125. Option to pay fine in lieu of confiscation.—(1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods 4[or, where such owner is not known, the person from whose possession or custody such goods have been seized,] an option to pay in lieu of confiscation such fine as the said officer thinks fit:

Provided that where the proceedings are deemed to be concluded under the proviso to sub-section (2) of section 28 or under clause (i) of sub-section (6) of that *section in respect of the goods which are not prohibited or restricted, the provisions of this section shall not apply:*

Provided further that], without prejudice to the provisions of the proviso to sub-section (2) of section 115, such fine shall not exceed the market price of the goods confiscated, less in the case of imported goods the duty chargeable thereon.

(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1), shall, in addition, be liable to any duty and charges payable in respect of such goods.]

(3) Where the fine imposed under sub-section (1) is not paid within a period of one hundred and twenty days from the date of option given thereunder, such option shall become void, unless an appeal against such order is pending.

Explanation.—For removal of doubts, it is hereby declared that in cases where an order under sub-section (1) has been passed before the date on which the Finance Bill, 2018 receives the assent of the President and no appeal is pending against such order as on that date, the option under said sub-section may be exercised within a period of one hundred and twenty days from the date on which such assent is received.]

10. From the foregoing investigation, it appeared that

10.1. In terms of Section 17 of the Customs Act, 1962, an importer filing a Bill of Entry under Section 46 is required to self-assess the duty leviable on the imported goods. However, in the present case, M/s Apex Global failed to correctly self-assess the duty liability in respect of the imported goods, as the goods actually found during examination were materially different from those declared in the Bill of Entry. While the importer declared the goods as socks, trousers, tops, night dresses, skirts, the examination revealed that the consignment actually contained leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks in different quantities and descriptions. The importer has thus mis-declared the nature, description, classification, and quantity of the goods, and has failed to declare the correct tariff items corresponding to the goods actually imported. By such misdeclaration and concealment of the true identity and quantity of the goods, the importer appears to have evaded the correct customs duty liability and other duties of customs.

10.2. The importer, by declaring the impugned goods as "socks, trousers, tops, night dresses, skirts" under various CTI, has knowingly and deliberately misrepresented the true nature, description, quantity, and classification of the imported goods with the intent to conceal the actual import of various garments. The goods actually found during examination were different articles of apparel, namely leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks, each of which merits classification under distinct Customs Tariff Items and attracts duty accordingly. The importer has, therefore, not only mis-declared the goods in the Bill of Entry but has also suppressed the actual quantity and nature of the garments, including items attracting per-piece duty such as shirts, tops, sweatshirts, sweaters, jackets, and similar articles, so as to reduce the customs duty burden. This deliberate misdeclaration and misclassification appears to have been carried out with the clear intention to evade the higher Customs Duty and other applicable taxes, and, in the case of garments subject to specific tariff treatment, to avoid the correct duty incidence that would otherwise have been payable. The pattern of misdeclaration across the consignment, coupled with the substantial difference in duty liability arising from the correct classification of the goods, clearly establishes mens rea and demonstrates an intent to defraud the revenue. Accordingly, the importer's act has resulted in short-levy and non-levy of customs duties, including any other applicable duties and taxes, which are liable to be recovered under the provisions of the Customs Act, 1962.

10.3. By mis declaring both the quantity and description of the goods with the intent to conceal the garments attracting higher duty and misclassifying the articles of apparel, namely leggings, shorts, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments as socks, trousers, tops, night dresses, skirts and also by mis declaring the quantity and value of different articles of apparel, namely leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks, importer tried to evade applicable customs duty. This act of the importer is contrary to the provisions of the Customs Act-1962 and has made the imported goods liable for confiscation under Section 111(m) of the Customs Act, 1962,

10.4 M/s APEX GLOBAL imported readymade garment items from China by intentionally mis-declaring the quantity and description/category of the imported goods in the Bill of Entry with the apparent intent to avail a lower rate of customs duty, including lower applicable per-piece duty. The actual goods imported were found to differ from the declared particulars in respect of description/category and quantity, resulting in short payment/evasion of the applicable customs duty. Such acts of omission and commission appear to have rendered the goods liable to confiscation under Section 111(m) of the Customs Act, 1962 for misdeclaration of value, quantity, and other particulars material to assessment. Consequently, the importer appears liable for penalty under Section 112(a) and Section 112(b) of the Customs Act, 1962. These actions amount to deliberate misstatement and suppression of material facts with intent to evade payment of the appropriate customs duty, thereby attracting penal provisions under Section 112(a) and 112(b) of the Customs Act, 1962, for acts rendering the goods liable to confiscation.

10.5 Consequent upon the amendment to 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 electronic form. Section 46 of the Customs Act, 1962, makes it mandatory for the importer to make an entry for the imported goods by presenting a Bill of Entry electronically to the proper officer. As per Regulation 4 of the Bill of Entry (Electronic Declaration) Regulation, 2011 (issued under Section 157 read with Section 46 of the Customs Act, 1962) the Bill of Entry shall be deemed to have been filed and self-assessment of duty completed when, after entry of the electronic declaration (which is defined as particulars relating to the imported goods that are entered in the Indian Customs Electronic Data Interchange System) in the Indian

Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the service center, a Bill of Entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration. Thus, under self-assessment, it is the importer who must ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported goods while presenting the Bill of Entry. Thus, with the introduction of self-assessment by amendments to Section 17, since 8th April, 2011, it is the added and enhanced responsibility of the importer to declare the correct description, value, notification, etc. and to correctly classify, determine and pay the duty applicable in respect of the imported goods.

10.6 In the instant case, M/s APEX GLOBAL imported readymade garment items from China by intentionally mis-declaring the quantity and description/category of the imported goods in the Bill of Entry with intent to evade applicable duty of Customs, as discussed in this Investigation Report. This act of mis-declaration has led imported goods liable for confiscation under Section 111(m) and hence, the importer is liable for penalty under Section 112(a) & (b) of the Customs Act, 1962.

10.7. Shri Priyanshu, proprietor of M/s APEX GLOBAL (IEC: GOKPP9715K) appears to have indulged in presenting documents falsifying the identity of the goods, before the Customs authorities for import of the goods. Thus, importer has knowingly and intentionally made a declaration under the Bill of Entry filed under Section 46 of the Customs Act 1962, which is false and incorrect. Hence, Shri Priyanshu, proprietor of M/s. Apex Global has rendered himself liable to penalty under the Section 114AA of the Customs Act 1962.

11.1. Now, therefore, M/s. APEX GLOBAL, having its address at Pvt. No. 106, 6 A/1, First Floor WEA, Karol Bagh, New Delhi-110005, and holding (IEC No. GOKPP9715K), are hereby called upon to show cause in writing to **the Additional Commissioner of Customs**, Customs House, Mundra having office situated at office of the Pr. Commissioner of Customs, 5B, Port User Building, Adani Ports & SEZ, Mundra, Kutch, Gujarat – 370421 within 30 (thirty) days from the date of receipt of the notice, as to why: -

i. The declared assessable value of **Rs. 11,48,663/-** (Eleven lakhs Forty-Eight Thousand Six Hundred Sixty-Three Rupees) should not be rejected and goods be re-assessed at **Rs. 72,77,520/-** (Rupees Seventy-Two Lakhs Seventy-Seven Thousand Five Hundred and Twenty Only), as per the provisions laid down in the Customs Act, 1962.

ii. Imported goods having redetermined assessable value of **Rs. 72,77,520/-** (Rupees Seventy-Two Lakhs Seventy-Seven Thousand Five Hundred and Twenty Only) should not be confiscated under Section 111(m) of the Customs Act, 1962.

iii. Differential Import duty amounting **Rs. 27,81,891/-** (Rupees Twenty-Seven Lakh Eighty-One Thousand Eight Hundred and Ninety-One only) on the goods imported vide bill of entry no. 7749499 dated 25.02.2026 should not be demanded from M/s. Apex Global.

iv. Penalty should not be imposed on M/s. Apex Global under Section 112 (a) and (b) of the Customs Act, 1962 as the importer had imported goods by mis-declaring in terms of quantity and description.

11.2 Shri Priyanshu, proprietor of M/s APEX GLOBAL, has submitted incorrect and false declarations to Customs authorities at the time of import, having full knowledge that the imported goods were "different articles of apparel, namely leggings, shorts, tops, lower, shirts, sweatshirts, sweaters, jeans, pants, jackets, ladies' dresses, baby garments, skirts, and socks imported in guise of socks, trousers, tops, night dresses, skirts. He intentionally mis declared the description and quantity of the imported goods. Furthermore, he is found to have submitted fabricated import documents to Customs authorities in order to suppress the actual nature, description, quantity, and value of the goods with the aim of evading the payment of appropriate customs duties. By knowingly and intentionally making, signing, and using such false and incorrect declarations and documents, Shri Priyanshu, is hereby required to show cause in writing to **the Additional Commissioner of Customs**, Customs House, Mundra within 30 (thirty) days from the date of receipt of the notice, as to why penalty under **Section 114AA** of the Customs Act, 1962, should not be imposed upon him.

12. This Show Cause Notice is being issued under Section 124 of the Customs Act, 1962 without prejudice to any other action that may be taken against the Noticees or any other person / party connected with this case, under the Customs Act, 1962 or any other law for the time being in force. The aforesaid Noticees are directed to submit their reply in writing within 30 days of issuance of this notice. In their written reply, they should specifically mention whether they would like to be heard in person or through their authorized representative, by the adjudicating authority. They should also produce at the time of showing cause, all the evidences upon which they intend to rely in support of their defense. If no cause is shown against the action proposed in this Show Cause Notice within 30 days from the receipt of this Show Cause Notice (or extended period, if allowed) or if they or their representatives 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.

13. This Show Cause Notice is being issued on the basis of the evidences available on record. The Department reserves the right to add, alter, amend, modify or supplement this notice at any time on the basis of any evidence, material facts related to goods under investigation and any other import/smuggling by the said noticees, which may come to the notice of the Department after issuance of this notice and prior to the adjudication of the case.

14. The Copies of relied upon documents, as mentioned in the Show Cause Notice, are listed in **Annexure-R** and are enclosed with the Show Cause Notice and also are an integral part of this Show Cause Notice.

Digitally signed by
Dipakbhai Zala
Date: 25-08-2026
12:55:04

(Dipak Zala)
Additional Commissioner of Customs,
Custom House, Mundra.

To,

1. M/s. Apex Global (IEC: GOKPP9715K),
   Pvt. No. 106, 6 A/1, First Floor, WEA,
   Karol Bagh, New Delhi – 110005

2. Shri Priyanshu, Proprietor of M/s. Apex Global,
   Pvt. No. 106, 6 A/1, First Floor, WEA,
   Karol Bagh, New Delhi – 110005

Copy to:

1. The Deputy Director, DRI, Ahmedabad Zonal Unit,
   Unit No. 15, Magnet Corporate Park, Near Sola Flyover,
   S.G. Highway, Thaltej, Ahmedabad – 380 054

2. The Deputy Commissioner, EDI, Customs Mundra (For uploading on Mundra Customs Website)

Annexure – R

Sr no.	Document
RUD-1	Copy of Panchanama dated 27/28.02.2026 for examination of goods imported vide bill of entry no. 7749499 dated 25.02.2026
RUD-2	Copy of Seizure Memo F. No. DRI/AZU/CI-1/Enq-09(Int-05)/2026 dated 02.04.2026
RUD-3	Copy of Test Reports
RUD-4	Panchnama dated 01.05.2026 drawn for the purpose of the examination for valuation of imported goods
RUD-5	Chartered Engineer Report issued by Shri Bhaskar G. Bhatt REF:BB/E-22.2/26/AG/DRI dated 24.06.2026
RUD-6	Statement of Shri Priyanshu of M/s APEX GLOBAL recorded on 30.06.2026
RUD-7	Revised Quantification of Assessable Value and duties/taxes (Annexure A)

ANNEXURE-A

DUTY CALCULATION

Sr No	Description	Carton	Total	Actual Classification	Per piece Value of goods as per C.E Report	Total Taxable Value of Goods (In INR)	BCD %	BCD Amount(In INR)	SWS %	SWS Amout	IGST Assessable Value(6+8+10)	IGST %	IGST Amount	Total Duty Payable(8+10+13)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	LEGGINGS	57	3724	61159600	60	223440	20	44688	10	4468.8	272596.8	5	13629.84	62786.6
2	SHORTS	10	1215	61034300	200	242514	20	48502.8	10	4850.28	295867.08	5	14793.354	68146.4
3	TOPS	90	10116	61062010	92	930672	20% or Rs. 25 per piece	252900	10	25290	1208862	5	60443.1	338633.1
4	LOWER	27	2066	61083210	120	247094	20	49418.8	10	4941.88	301454.68	5	15072.734	69433.4
5	SHIRTS	53	6179	62052090	224	1381624	20% or 85 rs per piece whichever is higher	525215	10	52521.5	1959360.5	5	97968.025	675704.5
6	SWEAT SHIRTS	28	3237	61103010	240	775585	20% or 110 rs per piece whichever is higher	356070	10	35607	1167262	5	58363.1	450040.1
7	SWEATER	5	695	61103010	320	222122	20% or 110 rs per piece whichever is higher	76450	10	7645	306217	5	15310.85	99405.9
8	JEANS	37	2859	62046290	220	627836	20% or Rs. 135 per piece	385965	10	38596.5	1052397.5	5	52619.875	477181.4
9	PANTS	8	994	62046300	18000%	178522	20	35704.4	10	3570.44	217796.84	5	10889.842	50164.7
10	JACKET	9	1200	62033300	296	354720	20	70944	10	7094.4	432758.4	5	21637.92	99676.3
11	LADIES DRESS	4	530	61044400	228	120840	20% or Rs. 255 per piece	135150	10	13515	269505	5	13475.25	162140.3
12	BABY GARMENT	3	2874	61119020	240	688610	20	137722	10	13772.2	840104.2	5	42005.21	193499.4
13	LADIES SKIRT	1	150	61045300	240	35940	20% or Rs. 110 per piece,	16500	0	0	52440	5	2622	19122.0
14	SOCKS	130	156000	61159600	8	1248000	20	249600	10	24960	1522560	5	76128	350688.0
Total						72,77,520		23,84,830		2,36,833			4,94,959	31,16,622