



प्रधान आयुक्तका कार्यालय, सीमाशुल्क, अहमदाबाद

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SHOW CAUSE NOTICE

(Issued under Section 124 of the Customs Act, 1962)

Shri Arman Kalimuddin Huna S/o. Kalimuddin Huna (herein after referred to as the 'passenger/ Noticee') residing at Room No. 409, 4th FLR, Vaishnavi API, Old Kothari Bldg, Jeevan Baug, Mumbra, Thane, Maharashtra - 400612 holding Indian Passport bearing No. B9184266 arrived from Abu Dhabi by Indigo Flight No. 6E 76 dated 24.01.2024 at SVP International Airport, Ahmedabad on 24.01.2024. On the basis of scanning of Check in baggage of the passenger at the baggage screen machine, the batch officers SVPI Airport, Ahmedabad observed some suspicious metal images in 01 checked-in baggage of a passenger who was arriving by Indigo Flight No. 6E 76 from Abu Dhabi to Ahmedabad dated 24.01.2024, which is suspected to carry high valued dutiable/ contraband goods, therefore, a thorough search of all the baggage of the passenger as well as his personal search was required to be carried out and when the passenger arrived at the red channel, after detection of the suspicious images, the passenger namely Shri Arman Kalimuddin Huna along with his baggage was handed over by the red channel officers to the AIU officers at the green channel for further proceedings.

2.1 The AIU officers at green channel under Panchnama proceedings dated 24.01.2024 [**RUD No.-01**] in presence of two independent witnesses asked about identity of the passenger, the passenger identified himself as Shri Arman Kalimuddin Huna S/o Kalimuddin Huna and showed his Passport which was an Indian Passport bearing No. B9184266. Further, he informed that he had travelled from Abu Dhabi to Ahmedabad on 24.01.2024 by Indigo Flight No. 6E 76, and showed his Boarding Pass bearing Seat No. 1B. The officers and the Panchas observed that the said passenger had one Blue colour trolley bag and one hand bag. The AIU officers asked Shri Arman Kalimuddin Huna if

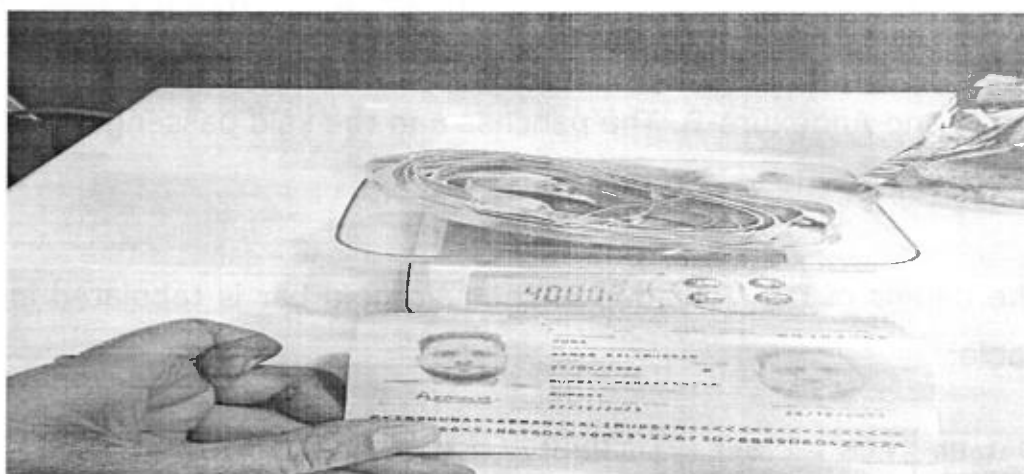
he had anything to declare, in reply to which he denied. Thereafter, the AIU officer informed the passenger that they were going to conduct his personal search and detailed examination of his baggage and the officers offered their personal search to the passenger but he denied saying that he was having full trust on the Officer. Thereafter, the AIU officer asked the passenger whether he wanted to be checked before an Executive Magistrate or Superintendent of Customs, in reply to which the passenger gave his consent to be searched in front of the Superintendent of Customs. Thereafter, the AIU officer asked the passenger to pass through the Door Frame Metal Detector (DFMD) Machine installed near the green channel in the Arrival Hall of Terminal 2 building, after removing all metallic objects from his body/ clothes. The passenger removed all the metallic objects such as mobile, purse etc. and kept in a plastic tray and passed through the DFMD. However, no beep sound was heard indicating there was nothing objectionable/ metallic substance on his body/ clothes.

2.2 Thereafter, the said passenger, the panchas and the officers moved to the AIU office located opposite belt No. 5 of the Arrival Hall, Terminal-2, SVPI Airport, Ahmedabad along with the baggage of the passenger. The officers checked the baggage of the passenger, however nothing objectionable was found. Further, the officers scanned one blue colored trolley bags of the passenger in X-ray baggage scanning machine (BSM) installed near the green channel counter at terminal-2 of SVPI, Ahmedabad in which a dark black colored image with yellow outline appeared around the inner sides of the trolley bag. Now, the AIU officer thoroughly checks the trolley bag from which black coloured image appeared, but nothing was found inside the trolley bags. Further, the officers again scanned the said trolley bag after removing all the materials packed in the trolley bags and then confirmed that the dark black colored image with yellow outline was appearing in inner sides of the trolley bag. Thereafter, the officers had taken out one black colour strip from the inner side of the trolley bag and on further removing the black tape from that strip some golden colour thin strip had been taken out from the trolley bag concealed inside around the inner sides of the trolley bag. The officer

asked whether the sticks/ thin strip was made of Gold, to which the passenger agreed that the stick/ thin golden strip was made of Gold.

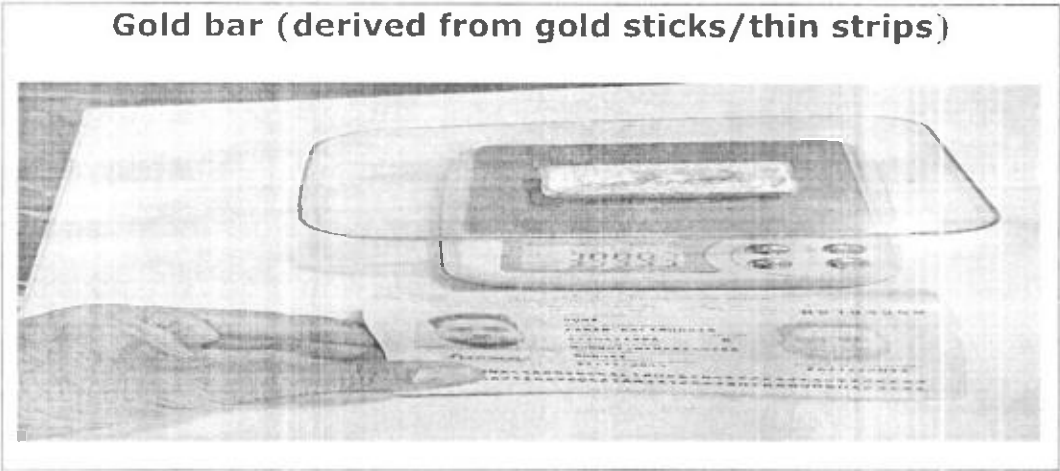
2.3 Thereafter, to confirm the purity of the sticks/thin strip recovered from the above said passenger concealed inside check in baggage, the AIU officers called the Government Approved Valuer. As the aforesaid passenger confirmed the sticks/ thin strip recovered from them as gold, he needed to come to the Airport for testing and Valuation of the said material. In reply, the Government Approved Valuer informed the AIU Officer that the testing of the said material would be only possible at his workshop as the gold recovered in various forms to be converted into gold bar by melting it and informed the address of his workshop.

2.4 Thereafter, on reaching the premises of the valuer, the AIU officer introduced the panchas as well as the passenger to one person named Mr. Kartikey Vasantrai Soni, Government Approved Valuer. Thereafter, Mr. Kartikey Vasantrai Soni weighed the said sticks/ thin strips recovered from the passenger on his weighing scale. After, weighing the sticks/ thin strips recovered from Shri Arman Kalimuddin Huna, Mr. Kartikey Vasantrai Soni informed that the gross weight of sticks/thin strips was 400.020 grams.



2.5 Thereafter, he leads us to the furnace, inside his workshop. Here, Mr. Kartikey Vasantrai Soni started the process of converting the said sticks/thin strips recovered from Shri Arman Kalimuddin Huna into solid gold bar by putting them into the furnace and upon heating the same, turned into liquid materials. The said substance in liquid state was taken out of furnace and poured in a bar shaped plate and after

cooling for some time, it became yellow colored solid metal in form of a bar. After completion of the procedure, the Government Approved Valuer informed that gold bar weighing **399.930** Grams having purity 750.0/18kt was derived from the 400.020 Grams of gold sticks/ thin strips which was recovered from Shri Arman Kalimuddin Huna.



2.6 After testing the said yellow-colored metal, the Government Approved Valuer summarized that this gold bar is made up of 18 Kt. gold having purity 750.0 weighing **399.930** Grams having market value of **Rs.19,31,662/-** (Rupees Nineteen Lakh Thirty-One Thousand Six Hundred and Sixty-Two Only) and Tariff Value of **Rs.16,69,934/-** (Rupees Sixteen Lakh Sixty-Nine Thousand Nine Hundred and Thirty-Four only). The value of the gold bar has been calculated as per the Notification No. 02/2024-Customs (N.T.) dated 15.01.2024 (gold) and Notification No. 04/2024-Customs (N.T.) dated 18.01.2024 (exchange rate). He submits his valuation report to the AIU Officer which is in Annexure-A and Annexure-B. The panchas and the said passenger put dated signature on the said valuation report.

The details of the Valuation of the said gold bar is tabulated in below table:

Sl. No.	Details of Items	PCS	Net Weight in Gram	Purity	Market Value (Rs.)	Tariff Value (Rs.)
1.	Gold Bar	1	399.930	750.0/ 18 Kt	19,31,662/-	16,69,934/-

3. The gold bar weighing 399.930 Grams are of 18 KT (750.0 Purity) is having Rs.19,31,662/- [Market Value] and Rs.16,69,934/- [Tariff Value]. The said gold recovered from the passenger was attempted to

be smuggled inside India with intent to evade payment of Customs duty and was a clear violation of the provisions of the Customs Act, 1962. Thus, having a reasonable belief that the said gold total weighing 399.930 Grams was attempted to be smuggled by the passenger, were liable for confiscation under the provisions of Customs Act, 1962; they were placed under seizure vide Panchnama dated 24.01.2024 drawn by the Officer of Customs (AIU) under a reasonable belief that the subject Gold was attempted to be smuggled into India and was liable for confiscation under Section 111 of the Customs Act, 1962 (**Seizure Report dated 24.01.2024- RUD No. 03**). Further, the gold, recovered from the passenger, was placed under seizure under section 110 of the Customs Act, 1962 vide Panchnama dated 24.01.2024 drawn by the Officer of Customs, AIU, at SVPI Airport, Ahmedabad.

The following travelling documents and identity documents of the passenger were recovered and withdrawn for further investigation: -

- (i) Copy of Passport No. B9184266 issued at Mumbai on 27.12.2023 and valid up to 26.12.2033. (**RUD No. 04**)
- (ii) Boarding pass of Indigo Flight number 6E 76 having seat no. 1B from Abu Dhabi to Ahmedabad dated 24.01.2024. (**RUD No.05**)
- (iii) Passenger Manifest of Indigo Flight number 6E 76 from Abu Dhabi to Ahmedabad dated 24.01.2024 depicting name of Shri Arman Kalimuddin Huna (**RUD -No. 6**)

4. A statement of the passenger was recorded on 24.01.2024 under Section 108 of the Customs Act, 1962 (**RUD NO.-07**), wherein he, inter alia, stated that he arrived from Indigo Flight number 6E 76 on 24.01.2024 having seat no. 1B, having Passport No. B9184266 at Sardar Vallabhbhai Patel International Airport, Ahmedabad. Furthermore, the passenger accepted that the said 01 Gold bar having weight 399.930 Grams extracted from gold strips was carried by him but did not belong to him as it was given to him by an unknown person in Dubai to bring the same to India in favor of which he would give him Rs.18,000/- and hotel stays in Dubai. Under his statement, the passenger admitted that he was aware that the bringing gold by way of concealment to India was illegal and it was an offense. Further, he also stated that some unknown person had given him the check-in

baggage in which gold was concealed and told him to carry the same to India and some unknown person will call him and take the bag containing gold from him in India. His intention was to earn fast money so he had done this illegal carrying of gold of 18 Kt. in commercial quantity in India without declaration. The same was clearly meant for commercial purpose and hence do not constitute bonafide baggage within the meaning of Section 79 of the Customs Act, 1962. Further, the said goods were also not declared before Customs by the pax. He stated that he was aware that smuggling of gold without payment of Customs duty is an offence. Since, he had to clear the gold without payment of Customs duty, he did not make any declarations in this regard. He admitted that he had opted for green channel so that he could attempt to smuggle the Gold without paying customs duty. Further, he again confirmed the recovery of gold weighing 399.930 Grams of 18 KT (750.0 Purity) having Rs.19,31,662/- [Market Value] and Rs.16,69,934/- [Tariff Value] from him during the course of Panchnama dated 24.01.2024.

5. Therefore, on the basis of facts narrated above, the said gold weighing 399.930 Grams of 18 KT (750.0 Purity) having Rs.19,31,662/- [Market Value] and Rs.16,69,934/- [Tariff Value], appeared liable for confiscation, was placed under seizure under Panchnama dated 24.01.2024 as said gold totally weighing 399.930 grams seized under Panchnama dated 24.01.2024 was "smuggled goods" as defined under Section 2(39) of Customs Act, 1962. It also appeared that the said pax has conspired to smuggle the said gold into India. The offence committed has been admitted by the said passenger in his statement recorded on 24.01.2024 under Section 108 of the Customs Act, 1962. He has committed an offence punishable under Section 135 (1) (a) & (b) of the Customs Act, 1962.

6. RELEVANT LEGAL PROVISIONS:

A. THE CUSTOMS ACT, 1962:

I) Section 2 - Definitions.—*In this Act, unless the context otherwise requires,—*

(22) "goods" includes—

(a) vessels, aircrafts and vehicles;

- (b) stores;
 - (c) baggage;
 - (d) currency and negotiable instruments; and
 - (d) any other kind of movable property;
- (3) "baggage" includes unaccompanied baggage but does not include motor vehicles;
- (33) "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 but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;
- (39) "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;"

II) Section 11A – Definitions -In this Chapter, unless the context otherwise requires,

- (a) "illegal import" means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force;"

III) "Section 77 – Declaration by owner of baggage.—The owner of any baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer."

IV) "Section 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:"

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

- (d) 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;
- (f) any dutiable or prohibited goods required to be mentioned under the regulations in an arrival manifest or import manifest or import report which are not so mentioned;
- (i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;
- (j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the

permission of the proper officer or contrary to the terms of such permission;

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

VI) "Section 112 – Penalty for improper importation of goods, etc.–Any person, -

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

VII) "SECTION 119- Confiscation of goods used for concealing smuggled goods – Any goods used for concealing smuggled goods shall also be liable to confiscation.
Explanation. – In this section, "goods" does not include a conveyance used as a means of transport.

B. THE FOREIGN TRADE (DEVELOPMENT AND REGULATION) ACT, 1976:

I) "Section 3(2) - The Central Government may also, by Order published in the Official Gazette, 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."

II) "Section 3(3) - All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of 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."

III) "Section 11(1) - 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."

C. THE CUSTOMS BAGGAGE DECLARATIONS REGULATIONS, 2013:

I) Regulation 3 (as amended) - *All passengers who come to India and having anything to declare or are carrying dutiable or prohibited goods shall declare their accompanied baggage in the prescribed form.*

CONTRAVENTION AND VIOLATION OF LAWS

7. It therefore appears that:

(a) Shri Arman Kalimuddin Huna improperly imported the 01- gold bar (extracted from gold strips and bar) weighing 399.930 Grams of 18 KT (70.0 Purity) having Rs.19,31,662/- [Market Value] and Rs.16,69,934/- [Tariff Value] concealed/ hidden inside the inner layers of trolley bag (as discussed herein above), without declaring it to the Customs by denying that he has nothing to declare to Customs with a deliberate intention to evade the payment of Customs duty and fraudulently circumventing the restrictions and prohibitions imposed under the Customs Act, 1962 and other allied Acts, Rules and Regulations. The passenger had knowingly and intentionally imported the said Gold improperly without declaring the same to the Customs authority under temptation to evade Customs Duty. Therefore, the gold imported by the passenger which was not declared to the Customs on arrival in India cannot be treated as bonafide household goods or personal effects. Shri Arman Kalimuddin Huna has thus contravened the Foreign Trade Policy 2015-20 and Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1976 read with Section 3(2) and 3(3) of the Foreign Trade (Development and Regulation) Act, 1976.

(b) The passenger, by not declaring the contents of hidden in his baggage which included dutiable and prohibited goods to the proper officer of the Customs has

contravened Section 77 of the Customs Act, 1962 read with Regulation 3 of the Customs Baggage Declaration Regulations, 2013.

- (c) The improperly imported 01 gold bar (extracted from gold strips) hidden/ concealed inside the check in baggage by the passenger without declaring it to the Customs is thus liable for confiscation under Section 111(d), 111(i) and 111(j) read with Section 2 (22), (33), (39) of the Customs Act, 1962 and further read in conjunction with Section 11(3) of the Customs Act, 1962.
- (d) The passenger, by his above-described acts of omission and commission on his part, has rendered himself liable to penalty under Section 112 of the Customs Act, 1962.
- (e) As per Section 123 of the Customs Act, 1962, the burden of proving that the 01-gold bar (extracted from gold strips), weighing 399.930 Grams of 18 KT (750.0 Purity) having Rs.19,31,662/- [Market Value] and Rs.16,69,934/- [Tariff Value] hidden in the check-in baggage by the passenger without declaring it to the Customs, are not smuggled goods, is upon the passenger and Noticee, Shri Arman Kalimuddin Huna.

8. Now therefore, **Shri Arman Kalimuddin Huna**, resident of Room No. 409, 4th FLR, Vaishnavi API, Old Kothari Bldg, Jeevan Baug, Mumbra, Thane, Maharashtra – 400612 holding Indian Passport bearing No. B9184266, is called upon to show cause in writing to the Additional Commissioner of Customs, Ahmedabad having his office at Custom House, Nr. All India Radio, Income Tax Circle, Navrangpura, Ahmedabad, as to why:

- i) The 01 (one) gold bar (extracted from gold strips), weighing **399.930** Grams of 18 KT (750.0 Purity) having **Rs.19,31,662/-** [Market Value] and

Rs.16,69,934/- [Tariff Value] placed under seizure under panchnama dated 24.01.2024 and seizure memo order dated 24.01.2024 should not be confiscated under Section 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962;

- ii) Penalty should not be imposed upon the passenger under Section 112(a) and 112(b) of the Customs Act, 1962.

9. Shri Arman Kalimuddin Huna is further required to state specifically in his written reply as to whether he wishes to be heard in person before the case is adjudicated. If no specific mention is made about this in his written submissions, it shall be presumed that he does not wish to be heard in person. He should produce at the time of showing cause, all the evidence upon which he intends to rely in support of his defense.

10. The passenger is further required to note that his 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 he does 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 evidence available on record.

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

12. This Show Cause Notice is issued without prejudice to any other action that may be taken against him, 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.

13. The Department reserves the right to amend, modify or supplement this notice at any time prior to the adjudication of the case.


30/5/24
(Vishal Malani)
Additional Commissioner,
Customs, Ahmedabad

F. No. VIII/10-79/SVPIA-D/O&A/HQ/2024-25 Date: 30/05/2024
DIN : 20240571MN0000776175

BY SPEED POST

To,
Shri Arman Kalimuddin Huna,
Room No. 409, 4th FLR, Vaishnavi API,
Old Kothari Bldg, Jeevan Baug, Mumbra,
Thane, Maharashtra-400612.

Copy to:

- (i) The Deputy/ Assistant Commissioner of Customs (AIU), Sardar Vallabhbhai Patel International Airport, Ahmedabad-380003.
- (ii) The System In charge, Customs HQ, Ahmedabad for uploading on official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
- (iii) Guard File.

ANNEXURE – ‘R’

LIST OF DOCUMENTS/RECORDS RELIED UPON FOR THE PURPOSE OF SHOW CAUSE NOTICE ISSUED TO SHRI ARMAN KALIMUDDIN HUNA

S. No.	Nature of document	Remarks
1	Panchnama dated 24.01.2024 drawn at SVPI Airport, Ahmedabad	Copy already provided
2	Valuation Report of Government Approved Valuer Shri Kartikey Vasantrai Soni vide his report dated 24.01.2024	Copy enclosed
3	Seizure memo Order dated 24.01.2024 issued under Section 110(1) of the Customs Act, 1962.	Copy enclosed
4	Copy of Passport No. B9184266 issued on 17.02.2017.	Copy enclosed
5	Copy of Boarding Pass showing Seat No.10C of the passenger in Indigo6E 76from Abu Dhabi to Ahmedabad dated 24.01.2024.	Copy enclosed
6	Passenger Manifest of Indigo6E 76from Abu Dhabi to Ahmedabad dated 24.01.2024depicting name of Shri Arman Kalimuddin Huna.	Copy enclosed
7	Statement of Shri Arman Kalimuddin Huna recorded on 24.01.2024.	Copy enclosed