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|  | | कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421. |
| A | FILE NO. फाइल संख्या | CUS/APR/ASS/2325/2025-Gr-4 -O/o Pr Commr-Cus-Mundra |
| B | OIO NO. आदेश संख्या | MCH/ADC/ZDC/392/2025-26 |
| C | PASSED BY जारीकर्ता | Dipak Zala Additional Commissioner of Customs Custom House, Mundra |
| D | DATE OF ORDER आदेश की तारीख | 21-11-2025 |
| E | DATE OF ISSUE जारी करने की तिथि | 21-11-2025 |
| F | SCN No. & Date कारण बताओ नोटिस क्रमांक | Waived as per request letter of Importer dated 17.11.2025. |
| G | NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक | M/s Apex Industries (IEC: AFRPJ1861L) S. No. 177-178, 190-191, Apex Industries, Viraniya, Mundra, Gujarat-370415 |
| H | DIN/दस्तावेज़ पहचान संख्या | 20251171MO0000999BA3 |

1. यहआदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

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

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

Any person aggrieved by this Order - in - Original may file an appeal

under Section 128A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“सीमाशुल्कआयुक्त) अपील(,
चौथी मंजिल, हुडको बिल्डिंग, ईश्वरभुवन रोड,
नवरंगपुरा, अहमदाबाद 380 009”

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

2. उक्तअपील यहआदेश भेजने की दिनांक से 60दिन के भीतर दाखिल की जानी चाहिए।

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

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

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

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

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

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

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

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

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

7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में,

जहां केवल जुर्माना विवाद में हो, **Commissioner (A)** के समक्ष मांग शुल्क का 7.5 % भुगतान करना होगा।

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

BRIEF FACTS OF THE CASE

M/s Apex Industries (IEC- AFRPJ1861L) (hereinafter referred to as the 'Importer'), having their office at S. No. 177-178, 190-191, Apex Industries, Viraniya, Mundra, Gujarat-370415 has filed a Bill of Entry No. 5569014 dated 07.11.2025, (hereinafter referred to as the 'said Bill of Entry') through their Customs Broker M/s. Milak Warehouse. Details of declared Assessable Value and Duty are as below-

Table-A

| Sl. No. | Bill of Entry No. | Description of Goods | Assessable Value | Duty |
|---------|--------------------------|----------------------|------------------|------------|
| 1 | 5569014 dated 07.11.2025 | Seamless Steel Tube | Rs. 53,29,560/- | 3,51,751/- |

2. The aforesaid Bill of Entry has been pushed back from the FAG site to Import Assessment Group 4 as it was found to be non-compliant of SIMS registration timeline. Details of particulars are as under:

Table-B

| Sl. No. | Bill of Entry No. & date | IGM Inward date | B/L date | SIMS Registration Date |
|---------|--------------------------|-----------------|------------|------------------------|
| 1 | 5569014 dated 07.11.2025 | 08.11.2025 | 17.10.2025 | 06.11.2025 |

3. As per the notice dt. 13.06.2025 issued vide F.No.: S-21022/9/2025-TRADE-TAX, TRADE & TAXATION division, Ministry of Steel, Govt. of India by the undersecretary. Effective from 20.06.2025

The sims shall require importers to apply for registration not earlier than 60th day and not later than 7th day before the expected date of arrival of import of import consignment. The automatic Registration Number thus generated shall remain valid for a period of 75 days.

4. However, in the instant case, the importer has not followed the timelines/guidelines of the notice dt. 13.06.2025 issued vide F.No.: S - 21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the undersecretary. As the SIMS registration certificate has been generated Two days before the expected date of arrival of import consignment.

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

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

- a. As per **Section 46(4) of the Customs Act, 1962**, the importer while presenting a Bill of Entry shall make and subscribe to a declaration as to the truth of the contents of such Bill of Entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, relating to the imported goods.
- b. **Section 111(d) of the Customs Act, 1962** provides for confiscation of any goods which are imported or attempted to be imported or are brought within the Indian Customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force.
- c. **Section 112(a) of the Customs Act, 1962**: - penalty for any person, who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under Section 111, or abets the doing or omission of such an act.

7. In view of above, it appears that impugned goods are imported without requisite SIMS registration. Therefore, it appears that the goods imported vide impugned bill of entry are liable for confiscation under Section 111(d) of the Customs Act, 1962 and the importer is liable for penalty under Section 112(a) of the Customs Act, 1962.

RECORD OF PERSONAL HEARING AND SUBMISSION OF IMPORTER

8. The Importer vide their letter dated 17.11.2025 has made following submission:

“Although the SIMS was filed 2 days prior to the arrival of vessel at Port Mundra and that we could not file the SIMS ahead of 7 days, as required, due to genuine delay from the overseas shipper providing the required documents to us; we sincerely request your kind consideration to the fact to condone the same. That, immediately upon receipt of documents we had filed our SIMS and prior to

the arrival of vessel at Port Mundra.

As such, we are a manufacturing unit, recently established at Ratadia, Mundra and the same would be used for manufacturing of High Pressure Cylinder and that we are not a trading unit.

Further, we humbly request you to:-

1. Not issue anu SCN (Show Cause Notice) or call for a hearing in this matter, and

2. Kindly process our file with minimum applicable charges.”

DISCUSSION AND FINDINGS

9. I have carefully gone through the facts of the case. I find **Apex Industries (IEC- AFRPJ1861L)** filed **Bill of Entry No. 5569014 dated 07.11.2025** with declared Assessable value and Duty as **Rs. 53,29,560.32/-** and **Rs. 3,51,751/-** respectively. I find that impugned bill of entry has been forwarded from FAG site to Import Assessment Group 4 on the ground that the importer has not followed the timelines/guidelines for the SIMS registration in the instant case. I also find that the Importer waived their right of Show Cause Notice and Personal Hearing.

10. Now, I take up the above matter in detail. I find that goods imported vide said bill of entry required compulsory SIMS registration for importing into India in terms of guidelines of the notice dt. 13.06.2025 issued vide F.No.: S - 21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the Under Secretary. The importer can apply for said registration not earlier than 60th day and not later than 7th day before the expected date of arrival of import of import consignment. However, in the instant case, the importer has not followed the timelines/guidelines of said Notification and registration was not completed within the stipulated time prescribed by the Notice dt. 13.06.2025 issued vide F.No.: S -21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the Under Secretary.

11. In the instant case, IGM inward date of Bill of Entry No. 5569014 dated 07.11.2025 is 08.11.2025 whereas SIMS registration date is 06.11.2025 which is two days before arrival of import consignment. However, as per the notice dated 13.08.2025 issued vide F.NO. S-21022/9/2025-TRADE-TAX, Trade & Taxation Division, Ministry of Steel, Govt. of India by the Under Secretary, the SIMS shall require importers to apply for registration not earlier than 60th day and not later than 7th day before the expected date of arrival of import consignment w.e.f. 20.06.2025. Therefore, it is evident that SIMS registration has not been made within the stipulated time prescribed by the Notice dt.

13.06.2025 issued vide F.No.: S -21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the Under Secretary. I find that it is nothing but utter negligence on the part of the importer in respect of the compliance at Customs end as it is evident that the Importer has enough time period i.e. 60 days before arrival of import consignment to apply for SIMS registration as per the notice dt. 13.06.2025 issued vide F.No.: S - 21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the undersecretary.

12. Since goods were imported into India without a valid SIMS certificate, the impugned goods have been imported without authorization and therefore, are liable for confiscation under Section 111(d) of the Customs Act, 1962, and for his act of omission and commission the importer is liable for penalty under Section 112(a) of the Customs Act, 1962. Since the Importer has submitted SIMS registration on date 16.09.2025, therefore, the goods can be cleared for home consumption under the provision of Section 125 (1) of the Customs Act, 1962.

13. Accordingly, I pass the following order:

ORDER

- i. I order for confiscation of the impugned goods imported vide Bill of Entry No. **5569014 dated 07.11.2025** having assessable value of **Rs. 53,29,560.32/-** under Section 111(d) of the Customs Act, 1962. However, I give the importer an option under provision of Section 125(1) of the Customs Act, 1962, to redeem the said goods on payment of redemption fine of **Rs. 50,000 /- (Rupees Fifty Thousand only)**.
- ii. I impose a penalty of **Rs.25,000 /-(Rupees Twenty Five Thousand only)** on M/s Apex Industries having IEC AFRPJ1861L under Section 112(a)(i) of the Customs Act, 1962, for their act of omission and commission.

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

Additional Commissioner of Customs,
Import Assessment,
Customs House, Mundra.

To,

M/s Apex Industries (IEC AFRPJ1861L)
S. No. 177-178, 190-191, Apex Industries, Viraniya, Mundra, Gujarat-
370415

Copy to:

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

Office Copy.