

F. No. GEN/ADJ/COMM/468/2026-Adjn-O/o Pr Commr-Cus-Mundra

	कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421 PHONE:02838-271426/271423 FAX:02838-271425 Email: adj-mundra@gov.in	
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Show Cause Notice No.: 37/2026-27/COMM/N.S./Adjn/MCH

SHOW CAUSE NOTICE

[Issued under Section 28(4) read with 124 of the Customs Act, 1962]

1. Intelligence:

An intelligence collected and developed by the officers of Directorate of Revenue Intelligence, Regional Unit, Jaipur (herein after referred as “DRI” for the sake of brevity) indicated that some importers of “Static VAR Generator (SVG)” (hereinafter referred to as “the imported goods”) have been evading payment of customs duty by wrongly misclassifying the same under CTH 85437099. These importers were importing Static VAR Generator by classifying the same under CTH 85437099, paying BCD@7.5% and IGST @18%, however, Static VAR Generator is correctly classifiable under CTH 85044090, which attracts BCD @20% and IGST @18%. Thus, it appears that the importer evaded/short paid customs duty by misclassifying the imported goods under CTH 85437099. The Static VAR Generator imported by the importer was meant to be used in the Solar Power Plants/ Wind Power Plants and the importer was aware of the exact end-use of the subject imported goods. Despite being fully aware of the description and end use of the imported goods, these were wrongly classified under CTH 85437099 in the Bills of Entry filed for home clearance instead of its correct CTH 85044090 in order to evade the appropriate Customs Duty. This had also resulted in the short payment of other Customs levies viz. SWS and IGST as BCD forms part of the assessable value for computation of these duties.

Based on the above intelligence, summonses DIN No. 202411DDZ4000000C837 dated 14.11.2024, DIN No. 202411DDZ40000004E9C dated 27.11.2024 and DIN No. 202412DDZ40000323827 dated 11.12.2024 (**RUD No.- 1**) under Section 108 of the Customs Act, 1962 were issued to M/s. Adani Green Energy Limited (IEC 816920249), Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gandhi Nagar, Gujarat-382421 to submit documents and to tender evidence.

2. In response to summons dated 11.12.2024, Shri Ganesh Sharma, Senior Manager of M/s. Adani Green Energy Limited appeared on 30.12.2024 as an authorized representative of the importer and his statement was recorded under Section 108 of the Customs Act, 1962 (**RUD No.- 2**), wherein he, inter alia, stated that: -

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- M/s. Adani Green Energy Limited is renewable energy company engaged in production of electrical energy through Solar Module, Wind Turbine and Generators; that it had imported Static VAR Generators from China for its Rajasthan & Khavda (Gujarat) Projects.
- Being Senior Manager (Techno Commercial) of M/s. Adani Green Energy Limited, he is responsible for overall customs activities for all the Adani group companies except parts & mining; that he is responsible for looking end to end activities for logistics, which includes freight procurement for China/ Malaysia/ Europe to Indian Port; that he looks after Customs Clearance at Indian Port & arranging last mile transportation.
- M/s. Adani Green Energy Limited had imported Static VAR Generator and other items namely Solar Modules, trackers, inverters and robotic module cleaning systems for its solar plants located in Rajasthan and Gujarat.
- M/s. Adani Green Energy Limited had imported total 151 sets of Static VAR Generator 50 MVAR SVG (Static VAR Generator) vide 22 Bills of Entry filed at Mundra Port, which were supplied by M/s. TBEA XI'AN Electric Technology Co., Ltd. China and Guangdong Mingyang Longyuan Power Electronics Co., Ltd., China.
- On being asked about name and contact details of overseas supplier M/s. TBEA XI'AN Electric Technology Co. Ltd and M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, he stated that Mr. Farhan Khan (farhan.khan2@adani.com) and Shri Subodh Chaurasia (subodh.chaurasia@adani.com), Techno Commercial team of M/s. Adani Green Energy Limited dealt the communication of purchase order to the overseas supplier; that the PO were communicated by him to **Shri Vaibhav Kaushik** of M/s. TBEA XI'AN Electric Technology Co. Ltd.
- On being asked about purchase order, he stated that they had shared purchase order with their overseas supplier for import of Static VAR Generator and had submitted copy of some purchase orders of different dates.
- He was appraised about the fact that on going through their purchase orders, it appears that they had mentioned HSN code of SVG as 85437099 and on being asked who had decided to mention/ declare CTH/ HSN 85437099 in the Purchase Orders, he stated that HSN code mentioned in the Purchase Orders was discussed by the SCM team with taxation, technical team and finance team and after understanding the technical functioning of the Static VAR Generator imported by us, classification was decided by the finance team.
- On being asked to state end use of the Static VAR Generator imported by them from M/s. TBEA XI'AN Electric Technology Co. Ltd., China and M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, he stated that in an electric power system, reactive power plays an important role to maintain the stability of the grid. Static VAR Generator widely known as SVG is one of the devices which is being used for the compensation of Reactive Power in the electrical system. The compensation device based on voltage source converter had played a qualitative leap in reactive power compensation.

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It no longer uses large capacity capacitors and inductors, but realizes reactive transformation through power electronic devices of high-frequency and high-power. By using full-controlled PWM (Pulse Width Modulation) with carrier phase-shifting technology, compensate reactive power of load.

Applications of Static VAR Generator (SVG)-

When the grid voltage is higher, the SVG can send out the inductive reactive power to pull down the grid; when the grid voltage is lower, the SVG can send out the capacitive reactive power to lift the grid.

SVG can complete the conversion from rated capacitive reactive power to rated inductive reactive power in a very short time. This unparalleled response speed is fully capable of compensating load impact. The response time of SVG is less than 5ms.

SVG can suppress voltage flicker up to 5:1 or even higher. Because of the fast response speed of SVG, increasing the device capacity can continue to improve the ability to suppress voltage flicker.

SVGS are high performance, compact, flexible, modular that provide an instantaneous and effective response to power quality problems in low or high voltage electric power systems. They enable longer equipment lifetime, higher process reliability, improved power system capacity and stability, and reduced energy losses, complying with most demanding power quality standards and grid Codes.

Components of the SVG

The SVG solution comprised of the below items-

1. Disconnect switch.
 2. Soft start unit.
 3. Surge Arrestor.
 4. Reactor, power unit.
 5. Control system & protection system.
 6. Auxiliary system.
- On being asked about the primary functions of Static VAR Generator (SVG) imported by them, he stated that the Working principle of SVG is that SVG uses switchable power electronic devices (such as IGBTs) to form a self commutation bridge circuit, which is connected in parallel to the power grid through a reactor. The amplitude and phase of the output voltage on the AC side of the bridge circuit are appropriately adjusted, or the AC side current is directly controlled. It quickly absorb or emit the required reactive power to achieve rapid dynamic adjustment of reactive power. As an active compensation device, it can not only track the impulse current of impulse loads, but also track and compensate for harmonic currents.

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The voltage source inverter consists of two parts: a DC capacitor and an inverter bridge, where the inverter bridge is composed of switchable semiconductor devices IGBTs.

In work, by adjusting the switching of IGBT devices in the inverter bridge, the amplitude and phase of the voltage from DC inverter to AC can be controlled. Therefore, the entire device is **equivalent to a phase modulated power supply**. By detecting the required reactive power in the system, it is possible to quickly generate reactive power of equal magnitude and opposite phase, achieving on-site balance of reactive power and maintaining real-time high power factor operation of the system.

1. Static reactive power generator, English description: static var generator, Abbreviated as SVG. Also known as dynamic reactive power compensation device, or static synchronous compensator. It refers to a device that uses a self-commutation power **semiconductor bridge converter** for dynamic reactive power compensation.

2. In the power system, in order to reduce the power loss caused by the large amount of reactive current provided by the distribution network to the load, corresponding voltage level reactive power compensation devices need to be installed at each power receiving point to improve the transmission capacity of the power grid and save energy. At present, many industrial and mining enterprises use capacitor switching compensation, but the configuration of capacitor compensation is relatively low, and the stability of switching compensation devices is poor.

In other words, a Static Var Generator (SVG) uses power electronics to provide reactive power compensation in a dynamic and precise manner.

- that the Static VAR Generator (SVG) imported by M/s. Adani Green Energy Limited does not contain any moving part and all the parts of imported Static VAR Generator (SVG) are stationary.
- M/s. Adani Green Energy Limited was directed to comply with the Central Electricity Authority (CEA) regulation to install SVGs for maintaining reactive power requirements of the grid, accordingly, by the technical team of M/s. Adani Green Energy Limited, which was later on passed to Techno Commercial team for procurement of the same.
- Static VAR Generator (SVG) imported by them is combination of power electronics devices namely IGBTs, Capacitors and Inductors.
- that the Static VAR Generators imported by M/s. Adani Green Energy Limited are solid state devices.
- On being asked who is responsible for filing of Bills of Entry, deciding CTH, payment of customs duty etc. on import of Static VAR Generator (SVG) by M/s. Adani Green Energy Limited, he stated that the Bills of Entry were filed by the Customs House agent after confirmation from the Customs Team of M/s. Adani Green Energy Limited; that final responsibility of filing of Bills

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of Entry is with Customs Team, headed by him (Shri Ganesh Sharma); that the responsibility of deciding CTH, payment of customs duty etc. being dealt by the Customs team, which is being headed by him as Senior Manager-Techno Commercial of M/s. Adani Green Energy Limited; that in import of Static VAR Generator (SVG), they had taken services of two Customs Brokers namely M/s. Velji P & Sons and M/s. Nidhi Shipping Private Limited, who on their behalf filed the Bills of Entry at Mundra Port and got cleared the goods. He further state that Customs Brokers had no role in deciding classification of the imported Static VAR Generators as the CTH of the same was decided by them and informed to the Customs Broker.

- On being asked to state what was the CTH declared by them in the Bills of Entry for “Static VAR Generator of various capacity”, he stated that in all the Bills of Entry, they had declared description of the imported goods as “TBEA Make 50 MVAR Static VAR Generator SVG, Static VAR Generator (SVG) 50 MVAR and CTH as “85437099”.
- He was shown relevant page of Customs Tariff covering CTH 8543 and more particularly the CTH 85437099 as declared by them in the Bills of Entry and on being asked to state what are the goods covered under the CTH 85437099 and whether the “Static VAR Generator” & “TBEA make Static VAR Generator (SVG)” imported by M/s. Adani Green Energy Limited merit classification under CTH 85437099, he after going through relevant page of Customs Tariff covering CTH 8543 and CTH 85437099 stated that the CTH 85437099 is for Electrical machines and apparatus having individual functions, not specified or included elsewhere in Chapter 85 and according to his knowledge the Static VAR Generator imported by them are classifiable under CTH 85437099 as it does not have any specific HSN Code. He further stated that these were classified under CTH 85437099 as the same was declared in the certificate of country of origin.
- **He was appraised about the fact stated by him in his statement that when the grid voltage is higher, the SVG can send out the inductive power to pull down the grid and when the grid voltage is lower, the SVG can send out the capacitive reactive power to lift the grid and on being asked whether he agreed that SVGs work similar to a voltage regulator, he stated that the SVGs work similar to a voltage regulator. SVG is used to control and stabilize the voltage of electric energy in grid.**
- He agreed that the auxiliary systems are component of the SVG imported by them.
- He was shown relevant page of Customs Tariff covering CTH 8504 and on being asked to state whether the “Static VAR Generator TSVG-30/33W” imported by M/s. Adani Green Energy Limited appears to be a voltage regulator and made up of auxiliary system and therefore merit classification under CTH 85044090, he after going through HSN Explanatory notes of Customs Tariff covering CTH 8504, requested to give 30 days time to understand the alternating current converts and cycle converts and stated that

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he would discuss and revert back for both technical side and customs classification matter, **however till date he had not provided any explanation in this regard.**

- He was shown printout of document wherein specific details of Static VAR Generator were mentioned. This document was received by the department from M/s. TBEA XI'AN Electric Technology Co. Ltd., China supplier of SVGs to M/s. Adani Green Energy Limited and on being asked to offer his comments on it, he appended his dated signature on the said paper in token of having seen /read the same and stated that he will discuss and revert back for both technical side and customs classification matter.
- He was shown printout of operational principle for Static VAR Generators (SVG) downloaded from website of M/s. TBEA XI'AN Electric Technology Co. Ltd., China (supplier of SVGs) to M/s. Adani Green Energy Limited and on being asked to offer his comments on it, he appended his dated signature on this paper in token of having seen /read the same and stated that he will discuss and revert back for both technical side and customs classification matter.
- He was appraised about the fact that he has admitted that the imported Static VAR Generator had both the qualities i.e. they contain auxiliary system and they act as voltage regulator and on being asked whether he agreed that SVGs imported by M/s. Adani Green Energy Limited are a type of electrical static convertor which merits classification under CTH 8504, he stated that he will discuss and revert back for both technical side and customs classification matter.
- He was shown printout of commercial invoice SA20240615002 dated 15.06.2024 (PO No. 4200001742) issued by M/s. TBEA XI'AN Electric Technology Co. Ltd., China to M/s. Ostro Bhesada Wind Private Ltd. wherein the imported goods namely Static VAR Generator had been classified under CTH 85044090 by the supplier M/s. TBEA XI'AN Electric Technology Co. Ltd., China and on being asked to offer his comments on it, he appended his dated signature on this paper in token of having seen /read the same and stated that as per this document supplier (TBEA) is not consistent in classifying the SVG.
- On being asked to state reasons/ justification for classification of imported Static VAR Generator by M/s. Adani Green Energy Limited under CTH 85437099, he stated that SVGs do not have specific tariff entry and the supplier mentioned the same CTH/HSN in the certificate of country of origin, hence they have classified under CTH 85437099 stating as Electrical machines and apparatus having individual functions, not specified or included elsewhere in this Chapter – other
- that M/s. Adani Green Energy Limited had imported parts of Static VAR Generators i.e. Capacitor Module and Power Module from M/s. TBEA XI'AN Electric Technology Co., Ltd. vide Bill of Entry No. 5429148 dated

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05.09.2024 and classified both the above-mentioned imported items under CTH/HSN 85044090.

- He was appraised about the fact that they have classified parts of Static VAR Generators under CTH 8504, whereas Static VAR Generators imported by them had been classified under CTH 85437099. On being asked to justify why the parts (capacitor Module (Used in Static VAR Generator) and Power Module (used in Static VAR Generators) were classifiable under CTH 8504 whereas the imported item (Static VAR Generators) was classified under CTH 85437099, he stated that parts of Static VAR Generator had been classified under CTH/HSN 85044090 on the basis of the documents provided by the supplier.
- He agreed that if the parts of Static VAR Generator are classified under CTH 85044090, then Static VAR Generators should also be classified under CTH/HSN 850440.

3. The Static VAR Generator imported by M/s. Adani Green Energy Limited were supplied by M/s. TBEA Xi'an Electric Technology Co. Ltd., China, therefore summons DIN No. 202504DDZ4000000EB25 dated 25.04.2025 and DIN No. 202505DDZ40000287643 dated 09.05.2025 and DIN No. 202505DDZ4000000C4E4 dated 30.05.2025 (**RUD No.- 3**) under Section 108 of the Customs Act, 1962 were issued to M/s. TBEA Xi'an Electric Technology Co. Ltd. In response to summons dated 30.05.2025, Vaibhav Kaushik, Consultant (Sales), of M/s. TBEA Xi'an Electric Technology Co. Ltd. appeared on 03.06.2025 and his statement was recorded under Section 108 of the Customs Act, 1962 (**RUD No.- 4**), wherein he, inter alia, stated that: -

- M/s. TBEA Xi'an Electric Technology Co. Ltd., No. 70, Shanglinyuan 4th Road, High Tech, Zone Xi'an, China is engaged in manufacturing of Static VAR Generators. The sister concern of M/s. TBEA Xi'an Electric Technology Co. Ltd. namely M/s. TBEA Solar India Pvt. Ltd. is situated at Industrial Area, Talaguppe, Karnataka, Bidadi-562109, which manufactures Solar Invertors.
- He is Country Head Consultant (Sales) in TBEA Xi'an Electric Technology Co. Ltd. and he work as a link between M/s. TBEA Xi'an Electric Technology Co. Ltd., China and Indian Solar Developers, where he approach potential Indian solar developers with their products (Solar Invertors & Static VAR Generators) for marketing purpose and if the developer is interested in the product, the further dealing between Indian Developer and M/s. TBEA Xi'an Electric Technology Co. Ltd. is handled by him which includes deciding of price, schedule of supply, finalization of payment terms and details in export documents etc.
- M/s. TBEA Xi'an Electric Technology Co. Ltd. supply Static VAR Generators to various Indian importers; that their major customers of Static VAR Generator in India are:

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- (i) M/s. Adani Green Energy Limited
- (ii) M/s. Green Infra Wind Energy Limited
- (iii) M/s. Green Infra Renewable Energy Limited
- (iv) M/s. Jakson Green Private Limited
- (v) M/s. Amara Raja Infra Private Limited
- (vi) M/s. ABC Renewable Energy (RJ-01) Private Limited
- (vii) M/s. Ambuja Cements Limited
- (viii) M/s. Renew Solar Energy (Jharkhand One) Private Limited
- (ix) M/s. Avaada Clean Project Private Limited
- (x) M/s. AM Green Energy Private Limited
- (xi) M/s. Ashoka Buildcon Limited
- (xii) M/s. Tata Power Renewable Energy Limited
- (xiii) M/s. Tata Power Solar Systems Limited
- M/s. TBEA Xi'an Electric Technology Co. Ltd. manufactures Static VAR Generators of various type of MVAR of capacities 30 MVar, 35 MVar, 40 MVar, 45 MVar, 50 MVar, 55 MVar, and 60 MVar.
- that for every supply of Static VAR Generators by M/s. TBEA Xi'an Electric Technology Co. Ltd. to Indian customer/importer, they had executed a purchase order/ agreement with them; that the PO were exchanged among Indian Developer/importer (M/s Adani Green Energy Limited) and M/s. TBEA Xi'an Electric Technology Co. Ltd.; that his email used for this purpose is vaibhavkaushik@tbea.com.
- On being asked to state end use of the Static VAR Generator supplied by them he stated that in an electric power system, reactive power plays an important role to maintain the stability of the grid. Static VAR Generator widely known as SVG is one of the devices which is being used for the compensation of Reactive Power in the electrical system. The compensation device based on voltage source converter had played a qualitative leap in reactive power compensation. It no longer uses large capacity capacitors and inductors, but realizes reactive transformation through power electronic devices of high-frequency and high-power. By using full-controlled PWM (Pulse Width Modulation) with carrier phase-shifting technology, compensate reactive power of load.

Applications of Static VAR Generator (SVG)

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When the grid voltage is higher, the SVG can send out the inductive reactive power to pull down the grid; when the grid voltage is lower, the SVG can send out the capacitive reactive power to lift the grid.

SVG can complete the conversion from rated capacitive reactive power to rated inductive reactive power in a very short time. This unparalleled response speed is fully capable of compensating load impact. The response time of SVG is less than 5ms.

SVG can suppress voltage flicker up to 5:1 or even higher. Because of the fast response speed of SVG, increasing the device capacity can continue to improve the ability to suppress voltage flicker.

SVG's are high performance, compact, flexible, modular that provide an instantaneous and effective response to power quality problems in low or high voltage electric power systems. They enable longer equipment lifetime, higher process reliability, improved power system capacity and stability, and reduced energy losses, complying with most demanding power quality standards and grid Codes.

Components of the SVG

The SVG solution comprised of the below items-

1. Disconnect switch.
 2. Soft start unit.
 3. Surge Arrestor.
 4. Reactor, power unit.
 5. Control system & protection system.
 6. Auxiliary system.
- On being asked about the primary functions of Static VAR Generator (SVG) supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China to various Indian importers (solar developers), he stated that SVG uses switchable power electronic devices (such as IGBTs) to form a self commutation bridge circuit, which is connected in parallel to the power grid through a reactor. The amplitude and phase of the output voltage on the AC side of the bridge circuit are appropriately adjusted, or the AC side current is directly controlled. Quickly absorb or emit the required reactive power to achieve rapid dynamic adjustment of reactive power. **As an active compensation device, it can not only track the impulse current of impulse loads, but also track and compensate for harmonic currents. Thus, it appears that SVG also regulate voltage and current.**

The voltage source inverter/convertor consists of two parts: a DC capacitor and an inverter bridge, where the inverter bridge is composed of switchable semiconductor devices IGBT

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In work, by adjusting the switching of IGBT devices in the inverter bridge, the amplitude and phase of the voltage from DC inverter to AC can be controlled. **Therefore, the entire device is equivalent to a phase modulated power supply.** By detecting the required reactive power in the system, it is possible to quickly generate reactive power of equal magnitude and opposite phase, achieving on-site balance of reactive power and maintaining real-time high power factor operation of the system.

1. Static reactive power generator, English description: static var generator, Abbreviated as SVG. Also known as dynamic reactive power compensation device, or static synchronous compensator. It refers to a device that uses a self commutation power semiconductor bridge converter for dynamic reactive power compensation.
2. In the power system, in order to reduce the power loss caused by the large amount of reactive current provided by the distribution network to the load, corresponding voltage level reactive power compensation devices need to be installed at each power receiving point to improve the transmission capacity of the power grid and save energy. At present, many industrial and mining enterprises use capacitor switching compensation, but the configuration of capacitor compensation is relatively low, and the stability of switching compensation devices is poor.

In other words, a Static VAR Generator (SVG) uses power electronics to provide reactive power compensation in a dynamic and precise manner.

- that Static VAR Generator (SVG) supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China does not contain any moving part. All the parts of Static VAR Generator (SVG) are stationary.
- That Static VAR Generator (SVG) supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China is combination of power electronics devices namely IGBTs, Capacitors and Inductors.
- that the Static VAR Generators supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China to Indian importers/customers are solid state device.
- that the auxiliary systems are component of the SVG supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China.
- He was shown printout of document wherein specific details of Static VAR Generator were mentioned. This document was received by the department from M/s. TBEA XI'AN Electric Technology Co. Ltd., China and on being asked to offer his comments on it, he appended his dated signature on this paper in token of having seen /read the same and stated that he agreed with the contents of this document and agreed that the said documents has been issued by M/s. TBEA XI'AN Electric Technology Co. Ltd., China.

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- He was shown printout of operational principle for Static VAR Generators (SVG) downloaded from website of M/s. TBEA XI'AN Electric Technology Co. Ltd., China and on being asked to offer his comments on it, he appended his dated signature on this paper in token of having seen /read the same and stated that agreed with the contents of this document and agreed that the said document belongs to M/s. TBEA XI'AN Electric Technology Co. Ltd., China.
- that as per his understanding of the functioning of Static VAR Generators and prevalent practice at M/s. TBEA XI'AN Electric Technology Co. Ltd., the correct CTH/HSN of Static VAR Generators is 85044090, as the Static VAR Generators functions similar to Static Converter.
- He was shown printout of commercial invoice SA20240615002 dated 15.06.2024 (PO No. 4200001742) issued by M/s. TBEA XI'AN Electric Technology Co. Ltd., China to M/s. Ostro Bhesada Wind Private Ltd. wherein the imported goods namely Static VAR Generator had been classified under CTH 85044090 by the supplier M/s. TBEA XI'AN Electric Technology Co. Ltd., China and on being asked to offer his comments on it, he stated that the first shipment of Static VAR Generator by M/s. TBEA XI'AN Electric Technology Co. Ltd., China was supplied to M/s. UPC Renewables (90 MVar), wherein the HSN Code of the Static VAR Generator was declared as 85044090 by them; that thereafter, many Indian Importers had imported Static VAR Generator from M/s. TBEA XI'AN Electric Technology Co. Ltd., China and they had also supplied Static VAR Generator to M/s. Adani Green Energy Limited, wherein M/s. Adani Green Energy Limited informed them that they had imported shipment of Static VAR Generator under HSN Code 85437099 from other supplier namely Mingyang Smart Energy Group Limited, which was cleared from the Indian Customs and requested them to mention the HSN Code 85437099 in export documents for the Static VAR Generator supplied by them to M/s Adani Green Energy Limited. Thereafter, some other Indian Importers also requested them to mention the same HSN 85437099 in their export documents. He further stated that all purchase orders of Indian importers with them were CIF contracts and therefore, they were not supposed to pay any duty or tax applicable in Indian territory. He further stated that while dealing with all the Indian importers for supply of Static VAR Generator, they used to intimate them both the HSN i.e. 85044090 and 85437099 in conversations with advice to confirm the applicability of HSN code from their Customs House Agent or from Customs Manuals and they used to mention the HSN code in export document, as per instructions of customers/importers.
- That as per instructions of M/s. Ostro Bhesada Wind Private Limited, they had declared the HSN code as 8504 4090, which is the correct HSN for the subject goods.

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- On being asked whether M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO. LTD. was providing HSN or CTH of the goods being sold/ exported by it to Indian Customers, he stated that for their first shipment was sold to M/s. UPC Renewables wherein they had mentioned HSN Code as 8504 4090; that thereafter M/s. Adani Green Energy Limited had approached them and informed that they had imported Static VAR Generator from M/s. Mingyang Smart Energy Group Limited under HSN Code 85437099 and instructed them to mention HSN 85437099 for their shipments of Static VAR Generator and after that they started referring two HSN codes (85437099 and 85044090) to buyers with instructions to verify the applicability from their CHA while deciding HSN code and they used to mention HSN code in export document, which customer instructed them to mention.
- On being asked why M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO.LTD. was suggesting/referring two HSN codes (85437099 and 85044090) to the Indian Customers/importers of Static VAR Generator when they were clear in understanding that the correct CTH/HSN of Static VAR Generator is 85044090, he stated that they were clear that the Static VAR Generator falls under CTH 85044090, however as suggested by M/s Adani Green Energy Limited for the first time they had declared CTH 85437099 in the consignments of M/s Adani Green Energy Limited (As suggested by Shri Suneel Jaiswal vide mail dated 03.08.2023); that there is difference in applicable Customs duty on these two CTH, as BCD@20% was applicable on CTH 85044090 whereas CTH 85437099 is having [BCD@7.5%](#) and as there is difference in applicable duty, they had started referring two HSN codes (85437099 and 85044090) to their buyers with instructions to verify the same and decide HSN code and had mentioned the CTH in export documents as suggested by the importer. He further stated that their all shipments to Indian Importer were CIF based and they were not liable to pay any duty or tax in India on the goods which were exported by M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO.LTD. As per Purchase orders, all the duty and taxes on the imported goods were to be borne by the Indian importers only, therefore M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO. LTD. was not deriving any benefits from declaring HSN 85437099.
- On seeing two invoices No. SA20250210001 dated 10.02.2025 & SA20250121001 dated 21.01.2025 respectively issued by M/s. TBEA XI'AN Electric Technology Co. Ltd., China in respect of Static VAR Generator exported to M/s. Fourth Partner Energy Pvt. Ltd. and M/s. Kleio Solar Power Private Limited he stated that as per M/s. TBEA XI'AN Electric Technology Co. Ltd., China, the Static VAR Generators are correctly classifiable under HSN 8504 4090 and in these cases Indian Importer also agreed with M/s. TBEA XI'AN Electric Technology Co. Ltd., China, and accordingly, they had declared HSN code as 85044090 in the shipping documents.

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- On being asked to state reasons / grounds for classifying the same exported goods “Static VAR Generator” under different HSN/ CTH code i.e. 85437099 and 85044090 while exporting to Indian Importers, he stated that the exports shipments of M/s. TBEA XI’AN Electric Technology Co. Ltd., China to Indian Importers are on CIF basis and they are not liable for any duty or tax in Indian Territory; that they recommended use of HSN code 85044090 to India importers but some times Indian importers insist for declaration of HSN code as 85437099 and just to continue their business with them, they either mention other HSN code or sometime did not mention any HSN code in the shipping documents as per request of Indian importer.
- On being asked whether any of the Indian importer had requested M/s. TBEA XI’AN Electric Technology Co. Ltd., China to mention specific HSN Code/ CTH in export documents, he stated that in most of export shipments, Indian Importer enquired about HSN code of the imported goods and they recommend HSN code 85044090 to them and some of them did not agree with them and instructed to either mention HSN code 85437099 or not to mention any HSN code; that first of all, M/s. Adani Green Energy Limited had requested them to mention HSN code of Static VAR Generator as 85437099 and thereafter many other importers also requested to mention HSN 85437099 and accordingly, they had mentioned the same to continue their business.
- On being asked to submit documents regarding his claim that first of all, M/s. Adani Green Energy Limited had requested them to mention HSN code of Static VAR Generator as 85437099 in the export documents, he submitted print out of his email (vaibhavkaushik@tbea.com) correspondence with the Shri Suneel Jaiswal of M/s. Adani group (suneel.jaiswal@adani.com) running in total 10 pages and correspondence with Shri Avinash Swain (avinash.swain@adani.com) running in total 32 pages.
- He was shown print out of his mail correspondence with Shri Suneel Jaiswal of M/s. Adani group running from 1 to page 10 as stated above and on being asked to state contents of this email in respect to Static VAR Generator supplied to M/s. Adani Green Energy Limited, he stated that this email correspondence with Shri Suneel Jaiswal of M/s. Adani group pertains to the period of July and August, 2023, wherein Shri Suneel Jaiswal had intimated them to mention HSN code 85437099 in export documents for imported item Static VAR Generator and Shri Suneel Jaiswal informed them that they will take care for customs clearance in India vide email dated 03.08.2023; that vide email dated 01.08.2023, **M/s. TBEA XI’AN Electric Technology Co. Ltd., China had informed M/s. Adani Green Energy Ltd. that they suggest HS Code 8504 4090** for Static VAR Generator and requested them to check and verify the same from Indian Customs Authority to avoid any inconvenience and vide mail dated 31.07.2023, M/s. TBEA XI’AN Electric Technology Co. Ltd., China had informed M/s. Adani Green Energy Ltd. that they had never exported SVG under HSN 8543 and therefore they are

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not sure if this HSN code can be used for SVG and they will not bear any consequences caused by this.

- He was shown print out of mail correspondence with Shri Suneel Jaiswal of M/s. Adani group running from 1 to page 32 including two attachments (PO Dated 26.02.2025 and PO Deviation sheet) and asked to state HSN code of goods mentioned in PO and main contention about HSN code of imported Static VAR Generator in PO deviation sheet to which after going through all the 32 pages of this email correspondence between M/s. TBEA XI'AN Electric Technology Co. Ltd. and Shri Avinash Swain of M/s Adani Group, stated that PO deviation sheet is a record in which all the deviation with regard to Purchase order are being recorded from initiation of purchase deal to finalization of agreement/purchase order. Further, with regard to HSN code of Static VAR Generator declared by M/s. Adani Green Energy Limited in their PO 5310000646, he stated that M/s. Adani Green Energy Limited had initially mentioned HSN code of Static VAR Generator as 85021100 and further development with regard to this PO are recorded in PO Deviation sheet to this purchase order. He further stated that in PO (5310000646) deviation sheet, refer to comments dated 25.02.2025 of TBEA, wherein they had communicated that *HS Code 85437099 has always been questioned by Indian Customs (Nhava Sheva, Mundra Port, Chennai Port etc.) and requested that the SVG Buyers to clarify the reasonableness of the customs code, hence for your order can complete the customs clearance smoothly, we request you give us the HS Code recognized by Indian Customs now, so that we can update the new applicable customs code in the shipping documents before this batch of shipments.*

The response of M/s. Adani Group is reproduced as under:

We will continue using the HSN code 85437099 until further notice. We are currently discussing potential changes with the Customs department, but until those discussions conclude and any updates are finalized, please stick with the existing code.

He further stated that as per importer's reply and suggestion they are still mentioning HSN Code as 85437099 in export documents in respect of Static VAR Generator supplied to M/s. Adani Green Energy Limited.

- On being asked to state the process undertaken by M/s. TBEA XI'AN Electric Technology Co. Ltd. while negotiating with Indian importers for supply of Static VAR Generator, he stated that mostly all the negotiations with Indian importers takes place through mail, however sometime it also happens on mobile phone.

3.1 Whereas, it appears that M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China had also supplied Static VAR Generators to M/s. Adani Green Energy Limited, therefore summons DIN No. 202507DDZ40000666FF dated 02.07.2025 (**RUD No.-**

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5) under Section 108 of the Customs Act, 1962 was issued to M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. In response to summons dated 02.07.2025, Shri Sagar Prabhakar Kale, Country Manager-India of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. appeared on 22.07.2025 and his statement was recorded under Section 108 of the Customs Act, 1962 (**RUD No.- 6**), wherein he, inter alia, stated that: -

- M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., No. 25, Jiangling West Road, Torch Development Zone, Zhongshan City, Guangdong Province, China is engaged in manufacturing of Static VAR Generators (LV & MV), LV BESS & HV BESS and HVDC Statcom and export the same to various countries.
- He works as Country Manager of India in M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. and works as marketing & PR consultant in India wherein his responsibility includes maintaining rapport with Indian Customers, supporting after sales for commissioning of the imported goods.
- M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. supply Static VAR Generators (LV & MV), LV BESS & HV BESS and HVDC Statcom to various Indian importers. The main customers of Static VAR Generator in India are as under:
 - (i) M/s. Adani Green Energy Limited
 - (ii) M/s. JSW Renew Energy two Limited
 - (iii) M/s. Ayana Renewable Power Three Pvt. Ltd.
 - (iv) M/s. Clean Solar Power (Jodhpur) Pvt. Ltd.
 - (v) M/s. ACME Dhaulpur Powertech Pvt Ltd.
 - (vi) M/s. Sterling & Wilson Renewable Energy
- M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. manufacture Static VAR Generators of various type of MVAR of capacities from 10 MVar to 65 MVar.
- that for every supply of Static VAR Generators by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. to Indian customer/ importer, they execute a purchase order/ agreement with them. The PO are being exchanged between Indian Developer/importer and M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China; that being a marketing & PR consultant, he is not involved in dealing of Purchase orders; On being asked about who deals and accept purchase orders on behalf of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd, he stated that Mr. Wang Lu having email id wanglu11@mywind.com.cn deals with it from China.
- With regard to the end use of Static VAR Generator supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, he stated that SVG is used to provide reactive power to stabilize the grid; that when fault occurs in system then active power reduces which led to voltage dip/ sag, this creates imbalance in system for which SVG gives reactive power and

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stabilize the grid. Apparent Power= square root of sum of square of active and reactive powers.

- That the components of Static VAR Generator (SVG) supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China to various Indian importers (solar developers) are as under:-
 1. Disconnect switch.
 2. Soft start unit.
 3. Surge Arrestor.
 4. Reactor, power unit.
 5. Control system & protection system.
 6. Auxiliary system.
- that Static VAR Generator (SVG) supplied by /s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China does not contain any moving part. All the parts of Static VAR Generator (SVG) are stationary.
- That Static VAR Generator (SVG) supplied by /s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China is combination of power electronics devices namely IGBTs, Capacitors and Inductors.
- that the Static VAR Generators supplied by /s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China to Indian importers/customers are solid state device.
- that the auxiliary systems are component of the SVG supplied by /s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China.
- On being asked about the Customs classification (CTH) of Static VAR Generators supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. to the Indian importers, he stated that he being not a technical person is not aware about customs classification of the Static VAR Generator; that as per his knowledge the Static VAR Generator supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. was previously classified under CTH 85437099 but recently they had classified the Static VAR Generator supplied to M/s. Clean Solar Power (Jodhpur) Pvt. Ltd. under CTH/ HSN 8504 4090. He submitted copy of invoice No MYLY202506001 dated 01.06.2025 issued to M/s. Clean Solar Power (Jodhpur) Pvt. Ltd after appending his dated signature on it in token of its authenticity.
- He was shown relevant page of HSN Explanatory notes of Customs Tariff covering CTH 8504 and on being asked to state whether the Static VAR Generator supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China is a Electrical Static Converter and therefore merit classification under CTH 85044090, he after going through HSN Explanatory notes of Customs Tariff covering CTH 8504 and comparing the same with the composition and functioning of Static VAR Generators supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, agreed that Static VAR Generator merits classification under CTH / HSN 8504 4090.

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- He was shown relevant page of Customs Tariff covering CTH 8543 and more particularly the CTH 85437099 as declared by them in the export documents Bills of Entry and on being asked to state what are the goods covered under the CTH 85437099 and whether the “Static VAR Generator” supplied by them merit classification under CTH 85437099, he after going through relevant page of Customs Tariff covering CTH 8543 and CTH 85437099 stated that the CTH 85437099 is for Electrical machines and apparatus having individual functions, not specified or included elsewhere in Chapter 85. He further stated that after reading explanatory notes of HSN 8543 and 8504, he had understood the issue of classification of imported goods more precisely and admitted that the Static VAR Generators are correctly classifiable under CTH/ HSN 8504 4090 and not under CTH 85437099.
- On being asked to state reasons why M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. had changed CTH/ HSN of Static VAR Generator from CTH/ HSN 85437099 to 85044090 as earlier they had classified the Static VAR Generator under CTH 85437099 and now they started classifying the same under CTH 85044090, he stated that they had received demand for change of CTH/ HSN from 85437099 to CTH/ HSN 85044090 from various Indian Importers, therefore, the management of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. reviewed the applicable CTH/ HSN for export of Static VAR Generator and during review of the classification of Static VAR Generator CTH/ HSN 8504 4090 appeared more relevant to them and accordingly, they started classifying the same under CTH/ HSN 8504 4090.
- That M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. had recently (May 2025) supplied Parts of the Static VAR generator to M/s. Ayana Renewable Power Three Pvt. Ltd. and has classified parts of the SVG under CTH 8504 4090.

4. Whereas, Shri Ganesh Sharma, Senior Manager of M/s. Adani Green Energy Limited in his statement dated 30.12.2025 stated that he will discuss and revert back for both technical side and customs classification of Static VAR Generator imported by them, however he has not submitted any clarification/documents with regard to classification of Static VAR Generator. Therefore, following summons under Section 108 of the Customs Act, 1962 (**All 14 summonses RUD No.- 7**) were issued to M/s Adani Green Energy Limited and its employees to record their evidence/statement, however they have not cooperated in investigation by not appearing for tendering their evidence/statement.

Sr No	Name of the importer/ summons issued to	Summons DIN	Summons date	Date of appearance	Remarks

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	M/s Adani Green Energy Limited				
1.	M/s. Adani Green Energy Limited	202505DDZ40000493628	15.05.2025	26.05.2025	None appeared
2.	M/s. Adani Green Energy Limited	202505DDZ40000555F6D	30.05.2025	16.06.2025	None appeared
3.	M/s. Adani Green Energy Limited	202507DDZ4000000EAC6	02.07.2025	11.07.2025	None appeared
	Shri Ganesh Sharma, Senior Manager, M/s Adani Green Energy Limited				
4.	Shri Ganesh Sharma	202507DDZ40000323773	29.07.2025	06.08.2025	Not appeared
5.	Shri Ganesh Sharma	202508DDZ40000555F30	21.08.2025	02.09.2025	Not appeared
6.	Shri Ganesh Sharma	202509DDZ4000000A776	17.09.2025	01.10.2025	Not appeared
	Shri Suneel Jaiswal, M/s Adani Green Energy Limited				
7.	Shri Suneel Jaiswal	202507DDZ40000024731	02.07.2025	18.07.2025	Not appeared
8.	Shri Suneel Jaiswal	202507DDZ40000805524	29.07.2025	04.08.2025	Not appeared
9.	Shri Suneel Jaiswal	202508DDZ4000000C4CB	21.08.2025	29.08.2025	Not appeared
10.	Shri Suneel Jaiswal	202509DDZ4000000CFF F	17.09.2025	29.09.2025	Not appeared
	Shri Avinash Swain, M/s Adani Green Energy Limited				
11.	Shri Avinash Swain	202507DDZ4000000EE60	02.07.2025	21.07.2025	Not appeared
12.	Shri Avinash Swain	202507DDZ4000011641C	29.07.2025	05.08.2025	Not appeared

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13.	Shri Avinash Swain	202508DDZ4000072368 2	21.08.2025	01.09.2025	Not appeared
14.	Shri Avinash Swain	202509DDZ4000072368 2	17.09.2025	30.09.2025	Not appeared

5. M/s. Adani Green Energy Limited vide letter dated 04.09.2025 (**RUD No.- 8**) submitted that they have imported subject goods at Mundra port and have cleared the same by classifying the same under CTH 85437099 on payment of BCD@7.5% and DRI is of the view that the subject goods are classifiable as Static Converter falling under CTH 8504 attracting BCD@10% as per Sr. No. 13 of Customs Notification No. 22/2018-Cus dated 02.02.2018; that they do not agree with the view taken by DRI and to show their bonafides, they have deposited an amount of Rs.15,92,49,931/- towards differential customs duty on the subject goods, under protest by reserving their right to claim refund once the matter is decided in their favour. The importer submitted copy of Challan No. 8107007375 dated 03.09.2025 for payment of Rs.15,92,49,931/-.

6. On scrutiny of the import data of M/s. Adani Green Energy Limited and from the statements recorded and letter received from the importer as discussed in paras supra, it appears that the importer had misclassified imported Static VAR Generators under CTH 85437099 instead of its correct CTH 85044090 to evade payment of customs duty in the following Bills of Entry. The details of the same are as under: -

Sr · No ·	Bill of Entry No.	Bill of Entry Date	Description of imported goods	Qty (Nos)	Assessable Value (Rs)
1	764601 1	02.09.2023	STATIC VAR GENERATOR (SVG) - 50MVAR (INCLUDING MANDATORY SPARES PARTS)	3	89353500
2	777198 0	11.09.2023	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG-50/33-W-C)	4	100740000
3	779712 4	12.09.2023	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	4	100740000
4	868446 1	08.11.2023	STATIC VAR GENERATOR (SVG) - 50MVAR	5	113139677
5	868446 6	08.11.2023	STATIC VAR GENERATOR (SVG) - 50MVAR	2	46063710
6	877637 9	15.11.2023	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	7	164050425
7	881988	18.11.2023	50MVAR STATIC VAR	4	93687400

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	9	3	GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)		
8	886806 2	21.11.202 3	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	4	93687400
9	210170 8	12.02.202 4	STATIC VAR GENERATOR (SVG) - 50MVAR	1	22305515
10	240346 1	02.03.202 4	STATIC VAR GENERATOR (SVG) - 50MVAR WITH MANDATORY SPARES (ASPER INV)	6	136941580
11	240362 8	02.03.202 4	STATIC VAR GENERATOR (SVG) - 50MVAR WITH MANDATORY SPARES (ASPER INV)	6	136941580
12	247221 3	07.03.202 4	STATIC VAR GENERATOR (SVG), 50MVAR, TBEA TSVG-50/33-W-C WITHSPARE PARTS (AS PER INV)	5	110559225
13	268492 0	21.03.202 4	STATIC VAR GENERATOR (SVG), 50MVAR, TBEA TSVG-50/33-W-C WITHSPARE PARTS (AS PER INV)	9	198650813
14	302023 5	14.04.202 4	50 MVAR STATIC VAR GENERATOR (SVG) (TBEA TSVG-50/30-W-C) WITH SPARE PARTS (AS PER INV)	9	200073983
15	361216 7	22.05.202 4	STATIC VAR GENERATOR (SVG) - 50MVAR (AS PER INV)	7	163293165
16	384252 1	05.06.202 4	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH MANDATORYSPARES (AS PER INV)	10	114462107
17	387591 4	07.06.202 4	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH MANDATORYSPARES (AS PER INV)	10	113679393
18	413278 0	22.06.202 4	50 MVAR STATIC VAR GENERATOR (SVG) WITH 5 SETS OF MANDATORYSPARES (AS PER INV)	6	66335670
19	421627 7	27.06.202 4	50 MVAR STATIC VAR GENERATOR (SVG) WITH 5 SETS OF MANDOTORYSPARES ON BASIS (AS PER INV)	6	70508520
20	494491 8	08.08.202 4	STATIC VAR GENERATOR (SVG) - 50MVAR (AS PER INV)	8	186255360

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21	496889 7	09.08.202 4	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 2 SETS OF MANDATORY SPARES (AS PER INV)	15	336982950
22	701606 5	03.12.202 4	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 6 SETS OF MANDATORY SPARES (AS PER INV)	20	449879850
23	746955 7	26.12.202 4	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 6 SETS OF MANDATORY SPARES	23	520998818
24	837698 6	15.02.202 5	100 MVAR IGBT BASED DYNAMICALLY VARYING STATIC VAR GENERATOR ALONG WITH 2 SETS OF MANDATORY SPARES	2	46595640
25	913199 5	27.03.202 5	MYSVG-35/50-WO STATIC VAR GENERATOR (SVG) -33KV 50MVAR	5	112922550
26	918975 5	29.03.202 5	MYSVG-35/50-WO STATIC VAR GENERATOR (SVG)-33KV 50MVAR	1	23195610
27	292778 4	28.06.202 5	MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	19	432158325
28	343703 5	23.07.202 5	50 MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	15	337869000
29	409944 9	25.08.202 5	MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	14	319340700
30	291729 0	27.06.202 5	SUPPLY OF VARIOUS SPARES FOR SVG RECTIFICATION IN PSS-13	-	6135500
Total				230	490754796 4

7. Classification of the Static VAR Generator (SVG) and its functions: -

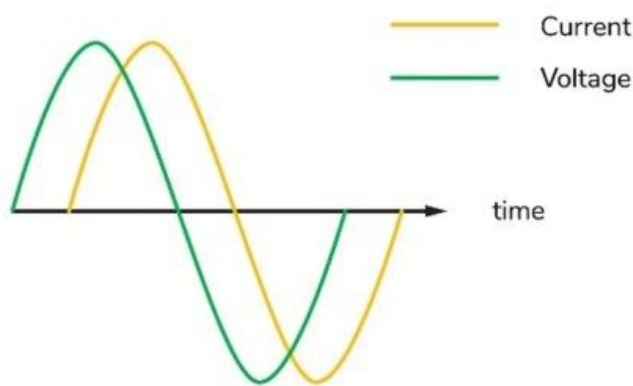
7.1 A Static VAR Generator (SVG) is a power electronic device used in electrical power systems to regulate and control active power and reactive power (measured in VARs, or Volt-Ampere Reactive) and improve power quality. It is a device used in electrical power systems to provide fast-acting reactive power compensation. It regulates the voltage, power (active and reactive) level, enhances system stability, and improves power factor by dynamically absorbing or generating reactive power, depending on the grid's needs. It helps in maintaining the voltage stability of the grid by generating or absorbing reactive power, depending on the

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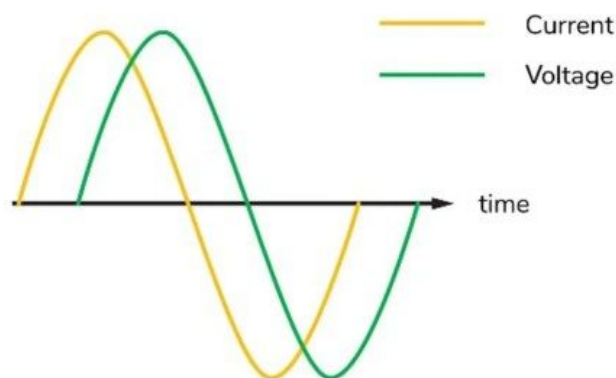
grid's needs. The basic principle of SVG is that Voltage Source Inverter (Voltage Sourced Converter, VSC for short) connects to power grid (load) through a shunt reactor or transformer and by adjusting the inverter AC output voltage amplitude and phase, or controlling the amplitude and phase of the AC current, SVG absorb or release reactive power rapidly and thus achieve the goal of fast dynamic adjusting reactive power.

When the power grid (load) is generating inductive or capacitive current, it makes load current lagging or leading the voltage.

(a) When grid is generating Inductive power, where current lags voltage, SVG detects the phase angle difference and generates a leading current into the grid making the phase angle of current almost the same as that of voltage on the transformer side, which makes fundamental power factor to unity.



(b) Similarly, when grid is generating Capacitive power, where current leads voltage, SVG detects the phase angle difference and generates a lagging current into the grid making the phase angle of current almost the same as that of voltage on the transformer side, which makes fundamental power factor to unity.



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SVG is also capable of correcting load imbalance and compensating part of harmonic currents. It is a device used in electrical power systems to provide fast-acting reactive power compensation. It regulates the voltage level, enhances system stability, and improves power factor by dynamically absorbing or generating reactive power, depending on the grid's needs. It helps maintain the voltage stability of the grid by generating or absorbing reactive power, depending on the grid's needs.

7.2 Components of a Static VAR Generator (SVG):

Static VAR Generator (SVG) is a power electronic device which has various components which allow it to function properly. The key components of a Static VAR Generator are as under:-

- (i) **Voltage Source Inverter:** The core component of Static VAR Generator is the voltage-source inverter (VSI). The VSI converts DC power into AC power and is controlled by a sophisticated control system. The control system constantly measures the power system parameters, such as voltage and current, and adjusts the SVG's operation accordingly.
- (ii) **External Controller:** The external controller takes the measurement of active power and reactive power of the HV (High Voltage) bus bar from a separate potential transformer.
- (iii) **Thyristor-switched capacitor (TSC):** A component that compensates for reactive power in electrical systems. It consists of a power capacitor, a bidirectional thyristor valve, and usually a current limiting reactor.
- (iv) **Thyristor-controlled reactor (TCR):** A component that is often used with a TSC in an SVG. The reactor can be air- or iron-cored.
- (v) **Harmonic filter:** A component that may be used in an SVG.
- (vi) **Power Electronic Devices:**
 - **IGBTs (Insulated Gate Bipolar Transistors):** The primary switching devices used in SVGs for controlling the flow of reactive power. They enable rapid switching, allowing the SVG to respond quickly to changes in in grid conditions.
 - **Diodes:** Used to facilitate current flow during different operational states, providing a path for reverse current.
- (viii) **Energy Storage Elements:**
 - (a) **Capacitors:** Store electrical energy and discharge it to supply reactive power when needed. They play a crucial role in managing the voltage levels by providing a source of reactive power.
 - (b) **Inductors:** Sometimes included to manage reactive power by absorbing excess reactive power and providing additional filtering

7.3 Role/ Functions of a Static VAR Generator (SVG):

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- **Voltage Regulation:** SVGs dynamically control reactive power, stabilizing the grid voltage.
- **Fast Response:** Unlike traditional compensators (like capacitor banks or synchronous condensers), SVGs are fast-acting, capable of responding to sudden changes in load or generation, thus improving the transient stability of the grid.
- **Power Factor Correction:** By controlling reactive power, SVGs help maintain a good **power factor**, reducing power losses and avoiding penalties for industrial users.
- **Improving Power Quality:** SVGs can reduce issues like voltage sags, voltage swells, and flickers, improving the overall **power quality**.

Thus, the SVG consists of a three phase voltage source converter (VSC) with a DC link capacitor. The VSC uses insulated gate bipolar transistors (IGBTs) as switching devices. The SVG controller senses the system voltage and current and adjusts the VSC output to provide the required reactive power. When the system voltage drops, the SVG injects capacitive reactive power by increasing the VSC output voltage. Similarly, when the system voltage rises, the SVG injects inductive reactive power by reducing the VSC output voltage.
<https://www.powerqualitystatcom.com/How-does-a-static-var-generator-work-id42758337.html>

7.4 How a Static VAR Generator (SVG) Works: Functional Sequence of SVG

A Static VAR Generator's functional sequence can be broken down into these key steps:

(a) Sensing and Measurement

The SVG's control system constantly measures the grid's voltage at the point of common coupling (PCC) using voltage and current transformers (VTs and CTs). This data provides the real-time information needed to assess the grid's reactive power requirements.

(b) Control System Analysis

The measured voltage and current data are fed into the SVG's **control system**, which is typically a fast-acting digital signal processor (DSP). The control system compares the actual grid voltage to a pre-set reference voltage. The difference, or error signal, determines the amount and direction of reactive power needed.

(c) PWM Signal Generation

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Based on the error signal, the control system generates a series of high-frequency pulses known as **Pulse Width Modulation (PWM) signals**. These signals are the "instructions" for the power switches (IGBTs) in the voltage source converter. The width and timing of these pulses are precisely controlled to generate an output voltage waveform that is either in phase with the grid voltage (for generating reactive power) or out of phase (for absorbing reactive power).

(d) Voltage Source Converter (VSC) Operation

The Pulse Width Modulation (PWM) signals are sent to the **Voltage Source Converter (VSC)**, which is the heart of the Static VAR Generator (SVG). The VSC is typically a six-pulse or twelve-pulse inverter built with high-speed power electronic switches, most commonly **Insulated Gate Bipolar Transistors (IGBTs)**. The SVG's **Voltage Source Converter (VSC)**, which contains the IGBT switches, serves a dual purpose. While its primary function is to generate or absorb reactive power, it also acts as a rectifier. It draws a small amount of active power from the AC grid and converts it to DC to charge the DC link capacitor. The DC current in an SVG's DC link is created by a process of **AC-to-DC conversion** from the very electrical grid it's connected to. The SVG doesn't have an independent DC power source like a battery; it draws a small amount of **active (real) power** from the grid itself to maintain the voltage on its internal **DC link capacitor**. The DC link capacitor inside an SVG stores a small amount of energy to keep the internal voltage source stable. The capacitor is a **short-term energy buffer**, not a long-term power source. The VSC converts the DC voltage from the DC link capacitor into a three-phase AC voltage (**DC-to-AC conversion**). Thus, it appears that the Static VAR Generator (SVG) has a main unit called the Voltage Source Converter (VSC). This converter performs two main conversions:

1. AC to DC conversion: The VSC first takes a small amount of power from the AC grid and converts it into DC power. This DC power charges the DC link capacitor, which stores energy and keeps the voltage stable.
2. DC to AC conversion: The VSC then converts this stored DC power back into three-phase AC power. By adjusting this output, the SVG can generate or absorb reactive power to stabilize the grid.

(e) Reactive Power Exchange

The magnitude and phase of the AC voltage generated by the VSC determine the reactive power flow.

- **Voltage Support (Capacitive Mode):** If the grid voltage is low, the SVG's control system makes the VSC generate an output voltage **larger in magnitude** than the grid voltage. This causes the SVG to inject reactive power into the grid, raising the voltage.
- **Voltage Regulation (Inductive Mode):** If the grid voltage is high, the VSC generates an output voltage **smaller in magnitude** than the grid voltage. This causes the SVG to absorb reactive power from the grid, lowering the voltage.

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(f) Harmonic Filtering

The rapid switching of the IGBTs in the VSC can introduce harmonics into the power system. To mitigate this, an **L-C filter** (or similar filter) is connected between the VSC and the grid. This filter smooths the output voltage waveform and ensures that the power injected or absorbed is a pure sinusoidal wave.

(g) Continuous Feedback

The entire process is a continuous closed-loop control system. The control system receives continuous feedback from the voltage and current sensors, allowing for rapid and precise adjustments to the reactive power output in real-time, typically within milliseconds. This makes the SVG a highly effective tool for dynamic voltage support and power quality improvement.

7.5 Applications of Static VAR Generator (SVG):

- **GRID Voltage Support:** To maintain stable voltage levels in transmission and distribution networks.
- **Power Factor Correction:** In industrial facilities to minimize losses and avoid penalties from utility companies.
- **Renewable Energy Integration:** SVGs are used in wind farms and solar power plants to stabilize the grid voltage during fluctuating power output.
- **Heavy Industrial Loads:** Used in industries with heavy inductive loads like steel plants, cement factories, and paper mills.

A Static VAR Generator (SVG) is also known as a Static Synchronous Compensator (STATCOM) as depicted in the below attachment.

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Static Var Generator (SVG/STATCOM) Products

Cable Installation & Substation	+
Electrical Power & Control	+
Power Quality Engineering & Solution	+
Engineering Excellence Centre	+
Other Portfolio	+
Services & Maintenance	

Static Var Generator (SVG/STATCOM) Products

SVG works as a current source, which alerts the power factor of the grid with the reactive current generated by itself. SVG by CPT will check the load current through the external CT, and performs computing through the external DSP to analyze the reactive content of the load current. After that, it controls the PWM signal generator based on the settings to send control signals to the internal IGBT. In this way, it generates reactive compensation current to implement dynamic reactive power compensation.

CPT offers the SVG/STATCOM for both LV and MV voltage levels.

Voltage Regulation Mode and Var Control Mode (V-I Characteristic)

- The working range or operating area of STATCOM is limited only by the maximum voltage and current ratings of the converter.
- A STATCOM provides smooth voltage control over a wide range of operating conditions, has high dynamic and very fast response time, and always provides the maximum reactive current at any value of voltage.
- Product Features, Benefits and Functions
 - Voltage ranges available from 220 Vac to 33 kVac
 - Indoor and outdoor installation
 - Equipped with all switching devices, relay protection and control schematic diagram
 - Power factor control with auto/manual modes
 - Surge arrester, Switch-disconnector and Earthing switch for safety reasons are optional.
 - System study and summarize in a written report
 - Harmonic analysis results
 - Voltage rise calculations based on energization of filter/capacitor bank stages
 - Free-standing cubicle
 - Bottom or Top cable entry
 - Index of protection degree as IP 21 or upon request
 - Multiple combination by SVG+AHF for compensation or SVG+SVC for reactive power compensation
- Technical characteristic
 - Cooling method by Forced air cooling, water cooling
 - Selection of harmonics up to the 50th harmonic
 - Line filtering current rating, Industrial cabinet design
 - Load balancing and Reactive power compensation
 - Reactive power compensation: $\cos\phi=0.99$
 - Three-phase unbalance compensation
 - Capacitive and inductive compensation: -1 to +1
 - The complete response time of SVG is less than 15 ms, and the dynamic response time is less than 50 μ s, making SVG a top
 - Free of over-compensation, under-compensation, and harmonic resonance. The compensation capacity is equal to the installed capacity and is not affected by voltage drop.

(<https://www.cptthailand.com/en/our-business/power-quality-engineering-solution/static-var-generator-svgstatcom-products>)

8. From the above stated details, facts, functions and working principle of Static VAR Generator (SVG), it appears that SVG is a type of Static Converter/works similar to Static Converter. The characteristics and classification of Static Converter under the Customs Tariff is discussed in the paras below: -

8.1 A Static Converter is a device that converts electrical energy from one form to another (i.e. from Active power to Reactive power and vice versa) without using moveable mechanical components. It relies on solid-state electronic components such as diodes, transistors, and thyristors for the conversion process. The key functions of a Static Converter are as under: -

I. Voltage Conversion:

- Static converters can step up (increase) or step down (decrease) the voltage to meet specific needs.
- Example: Power adapters for charging mobile devices.

II. Frequency Conversion:

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- They can also adjust the frequency of the electrical supply, useful in industrial processes.
- Example: Frequency converters for running motors at different speeds.

III. AC/DC Conversion:

- Alternating Current (AC) is converted to Direct Current (DC), or vice versa, depending on the application.
- Example: Solar inverters convert DC from solar panels to AC for household use.

8.2 Types of Static Converters

1. Rectifiers

- **Function:** Convert AC to DC.
- **Example:** Used in most electronic devices like smartphones and laptops to convert wall outlet AC into DC power for the device's battery.
- **Types:** Half-wave, full-wave, and bridge rectifiers.

2. Inverters

- **Function:** Convert DC to AC.
- **Example:** Solar inverters in renewable energy systems, Uninterruptible Power Supply (UPS) for backup power.
- **Types:** Pure sine wave inverters (high-quality AC) and modified sine wave inverters.

3. DC-DC Converters

- **Function:** Adjust the voltage level of DC power (step-up or step-down).
- **Example:** Used in electric vehicles (EVs) to manage battery voltage and regulate power to different components.
- **Types:** Buck converters (step-down), boost converters (step-up), and buck-boost converters.

4. AC-AC Converters

- **Function:** Change the voltage level or frequency of AC power.
- **Example:** Industrial applications like controlling motor speed or voltage in large machinery.

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- **Types:** Cycloconverters and solid-state frequency changers.

8.3 How Static Converters Work

- **Solid-State Electronics:**
 - Static converters use semiconductor devices like diodes (for rectification), transistors (for switching), and thyristors (for high-power applications).
 - No moving parts, which ensures long lasting and reliable operation.

8.4 Applications of Static Converters

- **Power Supply Systems:**
 - Converters are integral to power supplies in electronics, ensuring consistent and reliable power delivery.
 - Example: Desktop computers, where the power supply unit (PSU) converts AC to DC and regulates voltage levels.
- **Renewable Energy Systems:**
 - Inverters are key in converting the DC generated by solar panels or wind turbines into usable AC for homes and businesses.
 - Example: Grid-tie inverters for solar panels, allowing excess energy to be fed into the GRID.
- **Electric Vehicles (EVs):**
 - DC-DC converters manage battery power and adjust voltage for various components, improving efficiency.
 - Example: Boost converters increase the voltage to power the electric motor.
- **Industrial Automation:**
 - AC-AC converters are used in motor control and machinery, allowing precise control of speed and power output.
 - Example: Variable frequency drives (VFDs) used in HVAC (Heating, Ventilation, and Air Conditioning) systems to control motor speeds.

8.5 How Static Converters falls under heading 8504.40

Static converters use semiconductor devices like diodes (for rectification), transistors (for switching), and thyristors (for high-power applications) and it had no moving parts, which ensures long-lasting and reliable operation. Further, according to the **Explanatory Notes** for **HSN 8504**, the heading specifically includes:

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Static Converters such as:

- **Rectifiers:** These convert alternating current (AC) into direct current (DC). Examples include battery chargers and power supply units in electronic devices.
- **Inverters:** These convert DC into AC. Commonly found in solar power systems and backup power systems like UPS.
- **DC-DC Converters:** Convert DC power from one voltage level to another. For instance, step-down converters (buck) or step-up converters (boost) used in devices like electric vehicles, laptops, etc.
- **AC-AC Converters:** Convert AC from one voltage, power (active and reactive) or frequency to another, such as frequency converters used in industrial motor control.

In view of the above stated facts about Static Converters and Explanatory Notes for HSN 8504, it appears that Static Converters are Classified Under 8504.40 because of the following reasons: -

- a. **Explicit Mention in Explanatory Notes:** The heading specifically includes "static converters" within its scope.
- b. **Technical Definition:** Static converters, by definition, perform energy conversion without moving parts, aligning with the intent of Heading 8504.
- c. **Versatility:** The variety of functions such as rectification, inversion, voltage stepping, power regulation and frequency conversion all fall under this category.

Heading 8504 also covers devices like electrical transformers and inductors, which, like static converters, deal with transforming or conditioning electrical power without the use of mechanical processes. This grouping reflects the logic of including static converters in this category, as they are all related to electromagnetic energy conversion or control. Therefore, Static Converters are appropriately classifiable under HSN 8504. Further, depending on the specific type of static converter, the classification can be further detailed under subheadings "8504.40-"Static Converters."

Thus, Static Converters (rectifiers, inverters, AC-AC Converters etc.) are classifiable under HSN Code 8504.40.

9. Similarity in Functions, Components and Application of Static Converters and Static VAR Generators (SVG) and their classification under HSN 8504.40

It appears that Static VAR Generators (SVGs) are a specific type of Static Converter, which is well supported by their similar operational principles, components, and functionalities. The SVG embody the fundamental principles of static conversion while serving a specialized role in reactive power management within electrical power systems.

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Thus, a **Static VAR Generator (SVG)** is a type of static converter and therefore merits classification under HSN 8504. A detailed explanation depicting similarity between Static VAR Generators (SVGs) and Static Converter is provided as under: -

(i) Definition Alignment

- **Static Converter:** A static converter is defined as a device that alters electrical parameters (voltage, power, current, frequency). It is a device that converts electrical energy (including active and reactive energy) from one form to another without using moving mechanical parts and using static parts like Diodes, Thyristor etc. This includes various types of power electronic devices used in electrical engineering.
- **SVG:** An SVG fits this definition as it employs solid-state devices (like IGBTs and diodes) to manage reactive power in electrical systems, operating without any mechanical components.

(ii) Functionality

- **Energy Management:** Both static converters and SVGs are designed to convert or control electrical energy. SVGs specifically focus on reactive power compensation, which is a crucial aspect of voltage/ power stabilisation, regulation and management while static convertors also do the same functions. **There is also conversion of AC to DC and DC to AC during the maintenance of the grid power.**
- **Real-Time Control:** SVGs dynamically adjust reactive power/ voltage output in response to changing grids conditions, similar to how other static converters manage power/ voltage flow.

(iii) Components

- **Similar Components:** SVGs share many components with other static converters, including:
 - Power electronic devices (IGBTs, diodes)
 - Capacitors and inductors for energy storage and filtering
 - Control systems for real-time monitoring and adjustment

(iv) Application Context

- **Grid Support:** SVGs are utilized in electrical grids to improve power/ voltage quality and stability, much like other types of static converters that serve various applications (e.g., motor drives, renewable energy systems).

(v) Common Control Strategies

- **Advanced Control Techniques:** Both Static Converters and Static VAR Generators (SVG) employ similar control strategies, such as digital signal processing and algorithmic control, to optimize their performance based on system demands.

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Thus, it appears that Static VAR Generators (SVGs) are a specific type of Static Converter and merit classification under CTH 8504.

10. Static VAR Generators (SVG) are correctly classifiable under CTH 8504

From above discussion, it is aptly clear that the “Static VAR Generator (SVG)” is a type of Static Converter and merit classification under CTH 8504. M/s Adani Green Energy Limited had wrongly classified the “Static VAR Generator (SVG)” under CTH 85437099 in the Bills of Entry filed by them instead of its correct CTH 85044090 to evade payment of appropriate customs duty. The classification of any product under Customs Tariff is governed by the General Rules for the Interpretation of Import Tariff. The discussion for deciding correct classification, General rules of interpretation and HSN explanatory notes is as follows: -

10.1 General Rules of Interpretation 1 –This rule states that classification shall be determined according to the terms of the headings and any relevant Section or Chapter Notes. The following points apply in the instant case:

- **Chapter 85** of the Harmonized System covers **Electrical Machinery and Equipment** and includes devices like transformers, static converters, and electrical inductors.
- **Static VAR Generators (SVGs)** convert electrical energy in terms of **reactive power** and voltage management, aligning with the description of static converters
- Thus, the heading that is most relevant to the SVG is **8504**, which reads:
 - **Heading 8504:** *Electrical transformers, static converters (for example, rectifiers) and inductors.*
- SVGs fit within this general description as they are **solid-state devices** designed for **reactive power compensation**, which inherently involves the conversion and control of electrical power/ voltage without mechanical movement (static).

Thus, **under General Rules of Interpretation 1**, SVGs clearly fall under **HSN 8504**, which is specific to static converters.

(ii) General Rules of Interpretation 3: Classification of Goods Classifiable Under Multiple Headings

- **GRI 3(a)** and **3(b)** indicate that since static converters (like SVGs) have a specific classification under 8504, **HSN 8543** would be less specific in comparison. Therefore, Static VAR Generator merit classification under HSN 8504.

(iii) General Rules of Interpretation 4: Goods Not Covered by Specific Headings

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- Since SVGs have a clear and relevant heading in **HSN 8504**, **GRI 4** is not applicable. If there were no specific classification, then only 8543 could be considered, but this is not the case here.

(iv) General Rules of Interpretation 6 – Subheading Classification

- After identifying the correct heading (8504), General Rules of Interpretation 6 requires selecting the appropriate subheading. Within HSN 8504, the specific subheading that applies to SVGs is:

Possible Subheadings for SVG under 8504:

- **8504.40:** This subheading covers **static converters** (including inverters, rectifiers, voltage stabilizers, regulators etc).
- **8504.90:** This subheading covers **parts** of the apparatus of heading 8504, which might apply if only components of an SVG are being classified, rather than a complete unit.

Thus, on detailed analysis of functionality, components, and use of the Static VAR Generator and by applying the General Rules of Interpretation of Import Tariff, it appears that the Static VAR Generator merits classification under **HSN Code 8504.40** for customs purposes.

10.2 Explanatory Notes of HSN heading 8504.40

The explanatory notes of Chapter 8504 further clarify the inclusion of SVGs in heading 8504.40. According to these notes, static converters include devices such as rectifiers, inverters, and other electronic devices that perform power conversion without mechanical parts. Since SVGs operate using solid state electronics (like IGBTs) to **convert and control electrical power/ voltage without mechanical movement (static)** and manage reactive power, thus they satisfy the definition of static converters.

The explanatory notes of heading 8504.40 is reproduced here for reference in step wise manner along with drawing similarities with SVG.

- *“The apparatus of this group are used to convert electrical energy in order to adapt it for further use. They incorporate converting elements (e.g., valves) of different types.”* This is the function of the SVG as apparatus used for converting the electric energy (active and reactive) for further use.
- *“They may also incorporate various auxiliary devices (e.g., transformers, induction coils, resistors, command regulators, etc.). Their operation is based on the principle that the converting elements act alternately as conductors and non-conductors.”* The SVG consist of the various components like IGBTs, diodes etc. The operation of Voltage Sourced Converters and IGBTs (Insulated Gate Bipolar Transistors) which is integral part of the SVG is indeed based on the principle of alternating between

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conductive and non-conductive states of semiconductors, allowing them to control and manage electrical power efficiently.

- *“The fact that these apparatus often incorporate auxiliary circuits to regulate the voltage of the emerging current does not affect their classification in this group, nor does the fact that they are sometimes referred to as voltage or current regulators.”*
Thus, though the auxiliary circuits, are integral to the operation of Static Var Generators, enhance the performance, safety, and reliability of SVGs by providing control, monitoring, protection, communication, and feedback capabilities. This further indicates that the broader categorization of the apparatus using the principle above has to be classified here irrespective of the auxiliary circuits.

According to these notes, static converters falling under subheading 8540.40 include devices such as rectifiers, inverters, and other electronic devices that perform power conversion without mechanical parts. Since SVGs operate using solid-state electronics (like IGBTs) to manage electric (reactive) power, they satisfy the classification under 8504.40.

Based on the General Rules of Interpretation of import tariff and the explanatory notes of HSN heading 8504, it appears that the appropriate classification for a Static VAR Generator (SVG) is under HSN Code 8504.40.

10.3 The details of Static Var Generators (SVG) available on exporter/ supplier web site.

M/s Adani Green Energy Limited had imported Static VAR Generator from M/s TBEA Xi'an Electric Technology Co, Ltd., China. The operational principle for Static VAR Generator (SVG) **(RUD No.- 09)** provided at the official website of TBEA Xi'an Electric Technology Co, Ltd., China is appended as under:-

*“SVG, also known as Static Compensation (STATCOM), is the latest technology in dynamic reactive compensation field. The basic principle of SVG is that **Voltage source inverter** (Voltage Sourced Converter, VSC for short) connect to power grid through a shunt reactor or transformer, by adjusting the inverter AC output voltage amplitude and phase, or directly control the amplitude and phase of the AC current, absorb or release reactive power rapidly, achieve the goal of fast dynamic adjusting reactive power. When using direct current control, the AC side current can be controlled directly, which can not only track the impact current of compensating load, but also track the harmonic current. The system is a power source, and SVG could equivalent to another power source. After the two power sources are connected through a transformer or reactor, **SVG is equivalent to a controllable current source with adjustable output current.**”*

From the operational principle of SVG as appended above, it appears that the imported goods i.e. Static VAR Generator is one type of Electric Static Converter falling under CTH 850440 as defined in HSN.

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10.4 Further, the classification of Static VAR Generator is to be determined in accordance with Note 4 of Section XVI of the Customs Tariff Act, 1975 (pertaining to Chapter 84 and 85). The Note 4 is reproduced as under:-

(4) Where a machine (including a combination of machine) consists of individual components (whether separate or interconnected by piping, by transmission devices, by electric cables or by other devices) intended to contribute together to a clearly defined function covered by one of the headings in Chapter 84 or Chapter 85, then the whole to be classified in the heading appropriate to that function.

As per the above Section note (4) a functional machine consisting of individual components is to be classified under the heading that provides for the overall function of the machine. **The primary function of the Static VAR Generator is to convert and supply electrical power and current (either leading or lagging).** This function is essentially the one of electric Converter. The function of converting electrical energy in order to adapt it for further use falls within tariff heading 8504. Further, reference is drawn to the explanatory notes of WCO for CTH 8504 which is reproduced below:

“ELECTRICAL STATIC CONVERTERS

The apparatus of this group are used to convert electrical energy use. They incorporate converting elements (e.g., valves) of in order to adapt it for further different types. They may also incorporate various auxiliary devices (e.g., transformers, induction coils, resistors, command regulators, etc.). Their operation is based on the principle that the converting elements act alternately as conductors and non-conductors.

The fact that these apparatuses often incorporate auxiliary circuits to regulate the voltage of the emerging current does not affect their classification in this group, nor does the fact that they are sometimes referred to as voltage or current regulators.

This group includes: (A) Rectifiers by which alternating current (single or polyphase) is converted to direct current, generally accompanied by a voltage change. (B) Inverters by which direct current is converted to alternating current. (C) Alternating current converters and cycle converters by which alternating current (single or polyphase) is converted to a different frequency or Voltage. (D) Direct current converters by which direct current is converted to a different voltage.”

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Thus, it appears that the functioning of Static VAR Generator is similar to Electric Static Converter and based on the above explanation also the appropriate classification of the Static VAR Generators is 85044090.

11. Why Static VAR Generators is not classifiable under 8543:

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M/s Adani Green Energy Limited had wrongly classified the imported Static VAR Generator (SVG) under CTH 85437099 paying BCD@7.5% whereas Static VAR Generator (SVG) is rightly merits classification under CTH 85044090 wherein BCD@20% is payable (BCD@10% is payable as per Serial No. 13 of Notification No. 57/2017-Customs dated 30.06.2017 as amended by Notification No. 22/2018-Customs dated 02.02.2018). The CTH 8543 deals with Electrical machines and apparatus having individual functions, not specified or included elsewhere in Chapter 85 of the Customs Tariff. Therefore, it appears that Chapter 8543 which is a residual entry includes only those machines and apparatus which have individual functions and which are not included elsewhere in Chapter 85, whereas it appears that Static VAR Generators are capable of multiple functions namely regulating control of Voltage and Current, releasing and absorbing active/ reactive power etc. and thus, it appears that SVGs do not represent machines with individual functions that are not included elsewhere and therefore, SVG cannot be classified under HSN 8543.

12. Evidences showing that Static VAR Generator is classifiable under CTH 85044090

During investigation various evidences were gathered which shows that Static VAR Generator is a type of Static Converter and merit classification under HSN 8504. The same are discussed as under: -

12.1 Details of “Static VAR Generator” received from M/s. TBEA XI’AN Electric Technology Co. Ltd., China (RUD No.- 10)

M/s. TBEA XI’AN Electric Technology Co. Ltd. had exported Static VAR Generator to M/s Adani Green Energy Limited. During investigation, M/s. TBEA XI’AN Electric Technology Co. Ltd. had provided a sheet stating details of Static VAR Generator and from this sheet it appears that the Static VAR Generator is a specific type of Static Converter specifically designed to dynamically control and compensate for reactive power in an electrical system. The contents of the sheet are enumerated as under: -

A "static var generator" (SVG) is essentially a type of "static converter" that is specifically designed to dynamically control and compensate for reactive power in an electrical system, meaning it uses power electronics to precisely inject or absorb reactive power as needed, while a general static converter can be used for a wider range of power conversion tasks like voltage level adjustments or frequency changes, not necessarily focused on reactive power control alone; both utilize power electronic devices like IGBTs to achieve their functions, but the SVG has a more specialized control system to manage reactive power compensation based on real-time monitoring of the power grid.

- *Function:*

A static converter is a general term for a device that converts AC power using power electronics, while a static var generator is a specific type of static converter primarily used for reactive power compensation.

- *Control:*

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A static var generator has advanced control systems to dynamically adjust the reactive power based on system conditions, whereas a general static converter might have simpler control mechanisms depending on its application.

- *Application:*

A static var generator is typically used to improve power factor and voltage stability in electrical grids, while a static converter can be used for various applications like motor speed control, DC power conversion etc.

A Static Var Generator (SVG) is a type of static converter because it uses power electronics to provide reactive power compensation in a dynamic and precise manner. SVGs are also known as Static Compensators (STATCOM).

Thus, it appears that Static VAR Generator is a type of Static Converter and therefore, merit classification under CTH 85044090.

12.2 Details regarding operational principle for Static VAR Generators (SVG) available at the supplier's (TBEA Xi'an Electric Technology Co, Ltd., China) official website.

"SVG, also known as Static Compensation (STATCOM), is the latest technology in dynamic reactive compensation field. The basic principle of SVG is that Voltage source inverter (Voltage Sourced Converter, VSC for short) connect to power grid through a shunt reactor or transformer, by adjusting the inverter AC output voltage amplitude and phase, or directly control the amplitude and phase of the AC current, absorb or release reactive power rapidly, achieve the goal of fast dynamic adjusting reactive power. When using direct current control, the AC side current can be controlled directly, which can not only track the impact current of compensating load, but also track the harmonic current. The system is a power source, and SVG could equivalent to another power source. After the two power sources are connected through a transformer or reactor, SVG is equivalent to a controllable current source with adjustable output current."

12.3 During investigation, it has been gathered that M/s. Adani Green Energy Limited had imported parts of Static VAR Generators from M/s. TBEA XI'AN Electric Technology Co., Ltd. vide Bill of Entry No. 5429148 dated 05.09.2024 and 9965013 dated 09.05.2025 (**RUD No. -11**), wherein the imported goods had been declared as Capacitor Module (Used in Static VAR Generator) and Power Module (used in Static VAR Generators) in the subject Bills of Entry and classified under CTH/HSN 85044090. Shri Ganesh Sharma, Senior Manager [Techno Commercial] of M/s. Adani Green Energy Limited in his statement dated 30.12.2024 recorded under Section 108 of the Customs Act, 1962, agreed that if parts of Static VAR Generator are classified under HSN 85044090 then the Static VAR Generator should have also been classified under HSN 850440. The relevant para of his statement dated 30.12.2024 is reproduced as under: -

Question 27: *You have been shown explanatory notes to CTH 8543 & 8504, wherein it has been clearly mentioned that the parts of goods falling under CTH 8504 would*

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be classified under CTH 8504.90 Parts, similarly it has been clearly mentioned that the parts of goods falling under CTH 8543 would be classified under CTH 8543.90 Parts. Please offer your comments in this regard.

Answer: Yes, I do agree with this contention that if the parts of Static VAR Generator are classified under CTH 85044090, then Static VAR Generators should also be classified under CTH/HSN 850440.

Thus, it appears that the importer had classified the Static VAR Generators (SVGs) under Customs Tariff Heading (CTH) 85437099, thereby paying a lower rate of Basic Customs Duty (BCD) at 7.5%. However, the associated parts of the said SVGs have been declared and assessed under CTH 85044090, which specifically covers “parts” of static converters. This presents a clear contradiction in the declarations made by M/s Adani Green Energy Limited whereby the parts are admitted to belong to static converters (CTH 8504), but the principal equipment has been misclassified under a residual heading (CTH 8543). Such inconsistency strongly indicates that the importer was aware of the true nature and correct classification of the goods.

12.4 Shri Vaibhav Kaushik, Consultant (Sales), of M/s. TBEA Xi'an Electric Technology Co. Ltd. had accepted in his statement dated 03.06.2025 recorded under Section 108 of the Customs Act, 1962 that as per his understanding of the functioning of Static VAR Generators and prevalent practice at M/s. TBEA XI'AN Electric Technology Co. Ltd, **the correct CTH/HSN of Static VAR Generators is 85044090, as the Static VAR Generators functions similar to Static Converter.** He further stated that they had cleared their first shipment of Static VAR Generator in India to importer namely M/s. UPC Renewables by classifying the same under HSN Code as 8504 4090 and thereafter M/s. Adani Green Energy Limited had approached them that they had imported Static VAR Generator from M/s. Mingyang Smart Energy Group Limited under HSN Code 85437099 and instructed them to mention HSN 85437099 for their shipments of Static VAR Generator. The relevant paras of his statement dated 03.06.2025 is reproduced as under: -

Question 13: *In view of the specifications, functions and details as stated by you above, please state what should be CTH/HSN of Static VAR Generators supplied by M/s. TBEA XI'AN Electric Technology Co. Ltd., China?*

Answer: *I state that as per my understanding of the functioning of Static VAR Generators and prevalent practice at M/s. TBEA XI'AN Electric Technology Co. Ltd, the correct CTH/HSN of Static VAR Generators is 85044090, as the Static VAR Generators functions similar to Static Converter.*

Question 14: *You have been shown printout of commercial invoice SA20240615002 dated 15.06.2024 (PO No. 4200001742) issued by M/s. TBEA XI'AN Electric Technology Co. Ltd., China to M/s. Ostro Bhesada Wind Private Ltd. and copy of Bill of Lading No. OCLU4110042060 dated 20.06.2024, issued by Orient Overseas Container Line in respect of Shipper M/s. TBEA XIAN ELECTRIC TECHNOLOGY*

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CO.LTD. and notified party as M/s. Ostro Bhesada Wind Private Limited. In the commercial invoice and Bill of Lading, the CTH/ HSN of the imported goods Static VAR Generator with associated Spare has been mentioned as 85044090. Please state what is your say in this regard.

***Answer:** I state that the first shipment of Static VAR Generator by M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO.LTD was supplied to M/s. UPC Renewables (90 MVar), wherein the HSN Code of the Static VAR Generator was declared as 85044090 by us. This shipment was managed by myself. I am submitting conversation with Shri Braj Bhushan Mishra in connection of this order. Thereafter, many Indian Importers had imported Static VAR Generator from M/s. TBEA XIAN ELECTRIC TECHNOLOGY CO. LTD. Further, I state that we had also supplied Static VAR Generator to M/s. Adani Green Energy Limited, wherein M/s. Adani Green Energy Limited informed us that they had imported shipment of Static VAR Generator under HSN Code 85437099 from other supplier namely Mingyang Smart Energy Group Limited, which was cleared from the Indian Customs and requested us to mention the HSN Code 85437099 in export documents for the Static VAR Generator supplied by us to them. Thereafter, some other Indian Importers also requested us to mention the same HSN 85437099 in their export documents. Further, I state that all the purchase orders of Indian importers with us are CIF contracts and therefore, we were not supposed to pay any duty or tax applicable in Indian territory. Further, I state that while dealing with all the Indian importers for supply of Static VAR Generator, we use to intimate them both the HSN i.e. 85044090 and 85437099 in conversations with advice to confirm the applicability of HSN code from their Customs House Agent or from Customs Manuals and we used to mention the HSN code in export document, as per instructions of customers/importers.*

Further, with regard to HSN mentioned in export documents belonging to M/s. Ostro Bhesada Wind Private Limited, I state that on instructions of the Indian Importer we had declared the HSN code as 8504 4090, which is the correct HSN for the subject goods.

12.5 Shri Vaibhav Kaushik, Consultant (Sales), of M/s. TBEA Xi'an Electric Technology Co. Ltd. had submitted copy of two emails conversation held among representatives of M/s. Adani Green Energy Pvt. Ltd. and M/s. TBEA Xi'an Electric Technology Co, Ltd., China, alongwith certificate under Section 138(c) of the Customs Act, 1962 read with Section 63(4) (c) of the Bhartiya Sakshya Adhiniyam, 2023 (**RUD No. -12**). On going through these email conversations, it appears that M/s. TBEA Xi'an Electric Technology Co, Ltd. has suggested CTH 85044090 to M/s Adani Green Energy Limited for the imported Static VAR Generator, however M/s. Adani Green Energy Ltd. had intentionally requested the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention HSN code 85437099 in export documents for imported Static VAR Generator. The outcome from the email conversation between the importer M/s Adani Green Energy Ltd. and the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. is summarized as under: -

Email 1: **Subject: Logistics Meeting for SVG-05072023 (RUD No. -13).**

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- I. The subject email conversation running into 10 pages pertains to the period of July and August, 2023, wherein **Shri Suneel Jaiswal had intimated M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention HSN code 85437099 in export documents for imported item Static VAR Generator and stated that they will take care for customs clearance in India vide email dated 03.08.2023.**
- II. Vide email dated 01.08.2023, M/s. TBEA XI'AN Electric Technology Co. Ltd., China had informed M/s. Adani Green Energy Ltd. that **they suggest HS Code 8504 4090 for Static VAR Generator and requested them to check and verify the same from Indian Customs Authority to avoid any inconvenience.**
- III. Vide email dated 31.07.2023, M/s. TBEA XI'AN Electric Technology Co. Ltd., China had informed M/s. Adani Green Energy Ltd. **that they had never exported SVG under HSN 8543 and therefore they are not sure if this HSN code can be used for SVG and they will not bear any consequences caused by this.**

Email 2: **Subject: Meeting invitation: Techno Commercial Discussion for supply of String Inverters and SVG for FY 2025-26 requirement (RUD No. -14).**

The subject email conversation running into 32 pages pertains correspondence with Shri Avinash Swain of M/s. Adani group running from 1 to page 32 including two attachments (PO Dated 26.02.2025 and PO Deviation sheet). PO Deviation sheet is a record in which all the deviation with regard to Purchase order are being recorded from initiation of purchase deal to finalization of agreement/purchase order.

- I. M/s. Adani Green Energy Limited had initially mentioned HSN code of Static VAR Generator as 85021100 **(page no. 22 to 31 of RUD No.-14)**. Further development with regard to this PO are recorded in PO Deviation sheet to this purchase order **(page no. 32 of RUD No. -14)**.
- II. In PO (5310000646) deviation sheet as referred above, M/s. TBEA XI'AN Electric Technology Co. Ltd., China had commented on 25.02.2025 to mention the correct material code and HSN code as per the HSN code Adani got during Customs clearance stage with **important note that HS Code 85437099 has always been questioned by Indian Customs (Nhava Sheva, Mundra Port, Chennai Port etc.) and requested that the SVG Buyers to clarify the reasonableness of the customs code, hence for your order can complete the customs clearance smoothly, they request you give them the HS Code recognized by Indian Customs now, so that they can update the new applicable customs code in the shipping documents before this batch of shipments.**
- III. The response of M/s. Adani Group is reproduced as under:

We will continue using the HSN code 85437099 untill further notice. We are currently discussing potential changes with the Customs department, but until those discussions conclude and any updates are finalized, please stick with the existing code.

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12.6 M/s Adani Green Energy Limited had also imported Static VAR Generator from M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, therefore statement of Shri Sagar Prabhakar Kale, Country Manager-India of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd was recorded under Section 108 of the Customs Act, 1962 on 22.07.2025, wherein he after going through explanatory notes to Chapter 8504 and comparing the same with the composition and functioning of Static VAR Generators supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, agreed that Static VAR Generator merits classification under CTH / HSN 8504 4090. Shri Sagar Prabhakar Kale in his statement dated 22.07.2025 further stated as under: -

- (i) that as per his knowledge the Static VAR Generator supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. were previously classified under CTH 85437099 but recently M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. had classified the Static VAR Generator supplied to M/s. Clean Solar Power (Jodhpur) Pvt. Ltd. under CTH/ HSN 8504 4090.
- (ii) After going through these explanatory notes to Chapter 8504 and comparing the same with the composition and functioning of Static VAR Generators supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China, he agreed that Static VAR Generator merits classification under CTH / HSN 8504 4090.
- (iii) They had received demand for change of CTH/ HSN from 85437099 to CTH/ HSN 85437099 from various Indian importers, therefore, the management of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. reviewed the applicable CTH/ HSN for export of Static VAR Generator. During review of the classification of Static VAR Generator CTH/ HSN 8504 4090 appeared more relevant to them and accordingly, they started classifying the same under CTH/ HSN 8504 4090.
- (iv) M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. had recently (May 2025) supplied Parts of the Static VAR generator to M/s. Ayana Renewable Power Three Pvt. Ltd. and classified the same under CTH 8504 4090.

12.7 Classification of Static VAR Generator under CTH 85044090 by other Indian importers.

M/s Adani Green Energy Limited had imported Static VAR Generators from M/s TBEA XI'AN Electric Technology Co., Ltd, China and M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China and have wrongly classified the same under CTH 85437099, however on scrutiny of import data it appears that the foreign suppliers M/s TBEA XI'AN Electric Technology Co., Ltd, China and M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China had supplied Static VAR Generator to many Indian importers by classifying the same under CTH 85044090, as summarized below:-

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12.7.1 Static VAR Generator supplied by M/s TBEA XI'AN Electric Technology Co., Ltd, China (RUD No.-15).

M/s TBEA XI'AN Electric Technology Co., Ltd, China had also supplied Static VAR Generators to many Indian importers by classifying the same under CTH 85044090. For example: - M/s Ostro Bhesada Wind Private Limited (IEC-AACCO1260H) vide BE No. 4480078 dated 12.07.2024 filed at port INNSA1 i.e. Nhava Sheva, Maharashtra imported Static VAR Generator by classifying the same under CTH 85044090, where the supplier of the product was M/s TBEA XI'AN Electric Technology Co., Ltd, China. Further, M/s TBEA XI'AN Electric Technology Co., Ltd, China, had also supplied Static VAR Generator to importer M/s Fourth Partner Energy Private Limited (IEC-910020108), wherein in the Invoice and Bill of Lading issued by M/s TBEA XI'AN Electric Technology Co., Ltd, China, the CTH mentioned was 85044090. The compliance certificate/document issued to M/s TBEA XI'AN Electric Technology Co., Ltd, China for the supply of these goods, which has been uploaded on e-sanchit under Bill of Entry No. 6979067 dated 30.11.2024, and imported by M/s Fourth Partner Energy Private Limited, clearly describes the product "Static VAR Generator" as a "Converter", which would fall under CTH 8504. Further, M/s TBEA XI'AN Electric Technology Co., Ltd, China, had also supplied Static Var Generator (SVG) to M/s Kleio Solar Power Private Limited, Hyderabad under commercial invoice no. SA20250121001 dated 21.01.2025 wherein CTH for Static Var Generator (SVG) was mentioned as 85044090 and accordingly Bill of Entry No. 8278668 dated 10.02.2025 was filed by the importer declaring CTH 85044090.

12.7.2 Static VAR Generator supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China (RUD No.-16)

On verification of import data of Static VAR Generators, it is noticed that M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China has been exporting "Static VAR Generators" in India to various other importers by classifying the same under CTH 85044090. For example: - M/s. ACME Solar Energy Pvt. Ltd. had imported Static VAR Generator by filing Bill of Entry No. 6987727 dated 30.11.2024 corresponding to invoice No MYLY202411002 dated 11.11.2024 issued by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China wherein the supplier had declared CTH of Static VAR Generator as 85044090. Further, M/s. Clean Solar Power (Jodhpur) Pvt. Ltd. had imported Static VAR Generator by filing Bill of Entry No. 2834555 dated 23.06.2025 corresponding to invoice No MYLY202506001 dated 01.06.2025 issued by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China wherein the supplier had declared CTH of Static VAR Generator as 85044090. Similarly, M/s Amara Raja Infra Private Limited and M/s Clean Max Vayu Private Limited had also imported Static VAR Generator from M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China by filing Bills of Entry No. 3363023 dated 19.07.2025 and 5262783 dated 23.10.2025 respectively wherein the supplier had mentioned CTH of Static VAR Generator as 85044090 in the invoice, Bill of lading and Country of origin Certificate and accordingly these importers filed above stated Bills of Entry by declaring CTH of imported Static VAR Generator as 85044090.

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12.8 M/s. Adani Green Energy Limited had initially mentioned HSN code of Static VAR Generator as 85021100 (**RUD No.- 17**) in the Purchase Order issued to M/s TBEA XI'AN Electric Technology Co., Ltd, China for import of Static VAR Generators. M/s TBEA XI'AN Electric Technology Co., Ltd. has suggested CTH 85044090, however M/s Adani Green Energy Limited insisted the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention HSN code 85437099 in export documents for imported Static VAR Generator as CTH 8543 carries lower rate of duty.

12.9 In response to various summonses issued to M/s Adani Green Energy Limited, the importer submitted that Solar Power Generators/Manufacturers, ASSOCHAM as well as National Solar Energy Federation of India (NSEFI) have taken up the matter of classification of Static VAR Generator with Ministry of New and Renewable Energy (**RUD No.- 18**). On going through the representation made by them, it appears that they have requested to classify the subject imported goods under CTH 85437099 or 85030010 (BCD@7.5% is payable on both these CTH) and have deliberately not suggested classification of Static VAR Generator under CTH 85044090 wherein BCD@20% is payable.

12.10 Thus, from the above stated facts it appears that Static VAR Generator rightly merits classification under CTH 85044090 and M/s Adani Green Energy Limited had wrongly availed the benefits by misclassifying imported items "Static VAR Generator (SVG)" under CTH 85437099 and paying BCD @ 7.5% instead of its correct and proper CTH 85044090 wherein BCD @20% was payable (BCD@10% is payable as per Serial No. 13 of Notification No. 57/2017-Customs dated 30.06.2017 as amended by Notification No. 22/2018-Customs dated 02.02.2018).

12.11 M/s. Adani Green Energy Limited vide its letter dated 04.09.2025 as discussed at para 5 supra submitted that they have paid the differential BCD of 2.5% [@10%-@7.5%] amounting to Rs.15,92,49,931/- through Challan Nos 8107007375 dated 03.09.2025 by claiming benefit of Sr. No. 13 of Notification No. 57/2017-Customs dated 30.06.2017 as amended vide Notification No.22/2018-Customs dated 02.02.2018. It is pertinent to mention that vide Notification No. 22/2018-Cus. dated 02.02.2018, Sr. No. 13 was inserted in Notification No. 57/2017-Customs dated 30.06.2017 wherein BCD@10% was prescribed for all goods falling under CTH 850440, other than charger or power adapter and solar inverter. The relevant Sr. No. 13 is appended as under: -

(1)	(2)	(3)	(4)	(5)
13	850440	All goods other than the following goods, namely (a) charger or power adapter; (b) solar inverter	10%	-

From the above, it appears that benefit of Serial No. 13 of Notification No. 57/2017-Customs dated 30.06.2017 as amended by Notification No. 22/2018-Cus. dated 02.02.2018 is

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available to the imported goods classifiable under CTH 850440. As discussed in paras supra, the imported Static VAR Generator is correctly classifiable under CTH 85044090, therefore, benefit of Sr. No. 13 of Notification No. 57/2017-Customs dated 30.06.2017 as amended is available to M/s. Adani Green Energy Limited in the instant case. Therefore, differential duty demand is made from M/s. Adani Green Energy Limited at effective rate of BCD @ 10% along with the applicable SWS and IGST.

13. From the above, it is evidently clear that the goods imported by M/s. Adani Green Energy Limited declaring as “Static VAR Generator” were used in the Solar Power Plants. Further, it is pertinent to mention that the importer had declared CTH 85437099 in the Bills of Entry filed by them paying BCD@7.5%, whereas Static VAR Generator would correctly merit classification under 85044090 wherein BCD@20% is payable. The importer by wrongly classifying the subject imported goods/declaring wrong CTH had evaded customs duty amounting to Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Forty Nine Thousand Nine Hundred Thirty One only) as detailed in attached Annexure-A and summarized as under: -

Sr. No.	Name of Port/ Customs Location	Total Assessable Value (Rs.)	Total Customs Duty Payable (Rs.)	Total Customs Duty Already Paid (Rs.)	Differential Duty Payable (Rs.)	Annexure of Diff. Duty Calculation
1	Mundra Sea Port (INMUN1)	4907547964	1520358359	1361108428	159249931	Annexure-A
	Total	490,75,47,964/-	152,03,58,359/-	136,11,08,428/-	15,92,49,931/-	

14. Whereas, it appears that as detailed above the imported Static VAR Generator (SVG) is a specific type of Static Converter and merit classification under CTH 85044090. The importer had wrongly classified the imported Static VAR Generator (SVG) under CTH 85437099 in the Bills of Entry filed by them then to its correct CTH 85044090 to evade payment of appropriate customs duty. Further, it is pertinent to mention that the Supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. had suggested CTH 85044090 to M/s Adani Green Energy Limited for Static VAR Generator, however M/s. Adani Green Energy Ltd. had intentionally requested the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention HSN code 85437099 in export documents for imported Static VAR Generator. Further, it appears that M/s Adani Green Energy Limited had imported parts of Static VAR Generator and had correctly classified the same under CTH 85044090 paying BCD@20%. Shri Ganesh Sharma, Senior Manager [Techno Commercial] of M/s. Adani Green Energy Limited in his statement dated 30.12.2024 recorded under Section 108 of the Customs Act, 1962, agreed that if parts of Static VAR Generator are classified under HSN 85044090 then the Static VAR Generator should have also been classified under HSN 850440. Thus, it appears that M/s. Adani Green Energy Limited was aware of the fact that correct classification/CTH of the imported Static VAR Generator is 85044090, however with

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malafide intention to pay lower rate of BCD/evade customs duty, the importer has misclassified the Static VAR Generator under CTH 85437099. The offence committed by M/s. Adani Green Energy Limited would have gone un-noticed but for the timely investigation initiated by DRI.

15. The investigation revealed that M/s. Adani Green Energy Limited had imported 230 Nos Static VAR Generators and its spares as detailed in para 6 supra by wrongly classifying the same under CTH 85437099 instead of its correct classification under CTH 85044090 as discussed in paras supra. By above stated wrong classification of the imported Static VAR Generators and its spares, the importer had evaded payment of Customs duty aggregating to **Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Forty Nine Thousand Nine Hundred Thirty One only)** as detailed in Annexure -A attached with this Show Cause Notice. The abstract of the imported Static VAR Generators made by the importer and the differential duty payable is as under: -

Sr. No.	Item Description	Total Quantity (Nos)	Total Assessable Value (Rs.)	Differential Customs Duty Payable (Rs.)	Annexure of Diff. Duty Calculation
1.	Static VAR Generator	230	490,75,47,964/-	15,92,49,931/-	A
	TOTAL	230	490,75,47,964/-	15,92,49,931/-	

16. The importer had imported total 30 consignments of the Static VAR Generator and its spares as detailed in attached Annexure-A by wrongly classifying the same under CTH 85437099 during the period from 02.09.2023 to 25.08.2025. As discussed in paras supra, it is evident that the importer was fully aware of the fact that the Static VAR Generator (SVG) are a specific type of Static Converter and merit classification under CTH 8504 and the subject goods imported by them were meant to be used in the Solar Power Plants only. The importer was aware of the correct name, CTH and even the exact end-use of the subject imported goods, however despite being fully aware of the correct name, CTH and use of the imported goods, these were wrongly classified under CTH 85437099 in the Bills of Entry, to evade payment of appropriate Customs duty.

17. M/s. Adani Green Energy Limited had subscribed to a declaration as to the truthfulness of the contents of the Bills of Entry in terms of Section 46(4) of the Customs Act, 1962 in all their import consignments. Further, 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, 1962 effective from 08.04.2011, provides for self-assessment of duty on imported goods by the importer by filing a Bill of Entry, in the 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 Integrated Declaration and Paperless Processing) Regulation, 2018 (issued under Section 157 read with Section 46 of the

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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 centre, a Bill of Entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration. Under the scheme of self-assessment, it is the importer who must be doubly ensure that he declares the correct classification/CTH of the imported goods, applicable rate of duty, value, benefit of exemption notification claimed, if any, in respect of the imported goods while presenting the Bill of Entry. **Thus, with the introduction of self-assessment by amendment to Section 17, w.e.f. 8th April 2011, it is the added and enhanced responsibility of the importer to declare the correct CTH, description, value, notification, etc. and to correctly determine and pay the duty applies in respect of the imported goods while presenting the Bill of Entry,** however, in the instant case the importer has completely failed in discharging his responsibility by mis-classifying the Static VAR Generator under CTH 85437099 instead of its correct CTH 85044090 and thereby evading payment of Customs duty amounting to Rs. 15,92,49,931/-.

18. The relevant provisions of law relating to the import of goods in general, the policy and rules relating to the liability of the goods to confiscation and penalty for improper importation under the provisions of Customs Act, 1962 and other relevant laws for the time being in force, are summarized as under: -

18.1 Provisions of Customs Act, 1962

Section 2 (22)– “Goods” includes (a)- Vessels, aircraft & vehicles; (b) stores; (c) Baggage; (d) currency & negotiable instruments; and (e) any other kind of movable property.”

Section 2 (23)– “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

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;

Section 12– Dutiable goods – “(1) Except as otherwise provided in this Act, or any other law for the time being in force, duties of Customs shall be levied at such rates as may be specified under the Customs Tariff Act, 1975 or any other law for the time being in force, on goods imported into India or exported from India.”

Section 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.

2. The proper officer may verify the 12 [the entries made under section 46 or section 50 and the self- assessment of goods referred to in sub-section and for this purpose, examine or test any imported goods or export goods or such part thereof as may be necessary.

[Provided that the selection of cases for verification shall primarily be on the basis of risk evaluation through appropriate selection criteria.]

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(3) For [the purposes of verification] under sub-section (2), the proper officer may require the importer, exporter or any other person to produce any document or information, whereby the duty leviable on the imported goods or export goods, as the case may be, can be ascertained and thereupon, the importer, exporter or such other person shall produce such document or furnish such information.]

(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.

(5) Where any re-assessment done under sub-section (4) is contrary to the self-assessment done by the importer or exporter 16[***] and in cases other than those where the importer or exporter, as the case may be, confirms his acceptance of the said re- assessment in writing, the proper officer shall pass a speaking order on the re-assessment, within fifteen days from the date of re-assessment of the bill of entry or the shipping bill, as the case may be.

(6) Where re-assessment has not been done or a speaking order has not been passed on re-assessment, the proper officer may audit the assessment of duty of the imported goods or export goods at his office or at the premises of the importer or exporter, as may be expedient, in such manner as may be prescribed.

Explanation – For the removal of doubts, it is hereby declared that in cases where an importer has entered any imported goods under section 46 or an exporter has entered any export goods under section 50 before the date on which the Finance Bill, 2011 receives the assent of the President, such imported goods or export goods shall continue to be governed by the provisions of section 17 as it stood immediately before the date on which such absent is received.

Section 28. Recovery of [duties not levied or not paid or short-levied or short- paid] or erroneously refunded.

(1).....

(2).....

(3).....

(4) Where any duty has not been levied or not paid or has been short-levied or short-paid or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of,

(a) collusion; or

(b) any wilful mis-statement; or

(c) suppression of facts,

by the importer or the exporter or the agent or employee of the importer or exporter, the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been [so levied or not paid] or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.

Section 28AA. Interest on delayed payment of duty:

(1) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made there under, the person, who is liable to pay duty in accordance with the provisions of section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub-section (2), whether such payment is made voluntarily or after determination of the duty under that section.

(2) Interest at such rate not below ten percent and not exceeding thirty-six per cent per annum, as the Central Government may, by notification in the Official Gazette, fix shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty.

Section 46- Entry of goods on importation:

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(1) *The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting [electronically] [on the customs automated system] to the proper officer a bill of entry for home consumption or warehousing [in such form and manner as may be prescribed] :*

Provided that the Principal Commissioner of Customs or Commissioner of Customs may, in cases where it is not feasible to make entry by presenting electronically on the customs automated system, allow an entry to be presented in any other manner:

Provided further that if the importer makes and subscribes to a declaration before the proper officer, to the effect that he is unable for want of full information to furnish all the particulars of the goods required under this sub-section, the proper officer may, pending the production of such information, permit him, previous to the entry thereof (a) to examine the goods in the presence of an officer of customs, or (b) to deposit the goods in a public warehouse appointed under section 57 without warehousing the same.

(2) *Save as otherwise permitted by the proper officer, a bill of entry shall include all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.*

(3) *The importer shall present the bill of entry under sub-section (1) before the end of the next day following the day (excluding holidays) on which the aircraft or vessel or vehicle carrying the goods arrives at a customs station at which such goods are to be cleared for home consumption or warehousing:*

Provided that a bill of entry may be presented 10[at any time not exceeding thirty days prior to] the expected arrival of the aircraft or vessel or vehicle by which the goods have been shipped for importation into India:

Provided further that where the bill of entry is not presented within the time so specified and the proper officer is satisfied that there was no sufficient cause for such delay, the importer shall pay such charges for late presentation of the bill of entry as may be prescribed.]

(4) *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, [and such other documents relating to the imported goods as may be prescribed].*

(4A) *The importer who presents a bill of entry shall ensure the following, namely:—*

- (a) *the accuracy and completeness of the information given therein;*
- (b) *the authenticity and validity of any document supporting it; and*
- (c) *compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.]*

(5) *If the proper officer is satisfied that the interests of revenue are not prejudicially affected and that there was no fraudulent intention, he may permit substitution of a bill of entry for home consumption for a bill of entry for warehousing or vice versa.*

Section 110AA. Action subsequent to inquiry, investigation or audit or any other specified purpose.-

Where in pursuance of any proceeding, in accordance with Chapter XIIA or this Chapter, if an officer of customs has reasons to believe that—

- (a) *any duty has been short-levied, not levied, short-paid or not paid in a case where assessment has already been made;*
- (b) *any duty has been erroneously refunded;*
- (c) *any drawback has been erroneously allowed; or*
- (d) *any interest has been short-levied, not levied, short-paid or not paid, or erroneously refunded,*

then such officer of customs shall, after causing inquiry, investigation, or as the case may be, audit, transfer the relevant documents, along with a report in writing—

- (i) *to the proper officer having jurisdiction, as assigned under section 5 in respect of assessment of such duty, or to the officer who allowed such refund or drawback; or*
- (ii) *in case of multiple jurisdictions, to an officer of customs to whom such matter is assigned by the Board, in exercise of the powers conferred under section 5,*

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and thereupon, power exercisable under sections 28, 28AAA or Chapter X, shall be exercised by such proper officer or by an officer to whom the proper officer is subordinate in accordance with sub-section (2) of section 5]

Section 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 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.

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) ----

Shall be liable, -

(i) ----

(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:

Section 114A. Penalty for short-levy or non-levy of duty in certain cases. -*Where the duty has not been levied or has been short-levied or the interest has not been charged or paid or has been part paid or the duty or interest has been erroneously refunded by reason of collusion or any willful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, as the case may be, as determined under sub-section (8) of section 28 shall also be liable to pay a penalty equal to the duty or interest so determined:*

Section 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 goods³⁹[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, [no such fine shall be imposed]:

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.]

18.2 THE GENERAL RULES FOR THE INTERPRETATION OF IMPORT TARIFF - Classification of goods in this Schedule shall be governed by the following principles:

Rule 1: The titles of Sections, Chapters and Sub-Chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes and, provided such headings or Notes do not otherwise require, according to the following provisions

2. (a) Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished articles has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), presented unassembled or disassembled.

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(b) Any reference in a heading to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances. Any reference to goods of a given material or substance shall be taken to include a reference to goods consisting wholly or partly of such material or substance. The classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.

3. When by application of rule 2(b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows:

(a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.

(b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to (a), shall be classified as if they consisted of the material or component which gives them their essential character, in so far as this criterion is applicable.

(c) When goods cannot be classified by reference to (a) or (b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

4. Goods which cannot be classified in accordance with the above rules shall be classified under the heading appropriate to the goods to which they are most akin.

5. In addition to the foregoing provisions, the following rules shall apply in respect of the goods referred to therein:

(a) Camera cases, musical instrument cases, gun cases, drawing instrument cases, necklace cases and similar containers, specially shaped or fitted to contain a specific article or set of articles, suitable for long-term use and presented with the articles for which they are intended, shall be classified with such articles when of a kind normally sold therewith. This rule does not, however, apply to containers which give the whole its essential character;

(b) Subject to the provisions of (a) above, packing materials and packing containers presented with the goods therein shall be classified with the goods if they are of a kind normally used for packing such goods. However, this provisions does not apply when such packing materials or packing containers are clearly suitable for repetitive use.

6. For legal purposes, the classification of goods in the sub-headings of a heading shall be determined according to the terms of those sub headings and any related sub headings Notes and, mutatis mutandis, to the above rules, on the understanding that only sub headings at the same level are comparable. For the purposes of this rule the relative Section and Chapter Notes also apply, unless the context otherwise requires.

18.3 The Foreign Trade (Development and Regulation) Act, 1992

Section 11: *Contravention of provision of this Act, rules, orders and exports and import policy:- (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 export and import policy for the time being in force.*

(2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the export and import policy, he shall be liable to a penalty not exceeding one thousand rupees or five times the value of the goods in respect of which any contravention is made or attempted to be made, whichever is more.

(3) Where any person, on a notice to him by the Adjudicating Authority, admits any contravention, the Adjudicating Authority may, in such class or classes of cases and in such manner as may be prescribed, determine, by way of settlement, an amount to be paid by that person.

(4) A penalty imposed under this Act may, if it is not paid, be recovered as an arrear of land revenue and the Importer-exporter Code Number of the person concerned, may, on failure to pay the penalty by him, be suspended by the Adjudicating Authority till the penalty is paid.

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(5) Where any contravention of any provision of this Act or any rules or orders made thereunder or the export and import policy has been, is being, or is attempted to be, made, the goods together with any package, covering or receptacle and any conveyances shall, subject to such requirements and conditions as may be prescribed, be liable to confiscation by the Adjudicating Authority.

(6) The goods or the conveyance confiscated under sub-section (5) may be released by the Adjudicating Authority, in such manner and subject to such conditions as may be prescribed, on payment by the person concerned of the redemption charges equivalent to the market value of the goods or conveyance, as the case may be.

Foreign Trade (Regulation) Rules, 1993

Rule 11: Declaration as to value and quality of imported goods:-On the importation into, or exportation out of, any Customs ports of any goods, whether liable to duty or not, the owner of such goods, shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962 (52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.

Rule 14: Prohibition regarding making, signing of any declaration, statement or documents:-No person shall make, sign or use or cause to be made, signed or used any declaration, statement or document for the purposes of obtaining a license or importing any goods knowing or having reason to believe that such declaration, statement or document is false in any material particular.

(2) No person shall employ any corrupt or fraudulent practice for the purposes of obtaining any licence or importing or exporting any goods.

Demand of Differential Duties of Customs short levied and short paid by reason of mis-statement and suppression of facts:

19. The facts and evidences discussed in detail at paras supra reveal that the importer was aware of the fact that imported Static VAR Generator (SVG) is a specific type of Static Converter and merit classification under CTH 85044090 as they were the ultimate users of the imported goods. Shri Ganesh Sharma, Senior Manager [Techno Commercial] of M/s. Adani Green Energy Limited, in his statement dated 30.12.2024 recorded under Section 108 of the Customs Act, 1962, admitted that the imported Static VAR Generator were used in the solar power plants by them. M/s Adani Green Energy Limited had imported parts of Static VAR Generator and had classified the same under CTH 85044090 and Shri Ganesh Sharma, Senior Manager [Techno Commercial] of M/s. Adani Green Energy Limited in his statement dated 30.12.2024 recorded under Section 108 of the Customs Act, 1962, agreed that if parts of Static VAR Generator are classified under HSN 85044090 then the Static VAR Generator should have also been classified under HSN 850440. Further, on analysis of email conversation between employees of M/s Adani Green Energy Limited and supplier M/s. TBEA Xi'an Electric Technology Co, Ltd., it appears that M/s. TBEA Xi'an Electric Technology Co, Ltd. had suggested CTH 85044090 to M/s Adani Green Energy Limited for Static VAR Generator, however M/s. Adani Green Energy Ltd. had intentionally requested the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention HSN code 85437099 in export documents for imported Static VAR Generators. Further, Shri Sagar Prabhakar

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Kale, Country Manager-India of the foreign supplier M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd had accepted in his statement dated 22.07.2025 recorded under Section 108 of the Customs Act, 1962 that the correct classification of Static VAR Generators supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. is 85044090. The importer was aware that a number of other importers had also classified the subject imported goods under CTH 85044090. Thus, it appears that M/s Adani Green Energy Limited was aware of the fact that correct classification/CTH of the imported Static VAR Generator is 85044090 wherein BCD@20% is payable, however with intent to evade payment of applicable duties of customs the importer had wrongly classified the Static VAR Generator under CTH 85437099 and paid BCD@7.5% only, in the Bills of Entry filed by them.

19.1 It appears that the supplier M/s TBEA XI' AN Electric Technology Co., Ltd, China had exported "Static VAR Generators" in India to various importers by classifying the same under CTH 85044090. M/s Ostro Bhesada Wind Private Limited vide Bill of Entry No. 4480078 dated 12.07.2024 imported Static VAR Generator under CTH 85044090 and importer M/s Fourth Partner Energy Private Limited (IEC-910020108), also imported Static VAR Generator vide Bill of Entry No. 6979067 dated 30.11.2024 from M/s TBEA XI' AN Electric Technology Co., Ltd, China wherein in the Invoice and Bill of Lading the CTH was mentioned as 85044090. The compliance Certificate/document issued to M/s TBEA XI'AN Electric Technology Co., Ltd, China for the supply of these goods, which has been uploaded on e-sanchit under Bill of Entry No. 6979067 dated 30.11.2024 filed by M/s Fourth Partner Energy Private Limited, **clearly describes the product "Static VAR Generator" as a "Converter"**. Further, M/s TBEA XI'AN Electric Technology Co., Ltd, China, had also supplied Static Var Generator (SVG) to M/s Kleio Solar Power Private Limited, Hyderabad under commercial invoice no. SA20250121001 dated 21.01.2025 wherein CTH for Static Var Generator (SVG) was mentioned as 85044090 and accordingly Bill of Entry No. 8278668 dated 10.02.2025 was filed by the importer declaring CTH 85044090. **It is pertinent to mention that the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd., China had suggested to M/s Adani Green Energy Limited that the Static VAR Generator merit classification under 85044090, however, M/s. Adani Green Energy Limited had requested the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention CTH 85437099 in export documents for Static VAR Generator supplied to them/ imported by them.**

Further, it appears that other M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China had also exported "Static VAR Generators" in India to various importers by classifying the same under CTH 85044090. M/s. ACME Solar Energy Pvt. Ltd. had imported Static VAR Generator by filing Bill of Entry No. 6987727 dated 30.11.2024 corresponding to invoice No MYLY202411002 dated 11.11.2024 issued by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China wherein the supplier had declared CTH of Static VAR Generator as 85044090. Further, M/s. Clean Solar Power (Jodhpur) Pvt. Ltd. had imported Static VAR Generator by filing Bill of Entry No. 2834555 dated 23.06.2025 corresponding to invoice No MYLY202506001 dated 01.06.2025 issued by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China wherein the supplier had declared

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CTH of Static VAR Generator as 85044090. Similarly, M/s Amara Raja Infra Private Limited and M/s Clean Max Vayu Private Limited had also imported Static VAR Generator from M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd., China by filing Bills of Entry No. 3363023 dated 19.07.2025 and 5262783 dated 23.10.2025 respectively wherein the supplier had mentioned CTH of Static VAR Generator as 85044090 in the invoice, Bill of lading and Country of origin Certificate and accordingly these importers filed above stated Bills of Entry by declaring CTH of imported Static VAR Generator as 85044090.

From the above, it appears that M/s. Adani Green Energy Limited had, with deliberate intent, wrongly classified the imported Static VAR Generator in the Bills of Entry as detailed in attached Annexure-A filed before the Customs authorities and thereby, short paid the customs duty. M/s. Adani Green Energy Limited failed to declare the true nature of the imported goods before the Customs authorities, that the imported Static VAR Generator is a type of Static Converter and failed to determine correct classification as per the nature of the imported goods. Further, even after suggestion by the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd., China that the Static VAR Generator merits classification under 85044090, M/s. Adani Green Energy Limited had deliberately requested the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. to mention CTH 85437099 in export documents for Static VAR Generator supplied to them/ imported by them. These acts of omission and commission clearly shows wilful mis-declaration and suppression of fact on the part of importer M/s. Adani Green Energy Limited. Therefore, Section 28(4) of the Customs Act, 1962, invoking extended period for demand of duty is amply applicable in the instant case.

19.2 Further, it appears that M/s Adani Green Energy Limited had deliberately misclassified Static VAR Generators (SVGs) under Customs Tariff Heading (CTH) 85437099 to pay lower rate of Basic Customs Duty (BCD) @7.5%. However, the associated parts of the said SVGs have been declared and classified under CTH 85044090, which specifically covers "parts" of static converters. This presents a clear contradiction in the declarations made by M/s Adani Green Energy Limited whereby the parts of Static VAR Generator were admitted to be classified under CTH 85044090, but the principal equipment has been misclassified under a residual heading CTH 85437099. Such inconsistency strongly indicates that the importer was aware of the true nature and correct classification of the imported Static VAR Generators.

19.3 Thus, the facts and evidences discussed in paras supra clearly establish that the importer resorted to wilful mis-statement and mis-declaration of the CTH of the imported goods with an intent to evade payment of the applicable customs duty on the above mentioned "Static VAR Generator" imported by them. The importer had wrongly classified the imported goods under CTH 85437099 even though the importer was fully aware of the fact that the Static VAR Generator merit classification under CTH 85044090, as the importer himself had classified parts of SVG under CTH 85044090 in the Bills of Entry filed for clearance of parts of Static VAR Generator. The importer had contravened the provisions of Section 46 of the Customs Act, 1962 in as much as the importer had not disclosed the correct classification of the imported goods before the customs authorities. Therefore, Section 28(4) of the Customs Act, 1962, invoking extended period for demand of duty is amply applicable

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in the instant case. The Annexure-A containing details of “Static VAR Generators and its spares” imported by M/s. Adani Green Energy Limited by wrong classification have been prepared and hence the differential duty evaded by them totally aggregating to **Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Forty Nine Thousand Nine Hundred Thirty One only)** leviable on “Static VAR Generators” imported and cleared under Bills of Entry as listed in attached Annexure- A, by wrongly classifying under CTH 85437099 and short paid/not paid by M/s. Adani Green Energy Limited is, therefore, liable to be demanded and recovered from them as per provisions of Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962.

20. Whereas, from the discussion in paras supra, it is evident that the Static VAR Generators imported by M/s. Adani Green Energy Limited were used by them in the Solar/Wind Power Plants. The importer was aware of the correct name, classification/CTH and even the exact end-use of the imported goods, however, despite being fully aware of the correct name, classification/CTH and end use of the imported goods, these were wrongly classified under CTH 85437099 in the Bills of Entry filed before customs authority instead of their correct classification under CTH 85044090 by M/s. Adani Green Energy Limited, to evade payment of appropriate Customs duty. It appears that importer resorted to misclassification deliberately and intentionally to evade the payment of appropriate customs duty. Further, as per provisions of Section 46 of the Customs Act, 1962, the importer had to file Bills of Entry mentioning therein the correct classification/CTH of the goods imported and shall, at the foot thereof, make and subscribe to a declaration as to the truthfulness of the contents of Bills of Entry. However, it appears that M/s. Adani Green Energy Limited had subscribed to false/ wrong declarations and had deliberately wrongly declared the CTH of the imported goods. Thus, by the above acts of omission and commission M/s. Adani Green Energy Limited had contravened the provisions of Section 46 of the Customs Act, 1962 and Section 11 of the Foreign Trade (Development and Regulation) Act, 1992 read with Rules 11 and 14 of the Foreign Trade (Regulation) Rules 1993, in as much as the importer had not disclosed the correct classification/CTH of the imported goods before the Customs authorities while filing the Bills of Entry at the time of the importation of the subject goods. The same was done to evade the payment of applicable Basic Customs Duty leviable thereon under Section 12 of the Customs Act, 1962, at the rates specified in the first Schedule to the Customs Tariff Act, 1975. This has also resulted in short-payment of other Customs levies viz. Social Welfare Cess and IGST as BCD forms part of assessable value for computation of these duties. This act of mis-classification of the subject imported goods by M/s. Adani Green Energy Limited has rendered 230 Nos of subject imported goods and its spares totally valued at **Rs.490,75,47,964/-** (as detailed in Annexure-A) liable to confiscation as per the provisions of Section 111(m) of the Customs Act, 1962.

21. The aforesaid acts of omission and commission tantamount to mis-declaration and suppression of facts by M/s. Adani Green Energy Limited with intent to evade payment of applicable customs duty. The wrong classification of the subject imported Static VAR Generators and its spares resulted into short payment of customs duty amounting to **Rs.15,92,49,931/-** as detailed in table of Para 15 supra. The aforesaid acts of omission and

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commission tantamount to wilful mis-declaration and suppression of facts by the importer with intent to evade payment of duty. For these acts of omission and commission, the importer appears to have rendered themselves liable to penalty under Section 112 and 114A of the Customs Act, 1962.

21.1 Shri Ganesh Sharma is working as Senior Manager (Techno Commercial) in M/s Adani Green Energy Limited wherein he was responsible for overall customs activities including Customs Clearance at Indian Port and arranging last mile transportation. He was the main person involved in deciding the classification of the imported Static VAR Generator and also in approving its mis- classification under CTH 85437099 in the Bills of Entry filed for seeking home clearance of Static VAR Generator from the customs authority. In his statement dated 30.12.2024, on being asked about reasons/ justification for classification of imported Static VAR Generator under CTH 85437099, he stated that they have declared CTH 85437099 on the basis of certificate of country of origin provided to them in which the CTH/HSN 85437099 was mentioned, however as discussed in paras supra, it is clear that the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. had suggested CTH 85044090 to M/s Adani Green Energy Limited for the imported Static VAR Generator, however M/s. Adani Green Energy Ltd. had requested the supplier to mention HSN code 85437099 in export documents. Further, as discussed in paras supra, it is clear that the supplier M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. had also accepted that Static VAR Generator supplied by them merit classification under CTH 85044090, however the importer had misclassified the imported Static VAR Generator under CTH 85437099. It has been duly established during the course of investigation that Shri Ganesh Sharma, Senior Manager of M/s Adani Green Energy Limited was directly responsible for ensuring the correct classification of imported goods in the Bills of Entry filed with the Customs authority. Further, as a senior official overseeing import documentation and compliance, it was incumbent upon him to exercise due diligence and ensure adherence to the provisions of the Customs Act, 1962, however, Shri Ganesh Sharma, by wilfully or negligently misclassifying the imported goods under incorrect CTH 85437099, facilitated the evasion of customs duty legitimately payable on the imported goods. The wrong/incorrect classification resulted in misdeclaration in terms of classification, attracting the provisions of Section 111(m) of the Customs Act, 1962, under which the imported goods become liable for confiscation. In view of the above facts, Shri Ganesh Sharma, by virtue of his position and responsibilities, is found to have contravened the provisions of the Customs Act, 1962 and is therefore liable to penalty under Section 112(a)(ii) of the Customs Act, 1962, for his active involvement and failure in exercising due diligence in classification of imported Static VAR Generator, which resulted in evasion of customs duty amounting to Rs.15,92,49,931/-.

21.2 During investigation, it emerges that Shri Suneel Jaiswal and Shri Avinash Swain both employees of M/s Adani Green Energy Limited had communicated with the foreign supplier of Static VAR Generator i.e. M/s. TBEA Xi'an Electric Technology Co, Ltd., China. On analysis of email communication of Shri Suneel Jaiswal (Suneel.jaiswal@adani.com) with representative of M/s. TBEA Xi'an Electric Technology Co, Ltd., China (zhanggaowei@tbea.com), it appears that M/s. TBEA Xi'an Electric Technology Co, Ltd.

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vide mail dated 01.08.2023 suggested CTH 85044090 to Shri Suneel Jaiswal of M/s Adani Green Energy Limited for the imported Static VAR Generator, **however Shri Suneel Jaiswal vide mail dated 03.08.2023 had ordered the supplier to mention HSN code 85437099 in the shipping documents and stated that they will take care for customs clearance in India. The subject mail dated 03.08.2023 is appended as under in verbatim:**

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Dear Vaibhav,

As discussed, please proceed ahead with HSN Code 85437099 for mentioning in all the shipping documents including COO.

Accordingly, we will take care for all Customs Clearance in India.

Thanks & Regards,

Suneel Jaiswal
+91-9099966274

Shri Avinash Swain was involved in finalizing the PO No. 531000646 dated 26.02.2025 with M/s. TBEA Xi'an Electric Technology Co, Ltd. for purchase of 64 sets of 50 MVAR Static VAR Generator (SVG). On analysis of email communication of Shri Avinash Swain (Avinash.Swain@adani.com) with representative of M/s. TBEA Xi'an Electric Technology Co, Ltd., China (zhanggaowei@tbea.com), it appears that in the subject PO initially CTH for SVG was mentioned as 85021100, however Shri Avinash Swain had asked the supplier to continue using the HSN code 85437099 until further notice. As per PO Deviation sheet to this purchase order, Shri Avinash Swain had mentioned by as under: -

We will continue using the HSN code 85437099 until further notice. We are currently discussing potential changes with the Customs department, but until those discussions conclude and any updates are finalized, please stick with the existing code.

Shri Suneel Jaiswal and Shri Avinash Swain both were issued summonses dated 02.07.2025, 29.07.2025 and 21.08.2025 as discussed in para 5 supra. In response of these summonses, both Shri Suneel Jaiswal and Shri Avinash Swain had neither made any written submission nor appeared in the DRI office to tender their respective statement. Thus, it appears that Shri Suneel Jaiswal and Shri Avinash Swain had not cooperated with department in the investigation by not appearing on the Summonses issued to them under Section 108 of the Customs Act, 1962 by the competent authority.

From the above stated facts, it appears that both Shri Suneel Jaiswal and Shri Avinash Swain were aware of the fact that the imported Static VAR Generator merit classification under CTH 85044090 and even the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. had suggested CTH 85044090 to them, however they have insisted /requested the supplier to

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mention HSN code 85437099 in shipping documents to evade payment of appropriate customs duty. They by wilfully abetting in misclassifying the imported goods under incorrect CTH 85437099, facilitated the evasion of customs duty legitimately payable on the imported goods. The incorrect classification resulted in misdeclaration in terms of classification, attracting the provisions of Section 111(m) of the Customs Act, 1962, under which the imported goods become liable for confiscation. Thus, it appears that by these acts and omissions/commissions, both Shri Suneel Jaiswal and Shri Avinash Swain appear to have contravened the provisions of the Customs Act, 1962 and have made themselves liable to penalty under Section 112(a)(ii) of the Customs Act, 1962.

22. During investigation, M/s. Adani Green Energy Limited had deposited Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Fourty Nine Thousand Nine Hundred Thirty One only) towards differential customs duty (BCD+SWS+IGST) vide challan as mentioned below. Therefore, the payment made by the importer is required to be appropriated against the demand of differential duty. The details of payments made are as under: -

Sr. No.	Challan No. & Date	Differential Duty (BCD+SWS+IGST) (Rs.)	Remarks
1	8107007375 dated 03.09.2025	Rs.15,92,49,931/-	RUD No.- 19

23. It is pertinent to mention that in terms of the provisions of Section 110AA of the Customs Act, 1962, the officers of Customs have been appointed as the proper officer for the purpose of exercising of powers under Section 28, Section 28AAA or Chapter X of the Customs Act, 1962 with jurisdiction over the whole of India with all the powers under the said Act. It is pertinent to mention that in the instant case, the importer has imported the subject goods (Static VAR Generator) at Mundra Sea Port (INMUN1), therefore, the Principal Commissioner/Commissioner of Customs, MP&SEZ, Mundra is the Show Cause Notice issuing authority as well as the adjudicating authority in terms of Section 110AA of the Customs Act, 1962.

24. Now, therefore, M/s. Adani Green Energy Limited (IEC-0816920249), Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421, are hereby called upon to show cause in writing to the Principal Commissioner/Commissioner of Customs, Customs House, Mundra having his office at Port User Building, MP& SEZ, Mundra, District- Kutchh (Gujarat) within 30 (Thirty) days from the receipt of this notice, as to why:-

- (a) the classification of the “Static VAR Generator and its spares” imported under Bills of Entry listed in column no. 03 of Annexure- A under CTH 85437099 should not be rejected and the same should not be re-classified under CTH 85044090.

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- (b) the differential amount of Customs duty aggregating to **Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Forty Nine Thousand Nine Hundred and Thirty One only)** as detailed in Annexure- A to this Notice leviable on the imported Static VAR Generator and its spares covered under Bills of Entry as listed in column no. 03 of Annexure- A, should not be demanded and recovered from them under Section 28(4) of the Customs Act, 1962, along with applicable interest under Section 28AA of the Customs Act, 1962;
- (c) 230 No's of Static VAR Generators and its spares totally valued at **Rs. 490,75,47,964/-** imported under Bills of Entry as listed in Annexure- A should not be confiscated as per provisions of Section 111(m) of the Customs Act, 1962.
- (d) Amount **Rs.15,92,49,931/- (Rupees Fifteen Crores Ninety Two Lakhs Forty Nine Thousand Nine Hundred and Thirty One only)** deposited towards differential duty (as discussed in para 22 above) during investigation should not be appropriated towards demand of customs duty as mentioned in above paras.
- (e) Penalty should not be imposed on them under Section 112 and 114A of the Customs Act, 1962.

24.1 Now, therefore, Shri Ganesh Sharma, Senior Manager (Techno Commercial) in M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421 is hereby called upon to show cause to the Principal Commissioner/Commissioner of Customs, Customs House, Mundra having his office at Port User Building, MP& SEZ, Mundra, District- Kutchh (Gujarat) within 30 days of receipt of this Show Cause Notice, as to why:

- (i) Penalty should not be imposed upon him under Section 112(a)(ii) of the Customs Act, 1962 for his acts of omission and commission, as discussed here in above.

24.2 Now, therefore, Shri Suneel Jaiswal employee of M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421 is hereby called upon to show cause to the Principal Commissioner/Commissioner of Customs, Customs House, Mundra having his office at Port

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User Building, MP& SEZ, Mundra, District- Kutchh (Gujarat) within 30 days of receipt of this Show Cause Notice, as to why:

- (i) Penalty should not be imposed upon him under Section 112(a)(ii) of the Customs Act, 1962 for his acts of omission and commission, as discussed here in above.

24.3 Now, therefore, Shri Avinash Swain employee of M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421 is hereby called upon to show cause to the Principal Commissioner/Commissioner of Customs, Customs House, Mundra having his office at Port User Building, MP& SEZ, Mundra, District- Kutchh (Gujarat) within 30 days of receipt of this Show Cause Notice, as to why:

- (i) Penalty should not be imposed upon him under Section 112(a)(ii) of the Customs Act, 1962 for his acts of omission and commission, as discussed here in above.

25. The noticee may submit their written reply to this Show Cause Notice to the adjudication authority within 30 days of the receipt of this show cause notice. The above noticee is further advised to indicate in his written submission whether they desire to be heard in person before the case is adjudicated. If no mention is made about this in the written submission, it would be presumed that they do not desire to be heard in person. They are also required to produce at the time of showing cause all evidences on which they intend to rely upon in support of their defence.

26. The noticee should note that, if no cause is shown by them against the action proposed to be taken within 30 days from the date of receipt of this show cause notice or if they do not appear before the adjudicating authority i.e. Principal Commissioner of Customs, Port User Building, MP& SEZ, Mundra, District- Kutchh (Gujarat) when the case is posted for hearing, the case will be decided *ex-parte* on the basis of the material evidence available on record.

27. This notice is issued without prejudice to any other action that may be taken against all of them or any other person(s) under the provisions of the Customs Act, 1962 or any other law for the time being in force.

28. This show cause notice is being issued on the basis of evidences available on record and relied upon documents as discussed in the aforementioned paragraphs.

29. 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 export of goods

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under investigation and any other export by the said exporter, which may come to the notice of the Department after issuance of this notice and prior to the adjudication of the case.

30. The list of documents relied upon for the issuance of this notice is attached as **Annexure-B** to this notice. All the relied upon documents are enclosed herewith.

Encl.:

- (i) Annexure –A regarding duty calculation.
- (ii) Annexure-B along with RUD No. 1 to 19.

Digitally signed by
Nitin Saini
Date: 13-08-2026
13:23:10

(Nitin Saini)
Commissioner of Customs,
Customs House, Mundra.

File No.: GEN/ADJ/COMM/468/2026-Adjn-O/o Pr Commr-Cus-Mundra

SCN No. 37/2026-27/COMM/N.S./Adjn/MCH

By Speed Post/Regd. Post/E-mail/Hand Delivery

List of Noticees:

1. M/s. Adani Green Energy Limited (IEC-0816920249), Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421.
2. Shri Ganesh Sharma, Senior Manager (Techno Commercial) in M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421.
3. Shri Suneel Jaiswal employee of M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421.
4. Shri Avinash Swain employee of M/s Adani Green Energy Limited, Adani Corporate House, Shantigram, Near Viashanav Devi Circle, S. G. Highway, Khodiyar, Ahmedabad, Gujarat-382421.

Copy Submitted to: -

1. The Additional Director General, DRI, Regional Unit Jaipur, S -10, Bhawani Singh lane, Bhawani Singh Marg, C-Scheme, Jaipur –302005.
3. The Deputy Commissioner (EDI), Customs House, Mundra with a request to upload the

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Show Cause Notice in departmental official website.

4. Notice Board

Annexure-B

List of the Relied Upon Documents to the Investigation Report in the case of M/s Adani Green Energy Limited

RUD No.	Name of the Documents	No. of Sheets
	Annexure- A (Differential Duty Calculation)	1 to 3
1	Summons DIN No. 202411DDZ4000000C837 dated 14.11.2024, DIN No. 202411DDZ40000004E9C dated 27.11.2024 and DIN No. 202412DDZ40000323827 dated 11.12.2024 issued to M/s. Adani Green Energy Limited, Ahmedabad.	1 to 4
2	Statement dated 30.12.2024 of Shri Ganesh Sharma, Senior Manager of M/s Adani Green Energy Limited recorded under Section 108 of the Customs Act, 1962.	1 to 13
3	Summons DIN No. 202504DDZ4000000EB25 dated 25.04.2025, DIN No. 202505DDZ40000287643 dated 09.05.2025 and DIN No. 202505DDZ4000000C4E4 dated 30.05.2025 issued to M/s. TBEA Xi'an Electric Technology Co. Ltd.	1 to 3
4	Statement dated 03.06.2025 of Shri Vaibhav Kaushik, Consultant (Sales), of M/s. TBEA Xi'an Electric Technology Co. Ltd. recorded under Section 108 of the Customs Act, 1962.	1 to 11
5	Summons DIN No. 202507DDZ40000666FF6 dated 02.07.2025 issued to M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd	1 to 1
6	Statement dated 22.07.2025 of Shri Sagar Prabhakar Kale, Country Manager-India of M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd recorded under Section 108 of the Customs Act, 1962.	1 to 7
7	Copy of summonses issued to M/s. Adani Green Energy Limited, Shri Ganesh Sharma, Shri Suneel Jaiswal and Shri Avinash Swain which were not honored by them.	1 to 14
8	Letter dated 04.09.2025 submitted by M/s Adani Green Energy Limited vide which the importer submitted details of the Differential duty payment made by them.	1 to 1
9	Copy of operational principle for Static Var Generator (SVG) found available on the official website of foreign supplier TBEA Xi'an Electric Technology Co, Ltd., China	1 to 1
10	Details of "Static VAR Generator" received from M/s. TBEA XI'AN Electric Technology Co. Ltd., China	1 to 1
11	Copy of Bills of Entry No. 5429148 dated 05.09.2024 and 9965013 dated 09.05.2025 filed by M/s. Adani Green Energy Limited vide which parts/spares of Static VAR Generators were imported by classifying under CTH/HSN 85044090.	1 to 12
12	Copy of two Certificates dated 03.06.2025 issued under Section 138(c) of the Customs Act, 1962 read with Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam, 2023 by Shri Vaibhav Kaushik, Consultant (Sales), of M/s. TBEA	1 to 2



	Xi'an Electric Technology Co. Ltd. w.r.t printout of mails taken from his mail id during his statement.	
13	Copy of email conversation between the importer M/s Adani Green Energy Ltd. and the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. having subject: Logistics Meeting for SVG-05072023	1 to 10
14	Copy of email conversation between the importer M/s Adani Green Energy Ltd. and the supplier M/s. TBEA Xi'an Electric Technology Co, Ltd. having subject: Meeting invitation: Techno Commercial Discussion for supply of String Inverters and SVG for FY 2025-26 requirement	1 to 32
15	Documents showing classification of Static VAR Generator under CTH 85044090 imported by Indian importers and supplied by M/s TBEA XI'AN Electric Technology Co., Ltd, China viz. (i) Bill of Entry No. 4480078 dated 12.07.2024 filed at Nhava Sheva by M/s Ostro Bhesada Wind Private Limited along with related documents. (ii) Bill of Entry No. 6979067 dated 30.11.2024 filed by M/s Fourth Partner Energy Private Limited along with related documents. (iii) Bill of Entry No. 8278668 dated 10.02.2025 filed by Kleio Solar Power Private Limited, Hyderabad along with related documents.	1 to 31
16	Documents showing classification of Static VAR Generator under CTH 85044090 imported by Indian importers and supplied by M/s. Guangdong Mingyang Longyuan Power Electronics Co. Ltd. viz. (i) Bill of Entry No. 6987727 dated 30.11.2024 filed at Mundra Port by M/s. ACME Solar Energy Pvt. Ltd along with related documents. (ii) Bill of Entry No. 2834555 dated 23.06.2025 filed at Mundra Port by M/s. Clean Solar Power (Jodhpur) Pvt. Ltd along with related documents. (iii) Bill of Entry No. 3363023 dated 19.07.2025 filed at Chennai Sea Port by M/s Amara Raja Infra Private Limited along with related documents. (iv) Bill of Entry No. 5262783 dated 23.10.2025 filed at Mundra Port by M/s Clean Max Vayu Private Limited along with related documents.	1 to 35
17	Copy of Purchase Order No. 5310000646 dated 26.02.2025 issued by M/s. Adani Green Energy Limited to M/s TBEA XI'AN Electric Technology Co., Ltd, China for import of Static VAR Generators wherein HSN code of Static VAR Generator was mentioned as 85021100.	1 to 10
18	Copy of representation submitted by Solar Power Generators/Manufacturers, ASSOCHAM as well as National Solar Energy Federation of India (NSEFI) with regard to classification of Static VAR Generator with Ministry of New and Renewable Energy, which is submitted to DRI by M/s Adani Green Energy Limited.	1 to 15
19	Challan No. 8107007375 dated 03.09.2025 vide which payment of Rs.15,92,49,931/- against differential duty was made by M/s Adani Green Energy Limited.	1 to 1



ANNEXURE-A

DIFFERENTIAL DUTY CALCULATION SHEET OF M/s ADANI GREEN ENERGY LIMITED

SR. NO.	CUSTOM HOUSE CODE	BE NUMBER	BEDATE	SUPPLIER NAME	ITEM DESCRIPTION	QUANTITY (NOS)	ASSESSABLE VALUE (Rs.)	DUTY PAYABLE (Rs.)				DUTY PAID (Rs.)				DIFFERENTIAL DUTY PAYABLE (Rs.)
								BCD@10%	SWS@10%	IGST@18%	TOTAL DUTY PAYABLE	BCD@7.5%	SWS@10%	IGST@18%	TOTAL DUTY PAID	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	INMUN1	7646011	02.09.2023	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR (INCLUDING MANDATORY SPARES PARTS)	3	89353500	8935350	893535	17852829	27681714	6701513	670151	17410529	24782193	2899521
2	INMUN1	7771980	11.09.2023	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG-50/33-W-C)	4	100740000	10074000	1007400	20127852	31209252	7555500	755550	19629189	27940239	3269013
3	INMUN1	7797124	12.09.2023	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	4	100740000	10074000	1007400	20127852	31209252	7555500	755550	19629189	27940239	3269013
4	INMUN1	8684461	08.11.2023	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR	5	113139677	11313967.7	1131397	22605307	35050672	8485476	848548	22045266	31379289	3671383
5	INMUN1	8684466	08.11.2023	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR	2	46063710	4606371	460637	9203529	14270537	3454778	345478	8975514	12775770	1494767
6	INMUN1	8776379	15.11.2023	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	7	164050425	16405042.5	1640504	32777275	50822822	12303782	1230378	31965225	45499385	5323436
7	INMUN1	8819889	18.11.2023	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	4	93687400	9368740	936874	18718743	29024357	7026555	702656	18254990	25984200	3040156
8	INMUN1	8868062	21.11.2023	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD	50MVAR STATIC VAR GENERATOR (SVG) WITH SPARES (TBEA TSVG- 50/33-W-C)	4	93687400	9368740	936874	18718743	29024357	7026555	702656	18254990	25984200	3040156
9	INMUN1	2101708	12.02.2024	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR	1	22305515	2230551.5	223055	4456642	6910249	1672914	167291	4346230	6186435	723814
10	INMUN1	2403461	02.03.2024	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR WITH MANDATORY SPARES (ASPER INV)	6	136941580	13694158	1369416	27360928	42424501	10270619	1027062	26683067	37980747	4443754
11	INMUN1	2403628	02.03.2024	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR WITH MANDATORY SPARES (ASPER INV)	6	136941580	13694158	1369416	27360928	42424501	10270619	1027062	26683067	37980747	4443754

Ksimh
22/10/26

Rajesh
22/10/2026

Ratil
22/11/26

12	INMUN1	2472213	07.03.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	STATIC VAR GENERATOR (SVG), 50MVAR, TBEA TSVG-50/33-W-C WITHSPARE PARTS (AS PER INV)	5	110559225	11055922.5	1105592	22089733	34251248	8291942	829194	21542465	30663601	3587647
13	INMUN1	2684920	21.03.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	STATIC VAR GENERATOR (SVG), 50MVAR, TBEA TSVG-50/33-W-C WITHSPARE PARTS (AS PER INV)	9	198650813	19865081.3	1986508	39690432	61542022	14898811	1489881	38707111	55095803	6446219
14	INMUN1	3020235	14.04.2024	TBEA XI'AN ELECTRIC TECHNOLOGY CO., LTD	50 MVAR STATIC VAR GENERATOR (SVG) (TBEA TSVG-50/30-W-C) WITH SPARE PARTS (AS PER INV)	9	200073983	20007398.3	2000740	39974782	61982920	15005549	1500555	38984415	55490519	6492401
15	INMUN1	3612167	22.05.2024	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR (AS PER INV)	7	163293165	16329316.5	1632932	32625974	50588223	12246987	1224699	31817673	45289359	5298863
16	INMUN1	3842521	05.06.2024	TBEA XI'AN ELECTRIC TECHNOLOGY CO., LTD	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH MANDATORYSPARES (AS PER INV)	10	114462107	11446210.7	1144621	22869529	35460361	8584658	858466	22302941	31746065	3714295
17	INMUN1	3875914	07.06.2024	TBEA XI'AN ELECTRIC TECHNOLOGY CO., LTD	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH MANDATORYSPARES (AS PER INV)	10	113679393	11367939.3	1136794	22713143	35217876	8525954	852595	22150430	31528980	3688896
18	INMUN1	4132780	22.06.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	50 MVAR STATIC VAR GENERATOR (SVG) WITH 5 SETS OF MANDATORYSPARES (AS PER INV)	6	66335670	6633567	663357	13253867	20550791	4975175	497518	12925505	18398198	2152592
19	INMUN1	4216277	27.06.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	50 MVAR STATIC VAR GENERATOR (SVG) WITH 5 SETS OF MANDATORYSPARES ON BASIS (AS PER INV)	6	70508520	7050852	705085	14087602	21843539	5288139	528814	13738585	19555538	2288001
20	INMUN1	4944918	08.08.2024	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	STATIC VAR GENERATOR (SVG) - 50MVAR (AS PER INV)	8	186255360	18625536	1862554	37213821	57701911	13969152	1396915	36291857	51657924	6043986
21	INMUN1	4968897	09.08.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 2 SETS OFMANDATORY SPARES (AS PER INV)	15	336982950	33698295	3369830	67329193	104397318	25273721	2527372	65661128	93462221	10935097
22	INMUN1	7016065	03.12.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 6 SETS OFMANDATORY SPARES (AS PER INV)	20	449879850	44987985	4498799	89885994	139372778	33740989	3374099	87659089	124774176	14598601
23	INMUN1	7469557	26.12.2024	TBEA XI'AN ELECTRIC TECHNOLOGY COMPANY LTD	TBEA MAKE 50 MVAR STATIC VAR GENERATOR (SVG) WITH 6 SETS OFMANDATORY SPARES	23	520998818	52099881.8	5209988	104095564	161405434	39074911	3907491	101516620	144499022	16906412
24	INMUN1	8376986	15.02.2025	TBEA XIAN ELECTRIC TECHNOLOGY CO., LTD.	100 MVAR IGBT BASED DYNAMICALLY VARYING STATIC VAR GENERATOR ALONG WITH 2 SETS OF MANDATORY SPARES	2	46595640	4659564	465956	9309809	14435329	3494673	349467	9079160	12923300.75	1512029
25	INMUN1	9131995	27.03.2025	GUANGDONG MINGYANG LONGYUAN POWER	MYSVG-35/50-WO STATIC VAR GENERATOR (SVG) -33KV 50MVAR	5	112922550	11292255	1129226	22561925	34983406	8469191	846919	22002959	31319069.24	3664337
26	INMUN1	9189755	29.03.2025	GUANGDONG MINGYANG LONGYUAN POWER ELECTRONICS CO.,	MYSVG-35/50-WO STATIC VAR GENERATOR (SVG)-33KV 50MVAR	1	23195610	2319561	231956	4634483	7186000	1739671	173967	4519665	6433302.434	752698

Ksinger
22/01/26

Rajesh
22/01/2026

Rajesh
22/1/26

27	INMUN1	2927784	28.06.2025	TBEA XI AN ELECTRIC TECHNOLOGY CO., LTD.	MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	19	432158325	43215832.5	4321583	86345233	133882649	32411874	3241187	84206050	119859111.4	14023538
28	INMUN1	3437035	23.07.2025	TBEA XI AN ELECTRIC TECHNOLOGY CO., LTD.	50 MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	15	337869000	33786900	3378690	67506226	104671816	25340175	2534018	65833775	93707967.15	10963849
29	INMUN1	4099449	25.08.2025	TBEA XI AN ELECTRIC TECHNOLOGY CO., LTD.	MVAR STATIC VAR GENERATOR (SVG) ALONG WITH MANDATORY SPARES	14	319340700	31934070	3193407	63804272	98931749	23950553	2395055	62223535	88569143.15	10362606
30	INMUN1	2917290	27.06.2025	TBEA XI AN ELECTRIC TECHNOLOGY CO., LTD.	SUPPLY OF VARIOUS SPARES FOR SVG RECTIFICATION IN PSS-13		6135500	613550	61355	1225873	1900778	460163	46016	1195502	1701680.925	199097
		TOTAL				230	4907547964				1520358359				1361108428	159249931

PAYMENT MADE DURING INVESTIGATION		
Challan No. & Date	Bill of Entry No. & Date	Diff Duty. Amount Paid (Rs.)
8107007375 dated 03.09.2025	As mentioned at Sr. No. 1 to 30 above	159249931
Total		159249931

Ksimgn
22/10/26

KULDEEP SINGH
Intelligence Officer
Directorate of Revenue Intelligence
Regional Unit, JAIPUR

Rajesh
22/10/2026

RAJESH KUMAR
Senior Intelligence Officer
Directorate of Revenue Intelligence
Regional Unit, JAIPUR

R. Patil

Dr. Sushant Ramesh Patil
Deputy Director
Directorate of Revenue Intelligence
Regional Unit, Jaipur