

	<p>प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS CUSTOM HOUSE, MUNDRA, KUTCH MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA- 370421 Phone No. 02838-271029/423 FAX No. 02838-271425 Email:- group5-mundra@gov.in</p>	 सत्यमेव जयते
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A	फा. सं./ FILE NO.	CUS/APR/BE/MISC/500/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra
B	मूल आदेश सं. ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/ 31/2026-27
C	द्वारा पारित किया गया PASSED BY	Dipak Zala Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	13-04-2026
E	जारी करने की तिथि DATE OF ISSUE	13-04-2026
F	कारण बताओ नोटिस सं. एवं तिथि SCN NUMBER & DATE	SCN and PH waiver
G	नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER	M/s. Dasmesh International Plot NO.32, Block-G, Pocket-F, Sector-3, Bawana, New Delhi, North West Delhi, 110039
H	डिन/ DIN	20260471MO000000A74D

1. यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

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

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

Any person aggrieved by this Order - in - Original may file an appeal under Section 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“सीमा शुल्क आयुक्त) अपील(, चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद 380009”

“The Commissioner of Customs (Appeals), Mundra, 4TH Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009.”

3. उक्त अपील यह आदेश भेजने की दिनांक से तीन माह के भीतर दाखिल की जानी चाहिए।

Appeal shall be filed within three months from the date of communication of this order.

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

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

5. उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपये कोर्ट फीस स्टाम्प जबकि इसके साथ संलग्न आदेश की प्रति पर अनुसूची- 1, न्यायालय शुल्क अधिनियम, 1870 के मदसं-6 के तहत निर्धारित 0.50 पैसे की एक न्यायालय शुल्क स्टाम्प वहन करना चाहिए।

The appeal should bear Court Fee Stamp of Rs.5/- under Court Fee Act whereas the copy of this order attached with the appeal should bear a Court Fee stamp of Rs.0.50 (Fifty paise only) as prescribed under Schedule-I, Item 6 of the Court Fees Act, 1870.

6. अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.

7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।

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

8. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, Commissioner (Appeals) के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

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

1. Brief facts of the Case:

1.1 Whereas, based on risk analysis conducted by the National Customs Targeting Centre (NCTC) vide alert No. 2025-26/IMP/3072, the consignment imported by M/s. Dasmesh International (IEC: LIGPK5610R), Plot NO.32, Block-G, Pocket-F, Sector-3, Bawana, New Delhi, North West Delhi, 110039 (herein after referred to as “the importer” for brevity) under Z-Bill of Entry No. 6790582 dated 09.01.2026, filed at APSEZ (INAJM6), appears to be risky for mis-declaration and/or concealment. The goods were destined to M/s Rudraksh Terminal LLP, Block B, Plot No. 01A, Sector 12S, Mundra SEZ Port- INAJM6. The details of the goods declared in the Z type Bill of Entry no. 6790582 dated 09.01.2026 is as under:-

Table-A

Sr. No.	Z-Bill of Entry no. & date	Container no.	Declared nos of pkg	Quantity	Unit	Total Declared Assessable Value (in Rs.)	Total Declared Duty (in Rs.)
1	6790582 dated 09.01.2026	HDMU6675507	1260	26,055.54	KG	13,60,057	4,21,347

2. The examination of the imported goods was conducted on 20.01.2026 in the presence of Shri Rajneesh Manoj Dwivedi, Manager of M/s. Rudraksh Terminal LLP and authorized representative of the importer.

3. Examination of goods pertaining to the Z type Bill of Entry No. 6790582 dated 09.01.2026

3.1 The goods were examined on 20.01.2026 in Rudraksh Terminal LLP, Mundra. During the examination, it is found that the goods/cargo covered under Bill of Entry no. 6790582 dated 09/01/2026 was stuffed in Container bearing No. HDMU6675507 which was sealed with seal No. HMSL00148. The container number and respective seal number is cross-checked with the import documents submitted by the representative of Importer and found in order. The total quantity of the consignment declared in the Bill of Entry are 1260 packages having Gross weight of 26055.54 Kg.

3.1. The seal of container is cut in the presence of above mentioned persons and the goods are de-stuffed with the help of labour provided by Rudraksh Terminal LLP, Mundra and examined in warehouse of Rudraksh Terminal LLP, Mundra. During examination, it is noticed that the goods are packed in Brown colour corrugated boxes of different sizes (small & big). After complete destuffing of the cargo, a physical count is carried out in presence of Shri Rajneesh Manoj Dwivedi representative of importer M/s. Dasmesh International and Manager of Rudraksh terminal LLP. Shri Rajneesh Manoj Dwivedi also confirms the count. Thereafter, all the brown colour corrugated boxes are cut open to examine the goods. On visual examination, the goods appear to be hand tool kits of various different assorted sizes. The total quantity of boxes were found short. Further, on perusal of weighment slip provided by the representative of Rudraksh Terminal LLP, Mundra, it is noticed that the total weight of cargo is i.e. 25530 KGs whereas declared in said Z type BE i.e. 26055.54 Kgs. Total number of boxes declared in the BE is 1260 and during examination Total 1230 boxes are found. The details of the packages declared in Bill of Entry and packing list and found during examination are as under:

Table-B

SR NO	DESCRIPTION	NO OF CTN	PCS PER CTN	TOTAL PCS	DURING EXAMINATION, TOTAL NO OF PCS FOUND	DECLARED IN PACKING LIST	DIFFERENCE IN QUANTITY
1	ALLEN KEY ASSORTED	5	24	120	220	220	0
		5	20	100			
2	BUCKET GREASE ASSORTED	37	2	74	74	5570	5496 LESS
3	C CLAMP ASSORTED	4	4	16	28	28	0
		4	3	12			
4	CUTTER ASSORTED	2	4	8	8	2888	2880 LESS
5	HACKSAW BLADE ASSORTED	8	750	6000	6000	7820	1820 LESS
6	HAMMER ASSORTED	1	2	2	1548	1548	0
		1	3	3			
		9	4	36			
		13	6	78			
		1	7	7			

		18	8	144			
		2	15	30			
		6	16	96			
		16	24	384			
		11	32	352			
		2	40	80			
		7	48	336			
7	OIL PUMP ASSORTED	7	48	336	10236	10236	0
		144	60	8640			
		14	90	1260			
8	PIPE VICE ASSORTED	13	2	26	38	1308	1270 LESS
		3	4	12			
9	PLIER ASSORTED	4	20	80	1000	1000	0
		14	60	840			
		1	80	80			
10	SOCKET ASSORTED	11	1	11	11	11	0
11	SPANNER ASSORTED	115	1	115	33146	29888	3258 EXCESS
		36	2	72			
		50	3	150			
		58	4	232			
		53	5	265			
		26	6	156			
		1	7	7			
		25	8	200			
		3	96	288			
		1	9	9			
		17	10	170			
		19	12	228			
		18	96	1728			
		1	14	14			
		18	16	288			
		28	192	5376			
		9	18	162			
		12	20	240			
		2	160	320			
		8	24	192			
		37	192	7104			
		3	25	75			
		6	30	180			
		11	40	440			
		1	49	49			
		8	50	400			
		16	60	960			
		4	64	256			
		6	80	480			
		8	100	800			
		5	120	600			

		3	140	420			
		1	190	190			
		1	150	150			
		6	200	1200			
		1	240	240			
		1	260	260			
		2	280	560			
		3	290	870			
		9	300	2700			
		1	400	400			
		5	500	2500			
		2	600	1200			
		1	900	900			
12	WRENCH ASSORTED	11	1	11	466	466	0
		7	2	14			
		2	5	10			
		6	8	48			
		5	12	60			
		1	20	20			
		1	24	24			
		2	30	60			
		1	35	35			
		1	40	40			
		3	48	144			
13	EMPTY INNER BOXES OF VARIOUS SIZES (PACKING MATERIAL)	9	10	90	2134	GOODS FOUND UNDECLARED	0
		24	16	384			
		10	30	300			
		24	40	960			
		8	50	400			
14	HANGER	22	75	1650	17382	GOODS FOUND UNDECLARED	0
		50	110	5500			
		1	197	197			
		1	231	231			
		4	250	1000			
		1	285	285			
		1	289	289			
		8	300	2400			
		1	310	310			
		1	341	341			
		1	360	360			
		2	400	800			
		3	500	1500			
		1	539	539			
		1	960	960			
		1	1020	1020			
15	MEASURING TAPE	8	40	320	640	GOODS FOUND	0
		4	80	320			

						UNDECLARED	
TOTAL	1230	13998	72931	72931		60983	

3.2. During the course of physical examination of the consignment for verification of the declared goods, the goods such as *Allen Key Assorted*, *Bucket Grease Assorted*, *C-Clamp Assorted*, *Cutter Assorted*, *Hacksaw Blade Assorted*, *Hammer Assorted*, *Oil Pump Assorted*, *Pipe Vice Assorted*, *Plier Assorted*, *Socket Assorted*, *Spanner Assorted* and *Wrench Assorted* were examined and compared with the details declared in the Bill of Entry, invoice and packing list. On such examination, it was observed that the actual quantity of certain declared items did not match with the quantities declared in the import documents, thereby indicating mis-declaration in respect of the declared goods. The Spanner Assorted (CTH 82041110) was found in excess quantity of 3,258 pieces, i.e., 33,146 pieces against declared quantity of 29,888 pieces. The details of such items are: -

Table-C

Item	Declared Qty	Found Qty	Difference
Bucket Grease Assorted- CTH 84131110	5570 pcs	74 pcs	5496 pcs short
Cutter Assorted- CTH 82032000	2888 pcs	8 pcs	2880 pcs short
Hacksaw Blade Assorted-CTH 82029120	7820 pcs	6000 pcs	1820 pcs short
Pipe Vice Assorted-CTH 82057000	1308 pcs	38 pcs	1270 pcs short
SPANNER ASSORTED- CTH-82041110	29888 pcs	33146 pcs	3258 EXCESS

3.3. During the course of physical examination of the consignment, it was further observed that, apart from the goods declared in the Bill of Entry, 03 items namely **Measuring Tapes, Hangers and Empty Inner Boxes** were also found present in the container. These goods were not declared in the Bill of Entry, invoice or packing list submitted by the importer at the time of filing the Bill of Entry. The presence of these goods in the consignment indicates that certain items were imported without declaration in the import documents, thereby rendering the particulars declared in the Bill of Entry incorrect and incomplete. The said un-declared goods have therefore been taken up separately for classification and examination of their import policy provisions under the Customs Tariff Act, 1975 and the Foreign Trade Policy. The details is: -

Table-D

Undeclared Goods	Quantity
Empty inner boxes (packing material)	2134 pcs
Hanger	17382 pcs
Measuring Tape	640 pcs

3.4. The classification declared by the importer in respect of the declared goods under the subject Bill of Entry, namely *Allen Key Assorted (CTH 82041120)*, *Bucket Grease Assorted (CTH 84131110)*, *C-Clamp Assorted (CTH 82057000)*, *Cutter Assorted (CTH*

82032000), *Hacksaw Blade Assorted (CTH 82029120)*, *Hammer Assorted (CTH 82052000)*, *Oil Pump Assorted (CTH 84131910)*, *Pipe Vice Assorted (CTH 82057000)*, *Plier Assorted (CTH 82032000)*, *Socket Assorted (CTH 82042000)*, *Spanner Assorted (CTH 82041110)* and *Wrench Assorted (CTH 82041220)* has been verified with reference to the Customs Tariff and the examination findings. During physical examination, the goods were found to be **hand tool kits comprising various tools of assorted sizes**, corresponding to the declared descriptions. It is found that the declared goods are correctly classifiable under the respective declared Customs Tariff Headings and no mis-classification is noticed in respect of the declared items.

4.1 **Classification of the Goods found un-declared in the BE:-** The classification of the un-declared items is determined as under:-

- i. **Classification of Un-declared Empty Inner Boxes (Packing Material) :-** During physical examination of the consignment, 2134 PCS of Empty Inner Boxes were found which were not declared in the Bill of Entry. As no Customs Tariff Heading was declared by the importer for the said goods, their classification has been examined independently. In terms of Rule 1 of the General Rules for the Interpretation of the Import Tariff (GIR), classification is to be determined according to the terms of the headings and relevant Section or Chapter Notes. The goods found are empty corrugated boxes used as packing material, based on physical examination. As per the Customs Tariff, such goods fall under Heading 4819 – Cartons, boxes and cases, of paper or paperboard, under single-dash sub-heading 4819 10 – Cartons, boxes and cases, of corrugated paper or paperboard, and further under double-dash tariff item 4819 10 90 – Other. Accordingly, the un-declared empty inner boxes are required to be classified under CTH 48191090, import of which is Free subject to compulsory registration under the Paper Import Monitoring System (PIMS).
- ii. **Hanger:-** During physical examination of the consignment, 17,382 PCS of Hangers were found which were not declared in the Bill of Entry. As no Customs Tariff Heading was declared by the importer for the said goods, their classification has been examined independently. In terms of Rule 1 of the General Rules for the Interpretation of the Import Tariff (GIR), classification is to be determined according to the terms of the headings and relevant Section or Chapter Notes. The goods found are simple hangers used for holding or hanging goods and appear to be made of plastic or similar material, based on visual examination. The Customs Tariff provides for such goods under Heading 3924, under single-dash sub-heading 3924 90 – Other, and further under double-dash tariff item 39249090. Accordingly, the un-declared hangers are required to be classified under CTH 39249090.
- iii. **Measuring Tape:-** During physical examination of the consignment, **640 PCS** of

Measuring Tape were found which were not declared in the Bill of Entry. As no Customs Tariff Heading was declared by the importer for the said goods, their classification has been examined independently. In terms of Rule 1 of the General Rules for the Interpretation of the Import Tariff (GIR), classification is to be determined according to the terms of the headings and relevant Section or Chapter Notes. The goods found are ordinary, hand-operated measuring tapes used for measurement of length. The Customs Tariff specifically provides for measuring tapes under Heading 9017, under single-dash sub-heading 9017 80 – Other instruments for measuring length, and further under double-dash tariff item 90178010 – Measuring tapes. Accordingly, the un-declared measuring tapes are required to be classifiable under **CTH 90178010**.

4.2 From the above examination and classification analysis, it is evident that the goods namely Empty Inner Boxes, Hangers and Measuring Tapes, which were found in the consignment but not declared in the Bill of Entry, are required to be classified under CTH 4819 10 90, CTH 3924 90 90 and CTH 9017 80 10 respectively, in terms of Rule 1 of the General Rules for the Interpretation of the Import Tariff (GIR) and the relevant headings of the Customs Tariff Act, 1975. Since these goods were present in the imported consignment but were not declared in the Bill of Entry or supporting import documents, the particulars furnished in the Bill of Entry are found to be incorrect and incomplete.

5 . **Non-compliance of Mandatory PIMS Condition:-** The un-declared goods identified as Empty Inner Boxes, classifiable under CTH 4819 10 90, have been examined with reference to the prevailing Foreign Trade Policy and DGFT instructions. As per DGFT Notification No. 15/2022-23 dated 29.08.2022, read with DGFT Trade Notice No. 15/2022-23, the Paper Import Monitoring System (PIMS) has been introduced for monitoring imports of specified paper and paperboard items, including goods falling under CTH 4819. Under the said provisions, import of such goods is categorized as “Free”, however, it is subject to mandatory prior registration under PIMS. The registration under PIMS is required to be obtained at least five (05) days prior to the expected date of arrival of the goods and not earlier than 75th day. Further, the PIMS registration is to be obtained online on the DGFT portal by furnishing details such as importer particulars, IEC, quantity, value, country of origin and port of import. The importer has submitted the PIMS registration no. ORIGINAL-DPIIT-PPR2026-481443 dated 10.03.2026.

6.1 In view of the above facts, it appears that the importer has mis-declared the particulars of the imported goods in the Bill of Entry. During physical examination of the consignment, it was noticed that the quantity of certain declared goods did not match with the quantities declared in the import documents, and further, certain goods namely Empty

Inner Boxes, Hangers and Measuring Tapes were found present in the consignment but were not declared in the Bill of Entry, invoice or packing list. Thus, the description and particulars declared in the Bill of Entry were incorrect and incomplete to that extent. Therefore, the goods covered under the said Bill of Entry are liable to confiscation under Section 111(d), 111(l) and 111(m) of the Customs Act, 1962 for mis-declaration / non-declaration of goods.

6.2. In the present case, the un-declared Empty Inner Boxes falling under **CTH 48191090** were imported without declaration in the Bill of Entry and without obtaining prior registration under the Paper Import Monitoring System (PIMS) as required under the above DGFT Notification and Trade Notice. Although the import policy for the said goods is Free, compliance with the prescribed PIMS registration condition, including obtaining registration at least five days prior to arrival, is mandatory. The failure to declare the goods and to comply with the mandatory PIMS requirement renders the import non-compliant with the DGFT provisions, thereby, the 2,134 PCS of empty boxes becomes prohibited goods. Accordingly, the goods are liable to confiscation under Section 111(d) of the Customs Act, 1962 for being imported in contravention of the provisions of the FTP/DGFT notifications, and under Section 111(l) and 111(m) of the Customs Act, 1962 for mis-declaration/non-declaration of goods, rendering the Bill of Entry incorrect and incomplete.

7. **Rejection of declared value & Redetermination of Assessable Value:-**

7.1. As the goods imported under Z-Bill of Entry No. 6790582 dated 09.01.2026, were found to be mis-declared in terms of quantity, hence, the declared value is liable to be re-assessed under section 17(4) of the Customs Act, 1962. Further, discrepancies in quantity and presence of undeclared goods raised reasonable doubt regarding truth and accuracy of the declared value, therefore, the value declared by the importer in the corresponding BE(s) and invoices did not appear to be the true transaction value under the provisions of Section 14 of the Customs Act, 1962 read with the provisions of the Customs Valuation (determination of Value of Imported Goods) Rules, 2007 and thus the same appears liable to be rejected in terms of Rule 12 of CVR, 2007. The value is required to be re-determined by sequentially proceeding in terms of Rules 4 to 9 of CVR, 2007, as detailed below:

- a. Efforts were made to find out the correct assessable value of the imported goods found undeclared. It was observed that the imported goods were found in different quantity, description and also the goods are un-branded, so, it was not possible to find and compare the same with other goods having identical/similar description, brand, make, model, quantity and Country of Origin. As the import data extracted with respect to contemporaneous imports was general in nature and contemporaneous data for imports of identical/similar goods was not available/found, therefore, the value

could not be determined under Rules 4 and 5 of CVR, 2007.

- b. As per Rule 6 *ibid*, if the value cannot be determined under Rules 3, 4 and 5 same shall be determined under the provisions of Rule 7 or when same cannot be determined under that rule then under Rule 8.
- c. As the imported goods were found to be non-standard, the sale price of identical or similar goods was not available in the domestic market as the goods are miscellaneous in nature and found in different variety, description, specification, model, brand, make, sizes and quality, therefore, determination of transaction value under Rule 7 of CVR, 2007 was not possible.
- d. As substantial data related to the cost or value of materials and fabrication or other processing employed in producing the imported goods required to compute the value under Rule 8 is also not available. Therefore, valuation of the impugned goods could not be ascertained under Rule 8 of CVR, 2007.
- e. Hence, valuation of the goods is to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid*. Therefore, CE was appointed for re-determination of the assessable value.

7.2. The Chartered Engineer under his report ref no. ABJ:INSP:CE:MUN:SIIB:RUD:DHAR:25-26:12 dated 28.02.2026, has suggested the valuation of the imported goods as under:-

Z type BE No. 6790582 dated 09.01.2026 (Invoice No. MUR-03-DX dated 25.12.2025)

Table-E

Sr. No.	Description of Goods -As per Invoice and BE	Quantity as per declared in	Unit	Goods Found during examination	DURING EXAMINATION, TOTAL NO OF PCS	DECLARED IN PACKING LIST	DIFFERENCE IN QUANTITY	Per Unit Declared C.I.F. In USD	Per Unit Suggestive C.I.F. Value	Total Suggestive C.I.F. Value (1 USD= 90.8 INR)																																																																																																																																														
1	ALLEN KEY ASSORTED	5	24	120	220	220	0	0.58	0.73	160.6																																																																																																																																														
		5	20	100							2	BUCKET GREASE ASSORTED	37	2	74	74	5570	5496 LESS	0.10	0.13	9.62	3	C CLAMP ASSORTED	4	4	16	28	28	0	5.15	6.3	176.4	4	3	12	4	CUTTER ASSORTED	2	4	8	8	2888	2880 Less	0.10	0.15	1.2	5	HACKSAW BLADE ASSORTED	8	750	6000	6000	7820	1820 Less	0.03	0.03	180	6	HAMMER ASSORTED	1	2	2	1548	1548	0	1.15	1.4	2167.2	1	3	3	9	4	36	13	6	78	1	7	7	18	8	144	2	15	30	6	16	96	16	24	384	11	32	352	2	40	80	7	48	336	7	OIL PUMP ASSORTED	7	48	336	10236	10236	0	0.17	0.22	2251.92	144	60	8640	14	90	1260	8	PIPE VICE ASSORTED	13	2	26	38	1308	1270 Less	0.24	0.3	11.4	3	4	12	9	PLIER ASSORTED	4	20	80	1000	1000	0	0.12	0.16	160	14	60	840	1	80	80	10	SOCKET ASSORTED	11
2	BUCKET GREASE ASSORTED	37	2	74	74	5570	5496 LESS	0.10	0.13	9.62																																																																																																																																														
3	C CLAMP ASSORTED	4	4	16	28	28	0	5.15	6.3	176.4																																																																																																																																														
		4	3	12							4	CUTTER ASSORTED	2	4	8	8	2888	2880 Less	0.10	0.15	1.2	5	HACKSAW BLADE ASSORTED	8	750	6000	6000	7820	1820 Less	0.03	0.03	180	6	HAMMER ASSORTED	1	2	2	1548	1548	0	1.15	1.4	2167.2	1	3	3	9	4	36	13	6	78	1	7	7	18	8			144	2	15							30	6	16	96	16	24	384	11	32	352	2	40	80	7	48	336	7	OIL PUMP ASSORTED	7	48	336	10236	10236	0	0.17	0.22	2251.92	144	60	8640	14	90	1260	8	PIPE VICE ASSORTED	13	2	26	38	1308	1270 Less	0.24	0.3	11.4	3	4	12	9	PLIER ASSORTED	4	20	80	1000	1000	0	0.12	0.16	160	14	60	840	1	80	80	10	SOCKET ASSORTED	11	1	11	11	11	0	17.56	21.5	236.5									
4	CUTTER ASSORTED	2	4	8	8	2888	2880 Less	0.10	0.15	1.2																																																																																																																																														
5	HACKSAW BLADE ASSORTED	8	750	6000	6000	7820	1820 Less	0.03	0.03	180																																																																																																																																														
6	HAMMER ASSORTED	1	2	2	1548	1548	0	1.15	1.4	2167.2																																																																																																																																														
		1	3	3																																																																																																																																																				
		9	4	36																																																																																																																																																				
		13	6	78																																																																																																																																																				
		1	7	7																																																																																																																																																				
		18	8	144																																																																																																																																																				
		2	15	30																																																																																																																																																				
		6	16	96																																																																																																																																																				
		16	24	384																																																																																																																																																				
		11	32	352																																																																																																																																																				
		2	40	80																																																																																																																																																				
		7	48	336																																																																																																																																																				
7	OIL PUMP ASSORTED	7	48	336	10236	10236	0	0.17	0.22	2251.92																																																																																																																																														
		144	60	8640																																																																																																																																																				
		14	90	1260																																																																																																																																																				
8	PIPE VICE ASSORTED	13	2	26	38	1308	1270 Less	0.24	0.3	11.4																																																																																																																																														
		3	4	12																																																																																																																																																				
9	PLIER ASSORTED	4	20	80	1000	1000	0	0.12	0.16	160																																																																																																																																														
		14	60	840																																																																																																																																																				
		1	80	80																																																																																																																																																				
10	SOCKET ASSORTED	11	1	11	11	11	0	17.56	21.5	236.5																																																																																																																																														

11	SPANNER ASSORTED	115	1	115	33146	29888	-3258	0.30	0.4	13258.4
		36	2	72						
		50	3	150						
		58	4	232						
		53	5	265						
		26	6	156						
		1	7	7						
		25	8	200						
		3	96	288						
		1	9	9						
		17	10	170						
		19	12	228						
		18	96	1728						
		1	14	14						
		18	16	288						
		28	192	5376						
		9	18	162						
		12	20	240						
		2	160	320						
		8	24	192						
		37	192	7104						
		3	25	75						
		6	30	180						
		11	40	440						
		1	49	49						
		8	50	400						
		16	60	960						
		4	64	256						
		6	80	480						
		8	100	800						
		5	120	600						
		3	140	420						
		1	190	190						
		1	150	150						
		6	200	1200						
		1	240	240						
		1	260	260						
		2	280	560						
		3	290	870						
		9	300	2700						
1	400	400								
5	500	2500								
2	600	1200								
1	900	900								
12	WRENCH ASSORTED	11	1	11	466	466	0	1.10	1.4	652.4
		7	2	14						
		2	5	10						
		6	8	48						
		5	12	60						
		1	20	20						
		1	24	24						
		2	30	60						
		1	35	35						
		1	40	40						
		3	48	144						
		13	EMPTY INNER BOXES (PACKING MATERIAL)	9						
24	16			384						
10	30			300						
24	40			960						
14	HANGER	8	50	400	17382	NIL	0	0	0.08	521.46
		22	75	1650						
		50	110	5500						
		1	197	197						
		1	231	231						
		4	250	1000						
		1	285	285						
		1	289	289						
		8	300	2400						
		1	310	310						
		1	341	341						
		1	360	360						
		2	400	800						
		3	500	1500						
		1	539	539						
		1	960	960						
15	TAPE	8	40	320	640	NIL	0	0	0.1	64
		4	80	320						
TOTAL		1230	13988	72931	72931					19915.12

Sr. No.	Description of Goods -As per Invoice and BE	Quantity as per declared in	Unit	Goods Found during examination	DURING EXAMINATION, TOTAL NO OF PCS	DECLARED IN PACKING LIST	DIFFERENCE IN QUANTITY	Per Unit Declared C.I.F. In USD	Per Unit Suggestive C.I.F. Value	Total Suggestive C.I.F. Value (1 USD = 90.8 INR)
1	ALLEN KEY ASSORTED	5	24	120	220	220	0	0.58	0.73	100.6
		5	20	100						
2	BUCKET GREASE ASSORTED	37	2	74	74	5570	5496 Less	0.10	0.13	9.62
3	C CLAMP ASSORTED	4	4	16	28	28	0	5.15	6.3	176.4
		4	3	12						
4	CUTTER ASSORTED	2	4	8	8	2880	2880 Less	0.10	0.15	1.2
5	HACKSAW BLADE ASSORTED	8	750	6000	6000	7820	1820 Less	0.03	0.03	180
6	HAMMER ASSORTED	1	2	2	1548	1548	0	1.15	1.4	2367.2
		1	3	3						
		9	4	36						
		13	6	78						
		1	7	7						
		18	8	144						
		2	15	30						
		6	15	90						
		16	24	384						
		11	32	352						
		2	40	80						
		7	48	336						
7	OIL PUMP ASSORTED	7	48	336	10216	10216	0	0.17	0.22	2251.92
		144	40	5760						
		14	90	1260						
8	PIPE VICE ASSORTED	13	2	26	38	1308	1270 Less	0.24	0.3	11.4
		3	4	12						
9	PLIER ASSORTED	4	20	80	1000	1000	0	0.12	0.15	150
		14	40	560						
		1	80	80						
10	SOCKET ASSORTED	11	1	11	11	11	0	17.56	21.5	236.5
11	SPANNER ASSORTED	115	1	115	33146	29888	-3258	0.30	0.4	13258.4
		36	2	72						
		50	3	150						
		58	4	232						
		53	5	265						
		26	6	156						
		1	7	7						
		25	8	200						
		3	96	288						
		1	9	9						
		17	30	510						
		19	12	228						
		18	96	1728						
		1	14	14						
		18	15	270						
		28	192	5376						
		9	18	162						
		12	20	240						
		2	160	320						
		8	24	192						
		37	192	7104						
		3	25	75						
		6	30	180						
		11	40	440						
		1	49	49						
		8	50	400						
		16	60	960						
		4	64	256						
		6	80	480						
		8	100	800						
		5	120	600						
		3	140	420						
		1	190	190						
		1	150	150						
		6	200	1200						
		1	240	240						
		1	260	260						
		2	280	560						
		3	290	870						
		9	300	2700						
		1	400	400						
		5	500	2500						
		2	600	1200						
		1	900	900						
12	WRENCH ASSORTED	11	1	11	466	466	0	1.10	1.4	65.4
		7	2	14						
		2	5	10						
		6	8	48						
		5	12	60						
		1	20	20						
		1	24	24						
		2	30	60						
		1	35	35						
		1	40	40						
		3	48	144						
13	EMPTY INNER BOXES (PACKING MATERIAL)	9	30	90	2134	NIL	0	0	0.03	64.02
		24	15	364						
		10	30	300						
		24	40	960						
		8	50	400						
14	HANGER	22	25	1650	1782	NIL	0	0	0.03	521.46
		50	110	5500						
		1	197	197						
		1	231	231						
		4	250	1000						
		1	285	285						
		1	289	289						
		8	300	2400						
		1	310	310						
		1	341	341						
		1	360	360						
		2	400	800						
		3	500	1500						
		1	539	539						
		1	960	960						
		1	1020	1020						
15	TAPE	8	40	320	640	NIL	0	0	0.1	64
		4	80	320						
	TOTAL	1230	11996	72931	72931					19815.12

7.3. With the introduction of self-assessment under Section 17(1) of the Customs Act, 1962, the responsibility lies squarely on the importer to accurately self-assess the Bill of Entry and declare the correct amount of leviable duty. By failing to declare dutiable goods correctly in the Bill of Entry, the importer's actions indicate an intent to evade payment of the correct duties on the imported goods. This deliberate omission raises reasonable grounds to believe that the importer wilfully and intentionally concealed dutiable goods, thereby causing a loss to government revenue.

7.4. The chartered engineer, empanelled by the government, determined the fair value of the goods of Z-BE no. 6790582 dated 09.01.2026 as Rs. 18,08,293/- (Rs. Eighteen lakhs Eight Thousand Two Hundred and Ninety Three Only) in contrast to the declared assessable value as Rs. 13,60,057/-.

8. **Applicable Duty & Taxes:-**

8.1. Based on the foregoing paragraphs, it is evident that the importer has attempted to evade payment of duties and taxes by undervaluing the imported goods. The actual duty liability for the imported goods is ascertained as under:

**Z type BE No. 6790582 dated 09.01.2026 (Invoice No. MUR-03-DX dated
25.12.2025)**

Table-F

Sr. No.	Description of Goods –As per Invoice and BE	Duty Payable declared in BE					Actual Duty Payable				
		Assessable Value declared in BE	BCD	SWS	IGST	Total	Assessable Value as per CE report	BCD	SWS	IGST	Total
1	ALLEN KEY ASSORTED	11586.08	1159	116	2315	3589	14582.48	1458	146	2914	4518
2	BUCKET GREASE ASSORTED	50575.60	5058	506	10105	15668	873.496	87	9	175	271
3	C CLAMP ASSORTED	13093.36	1309	131	2616	4056	16017.12	1602	160	3200	4962
4	CUTTER ASSORTED	26223.04	2622	262	5239	8124	108.96	11	1	22	34
5	HACKSAW BLADE ASSORTED	21301.68	2130	213	4256	6599	16344	1634	163	3266	5063
6	HAMMER ASSORTED	161642.16	16164.22	1616.422	32296.1	50076.74	196781.8	19678.18	1967.818	39317	60962.99
7	OIL PUMP ASSORTED	158002.90	15800	1580	31569	48949	204474.3	20447	2045	40854	63346
8	PIPE VICE ASSORTED	28503.94	2850	285	5695	8831	1035.12	104	10	207	321
9	PLIER ASSORTED	10896.00	1090	109	2177	3376	14528	1453	145	2903	4501
10	SOCKET ASSORTED	17538.93	1754	175	3504	5434	21474.2	2147	215	4291	6653
11	SPANNER ASSORTED	814149.12	81415	8141	162667	252223	1203863	120386	12039	240532	372957
12	WRENCH ASSORTED	46544.08	4654	465	9300	14419	59237.92	5924	592	11836	18352
13	EMPTY INNER BOXES (PACKING MATERIAL)	0.00	0	0	0	0	5813.016	581	58	774	1414
14	HANGER	0.00	0	0	0	0	47348.57	7102	710	9929	17742
15	TAPE	0.00	0	0	0	0	5811.2	581	58	1161	1800
	TOTAL	1360057	136006	13601	271739	421346	1808293	183197	18320	361379	562895

8.2. Thus, in view of the above, it appears that the total duty liability of the importer w.r.to Z-BE no. 6790582 dated 09.01.2026 is 5,62,895/- (Rs. Five Lakhs Sixty Two Thousand Eight Hundred Ninety Five Only), whereas, the importer has declared his duty liability as Rs. 4,21,347.

8.3. Based on the calculation, the importer is required to pay/levy a differential duty liability of **Rs. 1,41,549/- (Rs. One Lakh Forty One Thousand Five Hundred Forty Nine Only)** (Total duty leviable Rs. 5,62,895/- (minus) duty declared Rs. 4,21,347/). This amount represents the additional duty and tax liability that the importer must pay due to the misdeclaration/undervaluation of goods.

9. Outcome of the Investigation

The investigation conducted by the Special Intelligence and Investigation Branch (SIIB), Customs House, Mundra, based on risk analysis by the National Customs Targeting

Centre (NCTC), revealed significant irregularities in the import consignment of M/s. Dasmesh International, Plot No.32, Block-G, Pocket-F, Sector-3, Bawana, New Delhi, North West Delhi, 110039 (IEC: LIGPK5610R), under Z-Bill of Entry Nos. 6790582 dated 09.01.2026, covering container HDMU6675507. The examination uncovered deliberate mis-declaration and undervaluation of goods, indicating an intent to evade Customs duties. The outcomes of the investigation are as follows:

9.1 Mis-declaration

The examination revealed significant discrepancies. The declared total quantity in the Bills of Entry 6790582 dated 09.01.2026 was 1260 PKGs while the actual quantity found during examination is 1230 PKGs. Total declared weight of the goods as per weighment slip is also found as 25,530 KGs against the declared weight of 26,055.54 KGs.

9.2 Undervaluation

It appears that the declared assessable value for the BE No. 6790582 dated 09.01.2026 is Rs. 13,60,057/- whereas as per CE report ABJ:INSP:CE:MUN:SIIB:RUD:DHAR:25-26:12 dated 28.02.2026, the assessable value of the goods is Rs. 18,08,293/-. The re-determination of the assessable value is done under Rule 9 of the Customs Valuation Rules (CVR), 2007 (residual method), as values under Rules 3 to 8 could not be established due to the lack of comparable data for identical or similar goods, as detailed above.

9.3. Duty Evasion

The importer's deliberate mis-declaration and undervaluation resulted in a differential duty liability of Rs. 1,41,549/- for said Z type BE.

9.4. Confiscation of Goods and Penal Action

In view of the above, it is evident that the importer, M/s. Dasmesh International, has engaged in mis-declaration and undervaluation of the declared goods. Further, empty Inner Boxes (Packing Material) falling under 48191090 also found during examination, import of which is Free subject to compulsory registration under the Paper Import Monitoring System (PIMS). However, the importer is not having a valid PIMS on the date of import. The importer has submitted the PIMS registration no. ORIGINAL-DPIIT-PPR2026-481443 dated 10.03.2026 Further, the value and quantity of the goods is also not found as declared by the importer. Further, the dutiable and prohibited goods which are not included and are in excess of those included in the entry are also found during examination. Therefore, the goods are liable for confiscation under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962. The importer's actions indicate intent to evade customs duty, violating Section

46(4) of the Customs Act, 1962 (false declaration in Bill of Entry). Also importer is liable for penalty under Section 112(a) of the Customs Act, 1962 for attempting to evade duties. Consequently, the importer is liable for penalty under Sections 114AA, for knowingly submitting false documents.

10. RELEVANT LEGAL PROVISIONS:

(A) RELEVANT PROVISIONS OF SEZ ACT, 2005:

2. Definitions.— In this Act, unless the context otherwise requires,—

.....

(o) “**import**” means—

(i) *bringing goods or receiving services, in a Special Economic Zone, by a Unit or Developer from a place outside India by land, sea or air or by any other mode, whether physical or otherwise; or*

(ii) *receiving goods, or services by a Unit or Developer from another Unit or Developer of the same Special Economic Zone or a different Special Economic Zone;*

Section 21: Single enforcement officer or agency for notified offences.—

1. *The Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
2. *The Central Government may, by general or special order, authorise any officer or agency to be the enforcement officer or agency in respect of any notified offence or offences committed in a Special Economic Zone.*
3. *Every officer or agency authorised under sub-section (2) shall have all the corresponding powers of investigation, inspection, search or seizure as is provided under the relevant Central Act in respect of the notified offences.*

Section 22: Investigation, inspection, search or seizure.—

The agency or officer, specified under section 20 or section 21, may, with prior intimation to the Development Commissioner concerned, carry out the investigation, inspection, search or seizure in the Special Economic Zone or in a Unit if such agency or officer has reasons to believe (reasons to be recorded in writing) that a notified offence has been committed or is likely to be committed in the Special Economic Zone:

Provided that no investigation, inspection, search or seizure shall be carried out in a Special Economic Zone by any agency or officer other than those referred to in sub-section (2) or sub-section (3) of section 21 without prior approval of the Development Commissioner concerned:

Provided further that any officer or agency, if so authorised by the Central Government, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit without prior intimation or approval of the Development Commissioner

Notification Nos. 2665(E) and 2667(E) dated 05.08.2016:

1. *In exercise of the powers conferred by section 22 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government by Notification No. 2667(E) dated 05.08.2016 issued by the Ministry of Commerce & Industry, has authorized the jurisdictional Customs Commissioner, in respect of offences under the Customs Act, 1962 (52 of 1962) to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in a Special Economic Zone. The enforcement officer(s), for the reasons to be recorded in writing, may carry out the investigation, inspection, search or seizure in a Special Economic Zone or Unit with prior intimation to the Development Commissioner, concerned. Under Section 21(1) of the SEZ Act, 2005, the Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
2. *The Central Government, by the Notification 2665(E) dated 05.08.2016 has notified offences contained in Sections 28, 28AA, 28AAA, 74, 75, 111, 113, 115, 124, 135 and 104 of the Customs Act, 1962 (52 of 1962) as offences under the SEZ Act, 2005.*

47 (5) *Refund, Demand, Adjudication, Review and Appeal with regard to matters relating to authorise operations under Special Economic Zones Act, 2005, transactions, and goods and services related thereto, shall be made by the Jurisdictional Customs and Central Excise Authorities in accordance with the relevant provisions contained in the Customs Act, 1962, Central Excise Act, 1944, and the Finance Act, 1994 and the rules made thereunder or the notifications issued thereunder.*

(B) RELEVANT PROVISIONS OF CUSTOMS ACT, 1962:

Section 2(22): *"goods" includes (a) vessels, aircrafts and vehicles; (b) stores; (c) baggage; (d) currency and 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 2(25): *"imported goods", means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption;*

Section 2(26): "importer", in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes [any owner, beneficial owner] or any person holding himself out to be the importer;

Section 2(39): "smuggling", in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113.

Section 11A: "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 17. Assessment of duty. –

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

..

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

Section 46. Entry of goods on importation:

(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, relating to the imported goods.

(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.

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

--

(d) any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported contrary to any prohibition imposed by or under this Act or any other law for the time being in force.

(l) any dutiable or prohibited goods which are not included or are in excess of those

included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;

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

Section 112. Penalty for improper importation of goods, etc. –

Any person,-

- a. *who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or*
 - b. *who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,*
shall be liable,-
- i. *in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty [not exceeding the value of the goods or five thousand rupees] , whichever is the greater.*
- ii. *in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:*

(C) Relevant Provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007:

“Rule 4. Transaction value of identical goods. - (1) (a) *Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;*

.....

(3) *In applying this rule, if more than one transaction value of identical goods is found, the lowest such value shall be used to determine the value of imported goods.*

“Rule 5. Transaction value of similar goods . - (1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued:

Provided that

(2) The provisions of clauses (b) and (c) of sub-rule (1), sub-rule (2) and sub-rule (3), of rule 4 shall, mutatis mutandis, also apply in respect of similar goods.

Rule 7. Deductive value.-

(1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions : -

(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within India;

(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

(2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.

(3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.

(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).

Rule 8. Computed value.-

Subject to the provisions of rule 3, the value of imported goods shall be based on a

computed value, which shall consist of the sum of:-

(a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;

(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;

(c) the cost or value of all other expenses under sub-rule (2) of rule 10.

Rule 9. Residual method:-

(1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

(2) No value shall be determined under the provisions of" this rule on the basis of—

(i) the selling price in India of the goods produced in India;

(ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;

(iii) the price of the goods on the domestic market of the country of exportation; (iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;

(v) the price of the goods for the export to a country other than India;

(vi) minimum customs values; or

(vii) arbitrary or fictitious values.

Rule 12. Rejection of declared value . - *(1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.*

11. In view of the above facts, it appears that –

- i. The declared quantity of the goods in Z-Bill of Entry Nos. 6790582 dated 09.01.2026, is liable to be rejected and re-determined as mentioned in Table-B at Para 3 above.

- ii. The 03 un-declared items found during examination i.e. empty inner boxes (packing material), Hanger and Measuring Tape are to be classified under CTH 48191090, 39249090 and 90178010 respectively, as discussed in Para 4 above. The details of these items to be included in the said BE.
- iii. The total declared assessable value of the goods imported goods under said Z-Bill of Entry is liable to be rejected and re-determined as detailed in Table-C of Para 7 above, as determined by the Chartered Engineer's reports dated 28.02.2026, in accordance with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962.
- iv. The total differential duty of **Rs. 1,41,549/-** (Rs. One Lakh Forty One Thousand Five Hundred Forty Nine Only) as mentioned in table D of Para 8 above) which has not been levied on the mis-declared/under-valued goods is required to be included in the importer's duty liability.
- v. The empty inner boxes (packing material) having assessable value of Rs. 5,813/- classifiable under CTH 48191090 imported without a valid PIMS are liable for confiscation under Section 111(d), 111(l) and 111(m) of the Customs Act, 1962. The importer has submitted the PIMS registration no. ORIGINAL-DPIIT-PPR2026-481443 dated 10.03.2026.
- vi. The remaining goods having assessable value Rs. 18,02,480/- [Total Rs. 18,08,293/- minus 5,813/-] are liable for confiscation under Section 111(l) & 111(m) of the Customs Act, 1962.
- vii. The importer is liable for penalty under Section 112(a)(i) of the Customs Act, 1962 for import of empty inner boxes (packing material) without a valid PIMS.
- viii. The importer is liable for penalty under Section 112(a)(ii) for the remaining goods [having AV Rs. 18,02,480/- and duty liability Rs. 5,61,481/- (Total RS. 5,62,895/- minus Rs. 1,414/- for packing material)], whose value not declared correctly and quantity not found as declared
- ix. The importer is liable for penalty under Section 114AA of the Customs Act, 1962 for mentioning false details in the BE.

WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING

12. The CE report has been shared with the Importer vide email dated 03.03.2026. In reply, the importer vide email dated 11.04.2026 and 06.03.2026 has given their acceptance of the Chartered Engineer reports dated 28.02.2026. They have further requested for waiver of SCN and PH in the matter and said that they are ready to pay the differential duty with fine/penalty.

DISCUSSION AND FINDINGS

13. I have carefully gone through the records of the case and Investigation Report No. 07/2026-27 dated 01.04.2026. The importer vide their email dated 06.03.2026 has requested for waiver of Show Cause Notice and personal hearing in the matter. Thus, I find that the principles of natural justice as provided under Section 122A of the Customs Act, 1962 have been complied with and I proceed to decide the case on the basis of documentary evidence available on record. The main issues to be decided are:

(i) Whether the description, classification, quantity and unit price of certain impugned goods covered under Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026 need to be amended as per Table-B to F;

(ii) Whether the declared assessable value of **Rs. 13,60,057/-** for the goods under Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026 is liable to be rejected under Rule 12 of CVR, 2007 and re-determined as **Rs. 18,08,293/-** as per the Chartered Engineer's valuation report in terms of Rule 9 of CVR, 2007;

(iii) Whether the goods are liable for confiscation under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962;

(iv) Whether the Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026 requires re-assessment under Section 17(4) of the Customs Act, 1962 to levy the re-determined duty;

(v) Whether penalties under Sections 112(a)(i), 112(a)(ii) and 114AA of the Customs Act, 1962 are imposable on the importer M/s. Dasmesh International.

14.1. Regarding first issue, I find that the goods covered under the subject Bill of Entry were subjected to 100% examination, wherein detailed physical verification of the cargo was carried out in the presence of the authorized representative of the importer. On examination, it is observed that there are substantial discrepancies between the declared particulars and the goods actually found. The discrepancies are not limited to minor variations but involve significant differences in quantity as well as presence of undeclared goods, as detailed in Table-B, C, and D.

14.2 Goods such as Bucket Grease Assorted, Cutter Assorted, Hacksaw Blade Assorted and Pipe Vice Assorted were found in quantities much lower than declared, whereas Spanner Assorted was found in excess quantity. These variations clearly establish that the declared particulars in respect of quantity are incorrect.

14.3. Further, goods such as Measuring Tapes, Hangers and Empty Inner Boxes were found in the consignment but were not declared in the Bill of Entry, invoice or packing list. These goods have been appropriately classified under respective tariff headings as discussed in the earlier part of the order.

14.4. I also find that the unit price declared by the importer does not reflect the actual nature and quantity of goods found, and requires consequential modification based on the revised quantity and valuation exercise.

14.5. In view of the above, I hold that the description, quantity and unit price of the impugned goods are required to be amended in accordance with the findings recorded in Table-B to F.

15.1 Regarding the second issue, I find that the mis-declaration of quantity coupled with the presence of undeclared goods creates a reasonable and justified doubt regarding the truth and accuracy of the declared transaction value. It is a settled principle under valuation law that the declared value can be accepted only when it reflects the actual transaction value and is free from any doubt.

15.2 I find that the discrepancies observed in the present case are not confined merely to variation in declared value but extend to significant differences in quantity as well as presence of undeclared goods. The physical examination has revealed substantial shortage in certain declared items and excess in others, which directly impacts the correctness of the declared unit price and overall assessable value. Further, the detection of undeclared goods such as Measuring Tapes, Hangers and Empty Inner Boxes indicates that a part of the consignment was not declared at all in the Bill of Entry, thereby affecting the completeness and accuracy of the declaration. Such suppression and mis-declaration of material particulars, coupled with incorrect valuation, creates a reasonable doubt regarding the truth and accuracy of the declared transaction value.

15.3 In terms of Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, where the proper officer has reason to doubt the truth or accuracy of the declared value, the same is liable to be rejected. In the present case, I find that the discrepancies in quantity (excess goods found, shortage of goods and certain goods not found) clearly gives rise to a reasonable doubt regarding the declared value.

15.4 I further find that once the declared value is rejected under Rule 12, the valuation is required to be determined sequentially under Rules 4 to 9 of CVR, 2007. In the present case, due to the mixed nature of goods and absence of contemporaneous data of identical or similar goods with matching specifications, valuation under Rules 4 and 5 is not feasible. Similarly, Rules 7 and 8 are also not applicable in absence of requisite data regarding deductive or computed value.

15.5 Accordingly, I find that the valuation has been rightly determined under Rule 9 (Residual Method) of CVR, 2007, based on reasonable means consistent with the principles of valuation rules. The opinion of the empaneled Chartered Engineer has been obtained, who has assessed the CIF value of the goods at **Rs. 18,08,293/-**, as against the declared value of **Rs. 13,60,057/-**.

15.6 I also find that the said Chartered Engineer's report has been shared with the importer and has been accepted by them without any contest. The importer has also expressed willingness to pay the differential duty.

16.1 Regarding the third issue, I find that the importer is under a statutory obligation, in terms of Section 46 of the Customs Act, 1962, to file a Bill of Entry containing true, correct and complete particulars of the imported goods, including their description, classification, quantity and value. Further, under Section 17(1) of the Act, the importer is required to self-assess the duty leviable on such goods correctly based on such declaration.

16.2 In the present case, I find that the importer has failed to fulfil the above statutory obligations. The examination conducted by SIIB has brought on record that certain goods declared in the Bill of Entry were found in quantities substantially different from those declared. More importantly, goods as detailed in Table-D were found in the consignment which were not declared in the Bill of Entry at all.

16.3 I find that the un-declared goods namely Empty Inner Boxes, classifiable under CTH 48191090, are subject to mandatory compliance under the Paper Import Monitoring System (PIMS) as prescribed under DGFT Notification No. 15/2022-23 read with Trade Notice No. 15/2022-23. The importer has failed to obtain valid prior registration under PIMS before import of the said goods. Although the import of such goods is categorized as "Free", the same is conditional upon compliance with the prescribed PIMS requirement. Non-compliance of such mandatory condition renders the import in contravention of the provisions of the Foreign Trade Policy. In terms of Section 2(33) of the Customs Act, 1962, goods imported in violation of any prohibition imposed under any law for the time being in force are to be treated as "prohibited goods". Accordingly, I hold that the un-declared Empty Inner Boxes, imported without compliance of mandatory PIMS condition, assume the character of prohibited goods and are therefore liable for confiscation under Section 111(d) of the Customs Act, 1962. However, in view of the fact that the importer has subsequently produced PIMS Registration No. ORIGINAL-DPIIT-PPR2026-481443 dated 10.03.2026, I find that the goods are eligible for clearance for home consumption upon payment of appropriate redemption fine under Section 125 of the Customs Act, 1962.

16.4 I further find that certain goods such as Measuring Tapes and Hangers were found in the consignment but were not declared in the Bill of Entry or accompanying documents. The presence of such goods, which are not included in the entry, clearly attracts the provisions of Section 111(l) of the Customs Act, 1962.

16.5 It is also observed that there are substantial discrepancies in quantity of several declared goods, including shortages as well as excesses, and the declared value has been found to be incorrect and liable for rejection under Rule 12 of the Customs Valuation Rules, 2007. Such incorrect declaration of quantity and value amounts to mis-declaration of

material particulars. In terms of Section 111(m) of the Customs Act, 1962, any goods which are mis-declared in value or in any other particular are liable for confiscation. The discrepancies observed in the present case, being significant and material in nature, clearly fall within the ambit of this provision.

16.6 I find that the combined effect of non-declaration of certain goods, mis-declaration in quantity and incorrect declaration of value establishes that the particulars furnished in the Bill of Entry are incorrect and incomplete. Such acts cannot be treated as mere procedural lapses but are substantive violations affecting assessment and revenue. Accordingly I hold that the goods covered under Bill of Entry No. 6790582 (Z type) dated 09.01.2026 are liable to be confiscated under Section 111(d), 111(l), and 111(m) of the Customs Act, 1962.

17.1 Regarding the fourth issue, I find that the importer has filed the Bill of Entry under self-assessment as provided under Section 17(1) of the Customs Act, 1962. However, it has been established through examination and investigation that the goods have been misdeclared in terms of quantity, value and classification, resulting in incorrect self-assessment of duty.

17.2 In terms of Section 17(4) of the Customs Act, 1962, where it is found on verification or examination that the self-assessment is not done correctly, the proper officer is empowered to re-assess the duty leviable on such goods.

17.3 Based on the re-determined value, the total duty payable works out to Rs. 5,62,895/-, as against Rs. 4,21,347/- already paid by the importer. This results in a differential duty of Rs. 1,41,549/-, which has not been discharged by the importer at the time of filing of the Bill of Entry. The short payment of duty is directly attributable to mis-declaration and undervaluation of goods.

17.4 Accordingly, I find that the Bill of Entry is liable to be re-assessed under Section 17(4) and the differential duty of Rs 1,41,549/- is recoverable.

18.1 Regarding fifth issue, I find that the liability for imposition of penalty under Section 112(a) of the Customs Act, 1962 arises when any act or omission on the part of the importer renders the goods liable to confiscation under Section 111 of the Act. In the present case, it has already been established in the preceding paragraphs that the imported goods are liable for confiscation under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962 on account of mis-declaration of quantity, non-declaration of certain goods and non-compliance of mandatory import conditions.

18.2 I find that the importer has failed to declare certain goods namely Empty Inner Boxes, Hangers and Measuring Tapes in the Bill of Entry, invoice and packing list. Further, significant discrepancies in quantity of declared goods have also been observed, including shortages as well as excesses. These facts clearly demonstrate that the importer has not made a true, correct and complete declaration as required under Section 46(4) and 46(4A) of the Customs Act, 1962. Such acts and omissions have directly rendered the goods liable for confiscation and therefore attract penal provisions under Section 112(a).

18.3 I further find that the un-declared Empty Inner Boxes, classifiable under CTH 48191090, were imported without declaration in the Bill of Entry and without fulfilling the mandatory requirement of prior registration under the Paper Import Monitoring System (PIMS), as prescribed under DGFT Notification No. 15/2022-23 read with Trade Notice No. 15/2022-23. Although the importer has subsequently produced a PIMS Registration No. ORIGINAL-DPIIT-PPR2026-481443 dated 10.03.2026, I find that such post-facto submission does not cure the substantive violation, as the requirement under the said provisions mandates obtaining valid registration prior to import of the goods. The failure to comply with this mandatory condition at the time of import renders the goods liable to be treated as “prohibited goods” in terms of Section 2(33) of the Customs Act, 1962 read with the applicable FTP provisions. I further find that the said un-declared Empty Inner Boxes have an assessable value of **Rs. 5,813/-** and involve a corresponding duty liability of **Rs. 1,414/-**. In view of the above, I hold that the importer is liable for penalty under Section 112(a)(i) of the Customs Act, 1962 in respect of such prohibited goods.

18.4 In respect of the remaining goods, I find that the importer has mis-declared the quantity and value of the goods, which resulted in short payment of duty. The goods are therefore liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962. Since these goods are dutiable in nature and do not fall under the category of prohibited goods (except as discussed above), I hold that penalty under Section 112(a)(ii) of the Customs Act, 1962 is imposable. The quantum of penalty is to be determined with reference to the duty sought to be evaded.

18.5 I find that the importer has filed the Bill of Entry declaring incorrect and incomplete particulars relating to quantity and value of the goods. The discrepancies noticed during examination, including significant shortages, excess quantities and non-declaration of certain items such as Measuring Tapes, Hangers and Empty Inner Boxes, are material in nature and have a direct bearing on assessment and duty liability. In terms of Section 46(4) and 46(4A) of the Customs Act, 1962, the importer is required to ensure true, correct and complete declaration. In the present case, this statutory obligation has not been fulfilled.

18.6 In view of the above, I find that the provisions of Section 114AA of the Customs Act, 1962 are attracted. As per the said section, any person who knowingly or intentionally makes, signs or uses any declaration, statement or document which is false or incorrect in any material particular in relation to Customs matters is liable to penalty. In the present case, the Bill of Entry and supporting documents filed by the importer, being material documents for assessment, have been found to contain incorrect and incomplete particulars. Since the importer himself has filed the Bill of Entry, he is responsible for the correctness of such declarations. Accordingly, I hold that the importer has used documents containing false or incorrect material particulars and is therefore liable for penalty under Section 114AA of the Customs Act, 1962.

ORDER

19. In view of the foregoing discussion and findings, I pass the following order:

(i) I order that the description, classification, quantity and unit price of impugned goods covered under Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026 be amended as per Table-B to F above;

(ii) I order to reject the declared assessable value of Rs. 13,60,057/- under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determine the assessable value as Rs. 18,08,293/- under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962.

(iii) I order to confiscate the imported goods covered under Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026 having re-determined assessable value of **Rs. 18,08,293/-** (Rupees Eighteen Lakh Eight Thousand Two Hundred and Ninety Three Only), under Sections 111(d), 111(l) and 111(m) of the Customs Act, 1962. However, I give option to the importer to redeem the said goods for home consumption under Section 125 of the Customs Act, 1962 on payment of Redemption Fine of **Rs. 1,80,000/-** (Rupees One Lakh Eighty Thousand Only);

(iv) I order to reject the self-assessment made under Section 17(1) of the Customs Act, 1962 in respect of Bill of Entry No. 6790582 (Z-Type) dated 09.01.2026, wherein the assessable value was declared as Rs. 13,60,057/- and duty of Rs. 4,21,347/- was paid. I order re-assessment of the said Bill of Entry under Section 17(4) of the Customs Act, 1962 and re-determine the assessable value as **Rs. 18,08,293/- (Rupees Eighteen Lakh Eight Thousand Two Hundred and Ninety Three Only)**, with consequent re-determination of duty liability at Rs. 5,62,895/- (Rupees Five Lakh Sixty Two Thousand Eight Hundred and

Ninety Five only), resulting in differential duty of **Rs. 1,41,549/- (Rupees One Lakh Forty One Thousand Five Hundred and Forty Nine only);**

(v) I impose penalty of **Rs. 5,813/-** (Rupees Five Thousand Eight Hundred and Thirteen Only) on the importer M/s Dasmesh International under **Section 112(a)(i)** of the Customs Act, 1962.

(vi) I impose penalty of **Rs. 14,000/-** (Rupees Fourteen Thousand Only) on the importer M/s Dasmesh International under **Section 112(a)(ii)** of the Customs Act, 1962.

(vii) I impose penalty of **Rs. 25,000/-** (Rupees Twenty Five Thousand Only) on the importer M/s Dasmesh International under **Section 114AA** of the Customs Act, 1962.

20. This order is issued without prejudice to any other action that may be taken against the importer or any other person under the provisions of the Customs Act, 1962 or any other law for the time being in force in the Republic of India.

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

To,
M/s. Dasmesh International,
Plot NO.32, Block-G, Pocket-F, Sector-3,
Bawana, New Delhi, North West
Delhi, 110039

Copy to:

1. The Deputy Commissioner, SIIB, Customs House, Mundra
2. The Deputy Commissioner, Review, Customs House, Mundra
3. The Deputy Commissioner, TRC, Custom House, Mundra
4. The Deputy Commissioner, EDI, Customs House, Mundra
5. The Deputy Commissioner, APSEZ, Mundra
6. Guard File

