
	<b>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS</b>  <b>CUSTOMS HOUSE, MP &amp; SEZ</b>  <b>MUNDRA, KUTCH-GUJARAT -370421</b>  <b>Email: Group6-mundra@gov.in</b>	  <b>सत्यमेव जयते</b>
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<b>A FILE NO.</b> फ़ाइल संख्या	CUS/APR/INV/28/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra
<b>B OIO NO.</b> आदेश संख्या	MCH/ADC/ZDC/552/2025-26
<b>C PASSED BY</b> जारीकर्ता	Dipak Zala, Additional Commissioner of Customs/अपर आयुक्त सीमा शुल्क, Custom House, Mundra/कस्टम हाउस, मुंद्रा।
<b>D DATE OF ORDER</b> आदेश की तारीख	.01.2026
<b>E DATE OF ISSUE</b> जारी करने की तिथि	.01.2026
<b>F SCN No. &amp; Date</b> कारण बताओ नोटिस क्रमांक	Waived.
<b>G NOTICEE/ PARTY/ IMPORTER</b> नोटिसकर्ता/पार्टी/आयातक	M/s. Saavik Enterprises (IEC No. BCRPC1620C)
<b>H DIN/दस्तावेज़ पहचान संख्या</b>	20260171MO000000E3CD

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-380 009  
**THE COMMISSIONER OF CUSTOMS (APPEALS),**  
**4th Floor, HUDCO Building, Ishwar Bhuvan Road,**

**Navrangpura, Ahmedabad-380 009**

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 मदसं०-6 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.

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**BRIEF FACTS OF THE CASE**

M/s Saavik Enterprises (IEC No. BCRPC1620C/0) (hereinafter referred to as 'the importer' for the sake of brevity), having address at "Khasra No. 884, Village Rithala, Delhi – 110085", had filed Bill of entry no. 5587895 (Z type) dated 08.11.2025, for import of miscellaneous goods. in container no. CAIU7451630. The details of the consignment are as under:-

**TABLE-'A'**

<b>Name of Importer</b>	M/s. Saavik Enterprises
<b>Address of Importer</b>	Khasra No. 884, Village Rithala, Delhi – 110085
<b>IEC No.</b>	BCRPC1620C / 0
<b>Name of Exporter</b>	SKYWALK INDUSTRIES GROUP LIMITED, Unit 04-05, 16/F The Broadway, No. 54–62 Lockhart Road, Wanchai, Hong Kong, China.
<b>Name of CHA</b>	Filed by IEC himself
<b>Bill of entry No.</b>	BE No. 5587895 dated 08.11.2025 (Z-Type)
<b>Container No.</b>	CAIU7451630
<b>Description of Goods</b>	The consignment, as per the Bill of Entry, consists of assorted hair-accessory items classified under <b>CTH 96151900</b> , namely Hair Clutchers, Hair Pins, Hair Clips, Hair Clips (23 pcs/set), Hair Clips (36 pcs/set), Baby Hair Clips (72 pcs/set) and Hair Bands. In addition, the consignment also includes <b>Vibrator Machine ZX-EV35</b> falling under <b>CTH 84678990</b> , and <b>Vibrator Shaft 1.5 M (Spare Parts)</b> classified under <b>CTH 84679900</b>
<b>Name of CFS/Unit</b>	M/s. Rudraksh Terminal LLP Block B, Plot No. 01A, Sector 12S, Adani Port & SEZ, Mundra, Kutch, Gujarat – 370421

**1.1.** Whereas, on the basis of prior intelligence, the consignment imported by M/s Saavik Enterprises (IEC No. BCRPC1620C/0) and exported by M/s Skywalk Industries Group Limited, China, covered under Bill of Entry No. 5587895 dated 08.11.2025 (Z-Type), is put on hold on 14.11.2025 at the premises of M/s Rudraksh Terminal LLP, SEZ Unit, Mundra SEZ for detailed examination by SIIB, Mundra, and prior intimation in this regard is also issued to the Development Commissioner, APSEZ, Mundra (Kutch) on 14.11.2025.

As per the **Bill of Entry, Invoice, and Packing List**, the goods are declared as under:

**TABLE-'B'**

<b>Sr. No.</b>	<b>CTH</b>	<b>Description of Goods</b>	<b>Unit Price (USD)</b>	<b>Quantity</b>	<b>UQC</b>	<b>Amount (USD)</b>
1	96151900	Hair Clutcher	0.2	2260	DOZ	452
2	96151900	Hair Pin	0.03	8700	DOZ	261.00
3	96151900	Hair Clip	0.11	27220	DOZ	2,994.00
4	96151900	Hair Clip (23 PCS/Set)	0.09	7176	SET	645.84
5	96151900	Hair Clip (36 PCS/Set)	0.3	1200	SET	360
6	96151900	Baby Hair Clip (72 PCS/Set)	0.1	240	SET	24
7	96151900	Hair Band	0.1	250	DOZ	25.00
8	84678990	Vibrator Machine ZX-EV35	1.43	1000	PCS	1,430
9	84679900	Vibrator Shaft (1.5 M) (Spare Parts)	1.71	1000	PCS	1,710

2. Whereas, the examination of the consignment imported by M/s Saavik Enterprises under Bill of Entry No. 5587895 dated 08.11.2025 was conducted on 19.11.2025 at the premises of M/s Rudraksh Terminal LLP, Block B, Plot No. 01A, Sector-12S, Adani Port & SEZ, Mundra. The inspection was carried out by the undersigned Preventive Officer in the presence of Shri Rajneesh Manoj Dwivedi, Authorized Representative of the importer, and the Authorized Representative of the SEZ Unit. At the outset, the container was externally inspected and found structurally intact, with no signs of tampering, damage, or forced entry. The seal was verified and found intact, tallying with the shipping documents. The seal was then cut open in the presence of all concerned, and the container was destuffed with the assistance of labour arranged by the SEZ Unit. Upon opening, the container was found to contain assorted cartons, which were arranged for detailed scrutiny and physically examined item-wise.

2.1 During examination, the consignment was checked against the packing list and Bill of Entry. As per the declaration, the gross weight was 13,990 kg, whereas the SEZ Unit's weighbridge slip reflected a gross weight of 17,560 kg, a tare weight of 3,700 kg, and a corresponding net weight of 13,860 kg. The weight of the cargo recorded during examination was 13,961 kg, which is broadly consistent with the declared weight. All items tallied in description and quantity with the declaration except for the item **"Hair Clip 23 PCS/Set,"** which was found to contain **18 pieces per set instead of 23**, resulting in a shortfall of **35,880 pieces**. No concealment of undeclared or restricted goods was noticed within the

cartons or in the packing material.

### **3. Investigations Conducted: -**

Based on the prima facie findings, the goods appeared to be undervalued as compared to the values declared by the importer. Accordingly, in order to ascertain the correct value of the imported goods, it was considered necessary to obtain an assessment from the Chartered Engineer. This was essential to ensure accurate valuation in terms of the Customs Valuation Rules and to determine the fair market value of the goods.

#### **3.1 Rejection of declared value & Redetermination of Assessable Value:**

Rule 3 of the Customs Valuation (Determination of Price of Imported Goods) Rules, 2007 (hereinafter referred to as "the CVR, 2007") provides the method of valuation. Rule 3(1) of the CVRs, 2007 provides that subject to Rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of Rule 10. Rule 3(4) *ibid* states that if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through Rule 4 to 9 of CVR, 2007. Whereas, it appears that, transaction value in terms of Rule 3 of the CVR, 2007, is to be accepted only where there are direct evidences with regard to the price actually paid or payable in respect of the imported goods by the importer. Whereas, in the present case, it appears that, there is reasonable doubt regarding the truth and accuracy of the declared value as the goods have been found to be mis-declared in terms of quantity, and hence the transaction value appears to be liable to be rejected in terms of Rule 12 of the CVR, 2007. Since the items found during the examination with no specification, the valuation of the same could not be determined in terms of Rule 4 to 8 of the CV Rules, *ibid*. Therefore, valuation of the goods appears liable to be done under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and accordingly, opinion of the empanelled Chartered Engineer was sought for determination of the value of the imported goods. The Chartered Engineer vide his Report No. – **ABJ:INSP:CE:SIIB:RUD:25-26:05** **Date: 31/12/2025 (RUD-1)** has suggested the value of the imported goods as **14838 USD (CIF Value)** as detailed in Table-C below:-

**TABLE-‘C’****VALUATION TABLE (1 USD = 89.50 INR)**

Details As Per Declared Bill of Entry/Invoice					Details Found After Examination-As Per Customs Examination Report					
S.No.	Description of Goods	Quantity	Unit	Amount (USD)	Description of Goods	Remarks	Quantity	Unit	Per Unit Suggestive Average CIF Value in USD (Approx)	Total Suggestive Average CIF Value in USD (Approx)
1	Hair Clutch	2260	DOZ	0.245	Hair Clutch	Found as declared	2260	DOZ	0.4	904
2	Hair Pin	8700	DOZ	0.031	Hair Pin	Found as declared	8700	DOZ	0.06	522
3	Hair Clip	27220	DOZ	0.194	Hair Clip	Found as declared	27220	DOZ	0.14	3811
4	Hair Clip (23 PCS/Set)	7176	SETS	0.095	Hair Clip (23 PCS/Set)	No. sets are same found but in each set instead of 23 PCS there are 18 PCS found. 35,880 less PCS found.	7176	SETS	0.2	1435
5	Hair Clip (36 PCS/Set)	1200	SETS	0.336	Hair Clip (36 PCS/Set)	Found as declared	1200	SETS	0.4	480
6	Baby Hair Clip (72 PCS/Set)	240	SETS	0.124	Baby Hair Clip (72 PCS/Set)	Found as declared	240	SETS	0.4	96
7	Hair Band	250	DOZ	0.125	Hair Band	Found as declared	250	DOZ	0.2	50
8	Vibrator Machine ZX-EV35	1005	PCS	1.430	Vibrator Machine ZX-EV35	Found as declared	1005	PCS	3.63	3630
9	Vibrator Shaft (1.5 M) (Spare Parts)	100	PCS	1.710	Vibrator Shaft (1.5 M) (Spare Parts)	Found as declared	100	PCS	3.91	3910
				<b>79</b>						<b>14838</b>



5	Hair Clip (36 PCS/Set)	96151900
6	Baby Hair Clip (72 PCS/Set)	96151900
7	Hair Band	96151900
8	Vibrator Machine ZX-EV35	84678990
9	Vibrator Shaft (1.5 M) (Spare Parts)	84679900

**3.4** The duty on the imported goods needs to be re-determined based on the re-determined assessable value of Rs. 13,28,001/-, instead of the declared value of Rs. 7,07,233/-, and the applicable Customs duty rates. On this basis, the total Customs duty payable on the imported goods amounts to **Rs. 3,70,705/-**, as opposed to Rs. 1,97,707/- self-assessed by the importer in the said Bill of Entry. Consequently, there is a case of non/short levy of Customs duty amounting to Rs. 1,72,998/-. The re-determined duty has been calculated in accordance with the applicable duty rates, and the details of the recalculated duty are presented in Table-F below.

**TABLE-F**

<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
1	Hair Clutcher	80908	16182	1618	4935	22735
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
2	Hair Pin	46719.00	9344	934	2850	13128
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
3	Hair Clip	341067	68213	6821	20805	95840
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
4	Hair Clip (23 PCS/Set)	128450	25690	2569	7835	36094
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
5	Hair Clip (36 PCS/Set)	42960	8592	859	2621	12072
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
6	Baby Hair Clip (72 PCS/Set)	8592	1718	172	524	2414
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (20%)</b>	<b>SWS (10%)</b>	<b>IGST (5%)</b>	<b>TOTAL DUTY</b>
7	Hair Band	4475	895	90	273	1257
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (7.5%)</b>	<b>SWS (10%)</b>	<b>IGST (18%)</b>	<b>TOTAL DUTY</b>

8	Vibrator Machine ZX-EV35	324885	24366	2437	63304	90107
<b>SR. NO.</b>	<b>PARTICULAR/DESCRIPTION OF GOODS AS SUBMITTED</b>	<b>ASSESSABLE VALUE</b>	<b>BCD (7.5%)</b>	<b>SWS (10%)</b>	<b>IGST (18%)</b>	<b>TOTAL DUTY</b>
9	Vibrator Shaft (1.5 M) (Spare Parts)	349945	26246	2625	68187	97057
<b>TOTAL</b>		<b>1328001</b>	<b>181246</b>	<b>18125</b>	<b>171334</b>	<b>370705</b>

Total Value (In INR)	BCD	SWS	IGST	TOTAL
13,28,001/-	1,81,246/-	18,125/-	1,71,334/-	3,70,705/-

#### 4. **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.**

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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:-*

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*(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. ....
- 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:

**114AA. Penalty for use of false and incorrect material.—**

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

**(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 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.*

## **5. Summary of Investigations Conducted:**

**5.1** Based on specific intelligence, the consignment imported by M/s Saavik Enterprises (IEC No. BCRPC1620C/0) and exported by M/s Skywalk Industries Group Limited, China, covered under Bill of Entry No. 5587895 dated 08.11.2025 (Z-Type), is put on hold on 14.11.2025 at the premises of M/s Rudraksh Terminal LLP, SEZ Unit, Mundra SEZ for detailed examination by SIIB, Mundra, and prior intimation in this regard is also issued to the Development Commissioner, APSEZ, Mundra (Kutch) on 14.11.2025.

**5.2.** The examination was conducted on 19.11.2025 at the premises of M/s Rudraksh Terminal LLP, Adani Port & SEZ, Mundra, in the presence of the Authorized Representatives of the importer and the SEZ Unit. The container was found externally intact with the seal tallying with the shipping documents; thereafter, the seal was cut open and the container destuffed for detailed examination. The goods were found to be broadly in conformity with the packing list and Bill of Entry, with the examined cargo weight being consistent with the declared weight. However, in respect of the item declared as "Hair Clip 23 PCS/Set," only 18 pieces per set were found, resulting in a shortfall of 35,880 pieces. No concealment or presence of undeclared or restricted goods was noticed during the examination.

**5.3** Based on the Chartered Engineer's findings vide **Report No. ABJ:INSP:CE:SIIB:RUD:25-26:05 Date: 31/12/2025**, the value of the imported goods has been assessed at **USD 14,838 (CIF value)**. Accordingly, the duty on the goods requires re-determination on the basis

of the **revised assessable value of Rs. 13,28,001/-**, instead of the **declared value of Rs. 7,07,233/-**, along with the applicable customs duty rates. On recalculation, the **total Customs duty payable** amounts to **Rs. 3,70,705/-**, as against **Rs. 1,97,707/-** self-assessed by the importer, resulting in a **short levy of Rs. 1,72,998/-**. The revised duty has been computed strictly in accordance with the applicable tariff rates.

**5.4** The Chartered Engineer (CE) report has been duly accepted by the importer, as informed vide their email dated 31.12.2025. The importer has further conveyed their willingness to accept the revised valuation and to pay all applicable duties, fines, and penalties. They have also requested that the matter be settled without issuance of a Show Cause Notice and without the requirement of a personal hearing.

**5.5** Thus, by the act of omission and commission at the level of importer, it appears that, the importer has contravened the provisions of Section 46 and Section 17 of the Customs Act, 1962, in as much as, they failed to make correct and true declaration and information to the Customs Officer in the form of Bill of Entry and also failed to assess their duty liability correctly and accordingly the goods imported by the importer appear liable to be confiscation under Section 111(m) of the Customs Act, 1962 and the importer M/s. Saavik Enterprises have rendered themselves liable for penalty under Section 112(a)(ii) and 114AA of the Customs Act, 1962.

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

- i. The assessable value of the mis-declared imported goods is liable to be re-determined instead of as declared in the Bills of Entry under Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962.

The details are as under:-

BE No. & date	Declared Value	Re-determined Value
5587895 dated 08.11.2025 (Z-Type)	7,07,233/-	13,28,001/-

- ii. The Customs duty involved in the imported goods is liable to be re-

determined instead of as declared in the Bills of Entry. The details are as under:-

Particulars	Declared in the BE	Re-determined
	Amount in Rs.	Amount in Rs.
Total Duty	1,97,707/-	3,70,707/-

- iii. The said Bills of Entry No. 5587895 dated 08.11.2025 (Z-Type) is liable to be re-assessed accordingly under Section 17(4) of the Customs Act, 1962;
- iv. The goods have been imported by way of mis-declaration in contravention of Sec 46 of the Customs Act, 1962 and are therefore liable for confiscation under Section 111(m) of the Customs Act, 1962 in both Bills of Entry;
- v. The importer M/s. Saavik Enterprises is liable for Penalty under Section 112(a)(ii) of the Customs Act, 1962;
- vi. The importer M/s. Saavik Enterprises is liable for Penalty under Section 114AA of the Customs Act, 1962;

#### **WAIVER OF NOTICE AND PERSONAL HEARING**

7. The importer, as informed vide their email dated 31.12.2025, has conveyed their readiness to discharge all applicable customs duties, fines, and penalties arising out of the discrepancies noticed in the case, and has further requested that the matter be settled without issuance of a Show Cause Notice and without conducting a personal hearing.

#### **DISCUSSION AND FINDINGS:**

8. I have carefully gone through the facts of the case, Investigation Report and noticees submissions. I observed that the Importer during the investigation already waived the right of Show Cause Notice and personal hearing. I find that the condition of Principles of Natural Justice under Section 122A of the Customs Act, 1962 has been complied. Considering this scenario, I find it appropriate to proceed with the adjudication proceedings in terms of merit of the case.

9. I find that M/s. Saavik Enterprises (IEC No. BCRPC1620C/0), had

filed Bill of entry no. 5587895 (Z type) dated 08.11.2025, for import of miscellaneous goods, in container no. CAIU7451630. The details of the goods as per import documents consignment are mentioned in Table-‘B’ above

**9.1.** I find that on the basis of prior intelligence, the consignment imported by M/s Saavik Enterprises (and exported by M/s Skywalk Industries Group Limited, China, covered under Bill of Entry No. 5587895 dated 08.11.2025 (Z-Type), is put on hold on 14.11.2025 at the premises of M/s Rudraksh Terminal LLP, SEZ Unit, Mundra SEZ for detailed examination by SIIB, Mundra, and prior intimation in this regard is also issued to the Development Commissioner, APSEZ, Mundra (Kutch) on 14.11.2025.

**9.2.** I find that the examination of the consignment imported by M/s Saavik Enterprises under Bill of Entry No. 5587895 dated 08.11.2025 was conducted on 19.11.2025 at the premises of M/s Rudraksh Terminal LLP. The inspection was carried out by the undersigned Preventive Officer in the presence of Shri Rajneesh Manoj Dwivedi, Authorized Representative of the importer, and the Authorized Representative of the SEZ Unit. At the outset, the container was externally inspected and found structurally intact, with no signs of tampering, damage, or forced entry. The seal was verified and found intact, tallying with the shipping documents. The seal was then cut open in the presence of all concerned, and the container was destuffed with the assistance of labour arranged by the SEZ Unit. Upon opening, the container was found to contain assorted cartons, which were arranged for detailed scrutiny and physically examined item-wise.

**9.3** I find that during examination, the consignment was checked against the packing list and Bill of Entry. As per the declaration, the gross weight was 13,990 kg, whereas the SEZ Unit’s weighbridge slip reflected a gross weight of 17,560 kg, a tare weight of 3,700 kg, and a corresponding net weight of 13,860 kg. The weight of the cargo recorded during examination was 13,961 kg, which is broadly consistent with the declared weight. All items tallied in description and quantity with the declaration except for the item **“Hair Clip 23 PCS/Set,”** which was found to contain **18 pieces per set instead of 23**, resulting in a shortfall of **35,880 pieces**. No concealment of undeclared or restricted goods was noticed within the cartons or in the packing material.

**10.** I find that based on the prima facie findings, the goods are found to be undervalued as compared to the values declared by the importer. Accordingly, in order to ascertain the correct value of the imported goods, it was considered necessary to obtain an assessment from the Chartered Engineer. This was essential to ensure accurate valuation in terms of the Customs Valuation Rules and to determine the fair market value of the goods.

**10.1** I find that Rule 3 of the Customs Valuation (Determination of Price of Imported Goods) Rules, 2007 (hereinafter referred to as “the CVR, 2007”) provides the method of valuation. Rule 3(1) of the CVRs, 2007 provides that subject to Rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of Rule 10. Rule 3(4) *ibid* states that if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through Rule 4 to 9 of CVR, 2007. Whereas, it appears that, transaction value in terms of Rule 3 of the CVR, 2007, is to be accepted only where there are direct evidences with regard to the price actually paid or payable in respect of the imported goods by the importer. Whereas, in the present case, it appears that, there is reasonable doubt regarding the truth and accuracy of the declared value as the goods have been found to be mis-declared in terms of quantity, and hence the transaction value appears to be liable to be rejected in terms of Rule 12 of the CVR, 2007. Since the items found during the examination with no specification, the valuation of the same could not be determined in terms of Rule 4 to 8 of the CV Rules, *ibid*. Therefore, valuation of the goods appears liable to be done under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and accordingly, opinion of the empanelled Chartered Engineer was sought for determination of the value of the imported goods. The Chartered Engineer vide his Report No. – **ABJ:INSP:CE:SIIB:RUD:25-26:05 Date: 31/12/2025 (RUD-1)** has suggested the value of the imported goods as **14838 USD (CIF Value)** as detailed in Table-C above.

**10.2** I find that on the basis of CE report, the Assessable Value of the goods imported by the importer comes to Rs. 13,28,001/- as detailed in Table-D above.

**10.3** I find that the classification of the goods found correct, as declared, as detailed in Table-‘E’ above.

**10.4** I find that the duty on the imported goods needs to be re-determined based on the **re-determined assessable value of Rs. 13,28,001/-**, instead of the declared value of Rs. 7,07,233/-, and the applicable Customs duty rates. On this basis, the total Customs duty payable on the imported goods amounts to **Rs. 3,70,705/-** as opposed to Rs. 1,97,707/- self-assessed by the importer in the said Bill of Entry. Consequently, there is a case of non/short levy of Customs duty amounting to **Rs. 1,72,998/-**. The re-determined duty has been calculated in accordance with the applicable duty rates, and the details of the re-calculated duty are presented in Table-F above.

#### **11. CONFISCATION OF THE GOODS UNDER SECTIONS 111(m) OF THE CUSTOMS ACT, 1962:**

11.1 It is alleged that the goods are liable for confiscation under Sections 111(m) of the Customs Act, 1962. In this regard, I find that as far as confiscation of goods are concerned, Section 111 of the Customs Act, 1962, defines the Confiscation of improperly imported goods. The relevant legal provisions of Section 111 of the Customs Act, 1962 are reproduced below: -

*“(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; ”*

11.2 I find that the goods imported in the present shipment, particularly the item “Hair Clip 23 PCS/Set” at Sr. No. 1 of Table-‘B’, have been mis-declared in terms of quantity, with only 18 pieces per set found instead of 23, resulting in a shortfall of 35,880 pieces. These items were declared in the Bill of Entry but do not correspond in quantity with the entry made under Section 46 of the Customs Act, 1962, leading to deliberate mis-declaration. Further, the overall value of the consignment has been undervalued, rendering the goods liable for confiscation under Section 111(m) of the Customs Act, 1962 due to mismatch in value and quantity. Therefore, as the goods were mis-declared in the subject Bill of Entry No. 5587895 dated 08.11.2025 and also these goods do not match the declared value and quantity, they are liable for confiscation under Section

111(m) of the Customs Act, 1962.

11.3 As the impugned goods are found to be liable for confiscation under Section 111(m) of the Customs Act, 1962, I find it necessary to consider as to whether redemption fine under Section 125 of Customs Act, 1962, is liable to be imposed in lieu of confiscation in respect of the impugned goods. The Section 125 *ibid* reads as under:-

**“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 goods 1[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.”**

11.3.1 A plain reading of the above provision shows that imposition of redemption fine is an option in lieu of confiscation. It provides for an opportunity to owner of confiscated goods for release of confiscated goods by paying redemption fine where there is no restriction on policy provision for domestic clearance. Accordingly, I observed that as the goods are not restricted/prohibited for import, hence, an option to the Importer may be given for clearance of the goods for home consumption on payment of redemption fine.

12. From the above, it is evident that the importer M/s. Saavik Enterprises, has done mis-declaration and undervaluation of the goods mentioned in the Bill of Entry No. 5587895 dated 08.11.2025 above and therefore, the goods found during examination are liable for confiscation under Section 111(m) of the Customs Act, 1962. Thus, by these act, the Importer has rendered the subject goods liable for confiscation and also rendered themselves liable for penalty under Section 112(a)(ii) of the Customs Act, 1962.

12.1 As regards the penalty on the Importer under Section 114AA of the Customs Act, 1962 is concerned, Section 114AA mandates penal action for intentional usage of false and incorrect material against the offender. From the investigation and other material particulars, it is observed that the Importer has dealt with incorrect documents while filing bill of entry for the said shipment. The Importer had knowingly and

intentionally made/signed/used and/or caused to be made/signed/used the import documents and other related documents which were false or incorrect in material particular such as valuation etc., with mala-fide intention, and therefore, the Importer is liable to penalty under Section 114AA of the Customs Act, 1962.

13. With respect to the applicability of duty mentioned above, I confirm the same and hold that the same should be levied at the time of re-assessment.

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

### **ORDER**

i. I order to reject the declared assessable value of all the items imported mentioned in the Bill of Entry No. 5587895 (Z-type) dated 08.11.2025 and order to re-determine the same as detailed in Table-C above.

ii. I order to re-assess the Bill of Entry No. 5587895 (Z-type) dated 08.11.2025 accordingly under Section 17(4) of the Customs Act, 1962, with differential duty of Rs. 1,72,998/- payable forthwith.

iii. I order for confiscation of the goods having total re-determined assessable value of Rs. 13,28,001/- under Section 111(m) of the Customs Act, 1962. However, I give an option to the Importer to redeem the same on payment of redemption fine of **Rs. 1,30,000/- (Rupees One Lakh Thirty Thousand only)** under Section 125(1) of the Customs Act, 1962.

iv. I impose a penalty of **Rs. 17,000/- (Rupees Seventeen Thousand only)** upon the Importer under Section 112(a)(ii) of the Customs Act, 1962.

v. I impose a penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand only)** upon the Importer under Section 114AA of the Customs Act, 1962.

15. This Order is issued without prejudice to any other action that may be taken against the claimant under the provisions of the Customs Act, 1962 or rules made thereunder or under any other law for the time being in force.

**Additional Commissioner of**

**Customs,  
Import Assessment Group,  
Customs House, Mundra**

F.No. CUS/APR/INV/28/2026-Gr5-6-O/o Pr Commr-Cus-Mundra

**To:**

M/s. Saavik Enterprises (IEC: BCRPC1620C/0),  
Khasra No. 884, Village Rithala, Delhi – 110085.

**Copy to:**

- (i) The Additional Commissioner of Customs (SIIB), Customs House, Mundra.
- (ii) The Dy./Asstt. Commissioner (EDI), Customs House, Mundra.
- (iii) The Dy./Asstt. Commissioner (RRA/TRC), Customs House, Mundra.