

		<p>प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, एमपी और एसईजेड, मुंद्रा, कच्छ-गुजरात -370421</p> <p>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, MP & SEZ</p> <p>MUNDRA, KUTCH-GUJARAT</p> <p>EMAIL: group1-mundra@gov.in</p>	
A	File No.	CUS/DOCK/REX/6/2026-Docks Examn-O/o Pr Commr-Cus-Mundra	
B	Order-in-Original No.	MCH/ADC/ZDC/14/2026-27	
C	Passed by	Additional Commissioner of Customs, Custom House, Mundra.	
D	Date of order	08.04.2026	
E	Noticee/Party/ Importer/ Exporter	M/s. Patel Retail Limited (IEC: 0309022746)	
F	DIN No.	20260471MO0000013351	

1. यह अपील आदेश संबंधित 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 3 के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 128 A के अंतर्गत प्रपत्र सीए- 1- में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

Any person aggrieved by this Order - in - Original may file an appeal under Section 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), MUNDRA

Having his office at 4th Floor, HUDCO Building, Ishwar Bhuvan Road,

Navrangpura, Ahmedabad-380 009.”

3. उक्त अपील यह आदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए ।

Appeal shall be filed within sixty days 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 –

(i) उक्त अपील की एक प्रति और

A copy of the appeal, and

(ii) इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची-1 के अनुसार न्यायालय शुल्क अधिनियम-1870 के मद सं०-6 में निर्धारित 5/- रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए ।

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

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

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

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

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

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

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

BRIEF FACTS OF THE CASE:

M/s. Patel Retail Limited (IEC: 0309022746), having address as Plot No. M.2, Additional MIDC, Anand Nagar, Ambarnath, 421506 (hereinafter referred as “importer” for the sake of brevity) has filed BE No. 6824803 dated 10.01.2026 for the clearance of goods having declared description as “Indian

Origin Cumin Seeds Packing In 25 Kgs PP Bags-Re-import". The details of BE are as under:-

Table-A

Sr. No.	Item Description	CTH	Declared Gross/Net Weight	Declared Assess. Value (in Rs)
1	Indian Origin Cumin Seeds Packing In 25 Kgs PP Bags-Re-import	09093129	6300 Kgs	1988045

2. The goods under the said Bill of Entry were examined on first-check basis. The examination of goods was carried out by the Docks Examination officers and the following has been observed by the Docks officer:

"Verified cargo as per exam order under the supervision of DC(Docks), Supdt. (Docks) and CB representative and cargo appeared to be declared in BE. Identity of the goods are established vide Shipping Bill No. 2854590 dated 19.06.2025"

2.1 From the above, it may be seen that the subject goods were India Origin goods which were earlier exported under Shipping Bill No. 2854590 dated 19.06.2025 which were later on re-imported under Notification No. 45/2017-Customs dated 30.06.2017. Identity of the goods has been established w.r.t. to the export documents.

3. The subject Bill of Entry were marked for FSSAI and PQ NOC. However, the samples drawn and tested by FSSAI were found to be non-conforming to the prescribed standards under the Food Safety and Standards Act, 2006, and accordingly, No Objection Certificate (NOC) for home consumption was denied vide rejection report No. NCC202600006628 dated 27.01.2026. In view of the rejection by FSSAI, the goods are not permissible for home consumption and become liable for action under Section 111(d) of the Customs Act, 1962, being goods prohibited under any other law for the time being in force. In such circumstances, the importer has opted for re-export of the said goods to Sri Lanka, as conveyed in their representation.

4. Legal Provisions: Legal provisions applicable in this case under the Customs Act 1962 are as follows:

4.1 Definitions:

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(33) : “prohibited goods” means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

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;

4.2 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

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.

4.3 Section 111: Confiscation of improperly imported goods, etc. –

The following goods brought from a place outside India shall be liable for 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;

4.4 Section 112: Penalty for improper importation of goods, etc.

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:*

4.5 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 or, where such owner is not known, the person from whose possession or custody such goods have been seized, an option to pay in lieu of confiscation such fine as the said officer thinks fit:

Provided that where the proceedings are deemed to be concluded under the proviso to sub-section (2) of section 28 or under clause (i) of sub-section (6) of that section in respect of the goods which are not prohibited or restricted, 3 [no such fine shall be imposed]:

Provided further that, without prejudice to the provisions of the proviso to sub-section (2) of section 115, such fine shall not exceed the market price of the goods confiscated, less in the case of imported goods the duty chargeable thereon.

(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1), shall, in addition, be liable to any duty and charges payable in respect of such goods.]

(3) Where the fine imposed under sub-section (1) is not paid within a period of one hundred and twenty days from the date of option given thereunder, such option shall become void, unless an appeal against such order is pending.

5. The restrictions/prohibitions are governed by Foreign Trade Policy and ITC (HS) based Import/export policy. Para 2.03 of the Foreign Trade Policy 2023 provides:

“2.03 Compliance of Imports with Domestic Laws / Rules/ Orders/ Regulations/ technical specifications/ environmental/safety and health norms applicable to domestically produced goods shall apply, mutatis mutandis, to imports, unless specifically exempted.”

5.1 As per the provisions of Section 25 (1) of Food Safety and Standard Act, 2006, no person shall import the sub-standard food item into India. The same is produced below:

(1) No person shall import into India –

(i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;

(ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and

(iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

6. From the above discussed facts and statutory provisions, it appears that the impugned goods i.e Indian Origin Cumin Seeds, being rejected, were prohibited for import. Therefore, the imported goods valued at **Rs. 19,88,045/-** appears to be liable for confiscation under Section 111(d) of the Customs Act, 1962. As the importer tried to import sub-standard goods i.e. Indian Origin Cumin Seeds, that are not fit for import as per FSSAI, thereby the importer rendering themselves liable for penalty under Section 112(a)(i) of the Customs Act, 1962.

PERSONAL HEARING AND WRITTEN SUBMISSION

7. The importer, during the examination of the goods, vide letter dated 23.03.2026 has requested that don't want any personal hearing or Show Cause Notice in the matter. Further, the importer, vide mail dated 07.04.2026 submitted an undated letter and stated that they have already incurred substantial expenses of approximately 6-7 lakhs towards shipment for export. Additionally, the container has been lying at the CFS for the past 2 months, resulting in demurrage and detention charges amounting to approximately 4-5 lakhs, causing significant financial hardship. In view of these circumstances, they requested to take lenient view while imposing fine and penalty allowing them to re-export the shipment.

DISCUSSION AND FINDINGS

8. I have carefully gone through the case records. The importer has requested waiver of Show Cause Notice and Personal Hearing. Thus, I find that principles of natural justice as provided in Section 122A of the Customs Act 1962 has been complied with and therefore, I proceed to decide the case on the basis of the documentary evidence available on records. I find that the following main issues are involved in the subject case, which is required to be decided:

- i. Whether the impugned goods i.e. "Indian Origin Cumin Seeds" having assessable value of Rs. 19,88,045/- are liable for confiscation under section 111(d) of the Customs Act, 1962 or otherwise.
- ii. Whether the penalty under Section 112(a)(i) of the Customs Act, 1962 be imposed upon the importer or otherwise.

9. I find that as per the prevailing regulatory requirements, the above imported goods were referred to the FSSAI lab by ICES system for issuance of the NOC prior to clearance. Upon examination and scrutiny by FSSAI authorities, clearance of the goods was denied vide NCC202600006628 dated 27.01.2026 as sample does not conform to the specifications laid down for parameters in the FSSAI act and rules and regulations made thereunder.

10. I further find that the restrictions/prohibitions are governed by Foreign Trade Policy and ITC (HS) based Import/export policy. Para 2.03 of the Foreign Trade Policy 2023 provides:

"2.03 Compliance of Imports with Domestic Laws / Rules/ Orders/ Regulations/ technical specifications/ environmental/safety and health norms applicable to domestically produced goods shall apply, mutatis mutandis, to imports, unless specifically exempted."

10.1 As per the provisions of Section 25 (1) of Food Safety and Standard Act, 2006, no person shall import the sub-standard food item into India. The same is produced below:

(1) No person shall import into India –

(i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;

(ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and

(iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

11. From the above discussed facts and statutory provisions, I find that the impugned goods i.e *Indian Origin Cumin Seeds*, being rejected by FSSAI, are prohibited for import. Therefore, the impugned goods valued at **Rs. 19,88,045/-** are liable for confiscation under Section 111(d) of the Customs Act, 1962.

12. I find that the importer, has requested for re-export of the goods. CBIC Circular No. 58/2001-Cus. dated 25.10.2001 prescribes that the goods which are not found fit for human consumption can be either destroyed or to be re-exported after necessary adjudication proceedings. The provision of food safety and standard act 2006 are not specifically restricting the re-export of such failed consignment. Therefore, the option of re-export can be availed by the Importer after payment of redemption fine in lieu of the confiscation on the goods in terms of section 125 of the customs act 1962. Considering these facts, I find it appropriate to grant an option to pay fine in lieu of confiscation on the subject re-imported goods for the purpose of re-export only.

13. It is evident from the above facts that the importer attempted to import Sub-standard goods that are rejected by FSSAI authority. By this act, importer rendered themselves liable for penalty under Section 112(a)(i) of the Customs Act, 1962.

14. With prejudice to the above facts of the case, I have observed that the importer has incurred substantial costs due to storage, detention and demurrage charges in addition to freight, transportation, and other expenses. The issue is not in dispute that in this case the Noticee has not realized any profit margin. I observed that the key factor for determination the quantum of redemption fine is that it should discourage the importer from repeating the offence. The general consensus in such type of cases is that the redemption fine should be sufficient to discourage people from violating the law repeatedly. However, in the present case, there is nothing on records that the Importer is a habitual offender. In light of these circumstances, I believe a lenient approach may be considered when determining the quantum of the redemption fine and penalty imposed on the Noticees in the present case.

15. In view of the forgoing discussions and findings, I pass the following order:

ORDER

- i. I order to confiscate the impugned goods "*Indian Origin Cumin Seeds*" valued at Rs. 19,88,045/- under Section 111(d) of the Customs Act, 1962. However, I give an option to the importer to redeem the said

item for the limited purpose of re-export only, on payment of redemption fine of **Rs. 50,000/-** (Rupees Fifty Thousand only) in terms of Section 125 of the Customs Act, 1962.

- ii. I impose penalty of **Rs. 25,000/-** (Rupees Twenty Five Thousand only) on the importer under Section 112(a)(i) of the Customs Act, 1962.

16. This order is issued without prejudice to any other action which may be required to be taken against any person as per the provision of the Customs Act, 1962 or any other law for the time being in force.

Additional Commissioner of Customs
Assessment Group-I/IA
Custom House, Mundra

To,

M/s. Patel Retail Limited (IEC: 0309022746),
Plot No. M.2, Additional MIDC,
Anand Nagar, Ambarnath, 421506.

Copy to:

1. The Deputy Commissioner (RRA), Customs House, Mundra.
2. The Deputy Commissioner (TRC), Customs House, Mundra.
3. The Deputy Commissioner (EDI), Customs House, Mundra.
4. Guard file.