

	<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 MUNDRA, KUTCH-GUJARAT</p> <p>PHONE : 02838-271426/271428 FAX : 02838-271425 Mail: group3-mundra@gov.in</p>	
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A	फा. सं./FILE NO.	F. No. CUS/APR/INV/389/2025-Gr 3
B	मूल आदेश संख्या/ ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/127/2025-26
C	द्वारा पारित किया गया / PASSED BY	Dipak Zala Addl. Commissioner of Customs Mundra Customs House
D	आदेश की तिथि DATE OF ORDER	18.07.2025
E	जारी करने की तिथि DATE OF ISSUE	18.07.2025
F	कारण बताओ नोटिस संख्या & तिथि SCN NUMBER & DATE	SCN and PH Waiver sought vide letter dated 08.03.2025
G	आयातक / नोटिस प्राप्तकर्ता IMPORTER / NOTICEE	M/s. BestP Sales LLP 12/1, Gali Khari Kuan, Chawri Bazar, Delhi-110006
H	डिन संख्या /DIN NUMBER	20250771MO0000414614

1. यहआदेश संबंधित को निःशुल्क प्रदान किया जाता है।

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

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

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

“सीमाशुल्कआयुक्त (अपील),

चौथी मंजिल, हुडको बिल्डिंग, ईश्वरभुवन रोड,

नवरंगपुरा, अहमदाबाद 380 009”

“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA

**HAVING HIS OFFICE AT 4TH FLOOR, HUDCO BUILDING, ISHWAR BHUVAN
ROAD,
NAVRANGPURA, AHMEDABAD-380 009.”**

3. उक्तअपील यहआदेश 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 be accompanied by –

(i) उक्त अपील की एक प्रति और A copy of the appeal, and

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

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

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

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

6. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमाशुल्क 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

1. As per the NCTC Alert, it was informed that the consignment of goods imported by the importer namely M/s. BestP Sales LLP, 12/1, Gali Khari Kuan, Chawri Bazar, Delhi- 110006 (IEC: AAVFB2811P/0) & destined to INAJM6 (Mundra SEZ) [consigned at M/s Shoolin Trade Link LLP (a APSEZ Unit at Mundra) and covered under SEZ Z Type B.E. No. 8091169 dated 30.01.2025] which is declared to contain 659 Cartons of Garments appears to be risky for concealment of prohibited/restricted items. Accordingly, the said consignment was put on hold for 100% examination by SIIB, Customs House, Mundra.

2. EXAMINATION OF THE GOODS AND INVESTIGATION CONDUCTED: -

2.1 Description of goods as mentioned in the SEZ Bill of Entry No.8091169 dated 30- 01-2025 are as under:

TABLE-1

S No	CTH	Description	Quantity	UQC
1	61102000	Girls Sweater	170	PCS
2	42022290	Ladies Handbags	7880	PCS
3	61062010	Girls Top	490	PCS
4	85177990	Mobile Phone Holder	2565	PCS
	94032090	Visitor Chair	1248	PCS
5	62043390	Girls Women Jacket	3270	PCS
6	96062100	Garments Accessories (Button, Revits)	525	Kgs
Total number of packages declared in Bill of Entry No. 8091169 dated 30.01.2025 are 659 Packages.				

2.2 Examination of the goods covered under SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 (Bill of Lading No. LW2025010026 dated 27-12-2024 & Container No. ONEU5621922/40 FCL) has been done on 07.02.2025 under Panchnama dated 07.02.2025 drawn at the premise of M/s Shoolin Trade Link LLP (A unit in Adani Port SEZ, Mundra), in presence of Shri Pranjal Singh, Operation Manager in M/s Shoolin Trade Link LLP (A unit in Adani Port SEZ, Mundra). During the examination, it was found that the said goods were stuffed in a domestic Container No. HNKU6260562/40' lying at Warehouse No. 2 near shutter no. 2 of M/s Shoolin Trade Link LLP (A unit in Adani Port SEZ, Mundra). Shri Pranjal Singh, Operation Manager in M/s Shoolin Trade Link LLP (A unit in Adani Port SEZ, Mundra) informed the Customs Officer during the course of the said panchnama dated 07.02.2025 that after Seal cutting of the Container No. ONEU5621922/40 FCL on 01-02-2025, the goods covered under the said consignment imported vide SEZ Bill of Entry No. 8091169 dated 30-01-2025 (Bill of Lading No. LW2025010026 dated 27-12- 2024 & Container No.

ONEU5621922/40 FCL) have been re-stuffed in a domestic Container No. HNKU6260562/40' after destuffed from Container No. ONEU5621922/40FCL and the empty Container No. ONEU5621922/40FCL was also released.

2.3 The details of the goods/consignment found during the examination is as below:

TABLE-2

Sr No	Description of Goods	Total No of Packages of related goods	Quantity	Unit of Quantity
1	Boys Casual Trouser	2 PKGS	185	Nos
2	Children Jeans Pants	1 PKG	150	Nos
3	Hoodies	1 PKG	150	Nos
4	Ladies 2 Pcs Set	1 PKG	100	Nos
5	Ladies Casual Pants	3 PKGS	240	Nos
6	Men Casual Pants	13 PKGS	1281	Nos
7	Men Hoodies	29 PKGS	2854	Nos
8	Men Shirts (Full Sleeves)	3 PKGS	370	Nos
9	Men T Shirts (Full Sleeves)	119 PKGS	13040	Nos
10	Men Winter Jacket	3 PKGS	242	Nos
11	Screw	8 PKGS	120	Kgs
	Track Suits (2 Pcs: Upper and Lower)			
12	of Children	1 PKG	68	Nos
13	Women Sleepers /Flip Flops	119 PKGS	12100	Nos
Total: 303 Packages				

2.4 As mentioned in above Para-2.1 and Para-2.3 above, the total number of packages and the description of the goods are found totally different than the same declared in the SEZ Bill of Entry No. 8091169 dated 30-01-2025. During the statement of Shri. Shobhit Gupta, Partner of said importer namely M/s. BestP Sales LLP recorded on 28.02.2025 under Section 108 of Customs Act, 1962 also agreed with the facts that the goods found during the examination are totally different than the same as declared under the respective SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 for import of the said consignment. The said importer vide their letter dated 08.03.2025 also submitted that in this regard,

they asked their supplier and they replied that this was happened due to rush of loading and mistake of their staff and hence, cargo was wrongly supplied.

2.5 Accordingly, it is observed that the goods imported by the said Importer covered under SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 are mis-declared. The assessable value of the imported items declared by the importer under Rule 3 of the Customs Valuation (Determination of value of imported goods) Rules, 2007 ('CV Rules' for sake of brevity) in the SEZ- Z Type B.E as Rs. 7,44,604.84/- [5598 USD (C&I Invoice value) + 2950 USD (Freight)] appears to be rejected in terms of Rule 12 of the Rules, *ibid*. To ascertain the value of cargo, attempts have been made to get the details from the previous bills of entry filed by the importer and as well as NIDB data for similar and identical during the relevant period was done. However, due to various items without specification and detail, valuation of identical or similar items cannot be ascertained. Thus, valuation of the item under import could not be determined in terms of Rule 4 to 8 of the CV Rules, *ibid*. Therefore, valuation of the goods was found to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empanelled Chartered Engineer was sought for determination of the value of the goods under import. The empanelled Chartered Engineer Shri Ajay Jhala has submitted his observations vide report ABJ:INSP:CE:SIIB:RC:24-25:01 dated 05.03.2025. The Empanelled CE has ascertained the C&I value of the imported consignment **23204 USD** as item-wise details mentioned here under:

Sr.N o.	Description of goods	No. of Pkgs.	Qty.	Per Unit C& I value (USD) ascertained by CE	Total C&I Value (USD) ascertained by CE
1	Boys Casual Trouser	2 PKGS	185	1.03	191
2	Children Jeans Pants	1 PKG	150	0.93	139
3	Hoodies	1 PKG	150	1.29	194
4	Ladies 2 Pcs Set	1 PKG	100	1.29	129
5	Ladies Casual Pants	3 PKGS	240	1.03	248
6	Men Casual Pants	13 PKGS	1281	1.03	1324
7	Men Hoodies	29 PKGS	2854	1.29	3686
8	Men Shirts (Full Sleeves)	3 PKGS	370	1.03	382
			119		
9	Men T Shirts (Full Sleeves)	PKGS	1304 0	1.03	13474
10	Men Winter Jacket	3 PKGS	242	1.55	375

11	Screw	8 PKGS	120	1.48	178
12	Track Suits (2 Pcs: Upper and Lower) of Children	1 PKG	68	1.03	70
13	Women Sleepers /Flip Flops	119 PKGS	1210 0	0.23	2813
TOTAL C&I VALUE (USD)					23204
Freight as declared in B.E (USD)					2950
Total Assessable Value (in USD)					26154
Total Assessable Value (in INR) ascertained as per Chartered Engineer (1 USD @ Rs. 87.10)					22,78,015/-

2.6 Whereas, the importer has declared the total assessable value of the consignment as **Rs. 7,44,604/- [5598.85 USD (C&I Invoice Value) + 2950 USD (Freight)]** in the SEZ Z Type Bill of Entry. However, as per the report submitted by the Chartered Engineer the suggestive value of the consignment is **Rs. 22,78,015/-**. Thus, it appears that the subjected consignment has been undervalued to the extent of **Rs. 15,33,411/-** on account of mis- declaration of the imported goods by the said importer.

2.7 In the present matter, DTA Bill of Entry has not been filed till date. Here, it is pertinent to mention that as per Rules 48 of SEZ rules, 2006, some of the provisions of Customs Act, 1962 come in picture only after filling of DTA bill of Entry.

The Rule 47 (4) of the SEZ Rules, 2006 read as under:

(4) Valuation and assessment of the goods cleared into Domestic Tariff Area shall be made in accordance with Customs Act and rules made thereunder.

The Rule 48(2) of the SEZ rules is reproduced below:

"(2) Valuation of the goods and/or services cleared into Domestic Tariff Area shall be determined in accordance with provisions of Customs Act and rules made thereunder as applicable to goods when imported into India"

2.8 Here, it is pertinent to mention that the importer has filed a SEZ WH/Z Type Bill of Entry for Home consumption without any mention of re-export, and during self-assessment, they have levied the applicable BCD instead of recognizing the non-applicability of BCD in the case of re-export. Additionally, it should be noted that when goods are imported for re- export purposes, this must be declared in the import Bill of Entry (BOE). Upon examining the submitted documents, it is clear that the invoice and packing list were issued to the buyer/consignee declared as the importer in the Bill of Entry and the Bill of Lading listed the importer as the consignee.

2.9 Furthermore, a warehouse/Z Type BOE is typically filed when goods are imported and stored in a bonded warehouse without immediate payment of customs duties. The duties are deferred until the goods are either cleared for domestic consumption or re-exported. During the self-assessment process, the importer levied the applicable BCD, which further supports the interpretation that the goods were not intended for re-export. In the case of goods meant for re-export, the BCD would be zero, and this should be explicitly stated. The self-assessment process allows importers to declare the classification and applicable duties on imported goods. By levying the BCD, the importer effectively confirmed that the goods were meant for domestic clearance (DTA) and not for re-export. Therefore, based on these facts, it is evident that the, though the SEZ Unit/Importer did not file a DTA BE, but the available information supports the conclusion that the goods were intended for DTA clearance only.

2.10 Thus, the valuation of the imported items needs to be rejected under Rule 12 of the CVR, 2007 and need to be re-determined. The valuation of all the items under import is required to be re-determined under Rule 9 of the Rules, *ibid* read with Rule 47 (4) and 48 (2) of the SEZ Rules, 2006 by way of valuation report of the Chartered Engineer on the basis of market research as discussed in Para-2.5 above. As per the report submitted by the Chartered Engineer (for C&I Value), the Assessable Value of the said imported goods is liable to be determined to total **Rs. 22,78,015/-**.

2.11 Further, the importer vide their letter dated 08.03.2025 submitted that they are agreed with the value ascertained for each of the products, by the empanelled Chartered Engineer as per his report dated 05.03.2025.

3. Further, representative samples of the items [except items mentioned at Sr. no. 11 & 13 of Table-2] drawn during examination proceedings were sent to CRCL, Kandla for testing of the fabrics thereof. Test Reports in cases of samples sent through Test Memo No 03/2025-26 dated 04.04.2025 to 13/2025-26 dated 04.04.2025 has been received from CRCL, Kandla and brief of the same is as under:

Sr No	Test Memo No & Date	Description of the Goods as found during examination	Test Report No & Date (CRCL, Kandla)	Results as per Test Report
(1)	03/2024-25 dated 04.04.2025	Boys Casual Trouser	202 dated 23.04.2025	The base woven fabric is composed of cotton yarn with lycra. Elastic tape (8.8%) is made of polyester filament yarn with rubber thread having inner white woven fabric (0.8%) is composed of polyester filament yarn. % of Composition of base fabric Cotton=96.7%

				Lycra=Balance
(2)	04/2024-25 dated 04.04.2025	Children Jeans Pants	203 dated 07.05.2025	<p>The sample is in form of a yarn dyed woven readymade textile article (children jeans pant) fitted with elastic tape in waist position and one metallic button in front pocket. The base fabric (denim type) is composed of cotton yarn and lycra. Elastic tape is made of polyester filament yarn with rubber thread.</p> <p>% Composition base fabric:-</p> <p>Cotton=96.6%</p> <p>Lycra=Balance</p>
(3)	05/2024-25 dated 04.04.2025	Hoodies	204 dated 23.04.2025	<p>The sample is in the form of assorted coloured knitted readymade textile article (T-Shirt with hood) having hood part containing lace and flower designed in front. The base fabric is composed of cotton yarn and boarder (arm T-shirt) are composed of cotton yarn with small amount of lycra. Flower (woven fabric) and lace (knitted fabric) is composed of polyester filament yarn.</p> <p>% Composition:</p> <p>Total-Cotton=95.87% by wt Polyester=3.53%</p> <p>Lycra=balance</p>
(4)	06/2024-25 dated 04.04.2025	Ladies 2Pcs Set	205 dated 24.04.2025	<p>The sample is in the form of a dyed and printed woven readymade textile article (two piece set- supper & lower).</p> <p>Upper part having three plastic button in front side. The base is composed of viscose spun yarn.</p> <p>Lower part fitted with elastic tape in waist position. The base fabric is composed of viscose spun yarn. Elastic tape (3.5%) is made of polyester filament yarn with rubber thread.</p>
(5)	07/2024-25 dated 04.04.2025	Ladies Causal Pants	206 dated 07.05.2025	<p>The sample is in the form of a dyed (black coloured) knitted readymade textile article (lower) fitted with elastic tape and knotting cord in waist. The base fabric is composed of polyester filament yarn (textured) and cotton spun yarn. Elastic tape is made of polyester filament yarn with rubber thread and knotting cord is made of polyester filament yarn.</p> <p>% Composition base fabric</p> <p>Polyester=55.16%</p> <p>Cotton=Balance</p>
(6)	08/2024-25 dated 04.04.2025	Men's Casual Pants	207 dated 08.05.2025	<p>The base fabric is composed of polyester filament yarn with rubber thread and knotting cord is made of polyester filament yarn. % of Elastic tape=4.7% Knotting cord=1.7%</p> <p>Base Fabric=balance</p> <p>% of Composition of Base Fabric:- Polyester=55.29%</p> <p>Cotton=Balance</p>

(7)	09/2024- 25 dated 04.04.202 5	Men's Hoodies	208 dated 25.04.202 5	<p>The sample is in the form of white (undyed) readymade textile article (Full Sleeve T-Shirt with hood) having metallic chain (3.1%) in hood part.</p> <p>It is made of two layered bonded fabric adhered to each other with adhesive material. Upper layer is composed of polyester filament yarn and blended spun yarn of polyester and cotton.</p> <p>Lower layer is composed of polyester filament yarn along with lycra.</p> <p>% Composition of Fabric:</p> <p>Polyester=62.40%</p> <p>Cotton=33.18%</p> <p>Lycra=3.82%</p> <p>Adhesive=Balance</p>
(8)	10/2024- 25 dated 04.04.202 5	Men's Shirt (Full Sleeves)	209 dated 15.05.202 5	<p>The sample is dyed knitted readymade textile article (full sleeves shirt) fitted with nine numbers of polymeric coated metallic buttons</p> <p>It is made of nylon filament yarns together with Lycra.</p> <p>% Composition of fabric:</p> <p>Nylon=81.22</p> <p>Lycra=39.37</p>
(9)	11/2024- 25 dated 04.04.202 5	Men's T Shirts (Full Sleeves)	210 dated 07.05.202 5	<p>It is made of polyester filament yarns and cotton yarns having small amount of Lycra at waist, neck and wrist position.</p> <p>% Composition:</p> <p>Polyester=60.17%</p> <p>Cotton=39.37%</p> <p>Lycra= balance</p>
(10)	12/2024- 25 dated 04.04.202 5	Men's Winte r Jacke t	211 dated 06.05.202 5	<p>The base fabric is printed woven fabric made of wholly polyester filaments yarns. Lining material is dyed (black coloured) woven fabric made of wholly polyester filaments yarns. Elastic fabric is dyed (black coloured), knitted fabric made of polyester filaments yarns (95.40 % by wt.) and Lycra (balance) and metallic zip.</p>
(11)	13/2024- 25 dated 04.04.202 5	Track Suits (2 Pcs: Upper & Lower) of Children	212 dated 16.05.202 5	<p>Upper part is made of dyed and printed knitted fabric. The base fabric is composed of polyester filament yarns and cotton yarns. It has cotton yarns together with Lycra at wrists, waist and neck position.</p> <p>% Composition of Upper Part:</p> <p>Cotton =81.3%</p> <p>Polyester=17.5%</p> <p>Lycra= Balance</p> <p>Lower part fitted with elastic tape in waist position is made of dyed (black coloured) knitted fabric. The base fabric is composed of polyester filament yarns and cotton yarns. It has polyester filament yarns, cotton yarns and elastomeric yarns at ankle position.</p> <p>% Composition</p> <p>Cotton=71.2 %</p> <p>Polyester=23.7 %</p> <p>Elastomeric tape & Lycra= balance</p>

3.1 As per the examination of the goods and considering the nature & quality of each of the products as well as Test Reports received from CRCL, Kandla as mentioned in Para-3 above, it is found that the imported goods covered under SEZ WH Bill of Entry No. 8091169 dated 30-01-2025 are appropriately classifiable under CTH [as mentioned in column-5 of the table below] of the schedule to the Customs Tariff Act, 1975.

Sr.No	Description of goods	No. of Pkgs.	Qty.	Appropriate CTH
1	2	3	4	5
1	Boys Casual Trouser	2	185	62034290
2	Children Jeans Pants	1	150	62034290
3	Hoodies	1	150	61012000
4	Ladies 2 Pcs Set	1	100	62044490
5	Ladies Casual Pants	3	240	61046300
6	Men Casual Pants	13	1281	62034990
7	Men Hoodies	29	2854	62019090
8	Men Shirts (Full Sleeves)	3	370	61059090
9	Men T Shirts (Full Sleeves)	119	1304 0	61099090
10	Men Winter Jacket	3	242	62033990
11	Screw (Self tapping screws)	8	120	73181400
12	Track Suits (2 Pcs: Upper and Lower) of Children	1	68	61119090
13	Women Slippers /Flip Flops	119	1210 0	64029990

4. In respect of the goods i.e. Screw (self-tapping screws) mentioned at Sr. No. 11 of the table at Para-3 above) appropriately classifiable under CTH- 73181400 of schedule to CTA, 1975, it is found that in terms of the Notification No. 17/2015-2020 dated 05.09.2019 read with Notification No. 33/2015-2020 dated 28.09.2020 issued by DGFT, the Import Policy condition for the said item has been revised from 'free' to 'free subject to compulsory registration under Steel Import Monitoring System (SIMS)' and accordingly, Import thereof shall require compulsory registration under Steel Import Monitoring System (SIMS).

4.1 Further, it is also found that in term of Notification No. 55/2023 dated 03.01.2024 issued by DGFT, the import policy of Screws under ITC (HS) Codes 73181400 is revised from "Free" to "Prohibited" [However, import is "Free" if CIF

value is Rs. 129/- or above per Kg and subject to Policy condition no. 2 and 3 of this Chapter].

4.2 In the instant case, the importer vide their letter dated 24.03.2025 submitted that they have neither applied nor holding the Compulsory registration under Steel Import Monitoring System (SIMS) in terms of Notification No. 33/2015-2020 dated 29.09.2020 issued by DGFT. Further, it is also found that the said goods i.e. Screw (self-tapping screws) mentioned at Sr. No. 11 of the table at Para-3 above) has not been declared by the said importer in the SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 filed by them in respect of the import of the said consignment.

4.3 Accordingly, it appears that in case of import of the said goods i.e. **Screws under ITC (HS) Codes 73181400 (mentioned at Sr. No. 11 of the table at Para-3 above)** by the said importer, the conditions of 'Compulsory registration under Steel Import Monitoring System (SIMS)' as well as Minimum Import Price as mentioned in Para-4 and Para-4.1 above have not been complied or observed. Hence, it appears that the import of the said goods i.e. Screws under ITC (HS) Codes 73181400 (mentioned at Sr. No. 11 of the table at Para-3 above) by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 **is in violation of the provisions being non-observance of conditions and accordingly, contrary to the prohibition imposed by Foreign Trade Policy.**

5. Further, in terms of "The Footwear made from All Rubber and all Polymeric Material and its Components (Quality Control) Order, 2024", it is found that in respect of import of goods namely "Sandal and Slippers", Indian Standard IS 6721:2023 has been made applicable. The said order also mandates that the said goods shall conform to the corresponding Indian Standard and shall bear the Standard Mark under a licence from the Bureau as per Scheme-I of Schedule-II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.

5.1 As per the nature and description of the goods, "Women Sleepers /Flip Flops" (mentioned at Sr. No. 13 of the table at Para-3 above) appropriately classifiable under ITC (HS) Codes 64029990 imported by the said importer vide SEZ Z Type Bill of Entry No.8091169 dated 30-01-2025 appears to be subjected to the provisions made vide the said "The Footwear made from All Rubber and all Polymeric Material and its Components (Quality Control) Order, 2024".

5.2 However, during the examination it is noticed that the said goods i.e. "Women Slippers /Flip Flops" (mentioned at Sr. No. 13 of the table at Para-3 above) imported by the said importer vide SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 does not bearing the Standard Mark under a licence from the

Bureau as per Scheme-I of Schedule-II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018. Further, the importer also vide their letter dated 24.03.2025 agreed that neither the said goods are having any BIS marking affix thereon nor the overseas supplier/manufacturer is having any registration under the provisions of the BIS Act, 2016.

5.3 Furthermore, as per para 2.03 of the Foreign Trade Policy (FTP)-2023, 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.

5.4 Furthermore, as per Section 15 (1) of the Bureau of Indian Standards Act, 2016 (BIS, 2016) “*No person shall import, distribute, sell, store or exhibit for sale, any goods or article under sub-section (1) of section 14, except under certification from the Bureau*”.

5.5 In the instant case, import of the said goods “Women Slippers /Flip Flops” (mentioned at Sr. No. 13 of the table at Para-3 above) made by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 neither found to be having BIS licence/certification nor marked with ISI and BIS license number. Accordingly, import of the subject goods in the instant case appears to be in violation of the provisions of Foreign Trade Policy read with Bureau of Indian Standard Act, 2016. Thus, it appears that the said goods imported without accompanied with BIS licence/certification or marked with ISI and BIS license number, in violation and contrary to condition imposed vide BIS, 2016 read with Quality Control Order issued by the Government of India, rendering the said goods as ‘prohibited’ for import into India.

6. Further, the total Customs Duty leviable on the goods imported by the said importer under SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 (except the items mentioned at Sr. No. 11 (Screw) & 13 (Women Slippers /Flip Flops) of the table at Para-3 above) is worked out as below:

Sr. No	Description of goods	No. of Pkgs.	Qty.	Appropriate CTH	ASS. Value Re-determined (INR)	BCD	IGST	SWS
1	Boys Casual Trouser	2	185	62034290	18765	24975	5249	0
2	Children Jeans Pants	1	150	62034290	13694	20250	4073	0
3	Hoodies	1	150	61012000	19020	3804	1160	380
4	Ladies 2 Pcs Set	1	100	62044490	12680	14500	3262	0

5	Ladies Casual Pants	3	240	61046300	24346	4869	3564	487
6	Men Casual Pants	13	1281	62034990	129947	25989	19024	2599
7	Men Hoodies	29	2854	62019090	361889	72378	22075	7238
8	Men Shirts (Full Sleeves)	3	370	61059090	37533	33300	8500	0
9	Men T Shirts (Full Sleeves)	119	13040	61099090	1322797	652000	236976	0
10	Men Winter Jacket	3	242	62033990	36822	7364	5391	736
11	Screw	8	120	73181400	17448	N.A	N.A	N.A
12	Track Suits (2 Pcs: Upper and Lower) of Children	1	68	61119090	6898	1380	421	138
13	Women Sleepers /Flip Flops	119	12100	64029990	276175	N.A	N.A	N.A
				Total		860809	309695	11578
Total Customs duty leviable (Except Items at Sr. No. 11 & 13)							1182082	
Customs duty declared as per B.E.							258847	
Differential Customs duty to be paid (Except Items at Sr. No. 11 & 13)							923235	

Note:- Since the goods/the items mentioned at Sr. No. 11 (Screw) & 13 (Women Slippers/Flip Flops) of the table at Para-3 above) are found to be 'prohibited' for import, the Customs duty leviable thereon has not been worked out and shown as 'N.A' in the above table.

6.1 As discussed in Para-2.6 above, the importer has mis-declared the goods in the SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 and accordingly, the total assessable value of the consignment is declared as **Rs. 7,44,604/- [5598.85 USD (C&I Invoice Value)+ 2950 USD (Freight)]** in the said SEZ Z Type Bill of Entry. However, as per the report submitted by the Chartered Engineer the suggestive value of the consignment is **Rs. 22,78,015/-**. Thus, it appears that the subjected consignment has been undervalued to the extent of **Rs. 15,33,411/-** on account of mis-declaration of the imported goods by the said importer.

6.2 Thus, by way of mis-declaration of the items under import, as discussed above, short levy of the Customs duty to the tune of **Rs. 9,23,236/- (BCD- 7,14,370/-+ SWS-(-) 177/- + IGST- 2,09,043/-** (as tabulated above) has been detected in the present matter.

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6.3 The said importer vide their letter dated 08.03.2025 also submitted that they are agreed with the value ascertained for each of the products as per CE report. The importer has also submitted that they do not want any show cause notice or personal hearing in this matter and they are ready to pay whatever duty, penalty, redemption fine or other charges as imposed by the Competent Authority under the provisions of Customs Law.

7. LEGAL PROVISIONS:

7.1 As per **Section 2 (33)** of the Customs Act, 1962 '**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.*

7.2 As per 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;*

7.3 SECTION 46 of the Act, prescribes that the importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, and such other documents relating to the imported goods as may be prescribed.

7.4 Further, **Section 111** of the Act, prescribes the Confiscation of improperly imported goods, etc. as under

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;

(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;

(o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed

unless the non-observance of the condition was sanctioned by the proper officer;

7.4 Further, Section 112 of the Act provides the penal provisions for improper importation of goods, etc. which read as under:

Any person, -

(a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or

(b) ..

shall be liable, -

i. 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 ¹ [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:

Provided that where such duty as determined under sub-section (8) of section 28 and the interest payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent. of the penalty so determined;]

7.6 SECTION 124 prescribes the mandatory issuance of show cause notice before confiscation of goods, which read as under:

No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person –

- a. is given a notice in writing with the prior approval of the officer of Customs not below the rank of an Assistant Commissioner of Customs, informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;
- b. is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and

(c) is given a reasonable opportunity of being heard in the matter:

Provided that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned be oral.

Provided further that notwithstanding issue of notice under this section, the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed.

7.7 SECTION 125 provides the Option to pay fine in lieu of confiscation as under:

(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.

8. OUTCOME OF THE INVESTIGATION:

8.1 From the above discussion, it appears that the importer has filed SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025

for import of Misc items. Upon investigation, it was noticed that the items under import were mis- declared (description as well as quantity wise) and accordingly mis-classified which attracts lower rate of Customs duty. Furthermore, the assessable value of the items under import also found as mis-declared. Therefore, value of the consignments declared by the importer under Rule 3 of the Customs Valuation (Determination of value of imported goods) Rules, 2007 ('CV Rules' for sake of brevity) appears to be rejected in terms of Rule 12 of the Rules, *ibid*. Since, the items found during the examination are of unbranded 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 was found to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empanelled Chartered Engineer was sought for determination of the value of the goods under import.

8.2 Further, as per the empanelled Chartered Engineer report, the value of the consignment under import is ascertained to **Rs. 22,78,015/-** against declared value of **Rs. 7,44,604/-**. Thus, it appears that the subjected consignment was undervalued to the tune of to the tune of **Rs. 15,33,411/-** on account of mis-declaration of the imported goods by the said importer. Thus, by way of mis-declaration of the items under import, as worked out at Para-6 above, **short levy of the Customs duty to the tune of Rs. 9,23,236/- (BCD- 7,14,370/-+ SWS-(-) 177/- + IGST- 2,09,043/-** (as tabulated above) has been detected in the present case. It is pertinent to mention that the goods/the items mentioned at Sr. No. 11 (Screw) & 13 (Women Slippers /Flip Flops) of the table at Para-6 above) are found to be 'prohibited' for import, the Customs duty leviable thereon has not been worked out and taken into consideration in the said differential duty.

8.3 Accordingly, it is found that the goods imported by the said importer (as mentioned in Para-2.3 & Para-2.5 above) having assessable value ascertained to Rs. 22,78,015/- are not included in the SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025 filed by the said importer as well as do not correspond in respect of value and particulars thereof. **Hence, the said goods (as mentioned in Para-2.3 & Para-2.5 above) having assessable value ascertained to Rs. 22,78,015/- are found liable for confiscation under Section 111 (l) and 111 (m) of the Customs Act, 1962.**

8.4 Further, it is found in case of import of the goods i.e. **Screws (mentioned at Sr. No. 11 of the table at Para-2.3 above)** by the said importer that the conditions of 'Compulsory registration under Steel Import Monitoring System (SIMS)' as well as Minimum Import Price as mentioned in Para-4 and Para-4.1 above have not been complied or observed. Hence, it appears that the import of the said goods i.e. Screws under ITC (HS) Codes 73181400 (mentioned at Sr. No. 11 of the table at Para-3 above) by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 is in violation of the provisions being non-observance

of conditions and contrary to the prohibition imposed by Foreign Trade Policy. Accordingly, the said goods i.e. **Screws (mentioned at Sr. No. 11 of the table at Para-2.3 above) having value ascertained of Rs. 17,448/- are also found liable for confiscation under Section 111 (d) and 111(o) of the Customs Act, 1962.**

8.5 Further, it is found in case of import of the goods "**Women Slippers /Flip Flops**" (**mentioned at Sr. No. 13 of the table at Para-2.3 above**) by the said importer that the said goods neither found to be having BIS licence/certification nor marked with ISI and BIS license number. Accordingly, import of the subject goods in the instant case appears to be in violation of the provisions of Foreign Trade Policy read with Bureau of Indian Standard Act, 2016. Thus, it appears that the said goods imported without accompanied with BIS licence/certification or marked with ISI and BIS license number, in violation and contrary to condition imposed vide BIS, 2016 read with Quality Control Order issued by the Government of India, rendering the said goods as 'prohibited' for import into India. **Accordingly, the said goods i.e. "Women Slippers /Flip Flops"** (mentioned at Sr. No. 13 of the table at Para-2.3 above) having value ascertained of Rs. 2,76,175/- are also found liable for confiscation under Section 111 (d) and 111(o) of the Customs Act, 1962.

8.6 In view of the above, it is found that the importer has mis declared the items under import vide SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025 in terms of description and value thereof. Therefore, it appears that the importer has contravened Section 14 and Section 46 of the Customs Act, 1962 read with Rule 11 of the CVR, 2007 in as much as the failed to declare correct value of the goods in the Customs document filed by them. These acts of omission and commission on the part of importer has made **the imported goods [as mentioned in the table at Para-2.3 & Para- 2.5 above (except the items at Sr. No. 11 & 13 of the said table)] having re-determined value of Rs. 19,84,392/-** covered under SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025 liable for confiscation under Section 111 (l) & (m) of the Act, *ibid* and has thus rendered themselves liable for penal action under Section 112 (a) (ii) of the Customs Act, 1962.

8.7 Further, it also appears that the acts of omission and commission on the part of importer have made **the imported goods i.e. Screws (mentioned at Sr. No. 11 of the table at Para-2.3 above) having re-determined value of Rs. 17,448/- and Women Slippers /Flip Flops" (mentioned at Sr. No. 13 of the table at Para-2.3 above) having re- determined value of Rs. 2,76,175/-** covered under SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025 liable for confiscation under Section 111 (d), 111 (l), 111 (m) & 111(o) of the Act, *ibid* and has thus rendered themselves liable for

penal action under Section 112 (a) (i) of the Customs Act, 1962.

8.8 In the instant case, as mentioned in Para-2.1 and 2.3 above the goods imported vide the SEZ Bill of Entry No. 8091169 dated 30.01.2025 have been found grossly mis-declared by the said importer in the said Bill of Entry. Further, Section 114AA of the Customs Act, 1962, prescribed that “*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*”. Accordingly, in the instant case, it also appears that the importer made themselves liable to the penalty leviable under said Section 114AA of the said Act.

8.9 Furthermore, it appears that by mis-declaring the description, quantity and accordingly, value of the goods under import, the importer has also short levied the duty amounting to **Rs. 9,23,236/- (BCD- 7,14,370/-+ SWS-(-) 177/- + IGST- 2,09,043/-** (as tabulated at para-6 above)) which is required to be added into the respective DTA Bill of Entry, likely to be filed by the importer.

9. WAIVER OF NOTICE AND PERSONAL HEARING: -

The said importer vide their letter dated 08.03.2025 also submitted that they do not want any show cause notice or personal hearing in this matter and they are ready to pay whatever duty, penalty, redemption fine or other charges as imposed by the Competent Authority under the provisions of Customs Law. Importer vide letter dated 17.07.2025 has requested to allow the goods i.e. screws and women slippers for re-export purpose.

10. In view of the above, it appears that: -

- i. The declared value, i.e. **Rs. 7,44,604.84/-** of the consignment covered under Ware House/Z Type **SEZ Bill of Entry No. 8091169 dated 30.01.2025** is liable to be rejected at the time of filing DTA B.E, under Rule 12 of the CVR, 2007 and required to be re-determined at **Rs. 22,78,015/-** as opined by the CE report at the time of filling of DTA Bill of Entry in terms of Rule 9 of the Rules, *ibid*, read with Rule 47 of the SEZ Rules, 2006;
- ii. **The imported goods i.e. Screws (mentioned at Sr. No. 11 of the table at Para-2.3 above) having re-determined value of Rs. 17,448/- and Women Slippers /Flip Flops" (mentioned at Sr. No. 13 of the table at Para-2.3 above) having re- determined value of Rs. 2,76,175/- are liable for confiscation under Section 111 (d), 111 (l), 111 (m) & 111(o) of the Act, *ibid*;**

- iii. **The imported goods [as mentioned in the table at Para-2.3 above (except the items at Sr. No. 11 & 13 of the said table)] having re-determined value of Rs. 19,84,392/- are liable for confiscation under Section 111 (l) & (m) of the Act, *ibid*;**
- iv. The imported goods are required to be re-assessed as discussed in the foregoing paras, as the goods as well as quantity have been found mis-declared by the importer. The differential duty amounting to **Rs. 9,23,236/- (BCD- 7,14,370/-+ SWS-(-) 177/-+ IGST- 2,09,043/-** short levied on the imported items by the importer is required to be added (in addition to the total amount of **Rs. 2,58,847/-** declared as duty in the Z Type SEZ Bill of Entry No. 8091169 dated 30.01.2025) into the DTA Bill of Entry, likely to be filed by the importer.
- v. Penalty under Section 112 (a) (i) and under Section 112 (a) (ii) of Customs Act, 1962 is imposable upon the importer, as discussed in Para-8.6 and Para-8.7 above.
- vi. Penalty under Section 114AA of Customs Act, 1962 is imposable upon the importer as discussed in Para-8.8 above.

7. Discussions and Findings

7.1 I have carefully gone through the Investigation report dated 17.06.2025 issued by Deputy Commissioner of Customs (SIIB), Mundra Customs House and other records of the case. I find that representative of Importer M/s BestP Sales LLP vide letter dated 08.03.2025 has requested for waiver of issuance of Show Cause Notice and personal hearing. Hence, I proceed to decide the case on the basis of the documentary evidences available on records. The main issues before me in this case are to be decided as mentioned below:

- a) Whether the declared value, i.e. **Rs. 7,44,604.84/-** of the consignment covered under Ware House/Z Type **SEZ Bill of Entry No. 8091169 dated 30.01.2025** is liable to be rejected under Rule 12 of the CVR, 2007 and required to be re-determined at **Rs. 22,78,015/-** in terms of Rule 9 of the CVR, 2007.
- b) Whether the **imported goods i.e. Screws having re-determined value of Rs. 17,448/- and Women Slippers /Flip Flops" (mentioned at Sr. No. 13 of the table at Para-2.3 above) having re- determined value of Rs. 2,76,175/-** are liable for confiscation under Section 111 (d), 111 (l), 111 (m) & 111(o) of the Customs Act.
- c) Whether **the imported goods [as mentioned in the table at Para-2.3 above (except the items at Sr. No. 11 & 13 of the said table)] having re-determined value of Rs. 19,84,392/-** are liable for confiscation under Section 111 (l) & (m) of the Customs Act, 1962.

d) Whether the imported goods are required to be re-assessed as discussed in the foregoing paras, as the goods as well as quantity have been found mis-declared by the importer. The differential duty amounting to **Rs. 9,23,236/- (BCD-7,14,370/-+ SWS-(-) 177/-+ IGST- 2,09,043/-** short levied on the imported items by the importer is required to be added (in addition to the total amount of **Rs. 2,58,847/-** declared as duty in the Z Type SEZ Bill of Entry No. 8091169 dated 30.01.2025).

e) Whether penalty under Section 112 (a) (i) and under Section 112 (a) (ii) of Customs Act, 1962 is imposable upon the importer.

f) Whether Penalty under Section 114AA of Customs Act, 1962 is imposable upon the importer.

7.2 I find that as per the specific information, consignment of goods imported by the importer namely M/s. BestP Sales LLP, 12/1, Gali Khari Kuan, Chawri Bazar, Delhi- 110006 (IEC: AAVFB2811P/0) & destined to INAJM6 (Mundra SEZ) [consigned at M/s Shoolin Trade Link LLP (a APSEZ Unit at Mundra) and covered under SEZ Z Type B.E. No. 8091169 dated 30.01.2025] was put on hold for 100% examination by SIIB, Customs House, Mundra.

7.3 I find that description of goods as mentioned in the SEZ Bill of Entry No.8091169 dated 30- 01-2025 were as under:

S No	CTH	Description	Quantity	UQC
1	61102000	Girls Sweater	170	PCS
2	42022290	Ladies Handbags	7880	PCS
3	61062010	Girls Top	490	PCS
4	85177990	Mobile Phone Holder	2565	PCS
	94032090	Visitor Chair	1248	PCS
5	62043390	Girls Women Jacket	3270	PCS
6	96062100	Garments Accessories (Button, Revits)	525	Kgs
Total number of packages declared in Bill of Entry No. 8091169 dated 30.01.2025 are 659 Packages.				

7.4 I find that during examination of the goods, following goods were found as detailed below:

Sr No	Description of Goods	Total No of Packages of related goods	Quantity	Unit of Quantity

1	Boys Casual Trouser	2 PKGS	185	Nos
2	Children Jeans Pants	1 PKG	150	Nos
3	Hoodies	1 PKG	150	Nos
4	Ladies 2 Pcs Set	1 PKG	100	Nos
5	Ladies Casual Pants	3 PKGS	240	Nos
6	Men Casual Pants	13 PKGS	1281	Nos
7	Men Hoodies	29 PKGS	2854	Nos
8	Men Shirts (Full Sleeves)	3 PKGS	370	Nos
9	Men T Shirts (Full Sleeves)	119 PKGS	13040	Nos
10	Men Winter Jacket	3 PKGS	242	Nos
11	Screw	8 PKGS	120	Kgs
12	Track Suits (2 Pcs: Upper and Lower) of Children	1 PKG	68	Nos
13	Women Sleepers /Flip Flops	119 PKGS	12100	Nos
Total: 303 Packages				

7.5 I find that the total number of packages and the description of the goods are found totally different than the same declared in the SEZ Bill of Entry No. 8091169 dated 30-01-2025. During the statement of Shri. Shobhit Gupta, Partner of said importer namely M/s. BestP Sales LLP recorded on 28.02.2025 under Section 108 of Customs Act, 1962 also agreed with the facts that the goods found during the examination are totally different than the same as declared under the respective SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 for import of the said consignment. The said importer vide their letter dated 08.03.2025 also submitted that in this regard, they asked their supplier and they replied that this was happened due to rush of loading and mistake of their staff and hence, cargo was wrongly supplied.

7.6 I find that, the goods imported by the said Importer covered under SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 are mis-declared. The assessable value of the imported items declared by the importer under Rule 3 of the Customs Valuation (Determination of value of imported goods) Rules, 2007 in the SEZ- Z Type B.E as Rs. 7,44,604.84/- [5598 USD (C&I Invoice value) + 2950 USD (Freight)] liable to be rejected in terms of Rule 12 of the Rules, *ibid*. Efforts were made to find out the correct assessable value of the imported goods. It was observed that the imported goods were found in different variety, description, specification and quality, 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. 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. 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. 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. Hence, valuation of the goods is to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empanelled Chartered Engineer was sought for determination of the value of the goods under import. The empanelled Chartered Engineer Shri Ajay Jhala has submitted his observations vide report ABJ:INSP:CE:SIIB:RC:24-25:01 dated 05.03.2025. The Empanelled CE has ascertained the C&I value of the imported consignment **23204 USD** as item-wise details mentioned here under:

Sr.N o.	Description of goods	No. of Pkgs.	Qty.	Per Unit C& I value (USD) ascertained by CE	Total C&I Value (USD) ascertained by CE
1	Boys Casual Trouser	2 PKGS	185	1.03	191
2	Children Jeans Pants	1 PKG	150	0.93	139
3	Hoodies	1 PKG	150	1.29	194
4	Ladies 2 Pcs Set	1 PKG	100	1.29	129
5	Ladies Casual Pants	3 PKGS	240	1.03	248
6	Men Casual Pants	13 PKGS	1281	1.03	1324
7	Men Hoodies	29 PKGS	2854	1.29	3686
8	Men Shirts (Full Sleeves)	3 PKGS	370	1.03	382
9	Men T Shirts (Full Sleeves)	119 PKGS	13040	1.03	13474
10	Men Winter Jacket	3 PKGS	242	1.55	375
11	Screw	8 PKGS	120	1.48	178
	Track Suits (2 Pcs: Upper	1	68		

12	and Lower) of Children	PKG		1.03	70
13	Women Sleepers /Flip Flops	119 PKGS	1210 0	0.23	2813
TOTAL C&I VALUE (USD)					23204
Freight as declared in B.E (USD)					2950
Total Assessable Value (in USD)					26154
Total Assessable Value (in INR) ascertained as per Chartered Engineer (1 USD @ Rs. 87.10)					22,78,015/-

7.7 Further, I find that the importer has declared the total assessable value of the consignment as **Rs. 7,44,604.84/- [5598.85 USD (C&I Invoice Value) + 2950 USD (Freight)]** in the SEZ Z Type Bill of Entry. However, as per the report submitted by the Chartered Engineer the suggestive value of the consignment is **Rs. 22,78,015/-**. Thus, it appears that the subjected consignment has been undervalued to the extent of **Rs. 15,33,410.16/-** on account of mis-declaration of the imported goods by the said importer.

7.8 I find that in the present matter, DTA Bill of Entry has not been filed till dated. As per rule 47 (4) of the SEZ Rules, 2006 which reads as 4) Valuation and assessment of the goods cleared into Domestic Tariff Area shall be made in accordance with Customs act and rules made thereunder, Further as per Rules 48(2) of the SEZ rules, valuation of the goods and or services cleared into Domestic Tariff Area shall be determined in accordance with provisions of Customs Act and rules made thereunder as applicable to goods when imported into India. I find that the importer has filed a SEZ WH/Z Type Bill of Entry for Home consumption without any mention of re-export, and during self-assessment, they have levied the applicable BCD instead of recognizing the non-applicability of BCD in the case of re-export. Additionally, it should be noted that when goods are imported for re-export purposes, this must be declared in the import Bill of Entry (BOE). Upon examining the submitted documents, it is clear that the invoice and packing list were issued to the buyer/consignee declared as the importer in the Bill of Entry and the Bill of Lading listed the importer as the consignee. Furthermore, a warehouse/Z Type BOE is typically filed when goods are imported and stored in a bonded warehouse without immediate payment of customs duties. The duties are deferred until the goods are either cleared for domestic consumption or re-exported. During the self-assessment process, the importer levied the applicable BCD, which further supports the interpretation that the goods were not intended for re-export. In the case of goods meant for re-export, the BCD would be zero, and this should be explicitly stated. The self-assessment process allows importers to declare the classification and applicable duties on imported goods. By levying the BCD, the importer effectively confirmed that the goods were meant for domestic clearance (DTA) and not for re-export. Therefore, based on these facts, it is evident that, though the SEZ Unit/Importer did not file a DTA BE, but the available information supports

the conclusion that the goods were intended for DTA clearance only. Thus, the valuation of the imported items needs to be rejected under Rule 12 of the CVR, 2007 and needs to be redetermined. The valuation of all the items under import is required to be redetermined under Rule of the CVR, 2007. The Importer vide letter dated 08.03.2025 submitted that they agreed with the value ascertained for each of the products by the empanelled chartered engineer as per his report dated 05.03.25.

7.9 Further, I find that representative samples of the items [except items mentioned at Sr. no. 11 & 13 of Table-2] drawn during examination proceedings were sent to CRCL, Kandla for testing of the fabrics thereof. Test Reports in cases of samples sent through Test Memo No 03/2025-26 dated 04.04.2025 to 13/2025-26 dated 04.04.2025 has been received from CRCL, Kandla and brief of the same is as under:

Sr No	Test Memo No & Date	Description of the Goods as found during examination	Test Report No & Date (CRCL, Kandla)	Results as per Test Report
(1)	03/2024-25 dated 04.04.2025	Boys Casual Trouser	202 dated 23.04.2025	The base woven fabric is composed of cotton yarn with lycra. Elastic tape (8.8%) is made of polyester filament yarn with rubber thread having inner white woven fabric (0.8%) is composed of polyester filament yarn. % of Composition of base fabric Cotton=96.7% Lycra=Balance
(2)	04/2024-25 dated 04.04.2025	Children Jeans Pants	203 dated 07.05.2025	The sample is in form of a yarn dyed woven readymade textile article (children jeans pant) fitted with elastic tape in waist position and one metallic button in front pocket. The base fabric (denim type) is composed of cotton yarn and lycra. Elastic tape is made of polyester filament yarn with rubber thread. % Composition base fabric:- Cotton=96.6% Lycra=Balance
(3)	05/2024-25 dated 04.04.2025	Hoodies	204 dated 23.04.2025	The sample is in the form of assorted coloured knitted readymade textile article (T-Shirt with hood) having hood part containing lace and flower designed in front. The base fabric is composed of cotton yarn and boarder (arm T-shirt) are composed of cotton yarn with small amount of lycra. Flower (woven fabric) and lace (knitted fabric) is composed of polyester filament yarn.

				% Composition: Total-Cotton=95.87% by wt Polyester=3.53% Lycra=balance
(4)	06/2024- 25 dated 04.04.202 5	Ladies 2Pcs Set	205 dated 24.04.202 5	The sample is in the form of a dyed and printed woven readymade textile article (two piece set- supper & lower). Upper part having three plastic button in front side. The base is composed of viscose spun yarn. Lower part fitted with elastic tape in waist position. The base fabric is composed of viscose spun yarn. Elastic tape (3.5%) is made of polyester filament yarn with rubber thread.
(5)	07/2024- 25 dated 04.04.202 5	Ladies Causal Pants	206 dated 07.05.202 5	The sample is in the form of a dyed (black coloured) knitted readymade textile article (lower) fitted with elastic tape and knotting cord in waist. The base fabric is composed of polyester filament yarn (textured) and cotton spun yarn. Elastic tape is made of polyester filament yarn with rubber thread and knotting cord is made of polyester filament yarn. % Composition base fabric Polyester=55.16% Cotton=Balance
(6)	08/2024- 25 dated 04.04.202 5	Men's Casual Pants	207 dated 08.05.202 5	The base fabric is composed of polyester filament yarn with rubber thread and knotting cord is made of polyester filament yarn. % of Elastic tape=4.7% Knotting cord=1.7% Base Fabric=balance % of Composition of Base Fabric:- Polyester=55.29% Cotton=Balance
(7)	09/2024- 25 dated 04.04.202 5	Men's Hoodies	208 dated 25.04.202 5	The sample is in the form of white (undyed) readymade textile article (Full Sleeve T-Shirt with hood) having metallic chain (3.1%) in hood part. It is made of two layered bonded fabric adhered to each other with adhesive material. Upper layer is composed of polyester filament yarn and blended spun yarn of polyester and cotton. Lower layer is composed of polyester filament yarn along with lycra. % Composition of Fabric: Polyester=62.40% Cotton=33.18% Lycra=3.82% Adhesive=Balance
(8)	10/2024- 25 dated 04.04.202 5	Men's Shirt (Full Sleeves)	209 dated 15.05.202 5	The sample is dyed knitted readymade textile article (full sleeves shirt) fitted with nine numbers of polymeric coated metallic buttons It is made of nylon filament yarns together with Lycra. % Composition of fabric:

				Nylon=81.22 Lycra=39.37
(9)	11/2024- 25 dated 04.04.202 5	Men's T Shirts (Full Sleeves)	210 dated 07.05.202 5	It is made of polyester filament yarns and cotton yarns having small amount of Lycra at waist, neck and wrist position. % Composition: Polyester=60.17% Cotton=39.37% Lycra= balance
(10)	12/2024- 25 dated 04.04.202 5	Men's Winte r Jacke t	211 dated 06.05.202 5	The base fabric is printed woven fabric made of wholly polyester filaments yarns. Lining material is dyed (black coloured) woven fabric made of wholly polyester filaments yarns. Elastic fabric is dyed (black coloured), knitted fabric made of polyester filaments yarns (95.40 % by wt.) and Lycra (balance) and metallic zip.
(11)	13/2024- 25 dated 04.04.202 5	Track Suits (2 Pcs: Upper & Lower) of Children	212 dated 16.05.202 5	Upper part is made of dyed and printed knitted fabric. The base fabric is composed of polyester filament yarns and cotton yarns. It has cotton yarns together with Lycra at wrists, waist and neck position. % Composition of Upper Part: Cotton =81.3% Polyester=17.5% Lycra= Balance Lower part fitted with elastic tape in waist position is made of dyed (black coloured) knitted fabric. The base fabric is composed of polyester filament yarns and cotton yarns. It has polyester filament yarns, cotton yarns and elastomeric yarns at ankle position. % Composition Cotton=71.2 % Polyester=23.7 % Elastomeric tape & Lycra= balance

7.10 I find that as per the examination of the goods and considering the nature & quality of each of the products as well as Test Reports received from CRCL, Kandla as mentioned in Para-7.9 above, it is found that the imported goods covered under SEZ WH Bill of Entry No. 8091169 dated 30-01-2025 are appropriately classifiable under CTH [as mentioned in column-5 of the table below] of the schedule to the Customs Tariff Act, 1975.

Sr.No	Description of goods	No. of Pkgs.	Qty.	Appropriate CTH
1	2	3	4	5
1	Boys Casual Trouser	2	185	62034290
2	Children Jeans Pants	1	150	62034290
3	Hoodies	1	150	61012000

4	Ladies 2 Pcs Set	1	100	62044490
5	Ladies Casual Pants	3	240	61046300
6	Men Casual Pants	13	1281	62034990
7	Men Hoodies	29	2854	62019090
8	Men Shirts (Full Sleeves)	3	370	61059090
9	Men T Shirts (Full Sleeves)	119	1304 0	61099090
10	Men Winter Jacket	3	242	62033990
11	Screw (Self tapping screws)	8	120	73181400
12	Track Suits (2 Pcs: Upper and Lower) of Children	1	68	61119090
13	Women Slippers /Flip Flops	119	1210 0	64029990

7.11 I find that in respect of the goods i.e. Screw (self-tapping screws) mentioned at Sr. No. 11 of the table at Para-7.10 above) appropriately classifiable under CTH-73181400 of schedule to CTA, 1975, it is found that in terms of the Notification No. 17/2015-2020 dated 05.09.2019 read with Notification No. 33/2015-2020 dated 28.09.2020 issued by DGFT, the Import Policy condition for the said item has been revised from 'free' to 'free subject to compulsory registration under Steel Import Monitoring System (SIMS)' and accordingly, Import thereof shall require compulsory registration under Steel Import Monitoring System (SIMS). Further, it is also found that in term of Notification No. 55/2023 dated 03.01.2024 issued by DGFT, the import policy of Screws under ITC (HS) Codes 73181400 is revised from "Free" to "Prohibited" [However, import is "Free" if CIF value is Rs. 129/- or above per Kg and subject to Policy condition no. 2 and 3 of this Chapter].

7.12 I find that in the instant case, the importer vide their letter dated 24.03.2025 submitted that they have neither applied nor holding the Compulsory registration under Steel Import Monitoring System (SIMS) in terms of Notification No. 33/2015-2020 dated 29.09.2020 issued by DGFT. Further, it is also found that the said goods i.e. Screw (self-tapping screws) has not been declared by the said importer in the SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 filed by them in respect of the import of the said consignment. Accordingly, it is clear that in case of import of the said goods i.e. **Screws under ITC (HS) Codes 73181400 (mentioned at Sr. No. 11 of the table at Para-7.10 above)** by the said importer, the conditions of 'Compulsory registration under Steel Import Monitoring System (SIMS)' as well as Minimum Import Price condition have not been complied or observed. Hence the import of the said goods i.e. Screws under ITC (HS) Codes 73181400) by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30.01.2025 **is in violation of the provisions being non-observance of conditions and accordingly, contrary to**

the prohibition imposed by Foreign Trade Policy.

7.13. Further, I find that in terms of “The Footwear made from All Rubber and all Polymeric Material and its Components (Quality Control) Order, 2024”, it is found that in respect of import of goods namely “Sandal and Slippers”, Indian Standard IS 6721:2023 has been made applicable. The said order also mandates that the said goods shall conform to the corresponding Indian Standard and shall bear the Standard Mark under a licence from the Bureau as per Scheme-I of Schedule-II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018. As per the nature and description of the goods, “Women Sleepers /Flip Flops” (mentioned at Sr. No. 13 of the table at Para-7.10 above) appropriately classifiable under ITC (HS) Codes 64029990 imported by the said importer vide SEZ Z Type Bill of Entry No.8091169 dated 30-01-2025 is subjected to the provisions made vide the said “The Footwear made from All Rubber and all Polymeric Material and its Components (Quality Control) Order, 2024. However, during the examination it is noticed that the said goods i.e. “Women Slippers /Flip Flops” (mentioned at Sr. No. 13 of the table at Para-7.10 above) imported by the said importer vide SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 does not bear the Standard Mark under a licence from the Bureau as per Scheme-I of Schedule-II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018. Further, the importer also vide their letter dated 24.03.2025 agreed that neither the said goods are having any BIS marking affix thereon nor the overseas supplier/manufacturer is having any registration under the provisions of the BIS Act, 2016. Furthermore, as per para 2.03 of the Foreign Trade Policy (FTP)-2023, 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. As per Section 15 (1) of the Bureau of Indian Standards Act, 2016 (BIS, 2016) *“No person shall import, distribute, sell, store or exhibit for sale, any goods or article under sub-section (1) of section 14, except under certification from the Bureau”*. In the instant case, import of the said goods “Women Slippers /Flip Flops” made by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 neither found to be having BIS licence/certification nor marked with ISI and BIS license number. Accordingly, import of the subject goods in the instant case are in violation of the provisions of Foreign Trade Policy read with Bureau of Indian Standard Act, 2016. Thus, the said goods imported without accompanied with BIS licence/certification or marked with ISI and BIS license number, in violation and contrary to condition imposed vide BIS, 2016 read with Quality Control Order issued by the Government of India, rendering the said goods as ‘prohibited’ for import into India.

7.14 I find that the total Customs Duty leviable on the goods imported by the

said importer under SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 (except the items mentioned at Sr. No. 11 (Screw) & 13 (Women Slippers /Flip Flops) of the table at Para-7.10 above) is worked out herebelow:

Sr. No.	Description of goods	No. of Pkgs.	Qty.	Appropriate CTH	ASS. Value Re-determined (INR)	BCD	IGST	SWS
1	Boys Casual Trouser	2	185	62034290	18765	24975	5249	0
2	Children Jeans Pants	1	150	62034290	13694	20250	4073	0
3	Hoodies	1	150	61012000	19020	3804	1160	380
4	Ladies 2 Pcs Set	1	100	62044490	12680	14500	3262	0
5	Ladies Casual Pants	3	240	61046300	24346	4869	3564	487
6	Men Casual Pants	13	1281	62034990	129947	25989	19024	2599
7	Men Hoodies	29	2854	62019090	361889	72378	22075	7238
8	Men Shirts (Full Sleeves)	3	370	61059090	37533	33300	8500	0
9	Men T Shirts (Full Sleeves)	119	13040	61099090	1322797	652000	236976	0
10	Men Winter Jacket	3	242	62033990	36822	7364	5391	736
11	Screw	8	120	73181400	17448	N.A	N.A	N.A
12	Track Suits (2 Pcs: Upper and Lower) of Children	1	68	61119090	6898	1380	421	138
13	Women Sleepers /Flip Flops	119	12100	64029990	276175	N.A	N.A	N.A
				Total		860809	309695	11578
Total Customs duty leviable (Except Items at Sr. No. 11 & 13)							1182082	
Customs duty declared as per B.E.							258847	
Differential Customs duty to be paid (Except Items at Sr. No. 11 & 13)							923235	

7.15 From the discussions above, I find that the importer has filed SEZ Ware House/Z Type Bill of Entry No. 8091169 dated 30-01-2025 for import of Misc items. Upon investigation, it was noticed that the items under import were mis-declared (description as well as quantity wise) and accordingly mis-classified which attracts lower rate of Customs duty. Furthermore, the assessable value of the items under import also found suspected to be mis-declared. Therefore, value of the consignments declared by the importer under Rule 3 of the Customs Valuation (Determination of value of imported goods) Rules, 2007 ('CV Rules' for sake of brevity) is liable to be rejected in terms of Rule 12 of the Rules, *ibid*.

Since, the items found during the examination are of unbranded 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 was found to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empanelled Chartered Engineer was sought for determination of the value of the goods under import. Further, as per the empanelled Chartered Engineer report, the value of the consignment under import is ascertained to **Rs. 22,78,015/-** against declared value of **Rs. 7,44,604/-**. Thus, it appears that the subjected consignment was undervalued to the tune of to the tune of **Rs. 15,33,411/-** on account of mis-declaration of the imported goods by the said importer. Thus, by way of mis-declaration of the items under import, as worked out at Para-7.14 above, **short levy of the Customs duty to the tune of Rs. 9,23,236/- (BCD- 7,14,370/-+ SWS-(-) 177/- + IGST- 2,09,043/-** (as tabulated above) has been detected in the present case. It is pertinent to mention that the goods/the items mentioned at Sr. No. 11 (Screw) & 13 (Women Slippers /Flip Flops) of the are found to be 'prohibited' for import, the Customs duty leviable thereon has not been worked out and taken into consideration in the said differential duty. I find that goods imported by the said importer having assessable value ascertained to Rs. 22,78,015/- are not included in the SEZ Ware House/Z Type Bill of Entry for Home Consumption No. 8091169 dated 30-01-2025 filed by the said importer as well as do not correspond in respect of value and particulars thereof. Hence, the said goods (as mentioned in Para-7.6 above) having assessable value ascertained to Rs. 22,78,015/- are found liable for confiscation under Section 111 (l) and 111 (m) of the Customs Act, 1962. Further I find that Screws (mentioned at Sr. No. 11 of the table at Para-2.3 above) by the said importer that the conditions of 'Compulsory registration under Steel Import Monitoring System (SIMS)' as well as Minimum Import Price as mentioned in Para-7.11 and Para-7.12 above have not been complied or observed. Hence, the import of the said goods i.e. Screws under ITC (HS) Codes 73181400 by the said importer SEZ Z Type Bill of Entry No. 8091169 dated 30-01-2025 is in violation of the provisions being non-observance of conditions and contrary to the prohibition imposed by Foreign Trade Policy. Accordingly, the said goods i.e. **Screws having value ascertained of Rs. 17,448/- are also found liable for confiscation under Section 111 (d), (l), (m) and 111(o) of the Customs Act, 1962. Further**, it is found in case of import of the goods "**Women Slippers /Flip Flops**" (**mentioned at Sr. No. 13 of the table at Para-7.6 above**) by the said importer that the said goods neither found to be having BIS licence/certification nor marked with ISI and BIS license number. Accordingly, import of the subject goods in the instant case appears to be in violation of the provisions of Foreign Trade Policy read with Bureau of Indian Standard Act, 2016. Thus, the said goods imported without accompanied with BIS licence/certification or marked with ISI and BIS license number, in violation and contrary to condition imposed vide BIS, 2016 read with Quality Control Order issued by the Government of India,

rendering the said goods as 'prohibited' for import into India. **Accordingly, the said goods i.e. "Women Slippers /Flip Flops"** (mentioned at Sr. No. 13 of the table at Para-2.3 above) having value ascertained of Rs. 2,76,175/- are also found liable for confiscation under Section 111 (d), (l), (m) and 111(o) of the Customs Act, 1962. Importer vide letter dated 17.07.2025 has requested to allow these goods i.e. screws and Women slippers/Flip Flops for re-export.

7.16 Further, I find that by the act of omission and commission on the part of M/s BestP Sales LLP, they have violated the provisions of Section 46 (4A) which stipulates that while presenting the Bill of Entry Importer have to ensure the accuracy and completeness of the information and authenticity and validity of any document supporting it. **Section 17 (1) & Section 2 (2) of the Customs Act, 1962 read with CBIC Circular No. 17/2011- Customs dated 08.04.2011**, cast a heightened responsibility and onus on the importer to determine duty, classification etc. by way of self-assessment. The importer, at the time of self-assessment, is required to ensure that he declared the correct classification, country of origin, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported goods while presenting the Bill of Entry. By violating the provisions of Section 46(4) and Section 17 of the Customs Act, 1962 and mis-declaring the imported goods in terms of quantity, value and classification and by not including imported goods in Entry, the Importer has led the goods (except screws and Women slippers) rendered for confiscation under Section 111(l) and Section 111(m) of the Customs Act, 1962. Further, Importer have rendered themselves liable for penalty under section 112(a) (ii) of the Customs Act, 1962 which stipulates that any person who, in relation to any dutiable 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 will be liable for penalty for improper importation of goods. Further, in respect of goods Screws and Women Slippers/Flip Flops, importer has rendered the goods liable for confiscation under Section 111 (d), (l), (m) and (o) of the Customs Act, 1962 and also rendered themselves penalty under Section 112 (a) (i) of the Customs Act, 1962. Further, importer has knowingly and intentionally used Bill of Lading, invoices and packing list while filing Bill of Entry, these documents contain incorrect or false material particulars regarding the quantity, and description of the goods imported by them. Accordingly, the importer has rendered themselves liable for penalty under Section 114AA of the Customs Act, 1962 which stipulates that if a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or documents which is false or incorrect in any material particular in the transaction of any businesses for the purpose of this Act would be liable for penalty.

8. In view of the above discussions, I pass the following order:

ORDER

8.1 I hold that the declared value, i.e. **Rs. 7,44,605/-** (*Seven Lakh Forty-Four Thousand Six Hundred and Five Only*) of the consignment covered under Ware House/Z Type SEZ Bill of Entry No. 8091169 dated 30.01.2025 is liable to be rejected under Rule 12 of the CVR, 2007 and required to be re-determined at **Rs. 22,78,015/-** (*Rupees Twenty-Two Lakh Seventy-Eight Thousand and Fifteen Only*) under Rule 9 of the CVR, 2007.

8.2 I hold that the imported goods except Screws and Women Slippers/Flip Flops having re-determined value of **Rs. 19,84,392/-** (*Rupees Nineteen Lakh Eighty-Four Thousand Three Hundred and Ninety-Two Only*) are liable for confiscation under Section 111 (l) & (m) of the Customs Act, 1962. However, I give an option to redeem the goods on payment of redemption fine of **Rs. 1,90,000 /-** (*Rupees One Lakh Ninety Thousand Only*) under Section 125 of the Customs Act, 1962.

8.3 I hold that the imported goods i.e. Screws (mentioned at Sr. No. 11 of the table at Para-7.6 above) having re-determined value of **Rs. 17,448/-** (*Seventeen Thousand Four Hundred and Forty-Eight Only*) and Women Slippers /Flip Flops (mentioned at Sr. No. 13 of the table at Para-7.6 above) having re- determined value of **Rs. 2,76,175/-** (*Rupees Two Lakh Seventy-Six Thousand One Hundred Seventy-Five Only*) are liable for confiscation under Section 111 (d), 111 (l), 111 (m) & 111(o) of the Customs Act, 1962. However, I give an option to redeem these goods for re-export purpose only on payment of redemption fine of **Rs. 30,000/-** (*Rupees Thirty Thousand Only*) under Section 125 of the Customs Act, 1962.

8.4 I order to re-assess the Bill of Entry 8091169 dated 30.01.2025 accordingly under Section 17(4) of the Customs Act, 1962 with total consequential duty of **Rs. 11,82,082/-** (*Rupees Eleven Lakh Eighty-Two Thousand and Eighty-Two Only*) and differential duty of **Rs. 9,23,236/-** (*Rupees Nine Lakh Twenty-Three Thousand Two Hundred and Thirty-Six Only*).

8.5. I impose penalty of **Rs. 30,000/-** (*Rupees Thirty Thousand Only*) on M/s BestP Sales LLP under Section 112 (a) (i) of the Customs Act, 1962 for the goods mentioned in para 8.3.

8.6 I impose penalty of **Rs. 90,000/-** (*Rupees Ninety Thousand Only*) on M/s BestP Sales LLP under Section 112 (a) (ii) of the Customs Act, 1962 for the goods mentioned in para 8.2.

8.7 I impose penalty of **Rs. 1,00,000/-** (*Rupees One Lakh Only*) on M/s BestP Sales LLP under Section 114AA of the Customs Act, 1962.

9. This OIO 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 there under or under any other law for the time being in force.

(Dipak Zala)
Addl. Commissioner of Customs
Customs House, Mundra

BY Speed Post A.D / E-mail

To, (The Noticee):-

M/s. BestP Sales LLP

12/1, Gali Khari Kuan, Chawri Bazar,

Delhi-110006

Copy to:

1. The Addl. Commissioner (SIIB), Customs House, Mundra.
2. The Deputy/Assistant Commissioner, TRC Mundra
3. The Deputy Commissioner, RRA Customs House, Mundra.
4. The Deputy/ Assistant Commissioner (EDI), Custom House, Mundra.
5. Notice Board.
6. Guard File