

	OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOM HOUSE: MUNDRA, KUTCH MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA-370421 Phone No.02838-271423/271426
File No.	: CUS/APR/INV/128/2026-EA-O/o Pr Commr-Cus-Mundra
Order-in-Original No.	: MCH/ADC/AKM/672/2025-26
Passed by	: Amit Kumar Mishra, Additional Commissioner of Customs, Custom House, AP & SEZ, Mundra.
Date of order /Date of issue	: 25-02-2026
Show Cause Notice No. & Date	: SCN and PH waiver
Noticee(s)/Party/Exporter	: M/s. Adani Food Products Private Limited, Lodhika GIDC, Plot No. E6 and 7B, Road Kalawad, Road, Vill. Matoda, Tal. Lodhika, Dist. Rajkot.
DIN	: 20260271MO00000BC4F

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),
7 वीं मंजिल, मृदुल टावर, टाइम्स ऑफ इंडिया के पीछे, आश्रम रोड़, अहमदाबाद 380 009’
“THE COMMISSIONER OF CUSTOMS (APPEALS),
Having his office at 7th Floor, Mridul Tower, Behind Times of India,
Ashram Road, 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 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 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, 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

A case has been transferred from the Docks Examination, Custom House Mundra to Special Intelligence and Investigation Branch, Custom House, Mundra related to the shipping bill no. 5053048 dated 05.09.2025 filed by M/s. Adani Food Products Private Limited, Lodhika GIDC, Plot No. E6 and 7B, Road Kalawad, Road, Vill. Matoda, Tal. Lodhika, Dist. Rajkot (hereinafter referred to as 'the exporter'), having IEC No. 2499001186. The goods are having FOB value of **Rs. 97,66,513/-**. The shipping bill has been filed at Mundra port through their CHA M/s D L Shipping Services (hereinafter referred to as CB) for the export of following two items to Jebel Ali, UAE:

Table-A

Sr. No.	Item Description	HSN Code	Quantity (MTS)	FOB value (INR)
1	Black Pepper Steralized	09041190	10	65,02,050/-
2	Cumin Seeds	09093129	17	32,64,463/-
TOTAL				97,66,513/-

2. The 10 MTs of Black Pepper declared in the shipping bill were stated to have been procured under **Advance Authorization No. 2411003845 dated 11.09.2024**. However, during examination of the export consignment, the Docks Officers observed that only 27 MTs of Cumin Seeds were present, and no Black Pepper was found in the consignment. In view of the apparent discrepancy between the declared description and the goods actually found, the matter was referred to the SIIB for further investigation.

INVESTIGATION

3. Thereafter, the goods were again examined on 27.09.2025 under a Panchnama in the presence of Shri Sandeep Kumar Sharma (H-Card No. H/MNDR1/202412973), representative of the CHA M/s D.L. Shipping Services, and the importer, as well as Shri Bharatsinh Keshubha Jadeja, Shift In-charge of M/s Adani Logistics Limited, CFS. During the said examination, it was observed that the goods had already been destuffed by the Docks Officers. Upon examination of the destuffed goods, it was found that the consignment comprised only 1080 bags of Cumin Seeds. It was further observed that each bag bore the marking "SC-AGT-050/2025", with net weight of 25 kgs, marked as "Product of China". The production date on the bags was mentioned as 08/2025, and the expiry date as 08/2028. No bag containing Black Pepper was found during the examination.

4. In view of the above, Shri Bharatsinh Keshubha Jadeja, Shift In-charge of the CFS, was directed not to deal with, part with, move, or release the goods without prior written permission of SIIB, Customs House, Mundra. Accordingly, the goods were placed under seizure vide Seizure Memo dated 27.09.2025. After seizure, the goods were handed over to Shri Bharatsinh Keshubha Jadeja, Shift In-charge, CFS, under a Supratnama dated 27.09.2025 for safe custody. Also, an Incident report dated 29.09.2025 has been issued.

5. Further, a letter dated 01.10.2025 was issued permitting provisional release of the seized goods subject to execution of a Bond and furnishing of appropriate Bank Guarantee, as applicable. Under the same letter, NOC for release of the container to the shipping line has also been issued. **Thereafter, the goods were provisionally released upon execution**

of a PD Bond equivalent to the FOB value of the goods and the exporter subsequently exported the goods found during examination i.e. the 27 MTs of Cumin Seeds were subsequently exported under Shipping Bill No. 6272513 dated 17.10.2025, which was filed for provisional release of the goods actually found during examination.

6 . **RECORDING OF STATEMENT** :- Summons dated 03.10.2025 had been issued to record the statement under Section 108 of the Customs Act, 1962. Shri Dinesh Rajpoot, Authorized Representative had appeared for recording statement on 07.10.2025 and submitted that:-

- i. He looks after logistics-related activities of the company, including transportation and shipping, and that he has been working with the company for the past six months.
- ii. He stated that Shipping Bill No. 5053048 dated 05.09.2025 was filed by the company for export of 10 MTs of Black Pepper and 17 MTs of Cumin Seeds to UAE, and that he had perused and signed the shipping bill and related export documents.
- iii. He stated that the 10 MTs of Black Pepper declared in the said shipping bill had been imported duty free under Advance Authorization No. 2411003845 dated 11.09.2024.
- iv. He agreed that during examination of the export consignment, no Black Pepper was found, and only Cumin Seeds were found present. He stated that this occurred due to a genuine mistake, as only Cumin Seeds were loaded in the export consignment by mistake.
- v. He stated that the marking "Product of China" on the bags of Cumin Seeds was mentioned as per the requirement of the overseas buyer, namely M/s Patel Trading FZC, UAE, and that he would submit a copy of the relevant email correspondence within one week.
- vi. He stated that he does not have details regarding other products imported duty free under various Advance Authorizations and undertook to submit the same after obtaining the information from the company.
- vii. He stated that the company is a genuine taxpayer engaged in the food business since a decade.
- viii. He has submitted that they are ready to comply as per customs procedure and don't want any SCN/PH in the present matter. It is requested to conclude the proceedings initiated at the earliest.

7. Whereas, during initial findings, it is noted that the declared 10 MTs of Black Pepper were imported duty-free under Advance Authorization No. 2411003845 dated 11.09.2024 and as only 27 MTs of Cumin Seeds were found during examination, it appears that the exporter has mis-declared the export goods with an intention to falsely fulfill export obligations under the Advance Authorization scheme. This raised a suspicion requiring verification as to whether the duty-free imported Black Pepper had been diverted into the domestic market.

8. Therefore, there appears reason to believe that the exporter may have diverted other duty-free goods procured under Advance Authorization to the domestic market as well. Therefore, a letter dated 01.10.2025 has been issued to the Customs Jamnagar requesting to conduct a stock verification of duty-free procured goods lying at the premises of M/s.

Adani Foods, and the findings of the same may kindly be communicated at the earliest.

9. The Customs Jamangar vide letter dated 14.10.2025 had informed that they had conducted a stock verification at the premises of M/s Adani Foods Products Pvt. Ltd., Lodhika GIDC, Rajkot under a Panchnama dated 08-09.10.2025, drawn under authorization issued under Section 105 of the Customs Act, 1962. The search was conducted in the presence of independent panch witnesses and company representatives. During the proceedings, company officials stated that the firm was engaged in the manufacture of packed spices and that goods were procured through duty-free imports under Advance Authorizations, duty-paid imports, and local purchases. It was further stated that three Advance Authorizations were active, including Advance Authorization No. 2411003845 covering Black Pepper. Physical stock verification of goods covered under open Advance Authorizations was carried out at the registered premises.

9.1. **Details of Stock as per License, Physical Stock Found, and Quantity Sent for Job Work:-** During physical verification, a comparative statement of stock as per Advance Authorizations and physical stock found at the premises was prepared. In respect of Advance Authorization No. 2411003845 (Black Pepper), **the stock as per license was recorded as 220.054 MT, whereas the physical stock found at the premises was 111.154 MT, resulting in a difference of 108.9 MT**. In respect of Advance Authorization No. 2411004033 (Cardamom Whole), the stock as per license and the physical stock found were both recorded as 29.08 MT. Similarly, in respect of Advance Authorization No. 2411004377 (Caraway Seeds), the stock as per license and the physical stock found were both recorded as 16.33 MT. Thus, the difference is noticed only in case of black pepper.

9.2. On being asked about the difference observed in respect of Black Pepper, company representatives stated that **105.9 MT of Black Pepper had been sent to M/s Shiv Agro Industries, Unjha, for job work**. As per the amendment to the Advance license, M/s. Shiv Agro is a supporting manufacturer. As regards, the remaining quantity of 3 MTs, the exporter has informed that there might be some product loss due to process being carried out on the goods. Copies of job-work delivery challans and corresponding e-way bills were produced during the Panchnama proceedings. The date-wise and quantity-wise details of such job-work movements are as follows:

Details of Job-Work Delivery Challans and Corresponding E-Way Bills								
Sl. No.	Job-Work Delivery Challan No.	Challan Date	Name of Job Worker/ Supporting manufacturer	Description of Goods	Quantity (Kgs)	Vehicle No.	E-Way Bill No.	E-Way Bill Date
1	JWO/015/25-26	26.05.2025	M/s Shiv Agro Industries, Unjha	Black Pepper Whole – Imports	26,900	GJ03BE3443	631910969037	26.05.2025
2	JWO/018/25-26	30.05.2025	M/s Shiv Agro Industries, Unjha	Black Pepper Whole – Imports	27,000	GJ10TX4716	651913255153	30.05.2025
3	JWO/028/25-26	20.06.2025	M/s Shiv Agro Industries, Unjha	Black Pepper Whole – Imports	15,000	GJ03BW4334	621923572915	20.06.2025
4	JWO/030/25-26	23.06.2025	M/s Shiv Agro Industries, Unjha	Black Pepper Whole – Imports	10,000	GJ03BW4334	601924844916	23.06.2025
5	JWO/041/25-26	25.07.2025	M/s Shiv Agro Industries, Unjha	Black Pepper Whole – Imports	27,000	GJ06AX0716	691942247037	25.07.2025
Total					1,05,900			

10. Thereafter, since the Black Pepper claimed to have been sent for job work was stated to be lying at the premises of M/s Shiv Agro Industries, which falls under the jurisdiction of Customs Ahmedabad, a letter dated 01.01.2026 was issued to Customs Preventive, Ahmedabad, requesting inquiry and verification of the job-work claim made by M/s Adani Foods Products Pvt. Ltd. Accordingly, officers of Preventive Section, Customs Ahmedabad vide letter dated 19.01.2026 has informed that they had conducted a search and verification at the premises of M/s Shiv Agro Industries, situated at S.R. No. 338 Paiki, Unjha–Patan Highway Road, Village Visal Vasna, Taluka Patan, District Patan, Gujarat, under Panchnama dated 12.01.2026, drawn under authorization issued under Section 105 of the Customs Act, 1962

10.1. During the said proceedings, the premises of M/s Shiv Agro Industries were found to be in existence, and it was stated that the firm was engaged in cleaning and sorting (Sortex) of raw materials, including Black Pepper, using installed machinery. As per the records verified at the premises, details of Black Pepper received from M/s Adani Foods Products Pvt. Ltd. for job work and Black Pepper sent back after job work were compiled from the inward and outward registers maintained by M/s Shiv Agro Industries. During the period 01.04.2025 to the 09.10.2025 [date of panchnama of Janmagar Customs], the inward register reflected **receipt of 210,514 Kgs of Black Pepper**, while the outward register reflected **dispatch of 191,764 Kgs of Black Pepper** back to M/s Adani Foods Products Pvt. Ltd. It was further informed by M/s Shiv Agro Industries that the e-way bills pertaining to the said movements were generated by M/s Adani Foods Products Pvt. Ltd., and therefore, copies of e-way bills were not available with them.

Details of Black Pepper Received and Sent Back After Job Work at M/s Shiv Agro Industries (as per Ahmedabad Customs Panchnama)

Sl. No.	Date	Nature of Movement	Quantity (Kgs)	Vehicle No.	Remarks
1	13.04.2025	Received for Job Work	20,255	GJ10TX9403	As per inward register
2	05.05.2025	Received for Job Work	27,295	GJ03BW4343	
3	05.05.2025	Received for Job Work	22,959	GJ03AT4335	
4	27.05.2025	Received for Job Work	26,780	GJ03BW4334	
5	31.05.2025	Received for Job Work	27,040	GJ01TX4716	
6	31.05.2025	Received for Job Work	33,945	GJ06AX0716	
7	23.06.2025	Received for Job Work	15,100	GJ03BW4334	
8	24.06.2025	Received for Job Work	9,985	GJ03BW4334	
9	26.07.2025	Received for Job Work	27,155	GJ01TX4716	
Total Quantity Received			210,514 Kgs		
Sl. No.	Date	Nature of Movement	Quantity (Kgs)	Vehicle No.	Remarks
1	06.05.2025	Sent back after Job Work	23,000	GJ03AT4335	As per outward register
2	07.05.2025	Sent back after Job Work	26,861	GJ12BV3512	—
3	19.05.2025	Sent back after Job Work	25,872	GJ12BV3512	—
4	10.06.2025	Sent back after Job Work	24,995	GJ03AT4334	—
5	12.06.2025	Sent back after Job Work	25,000	GJ03AT4334	—
6	17.06.2025	Sent back after Job Work	27,837	GJ03BW4343	—
7	03.08.2025	Sent back after Job Work	24,621	GJ02VV9658	—
		Sent back after Job Work			

8	07.08.2025	Work	13,578	GJ02VV9658	-
Total Quantity Sent Back			191,764 Kgs		

10.2. As regards, the difference of **18,750 KGs** [210,515 KGs minus 191,764 KGs] of black pepper for the period as mentioned above in inward and outward data, it was informed that the same 18,750 KGs was sent to M/s. Adani Foods, after processing along with the black pepper received for processing after 09.10.2025 from M/s. Adani Foods.

11.1. Whereas, M/s Adani Foods Products Pvt. Ltd. has produced copies of e-way bills pertaining to the movement of goods sent for job work. As per the provisions of Section 143 of the Central Goods and Services Tax Act, 2017, read with Rules 45 and 138 of the CGST Rules, 2017, the principal or the job worker is permitted to generate e-way bills for the movement of goods sent for job work and for return thereof. Accordingly, generation of e-way bills by the exporter for movement of goods to and from the job worker is in accordance with the provisions of the CGST Act. Further, based on the stock verification conducted by Customs Jamnagar at the premises of the exporter and the verification conducted by Customs Ahmedabad at the premises of the job worker, M/s Shiv Agro Industries, the movement of Black Pepper sent for job work has been placed on record.

11.2. However, it is observed that the exporter filed Shipping Bill No. 5053048 dated 05.09.2025 declaring export of 10 MTs of Black Pepper and 17 MTs of Cumin Seeds with a total declared FOB value of ₹ 97,66,513/-. During examination of the export consignment, no Black Pepper was found present, and only 27 MTs of Cumin Seeds were found. The exporter was under a statutory obligation to ensure that the description, quantity and value of the export goods declared in the shipping bill were true and correct.

11.3. It is further observed that the goods were provisionally released on furnishing of Bond and were subsequently exported under Shipping Bill No. 6272513 dated 17.10.2025, which was filed for the goods actually found during examination. The FOB value corresponding to 27 MTs of Cumin Seeds under the said shipping bill works out to ₹ 44,04,114/-, which is substantially lower than the FOB value declared in Shipping Bill No. 5053048 dated 05.09.2025.

11.4. Accordingly, the act of filing Shipping Bill No. 5053048 dated 05.09.2025 declaring export of Black Pepper, when no such goods were loaded or present in the export consignment, amounts to mis-declaration of export goods. Further, while 27 MTs of Cumin Seeds were found during examination, only 17 MTs were declared in the said shipping bill. Thus, the goods presented for export did not correspond in respect of description, quantity and value with the declaration made in the shipping bill, and the declared Black Pepper was not loaded for exportation, as admitted in the statement. Therefore, the goods are liable to confiscation under Sections 113(i) and 113(k) of the Customs Act, 1962.

11.5. Further, by reason of the aforesaid acts and omissions, the exporter has rendered himself liable to penalty under Section 114(iii) of the Customs Act, 1962. The exporter has failed to exercise due diligence and has violated the provisions of Section 50 of the Customs Act, 1962, which mandates a true and correct declaration in the shipping bill, and is therefore liable for action under the aforesaid provisions of the Customs Act, 1962.

12. Relevant Legal provisions:

12.1. **Section 2(3A)** "beneficial owner" means any person on whose behalf the goods are being imported or exported or who exercises effective control over the goods being imported or exported;

12.2. **Section 2(20)** – "Exporter", in relation to any goods at any time between their entry for export and the time when they are exported, includes any owner, beneficial owner or any person holding himself out to be the exporter.;

12.3. **Section 17(4):-** As per Section 17(4) of the Customs Act, 1962; where it is found on verification, examination or testing of the goods or otherwise that the self- assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.

12.4. **Section 33. Unloading and loading of goods at approved places only:-** Except with the permission of the proper officer, no imported goods shall be unloaded, and no export goods shall be loaded, at any place other than a place approved under clause (a) of section 8 for the unloading or loading of such goods.

12.5. **Section 34. Goods not to be unloaded or loaded except under supervision of customs officer :-** Imported goods shall not be unloaded from, and export goods shall not be loaded on, any conveyance except under the supervision of the proper officer:

Provided that the Board may, by notification in the Official Gazette, give general permission and the proper officer may in any particular case give special permission, for any goods or class of goods to be unloaded or loaded without the supervision of the proper officer.

12.6. **Section 50. Entry of goods for exportation.**

(1) The exporter of any goods shall make entry thereof by presenting to the proper officer in the case of goods to be exported in a vessel or aircraft, a shipping bill, and in the case of goods to be exported by land, a bill of export [in such form and manner as may be prescribed]

(2) The exporter of any goods, while presenting a shipping bill or bill of export, shall at the foot thereof make and subscribe to a declaration as to the truth of its contents.

(3) [The exporter who presents a shipping bill or bill of export under this section shall ensure the following, namely: -

(a) the accuracy and completeness of the information given therein;

(b) the authenticity and validity of any document supporting it; and

(c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.]

12.7. **Section 113. Confiscation of goods attempted to be improperly exported, etc.**

(i) any goods entered for exportation which do not correspond in respect of value or in any material particular with the entry made under this Act or in the case of baggage with the declaration made under section 77;]

(k) any goods cleared for exportation which are not loaded for exportation on account of any wilful act, negligence or default of the exporter, his agent or employee, or which after having been loaded for exportation are unloaded without the permission of the proper officer;

12.8. **Section 114. Penalty for attempt to export goods improperly, etc.** - Any person 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 113, or abets the doing or omission of such an act, 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 three times the value of the goods as declared by the exporter or the value as determined under this Act], whichever is the greater;

(ii) in the case of dutiable goods, other than prohibited goods, to a penalty [not exceeding the duty sought to be evaded or five thousand rupees] [, whichever is the greater;

(iii) [in the case of any other goods, to a penalty not exceeding the value of the goods, as declared by the exporter or the value as determined under this Act, whichever is the greater.]

12.9 **Section 114AA: Penalty for use of false and incorrect material:-** If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.

12.10. **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.

12.11. **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.

13. **OUTCOME OF THE INVESTIGATION:-** The investigation has established that Shipping Bill No. 5053048 dated 05.09.2025 was filed declaring export of 10 MTs of Black Pepper and 17 MTs of Cumin Seeds, whereas during examination, no Black Pepper was found in the export consignment and only 27 MTs of Cumin Seeds were present. It has further been established, including from the statement recorded under Section 108 of the Customs Act, 1962, that the declared Black Pepper was not loaded in the export consignment. The Cumin Seeds found during examination were provisionally released on execution of the bond and were subsequently exported under **Shipping Bill No. 6272513 dated 17.10.2025**, which was filed for the provisional release of the goods actually found during examination.

SB No. & date	Item Description	HSN Code	Quantity (MTS)	FOB (INR)	Value
6272513 dated 17.10.2025	Cumin Seeds	09093129	27	44,04,114/-	

13.1. As the Black Pepper not found during examination was procured under Advance Authorization No. 2411003845 dated 11.09.2024, stock verification was carried out at the premises of the exporter and the supporting manufacturer/job worker with the assistance of Customs Jamnagar and Customs Ahmedabad, to ascertain whether the said goods had been diverted into the domestic market. The verification did not reveal any diversion of Black

Pepper. However, it has been conclusively established that the exporter failed to make a true and correct declaration in Shipping Bill No. 5053048 dated 05.09.2025 in respect of the description, quantity, and value of the export goods.

13.2. Accordingly, as the goods declared under Shipping Bill No. 5053048 dated 05.09.2025 did not correspond in respect of description, quantity and value with the declaration made therein and the declared goods were not loaded for exportation, the goods, which were subsequently released provisionally and exported under Shipping Bill No. 6272513 dated 17.10.2025 and valued at ₹44,04,114/-, are liable to confiscation under Sections 113(i) and 113(k) of the Customs Act, 1962. Further, by reason of the aforesaid acts and omissions, the exporter has rendered himself liable to penalty under Section 114(iii) of the Customs Act, 1962.

13.3 It is further observed that the exporter knowingly filed and used export documents under Shipping Bill No. 5053048 dated 05.09.2025, declaring goods which were admittedly not loaded for export, thereby making and using documents containing false material particulars in the transaction of business under the Customs Act. Accordingly, the exporter has rendered himself liable to penalty under Section 114AA of the Customs Act, 1962.

14. During the recording of the statement, the authorized representative said that they do not want any Show cause Notice/ Personal hearing in this matter and requested a waiver of the SCN/PH.

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

- i. No re-assessment under Section 17 of the Customs Act, 1962, is required in respect of Shipping Bill No. 5053048 dated 05.09.2025, as the goods declared under the said shipping bill were not exported thereunder. The declared goods were not loaded, and the export under the said shipping bill did not materialise. The goods were subsequently provisionally released under bond and exported under a fresh shipping bill filed for the goods actually found during examination. Accordingly, the question of reassessment of export goods under Shipping Bill No. 5053048 does not arise.
- ii. Shipping Bill No. 5053048 dated 05.09.2025 is proposed to be treated as not resulting in export, as the declared goods were not loaded, and the export under the said shipping bill did not take place.
- iii. During stock verification, which was conducted at the premises of the exporter with the assistance of Customs Jamnagar to ascertain whether duty-free goods imported under Advance Authorisation had been diverted into the domestic market, the physical stock of duty-free imported goods was found to be duly accounted for, including the quantity sent for job work to the supporting manufacturer, and the records were found to be in order. Accordingly, there appeared no diversion of goods imported duty-free under the Advance Authorisation.
- iv. The goods attempted to be exported under Shipping Bill No. 5053048 dated 05.09.2025, which were subsequently released provisionally and exported under Shipping Bill No. 6272513 dated 17.10.2025 and valued at ₹44,04,114/-, are liable to confiscation under Sections 113(i) and 113(k) of the Customs Act, 1962, as the goods presented for export did not correspond in respect of description, quantity and value with the declaration made in Shipping Bill No. 5053048 dated 05.09.2025 and the declared goods were not loaded for exportation.

- v. Penalty under Section 114(iii) of the Customs Act, 1962 is liable to be imposed on the exporter for the acts and omissions which rendered the goods liable to confiscation under the aforesaid provisions.
- vi. Although the goods were subsequently exported under Shipping Bill No. 6272513 dated 17.10.2025, the exporter is not eligible for export incentives, including Duty Drawback and RoDTEP, in respect of Shipping Bill No. 5053048 dated 05.09.2025, as no export took place under the said shipping bill.
- vii. As the goods were provisionally released on execution of a PD Bond equivalent to the FOB value, the PD Bond is required to be enforced.
- viii. Penalty under Section 114AA of the Customs Act, 1962 is liable to be imposed, as the exporter knowingly made and used export documents containing false material particulars in respect of Shipping Bill No. 5053048 dated 05.09.2025.

WAIVER OF PERSONAL HEARING & SCN

17. The exporter vide letter dated 23.02.2026 has requested for waiver of Show Cause Notice and Personal Hearing in the subject matter.

DISCUSSION AND FINDINGS

18. I have carefully gone through the records of the case. The exporter vide letter dated 23.02.2026 requested for waiver of Show Cause Notice and personal hearing. Thus, I find that the 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.

19 The issues to be decided by me are:

- i. Whether Shipping Bill No. 5053048 dated 05.09.2025, filed declaring export of 10 MT of Black Pepper and 17 MT of Cumin Seeds, but wherein only 27 MT of Cumin Seeds were found and no Black Pepper was loaded, amounts to misdeclaration of export goods under the Customs Act, 1962.
- ii. Whether the goods attempted to be exported under the said Shipping Bill are liable to confiscation under Sections 113(i) and 113(k) of the Customs Act, 1962.
- iii. Whether the exporter, M/s Adani Food Products Pvt. Ltd., is liable for penalty under Section 114(iii) of the Customs Act, 1962 for acts and omissions rendering the goods liable to confiscation.
- iv. Whether the exporter is further liable for penalty under Section 114AA of the Customs Act, 1962 for knowingly filing export documents containing false material particulars.
- v. whether duty-free goods imported under Advance Authorisation had been diverted into the domestic market.

20.1 Regarding the first issue, I find that the exporter filed Shipping Bill No. 5053048 dated 05.09.2025 declaring export of 10 MT of Black Pepper along with 17 MT of Cumin Seeds, whereas upon examination only 27 MT of Cumin Seeds were found and no Black Pepper was loaded in the export consignment. The exporter was under statutory obligation under Section 50 of the Customs Act, 1962 to make true and correct declaration in the Shipping Bill. The mismatch between declared and actual goods clearly establishes misdeclaration in respect of description, quantity and value.

20.2 Regarding the second issue, I find that the exporter declared export of 10 MT of duty-free imported Black Pepper along with 17 MT of Cumin Seeds under Shipping Bill No. 5053048 dated 05.09.2025, whereas upon examination only 27 MT of Cumin Seeds were found and no Black Pepper was loaded in the export consignment. The said goods (27 MT of Cumin Seeds) were subsequently released provisionally and exported under Shipping Bill No. 6272513 dated 17.10.2025 having FOB value of ₹44,04,114/- upon furnishing of a bond. Thus, the goods presented for export did not correspond in respect of description, quantity and value with the declaration made in Shipping Bill No. 5053048 dated 05.09.2025, rendering them liable to confiscation under Section 113(i) of the Customs Act, 1962. Further, the declared Black Pepper, which had been procured duty-free under Advance Authorisation and was required to be utilised towards fulfilment of export obligation, was admittedly not loaded for exportation under the said Shipping Bill due to the acts and omissions attributable to the exporter, thereby attracting Section 113(k) of the Customs Act, 1962.

20.3 Regarding the third issue, I find that the exporter declared export of 10 MT of Black Pepper and 17 MT of Cumin Seeds, whereas upon examination only 27 MT of Cumin Seeds were found and no Black Pepper was present in the export consignment. Thus, the goods entered for export did not correspond in respect of description and quantity with the declaration made in the Shipping Bill. The misdeclaration of Black Pepper in place of the actual goods presented for export constitutes an act and omission rendering the goods liable to confiscation under Section 113. Accordingly, I find that the exporter is liable to penalty under Section 114(iii) of the Customs Act, 1962 for misdeclaration of export goods.

20.4 Regarding the fourth issue, I further find that the exporter knowingly filed and used export documents declaring export of Black Pepper which was admittedly not loaded in the export consignment. The Shipping Bill constitutes a statutory declaration under Section 50 of the Customs Act, 1962 regarding the truthfulness and accuracy of the export goods. By filing such document containing materially incorrect particulars relating to description and quantity of goods, the exporter made and used a document which was false in material particulars in the course of transaction under the Customs Act. Such conduct squarely attracts the provisions of Section 114AA of the Customs Act, 1962.

20.5 Regarding the fifth issue, I find that a stock verification was conducted at the premises of the exporter with the assistance of Customs Jamnagar to ascertain whether the duty-free imported Black Pepper had been diverted into the domestic market. The verification covered the physical stock available at the exporter's premises as well as the quantity sent for job work to the supporting manufacturer. The records relating to movement of goods for job work were also examined and found to be consistent with the physical verification conducted at the job worker's premises by Customs Ahmedabad. Based on such verification, the stock of duty-free imported goods was found to be duly accounted for and there appeared no diversion of goods imported duty-free under Advance Authorisation. Accordingly, while misdeclaration of export goods is established, no evidence has emerged to indicate diversion of duty-free imported inputs into the domestic market.

21. In view of the foregoing discussions and findings, I pass the following order:

ORDER

(i) I order confiscation of the goods, i.e. 27 MT of Cumin Seeds, which were provisionally released for export under Shipping Bill No. 6272513 dated 17.10.2025 and valued at ₹44,04,114/-, under Sections 113(i) and 113(k) of the Customs Act, 1962.

However, since the goods have already been provisionally released and subsequently exported, I impose a Redemption Fine of ₹4,00,000/- (Rupees Four Lakh Only) under Section 125 of the Customs Act, 1962 in lieu of confiscation.

(ii) I impose a penalty of ₹3,00,000/- (Rupees Three Lakh Only) on M/s Adani Food Products Pvt. Ltd. under Section 114(iii) of the Customs Act, 1962 for acts and omissions which rendered the goods liable to confiscation under Section 113.

(iii) I also impose a penalty of ₹3,00,000/- (Rupees Three Lakh Only) on M/s Adani Food Products Pvt. Ltd. under Section 114AA of the Customs Act, 1962 for knowingly filing and using export documents containing false material particulars.

(iv) I order that the PD Bond executed at the time of provisional release of the goods shall stand discharged upon payment of the Redemption Fine and penalties imposed under this order; failing which, the same shall be liable for enforcement in accordance with law.

(v) I order to cancel the Shipping Bill no. 5053048 dated 05.09.2025 in the EDI system after payment of fine and penalty.

21. This order is issued without prejudice to any other action that may be contemplated against the exporter or any other person(s) under the provisions of the Customs Act, 1962 and rules/regulations framed thereunder or any other law for the time being in force in the Republic of India.

(अमित कुमार मिश्रा)
अपर आयुक्त (निर्यात)
सीमा शुल्क, मुंद्रा

F.No. CUS/APR/INV/128/2026-EA-O/o Pr Commr-Cus-Mundra

To,

M/s. Adani Food Products Pvt. Ltd. Private Limited,
Lodhika GIDC, Plot No. E6 and 7B,
Road Kalawad, Vill. Matoda, Tal. Lodhika, Dist. Rajkot

Copy to:-

1. The Deputy Commissioner, Review Section, Custom House, Mundra
2. The Deputy Commissioner, TRC, Custom House, Mundra
3. The Deputy Commissioner, EDI, Custom House, Mundra
4. Guard File.