		<b>प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा</b> <b>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS,</b> <b>CUSTOM HOUSE: MUNDRA, KUTCH</b> <b>MUNDRA PORT &amp; SPL ECONOMIC ZONE, MUNDRA-370421</b> ई-मेल/ E-Mail: <a href="mailto:adj-mundra@gov.in">adj-mundra@gov.in</a>
A	फा. सं./ FILE NO.	GEN/ADJ/ADC/637/2026-Adjn-O/o Pr Commr-Cus-Mundra
B	मूल आदेश सं. ORDER-IN- ORIGINAL NO.	MCH/ADC/ZDC/60/2026-27
C	द्वारा पारित किया गया PASSED BY	<b>Dipak Zala,</b> Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	28-04-2026
E	जारी करने की तिथि DATE OF ISSUE	28-04-2026
F	कारण बताओ नोटिस सं. एवं तिथि SCN NO. & DATE	20/2026-27/ADC/ZDC/MCH dated 13.04.2026
G	नोटिसी/पार्टी / आयातक NOTICEE/PARTY/ IMPORTER	1. M/s Amiri Impex (IEC No. AZFPN7853A) 2. M/s ASB Enterprises (IEC No. 0315018151) 3. Mr. Mohammad Rizwan Merchant
H	डिन DIN	20260471MO0000722284

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 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए 3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

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

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

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

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

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

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

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

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

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

6. अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.
7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।

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

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

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

### **BRIEF FACTS OF THE CASE**

A specific intelligence was gathered by the officers of the Directorate of Revenue Intelligence, Delhi Zonal Unit (hereinafter referred to as "DRI"), indicating that the goods imported vide the below mentioned Bills of Entry might be mis-declared in terms of Quantity/ Description with an intention to evade applicable Customs Duty/bypass the applicable compliances.

#### **A. Bill of Entry No. 5656406 dated 12.11.2025:**

S. No	Details	Description
1	Port of Import	Adani Ports and SEZ, Mundra
2	Importer	M/s. Amiri Impex, situated at 123/127, Kambekar Street, Latiff Hou Room No. 11/12, Minara Masjid, Mand Mumbai 400003
3	IEC	AZFPN7853A
4	Customs Broker	Filed by IEC Himself
5	Item Description & Quantity	Empty Plastic Bottle, Household Item (Beater), Hand Tally Counter, Bathroom Mat & ICE Bag
6	Country of Origin	China
7	Country of Consignment	China
8	Supplier	M/s R.S. International Co. Ltd., Room No. 201, Unit-5, Building 11, Fuxin One District, Yiwu City, China 322000
9	Declared Assessable Value	Rs. 7,34,660/-
10	Duty declared	Rs. 2,25,929/-
11	Invoice no. & date	FZ25090287 dated 23.10.2025
12	Container No.	CAAU6323761

**B. Bill of Entry No. 5656412 dated 12.11.2025:**

S. No	Details	Description
1	Port of Import	Adani Ports and SEZ, Mundra
2	Importer	M/s. ASB Enterprises, situated at F-801, Floor-8, Plot-292 F Wing Dudhw Jahangir Boman BehramMarg Mumbai-400008
3	IEC	0315018151
4	Customs Broker	Filed by IEC Himself
5	Item Description & Quantity	Hair Clip, Sewing Kit Set, Socks, Empty Attar Bottle, Baby Scarf, Key Chain, Baby Pouch, Education Items, Lunch Box, Spoon/Fork Set, Decorative Item (Birthday Card), Sling Bag, Music Instrument (Guitar), Chain, Sunglasses, Furniture Fittings and Empty Plastic Bottle
6	Country of Origin	China
7	Country of Consignment	China
8	Supplier	M/s R.S. International Co. Ltd., Room No. 201, Unit-5, Building 11, Fuxin One District, Yiwu City, China 322000
9	Declared Assessable Value	Rs. 12,67,311/-
10	Duty declared	Rs. 4,83,437/-
11	Invoice no. & date	FZ25090288 dated 23.10.2025
12	Container No.	CIPU5125712

2. Acting upon the said intelligence, the goods imported vide aforesaid Bills of Entry were put on hold on 15.11.2025 for examination by the Officers of the DRI. The said consignments were examined by the officers of DRI on 16.11.2025 at M/s Fast Track CFS Pvt. Ltd., Adani Port, Mundra, Kutch, Gujarat in presence of two independent witnesses, Sh. Yogiraj Singh Jadeja, Operation Executive at M/s Fast Track CFS Pvt. Ltd. & Sh. Jadeja Pradip Sinh Siddhraj Singh, authorize representative for M/s ASB Enterprises & M/s Amiri Impex.

**EXAMINATION**

3. The detailed outcome of the examination proceedings is as follows:

**A. Examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025 imported by M/s Amiri Impex.**

I. During examination, a total of 770 brown carton boxes (including some brown coloured cartons boxes wrapped in green colour HDPE Bags) were found stuffed inside the container no. CAAU6323761. The DRI officers

segregated the carton boxes containing different type of goods. The details of all the items, found during examination are tabulated below.

TABLE-1

Sr.No	Description of the goods declared	Quantity declared	UQC	Total quantity declared	No. of Cartons found	No. of piece per carton	Total quantity found	Difference in quantity
1	Empty Plastic Bottle	892	DZ	10704	41	100	4100	-6604
2	Household Item (Beater)	834	DZ	10008	50	200	10000	-8
3	Hand Tally Counter	1151	GRS	165744	145	1000	146200	-19544
					5	240		
4	Bathroom Mat	1313	DZ	15756	150	100	15675	-81
					25	27		
5	ICE Bag	2134	DZ	25608	128	200	25600	-8
6	Flash Light (Small)	Un-declared			70	20	1400	1400
7	Flash Light (Big)	Un-declared			11	16	176	176
8	Tumbler	Un-declared			15	25	375	375
9	Vacuum Flask	Un-declared			130	48	6240	6240

II. The items listed at Sr. Nos. 1 to 5 in the above table correspond to the items declared in the Bill of Entry/Invoice/Packing List; however, differences in the quantities noted in the Bill of Entry and those found during examination were observed. Further, the items found during examination and listed at Sr. Nos. 6 to 9 were not declared by the importer in the Bill of Entry. The photographs of all the items found during examination are placed below for ready reference.

		
<b>Tumbler</b>	<b>Vacuum Flask</b>	<b>Flash Light</b>

**III.** On being asked about the mis-declaration noticed in the consignments, Shri Jadeja Pradip Singh Siddhraj Singh, representative of M/s Amiri Impex, stated that he was not aware of the discrepancy and that the importer had not informed him about the additional items. Thereafter, a representative sample of each item from the consignment was drawn for further investigation. Shri Jadeja then requested DRI officers to allow the goods to be kept at the customs-bonded warehouse of M/s Fast Track CFS Pvt. Ltd., since the goods were already under the custody of M/s Fast Track CFS Pvt. Ltd. (SEZ), the authorized customs custodian, and keeping them in the shipping-line container would have attracted significant demurrage charges and other liabilities. In light of these facts, the officers agreed that only the cargo imported in container no. CAU6323761 needed to be kept under safe custody for further investigation. As the goods had already been de-stuffed for examination in the warehouse area of M/s Fast Track CFS Pvt. Ltd.—which itself is a customs-bonded warehouse—the goods could be kept at the earmarked location within that warehouse. The goods de-stuffed from the container and kept in the warehouse of M/s Fast Track CFS Pvt. Ltd. were thereafter handed over to Shri Yogiraj Singh Jadeja, Operations Executive, Fast Track CFS Pvt. Ltd., for safe custody. The entire examination proceedings were recorded under the Panchanama dated 16.11.2025.

**B. Examination of the goods imported under Bill of Entry No. 5656412 dated 12.11.2025 imported by M/s ASB Enterprises.**

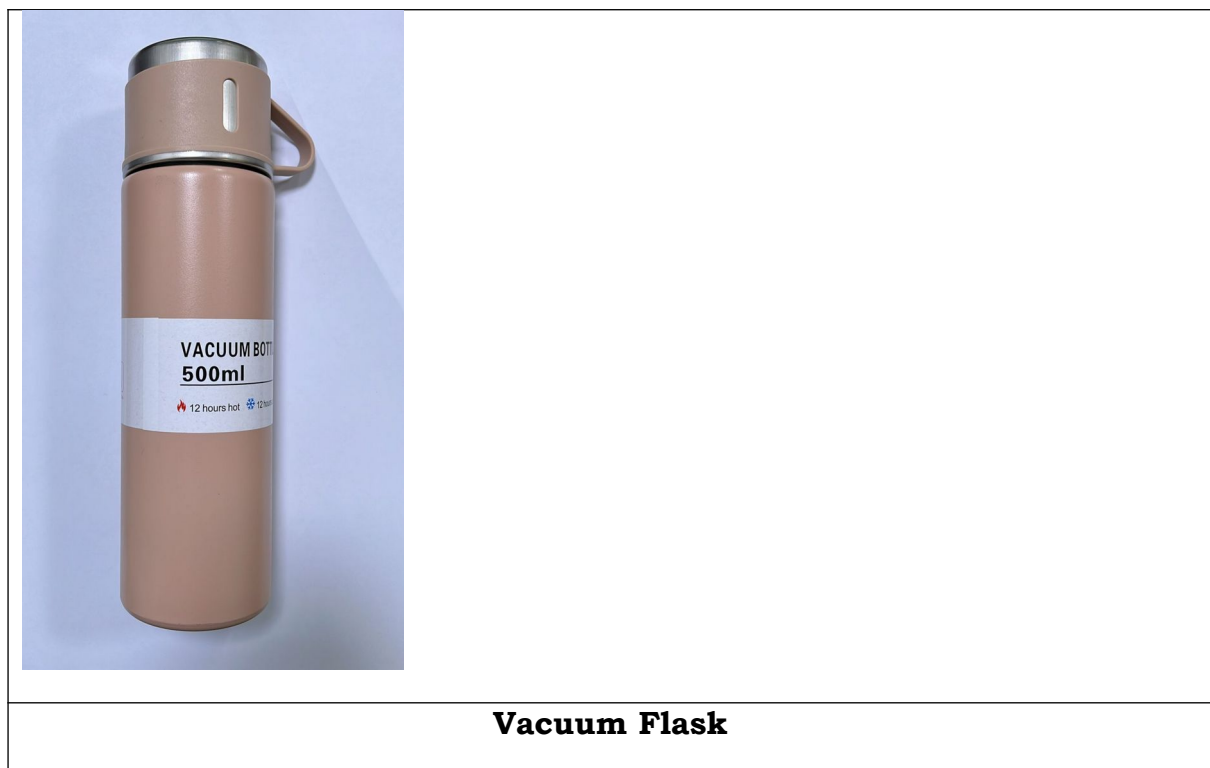
I. During examination, a total of 1059 carton boxes were found stuffed inside the container no. CIPU5125712. The DRI officers segregated the carton boxes containing different type of goods. The details of all the items, found during examination are tabulated below.

**TABLE-2**

<b>Sr.No.</b>	<b>Description of the goods declared</b>	<b>Quantity declared</b>	<b>UQC</b>	<b>Total quantity declared (Pcs/kg)</b>	<b>No. of Cartons found</b>	<b>Total quantity found (Pcs/kg)</b>	<b>Difference in quantity</b>
1	Hair Clip	530	DZ	6360	10	6360	0
2	Sewing Kit Set	185	DZ	2220	10	2220	0
3	Socks	830	DZ	9960	19	9960	0
4	Empty Attar Bottle	421	GRS	60624	181	60624	0
5	Baby Scarf	150	DZ	1800	30	1800	0
6	Key Chain	446	GRS	64224	66	66200	1,976
7	Baby Pouch	167	DZ	2004	10	2000	-4
8	Education Items	36	DZ	432	5	432	0
9	Lunch Box	30	DZ	360	5	360	0
10	Spoon/Fork Set	100	DZ	1200	5	360	- 840
11	Decorative Item (Birthday Card)	3000	DZ	36000	60	36000	0
12	Sling Bag	82	DZ	984	15	984	0
13	Music Instrument (Guitar)	26	DZ	312	28	312	0
14	Chain	4014	KGS	4014	89	4000kg (approx)	-14
15	Sunglasses	248	GRS	35712	95	35712	0
16	Furniture Fittings	7520	KGS	7520	320 (packets)	8000 (approx..)	480

17	Empty Plastic Bottle	709	DZ	8508	61	6100	-2408
18	<b>Vacuum Flask</b>	<b>Un-declared</b>			50	2400	2400

**II.** Upon examination, 18 types of goods were found; however, the importer declared only 17 types, as listed at Sr. No. 1 to 17 in the table above. The item listed at Sr. No. 18 was not declared in the Bill of Entry. The photograph of the items found during examination is placed below for ready reference.



**III.** On being asked about the mis-declaration noticed in the consignments, Shri Jadeja Pradip Singh Siddhraj Singh, representative of M/s ASB Enterprises, stated that he was not aware of the discrepancy and that the importer had not informed him about the additional items. Thereafter, a representative sample of each item from the consignment was drawn for further investigation. Shri Jadeja then requested DRI officers to allow the goods to be kept at the customs-bonded warehouse of M/s Fast Track CFS Pvt. Ltd., since the goods were already under the custody of M/s Fast Track CFS Pvt. Ltd. (SEZ), the authorized customs custodian, and keeping them in the shipping-line container would have attracted significant demurrage charges and other liabilities. In light of these facts, the officers agreed that

only the cargo imported in container no. CIPU5125712 needed to be kept under safe custody for further investigation. As the goods had already been de-stuffed for examination in the warehouse area of M/s Fast Track CFS Pvt. Ltd.—which itself is a customs-bonded warehouse—the goods could be kept at the earmarked location within that warehouse. The goods de-stuffed from the container and kept in the warehouse of M/s Fast Track CFS Pvt. Ltd. were thereafter handed over to Shri Yogiraj Sinh Jadeja, Operations Executive, Fast Track CFS Pvt. Ltd., for safe custody. The entire examination proceedings were recorded under the Panchanama dated 16.11.2025.

4. The above mentioned examination resulted into recovery of the following un-declared goods.

Table-3

Sr.No.	Bill of Entry No. & Date	Importer Name	Description of Goods	Quantity found	Remarks	Merit classification
1	5656406 dated 12.11.2025	M/s Amiri Impex	Vacuum Flask	6240	Flask of plastic insulated with metal	96170011
2			Tumbler	375	Water holding household item made up of metal/steel with plastic lid and straw	73239490
3			Flash Light	1576	Torch with rechargeable battery	85131010
4	5656412 dated 12.11.2025	M/s ASB Enterprises	Vacuum Flask	2400	Flask of plastic insulated with metal	96170011

#### **SUBMISSION OF THE IMPORTER: -**

5. For further investigation, Summons was issued under Section 108 of the Customs Act, 1962 to M/s Amiri Impex & M/s ASB Enterprises to tender their statement in the matter. In response to both the summons, Mohammad Rizwan Merchant, C/o M/s Amiri Impex & M/s ASB Enterprises appeared and tendered his Statement on 09.02.2026. In his voluntary statement, Mohammad Rizwan Merchant, inter-alia, stated that:

- He established a proprietorship firm, M/s Fashion Bags (GSTN: 27AKCPM2465R1ZK), which is engaged in trading ladies' fashion bags.
- They started another proprietorship firm, M/s ASB Enterprises, with his daughter, Ms. Sana Juned Machiwala, as proprietor. That firm imports miscellaneous articles such as stationery items, kitchen appliances, and gift items to meet local market demand.
- In May 2025, they established third proprietorship firm, M/s Amiri Impex (GSTN: 27AZFPN7853A1ZB), with his daughter-in-law, Ms. Haleema Mohamed Shafi Nagaria, as proprietor; this firm imports various household items according to market demand.
- He is responsible for handling all the crucial business operations of both firms, namely M/s ASB Enterprises and M/s Amiri Impex.
- M/s ASB Enterprises was established by him in 2015, with his daughter, Ms. Sana Juned Machiwala, as proprietor. The firm is engaged in the trading of miscellaneous articles such as stationery, kitchen appliances, gifts, purses, salon items, belts, baby scarves, plastic bottles, and hair accessories. For imports, they source these items from their exclusive supplier, M/s R.S. International Co. Ltd., China, and clear them at Mundra Port. The firm holds IEC 0315018151; he provided a copy of the IEC registration. After import, they sell these goods in the domestic market, primarily in Gujarat, which constitutes their major customer base.
- The firm M/s Amiri Impex is their third proprietorship firm established by him in 2025, with his daughter-in-law, Ms. Haleema Mohamed Shafi Nagaria (daughter-in-law of his real brother), as proprietor. The firm is also engaged in the trading of miscellaneous articles such as stationery, kitchen appliances, gifts, purses, salon items, belts, baby scarves, plastic bottles, and hair accessories. For imports, they source these items from their exclusive supplier, M/s R.S. International Co. Ltd., China, and clear them at Mundra Port. The firm holds IEC AZFPN7853A; he provided a copy of the IEC registration. After import, they sell these goods in the domestic market, primarily in Gujarat, which constitutes their major customer base.
- M/s ASB Enterprises was importing a substantial volume of goods, and the number and frequency of consignments were very high. Therefore, to distribute and manage the import load more efficiently, they decided to establish a separate firm, M/s Amiri Impex. Apart

from this, another reason for starting M/s Amiri Impex was that his real brother passed away in 2022. To provide financial support to their family, they started M/s Amiri Impex with his brother's wife (his sister-in-law) as the proprietor.

- All crucial business operations for both firms M/s ASB Enterprises and M/s Amiri Impex are handled solely by him. This includes procurement, imports, distribution, logistics, client management, and sales. The proprietors do not participate in the day-to-day operations of either firm.
- The 25% of the profits from M/s ASB Enterprises and M/s Amiri Impex are shared with their respective proprietors. He retain the remaining 75%. In return for this arrangement, he bear all expenses related to running the business.
- He perused the Panchanama dated 16.11.2025 drawn at M/s Fast Track CFS Pvt. Ltd., Adani port, Mundra, Kutch, Gujarat in respect of examination of goods imported by M/s ASB Enterprises (IEC 0315018151) vide bill of entry no. 5656412 dated 12.11.2025, as presented by the DRI officer. He reviewed the panchanama and understood its contents. He agreed with the contents of the panchanama.
- That through their proprietorship firm M/s ASB Enterprises, he imported various household items under Bill of Entry No. 5656412 dated 12.11.2025 at Mundra Port. These goods were procured from their Chinese supplier, M/s R.S. International Co. Ltd., Yiwu City, China. He used to visit China approximately every three months for procurement, during which he used to meet Mr. Steven, owner of M/s R.S. International Co. Ltd. Mr. Steven arranges visits to the Futian market (a large market for miscellaneous household items) and deputs a staff member to accompany him for product selection and market survey. Based on market demand in India, he uses to finalize the goods and their values and inform Mr. Steven. Mr. Steven then arranges the export of the selected goods to India. Whenever consignments are ready, Mr. Steven exports them to him.
- In the present case, he finalized the goods imported under Bill of Entry No. 5656412 dated 12.11.2025 during his visit to China in August 2025. The final purchase of finalized goods in Chinese market, use to be done by Mr. Steven company.
- That the consignment imported under Bill of Entry No. 5656412 dated 12.11.2025 was imported by him through his proprietorship firm, M/s

ASB Enterprises. The goods were examined by the DRI officers on 16.11.2025 in the presence of their customs clearing agents. During the examination, 50 cartons of undeclared vacuum flasks were found; the remaining items were consistent with the packing list to Invoice No. FZ25090288 dated 23.10.2025 as uploaded on e-sanchit while filing bill of entry. That the supplier was supposed to export 111 cartons of "Empty Plastic Bottle" as declared in the packing list/invoice; however, he exported only 61 cartons of "Empty Plastic Bottle," and in the remaining 50 cartons he exported vacuum flasks instead of empty plastic bottles.

- At the time of export, the supplier informed him that some vacuum flasks were being exported by him instead of empty plastic bottles.
- That, in their line of trade, suppliers occasionally ship substitute goods to make up for shortages in the originally ordered items. In the present case, he had placed an order for 111 cartons of empty plastic bottles; however, the supplier was able to arrange only 61 cartons. To complete the shipment, the supplier exported 50 cartons of vacuum flasks in lieu of the remaining cartons of empty plastic bottles. Such substitutions are not uncommon in their trade practice, and he was not always informed in advance of the exact items or quantities that the supplier may ship to cover such shortages. Consequently, he was not aware of the precise details of the substitute goods prior to import and, therefore, could not disclose the same to Customs at the time of filing the Bill of Entry. He was not aware that vacuum flasks required BIS certification. For this reason, the said goods were included in the consignment covered under Bill of Entry No. 5656412 dated 12.11.2025, without any intention to misdeclare or suppress material facts.
- The assessable value of the imported goods as detailed below.

Sr.No.	Item	HSN	Quantity	UQC	USD price	Total	Ass. Value in Rs.	Total No. of pieces	Ass. Value per pc.	Average Selling price (In Rs)
1	Hair Clip	96151900	530	DZ	0.5	265	23717.5	6360	3.729167	10
2	Sewing Kit Set	84523090	185	DZ	1	185	16557.5	2220	7.458333	15
3	Socks	61159990	830	DZ	0.5	415	37142.5	9960	3.729167	7
4	Empty Attar Bottle	70133700	421	GRS	1	421	37679.5	60624	0.621528	1.5
5	Baby	620990	150	DZ	0.5	75	6712.5	1800	3.729	8

	Scarf	90							167	
6	Key Chain	39269099	446	GR S	1.5	669	59875.5	64224	0.932292	2
7	Baby Pouch	42022290	167	DZ	0.7	116.9	10462.55	2004	5.220833	10
8	Educational Items	90230010	36	DZ	0.5	18	1611	432	3.729167	8
9	Lunch Box	39249090	30	DZ	1	30	2685	360	7.458333	18
10	Spoon/Fork Set	82159900	100	DZ	1	100	8950	1200	7.458333	10
11	Decorative Item (Birthday Card)	95059090	3000	DZ	1	3000	268500	36000	7.458333	16
12	Sling Bag	42022290	82	DZ	1	82	7339	984	7.458333	20
13	Music Instrument (Guitar)	92029000	26	DZ	2	52	4654	312	14.91667	30
14	Chain	83089099	4014	KG S	1	4014	359253	4014	89.5	200
15	Sunglasses	90041000	248	GR S	1	248	22196	35712	0.621528	2
16	Furniture Fittings	94039900	7520	KG S	0.5	3760	336520	7520	44.75	100
17	Empty Plastic Bottle	39233090	6100	Pcs	0.083333	508.333	45495.83333	6100	7.458333	15
18	Vacuum Flask	9617	2400	Pcs	Un-declared					50

- He perused the Panchanama dated 16.11.2025 drawn at M/s Fast Track CFS Pvt. Ltd., Adani port, Mundra, Kutch, Gujarat in respect of examination of goods imported by M/s Amiri Impex (IEC AZFPN7853A) vide bill of entry no. 5656406 dated 12.11.2025, as presented by the DRI officer. He reviewed the panchanama and understood its contents. He agreed with the contents of the panchanama.
- That through their proprietorship firm M/s Amiri Impex, he imported various household items under Bill of Entry No. 5656406 dated 12.11.2025 at Mundra Port. These goods were procured from their Chinese supplier, M/s R.S. International Co. Ltd., Yiwu City, China. He use to visit China approximately every three months for procurement, during which he meet Mr. Steven, owner of M/s R.S. International Co. Ltd. Mr. Steven arranges visits to the Futian market (a large market for miscellaneous household items) and deputes a staff member to accompany him for product selection and market survey. Based on market demand in India, he use to finalize the goods and their values and inform Mr. Steven. Mr. Steven then arranges the export of the selected goods to India. Whenever consignments are

ready, Mr. Steven exports them to him. In the present case, he finalized the goods imported under Bill of Entry No. 5656406 dated 12.11.2025 during his visit to China in August 2025. The final purchase of finalized goods in Chinese market, use to be done by Mr. Steven company.

- The consignment imported under Bill of Entry No. 5656406 dated 12.11.2025 was imported by him through his proprietorship firm, M/s Amiri Impex. The goods were examined by the DRI officers on 16.11.2025 in the presence of their customs clearing agents. During the examination, some discrepancies related to the quantity/volume of the declared goods were found and some un-declared items were also found. He agreed that some un-declared items viz. Flash Light (Small & Big), Tumbler & Vacuum Flask were found during examination.
- At the time of export, the supplier informed him that some vacuum flasks, tumbler & Flash lights were being exported by him along with the other declared items. However, he was not aware of the mis-match of the quantities of the declared items.
- That suppliers sometimes ship different items to cover shortages of the requested goods. In the present case, he exported some additional items along with the declared items just to complete the shipment. Since, he was not aware of the exact details of the undeclared items, he could not disclose the undeclared items to Customs.
- The assessable value of the imported goods as detailed below.

Sr.No.	Item	Quantity	UQC	USD price	Total	Ass. Value in Rs.	Total No. of pieces declared	No. of pieces found	Difference	Ass. Value per pc.	Average Selling price
1	Empty Plastic Bottle	892	DZ	2	1784	159668	10704	4100	-6604	14.91667	25
2	Household Item (Beater)	834	DZ	1.5	1251	111964.5	10008	10000	-8	11.1875	22
3	Hand Tally Counter	1151	GRS	1.5	1726.5	154521.8	165744	146200	-19544	0.932292	3
4	Bathroom Mat	1313	DZ	1	1313	117513.5	15756	15675	-81	7.458333	15
5	ICE Bag	2134	DZ	1	2134	190993	25608	25600	-8	7.458333	14
6	Flash Light (Small)	1400	Pcs				Un-declared				20

7	Flash Light (Big)	176	Pcs	Un-declared	20
8	Tumbler	375	Pcs	Un-declared	50
9	Vacuum Flask	6240	Pcs	Un-declared	50

- That payment for purchases from their Chinese supplier use to be made within 180 days of receipt of the goods in India. Payments use to be made through their current bank accounts.
- He used to receive import-related documents, including the commercial invoice, packing list and Bill of Lading, from the supplier via WhatsApp (mobile numbers: +86 153 3692 8578 and +86 139 5842 0149). Mr. Steven (supplier) used to send these documents by WhatsApp prior to export and also by courier.
- The documents in respect of the questioned consignments were received from the supplier via WhatsApp.
- He deleted the relevant WhatsApp chats containing the import documents received from the supplier.

**6.** The statement dated 09.02.2026 of Mohammad Rizwan Merchant indicated that he operates two sole proprietorship concerns, M/s ASB Enterprises and M/s Amiri Impex, which are formally registered in the names of his family members. Although the firms are registered to relatives, Mr. Merchant is the beneficial owner of both businesses; he is the key person overseeing and directly managing all commercial operations, including procurement, imports, customs clearance and distribution. Both entities are engaged in the importation of household articles for resale in domestic markets. Mohammad Rizwan Merchant further admitted that he imported two consignments vide bills of entry No. 5656412 & 5656406 both dated 12.11.2025 through his related firms M/s ASB Enterprises & M/s Amiri Impex respectively and he was aware, prior to the imports, that the goods declared on these two bills of entry were mis-declared that is, the descriptions & quantities, submitted to customs did not accurately reflect the actual goods imported. This admission indicates prior knowledge of incorrect declarations and willful suppression of the facts.

## **7. VIOLATIONS FOUND:**

### **7.1 Violation of Bureau of Indian Standards (BIS) Act, 2016**

#### **7.1.1 Examination of the goods imported by M/s ASB Enterprises under Bill of Entry No. 5656412 dated 12.11.2025.**

**7.1.1(a) VACUUM FLASK-** Upon examination of the goods imported under Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises, a total of 2,400 pieces of un-declared Vacuum Flask were found. The vacuum flask found appeared to be an insulated flask for domestic use. Products that are subject to mandatory Indian Standards, which also apply to domestic goods, must comply with the quality requirements specified in the Standards. To comply with these requirements, all manufacturers and importers of relevant products must obtain a Bureau of Indian Standards (BIS) licence for using the Standards mark on their products as Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 issued by Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade vide S.O. 1072(E) dated 05.03.2024.

As per Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024, import of 'Insulated Flask' should conform to the IS 17790 : 2022 and should bear the Standard Mark under a license from the Bureau as per Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulation, 2018. Import of Insulated Flask, Bottles and Containers without BIS certification and labeling is prohibited.

The **Vacuum Flask found during examination are appeared to be 'Insulated Flask'** which were found without BIS labeling / Marking for which no BIS license has been produced either at the time of examination or at any time after. Therefore, the BIS infringing goods are found in contravention of the Bureau of Indian Standards Act, 2016 read with the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024. Hence, these goods appear liable for absolute confiscation under **Section 111(d)** of the Customs Act, 1962.

Further, since these goods (Vacuum Flask) were found undeclared and concealed among the declared goods, they also appear liable for confiscation under **Sections 111(f), 111(i), 111(l) & 111(m)** of the Customs Act, 1962.

**7.1.2 Examination of the goods imported by M/s Amiri Impex under Bill of Entry No. 5656406 dated 12.11.2025**

**7.1.2(a) Tumbler-** Upon examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex, a total of 375 pieces of un-declared Tumbler were found. The Tumbler found appeared to be an insulated flask for domestic use. Products that are subject to mandatory Indian Standards, which also apply to domestic goods, must

comply with the quality requirements specified in the Standards. To comply with these requirements, all manufacturers and importers of relevant products must obtain a Bureau of Indian Standards (BIS) licence for using the Standards mark on their products as Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 issued by Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade vide S.O. 1072(E) dated 05.03.2024.

As per Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024, import of 'Insulated Flask' should conform to the IS 17790 : 2022 and should bear the Standard Mark under a license from the Bureau as per Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulation, 2018. Import of Insulated Flask, Bottles and Containers without BIS certification and labeling is prohibited.

The **Tumbler found during examination are appeared to be 'Insulated Flask'** which were found without BIS labeling / Marking for which no BIS license has been produced either at the time of examination or at any time after. Therefore, the BIS infringing goods are found in contravention of the Bureau of Indian Standards Act, 2016 read with the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024. Hence, these goods appear liable for confiscation under **Section 111(d)** of the Customs Act, 1962.

Further, since these goods (Tumbler) were found undeclared and concealed among the declared goods, they also appear liable for confiscation under **Sections 111(f), 111(i), 111(l) & 111(m)** of the Customs Act, 1962.

**7.1.2(b) Vacuum Flask-** Upon examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex, a total of 6,240 pieces of un-declared Vacuum Flask were found. The Vacuum Flask found appeared to be an insulated flask for domestic use. Products that are subject to mandatory Indian Standards, which also apply to domestic goods, must comply with the quality requirements specified in the Standards. To comply with these requirements, all manufacturers and importers of relevant products must obtain a Bureau of Indian Standards (BIS) licence for using the Standards mark on their products as Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 issued by Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade vide S.O. 1072(E) dated 05.03.2024.

As per Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024, import of 'Insulated Flask' should conform to the IS 17790 : 2022 and should bear the Standard Mark under a license from the Bureau as per Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulation, 2018. Import of Insulated Flask, Bottles and Containers without BIS certification and labeling is prohibited.

The **Vacuum Flask found during examination are appeared to be 'Insulated Flask'** which were found without BIS labeling / Marking for which no BIS license has been produced either at the time of examination or at any time after. Therefore, the BIS infringing goods are found in contravention of the Bureau of Indian Standards Act, 2016 read with the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024. Hence, these goods appear liable for confiscation under **Section 111(d)** of the Customs Act, 1962.

Further, since these goods (Vacuum Flask) were found undeclared and concealed among the declared goods, they also appear liable for confiscation under **Sections 111(f), 111(i), 111(l) & 111(m)** of the Customs Act, 1962.

**7.1.2(c) Flash Light-** Upon examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex, a total of 1,576 pieces of un-declared Flash Lights were found. Products that are subject to mandatory Indian Standards, which also apply to domestic goods, must comply with the quality requirements specified in the Standards. To comply with these requirements, all manufacturers and importers of relevant products must obtain a Bureau of Indian Standards (BIS) licence for using the Standards mark on their products as Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Flashlight (Quality Control) Order, 2025 issued by Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade vide S.O. 501(E) dated 21.01.2025.

As per Flashlight (Quality Control) Order, 2025, import of 'Flash Light' should conform to the IS 2083:2024 and should bear the Standard Mark under a license from the Bureau as per Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulation, 2018. Import of Flash Light without BIS certification and labeling is prohibited.

The **Flash Light found during examination** were without BIS labeling / Marking for which no BIS license has been produced either at the time of examination or at any time after. Therefore, the BIS infringing goods are found in contravention of the Bureau of Indian Standards Act, 2016

read with the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Flashlight (Quality Control) Order, 2025. Hence, these goods appear liable for confiscation under **Section 111(d)** of the Customs Act, 1962.

Further, since these goods (Flash Light) were found undeclared and concealed among the declared goods, they also appear liable for confiscation under **Sections 111(f), 111(i), 111(l) & 111(m)** of the Customs Act, 1962.

## **7.2. Compliance with Department of Commerce Notification No. 44 (RE-2000) 1997-2002 New Delhi:**

It also appeared that the pre-packaged commodities were not compliant with the DGFT Notification No.44 (RE-2000)/1997-2002 dated 24.11.2000, read with the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 read with Legal Metrology (Packed Commodity) Rules, 2011.

As per the Ministry of Commerce & Industry Department of Commerce DGFT Notification No. 44 (RE-2000) 1997-2002 New Delhi: 24th November, 2000 S.O (E), all such packaged products, which are subject to provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 when produced/ packed/ sold in domestic market, shall be subject to compliance of all the provisions of the said rules, when imported into India. The compliance of these shall be ensured before the import consignment of such commodities is cleared by Customs for home consumption. All pre-packaged commodities, imported into India, shall in particular carry the following declarations:

- (a) Name and address of the importer;
- (b) Generic or common name of the commodity packed;
- (c) Net quantity in terms of standard unit of weights and measures. If the net quantity in the imported package is given in any other unit, its equivalent in terms of standard units shall be declared by the importer;
- (d) Month and year of packing in which the commodity is manufactured or packed or imported;
- (e) Maximum retail sale price at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding and the like, as the case may be.

Attention is invited to the Board's Circular No.32/2001-Customs dated 31.5.2001 on the subject mentioned above, wherein, it was stated that import of packaged products covered by the Standards of Weights & Measures Act, 1976 (SWMA) or the Rules made there under or any other law, and DGFT's Notification No.44 (RE-2000)/1997-2002 dated 24.11.2000, cannot be allowed clearance into the country unless the Maximum Retail Price (MRP) in India and certain other particulars have been declared on the package.

On examination of the goods imported under the bills of entry no. 5656412 & 5656406 both dated 12.11.2025, it was noticed that the undeclared goods were in retail packing or goods such as were capable of being sold in the loose without being repacked into any other packaging material when they are displayed in malls or shops fronts, hence the requirement for affixing MRP and other marks and numbers on each package, such as (a) Name and address of the importer, (b) name of the commodity, (c) quantity, (d) Month and year of packing/import; (e) Maximum retail sale price including all taxes, transport charges, and other costs, commissions to dealers etc., was compulsory for the goods imported in the consignments. As the goods did not contain the above markings, they are liable for confiscation under **section 111 (d)** of Customs Act 1962, on this count as well and liable for confiscation for non-compliance with the requirements in DGFT notfn.44 (RE-2000) 1997-2002 dt. 24-11-2000, though the adjudicating authority could give them the option to affix the labels as required for the goods that could otherwise be released if there was no other offence, on payment of redemption fine in terms of Circular No. 19/2011-Customs, dt 15.04.2011.

## **8. VALUATION OF THE UNDECLARED GOODS:**

**8.1** The goods were 100% examined by the Officers of the DRI. The examination revealed that the importers have mis-declared the goods in terms of description, Quantity and CIF value. During examination, Vacuum Flask, Tumbler & Flashlight were found as undeclared. Since, the importer does not have BIS Certificate for the import of these goods, therefore, they are liable for absolute confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the ibid Act. As per Section 14 of the Customs Act, the value of imported goods is the transaction value. The Transaction Value is defined as 'price paid or payable for the goods'. If the value cannot be determined under Section 14, the valuation shall be determined on the basis of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (hereinafter referred to as 'Import Valuation Rules'). In the instant case, since the un-declared goods were found to be imported under the Bills of Entry No. 5656412 & 5656406 both dated 12.11.2025, the value cannot be

determined in terms of Section 14 of the Customs Act, 1962 and the same has to be determined by sequential application of the Import Valuation Rules. With respect to the determination of the assessable value of the undeclared goods, the applicability of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 becomes relevant, particularly in the absence of any import documents such as commercial invoice.

**Rule 3. Determination of the method of valuation: -**

*(1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;*

*(2) Value of imported goods under sub-rule (1) shall be accepted: Provided that -*

*(a) there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which -*

*(i) are imposed or required by law or by the public authorities in India; or*

*(ii) limit the geographical area in which the goods may be resold; or*

*(iii) do not substantially affect the value of the goods;*

*(b) the sale or price is not subject to some condition or consideration for which a value cannot be determined in respect of the goods being valued;*

*(c) no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of rule 10 of these rules; and*

*(d) the buyer and seller are not related, or where the buyer and seller are related, that transaction value is acceptable for customs purposes under the provisions of sub-rule (3) below.*

*(3) (a) Where the buyer and seller are related, the transaction value shall be accepted provided that the examination of the circumstances of the sale of the imported goods indicate that the relationship did not influence the price.*

*(b) In a sale between related persons, the transaction value shall be accepted, whenever the importer demonstrates that the declared value of the goods being valued, closely approximates to one of the following values ascertained at or about the same time.*

*(i) the transaction value of identical goods, or of similar goods, in sales to unrelated buyers in India;*

*(ii) the deductive value for identical goods or similar goods;*

*(iii) the computed value for identical goods or similar goods:*

*Provided that in applying the values used for comparison, due account shall be taken of demonstrated difference in commercial levels, quantity levels, adjustments in accordance with the*

*provisions of rule 10 and cost incurred by the seller in sales in which he and the buyer are not related;*

*(c) substitute values shall not be established under the provisions of clause (b) of this sub-rule.*

*(4) if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through rule 4 to 9.*

**8.2** As the goods were not declared truthfully in the aforesaid Bill of Entry, the valuation cannot be accepted under Sub rule(1) of Rule 3 of the CVR, 2007 and therefore, the same needs to be re-determined as per Rule 4-9 of the CVR, 2007. Therefore, the valuation of instant consignment is done sequentially under Rule 4 to 9 of the CVR, 2007.

#### **4. Transaction value of identical goods. –**

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

*Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.*

*(b) In applying this rule, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the value of imported goods.*

*(c) Where no sale referred to in clause (b) of sub-rule (1), is found, the transaction value of identical goods sold at a different commercial level or in different quantities or both, adjusted to take account of the difference attributable to commercial level or to the quantity or both, shall be used, provided that such adjustments shall be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustments, whether such adjustment leads to an increase or decrease in the value.*

*(2) Where the costs and charges referred to in sub-rule (2) of rule 10 of these rules are included in the transaction value of identical goods, an adjustment shall be made, if there are significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and means of transport.*

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

**8.3** As the items found during the examination were of general nature of goods and does not bear any specific Identification Mark or Model Number, MRP Tag etc., the value cannot be re-determined under Rule 4 of the CVR, 2007 as identical goods could not be found in ISS/ICES database. Therefore, value needs to be re-determined on the basis of Rule 5 of the CVR, 2007.

### **5. Transaction value of similar goods. –**

*(1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued: Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.*

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

**8.4** In terms of Rule 5, contemporaneous import data of similar goods, namely Vacuum Flask, Flash Light & Tumbler from China, legally imported through regular channels during the relevant period, was retrieved from the Indian Customs EDI System (ICES/ISS). The said goods are found to be similar in description, country of origin, commercial quantity, and period of import, and are capable of being substituted for the goods under assessment. Accordingly, the transaction value declared in such legally imported similar goods is considered appropriate for determination of the assessable value of the above mentioned goods under Rule 5 of the Customs Valuation Rules, 2007.

8.5 Accordingly, the verified import data of legally imported goods, namely Vacuum Flask, Flash Light & Tumbler from China for the period from May to November 2025 was retrieved from the Indian Customs EDI System (ICES/ISS), as the subject goods were imported in November 2025. Accordingly, the relevant import data for the said period was analysed, and it was found that similar goods were imported from China during the contemporaneous period. The representative Bills of Entry pertaining to such similar imported goods by different importers during the relevant period are detailed below:

S.No	B/E No. &	Importer Name	Country of	Merit Classification	Item Description	Unit price per piece
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.	date		Origin	n		in Rs. (Assessable Approx.)
1	5022134 dated 10.10.2025	SURYA AUTOMATION & MARKETING	China	96170011	VACUUM FLASK BOTTLE	89
3	4662812 dated 22.09.2025	AVI PROFESSIONAL AUDIO & LIGHTINGS	China	73239490	TUMBLER (SIPPER) WITH PLASTIC LID AND STRAW	62
4.	5154260 dated 17.10.2025	AVI PROFESSIONAL AUDIO & LIGHTINGS	China	73239490	TUMBLER (SIPPER) WITH PLASTIC LID AND STRAW	66.5
5	2513837 dated 06.06.2025	INNOVATIVE TECHNOLOGIE S	China	85131010	FLASH LIGHT MODEL NO : IBL HL 8425S	204
6	2561220 dated 10.06.2025	INNOVATIVE TECHNOLOGIE S	China	85131010	FLASH LIGHT,MODEL NO: IBL FL 8360S	286

8.6 In light of the foregoing and in accordance with Rule 5 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, the assessable value of the subject goods is adopted by taking minimum value, as given below, based on the transaction value of similar goods imported through proper channels during the contemporaneous period of January to November 2025, as retrieved from the Indian Customs EDI System (ICES/ISS).

Sr.No.	Description of Goods	Adopted assessable Value
1	Vacuum Flask	Rs. 89/-
2	Tumbler	Rs. 62/-
3	Flash Light	Rs. 204/-

8.7 During the examination of the subject consignments imported under Bills of Entry No. 5656406 & 5656412 both dated 12.11.2025, undeclared Flash Light, Tumbler, Vacuum Flask & Vacuum Flask were found respectively. Using the determined value as tabulated above, the total Assessable value of the goods has been calculated as given below.

Table-4

Sr.No.	Bill of Entry No. & Date	Importer Name	Description of Goods	Quantity found	Determined per piece assessable Value	Total Assessable Value
1	5656406 dated 12.11.2025	M/s Amiri Impex	Vacuum Flask	6240	Rs. 89/-	Rs. 5,55,360/-
2			Tumbler	375	Rs. 62/-	Rs. 23,250/-
3			Flash Light	1576	Rs. 204/-	Rs. 3,21,504/-
4	5656412 dated 12.11.2025	M/s ASB Enterprises	Vacuum Flask	2400	Rs. 89/-	Rs. 2,13,600/-

8.8 Further, it was suspected that some of the declared goods imported by both the firms were appeared to be undervalued. Accordingly, the verified import data of similar goods legally imported from China for the period from January to November 2025 was retrieved from the Indian Customs EDI System (ICES/ISS), as the subject goods were imported in November 2025. Accordingly, the relevant import data for the said period was analysed, and it was found that the similar goods were imported from China during the contemporaneous period at the higher value (in case of Empty Plastic Bottle and ICE Bag). The representative Bills of Entry pertaining to such similar imported goods with similar quality & declaration by different importers during the relevant period are detailed below:

S.No.	B/E No. & date	Importer Name	Country of Origin	Declared Classification	Item Description	Unit price per piece in Rs. (Assessable Approx.)
1	8008028 dt 25.01.2025	TEKSON ENTERPRISES	China	39233090	EMPTY PLASTIC BOTTLE	26.4
2	2225065 dt. 22.05.2025	AQSA COLLECTION	China	40149020	ICE BAG	12.5

8.9 In light of the foregoing and in accordance with Rule 5 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, the assessable value of the above goods is adopted as determined above, based on the transaction value of similar goods imported through proper channels during the contemporaneous period of January to November 2025, as retrieved from the Indian Customs EDI System (ICES/ISS).

## 9. VALUATION OF THE DECLARED GOODS:

**9.1** The goods imported under Bills of Entry No. 5656406 & 5656412 both dated 12.11.2025 were 100% examined by the Officers of DRI under the examination proceedings recorded under panchanama dated 16.11.2025. The examination revealed mis-declaration in quantity of the declared goods, consequently, in the CIF value of the consignments. Therefore, the declared value has to be rejected under Section 14 of the Customs Act, 1962 read with Rule 12 of the Customs Valuation Rules (Determination of Value of Imported Goods) Rules, 2007 of Customs and re-determined as per the actual quantity recovered during examination.

### **Re-determined CIF value in respect to the consignment imported by M/s Amiri Impex under Bill of Entry No. 5656406 dated 12.11.2025.**

**9.2** Examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025, imported by M/s Amiri Impex, revealed mis-declaration in quantity of the declared goods and, consequently, in CIF value. The CIF value as per the actual quantity of goods imported under the said bill of entry has been calculated as tabulated below.

**Table-5**

Sr.No.	Item Desc	CTH declared	Qty declared	Unit	Pieces declared	Unit price	Re-determined Unit Price	Inv Cur	Assess Val as declared
1	EMPTY PLASTIC BOTTLE	39233090	892	DOZ	10704	2	3.6	USD	159668
2	HOUSEHOLD ITEM (BEATER)	84383090	834	DOZ	10008	1.5	1.5	USD	111964.5
3	HAND TALLY COUNTER	90292090	1151	GRS	165744	1.5	1.5	USD	154521.8
4	BATHROOM MAT	57050042	1313	DOZ	15756	1	1	USD	117513.5
5	ICE BAG	40149020	2134	DOZ	25608	1	1.68	USD	190993
<b>TOTAL</b>									<b>734660</b>

Sr.No.	Item Desc	Actual Quantity found (pc.)	Actual Assess value in Rs. (per pc.)	Actual Assess re-determined
1	EMPTY PLASTIC BOTTLE	4100	26.85	110085.00
2	HOUSEHOLD ITEM (BEATER)	10000	11.19	111875.00
3	HAND TALLY COUNTER	146200	0.93	136301.04
4	BATHROOM MAT	15675	7.46	116909.38
5	ICE BAG	25600	12.53	320768.00
<b>TOTAL</b>				<b>795938</b>

**9.3** In view of the above table, the declared CIF value of Rs. 7,34,660/- merit rejection and the re-determined CIF value has been calculated as Rs. 7,95,938/- in respect to the declared goods.

**Re-determined CIF value in respect to the consignment imported by M/s ASB Enterprises under Bill of Entry No. 5656412 dated 12.11.2025.**

**9.4** Examination of the goods imported under Bill of Entry No. 5656412 dated 12.11.2025, imported by M/s ASB Enterprises, revealed mis-declaration in quantity of the declared goods and, consequently, in CIF value. The CIF value as per the actual quantity of goods imported under the said bill of entry has been calculated as tabulated below.

Table-6

Sr.No	Item Desc	Qty	Unit	Pieces declared	Unit price	Re-determined unit price	Inv Cur	Assess Val declared
1	HAIR CLIP	530	DOZ	6360	0.5	0.5	USD	23717.5
2	SEWING KIT SET	185	DOZ	2220	1	1	USD	16557.5
3	SOCKS	830	DOZ	9960	0.5	0.5	USD	37142.5
4	EMPTY ATTAR BOTTLE	421	GRS	60624	1	1	USD	37679.5
5	BABY SCARF	150	DOZ	1800	0.5	0.5	USD	6712.5
6	KEYCHAIN	446	GRS	64224	1.5	1.5	USD	59875.5
7	BABY POUCH	167	DOZ	2004	0.7	0.7	USD	10462.55
8	EDUCATION ITEMS	36	DOZ	432	0.5	0.5	USD	1611
9	LUNCH BOX	30	DOZ	360	1	1	USD	2685
10	SPOON/FORK SET	100	DOZ	1200	1	1	USD	8950
11	DECORATIVE ITEM (BIRTHDAY CARD)	3000	DOZ	36000	1	1	USD	268500
12	SLING BAG	82	DOZ	984	1	1	USD	7339
13	MUSIC INSTRUMENT (GUITAR)	26	DOZ	312	2	2	USD	4654
14	CHAIN	4014	KGS	4014	1	1	USD	359253
15	SUNGLASSES	248	GRS	35712	1	1	USD	22196
16	FURNITURE FITTINGS	7520	KGS	7520	0.5	0.5	USD	336520
17	EMPTY PLASTIC BOTTLE	709	DOZ	8508	1	3.6	USD	63455.5
<b>TOTAL</b>								1267311

Sr.No	Item Desc	Actual quantity Found	Unit	Assess value per in Rs. ( per pc/kg)	Assess Val re-determined
1	HAIR CLIP	6360	Pcs	3.7	23718

2	SEWING KIT SET	2220	Pcs	7.5	16558
3	SOCKS	9960	Pcs	3.7	37143
4	EMPTY ATTAR BOTTLE	60624	Pcs	0.6	37680
5	BABY SCARF	1800	Pcs	3.7	6713
6	KEYCHAIN	66200	Pcs	0.9	61718
7	BABY POUCH	2000	Pcs	5.2	10442
8	EDUCATION ITEMS	432	Pcs	3.7	1611
9	LUNCH BOX	360	Pcs	7.5	2685
10	SPOON/FORK SET	360	Pcs	7.5	2685
11	DECORATIVE ITEM (BIRTHDAY CARD)	36000	Pcs	7.5	268500
12	SLING BAG	984	Pcs	7.5	7339
13	MUSIC INSTRUMENT (GUITAR)	312	Pcs	14.9	4654
14	CHAIN	4000	KGS	89.5	358000
15	SUNGLASSES	35712	Pcs	0.6	22196
16	FURNITURE FITTINGS	8000	KGS	44.8	358000
17	EMPTY PLASTIC BOTTLE	6100	Pcs	26.9	163785
<b>TOTAL</b>					<b>1383424</b>

**9.5** In view of the above table, the declared CIF value of Rs. 12,67,311/- merit rejection and the re-determined CIF value has been calculated as Rs. 13,83,424/- in respect to the declared goods.

## 10. Duty Calculation OF THE DECLARED GOODS:

**10.1 Goods imported by M/s Amiri Impex under Bill of Entry No. 5656406 dated 12.11.2025** -Examination of the goods imported under Bill of Entry No. 5656406 dated 12.11.2025, imported by M/s Amiri Impex, revealed mis-declaration in quantity and, consequently, in value & Customs related Duties. The actual quantity of goods imported under the said bill of entry is shown in Table-1 above. Accordingly, customs duty has been re-determined as set out in the table below.

**Table-7 (As detailed in Annexure-A)**

Sr.No (a)	Item Description (b)	Declared CTH (c)	Quantity (d)	Unit (e)	Pieces declared (f)	Unit price (g)	Unit Price re-determined (h)	Inv Cur (i)	Assess Val as declared (j)
1	EMPTY PLASTIC BOTTLE	39233090	892	DOZ	10704	2	3.6	USD	159668
2	HOUSEHOLD ITEM (BEATER)	84383090	834	DOZ	10008	1.5	1.5	USD	111964.5
3	HAND TALLY COUNTER	90292090	1151	GRS	165744	1.5	1.5	USD	154521.8
4	BATHROOM	57050042	1313	DO	15756	1	1	USD	117513.

	MAT			Z				D	5
5	ICE BAG	40149020	2134	DO Z	25608	1	1.68	US D	190993 734660. 8

BCD rate	Actual Quantity found	Actual Assess value (per pc.)	Actual Assess value re-determined	BCD as per re-determined value	SWS	IGST (p)	TOTAL
(j)	(k)	(l)	(m)	(n)	(o)		(q)
15	4100	26.85	110085	16512.75	1651.28	23084.82	41248.85
7.5	10000	11.19	111875	8390.63	839.06	21798.84	31028.53
7.5	146200	0.93	136301.04	10222.58	1022.26	26558.26	37803.09
20	15675	7.46	116909.38	23381.88	2338.19	7131.47	32851.53
10	25600	12.53	320768	32076.8	3207.68	64089.45	99373.93
			795938	90584.6	9058.4	142662.8	242305.9

**10.2.** Summary of the above mentioned Table is as follows: -

Assessable Value Declared in aforesaid Bill of Entry	Rs. 7,34,660/-
Re-determined Assessable Value	Rs. 7,95,938/-
Re-determined Duty	Rs. 2,42,305/-

**10.3 Goods imported by M/s ASB Enterprises under Bill of Entry No. 5656412 dated 12.11.2025** -Examination of the goods imported under Bill of Entry No. 5656412 dated 12.11.2025, imported by M/s ASB Enterprises, revealed mis-declaration in quantity and, consequently, in value & Customs related Duties. The actual quantity of goods imported under the said bill of entry is shown in Table 2 above. Accordingly, customs duty has been re-determined as set out in the table below.

**Table-8 (As detailed in Annexure-B)**

Sr.No (a)	Item Description (b)	Quantity (c)	Unit (d)	Pieces declared (e)	Unit price (f)	Unit price re-determined	Inv Cur (g)	Assess Val (h)
1	HAIR CLIP	530	DOZ	6360	0.5	0.5	USD	23717.5
2	SEWING KIT SET	185	DOZ	2220	1	1	USD	16557.5
3	SOCKS	830	DOZ	9960	0.5	0.5	USD	37142.5
4	EMPTY ATTAR BOTTLE	421	GRS	60624	1	1	USD	37679.5
5	BABY SCARF	150	DOZ	1800	0.5	0.5	USD	6712.5
6	KEYCHAIN	446	GRS	64224	1.5	1.5	USD	59875.5
7	BABY POUCH	167	DOZ	2004	0.7	0.7	USD	10462.55
8	EDUCATION ITEMS	36	DOZ	432	0.5	0.5	USD	1611
9	LUNCH BOX	30	DOZ	360	1	1	USD	2685
10	SPOON/FORK SET	100	DOZ	1200	1	1	USD	8950
11	DECORATIVE ITEM (BIRTHDAY	3000	DOZ	36000	1	1	USD	268500

	CARD)							
12	SLING BAG	82	DOZ	984	1	1	USD	7339
13	MUSIC INSTRUMENT (GUITAR)	26	DOZ	312	2	2	USD	4654
14	CHAIN	4014	KGS	4014	1	1	USD	359253
15	SUNGLASSES	248	GRS	35712	1	1	USD	22196
16	FURNITURE FITTINGS	7520	KGS	7520	0.5	0.5	USD	336520
17	EMPTY PLASTIC BOTTLE	709	DOZ	8508	1	3.6	USD	63455.5
								1267311

BCD Rate	Actual quantity Found	Unit	Assess value per pc/kg	Assess Val re-determined	BCD as per re-determined value	SWS	IGST	TOTAL
(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
20	6360	Pcs	3.7	23718	4744	474	1447	6665
7.5	2220	Pcs	7.5	16558	1242	124	896	2262
20	9960	Pcs	3.7	37143	7429	743	2266	10437
20	60624	Pcs	0.6	37680	7536	754	8274	16564
20	1800	Pcs	3.7	6713	1343	134	409	1886
15	66200	Pcs	0.9	61718	9258	926	12942	23126
15	2000	Pcs	5.2	10442	1566	157	2190	3912
10	432	Pcs	3.7	1611	161	16	322	499
15	360	Pcs	7.5	2685	403	40	563	1006
10	360	Pcs	7.5	2685	269	27	536	832
20	36000	Pcs	7.5	268500	53700	5370	58963	118033
15	984	Pcs	7.5	7339	1101	110	1539	2750
10	312	Pcs	14.9	4654	465	47	930	1442
10	4000	KGS	89.5	358000	35800	3580	71528	110908
20	35712	Pcs	0.6	22196	4439	444	4874	9757
20	8000	KGS	44.8	358000	71600	7160	78617	157377
15	6100	Pcs	7.5	163785	24568	2457	34346	61370
	241424			1383424	225622	22562	280642	528826

#### 10.4 Summary of the above mentioned Table is as follows: -

Assessable Value Declared in aforesaid Bill of Entry	Rs. 12,67,311/-
Re-determined Assessable Value	Rs. 13,83,424/-
Re-determined Duty	Rs. 5,28,826/-

#### **FINDINGS OF INVESTIGATION: -**

**11.1** An intelligence was gathered by the officers of the DRI indicating that the goods imported under Bills of Entry No. 5656406 & 5656412, both dated 12.11.2025, imported by M/s Amiri Impex and M/s ASB Enterprises respectively, might be mis-declared in terms of quantity/description with an

intention to evade applicable Customs Duty and/or bypass applicable compliances.

**11.2** Acting upon the intelligence, the consignments imported under Bills of Entry No. 5656406 & 5656412, both dated 12.11.2025, were examined by the DRI on 16.11.2025, and the proceedings were recorded in Panchanamas, both dated 16.11.2025. The examination revealed mis-declaration in the quantity of the declared goods as well as recovery of restricted, undeclared goods such as Vacuum Flasks, Tumblers, and Flash Lights that require BIS certification.

**11.3** During investigation, summons were issued to both the importers namely, M/s Amiri Impex & M/s ASB Enterprises. In response to both the summons, Mohammad Rizwan Merchant appeared on behalf of both the firms. The statement of Mohammad Rizwan Merchant was recorded on 09.02.2026 under Section 108 of the Customs Act, 1962. The investigation revealed that both firms, M/s Amiri Impex and M/s ASB Enterprises, are managed by Mohammad Rizwan Merchant and he is the actual importer. In his statement, Mohammad Rizwan Merchant admitted that he is responsible for the business operations of these two firms and is the beneficial owner. The importer also accepted the misdeclaration of items (un-declared goods) and quantities in his statement dated 09.02.2026. Further, the statement shows that the importer willfully suppressed/misdeclared the item details of the goods with the intent to import restricted goods without complying with mandatory requirements. To maintain the total declared quantity, he imported a smaller quantity of the declared goods and concealed the shortfall by including undeclared restricted goods.

**11.4** Based on the above facts, the Assessable Value (CIF) as declared by the importers was rejected under Section 14 of the Customs Act, 1962, read with Rule 12 of the Customs Valuation Rules (Determination of Value of Imported Goods) Rules, 2007, and has been re-determined at Rs. 7,95,938/- and Rs. 13,83,424/- with respect to M/s Amiri Impex and M/s ASB Enterprises respectively.

**11.5** Further, the assessable value of the undeclared goods was determined by the department under Rule 5 of the Customs Valuation Rules (Determination of Value of Imported Goods) Rules, 2007, as tabulated below.

Sr.No.	Bill of Entry No. & Date	Importer Name	Description of Goods	Quantity found	Determined per piece assessable Value	Total Assessable Value

1	5656406 dated 12.11.2025	M/s Amiri Impex	Vacuum Flask	6240	Rs. 89/-	Rs. 5,55,360/-
2			Tumbler	375	Rs. 62/-	Rs. 23,250/-
3			Flash Light	1576	Rs. 204/-	Rs. 3,21,504/-
4	5656412 dated 12.11.2025	M/s ASB Enterprises	Vacuum Flask	2400	Rs. 89/-	Rs. 2,13,600/-

## **12. CONTRAVENTIONS OF THE CUSTOMS ACT, 1962 AND OTHER APPLICABLE LAWS: -**

### **Violations and Liability: -**

**12.1.** The importer has contravened several provisions of the Customs Act, 1962 as discussed herein below and above. The goods are liable for confiscation under **Section 111(d), 111(f), 111(i), 111(l) & 111(m)** of the Customs Act, 1962. The importer, therefore, is also liable for Penalty under **Section 112(a) and/or 112(b)** of the ibid Act.

**12.2.** The subsequent paragraphs will delve into the Customs provisions that have been contravened and the relevant provisions under which, the impugned goods are liable for confiscation and the importer shall be liable for Penalties for the improper import of the impugned goods.

### **Section 46: - Entry of goods on importation**

*(4) The importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, 1 [and such other documents relating to the imported goods as may be prescribed].*

**12.3.** Further, the importer via mis-declaring the Items & Quantity and Valuation of the consignment, of the imported goods has rendered all the imported goods in the Bills of Entry no. 5656406 & 5656412 both dated 12.11.2025 liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the Customs Act, 1962. The relevant provisions are as under: -

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

(a) any goods imported by sea or air which are unloaded or attempted to be unloaded at any place other than a customs port or customs airport appointed under clause (a) of [section 7](#) for the unloading of such goods;

(b) any goods imported by land or inland water through any route other than a route specified in a notification issued under clause (c) of [section 7](#) for the import of such goods;

(c) any dutiable or prohibited goods brought into any bay, gulf, creek or tidal river for the purpose of being landed at a place other than a customs port;

(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;

(e) any dutiable or prohibited goods found concealed in any manner in any conveyance;

(f) any dutiable or prohibited goods required to be mentioned under the regulations in an arrival manifest or import manifest] or import report which are not so mentioned;

(g) any dutiable or prohibited goods which are unloaded from a conveyance in contravention of the provisions of [section 32](#), other than goods inadvertently unloaded but included in the record kept under sub-section (2) of [section 45](#);

(h) any dutiable or prohibited goods unloaded or attempted to be unloaded in contravention of the provisions of [section 33](#) or [section 34](#);

(i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;

(j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the permission of the proper officer or contrary to the terms of such permission;

(k) any dutiable or prohibited goods imported by land in respect of which the order permitting clearance of the goods required to be produced under [section 109](#) is not produced or which do not correspond in any material particular with the specification contained therein;

(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 trans-shipment, with the declaration for trans-shipment referred to in the proviso to sub-section (1) of [section 54](#);

(n) any dutiable or prohibited goods transited with or without trans-shipment or attempted to be so transited in contravention of the provisions of Chapter VIII;

**12.4.** The importer under Section 17(1) of the Customs Act, 1962, self-assessed the duty on the imported goods and by not making correct declaration in terms of Items, Quantity and Valuation of the consignment resulted in incorrect payment of Customs Duty thereon. Therefore, it is clear that they have thereby attempted to import un-declared item as well as evade payment of appropriate Customs Duty. Had the Customs Officers not intercepted the consignment, the importer by his self-assessment would not have paid the appropriate amount of Customs Duty and cleared un-declared items, resulting in wilful evasion of Customs Duty. The importer has therefore made himself liable for Penalty under Section 112 (a) and/or 112(b), for improper importation of the goods.

**SECTION 112. Penalty for improper importation of goods, etc.-**

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

*(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;*

**12.5** The goods used for concealing the goods liable for confiscation are also liable for confiscation under Section 119 of the Customs Act, 1962.

**SECTION 119. Confiscation of goods used for concealing smuggled goods**

*Any goods used for concealing smuggled goods shall also liable to confiscation.*

*Explanation: In this section, "goods" do not include a conveyance used as a means of transport.*

**12.6 Section 125: Option to pay fine in lieu of confiscation.**

*(i) 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:*

**13. Role Played**

**13.1 Role played by M/s Amiri Impex-** Mohammad Rizwan Merchant, through the proprietorship firm M/s Amiri Impex, orchestrated a systematic operation to import undeclared goods by concealing in cover cargo in order to bypass mandatory compliances and evade customs duties. He admitted that the goods were imported through his firm, which was registered under the proprietorship of a family member. The firm's illicit procurement strategy involved sourcing items from China that require BIS registration for import, while failing to declare them so as to evade mandatory compliance and duties. The firm consciously chose to bypass lawful procedures and procured the goods without declaring them to customs authorities at the time of import. This deliberate and organized approach to acquisition continued despite the firm's full awareness that the goods were restricted and was being sourced through illegal means. The firm's conduct demonstrates intentional and calculated evasion of customs duties on the import of restricted goods by deliberately rejecting lawful import procedures in favor of concealment. Consequently, these unlawful activities resulted in substantial revenue loss to the Government of India. For his acts of

omission and commission, the subject goods appear liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) and Section 119 of the Customs Act, 1962. Consequently, M/s Amiri Impex has rendered itself liable for penalties under Sections 112 of the Customs Act, 1962.

**13.2 Role played by M/s ASB Enterprises-** Mohammad Rizwan Merchant, through the proprietorship firm M/s ASB Enterprises, orchestrated a systematic operation to import undeclared goods by concealing in cover cargo in order to bypass mandatory compliances and mis-declared the quantities of the declared goods to evade customs duties. He admitted that the goods were imported through his firm, which was registered under the proprietorship of a family member. The firm's illicit procurement strategy involved sourcing items from China that require BIS registration for import, while failing to declare them so as to evade mandatory compliance and duties. The firm consciously chose to bypass lawful procedures and procured the goods without declaring them to customs authorities at the time of import. This deliberate and organized approach to acquisition continued despite the firm's full awareness that the goods were restricted and were being sourced through illegal means. The firm's conduct demonstrates intentional and calculated evasion of customs duties on the import of restricted goods by deliberately rejecting lawful import procedures in favor of concealment. Consequently, these unlawful activities resulted in substantial revenue loss to the Government of India. For his acts of omission and commission, the subject goods appear liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) and Section 119 of the Customs Act, 1962. Consequently, M/s ASB Enterprises has rendered itself liable for penalties under Sections 112 of the Customs Act, 1962.

**13.3 Role played by Mohammad Rizwan Merchant** - Mohammad Rizwan Merchant, the key person responsible for handling all the business operations of the firms namely, M/s Amiri Impex & M/s ASB Enterprises, was responsible for the entire operation to evade customs duties by illegally importation of restricted goods and mis-declaration of the quantities. Mohammad Rizwan Merchant acknowledged ownership of the consignments imported in the name of M/s Amiri Impex & M/s ASB Enterprises. He admitted that he is the beneficial owner of these two firms registered under the proprietorship of his family members. He admitted that he was aware of the goods being exported by his supplier but chooses to mis-declared the goods to surpass the legal mandated compliances and also evaded duty by not declaring the correct quantity of the imported goods. He knowingly adopted illegal means of importation despite of his full awareness that these goods require BIS certification for the import in India. Despite knowing these facts, Mohammad Rizwan Merchant involved himself in the procurement of

these mis-declared/un-declared goods through related firms named above. For his acts of omission and commission, the subject goods appear liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) and Section 119 of the Customs Act, 1962. Consequently, Shri Mohammad Rizwan Merchant has rendered himself liable for penalties under Sections 112 of the Customs Act, 1962.

**14.1 From the above facts, statements, examination and material evidence, it is evident that:**

- Mohammad Rizwan Merchant through his related firms namely, M/s Amiri Impex & M/s ASB Enterprises **knowingly imported restricted goods but choose not to declared them before the Customs Authority.**
- Mohammad Rizwan Merchant through his related firm namely, M/s ASB Enterprises **knowingly mis-declared the actual quantity of the goods imported to evade appropriate customs duties.**
- Mohammad Rizwan Merchant **admitted knowledge** of the actual description and quantities of the imported goods.
- The recovered goods and statements of the related person conclusively establish the **illegal procurement of the goods.**

**14.2** The Vacuum Flask, Tumbler and Flash Lights are appears to be legally classifiable under Customs Tariff Heading (CTH) 96170011, 73239490 & 85131010 respectively as per the Customs Tariff Act, 1975, attracting a Basic Customs Duty (BCD) of 20%, 20% & 10% respectively. These goods are subject to mandatory Indian Standards, which also apply to domestic goods, must comply with the quality requirements specified in the Standards. To comply with these requirements, all manufacturers and importers of relevant products must obtain a Bureau of Indian Standards (BIS) licence for using the Standards mark on their products as Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 read with Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 & Flashlight (Quality Control) Order, 2025 issued by Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade vide S.O. 1072(E) dated 05.03.2024 & S.O. 501(E) dated 21.01.2025 respectively. As per Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 & Flashlight (Quality Control) Order, 2025, import of 'Insulated Flask' & Flash Light should conform to the IS 17790 : 2022 & 2083 : 2024 respectively and should bear the Standard Mark under a license from the Bureau as per Scheme-I of Schedule-II of BIS

(Conformity Assessment) Regulation, 2018. Import of these goods without BIS certification and labeling is prohibited. These goods as detailed below, liable for confiscation under the provisions of the Section 111 of Customs Act, 1962. Further, M/s Amiri Impex & M/s ASB Enterprises is rendered themselves liable to a penalty under Section 112 of the Customs Act, 1962.

**Table-A**

Sr.No.	Bill of Entry No. & Date	Importer Name	Description of Goods	Quantity found	Determined per piece assessable Value	Total determined Assessable Value
1	5656406 dated 12.11.2025	M/s Amiri Impex	Vacuum Flask	6240	Rs. 89/-	Rs. 5,55,360/-
2			Tumbler	375	Rs. 62/-	Rs. 23,250/-
3			Flash Light	1576	Rs. 204/-	Rs. 3,21,504/-
<b>TOTAL</b>						<b>Rs. 9,00,114/-</b>

Table-B

Sr.No.	Bill of Entry No. & Date	Importer Name	Description of Goods	Quantity found	Determined per piece assessable Value	Total determined Assessable Value
4	5656412 dated 12.11.2025	M/s ASB Enterprises	Vacuum Flask	2400	Rs. 89/-	Rs. 2,13,600/-
<b>Total</b>						<b>Rs. 2,13,600/-</b>

**15.** Accordingly, Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026 was issued to M/s Amiri Impex calling upon it to show cause as to why:

**(i)** The declared value of **Rs. 7,34,660/-** in respect of goods (**except the undeclared goods**) imported vide Bill of Entry No. 5656406 dated 12.11.2025 should not be rejected under Rule 12 of the Customs Valuation Rules (Determination of Value of Imported Goods) Rules 2007 read with Section 14 of the Customs Act, 1962 and re-determine the Assessable Value of goods as **Rs. 7,95,938/- (Rs. Seven Lakh Ninety Five Thousand Nine Hundred Thirty Eight Rupees Only)** under Section 14 of the Customs Act, 1962 and accordingly, the aforesaid Bill of Entry may be re-assessed as per Section 17(4) of the Customs Act, 1962 as amended.

**(ii)** the duty amounting to Rs. 2,42,305/- as calculated in Table-7 above, is not payable against the import of actual quantities of the declared goods, under Bill of Entry No. 5656406 dated 12.11.2025.

**(iii)** the imported goods (**except the undeclared goods**) should not be held liable for confiscation under Section 111(m) read with Section 119 of the Customs Act, 1962.

**(iv)** the undeclared goods mentioned in Table-A above, having total determined value of Rs. 9,00,114/- (Nine Lakh One Hundred Fourteen Rupees Only), should not be absolutely confiscated under the provisions of Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the Customs Act, 1962 for the violations discussed supra.

**(v)** penalty should not be imposed under Section 112(a) and/or 112(b), of the Customs Act 1962.

**16.** Accordingly, Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026 was issued to M/s ASB Enterprises calling upon it to show cause as to why:

**(i)** The declared value of **Rs. 12,67,311/-** in respect of goods (**except the undeclared goods**) imported vide Bill of Entry No. 5656412 dated 12.11.2025 should not be rejected under Rule 12 of the Customs Valuation Rules (Determination of Value of Imported Goods) Rules 2007 read with Section 14 of the Customs Act, 1962 and re-determine the Assessable Value of goods as **Rs. 13,83,424/- (Rs. Thirteen Lakh Eighty Three Thousand Four Hundred Twenty Four Rupees Only)** under Section 14 of the Customs Act, 1962 and accordingly, the aforesaid Bill of Entry may be re-assessed as per Section 17(4) of the Customs Act, 1962 as amended.

**(ii)** The duty amounting to Rs. 5,28,826/- as calculated Table-8 above, is not payable against the import of actual quantities of the declared goods, under Bill of Entry No. 5656412 dated 12.11.2025.

**(iii)** the imported goods (**except the undeclared goods**) should not be held liable for confiscation under Section 111(l) & 111(m) read with Section 119 of the Customs Act, 1962.

**(iv)** The undeclared goods mentioned in Table-B above, having total determined value of Rs. 2,13,600/- (Two Lakh Thirteen Thousand Six Hundred Rupees Only), should not be absolutely confiscated under the provisions of Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the Customs Act, 1962 for the violations discussed supra.

(v) penalty should not be imposed under Section 112(a) and/or 112(b), of the Customs Act 1962.

**17.** Accordingly, Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026 was also issued to Mohammad Rizwan Merchant, beneficiary owner of the proprietorship firms; M/s Amiri Impex & M/s ASB Enterprises calling upon it to show cause as to why penalty should not be imposed on him under Section 112(a) and/or 112(b), of the Customs, Act, 1962.

### **WRITTEN SUBMISSIONS**

**18.1** M/s Amiri Impex, vide their letter dated 13.04.2026, submitted as follows:

*"We wish to inform your office that we failed to obtain the mandatory BIS certification for the items Vacuum Flasks, Tumbler and Flash Light prior to import, which is a compliance oversight on our part.*

*In light of this non-compliance, we humbly request your permission to allow for the re-export of Vacuum Flasks, Tumbler and Flash Light.*

*Furthermore, we respectfully request your kind consideration to decide this matter on its merits and allow us waiver of PH.*

*We assure you of our full cooperation in this matter and appreciate your kind consideration"*

**18.2** M/s ASB Enterprises, vide their letter dated 13.04.2026, submitted as follows:

*"We wish to inform your office that we failed to obtain the mandatory BIS certification for the items Vacuum Flasks prior to import, which is a compliance oversight on our part.*

*In light of this non-compliance, we humbly request your permission to allow for the re-export of Vacuum Flasks.*

*Furthermore, we respectfully request your kind consideration to decide this matter on its merits and allow us waiver of PH.*

*We assure you of our full cooperation in this matter and appreciate your kind consideration."*

**18.3** Mohammad Rizwan Merchant, vide his letter dated 20.04.2026, submitted as follows:

*"I, Mr. Mohammad Rizwan Merchant, authorized representative of M/s ASB Enterprises and M/s Amiri Impex, respectfully submit this request seeking waiver of PH in connection with Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026.*

*In this regard, I request your good office to kindly adjudicate the matter on its merits based on the submissions already made and available on record.*

*I assure you of my full cooperation in the proceedings and shall promptly provide any further information or clarification, if required.*

*I sincerely appreciate your kind consideration in this regard."*

### **PERSONAL HEARING**

**19.** M/s Amiri Impex, M/s ASB Enterprises and Mohammad Rizwan Merchant, vide their letters dated 13.04.2026, 13.04.2026 and 20.04.2026 respectively, have requested waiver of Personal Hearing in respect of Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026.

### **DISCUSSION AND FINDINGS**

**20.** I have carefully gone through Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026 and all other documentary evidence available on record. All three noticees have waived their right to Personal Hearing. I find that the principles of natural justice as provided under Section 122A of the Customs Act, 1962 have been duly complied with and I accordingly proceed to decide the case on the basis of the documentary evidence and material available on record. The issues to be decided by me are:

**(i)** Whether the declared assessable value of **Rs. 7,34,660/-** in respect of declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex is liable to be rejected under Rule 12 of CVR, 2007 read with Section 14 of the Customs Act, 1962, and whether the assessable value is liable to be re-determined at **Rs. 7,95,938/-**;

**(ii)** Whether the duty amounting to **Rs. 2,42,305/-** as calculated in Table-7, supra, is payable against the import of actual quantities of the declared

goods under Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex;

**(iii)** Whether the declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex are liable for confiscation under Section 111(m) read with Section 119 of the Customs Act, 1962;

**(iv)** Whether the undeclared goods mentioned in Table – A, supra, having total determined value of **Rs. 9,00,114/-** are liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the Customs Act, 1962;

**(v)** Whether penalty is imposable on M/s Amiri Impex under Section 112(a) and/or 112(b) of the Customs Act, 1962;

**(vi)** Whether the declared assessable value of **Rs. 12,67,311/-** in respect of declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises is liable to be rejected under Rule 12 of CVR, 2007 read with Section 14 of the Customs Act, 1962, and whether the assessable value is liable to be re-determined at **Rs. 13,83,424/-**;

**(vii)** Whether the duty amounting to **Rs. 5,28,826/-** as calculated in Table-8, supra, is payable against the import of actual quantities of the declared goods under Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises;

**(viii)** Whether the declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises are liable for confiscation under Section 111(l) & 111(m) read with Section 119 of the Customs Act, 1962;

**(ix)** Whether the undeclared goods mentioned in Table-B, supra, having total determined value of **Rs. 2,13,600/-** are liable for confiscation under Section 111(d), 111(f), 111(i), 111(l) & 111(m) of the Customs Act, 1962;

**(x)** Whether penalty is imposable on M/s ASB Enterprises under Section 112(a) and/or 112(b) of the Customs Act, 1962;

**(xi)** Whether penalty is imposable on Mohammad Rizwan Merchant under Section 112(a) and/or 112(b) of the Customs Act, 1962.

**Rejection of declared assessable value and re-determination thereof — M/s Amiri Impex**

**21.1** Regarding the first issue, I find that M/s Amiri Impex imported a consignment vide Bill of Entry No. 5656406 dated 12.11.2025 declaring five items namely Empty Plastic Bottle, Household Item (Beater), Hand Tally Counter, Bathroom Mat and ICE Bag at a total declared assessable value of **Rs. 7,34,660/-**. The said consignment was examined by the officers of DRI on 16.11.2025 and the examination proceedings were recorded under Panchanama dated 16.11.2025. The examination revealed significant

discrepancies in the quantities of all five declared items as compared to the quantities declared in the Bill of Entry and the accompanying invoice and packing list. Specifically, the quantities of Empty Plastic Bottle, Household Item (Beater), Hand Tally Counter, Bathroom Mat and ICE Bag were found to be less than declared, while additionally, undeclared goods were also found concealed in the consignment. The details of the quantity discrepancies in respect of declared goods are set out in Table-1, supra.

**21.2** I find that the declared assessable value of **Rs. 7,34,660/-** was computed on the basis of the quantities declared in the Bill of Entry, which have been found upon examination to be incorrect. Since the actual quantities of the declared goods differ from the declared quantities, the value declared in the Bill of Entry does not represent the true transaction value of the goods actually imported. The misdeclaration in quantity creates reasonable doubt on the truth and accuracy of the declared value within the meaning of Rule 12 read with Rule 3(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (hereinafter referred to as 'CVR, 2007'). Accordingly, the declared assessable value of **Rs. 7,34,660/-** is liable to be rejected under Rule 12 of CVR, 2007 read with Section 14 of the Customs Act, 1962.

**21.3** I further find that since the declared transaction value has been rejected, the assessable value of the declared goods is required to be re-determined sequentially as per Rules 4 to 9 of CVR, 2007. As noted in the SCN, identical goods could not be found in the ISS/ICES database due to the general nature of the goods and the absence of specific identification marks or model numbers. Accordingly, the value has been re-determined under Rule 5 of CVR, 2007 on the basis of transaction values of similar goods imported from China during the contemporaneous period, as retrieved from the Indian Customs EDI System (ICES/ISS). The re-determined unit assessable values adopted for each item and the total re-determined assessable value of the declared goods work out to **Rs. 7,95,938/-** as detailed in Table-5, supra.

**21.4** In view of the foregoing, I hold that the declared assessable value of **Rs. 7,34,660/-** in respect of declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 is rejected under Rule 12 read with Rule 3(2) of CVR, 2007, and the assessable value of the declared goods is re-determined at **Rs. 7,95,938/-** (Rupees Seven Lakh Ninety Five Thousand Nine Hundred and Thirty Eight Only) in terms of Rule 5 of CVR, 2007.

### **Re-assessment of duty — M/s Amiri Impex**

**22.1** Regarding the second issue, I find that consequent upon the re-determination of assessable value of declared goods at **Rs. 7,95,938/-** as held above, the applicable customs duties comprising Basic Customs Duty, Social Welfare Surcharge and Integrated Goods and Services Tax are liable to be re-computed as detailed in Table-7, supra. The total duty re-determined on the actual quantity of goods found during examination works

out to **Rs. 2,42,305/-** (Rupees Two Lakh Forty Two Thousand Three Hundred and Five Only) as against the duty of **Rs. 2,25,929/-** declared and paid by the importer at the time of filing the Bill of Entry. The differential duty, being the excess of re-determined duty over declared and paid duty, works out to **Rs. 16,376/-** (Rupees Sixteen Thousand Three Hundred and Seventy Six Only) and is accordingly recoverable from M/s Amiri Impex.

**22.2** In view of the above, I hold that the Bill of Entry No. 5656406 dated 12.11.2025 is liable to be re-assessed under Section 17(4) of the Customs Act, 1962, and the total customs duty of **Rs. 2,42,305/-** (Rupees Two Lakh Forty Two Thousand Three Hundred and Five Only) as calculated in Table-7, supra is payable in respect of the declared goods imported thereunder. The differential duty of **Rs. 16,376/-** (Rupees Sixteen Thousand Three Hundred and Seventy Six Only) arising upon re-assessment is recoverable from M/s Amiri Impex.

### **Confiscation of declared goods — M/s Amiri Impex**

**23.1** I find that the declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 do not correspond in respect of quantity and value with the entry made under the Customs Act, 1962, as conclusively established by the examination findings recorded in Panchanama dated 16.11.2025 and tabulated in Table-1, supra.

**23.2** As regards Section 111(m) of the Customs Act, 1962, I find that the said provision provides for confiscation of any goods which do not correspond in respect of value or in any other particular with the entry made under the Act. In the present case, I find that the goods declared in Bill of Entry No. 5656406 dated 12.11.2025 comprised five items namely Empty Plastic Bottle, Household Item (Beater), Hand Tally Counter, Bathroom Mat and ICE Bag. The examination conducted by DRI officers on 16.11.2025 revealed that the actual quantities of all five declared items differ significantly from the quantities declared in the Bill of Entry and the accompanying invoice and packing list. Consequently, the declared assessable value of Rs. 7,34,660/- also does not reflect the true value of the goods actually imported, which has been re-determined at Rs. 7,95,938/-. The goods thus do not correspond in respect of quantity and value with the entry made under Bill of Entry No. 5656406 dated 12.11.2025. I accordingly hold that the declared goods are liable for confiscation under Section 111(m) of the Customs Act, 1962.

**23.3** As regards Section 119 of the Customs Act, 1962, I find that the said provision provides for confiscation of any goods used for concealing smuggled goods. In the present case, the examination revealed that undeclared, BIS-restricted goods viz. Vacuum Flask, Tumbler and Flash Light were found concealed among the declared goods in container no. CAAU6323761. The declared goods were thus used as cover cargo to conceal the undeclared restricted goods. I accordingly hold that the declared goods are also liable for confiscation under Section 119 of the Customs Act, 1962.

**23.4** In view of the above, I hold that the declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 are liable for confiscation under Section 111(m) read with Section 119 of the Customs Act, 1962. I further note that as per Section 125(1) of the Customs Act, 1962, in the case of confiscation of goods other than prohibited goods, an option to pay fine in lieu of confiscation shall be given to the owner. In the present case, the declared goods are dutiable goods and are not prohibited goods. Accordingly, I give M/s Amiri Impex an option to redeem the said declared goods on payment of Redemption Fine in lieu of confiscation under Section 125 of the Customs Act, 1962.

### **Confiscation of undeclared goods — M/s Amiri Impex**

**24.1** Regarding the fourth issue of confiscation of undeclared goods, I find that during examination of the consignment imported vide Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex, the following undeclared goods were found concealed among the declared goods, as recorded in the Panchanama dated 16.11.2025 and tabulated in Table-1 and Table-3, supra:

<b>Sr. No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Merit Classification</b>	<b>Determined Value per Unit</b>	<b>Total Value</b>
1	Vacuum Flask	6,240 pcs	CTH 96170011	Rs. 89/-	Rs. 5,55,360/-
2	Tumbler	375 pcs	CTH 73239490	Rs. 62/-	Rs. 23,250/-
3	Flash Light	1,576 pcs	CTH 85131010	Rs. 204/-	Rs. 3,21,504/-
<b>Total</b>					<b>Rs. 9,00,114/-</b>

The value of the above undeclared goods has been determined under Rule 5 of CVR, 2007 on the basis of transaction values of similar goods imported from China during the contemporaneous period, as retrieved from the Indian Customs EDI System (ICES/ISS), as detailed in para 8.5 of the SCN.

**24.2** I find that the aforesaid Vacuum Flask and Tumbler are insulated containers for domestic use and are squarely covered under the Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 issued vide S.O. 1072(E) dated 05.03.2024 by the Ministry of Commerce and Industry. As per the said QCO, import of Insulated Flask, Bottles and Containers for domestic use must conform to IS 17790:2022 and must bear the Standard Mark under a licence from the Bureau of Indian Standards as per Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018. Import of such goods without BIS certification and labelling is prohibited. I further find that the Flash Light is covered under the Flashlight (Quality Control) Order, 2025 issued vide S.O. 501(E) dated 21.01.2025, and import thereof must conform to IS 2083:2024 and must bear the BIS Standard Mark. Import of Flash Light without BIS certification and labelling is equally prohibited.

**24.3** I find that none of the aforesaid undeclared goods bear BIS labelling or Standard Mark, and no BIS licence has been produced in respect of any of these goods either at the time of examination or at any point thereafter. These goods are accordingly in contravention of the Bureau of Indian Standards Act, 2016 read with the BIS (Conformity Assessment) Regulations, 2018 read with the Insulated Flask, Bottles and Containers for Domestic Use (QCO) 2024 and the Flashlight (QCO) 2025 respectively. The import of these goods contrary to the aforesaid prohibitions renders them liable for confiscation under Section 111(d) of the Customs Act, 1962. Further, as regards Sections 111(f) and 111(i), the goods were neither mentioned in the import manifest nor declared in the Bill of Entry and were found concealed in packages, rendering them liable for confiscation under both provisions. As regards Section 111(l), these goods were not included in the entry made under the Act, being entirely omitted from Bill of Entry No. 5656406 dated 12.11.2025. As regards Section 111(m), the actual consignment does not correspond in description and composition with the said entry. I accordingly hold that the undeclared goods are liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962.

**24.4** As I have already held these goods liable for confiscation in the previous para under Section 111 of the Customs Act, 1962, I find it necessary to consider as to whether redemption fine under Section 125 of the Customs Act, 1962 is liable to be imposed in lieu of confiscation in respect of the impugned goods. Section 125 *ibid* reads as under:

*"Section 125. Option to pay fine in lieu of confiscation.— (1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods 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."*

**24.5** A plain reading of the above provision shows that imposition of redemption fine is an option in lieu of confiscation. It provides an opportunity to the owner of confiscated goods to redeem the goods by paying redemption fine. M/s Amiri Impex has requested permission for re-export of the undeclared goods. The goods have remained under customs control and have not been cleared for home consumption. The issue in the present case is not one of absolute prohibition of the goods per se, but of non-fulfilment of the statutory and mandatory compliance conditions governing their import, namely, absence of BIS certification. In the absence of fulfilment of these essential conditions, the goods cannot be permitted to be cleared into the domestic market. I further observe that ordering absolute confiscation without allowance for re-export would not serve any meaningful revenue or regulatory purpose. The goods are not per se banned items; their import is

regulated and conditional upon BIS certification. The principles of proportionality and fairness in adjudication require that while enforcement of law is ensured, the consequence should be proportionate to the nature of the violation.

**24.6** In view of the above, I am of the considered view that the ends of justice would be met by allowing redemption of the subject goods for the limited purpose of re-export. Therefore, exercising powers under Section 125 of the Customs Act, 1962, I deem it appropriate to allow M/s Amiri Impex an option to redeem the undeclared goods viz. Vacuum Flask (6,240 pcs), Tumbler (375 pcs) and Flash Light (1,576 pcs) for the limited purpose of re-export on payment of Redemption Fine under section 125 of the Customs Act, 1962.

### **Penalty on M/s Amiri Impex**

**25.1** Regarding the fifth issue of proposed penalty, I find that M/s Amiri Impex imported a consignment vide Bill of Entry No. 5656406 dated 12.11.2025 with misdeclaration of quantities of declared goods and concealment of undeclared, BIS-restricted goods viz. Vacuum Flask, Tumbler and Flash Light in the consignment. The acts of misdeclaration and concealment have been conclusively established by the Panchanama dated 16.11.2025 and the statement of Mohammad Rizwan Merchant dated 09.02.2026, who admitted prior knowledge of both the quantity discrepancies and the undeclared goods. These acts render the goods liable to confiscation as held above, and accordingly render M/s Amiri Impex liable to penalty under Section 112(a) of the Customs Act, 1962.

**25.2** Section 112(a) of the Customs Act, 1962 provides as under:

*"112. Penalty for improper importation of goods, etc.— Any person, (a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, shall be liable —*

*(i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding the value of the goods or five thousand rupees, whichever is the greater;*

*(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent of the duty sought to be evaded or five thousand rupees, whichever is higher."*

**25.3** As regards the undeclared goods viz. Vacuum Flask (6,240 pcs), Tumbler (375 pcs) and Flash Light (1,576 pcs), I find that these goods are prohibited goods within the meaning of Section 2(33) of the Customs Act,

1962, their import being contrary to the BIS QCO notifications, and have been held liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962 as discussed above. The total determined assessable value of these undeclared prohibited goods is **Rs. 9,00,114/-**. Accordingly, penalty under Section 112(a)(i) of the Customs Act, 1962 is imposable in respect of these goods.

**25.4** As regards the declared goods viz. Empty Plastic Bottle, Household Item (Beater), Hand Tally Counter, Bathroom Mat and ICE Bag, I find that these goods are dutiable goods but not prohibited goods and have been held liable for confiscation under Section 111(m) read with Section 119 of the Customs Act, 1962, as discussed above. The duty sought to be evaded in respect of these declared goods works out to **Rs. 16,376/-**, being the differential between the re-determined duty of Rs. 2,42,305/- and the duty declared of Rs. 2,25,929/-. Accordingly, penalty under Section 112(a)(ii) of the Customs Act, 1962 is imposable in respect of these goods.

**25.5** I find that imposition of penalty simultaneously under both Section 112(a) and Section 112(b) of the Customs Act, 1962 in respect of the same act would amount to double penalty for the same offence, and accordingly I refrain from imposing penalty under Section 112(b) of the Customs Act, 1962.

#### **Rejection of declared assessable value and re-determination thereof — M/s ASB Enterprises**

**26.1** Regarding the sixth issue, I find that M/s ASB Enterprises imported a consignment vide Bill of Entry No. 5656412 dated 12.11.2025 declaring seventeen items at a total declared assessable value of Rs. 12,67,311/-. The said consignment was examined by the officers of DRI on 16.11.2025 and the examination proceedings were recorded under Panchanama dated 16.11.2025. The examination revealed discrepancies in the quantities of certain declared items, specifically Key Chain, Furniture Fittings and Empty Plastic Bottle, as detailed in Table-2, supra. Additionally, the unit price of Empty Plastic Bottle was found to be lower than the value of similar goods imported during the contemporaneous period, resulting in undervaluation.

**26.2** I find that the declared assessable value of **Rs. 12,67,311/-** was computed on the basis of the quantities and unit prices declared in the Bill of Entry, which have been found upon examination to be incorrect. Since the actual quantities of certain declared items differ from the declared quantities and the declared unit price of Empty Plastic Bottle does not reflect the true transaction value, the value declared in the Bill of Entry does not represent the true transaction value of the goods actually imported. The misdeclaration in quantity and value creates reasonable doubt on the truth and accuracy of the declared value within the meaning of Rule 12 read with Rule 3(2) of CVR, 2007. Accordingly, the declared assessable value of **Rs. 12,67,311/-** is liable to be rejected under Rule 12 of CVR, 2007 read with Section 14 of the Customs Act, 1962.

**26.3** I further find that since the declared transaction value has been rejected, the assessable value of the declared goods is required to be re-determined sequentially as per Rules 4 to 9 of CVR, 2007. As noted in the SCN, identical goods could not be found in the ISS/ICES database due to the general nature of the goods and the absence of specific identification marks or model numbers. Accordingly, the value has been re-determined under Rule 5 of CVR, 2007 on the basis of transaction values of similar goods imported from China during the contemporaneous period, as retrieved from the Indian Customs EDI System (ICES/ISS). The re-determined unit assessable values adopted for each item and the total re-determined assessable value of the declared goods work out to **Rs. 13,83,424/-** as detailed in Table-6, supra.

**26.4** In view of the foregoing, I hold that the declared assessable value of Rs. 12,67,311/- in respect of declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 is rejected under Rule 12 read with Rule 3(2) of CVR, 2007, and the assessable value of the declared goods is re-determined at **Rs. 13,83,424/-** (Rupees Thirteen Lakh Eighty Three Thousand Four Hundred and Twenty Four Only) in terms of Rule 5 of CVR, 2007.

#### **Re-assessment of duty — M/s ASB Enterprises**

**27.1** Regarding the seventh issue, I find that consequent upon the re-determination of assessable value of declared goods at Rs. 13,83,424/- as held above, the applicable customs duties comprising Basic Customs Duty, Social Welfare Surcharge and Integrated Goods and Services Tax are liable to be re-computed as detailed in Table-8, supra. The total duty re-determined on the actual quantity of goods found during examination works out to **Rs. 5,28,826/-** (Rupees Five Lakh Twenty Eight Thousand Eight Hundred and Twenty Six Only) as against the duty of **Rs. 4,83,437/-** declared and paid by the importer at the time of filing the Bill of Entry. The differential duty, being the excess of re-determined duty over declared and paid duty, works out to **Rs. 45,389/-** (Rupees Forty Five Thousand Three Hundred and Eighty Nine Only) and is accordingly recoverable from M/s ASB Enterprises.

**27.2** In view of the above, I hold that the Bill of Entry No. 5656412 dated 12.11.2025 is liable to be re-assessed under Section 17(4) of the Customs Act, 1962, and the total customs duty of Rs. 5,28,826/- (Rupees Five Lakh Twenty Eight Thousand Eight Hundred and Twenty Six Only) as calculated in Table-8, supra is payable in respect of the declared goods imported thereunder. The differential duty of **Rs. 45,389/-** (Rupees Forty Five Thousand Three Hundred and Eighty Nine Only) arising upon re-assessment is recoverable from M/s ASB Enterprises.

#### **Confiscation of declared goods — M/s ASB Enterprises**

**28.1** I find that the declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 do not correspond in respect of quantity and value with

the entry made under the Customs Act, 1962, as conclusively established by the examination findings recorded in Panchanama dated 16.11.2025 and tabulated in Table-2, supra.

**28.2** As regards Section 111(l) of the Customs Act, 1962, I find that the said provision provides for confiscation of any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under the Act. In the present case, Key Chain was declared as 64,224 pieces but 66,200 pieces were found, reflecting an excess of 1,976 pieces; and Furniture Fittings were declared as 7,520 Kgs but approximately 8,000 Kgs were found, reflecting an excess of approximately 480 Kgs. These excess quantities constitute goods not included in the entry made under the Act. I accordingly hold that the declared goods are liable for confiscation under Section 111(l) of the Customs Act, 1962.

**28.3** As regards Section 111(m) of the Customs Act, 1962, I find that the said provision provides for confiscation of any goods which do not correspond in respect of value or in any other particular with the entry made under the Act. In the present case, the actual quantities of Key Chain, Furniture Fittings and Empty Plastic Bottle differ from the quantities declared in the Bill of Entry, and the declared unit price of Empty Plastic Bottle does not reflect the true transaction value. Consequently, the declared assessable value of Rs. 12,67,311/- does not reflect the true value of the goods actually imported, which has been re-determined at Rs. 13,83,424/-. The goods thus do not correspond in respect of quantity and value with the entry made under Bill of Entry No. 5656412 dated 12.11.2025. I accordingly hold that the declared goods are liable for confiscation under Section 111(m) of the Customs Act, 1962.

**28.4** As regards Section 119 of the Customs Act, 1962, I find that the said provision provides for confiscation of any goods used for concealing smuggled goods. In the present case, the examination revealed that undeclared, BIS-restricted goods viz. Vacuum Flask (2,400 pcs) were found concealed among the declared goods in container no. CIPU5125712. The declared goods were thus used as cover cargo to conceal the undeclared restricted goods. I accordingly hold that the declared goods are also liable for confiscation under Section 119 of the Customs Act, 1962.

**28.5** In view of the above, I hold that the declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 are liable for confiscation under Sections 111(l) & 111(m) read with Section 119 of the Customs Act, 1962. I further note that as per Section 125(1) of the Customs Act, 1962, in the case of confiscation of goods other than prohibited goods, an option to pay fine in lieu of confiscation shall be given to the owner. In the present case, the declared goods are dutiable goods and are not prohibited goods. Accordingly, I give M/s ASB Enterprises an option to redeem the said declared goods on payment of Redemption Fine in lieu of confiscation under Section 125 of the Customs Act, 1962.

## **Confiscation of undeclared goods — M/s ASB Enterprises**

**29.1** Regarding the ninth issue, I find that during examination of the consignment imported vide Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises, the following undeclared goods were found concealed among the declared goods, as recorded in the Panchanama dated 16.11.2025 and tabulated in Table-2 and Table-3, supra:

<b>Sr. No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Merit Classification</b>	<b>Determined Value per Unit</b>	<b>Total Value</b>
1	Vacuum Flask	2,400 pcs	CTH 96170011	Rs. 89/-	Rs. 2,13,600/-

The value of the above undeclared goods has been determined under Rule 5 of CVR, 2007 on the basis of transaction values of similar goods imported from China during the contemporaneous period, as retrieved from the Indian Customs EDI System (ICES/ISS), as detailed in para 8.5 of the SCN.

**29.2** I find that the aforesaid Vacuum Flask is an insulated container for domestic use and is squarely covered under the Insulated Flask, Bottles and Containers for Domestic Use (Quality Control) Order, 2024 issued vide S.O. 1072(E) dated 05.03.2024 by the Ministry of Commerce and Industry. As per the said QCO, import of Insulated Flask, Bottles and Containers for domestic use must conform to IS 17790:2022 and must bear the Standard Mark under a licence from the Bureau of Indian Standards as per Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018. Import of such goods without BIS certification and labelling is prohibited.

**29.3** I find that the aforesaid Vacuum Flask does not bear any BIS labelling or Standard Mark, and no BIS licence has been produced in respect thereof either at the time of examination or at any point thereafter. These goods are accordingly in contravention of the Bureau of Indian Standards Act, 2016 read with the BIS (Conformity Assessment) Regulations, 2018 read with the Insulated Flask, Bottles and Containers for Domestic Use (QCO) 2024. The import of these goods contrary to the aforesaid prohibition renders them liable for confiscation under Section 111(d) of the Customs Act, 1962. Further, as regards Sections 111(f) and 111(i), the goods were neither mentioned in the import manifest nor declared in the Bill of Entry and were found concealed in packages, rendering them liable for confiscation under both provisions. As regards Section 111(l), these goods were not included in the entry made under the Act, being entirely omitted from Bill of Entry No. 5656412 dated 12.11.2025. As regards Section 111(m), the actual consignment does not correspond in description and composition with the said entry. I accordingly hold that the undeclared goods are liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962.

**29.4** As I have already held these goods liable for confiscation under Section 111 of the Customs Act, 1962 in the previous para, the question of whether

redemption fine under Section 125 of the Customs Act, 1962 is to be imposed in lieu of confiscation arises for consideration. In this regard, I find that the reasoning and analysis recorded in paras 24.5 and 24.6, supra, in respect of the undeclared goods of M/s Amiri Impex applies equally here. The undeclared Vacuum Flask (2,400 pcs) has remained under customs control, has not been cleared for home consumption, and M/s ASB Enterprises has requested re-export and waived Personal Hearing. The issue is similarly one of non-fulfilment of BIS certification conditions and not of absolute prohibition of the goods per se.

**29.5** In view of the above, exercising powers under Section 125 of the Customs Act, 1962, I deem it appropriate to allow M/s ASB Enterprises an option to redeem the undeclared goods viz. Vacuum Flask (2,400 pcs) for the limited purpose of re-export on payment of Redemption Fine under Section 125 of the Customs Act, 1962.

### **Penalty on M/s ASB Enterprises**

**30.1** Regarding the tenth issue of proposed penalty, I find that M/s ASB Enterprises imported a consignment vide Bill of Entry No. 5656412 dated 12.11.2025 with misdeclaration of quantities of declared goods and concealment of undeclared, BIS-restricted goods viz. Vacuum Flask (2,400 pcs) in the consignment. The acts of misdeclaration and concealment have been conclusively established by the Panchanama dated 16.11.2025 and the statement of Mohammad Rizwan Merchant dated 09.02.2026, who admitted prior knowledge of the substitution of Vacuum Flask in place of Empty Plastic Bottles. These acts render the goods liable to confiscation as held above, and accordingly render M/s ASB Enterprises liable to penalty under Section 112(a) of the Customs Act, 1962.

**30.2** Section 112(a) of the Customs Act, 1962 provides as already reproduced in para 25.2, supra.

**30.3** As regards the undeclared goods viz. Vacuum Flask (2,400 pcs), I find that these goods are prohibited goods within the meaning of Section 2(33) of the Customs Act, 1962, their import being contrary to the BIS QCO notification, and have been held liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962 as discussed above. The total determined assessable value of these undeclared prohibited goods is **Rs. 2,13,600/-**. Accordingly, penalty under Section 112(a)(i) of the Customs Act, 1962 is imposable in respect of these goods.

**30.4** As regards the declared goods, I find that these goods are dutiable goods but not prohibited goods and have been held liable for confiscation under Sections 111(l) & 111(m) read with Section 119 of the Customs Act, 1962, as discussed above. The duty sought to be evaded in respect of these declared goods works out to **Rs. 45,389/-**, being the differential between the re-determined duty of Rs. 5,28,826/- and the duty declared and paid of Rs.

4,83,437/-. Accordingly, penalty under Section 112(a)(ii) of the Customs Act, 1962 is imposable in respect of these goods.

**30.5** Further, I find that imposition of penalty simultaneously under both Section 112(a) and Section 112(b) of the Customs Act, 1962 in respect of the same act would amount to double penalty for the same offence, and accordingly I refrain from imposing penalty under Section 112(b) of the Customs Act, 1962.

### **Penalty on Mohammad Rizwan Merchant**

**31.1** Regarding the eleventh issue, I find that Mohammad Rizwan Merchant is the beneficial owner and the key person responsible for all business operations of both M/s Amiri Impex and M/s ASB Enterprises. In his statement dated 09.02.2026 recorded under Section 108 of the Customs Act, 1962, he has admitted that all procurement, import, customs clearance, logistics, client management and sales operations of both firms are handled solely by him and that the proprietors of the respective firms do not participate in day-to-day operations. He has further admitted that he was aware, prior to the import of both consignments, that the goods being imported under Bills of Entry No. 5656406 and 5656412 were misdeclared in terms of description and quantity, and that undeclared goods viz. Vacuum Flask, Tumbler and Flash Light were included in the consignment imported under Bill of Entry No. 5656406 dated 12.11.2025 and Vacuum Flask was included in the consignment imported under Bill of Entry No. 5656412 dated 12.11.2025.

**31.2** I find that despite this full and prior knowledge of the misdeclarations, Mohammad Rizwan Merchant chose to have Bills of Entry filed containing false and incorrect declarations, thereby abetting willful suppression and misdeclaration with a view to import BIS-restricted goods in circumvention of mandatory compliance requirements and to evade applicable customs duties. He further admitted to having deleted the WhatsApp communications with the supplier containing import documents, which reflects a deliberate attempt to suppress evidence. The acts of omission and commission of Mohammad Rizwan Merchant have directly caused the goods to be rendered liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l), 111(m) and 119 of the Customs Act, 1962, as held above.

**31.3** Section 112(a) of the Customs Act, 1962 provides as already reproduced in para 25.2, supra. I find that Mohammad Rizwan Merchant, being the person who orchestrated and abetted the misdeclarations and concealment of BIS-restricted goods in both consignments, has done acts and omissions which have rendered the goods liable to confiscation under Section 111 of the Customs Act, 1962. He is accordingly liable to penalty under Section 112(a) of the Customs Act, 1962. I find that imposition of penalty simultaneously under both Section 112(a) and Section 112(b) in respect of the same acts would amount to double penalty for the same

offence, and accordingly I refrain from imposing penalty under Section 112(b) of the Customs Act, 1962.

**31.4** Since both prohibited goods and dutiable goods are involved across the two consignments orchestrated by Mohammad Rizwan Merchant, penalty under Section 112(a)(i) as well as Section 112(a)(ii) of the Customs Act, 1962 is imposable on him. Having regard to the fact that he is the beneficial owner and mastermind behind both the contraventions, that he had full prior knowledge of the misdeclarations in both consignments, and that he deliberately orchestrated the import of BIS-restricted goods through two separate related firms, therefore, I hold that Mr. Mohammad Rizwan Merchant is liable to penalty under Section 112(a)(i) and Section 112(a)(ii) of the Customs Act, 1962.

### **ORDER**

**32.** In view of the foregoing Discussion and Findings, I pass the following Order:

**(i)** I hold that the declared assessable value of **Rs. 7,34,660/-** in respect of declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 by M/s Amiri Impex is rejected under Rule 12 read with Rule 3(2) of CVR, 2007, and the assessable value of the said goods is re-determined at **Rs. 7,95,938/-** (Rupees Seven Lakh Ninety Five Thousand Nine Hundred and Thirty Eight Only) in terms of Rule 5 of CVR, 2007;

**(ii)** Consequent upon the re-determination of assessable value as held in (i) above, the Bill of Entry No. 5656406 dated 12.11.2025 is re-assessed under Section 17(4) of the Customs Act, 1962. The differential duty arising upon re-assessment works out to **Rs. 16,376/-** (Rupees Sixteen Thousand Three Hundred and Seventy Six Only);

**(iii)** I hold that the declared goods imported vide Bill of Entry No. 5656406 dated 12.11.2025 with re-determined assessable value of **Rs. 7,95,938/-** (Rupees Seven Lakh Ninety Five Thousand Nine Hundred and Thirty Eight Only), are liable for confiscation under Section 111(m) read with Section 119 of the Customs Act, 1962. However, I give M/s Amiri Impex an option to redeem the said goods on payment of Redemption Fine of **Rs. 80,000/-** (Rupees Eighty Thousand Only) under Section 125 of the Customs Act, 1962;

**(iv)** I hold that the undeclared goods viz. Vacuum Flask, Tumbler and Flash Light found during examination of the consignment imported vide Bill of Entry No. 5656406 dated 12.11.2025, with total determined value of **Rs. 9,00,114/-** (Rupees Nine Lakh One Hundred and Fourteen Only), are liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962. However, I give M/s Amiri Impex an option to redeem the said goods only for re-export on payment of Redemption Fine of **Rs. 90,000/-** (Rupees Ninety Thousand Only);

(v) I impose penalty of **Rs. 45,000/-** (Rupees Forty Five Thousand Only) on M/s Amiri Impex under Section 112(a)(i) of the Customs Act, 1962;

(vi) I impose penalty of **Rs. 5,000/-** (Rupees Five Thousand Only) on M/s Amiri Impex under Section 112(a)(ii) of the Customs Act, 1962;

(vii) I hold that the declared assessable value of **Rs. 12,67,311/-** in respect of declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025 by M/s ASB Enterprises is rejected under Rule 12 read with Rule 3(2) of CVR, 2007, and the assessable value of the said goods is re-determined at **Rs. 13,83,424/-** (Rupees Thirteen Lakh Eighty Three Thousand Four Hundred and Twenty Four Only) in terms of Rule 5 of CVR, 2007;

(viii) Consequent upon the re-determination of assessable value as held in (vii) above, the Bill of Entry No. 5656412 dated 12.11.2025 is re-assessed under Section 17(4) of the Customs Act, 1962. The differential duty arising upon re-assessment works out to **Rs. 45,389/-** (Rupees Forty Five Thousand Three Hundred and Eighty Nine Only);

(ix) I hold that the declared goods imported vide Bill of Entry No. 5656412 dated 12.11.2025, with re-determined assessable value of **Rs. 13,83,424/-** (Rupees Thirteen Lakh Eighty Three Thousand Four Hundred and Twenty Four Only), are liable for confiscation under Sections 111(l) & 111(m) read with Section 119 of the Customs Act, 1962. However, I give M/s ASB Enterprises an option to redeem the said goods on payment of Redemption Fine of **Rs. 1,40,000/-** (Rupees One Lakh Forty Thousand Only) under Section 125 of the Customs Act, 1962;

(x) I hold that the undeclared goods viz. Vacuum Flask found during examination of the consignment imported vide Bill of Entry No. 5656412 dated 12.11.2025, with total determined value of **Rs. 2,13,600/-** (Rupees Two Lakh Thirteen Thousand Six Hundred Only), are liable for confiscation under Sections 111(d), 111(f), 111(i), 111(l) and 111(m) of the Customs Act, 1962. However, I give M/s ASB Enterprises an option to redeem the said goods only for re-export on payment of Redemption Fine of **Rs. 25,000/-** (Rupees Twenty Five Thousand Only);

(xi) I impose penalty of **Rs. 10,000/-** (Rupees Ten Thousand Only) on M/s ASB Enterprises under Section 112(a)(i) of the Customs Act, 1962;

(xii) I impose penalty of **Rs. 5,000/-** (Rupees Five Thousand Only) on M/s ASB Enterprises under Section 112(a)(ii) of the Customs Act, 1962;

(xiii) I impose penalty of **Rs. 25,000/-** (Rupees Twenty Five Thousand Only) on Mr. Mohammad Rizwan Merchant under Section 112(a)(i) of the Customs Act, 1962;

**(xiv)** I impose penalty of **Rs. 5,000/-** (Rupees Five Thousand Only) on Mohammad Rizwan Merchant under Section 112(a)(ii) of the Customs Act, 1962.

**33.** This Order is issued without prejudice to any other action that may be contemplated against M/s Amiri Impex, M/s ASB Enterprises, Mohammad Rizwan Merchant, or any other person connected with this case, under the provisions of the Customs Act, 1962 or any other law for the time being in force.

**34.** The Show Cause Notice No. 20/2026-27/ADC/ZDC/MCH dated 13.04.2026 stands disposed of in the above terms.

**(Dipak Zala)**

Additional Commissioner of Customs,  
Custom House, Mundra.

**To,**

- 1.** M/s Amiri Impex, situated at 123/127, Kambekar Street, Latiff Hou Room No. 11/12, Minara Masjid, Mand Mumbai – 400 003.
- 2.** M/s ASB Enterprises, situated at F-801, Floor-8, Plot-292 F Wing Dudhw Jahangir Boman BehramMarg Mumbai – 400 008.
- 3.** Mr. Mohammad Rizwan Merchant, R/o Kailash Apartment, B-Wing, Flat No. 706, 293, Belasis Road, Next to City Centre, Mumbai, Maharashtra – 400 008.

**Copy to:**

- 1.** The Additional Director, DRI, Delhi Zonal Unit, B-4, 6<sup>th</sup> Floor, Pt. Deen Dayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi – 110 003
- 2.** The Deputy Commissioner, Review, Customs House, Mundra
- 3.** The Deputy Commissioner, TRC, Custom House, Mundra
- 4.** The Deputy Commissioner, EDI, Custom House, Mundra
- 5.** Guard File.