प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, MUNDRA, KUTCH
MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA-370421
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A	फा .सं /.FILE NO.	CUS/8534/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra
B	मूल आदेश सं. ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/318/2026-27
C	द्वारा पारित किया गया PASSED BY	Dipak Zala Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	19-09-2026
E	जारी करने की तिथि DATE OF ISSUE	19-09-2026
F	कारण बताओ नोटिस सं .एवं तिथि SCN NUMBER & DATE	SCN and PH waiver vide email dated 01.09.2026
G	नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER	M/s. Astoniya E-Commerce Private Limited, 778, 5th Floor, Shop No. 5, Nicholson Road, Kashmere Gate, New Delhi – 110006

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 128 के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-
   Any person aggrieved by this Order - in - Original may file an appeal under Section 128 of the 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, 4TH Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009."

3. उक्त अपील यह आदेश भेजने की दिनांक से 3 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 the Court Fees Act; it

must be 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 a 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 चाहिए। 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 must be followed 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

1. Based on specific intelligence, the import consignment covered under Bill of Entry No. 2407020 dated 09.07.2026 (Z-Type), filed by M/s. Astoniya E-Commerce Private Limited (IEC No. ABECA1418N) and contained in Container No. MSKU1439267, was placed on hold for detailed scrutiny and examination at the premises of M/s. Shoolin Trade Link LLP, SEZ Warehouse Unit, Plot No. 11A, Block No. 11B, Sector 12S, Light Engineering Zone, Mundra.

The Bill of Entry was filed for goods imported from China and supplied by M/s. Equilibrium Trade and Tech Limited, Hong Kong, China. As per the Bill of Entry, the consignment comprised 760 packages with a declared gross weight of 10,980 Kgs. The declared goods consisted of six items: Luggage Trolley Bag (Unbranded), Artificial Synthetic Hair Extension, Shattaf Sanitary Items, Assorted Belt Buckle, Steering Gear with Pitman Arm Assembly (Automobile Parts), and Belt Made of Cotton. The consignment was examined on 13.08.2026 at the premises of M/S. Shoolin Trade Link LLP in the presence of Shri Pranjal Singh, authorised representative of the importer and authorised person of the SEZ Unit, and two Panch witnesses.

The importer produced the copy of Bill of Entry No. 2407020 dated 09.07.2026, Invoice No. EQ-A/029D dated 05.05.2026, Packing List and Bill of Lading No. 270230961 dated 15.05.2026. The details of the goods declared in the Bill of Entry were as under:

Table-A

Sr. No.	CTH	Description	Quantity	UOM
1	42021290	Luggage Trolley Bag (Unbranded)	360	PCS
2	67041990	Artificial Synthetic Hair Extension	745	KGS
3	39229000	Shattaf Sanitary Items	204	KGS
4	83089099	Assorted Belt Buckle	3950	DOZ
5	87089900	Steering Gear with Pitman Arm Assembly (Automobile Parts)	4289	KGS
6	59100090	Belt Made of Cotton	11760	PCS

2. ACTION TAKEN - EXAMINATION FINDINGS

The container bearing No. MSKU1439267 was identified and presented for examination. The container was found secured with Seal No. CN6435280, as declared in the Bill of Entry. The container was found in sound condition. Thereafter, the seal of the container was cut in the presence of the Panch witnesses, authorised representative of the importer/SEZ Unit and Customs officers. Upon opening the container, the consignment was found stuffed with corrugated carton boxes. The goods were de-stuffed from the container and stacked in the warehouse for detailed examination. A physical count of the packages was carried out, and a total of 761 corrugated carton boxes of different sizes were found, as against 760 packages declared in the Bill of Entry. The packages were thereafter opened and examined item-wise, and the goods contained therein were inventoried.

The goods declared in the Z-Type Bill of Entry No. 2407020 dated 09.07.2026, covered under Container No. MSKU1439267, are as under:

Table-B

Sr.	Description	Marking	Cartons	Pieces/carton	Total pieces	Avg. wt. (Kg)	Total wt. (Kg)
1	Luggage Trolley Bag (Unbranded)	Angel ABS Collection	76	15	1,140	11.29	858.04
1	Luggage Trolley Bag (Unbranded)	MAYA-TG-33	29	10	290	18.09	524.61
1	Luggage Trolley Bag (Unbranded)	GG	18	20	360	37.69	678.42
	Mannequin Head with	CRR LQ-					

2	Hairs	19	100	30	3,000	23.27	2,327.00
3	Jet Spray/Health Faucet	111/KJ / LX-072	15	200	3,000	16.85	252.75
4	Assorted Belt Buckle	MJ-10	148	300	44,400	16.95	2,508.60
4	Assorted Belt Buckle	MJ-204	10	300	3,000	16.79	167.90
5	Steering Arm with Pitman Arm Assembly (Automobile Parts)	YSN / YangShin	345	1	345	11.06	3,815.70
6	Belt	AAA ITEM No.-923-5	20	240	4,800	37.40	748.00
	TOTAL		761		60,335		11,881.02

The above examination inventory is recorded in the Panchnama dated 13.08.2026.

The physical examination thus revealed that the consignment contained goods which differed materially from the description declared in the Bill of Entry. Substantial variations were noticed in the quantities of the goods. The physical inventory recorded a total of 60,335 pieces of different goods, with an aggregate weight of 11,881.02 Kgs.

The declared gross weight of the consignment was 10,980 Kgs, whereas the aggregate weight based on the detailed examination inventory was 11,881.02 Kgs, indicating an excess weight of 901.02 Kgs over the declared gross weight.

3. RE-DETERMINED DESCRIPTION, CLASSIFICATION AND QUANTITY OF THE GOODS

The importer had declared six items in the said Bill of Entry. However, during examination, the goods were found to be different in quantity from those declared. Accordingly, the declared particulars, description, quantity, and classification of the imported goods require re-determination based on the physical examination findings.

Table-C

Sr.	Declared Description	Re-determined Description	Declared CTH	Re-determined CTH	Qty. Kgs	Qty. pcs
1	Luggage Trolley Bag (Unbranded)	Luggage Trolley Bag (Unbranded)	42021290	42021220	2061.07	1790
	Artificial Synthetic	Mannequin Head				

2	Hair Extension	with Hairs	67041990	67041990	2327	3000
3	Shattaf Sanitary Items	JET Spray/Health Faucet	39229000	84818020	252.75	3000
4	Assorted Belt Buckle	Assorted Belt Buckle	83089099	83089099	2676.5	47400
5	Steering Gear with Pitman Arm Assembly (Auto Mobile Parts)	Steering Arm with Pitman Arm Assembly (Automobile Parts)	87089900	87089400	3815.7	345
6	Belt Made of Cotton	Belt	59100090	62171000	748	4800

4. INVESTIGATIONS CONDUCTED

Based on the findings of the physical examination, the imported goods were found to have discrepancies in description, particulars, and, in certain cases, quantity vis-à-vis the declarations made in the Bill of Entry. The declared gross weight of 10,980 Kgs was compared with the aggregate weight of approximately 11,881.02 Kgs recorded in the detailed examination inventory. Further, the physical examination revealed variations in the quantities of certain declared goods, including Luggage Trolley Bags, Assorted Belt Buckles and Steering Arm with Pitman Arm Assembly. The goods declared as Shattaf Sanitary Items were found as Jet Spray/Health Faucets, while the goods declared as Belt Made of Cotton were found as a belt bearing the marking "AAA ITEM No.-923-5". The examination inventory also recorded 761 cartons against 760 packages declared in the Bill of Entry. Thus, discrepancies in respect of description, particulars and quantity of the imported goods were noticed during the course of physical examination.

Based on the aforesaid prima facie findings, the imported goods appeared to have been mis-declared in respect of description and quantity, with variations noticed between the goods declared in the Bill of Entry and the goods actually found during physical examination. In view of the discrepancies noticed during examination, and in order to ascertain the correct assessable value of the imported goods and ensure proper valuation in accordance with Section 14 of the Customs Act, 1962 read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, it was considered necessary to obtain an independent valuation from an empanelled Chartered Engineer for determining the actual nature, specifications, condition and fair value of the goods and for safeguarding Government revenue.

Rejection of declared value & Redetermination of Assessable Value:

Rule 3 of the Customs Valuation (Determination of Price of Imported Goods) Rules, 2007 (hereinafter referred to as "the CVR, 2007") provides the method of valuation. Rule 3(1) of the CVR, 2007 provides that "Subject to Rule 12, the value of imported goods shall be the transaction value adjusted in accordance with

provisions of Rule 10." Rule 3(4) ibid states that "if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through Rules 4 to 9 of CVR, 2007". Whereas, it appeared that the transaction value under Rule 3 of the CVR, 2007, was to be accepted only where there was direct evidence of the price actually paid or payable by the importer for the imported goods. Whereas, it further appeared that there was reasonable doubt regarding the truth and accuracy of the value declared by the importer; hence, it appeared liable to be rejected under Rule 12 of the CVR, 2007.

Whereas, if the actual transaction value, i.e., the price paid or payable, could not be ascertained under Rule 3 of the CVR, 2007, the value was to be decided by proceeding to subsequent rules. Thus, recourse was to be taken to Rule 9 of the CVR, 2007, which provides for determination of value where the value of the imported goods cannot be determined under the provisions of any of the preceding rules, using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India.

Whereas, it appeared that the value of the impugned goods could not be determined under Rules 4 and 5 ibid since the goods had been un-declared/mis-declared by means of description, and the value of contemporaneous imports of identical and similar goods of the same quality and composition was not found. Proceeding sequentially, valuation under Rules 7 and 8 was also not possible for want of requisite data. Whereas, it appeared that the provisions of Rules 4 to 8 ibid were not applicable in the instant case, the value of the impugned goods was required to be determined under Rule 9 of the CVR, 2007.

Whereas, as per Rule 9 ibid, the assessable value of the goods actually found during examination was required to be re-determined under Rule 9 ibid, i.e., as per the residual method. Whereas, the impugned goods were inspected by Shri Anwar Y. Kukad, Chartered Engineer & Government-approved valuer, who submitted his Valuation Report vide reference No. AYK: VAL: 03030:2026 dated 25.08.2026 (RUD-1) and suggested the value of the imported goods as USD 15,392.50 (CIF Value) as detailed in Table-D below:

Table-D - VALUATION TABLE (1 USD = 95.20 INR)

Sr.	Marking	Description	Pcs/carton	Cartons	Total pcs	Unit CIF USD	Total CIF USD	CIF INR
1	Angel ABS Collection	Luggage Trolley Bag (Unbranded)	15	76	1140	1.250	1,425.00	1,35,660.00
1	MAYA-TG-33	Luggage Trolley Bag (Unbranded)	10	29	290	1.250	362.50	34,510.00
1	GG	Luggage Trolley Bag (Unbranded)	20	18	360	1.250	450.00	42,840.00

2	CRR LQ-19	Mannequin Head with Hairs	30	100	3000	0.800	2,400.00	2,28,480.00
3	111/KJ LX-072	JET Spray/Health Faucet	200	15	3000	0.060	180.00	17,136.00
4	MJ-10	Assorted Belt Buckle	300	148	44400	0.140	6,216.00	5,91,763.20
4	MJ-204	Assorted Belt Buckle	300	10	3000	0.140	420.00	39,984.00
5	YSN YangShin	Steering Arm with Pitman Arm Assembly (Automobile Parts)	1	345	345	11.000	3,795.00	3,61,284.00
6	AAA ITEM No.-923-5	Belt	240	20	4800	0.030	144.00	13,708.80
	TOTAL			761			15,392.50	14,65,366.00

Whereas, it appeared that the assessable value of Rs. 5,37,540/- declared by the importer in Z-Type Bill of Entry No. 2407020 dated 09.07.2026 was liable to be rejected under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Further, it appeared that the assessable value of the cargo covered under the said Bill of Entry required re-determination on the basis of the valuation report submitted by the Chartered Engineer (CE) for valuation under Rule 9 of the said Rules.

The Chartered Engineer (CE) report was shared with the importer and the importer duly accepted the same, as conveyed vide their email dated 01.09.2026. The importer expressed their willingness to accept the revised valuation and proceed as per the outcome of the investigation. They further requested that the matter be settled without issuance of a Show Cause Notice and without a personal hearing. Based on the CE report, the Assessable Value of the goods imported by the importer comes to Rs. 14,65,366/-.

5. Importability and Policy Compliance:

The physical examination revealed substantial discrepancies between the goods declared in the Bill of Entry and the goods actually found during examination, particularly in the description, particulars, and quantity of the imported goods. The goods declared as Shattaf Sanitary Items were found to be Jet Spray/Health Faucets. Further, variations were noticed in the quantities of certain declared goods, including Luggage Trolley Bags, Assorted Belt Buckles and Steering Arm with Pitman Arm Assembly, and the examination inventory recorded 761 cartons

against 760 packages declared in the Bill of Entry. Accordingly, the goods appeared to have been mis-declared in respect of description, particulars and quantity. By such acts of omission and commission, the importer had rendered the said goods liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

6. Re-determination of Applicable Duty:

Based on the re-determined value of the goods in the above Table-D, duty leviable on goods imported vide B/E No. 2407020 dated 09.07.2026 was re-calculated for release for Home Consumption. The re-calculated leviable duty is as under:

Table-E

Sr.	Description	CTH	Value	BCD	SWS	IGST	Total Duty
1	Luggage Trolley Bag (Unbranded)	42021220	2,13,010	31,952	3,195	44,668	79,815
2	Artificial Synthetic Hair Extension	67041990	2,28,480	22,848	2,285	45,650	70,783
3	Shattaf Sanitary Items	84818020	17,136	1,285	129	3,339	4,753
4	Assorted Belt Buckle	83089099	6,31,747	63,175	6,317	1,26,223	1,95,715
5	Steering Gear with Pitman Arm Assembly (Auto Mobile Parts)	87089400	3,61,284	54,193	5,419	75,761	1,35,373
6	Belt Made of Cotton	62171000	13,709	2,742	274	3,010	6,026
	TOTAL		14,65,366	1,76,194	17,619	2,98,652	4,92,465

The total re-determined value of the goods releasable for Home Consumption comes to Rs. 14,65,366/- and the total re-determined Duty for the said releasable goods comes to Rs. 4,92,465/-, instead of the declared duty for the same, i.e. Rs. 1,90,469/-. The differential duty in respect of the said releasable goods comes to Rs. 3,01,996/-.

7. Outcome of the Investigation:

The investigation conducted by the Special Intelligence and Investigation Branch (SIIB), Customs House, Mundra, based on the specific intelligence, revealed significant irregularities in the import consignment of M/s. Astoniya E-Commerce Private Limited, having its address at 778, 5th Floor, Shop No. 5, Nicholson Road, Kashmere Gate, New Delhi - 110006 (IEC: ABECA1418N), under Z-Type Bill of Entry No. 2407020 dated 09.07.2026, covering Container No. MSKU1439267. The physical examination of the consignment revealed discrepancies in the description, particulars and quantities of the imported goods vis-à-vis the declarations made in the Bill of Entry, along with a variation in the declared and physically ascertained

weight of the consignment. The declared gross weight was 10,980 Kgs, whereas the aggregate weight recorded during detailed examination was approximately 11,881.02 Kgs, indicating an excess weight of 901.02 Kgs.

The examination revealed that the goods declared as Shattaf Sanitary Items were found in the form of Jet Spray/Health Faucets. Variations were also noticed in the quantities of Luggage Trolley Bags, Assorted Belt Buckles and Steering Arm with Pitman Arm Assembly. The examination inventory further recorded 761 cartons against 760 packages declared in the Bill of Entry. Accordingly, the imported goods appeared to have been mis-declared in respect of description, particulars and quantity, thereby rendering the goods liable to appropriate action under the relevant provisions of the Customs Act, 1962.

Valuation of the Goods: Whereas, as per the provisions of Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, the assessable value of the goods actually found during examination was required to be re-determined under Rule 9 ibid, i.e. as per the residual method. The Chartered Engineer and Government-approved valuer inspected the impugned goods and submitted his Valuation Report vide Reference No. 03030:2026 dated 25.08.2026. It appeared that the assessable value of Rs. 5,37,540/- declared by the importer in Z-Type Bill of Entry No. 2407020 dated 09.07.2026 was liable to be rejected under Rule 12 of the CVR, 2007. Further, it appeared that the assessable value of the cargo covered under the said Bill of Entry was required to be taken as Rs. 14,65,366/-, on the basis of the valuation report submitted by the Chartered Engineer for valuation under Rule 9 of the CVR, 2007.

Re-determination of Duty: The total re-determined value of the goods releasable for Home Consumption comes to Rs. 14,65,366/- and the total re-determined Duty for the said releasable goods comes to Rs. 4,92,465/- instead of the declared duty for the same, i.e. Rs. 1,90,469/-. The differential duty of said releasable goods comes to Rs. 3,01,996/-.

Confiscation of Goods and Penal Action: In view of the above, it is evident that the importer, M/s. Astoniya E-Commerce Private Limited, imported the goods covered under Z-Type Bill of Entry No. 2407020 dated 09.07.2026 with discrepancies in description and quantity vis-à-vis the declarations made in the Bill of Entry. The importer also appeared to have misdeclared the imported goods in terms of their description and quantity. Therefore, the goods found during physical examination which do not correspond with the declarations made in the Bill of Entry are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962, on account of non-correspondence with the declared particulars and quantity. The importer's incorrect declarations in the Bill of Entry appeared to attract the provisions of Section 46(4) of the Customs Act, 1962. Consequently, the importer appeared liable for penal action under Sections 112(a)(i), 112(a)(ii) and 114AA of the Customs Act, 1962, for the acts/omissions resulting in improper importation, mis-declaration and submission of incorrect documents or declarations.

8. RELEVANT LEGAL PROVISIONS

(A) RELEVANT PROVISIONS OF SEZ ACT, 2005:

2. Definitions.— In this Act, unless the context otherwise requires,—

……..

(o) "**import**" means—

(i) bringing goods or receiving services, in a Special Economic Zone, by a Unit or Developer from a place outside India by land, sea or air or by any other mode, whether physical or otherwise; or

(ii) receiving goods, or services by a Unit or Developer from another Unit or Developer of the same Special Economic Zone or a different Special Economic Zone;

Section 21: Single enforcement officer or agency for notified offences. —

- *The Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
- *The Central Government may, by general or special order, authorise any officer or agency to be the enforcement officer or agency in respect of any notified offence or offences committed in a Special Economic Zone.*
- *Every officer or agency authorised under sub-section (2) shall have all the corresponding powers of investigation, inspection, search or seizure as is provided under the relevant Central Act in respect of the notified offences.*

Section 22: Investigation, inspection, search or seizure. —

The agency or officer, specified under section 20 or section 21, may, with prior intimation to the Development Commissioner concerned, carry out the investigation, inspection, search or seizure in the Special Economic Zone or in a Unit if such agency or officer has reasons to believe (reasons to be recorded in writing) that a notified offence has been committed or is likely to be committed in the Special Economic Zone:

Provided that no investigation, inspection, search or seizure shall be carried out in a Special Economic Zone by any agency or officer other than those referred to in sub-section (2) or sub-section (3) of section 21 without prior approval of the Development Commissioner concerned:

Provided further that any officer or agency, if so authorised by the Central Government, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit without prior intimation or approval of the Development Commissioner

Notification Nos. 2665(E) and 2667(E) dated 05.08.2016:

- *In exercise of the powers conferred by section 22 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government by Notification No. 2667(E) dated 05.08.2016 issued by the Ministry of Commerce & Industry, has authorized the jurisdictional Customs Commissioner, in respect of offences under the Customs Act, 1962 (52 of 1962) to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in a Special Economic Zone. The enforcement officer(s), for the reasons to be recorded in writing, may carry out the investigation, inspection, search or seizure in a Special Economic Zone or Unit with prior intimation to the Development Commissioner, concerned. Under Section 21(1) of the SEZ Act, 2005, the Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offence for the purposes of this Act.*
- *The Central Government, by the Notification 2665(E) dated 05.08.2016 has notified offences contained in Sections 28, 28AA, 28AAA, 74, 75, 111, 113, 115, 124, 135 and 104 of the Customs Act, 1962 (52 of 1962) as offences under the SEZ Act, 2005.*

47 (5) *Refund, Demand, Adjudication, Review and Appeal with regard to matters relating to authorise operations under Special Economic Zones Act, 2005, transactions, and goods and services related thereto, shall be made by the Jurisdictional Customs and Central Excise Authorities in accordance with the relevant provisions contained in the Customs Act, 1962, Central Excise Act, 1944, and the Finance Act, 1994 and the rules made thereunder or the notifications issued thereunder.*

(B) RELEVANT PROVISIONS OF CUSTOMS ACT, 1962:

Section 2(22)*: "goods" includes (a) vessels, aircrafts and vehicles; (b) stores; (c) baggage; (d) currency and negotiable instruments; and (e) any other kind of movable property;*

Section 2(23): *"import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;*

Section 2(25): *"imported goods", means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption;*

Section 2(26): "*importer*", *in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes [any owner, beneficial owner] or any person holding himself out to be the importer;*

Section 2(39): *"smuggling", in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113.*

Section 11A: *"illegal import" means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force.*

Section 17. Assessment of duty. –

(1) An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided

in section 85, self-assess the duty, if any, leviable on such goods.

..

(4) Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.

Section 46. Entry of goods on importation:

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

(4A) *the importer who presents a bill of entry shall ensure the following, namely:*

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

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

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

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

--

(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 transhipment, with the declaration for transhipment referred to in the proviso to sub-section (1) of section 54;*

Section 112. Penalty for improper importation of goods, etc. –

Any person,-

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

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

shall be liable,-

1. ……..
2. *in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:*

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

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

(C) Relevant Provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007:

*"**Rule 4. Transaction value of identical goods. -** (1) (a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;*

……..

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

*"**Rule 5. Transaction value of similar goods. -** (1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued:*

Provided that ……..

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

***Rule 12. Rejection of declared value**. - (1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.*

9. WAIVER OF NOTICE AND PERSONAL HEARING

The importer has, vide email dated 01.09.2026, accepted the findings of the examination and accepted the valuation suggested by the Chartered Engineer's report vide Certificate No. AYK: VAL: 03030:2026 dated 25.08.2026, and requested waiver of Personal Hearing and Show Cause Notice, as they did not want the same for the above-mentioned Bill of Entry.

10. In view of the above facts, it appeared that -

(i) The declared particulars, description and quantity of the imported goods in Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026, filed by M/s. Astoniya E-Commerce Private Limited (IEC No. ABECA1418N), are liable to be rejected to the extent of the discrepancies noticed during examination, including variations in the description and quantity of the goods found during physical examination vis-à-vis the declarations made in the said Bill of Entry.

(ii) The assessable value of the mis-declared imported goods is liable to be re-determined instead of the value declared in the Bill of Entry under the applicable provisions of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962. The declared value was Rs. 5,37,540.14/- and the re-determined value was Rs. 14,65,366/-.

(iii) Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026 is liable to be re-assessed accordingly under Section 17(4) of the Customs Act, 1962.

(iv) The goods imported vide Bill of Entry No. 2407020 dated 09.07.2026, in respect of which discrepancies in description and/or quantity were noticed during examination, are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

(v) The importer, M/s. Astoniya E-Commerce Private Limited, appeared liable for penalty under Section 112(a)(ii) of the Customs Act, 1962.

(vi) The importer, M/s. Astoniya E-Commerce Private Limited, appeared liable for penalty under Section 114AA of the Customs Act, 1962.

WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING

11. The importer, vide email dated 09.09.2026, accepted the examination findings and the valuation suggested in Chartered Engineer Certificate No. AYK: VAL: 03030:2026 dated 25.08.2026 and requested waiver of Show Cause Notice and Personal Hearing in respect of the subject Bill of Entry.

DISCUSSION AND FINDINGS

12. I have carefully gone through the records of the case and Investigation Report No. 166/2026-27. The importer, vide email dated 09.09.2026, has accepted the findings of the examination, as well as the valuation suggested by the Chartered Engineer, and requested waiver of the Show Cause Notice and personal hearing. Thus, I find that the principles of natural justice under Section 122A of the Customs Act, 1962 have been complied with, and I proceed to decide the case on the basis of the documentary evidence on record. The main issues to be decided are:

(i) Whether the description, classification and quantity of the impugned goods covered under Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026 need to be amended as per Table-B and Table-C;

(ii) Whether the declared assessable value of Rs. 5,37,540.14/- is liable to be rejected under Rule 12 of CVR, 2007 and re-determined as Rs. 14,65,366/- as per the Chartered Engineer's valuation report in terms of Rule 9 of CVR, 2007;

(iii) Whether Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026 requires re-assessment under Section 17(4) of the Customs Act, 1962 and whether differential duty of Rs. 3,01,996/- is payable;

(iv) Whether the goods are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962;

(v) Whether penalties under Sections 112(a)(ii) and 114AA of the Customs Act, 1962 are imposable on M/s. Astoniya E-Commerce Private Limited.

13.1 Regarding the first issue, I find that the consignment covered under Bill of Entry No. 2407020 dated 09.07.2026 was subjected to detailed examination by SIIB officers on the basis of specific intelligence. The examination brought out material discrepancies between the declared particulars and the actual goods found in the consignment. Against 760 packages and a declared gross weight of 10,980 Kgs, 761 cartons were found, and the detailed inventory reflected an aggregate weight of 11,881.02 Kgs, i.e., an excess weight of 901.02 Kgs. The goods declared as Artificial Synthetic Hair Extension were found as Mannequin Head with Hairs; Shattaf Sanitary Items were found as Jet Spray/Health Faucets; the declared Steering Gear with Pitman Arm Assembly was found as Steering Arm with Pitman Arm Assembly; and Belt Made of Cotton was found as Belt bearing marking "AAA ITEM No.-923-5". Variations were also noticed in quantities of Luggage Trolley Bags, Assorted Belt Buckles and Steering Arm with Pitman Arm Assembly, as detailed in Table-B and Table-C.

13.2 I find that the above discrepancies are not minor or clerical in nature but are substantial and material and have direct bearing on classification, valuation and assessment of duty. In terms of Section 46 of the Customs Act, 1962, the importer must make a true, correct and complete declaration. The mismatch between the declared and found description, classification, quantity and weight establishes that the declaration filed by the importer was not accurate and complete.

13.3 Therefore, I hold that the description, classification and quantity particulars of the impugned goods covered under the subject Bill of Entry have not been correctly declared and are liable to be amended in terms of the physical examination findings recorded in Table-B and Table-C of this order.

14.1 Regarding the second issue, I find that the mis-declaration in respect of description and quantity creates a reasonable and justifiable doubt regarding the truth and accuracy of the declared transaction value. The declared value can be accepted only when it represents the actual transaction value of the goods imported and when there is no valid reason to doubt its truth or accuracy. In the present case, the discrepancies noticed during examination go to the root of valuation, since the nature and quantity of goods are fundamental elements for

determining assessable value.

14.2 I find that the declared assessable value of Rs. 5,37,540.14/- is substantially lower than the re-determined assessable value of Rs. 14,65,366/-. The difference of Rs. 9,27,825.86/- is material and, read with the physical discrepancies recorded during examination, provides sufficient basis to doubt the truth and accuracy of the declared value.

14.3 In terms of Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, where the proper officer has reason to doubt the truth or accuracy of the declared value, the same is liable to be rejected. In the present case, the discrepancies noticed during examination are sufficient to raise such reasonable doubt; therefore, the declared value is liable to be rejected under Rule 12.

14.4 I further find that once the declared value is rejected under Rule 12, the value is required to be determined sequentially under Rules 4 to 9 of the Customs Valuation Rules, 2007. In the absence of reliable contemporaneous import data of identical or similar goods with matching specifications, valuation under Rules 4 and 5 was not feasible. Likewise, valuation under Rules 7 and 8 was not possible for want of requisite data for deductive or computed value.

14.5 Accordingly, I find that the valuation has rightly been determined under Rule 9 of the Customs Valuation Rules, 2007 on the basis of reasonable means consistent with the principles and general provisions of the said Rules. The Chartered Engineer and Government Approved Valuer, Shri Anwar Y. Kukad, inspected the goods and, vide Certificate No. AYK: VAL: 03030:2026 dated 25.08.2026 assessed the total CIF value at USD 15,392.50, equivalent to Rs. 14,65,366/- at the exchange rate of Rs. 95.20 per USD.

14.6 I also note that the Chartered Engineer's report was shared with the importer and the same was accepted by them vide email dated 01.09.2026. The importer also requested waiver of Show Cause Notice and Personal Hearing. This acceptance further supports the re-determined value adopted in the present proceedings.

14.7 Therefore, I hold that the declared assessable value of Rs. 5,37,540.14/- is liable to be rejected under Rule 12 of the Customs Valuation Rules, 2007 and re-determined as Rs. 14,65,366/- under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962.

15.1 Regarding the third issue, I find that the importer had filed the subject Bill of Entry under self-assessment in terms of Section 17(1) of the Customs Act, 1962. However, examination and investigation established that the goods were not correctly declared in respect of description, classification and quantity, resulting in incorrect self-assessment of duty.

15.2 In terms of Section 17(4) of the Customs Act, 1962, where it is found on verification, examination or otherwise that the self-assessment has not been done correctly, the proper officer is empowered to re-assess the duty leviable on such goods. Accordingly, the subject Bill of Entry is liable to be re-assessed.

15.3 Based on the re-determined assessable value of Rs. 14,65,366/-, the total duty

payable works out to Rs. 4,92,465/- as against declared duty of Rs. 1,90,469/-. Thus, the importer is liable to pay differential duty of Rs. 3,01,996/-.

15.4 Accordingly, I hold that the subject Bill of Entry is liable to be re-assessed under Section 17(4) of the Customs Act, 1962 and differential duty of Rs. 3,01,996/- is payable by the importer.

16.1 Regarding the fourth issue, I find that the importer is under a statutory obligation, in terms of Section 46 of the Customs Act, 1962, to file a Bill of Entry containing true, correct and complete particulars of the imported goods, including their description, quantity and value. Further, under Section 17(1), the importer must correctly self-assess the duty leviable on the basis of such declaration.

16.2 In the present case, the examination has established material variation in the description, classification, quantity, number of packages and weight of the goods. These facts clearly show that the goods actually found did not correspond with the declaration made in the Bill of Entry.

16.3 I find that the requirement under Section 46 is substantive and obligates the importer to ensure accuracy and completeness of the particulars declared in the Bill of Entry. The inaccurate declaration in material particulars directly affected proper assessment and rendered the imported goods liable to confiscation under Section 111.

16.4 In terms of Section 111(m) of the Customs Act, 1962, any goods which do not correspond in respect of value or in any other particular with the entry made under the Act are liable to confiscation. Since the impugned goods did not correspond with the Bill of Entry in respect of description, classification, quantity, and value, I hold that they are liable to confiscation under Section 111(m).

16.5 Further, in terms of Section 111(l) of the Customs Act, 1962, any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under the Act are liable to confiscation. In the present case, 761 cartons were found against 760 packages declared, the aggregate physical weight exceeded the declared gross weight by 901.02 Kgs, and substantial quantity variations were recorded. Thus, the case also attracts Section 111(l).

16.6 Therefore, having regard to the discrepancies noticed during examination and the resultant mis-declaration in material particulars, I hold that the impugned goods having re-determined assessable value of Rs. 14,65,366/- are liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

17.1 Regarding the fifth issue of imposition of penalty, I find that the facts of the present case establish that the importer, by mis-declaring material particulars of the imported goods, rendered the impugned goods liable to confiscation under Sections 111(l) and 111(m). The discrepancies are substantial and material and cannot be treated as merely technical.

17.2 In terms of Section 112(a)(ii) of the Customs Act, 1962, any person who, by any act or omission, renders dutiable goods liable to confiscation under Section 111 is liable to penalty within the limits prescribed therein. Since the goods have been held liable to confiscation under Sections 111(l) and 111(m), the importer falls

within the ambit of penal liability under Section 112(a)(ii).

17.3 Further, I find that the importer filed and used a Bill of Entry containing incorrect material particulars. Section 114AA provides for penalty where a person knowingly or intentionally makes, signs or uses a declaration, statement or document which is false or incorrect in any material particular. In the present case, the substantial discrepancy between the declared and found goods, coupled with the material difference between the declared assessable value and re-determined assessable value, establishes use of incorrect material particulars in the import transaction.

17.4 I also note that the importer accepted the examination findings and the Chartered Engineer's valuation and requested that the matter be decided without issuance of Show Cause Notice and without personal hearing. Such acceptance is considered as a mitigating factor for quantification of fine and penalty, but does not absolve the importer from the legal consequences of the violations established on record.

17.5 Accordingly, I hold that M/s. Astoniya E-Commerce Private Limited is liable to penalty under Sections 112(a)(ii) and 114AA of the Customs Act, 1962.

ORDER

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

(i) I order that the description, classification and quantity particulars of the impugned goods covered under Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026 be amended as per Table-B and Table-C above;

(ii) I order to reject the declared assessable value of Rs. 5,37,540.14/- under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determine the assessable value as Rs. 14,65,366/- (Rupees Fourteen Lakh Sixty-Five Thousand Three Hundred and Sixty-Six only) under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962 as per Table-D above;

(iii) I order to confiscate the imported goods covered under Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026, having re-determined assessable value of Rs. 14,65,366/- under Sections 111(l) and 111(m) of the Customs Act, 1962. However, I give an option to the importer to redeem the said goods for home consumption under Section 125 of the Customs Act, 1962 on payment of Redemption Fine of **Rs. 1,45,000/- (Rupees One Lakh Forty Five Thousand only)**;

(iv) I reject the self-assessment made under Section 17(1) of the Customs Act, 1962 in respect of Bill of Entry No. 2407020 (Z-Type) dated 09.07.2026 and order to re-assess the same under Section 17(4) of the Customs Act, 1962. The total re-determined duty liability is Rs. 4,92,465/- (Rupees Four Lakh Ninety Two Thousand Four Hundred and Sixty Five only), resulting in differential duty of **Rs. 3,01,996/- (Rupees Three Lakh One Thousand Nine Hundred and Ninety Six only) as per Table-E above**;

(v) I impose penalty of **Rs. 30,000/- (Rupees Thirty Thousand only)** on M/s. Astoniya E-Commerce Private Limited under Section 112(a)(ii) of the Customs Act,

1962;

(vi) I impose penalty of **Rs.10,000/- (Rupees Ten Thousand only)** on M/s. Astoniya E-Commerce Private Limited under Section 114AA of the Customs Act, 1962.

19. This order is issued without prejudice to any other action that may be taken against the importer or any other person under the provisions of the Customs Act, 1962 or any other law for the time being in force in the Republic of India.

Digitally signed by
Dipakbhai Zala
Date: 19-09-2026
13:45:44

(Dipak Zala)
Additional Commissioner of Customs
Custom House, Mundra

To,

M/s. ASTONIYA E-COMMERCE PRIVATE LIMITED
778, 5th Floor, Shop No. 5,
Nicholson Road, Kashmere Gate,
New Delhi - 110006

Copy to:

1. The Deputy/Assistant Commissioner, SIIB, Customs House, Mundra
2. The Deputy Commissioner, Review, Customs House, Mundra
3. The Deputy Commissioner, TRC, Customs House, Mundra
4. The Deputy Commissioner, EDI, Customs House, Mundra
5. The Deputy Commissioner, APSEZ, Mundra
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