


	प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा OFFICE OF THE PRINCIPAL COMMISSIONER, CUSTOM HOUSE, MUNDRA Port User Building (PUB), Mundra (Gujarat - 370421) ई-मेल/ E-Mail: group5-mundra@gov.in	 सत्यमेव जयते																						
	<table border="1"> <tr> <td>A</td> <td>फा. सं./ FILE NO.</td> <td>CUS/APR/MISC/2168/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra</td> </tr> <tr> <td>B</td> <td>मूल आदेश सं. ORDER-IN-ORIGINAL NO.</td> <td>MCH/ADC/ZDC/12/2026-27</td> </tr> <tr> <td>C</td> <td>द्वारा पारित किया गया PASSED BY</td> <td>Dipak Zala Additional Commissioner of Customs, Custom House, Mundra</td> </tr> <tr> <td>D</td> <td>आदेश की तिथि DATE OF ORDER</td> <td>09-04-2026</td> </tr> <tr> <td>E</td> <td>जारी करने की तिथि DATE OF ISSUE</td> <td>09-04-2026</td> </tr> <tr> <td>F</td> <td>कारण बताओ नोटिस सं. एवं तिथि SCN NUMBER & DATE</td> <td>SCN and PH waiver</td> </tr> <tr> <td>G</td> <td>नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER</td> <td>M/s Rishsaur Dynamic Private Limited, First Floor, 118, Building No-10/54, BD Chamber, Karol Bagh, New Delhi - 110005</td> </tr> <tr> <td>H</td> <td>डिन/ DIN</td> <td>20260471MO000000A06C</td> </tr> </table>		A	फा. सं./ FILE NO.	CUS/APR/MISC/2168/2026-Gr 5-6-O/o Pr Commr-Cus-Mundra	B	मूल आदेश सं. ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/12/2026-27	C	द्वारा पारित किया गया PASSED BY	Dipak Zala Additional Commissioner of Customs, Custom House, Mundra	D	आदेश की तिथि DATE OF ORDER	09-04-2026	E	जारी करने की तिथि DATE OF ISSUE	09-04-2026	F	कारण बताओ नोटिस सं. एवं तिथि SCN NUMBER & DATE	SCN and PH waiver	G	नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER	M/s Rishsaur Dynamic Private Limited, First Floor, 118, Building No-10/54, BD Chamber, Karol Bagh, New Delhi - 110005	H
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यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

1.

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 सीए3-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, 4TH 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/- रुपये 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 paise 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:

M/s. RISHSAUR DYNAMIC PRIVATE LIMITED (IEC: AANCR0331H) (hereinafter referred to as 'the importer' for the sake of brevity) having address at First Floor, 118, Building No-10/54, BD Chamber, Karol Bagh, NEW DELHI - 110005 had filed Bill of Entry No. 5656067 (Z Type) dtd. 12.11.2025 for import of the following declared goods weighing 15180 Kgs, (G.Wt.), through Container No. EITU1760634:

Table-A

Exchange Rate: 1 USD = 89.5 INR

Item No.	Description	CTH	Quantity & Unit (UQC)	Unit Price (USD)	Amount (USD)
1	Wired Earphone for Mobile Phone	85183019	15.00 GRS	3	45
2	USB Charging Cable (159,840 Meters)	85444999	1,110.00 GRS	1	1,110.00
3	Housing Set Parts for Housing	85177990	90.00 GRS	1.8	162
4	Only Back Parts for Mobile Phone Housing	85177990	860.00 GRS	1.2	1,032.00
5	Packing Material (More than 100 Micron)	39269099	1,550.00 KGS	0.48	744
6	Triode Parts for Mobile Phone Charger	85049090	170.00 GRS	0.15	25.5
7	On/Off Switch Parts for SMD	85299090	55.00 GRS	0.28	15.4
8	LCD Cleaner used for Mobile Repairing	34029099	84.00 PCS	0.28	23.52
9	Small Keychain	39269099	1,000.00 PCS	0.04	40
	Screen Protector for Mobile				

10	Phone (735 PCS)	70072190	28.00 KGS	2.7	75.6
11	Only Dial Case Set Parts for Watch	91119000	20.00 GRS	1	20
12	Plastic Kids Watch	91029990	3,530.00 DOZ	0.48	1,694.40
13	Boys Watch	91029990	1,250.00 DOZ	0.8	1,000.00
14	Mini Watch Movement	91089000	10.00 THD	1.2	12
15	USB Dock for Mobile Phone (R-41260355)	85044030	650.00 DOZ	0.36	234
16	Glass Cutting Fluid for Screen Protector	85177990	3,000.00 KGS	0.8	2,400.00
	TOTAL				8633.42

2. An intelligence was gathered by the SIIB, Mundra wherein the imported cargo was suspected as misdeclared. The above said consignment was put on hold for examination on the basis of intelligence on suspected misdeclaration/ mis-classification of goods for 100% examination. Subject consignment was examined by SIIB, Custom House, Mundra at M/s. Shoolin Trade Link LLP (A Unit in Adani Port SEZ, Mundra) on 06.01.2026 in the presence of Shri Pranjal Singh, Operation Manager, M/s. Shoolin Trade Link LLP and and Shri Ashirvad Singh (Aadhar no. 913637123895) Authorised Representative of the importer, the importer, M/s Rishsaur Dynamic Private Limited. Shri Ashirvad Singh provided relevant import documents. Net Weight of the Cargo on Weighment Slip is 21,940 Kg which includes weight of the Container i.e. 3820 Kgs. Therefore, after deducting 3820 Kgs, Net Weight of Cargo comes out to be 18120 Kgs and Cargo Gross Weight in BE shows 15180 Kgs.

2.1. Container no. and seal no. were verified and thereafter, seal cutting was allowed and goods were 100% destuffed from the containers. After destuffing of goods in the SEZ unit, the corrugated boxes were opened on random selection basis and goods were examined. During Examinations goods were found as below:-

Table-B

Item No.	Description	Quantity & Unit (UQC) declared	No. of Cartons found	Quantity found
1	Wired Earphone for Mobile Phone	15.00 GRS	10	2160 PCS
2	USB Charging Cable (159,840 Meters)	1,110.00 GRS	183	1,72,600 PCS (each with 1 mtr length)
3	Housing Set Parts for Housing	90.00 GRS	Not found	
4	Only Back Parts for Mobile Phone Housing	860.00 GRS	217	1,23,060 PCS
6	Triode Parts for Mobile Phone Charger	170.00 GRS	1 (Average weight 12 KGS)	10,000

7	On/Off Switch Parts for SMD	55.00 GRS	8	8,000
8	LCD Cleaner used for Mobile Repairing	84.00 PCS	8	80 Bottles (each bottle 1 kgs)
9	Small Keychain	1,000.00 PCS	Not found	
10	Screen Protector for Mobile Phone (735 PCS)	28.00 KGS	7 Cartons (average weight of each carton 29 KGS)	35,000 PCS
11	Only Dial Case Set Parts for Watch	20.00 GRS	7 (average weight each carton 33.8 KGS)	3,500 PCS
12	Plastic Kids Watch	3,530.00 DOZ	90	41250
13	Boys Watch	1,250.00 DOZ	100	1,00,000
14	Mini Watch Movement	10.00 THD	2	10000
15	USB Dock for Mobile Phone (R-41260355)	650.00 DOZ	60	10300

Item No.	Description	Quantity & Unit (UQC) declared	No. of Cartons found	Average weight per Carton	Total Weight
5	Packing Material (More than 100 Micron)	1,550.00 KGS	128 Carton (1000 PCS each carton)	25 KGS	3200 KGS
16	Glass Cutting Fluid for Screen Protector	3,000.00 KGS	12 Drums	250 KGS	3000 KGS
17	Bike Accessories (Handle Accessories)	not declared	5 Cartons (500 sets, each set contains 2 pieces)		

3. On the basis of examination, description, and physical inspection of the goods, it was observed that the following items, which were not declared in the B/E, were found during examination and are listed below along with their correct CTH:

Table-C

S.No	DESCRIPTION	CTH	QUANTITY	Remarks
1	Bike Accessories (Handle Accessories)	87141090	5 Cartons (500 sets, each set contains 2 pieces)	Not declared in BE

Further item No. 3 and 9 were not found during the examination and item at Sr. No. 2, 4, 5, 6, 7, 10, 11, 12, 13, 15 and 16 were found mis-declared in terms of quantity.

4. Rejection of transaction value of the imported goods and determination of the value of the import goods

4.1. Since during examination, items, as detailed in Table-C, have been found undeclared and certain items, as detailed in Table-B above, have been found to be misdeclared in terms of quantity, there appears to be reason to doubt the truth or accuracy of the value declared in relation to the impugned imported goods. Therefore, the declared assessable value of the goods cannot be considered as transaction value under the provisions of Section 14 of the Customs Act, 1962 read with the provisions of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (CVR, 2007) and thus, the same is liable to be rejected in terms of Rule 12 of CVR, 2007. Since the value of goods declared by importer in the subject Bill of Entry did not appear to be the true transaction value under the provisions of Section 14 of the Customs Act, 1962 read with the provisions of the CVR, 2007 and thus, the same is liable to be rejected in terms of Rule 12 of CVR, 2007.

4.2. As per Rule 3(4) of CVR, 2007, 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. The subject consignment comprises unbranded items of China origin and in absence of credible data of import of similar/identical goods due to upper quality of goods and other constraints, the value of these goods cannot be determined under Rule 4 to 8 of CVR, 2007. Hence, the value is to be determined under Rule 9 (Residual method) of CVR, 2007 which is reproduced as under:

“9. Residual method.-

(1) *Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;*

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

(2) *No value shall be determined under the provisions of" this rule on the basis of-*

- (i) *the selling price in India of the goods produced in India;*
- (ii) *a system which provides for the acceptance for customs purposes of the highest of the two alternative values;*
- (iii) *the price of the goods on the domestic market of the country of exportation;*
- (iv) *the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;*
- (v) *the price of the goods for the export to a country other than India;*
- (vi) *minimum customs values; or*
- (vii) *arbitrary or fictitious values.”*

4.3. Therefore, opinion of the Empanelled Chartered Engineer Ajayrajsinh Baldevsinh Jhala, was sought for valuation purpose. The Chartered Engineer vide CE Opinion Certificate Ref:- ABJ:INSP:CE:SIIB:SH:RDPL:25-26:56 dated 25.02.2026 has provided the valuation of the declared goods as detailed below:

Table-D
(Valuation Table by CE)
(1 USD = 89.5 INR)

Item No.	Description	Quantity & Unit (UQC) declared	No. of Cartons found	Quantity found	Suggestive Per Unit C.I.F. Value of the Goods in USD (Approx.)	Suggestive Total C.I.F. Value of the Goods in USD (Approx.)
1	Wired Earphone for Mobile Phone	15.00 GRS	10	2160 PCS	0.04	86.4
2	USB Charging Cable (159,840 Meters)	1,110.00 GRS	183	1,72,600 PCS (each with 1 mtr length)	0.02	3452
3	Housing Set Parts for Housing	90.00 GRS	Not found		0	0
4	Only Back Parts for Mobile Phone Housing	860.00 GRS	217	1,23,060 PCS	0.012	1476.72
6	Triode Parts for Mobile Phone Charger	170.00 GRS	1 (Average weight 12 KGS)	10,000	0.01	100
7	On/Off Switch Parts for SMD	55.00 GRS	8	8,000	0.01	80
8	LCD Cleaner used for Mobile Repairing	84.00 PCS	8	80 Bottles (each bottle 1 kgs)	0.4	32
9	Small Keychain	1,000.00 PCS	Not found		0	0
			7 Cartons (average			

10	Screen Protector for Mobile Phone (735 PCS)	28.00 KGS	weight of each carton 29 KGS)	35,000 PCS	0.09	3150
11	Only Dial Case Set Parts for Watch	20.00 GRS	7 (average weight each carton 33.8 KGS)	3,500 PCS	0.015	52.5
12	Plastic Kids Watch	3,530.00 DOZ	90	41250	0.05	2062.5
13	Boys Watch	1,250.00 DOZ	100	1,00,000	0.06	6000
14	Mini Watch Movement	10.00 THD	2	10000	0.01	100
15	USB Dock for Mobile Phone (R-41260355)	650.00 DOZ	60	10300	0.08	824
TOTAL:						17416.12 USD

Item No.	Description	Quantity & Unit (UQC) declared	No. of Cartons found	Average weight per Carton	Total Weight	Suggestive Per Unit C.I.F. Value of the Goods in USD (Approx.)	Suggestive Total C.I.F. Value of the Goods in USD (Approx.)
5	Packing Material (More than 100 Micron)	1,550.00 KGS	128 Carton (1000 PCS each carton)	25 KGS	3200 KGS	0.6	1920
16	Glass Cutting Fluid for Screen Protector	3,000.00 KGS	12 Drums	250 KGS	3000 KGS	1.5	4500
17	Bike Accessories (Handle Accessories)	not declared	5 Cartons (500 sets, each set contains 2 pieces)			1	500
TOTAL:							6920 USD

Total C.I.F. Value in USD (Approx.) : 17416.12 USD + 6920 USD = 24,336.12 USD

4.4. The above said CE Opinion Certificate was shared with the importer and the same has been accepted by them vide their email dated 05.03.2026 and they have further submitted that they don't want any Show Cause Notice and Personal Hearing in the matter.

5. As per the above said CE Opinion Certificate, Total Suggestive CIF value of the imported goods is 24336.12 USD (Rs. 21,78,083/-) instead of declared CIF value of 8633.42 USD (Rs. 772691/-). Hence, there is difference of Rs. 14,05,392/- between the re-determined CIF value and the declared CIF value.

6. Duty Calculation:

6.1. Further, in view of above said CE Opinion Certificate, total duty payable in respect of goods found/covered under the subject Bill of Entry 5656067 (Z Type) dated 12.11.2025 comes to Rs. 8,48,298/-as calculated below:

Table-E

Item Sr. No. in the BE	CTH	Description of Goods	Assessable Value as per CE Report (in Rs.)	BCD (in Rs.)	SWS (in Rs.)	IGST (in Rs.)	Total Duty (in Rs.)
1	85183019	Wired Earphone for Mobile Phone	7733	1547	155	1698	3399
2	85444999	USB Charging Cable (159,840 Meters)	308954	46343	4634	64788	115765
3	85177990	Only Back Parts for Mobile Phone Housing	132166	19825	1982	27715	49523
4	39269099	Packing Material (More than 100 Micron)	171840	25776	2578	36035	64388
5	85049090	Triode Parts for Mobile Phone Charger	8950	1343	134	1877	3354
6	85299090	On/Off Switch Parts for SMD	7160	1074	107	1501	2683
7	34029099	LCD Cleaner used for Mobile Repairing	2864	286	29	572	887
8	70072190	Screen Protector for Mobile Phone (735 PCS)	281925	28193	2819	56329	87340
9	91119000	Only Dial Case Set Parts for Watch	4699	470	47	939	1456
10	91029990	Plastic Kids Watch	184594	36919	3692	40537	81147
11	91029990	Boys Watch	537000	107400	10740	117925	236065
		Mini Watch					

12	91089000	Movement	8950	448	45	1700	2192
13	85044030	USB Dock for Mobile Phone (R-41260355)	73748	14750	1475	16195	32420
14	85177990	Glass Cutting Fluid for Screen Protector	402750	60413	6041	84457	150910
15	87141090	Bike Accessories (Handle Accessories)	44750	6713	671	9384	16768
TOTAL							848298

6.2 In view of the above, it is observed that the total re-determined assessable value of the imported goods is Rs. 21,78,083/-, as against the declared assessable value of Rs. 7,72,691/- (calculated at the exchange rate of 1 USD = INR 89.5). Accordingly, there is a differential assessable value of Rs. 14,05,392/- between the re-determined and declared values. This has resulted in total applicable duty of Rs. 8,48,298/- as against Rs. 3,05,967/- already paid by the importer under Bill of Entry No. 5656067 (Z Type) dated 12.11.2025, leading to a short levy of duty amounting to Rs. 5,42,331/-.

6 . 3 In view of the foregoing paras and investigation conducted in the matter, it is noticed that the impugned goods have been mis-declared by the importer in terms of quantity, description, classification and valuation. Therefore, it appears that the importer has contravened the provisions of Section 17 and Section 46 of the Customs Act, 1962 in as much as they have failed to make correct and true declaration/information in the subject Bill of Entry. These acts of omission and commission on the part of importer has made the impugned goods having re-determined assessable value of Rs. 21,78,083/-liable for confiscation under Section 111 (l) and 111 (m) of the Customs Act, 1962 and hence, rendered the importer liable for penal action under Section 112(a)(ii) of the said Act. Furthermore, it appears that by mis-declaring the value of the subject goods under import, the importer has also short paid the duty amounting to Rs. 5,42,331/-.

6.4 Further, in terms of Section 46(4) of the Customs Act, 1962, the importer is required to make a declaration as to the truth of the contents of the Bill of Entry submitted for assessment of Customs duty. In the present case, it appears that the importer has tried to clear the goods by way of mis-declaration and undervaluation in order to avoid duty on higher assessable value. Hence, it appears that the importer had knowingly involved themselves in the suppression of the material facts and also indulged in mis-statement of facts. These acts of omission and commission on part of the importer have rendered them liable for penalty under Section 114AA of the Customs Act, 1962.

7. RELEVANT LEGAL PROVISIONS:

(A) RELEVANT PROVISIONS OF THE SEZ ACT, 2005 AND RULES MADE THEREUNDER:

SEZ ACT, 2005

Section 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.—

- (1) 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.
- (2) 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.
- (3) 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

SEZ RULES, 2006

Rule 47(5). Refund, Demand, Adjudication, Review and Appeal with regard to matters relating to authorised 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, the Central Excise Act, 1944, and the Finance Act, 1994 and the rules made there under or the notifications issued there under.

NOTIFICATION NO. 2665(E) AND 2667(E) DATED 05.08.2016

S.O. 2665(E).—In exercise of the powers conferred by sub-section (1) of section 21 of the Special Economic Zones Act, 2005 (28 of 2005) (hereinafter referred as the Act), the Central Government hereby, notifies the offences contained in the under-mentioned sections of the Customs Act, 1962 (52 of 1962), the Central Excise Act, 1944 (1 of 1944) and the Finance Act, 1994 (32 of 1994) as offences under the Act:-

The Customs Act, 1962	
1.	Section 28, 28AA and 28AAA
2.	Section 74 and 75
3.	Section 111
4.	Section 113
5.	Section 115
6.	Section 124
7.	Section 135
8.	Section 104

.....

S.O. 2667(E).—In exercise of the powers conferred by section 22 of the Special Economic Zones Act, 2005 (28 of 2005) (hereinafter referred as the Act), the Central Government authorises the jurisdictional Customs Commissioner, in respect of offences under the Customs Act, 1962 (52 of 1962) and Commissioner of Central Excise in respect of offences under the Central Excise Act, 1944 (1 of 1944) and the Finance Act, 1994 (32 of 1994) and notified under the Act, for the reasons to be recorded in writing, to carry out the investigation, inspection, search or seizure in a Special Economic Zone or Unit with prior intimation to the Development Commissioner, concerned.

(B) RELEVANT PROVISIONS OF THE CUSTOMS ACT, 1962:

Section 2. Definitions-

In this Act, unless the context otherwise requires,

- (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;
- (23) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
- (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;
- (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;
- (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. Definitions-

In this Act, unless the context otherwise requires,

- (a) “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. –

(1) The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically on the customs automated system to the proper officer a bill of entry for home consumption or warehousing in such form and manner as may be prescribed:

....

(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, and other such documents relating to the imported goods as may be prescribed.

(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:-

.....

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54;

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, 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,-

.....
 (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:

Section 114AA. Penalty for use of false and incorrect material. -

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

8. Summary of Investigation Conducted:

8.1. The importer M/s. RISHSAUR DYNAMIC PRIVATE LIMITED (IEC: AANCR0331H) had filed Bill of Entry No. 5656067 (Z-type) dtd. 12.11.2025 at Mundra Port for import of goods declared as Mix items as listed in the Bill of Entry having declared assessable value of Rs. 7,72,691/- and declared duty of Rs. 3,05,967/-. The goods were examined by the officers of SIIB and found that the some items were found mis-declared in terms of quantity/ declaration and some items were also found which were not declared in the Bill of Entry by the importer. Further, the assessable value of the subject consignment has been re-determined as Rs.21,78,083/-on the basis of CE Opinion Certificate dated 25.02.2026 in view of Rule 9 of the CVR, 2007, on which applicable duty comes out to Rs. 8,48,298/- as detailed in Table-E above resulting in differential duty of Rs. 5,42,331/-.

8.2. The importer has thus contravened Section 17 and Section 46 of the Customs Act, 1962 and the CVR, 2007 in as much as they failed to make correct declarations in the subject Bill of Entry filed by them and correctly assess their duty liability. It further appears that the importer has tried to clear the goods by way of mis-declaration/ undervaluation in order to avoid duty on higher assessable value. Hence, it appears that the importer had knowingly involved themselves in the suppression of the material facts and also indulged in mis-statement of facts. These acts of omission and commission on the part of importer has made the subject goods having re-determined assessable value of Rs. 21,78,083/- liable for confiscation under Section 111(l) and 111 (m) of the Custom Act, 1962 and rendered the importer liable for penal action under Section 112(a)(ii) and 114 AA of the said Act.

9. The importer M/s.RISHSAUR DYNAMIC PRIVATE LIMITED vide their email dated 25.02.2026 has accepted the observation of mis-declaration and submitted that they are ready to pay the differential duty along with applicable penalty. Further, the importer

vide the above statement has accepted the valuation report submitted by the CE and submitted that they don't want any Show Cause Notice and Personal Hearing in the matter.

10. In view of the above facts, it appears that –

10.1 The declared assessable value of the goods in Bill of Entry No. 5656067 (Z-Type) dtd. 12.11.2025 i.e. Rs. 7,72,691/- is liable to be rejected under Rule 12 of the CVR, 2007 and the same is required to be re-determined as Rs. 21,78,083/- as opined in the CE Opinion Certificate dated 13.11.2025 in view of Rule 9 of the CVR, 2007;

10.2 The above said Bill of Entry is liable to be re-assessed accordingly under Section 17(4) of the Customs Act, 1962 on which applicable duty comes to Rs. 8,48,298/- as detailed in Table-E above resulting in differential duty of Rs. 5,42,331/-;

10.3 The impugned goods imported by way of undervaluation and having re-determined assessable value of Rs. 21,78,083/-, are in contravention of Section 46 of the Customs Act, 1962 and therefore, liable for confiscation under Section 111 (l) and 111(m) of the Customs Act, 1962;

10.4 The importer M/s. RISHSAUR DYNAMIC PRIVATE LIMITED (IEC: AANCR0331H) is liable for penalty under Section 112(a)(ii) and 114 AA of the Customs Act, 1962.

WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING

11. The importer submitted, vide their letter dated 03.04.2026, that:

“with reference to the above-mentioned subject, we would like to inform you that the subject Bill of Entry filed by us which was held for further investigation purposes. The investigation has now been completed, and the file has been put up for adjudication.

In this regard, we respectfully request your good office to kindly waive the issuance of a Show Cause Notice and Personal Hearing and decide the matter on merits. We hereby undertake to abide by the decision taken by your good office in this matter.”

DISCUSSION AND FINDINGS

12. I have carefully gone through the records of the case and Investigation Report No. 01/2026-27 dated 01.04.2026. The importer vide their email dated 03.04.2026 has requested for waiver of Show Cause Notice and personal hearing in the matter. Thus, I find that the principles of natural justice as provided under Section 122A of the Customs Act, 1962 have been complied with and I proceed to decide the case on the basis of documentary evidence available on record. The main issues to be decided are:

(i) Whether the description, classification, quantity and unit price of certain impugned goods covered under Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025 need to be amended as per Table-B to E;

(ii) Whether the declared assessable value of **Rs. 7,72,691/-** for the goods under Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025 is liable to be rejected under Rule 12 of CVR, 2007 and re-determined as **Rs. 21,78,083/-** as per the Chartered Engineer's valuation report in terms of Rule 9 of CVR, 2007;

(iii) Whether the Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025 requires re-assessment under Section 17(4) of the Customs Act, 1962 to levy the re-determined duty;

(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 the importer M/s. Rishasaur Dynamic.

13.1 Regarding the first issue, I find that the consignment covered under Bill of Entry No. 5656067 dated 12.11.2025 was subjected to 100% examination by SIIB officers on the basis of specific intelligence. The examination brought out several material discrepancies between the declared particulars and the actual goods found. It is observed that certain items declared in the Bill of Entry, namely Housing Set Parts (Item No. 3) and Small Keychain (Item No. 9), were not found at all during examination. At the same time, several items such as USB Charging Cables, Only Back Parts, Screen Protectors, Watches and other components were found in quantities significantly different from those declared. Further, undeclared goods, namely Bike Accessories (Handle Accessories), were also found in the consignment, which were not declared in the Bill of Entry.

13.2 I find that such discrepancies are not minor or clerical errors but are substantial in nature and directly impact the assessment of duty. The presence of undeclared goods and excess quantities clearly indicates that the importer has not made a full and true declaration as required under law. In terms of Section 46 of the Customs Act, 1962, the importer is mandatorily required to make a correct and complete declaration regarding the description, quantity and value of goods. The failure to do so renders the declaration invalid.

13.3 Therefore, in view of the above findings, I find that the description, classification and quantity of the impugned goods have been incorrectly declared in the Bill of Entry and are liable to be amended as per the findings recorded in Table-B to Table-E of this order.

14.1 Regarding the second issue, I find that the mis-declaration of quantity coupled with the presence of undeclared goods creates a reasonable and justified doubt regarding the truth and accuracy of the declared transaction value. It is a settled principle under valuation law that the declared value can be accepted only when it reflects the actual transaction value and is free from any doubt.

14.2 In the present case, the declared assessable value of Rs. 7,72,691/- is found to be grossly understated when compared with the re-determined value of Rs. 21,78,083/-. Such a substantial difference cannot be attributed to normal commercial variation and clearly indicates that the declared value does not represent the actual value of the goods. The mis-declaration in quantity and concealment of one item further, as discussed in Para 13 above, strengthens the doubt regarding valuation, as quantity and value are intrinsically linked.

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, I find that the discrepancies in quantity (excess goods found and certain goods not found) clearly gives rise to a reasonable doubt regarding the declared value.

14.4 I further find that once the declared value is rejected under Rule 12, the valuation is required to be determined sequentially under Rules 4 to 9 of CVR, 2007. In the present case, due to the mixed nature of goods and absence of contemporaneous data of identical or similar goods with matching specifications, valuation under Rules 4 and 5 is not feasible. Similarly, Rules 7 and 8 are also not applicable in absence of requisite data regarding deductive or computed value.

14.5 Accordingly, I find that the valuation has been rightly determined under Rule 9 (Residual Method) of CVR, 2007, based on reasonable means consistent with the principles of valuation rules. The opinion of the empanelled Chartered Engineer has been obtained, who has assessed the CIF value of the goods at Rs. 21,78,083/-, as against the declared value of Rs. 7,72,691/-.

14.6 I also find that the said Chartered Engineer's report has been shared with the importer and has been accepted by them without any contest. The importer has also expressed willingness to pay the differential duty.

14.7 Therefore, I hold that the declared assessable value is liable to be rejected under Rule 12 and re-determined as Rs. 21,78,083/- under Rule 9 of the Customs Valuation Rules, 2007 read with Section 14 of the Customs Act, 1962.

15.1 Regarding the third issue, I find that the importer has filed the Bill of Entry under self-assessment as provided under Section 17(1) of the Customs Act, 1962. However, it has been established through examination and investigation that the goods have been misdeclared in terms of quantity and value, 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 or examination that the self-assessment is not done correctly, the proper officer is empowered to re-assess the duty leviable on such goods.

15.3 Based on the re-determined value, the total duty payable works out to Rs. 8,48,298/-, as against ₹3,05,967/- already paid by the importer. This results in a differential duty of Rs. 5,42,331/-, which has not been discharged by the importer at the time of filing of the Bill of Entry. The short payment of duty is directly attributable to mis-declaration and undervaluation of goods.

15.4. Accordingly, I find that the Bill of Entry is liable to be re-assessed under Section 17(4) and the differential duty of Rs 5,42,331/- is recoverable under Section 28 of the Customs Act, 1962.

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, classification, quantity and value. Further, under Section 17(1) of the Act, the importer is required to self-assess the duty leviable on such goods correctly based on such declaration.

16.2 In the present case, I find that the importer has failed to fulfil the above statutory obligations. The examination conducted by SIIB has brought on record that certain goods declared in the Bill of Entry were not found at all during physical verification, while several

other goods were found in quantities substantially different from those declared. More importantly, goods namely “Bike Accessories (Handle Accessories)” were found in the consignment which were not declared in the Bill of Entry at all.

16.3 I find that the requirement under Section 46 of the Customs Act, 1962 is that the importer must make a true, correct and complete declaration of all goods imported. The declaration must accurately reflect the description, quantity, value and other relevant particulars of the goods. In the present case, the importer has failed to comply with this statutory obligation. The discrepancies noticed are not minor variations but are material in nature, affecting both the identity and valuation of the goods. The presence of undeclared goods, coupled with significant variation in declared and found quantities, clearly establishes that the goods do not correspond with the declaration made.

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. The expression “any other particular” has a wide ambit and includes discrepancies in quantity, description and declaration. In the present case, the goods fail to correspond with the declared particulars on multiple counts, thereby squarely attracting the provisions of Section 111(m).

16.5 Further, I find that certain goods were found in excess of those declared in the Bill of Entry, and certain goods were not declared at all. In terms of Section 111(l) of the Customs Act, 1962, any dutiable goods which are not included or are in excess of those included in the entry made under the Act are liable to confiscation. The presence of undeclared goods as well as excess quantity of declared goods squarely attracts the provisions of Section 111(l).

16.6 Further, I note that as per Section 125(1) of the Customs Act, 1962, in 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, since the imported goods are not prohibited goods, I find it appropriate to give the importer an option to redeem the confiscated goods on payment of appropriate redemption fine under Section 125 of the Customs Act, 1962.

17.1 Regarding fifth issue of imposition of penalty, I find that the facts of the present case clearly establish that the importer has rendered the goods liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962 by way of mis-declaration of quantity, non-declaration of certain goods and undervaluation of the consignment. As discussed in the preceding paragraphs, the discrepancies noticed are substantial and material in nature and directly affect the assessment of duty.

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

17.3 Further, I find that the importer has filed a Bill of Entry containing incorrect and incomplete particulars and has thereby used a declaration which is false in material particulars. In terms of Section 114AA of the Customs Act, 1962, any person who

knowingly or intentionally makes, signs or uses any declaration, statement or document which is false or incorrect in any material particular is liable to penalty. The presence of undeclared goods and significant variation in declared and actual quantities clearly establishes that the declaration filed was incorrect in material particulars.

17.4 I also note that the importer has accepted the findings of mis-declaration and valuation and has agreed to pay the differential duty along with applicable penalties. While such acceptance may be considered as a mitigating factor at the stage of quantification, it does not absolve the importer of penal liability arising out of the violations committed.

17.5 Accordingly, I find that the importer M/s. Rishsaur Dynamic Private Limited is liable for imposition of 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, quantity and unit price of certain impugned goods covered under Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025 be amended as per Table-B to E above;

(iii) I order to reject the declared assessable value of Rs. 7,72,691/- under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determine the assessable value as Rs. 21,78,083/- under Rule 9 of the said Rules read with Section 14 of the Customs Act, 1962.

(iv) I order to confiscate the imported goods covered under Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025 having re-determined assessable value of Rs. 21,78,038/- (Rupees Twenty One Lakh Seventy Eight Thousand and Thirty Eight Only), under Sections 111(l) and 111(m) of the Customs Act, 1962. However, I give 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. 2,17,810/- (Rupees Two Lakh Seventeen Thousand Eight Hundred and Ten Only)**;

(v) I reject the self-assessment made under Section 17(1) of the Customs Act, 1962 in respect of Bill of Entry No. 5656067 (Z-Type) dated 12.11.2025, wherein the assessable value was declared as Rs. 7,72,691/- and duty of Rs. 3,05,967/- was paid. I order re-assessment of the said Bill of Entry under Section 17(4) of the Customs Act, 1962 and re-determine the assessable value as Rs. 21,78,083/- (Rupees Twenty One Lakh Seventy Eight Thousand and Eighty Three only), with consequent re-determination of duty liability at Rs. 8,48,298/- (Rupees Eight Lakh Forty-Eight Thousand Two Hundred and Ninety Eight only), resulting in differential duty of **Rs. 5,42,331/- (Rupees Five Lakh Forty Two Thousand Three Hundred and Thirty One only)**;

(vi) I impose penalty of **Rs. 54,233/- (Rupees Fifty Four Thousand Two Hundred and Thirty Three Only)** on the importer M/s Rishsaur Dynamic Private Limited under **Section 112(a)(ii)** of the Customs Act, 1962.

(vii) I impose penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** on the importer M/s Rishsaur Dynamic Private Limited under **Section 114AA** of the Customs Act,

1962 for use of incorrect material particulars in the import transaction.

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.

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

To,
M/s Rishsaur Dynamic Private Limited,
First Floor, 118, Building No-10/54,
BD Chamber, Karol Bagh, New Delhi - 110005

Copy to:

1. The Deputy Commissioner, SIIB, Customs House, Mundra
2. The Deputy Commissioner, Review, Customs House, Mundra
3. The Deputy Commissioner, TRC, Custom House, Mundra
4. The Deputy Commissioner, EDI, Customs House, Mundra
5. The Deputy Commissioner, APSEZ, Mundra
6. Guard File