

		<p style="text-align: center;"><b>कार्यालयशुल्क सीमा आयुक्त प्रधान :, मुन्द्रा</b>  <b>सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात-370421</b>  <b>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS,</b>  <b>CUSTOMS HOUSE, MUNDRA PORT, KUTCH, GUJARAT-</b>  <b>370421</b>  <b>Email ID: group3-mundra@gov.in</b></p>			
<b>A.</b>	File NO.	:	<b>CUS/APR/1401/2026-Gr 3-O/o Pr Commr - Cus-Mundra Mundra</b>		
<b>B.</b>	Order-in-Original No.	:	<b>MCH/ADC/ZDC/01/2026-27</b>		
<b>C.</b>	Passed by	:	<b>Dipak Zala,</b> <b>Additional Commissioner of Customs,</b> <b>Customs House, AP &amp; SEZ, Mundra</b>		
<b>D.</b>	Date of order and Date of issue	:	<b>01.04.2026</b> <b>01.04.2026</b>		
<b>E.</b>	Bill of Entry No.	:	<b>Z-Bill of Entry No. 5448328 dated 01.11.2025</b>		
<b>F.</b>	SCN F. No. & Date	:	<b>SCN Waived on the request of the importer</b>		
<b>G.</b>	Noticee(s)/Party/Importer	:	<b>M/s Nova Impex (IEC-BBJPG8592C), having registered office at G-21 Ground Floor, Vardhman Market, Vigyan Vihar, Delhi, East Delhi-110092</b>		
<b>H.</b>	DIN	:	<b>20260471MO000000C824</b>		

1. यह अपील आदेश संबन्धित को निशुल्कप्रदान: 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 सीमाशुल्क अपील नियमावली के 1982 नियम 3 के साथ पठित सीमाशुल्क अधिनियम की 1962 धारा 128A के अंतर्गत प्रपत्रसीए- 1-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

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

**सीमाशुल्क आयुक्त (अपील),**  
**चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड,**  
**नवरंगपुरा, अहमदाबाद009 380-**  
**THE COMMISSIONER OF CUSTOMS (APPEALS), Ahmedabad**  
**4<sup>th</sup> Floor, HUDCO Building, Ishwar Bhuvan Road,**  
**Navrangpura, Ahmedabad-380 009**

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 उपर न्यायालय शुल्क अधिनियम के तहत 5रुपए -/ 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 –

i. उक्त अपील की एक प्रति और

A copy of the appeal, and

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

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

5. अपीलजापनकेसाथड्यूटिब्याज/ दण्ड/ जुर्मानाआदिकेभुगतानकाप्रमाणसंलग्नकियाजानाचाहिये। /

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

6. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील)नियम,और 1982 सीमाशुल्क अधिनियम,के 1962 अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।

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

7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो,अथवा दण्ड में,जहां केवल जुर्माना विवाद में हो, Commissioner (A) के समक्ष मांग शुल्क का 7.5भुगतान % 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 Nova Impex (IEC-BBJPG8592C), having its registered office at G-21 Ground Floor, Vardhman Market, Vigyan Vihar, Delhi, East Delhi-110092 (hereinafter referred to as “the Importer” for sake of brevity) has imported a consignment as tabulated above (hereinafter referred to as “the impugned Goods”) at Mundra Port vide Z-Bill of Entry No. 5448328 dated 01.11.2025. The examination of the above said consignment was carried out by the officers of SIIB on 12.11.2025 in the presence of the importer’s authorized representative under Panchnama dated 12.11.2025 drawn at the premises of M/s. Fast Track CFS Private Limited, APSEZ , Mundra (Kachchh). The details of the goods as declared in the said Bill of Entry are as follows:

**Table-I**

S NO.	CTH	Description	Quantity	Unit Price	UQC	Amount (in USD)
1	39269099	Mobile Back Cover (Unbranded)	19190	0.36	DOZ	6908.40

2	39269099	Plastic Screen Protector (Unbranded)	16245	0.30	DOZ	4873.50
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## 2. **Examination of the goods:**

The officer of SIIB section, CH Mundra, conducted the examination of the impugned goods stuffed into the container no. HMMU7068002 covered under the Z-Bill of Entry No. 5448328 dated 01.11.2025 under Panchnama dated 12.11.2025.

**2.1.** During the course of examination of the impugned goods, after complete de-stuffing the goods were examined by the officers. The complete details of the goods found during examination are as under:

**Table-III**

S No.	Description	No of Cartons	Pcs per carton	Total Quantity (in Pcs)
1.	Tempered Glass Screen Protectors for Mobile Phones (12,64,000 Pcs)	1264	1000	12,64,000

Further, on examination of the goods, the officer prima facie noticed that the goods were mis-declared by the importer in respect of Description and Quantity. The importer has declared total 2 items in the BE and the goods found during the examination are in different marking, packing and quantity, the details of which are tabulated above in Table-III.

**2.2.** Summons were issued under Section 108 of the Customs Act, 1962 for recording of statement in the matter; In response Shri Pranav Gilotra, Proprietor of M/s. Nova Impex, appeared on 04.12.2025 and his statement was recorded under Section 108 of the Customs Act, 1962, the relevant extracts of which are reproduced below:

**Q.1. Please introduce yourself.**

**Ans:** My name is Pranav Gilotra. I am the Proprietor of M/s. Nova Impex (IEC: BBJPG8592C). My firm M/s Nova Impex is single owner firm and I have obtained IEC in Jan 2025.

**Q.2. What does M/s. Nova Impex do?**

**Ans:** We are basically wholesaler and trader of Mobile accessories such as screen guard, back cover etc.

**Q.3. What is monthly/yearly volume of imports of your company?**

**Ans:** We are importing around 3-4 FCL containers of Mobile accessories from China via Mundra SEZ, Delhi Air Cargo and ICD Dadri.

**Q.4. This office has issued summons dated 19.11.2025 [CBIC DIN 20251171M0000000EFSB] to you. But you have not attended the same, please explain?**

**Ans.** Due to family function I am unable to attend your office in respect of said summon.

**Q.5. Are you aware why summons dated 19.11.2025 [CBIC DIN 20251171M0000000EFSB] and 04.12.2025 [CBIC DIN 20251271M000000212262] issued to you?**

**Ans.** Yes, I am completely aware about summons dated 19.11.2025 and 04.12.2025 issued to us regarding import of goods vide BE No. 5448328 dated 01.11.2025.

**Q.6 Please explain regarding the goods imported vide BE No. 5448328 dated 01.11.2025.**

**Ans.** I have ordered for the goods Mobile Back Cover and Plastic Screen Guard to the supplier and same was declared in BE No. 5448328 dated 01.11.2025.

**Q.7 Please go through the Panchnama dated 12.11.2025 drawn at M/s. Fast Track CFS Pvt Ltd, Mundra and explain about the discrepancy noticed during examination of the goods?**

**Ans:** I have perused the Panchnama dated 12.11.2025. The goods found during examination are different models of Tempered Screen Guard for Mobile. I came to know the discrepancy after the examination of the goods and immediately I contacted to the supplier and supplier submitted that due to National holidays and heavy workload the goods were mistakenly loaded into the container. I am submitting the copy of letter received from supplier.

**Q.8 Is M/s. Nova Impex related in anyway with the Supplier M/s. Megaa Trade Company Limited.**

**Ans:** No, My Firm is not related to the supplier.

**Q.9 Have you given instructions to the SEZ unit for filing of Z Type BE and clearance of your cargo in DTA?**

**Ans:** I have verbally ordered to the SEZ unit for filing of BE and to clear the said consignment in DTA.

**Q.10 The actual goods found in examination is Tempered Screen Guard instead of declared goods, what you say.**

**Ans:** As I contacted the supplier and he submitted that the goods were mistakenly forwarded by him and he is not charging any additional amount to me. Further, I want to clear the goods in DTA after due procedures from the Customs.

**Q. 11 Do you know the valuation fixed by DRI for the goods which was imported by you by the way of mis-declaration.**

**Ans.** Yes, I am aware about it and I am ready for valuation of the goods as per current practice or the valuation may be decided on basis of Chartered Engineer. Further, I want to submit that the goods were not imported by the way of mis-declaration, it's the error of labour from supplier side.

**Q 12 Do you have anything else to say?**

**Ans:** I have nothing else to say. But I request you to please clear the goods as soon as possible after necessary Customs Formalities. I am ready with valuation from CE and do not want any SCN or PH in this case. I am also ready to pay differential duty along with Fine and Penalty.

**2.3.** The Proprietor of the firm M/s. Nova Impex, Shri Pranav Gilotra in his statement dated 04.12.2025 stated that he was unaware of the discrepancy in the cargo i.e. Tempered Screen Guard instead of declared cargo i.e. Mobile Back Cover (Unbranded) and Plastic Screen Protector (Unbranded) and he came to know about it only after the examination of the goods were carried out. He, further stated that he immediately contacted the supplier and the supplier M/s. Megaa Trade Company Limited, RM 101A, 1/F, Genplas Ind Building, 56 Hoi Yuen Road, Kwun Tong Hong Kong, vide letter dated 20.11.2025 to M/s. Nova Impex informed that due to an operational error at their warehouse, the goods loaded in the container HMMU7068002 were not the correct quantity intended for their company as their warehouse operations were highly impacted between 1st October to 7th October due to the National Holidays in China and because of the backlog and heavy workload during that period, a mismatch occurred and some incorrect quantity goods were mistakenly loaded into the container.

**3. Classification of the Goods:**

The importer has declared 2 items in the said BE. However, during the course of examination, the goods were found mis-declared in terms of description and quantity. The goods found during the course of examination appear to be appropriately classifiable under CTH 70071900, as follows:

**Table-IV**

Sr. No.	Goods found during examination	CTH
1.	Tempered Glass Screen Protectors for Mobile Phones (12,64,000 Pcs)	70071900

**4. Valuation of the Goods:**

Further, as goods found during examination in the subject Bill of Entry were mis-declared in terms of Description and Quantity. Therefore, the value of the goods needs to be determined.

**4.1. Rejection of declared value & Redetermination of Assessable Value:**

The 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. The 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. The 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 Rule 4 to 9 of CVR, 2007". Whereas, it appears that, transaction value in terms of Rule 3 of the CVR, 2007, is to be accepted only where there are direct evidences with regard to the price actually paid or payable in respect of the imported goods by the importer. Whereas, it further appears that, there is a reasonable doubt regarding the truth and accuracy of the value declared by the importer, and hence it appears liable to be rejected in terms of Rule 12 of the CVR, 2007.

**4.2.** Whereas, it appears that, if actual transaction value which means price paid or payable cannot be ascertained on the basis of Rule 3 of the CVR, 2007, the value shall be decided proceeding to subsequent rules. Thus, recourse is to be taken to the 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 the 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.

**4.3.** Whereas, it appears that, the value of the impugned goods could not be determined under Rule 4 and 5 *ibid* since the goods have been misdeclared/mis-declared by means of description, the value of contemporaneous imports of identical and similar goods of same quality and composition was not found. Proceeding sequentially, it is stipulated under Rule 6 *ibid* that where the value is not determinable under Rule 3, 4 and 5, the value is to be determined under Rule 7 or when the value cannot be determined under that Rule, under Rule 8. Whereas, Rule 7 provides for 'Deductive Value' i.e. the value is to be determined on the basis of valuation of identical goods or similar imported goods sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, subject to deductions stipulated under the rule. Whereas, for the reasons detailed above, the values also cannot be determined as per the said Rule 7 *ibid*. Likewise, for application of Rule 8 of the CVR, 2007, the cost of production or processing involved in the imported goods are not available. In the absence of requisite data, the value cannot be determined by taking recourse to these rules either.

**4.4.** Whereas, it appears that, the provisions of Rule 4 to 8 *ibid*, are not applicable in the instant case, the value of the impugned goods is required to be determined under the provisions of Rule 9 of the CVR 2007, which reads as

under: -

*“Rule 9: Residual method – (1) Subject to the provisions of Rule 3, where the value of the 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.”*

**4.5.** Whereas, as per the provisions of Rule 9 ibid, the assessable value of the goods actually found during examination are required to be re-determined under Rule 9 ibid, i.e. as per the residual method. Whereas, the impugned goods were inspected by Shri Er. Ajayrajsinh B. Jhala, Chartered Engineer & Government approved valuer, who submitted his Valuation report vide reference No. ABJ:INSP:CE:MUN:SIIB:SAB:NOVA:25-26:11 dated 25.02.2026 wherein, he has reported the value of the cargo as tabulated below:

**Table-V**

<b>Sr. no.</b>	<b>Item</b>	<b>Quantity (Pcs)</b>	<b>Per Unit Suggestive Average C.I.F. Valur in Bulk Quantity in USD (Approx.)</b>	<b>Total Suggestive Average CIF value in Bulk Quantity in USD (Approx.)</b>	<b>Suggestive Present CIF value in INR (1 USD= 88.7 INR)</b>
1.	Tempered Glass Screen Protectors for Mobile Phones	1264000	USD 0.0902/-	USD1,14,012.8 /-	Rs.1,01,12,935/-

**4.6.** Whereas, it appears that, the assessable value of Rs. 11,18,208/- declared by the importer in the Z-Bill of Entry No. 5448328 dated 01.11.2025 is liable to be rejected in terms of Rule 12 of the CVR, 2007. Whereas, further it appears that, the assessable value of the cargo covered under said Bill of Entry is required to be taken as Rs. 1,01,12,935/- on the basis of valuation report submitted by the CE for the purpose of valuation under provisions of Rule 9 of the CVR, 2007 read with note 2 of the interpretative notes for Rule 9 of the CVR, 2007.

**5. Importability and Policy Compliance:**

The goods i.e. Tempered Glass Screen Protectors for Mobile Phones found during the examination is freely importable after paying of applicable Customs Duty.

**6. Re-determination of Applicable Duty:**

On the basis of re-determined value of the goods in above Table-V, duty leviable on goods imported vide B/E No. 5448328 dated 01.11.2025 is being re-calculated. The re-calculated leviable duty is as under: -

**Table-VI**

Sr. no.	Item Description	CT H	Total Qty found during examination in PCS	Suggestive Present CIF value (as per CE) in Rs.	BCD in Rs.	SWS in Rs.	IGST in Rs.	Total applicable Duty in Rs.
1	Tempered Glass Screen Protectors for Mobile Phones	70071900	1264000	1,01,12,935/-	10,11,294/-	1,01,129/-	20,20,564/-	31,32,987/-

The total re-determined value of the goods releasable comes to Rs. 1,01,12,935/- and the total re-determined Duty for the said releasable goods comes to Rs. 31,32,987/- instead of the declared duty for the same i.e. Rs. 4,18,992/-. The differential duty of said releasable goods comes to Rs. 27,13,995/-.

## **7. Outcome of the Investigation:**

The investigation conducted by the Special Intelligence and Investigation Branch (SIIB), Customs House, Mundra, based on the special intelligence, revealed significant irregularities in the import consignment of M/s. Nova Impex, G-21 Ground Floor, Vardhman Market, Vigyan Vihar, Delhi, East Delhi-110092 (IEC: BBJPG8592C), under Z-Bill of Entry No. 5448328 dated 01.11.2025, covering container HMMU7068002. The examination conducted on 12.11.2025, which uncovered deliberate mis-declaration, undervaluation indicating an intent to evade Customs duties and violate import regulations. The outcomes of the investigation are as follows:

### **7.1. Examination of the Goods:**

The officer of SIIB section, CH Mundra, conducted the examination of the impugned goods stuffed into the container no. HMMU7068002 covered under the Z-Bill of Entry No. 5448328 dated 01.11.2025 under Panchnama dated 12.11.2025. During the course of examination, it was noticed that the goods were mis-declared by the importer in respect of Description and quantity. The goods found during the examination was "Tempered Glass Screen Protectors for Mobile Phones" instead of declared cargo i.e. "Mobile Back Cover (Unbranded) and Plastic Screen Protector (Unbranded)".

### **7.2. Classification of the Goods:**

The importer has declared 2 items in the said BE. However, during the course of examination, the goods were found mis-declared in terms of

description and quantity. The goods found during the course of examination appear to be appropriately classifiable under CTH 70071900, as follows:

**Table-IV**

Sr. No.	Goods found during examination	CTH
1.	Tempered Glass Screen Protectors for Mobile Phones (12,64,000 Pcs)	70071900

**7.3. Valuation of the Goods:**

Whereas, as per the provisions of Rule 9 ibid, the assessable value of the goods actually found during examination are required to be re-determined under Rule 9 ibid, i.e. as per the residual method. Whereas, the impugned goods were inspected by Shri Er. Ajayrajsinh B. Jhala, Chartered Engineer & Government approved valuer, who submitted his Valuation report vide reference No. ABJ:INSP:CE:MUN:SIIB:SAB:NOVA:25-26:11 dated 25.02.2026. It appears that, the assessable value of Rs. 11,18,208/- declared by the importer in the Z-Bill of Entry No. 5448328 dated 01.11.2025 is liable to be rejected in terms of Rule 12 of the CVR, 2007. Whereas, further it appears that, the assessable value of the cargo covered under said Bill of Entry is required to be taken as Rs. 1,01,12,935/- on the basis of valuation report submitted by the CE for the purpose of valuation under provisions of Rule 9 of the CVR, 2007 read with note 2 of the interpretative notes for Rule 9 of the CVR, 2007.

**7.4. Importability and Policy Compliance:**

All the goods found during the examination are freely importable after paying of applicable Customs Duty.

**7.5. Re-determination of Duty:**

The total re-determined value of the goods comes to Rs. 1,01,12,935/- and the total duty for the said goods comes to Rs. 31,32,987/- instead of the declared duty for the same i.e. Rs. 4,18,992/-. The differential duty of said releasable goods comes to Rs. 27,13,995/-.

**7.6. Confiscation of Goods and Penal Action:**

In view of the above, it is evident that the importer, M/s. Nova Impex, has imported the goods covered under Bill of Entry No. 5448328 dated 01.11.2025 by way of mis-declaration in description, quantity and classification. Therefore, the goods imported vide said Bill of Entry are liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962. The importer's actions indicate an intent to evade customs duty, violating Section 46(4) of the Customs

Act, 1962 (false declaration in Bill of Entry). Consequently, the importer is liable for penalties under Sections 112(a)(ii) and 114AA of the Customs Act, 1962, for knowingly submitting false documents and attempting to evade duties.

## **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.—**

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*

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

1. *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.*
2. *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:-*

*(d) any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;*

*(l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;*

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

**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,-*

- i. in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty [not exceeding the value of the goods or five thousand rupees, whichever is the greater;*
- ii. in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:*

**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 7. Deductive value.-**

(1) *Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in*

*the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions : -*

*(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;*

*(ii) the usual costs of transport and insurance and associated costs incurred within India;*

*(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.*

*(2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.*

*(3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.*

*(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).*

**Rule 8. Computed value.-**

*Subject to the provisions of rule 3, the value of imported goods shall be based on a computed value, which shall consist of the sum of:-*

*(a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;*

*(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;*

*(c) the cost or value of all other expenses under sub-rule (2) of rule 10.*

**Rule 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.*

**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.** The importer vide email dated 10.02.2026 submitted that they had communicated with their supplier, and it has been confirmed by the suppliers that the incorrect goods were supplied due to a mistake at their end. The supplier has duly acknowledged the said error and admitted that wrong goods were loaded and shipped earlier, as already informed to your good office. The goods presently lying with them are the same goods received from the supplier. The supplier has now confirmed their readiness to take back the cargo and has agreed to the re-export of the subject goods under the provisions of the Customs Act, 1962. They further submitted that the consignment contains glue-based products, which are sensitive in nature and are likely to get damaged if kept idle for a prolonged period. Any loss, deterioration, or liability arising due to delay shall be entirely borne by the importer. Further, the importer undertook to comply with all statutory requirements and conditions as may be imposed and affirm that no revenue implication shall arise on account of the proposed re-export.

**10.** The importer vide their email dated 02.03.2026 has requested for waiver of SCN and PH in the instant case and accepted the CE's Valuation Report, bearing Ref:-ABJ:INSP:CE:MUN:SIIB:SAB:NOVA:25-26:11 dated 25.02.2026. He also requested for Re-Export of the goods i.e. Tempered Glass Screen Protectors for Mobile Phones.

**11.** Therefore, an Investigation Report No. 291/2025-26 dated 19.03.2026 bearing F. No. Cus/SIIB/INT/804/2025-SIIB- O/o Pr Commr-Cus-Mundra has been issued by the Deputy Commissioner (SIIB), Customs House, Mundra proposing adjudication of the following matter:

**(i)** The declared description, quantity and classification of the goods imported vide Z-Bill of Entry No. 5448328 dated 01.11.2025, filed by the Importer M/s. Nova Impex, are liable to be rejected and the same needs to be re-determined as per above discussion.

**(ii)** The total declared assessable value of Rs. 11,18,208/- for the goods under Z-Bill of Entry No. 5448328 dated 01.11.2025 is liable to be rejected and re-determined as Rs. 1,01,12,935/- under Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, read with Section 14 of the Customs Act, 1962.

**(iii)** The Bill of Entry no. 5448328 dated 01.11.2025 need to be re-assessed under Section 17(4) of The Customs Act,1962 with re- determined duty, classification, weighment, quantity and description as discussed in above paras.

**(iv)** The goods imported vide Bill of Entry no. 5448328 dated 01.11.2025 having re-determined value of Rs. 1,01,12,935/- are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.

**(v)** The importer, M/s. Nova Impex (IEC: BBJPG8592C), is liable for penalties under Sections 112(a)(ii), and 114AA of the Customs Act, 1962.

### **DISCUSSIONS AND FINDINGS**

**12.1.** I have carefully gone through the facts of the case, impugned investigation report and submissions of the importer. I observe that upon examination by the officers of SIIB, Customs House, Mundra, the goods imported under impugned Z-Bill of Entry were found to be mis-declared in terms of description, quantity and classification. I observe that the value of the goods was subsequently re-determined based on the opinion of a government approved valuer. I observe that the importer in their letter dated 02.03.2026

have accepted the re-determined value and have waived their right to a show cause notice and personal hearings. Thus, I find that the principles of natural justice have been fully complied with. With this understanding, I find that following matters are to be decided at the stage of adjudication:

- (i) Whether the declared description, quantity and classification declared by the importer under impugned Z-Bill of Entry are liable to be rejected and re-determined in terms of findings of the SIIB?
- (ii) Whether the assessable value of the goods declared by the importer under impugned bill of entry is liable to be rejected and replaced with the value re-determined by the SIIB?
- (iii) Whether the impugned bill of entry requires re-assessment under Section 17(4) of the Customs Act, 1962?
- (iv) Whether the goods are liable to confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962 and the importer is liable to penalties under Sections 112(a)(ii), and 114AA of the Act, *ibid*.

**12.2.** I have carefully examined the relevant legal provisions, facts and circumstances of the case. I now proceed to adjudicate above framed issues.

**Rejection of Declared Description, Quantity and Classification of the Goods:**

**13.1.** I find that the importer M/s Nova Impex (IEC-BBJPG8592C) have imported goods under container no. HMMU7068002 at Mundra Port, vide Z-Bill of Entry No. 5448328 dated 01.11.2025, and they have declared the said goods in the Bill of Entry as follows:

S. No.	CTH	Description	Quantity	Unit Price	UQC	Amount (in USD)
1	39269099	Mobile Back Cover (Unbranded)	19190	0.36	DOZ	6908.40
2	39269099	Plastic Screen Protector (Unbranded)	16245	0.30	DOZ	4873.50

**13.2.** I note that the officers of SIIB, CH Mundra, conducted the examination of the impugned goods under Panchnama dated 12.11.2025. I find that during the course of examination, the goods were completely de-stuffed and examined, and the officers found the goods with details as under:

S No.	Description	No of Cartons	Pcs per carton	Total Quantity (in Pcs)
1.	Tempered Glass Screen Protectors for Mobile Phones (12,64,000 Pcs)	1264	1000	12,64,000

**13.3.** I find that, the examination conducted by the SIIB has revealed that the

importer has declared total 2 items in the Bill of Entry, namely "(i) Mobile Back Cover (Unbranded) and (ii) Plastic Screen Protector (Unbranded)". However, I find that the goods found during the examination are "Tempered Glass Screen Protectors for Mobile Phones", which differ in marking, packing and quantity. I further find that the importer has not contested the findings of the SIIB. Therefore, I agree with the observations of the SIIB and hold that the declared description and quantity of the goods are liable to be rejected and the goods are to be considered as "Tempered Glass Screen Protectors for Mobile Phones".

**13.4.** Moreover, I find that the importer has declared the impugned goods under CTH 3926, whereas the SIIB has recommended their classification under CTH 7007. To decide the classification of the goods, I go through the Customs Tariff and find that chapter 39 pertains to Plastics and Articles Thereof, while Chapter 70 deals Glass and Glassware. Since the goods are made of glass, they are correctly classifiable under Chapter 70 rather than Chapter 39. Further, upon examining the headings of Chapter 70, I find that CTH 7007 specifically covers safety glass, consisting of toughened (tempered) or laminated glass. Accordingly, I find that, the goods identified as "tempered glass for screen protector as mobile phones" are correctly classifiable under customs tariff item 70071900.

**13.5.** In light of the above, I conclude that the declared description, quantity, and classification of the goods are liable to be rejected, and hold that their correct description is 'tempered glass for mobile phone screen protectors,' classifiable under CTI 70071900.

**Rejection of the Declared Assessable Value of the Goods and Re-determination of Fair Assessable Value:**

**14.1.** I find that, in the impugned bill of entry, the importer declared value of the goods at Rs.11,18,208/-. I find that upon the discovery of mis-declared goods from the consignment under question, the importer i.e. Shri Pranav Gilotra, Proprietor of M/s. Nova Impex, was duly summoned during the investigation. I find that he appeared on 04.12.2025 before the officers of SIIB to record his statement under Section 108 of the Customs Act, 1962. I note that during the recording of his statement, he was shown and perused the Panchnama dated 12.11.2025, drawn up during the course of examination. I note that during his statement, Shri Pranav Gilotra, inter alia, stated that he is the owner of the firm and operates as a wholesaler and trader of mobile accessories. He stated that he ordered mobile back covers and plastic screen guards and came to know about the discrepancy in the consignment only after its examination. He stated that upon noticing the discrepancy, he immediately contacted the supplier, who informed him that due to national holiday in China

and an operational error, incorrect goods had been loaded into the container. He stated that his firm and the supplier are not related party. He stated that he verbally instructed the SEZ unit to file the Bill of Entry and clear the goods in DTA. He stated that he agreed to have the goods valued as per current practice or by a Chartered Engineer.

**14.2.** I find that, as the goods imported vide impugned Bill of Entry have been mis-declared in terms of description and quantity, their correct assessable value needs to be re-determined in terms of Section 14 of the Customs Act, 1962 read with Customs Valuation (Determination of Price of Imported Goods) Rules, 2007 (hereinafter referred to as “the CVR, 2007”).

**14.3.** Firstly, I refer to the **Section 14** of the Act, which provides that, for the purposes of the Customs Tariff Act or any other law, the value of imported goods shall be the **transaction value**, i.e., the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, where the buyer and seller are unrelated and the price is the sole consideration, subject to conditions specified in the rules.

**14.4.** I further refer to the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. I note that 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 the provisions of Rule 10. I note that Rule 12 of the CVR, 2007 stipulates that where the proper officer has reason to doubt the declared value, such value shall be determined in accordance with Rules 4 to 9.

**14.5.** I observe that under Rule 4 of the CVR, 2007, the value is to be determined on the basis of the transaction value of identical goods and, in the absence of identical goods, under Rule 5 on the basis of similar goods. Rule 6 provides that where the value cannot be determined under Rules 4 or 5, valuation is to be carried out under the deductive value method prescribed under Rule 7 or the computed value method under Rule 8. Finally, Rule 9 provides for a residual method, whereby the value is to be determined using reasonable means consistent with the principles and general provisions of the CVR, 2007 and Section 14 of the Customs Act, 1962, when none of the preceding methods are applicable.

**14.6.** I find that in the present case, the value of the impugned goods could not be determined under Rule 4 and 5 of the CVR, 2007 as the description of the goods have been completely mis-declared in terms of description, and the value of contemporaneous imports of identical and similar goods of comparable quality and composition were not available. Proceeding sequentially, I find that

as per Rule 6 *ibid*, where the value cannot be determined under Rule 3, 4 and 5, it shall be determined under Rule 7 on the basis of the deductive value method, and if not determinable thereunder, then under Rule 8. However, for the reasons detailed above, the values also cannot be determined under Rule 7 *ibid*. Similarly, for the application of Rule 8, the cost of production or processing involved in the imported goods are not available. Thus, I find that in the absence of requisite data, the value cannot be determined under the provisions of 4 to Rule 8 *ibid*. Finally, Rule 9 provides for a residual method, whereby the value is to be determined using reasonable means consistent with the principles and general provisions of the CVR, 2007 and Section 14 of the Customs Act, 1962, when none of the preceding methods are applicable.

**14.7.** I find that to determine the value under Rule 9 *ibid*, the impugned goods were inspected by Shri Er. Ajayrajsinh B. Jhala, Chartered Engineer & Government approved valuer, who submitted his Valuation report vide reference no. ABJ:INSP:CE:MUN:SIIB:SAB:NOVA:25-26:11 dated 25.02.2026 wherein, he has valued the goods at USD1,14,012.8. On the basis of the CE Report, I re-determine the total assessable value of the goods at Rs.1,01,12,935/-, as tabulated below:

Sr. no.	Item	Quantity (PCS)	Per Unit Suggestive Average C.I.F. Value in Bulk Quantity in USD (Approx.)	Total Suggestive Average CIF value in Bulk Quantity in USD (Approx.)	Suggestive Present CIF value in INR (1 USD= 88.7 INR)
1.	Tempered Glass Screen Protectors for Mobile Phones	12,64,000	0.0902	1,14,012.8	1,01,12,935

**14.8.** I find that the CIF Value of the impugned goods, as estimated by the chartered engineer, indicates that the goods have been grossly undervalued. I further find that the above-mentioned valuation report of the Charter Engineer was also communicated to the importer, who, vide letter dated 02.03.2026, has accepted the valuation.

**14.9.** In view of the above, I conclude that the assessable value of Rs.11,18,208/- declared by the importer in the impugned bill of entry is liable to be rejected in terms of Rule 12 of the CVR, 2007, and the goods are required to be assessed at Rs.1,01,12,935/- (CIF).

#### **Re-assessment of the Bill of Entry:**

**15.1.** I find that, in the impugned bill of entry, the importer has self-assessed duty on the goods at Rs.4,18,992/- under Section 17(1) of the Customs Act,

1962. I observe that Section 17(1) of the Act, *ibid*, mandates self-assessment and places a statutory obligation on the importer to correctly declare description, classification, quantity, value etc. of the imported goods to correctly levy and discharge the duty. However, in the present case, the goods have been grossly mis-declared in terms of description, classification, quantity and value. Therefore, I find that the duty on the impugned goods is required to be re-calculated on the re-determined assessable value of Rs.1,01,12,935/- (CIF) as determined in *para supra*. I find that the impugned goods attract effective BCD @ 10 %, SWS @ 10% of BCD, and IGST @ 18%. Accordingly, total duty leviable on the impugned goods works out to Rs.31,32,987/- as detailed below:

(Amount in INR)

Sr. no.	Item Description	Suggestive Present CIF value (as per CE)	BCD @ 10%	SWS @ 10% of BCD	IGST @ 18%	Total Applicable Duty
1	Tempered Glass Screen Protectors for Mobile Phones [CTH: 70071900]	1,01,12,935	10,11,294	1,01,129	20,20,564	31,32,987

**15.2.** I find that the total re-determined Duty for the said goods comes to Rs.31,32,987/- instead of the declared duty of Rs.4,18,992/-. Thus, I find that the importer has incorrectly self-assessed the duty in the Bill of Entry. This incorrect self-assessment has resulted in a short levy of duty amounting to **Rs.27,13,995/-**.

**15.3.** In the light of above, I find that the importer have incorrectly self-assessed the bill of entry and have failed to fulfil the obligation under Section 17(1) of the Customs Act, 1962. Accordingly, I hold that the bill of entry is required to be re-assessed under Section 17(4) of the Act.

#### **Confiscation of the Goods and Penal Actions:**

**16.1.** I find that the investigation report has recommended the confiscation of the goods under Sections 111(l) and 111(m) of the Customs Act, 1962. In addition, the investigation has recommended the imposition of penalties under Sections 112(a)(ii) and 114AA of the Customs Act, 1962.

**16.2.** In this regard, I refer to the relevant clause of Section 111, Section 112 along with Section 114AA of the Act *ibid*, which are reproduced below:

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

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*(l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;*

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

**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,-*

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

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

**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.*

**16.3.** I note that the importer in their submissions have claimed that, due to an operational error, incorrect goods were dispatched from the the supplier end. However, I find that the importer, at no point in time, disclosed full, true and correct information about the impugned goods nor did they bring this material fact to the notice of the Department. The misrepresentation of the goods came to light only upon the examination conducted by the Department. Further, I note the importer by misrepresenting description, quantity, classification and value of the goods has contravened the provisions of Section 46 of the Customs Act, 1962, in as much as, they failed to make correct and true declaration to the Customs in the form of Bill of Entry. This deliberate misrepresentation of goods reflects a conscious attempt to defraud the revenue. Accordingly, these goods are liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962. Moreover, the importer's act of attempting to import dutiable goods by way of misrepresentation renders them liable to penal action under Section 112(a)(ii) of the Customs Act, 1962.

**16.4.** As regards the penalty on the Importer under Section 114AA of the Customs Act, 1962, I find that the Importer has dealt with incorrect documents

while filing bill of entry for the said consignment. The Importer had knowingly and intentionally made/signed/used and/or caused to be made/signed/used the import documents and other related documents which were false or incorrect in material particular such as description, quantity, classification, value etc., with mala-fide intention, and therefore, the importer is liable to penalize under Section 114AA of the Customs Act, 1962.

**Option to pay redemption fine in lieu of confiscation:**

**17.1.** I find that the importer, vide email dated 10.02.2026, has submitted a request to redeem the goods for the purpose of re-export. As the impugned goods are found to be liable for confiscation under Section 111(l) and 111(m) of the Customs Act, 1962, I find it necessary to consider as to whether redemption fine under Section 125 of Customs Act, 1962, is liable to be imposed in lieu of confiscation in respect of the impugned goods. The Section 125 ibid reads as under:-

*“Section 125. Option to pay fine in lieu of confiscation—(1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods 1[or, where such owner is not known, the person from whose possession or custody such goods have been seized,] an option to pay in lieu of confiscation such fine as the said officer thinks fit.”*

**17.2.** A plain reading of the above provision shows that imposition of redemption fine is an option in lieu of confiscation. It provides for an opportunity to owner of confiscated goods for release of confiscated goods by paying redemption fine where there is no restriction or policy provision for domestic clearance. I find that the impugned goods are freely importable. Therefore, I am inclined to give an option to the Importer for clearance of the goods for re-export on payment of redemption fine.

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

**ORDER**

- i. I reject the declared description, classification and quantity of the goods imported under Z- Bill of Entry No.5448328 dated 01.11.2025, by the Importer M/s. Nova Impex, due to mis-declaration and misclassification, and I order to be re-determined the same as per Table-III of Para 2.1 above.
- ii. I reject the total declared assessable value of Rs.11,18,208/- for the goods imported under Z-Bill of Entry No. 5448328 dated 01.11.2025, and order

the same to be re-determined (CIF) as **Rs.1,01,12,935/- (One Crore One Lakh Twelve Thousand Nine Hundred and Thirty Five Only)** as per the Chartered Engineer's valuation report ref. No. ABJ:INSP:CE:MUN:SIIB:SAB:NOVA:25-26:11 dated 25.02.2026, under Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, read with Section 14 of the Customs Act, 1962.

- iii. I order to re-assess the Z-Bill of Entry No. 5448328 dated 01.11.2025 under Section 17(4) of the Customs Act, 1962 as per Para (i) and (ii) above.
- iv. I order for confiscation of the improperly imported goods mentioned in Table-III of Para 2.1 above having re-determined value of Rs.1,01,12,935/- (One Crore One Lakh Twelve Thousand Nine Hundred and Thirty Five Only) under Sections 111(l) & 111(m) of the Customs Act, 1962. However, I give an option to the importer to redeem the same for the purpose of re-export on payment of redemption fine of **Rs.10,11,000/- (Rupees Ten Lakh Eleven Thousand Only)** under Section 125(1) of the Customs Act, 1962. However, if the importer fails to pay the imposed fine within a period of 120 days from the date of communication of this order, this option shall become void as per Section 125(3) of the Customs Act, 1962, unless an appeal against this order pending.
- v. I impose a penalty of **Rs.2,71,000/- (Rupees Two Lakh Seventy One Thousand Only)** upon the importer under Section 112(a)(ii) of the Customs Act, 1962 for attempting to import dutiable goods by way of misdeclaration.
- vi. I impose a penalty of **Rs.2,00,000/- (Rupees Two Lakh Only)** upon the importer under Section 114AA of the Customs Act, 1962 for use of false and incorrect material in relation to the import of the goods.

**19.** This Order is issued without prejudice to any other action that may be taken against the claimant under the provisions of the Customs Act, 1962 or rules made thereunder or under any other law for the time being in force.

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

To,  
M/s Nova Impex (IEC-BBJPG8592C),  
Office at G-21 Ground Floor,  
Vardhman Market, Vigyan Vihar,  
Delhi, East Delhi-110092

Copy to:

- i. The Deputy Commissioner (SIIB), Customs, CH, Mundra.
- ii. The Dy./Asstt. Commissioner (EDI), CH, Mundra.
- iii. The Dy./Asstt. Commissioner (RRA/TRC), CH, Mundra.