OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS,

CUSTOM HOUSE: MUNDRA, KUTCH

MUNDRA PORT& SPL ECONOMIC ZONE, MUNDRA-370421

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A. File No.	:	GEN/ADJ/COMM/516/2026-Adjn-O/o Pr. Commr-Cus-Mundra.
B. Order-in-Original No.	:	MUN-CUSTM-000-COM-38/26-27
C. Passed by	:	**Nitin Saini** **Commissioner of Customs,** **Customs House, AP & SEZ, Mundra.**
D. Date of order and Date of issue:	:	10.11.2026 10.11.2026
E. SCN No. & Date	:	SCN No. 28/2025-26/COMM/NS/Adjn/MCH
F. Noticee(s) / Party / Importer	:	1.M/s J Bridge Worldwide 2.Shri Yashpal Rajrishi, Proprietor of M/s J Bridge Worldwide 3. Shri Mohd. Tariq, Proprietor of M/s Talha Traders 4. Shri Mohd. Tayyab, Proprietor of M/s Rainbow Impex 5. Shri Kapil Kotiya

1. यह अपील आदेश संबन्धित को नि:शुल्क प्रदान किया जाता है।

   This Order - in - Original is granted to the concerned free of charge.

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सी ए 3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

   Any person aggrieved by this Order - in - Original may file an appeal under Section 129 A (1) (a) of Customs Act, 1962 read with Rule 6 (1) of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -3 to:

   "**केन्द्रीय उत्पाद एवं सीमा शुल्क और सेवाकर अपीलीय प्राधिकरण**, **पश्चिम जोनल पीठ**, 2nd **फ्लोर, बहुमाली भवन, मंजुश्री मील कंपाउंड, गिर्धनगर ब्रिज के पास, गिर्धनगर पोस्ट ऑफिस, अहमदाबाद**-380 004"

"Customs Excise & Service Tax Appellate Tribunal, West Zonal Bench, 2nd floor, Bahumali Bhavan, Manjushri Mill Compound, Near Girdharnagar Bridge, Girdharnagar PO, Ahmedabad 380 004."

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 साथ -/ 1000 रूपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, व्याज,दंड याशास्ति रूपये पाँच लाख या कम माँगा हो5000/- रुपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, व्याज, शास्तिया दंड पाँच लाख रूपये से अधिक किंतु पचास लाख रूपये से कम माँगा हो 10,000/- रुपये का शुल्क टिकट लगा होना चाहिए जहाँ शुल्क, दंड व्याज या शास्ति पचास लाख रूपये से अधिक माँगा हो। शुल्क का भुगतान खण्डपीठ बेंच आहरित ट्रिब्यूनल के सहायक रजिस्ट्रार के पक्ष में खण्डपीठ स्थित जगह पर स्थित किसी भी राष्ट्रीयकृत बैंक की एक शाखा पर बैंक ड्राफ्ट के माध्यम से भुगतान किया जाएगा।

   Appeal should be accompanied by a fee of Rs. 1000/- in cases where duty, interest, fine or penalty demanded is Rs. 5 lakh (Rupees Five lakh) or less, Rs. 5000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 5 lakh (Rupees Five lakh) but less than Rs.50 lakh (Rupees Fifty lakhs) and Rs.10,000/- in cases where duty, interest, fine or penalty demanded is more than Rs. 50 lakhs (Rupees Fifty lakhs). This fee shall be paid through Bank Draft in favour of the Assistant Registrar of the bench of the Tribunal drawn on a branch of any nationalized bank located at the place where the Bench is situated.

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

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

6. अपील ज्ञापन के साथ ड्यूटि/ 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 CESTAT (प्रक्रिया) नियम, 1982 सभी मामलों में पालन किया जाना चाहिए।

   While submitting the appeal, the Customs (Appeals) Rules, 1982 and the CESTAT (Procedure) Rules 1982 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, न्यायाधिकरण के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

   An appeal against this order shall lie before the Tribunal 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 Fact of the Case

M/s. J Bridge Worldwide (IEC No. AQOPP9820H), having registered address at WZ-28, Chaukhandi Extn., Tilak Nagar, S.O. West Delhi-110018, is engaged in import of PU-coated Fabrics and other fabrics from China for home consumption. M/s. J Bridge Worldwide used to import these goods in Mundra SEZ Warehouse Unit M/s. OWS Warehouse Services LLP, Mundra and subsequently filed SEZ to DTA Bills of Entry in the SEZ for their DTA removal.

2. Intelligence developed by the Directorate of Revenue Intelligence (DRI) Ahmedabad indicated that M/s. J Bridge Worldwide (herein after referred to as M/s JBW) indulged in evading payment of Anti-dumping duty and appropriate levy of Customs duty during their import of Fabrics by way of mis-declaration of description and mis-classification of these goods. In terms of Govt. of India, Ministry of Finance, Department of Revenue Notification No. 14/2022-Customs (ADD) dated 20.05.2022 issued from F. No. 190354/115/2022-TRU, PU-coated fabric falling under HS code 59032090, when imported from any Country including China and produced by entities other than by M/s. Anhui Anli Material Technology Limited, attracts Anti-dumping duty @USD 0.46 per Meter.

3. The intelligence further indicated that two (02) such consignments of PU Coated fabrics imported by M/s. J Bridge Worldwide from China through Bill of Entry No. 1014923 dated 19.10.2022 and Bill of Entry No. 1014925 dated 19.10.2022 by mis-declaring the description of goods as Felt Woven Coated Fabric and mis-classifying it under CTI 59119090 are lying at Warehouse Unit M/s. OWS Warehouse Services LLP, APSEZ, Mundra. Acting upon the above intelligence, import consignments in Bill of Entry No. 1014923 dated 19.10.2022 and Bill of Entry No. 1014925 dated 19.10.2022 of M/s. J Bridge Worldwide were examined by the officers of DRI at SEZ Warehouse Unit M/s. OWS Warehouse Services LLP, APSEZ, Mundra under Panchnama dated 14.11.2022 [RUD-1]. During examination, different type of goods in rolls were found in the import consignments, as detailed below –

TABLE-1

Bill of Entry No. 1014923 dated 19.10.2022

Goods Type	Total No. of Rolls	Total Length of Fabric in each Roll (in meters)	Width of Fabric in each Roll (in meters)

Type -1	126	40	1.5
Type-2	465	50	1.5
Type-3	125	50	1.5
Type-4	340	50	1.5

TABLE-2

Bill of Entry No. 1014925 dated 19.10.2022

Goods Type	Total No. of Rolls	Total Length of Fabric in each Roll (in meters)	Width of Fabric in each Roll (in meters)
Type -1	307	50	1.5
Type-2	407	50	1.5
Type-3	50	40	1.5
Type-4	268	50	1.5
Type-5	210	50	1.5

The above goods i.e. Fabrics were found to have some coating which indicated the possibility of the fabric being PU Coated and therefore, representative samples from all the 04 types of goods in Bill of Entry No. 1014923 dated 19.10.2022 and in all 05 types of goods in Bill of Entry No. 1014925 dated 19.10.2022 were drawn in the presence of the representative of the Warehouse and the Panchas. The goods were thereafter detained pending result of the Testing of the Samples. The samples drawn were further forwarded to CRCL, Vadodara for ascertaining its identity and coating.

3.1 The samples of imported goods drawn as discussed above at para 3 were forwarded to CRCL, Vadodara. Details of the Test results received is tabulated as under –

TABLE-3

Bill of Entry No. & Dt.	Type of goods	Test Memo No. & Date	Test Report No. & Date	Test Result as per CRCL Report
1014923 dated 19.10.2022	Type-1	26/JB/1014923 dt. 18.11.2022 [RUD-2]	RCL/AH/DRI/ 3036/01.12.2022 dt. 23.12.2022 [RUD-3]	Dyed woven fabric of visose spun yarns & coated with compounded polyurethane on one side having glossy surface and laminated with two PVC films.

	Type-2	27/JB/1014923 dt. 18.11.2022 [RUD-4]	RCL/AH/DRI/ 3037/01.12.2022 dt. 23.12.2022 [RUD-5]	Dyed knitted fabric made of polyester filament yarns, coated with compounded polyurethane on one side having glossy surface.
	Type-3	28/JB/1014923 dt. 18.11.2022 [RUD-6]	RCL/AH/DRI/ 3038/01.12.2022 dt. 23.12.2022 [RUD-7]	White knitted fabric, made of polyester filament yarns, coated on one side with compounded polyurethane having printed surface.
	Type-4	29/JB/1014923 dt. 18.11.2022 [RUD-8]	RCL/AH/DRI/ 3039/01.12.2022 dt. 23.12.2022 [RUD-9]	White knitted fabric, having raised fibers on one side, of polyester yarns, coated with compounded polyurethane on the other side.
1014925 dated 19.10.2022	Type-1	30/JB/1014925 dt. 18.11.2022 [RUD-10]	RCL/AH/DRI/ 3040/01.12.2022 dt. 23.12.2022 [RUD-11]	Dyed knitted fabric of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	31/JB/1014925 dt. 18.11.2022 [RUD-12]	RCL/AH/DRI/ 3041/01.12.2022 dt. 23.12.2022 [RUD-13]	Dyed non-woven fabric of polyester fibers & coated with compounded polyurethane having shining surface on one side.
	Type-3	32/JB/1014925 dt. 18.11.2022 [RUD-14]	RCL/AH/DRI/ 3042/01.12.2022 dt. 23.12.2022 [RUD-15]	Dyed woven fabric of polyester spun yarns & coated with compounded polyurethane on one side having golden glossy surface laminated with PVC film.
	Type-4	33/JB/1014925 dt. 18.11.2022 [RUD-16]	RCL/AH/DRI/ 3043/01.12.2022 dt. 21.12.2022 [RUD-17]	Dyed knitted fabric, coated on one side with compounded polyurethane.
	Type-5	34/JB/1014925 dt. 18.11.2022 [RUD-18]	RCL/AH/DRI/ 3044/01.12.2022 dt. 23.12.2022 [RUD-19]	Dyed knitted fabric, having raised fires on one side, of polyester filament yarns, coated with compounded polyurethane on one side.

In view of the above test reports, the goods as mentioned in Table-1 & 2 above, collectively in 2298 Nos. of Rolls having Approx. Length of 1,13,140 Meters imported vide Bills of Entry as mentioned above were found to be Fabrics coated with

Compounded Polyurethane which were mis-declared and mis-classified by the importer and Anti-dumping duty leviable on it were not paid on it in terms of Govt. of India, Ministry of Finance, Department of Revenue Notification No. 14/2022-Customs (ADD) dated 20.05.2022. The above imported goods were therefore placed under seizure vide Seizure Memo issued F.No. DRI/AZU/CI/ENQ-03(INT-21)/2023 dated 11.01.2023 [RUD-20] under Section 110(1) of the Customs Act, 1962. Subsequently, the above goods were ordered for provisional release by the Competent authority i.e. Customs House, Mundra vide their letter F.No. CUS/APR/INV/32/2023-Gr 3 -O/o Pr. Commr-cusMundra dated 15.03.2023.

4. During further investigation, the import consignments in respect of Bill of Entry No. 1015924 dated 07.11.2022 of M/s. JBW were also examined by the officers of DRI at Mundra SEZ Warehouse Unit M/s. OWS Warehouse Services LLP, under Panchnama dated 18.01.2023 [RUD-21]. During examination, different type of goods in rolls were found as detailed below –

TABLE-4

Bill of Entry No. 1015924 dated 07.11.2022

Goods Type	Total No. of Rolls	Total Length of Fabric in each Roll (in meters)	Width of Fabric in each Roll (in meters)
Type – 1	757	40	1.5
Type – 2	225	40	1.5

During the examination under Panchnama, these goods i.e. Fabrics were found to have some coating which indicated the possibility of the fabric being PU Coated and therefore, representative samples from all the types of goods in Bill of Entry No. 1015924 dated 07.11.2022 were drawn in the presence of the representative of the Warehouse and the Panchas. The goods were thereafter detained pending result of the Testing of the Samples. The samples drawn were further forwarded to CRCL, Vadodara for ascertaining its identity and coating, if any.

4.1 The Test results in respect of these samples of imported received from CRCL, Vadodara is tabulated as under –

TABLE-5

Bill of Entry No. & Dt.	Type of goods	Test Memo No. & Date	Test Report No. & Date	Test Result as per CRCL Report

1015924 dated 07.11.2022	Type-1	67/JB/1015924 dt. 19.01.2023 [RUD-22]	RCL/AZU/DRI/ 3716/23.01.2023 dt. 23.02.2023 [RUD-23]	Blacking knitted fabric having raised fibers on one side, of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	68/JB/1015924 dt. 19.01.2023 [RUD-24]	RCL/AZU/DRI/ 3717/23.01.2023 dt. 14.03.2023 [RUD-25]	Bluish knitted fabric of polyester filament yarns & coated with compounded polyurethane on the one side having glossy surface.

In view of the above test reports, the goods collectively in 982 Nos. of Rolls having Approx. Length of 39,280 Meters imported vide Bills of Entry as mentioned above were found to be Fabrics coated with compounded polyurethane which were mis-declared and mis-classified by the importer and Anti-dumping duty leviable on it were not paid on it in terms of Govt. of India, Ministry of Finance, Department of Revenue Notification No. 14/2022-Customs (ADD) dated 20.05.2022. The above imported goods were therefore placed under seizure vide Seizure Memo issued F.No.DRI/AZU/CI/ENQ-03(INT-21)/2023 dated 05.04.2023 [RUD-26] under Section 110(1) of the Customs Act, 1962. Subsequently, the above goods were ordered for provisional release by the Competent authority i.e. Customs House, Mundra vide their letter F.No. CUS/APR/INV/92/2023-Gr 3 -O/o Pr. Commr-cus-Mundra dated 12.05.2023.

5. In terms of Govt. of India, Ministry of Finance, Department of Revenue Notification No. 14/2022-Customs (ADD) dated 20.05.2022 issued from F.No. 190354/115/2022-TRU, PU-coated fabric falling under HS code 59032090, when imported from any Country including China and produced by entities other than by M/s. Anhui Anli Material Technology Limited, attracts Anti-dumping duty @USD 0.46 per Meters.

5.1 The above notification further also clarifies that “for the purposes of this notification, rate of exchange applicable for calculation of such anti-dumping duty, shall be the rate which is specified in the notification of the Government of India, Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the Customs Act, 1962”.

6. In terms of Ministry of Commerce & Industry (D.C.) Notification No. S.O. 2666(E) dated 05.08.2016, Officers of Directorate of Revenue Intelligence (DRI) is authorised by the Central Government, to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in Special Economic Zones.

7. Search conducted during the investigation

7.1 Search at the registered premises of M/s. J Bridge Worldwide situated at WZ-28, Chaukhandi Extn., Tilak Nagar, S.O. West Delhi-110018 was conducted under Panchnama dated 24.11.2022 [RUD-27]. During the search, Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide was found at the premises. No documents related to the inquiry/import were found at the premises during the search. On being asked, Shri Yashpal Rajrishi informed that all the documents related to the firm are available with his Charted Accountant for filling of GST Return.

7.2 Further search at the business premises of M/s Talha Traders situated at 146, E-4 Block, Tajnagari, Phase-II, Agra and business premises of M/s Rainbow Impex situated at 128, E-4 Block, Tajnagari, Phase-II, Agra was carried out under Panchnama dated 30.12.2022 [RUD-28]. During the search documents relevant to inquiry were found and the same were resumed. Further, mobile phones of Shri Mohd. Tariq, proprietor of M/s Talha Traders and Shri Mohd. Tayyab, proprietor of M/s Rainbow Impex were also resumed for inquiry.

Extraction data from the mobile phone

7.3 Extraction of data from the mobile phones of Shri Mohd. Tariq, proprietor of M/s Talha Traders and Shri Mohd. Tayyab, proprietor of M/s Rainbow Impex resumed during panchnama dated 30.12.2022 were conducted at Cyber Forensic Lab, Directorate of Revenue Intelligence, Mumbai Zonal Unit under panchnama dated 23.01.2023 [RUD-29].

Documents submitted during the investigation

7.4.1 M/s Rainbow Impex submitted Purchase; Sale & Stock details vide email dated 30.12.2022 [RUD-30(a)].

7.4.2 M/s Talha Traders submitted Purchase, Sale & Stock details vide email dated 30.12.2022 [RUD-30(b)].

7.4.3 Shri Yashpal Rajrishi has submitted Bills of Entry, Invoices etc. vide emails dated 03.04.2023 (total 3 emails) [RUD-30(c)].

7.4.4 M/s. Ta. Ra Innovations Pvt. Ltd. has submitted Purchase Invoices, Sale-Purchase Registers vide letter dated 10.12.2024 [RUD-30(d)].

7.4.5 Shri Rajeev Chawla has submitted the documents in respect of Sale Purchase of goods vide email dated 27.09.2024 and also submitted the details of quantity of Textile Coated Fabric in meters vide email dated 04.03.2025 [RUD-30(e)].

7.4.6 Shri Mohd. Tariq, Proprietor of M/s Talha Traders, has submitted the packing lists vide email dated 12.03.2025 in respect of import consignment, wherein quantity of goods was mentioned in meters [RUD-30(f)].

7.4.7 Shri Mohd. Tayyab, Proprietor of M/s Rainbow Impex, has submitted the packing lists vide email dated 12.03.2025 in respect of import consignment, wherein quantity of goods was mentioned in meters [RUD-30(g)].

8. Statements recorded in the case

8.1 Statement of Shri Kapil Kotiya s/o Shri Ratan Lal, Proprietor of M/s Ocean Logistics was recorded u/s. 108 of the Customs Act, 1962 on 27.11.2022 [RUD-31], wherein he inter alia stated that he is the Proprietor of M/s Ocean Logistics, situated at 212, Vishal Tower, District Center, Janakpuri, New Delhi110058; that M/s Ocean Logistics was established in the year 2017; that M/s Ocean Logistics does not have an IEC and the firm is handling work related to Freight Forwarding and Customs Clearance; that apart from M/s. Ocean Logistics, he is not a partner or director in any other firm/company; that his firm does not have any Customs Brokers License and gives the work related to customs clearance to M/s. Rainbow Shipping Service & Lara Exim Pvt. Ltd.; that he is handling all the day to day work of the firm M/s JMV Enterprises, M/s. Om Enterprises & M/s. J Bridge World Wide; that IEC of these firms is lent to the Domestic firms for importing of the goods they require; that various Domestic Traders (Actual Importer of Goods) import their goods through these IECs using the name of these IEC holding firms and after import they take these imported goods by way of domestic sale from the IEC holding firms; that the

modus adopted in the above transaction is that the Domestic firm/Traders orders the goods from overseas supplier and provide them the credentials of these IEC lending firm as an importer to facilitate the import of the goods; that the import related documents from overseas supplier are received by the domestic firms/traders(Actual owner of the goods) which they forward to the IEC lending firm for customs clearance and after the customs clearance, these imported goods are directly forwarded from the port to the premises of these domestic firm/traders (the actual importer of goods) by showing it as domestic sale by IEC lending firm; that due to the market being very competitive, the domestic firms/traders/actual owner of the goods want to hide the details of overseas suppliers and therefore they use IEC lending firms to import the goods; that he had approached his relatives or friends, who lost jobs during COVID-19 lock down and gave them ideas to open IEC lending firm for some monetary benefit for which they agreed; that no fix amount is paid for the same to the owner of the firm and the same varied from person to person; that the IEC of the firm M/s J Bridge Worldwide was intended to be utilized by domestic traders (actual importer of goods) M/s. Talha Traders and M/s. Rainbow Impex; that these domestic firm/traders were known to him and since they required IEC firm for import, he provided them this firm; that the proprietor of M/s. J Bridge Worldwide is not looking after any work of the firm except to signing documents related to import and banking transaction; that he is charging Rs.15000/- per container to Domestic firm/Traders (actual importer of goods) for lending IEC; that this amount is added to value of goods in the Invoice when the goods are removed for domestic sale; that the Domestic firm/Traders (actual importer of goods) are importing Polyester Woven Fabric, Knitted Fabric, Polyester Bonded Fabric, PVC Coated Fabric, PA Coated Fabric, Textile Coated Fabric etc. through these IEC lending firms; that these domestic traders/firms place the order to overseas supplier and later on send the import documents to him for the purpose of freight forwarding or customs clearance; that he did not know anything about the mis-declaration of goods, as goods are directly ordered by the Domestic Traders (actual importer of goods) and after import the same is directly dispatched to the Domestic Traders (actual importer of goods); that all the domestic traders were his regular clients and are communicating with him only; that domestic traders used to import PU Coated Fabric before levy of Antidumping duty on the PU Coated Fabric, however after Anti-dumping duty was levied, they discontinued the import of PU Coated Fabric.

8.2 Further statement of Shri Kapil Kotiya s/o Shri Ratan Lal, Authorized Agent of Shri Yashpal Rajrishi, Proprietor of M/s J Bridge Worldwide was recorded u/s. 108 of the Customs Act, 1962 on 12.04.2023 [RUD-32], wherein he inter alia stated that Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide is his friend, that he knows him since 2007, when they both were working in a company i.e. ATE Logistics; that he does not have partnership with Shri Yashpal Rajrishi in any company or other means; that his firm provides forwarding services to Shri Yashpal Rajrishi's firm M/s J Bridge Worldwide; Shri Yashpal Rajrishi was having multiple health issues and due to medical condition of Shri Yashpal Rajrishi was not able to come for the statement and requested him to give the statement on his behalf; M/s J Bridge Worldwide had imported fabrics only; that he does not know about the coating material in the fabrics imported by M/s J Bridge Worldwide; that J Bridge Worldwide had been importing fabrics from China since 2019; that he was perused with his earlier statement recorded in the case on 27.11.2022 [RUD-31] and after perusing the same he stated that he agrees with all the facts and version recorded in the statement; that he had provided the IEC of M/s Bridge Worldwide to M/s Talha Traders & M/s Rainbow Impex to import the fabric; that Shri Yashpal Rajrishi also imports the goods through M/s J Bridge Worldwide; that coated fabrics were imported by Shri Yashpal Rajrishi for themselves, however he is not aware of its coating material; Shri Yashpal Rajrishi, proprietor, is looking after all the work of M/s Bridge Worldwide and on their request IEC of M/s J Bridge Worldwide was given to Talha Traders & Rainbow Traders for import of goods; that Shri Yashpal Rajrishi himself maintains the records of M/s J Bridge Worldwide however handling of accounting work and filling of GST & IT Returns was looked after by Charted Accountant Shri Jitesh Ratan; that Shri Yashpal Rajrishi handles the banking related work of M/s J Bridge Worldwide; that he was not getting any amount from M/s Talha Traders & M/s Rainbow Traders for lending of IEC of M/s J Bridge Worldwide; that Shri Yashpal Rajrishi was getting benefit through profit on the sale of imported goods; that he was perused with the test report received from CRCL, Vadodara in respect of sample drawn under panchnama dated 14.11.2022 & 18.01.2023 and he agreed with the test results on behalf of Shri Yashpal Rajrishi that imported goods are coated with Polyurethane; that the domestic buyer or actual importer forwarded the documents viz. invoices, packing list, Bill of Lading etc. to the address of M/s J Bridge Worldwide through courier or sometimes by hand; that two consignments seized under seizure memo dated 11.01.2023 were provisionally

released; goods seized were provisionally released on submission of bank guarantee, submitted by M/s J Bridge Worldwide; that the amount required for preparing bank guarantee was paid through the available balance in bank account of M/s J Bridge Worldwide.

8.3 Statement of Shri Mohd Tayyab S/o Shri Shakeel Ahmad Proprietor of M/s Rainbow Impex was recorded u/s. 108 of Customs Act, 1962 on 10.05.2023 [RUD-33], wherein he inter alia stated that he is the proprietor of M/s Rainbow Impex and established the firm in 2015; that he is trading PU Coated Fabric through his firm; that he has recently started manufacturing of shoes also; that he used to import the goods but at present, he is procuring the same through Domestic Market; that the goods purchased from domestic/local supplier were imported from China; that he has imported PU Coated Textile Palin Fabric through his firm i.e. Rainbow Impex; that PU Coated Fabric is coated with polyurethane; that PU Coated Textile Palin Fabric is used in manufacturing of Ladies & Gents footwear as an alternative of Leather; that he has imported goods i.e. PU Coated Textile Palin Fabric during 2015 to May, 2020; that he has not imported goods after May, 2020 as import during that period was not profitable due to certain market conditions so, he stopped the import of goods and started to procure from domestic market; that he has imported various fabrics from China only; that he has visited China 2-3 times for procurement of fabrics and his last visit in China was in the year 2017; that he has not purchased fabrics directly from Domestic Manufacturer; that he has purchased fabric from Traders only; that he has purchased goods i.e. PU Coated Textile Palin Fabric from RVS Enterprises; that he don't know Shri Yashpal Rajrishi; Shri Kapil deals with him from J Bridge Worldwide; that he does not know the full name of Shri Kapil; that he has purchased Textile Coated Fabric from J Bridge Worldwide; that Textile Coated Fabric was actually PU Coated Fabric; that supplier from China was using the term "Textile Coated Fabric" for "PU Coated Fabric", due to this "Textile Coated Fabric" was mentioned on all further sale documents; that he has ordered the goods in the name of J Bridge Worldwide to supplier i.e. Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China; that he has ordered PU Coated Fabric but Textile Coated Fabric was mentioned on the invoice and other documents received from Supplier based in China; on being specifically asked about the details of firms based in China from whom he has ordered the Goods PU Coated fabric by declaring the same as Textile Coated Fabric, he stated that he has ordered the goods from Zhejiang Minfeng

Chemistry Manufactory Co. Ltd. China; that he has given the order to the supplier in China through whatsapp; that Invoice and packing list are directly received by Shri Kapil as per his direction; that they were getting the goods expensive in direct import and when Shri Kapil used to buy many containers at once, the goods used got cheaper; on being specifically asked about the copy of the orders he has placed directly to suppliers of China he stated that he does not have the same, as orders placed through whatsapp only; that he contacted Mr. James of Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China for sample or to order goods; that he has imported PU Coated Fabric from Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China in May, 2020; that he was aware of Anti-Dumping Duty on import of PU Coated Fabric from China.

8.4 Statement of Shri Mohd Tariq S/o Shri Shakeel Ahmad Proprietor of M/s Talha Traders was recorded u/s. 108 of Customs Act, 1962 on 27.05.2024 [RUD-34], wherein he inter alia stated that he is the proprietor of M/s. Talha Traders; that is has established the firm in the year 2018; that he is trading in PU coated fabric, PVC Coated fabric and Non-Woven Lining Fabric used in manufacturing of ladies shoes and purse; that he was perused the copy of email dated 30.12.2023 forwarded through his email id ihagra30@gmail.com to the email id driazu-ci@gov.in, he confirmed that various documents related to sale and purchase etc. were forwarded through the said email id; the he was perused with the copy of purchased register of his firm M/s Talha Traders for the financial year 2021-22 and 2022-23, he confirmed the purchase of PU Coated fabric from RVS Enterprises Delhi and Textile Coated Fabric from M/s J Bridge Worldwide; that the term 'Textile coated fabric' was mentioned in the invoices, however the said goods are of multiple types, i.e., PVC Coated Fabric, PU Coated Fabric, and Non-Woven Fabric; that he has produced the copy of the invoices issued by M/s J Bridge Worldwide on account of which he had received the goods mentioned as Textile Coated fabric as detailed here-in-under-

TABLE-6

Sr. No.	Invoice No	Invoice Date	BE No mentioned in the said invoice	BE Date
1	JBW001	16.07.2022	2010056	13.07.2022
2	JBW 003	23.07.2022	2010495	20.07.2022
3	JBW005	05.08.2022	2011349	03.08.2022
4	JBW006	06.08.2022	2011441	04.08.2022
5	JBW008	09.08.2022	2011656	07.08.2022

6	JBW015	20.10.2022	2016145	18.10.2022

He further stated that BE number and date are mentioned in the said invoice so that it can be identified easily that the same is imported for his firm only; that his firm has IEC Code and he had imported PU Coated Fabric through his firm M/s Talha Traders in the year 2019; that he has imported the said material from China only; that PU Coated fabric is having coating of Polyurethane material, PVC Coated Fabric is having coating of Poly Vinyl Chloride and Non-Woven Fabric don't have any type of coating; that he has never visited China; that he took help to procure the import material from his elder brother Mohd Tayyab, who is proprietor of M/s Rainbow Impex and visited China many times; that under the said invoices, he has received imported PU coated fabric, PVC Coated Fabric and Non-Woven Fabric from M/s J Bridge Worldwide, New Delhi by mentioning the same as Textile Coated Fabric; that he doesn't know, how much quantity of the said goods i.e. PU coated fabric, PVC Coated Fabric and Non-Woven Fabric respectively were received; that he requested more time to exactly quantify the respective items i.e. PU coated fabric, PVC Coated Fabric and Non-woven Fabric; that his firm had ordered the goods in the name of J Bridge Worldwide to supplier i.e. Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China; that he had ordered PU coated fabric, PVC Coated Fabric and Nonwoven Fabric but Textile Coated Fabric was mentioned on the invoices and other documents received from Supplier based in China; that he used to purchase the goods imported in the name and IEC of M/s J Bridge Worldwide, New Delhi and clearance work of the same was looked after by M/s Ocean Logistics owned by Shri Kapil; that all the payments related to import made for him through J Bridge Worldwide were done from the Bank Account of M/s J Bridge Worldwide; that for the purpose of the payment to China based supplier he used to contact Shri Anoop, accountant of M/s J Bridge Worldwide through his WhatsApp account of mobile number 7291838816; that his elder brother Mohd Taiyyab knows personally the shipper firm Zhejiang Minfeng Chemistry Manufactory Co. Ltd. based in China and used to the place the order to the said shipper through WhatsApp on behalf of his firm. However, all orders were placed under his direction; that they ordered the goods over call and directed to send the relevant documents to him, his brother or J Bridge Worldwide directly; that he was perused with Panchnama dated 23.01.2023 drawn at Cyber Forensic Lab, DRI, Zonal Unit, Mumbai and extraction report –Apple iPhone created on 23.01.2023 at 16:18:08 hrs; that he agrees with the content of said panchanama and

extraction report and confirmed that the said extraction report is related to his mobile phone i.e. Iphone 13; that he perused with the WhatsApp chat made from his WhatsApp account of mobile number 9627923850 with WhatsApp account of mobile number 7291838816 related to Shri Anoop (saved in his mobile contacts as Sati Anoop), he confirmed that on 13.12.2022 he has received a massages from Shri Anoop to send the detail of the Shipper ("shipper account details bhejo sir"), in reply of the same he forwarded a photo having banking account detail of the shipper M/s Zhejiang Minfeng Chemistry Manufactory Co. Ltd. to Shri Anoop through his WhatsApp Account; that the said account detail was forwarded to Shri Anoop to send the remittance from the bank account of J Bridge Worldwide to the bank account of Shipper i.e. Zhejiang Minfeng Chemistry Manufactory Co. Ltd. on account of the import of PU coated fabric by declaring the same as Textile coated fabric; that he perused with the copy of the said bank account detail which was forwarded by him to Shri Anoop, he confirmed that the said account/ banking detail of M/s Zhejiang Minfeng Chemistry Manufactory Co. Ltd. was with him since he used to import the goods directly at the IEC of his firm; that he further confirmed that after he started to place the order through the name and IEC of M/s J Bridge Worldwide; he had to send the same (account details) to the concerned person of Shri Kapil to make the payment from the bank account of M/s J Bridge Worldwide for the goods imported for him; that he agreed that he has used the name and IEC of M/s J Bridge Worldwide to import of various fabric i.e. PU coated fabric, PVC Coated Fabric and Non-Woven Fabric; that he is aware that Anti-Dumping Duty is applicable on import of PU Coated Fabric from China; that total 6 consignments were imported by him in the name and IEC of the M/s J Bridge Worldwide, New Delhi.

8.5 Statement of Shri Rajeev Chawla S/o late Shri Surjan Chawla Proprietor of M/s Chawla Rexine was recorded u/s. 108 of Customs Act, 1962 on 27.09.2024 [RUD-35], wherein he inter alia stated that he had established M/s Chawla Rexine in the year 2005 as a proprietorship firm; that he is doing trading of Rexin, Fabrics and Shoe materials through his firm; that GSTN of his firm is 07AEXPC0049N1Z4 and IEC is 0508067693; that Rexine are coated fabric viz. PVC Coated Fabric, PU Coated Fabric etc.; that his firm had imported PU Coated Fabric, PVC Coated Fabric, Flock Fabric, Glitter Fabric, Bonded Fabric etc. from China & Vietnam; that fabric imported by his firm mainly used in manufacturing of shoes & purses; that he supply fabrics to manufacturer of shoes as well as traders; that he had imported many

consignments of PU Coated Fabric from China before imposition of Anti-Dumping duty and after that imported PU Coated Fabric from Vietnam; that he has imported the goods from overseas supplier of China viz. M/s Wenzhou Longwan Foreign Trade Co. Ltd., M/s Jiaxing Maning Import & Export Co. Ltd., M/s Wenzhou Volcano International Trading Co. Ltd. etc.; that he has perused the Sales & Purchase register of his firm M/s Chawla Rexin, he confirmed that the details mentioned of the Sales & Purchase register are correct; that he had met Shri Yashpal Rajrishi, proprietor of M/s J Bridge Worldwide 7 to 8 years back in the fabric market; that he has purchased Textile Coated Fabric from M/s J Bridge Worldwide; that Textile Coated Fabric purchased from M/s J Bridge Worldwide were actually coated with PU (Polyurethane); that Shri Yashpal Rajrishi approached him and had shown the samples of the fabric and inquired about purchase order from him; that he had placed purchase order of goods which were coated with PU (Polyurethane) to Shri Yashpal Rajrishi; that he had received the PU Coated Fabric from Shri Yashpal Rajrishi (M/s J Bridge Worldwide), however, he had received the invoice in which goods were mentioned as Textile Coated Fabric; that he had inquired about the description Textile Coated Fabric in the invoice with Shri Yashpal Rajrishi and he informed that the goods were received in import with the same description and as such were being further sold in the same description; that there was no change in the GST rate in both these goods; that payment for the goods purchased from M/s J Bridge Worldwide was given through banking channel; that he has perused with invoices issued by M/s J Bridge Worldwide for the goods sold to his firm M/s Chawla Rexine as detailed here-in-under-

TABLE-7

Sr. No.	Invoice No.	Invoice Date	Product Description
1	JBW002	23.07.2022	Textile Coated Fabric
2	JBW009	11.08.2022	Mix Lot of Polyester Knitted Fabric
3	JBW010	22.08.2022	Mix Lot of Polyester Knitted Fabric
4	JBW011	22.08.2022	Textile Coated Fabric
5	JBW012	29.09.2022	Textile Coated Fabric
6	JBW013	04.10.2022	Textile Coated Fabric
7	JBW014	05.10.2022	Textile Coated Fabric
8	JBW016	31.10.2022	Textile Coated Fabric
9	JBW017	31.10.2022	Textile Coated Fabric

He confirmed that he had purchased Mix Lot of Polyester Knitted Fabric through invoice no. JBW009 & JBW010 and Textile Coated Fabric through invoice no. JBW002, JBW011, JBW012, JBW013, JBW014, JBW016 & JBW017 from M/s J Bridge Worldwide; he further stated that he had not placed any order to overseas suppliers in respect of the goods received by him from M/s J Bridge Worldwide; that as per his knowledge of fabrics the PU Coated Fabrics supplied by M/s J Bridge Worldwide by mentioning that as Textile Coated Fabric were imported goods as no domestically manufactured PU Coated goods are available in the market; that these goods may have be manufactured in China as most of the PU Coated fabrics available in market are Chinese Origin; that the chances of these goods being of Vietnamese origin (of Vietnam) are negligible as the quality of these goods were fine and were cheaper compared to Vietnam origin goods.

8.6 Statement of Shri Narendra Jain, S/o Late Shri Kundan Lal Jain, Partner of M/s Espirit Overseas & M/s Epic Impex was recorded u/s. 108 of Customs Act, 1962 on 28.11.2024 [RUD-36], wherein he inter alia stated that he and his brother Shri Surendra Jain are partners of M/s Espirit Overseas & M/s Epic Impex; that he submitted the Purchase Invoices & Sale Invoices, Accounting Ledger in respect of goods purchased from of M/s Chawla Rexine for M/s Espirit Ovserseas and M/s Epic Impex; that through both the firms i.e. M/s Espirit Overseas and M/s Epic Impex they do trade of Fabrics mainly in Denim Fabric; that they also trade in Cotton Print Fabric, Moss crepe Chiffon Fabric, Bonded Fabric, PU Coated Fabric, PVC Coated Fabric and other kind of fabrics; that he himself look after the Purchase of goods for both firms and his brother Shri Surendra Jain looks after the Sale of goods for both the firms; that they are purchasing the goods from domestic market only but had imported the goods through their firm M/s Epic Impex, however, last import was made in the year 2018; that they used to import Tafta Lining from China; that he has perused invoices issued by M/s Chawla Rexine as detailed here-in-under-

TABLE-8

Sr. No.	Invoice No.	Date	Description of Goods	Qty (MTR)	Bill to
1	22-23/332	10.11.2022	Textile Coated Fabrics	6350	M/s Espirit Overseas
2	22-23/333	10.11.2022	Textile Coated Fabrics	6000	M/s Epic Impex
3	22-23/346	17.11.2022	Textile Coated Fabrics	3700	M/s Epic Impex
4	22-23/348	18.11.2022	Textile Coated Fabrics	6500	M/s Espirit Overseas

5	22-23/349	18.11.2022	Textile Coated Fabrics	7500	M/s Epic Impex
6	22-23/356	21.11.2022	Textile Coated Fabrics	3621	M/s Espirit Overseas
7	22-23/357	21.11.2022	Textile Coated Fabrics	4766.5	M/s Epic Impex
8	22-23/367	23.11.2022	Textile Coated Fabrics	2000	M/s Epic Impex

On being specifically asked, regarding coating material on the purchased goods, he stated that M/s Chawla Rexine supplied the PU Coated Fabric to M/s Espirit Overseas & M/s Epic Impex but the description in invoices were mentioned as Textile Coated Fabric; that M/s Espirit Overseas & M/s Epic Impex received PU Coated Fabric vide all the above-mentioned invoices from M/s Chawla Rexine but the description of goods was mentioned as Textile Coated Fabric in the invoices issued by them.

8.7 Statement of Shri Anuj Chadha, S/o Shri Jugal Kishore Chadha, Karta of M/s Anuj Chadha HUF was recorded u/s. 108 of Customs Act, 1962 on 28.11.2024 [RUD-37], wherein he inter alia stated that M/s Anuj Chadha HUF is a HUF firm established by him and he is Karta of the firm; that other members of HUF are his wife and his daughter; that he does trade of Rexin (Artificial Leather) through his firm M/s Anuj Chadha HUF; that Rexin that he trades are PU Coated Fabric and PVC Coated Fabric; that he was purchasing the goods from domestic market only, no import had been done by him; that he has perused the invoices issued by M/s Chawla Rexine as detailed here-in-under-

TABLE-9

Sr. No.	Invoice No.	Date	Description of Goods	Qty (MTR)
1	22-23/199	22.08.2022	Textile Coated Fabrics	11600
2	22-23/211	29.08.2022	Textile Coated Fabrics	11600
3	22-23/222	02.09.2022	Textile Coated Fabrics	15576.75
4	22-23/266	29.09.2022	Textile Coated Fabrics	8750
5	22-23/298	14.10.2022	Textile Coated Fabrics	7394.78
6	22-23/302	14.10.2022	Textile Coated Fabrics	5000
7	22-23/340	12.11.2022	Textile Coated Fabrics	7800
8	22-23/371	24.11.2022	Textile Coated Fabrics	17647.27

He further stated that M/s Chawla Rexine had supplied the Textile Coated Fabric vide above mentioned invoices which were coated with Polyurethane (PU); that he had received PU Coated Fabric vide all the above-mentioned invoices from M/s

Chawla Rexin, although name of coating material not mentioned in the invoice issued by them.

8.8 Statement of Shri Mohammad Anas, S/o Shri Mohammad Adil, Proprietor of M/s A.M. Traders, was recorded u/s. 108 of Customs Act, 1962 on 11.12.2024 [RUD-38], wherein he inter alia stated that he is the proprietor of M/s A.M. Traders situated at 10, Rewti Devi market, Ram Nagar, Shahganj, Agra, Uttar Pradesh, 282010; that he had established M/s A.M. Traders in April 2017; that GST registration of M/s A.M. Traders is 09BVQPA9660Q1ZK; that he submitted the Stock Item Register for PU Coated Fabric and Textile Coated Fabric, Ledger Account of M/s Talha Traders & M/s Rainbow Impex; that he is trading in artificial leather i.e. Polyurethane (PU) Coated Fabric & Non-Woven Fabric through his firm; he had purchased Polyurethane (PU) Coated Fabric and Textile Coated Fabric from M/s Talha Traders & M/s Rainbow Impex; that Textile Coated Fabric bought by him from M/s. Talha Traders & M/s. Rainbow Impex had the coating of Polyurethane (PU) on one side; that he was purchasing Polyurethane (PU) Coated Fabric from M/s Talha Traders & M/s Rainbow Impex since 2019, however they had changed the name of Polyurethane (PU) Coated Fabric in their invoices issued between August 2022 to November 2022, and had mentioned the same as Textile Coated Fabric; that there is no difference between goods supplied by declaring it as Polyurethane (PU) Coated Fabric and Textile Coated Fabric by M/s Talha Traders & M/s Rainbow Impex as both these fabrics were coated with Polyurethane (PU); that he has perused the relevant pages of Sales Register of M/s Talha Traders and M/s Rainbow Impex wherein sales invoices for sale of Textile Coated Fabric are mentioned in the said Sales Registers as detailed here-in-under-

TABLE-10

Sr. No.	Invoice Date	Invoice/ Voucher No.	Qty (KGS)	Goods Description	Invoice issued by
1	30.08.2022	69	960	Textile Coated Fabric	M/s Talha Traders
2	30.08.2022	70	480	Textile Coated Fabric	M/s Talha Traders
3	31.08.2022	71	1000	Textile Coated Fabric	M/s Talha Traders
4	02.09.2022	72	1118	Textile Coated Fabric	M/s Talha Traders
5	02.09.2022	73	568	Textile Coated Fabric	M/s Talha Traders
6	03.09.2022	74	914	Textile Coated Fabric	M/s Talha Traders
7	06.09.2022	75	980	Textile Coated Fabric	M/s Talha Traders
8	06.09.2022	76	985	Textile Coated Fabric	M/s Talha Traders
9	06.09.2022	77	572	Textile Coated Fabric	M/s Talha Traders

10	06.09.2022	78	568	Textile Coated Fabric	M/s Talha Traders
11	06.09.2022	79	1068	Textile Coated Fabric	M/s Talha Traders
12	08.09.2022	84	960	Textile Coated Fabric	M/s Talha Traders
13	09.09.2022	90	1260	Textile Coated Fabric	M/s Talha Traders
14	13.09.2022	91	1060	Textile Coated Fabric	M/s Talha Traders
15	13.09.2022	92	560	Textile Coated Fabric	M/s Talha Traders
16	14.09.2022	93	1080	Textile Coated Fabric	M/s Talha Traders
17	14.09.2022	94	600	Textile Coated Fabric	M/s Talha Traders
18	14.09.2022	95	560	Textile Coated Fabric	M/s Talha Traders
19	15.09.2022	96	1080	Textile Coated Fabric	M/s Talha Traders
20	15.09.2022	97	600	Textile Coated Fabric	M/s Talha Traders
21	15.09.2022	98	1000	Textile Coated Fabric	M/s Talha Traders
22	16.09.2022	99	1040	Textile Coated Fabric	M/s Talha Traders
23	17.09.2022	100	540	Textile Coated Fabric	M/s Talha Traders
24	19.09.2022	133	1120	Textile Coated Fabric	M/s Talha Traders
25	19.09.2022	134	600	Textile Coated Fabric	M/s Talha Traders
26	23.09.2022	191	560	Textile Coated Fabric	M/s Talha Traders
27	24.09.2022	200	1130	Textile Coated Fabric	M/s Talha Traders
28	26.09.2022	231	1060	Textile Coated Fabric	M/s Talha Traders
29	26.09.2022	232	560	Textile Coated Fabric	M/s Talha Traders
30	27.09.2022	233	1020	Textile Coated Fabric	M/s Talha Traders
31	27.09.2022	234	540	Textile Coated Fabric	M/s Talha Traders
32	27.09.2022	235	560	Textile Coated Fabric	M/s Talha Traders
33	04.10.2022	290	1126	Textile Coated Fabric	M/s Rainbow Impex
34	04.10.2022	291	560	Textile Coated Fabric	M/s Rainbow Impex
35	04.10.2022	292	516	Textile Coated Fabric	M/s Rainbow Impex
36	05.10.2022	301	1165	Textile Coated Fabric	M/s Rainbow Impex
37	06.10.2022	336	572	Textile Coated Fabric	M/s Talha Traders
38	06.10.2022	337	1265	Textile Coated Fabric	M/s Talha Traders
39	07.10.2022	338	526	Textile Coated Fabric	M/s Talha Traders
40	10.10.2022	349	552	Textile Coated Fabric	M/s Talha Traders
41	10.10.2022	350	1076	Textile Coated Fabric	M/s Talha Traders
42	11.10.2022	351	1034	Textile Coated Fabric	M/s Talha Traders
43	11.10.2022	352	527	Textile Coated Fabric	M/s Talha Traders

44	11.10.2022	353	541	Textile Coated Fabric	M/s Talha Traders
45	13.10.2022	354	574	Textile Coated Fabric	M/s Talha Traders
46	14.10.2022	368	1118	Textile Coated Fabric	M/s Talha Traders
47	15.10.2022	378	1174	Textile Coated Fabric	M/s Talha Traders
48	15.10.2022	379	509	Textile Coated Fabric	M/s Talha Traders
49	17.10.2022	380	1034	Textile Coated Fabric	M/s Talha Traders
50	17.10.2022	381	564	Textile Coated Fabric	M/s Talha Traders
51	17.10.2022	382	544	Textile Coated Fabric	M/s Talha Traders
52	18.10.2022	383	1086	Textile Coated Fabric	M/s Talha Traders
53	02.11.2022	384	1172	Textile Coated Fabric	M/s Talha Traders
54	02.11.2022	385	1142	Textile Coated Fabric	M/s Talha Traders
55	02.11.2022	386	458	Textile Coated Fabric	M/s Talha Traders
56	09.11.2022	387	1072	Textile Coated Fabric	M/s Talha Traders
57	09.11.2022	388	1036	Textile Coated Fabric	M/s Talha Traders
58	26.11.2022	402	2150	Textile Coated Fabric	M/s Talha Traders
59	28.11.2022	405	2736	Textile Coated Fabric	M/s Talha Traders
60	28.11.2022	406	2795	Textile Coated Fabric	M/s Talha Traders

He further stated that he had received Polyurethane (PU) Coated Fabric from M/s Talha Traders & M/s Rainbow Impex from the invoices mentioned in sales registers, however they had mentioned the same as Textile Coated Fabric in the invoices; that Polyurethane (PU) Coated Fabric which were supplied to them by mentioning as Textile Coated Fabric in the invoices by M/s Talha Traders & M/s Rainbow Impex were made in China, as claimed by Shri Mohd Tariq proprietor of M/s Talha Traders and Shri Mohd Tayyab proprietor of M/s Rainbow Impex; that the details of supplier, importer etc. we're not provided by Shri Mohd Tariq proprietor of M/s Talha Traders and Shri Mohd Tayyab proprietor of M/s Rainbow Impex in respect of fabrics sold to him which were Polyurethane (PU) Coated Fabric and the same was mentioned in Invoice as Textile Coated Fabric; that M/s Talha Traders & M/s Rainbow Impex mentioned HSN 59119090 while describing the Polyurethane (PU) Coated fabric as Textile Coated Fabric in their invoices; that he had sold all the Polyurethane (PU) Coated Fabric received as Textile Coated Fabric to various manufacturers (end users) and traders; that Polyurethane (PU) Coated Fabric received as Textile Coated Fabric from M/s Talha Traders & M/s Rainbow Impex was intended for further use in manufacturing of shoes.

8.9 Statement of Ms. Mansi Chanda, D/o Shri Har Vijay Singh Bahia, Director of M/s Ta. Ra Innovations Pvt. Ltd., was recorded u/s. 108 of Customs Act, 1962 on 12.12.2024 [RUD-39], wherein she inter alia stated that she is a Director of M/s Ta. Ra Innovations Pvt. Ltd., Khasra No. 46M, 52/2, 53M, Village Sarjepur, Transport Nagar, Agra, Uttar Pradesh, 282008; that she had established M/s Ta. Ra Innovations as Proprietorship concern in 2010 and shifted all the business to the firm M/s Ta. Ra Innovations Pvt. Ltd. after Covid; that GST registration of M/s Ta. Ra. Innovations Pvt. Ltd. is 09AAECT0160B1ZU that apart from her, other director of the company is her daughter Ms. Tarini Chandra; that she looks after all the work related to the company; that total 30 to 40 employees are working in M/s Ta. Ra Innovations Pvt. Ltd. handling various department viz. accounts, designing etc.; that she submitted a copy of Ledger Account and invoices in respect of goods purchased from M/s Talha Traders & M/s Rainbow Impex; that M/s Ta. Ra Innovations Pvt. Ltd. is a manufacturer and exporter of leather Sandals, Shoes, Snow Shoes & Boots; that they procure raw material for manufacturing of shoes from domestic market as well as from overseas market; she had purchased Textile Coated Fabric from M/s Talha Traders & M/s Rainbow Impex, however that fabric were actually Polyurethane (PU) Coated Fabric; that on being specifically asked, she stated and confirmed that Textile Coated Fabric bought by their company from M/s. Talha Traders & M/s. Rainbow Impex were coated with Polyurethane (PU) on one side; that they were purchasing Polyurethane (PU) Coated Fabric from M/s Talha Traders & M/s Rainbow Impex for approximately 5 years; that M/s Talha Traders & M/s Rainbow Impex used to earlier declare the goods description in their invoices as PU Coated Fabric, however they have changed the name of Polyurethane (PU) Coated Fabric in their invoices issued between August 2022 to November 2022, and had mentioned the same as Textile Coated Fabric; that there was no difference between goods supplied by declaring it as Polyurethane (PU) Coated Fabric and Textile Coated Fabric by M/s Talha Traders & M/s Rainbow Impex as both these fabrics were coated with Polyurethane (PU); that she has perused the print out of Invoices of M/s Talha Traders in respect of sale of Textile Coated Fabric to M/s Ta. Ra Innovations Pvt. Ltd. as detailed here-inunder-

TABLE-11

Sr. No.	Invoice Date	Invoice/ Voucher No.	Qty (KGS)	Goods Description	Invoice issued by
1	10.11.2022	389	1133	Textile Coated Fabric	M/s Talha Traders

2	10.11.2022	390	1117	Textile Coated Fabric	M/s Talha Traders
3	15.11.2022	391	2064	Textile Coated Fabric	M/s Talha Traders
4	19.11.2022	392	2084	Textile Coated Fabric	M/s Talha Traders
5	22.11.2022	393	372	Textile Coated Fabric	M/s Talha Traders
6	23.11.2022	394	2134	Textile Coated Fabric	M/s Talha Traders
7	25.11.2022	395	3026	Textile Coated Fabric	M/s Talha Traders
8	25.11.2022	396	2638	Textile Coated Fabric	M/s Talha Traders
9	22.11.2022	397	2356	Textile Coated Fabric	M/s Talha Traders
10	26.11.2022	398	2783	Textile Coated Fabric	M/s Talha Traders
11	26.11.2022	399	2653	Textile Coated Fabric	M/s Talha Traders
12	26.11.2022	400	2924	Textile Coated Fabric	M/s Talha Traders
13	26.11.2022	403	2395	Textile Coated Fabric	M/s Talha Traders
14	26.11.2022	404	2838	Textile Coated Fabric	M/s Talha Traders
15	28.11.2022	407	2395	Textile Coated Fabric	M/s Talha Traders
16	01.12.2022	409	2287	Textile Coated Fabric	M/s Talha Traders
17	01.12.2022	410	2350	Textile Coated Fabric	M/s Talha Traders

She confirmed that they had received Polyurethane (PU) Coated Fabric from M/s Talha Traders vide above mentioned invoices, however M/s Talha Traders had mentioned the same as Textile Coated Fabric in the invoices; that they had raised this discrepancy with M/s. Talha Traders; that it was informed by M/s Talha Traders that they had received these goods under the same description and due to accounting practice, they too had to mentioned the same description i.e. Textile Coated Fabric while selling those goods; that she has perused the print out of Invoices of M/s Rainbow Impex in respect of sale of Textile Coated Fabric to M/s Ta. Ra Innovations Pvt. Ltd. as detailed here-in-under-

TABLE-12

Sr. No.	Invoice Date	Invoice/ Voucher No.	Qty (KGS)	Goods Description	Invoice issued by
1	11.11.2022	347	2032	Textile Coated Fabric	M/s Rainbow Impex
2	14.11.2022	348	2264	Textile Coated Fabric	M/s Rainbow Impex
3	15.11.2022	351	2032	Textile Coated Fabric	M/s Rainbow Impex
4	16.11.2022	352	2116	Textile Coated Fabric	M/s Rainbow Impex
5	18.11.2022	353	2078	Textile Coated Fabric	M/s Rainbow Impex
6	22.11.2022	354	2084	Textile Coated Fabric	M/s Rainbow Impex
7	22.11.2022	365	2954	Textile Coated Fabric	M/s Rainbow Impex

8	22.11.2022	366	3172	Textile Coated Fabric	M/s Rainbow Impex
9	22.11.2022	367	1814	Textile Coated Fabric	M/s Rainbow Impex

She confirmed that they had received Polyurethane (PU) Coated Fabric from M/s Rainbow Impex vide above mentioned invoices, however M/s Rainbow Impex had mentioned the same as Textile Coated Fabric in the invoices; that they had raised this discrepancy with M/s. Rainbow Impex; that it was informed by M/s Rainbow Impex that they had received these goods under the same description and due to accounting practice, they too had to mentioned the same description i.e. Textile Coated Fabric while selling those goods; that they had received samples of the PU Coated Fabric from M/s Talha Traders and M/s Rainbow Impex prior to purchase and they had taken the approval of their customers for that sample; that after approval from their customer, they had purchased the PU Coated Fabric from M/s Talha Traders and M/s Rainbow Impex vide above mentioned invoices, however M/s Talha Traders and M/s Rainbow Impex had mentioned the same as Textile Coated Fabric in their invoices; that they had utilized all the Polyurethane (PU) Coated Fabric received as Textile Coated Fabric from M/s Talha Traders and M/s Rainbow Impex for manufacturing of shoes; they had used all these goods for manufacturing of leather Sandals, Shoes, Snow Shoes & Boots as lining.

9. MODUS ADOPTED IN THE CASE

The investigation conducted in the case has revealed that Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide, an IEC Holder and importer of various types of Fabrics including PU Coated Fabrics from China, having registered address at WZ-28, Chaukhandi Extn., Tilak Nagar, S.O. West Delhi-110018, Shri Mohd. Tariq, Proprietor of M/s Talha Traders, Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex and Shri Kapil Kotiya, Proprietor of M/s. Ocean Logistics, a firm involved in freight forwarding and customs clearance work, in collusion with each other, devised a modus operandi to import PU Coated Fabrics falling under HS code 59032090 from China by mis-declaring it as Textile Coated Fabric or Felt Woven Coated Fabric and further mis-classifying it under CTI 59119090 in order to evade payment of applicable duties of customs. PU Coated Fabrics when imported from any Country including China and produced by entities other than by M/s. Anhui Anli Material Technology Limited at the relevant period under investigation and correctly classified under HS Code 59032090, attracts Anti-dumping duty @USD 0.46 per Meters in

terms of Notification No. 14/2022Customs (ADD) dated 20.05.2022, Basic duty of 20%, SWS @ 10% and IGST @ 12% of the Assessable Value, whereas goods falling under CTI 59119090 are leviable to Basic duty of 10%, SWS @ 10% and IGST @ 12% of the Assessable Value.

10. CLASSIFICATION OF GOODS:

Chapter 59 of the Indian Customs Tariff deals with Textile Fabrics and Textile Articles of a kind suitable for industrial use.

10.1 The description of goods under HS CODE/ CTH 5911 as per prevailing Customs Tariff reads as under:

5911		TEXTILE PRODUCTS AND ARTICLES, FOR TECHNICAL USES, SPECIFIED IN NOTE 8 TO THIS CHAPTER	Effective rate of duty
5911 10 00	-	Textile fabrics, felt and felt-lined woven fabrics, coated, covered or laminated with rubber, leather or other material, of a kind used for card clothing, and similar fabrics of a kind used for other technical purposes, including narrow fabrics made of velvet impregnated with rubber, for covering weaving spindles (weaving beams)	
5911 20 00	-	Bolting cloth, whether or not made up	
	-	Textile fabrics and felts, endless or fitted with linking devices, of a kind used in papermaking or similar machines (for example, for pulp or asbestos-cement) :	
5911 31	--	Weighing less than 650 g/m^2:	
5911 31 10	---	Felt for cotton textile industries, woven	10%
5911 31 20	---	Woven textiles felt, whether or not impregnated or coated, of a kind commonly used in other machines	10%
5911 31 30	---	Cotton fabrics and articles used in machinery and plant	10%
5911 31 40	---	Jute fabrics and articles used in machinery or plant	10%
5911 31 50	---	Textile fabrics of metalized yarn of a kind commonly used in paper making or other machinery	10%
5911 31 90	---	Other	10%
5911 32	--	Weighing 650 g/m^2 or more:	
5911 32 10	---	Felt for cotton textile industries, woven	10%

5911 32 20	---	Woven textiles felt, whether or not impregnated or coated, of a kind commonly used in other machines	10%
5911 32 30	---	Cotton fabrics and articles used in machinery and plant	10%
5911 32 40	---	Jute fabrics and articles used in machinery or plant	10%
5911 32 50	---	Textile fabrics of metalized yarn of a kind commonly used in paper making or other machinery	10%
5911 32 90	---	Other	10%
5911 40 00	-	Filtering or Straining cloth of a kind used in oil presses or the like, including that of human hair	
5911 90	-	Other	
5911 90 10	---	Paper maker's felt, woven	10%
5911 90 20	---	Gaskets, washers, polishing discs and other machinery parts of textile articles	10%
5911 90 90	---	Other	10%

10.1 Whereas, the HS CODE/ CTH 5903 as per prevailing Customs Tariff covered goods as under:

5903		Textile Fabrics, Impregnated, Coated, Covered or Laminated with Plastics, Other Than Those of Heading 5902	Effective Rate of Duty
5903 10	-	With Polyvinyl Chloride:	-
5903 10 10	---	Imitation leather fabrics of cotton	20%
5903 10 90	---	Other	20%
5903 20	-	With Polyurethane:	-
5903 20 10	---	Imitation leather fabrics, of cotton	20%
5903 20 90	---	Other	20%
5903 90	-	Other:	-
5903 90 10	---	Of cotton	20%
5903 90 20	---	Polyethylene laminated jute fabrics	20%
5903 90 90	---	Other	20%

11. The Classification of goods in the First Schedule of the Import Tariff is governed by the General Rules for Interpretation Rules. These Rules are intended to be consulted and applied when goods are to be classified under the Import Tariff. Rule 1 of the GIR i.e. General Interpretation Rules provides that classification of the goods shall be determined according to the terms of the Headings and any relative

Section or Chapter Notes and, provided such Headings or Notes do not otherwise require, according to the provisions at Rule 2 to Rule 5. Rule 6 of the GIR further provides that the classification of goods in the subheadings of a heading shall be determined according to the term of those subheadings and any related sub-heading Notes and, mutatis mutandis, to the above rules.

12. M/s. J Bridge Worldwide, had filed SEZ to DTA Bills of Entry at Adani Ports and Special Economic Zone (INAJM6), Mundra for domestic clearance of imported goods as detailed below –

TABLE-13

Sr. No.	SEZ B/E No. & Date	DTA B/E No. & Date	Declared Item Description	Declared CTI	Declared Qty (KGS)
1	1008497 dt. 08.07.2022	2010056 dt. 13.07.2022	Textile Coated Fabric	59119090	24076
2	1008821 dt. 14.07.2022	2010342 dt. 18.07.2022	Textile Coated Fabric	59119090	24978
3	1009021 dt. 19.07.2022	2010495 dt. 20.07.2022	Textile Coated Fabric	59119090	25164
4	1009150 dt. 21.07.2022	2010638 dt. 23.07.2022	Textile Coated Fabric	59119090	25134
5	1009954 dt. 02.08.2022	2011441 dt. 04.08.2022	Textile Coated Fabric	59119090	25237
6	1009955 dt. 02.08.2022	2011349 dt. 03.08.2022	Textile Coated Fabric	59119090	23244
7	1010103 dt. 04.08.2022	2011657 dt. 07.08.2022	Textile Coated Fabric	59119090	24452
8	1010108 dt. 04.08.2022	2011656 dt. 07.08.2022	Textile Coated Fabric	59119090	25225
9	1010256 dt. 05.08.2022	2011928 dt. 10.08.2022	Textile Coated Fabric	59119090	21870
10	1012588 dt. 16.09.2022	2014049 dt. 19.09.2022	Textile Coated Fabric	59119090	22822
11	1012626 dt. 17.09.2022	2014038 dt. 19.09.2022	Textile Coated Fabric	59119090	24440
12	1012874 dt. 20.09.2022	2014393 dt. 22.09.2022	Textile Coated Fabric	59119090	23395
13	1013948 dt. 06.10.2022	2015775 dt. 13.10.2022	Textile Coated Fabric	59119090	24668

14	1013954 dt. 06.10.2022	2015912 dt. 14.10.2022	Textile Coated Fabric	59119090	24945
15	1014373 dt. 12.10.2022	2016145 dt. 18.10.2022	Textile Coated Fabric	59119090	25270
16	1014374 dt. 12.10.2022	2016373 dt. 21.10.2022	Textile Coated Fabric	59119090	24805
17	1014923 dt. 19.10.2022	2016702 dt. 28.10.2022	Felt Woven Coated Fabric	59119090	25205
18	1014925 dt. 19.10.2022	2016512 dt. 25.10.2022	Felt Woven Coated Fabric	59119090	24742
19	1015924 dt. 07.11.2022	2017925 dt. 16.11.2022	Felt Woven Coated Fabric	59119090	25760

12.1 Out of the above 19 import consignments, 01 consignment mentioned at Sr. No. 4 was provisionally assessed by Officers of SEZ and as such the same is not included in the instant investigation.

12.2 The present investigation covers the remaining 18 consignments which were imported by M/s. J Bridge Worldwide at APSEZ, Mundra as detailed below –

TABLE-14

Sr. No.	SEZ B/E No. & Date	SEZ to DTA B/E No. & dt.	Declared description of goods	Declared CTH	Declared Quantity (in Kgs.)	Ass. Value of Goods (Rs.)
1	1008497 dt. 08.07.2022	2010056 dt. 13.07.2022	Textile Coated Fabric	59119090	24076	23,08,407
2	1008821 dt. 14.07.2022	2010342 dt. 18.07.2022	Textile Coated Fabric	59119090	24978	23,94,891
3	1009021 dt. 19.07.2022	2010495 dt. 20.07.2022	Textile Coated Fabric	59119090	25164	24,12,724
4	1009150 dt. 21.07.2022	2010638 dt. 23.07.2022	Textile Coated Fabric	59119090	25134	24,41,517
5	1009954 dt. 02.08.2022	2011441 dt. 04.08.2022	Textile Coated Fabric	59119090	25237	24,51,522
6	1009955 dt. 02.08.2022	2011349 dt. 03.08.2022	Textile Coated Fabric	59119090	23244	22,57,922
7	1010103 dt. 04.08.2022	2011657 dt. 07.08.2022	Textile Coated Fabric	59119090	24452	23,54,728
8	1010108 dt. 04.08.2022	2011656 dt. 07.08.2022	Textile Coated Fabric	59119090	25225	24,29,168

9	1010256 dt. 05.08.2022	2011928 dt. 10.08.2022	Textile Coated Fabric	59119090	21870	21,06,081
10	1012588 dt. 16.09.2022	2014049 dt. 19.09.2022	Textile Coated Fabric	59119090	22822	22,01,867
11	1012626 dt. 17.09.2022	2014038 dt. 19.09.2022	Textile Coated Fabric	59119090	24440	23,57,971
12	1012874 dt. 20.09.2022	2014393 dt. 22.09.2022	Textile Coated Fabric	59119090	23395	22,57,150
13	1013948 dt. 06.10.2022	2015775 dt. 13.10.2022	Textile Coated Fabric	59119090	24668	24,40,652
14	1013954 dt. 06.10.2022	2015912 dt. 14.10.2022	Textile Coated Fabric	59119090	24945	24,68,058
15	1014373 dt. 12.10.2022	2016145 dt. 18.10.2022	Textile Coated Fabric	59119090	25270	25,00,214
16	1014923 dt. 19.10.2022	2016702 dt. 28.10.2022	Felt Woven Coated Fabric	59119090	25205	26,43,374
17	1014925 dt. 19.10.2022	2016512 dt. 25.10.2022	Felt Woven Coated Fabric	59119090	24742	25,94,817
18	1015924 dt. 07.11.2022	2017925 dt. 16.11.2022	Felt Woven Coated Fabric	59119090	25760	26,98,360

12.3 The consignment mentioned at Sr. No.01 to 15 of the Table-14 under Para 12.2 are past consignment which were already cleared by the M/s. J Bridge Worldwide for Home consumption. Further, in respect of 03 consignment mentioned at Sr. No. 16, 17 & 18 of the above Table-14, the "Out of Charge (OOC)" Order were not given by Customs Authorities in respect of goods and these goods were lying at M/s. OWS Warehouse Services LLP, APSEZ, Mundra. These goods were examined and samples thereof were drawn by the officer of DRI under Panchnama. Subsequently, based on the test report of the CRCL, Vadodara which revealed them to be PU Coated Fabric, these goods were put under Seizure.

13. The investigation conducted in the case revealed that the goods imported by M/s J Bridge Worldwide vide 18 Bills of Entry from the Table-14 mentioned at para 12.2 above were "PU Coated Fabric" which merited to be classified under HS CODE/ CTH 59032090, whereas the same were imported by M/s. J Bridge Worldwide by mis-declaring it as Textile Coated Fabric" & "Felt Woven Coated Fabric" and further mis-classifying it under HS CODE/ CTI 59119090. The above act of mis-declaring it as "Textile Coated Fabric" and "Felt Woven Coated Fabric" classifying it under HS

CODE/ CTI 59119090 by M/s. J Bridge Worldwide was made with the sole intention to evade payment of applicable Anti-dumping duty leviable on it in terms of Notification No.14/2022Customs (ADD) dated 20.05.2022.

14. During the course of Investigation, examination of goods imported vide 03 Bills of Entry was conducted under Panchnama dated 14.11.2022, & 18.01.2023. The Test Reports issued by Central Excise & Customs Laboratory, Vadodara in respect of these goods is as detailed below –

TABLE-15

Bill of Entry No. & Dt.	Type of goods	Test Memo No. & Date	Test Report No. & Date	Test Result as per CRCL Report
1014923 dated 19.10.2022	Type-1	26/JB/1014923 dt. 18.11.2022 [RUD-2]	RCL/AH/DRI/ 3036/01.12.2022 dt. 23.12.2022 [RUD-3]	Dyed woven fabric of visose spun yarns & coated with compounded polyurethane on one side having glossy surface and laminated with two PVC films.
	Type-2	27/JB/1014923 dt. 18.11.2022 [RUD-4]	RCL/AH/DRI/ 3037/01.12.2022 dt. 23.12.2022 [RUD-5]	Dyed knitted fabric made of polyester filament yarns, coated with compounded polyurethane on one side having glossy surface.
	Type-3	28/JB/1014923 dt. 18.11.2022 [RUD-6]	RCL/AH/DRI/ 3038/01.12.2022 dt. 23.12.2022 [RUD-7]	White knitted fabric, made of polyester filament yarns, coated on one side with compounded polyurethane having printed surface.
	Type-4	29/JB/1014923 dt. 18.11.2022 [RUD-8]	RCL/AH/DRI/ 3039/01.12.2022 dt. 23.12.2022 [RUD-9]	White knitted fabric, having raised fibers on one side, of polyester yarns, coated with compounded polyurethane on the other side.
1014925 dated 19.10.2022	Type-1	30/JB/1014925 dt. 18.11.2022 [RUD-10]	RCL/AH/DRI/ 3040/01.12.2022 dt. 23.12.2022 [RUD-11]	Dyed knitted fabric of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	31/JB/1014925 dt. 18.11.2022 [RUD-12]	RCL/AH/DRI/ 3041/01.12.2022 dt. 23.12.2022 [RUD-13]	Dyed non-woven fabric of polyester fibers & coated with compounded polyurethane having shining surface on one side.

	Type-3	32/JB/1014925 dt. 18.11.2022 [RUD-14]	RCL/AH/DRI/ 3042/01.12.2022 dt. 23.12.2022 [RUD-15]	Dyed woven fabric of polyester spun yarns & coated with compounded polyurethane on one side having golden glossy surface laminated with PVC film.
	Type-4	33/JB/1014925 dt. 18.11.2022 [RUD-16]	RCL/AH/DRI/ 3043/01.12.2022 dt. 21.12.2022 [RUD-17]	Dyed knitted fabric, coated on one side with compounded polyurethane.
	Type-5	34/JB/1014925 dt. 18.11.2022 [RUD-18]	RCL/AH/DRI/ 3044/01.12.2022 dt. 23.12.2022 [RUD-19]	Dyed knitted fabric, having raised fires on one side, of polyester filament yarns, coated with compounded polyurethane on one side.
1015924 dated 07.11.2022	Type-1	67/JB/1015924 dt. 19.01.2023 [RUD-22]	RCL/AZU/DRI/ 3716/23.01.2023 dt. 23.02.2023 [RUD-23]	Blacking knitted fabric having raised fibers on one side, of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	68/JB/1015924 dt. 19.01.2023 [RUD-24]	RCL/AZU/DRI/ 3717/23.01.2023 dt. 14.03.2023 [RUD-25]	Bluish knitted fabric of polyester filament yarns & coated with compounded polyurethane on the one side having glossy surface.

14.1 During Scrutiny of the documents resumed during search, documents submitted by various firms in respect of Purchase/Import, Sale, Eway bills and GST Returns revealed that M/s J Bridge Worldwide had procured Textile Coated Fabric through import only, and all the imported Textile Coated Fabric were sold to M/s Talha Traders, M/s Rainbow Impex and M/s Chawla Rexine as detailed below:

TABLE-16

Sr. No.	SEZ to DTA B/E No. & Dt.	Item Description	Qty (KGS)	Goods Sold to	Invoice No. & Date	RUD No.
1	2010056 dt. 13.07.2022	Textile Coated Fabric	24076	M/s Talha Traders	JBW001 dt. 16.07.2022	40(a)
2	2010342 dt. 18.07.2022	Textile Coated Fabric	24978	M/s Chawla Rexine	JBW002 dt. 23.07.2022	40(b)
3	2010495 dt. 20.07.2022	Textile Coated Fabric	25164	M/s Talha Traders	JBW003 dt. 23.07.2022	40(c)
4	2010638 dt. 23.07.2022	Textile Coated Fabric	25134	M/s Rainbow Impex	JBW004 dt. 26.07.2022	40(d)

5	2011441 dt. 04.08.2022	Textile Coated Fabric	25237	M/s Talha Traders	JBW006 dt. 06.08.2022	40(e)
6	2011349 dt. 03.08.2022	Textile Coated Fabric	23244	M/s Talha Traders	JBW005 dt. 05.08.2022	40(f)
7	2011657 dt. 07.08.2022	Textile Coated Fabric	24452	M/s Rainbow Impex	JBW007 dt. 09.08.2022	40(g)
8	2011656 dt. 07.08.2022	Textile Coated Fabric	25225	M/s Talha Traders	JBW008 dt. 09.08.2022	40(h)
9	2011928 dt. 10.08.2022	Textile Coated Fabric	21870	M/s Chawla Rexine	JBW011 dt. 22.08.2022	40(i)
10	2014049 dt. 19.09.2022	Textile Coated Fabric	22822	M/s Chawla Rexine	JMB013 dt. 04.10.2022	40(j)
11	2014038 dt. 19.09.2022	Textile Coated Fabric	24440	M/s Chawla Rexine	JBW012 dt. 29.09.2022	40(k)
12	2014393 dt. 22.09.2022	Textile Coated Fabric	23395	M/s Chawla Rexine	JMB014 dt. 05.10.2022	40(l)
13	2015775 dt. 13.10.2022	Textile Coated Fabric	24668	M/s Chawla Rexine	JMB016 dt. 31.10.2022	40(m)
14	2015912 dt. 14.10.2022	Textile Coated Fabric	24945	M/s Chawla Rexine	JMB017 dt. 31.10.2022	40(n)
15	2016145 dt. 18.10.2022	Textile Coated Fabric	25270	M/s Talha Traders	JBW015 dt. 20.10.2022	40(o)

14.2 As per above table-16, total quantity of Textile Coated Fabric sold to various firms by M/s J Bridge Worldwide are as detailed below –

TABLE-17

Sr. No.	Name of Buyer	Item Description	Sale Qty
1	M/s Chawla Rexine	Textile Coated Fabric	167118 Kgs.
2	M/s Talha Traders	Textile Coated Fabric	148216 Kgs.
3	M/s Rainbow Impex	Textile Coated Fabric	49586 Kgs.
		Total	364920 Kgs.

14.3 Summons u/s. 108 of the Customs Act, 162 to appear and record statement were issued to Shri Yashpal Rajrishi, Proprietor of M/s. J. Bridge Worldwide. Shri Kapil Kotiya appeared against the summons as the authorized agent of M/s. J. Bridge Worldwide and his statement was recorded on 12.04.2023 [RUD-32], wherein he stated that as the health condition of Shri Yashpal Rajrishi was not conducive for travelling, he has been authorized to appear against the summons to give statement which is binding on the firm also. He admitted that he was importing fabric since

2019, also he had allowed other persons to utilized the name & IEC of his firm. He perused the test report received from CRCL, Vadodara in respect of samples drawn under panchnama dated 14.11.2022 & 18.01.2023 and admitted that imported goods i.e. Felt Woven Coated Fabric are coated with Polyurethane.

14.3.1 Statement of Shri Rajiv Chawla, Proprietor of M/s Chawla Rexine (Buyer of imported goods) was recorded on 27.09.2024 [RUD-35] wherein he inter-alia admitted that Textile Coated Fabric sold by M/s. J Bridge Worldwide was actually PU Coated Fabric and these purchases were made vide M/s. J Bridge Worldwide Invoice No. JBW002 dated 23.07.2022, JBW011 dated 22.08.2022, JBW012 dated 29.09.2022, JBW013 dated 04.10.2022, JBW014 dated 05.10.2022, JBW016 dated 31.10.2022 & JBW017 dated 31.10.2022. He further stated that Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide had approached him and had shown the samples of the PU Coated fabric and inquired about purchase order from him. He further stated that he had placed purchase order of goods which were coated with PU (Polyurethane) to Shri Yashpal Rajrishi and received the PU Coated Fabric from Shri Yashpal Rajrishi (M/s J Bridge Worldwide), but he had received the invoice in which goods were mentioned as Textile Coated Fabric. He stated that he had inquired about the description Textile Coated Fabric in the invoice with Shri Yashpal Rajrishi and Shri Yashpal Rajrishi informed that during the import of these goods the description of the goods was mentioned as Textile Coated Fabric and as such these goods were being further sold with the same description. Shri Rajiv Chawla further also stated that he had sold the same to various firms including M/s Anuj Chadha HUF, M/s Espirit Overseas & M/s Epic Impex.

14.3.2 Shri Anuj Chadha Karta of Anuj Chadha HUF, the further buyer of the imported goods, in his statement dated 28.11.2024 [RUD-37], admitted that Textile Coated Fabric supplied to his firm by M/s Chawla Rexine were coated with Polyurethane (PU).

14.3.3 Similarly, Shri Narendra Jain partner of M/s Espirit Overseas & M/s Epic Impex in his statement dated 28.11.2024 [RUD-36], admitted that they had received PU Coated Fabric from M/s Chawla Rexine whereas the description in the invoices was mentioned as Textile Coated Fabric.

14.4 Statement of Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex was recorded on 10.05.2023 [RUD-33], wherein he inter-alia admitted that he had placed

order for PU Coated Fabric directly to the overseas supplier M/s Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China in the name of M/s J Bridge Worldwide and given instruction to forward import documents directly to Shri Kapil Kotiya. However, the import documents have the description of goods as Textile Coated Fabric instead of actual goods description i.e. PU Coated Fabric. The Textile Coated Fabric imported under SEZ to DTA Bill of Entry 2010638 dated 23.07.2022 & 2011657 dated 07.08.2022 were directly supplied by M/s J Bridge Worldwide to M/s Rainbow Impex from the SEZ Warehouse under GST Invoice, wherein the respective Bill of Entry number was mentioned to identify the specific imported goods. Considering the above, Shri Mohd. Tayyab is deemed to be the actual and beneficial owner of these goods.

14.4.1 Shri Mohd. Anas, Proprietor of M/s A.M. Traders & further buyer of the goods from M/s. Rainbow Impex, in his statement dated 11.12.2024 [RUD38], admitted that he had purchased the Polyurethane (PU) Coated Fabric and Textile Coated Fabric from M/s Rainbow Impex. He further admitted that Textile Coated Fabric bought by him from M/s Rainbow Impex had the coating of Polyurethane (PU) on one side. He further stated that the Polyurethane (PU) Coated Fabric received by M/s. A.M. Traders as Textile Coated Fabric from M/s Rainbow Impex was intended for further use in manufacturing of shoes.

14.4.2 Ms. Mansi Chanda, Director of M/s Ta. Ra Innovations Pvt. Ltd. and further buyer of goods from M/s. Rainbow Impex and end user of the goods, in her statement dated 12.12.2024 [RUD-39], admitted that Textile Coated Fabric bought by her company from M/s. Rainbow Impex were coated with Polyurethane (PU) on one side. They were purchasing the PU Coated Fabric from M/s Rainbow Impex for 5 years but M/s Rainbow Impex had changed the name of Polyurethane (PU) Coated Fabric in their invoices issued between August 2022 to November 2022, and had mentioned the same as Textile Coated Fabric. Further, they had utilized all the Polyurethane (PU) Coated Fabrics received as Textile Coated Fabric from M/s Rainbow Impex for manufacturing of shoes.

14.5 Statement of Shri Mohd. Tariq, Proprietor of M/s Talha Traders and buyer of imported goods from M/s. J Bridge Worldwide, was recorded on 27.05.2024 [RUD-34], wherein he inter-alia admitted that he had ordered the PU Coated Fabric from overseas supplier M/s Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China under the name of M/s J Bridge Worldwide through his brother Shri Mohd. Tayyab,

and given instruction to send the import documents to him, his brother or to M/s. J Bridge Worldwide. He further stated that the Textile Coated Fabric imported under SEZ to DTA Bills of Entry 2017925 dated 16.11.2022, 2016145 dated 18.10.2022, 2011656 dated 07.08.2022, 2011441 dated 04.08.2022, 2011349 dated 03.08.2022, 2010495 dated 20.07.2022 and 2010056 dated 13.07.2022 were directly supplied to them by M/s J Bridge Worldwide from the SEZ Warehouse under GST Invoice, wherein the respective Bill of Entry number was mentioned to identify the specific imported goods. Also, Shri Mohd. Tariq has provided the account details of overseas supplier M/s Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China for sending remittance of imported goods. Considering the above facts, Shri Mohd. Tayyab is deemed to be the actual and beneficial owner of these goods.

14.5.1 Shri Mohd. Anas, Proprietor of M/s A.M. Traders and further buyer of goods from M/s. Talha Traders, in his statement dated 11.12.2024 [RUD-38], admitted that he had purchased the Polyurethane (PU) Coated Fabric and Textile Coated Fabric from M/s Talha Traders. He further admitted that Textile Coated Fabric bought by him from M/s Talha Traders had the coating of Polyurethane (PU) on one side. The Polyurethane (PU) Coated Fabric received by M.s A.M. Traders as Textile Coated Fabric from M/s Talha Traders was intended for further use in manufacturing of shoes.

14.5.2 Ms. Mansi Chanda, Director of M/s Ta. Ra Innovations Pvt. Ltd., further buyer of the goods from M/s. Talha Trader and the end user of the goods, in her statement dated 12.12.2024 [RUD-39], admitted that Textile Coated Fabric bought by her company from M/s. Talha Traders were coated with Polyurethane (PU) on one side. They were purchasing the PU Coated Fabric from M/s Talha Traders for 5 years but M/s Talha Traders had changed the name of Polyurethane (PU) Coated Fabric in their invoices issued between August 2022 to November 2022, and had mentioned the same as Textile Coated Fabric. Further, they had utilized all the Polyurethane (PU) Coated Fabric received as Textile Coated Fabric from M/s Talha Traders for manufacturing of shoes.

15. The evidences and facts divulged in the form of above Statements recorded during the course of investigation and Test reports issued by CECL, Vadodara in respect of seized goods clearly establishes that the goods in the case which were declared as Textile Coated Fabric & Felt Woven Coated Fabric and imported by M/s. J Bridge Worldwide vide 18 Bills of Entry as mentioned above under para 12.2 were

"PU Coated Fabric", "PVC Coated Fabric" & "Non-Woven Lining Fabric", therefore, these goods appear to be rightly classified under CTI 59032090, 59031090 & 56039490 respectively.

15.1 M/s. J Bridge Worldwide at the time of import declared the quantity of goods/fabric in Kgs. However, on the basis of the submission made during the course of investigation by M/s. Chawla Rexine, M/s. Talha Traders & M/s. Rainbow Impex, the quantity of each type of goods/fabric in meters, are as detailed below:

TABLE-18

Sr. No.	Name of firm	Correct/Actual Item Description	Quantity (Meters)
1	M/s Chawla Rexine	PU Coated Fabric	208897.5
2	M/s Talha Traders	PU Coated Fabric	154274
		Non-Woven Lining Fabric	23208
		PVC Coated Fabric	7770
3	M/s Rainbow Impex	PU Coated Fabric	61911

16. The above goods imported by M/s. J Bridge Worldwide by declaring it as "Felt Woven Coated Fabric" or "Textile Coated Fabric" and by classifying it under CTI 59119090 were found to be "PU (Polyurethane) coated fabrics" correctly classified under CTI 59032090. These goods when imported under correct CTI i.e. 59032090 are leviable to Basic duty @ 20%, SWS @ 10%, IGST @ 12%, Anti-Dumping Duty @ 0.46 USD per meters in terms of Notification No. 14/2022-Customs (ADD) dated 20.05.2022 and IGST @ 12%. on Anti-Dumping Duty. Further, goods found to be PVC Coated Fabric & Non-Woven Lining Fabric correctly classified under CTI 59031090 & 56039490 respectively, both the CTIs attracts Basic duty @ 20%, SWS @ 10%, IGST @ 12%. By way of mis-declaration and mis-classification, M/s. JBW appears to have evaded payment of Basic Customs duty at appropriate rate and payment of Anti-dumping duty in their import against 18 Bills of Entry.

17. The differential duty evaded in respect of seized goods covered under 03 Bill of Entry as mentioned at Sr. No.16 to 18 of the Table-12 at para 12.2 to this Show Cause Notice is calculated at Rs.75,64,157/-. The duty calculation in this regard is as per Annexure-X.

17.1 Further, the differential duty evaded in respect of the remaining past import consignment covered under 15 Bill of Entry mentioned at Sr. No.01 to

15 of the Table-12 at para 12.2 of this Show Cause Notice is calculated at Rs. 2,20,50,018/-. The duty calculation in this regard is as per Annexure-Y.

18. In view of the above facts, it appears that M/s. J Bridge Worldwide has indulged themselves in the evasion of Customs Duty by way of misdeclaration and mis-classification of imported goods. It is noticed that total Assessable value of the goods imported under above Bills of Entry is Rs. 4,33,19,422/- and the total evasion of duty in the case is Rs.2,96,14,174/- as calculated under Annexure-X & Annexure-Y of this Show Cause Notice.

VIOLATION OF VARIOUS LEGAL PROVISIONS OF CUSTOMS ACT, 1962 BY M/S. J BRIDGE WORLDWIDE -

19. Under the Self-Assessment regime, it is the responsibility & duty of the importer/exporter to ensure correct declaration & classification of the goods, applicable rate of duty, value, and benefit or exemption notification claimed, if any, in respect of the imported or exported goods while presenting Bill of Entry or Shipping Bill. In the present case, it appears that the M/s. J Bridge Worldwide has willfully indulged themselves in the contravention of the above provisions with a mala fide intention to evade applicable payment of applicable Customs Duty & Anti-Dumping duty on their imported goods applicable in terms of Notification No. 14/2022-Customs (ADD) dated 20.05.2022. By their above act, they appear to have violated the provisions of Section 17 read with Section 46 of the Customs Act, 1962.

19.1 In terms of sub-section 2 of Section 2 of the Customs Act, 1962, "assessment" means determination of the duty of any goods and the amount of duty, tax, Cess or any other sum so payable, if any, under this Act or under the Customs Tariff Act, 1975 (51 of 1975) or under any other law for the time being in force, with reference to-

(a) the tariff classification of such goods as determined in accordance with the provisions of the Customs Tariff Act;

(b) the value of such goods as determined in accordance with the provisions of this Act and the Customs Tariff Act;

(c) exemption or concession of duty, tax, Cess or any other sum, consequent upon any notification issued therefor under this Act or under the Customs Tariff Act or under any other law for the time being in force;

(d) the quantity, weight, volume, measurement or other specifics where such duty, tax, Cess or any other sum is leviable on the basis of the quantity, weight, volume, measurement or other specifics of such goods;

(e) the origin of such goods determined in accordance with the provisions of the Customs Tariff Act or the rules made thereunder, if the amount of duty, tax, Cess or any other sum is affected by the origin of such goods;

(f) any other specific factor which affects the duty, tax, Cess or any other sum payable on such goods and includes provisional assessment, selfassessment, re- assessment and any assessment in which the duty assessed is nil.

19.2 Further, in terms of Section 17 of the Customs Act, 1962, relating to Assessment of duty, it is mandatory for the importer, save as otherwise provided in Section 85 of the Act, to self-assess the duty, and in case 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 the Act, re-assess the duty leviable on such goods.

19.3 In terms of Section 28(4) of the Customs Act, 1962 - Where any duty has not been levied or has been short-levied or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of, - (a) collusion; or (b) any willful mis-statement; or (c) suppression of facts, by the importer or the exporter or the agent or employee of the importer or exporter, the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been so levied or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.

19.4 Further, Section 28AA(l) stipulates that - the person, who is liable to pay duty in accordance with the provisions of Section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub-Section (2), whether such payment is made voluntarily or after determination of the duty under that Section.

19.5 In terms of Section 46(4) of the Customs Act, 1962, it is mandatory for the importer to make and subscribe to a declaration as to the truth of the contents of

the bill of entry being presented. Further, Section 111(m) of the Customs Act, 1962, specifies that, 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, are liable to confiscation.

19.6 As per Section 112 of the Customs Act, 1962 - 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, harboring, 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, to penalty.

19.7 As per Section 114A of the Customs Act, 1962 - Where the duty has not been levied or has been short-levied or the interest has not been charged or paid or has been part paid or the duty or interest has been erroneously refunded by reason of collusion or any willful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, as the case may be, as determined under sub-Section (8) of Section 28 shall also be liable to pay a penalty equal to the duty or interest so determined.

19.8 Section 114AA of the Customs Act provides penalty for use of false and incorrect material. If a person knowingly or unknowingly 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 purpose of this Act, shall be liable to a penalty not exceeding five times the value of the goods.

20. Role and culpability of the importer/person/firm involved -

20.1 Role and culpability of Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide in the case:

20.1.1 The modus of defrauding the Govt. Exchequer involved import of PU Coated Fabric by mis-declaring the same as Textile Coated Fabric & Felt Woven Coated Fabric was adopted by Shri Yashpal Rajrishi, consequent to implementation

of Anti-Dumping Duty in terms of Notification No. 14/2022Customs (ADD) dated 20.05.2022 on PU Coated Fabric. In the above scheme, he sub-let his IEC to various other person to facilitate the imports with the help of Shri Kapil Kotiya by mis-classifying and mis-declaring the goods during their import resulting in evasion of customs duties. In the instant case, the IEC of M/s. J Bridge Worldwide was used for effecting the import of goods ordered by the actual owner of the goods i.e. M/s. Talha Traders & M/s. M/s Rainbow Impex by adopting the above modus through 08 Bills of Entry.

20.1.2 Shri Yashpal Rajrishi in his statement recorded through his authorized agent Shri Kapil Kotiya, under section 108 of the Customs Act, 1962 on 12.04.2023 [RUD-32] admitted that IEC of M/s J Bridge Worldwide was lent to M/s Talha Traders & M/s Rainbow Traders for import of goods. He stated that M/s J Bridge Worldwide had been importing fabrics from China since 2019. He further stated that M/s J Bridge Worldwide also he imported the coated fabric, he further agreed upon the Test Reports of CRCL, Vadodara, through his authorized agent in which imported goods which were declared as Felt Woven Coated Fabric were tested as PU Coated Fabric imported vide SEZ B/E No. 1014923 dt. 19.10.2022 (DTA B/E No. 2016702 dt. 28.10.2022), SEZ B/E No. 1014925 dt. 19.10.2022 (DTA B/E No. 2016512 dt. 25.10.2022) and SEZ B/E No. 1015924 dt. 07.11.2022 (DTA B/E No. 2017925 dt. 16.11.2022).

20.1.3 hri Rajeev Chawla, Proprietor of M/s. Chawla Rexine, in his statement recorded under Section 108 of the Customs Act, 1962 on 27.09.2024 [RUD-35], categorically stated that, based on fabric samples of PU Coated fabric shown to him by Shri Yashpal Rajrishi, he placed purchase order for goods coated with PU (Polyurethane) from Shri Yashpal Rajrishi and received the goods. However, the invoices received by him for the said goods described the goods as Textile Coated Fabric. He stated that he has purchased Textile Coated Fabric from M/s J Bridge Worldwide but the same were coated with PU (Polyurethane). He also informed that Shri Yashpal Rajrishi approached him and had shown the samples of the fabric and inquired about purchase order from him and he had placed purchase order of goods which were coated with PU (Polyurethane) to Shri Yashpal Rajrishi. He admitted that he had received the PU Coated Fabric from Shri Yashpal Rajrishi (M/s J Bridge Worldwide), however, he had received the invoice in which goods were mentioned as Textile Coated Fabric. He stated that he had inquired about the description Textile

Coated Fabric in the invoice, with Shri Yashpal Rajrishi and he informed that the goods were received in import with the same description and as such were being further sold in the same description.

20.1.4 Shri Kapil Kotiya, Proprietor of M/s Ocean Logistics in his statement recorded under Section 108 of the Customs Act, 1962 on 27.11.2022 [RUD-31] stated that he is the handling work related to Freight Forwarding and Customs Clearance through his firm. He categorically stated that the IEC of the firm M/s J Bridge Worldwide was intended to be utilized by domestic traders (actual importer of goods) M/s. Talha Traders and M/s. Rainbow Impex, which were known to him and since they required IEC firm for import, he had provided them the IEC of M/s J Bridge Worldwide.

20.1.5 The facts in the above Statements recorded during investigation in the case clearly reveals that Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge World had intentionally indulged himself in importing of PU Coated Fabric by mis-declaring and mis-classifying their identity. Shri Yashpal Rajrishi has also not practiced proper due diligence in executing the import work of other entities through his firm, as he has agreed to act and had indulged in effecting imports of goods owned by other domestic traders without checking the credentials and actual details of the goods to be imported. He indulged himself in the entire scheme of fraud in connivance with Shri Kapil Kotiya, Shri Mohd. Tariq & Shri Mohd. Tayyab which resulted in evading the payment of appropriate Customs duty leviable on their imports. The above acts clearly demonstrate the culpable/criminal mindset of Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide and undoubtedly establish his mens-rea in the whole act of defrauding the Govt Exchequer by evading the applicable payment of Customs Duties.

20.1.6 By indulging himself in the above acts, Shri Yashpal Rajrishi, Proprietor of M/s J Bridge Worldwide is found to have indulged himself in the act or omission, in relation of the goods, which would render such goods liable to confiscation under section 111 of the Customs Act, 1962 and by indulging in such acts, he has rendered himself liable for penalty under section 112(a) & (b) of the Customs Act, 1962. It is further also found that, Shri Yashpal Rajrishi had approached M/s. Chawla Rexine for sale of PU Coated Fabric and the same goods were later supplied to M/s. Chawla Rexine under a false description invoice of Textile Coated Fabric. This fact undisputedly prove that he was well aware of the true nature of the goods and the

levy of Anti-dumping duty on the misdeclared goods imported through IEC of M/s. J Bridge Worldwide but even though he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

20.2 Role and culpability of Shri Mohd. Tariq, Proprietor of M/s. Talha Traders in the case:

20.2.1 Shri Mohd. Tariq, Proprietor of M/s. Talha Traders, in his statement recorded u/s.108 of the Customs Act, 1962 on 27.05.2024 [RUD-34] has admitted that he had purchased goods with the description Textile Coated fabric from M/s. J Bridge Worldwide, however the said goods were PVC Coated Fabric, PU Coated Fabric, and Non-Woven Lining Fabric. He further also admitted that he used to place order for such fabrics directly to the overseas Supplier in China through his brother and the same were imported through the IEC of M/s. J Bridge Worldwide. He stated that clearance work of the imported goods was looked after by M/s Ocean Logistics owned by Shri Kapil. Further, the payments related to import made by him through M/s J Bridge Worldwide were done from the Bank Account of M/s J Bridge Worldwide. He also used to provide the Overseas Suppliers banking account details to Shri Anoop, accountant of M/s. J Bridge Worldwise for the purpose of the transferring the remittances against import made by him to China. He further confirmed that he had used the name and IEC of M/s J Bridge Worldwide to import of various fabric i.e. PU coated fabric, PVC Coated Fabric and Non-Woven Fabric. Further he confirmed that he was aware that Anti-Dumping Duty is applicable on import of PU Coated Fabric from China.

20.2.2 Shri Mohd. Tariq, Proprietor of M/s Talha Traders, was fully aware of the actual description of the goods imported under SEZ to DTA Bills of Entry No. 2017925 dated 16.11.2022, 2016145 dated 18.10.2022, 2011656 dated 07.08.2022, 2011441 dated 04.08.2022, 2011349 dated 03.08.2022, 2010495 dated 20.07.2022 and 2010056 dated 13.07.2022. However, he deliberately misrepresented the identity of the goods before Customs at the time of clearance. Further, he knowingly utilized the name and Importer Exporter Code (IEC) of M/s J Bridge Worldwide to evade the potential consequences of this misrepresentation. To establish ownership

of the goods, the corresponding Bill of Entry numbers were mentioned on the domestic sale invoices issued by M/s J Bridge Worldwide.

20.2.3 The facts emerging from the above Statements recorded during investigation in the case clearly reveals that M/s. Talha Traders represented through its Proprietor Shri Mohd. Tariq is the major beneficiary of the duty evaded in the case. Shri Mohd. Tariq had indulged himselves in the entire scheme of fraud, in connivance with M/s. J Bridge Worldwide & Shri Kapil Kotiya with the sole intention of defrauding the Govt Exchequer by way of evading the Anti-dumping duty on import of goods. After imposition of Anti-dumping duty vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022, he had, in connivance with Shri Kapil Kotiya hatched the modus to hire M/s J Bridge Worldwide an IEC holding firms to facilitate his import of PU Coated Fabrics by mis-declaring the same as "Textile Coated Fabric". The placing of Order of goods to the overseas suppliers were directly made by him and their outward remittances were also borne by him, whereas, their counterpart Shri Kapil Kotiya was entrusted with the role of customs clearing the goods. The above acts demonstrate their culpable/criminal mindset and undoubtedly prove their mens-rea in the whole act of defrauding the Govt Exchequer by evading the applicable payment of Anti-dumping Duty imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022.

20.2.4 The above facts further also clearly reveal that M/s. Talha Traders represented through Shri Mohd. Tariq, Proprietor received import documents from overseas supplier as a Beneficial owner of the goods and Shri Mohd. Tariq has further forwarded these documents to Shri Kapil Kotiya to facilitate import of the goods using the IEC of M/s J Bridge Worldwide. From the investigation, it reveals that M/s Talha Traders is the beneficial owner for the corresponding goods mentioned in table in para 24 of this Show Cause Notice. Hence, M/s Talha Traders is liable to pay the differential Customs Duty (BCD+SWS+IGST+ADD+IGST on ADD) for the goods imported by them (as a beneficial owner). In the investigation it was found that M/s. Talha Traders acted in collusion with different persons for suppressing the facts and mis-declaring the goods to evade the Customs duty. Accordingly, it appears that they are liable for penalty under section 114A of the Customs Act, 1962. By indulging himself in the above acts, Shri Mohd. Tariq, Proprietor of M/s. Talha Traders, is found to have indulged himself in the act or omission, in relation of the goods, which would render such goods liable to confiscation under section 111 of the Customs

Act, 1962. Further by indulging in the above act, he has rendered himself liable for penalty under section 112(a) & (b) of the Customs Act, 1962. Further, Shri Mohd. Tariq, Proprietor of M/s. Talha Traders was well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but even though, he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

20.3 Role and culpability of Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex in the case:

20.3.1 Shri Mohd Tayyab Proprietor of M/s Rainbow Impex in his statement recorded u/s.108 of the Customs Act, 1962 on 10.05.2023 [RUD-33], admitted that he had purchased Textile Coated Fabric from M/s J Bridge Worldwide, however that Textile Coated Fabric was actually PU Coated Fabric. He stated that he doesn't know Shri Yashpal Rajrishi but Shri Kapil used to deal with him on behalf of M/s.J Bridge Worldwide. He further stated that since the supplier from China had used the term "Textile Coated Fabric" for "PU Coated Fabric", all further sales of the goods were made declaring "Textile Coated Fabric" in the sale documents. He admitted that he has ordered the PU Coated Fabric from overseas supplier i.e. Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China which was imported in the name of M/s J Bridge Worldwide. However, Textile Coated Fabric was mentioned on the invoice and other documents received from Supplier based in China. He had ordered the goods to Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China through whatsapp. He further stated that Invoice and packing list are directly received by Shri Kapil as per his direction. He also confirmed that he was aware of Anti-Dumping Duty on import of PU Coated Fabric from China.

20.3.2 Shri Mohd. Tayyab, Proprietor of M/s Rainbow Impex, was fully aware of the actual description of the goods imported under SEZ to DTA Bills of Entry No. 2010638 dated 23.07.2022 and No. 2011657 dated 07.08.2022. However, he deliberately misrepresented the identity of the goods before Customs at the time of clearance. Further, he knowingly utilized the name and Importer Exporter Code (IEC) of M/s J Bridge Worldwide to evade the potential consequences of this

misrepresentation. To establish ownership of the goods, the corresponding Bill of Entry numbers were mentioned on the domestic sale invoices issued by M/s J Bridge Worldwide.

20.3.3 The facts emerging from the above Statements recorded during investigation in the case clearly reveals that M/s. Rainbow Impex represented through its Proprietor Shri Mohd. Tayyab is the beneficial owner of the goods and major beneficiary of the duty evaded in the case. Shri Mohd. Tayyab had indulged himself in the entire scheme of fraud in connivance with Shri Kapil Kotiya with the sole intention of defrauding the Govt Exchequer by way of evading the Anti-dumping duty on import of goods. After imposition of Antidumping duty vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022, he had, in connivance with Shri Kapil Kotiya hatched the modus to hire M/s J Bridge Worldwide an IEC holding firms to facilitate their import of PU Coated Fabrics by mis-declaring the same as "Textile Coated Fabric". The placing of Order of goods were directly made by him. The above acts demonstrate their culpable/criminal mindset and undoubtedly prove their mens-rea in the whole act of defrauding the Govt Exchequer by evading the applicable payment of Antidumping Duty imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022.

20.3.4 The above facts further also clearly reveal that M/s. Rainbow Impex represented through Shri Mohd. Tayyab, Proprietor received import documents from overseas supplier as a Beneficial owner of the goods and Shri Mohd. Tayyab has further forwarded these documents to Shri Kapil Kotiya to facilitate import of the goods using the IEC of M/s J Bridge Worldwide. From the investigation, it reveals that M/s Rainbow Impex is the beneficial owner for the corresponding goods mentioned in table in para 24 of this Show Cause Notice. Hence, M/s Rainbow Impex is liable to pay the differential Customs Duty (BCD+SWS+IGST+ADD+IGST on ADD) for the goods imported by them (as a beneficial owner). In the investigation it was found that M/s. Rainbow Impex acted in collusion with different persons for suppressing the facts and misdeclaring the goods to evade the Customs duty. Accordingly, it appears that they are liable for penalty under section 114A of the Customs Act, 1962. By indulging himself in the above acts, Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex, is found to have indulged himself in the act or omission, in relation of the goods, which would render such goods liable to confiscation under section 111 of the Customs Act, 1962. Further by indulging in

the above act, he has rendered himself liable for penalty under section 112(a) & (b) of the Customs Act, 1962. Further, Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex was well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but even though, he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

20.4 Role and culpability of Shri Kapil Kotiya in the case:

20.4.1 Shri Kapil Kotiya, Proprietor of M/s Ocean Logistics in his statement recorded under Section 108 of the Customs Act, 1962 on 27.11.2022 [RUD-31] admitted that he is handling all the day to day work of the firm M/s. J Bridge World Wide and IEC of this firm is lent to the Domestic firms for importing of the goods they require. The IEC of the firm M/s J Bridge Worldwide was intended to be utilized by domestic traders (actual importer of goods) M/s. Talha Traders & M/s. Rainbow Impex, these domestic firm/traders were known to him and since they required IEC firm for import, he provided them this firm. He stated that the proprietor of M/s. J Bridge Worldwide was not looking after any work of the firm except to signing documents related to import and banking transaction. He was charging Rs.15000/- per container to Domestic firm/Traders (actual importer of goods) for lending IEC; that this amount is added to value of goods in the Invoice when the goods are removed for domestic sale; that the Domestic firm/Traders (actual importer of goods). He further stated that these domestic traders/firms place the order to overseas supplier and later send the import documents to him for the purpose of freight forwarding or customs clearance. These domestic traders used to import PU Coated Fabric before imposing of Anti-dumping duty on the PU Coated Fabric, however after imposing Anti-dumping duty, they discontinued import of PU Coated Fabric.

20.4.2 Shri Kapil Kotiya, as authorized agent of M/s J Bridge Worldwide also recorded his statement u/s. 108 of the Customs Act, 1962 on 12.04.2023 [RUD-32] and admitted that on request of Shri Yashpal Rajrishi IEC of M/s J Bridge Worldwide was given to Talha Traders & Rainbow Traders for import of goods by him.

20.40.3 Shri Mohd Tayyab Proprietor of M/s Rainbow Impex in his statement recorded u/s.108 of the Customs Act, 1962 on 10.05.2023 [RUD-33], admitted that he had purchased Textile Coated Fabric from M/s J Bridge Worldwide, however that Textile Coated Fabric was actually PU Coated Fabric. He stated that he doesn't know Shri Yashpal Rajrishi and Shri Kapil deals with him from M/s J Bridge Worldwide. He further stated that he had ordered the goods to Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China and Invoice & packing list are directly received by Shri Kapil as per his direction.

20.4.4 Shri Mohd. Tariq Proprietor of M/s Talha Traders in his statement recorded u/s.108 of the Customs Act, 1962 on 27.05.2024 [RUD-34], that he used to purchase the goods imported at the name and IEC of M/s J Bridge Worldwide, New Delhi and clearance work of the same was looked after by M/s Ocean Logistics owned by Shri Kapil. He further confirmed that he started to place the order through the name and IEC of M/s J Bridge Worldwide; that he had to send the same (account details) to the concern person of Shri Kapil to make the payment for the goods imported for him, from the bank account of M/s J Bridge Worldwide.

20.4.5 The above facts emerging from the Statements recorded during investigation in the case clearly reveal that Shri Kapil Kotiya in connivance with Shri Yashpal Rajrishi, Shri Mohd. Tariq & Shri Mohd. Tayyab indulge himself in evasion of Anti-dumping duty in the import of PU Coated Fabrics and payment of appropriate Customs duty in the import of Non-woven Fabrics & PVC Coated Fabric, thereby defrauding the Government Exchequer. Shri Kapil was well versed with the procedure for importing the goods as well as its customs clearance work undertaken by Customs Broker as he had formerly dealt with freight forwarding work and used to indulge in customs clearance of imported goods by taking assistance of Customs Brokers. Shri Kapil Kotiya facilitated Shri Mohd. Tariq & Mohd. Tayyab in evasion of the applicable Anti-dumping duty in the import of PU Coated Fabrics imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022, wherein he provided the credential of M/s J Bridge Worldwide to Shri Mohd. Tariq & Mohd. Tayyab on lending basis for importing PU Coated Fabrics by way of mis-declaring the same as Fabrics other than PU Coated Fabrics. The above acts of Kapil Kotiya prove his mens-rea in the whole act of defrauding the Govt Exchequer by evading the applicable payment of Antidumping Duty imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022. By indulging himself in the above acts, Shri Kapil Kotiya is found to

have indulged himself in the act or omission, in relation of the goods, which would render such goods liable to confiscation under section 111 of the Customs Act, 1962 and by indulging in such acts, he has rendered himself liable for penalty under section 112(a) & (b) of the Customs Act, 1962. Further, Shri Kapil Kotiya was well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

21. From the evidences as elaborated in foregoing paras as well as confirmatory statements on record it appears that M/s. J Bridge Worldwide have willfully mis-stated & suppressed the correct description & classification of PU Coated Fabric during their import before the Customs authorities at APSEZ Mundra with an intent to evade the Anti-Dumping Duty in terms of Notification No. 14/2022-Customs (ADD) dated 20.05.2022 and payment of other Customs Duty at the time of its domestic clearance.

22. Further, it also appears from the foregoing paras that M/s. J Bridge Worldwide have intentionally and willfully mis-stated, suppressed facts, in contravention to the provisions u/s. 46(4) & (4A) of the Customs Act, 1962 and thereby have evaded duty to the tune of Rs.3,27,30,463/- as discussed supra. By indulging in these acts during the transaction of their business, M/s. J Bridge Worldwide have rendered themselves to be liable for penalty under Section 114A of the Customs Act, 1962.

23. Confiscation of the goods -

It is evident from the facts divulged during investigation that M/s. J Bridge Worldwide has indulged themselves in mis-declaration and mis-classification of the goods covered under Bills of Entry filed during their imports before APSEZ, Mundra as mentioned below –

TABLE-19

Sr. No.	SEZ B/E No. & Date	SEZ to DTA B/E No. & dt.	Declared description of goods	Declared CTH	Declared Quantity (in Kgs.)	Ass. Value of Goods (Rs.)
1	1008497 dt. 08.07.2022	2010056 dt. 13.07.2022	Textile Coated Fabric	59119090	24076	23,08,407

2	1008821 dt. 14.07.2022	2010342 dt. 18.07.2022	Textile Coated Fabric	59119090	24978	23,94,891
3	1009021 dt. 19.07.2022	2010495 dt. 20.07.2022	Textile Coated Fabric	59119090	25164	24,12,724
4	1009150 dt. 21.07.2022	2010638 dt. 23.07.2022	Textile Coated Fabric	59119090	25134	24,41,517
5	1009954 dt. 02.08.2022	2011441 dt. 04.08.2022	Textile Coated Fabric	59119090	25237	24,51,522
6	1009955 dt. 02.08.2022	2011349 dt. 03.08.2022	Textile Coated Fabric	59119090	23244	22,57,922
7	1010103 dt. 04.08.2022	2011657 dt. 07.08.2022	Textile Coated Fabric	59119090	24452	23,54,728
8	1010108 dt. 04.08.2022	2011656 dt. 07.08.2022	Textile Coated Fabric	59119090	25225	24,29,168
9	1010256 dt. 05.08.2022	2011928 dt. 10.08.2022	Textile Coated Fabric	59119090	21870	21,06,081
10	1012588 dt. 16.09.2022	2014049 dt. 19.09.2022	Textile Coated Fabric	59119090	22822	22,01,867
11	1012626 dt. 17.09.2022	2014038 dt. 19.09.2022	Textile Coated Fabric	59119090	24440	23,57,971
12	1012874 dt. 20.09.2022	2014393 dt. 22.09.2022	Textile Coated Fabric	59119090	23395	22,57,150
13	1013948 dt. 06.10.2022	2015775 dt. 13.10.2022	Textile Coated Fabric	59119090	24668	24,40,652
14	1013954 dt. 06.10.2022	2015912 dt. 14.10.2022	Textile Coated Fabric	59119090	24945	24,68,058
15	1014373 dt. 12.10.2022	2016145 dt. 18.10.2022	Textile Coated Fabric	59119090	25270	25,00,214
16	1014923 dt. 19.10.2022	2016702 dt. 28.10.2022	Felt Woven Coated Fabric	59119090	25205	26,43,374
17	1014925 dt. 19.10.2022	2016512 dt. 25.10.2022	Felt Woven Coated Fabric	59119090	24742	25,94,817
18	1015924 dt. 07.11.2022	2017925 dt. 16.11.2022	Felt Woven Coated Fabric	59119090	25760	26,98,360

The investigation conducted in the case has revealed that the goods imported vide above Bills of Entry were PU Coated Fabric, whereas they were mis-declared by M/s. J Bridge Worldwide as Textile Coated Fabric or Felt Woven Coated Fabric or Glitter Fabric. It was also revealed that these goods were also mis-classified and were classified under CTI 59119090, whereas these goods, by virtue of being either

PU Coated Fabric merited to be rightly classified under CTI 59032090. By indulging in the above act of mis-declaration and mis-classification, the goods imported vide above Bills of Entry by M/s. J Bridge Worldwide appears to be liable for confiscation under Section 111(m) of the Customs Act, 1962.

24. The investigation conducted in the case has revealed that the Acutal Owner/ Beneficial Owner of the goods imported by M/s. J Bridge Worldwide, covered under 18 Bills of Entry which were filed at Adani Ports and Special Economic Zone (INAJM6), Mundra are as detailed below –

TABLE-20

Sr. No.	SEZ B/E No. & Date	SEZ to DTA B/E No. & dt.	Declared description of goods	Declared CTH	Declared Quantity (in Kgs.)	Actual Owner/Beneficial Owner of the goods
1	1008497 dt. 08.07.2022	2010056 dt. 13.07.2022	Textile Coated Fabric	59119090	24076	M/s.Talha Traders
2	1008821 dt. 14.07.2022	2010342 dt. 18.07.2022	Textile Coated Fabric	59119090	24978	M/s. J Bridge Worldwide
3	1009021 dt. 19.07.2022	2010495 dt. 20.07.2022	Textile Coated Fabric	59119090	25164	M/s.Talha Traders
4	1009150 dt. 21.07.2022	2010638 dt. 23.07.2022	Textile Coated Fabric	59119090	25134	M/s. Rainbow Impex
5	1009954 dt. 02.08.2022	2011441 dt. 04.08.2022	Textile Coated Fabric	59119090	25237	M/s.Talha Traders
6	1009955 dt. 02.08.2022	2011349 dt. 03.08.2022	Textile Coated Fabric	59119090	23244	M/s.Talha Traders
7	1010103 dt. 04.08.2022	2011657 dt. 07.08.2022	Textile Coated Fabric	59119090	24452	M/s. Rainbow Impex
8	1010108 dt. 04.08.2022	2011656 dt. 07.08.2022	Textile Coated Fabric	59119090	25225	M/s.Talha Traders
9	1010256 dt. 05.08.2022	2011928 dt. 10.08.2022	Textile Coated Fabric	59119090	21870	M/s. J Bridge Worldwide
10	1012588 dt. 16.09.2022	2014049 dt. 19.09.2022	Textile Coated Fabric	59119090	22822	M/s. J Bridge Worldwide
11	1012626 dt. 17.09.2022	2014038 dt. 19.09.2022	Textile Coated Fabric	59119090	24440	M/s. J Bridge Worldwide
12	1012874 dt. 20.09.2022	2014393 dt. 22.09.2022	Textile Coated Fabric	59119090	23395	M/s. J Bridge Worldwide
13	1013948 dt. 06.10.2022	2015775 dt. 13.10.2022	Textile Coated Fabric	59119090	24668	M/s. J Bridge Worldwide

14	1013954 dt. 06.10.2022	2015912 dt. 14.10.2022	Textile Coated Fabric	59119090	24945	M/s. J Bridge Worldwide
15	1014373 dt. 12.10.2022	2016145 dt. 18.10.2022	Textile Coated Fabric	59119090	25270	M/s.Talha Traders
16	1014923 dt. 19.10.2022	2016702 dt. 28.10.2022	Felt Woven Coated Fabric	59119090	25205	M/s. J Bridge Worldwide
17	1014925 dt. 19.10.2022	2016512 dt. 25.10.2022	Felt Woven Coated Fabric	59119090	24742	M/s. J Bridge Worldwide
18	1015924 dt. 07.11.2022	2017925 dt. 16.11.2022	Felt Woven Coated Fabric	59119090	25760	M/s. J Bridge Worldwide

PAYMENT OF ANTI-DUMPING DUTY AND INTEREST: -

25. During investigation, M/s. Rainbow Impex & M/s Talha Traders had voluntarily deposited amounts as detailed below against the differential duty liability in respect of goods imported under the name and IEC of M/s J Bridge Worldwide. The said amounts were deposited into the Govt. account vide GAR7/TR-6 Challans as detailed below:

TABLE-21

Sr. No.	DD No. & Date	Challan Number & Date	Amount	Duty Deposited By	RUD No.
1	347486 dt. 09.06.2023	TR6/GAR 7 Challan No. CI/ENQ-03/2023/JB/RAINBOW-ADD/1 dt.12.06.2023	12,00,000/-	M/s Rainbow Impex	RUD-41
2	500951 dt. 15.06.2024	JB/Talha/1 dt.15.06.2024	20,00,000/-	M/s Talha Traders	RUD-42
	TOTAL DUTY PAID		32,00,000/-		

26. Vide CBIC Notification No.25/2022-Customs (N.T.) dated 31.03.2022, the Board has delegated all the powers of the officers of Customs to the officers of DRI with jurisdiction exercisable to the whole of India. Further, CBIC Notification No.26/2022-Customs (N.T.) dated 31.03.2022, the Board has assigned the Officers of DRI to be proper officer to perform various functions as specified in the Customs Act, 1962 including Section 28 read with Section 17, subject of Section 110AA of the Customs Act, 1962.The above provisions of the Act mandates that after inquiry/investigation of the offence, the relevant documents of the case along-with a report in writing is required to be transferred to the proper officer having jurisdiction,

in respect of the assessment of such duty in the case or to an officer to whom proper officer is subordinate (i.e. the Jurisdictional Customs formation).

27. The investigation in the instant case was initiated on 14.11.2022 and therefore the mandated time limit for service of Show Cause Notice in the case u/s. 28BB of the Customs Act, 1962 was 13.11.2024. However, since the investigation could not be completed within that time, extension of one year for issuance of SCN in terms of Proviso to Section 28BB (1) of the Customs Act, 1962 was granted.

SHOW CAUSE-

28. In respect of goods imported by M/s J Bridge Worldwide which were seized and released provisionally on submission of Bond and Bank Guarantee as mentioned in Annexure-X at para 17 to this SCN, M/s. J Bridge Worldwide (IEC- AQOPP9820H), situated at WZ-28, Chaukhandi Extn., Tilak Nagar, S.O. West Delhi-110018 was called upon to Show Cause to the Pr. Commissioner of Customs, Custom House Mundra having his office at 5B, Port User Building, Mundra Port, Mundra, Kutch, Gujarat-370421 within 30 (Thirty) days from receipt of this notice, as to why:

(i) Goods as mentioned in Annexure-X at Para 17 to this SCN imported vide Bills of Entry having total assessable value of Rs. 79,36,552/- (Rupees SeventyNine Lakh Thirty-Six Thousand Five Hundred and Fifty-Two only) should not be held liable to confiscation as per the provisions of Section 111 (m) of the Customs Act, 1962.

(ii) The declared Classification i.e. 59119090 and description of good “Felt Woven Coated Fabric” in SEZ Bill of Entry No. 1014923 dt. 19.10.2022 (SEZ to DTA Bill of Entry No. 2016702 dt. 28.10.2022), SEZ Bill of Entry No. 1014925 dt. 19.10.2022 (SEZ to DTA Bill of Entry No. 2016512 dt. 25.10.2022) and SEZ Bill of Entry No. 1015924 dt. 07.11.2022 (SEZ to DTA Bill of Entry No. 2017925 dt. 16.11.2022) should not be rejected.

(iii) The goods imported vide above Bills of Entry should not be re-classified under HS CODE/CTI 59032090 and its description should not be considered as Polyurethane (PU) Coated Fabric as mentioned in Annexure-X at Para 17 to this SCN.

(iv) The goods Imported vide above Bills of Entry as mentioned in para (iii) above should not be reassessed after considering the differential Customs Duty

(BCD+SWS+IGST+ADD+IGST on ADD) of Rs. 75,64,157/- (Rupees Seventy-Five Lakh Sixty-Four Thousand One Hundred and Fifty-Seven only) in respect of Bills of Entry as mentioned in Annexure-X at Para 17 to this SCN. The Bills of entry should not accordingly be reassessed under section 17 of Customs Act, 1962. (v) The differential Customs Duty of Rs. 75,64,157/- (Rupees Seventy-Five Lakh Sixty-Four Thousand One Hundred and Fifty-Seven only) in respect of Bills of Entry as mentioned in Annexure-X at Para 17 to this SCN should not be recovered by enforcing the Bond and Bank Guarantee submitted by the Importer for securing the provisional release of goods.

29. In respect of past consignment of M/s J Bridge Worldwide wherein the goods were cleared as mentioned in Annexure-Y at para 17.1 to this SCN, M/s. J Bridge Worldwide (IEC- AQOPP9820H), situated at WZ-28, Chaukhandi Extn., Tilak Nagar, S.O. West Delhi-110018, M/s. Talha Traders, Plot No. 146, E-4 Block, Tajnagari, Phase-II, Agra, U.P., M/s. Rainbow Impex, Plot No. 128, E-4 Block, Tajnagari, Agra, U.P. were called upon to Show Cause to the Pr. Commissioner of Customs, Custom House Mundra having his office at 5B, Port User Building, Mundra Port, Mundra, Kutch, Gujarat-370421 within 30 (Thirty) days from receipt of this notice, as to why:

(i) The declared Classification under HSN/CTH 59119090 against the description of goods “Textile Coated Fabric” as mentioned in Annexure-Y at Para 17.1 to this SCN should not be rejected.

(ii) The goods imported vide above Bills of Entry should not be re-classified under respective HS CODE/ CTH 59032090, 59031090 & 56039490 and its description should not be considered as “Polyurethane (PU) Coated Fabric, PVC Coated Fabric & Non-Woven Fabric” as mentioned in Annexure Y at Para 17.1.

(iii) The differential Customs Duty (BCD+SWS+IGST+ADD+IGST on ADD) of Rs. 2,20,50,018/- (Rupees Two Crore Twenty Lakh Fifty Thousand and Eighteen only) in respect of above Bills of Entry as also mentioned in Annexure-Y at Para 17.1 to this notice should not be demanded under the provision of Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28(AA) of the Customs Act, 1962 and the same should not be recovered from the Actual Owner/ Beneficial Owner of the imported goods as mentioned in the Table-20 at Para 24 of this SCN.

(iv) Goods imported vide above Bills of Entry as mentioned in Annexure-Y at Para 17.1 of this notice, having assessable value of Rs. 3,53,82,870/- (Rupees Three Crore Fifty-Three Lakh Eighty-Two Thousand Eight Hundred and Seventy only) should not be held liable to confiscation as per the provisions of Section 111 (m) of the Customs Act, 1962. Since the same are not physically available for confiscation, fine in lieu of confiscation should not be imposed on them under Section 125 of the Customs Act, 1962.

(v) The differential Duty liability of Rs. 2,20,50,018/- (Rupees Two Crore Twenty Lakh Fifty Thousand and Eighteen only) should not be adjusted from the Voluntary Payment of Rs. 32,00,000/- (Rupees Thirty-Two Lakh only) deposited by them.

30. The following persons/companies/firms/concerns as appearing in column 2 of the following table in view of the discussed roles in above paras of Show Cause Notice, were individually and separately called upon to Show Cause in writing to the Pr. Commissioner of Customs, Custom House Mundra having his office at 5B, Port User Building, Mundra Port, Mundra, Kutch, Gujarat-370421 within 30 (Thirty) days from receipt of this notice, as to why penalty should not be imposed on each of them individually under below mentioned penal provisions, separately of the Customs Act, 1962 (as appearing at column 3 to 6 of the table, in respect of goods as mentioned at column 7 of the table):

TABLE-22

Sr. No.	Name of Firm/Person	Penal Provisions under Customs Act, 1962				Penalty in respect of goods
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide	112(a)	112(b)		114AA	For all the goods as mentioned in Annexure-X at Para 17 & Annexure-Y at Para 17.1
2	M/s. J Bridge Worldwide			114A		
3	Shri Mohd. Tariq, Proprietor of M/s Talha Traders	112(a)	112(b)		114AA	For the Goods in Which M/s. Talha Traders is Actual/Beneficial Owner, as mentioned in Annexure-Y at Para 17.1.
4	M/s. Talha Traders			114A		
5	Shri Mohd. Tayyab, Proprietor of M/s.	112(a)	112(b)		114AA	For the Goods in Which M/s. Rainbow Impex is

	Rainbow Impex					Actual/ Beneficial Owner, as mentioned in
6	M/s. Rainbow Impex			114A		Annexure-Y at Para 17.1.
7	Shri Kapil Kotiya	112(a)	112(b)		114AA	For the Goods in Which M/s. Talha Traders & M/s. Rainbow Impex are Actual/Beneficial Owner, as mentioned in Annexure-Y at Para 17.1.

31. Defence Submission

Only Noticee No. 4 i.e. Mohd. Tayyab has submitted the written reply. The brief of the submission is reproduced below for ready references.

1) The entire demand of Rs. 2,20,50,018/- can't be made from M/s Rainbow Impex.

2) The basis of quantity of 61,911 mtr has not been explained in the show cause notice.

3) The allegations of collusion and deliberate evasion are denied.

4) Statement dated 10.05.2023 must be read in its entirety and in its proper context.

5) The department should ascertain classification in two Bills of entry attributed to M/s Rainbow Impex specifically not on the basis of test report of other consignment.

6) Department must establish the applicability of the notification of anti-dumping to the particular goods, the coo and the producer/exporter particulars.

7) The statutory requirement of collusion, willful misstatement or suppression of facts with the requisite intention must be specifically established by the department.

8) Request for completer RUD and opportunity of cross examination

9) Noticee No. 4 is the domestic purchaser and anti dumping can't be

enforced merely by alleging beneficial owner.

10) Penalty under Section 112 and 114A and 114AA are not sustainable.

32. Record of Personal Hearing:

Opportunities of personal hearing in the case were given to the Noticee under the provisions laid down in Customs Act, 1962 and following the principles of natural justice on different dates i.e. 22.07.2026, 25.08.2026, 22.09.2026 and 23.10.2026. On 23.10.2026, Noticee No. 4 appeared, however the PH could not be conducted due to technical error. Hence, Next date for hearing was given on 28.10.2026 to Noticee No. 4. On 28.10.2026, Noticee requested one week time to furnish reply and sought next adjournment to 05.11.2026. Noticee appeared on 05.11.2026 and re-iterated the written submission.

33. <u>Discussions and Findings:</u>

In compliance with Section 28(8) and Section 153 of the Customs Act, 1962 and the principles of natural justice, sufficient opportunities were afforded to the Noticee to file replies and appear for personal hearing. The Noticees except Noticee No. 4 failed to participate despite due service of personal hearing notices. Such non-cooperation cannot be allowed to delay a time-bound adjudication, particularly in a matter involving recovery of Government dues. I therefore hold that the principles of natural justice have been duly complied with and proceed to adjudicate the case ex-parte against the rest of the Noticees on the basis of evidence available on record. The present proceeding emanates from Show Cause Notice No. 28/20205-26-Comm/N.S./Adjn/MCH dated 12.11.2025. After having carefully gone through the Show Cause Notice, the relied upon documents, record of Personal Hearing and written reply by Noticee, I now proceed to decide the case on merit. The main issues involved in the case which are required to be decided in the present adjudication are as below:

(i) Whether Goods as mentioned in Annexure-X at Para 17 to this SCN imported vide Bills of Entry having total assessable value of Rs. 79,36,552/- (Rupees Seventy-Nine Lakh Thirty-Six Thousand Five Hundred and Fifty-Two only) are liable for confiscation as per the provisions of Section 111 (m) of the Customs Act, 1962.

(ii) Whether the declared Classification i.e. 59119090 and description of good "Felt Woven Coated Fabric" in SEZ Bill of Entry No. 1014923 dt. 19.10.2022 (SEZ to DTA Bill of Entry No. 2016702 dt. 28.10.2022), SEZ Bill of Entry No. 1014925 dt. 19.10.2022 (SEZ to DTA Bill of Entry No. 2016512 dt. 25.10.2022) and SEZ Bill of Entry No. 1015924 dt. 07.11.2022 (SEZ to DTA Bill of Entry No. 2017925 dt. 16.11.2022) is liable to be rejected.

(iii) Whether the goods imported vide above Bills of Entry are liable to be re-classified under HS CODE/CTI 59032090 and its description are liable to be considered as Polyurethane (PU) Coated Fabric as mentioned in Annexure-X.

(iv) Whether the goods Imported vide above Bills of Entry as mentioned in para (iii) above are liable to be reassessed after considering the differential Customs Duty BCD+SWS+IGST+ADD+IGST on ADD) of Rs. 75,64,157/- (Rupees Seventy-Five Lakh Sixty-Four Thousand One Hundred and Fifty-Seven only). Whether the Bills of entry accordingly are liable to be reassessed under section 17 of Customs Act, 1962.

(v) Whether the differential Customs Duty of Rs. 75,64,157/- (Rupees Seventy-Five Lakh Sixty-Four Thousand One Hundred and Fifty-Seven only) in respect of Bills of Entry as mentioned in Annexure-X at Para 17 to this SCN are liable be recovered by enforcing the Bond and Bank Guarantee submitted by the Importer for securing the provisional release of goods.

(vi) Whether the declared Classification under HSN/CTH 59119090 against the description of goods "Textile Coated Fabric" as mentioned in Annexure-Y to this SCN are liable to be rejected.

(vii) Whether the goods imported vide above Bills of Entry are liable be re-classified under respective HS CODE/ CTH 59032090, 59031090 & 56039490 and its description should not be considered as "Polyurethane (PU) Coated Fabric, PVC Coated Fabric & Non-Woven Fabric" as mentioned in Annexure Y.

(viii) Whether the differential Customs Duty (BCD+SWS+IGST+ADD+IGST on ADD) of Rs. 2,20,50,018/- (Rupees Two Crore Twenty Lakh Fifty Thousand and Eighteen only) in respect of above Bills of Entry as also mentioned in Annexure-Y to this notice are liable to demanded under the provision of Section 28(4) of the Customs Act, 1962 along with applicable interest under Section 28(AA) of the Customs Act, 1962 and

the same are liable to be recovered from the Actual Owner/ Beneficial Owner of the imported goods as mentioned in the Table-20 at Para 24 of SCN.

(ix) Whether the goods imported vide above Bills of Entry as mentioned in Annexure-Y at Para 17.1 of this notice, having assessable value of Rs. 3,53,82,870/- (Rupees Three Crore Fifty-Three Lakh Eighty-Two Thousand Eight Hundred and Seventy only) are liable to confiscation as per the provisions of Section 111 (m) of the Customs Act, 1962. Whether fine in lieu of confiscation is to be imposed on them under Section 125 of the Customs Act, 1962.

(x) Whether the differential Duty liability of Rs. 2,20,50,018/- (Rupees Two Crore Twenty Lakh Fifty Thousand and Eighteen only) to be adjusted from the Voluntary Payment of Rs. 32,00,000/- (Rupees Thirty-Two Lakh only) deposited by them.

(xi) Whether the different noticees are liable to be penalised as per the section proposed in Table-22 of the SCN.

33.1. Classification of goods

a. In respect of goods released provisionally imported vide Bills of Entry mentioned in annexure-X.

i. I find that the goods imported vide Bill of Entry Nos. 1014923 dated 19.10.2022, 1014925 dated 19.10.2022 and 1015924 dated 07.11.2022 were examined by the officers of the Directorate of Revenue Intelligence (DRI). The examination revealed that the consignments comprised different varieties of textile fabrics, as detailed below::

Bill of Entry No. 1014923 dated 19.10.2022			
Goods Type	Total No. of Rolls	Total Length of Fabric in each Roll (in meters)	Width of Fabric in each Roll (in meters)
Type -1	126	40	1.5
Type-2	465	50	1.5
Type-3	125	50	1.5
Type-4	340	50	1.5

Bill of Entry No. 1014925 dated 19.10.2022			
Type -1	307	50	1.5
Type-2	407	50	1.5
Type-3	50	40	1.5
Type-4	268	50	1.5
Type-5	210	50	1.5
Bill of Entry No. 1015924 dated 07.11.2022			
Type – 1	757	40	1.5
Type – 2	225	40	1.5

ii. Further, representative samples of the different varieties of fabrics were drawn from the respective consignments and forwarded to the Central Revenues Control Laboratory (CRCL) for testing. The test results, as communicated vide the respective CRCL reports, are reproduced below:

Bill of Entry No. & Dt.	Type of goods	Test Memo No. & Date	Test Report No. & Date	Test Result as per CRCL Report
1014923 dated 19.10.2022	Type-1	26/JB/1014923 dt. 18.11.2022 [RUD-2]	RCL/AH/DRI/ 3036/01.12.2022 dt. 23.12.2022 [RUD-3]	Dyed woven fabric of visose spun yarns & coated with compounded polyurethane on one side having glossy surface and laminated with two PVC films.
	Type-2	27/JB/1014923 dt. 18.11.2022 [RUD-4]	RCL/AH/DRI/ 3037/01.12.2022 dt. 23.12.2022 [RUD-5]	Dyed knitted fabric made of polyester filament yarns, coated with compounded polyurethane on one side having glossy

				surface.
	Type-3	28/JB/1014923 dt. 18.11.2022 [RUD-6]	RCL/AH/DRI/ 3038/01.12.2022 dt. 23.12.2022 [RUD-7]	White knitted fabric, made of polyester filament yarns, coated on one side with compounded polyurethane having printed surface.
	Type-4	29/JB/1014923 dt. 18.11.2022 [RUD-8]	RCL/AH/DRI/ 3039/01.12.2022 dt. 23.12.2022 [RUD-9]	White knitted fabric, having raised fibers on one side, of polyester yarns, coated with compounded polyurethane on the other side.
1014925 dated 19.10.2022	Type-1	30/JB/1014925 dt. 18.11.2022 [RUD-10]	RCL/AH/DRI/ 3040/01.12.2022 dt. 23.12.2022 [RUD-11]	Dyed knitted fabric of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	31/JB/1014925 dt. 18.11.2022 [RUD-12]	RCL/AH/DRI/ 3041/01.12.2022 dt. 23.12.2022 [RUD-13]	Dyed non-woven fabric of polyester fibers & coated with compounded polyurethane having shining surface on one side.
	Type-3	32/JB/1014925 dt. 18.11.2022 [RUD-14]	RCL/AH/DRI/ 3042/01.12.2022 dt. 23.12.2022 [RUD-15]	Dyed woven fabric of polyester spun yarns & coated with compounded polyurethane on one side having golden glossy surface

				laminated with PVC film.
	Type-4	33/JB/1014925 dt. 18.11.2022 [RUD-16]	RCL/AH/DRI/ 3043/01.12.2022 dt. 21.12.2022 [RUD-17]	Dyed knitted fabric, coated on one side with compounded polyurethane.
	Type-5	34/JB/1014925 dt. 18.11.2022 [RUD-18]	RCL/AH/DRI/ 3044/01.12.2022 dt. 23.12.2022 [RUD-19]	Dyed knitted fabric, having raised fires on one side, of polyester filament yarns, coated with compounded polyurethane on one side.
1015924 dated 07.11.2022	Type-1	67/JB/1015924 dt. 19.01.2023 [RUD-22]	RCL/AZU/DRI/ 3716/23.01.2023 dt. 23.02.2023 [RUD-23]	Blacking knitted fabric having raised fibers on one side, of polyester filament yarns, coated with compounded polyurethane on the other side.
	Type-2	68/JB/1015924 dt. 19.01.2023 [RUD-24]	RCL/AZU/DRI/ 3717/23.01.2023 dt. 14.03.2023 [RUD-25]	Bluish knitted fabric of polyester filament yarns & coated with compounded polyurethane on the one side having glossy surface.

iii) On examination of the aforesaid CRCL test reports, I find that the imported fabrics, irrespective of their individual varieties, have been coated with compounded polyurethane (PU) on one side. The test reports also indicate the nature of the underlying textile material, namely woven, knitted or non-woven fabric, and other distinguishing characteristics such as the presence of raised fibres, printing and

lamination with PVC films. Thus, the nature and composition of the imported goods stand established on the basis of the scientific examination conducted by CRCL. The classification of the goods is, therefore, required to be determined with reference to their actual physical characteristics and composition, as established from Test Report.

iv) I find that the goods were declared under CTH 5911 90 90. Accordingly, it would be appropriate to examine the scope of the said heading vis-à-vis CTH 5903, which specifically covers textile fabrics impregnated, coated, covered or laminated with plastics.

The relevant tariff description under CTH 5911 reads as follows:

5911		TEXTILE PRODUCTS AND ARTICLES, FOR TECHNICAL USES, SPECIFIED IN NOTE 8 TO THIS CHAPTER	Effective rate of duty
5911 10 00	-	Textile fabrics, felt and felt-lined woven fabrics, coated, covered or laminated with rubber, leather or other material, of a kind used for card clothing, and similar fabrics of a kind used for other technical purposes, including narrow fabrics made of velvet impregnated with rubber, for covering weaving spindles (weaving beams)	
5911 20 00	-	Bolting cloth, whether or not made up	
	-	Textile fabrics and felts, endless or fitted with linking devices, of a kind used in papermaking or similar machines (for example, for pulp or asbestos-cement) :	
5911 31	--	Weighing less than 650 g/m^2:	
5911 31 10	---	Felt for cotton textile industries, woven	10%
5911 31 20	---	Woven textiles felt, whether or not impregnated or coated, of a kind commonly used in other machines	10%
5911 31 30	---	Cotton fabrics and articles used in machinery and plant	10%
5911 31 40	---	Jute fabrics and articles used in machinery or plant	10%
5911 31 50	---	Textile fabrics of metalized yarn of a kind commonly used in paper making or other machinery	10%
5911 31 90	---	Other	10%
5911 32	--	Weighing 650 g/m^2 or more:	
5911 32 10	---	Felt for cotton textile industries, woven	10%
5911 32 20	---	Woven textiles felt, whether or not impregnated or coated, of a kind commonly used in other machines	10%
5911 32 30	---	Cotton fabrics and articles used in machinery and plant	10%
5911 32 40	---	Jute fabrics and articles used in machinery or plant	10%

5911 32 50	---	Textile fabrics of metalized yarn of a kind commonly used in paper making or other machinery	10%
5911 32 90	---	Other	10%
5911 40 00	-	Filtering or Straining cloth of a kind used in oil presses or the like, including that of human hair	
5911 90	-	Other	
5911 90 10	---	Paper maker's felt, woven	10%
5911 90 20	---	Gaskets, washers, polishing discs and other machinery parts of textile articles	10%
5911 90 90	---	Other	10%

On the other hand HS CODE/ CTH 5903 as per prevailing Customs Tariff covered goods as under:

5903		Textile Fabrics, Impregnated, Coated, Covered or Laminated with Plastics, Other Than Those of Heading 5902	Effective Rate of Duty
5903 10	-	With Polyvinyl Chloride:	-
5903 10 10	---	Imitation leather fabrics of cotton	20%
5903 10 90	---	Other	20%
5903 20	-	With Polyurethane:	-
5903 20 10	---	Imitation leather fabrics, of cotton	20%
5903 20 90	---	Other	20%
5903 90	-	Other:	-
5903 90 10	---	Of cotton	20%
5903 90 20	---	Polyethylene laminated jute fabrics	20%
5903 90 90	---	Other	20%

v) I further find that Chapter Note 2 to Chapter 59 is of particular relevance for determining the classification of the impugned goods. The said Note provides for the scope of textile fabrics impregnated, coated, covered or laminated with plastics and also specifies the exclusions therefrom. In particular, the relevant exclusion under the said Note concerns products in which the textile fabric is completely embedded in plastics or entirely coated or covered on both sides with such material, provided that the coating or covering is visible to the naked eye, without taking into account any resulting change in colour. Such products fall under Chapter 39.

vi) In the present case, the CRCL test reports categorically establish that the imported textile fabrics are coated with compounded polyurethane on one side. The

goods, therefore, do not fall within the aforesaid exclusion relating to textile fabrics completely embedded in plastics or entirely coated or covered on both sides.

vii) Accordingly, the impugned PU-coated textile fabrics are appropriately covered under heading 5903 and, more specifically, under CTH 5903 20 90, being textile fabrics coated with polyurethane, other than imitation leather fabrics of cotton.

viii) I, therefore, find that the goods declared as textile-coated fabric under CTH 5911 90 90 are correctly classifiable under CTH 5903 20 90, subject to the individual characteristics of the respective goods as established through the test reports

b) Classification of goods imported under past consignments-

I find that, during the course of investigation, statements of the proprietor/representatives of the importing firm, the buyers of the imported goods and the subsequent purchasers/end users were recorded under Section 108 of the Customs Act, 1962. The material facts emerging from these statements are discussed below:

(i) Summons under Section 108 of the Customs Act, 1962, were issued to Shri Yashpal Rajrishi, Proprietor of M/s. J. Bridge Worldwide, for recording his statement. In response, Shri Kapil Kotiya appeared as the authorised representative of the firm. In his statement dated 12.04.2023, he stated that, owing to the health condition of Shri Yashpal Rajrishi, he had been authorised to appear and tender a statement on behalf of the firm, which would also be binding upon the firm. During the course of his statement, Shri Kapil Kotiya admitted that the firm had been importing fabrics since 2019 and that he had also permitted certain other persons to utilise the name and Importer Exporter Code (IEC) of the firm for importing goods. He was confronted with the CRCL test reports pertaining to the samples drawn under the Panchnamas dated 14.11.2022 and 18.01.2023. Upon perusal of the said reports, he admitted that the imported goods, described as Felt Woven Coated Fabric, were coated with polyurethane (PU).

(ii) I further find that the statement of Shri Rajiv Chawla, Proprietor of M/s. Chawla Rexine, who was one of the buyers of the imported goods, was recorded on 27.09.2024. In his statement, he admitted that the textile-coated fabrics purchased from M/s. J. Bridge Worldwide were, in fact, PU-coated fabrics. He specifically referred to purchases made under Invoice Nos. JBW002 dated 23.07.2022, JBW011 dated 22.08.2022, JBW012 dated 29.09.2022, JBW013 dated 04.10.2022, JBW014

dated 05.10.2022, JBW016 dated 31.10.2022 and JBW017 dated 31.10.2022. He further stated that Shri Yashpal Rajrishi had approached him with samples of PU-coated fabric and had sought purchase orders for the same. Accordingly, he had placed orders for PU-coated fabrics and had received goods coated with polyurethane from M/s. J. Bridge Worldwide. However, the invoices issued by the latter described the goods merely as 'Textile Coated Fabric'. On being questioned regarding the discrepancy in the description of the goods, Shri Rajiv Chawla stated that Shri Yashpal Rajrishi had informed him that the goods had been imported under the description 'Textile Coated Fabric' and, therefore, the same description was being retained in the subsequent sale invoices. Shri Rajiv Chawla also stated that he had subsequently sold these goods to various firms, including M/s. Anuj Chadha HUF, M/s. Espirit Overseas and M/s. Epic Impex.

(iii) I further find that Shri Anuj Chadha, Karta of M/s. Anuj Chadha HUF, who was a subsequent purchaser of the imported goods, admitted in his statement dated 28.11.2024 that the textile-coated fabric supplied to his firm by M/s. Chawla Rexine was coated with polyurethane (PU). Similarly, Shri Narendra Jain, Partner of M/s. Espirit Overseas and M/s. Epic Impex, in his statement dated 28.11.2024 [RUD-36], admitted that the goods received by the said firms from M/s. Chawla Rexine were PU-coated fabrics, although the corresponding invoices described the goods as 'Textile Coated Fabric'.

(iv) I further find that the statement of Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex, was recorded on 10.05.2023. In his statement, he admitted that he had placed orders for PU-coated fabric directly with the overseas supplier, namely M/s. Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China, in the name of M/s. J. Bridge Worldwide. He further stated that he had instructed the overseas supplier to forward the import documents directly to Shri Kapil Kotiya. However, the import documents described the goods as 'Textile Coated Fabric' instead of their actual description, i.e. 'PU Coated Fabric'. He also stated that the goods imported under SEZ-to-DTA Bills of Entry Nos. 2010638 dated 23.07.2022 and 2011657 dated 07.08.2022 were directly supplied by M/s. J. Bridge Worldwide to M/s. Rainbow Impex from the SEZ warehouse under GST invoices, wherein the respective Bills of Entry numbers were mentioned for identification of the imported goods.

(v) I find that the statement of Shri Mohd. Anas, Proprietor of M/s. A.M. Traders, who had purchased the goods from M/s. Rainbow Impex, was recorded on

11.12.2024. He admitted that he had purchased both PU-coated fabric and textile-coated fabric from M/s. Rainbow Impex. He specifically stated that the textile-coated fabric purchased by him was coated with polyurethane on one side. He further stated that the PU-coated fabrics supplied to M/s. A.M. Traders under the description 'Textile Coated Fabric' were intended for use in the manufacture of shoes. Similarly, Ms. Mansi Chanda, Director of M/s. Ta. Ra Innovations Pvt. Ltd., who was a subsequent purchaser and end user of the goods, in her statement dated 12.12.2024, admitted that the textile-coated fabrics purchased by her company from M/s. Rainbow Impex were coated with polyurethane on one side. She further stated that her company had been purchasing PU-coated fabrics from M/s. Rainbow Impex for approximately five years. However, during the period from August 2022 to November 2022, M/s. Rainbow Impex had changed the description of PU-coated fabrics in its invoices and described them as 'Textile Coated Fabric'. She also admitted that the goods so purchased were utilised by her company in the manufacture of shoes.

(vi) I further find that the statement of Shri Mohd. Tariq, Proprietor of M/s. Talha Traders, who had purchased imported goods from M/s. J. Bridge Worldwide, was recorded on 27.05.2024. In his statement, Shri Mohd. Tariq admitted that he had placed orders for PU-coated fabrics with the overseas supplier, M/s. Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China, in the name of M/s. J. Bridge Worldwide, through his brother Shri Mohd. Tayyab. He had also instructed that the import documents be forwarded either to him, his brother or to M/s. J. Bridge Worldwide. He further stated that the goods imported under SEZ-to-DTA Bills of Entry Nos. 2017925 dated 16.11.2022, 2016145 dated 18.10.2022, 2011656 dated 07.08.2022, 2011441 dated 04.08.2022, 2011349 dated 03.08.2022, 2010495 dated 20.07.2022 and 2010056 dated 13.07.2022 were directly supplied to M/s. Talha Traders by M/s. J. Bridge Worldwide from the SEZ warehouse under GST invoices, which specifically mentioned the corresponding Bills of Entry numbers for identification of the imported goods. He also stated that he had imported non-woven fabric, which did not have any coating. Further, Shri Mohd. Tariq furnished the bank account details of the overseas supplier, M/s. Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China, for remittance of the payment towards the imported goods.

vii) I find that Shri Mohd. Anas, Proprietor of M/s. A.M. Traders, who had purchased the goods from M/s. Talha Traders, in his statement dated 11.12.2024], admitted

that he had purchased both PU-coated fabric and textile-coated fabric from M/s. Talha Traders. He specifically admitted that the textile-coated fabric purchased by him was coated with polyurethane on one side and that the same was intended for use in the manufacture of shoes. Similarly, Ms. Mansi Chanda, Director of M/s. Ta. Ra Innovations Pvt. Ltd., who was a subsequent purchaser and end user of the goods, in her statement dated 12.12.2024, admitted that the textile-coated fabrics purchased by her company from M/s. Talha Traders were coated with polyurethane on one side. She further stated that her company had been purchasing PU-coated fabrics from M/s. Talha Traders for approximately five years. However, during the period from August 2022 to November 2022, M/s. Talha Traders had changed the description of PU-coated fabrics in its invoices and described them as 'Textile Coated Fabric'. She also confirmed that the goods purchased under the said description were utilised in the manufacture of shoes.

viii) Thus, the statements of the importer/representatives, buyers and subsequent purchasers/end users, when considered cumulatively and in conjunction with the documentary evidence and CRCL test reports, establish that the goods declared as 'Textile Coated Fabric' were, in fact, PU-coated fabrics. The evidence also establishes that certain other goods imported through the aforesaid transactions comprised PVC-coated fabrics and non-woven lining fabrics without any coating.

ix) Further, it is pertinent to mention that the statement recorded under Section 108 of the Customs Act, 1962 has evidential value as illustrated in various judgements by Hon'ble Courts.:

Union of India vs. Padam Narain A_ggarwal and Ors. 2008 (231) E.L.T. 397•(S.C.)
'This'' section does 'not contemplate magisterial intervention. The power is exercised by a Gazetted Officer of the Department. 'It obliges the person summoned to state truth upon. any subject. respecting which he. is examined. He is not absolved. from speaking truth on the ground that such statement is admissible in evidence and could be used against him. The provision enables the officer to elicit truth from the person examined. The underlying object of Section 108 is to ensure that the officer questioning the person gets all the truth concerning the incident

N. J. Sukhawani vs. Union of India 1996 (83) E.L.T. 258 (S. C.)

It must be remembered that the statement made before the Customs officials is not a statement recorded under Section 161 of the Criminal Procedure Code, 1973.

Therefore it is a material piece of evidence collected by Customs officials under Section 108 of the Customs Act. That material incriminates the petitioner inculpating him in the contravention of the provisions of the Customs Act. The material can certainly be used to connect the petitioner in the contravention inasmuch as Mr. Dudani's statement clearly inculpates not only himself but also the petitioner. It can, therefore, be used as substantive evidence connecting the, petitioner with the contravention by exporting foreign currency out of India. Therefore 'we do not think that there is any illegality in the order of confiscation of foreign currency and imposition of penalty. There is no ground warranting reduction of fine.

Ramesh Chandra v. State of West Bengal 1999 (110) E.L.T. 324 (S.C.) This case reaffirmed that statements recorded under Section 108 are admissible in evidence, 'reinforcing the legal principle established in earlier cases Bhana Khalpa Bhai Patel VS Assistant Collector Of Customs, Bulsar, Gujarat.. Supreme Court.

x) In the present case, I find that the statements referred to above are not isolated or uncorroborated assertions. Rather, they are substantially corroborated by the CRCL test reports, import documents, GST invoices, purchase transactions and statements of subsequent purchasers and end users. From the discussed evidence and facts divulged in the form of above statements recorded during the investigation, I find that goods declared as Textile coated fabric has found to be PU coated fabric and rightly classifiable under HSN 59032090 instead of declared HSN 59119090 as discussed in the foregoing paras. Further, the goods found as non-woven lining fabric without coating is rightly classifiable under 56039490. (Nonwoven, whether or not impregnated, coated, covered or laminated.

5603		**Nonwovens, whether or not impregnated, coated, covered or laminated**	
5603 94	---	***Weighing more than 150 g/m²:***	20%
56039490	---	***Others***	20%

Goods found as PVC coated fabric is rightly classifiable under HSN 59031090.

5903		Textile Fabrics, Impregnated, Coated, Covered or Laminated with Plastics, Other Than Those of Heading 5902	Effective Rate of Duty
5903 10	-	With Polyvinyl Chloride:	-
5903 10 10	---	Imitation leather fabrics of cotton	20%
5903 10 90	---	Other	20%

33.2 Confiscation in respect of goods including past consignments and imposition of redemption fine.

a) I find that the goods imported under the 18 Bills of Entry, as discussed in the foregoing paragraphs, comprised PU-coated fabrics, PVC-coated fabrics and non-woven lining fabrics. However, the goods were declared by M/s. J. Bridge Worldwide under generic and/or incorrect descriptions such as 'Textile Coated Fabric', and 'Felt Woven Coated Fabric' Further, the goods were declared under CTH 5911 90 90, whereas, on the basis of their actual nature, composition and characteristics, they merit classification under the respective tariff headings, namely CTH 5903 20 90 in respect of PU-coated fabrics, CTH 5903 10 90 in respect of PVC-coated fabrics and CTH 5603 94 90 in respect of non-woven lining fabrics, as discussed in detail in the foregoing paragraphs. I find that the description and classification declared in the Bills of Entry did not correctly represent the actual nature and characteristics of the imported goods. The incorrect declaration of the description and classification resulted in the evasion of applicable Customs duties, including Anti-Dumping Duty in respect of the PU-coated fabrics. Accordingly, I hold that the goods imported under the aforesaid 18 Bills of Entry are liable to confiscation under Section 111(m) of the Customs Act, 1962, being goods which did not correspond, in respect of their value or any other particular, with the entry made under the Act or the documents presented in connection therewith.

b) Redemption fine in lieu of confiscation-

i) As the impugned goods are liable for confiscation under Section 111(m) of the Customs Act, 1962, it becomes necessary to examine whether redemption fine under Section 125 of the Act is imposable in lieu of such confiscation. In this regard, it is noted that the subject goods are no longer physically available for confiscation, as some of them were cleared in the past and some were released provisionally and are not presently within the custody or control of Customs. However, I note that the

Hon'ble CESTAT, Ahmedabad, in the case of M/s. Van Oord India Pvt. Ltd. vs. Commissioner of Customs, Ahmedabad [Customs Appeal No. 10679 of 2024- DB], has held that redemption fine can be imposed even when the goods are not physically available for confiscation. Further, this issue has already been settled in case of Judgment dated 11.08.2017 of Hon'ble High Court of Madras in C.M.A. No. 2857 of 2011 in the case of Visteon Automotive Systems India Ltd. Vs. CESTAT, Chennai [2018 (9) G.S.T.L. 142 (Mad.)]. Para 23 of the said Judgment is as follows: " 23. The penalty directed against the importer under Section 112 and the fine payable under Section 125 operate in two different fields. The fine under Section 125 is in lieu of confiscation of the goods. The payment of fine followed up by payment of duty and other charges leviable, as per subsection (2) of Section 125, fetches relief for the goods from getting confiscated. By subjecting the goods to payment of duty and other charges, the improper and irregular importation is sought to be regularized, whereas, by subjecting the goods to payment of fine under sub-section (1) of Section 125, the goods are saved from getting confiscated. Hence, the availability of the goods is not necessary for imposing the redemption fine. The opening words of Section 125, "Whenever confiscation of any goods is authorized by this Act ....", brings out the point clearly. The power to impose redemption fine springs from the authorization of confiscation of goods provided for under Section 111 of the Act. When once power of authorization for confiscation of goods gets traced to the said Section 111 of the Act, we are of the opinion that the physical availability of goods is not so much relevant. The redemption fine is in fact to avoid such consequences flowing from Section 111 only. Hence, the payment of redemption fine saves the goods from getting confiscated. Hence, their physical availability does not have any significance for imposition of redemption fine under Section 125 of the Act." 50. I further find that the above view of Hon'ble Madras High Court in case of M/s Visteon Automotive Systems India Limited reported in 2018 (9) G.S.T.L. 142 (Mad), has been cited by Hon'ble Gujarat High Court in case of M/s Synergy Fertichem Pvt. Ltd reported in 2020 (33) G.S.T.L. 513 (Guj.) and the same has not been challenged by any of the parties concerned. Further Apex Court in the case of M/s Weston Components ltd vs Commissioner of Customs, New Delhi (2000 (115) ELT 278 (SC)) has ruled that the mere fact that the goods were released on Bond being executed would not take away the power of customs to levy redemption fine. Hence, from the above discussion and relying on the above judgements. I find that goods redemption fine can be imposed.

33.3 Invocation of the extended period in respect of past consignments

a) I find that the evidence gathered during the investigation establishes that the incorrect declaration of the imported goods was not an inadvertent error or an isolated instance of incorrect description. Rather, the circumstances brought on record indicate a deliberate arrangement whereby the actual nature of the goods was not correctly disclosed in the import documents, resulting in the non-payment/short-payment of the applicable Customs duties, including Anti-Dumping Duty. In his statement dated 12.04.2023, recorded under Section 108 of the Customs Act, 1962, through his authorised representative Shri Kapil Kotiya, Shri Yashpal Rajrishi, Proprietor of M/s. J. Bridge Worldwide, admitted that the IEC of M/s. J. Bridge Worldwide had been made available to M/s. Talha Traders and M/s. Rainbow Impex for importation of goods. He further stated that M/s. J. Bridge Worldwide had been importing fabrics from China since 2019. During the course of the said statement, he was also confronted with the CRCL test reports pertaining to the goods declared as 'Felt Woven Coated Fabric'. The reports established that the goods imported under the following SEZ Bills of Entry were, in fact, PU-coated fabrics. The aforesaid admissions, read with the CRCL test reports, establish that the goods were imported under descriptions which did not correctly disclose their actual nature and composition.

b. Further, Shri Rajiv Chawla, Proprietor of M/s. Chawla Rexine, in his statement dated 27.09.2024 recorded under Section 108 of the Customs Act, 1962 categorically stated that Shri Yashpal Rajrishi had shown him samples of PU-coated fabrics and had solicited purchase orders for the same. On the basis of the samples shown to him, he placed orders for PU-coated fabrics and received the said goods from M/s. J. Bridge Worldwide. However, the invoices issued in respect of the goods described them merely as 'Textile Coated Fabric'. Shri Rajiv Chawla further stated that, when he questioned Shri Yashpal Rajrishi about the description mentioned in the invoices, he was informed that the goods had been imported under the same description and, therefore, were being sold under that description as well. The aforesaid statement is significant inasmuch as it establishes that the actual nature of the goods was known to the supplier as well as the buyer, whereas the description appearing in the import and subsequent sale documents did not disclose the specific characteristic of the goods, namely, their PU coating.

c. I further find that Shri Mohd. Tariq, Proprietor of M/s. Talha Traders, in his statement recorded under Section 108 of the Customs Act, 1962, admitted that his

firm had placed orders for goods with the overseas supplier, M/s. Zhejiang Minfeng Chemistry Manufactory Co. Ltd., China, in the name of M/s. J. Bridge Worldwide. He stated that the goods actually ordered by him comprised PU-coated fabrics, PVC-coated fabrics and non-woven fabrics, whereas the invoices and other import documents described the goods as 'Textile Coated Fabric'. He further admitted that the goods were imported using the name and IEC of M/s. J. Bridge Worldwide and that the payments relating to the imports arranged for him were routed through the bank account of M/s. J. Bridge Worldwide. He also stated that his elder brother, Shri Mohd. Tayyab, was acquainted with the overseas supplier and used to place orders with the supplier through WhatsApp. Further, after the arrangement for imports through M/s. J. Bridge Worldwide commenced, the bank details of the overseas supplier were furnished to the concerned person of Shri Kapil Kotiya for arranging payment towards the imported goods. The statements of Shri Mohd. Tariq and Shri Mohd. Tayyab also indicate that they were aware of the Anti-Dumping Duty leviable on PU-coated fabrics.

d. Noticee M/s Rainbow Impex has contended in its written reply that the goods had been purchased domestically and that advance payments had been made against the purchase orders. In this regard, I find that the said contention needs to be examined in the light of the statement of Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex, recorded under Section 108 of the Customs Act, 1962, wherein he admitted that the orders for the goods had been placed directly with the overseas supplier. He also furnished the actual invoice of the overseas supplier to the investigating agency through email, which has been relied upon in the investigation. Further, the statement of Shri Mohd. Tariq explains the manner in which the imports were arranged through the IEC and bank account of M/s. J. Bridge Worldwide and the manner in which payments to the overseas supplier were facilitated. Hence, the contention raised by the Noticee is not sustainable.

e. On a cumulative appreciation of the aforesaid statements, import documents, supplier invoices and other documentary evidence, I find that the use of the IEC of M/s. J. Bridge Worldwide by the domestic traders, the placement of orders directly with the overseas supplier and the routing of payments through the bank account of M/s. J. Bridge Worldwide were interconnected arrangements. The evidence further establishes that the actual nature of the imported goods was known to the persons arranging the imports, yet the goods were declared under descriptions which did not

correctly disclose their PU/PVC coating characteristics. Such incorrect declarations resulted in the non-payment/short-payment of the applicable Customs duties, particularly Anti-Dumping Duty on PU-coated fabrics. I, therefore, find that the facts and circumstances of the present case establish deliberate mis-declaration and suppression of material particulars, with the intent to evade the applicable Customs duties. Further, goods imported by several Bills of Entry as affirmed in the voluntarily statement given by Mohd Tayyab and Mohd Tariq was ordered by them, hence for these goods they are to be considered as beneficial owner. The details of the Bills of Entry where they acted as a beneficial owner is mentioned in Annexure-Y.

f. Accordingly, I hold that the ingredients necessary for invoking the extended period under Section 28(4) of the Customs Act, 1962, stand established in the facts of the present case, subject to the determination of the liability of each person in accordance with the relevant statutory provisions. The differential duty is, therefore, liable to be demanded and recovered under Section 28(4) of the Customs Act, 1962, along with applicable interest under Section 28AA of the said Act.

33.4 Calculation of Duty

The above goods imported by M/s. J Bridge Worldwide by declaring it as “Felt Woven Coated Fabric” or “Textile Coated Fabric” and by classifying it under CTI 59119090 were found to be “PU (Polyurethane) coated fabrics” correctly classified under CTI 59032090. These goods when imported under correct CTI i.e. 59032090 are leviable to Basic duty @ 20%, SWS @ 10%, IGST @ 12%, Anti-Dumping Duty @ 0.46 USD per meters in terms of Notification No. 14/2022-Customs (ADD) dated 20.05.2022 and IGST @ 12%. on Anti-Dumping Duty. Further, goods found to be PVC Coated Fabric & Non-Woven Lining Fabric correctly classified under CTI 59031090 & 56039490 respectively, both the CTIs attracts Basic duty @ 20%, SWS @ 10%, IGST @ 12%. By way of mis-declaration and mis-classification, M/s. J Bridge Worldwide have evaded payment of Basic Customs duty at appropriate rate and payment of Anti-dumping duty in their import against 18 Bills of Entry.

a) In respect of three provisionally released Bills of Entry

I find that the differential duty payable in respect of the three Bills of Entry provisionally assessed and subsequently provisionally released works out to Rs. 75,64,157/-, as detailed in the relevant duty calculation statement. Since the assessments in respect of the aforesaid three Bills of Entry have not attained finality

and the goods were cleared on provisional assessment, the assessments are required to be finalised in accordance with the provisions of the Customs Act, 1962. Accordingly, I hold that the aforesaid Bills of Entry are liable to be finalised by re-assessing the goods under their appropriate tariff classifications and determining the consequential differential duty of Rs. 75,64,157/-. I further find that the importer had furnished the requisite bond and bank guarantee at the time of provisional release of the goods. Accordingly, the differential duty determined upon finalisation of the provisional assessments shall be recovered in accordance with law, including by enforcement of the bond and bank guarantee furnished by the importer, to the extent legally recoverable thereunder.

b) In respect of past consignments

i) I find that in the investigation, it has been revealed that in the statement recorded under Section 108 of the Customs Act, 1962, Mohd. Tayyab of M/s Rainbow Impex and Mohd. Tariq of M/s Talha Traders has accepted that out of 15 Bills of Entry of past consignment, they have ordered the goods in 8 bills of entry. Rest of the goods were imported by M/s J Bridge as confirmed by statement of representative of Shri Yashpal Rajrishi. The details of actual owner/beneficial owner is mentioned below:

Table-23

Sr. No.	SEZ B/E No. & Date	SEZ to DTA B/E No. & dt.	Declared description of goods	Declared CTH	Declared Quantity (in Kgs.)	Actual Owner/Beneficial Owner of the goods
1	1008497 dt. 08.07.2022	2010056 dt. 13.07.2022	Textile Coated Fabric	59119090	24076	M/s.Talha Traders
2	1008821 dt. 14.07.2022	2010342 dt. 18.07.2022	Textile Coated Fabric	59119090	24978	M/s. J Bridge Worldwide
3	1009021 dt. 19.07.2022	2010495 dt. 20.07.2022	Textile Coated Fabric	59119090	25164	M/s.Talha Traders
4	1009150 dt. 21.07.2022	2010638 dt. 23.07.2022	Textile Coated Fabric	59119090	25134	M/s. Rainbow Impex
5	1009954 dt. 02.08.2022	2011441 dt. 04.08.2022	Textile Coated Fabric	59119090	25237	M/s.Talha Traders
6	1009955 dt. 02.08.2022	2011349 dt. 03.08.2022	Textile Coated Fabric	59119090	23244	M/s.Talha Traders
7	1010103 dt. 04.08.2022	2011657 dt. 07.08.2022	Textile Coated Fabric	59119090	24452	M/s. Rainbow Impex

8	1010108 dt. 04.08.2022	2011656 dt. 07.08.2022	Textile Coated Fabric	59119090	25225	M/s.Talha Traders
9	1010256 dt. 05.08.2022	2011928 dt. 10.08.2022	Textile Coated Fabric	59119090	21870	M/s. J Bridge Worldwide
10	1012588 dt. 16.09.2022	2014049 dt. 19.09.2022	Textile Coated Fabric	59119090	22822	M/s. J Bridge Worldwide
11	1012626 dt. 17.09.2022	2014038 dt. 19.09.2022	Textile Coated Fabric	59119090	24440	M/s. J Bridge Worldwide
12	1012874 dt. 20.09.2022	2014393 dt. 22.09.2022	Textile Coated Fabric	59119090	23395	M/s. J Bridge Worldwide
13	1013948 dt. 06.10.2022	2015775 dt. 13.10.2022	Textile Coated Fabric	59119090	24668	M/s. J Bridge Worldwide
14	1013954 dt. 06.10.2022	2015912 dt. 14.10.2022	Textile Coated Fabric	59119090	24945	M/s. J Bridge Worldwide
15	1014373 dt. 12.10.2022	2016145 dt. 18.10.2022	Textile Coated Fabric	59119090	25270	M/s.Talha Traders

ii) Noticee M/s Rainbow Impex has raised objection regarding the calculation of quantity in meter for two consignments attributed to M/s Rainbow Impex. In this regard, I have examined the documents contained in RUD No. 30(g), submitted by M/s. Rainbow Impex, which include the supplier's invoice specifying the quantity of the goods in metres. I find that the quantity adopted for the purpose of duty calculation has been derived from the documents furnished by the Noticee itself. Thus, the quantity adopted in the duty calculation is not based on any arbitrary estimation by the investigating agency rather, it is supported by the c transaction documents furnished by the concerned Noticee. Accordingly, the objection regarding the calculation of quantity is not acceptable

iii) Further Noticee M/s Rainbow Impex has asked for supply of RUDs. In this regard, all the Relied upon Documents has been supplied to the Noticee through email dated 12.11.2025 Noticee has ignored first two opportunity of Personal hearing and finally appeared in the 3rd PH and again stated for extension for filling reply. The same was granted to serve the purpose of natural justice. Noticee has filed the reply after lapse of 11 months and requested to supply the RUDs without mentioning that the RUDs were received to them or not. The contention raised by Noticee appears to be a tactics to delay the statutory time limit of adjudication.

iv) Further Noticee M/s Rainbow Impex has sought cross examination of the person whose statement is relied upon against Rainbow Impex. In this regard, I find that Mohd Tayyab has itself admitted that he has imported two consignment of PU Coated Fabric through the IEC of M/s J Bridge Worldwide. He has also admitted that he was well aware that import of PU Coated Fabric attract Anti-dumping Duty. As discussed above and relied by several judgment, the statement recorded under Section 108 has evidential value, such statement has never been retracted by the Noticee. The mis-declaration and the willful suppression of the fact are itself proved to the extent beyond doubt through the statement of Sh Mohd Tayyab itself. Hence, I find that there is no reason for granting cross examination in this case.

v) Now I proceed to determine the differential duty in respect of past consignment. I find that the total differential duty in respect of past 15 Bills of Entry comes to Rs. 2,20,50,018/-. as detailed in annexure-Y of the Notice. The short-paid duty is to demanded and recovered in terms of section 28 (4) of the Customs Act, 1962 for the reasons mentioned in the foregoing para along with applicable interest as per section 28 (AA) of the Customs Act,1962. These short-paid duties have to be demanded and recovered from their beneficial owner as mentioned in the table 23. Further, amount deposited by M/s Talha Traders and M/s Rainbow Impex is to be appropriated against their respect demands.

33.5 Penalty on M/s J Bridge Worldwide and proprietor Shri Yashpal Rajrishi

i) In the foregoing para, I have held that the differential duties have to be recovered from beneficial owners in terms of section 28 (4) of the Customs Act, 1962 for the past consignments. I find that Section 114A stipulates that the person who is liable to pay duty by reason of collusion or any wilful mis-statement or suppression of facts as determined under section 28, is also be liable to pay penalty under Section 114A. These acts and omissions of the Importer M/s J Bridge Worldwide rendered them liable for penal action under Section 114A of the Customs Act, 1962 where they have acted as beneficial owner. For the provisionally released goods, I refrain from imposing penalty under Section 114A as duty has not been demanded under Section 28(4) of the Customs Act, 1962.

ii) Further Notice proposes to impose penalty on Shri Yashpal Rajrishi under Section 112 (a) and 112 (b) of the Customs Act, 1962 for all the consignments

mentioned in annexure-X and Y. Since M/s J Bridge Worldwide is a proprietorship firm and Shri Yashpal Rajrishi is the sole proprietor, they can't be treated as different entity. I have held that penalty under Section 114A is applicable for past consignments where M/s J Bridge Worldwide is beneficial owner. I, further find that the fifth proviso to Section 114A of the Customs Act, 1962 specifically provides that *"where any penalty has been levied under this section, no penalty shall be levied under section 112 or section 114* . The imposition of penalty on proprietorship firm and its proprietor both will rather amounts to double jeopardy. Hence, without discussing, the offences made by Sh Yashpal Rajrishi separately and treating M/s J Bridge Worldwide and its proprietor a single entity, I refrain to impose penalty under Section 112 of customs act, 1962 on Sh Yashpal Rajrishi for past consignment where they have acted as beneficial owner. I place reliance on the following judgment to support my view:

a) Shri Shahid Ali vs Pr. Commissioner of Customs (Import) (CESTAT Delhi) in appeal no. 50105 of 2016 pronounced on 02.06.2021

It was held that "We further observe that the adjudicating authority has imposed penalty on the importing firm as well as the proprietor thereof we are of the opinion that the same rather amounts to the double jeopardy. The penalty cannot be imposed against the sole proprietor of proprietor ship firm along with the penalty upon said firm. We rely upon the judgement of Delhi High Court in the case of Anil Kumar Mahensaria vs. Commisioner of Customs reported as [2008 (228) ELT 166(Del)j wherein it was held that only one set of penalty can be imposed either on the appellant or upon his proprietorship firm"

b) M/s Noor Mohammad and Brothers vs Commissioner of CGST 8a Central Excise in Excise Appeal No. 77731 of 2018 pronounced on 21.03.2023 wherein it was held that: "Having heard learned counsel for the parties, we are of the considered opinion that proprietorship firm or proprietor thereof cannot be treated as two different legal entities. Partnership firm is a firm in mercantile usage, however, penalty imposed on the proprietorship or partnership firms would mean penalty on the proprietor or partners thereof therefore, imposition of penalties one on the proprietorship and second on the proprietor would amount to imposition of penalty twice, which can't be sustained in the eyes of law."

c) Commissioner of Customs, Ahmedabad vs .Raj Traders (CESTAT Ahmedabad) in Customs Appeal No. C/10537/2018-DB pronounced on 20.06.2018 wherein it was held that: "Moreover it is a settled law that a separate penalty cannot be imposed on the proprietor when the penalty on proprietorship firm has been imposed"

iii) However, in respect of the past consignments where M/s Talha Traders and M/s Rainbow Impex are the beneficial owners, no penalty under Section 114A has been imposed on M/s J Bridge Worldwide, and the bar under the fifth proviso to Section 114A does not apply. I find that Shri Yashpal Rajrishi, by lending the IEC of his firm and filing Bills of Entry with mis-declared description and classification, rendered the said goods liable to confiscation under Section 111(m) and is therefore liable to penalty under Section 112(a) of the Customs Act, 1962 in respect of these consignments. Further, I find that imposition of penalty under Section 112 (a) and 112 (b) of the Customs Act, 1962 simultaneously tantamount, to imposition of double penalty. In case of M/s Birendra Kumar Gupta vs Commissioner of Customs (prey) Kolkata 2025 (1) TMI 959, CESTAI' Kolkata has held that both the provisions of Section 112 (a) and (b) of the Customs Act, 1962 can't be applied together. Hence, I refrain from imposing penalty under Section 112 (b) of the Customs Act, 1962 on Shri Yashpal Rajrishi

iv) Further, for provisionally released consignment mentioned in annexure-X, I find that Shri Yashpal rishi had intentionally indulged himself in importing PU Coated Fabric by mis-declaring and mis-classifying their identity. Sh Yashpal Rajrishi has also not practiced proper due diligence in executing the import work of other entities through his firm, as he has agreed to act and had indulged in effecting imports of goods owned by other domestic traders without checking the credentials and actual details of the goods to be imported. He indulged himself in the entire scheme of fraud in connivance with Shri Kapil Kotiya, Shri Mohd Tariq, and Mohd Tayyab which resulted in evading payment of appropriate customs duty leviable on their import. Further, he has imported goods vide three Bills of Entry where examination report and test report confirmed that goods were mis declared to evade customs duty. Such Act of Shri Yashpal Rajrishi has rendered goods liable for confiscation under Section 111(m) of the Customs Act, 1962. Hence, I find that penalty under Section 112 (a) is imposable on Shri Yashpal Rajrishi. Further, I find that imposition of penalty under Section 112 (a) and 112 (b) of the Customs Act,

1962 simultaneously tantamount, to imposition of double penalty. In case of M/s Birendra Kumar Gupta vs Commissioner of Customs (prey) Kolkata 2025 (1) TMI 959, CESTAI' Kolkata has held that both the provisions of Section 112 (a) and (b) of the Customs Act, 1962 can't be applied together. Hence, I refrain from imposing penalty under Section 112 (b) of the Customs Act, 1962 on Shri Yashpal Rajrishi.

v) Shri Yashpal Rajrishi had approached M/s. Chawla Rexine for sale of PU Coated Fabric and the same goods were later supplied to M/s. Chawla Rexine under a false description invoice of Textile Coated Fabric. This fact undisputedly prove that he was well aware of the true nature of the goods and the levy of Anti-dumping duty on the mis declared goods imported through IEC of M/s. J Bridge Worldwide but even though he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962 for all the goods mentioned in annexure-X and Y.

33.6 Penalty on M/s Talha Traders and Shri Mohd Tariq proprietor of M/s Talha Traders

i) In the foregoing para, I have held that the differential duties has to be recovered from beneficial owners in terms of section 28 (4) of the Customs Act, 1962. I find that Section 114A stipulates that the person who is liable to pay duty by reason of collusion or any wilful mis-statement or suppression of facts as determined under section 28, is also be liable to pay penalty under Section 114A. These acts and omissions of the Importer M/s Talha Traders rendered them liable for penal action under Section 114A of the Customs Act, 1962 where they have acted as beneficial owner.

ii) Further Notice proposes to impose penalty on Shri Mohd Tariq under Section 112 (a) and 112 (b) of the Customs Act, 1962. Since M/s Talha Trader is a proprietorship firm and Mohd Tariq is the proprietor, they can't be treated as different entity. The imposition of penalty on proprietorship firm and its proprietor both will rather amounts to double jeopardy. Hence, without discussing, the offences made by Mohd Tariq separately and treating M/s Talha Traders and its proprietor a single entity, I refrain to impose penalty under Section 112 of customs act, 1962 on Mohd Tariq.

iii) Shri Mohd. Tariq, Proprietor of M/s. Talha Traders was well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but even though, he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962

33.7 Penalty on M/s Rainbow Impex and Sh Mohd Tayyab, proprietor of M/s Rainbow Impex

i) In the foregoing para, I have held that the differential duties has to be recovered from beneficial owners in terms of section 28 (4) of the Customs Act, 1962. I find that Section 114A stipulates that the person who is liable to pay duty by reason of collusion or any wilful mis-statement or suppression of facts as determined under section 28, is also be liable to pay penalty under Section 114A. These acts and omissions of the Importer M/s Rainbow Impex rendered them liable for penal action under Section 114A of the Customs Act, 1962 where they have acted as beneficial owner.

ii) Further Notice proposes to impose penalty on Shri Mohd Tayyab under Section 112 (a) and 112 (b) of the Customs Act, 1962. Since M/s Rainbow Impex is a proprietorship firm and Shri Mohd Tayyab is the proprietor, they can't be treated as different entity. The imposition of penalty on proprietorship firm and its proprietor both will rather amounts to double jeopardy. Hence, without discussing, the offences made by Sh Mohd Tayyab separately and treating M/s Rainbow Impex and its proprietor a single entity, I refrain to impose penalty under Section 112 of customs act, 1962 on Sh Mohd Tayyab.

iii) Shri Mohd. Tayyab, Proprietor of M/s. Rainbow Impex was well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but even though, he had intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

33.8 Penalty on Shri Kapil Kotiya

i) Shri Kapil Kotiya, Proprietor of M/s Ocean Logistics in his statement recorded under Section 108 of the Customs Act, 1962 on 27.11.2022 admitted that he is handling all the day to day work of the firm M/s. J Bridge World Wide and IEC of this firm is lent to the Domestic firms for importing of the goods they require. The IEC of the firm M/s J Bridge Worldwide was intended to be utilized by domestic traders (actual importer of goods) M/s. Talha Traders & M/s. Rainbow Impex, these domestic firm/traders were known to him and since they required IEC firm for import, he provided them this firm. He stated that the proprietor of M/s. J Bridge Worldwide was not looking after any work of the firm except to signing documents related to import and banking transaction. He was charging Rs.15000/- per container to Domestic firm/Traders (actual importer of goods) for lending IEC; that this amount is added to value of goods in the Invoice when the goods are removed for domestic sale; that the Domestic firm/Traders (actual importer of goods). He further stated that these domestic traders/firms place the order to overseas supplier and later send the import documents to him for the purpose of freight forwarding or customs clearance. These domestic traders used to import PU Coated Fabric before imposing of Anti-dumping duty on the PU Coated Fabric, however after imposing Anti-dumping duty, they discontinued import of PU Coated Fabric. Shri Kapil Kotiya, as authorized agent of M/s J Bridge Worldwide also recorded his statement u/s. 108 of the Customs Act, 1962 on 12.04.2023 and admitted that on request of Shri Yashpal Rajrishi IEC of M/s J Bridge Worldwide was given to Talha Traders & Rainbow Traders for import of goods by him.

ii) Shri Mohd Tayyab Proprietor of M/s Rainbow Impex in his statement recorded u/s.108 of the Customs Act, 1962 on 10.05.2023, admitted that he had purchased Textile Coated Fabric from M/s J Bridge Worldwide, however that Textile Coated Fabric was actually PU Coated Fabric. He stated that he doesn't know Shri Yashpal Rajrishi and Shri Kapil deals with him from M/s J Bridge Worldwide. He further stated that he had ordered the goods to Zhejiang Minfeng Chemistry Manufactory Co. Ltd. China and Invoice & packing list are directly received by Shri Kapil as per his direction.

iii) Shri Mohd. Tariq Proprietor of M/s Talha Traders in his statement recorded u/s.108 of the Customs Act, 1962 on 27.05.2024 [RUD-34], that he used to purchase

the goods imported at the name and IEC of M/s J Bridge Worldwide, New Delhi and clearance work of the same was looked after by M/s Ocean Logistics owned by Shri Kapil. He further confirmed that he started to place the order through the name and IEC of M/s J Bridge Worldwide; that he had to send the same (account details) to the concern person of Shri Kapil to make the payment for the goods imported for him, from the bank account of M/s J Bridge Worldwide.

iv) The above facts emerging from the Statements recorded during investigation in the case clearly reveal that Shri Kapil Kotiya in connivance with Shri Yashpal Rajrishi, Shri Mohd. Tariq & Shri Mohd. Tayyab indulge himself in evasion of Anti-dumping duty in the import of PU Coated Fabrics and payment of appropriate Customs duty in the import of Non-woven Fabrics & PVC Coated Fabric, thereby defrauding the Government Exchequer. Shri Kapil was well versed with the procedure for importing the goods as well as its customs clearance work undertaken by Customs Broker as he had formerly dealt with freight forwarding work and used to indulge in customs clearance of imported goods by taking assistance of Customs Brokers. Shri Kapil Kotiya facilitated Shri Mohd. Tariq & Mohd. Tayyab in evasion of the applicable Anti-dumping duty in the import of PU Coated Fabrics imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022, wherein he provided the credential of M/s J Bridge Worldwide to Shri Mohd. Tariq & Mohd. Tayyab on lending basis for importing PU Coated Fabrics by way of mis-declaring the same as Fabrics other than PU Coated Fabrics. The above acts of Kapil Kotiya prove his mens-rea in the whole act of defrauding the Govt Exchequer by evading the applicable payment of Antidumping Duty imposed vide Notification No. 14/2022-Customs (ADD) dated 20.05.2022. By indulging himself in the above acts, Shri Kapil Kotiya is found to have indulged himself in the act or omission, in relation of the goods, which would render such goods liable to confiscation under section 111 of the Customs Act, 1962 and by indulging in such acts, he has rendered himself liable for penalty under section 112(a) of the Customs Act, 1962. Further, I find that imposition of penalty under Section 112 (a) and 112 (b) of the Customs Act, 1962 simultaneously tantamount, to imposition of double penalty. In case of M/s Birendra Kumar Gupta vs Commissioner of Customs (prey) Kolkata 2025 (1) TMI 959, CESTAI' Kolkata has held that both the provisions of Section 112 (a) and (b) of the Customs Act, 1962 can't be applied together. Hence, I refrain from imposing penalty under Section 112 (b) of the Customs Act, 1962 on Shri Kapil Kotiya. Further, Shri Kapil Kotiya was

well aware about the levy of Anti-dumping duty on the mis-declared goods imported through IEC of M/s. J Bridge Worldwide but intentionally/knowingly causes to be made (to make something happen or exist) declaration, documents which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act and thereby has also rendered himself liable for penalty u/s. 114AA of the Customs Act, 1962.

34. In view of the above, I pass the following order:

Order

34.1 In respect of goods released provisionally mentioned in Annexure-X

a) I hold that the declared classification i.e. 59119090 and description of good "Felt Woven Coated Fabric" under Bills of Entry mentioned in Annexure-X are liable to be rejected. I order to re-classify the goods under HSN 59032090 with description as PU Coated Fabric.

b) I hold that goods imported vide Bills of Entry as mentioned in Annexure-X having total assessable value of **Rs. 79,36,552/-** *(Rupees Seventy-nine Lakh Thirty-Six Thousand Five Hundred and Fifty-Two only)* are liable for confiscation under Section 111 (m) of the Customs Act, 1962. However, I impose redemption fine of **Rs. 8,00,000/-** *(Rupees Eight Lakh only)* under Section 125(1) of the Customs Act, 1962, in lieu of confiscation, on M/s J Bridge Worldwide.

c) I order to reassess the goods imported vide Bills of Entry as mentioned in Annexure-X accordingly with consequential duty of **Rs. 75,64,157/-** *(Rupees Seventy-Five Lakh Sixty-Four Thousand One Hundred and Fifty-Seven Only)* (including BCD+SWS+IGST+ADD+IGST on ADD) under Section 17 of the Customs Act, 1962. I, order to recover the consequential differential duty on re-assessment through enforcement of Bond and Bank Guarantee submitted by Importer.

d) I impose penalty of **Rs. 6,00,000/-** *(Rupees Six Lakh Only)* on Shri Yashpal Rajrishi under Section 112 (a) of the Customs Act, 1962.

e) I impose penalty of **Rs. 5,00,000/-** (Rupees Five Lakh Only) on Shri Yashpal Rajrishi under Section 114AA of the Customs Act, 1962.

34.2 In respect of past consignments mentioned in annexure-Y

a) I hold that the declared classification under HSN 59119090 against the description of goods "Textile Coated Fabric" as mentioned in annexure-Y are liable to be rejected. I order to reclassify the same under HSN 59032090, 59031090 and 56039490 for the description PU coated fabric, PVC Coated fabric and Non-woven fabric respectively as mentioned in annexure-Y.

b) I determine and confirm the total differential customs duty of **Rs. 2,20,50,018/-** *(Rupees Two Crore Twenty Lakh Fifty Thousand and Eighteen Only)* for the goods mentioned in annexure-Y under the provisions of section 28 (8) of the Customs Act, 1962 and order to recover from their respective beneficial owner **Rs.1,07,07,437/-** *(Rupees One Crore Seven Lakh Seven Thousand Four Hundred and Thirty Seven Only)* from M/s J Bridge Worldwide, **Rs. 81,80,667/-** *(Rupees Eighty-One Lakh Eighty Thousand Six Hundred and Sixty-Seven Only)* from M/s Talha Traders and **Rs 31,61,914/-** *(Rupees Thirty-One Lakh Sixty-One Thousand Nine Hundred and Fourteen Only)* from M/s Rainbow Impex under Section 28 (4) of the Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962.

c) I hold that goods imported vide above Bills of Entry as mentioned in Annexure-Y at Para 17.1 of this notice, having assessable value of **Rs. 3,53,82,870/-** *(Rupees Three Crore Fifty-Three Lakh Eighty-Two Thousand Eight Hundred and Seventy only)* are liable for confiscation under Section 111 (m) of the Customs Act, 1962. I impose redemption fine of **Rs.16,00,000/-** *(Rupees Sixteen Lakh Only)* on M/s J Bridge Worldwide, **Rs. 14,00,000/-** *(Rupees Fourteen Lakh Only)* on M/s Talha Traders and **Rs.5,00,000/-** *(Rupees Five Lakh Only)* on M/s Rainbow Impex under Section 125 of the Customs Act, 1962.

d) I appropriate the amount **Rs. 12,00,000/-** *(Rupees Twelve Lakh Only)* and **Rs. 20,00,000/-** *(Rupees Twenty Lakh Only)* deposited by M/s Rainbow Impex and M/s Talha Traders during investigation against their respective confirmed demand mentioned in the foregoing paras.

e) I impose penalty on various firms/persons under different sections of Customs Acts as mentioned below:

Name of persons/firms	Penalty under Section 112 (a) (in Rs)	Penalty under Section 112(b) (in Rs)	Penalty under Section 114A (in Rs)	Penalty under Section 114AA (in Rs)	Remarks
Shri Yashpal Rajrishi, Proprietor of M/s. J Bridge Worldwide	**6,00,000/-**	-	-		For goods mentioned in annexure-Y where Talha Traders and M/s Rainbow Impex are actual/beneficial owner. No penalty under section 112 is imposed for the goods where M/s J Bridge is actual/beneficial owner.
				18,00,000/-	For all goods mentioned in annexure-Y
M/s. J Bridge Worldwide	-	-	**1,07,07,437/-**	-	For goods mentioned in annexure-Y where M/s J Bridge has acted as beneficial owner
Shri Mohd. Tariq, Proprietor of M/s Talha Traders	-	-	-	**8,00,000/-**	For the goods in which M/s Talha Traders is actual/beneficial owner mentioned in annexure-y
M/s. Talha Traders	-	-	**81,80,667/-**	-	For the goods in which M/s Talha Traders is actual/beneficial owner mentioned in annexure-y
Shri Mohd. Tayyab,	-	-	-	**3,00,000/-**	For the goods in which M/s Rainbow

Proprietor of M/s. Rainbow Impex					Impex is actual/beneficial owner mentioned in annexure-y
M/s. Rainbow Impex	-	-	**31,61,914/-**	-	For the goods in which M/s Rainbow Impex is actual/beneficial owner mentioned in annexure-y
Shri Kapil Kotiya	**8,00,000/-**	-	-	**10,00,000/-**	For the goods in which M/s Talha Traders and M/s Rainbow Impex are actual/beneficial owner mentioned in annexure-y

35. This order is issued without prejudice to any other action that may be taken against the noticees under the provisions of the Customs Act, 1962 or rules made there under or under any other law for the time being in force.

Digitally signed by Nitin Saini
Date: 11-11-2026 10:57:03

(Nitin Saini)
Commissioner of Customs,
Custom House, Mundra.

BY Speed Post A.D / E-mail

To, (The Noticee):-

1. M/s J Bridge Worldwide
WZ-28, Chaukhandi Ext. Tilak Nagar,
S.O. West Delhi-110018

2. Shri Yashpal Rajrishi,
Proprietor of M/s J Bridge Worldwide

at WZ-28, Chaukhandi Extn,
Tilak Nagar, S.O. West Delhi-110018

3. Shri Mohd. Tariq
   Proprietor of M/s Talha Traders
   Situated at Plot No. 146, E-4 Block, Tjnagari,
   Phase-II, Agra, UP
4. Shri Mohd Tayyab, Proprietor of M/s Rainbow Impex
   Plot No. 128, E-4 Block, Tajnagari, Agra, UP
5. Shri Kapil Kotiya, S/o Ratan Lal,
   Proprietor of M/s Ocean Logistics,
   212, Vishal Tower, District Centre, Janakpuri, New Delhi-110058

Copy to:

1. The Additional Director General, DRI, Zonal Unit, Ahmedabad, 15 Magnet Corporate Park, Opp. S. G Highway, Near Sola Flyover, Thaltej, Ahmedabad-380054.
2. The Deputy Commissioner of Customs, CCO, Ahmedabad.
3. The Deputy/ Assistant Commissioner (EDI), Custom House, Mundra.
4. Notice Board.
5. Guard File