

कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा,
सीमा शुल्क भवन, मन्द्रा बंदरगाह, कच्छ, गजरात- 370421
OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE,
MUNDRA PORT, KUTCH, GUJARAT- 370421.

A	FILE NO. फाइल संख्या	CUS/APR/ASS/2150/2025-Gr 4 O/o Pr Commr-Cus-Mundra
B	OIO NO. आदेश संख्या	MCH/ADC/ZDC/360/2025-26
C	PASSED BY जारीकर्ता	Dipak Zala Additional Commissioner of Customs/अपर आयुक्त सीमा शुल्क, Custom House, Mundra/कस्टम हाउस, मुंद्रा।
D	DATE OF ORDER आदेश की तारीख	31.10.2025
E	DATE OF ISSUE जारी करने की तिथि	31-10-2025
F	SCN No. & Date कारण बताओ नोटिस क्रमांक	Importer requested for SCN and PH waiver vide letter dated 22.10.2024
G	NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक	M/s Transal International (IEC: 0308057406)
H	DIN/दस्तावेज़ पहचान संख्या	20251071MO0000999A44

1. यहआदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

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

2. यदि कोई व्यक्ति इस आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा128 A के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते परअपील कर सकताहै-

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

‘सीमाशुल्कआयुक्त) अपील,(
 चौथी मंजिल, हुडको बिल्डिंग, ईश्वरभुवन रोड,
 नवरंगपुरा,अहमदाबाद 380 009”

**“THE COMMISSIONER OF CUSTOMS (APPEALS), MUNDRA
HAVING HIS OFFICE AT 4TH FLOOR, HUDCO BUILDING, ISHWAR BHUVAN**

**ROAD,
NAVRANGPURA, AHMEDABAD-380 009.”**

3. उक्तअपील यहआदेश भेजने की दिनांक से 60दिन के भीतर दाखिल की जानी चाहिए।
Appeal shall be filed within sixty days from the date of communication of this order.

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

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

- i. उक्त अपील की एक प्रति और A copy of the appeal, and
- ii. इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची 1-के अनुसार न्यायालय शुल्क अधिनियम 1870-के मद सं° 6-में निर्धारित 5/-रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।

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

5. अपील ज्ञापन के साथ ड्यूटी /ब्याज /दण्ड /जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।

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

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

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

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

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

1. **BRIEF FACTS OF THE CASE:**

As per the **NCTC Alert No. 2024-25/IMP/1987** received through e-mail dated 08.05.2025, it was informed that the consignment of goods imported by the importer namely M/s. Transal International (IEC: 0308057406) having registered address at B-102, Platinum Building, C. D. Barfi Wala Road, Andheri (West), Mumbai Suburban, Maharashtra, 400058 and branch address at Chennai, Tamilnadu; Valsad, Gujarat; Bhiwandi, Thane, Maharashtra

(hereinafter referred as 'Importer' for sake of brevity) and covered under Bill of Entry No. 9913343 dated 07.05.2025 which is declared to contain Heavy Metling Scrap (72044900) appear to be risky for mis-declaration/concealment. Accordingly, the said consignment was put on hold for 100% examination by SIIB, Custom House, Mundra.

2. EXAMINATION AND INVESTIGATION:

2.1 The relevant details as mentioned in the Bill of Entry No. 9913343 dated 07.05.2025 are as follows:

- Name & Address of the Importer: M/s. Transal International, B-102, Platinum Building, C.D. Barfiwala Road, Andheri (West), Mumbai-400058
- Name & Address of the Supplier: M/s. Excelencia Import, Export E Negocios Ltda., Brazil
- No of Packages declared: 10 Pkgs. (10 No. of containers).

Further, summary of the goods/items have been declared by the importer in the Bill of Entry are as under:

TABLE -I

Sr. No.	Bill of entry No. and Date	Country of Origin	Container No.	Description of goods	Value of goods in Rs.	BL Weight (KGs)	Duty in Rs.
1.	9913343 dated 07.05.2025	BRAZIL	CAIU2772089 FBIU0179790 FCIU4102269 FTAU1410571 MAGU2398921 MEDU3337976 MEDU5030320 MEDU5433623 MSCU2427507 TLLU2203220	Heavy Metling Scrap (CTH: 72044900)	73,31,864/-	2,45,650/-	13,19,736/-

2.2 The officers of the SIIB Section, Custom House, Mundra conducted examination of the said consignment imported vide Bill of Entry No. 9913343 dated 07.05.2025 on 26.05.2025 in presence of authorized representative of the importer on 13.05.2025 at M/s. Ashutosh Container Services Pvt Ltd, Mundra.

2.3 Further, the details of the Goods found during examination are as mentioned as below:

Sr. No.	Bill of entry No. and Date	Goods declared as per Bill of Entry	Weight as declared in Bill of Lading	Weight as declared in Bill of Entry	Weight of the Cargo as per Weighment Slip of the CFS	Goods found on Examination
1.	9913343 dated 07.05.2025	Heavy Metling Scrap (CTH: 72044900)	245650 Kgs	245650 Kgs	244865 Kgs	Heavy Melting Scrap

During examination, the goods were found as declared and no goods other than Heavy Melting Scrap are found. Further, no mis-declaration/concealment with respect to goods or quantity has been observed during examination.

3.1 The Pre-shipment Inspection Certificate (PSIC) is one of the mandatory documents for the import of shredded, un-shredded, compressed, and loose forms of metallic waste and scrap. According to the Foreign Trade Policy of India, the importer needs to furnish the original copy of the PSIC document for Customs clearance.

3.2 Relevant provisions under Foreign Trade Policy for import of Metallic scrap are as under:

Para 2.32:

Import of Metallic waste and Scrap-

(a) Import of any form of metallic waste, scrap will be subject to the condition that it will not contain hazardous, toxic waste, radioactive contaminated waste/scrap containing radioactive material, any types of arms, ammunition, mines, shells, live or used cartridge or any other explosive material in any form either used or otherwise as detailed in Para 2.54 of Handbook of Procedures.

(b) The types of metallic waste and scrap which can be imported freely, and the Procedures of import in the shredded form; unshredded compressed and loose form is laid down in Para 2.54 of Handbook of Procedures.

Provisions under Hand Book of Procedure:

Para 2.54:

Import of Metallic Waste and Scrap Import of any form of metallic waste, scrap will be subject to the condition that it will not contain hazardous, toxic

waste, radioactive contaminated waste / scrap containing radioactive material, any type of arms, ammunition, mines, shells, live or used cartridge or any other explosive material in any form either used or otherwise.

(a) Import of following types of metallic waste and scrap will be free subject to conditions detailed below:

Sl No	Exim Code	Item Description
1.	72041000	Waste and Scrap of Cast iron
2.	72042190	Other
3.	72042920	Of High Speed Steel
4.	72042990	Other
5.	72043000	Waste and Scrap of tinned iron or steel
6.	72044100	Turnings, Shavings, chips, milling waste, saw dust, fillings, trimmings and stampings, whether or not in bundles
7.	72044900	Other
8.	72045000	Re-melting scrap ingots
9.	74040012	Copper Scrap
10.	74040022	Brass Scrap
11.	75030010	Nickel Scrap
12.	76020010	Aluminium Scrap
13.	79020010	Zinc Scrap
14.	80020010	Tin Scrap
15.	81042010	Magnesium Scrap

(b) 'Freely" Importable metallic waste and scraps (shredded) as listed above shall be permitted through all ports of India subject to following conditions:

- At the time of the clearance of goods, importer shall furnish to the Customs pre-shipment inspection certificate as per the format to Appendix 2H from any of the Inspection & Certification agencies given in Appendix-2G, to the effect that the consignment was checked for radiation level and scrap does not contain radiation level (gamma and neutron) in excess of natural background. The certificate shall give the value of background radiation level at that place as also the maximum radiation level on the scrap; and

.....
(d) Import of un-shredded compressed and loose form of metallic waste, scrap listed in paragraph 2.51(a) above in shall be subject to the following conditions:

.....
(iv) Import consignments of metallic waste and scrap shall be

subject to pre-shipment inspection certificate (PSIC) from the country of origin. However, metallic waste and scrap (both shredded and unshredded) imported from safe countries / region i.e., the USA, the UK, Canada, New Zealand, Australia and the EU will not require PSIC if consignments are cleared through eight (8) ports namely, Chennai, Tuticorin, Kandla, JNPT, Mumbai Krishnapatnam, Mundra and Kattupalli. Consignments from these six countries / regions will be accompanied by certificate from the supplier / scrap yard authority to the effect that it does not contain any radioactive materials / explosives. These will however be subject to radiation and explosive checks through portal monitors and container scanner at these ports. Transhipments through these countries / regions will not be allowed this facility. Import through remaining eight (8) other ports (for both shredded and unshredded scrap / waste), irrespective of country of origin, will be subject to PSIC.

2.56 Responsibility and Liability of PSIA and Importer.

(a) In case of any mis-declaration in PSIC or mis-declaration in application form for recognition as PSIA, PSIA would be liable for penal action under Foreign Trade (Development & Regulation) Act, 1992, as amended, in addition to suspension/cancellation of recognition.

(b) The importer and exporter would be jointly and severally responsible for ensuring that the material imported is in accordance with the declaration given in PSIC. In case of any mis-declaration, they shall be liable for penal action under Foreign Trade (Development & Regulation) Act, 1992, as amended.

(c) The scanned copy of the PSIC (in pdf format) shall have to be uploaded by the PSIA on DGFT website or emailed to DGFT (atpsic-dgft@gov.in). The certificate shall be issued in prescribed form Appendix 2H.

(d) The PSIA will also be required to take photographs or make video of the inspection carried out, duly capturing the following activities/details:

- i. Photograph(s) or video clipping of the place of inspection with PSIA inspector (mandatory) and representatives of exporter / importer, if available (optional); with time, date of the inspection (at least 1 photograph or video clipping);
- ii. Photograph(s) or video clipping of the testing instrument(s) used for inspection;
- iii. Photograph(s) or video clipping of the process of stuffing of containers showing the container number (at least 1 photograph or video clipping per container)
- iv. Photograph(s) or video clipping of the sealing process (at least 1 photograph or video clipping per container)

(e) The photographs and/or video clippings [as per 2.56 (d) above] and PSIC shall be uploaded on DGFT website by PSIA, through digital signatures or sent to psicdgft@gov.in through registered e-mail of PSIA. Till such time the

DGFT website link is operationalized, the PSIC and photographs/videos will be e-mailed to the DGFT (at psicdgft@gov.in).

3.3 As per the above provisions of FTP and Hand Book of Procedure, the import of metallic scrap is not permitted without PSIC certificate certifying that the consignment was checked for radiation level and that the scrap did not contain radiation level (gamma and neutron) in excess of natural background.

3.4 Vide Notification No. 03/2022-23 dated 26th April, 2022 issued by the Deputy Director General of Foreign Trade, DGFT, Department of Commerce, Ministry of Commerce & Industry has made all PSICs to be mandatorily generated online through the DGFT Website w.e.f. 01.07.2022. PSICs dated on or after 01.07.2022 not generated using DGFT online systems, may not be accepted by the Indian Customs Authority.

3.5 In the instant case, during examination of documents including Pre-Shipment Inspection Certificate (PSIC) bearing number: PSICCICXXX257022AM24 dated 27.08.2024, Agency: Checkpoint Inspection Company, it was found that the said PSIC is non-verifiable from DGFT Website as made mandatory vide Notification No. 03/2022-23 dated 26th April, 2022. Screenshot of the same as taken from DGFT Website is pasted hereunder:

View Pre-Shipment Inspection Certificate

Pre-Shipment Inspection Certificate(PSIC) Number*

Agency Name*

IEC Number*

Type the above CAPTCHA Code.*

haaW35

Please enter above CAPTCHA Code

Search Reset

Show 10 entries

Sr.No Agency Name PSIC Number Date of Issue IEC NUMBER OF Importer Download Photo/Video

No matching records found

Showing 1 to 10 of 10 entries

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CONTACT US

- Directorate General of Foreign Trade (Headquarters)
- Vanya Bhawan, A Wing, 16 Akbar Road, New Delhi - 110011
- 1800-572-1550 / 1800-111-650
- dgft@dgft.gov.in

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3.6 Hence from above, it appears that the PSIC submitted by the importer in r/o consignment imported vide Bill of Entry No. 9913343 dated 07.05.2025 is invalid as the same cannot be downloaded/verified from DGFT Website as made mandatory vide Notification No. 03/2022-23 dated 26th April, 2022 of DGFT.

3.7 Therefore, it appears that the Heavy Melting Scrap imported are without mandatory PSIC certificate in violation and contrary to condition imposed under Foreign Trade Policy of Government of India, rendering the said goods as 'restricted' for import into India.

3.8 Summons dated 13.06.2025 was issued to the importer for recording of statement and accordingly, statement dated 18.06.2025 of Shri Girish Katira, authorized representative of the importer M/s. Transal International has been recorded. Extracts of the same are produced hereunder:

“Q4. Kindly peruse PSIC Number PSICCICXXX257022AM24 dated 28.08.2024, Agency: Checkpoint Inspection Company and offer your comments.

Ans. Perused, and in token of my perusal, I put my dated signature on the same.

On going through the said PSIC Certificate dated 28.08.2024, it is found that this certificate has been issued respect to shipment of Heavy Melting Scrap, total weight= 245.650 MTS and importer in the case is M/s Pukit Metals Pvt Ltd, RS No. 95,2,3,4, Eripakkam Village, Nettapakkam Commune, Puducherr-605106.

Q5. PSIC Number PSICCICXXX257022AM24 dated 28.08.2024, Agency:

Checkpoint Inspection Company has been issued in name of M/s Pulkit Metals Pvt Ltd (Importer) but the said PSIC has been used in Bill of Entry No. 9913343 dated 07.05.2025 filed by M/s Transal International. Please explain?

Ans. M/s Transal International has purchased the said consignment from foreign supplier M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-Sala 1309 Centro-ITJAI, Santa Catarina, Brazil. Initially this consignment was imported by M/s Pulkit Metals Pvt Ltd but subsequently, they did not claim the ownership of the said consignment and through **IGM Amendment vide OIO No. MCH/85/TD/AC/MCD/2025-26 dated 30.04.2025** as applied by the Shipping Line M/s MSC Agency (India) Pvt ltd vide which Consignee has been changed from M/s Pulkit Metals Private Limited to M/s Transal International. I hereby produce copy of OIO No. MCH/85/TD/AC/MCD/2025-26 dated 30.04.2025 issued by the Assistant Commissioner (MCD), Customs House, Mundra.

Q6. PSIC Certificate No. PSICCICXXX257022AM24 dated 28.08.2024, Agency: Checkpoint Inspection Company has been uploaded by you and the same appears un-authenticated/fabricated as the same is not verifiable from DGFT Website. Please explain.

Ans. With regard to PSIC Certificate No. PSICCICXXX257022AM24 dated 28.08.2024, Agency: Checkpoint Inspection Company, this is to submit that this PSIC was provided to us by the Shipper M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-Sala 1309 Centro-ITJAI, Santa Catarina, Brazil and we were not aware at all that the said PSIC is not a valid one. It is further to add that we were not aware that the said PSIC was not validated and for the same, we seek to humbly plead ignorance.”

3.9 In view of the above, it appears that since the Pre-Shipment Inspection Certificate (PSIC) bearing number: PSICCICXXX257022AM24 dated 27.08.2024, Agency: Checkpoint Inspection Company is non-verifiable from DGFT Website as made mandatory vide Notification No. 03/2022-23 dated 26th April, 2022, it appears that the importer imported the said goods valued at Rs. 73,31,864/- in India without valid PSIC, in violation and contrary to the provisions of Foreign Trade Policy of Government of India.

3.10 The cargo was originally imported by M/s. Pulkit Metals Pvt. Ltd. under B/L No. MEDUE8422549 dated 01.09.2024 but remained unclaimed and subsequently, via IGM Amendment Order-in-Original No. OIO No. MCH/85/TD/AC/MCD/2025-26 dated 30.04.2025. issued by the Assistant Commissioner (MCD), Custom House, Mundra, the consignee was changed to M/s. Transal International, a fresh Bill of Entry No. 9913343 dated 07.05.2025 was filed by the Importer.

3.11 Further, upon receipt of the Competent Authority's approval, a Post Shipment Inspection was conducted on 23.09.2025 in the presence of Dock Examination Officials. The inspection was executed by M/s. NMCI Inspections and Survey Company Pvt Ltd, located at Shramik Ramdas Trust Building, 2nd Floor, Plot No. 59/C, Sector-29, Vashi, Navi Mumbai-400705, an authorized Pre-Shipment Inspection Agency (PSIA) registered with the DGFT. The agency submitted Post Shipment Inspection Certificate (PSIC) No. NMCI/IND/C/25-26/1526 dated 23.09.2025, covering the goods imported under the aforementioned Bill of Lading and Bill of Entry No. 9913343 dated 07.05.2025. The said PSIC affirms that the consignment is free from any type of arms, ammunition, mines, shells, cartridges, or other explosive material, used or otherwise. Furthermore, the certificate confirms that the consignment was tested for radiation, and the gamma and neutron radiation levels do not exceed the natural background range, thereby confirming the radiation level is within the accepted parameters. Accordingly, it appears that the cargo imported under Bill of Entry No. 9913343 dated 07.05.2025 is deemed fit for clearance into India.

4. **LEGAL PROVISIONS:**

4.1 As per Section 2 (39), '**smuggling**', in relation to any goods, means *any act or omission which will render such goods liable to confiscation under section 111 or section 113;*

4.2 **SECTION 46** of the Act, prescribes that the importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, and such other documents relating to the imported goods as may be prescribed.

4.3. Further, **Section 111** of the Act, prescribes the Confiscation of improperly imported goods, etc. as under

The following goods brought from a place outside India shall be liable for confiscation:

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

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of

baggage with the declaration made under Section 77 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54.

4.4 Further, Section 112 of the Act provides the penal provisions for improper importation of goods, etc. which read as under:

Any person, -

(a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or (b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,
shall be liable, -

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

Provided that where such duty as determined under sub-section (8) of section 28 and the interest payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent. of the penalty so determined;]

(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding the difference between the declared value and the value thereof or five thousand rupees], whichever is the greater;
(iv) in the case of goods falling both under clauses (i) and

(iii), to a penalty not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest;

v. *in the case of goods falling both under clauses (ii) and (iii), to a penalty not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest.*

4.5 SECTION 125 provides the Option to pay fine in lieu of confiscation as under:

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

Provided that where the proceedings are deemed to be concluded under the proviso to sub-section (2) of section 28 or under clause (i) of sub-section (6) of that section in respect of the goods which are not prohibited or restricted, 3 [no such fine shall be imposed]:

Provided further that, without prejudice to the provisions of the proviso to sub-section (2) of section 115, such fine shall not exceed the market price of the goods confiscated, less in the case of imported goods the duty chargeable thereon.

(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1), shall, in addition, be liable to any duty and charges payable in respect of such goods.]

(3) Where the fine imposed under sub-section (1) is not paid within a period of one hundred and twenty days from the date of option given thereunder, such option shall become void, unless an appeal against such order is pending.

5. OUTCOME OF THE INVESTIGATION: -

5.1. It is evident from the above discussion and evidences available on record that the Pre-Shipment Inspection Certificate (PSIC) bearing number: PSICCICXXX257022AM24 dated 27.08.2024, Agency: Checkpoint Inspection

Company is non-verifiable from DGFT Website as made mandatory vide Notification No. 03/2022-23 dated 26th April, 2022.

5.2 In view of the above, it appears that M/s. Transal International imported the said goods valued at Rs. 73,31,864/- in India without valid PSIC, in violation and contrary to the provisions of Foreign Trade Policy of Government of India. Hence, it appears that the importer had knowingly involved themselves in the suppression of the material facts and also indulged in mis-statement of facts. The importer by their acts of omission and commission renders imported goods liable for confiscation under Section 111(d) and 111(m) of the Customs Act, 1962.

5.3 It appears from the above discussion and evidences available on record that the importer, M/s. Transal International has submitted during statement and in writing that they have submitted/uploaded the same PSIC that they have received from supplier and they failed to check themselves the authenticity of the same through DGFT website as required vide Notification No. 03/2022-23 dated 26.04.2022 and it appears that M/s. Transal International had deliberately by wilful mis-statement and suppression of the facts in contravention of various provisions of the Customs Act and Rules made thereunder as discussed above with intent to clear goods without valid PSIC. The said acts of omission and commission on the part of the M/s. Transal International have rendered themselves liable for penalty under the provisions of Section 112(a) of the Customs Act, 1962.

5.4 Further, with the approval of the Competent Authority, a Post Shipment Inspection was conducted on 23.09.2025 in the presence of Dock Examination Officials, by M/s. NMCI Inspections and Survey Company Pvt Ltd, located at Shramik Ramdas Trust Building, 2nd Floor, Plot No. 59/C, Sector-29, Vashi, Navi Mumbai-400705, an authorized Pre-Shipment Inspection Agency (PSIA) registered with the DGFT. The agency submitted Post Shipment Inspection Certificate (PSIC) No. NMCI/IND/C/25-26/1526 dated 23.09.2025, covering the goods imported under the aforementioned Bill of Lading and Bill of Entry No. 9913343 dated 07.05.2025. The said PSIC affirms that the consignment is free from any type of arms, ammunition, mines, shells, cartridges, or other explosive material, used or otherwise. Furthermore, the certificate confirms that the consignment was tested for radiation, and the gamma and neutron radiation levels do not exceed the natural background range, thereby confirming the radiation level is within the accepted parameters. Accordingly, it appears that the cargo imported under Bill of Entry No. 9913343 dated 07.05.2025 is deemed fit for clearance into India.

6. WAIVER OF NOTICE AND PERSONAL HEARING: -

The said importer vide their letter dated 03.10.2025 also submitted that they do not want any show cause notice or personal hearing in this matter and they are ready to pay whatever duty, penalty, redemption fine or other charges as imposed by the Competent Authority under the provisions of Customs Law.

DISCUSSION AND FINDINGS:

7. I have carefully gone through the records of the case, investigation report dated 15.10.2025 and the applicable provisions of law. M/s Transal International has purchased the said consignment from foreign supplier M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-Sala 1309 Centro-ITJAI, Santa Catarina, Brazil. Initially this consignment was imported by M/s Pukit Metals Pvt Ltd but subsequently, they did not claim the ownership of the said consignment and through **IGM Amendment vide OIO No. MCH/85/TD/AC/MCD/2025-26 dated 30.04.2025** as applied by the Shipping Line M/s MSC Agency (India) Pvt Ltd vide which Consignee has been changed from M/s Pukit Metals Private Limited to M/s Transal International. PSIC Certificate No. PSICCICXXX257022AM24 dated 28.08.2024, Agency: Checkpoint Inspection Company, was provided to the Importer by the Shipper M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-Sala 1309 Centro-ITJAI, Santa Catarina, Brazil and the said PSIC was not a valid one.

7.1 The importer, M/s. Transal International, vide letter dated 03.10.2025 has requested for waiver of Show Cause Notice and Personal hearing. Thus, the principles of Natural justice as provided in Section 122a of the Customs Act, 1962 have been complied with and I proceed to decide the case on the basis of documentary evidence available on records. The issues to be decided by me are:

- i. whether 245 MTs of Heavy Melting Scrap imported under Bill of Entry No. 9913343 dated 07.05.2025 valued at Rs. 73,31,864/- are held liable for confiscation under Section 111(d) and 111(m) of the Customs Act, 1962;
- ii. whether penalty under Section 112(a) of the Customs Act, 1962 is imposable upon importer.

8. Regarding first issue, as per the provisions of FTP and Hand Book of Procedure, the import of metallic scrap is not permitted without PSIC certificate certifying that the consignment was checked for radiation level and that the scrap did not contain radiation level (gamma and neutron) in excess of natural background and Vide Notification No. 03/2022-23 dated 26th April, 2022 issued by the Deputy Director General of Foreign Trade, DGFT, Department of

Commerce, Ministry of Commerce & Industry has made all PSICs to be mandatorily generated online through the DGFT Website w.e.f. 01.07.2022. PSICs dated on or after 01.07.2022 not generated using DGFT online systems, may not be accepted by the Indian Customs Authority. However, in the instant case, during examination of documents including Pre-Shipment Inspection Certificate (PSIC) bearing number: PSICCICXXX257022AM24 dated 27.08.2024, Agency: Checkpoint Inspection Company, it was found that the said PSIC is non-verifiable from DGFT Website as made mandatory vide Notification No. 03/2022-23 dated 26th April, 2022. Hence, it appears that the Heavy Melting Scrap imported are without mandatory PSIC certificate in violation and contrary to condition imposed under Foreign Trade Policy of Government of India, rendering the said goods as 'restricted' for import into India, making the goods liable for confiscation under Section 111(d) of the customs Act, 1962. As the PSIC submitted by the importer was not verified from DGFT website, it appears that goods do not correspond in respect of entry made under the Customs Act, 1962, rendered the goods liable for confiscation under Section 111(m) of the Customs Act, 1962. However, Post Shipment Inspection certificate (PSIC) No. NMCI/IND/C/25-26/1526 dated 23.09.2025, affirms that the consignment is free from any type of arms, ammunition, mines, shells, cartridges, or other explosive material, used or otherwise and the radiation level is within the accepted parameters. Therefore, the cargo imported under Bill of Entry No. 9913343 dated 07.05.2025 appears deemed fit for the clearance into India.

9. Regarding the second issue, From the above discussion and evidences available on record that the importer, M/s. Transal International has bought the abandoned goods from the foreign supplier M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-sala 1309 Centro-ITJAI, Santa Catarina, Brazil. Since, the ownership was not claimed by the previous importer of the said goods i.e. Pukit Metals Private Limited, M/s Transal International became the consignee through the IGM amendment vide OIO no. MCH/85/TD/AC/MCD/2025-26 dated 30.04.2025. Even, Post Shipment Inspection certificate (PSIC) No. NMCI/IND/C/25-26/1526 dated 23.09.2025, affirms that the consignment is free from any type of arms, ammunition, mines, shells, cartridges, or other explosive material, used or otherwise and the radiation level is within the accepted parameters.

10. Since, the consignment is free from any type of arms, ammunition, mines, shells, cartridges, or other explosive material, used or otherwise and the radiation level is within the accepted parameters, there is no deliberate intention/motive to import goods with govt. approved parameters with an invalid PSIC. In their statement also, they have mentioned the said PSIC was provided to them by the Supplier M/s Excelencia Import, Export E Negocios Ltda, Rua Pedro Ferreira, 155-Sala 1309 Centro-ITJAI, Santa Catarina, Brazil

and they were not aware at all that the said PSIC is not a valid one. From this, it appears that Importer has not done mis-declaration deliberately and has no mala fide intention but due to ignorance. Although, this ignorance on the part of the M/s. Transal International have resulted in the attempt to clear goods without valid PSIC leading to confiscation of the same under Section 111(d) and 111(m) of the Customs Act, 1962 and rendered themselves liable for penalty under the provisions of Section 112(a)(i) of the Customs Act, 1962. However, as there is no mala vide intention of the importer, I take lenient view on the matter.

11. In view of the facts above, I pass the following order.

ORDER

(i) I order to confiscate the imported goods of assessable value Rs. 73,31,864/- under Section 111(d) of the Customs Act, 1962. However, I give an option to the importer under the provisions of Section 125(1) of the Customs Act, 1962, to redeem the said goods on payment of redemption fine of Rs.1,00,000/- (Rupees One Lakh only).

(ii) I impose a penalty of Rs.1,00,000/- (Rupees One Lakh only) on M/s Transal International under Section 112(a)(i) of the Customs Act, 1962.

12. This Order-In-Original is issued without prejudice to any other action that may be taken against the importer under the Customs Act, 1962 or any other law for the time being in force.

**Additional Commissioner of Customs
Import Assessment
Customs House, Mundra**

To,
M/s Transal International (IEC: 0308057406)
B-102, Platinum Building, C.D. Barfiwala Road,
Andheri (West), Mumbai- 400058

Copy to:-

1. The Addl. Commissioner (PCA), Custom House, Mundra.
2. The Assistant Commissioner (RRA/TRC/EDI), Custom House, Mundra.
3. Guard File