

	<p>कार्यालय: प्रधान आयुक्त सीमाशुल्क, मुन्द्रा, सीमाशुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS: CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421. PHONE : 02838-271426/271163 FAX :02838-271425 E-mail id- adj-mundra@gov.in</p>	
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A FILE NO./ फ़ाइल संख्या	CUS/APR/ASS/634/2026-Gr-4
B OIO NO./ आदेश संख्या	MCH/ADC/ZDC/736/2025-26
C PASSED BY/ जारीकर्ता	Dipak Zala, ADDITIONAL COMMISSIONER, Customs House, Mundra.
D DATE OF ORDER/ आदेश की तारीख	27-03-2026
E DATE OF ISSUE/ जारी करने की तिथि	27-03-2026
F SCN No. & Date/ कारण बताओ नोटिस क्रमांक	Importer requested for Waiver of PH & SCN vide letter dated 28.01.2026
G NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक	M/s. Kiran Exim Trade Private Limited (IEC No. 0514007541) 4, Vishwas Nagar, Shahdara, Delhi-110032.
H DIN/ दस्तावेज़ पहचान संख्या	20260371MO000000E0FA

1. यह आदेश संबंधित को निःशुल्क प्रदान किया जाता है।

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

2. यदि कोई व्यक्ति इस आदेश से असंतुष्ट है तो वह सीमाशुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमाशुल्क अधिनियम 1962 की धारा 128 A के अंतर्गत प्रपत्र सीए- 1 में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

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

“सीमाशुल्क आयुक्त) अपील,
चौथी मंजिल, हुडको बिल्डिंग, 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 सं० 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, 1962के 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.

BRIEF FACTS OF THE CASE

M/s. kiran Exim Trade Private Limited (IEC No. 0514007541) 4, Vishwas Nagar, Shahdara, Delhi-110032 (hereinafter referred to as 'Importer') filed Bill of Entry No. 5949014 dated 27.11.2025 through their Custom Broker i.e. M/s. Sadguru Logistic Pvt. Ltd. (CB Code AAICS5382CCH002)

(hereinafter referred as 'CB'). Two items were declared in the said BE i.e. 'COPPER COATED STEEL WIRE (CTH- 73121090) and ALUMINIUM WIRE COPPER PLATED (CTH-76052990) having assessable value of **Rs. 40,27,232/-** in the said Bill of Entry. The importer has self-assessed and paid duty of Rs. 11,70,151/- as detailed below: -

Table-I

Sr. No.	Bill of Entry no. & date	Inward Date	Item Description	DECLARED CTH	QTY.	RATE	CIF VALUE in USD	USD IN RS.	AV	DUTY PAID			
										BCD	SWS	IGST	TOTAL
1	5949014 dated 27.11.2025	29.11.2025	Copper Coated Steel Wire (CTH-73121090)	73121090	14090	1.3	18317	89.5	1639372	163937	16394	327546	507877
2			Aluminium Wire Copper Plated (CTH-76052990)	76052990	11600	2.3	26680	89.5	2387860	179090	17909	465275	662273
TOTAL							44997		4027232	343027	34303	792821	1170150

2. EXAMINATION: -

2.1. Based on the intelligence regarding mis-declaration and undervaluation, the consignment imported under BE No. 5949014 dated 27.11.2025 had been placed on hold for examination by SIIB.

2.2. The examination of the goods imported under said BE had been carried out on 04.12.2025 in presence of Shri Ashok Kumar Giri, Manager Operations of Allcargo CFS, Mundra and Shri Deepak Pathak, Aadhaar card no. 727228922595, Authorised Person of importer M/s. Kiran Exim trade Private Limited. As per weighment slip provided by Shri Ashok Kumar Giri, Manager Operations of Allcargo CFS, the weight of container no. MSDU7540607 is 28,020 Kgs against the declared weight of 27999 KGs.

2.3. During the examination, it was found that the goods covered under Bill of Entry No. 5949014 dated 27.11.2025 was stuffed in Container bearing No. MSDU7540607 which was sealed with seal no. FX43478351. The container number and respective seal number were cross checked with the import documents submitted by the representative of importer and found as declared. The seal of container was cut in the presence of above-mentioned persons. On opening the gate of the container, it was found that goods were stuffed in corrugated boxes and placed on pallets. The goods are 100% de-stuffed with the help of labour and forklift in warehouse no.1, near shutter no. 12. Thereafter, with the help of labour and surveyor, all the pallets are segregated and quantified. The total quantity of 22 pallets (12 Pallets of Copper Coated Steel Wire and 10 Pallets of Aluminium Wire Copper Plated) are found which is same as declared by the importer. The Corrugated boxes were placed on the ground and cut open using cutter and the goods were examined 100%. Size of rolls appears to be different. During examination, goods are found as 'Copper Coated Steel Wire and Aluminium Wire Copper Plated'. Further, the PMI test was also done on the imported goods with the help of metal gun.

2.4. During the examination, no concealment of any other goods was

found and total quantity & weight of goods are found approx. same as declared in the said Bill of Entry. Thereafter, Shri Ashok Kumar Giri, Manager Operations of Allcargo CFS, Mundra was instructed not to move, permit to move or otherwise, deal with the said consignment without permission of the SIIB Section, Customs House, Mundra.

3. Investigation:

3.1. The goods were also subjected to PMI Testing, the report of which is as under:-

Item No.	Fe (%)	Si (%)	Cu (%)	Zn (%)	Mn (%)	Ti (%)	Cr (%)	Co (%)	Al (%)	S (%)
1	78.17	0.16	21.36	—	—	—	—	0.19	0.00	—
2	80.55	0.40	17.90	—	0.01	0.06	—	—	0.93	0.03
3	85.74	0.64	11.71	—	—	0.07	—	—	1.72	0.06
4	78.17	0.16	21.36	—	—	—	—	0.19	0.00	—
5	83.46	0.79	13.55	0.06	—	—	—	0.01	1.71	—
6	76.11	0.45	21.51	0.12	—	—	—	0.01	1.41	—

3.2. During the course of examination, PMI testing was conducted on the goods declared under two items in the Bill of Entry as “Copper Coated Steel Wire” classifiable under CTH 73121090. PMI test results in respect of Item No. 1 revealed that iron (Fe) is the predominant element, with the presence of copper and other alloying elements such as silicon, manganese, cobalt and titanium, indicating that the goods are alloy steel wires with copper coating. Further, the goods were found to be single wires and not stranded wires consisting of two or more wires twisted together. Since Heading 7312 covers only stranded wire, the classification declared under CTH 73121090 is incorrect. Accordingly, Item No. 1 is more appropriately classifiable under **CTH 72299016 as wire of other alloy steel.**

PMI testing of Item No. 2 revealed that aluminium (Al) is the predominant element, with copper present as an alloying element and iron only in trace quantities. The goods are in the form of aluminium alloy wire and the declared classification under **CTH 76052990 was found to be correct.**

3.3. Further, the importer vide letter received on email dated 03.01.2026 [**RUD-1**] has informed that the item no. 1 i.e. Copper Coated Wire is correctly classifiable under CTH 72299016, whereas, they have declared it under the CTH 73121090. Thus, the importer is in agreement that they have mis-classified/mis-declared the item no. 1 i.e. copper coated wire wrongly under CTH 73121090. Further, importer has informed about the end use of the Copper Coated wires and submitted that the said wires will be used in manufacturing of flexible cables, which will be further used for making wires for illumination purpose. Item No. 2, Aluminium Wire Copper Plated will be used for manufacturing of LAN cable (Networking Cable).

3.4. It is further noted that the importer has submitted Mill Test Certificates (MTCs) [**RUD-2**] issued by the overseas manufacturer in

respect of the impugned goods. The MTC pertaining to CCS Wire clearly indicates the chemical composition of the product, including iron as the predominant element along with the presence of copper and other elements, thereby corroborating the findings of the PMI testing conducted during examination. The said Mill Test Certificate supports the conclusion that the goods under Item No. 1 are steel wires with alloying elements and are not stranded wires. Accordingly, the technical documents on record substantiate that the goods are appropriately classifiable under CTH 72299016.

3.5. Further, Steel and Steel Products (Quality Control) Order, 2024 dated 29.08.2024 published in the official gazette on 30.08.2024 regarding the applicability of BIS on the steel and steel products imported into India has also been checked. In the same QCO, the CTH 72299016 is mentioned at Sr. No. 112 having title (Description) specification for **Hard Drawn Steel Wire for Upholstery Springs**.

3.6. The QCO, 2024 has been amended vide Steel and Steel Products (Quality Control) Amendment Order, 2025 dated 20.11.2025 which is applicable from date of publication in the official gazette i.e. 20.11.2025. The details of the Amendment in the Steel and Steel Products (Quality Control) Order, 2024:

(a) In Schedule-I, the enforcement of IS Number and IS Title against Serial Numbers 24, 37, 48, 55, 68, 69, 73, 74, 75, 76, 77, 79, 81, 82, 83, 87, 88, 90, 95, 96, 97, 98, 99, 101, 104, 105, 106, 107, 112, 113, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125, 150 and 151, and the entries relating thereto shall not be operative for a period of three (3) years from the date of publication of this Gazette Notification.

(b) In Schedule-I, the enforcement of IS Number and IS Title against Serial Numbers 49, 50, 60, 64, 86, 92, 93, 94, 102, 128, 132, 135 and 137, and the entries relating thereto shall not be operative for a period of one (1) year from the date of publication of this Gazette Notification.

3.7. It is noted that the IGM date for the present BE is 24.11.2025 and date of entry inward is 29.11.2025. Thus, as per QCO amendment, 2025, BIS is not applicable on the goods of CTH 72299016 on the date of import.

3.8. Further, kindly peruse Ministry of Steel's relaxation of import rules for non- QCO steel grades vide communication dated 20.11.2025, wherein it has been clearly stated as under:

"To facilitate implementation of this decision, all steel grades not covered under any QCO—across all HSN Codes relating to the Ministry of Steel—have been mapped on the Steel Import Monitoring System (SIMS) Portal. Importers may directly generate SIMS numbers for such non- QCO grades through the portal without seeking any reference or approval from the Ministry of Steel."

In view of the above, the requirement of Ministry of Steel NOC does

not arise.

3.9. With regard to Item No. 2, declared as Aluminium Wire, Copper Plated, classifiable under CTH 76052990 and intended to be used in the manufacture of LAN (networking) cables, it is observed that no Quality Control Order (QCO) has been notified mandating compulsory BIS certification for aluminium wire under Chapter 76. The applicable BIS standards relate to finished insulated electric wires and cables and not to aluminium wire imported as a raw material. Accordingly, no BIS requirement is applicable on the said goods at the time of import. Also, no BIS is applicable on import of Aluminium Wire Copper Plated – CTH 76052990.

3.10. Further, it is observed that, as per DGFT Notification No. 38/2015–2020 dated 22.10.2020, read with subsequent amendments, the Steel Import Monitoring System (SIMS) has been made mandatory for import of specified steel items, and the importer is required to obtain a SIMS Registration **at least 7th days before to the expected date of arrival of import consignment**. It is further noted that the importer had declared Copper Coated Steel Wire (Item No. 1 of the said Bill of Entry) under CTH 73121090 and obtained SIMS registration corresponding to Chapter 73. However, as discussed hereinabove, the said goods have been found to be more appropriately classifiable under CTH 72299016. Accordingly, the SIMS obtained for CTH 73121090 does not cover the actual classification of the goods. Therefore, at the time of import, the goods were imported without a valid SIMS registration for the correct CTH 72299016, in contravention of the SIMS requirements.

3.11. It is further noted that the importer has subsequently submitted a copy of SIMS Registration No. MOSSIMS220126423497 dated 22.01.2026 [**RUD-3**] for Item No. 1 under the correct CTH 72299016. However, the date of Entry Inward of the vessel is 29.11.2025, whereas the said **SIMS registration was obtained only on 22.01.2026**, i.e., much after the arrival of the goods and not in compliance with the requirement of obtaining SIMS registration at least 7 days before the expected date of Entry Inward. Thus, the importer has failed to obtain SIMS registration in a timely manner, and the goods were imported without a valid SIMS registration as on the date of import.

3.12. In view of the foregoing investigation, PMI test results, and the Mill Test Certificates issued by the overseas manufacturer, it is conclusively established that the goods declared as “Copper Coated Steel Wire” under Item No. 1 of the Bill of Entry are single alloy steel wires with copper coating and are not stranded wires. The declaration of the said goods under CTH 73121090 is therefore incorrect, and the goods are correctly classifiable under CTH 72299016. This conclusion is further reinforced by the importer’s own admission that Item No. 1 is appropriately classifiable under CTH 72299016 and that the declaration under CTH 73121090 was erroneous.

3.13 It is further established that, although the goods are not subject to

mandatory BIS certification in view of the Steel and Steel Products (Quality Control) Amendment Order, 2025, the importer was required to obtain a valid Steel Import Monitoring System (SIMS) registration for the correct CTH 72299016 at least seven days prior to the date of Entry Inward, as mandated under DGFT Notification No. 38/2015-2020 dated 22.10.2020. However, the importer failed to obtain such SIMS registration within the prescribed time and obtained the SIMS registration only on 22.01.2026, i.e., subsequent to the date of Entry Inward of the vessel on 29.11.2025. Accordingly, the goods under Item No. 1 were imported without a valid SIMS registration as on the date of import, constituting a contravention of the applicable import monitoring requirements.

4. VALUATION: -

4.1. Since the intelligence input also alleged undervaluation and the classification of Item No. 1 has been found to be mis-declared under an incorrect CTH, it was considered necessary to examine whether the declared transaction value truly represents the assessable value of the goods imported. Accordingly, the declared value was examined in terms of Section 14 of the Customs Act, 1962 read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

4.2. Efforts were made to determine the assessable value of the imported goods in accordance with the sequential application of the Customs Valuation Rules, 2007. However, valuation under Rule 4 (transaction value of identical goods) could not be adopted due to the non-availability of contemporaneous import data of identical goods imported at the same commercial level and in comparable quantities. Similarly, valuation under Rule 5 (transaction value of similar goods) was also not feasible owing to the absence of reliable contemporaneous data of similar goods having comparable grade, coating, quality, condition and end use. Further, valuation under Rule 7 (deductive value method) was not practicable, as the goods have not been sold in India in the same condition as imported and no reliable post-import sale data was available. Valuation under Rule 8 (computed value method) could also not be applied due to the non-availability of authentic information regarding the cost of production, raw materials, manufacturing expenses, profit and general expenses of the foreign manufacturer.

4.3. In view of the above, since the assessable value could not be determined under Rules 4 to 8, the valuation was examined under Rule 9 (Residual Method) of the Customs Valuation Rules, 2007, read with Rule 14 thereof, using reasonable means consistent with the principles and general provisions of Section 14 of the Customs Act, 1962. For this purpose, assistance was taken from an empanelled Chartered Engineer, who conducted physical and visual examination of the goods and assessed their quality, condition and status. Based on market enquiries, interactions with suppliers, general information available in the public domain, and market survey of comparable goods, the Chartered Engineer submitted a valuation report No. ABJ:INSP:CE:SIIB:CW:25-26:02 dated 01.01.2026 [**RUD-4**], suggesting the following CIF values:

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Sr. No.	Description	Total Qty.	Suggestive per unit C.I.F. value of the goods in USD (Approx)	Suggestive Total C.I.F. value of the goods in USD (Approx.)
1	Copper Coated Steel Wire	14090 KGs.	1.3	18,317
2	Aluminium Wire Copper Plated	11600 KGs.	2.3	26,680
Total		25,690 KGs		44,997 USD

Exchange rate: 1 USD=89.5 INR

4.4. On examination of the Chartered Engineer's report, it is observed that the total CIF value of the goods has been assessed at **USD 44,997** which is the same as the value declared by the importer. Accordingly, the declared transaction value is found to be fair, reasonable and acceptable, and no evidence of undervaluation is established in the present case.

5. Relevant legal provisions:

5.1. The relevant provisions of law pertaining to import of goods in general, the policy & rules relating to imports, the liability of the goods to confiscation and the persons concerned to penalty for illegal importation under provisions of Customs Act, 1962 and the other laws for the time being in force are summarized as under:

5.2. Section 2(25) :

"Imported goods" means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption.

5.3. Section 2(33):

"prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

5.4. Section 17 Assessment of duty:

(1) An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods.

(2) The proper officer may verify the entries made under section 46 or section 50 and the self-assessment of goods referred to in sub-section (1) and for this purpose, examine or test any imported goods or export goods or such part thereof as may be necessary.

Provided ...

(3) For the purposes of verification under sub-section (2), the proper officer may require the importer, exporter or any other person to produce any document or information, whereby the duty leviable on the imported goods or export goods, as the case may be, can be ascertained and thereupon, the importer, exporter or such other person shall produce such document or furnish such information.

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

**5.5. Section 46 of the Customs Act, 1962:
Entry of goods on importation. -**

(4) The importer while presenting a bill of entry shall at the foot thereof 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(A) [The importer who presents a bill of entry shall ensure the following, namely: -

- (a) the accuracy and completeness of the information given therein;
- (b) the authenticity and validity of any document supporting it; and
- (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.]

**5.6. Section 111 of the Customs Act, 1962.
Confiscation of improperly imported goods,**

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

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

(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;

**5.7. Section 112 of the Customs Act, 1962
Penalty for improper importation of goods, etc. -**

Any person, —

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

(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, to a penalty [not exceeding the duty sought to be evaded on such goods or five thousand rupees], whichever is the greater;*

5.8. **Section 114AA** *Penalty for use of false and incorrect material:- If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purpose of this Act, shall be liable for a penalty not exceeding five times the value of goods.*

6. Outcome of the Investigation:

6.1. In the era of self-assessment, the onus to correctly declare and self-assess the imported goods rests squarely on the importer, whereas, on the basis of the investigation conducted, including physical examination, PMI testing, verification of Mill Test Certificates, importer's submissions and documentary evidence, it stands established that in the present case, the importer has failed to discharge this statutory responsibility and has incorrectly self-assessed the goods, in contravention of the provisions of Section 46(4) of the Customs Act, 1962.

6.2. It is further established that the importer failed to obtain a valid Steel Import Monitoring System (SIMS) registration prior to the import of the goods, as mandated under DGFT Notification No. 38/2015-2020 dated 22.10.2020. Since import of the goods covered under the subject Bill of Entry is restricted and subject to compliance with the SIMS requirement, the absence of a valid SIMS registration at the time of import renders the goods liable for confiscation. Accordingly, the goods covered under the Bill of Entry are liable to confiscation under Section 111(d) of the Customs Act, 1962.

6.3. Further, in respect of Item No. 1, the importer has also mis-declared and incorrectly self-assessed the classification of Copper Coated Steel Wire by declaring the same under CTH 73121090 instead of the correct CTH 72299016, rendering the said imported goods additionally liable to confiscation under Section 111(m) of the Customs Act, 1962.

6.4. For the aforesaid acts and omissions rendering the goods liable to confiscation, the importer appears to be liable for penalty under Section 112(a)(i) of the Customs Act, 1962. The importer also appears to be liable for penalty under Section 114AA of the Customs Act, 1962 for making and using incorrect declarations and material particulars in the Bill of Entry and connected import documents.

7. Further, the importer vide letter dated 28.01.2026 [**RUD-5**] received via email dated 28.01.2026 has submitted that they had imported wire

from China. Initially they had classified the first item Copper Coated Wire under CTH 72299016, however, the BIS applicability was automatically triggered by system due to some issue. The issue has been automatically rectified on 07.12.2025, as the extension granted by the Ministry of Steel vide Gazette Notification dated 20.11.2025 came into effect. They have already paid duty on the higher side. In view of above, they have requested for release of cargo at the earliest and submitted that they do not want any Personal Hearing or SCN in the matter and requested to decide the case on merit. They have also submitted that they have not made any revenue loss to the Government. Considering the system constraints and time sensitivity, they had filed BE under CTH 73121090 in order to avoid late filing penalties. There was no intention to evade duty or suppress facts.

8. In view of above, it appears that:-

- i. Item No. 1, declared as "Copper Coated Steel Wire" under CTH 73121090, is liable to be re-classified under CTH 72299016 and BE needs to be re-assessed, in terms of Section 17(4) read with Section 46(4) of the Customs Act, 1962.
- ii. No valid SIMS registration for the correct CTH 72299016 was in force at the time of import, and the subsequent SIMS obtained on 22.01.2026 does not cure the non-compliance as on the date of Entry Inward.
- iii. The declared transaction value of the goods is found acceptable, and no undervaluation is established. The importer has also paid duty on the higher side under CTH 73121090.
- iv. The goods are liable to confiscation under Sections 111(m) and 111(d) of the Customs Act, 1962, for mis-declaration of classification and import in contravention of SIMS requirements.
- v. The importer is liable to penalty under Sections 112(a)(ii) and 114AA of the Customs Act, 1962, for acts and omissions rendering the goods liable to confiscation and for use of incorrect particulars in the Bill of Entry.

9. WAIVER OF SHOW CAUSE NOTICE AND PERSONAL HEARING:

The importer vide letter dated 28.01.2026 requested for release of their shipment at the earliest. They requested that they do not require any Personal Hearing (PH) or issuance of Show Cause Notice (SCN) and the case may kindly be decided on merit.

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DISCUSSION AND FINDINGS

10. I have carefully gone through the records of the case, investigation report dated 30.01.2026, valuation report by empanelled Chartered Engineer and the applicable provisions of law. The importer, M/s. Kiran Exim trade Pvt. Ltd., vide letter dated 28.01.2026 has requested for waiver of Show Cause Notice and Personal hearing. Now, I proceed to decide the case on the basis of documentary evidence available on records, statutory provisions and judicial precedents. I find that the

following issues arise for determination in this adjudication: -

- (i) Whether the declared classification CTH 73121090 of the item no. 1 i.e. "Copper Coated Steel Wire" imported vide bill of entry no. 5949014 dated 27.11.2025 is liable for rejection and needs to be re-determined under CTH 72299016;
- (ii) Whether the impugned goods imported vide bill of entry no. 5949014 dated 27.11.2025 are liable for confiscation under section 111(d) & 111(m) of the Customs Act, 1962 and are redemption fine applicable under section 125 of *ibid*;
- (iii) Whether the importer is liable to penalty under Section 112(a) and 114AA of the Customs Act, 1962.

11. After having identified and framed the main issues to be decided, I now proceed to deal with each of the issues individually for analysis in light of facts, submissions, circumstances of the case, provisions of the Customs Act, 1962 and nuances of various judicial pronouncements.

(A) Whether the declared classification CTH 73121090 of the item no. 1 i.e. "Copper Coated Steel Wire" imported vide bill of entry no. 5949014 dated 27.11.2025 is liable for rejection and needs to be re-determined under CTH 72299016;

11.1 I find that M/s. Kiran Exim trade private limited (IEC No. 0514007541) filed Bill of Entry No. 5949014 dated 27.11.2025 through their Custom Broker i.e. M/s. Sadguru Logistic Pvt. Ltd. Two items were declared in the said BE i.e. 'COPPER COATED STEEL WIRE (CTH-73121090) and ALUMINIUM WIRE COPPER PLATED (CTH-76052990) having assessable value of **Rs. 40,27,232/-** in the said Bill of Entry. The subject consignment was put on hold and examined by the officers of SIIB on 04.12.2025 in presence of authorised representative of importer.

11.2 I note that during the course of examination, PMI testing was conducted on item no. 1 "Copper Coated Steel Wire" classifiable under CTH 73121090. PMI test results in respect of Item No. 1 revealed that iron (Fe) is the predominant element, with the presence of copper and other alloying elements such as silicon, manganese, cobalt and titanium, indicating that the goods are alloy steel wires with copper coating. Further, the goods were found to be single wires and not stranded wires consisting of two or more wires twisted together. Since Heading 7312 covers only stranded wire, the classification declared under CTH 73121090 is incorrect. Accordingly, Item No. 1 is more appropriately classifiable under **CTH 72299016 as wire of other alloy steel.**

11.3 Further, the importer vide mail dated 03.01.2026 has confirmed that the item no. 1 i.e. Copper Coated Wire is correctly classifiable under CTH 72299016, whereas, they have declared it under the CTH 73121090. Thus, the importer is in agreement that they have mis-classified/mis-declared the item no. 1 i.e. copper coated wire wrongly under CTH 73121090. In view of the above observations, I hold that the declared classification is liable to be rejected and re-classifiable under CTH 72299016.

(B) Whether the impugned goods imported vide bill of entry no. 5949014 dated 27.11.2025 are liable for confiscation under section 111(d) & 111(m) of the Customs Act, 1962 and are redemption fine applicable under section 125 of ibid

12.1 I also find that it is a fact that consequent upon amendment to the Section 17 of the Customs Act, 1962 vide Finance Act, 2011; 'Self-Assessment' has been introduced in Customs. Section 17 of the Customs Act, effective from 08.04.2011, provides for self-assessment of duty on imported goods by the importer himself by filing a Bill of Entry, in the electronic form. Provisions of the Section 46 of the Customs Act, 1962 makes it mandatory for the importer to make proper & correct entry for the imported goods by presenting a Bill of Entry electronically to the proper officer. As per Regulation 4 of the Bill of Entry (Electronic Declaration) Regulation, 2011 (issued under Section 157 read with Section 46 of the Customs Act, 1962) the Bill of Entry shall be deemed to have been filed and after self-assessment of duty completed when, after entry of the electronic declaration (which is defined as particulars relating to the imported goods that are entered in the Indian Customs Electronic Data Interchange System) in the Indian Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the service centre, a Bill of Entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration. Thus, under self-assessment, it is the importer who has to ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported goods while presenting the Bill of Entry. Thus, with the introduction of self-assessment by amendments to Section 17, since 8th April, 2011, it is the added and enhanced responsibility of the importer to declare the correct description, value, quantity, notification, etc and to correctly classify, determine and pay the duty applicable in respect of the imported goods.

12.2 From the above, I find that the Noticee has violated Sub-Section (4) and 4(A) of Section 46 of the Customs Act as they have mis-declared and mis-classified the goods. I find that the Noticee was required to comply with Section 46 which mandates that the importer filing the Bill of Entry must make true and correct declarations. Provisions of Section 46 are as under:-

Section 46 of the Customs Act, 1962:

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

(4A) The importer who presents a bill of entry shall ensure the

following, namely:—

- (a) the accuracy and completeness of the information given therein;
- (b) the authenticity and validity of any document supporting it; and
- (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

12.3 I find that the provisions of section 111(d) and 111(m) Sections of the Customs Act, 1962 are reproduced herein below:

111(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”;

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

In the present case, the subject goods required compulsory SIMS registration for importing into India DGFT Notification No. 28/2023 dated 28.08.2023, as further modified by the Ministry of Steel vide Notice issued under File No. S21022/9/2025-TRADE-TAX dated 13.06.2025. As per the provisions, the importer can apply for such registration not earlier than the 60th day and not later than the 7th day before the expected date of arrival of the import consignment. However, in the present case, IGM inward date is 29.11.2025, whereas the SIMS registration was obtained on 22.01.2026, thus the importer did not adhere to the prescribed timelines and guidelines, and the registration was not completed within the permitted period prior to the date and time of inward entry.

12.4 Since goods were imported into India without requisite SIMS registration, the impugned goods have been imported without authorization and therefore, are liable for confiscation under Section 111(d) of the Customs Act, 1962, further the importer failed to furnish the correct information such as item description, correct CTH, hence, the goods liable for confiscation under the provisions of Section 111(m) of the Customs Act, 1962. These acts of omission and commission of the Importer are liable for penalty under Section 112(a) of the Customs Act, 1962. Since, the Importer has submitted SIMS registration on 22.01.2026, the goods can be cleared for Home Consumption. However, to clear the goods the redemption fine under section 125(1) of the Customs Act, 1962 is imposable.

(C) Whether the importer is liable to penalty under Section 112(a) and 114AA of the Customs Act, 1962.

13.1 Since I have held above that importer has rendered the subject goods of the said Bill of Entry as liable for confiscation under Section 111(d) & 111(m) of the Customs Act, 1962, I find that the next issue to be decided is the invocation of Section 112 (a) and 114AA of the Customs Act,

1962.

13.2. Based on the discussions so far, I find that the evidence clearly indicates mis-declaration—regarding mis-classification and the absence of the requisite SIMS—on their part. This warrants the imposition of a penalty under Section 112(a), as the mis-classification was known to the assessee but not to the department under the system of self-assessment. Consequently, the proposal for imposition of penalty under Section 112(a) is correct and sustainable in law.

13.3 I find that the Investigating Agency proposed imposition of penalty on the Importer u/s. 114AA of the Customs Act, 1962. I find that despite being well aware of the nature of the imported goods, importer, consciously mis-declared the description, CTH of the goods which found to be incorrect during the course of investigation. These acts of omission and commission on the part of the Proprietor of the importing firm made the provisions of Section 114AA invokable. Therefore, I agree with the proposal of imposition of penalty on the importer u/s. 114AA *ibid*.

14. In view of the above facts of the case and findings on record, I pass the following order:-

ORDER

- i. I order to reject classification of the goods declared as "Copper Coated Steel Wire" under CTH 73121090 under Bill of Entry No. 5949014 dated 27.11.2025 and order to reclassify the same under the CTH 72299016;
- ii. I order to confiscate the impugned goods (item no. 1) imported vide Bill of Entry No. 5949014 dated 27.11.2025 having assessable value of **Rs. 16,39,372/- (Rupees Sixteen Lakh Thirty-Nine Thousand Three Hundred and Seventy-Two only/-)** under Section 111(d) & 111(m) read with provisions of Section 46 (4) and Section 46 (4A) of the Customs Act, 1962, However, I give an option to the importer to redeem the confiscated goods on payment of redemption fine of **Rs. 1,63,000/- (Rupees One Lakh Sixty-Three Thousand only)** under Section 125 of Customs Act, 1962;
- iii. I impose penalty of **Rs. 5,000/- (Rupees Five Thousand only)** on the importer under Section 112 (a)(i) of the Customs Act, 1962;
- iv. I impose penalty of **Rs. 25,000/- (Rupees Twenty Five Thousand only)** on the importer under Section 114AA of the Customs Act, 1962.

15. This order is issued without prejudice to any other action which may be contemplated against the importer or any other person under provisions of the Customs Act, 1962 and rules/regulations framed thereunder or any other law for the time being in force in the Republic of India.

16. The investigation report bearing no. 234/2025-26 dated 30.01.2026 stands disposed in above terms.

Dipak Zala,
Additional Commissioner,
Custom House, Mundra

By Speed Post/Regd. Post/E-mail/Hand Delivery

Annexure- R

Sr. No.	Description	Remarks
RUD-1	Importer's letter dated NIL received under email dated 03.01.2026.	Attached herewith
RUD-2	Mill Test Certificates (MTCs) issued by the overseas manufacturer	Attached herewith
RUD-3	SIMS Registration No. MOSSIMS220126423497 dated 22.01.2026	Attached herewith
RUD-4	Chartered Engineer submitted a valuation report No. ABJ:INSP:CE:SIIB:CW:25-26:02 dated 01.01.2026	Attached herewith
RUD-5	the importer under email dated 28.01.2026 regarding waiver of SCN/PH	Attached herewith