

		<p>कार्यालय: प्रधान आयुक्त सीमा शुल्क, मुन्द्रा, सीमा शुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421 OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.</p>
A	FILE NO. फ़ाइल संख्या	CUS/APR/MISC/704/2026-Gr 4
B	OIO NO. आदेश संख्या	MCH/ADC/ZDC/618/2025-26
C	PASSED BY जारीकर्ता	Dipak Zala Additional Commissioner of Customs, Customs House, AP & SEZ, Mundra.
D	DATE OF ORDER आदेश की तारीख	06.02.2026
E	DATE OF ISSUE जारी करने की तिथि	06-02-2026
F	SCN No. & Date कारण बताओ नोटिस क्रमांक	Importer requested for waiver of PH and SCN vide letter dated 04.02.2026
G	NOTICEE/ PARTY/ IMPORTER नोटिसकर्ता/पार्टी/आयातक	M/s ITOCHU INDIA PVT LTD (IEC: 0506013626) Plot no. 261, First Floor, OM Mandap Service Gali, Sector 1A, Gandhidham, Kutch, Gujarat 370201
H	DIN/दस्तावेज़ पहचान संख्या	20260271MO000000AAFF

1. यह आदेश 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 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-1870के 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, 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.

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BRIEF FACTS OF THE CASE

M/s ITOCHU INDIA PVT LTD (IEC: 0506013626) (hereinafter referred to as the 'Importer'), having their office at Plot no. 261, First Floor, OM Mandap Service Gali, Sector 1A, Gandhidham, Kutch, Gujarat 370201, have filed a Bill of Entry No. 7139706 dated 27.01.2026, (hereinafter referred to as the 'said Bill of Entry') through their Customs Broker M/s. Insynergy Supply Chain Solutions Pvt, Ltd. Details of declared Assessable Value and Duty are as below-

Table-A

Item No.	Bill of Entry No.	Description of Goods	Assessable Value(Rs.)	Duty (Rs.)
1	7139706 dated 27.01.2026	Primary Aluminium Billet Homogenised in EGA Alloy 10200	3,15,17,178/-	75,14,010/-

2. During assessment proceedings, it was found that NFMIMS certificate had been issued in violation of the conditions as mentioned in DGFT notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT vide File No.01/89/180/07/AM-20/PC-2(A)/E-19469. The Bill of Entry was found to be non-compliant of NFMIMS registration timeline. Details of particulars are as under:

Table-B

Sl. No.	Bill of Entry No. & date	IGM Inward date	B/L date	NFMIMS Registration Date
1	7139706 dated 27.01.2026	27.01.2026	23.01.2026	27.01.2026

3. As per notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT vide File No.01/89/180/07/AM-20/PC-2(A)/E-19469:

The Non-ferrous metal Import Monitoring System (NFMIMS) shall require importers to submit advance information in an online system for import of items in the Annexure-I (for copper) and Annexure-II (for aluminium. The importer shall apply for registration before the arrival of import consignment. Registration can be applied not earlier than 60th day before the expected date of arrival. The automatic number thus granted shall remain valid for a period of 75 days. The requirement of advance registration of minimum 5 days from the expected date of arrival of import consignment under NFMIMS has been abolished/made zero.

4. However, in the instant case, the importer has not followed the timelines/guidelines of the notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT, as the NFMIMS registration certificate had been generated on the same day of IGM inward date and not before the date of arrival.

5. Since, goods were imported into India without the requisite NFMIMS certificate, the impugned goods have been imported without authorization and are liable for confiscation under Section 111(d) of the Customs Act, 1962, and for his act of omission and commission the importer is liable for penalty under Section 112(a) of the Customs Act, 1962.

6. The relevant provisions of law relating to import and valuation of goods in general, the Foreign Trade Policy and Rules relating to imports, the liability of the goods to confiscation under the provisions of the Custom Act, 1962 and other laws for the time being in force are summarized as under:

- a. As per **Section 46(4) of the Customs Act, 1962**, the importer while presenting a Bill of Entry shall make and subscribe to a declaration as to the truth of the contents of such Bill of Entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, relating to the imported goods.
- b. **Section 111(d) of the Customs Act, 1962** provides for confiscation of 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.
- c. **Section 112(a) of the Customs Acts 1962:** - penalty for any person, 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.

7. In view of above, it appears that impugned goods are imported without requisite NFMIMS registration. Therefore, it appears that the goods imported vide impugned bill of entry are liable for confiscation under Section 111(d) of the Customs Act, 1962 and the importer is liable for penalty under Section 112(a) of the Customs Act, 1962.

RECORD OF PERSONAL HEARING AND SUBMISSION OF IMPORTER

8. The Importer vide their letter dated 04.02.2026 has made following submission:

“ Our Shipment MV ZHONG GU NAN NING 26004E BL No JEAMUN26103557 and BOE No 7139706 with ETA Mundra 28.01.2026, arrived Mundra (ATA) 27.01.2026 and BOE inward date reflected in icegate on the same day (i.e. 27.01.2026).

Due to long consecutive public and banking holidays, the NFIMS registration done on 27.01.2026 morning and custom duty payment was done on 28.01.2026.

In view of above we request for waiver of PH & SCN. ”

DISCUSSION AND FINDINGS

9. I have carefully gone through the facts of the case. I find M/s ITOCHU INDIA PVT LTD (IEC: 0506013626) filed Bill of Entry No. 7139706 dated 27.01.2026 with declared assessable value of Rs. 3,15,17,178/-. I find that during assessment proceedings, it was found that the importer had not followed the timelines/guidelines for the NFMIMS registration in the instant case and NFMIMS registration certificate had been generated on the same day as IGM inward date and not before the date of arrival. I also find that the Importer waived their right of Show Cause Notice and Personal Hearing.

10. Now, I take up the above matter in detail. I find that goods imported vide said bill of entry required compulsory NFMIMS registration for importing into India in terms of guidelines of the notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT. The importer can apply for said registration not earlier than 60th day before the expected date of arrival of import consignment but before the arrival of import consignment. However, in the instant case, the importer has not followed the timelines/guidelines of said Notification and registration was not completed within the stipulated time prescribed by the notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT.

11. In the instant case, IGM inward date of Bill of Entry No. 7139706 dated 27.01.2026 is 27.01.2026 whereas NFMIMS registration date is 27.01.2026 which is on the same day of arrival of import consignment. However, as per notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT, the NFMIMS requires importers to apply for registration not earlier than 60th day before the expected date of arrival of import consignment. Therefore, it is evident that NFMIMS registration has not been made within the stipulated time prescribed by notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT. I find that it is nothing but utter negligence on the part of the importer in respect of the compliance at Customs end as it is evident that the Importer has enough time period i.e. 60 days before arrival of import consignment to apply for NFMIMS registration as per the notification no. 26/2015-2020 dated 10.08.2022 issued by DGFT.

12. Since goods were imported into India without a valid NFMIMS certificate, the impugned goods have been imported without authorization and therefore, are liable for confiscation under Section 111(d) of the Customs Act, 1962, and for his act of omission and commission the importer is liable for penalty under Section 112(a) of the Customs Act, 1962. Since the Importer has submitted NFMIMS registration on 27.01.2026, therefore, the goods can be cleared for home consumption under the provision of Section 125 (1) of the Customs Act, 1962.

13. Accordingly, I pass the following order:

ORDER

- i. I order for confiscation of the impugned goods imported vide Bill of Entry No. 7139706 dated 27.01.2026 having assessable value of 3,15,17,178/- under Section 111(d) of the Customs Act, 1962. However, I give the importer an option under provision of Section 125(1) of the Customs Act, 1962, to redeem the said goods on payment of redemption fine of **Rs.50,000 /-** **(Rupees Fifty Thousand only)**.
- ii. I impose a penalty of **Rs.25,000/- (Rupees Twenty Five Thousand only)** on M/s ITOCHU INDIA PVT LTD (IEC: 0506013626) under Section 112(a)(i) of the Customs Act, 1962, for their act of omission and commission.

14. This Order is issued without prejudice to any other action that may be taken against the noticee or persons or imported goods under the provisions of the Customs Act, 1962 or any other law for the time being in force in India.

Zala Dipakbhai Chimanbhai
ADDITIONAL COMMISSIONER
Import Assessment,
Customs House, Mundra.

To,

M/s ITOCHU INDIA PVT LTD (IEC: 0506013626)
Plot no. 261, First Floor, OM Mandam Service Gali, Sector 1A,
Gandhidham, Kutch, Gujarat 370201

Copy to:

1. The Asst./Dy. Commissioner of Customs (Review Cell), CH, Mundra.
2. The Asst./Dy. Commissioner of Customs (EDI), CH, Mundra.

3. The Asst./Dy. Commissioner of Customs (TRC), CH, Mundra.
4. Office Copy.