
	OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, MP & SEZ MUNDRA, KUTCH-GUJARAT -370421 PHONE : 02838-271426/271428 FAX :02838-271425	 सत्यमेव जयते
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A	File No.	CUS/AG/MISC/1035/2025-Gr 3-O/o Pr Commr-Cus-Mundra
B	OIO No.	MCH/ADC/ZDC/106/2025-26
C	Date of Order	01.07.2025
D	Passed by	Dipak Zala Additional Commissioner, Import Assessment, Custom House, Mundra.
E	SCN No./IR No. & Date	CUS/SIIB/INT/266/2025-SIIB dated 10.06.2025
F	Noticee / Party / Importer	M/s. Empiric Trading Co. , First Floor, 118, Building no. 10/54, BD Chamber, Karol Bagh, New Delhi-110005
G	DIN	20250771MO0000411052

1. The Assessment/Speaking Order is granted to concern free of charge.
2. Any person aggrieved by this Order – in – Original may file an appeal under Section 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. 1 to

The Commissioner of Customs (Appeal), MUNDRA,
Office at 7th floor, Mridul Tower, Behind Times of India,
Ashram Road, Ahmedabad-380009

3. Appeal shall be filed within Sixty days from the date of Communication of this Order.
4. Appeal should be accompanied by a Fee of Rs. 5/- (Rupees Five Only) under Court Fees Act it must accompanied by (i) copy of the Appeal, (ii) 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. Proof of payment of duty / interest / fine / penalty / deposit should be attached with the appeal memo.
6. While submitting the appeal, the Customs (Appeals) Rules, 1982 and other provisions of the Customs Act, 1962 should be adhered to in all respect.
7. 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 or Penalty are in dispute, where penalty alone is in dispute.

BRIEF FACT OF THE CASE: -

M/s. Empiric Trading Co. situated at First Floor, 118, Building no. 10/54, BD Chamber, Karol Bagh, New Delhi-110005 holding IEC NO: AAKFE6649R (hereinafter referred to as 'the Importer'), had filed a Bill of Entry No. Z-7963518 dated 24.01.2025 for import of goods(Plastic Kids Watch, Ladies Hand Bag, Men's Polyester Knitted T-shirt, Assorted Baby Garments, Men's Underwear and Watch Spare parts, Button, strap, belt).

1.1 Based on the intelligence gathered by the DRI DZU Delhi of possible misdeclaration/mis-classification/concealment of goods, the above mentioned import consignment covered under the Z-7963518 dated 24.01.2025 filed at APSEZ-INAJM6, for detailed examination of the container BMOU6372590.

1.2. The examination of the said import consignment of M/s. Empiric trading Co., Karol Bagh, Delhi, (container no. BMOU6372590), covered under Z-7963518 dated 24.01.2025, was done by DRI officers, under panchnama, in the presence of authorised representative of M/s. Shoolin Tradelink LLP, APSEZ, Mundra and independent panchas. The goods declared in the bill of entry Z-7963518 dated 24.01.2025, are detailed below:

Table A

Sr. No.	BE no. /date	Container No.	BL no. /date	Goods declared			
				HSN	Items	Quantity	
1	Z-7963518 dated 24.01.2025	BMOU6372590	KMTCHUA1656558 dated 31.12.2024	1	91029990	Plastic Kids Watch	2760 DOZ
				2	42022290	Ladies Hand Bag	7350 PCS
				3	61099010	Men's Polyester Knitted T-shirt	738 PCS
				4	61113000	Assorted Baby Garments	1090 DOZ
				5	61071210	Men's Underwear	1250 PCS

				6	91118000	Watch Spare parts, Button, strap, belt	8740 PCS
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1.3. The DRI officers during examination found the subject container, placed in the warehouse of M/s. Shoolin Tradelink LLP, APSEZ, Mundra and seal was found intact. The seal number CF 164364 was found as declared in the bill of lading no. KMTCHUA1656558 dated 31.12.2024. The seal of the container was cut open and all the goods were de-stuffed from the container. The goods were packaged in rectangular boxes of varying shapes and sizes, wrapped in green HDPE bags. Each box bore stickers with distinct markings, including XYZ, SMD, HVM, RK, FM, ACE, HUA, MAL, JMH, TH, MS, ABC, TLA, LST, SAL, VKP, The DRI officers meticulously counted the boxes, confirming a total of 507 boxes within the container. Subsequently, the officers sorted the boxes based on their respective markings, details of the goods found during examination are as under: -

Table A1

Declared in Z-BE				As Per DRI examination				Total	Unit
Sr. No.	Description	Quantity	Unit	CTN	Mark	QTY in each CTN	Total Quantity		
1	PLASTIC KIDS WATCH	33120	PCS	15	15 (TAL 1-15)	500	7500	45860	PCS
				15	15 (TAL 16-30)	300	4500		
				14	14 (TAL 31-44)	600	8400		
				16	16 (VKP 1-16)	500	8000		
				15	15 (VKP 17-31)	400	6000		
				10	10 (RK 1-10)	300	3000		
				10	10 (RK 11-20)	450	4500		
				12	12 (RK 21-32)	330	3960		
2	LADIES HAND BAGS	7350	PCS	5	HAU 1-5	70	350	8555	PCS
				15	HUA 6-20	50	750		
				18	HUA 21-38	45	810		
				12	HUA 39-50	60	720		
				22	FM 1-22	50	1100		
				3	FM 23-25	25	75		
				15	FM 26-40	68	1020		
				15	XYZ 1-15	45	675		
				15	XYZ 16-30	72	1080		
				5	XYZ 31-35	60	300		
				9	XYZ 36-44	85	765		
				13	XYZ 45-57	70	910		
				16	16 (HVM 1-16)	100	1600		

3	MEN POLYSTER KNITTED T-SHIRT	738	PCS	10	10 (LST 1-10)	80	800		
				15	15 (LST 11-25)	100	1500		
				15	15 (LST 26-40)	60	900		
				8	8 (MAL 1-8)	100	800		
				10	10 (MAL 9-18)	60	600		
				10	10 (MAL 19-28)	80	800		
				5	5 (MAL 29-33)	60	300		
				7	7 (MAL 34-40)	100	700		
				11	11 (MS-1 TO 11)	50	550		
4	ASSORTED BABY GARMENTS	13080	PCS	12	12 (SAL 1-12)	150	1800		
				12	12 (SAL 13-24)	100	1200		
				12	12 (SAL 25-36)	200	2400		
				10	10 (TH-1 TO 10)	130	1300		
				4	4 (TH-11 TO 14)	150	600		
				10	10 (SMD 1-10)	300	3000		
				10	10 (SMD 11-20)	250	2500		
5	MENS UNDERWEARS	1250	PCS	10	10 (ABC 1-10)	150	1500		
				10	10 (ABC 11-20)	120	1200		
				15	15 (ACE-1 TO 15)	100	1500		
				8	8 (ACE 16-23)	150	1200		
				5	5 (ACE 24-28)	120	600		
				12	12 (JMH 1-12)	100	1200		
				16	16 (JMH 13-28)	150	2400		
6	WATCH SPARE PARTS (Button, strap, belt)	8740	PCS	0	-	0	0	0	PCS
TOTAL (APPROX.):		64278		507				85365	PCS

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1 . 4 The imported items under the Bill of entry no. Z-7963518 dated 24.01.2025, were found mis-declared with respect to quantity and detailed scrutiny of the valuation of the said goods revealed that they have been grossly undervalued. In light of these findings and based on a reasonable belief that the goods are liable for confiscation under the provisions of Section 111 of the Customs Act, 1962, the competent authority of DRI DZU seized the aforesaid goods in accordance with Section 110 of the Customs Act, 1962, vide seizure memo dated 28.01.2025.

1.5 The Directorate of Revenue Intelligence (DRI), Delhi Zonal Unit, transferred the investigation to the Special Intelligence and Investigation Branch (SIIB), Customs House, Mundra, vide letter F. No. DZU/23/Int-01/2025/3941 dated 04.03.2025 for further investigation and issuance of Investigation Report and provided copies of panchnama of examination of goods (in original) along with Seizure Memo, Documents, Samples drawn.

2. Investigation:

2.1. Rejection and Determination of Valuation:

2.1.1. As per DRI Panchnama dated 28.01.2025, the goods declared under subject Bill of entry no. Z-7963518 dated 24.01.2025, were found to be mis-declared with reference to quantity (as detailed in Table-A1 above) and also appears to be grossly undervalued. This inconsistency observed in filing the Bill of Entry suggests deliberate mis-declaration and undervaluation. In the Bill of Entry No. Z-7963518 dated 24.01.2025, submitted by the importer, a total of 06 items are listed for import as detailed in table A above, however, the import documents lacked descriptions of the items as listed in Table A1 above.

2.1.2. As for all declared items declared in the B/E no. Z-7963518 dated 24.01.2025, mis-declaration in terms of quantity is found and also one item declared as 'WATCH SPARE PARTS' (Button, strap, belt)' were not found during examination. Hence, the subject bill of entry is liable to be re-assessed under section 17(4) of the Customs Act, 1962. As the declared value of the goods appears to be undervalued, therefore the same needs to be determined in terms of Rule 12, explanation 1 (i), of the said Rules, by going sequentially from Rule 2 to 9 thereof. Determination of valuation:

- a. Efforts were made to find out the correct assessable value of the imported goods found during examination. It was observed that the imported goods were found in different variety, description, specification and quality, so, it was not possible to find and compare the same with other goods having identical/similar description, brand, make, model, quantity and Country of Origin. As the import data extracted with respect to contemporaneous imports was general in nature and contemporaneous data for imports of identical/similar goods was not available/found, therefore, the value could not be determined under Rules 4 and 5 of CVR, 2007.
- b. As per Rule 6 *ibid*, if the value cannot be determined under Rules 3, 4 and 5 same shall be determined under the provisions of Rule 7 or when same cannot be determined under that rule then under Rule 8.

- c. As the imported goods were found to be non-standard, the sale price of identical or similar goods was not available in the domestic market as the goods are miscellaneous in nature and found in different variety, description, specification, model, brand, make, sizes and quality, therefore, determination of transaction value under Rule 7 of CVR, 2007 was not possible.
- d. As substantial data related to the cost or value of materials and fabrication or other processing employed in producing the imported goods required to compute the value under Rule 8 is also not available. Therefore, valuation of the impugned goods could not be ascertained under Rule 8 of CVR, 2007.
- e. Hence, valuation of the goods is to be determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and hence, opinion of the empaneled Chartered Engineer was sought for determination of the value of the goods under import.

The Chartered Engineer vide his report ref no. ABJ:INSP:CE:SIIB:MA:25-26:20 dated 05.06.2025 has suggested the valuation of the imported goods as under:

Table-B (Valuation)

Sr. No.	Description	Mark	Total Quantity	Measuring Unit	Unit Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in INR) USD=Rs. 87.1
1	PLASTIC KIDS WATCH	15 (TAL 1-15)	7500	PCS	0.173	1297.5	113012
		15 (TAL 16-30)	4500	PCS	0.173	778.5	67807
		14 (TAL 31-44)	8400	PCS	0.173	1453.2	126574
		16 (VKP 1-16)	8000	PCS	0.173	1384	120546
		15 (VKP 17-31)	6000	PCS	0.173	1038	90410
		10 (RK 1-10)	3000	PCS	0.173	519	45205
		10 (RK 11-20)	4500	PCS	0.173	778.5	67807
		12 (RK 21-32)	3960	PCS	0.173	685.08	59670
		HAU-15	350	PCS	0.46	161	14023

2	LADIES HAND BAGS	HUA 6-20	750	PCS	0.46	345	30050
		HUA 21-38	810	PCS	0.46	372.6	32453
		HUA 39-50	720	PCS	0.46	331.2	28848
		FM 1-22	1100	PCS	0.46	506	44073
		FM 23-25	75	PCS	0.46	34.5	3005
		FM 26-40	1020	PCS	0.46	469.2	40867
		XYZ 1-15	675	PCS	0.46	310.5	27045
		XYZ 16-30	1080	PCS	0.46	496.8	43271
		XYZ 31-35	300	PCS	0.46	138	12020
		XYZ 36-44	765	PCS	0.46	351.9	30650
		XYZ 45-57	910	PCS	0.46	418.6	36460
3	MEN POLYSTER KNITTED T-SHIRT	16 (HVM 1-16)	1600	PCS	2.85	4560	397176
		10 (LST 1-10)	800	PCS	2.85	2280	198588
		15 (LST 11-25)	1500	PCS	2.85	4275	372353
		15 (LST 26-40)	900	PCS	2.85	2565	223412
		8 (MAL 1-8)	800	PCS	2.85	2280	198588
		10 (MAL 9-18)	600	PCS	2.85	1710	148941
		10 (MAL 19-28)	800	PCS	2.85	2280	198588
		5 (MAL 29-33)	300	PCS	2.85	855	74471
		7 (MAL 34-40)	700	PCS	2.85	1995	173765
11 (MS-1 TO 11)	550	PCS	2.85	1567.5	136529		
		12 (SAL 1-12)	1800	PCS	0.29	522	45466
		12 (SAL 13-24)	1200	PCS	0.29	348	30311
		12					

4	ASSORTED BABY GARMENTS	(SAL 25-36) 10	2400	PCS	0.29	696	60622
		(TH-1 TO 10)	1300	PCS	0.29	377	32837
		4 (TH- 11 TO 14)	600	PCS	0.29	174	15155
		10 (SMD 1-10)	3000	PCS	0.29	870	75777
		10 (SMD 11-20)	2500	PCS	0.29	725	63148
5	MENS UNDERWEARS	10 (ABC 1-10)	1500	PCS	0.46	690	60099
		10 (ABC 11-20)	1200	PCS	0.46	552	48079
		15 (ACE- 1 TO 15)	1500	PCS	0.46	690	60099
		8 (ACE 16-23)	1200	PCS	0.46	552	48079
		5 (ACE 24-28)	600	PCS	0.46	276	24040
		12 (JMH 1-12)	1200	PCS	0.46	552	48079
		16 (JMH 13-28)	2400	PCS	0.46	1104	96158
6	WATCH SPARE PARTS (Button, Straps, Belt)	-	0	PCS	0	0	0
Total (Approx.):						44364.58	3864155

With the introduction of self-assessment under Section 17(1) of the Customs Act, 1962, the responsibility lies squarely on the importer to accurately self-assess the Bill of Entry and declare the correct amount of leviable duty. By failing to declare dutiable goods in the Bill of Entry, the importer's actions indicate an intent to evade payment of the correct duties on the imported goods. This deliberate omission raises reasonable grounds to believe that the importer wilfully and intentionally concealed dutiable goods, thereby causing a loss to government revenue.

2.2. Classification:

2.2.1 Whereas, to accurately assess the tax liability, the declared and

undeclared items must be classified under the appropriate Customs Tariff Heading (CTH) based on the DRI examination report and report of the government approved Chartered engineer. The classification of goods, based on examination report of DRI and report of the government approved Chartered engineer ref no. ABJ:INSP:CE:SIIB:MA:25-26:20, dated 05.06.2025 and declared in the Bill of Entry, is as follows:

Table C (Classification)

Sr No.	Description	CTH Declared in BE	Total Quantity found during examination (Pcs)	Redetermined CTH
1	Plastic Kids Watch	91029990	45860	91029990 (as declared)
2	Ladies Hand Bag	42022290	8555	42022290 (as declared)
3	Men's Polyester Knitted T-shirt	61099010	8550	61091000
4	Assorted Baby Garments	61113000	12800	61113000 (as declared)
5	Men's Underwear	61071210	9600	61071210 (as declared)
6	Watch Spare parts, Button, strap, belt	91118000	0	Goods not found during examination

2.2.2 From the table above (Table B1), four items (Sr. no.1, 2, 4 & 5- Plastic Kids Watch, Ladies Hand Bag, Assorted Baby Garments, Men's Underwear) and Watch Spare Parts were correctly classified under their respective CTHs, with no reclassification needed. However, the absence of Watch Spare Parts (0 quantity) indicates a discrepancy in the declaration.

Men's Polyester Knitted T-shirt, was classified under the CTH 61099010 (other textile materials), however the DRI officers and CE in their report dated 05.06.2025, has mentioned that the t-shirts are made of Cotton (as major constituent), therefore Men's T-shirts needs to be re-classified under the CTH **61091000**.

2.2.3 Re-classification:

The heading 6109 of the Import Tariff covers "**T-Shirts, Singlets and Other Vests, Knitted or Crocheted**". The said Heading covers goods classifiable under the following sub-headings at the single dash (-) level:

61091000 - of cotton

610990 - of other textile materials:

The merit subheading of the impugned goods appears to be under **61091000**, i.e. "**of cotton**" as the DRI officers during examination and CE in their report, mentioned that the t-shirts are made of Cotton (as major constituent). Accordingly impugned goods "Men's T-shirts" are

appropriately classifiable under the heading **61091000**, wherein the **applicable rate of duty is 20% or Rs. 45 per piece whichever is higher (BCD) + 0% (SWS) + 5% (IGST) per kg.**

The unit price of the T-shirts Rs. 248.24, which is less than Rs. 1000, therefore the applicable rate of IGST is 5%.

2.3. Calculation of Applicable duty and taxes

2.3.1 Based on the foregoing paragraphs, it is evident that the importer has attempted to evade payment of duties and taxes by mis-declaring and undervaluing the imported goods. The duty liability for the declared goods is ascertained as under:

Table D

Sr. No.	Description	Total Quantity	Measuring Unit	Total Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in INR) USD=Rs. 87.1	Rate of BCD	BCD (ad valorem rate of duty)	BCD (per piece), as applicable	Applicable BCD (h or i) whichever is higher	SWS (RATE IN %)	SWS (in Rs.)	IGST Rate	Applicable IGST Duty Amount (In rs.)	Total Duty (in Rs.)
a	b	c	d	e	f	g	h=g*f	i=g*f	j=h or i	k	l=k*f	m	n=(f+j+l)*m%	o=j+l+n
1	Plastic Kids Watch	45860	PCS	7933.78	691032	20	138206	0	138206	2	138206	18	151751	303778
2	Ladies Hand Bags	8555	PCS	3935.3	342765	15	51415	0	51415	1.5	51415	18	71878	128434
3	Men T-Shirt	8550	PCS	24367.5	2122409	20% or Rs. 45 per piece	424482	384750	424482	0	0	5	127345	551826
4	Assorted Baby Garments	12800	PCS	3712	323315	20	64663	0	64663	2	64663	5	19722	90852
5	Men's Underwear's	9600	PCS	4416	384634	20% or Rs. 30 per piece	76926.8	288000	288000	0	0	5	33632	321632
6	Watch Spare Parts		PCS	0	0	NA	0	0	0	0	0	0	0	0
Total (APPROX.):				44364.58	3864155				966766		25428		404327	1396521

From the **Table D above**, it appears that the total due liability of the importer is Rs. 13,96,521/- (Rupees Thirteen Lakh, Ninety-Six Thousand

and Five Hundred Twenty-One only).

2.3.2. The importer has calculated the applicable duties and taxes on the good declared in the Z-BE no. 7963518 dated 24.01.2025, based on the declared value and classification in the Bill of Entry, the importer has assessed the duty and taxes as follows:

Table E

Sr. no.	Item declared	CTH	Quantity declared	Total C.I.F. in Rs. As per BE	BCD levied (in Rs.)	SWS (in Rs.)	IGST Duty levied Amount (in Rs.)	Total Duty (in Rs.)
1	Plastic Kids Watch	91029990	2760 DOZ	135006	27001	2700	29647	59349
2	Ladies Hand Bag	42022290	7350 PCS	187254	28088	2809	39267	70164
3	Men's Polyester Knitted T-shirt	61099010	738 PCS	214341	42868	0	12861	55729
4	Assorted Baby Garments	61113000	1090 DOZ	133294	26659	2666	8131	37456
5	Men's Underwear	61071210	1250 PCS	5095	37500	0	2130	39630
6	Watch Spare parts, Button, strap, belt	91118000	8740 PCS	17813	1781	178	3559	5519
Total				692805				267846

2.3.3. Based on the calculations from Table D and Table E above, the importer is required to pay/levy a differential liability of Rs. 11,28,675/- (Rs. Eleven lakhs Twenty-Eight Thousand Six Hundred Seventy-five only) [Rs. 13,96,521 (Table D) - Rs. 2,67,846 (Table E)] on the mis declared/undervalued goods after adjustment. This amount represents the additional duty and tax liability that the importer must pay due to the misdeclaration and misclassification of goods.

2.4. Further, Summons was issued to the Importer **M/s. Empiric trading Co**, for recording of their statement under Section 108 of the Customs Act, 1962. Accordingly, statement of the Shri Pranjal Singh authorised representative of the importer **M/s. Empiric trading Co.**, was recorded on 04.06.2025, under Section 108 of the Customs Act, 1962, wherein he interalia stated as under:

- He is the Operation Manager of M/s. Shoolin Trade Link LLP, and he has been duly authorized to represent **M/s. Empiric trading Co.** before the customs department.
- M/s. Shoolin Trade Link LLP filed Bill of Entry no. Z-7963518 dated 24.01.2025

for cargo imported by **M/s. Empiric trading Co.**, based on documents provided by the importer

- The importer attributed these errors to the supplier, mistakenly stuffing excess goods. The importer accepts the mistake and is willing to pay applicable duties, taxes, penalties, and fines as per the Customs Act, 1962.
- He reviewed the valuation report dated 05.06.2025 of the government-approved Chartered Engineer, signing all pages as confirmation. The importer accepts the valuation and agrees to pay duties, taxes, penalties, and fines for excess/undeclared goods. And requested for waiver of a Show Cause Notice and personal hearing, asking for the matter to be decided on merits at the earliest.
- Regarding Men's Knitted T-shirts, Assorted Baby Garments, and Men's Underwear, submitted test reports from the Chinese supplier, confirming the absence of Azo Colorants and detailing garment composition.

The authorized representative of M/s. Empiric trading Co., accepted the discrepancies in the quantity. The importer accepted the valuation by the Chartered Engineer, agreed to pay all applicable duties, taxes, penalties, and fines as per the Customs Act, 1962.

3. Outcome of investigation

The investigation conducted by the Directorate of Revenue Intelligence (DRI), Delhi Zonal Unit, and subsequently transferred to the Special Intelligence and Investigation Branch (SIIB), Customs House, Mundra, revealed significant irregularities in the import consignment of M/s. Empiric trading Co. (IEC No. AAKFE6649R) under Bill of Entry no. Z-7963518 dated 24.01.2025, covering container no. BMOU6372590, revealed significant discrepancies in the declared goods, indicating misdeclaration and undervaluation aimed at evading Customs duties. The outcomes of the investigation are as follows:

1. Misdeclaration and Undervaluation:

- The examination of container BMOU6372590 revealed gross misdeclaration in the quantity and description of goods. The declared total quantity was 64,278 pieces, but 85,295 pieces were found, indicating excess undeclared goods.
- Specific discrepancies include:
 - Plastic Kids Watch: Declared 33,120 pieces, found 45,860 pieces.
 - Ladies Hand Bags: Declared 7,350 pieces, found 8,555 pieces.
 - Men's Polyester Knitted T-shirt: Declared 738 pieces, found 8,550 pieces, with incorrect material declaration (cotton instead of polyester).
 - Assorted Baby Garments: Declared 13,080 pieces, found 12,800 pieces.
 - Men's Underwear: Declared 1,250 pieces, found 9,600 pieces.

- Watch Spare Parts: Declared 8,740 pieces, however, this item was not found during examination.

- The goods were grossly undervalued, with the declared CIF value significantly lower than the suggestive CIF value determined by the Chartered Engineer (INR 38,64,155 vs. declared INR 6,92,805).

2. Misclassification:

- Men's Polyester Knitted T-shirts, which were misclassified under CTH 61099010 (other textile materials) instead of the correct CTH 61091000 (cotton). This reclassification impacts the duty rate (20% or Rs. 45 per piece, whichever is higher).

3. Duty Evasion:

- The importer's deliberate misdeclaration and undervaluation resulted in a differential duty liability of INR 11,28,675 (total duty liability of INR 13,96,521 as per Table D (minus) declared duty of INR 2,67,846 as per Table E).
- The total duty liability includes Basic Customs Duty (BCD), Social Welfare Surcharge (SWS), and Integrated Goods and Services Tax (IGST), calculated based on the re-determined value and classification.

4. Seizure and Legal Action:

- The goods were seized under Section 110 of the Customs Act, 1962, on 28.01.2025, due to their liability for confiscation under Section 111(l) and (m) for being undeclared/excess and not corresponding to the declared value/description.
- The importer's actions indicate intent to evade customs duty, violating Section 46(4) (false declaration in Bill of Entry) and attracting penalties under Section 112 for acts rendering goods liable to confiscation and under section 114AA for knowingly submitting false documents.

5. Valuation:

- The declared value was rejected under Section 17(4) due to misdeclaration. Valuation was determined under Rule 9 of the Customs Valuation Rules (CVR), 2007 (residual method), based on the Chartered Engineer's report, as values under Rules 4-8 could not be established due to lack of comparable data.

6. Importer's Admission and Cooperation:

- In the statement recorded on 04.06.2025 under Section 108 of the Customs Act, 1962, the authorized representative of **M/s. Empiric trading Co.** (from M/s. Shoolin Trade Link LLP) admitted to the discrepancies and agreed to pay all applicable duties, taxes, penalties, and fines.
- The importer requested a waiver of the Show Cause Notice and personal hearing, seeking a decision on merits at the earliest.

In view of the foregoing facts, it is cleared that the importer has, by his acts of omission, rendered the goods found mis-declared/undervalued having re-determined assessable value Rs. 38,65,155/- under the Z-7963518 dated 24.01.2025, liable for confiscation under section 111 (l) & (m) of the Customs Act, 1962 and is, therefore, also liable for penalty under section 112 (a) (ii) of the Customs Act, 1962.

Further, the importer furnished false and incorrect documentation by failing to declare the dutiable goods in the subject Bill of Entry, therefore, this act of omission and commission, renders the importer for penalty under Section 114AA of the Customs Act, 1962.

4. LEGAL PROVISIONAS:

4.1 **Section 2 (14)** of the Customs Act, 1962, "**dutiable goods**" means any goods which are chargeable to duty and on which duty has not been paid;

4.2 **Section 2 (39)** of the Customs Act, 1962, '**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;

4.3 **SECTION 46 (4)** of the Customs Act, 1962, 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.

4.4. **Section 111** of the of the Customs Act, 1962- **Confiscation of improperly imported goods, etc. as under**

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

...

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

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of baggage with the declaration made under Section 77 in respect thereof, or in the case of goods under

transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54.

...

4.5 Section 112 of the Customs Act, 1962, 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, -

(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.

4.6. Section 114 AA of the Customs Act, 1962, **Penalty for use of false and incorrect material.**

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

4.7. Section 119 of the Customs Act, 1962, **Confiscation of goods used for concealing smuggled goods.**

- Any goods used for concealing smuggled goods shall also be liable to confiscation. Explanation -In this section, "goods" does not include a conveyance used as a means of transport.

4.8 SECTION 124 prescribes the mandatory issuance of show cause notice before

confiscation of goods, which read as under:

No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person –

- a. *is given a notice in writing with the prior approval of the officer of Customs not below the rank of an Assistant Commissioner of Customs, informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;*
- b. *is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and*

(c) is given a reasonable opportunity of being heard in the matter:

Provided *that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned be oral.*

Provided *further that notwithstanding issue of notice under this section, the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed.*

4.9 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.

Waiver of Notice and Personal Hearing: -

5. The Authorised representative of the Importer in his statement dated 04.06.2025, have requested for waiver of the Show Cause Notice and personal hearing in the matter, necessary adjudication proceeding/action may be initiated in respect of the said Bill of Entry as per the Customs Act,

1962.

6. In view of the above, it appears that: -

- i. The mis-classified goods Men's Polyester Knitted T-Shirt in Bill of Entry No.Z-7963518 dated 24.01.2025 are to be re-classified as 'Men's Cotton T-shirt' under the Customs Tariff Headings (CTH) outlined in paragraph 2.2 and Table C (sr. no. 3), based on the examination of the DRI DZU.
- ii. The quantities of the import goods declared by the importer in the Bill of Entry are to be rejected, and the goods, including the goods found in excess, are to be quantified as per Table A1 and shall be incorporated into the Bill of Entry.
- iii. The total value of the mis-declared and declared goods is to be re-determined to Rs. **38,64,155**, as determined by the Chartered Engineer's report dated 05.06.2025 under Rule 9 of the Customs Valuation Rules, 2007, following sequential application from Rule 2 to 9, due to the absence of comparable data under Rules 3 to 8.
- iv. The goods imported in excess of the declared quantities and goods found mis declared, valued at Rs. 31,71,350/- (Total re-determined Assessable Value Rs. 38,64,155 – Total declared assessable value Rs. 6,92,805) are liable for confiscation under Sections 111(l) and 111(m) of the Customs Act, 1962.
- v. The differential duty of Rs. 11,28,675/- (as calculated in paragraph 2.3.3:Rs. 13,96,521 (Table D) - Rs. 2,67,846 (Table E) has not been levied on the undeclared and excess goods, is to be included in the importer's duty liability.
- vi. The importer is liable for penalties under Sections 112(a)(ii) and 114AA of the Customs Act, 1962, for attempting to evade duties through mis-declaration of goods.

07. WAIVER OF NOTICE AND PERSONAL HEARING

The authorised representative of the Importer in his statement dated 04.06.2025, wherein they have requested that they do not want any Show Cause Notice or Personal Hearing in the matter and necessary adjudication proceeding/action may be initiated in respect of the said Bill of Entry as per the Customs Act, 1962.

DISCUSSION & FINDING

08. I have carefully gone through the Investigation report dated 10.06.2025 issued by the Deputy Commissioner of Customs (SIIB), Mundra and I find that Importer has requested for waiver of the Show Cause Notice and personal hearing in the matter. Therefore I find that the principle of natural justice as provided in section 122A of the Customs Act, 1962 has been completed. Hence I proceed to decide the case on the basis of the documentary evidence available on records.

09. Ongoing through the facts of the case, I find that the following issues needed to be decided in the present proceedings:

- i. Whether the declared classification of the goods needs to be rejected and the same is liable to be re-classified or otherwise.
- ii. Whether the declared value of the goods is liable to be rejected and redetermined or otherwise.
- iii. Whether the Importer is liable for penalty under Section 112(a) (ii) and Section 114 AA of the Customs Act, 1962.

10. I find that examination of the said import consignment of M/s. Empiric trading Co., Karol Bagh, Delhi, (container no. BMOU6372590), covered under Z-7963518 dated 24.01.2025, was done by DRI officers, under panchnama, in the presence of authorised representative of M/s. Shoolin Tradelink LLP, APSEZ, Mundra and independent panchas. The goods declared in the bill of entry Z-7963518 dated 24.01.2025, are detailed below:

Table -F

Sr. No.	BE no. /date	Container No.	BL no. /date	Goods declared			
				HSN	Items	Quantity	
1	Z-7963518 dated 24.01.2025	BMOU6372590	KMTCHUA1656558 dated 31.12.2024	1	91029990	Plastic Kids Watch	2760 DOZ
				2	42022290	Ladies Hand Bag	7350 PCS
				3	61099010	Men's Polyester Knitted T-shirt	738 PCS
				4	61113000	Assorted Baby Garments	1090 DOZ
				5	61071210	Men's Underwear	1250 PCS
				6	91118000	Watch Spare parts, Button, strap, belt	8740 PCS

10.1 However, the goods found during the course of examination by the Officers are as under:

Table -G

Declared in Z-BE				As Per DRI examination				Total	Unit
Sr. No.	Description	Quantity	Unit	CTN	Mark	QTY in each CTN	Total Quantity		
1	PLASTIC KIDS WATCH	33120	PCS	15	15 (TAL 1-15)	500	7500	45860	PCS
				15	15 (TAL 16-30)	300	4500		
				14	14 (TAL 31-44)	600	8400		
				16	16 (VKP 1-16)	500	8000		
				15	15 (VKP 17-31)	400	6000		
				10	10 (RK 1-10)	300	3000		
				10	10 (RK 11-20)	450	4500		
				12	12 (RK 21-32)	330	3960		
2	LADIES HAND BAGS	7350	PCS	5	HAU 1-5	70	350	8555	PCS
				15	HUA 6-20	50	750		
				18	HUA 21-38	45	810		
				12	HUA 39-50	60	720		
				22	FM 1-22	50	1100		
				3	FM 23-25	25	75		
				15	FM 26-40	68	1020		
				15	XYZ 1-15	45	675		
				15	XYZ 16-30	72	1080		
				5	XYZ 31-35	60	300		
				9	XYZ 36-44	85	765		
13	XYZ 45-57	70	910						
3	MEN POLYSTER KNITTED T-SHIRT	738	PCS	16	16 (HMV 1-16)	100	1600	8550	PCS
				10	10 (LST 1-10)	80	800		
				15	15 (LST 11-25)	100	1500		
				15	15 (LST 26-40)	60	900		
				8	8 (MAL 1-8)	100	800		
				10	10 (MAL 9-18)	60	600		
				10	10 (MAL 19-28)	80	800		
				5	5 (MAL 29-33)	60	300		
				7	7 (MAL 34-40)	100	700		
11	11 (MS-1 TO 11)	50	550						
4	ASSORTED BABY GARMENTS	13080	PCS	12	12 (SAL 1-12)	150	1800	8550	PCS
				12	12 (SAL 13-24)	100	1200		
				12	12 (SAL 25-36)	200	2400		
				10	10 (TH-1 TO 10)	130	1300		
				4	4 (TH-11 TO 14)	150	600		

					14)				
				10	10 (SMD 1-10)	300	3000		
				10	10 (SMD 11-20)	250	2500	12800	PCS
5	MENS UNDERWEARS	1250	PCS	10	10 (ABC 1-10)	150	1500		
				10	10 (ABC 11-20)	120	1200		
				15	15 (ACE-1 TO 15)	100	1500		
				8	8 (ACE 16-23)	150	1200		
				5	5 (ACE 24-28)	120	600		
				12	12 (JMH 1-12)	100	1200		
				16	16 (JMH 13-28)	150	2400	9600	PCS
6	WATCH SPARE PARTS (Button, strap, belt)	8740	PCS	0	-	0	0	0	PCS
TOTAL (APPROX.):		64278		507				85365	PCS

10.2 A Summary of discrepancy noticed in terms of Quantity during the course of Examination is as under:

TABLE-H

Description of Goods	Quantity Declared (Pcs)	Quantity found (Pcs)
Plastic Kids Watch	33,120	45,860
Ladies Hand Bags	7,350	8555
Men's Polyester Knitted T-shirt	738	8,550
Assorted Baby Garments	13,080	12,800
Men's Underwear	1250	9600
Watch Spare Parts	8,740	Not found during the Examination

11. I find that SIIB has re-determined the value of cargo based on the grounds that misdeclaration in terms of quantity is observed and also one item declared as "WATCH SPARE PARTS" were not found during the examination. Therefore, the same was determined in terms of Rule 12, explanation 1 (i), of the said Rules, by going sequentially from Rule 2 to 9 thereof. Eventually, the valuation was determined under residual method of valuation provided under Rule 9 of the CV Rules *ibid* and opinion of the empaneled Chartered Engineer was sought for determination of the value of the goods under import.

The Chartered Engineer vide his report ref no. ABJ:INSP:CE:SIIB:MA:25-26:20 dated 05.06.2025 has suggested the valuation of the imported goods as under:

Table-I (Valuation)

Sr. No.	Description	Mark	Total Quantity	Measuring Unit	Unit Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in INR) USD=Rs. 87.1
1	PLASTIC KIDS WATCH	15 (TAL 1-15)	7500	PCS	0.173	1297.5	113012
		15 (TAL 16-30)	4500	PCS	0.173	778.5	67807
		14 (TAL 31-44)	8400	PCS	0.173	1453.2	126574
		16 (VKP 1-16)	8000	PCS	0.173	1384	120546
		15 (VKP 17-31)	6000	PCS	0.173	1038	90410
		10 (RK 1-10)	3000	PCS	0.173	519	45205
		10 (RK 11-20)	4500	PCS	0.173	778.5	67807
		12 (RK 21-32)	3960	PCS	0.173	685.08	59670
2	LADIES HAND BAGS	HAU-15	350	PCS	0.46	161	14023
		HUA 6-20	750	PCS	0.46	345	30050
		HUA 21-38	810	PCS	0.46	372.6	32453
		HUA 39-50	720	PCS	0.46	331.2	28848
		FM 1-22	1100	PCS	0.46	506	44073
		FM 23-25	75	PCS	0.46	34.5	3005
		FM 26-40	1020	PCS	0.46	469.2	40867
		XYZ 1-15	675	PCS	0.46	310.5	27045
		XYZ 16-30	1080	PCS	0.46	496.8	43271
		XYZ 31-35	300	PCS	0.46	138	12020
		XYZ 36-44	765	PCS	0.46	351.9	30650
XYZ							

		45-57	910	PCS	0.46	418.6	36460
3	MEN POLYSTER KNITTED T- SHIRT	16 (HMV 1-16)	1600	PCS	2.85	4560	397176
		10 (LST 1-10)	800	PCS	2.85	2280	198588
		15 (LST 11-25)	1500	PCS	2.85	4275	372353
		15 (LST 26-40)	900	PCS	2.85	2565	223412
		8 (MAL 1-8)	800	PCS	2.85	2280	198588
		10 (MAL 9-18)	600	PCS	2.85	1710	148941
		10 (MAL 19-28)	800	PCS	2.85	2280	198588
		5 (MAL 29-33)	300	PCS	2.85	855	74471
		7 (MAL 34-40)	700	PCS	2.85	1995	173765
		11 (MS-1 TO 11)	550	PCS	2.85	1567.5	136529
4	ASSORTED BABY GARMENTS	12 (SAL 1-12)	1800	PCS	0.29	522	45466
		12 (SAL 13-24)	1200	PCS	0.29	348	30311
		12 (SAL 25-36)	2400	PCS	0.29	696	60622
		10 (TH-1 TO 10)	1300	PCS	0.29	377	32837
		4 (TH- 11 TO 14)	600	PCS	0.29	174	15155
		10 (SMD 1-10)	3000	PCS	0.29	870	75777
		10 (SMD 11-20)	2500	PCS	0.29	725	63148
		10 (ABC 1-10)	1500	PCS	0.46	690	60099
		10 (ABC 11-20)	1200	PCS	0.46	552	48079

5	MENS UNDERWEARS	15 (ACE-1 TO 15)	1500	PCS	0.46	690	60099
		8 (ACE 16-23)	1200	PCS	0.46	552	48079
		5 (ACE 24-28)	600	PCS	0.46	276	24040
		12 (JMH 1-12)	1200	PCS	0.46	552	48079
		16 (JMH 13-28)	2400	PCS	0.46	1104	96158
6	WATCH SPARE PARTS (Button, Straps, Belt)	-	0	PCS	0	0	0
Total (Approx.):						44364.58	3864155

11.1 I find that the classification of the goods has been ascertained as reproduced in below Table which has been discussed in para 2.2.1 to 2.2.3 above. I hold that the same has been rightly re-determined by the SIIB in their Investigation Report.

Table -J (Classification)

Sr No.	Description	CTH Declared in BE	Total Quantity found during examination (Pcs)	Redetermined CTH
1	Plastic Kids Watch	91029990	45860	91029990 (as declared)
2	Ladies Hand Bag	42022290	8555	42022290 (as declared)
3	Men's Polyester Knitted T-shirt	61099010	8550	61091000
4	Assorted Baby Garments	61113000	12800	61113000 (as declared)
5	Men's Underwear	61071210	9600	61071210 (as declared)
6	Watch Spare parts, Button, strap, belt	91118000	0	Goods not found during examination

1 2 . Accordingly, the duty liability arising as per the above classification and Valuation of the goods is calculated as per below Table by the SIIB. I hold that the same has been rightly determined by the SIIB in their Investigation Report.

Table-K

Sr. No.	Description	Total Quantity	Measuring Unit	Total Suggestive Average C.I.F. Value by C.E. (in USD)	Total Suggestive Average C.I.F. Value by C.E. (in INR) USD=Rs. 87.1	Rate of BCD	BCD (ad valorem rate of duty)	BCD (per piece), as applicable	Applicable BCD (h or i) whichever is higher	SWS (RATE IN %)	SWS (in Rs.)	IGST rate	Applicable IGST Duty Amount (In rs.)	Total Duty (in Rs.)
a	b	c	d	e	f	g	h=g*f	i=g*f	j=h or i	k	l=k*f	m	n=(f+j+1)*m%	o=j+l+n
1	Plastic Kids Watch	45860	PCS	7933.78	691032	20	138206	0	138206	2	138206	18	151751	303778
2	Ladies Hand Bags	8555	PCS	3935.3	342765	15	51415	0	51415	1.5	51415	18	71878	128434
3	Men T-Shirt	8550	PCS	24367.5	2122409	20% or Rs. 45 per piece	424482	384750	424482	0	0	5	127345	551826
4	Assorted Baby Garments	12800	PCS	3712	323315	20	64663	0	64663	2	64663	5	19722	90852
5	Men's Underwear's	9600	PCS	4416	384634	20% or Rs. 30 per piece	76926.8	288000	288000	0	0	5	33632	321632
6	Watch Spare Parts		PCS	0	0	NA	0	0	0	0	0	0	0	0
Total (APPROX.):				44364.58	3864155				966766		25428		404327	1396521

The importer has declared the duty liability of Rs 2,67,846/- in the Bill of Entry but the applicable duty calculated as above Table is Rs 13,96,521/-. Therefore, Importer is required to pay/levy a differential liability of Rs. 11,28,675/- (Rs. Eleven lakhs Twenty-Eight Thousand Six Hundred Seventy-five only) [Rs. 13,96,521/- - Rs. 2,67,846/-] on the misdeclared/undervalued goods after adjustment. This amount represents the additional duty and tax liability that the importer must pay due to the misdeclaration and misclassification of goods.

12.1 With the introduction of self-assessment under Section 17(1) of Customs Act, 1962 the onus lies on the importer to correctly self-assess the bill of entry with correct amount of leviable duties. By the said act of not correctly self-assessing the applicable BCD, the importer could have received undue monetary benefit and would have caused loss to the public exchequer to the tune of Rs. 11,28,675/-. Therefore, for the above acts of omission and commission, Importer is liable for penal action under the provisions of Section 112(a)(ii) and Section 114 AA of the Customs Act, 1962. Further, there is a reason to believe that the importer deliberately

and wilfully misstated the facts in terms of applicability of duty, causing loss to Govt. Revenue. Hence, I find that, the consignment is liable for confiscation under Section and 111(l) and 111(m) of the Customs Act, 1962.

13. I find that the importer while filing the impugned Bill of Entry has subscribed to a declaration regarding correctness of the contents of Bill of Entry under Section 46(4) of the Act, *ibid.* Further, Section 46 (4A) of the Act, casts an obligation on the importer to ensure accuracy of the declaration and authenticity of the documents supporting such declaration. In the instant case, the importer failed to discharge the statutory obligation cast upon him and made wrong declaration about the CTH ,quantity and valuation of imported goods.

14 . In view of the above, I find that the importer has mis-declared/undervalued in the Bill of Entry No-7963518 (Z type) dated 24.01.2025, therefore the imported goods are liable for confiscation under Section 111(l) and 111 (m) of the Customs Act, 1962 as discussed in para supra. Section 125 of the Customs Act, 1962 Provide that Whenever confiscation of any goods is authorized by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation where 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 an option to pay in lieu of confiscation such fine as the said officer thinks fit. I find that said provision makes it mandatory to grant an option to owner of the confiscated goods to pay fine in lieu of confiscation. I find it appropriate to allow for redeem under section 125 of the Customs Act, 1962.

15. In view of the above, I pass following Order:

-
ORDER

- i. I reject the description and classification of goods declared as “Men’s Polyester Knitted T-shirt” (CTH 61099010) and order to re-determine and re-classify the same as “Men’s Cotton T shirt” under CTH - 61091000.
- ii. I reject the declared quantity and order to add the excess quantity of goods accordingly as per the Table-H above.
- iii. I reject the declared assessable value of these mis-declared imported goods and order to re-determine the same as Rs. 38,64,155/- as determined by the Chartered Engineer’s report dated 05.06.2025 under Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs

- Act, 1962;
- iv. I order to add the differential Customs duty amounting Rs. 11,28,675/- (Rupees Eleven Lakhs Twenty Eight Thousand Six Hundred and Seventy Five Only) and order to reassess accordingly under Section 17(4) of the Customs Act, 1962;
 - v. I order to confiscate the said goods having re-determined value of Rs. 38,64,155/- (Rupees Thirty Eight Lakhs Sixty Four Thousand One Hundred and Fifty Five Only) under Section 111(l) and 111(m) of the Customs Act, 1962. However, considering facts of the case and provisions of the Section 125 of the Customs Act, 1962, I give an option to the importer to re-deem the same on payment of Redemption Fine of Rs 3,50,000/(Rupees Three Lakhs Fifty Thousand only) in lieu of confiscation.
 - vi. I impose penalty of Rs 1,00,000/- (Rupees One Lakhs only) on the importer - M/s. Empiric Trading Co under Section 112(a)(ii) of the Customs Act, 1962;
 - vii. I impose penalty of Rs 1,00,000/- (Rupees One Lakhs only) on the importer - M/s. Empiric Trading Co under Section 114 AA of the Customs Act, 1962;

16. 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.

Zala Dipakbhai
Chimanbhai
ADDITIONAL COMMISSIONER
ADC/JC-III-O/o Pr
Commissioner-customs-
mundra

To
M/s. Empiric Trading Co. ,
First Floor, 118, Building no. 10/54,
BD Chamber, Karol Bagh,
New Delhi-110005

Copy to:

1. The Dy. Commissioner of Customs, SIIB, CH, Mundra

2. The Dy. Commissioner of Customs, RRA, CH, Mundra
3. The Dy. Commissioner of Customs, TRC, CH, Mundra
4. The Dy. Commissioner of Customs, EDI, Mundra.
5. Office Copy