

	<p>सीमा शुल्क के प्रधान आयुक्त का कार्यालय सीमा शुल्क सदन, मुंद्रा, कच्छ, गुजरात</p> <p>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS</p> <p>CUSTOMS HOUSE, MUNDRA, KUTCH, GUJARAT</p> <p>Phone: 02838- 271426/271428</p> <p>FAX :02838-271425, Email-group4- mundra@gov.in</p>	 सत्यमेव जयते
A. File No.	:	CUS/APR/BE/1751/2025-Gr 4
B. Order-in-Original No.	:	MCH/ADC/ZDC/302/2025-26
C. Date of order	:	30.09.2025
D. Date of issue	:	30-09-2025
E. Passed by	:	Dipak Zala Additional Commissioner of Customs, Customs House, AP & SEZ, Mundra.
F. Noticee(s) / Party / Importer	:	M/s Systems Engineers (IEC:0893012033), Plot No. 4A-1, Changodar Industrial Estate, Sarkhej Bavla Road, Changodar, Ahmedabad- 382210
G. DIN	:	20250971MO0000444A0C

-

1. यह अपील 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 अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए3-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 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

“सीमा शुल्क आयुक्त) अपील(, चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद 380009”

“The Commissioner of Customs (Appeals), Mundra, 4TH Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009.”

3. उक्त अपील यह आदेश भेजने की दिनांक से तीन माह के भीतर दाखिल की जानी चाहिए।

Appeal shall be filed within three months from the date of communication of this order.

4. उक्त अपील के 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 accompanied by –

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

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

6. अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.

7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।

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

8. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, Commissioner (Appeals) 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 Systems Engineers (IEC:0893012033) (hereinafter referred to as the 'Importer'), having their office at Plot No. 4A-1, Changodar Industrial, Sarkhej Bavla Road, Changodar, Ahmedabad- 382210, have filed a Bill of Entry No. 4270124 dated 03.09.2025, (hereinafter referred to as the 'said Bill of Entry') through their Customs Broker D L MUNDRA. Details of declared Assessable Value and Duty are as below-

Table-A

Sl. No.	Bill of Entry No.	Description of Goods	Assessable Value	Duty
1	4270124 dated 03.09.2025	Cast Iron Bars- Grade GGG40	Rs. 25,03,610/-	6,94,377/-

2. The aforesaid Bill of Entry has been forwarded from FAG to PAG as it was found to be non-compliant of SIMS registration timeline. Details of particulars are as under:

Table-B

Sl. No.	Bill of Entry No. & date	IGM Inward date	B/L date	SIMS Registration No. Date
1	4270124 dated 03.09.2025	05.09.2025	30.07.2025	MOSSIMS250925277260 DATED 25.09.2025

3. As per the notice dated 13.06.2025 issued vide F.No.: S-21022/9/2025-TRADE-TAX, TRADE & TAXATION division, Ministry of Steel, Govt. of India by the undersecretary, Effective from 20.06.2025-

The sims shall require importers to apply for registration not earlier than 60th day and not later than 7th day before the expected date of arrival of import of import consignment. The automatic Registration Number thus generated shall remain valid for a period of 75 days.

4. However, in the instant case, the importer has not followed the timelines/guidelines of the notice dt. 13.06.2025 issued vide F.No.: S - 21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the undersecretary. As the SIMS registration certificate had been generated after the IGM inward date.

5. Since, goods were imported into India without the requisite SIMS 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.

5. Since, goods were imported into India without the valid SIMS 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 SIMS 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 27.09.2025 has made following submission:

This is to bring in your kind notice that we have material lying at port against B/E-4270124 DTD 03.09.2025.

As per instructions by MOS-we have applied for DPIIT NOC on 08.08.2025. Further to that DPIIT has issued NOC on 15.09.2025.

Upon receipt of DPIIT NOC, we have applied for MOS - NOC and finally MOS has release SIMS on 25.09.2025.

Since our product is Cast Iron Bars - GRADE GGG40, we are bound to use HSN CODE 72072090, but it's a raw material and not steel. Also, our IS code is not mapped on SIMS portal.

But in order to support small businessman like us, Steel ministry has set up temporary routed through DPIIT so that our purpose get resolved.

So, delay in submitting documents is not from our side, but its only due to setting up of process by MOS, we humbly request you to help us and arrange to release our consignment without charging any penalty on us.

We are requesting you to kindly process our BOE for adjudication as we don't want SCN and PH. Seeking for your kind help and looking for your support to release the consignment.

DISCUSSION AND FINDINGS

9. I have carefully gone through the facts of the case. I find M/s SYSTEMS ENGINEERS having IEC 0893012033 filed Bill of Entry No. 4270124 dated 03.09.2025 with declared Assessable value and Duty as Rs. 25,03,610/- and Rs. 6,94,377/- respectively. I find that impugned bill of entry has been forwarded from FAG to PAG on the ground that the importer has not followed the timelines/guidelines of DGFT Notification No. 19/2015-20 dated 07.07.2022 for the SIMS registration in the instant case. 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 SIMS registration for importing into India in terms of guidelines of the notice dt. 13.06.2025 issued vide F.No.: S - 21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the undersecretary. The importer can apply for said registration not earlier than 60th day and not later than 7th day before the expected date of arrival of import of import consignment, for import of items covered under specific HS codes of heading 7207. However, in the instant case, the importer has not followed the timelines/guidelines of said Notification and registration was not completed before Inward date time limit.

11. In the instant case, IGM inward date of Bill of Entry No. No. 4270124 dated 03.09.2025 is 05.09.2025, whereas SIMS registration date is 25.09.2025. Therefore, it is evident that SIMS registration certificate had been generated after twenty days of the IGM inward date. Importer had not applied for SIMS registration before IGM inward date. 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 SIMS registration as per the notice dt. 13.06.2025 issued vide F.No.: S -21022/9/2025-trade-tax, trade & taxation division, ministry of steel, Govt. of India by the undersecretary.

12. Since goods were imported into India without a valid SIMS 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 SIMS registration on date 25.09.2025, 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. 4270124 dated 03/09/2025 having assessable value of Rs. 25,03,610/- 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.50000/- (Rupees Fifty Thousand only)**.
 - ii. I impose a penalty of **Rs. 25,000 /-(Rupees Twenty Five Thousand only)** on M / s SYSTEMS ENGINEERS having IEC 0893012033 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.

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

To,

M/s SYSTEMS ENGINEERS (IEC 0893012033)
Plot No. 4A-1, Changodar Industrial, Sarkhej Bavla Road, Ahmedabad- 382210

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.

