



## प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद

“सीमा शुल्क भवन”, पहली मंजिल, पुराने हाई कोर्ट के सामने, नवरंगपुरा, अहमदाबाद – 380009

### OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, AHMEDABAD

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#### SHOW CAUSE NOTICE

#### (Under Section 124 of the Customs Act, 1962)

Whereas, an intelligence was gathered by Directorate of Revenue Intelligence, Ahmedabad Zonal Unit (herein after referred as 'DRI') that persons belonging to few Angadia firms coming from Mumbai, on board Saurashtra Mail train (No. 22945) may carry smuggled gold and other contraband/ high valued goods through Ahmedabad Kalupur Railway Station. Further, these persons would board the cars/vehicles in the "Pick-up" cars outside the railway station.

**2.** Whereas, acting on the said intelligence, the officers from DRI, Ahmedabad intercepted 15 passengers who were approaching the vehicles at around 04:50 hrs on 07.06.2023. The said passengers were carrying different bags and they informed that they were working for different Angadiya firms. Thereafter, taking into consideration the quantum of baggages and due to reasons of safety, the officers with the consent of the passengers took them to the DRI, Ahmedabad Zonal Unit office situated at Unit No. 15, Magnet Corporate Park, Near Sola Flyover, Behind Intas Corporate Building, Thaltej, Ahmedabad, for the examination of the baggage. The proceedings were recorded in the presence of the independent panchas under Panchnama dated 07.06.2023 (**RUD-1**).

**3.** Accordingly, the examination of the baggage of the passengers was done in separate rooms of the DRI, Ahmedabad office under respective Panchnamas dated 07/08.06.2023 (**RUD-2**). During examination of one passenger, who identified himself as Shri Karamshibhai B Desai, of M/s Patel Rajeshkumar Rameshkumar Company, the officers found that the bags contain various parcels. The officers opened each and every parcel contained in the bags and prepared inventory of all the goods found during the examination of baggages.

**4.** Whereas, on completion of the examination of the goods, the officers found that certain parcels contained gold which appeared to be of foreign origin. Further, the passenger could not produce any documents showing legitimate

import of the said goods and these goods appears to be of the nature of smuggled goods. The details of said gold, as identified vide the markings on the gold and labels of the parcels are as follows:-

S.No.	Item description	Sender Name	Receiver Name	Quantity	Weight (in grams)	Insurance value (value of goods in Rs.)	Markings on the gold
1.	(i) Gold bars (foreign origin)	Dedhiya Jewellers/ Ritesh Bhai, Mumbai	Shri Shyamkumar Mandora	2 bars	200	2953742	UBS Switzerland (Melter SAR) S.no. FA0016, ARGOR Switzerland no YF9362 (scratches on the Sl. No.)
	(ii) Gold bars (Indian)			2 bars	60		One bar is 50 grams and another is 10 grams
	(iii) Cut piece of Gold bar			3 pieces + dust	224.22		995Kt gold
2.	(i) Gold bars (Indian)	Tusharbhai, Surat	Bhakti Gems and Jewellers Ltd., Ahmedabad	2 bars	200	1240000	RTR-100G Fine Gold 9990 Jay Renuka Refinery.
3.	(i) Gold bars (foreign origin)	Jai Maata ji- BharatBhai, Mumbai	Praphulbhai, Manekchowk, Ahmedabad	3 bars	300	Not specified	No bill (ARG Bar No. XX0032, XX0092, XX0098)
	(ii) Gold bars (Indian)			2 Bars	200	Not specified	No bill (MMTC PAMP Bar NO. 6262623 and 6136325)

\* The Indian origin gold was also detained due to the non-availability of any accompanying document viz. invoice etc with the passenger.

5. Whereas, on the reasonable belief that these goods are liable for confiscation under the provisions of the Customs Act, 1962, the officers placed the said goods under detention for further investigation while releasing the remaining goods to Shri Karamshibhai B Desai, of M/s Patel Rajeshkumar Rameshkumar Company under Panchnama dated 20.06.2023.

**6. STATEMENT OF SHRI MAHESHKUMAR S PATEL, PARTNER OF M/s. PATEL RAJESHKUMAR RAMESHKUMAR & COMPANY RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962 ON 14.06.2023-**

6.1. Shri Maheshkumar S. Patel, Partner, M/s. Patel Rajeshkumar Rameshkumar & Company voluntarily presented himself on 14.06.2023 before the Senior Intelligence Officer, DRI, Ahmedabad Zonal Unit to tender statement. His statement was thus recorded on 14.06.2023 (**RUD-3**), wherein *inter alia* he stated that:-

- he is partner of the firm M/s. Patel Rajeshkumar Rameshkumar & Company, which is engaged in work related to courier of various goods and that they receive goods in the form of parcels at one location and deliver the same to the location as specified by the sender of the parcel. He stated that they pay GST@18% as per the CGST rules and regulations.

- Their firm, M/s Patel Rajeshkumar Rameshkumar & Company is specialized in courier services of precious and valuable goods, documents, Gold and Jewellery etc. He further stated that their company provide the above business services in Ahmedabad, Mumbai, Vadodara, Surat and Rajkot.
- He stated that their company branch at Ahmedabad deals with outbound and inbound courier/forwarding services in respect of precious and valuable goods, documents, Gold and Jewellery etc.
- On further being asked regarding payment of freight for parcels, he stated that in most of the transactions of parcels, the freight is paid by sender to their company where the parcels is booked and in some case the freight is paid by the receiver.
- As regards procedure of booking and dispatch of parcels, he stated that their company's pick up vehicles generally go to the customers' office to collect the goods in majority of cases. Further, in their dealing of precious parcels, while collecting goods, the parcels are sealed by the sender of the parcel and they do not know the exact description of goods. He stated that they believe in the description of goods as mentioned on the parcel by the sender and collect freight on the basis of value declared by the sender of the parcel.
- As regards the documents of KYC collected from the sender and recipient he stated that in most of cases they pick up the parcels from the office or business premises of the customer and also deliver the parcel at the address and details provided by the sender. He further stated that the details like name and contact number are provided by the sender of the parcel and almost in all cases same is mentioned on the parcel. On being asked he further stated that they insist to take copy of invoice or delivery challan from the senders of the parcel to which majority of the customers informs them that the same is attached inside the parcel or sometimes outside the parcel. Further, with regard to insurance of goods, he stated that they book goods on transit insurance basis however, in some of the cases, where customer has got insurance policy for transit, they are liable for losses in case of any damage, theft etc.
- Regarding verification of value of cargo while collection of goods, he stated that they receive goods on said to contain basis and act on the basis of invoice or the description provided by the customers. On being asked about procedure of delivery of the parcels, he stated that the parcels are delivered by us to the customers at their premises and sometimes in case of urgency the customer collects the parcel from our branch.

- As regards, the type of goods they may transport in the parcels he stated that any legitimate goods with proper invoice can be transported but they mainly accepts parcels related to precious and valuable goods, documents, Gold and Jewellery.
- On being specifically asked whether they can accept foreign currency, Foreign origin gold he stated that they cannot accept the parcels related to foreign currency, Foreign origin gold in bars or any other form, but sometimes it may be possible that the customer may mis declare the correct description and nature of goods in the parcel.
- He was shown the panchnama dated 07/08.06.2023 drawn at the premises of Office of Directorate of Revenue Intelligence, Zonal Unit Ahmedabad which recorded the examination of their goods/ parcels. He reviewed the panchnama and signed the last page, acknowledging that they had seen it and agreed with its contents. Furthermore, the document mentions that Annexure -D, attached to the said panchnama, details of detainment of some of their parcels is also perused and agreed with its contents as the same had been detained under with a reasonable belief that these goods are liable for confiscation under the provisions of the Customs Act, 1962.
- He submitted certain documents in respect of the gold detained vide Panchnama dated 07.06.2023(RUD-2).

S.No.	Item Description	Details of Sender	Details of intendent recipient	Documents submitted
1.	(i) Gold bars (foreign origin) 2 Bars of 200 grams weight	Ritesh Bhai (M/s. Dedhiya Jewellers)	Shri Shyamkumar Mandora, Ahmedabad	Copy of Invoice issued by M/s. Dedhia Jewellers.
	(ii) 2 Gold bars (Indian Origin) of 60 grams			Copy of invoice issued by M/s. South Indian Jewellers to M/s Dedhia Jewellers.
	(iii) 3 pieces plus dust Cut Piece of Gold Bars			Copy of invoice issued by M/s. South Indian Jewellers to M/s Dedhia Jewellers.
2.	(i) 2 Gold bars (Indian origin) of 200 grams	Tushar Bhai(M/s. Kantilal & Bros Jewellers)	M/s. Bhakti Gems and Jewellers Ltd., Ahmedabad	Copy of invoice issued by M/s. Kantilal & Bros Jewellers to M/s Bhakti Gems and Jewellery Ltd.
3.	(i) 3 gold bars (foreign origin) of 300 grams	Bharat Bhai(M/s. Triveni Jewellers)	Praphulbhai, Manekchowk, Ahmedabad (M/s. Virti Impex)	Copy of invoice issued by M/s. Triveni Jewellers to M/s Virti Impex.
	(ii) 2 gold bars of Indian origin of 200 grams			Copy of invoice issued by M/s. Triveni Jewellers to M/s Virti Impex.

**6.2.** On being asked to produce documents related to import of gold bars as mentioned at Sr. No. 1 and 3 of the above table, Shri Maheshkumar S. Patel, stated that the customers have submitted copy of invoice issued by M/s. Dedhia Jewellers and M/s. Triveni Jewellers and he informed that he is having only these documents in relation to gold bars as mentioned at Sr. No. 1 and 3 of the above table.

**6.3.** On being asked as to what kind of goods can be transported by them, he stated that any legitimate goods with proper invoice can be transported but they mainly accepts parcels related to precious and valuable goods, documents, Gold and Jewellery. He admitted that they cannot accept the parcels related to foreign currency, foreign origin gold in bars or any other form.

#### **RELEASE OF THE INDIAN ORIGIN GOLD**

7. M/s. Patel Rajeshkumar Rameshkumar & Company submitted certain documents as detailed at para 6.1 above pertaining to their detained gold indicating the genuine procurement of the gold detained by DRI under Panchnama dated 07/08.06.2023 (**RUD-2**). Accordingly, the representative of the said Aangadiya firm, M/s. Patel Rajeshkumar Rameshkumar & Company was called to the DRI office and the Indian Origin gold, as mentioned at Sl.No. 1(ii), 1(iii), 2(i) and 3(ii) in the table mentioned in the para 6.1 above, was released to the Aangadiya firms while detaining the foreign origin gold for further investigation as mentioned below. The proceedings thereof were recorded under Panchnama dated 20.06.2023 (**RUD-4**) in the presence of the independent panchas.

<b>S.No.</b>	<b>Item Description</b>	<b>Details of Sender</b>	<b>Details of intendent recipient</b>
1.	Gold bars (foreign origin) 2 Bars of 200 grams weight	Ritesh Bhai (M/s. Dedhiya Jewellers)	Shri Shyamkumar Mandora, Ahmedabad
2.	3 gold bars (foreign origin) of 300 grams	Bharat Bhai (M/s. Triveni Jewellers)	Praphulbhai, Manekchowk, Ahmedabad (M/s. Virti Impex)

**8. STATEMENT OF SHRI KUNAL DEDHIA, PROPRIETOR OF M/s.  
DEDHIA JEWELLERS, RECORDED UNDER SECTION 108 OF THE  
CUSTOMS ACT, 1962 on 18.07.2023-**

**8.1.** Summons dated 07.07.2023 under issued to M/s. Dedhia Jewellers and accordingly a voluntary statement of Shri Kunal Dedhia, Employee of M/s. Dedhia Jewellers was recorded on 18.07.2023(**RUD-5**). On being asked about his work profile in the firm, he stated that he is handling all the day to day work, work related to sale and purchase of gold jewellery, accounts etc. He also produced authority letter from Shri Javerilal, Popatlal Dedhia, owner of M/s. Dedhia Jewellers that any act, plead or submission made by Shri Kunal J. Dedhia on behalf of him shall be bound and liable to him as well as to M/s. Dedhia Jewellers.

**8.2.** He was shown the panchnama dated 07/08.06.2023 and panchnama dated 20.06.2023 drawn at the premises of O/o Directorate of Revenue Intelligence, wherein the parcels belonging to M/s. Dedhia Jewellers was detained by DRI which recorded the examination of their goods/parcels belongingto M/s. Dedhia Jewellers. He perused, reviewed the panchnamas and signed the last page, acknowledging that he had seen it and agreed with its contents. Furthermore, the document mentions that Annexure attached to the said panchnama, details of detainment of their parcels is also perused and agreed with its contents as the same had been detained under with a reasonable belief that these goods are liable for confiscation under the provisions of the Customs Act, 1962.

**8.3.** Vide said statement, Shri Kunal Dedhia was specifically asked about the detained foreign origin Gold Bar havint total weight of 200 grams, he stated that the two gold bars, weighing 200 grams are of foreign origin and the same were purchased by them from one of their customers, Shri Gopi K. Shah. On being asked about the mode of purchase of foreign origin gold, he stated that Shri Gopi K. Shah visited their showroom for the sale of two gold bars having total weight of 200 grams and in exchange bought jewellery from their showroom. The difference in amount was paid by Shri Gopi K. Shah through his credit card. Shri Kunal Dedhia stated that he did not verify whether the gold bars were of foreign origin. On being asked about the import documents for the said foreign origin gold bars, he stated that they were not given any import documents for the import of the said gold by the customer and also, they are not in possession of any import documents. He further stated that in this matter, their customer Shri Gopi K. Shah is also not having documents related to import, therefore, it will not be possible for them to produce documents related to the import of the said gold bars. The relevant set of invoices in this matter, i.e. purchase URD invoice

no. 9/23-24 dated 04.06.2023 issued by Shri Gopi K. Shah in the name of M/s. Dedhia Jewellers for 270 grams gold, along with the invoices issued by M/s. Dedhia Jewellers for the sale of gold jewellery, in exchange, to Shri Gopi K. Shah and credit card payment slip for the balance payment made by Shri Gopi K. Shah are annexed as **RUD-6**.

**STATEMENT OF SHRI BHARAT VASANTLAL MANDALIA, PROPRIETOR OF M/s. TRIVENI JEWELLERS (SENDER), RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962 on 18.07.2023-**

**9.** Summons dated 07.07.2023 was issued to M/s Triveni Jewellers and accordingly statement of Shri Bharat Vasantlal Mandalia, Proprietor of M/s. Triveni Jewellers was recorded under Section 108 of Customs Act, 1962 on 18.07.2023 (**RUD-6**). On being asked about his work profile in the firm, he stated that he is handling all the day to day work, work related to sale and purchase of gold jewellery, accounts etc.

**9.1.** During the statement, Shri Bharat Vasantlal Mandalia interalia stated that the three gold bars, weighing 300 grams are of foreign origin and the same were purchased by him from various dealers namely M/s. Auric Bullion and Jewellers, M/s. All India Bullion and M/s. Vardhaman Enterprises. On being asked about the import documents for the foreign origin gold, he stated that they are not in possession of any import documents with respect to the detained gold of foreign origin. He admitted his mistake of not verifying the said foreign origin Gold Bars. He admitted that he would not be able to produce the import documents for the import of foreign origin 3 gold bars weighing 300 grams.

**9.2.** Further, he admitted that an employee of his firm had handed over the parcel to M/s. Patel Rajeshkumar Rameshkumar Compaany on 06.06.2023 to get it delivered to M/s. Virti Impex through them.

**9.3.** On being asked about the payment received from the intended recipient- M/s. Virti Impex, he stated that M/s. Virti Impex had told them to make payment within 2-3 days and on their request, they were to supply the said gold to M/s. Virti Impex without advance payment.

**VALUATION OF DETAINED GOODS-**

**10.** Shri Kartikey Vasantrai Soni, Gold Assayer, examined the detained gold in presence of independent panchas and Shri Maheshkumar S Patel under panchnama dated 11.09.2023(**RUD-7**) drawn at DRI office situated at Unit No. 15, Magnet Corporate Park, Near Sola Flyover, Behind Intas Corporate Building, Thaltej, Ahmedabad. Shri Kartikey Vasantrai Soni, Gold Assayer certified the

purity of Gold, weight, rate of gold vide his valuation report dated 18.09.2023 (**RUD-8**). As per the valuation report, the details of the detained gold are as follows:

SI. No	Sender Name	Intended Recipient's Name	Weight (g)	Purity	Marking	Indian/ Imported Marking	Rate Per Gram	Value
1	M/s. Dedhiya Jewellers, Mumbai	Shri Shyamkumar Mandora	100.00	999.0	UBS	Imported	6050	6,05,000
			100.00	999.0	Argor	Imported	6050	6,05,000
2	M/s. Triveni Jewellers, Mumbai	M/s. Virti Impex, Ahmedabad	300.00	999.0	Argor Heraeus SA	Imported	6050	18,15,000

From visual inspection of the gold bars, it can be ascertained they are of foreign origin.

**11. STATEMENT OF SHRI PRATIK SHAH, PROPRIETOR OF M/s. VIRTI IMPEX RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962 ON 09.10.2023-**

**11.1.** Summons dated 25.09.2023 was issued to M/s Virti Impex, 2219/2, Manekchowk, Ahmedabad, the intended recipient of the gold bars sent by M/s. Triveni Jewellers, Mumbai and accordingly statement of Shri Pratik Shah, Proprietor of M/s. Virti Impex, 2219/2, Manekchowk, Ahmedabad was recorded under Section 108 of Customs Act, 1962 on 09.10.2023 (**RUD-9**). He was shown following documents:-

(i) Panchnama dated 07/08.06.2023 and panchnama dated 20.06.2023 drawn at the premises of Office of Directorate of Revenue Intelligence, Zonal Unit Ahmedabda vide which the examination of goods/ parcels intercepted from Angadiya firm- M/s. Patel Rajeshjuar Rameshkumar & Company was recorded. He perused the same along with its Annexures attached to the said panchnama and in token of perusal and agreement with the contents of the said panchnama, he put his dated signature on the last page of the panchnama dated 07/08.06.2023 and 20.06.2023.

(ii) Panchnama dated 11.09.2023 vide which the examination of the detained gold was done by Govt. Approved Valuer. He perused the said panchnama and in token of perusal of the same, he put his dated signature on the same.

(iii) Valuation report dated 18.09.2023. He perused the said valuation report dated 18.09.2023 and noticed that 300 grams gold bars pertaining to M/s. Triveni Jewellers and mentioned as Parcel No. 3 are of foreign origin.

(iv) Statement dated 18.07.2023 of Shri Bharat Vasantlal Mandalia of M/s. Triveni Jewellers, Mumbai. He perusaed the said statement dated 18.07.2023 and in agreement with same, put his dated signature on the last page of the staaement.

**11.2.** Further on being asked about the detained parcels he stated that he had given order of 500 gm, 999 purity gold to M/s. Triveni Jewellers, Mumbai via telephone. Further, he submitted an invoice no. SG-23019 dated dated 06.06.2023 issued by M/s. Triveni Jewellers, Mumabi to M/s. Virti Impex for the same order. He admitted that the invoice was received by him on 07.08.2023 via whatsapp. On being asked about the mode of deliver, he stated that he was informed over phone on 06.06.2023 by Shri Bharat Mandalia of M/s. Triveni Jewellers that the said gold bars were handed over by M/s. Triveni Jewellers to M/s. Rajeshkumar RAmeshkumar Company –Angadiya firm to be delivered to them.

**11.3.** He further stated that he had not received the said consignment. He stated that M/s. Triveni Jewellers also issued a credit note No. CG-1 dated 05.09.2023 for 300gm gold to M/s. Virti Impex. On being asked about the ownership of the gold of 300 grams of foreign origin, he stated that they are not owing the ownership of the gold of 300 grams for which the invoice was issued in their firm's name. He further stated that the ownership of the gold is with M/s. Triveni Jewellers and in this transaction, they had not made any payment to them. On being asked about the origin of the gold, he stated that he is not aware of the origin of the gold. He further stated that he is not having any import document pertaining to the said gold bars.

#### **SEIZURE OF FOREIGN ORIGIN GOLD BARS-**

**12.** From the valuation report, as discussed supra at Para No.10, it is determined that the said detained gold is of foreign origin. Further, the sender or the intended recipient of the gold could not produce the relevant documents pertaining to the import of the said gold. In view of the same, the detained goods, detailed as follows, were placed under seizure under the provisions of Section

110 of Customs Act, 1962, under the reasonable belief that the same were liable to confiscation under the provisions of Customs Act, 1962.

(i) Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023. **(RUD-10)**

(ii) Three gold bars of foreign origin, weighing **300 grams** in total, valued at Rs. 18,15,000/- (Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Triveni Jewellers placed under seizure vide Seizure Memo (DIN- 202310DDZ1000000ECAD) dated 12.10.2023. **(RUD-11)**

**STATEMENT OF SHRI ANILKUMAR MANDORA, PROPRIETOR OF M/s. S.K. MANDORA PRIVATE LIMITED RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962 ON 19.02.2024-**

**13.** Summons dated 19.02.2024 was issued to M/s S.K.Mandora Jewellers Private Limited, Ahmedabad, the intended recipient of the gold bars weighing 200 grams sent by M/s. Dedhia Jewellers, Mumbai and accordingly statement of Shri Anilkumar Mandora, Proprietor of M/s. S.K. Mandora Jewellers Private Limited was recorded under Section 108 of Customs Act, 1962 on 19.02.2024 **(RUD-12)**, wherein he *interalia* stated that they do the artisan work of jewellery making and they procure raw gold from various Gold bullion retailers based in Jaipur.

**13.1.** He was shown the following documents:-

(i) panchnama dated 07/08.06.2023 drawn at the premises of Office of Directorate of Revenue Intelligence, Zonal Unit Ahmedabda vide which the examination of goods/ parcels intercepted from Angadiya firem- M/s. Patel Rajeshjuar Rameshkumar & Company was recorded. He perused the same along with its Annexures attached to the said panchnama and in token of perusal and agreement with the contents of the said panchnama, he put his dated signature on the last page of the panchnama dated 07/08.06.2023.

(ii) Panchnama dated 11.09.2023 vide which the examination of the detained gold was done by Govt. Approved Valuer. He perused the said panchnama and in token of perusal of the same, he put his dated signature on the same.

(iii) Valuation report dated 18.09.2023. He perused the said valuation report dated 18.09.2023 and noticed that 200 grams gold bars pertaining to M/s. Dedhia Jewellers, Mumbai are having marking 'UBS' & 'ARGOR' and are of foreign origin.

**13.2.** On being asked about the said gold bars of 200 grams, he admitted that the said gold was meant to be sent to them by M/s. Dedhia Jewellers for making of a necklace. He stated that M/s. Dedhiya Jewellers handed over the said gold to M/s. Patel Rajeshkumar Rameshkumar & Company on 06.06.2023 to be delivered to them(M/s. S.K. Mandora Private Limited). He stated that he was informed by one person of M/s. Patel Rajeshumar Rameshkumar & Company about the detention of the said parcel on 08.06.2023.

**13.3.** Further, he stated that he had never seen the said gold and he is also not aware of the origin of the gold bars, whether the same are of Indian or foreign origin. Also, he stated that he has not made any payment to M/s. Dedhia Jewellers in the whole transaction and also the ownership of the said gold lies with M/s. Dedhia Jewellers, Mumbai.

#### **DETAILS SUBMITTED BY M/s. AURIC BULLION AND JEWELLERY, M/s. ALL INDIA BULLION AND M/s. VARDHAMAN ENTERPRISES**

**14.** As per the statement of Shri Bharat Vasantlal Mandalia of M/s. Triveni Jewellers recorded on 18.07.2023, the foreign origin gold seized by DRI in respect of them had been supplied by M/s. Auric Bullion and Jewellery, M/s. All India Bullion and M/s. Vardhaman Enterprises. In view of the same, Summons dated 21.02.2024 under Section 108 of Customs Act, 1962 were issued to M/s. Auric Bullion and Jewellers, M/s. All India Bullion and M/s. Vardhaman Enterprises to tender statementsand submit details of import of gold or purchase of foreign origin gold with reference to the foreign origin gold sold to M/s. Triveni Jewellers, Mumbai.

**14.1** M/s. Auric Bullion and Jewellers, Mumbai in response to the said Summons submitted certain documents vide their letter dated 26.02.2024 (**RUD-13**)and also stated in the said letter that they had highlighted the bar number of all the gold bars delivered to M/s. Triveni Jewellers in the documents, viz. purchase invoices submitted by them. As per the purchase invoices submitted by them, there **is no mention** of the detained gold bars bearing ARG Bar no. XX0032, XX0092 and XX0098.

**14.2** M/s. All India Bullion in response to the said Summons sent an email dated 29.02.2024 vide which they submitted certain documents including sales

& purchase ledgers, party ledger for the period from 1<sup>st</sup> April'23 to 6<sup>th</sup> June'23 and also submitted that they did not submit any foreign origin bar to M/s. Triveni Jewellers in the said period. **(RUD-14)**

**14.3** Shri Prafullkumar A. Shah of M/s. Vardhman Enterprise (HUF) in response to the said Summons appeared for tendering of statement on 27.02.2024 **(RUD-15)** and also submitted sales and purchase invoice for the gold bars sold to M/s. Triveni Jewellers during the period from April'2023 to June'2023. Shri Prafullkumar A Shah during his statement stated that they have not supplied the gold bars, having serial number as ARG Bar no. XX0032, XX0092 and XX0098, detained by DRI, Ahmedabad under Panchnama dated 08.06.2023, to M/s. Triveni Jewellers.

**STATEMENT OF SHRI BHARAT VASANTLAL MANDALIA, PROPRIETOR OF M/s. TRIVENI JEWELLERS, RECORDED UNDER SECTION 108 OF THE CUSTOMS ACT, 1962 on 19.03.2024-**

**15.** In view of the submissions made by M/s. Auric Bullion and Jewellers, M/s. All India Bullion and M/s. Vardhaman Enterprises as stated above, Summons dated 07.03.2024 under Section 108 of Customs Act, 1962 was again issued to M/s Triveni Jewellers and accordingly statement of Shri Bharat Vasantlal Mandalia, Proprietor of M/s. Triveni Jewellers was recorded on 19.03.2024**(RUD-16)**, wherein, among other things, he was shown the submissions made by M/s. Auric Bullion and Jewellers, M/s. All India Bullion and M/s. Vardhaman Enterprises. On perusal of the same, Shri Bharat Vasantlal Mandalia stated that he is not able to establish as to from whom he had purchased the said gold bars. On being asked about the origin of the Seized gold bars of 300 grams, he stated that he is aware that the said gold bars are of foreign origin but he was not sure at the time of purchasing the said gold that whether the said gold bars were genuinely imported in India or smuggled. He stated that he did not inquire much into it as he is not aware of the legal provisions of the Customs Act or Rules. Also, he stated that he is not having import documents pertaining to the said gold bars and he would not be able to produce the import documents for the import of the seized foreign origin gold bars of 300 grams.

**16.** It appears that the burden of proof in case of 'Gold' in terms of Section 123(1) of Customs Act, 1962 that they are not smuggled goods shall be laid on M/s. Dedhia Jewellers and M/s. Triveni Jewellers respectively. It appears that both the persons i.e. Shri Kunal Dedhia, authorised signatory of M/s Dedhia Jewellers and Shri Bharat Vasantlal Mandaliya, proprietor of M/s. Triveni Jewellers accepted in their respective statements recorded u/s 108 of Customs

Act, 1962 that they did not possess any documents relating to genuine import of these gold bars.

**17.** The investigation could not be completed in the stipulated time period of six months from the date of the detention of goods. The competent authority vide letter dated 01.12.2023 (**RUD -17**) granted the extension by a further period of six months for issuance of Show Cause Notice in respect of seized goods in terms of the first proviso of Section 110(2) of the Customs Act, 1962 as amended by the Finance Act, 2018.

**18. LEGAL PROVISIONS:**

**18.1** The provisions of law, relevant to import of goods in general, the Policy and Rules relating to the import of gold, the liability of the goods to confiscation and liability of the persons concerned to penalty for improper/illegal imports under the provisions of the Customs Act, 1962 and other laws for the time being in force, are summarized as follows:-

**i. Para 2.26 of Foreign Trade Policy 2015-20:**

*Bona-fide household goods and personal effects may be imported as part of passenger baggage as per limits, terms and conditions thereof in Baggage Rules notified by Ministry of Finance.*

**ii. Para 2.1 of the Foreign Trade Policy 2015-20:**

*The item wise export and import policy shall be specified in ITC (HS) notified by DGFT from time to time.*

**iii.** Under ITC (HS) heading sub code 98030000, import of all dutiable articles, imported by a passenger or a member of a crew in his baggage is restricted and their import is allowed only in accordance with the provisions of the Customs Baggage Rules by saving clause 3(1)(h) of the Foreign Trade (Exemption from Application of Rules in Certain Case) Order, 1993.

**iv. Section 3(2) of the Foreign Trade (Development and Regulation) Act, 1992:**

*The Central Government may by Order make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by or under the Order, the import or export of goods or services or technology.*

**v. Section 3(3) of the Foreign Trade (Development and Regulation)**

**Act, 1992:**

*All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly.*

**vi. Section 7 of the Foreign Trade (Development and Regulation) Act, 1992:**

*No import can take place without a valid Import Export Code Number unless otherwise exempted*

**vii. Section 11(1) of the Foreign Trade (Development and Regulation) Act, 1992:**

*No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the foreign trade policy for the time being in force.*

**viii. Rule 11 of the Foreign Trade (Regulation) Rules, 1993- Declaration as to value and quality of imported goods:**

*On the importation into, or exportation out of, any customs ports of any goods, whether liable to duty or not, the owner of such goods shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962 (52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.*

**ix. Rule 14 of the Foreign Trade (Regulation) Rules, 1993: Prohibition regarding making, signing of any declaration, statement or documents,**

*(2) No person shall employ any corrupt or fraudulent practice for the purposes of importing or exporting any goods.*

**x. Section 2 of the Customs Act, 1962: Definitions -**

In this Act, unless the context otherwise requires,

(3) "baggage" includes unaccompanied baggage but does not include motor vehicles;

(3A) "beneficial owner" means any person on whose behalf the goods are being imported or exported or who exercises effective control over the goods being imported or exported;

(14) "dutiable goods" means any goods which are chargeable to duty and on which duty has not been paid;

(22) "goods" includes-

- a. vessels, aircrafts and vehicles;
- b. stores;
- c. baggage;
- d. currency and negotiable instruments; and
- e. any other kind of movable property;

(23) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(26) "importer", in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes <sup>22</sup> [any owner, beneficial owner] or any person holding himself out to be the importer;

(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;

(39) 'smuggling' in relation to any goods, means any act or omission, which will render such goods liable to confiscation under Section 111 or Section 113 of the Customs Act 1962.

**xi. Section 11(3) of the Customs Act, 1962:**

Any prohibition or restriction or obligation relating to import or export of any goods or class of goods or clearance thereof provided in any other law for the time being in force, or any rule or regulation made or any order or notification issued thereunder, shall be executed under the provisions of that Act only if such prohibition or restriction or obligation is notified under the provisions of this Act, subject to such exceptions, modifications or adaptations as the Central Government deems fit.

**xii. Section 11A (a) of the Customs Act, 1962;**

(a) 'illegal import' means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force.

**xiii. Section 77 of the Customs Act 1962:**

*The owner of baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer.*

**xiv. Section 110 of Customs Act, 1962:**

*If the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods.*

**xv. Section 111 of Customs Act, 1962: Confiscation of improperly imported goods, etc.** *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;

.....  
(i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;

(j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the permission of the proper officer or contrary to the terms of such permission;

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

**xvi Section 112. 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,

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he

*knows or has reason to believe are liable to confiscation under section 111,  
shall be liable, -*

*(i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding the value of the goods or five thousand rupees, whichever is the greater;*

*(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:*

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

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

*(iv) in the case of goods falling both under clauses (i) and (iii), to a penalty not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest;*

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

#### **xvii. Section 117. Penalties for contravention, etc., not expressly mentioned.**

*Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding [one lakh rupees] [Substituted by Act 18 of 2008, Section 70, for "ten thousand rupees"]*

**xviii. Section 119. Confiscation of goods used for concealing smuggled goods.**

*Any goods used for concealing smuggled goods shall also be liable to confiscation.*

**xix. Section 123. Burden of proof in certain cases. -**

*(1) Where any goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be -*

*(a) in a case where such seizure is made from the possession of any person,*

*(i) on the person from whose possession the goods were seized; and*

*(ii) if any person, other than the person from whose possession the goods were seized, claims to be the owner thereof, also on such other person;*

*(b) in any other case, on the person, if any, who claims to be the owner of the goods so seized.*

*(2) This section shall apply to gold, and manufactures thereof, watches, and any other class of goods which the Central Government may by notification in the Official Gazette specify.*

**xx.** As per Customs Baggage Declaration Regulations, 2013 all passengers who come to India and having anything to declare or are carrying dutiable or prohibited goods shall declare their accompanied baggage in the prescribed form.

**xxi.** Customs Notification No. 50 /2017 -Customs dated 30.06.2017, as amended, issued by the Central Government; and RBI Circular No. 25 dated 14.08.2013 [RBI/2013-14/187, AP (DIR Series)] permit the import of gold into India by eligible passenger/specified entities, subject to certain conditions.

**xxii.** In terms of the Circular No. 34/2013-Cus. issued by the Directorate General of Export Promotion vide F. No. DGEP/EOU/G & J/16/2009 dated 04.09.2013, import of gold is restricted and gold is permitted to be imported only by the agencies notified by DGFT which are as follows:

- Metals and Minerals Trading Corporation Limited (MMTC);
- Handicraft and Handloom Export Corporation (HHEC);
- State Trading Corporation (STC);
- Project and Equipment Corporation of India Ltd. (PEC);

- STC Ltd.;
- MSTC Ltd.;
- Diamond India Ltd. (DIL);
- Gems and Jewellery Export Promotion Council (G & J EPC);
- A star Trading House or a Premier Trading House under Paragraph 3.10.2 of the Foreign Trade Policy and
- Any other authorized by Reserve Bank of India (RBI).

Hence, the import of gold by any other persons/agencies other than the above mentioned is restricted in terms of the Circular No. 34/2013-Cus. issued by the Directorate General of Export Promotion and the same is liable to be confiscation under the Customs Act, 1962.

**xxiii.** The CBIC's instructions issued vide F. No. 495/6/97-Cus. VI dated 06.05.1996 and reiterated in letter F. No. 495/19/99-Cus VI dated 11.04.2000 clearly states that the import of goods in commercial quantity would not be permissible within the scope of the Baggage Rules, even on payment of duty.

**18.2** A combined reading of the above mentioned legal provisions under the Foreign Trade (Development and Regulation) Act, 1992 and the Customs Act, 1962, read with the notification and orders issued there under, it appears that certain conditions have been imposed on the import of gold into India as a baggage by a passenger, in as much as, only passengers complying with certain conditions such as he/she should be of Indian origin or an Indian passport holder with minimum six months of stay abroad etc. can only import gold in any form and the same has to be declared to the Customs at the time of their arrival and applicable duty has to be paid in foreign currency. These conditions are nothing but restrictions imposed on the import of gold or gold jewellery through passenger baggage. The Hon'ble Supreme Court of India in the case of Sheikh Mohd. Omer Vs Collector of Customs, Calcutta, reported in 1983 (13) ELT 1439, clearly laid down that any prohibition applies to every type of prohibitions which may be complete or partial and even a restriction on import is to an extent, a prohibition. Hence, the restriction imposed on import of gold through passenger baggage is to an extent, a prohibition.

#### **SUMMARY OF THE INVESTIGATION**

**19.** From the investigation conducted so far it appears that:

a) During the search of the baggage of the passengers intercepted outside Kalupur Railway Station on 07.06.2023, one passenger working for Aangadiya firm - M/s. Patel Rajeshkumar Rameshkumar & Company was

found in possession of certain amount of foreign origin gold. The said gold was subsequently detained on the reasonable belief that the same are liable for confiscation under the provisions of the Customs Act, 1962.

- b) As per the labels present on the parcels of the gold detained on 07.06.2023 and documents submitted by Shri Maheshkumar S. Patel, Partner, M/s. Patel Rajeshkumar Rameshkumar & Company during his statement dated 14.06.2023, it was held that: (i) 02 gold bars having total weight 200 grams having markings UBS Switzerland (Melter SAR) S.no. FA0016, ARGOR Switzerland no. YF9362 (scratches on the SI. No.) were being sent by M/s. Dedhia Jewellers, Mumbai to M/s. Shyamkumar Mandora Private Limited, Ahmedabad. (ii) 03 gold bars having total weight 300 grams having markings ARG Bar No.XX0032, XX0092, XX0098 were being sent by M/s. Triveni Jewellers, Mumbai to M/s. Virti Impex, Ahmedabad.
- c) Shri Kartikey Vasantray Soni, Gold Assayer, examined the said gold in presence of independent panchas and the Aangadiya person and certified the purity of Gold, weight, rate of gold vide his valuation report dated 18.09.2023 ascertained that the said gold bars of 200 grams pertaining to M/s. Dedhia Jewellers and 300 grams pertaining to M/s. Triveni Jewellers are of foreign origin and their fair value as per market rate are Rs. 12,10,000/- and Rs.18,15,000/-respectively.
- d) The said foreign origin gold, i.e. 200 grams pertaining to M/s. Dedhia Jewellers and 300 grams pertaining to M/s. Triveni Jewellers appear to be smuggled goods as Shri Kunal Dedhia and Shri Bharat Vasantlal Mandalia informed that they do not possess any documents relating to import of the said gold. Therefore, the said gold pertaining to M/s. Dedhia Jewellers and M/s. Triveni Jewellers were placed under seizure vide Seizure Memo dated 12.10.2023 under the provisions of Section 110 of Customs Act, 1962, on the reasonable belief that the same were liable to confiscation under the provisions of Customs Act,1962.
- e) Statement of the authorised signatory of M/s. Dedhia Jewellers, Shri Kunal Dedhia was recorded u/s 108 of the Customs Act, 1962 in which he admitted that neither they nor the customer from whom they had purchased the said gold have any import documents pertaining to the said foreign origin gold.
- f) Statement of the proprietor of M/s. Triveni Jewellers, Shri Bharat Vasantlal Mandaliya was recorded u/s 108 of the Customs Act, 1962 in which he named

three suppliers from whom he had procured the said foreign origin gold. The sale and purchase documents were submitted by the three suppliers for the period from April'2023 to 06 June'2023 in which there was no mention of the seized gold bars with ARG Bar Nos.XX0032, XX0092, XX0098. In view of the same, M/s. Triveni Jewellers was summoned again during which the proprietor of M/s. Triveni Jewellers, Shri Bharat Vasantlal Mandaliya stated that he is not able to gather as from whom he had purchased the said foreign origin gold and he also cannot produce import documents pertaining to the said gold.

- g) Statements of the intended recipients of the gold, i.e. Shri Pratik Shah of M/s. Virti Impex (intended recipient for the gold sent by M/s. Dedhia Jewellers) and Shri Anilkumar Mandora of M/s. Shyamkumar Mandora Private Limited were recorded u/s 108 of the Customs Act, 1962 during which they stated that they were not aware of the origin of the said gold and they had also not made any payment in respect of the said gold. They also stated that the ownership of the said gold lies with M/s. Dedhia Jewellers and M/s. Triveni Jewellers respectively.
- h) From the above, it thus appears that the 05 bars of foreign origin gold, i.e. 2 gold bars of 200 grams of M/s. Dedhia Jewellers and 3 gold bars of 300 grams of M/s. Triveni Jewellers are smuggled goods in terms of Section 2(39) of Customs Act, 1962.
- i) The burden of proving that the Gold seized from the Aangadiya- M/s. Patel Rajeshkumar Rameshkumar & Company under Panchnama dated 07.06.2023 are not smuggled goods, lies on M/s. Dedhia Jewellers and M/s. Triveni Jewellers. It appears that during the investigation, both have failed to provide documents indicating any legitimate import of the said Gold Bars or any proof that the said foreign origin gold bars, i.e. 200 grams pertaining to M/s. Dedhia Jewellers and 300 grams pertaining to M/s. Triveni Jewellers are not smuggled goods. Thus, it appears that the said foreign origin gold weighing 500 grams in total valued at Rs. 30,25,000/- (Thirty Lakhs Twenty-Five Thousand only) are liable for confiscation under the provisions of Section 111 (d), (j), (l) & (m) of Customs Act, 1962.

## **20. ROLE PLAYED BY M/S. DEDHIA JEWELLERS AND M/S. TRIVENI JEWELLERS:**

### **20.1 Shri Kunal Dedhia, Authorised Signatory of M/s. Dedhia Jewellers:-**

Shri Kunal Dedhia, Authorised Signatory of M/s. Dedhia Jewellers in his statement admitted that they had purchased the said foreign origin gold of 200 grams from a customer Shri Gopi K. Shah without verification if the said gold was of foreign origin, which appears to be unsubstantiated. Further, as per Section 123(1) of the Customs Act, the burden of proof lies on M/s. Dedhia Jewellers that the said gold bars are not smuggled goods, which they have failed to provide. It appears that M/s. Dedhia Jewellers are culpable and the act of omission and commission made on their part for the smuggling of gold which are liable for confiscation under section 111(d), 111(j), 111(l) & 111(m) have rendered themselves liable for penalty under Section 112 (a) & (b) of the Customs Act, 1962.

### **20.2 M/s. Triveni Jewellers**

Shri Bharat Vasantlal Mandaliya, the proprietor of M/s. Triveni Jewellers stated that he cannot establish as from whom he had purchased the said foreign origin gold bars and he also cannot provide import documents in respect of the said gold. As per Section 123(1) of the Customs Act, the burden of proof lies on M/s. Triveni Jewellers that the said gold bars are not smuggled goods, which they have failed to provide. It appears that M/s. Triveni Jewellers are culpable and the act of omission and commission made on their part for the smuggling of gold which are liable for confiscation under section 111(d), 111(j), 111(l) & 111(m) have rendered themselves liable for penalty under Section 112 (a) & (b) of the Customs Act, 1962.

### **20.3 M/s. Patel Rajeshkumar Rameshkumar & Company and Shri Karamshibhai B. Desai:**

M/s. Patel Rajeshkumar Rameshkumar & Company had concerned them by dealing with carriage/ transport of 02 bars of foreign origin gold weighing 200 grams of M/s. Dedhia Jewellers and 03 bars of foreign origin gold weighing 300 grams of M/s. Triveni Jewellers and valued at Rs.12,10,000/- and Rs.18,15,000/-, respectively, through their employee Shri Karamshibhai B. Desai on board Saurashtra Mail Train No. 22945, without verifying the legitimate documents of import of such foreign origin gold from respective senders. As per their own admission that they cannot accept the parcels containing foreign origin gold for transport, they failed to verify the legitimate documents for carrying foreign origin gold. As per Section 123(1) of the Customs Act, the burden of proof lies on M/s. Patel Rajeshkumar Rameshkumar & Company. It appears that they failed in their obligation to report the possession of foreign origin gold which are

liable for confiscation under Section 111(d), 112(j), 112(l) & 112(m) of the Customs Act, to respective revenue authorities. By indulging themselves in such acts of omission and commission, they rendered them liable for penal action under Section 112(a), 112(b) & 117 of the Customs Act, 1962.

**21.** The documents relied upon in the Investigation are listed in the **Annexure-R** to this Notice.

**22.** The 02 bars of foreign origin gold weighing 200 grams of M/s. Dedhia Jewellers and 03 bars of foreign origin gold weighing 300 grams of M/s. Triveni Jewellers and valued at Rs. 12,10,000/- and Rs. 18,15,000/- respectively, were seized from the Aangadiya person outside Kalupur Railway Station, Ahmedabad. Thus, in terms of Section 122 of Customs Act, 1962, the SCN issuing authority is Joint/ Additional Commissioner of Customs, Ahmedabad.

**23.** The subject SCN is being issued in view of the provisions of Section 110 (2) of the Customs Act, 1962, under which a Show Cause Notice is required to be given within a period of six months from the date of seizure or such extended period in terms of proviso to section 110(2) of the Customs Act, 1962. However, further verification of facts/digital evidences/recording of statement of other persons appearing on record during the course of inquiry is required to be done. The investigating agency reserves its right to bring on record further evidence against the noticees of the Show Cause Notice and also to issue Show Cause Notice to any other person not covered in this Show Cause Notice, found to be involved, by issue of an addendum or Supplementary Show Cause Notice or Separate Show Cause Notice.

**24.** Therefore, view of above, M/s. Dedhia Jewellers, Shri Kunal Dedhia, authorised signatory of M/s. Dedhia Jewellers and M/s. Triveni Jewellers, M/s. Patel Rajeshkumar Rameshkumar & Company and Shri Karamshibhai B. Desai are hereby called upon to show cause in writing to the Additional Commissioner of Customs, having his office located at 2nd Floor, 'Custom House' Building, Near All India Radio, Navrangpura, Ahmedabad-380 009, as to why:-

(i) Absolute Confiscation should not be made of the 500 grams of foreign origin gold bars, under Section 111(d), 111(j), 111(l) & 111(m) of Customs Act, 1962 i.e. for

- a. Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023.(RUD-11)
- b. Three gold bars of foreign origin, weighing **300 grams** in total, valued at Rs. 18,15,000/- (Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Triveni Jewellers placed under seizure vide Seizure Memo (DIN- 202310DDZ1000000ECAD) dated 12.10.2023.(RUD-12)
- ii) Penalty should not be imposed under section 112(a) and 112(b) of the Customs Act, 1962 on M/s. Dedhia Jewellers i.r.o. seizure of Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023.(RUD-11)
- iii) Penalty should not be imposed under section 117 of the Customs Act, 1962 on M/s. Dedhia Jewellers i.r.o. seizure of Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023.(RUD-11)
- iv) Penalty should not be imposed under section 112(a) and 112(b) of the Customs Act, 1962 on Shri Kunal Dedhia, Authroised Signatory, M/s. Dedhia Jewellers i.r.o. seizure of Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023.(RUD-11)
- v) Penalty should not be imposed under section 117 of the Customs Act, 1962 on Shri Kunal Dedhia, Authroised Signatory, M/s. Dedhia Jewellers i.r.o. seizure of Two gold bars of foreign origin, weighing **200 grams** in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai placed under seizure vide Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023.(RUD-11)

- vi) Penalty should not be imposed under section 112(a) and 112(b) of the Customs Act, 1962 on Shri Bharat Vasantlal Mandaliya, Proprietor, M/s. Triveni Jewellers i.r.o. seizure of Three gold bars of foreign origin, weighing **300 grams** in total, valued at Rs. 18,15,000/- (Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Triveni Jewellers placed under seizure vide Seizure Memo (DIN-202310DDZ1000000ECAD) dated 12.10.2023.(RUD-12);
- vii) Penalty should not be imposed under section 117 of the Customs Act, 1962 on Shri Bharat Vasantlal Mandaliya, Proprietor, M/s. Triveni Jewellers i.r.o. seizure of Three gold bars of foreign origin, weighing **300 grams** in total, valued at Rs. 18,15,000/- (Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Triveni Jewellers placed under seizure vide Seizure Memo (DIN-202310DDZ1000000ECAD) dated 12.10.2023.(RUD-12);
- viii) Penalty should not be imposed under section 112(a) and 112(b) of the Customs Act, 1962 on M/s. Patel Rajeshkumar Rameshkumar Company i.r.o. seizure of 500 grams gold i.e, 200 grams foreign origin gold valued at Rs. 12,10,000/- (Rupees Twelve Lakhs and Ten Thousands only) and 300 grams foreing origin gold valued at Rs.18,15,000/- (Rupees Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Dedhia Jewellers and M/s. Triveni Jewellers seized vide seizure memo dated 12.10.2023 vide DIN: 202310DDZ100008378F8(RUD-11) and DIN: 202310DDZ1000000ECAD.(RUD-12)
- ix) Penalty should not be imposed under section 117 of the Customs Act, 1962 on M/s. Patel Rajeshkumar Rameshkumar Company i.r.o. seizure of 500 grams gold i.e, 200 grams foreign origin gold valued at Rs. 12,10,000/- (Rupees Twelve Lakhs and Ten Thousands only) and 300 grams foreing origin gold valued at Rs.18,15,000/- (Rupees Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Dedhia Jewellers and M/s. Triveni Jewellers seized vide seizure memo dated 12.10.2023 vide DIN: 202310DDZ100008378F8(RUD-11) and DIN: 202310DDZ1000000ECAD.(RUD-12)
- x) Penalty should not be imposed under section 112(a) and 112(b) of the Customs Act, 1962 on Shri Karamshibhai B Desai, Employee of M/s Patel Rajeshkumar Rameshkumar Company i.r.o. seizure of 500 grams gold i.e, 200 grams foreign origin gold valued at Rs. 12,10,000/- (Rupees Twelvc Lakhs and Ten

Thousands only) and 300 grams foreign origin gold valued at Rs.18,15,000/- (Rupees Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Dedhia Jewellers and M/s. Triveni Jewellers seized vide seizure memo dated 12.10.2023 vide DIN: 202310DDZ100008378F8(RUD-11) and DIN: 202310DDZ1000000ECAD.(RUD-12)

xi) Penalty should not be imposed under section 117 of the Customs Act, 1962 on Shri Karamshibhai B Desai, Employee of M/s Patel Rajeshkumar Rameshkumar Company i.r.o. seizure of 500 grams gold i.e, 200 grams foreign origin gold valued at Rs. 12,10,000/- (Rupees Twelve Lakhs and Ten Thousands only) and 300 grams foreign origin gold valued at Rs.18,15,000/- (Rupees Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Dedhia Jewellers and M/s. Triveni Jewellers seized vide seizure memo dated 12.10.2023 vide DIN: 202310DDZ100008378F8(RUD-11) and DIN: 202310DDZ1000000ECAD.(RUD-12).

**25.** The Noticee are further required to state specifically in the written reply as to whether they wishes to be heard in person before the case is adjudicated. If no specific mention is made about this in the written reply, it shall be presumed that they do not wish to be heard in person. They should produce at the time of showing cause, all the evidences which he intends to reply upon in defense.

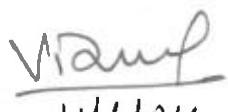
**26.** The Noticee/s, are further required to note that the reply should reach within 30 (thirty) days or within such extended period as may be allowed by the adjudicating authority. If no cause is shown against the action proposed above within 30 days from the receipt of this show cause notice or if anyone does not appear before the adjudicating authority as and when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.

**27.** This show cause notice is issued without prejudice to any other action that may be taken against her, under this Act or any other law for the time being in force, or against any other company, person(s), goods and conveyances whether named in this notice or not.

**28.** Department reserves its right to amend, modify or supplement this notice at any time prior to the adjudication of the case. The investigating agency reserves its right to bring on record further evidence against the noticees of the Show Cause Notice and also to issue Show Cause Notice to any other person not covered in this Show Cause Notice, found to be involved, by issue

of an addendum or Supplementary Show Cause Notice or Separate Show Cause Notice.

**29.** The relied upon documents for the purpose of this notice are listed in Annexure 'R' and copies thereof are enclosed with this notice.

  
4/6/24  
(Vishal Malani)  
Additional Commissioner  
Customs, Ahmedabad.

F. No. VIII/10-86/DRI-AZU/O&A/HQ/2024-25

Dated 04.06.2024

DIN- 20240671 MN 000 000 B2B4

**BY SPEED POST:**

- 1) M/s. Dedhia Jewellers, 19, Sangit Sagar Building, Shop no. 3&4, Laxminarayan lane, Matunga (C.R), Mumbai
- 2) Shri Kunal Dedhia, c/o of M/s. Dedhia Jewellers 19, Sangit Sagar Building, Shop no. 3&4, Laxminarayan lane, Matunga (C.R), Mumbai
- 3) M/s. Triveni Jewellers, 21/5, Jadhavji Mansion, 3<sup>rd</sup> Fofal wadi, Bhuleshwar Road, Mumbai- 400002
- 4) M/s. Patel Rajeshkumar Rameshkumar & Company, 20, Zaveri Chamber, Ratanpol, Ahmedabad, Gujarat
- 5) Shri Karamshibhai B. Desai c/o M/s. Patel Rajeshkumar Rameshkumar & Company, 20, Zaveri Chamber, Ratanpol, Ahmedabad, Gujarat

**Copy to:**

- 1) The Additional Director General, Directorate of Revenue Intelligence, Ahmedabad Zonal Unit, Ahmedabad
- 2) The Superintendent System In-Charge, Customs, HQ., Ahmedabad for uploading on the official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
- 3) The Deputy Commissioner, SVPIA, for information and affixing on notice board at Airport please (for information to any other claimant).

4) Notice Board, Customs Commissionerate, Customs House,  
Ahmedabad (for information to any other claimant)

5) Guard File.

## ANNEXURE – R

<b>LIST OF RELIED UPON DOCUMENTS</b>		
<b>RUD No.</b>	<b>Statement / RUD</b>	<b>Remarks</b>
<b>1</b>	Panchnama Dated 07.06.2023 for the interception of aangadiya employees outside Kalupur Railway Station	Copy Enclosed (in CD)
<b>2</b>	Panchnama dated 07.06.2023 for the examination of the baggage of the Aangadiya	Copy Enclosed (in CD)
<b>3</b>	Statement dated 14.06.2023 of Shri Maheshkumar S. Patel, Partner, M/s. Patel Rajeshkumar Rameshkumar & Company recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>4</b>	Panchnama dated 20.06.2023 iro the release of the goods	Copy Enclosed (in CD)
<b>5</b>	Statement dated 18.07.2023 of Shri Kunal Dedhia, Employee of M/s. Dedhia Jewellers recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>6</b>	Statement dated 18.07.2023 of Shri Bharat Vasantlal Mandalia, Proprietor of M/s. Triveni Jewellers recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>7</b>	Panchnama dated 11.09.2023 under which the valuation and examination of the detained goods was done by the Gold Assayer	Copy Enclosed (in CD)
<b>8</b>	Valuation Report dated 18.09.2023 given by Shri Kartikey Vasantrai Soni, Govt. approved Gold Assayer certified the purity of Gold, weight, value of gold.	Copy Enclosed (in CD)
<b>9</b>	Statement dated 09.10.2023 of Shri Pratik Shah, Proprietor of M/s. Virti Impex recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>10</b>	Seizure Memo (DIN- 202310DDZ100008378F8) dated 12.10.2023 i.r.o.Two gold bars of foreign origin, weighing 200 grams in total, valued at Rs. 12,10,000/- (Twelve Lakhs and Ten Thousand Only) pertaining to M/s. Dedhia Jewellers, Mumbai	Copy Enclosed (in CD)
<b>11</b>	Seizure Memo (DIN-202310DDZ1000000ECAD) dated 12.10.2023 i.r.o.Three gold bars of foreign origin, weighing 300 grams in total, valued at Rs. 18,15,000/- (Eighteen Lakhs and Fifteen Thousand Only) pertaining to M/s. Triveni Jewellers	Copy Enclosed (in CD)
<b>12</b>	Statement dated 19.02.2024 of Shri Anilkumar Mandora, Proprietor of M/s. S.K. Mandora Jewellers Private Limited recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>13</b>	Letter dated 26.02.2024 containing certain documents submitted by M/s. Auric Bullion and Jewellers	Copy Enclosed (in CD)
<b>14</b>	M/s. All India Bullion's email dated 29.02.2024 along with certain documents submitted by them	Copy Enclosed (in CD)
<b>15</b>	Statement dated 27.02.2024 of Shri Prafulkumar A. Shah of M/s. Vardhman Enterprise (HUF) recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>16</b>	Statement dated 19.03.2024 of Shri Bharat Vasantlal Mandalia, Proprietor of M/s. Triveni Jewellers recorded under Section 108 of the Customs Act, 1962	Copy Enclosed (in CD)
<b>17</b>	Letter dated 01.12.2023, granting extension for period of six months for issuance of Show Cause Notice i.r.o. Siezed goods in terms of the first proviso of Section 110(2) of the Customs Act, 1962	Copy Enclosed (in CD)