



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद
सीमा शुल्क भवन, पहली मंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा अहमदाबाद-380 009 दूरभाष : (079)
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DIN:20251171MN000051565B

PREAMBLE

A	फ़ाइल संख्या/ File No.	:	CUS/EPCG/MISC/394/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD
B	कारण बताओ नोटिस संख्या एवं तारीख / Show Cause Notice No. and Date	:	CUS/EPCG/MISC/394/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated 23.05.2023
C	मूल आदेश संख्या/ Order-In-Original No.	:	167/ADC/SR/O&A/HQ/2025-26
D	आदेश तिथि/ Date of Order-In-Original	:	27.11.2025
E	जारी करने की तारीख/ Date of Issue	:	27.11.2025
F	द्वारा पारित/ Passed By	:	Shravan Ram, Additional Commissioner, Customs, Ahmedabad
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	:	M/s. Pooja Electrovision, Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230 Smt. Pooja Duggal, Proprietor of M/s. Pooja Electrovision, Flat No. 2/B, Mount Blanc, Near Rajhans Cinema, Gaurav Path, Piplod, Surat
(1)	यह प्रति व्यक्ति के उपयोग के लिए निःशुल्क प्रदान किया जाता है जिन्हें यह जारी किया जाता है।		
(2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्त किया तारीख के ६० दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क (अपील), ४वि मंजिल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।		
(3)	अपील के साथ केवल पांच (५.00) रुपये पे न्यायालय शुल्क टिकिट लगा होना चाहिए और इसके साथ होना चाहिए:		
(i)	अपील की एक प्रति और;		
(ii)	इस प्रति या इस आदेश की कोई प्रति के साथकेवल पांच (५.00) रुपये पे न्यायालय शुल्क टिकिट लगा होना चाहिए।		
(4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को ७.५% अधिकतम १० करोड़ शुल्क हम करना होगा जहां शुल्क या ड्यूटी और जुर्माना विवाद में है या जुर्माना जहां इस तरह की दंड विवाद में है और अपील के साथ इस तरह के भुगतान का प्रमाण पेश करने में असफल रहने पर सीमा शुल्क अधिनियम, १९६२ के धारा १२९ के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।		

BRIEF FACTS OF THE CASE:

M/s. Pooja Electrovision, Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230 (hereinafter referred as “the said importer” for the sake of brevity), holding Import Export Code No. 5205031964 had imported 06 Sets of capital goods viz. Computerised Embroidery Machine under EPCG Licence No. 5230011778 dated 24.05.2013 by saving duty of Rs.11,57,977/- (Actual Duty Utilized of Rs.11,24,286/-) and had cleared the same vide below mentioned Bill of Entries at zero duty while availing the benefit of exemption available under Notification No. 22/2013-Cus dated 18.04.2013. The details of import are as under:

Sr. No.	B/E No. & Date	Qty Machinery Cleared	Duty Saved/ available as per EPCG Licence	Total Duty Foregone/Debited at the time of clearance	BG Amount (Rs.)
1	2387769 Dtd. 11.06.2013	2	11,57,977/-	3,74,762/-	2,00,000/-
2	2387816 Dtd. 11.06.2013	2		3,74,762/-	
3	2387771 Dtd. 11.06.2013	2		3,74,762/-	
Total		6 sets	11,57,977/-	11,24,286/-	

2. As per Notification No. 22/2013-Cus dated 18.04.2013 as amended, the said importer was required to fulfill the export obligation on FOB basis equivalent to six times of the duty saved on the goods imported as may be specified on the licence or authorization. The relevant portion of the said notification is produced herein below for reference:

Notification No. 22 / 2013-CUSTOMS**New Delhi, the 18th April, 2013**

G.S.R. 248 (E). - In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in the Table 1 annexed hereto, from,- (i) the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), and (ii) the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act, when specifically claimed by the importer.

2. The exemption under this notification shall be subject to the following conditions, namely:- (1) that the goods imported are covered by a valid authorisation issued under the Export Promotion Capital Goods (EPCG) Scheme in terms of Chapter 5 of the Foreign Trade Policy permitting import of goods at zero customs duty; (2) that the authorisation is registered at the port of import specified in the said authorisation and the goods, which are specified in the Table 1 annexed hereto, are imported within eighteen months from the date of issue of the said authorisation and the said authorisation is produced for debit by the proper officer of customs at the time of clearance: Provided that the benefit of import of capital goods at concessional duty under this notification for creation of modern infrastructure shall be extended only to such retailers who have a minimum area of 1000 square metres: Provided further that the catalyst for one subsequent charge shall be allowed, under the authorisation in which plant, machinery or equipment and catalyst for initial charge have been imported, except in cases where the Regional Authority issues a separate authorisation for catalyst for one subsequent charge after the plant, machinery or equipment and catalyst for initial charge have already been imported;

(3) that the importer is not issued, in the year of issuance of zero duty EPCG authorisation, the duty credit scrips under Status Holder Incentive Scrip (SHIS) scheme under para 3.16 of the Foreign Trade Policy. In the case of applicant who is Common Service Provider (herein after referred as CSP), the CSP or any of its specific users should not be issued, in the year of issuance of the zero duty EPCG authorisation, the duty credit scrips under SHIS. This condition shall not apply where already availed SHIS benefit that is unutilised is surrendered or where benefits availed under SHIS that is utilised is refunded, with applicable interest, before issue of the zero duty EPCG authorisation. SHIS scrips which are surrendered or benefit refunded or not issued in a particular year for the reason the authorisation has been issued in that year shall not be issued in future years also;

(4) that the authorisation for annual requirement shall indicate export product to be exported under the authorisation. The importer shall submit a Nexus Certificate from an independent Chartered Engineer (CEC) in the format specified in Appendix 32A of HBP (vol. I) notified under the Foreign Trade Policy, certifying nexus of imported capital goods with the export product, to the Customs authorities at the time of clearance of imported capital goods. A copy of the CEC shall be submitted to the concerned Regional Authority alongwith copy of the bill of entry, within thirty days from the date of import of the Capital Goods;

(5) that the goods imported shall not be disposed of or transferred by sale or lease or any other manner till export obligation is complete;

(6) that the importer executes a bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to comply with all the conditions of this notification as well as to fulfill export obligation on Free on Board (FOB) basis equivalent to six times the duty saved on the goods imported as may be specified on the authorisation, or for such higher sum as may be fixed or endorsed by the Regional Authority in terms of Para 5.10 of the Handbook of Procedures Vol I, issued under para 2.4 of the Foreign Trade Policy, within a period of six years from the date of issue of Authorisation, in the following proportions, namely :-

S. N.	Period from the date of issue of Authorization	Proportion of total export obligation
(1)	(2)	(3)
1	Block of 1st to 4th year	50%
2	Block of 5th to 6th year	50%

.....

(7) that if the importer does not claim exemption from the additional duty leviable under section 3 of the Customs Tariff Act, 1975, the additional duty so paid by him shall not be taken for computation of the net duty saved for the purpose of fixation of export obligation provided the Cenvat credit of additional duty paid has not been taken;

(8) that the importer, including a CSP, produces within 30 days from the expiry of each block from the date of issue of authorisation or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs may allow, evidence to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs showing the extent of export obligation fulfilled, and where the export obligation of any particular block is not fulfilled in terms of the condition (6), the importer shall within three months from the expiry of the said

block pay duties of customs equal to an amount which bears the same proportion to the duties leviable on the goods, but for the exemption contained herein, which the unfulfilled portion of the export obligation bears to the total export obligation, together with interest at the rate of 15% per annum from the date of clearance of the goods;

It is thus evident from the above notification that the said importer was required to execute a bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to fulfill export obligation on FOB basis equivalent to six times the duty saved on the goods imported as may be specified on the licence or authorization, or for such higher sum as may be fixed or endorsed by the licencing Authority or Regional Authority, within a period of six years from the date of issuance of licence or authorization i.e. complete 50% export obligation within first block of 1st to 4th years and remaining 50 % in second block of 5th to 6th years.

3. Accordingly, the said importer had executed Bond dated 11.06.2013 for Rs.35,70,000/- backed by Bank Guarantee No. 11060002513 dated 06.06.2013 for Rs.2,00,000/- issued by the Oriental Bank of Commerce, Ring Road, Surat, for EPCG License No. 5230011778 dated 24.05.2013. They had also undertaken to fulfill all the terms and conditions specified in the License and the said Notification.

4. The said machinery i.e. 06 Sets of Computerized Embroidery Machine imported under the above said EPCG License were installed at the factory/business premises i.e. M/s. Pooja Electrovision, Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230, as per the Installation Certificate dated 03.10.2013 issued by Chartered Engineer Dr. P.J. Gandhi Surat, certifying the receipt of the goods imported and its installation.

5. The aforesaid EPCG License No. 5230011778 dated 24.05.2013 was issued to the said importer and the Bond dated 11.06.2013 was executed. Accordingly, the said importer was required to fulfill the export obligation within a period of six years from the date of EPCG Licence as per the condition laid down in the Notification and EPCG Licence itself and submit the Export Obligation Discharged Certificate issued by the DGFT Authority to the department.

6. Letter F. No. ICD-SACHIN/712/2013-14 dated 18.03.2021 and letter F. No. VIII/6712/ICD-SACHIN/2013-14 dated 11.07.2022 were issued to the said importer to either furnish the EODC issued by DGFT, Surat or any extension granted by DGFT, Surat for fulfillment of Export Obligation, but no reply received.

6.1 As no reply was received from the said importer, a letter F. No. ICD-Sachin/DGFT/07/2020-21 dated 21.10.2022 was issued to the Foreign Trade Development officer, DGFT, Surat requesting them to intimate this office, whether the said importer has been issued EODC against EPCG License No. 5230011778 dated 24.05.2013 or any documents showing the fulfillment of the export obligation have been submitted by the aforesaid importer. The Assistant Director, Directorate General of Foreign Trade, Surat vide letter F. No. EPCG/Mis/2020-21 dated 28.10.2022 intimated that the said importer had not submitted any documents to them against fulfillment of export obligation.

Thus, it appears, from the above that the said importer has failed to fulfill the export obligation as specified in the Licence and has not complied with the

mandatory conditions of the Customs Notification No.22/2013-Cus dated 18.04.2013, EPCG Licence and conditions of the Bond dated 11.06.2013.

7. As per the provisions of Section 143 of the Customs Act, 1962, the aforesaid capital goods were allowed clearance by the proper officer on execution of bond by the said importer wherein the said importer has bound himself to discharge liability within a specified period in certain manner, which he has failed to do, by not fulfilling the export obligation. Therefore, the department is entitled to recover the duty less paid by raising a demand and appropriating the Bank Guarantee furnished by the said importer against this demand. The said section is produced herein below for reference:

Section 143. Power to allow import or export on execution of bonds in certain cases.

- (1) Where this Act or any other law requires anything to be done before a person can import or export any goods or clear any goods from the control of officers of customs and the Assistant Commissioner of Customs or Deputy Commissioner of Customs is satisfied that having regard to the circumstances of the case, such thing cannot be done before such import, export or clearance without detriment to that person, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, notwithstanding anything contained in this Act or such other law, grant leave for such import, export or clearance on the person executing a bond in such amount, with such surety or security and subject to such conditions as the Assistant Commissioner of Customs or Deputy Commissioner of Customs approves, for the doing of that thing within such time after the import, export or clearance as may be specified in the bond.

(2) If the thing is done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall cancel the bond as discharged in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable to any penalty provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.

(3) If the thing is not done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall, without prejudice to any other action that may be taken under this Act or any other law for the time being in force, be entitled to proceed upon the bond in accordance with law.

8. Since, the said importer appears to failed to fulfill the conditions laid down under Notification No. 22/2013-Cus dated 18.04.2013 in as much as they failed to export goods manufactured from 06 Sets of Computerized Embroidery Machine imported under EPCG Licence No. 5230011778 dated 24.05.2013 which was equivalent to six times the duty saved on the goods imported and also neither produced EODC issued by DGFT, Surat nor could produce any extension granted by DGFT, Surat for fulfillment of Export Obligation. Hence, they appear liable to pay duty of Rs.11,24,286/- in respect of the said imported goods along with interest at the applicable rate, in terms of conditions of the said Notification read with condition of Bond executed by the said importer read with Section 143 of the Customs Act, 1962.

8.1 It appears that the imported capital goods have not been used for intended purpose for which the exemption from payment of duty was claimed and therefore, the aforesaid Capital goods appear liable for confiscation under Section 111(o) of the Customs Act, 1962 and thus the said importer appears to have rendered itself

liable for penal action under the provisions of Section 112(a) and Section 117 of the Customs Act, 1962.

8.2 Since, the said importer could not fulfill the conditions laid down under Notification No.22/2013-Cus dated 18.04.2013, the Bank Guarantee No. 11060002513 dated 06.06.2013 for Rs. 2,00,000/- issued by the Oriental Bank of Commerce, Ring Road, Surat in favor of the Deputy/Asstt. Commissioner of Customs, ICD-Sachin, Surat against the EPCG License No. 5230011778 dated 24.05.2013 appears required to be appropriated against the proposed demand.

8.3 As per para (8) of Customs Notification No. 22/2013-Cus dated 18.04.2013, the importer was required to produce, within 30 days from the expiry of each block from the date of issue of authorization or within such extended period, evidence to the extent of export obligation fulfilled by them, and where the export obligation of any particular block was not fulfilled, the importer were required to pay duties of customs equal to an amount which for the unfulfilled portion of the export obligation along with interest within three months from the expiry of the said block. The said importer has also given bond to this effect. The letter dated 18.03.2021 was written to the importer to intimate the extent of export obligation fulfilled by them. Further letter dated 11.07.2022 was also written to them but both these letters were not replied by them. Thus, the fact that they had neither completed their Export obligation nor paid the duty on import as per law & procedure is on record. The DGFT also informed that the importer has not submitted any documents regarding fulfillment of Export obligation. Thus, it appears that the said importer has neither fulfilled their Export obligation nor paid the customs duty along with interest for non-fulfillment of EO. These facts were not disclosed to the department or DGFT, thereby suppressing the facts with a clear intent to evade the payment of duty.

9. In view of the foregoing, a Show Cause Notice bearing F. No. CUS/EPCG/MISC/394/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated 23.05.2023 was issued by the Additional Commissioner, in charge of ICD-Sachin, Surat to M/s. Pooja Electrovision, located at Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230, calling upon them to show cause to the Additional/Joint Commissioner of Customs, Customs House, Hazira Port, Hazira, Surat as to why:"

- (i) The benefit of Zero Duty for EPCG Scheme under Notification No. 22/2013Cus dated 18.04.2013 on the subject imported Computerized Embroidery Machine in the name of M/s. Pooja Electrovision, should not be denied.
- (ii) Customs Duty totally amounting to Rs. 11,24,286/- (Rupees Eleven Lakh Twenty Four Thousand Two Hundred Eighty Six only) being the Duty forgone at the time of import under EPCG Licence, should not be demanded and recovered from them in terms of Notification No.22/2013-Cus dated 18.04.2013 as amended, read with the Conditions of Bond executed and furnished by them in term of Section 143 of the Customs Act, 1962 by enforcing the terms of the said Bond and as to why the Bank Guarantee No. 11060002513 dated 06.06.2013 for Rs. 2,00,000/- issued by the Oriental Bank of Commerce, Ring Road, Surat backed against the Bond, should not be appropriated and adjusted towards the Duty liability as mentioned above.
- (iii) Interest at the applicable rate should not be recovered from them on the Customs Duty as mentioned at (ii) above in term of Notification No. 22/2013Cus dated 18.04.2013 as amended from time to time read with

Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962.

- (iv) The imported Capital Goods should not be held liable for confiscation under Section 111(o) of the Customs Act, 1962 read with conditions of Bond executed, in terms of Section 143 of the Customs Act, 1962 read with Notification No.22/2013-Cus dated 18.04.2013 as amended from time to time.
- (v) Penalty should not be imposed on the Importer under Section 112(a) of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vi) Penalty should not be imposed on the Importer under Section 117 of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vii) Bond executed by them at the time of import should not be enforced in terms of Section 143(3) of the Customs Act, 1962 and the Bank Guarantee thereof should not be encashed for recovery of the Customs Duty as mentioned above and interest thereupon.

DEFENSE SUBMISSION AND PERSONAL HEARING:

10. In response to the subject Show Cause Notice, the Noticee, vide their letter dated 01.11.2023 informed that they had applied for regularization under the Amnesty Scheme and had submitted an application to the DGFT, Surat on 29.06.2023. Subsequently, vide letter dated 12.12.2023, the Noticee informed that after the calculation of duty amount, they shall deposit said amount with interest and after submission of proof of deposit, DGFT will issue EODC to them. Further, vide letter dated 05.03.2024 noticee submitted calculation sheet as per Public Notice No. 02/2023 dated 01.04.2023 for payment of Custom Duty under Amnesty Scheme and requested to confirm working of duty and interest. Further, the Noticee had paid the applicable Customs Duty and Interest under the Amnesty Scheme and had submitted the duty-paid TR-6 challan No. 199/2023-24 dated 28.03.2024 (duly certified by the Superintendent, Customs, ICD, Sachin, Surat) to the DGFT for one-time settlement, in accordance with Public Notice No. 02/2023 dated 01.04.2023.

10.1 Since, the EODC/Redemption letter was not issued and the matter was pending before DGFT, the SCN was put into call book on 31.01.2025 in terms of para 5 of the Board Circular No.16/2017-Customs dated 02.05.2017. Now, during review of call book cases the status of the said authorization on DGFT's official website shown as "closed", hence, the SCN is retrieved from call book for adjudication. The opportunity of Personal hearing was given to the Noticee on dated 28.11.2025 vide letter dated 20.11.2025. The authorized Advocate of the noticee vide letter dated 21.11.2025 submitted that their case was regularized under Amnesty Scheme and submitted EODC issued by DGFT and requested to drop the proceedings initiated vide the said SCN dated 23.05.2023. He also submitted that they do not want any personal hearing in this case.

DISCUSSIONS AND FINDINGS:

11. I have carefully gone through the Show cause notice, records, submissions and facts in the present case.

12. I find that in the present case a Show Cause Notice F. No. CUS/EPCG/MISC/394/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD dated 23.05.2023 was issued to the noticee/importer, holding EPCG License No. 5230011778 dated 24.05.2013, by the Additional Commissioner of Customs, Surat for non-fulfillment of export obligation as prescribed vide Notification No. 22/2013-Cus dated 18.04.2013 and non-submission of Export obligation discharge certificate (EODC), issued by DGFT authorities in this regard, to the Customs authorities. Further as per Notification No. 22/2013-Cus dated 18.04.2013 the importer was required to fulfill the export obligation on FOB basis equivalent to six times the duty saved on the goods imported within six years from the date of authorization, as may be specified on the License or authorization. I also find that the present case was transferred into callbook in terms of para 5 of the Board Circular No.16/2017-Customs dated 02.05.2017 after the noticee informed that they have gone into Amnesty Scheme before DGFT, Surat, in terms of Public Notice No. 02/2023 dated 01.04.2023, and submitted proof of acknowledgment before Customs authorities.

13. In view of the Noticee's submission of the EODC regularization letter under the Amnesty Scheme, in accordance with PN 02/2023 dated 01.04.2023 issued by DGFT, Surat, the case was withdrawn from the call book in November 2025 with the approval of the competent authority and has now been taken up for adjudication. The issues for consideration before me are as follows:

- (i) Whether the noticee viz. M/s. Pooja Electrovision has failed to fulfill the export obligation (EO) as prescribed under the EPCG Licence No. 5230011778 dated 24.05.2013, in terms of Notification No. 22/2013-Cus dated 18.04.2013, against which exemption from customs duty was availed on import of 06 sets of Computerized Embroidery Machines and whether the Noticee has fulfilled Amnesty Scheme criteria for the EPCG license issued to them.
- (ii) Whether the Noticee is liable for confiscation of Capital Goods and penalties as proposed in the SCN.

14. Now I proceed to decide whether the Noticee has fulfilled the export obligation prescribed under zero duty EPCG scheme under the said Notification No. 22/2013-Cus dated 18.04.2013 and also whether fulfilled Amnesty Scheme criteria for the EPCG license issued to them.


14.1 I find that the present recovery proceedings were initiated due to the Noticee's failure to submit proof of fulfillment of the export obligation and the non-availability of the Export Obligation Discharge Certificate (EODC) in respect of EPCG Authorization No. 5230011778 dated 24.05.2013, under which they had availed the benefit of zero customs duty at the time of import. The EPCG Licence was issued on 24.05.2013, and in accordance with the conditions stipulated under Notification No. 22/2013-Cus dated 18.04.2013, the Noticee was required to fulfill the export obligation on or before 17.04.2019, i.e., within six years from the date of issuance of the licence. However, the Noticee has not submitted any documents indicating that an extension of the export obligation period was granted, nor have they produced an EODC issued by the DGFT. No documentary evidence has been furnished to demonstrate fulfillment of the export obligation or submission of the requisite documents to DGFT, Surat, for obtaining the EODC. Accordingly, I find that the Noticee failed to submit the mandatory Export Obligation Discharge Certificate, despite having availed the benefit of duty-free import of capital goods under the EPCG Scheme, which required strict compliance with the conditions prescribed under Notification No. 22/2013-Cus, the Foreign Trade Policy, and the

Handbook of Procedures. It is therefore evident that the Noticee did not fulfill the export obligation within the stipulated time.


However, the Noticee, vide their above referred letter, informed the Department that they had opted for the Amnesty Scheme for settlement of the case. Further, vide letter dated 21.11.2025, the Noticee submitted that DGFT, Surat had issued the Regularization Letter under the Amnesty Scheme vide F. No. 52EFPC00735AM25 dated 01.05.2024 in respect of the impugned EPCG Authorization No. 5230011778 dated 24.05.2013.

14.2 On careful examination of the documents placed on record, including the Regularization Letter dated 01.05.2024 issued by DGFT, Surat under the Amnesty Scheme and the submissions made by the Noticee, I find that the competent licensing authority has duly regularized the impugned EPCG Authorization by acknowledging compliance with the requirements stipulated under the Scheme. The issuance of the Regularization Letter indicates that the Noticee has met the conditions of the Amnesty Scheme for closure of the EPCG authorization. I find that the Noticee has paid a total amount of Rs.13,96,300/- (rounded) vide TR-6 Challan No. 199/23-24 dated 28.03.2024, comprising Customs Duty of Rs. 11,24,286/- and interest of Rs.2,71,956/-. In view of the confirmation from DGFT, which is the authority vested with the responsibility of monitoring export obligation under the EPCG Scheme, I find no contrary evidence on record to dispute the Noticee's compliance. Accordingly, the eligibility under the Amnesty Scheme stands established. A copy of the said regularization letter issued by the DGFT is reproduced below for ready reference: -

UDINEPCGM00069828AM25



सत्यमेव जयते
Government of India / भारत सरकार
Ministry of Commerce and Industry / वाणिज्य और उद्योग मंत्रालय
Department of Commerce / वाणिज्य विभाग
Directorate General of Foreign Trade / विदेश व्यापार महानिदेशालय
Office of the Joint Director General of Foreign Trade, Surat / संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय, सुरत
6th Floor, Resham Bhavan, Lal Darwaja, SURAT, GUJARAT, 395003 / छठी मंजिल, रेशम भवन, लाल दरवाजा, सुरत,
सुरत, गुजरात, 395003
Email Office / ई-मेल : surat-dgft@nic.in , Phone Office / दूरभाष कार्यालय : 0261-2423381



To / सेवा में,
POOJA ELECTROVISION
PLOT NO.880,ROAD NO-4,GIDC,
SACHIN Contact No: 09327920073,
SURAT/GUJARAT , SURAT ,
GUJARAT – 394230
INDIA

UNDER AMNESTY SCHEME AS PER PN 02/2023 DATED 01.04.2023

Sir / Madam / M/s,
महोदय/ महोदया / सुश्री,

Based on your request and the supporting document proofs provided, the Redemption status for EPCG Authorisation has been updated in the online DGFT systems. May please see following updation details for your reference please -
आपके आवेदन और प्रदान किए सहायक दस्तावेजी प्रमाणों के आधार पर प्राधिकार पत्र के लिए मौचन स्थिति (रिडेम्पशन स्टेटस) EPCG को ऑनलाइन डीजीएफटी सिस्टम में अद्यतित कर दिया गया है। कृपया अपने संदर्भ के लिए निम्नलिखित अद्यतित विवरण को देखें। -

With reference to your letter dated 24/04/2024, I write to inform you that your case stands closed against payment of customs duty for Rs.11,24,286.00 with interest of Rs.2,71,956.00 Total Rs.13,96,242.00 for regularization of the case.

Authorisation Number / प्राधिकार पत्र सं. : 5230011778

Issue Date / जारी करने की तिथि: 01/05/2024

Issued Against File Number / फाइल सं. के तहत जारी किया गया:52EFPC00735AM25

Final Status updated in the System / प्रणाली में अद्यतन की गई अंतिम स्थिति:Regularisation

Validity unknown

Digitally signed by PRAMOD MUKUNDAN NAMBIAR, FTDO, RA SURAT on 01-May-2024.
Name: PRAMOD MUKUNDAN NAMBIAR, FTDO, RA SURAT
Date: 01-May-2024 12:18:16
Reason: I AM THE SIGNER
PRAMOD.NAMBIAR@GOV.IN
Location: RA SURAT

14.3 I find that the Noticee has complied with the procedure prescribed by the DGFT under the "Amnesty Scheme for One-Time Settlement of Default in Export Obligation by Advance and EPCG Authorization Holders," as introduced vide Public Notice No. 02/2023 dated 01.04.2023, in respect of EPCG Authorization No. 5230011778 dated 24.05.2013. The Noticee has duly paid the Customs Duty along with interest within the prescribed time limit provided under the scheme towards

the regularization of their case. I find that sub para (vi) of Para II of the said Public Notice No. 02/2023 dated 01.04.2023, reads as- The applicant thereafter can pay Customs duty plus interest with the Jurisdictional Customs Authorities concerned and submit proof thereof to the regional authority of DGFT concerned". I find that the noticee vide **TR-6 Challan No. 199/23-24 dated 28.03.2024 have made payment towards Customs Duty of Rs.11,24,286/- & Interest of Rs.2,71,956/-**. Thus, total Rs.13,96,242/- (Rupees Thirteen Lakh Ninety Six Thousand Two Hundred Forty Two Only) is paid by the noticee under Amnesty Scheme for one time settlement of default in export obligation. I find that in view of payment of applicable Customs duty and interest and subsequent issuance of REGULARIZATION LETTER UNDER AMNESTY SCHEME dated 01.05.2024 by the DGFT, Surat, the noticee has fulfilled the conditions of the Amnesty Scheme. Thus, I find that total Customs duty of Rs. 11,24,286/- paid by the noticee is required to be appropriated against the total demand of Rs. 11,24,286/- (Rupees Eleven Lakh Twenty Four Thousand Two Hundred Eighty Six only). Further, Interest of Rs. 2,71,956/- paid by the noticee is also required to be appropriated against the demand of interest.

15. Now I proceed to decide whether the noticee is liable for confiscation of Capital Goods and penalties as proposed in the Show Cause Notice.

15.1 Since the noticee has complied with the conditions of "Amnesty Scheme for one time settlement of default in export obligation" against EPCG Authorisation No. 5230011778 dated 24.05.2013 in accordance with Public Notice No. 02/2023-dated 01.04.2023 read with Notification No. 32/2023-Customs dated 26.04.2023 and Circular No. 11/2023-Customs dated 17.05.2023, I do not find it worth to held the goods liable for confiscation under Section 111 (o) of the Customs Act, 1962 as proposed in the Show Cause Notice. Accordingly, I also find that no penalty is imposable on the noticee under Section 112 (a) and 117 of the Customs Act, 1962.

16. **In view of above discussion and findings, I pass the following order:**

ORDER

- (i) I confirm the demand of Customs Duty amounting to **Rs.11,24,286/-** (Rupees Eleven Lakh Twenty Four Thousand Two Hundred Eighty Six only) being the duty foregone at the time of import of Capital Goods under said EPCG Licence in terms of Notification No. 22/2013-Cus dated 18.04.2013 as amended, read with the Conditions of Bond executed and order the same to be recovered from M/s. Pooja Electrovision, Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230, in terms of Section 143 of the Customs Act, 1962 by enforcing the terms of the above mentioned Bond. **I order to appropriate the Customs Duty of Rs. 11,24,286/- & Interest of Rs. 2,71,956/-paid by M/s. Pooja Electrovision vide TR-6 Challan No. 199/23-24 dated 28.03.2024 in terms of Public Notice No. 02/2023 dated 01.04.2023 issued by the DGFT.**
- (ii) Since M/s. Pooja Electrovision had paid the **Customs Duty of Rs.11,24,286/- & Interest of Rs. 2,71,956/-** in terms of Public Notice No. 02/2023 dated 01.04.2023 for 'Amnesty Scheme for one time settlement of default in export obligation' introduced by the DGFT and issuance of "REGULARISATION LETTER" by the DGFT, Surat vide F. No. 52EFPC00735AM25 dated 01.05.2024, I do not hold the goods liable for confiscation under Section 111(0) of the Customs Act, 1962 and consequently no Redemption Fine under Section 125 (1) is imposable.

(iii) I do not impose any penalty upon M/s. Pooja Electrovision, Plot No. 880, Road No. 4, GIDC, Sachin, Surat-394230 in terms of Section 112(a) & 117 of the Customs Act, 1962.

17. The Show Cause Notices F. No. CUS/EPCG/MISC/394/2023-ICD-SRT-CUSCOMMRTE-AHMEDABAD dated 23.05.2023 is disposed of in above terms.

(Shravan Ram)
Additional Commissioner
Customs, Ahmedabad

DIN:20251171MN000051565B

F. No. CUS/EPCG/MISC/394/2023-ICD-SRT-CUS-COMMRTE-AHMEDABAD Dated:27.11.2025

By Speed Post A.D./E-mail /Hand Delivery/Through Notice Board

To,

M/s. Pooja Electrovision,
Plot No. 880, Road No. 4,
GIDC, Sachin, Surat-394230

Smt. Pooja Duggal,
Proprietor of M/s. Pooja Electrovision,
Flat No. 2/B, Mount Blanc,
Near Rajhans Cinema,
Gaurav Path, Piplod, Surat.

Copy to:

1. The Principal Commissioner, Customs, Ahmedabad.
2. The Deputy Commissioner of Customs, ICD-Sachin, Surat.
3. The System In-Charge, Customs HQ, Ahmedabad for uploading on the official website i.e. <http://www.ahmedabadcustoms.gov.in>
4. The Joint Director General, DGFT, 6th Floor, Resham Bhavan Lal Darwaja, Surat395003 for information and necessary action.
5. Guard File/Office copy.
6. Notice Board