

OIO No:145/ADC/SRV/O&A/2025-26
F. No. VIII/10-37/SVPIA-C/O&A/HQ/2025-26



प्रधान आयुक्त का कार्यालय, सीमा शुल्क ,अहमदाबाद

सीमा“ शुल्क भवन ,”पहली मंजिल ,पुराने हाईकोर्टके सामने ,नवरंगपुरा ,अहमदाबाद – 380 009.

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DIN: 20251071MN0000234543

PREAMBLE

A	फाइल संख्या/ File No.	VIII/10-50/SVPIA-B/O&A/HQ/2025-26
B	कारण बताओ नोटिस संख्या एवं तारीख/ Show Cause Notice No. and Date	Waiver of SCN by the Pax.
C	मूल आदेश संख्या/ Order-In-Original No.	145/ADC/SRV/O&A/2025-26
D	आदेश तिथि/ Date of Order-In-Original	16.10.2025
E	जारी करने की तारीख/ Date of Issue	16.10.2025
F	द्वारा पारित/ Passed By	Shree Ram Vishnoi, Additional Commissioner, Customs, Ahmedabad.
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	Shri Sachin Santosh Chandoskar Behind Krushna Mandal, Section-29, RGS School, Ulhasnagar-4, Thane- 421004, Maharashtra
1)	यह प्रति व्यक्ति के उपयोग के लिए निःशुल्क प्रदान किया जाता है जिन्हे 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 न्यायलय 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 न्यायलय शुल्क टिकिट लगा होना चाहिए।	
4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को ७अधिकतम %५. १० करोड़ शुल्क हम करना होगा जहां शुल्क या इयूटी 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 धरा १२९ के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।	

BRIEF FACTS OF THE CASE: -

On the basis of Suspicious activities, the passenger namely Mr. Sachin Santosh Chandoskar, aged 36 year (DOB: 21.11.1988) holding Passport No. Y3928216 residing at Behind Krushna Mandal, Section-29, RGS School, Ulhasnagar-4, Thane-421004, Maharashtra who arrived Abu-Dhabi to Ahmadabad by Etihad Airlines Flight No. EY 246 dated 03.07.2025 (Seat No. 14E) was intercepted by the officers of AIU, SVPI Airport, Ahmedabad that he was carrying dutiable items in any form.

2. The pax Mr. Sachin Santosh Chandoskar was questioned by the AIU officers as to whether he was carrying any contraband goods in person or in is baggage to which he denied. Not being satisfied with the reply of the passenger, personal search and examination of the baggage was required. Thereafter, in the presence of the panchas, the AIU officer asks the passenger to walk through the Door Frame Metal Detector (DFMD) machine; before passing through the said DFMD Machine, the passenger instructed to remove all the metallic objects he is wearing on his body/clothes. Thereafter, the passenger readily removes the metallic substances from his body/ clothes such as mobile, purse etc. and keeps them on the tray placed on the table. Thereafter, the AIU officer asks him to pass through the Door Frame Metal Detector (DFMD) machine. While the passenger passed through the DFMD Machine, a beep sound was generated indicating that there something concealed in his clothes/body. On frisking of the said passenger 15 i-Phones 16Pro were recovered from the pocket of the trouser worn by the passenger.

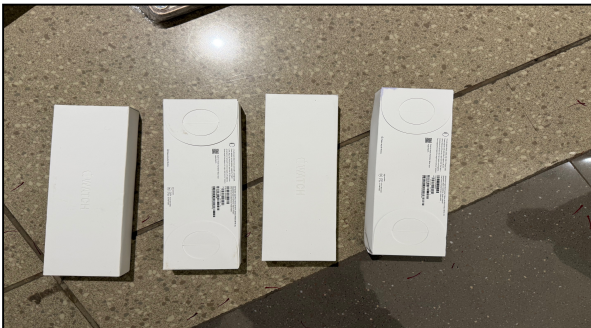
2.1 Thereafter, the AIU officer put both the trays containing the items removed by the passenger in the X-ray screening machine. On doing so, nothing objectionable found. Thereafter, the AIU officer instructed the passenger to put his entire luggage on the X-Ray Bag Scanning Machine installed near the Green Channel at terminal-2 of SVPI Ahmedabad for scanning in presence of panchas. As some unusual images were showing in X ray machine, the AIU officer conducted detailed examination of baggage of passenger. On detailed examination it was observed that, check-in bags of passenger contained multiple pouches and packets which were found wrapped with Black colour tape material. On removal of the said tape total 19 packets of Saffron having brand **Behrang Saffron** each 500 grams (total 9500 grams). Other than that, 4 Apple Watches and boxes of 15 i-phones were also recovered.

2.2. Thereafter, the approximate value of the said saffron was taken as was available online (<https://www.indiamart.com/proddetail/termes-saffron-13582708433.html>) i.e. Rs.74/- per Gram. The total approximate value of the all goods recovered from the said passenger is as follow:

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Sr. No.	Item recovered	Quantity (grams/no.)	Rate per Gram/per piece (In Rs.)	Total Approximate Value (In Rs.)
1	Saffron	9,500 grams	74/- per Gram	7,03,000/-
2	i-Phone 16 pro	15 Nos.	1,00,000/-per Piece	15,00,000/-
3	Apple Watch	04 Nos.	50,000/-per Piece	2,00,000/-
Total				24,03,000/-

3. The AIU officers then took photograph of the said items. The photograph of items recovered from Mr. Sachin Santosh Chandoskar is as under:



On being asked by the AIU officer, the passenger Mr. Sachin Santosh Chandoskar produced the travel documents which are as under:

- i) Boarding Pass, from Abu Dhabi to Ahmedabad of Etihad Airlines Flight No. EY 246 dated 03.07.2025, bearing Seat No. 14E
- ii) Copy of Passport No. Y3928216

SEIZURE OF THE ABovesaid Goods:

4. The above-mentioned goods approximately valued at **Rs. 24,03,000/-** which was recovered from **Mr. Sachin Santosh Chandoskar** were attempted to be smuggled inside India with an intent to evade payment of Customs duty and it clearly does not constitute part of a bonafide baggage as it was in commercial quantity. Thus, the AIU officers having a reasonable belief that the said **9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (04) Apple Watches** which were attempted to be smuggled by Mr. Sachin Santosh Chandoskar are liable for confiscation, and since the same were in violation of the provisions of Customs Act, 1962, they are being placed under seizure. Further, the Black colour tape and his bags also being placed under seizure as the same were used for packing and concealment of the said goods.

5. STATEMENT Of Shri Sachin Santosh Chandoskar:

Statement of Mr. Sachin Santosh Chandoskar was recorded on 03.07.2025 wherein he inter alia stated as under:

- 5.1 He gave his personal details like name, address, profession, family details and education etc.
- 5.2 His date of birth is 21.11.1988. He lives with his wife alongwith 01 daughter at the Behind Krushna Mandal, Section-29, RGS School, Ulhasnagar-4, Thane-421004, Maharashtra. His monthly income is approx. Rs. 50,000/-.
- 5.3 On being asked for his overseas travel, he stated that he had travelled 06 times abroad during the last one year. This time he travelled to Abu Dhabi on 27.06.2025, and came back on 03.07.2025 by Etihad Flight EY-246 from Abu Dhabi to Ahmedabad.
- 5.4 He have perused the Panchnama perused the said **Panchnama dated 03.07.2025** drawn at Terminal-2 of SVPI Airport, Ahmedabad and he stated that he had been present during the entire course of the said panchnama and he agreed with the contents of the said Panchnama. In token, he put his signature on every page of the panchnama.
- 5.5 On being asked about Whether you were engaged in any smuggling activity in the past he stated that he had travelled 06 times before this but, **he had carried goods in commercial quantity only 2 or 3 times only.**
- 5.6 On being asked about non declaration of dutiable items, he stated that he was aware that smuggling of electronic goods and saffron without payment of Customs duty is an offence. He was well aware of the concealed goods but he did not make any declarations in this regard to evade the Customs duty. He had opted for green channel so that he can attempt to smuggle the goods in commercial quantity without paying customs duty.
6. Further, in order to ascertain the exact value of saffron weighing 9500 grams seized on 03.07.2025, opinion of Chartered Engineer Shri Bhaskar G. Bhatt was sought by this office. Shri Bhaskhar G Bhatt vide his Report No. BB/VAL/CUSTOMS(AIU)/I-17.1/SVPI-Ahd. dated 26.09.2025 summaries that total value of the 9500 grams of Saffron is Rs.8,36,000/-.
- | Sr No | Item recovered | Quantity (grams/no.) | Total Approximate Value ascertained from India Mart at the time of seizure on 03.07.2025 @74 Rs/gram (In Rs.) | Total Value ascertained by Chartered Engineer on 26.09.2025 (Rs.) |
|-------|----------------|----------------------|---|---|
| 1 | Saffron | 9,500 grams | 7,03,000/- | 8,36,000/-. |
7. **Also, a letter dated 18.09.2025 was issued to the Assistant Director (Tech.), FSSAI, Ahmedabad to test the samples of seized Saffron and inform whether the same is fit for human consumption or not. In response, Shri Joseph Amrutraj. A, Technical Officer, FSSAI, Ahmedabad vide letter dated 29.09.2025 confirmed that these samples are fit for human consumption and their office did not have any objection in issuing out of charge to seized Saffron.**

8. On the basis of the CE report and the valuation of other seized items as mentioned above in Para 2.2, the total value of all the seized items is as below:

Sr. No.	Item seized	Quantity (Grams/Nos.)	Total Value (In Rs.)	Remark
1	Saffron	9,500 grams	8,36,000/-	As per Chartered Engineer Report dated 26.09.2025
2	iPhone 16Pro	15 no.	15,00,000/-	Value ascertained at the time of seizure
3	Apple Watch	04 no.	2,00,000/-	Value ascertained at the time of seizure
Total			25,36,000/-	

6. SUMMATION:

The aforementioned proceedings indicates that Shri Mr. Sachin Santosh Chandoskar had attempted to smuggle abovesaid goods inside India with an intent to evade payment of Customs duty and it clearly does not constitute part of a bonafide baggage as it was in commercial quantity. Thus, the said goods i.e. **9500 Grams Saffron along with fifteen i-Phones 16 Pro and 04 Apple Watches**, which were attempted to be smuggled by **Shri Sachin Santosh Chandoskar** are liable for confiscation in violation of the provisions of Customs Act, 1962 and therefore the same were placed under Seizure vide seizure memo dated 03.07.2024.

6. RELEVANT LEGAL PROVISIONS:

A. THE CUSTOMS ACT, 1962:

I) **Section 2 - Definitions.**—*In this Act, unless the context otherwise requires,—*

(22) “goods” includes-

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

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

(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 but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

(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;”

II) Section 11A – Definitions -*In this Chapter, unless the context otherwise requires,*

(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;"

III) “Section 77 – Declaration by owner of baggage - *The owner of any baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer.”*

IV) “Section 110 – Seizure of goods, documents and things.- *(1) If the proper officer has reason to believe that any goods are liable to confiscation under this Act, she may seize such goods:"*

V) “Section 111 – 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;

(f) any dutiable or prohibited goods required to be mentioned under the regulations in an arrival manifest or import manifest or import report which are not so mentioned;

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

VI) “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, or

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harboring, keeping, concealing, selling or purchasing or in any manner

dealing with any goods which he knows or has reason to believe are liable to confiscation under Section 111, shall be liable to penalty.

B. The Foreign Trade (Development and Regulation) Act, 1992:

- I) “Section 3(2)** - *The Central Government may also, by Order published in the Official Gazette, 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.”*
- II) “Section 3(3)** - *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.”*
- III) “Section 11(1)** - *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.”*

C. The Customs Baggage Declarations Regulations, 2013:

- I) Regulation 3 (as amended)** - *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.*

7. CONTRAVENTION AND VIOLATION OF LAW:

It therefore appears that:

- (i) The passenger Mr. Sachin Santosh Chandoskar had dealt with and knowingly indulged herself in the instant case of smuggling of saffron and other valuable items into India by any way concerned in carrying, removing, depositing, harboring, keeping, concealing, or in any manner dealing with the said 9500 Grams Saffron along with fifteen I-Phones 16 Pro and 4 Apple Watch which are valued at **Rs.25,36,000/- (Twenty-Five Lakh Thirty-Six Thousand Only).**
- (ii) The passenger indulged himself in the instant case of smuggling of saffron and other valuable items with deliberate intention to evade the payment of Customs Duty and fraudulently circumventing the restrictions and prohibitions imposed under the Customs Act 1962 and other allied Acts, Rules and Regulations. Thus, the element of mensrea appears to have been established beyond doubt. Therefore, the said 9500 Grams Saffron along with fifteen i-Phones 16 Pro and 04 Apple Watches by Mr. Sachin Santosh Chandoskar by way of concealment and without declaring it to the Customs cannot be treated as bonafide household goods or personal effects. The passenger has thus contravened the Foreign Trade Policy 2015-20 and Section 11(1) of the Foreign Trade (Development and

Regulation) Act, 1992 read with Section 3(2) and 3(3) of the Foreign Trade (Development and Regulation) Act, 1992.

- (iii) By not declaring the value, quantity and description of the goods, the said passenger violated the provision of Baggage Rules, 2016, read with the Section 77 of the Customs Act, 1962 read with Regulation 3 of Customs Baggage Declaration Regulations, 2013.
- (iv) The passenger has failed to produce the purchase documents of the said saffron and Custom duty payment documents/proof has also not been submitted by the passenger for the same.
- (v) The improperly imported 9500 Grams Saffron along with fifteen i-Phones 16 Pro and 4 Apple Watches by the passenger and without declaring it to the Customs, was thus liable for confiscation under Section 111 of the Customs Act, 1962.
- (vi) As per Section 119 of the Customs Act, 1962 any goods used for concealing smuggled goods shall also be liable for confiscation.
- (vii) Mr. Sachin Santosh Chandoskar by him above-described acts of omission and commission on his part has rendered himself liable to penalty under Section 112 of the Customs Act, 1962.
- (viii) As per Section 123 of Customs Act 1962, the burden of proving that the 9500 Grams Saffron along with fifteen i-Phones 16 Pro and 4 Apple Watches which are valued at **Rs. 25,36,000/- (Twenty-Five Lakh Thirty-Six Thousand Only)** found concealed with the passenger, without declaring it to the Customs, is not smuggled goods, is upon the passenger.

8. In view of the above, it appears that the goods brought **by Shri Sachin Santosh Chandoskar** are liable for (i). Confiscation of 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches which are valued at **Rs.25,36,000/- (Rupees Twenty-Five Lakh Thirty-Six Thousand Only)** placed under Seizure under Panchnama proceedings dated 03.07.2025 and Seizure Memo Order dated 03.07.2025 under the provision of Section 110 and liable for confiscation under Section 111 of the Customs Act, 1962 and the passenger **Shri Sachin Santosh Chandoskar** is liable for (ii) penalty under Sections 112 of the Customs Act, 1962, for the omissions and commissions mentioned hereinabove.

9. DEFENCE REPLY

The passenger **Shri Sachin Santosh Chandoskar** submitted a letter on dated 15.07.2025 through his Advocate Shri Rishikesh Mehra. Shri Sachin Santosh Chandoskar vide the said letter stated that the bills of I-Phones, Apple

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Watches and Saffron were left behind by mistake at Dubai due to he was in hurry to get the flight, as the said copies of bills of 15 I-Phones 16 Pro, 4 Apple Watches and Saffron attached with the reply letter. He stated that the price of each 15 I-Phone 16 Pro and 04 Apple Watches and Saffron in Panchanama was taken very high which included all taxes, which is too high as compared to tariff value. The pax has purchased the 15 I-Phones 16 Pro and 04 Apple Watches from **5G Electronics LLC**, Gargash Center 217 Dubai, UAE, vide Invoice No. 807 dated 28.06.2025 at AED 48,500 approx. Indian Rs.11,39,750/- and the price of Saffron was also taken very high as compared to Panchanama which was taken from www.Indiaamart.com/ the price was taken of Saffron was including all taxes as per retail market price, which is not acceptable in present case. The pax has purchased from **Tastyred Foodstuff Trading**, Sales No. 3769 dated 01.07.2025 AED 22,000/-. The price of Saffron in Panchanama was assumed and presumed which is not acceptable i.e. Rs.7,03,000/- high as compared to tariff value of bill is AED 22,000 is Which Price in India is Rs.5,17,000/-.

He further stated that the price of each I-Phone 16 pro and 4 Apple Watches in Panchanama was assumed and presumed which is not acceptable i.e. Rs.17,00,000/- high as compared to tariff value of bill was AED 48,500 which price in India was Rs.11,39,750/-. The pax has purchased the 15 I-Phone 16 Pro and 04 I-Watch from **5G Electronics LLC**. The price-rate of 9,500 grams of Saffron was annexed here with the letter dated 15.07.2025, which he purchased from **Tastyred foodstuff trading**, Sales No. 3769 dated 01.07.2025 at AED 22,000/-. The price of Saffron in Panchanama taken from web site www.Indiaamart.com which is not acceptable i.e. **Rs.7,03,000/-** relying on are as follows-

(1) 1999 (1) TMI 259- CEGAT, New Delhi other Citation: 2000 (117) E.L.T 49 (Tribunal) 295/98-A Order No. 58/99-A Dated 28.01.1999

Aggarwal Distrinutors (P) Ltd. v/s. Commissioner of customs, New Delhi.

(2) 1999 (7) TMI 669- SC Order Other Citation: 2000 (122) E.L.T (SC) Civil Appeal No. 3626 of 1999 Dated 13.07.1999

Commissioner of customs, New Delhi v/s. Aggarwal Distrinutors (P) Ltd.

(3) 2006 (7) TMI 52- CESTAT, Mumbai Other Citation:2006 (203) E.L.T 580 (Tri. Mumbai) 2006 (77) RLT 560 (CESTAT-Mum.) Appeal No. C/181/2004-Mum.

Naresh Lokumal Serai v/s. Commissioner of customs (Export), Raigad.

The value of goods is taken from web site is not accepted as per above judgements in present case.

The pax who had gone to Dubai for a short visit brought with him the aforesaid goods i.e. Mobile Phones, Watches and Saffron to be distributed to the family members and friends; due to ignorance of law was unable to file

declaration form as he had first time brought electronics goods and saffron alone with him, that he did not had the least idea about the declaration that was to be made while entering into India, though the goods are not of offending nature i.e. neither prohibited nor restricted, this genuine lapse took place and thus a case has been booked against the pax.

Furthermore, submitted as well as oral declaration made during the course of Panchnama which is not disputed. Also oral declaration for payment of duty/fine and penalty was made but still a case has been made against the pax.

Further, he humbly requested for the Show Cause Notice may kindly be waived, looking to the nature of the goods which is classified as “**perishable**” terms of section 110 of the Customs Act,1962, and are likely to deteriorate/degradation of software/hardware, drying and offending in nature, and requested to complete the adjudication at the earliest.

That my client had been explained the clauses and provisions of the Customs Act, 1962 to be included in Show Cause Notice orally and that he had understood it very well. After understanding the clauses and provisions of the Customs Act, 1962 that are to be mentioned in Show Cause Notice, he had requested for waiver of Show Cause Notice and that he do not want any further investigation and his case may be decided on merits of the case facts and personal hearing may be granted.

A lenient view may be taken before deciding the case on merits.

10. PERSONAL HEARING:

To follow the principle of natural justice, personal hearing in the matter was granted on 06.10.2025. Shri Rishikesh J. Mehra, Advocate and authorized representative of Shri Sachin Santosh Chandoskar, attended the PH on behalf of the Noticee on dated 06.10.2025. He produces copy of Vakalatnama to represent the case and requested to appear for personal hearing in person instead of video conferencing. The noticee through his letter dated 15.07.2025 requested for waiver of SCN/Oral SCN under the provisions of Section 124 of Customs Act, 1962. Accordingly, the request for non-issuance of written Show Cause Notice is accepted in terms of the first proviso to Section 124 of the Customs Act, 1962 and accordingly, the representative of the noticee has been explained the provisions of Section 124 thoroughly regarding the provision for issuing SCN and waiver of SCN has been granted and matter is taken up for decision on merits.

He submitted his written submission on dated 15.07.2025 and re-iterated the same. He submitted that the value of the seized goods is taken from web sites, which is not acceptable. He has requested to determine the value of the

seized goods i.e. Saffron and I-Phone & Apple Watches. He submitted various case laws in this support.

He requested to take lenient view in the matter and allow to release the seized goods i.e. 15 I-Phone 16 Pro, 4 Apple Watches and 9500 Gram Saffron on payment of reasonable fine and penalty.

DISCUSSION & FINDINGS:

11. I have carefully gone through the facts of this case and find that the Noticee has submitted written reply and appeared in personal hearing. I therefore proceed to decide the instant case on the basis of evidences and documents available, written reply of noticee and record of personal hearing. I find that the passenger has requested for waiver of Show Cause Notice. The request for non-issuance of written Show Cause Notice is accepted in terms of the first proviso to Section 124 of the Customs Act, 1962 and accordingly, the matter is taken up for decision on merits.

12. In the instant case, I find that the main issues that are to be decided is whether the **9500 Grams Saffron along with 15 iPhones 16Pro and 04 Apple Watches totally valued at Rs.25,36,000/-(Rupees Twenty-Five Lakh Thirty-Six Thousand Only)**, recovered from the noticee **Shri Sachin Santosh Chandoskar**, which were seized vide Seizure Order/ Memo under Panchnama proceedings both dated 03.07.2025 on the reasonable belief that the said goods were smuggled into India, are liable for confiscation under Section 111 of the Customs Act, 1962 or not and whether the passenger is liable for penalty under the provisions of Section 112 of the Customs Act, 1962.

13. I find that the Panchnama clearly draws out the fact that the passenger was intercepted by the officers of Air Intelligence Unit, SVPIA A'bad when he arrived at Arrival Hall of T-2 Terminal of SVPI Airport when he was about to exit through the green channel. The passenger was questioned by the AIU officers as to whether he was carrying any contraband/ dutiable goods in person or in his baggage to which he denied. Then on frisking of the said passenger 15 i-Phones 16Pro were recovered from the pocket of the trouser worn by the passenger. On further search, it was observed that, check-in bags of passenger contained multiple pouches and packets which were found wrapped with black color tape material. On removal of the said tape total 19 packets of Saffron having brand "Behrang Saffron" each 500 grams (total 9500 grams). Other than that, 4 Apple Watches and boxes of 15 i-phones were also recovered. The said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron were seized vide Seizure Memo/ Order under Panchnama proceedings both dated 03.07.2025, in the presence of the passenger and Panchas.

14. I also find that the passenger had neither questioned the manner of the Panchnama proceedings at the material time nor controverted the facts detailed in the Panchnama during the course of recording his statement. Every procedure conducted during the Panchnama by the Officers was well documented and made in the presence of the panchas as well as the passenger. In fact, in his statement, he has admitted that he had kept the said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron, concealed in the baggage and not declared the same on his arrival before the Customs with an intent to clear them illicitly and evade payment of Customs duty and thereby, violated provisions of Customs Act, the Baggage Rules, the Foreign Trade (Development Regulations) Act, 1992, the Foreign Trade (Development & Regulations) Rules, 1993 and the Foreign Trade Policy 2015-2020.

15. Further, the passenger has accepted that, he had not declared the said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron placed in his baggage on his arrival to the Customs Authorities. It is clear case of non-declaration with an intent to smuggle the said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron. Accordingly, there is sufficient evidence to say that, the passenger had kept the said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron which were in his possession and failed to declare the same before the Customs Authorities on his arrival at SVPIA, Ahmedabad. The case of smuggling of said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron recovered from his possession and which were kept undeclared with an intent to smuggle the same and in order to evade payment of Customs duty is conclusively proved. Thus, it is proved that passenger violated Section 77, Section 79 of the Customs Act, 1962 for import/ smuggling of said 15 iPhones 16Pro, 04 Apple Watches and 9500 grams Saffron which were not for bonafide use and thereby violated Rule 11 of the Foreign Trade Regulation Rules 1993, and para 2.26 of the Foreign Trade Policy 2015-20.

16. From the facts discussed above, it is evident that Shri Sachin Santosh Chandoskar had carried fifteen iPhones from Abu Dhabi to Ahmedabad, with an intention to smuggle and remove the same without payment of Customs duty. Thereby rendering the 9500 Grams Saffron along with fifteen (15) iPhones 16 Pro and four (4) Apple Watches which are valued at Rs.25,36,000/- (Rupees Twenty-Five Lakh Thirty-Six Thousand Only), liable for confiscation, under the provisions of Sections 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962. By carrying these 9500 Grams Saffron along with fifteen (15) iPhones 16 Pro and four (4) Apple Watches concealed in the baggage and not declaring the same before the Customs, it is established that the passenger had a clear intention to smuggle the said 9500 Grams Saffron along with fifteen (15) iPhones 16 Pro and four (4) Apple Watches clandestinely

with the deliberate intention to evade payment of Customs duty. The commission of above Act made the impugned goods fall within the ambit of 'smuggling' as defined under Section 2(39) of the Act.

17. It is seen that the Noticee had not filed the baggage declaration form and had not declared the 9500 Grams Saffron along with fifteen (15) i-Phones 16Pro and four (4) Apple Watches which were concealed in his clothes and bags, as envisaged under Section 77 of the Act read with the Baggage Rules and Regulation 3 of Customs Baggage Declaration Regulations, 2013. I also found as per statement, that the Noticee had already carried such goods in commercial quantity 02 or 03 times. The Noticee said that the said goods carried for personal use of his family and friends. It is observed that such commercial quantity of Saffron (9500 Grams), iPhones 16Pro (15) and Apple Watches (04) carried by the Noticee and intentionally not declared the same on his arrival at the Airport in India were liable to confiscation under the Act.

17.1 It, is therefore, proved that by the above acts of contravention, the Noticee has rendered the said 9500 Grams Saffron along with fifteen (15) i-Phones 16Pro and four (04) Apple Watches totally valued at Rs.25,36,000/- seized vide Seizure Memo/ Order under the Panchnama proceedings both dated 03.07.2025 are liable to confiscation, under the provisions of Sections 111(d), 111(f), 111(i), 111(j), 111(l) and 111(m) of the Customs Act, 1962. By using the modus of placing the said 9500 Grams Saffron along with fifteen (15) i-Phones 16Pro and four (04) Apple Watches in his baggage, it is observed that the passenger was fully aware that the import of said goods is offending in nature. It is, therefore, very clear that he has knowingly carried such commercial quantity of Saffron (9500 Grams), iPhones 16Pro (15) and Apple Watches (04) and intentionally not declared the same on his arrival at the Airport. It is seen that he has involved himself in carrying, keeping, concealing and dealing with the impugned goods in a manner which he knew or had reasons to believe that the same were liable to confiscation under the Act. It, is therefore, proved beyond doubt that the noticee/ passenger has committed an offence of the nature described in Section 112 of Customs Act, 1962 making him liable for penalty under Section 112 of the Customs Act, 1962.

18. Given the facts of the present case before me, the 9500 Grams Saffron along with fifteen (15) i-Phones 16Pro and four (04) Apple Watches which are valued at **Rs.25,36,000/-** (Rupees Twenty-Five Lakh Thirty-Six Thousand Only) recovered from the said passenger, that was kept undeclared and placed under seizure would be liable to confiscation under Section 111(d), 111(f), 111(i) , 111(j), 111(l) & 111(m) of the Customs Act, 1962. I find that the passenger such commercial quantity of Saffron (9500 Grams), iPhones 16Pro

(15) and Apple Watches (04) brought for personal use of his family & friends and not carried on behalf of some other person with a profit motive and intentionally not declared the same on his arrival at the Airport. It is seen that he has involved himself in carrying, keeping, concealing and dealing with the impugned goods in a manner which he knew or had reasons to believe that the same were liable to confiscation under the Act.

19. I further find that the passenger had involved himself and abetted the act of carrying the 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches by placing in baggage. He has agreed and admitted in the statement recorded that he travelled with these items from Abu Dhabi to Ahmadabad. Despite his knowledge and belief that the 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches carried and undeclared by him is an offence under the provisions of the Customs Act, 1962 and the Regulations made under it, the passenger attempted to clear the said items without making any declaration. The passenger in his statement dated 03.07.2025 stated that he did not declare the impugned the 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches as he wanted to clear the same illicitly and evade the Customs Duty. Thus, it is clear that the passenger has actively involved himself in carrying, removing, keeping, concealing and dealing with the 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches which he knows very well and has reason to believe that the same are liable for confiscation under Section 111 of the Customs Act, 1962. Therefore, I find that the passenger is liable for penal action under provisions of Sections 112 of the Act and I hold accordingly.

20. I also mention here that, CBIC Circular No: 495/5/92-Cus.VI dated 10.05.1993 talks about concealment of goods in order to smuggle it into India. So, I find that ingenious concealment is one of the important aspects of deciding on redemption/ non-redemption of the goods, I proceed to decide the issue.

21. In view of the above discussions, I hold that the 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches recovered from the noticee/ passenger are liable for confiscation. However, since the impugned 9500 Grams Saffron along with fifteen (15) i-Phones 16Pro and four (04) Apple Watches carried by the passenger in commercial quantity. The pax has purchased the 15 I-Phones 16Pro and 04 Apple Watches from **5G Electronics LLC**, Gargash Center 217 Dubai, UAE, vide Invoice No. 807 dated 28.06.2025. The pax has purchased the Saffron from **Tastyred Foodstuff Trading**, Sales No. 3769 dated 01.07.2025. He has produced copy of purchase Invoices at the time of personal hearing.

22. Further the passenger has concealed the fifteen (15) iPhones 16Pro in the pocket of the trouser worn by him and 04 Apple Watches in his clothes/baggage, which is termed as an ingenious concealment. But I use my discretion to give an option to redeem the impugned seized iPhones and Apple Watches on payment of a redemption fine, as provided under Section 125 of the Act.

As far as attempt to smuggle saffron in commercial quantity is concerned, I find that saffron falling under Customs Tariff Head No. 9 of the First schedule to Customs Tariff Act, 1975 is freely importable and there no restriction to import it, under the Foreign Trade Policy 2015-20. This being the case, I find that the passenger contained total 19 packets of Saffron having brand **Behrang Saffron** each 500 grams (total **9500 grams**) was attempted to be smuggled in indeed liable to confiscation but the same can be released on payment of redemption fine by owner of the **Saffron**, by using my discretion vested in Section 125 of the Customs Act, 1962. I also find that FSSAI, Ahmedabad vide letter dated 29.09.2025 confirmed that this Saffron is fit for human consumption and their office did not have any objection in issuing out of charge to seized Saffron.

23. I would like to record it here that the passenger had not filed any declaration which he was required to file when he disembarked at Ahmedabad Airport and thereby violated provisions of Section 77 of the Customs Act, 1962 read with Customs Baggage Declaration regulation, 2013. The act of passenger amounted to "smuggling" as defined in Section 2(39) of the Customs Act, 1962. Commercial quantity of 9500 Grams Saffron along with fifteen (15) iPhones 16Pro and four (4) Apple Watches thus smuggled is liable to confiscation in terms of Section 111(d), 111(f), 111(i), 111(j), 111(l) & 111(m) of the Customs Act, 1962. However, as I have recorded herein above, I am in favour of using my discretion to release it on payment of redemption fine.

24. I find that this issue of redemption of goods has travelled through various appellate fora. I find that in the following cases, Hon 'ble Supreme Courts, High Courts, the appellate fora allowed redemption of seized goods;

- i. Sapna Sanjeev Kohli vs. Commissioner-2010(253) E.L.T. A52(S.C.)
- ii. Union of India vs. Dhanak M Ramji-2010(252) E.L.T. A1 02(S.C.)
- iii. Shaikh Jamal Basha vs. G.O.I.-1997(91) E.L.T.277(A.P.)
- iv. Commissioner of Cust. & C. Ex. Nagpir-1 Vs. Mohd. Ashraf Armar-2019(369) E.L.T. 1654 (Tri. Mumbai)
- v. R. P. Sharma., Additional Secretary in RE Ashok Kumar Verma 2019(369) E.L.T. 1677 (G. O. 1.)
- vi. Suresh Bhosle Vs. Commissioner of Customs (Rev.) Kolkatta-2009(246)E.L.T. 77(Cal.)

- vii. T. Elavarasan Versus Commissioner of Customs (Airport), Chennai reported 2011 (266) E.L.T. 167 (Mad.)

25. I find that when there are judgements favouring redemption, there are contra judgement which provide for absolute confiscation of seized goods attempted to be smuggled into India as follows;

Abdul Razak vs., U. O. 1. - 2012(275) E.L.T. 300 (Ken) maintained by Hon'ble Supreme Court - 2017(350) E.L.T. Al 73(SC)

26. I further find that ingenious concealment is one of the important aspects for deciding on the redemption/ non-redemption of the goods.

Further, while deciding the case, the CBIC Circular/ Instruction F. No: 275/17/2015-CX. 8A dated 11.03.2015 is also looked into, which emphasized that Judicial discipline should be followed while deciding pending show cause notices/ appeals.

I find that, the option to redemption has been granted and absolute confiscation is set-a-side vide order No.12/2021-CUS(WZ)/ASAR dated 18.01.2021 by the Revision authority, GOI issued under F. No: 371/44/B/2015-RA/785 dated 29.01.2021. Similar view was taken by Revision Authority vide Order No. 287/2022-Cus(WZ)/ASAR/Mumbai dated 10.10.2022 Order No. 245/2021-Cus(WZ)/ASAR dated 29.09.2021 issued under F. No: 371/44/B/15-RA/2020 dated 06.10.2021 and Order No. 314/2022-Cus(WZ)/Asar/Mumbai dated 31.10.2022 issued from F. No: 371/273/B/WZ/2018 dated 03.11.2022. All the above mentioned 3 orders of RA has been accepted by the department.

28. I further find that the Hon 'ble High Court of Delhi in a recent judgement dated 21.08.2023 in the case of Nidhi Kapoor and others, in para 156 of its order observed that —

"The Court holds that an infraction of a condition for import of goods would also fall within the ambit of Section 2(33) of the Act and thus their redemption and release would become subject to the discretionary power of the Adjudicating Officer. For reasons aforementioned, the Court finds no illegality in the individual orders passed by the Adjudicating Officer and which were impugned in these writ petitions. "

29. I find that the seized commercial quantity of 9500 Grams Saffron along with fifteen (15) iPhones 16Pro and four (4) Apple Watches were concealed under the clothes/ baggage to be considered as an ingenious concealment. Further, the ownership of the seized 9500 Grams Saffron along with fifteen (15) iPhones 16Pro and four (4) Apple Watches by Shri Sachin Santosh Chandoskar

cannot be denied, as he claims ownership of seized goods during the course of personal hearing held on 06.10.2025. Looking to the facts, I am of the considered opinion that under section 125 of the Customs Act, 1962, the option for redemption can be granted.

29.1 I further find that the pax has purchased the 15 iPhones 16Pro and 04 Apple Watches from **5G Electronics LLC**, Gargash Center 217 Dubai, UAE, and submitted the copy of invoice during his submission bearing No. 807 dated 28.06.2025 at AED 48,500 approx. which is equivalent to Indian rupees as Rs.11,39,750/-. I find that the noticee was unable to produce any relevant documents viz. purchase invoice at the time of interception and as per the Customs Valuation Rules, the assessment needs to be done as per the methods prescribed under the Valuation Rules, 2007 and accordingly, the value of the said 15 iPhones 16Pro were obtained on the basis of preliminary market enquiry, price, make, model etc. and obtained from the website of the Apple Company, which is inclusive of applicable taxes and duties. I find that Internet prices, especially from private websites, are often non-contemporaneous and do not reflect the specific terms of the actual sale. Therefore, in the view of above, I find the purchase invoice as submitted by the noticee is appears more apt than to the value arrived from the website. I, therefore, reject the value of the said 15 iPhones and 04 Apple Watches arrived/ determined as Rs.17,00,000/- in the panchnama dated 03.07.2025, and hold that the total value of the said 15 iPhones 16Pro, is to be considered as mentioned in the Invoice No. 807 dated 28.06.2025, i.e. total value in Indian Rupees **Rs.11,39,750/-** and accordingly, Customs duty is to be calculated on the said assessable value.

29.2. I also note that, the noticee has submitted that he had purchased the seized 'saffron' from M/s. Tastyred Foodstuff Trading, having invoice number 3769 dated 01.07.2025 for an amount of AED 22,000/- (equivalent to Indian Rs. 5,17,000/-) and contended that the price ascertained by the Department to the tune of Rs. 7,03,000/- is very high and not acceptable. In this regard, I note that during the examination of baggage of noticee, total 19 packets of Saffron having brand **Behrang Saffron** each 500 grams (total 9500 grams) was recovered and to determine the assessable/approximate value of the said saffron, rate of said saffron was obtained from preliminary market enquiry, price available on the internet. Subsequently, to ascertain the exact value of said seized saffron, opinion of Chartered Engineer Shri Bhaskar G. Bhatt was sought by this office. Shri Bhaskhar G Bhatt vide his Report No. BB/VAL/CUSTOMS(AIU)/I-17.1/SVPI-Ahd. dated 26.09.2025 submitted that the market value of said seized saffron comes to Rs. 8,36,000/-. I also find that FSSAI, Ahmedabad vide letter dated 29.09.2025 confirmed that this Saffron is

fit for human consumption and their office did not have any objection in issuing out of charge to seized Saffron.

The noticee herein has challenged the value adopted by the investigating officers. The basis for customs valuation is governed by Section 14 of the Customs Act, 1962, and the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. The transaction value, defined as the price actually paid or payable for the goods, should be the basis for valuation and in such cases, the noticee ought to have been in the possession of the Invoice when he was intercepted and the goods were seized. However, it is evident from records that the noticee was not carrying this Invoice and did not produce the same at the time of seizure. Further, the noticee has failed to submit any details of payment particulars which ought to be made through banking channel, which has not been done in the present case.

Further, I find that the government approved chartered engineer provided his report after through verification and after following the due procedure. I also find that the noticee has contended for the valuation which was arrived from Internet and not accepted the same and relied upon the case laws. I find that the initial valuation was done on the basis of market price available on internet which was subsequently replaced by the valuation done by the Chartered Engineer, therefore, the case laws submitted by the noticee are not squarely applicable in the instant case and distinguishable. Also, the noticee has not contended the Chartered Engineer valuation certificate. Therefore, I reject the value as mentioned in the invoice as submitted by the noticee in his written submission in terms of Rule 12 of Customs Valuation Rules, 2007 as amended and accepted the valuation of the said saffron as provided by the Chartered Engineer vide his certificate dated 26.09.2025. Also, as per Regulation 3 of Food Safety and Standards (Import) Regulations, 2017, "no person shall import any article of food (Saffron in this case) without an import license from the Central Licensing Authority in accordance with the provisions of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011". From the documents on record and submission made by the noticee, I find that no such license have been produced by the noticee, However, FSSAI, Ahmedabad vide letter dated 29.09.2025 confirmed that this Saffron is fit for human consumption and their office did not have any objection in issuing out of charge to seized Saffron. Therefore, in view of above, I give an option to the passenger, Shri Sachin Santosh Chandoskar, under Section 125(1) of the Act to redeem the saffron on payment of a redemption fine in lieu of confiscation.

30. I further find that the passenger had involved himself and abetted the act or carrying 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four

(4) Apple Watches by placing under baggage box. He has agreed and admitted in the statement recorded that he travelled with 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches from Abu Dhabi to Ahmadabad. Despite his knowledge and belief that the concealed 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches carried by him and undeclared in him person is an offence under the provisions of the Customs Act, 1962 and the Regulations made under it, the passenger attempted to carry the said goods. The passenger in his statement dated 03.07.2025 stated that he did not declare the impugned 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches as he wanted to clear the same illicitly and evade the Customs Duty. Thus, it is clear that the passenger has involved himself in carrying, removing, keeping, concealing and dealing with the undeclared 9500 Grams Saffron along with fifteen (15) i-Phones 16 Pro and four (4) Apple Watches which he knows very well and has reason to believe that the same are liable for confiscation under Section 111 of the Customs Act, 1962. Therefore, I find that the passenger is liable for penal action under the provisions of Sections 112 of the Customs Act, 1962 and I hold accordingly.

31. Given my above findings, I pass the following Order.:

ORDER

1. I order confiscation of the impugned 9500 Grams Saffron along with fifteen (15) iPhones 16Pro and four (4) Apple Watches, seized vide Seizure Order/ Memo under Panchnama proceedings both dated 03.07.2025 under the provisions of Section 111(d), 111(f), 111(j), 111(l) and 111(m) of the Customs Act, 1962;

2. I reject the value of these (15) iPhones 16Pro and four (4) Apple Watches arrived/ determined as Rs. 17,00,000/- in the panchnama dated 03.07.2025, and order total value of the said (15) iPhones 16Pro and four (4) Apple Watches, is to be considered as **Rs.11,39,750/-**. The Customs duty is to be calculated accordingly;

3. I give an option to Shri Sachin Santosh Chandoskar to redeem the impugned (15) iPhones 16Pro and four (4) Apple Watches on payment of redemption fine of **Rs.1,15,000/- (One Lakh and Fifteen Thousand Only)** under Section 125(1) of the Customs Act, 1962 in addition to the duty chargeable and any other charges payable in respect of the imported goods as per Section 125(2) of the Customs Act, 1962;

4. I hold the 'saffron' having quantity of 9500 grams having a total fair market value of **Rs.8,36,000/-** as per Chartered Engineer Report dated 26.09.2025. liable

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for confiscation placed under seizure vide panchnama drawn on 03.07.2025 liable for confiscation, under the provisions of Section 111 (i), 111(l) & 111(m) of the Customs Act 1962. However, I give an option to the passenger, **Shri Sachin Santosh Chandoskar**, under Section 125(1) of the Act to redeem the saffron on payment of a redemption fine in lieu of confiscation amounting to **Rs.80,000/- (Eighty Thousand Only)**. The option of redemption fine shall be exercised within one hundred and eighty days of the receipt of this Order failing which the option would not be available to the passenger and the saffron would vest in the Central Government, as provided under Section 126 of the Act. As per Section 125(2) of the Act, the passenger **Shri Sachin Santosh Chandoskar** in addition to the fine imposed, should pay the appropriate duty leviable on saffron imported through baggage mode and charges payable in respect of such goods, before their clearance.

5. I impose a penalty of **Rs.2,00,000/- (Two Lakhs Only)** on **Sachin Santosh Chandoskar** under the provisions of Section 112 (a)(i) & Section 112 (b)(i) of the Customs Act 1962.

6. I order absolute confiscation of the materials used for packing and concealment of saffron and placed under seizure vide panchnama drawn on 03.07.2025 used for concealment, and recovered from the passenger **Shri Sachin Santosh Chandoskar** under the provisions of Section 118(a) and 119 of the Customs Act, 1962.

32. This order is issued without prejudice to any other action that may be taken against the passenger/ Noticee or any other person(s) concerned with said goods under the Customs Act, 1962, or any other law for the time being in force in India.

(Shree Ram Vishnoi)
Additional Commissioner
Customs, Ahmedabad

DIN: 20251071MN0000234543

F. No. VIII/10-50/SVPIA-B/O&A/HQ/2024-25

Date:16.10.2025

BY SPEED POST A.D.

To,
Shri Sachin Santosh Chandoskar,
Behind Krushna Mandal, Section-29,
RGS School, Ulhasnagar, Thane-421004 (Maharashtra)

Copy to:

- (i) The Principal Commissioner of Customs, Ahmedabad. (Kind Attn: RRA Section).
- (ii) The Dy./Asstt. Commissioner of Customs (AIU), SVPIA, Ahmedabad.
- (iii) The Dy./Asstt. Commissioner of Customs (TRC), Ahmedabad.
- (iv) The System In charge, Customs HQ, Ahmedabad for uploading on official web-site i.e. <http://www.ahmedabadcustoms.gov.in>.
- (v) Guard File.