

	OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, CUSTOM HOUSE: MUNDRA, KUTCH MUNDRA PORT & SPL ECONOMIC ZONE, MUNDRA-370421 Phone No.02838-271423/271426
File No.	: GEN/DISP/205/2025-Docks Examn-O/o Pr Commr-Cus-Mundra
Order-in- Original No.	: MCH/ADC/AKM/233/2025-26
Passed by	: Amit Kumar Mishra, Additional Commissioner of Customs, Custom House, AP & SEZ, Mundra.
Date of order /Date of issue	: 04-09-2025 / 04-09-2025
Show Cause Notice No. & Date	: SCN and PH waiver
Noticee(s)/Party/ Exporter	: M/s Parsoni Exports (IEC-2416904914), Kishan Gate, Plot No 2066, GIDC Lodhika, Rajkot, Gujarat - 360 021
DIN	: 20250971MO000000C8C9

1. यह अपील आदेश संबंधित को निःशुल्क प्रदान किया जाता है।

This Order-in-Original is granted to the concerned free of charge.

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 128 A के अंतर्गत प्रपत्र सीए- 1- में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है।

Any person aggrieved by this Order - in - Original may file an appeal under Section 128 A of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -1 to:

‘सीमा शुल्क आयुक्त (अपील),
7 वीं मंजिल, मृदुल टावर, टाइम्स ऑफ इंडिया के पीछे, आश्रम रोड, अहमदाबाद 380 009”
“THE COMMISSIONER OF CUSTOMS (APPEALS),
Having his office at 7th Floor, Mridul Tower, Behind Times of India,
Ashram Road, Ahmedabad-380 009.”

3. उक्त अपील यह आदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए।

Appeal shall be filed within sixty days from the date of communication of this order.

4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए। Appeal should be accompanied by a fee of Rs. 5/- under Court Fee Act it must be accompanied by -

- (i) उक्त अपील की एक प्रति और A copy of the appeal, and
- (ii) इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची-1 के अनुसार न्यायालय शुल्क अधिनियम-1870 के मद सं°-6 में निर्धारित 5/- रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।

This copy of the order or any other copy of this order, which must bear a Court Fee Stamp of Rs. 5/- (Rupees Five only) as prescribed under Schedule - I, Item 6 of the Court Fees Act, 1870.

5. अपील ज्ञापन के साथ ऊटी/ ब्याज/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।

Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.

6. अपील प्रस्तुत करते समय, सीमा शुल्क)अपील (नियम, 1982 और सीमा शुल्क अधिनियम, के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।

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

7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, Commissioner (A) के समक्ष मांग शुल्क का 7.5% भुगतान करना होगा।

An appeal against this order shall lie before the Commissioner (A) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty alone is in dispute.

BRIEF FACTS OF THE CASE

M/s Parsoni Exports (IEC-2416904914), (hereinafter referred to as 'the Exporter') having address at Kishan Gate, Plot No 2066, GIDC Lodhika, Rajkot 360021, Gujarat has filed Shipping Bill No. 4393119 dated 12.08.2025 for export of various food items at Mundra Port through their Customs Broker M/s Deepam Shipping Agencies.

2. Shipping Bill No. 4393119 dated 12.08.2025 was filed by the CB M/s Deepam Shipping Agencies on behalf of exporter M/s Parsoni Exports. The declared FOB value of the goods in said Shipping Bill as per Invoice No. GET/05/2025-26 dated 11.08.2025 is Rs. 21,56,943/- for various food items including namkeen products, snacks, and other food items intended for M/s Vian Foods Ltd, 61, St Georges Road, Ilford Essex, London IG1 3PG, UK.
3. The cargo was stuffed into a single self-sealed container No. TEMU6966506 and intended for M/s Vian Foods Ltd at the above UK address. The self-sealing permission was granted by the Jamnagar Commissionerate vide F.No. VIII/48-80/Cus-T/2018 dated 12.04.2018.
4. Upon registration of the Shipping Bill on 13.08.2025, the goods were selected for 100% physical examination by the Assistant Commissioner of Customs, Export, Mundra Customs. The entire cargo was de-stuffed from container TEMU6966506 and during the examination, concealment of prohibited wheat flour was discovered. The wheat flour was found concealed in white polypropylene bags labeled as 'Aashirwad Whole Wheat Flour', which was not declared in the shipping bill.
5. A Chartered Engineer (Government approved Valuer) Er. Ajayrajsinh B. Jhala was entrusted with preparing a valuation report of the actual cargo, which was received on 02.09.2025.
6. The examination findings revealed complete misdeclaration of cargo. None of the goods declared in the Shipping Bill were found in the container. Instead, entirely different goods were found as per the Chartered Engineer's report dated 02.09.2025, as detailed below:

6.1 Undeclared Prohibited Items as per CE Report:

Table-A

S.No.	Item Description	Quantity Found	Unit Price (GBP)	CE Value (GBP)	Value in INR
1	VARIETY 10KGx2 ATT A	498	3.46	1723.08	198584.97
2	VARIETY 20KGx1 ATT A	208	6.93	1441.44	166125.96
3	AASHIRWAD ATT A	300	3.93	1179.00	135879.75

10KGx2				
	TOTAL		4,343.52	Rs. 5,00,591/-

6.2 Undeclared Non-Prohibited Items (*completely misdeclared*) as per CE Report:

Table-B

S.No.	Item Description	Quantity Found	Unit Price (GBP)	CE Value (GBP)	Value in INR
1	BANANA WAFER 200GRMx25	936	0.52	486.72	56094.48
2	NADIYADI MIX 200GRMx24	552	0.35	193.20	22266.30
3	NYLON SEV 200GRMx24	624	0.35	218.40	25170.60
4	PURI 400GRMx24	360	0.6	216.00	24894.00
5	KACHORI 200GRMx24	504	0.35	176.40	20330.10
6	SAMOSA 300GRMx24	576	0.4	230.40	26553.60
7	MOONG DAL 250GRMx12	240	0.4	96.00	11064.00
8	FARALI CHIWDA 300GRMx24	744	0.57	424.08	48875.22
9	FARALI TEEKHA 300GRMx24	504	0.47	236.88	27300.42
10	RATLAMI SEV 350GRMx24	480	0.47	225.60	26000.40
11	ROASTED POHA 200GRMx24	528	0.35	184.80	21298.20
12	INSTANT BHEL 500GRMx20	984	0.96	944.64	108869.76
13	CHAKRI 200GRMx20	400	0.4	160.00	18440.00
14	CHANA CHOR 200GRMx24	600	0.42	252.00	29043.00
15	BHAVNAGARI GATHIYA 200GRMx12	288	0.35	100.80	11617.20
16	MASALA BOONDI 200GRMx12	420	0.4	168.00	19362.00
17	PLAIN BOONDI 200GRMx12	372	0.35	130.20	15005.55
18	CHANA DAL 250GRMx12	360	0.35	126.00	14521.50
19	CHILLI LEMON 200GRMx12	588	0.35	205.80	23718.45

20	CHILLI MILLI 200GRMx12	360	0.4	144.00	16596.00
21	FARALI SALTED POTATO STICKS 200GRMx12	276	0.4	110.40	12723.60
22	MILD SEV 500GRMx12	720	0.86	619.20	71362.80
23	NYLON SEV 500GRMx12	960	0.93	892.80	102895.20
24	MASALA BOONDI 200GRMx12	1092	0.4	436.80	50341.20
25	MAKHANIYA GATHIYA 200GRMx12	432	0.35	151.20	17425.80
26	SEV MUMRA 200GRMx12	432	0.32	138.24	15932.16
27	TIKHA GATHIYA 200GRMx12	420	0.35	147.00	16941.75
28	USAL SEV 200GRMx12	852	0.35	298.20	34367.55
29	SWEET NOODLES 200GRMx20	100	0.35	35.00	4033.75
30	DAHI PHULKIYAN 250GRMx16	288	0.47	135.36	15600.24
31	CLAY DIYA 800GRMx50	2000	0.34	680.00	78370.00
32	TUTTI FRUTTI 300GRMx10	200	0.7	140.00	16135.00
33	CARDBOARD BOXES 200GRMx10	100	5.01	501.00	57740.25
34	TUTTI FRUTTI 175GRMx24	300	0.4	120.00	13830.00
35	GOL GAPPA 300GRMx20	150	0.25	37.50	4321.88
36	ASSORTED RICE PAPAD 400GRMx12	5306	0.26	1379.56	158994.29
37	POOJA SAMAGRI 150GRMx20	200	3.22	644.00	74221.00
38	DATTA 50GRMx100	78	1.5	117.00	13484.25
39	DECORATED BOX 1KGx40	100	2.51	251.00	28927.75
40	SOAP 75GRMx50	538	0.5	269.00	31002.25
41	SHAMPOO 150GRMx40	144	1.32	190.08	21906.72
42	HAIR OIL 150GRMx50	238	0.81	192.78	22217.90
43	MATTRESS	1	131.58	131.58	15164.60
Total				12537.62	Rs. 14,44,961/-

7. The exporter vide their letter dated 02.09.2025 submitted the following:

"We write to seek clarification regarding the export of our consignment of Wheat Flour. We respectfully request your esteemed authority to kindly grant us a waiver of any Show Cause Notice (SCN) and personal hearing or related requirements, and to decide the matter purely on merit.

Further, we humbly urge your good office to withdraw the whole consignment under question and permit us to take the cargo back to town on priority, based on merit.

We sincerely thank you for your kind attention and consideration, and we look forward to your prompt and favourable response."

LEGAL PROVISIONS

8.1 Various provisions of **Customs Act, 1962** are applicable in the instant case:

Section 50. Entry of goods for exportation. (2) The exporter of any goods, while presenting a shipping bill or bill of export, shall make and subscribe to a declaration as to the truth of its contents. (3) The exporter who presents a shipping bill or bill of export under this section shall ensure the following, namely: - (a) the accuracy and completeness of the information given therein; (b) the authenticity and validity of any document supporting it; and (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

Section 113: Confiscation of goods attempted to be improperly exported, etc. - The following export goods shall be liable for confiscation:-

(d) any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;

(h) any goods which are not included or are in excess of those included in the entry made under this Act;

(i) any goods entered for exportation which do not correspond in respect of value or in any material particular with the entry made under this Act;

Section 114: Penalty for attempt to export goods improperly, etc. Any person who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable for confiscation under section 113, 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 three times the value of the goods as declared by the exporter or the value as determined under this Act, whichever is the greater;

(iii) in the case of any other goods, to a penalty not exceeding the value of the goods, as declared by the exporter or the value as determined under this Act, whichever is the greater.

Section 114AA: Penalty for use of false and incorrect material. - *If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable for a penalty not exceeding five times the value of goods.*

8.2 DGFT Notification No. 39/2015-2020 dated 14.10.2022: Prohibits the export of "Wheat or Meslin Flour (Atta), Maida, Semolina (Rava/Sirgi), Wholemeal atta and resultant atta" under CTH-1101.

WAIVER OF PERSONAL HEARING & SCN

9. The exporter vide their letter dated 02.09.2025 has requested for waiver of Show Cause Notice and Personal Hearing in the subject matter. The exporter has also requested to allow "Back to Town" of the goods.

DISCUSSION AND FINDINGS

10. I have carefully gone through the records of the case. The exporter vide letter dated 02.09.2025 has requested waiver of Show Cause Notice and personal hearing. The principles of natural justice as provided in Section 122A of the Customs Act 1962 are deemed to be complied with, and therefore, I proceed to decide the case on the basis of documentary evidence available on records.

11. The issues to be decided are:

(i) Whether the declared value of Rs. 21,56,943/- in the Shipping Bill No. 4393119 dated 12.08.2025 should be rejected and re-determined at Rs. 19,45,552/- (*comprising undeclared prohibited goods worth Rs. 5,00,591/- and undeclared non-prohibited goods worth Rs. 14,44,961/-*) based on the Chartered Engineer's Report dated 02.09.2025 under the Customs Valuation Rules, 2007;

(ii) Whether the undeclared prohibited goods found in the container are liable for confiscation under Sections 113(d), 113(h) and 113(i) of the Customs Act, 1962;

(iii) Whether the undeclared non-prohibited goods found in the container are liable for confiscation under Sections 113(h) and 113(i) of the Customs Act, 1962;

(iv) Whether the exporter is liable for penalty under Sections 114(i), 114(iii) and 114AA of the Customs Act, 1962.

12.1 Regarding the first issue, I find that the exporter had declared goods worth **Rs. 21,56,943/-** in the Shipping Bill No. 4393119 dated 12.08.2025. However, upon physical examination of the container by the Docks Officer, complete misdeclaration was discovered. The examination revealed that none of the

declared goods were found in the container and instead entirely different goods including undeclared prohibited items were found, as detailed in the Chartered Engineer's report dated 02.09.2025.

12.2 As per the Chartered Engineer's Report dated 02.09.2025, the total market value of all goods actually found is **Rs. 19,45,552/-** (GBP 16,881.14). This comprises undeclared prohibited goods worth **Rs. 5,00,591/-** and undeclared non-prohibited goods worth **Rs. 14,44,961/-**. Notably, none of the originally declared goods were found in the container, making the declared value entirely fictitious. This valuation has been conducted in accordance with Rule 6 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

12.3 According to Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007, when the proper officer has reasonable doubt about the truth or accuracy of the declared value, and if after receiving further information or in the absence of a response, the officer still has reasonable doubt, the transaction value shall be deemed not to have been determined in accordance with Rule 3(1).

12.4 In the present case, given the complete misdeclaration of cargo contents where none of the declared goods were found and entirely different goods including prohibited items were discovered, I find sufficient grounds to reject the declared value of Rs. 21,56,943/- and re-determine the value at **Rs. 19,45,552/-** based on actual goods found as per the Chartered Engineer Report dated 02.09.2025.

13.1 Regarding the second issue, I find that the container contained entirely different goods from what was declared in Shipping Bill No. 4393119 dated 12.08.2025. Among the goods actually found were prohibited wheat flour items (Variety Atta and Aashirwad Atta) as mentioned in Table-A supra, which are prohibited for export as per DGFT Notification No. 39/2015-2020 dated 14.10.2022.

13.2 Section 113(d) of the Customs Act, 1962 provides for confiscation of "any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force."

13.3 Section 113(h) of the Customs Act, 1962 provides for confiscation of "any goods which are not included or are in excess of those included in the entry made under this Act." These undeclared prohibited goods fall under this provision.

13.4 Section 113(i) of the Customs Act, 1962 provides for confiscation of goods "entered for exportation which do not correspond in respect of value or in any material particular with the entry made under this Act." The presence of undeclared prohibited goods creates a material discrepancy with the shipping bill entry.

13.5 None of the prohibited items were declared in the Shipping Bill. This constitutes complete misdeclaration combined with attempt to export prohibited goods. The prohibited wheat flour items having a market value of **Rs. 5,00,591/-** are liable for confiscation under Sections 113(d), 113(h) and 113(i) of the Customs Act,

1962.

14.1 Regarding the third issue, I find that there was complete misdeclaration of cargo. The goods actually found in the container were entirely different from what was declared in the Shipping Bill. This represents a complete misdeclaration of the entire consignment.

14.2 The completely misdeclared goods (non-prohibited) having a market value of **Rs. 14,44,961/-** are liable for confiscation under Sections 113(h) and 113(i) of the Customs Act, 1962 for being goods not included in the shipping bill entry and for not corresponding with the entry made.

15.1 Regarding the fourth issue, I find that the exporter attempted to export undeclared prohibited wheat flour contrary to DGFT notification, rendering them liable for penalty under Section 114(i) of the Customs Act, 1962.

15.2 I also find that the exporter attempted to export undeclared non-prohibited goods as mentioned in Table-B supra, which do not correspond in respect of value or material particulars with the entries made in the Shipping Bill. Therefore, the exporter is liable for penalty under Section 114(iii) of the Customs Act, 1962 for these non-prohibited undeclared goods.

15.3 Further, I find that the exporter failed to declare the actual goods found in the container in the Shipping Bill. The goods actually found were entirely different from what was declared, constituting complete misdeclaration of cargo. The exporter made a declaration in the Shipping Bill that was false and incorrect in material particulars, as the declared goods were not found and entirely different goods (including prohibited items) were discovered during examination. By knowingly making a false declaration in the Shipping Bill, the exporter becomes liable for penalty under Section 114AA of the Customs Act, 1962.

16. The exporter vide letter dated 02.09.2025 has requested permission for Back to Town the cargo. Considering the nature of the violation and the request, I find it appropriate to allow redemption of the confiscated goods. Although the prohibited goods cannot be exported as per DGFT notifications, redemption allows the exporter to recover their goods for domestic use or other permissible purposes. Section 125 of the Customs Act, 1962 grants discretionary power to the adjudicating authority to allow redemption of confiscated goods upon payment of a fine in lieu of confiscation.

ORDER

17. In view of the foregoing discussions and findings, I pass the following order:

(i) I order to reject the declared value of **Rs. 21,56,943/-** in the Shipping Bill No. 4393119 dated 12.08.2025 and re-determine the value at **Rs. 19,45,552/-** (*undeclared prohibited goods worth Rs. 5,00,591/- and undeclared non-prohibited goods worth Rs. 14,44,961/-*) based on the actual goods found as per the Chartered Engineer's report dated 02.09.2025 under the Customs Valuation Rules, 2007;

(ii) I order to confiscate the undeclared prohibited goods as mentioned in Table-A supra, found in Container No. TEMU6966506 under Shipping Bill No. 4393119 dated 12.08.2025 having market value of **Rs. 5,00,591/-** under Sections 113(d), 113(h) and 113(i) of the Customs Act, 1962. However, I give the option to the exporter to redeem the same for Back to Town on payment of a **Redemption Fine of Rs. 2,00,000/- (Rupees Two Lakhs Only)** under Section 125 of the Customs Act, 1962;

(iii) I order to confiscate all undeclared non-prohibited goods as mentioned in Table-B supra, found in Container No. TEMU6966506 having market value of **Rs. 14,44,961/-** under Sections 113(h) and 113(i) of the Customs Act, 1962. However, I give the option to the exporter to redeem the same for Back to Town on payment of a **Redemption Fine of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only)** under Section 125 of the Customs Act, 1962;

(iv) I order to impose and recover **Penalty of Rs. 1,00,000/- (Rupees One Lakh Only)** from the exporter under Section 114(i) of the Customs Act, 1962 for attempting to export prohibited goods;

(v) I order to impose and recover **Penalty of Rs. 50,000/- (Rupees Fifty Thousand Only)** from the exporter under Section 114(iii) of the Customs Act, 1962 for undeclared non-prohibited goods;

(vi) I order to impose and recover **Penalty of Rs. 1,00,000/- (Rupees One Lakh Only)** from the exporter under Section 114AA of the Customs Act, 1962 for making completely false declarations in the shipping bill.

18. This order is issued without prejudice to any other action that may be contemplated against the exporter or any other person(s) under the provisions of the Customs Act, 1962 and rules/regulations framed thereunder or any other law for the time being in force in the Republic of India.

(अमित कुमार मिश्रा)
अपर आयुक्त (निर्यात)
सीमा शुल्क, मुंद्रा

F.No. GEN/DISP/205/2025-Docks Examn

To:

M/s Parsoni Exports (IEC-2416904914),
Kishan Gate, Plot No 2066,
GIDC Lodhika, Rajkot, Gujarat – 360 021

Copy to:

1. The Dy./Asstt. Commissioner (Tech.), Sarda House, Bedi Bundar Road, Opp. Panchvati, Jamnagar – 361 008
2. The Deputy Commissioner, Review Section, Custom House, Mundra
3. The Deputy Commissioner, TRC, Custom House, Mundra
4. The Deputy Commissioner, EDI, Custom House, Mundra
5. Guard File