



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद

“सीमाशुल्क भवन”, पहली मंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा, अहमदाबाद – 380 009

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DIN: 20251071MN000044204C

PREAMBLE

A	फ़ाइल संख्या/ File No.	:	F. No. GEN/ADJ/ADC/1756/2025-ICDSRT-CUS-COMMRTE-AHMEDABAD
B	कारण बताओ नोजिर्टस संख्या-तारीख / Show Cause Notice No. and Date	:	ICD/Sachin/2361/2011-12 dated 22.11.2021
C	मूल आदेश संख्या/ Order-In-Original No.	:	144/ADC/SR/O&A/2025-26
D	आदेश जितजि)/ Date of Order-In-Original	:	15.10.2025
E	ारी करनेकी तारीख/ Date of Issue	:	15.10.2025
F	द्वारापारित/ Passed By	:	SHRAVAN RAM Additional Commissioner, Customs Ahmedabad.
G	आयातक का नाम औरपता / Name and Address of Importer / Passenger	:	M/s. Hari Krishna Art, Plot No. 24, 3rd Floor, Bhatena Ind. Co.op. Society-1, Udhna, Surat-395002 Shri Abhishek Nanubhai Jajadia, Proprietor of M/s. Hari Krishna Art, 49 , Neelkamal Park Society, Near Spinning Mill, L.H Road, Surat-395006
(1)	यह प्रति उन व्यक्ति यों के उपयोग के लिए नि शुल्क प्रदान की जाती है जि न्हें यह जारी की गयी है।		
(2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के वि रुद्ध अपील इस आदेश की प्राप्ति की तारीख के 60 दि नों के भीतर आयुक्त कार्या लय, सीमा शुल्क(अपील), चौथी मंज़ि ल, हुडको भवन, ईश्वर भुवन मार्ग , नवरंगपुरा, अहमदाबाद में कर सकता है।		

(3)	अपील के साथ केवल पांच (5.00) रुपये का 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 साथ केवल पांच (5.00) रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए।
(4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को 7.5 % (अधिकतम 10 करोड़) शुल्क अदा करना होगा जहां शुल्क या ड्यूटी और जुर्मा ना विवाद में है या जुर्मा ना 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, 1962 की धारा 129 के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।

BRIEF FACTS OF THE CASE:

M/s. Hari Krishna Art, Plot No. 24, 3rd Floor, Bhatena Ind. Co.op. Society-1, Udhna, Surat-395002 (here-in-after referred as "the importer"), holder of Import Export Code No. 5211026268 had imported 02 sets of Capital Goods viz. Computerized Embroidery Machine under EPCG Licence No. 5230009847 dated 13.12.2011 by saving duty of **Rs. 5,05,539/-** (actual duty utilized of **Rs. 2,70,850/-**) and had cleared the same vide below mentioned Bill of Entry at a concessional rate of duty @ 3% while availing the benefit of exemption available under Notification No. 103/2009 dated 11.09.2009 . The details of import are as under :

Sr No	B/E No. & Date	Number of machinery cleared	Duty Saved available as per EPCG Licence	Total Duty Foregone/Debited at the time of clearance	Bank Guarantee Amount (Rs.)
1	5567396 dated 26.12.2011	02 sets	5,05,539/-	2,70,850/-	45,000/-
TOTAL		02 sets	5,05,539/-	Rs. 2,70,850/-	

2. The importer executed Bond dated 30.12.2011 for Rs. 18,00,000/- backed by Bank Guarantee No. 11/2011-12 dated 22.12.2011 amounting to Rs. 45,000/- issued by the State Bank of Patiala, Ring Road, Surat for EPCG License No. 5230009847 dated 13.12.2011. They had also given an undertaking to fulfill the conditions of the Bond, EPCG License and the relevant Customs Notification at the time of registration of their aforesaid EPCG License at ICD-Sachin, Surat.

3. The 02 sets of Computerized Embroidery Machines were to be installed at M/s. Hari Krishna Art, Plot No. 24, 3rd Floor, Bhatena Ind. Co.op. Society-1, Udhna, Surat-395002. In this regard the importer produced Installation Certificate dated 12.02.2012 issued by Chartered Engineer Shri J. J. Gandhi, Surat certifying the receipt of the goods imported vide BE No. 5567396 dated 26.12.2011 on 02.01.2012 and their installation on 05.01.2012.

4. As per Notification No. 103/2009-Cus dated 11.09.2009, the importer was required to fulfill the export obligation on FOB basis equivalent to 8 times 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. 103 /2009-CUSTOMS

New Delhi, the 11 September, 2009.

G.S.R. 669 (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 annexed hereto, from,-

(i) so much of the duty of customs leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) as is in excess of the amount calculated at the rate of three percent ad-valorem, 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 authorization issued under the Export Promotion Capital Goods (EPCG) Scheme in terms of Chapter 5 of the Foreign Trade Policy permitting import of goods at the rate of three percent duty and the said authorization is produced for debit by the proper officer of customs at the time of clearance :

Provided that for import of spare parts specified at Sr.No.4 of the said Table, the validity period of the authorization shall be deemed to be the period permitted for fulfillment of the export obligation in full :

Provided further that the import of motor cars, sports utility vehicles or all purpose vehicles shall be allowed only to hotels, travel agents, tour operators or tour transport operators and companies owning or operating golf resorts, subject to the condition that,-

(i) the total foreign exchange earnings from hotel, travel and tourism and golf tourism sectors in current and preceding three licensing years is rupees one crore fifty lakhs or more;

(ii) the duty saved amount on all EPCG authorizations issued in a licensing year for import of motor cars, sports utility vehicles or all purpose vehicles shall not exceed 50% of average foreign exchange earnings from hotel, travel and tourism and golf tourism sectors in preceding three licensing years; and

(iii) the vehicles imported shall be so registered that the vehicle is used for tourist purpose only and a copy of the registration certificate shall be submitted to the concerned Customs authorities as a confirmation of import of vehicle within six months from the date of import:

Provided also 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.

(2) that the goods imported shall not be disposed of or transferred by sale or lease or any other manner till export obligation is completed.

*(3) 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 FOB basis equivalent to eight times the duty saved on the goods imported** as may be specified on the authorization, or for such higher sum as may be fixed or endorsed by the Licensing Authority or 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 eight years from the date of issue of Authorization, in the following proportions, namely :-

S.No.	Period from the date of issue of	Proportion of total export
	Authorization	obligation
(1)	(2)	(3)
1	Block of 1st to 6th year	50 %
2	Block of 7th to 8th year	50 %

It is thus evident from the above notification that the 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/Assistant Commissioner of Customs binding himself to fulfill export obligation on FOB basis equivalent to 6 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 eight years from the date of issuance of licence or authorization i.e. complete 50% export obligation within first block of 1st to 6th years and remaining 50 % in second block of 7th to 8th years .

5. The aforesaid EPCG License No. 5230009847 dated 13.12.2011 was issued to the importer for a period of 8 years valid up to 20.11.2019 and the Bond dated 30.12.2011 was executed for a period of 10 years. Accordingly, the Importer was required to fulfill the export obligation within a period of 8 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. On completion of block1-6 years, a letter dated 20.09.2018 was issued to the importer requesting them to submit evidence regarding export to the extent of 50% of the total export obligation which was returned undelivered by postal authority. Further, letters dated 07.02.2020, 21.02.2020 and 26.08.2021 were issued to the importer to either furnish the EODC issued by DGFT, Surat or any extension granted by DGFT, Surat for fulfillment of Export Obligation which were also returned undelivered by postal authority.

6.1 As no reply was received from importer, a letter dated 24.08.2021 was written to the Foreign Trade Development officer, DGFT, Surat requesting them to intimate this office whether the importer have been issued EODC against EPCG License No. 5230009847 dated 13.12.2011 issued to them 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 their letter F.No. EPCG/Mis./2020-21 dated 25.08.2021 intimated that the importer have not submitted any documents to them against fulfillment of export obligation.

Thus, it is evident from the above that the importer have failed to fulfill the export obligation as specified in the Licence and has not complied with the mandatory conditions of the Customs Notification No.103/2009 dated 11.09.2009, EPCG Licence and Bond dated 30.12.2011.

7. As per the provisions of Section 143 of the Customs Act, 1962, the clearance of the aforesaid capital goods were allowed by the proper officer on execution of bond by the importer wherein the importer bound themselves to discharge liability within a specified period in certain manner, which they have 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 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. In view of the above, the importer have failed to fulfill the conditions laid down under Notification No. 103 /2009-Cus dated 11-09-2009 in as much as they have failed to export goods manufactured from 02 sets of Computerized Embroidery Machine imported under EPCG License No. 5230009847 dated 13.12.2011 which was equivalent to eight times the duty saved on the goods imported and also did not produce EODC issued by DGFT, Surat or any extension granted by DGFT, Surat for fulfillment of Export Obligation. They are therefore liable to pay Customs Duty of **Rs. 2,70,850/- (Rupees Two Lakh Seventy Thousand Eight Hundred Fifty only)** in respect of the said imported goods along with interest at the applicable rate, in terms of conditions of the said Notification read with conditions of Bond executed by the importer read with Section 143 of the Customs Act, 1962.

8.1 The importer executed Bond dated 30.12.2011 for Rs. 18,00,000/- backed by Bank Guarantee No. 11/2011-12 dated 22.12.2011 amounting to Rs. 45,000/- issued by the State Bank of Patiala, Ring Road, Surat for EPCG License No. 5230009847 dated 13.12.2011, therefore the Bank Guarantee is required to be appropriated against the aforesaid recovery.

8.2 It also appears that the imported capital goods were not used for intended purpose for which the exemption from payment of duty was claimed and therefore, the aforesaid Capital goods are liable for confiscation under Section 111(o) of the Customs Act, 1962. It therefore appears that importer have rendered themselves liable for penal action under Section 112 (a) and 117 of the Customs Act, 1962.

9. In the view of the above, the Noticee i.e. M/s. Hari Krishna Art, Plot No. 24, 3rd Floor, Bhatena Ind. Co.op. Society-1, Udhna, Surat-395002 was called upon a **notice bearing F. No. ICD/Sachin/2361/2011-12 dated 22.11.2021** to show cause, as to why:

- (i) The benefit of concessional rate of duty @ 3% for EPCG Scheme under Notification No. 103/2009 dated 11.09.2009 on the imported Computerized Embroidery Machine imported in the name of M/s. Hari Krishna Art, should not be denied.

- (ii) Customs duty total amounting to **Rs. 2,70,850/- (Rupees Two Lakh Seventy Thousand Eight Hundred Fifty only)** being the duty foregone at the time of import under EPCG Licence, should not be demanded and recovered from them in terms of Notification No. 103/2009 dated 11.09.2009 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. Further, why the Bank Guarantee No. 11/2011-12 dated 22.12.2011 amounting to Rs. 45,000/- backed against the Bond, should not be appropriated and adjusted towards the duty liability.
- (iii) 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 Customs Notification No. 103/2009- Cus dated 11.09.2009 as amended from time to time.
- (iv) Interest at the applicable rate should not be recovered from them on the said Customs duty as mentioned at (i) above in term of Customs Notification No 103/2009-Cus dated 11.09.2009 as amended from time to time read with Conditions of Bond executed in term of Section 143 of Customs Act,1962.
- (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.

10. The case was adjudicated by the then adjudicating authority vide O-IO No. SRT/CUS/ICD-SACHIN/DC/57/2022-23 dated 25.11.2022

wherein the adjudicating authority passed order as under: –

- (i) Denied the benefit of concessional rate of duty @ 3% for EPCG Scheme under Notification No. 103/2009-Cus dated 1.09.2009 on the subject machines imported in the name of M/s. Hari Krishna Art.

- (ii) Confirmed the demand of Customs duty amounting **Rs. 2,70,850/- (Rupees Two Lakhs Seventy Thousand Eight Hundred Fifty Only)** being the Duty forgone at the time of import under EPCG Licence, in terms of Notification No. 103/2009-Cus dated 11.09.2009 as amended, read with the conditions of the Bond executed and ordered the same to be recovered from **M/s. Hari Krishna Art**, Plot No. 24, 3rd Floor, Bhatena Ind. Co.op. Society-1, Udhna, Surat-395002, in terms of the Section 143 of the Customs Act, 1962 by enforcing the terms of the abovementioned Bond.
- (iii) Ordered to appropriate the amount of Rs. 45,000/-, by encashment of the Bank Guarantee No. 11/2011-12 dated 22.12.2011 for Rs. 45,000/- issued by the State Bank of Patiala, Ring Road, Surat and as the same has already been encashed and deposited in Government Exchequer vide TR-6 Challan No. 31/22-23 dated 20.07.2022, the amount may be adjusted against the duty liability confirmed at S. No. (ii) above.
- (iv) Ordered to recover interest at the applicable rate on the Customs duty confirmed at (ii) above in terms of Notification No. 103/2009-Cus dated 11.09.2009 as amended read with conditions of Bond executed and furnished by them in terms of Section 143 of the Customs Act, 1962 by enforcing the terms of the Bond.
- (v) Ordered for confiscation of impugned capital goods under reference imported by **M/s. Hari Krishna Art**, under Section 111(o) of Customs Act, 1962 read with conditions of Bond executed in terms of section 143 of the Customs Act, 1962 read with Customs Notification No. 103/2009-Cus dated 11.09.2009 as amended from time to time. However, allowed the Noticee an option to redeem the said goods on payment of redemption fine of **Rs. 67,700/- (Rupees Sixty Seven Thousand Seven Hundred only)** in terms of the provisions of Section 125 of the Customs Act, 1962.

- (vi) Imposed penalty of Rs. 27,000/- (Rupees Twenty Seven Thousand only) on M/s. Hari Krishna Art, in terms of Section 112(a) of the Customs Act, 1962
- (vii) Imposed penalty of Rs. 27,000/- (Rupees Twenty Seven Thousand only) on M/s. Hari Krishna Art, in terms of Section 117 of the Customs Act, 1962.

11. Being aggrieved with the Order-in-Original No. SRT/CUS/ICDSACHIN/DC/57/2022-23 dated 25.11.2022 issued by the Deputy Commissioner of Customs, ICD-Sachin, Surat, the noticee filed an appeal before the Commissioner of Customs (Appeals), Ahmedabad. The Commissioner of Customs (Appeals), Ahmedabad, vide **Order-in-Appeal No. AHD-CUSTM-000-APP-097-25-26 dated 25.06.2025**, allowed the appeal by way of remand to the adjudicating authority for passing fresh order after taking the submissions made by the appellant in the present appeal on record.

11.1 The appellate authority observed that the Advocate of the Noticee vide his letter dated 05.06.2025 has submitted the Final Duty Paid Regularization Letter issued by the DGFT, Surat under the Amnesty Scheme as per Public Notice No. 02/2023 dated 01.04.2023 for one time settlement of default in EO. Further, it is observed that this fact has been brought before the appellate authority for the first time and the adjudicating authority had no occasion to consider the same. Hence, the veracity of the EODC in respect of the EPCG License No. 5230009847, dated 13.12.2011 and the eligibility of the Appellant to Amnesty Scheme needs verification from the original case records.

11.2 The appellate authority set aside the impugned order and allow the appeal filed by the Noticee by way of remand to the adjudicating authority for passing fresh orders after considering the submissions made by the appellant in the present appeal on record. Accordingly, as directed by the Appellate authority, the case has been taken up for fresh adjudication.

DEFENSE SUBMISSION AND PERSONAL HEARING:

12. As per Section 122A, the adjudicating authority shall give an opportunity of being heard to a party in a proceeding, if the party so desires. Accordingly, vide letters dated 16.09.2025, 25.09.2025 and 06.10.2025, the opportunities of Personal hearing were given to the Noticee on dated 24.09.2025, 03.10.2025 and 14.10.2025 respectively by the Adjudicating

Authority. In response the Noticee vide mail dated 07.10.2025 submitted **FINAL DUTY PAID REGULARIZATION LETTER issued by DGFT vide F.No. 52EEPC01672AM24 dated 01.05.2024 for regularization of the case under the Amnesty Scheme** as per P.N. No. 02/2023 dated

01.04.2023 and their request letter dated 30.09.2025. Further, the Noticee vide above referred e-mail informed that they do not want any personal hearing and requested to drop the demand.

In view of the above, I proceed to decide the case on its merits, based on the material facts and records available on file. The present proceedings are being adjudicated by me in accordance with the monetary limits of adjudication competence as prescribed by the Board/statutory provisions.

DISCUSSIONS AND FINDINGS:

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

13.1 I find that in the present case a Show Cause Notice F. No ICD/Sachin/2361/2011-12 dated 22.11.2021 was issued to the noticee/ importer, holding EPCG License No. 5230009847 dated 13.12.2011, by the Deputy Commissioner of Customs, ICD-Sachin, Surat for nonfulfillment of export obligation as prescribed vide Notification No. 103/2009Cus dated 11.09.2009 and non-submission of Export obligation discharge certificate (EODC), issued by DGFT authorities in this regard, to the Customs authorities. As per Notification No. 103/2009-Cus dated 11.09.2009 the importer was required to fulfill the export obligation on FOB basis equivalent to eight times the duty saved on the goods imported within eight years from

the date of authorization, as may be specified on the License or authorization. I also find that the noticee have opted for the Amnesty Scheme before DGFT, Surat introduced vide Public Notice No. 02/2023 dt. 01.04.2023 issued by DGFT, and submitted Final Duty Paid Regularization Letter F.No. 52EEEEPC01672AM24 dated 01.05.2024 from the DGFT, Surat. Now, the issues for consideration before me are as follows:

- (i) Whether the noticee has fulfilled export obligation as prescribed under the said Notification No. 103/2009-Cus dated 11.09.2009 and also whether 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. I now proceed to examine whether the Noticee has fulfilled the export obligation as prescribed under Notification No. 103/2009-Cus. dated 11.09.2009, and whether the conditions stipulated under the Amnesty Scheme, in respect of the EPCG Authorization issued to them, have been duly complied with.

14.1 I find that the importer has failed to comply with the conditions stipulated under Notification No. 103/2009-Cus. dated 11.09.2009, inasmuch as they did not fulfill the export obligation by failing to export goods manufactured using the 02 sets of Computerized Embroidery Machines imported under EPCG Authorization No. 5230009847 dated 13.12.2011. The required export obligation was equivalent to eight times the duty saved on the imported goods. Further, the importer has not submitted the Export Obligation Discharge Certificate (EODC) issued by the DGFT, Surat, nor has any documentary evidence been provided indicating extension of the export obligation period granted by DGFT, Surat. In view of the above, the importer is liable to pay Customs Duty amounting to Rs. 2,70,850/- (Rupees Two Lakh Seventy Thousand Eight Hundred Fifty

only) in respect of the said imported goods, along with applicable interest, in terms of the conditions laid down in the said Notification, read with the terms of the Bond executed by the importer, and in accordance with the provisions of Section 143 of the Customs Act, 1962.

14.2 I find that the present recovery proceedings were initiated due to the non-submission of proof of fulfillment of export obligation and the nonsubmission of the Export Obligation Discharge Certificate (EODC) in respect of EPCG Authorization No. 5230009847 dated 13.12.2011, under which the Noticee had availed a concessional rate of duty at 3% on imports. Subsequently, the Noticee, vide letter dated 30.09.2025, submitted that they had filed an application for EODC under the Amnesty Scheme in accordance with Public Notice No. 02/2023 dated 01.04.2023. They further informed that the applicable customs duty of ₹2,70,850/- along with interest of ₹36,179/- had been paid, and a letter had been submitted to the DGFT, Surat, requesting settlement of the case under the said Amnesty Scheme. Additionally, the Noticee, via email dated 07.10.2025, submitted that the DGFT, Surat had issued a Final Duty Paid Regularization Letter bearing F. No. 52EEPC01672AM24 dated 01.05.2024 under the Amnesty Scheme, in respect of the said EPCG Authorization No. 5230009847 dated 13.12.2011. **It is also noted that neither the Noticee's application for EODC under the Amnesty Scheme nor the Final Regularization Letter dated 01.05.2024 issued by the DGFT, Surat was available at the time of issuance of the impugned Show Cause Notice.**

14.3 I also find from the records that noticee has applied for Amnesty Scheme before DGFT on 22.06.2023. The DGFT vide Public Notice No. 2/2023 dated 01.04.2023 has introduced Amnesty Scheme having subject as "Amnesty Scheme for one time settlement of default in export obligation by Advance and EPCG authorization holder." Further, as per para (I)(i) of the P.N. 02/2023 dated 01.04.2023 issued

by the DGFT the Authorization issued under Advance Authorization Scheme (all variants) and **EPCG Scheme (all variants)** Issued under FTP-2009-14 till 31.03.2015 are covered under the scheme. I find that the EPCG authorization No. 5230009847 in questioned was issued on dated 13.12.2011 and hence, it meets the eligibility criteria of the said scheme.

14.4 I find that the noticee had paid Rs. 2,63,000/- vide TR-6 Challan No. 178/23-24 dated 21.03.2024 (date of realization 26.03.2024) and Rs. 45,000/- vide TR-6 Challan No. 31/22-23 dated 20.07.2022 by encasing Bank Guarantee towards Customs Duty; Rs. 2,70,850/- and Interest of Rs. 36,179/- (Total Rs. 3,07,029). Further, I find that the DGFT, through Public Notice No. 20/2023 dated 30.06.2023, extended the deadline for completing payments under the Amnesty Scheme to 31.03.2024. The noticee has accordingly made all payments, including duty and interest, before the extended deadline.

14.5 I also find that the DGFT, Surat, has issued a "Final Duty Paid Regularization Letter under Amnesty Scheme" dated 01.05.2024, bearing File No. 52EEPC01672AM24, pertaining to EPCG Authorization No. 5230009847 dated 13.12.2011 and closed the case. Image of the said Final Duty Paid Regularization Letter issued by DGFT, Surat is as below: -

UDINEPCG00068839AM25



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 : surat-dgft@nic.in , Phone Office : 0261-2423381

FILE NO: 52EEPC01672AM24

Date: (Refer Date of Digital Signature)

FINAL DUTY PAID REGULARIZATION LETTER

To,

HARI KRISHNA ARTS ,
PLOT NO. 24, 3RD FLOOR ,
SURAT/GUJARAT - 395002 .

SUBJECT : Payment of Customs Duty with Interest against EPCG Authorization No. 5230009847 DATED : 13/12/2011 regularization and Closer of the case.

With reference to your letter dated 13/12/2011 , I write to inform you the your case stands Closed against payment of Customs Duty for Rs. 270850/- with interest of Rs.36179/- Total Rs. 307029/- For regularization of the case under the Amnesty Scheme as per PN.02/2023 dtd.1.04.2023 for one time settlement of default in EO.

1. Issued from File Number 52EEPC01672AM24 Date 23/04/2024

2. Copy forwarded to Commissioner of Customs,

EEC Cell,

Commissioner customs, (130) SURAT DIAMOND PARK, GIDC, SACHIN, SURAT-394230 .

(In case the document is digitally signed please refer Digital Signature at the bottom of the page)

Note: If digitally signed, the date of digital signature may be taken as date of document.

This document has been digitally signed by PRAMOD MUKUNDAN NAMBIAR, FTDO, RA SURAT on 01-May-2024.

Signature Not Verified

Digitally signed by PRAMOD MUKUNDAN NAMBIAR (FTDO) Date: 01-May-2024 12:53:10 Reason: PRAMOD NAMBIAR@GOV.IN Location: RA SURAT

14.6 I find that the noticee has complied with the procedure as laid down by the DGFT for "Amnesty Scheme for one time settlement of default in export obligation by Advance and EPCG authorization holder" introduced vide Public Notice No. 2/2023- dated 01.04.2023 and Public Notice No. 20/2023 dated 30.06.2023 read with Notification No. 32/2023-Customs dated 26.04.2023 and Circular No. 11/2023-Customs dated 17.05.2023 for the EPCG Authorisation No. 5230009847 dated 13.12.2011 and have paid the Customs Duty of Rs. 2,70,850/- along with Interest of Rs. 36,179/- for regularization of their case.

14.7 Sub Para (vi) of Para II of the said Public Notice No. 2/2023 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 had paid the duty amount along with Interest 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 issue of FINAL DUTY PAID REGULARISATION LETTER dated 01.05.2024 by the DGFT, Surat, the noticee has fulfilled the conditions of the Amnesty Scheme. Accordingly, I find that customs duty amounting Rs. 2,70,850/- is required to be confirmed for fulfilled of export obligation in terms of Public Notice No. 2/2023- dated 01.04.2023 and Public Notice No. 20/2023 dated 30.06.2023 read with Notification No. 32/2023-Customs dated 26.04.2023 and Circular No. 11/2023-Customs dated 17.05.2023. Thus, I find that total Customs duty of Rs. 2,70,850/- paid by the noticee is required to be appropriated against the total demand confirmed. Further, Interest of Rs. 36,179/- paid by the noticee under amnesty scheme 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. 5230009847 dated 13.12.2011 in accordance with Public Notice No. 2/2023- dated 01.04.2023 and Public Notice No. 20/2023 dated 30.06.2023 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 ::

16.1 I confirm the demand of **Customs Duty amounting to Rs. 2,70,850/- (Rupees Two Lakh Seventy Thousand Eight Hundred Fifty only)**, being the duty foregone at the time of import of Capital Goods under EPCG Authorization No. 5230009847 dated 13.12.2011, in terms of Notification No. 103/2009-Cus. dated 11.09.2009, as amended, read with the conditions of the Bond executed by the importer. I order recovery of the said amount from M/s. Hari Krishna Art, in accordance with the provisions of Section 143 of the Customs Act, 1962, by enforcing the terms of the aforementioned Bond.

I further order appropriation of the Customs Duty amounting to Rs. 2,70,850/- and interest of Rs. 36,179/-, already paid by **M/s. Hari Krishna Art**, in terms of Public Notice No. 02/2023 dated 01.04.2023 and Public Notice No. 20/2023 dated 30.06.2023, read with Notification No. 32/2023-Customs dated 26.04.2023 and Circular No. 11/2023-Customs dated 17.05.2023, and in view of the **"Final Duty Paid Regularization Letter under Amnesty Scheme" issued by DGFT, Surat**, vide F. No. 52EEEP01672AM24 dated 01.05.2024.

16.2 In view of the fact that M/s. Hari Krishna Art, has discharged the Customs Duty of Rs. 2,70,850/- and interest of Rs. 36,179/- under the 'Amnesty Scheme for One-Time Settlement of Default in Export Obligation' of DGFT, as per the provisions laid down under the abovesaid Public Notices and Notifications, and in consideration of the issuance of the Final Duty Paid Regularisation Letter dated 01.05.2024 by DGFT, Surat, I do not hold the imported goods liable for confiscation under Section 111(o) of the Customs Act, 1962. Consequently, no redemption fine under Section 125(1) of the Customs Act, 1962 is imposable.

- 16.3** I also refrain from imposing any penalty on M/s. Hari Krishna Art, Plot No. 24, 3rd Floor, Bhatena Industrial Co-operative Society-1, Udhna, Surat-395002 under the provisions of Section 112(a) and Section 117 of the Customs Act, 1962.
- 17.** The Show Cause Notices F. No. ICD/Sachin/2361/2011-12 dated 22.11.2021 is disposed-off in above terms.
- 18.** This order is issued without prejudice to any other action that may be initiated or taken against the Noticee under the provisions of the Customs Act, 1962, as amended and in force.

(SHRAVAN RAM)
Additional Commissioner
Customs, Ahmedabad

DIN: **20251071MN000044204C**

F. No. GEN/ADJ/ADC/1756/2025-ICD-SRT-CUS-COMMRTE-AHMEDABAD

Dated: 15.10.2025

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

**M/s. Hari Krishna Art,
Plot No. 24, 3rd Floor,
Bhatena Ind. Co.op. Society-1, Udhna,
Surat-395002**

**Shri Abhishek Nanubhai Jajadia,
Proprietor of M/s. Hari Krishna Art,
49 , Neelkamal Park Society,**

**Near Spinning Mill,
L.H Road, Surat-395006**

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, Surat-395003 for information and necessary action.
5. Guard File/Office copy.
6. Notice Board