

	<p>कार्यालय: प्रधान आयुक्त सीमाशुल्क, मुन्द्रा, सीमाशुल्क भवन, मुन्द्रा बंदरगाह, कच्छ, गुजरात- 370421</p> <p>OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS: CUSTOM HOUSE, MUNDRA PORT, KUTCH, GUJARAT- 370421.</p> <p>PHONE : 02838-271426/271423 FAX :02838-271425</p>	
---	---	---

DIN: 20241171MO0000999AB8

Date: -20.11.2024

SHOW CAUSE NOTICE:

[Under Section 124 read with Section 110 of the Customs Act, 1962]

Whereas, intelligence developed by DRI suggested that goods with miscellaneous description are being imported in the name of various companies/ traders with extremely high declared import value at SEZ, Mundra in the warehouse of M/s. Kerry Indev Logistics Pvt. Ltd. According to the intelligence, the said imported goods were being supplied by Hong Kong Based Companies and the items declared in the import documents were not real items having any market application or/and commercial value but fake/fancy product names chosen to inflate the values in import documents with the sole motive of sending illegal remittance abroad through the banking channels, a modus classically described as Trade based money laundering (TBML).

2. The intelligence further suggested that the modus adopted by the importer/traders was to import the goods to SEZ at highly inflated import value to support the illegal remittance against such initial import documentation immediately followed by fraudulent exports to Singapore or UAE under free shipping bills after token value addition with no remittance against the exports intended to be received.

3. Examination/verification at Warehouses of M/s. Kerry Indev Logistics Pvt Ltd, APSEZ, Mundra

3.1 Acting upon the intelligence, a visit was made on 06/10/2023 to the warehouses of M/s. Kerry Indev Logistics Pvt Ltd, APSEZ, Mundra for examination of cargo and collection of the documents related to Import and re-export of the overvalued goods, however, no stock of goods of the nature covered under the enquiry was found lying there. The documents related to the previous import and their subsequent re-export were checked and it was found that all the goods had been re-exported with there being no stock of subject goods as on the day of the visit. It was noticed that the last consignment of re-export was on 15.09.2023. All the relevant documents were submitted by M/s. Kerry Indev Logistics Pvt Ltd, APSEZ, Mundra vide letter dated 06.10.2023 **(RUD-1)**.

4. Searches at Office premises of clearing agent Shri Sunil Joiser of M/s. ShreeAshapuraClearing House Private Limited.

4.1 It was observed that Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Private Limited was the clearing agent in respect of export/import of the subject goods. Hence, a search at the office premises of M/s. Shree Ashapura Clearing House Private Limited were carried out on 06.10.2023 under panchnamaproceedings **(RUD-2)**. As per the authorization, a search team reached first at the premises located at Plot No. 127, Galaxy Vila, Nr. Lilasha Fatak, MeghparBorichi, Tal. Anjar Kutch and it was found that the said premises was the residential premises of Shri Sunil Joiser and office premises of M/s. Shree Ashapura Clearing House Private Limited was at 210, 2nd Floor, Sunsine Arcade-II, Sector-8, Gandhidham. Thereafter the search was carried out at the said office premises. The print out from the laptop being used by Shri Sunil Joiser was taken under the provision of Section 138C of Customs Act, 1962 and 65-B of the Indian Evidence Act, 1872 and the same was resumed for further investigation. Further, 2 Laptops, 3 Mobile Phones and 01 External Hard Disk were resumed from the officer premises of M/s. Shree Ashapura Clearing House Private Limited, Gandhidham for further investigation.

5 . Further, it was revealed from the analysis of one of the Mobile Phones, being used with the No. 7069160044 that one person Shri Akash Kumar of Mumbai with Mobile No. 8058037415 had forwarded a set of documents on 29.09.2023 related to the planned imports of goods by 03 IECs, at SEZ Mundra after transshipment via Air Cargo Complex, Ahmedabad and the goods intended to be imported under the cover of these documents were lying uncleared at the Air Cargo Complex Ahmedabad since 20.09.2023. The printout of the said documents were resumed under the provisions of Section 138C Of Customs Act, 1962 and 65-B of The Indian Evidence Act, 1872.

5.1 As analysis of mobile phone had revealed the arrival of some more goods sought to be imported using the same modus operandi of overvaluation at the time of imports, efforts were undertaken to trace the imported goods which had arrived and were lying uncleared at ACC, Ahmedabad, in respect of the said 03 IECs i.e. M/s. Oriation Freight and Forwarders Pvt Ltd. (IEC No. AADCO0202A), M/s. Diba Logistics Pvt Ltd. (IEC No. AAICD3147N) and M/s. Aaquaries Global Industries Limited (IEC No. 315067713). The Assistant Commissioner, Customs, ACC, Ahmedabad forwarded a mail dated 10.10.2023 **(RUD-3)** of Custodian of ACC, Ahmedabad (M/s. GSEC Ltd) intimating the list of 191 consignments (191 Airway Bills) **(RUD-3)** in respect of the said 03 IECs. It was further gathered that 30 more consignments (30 Airway Bills) of the nature being covered under the enquiry in respect of 02 more IECs i.e. M/s. Flawless Pharma Pvt. Limited (IEC No. AABCF6264B) and M/s. Arch Pharmalabs limited (IEC No. 397048921) were also lying uncleared at Air Cargo Complex, Ahmedabad. Accordingly, a total 221 consignments of the imported goods under cover of 221 Airway Bills in respect of 05 IECs, were traced, wherein bills of entry had not been filed. The airway bills mentioned the imported goods to be **"Pharma Intermediates"**. The relevant 221 Airways Bills, corresponding Supplier's invoice/packing list in soft copies **(RUD-4)** were gathered from Airlines/ Custodian and from the Mobile of Sunil Joiser. The details of 221 consignments i.e. importers name, shippers/senders' name, Airway Bill Numbar, IGM No., Invoice No., weight of cargo, description of goods etc. so ascertained is compiled in **Annexure-A**. It was also observed from the

supplier's invoices that the place of delivery was **“Ahmedabad Airport and by Road to Mundra”**. It thus appeared that these consignments were to be transshipped from ACC, Ahmedabad to Mundra SEZ. Number of consignments IECs/importers wise, lying uncleared at Air Cargo Complex, Ahmedabad and which were put on hold, are as under:

TABLE-1

Sr. No.	Name of Importers	IEC Number	Number consignments laying uncleared at ACC, Ahmedabad (no. of AWBs)
1	M/s. Oriation Freight and Forwarders Pvt Ltd.	AADCO0202A	65
2	M/s. Diba Logistics Pvt Ltd.	AAICD3147N	67
3	M/s. Aaquaries Global Industries Limited	315067713	59
4	M/s. Flawless Pharma Pvt. Limited	AABCF6264B	25
5	M/s. Arch Pharmalabs Limited	397048921	5

Further, from the documents gathered, it is observed that the following foreign suppliers have supplied purportedly “Pharma Intermediates” to the aforementioned importers in India. The details of value of goods declared in invoices corresponding to AWB, by the said overseas supplier are as under:

TABLE-2

Sr. No.	Importers in India (M/s.)	Foreign Suppliers of Indian Importers (Place of Loading -Hong Kong)	Value declared in Invoices US\$ (based on Annexure-A to Notice)
1	Oriation Freight and Forwarders Pvt Ltd.	Apotex Limited	123326600
			123326600
2	Diba Logistics Pvt. Ltd.	Apotex Limited	1885200
		Royal International HK Limited	123199600
			125084800
3	Aaquaries Global Industries Limited	Raffle Square Global Pte. Ltd.	20531250
		Rupus Global Limited	198720000
			219251250
4	Flawless Pharma Pvt. Limited	Rupus Global Limited	101085000
			101085000
5	Arch Pharmalabs limited	Pharmayka General Trading LLC Dubai	1470000
		Rupus Global Limited	16635000
			18105000
		Grand Total	586852650

6. Examination of imported goods lying uncleared at ACC, Ahmedabad and drawl of samples for testing:

Since, neither the company nor the Customs Broker filed any request for transshipment (A warehousing Bill of entry at SEZ is also a document for the

purpose of transshipment from the port of entry of goods) of the goods from ACC, Ahmedabad to SEZ Mundra for the goods lying at Air Cargo Complex, Ahmedabad and imported under cover of the above 221 Airway Bills, DRI officers proceeded for examination of the consignments in presence of representative of Customs Broker/Clearing Agent and some importers.

6.1 The consignments imported by M/s. Flawless Pharma Pvt Ltd were examined by the DRI officers under panchnama dated 24.11.2023 (**RUD-5**) in presence of the independent panchas and Shri Sujeetkumar Singh, Director of M/s. Flawless Pharma Pvt Ltd. and Shri Harbhajan Singh Bansal Director of M/s. Sukhar Exim Pvt Ltd. It was observed that imports were made under 25 Airway Bills. Total 288 drums of 25 kg, were imported under the cover of these 25 Airway Bills. It was also observed that the said drums were declared to contain "Pharma Intermediates" viz. (i) (4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthyridine-3, Carboxamide or (S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL) Pyridin-3-Yl) Ethan-1-Amine-Dihydrochloride. Three representative samples covering goods under each airway bill were drawn and were given sample number from 1/A, 1/B, 1/C to 25/A, 25/B, 25/C. These samples were drawn for testing to establish the correctness of the declared description and actual identity of the imported goods.

6.2 Further, examination of the consignments imported by M/s. Aaquaries Global Industries Ltd. was conducted under Panchnama dated 29.11.2023 (**RUD-6**) in presence of the independent panchas and Shri Sameer Ramesh Talim, Director of M/s. Aaquaries Global Industries Ltd., and Shri Harbhajan Singh Bansal, Director of M/s. Sukhar Exim Pvt Ltd. It was observed that imports were made under 59 Airway Bills by M/s. Aaquaries Global Industries Ltd. Out of 59 Airway Bills, 05 random Airway Bills were selected for drawl of representative samples. It was also observed from the import documents i.e. Airway Bill /supplier invoices that the said consignments were declared to contain "Pharma Intermediates" viz. (i) SS-1172-25G, 5-METHYL-3(2H), PYRIDAZINONE (ORGANIC COMPOUNDS) as 7855 USD/kg, (ii) BENZYL (2S)-2-(CYANOMETHYL) PIPERAZINE-1-CARBOXYLATE as 7320 USD/kg and (iii) (4S)-4-(CYANO-2-METHOXYPHENYL)-5-ETHOXY-2,8-DIMETHYL-1,4-DIHYDRO-1,6-NAPHTHRIDINE-3, CARBOXAMIDE at 13,800 US\$/kg. Representative samples covering the goods with all the declared description were drawn from 05 airway bills and were marked as 1/A, 1/B, 1/C to 05/A, 05/B, 05/C. These samples were drawn for testing to establish the correctness of the declared description and actual identity of the imported goods.

6.3 Examination in respect of consignments imported by M/s. Arch Pharmalabs Ltd. was carried out under Panchnama dated 21.12.2023 (**RUD-7**) in the presence of the independent panchas and Shri Rajendra P. Kaimal, Director of M/s. Arch Pharmalabs Ltd. and Shri Salim Naseer Shaikh, Director of M/s. Florricks Lifecare Pvt. Ltd. It was observed that imports were made under 05 Airway Bills. It was also observed that the said consignments were declared to contain "Pharma Intermediates" viz. (S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL) Pyridin-3-Yl) Ethan-1-Amine-Dihydrochloride. Three representative samples covering the goods from each airway bill were drawn by and marked as **1/A, 1/B, 1/C to 5/A, 5/B, 5/C**. These samples were drawn for testing to establish the correctness of the declared description and actual identity of the imported goods.

6.4 Examination in respect of consignments imported by M/s. Diba Logistics

Pvt. Ltd. and M/s. Oriation Freight and Forwarders Pvt. Ltd. was carried out under Panchnama proceedings dated 22.03.2024 (**RUD-8**) in the presence of the independent panchas and Shri Harbhajan Singh Bansal Director of M/s. Sukhar Exim Pvt Ltd and Shri Bhaskar Bhatt, Chartered Engeneer. During the panchnama proceedings, 05 random Airway Bills pertaining to M/s. Diba Logistics Pvt. Ltd. (3 samples) and M/s. Oriation Freight and Forwarders Pvt. Ltd. (2 samples) were selected for drawl of samples. These samples were drawn for testing to establish the correctness of the declared description and actual identity of the imported goods and also for valuation purpose .Further, the DRI officers in presence of independent panchas, also selected 03 airway bills pertaining to M/s. Arch Pharmalabs Ltd., M/s. Aaquaries Global Industries Ltd., and M/s. Flawless Pharma Pvt Ltd for drawl of additional samples for the purpose of valuation of the samesince the earlier samples were drawn and used for testing the declared description . The detail of samples drawn on 22.03.2024 with corresponding Airway Bill numbers is as under:

TABLE-3

SR. NO:	Name of the Importer (M/s)	Airway Bill No:	Landed date	Net weight of the goods pertaining to Airway Bill	Rate of the goods in US\$ per Kg	Value of the goods as per the available invoice (in USD)	Description of the goods	Denominating Sample Nos.
1	Oriation Freight and Forwarders	17680746260	22-Sep-23	250	7855	1963750	SS-1172-25G,5-METHYL-3(2H)-PYRIDAZINONE	1/A,1/B,1/C,1/D
2	Oriation Freight and Forwarders	17680736202	23-Sep-23	250	7612	1903000	CYCLOPROPY;-1-(2-FLUORO-4-IODOPHENYL)-5-HYDROXY-6,8-DIMETHYLPYRIDO (2,3-D) PYRIMIDINE 2,4,7(1H,3H,8H)-TRIONE	2/A,2/B,2/C,2/D
3	Diba Logistics Pvt. Ltd.	17680744915	18-Sep-23	250	7205	1801250	2,16-DIPIPERIDIN-1-YLANDROSTA-3,17-DIOL	3/A,3/B,3/C,3/D
4	Diba Logistics Pvt. Ltd.	17680890865	18-Sep-23	240	7855	1885200	SS-1172-25G,5-METHYL-3(2H)-PYRIDAZINONE	4/A, 4/B,4/C,4/D
5	Diba Logistics Pvt. Ltd.	17680743095	19-Sep-23	250	7320	1830000	BENZYL(2S)-2-(CYCNOMETHYL)PIPERAZINE-1-CARBOXYLATE	5/A,5/B,5/C, 5/D
6	Aaqaries Global Industries Ltd/	17680773770	17-Oct-23	300	13800	4140000	(4S)-4-(CYANO-2-METHOXYPHENYL)-5-ETHOXY-2,8-DIMETHYL-1,4-DIHYDRO=1,6-NAPTHHRIDINE-3-CARBOXAMIDE	6/A, 6/B, 6/C, 6/D
7	Flowless Pharma Pvt. Ltd.	17681211270	27-Sep-23	300	13800	4140000	(4S)-4-(CYANO-2-METHOXYPHENYL)-5-ETHOXY-2,8-DIMETHYL-1,4-DIHYDRO=1,6-NAPTHHRIDINE-3-CARBOXAMIDE	7/A, 7/B, 7/C, 7/D
8	Arch Pharma Labs Ltd	17680728491	26-Sep-23	250	14700	3675000	(S)-1-(6-(4-FLUORO-1H-PYRAZOL-1-YL)PYRIDIN-3-YI)ETHan-1-amine-dihydrochloride	8/A, 8/B,8/C, 8/D

The samples drawn and marked as 1/D to 8/D as above, were handed over to Shri Bhaskar Bhatt, Govt approved Chartered Engineer and Valuer for the purpose of valuation of the imported goods/items.

7. Testing of the Samples and seizure of the imported goods

7.1 The 30 samples drawn as detailed in para 6.1 & 6.2 were forwarded to CRCL, Vadodara vide letter F.No. DRI/AZU/CI/INT-23/2023-24 dated 06.12.2023. (**RUD-9**) however, the same were returned by CRCL vide their letter F.No. IV (5)/18-19 dated 08.12.2023(**RUD-10**) stating that they do not have

facility to test the samples. Therefore, the letter F.No. DRI/AZU/CI/INT-23/2023 dated 19.12.2023 (**RUD-11**) was written to CRCL, New Delhi as to whether they have facility to test the subject imported goods. In reply, CRCL, New Delhi vide their letter F.No. C.No. 1-Cus/CRCL/Misc. Corres/2022 dated 27.12.2023 (**RUD-12**) informed they can not ascertain the exact chemical composition and identity of the subject imported goods, however, they stated that the samples may be forwarded to Central Drugs Testing Laboratory or any CSIR Laboratory or any NABL accredited/authorized Government Laboratory for testing.

7.2 In view of the above, total 35 samples drawn as detailed in para 6.1 to 6.3, were forwarded to National Forensic Science University (NFSU), Gandhinagar vide Test Memo No.01 to 35 all dated 05.01.2024(**RUD-13**) and bearing F.No. DRI/AZU/CI/INT-23/2023-24 for testing/chemical analysis of the samples. NFSU, Gandhinagar vide their letter No. The NFSU/CoE-NDPS/09/2024 dated 12.02.2024 (**RUD-14**) forwarded the 35 Test Reports bearing No. NFSU /CoE-NDPS/CONS/01/2024/Test Memo No. 1 to NFSU /CoE-NDPS/CONS/01/2024/Test Memo No. 35(**RUD-14**). The test result/examination report is as under:

TABLE-4

Sr. No.	Name of the Importer	Airway Bill No.	Date	Description of the goods declared in Airway Bill	Marking of the Sample tested	Test Results
1	M/s Flawless Pharma Private Limited, Mumbai	17680751845	9-24-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	1/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
2	M/s Flawless Pharma Private Limited, Mumbai	17680754332	9-24-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	2/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
3	M/s Flawless Pharma Private Limited, Mumbai	17680754505	9-24-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	3/A	1-(3-bromobenzoyl)piperidine.
4	M/s Flawless Pharma Private Limited, Mumbai	17680781326	9-24-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	4/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
5	M/s Flawless Pharma Private Limited, Mumbai	17681183944	9-24-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	5/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
6	M/s Flawless Pharma Private Limited, Mumbai	17680728546	9-26-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	6/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
7	M/s Flawless Pharma Private Limited, Mumbai	17681211126	9-26-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	7/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
8	M/s Flawless Pharma Private Limited, Mumbai	17681211270	9-26-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	8/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
9	M/s Flawless Pharma Private Limited, Mumbai	17681211325	9-26-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	9/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.

10	M/s Flawless Pharma Private Limited, Mumbai	17681211336	9-26-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	10/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
11	M/s Flawless Pharma Private Limited, Mumbai	17680903056	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	11/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
12	M/s Flawless Pharma Private Limited, Mumbai	17680903060	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	12/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
13	M/s Flawless Pharma Private Limited, Mumbai	17680903071	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	13/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
14	M/s Flawless Pharma Private Limited, Mumbai	17681211340	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	14/A	(1E)-1-(4-bromophenyl)-N-(8,9,10,11-tetrahydro[1]benzothieno[3,2-c][1,2,4]triazolo[1,5-c]pyrimidin-2-ylmethoxy)ethanimine.
15	M/s Flawless Pharma Private Limited, Mumbai	15794783430	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	15/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
16	M/s Flawless Pharma Private Limited, Mumbai	15794783441	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	16/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
17	M/s Flawless Pharma Private Limited, Mumbai	15794783452	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	17/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
18	M/s Flawless Pharma Private Limited, Mumbai	15794783791	9-27-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-yl)Pyridin-3-yl)Ethan-1-Amine-Dihydrochloride	18/A	1-(3-bromobenzoyl)piperidine.
19	M/s Flawless Pharma Private Limited, Mumbai	15794780464	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	19/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
20	M/s Flawless Pharma Private Limited, Mumbai	15794780475	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	20/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
21	M/s Flawless Pharma Private Limited, Mumbai	15794780486	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	21/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
22	M/s Flawless Pharma Private Limited, Mumbai	15794783264	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	22/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
23	M/s Flawless Pharma Private Limited, Mumbai	15794783393	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	23/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
24	M/s Flawless Pharma Private Limited, Mumbai	15794783404	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	24/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
25	M/s Flawless Pharma Private Limited, Mumbai	15794783426	9-27-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	25/A	1-(3-bromobenzoyl)piperidine.
26	M/s Aaquaries Global Industries Ltd, Mumbai	61867157996	21-09-2023	SS-1172-25G, 5-Methyl-3(2H), Pyridazinone	1/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
27	M/s Aaquaries Global Industries Ltd, Mumbai	17680744193	24-09-2023	Benzyl (2S)-2-(Cyanomethyl) Piperazine-1-Carboxylate	2/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
28	M/s Aaquaries Global	17680744204	24-09-	Benzyl (2S)-2-(Cyanomethyl)	3/A	N-[4-(1-Naphthyl)-1,3-thiazol-

	Industries Ltd, Mumbai		2023	Piperazine-1-Carboxylate		2-yl]-2-thiophene carboxamide.
29	M/s Aaquaries Global Industries Ltd, Mumbai	61867158022	24-09-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	4/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
30	M/s Aaquaries Global Industries Ltd, Mumbai	15794780431	27-09-2023	(4S)-4-(Cyano-2-Methoxyphenyl)-5-Ethoxy-2,8-Dimethyl-1,4-Dihydro-1,6-Naphthridine-3, Carboxamide	5/A	1-(3-bromobenzoyl)piperidine.
31	Ms Arch Pharmalabs Ltd, Mumbai	17680728336	24-09-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL)Pyridin-3-Yl)Ethan-1-Amine-Dihydrochloride	1/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
32	Ms Arch Pharmalabs Ltd, Mumbai	17680728476	24-09-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL)Pyridin-3-Yl)Ethan-1-Amine-Dihydrochloride	2/A	1-(3-bromobenzoyl)piperidine.
33	Ms Arch Pharmalabs Ltd, Mumbai	17680728491	24-09-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL)Pyridin-3-Yl)Ethan-1-Amine-Dihydrochloride	3/A	1-(3-bromobenzoyl)piperidine.
34	Ms Arch Pharmalabs Ltd, Mumbai	17680728513	24-09-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL)Pyridin-3-Yl)Ethan-1-Amine-Dihydrochloride	4/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.
35	Ms Arch Pharmalabs Ltd, Mumbai	15794783802	24-09-2023	(S)-1-(6-(4-Fluoro-1H-Pyrazol-1-YL)Pyridin-3-Yl)Ethan-1-Amine-Dihydrochloride	5/A	N-[4-(1-Naphthyl)-1,3-thiazol-2-yl]-2-thiophene carboxamide.

7.3 The 05 samples drawn from consignments imported by M/s. Diba Logistics Pvt. Ltd. and M/s. Oriation Freight and Forwarders Pvt. Ltd. under Panchnama dated 22.03.2024 as detailed in para 6.4 above, were forwarded to National Forensic Science University (NFSU), Gandhinagar vide Test Memo No.01 to 05 all dated 27.03.2024 (**RUD-15**) and bearing F.No. DRI/AZU/CI/INT-23/2023-24 for testing /chemical analysis of the samples. The NFSU, Gandhinagar vide their letter No. NFSU/CoE-NDPS/76/2024 dated 14.05.2024(**RUD-16**) forwarded the Test Reports bearing No. NFSU /CoE-NDPS/CASE/GCA/02/2024 dated 10.05.2024 in respect of Test Memos 1 to 5. The details of test result/examination report is as under:

TABLE-5

Sr. No.	Name of the Importer	Airway Bill No.	Date	Description of the goods declared in Airway Bill	Marking of the Sample tested	Test Results
1	Oriation Freight and Forwarders Pvt Ltd	17680746260	22-09-2023	SS-1172-25G, 5-Methyl-3(2H), Pyridazinone	1/A	N-[3Ethyl-2-(4-morpholinyl)pentyl]-4-[3-(trifluormethyl)phenyl]-1-piperazincarboxamide.
2	Oriation Freight and Forwarders Pvt Ltd	17680736202	23-09-2023	CYCLOPROPYL-1-(2-FLUORO-4- IODOPHENYL)-5-HYDROXY-6,8-DIMETHYLPYRIDO (2,3-D) PYRIMIDINE 2,4,7 (1H, 3H, 8H)-TRIONE	2/A	2-(4-Hexanoyl-1-piperazinyl)-6-[(4-methyl-1-piperidinyl)methyl]-4(1H)-pyrimidinone.
3	Diba Logistics Pvt Ltd	17680744915	18-09-2023	2,16-DIPIPERIDIN-1-YLANDROSTA-3,17-DIOL	3/A	4-Hydroxy-2-pyrrolidinone.
4	Diba Logistics Pvt Ltd	17680890865	18-09-2023	SS-1172-25G, 5-Methyl-3(2H), Pyridazinone	4/A	4-(3-Ethyl-4, S-diiodo-1H-pyrazol-1-yl)-6-fluoro-2-pyridinol.
5	Diba Logistics Pvt Ltd	17680743095	19-09-2023	Benzyl (2S)-2-(Cyanomethyl) Piperazine-1-Carboxylate	5/A	4-Hydroxy-2-pyrrolidinone.

7.4 It appears from the above mentioned examination reports/test that the imported items/goods were grossly mis-declared and not as declared in Airway Bills and other documents. It also appears that the test results of the same imported items/goods covered under different airway bill, are different. Thus, it appears that the goods are grossly mis-declared. Therefore, on reasonable belief that the imported goods, which were declared as “Pharma Intermediates”, are liable for confiscation under Section 111 of the Customs Act, 1962, the said goods were placed under seizure as detailed under.

TABLE-6

Sr.	Importers name	Date	Value (as per	Net Weight	No.	RUD No.
-----	----------------	------	---------------	------------	-----	---------

No.		Seizure Memo	Invoices, detailed in Annexure-A to Notice) of goods seized (in USD)	in KG	AWB	
1	M/s Flawless Pharma Private Limited	03.04.2024	101085000	7325	25	17-A
2	Ms Arch Pharmalabs Ltd.	03.04.2024	18105000	1250	05	17-B
3	M/s Aaquaries Global Industries Ltd.	03.04.2024	219251250	17150	59	17-C
4	Oriation Freight and Forwarders Pvt Ltd	22.05.2024	123326600	15770	65	17-D
5	Diba Logistics Pvt Ltd	22.05.2024	125084800	16260	67	17-E

8. Statement of Key Person of Clearing Agent/CB firms M/s. Shree Ashapura Clearing House Private Limited/M/s OK Cargo Craft Pvt. Ltd and M/s. Kerry Indev Logistics Pvt Ltd.

8.1 Statement dated 06/07.10.2023 of Shri Sunil Joiser, of M/s Shree Ashapura Clearing House Private Limited/M/s OK Cargo Craft Pvt. Ltd. (RUD No.18)

Shri Sunil Joiser, Director of M/s Shree Ashapura Clearing House Private Limited, was issued summon bearing CBIC DIN -CBIC-DIN-202310DDZ10000111976 dated 06.10.2023, accordingly, his statement under Section 108 of Customs Act, 1962 was recorded on 06/07.10.2023, wherein he interalia stated that:

8.1.1 He started a freight forwarding firm M/s Ashapura Clearing House in 2015 with another partner Shri Chetan Akbari. Then, in the year 2016, they got company's registration for the said firm and changed the firm's name to M/s Shree Ashapura Clearing House Private Limited.

8.1.2 He also does the work of Customs Clearing on behalf of his uncle's CHA firm M/s. OK Cargo Craft Pvt. Ltd. The main office of M/s OK Cargo Craft Pvt. Ltd. is at Gandhidham with another office at Mumbai.

8.1.3 They were mainly dealing in pharma products, Oils, Coated Conductive Ink at Mundra SEZ. They had entered into an agreement with M/s Kerry Indev Logistics Pvt. Ltd. a warehouse unit in FTWZ, Mundra SEZ in the year 2019 under which M/s. Kerry Indev Logistics Pvt. Ltd. was to provide warehousing services for their customers. For using their warehousing service, M/s. Kerry Indev Logistics Pvt. Ltd used to raise invoices and they (Ashapura) were paying the services charges.

8.1.4 Their main clients for work at M/s Kerry Indev Logistics Pvt. Ltd. are M/s. Aaquaries Global Industries Limited, M/s. Arch Pharmalabs Limited, M/s. Flawless Pharma Private Limited and others.

8.1.5 They received KYC of these firms on their mail ID shreeashapuraclearing@gmail.com and they have not physically verified the premises of these firms to check whether they are existent or not existent and they have accepted the documents related to KYC like IEC Registration, PAN Card, and GST Registration as received on email. He stated that they checked PAN Card, GST registration, IEC online for genuineness of the firms.

8.1.6 The Bills of Entry and Shipping Bills were filed online on SEZ Online portal and for filing of the documents the SEZ unit has provided them a maker ID. They used to prepare a checklist for Bill of Entry and Shipping Bill through the maker ID and forward the same to the SEZ unit. The SEZ unit further approved the checklist and Bill of Entry and Shipping Bill were filed on SEZ Online portal. After granting of the LEO by the Customs Officer in SEZ system/manually, they used to submit the documents to the SEZ Unit. They provided the container for the export. All further formalities were dealt by the SEZ Unit for the forwarding of container to the terminal for loading on the vessel. They used to coordinate with the shipping line for the issuance of Bill of lading and being a freight forwarder they used to pay the freight charges to the shipping line. The Freight charges were recovered by them from the exporter.

8.1.7 Firms used to forward them documents like Commercial Invoice, Packing List, and they used to prepare a checklist after getting the approval from the importer or exporter, and then they used to forward the same to the SEZ unit. He stated that they had obtained authorization from these firms to process documents on behalf of them and the said authorization were obtained through mail.

8.1.8 On being asked about the first contact of these firms, he stated that initially Shri Akash Kumar, Contact Number 8058037415 of Mumbai approached him on his phone. He (Akash Kumar) further explained that they intend to import goods preferably pharma goods for re export purpose through Ahmedabad airport and the goods are to be transferred to SEZ Mundra on Transshipment permission and from there the goods will be re exported to a third country. He (Akash Kumar) further explained that there was no customs duty involvement as the goods were not meant for clearance in DTA but were for re export purpose only. After this, he had given him a quotation and with mutual discussion the quotation was finalized.

8.1.9 In the month of April, he received import documents from Shri Akash Kumar through WhatsApp for the clearance of Import goods at Ahmedabad Air Cargo. They had outsourced the work to another Custom Broker Namely M/s. Sukher Exim Pvt Ltd. for the clearance of goods at Ahmedabad Air cargo. Further, once the goods reached Mundra SEZ, procedure related to import and re-export was done by them.

8.1.10 The goods were mainly imported from China with third country invoicing from Hong Kong and after import the goods were exported to Dubai, Sohar and Singapore. He further stated that at Mundra SEZ, there was no value addition, re packing, or any other activity conducted on the goods imported. The goods were re exported in the same condition as at the time of import.

8.1.11 On being asked regarding sampling for imported consignment being used for imports he stated that no sampling was done for imported consignment. He further stated that it is upto the customs to decide about the sampling of the goods and that he had never received any analysis report or test report from the importer.

8.1.12 On being asked about consignment which are in transit, or imported or yet to be re exported, he stated that there were 7 lots of 18 shipments each (total 126 consignments) at Ahmedabad Air Cargo, which were to be transferred to the SEZ Unit and were to be re exported. He stated that documents related to import along with KYC were received by him on 29.09.2023 from Shri Akash Kumar through whatsapp. The documents were to

be processed in the matter. He further stated that at that time there was no consignment available in the premises of M/s. Kerry Indev Logistics with regard to the import and re export of goods by these firms.

8.2 Statement dated 11.10.2023 of Shri Sunil Joiser, Director of M/s Shree Ashapura Clearing House Private Limited. (RUD-19)

Summon CBIC-DIN-202310DDZ10000222BEF dated 10.10.2023, was issued to Shri Sunil Joiser, Director of M/s Shree Ashapura Clearing House Private Limited and accordingly, his statement was recorded on 11.10.2023 under Section 108 of Customs Act, 1962, wherein he interalia stated that :

8.2.1 When asked about the address of M/s. OK Cargo Craft Pvt. Ltd., Customs Broker at Gandhidham, he stated that all the records related to import/export/SEZ are maintained at their office address in Gandhidham, i.e. M/s. Shree Ashapura Clearing House Private Limited, 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201, however they have rented a small space at Saurashtra CFS in Mundra port for printing certain required documents.

8.2.2 Regarding the procedure involved for filing Bills of Entry or Shipping Bills for the firms related to work at M/s. Kerry Indev Logistics, Mundra, he stated that he used to receive documents, viz. Invoice, Packing List, Bill of Lading and KYC documents in import and Invoice & Packing List in export for filing Bills of Entry or Shipping Bills. The documents were received on their email shreeashapuraclearing@gmail.com by individual importer/exporter firms and on his whatsapp no. 7069160044 from a single contact i.e., Shri Akash Kumar from his mobile phone no. 8058037415.

8.2.3 He stated that for filing Bs/E and SBs, the AD codes corresponding to the importers/exporters were mentioned in the invoices, however, in some cases, they used to mention the AD code as mentioned in previous Bs/E or SB on the instructions received from Shri Akash Kumar. In other cases, the AD codes were provided to them by Shri Akash Kumar by telephone and as per his instruction, B/E or SB used to be filed.

8.2.4 He was asked to peruse email dated 11.10.2023 of ACC, Customs Ahmedabad forwarding therewith email dated 10.10.2023 of Air Cargo Complex Ahmedabad vide which the details of the consignments pertaining to M/s. Diba Logistics Pvt. Ltd., M/s. Oriation Freight and Forwarders Pvt. Ltd., and M/s. Aaquaries Global Industries Limited, lying at ACC, Ahmedabad, are attached. On perusing the same, he stated that he was provided documents by whatsapp for some consignments by Shri Akash Kumar on 29.09.2023 and for others he has not received the documents. He stated that they did not file Bs/E for these consignments as no instruction was given by Shri Akash Kumar or the party and they were waiting for his (Akash Kumar) instructions.

8.2.5 About the contact details of Shri Akash Kumar, he stated that he had only interacted with him over telephone and never met him in person. He did not have his address and he was trying to get his details from the last two to three days.

8.2.6 About unusual high price mentioned in the import documents for the said goods, he stated that being a pharma and chemical product, he was of the

idea that it may be possible that the price may be that much high owing to the nature of the product, He was aware that the value mentioned in the import documents for the said goods was much higher than the market value. He stated further that he had not made any further inquiry regarding the price of similar goods.

8.2.7 About the unusual practice of handling of more than 30 firms by a single person Shri Akash Kumar, he stated that he was well aware that there was something suspicious in this and it appeared a well planned business by Shri Akash Kumar for the reasons well known to him.

8.2.8 He stated that as per the trend in SEZ, once the imported goods have been provided out of charge by the SEZ customs the remittance is made by the concerned bank to the overseas supplier. Further, in case of Exports, once the export is done the remittance is usually received as per the terms of payment.

8.3 Statement dated 23.02.2024 of Shri Sunil Joiser, Director of M/s. Shree Ashapura Clearing House Private Limited. (RUD-20-Available for inspection)

Further, summon CBIC-DIN-202401DDZ1000000ABCF dated 04.01.2024, was issued to Shri Sunil Joiser, Director of M/s Shree Ashapura Clearing House Private Limited and his statement was recorded under Section 108 of Customs Act, 1962 on 23.02.2024, wherein he interalia stated that :

8.3.1 The goods, i.e. pharma intermediates, vaginal gel, conducting ink & coating solution imported at M/s. Kerry Indev Logistics, APSEZ, Mundra were received in drums and the goods' description along with supplier name etc. were mentioned on a paper slip pasted on the drums. He stated that no other paper slip or change in packing was done at the re-export and the goods were re-exported in the same form as they were imported.

8.3.2 He reiterated that Shri Akash Kumar used to contact him through whatsapp call from mobile number 8058037415 and he was the single person who used to forward the import-export documents and also coordinate for further customs clearance, freight forwarding and for payment.

8.3.3 About the whereabouts of Shri Akash Kumar, he stated that he has never met Shri Akash Kumar in person. Shri Akash Kumar only used to call or message the documents to him on whatsapp. Shri Akash Kumar has not contacted him after 11.10.2023. Further, he had contacted Shri Akash Kumar on 11.10.2023 with request to appear before DRI in ongoing enquiry and had also forwarded him a copy of Summon on his mobile nos., however, the said mobile no has been switched off thereafter.

8.3.4 About the consignments of pharma intermediates in respect of the firms, M/s. Flawless Pharma Pvt Ltd., M/s. Aaquaries Global Industries Ltd., M/s. Arch Pharmed Labs Ltd., M/s. Diba Logistics Pvt. Ltd. and M/s. Oriation Freight and Forwarders Pvt. Ltd., lying at ACC Ahmedabad for which Bs/E have not been filed, he stated that he was provided documents by whatsapp for some of these consignments by Shri Akash Kumar on 29.09.2023 and for others, he had not received the required documents.

8.3.5 He was asked to peruse the Test Memo No. 1 to 35, all dated 05.01.2024

issued vide F.No. DRI/AZU/CI/INT-23/2023 vide which the pharma intermediates imported in the name of M/s. Flawless Lifecare Limited, M/s. Aaquaries Global Industries Limited and M/s. Arch Pharmalabs Ltd. and lying at ACC Ahmedabad, were sent for testing and the corresponding examination Reports issued by NFSU, Gandhinagar bearing Nos. NFSU/CoE-NDPS/CONS/01/2024/Test Memo No. 1 to 35, all dated 12.02.2024 received for the said samples. He perused the Test Memos and the examination reports. Vide the said reports, it appeared that all the goods had been mis-declared in the corresponding import documents.

8.3.6 He stated that he has a copy of the authorisation letter from each of the firms which were forwarded by Shri Akash Kumar and also through emails of the individual firms. They have done KYC formalities for each of the firms and for the signature verification, they have taken bank signature verification letter in respect of each firm. He undertook to produce copies of bank signature verification letters.

8.4 Statement dated 07.06.2024 of Shri Sunil Joiser, Director of M/s. Shree Ashapura Clearing House Private Limited. (RUD-21-Available for inspection)

Further, summon CBIC-DIN-202401DDZ1000000ABCF dated 03.06.2024, was issued to Shri Sunil Joiser, Director of M/s Shree Ashapura Clearing House Private Limited and his statement was recorded under Section 108 of Customs Act, 1962 on 07.06.2024, wherein he interalia stated that :

8.4.1 Shri Akash was not authorised by any Importers or Exporters and Shri Akash Kumar was not employee of any firms involved in importing and re-exporting Pharma Intermediates, Conductive Ink & Coating solutions and Vaginal Gel through M/s. Kerry Indev Logistics Pvt Ltd., APSEZ Unit, Mundra. He did not seek authorisation of the firms from Shri Akash Kumar as he (Shri Akash Kumar) was the first person to contact him for assigning the work related to customs clearance and freight forwarding of Pharma Intermediates, Conductive Ink & Coating Solutions and Vaginal Gel through M/s. Kerry Indev Logistics Pvt Ltd., APSEZ Unit, Mundra. Further, he had not inquired with the firms about Shri Akash Kumar.

8.4.2 It appears from the statements of Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Pvt. Ltd/ M/s. Ok Cargo Crafts Pvt. Ltd. that he was providing Freight Forwarding Service/Customs Clearing services through his firm M/s. Shree Ashapura Clearing House Pvt. Ltd and Customs Broker Service through his uncle's firm M/s. OK Cargo Crafts Pvt Ltd. Being the power of attorney holder of M/s. OK Cargo Crafts Pvt Ltd. and also its G –Card Holder. It also appears from his statement that M/s. Aaquaries Global Industries Pvt Ltd, M/s. Arch Pharmalabs Ltd. and M/s. Flawless Pharma Pvt Ltd were their clients for work at M/s. Kerry Indev Logistics Pvt. Ltd. It further appears from the print out of the documents sent by Shri Akash Kumar over his phone, that M/s. Oriation Freight and Forwarder Pvt. Ltd and M/s. Diba Logistics Pvt Ltd, vide authorisation letter dated 18.09.2023 **(RUD-22)** have authorised M/s. Shree Ashapura Clearing House Pvt Ltd. and M/s. OK Cargo Craft Pvt Ltd. for work related to Freight Forwarding and clearance of their export/import. It also appears from the statement dated 06.10.2023 that Shri Sunil Joiser had received import documents for 126 consignments from Shri Akash Kumar on whatsapp and the same consignment were lying uncleared at ACC, Ahmedabad. It also appears from the statement that the said imported goods/consignments

were to be transferred to SEZ units and subsequently were to be re-exported. It appears that Shri Sunil Joiser had discussed and finalised the quotation with Shri Akash Kumar. It also appears that Shri Sunil Joiser used to receive the documents from Shri Akash Kumar on whatsapp and used to take instructions regarding filing of Bills of Entry/Shipping Bills and other customs documents. Shri Sunil Joiser also used to coordinate with him about his outstanding payments. It also appears that Shri Sunil Joiser was aware that Shri Akash Kumar was not an employee of any of the Importer/Exporter company/firms, however, he did not seek any authorisation letter of these firms which would indicate that Shri Akash Kumar was a representative of the concerned firms, from Shri Akash Kumar, and for which he (Shri Akash Kumar) used to send the import/export documents for filing and he (Shri Sunil Joiser) continued to work with Shri Akash Kumar without properly identifying his designation or role in the Export/import Firms. It also appears that Shri Sunil Joiser had formed a suspicion with respect to high value of Export/Import being dealt by him through M/s. Kerry Indev Logistics Pvt Ltd, SEZ unit, Mundra in the past.

Enquiry with Importers

9 . As the import consignments purportedly containing “Pharma Intermediates”, lying uncleared at ACC, Ahmedabad, were imported by five firms, enquiry was extended to these five firms. The representatives from three firms appeared for tendering their statements however two firms did not respond to the summons issued to them under Section 108 of Customs Act, 1962.

9.1 M/s. Aaquaries Global Industries.

Statement dated 28.11.2023 of Shri Sameer Ramesh Talim, Director of M/s. Aaquaries Global Industries. (RUD-23)

A Summon bearing No. CBIC-DIN-202309DDZ1000000F97D dated 02.11.2023, was issued to M/s. Aaquaries Global Industries, accordingly, Shri Sameer Ramesh Talim appeared for tendering his statement and his statement under Section 108 was recorded on 28.11.2023, wherein he inter alia stated that :

9.1.1 He joined M/s. Aaquaries Global Industries Limited in June 2019 as Additional Director, without any shareholding.

9.1.2 M/s. Aaquaries Global Industries Ltd. was founded by Late Shri Rajendra Kamat and Late Shri Suresh Chhabria in the year 2007. Late Shri Rajendra Kamat had majority share, i.e. 97% of the shares of the company from its beginning.

9.1.3 In May'2021, Shri Rajendra Kamat expired and he (Shri Sameer Ramesh Talim) got his (Shri Rajendra Kamat's) shareholding of M/s. Aaquaries Global Industries Ltd., i.e. 97% of the shares of the company by the means of transfer by will. Other Directors of the company are Shri Ravi Kumar, Ms. Sushmita Nair and Shri Austin D'Souza.

9.1.4 Shri Rajendra Kamat has a son, Shri Varun Kamat who resides in Dubai. As Shri Rajendra Kamat's children were not interested in joining M/s. Aaquaries Global Industries Ltd, his name (Shri Sameer Ramesh Talim) was included in the “will”. Shri Varun Kamat has his own firm, M/s. Pharmyka

General Trading in Dubai. Shri Varun Kamat or M/s. Pharmyka General Trading has no stakeholding in or any relations with M/s. Aaquaries Global Industries Ltd.

9.1.5 Shri Rajendra Kamat was also director in another firm, M/s. Rupus Global Ltd., Hong Kong, which is also one of the suppliers of M/s. Aaquaries Global Industries Limited. M/s. Rupus Global Ltd. was 100% subsidiary of M/s. Aaquaries Global Industries Limited upto the year 2020 and the present status of the ownership of M/s. Rupus Global Limited is not known to him.

9.1.6 M/s. Aaquaries Global Industries Ltd. is a pharmaceutical trading company. Their firm is engaged in the sourcing and selling of pharma products locally as well as internationally. They also import the pharma intermediary products mostly from Hong Kong and sell the imported goods in domestic market as well as through High Sea Sales/Intra SEZ transfer. They only import these products on the basis of demand from their buyers. They do not generally export the said goods themselves. Their forwarding and Customs Clearance related work at Ahmedabad were being handled by M/s. Ashapura Clearing House Private Ltd. They used to contact Shri Pradeep Joiser in M/s. Ashapura Clearing House Private Ltd. for the customs clearance work.

9.1.7. They have a company's whatsapp group of M/s. Aaquaries Global Industries Limited namely 'AGIL group'. On request, he opened his whatsapp from his phone and it was seen that one Shri Kris Muthu (Phone No.: +85268497810) was the admin of the whatsapp group 'AGIL Group'. However he stated that he does not know any Shri Kris Muthu. Thereafter a Print out of a chat on AGIL whatsapp group from his phone was taken out and he was asked to peruse it. About the whatsapp chat with Shri Kris Muthu, he stated that he did not remember any Shri Kris Muthu. Thereafter printouts of the screenshots of his personal chat with Shri Kris Muthu was taken out and he was asked to peruse the contact details of Shri Kris Muthu as appearing in the contact icon of whatsapp. There, 'RGL' in text appeared below the name Shri Kris Muthu. On being asked about the same, he stated that 'RGL' stands for 'Rupus Global Limited'.

9.1.8 He was asked about 'Raj Sir', whose name appeared in his chat with Shri Kris Muthu (+85268497810), to which he stated that Raj Sir is actually Shri Rajendra Khaimal (Kaimal), Director of M/s. Arch Pharmalabs Limited. Further, printouts from his whatsapp were taken out and were numbered from 01 to 11. All the printouts were resumed under the provisions of Section 138C of the Customs Act, 1962 and 65-B of the Indian Evidence Act, 1872.

9.1.9 Their major overseas suppliers are M/s. Rupus Global Ltd., Hong Kong, M/s. Apotex Ltd., Hong Kong and M/s. Royal International, Hong Kong. Their major customers are M/s. Deeg Marketing, M/s. Flawless Pharma Pvt. Ltd., M/s. Siabaltic Remedies Pvt. Ltd. and M/s. Dansy Labs Pvt. Ltd., all based in Mumbai. M/s. Arch Pharmalabs Limited, Mumbai is both a supplier as well as customer of their firm.

9.1.10 The said suppliers and customers are continued from the time when Shri Rajendra Kamat was the Director of their firm. He has not developed any supplier or buyer on his own.

9.1.11 About the imported cargo imported from the supplier M/s. Rupus Global Ltd., Hong Kong, lying at the ACC, Ahmedabad and pending clearance, he stated that as per his knowledge, there is no cargo in respect of M/s. Aaquaries Global Industries Ltd., which is imported and lying pending for clearance. As per the request made by officers, he voluntarily opened his official

email account of the company, i.e. info@aaquaries.com on the desktop computer available in the DRI office. Hewas asked to look for the emails received from 20th Sep'2023 onwards. Upon searching the mails on the relevant dates, it was found that certain emails are sent by skychain@emirates.com and qascgocroamisify@qataraviation.com, intimating the cargo arrival notice in respect of cargo imported as per details as follows:

Sl. No.	Airlines	AWB No.	Landed/Flight Date	Airlines Notification No. and date
1	Emirates	176-80744064	25.09.2023	29756233 dated 25.09.2023
2	Emirates	176-80740822	25.09.2023	29756228 dated 25.09.2023
3	Emirates	176-80744160	25.09.2023	29756229 dated 25.09.2023
4	Emirates	176-80773770	24.09.2023	29756077 dated 25.09.2023
5	Emirates	176-80773711	24.09.2023	29756072 dated 25.09.2023
6	Emirates	176-80773755	24.09.2023	29756067 dated 25.09.2023
7	Emirates	176-80773733	24.09.2023	29756060 dated 25.09.2023
8	Emirates	176-80773766	24.09.2023	29756068 dated 25.09.2023
9	Emirates	176-80773722	24.09.2023	29756058 dated 25.09.2023
10	Emirates	176-80775321	24.09.2023	29756056 dated 25.09.2023
11	Emirates	176-80775284	24.09.2023	29756059 dated 25.09.2023
12	Emirates	176-80775310	24.09.2023	29756054 dated 25.09.2023
13	Emirates	176-80775306	24.09.2023	29756052 dated 25.09.2023
14	Emirates	176-80775295	24.09.2023	29756050 dated 25.09.2023
15	Emirates	176-80773744	24.09.2023	29756043 dated 25.09.2023
16	Emirates	176-80740741	24.09.2023	29756040 dated 25.09.2023
17	Emirates	176-80746680	24.09.2023	29756039 dated 25.09.2023
18	Emirates	176-80746713	24.09.2023	29756037 dated 25.09.2023
19	Emirates	176-80746691	24.09.2023	29756038 dated 25.09.2023
20	Emirates	176-80746735	24.09.2023	29756034 dated 25.09.2023
21	Emirates	176-80746676	24.09.2023	29756036 dated 25.09.2023
22	Emirates	176-80744053	24.09.2023	29756035 dated 25.09.2023
23	Emirates	176-80746724	24.09.2023	29756031 dated 25.09.2023
24	Emirates	176-80744204	24.09.2023	29756016 dated 25.09.2023
25	Emirates	176-80746374	24.09.2023	29756012 dated 25.09.2023
26	Emirates	176-80744215	24.09.2023	29756013 dated 25.09.2023
27	Emirates	176-80746665	24.09.2023	29756008 dated 25.09.2023
28	Qatar	157-94783220	27.09.2023	Dated 27.09.2023
29	Qatar	157-94780420	27.09.2023	Dated 27.09.2023
30	Qatar	157-94780431	27.09.2023	Dated 27.09.2023
31	Qatar	157-94780442	27.09.2023	Dated 27.09.2023
32	Qatar	157-94780453	27.09.2023	Dated 27.09.2023
33	Qatar	157-94783415	27.09.2023	Dated 27.09.2023
34	Qatar	157-94783382	24.09.2023	Dated 24.09.2023
35	Qatar	157-94783371	24.09.2023	Dated 24.09.2023
36	Qatar	157-94783356	24.09.2023	Dated 24.09.2023
37	Qatar	157-94783360	24.09.2023	Dated 24.09.2023
38	Qatar	157-94783323	24.09.2023	Dated 24.09.2023
39	Qatar	157-94783334	24.09.2023	Dated 24.09.2023
40	Qatar	157-94783345	24.09.2023	Dated 24.09.2023
41	Qatar	157-85045343	24.09.2023	Dated 24.09.2023
42	Qatar	157-94783323	24.09.2023	Dated 24.09.2023
43	Qatar	157-94783323	24.09.2023	Dated 24.09.2023

9.1.12 On his request, the printouts of thesee-mails were taken and page numbered from 12 to 66. On perusal of the printouts, he stated that based on legal advise, they hadnot yet filed request for transshipment/Warehousing Bills of Entry at SEZ since they had learnt that DRI was investigating the matter.

9.1.13 About checking and ensuring the quality of imported goods, he stated that the imported goods arenever put to any kind of test to ascertain its genuineness and were exported in the same condition as it was imported. In the past, they relied on the face value or the market reputation of the supplier.

9.2 The Test reports in respect of the samples drawn and sent for testing from the imports consignment's of M/s. Aaquaries Global Industries Ltd., lying at ACC, Ahmedabad, (para 6.2 above) in the presence of Shri Sameer Ramesh Talim, were provided by NFSU, Gandhinagar vide their communication dated 12.02.2024. According to the test resports goods imported in all the consignments were misdeclared. Hence, Shri Sameer Ramesh Talim, Direcror of M/s. Aaquaries Global Industries Ltd., was required to be confronted with the test reports. Accordingly, summons dated 03.06.24, 13.06.2024, 23.06.2024, 08.07.2024, 19.07.2024 and 08.08.2024 were issued to him under Section 108 of the Customs Act, 1962 for confronting the test results and for further investigation; however, he did not appear before the investigation and remained non-cooperative.It appears from the statement dated 28.11.2023 of Shri Sameer Ramesh Talim that he was one of the persons looking after the affairs of the firm working on directions of some other persons including persons linked to foreign supplier firms.Further, it appears from the Whatsapp group of M/s. Aaquaries Global Industries Limited i.e. 'AGIL group' on mobile phone of Shri Sameer Ramesh Talim, that one Shri Kris Muthu (Phone No.: +85268497810)was the admin of the whatsapp group 'AGIL and 'RGL' appeared below his name (Shri Kris Muthu). Shri Sameer Ramesh Talim stated that 'RGL' stands for 'Rupus Global Limited'. Shri Sameer Ramesh Talim stated that he does not know Shri Kris Muthu despite the name Shri Kris Muthu being saved as a contact in his mobile, despite the evidence of his chatting with Shri Kris Muthu in personal chat on whatsapp and despite Shri Kris Muthu appearing as a group admin of the whatsapp group of his company i.e., 'AGIL group'. This is suspicious. It also appears that the person with the name Kris Muthus is involved deeply in the affairs of M/s. Aaquaries Global Industries Ltd. It is also pertinent to mention that as stated by shri Sameer Talim once M/s. Rupus Global Limited, Hong Kong was a subsidiary of M/s. Aquaries Global Industries Ltd. and Shri Rajendra Kamat was also a Director, in M/s. Rupus Global Limited.

9.2.1 It also appears that M/s. Aaquaries Global Industries Ltd. had received the cargo arrival notices in respect of subject consignments from the concerned airlines, however, Shri Sameer Talim blankly and falsely feigned ignorance about the subject import consignments by his company, further stating that as per legal advice they had not filed Bs/E/transshipment request in respect of the subject consignments, which appears to be an afterthought and a cover up. It appears that they have not responded to notices given by the airlines. The act of not responding to arrival notices, clearly suggests the acceptance of import of subject goods by them.

10. M/s. Arch Pharmalabs Limited.

10.1 Statement dated 18.12.2023 of Shri Rajendrakumar Padmanabhan

Kaimal, Director of M/s. Arch Pharmalabs Limited. (RUD-24)

In response to the Summon CBIC-DIN-202312DDZ1000000ED10 dated 05.12.2023, issued to M/s. Arch Pharmalabs Limited, ShriRajendrakumar Padmanabhan Kaimal Director of M/s. Arch Pharmalabs Limited appearedand accordingly his statement was recorded on 18.12.2023 under Section 108 of Customs Act, 1962, wherein he interalia stated that:

10.1.1 Shri Ravi Mangalth, General Manager-Exports, looks after the formalities and documentation related to the overseas trade and he (Shri Ravi) in turn reports to him. He and Shri Ajit Kamath, another director in M/s. Arch Pharmalabs Limited,take the decision regarding the deals involved in imports and exports.

10.1.2 M/s. Arch Pharmalabs Limited are manufacturer and trader of Active Pharmaceutical Ingredient and Pharma Intermediates. Their firm is engaged in the sourcing and selling of pharma products locally as well as internationally. They import their goods mainly through Nhava Sheva Port, Mumbai, Air Cargo Complex in Mumbai and Air Cargo Complex in Ahmedabad. They import these products for the purpose of manufacturing as well as for re-export purpose.

10.1.3 They had imported the said products from M/s Quan Hong Trade Co. Ltd., Hong Kong through Air Cargo Complex, Ahmedabad which were then re-exported through Mundra Port. Their work related to forwarding and Customs Clearance at Ahmedabad was handled by M/s. Ashapura Clearing House Private Ltd. One Shri Pradeep Toshniwal of M/s Quan Hong Trade Co. Ltd., Hong Kong had himself suggested appointing M/s. Ashapura Clearing House Private Ltd. and so they had appointed M/s. Ashapura Clearing House Private Ltd. for the said work.

10.1.4 Documents related to the import, viz. invoice, packing list etc. werebeing forwarded by M/s. Quan Hong Trade Co. Ltd., Hong Kong to Shri Ravi Mangalth, who in turn used to forward the said documents to M/s. Ashapura Clearing House Private Ltd. for filing of the Bill of Entry.

10.1.5 He stated that as per his knowledge, there was no imported cargo in respect of M/s. Arch Pharmalabs Limited, lyingat ACC, Ahmedabad. He was asked to peruse the documents, viz. airway bills, invoice and packing list pertaining to Airway Bills, (i) Emirates: 176-80728513 (ii) Emirates: 176-80728336 (iii) Emirates: 176-80728491 (iv) Emirates: 176-80728476 and (v) Qatar: 157-94783802, all dated 24.09.2023 .He perused the same and stated that the Invoice and Packing List pertaining to the Airway Bills, viz. 176-80728513, 176-80728336, 176-80728491 and 176-80728476 mentions the supplier M/s. Rupus Global Limited and Invoice and Packing List pertaining to the Airway Bill No. 157-94783802 mentions the supplier M/s. Pharmyka General Trading LLC and he observed that all the invoices were issued in the name of M/s. Arch Pharmalabs Limited.

10.1.6 About the checking and ensuring the quality of imported goods, he stated that the imported goods, are never put to any kind of test to ascertain its genuineness and are exported in as it is condition. He further stated that they rely on the face value or the market reputation of the supplier.

10.2 Further Statement dated 30.07.2024 of Shri Rajendrakumar Padmanabhan Kaimal, Director of M/s. Arch Pharmalabs Limited. (RUD-25)

In response to Summon CBIC-DIN-202407DDZ1000000D630 dated 19.07.2024, Shri Rajendrakumar Padmanabhan Kaimal, Director of M/s. Arch Pharmalabs Limited appeared for tendering his further statement and accordingly his statement was recorded under Section 108 of Customs Act, 1962 on 30.07.2024, wherein he stated that:

10.2.1 M/s. Shree Ashapura Clearing House Private Limited was their Customs Broker and freight forwarder for the imports which took place in July'2023-Sep'2023. Shri Pradeep Toshniwal had appointed M/s. Shree Ashapura Clearing House Private Limited to work for the customs clearance work on their behalf and they were never in contact with M/s. Shree Ashapura Clearing House Private Limited.

10.2.2 He does not know any person by the name of Shri Akash Kumar and how he (Akash Kumar) used to get their documents.

10.2.3 They did not have any formal agreement with M/s. Shree Ashapura Clearing House Private Limited or M/s. Kerry Indev Logistics Private Limited. However, they had forwarded an authorization letter to Shree Ashapura Clearing House Private Limited to carry out customs related formalities on their behalf.

10.2.4 They have made payment of around Rs. 65 lakhs to Shree Ashapura Clearing House Private Limited which included all charges including freight forwarding and the warehousing charges. They (Shree Ashapura) had raised 12 invoices to them. They have not made any payment to M/s. Kerry Indev Logistics Pvt Ltd and payment for the said SEZ unit was done by M/s. Shree Ashapura Clearing House Private Limited.

10.2.5 He is not aware of the tariff charged by M/s. Shree Ashapura Clearing House Private Limited. They had made advance payment of Rs. 65 lakhs to them on 10.08.2023 and 11.08.2023. They had made advance payment as they had hoped that the same would be recovered after the commission charges are received by them on account of the said business.

10.2.6 Due to outstanding loans on M/s. Arch Pharmalabs Limited, Bank of Baroda had approached NCLT Mumbai in March 2022 and NCLT had also appointed Interim Resolution Professional under IBC Code. However, NCLAT stayed the CIRP proceedings vide their order dated 28.05.2024.

10.2.7 He was asked to peruse the Test Memos nos. 31 to 35 issued vide F.No. DRI/AZU/CI/INT-23/2023-24 dated 05.01.2024 forwarded to NFSU, Gandhinagar and the corresponding test reports dated 12.02.2024 received from NFSU, Gandhinagar in respect of the goods imported by M/s. Arch Pharmalabs Limited and pending for clearance at Air Cargo Complex, Ahmedabad. On perusing the same he stated that the goods have been mis-declared.

10.2.8 The goods imported were never put to any kind of test and hence, he cannot comment if the goods imported in the past from M/s. Quan Hong Trade Co Ltd were also mis-declared in the same manner.

10.2.9 They have not received any cargo arrival notification from either the Airlines or M/s. GSEC Limited for the cargo lying at ACC, Ahmedabad. It was

only on 20.12.2023 that M/s. GSEC Limited had sent an auction notice to them in respect of the said goods. He undertook to email the said notice and their reply vide email.

10.2.10 On perusing the seizure memo dated 03.04.2024 issued by the Senior Intelligence Officer, DRI, AZU, Ahmedabad for the seizure of goods imported by M/s. Arch Phamalabs Limited pending clearance at ACC, Ahmedabad, he agreed with the contents of the Seizure Memo.

10.2.11 About non filing of Bs/E /transshipment request in respect of goods pending for clearance at ACC, Ahmedabad, he stated they had not made import of the said goods and he stated that he is clueless about who sent it.

10.2.12 About business relations with M/s. Rupus Global Limited, Hongkong and M/s. Pharmyka General Trading LLC, Dubai, he stated that they had been importing the raw materials including pharma intermediates from M/s. Rupus Global Limited and M/s. Pharmyka General Trading LLC from the year 2018 and they had been exporting pharma intermediates manufactured by them to these firms.

10.3. It appears from the statements dated 18.12.2023 and 30.07.2024 of Shri Rajendrakumar Kaimal that there is no reasons to believe that M/s. Arch Phamalabs Limited has not received the arrival notices from Airlines in respect of consignments lying uncleared at ACC, Ahmedabad when other importers have received the arrival notices. The representatives of Airlines in their statements (discussed in subsequent paras) have clearly stated that the arrival notices are given to the notified parties. Thus, it appears that the claim of non receipt of arrival notices by M/s. Arch Phamalabs Limited is baseless and they were fully aware of the imports of the consignments, which were lying uncleared at ACC, Ahmedabad as is clearly forthcoming from the statement of the concerned airlines. The copy of an e-mail dated 27.12.2023 (**RUD-26**) of M/s. Pharmyka General Trading LLC, Dubai produced by Shri Rajendrakumar Kaimal, wherein M/s. Pharmyka has stated that they have not sent any cargo to ACC, Ahmedabad, appears to be an afterthought of M/s. Pharmyka General Trading LLC and M/s. Arch Phamalabs Limited. The said email clearly appears to be a communication created post facto, a good two and a half months after the arrival of the cargo, to mis-guide the investigation and to escape the law of the land.

10.3.1 In view of the above, in respect of the live intercepted consignments at ACC, Ahmedabad It appears that disowning of goods having declared value of crores of rupees by both M/s Arch Phamalabs Ltd and the supplier firm M/s Pharmayaka General Trading LLC also indicates that the goods had no commercial value.

11. M/s. Flawless Pharma Pvt. Ltd.

11.1 Statement dated 23.11.2023 of Shri Sujeetkumar Singh, Director of M/s. Flawless Pharma Pvt. Ltd. (RUD-27)

In response to Summons CBIC-DIN-202309DDZ10000444A1E dated 02.11.2023, Shri Sujeetkumar Singh Director of M/s. Flawless Pharma Pvt. Ltd appeared, and accordingly his statement under Section 108 of Customs Act, 1962 was recorded on 23.11.2023, wherein he inter alia stated that:

11.1.1 Initially named as M/s. Flawless Exim Pvt. Ltd., M/s. Flawless Pharma Pvt. was founded by Shri Arvind Chaturvedi's son, Shri Ateet

Chaturvedi and Shri Arun in the year 2010. He currently owns 80% shares of M/s. Flawless Pharma Pvt. Ltd and the founders are no longer associated with the company.

11.1.2 M/s. Flawless Pharma Pvt. Ltd. is engaged in intermediate solution as well as specialized chemical to pharmaceutical product-based companies. They deal with intermediates used in oncology, ophthalmic, anti-diabetic, anti-malarial and nutritional extract solutions.

11.1.3 They are actually pharmaceutical trading company. Their firm is engaged in the sourcing and selling of pharma products locally. They also import the pharma intermediary products mostly from Hong Kong and re-export the same to Dubai & Singapore. They import through Mundra Port and re-export the same through M/s. Kerry Indev Logistics in APSEZ Mundra. They also import through Nhava Sheva port in Mumbai and re-export through M/s. Arshya International Pvt. Ltd. in Mumbai SEZ. He started this work of import-export in April'2023 and continued the same till July'2023. All their imported cargo has either been re-exported or sold in High Sea Sales/Bond Transfer. They only import these products on the basis of overseas demand. They do not have any Purchase Orders from overseas customers and they have not imported any goods since Aug'2023.

11.1.4 The company was taken over by him and Shri Gaurav Singh from Sep'2021.

11.1.5 When asked if any imported cargo, imported from the supplier M/s. Rupus Global Ltd., Hong Kong, lying at the ACC, Ahmedabad is pending for clearance, he stated that as per his knowledge, no such imported cargo in respect of M/s. Flawless Pharma Pvt. Ltd., is lying at ACC, Ahmedabad. On request of the officers, he voluntarily opened his official email account of the company, i.e. info@flawlesspharma.com on the desktop computer available in the DRI office. On request of the officers to look for emails received from 25th Sep'2023, he searched the mails and found that 08 emails were sent by skychain@emirates.com, intimating the cargo arrival notice in respect of cargo imported as per details stated below :

Sl.No.	AWB No.	Landed Date	Notification No.
1	176-81211336	26.09.2023	29762905 dated 26.09.2023
2	176-81211126	26.09.2023	29762909 dated 26.09.2023
3	176-81211270	26.09.2023	29762915 dated 26.09.2023
4	176-80728546	26.09.2023	29762919 dated 26.09.2023
5	176-81211325	26.09.2023	29762956 dated 26.09.2023
6	176-80903056	27.09.2023	29768727 dated 27.09.2023
7	176-80903071	27.09.2023	29768725 dated 27.09.2023
8	176-80903060	27.09.2023	29768710 dated 27.09.2023

11.1.6 On his request, the printouts of the e-mails were taken on record.

11.1.7 About the checking and ensuring the quality of imported goods, he stated that the imported goods are never put to any kind of test to ascertain its genuineness and are re-exported in as it is condition. He stated that they relied on the face value or the market reputation of the supplier.

11.2 The Test reports in respect of the samples drawn and sent for testing from the imports consignment's of M/s. Flawless Pharma Pvt. Ltd lying at ACC,

Ahmedabad, (para 6.1 above) in the presence of Shri Sujeet kumar Singh were provided by NFSU, Gandhinagar vide their communication dated 12.02.2024. According to the test reports, goods imported in all the consignments were misdeclared. Hence, Shri Sujeet kumar Singh, Director of M/s. Flawless Pharma Pvt. Ltd, was required to be confronted with the test reports. Accordingly, further summons dated 03.06.24, 13.06.2024, 23.06.2024, 08.07.2024, 19.07.2024 and 08.08.2024 were issued to him under Section 108 of the Customs Act, 1962 for confronting the test results and for further investigation; however he did not appear before the investigation and remained non-cooperative. It appears from the statement dated 23.11.2023 of Shri Sujeetkumar Singh, Director of M/s. Flawless Pharma Pvt. Ltd. That the claim of not having the knowledge of import of consignments which were lying uncleared at ACC, Ahmedabad, despite getting the arrival notices from Airlines, is quiet inexplicable and deeply suspicious. It appears that they have not responded to the arrival notices of cargo given by the airlines. The act of not responding to arrival notices given by Airlines, clearly suggests the acceptance of import of subject goods.

12. M/s. Diba Logistics Pvt. Ltd.

1 2 . 1 Various Summons under Section 108 of Customs Act, 1962 were issued to M/s. Diba Logistics Pvt Ltd., Shop No. 4, Ground Floor, G.E., Summit-A, Plot No. 56, Sector-15, CBD –Belapur, Thane-400614 on 26.10.2023, 02.11.2023, 01.12.2023, 06.03.2024, 15.04.2024 and 14.05.2024(**RUD-28**), but they did not honour the summons. Thereafter, the summons were issued to Shri Deepak Dashrath Kawle, Director of M/s. Diba Logistics Pvt Ltd., 59, Building Name: Kasturba Nagar, Block Sector, Nr. Model High School, Mahul Road, Chambur, Mumbai-400074 on 23.05.2024, 31.05.2024 and 08.06.2024(**RUD-28**), but he did not join the investigation. Therefore, Criminal Complaint under IPC 174 has been lodged vide Case No. CC/145967/2024 dated 10.09.2024 against Shri Deepak Dashrath Kawle.

1 2 . 2 Premise of M/s. Diba Logistics Pvt Ltd., Shop No. 4, Ground Floor, G.E., Summit-A, Plot No. 56, Sector-15, CBD –Belapur, Thane-400614 was visited on 11.10.2023 (**RUD-29A**) but was found closed. Another visit was made on 19.03.2024 (**RUD-29B**) but the premise was found to have been vacated by M/s. Diba Logistics Pvt. Ltd. .

12.3 They have not responded to arrival notices of cargo given by the airlines and have not joined the investigation, this fact clearly suggests the acceptance of imports of subject goods, lying at ACC, Ahmedabad, by them.

13. M/s. Oriation Freight and Forwarders Pvt. Ltd.

1 3 . 1 Various Summons under Section 108 of Customs Act, 1962 were issued to M/s. Oriation Freight and Forwarders Pvt. Ltd., Shree Nand Dham, A/404, Plot No. 59, Sakal Bhavan Road, Sector-11, CDB Belapur, Navi Mumbai-400614 on 26.10.2023, 02.11.2023, 01.02.2024 and 06.03.2024(**RUD-30**) but they did not honour the summons. Thereafter, summons were issued to in the name of Shri Naresh Valji Baria, Director of M/s. Oriation Freight and Forwarders Pvt. Ltd., Shree Nand Dham, A/404, Plot No. 59, Sakal Bhavan Road, Sector-11, CDB Belapur, Navi Mumbai-400614 on 23.05.2024, 31.05.2024, 08.06.2024, 04.09.2024, 18.09.2024, 01.10.2024 and

16.10.2024 (**RUD-30**) but he did not join the investigation.

13.2 Premise of M/s. Oriation Freight and Forwarders Pvt. Ltd., Shree Nand Dham, A/404, Plot No. 59, Sakal Bhavan Road, Sector-11, CDB Belapur, Navi Mumbai-400614 was searched by DRI officers from Mumbai Zonal Unit on 19.03.2024 (**RUD-30A**) but nothing incriminating found there. It was noticed that no business activity was being carried out from the said premises.

13.3 They have not responded to arrival notices of cargo given by the airlines and have not joined the investigation, this fact clearly suggests the acceptance of import of subject goods, lying at ACC, Ahmedabad by them.

1 4 . Investigation further revealed that out of five firms, whose import consignments are lying uncleared at ACC, Ahmedabad, three firms had previously imported and exported goods declared to be pharma intermediates through M/s. Kerry Indev Logistics and M/s. Shree Ashapura Clearing House Pvt Ltd. was handling the customs related work of these firms. The details/data of past import and subsequent export has been compiled on the basis of documents collected from M/s. Kerry Indev Logistics Pvt. Ltd and SEZ online, which are as per **Annexure-B** to this notice.

The details of Annexure-B has been summarized as under:

TABLE-7

Foreign Supplier of goods/Foreign exporters	Declared value of imported goods (In USD)	Importer in India	Buyer in India/Exporters	Declared value of exported goods (In USD)	Foreign Buyers
Apotex Limited	18418650	Aaquaries Global Industries Limited	Dansy Labs Pvt. Ltd	18983950	Pie Chart Technologies Pte. Ltd
	118803750		Deeg Marketing Pvt Ltd	123580773	Alcamyst Global Pte. Lts.
Royal International (HK) Ltd.	14983750		Dansy Labs Pvt. Ltd	15586250	Pie Chart Technologies Pte. Ltd
	79380000		Deeg Marketing Pvt Ltd	82586952	Alcamyst Global Pte. Lts.
Rupus Global Limited	44142000		Dansy Labs Pvt. Ltd	22962678	Jia Yu Life Science Pte. Ltd.
				22962646	Magic Pearl General Trading LLC
	119028750		Deeg Marketing Pvt Ltd	86899625	Alcamyst Global Pte. Lts.
	87055380		Siabaltic Remedies Private Limited	36933680	Jia Yu Life Science Pte. Ltd.
				38217516	Elixirlife General Trading LLC
				52356495	Jia Yu Life Science Pte. Ltd.
	481812280			501070565	
Quan Hong Trade Co. Ltd.	449835000	Arch Pharmalabs Ltd	Florricks Lifecare Pvt Ltd	330350400	Alcamyst Global Pte. Lts.
				137662800	Pie Chart Technologies Pte. Ltd
	449835000			468013200	
Apotex Limited	53265775	Flawless Pharma Private Ltd	Deeg Marketing Pvt Ltd	41991625	Alcamyst Global Pte. Lts.
				13300000	Pie Chart Technologies Pte. Ltd
Royal International (HK) Ltd.	12784000		Deeg Marketing Pvt Ltd	13300000	Pie Chart Technologies Pte. Ltd
Rupus Global Limited	111796200		Deeg Marketing Pvt Ltd	56801625	Alcamyst Global Pte. Lts.
				59513200	Jia Yu Life Science Pte. Ltd.
	123166760		Flawless Pharma Private Ltd	46059395	Elixirlife General Trading LLC
				81712680	Jia Yu Life Science Pte. Ltd.
	301012735			312678525	

From the above, it appears that four foreign suppliers have supplied goods declared to be "Pharma Intermediates" to three importers including M/s. Flawless Pharma Pvt Ltd, in India during May 2023 to Aug 2023 and the said goods were re-exported by these five firms, either directly in their own name or indirectly in the name of other entities after intra-SEZ local sale.

15. Enquiry with Carriers/Airlines who shipped the imported seized goods and with M/s. GSEC Ltd, custodian of ACC, Ahmedabad

15.1 It is observed that the seized goods which are lying at ACC, Ahmedabad were shipped from Hong Kong to Ahmedabad by three Airlines viz. Emirates Airlines, Singapore Airlines and Qatar Airways. The summons were issued to them under Section 108 of Customs Act 1962 for giving oral evidences. Accordingly, their representative/authorised persons appeared for tendering statements on 11.06.2024.

15.2 Therefore statements of Shri Manobendra Chanda, Cargo Officers of Emirates Airlines, Ahmedabad, Shri Saumil Sanjeev Mehta, Cargo Officers of Singapore Airlines, Ahmedabad and Shri Sreekanth Edukattu, Regional Manager, Cargo Compliance, QATAR Airways, Ahmedabad, were recorded on 11.06.2024 (**RUD-31,32,33**), wherein they stated the following:

15.2.1 They don't book cargo directly from the supplier/exporter, they book cargo from the freight forwarders registered with IATA.

15.2.2 They accept the cargo when they receive the documents like Airway Bill copy and Security Declaration for screening purpose. All shipments related details are transmitted through Airline Cargo System. They do not take other documents.

15.2.3 On arrival of Cargo/Shipment, arrival notice is invariably issued to the notified party declared in Airway Bill.

15.2.4 Consignees have not informed them that the cargo/shipment arrived does not belong to them.

15.3 Shri Anil Pandya, General Manager-Operations, GSEC Limited i.e. Custodian of Air Cargo Complex, Ahmedabad appeared on 11.06.2024 (**RUD-34**) for tendering his statement, and accordingly his statement was recorded under Section 108 of Customs Act, 1962, wherein he stated as following:

15.3.1 They get only IGM on ICEGATE portal for arrival of shipments and that it contains the brief description of goods /shipments, qty, flight details, consignee, consignor etc. Further, they receive only airway bill and no other documents are received by them.

15.3.2 They do not give arrival notice to the consignee, Airlines give the arrival notice to the consignee/notified party on arrival of cargo.

16.3.3 On being asked, he stated that importers have to approach the customs authority for clearance of cargo, and once customs authority gives out of charge, they handover the cargo to importers/ Custom Broker, after charging the warehousing charges / handling charges.

15.3.4 If importer does not turn up for release of cargo, they give notice

under section 48 of Customs Act, 1962 to importers/Consignee, after thirty days from receipt of cargo. He produced copies of notices given to M/s. Aaquaries Global Industries Limited, M/s. Diba Logistics Pvt. Ltd., M/s. Oriation Freight and Forwarders Pvt Ltd, M/s. Flawless Pharma Pvt .Ltd. and M/s. Arch Pharmalabs Ltd. In response to their notice, M/s. Arch Pharmalabs Ltd vide their letter dated 28.12.2023 informed that the said five shipments have not been imported by them.

16. Enquiry with other persons involved:

16.1 Shri Akash Kumar:

Investigation revealed that Shri Akash Kumar used to send customs related documents through whatsapp messages to Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Pvt. Ltd. /M/s OK Cargo Craft Pvt. Ltd., for filing of Bs/E and SBs. Shri Akash Kumar was using Mobile Number 8058037415. SDR data **(RUD-35A)** was called for from the mobile operator which revealed that the mobile number being used by Shri Akash Kumar was registered on some other person viz. Shri Munna Savmkar, 58, Baba Tower, PansalChoriya, Bhilwara Amarwasi, Bilwara -311001. Summon 27.10.2023 issued to Shri Munna Savmkar was returned by the postal authority with remark "address closed" **(RUD-35)**. In view of the same, the real identity of Shri Akash Kumar is yet to be established and follow up enquiry to be conducted in respect of Shri Akash Kumar is not yet completed. It further appears that true identity/whereabout of Shri Akash Kumar has not been revealed by Shri Sunil Joiser.

17 Valuation of Seized goods:

As mentioned in para 6.4 above, the samples drawn and marked as 1/D to 8/D under Panchnama Proceedings 22.03.2024 were handed over to Chartered Engineer and Valuer for valuation purpose of the said imported goods declared as "Pharma Intermediates". The Chartered Engineer/ Valuer submitted his valuation report in respect of seized goods vide report Ref: BB/C-22/24/DRI/AIR CARGO dated 01.08.2024 **(RUD -36)**, wherein it was opined that "NFSU reports confirms that the name of the chemical is different than the declared but it got mixed with several type of unknown chemicals, accordingly the procedure to recover identified chemical could be uneconomical as well as not feasible. It is pertinent to note that recovery of the identified chemical, also would not help in ascertaining the percentages of the respective chemicals hence it would render the exercise to be futile, hence it is not advisable to undertake any recovery process. In the present state, the value of consignment under reference of the various importers as mentioned above, **would be negligible or have no commercial value**". It was also opined on the application of seized goods that "As the known laboratories have informed that there is no reference material available for the chemicals as found in the NFSU lab report, it is evident that the said chemicals are not available in India and **there is no known** application for the Chemicals as found in the subject consignment".

17.1 Thus, it appears that the seized goods are mixture of different miscellaneous chemicals, accordingly the procedure to recover identified chemical could be uneconomical as well as not feasible. It also appears that the seized goods have no known application or utility.

17.2 It also appears from the NFSU test reports that the test results of the same imported items/goods covered under different airway bill, are different.

This fact confirms the view of the Chartered Engineer.

18. Financial Investigation:

18.1 Financial inputs gathered (**RUD-37- Available for inspection**) has revealed that M/s. Flawless Pharma Pvt Ltd. and M/s. Aaquuries Global Industries Ltd have remitted/transferred Rs. 18,27,25,02,028/- and Rs. 21,05,09,08,282/- respectively, during FY 2023-24 against the said import of purportedly "Pharma Intermediates. The details of remittance and beneficial foreign suppliers are as under:

Remitter Company: M/s. AAQUARIES GLOBAL IND - TABLE-8

Beneficial Company	Amt. remitted (In Rs.)	Amt. remitted (in USD)
APOTEX LTD	5856533848	70371925
RUPUS GLOBAL LTD	7897576787	95577875
ROYAL INTERNATIONAL HK LTD	7296797647	87748750
	21050908282	

Remitter Company: M/s. FLAWLESS PHARMA PVT LTD-TABLE-9

Beneficial Company	Amt. remitted (In Rs.)	Amt. remitted (in USD)
APOTEX LTD	4417453562	53159425
RUPUS GLOBAL LTD	12495882105	150792905
R IMPEX LTD	589755875	7107950
ROYAL INTERNATIONAL HK LTD	769410486	9234000
	18272502028	

18.2 Further, inputs also indicated that there is no inward remittance against the exports executed either by buyers of these firms or by themselves, in respect of previous exports. The details of value of exports, overseas buyers and inward remittance from the overseas buyers are as under:

Details of value of export and overseas buyers: TABLE 9A

Importers at SEZ, Mundra	Indian Buyer company (Expoeter) at SEZ Mundra	Overseas Buyer	Value of exported goods (in US\$)	Remittance Received from Overseas Buyers
Aaquuries Global Industries Ltd	Dansy Labs Pvt Ltd	Pie Chart Technologies Pte. Ltd	34570200	0
		Jia Yu Life Science Pte. Ltd.	22962678	0

		Magic Pearl General Trading LLC	22962646	0
	Deeg Marketing Pvt Ltd	Alcamyst Global Pte. Ltd.	293067350	0
		Jia Yu Life Science Pte. Ltd.	36933680	0
	Siabaltic Remedies Private Limited	Elixirlife General Trading LLC	38217516	0
		Jia Yu Life Science Pte. Ltd.	52356495	0
		Total	501070565	
Arch Pharmalabs Ltd	Florricks Lifecare Pvt Ltd	Alcamyst Global Pte. Ltd.	330350400	0
		Pie Chart Technologies Pte. Ltd	137662800	0
		Total	468013200	0
Flawless Pharma Private Ltd	Deeg Marketing Pvt Ltd	Alcamyst Global Pte. Ltd.	98793250	0
		Pie Chart Technologies Pte. Ltd	26600000	0
		Jia Yu Life Science Pte. Ltd.	59513200	0
	Flawless Pharma Private Ltd	Elixirlife General Trading LLC	46059395	0
		Jia Yu Life Science Pte. Ltd.	81712680	0
		Total	312678525	0

18.3 M/s. Aaquaries Global Industries Limited and M/s. Flawless Pharma Pvt Ltd have not come forward to claim the seized goods, not only these two companies, other three companies also have not come forward to claim the seized goods. This clearly strengthens the opinion of chartered engineer that the seized goods having declared value in excess of Rs.4900 Crores approx. have no commercial value and known application in reality.

19. Extension under Section 110(2) of Customs Act, 1962.

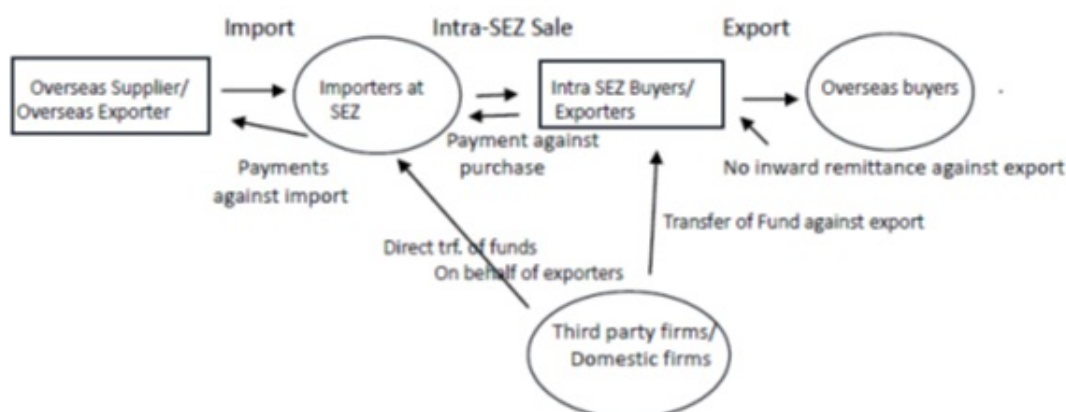
Extension under Section 110(2) was sought by DRI, Ahmedabad from the Pr. Commissioner of Customs, Mundra for issuance of a Show Cause Notice in respect of M/s. Flawless Pharma Pvt Ltd, M/s. Aaquaries Global Industries Ltd and M/s. Arch Pharmalabs Ltd. Pr. Commissioner of Customs, Mundra vide letter F. No. GEN/ADJ/ADC/882/2024-Adjn dated 22.05.2024 (**RUD -38**) granted extension upto 23.11.2024 for M/s. Flawless Pharma Private Limited, up to 27.11.2024 for M/s. Aaquaries Global Industries and up to 23.12.2024 for M/s. Arch Pharmalabs Ltd for issuance of the Show Cause Notice.

19.1 Extension under Section 110(2) was sought by DRI, Ahmedabad from the Pr. Commissioner of Customs, Mundra for issuance of Show Cause Notice in

respect of M/s. Diba Logistics Pvt Ltd and M/s. Oriation Freight and Forwarder Pvt Ltd. Pr. Commissioner of Customs, Mundra vide letter F. No.GEN/ADJ/COMM/409/2023-Adjn dated 19.09.2024 (**RUD -39**) granted extension upto 20.03.25 in respect of M/s. Diba Logistics Pvt Ltd and M/s. Oriation Freight and Forwarder Pvt Ltd. for issuance of the Show Cause Notice.

20 Modus Operandi:

Investigation carried out in respect of the live consignments intended for transhipment to SEZ Mundra and intercepted at ACC, Ahmedabad points to the imports being a part of a pattern of highly overvalued import followed by re-export executed through SEZ, Mundra for the purpose of sending illegal money through banking channels abroad using the import documentations created at the SEZ units. While money against imports is remitted abroad, no remittance against exports made of the same goods, either directly by the importing firms or after intra-SEZ transfer by the buyer firms, is ever received. A pictorial representation of the above modus is as under:



21. Legal Provisions:

Some of the legal provisions are reproduced hereinunder for ready reference:

21.1 The Special Economic Zones Act, 2005:

Section 21- Single enforcement officer or agency for notified offences.

(1) The Central Government may, by notification, specify any act or omission made punishable under any Central Act, as notified offences for the purpose of this Act.

(2) The Central Government may, by general or special order, authorize any officer or agency to be the enforcement officer or agency in respect of any notified offences or offences committed in a Special

Economic Zone.

(3) Every officer or agency authorized under sub-section (2) shall have all the corresponding powers of investigation, inspection, search or seizures' as is provided under the relevant Central Act in respect of the notified offences.

Notification No. 2665(E) dated 05.08.2016

S.O. 2665(E).—In exercise of the powers conferred by sub-section (1) of section 21 of the Special Economic Zones Act, 2005 (28 of 2005) (hereinafter referred as the Act), the Central Government hereby, notifies the offences contained in the under-mentioned sections of the Customs Act, 1962 (52 of 1962), the Central Excise Act, 1944 (1 of 1944) and the Finance Act, 1994 (32 of 1994) as offences under the Act:-

The offices under Section 28, 28A, 28AAA, 74, 75, 111,113,115,124,135 and 104 of Customs Act, 1962, have been notified offences under SEZ Act, 2005.

Notification No. 2666(E) dated 05.08.2016

S.O. 2666(E).—In exercise of the powers conferred by **sub-section (2) of section 21** and second proviso to section 22 of the Special Economic Zones Act, 2005 (28 of 2005) (hereinafter referred as the Act), the Central Government hereby authorises the Additional Director General, Directorate of Revenue Intelligence for offences under the Customs Act, 1962 (52 of 1962) and the Additional Director General, Directorate General of Central Excise Intelligence for offences under the Central Excise Act, 1944 (1 of 1944) and the Finance Act, 1994 (32 of 1994) to be the enforcement officer(s) in respect of any notified offence or offences committed or likely to be committed in a Special Economic Zone. The enforcement officer(s), for the reasons to be recorded in writing, may carry out the investigation, inspection, search or seizure in the Special Economic Zone or Unit and shall intimate the details of any action initiated under sub-section (3) of section 21 of the Act to the Joint Secretary in charge of Special Economic Zones Division in the Department of Commerce immediately and in any case not later than seven days of initiation of any action.

21.2 Customs Act, 1962:

Section-2 Definitions

(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 any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113.

Section -14. Valuation of goods:

(1) For the purposes of the Customs Tariff Act, 1975 (51 of 1975), or any other law for the time in force, the value of the imported goods and export goods shall be the transaction value of such goods, that is to say, the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, or as the case may be, for export from India for delivery at the time and place of exportation, where the buyer and seller of the goods are not related and price is the sole consideration for the sale subject to such other conditions as may be specified in the rules made in this behalf:

Section -111. Confiscation of Improperly imported goods, etc.

The following goods brought from a place outside India shall be liable to confiscation.

.....

.....

(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;

.....

(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];

.....

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, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111,

shall be liable,—

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

.....

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

21.3 Customs Valuation (Determination of Value of Imported Goods) Rules, 2007

.... ..

Rule -12. Rejection of declared value. –

(1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.

22. Finding of the Investigation:

22.1 The current goods have been imported during Sept 23 to Oct 2023, under the cover of 221 Airway Bills (as per Annexure-A) by five companies viz. M/s. Aqauries Global Industries Limited, M/s. Arch Pharmalabs Limited, M/s. Flawless Pharma Pvt. Ltd., M/s. Diba Logistics Pvt. Ltd., and M/s. Oriation Freight and Forwarders Pvt. Ltd. The imported goods were declared as “Pharma Intermediates” in import document (AWB/Invoices/PL), however, examination report/test reports given by NFSU, Gandhinagar indicated that the items/goods declared in import documents (AWB) are not the declared items/goods.

22.2 It appears from the Valuation report of the imported goods given

by Chartered Engineer that the imported goods are mixture of various chemicals having no commercial value. It has also been opined that the procedure to recover identified chemical could be uneconomical as well as not feasible and the present consignment has no known application.

22.3 M/s. Aaquaries Global Industries Limited has not responded to arrival notices given by the Airlines on arrival of present consignments, which clearly suggests their acceptance of consignment. They had not filed bills of entry as per legal advice.

22.4 Further, there is no reasons to believe that M/s. Arch Pharmalabs Limited has not received the arrival notices from Airlines in respect of consignments lying unclered at ACC, Ahmedabad, when other importers have received the arrival notices and the the representatives of Airlines in their statements (para 20.2) have clearly stated that the arrival notices are invariably given to the notified parties. Thus, it appears that the claim of non receipt of arrival notices by M/s. Arch Pharmalabs Limited is baseless and they were fully aware of the imports of the consignments, which are lying uncleared at ACC, Ahmedabad. The copy of mail of M/s. Phrmyka General Trading LLC, Dubai dated 27.12.2023 produced by Shri Rajendrakumar Kaimal, wherein M/s. Pharmyka has stated that they have not sent any cargo to ACC, Ahmedabad, appears to be a communication created subsequently as an afterthought to misguide and derail the investigation.

22.5 It is also to mention here that M/s. Rupus Global Limited is supplier of import goods to M/s. Flawless Pharma Pvt Ltd., in the present case and M/s. Rupus Global Limited had also supplied the said Pharma Intermediates in past which subsequently had been re-exported by M/s. Deeg Marketing Pvt. Ltd and M/s. M/s. Flawless Pharma Pvt Ltd, through M/s. Kerry Indev Logistics Pvt Ltd., SEZ unit. It also appears that M/s. Flawless Pharma Pvt Ltd. has remitted the amount of Rs. 1827.25 crore against the past imports, however, no inward remittance has been received against the export made of these imported goods.

22.6 Financial inputs gathered has revealed that M/s. Flawless Pharma Pvt Ltd. and M/s. Aaquaries Global Industries Ltd have **remitted/transferred Rs. 18,27,25,02,028/- and Rs. 21,05,09,08,282/- respectively**, during FY 2023-24 against the past import of goods declared as "Pharma Intermediates. However, no inward remittance have been received against the export made out of the said imported goods. This clearly indicates the siphoning off forex out of India in guise of import/export of Pharma intermediates through such companies by a syndicate.

22.7 Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm, is the authorized Customs Broker/Freight Forwarder in the present case. He claimed to have received some of import document from Shri Akash Kumar, in respect of the present consignment lying uncleared at ACC, Ahmedabad and same is also evident from the details available in his mobile phone. It appears that the said consignment were to be transhipped to SEZ unit, Mundra. It appears that Shri Sunil Joiser was authorized Customs Broker/Freight Forwarder in respect of import/export of goods which took place during June 2023 to Sept 2023 through M/s. Kerry Indev Logistics Pvt Ltd, SEZ unit, Mundra by various firms, which are under investigation. It appears that he used to receive the

import/export document through whatsapp messages from Shri Akash Kumar for filing Bs/E and SBs. It appears that Shri Akaksh Kumar was not authorized person of any firms as evident from the statement of Shri Sunil Joiser, however he used to take instruction from Shri Akash Kumar, for filing Bs/E and SB. Shri Sunil Joise has not taken any KYC of Shri Akash Kumar and has not verified his identity.

22.7.1 It also appears that Akash Kumar is part of the syndicate involved in fraudulent import/export through M/s. Kerry Indev Logistics Pvt. Ltd. It appears that Shri Akash Kumar used to take instruction from other set of persons for customs clearance of the said goods. Shri Sunil Joiser was very well aware that some firms were put on alert and therefore to continue fraudulent import/export he arranged intra-SEZ sale from IEC Holders on alert to other IECs to continue the export of goods.

22.7.2 Thus, Sunil Joiser /M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd appear to have indulged in fraudulent import/export of goods through M/s. Kerry Indev Logistics, SEZ Unit, Mundra along with Shri Akash Kumar.

2 2 . 8 It appear that M/s. Diba Logistics Pvt Ltd and M/s. OriationFrieght and Forwarder Pvt. Ltd have not joined the investigation. It appears that both the firms have not responded to arrival notices for arrival of cargo, given by Airlines, this fact, clearly suggests the acceptance of the cargo, which are lying uncleared at ACC, Ahmedabad. These two firms have eveded investigation and have not responded to summons issued to them, thus, their acts demonstrartethat they are dummy firms and they appear to be partof the syndicate operating the fraudulent import/export. It appears that these two firms imported the said items for first time at ACC, Ahmedabad. It appears that M/s. Apotex Limited has supplier the said consignment to M/s. OriationFrieght and Forwarder Pvt. Ltd and M/s. Apotex Limited and M/s. Royal International HK Ltd have supplied the said imported consignments to M/s. Diba Logistics Pvt Ltd. It also appears from the previous data of import /export in respect of various firms under investigation that M/s. Apotex Limited and M/s. Royal International HK Ltd had supplied similar goods in the past to firms under investigation. This points to theinvolvement of M/s. Diba Logistics Pvt Ltd and M/s. OriationFrieght and Forwarder Pvt. Ltd in fraudulent import/export as their suppliers are M/s. Apotex Limited and M/s. Royal International HK Ltd.

23. Testing and Valuation of Imported goods: Consequent liability to Confiscation

23.1 Valuation report (**RUD-36**)of the imported items/goods indicated that the seized goods are mixture of different chemicals and the procedure to recover identified chemicals could be uneconomical as well as not feasible, thus, it was opined that the present consignments have no commercial value. It also appears from valuation report that the seized goods have no known application or utility. Thus, it appears that the value of the goods declared in the import documents (AWB/Supplier Invoice) is extreamly overvalued.

TABLE-10

Name	of	the	Foreign Suppliers	Value	Approx.	Value as per
------	----	-----	-------------------	-------	---------	--------------

importers		declared in Invoices (based on Annexure-A to Notice)	Declared value in Rs. (@ 84.15 /USD)	valuation report (No Commercial value)
Oriation Freight and Forwarders Pvt Ltd.	Apotex Limited	123326600	10377933390	NCV
		123326600	10377933390	NCV
Diba Logistics Pvt. Ltd.	Apotex Limited	1885200	158639580	NCV
	Royal International HK Limited	123199600	10367246340	NCV
		125084800	10525885920	NCV
Aaquaries Global Industries Limited	Raffle Square Global Pte. Ltd.	20531250	1727704688	NCV
	Rupus Global Limited	198720000	16722288000	NCV
		219251250	18449992688	NCV
Flawless Pharma Pvt. Limited	Rupus Global Limited	101085000	8506302750	NCV
		101085000	8506302750	NCV
Arch Pharmalabs limited	Pharmayka General Trading LLC Dubai	1470000	123700500	NCV
	Rupus Global Limited	16635000	1399835250	NCV
		18105000	1523535750	NCV
	Grand Total	586852650	49383650498	NCV

23.2 Thus, it appears that the seized goods have no commercial value and noknown application. Further, it is a mixture of different chemicals. Therefore, the value declared in import documents (AWB/Invoice) as above, is liable to be rejected under Rule 12 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of Customs Act, 1962. It further appears that sole purpose of importing the goods having no commercial value and subsequent re-export was to route illicit hawala maney. It further appears that had the goods not been put on hold and seized, similar modus against theseimport goods would have been successfully executed by the Syndicate.

23.3 It appears from the test reports/ examination reports by NFSU, Gandhinagar with respect to 221 import consignments of M/s. Aaquaries Global Industries Limited, M/s. Arch Pharmalabs Limited, M/s. Flawless Pharama Pvt. Ltd., M/s. Diba Logistics Pvt. Ltd., and M/s. Oriation Freight and Forwarders Pvt., that the itemsitems/goods actually importedare different/other than “Pharma Intermediates” declared in AWB/Invoices /PL. It is also evident from the test reports that the results of the goods with identical declarations under different airway bills are different. (E.g. Test Results of items appearing at Sr. No, 31 and 32 of Table, having same description, are different, similarly, test results of items appearing at 2, 3, and 6 of Table 5, and are different) Thus, the items declared in import documents of 221 consignments, which are lying at ACC, Ahmedabad, were found to be grossly mis-declared.

23.4 It appears that the place of delivery of the subject consignments was Mundra as evident from the import documents (AWB/Invoices/PL). Further, as stated by Shri Sunil Joiser, Customs Broker/Freight Forwarder in his statement 06/07.10.2023 that the said consignments were to be transferred to SEZ Unit, the subject consignments were to be transhipped to SEZ unit.

23.5 Thus, in view of the fact discussed above, it appears that M/s. Aaquaries Global Industries Limited, M/s. Arch Pharmalabs Limited, M/s. Flawless Pharama Pvt. Ltd., M/s. Diba Logistics Pvt. Ltd., and M/s. Oriation Freight and Forwarders Pvt. Have sought to import the subject goods in contravention of various provisions of Customs Act, 1962 and The Foreign Trade (Development and Regulation) Act, 1992. The subject import made by these firms by way of mis-declaring and over valuing the same, were in contravention of provisions of Customs Act, 1962. There for all these act on the part of M/s. Aaquaries Global Industries Limited, M/s. Arch Pharmalabs Limited, M/s. Flawless Pharama Pvt. Ltd., M/s. Diba Logistics Pvt. Ltd., and M/s. Oriation Freight and Forwarders Pvt. and other have rendered the goods imported by them under 221 Airway Bills (as per Annexure-A) liable to confiscation under the provisions of Section 111(f) and 111(m) of the Customs Act, 1962.

24. Roles of the Persons involved and Penal Provisions.

24.1 M/s. Aaquaries Global Industries limited and it's Director Shri Sameer Ramesh Talim.

Shri Sameer Ramesh Talim, Director of M/s. Aquaries Global Industries Limited has not made any capital investment in the company, however, majority of shareholding of the company has been transferred in his name by means of "Will" of Late Shri Rajendra Kamat (Founder of M/s. Aaquaries Global Industries Ltd.)

24.1.2 It also appears that M/s. Aquaries Global industries Ltd. has remitted the amount of Rs. 2105.09 crore against the past imports, however, no inward remittance has been received by exporting firms against the export made out of these imported goods. Thus, M/s. Aaquaries Global Industries Limited and its director Shri Sameer Ramesh Talim appear to have indulged in fraudulent import/export for the sole purpose of siphoning off the forex out of India. In view of the above, the import consignments covered under 59 Airway Bills with declared value **USD 219251250 (as per Invoice/in Rs. 18,44,99,92,688/-)** and seized at ACC, Ahmedabad in respect of M/s. Aaquaries Global Industries Pvt Ltd, appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that M/s. Aaquaries Global Industries Limited and its director Shri Sameer Ramesh Talim have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd., further they allowed the company M/s. Aaquaries Global Industries limited to be used by other person for fraudulent import/export by them. Therefore, it appears that M/s. Aaquaries Global Industries Limited and its director Shri Sameer Ramesh Talim have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.2 M/s. Arch Pharmalabs Limited and its Director Shri Rajendrakumar Kaimal:

24.2.1 The representatives of Airlines in their statements have stated that the arrival notices are given to the notified parties. Thus, it appears that the claim of non receipt of arrival notices by M/s. Arch Phrmlabs Limited is baseless and they were fully aware of the imports of the consignments, which are lying uncleared at ACC, Ahmedabad.

24.2.2 Thus, M/s. Arch Phrmlabs Limited and its director Shri Rajendrakumar Kaimal appear to have indulged in fraudulent import/export for the sole purpose of siphoning off the forex out of India. In view of the above, the import consignments covered under 5 Airway Bills with declared value **USD 18105000 (as per Invoice/in Rs. 1,52,35,35,750/-)** and seized at ACC, Ahmedabad, in respect to M/s. Arch Phrmlabs Ltd., appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that M/s. Arch Phrmlabs Limited and its director Shri Rajendrakumar Kaimal have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd. Therefore, it appears that M/s. Arch Phrmlabs Limited and its director Shri Rajendrakumar Kaimal have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.3 M/s. Flawless Pharma Pvt. Ltd. and its Director, Shri Sujeetkumar Singh,

Shri Sujeetkumar Singh/ M/s. Flawless Pharma Pvt Ltd were very well aware of arrival of consignments at ACC, Ahmedabad as M/s. Flawless Pharma Pvt Ltd had received the cargo arrival notices from Airlines. Further, the claim of not having the knowledge of import of consignments which were lying uncleared at ACC, Ahmedabad, despite getting the arrival notices from Airlines, is quiet inexplicable and deeply suspicious. It appears that they have not responded to the arrival notices of cargo given by the airlines. The act of not responding to arrival notices given by Airlines, clearly suggests the acceptance of import of subject goods.

24.3.1 It also appears that M/s. Flawless Pharma Pvt. Ltd. has remitted the amount of Rs. 1827.25 crore against the past imports, however, no inward remittance has been received by exporting firms against the export made out of these imported goods. Thus, M/s. Flawless Pharma Pvt. Ltd. and its director Shri Sujeetkumar Singh appear to have indulged in fraudulent import/export for the sole purpose of siphoning off the forex out of India. In view of the above, the import consignments covered under 25 Airway Bills with declared value **USD 101085000 (as per Invoice/in Rs. 8,50,63,02,750/-)** and seized at ACC, Ahmedabad in respect of M/s. Flawless Pharma Pvt. Ltd., appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that M/s. Flawless Pharma Pvt. Ltd. and its director Shri Sujeetkumar Singh have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd.. Therefore, it appears that M/s. Flawless Pharma Pvt. Ltd. and its

director Shri Sujeetkumar Singh have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.4 M/s. Diba Logistics Pvt Ltd and its Director Shri Deepak Dasharath Kawle

24.4.1 M/s. Diba Logistics Pvt Ltd has not joined the investigation. The premises of M/s. Diba Logistics Pvt. Ltd. was found to be closed and vacated when visited by the officers of DRI. It also appears that M/s. Diba Logistics Pvt. Ltd and its Director Shri Deepak Dasharath Kawle have evaded investigation and have not responded to numerous summons issued to them, thus, non cooperation on their parts clearly demonstrates their part in the syndicate operating the fraudulent imports/exports. It also appears that they have not responded to arrival notices for arrival of cargo, given by Airlines, this fact, clearly suggests the acceptance of the cargo, which are lying uncleared at ACC, Ahmedabad. It appears that M/s. Diba Logistics Pvt Ltd. was importing the said items for first time at ACC, Ahmedabad. It appears that M/s. Apotex Limited and M/s. Royal International HK Ltd have supplied the said imported consignments to M/s. Diba Logistics Pvt Ltd. It also appears from the previous data of import /export in respect of various firms under investigation that M/s. Apotex Limited and M/s. Royal International HK Ltd had supplied the goods to such firms. This points to the involvement of M/s. Diba Logistics Pvt Ltd in fraudulent imports/exports as their suppliers are M/s. Apotex Limited and M/s. Royal International HK Ltd.

24.4.2 In view of the above, the import consignments covered under 67 Airway Bills with declared value **USD 125084800 (as per Invoice/in Rs. 10,52,58,85,920/-)** and seized at ACC, Ahmedabad in respect of M/s. Diba Logistics Pvt. Ltd., appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that M/s. Diba Logistics Pvt. Ltd and its director Shri Deepak Dasharath Kawle have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd. Therefore, it appears that M/s. Diba Logistics Pvt. Ltd and its director Shri Deepak Dasharath Kawle have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.5 M/s. Oriation Freight and Forwarders Pvt Ltd., and its Director Shri Naresh Valji Baria

24.5.1 M/s. Oriation Freight and Forwarders Pvt Ltd. has not joined the investigation. The premises of M/s. Oriation Freight and Forwarders Pvt Ltd. was searched by the officers of DRI, however no responsible person or incriminating documents was found. It also appears that M/s. Oriation Freight and Forwarders Pvt Ltd. and its Director Shri Naresh Valji Baria have evaded investigation and have not responded to numerous summons issued to them, thus, non cooperation on their parts clearly demonstrates their part in the syndicate operating the fraudulent imports/exports. It also appears that they have not responded to arrival notices for arrival of cargo, given by Airlines, this fact, clearly suggests the acceptance of the cargo, which are lying uncleared at ACC, Ahmedabad. It appears that the M/s. Oriation Freight and Forwarders Pvt Ltd. was importing the said items for first time at ACC, Ahmedabad.

24.5.2 It appears that M/s. Apotex Limited has supplied the said consignment to M/s. OriationFrieght and Forwarder Pvt. Ltd, and it is seen from the previous data of import /export in respect of various firms under investigation that M/s. Apotex Limited had supplied the goods to such firms. This points to the involvement of M/s. Diba Logistics Pvt Ltd in fraudulent imports/exports as their supplier is M/s. Apotex Limited.

24.5.3 In view of the above, the import consignments covered under 65 Airway Bills with declared value **USD 123326600 (as per Invoice/in Rs. 10,37,79,33,390/-)** and seized at ACC, Ahmedabad in respect of M/s. Oriation Freight and Forwarders Pvt Ltd. appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that M/s. Oriation Freight and Forwarders Pvt Ltd. and its director Shri Naresh Valji Baria have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd.,. Therefore, it appears that M/s. Oriation Freight and Forwarders Pvt Ltd. and its director Shri Naresh Valji Baria have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.6 M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm and its Director/ Power of attorney Holder Shri Sunil Joiser.

24.6.1 It appears that Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm, is the authorized Customs Broker/Freight Forwarder in the present imports of 221 consignments. It appears that he had received most of the import document from Shri Akash Kumar, in respect of the present consignment lying uncleared at ACC, Ahmedabad and it also appears that the said consignment were to be transhipped to SEZ unit, Mundra. It appears that Shri Sunil Joiser was also the authorized Customs Broker/Freight Forwarder in respect of import/export of goods which took place from June 2023 to Sept 2023 through M/s. Kerry Indev Logistics Pvt Ltd, SEZ unit, Mundra by various firms, which are under investigation. It appears that he used to receive the import/export document through whatsapp messages from Shri Akash Kumar for filing Bs/E and SBs. It appears that Shri Akash Kumar was not authorized person of any firms as evident from the statement of Shri Sunil Joiser, however he used to take instruction from Shri Akash Kumar, for filing Bs/E and SB. Shri Sunil Joise had not taken any authorisation of Shri Akash Kumar and had not verified his identity and continued taking instructions and documents from him, thereby he did not fulfil the mandatory requirements cast upon them in terms of CBLR 2018.

24.6.2 In view of the above, the import consignments covered under 221 Airway Bills with declared value **USD 586852650 (as per Invoice/in Rs. 49,38,36,50,498/-)** and seized at ACC, Ahmedabad in respect of five firms appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value.

Thus, it appears that M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd. and its director/power of attorney holder Shri Sunil Joiser, in connivance with a syndicate/group of persons, have abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd. Therefore, it appears that M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd. (Jointly and severally) and its director/power of attorney holder Shri Sunil Joiser have rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered themselves liable for penal action under Section 112(a) and 112(b) under Customs Act, 1962.

24.7 Shri Akash Kumar:

24.7.1 Shri Akash Kumar is one of the key person in the syndicate, who controlled the imports/exports being done through M/s. Kerry IndevLogistics, with respect to various firms which are under investigation. He had discussed the deal with Shri Sunil Joiser and finalized the quotation. Investigation revealed that Shri Akash Kumar used to send customs related documents through whatsapp messages to Shri Sunil Joiser of M/s. Shree Ashapura Clearing House Pvt. Ltd. /M/s OK Cargo Craft Pvt. Ltd., for filing of Bs/S and SBs. Shri Akash Kumar had used the Mobile Number 8058037415 registered on some other person's name, to hide his identity. It also appears that some set of documents with respect to the live import consignments, lying at ACC, Ahmedabad, were sent by him to Shri Sunil Joiser on his whatsapp for filing Bs/E and SBs. Whereabouts and real identity of Shri Akash Kumar is yet to be established.

24.7.2 It also appears that Akash Kumar is part of the syndicate engaged in Trade Based Money Laundering in the guise of import/export of goods through M/s. Kerry Indev Logistics Pvt. Ltd.

24.7.3 In view of the above, the import consignments covered under 221 Airway Bills with declared value **USD 586852650 (as per Invoice/in Rs. 49,38,36,50,498/-)** and seized at ACC, Ahmedabad in respect of five firms appear to be a part and parcel of the modus operandi of fraudulent import /export for siphoning off the forex out of India. The said consignments lying at ACC, Ahmedabad and intended for transshipment to SEZ Mundra have been found misdeclared and hugely overvalued despite having no commercial value. Thus, it appears that Shri Akash Kumar in connivance with a syndicate/group of persons, has abetted in import and export fraudulently through M/s. Kerry Indev Logistics Pvt.Ltd. Therefore, it appears that Shri Akash Kumar has rendered the imported goods liable to confiscation under Section 111(f) and 111(m) of the Customs Act, 1962, and thereby rendered himself liable for penal action under Section 112(a) and 112(b).

25. Now, therefore,

25.1 M/s. Aaquaries Global Industries limited, 701, 7th Floor, Anurag Business Centre, Near Amar Theatre, W T Patil Marg, Chembur, Mumbai, Maharashtra, 400071 Email-Id : info@aaquaries.com **and Shri Sameer Ramesh Talim, Director** of M/s. Aaquaries Global Industries limited, 1/2 Uttam CHS, Siddhivanayak Mandir Marg, Near Siddhivinayak Mandir, Thane East, Thane, Maharashtra – 400603 Email-Id:sameertalim@gmail.com and md@aaquaries.com, are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-

370421 within 30 days of receipt of this notice as to why:

- I. The said seized goods weighing 17150 Kg having declared value Rs. 18,44,99,92,688/- (As declared in Invoices- equivalent to USD 219251250) imported by misdeclaring the same, under cover of 59 Airway Bills as detailed in TABLE-6, should not be confiscated under Section 111(f) and, 111(m) of the Customs Act, 1962;
- II. The declared value of Rs. 18,44,99,92,688/- of 17150 Kg of seized goods imported by mis-declaring the same, under cover of 59 Airway Bills as detailed in TABLE-6 & 10 above, should not be rejected and re-determined to "No Commercial Value" in terms of CVR, 2007 on the basis of Valuation Report from the Chartered Engineer;
- III. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above.

25.2 Further, M/s. Arch Pharmalabs Limited, Unit No. 101/104, Hyde Park, Saki Vihar Road, Opp. Ansa Industrial Estate, Andheri East, Mumbai, Maharashtra, 400072 Email-Id. info@archpharmalabs.com **and Shri Rajendrakumar Kaimal, Director of M/s. Arch Pharmalabs Limited,** C/O V. Padmanabhan Kaimal, C-1201/1202, Orchid Enclave, Nahar Amrit Shakti, Chandivali Farm Road, Near D Mart Store, Chandivali, Mumbai – 400072, Email-Id: raj.kaimal@archpharmalabs.com and rajendra.kaimal@archpharmalabs.com, are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-370421 within 30 days of receipt of this notice as to why:

- I. The said seized goods weighing 1250 Kg having value Rs. 1,52,35,35,750/- (As declared in Invoices- equivalent to USD 18105000) imported by misdeclaring the same, under cover of 05 Airway Bills as detailed in TABLE-6, should not be absolutely confiscated under Section 111(f) and 111(m) of the Customs Act, 1962;
- II. The declared value of Rs. 1,52,35,35,750/- of 1250 Kg of seized goods imported by mis-declaring the same, under cover of 05 Airway Bills as detailed in TABLE-6 & 10 above, should not be rejected and re-determined to "No Commercial Value" in terms of CVR, 2007 on the basis of Valuation Report from the Chartered Engineer;
- III. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above.

25.3 Further, M/s. Flawless Pharma Pvt. Ltd. 7th floor, 705 to 709, Om Prakash Arcade, BEST Plot, Dr. Ambedkar Garden, Chembur East, Mumbai, Email-Id: info@flawlesspharma.com **and Shri Sujeet kumar Singh, Director of M/s. Flawless Pharma Pvt. Ltd.,** 203A, Nilkanth Apartment, S.V. Cross Road, Ashanagar, Bhayander-East, Thane, 401105, Email-Id. Sujit.singh@flawlesspharma.com are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-370421 within 30 days of receipt of this notice as to why:

- I. The said seized goods weighing 7325 Kg having value Rs. 8,50,63,02,750/- (As declared in Invoices- equivalent to USD 101085000) imported by misdeclaring the same, under cover of 25 Airway Bills as detailed in TABLE-6, should not be absolutely confiscated under Section 111(f) and 111(m) of the Customs Act, 1962;
- II. The declared value of Rs. 8,50,63,02,750/- of 7325 Kg of seized goods imported by misdeclaring the same, under cover of 25 Airway Bills as detailed in TABLE-6 & 10 above, should not be rejected and re-determined to "No Commercial Value" in terms of CVR, 2007 on the basis of Valuation Report from the Chartered Engineer;
- III. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above.

25.4 Further, M/s. Diba Logistics Pvt Ltd, Shop No. 4, Ground Floor, G.E., Summit-A, Plot No. 56, Sector-15, CBD –Belapur, Thane-400614 Email-Id: dibalogisticpvtltd07@gmail.com **and Shri Deepak Dasharath Kawle, Director of M/s. Diba Logistics Pvt Ltd,** 59, Building Name: Kasturba Nagar, Block Sector, Nr. Model High School, Mahul Road, Chambur, Mumbai-400074 (Through Company's mail-Id: dibalogisticpvtltd07@gmail.com), are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-370421 within 30 days of receipt of this notice as to why:

- I. The said seized goods weighing 16260 Kg having value Rs. 10,52,58,85,920/- (As declared in Invoices- equivalent to USD 125084800) imported by misdeclaring the same, under cover of 67 Airway Bills as detailed in TABLE-6, should not be absolutely confiscated under Section 111(f) and 111(m) of the Customs Act, 1962;
- II. The declared value of Rs. 10,52,58,85,920/- of 16260 Kg of seized goods imported by misdeclaring the same, under cover of 67 Airway Bills as detailed in TABLE-6 & 10 above, should not be rejected and re-determined to "No Commercial Value" in terms of CVR, 2007 on the basis of Valuation Report from the Chartered Engineer;
- III. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above.

25.5 Further, M/s. Oriation Freight and Forwarders Pvt Ltd., Office No. A/404, Shree Nand Dham, Plot No. 59, Sakal Bhavan Road, Sector-11, CBD-Belapur, Navi Mumbai-400614, Email-Id: ORIATIONFREIGHT@GMAIL.COM, oriation.info@gmail.com **and Shri Naresh Valji Baria, Director of M/s. Oriation Freight and Forwarders Pvt Ltd. (through its Company),** are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-370421 within 30 days of receipt of this notice as to why:

- I. The said seized goods weighing 15770 Kg having value Rs. 10,37,79,33,390/- (As declared in Invoices- equivalent to USD 123326600) imported by misdeclaring the same, under cover of 65 Airway Bills as detailed in TABLE-6, should not be absolutely confiscated under Section 111(f) and 111(m) of the Customs Act, 1962;
- II. The declared value of Rs. 10,37,79,33,390/- of 15770 Kg of seized goods

imported by misdeclaring the same, under cover of 65 Airway Bills as detailed in TABLE-6 & 10 above, should not be rejected and re-determined to "No Commercial Value" in terms of CVR, 2007 on the basis of Valuation Report from the Chartered Engineer;

III. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above.

25.6 Now, further, M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm, (Jointly and severally), 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201 Email-Id: shreeashapuraclearing@gmail.com **Shri Sunil Joiser, Director/ Power of attorney Holder of** M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, (Through his Company), 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201, Email-Id: : sunil@cnsiworld.com and **Shri Akash Kumar,** (through: M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm, 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201 Email-Id: shreeashapuraclearing@gmail.com) , are hereby called upon to show cause in writing to the Additional Commissioner of Customs, Customs House, Mundra Port, Kutch-370421 within 30 days of receipt of this notice as to why

I. Penalty under Section 112(a) and 112(b) of the Customs Act, 1962 should not be imposed on them on the grounds as discussed above

26. All the above noticees are further advised to indicate in their written submission whether they desire to be heard in person before the case is adjudicated. If no mention is made about this in their written submission, it would be presumed that they do not desire to be heard in person. They are also required to produce at the time of showing cause all evidences on which they intend to rely upon in support of their defense.

27. They should note that if no cause is shown by them against the action proposed to be taken within 30 days from the date of receipt of this show cause notice or if they do not appear before the adjudicating authority i.e. Principal Commissioner / Commissioner of Customs, Mundra when the case is posted for hearing, the case will be decided Ex-Parte on the basis of the material evidence available on record.

28. This notice is issued under section 124 of the Customs Act, 1962 on the basis of available evidences without prejudice to any other action that may be taken against the persons under the Customs Act, 1962 or any other Allied Acts for the time being in force. The department reserved its right to bring on record further evidence against the noticees of the Show Cause Notice to bring out their role in smuggling of goods declared as 'Pharma Intermediates' seized as above or goods already imported and re-exported in past cases; and also to issue Show Cause Notice to any other person not covered in this Show Cause Notice, found to be involved in import-re export of said goods or past cases, by issue of an Addendum or Supplementary Show Cause Notice or a Separate Show Cause Notice.

29 The list of documents relied upon for the issuance of this notice is attached as **Annexure-R** to this notice. All the relied upon documents are scanned in PDF form in a DVD/CD enclosed herewith. The documents listed in Annexure -R and the scanned copies thereof not provided in DVD/CD would be available for inspection on requisition made in writing.

30 This Directorate reserves right for any addition / alteration / supplement this notice at any stage on the basis of evidences before adjudication.

31. The Noticees are further directed to collect the non-relied upon documents within 30 days of the receipt of this notice from the Office of the Principal Additional Director General, DRI, Zonal Unit, Ahmedabad during office hours on any working day.

32. The Noticees also have an option to avail provisions of Chapter XIVA Settlement of Cases of the Customs Act, 1962 to settle their case through Settlement Commission by filing an application if desired and eligible.

Enclosures: -Annexure – ‘A’, ‘B’, & ‘R’.

Signed by
Amit Kumar Mishra
(Amit Kumar Mishra)
Date: 20.11.2024 17:03:48
Additional Commissioner of Customs,
Custom House, Mundra

Date-20.11.2024.

F. No.: GEN/ADJ/ADC/2478/2024-Adjn-O/o Pr Commr-Cus-Mundra

By Speed Post/E Mail/Notice Board

To,

1. M/s. Aaquaries Global Industries limited, 701, 7th Floor, Anurag Business Centre, Near Amar Theatre, W T Patil Marg, Chembur, Mumbai, Maharashtra, 400071. (Email-Id. info@archpharmalabs.com).

2 . Shri Rajendra kumar Kaimal, Direcor of M/s. Arch Pharmalabs Limited, C/O V. Padmanabhan Kaimal, C-1201/1202, Orchid Enclave, Nahar Amrit Shakti, Chandivali Farm Road, Near D Mart Store, Chandivali, Mumbai – 400072,
Email-Id:raj.kaimal@archpharmalabs.com &
rajendra.kaimal@archpharmalabs.com .

3. M/s. Flawless Pharma Pvt. Ltd. 7th floor, 705 to 709, Om Prakash Arcade, BEST Plot, Dr. Ambedkar Garden, Chembur East, Mumbai, Email-Id: info@flawlesspharma.com

4. Shri Sujeet kumar Singh, Director of M/s. Flawless Pharma Pvt. Ltd., 203A, Nilkanth Apartment, S.V.Cross Road, Ashanagar, Bhayander-East, Thane, 401105, Email-Id. Sujit.singh@flawlesspharma.com

5 . M/s. Diba Logistics Pvt Ltd, Shop No. 4, Ground Floor, G.E., Summit-A, Plot No. 56, Sector-15, CBD –Belapur, Thane-400614 Email-Id: dibalogisticpvtltd07@gmail.com

6. Shri Deepak Dasharath Kawle, Director of M/s. Diba Logistics Pvt Ltd, 59, Building Name: Kasturba Nagar, Block Sector, Nr. Model High School, Mahul Road, Chambur, Mumbai-400074, Email-Id: dibalogisticpvtltd07@gmail.com

7. **M/s. Oriation Freight and Forwarders Pvt Ltd.**, Office No. A/404, Shree Nand Dham, Plot No. 59, Sakal Bhavan Road, Sector-11, CBD-Belapur, Navi Mumbai-400614, Email-Id:oriationfreight@gmail.com & oriation.info@gmail.com

8. Shri Naresh Valji Baria, Director of M/s. Oriation Freight and Forwarders Pvt Ltd, Office No. A/404, Shree Nand Dham, Plot No. 59, Sakal Bhavan Road, Sector-11, CBD-Belapur, Navi Mumbai-400614, Email-Id:oriationfreight@gmail.com

9. **M/s. Shree Ashapura Clearing House Pvt Ltd/ M/s. OK Cargo Craft Pvt Ltd, Customs Broker /Freight Forwarders firm**, 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201 Email-Id: shreeashapuraclearing@gmail.com

10. **Shri Sunil Joiser, Director/ Power of attorney Holder of** M/s. Shree Ashapura Clearing House Pvt Ltd, 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201 Email-Id:unil@cns1world.com

11. **Shri Akash Kumar**, 210, Sunshine Arcade II, Nr. D Mart, Sector 8, Gandhidham, Kutch-370201 Email-Id: shreeashapuraclearing@gmail.com

COPY TO:-

1. The Additional Director, Directorate of Revenue Intelligence (DRI), Ahmedabad Zonal Unit Zonal Unit 15, Magnet Corporate Park, Off S.G. Highway, Near Sola Over Bridge, Thaltej, Ahmedabad-380054, for information.
2. The Deputy Commissioner of Customs, EDI Section, Mundra Customs House Mundra Port, 5B, Port User Building, Mundra Port, Mundra, Kutch, Gujarat-370421
3. The DC/Prosecution/Legal Cell, Custom House, Mundra.
4. Notice Board