

	सीमा शुल्क के प्रधान आयुक्त का कार्यालय सीमा शुल्क सदन, मुंद्रा, कच्छ, गुजरात OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS CUSTOMS HOUSE, MUNDRA, KUTCH, GUJARAT Phone No.02838-271165/66/67/68 FAX.No.02838-271169/62, Email-adj-mundra@gov.in	
A. फाइल संख्या/File No.	:	GEN/ADJ/ADC/305/2025-Adjn-O/o Pr. Commr- Cus-Mundra
B. जारीकर्ता /Passed by	:	Amit Kumar Mishra, Additional Commissioner of Customs, Customs House, AP & SEZ, Mundra.
C. Noticee(s)/Party/Importer नोटिसकर्ता/पार्टी/आयातक	:	M/s Skyfalcon Minerals And Chemicals Private Limited, (IEC-ABGCS3469P) & others.
D. DIN/ दस्तावेज़ पहचान संख्या	:	20250171MO000000C9DB
E. Date of SCN	:	28.01.2025

SHOW CUASE NOTICE
UNDER SECTION 124 OF THE CUSTOMS ACT, 1962

Subject: Seizure of Kerosene conforming to IS 1459 and Gas Oil.

1. An intelligence was garnered that M/s Skyfalcon Minerals And Chemicals Private Limited, (IEC-ABGCS3469P), 14/1, Velan Nagar 1st Main Road, Arumbakkam, Chennai, Tamil Nadu, 600106 (hereinafter referred to as the “importer” or “Skyfalcon”) were importing restricted products falling under Customs Tariff Heading (CTH) 2710 which, as per the import policy can be imported by State Trading Enterprises (STEs) only. All goods, import of which is permitted only with an Authorisation /Permission/ License or in accordance with the procedure prescribed in a notification / public notice are ‘Restricted’ goods. Restricted items are importable under certain conditions with the necessary approvals from the relevant CA. According to intelligence, the said entities were resorting to the said illicit import by mis-declaring the consignments as “*Mix/Mixed Hydrocarbon Oil (MHO) Or Mixed Hydrocarbon Oil (For Industrial Use Only)*” and *mis-classifying them under Customs Tariff Item(CTI) 27101990* wherein the import as per the import policy is “*Free*”. Acting of the said intelligence, 112 containers covered under 8 Bills of Entry pertaining to the importer were put on hold on 29.01.2024 by DRI Noida Regional Unit (hereinafter referred to as “DRI”) for examination by officers of DRI. The details of the containers are given as below:

Sl. No.	BE Number	BE date	Name of the Importer	CONTAINER NUMBER

1	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1904146
2	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2252079
3	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2213745
4	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2276743
5	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2289123
6	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2292739
7	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2297577
8	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2307063
9	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5056872
10	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1107796
11	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1340832
12	9788466	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1829320
13	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	AIYU2269540
14	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5003872
15	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5013649
16	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5014603
17	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5031827
18	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5036731
19	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5047103
20	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5047470
21	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5063887
22	9788468	23/01/24	Skyfalcon Minerals And	CSCU3032693

			Chemicals Private limited	
23	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	VSBU2063782
24	9788468	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TRDU7769012
25	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2000718
26	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5065827
27	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CXDU1598053
28	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU1776278
29	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU1784653
30	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2827472
31	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1756861
32	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2180744
33	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2200521
34	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2297303
35	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2302098
36	9788470	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2324749
37	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5072750
38	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	BMOU2787089
39	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2007100
40	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2008560
41	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2015343
42	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CXDU1581087
43	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CXDU1604752

44	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CXDU1608172
45	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2797784
46	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2825700
47	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1297206
48	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1410586
49	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1983905
50	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2251365
51	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2285405
52	9788488	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2323779
53	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5040032
54	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5067218
55	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	BEAU2031796
56	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	BMOU2625051
57	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2007688
58	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU1782115
59	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2828951
60	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1473244
61	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2190655
62	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2198701
63	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2275011
64	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2201934
65	9788473	23/01/24	Skyfalcon Minerals And	TGCU2251405

			Chemicals Private limited	
66	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2281647
67	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2308753
68	9788473	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2321122
69	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5067814
70	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	BMOU2328177
71	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CXDU1230987
72	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2802129
73	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2805745
74	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1542411
75	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1702628
76	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2182201
77	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2193886
78	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2248931
79	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2250939
80	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2272619
81	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2276506
82	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2289036
83	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2301065
84	9788474	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2304418
85	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2826183
86	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5062155

87	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2006763
88	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2800297
89	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1469100
90	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1895804
91	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2027041
92	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2279070
93	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2279212
94	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2279341
95	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2321272
96	9788476	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2284538
97	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5062577
98	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	ASLU5073421
99	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2009612
100	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	CSYU2013063
101	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU1760374
102	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2804142
103	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2179933
104	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	PCIU2822845
105	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU1519978
106	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	SEGU2034945
107	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2184328
108	9788487	23/01/24	Skyfalcon Minerals And	TGCU2196606

			Chemicals Private limited	
109	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2252530
110	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2249178
111	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2295152
112	9788487	23/01/24	Skyfalcon Minerals And Chemicals Private limited	TGCU2323090

2. Thereafter, the said containers covered under the above-mentioned 08 Bills of Entry were subjected to examination on 01.02.2024, 02.02.2024 & 03.02.2024 in the presence of the following persons/representatives detailed below:

S.no	Bill Of Entry No	No Of container	Examination date	CHA/ Authorised Representative	Container Freight Station	Representative of CFS
1	9788466 Dt. 23.01.2024	12	01.02.2024	Shri Naresh Sodham, H- Card Holder Continental Shipping Services	CWC CFS Mundra	Shri Anil Tiwari, Manager Operations
2	9788470 Dt. 23.01.2024	12	02.02.2024			
3	9788488 Dt. 23.01.2024	16	02.02.2024			
4	9788473 Dt. 23.01.2024	16	02.02.2024	Shri Sayed Salim, G Card Holder of M/s Continental Shipping Services	CWC CFS Mundra	Shri Anil Tiwari, Manager Operations
5	9788474 Dt. 23.01.2024	16	02.02.2024			
6	9788476 Dt. 23.01.2024	12	02.02.2024			
7	9788487 Dt. 23.01.2024	16	02.02.2024			
8	9788468 23-01- 2024	12	03.02.2024	Shri Sayed Salim, G Card Holder of M/s Continental Shipping Services	Mundra CFS	Shri Rabindra Nath Muduli, Sr. Executive, Mundhra CFS

2.1 And whereas, during the examination, Shri Sayed Salim, 'G' Card Holder of M/s Continental Shipping Services and Shri Naresh Sodham H Card Holder of M/s Continental Shipping Services, provided the relevant documents viz Bills of Entry along with the corresponding Invoice and packing list(**RUD-01 to 08**) The details of the consignments as per the documents provided are detailed as under:

S.No	Bill Of Entry No	Goods Description (as per Bill of Entry)	Name of the Supplier (as per Bill of Entry)	Chapter Heading (as per Bill of Entry)	Ass. Value (In Rupees)	Gross Weight (KGs)
1	9788466 Dt. 23.01.2024	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Chevron General Trading LLC	27101990	1,00,13,714/-	233050
2	9788470 Dt. 23.01.2024			27101990	1,00,21,952/-	233240
3	9788488 Dt. 23.01.2024	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Swathi Smart Ventures FZC	27101990	1,31,52,891/-	306150
4	9788473 Dt. 23.01.2024			27101990	1,32,10,992/-	307490
5	9788474 Dt. 23.01.2024			27101990	1,33,79,658/-	311380
6	9788476 Dt. 23.01.2024	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Chevron General Trading LLC	27101990	99,80,762/-	232290
7	9788487 Dt. 23.01.2024	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Swathi Smart Ventures FZC	27101990	1,33,09,850/-	309770
8	9788468 23-01-2024	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Swathi Smart Ventures FZC	27101990	98,84,505/-	230070
TOTAL					9,29,54,324/-	2163440

2.2. And whereas during the course of examination, it was observed that Flexi bags containing yellow colored liquid substance were kept inside the containers. The images of the container along with the flexi bag are given below:



(Pictures of the flexibag containers in the consignment)



(Graphical representation of a Flexi bag container- picture taken from open source)

2.3. Representative samples were drawn from one randomly selected container per Bill of Entry. The samples were drawn in triplicate from the container using one-litre aluminium sample containers. After collecting the samples, the DRI Officer resealed the container with the bottle seal provided by the custodian. The proceedings were documented in panchnamas dated 01.02.2024, 02.02.2024 and 03.02.2024 (**RUD-09 to 16**)

3. Samples were sent to the lab of IOCL, Panipat for testing purpose. The details of the samples sent to the IOCL Lab are as detailed below:

S.No	Bill Of Entry No and date	Sample No
1	9788466 Dt. 23.01.2024	SA2-344923
2	9788470 Dt. 23.01.2024	SE1-344700
3	9788488 Dt. 23.01.2024	SB3-344703
4	9788473 Dt. 23.01.2024	SD2-344693
5	9788474 Dt. 23.01.2024	SC3-344720
6	9788476 Dt. 23.01.2024	SG3-344699
7	9788487 Dt. 23.01.2024	SF2-344695
8	9788468 Dt. 23-01-2024	SH3-344711

4. Further vide email date 15th Feb 2024, 44 more containers of the importer, covered under 4 bills of entry viz. 2040130 Dt. 08/02/24, 2087386 Dt. 10/02/24, 2088871 Dt. 10/02/24 and 2088881 Dt. 10/02/24 were also put on hold at Mundra port as they were also suspected to contain similar restricted goods such as Automotive Diesel Fuel, Gas Oil or Kerosene as per IS:1459. The details of the containers are given as below:

	BE No	BE Date	Name of the Importer	Container No
1	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5007760
2	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5021330
3	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5042966
4	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5050370
5	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5064712
6	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5066000
7	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU8639003
8	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CRSU1259420
9	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CSCU3027697
10	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CSCU3029180
11	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	TCKU2963546

12	2040130	08/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	TLLU3043661
13	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU3951430
14	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5026672
15	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5027196
16	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5027576
17	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5051926
18	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	BSIU3168551
19	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	BSIU3201829
20	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CRSU1039301
21	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	NYKU3050107
22	2088881	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	WHLU2816458
23	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5039854
24	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5013000
25	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5031215
26	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5044568
27	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5046350
28	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5046703
29	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5047090
30	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5059444
31	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5065468
32	2088871	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5044634
33	2087386	10/02/24	SKYFALCON MINERALS AND	ASLU2328262

			CHEMICALS PRIVATE LIMITED	
34	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5006932
35	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5014100
36	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5043962
37	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5062978
38	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5063892
39	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5018260
40	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5064754
41	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CLHU2977094
42	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	CSCU3029473
43	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	ASLU5030029
44	2087386	10/02/24	SKYFALCON MINERALS AND CHEMICALS PRIVATE LIMITED	TRHU1862502

5. Thereafter, the said 44 containers covered under the above-mentioned 04 Bills of Entry were also subjected to examination on 12.03.2014 in the presence of the following persons/representatives detailed below:

S.no	Bill Of Entry No	No Of container	Examination date	CHA/ Authorised Representative	Container Freight Station	Representative of CFS
1	2040130 Dt. 08/02/24	12	12.03.2024	Shri Naresh Sodham H Card Holder Continental Shipping Services	Mundra CFS	Shri Gurpreet Singh, Manager Operations
2	2087386 Dt. 10/02/24	12	12.03.2024	Shri Naresh Sodham H Card Holder Continental Shipping	Mundra CFS	Shri Gurpreet Singh, Manager Operations
3	2088871	10	12.03.2024	Shri Naresh	Mundra	Shri Gurpreet

	Dt. 10/02/24			Sodham H Card Holder Continental Shipping	CFS	Singh, Manager Operations
4	2088881 Dt. 10/02/24	10	12.03.2024	Shri Naresh Sodham H Card Holder Continental Shipping	Mundra CFS	Shri Gurpreet Singh, Manager Operations

6.1 And whereas, during the examination, Shri Naresh Sodham 'H' Card Holder of M/s Continental Shipping Services, provided the relevant documents viz Bills of Entry along with the corresponding Invoice and packing list (**RUD 17 to 20**) The details of the consignments as per the documents provided are detailed as under:

S.NO	Bill Of Entry No	Goods Description (as per Bill of Entry)	Name of the Supplier (as per Bill of Entry)	Chapter Heading (as per Bill of Entry)	Ass. Value (In Rupees)	Gross Weight (KGs)
1	2040130 Dt. 08/02/24	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Swathi Smart Ventures FZC	27101990	1,02,02,759/-	237410
2	2087386 Dt. 10/02/24	Mixed Hydrocarbon Oil (For Industrial Use Only)		27101990	1,02,05,360/-	237470
3	2088871 Dt. 10/02/24	Mixed Hydrocarbon Oil (For Industrial Use Only)	M/s Swathi Smart Ventures FZC	27101990	82,39,906/-	191790
4	2088881 Dt. 10/02/24	Mixed Hydrocarbon Oil (For Industrial Use Only)		27101990	82,42,941/-	191860
TOTAL					3,68,90,966/-	858530

6.2 During the course of the examination it was observed that Flexi bags containing yellow colored liquid substance were kept inside these containers also. Representative samples were also similarly drawn from one randomly selected container per Bill of Entry. The samples were drawn in triplicate from the container using two-litre aluminium sample containers. After collecting the samples, the DRI Officer resealed the container with the bottle seal provided by the custodian. The proceedings were documented in panchnamas dated 12.03.2024 (**RUD 21 to 24**).

6.3 Thereafter, the samples were sent to the lab of CRCL, Vizag for testing purpose. The details of the samples sent to the CRCL are as detailed below:

S.No	Bill Of Entry No and date	Sample No
1	2040130 Dt. 08/02/24	SMD3- A217701
2	2087386 Dt. 10/02/24	SMB1- A217714

3	2088871 Dt. 10/02/24	SMC2- A217709
4	2088881 Dt. 10/02/24	SMA1- A217684

7. And whereas IOCL Panipat tested the samples of the 8 bills of entry kept on hold on 29.01.2024 and sent the respective Test Reports of the above samples on 08.04.2024 (**RUD 25 to 26**). The test reports as provided by IOCL Panipat are reproduced as below:



PANIPAT REFINERY
Quality Control Laboratory

Date: 08.04.2024

Report No. : PR/QC/DRI/2024/1

Test Report

S.No	Parameters	Product	Kerosene	Kerosene	Kerosene
1	Appearance	Name	SB3	SH3	SD2
2	Cloud Saybolt	Seal No	344703	344711	344693
3	Density, Auto, 15 °C (g/mL.)	Method		Result	
4	Distillation (Manual)	ASTM D4052	0.7832	Clear and bright	Clear and bright
a	Distillation, Manual, IBP (°C)	ASTM D86		27	27
b	Distillation, Manual, 5% (°C)			0.7831	0.7832
c	Distillation, Manual, 10% (°C)			160	160
d	Distillation, Manual, 20% (°C)			167	168
e	Distillation, Manual, 30% (°C)			170	170
f	Distillation, Manual, 40% (°C)			172	172
g	Distillation, Manual, 50% (°C)			175	175
h	Distillation, Manual, 60% (°C)			177	177
i	Distillation, Manual, 70% (°C)			180	180
j	Distillation, Manual, 80% (°C)			183	182
k	Distillation, Manual, 90% (°C)			186	185
l	Distillation, Manual, 95% (°C)			190	190
m	Distillation, Manual, FBP (°C)			197	192
n	Distillation, Manual, % Loss (%)			207	208
o	Distillation, Manual, % Resid (%)			234	230
5	Flash Point, °C	IS 1448 P-20	51	2.0 ppm	2.0 ppm
6	Sulphur, ppm	ASTM D5453	2.0 ppm	2.0 ppm	2.0 ppm
7	Smoke point, mm	IP 598	26.9	27.2	27
8	Copper Strip Corrosion for 3h @50°C	IS 1448 P-15	1b	1b	1b
9	Acidity, inorganic, mg KOH/g	ISO 6618	Nil	Nil	Nil
10	Aromatic Content, %V	ASTM D 6379	16.4	15.3	14.5
11	Residue on Evaporation, mg/100 ml	IS 1448 P-29	8.3	38.8	51.4
12	Burning quality			< 20	< 20
	Char Value, mg/kg of oil consumed	IS 1448 P-5	< 20	Not darker than grey	Not darker than grey
	Bloom on glass Chimney				

Dr. Y.S.Jhala
DGM (QC)

डॉ यजुवेंद्र सिंह झाला
 उप महाप्रबंधक (गुणवत्ता विवरण)
Dr Yajuvendra Singh Jhala
 Dy. General Manager (QC)
 Panipat Refinery (I.O.C.L.) 132140



PANIPAT REFINERY
Quality Control Laboratory

Date: 08.04.2024

Report No. : PR/QC/DRL/2024/2

Test Report

	Product		Diesel	Diesel	Diesel	Diesel	Diesel
	Name		SF2	SA2	SG3	SC3	SE1
	Seal No		344695	344923	344699	344720	344700
S No	Parameters	Method					
1	Appearance		Clear and bright				
2	Density, Auto, 15 °C (g/mL.)	ASTM D4052	0.8230	0.8230	0.8231	0.8230	0.8228
3	Distillation (Manual)	ASTM D86	160	164	163	160	165
a	Distillation, Manual, BIP (°C)		187	187	187	188	190
b	Distillation, Manual, 5% (°C)		198	198	198	198	200
c	Distillation, Manual, 10% (°C)		212	212	210	211	214
d	Distillation, Manual, 20% (°C)		225	224	224	224	226
e	Distillation, Manual, 30% (°C)		238	238	237	238	240
f	Distillation, Manual, 40% (°C)		252	253	254	252	254
g	Distillation, Manual, 50% (°C)		270	270	270	270	272
h	Distillation, Manual, 60% (°C)		288	290	290	290	290
i	Distillation, Manual, 70% (°C)		312	312	312	310	312
j	Distillation, Manual, 80% (°C)		338	341	340	340	341
k	Distillation, Manual, 90% (°C)		358	358.8	360	357	360
l	Distillation, Manual, 95% (°C)		382	375.3	375	365	375
m	Distillation, Manual, FBP (°C)		0.5	0.5	0.5	0.5	0.5
n	Distillation, Manual, % Loss (%)		1	1	1.5	1.5	1.5
o	Distillation, Manual, % Resid (%)		49	50	51	49	50
4	Flash Point, °C	IS 1448 P-20	2705	2738	2981	2782	2816
5	Sulphur, ppm	ASTM D4294	2.219	2.218	2.217	2.215	2.215
6	KV @ 40 °C	ASTM D7042	53.4	53.3	53.5	53.1	53.8
7	Cetane index	ASTM D4737	52.1	52.1	52.1	52.1	52.1
8	Cetane Number	IS 1448 P-9	-15	-15	-18	-18	-15
9	Pour Point, °C	IS 1448 P-10	150	130	160	160	150
10	water Content, mg/kg	ISO12937	1b	1b	1b	1b	1b
11	Copper Strip Corrosion for 3h @100°C	IS 1448 P-15	-12	-12	-12	-12	-12
12	CFPP, °C	ASTM D6371	12	12	12	12	12
13	Oxidation Stability	ASTM D2274	4.21	4.42	4.81	4.8	4.45
14	PAH, %m	ASTM D6591	21.44	22.79	23.07	23.82	23.12
15	Total Aromatics	ASTM D6591	460	460	460	460	460
16	Lubricity	ISO 12156	Nil	Nil	Nil	Nil	Nil
17	FAME Content	IROX	0.02	0.02	0.02	0.02	0.02
18	Acidity, total, mg KOH/g	IS 1448 P-2	0.005	0.005	0.005	0.005	0.005
19	Ash Content, %m	IS 1448 P-4	0.11	0.11	0.11	0.11	0.11
20	Carbon residue on 10 % volume distillation residue, %m	ISO10370	14	14	14	14	14
21	Total Contamination	EN12662					

Dr. Y.S.Jhala
DGM (QC)

मैं याजुवेंद्र सिंह द्वारा
उप मनोगवाचक (निम्नलिखित)
Dr. Yajuvendra Singh Dhalia
Dy. General Manager (QC)
कर्मसाल संग्रहालय
पर्यावरण विभाग, पर्यावरण विभाग, 40
पर्यावरण विभाग, पर्यावरण विभाग, 40

8. And whereas CRCL tested the samples of the 4 Bills of entry and sent the respective Test Reports of the above samples on 03.06.2024 (**RUD- 27 to 30**). The test reports as provided by CRCL are reproduced as below:

<p>भारत सरकार वित्त मंत्रालय, राजसव विभाग सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 001</p> <p>TEST REPORT</p> <p>Government of India Ministry of Finance Department of Revenue CUSTOM HOUSE LABORATORY 5th FLOOR CUSTOM HOUSE, PORT AREA VIZIANAGAPATNAM - 530 001. Tel/Fax: 0891-2562900 e-mail : chemical_examiner@yahoo.com</p> <p>Lab NO.: 12-DRI F. No: DRU/RU/CI-26/Int-0/Eng-13/2024/502 Sample No. & Seal No: SM2-A217709 Sample Received from: DRI Noida Regional Unit Description of Sampler: Mixed Hydrocarbon Oil Date of Receipt: 10.04.2024 Sample Plan: Sample not Drawn by this laboratory. Report: The sample is in the form of colourless oily liquid. It is mainly composed of mineral hydrocarbon oil having mineral oil content more than 70 % by weight. It has the following characteristics Appearance: Colourless, <i>clear & bright</i>. Acidity (Inorganic) = Nil Density at 15°C = 0.7864 gr/ml Distillation: Temp. at L.B.P.: 150.0 °C Percent recovered below 200 °C: 91 ml Temp. at F.B.P.: 210.0 °C Flash Point = 51.4 °C Total Sulphur = 18.76 mg/Kg Smoke Point = 25mm The sample has been tested for all the characteristics parameter tested above. The sample meets the requirement of Kerosene as mentioned in IS 1459:1974 (Reaffirmed 2006) and it also confirms to the requirements of petroleum hydrocarbon solvents as per IS 1745:2021 Grade 125/240. There is no specification available "mixed hydrocarbon oil" in any National/ International Standards. Sealed remnant sample returned herewith.</p> <p><i>प्रादीप मारो</i> प्रादीप मारो / PRADEEP MAROO राजसव विभाग वी-१ सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 035 पोर्टरिया,विशाखापत्तनम- 530 035</p> <p>End of the Report</p> <p>Note 1: The results relate only to the items tested. Note 2: Sample not Drawn by this laboratory. Note3: The report shall not be reproduced except in full without approval of this laboratory. Note4: Remnant sample should be collected within 30 days otherwise it will disposed off.</p>	<p>भारत सरकार वित्त मंत्रालय, राजसव विभाग सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 001</p> <p>TEST REPORT</p> <p>Government of India Ministry of Finance Department of Revenue CUSTOM HOUSE LABORATORY 5th FLOOR CUSTOM HOUSE, PORT AREA VIZIANAGAPATNAM - 530 001. Tel/Fax: 0891-2562900 e-mail : chemical_examiner@yahoo.com</p> <p>Lab NO.: 13-DR1 F. No: DRU/RU/CI-26/Int-0/Eng-13/2024/488 Sample No. & Seal No: SM3-A217714 Sample Received from: DRI Noida Regional Unit Description of Sampler: Mixed Hydrocarbon Oil Date of Receipt: 10.04.2024 Sample Plan: Sample not Drawn by this laboratory. Report: The sample is in the form of light brown colored oily liquid. It is mainly composed of mineral hydrocarbon oil having mineral oil content more than 70 % by weight. It has the following characteristics Appearance: Light brown, <i>clear & bright</i>. Acidity (Inorganic) = Nil Ash content = Nil Carbon residue content = 0.18 % by wt. Distillation: Temp. at 90% (v/v) recovered = 334.5 °C Flash Point = 17.7 °C Kinematic Viscosity at 40°C = 2.35 cSt Density at 15°C = 0.8254 gr/ml Total Sulphur = 2736.59 mg/Kg Water content = Nil Cetene Index = 47.22 The sample has been tested for all the characteristics parameter tested above. The sample has the characteristics of Gas Oil meet to requirement of IS: 17789-2022. The gas oil is used as refinery intermediate. Sealed remnant sample returned herewith.</p> <p><i>प्रादीप मारो</i> प्रादीप मारो / PRADEEP MAROO राजसव विभाग वी-१ सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 035 पोर्टरिया,विशाखापत्तनम- 530 035</p> <p>End of the Report</p> <p>Note 1: The results relate only to the items tested. Note 2: Sample not Drawn by this laboratory. Note3: The report shall not be reproduced except in full without approval of this laboratory. Note4: Remnant sample should be collected within 30 days otherwise it will disposed off.</p>
<p>भारत सरकार वित्त मंत्रालय, राजसव विभाग सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 001</p> <p>TEST REPORT</p> <p>Government of India Ministry of Finance Department of Revenue CUSTOM HOUSE LABORATORY 5th FLOOR CUSTOM HOUSE, PORT AREA VISAKHAPATNAM - 530 001. Tel/Fax: 0891-2562900 e-mail : chemical_examiner@yahoo.com</p> <p>Lab NO.: 14-DRI F. No: DRU/RU/CI-26/Int-0/Eng-13/2024/487 Sample No. & Seal No: SM3-A217701 Sample Received from: DRI Noida Regional Unit Description of Sampler: Mixed Hydrocarbon Oil Date of Receipt: 10.04.2024 Sample Plan: Sample not Drawn by this laboratory. Report: The sample is in the form of light brown colored oily liquid. It is mainly composed of mineral hydrocarbon oil having mineral oil content more than 70 % by weight. It has the following characteristics Appearance: Light brown, <i>clear & bright</i>. Acidity (Inorganic) = Nil Ash content = Nil Carbon residue content = 0.19 % by wt. Distillation: Temp. at 90% (v/v) recovered : 337.4 °C Flash Point = 47.3 °C Kinematic Viscosity at 40°C = 2.47 cSt Density at 15°C = 0.8244 gr/ml Total Sulphur = 2326.38 mg/Kg Water content = Nil Cetene Index = 47.08 The sample has been tested for all the characteristics parameter tested above. The sample has the characteristics of Gas Oil meet to requirement of IS: 17789-2022. The gas oil is used as refinery intermediate. Sealed remnant sample returned herewith.</p> <p><i>प्रादीप मारो</i> प्रादीप मारो / PRADEEP MAROO राजसव विभाग वी-१ सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 035 पोर्टरिया,विशाखापत्तनम- 530 035</p> <p>End of the Report</p> <p>Note 1: The results relate only to the items tested. Note 2: Sample not Drawn by this laboratory. Note3: The report shall not be reproduced except in full without approval of this laboratory. Note4: Remnant sample should be collected within 30 days otherwise it will disposed off.</p>	<p>भारत सरकार वित्त मंत्रालय, राजसव विभाग सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 001</p> <p>TEST REPORT</p> <p>Government of India Ministry of Finance Department of Revenue CUSTOM HOUSE LABORATORY 5th FLOOR CUSTOM HOUSE, PORT AREA VISAKHAPATNAM - 530 001. Tel/Fax: 0891-2562900 e-mail : chemical_examiner@yahoo.com</p> <p>Lab NO.: 22-DRI F. No: DRU/RU/CI-26/Int-0/Eng-13/2024/503 Sample No. & Seal No: A217684 Sample Received from: DRI Noida Regional Unit Description of Sampler: Mixed Hydrocarbon Oil Date of Receipt: 10.04.2024 Sample Plan: Sample not Drawn by this laboratory. Report: The sample is in the form of colourless oily liquid. It is mainly composed of mineral hydrocarbon oil having mineral oil content more than 70 % by weight. It has the following characteristics Appearance: Colourless, <i>clear & bright</i>. Acidity (Inorganic) = Nil Density at 15°C = 0.7894 gr/ml Distillation: Temp. at L.B.P.: 148.1 °C Percent recovered below 200 °C: 70.0 ml Temp. at F.B.P. : 269.0 °C Flash Point = 57.1 °C Total Sulphur = 0.05 % by wt. Smoke Point = 26mm Concordance with GCMS chromatogram pattern of Kerosene = The sample chromatogram concords with the standard chromatogram with respect of carbon chain. The sample has been tested for all the characteristics parameter tested above. The sample meets the requirement of Kerosene as mentioned in IS 1459:1974 (Reaffirmed 2006). There is no specification available "mixed hydrocarbon oil" in any National/ International Standards. Sealed remnant sample returned herewith.</p> <p><i>प्रादीप मारो</i> प्रादीप मारो / PRADEEP MAROO राजसव विभाग वी-१ सीमा शुल्क पर्याप्ताता डीमीक्स, सीमा शुल्कार्यालय पोर्टरिया,विशाखापत्तनम- 530 035 पोर्टरिया,विशाखापत्तनम- 530 035</p> <p>End of the Report</p> <p>Note 1: The results relate only to the items tested. Note 2: Sample not Drawn by this laboratory. Note3: The report shall not be reproduced except in full without approval of this laboratory. Note4: Remnant sample should be collected within 30 days otherwise it will disposed off.</p>

9. And whereas the parameters of the Test Reports suggested that the goods being imported in the said containers were Kerosene as per IS:1459 of Bureau of Indian Standards (BIS) which is appropriately classifiable under CTH 27101932 and Gas Oil which is appropriately classifiable under CTH 27101941. Further, Gas Oil which is appropriately classifiable under Customs Tariff Heading 27101941, does not stipulate any import condition of conforming to any BIS standard. However, the parameters of Gas oil as per BIS IS: 17789:2022 have been taken here for reference purposes The specifications of Gas Oil as per IS:17789 are reproduced below:

Table 1 Requirements for Gas Oil
(*Clauses Foreword, 4.3 and 7.1*)

SI No.	Characteristic	Requirement	Methods of Test, Ref to Part of IS 1448/ISO
(1)	(2)	(3)	(4)
i)	Density at 15 °C, kg/m ³	780 to 900	Part 167/ Part 16 ¹⁾
ii)	Kinematic viscosity at 40 °C, mm ² /s, <i>Max</i>	10	Part 25/Sec 1
iii)	Total sulphur, mass percent	0.004-3.5	Part 153 (For sulphur range – 30 to 500 ppm) ISO 8754 (For sulphur range – 0.03 percent to 3.5 percent)
iv)	Flash point, °C, <i>Min.</i>	40.0	Part 20 ¹⁾ /Part 21
v)	Pour point, °C, <i>Max</i>	+ 24	Part 10/Sec 2
vi)	Distillation:		
	a) 10 percent recovery at °C (T-10)	To report	Part 18
	b) 50 percent recovery at °C (T-50)	To report	
	c) 90 percent recovery at °C (T-90), <i>Max.</i>	390	
vii)	Cetane index, <i>Min</i>	30	Part 174
viii)	Water and sediments, volume percent	To report	Part 41

¹⁾ In case of dispute, this shall be the referee method.

Specifications of Gas Oil as per IS 17789

Furthermore, as per the amendment to the Gas Oil Standard BIS IS 17789 dated January 2023, the sulphur content range has been revised to 1.5-3.5. However, it is mentioned in the amendment that Indian refineries may opt for a lower sulphur content based on mutual agreement between the seller and the purchaser. Accordingly, it can be inferred that the sulphur content in Gas Oil is not a characteristic parameter and may vary according to usage and agreements between the user and the seller. The amendment of Gas Oil dated January 2023 is reproduced below for ready reference.

AMENDMENT NO. 1 JANUARY 2023

TO
IS 17789 : 2022 GAS OIL — SPECIFICATION

(Page 2, Clause 3.1, Para 2, line 2) — Add following line at the end:

‘This gas oil used as refinery intermediate and not intended to be used as a fuel.’

[Page 2, Table 1, Sl No. (iii), col 2] — Substitute ‘total sulphur, mass percent²⁾’ for ‘Total sulphur, mass percent’

[Page 2, Table 1, Sl No. (iii), col 3] — Substitute ‘1.5-3.5’ for ‘0.004-3.5’

(Page 2, Table 1) — Add the following below Table 1,¹⁾:

¹⁾ Indian refineries may opt for lower sulphur content on the basis of agreement between seller and purchaser.’

Amendment to Gas Oil dated January 2023

Further, the specifications of Kerosene as per IS 1459 of the Bureau of Indian Standards (BIS) are reproduced below:

IS 1459 : 2018

Table 1 Specification for Kerosene
(Clause 4.2)

Sl. No.	Characteristic	Requirement		Test Method Refer to [P:] of IS 1448/ISO/ASTM/IP/ Annex IS 1459
		Grade A	Grade B	
(1)	(2)	(3)	(4)	(5)
i)	Appearance	Clear and bright. Free from un-dissolved water, foreign matter and other visible impurities	Clear and bright. Free from un-dissolved water, foreign matter and other visible impurities	Visual
ii)	Acidity, inorganic	Nil	Nil	ISO 6618/ASTM D974 ¹⁾ / IP 139
iii)	Burning quality ²⁾			[P : 5] ¹⁾ /IP 10
a)	Char Value, mg/kg of oil consumed, Max	20	20	
b)	Bloom on glass Chimney	Not darker than grey	Not darker than grey	
iv)	Colour			
a)	Saybolt (in case of undyed Kerosene) ³⁾ , Min	10	10	[P : 14] ¹⁾ /ASTM D 156
b)	Visual (in case of dyed Kerosene)	Blue	Blue	Visual/Annex A ¹⁾
v)	Copper strip corrosion for 3 h at 50°C	Not worse than No. 1	Not worse than No. 1	[P : 15] ¹⁾ /ASTM D 130 / IP 154
vi)	Density at 15°C, kg/m ³	Not limited, but to be reported	Not limited, but to be reported	[P : 16] ¹⁾ /ISO 12185/ ASTM D 1298/ ASTM D 4052
vii)	Distillation			[P : 18] ¹⁾ /ISO 3405/ASTM D 86
a)	Percent recovered below 200°C, percent (v/v), Min	20	20	
b)	Final boiling point, °C, Max	300	300	
viii)	Flash point (Abel), °C, Min	35	35	[P : 20] ¹⁾ /ISO 13736/ IP 170
ix)	Smoke Point ⁴⁾ , mm, Min	18	18	P : 31/ISO 3014 ¹⁾ / ASTM D1322/ IP 598
x)	Total Sulphur Content, percent, m/m, Max	0.10	0.20	[P : 34]/ISO 8754 ¹⁾ /ASTM D4294/ D 2622/D 5453

10. And whereas on analysis of the parameters detailed in the Test Reports vis-à-vis the parameters stipulated in the BIS standards of Gas Oil (IS 17789) and Kerosene (IS 1459), it appeared that in accordance with the intelligence, the goods being imported appeared to be mis-declared and the

following conclusion with regard to goods comprising the consignments put on hold and examined by the DRI Officers appeared to flow from the analysis:

Sl. No.	Bill of Entry No.	Date of Bill of Entry	No. of containers	Product description as per the analysis of the Test report
1.	9788466	23.01.2024	12	Gas Oil
2.	9788470	23.01.2024	12	Gas Oil
3.	9788488	23.01.2024	16	Kerosene conforming to standard IS 1459
4.	9788473	23.01.2024	16	Kerosene conforming to standard IS 1459
5.	9788474	23.01.2024	16	Gas Oil
6.	9788476	23.01.2024	12	Gas Oil
7.	9788487	23.01.2024	16	Gas Oil
8.	9788468	23.01.2024	12	Kerosene conforming to standard IS 1459
9.	2040130	08.02.24	12	Gas Oil
10.	2087386	10.02.24	12	Gas Oil
11.	2088871	10.02.24	10	Kerosene conforming to standard IS 1459
12.	2088881	10.02.24	10	Kerosene conforming to standard IS 1459

Thus, it

appeared that the samples drawn from consignments pertaining to 7 BEs viz-9788466, 9788470, 9788474, 9788476, 9788477, 2040130 and 2087386 conform to limits stipulated in IS: 17789:2022 specifications which pertains to the Indian Standard of Gas Oil, while consignments pertaining to the remaining 5 BOEs 9788488, 9788473, 9788468, 2088871 and 2088881 appear to conform to specification of IS:1459 which pertains to Kerosene. Gas Oil which is appropriately classifiable under Customs Tariff Heading 27101941 does not have any import condition for conforming to IS 1789:2022 and the aforementioned parameters of IS: 1789:2022 have been taken for reference purposes only and that the items viz kerosene and Gas Oil are restricted and can be imported by the State Trading Enterprises(STEs) only.

11. In the light of the parameters of the Test Reports of the IOCL and CRCL, the goods imported under BEs 9788466, 9788470, 9788474, 9788476, 9788487, 2040130 and 2087386 appear to be liable to be classifiable under CTH: 27101941 under the description Gas Oil while the goods imported under BEs 9788488, 9788473, 9788468, 2088871 and 2088881 appeared to be liable to be classifiable under CTH 27101932 under the description of Kerosene conforming to standard IS 1459. The relevant description of CTH 27101941 and 27101932 as per Customs Tariff Act'1985 are as below:

2710 19 39	— Aviation turbine fuels, kerosene kg. type conforming to standard IS 1571	5.00	5.00	—	11.00	0.50	17.105	State Trading Enterprises	Exemption: See Ntn 52/2017-Cus. dated 30.06.2017 Import as per Policy Condition (5) of Chapter 27 ACD Nil by Ntn 32/2022-Cus. Excise Duty by Ntn 11/2017-CE dated 30.06.2017
-- Gas oil and oils obtained from gas oil:									
2710 19 41	— Gas oil	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27
2710 19 42	— Vacuum gas oil	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27
2710 19 43	— Light diesel oil conforming to standard IS 15770	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27

Chapter Heading 27101941

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Section V
Chapter 27

HS CODE (1)	ITEM DESCRIPTION (2)	UNIT (3)	BASIC (4)	EFFECTIVE (5)	PRE. (6)	IGST (7)	SWS (8)	TOTAL (9)	POLICY (10)	REMARKS (11)
2710 12 90	— Other	kg. 5.00	5.00	—		14% + Rs. 15 per litre			State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27
2710 19	— Other:									
2710 19 20	— Solvent 125/240 (petroleum hydrocarbon solvent) as specified under standard IS 1745	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27	
	— Kerosene intermediate and oils obtained from kerosene intermediate:									
2710 19 31	— Kerosene intermediate	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27	
2710 19 32	— Kerosene conforming to standard IS 1459	kg. 5.00	5.00	—	18.00	0.50	24.490	State Trading Enterprises	Import as per Policy Condition (5) of Chapter 27	

Chapter Heading 27101932

12. Further, as per ITC(HS), 2022, Schedule 1: Import Policy, Section V: Mineral Products, Chapter 27: Mineral Fuels, Mineral Oils And Products Of Their Distillation; Bituminous Substances; Mineral Waxes: Goods falling under the description of “*Kerosene intermediate and oils obtained from kerosene intermediate: -- Kerosene conforming to standard IS 1459*” and “*Gas Oil*” the import policy makes the goods restricted by way of importation by State Trading Enterprises only by virtue of Policy Condition No. 5 which prescribes “*Import allowed through IOC subject to para 2.21 of Foreign Trade Policy, except for the companies who have been granted rights for marketing of transportation fuels in terms of Ministry of P&NGs Resolution No. P23015/1/2001-MKT. Dated 8.3.2002 including HPCL, BPCL and IBP who have been marketing transportation fuels before this date*

27101932	— "Kerosene intermediate and oils obtained from kerosene intermediate: ---- Kerosene conforming to standard IS 1459"	State Trading Enterprise	Import as per Policy Condition (5) of Chapter 27.
27101941	— Gas oil and oils obtained from gas oil: ---- Gas oil	State Trading Enterprise	Import as per Policy Condition (5) of Chapter 27.

Product Description and Import Policy

Sl.No.	Notes	Notification No.	Notification Date
1	Import of naphtha is free.		
2	Import of SKO shall be allowed through State Trading Enterprises (STEs) i.e. IOC, BPCL, HPCL and IBP for all purposes with STC being nominated as a State Trading Enterprise (STE) for supplies to Advance Licence holders. Advance Licence holders shall however, have the option to import SKO from the above mentioned STEs including STC		
3	Import is restricted in terms of Interim PIC Procedure of Rotterdam Convention on Prior Informed Consent procedure for hazardous chemicals and pesticides.		
4	Automobile industries, having RandD registration, are allowed to make free import of reference fuels (Petrol and Diesel) which are not manufactured in India, up to maximum of 5 KL per annum, subjects to the condition that the said imported reference fuels shall be used for RandD and emission testing purposes only		
5	Import allowed through IOC subject to para 2.21 of Foreign Trade Policy, except for the companies who have been granted rights for marketing of transportation fuels in terms of Ministry of P&NGs Resolution No. P23015/1/2001-MKT. Dated 8.3.2002 including HPCL, BPCL and IBP who have been marketing transportation fuels before this date.	08/2023	29/05/2023

Policy Condition (5) of Chapter 27 of ITC (HS) Import Policy

13. Further, during the course of the investigation, it appeared that the CHA was actively involved in assisting and facilitating the improper import and clearance of the restricted goods namely “Gas Oil” and “Kerosene conforming to standard IS 1459” as mentioned above, therefore searches were conducted at the premises of CHA M/s Continental Shipping Services at Mundra on 30.04.2024. The proceedings of the search thereof were recorded under panchnama dated 30.04.2024 (**RUD 31 to 32**)

14. Voluntary statement of Shri Satish Maheshwari s/o Shri Rayshi Bhai Maheswari authorised representative of M/s Continental Shipping Services aged 44 years, near GEB Office, Bhatt Pad, Bhachau, Kachchh, Gujarat, 370140, Aadhar Card No- 548545219204 Mobile No. 9913038991 was recorded on 30/04/2024 under Section 108 of the Customs Act 1962(**RUD-33**) wherein he inter-alia stated:

- *Question 1: Please state about yourself? Also state what are the other firms associated with you?*

Ans: My name is Satish Maheshwari S/o Shri Rayshi bhai Maheswari resident, near GEB Office, Bhatt Pad, Bhachau, Kachchh, Gujarat, 370140. I have done my graduation in B.Sc. (Physics) from Adipur Arts and Science, college in the year of 1999. In 2000 due to earthquake we were not working till 2007. After that I started carrier as Driver till 2009. After that I joined Adani Power as Supervisor, I used to look after Transportation in Adani Power. After that in 2009, I joined Premier Transport Limited as Supervisor, my job was route Survey from one location to destination i.e. to check the route in respect of Load carrying capacity and expected time as per the load of the consignment till December 2014. I grew my expertise in heavy consignments in project logistics and transport from Paradip, Haldi port, Dahej, Hazira, Mundra, Kandla, Pipava Port to Destination at various locations in India majorly for various power plants. After that from 2015, I joined CHA firm M/s.

Swati Enterprises as H-Card and assisted in Examination at Mundra Port, thereafter on 28.08.2017, I left M/s. Swati Enterprises.

In 2021, I have been authorized by the CHA firm M/s. Continental Shipping Services, CHA No AAEFC9583GCH001 to look after all operations for Mundra port i.e. overall in-charge. M/s. Continental Shipping Services, CHA appointed Shri Sayed Salim, G Card holder G/MNDR1/20234082 to look after work related activities of import (copy enclosed as annexure 2 running in two pages duly signed by me).

I am also the authorized person of M/s. Shri Krishna Logistics registered in the name of Mrs Savita Ramesh Shiju. M/s. Shri Krishna Logistics provides handing and forwarding service to our various customer like Shree Nandsai Steel Pvt Ltd, Shree Ashapura Tradelink Pvt and M/s. Global Natural Petro Industries etc. I am enclosing Three Sample invoice raised by M/s. Shri Krishna Logistics for your ready reference copy is enclosed herewith as annexure 3 running in 3 duly signed by me. If required, I will provide documents related to M/s. Shri Krishna Logistics as and when required by your good office.

- *Question 2: Please state about M/s. Continental Shipping Services? Also please state about your responsibilities?*

Ans: M/s. Continental Shipping Services, CHA No AAEFC9583GCH001, is a CHA firm who deal in import only, Mrs Shanmuga Jayashree and Mrs Radha are the managing/authorized partners of this CHA firm. As stated above, I have been authorized by the CHA firm M/s. Continental Shipping Services, to look after all operations for Mundra port i.e. overall in-charge and handle day to day activities of M/s. Continental Shipping Services.

- *Question 3: Please state about the Business Nature/operation/Turnover and the Commodities being dealt with by M/s. Continental Shipping Services? Please provide the Details of staff and responsibilities*

Ans: We majorly deals with Mixed Hydrocarbon oil, Fuel oil, Base oil and stock lot of paper/plastic. Apart from me, Shri Sayed Salim, G Card Contact number 9537281289, holder are working for M/s. Continental Shipping Services. Shri C N Rajender Kumar is F Card, holder appointed is enclosed herewith for your ready reference as annexure 4 running in 1 pages duly signed by me. Earlier Shri Naresh Sodham, H-card Holder CHM/H/150/21-22(copy enclosed as annexure5 running in 1 pages duly signed by me), contact detail 8866872222, also looked after all the operation related to M/s. Continental Shipping Services. He has left this office 15 days back.

- *Question 4: Please provide the past imports and items imported handled by M/s. Continental Shipping Services?*

Ans: This branch of M/s. Continental Shipping Services looks after import activities of Mundra port, I am enclosing the list of import from Mundra port as annexure 6 running in 4 pages duly signed by me are enclosed herewith. Other port import activates are not dealt by this branch of M/s. Continental Shipping Services.

- *Question 5: Please state about the firm namely M/s. SkyFalcon Minerals and Chemicals Private Ltd?*

Ans: M/s. SkyFalcon Minerals and Chemicals Private Ltd (hereinafter referred to as "Skyfalcon"), is a company which is involved in the import of Mixed Hydrocarbon Oil (herein after referred to as "MHO"). Shri Sellappan Ramaniah and Shri R V Shamugham and Shri Srinivasan Sudhakar are the Partners in Skyfalcon Minerals and Chemicals Private Ltd. The contact person in Skyfalcon is Shri Mahesh, contact detail is 9840081520. Later when the consignment were put on hold by DRI Noida then we also came to know that Shri Raju Pillai was the Real beneficial owner of Skyfalcon.

For Skyfalcon our CHA firm has imported 54 consignments, I am enclosing list of all these imports as annexure 7 running in 1 page duly signed by me. Out of these 54 import consignments 42 were given out of charge but rest of the 12 import consignments were put-on hold by DRI NOIDA.

- *Question 7: Please provide the Test Reports relating to past reports provided by the supplier/ relating to test conducted by the CRCL?*

Ans: No such test report were provided by the suppliers. Further all the previous import, test reports of the samples drawn by Customs are uploaded in e-sanchit then only the import consignments are cleared by the Customs Authorities, all these reports can be retrieved from there. Also the same will be provided as and when required to be submitted to your good office.

- *Question 8: Who files the Bill of Entry? And also state what the basis of filing of Bill of entry is. Also state who decides under which CTH the goods would fall?*

Ans: Shri Sayed Salim, G-Card, files the bills of entry (on behalf of importers) and the same is filed on the basis of document provided by these importers through M/s. Versatile Logistics. These documents are received on the email id namely Krishnalogistics889@gmail.com.

- *Question 9: It appears that these documents are emailed by email of importers not related to M/s. Continental Shipping Services?*

Ans: We use email of M/s. Continental Shipping Services for bill of Entry filing purpose only. The bill of entry is filed by Shri Sayed Salim, G Card, I am enclosing the copy of authorization letter issued by Skyfalcon to M/s. Continental Shipping Services as annexure 9 running in 2 pages duly signed by me. And authorization letter issued by M/s. A.A. Cable Layers as annexure 10 running in 2 pages duly signed by me.

- *Question 10: Please provide the details of shipping companies related to the imports done by M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers?*

Ans: I am enclosing the list of shipping companies related to the imports done by M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers as annexure 11 running in 3 pages duly signed by me (page 1 and 2 are in respect of M/s. SkyFalcon Minerals and Chemicals Private Ltd, whereas the page 3 of annexure is of M/s. A.A. Cable Layers). Moreover these shipping lines are always mentioned in the Bill of Lading or each import consignment.

- *Question 11: Please provide the details of suppliers/items imported?*
Ans: The details of supplier and items imported are available in the bill of entry filed by us, the same can be retrieved from E-Sanchit. And if the same is further required I will submit the same as and when the same is required by your office.
- *Question 12: Please state how the orders are placed and who in your CHA firm give the order to supplier?*
Ans: The orders are placed by the importer himself, we CHA only file these bill of entry only on the basis of documents provided by respective importers, we as CHA has no role to play with supplier.
- *Question 13: Please state how do you receive the documents for filing the Bill of entry and who provides these document, what is the means of getting these documents related to M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers?*
Ans: As stated above we receive these documents on our email address krishnalogistics889@gmail.com. We receive these documents from email versatileimpt@gmail.com. The email is of M/s. Versatile logistics, another clearing and forwarder firm having address as office no. 124, 1st floor, Shiv Centre, Sector 17, Plot No 72, Vashi, Navi Mumbai- 400705, mob: 9870107007. Shri Ravi Sawant is the Proprietor of M/s Versatile Logistics (Mobile No-9833391681).
- *Question 14: It appears that the documents for filing the bills of entries are not provided by the importers namely M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers. How do you verify the authenticity of these documents so provided by M/s. Versatile Logistics? It appears that the bills of entry are improperly filed by your CHA firm. How did you conduct the Know Your Customer i.e. KYC of these importers in such scenario when the documents are not provided by the importers themselves? What is the process adopted by your CHA firm for filing the bills of entry? And who makes the payment of duties?*
Ans: We have been associated in trade terms with other firms who provide us any work related to this Mundra port along with all necessary documents for filing the Bill of entry. We were provided documents by M/s. Versatile logistics we prepared check list. We prepare the check list, then send it back to M/s. Versatile logistics. They then verify the same from the importer. Thereafter the bill of entry is filed, after assessment of Bill of entry we inform to M/s. Versatile logistics to get the duty paid by the importer i.e. M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers then login to their ICEGATE account and make the payment of duty directly while making the payment, the importer can always check the Bill of entry filed.
We get KYC verified through M/s. Versatile logistics, such verified KYC is enclosed as annexure 12 running in 7 pages duly signed by me and annexure 13 running in 6 pages duly signed by me.
- *Question 15: Please state what is Mix Hydrocarbon Oil, what is its Chemical Composition? Please state end use of mixed hydrocarbon Oil imported?*

Ans: It is one type of oil, and on the basis of documents provided we file the Bill of entry. Samples are drawn by the Customs Authority. And only after the sample report these consignments are cleared by the Customs authority. About the chemical composition the importer are having full knowledge. We file Bill of Entry only on the basis of documents. End use of mixed hydrocarbon Oil so imported is for heating purpose and the same can be answered by the importer.

- *Question 16: Does this Mix Hydrocarbon Oil requires any import regulation in terms of its packaging? Please state in respect of M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers, is there any violation in respect of Import in flexi bags or violation of petroleum regulation?*

Ans: Yes, the requirements are Flexi Bag and ISO tank. All these consignments are imported in Flexi Bags. No, there is no violation in respect of Import in flexi bags or violation of petroleum regulation.

- *Question 17: have you ever imported diesel or kerosene?*

Ans: No, We have never imported diesel or kerosene.

- *Question 18: Please state what is the basis of classification of mix Hydrocarbon Oil?*

Ans: We file the Bill of entry on the basis of Supplier's documents like Commercial Invoice, Packing list Bill of lading etc. later the Customs department check it respect to sample analysis report then clear the import consignments.

- *Question 19: Please state whether goods i.e. Mix Hydrocarbon Oil so imported in consignments/containers on hold by DRI and imported in earlier consignments are same?*

Ans: Yes sir, as per my understanding they are the same.

- *Question 20: Please state what are the BIS parameters applicable on the item i.e. Mix Hydrocarbon Oil?*

Ans: No BIS standards are applicable on this imported item i.e. Mix Hydrocarbon Oil.

- *Question 21: Please state whether Mix Hydrocarbon Oil is fuel or not?*

Ans: No, it is not Fuel.

- *Question 22: Please provide the list of buyers of Mix Hydrocarbon Oil vis-a-vis end use?*

Ans: We are not aware who the buyer are. After getting the out of charge, we inform M/s. Versatile logistics. They then inform the importer. The importer then arranges the vehicle for logistics.

- *Question 23: Please state the container wise vehicle of such consignments cleared for M/s. SkyFalcon Minerals and Chemicals Private Ltd and M/s. A.A. Cable Layers?*

Ans: I am enclosing a sample gate pass and weighment slip so issued by Custodian bearing number ILDW014153/23-24W dated 04.01.2024 as annexure 14 running in 2 pages duly signed by me. We also maintain such details in our record register of delivery of import

containers in the name of “By Road Register”. The documents and register are taken over during the proceedings of search today.

- *Question 24: Please state how the imported item in the name of Mix Hydrocarbon Oil is sold, is it sold by any of the firms related to you be it M/s. Continental Shipping Services or M/s. Shri Krishna Logistics.*

Ans: The import consignments are handed over to importers only and the same is never sold to any party or anyone else.

- *Question 25: Please state have you made any payments to the supplier of Mix Hydrocarbon Oil or have received any payment from the buyers? If so please provide the Bank Details for the same?*

Ans: No, we have never made any payments to the supplier of Mix Hydrocarbon Oil nor have received any payment from the buyers.

- *Question 26: Please provide the certified copy of Chemical Analysis report or Test report of consignments of Mix Hydrocarbon Oil provided by the supplier.*

Ans: No such certified copy of Chemical Analysis report or Test report of consignments of Mix Hydrocarbon Oil is provided by the supplier. Such Chemical Analysis report or Test report is irrelevant since the Customs does not clear the import consignment on the basis of such reports. The Customs does not clear such Bill of entry through RMS. The Bill of Entries are cleared only on the basis of chemical analysis report of samples drawn by Customs Authorities.

- *Question 27: Please provide the certified copy of Buyer-seller agreement for the consignments?*

Ans: No such buyer seller agreement is available with us.

- *Question 28: Please state about the overseas supplier of Mix Hydrocarbon Oil whether the same is a trader or manufacturer. Also provide the communication (emails/letters etc.) with the overseas supplier's w.r.t. the consignments.*

Ans: We have not made any such enquiry about the overseas suppliers whether they are manufacturer or trader, we have not made any communication with supplier, if required we may be allowed some time get the information from our clients.

- *Question 29: Please provide the copy of Invoice for each consignment, including itemized description, quantities, values, and any applicable discounts or rebates.*

Ans: The required documents are uploaded in e-sanchit.

- *Question 30: Please state whether M/s. Continental Shipping Services or M/s. Shri Krishna Logistics have any warehouse or any Customs bonded warehouse in their name, or has been hired on lease for the consignment?*

Ans: No, M/s. Continental Shipping Services or M/s. Shri Krishna Logistics do-not have any warehouse or any Customs bonded warehouse in their name, or has been hired on lease for the consignment.

- *Question 31: Do you want to say anything.*

Ans: No, nothing to add on further.

15. In view of the Test Reports and voluntary statement, it appeared that the imported goods were mis-declared as “*Mixed Hydrocarbon Oil*” and mis-classified under CTH: 27101990 instead of CTH: 27101941 and CTH:27101932 by the importer with the intent of importing “*Gas Oil*” and “*Kerosene as per IS:1459*” which are restricted commodities and *can be imported by STEs only as per the import policy as brought out above*. As a result, it seems that they attempted to import the restricted commodities by mis-declaring the same. Consequently, the imports made by the importer under bills of entry 9788466 Dt. 23.01.2024, 9788470 Dt. 23.01.2024, 9788488 Dt. 23.01.2024, 9788473 Dt. 23.01.2024, 9788474 Dt. 23.01.2024, 9788476 Dt. 23.01.2024, 9788487 Dt. 23.01.2024, 9788468 Dt. 23.01.2024, 2040130 Dt. 08.02.2024, 2087386 Dt. 10.02.2024, 2088871 Dt. 10.02.2024 and 2088881 Dt. 10.02.2024 appeared to be illicit and in gross violation of the relevant provisions of the Foreign Trade Policy 2023, the Import Policy conditions, and the Customs Act of 1962. Therefore, the goods imported under the aforementioned Bills of Entry at Mundra Port seemed liable for confiscation under the provisions of Section 111(d), (f), (l) and (m) of the Customs Act, 1962. As a result, the consignments were seized vide Seizure memos as detailed below:

S. No	Bill Of Entry No and Date	Seizure Memo DIN no.	Seizure date
1	9788466 Dt. 23.01.2024		
2	9788470 Dt. 23.01.2024	202405DDZ8000000C274 (RUD-34)	27.05.2024
3	9788474 Dt. 23.01.2024		
4	9788476 Dt. 23.01.2024		
5	9788487 Dt. 23.01.2024		
6	9788468 Dt. 23.01.2024	202405DDZ8000000AD11 (RUD-35)	
7	9788488 Dt. 23.01.2024		07.05.2024
8	9788473 Dt. 23.01.2024		
9	2040130 Dt. 08.02.2024	202409DDZ8000000FB45 (RUD-36)	13.09.2024
10	2087386 Dt. 10.02.2024		
11	2088871 Dt. 10.02.2024	202409DDZ8000000B833 (RUD-37)	13.09.2024
12	2088881 Dt. 10.02.2024		

16. And whereas, summonses were issued to M/s Continental Shipping Services on 21.06.2024 **(RUD-38)** for appearance on 02.07.2024. Sh. Sayed Salim Nizamudin, G- Card Holder of M/s Continental Shipping Services appeared on 12.07.2024 in compliance of the summonses served upon M/s Continental Shipping Services. However, Sh. Sayed Salim Nizamudin in his voluntary statement submitted that he was very new to the company and hence he had very little knowledge of the details related to the import of the consignments under investigation. He further submitted that

Ms Shanmuga Jayashree, partner of M/s Continental Shipping Services might give the requisite details related to the case. Further Summons dated 25.07.2024(**RUD-39**) were therefore issued in the name of Ms. Shanmuga Jayashree, partner of M/s Continental Shipping Services for appearance on 19.09.2024.

17. Voluntary statement of Shri Sayed Salim Nizamudin S/o Sayed Nizamudin aged 34 years, resident of 162, Sector-6, Ganesh Nagar, Gandhidham, Kachchh, Gujarat, 370201 contact details Mobile 9537281289 (Aadhar Card No: 9475 9289 6799) - was recorded on 12/07/2024 under Section 108 of the Customs Act 1962(**RUD-40**) wherein he inter-alia stated:

I submit that I completed my B.COM Graduation from the University of Kachchh in the year 2014. Then I started my career with Anchor Logistics, Gandhidham where I worked till to 2015. Then I switched job to M/s Kandla Logistics and worked there from 2015 to 2017. After that I started freelancing work of Logistics. Then in year 2023 I got my G-card and I started working for M/s Continental Shipping Services as a G card holder. Since then I have been providing customs clearance services to various customers. I am living with my wife MsShabeena, my son, father and elder brothers family on the above-mentioned Address.

- *Question 1: Please explain the business of M/s Continental shipping services.*

Answer: M/s Continental Shipping Services is a partnership firm with partners namely Ms. Shanmuga Jayashree and Ms. Radha, was established in the year 1999. Sh Rajendra Kumar is the F-card holder in the firm. As stated by me above the firm is engaged in the custom clearance of import and export consignments at various ports.

- *Question 2: Please give details of your G Card and also state the customs formation which has issued you the G card.*

Answer: My G-card bearing no. G/M/NDRI/20234082, has been issued by the office of the Asst. Commissioner of Customs (General), Mundra Customs. I am submitting a copy of the said G-card for information under my signature.

- *Question 3: Please state the present location of M/s Continental Shipping Services, your present working office in Mundra and head office of M/s Continental Shipping Services.*

Answer: Presently my office is located at Office no 17, Ghanshyam complex, near the bridge, New Adani port road, Dhrab, Kachchh, Gujarat-370421. I work from this office address only. The head office of M/s Continental Shipping Services is at No-112, Bhuvana Towers, S.D. Road, Secunderabad, Hyderabad, Telangana-500003.

- *Question 4: How many people are working in your firm. Please provide their details, designation, responsibilities and Mobile no*

Answer: Apart for me a total of 19 people work at M/s Continental Shipping Services, Mundra office, whose details are as under:

Sr No	Name	Designation	Mob No
1	Ansari Mamad Hakim	Custom Executive/ Examination	8866396331
2	Arvind Goyal	Operation	9714292635
3	Banvari Bhil	Documentation/ Coleection	9879492046
4	Bijaya Kumar Mata	Custom Executive/ Custom House	9348573891
5	Chaiya Durgesh Shamji	Documentation/ Coleection	8320380729
6	Grijesh Kumar	Operations	7361849970
7	Hardik Sanatbhai Parikh	Sr.Accountant	7043758849
8	Indra Bhushan Mishra	Documentation	7486086936
9	JaydipJesangNanjar	Operations	7623060541
10	Jeta Ram Benival	Operations	9680090537
11	KunbharAshpakAadam	Operations	8866382732
12	Manohar Lal Jandu	Operations	8955734988
13	MitMadhukant Shah	Custom Executive/ Examination	8141419834
14	Mota Vivek Vinodbhai	Jr.Accountant	8238629102
15	Pura Ram	Operations	7232885220
16	Sanjay Kumar	Documentation	9106507154
17	Sanjeev Kumar Chaudhary	Custom Executive/ Examination	7574967463
18	Sodha ManojkumarKalubha	Custom Executive/ Examination	9726120587
19	Vikash Ranjan Baral	Documentation	6364055 070

- *Further I am not aware of the details of the employees at other locations of M/s Continental Shipping services. These details can either be provided by MsShanmuga Jayashree, partner of M/s Continental Shipping Services or Sh. Rajendra Kumar, the F-card holder of the firm.*

- *Question 5: Please state how much salary do you get for working at M/s Continental Shipping Service?*

Answer: I get a salary of Rs 25,000/- from M/s Continental Shipping Services, which I receive in my ICICI bank savings account.

- *Question 6: Please name the companies/firms for whom you are providing customs clearance services.*

Answer: Our major clients include:

SR. NO	NAME
1	<i>APEX IMPEX</i>
2	<i>AVADHOOT ENTERPRISE</i>
3	<i>CREATIVE INDIA CO</i>
4	<i>SKY FALCON MINERALS PVT LTD</i>
5	<i>A.A. CABLE LAYERS</i>
6	<i>B J PETROCHEM</i>
7	<i>KUSUM PETRO CHEMICALS</i>
8	<i>MAA KIRPA</i>
9	<i>PITAMBER ORAGANICS</i>
10	<i>REVOLUTION PETROCHEM LLP</i>
11	<i>SHREE ASHAPURA TRADELINK PVT LTD</i>
12	<i>TANISH TRADING CO</i>
13	<i>SINDHVAI LUBES</i>

- *I am again submitting that these are only the major clients of the Mundra branch of M/s Continental Shipping Services. Details of other major clients of M/s Continental Shipping Services can be provided either by Ms Shanmuga Jayashree, partner of M/s Continental Shipping Services or Sh. Rajendra Kumar, the F-card holder of the firm.*

- *Question 7: What are the ports where you are providing customs clearance services?*

Answer: As per my knowledge M/s Continental shipping services operates at Nhava Sheva, Chennai and Mundra sea ports.

- *Question 8: How do you provide customs clearance facilities? Please explain the procedure in this regard.*

Answer: We get Import documents such as Packing list Bill of Lading, and Invoice on our email- continentalmundra@gmail.com as well as by hand, which are then examined by our staff who later on prepare a check list which is then sent to the importers/M/s ShriKrishna logistics for approval. Once the checklist is approved, the bill of entry is filed online on the ICEGATE website. After it is approved, the examination of the cargo by the customs officers is conducted in the presence of our field executives. I as a G-card holder of the firm, also sometimes present myself at the time of examination if required. Then after the examination and assessment of the consignment, out-of-charge is given by the Customs, the documents are then handed over to the transporter who is engaged by the importer only, for delivery at the designated address.

- *Question 9: Please refer to your answer to question no. 8 above and please state why do you send the checklist to M/s Shri Krishna Logistic?*

Answer: M/s Krishna Logistics brings clients for us at the port, related to customs clearance, and therefore as a practice the checklist is routed through M/s Shri Krishna Logistics only.

- *Question 10: Please provide information regarding M/s Shri Krishna Logistics.*
Answer: M/s Krishna Logistics is a proprietorship firm which is being operated by Sh Satish Maheshwari. M/s Krishna Logistics brings client for M/s Continental Shipping Services, this arrangement has been there before my joining M/s Continental Shipping services.
- *Question 11: Please provide the office address of M/s Shri Krishna Logistics.*
Answer: M/s Krishna Logistics has its registered office at 215, Zero Point, Kashish arcade, Anan Kapaya, Mundra Kachchh Gujarat- 370421.
- *Question 12: Please submit a copy of agreement regarding terms and conditions of your business with M/s Shri Krishna Logistics.*
Answer: I am not aware of any such agreement and this can only be clarified by Ms Shanmuga Jayashree, partner of M/s Continental Shipping Services or Sh. Rajendra Kumar, the F-card holder of the firm.
- *Question 13: Please provide the contact details of partners of M/s Continental Shipping Services and Sh Rajendra Kumar, F-card Holder?*
Answer: I only have the mobile no of Ms Shanmuga Jayashree- 8925567772, I do not have the mobile nos of other partner or F-card Holder.
- *Question 14: Do you wish to state anything else?*
Answer: I wish to submit that as already submitted by me that I have joined M/s Continental Shipping Services in year 2023 only and I have limited knowledge of the organization, and whatever information and details were known to me have been provided. If any further information is required apart from this then that can only be provided either by the partners of the firm or Sh Rajendra Kumar F-card holder of M/s Continental Shipping Services.

18. And whereas, investigation and other proceedings of the case could not be completed within the stipulated period of six months, an extension of further six months was sought from the Competent Authority which was accordingly granted vide letter dated 27.07.2024 for the 8 bills of entry viz ,9788466 Dt. 23.01.2024, 9788470 Dt. 23.01.2024, 9788488 Dt. 23.01.2024, 9788473 Dt. 23.01.2024, 9788474 Dt. 23.01.2024, 9788476 Dt. 23.01.2024, 9788487 Dt. 23.01.2024, 9788468 Dt. 23-01-2024 (**RUD-41**) while for the remaining 4 bills of entry viz.2040130 Dt. 08/02/24, 2087386 Dt. 10/02/24, 2088871 Dt. 10/02/24, 2088881 Dt. 10/02/24 extension was granted vide letter dated 14.08.2024. (**RUD-42**)

19. And whereas, summons were issued to M/S Skyfalcon Minerals And Chemicals Private Limited on 21.06.2024 (**RUD-43**) for appearance on 01.07.2024. Vide e-mail dated 30.06.2024, (**RUD- 44**) Sh. R.V.Shanmugham, Authorised Representative of M/S Skyfalcon Minerals And Chemicals Private Limited, expressed his inability to attend to the summons and he requested for some time for his appearance at the office of the DRI. Therefore, fresh summons were again issued

on 05.07.2024 (**RUD-45**) for appearance on 15.07.2024 to which Sh. R. V Shanmugham vide e-mail dated 15.07.2024 again expressed his inability to attend to the summons due to his health. Again fresh summons were issued on 24.07.2024 (**RUD-46**) for appearance on 01.08.2024 to which Sh. R. V Shanmugham vide e-mail dated 15.07.2024 again expressed his inability to attend to the summons citing that he was out of country at that time and requested for another date. Therefore fresh summons were issued on 08.08.2024 (**RUD-47**) for appearance on 13.08.2024 to which Sh. R. V Shanmugham vide e-mail dated 12.08.2024 again expressed his inability to attend to the summons citing that he was still out of country at that time and requested for another date, as such fresh summons were issued on 14.08.2024 for his appearance on 28.08.2024. Sudhakar S, Director of M/s Skyfalcon Minerals and Chemicals Private Limited, voluntarily appeared on 29.08.2024 to tender his voluntary statement. His statement was recorded on 29.08.2024 under section 108 of the Customs Act 1962.

20. Voluntary statement of Shri Sudhakar S S/o Srinivasan aged 43 years, Address Proof-(AADHAR No.7938 7892 7571), 56, Velusamypuram, 1st Cross, L.N.S. Anjal, Karur, Karur, Tamil Nadu - was recorded on 29/08/2024 under Section 108 of the Customs Act 1962 (**RUD-48**) wherein he inter-alia stated:

- *I hereby state that I am the Director of the firm M/s Skyfalcon Minerals and Chemicals Private Limited. The other Directors of the firm are Sh R.V. Shanmugham and Shri N.S. Krisnakumar. I look after the overall work related to the firm. M/s Skyfalcon Minerals and Chemicals Private Limited was established in 2021, as a company and is engaged in the import of Fuel oil, Furnace Oil, Bitumin, M.H.O. and distillate oil. The registered office of the Company is 14/1, Velan Nagar, 1st Main Road, Arumbakkam, Chennai, Tamil Nadu- 600106. There are currently six employees working for the firm, who looks after the accounting and normal routine office work. As far as my personal details are concerned, I am MBA graduate from Periyar University, which I completed in 2002-2003. After completing my MBA I started working with M/s MP distilleries for 2 years after that I took a franchise of the Share Market from 2006 to 2019. After that I went to Dubai for two years. Then in 2021, I started M/s Skyfalcon Minerals and Chemicals Private Limited. I am married to Ms Uma Rengaraj, I have one sixteen years old son, they live in Dubai (904, Mnasm 12, Al-Nahda-1, Dubai). She is a telecom manager in Dubai.*
- *Question 1: Please provide a certified copy of the Buyer-seller agreement for the consignments.*
Answer: There is no buyer-seller agreement between us and the overseas supplier. We have only the purchase order and proforma invoice.
- *Question 2: Please state with whom and how you place an order with the overseas supplier.*
Answer: The order is generally placed by me with the overseas suppliers through mobile phone.

- *Question 3: How many consignments have you imported till now.*
Answer: We have imported approx. 60-70 consignments of oil till now.
- *Question 4: Please submit the details of the overseas suppliers of MHO (Mineral Hydrocarbon Oil) imported by you which have been put on hold by DRI at Mundra.*
Answer: We generally import through a limited no of selected suppliers, but mainly from M/s Swathi Smart Ventures FZC and M/s Chevron General Trading LLC. I contact a person namely Sh Dhillon, in Dubai, who looks after the sales of the M/s Swathi Smart Ventures FZC, on his mobile +97542767501 and similarly Sh. Ricky who looks after the sales of the M/s Chevron General Trading LLC on his mobile phone +97547065086.
- *Question 5: What is the status of the overseas supplier of the import of MHO(Mineral Hydrocarbon Oil)?*
Answer: To my knowledge all the overseas suppliers, are traders only.
- *Question 6: What are your payment terms with the overseas supplier?*
Answer: Once an order is finalized over the mobile phone, advance payment of around 30% is made via SWIFT to the overseas supplier- M/s Chevron General Trading LLC, who then sends the consignment to the designated port in India. But for M/s Swathi Smart Ventures FZC, no advance payment is required, payment is made after the clearance of the goods.
- *Question 7: Please describe your product viz MHO (Mineral Hydrocarbon Oil) and state the characteristic parameters/specifications based on which the declaration has been made.*
Answer: To my understanding, MHO is an oil of the following parameters:
Density: 0.81-0.82
IBP: 160
FBP: 380
Flash Point: below 30 Degree
Viscosity: 02-03
- *Question 8: Please furnish the source of parameters of MHO which were mentioned by you in reply to above question.*
Answer: No, I don't have any standard or literature for MHO the above parameters are told by the CHA and based on this only we placed orders to the overseas suppliers.
- *Question 9: If you are not aware of the parameters/specifications of the MHO (Mineral Hydrocarbon Oil) then on what basis it is being imported by you?*
Answer: The requirement of oil (MHO) is communicated to us by our clients and based on the requirement we place orders with the overseas suppliers. After that,

we communicate the same requirement to the overseas supplier from Dubai. We are just traders of the product and work on the market demand.

- *Question 10: Please provide certified copies of the Chemical Analysis report or Test report of all the consignments of MHO (Mineral Hydrocarbon Oil) imported by you.*

Answer: I have submitted copies of the chemical analysis report that has been provided by M/s Chevron General Trading LLC and M/s Swati Smart Ventures FZC in respect of the consignments put on hold.

- *Question 11: In the said reports it has been mentioned that the tests conducted are as per ASTM testing standards. In the light of your reply to question no.05 wherein you had mentioned that all your suppliers are traders, is the report of the supplier without any technical qualification mentioned therein, is valid and proper?*

Answer: As per my knowledge, the trader M/s Chevron General trading and M/s Swati Smart Ventures FZC, generally have the samples tested from a private lab in Dubai, and based on the test report from the private lab, the traders issue a certificate of analysis in his name.

- *Question 12: Please state whether the goods pertaining to the said consignment has been declared as MHO in the invoice, and packing list on the basis of the parameters mentioned in the chemical analysis report.*

Answer: I think the supplier has considered these parameters while declaring the goods declared so in the import documents.

- *Question 13: Do you have any literature or documents that can help you classify your product as MHO according to the chemical analysis report provided by the overseas supplier?*

Answer: We do not have any documents or literature that helped us in the classification of the product as MHO according to the test report provided by the overseas supplier. Our CHA only guided us in the classification of the same as MHO.

- *Question 14: Please provide the details of the refinery/oil firm from where each consignment has originated/been manufactured.*

Answer: I am not aware of the source of purchase of MHO by my overseas supplier.

- *Question 15: Please provide the Chemical Analysis Report issued by the Original manufacturer/refinery/oil firm for each of the consignments that are put on hold by the office of DRI, along with a Certified copy of the invoice generated by the firm to the overseas supplier and Details (contact details and correspondence addresses) of all traders between the overseas supplier and the Original manufacturer/refinery for each consignment.*

Answer: I have submitted copies of the Chemical Analysis Report provided by the overseas supplier for all the BOEs I do not have Chemical Analysis Report provided by the original manufacturer. I have submitted the invoices pertaining to the consignments that were put on hold by your office. Further, I am not aware of the address and details of the traders as sought by you.

- *Question 16: In the light of your reply to question no 12 above. Kindly detail the basis of the classification of the consignment under CTI 27101990 and declaration of the same as Mix Hydrocarbon Oil.*

Answer: We declared the product as MHO (Mineral Hydrocarbon Oil) and classified it under CTH 27101990 as per the discussions with the CHA and as per the general practice of the trade.

- *Question 17: Please provide a Certified copies of each :*
 - Load Port report*
 - surveyor report of the port*
 - Compliance report.*

Answer: No such document or report is available with me, nor has been provided by the overseas supplier.

- *Question 18: Please refer to the reply of Question 02 and 04 above and provide the certified copies of communication (emails/letters etc.) with the overseas suppliers w.r.t. the consignments.*

Answer: As stated by me above all the communication with the supplier happens telephonically over mobile phone and hence no such copies of communication (emails/letters etc.) are available with me

- *Question 19: Please provide details of key officials (name and designation) of your company.*

Answer: There are a total of 6 employees in our company, whose profiles are as described below:

S.No.	Name of the Employee	Work Profile
1	Sh Abhishek	Sales Manager
2	Sh Vaibhav	Sales Person
3	Ms Devi	Accountant
4	Sh Praveen Kumar	Accounts and GST/E-way Bill
5	Ms Lavanya	Email Communications
6	Sh Hem Kumar	Accounts and GST/E-way Bill

- *Question 20: Please provide a Certified copy of the Invoice for each consignment, including itemized description, quantities, values, and any applicable discounts or rebates.*

Answer: M/s Skyfalcon Minerals and Chemicals Private Limited has imported about 60-70 Consignments of Mix/mixed Hydrocarbon oil/Fuel oil/furnace oil/Bitumin since 2022, excluding the ones that have been put on hold by DRI. I am submitting the documents such as Bill of Lading, Bill of Entry, invoice and packing list of the consignment that are put on hold by DRI Noida Regional Unit.

- *Question 21: Please provide a Certified copy of bank statement indicating payments made to suppliers for consignments.*

Answer: I do not have the copy of the bank statement right now however I will provide the same at the earliest.

- *Question 22. Please provide the details of the warehouse/storage place where the imported goods are stored after their import by your firm?*

Answer. M/s Skyfalcon Minerals and Chemicals Private Limited does not have any warehouse/storage place where the imported goods are stored as the MHO imported by the firm after customs clearance is delivered directly to the buyers.

- *Question 23. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 9788466 Dt. 23.01.2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is “Gas Oil”. Please peruse the said report and offer your comments.*

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788466 Dt. 23.01.2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meets the specifications of “Gas Oil”.

- *Question 24. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 9788470 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is “Gas Oil”. Please peruse the said report and offer your comments.*

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788470 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meets the specifications of “Gas Oil”.

- *Question 25. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 9788488 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is “Kerosene conforming to standard IS 1459:2018”. Please peruse the said report and offer your comments.*

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788488 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of “Kerosene conforming to standard IS 1459:2018”.

- *Question 26. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 9788473 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is “Kerosene conforming to standard IS 1459:2018”. Please peruse the said report and offer your comments.*

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788473 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of “Kerosene conforming to standard IS 1459:2018”.

- *Question 27. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no. 9788474 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is “Gas Oil”. Please peruse the said report and offer your comments.*

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788474 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of “Gas Oil”.

- *Question 28. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no.*

9788476 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Gas Oil". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788476 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of "Gas Oil".

- Question 29. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no. 9788487 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Gas Oil". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788487 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of "Gas Oil"

- Question 30. Please peruse the test report submitted by IOCL Panipat dated 08.04.2024 with regard to the test memo dated 16.02.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 9788468 dated 23/01/2024. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Kerosene conforming to standard IS 1459:2018". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 08.04.2024 of the IOCL Panipat in respect of the sample drawn from the consignment covered under BOE no 9788468 dated 23/01/2024 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of IOCL and that they meet the specifications of "Kerosene conforming to standard IS 1459:2018".

- Question 31. Please peruse the test report submitted by the CRCL, Vizag dated 03.06.2024 with regard to the test memo dated 09.04.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no. 2040130 Dt. 08/02/24. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Gas Oil". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 08.04.2024 of the CRCL, Vizag in respect of the sample drawn from the consignment covered under BOE no 2040130 Dt.

08/02/24 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of CRCL and that they meet the specifications of "Gas Oil".

- Question 32. Please peruse the test report submitted by the CRCL, Vizag dated 03.06.2024 with regard to the test memo dated 09.04.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no. 2087386 Dt. 10/02/24. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Gas Oil". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 03.06.2024 of the CRCL, Vizag in respect of the sample drawn from the consignment covered under BOE no 2087386 Dt. 10/02/24 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of CRCL and that they meet the specifications of "Gas Oil".

- Question 33. Please peruse the test report submitted by CRCL, Vizag dated 03.06.2024 with regard to the test memo dated 09.04.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 2088871 Dt. 10/02/24. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Kerosene conforming to standard IS 1459:2018". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 03.06.2024 of the CRCL, Vizag in respect of the sample drawn from the consignment covered under BOE no 2088871 Dt. 10/02/24 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of CRCL and that they meet the specifications of "Kerosene conforming to standard IS 1459:2018".

- Question 34. Please peruse the test report submitted by CRCL, Vizag dated 03.06.2024 with regard to the test memo dated 09.04.2024 pertaining to samples drawn from your consignment on hold at Mundra port covered under BOE no 2088881 Dt. 10/02/24. As per the parameters described in the test report, the conclusion arrived at, regarding the goods is "Kerosene conforming to standard IS 1459:2018". Please peruse the said report and offer your comments.

Answer. I have seen the copy of the test report dated 03.06.2024 of the CRCL, Vizag in respect of the sample drawn from the consignment covered under BOE no 2088881 Dt. 10/02/24 pertaining to M/s Skyfalcon Minerals & Chemicals Pvt Ltd and I have signed the said report as a token of having seen it. I have also perused the parameters detailed in the test report and I submit that I agree with the parameters of the report of CRCL and that they meet the specifications of "Kerosene conforming to standard IS 1459:2018".

- *Question 35. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788466 Dt. 23.01.2024, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788466 Dt. 23.01.2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 36. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788470 Dt. 23.01.2024, filed by you. The test report suggests mis-declaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788470 Dt. 23.01.2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 37. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Kerosene conforming to standard IS 1459:2018". Whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788488 dated 23/01/2024, filed by you. The test report suggests mis-declaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788488 dated 23/01/2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 38. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Kerosene conforming to standard IS 1459:2018". Whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788473 dated 23/01/2024, filed by you. The test report suggests mis-declaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788473 dated 23/01/2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 39. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". Whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788474 Dt. 23.01.2024, filed by you. The test report suggests mis-declaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788474 Dt. 23.01.2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 40. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". Whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788476 Dt. 23.01.2024, filed by you. The test report suggests mis-declaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788476 Dt. 23.01.2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 41. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788487 Dt. 23.01.2024, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788487 Dt. 23.01.2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 42. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Kerosene conforming to standard IS 1459:2018". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 9788468 dated 23/01/2024, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 9788468 dated 23/01/2024, and the conclusions of the test reports of IOCL dated 08.04.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the IOCL, Panipat.

- *Question 43. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 2040130 Dt. 08/02/24, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 2040130 Dt. 08/02/24, and the conclusions of the test reports of CRCL, Vizag dated 03.06.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the CRCL, Vizag.

- *Question 44. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Gas Oil". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 2087386 Dt. 10/02/24, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 2087386 Dt. 10/02/24, and the conclusions of the test reports of CRCL, Vizag dated 03.06.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the CRCL, Vizag.

- *Question 45. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be "Kerosene conforming to standard IS 1459:2018". whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 2088871 Dt. 10/02/24, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 2088871 Dt. 10/02/24, and the conclusions of the test reports of CRCL, Vizag dated 03.06.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the CRCL, Vizag.

- *Question 46. Your kind attention is invited to the conclusion of the test report wherein the parameters suggests that the oil has been found to be “Kerosene conforming to standard IS 1459:2018”. whereas you have declared the same as Mixed Hydrocarbon Oil in BOE no 2088881 Dt. 10/02/24, filed by you. The test report suggests misdeclaration on your part. Please offer your comment in this regard.*

Answer. I agree that the description given in BOE no 2088881 Dt. 10/02/24, and the conclusions of the test reports of CRCL, Vizag dated 03.06.2024 are different. The Bill of Entry was filed on the basis of the order placed by me with the overseas supplier and the import documents provided by me. I had specifically ordered for Mixed Hydrocarbon oil but as per the report I can see that the supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and having accept the findings of the CRCL, Vizag.

- *Question 47. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Gas Oil”. On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 35 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 9788466 Dt. 23.01.2024 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?*

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788466 Dt. 23.01.2024 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 48. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Gas Oil”. On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 36 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 9788470 dated 23/01/2024 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?*

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788470 dated 23/01/2024 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 49. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Kerosene conforming to standard IS 1459:2018”. On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are kerosene conforming to standard IS 1459:2018, classifiable under CTH 27101932. In light of the test report and your reply to question No 37 above, do you agree that the Kerosene conforming to standard IS 1459:2018 imported by you in consignment covered under BOE no 9788488 dated 23/01/2024 is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you?*

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788488 dated 23/01/2024 is under CTH 27101932, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 50. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Kerosene conforming to standard IS 1459:2018”. On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are kerosene conforming to standard IS 1459:2018, classifiable under CTH 27101932. In light of the test report and your reply to question No 38 above, do you agree that the Kerosene conforming to standard IS 1459:2018 imported by you in consignment covered under BOE no 9788473 dated 23/01/2024 is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you?*

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788473 dated 23/01/2024 is under CTH 27101932, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 51. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Gas Oil”. On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 39 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 9788474 dated 23/01/2024 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?*

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788474 dated 23/01/2024 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 52. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be “Gas Oil”. On the basis of the analysis of the*

parameters as described in the report of IOCL, Panipat, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 40 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 9788476 dated 23/01/2024 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788476 dated 23/01/2024 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 53. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Gas Oil". On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 41 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 9788487 dated 23/01/2024 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788487 dated 23/01/2024 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 54. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Kerosene conforming to standard IS 1459:2018". On the basis of the analysis of the parameters as described in the report of IOCL, Panipat, that the goods are kerosene conforming to standard IS 1459:2018, classifiable under CTH 27101932. In light of the test report and your reply to question No 42 above, do you agree that the Kerosene conforming to standard IS 1459:2018 imported by you in consignment covered under BOE no 9788468 dated 23/01/2024 is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the IOCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 9788468 dated 23/01/2024 is under CTH 27101932, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 55. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Gas Oil". On the basis of the analysis of the parameters as described in the report of CRCL, Vizag, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 43 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 2040130 Dt. 08/02/24 is correctly classifiable

under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the CRCL, Vizag report, I agree that the correct classification of the oil in the consignment covered under BOE no 2040130 Dt. 08/02/24 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 56. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Gas Oil". On the basis of the analysis of the parameters as described in the report of CRCL, Vizag, that the goods are Gas Oil, classifiable under CTH 27101941. In light of the test report and your reply to question No 44 above, do you agree that the Gas Oil imported by you in consignment covered under BOE no 2087386 Dt. 10/02/24 is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the CRCL, Vizag report, I agree that the correct classification of the oil in the consignment covered under BOE no 2087386 Dt. 10/02/24 is under CTH 27101941, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 57. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Kerosene conforming to standard IS 1459:2018". On the basis of the analysis of the parameters as described in the report of CRCL, Vizag, that the goods are kerosene conforming to standard IS 1459:2018, classifiable under CTH 27101932. In light of the test report and your reply to question No 45 above, do you agree that the Kerosene conforming to standard IS 1459:2018 imported by you in consignment covered under BOE no 2088871 Dt. 10/02/24 is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the CRCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 2088871 Dt. 10/02/24 is under CTH 27101932, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- Question 58. Your kind attention is again invited to the conclusion of the test report wherein the oil has been found to be "Kerosene conforming to standard IS 1459:2018". On the basis of the analysis of the parameters as described in the report of CRCL, Vizag, that the goods are kerosene conforming to standard IS 1459:2018, classifiable under CTH 27101932. In light of the test report and your reply to question No 46 above, do you agree that the Kerosene conforming to standard IS 1459:2018 imported by you in consignment covered under BOE no 2088881 Dt. 10/02/24 is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you?

Answer. In view of the conclusion of the CRCL report, I agree that the correct classification of the oil in the consignment covered under BOE no 2088881 Dt. 10/02/24 is under CTH

27101932, however, we had ordered for Mixed Hydrocarbon oil only, classifiable under CTH 27101990.

- *Question 59. Please refer to your reply to question number 36 to 58 above wherein you have agreed that the correct classification of the oil i.e. Kerosene as per IS 1459 and Gas Oil, are restricted items and can only be imported by STE (State Trading Enterprise). Please offer your comments about this.*

Answer. Yes, I have been shown the said provisions and I have come to know that Kerosene as per IS 1459 and Gas Oil are restricted items and can only be imported by STE (State Trading Enterprise). In view of this fact and also as stated by me, since it is not as per my order and as requested by me in reply to questions no 36 to 58 above, I once again submit that supplier has sent wrong item by mistake and not the one that I ordered. I regret for the mistake and have accepted the findings of the Test reports of the IOCL, Panipat and the CRCL, Vizag.

21. And whereas, during the course of investigation, it also emerged that Sh. Satish Maheshwari, of M/s Krishna Logistics, was also involved in aiding M/s Skyfalcon Minerals And Chemicals Private Limited in the wrongful illicit import of restricted goods such as Gas Oil or Kerosene as per IS 1459 etc. in the guise of Mix Hydrocarbon Oil. He was consequently issued summons on 05.07.2024 (**RUD-49**) for appearance on 12.07.2024. However, he failed to comply with the summons and did not appear on the said date. Vide Email dated 12 July 2024 (**RUD-50**) Sh. Satish Maheshwari expressed his inability to attend to the summons due to an emergency of his mother's health and requested to fix a date after 10-12 days, so fresh summons dated 24.07.2024 (**RUD-51**) were issued for his appearance on 07.08.2024. Shri Satish Maheshwari, appeared on 07.08.2024 to tender his voluntary statement. His statement was recorded on 07.08.2024 under Section 108 of the Customs Act 1962

22. Voluntary statement of Shri Satish Maheshwari s/o Shri Rayshi Bhai Maheswari aged 44 years, near GEB Office, Bhatt Pad, Bhachau, Kachchh, Gujarat, 370140, Aadhar Card No-548545219204 Mobile No. 9913038991 was recorded on 07/08/2024 under Section 108 of the Customs Act 1962(**RUD-52**) wherein he inter-alia stated:

- *Question 1: Please provide details of your own office along with the details of your staff.*

Answer: My firm M/s Krishna Logistics situated at Ghanshyam Complex, Office no. 16, Mundra Port Road, Near Rasapir Circle, Mundra Kachchh, Gujarat.

The details of my staff are as under:

Name	Designation/ Work Assigned	Mobile No.
Shri Ashfaq H Kumbhar	Field Work at Mundra Port	8866382732
Shri Jaydeep P Ninjhar	Field Work at Mundra Port	7623060541
Shri Khuman Singh Sodha	Field Work at Mundra Port	9978603411
Shri Arvind Bilani	Field Work at Mundra Port	8758332244
Shri Sahil Kumbhar	Field Work at Mundra Port	7284046719

- *Question 2: Please specify the field work undertaken by your field staff at Mundra port.*

Answer: The staff looks after the logistics work at the Mundra port in respect of the import consignment and arranges dispatch of the consignment after it is given out of charge by the Customs.

- *Question 3: What are your arrangements with M/s Versatile logistics?*

Answer: M/s Versatile Logistics is also a forwarding agency but did not have any CHA License so I facilitate clearance of the consignment through M/s Continental Shipping Services at Mundra Port.

- *Question 4: Please state what is the agreement or payment terms between M/s Krishna Logistics and M/s Versatile logistics?*

Answer: There is no written agreement between M/s Krishna Logistics and M/s Versatile logistics. M/s Versatile Logistics raises bill on the importer for Customs clearance of the consignments. M/s Krishna Logistics raises bill @ Rs. 15,000/- per container upon M/s Versatile Logistics.

- *Question 5: Please state what is the agreement or payment terms between M/s Krishna Logistics and M/s Continental Shipping Services?*

Answer: There is no written agreement between M/s Krishna Logistics and M/s Continental Shipping Services. M/s Continental Shipping Services raises bill on M/s Krishna Logistics for Customs clearance of the consignments. M/s Continental Shipping Services raises bill depending on the items imported. For example, it is Rs. 2,500/- for MHO per container, Rs. 2,000/- for Base oil per container and Rs. 1,500/- for Black diesel etc.

- *Question 6: Please specify the Customs port for which you negotiate with parties with regard to Customs related works.*

Answer: I negotiate with the clients for getting their Customs related works at Mundra Port.

- *Question 7: How is the classification of the items Mix Hydrocarbon Oil decided.*

Answer: The classification is decided on the basis of import documents provided by the importer in consultation with the importer by M/s Continental Shipping Services at the time of filing of the Bill of entry.

- *Question 8: Did you ask the respective importers to provide chemical analysis report/test report/literature in support of the goods declared to be as MHO in the consignment which have been put on hold and currently are in investigation?*

Answer: We do ask the importer to provide chemical analysis report/test report, If the same is provided it is submitted along with the Bill of Entry.

- *Question 9: Please refer to your reply to the Question above. If the chemical analysis report in respect of the importers is not provided by them, then how it was decided to classify the said goods i.e., Mix Hydrocarbon Oil/Mix Mineral oil under the Customs Tariff heading 27101990 pertaining to "others".*

Answer: It is decided on the basis of import documents provided by the importer and the general practice of the assessment being followed at Mundra Port.

- *Question 10: Please peruse the respective test reports of consignments that have been put on hold by DRI Noida regional Unit. The test results of each of the consignment have been summarized in the table on the next page.*

S.No	Name Of Importer	BOE	No of Containers	Sample No.	Test Report Result
1	M/S Skyfalcon Minerals and Chemicals Private Limited	9788466 Dt. 23.01.2024	12	SA2-344923	Gas Oil
2		9788470 Dt. 23.01.2024	12	SE1-344700	Gas Oil
3		9788488 Dt. 23.01.2024	16	SB3-344703	Kerosene
4		9788473 Dt. 23.01.2024	16	SD2-344693	Kerosene
5		9788474 Dt. 23.01.2024	16	SC3-344720	Gas Oil
6		9788476 Dt. 23.01.2024	12	SG3-344699	Gas Oil
7		9788487 Dt. 23.01.2024	16	SF2-344695	Gas Oil
8		9788468 Dt. 23.01.2024	12	SH3-344711	Kerosene
9		2040130 Dt. Dt. 08/02/24	12	SMD3-A217701	Gas Oil
10		2087386 Dt. Dt. 10/02/24	12	SMB1-A217714	Gas Oil
11		2088871 Dt. Dt. 10/02/24	10	SMC2-A217709	Kerosene
12		2088881 Dt. Dt. 10/02/24	10	SMA1-A217684	Kerosene

- Having perused the test reports please offer your comments.

Answer: I have seen the test reports detailed above as well as the parameters detailed therein. I have also signed all the said test reports as a token of having seen them. On perusal of the test reports, it is seen that it is contrary to the declaration of the item as Mix Hydrocarbon Oil so declared in the Bill of Entry and sought to be imported in consignments/containers hold by DRI.

- Question 11: Do you agree with the outcome of the test reports and the result mentioned therein?

Answer: As the samples have been tested in approved and competent laboratory, I concur with the test reports and the parameters as mentioned in the respective test.

- Question 12: Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788466 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: I agree with the result of the test report and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788466 Dt. 23.01.2024 should be under CTH 27101941. As such, the declaration of the item made in the bill of entry is incorrect and wrong.

- Question 13. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788470 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: I agree with the result of the test report and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788470 Dt. 23.01.2024 should be under CTH 27101941. Therefore, the declaration of the item made in the bill of entry is also incorrect and wrong.

- Question 14. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 9788488 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: In this case also I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS

1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788488 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- Question 15. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 9788473 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788473 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- Question 16. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788474 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788474 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.

- Question 17. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788476 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788476 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.

- *Question 18. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 9788487 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Gas Oil” and the correct classification of the oil in the consignment covered under BOE no 9788487 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is also incorrect and wrong.

- *Question 19. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Kerosene as per IS 1459:2018”. On the basis of the conclusion of do you agree that the BOE no 9788468 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: In this case also I am in agreement with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788468 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 20. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 2040130 Dt. 08/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Gas Oil” and the correct classification of the oil in the consignment covered under BOE no 2040130 Dt. 08/02/24 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.

- *Question 21. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 2087386 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 2087386 Dt. 10/02/24 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is also incorrect and wrong.

- *Question 22. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 2088871 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: In this case also I am in agreement with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 2088871 Dt. 10/02/24 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 23. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 2088881 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 2088881 Dt. 10.02.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 24: Please take cognizance of your reply to the question no 12-23 above and state whether the goods declared in the Bills of entries were mis-declared.*

Answer: on perusal of all test results as referred to in question no.12-23 above, I agree that there is a mis-match between the declaration made while filling the Bills of entry and the test report result of the same. Thus, the declaration made in the Bill of entry is incorrect and wrong. I once again accept all the test reports shown to me and referred to in Question no. 12-23.

- *Question 25: Please take cognizance of the reply to question no 24 above. The goods identified by the lab comprising the consignments and classifiable under the*

said headings are not freely importable as they are restricted in nature and can only be imported by STEs (State Trading Enterprises). Then why Bill of Entry has been filed by way of mis-declaration for restricted items.

Answer: I agree that the items identified by the lab comprising of the said consignments are restricted and can only be imported by STEs. I submit that the Bill of entry was filed on the basis of documents and information provided by the importer.

- *Question.26. Do you wish to state anything?*

Ans. I undertake to be more careful in future and abide by the laws and regulations so that I do not repeat such mistakes.

23. And whereas, summons were issued to Ms. Shanmuga Jayashree (**RUD-53**) for appearance on 03.10.2024. Ms. Shanmuga Jayashree, Partner M/s *Continental shipping Services*, appeared on 03.10.2024 to tender her voluntary statement. Her statement was recorded on 03.10.2024 under Section 108 of the Customs Act 1962 wherein she stated as under:

- *I submit that I got married to Shri Shanmugachetty in 2003. I along with my 15-year-old son and my husband are living at the above-mentioned address. I completed MBA from the Alagappa University, Chennai in the year 2015. In 2019, I along with my sister Radha taken over M/s Continental Shipping Services. We are partners of the company. I hold 80% share of the company. Me and my husband look after the work of M/s Continental Shipping Services.*
- *Question 1: Please explain the business of M/s Continental shipping Services?*

Answer: M/s Continental Shipping Services is a partnership firm, in which I along with my sister are partner of the firm and I hold 80% share of the firm. The firm is engaged in the custom clearance of import and export consignments at various ports.

- *Question 2: Please give details of your F Card and also state the customs formation which has issued you the F card.*

Answer: I have not been issued any F-card but one of our employees Shri Rajendra Kumar Chillar has been issued F-card from Hyderabad Customs which is utilised by us in the Customs clearance.

- *Question 3: Please state the present location of your firm.*

Answer: Our Head office is located at Bharani Complex, Minister Road, Flat No. F-55, 2nd floor, Begampet, Hyderabad. We have branches in Chennai, Mundra, Tuticorin and Kolkata. We had one branch in Mumbai also but the same had been closed now.

- *Question 4: How many people are working in your firm.*

Answer: A total no. of 15 people works in our firm. Staff position in various branches of our firm is given below:

<i>Branch City</i>	<i>No. of Employees</i>
<i>Hyderabad (Head Office)</i>	<i>1 Employee</i>
<i>Chennai</i>	<i>2 Employees</i>
<i>Mundra</i>	<i>3 Employees</i>
<i>Tuticorin</i>	<i>3 Employees</i>
<i>Kolkata</i>	<i>6 Employees</i>

- *Question 5: Please name the companies/firms for whom you are providing customs clearance services?*

Answer: Our major clients include:

- 1) *M/s Sky Falcon Minerals and Chemicals Pvt ltd,*
- 2) *M/s Babadev Plastics,*
- 3) *M/s AA Cable Layers,*
- 4) *M/s Tata International Limited,*
- 5) *M/s Prime Industries,*
- 6) *M/s Kutch Petrochem Pvt ltd,*
- 7) *M/s Ramdev Plastics,*
- 8) *M/s Hind Global Energy,*
- 9) *M/s Infinity Oil Pvt ltd.*

- *Question 6: What are the ports where you are providing customs clearance services?*

Answer: Our major business is at Mundra and Kolkata, however we also do conduct small business at Chennai, Tuticorin and Hyderabad port etc.

- *Question 7: How do you provide customs clearance facilities at Mundra? Please explain the same with regard to the functioning of your firm.*

Answer: Our client forwards the import documents to M/s Krishna Logistics, who work is handled by Shri Satish Maheshwari and M/s Krishna Logistics forwards all the document to our firm by hand only which are examined by the staff who later on prepare check list which is sent to the client for approval. Once the checklist is approved, the bill of entry is filed online on the ICEGATE website. After it is approved, the examination of the cargo by the customs officers is conducted in the presence of the G-card holder or Authorised person of the firm. After the examination and out-of-charge given by the customs the documents are handed over to the transporter who is engaged by the importer or sometimes by us or by M/s Krishna Logistics also

- *Question 8: How the firm named M/s Krishna Logistics is associated with your firm? Is there any written contract?*

Answer: M/s Krishna Logistics only brings business and forward the documents for further customs-related work to us only. There is no written agreement and we conduct business together on the basis of oral and verbal understanding.

- *Question 9: Please name the companies related to Shri Satish Maheshwari who are provided custom clearance services by your firm.*

Answer: All the firms/companies whom M/s Continental Shipping services provides Custom Clearance Services at Mundra are associated to Shri Satish Maheshwari only.

- *Question 10: Please state which goods are dealt by Sh Satish Maheshwari at Mundra for which he provides the documentation.*

Answer: Sh Satish Maheshwari looks after the clients who import Oil, other petroleum products, Plastic items, granule, Machinery items at Mundra Port.

- *Question 11: Your kind attention is invited to your reply to Question 7 above wherein you mentioned that once the importers approve the checklist then your office files Bill of Entry on behalf of the importer. Please state by what medium you get the approval and kindly provide a copy of the same.*

Answer: As stated above M/s Krishna Logistics sends the checklist to the importer for approval. After receiving approval from the importer M/s Krishna Logistics confirms the approval to us for filing of Bill of Entry. One or two employees of M/s Krishna Logistics sits in our office only.

- *Question 12: Please define your payment terms/agreements with the associate firm namely M/s Krishna Logistics.*

Answer: There is no written agreement or terms for payment with M/s Krishna Logistics. However, we have decided the rates per container, verbally. We raise an invoice of Rs 1180/- per container to M/s Krishna Logistics.

- *Question 13: Please state how much commission you give to the associate firm M/s Krishna Logistics.*

Answer: As stated above, we have a fixed charge policy for filing BOE with our associate firms. We charge Rs 1180/- per container. We are not concerned about the commission that M/s Krishna Logistics might be getting from the importer.

- *Question 14: Please state, who gets the examination conducted at the Mundra port for the import consignment of your clients?*

Answer: The examination at the port is conducted by Sh. Salim Sayd G-Card holder and Shri Naresh Sodham, H- card holder, employees, of M/s Continental Shipping Services, who have been appointed by the firm for facilitating customs clearance at Mundra port.

- *Question 15: Are you aware that some containers which have been declared to contain MHO have been put on hold by the DRI Noida Regional unit at Mundra port?*

Answer: Yes I am aware of the fact that DRI Noida Regional Unit has put on hold some consignments of MHO of our various clients as detailed below:

S.NO	IEC Name	BOE No	No of containers
1	M/S A. A. Cable Layers	9788458 Dt.23.01.2024	14
		9783769 Dt.23.01.2024	14
		9783627 Dt. 23.01.2024	12
2	M/S Skyfalcon Minerals and Chemicals Private Limited	9788466 Dt. 23.01.2024	12
		9788470 Dt. 23.01.2024	12
		9788488 Dt. 23.01.2024	16
		9788473 Dt. 23.01.2024	16
		9788474 Dt. 23.01.2024	16
		9788476 Dt. 23.01.2024	12
		9788487 Dt. 23.01.2024	16
		9788468 Dt.23-01-2024	12
		2040130 Dt.08/02/24	12
		2087386 Dt.10/02/24	12
		2088871 Dt.10/02/24	10
		2088881 Dt.10/02/24	10

- *Question 16: Since the Bills of Entry have been filed by you in behalf of the above-mentioned importers, please state how did these importers came in contact with you.*

Answer: The importers mentioned in the answer to question number 15 above are clients of our associate, M/s Krishna Logistics. The customs related work in respect of these firms, has come thorough M/s Krishna Logistics.

- *Question 17: What were the documents that were provided by the importers mentioned by you in reply to question no 15 above and from whom they were received when you filed the BOE on their behalf.?*

Answer: These Importers forwarded invoices, packing list and Bill of Lading to M/s Krishna Logistics through mail which were subsequently forwarded to us by hand on the basis of which we file the respective bill of entry.

- *Question 18: What is the Item “MHO/ Mix Hydrocarbon Oil/Mixed Hydrocarbon Oil/Mineral Hydrocarbon Oil”, mentioned in the Bills of entries filed by you on behalf of these importers.*

Answer: As per my understanding and information provided by the importers it is a type of petroleum product.

- *Question 19: Please state, what is the use of MHO?*

Answer: As per the information provided by the importer it is for industrial Use.

- *Question 20: Please specifically state and clarify the industrial use as mentioned in your reply to question no 19 above.*

Answer: I am not aware of the specific industrial use of the product. This can be clarified by the importer only. As we are concerned only with custom clearance related work.

- *Question 21: Please state whether you have been provided with any chemical analysis report/ test report of the product by the importer issued by the supplier.*

Answer: We were provided an analysis report on the letter head of the supplier by the importer but no chemical test report by the authorised laboratory was provided.

- *Question 22: If no chemical analysis report/ test report of the product is submitted by the importer than what was the basis of classification of the product under Chapter Heading 27101990 in the category of item “Others”*

Answer: As per our understanding and discussion of our employees with the importer, it was classified under CTH 27101990 which pertains to others.

- *Question 23: Please refer to Question no 22 above and state who classifies the goods to be filed in the Bill of Entry. Further without any chemical analysis report or test report how do you come to the conclusion to classify the product as MHO in the Bill of Entry?*

Answer: As stated above, after discussion with the importers and the documents provided by the importer, goods are classified under CTH 27101990- “others”.

- *Question 24: Did you ask the importer or insist upon them, for providing chemical analysis report /test reports?*

Answer: No, we did not insist upon them for any chemical analysis report or test report.

- *Question 25: Please peruse the respective test reports of consignments that have been put on hold by DRI Noida regional Unit and are mentioned in reply to question 15 above. The test results of each of the consignment have been summarized in the table below.*

S.NO	Name Of Importer	BOE	No of Container s	Sample No.	Test Report Result
4	M/s Falcon Minerals and Chemicals Pvt Ltd	9788466 Dt. 23.01.2024	12	SA2- 344923	Gas Oil
5		9788470 Dt. 23.01.2024	12	SE1-344700	Gas Oil
6		9788488 Dt. 23.01.2024	16	SB3-344703	Kerosene
7		9788473 Dt. 23.01.2024	16	SD2-344693	Kerosene
8		9788474 Dt. 23.01.2024	16	SC3-344720	Gas Oil
9		9788476 Dt. 23.01.2024	12	SG3-344699	Gas Oil
10		9788487 Dt. 23.01.2024	16	SF2-344695	Gas Oil
11		9788468 Dt. 23-01-2024	12	SH3-344711	Kerosene
12		2040130 Dt. Dt.08/02/24	12	SMD3-A217701	Gas Oil
13		2087386 Dt. Dt.10/02/24	12	SMB1-A217714	Gas Oil
14		2088871 Dt. Dt.10/02/24	10	SMC2-A217709	Kerosene
15		2088881 Dt. Dt.10/02/24	10	SMA1-A217684	Kerosene

Having perused the test reports please offer your comments.

Answer: I have perused each of the test reports detailed above. I have also gone through the parameters mentioned in each of the test reports. I have signed the test reports as a token of having seen the same. On perusal of the test reports, it is seen that the lab has come to a conclusion that the consignment does not consist of MHO but a different oil as mentioned in the Respective report.

- *Question 26: Do you agree with the outcome of the test reports and the result mentioned therein?*
Answer: Yes, I am in agreement with the conclusion arrived at by the lab as mentioned in the respective test report.
- *Question 27: Please give your opinion on whether MHO as declared by you in the bills of entry and the item identified as per the test result of the respective item are same or different?*
Answer: No, the goods identified by the laboratory as per the test report and the item description & CTH declared in the Bill of Entry are different.
- *Question 28: Please refer to regulation 10 (e) of the Customs Brokers Licensing Regulations, 2018, wherein it is specifically mentioned that due diligence is to be exercised by customs Broker to ascertain the correctness of any information which is imparted by you to the client with reference to any work related to the clearance of the cargo or baggage. In the light of discrepancies noticed as per test report vis-à-vis declaration made in the Bill of Entry in respect of the goods and its classification, it appears that due diligence has not been exercised to ensure that description of the goods is appropriately given and correctly classified. Please offer your comments.*
Answer: As per the documents provided by the importer and the discussion, the classification of the goods as MHO and under CTH 27101990 is correct. The discrepancy has come to notice only as a result of the test report of the sample submitted by the laboratory. The Importer can only explain the Discrepancy so noticed.
- *Question 32: Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788466 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*
Answer: I agree with the result of the test report and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788466 Dt. 23.01.2024 should be under CTH 27101941. As such, the declaration of the item made in the bill of entry is incorrect and wrong.
- *Question 33. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788470 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788470 Dt. 23.01.2024 should be under CTH 27101941. Therefore, the declaration of the item made in the bill of entry is also incorrect and wrong.

- *Question 34. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 9788488 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: In this case also I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788488 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 35. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 9788473 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788473 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 36. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 9788474 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 9788474 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.

- *Question 37. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 9788476 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*
Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Gas Oil” and the correct classification of the oil in the consignment covered under BOE no 9788476 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.
- *Question 38. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 9788487 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*
Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Gas Oil” and the correct classification of the oil in the consignment covered under BOE no 9788487 Dt. 23.01.2024 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is also incorrect and wrong.
- *Question 39. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Kerosene as per IS 1459:2018”. On the basis of the conclusion of do you agree that the BOE no 9788468 Dt. 23.01.2024 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*
Answer: In this case also I am in agreement with the result of the test report in respect of the said consignment and the conclusion that the same consists of “Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 9788468 Dt. 23.01.2024 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.
- *Question 40. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be “Gas Oil”. On the basis of the conclusion of do you agree that the BOE no 2040130 Dt. 08/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 2040130 Dt. 08/02/24 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is incorrect and wrong.

- *Question 41. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Gas Oil". On the basis of the conclusion of do you agree that the BOE no 2087386 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101941 and not 27101990 as classified by you in the bill of entry filed by you.*

- *Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Gas Oil" and the correct classification of the oil in the consignment covered under BOE no 2087386 Dt. 10/02/24 should be under CTH 27101941. Thus, the declaration of the item made in the bill of entry is also incorrect and wrong.*

- *Question 42. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 2088871 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: In this case also I am in agreement with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 2088871 Dt. 10/02/24 should be under CTH 27101932. Thus, the declaration of the item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 43. Your kind attention is invited to the conclusion of the test report for the sample of M/S Skyfalcon Minerals and Chemicals Private Limited wherein the oil has been found to be "Kerosene as per IS 1459:2018". On the basis of the conclusion of do you agree that the BOE no 2088881 Dt. 10/02/24 filed by you and imported by M/S Skyfalcon Minerals and Chemicals Private Limited, is correctly classifiable under CTH 27101932 and not 27101990 as classified by you in the bill of entry filed by you.*

Answer: I agree with the result of the test report in respect of the said consignment and the conclusion that the same consists of "Kerosene as per IS 1459:2018. I also agree that the correct classification of the oil in the consignment covered under BOE no 2088881 Dt. 10.02.2024 should be under CTH 27101932. Thus, the declaration of the

item made in the bills of entries is incorrect and wrong in case of this Bill of Entry also.

- *Question 44: Please take cognizance of your reply to the question no 29-43 above and state whether the goods declared in the Bills of entries were mis-declared.*
*Answer: I have already admitted that the goods identified by the lab and the one declared in the Bills of entry are different. Though *prima-facie* it appears to be a case of misdeclaration, I wish to submit that the declaration and classification in the bill of entry was made on the basis of the documents and information provided by the respective importers.*
- *Question 45: Please take cognizance of the reply to question no 44 above. The items identified by the lab comprising the consignments and classifiable under the said headings are not freely importable as they are restricted in nature and can only be imported by STEs(State Trading Enterprises). Then why Bill of Entry has been filed by way of misdeclaration for restricted items.*
Answer: I agree that the items identified by the lab comprising of the said consignments are restricted and can only be imported by STEs. I reiterate that the Bill of entry was filed on the basis of documents and information provided by the importer. Under what circumstance the mis-declared restricted goods were imported can only be explained by the respective importer.
- *Question 46: Your kind attention is invited to CTH 27101990- “Others” and chapter 27, and that there are a lot of restricted goods in this chapter that can only be imported by STEs. Please state whether this particular CTH 27101990 was chosen by you as the import policy associated with this CTH is “free to import”? And further state as CHA should you not be extra careful that the importer should not bring any restricted item/goods in lieu of free goods?*
Answer: As stated in different questions above, the basis of classification of the goods under CTH is because the product does not fall under any other CTH in this chapter. Further general trade practice at the port regarding this product is that it is to be classified under CTH 27101990. However just to be double sure and being careful about the nature of the goods, we always opt for the first check of the consignment. This allows us to double-check the consignments imported by the importer.
- *Question 47: Do you wish to state anything else?*
Answer: I wish to submit that my firm has no role in the discrepancies noticed in the consignment. The importer is liable to face any action on account of misdeclaration of the consignment. It is requested that this aspect maybe considered accordingly while concluding the instant case.

24.(a) In order to ascertain the role of M/s Versatile Logistics having address as - 1st Floor, Plot no 72, Office no 124, Shiv Centre Premises Society LTD, Vashi, Turbhe Road, Sector 17,

Arenja Corner, Vashi, Navi Mumbai, Thane, Maharashtra, summons (**RUD-54**) were issued on 10/01/2025 for their appearance on 15/01/2025.

24(b) Shri Ravindra Sawant, proprietor of M/s Versatile Logistics appeared in the Office of the DRI on the scheduled date i.e 15/01/2025 and tendered his voluntary statement under Section 108 of Customs Act'1962(**RUD-55**) wherein he iner-alia stated as under:

I am Shri Ravindra Rajaram Sawant S/o late Shri Rajaram Sawant, permanent resident of resident of 17/1004 Trinity Hills CHS, GB Road Kasarvadavali Thane West, Haware Citi, Thane, Maharashtra-40061. My age is 44years and I completed by 12th standard in Bombay. My wife's name is Ms Rashmi Ravindra Sawant, I have one son, aged 11 years. All of us live at the above-mentioned address only. As far as my professional life is concerned started my career in a courier company in the year 2000 in Bombay, later in the year 2003 I joined M/s Swastik Shipping, a CHA firm that looked after customs-related clearance, I worked as a runner boy there. I worked there till 2006. From 2006 to 2012 I worked with an importer M/s Shree International, here also I worked as an office boy to prepare and see the documentation for customs clearance. Then from 2015 I started my own partnership firm- M/s Corner Stone Logistics, with other two partners Sh Rahul Dubey and Sh Vishwanath Kotion, we use to do clearing and forwarding work through this firm. Then in 2018 due to an internal dispute between the partners I was out of the partnership. The in year 2019 I registered my own proprietorship Firm- M/s Versatile Logistics (GSTIN- 27AZLPS9969E2ZE), address- 1st Floor, Plot no 72,Office no 124, Shiv Centre Premises Society LTD, Vashi, Turbhe Road, Sector 17, Arenja Corner, Vashi, Navi Mumbai, Thane, Maharashtra- 400703.

- *Question 2: Please tell us about M/s Versatile Logistics?*

Ans: As stated above, I am the Proprietor of the firm M/s Versatile Logistics. M/s Versatile Logistics conducts the work of freight forwarding and facilitation of customs clearing.

- *Question3: Please tell us about M/s. Shree krishna Logistics? Also please state about your responsibilities.*

Ans: In Feb 2023, I came in contact with Shri Satish Maheshwari of M/s Shree Krishna logistics. Then in June 2023 we started working together regarding the clearance of Customs related work.

- *Question 4: Please refer to Question 4 above and elaborate what kind of clearance work were you doing together and how?*

Ans: M/s Versatile Logistics, facilitates importers about their imports at various ports and connects them with the right CHAs for clearance. When an importer contacts us for import of any kind then we connect them to the right CHA of the specific port as per the request of the Importer.

- *Question 5: How much money do you charge for this kind of facilitation work?*
Ans: The charges are variable and changes from importer to importer however we generally charge around 3 to 4 thousand for this facilitation that we provide.
- *Question 6: Please refer to the question no 5 above and state what happens after connecting the importer to the concerned CHA? Is your work ends here?*
Ans: Our work ends once the consignment is cleared from customs. Once the importer is connected to the CHA, we do regular follow ups with the CHA and update the importer about the developments.
- *Question 7: In the questions above, you stated that you just connect Importer and CHA for their work then why are you doing follow-ups and updating the importers about the developments taken from CHA.*
Ans: The importer pays us for this facilitation work that is why we are engaged in the work till customs clearance of the goods and give regular updates to the importer about the same.
- *Question 8: Once you have connected the CHA and importer then why do the importer gives you facilitation charges for all the consignments and not contact the CHA directly for the import related work?*
Ans: This work is based on trust, so sometimes the importer does not have enough trust directly on the CHA so they let us be involved in the whole thing of clearance till the consignment is cleared from customs.
- *Question 9: Have you been issued any type of license to work as a CHA under the CBLR rules?*
Ans: No I have not been issued any such license under CBLR regulations 2018.
- *Question 10: If you have not been issued any license as per CBLR rules 2018, then under which provisions are you conducting this business of customs clearance?*
Ans: M/s Versatile Logistics, only facilitates the clearance work and do not conduct customs clearance or examination work directly.
- *Question 11: Please refer to question no 3 above and state the nature of work, that you do with M/s Shri Krishna logistics, also please state the name of the importers for which M/s Versatile Logistics and M/s Shri Krishna Logistics work together.*
Ans: As stated in above answers, I do business with Shri Krishna logistics as per the nature of demand of the importer. Shri Satish Maheshwari is a business associate and handles the work at Mundra port in Gujarat, so if any importer comes with a request to work at Mundra port I connects them to Shri Satish Maheshwari of M/s Shri Krishna logistics. I had two importer clients M/s Skyfalcon chemicals and Minerals and M/s AA Cable Layers, who requested us to import Mix Hydrocarbon Oil at Mundra Port so I contacted Shri Satish

Maheshwari of M/s Shri Krishna logistics to facilitate the clearance work of the clients at Mundra port.

- *Question 12: Please tell us about M/s.Skyfalcon Chemicals and Minerals Pvt ltd and M/s AA Cable layers. Also please share the details of the representative persons from both the firms who came in contact with you for this clearance work.*

Ans. Shri S Sudhakar, partner of M/s Skyfalcon chemicals and minerals pvt ltd and Shri Gurmeet Singh, Proprietor of M/s AA Cable Layers, contacted me for facilitating this work of import clearance of Mix hydrocarbon oil at Mundra Port.

- *Question 13: What was the flow of documents/work of this facilitation that you are saying your firm does?*

Ans: First of all, the importers viz- M/s Skyfalcon Chemicals and Minerals Pvt Ltd and M/s AA Cable Layers, send the documents viz, Invoice, Packing list, Bill of Lading, Chemical Analysis report etc to M/s Versatile logistics on E-mail id, versatileimpt@gmail.com. We then forward all the documents to M/s Shri Krishna logistics who then further forwards the documents to M/s Continental Shipping services for preparation of checklist. Once the checklist is prepared, M/s Continental Shipping services, forwards the checklist to M/s Shri Krishna logistics who further forwards it to us. We then forward the checklist to the importer for approval. Once the approval of the checklist is received from the importer, the same is again forwarded to M/s Shri Krishna logistics who then forwards it to M/s Continental Shipping Services for filing of documents. This process is followed in all the communications.

- *Question 14: Whether all the communications and correspondences related to the filing work were done through E- mail ?*

Ans: All the correspondences and communications were done mostly through E-mail only. However, sometimes approvals and communications were received through Whatsapp also.

- *Question 15: What is the process of payments to the shipper and duty payments on the port? Were these payments made by you on behalf of the importer?*

Ans: All the payments related to the consignment were made by importer only. Like I told in reply to question no 12 above, the process of communication is the same though. Like the shipper will issue invoice and send to the CHA- M/s Continental shipping services, who then sends the invoice to M/s Shri Krishna logistics, who will then send the invoice to us- M/s Versatile logistics, we will forward the invoice to the importer for payment as per the invoice. The importer will then share the payment screen shot to us which will then flow in reverse manner above from us to the shipper as explained.

- *Question 16: Please state about the business turnover and the commodities being dealt by you at various ports? Please provide the details of staff and responsibilities.*

Ans: We majorly deal in the import of oil, plastic granules, and reconditioned machinery. Our firm is based in Mumbai so we majorly do work based in Mumbai only. We did the facilitation work for only two importers viz M/s Skyfalcon chemicals and Minerals Pvt ltd and M/s AA Cable Layers on Mundra port. Our turnover is approx. 80 to 90 lakhs. I have total 4 people working for me in my office as detailed below:

S.NO	Name of the staff	Work profile	Contact No.
1.	Mayuri	Documentation work at office	9870107007
2	Chetan	Follow up at port	7208503431
3	Vikrant	Delivery order collection	9579804485

- *Question 17: Please provide the details of shipping companies related to the imports done by M/s A.A. Cable Layers and M/s Skyfalcon Chemical and Minerals Pvt Ltd.*

Ans: Majorly imports were done by Iyer Shipping, Maersk and Cordelia shipping line for both the importers.

- *Question 18: Please state how the orders are placed and who in your firm give the orders to supplier?*

Ans: The orders are placed by the importer itself, we only forward the documents i.e these bill of entry only on the basis of documents provided by respective importers, we have no role to play with the supplier.

- *Question 19: What is the commodity in question i.e Mix Hydrocarbon Oil that the consignments of the importers viz M/s Skyfalcon Minerals and Chemicals Pvt Ltd and M/s AA Cable Layers contain?*

Ans: I have a very limited knowledge of the commodity in question however as per my understanding Mix Hydrocarbon Oil is a blend of various oils and the main usage of the oil is for industrial purposes.

- *Question 20: Please specifically state and clarify the industrial use as mentioned in your reply to question no 26 above.*

Answer: I am not aware of the specific industrial use of the product. This can be clarified by the importer only.

- *Question 21: Are you aware of any Standard or Literature that defines the product i.e. "Mix Hydrocarbon Oil"?*

Ans.: Mix Hydrocarbon Oil is generally a blend of 2 or 3 different oils and as per my knowledge there is no specific standard to define the same.

- *Question 22: Is there any import regulation that has to be followed for importing the said commodity i.e. "Mix Hydrocarbon Oil"*

Ans: I am not aware of any such regulation for importing the commodity in question.

- *Question 23: Please state whether goods i.e. Mix Hydrocarbon Oil so imported in consignments/containers hold by DRI and imported in earlier consignments are same?*

Ans: Yes sir, as per the documents provided by the importer and the declaration of the commodity in the documents they are the same.

- *Question 24: Please state what are the BIS parameters applicable on the item i.e. Mix Hydrocarbon Oil?*

Ans: No BIS standards are applicable on this imported item i.e. Mix Hydrocarbon Oil.

- *Question 25: Please state have you made any payments to the supplier of Mix Hydrocarbon Oil or have received any payment from the buyers? If so please provide the Bank Details for the same?*

Ans: No, we have never made any payments to the supplier of Mix Hydrocarbon Oil nor have received any payment from the buyers. As stated above we just facilitated the process and never involved in the sale purchase of the commodity.

- *Question 26: Please define your payment terms/agreements with the importer and the firm namely M/s Shri Krishna logistics.*

Ans: There is no written agreement for the payment terms between us, the importer and the firm M/s Shri Krishna logistics. M/s Skyfalcon Minerals and Chemicals Pvt Ltd and M/s AA Cable Layers, pays us Rs 5000/- (GST Excl) per container as facilitation charges, out of which we pay Rs 1000/- (GST Excl) to M/s Shri Krishna Logistics. All these figures were decided verbally. We raise invoice to importers and Shri Krishna logistics raises invoice to us. I am not aware of the payment terms of Shri Krishna Logistics and M/s Continental Shipping services.

- *Question 27: Please peruse the respective test reports of consignments that have been put on hold by DRI Noida regional Unit and are mentioned in reply to question 15 above. The test results of each of the consignment have been summarized in the table below.*

S.No	Bill of Entry No and date	Name of the Importer	No. of containers	Testing Lab	Test result
1	9788466 Dt. 23.01.2024	M/S	12	IOCL	Gas Oil
2	9788470 Dt. 23.01.2024		12		Gas Oil
3	9788488 Dt. 23.01.2024		16		Kerosene

4	9788473	Dt. 23.01.2024	Skyfalcon Minerals And Chemicals Private Limited	16		Kerosene
5	9788474	Dt. 23.01.2024		16		Gas Oil
6	9788476	Dt. 23.01.2024		12		Gas Oil
7	9788487	Dt. 23.01.2024		16		Gas Oil
8	9788468	Dt. 23- 01-2024		12		Kerosene
9	2040130	Dt. 08.02.2024		12		Gas Oil
10	2087386	Dt. 10.02.2024	M/S A. A. Cable Layers,	12	CRCL	Gas Oil
11	2088871	Dt. 10.02.2024		10		Kerosene
12	2088881	Dt. 10.02.2024		10		Kerosene
13	9788458	Dt. 23.01.2024		14	IOCL	Kerosene
14	9783769	Dt. 23.01.2024		14		Kerosene
15	9783627	Dt. 23.01.2024		12		Kerosene
<i>Total Containers</i>			196			

- Having perused the test reports please offer your comments.

Answer: I have perused each of the test reports detailed above. I have also gone through the parameters mentioned in each of the test reports. I have signed the test reports as a token of having seen the same.

- Question 28: Do you agree with the outcome of the test reports and the result mentioned therein?

Answer: Having perused each of the test reports as well as the parameters I am in agreement with the conclusion of the report.

- Question 29: Please give your opinion on whether MHO as declared by you in the bills of entry and the item identified as per the test result of the respective item are same or different?

Answer: The goods identified by the laboratory as per the test report and the item description & CTH declared in the Bill of Entry are different.

- Question 30. Your kind attention is invited to the conclusions of the test report for the sample of M/s A. A. Cable Layers and M/s Skyfalcon Chemicals and Mineral Pvt

ltd, filed under Bills of Entry no. 9788488 Dt. 23.01.2024, 9788473 Dt. 23.01.2024, 9788468 Dt. 23-01-2024, 2088871 Dt. 10.02.2024, 2088881 Dt. 10.02.2024, 9788458 Dt. 23.01.2024, 9783769 Dt. 23.01.2024 and 9783627 Dt. 23.01.2024wherein as per the parameters given by the IOCL and CRCL lab the oil has been found to be Kerosene, which is correctly classified under CTH 27101932. In the light of the test report and your reply to question No 26 above, do you agree that the Kerosene imported in consignment covered under Bills of Entry as mentioned above are correctly classifiable under CTH 27101932 and not 27101990 as classified in the bill of entry.

Answer: In view of the conclusion made as per the parameters given by OICL report, I agree that the correct classification of the oil in the consignment covered under Bills of Entry no. 9788488 Dt. 23.01.2024, 9788473 Dt. 23.01.2024, 9788468 Dt. 23-01-2024, 2088871 Dt. 10.02.2024, 2088881 Dt. 10.02.2024, 9788458 Dt. 23.01.2024, 9783769 Dt. 23.01.2024 and 9783627 Dt. 23.01.2024should be under CTH 27101932. The declaration of the item made in the bills of entries is incorrect and wrong.

- *Question 31. Your kind attention is invited to the conclusions of the test report for the sample of M/s Skyfalcon Chemicals and Mineral Pvt ltd, filed under Bills of Entry no. 9788466 Dt. 23.01.2024, 9788470 Dt. 23.01.2024, 9788474 Dt. 23.01.2024, 9788476 Dt. 23.01.2024, 9788487 Dt. 23.01.2024, 2040130 Dt. 08.02.2024 and 2087386 Dt. 10.02.2024wherein as per the parameters given by the IOCL and CRCL lab the oil has been found to be Gas Oil, which is correctly classified under CTH27101941. In the light of the test report and your reply to question No 26 above, do you agree that the GAS oil imported in consignment covered under Bills of Entry as mentioned above are correctly classifiable under CTH 27101932 and not 27101990 as classified in the bill of entry.*

Answer: In view of the conclusion made as per the parameters given by OICL report, I agree that the correct classification of the oil in the consignment covered under Bills of Entry no. 9788466 Dt. 23.01.2024, 9788470 Dt. 23.01.2024, 9788474 Dt. 23.01.2024, 9788476 Dt. 23.01.2024, 9788487 Dt. 23.01.2024, 2040130 Dt. 08.02.2024 and 2087386 Dt. 10.02.2024should be under CTH 27101941. The declaration of the item made in the bills of entries is incorrect and wrong.

- *Question 32: Please take cognizance of your reply to the questions no 29-30 above and state whether the goods declared in the Bills of entries were mis-declared been filed by way of misdeclaration for restricted items.*

Answer: I agree that the items identified by the lab comprising the said consignments are restricted and can only be imported by STEs .Under what circumstance the mis-declared restricted goods were imported can only be explained by the respective importer.

- *Question 33: Do you wish to state anything else?*

Answer: I wish to submit that my firm has no role in the discrepancies noticed in the consignment. The importer is liable to face any action on account of misdeclaration of the consignment. It is requested that this aspect maybe considered accordingly while concluding the instant case.

25. LEGAL PROVISIONS:

25.1 From the foregoing it appears that the goods in the instant case i.e Gas Oil is correctly classifiable under CTH 2710 1941 and Kerosene is correctly and appropriately classifiable under CTH 2710 1932. The relevant portion of the Customs tariff head 2710 reads as under:

SECTION-V

CHAPTER-27

(1)		(2)	Policy	Remarks
2710		Petroleum oils and oils obtained from bituminous minerals, (other than crude) preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations other than those containing bio-diesel and other than waste oils		
		Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, other than those containing biodiesel and other than waste oils:		
2710 19	--	Other :		
2710 1932	----	Kerosene conforming to standard IS 1459	State trading enterprises	Import as per policy conditions (5) of Chapter 27
2710 19 41	----	Gas Oil	State trading enterprises	Import as per policy conditions (5) of Chapter 27

25.2 Policy Conditions of this Chapter:

- (1) ----.
- (2) ----.
- (3) ----.
- (4) ----.
- (5) *Import allowed through IOC subject to para 2.20 of Foreign Trade Policy, except for the companies who have been granted rights for marketing of transportation fuels in terms of Ministry of P&NG's Resolution No. P23015/1/2001-MKT. Dated 8.3.2002 including HPCL, BPCL & IBP who have been marketing transportation fuels before this date.*

25.3. Section 3 of The Foreign Trade (Development and Regulation) Act, 1992 :

Powers to make provisions relating to imports and exports. –

- (1) ----
- (2) *The Central Government may also, by Order published in the Official Gazette, make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by or under the Order, the import or export of goods.*
- (3) *All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly.*

25.4. Section 2(2) of the Customs Act, 1962:

“assessment” means determination of the dutiability of any goods and the amount of duty, tax, cess or any other sum so payable, if any, under this Act or under the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act) or under any other law for the time being in force, with reference to-

- (a) *the tariff classification of such goods as determined in accordance with the provisions of the Customs Tariff Act;*
- (b) *the value of such goods as determined in accordance with the provisions of this Act and the Customs Tariff Act;*
- (c) *exemption or concession of duty, tax, cess or any other sum, consequent upon any notification issued therefore under this Act or under the Customs Tariff Act or under any other law for the time being in force;*
- (d) *the quantity, weight, volume, measurement or other specifics where such duty, tax, cess or any other sum is leviable on the basis of the quantity, weight, volume, measurement or other specifics of such goods;*
- (e) *the origin of such goods determined in accordance with the provisions of the Customs Tariff Act or the rules made thereunder, if the amount of duty, tax, cess or any other sum is affected by the origin of such goods;*
- (f) *any other specific factor which affects the duty, tax, cess or any other sum payable on such goods, and includes provisional assessment, self-assessment, re-assessment and any assessment in which the duty assessed is nil;*

25.5 Section 2(14) of the Customs Act, 1962: "dutiable goods" means any goods which are chargeable to duty and on which duty has not been paid;

25.6 Section 2(16) of the Customs Act, 1962: "entry" in relation to goods means an entry made in a bill of entry, shipping bill or bill of export and includes the entry made under the regulations made under Section 84.

25.7 Section 2 (33) of the Customs Act 1962 :

"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 ;

25.8 Section 17 of the Customs Act, 1962:

Section 17. Assessment of duty. – (1) An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods.

(2)

(3)

(4) *Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.*

(5)

25.9. Section 46(4) and Section 46(4A) of the Customs Act, 1962 :

46(4) :

The importer while presenting a bill of entry shall ¹¹[* *] make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, ¹²[and such other documents relating to the imported goods as may be prescribed]*

46(4A):

The importer who presents a bill of entry shall ensure the following, namely: -(a) the accuracy and completeness of the information given therein; (b) the authenticity and validity of any document supporting it; and (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

25.10. Section 112 of the Customs Act, 1962 :

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;

(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher :

Provided that where such duty as determined under sub-section (8) of section 28 and the interest payable thereon under section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this section shall be twenty-five per cent. of the penalty so determined;]

(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty [not exceeding the difference between the declared value and the value thereof 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;]

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty [not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest”

25.11. Section 114AA of the Customs Act, 1962 – Penalty for use of false and incorrect material. - If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.

25.12. Section 140 of the Customs Act, 1962: Offences by companies. - (1) If the person committing an offence under this Chapter is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

25.13. Regulation 10 of the Customs Broker Licensing Regulation 2018:

Obligations of Customs Broker.—A Customs Broker shall —

(a) obtain an authorisation from each of the companies, firms or individuals by whom he is for the time being employed as a Customs Broker and produce such authorisation whenever required by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;

- (b) transact business in the Customs Station either personally or through an authorized employee duly approved by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;
- (c) not represent a client in any matter to which the Customs Broker, as a former employee of the Central Board of Indirect taxes and Customs gave personal consideration, or as to the facts of which he gained knowledge, while in Government service;
- (d) advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;
- (e) exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;
- (f) not withhold information contained in any order, instruction or public notice relating to clearance of cargo or baggage issued by the Customs authorities, as the case may be, from a client who is entitled to such information;
- (g) promptly pay over to the Government, when due, sums received for payment of any duty, tax or other debt or obligations owing to the Government and promptly account to his client for funds received for him from the Government or received from him in excess of Governmental or other charges payable in respect of cargo or baggage on behalf of the client;
- (h) not procure or attempt to procure directly or indirectly, information from the Government records or other Government sources of any kind to which access is not granted by the proper officer;
- (i) not attempt to influence the conduct of any official of the Customs Station in any matter pending before such official or his subordinates by the use of threat, false accusation, duress or the offer of any special inducement or promise of advantage or by the bestowing of any gift or favour or other thing of value;
- (j) not refuse access to, conceal, remove or destroy the whole or any part of any book, paper or other record, relating to his transactions as a Customs Broker which is sought or may be sought by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be;
- (k) maintain up to date records such as bill of entry, shipping bill, transhipment application, etc., all correspondence, other papers relating to his business as Customs Broker and accounts including financial transactions in an orderly and itemised manner as may be specified by the Principal Commissioner of Customs or Commissioner of Customs or the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;

- (l) immediately report the loss of license granted to him to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be;
- (m) discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;
- (n) verify correctness of Importer Exporter Code (IEC) number, Goods and Services Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information;
- (o) inform any change of postal address, telephone number, e-mail etc. to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, of all Customs Stations including the concerned Deputy Commissioner or Assistant Commissioner of the Commissionerate who has granted the license immediately within two days;
- (p) maintain all records and accounts that are required to be maintained under these regulations and preserve for at least five years and all such records and accounts shall be made available at any time for the inspection of officers authorised for this purpose; and
- (q) co-operate with the Customs authorities and shall join investigations promptly in the event of an inquiry against them or their employees

25.14 Section 3 of the Petroleum Act, 1934

Import, transport and storage of petroleum.—(1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4. (2) Save in accordance with the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4, no one shall import petroleum Class A, and no one shall transport or store any petroleum.

25.15 Section 4 of the Petroleum Act, 1934 Rules for the import, transport and storage of petroleum.—

The Central Government may make rules—

- a) prescribing places where petroleum may be imported and prohibiting its import elsewhere;
- b) regulating the import of petroleum;
- c) prescribing the periods within which licences for the import of petroleum Class A shall be applied for, and providing for the disposal, by confiscation or otherwise, of any [petroleum Class A] in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported;
- d) regulating the transport of petroleum;
- e) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;
- f) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;
- g) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

- h) prescribing the form and conditions of licences for the import of 5 [petroleum Class A], and for the transport or storages of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;
- i) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;
- j) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;
- k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and
- l) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum including the charging of fees for any services rendered in connection with the import, transport and storage of petroleum.

25.16 Rule 4 of Petroleum Rules, 2002: Approval of containers. –

- (1) Containers exceeding one litre in capacity for petroleum Class A and five litres in capacity for petroleum Class B or petroleum class C, shall be of a type approved by the Chief Controller.
- (2) Where the approval of the Chief Controller is sought to a type of container not previously approved, an application together with copies of drawings thereof to scale showing the design, materials to be used, the method of construction and capacity of the container together with two samples containers and a fee of rupees one thousand for scrutiny shall be submitted to the Chief Controller.
- (3) Nothing in sub-rules (1) and (2) shall apply to containers in the possession of the Defence Forces of the Union.

25.17 Rule 6 of Petroleum Rules, 2002: Containers for petroleum Class B and Class C

- (1) Containers for petroleum class B or petroleum class C shall be constructed of steel or iron and be of a type approved by the Chief Controller.
- (2) An air space of not less than 5 percent of its capacity shall be kept in each container for petroleum Class B and not less than 3 percent of its capacity in each container for petroleum Class C.
- (3) Nothing in this rule shall apply to containers in the possession of the Defence Forces of the Union.

25.18 Rule 25 of Petroleum Act, 2002: Petroleum to be imported by land only at authorized places.

No petroleum shall be imported into India by land except at places specially authorized for the purpose by the Central Government.

25.19 Rule 30 of Petroleum Act, 2002: Restriction on passengers, combustible and inflammable cargo –

Save as provided in rules 38,39 and 52 and clause, (b) of rule 60, no ship, vessel or vehicle shall carry petroleum petroleum Class A or petroleum Class B and Class C in bulk if it is carrying passengers or any combustible cargo other than petroleum: Provided that nothing in this rule shall prohibit the use of dunnage for packing purposes in the case of coastwise transport of petroleum Class A otherwise than in bulk.

25.20 Rule 35: Tank fittings on ships or vessels. –

The following provisions shall apply for the transport of petroleum other than petroleum Class C in ship or other vessels, namely: -

- (a) *All tanks shall be fitted with independent approved filling and suction pipes and valves, or with stand pipes with blank flanges, all pipes being carried down nearly to the bottom of the tanks, and no petroleum in bulk shall be taken on board or discharged except through such pipes and valves, unless otherwise permitted by the Chief Controller in writing;*
- (b) *All tanks shall be fitted with manholes having screw-down cover with petroleum-tight joints and, in the case of tanks intended for use with petroleum class A, with ventilators or relief valves of approved pattern properly protected with wire gauge of a mesh not less than 11 meshes to linear centimeter; and*
- (c) *Ventilators similarly protected shall be fitted to all spaces, around tanks.*

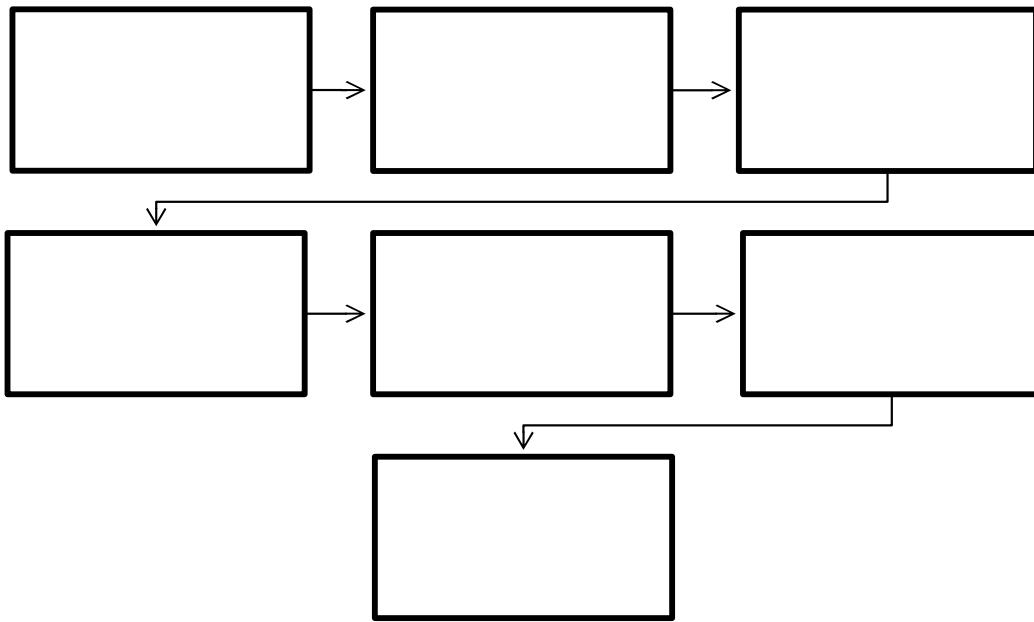
26. Conclusion/Findings of Investigation:

Whereas it appears from the foregoing paras that:

- (i) As per condition No.5 of the Import Policy, import of Kerosene and Gas Oil which were sought to be imported by M/s Skyfalcon Minerals And Chemicals Private Limited in the consignments seized by DRI, by way of mis-declaration, is allowed only through IOC subject to para 2.21 of Foreign Trade Policy, except for the companies who have been granted rights for marketing of transportation fuels in terms of Ministry of P&NGs Resolution No. P23015/1/2001-MKT. dated 8.3.2002 including HPCL, BPCL and IBP who have been marketing transportation fuels before the said date. Thus it is evident that the said goods are not freely importable but can be imported only by State Trading Enterprises such as IOCL, HPCL, BPCL and IBP.
- (ii) M/s Skyfalcon Minerals And Chemicals Private Limited appeared to be well aware of the said restriction imposed by the Policy. As such in order to circumvent the said provision, in collusion with the CHA namely M/s Continental Shipping Services, along with their respective subsidiary agents of M/s Continental Shipping Services namely M/s Versatile Logistics and M/s Shri Krishna Logistics as well as Overseas Suppliers namely M/s Chevron General Trading LLC and M/s Swathi Smart Ventures FZC in Dubai, they devised a modus operandi to import Kerosene and Gas Oil- (restricted commodities), in the garb of importing freely importable goods. The goods, import of which is permitted only with an Authorisation /Permission/ License or in accordance with the procedure prescribed in a notification / public notice are 'Restricted' goods

The nexus of the said entities are explained with the help of chart also as under

Pictorial depiction of flow of documents from M/s Skyfalcon Minerals And Chemicals Private Limited to the CHA - M/s Continental Shipping Services



- (a) In accordance with the said modus operandi, they resorted to the import of the said restricted goods namely Kerosene and Gas Oil by declaring the same as “*Mix/Mixed Hydrocarbon Oil (MHO) or Mixed Hydrocarbon Oil (For Industrial Use Only)*”.
- (b) They classified the said goods i.e “*Mix/Mixed Hydrocarbon Oil (MHO) Or Mixed Hydrocarbon Oil (For Industrial Use Only)*” under *Customs Tariff Heading (CTH) 27101990* which pertains to “*Others*” where no restriction was prescribed in the Import Policy. In accordance with said modus operandi, the suppliers namely M/s Chevron General Trading LLC and M/s Swathi Smart Ventures FZC in Dubai appear to have deliberately declared the said goods in the import documents viz invoices and the corresponding packing list as “*Mix/Mixed Hydrocarbon Oil (MHO) Or Mixed Hydrocarbon Oil (For Industrial Use Only)*”.
- (c) In order to give credence to the invoice and packing list, it appears that the supplier namely M/s Swati Ventures FZC issued a Chemical Analysis Report on their letter head. The said Chemical Analysis Report appears to contain fabricated and fudged parameters of “*Mix/Mixed Hydrocarbon Oil (MHO) Or Mixed Hydrocarbon Oil (For Industrial Use Only)*” as the supplier himself certified the parameters of the goods.
- (d) It appears that on the basis of fudged and fabricated documents namely invoice, Packing List and Chemical Analysis Report, the Importer namely M/s Skyfalcon Minerals And Chemicals Private Limited filed Bill of Entry wherein they declared the goods as “*Mix/Mixed Hydrocarbon Oil (MHO) Or Mixed Hydrocarbon Oil (For Industrial Use Only)*” and classified the same under Chapter Heading 27101990 wherein no restriction was in force in terms of the Import Policy.

(e) It further appears that M/s Skyfalcon Minerals And Chemicals Private Limited all along were aware of the fact that the items which they sought to import actually were restricted items and as such they were not eligible to import the Gas Oil and the Kerosene. The documents were manipulated so that the consignments could be cleared on the basis of the mis-declaration and mis-classification of the goods with the Customs at Mundra Port.

(f) During the course of the investigations, M/s Skyfalcon Minerals And Chemicals Private Limited as well as their related entities involved in the case, were asked to submit supporting and related relevant documents, like buyer seller agreement, details of refinery/oil firm from where the consignment originated, copies of communication made with the supplier, copies of export declaration form filed in the supplier country etc pertaining to the said consignments vide summons issued to them. The said documents were called for as they would have enabled the identification of the commodity imported by M/s Skyfalcon Minerals And Chemicals Private Limited in the consignment under investigation. It appears that the documents were deliberately not submitted by them so as to prevent the identification of the commodity by the Officers of the DRI.

(iii) In order to ascertain the exact nature of the goods and to confirm the identity, samples were drawn from the consignment which were sent to Government Lab namely IOCL, Panipat and CRCL Vizag. The parameters of the test conducted by the Labs clearly suggest that the commodity covered under the consignments pertaining to the importer as declared in the import documents and the Bill of Entry were different and not as per the import documents filed by the importer. The parameters of the samples drawn from the consignments covered under BOE 9788488, 9788473, 9788468, 2088871, and 2088881 on being tested and analysed, indicate that all the parameters conform to IS1459 which pertains to Kerosene. As there is no deviation in all the parameters as mentioned in the Test reports vis-a vis parameters prescribed IS 1459, there appears to be no doubt about the identity of the said commodity. Further, the parameters of the samples drawn from the consignments covered under BOE no 9788466, 9788470, 9788474, 9788476, 9788487, 2040130 and 2087386 on being tested and analysed by the labs suggests that except for sulphur all the parameters conform to that of the IS standard of Gas Oil (IS:17789). The Amendment to IS:17789 dated 2023 specifically mentions that Indian Refineries may opt for lower sulphur content as per the agreement between the seller and purchaser. All the parameters except sulphur have been found to be identical and though there seems to be deviation in respect of sulphur only, the same is only a quality parameter and has no relation with the identity of the commodity.

(a) The commodity sought to be actually imported viz Kerosene and Gas Oil under the subject consignments find specific mention in different tariff Item and not the tariff Item in which they were declared in the import documents i.e 27101990 which does not lay down any restriction if the goods are covered under the said CTH and are classified accordingly. It appears that the item has been given description *Mix Hydrocarbon Oil* so that the same can be classified in the category of Chapter Heading 27101990 pertaining to *others* deliberately where there is no restriction in the import of commodities falling in the said category of the Customs Tariff Act'1985.

(b) The importer failed to provide any document to substantiate the chemical composition/constituent of any of the Mixed Hydrocarbon Oil. It appears that the misclassification was done deliberately so as to mislead the department. The correct classification is 27101932 pertaining to "Kerosene as per IS 1459" and 27101941 pertaining to "Gas Oil". The act of mis declaration and misclassification with the intent to import restricted goods namely Kerosene And Gas Oil has been categorically accepted and acknowledged in their respective statements by M/s Skyfalcon Minerals And Chemicals Private Limited and the CHA namely M/s Continental Shipping Services, along with the respective subsidiary agents of M/s Continental Shipping Services namely M/s Versatile Logistics and M/s Shri Krishna Logistics.

(c) M/s Skyfalcon Minerals And Chemicals Private Limited are not an STE entity and hence they are not eligible to import the said restricted goods. Therefore they appeared to resort to the act of mis-declaration and mis-classification so as to import the said restricted goods.

(iv) M/s Skyfalcon Minerals And Chemicals Private Limited failed to submit any document in support of the item *Mixed Hydrocarbon Oil* declared by the supplier in the import documents and Bills of Entries. Even subsequently during the course of the investigations after the containers were put on hold, till date they have not been able to submit any such document to substantiate the identity of the goods in accordance with declaration in Invoice & Packing list as well as bill of entries.

(v) M/s Skyfalcon Minerals And Chemicals Private Limited failed to provide specific use of the item "Mixed Hydrocarbon Oil". On being asked in his voluntary statement tendered under Section 108 of the Customs Act'1962 whether he was aware about the parameters/specifications of the MHO, Shri Sudhakar.S., Director of M/s Skyfalcon Minerals and Chemicals Private Limited stated that he does not have any literature on the specific parameters of MHO and the parameters were suggested by the CHA. In order to cover up, he further stated that the requirement of MHO was communicated by the clients and based on the said requirement, orders were placed with the overseas supplier. He failed to give any information about the source of procurement of the alleged MHO by the overseas supplier. Further even the CHA and their agents could not give any information about the use of the Mixed Hydrocarbon Oil. This suggests that they were not aware about the use of the said commodity i.e "Mixed Hydrocarbon Oil" as the same was not intended to be imported actually in the containers put on hold and subsequently examined by the Officers of the DRI.

(vi) M/s Skyfalcon Minerals And Chemicals Private Limited also appear to have violated the provisions of Petroleum Act, 1934. The goods were imported in gross violation of the said provisions. The Petroleum Act, 1934, classifies petroleum products into 3 categories based on their flash points as detailed below:

S.No	Petroleum products Class	Flash Point
1	Class A	Below 23°C (73°F)
2	Class B	Between 23°C and 65°C (73°F to 149°F)

3	Class C	Between 65°C and 93°C (149°F to 200°F)
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Further, as per the Test Reports the goods in question here fall under the “Class B” category of petroleum products as per the Petroleum Act 1934. Class B petroleum products are hazardous, and their import, storage, and transport are strictly regulated. Now to import the class B category of petroleum products an Importer has to follow certain rules and require certain certifications as discussed below:

1. Class B petroleum products must be handled with proper care due to their flammable nature. The Petroleum Act and the Petroleum Rules, 2002, mandate the use of appropriate containers for the storage and transport of such products. Flexi bags are not suitable for carrying Class B petroleum products because they do not meet the stringent safety standards for the containment of flammable liquids. Containers used for storing and transporting Class B petroleum must be certified as per PESO standards and must be explosion-proof and fire-resistant to prevent any accidental ignition. The use of Flexi bags, which are typically not compliant with these safety norms, violates this requirement.

2. Any importer dealing with Class B petroleum products must have requisite licenses and approvals, such as an import license from the Petroleum and Explosives Safety Organization (PESO).

By importing restricted Class B petroleum in Flexi bags in total disregard of the safety norms which could lead to serious mishaps, M/s Skyfalcon Minerals And Chemicals Private Limited in the greed for earning illicit profits have put the public and the environment at great risk. Their insensitivity in this regard indicates that the entities involved in the case can go to any length in order to earn money through illegal means.

(vii) Shri Sudhakar.S. Director of M/s Skyfalcon Minerals And Chemicals Private Limited on being shown the Test Reports and the parameters mentioned therein has accepted the conclusions and findings of the Test Reports of IOCL. He has also accepted that the consignments were mis-declared and misclassified. On the basis of the conclusions of the Test Reports he agreed that the respective consignments comprised of Kerosene and Gas Oil as suggested in the said Test Report. However he has sought to shift the onus and blame for mis-declaration upon the supplier and has claimed that the issue of the mis-declaration can be explained by the supplier. He has sought to project his innocence in the case which however is not a fact. The fact that the supplier has not issued any clarification till date, it suggests that the consignment was as per the orders placed by M/s Skyfalcon Minerals And Chemicals Private Limited.

(viii) The provisions of Section 17 (1) of the Customs Act, 1962 read with Section 2 (2) Customs Act, 1962 and CBIC Circular No. 17/2011-Customs dated 08.04.2011 lay down onus on the importer and the CHAs to determine duty, classification etc. by way of self-assessment. The importer, at the time of self-assessment, is required to ensure that he declared the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if

any, in respect of the imported goods while presenting the Bill of Entry. By furnishing incorrect and wrong information in the import documents, it appears that M/s Skyfalcon Minerals And Chemicals Private Limited and the CHA –M/s Continental Shipping Services, appear to have violated the provisions of the said Section 17(1) read with Section 2(2) of the Customs Act'1962.

- (ix) In terms of Section 46(4) of the Customs Act, 1962, the importer has to certify the truth of the contents of the Bills Entry. In the instant case it appears that the importer was fully aware of the actual goods imported by them. In as much as the importer in his voluntary statements accepted the test reports of the goods imported under subject bills of entry. Also on being shown with the Test Reports, Shri Sudhakar. S. accepted that they had mis- declared the description imported under subject bills of entry before the custom authorities. Thus, in view of the facts discussed in the foregoing paras and material evidences available on records, it appears that the importer has contravened the provisions of Section 46(4) and 46(4A) of the Customs Act, 1962, in as much as they had intentionally mis-declared the description of the goods imported by them with a malafide intention to import a restricted good under the garb and guise of a freely importable good
- (x) Further, by attempting to import restricted goods, the importer- M/s Skyfalcon Minerals And Chemicals Private Limited appear to have indulged in the act of smuggling as defined under Section 2(33) of the Customs act'1962. With the introduction of self-assessment and consequent upon amendments to Section 17 of the Customs Act, 1962 w.e.f. 08.04.2011, it was the obligatory on their part to declare the actual description and correct classification of the goods imported by them and pay the duty applicable in respect of the said goods. Therefore, by not disclosing the true and correct facts to the proper officer, at the time of filing of Bill of Entry for the respective consignment, the importer appears to have indulged in mis-declaration and mis-classification by way of suppression of facts and willfully mis-declared and mis-classified the imported goods with intent to import restricted goods. Thus, the importer appears to have contravened the provisions of Section 46(4) & 46(4A) of the Customs Act, 1962, in as much as they have mis-classified and mis-declared the goods imported by them by suppressing the true and actual description of the goods, while filing the declaration seeking clearance at the time of importation of impugned goods.
- (xi) The facts and the investigations have revealed that the CHAs- M/s Continental Shipping Services were actively involved in facilitating and assisting the customs clearance of the restricted goods namely Kerosene and Gas Oil in the garb of Mixed Hydrocarbon Oil. The CHA appear to have failed to fulfil the following obligations as prescribed under Regulation 10 of Customs Broker Licensing Regulation 2018-
 - (b) *transact business in the Customs Station either personally or through an authorised employee duly approved by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be*
 - (d) *advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to the notice*

of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;

(e) exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;

(q) co-operate with the Customs authorities

They failed to fulfil the said obligations as under:

(A) M/s Continental Shipping Services CHA of M/s Skyfalcon Minerals And Chemicals Private Limited allowed their respective sub-agents namely - M/s Versatile Logistics and Shri Krishna Logistics engage and conduct business of customs clearance on the basis of "F" card issued to M/s Continental Shipping Services in violation of obligation (b) of Regulation 10. They further allowed their Offices and infrastructure to be used by the sub-agents in this regard. Though the sub-agents have projected themselves as forwarding agents, they have been found to facilitate the clearance of the import consignments of M/s Skyfalcon Minerals And Chemicals Private Limited layers by virtue of the 'F' card of Ms Continental Shipping Services. Further, M/s Krishna Logistics raised a bill on M/s Versatile Logistics @15,000/- per container and subsequently, the authorized entity i.e the CHA- M/s Continental Shipping Services raised a bill of mere Rs.2000/- per container upon M/s Krishna Logistics for customs clearance charges. Thus the role of the sub-agents can be gauged by the major share taken by M/s Krishna Logistics in the clearance of the seized consignments. Further the payment has been found to have not been received by the CHA- M/s Continental Shipping Services but through the sub-agents after they have received their respective share. The employees of the sub-agents have also been found to be actively involved in the process of customs clearance like obtaining documents, deciding the classification of the goods with the importer in violation of the obligation (b) as transaction of business in the Customs Station can be done either personally or through an authorized employees. The employees of sub-agents though not being authorized to conduct business were actively conducting customs clearance in disregard of the obligation. M/s Continental Shipping Services failed to advise their client as obligated vide obligation (d) of the Regulation 10 to comply with the provisions of the Act, other allied Acts and the rules and regulations. They did not advise them against importing restricted commodities by way misclassification and mis-declaration for not being qualified to do so. Further the restricted goods were imported in flexi bags in violation of the provisions of the Customs Act'1962 and the Petroleum Act'1934. M/s Continental Shipping Services also appear to have failed to comply with the obligation (e) as they failed to exercise due diligence to ascertain the correctness of the decorations and the details furnished in the import documents and the bill of entries. They also did not ask the importer to procure and file relevant supporting documents to enable identification of the goods. They should have advised M/s Skyfalcon Minerals And Chemicals Private Limited against filing fudged and fabricated parameters reproduced by the supplier as Chemical Analysis Report. They did not advise them to get proper chemical report from the supplier. They appear to have not fulfilled the obligation (q) of Regulation 10 as they did not co-

operate with the Customs authorities during the course of the investigations and did not disclose vital information relating to the case on their own.

Thus the CHA- M/s Continental Shipping Services appear to have acted in tandem with the importer- M/s Skyfalcon Minerals And Chemicals Private Limited in the illicit and illegal import of the restricted commodity. They have attempted to project their innocence in the case by stating that they filed import documents on the basis of the documents provided by the importer but the prime responsibility of ensuring that the importer does not indulge in the illicit act of smuggling of restricted commodities or violate the provisions of Customs Act'1962 rested on their shoulders in accordance with the obligations laid down in Regulation 10 of the Customs Broker Licensing Regulation 2018. But they have been found to have not observed and complied with the obligations prescribed under the Customs Broker Licensing Regulation 2018.

(j) Since the consignments consisting of 144 containers pertaining to 12 BEs were imported by way of mis-declaration and mis-classification as Mixed Hydrocarbon Oil in the manner as discussed above in contravention of Section 17 (1), Section 46(4) and 46(4A) ,and is liable for confiscation in terms of Section 111(d), (f), (l) and (m) of Customs Act, 1962. Further, M/s Skyfalcon Minerals And Chemicals Private Limited, Shri Sudhakar S, M/s Gaurav M. Jhaveri, M/s Continental shipping services, Ms shanmuga Jayashree Partner of M/s Continental shipping services , M/s Aashirvad Shipping & Logistics, Shri Ruparel ketan of M/s M/s Shivshakti Shipping, Shri Satish Maheshwari of M/s Krishna Logistics and M/s Versatile Logistics for their respective roles in the instant case appear to have rendered themselves liable for imposition of penalty under Section 112 (a) or (b), and 114 AA of the Customs Act'1962.

27. ROLE PAYLED BY THE VARIOUS PERSONS/FIRMS:

27.1 Role played by the Importer - M/s Skyfalcon Minerals And Chemicals Private Limited

Whereas it appears that M/s Skyfalcon Minerals And Chemicals Private Limited deliberately resorted to illicit import of restricted goods (Kerosene and Gas Oil) under the guise of "Mixed Hydrocarbon Oil (MHO)" to bypass import restrictions applicable to non-State Trading Enterprises (STEs).They misused Customs Tariff Heading 27101990 ("Others") to declare the goods as freely importable. M/s Skyfalcon Minerals And Chemicals Private Limited colluded with suppliers (M/s Swati Ventures FZC and M/s Chevron General Trading LLC) to submit falsified invoices, packing lists, and chemical Analysis Reports that misrepresented the true nature of the goods. They further failed to declare the correct classification and description of goods during self-assessment under Section 17(1) of the Customs Act, 1962. And provided inaccurate and incomplete information in the Bills of Entry, violating Sections 46(4) and 46(4A) of the Customs Act, 1962. M/s Skyfalcon Minerals And Chemicals Private Limited were fully aware that the imported items were restricted commodities (Kerosene and Gas Oil) and not "Mixed Hydrocarbon Oil," as evidenced by voluntary statements. They deliberately withheld key documents, including buyer-seller agreements and export declarations, to prevent the identification of the goods. The mis-declared goods namely Kerosene and Gas Oil have been categorized as hazardous Class B

petroleum products (Kerosene and Gas Oil) but were imported in unsafe Flexi bags, violating and compromising safety norms mandated by the Petroleum Rules, 2002. The misdeeds and malafide acts of M/s Skyfalcon Minerals And Chemicals Private Limited appear to be confirmed from the fact that they accepted the findings of the lab tests conducted by IOCL and CRCL, which confirmed the goods as Kerosene and Gas Oil. They have attempted to pass the responsibility for their malafide act of importing restricted goods on the shoulders of the supplier. The illicit acts of M/s Skyfalcon Minerals And Chemicals Private Limited which include mis declaration, misclassification, and illegal importation of restricted petroleum products appear to violate multiple provisions of the Customs Act, 1962, the Foreign Trade Policy, and the Petroleum Act, 1934 for financial gain. The illicit import of the said restricted goods viz Kerosene and Gas Oil tantamount to act of smuggling as defined under Section 2(39) of the Customs Act'1962. Thus, for their acts of omission and commission in the case borne out by the investigation, M/s Skyfalcon Minerals And Chemicals Private Limited have rendered themselves for penalty under the provisions of Sections 112 (a) and/or 112(b) and/or 114 AA of the Customs Act'1962.

27.2 Role played by the CHA- M/s Continental Shipping Services

Whereas it appears that M/s Continental Shipping Services were also equally involved in the illicit import of the restricted goods namely restricted items (Kerosene and Gas Oil) under the guise of freely importable goods labelled as "Mix Hydrocarbon Oil (MHO)." They allowed sub-agents - M/s Versatile Logistics and Shri Krishna Logistics to transact business at Ports unauthorizedly as they were not qualified to transact customs work. They permitted sub-agents to actively engage in work related to customs clearance, including document processing and classification decisions in contravention of the provisions of Customs Broker Licensing Regulation 2018. They have been found to have not fulfilled the obligations prescribed upon them also under the said Regulation 10 of Customs Broker Licensing Regulation 2018. As a Customs House Agent, they did not advise M/s Skyfalcon Minerals And Chemicals Private Limited to comply with the applicable laws under the Customs Act, 1962, and the Petroleum Act, 1934. They appear to be in complete agreement with the importer regarding misclassification and mis declaration of restricted petroleum products as "Mix Hydrocarbon Oil (MHO)." M/s Continental Shipping Services failed to exercise due diligence and did not verify the accuracy and the authenticity of import documents, including invoices and chemical analysis reports. They failed to ensure submission of genuine supporting documents to identify the imported goods. This becomes more important and critical in view of the kind of goods being imported. M/s Continental Shipping Services filed false/fabricated documents, enabling the import of restricted petroleum products in unsafe Flexi bags, violating the Petroleum Act, 1934, and Customs Act, 1962. For their acts of facilitating import of restricted goods in the manner as discussed herein before which tantamounts to smuggling as per Section 2(39) of the Customs Act'1962, M/s Continental Shipping Services appeared to have rendered themselves for penalty under the provisions of Sections 112 (a) and/or 112(b) and/or 114 AA of the Customs Act'1962.

27.3 Role played by Ms. Shanmuga Jayashree, partner of M/s Continental Shipping Services

Ms. Shanmuga Jayashree, as a partner of M/s Continental Shipping Services, played a critical role in enabling the smuggling of restricted petroleum products. Her actions, including the unauthorized involvement of sub-agents- M/s Versatile Logistics and Shri Krishna Logistics, lack of due diligence, and collusion in misclassification and mis-declaration, directly facilitated the illegal importation of Kerosene and Gas Oil, violating multiple provisions of the Customs Act, 1962, and

the Petroleum Act, 1934. For her act of facilitating import of restricted goods in the manner as discussed herein before which tantamount to smuggling as per Section 2(39) of the Customs Act'1962, M/s Continental Shipping Services appeared to have rendered themselves for penalty under the provisions of Sections 112 (a) and/or 112(b) and/or 114 AA of the Customs Act'1962.

27.4 Role Played by Shri Satish Maheshwari (M/s Krishna Logistics):

Shri Satish Maheshwari Handled customs clearance operations at Mundra Port on behalf of the CHA, M/s Continental Shipping Services, without valid authorization under CBLR, 2018. He received import documents from M/s Versatile Logistics and directly negotiated with the importer for customs-related work. Shri Satish Maheshwari prepared and forwarded checklists for Bills of Entry, which facilitated the misclassification and clearance of restricted goods. He charged Rs. 15,000 per container for customs clearance services, significantly more than the CHA's charges, emphasizing his key role in the illicit operations. Shri Satish Maheshwari thus appears to have played a central role in deciding the classification of restricted goods (Kerosene and Gas Oil) and ensuring their clearance through misdeclaration and misuse of the CHA's "F" card. Thus he appears to have rendered himself for penalty under the provisions of Sections 112 (a) and/or 112(b) and/or 114 AA of the Customs Act'1962 as he appeared to be involved in the act of facilitating restricted goods.

27.5 Role played by Shri Ravindra Sawant (M/s Versatile Logistics)

Whereas it appears that Shri Ravindra Sawant received import documents from M/s Skyfalcon Minerals And Chemicals Private Limited and forwarded them to M/s Krishna Logistics for further processing and filing through the CHA, M/s Continental Shipping Services. He verified the checklists prepared by M/s Krishna Logistics and sent it to the importer for approval before the Bill of Entry filing. Despite being labelled as a forwarding agency, Shri Ravindra Sawant was actively involved in customs clearance tasks, including document processing and KYC verification. Shri Ravindra Sawant also played a significant role in enabling the illicit import of Kerosene and Gas Oil by working with M/s Krishna Logistics and the CHA. He appears to have rendered himself for penalty under the provisions of Sections 112 (a) and/or 112(b) and/or 114 AA of the Customs Act'1962 for his role in the case of illicit import of restricted goods.

27.6 The role of the respective sub-agents in the case is discussed as under:

A. M/s Krishna Logistics:

M/s Krishna Logistics have been found to be sub-agent of the CHA –M/s Continental Shipping Services. In the voluntary statement tendered by Shri Satish Maheshwari authorized representative of M/s Krishna Logistics, he stated that they were authorized by the CHA firm-M/s Continental Shipping Services to look after work related to import. He also submitted a copy of the said letter. Such an authorization is invalid and gross violation of the provisions of the Customs Broker Licensing Regulation 2018. He further stated that they had been authorised to handle day to day operations at Mundra Port on behalf of M/s Continental Shipping Services and were in fact over all in charge. They have been found to receive documents on their e-mail from M/s Versatile Logistics who receive documents from the importer- M/s Skyfalcon Minerals And Chemicals Private Limited. The firm has been admittedly negotiating with the clients for customs related work on behalf of the CHA. They have been involved in deciding the classification of the seized consignments. They

also prepared check list in respect of bill of entry to be filed for the seized consignment which were forwarded to the importer through M/s Versatile Logistics for approval of the importer. Further they receive a substantial amount of Rs.15,000/- per container as clearance charges whereas the importer received a mere amount of Rs.2500/- per container for MHO and Rs.2000/- per container for base oil. On comparison of the payment received by M/s Krishna Logistics vis-à-vis the CHA- M/s Continental Shipping Services the amount appears to be unjustified and underlines the role and the involvement of the firm in the illicit import of the seized containers. They have benefitted greatly from the active role in the illicit import and smuggling of kerosene and gas oil by way mis-declaration and mis-classification for which they got substantial sum of share which was set aside for customs clearance.

B. M/s Versatile Logistics-

Alongwith M/s Krishna Logistics, M/s Versatile Logistics have also been found to be actively involved in the activity of illicit import of Kerosene oil and Gas Oil by way of smuggling. They have been found to receive the import documents from the importer which were forwarded to M/s Krishna Logistics for onward filing by the CHA- M/s Continental Shipping Services. Further they receive the check list from M/s Krishna Logistics which was forwarded by them to the importer for approval before filing of the bill of entry. They have also been stated to verify the KYC of the importer. Though they have been described as a forwarding agency but their role suggests that they were involved in the Customs clearance work though they were not eligible for the same. They along with M/s Krishna Logistics roped in M/s Continental Shipping Services to use "F" card for effecting the customs clearance related work. Thus it appears that they also played a major role in the illicit import and smuggling of Kerosene and Gas Oil by M/s Skyfalcon Minerals And Chemicals Private Limited.

Since the consignments consisting of 144 containers pertaining to the 12 BEs were imported by way of mis-declaration and mis-classification as Mixed Hydrocarbon Oil in the manner as discussed above in contravention of Section 17 (1), Section 46(4), they appear to be liable for confiscation in terms of Section 111(d), 111(f), 111(l) and 111(m) of Customs Act, 1962. Further, M/s Skyfalcon Minerals And Chemicals Private Limited and its Director Shri Sudhakar.S. , M/s Continental shipping services, Shri Satish Maheshwari of M/s Krishna Logistics and M/s Versatile Logistics for their respective role in the instant case appears to have rendered themselves liable for imposition of penalty under Section 112 (a) and/or 112(b) and/or 114 AA of the Customs Act,1962.

28. Now therefore M/s Skyfalcon Minerals And Chemicals Private Limited, (IEC-ABGCS3469P), 14/1, Velan Nagar 1st Main Road, Arumbakkam, Chennai, Tamil Nadu, 600106 are hereby called upon to show cause to the Joint/Additional Commissioner of Customs, Mundra Port Mundra as to why:-

- (i) The declared classification of the impugned goods i.e. Kerosene having total quantity 1227.360 MTS mis-declared as Mix Hydrocarbon Oil under Customs Tariff Item 27101990

under Bill of entry no. 9788488, 9788473, 9788468, 2088871, and 2088881; should not be rejected/denied and re-classified under the Customs Tariff Item 27101932

- (ii) The declared classification of the impugned goods i.e. Gas Oil having a total quantity 1794.610 MTS mis-declared as Mix Hydrocarbon Oil under Customs Tariff Item 27101990 under Bill of entry no. 9788466, 9788470, 9788474, 9788476, 9788487, 2040130 and 2087386; should not be rejected/denied and re-classified under the Customs Tariff Item 27101941
- (iii) Kerosene and Gas oil sought to be imported by them in 156 containers pertaining to 12 Bills of entry having declared value of Rs. 12,98,45,290/- seized under Section 110 of the Customs act'1962 vide Seizure Memorandums dated 07.05.2024, 27.05.2024 and 13.09.2024 lying seized at Mundra Port should not be confiscated under Section 111(d), 111(f), 111(l) & 111(m) of the Customs Act,1962.
- (iv) Penalty should not be imposed upon them under Section 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962.

28.1. Now therefore **Shri Sudhakar. S. Director of M/s Skyfalcon Minerals And Chemicals Private Limited**, is hereby called upon to show cause to the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 for his act and omission as discussed above, as to why penalty should not be imposed upon him under Sections 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962.

28.2 Now therefore **M/s Continental Shipping Services** are hereby called upon to show cause to the Joint/Additional Commissioner of Customs, Mundra Port Mundra as to why a penalty should not be imposed upon them under Sections 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962, for their role in the illicit import of restricted commodity namely Kerosene and Gas Oil in the manner as discussed above.

28.3 Now therefore **Ms. Shanmuga Jayashree**, Partner M/s Continental shipping Services, is hereby called upon to show cause to the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 for his act and omission as discussed above, as to why penalty should not be imposed upon him under Section 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962.

28.4. Now therefore **Shri Satish Maheshwari** of M/s Krishna Logistics, is hereby called upon to show cause to the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 for his act and omission as discussed above, as to why penalty should not be imposed upon him under Section 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962

28.5. Now therefore **M/s Krishna Logistics** is hereby called upon to show cause to the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 for his act and omission as discussed above, as to why penalty should not be imposed upon him under Section 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962.

28.6. Now therefore **M/s Versatile Logistics through its proprietor** is hereby called upon to show cause to the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 for his act and omission as discussed above, as to why penalty should not be imposed upon him under Section 112(a) and/or 112(b) and/or 114AA of the Customs Act'1962.

29. The Noticees should state in their written reply to this notice to the Adjudicating Authority i.e. the Additional/Joint Commissioner of Customs, 5B, Port User Building, Mundra Port, Mundra, Gujarat – 370421 as to whether they desire to be heard in person. If no reply to this notice is received from them within 30 days from the date of receipt of this notice or if they fail to appear for the personal hearing on the date and time intimated to them, the case is liable to be decided ex parte on the basis of evidences available on record without any further reference to them

30. The Noticees has an option to make an application under Section 127(B) of the Customs Act, 1962 prior to adjudication of this case, to the Settlement Commission to have the case settled, in such form and in such manner, specified in the rules and also inform the same to the Adjudicating Authority

31. The copies of the documents relied upon in this Show Cause Notice are enclosed.

32. The Department reserves its rights to add, alter, amend, modify or supplement this Show Cause Notice at any time on the basis of any evidence, material facts related to import of goods in question and/or persons who could not be traced out during the investigation, which may come to the notice of the department after issuance of this notice and prior to the adjudication of the case. This Show Cause Notice is issued under Section 124 of Customs Act, 1962 without prejudice to any other action that may be taken against the persons / firms mentioned herein above or any other person under the Customs Act, 1962 or any other law for the time being in force in India.

33. A copy of the Show Cause Notice is also transmitted to the noticees at their e-mail-id as under in terms of clause (c) of sub-section 1 of section 153 of the Customs Act, 1962, so that such service through e-mail shall be deemed to have been received by the noticees in terms of clause (c) of sub-section 1 of section 153 of the Customs Act, 1962.

S. No.	Name of the Noticee	Email-id
1.	M/s Skyfalcon Minerals And Chemicals Private Limited	Skyfalcon.india@gmail.com
2.	Shri Sudhakar.S. Director of M/s Skyfalcon Minerals And Chemicals Private Limited	sudhakar@skyfalcon.co.in
3.	M/s Continental Shipping Services	mundracontinental@gmail.com
4.	Ms. Shanmuga Jayashree, Partner M/s Continental shipping Services	continentalmundra@gmail.com
5.	M/s Krishna Logistics	
6.	Shri Satish Maheshwari, Partner, M/s Krishna Logistics	krishnalogistics889@gmail.com.
7.	Shri Ravinder Sawant, proprietor M/s Versatile Logistics	versatileimpt@gmail.com

Encl: RUDs of the SCN.

**Additional Commissioner
Custom House, Mundra**

फाइल संख्या/F. No. GEN/ADJ/ADC/305/2025
DIN/ दस्तावेज़ पहचान संख्या: 20250171MO000000C9DB

1. **M/s Skyfalcon Minerals And Chemicals Private Limited, (IEC-ABGCS3469P),**
14/1, Velan Nagar 1st Main Road,
Arumbakkam, Chennai,
Tamil Nadu-600106
2. **Shri Sudhakar. S. S/o Srinivasan**
Director of M/s Skyfalcon Minerals And Chemicals Private Limited,
56, Velusamypuram, 1st Cross, L.N.S. Anjal,
Karur, Karur, Tamil Nadu-639001
3. **M/s Continental Shipping Services**
Office no 17, Ghanshyam complex, near the bridge, New Adani port road, Dhrab,
Kachchh, Gujarat-370421
4. **Ms. Shanmuga Jayashree, Partner M/s Continental shipping Services**
38/66, Purasaiwakkam, Venkatesabakthan Street, Perumalet, VTC: Vepery, PO:
Vepery, Chennai, Tamil Nadu-600007
5. **M/s Krishna Logistics**
Ghanshyam Complex, Office no. 16, Mundra Port Road,
Near Rasapir Circle, Mundra Kachchh, Gujrnat- 370405
6. **Shri Satish Maheshwari of M/s Krishna Logistics**
S/o Shri Rayshi Bhai Maheswari,
Near GEB Office, Bhatt Pad,
Bhachau, Kachchh, Gujarat-370140
7. **M/s Versatile Logistics, proprietor Shri Ravinder Sawant,**
Address 1- office no. 124, 1st floor, Shiv Centre, Sector 17,
Plot No 72, Vashi, Navi Mumbai- 400705

Address 2- 17/1004 Trinity Hills CHS, GB Road Kasarvadavali
Thane West, Haware Citi, Thane, Maharashtra-40061

Copy to:-

1. The Deputy Director, DRI, Noida Regional Unit, Noida(E-mail: dri-noida@gov.in)
2. The Deputy/Assistant Commissioner, Group-I, Custom House, Mundra.
3. The Supdt. (EDI), Customs House, Mundra to upload a copy on the website.