



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद
 सीमा शुल्क भवन, पहली मंजिल, पुराने हाईकोर्ट के सामने, नवरंगपुरा, अहमदाबाद-380009
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DIN:20251271MN000419494

PREAMBLE

A	फाइल संख्या/ File No.	:	GEN/ADJ/ADC/2157/2025-ICD-SRT-CUS-COMMRTE-AHMEDABAD
B	कारण बताओ नोटिस संख्या एवं तारीख / Show Cause Notice No. and Date	:	F. No. VIII/6-570/ICD-SACHIN/2013-14 Dated 03.05.2023
C	मूल आदेश संख्या/ Order-In-Original No.	:	172/ADC/SR/O&A/HQ/2025-26
D	आदेश तिथि/ Date of Order-In-Original	:	03.12.2025
E	जारी करने की तारीख/ Date of Issue	:	03.12.2025
F	द्वारा पारित/ Passed By	:	Shravan Ram, Additional Commissioner, Customs, Ahmedabad
G	आयातक का नाम और पता / Name and Address of Importer / Passenger	:	M/s. Sanjana Fashion, 112, Shraddha Deep Raw House, Cause Way Road, Singanpore Char Rasta, Katargam, Surat-395004 Shri Piyush Bhupat Moradiya, Partner of M/s. Sanjana Fashion, 45, 2nd Floor, Ishwar Moti Ind. Estate, Near Nani Bahucharaji Mandir, Ved Road, Surat-395006
(1)	यह प्रति व्यक्ति के उपयोग के लिए निःशुल्क प्रदान किया जाता है जिन्हे यह जारी किया जाता है।		
(2)	कोई भी व्यक्ति इस आदेश से स्वयं को असंतुष्ट पाता है तो वह इस आदेश के विरुद्ध अपील इस आदेश की प्राप्त किया तारीख के ६० दिनों के भीतर आयुक्त कार्यालय, सीमा शुल्क (अपील), ४वीं मंजिल, हुडको भवन, ईश्वर भुवन मार्ग, नवरंगपुरा, अहमदाबाद में कर सकता है।		
(3)	अपील के साथ केवल पांच (५.००) रुपये पे न्यायलय शुल्क टिकिट लगा होना चाहिए और इसके साथ होना चाहिए:		
(i)	अपील की एक प्रति और;		
(ii)	इस प्रति या इस आदेश की कोई प्रति के साथकेवल पांच (५.००) रुपये पे न्यायलय शुल्क टिकिट लगा होना चाहिए।		
(4)	इस आदेश के विरुद्ध अपील करने इच्छुक व्यक्ति को ७.५% अधिकतम १० करोड़ शुल्क हम करना होगा जहां शुल्क या ऊटी और जुर्माना विवाद में है या जुर्माना जहां इस तरह की दंड विवाद में है और अपील के साथ इस तरह के भुगतान का प्रमाण पेश करने में असफल रहने पर सीमा शुल्क अधिनियम, १९६२ के धरा १२९ के प्रावधानों का अनुपालन नहीं करने के लिए अपील को खारिज कर दिया जायेगा।		

BRIEF FACTS OF THE CASE:

M/s. Sanjana Fashion, 112, Shraddha Deep Raw House, Cause Way Road, Singanpore Char Rasta, Katargam, Surat-395004 (hereinafter referred as "the noticee" for the sake of brevity), holding Import Export Code No. 5205032332 had imported 04 Sets of capital goods viz. Computerized Embroidery Machine under EPCG Licence No. 5230011606 dated 03.05.2013, as amended, by saving duty of **Rs. 4,81,674/- (Actual Duty Utilized of Rs. 4,94,739/-)** and had cleared the same vide below mentioned Bill of Entry at zero duty while availing the benefit of exemption available under Notification No. 22/2013-Cus dated 18.04.2013. The details of import are as under:

S. N.	B/E No. & Date	Qty. machinery cleared	Duty Saved/ available as per EPCG Licence (Rs.)	Total Duty Foregone/Debited at the time of clearance (Rs.)	BG Amount (Rs.)
1	2226555 Dtd. 24.05.2013	04	4,81,674/-	4,94,739/-	75,000/-

As per para 5.10 of Handbook of procedures, 10% enhancement in CIF value of duty saved amount is admissible.

2. As per Notification No. 22/2013-Cus dated 18.04.2013 as amended, the said noticee was required to fulfill the export obligation on FOB basis equivalent to six times of the duty saved on the goods imported as may be specified on the licence or authorization. The relevant portion of the said notification is produced herein below for reference:

Notification No. 22 / 2013-Customs

New Delhi, the 18th April, 2013

G.S.R. 248 (E). - In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in the Table 1 annexed hereto, from, - (i) the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), and (ii) the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act, when specifically claimed by the importer. 2. The exemption under this notification shall be subject to the following conditions, namely:- (1) that the goods imported are covered by a valid authorisation issued under the Export Promotion Capital Goods (EPCG) Scheme in terms of Chapter 5 of the Foreign Trade Policy permitting import of goods at zero customs duty; (2) that the authorisation is registered at the port of import specified in the said authorisation and the goods, which are specified in the Table 1 annexed hereto, are imported within eighteen months from the date of issue of the said authorisation and the said authorisation is produced for debit by the proper officer of customs at the time of clearance: Provided that the benefit of import of capital goods at concessional duty under this notification for creation of modern infrastructure shall be extended only to such retailers who have a minimum area of 1000 square meters: Provided further that the catalyst for one subsequent charge shall be allowed, under the authorisation in which plant, machinery or equipment and catalyst for initial charge have been imported, except in cases where the Regional Authority issues a separate authorisation for catalyst for one subsequent charge after the plant, machinery or equipment and catalyst for initial charge have already been imported; (3) that the importer is not issued, in the year of issuance of zero duty EPCG authorisation, the duty credit scrips under Status Holder Incentive Scrip (SHIS) scheme under para 3.16 of the Foreign Trade Policy. In the case of applicant who is Common Service Provider (herein after referred as CSP), the CSP or any of its specific users should not be issued, in the year of issuance of the zero duty EPCG authorisation, the duty credit scrips under SHIS. This condition shall not apply where already availed SHIS benefit that is unutilized is surrendered or where benefits availed under SHIS that is utilized is refunded, with applicable interest, before issue of the zero duty EPCG authorisation. SHIS scrips which are surrendered or benefit refunded or not issued in a particular year for the reason the authorisation has been issued in that year shall not be issued in future years also; (4) that the authorisation for annual requirement shall indicate export product to be

exported under the authorisation. The importer shall submit a Nexus Certificate from an independent Chartered Engineer (CEC) in the format specified in Appendix 32A of HBP (vol. I) notified under the Foreign Trade Policy, certifying nexus of imported capital goods with the export product, to the Customs authorities at the time of clearance of imported capital goods. A copy of the CEC shall be submitted to the concerned Regional Authority along with copy of the bill of entry, within thirty days from the date of import of the Capital Goods; (5) that the goods imported shall not be disposed of or transferred by sale or lease or any other manner till export obligation is complete; (6) that the importer executes a bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to comply with all the conditions of this notification as well as to fulfill export obligation on Free on Board (FOB) basis equivalent to six times the duty saved on the goods imported as may be specified on the authorisation, or for such higher sum as may be fixed or endorsed by the Regional Authority in terms of Para 5.10 of the Handbook of Procedures Vol I, issued under para 2.4 of the Foreign Trade Policy, **within a period of six years from the date of issue of Authorisation**, in the following proportions, namely :-

S. N.	Period from the date of issue of Authorization	Proportion of total export obligation
(1)	(2)	(3)
1	Block of 1st to 4th year	50%
2	Block of 5th to 6th year	50%

(7) that if the importer does not claim exemption from the additional duty leviable under section 3 of the Customs Tariff Act, 1975, the additional duty so paid by him shall not be taken for computation of the net duty saved for the purpose of fixation of export obligation provided the Cenvat credit of additional duty paid has not been taken;

(8) that the importer, including a CSP, produces within 30 days from the expiry of each block from the date of issue of authorisation or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs may allow, evidence to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs showing the extent of export obligation fulfilled, and where the export obligation of any particular block is not fulfilled in terms of the condition (6), the importer shall within three months from the expiry of the said block pay duties of customs equal to an amount which bears the same proportion to the duties leviable on the goods, but for the exemption contained herein, which the unfulfilled portion of the export obligation bears to the total export obligation, together with interest at the rate of 15% per annum from the date of clearance of the goods;

It is thus evident from the above notification that the said noticee was required to execute a bond in such form and for such sum and with such surety or security as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs binding himself to fulfill export obligation on FOB basis equivalent to six times the duty saved on the goods imported as may be specified on the licence or authorization, or for such higher sum as may be fixed or endorsed by the licensing Authority or Regional Authority, within a period of six years from the date of issuance of licence or authorization i.e. **complete 50% export obligation within first block of 1st to 4th years and remaining 50 % in second block of 5th to 6th years.**

3. The noticee had executed Bond dated 23.05.2013 for Rs. 20,00,000/- backed by Bank Guarantee No. 119 BG 140163 dated 08.05.2013 for Rs. 75,000/- issued by the Tamilnad Mercantile Bank Ltd., Umarwada, Surat for EPCG License No. 5230011606 dated 03.05.2013. They had also undertaken to fulfill all the terms and conditions specified in the License and the said Notification.

4. The 04 Sets of Computerized Embroidery Machine imported under the above said EPCG License were installed at the factory/business premises i.e. M/s. Sanjana Fashion, 45, 2nd Floor, Ishwar Moti Ind. Estate, Near Nani Bahucharaji Mandir, Ved Road, surat-

395004, as per the Installation Certificate dated 02.06.2013 issued by Chartered Engineer B K Goel, Surat certifying the receipt of the goods imported and its installation.

5. The aforesaid EPCG License No. 5230011606 dated 03.05.2013 was issued to the said noticee and the Bond dated 23.05.2013 was executed. Accordingly, **the said noticee was required to fulfill the export obligation within a period of 6 years from the date of EPCG Licence** as per the condition laid down in the Notification and EPCG Licence itself and submit the Export Obligation Discharged Certificate issued by the DGFT Authority to the department.

6. Letter dated 18.03.2021 was issued vide F. No. ICD-SACHIN/570/2013-14 and letter dated 11.07.2022 was issued vide F. No. VIII/6-570/ICD-SACHIN/2013-14, to the Noticee requesting them to furnish the copy of EODC or any extension issued by the Regional Authority, DGFT, Surat for fulfillment of Export Obligation. However, the Noticee has not responded to the above communication.

6.1 Since, no response was received from the Noticee, letter dated 21.10.2022 vide F. No. ICD-Sachin/DGFT/07/2020-21 was issued to the Foreign Trade Development Officer, DGFT, Surat requesting them to inform this office whether the EODC has been issued or any extension granted to the said Noticee or any documents showing the fulfillment of the export obligation have been received by them against the aforesaid EPCG License No. 5230011606 dated 03.05.2013. **In response, the Assistant Director, Directorate General of Foreign Trade, Surat vide letter F. No. EPCG/Mis. /2020-21 dated 28.10.2022 informed that Noticee has not submitted any documents to them against fulfillment of the export obligation.**

In view of the above, it is evident that the Noticee had failed to fulfill the export obligation as specified in the License and did not comply with the mandatory condition of the Notification No. 22/2013-Cus dated 18.04.2013, the condition of EPCG License and also the conditions of the Bond executed and furnished by them.

7. As per the provisions of Section 143 of the Customs Act, 1962, the aforesaid capital goods were allowed clearance by the proper officer on execution of bond by the said noticee wherein the said noticee has bound himself to discharge liability within a specified period in certain manner, which he has failed to do, by not fulfilling the export obligation. Therefore, the department is entitled to recover the duty less paid by raising a demand and appropriating the Bank Guarantee furnished by the said noticee against this demand. The said section is produced herein below for reference:

Section 143. Power to allow import or export on execution of bonds in certain cases. - (1) Where this Act or any other law requires anything to be done before a person can import or export any goods or clear any goods from the control of officers of customs and the Assistant Commissioner of Customs or Deputy Commissioner of Customs is satisfied that having regard to the circumstances of the case, such thing cannot be done before such import, export or clearance without detriment to that person, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, notwithstanding anything contained in this Act or such other law, grant leave for such import, export or clearance on the person executing a bond in such amount, with such surety or security and subject to such conditions as the Assistant Commissioner of Customs or Deputy Commissioner of Customs approves, for the doing of that thing within such time after the import, export or clearance as may be specified in the bond.

(2) If the thing is done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall cancel the bond as discharged in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable

to any penalty provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.

(3) If the thing is not done within the time specified in the bond, the Assistant Commissioner of Customs or Deputy Commissioner of Customs shall, without prejudice to any other action that may be taken under this Act or any other law for the time being in force, be entitled to proceed upon the bond in accordance with law.

8. Since, the said noticee appears to failed to fulfill the conditions laid down under Notification No. 22/2013-Cus dated 18.04.2013 in as much as they failed to export goods manufactured from 04 sets of Computerized Embroidery Machine imported under EPCG Licence No. 5230011606 dated 03.05.2013 which was equivalent to six times the duty saved on the goods imported and also neither produced EODC issued by DGFT, Surat nor could produce any extension granted by DGFT, Surat for fulfillment of Export Obligation. Hence, they appear liable to pay duty of **Rs. 4,94,739/-** in respect of the said imported goods along with interest at the applicable rate, in terms of conditions of the said Notification read with condition of Bond executed by the said noticee read with Section 143 of the Customs Act, 1962.

8.1 It appears that the imported capital goods have not been used for intended purpose for which the exemption from payment of duty was claimed and therefore, the aforesaid Capital goods appear liable for confiscation under Section 111(o) of the Customs Act, 1962 and thus the said noticee appears to have rendered itself liable for penal action under the provisions of Section 112(a) and Section 117 of the Customs Act, 1962.

8.2 Since, the said noticee could not fulfill the conditions laid down under Notification No.22/2013-Cus dated 18.04.2013, the Bank Guarantee No. 119 BG 140163 dated 08.05.2013 for Rs. 75,000/- issued by the Tamilnad Mercantile Bank Ltd., Umarwada, Surat in favor of the Deputy/Asstt. Commissioner of Customs, ICD-Sachin, Surat against the EPCG License No. 5230011606 dated 03.05.2013 appears required to be appropriated against the proposed demand.

8.3 As per para (8) of Customs Notification No. 22/2013-Cus dated 18.04.2013, the importer was required to produce, within 30 days from the expiry of each block from the date of issue of authorization or within such extended period, evidence to the extent of export obligation fulfilled by them, and where the export obligation of any particular block was not fulfilled, the importer were required to pay duties of customs equal to an amount which for the unfulfilled portion of the export obligation along with interest within three months from the expiry of the said block. The said noticee have also given bond to this effect. The letter dated 18.03.2021 was written to the noticee to intimate the extent of export obligation fulfilled by them. Further letter dated 11.07.2022 was also written to them but both these letters were not replied by them. Thus, the fact that they had neither completed their Export obligation nor paid the duty on import as per law & procedure is on record. The DGFT also informed that the noticee has not submitted any documents regarding fulfillment of Export obligation. Thus, it appears that the said noticee has neither fulfilled their Export obligation nor paid the customs duty along with interest for non-fulfillment of EO. These facts were not disclosed to the department or DGFT, thereby suppressing the facts with a clear intent to evade the payment of duty.

9. In view of the foregoing, a Show Cause Notice bearing F. No. VIII/6-570/ICD-Sachin/2013-14 dated 03.05.2023, along with a Corrigendum dated 22.08.2023, was issued to M/s. Sanjana Fashion, located at 112, Shraddha Deep Raw House, Cause Way Road, Singanpore Char Rasta, Katargam, Surat-395004. The notice called upon the said entity to show cause before the Additional/Joint Commissioner of Customs, having his office at Customs House, Hazira Port Pvt. Ltd., Hazira, Surat, as to why:

- (i) The benefit of zero duty for EPCG Scheme under Notification No. 22/2013-Cus dated 18.04.2013 on the subject imported Computerized Embroidery Machine in the name of M/s. Sanjana Fashion should not be denied.
- (ii) Customs Duty totally amounting to **Rs. 4,94,739/- (Rupees Four Lakh Ninety Four Thousand Seven Hundred Thirty Nine only)** being the Duty forgone at the time of import under EPCG Licence, should not be demanded and recovered from them in terms of Notification No. 22/2013-Cus dated 18.04.2013 as amended, read with the Conditions of Bond executed and furnished by them in term of Section 143 of the Customs Act, 1962 by enforcing the terms of the said Bond and as to why the Bank Guarantee No. 119 BG 140163 dated 08.05.2013 for Rs. 75,000/- issued by the Tamilnad Mercantile Bank Ltd., Umarwada, Surat backed against the Bond, should not be appropriated and adjusted towards the Duty liability as mentioned above.
- (iii) Interest at the applicable rate should not be recovered from them on the Customs Duty as mentioned at (ii) above in term of Notification No. 22/2013-Cus dated 18.04.2013 as amended from time to time read with Conditions of the Bond executed in term of Section 143 of the Customs Act, 1962.
- (iv) The imported Capital Goods should not be held liable for confiscation under Section 111(o) of the Customs Act, 1962 read with conditions of Bond executed, in terms of Section 143 of the Customs Act, 1962 read with Notification No. 22/2013-Cus dated 18.04.2013 as amended from time to time.
- (v) Penalty should not be imposed on the noticee under Section 112(a) of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vi) Penalty should not be imposed on the noticee under Section 117 of the Customs Act, 1962 for the acts of omission & commission mentioned above.
- (vii) Bond executed by the noticee at the time of import should not be enforced in terms of Section 143(3) of the Customs Act, 1962 and the Bank Guarantee thereof should not be encashed for recovery of the Customs Duty as mentioned above and interest thereupon.

DEFENSE SUBMISSION AND PERSONAL HEARING:

10. In response to the subject Show Cause Notice, the Noticee, vide letter dated 11.09.2023, informed that they had been unable to fulfil the export obligation due to the non-availability of export demand. They further stated that they had applied for regularization under the Amnesty Scheme and had submitted an application to the DGFT, Surat, on 30.06.2023. Subsequently, vide letter dated 19.12.2023, the Noticee informed that they were permitted to pay the Customs duty and applicable interest up to 31.03.2024 and that, upon receipt of the EODC/RA letter from the DGFT, they would submit the same. Further, vide letter dated 27.03.2024, the Noticee submitted a calculation sheet as per Public Notice No. 02/2023 dated 01.04.2023 for payment of Customs duty under the Amnesty Scheme along with applicable interest. They also submitted the duty paid TR-6 Challan No. 192/23-24 dated 27.03.2024 (duly certified by the Inspector, Customs, ICD, Sachin, Surat) to the DGFT for one-time settlement in accordance with Public Notice No. 02/2023 dated 01.04.2023.

10.1 Since, the EODC/Redemption letter was not issued and the matter was pending before DGFT, the SCN was put into call book on 31.01.2025 in terms of para 5 of the Board Circular No.16/2017-Customs dated 02.05.2017. Now, during review of call book cases the status of the said authorization on DGFT's official website shown as "closed", hence, the SCN is retrieved from call book for adjudication. The opportunity of Personal hearing was

given to the Noticee on dated 28.11.2025 vide letter dated 20.11.2025 in compliance with Principle of Natural Justice.

10.2 In response to the personal hearing scheduled on 28.11.2025, the Noticee, vide email dated 25.11.2025, informed that they had been issued the EODC/regularization letter dated 21.03.2025 and forwarded a copy of the said regularization letter issued by the DGFT. They further conveyed that they did not wish to avail themselves of the personal hearing and requested that the proceedings initiated against them through the subject Show Cause Notice be dropped.

DISCUSSIONS AND FINDINGS:

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

12. I find that, in the present case, a Show Cause Notice bearing F. No. VIII/6-570/ICD-SACHIN/2013-14 dated 03.05.2023, along with a Corrigendum dated 22.08.2023, was issued to the Noticee/Importer holding EPCG License No. 5230011606 dated 03.05.2013 for non-fulfilment of the export obligation prescribed under Notification No. 22/2013-Cus dated 18.04.2013 and for non-submission of the Export Obligation Discharge Certificate (EODC) issued by the DGFT to the Customs authorities. As per Notification No. 22/2013-Cus dated 18.04.2013, the importer was required to fulfil an export obligation, on FOB basis, equivalent to six times the duty saved on the goods imported, within six years from the date of authorization, as specified in the licence. I also note that the case was transferred to the call book in terms of para 5 of Board Circular No. 16/2017-Customs dated 02.05.2017, after the Noticee informed that they had opted for the Amnesty Scheme before the DGFT, Surat, under Public Notice No. 02/2023 dated 01.04.2023, and submitted proof of acknowledgement to the Customs authorities. In view of the Noticee having submitted the regularization letter under the Amnesty Scheme, in accordance with Public Notice No. 02/2023 dated 01.04.2023 issued by the DGFT, Surat, the case was withdrawn from the call book in November 2025 with the approval of the competent authority and is now taken up for adjudication.

Accordingly, the issues for consideration before me are as follows:

(i) Whether the benefit of zero duty for EPCG scheme under the said Notification No. 22/2013-Cus dated 18.04.2013 on the subject imported Computerized Embroidery Machine is admissible to the Noticee in absence of non-fulfillment of the export obligation prescribed therein, as alleged in the Show cause notice and whether the Amnesty Scheme criteria for the EPCG Licence issued to them, have been met

(ii) Whether the noticee is liable for confiscation of Capital Goods and penalties as proposed in the SCN.

13. Now I proceed to decide whether the benefit of zero duty for EPCG scheme under the said Notification No. 22/2013-Cus dated 18.04.2013 on the subject imported Computerized Embroidery Machine is admissible to the Noticee in absence of non-fulfillment of the export obligation prescribed therein, as alleged in the Show cause notice and whether the Amnesty Scheme criteria for the EPCG Licence issued to them, have been met

13.1 I find that the present recovery proceedings were initiated against the Noticee for non-submission of proof of fulfilment of export obligation and non-submission of the Export Obligation Discharge Certificate (EODC) in respect of EPCG License No. 5230011606 dated 03.05.2013, against which the Noticee had availed a zero rate of duty at the time of import. As per Notification No. 22/2013-Cus dated 18.04.2013, the importer was required to fulfil

the export obligation, on FOB basis, equivalent to six times the duty saved on the imported goods within six years from the date of authorization, as specified in the licence. I observe that letters dated 18.03.2021 and 11.07.2022 were issued to the Noticee requesting submission of the EODC or any extension granted by the Regional Authority, DGFT, Surat, for fulfilment of the export obligation. However, the Noticee did not respond to the said communications. Further, the Assistant Director, Directorate General of Foreign Trade, Surat, vide letter F. No. EPCG/Mis./2020-21 dated 28.10.2022, confirmed that the Noticee had not submitted any documents towards fulfilment of the export obligation. It was, therefore, evident that the Noticee had failed to fulfil the export obligation as prescribed in the licence and had not complied with the mandatory conditions of Notification No. 22/2013-Cus dated

18.04.2013, the terms of the EPCG licence, and the conditions of the Bond executed by them. In view of the above, the Noticee is not entitled to the zero-duty benefit under the EPCG Scheme in terms of Notification No. 22/2013-Cus dated 18.04.2013, as the benefit on the imported Computerized Embroidery Machine is not admissible in the absence of fulfilment of the prescribed export obligation.

13.2 I also note that the DGFT, vide Public Notice No. 02/2023 dated 01.04.2023, introduced the Amnesty Scheme titled “Amnesty Scheme for One-Time Settlement of Default in Export Obligation by Advance and EPCG Authorization Holders.” In accordance with the provisions of this scheme, the Noticee submitted their application for regularization under the Amnesty Scheme to the DGFT on 30.06.2023. I further find that the Noticee, vide email dated 25.11.2025, submitted that the DGFT, Surat, had issued a regularization letter dated 21.03.2025 (Image as below) under the Amnesty Scheme in respect of the impugned EPCG Authorization No. 5230011606 dated 03.05.2013, vide F. No. 52EFEP10435AM25 dated 21.03.2025. I also note that neither the application submitted by the Noticee to the DGFT for issuance of the EODC under the Amnesty Scheme, nor the regularization letter dated 21.03.2025 issued by the DGFT, Surat, was available at the time of issuance of the impugned Show Cause Notice.

UDINEPCGM00679751AM25



सर्वानन्द जयते

Government of India / भारत सरकार

Ministry of Commerce and Industry / वाणिज्य और उद्योग मंत्रालय

Department of Commerce / वाणिज्य विभाग

Directorate General of Foreign Trade / विदेश व्यापार महानिदेशालय

Office of the Joint Director General of Foreign Trade, Surat / संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय, सूरत
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Email Office / ई-मेल : surat-dgft@nic.in , Phone Office / दूरभाष कार्यालय: : 0261-2423381

To / सेवा में,

SANJANA FASHION
112, SHRADDHA DEEP RAW HOUSE, ,
CAUSE WAY ROAD, SINGAPORE CHAR RASTA ,
KATARGAM, SURAT/GUJARAT , SURAT ,
GUJARAT – 395004
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Sir / Madam / M/s,
महोदय/ महोदया / सुश्री,

Based on your request and the supporting documents provided, the Redemption status for EPCG Authorisation has been updated in the online DGFT systems. May please see following updation details for your reference please -

EPCG export obligation (EO) regularized under Amnesty Scheme as per PN.02/2023 dtd.01.04.2023 for one time settlement of default in EO with e-payment of Rs.614420/- (Customs duty of Rs.494739+ Interest to Rs.119674).

आपके आवेदन और प्रदान किए सहायक दस्तावेजी प्रमाणों के आधार पर प्राधिकार पत्र के लिए मोबाइल स्थिति (रिडैम्पशन स्टेटस) EPCG को ऑनलाइन डीजीएफटी सिस्टम में अद्यतित कर दिया गया है। कृपया आपने संदर्भ के लिए निम्नलिखित अद्यतित विवरण को देखें। -

Authorisation Number / प्राधिकार पत्र सं. : 5230011606

Issue Date / जारी करने की तिथि: 18/03/2025

Issued Against File Number / फालड सं. के तहत जारी किया गया: 52EFEP10435AM25

Final Status updated in the System / प्रणाली में अद्यतन की गई अंतिम स्थिति: Regularisation

Signature Not Verified

This document has been digitally signed by SATYADEV DOMMETY, FTDO, RA SURAT on 21-Mar-2025.

Digital Signature
Name: SATYADEV DOMMETY
Date: 21-Mar-2025 16:23:12
Reason: SATYADEV.D@GOV.IN
Location: RA SURAT

13.3 I find from the records that, in response to the Noticee's application under the Amnesty Scheme, the DGFT, Surat, vide letter F. No. 52/21/021/00171/AM14 dated 20.02.2024, directed the Noticee to pay Customs duty of Rs. 4,94,739/- along with applicable interest for regularization. Pursuant to this, the Noticee, vide letter dated 27.03.2024, requested the Deputy Commissioner of Customs, ICD, Sachin, to issue a challan for payment of the Customs duty and applicable interest. Accordingly, the Noticee paid a total amount of **Rs. 6,14,420/- (comprising Customs duty of Rs. 4,94,739/- and interest of Rs. 1,19,674/-)** through TR-6 Challan No. 192/23-24 dated 27.03.2024, towards compliance with the DGFT Surat, in respect of EPCG Licence No. 5230011606 dated 03.05.2013.

13.4 I find that the DGFT has issued a regularization letter dated 21.03.2025 under the Amnesty Scheme in respect of the impugned EPCG Authorization No. 5230011606 dated 03.05.2013. I further find that, in the present case, the Noticee has complied with the procedure prescribed by the DGFT under the "Amnesty Scheme for One-Time Settlement of Default in Export Obligation" for EPCG Licence No. 5230011606 dated 03.05.2013 and has paid the Customs duty along with the applicable interest for regularization of the case. Accordingly, total customs duty amounting **Rs. 4,94,739/-** paid by the noticee is required to be appropriated against the total demand of **Rs. 4,94,739/- (Rupees Four Lakh Ninety-Four Thousand Seven Hundred Thirty-Nine only)**. Further, Interest of **Rs. 1,19,674/-** paid by the noticee is also required to be appropriated against the demand of interest.

14. Now I proceed to decide whether the Capital Goods under consideration are liable to confiscation and whether noticee is liable for penalties as proposed in the Show Cause Notice.

(i) In view of the Regularization Letter dt 21.03.2025 issued by DGFT i.r.o. of the impugned EPCG authorization No. 5230011606 dated 03.05.2013, I find that since the noticee has complied with the conditions of "Amnesty Scheme for one time settlement of default in export obligation" against EPCG Authorization No. 5230011606 dated 03.05.2013 in accordance with Public Notice No. 2/2023 dated 01.04.2023 issued by the DGFT read with CBIC circular 11/2023-cus dt.17.05.2023, I do not find it worth to held the goods liable for confiscation under Section 111(o) of the Customs Act, 1962 as proposed in the Show Cause Notice. Accordingly, I also find that no penalty is imposable on the noticee under Section 112 (a) and 117 of the Customs Act, 1962.

15. In view of above discussion and findings, I pass the following order:

ORDER

- (i)** I confirm the demand of Customs duty amounting to **Rs. 4,94,739/- (Rupees Four Lakh Ninety-Four Thousand Seven Hundred Thirty-Nine only)**, being the duty foregone at the time of import of capital goods under the said EPCG Licence, in terms of Notification No. 22/2013-Cus dated 18.04.2013, as amended, read with the conditions of the Bond executed. I order that the said amount be recovered from **M/s. Sanjana Fashion**, 112, Shraddha Deep Raw House, Cause Way Road, Singanpore Char Rasta, Katargam, Surat-395004, in terms of Section 143 of the Customs Act, 1962, by enforcing the terms of the aforementioned Bond. I further order the appropriation of the Customs duty of **Rs.4,94,739/- and interest of Rs.1,19,674/-**, already paid by M/s. Sanjana Fashion in compliance with Public Notice No. 02/2023 dated 01.04.2023 issued by the DGFT, against the aforesaid demand.
- (ii)** Since M/s. Sanjana Fashion has paid the Customs duty of Rs.4,94,739/- and interest of Rs.1,19,674/- in terms of Public Notice No. 02/2023 dated 01.04.2023 under the "Amnesty Scheme for One-Time Settlement of Default in Export Obligation" introduced by the DGFT, and in view of the issuance of the

"Regularization Letter dated 21.03.2025 under the Amnesty Scheme" by the DGFT, Surat, I do not hold the goods liable for confiscation under Section 111(o) of the Customs Act, 1962. Consequently, no redemption fine under Section 125(1) is imposable.

- (iii) I do not propose to impose any penalty on M/s. Sanjana Fashion, 112, Shraddha Deep Raw House, Cause Way Road, Singanpore Char Rasta, Katargam, Surat-395004, under Sections 112(a) and 117 of the Customs Act, 1962.

16. The Show Cause Notices F. No. VIII/6-570/ICD-SACHIN/2013-14 dated 03.05.2023 along with Corrigendum dated 22.08.2023 is disposed of in above terms.

(Shravan Ram)
Additional Commissioner
Customs, Ahmedabad

DIN:20251271MN0000419494

F. No. GEN/ADJ/ADC/2157/2025-ICD-SRT-CUS-COMMRTE-AHMEDABAD Dated:03.12.2025
By Speed Post A.D./E-mail /Hand Delivery/Through Notice Board

To,

M/s. Sanjana Fashion,
112, Shraddha Deep Raw House,
Cause Way Road, Singanpore Char Rasta,
Katargam, Surat-395004

Shri Piyush Bhupat Moradiya,
Partner Of M/s. Sanjana Fashion,
45, 2nd Floor, Ishwar Moti Ind. Estate,
Near Nani Bahucharaji Mandir,
Ved Road, Surat-395006

Copy to:

1. The Principal Commissioner, Customs, Ahmedabad (Kindly Attention to RRA Section for review).
2. The Deputy Commissioner of Customs, ICD-Sachin, Surat.
3. The System In-Charge, Customs HQ, Ahmedabad for uploading on the official website i.e. <http://www.ahmedabadcustoms.gov.in>
4. The Joint Director General, DGFT, 6th Floor, Resham Bhavan Lal Darwaja, Surat395003 for information and necessary action.
5. Guard File/Office copy.
6. Notice Board