

	<p>प्रधान आयुक्त का कार्यालय, सीमा शुल्क सदन, मुन्द्रा</p> <p>OFFICE OF THE PRINCIPAL COMMISSIONER,</p> <p>CUSTOM HOUSE, MUNDRA</p> <p>Port User Building (PUB), Mundra (Gujarat – 370421)</p> <p>ई-मेल/ E-Mail: group5-mundra@gov.in</p>
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A	फा. सं./ FILE NO.	CUS/ICFS/MISC/274/2026-Docks Examn-O/o Pr Commr-Cus-Mundra
B	मूल आदेश सं. ORDER-IN-ORIGINAL NO.	MCH/ADC/ZDC/25/2026-27
C	द्वारा पारित किया गया PASSED BY	Dipak Zala Additional Commissioner of Customs, Custom House, Mundra
D	आदेश की तिथि DATE OF ORDER	10-04-2026
E	जारी करने की तिथि DATE OF ISSUE	10-04-2026
F	कारण बताओ नोटिस सं. एवं तिथि SCN NUMBER & DATE	SCN No. 230(L)/2025-26/ADC/ZDC/MCH dated 30.03.2026
G	नोटिसी/पार्टी / आयातक NOTICEE/ PARTY/ IMPORTER	M/s. Silver Consumer Electricals Limited, Plot No. 3 of R.S. No. 37 and 38, Plot No. 5 of 47/1, Plot No. 1 of R.S. No. 36 and 43 to 46 Plot No. 6 of 38, Rajkot Haripar, Gujarat – 360035
H	डिन/ DIN	20260471MO0000618088

यह अपील आदेश संबन्धित को निःशुल्क प्रदान किया जाता है।

1.

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

2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 6(1) के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 129A(1) के अंतर्गत प्रपत्र सीए3-में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-

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

“सीमा शुल्क आयुक्त) अपील(, चौथी मंजिल, हुडको बिल्डिंग, ईश्वर भुवन रोड, नवरंगपुरा, अहमदाबाद 380009”

“The Commissioner of Customs (Appeals), Mundra, 4TH Floor, Hudco Building, Ishwar Bhuvan Road, Navrangpura, Ahmedabad-380009.”

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

Appeal shall be filed within three months from the date of communication of this order.

4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 5 -/रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए -

Appeal should be accompanied by a fee of Rs. 5/- under Court Fee Act it must be accompanied by -

5. उक्त अपील पर न्यायालय शुल्क अधिनियम के तहत 5/- रुपये कोर्ट फीस स्टाम्प जबकि इसके साथ संलग्न

आदेश की प्रति पर अनुसूची- 1, न्यायालय शुल्क अधिनियम, 1870 के मदसं-6 के तहत निर्धारित 0.50 पैसे की एक न्यायालय शुल्क स्टाम्प वहन करना चाहिए।

The appeal should bear Court Fee Stamp of Rs.5/- under Court Fee Act whereas the copy of this order attached with the appeal should bear a Court Fee stamp of Rs.0.50 (Fifty paise only) as prescribed under Schedule-I, Item 6 of the Court Fees Act, 1870.

6. अपील ज्ञापन के साथ ड्यूटी/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये। Proof of payment of duty/fine/penalty etc. should be attached with the appeal memo.

7. अपील प्रस्तुत करते समय, सीमाशुल्क (अपील) नियम, 1982 और सीमा शुल्क अधिनियम, 1962 के सभी मामलों में पालन किया जाना चाहिए।

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

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

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

Brief Facts of the Case: -

M/s. Silver Consumer Electricals Limited (IEC : 2407002725) having address as 'Plot No. 3 of R.S. No. 37 and 38, Plot No. 5 of 47/1, Plot No. 1 of R.S. No. 36 and 43 to 46 Plot No. 6 of 38, Rajkot Haripar, Gujarat – 360035' (hereinafter referred to as "Importer"), filed Bill of Entry No. 7988558 dated 10.03.2026 through their Customs Broker M/s. Aanya Express Cargo (hereinafter referred to as "CB") for import of goods declared as "multiple Machines under Chapters 82 and 84" having assessable value as declared in the Bill of Entry. The said Bill of Entry shall hereinafter be referred to as "BE".

2. The details of the items being importer vide the BE No. 7988558 dated 10.03.2026 are as follows:

Sr. No.	Description of Goods	CTH	Quantity	Assessable Value (INR)
1	Press Machine C Frame Single Crank Precision Steel NC PowerPress Kinglan, ALP-160	84629000	1 PC	3853695.48
2	Progressive Die for BOTTOM COVER T-1 mm.	82073000	1 PC	2131911.05
3	Progressive Die for BEARING HOUSING T-2.5 MM	82073000	1 PC	1776903.95
4	Progressive Die for LOCATOR PIN T-2.5 mm WITH Tapping In Die	82073000	1 PC	1360237.72
5	NC servo roll feeder (0.3-3.2mm thickness) NCF-300	84629000	1 PC	378362.83
6	2 in 1 Un-coiler straightener (0.5-3mm thickness)UL-300	84629000	1 PC	378362.83

7	Fibre Laser Welding Machine KL-ZC1500 Watt	84561100	4 PC	4237663.68
	TOTAL			14117137.5

3. The importer filed the BE under EPCG Licence bearing No. 2431005032 dated 12.11.2025, issued by the O/o Directorate General of Foreign Trade, Rajkot, Gujarat and saved Customs duty as per Para 5.01(a) of the Foreign Trade Policy (FTP), 2023, the relevant portion of which is reproduced below:

“EPCG Scheme allows import of capital goods (except those specified in negative list in Appendix 5 F) for preproduction, production and post-production at zero customs duty. Capital goods imported under EPCG Authorisation for physical exports are also exempt from IGST and Compensation Cess, leviable thereon under the subsection (7) and subsection (9) respectively, of section 3 of the Customs Tariff Act, 1975 (51 of 1975), as provided in the notification issued by Department of Revenue.”

4. Whereas, on scrutiny of the said BE and accompanying documents, it is observed that the goods declared at Sr. No. 7 of the BE are described as “Fibre Laser Welding Machine KL-ZC1500 Watt” classifiable under CTH 84561100 (hereinafter referred as ‘impugned goods’). Further, as per the commercial invoice, the said goods were imported in quantity of 4 units with declared total assessable value of Rs. 42,37,664/-.

5. Whereas, the consignment covered under the said BE was subjected to examination and on visual examination, the goods appeared to be as declared. However, it was noticed that the item at Sr. No. 7 i.e. “Fibre Laser Welding Machine KL-ZC1500 Watt” is covered under the scope of Anti-Dumping Duty in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023 issued under Section 9A of the Customs Tariff Act, 1975. As per the said notification, the subject goods originating in or exported from China attract Anti-Dumping Duty at the rate specified under the relevant entry.

6. Whereas, it is observed from the BE that the importer has not declared or discharged the applicable Anti-Dumping Duty on the said goods at the time of import. The BE has been self-assessed without considering the applicability of the aforesaid notification, resulting in non-payment of Anti-Dumping Duty leviable on the imported goods.

7.1 Acting on the basis of the available records and examination findings, it appears that the importer has imported the impugned goods from the supplier, M/s Zhejiang Jinaolan Machine Tool Co., Ltd., having its address at No. 19, Huanglong 3rd Road, Huanglong Industrial Zone, Wuyi, Zhejiang, China – 321200. The impugned goods are of Chinese origin and have been exported from China. Therefore, the said goods are squarely covered under the scope of Sr. No. 9 of Notification No. 15/2023-Customs (ADD) dated 22.12.2023, and accordingly, anti-dumping duty at the rate of 147.2% of CIF (assessable) value is leviable on the import of item no. 7 of the impugned Bill of Entry. However, despite the clear applicability of anti-dumping duty, the importer has failed to declare the same in the Bill of Entry and has not discharged the applicable duty liability.

7.2 It is observed that under Section 17 of the Customs Act, 1962, the importer is required to self-assess the duty correctly, including all duties leviable under any law for the time being in force. Further, Section 46(4) and Section 46(4A) mandates that the importer shall ensure accuracy and completeness of the information furnished in the BE and compliance with all applicable provisions of law. In the instant case, the importer has failed

to correctly assess and pay the applicable Anti-Dumping Duty, thereby contravening the provisions of the Customs Act, 1962.

7.3 It therefore appears that the importer has suppressed the fact of applicability of Anti-Dumping Duty and has filed the BE with incorrect self-assessment in order to evade payment of applicable duty.

7.4 It is further observed that the importer, while filing the Bill of Entry, has made and subscribed to a declaration as to the truth and correctness of the contents of the Bill of Entry as required under Section 46 of the Customs Act, 1962. However, by failing to declare the applicability of Anti-Dumping Duty on the impugned goods, despite the same being clearly leviable in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023, the importer has filed a declaration which is incorrect in a material particular, namely the applicable rate of duty. The said omission is not merely procedural but has a direct bearing on the duty liability and assessment of the goods. Therefore, it appears that the importer has knowingly or intentionally used a declaration/document which is false or incorrect in a material particular in the course of customs clearance, thereby rendering themselves liable for penalty under Section 114AA of the Customs Act, 1962.

8. Relevant Legal Provisions:

A. Under Customs Act, 1962:-

I. Section 2(15) — 'duty' means a duty of customs leviable under this Act;

II. Section 12. Dutiable goods.—(1) Except as otherwise provided in this Act, or any other law for the time being in force, duties of customs shall be levied at such rates as may be specified under the 1[Customs Tariff Act, 1975 (51 of 1975)], or any other law for the time being in force, on goods imported into, or exported from, India.

(2) The provisions of sub-section (1) shall apply in respect of all goods belonging to Government as they apply in respect of goods not belonging to Government.

III. 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) The proper officer may verify the entries made under section 46 or section 50 and the self assessment of goods referred to in sub-section (1) and for this purpose, examine or test any imported goods or export goods or such part thereof as may be necessary.

Provided ...

(3) For the purposes of verification under sub-section (2), the proper officer may require the importer, exporter or any other person to produce any document or information, whereby the duty leviable on the imported goods or export goods, as the case may be, can be ascertained and thereupon, the importer, exporter or such other person shall produce such document or furnish such information.

(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.

IV. Section 46. Entry of goods on importation. - (1) The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically to the proper officer a bill of entry for home consumption or

warehousing in the prescribed form:

Provided that the Principal Commissioner of Customs or Commissioner of Customs may, in cases where it is not feasible to make entry by presenting electronically, allow an entry to be presented in any other manner:

Provided further that] if the importer makes and subscribes to a declaration before the proper officer, to the effect that he is unable for want of full information to furnish all the particulars of the goods required under this sub-section, the proper officer may, pending the production of such information, permit him, previous to the entry thereof (a) to examine the goods in the presence of an officer of customs, or (b) to deposit the goods in a public warehouse appointed under section 57 without warehousing the same.

(2) Save as otherwise permitted by the proper officer, a bill of entry shall include all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.

(3) The importer shall present the bill of entry under sub-section (1) before the end of the next day following the day (excluding holidays) on which the aircraft or vessel or vehicle carrying the goods arrives at a customs station at which such goods are to be cleared for home consumption or warehousing:

Provided that a bill of entry may be presented within thirty days of the expected arrival of the aircraft or vessel or vehicle by which the goods have been shipped for importation into India:

Provided further that where the bill of entry is not presented within the time so specified and the proper officer is satisfied that there was no sufficient cause for such delay, the importer shall pay such charges for late presentation of the bill of entry as may be prescribed.]

(4) The importer while presenting a bill of entry shall 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, relating to the imported goods as may be prescribed

(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.

(5) If the proper officer is satisfied that the interests of revenue are not prejudicially affected and that there was no fraudulent intention, he may permit substitution of a bill of entry for home consumption for a bill of entry for warehousing or vice versa.

V. Section 111 - Confiscation of improperly imported goods etc.- The following goods brought from a place outside India shall be liable to confiscation: -

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54;

VI. Section 112 – Penalty for improper importation of goods, etc. -Any person, —

(a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111, shall be liable,—

.....

(ii) in the case of dutiable goods, other than prohibited goods, to a penalty [not exceeding the duty sought to be evaded on such goods or five thousand rupees], whichever is the greater;

.....

VII. Section 114AA: Penalty for use of false and incorrect material. —

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

B. Under Customs Tariff Act, 1975:-

I. Section 9A. Anti-dumping duty on dumped articles.—(1) Where any article is exported by an exporter or producer] from any country or territory (hereinafter in this section referred to as the exporting country or territory) to India at less than its normal value, then, upon the importation of such article into India, the Central Government may, by notification in the Official Gazette, impose an anti-dumping duty not exceeding the margin of dumping in relation to such article.

C. Notification No. 15/2023-Customs (ADD) dated 22.12.2023:-

G.S.R. ---(E).- Whereas in the matter of ‘Industrial Laser Machines, used for cutting, marking, or welding’ (hereinafter referred to as the subject goods) falling under tariff items 84561100, 84569090, 84798199, 85152190, 85158090 and 90132000 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from China PR (hereinafter referred to as the subject country), and imported into India, the designated authority in its final findings, issued vide notification 06/07/2022-DGTR, dated the 27th September, 2023 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th September, 2023, read with corrigendum issued vide notification 06/07/2022-DGTR dated 6th December, 2023 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7th December, 2023, has inter alia come to the conclusion that—

the subject goods have been exported to India from the subject country at dumped prices;
the domestic industry has suffered material injury on account of subject imports from subject country;

the material injury has been caused by the dumped imports of subject goods from the subject country,

and has recommended imposition of an anti-dumping duty on the imports of subject goods, originating in, or exported from the subject country and imported into India, in order to remove injury to the domestic industry.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), and imported into India, an anti-dumping duty calculated at the rate as specified in the corresponding entry in column (7) of the said Table, namely:-

Table

SN	Tariff Item	Description of Goods	Country of origin	Country of Export	Producer	Duty as % of CIF
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	84561100, 84569090, 84798199, 85152190, 85158090 and 90132000	Industrial Laser Machines, in fully assembled, SKD or CKD form, used for cutting, marking, or welding operations*	China PR	Any country including China PR	GD Han's Yueming Laser Group Co., Ltd. Han's Laser Smart Equipment Group Co., Ltd. Han's Laser Technology Industry Group Co., Ltd. Han's MP Laser Technology Co., Ltd. Suzhou Songu Intelligent Equipment Co., Ltd.	24.66%
2	-do-	-do-	China PR	Any country including China PR	Jiangsu Yawei Machine-Tool Co., Ltd. Jiangsu Yawei Chuangkeyuan Laser Equipment Co., Ltd.	43.35%
3	-do-	-do-	China PR	Any country including China PR	TRUMPF (China) Co., Ltd. Jiangsu Jinfangyuan CNC Machine Co., Ltd.	Nil
4	-do-	-do-	China	Any country	HSG Laser Co.,	

			PR	including China PR	Ltd Jinan Hongshi Laser Technology Co., Ltd	22.54%
5	-do-	-do-	China PR	Any country including China PR	Bystronic (Tianjin) Laser Ltd Bystronic Laser AG Bystronic (Shenzhen) Laser Technology Co., Ltd	30.16%
6	-do-	-do-	China PR	Any country including China PR	Jinan Bodor CNC Machine Co., Ltd	84.22%
7	-do-	-do-	China PR	Any country including China PR	Jinan Oree Laser Technology Co. Ltd Shandong Oree Laser Technology Co. Ltd	87.30%
8	-do-	-do-	China PR	Any country including China PR	Gweike Tech Co., Ltd	90.49%
9	-do-	-do-	China PR	Any country including China PR	Any, other than SN 1 to 8	147.20%
10	-do-	-do-	Any other than China PR	China PR	Any	147.20%

*the scope of the product includes Laser Cutting Machines , Laser Marking Machines, and Laser Welding machines .

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette, and shall be payable in Indian currency.

9. In view of the above, it appears that:

9.1 The goods declared at Sr. No. 7 of the Bill of Entry No. 7988558 dated 10.03.2026, namely "Fibre Laser Welding Machine KL-ZC1500 Watt", are covered under the scope of Notification No. 15/2023-Customs (ADD) dated 22.12.2023, issued under Section 9A of

the Customs Tariff Act, 1975, and are liable to Anti-Dumping Duty at the rate of 147.20% of the CIF value, as per Sr. No. 9 of the said notification. The said goods have been imported from China, which is a subject country under the aforesaid notification, and therefore the levy of Anti-Dumping Duty is squarely applicable on the impugned goods;

9.2. The importer has filed the Bill of Entry under the self-assessment scheme as provided under Section 17(1) of the Customs Act, 1962. However, while undertaking such self-assessment, the importer has failed to consider and declare the applicability of Anti-Dumping Duty on the impugned goods. This has resulted in incorrect self-assessment of duty and consequential non-payment of the applicable Anti-Dumping Duty. Accordingly, the said Bill of Entry is liable for re-assessment under Section 17(4) of the Customs Act, 1962.;

9.3 The importer, by failing to declare the correct duty liability, has rendered the impugned goods liable for confiscation under Section 111(m) of the Customs Act, 1962, as the goods do not correspond in respect of applicable duty with the declaration made in the Bill of Entry.

9.4 The importer has rendered themselves liable to penalty under Section 112(a)(ii)/114A of the Customs Act, 1962 for acts and omissions which have rendered the goods liable for confiscation.

9.5 The importer, by filing the Bill of Entry without declaring the applicability of Anti-Dumping Duty on the impugned goods, has made and used a declaration which is incorrect in a material particular, namely the applicable rate of duty, and which has a direct bearing on the assessment and duty liability of the goods, thereby rendering themselves liable for penalty under Section 114AA of the Customs Act, 1962.

10. Accordingly, M/s. Silver Consumer Electricals Limited was called upon to Show Cause Notice within thirty days from the date of receipt of this notice to the Additional Commissioner of Customs, First Floor, Port User Building, Custom House, Mundra, Kachchh, Gujarat-370421 as to why :

(i) the self-assessment of Bill of Entry No. 7988558 dated 10.03.2026, carried out under Section 17(1) of the Customs Act, 1962, should not be rejected and the goods declared at item no. 7, namely "Fibre Laser Welding Machine KL-ZC1500 Watt", should not be re-assessed under Section 17(4) of the Customs Act, 1962 by imposing applicable Anti-Dumping Duty in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023..

(ii) the said goods should not be confiscated under Section 111(m) of the Customs Act, 1962;

(iii) penalty should not be imposed under Section 112(a)(ii) or 114A of the Customs Act, 1962;

(iv) penalty should not be imposed under Section 114AA of the Customs Act, 1962.

PERSONAL HEARING AND WRITTEN SUBMISSIONS:

11.1 In response to the Show Cause Notice No. 230(L)/2025-26/ADC/ZDC/MCH dated 30.03.2026, the importer submitted a detailed reply vide letter dated 02.04.2026.

11.2 The importer, vide letter dated 02.04.2026, submitted that:-

"I, the undersigned, Chirag Shukla Authorized Signatory of M/s. Silver Consumer Electricals Limited, Rajkot, hereby acknowledge receipt of the impugned notice.

2. *By way of the notice, we have been asked to show cause to your Honour as to why:*

"(i) the self-assessment of Bill of Entry No. 7988558 dated 10.03.2026, carried out under Section 17 (1) of the Customs Act, 1962, should not be rejected and the goods declared at item no. 7, namely, "Fibre Laser Welding Machine KL-ZC1500 Watt", should not be re-assessed under Section 17 (4) of the Customs Act, 1962 by imposing Anti-Dumping Duty in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023;

(ii) the said goods should not be confiscated under Section 111 (m) of the Customs Act, 1962;

(iii) penalty should not be imposed under Section 112 (a)(ii) or 114A of the Customs Act, 1962;

(iv) penalty should not be imposed under Section 114AA of the Customs Act, 1962."

3. *That the above proposals stem from the following averment contained in para 9.1 of the notice:*

"9.1 The goods declared at Sr. No. 7 of the Bill of Entry No. 7988558 dated 10.03.2026, namely, "Fibre Laser Welding Machine KL-ZC 1500 Watt, are covered under the scope of Notification No. 15/2023-Customs (ADD) dated 22.12.2023, issued under Section 9A of the Customs Tariff Act, 1975, and are liable to Anti-Dumping Duty at the rate of 147.20% of the CIF value, as per Sr. No. 9 of the said notification. The subject goods have been imported from China, which is a subject country under the aforesaid notification, and therefore the levy of Anti-Dumping Duty is squarely applicable on the impugned goods;"

4. *At the outset, the allegations and averments leveled in para 9.3, 9.4 and 9.5 of the notice are hereby denied. Save and except what is specifically admitted herein, no part of the notice which is not expressly dealt with, shall be deemed to be admitted. The submissions made hereunder are independent of and without prejudice to each other.*

5. *We hereby say and submit that under our letter dated (copy enclosed), we have already shown our willingness to pay anti-dumping duty and have requested for re-assessment, even before issuance of the notice. It is prayed to give due consideration to the said letter and re-assess the bill of entry, to enable us to pay duty, as re-assessed and clear the goods at the earliest.*

6. *It is our humble submission that there is no dispute about description, value, etc. The expression "in any other particular with the entry" appearing in Section 111 (m) of Customs Act, 1962 refers to goods only, which we have correctly declared. Any short-levy arising from self-assessment of duty, where there is no dispute over description, value, etc., per se will not attract Section 111 (m) of Customs Act, 1962. Hence, it is submitted that goods are not liable to confiscation under Section 111 (m) of Customs Act, 1962. On this basis, it is submitted that we are not liable for penalty under Section 112 (a)(ii) of Customs Act, 1962.*

7. *It may be kindly appreciated that this is an inadvertent error arising from bona fide belief and there is not an iota of evidence to indicate that duty has not been charged or paid by reason of collusion or any willful mis-statement or suppression of facts. There is no*

evidence to show that the error in self-assessment was deliberate and not inadvertent. Hence, it is our humble submission that penalty under Section 114A is not imposable on us.

8. *Even otherwise, simultaneous invocation of Section 114A and Section 112 is not permitted in law, as per proviso to Section 114A of Customs Act, 1962.*
9. *We have not made, signed or used any false or incorrect declaration, statement or document, with knowledge or intention. Hence, we are not liable to penalty under Section 114AA of Customs Act, 1962.*
10. *It is a settled law that penalty under Section 114A and 114AA of Customs Act, 1962 is not imposable on mere assumptions and presumptions about mens rea. The one who alleges, must prove. Since no evidence is lead in the notice in this regard, it is our respectful submission that we are not liable to penalty under Section 114A and 114AA of Customs Act, 1962.*
11. *We place reliance on the decision of Hon'ble Supreme Court in the case of Hindustan Steel Ltd., 1978 (2) ELT (J159) (S.C.), wherein, it is held that:
"7. ...An order imposing penalty for failure to carry out a statutory obligation is the result of a quasi-criminal proceeding, and penalty will not ordinarily be imposed unless the party obliged either acted deliberately in defiance of law or was guilty of conduct contumacious or dishonest, or acted in conscious disregard of its obligation. Penalty will not also be imposed merely because it is lawful to do so. Whether penalty should be imposed for failure to perform a statutory obligation is a matter of discretion of the authority to be exercised judicially and on a consideration of all the relevant circumstances. Even if a minimum penalty is prescribed, the authority competent to impose the penalty will be justified in refusing to impose penalty, when there is a technical or venial breach of the provisions of the Act or where the breach flows from a bona fide belief that the offender is not liable to act in the manner prescribed by the statute. Those in charge of the affairs of the Company in failing to register the Company as a dealer acted in the honest and genuine belief that the Company was not a dealer. Granting that they erred, no case for imposing penalty was made out."*
12. *By relying on the above decision, it is submitted that every error does not merit mandatory visit of harsh penalty, where there is no evidence of mens rea.*
13. *It is prayed to give due consideration to the above submissions and permit clearance after due re-assessment, as duly proposed in the notice and already prayed for by us even before issuance of the notice.*
14. *The required of hearing is hereby waived. "*

11.3 The importer further requested to give due consideration to the above submission and to waive the personal hearing in the said matter.

DISCUSSIONS AND FINDINGS:

12. I have carefully gone through the facts of the case, the Show Cause Notice No. 230(L)/2025-26/ADC/ZDC/MCH dated 30.03.2026, and the importer's submission dated 02.04.2026, wherein the importer requested to waive the personal hearing in the said matter and requested to consider their reply submitted vide letter dated 02.04.2026. I find that the principles of natural justice as envisaged under Section 122A of the Customs Act, 1962, which provides for granting an opportunity of personal hearing before passing any adjudication order, have been duly complied with in the present case. After considering the records of the case and the submissions made by the importer, I find that the following main issues are involved in the subject Show Cause Notice which are required to be

decided in the present adjudication, as below:

- (i) whether the self-assessment of Bill of Entry No. 7988558 dated 10.03.2026, carried out under Section 17(1) of the Customs Act, 1962, is liable to be rejected and the goods declared at item no. 7, namely “Fibre Laser Welding Machine KL-ZC1500 Watt”, are required to be re-assessed under Section 17(4) of the Customs Act, 1962 by imposing applicable Anti-Dumping Duty in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023
- (ii) whether the said goods are liable to be confiscated under Section 111(m) of the Customs Act, 1962
- (iii) whether penalty is imposable under Section 112(a)(ii) or 114A of the Customs Act, 1962;
- (iv) whether penalty is imposable under Section 114AA of the Customs Act, 1962.

13.1 Regarding first issue, I find that the impugned goods declared at Sr. No. 7 of the Bill of Entry are described as “Fibre Laser Welding Machine KL-ZC1500 Watt” and are classifiable under CTH 84561100. As per the import documents on record, the said goods have been supplied by M/s Zhejiang Jinaolan Machine Tool Co., Ltd., China and are of Chinese origin. I further find that Notification No. 15/2023-Customs (ADD) dated 22.12.2023 covers “Industrial Laser Machines used for cutting, marking or welding” falling under tariff item 84561100, when originating in or exported from China PR. On perusal of the Table annexed to the said notification, the impugned goods are squarely covered under the relevant entry (Sr. No. 9 of the Table), attracting Anti-Dumping Duty at the rate of 147.20% of the CIF value. Therefore, by virtue of the description, classification, country of origin and supplier details, the impugned goods clearly fall within the ambit of the aforesaid notification and are liable to Anti-Dumping Duty at the prescribed rate.

13.2 I find that Section 17(1) of the Customs Act, 1962 mandates that the importer shall self-assess the duty leviable on the imported goods, which includes not only the basic customs duty but also any other duty leviable under any law for the time being in force, including duties imposed under the Customs Tariff Act, 1975 such as Anti-Dumping Duty. Further, Section 46(4) and Section 46(4A) of the Customs Act, 1962 cast a statutory obligation upon the importer to make a true, correct and complete declaration in the Bill of Entry and to ensure accuracy and completeness of all particulars furnished therein. In the present case, although the importer has correctly declared the description, classification, quantity and value of the impugned goods, it is evident that the applicable Anti-Dumping Duty under Notification No. 15/2023-Customs (ADD) dated 22.12.2023 has not been considered at the time of self-assessment. Thus, the self-assessment carried out by the importer is not in conformity with the statutory requirements and is liable to be held as incorrect to the extent of non-payment of applicable ADD.

13.3 I further find that Section 17(4) of the Customs Act, 1962 empowers the proper officer to re-assess the duty where it is found upon verification, examination or otherwise that the self-assessment has not been done correctly. In the present case, the applicability of Anti-Dumping Duty on the impugned goods has been established beyond doubt based on the description, classification and country of origin of the goods as discussed in the foregoing paragraphs. The non-payment of such duty at the time of import clearly renders the self-assessment incorrect. Therefore, the proper officer is well within the legal

framework to reject the self-assessment and proceed with re-assessment of the Bill of Entry under Section 17(4) of the Customs Act, 1962 for the purpose of levying the applicable Anti-Dumping Duty.

13.4 I also take note of the submissions made by the importer, wherein it has been contended that the omission to levy Anti-Dumping Duty was not deliberate but occurred due to a bona fide belief and inadvertent oversight. It is further observed from the records that the importer, even prior to issuance of the Show Cause Notice, had expressed willingness to pay the applicable Anti-Dumping Duty and had requested for re-assessment of the Bill of Entry. This conduct of the importer indicates that there was no intention to evade duty and that the lapse was rectifiable in nature. I also find merit in the submission that all material particulars relating to the goods were correctly declared in the Bill of Entry and there was no attempt to mislead the Department. The facts on record do not reveal any element of suppression, willful misstatement or collusion, and the case appears to be one of inadvertent non-compliance rather than deliberate evasion.

13.5 In view of the foregoing discussions and findings, I hold that the self-assessment made by the importer under Section 17(1) of the Customs Act, 1962 is not legally sustainable to the extent it does not include the applicable Anti-Dumping Duty. The impugned goods, being squarely covered under Notification No. 15/2023-Customs (ADD) dated 22.12.2023, are liable for levy of Anti-Dumping Duty at the prescribed rate. Accordingly, the self-assessment is liable to be rejected and the Bill of Entry is required to be re-assessed under Section 17(4) of the Customs Act, 1962. However, considering the fact that the importer has correctly declared all material particulars of the goods, has voluntarily come forward to discharge the duty liability, and that there is no evidence of any mens rea or intent to evade duty, I am inclined to take a lenient view while deciding the consequential issues arising out of such re-assessment.

14.1 Regarding second issue, I find that the impugned goods i.e. "Fibre Laser Welding Machine KL-ZC1500 Watt" were declared in the Bill of Entry with correct description, quantity, classification and value. The examination report also does not indicate any discrepancy in terms of physical description or quantity of the goods. However, it is an admitted fact on record that the importer failed to consider and discharge the applicable Anti-Dumping Duty (ADD) leviable under Notification No. 15/2023-Customs (ADD) dated 22.12.2023 at the time of filing the Bill of Entry. Thus, the self-assessment was not correct to the extent of duty liability.

14.2 The importer has submitted that there is no dispute regarding description, value or classification and that the short levy has arisen only due to non-consideration of ADD. They have further submitted that such omission does not attract Section 111(m) of the Customs Act, 1962. However, I find that the expression "in any other particular" under Section 111(m) has been interpreted to include cases where the declaration made in the Bill of Entry does not correctly reflect the applicable duty liability. In the present case, though the goods are correctly declared in terms of description and value, the declaration relating to anti-dumping duty liability is not complete and accurate.

14.3 At the same time, I also note that the importer has voluntarily expressed willingness to pay the applicable ADD even prior to issuance of the Show Cause Notice and has requested for re-assessment. Further, there is no evidence on record to suggest deliberate mis-declaration of goods or any attempt to conceal facts.

14.4 In view of the above, I hold that the goods are technically liable for confiscation under Section 111(m) of the Customs Act, 1962 on account of incorrect self-assessment resulting in short levy of duty. However, I also take note of the fact that the goods have been correctly declared in terms of description, classification and value, and there is no suppression of facts on record. It is further observed that the importer has voluntarily accepted the duty liability and expressed willingness to pay the applicable Anti-Dumping Duty even prior to issuance of the Show Cause Notice. There is no evidence to establish any deliberate intent to evade duty, and the lapse appears to be purely inadvertent in nature without any mens rea. Accordingly, considering the overall facts and circumstances of the case, I am inclined to take a lenient view in the matter.

15.1 Regarding third issue, I find that Section 112(a)(ii) of the Customs Act, 1962 provides for imposition of penalty on any person who, in relation to any goods, does or omits to do any act which renders such goods liable to confiscation under Section 111 of the Act. The said provision is attracted not only in cases of deliberate misdeclaration but also in cases where an act or omission, whether intentional or otherwise, results in contravention of statutory provisions leading to confiscability of goods. In the present case, it has already been established in the foregoing discussion that the impugned goods are liable to confiscation under Section 111(m) of the Customs Act, 1962 on account of incorrect self-assessment resulting in non-payment of applicable Anti-Dumping Duty. Therefore, the provisions of Section 112(a)(ii) are attracted in the instant case.

15.2 I further find that the Show Cause Notice has proposed imposition of penalty under Section 112(a)(ii) as well as under Section 114A of the Customs Act, 1962. In this regard, I note that Section 112 provides for imposition of penalty in cases where goods are rendered liable to confiscation, and in terms of the proviso to Section 112, in the case of dutiable goods (other than prohibited goods), the penalty is imposable subject to the provisions of Section 114A. Further, as per the proviso to Section 114A of the Customs Act, 1962, where penalty has been levied under Section 114A, no penalty shall be levied under Section 112 or Section 114. In the present case, as discussed in the foregoing paragraphs, I have already held that the ingredients required for invoking Section 114A, namely collusion, wilful misstatement or suppression of facts with intent to evade duty, are not present and there is no mens rea attributable to the importer. Accordingly, penalty under Section 114A is not sustainable. However, since the goods are held liable to confiscation under Section 111(m), penalty under Section 112(a)(ii) is attracted. Therefore, in view of the statutory scheme and the facts of the case, I hold that penalty is liable to be imposed only under Section 112(a)(ii) of the Customs Act, 1962 and no penalty is imposable under Section 114A.

15.3 I further find that the liability under Section 112(a)(ii) arises from the act or omission which renders the goods liable for confiscation and does not necessarily require the presence of deliberate intent in all cases. However, the quantum of penalty to be imposed is discretionary in nature and is required to be determined based on the facts and circumstances of each case. It is a settled principle of law that while penalty provisions are attracted once contravention is established, the same should not be imposed mechanically and the degree of culpability, conduct of the importer and surrounding circumstances must be duly considered. Therefore, while examining the present case, it is necessary to evaluate whether the conduct of the importer warrants imposition of penalty at a higher level or whether a lenient view is justified.

15.4 In this regard, I take note of several mitigating factors emerging from the records. The importer is a regular and established entity holding a valid IEC since 2007, which reflects long-standing engagement in international trade without any adverse track record. Further, the importer has been accorded the status of a One Star Export House under the Foreign Trade Policy, 2023, indicating credibility and compliance with export performance norms. The present import has been made under the EPCG Scheme for bona fide business purposes. It is also observed that the importer has correctly declared all material particulars of the goods in the Bill of Entry, including description, classification, quantity and value, and there is no allegation or evidence of misdeclaration in these aspects. The omission pertains only to non-consideration of Anti-Dumping Duty at the time of self-assessment. Importantly, the importer has voluntarily expressed willingness to pay the applicable duty even prior to issuance of the Show Cause Notice, which reflects a bona fide approach. There is no material on record to indicate any deliberate attempt to evade duty, and the lapse appears to be an inadvertent error without any mens rea. In such circumstances, the overall conduct of the importer does not warrant imposition of harsh penalty.

15.5 In view of the above facts and circumstances, while I hold that penalty under Section 112(a)(ii) of the Customs Act, 1962 is legally sustainable in the present case, I am of the considered opinion that this is a fit case for taking a lenient view. Accordingly, the penalty is restricted to the minimum level, commensurate with the nature of contravention, taking into account the absence of mens rea, the bona fide conduct of the importer, and their voluntary compliance.

16.1 I find that Section 114AA of the Customs Act, 1962 provides for imposition of penalty in cases where 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 course of any transaction under the Act. Thus, the essential ingredients for invoking this provision are that the declaration or document must be false or incorrect in a material particular and that such act must have been done knowingly or intentionally. The presence of conscious knowledge and intent, i.e., mens rea, is therefore a sine qua non for invocation of penalty under this section.

16.2 In the present case, I find that the importer has filed the Bill of Entry declaring the impugned goods as "Fibre Laser Welding Machine KL-ZC1500 Watt" under the appropriate classification along with correct value and quantity. There is no dispute on record regarding the correctness of these particulars, nor has any discrepancy been noticed during examination. The documents submitted, including invoice and related import documents, have also not been found to be false or fabricated. The only lapse observed is non-consideration of applicable Anti-Dumping Duty at the time of self-assessment. Further, it is on record that the importer had expressed willingness to pay the applicable Anti-Dumping Duty even prior to issuance of the Show Cause Notice, which, in my considered view, does not amount to making or using a false or incorrect declaration or document in a material particular. The omission, therefore, is not in the nature of false declaration but is a case of incomplete assessment of duty liability.

16.3 I further take note of the submissions made by the importer that the lapse occurred due to bona fide belief and that there was no willful misstatement or suppression of facts. It is observed that all material particulars relating to the goods were duly disclosed in the Bill of Entry and no information was withheld from the Department. The conduct of the importer, as evident from the records, does not indicate any deliberate intent to mislead or

to use false documents, and the circumstances of the case clearly point towards absence of any malafide intention.

16.4 It is a settled principle of law that penalty under Section 114AA cannot be imposed merely on the basis of an omission or error unless it is established that the same was done knowingly or intentionally. In the present case, no evidence has been brought on record to establish that the importer had knowingly or intentionally made any false or incorrect declaration or used any such document. The facts of the case clearly indicate absence of mens rea, which is a necessary pre-condition for invoking the provisions of Section 114AA.

16.5 In view of the above discussions and findings, I hold that the essential ingredients required for imposition of penalty under Section 114AA of the Customs Act, 1962 are not satisfied in the present case. Accordingly, penalty under Section 114AA is not sustainable and is liable to be dropped.

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

ORDER

(i) I order to reject the self-assessment made under Section 17(1) of the Customs Act, 1962 in respect of Bill of Entry No. 7988558 dated 10.03.2026, to the extent it does not include the applicable Anti-Dumping Duty. I order re-assessment of the said Bill of Entry under Section 17(4) of the Customs Act, 1962 by levying Anti-Dumping Duty in terms of Notification No. 15/2023-Customs (ADD) dated 22.12.2023, at the applicable rate.

(ii) I order to confiscate the goods declared at Sr. No. 7 of the said Bill of Entry, namely "Fibre Laser Welding Machine KL-ZC1500 Watt", having assessable value of Rs. 42,37,664/, under Section 111(m) of the Customs Act, 1962. However, I give option to the importer to redeem the said goods for home consumption under Section 125 of the Customs Act, 1962 on payment of Redemption Fine of **Rs. 50,000/-** (Rupees Fifty Thousand Only).

(iii) I impose a penalty of **Rs. 25,000/-** (Rupees Twenty Five Thousand only) on M/s. Silver Consumer Electricals Limited under Section 112(a)(ii) of the Customs Act, 1962.

(iv) I drop the proposal for imposition of penalty under Section 114AA of the Customs Act, 1962.

18. This order is issued without prejudice to any other action that may be taken against the importer or any other person under the provisions of the Customs Act, 1962 or any other law for the time being in force in the Republic of India.

(Dipak Zala)
Additional Commissioner of Customs
Custom House, Mundra

To,

M/s. Silver Consumer Electricals Limited
Plot No. 3 of R.S. No. 37 and 38,
Plot No. 5 of 47/1, Plot No. 1 of R.S. No. 36 and 43 to 46
Plot No. 6 of 38, Rajkot Haripar, Gujarat – 360035'

Copy to:

1. The Deputy Commissioner of Customs , Review Section, Custom House, Mundra.
2. The Deputy Commissioner of Customs , Dock Examination, Custom House, Mundra.
3. The Deputy Commissioner of Customs, TRC, Custom House, Mundra.
4. The Deputy Commissioner of Customs, EDI, Custom House, Mundra
5. Office copy.