



भारतसरकार



भारतसरकार/ Government of India
वित्तमंत्रालय / Ministry of Finance



भारत सरकार
ONE EARTH - ONE FAMILY - ONE FUTURE

सीमाशुल्कप्रधानआयुक्तआयुक्तकाकार्यालय, न्हावाशेवा-1, मुंबईसीमाशुल्कजोन-II
जवाहरलालनेहरूकस्टमहाउस, पोस्ट: शेवा, तालुका: उरण, जिला: रायगढ़, महाराष्ट्र-4007007
OFFICE OF THE Pr. COMMISSIONER OF CUSTOMS, NS-I, MUMBAI CUSTOMS ZONE-II
JAWAHAR LAL NEHRU CUSTOM HOUSE, Post: Sheva, Taluka: Uran,
Dist: Raigad, Maharastra-400707.

F. No. S/26-Misc- (506)68/2025-26/GR.II(H-K)

Date of Order: 25.07.2025

F. No. S/10-Adj- 50/2025-26/Gr.II(H-K)

Date of Issue: 25.07.2025

DIN - 20250778NW000000D4D2

Passed by: **K. Mahipal Chandra**
Joint Commissioner of Customs,
Group II (H-K), NS-I, JNCH

Order No.: 559 (L)/2025-26/JC/Gr. II H-K /NS-I/CAC/JNCH

Importer Name: M/s. Dynamic India Enterprises (IEC-AAKPI7875D)

मूलआदेश

- यहप्रतिजिसव्यक्तिकोजारीकीजातीहै, उसकेउपयोगकेलिएनिः शुल्कदीजातीहै।
- इसआदेशकेविरुद्धअपीलसीमाशुल्कअधिनियम1962 कीधारा128 (1) केतहतइसआदेशकीसंसूचनाकीतारीखसेसाठदिनोंकेभीतरसीमाशुल्कआयुक्त (अपील), जवाहरलालनेहरूसीमाशुल्कभवन, शेवा, ता. उरण, जिला - रायगढ़, महाराष्ट्र -400707 कोकीजासकतीहै।अपीलदोप्रतियोंमेंहोनीचाहिएऔरसीमाशुल्क(अपीलनियमावली, 1982 केअनुसारफॉर्मसी.ए.1 संलग्नक्रममेंकीजानीचाहिए।अपीलपरन्यायालयफीसकेरूपमें1.50 रुपयेमात्रकास्टांपलगायाजायेगाऔरसाथमेंयहआदेशयाइसकीएकप्रतिलगायीजायेगी।यदिइसआदेशकीप्रति संलग्नकीजातीहैतोइसपरन्यायालयफीसकेरूपमें1.50 रुपयेकास्टांपभीलगायाजायेगाजैसाकिन्यायालयफीसअधिनियम1970कीअनुसूची1, मद6केअंतर्गतनिर्धारितकियागयाहै।
- इसनिर्णययाआदेशकेविरुद्धअपीलकरनेवालाव्यक्तिअपीलअनिर्णीतरहनेतक, शुल्कयाशास्तिकेसंबंधमेंविवादहोनेपरमाँगयेगेशुल्कके7.5% का, अथवाकेवलशास्तिकेसंबंधमेंविवादहोनेपरशास्तिकाभुगतानकरेगा।

ORDER-IN-ORIGINAL

- This copy is granted free of charge for the use of the person to whom it is issued.
- An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, Sheva, Tal :Uran, Dist : Raigad, Maharashtra – 400707 under section 128(1) of the Customs Act, 1962 within sixty days from the date of communication of this order. The appeal should be in duplicate and should be filed in Form CA-1 Annexure on the Customs (Appeal) Rules, 1982. The Appeal should bear a Court Fee stamp of Rs.1.50 only and should be accompanied by this order or a copy thereof. If a copy of this order is enclosed, it should also bear a Court Fee Stamp of Rs. 1.50 only as prescribed under Schedule 1, items 6 of the Court Fee Act, 1970.
- Any person desirous of appealing against this decision or order shall, pending the appeal, make 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. Dynamic India Enterprises (IEC-AAKPI7875D) having registered address at Ground Floor, Shop no. 13, Arcadia J, Mira road East, Mira Bhayandar, Maharashtra-401107 (hereinafter referred to as 'the Importer' for sake of brevity) filed Bill of Entry no. 2081029 dated 16.05.2025 through Customs Broker Firm M/s Sunway Logistics (ADPFS1811FCH003) for import of goods. Based on NCTC alert for suspicion of mis-declaration and undervaluation, the goods covered under the Bill of Entry 2081029 dated 16.05.2025 were put on vide Hold No. 43/2025-26 SIIB(I) dated 20.05.2025 issued vide F. No. CUS/SIIB/HOC/115/2024-SIIB(I)-O/o COMMR-CUS-CMC-NHAVA SHEVA-IV for 100% examination of the subject goods **(RUD-1)**. The details of the examined Consignment are tabulated below as per table -I: -

Table-I

Bill of Entry No.	2081029 dated 16.05.2025
Container No. (40 fts)	EMCU8848361
Importer (IEC)	M/s. Dynamic India Enterprises (IEC-AAKPI7875D)
Item description	Plastic back cover for mobile, USB cable for mobile charger, selfie stick for mobile, middle frame for mobile housing, touch glass for mobile, mini screw driver use for mobile repair, wrist watch, watch hands parts for wrist watch, pouch, packing material for mobile accessories (all for other than reputed brand)
Supplier	M/s. Juner Limited, China
Country of Origin	China
CHA	M/s. Sunway Logistics (ADPFS1811FCH003)
CFS	M/s Kerry Indev Logistics Pvt. Ltd., CFS
No. of Package Declared	812
Total Assessable value Declared	Rs. 1393359.74/-
Total Duty Declared along with fine	543472/-
Gross Weight Declared in BL	15960/-

2. Examination Findings: -

Goods pertaining to subject Bill of Entry mentioned in Table-I were examined 100% by the officers of SIIB(I), JNCH under Panchanama dated 21/22.05.2025 **(RUD-2)**. The details of weight declared and found during examination are in Table-II below:

Table-II

Sr. No	Container No.(40ft)	Seal No.	Gross Wt. as per weight slip (in Kgs.)	Container Tare weight (in Kgs.)	Net Cargo Weight found with Boxes (in Kgs.) as per weight slip	Gross Cargo Weight as per BL (in Kgs)

1	EMCU8848361	EMCRLW1623	20150/-	3750/-	16400/-	15960/-
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Findings of the Examination:

- i. The detailed packing list of goods declared and found during examination are tabulated in **ANNEXURE-A** attached with the panchanama.
- ii. The total gross weight of the imported goods found to be **16,400 Kgs** which was **440 Kgs** more than the declared gross weight as per the Bills of Lading i.e. **15,960Kgs**.
- iii. The pictures of the goods with markings placed opposite for your kind perusal
- iv. The importer has submitted copy of bill of entry, bill of lading, commercial Invoice, Packing list, LMPC certificate, CPCB certificate for the said bill of entry.
- v. The total number of cartons/packages declared in subject Bill of Entry, Bill of lading is **812 cartons** and further, during examination total **812** cartons were found which is same as declared.
- vi. TOUCH GLASS (FOR MOBILE)/mobile display/ having cartons no. "HN-321-390, HN-391, GNST1-25, DPST-26, KB-1-56, 408-414 having mark on cartons HN, RDM 1-8, touch glass/mobile display/digitizer/combo mobile display/combo touch screen. Total there were **220 cartons** of touch glass/mobile display/digitizer of different type viz. **HN, GNST, DPST, KB, NSS, RDM**. Having marking on touch glass/mobile display/digitizer packing "**golden crown superior high brightness sabseacha quality, 500+ CROWN BRIGHTNESS**". Further, on box of another type of touch glass marking was "**bhajwad HD+, TOUCH SCREEN COMBO**" In another type of touch glass having marking "**KARO DIL KI MARZI KDM, COMBO MOBILE DISPLAY** etc.
- vii. Middle frame (for mobile housing) also known as the chassis or mid-frame, is a crucial structural component of a mobile phone's housing it holds the display, battery, and other internal components together and provides the main support for the phone's body. Having cartons no. 392-406 and marking on cartons "HN", 35-46 Marking on cartons "**BOOM**" middle frame for mobile housing, TOTAL CARTONSS HAVING MARKING "BOOM" were **12 cartons**. On middle frame a QR code type sticker pasted and some numerical no. also printed.
- viii. Different type of PACKING MATERIAL during examination for mobile accessories. Having cartons no. P1-P19 and P20 same marking on cartons i.e. "**RNC**", different type of cartons no. P1-P19, P20, 1—15,16, 31-32, 33, 1—7, 8 having common marking on cartons i.e. "**ONE7**". Further, different types of packing material having marking on cartons **RNC, ONE7, PMX, STCH, MEX**. Total no. of cartons which contains packing material were **135 cartons**.
- ix. WATCH HANDS (PARTS FOR WRIST WATCH) these are the thin, pointer like parts that move around the dial to indicate the time. **1 cartons** of watch hands found having marking on cartons "**NP23**".

- x. Total 04 cartons having marking on cartons **"AARNAV"** Declared as **plastic back cover (for mobile) but found back cover of TAB.**
- xi. Different types of plastic back cover's cartons were found having marking on cartons viz. **AGM, RGM13, RAM, HK, UAG EM, UAG ZXP, UAG ZXP, UAG ZXDJ.** Total no. of cartons was 124 cartons except AARNAV 04 cartons.
- xii. MINI SCREWDRIVER (use for mobile repair) different types of mini screwdriver appears to be use for mobile repair and for multitasking work found during the course of examination. Different types of cartons nos. for mini screwdriver were there having same marking on cartons no. **"JALLU".TOTAL 62 CARTONS** were there in which total **09 cartons of electric screw driver with accessories found.**
- xiii. SELFIE STICK (FOR MOBILE) having cartons no. "1—32" and marking on cartons **"BHAI"** selfie stick for mobile phone. Total **32 cartons** were found. Having marking on package **"Y17 SELFIE SUPER LONG SELFIE STICK".**
- xiv. **02 CARTON** Having no. 1-2 and having marking on cartons as **"GDL"** which were declared **"USB cable"** but during the examination found to be **USB CABLE COVER PROTECTOR.**
- xv. Further, 02 types of wired earphone the first one having marking on cartons as **"ONE7"** in which wired earphones were found in proper packing. There were total **50 cartons** having marking on packing **"SUPER BASS EARPHONE".**
- xvi. Another type of wired earphone having marking on cartons **"NT"** in which wired earphones were found in cartons without packing and some empty packing box also found having marking **"NM-X8 UNIVERSAL EARPHONE".** Total 10 cartons were found.
- xvii. WRIST WATCH found having marking on **"POMO"** on wrist watches, total **10 cartons** were found.
- xviii. In another type of wrist watch found having marking on **"lotus"** on wrist watches, total **40 cartons** were found

3. IPR Verification-

Letter was sent to IPR Cell dated 05.06.2025 regarding verification of IPR angle of the goods imported vide Bill of Entry no. 2081029 dated 16.05.2025 imported by M/s. DYNAMIC INDIA ENTERPRISES (IEC-AAKPI7875D) having following markings on goods as tabulated below:

Table-III

S. No.	Item description	Marking found on the items
1.	Wrist Watch	Lotus & Pomo
2.	Touch Glass	Crown & Bhajwad
3.	USB Cable	Tiger
4.	Wired Earphone	ONE7

Further, vide letter dated 10.06.2025 IPR Cell, JNCH informed that the markings mentioned in the above table are not registered with customs under Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007(RUD-3).

4. Warehousing of the goods:

The importer requested for warehousing permission under Section 49 of the Customs Act, 1962 with space certificate issued by M/s Sarveshwar Logistics Services Private Limited, CFS, Dighode Circle, Village Dighode, Taluka Uran, Raigad, Maharashtra-400702. Accordingly, the importer was allowed warehousing vide letter dated 05.06.2025. Further, based on the request of the importer the extension of the warehousing was approved for further 01 month subject to the conditions that the custodian should be responsible for the safe keeping of goods and the custodian is responsible for all the liabilities if any pilferage of any nature (RUD-4).

5. Seizure Memo: -

During the examination under panchnama dated 21/22.05.2025 of the goods imported vide Bill of Entry no. 2081029 dated 16.05.2025 contained in Container no. EMCU8848361 (40fts) found to be misdeclared in terms of description and classification, which in turn liable to confiscation under Section 111 of the Customs Act, 1962.

Accordingly, based on the reasons to believe that the goods covered under Bill of Entry no. 2081029 dated 16.05.2025 filed by M/s. Dynamic India Enterprises (IEC-AAKPI7875D) contained in Container no. EMCU8848361 (40fts) are liable to confiscation under section 111 of the Customs Act, 1962 therefore the goods imported vide Bill of Entry no. 2081029 dated 16.05.2025 were seized under section 110(1) of the Customs Act, 1962 vide Seizure Memo No. 39/2025-26 issued dated 16.06.2025 under DIN No. 20250678NY0000444B01 (RUD-5).

6. Statement: -

6.1. Statement of Shri Noorahmed Merchant, Authorised Representative of M/s Dynamic India Enterprises (IEC-AAKPI7875D) having residential Address-14, Zakaria Masjid Street, Liberty House, 2nd Floor, Room No. 42, Dongri, Mumbai, Maharashtra-400009 recorded under Section 108 Of The Customs Act, 1962. (RUD-6)

In response to the Summons issued having DIN-20250678NY0000724009 dated 16/06/2025. Shri Noorahmed Merchant S/o Abdul Kadar presented himself dated 16.06.2025 for giving evidence and to record his statement under Section 108 of the Customs Act, 1962, with respect to the goods imported by M/s Dynamic India Enterprises (IEC-

AAKPI7875D) vide Bill of Entry No. 2081029 dated 16.05.2025, wherein, he inter-alia stated that:

- He introduced himself as Noorahmed Merchant S/o Shri Abdul Kadar. Further, he informed that his mobile number is + 91 8082687522 and email address is merchantnoorahmed@gmail.com. He has studied till class 12th and he lives at 14, Zakaria Masjid Street, Liberty House, 2nd Floor, Room No. 42, Dongri, Mumbai, Maharashtra-400009 with his family. His aadhar Card no. is 4483 6160 4423 and his pan card number is BFGPM3070L.
- On being asked about his role and responsibility in the firm M/s Dynamic India Enterprises (IEC-AAKPI7875D), he said that he handles works related to supply of goods imported by his firm to other merchants. Further, he said that he has been working in this firm since the last 1 year.
- On being asked about reason as to why you have been summoned by SIIB (I), JNCH, he said that he is aware. He further said that Summons was issued against their firm in connection with import made by M/s Dynamic India Enterprises (IEC-AAKPI7875D) vide Bill of Entry No. 2081029 dated 16.05.2025 which is being investigated by SIIB (I), JNCH. Proprietor of this firm is Shri Ishaq I Ujjainwala and he is out of Mumbai due to urgent business-related work therefore, he has been authorised by the proprietor vide letter dated 16.06.2025 to represent Firm.
- On being asked about the documents required by summons dated 16.06.25, he said that in compliance to the summons, he is submitting herewith copy of GST registration, IEC, MSME registration, AADHAR and PAN Card, CPCB EPRA certificate, LMPC certificate and signature verification letter provided by the bank under his dated signature.
- On being asked about the time period from when his firm is involved in the import of mobile accessories and related goods, he said that his firm is in import of mobile accessories and other goods since the last 1.5 year.
- On being asked to provide the details of foreign supplier and how did they established contact with the current supplier i.e. Juner Limited he told that they have imported goods from 2 suppliers till date, one is Juner Limited and other is Jihao Trading limited. Proprietor of M/s Dynamic India Enterprises (IEC-AAKPI7875D) i.e. Ishaq I Ujjainwala met the suppliers in the exhibition in India.
- On being asked about who placed the order and to provide the purchase order, he told that the order was placed by Proprietor Ishaq I Ujjainwala, further, he told that currently he don't have purchase order. However, He will email the purchase order if available with the firm by 20.06.2025.
- He told that Bill of Entry 2081029 dated 16.05.2025 for the subject consignment was filed by a customs broker firm M/s. Sunway Logistics on behalf of M/s Dynamic India Enterprises (IEC-AAKPI7875D).
- He told that his firm provided Bill of lading, packing list, invoice, GST registration documents, IEC documents, LMPC certificate, MSME certificate,

AADHAR and PAN Card, CPCB EPRA certificate and signature verification letter provided by the bank.

- He told that his Customs Broker provided him details before filing Bill of Entry.
- On being asked about, if he knows the outcomes of the examination done by this office on 21/22.05.2025, he told that their authorised representative was present during the course of examination and he told them the outcome of the examination. He intimated that electric screw driver was received in place of normal screw driver, and in some cartons, TAB back covers were also received in the consignment. Certain quantity was also found mismatch.
- On being asked about How did these discrepancies happened in the goods declared in the Bill of Entry and those actually found during the examination he told that the discrepancies happened due to the mistake done by the supplier. The supplier has sent us goods other than the ordered.
- He told that he doesn't have purchase order of this consignment as the order was placed over phone.
- On being told that the imported goods appear to be undervalued, if he agrees for market survey being conducted in the matter, he told that he is ready for market survey of the imported goods. And further, he is ready to cooperate for the procedure being followed for the market survey.
- On being asked about requirement of BIS on import of electric screw driver, he told that BIS is not required for import of electric screw driver.
- He further told that they have filed the Bill of Entry based on the documents received from the overseas supplier and they are ready to co-operate with the investigation and will come as and when they will be called.

6.2. Statement of Shri SaniaySarjeraoKolse, Authorised Representative of M/s Sunway Logistics having residential Address- Room No. 07, Sai Sadan Chawl, Near Sama Mandir, Bindu Madhav Nagar, Digha, Navi Mumbai, Thane, Maharashtra-400708 recorded under Section 108 Of The Customs Act, 1962.(RUD-7)

In response to the Summons issued having DIN-20250678NY0000717367 dated 17/06/2025. Shri Sanjay SarjeraoKolse S/o Sarjerao Pandurang Kolse presented himself dated 18.06.2025 for giving evidence and to record his statement under Section 108 of the Customs Act, 1962, with respect to the goods imported by M/s Dynamic India Enterprises (IEC-AAKPI7875D) vide Bill of Entry No. 2081029 dated 16.05.2025, wherein, he inter-alia stated that:

- He introduced himself as Sanjay SarjeraoKolse, son of Sarjerao Pandurang Kolse. He further stated that his mobile number is +91 8425921983 and his email address is sanjay.kolse.1984@gmail.com. He has studied up to B.Com 2nd year from R J Thakur College. He resides at Room No. 07, Sai Sadan Chawl, Near Sama Mandir, Bindu Madhav Nagar, Digha, Navi Mumbai, Thane,

Maharashtra-400708 along with his family. His Aadhaar card number is 4204 8789 7226 and his PAN number is ARYPK0488P.

- On being asked whether he was aware as to why M/s Sunway Logistics had been summoned by SIIB (I), JNCH, he stated that he was aware. He explained that summons was issued against their CB firm in connection with the import made by M/s Dynamic India Enterprises (IEC-AAKPI7875D) vide Bill of Entry No. 2081029 dated 16.05.2025, which is under investigation by SIIB (I), JNCH. He further stated that M/s Sunway Logistics had authorized him vide email dated 18.06.2025 to tender the present statement in compliance with summons dated 17.06.2025.
- On being asked to produce the documents required by summons dated 17.06.2025, he stated that in compliance with the summon, their office had already submitted documents through email at siibimport.jnch@gov.in. Further, he submitted KYC documents, Invoice, copy of GST registration, IEC, MSME registration, EPRA certificate, LMPC certificate, etc. under his dated signature.
- On being asked about the procedures and rules to be followed by Customs Brokers for imports/exports and about his role in the CB firm, he stated that he was aware of the relevant procedures and rules. He further explained that he only handles customs clearance-related work of imported goods and that their firm rarely deals with export consignments.
- On being asked who had contacted his CB firm for clearance of Bill of Entry No. 2081029 dated 16.05.2025, he stated that the proprietor of M/s Dynamic India Enterprises (IEC-AAKPI7875D), namely Shri Ishaq I Ujjainwala, had contacted them for clearance of the consignment.
- On being asked what type of consignment he was asked to clear, he stated that as per the documents, they were asked to file a Bill of Entry for mobile accessories and other trading goods as per the invoice and packing list.
- On being asked whether he had verified the KYC documents of the importer before taking up the clearance job, he stated that their office person had verified all the KYC documents of the importer, including GSTIN registration certificate, IEC on the DGFT website, and other documents received through email. He confirmed that after online verification of IEC and GSTIN, the importer appeared to be genuine.
- On being asked who had received the documents from the importer, he stated that their office person, namely Shri Namdeo Gorade, had received the necessary supporting documents, such as the Invoice, Packing List, Bill of Lading, etc., either by hand or through email from Shri Ishaq I Ujjainwala, IEC holder of M/s Dynamic India Enterprises. Based on these documents, the CB firm person Shri Santosh Vende had filed the Bill of Entry.
- On being asked how much commission was received by M/s Sunway Logistics for the goods imported under Bill of Entry No. 2081029 dated 16.05.2025, he stated that the clearance charges were fixed as Rs 4,000/- for each Bill of

Entry of the said consignment, but they had not received any amount till date since the consignment was not yet cleared.

- On being asked how many consignments had been cleared by their CB firm on behalf of M/s Dynamic India Enterprises till now, he stated that M/s Dynamic India Enterprises is a regular importer and he would check and revert by email on or before 23.06.2025.
- On being asked whether he was aware of any discrepancies found in the goods imported under Bill of Entry No. 2081029 dated 16.05.2025, he stated that certain goods were found mis-declared in terms of description, such as electric screw driver being received in place of normal screw driver, and in some cartons, TAB back covers were received instead of mobile back covers. He also stated that the quantity of screw drivers was found to be mismatched. He further explained that CB firm person Shri Santosh Vende had filed the Bill of Entry based on the invoice and packing list provided by the importer.
- On being asked whether BIS registration is required for import of electric screw drivers, he stated that BIS is not required for the import of electric screw drivers.
- On being asked if he had anything else to say, he stated that CB firm person Shri Santosh Vende had filed the Bill of Entry based on the documents received from the importer. He assured that they are ready to cooperate with the investigation and will come as and when they are called.

7. Determination of Value:

7.1 During the course of investigation, it is found that the goods covered under Bill of Entry No. 2081029 dated 16.05.2025 were found to be mis-declared in terms of description and quantity. Further, the importer also importing many items without correctly declaring the same in B/E, which forms the reason to doubt the truth and accuracy of the value declared in relation to any imported goods and as the transactional value is doubtful and same needs to be rejected in terms of Rule 12 of Customs Valuation (Determination of value of imported goods) Rules, 2007). The value of the same cannot be determined under the provisions of Rule 3 of the said rules and therefore the same is liable to be determined by following the provisions of Rule 4 to Rule 9 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 sequentially.

7.1.1 In terms of rule 4 *ibid*, transaction value of identical goods has to be considered as the value of the imported goods. The term identical goods, as defined under Rule (1)(d) of the Customs Valuation Rules 2007, means imported goods which are same in all respects, including physical characteristics, quality and reputation, as the goods being valued except for minor difference in appearance that do not affect the value of the goods. The identical goods are produced in the country in which the goods being valued were produced by the same person who produced the goods, or where no such goods are available, goods purchased by different person. Besides, while applying the said Rules, the transaction value of identical goods has to be viewed at the same

commercial level and substantially in the same quantity of the goods being valued. In the instant case, the data for contemporaneous imports was perused for ascertaining the value of the subject imported goods of identical, but the details of comparable quantity and brands of identical were not available and hence, transaction value of the impugned goods under import could not be determined under Rule 4 of the Customs Valuation Rules, 2007.

7.1.2. In terms of Rule 5, *ibid*, subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued; Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962. The term similar goods as defined under Rule 2(1)(e) of the Custom Valuation Rule, 2007, includes comparison of the impugned goods with goods although not like in all respects but having characteristics and like components making them have the same functions and interchangeable commercially and similar goods are produced in the country in which the goods being valued were produced by the same person who produced the goods, or where no such goods are available, goods purchased by different person. Besides, while applying the said Rules, the transaction value of similar goods has to be viewed at the same commercial level and substantially in the same quantity the goods being valued. In the instant case, the data for contemporaneous imports was perused for ascertaining the value of the imported goods of similar items of comparable quantity of similar goods, but the details of comparable quantity and brand, size etc. were not available and hence, the transaction value of the impugned goods under import could not be determined under Rule 5 of the Customs Valuation Rules, 2007.

7.1.3. In terms of Rule 6, when determination of value where value cannot be determined under rules 3, 4 and 5 - If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 or, when the value cannot be determined under that rule, under rule 8. Provided that at the request of the importer, and with the approval of the proper officer, the order of application of rules 7 and 8 shall be reversed.

7.1.4. In terms of Rule 7 of the Customs Valuation Rules, 2007, the value of the goods imported shall be based on the unit price at which the imported goods or identical goods or similar goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, in the absences of such data, the valuation cannot be done under Rule 7.

7.1.5. In terms of Rule 8 of the Customs Valuation Rules, 2007 subject to the provisions of Rule 3, the value of the imported goods shall be based on a computed value which shall consists of sum of (a) the cost of value of material and fabrication or other processing employed in producing the imported goods (b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India.

7.1.6. In terms of Rule 9 of the Customs Valuation Rules, 2007,(1) Subject to the provisions of rule 3, where the value of some of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India; Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

Accordingly, Market survey was conducted on 02.07.2025 (**RUD-8**), for all the goods found during examination in the presence of the authorised representative of M/s. Dynamic India Enterprises (IEC-AAKPI7875D), Shri Kalpesh H Bhanushali. Three quotation of sale price for available goods were taken on record. Based on the market enquiry, the average of the value quoted in the three quotations have been taken for calculation of valuation. The details of the prices quoted and the average value are as follows:

Table-IV

Sr. No.	Declared description of goods	Unit	Price per piece at shop No.1 (in Rs.)	Price per piece at shop No.2 (in Rs.)	Price per piece at shop No.3 (in Rs.)	Average wholesale price of the item (in Rs.)
1	Touch Screen (Combo)	pcs	31.5	32.25	32.25	32.00
2	Middle Frame	pcs	20	20	20	20.00
3	packing Material	pcs	0.75	0.75	0.9	0.80
4	Pouch	pcs	3	4	5	4.00
5	Watch Hands	Kgs	500	475	550	508.33
6	Plastic Back Cover	pcs	8	8	8.5	8.17
7	Tab Cover	pcs	40	45	40	41.67
8	Wrist Watch POMO	pcs	30	28	35	31.00
9	Wrist Watch LOTUS	pcs	24	25	23.5	24.17
10	Wired Earphone, Superbass	pcs	8	8	8.5	8.17
11	Wired Earphone Univeral	pcs	10	10	9.5	9.83
12	USB cable protector	pcs	3	3	3.5	3.17
13	USB cable	pcs	4	4	4	4.00
14	Touch Screen Digitalizer	pcs	40	45	45	43.33
15	Selfie Stick	pcs	40	42.5	45	42.50
16	Mini Screwdriver 6/1	Set	14	15	15	14.67
17	Mini Screwdriver 5/1	Set	12	13	13	12.67
18	Electric Screw driver with accessories	pcs	50	50	55	51.67
19	Mini Screwdriver	Set	20	25	18	21.00

8/1					
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7.1.7 Sample proposed deductions for arriving at the Unit assessable value:

For Products with BCD @ 20 % and IGST @ 18%			
62019090	Rate	Amount	Total
CIF			100
BCD	20	20	120
SWS	10	2	122
IGST	18	21.96	143.96
Transportation and Misc Charges	20	28.792	172.752
Importer Profit	10	17.2752	190.0272
IGSt on Importer's Profit	18	3.10954	193.136736
Wholesaler Profit	10	19.3137	212.45041
IGST on wholesaler profit	18	3.47646	215.926871
Effective rate for arrival of Unit Price			46.3119757
Market Value			100
			46.3119757
For Products with BCD @ 15 % and IGST @ 18%			
	Rate	Amount	Total
CIF			100
BCD	15	15	115
SWS	10	1.5	116.5
IGST	18	20.97	137.47
Transportation and Misc Charges	20	27.494	164.964
Importer Profit	10	16.4964	181.4604
IGSt on Importer's Profit	18	2.969352	184.429752
Wholesaler Profit	10	18.44298	202.8727272
IGST on wholesaler profit	18	3.319736	206.1924627
Effective rate for arrival of Unit Price			48.49837801
Market Value			100
			48.49837801
For Products with BCD @ 10 % and IGST @ 18%			
48149000	Rate	Amount	Total
CIF			100
BCD	10	10	110
SWS	10	1	111
IGST	18	19.98	130.98
Transportation and Misc Charges	20	26.196	157.176
Importer Profit	10	15.7176	172.8936
IGSt on Importer's Profit	18	2.82917	175.722768
Wholesaler Profit	10	17.5723	193.295045
IGST on wholesaler profit	18	3.16301	196.458055
Effective rate for arrival of Unit Price			50.9014508
Market Value			100
			50.9
For Products with BCD @ 7.5 % and IGST @ 18%			
48149000	Rate	Amount	Total
CIF			100
BCD	7.5	7.5	107.5
SWS	10	0.75	108.03

IGST	18	19.485	127.7
Transportation and Misc Charges	20	25.547	153.3
Importer Profit	10	15.3282	168.6
IGST on Importer's Profit	18	2.759076	171.4
Wholesaler Profit	10	17.1369276	188.5
IGST on wholesaler profit	18	3.084646968	191.6
Effective rate for arrival of Unit Price			52.19
Market Value			100
			52.19

7.1.8. Classification and Duty structure:

Based on the goods found during the examination and thereafter market survey report classification and the duty of the subject goods imported vide Bill of Entry no. 2081029 dated 16.05.2025 is redetermined and the duty Calculation Sheet which include classification has been attached as Annexure- B of this Investigation Report. (RUD-9).

8. Legal provisions relevant to the instant case are:

8.1 Foreign Trade (Development and Regulations) Rules, 1993-

As per Rule 11 of the Foreign Trade (Regulation) Rules, 1993, owner of the imported goods shall in the Bill of Entry or any other documents prescribed under the Customs Act, 1962 state the value, quality and description of such goods to the best of his knowledge and belief and certify to its truthfulness which was not done by the importer.

As per Section 11 (1) of the Foreign Trade (Development and Regulation) Act, 1992: "No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made there under and the export and import policy (now termed as Foreign Trade Policy) for the time being in force".

8.2. The Customs Act, 1962

The relevant provisions of law relating to import and valuation of goods in general, the Policy and Rules relating to imports, the liability of the goods to confiscation and the persons concerned are liable to penalty for illegal importation under the provisions of the Customs Act, 1962 and the other laws for the time being in force are summarized below: -

(A) Section 17(1) of the Customs Act, 1962, provides for self-assessment of duty on imported goods by the importer himself by filing a Bill of Entry. Under this mode of self-assessment, the bill of entry was self-assessed by importer, with regard to correctness of classification, value, rate of duty, exemption notification or any other relevant particular having bearing on correct assessment of duty on import.

(B) 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 ¹ [electronically] ² [on the customs automated system] to the proper officer a bill of entry for home consumption or warehousing in such form and manner 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, and such other documents 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.

(C) Section 110 of the Customs Act, 1962, provides for Seizure of goods, documents and things. - (1) If the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods:

(D) Section 110 (2) of the Customs Act, 1962 Where any goods are seized under sub-section (1) and no notice in respect thereof is given under clause (a) of section 124 within six months of the seizure of the goods, the goods shall be returned to the person from whose possession they were seized:

[Provided that the Principal Commissioner of Customs or Commissioner of Customs may, for reasons to be recorded in writing, extend such period to a further period not exceeding six months and inform the person from whom such goods were seized before the expiry of the period so specified:

Provided further that where any order for provisional release of the seized goods has been passed under section 110A, the specified period of six months shall not apply.]
[Substituted by Finance Act, 2018 (Act No. 13 of 2018), dated 29.3.2018.]

(E) Section 111 of the Customs Act, 1962, provides for Confiscation of improperly imported goods, etc. - The following goods brought from a place outside India shall be liable to confiscation: -

(d) any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;

(l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;

(m) any goods which do not correspond in respect of value or in any other particular with the entry made under this Act.

(o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer

(F) 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;

(G) 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 to a penalty not exceeding five times the value of goods.

(H) Section 124: Issue of show cause notice before confiscation of goods, etc.

No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person -

(a) is given a notice in writing with the prior approval of the officer of Customs not below the rank of an Assistant Commissioner of Customs, informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;

- (b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and
- (c) is given a reasonable opportunity of being heard in the matter:

(I) Section 11 of Foreign Trade (Development and Regulation) Act, 1992-

- (1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the foreign trade policy for the time being in force.
- (2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the foreign trade policy, he shall be liable to a penalty of not less than ten thousand rupees and not more than five times the value of the goods or services or technology in respect of which any contravention is made or attempted to be made, whichever is more.

(J) Rule 6 of Legal Metrology (Packaged Commodities) Rules, 2011.

Declarations to be made on every package. – (1) Every package shall bear thereon or on the label securely affixed thereto, a definite, plain and conspicuous declaration made in accordance with the provisions of this chapter as, to –

- (a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer shall be mentioned.
- (b) The common or generic names of the commodity contained in the package and in case of packages with more than one product, the name and number or quantity of each product shall be mentioned on the package.
- (c) The net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package shall be mentioned.
- (d) The month and year in which the commodity is manufactured or pre-packed or imported shall be mentioned in the package
- (e) the retail sale price of the package;
- (f) where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece shall be mentioned.
- (g) such other matter as is specified in these rules.

9. RECORD OF PERSONAL HEARING

9.1 The importer vide letter dated 22.07.2025 stated that they had imported 812 Carton wide BE No. 2081029 Dt. 16/05/2025. However, the container was detained by customs department and selected for examination. The container was examined by officers of SIIB, NCH on their presence.

9.2 The goods have arrived 2 months back and kept in the same warehouse under section 49, the quality of the goods is deteriorating day by day.

9.3 Therefore, it is stated that they accepted the value determined by customs department in market survey for the goods imported vide BE No. 2081029 Dt. 16/05/2025 and they are ready to pay applicable differential duty/interest/fine/penalty as deemed fit by the department. Further the grounds on which charges and penalty will be levied had been orally explained to them and relied open documents were shown to them.

9.4 Further the importer requested that they do not want any **Show Cause Notice OR Personal Hearing** in the subject matter and requested to release the goods at the earliest.

10. DISCUSSION AND FINDINGS

I have carefully gone through the records, investigation findings, facts of the case as per investigation report vide F. No. CUS/SIIB/MISC/451/2025-SIIB(I) dated 21.07.2025.

10.1 I find that, the importer had resorted to mis-declaration of goods in terms of their description, quantity, classification & value for the goods covered under subject Bill of Entry no. **2081029 dated 16.05.2025** to evade legitimate customs duty.

10.2 I also find that many items such as Selfie stick, Tab cover, Screw driver, Touch glass, Touch screen digitizer, earphones and electric screwdriver, imported vide subject Bill of Entry no. 2081029 dated 16.05.2025 were found in pre-packaged condition and the said goods were also found in non-compliance with the marking provisions under DGFT notification no 44 (Re-2000)/1997-2002 dated 24.11.2000 and the Legal Metrology (Packaged Commodity) Rules, 2011.

10.3 I also find that, as per Section 46 (4) the importer while presenting a bill of entry shall at the foot thereof 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. In the instant case, the importer has not declared the truth of the contents in the bill of entry and hence the goods are found mis-declared in respect of description, quantity, classification and value. Hence, the impugned goods covered under bill of entry no. 2081029 dated 16.05.2025 appeared to be liable for confiscation under Section 111 (l) and Section 111(m) of the Customs Act, 1962 as discussed in foregoing paras. Accordingly, the goods covered under bill of entry no. 2081029 dated 16.05.2025 were seized vide seizure memo no. 39/2025-26 issued dated 16.06.2025.

10.4 I also find that, from the above investigation:

- a. The goods covered under bill of entry no. 2081029 dated 16.05.2025 were mis-declared in terms of description, quantity, classification, and value.
- b. Further, many items such as Selfie stick, Tab cover, Screw driver, Touch glass, Touch screen digitizer, earphones and electric screwdriver were found in pre-packaged condition and the said goods were also found in non-compliance with the marking provisions under DGFT notification no 44(Re-2000)/1997-2002

dated 24.11.2000 and the Legal Metrology (Packaged Commodity) Rules, 2011. Therefore, on account of improper import the goods are liable for confiscation under Section 111(d)& 111(m) of the Customs Act, 1962, and the importer (beneficial owner) has rendered himself liable for penal action under Section 112(a) of the Customs Act, 1962.

- c. The importer had resorted to mis-declaration of goods in terms of their description, quantity, classification & value for the goods covered under subject Bill of Entry no. 2081029 dated 16.05.2025 to evade legitimate customs duty and also attempted to evade the prohibitions/restrictions imposed on some of the items. By their act of omission and commission on the part of the importer, M/s. Dynamic India Enterprises (IEC-AAKPI7875D) has made the goods covered under the bill of entry no. 2081029 dated 16.05.2025 liable for confiscation under Section 111 (d), (l) and (m) of the Customs Act, 1962 and hence made himself liable for penal action under Section 112(a) of the Customs Act, 1962.
- d. The Importer has given false declaration in the instant case and attempted to clear the goods by the way of mis-declaration. And Misclassification, Accordingly, importer appears to be liable for penal action under Section 114AA of the Customs Act, 1962 as the mis-declared goods could not be imported without his knowledge.
- e. Consequent to the said mis-declaration, the total declared assessable value of goods covered under bill of entry no. 2081029 dated 16.05.2025 of **Rs. 13,93,360/- (Rupees Thirteen Lakh Ninety Three Thousands Three Hundred and Sixty Only)** is re-determined to **Rs. 26,07,184/- (Rupees Twenty Six Lakh Seven Thousand One Hundred and Eighty Four Only)**
- f. The re-determined duty for the goods is **Rs 9,98,902/- (Rupees Nine Lakh Ninety Eight Thousands Nine Hundred and Two Only)** and thereby, differential duty comes at **Rs. 4,70,430/- (Rupees Four Lakh Seventy Thousands Four Hundred and Thirty Only)** (Calculation Sheet as Annexure-B).

10.5 I also find that:

- a. The importer vide letter dated 22.07.2025 stated that they had imported 812 Carton wide BE No. 2081029 Dt. 16/05/2025. However, the container was detained by customs department and selected for examination. The container was examined by officers of SIIB, NCH on their presence.
- b. The goods have arrived 2 months back and kept in the same warehouse under section 49, the quality of the goods is deteriorating day by day.
- c. Therefore, it is stated that they accepted the value determined by customs department in market survey for the goods imported vide BE No. 2081029 Dt. 16/05/2025 and they are ready to pay applicable differential duty/interest/fine/penalty as deemed fit by the department. Further the grounds on which charges and penalty will be levied had been orally explained to them and relied open documents were shown to them.

- d. Further the importer requested that **they do not want any Show Cause Notice OR Personal Hearing** in the subject matter and requested to release the goods at the earliest.

11. Accordingly, I pass the following order:

ORDER

- I. I reject the declared value of **Rs. 13,93,360/- (Rupees Thirteen Lakh Ninety Three Thousands Three Hundred and Sixty Only)** of the goods covered under Bill of Entry No. 2081029 dated 16.05.2025 under Rule 12(1) of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 and re-determined the same as **Rs. 26,07,184/- (Rupees Twenty Six Lakh Seven Thousand One Hundred and Eighty Four Only)** under Rule 9 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Section 14 of the Customs Act, 1962.
- II. I confirm the re-determined duty for the goods as **Rs 9,98,902/- (Rupees Nine Lakh Ninety Eight Thousands Nine Hundred and Two Only)** and thereby, differential duty comes at **Rs. 4,70,430/- (Rupees Four Lakh Seventy Thousands Four Hundred and Thirty Only)** because of re-determination of declared value.
- III. I order Confiscation of goods valued at **Rs. 26,07,184/- (Rupees Twenty Six Lakh Seven Thousand One Hundred and Eighty Four Only)** imported vide B/E No. 2081029 dated 16.05.2025 under section 111(d), 111(l) and 111(m) of the Customs Act 1962 due to mis-declaration of goods in terms of their description, quantity, classification & value and non-compliance with the marking provisions under DGFT notification no 44(Re-2000)/1997-2002 dated 24.11.2000. However, I give an option to redeem the goods on payment of a Redemption Fine of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousands Only)** under section 125 of Customs Act 1962 in lieu of confiscation and subject to compliance of RE-44 norms before clearance of the said goods.
- IV. I impose a penalty of **Rs. 50,000/- (Rupees Fifty Thousands Only)** on M/s. Dynamic India Enterprises (IEC-AAKPI7875D) under Section 112(a) of the Customs Act, 1962.
- V. I impose a penalty of **Rs. 50,000/- (Rupees Fifty Thousands Only)** on M/s. Dynamic India Enterprises (IEC-AAKPI7875D) under Section 114AA of the Customs Act, 1962.
12. This order is issued without prejudice to any other action that may be taken against the noticee or persons or imported goods under the provisions of the Customs Act, 1962 or any other law for the time being in force in India.


(K. Mahipal Chandra)

Joint Commissioner of Customs,
Group II (H-K), NS-I, JNCH

Regh. AD/Speed Post

To,

1. M/s. Dynamic India Enterprises (IEC-AAKPI7875D) ,
Ground Floor, Shop No 13, Arcadia Jangid Enclave,
Kanakiya Road, Laxmi Park, Mira Road East,
Mira Bhayandar, Thane, Maharashtra, 401107
2. M/s. Dynamic India Enterprises (IEC-AAKPI7875D)
2 ND FLOOR, SHOP NO S24B, Prime Mall,
Irla Society Road,, Vile Parle West, Mumbai Suburban,
MAHARASHTRA,400056

Copy to:

1. The Deputy Commissioner of Customs, CRAC, JNCH.
2. The Deputy Commissioner of Customs, CAC, JNCH.
3. Notice Board
4. Office Copy.
5. EDI

RUD's

Relied Upon Documents (RUD's) are accessed from the following link :

https://drive.google.com/drive/folders/1aoV1KaJWwBiHgrxCFR3_amc7c4nOofLn?usp=drive_link