

 सत्यमेव जयते	सीमाशुल्कआयुक्तकार्यालय, एनएस-II OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II केंद्रीकृत निर्यात मूल्यांकन कक्ष, जवाहरलाल नेहरुसीमाशुल्कभवन CENTRALIZED EXPORT ASSESSMENT CELL, JAWAHARLAL NEHRU CUSTOM HOUSE, न्हावाशेवा, तालुका-उरण, जिला-रायगढ़, महाराष्ट्र -400 707 NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD, MAHARASHTRA-400707	
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फाइलनं. / CUS/ASS/AMND/2400/2025

DIN: 20251178NT000000B 8C8	
आदेश की तिथि	63 11.2025
Date of Order	
जारी किए जाने की तिथि	04 11.2025
Date of Issue	
आदेश सं. Order No.	259/2025-26/ आयुक्त/सीईसी /एनएस- : II/सीसी/जेएनसीएच
	259/2025-26/Commissioner/CEAC/NS-II/CAC/JNCH
पारितकर्ता Passed by	श्री गिरिधर जी. पै Shri Giridhar G. Pai
	आयुक्त, सीमाशुल्क (एनएस-II), जेएनसीएच, न्हावाशेवा Commissioner of Customs (NS-II), JNCH, Nhava Sheva
पक्षकार (पार्टी)/ नोटिसी का नाम	मै.गोदावरी बायोरिफाइनरीज लिमिटेड : M/s. Godavari Biorefineries Limited
Name of Party/Noticee	

मूल आदेशORDER-IN-ORIGINAL

1. इस आदेश की मूल प्रतिका प्रतिलिपि जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निःशुल्क दी जाती है।

The copy of this order in original is granted free of charge for the use of the person to whom it is issued.

2. इस आदेश से व्यथित कोई भी व्यक्ति सीमाशुल्क अधिनियम, १९६२ की धारा १२९ ए के तहत इस आदेश के विरुद्ध सी ई एस टी ए टी, पश्चिमी प्रादेशिक न्यायपीठ (वेस्ट रीजनल बेंच, ३४, पी. डी. मेलोरोड, मस्जिद (पूर्व), मुंबई-४००००९ को अपील कर सकता है, जो उक्त अधिकरण के सहायक रजिस्ट्रार को संबोधित होगी।

Any Person aggrieved by this order can file an Appeal against this order to CESTAT, West Regional Bench, 34, P D Mello Road, Masjid (East), Mumbai - 400009 addressed

 सत्यमेव जयते	सीमाशुल्कआयुक्तकार्यालय, एनएस-II OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II केंद्रीकृत निर्यात मूल्यांकन कक्ष, जवाहरलाल नेहरूसीमाशुल्कभवन CENTRALIZED EXPORT ASSESSMENT CELL, JAWAHARLAL NEHRU CUSTOM HOUSE, न्हावाशेवा, तालुका-उरण, जिला-रायगढ़, महाराष्ट्र -400 707 NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD, MAHARASHTRA-400707	
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फ़ाइलनं. / CUS/ASS/AMND/2400/2025

DIN:	
आदेश की तिथि	: .11.2025
Date of Order	
जारी किए जाने की तिथि	: .11.2025
Date of Issue	
आदेशसं. Order No.	: /2025-26/ आयुक्त/सीईएसी /एनएस-II/ सीएसी/जेएनसीएच /2025-26/ Commissioner/CEAC/NS-II/CAC/JNCH
पारितकर्ता Passed by	: श्री गिरिधर जी.पई Shri Giridhar G. Pai आयुक्त, सीमाशुल्क (एनएस-II), जेएनसीएच, न्हावाशेवा Commissioner of Customs (NS-II), JNCH, Nhava Sheva
पक्षकार (पार्टी)/ नोटिसी का नाम Name of Party/Noticee	: मै.गोदावरी बायोरिफाइनरीज लिमिटेड M/s. Godavari Biorefineries Limited

मूल आदेश

ORDER-IN-ORIGINAL

1. इसआदेशकीमूलप्रतिकीप्रतिलिपिसव्यक्तिकोजारीकीजातीहै, उसकेउपयोगकेलिएनिःशुल्कदीजातीहै।

The copy of this order in original is granted free of charge for the use of the person to whom it is issued.

2. इसआदेशसेव्यथितकोईभीव्यक्तिसीमाशुल्कअधिनियम,१९६२कीधारा१२९एकेतहतइसआदेशकेविरुद्धसीईएसटीएटी, पश्चिमीप्रादेशिकन्यायपीठ (वेस्टरीज़नलबेंच, ३४, पी. डी. मेलोरोड, मस्जिद (पूर्व), मुंबई-४००००९ कोअपीलकरसकताहै, जोउक्तअधिकरणकेसहायक रजिस्ट्रारकोसंबोधितहोगी।

Any Person aggrieved by this order can file an Appeal against this order to CESTAT, West Regional Bench, 34, P D Mello Road, Masjid (East), Mumbai - 400009 addressed

to the Assistant Registrar of the said Tribunal under Section 129 A of the Customs Act, 1962.

3. अपीलदाखिलकरनेसंबंधीमुख्यमुद्दे:-

Main points in relation to filing an appeal: -

फार्म Form	:	फार्म नं.सीए-३, चारप्रतियोंमेंतथाउसआदेशकीचारप्रतियाँ, जिसकेखिलाफअपीलकीगयीहै (इनचारप्रतियोंमेंसेकम सेकमएकप्रतिप्रमाणितहोनीचाहिए) Form No. CA-3 in quadruplicate and four copies of the order appealed against (at least one of which should be certified copy)
समयसीमा Time Limit	:	इसआदेशकीसूचनाकीतारीखसेतीनमहीनेकेभीतर Within 3 months from the date of communication of this order.
फीस Fee	:	(क) एकहजाररुपये-जहाँमाँगेगयेशुल्कएवंब्याजकीतथालगायीगयीशास्ति कीरकमपाँचलाखरुपयेयाउससेकमहै। (a) Rs. One Thousand - Where amount of duty & interest demanded & penalty imposed is Rs. 5 Lakh or less. (ख) पाँचहजाररुपये- हाँमाँगेगयेशुल्कएवंब्याजकीतथालगायीगयीशास्ति कीरकमपाँचलाखरुपयेसेअधिकपरंतुपचासलाखरुपयेसेकमहै। (b) Rs. Five Thousand - Where amount of duty & interest demanded & penalty imposed is more than Rs. 5 Lakh but not exceeding Rs. 50 lakh (ग) दसहजाररुपये-हाँमाँगेगयेशुल्कएवंब्याजकीतथालगायीगयीशास्ति कीरकमपचासलाखरुपयेसेअधिकहै। (c) Rs. Ten Thousand - Where amount of duty & interest demanded & penalty imposed is more than Rs. 50 Lakh.
भुगतानकीरीति Mode of Payment	:	क्रॉसबैंकड्राफ्ट, जोराष्ट्रीयकृतबैंकद्वारासहायकरजिस्ट्रार, सीईएसटीएटी, मुंबईकेपक्षमेंजारीकियागयाहोतथामुंबईमेंदेयहो। A crossed Bank draft, in favour of the Asstt. Registrar, CESTAT, Mumbai payable at Mumbai from a nationalized Bank.
सामान्य General	:	विधिकेउपबंधोंकेलिएतथाऊपरयथासंदर्भितएवंअन्यसंबंधितमामलोंकेलिए, सीमाशुल्कअधिनियम, १९६२, सीमाशुल्क (अपील) नियम, १९८२सीमाशुल्क, उत्पादनशुल्कएवंसेवाकरअपीलअधिकरण (प्रक्रिया) नियम, १९८२कासंदर्भलियाजाए। For the provision of law & from as referred to above & other related matters, Customs Act, 1962, Customs (Appeal) Rules, 1982, Customs, Excise and Service Tax Appellate Tribunal (Procedure) Rules, 1982 may be referred.

4. इस आदेश के विरुद्ध अपील करने के लिए इच्छुक व्यक्ति अपील अनिर्णीत रहने तक उसमें माँगे गये शुल्क अथवा उद्गृहीत शास्ति का ७.५ % जमा करेगा और ऐसे भुगतान का प्रमाण प्रस्तुत करेगा, ऐसा न किये जाने पर अपील सीमाशुल्क अधिनियम, १९६२ की धारा १२९ के उपबंधों की अनुपालना न किये जाने के लिए नामंजूर किये जाने की दायी होगी।

Any person desirous of appealing against this order shall, pending the appeal, deposit 7.5% of duty demanded or penalty levied therein and produce proof of such payment along with the appeal, failing which the appeal is liable to be rejected for non-compliance with the provisions of Section 129 of the Customs Act 1962.

Sub.: - Request for Conversion of Shipping Bills from Non-MEIS to MEIS Scheme by M/s. Godavari Biorefineries Limited-Reg.

M/s. Godavari Biorefineries Limited, IEC No.0309008107, having regd. Office at Somaiya Bhawan, 45/47, Mahatma Gandhi Road, Fort, Mumbai-400 001(hereinafter referred to as "the exporter") has requested for conversion of Sixty-Six (66) shipping bills pertaining to exports made during the period October, 2016 to November, 2017 from Non-MEIS to MEIS Scheme vide their letter dated nil (received on 02.09.2025), details of which are tabulated below:

TABLE-I

Sl. No.	Shipping Bill No.	Shipping Bill Date	LEO Date	Scheme in which shipping bill filed	Scheme to which conversion sought
(1)	(2)	(3)	(4)	(6)	(7)
1	3693507	21-10-2015	24-10-2015	Reward-NO Scheme Code-21 (EOU)	Reward-YES Scheme Code-21 (EOU)
2	3693833	21-10-2015	24-10-2015		
3	3763977	27-10-2015	28-10-2015		
4	3763988	27-10-2015	28-10-2015		
5	3763996	27-10-2015	28-10-2015		
6	3764045	27-10-2015	28-10-2015		
7	3917070	03-11-2015	04-11-2015		
8	3920738	03-11-2015	05-11-2015		
9	4058491	09-11-2015	12-11-2015		
10	4058490	09-11-2015	12-11-2015		
11	4066658	10-11-2015	12-11-2015		
12	4183912	19-11-2015	21-11-2015		
13	4184224	19-11-2015	21-11-2015		
14	4262729	24-11-2015	26-11-2015		
15	4262741	24-11-2015	26-11-2015		
16	4392924	30-11-2015	02-12-2015		
17	4454676	02-12-2015	03-12-2015		
18	4583253	08-12-2015	10-12-2015		
19	4599205	09-12-2015	10-12-2015		
20	4710026	15-12-2015	17-12-2015		
21	4710098	15-12-2015	17-12-2015		
22	4402796	30-12-2015	02-12-2015		
23	7427144	03-05-2016	05-05-2016		
24	7427650	03-05-2016	05-05-2016		
25	7445068	03-05-2016	05-05-2016		
26	7563766	10-05-2016	11-05-2016		
27	7563774	10-05-2016	11-05-2016		
28	7611207	12-05-2016	12-05-2016		
29	7684536	16-05-2016	18-05-2016		

Sl. No.	Shipping Bill No.	Shipping Bill Date	LEO Date	Scheme in which shipping bill filed	Scheme to which conversion sought
(1)	(2)	(3)	(4)	(6)	(7)
30	7684552	16-05-2016	18-05-2016		
31	7775221	20-05-2016	21-05-2016		
32	7867761	25-05-2016	26-05-2016		
33	7867890	25-05-2016	26-05-2016	Reward-NO Scheme Code-21 (EOU)	Reward-YES Scheme Code-21 (EOU)
34	7980668	31-05-2016	01-06-2016		
35	7980821	31-05-2016	01-06-2016		
36	8110876	06-06-2016	10-06-2016		
37	8110885	06-06-2016	08-06-2016		
38	8152973	08-06-2016	09-06-2016		
39	8168302	09-06-2016	09-06-2016		
40	8253284	14-06-2016	15-06-2016		
41	8253396	14-06-2016	15-06-2016		
42	8255052	14-06-2016	15-06-2016		
43	8383687	20-06-2016	21-06-2016		
44	9225375	02-08-2016	03-08-2016		
45	9336146	08-08-2016	13-08-2016		
46	9336152	08-08-2016	13-08-2016		
47	9360781	09-08-2016	13-08-2016		
48	9650272	24-08-2016	26-08-2016		
49	1280627	26-09-2016	27-09-2016		
50	1465180	05-10-2016	06-10-2016		
51	1479448	05-10-2016	07-10-2016		
52	1562124	10-10-2016	11-10-2016		
53	1562159	10-10-2016	13-10-2016		
54	1578137	12-10-2016	13-10-2016		
55	1695405	18-10-2016	19-10-2016		
56	1711074	18-10-2016	20-10-2016		
57	1711151	18-10-2016	20-10-2016		
58	1711157	18-10-2016	20-10-2016		
59	1853518	25-10-2016	26-10-2016		
60	1893563	26-10-2016	28-10-2016		
61	2001864	02-11-2016	03-11-2016		
62	2100664	08-11-2016	09-11-2016		
63	2126293	09-11-2016	09-11-2016		
64	2295586	18-11-2016	18-11-2016		
65	2296282	18-11-2016	18-11-2016		
66	2499585	29-11-2016	30-11-2016		

2. The exporter M/s. Godavari Biorefineries Limited vide above-referred letter dated *inter alia* stated that they filed 66 shipping bills during October 2015 to Nov' 2016, wherein the MEIS reward column was inadvertently marked as "N" instead of "Y" in the EDI system, despite their clear declaration of intent to claim MEIS benefits in the remark column of all shipping bills; that the Foreign Trade Policy 2015-2020 introduced the Merchandise Exports from India Scheme (MEIS) with the objective to provide rewards to exporters to offset infrastructural inefficiencies, while the procedure required marking 'Y' in the reward column of EDI shipping bills, the system default was set to 'N', requiring manual override which was missed in their case due to oversight; that they had explicitly declared our intent to claim MEIS benefits by stating "*We intend to claim rewards under Merchandise Exports from India Scheme (MEIS)*" in the description column of all 66 shipping bills, copies of which are enclosed as Exhibit "A"; that pursuant to the Trade Notice No. 24/2018 dated 21.02.2018 (copy enclosed as Exhibit "B") which specifically addresses such cases of inadvertent errors, they had submitted complete details of these shipping bills along with supporting documents vide their email dated 08.03.2018 (copy enclosed as Exhibit "C"), Regrettably, they have not received any response or acknowledgment to date; that the goods exported under these shipping bills were fully eligible for MEIS benefits as per Appendix 3B of FTP 2015-20, and they have not claimed any other export benefits for these shipments; that they respectfully bring to attention that the Commissioner of Customs, JNCH, has issued Public Notice No. 30/2023 dated 11.04.2023, (copy enclosed as Exhibit "D") which explicitly acknowledges the systemic difficulties faced by exporters in cases where the MEIS reward column was inadvertently marked as "N" in the EDI system despite their clear intent to claim benefit; that this Notice aligns with Advisory No. 07/2023 (issued by the Directorate General of Systems and Data Management, Department of Revenue), which provides a framework to address such discrepancies.

2.1 Further, the exporter has drawn attention to the Hon'ble Bombay High Court's directions in the matter of M/s. Larsen & Toubro (Writ Petition no. 3667 of 2024), Judgement given in the earlier decision in the matter of M/s. Technocraft Industries (India) Limited Vs. Union of India (Writ Petition no. 3202 of 2022) and the Hon'ble Bombay High Court's directions in the matter of M/s. BFN Forgings Pvt Ltd. Vs UOI (Writ petition 3681 of 2024).

2.2 The exporter further added that their claim for MEIS benefits is substantiated by established judicial precedents and administrative orders, and specifically pertains to the amendment of the shipping bill reward flag from "No" to "Yes"; that the MEIS scheme is jointly administered by the Directorate General of Foreign Trade (DGFT), as the policy-making body, and the Customs authorities, as the implementing agency; that in full compliance with Trade Notice No. 24/2018, they submitted timely submission on 08.03.2018, unequivocally demonstrating their

intent to claim MEIS benefits across all 66 shipping bills. Our entitlement to relief is firmly grounded in the principles established in Larsen & Toubro (technological defaults cannot override rights), Technocraft Industries (protocol for amended bills), BFN Forgings (approval for identical period), and the Commissioner's order in IG Petrochemicals (directing conversion); that their prior submission to DGFT was made in good faith and such submission to DGFT, being part of the joint framework of the scheme, must be construed as covering all consequential actions, including amendment of the shipping bill at Customs, wherever required, so that the scheme benefit can be operationalized. Accordingly, their present request for amendment of the shipping bill from "No" to "Yes" is a logical continuation of the process already initiated with DGFT, and is squarely in line with the joint role envisaged for DGFT and Customs under the Foreign Trade Policy.

2.3 On verification it is observed that the exporter vide email dated 08.03.2018 (through mail id i.e. rahul@somaiya.com) (recipient mail id i.e. lokes.hd@nic.in) has informed that they as per DGFT Trade Notice No.24/2018 dtd. 21.02.2018 they are enclosing statement of shipping bills which got ticked "No" instead of "Yes" but on all customs invoice and shipping bill they have declared intent to claim MEIS benefits, in the said mail they have further added that they have already exported considering MEIS benefit and if they do not get the same it is very difficult for them to survive and compete in international market.

3. Following the principles of natural justice, a personal hearing was granted on 01.10.2025, Shri Parth Upadhyay & Shri VKV Kumar, Authorised representatives of M/s. Godavari Biorefineries Limited appeared before me and requested for conversion 66no's of shipping bills wherein they had mentioned "N" (for No) instead of "Y" (for Yes) for MEIS. They sought to rely on the written submission made in the application (received on 02.09.2025).

4. The exporter, vide letter dated nil (received in this office on 30.10.2025), has also submitted an undertaking declaring non-availment of MEIS benefits in respect of 66 shipping bills covered under the said conversion application. The exporter has further furnished an indemnity in favor of the Department, confirming that no MEIS benefits or any other export incentives have been availed, received, or claimed, and that there has been no change of intent from "No" to "Yes" under the MEIS scheme for the afore-mentioned shipping bills (as detailed in Table-1).

DISCUSSIONS AND FINDINGS

5. I have carefully gone through the request made by the exporter vide their letter received on 02.09.2025 along with enclosures, for amendment by way of conversion of shipping bills from Non-MEIS to MEIS, the submissions made by the

exporter at the time of personal hearing and the relevant provisions of Customs Act, 1962, which govern the conversion of shipping bills.

6. In the instant case, I find that the exporter had filed the Shipping bills mentioned in Table-I above, under the Scheme- Export Oriented Unit (EOU) (Scheme Code-21) and without claiming MEIS benefits. However, the exporter has requested for conversion from Non-MEIS to MEIS vide their letter dated nil received in this office on 02.09.2025. Now, the issue to be decided is whether the exporter is eligible for amendment sought by them for conversion of the said shipping bills.

7. Conversion of shipping bill is governed by Section 149 of the Customs Act, 1962. In the instant case, the shipping bills were filed during the period from January, 2017 to April, 2017. Since the application for amendment has been filed on 02.09.2025, the same shall be dealt with under Section 149 of the Customs Act as it exists today. The same is reproduced as under:

Section 149. Amendment of documents- *Save as otherwise provided in section 30 and 41, the proper officer may, in his discretion, authorise any document, after it has been presented in the custom house to be amended in such form and manner, within such time, subject to such restrictions and conditions, as may be prescribed:*

Provided that no amendment of a bill of entry or a shipping bill or bill of export shall be so authorized to be amended after the imported goods have been cleared for home consumption or deposited in a warehouse, or the export goods have been exported, except on the basis of documentary evidence which was in existence at the time the goods were cleared, deposited or exported, as the case may be"

7.1. The shipping bills mentioned in Table-I had been granted LEOs (Let Export Order) during the period from Oct'2015 to Nov'16. I find that Export Entry (Post export conversion in relation to instrument based scheme) Regulations, 2025 have been notified vide notification No.21/2025-Customs (N.T.) dated 03.04.2025. Further, as per sub-regulation (2) to Regulation (3) of the said regulations time limit of one year for export entries filed before 22.02.2022, shall be reckoned from the date on which these regulations have come in force, relevant Para is as under:

"(2) Where an export entry is filed before the 22nd February, 2022, the period of one year specified under sub-regulation (1) shall be reckoned from the date on which these regulations have come into force."

Other relevant Provision of the said regulations are as under:

Regulation 2(1)(b): *"conversion" means amendment of the declaration made in the export entry to any one or more instrument-based scheme, after the export goods have been exported.*

Regulation 2(1)(c): “export entry” means entry relating to export as defined in clause (16) of section 2 of the Act and includes an entry made in the Shipping Bills or Bills of Exports under Section 50 or entries made for goods to be exported by post or courier under Section 84 of the Act.

Regulation 2(1)(d): “instrument-based scheme” means a scheme involving utilisation of instrument referred to in explanation 1 to sub-section (1) of section 28AAA of the Act.

Regulation 4(e): The export entry of which the conversion is sought is one that has been filed in relation to instrument based scheme, or under drawback or for fulfilment of any export obligation or combination thereof.

Explanation 1 to Section 28AAA of the Customs Act, 1962:

Explanation 1 : For the purpose of this sub-section, “instrument” means any scrip or authorization or license or certificate or such other document, by whatever name called, issued under the Foreign Trade (Development and Regulation) Act, 1992 with respect to a reward or incentive scheme or duty exemption scheme or duty remission scheme or such other scheme bestowing financial or fiscal benefits, which may be utilized under the provisions of this act or the rules made on notifications issued thereunder”.

8. From the above provisions it emerges that for export entries filed before 22.02.2022, the request for conversion shall be determined under the Export Entry (Post Export Conversion in relation to Instrument Based Scheme) Regulations, 2025 and the time limit of one year shall be from the date on which these Regulations have come into force i.e., 03.04.2025. Further, a conjoint reading of these provisions indicates that the regulations apply only to such shipping bills which were filed in relation to instrument based scheme, or under drawback or for fulfilment of any export obligation or combination thereof and the request for amendment in the shipping bill is for conversion to any one or more instrument-based scheme. Further, as per Explanation 1 of section 28AAA of the Customs Act, 1962, instrument-based scheme includes Advance License, EPCG, RoDTEP, RoSCTL, Duty exemption/incentive scheme etc. The instant shipping bills were filed in Scheme code 21 i.e. EOU, and the conversion is sought from EOU & Reward “No” to EOU & Reward “Yes”, Thus, I find that the Export Entry Regulations, 2025 are applicable to the instant case.

9. Regulations 3 and 4 of the Export Entry (Post export conversion in relation to instrument based scheme) Regulations, 2025 prescribe the manner and time for applying for conversion and the conditions and restrictions for conversion respectively. These are reproduced below.

3. Manner and time limit for applying for post export conversion of export entry. -

(1) The application for conversion shall be filled by an exporter in writing within one year from the date of clearance of goods under sub-section (1) of section 51 or section 69 of the Act or from the date of entry made under section 84 of the Act, as the case may be:

Provided that the jurisdictional Commissioner of Customs may, for the reasons to be recorded in writing, extend the time limit not exceeding six months, if it is satisfied that the circumstances were such which prevented the exporter from filing an application within the period specified under sub-regulation (1):

Provided further that the jurisdictional Chief Commissioner of Customs may, for the reasons to be recorded in writing, extend the time limit not exceeding six months, if it is satisfied that the circumstances were such which prevented the exporter from filing an application for a period exceeding one year and six months.

(2) Where an export entry is filed before the 22nd February, 2022, the period of one year specified under sub-regulation (1) shall be reckoned from the date on which these regulations have come into force.

(3) Where filing of an application under sub-regulation (1) was prevented due to stay or an injunction passed by any court or tribunal, then, in computing the period specified therein, the period of continuance of the stay or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(4) The jurisdictional Commissioner of Customs, may, in his discretion, authorise the conversion of export entry, subject to the following, namely: –

- (a) on the basis of documentary evidence, which was in existence at the time the goods were exported;*
- (b) subject to conditions and restrictions for conversion provided in regulation 4;*
- (c) on payment of a fee in accordance with Levy of fees (Customs Documents) Regulations, 1970.*

(5) Subject to the provision of sub-regulation (1), the jurisdictional Commissioner of Customs shall, where it is possible so to do, decide every application for conversion within a period of thirty days from the date on which it is filed.

Regulation 4. Conditions and restrictions for conversion of Shipping Bill. –

(1) The conversion of shipping bill and bill of export shall be subject to the following conditions and restrictions, namely: -

- (a) *fulfilment of all conditions of the instrument-based scheme to which conversion is being sought;*
- (b) *the exporter has not availed or has reversed the availed benefit of the instrument-based scheme from which conversion is being sought or reversed the amount of drawback or any other benefit, in case drawback or such scheme is not admissible in the scheme to which conversion is being sought, as the case may be;*
- (c) *no condition, specified in any regulation or notification, relating to presentation of shipping bill or bill of export in the Customs Automated System, has not been complied with;*
- (d) *no contravention has been noticed or investigation initiated against the exporter under the Act or any other law, for the time being in force, in respect of such exports;*
- (e) *the export entry of which the conversion is sought is one that had been filed in relation to instrument based scheme, or under drawback or for fulfilment of any export obligation or combination thereof.*

10. Considering the fact that the said Shipping Bills were granted LEO prior to 22.02.2022, a conjoint reading of Section 149 of the Customs Act, 1962 and the Export Entry (Post export conversion in relation to instrument based scheme) Regulations, 2025, provides for the following criteria for conversion of shipping bills-

- A. The application for conversion shall be filed in writing within a period of one year from the date of order for clearance of goods. Further, in the case where export entry is filed before the 22nd February, 2022, the period of one year shall be reckoned from the date on which these regulations have come into force.
- B. Conversion of the shipping bill may be authroised on the basis of documentary evidence, which was in existence at the time the goods were exported,
- C. On payment of a fee in accordance with Levy of fees (Customs Documents) Regulations, 1970, as amended,
- D. All conditions of the instrument-based scheme to which conversion is being sought should be fulfilled,
- E. Exporter has not availed or has reversed the benefit of the instrument-based scheme from which conversion is being sought,
- F. All conditions relating to shipping bill have been complied with,
- G. No contravention noticed against the shipping bill,

H. Shipping bill Conversion shall be allowed from one instrument-based scheme, or drawback to another instrument-based scheme.

11. Now, I proceed to examine the shipping bills (as detailed in Table-I) in terms of each of the criteria as given above.

A. The application for conversion shall be filed in writing within a period of one year from the date of order for clearance of goods and where an export entry is filed prior to 22nd February, 2022, the period of one year specified under sub-regulation (1) shall be reckoned from the date on which these regulations have come into force:

As discussed above, I find that the issue related to the time limit has already been regularised in the Export Entry Regulations 2025. In the instant case, since the export entry in respect of the Shipping bills mentioned in Table-I above is prior to 22.02.2022 and the application is being considered within the period of one year from the date on which the Export Entry Regulations, 2025 have come into force, i.e., 03.04.2025, the application is well within the prescribed time limit in terms of Regulation 3(2) of the said Regulations.

B. Conversion of the shipping bill may be authroised on the basis of documentary evidence, which was in existence at the time the goods were exporter:

(a) From the plain reading of Section 149 of the Customs Act, 1962, it may be seen that the exporter cannot be allowed to claim amendment by way of conversion in a routine manner and as a matter of right. Depending on the conversion sought, the physical verification and examination of goods in addition to verification of documents is required to be done as the conversion can change the entire nature and character of the shipping bill. Needless to mention that it is now well-settled that conversion from one scheme to another is not an amendment simpliciter. It is therefore necessary that the request for conversion needs to be examined carefully on case-to-case basis solely on merit.

(b) The Director General of Foreign Trade (hereinafter to be referred as "DGFT" for the sake of brevity) vide Public Notice No. 09/2015 dated 16th May, 2016 has made the amendments in Paragraph 3.14(a) of the Handbook of Procedures 2015-20. Therefore, Paragraph 3.14(a) of the Handbook of Procedures 2015-20 as it existed prior to its amendment and post-amendment is reproduced as under:

Paragraph prior to amendment:

Paragraph 3.14: Declaration of Intent on shipping bills for claiming rewards under MEIS including export of goods through courier or foreign post offices using e-Commerce

- (a) Export shipments filed under all categories of the Shipping Bills would need the following declaration on the Shipping Bills in order to be eligible for claiming rewards under MEIS: **"We intend to claim rewards under Merchandise Exports from India Scheme (MEIS)"**. Such declaration shall be required even for export shipments under any of the schemes of Chapter 4 (including drawback), Chapter 5 or Chapter 6 of FTP. In the case of shipping bills (other than free shipping bills), such declaration of intent shall be mandatory with effect from 1st June 2015.

Amended Paragraph:

Paragraph 3.14: Procedure for Declaration of Intent on EDI and Non-EDI shipping bills for claiming rewards under MEIS including export of goods through courier or foreign post offices using e-Commerce

(a) (i) EDI Shipping Bills: Marking/ ticking of "Y" (for Yes) in "Reward" column of shipping bills against each item, which is mandatory, would be sufficient to declare intent to claim rewards under the scheme. In case the exporter does not intend to claim the benefit of reward under Chapter 3 of FTP exporter shall tick "N" (for No). Such marking/ticking shall be required even for export shipments under any of the schemes of Chapter 4 (including drawback), Chapter 5 or Chapter 6 of FTP

(ii) Non-EDI Shipping Bills: In the case of non-EDI Shipping Bills, Export shipments would need the following declaration on the Shipping Bills in order to be eligible for claiming rewards under MEIS: **"We intend to claim rewards under Merchandise Exports from India Scheme (MEIS)"**. Such declaration shall be required even for export shipments under any of the schemes of Chapter 4 (including drawback), Chapter 5 or Chapter 6 of FTP.

Effect of this Public Notice: The procedure for declaration of intent in Paragraph 3.14(a) of the Handbook of Procedures 2015-20 for EDI is simplified. The marking of tick in pursuance of the earlier **Public Notice No.47, dated 8th December 2015** shall be treated as declaration of intent in case of EDI shipping bills. The marking of tick in the appropriate tick boxes are mandatory in EDI shipping bills.

s

(c) As per paragraph 3.14 of Handbook of Procedures 2015-20, for claiming benefit under Merchandise Exports from India Scheme (hereinafter referred as 'MEIS') it is mandatory on the part of the exporter to file the EDI shipping bills by Marking/ ticking of "Y" (for Yes) in "Reward" column of shipping bills against each item, which is sufficient to declare intent to claim rewards under MEIS scheme. The shipping Bills mentioned above had been Marked/ticked "N" (for 'No') in "Reward" column of shipping bills against each item.

(d) I observe that the exporter has relied upon the judgment of the Hon'ble High Court, Bombay in the case of M/s. Larsen & Toubro (Writ Petition no. 3667 of 2024),

Judgement given in the earlier decision in the matter of M/s. Technocraft Industries (India) Limited Vs. Union of India (Writ Petition no. 3202 of 2022) and the Hon'ble Bombay High Court's similar directions in the matter of M/s. BFN Forgings Pvt Ltd. Vs UOI (Writ petition 3681 of 2024).

(e) The Hon'ble High Court's directions in above mentioned writ petitions address the denial of MEIS benefits by the Directorate General of Foreign Trade (DGFT) due to technical or procedural errors in the system, such as incorrect flags in the export documentation or system glitches preventing proper claim submissions. In each case, the courts directed the DGFT and Customs authorities to process the claims, emphasizing that exporters should not be penalized for technical issues. The Hon'ble Courts reinforced the principle that systemic issues should not be used to deny exporters their legitimate benefits under the Merchandise Exports from India Scheme (MEIS), especially when corrective measures (like amendments under Section 149 of the Customs Act, 1962) have been taken, further directs the authorities to improve coordination and ensure systems align to facilitate the rightful claims of exporters. Subsequent to these directions, DG System issued an Advisory no. 07/2023 dated 11.04.2023, regarding transmission of shipping bills from systems' backend to DGFT for MEIS benefits for certain cases, and in this regard, a Public notice 30/2023 dated 11.04.2023 was also issued by JNCH .

(f) In the instant case, at the time of filing the shipping bills, the exporter had mentioned 'No' instead of 'Yes' in the Reward Item Column. However, they mentioned in the shipping bills that *"We intend to claim Rewards under Merchandise Exports from India Scheme (MEIS)"*. Snapshots of 1st page of the shipping bill bearing No. 3693507 dated 21.01.2015 & 4058491 dated 09.11.2015 are being reproduced for ready reference:

PUNJAB COMWARE CFS
E.O.I. Service centre

LEO Date: 24/10/2015
Indian Customs EDI System (ICSE)

EP COPY
LEO NO : 14/175

BCL ✓ = YES

01

JMCH, NHAVA SHEVA, TAL:URAN, DIST-RAIGAD-400707
Shipping Bill for Export

SB No : 3693507 / 21/10/2015 BRC Realisation Date :
CHA : AAAFUIF02MCH001 UMERSHI MANEHI KHONA AND CO.
Print Date : 16/11/2015 13:09
This consignment was not opened for physical examination by Customs
Port of BL : NLATH -
Country of BL : NL -
Port of Ldg-Code : INNSA1 State of Origin : MAHARASHTRA

EXPORTER DETAILS	CONSIGNEE
0309000107 ()	SIN NO. : AABCG2543CET001
GODAVARI BIOREFINERIES LIMITED.	M/S. GODAVARI BIOREFINERIES B.V.
Branch # 0 SOMAIYA BHAVAN, 45/47	CRYSTAL TOWER, 24TH FLOOR, ORLYPLE
M.G. ROAD,FORT,	IND10,1043 DP AMSTERDAM, PO BOX 3617
ROTTERDAM	6,1040 MD AMSTERDAM TEL : + 31 (0)
	20 5773530 FAX : + 31(0) 20 5773535
	NETHERLANDS

Factory Sealed Address Details

ISC : 0309000107 Name : GODAVARI BIOREFINERIES LIMITED.
Address : SAKARWADI, STN.KANHEGACON X

AMNADNAGAR X
Port of Loading : JMCH, NHAVA SHEVA, T Total Pkgs. : 5
Port of Discharge: Rotterdam Loose pkts : 0
Gross Wt(MTS) : 104.910 Net Wt(MTS) : 104.910
Country of Dest : NETHERLANDS No. of Ctrs. : 5
Rotation No. : 94388 Rotation Date : 12/10/2015

Nature of Cargo : C
Marks and Nos.: AS PER INVOICE " WE INTEND TO CLAIM REWARDE UNDER "MEIS" SCHEME
FOREX BANK ACC:291302000000053

RBI Waiver No/Date: /
FOB VALUE (INR) : 83030381.17 F DEK+STR(INR): 80.00 F
Total Drawback(INR) 80.00 F Service Tax Refund(INR): 80.00 F
AD. Code : 0202915 Bank a/c No :
I.F.S. Code : ST / Excise Regn. :

INVOICE DETAILS Invoice 1/1
Inv.Val : 5201306.68 INR 70614.25 EUR
FOB Val : 5030381.17 INR
Inv.no. : GBL/EA/2015-16/08 Inv Dt : 21/10/2015
Net. of con : ECIF FCurr(inv):EUR
Edp Contract No:
Exchange rate : 1.00 (EUR) = 71.490 (INR)

	Rate	Currency	Amount
Insurance	0.00	EUR	20.42
Freight:		EUR	2306.68
Discount:	0.00		0.00
Commission:	0.00		0.00
Other Deductions:	0.00		0.00
Packing Charges:		EUR	0.00
Nature of payment:NA			Period of Payment:90
Buyer Name & Address			
< SAME AS CONSIGNEE >			

(g) In the matter of M/s. Pasha International Vs. Commissioner of Customs, Tuticorin [[2019 (365) E.L.T. 669 (Mad.) [10-01-2019]]; Hon'ble High Court of Madras and the Learned Counsel appearing for the Writ petitioner points out that in an identical situation, the High Court of Kerala in the decision reported in 2018 (361) E.L.T. 1000 (Ker.) (Saint Gobain India Pvt. Ltd. v. Union of India), held as follows: -

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However, it is stated that the 3rd respondent is ready to issue 'No Objection Certificate' to enable the petitioner to avail the benefits from the 4th respondent. In the above view of the matter, there will be a direction to the 3rd respondent to issue the necessary 'No Objection Certificate' to the petitioner. The petitioner shall produce the said NOC before the 4th respondent and seek the benefits from the 4th respondent. The 4th respondent shall consider such claim and pass orders thereon expeditiously, at any rate within a period of three months from the date of receipt of a copy of this Judgment."

Considering the facts and circumstances of this case, the Hon'ble High Court of Madras has ordered as follows;

"I am of the view that a similar direction can be given in the present case also. Of course, in the present case, the Learned Counsel for the respondent is only seeking time. Considering the facts and circumstances of this case, the second respondent can be directed to issue N.O.C. to enable the petitioner to avail the benefit from the third respondent. The third respondent shall consider the claim of the Writ petitioner and pass appropriate orders thereon expeditiously. This order is passed, taking note of the fact that only due to inadvertence, the Writ petitioner instead of putting "Yes", had put "No" in the form."

(h) In this regard, I also quote from the latest judgment dated 19.08.2025 of the Hon'ble Supreme Court in the case of M/s Shah Nanji Nagsi Exports Pvt. Ltd. v/s UoI & Ors. [SLP (C) No.14919/2021]

"10. The principal question for consideration is whether an inadvertent error in the shipping bills, which was permitted to be corrected under Section 149 of the Customs Act, can defeat an exporter's claim under the MEIS?

11. This issue has received judicial consideration in a line of decisions of the Bombay High Court. In Portescap India Private Limited (supra), the Bombay High Court dealt with a similar situation where an exporter had inadvertently marked "N" (for No) instead of "Y" (for Yes) while filing shipping bills. The High Court held that such a mistake was purely procedural and, once corrected, could not extinguish substantive entitlement. The Court directed the authorities to process the claim, emphasising that the purpose of Chapter 3 of the FTP is to incentivise exports and that this object would be frustrated if inadvertent mistakes were treated as insurmountable. The ratio of Portescap (supra) is squarely applicable to the present case.

12. The principle was reiterated in Technocraft Industries (India) Limited v. Union of India and Others, where the Bombay High Court again considered denial of MEIS benefits despite the shipping bills having been corrected under Section 149. The High Court noted the hardship faced by exporters and directed the Customs and DGFT authorities to take appropriate steps to prevent recurrence of such disputes, observing

that systemic rigidity cannot be allowed to defeat substantive rights. The facts of the present case furnish an illustration of the very mischief which Technocraft (supra) sought to remedy.

13. In Larsen and Toubro Limited v. Union of India and Others, the Bombay High Court dealt with a similar rejection of MEIS claims despite amendment under Section 149. The High Court deprecated the rejection, holding that technical or systemic constraints cannot override statutory entitlements. The High Court went to the extent of imposing costs upon the DGFT. While we do not consider it necessary to adopt that course, we find ourselves in respectful agreement with the principle enunciated that beneficial schemes must be construed liberally and that procedural lapses, once rectified, cannot be allowed to defeat substantive rights.

14. These decisions, read together, demonstrate a consistent judicial approach that distinguishes between procedural formalities and substantive entitlements. The scheme under Chapter 3 of the FTP is a beneficial one, intended to reward exporters. Once exports are genuine and fall within the notified category, inadvertent mistakes of procedure cannot be treated as fatal, especially where they are corrected under statutory authority. The rejection by the PRC, bereft of reasons and passed without hearing, falls foul of the principles of natural justice. The High Court's view that the appellant may proceed against the customs broker fails to address the statutory entitlement which accrues to the exporter under the scheme. Administrative technology must aid, not obstruct, the implementation of the law."

(i) It is a well-settled principle of law that procedural lapse or inadvertent mistakes cannot take away the substantial benefits. Substantial benefit cannot be denied due to such an error. I refer to case laws of Portescap India Pvt. Ltd. Vs. Union of India & Ors., MANU/MH/0571/2021, Mangalore Chemicals and Fertilizers Limited Vs. Deputy Commissioner 1991 (55) ELT 437 (SC).

C. On payment of a fee in accordance with Levy of fees (Customs Documents) Regulations, 1970, as amended:

The amendments, if approved, in this regard shall be carried out in ICES system as per the procedure laid down in Advisory No: 16/2025 dt. 25.03.2025 regarding Post EGM Amendment Module and the same to be allowed only after payment of applicable amendment fees as prescribed under Levy of Fees (Customs Documents) Amendment Regulation, 2017.

D. All conditions of the instrument-based scheme to which conversion is being sought should be fulfilled:

As discussed in the preceding paragraphs, although the exporter did not mark "YES" under the reward column in the Shipping Bills, their intention to avail

benefits under the MEIS scheme was clearly evident. Furthermore, the goods were exported under Scheme Code 21 (EOU), classified under ITC(HS) Code 29141990. As per the Appendix 3B of the MEIS Schedule, the said goods were eligible for benefits under the MEIS scheme.

E. Exporter has not availed or has reversed the benefit of the instrument-based scheme from which conversion is being sought:

(a) The exporter has filed shipping bills under Scheme- EOU (Scheme Code-21) with remark "No" under reward column. As the conversion is sought from Scheme Reward-No to Scheme Reward-Yes, i.e., from Non-MEIS to MEIS and there is no benefit available under non-MEIS shipping bills and EOU benefits were applicable at both ends, i.e., the scheme into which the said shipping bills were filed (EOU & Non-MEIS) and the scheme into which conversion is being sought (EOU & MEIS) and thus it is evident that benefits of EOU were available at both ends. Thus, pre-condition of non-avilment/reversal of the benefit of the scheme under which the goods were exported does not arise in the instant case. Further, from the ICES 1.5 System (under comment tab), I find that nothing adverse has been mentioned against the said shipping bills.

(b) As per the DGFT trade notice 24/2018 dated 21.02.2018 and subsequent PN 30/2018 dated 28.02.2018 issued by JNCH, the exporters who have shipping bills got ticked "N" instead of "Y" in the reward column of the shipping bills while filing the EDI shipping bills, but have declared the intent in affirmative (in wordings) in the shipping bills were to send their details in excel format by 31.03.2018 for shipping bills filed during 01.10.2015 to 31.03.2016. The exporter sent the details in the prescribed format through mail dated 08.03.2018, however as per their submission the exporter has not received any response or acknowledgment to this till date. In relation to this, the exporter have also indemnified the department confirming that no MEIS benefits or any other export incentives have been availed, received, or claimed, and that there has been no change of intent from "No" to "Yes" under the MEIS scheme for the afore-mentioned shipping bills.

F. All conditions relating to shipping bill have been complied with:

(a) As discussed in the preceding paragraphs, although the exporter has not ticked the reward column as Yes, but the exporter has explicitly shown their intention to avail the benefits under the MEIS scheme. This is evident in the shipping bills itself, where the exporter had shown the intent to claim MEIS as per the Para 3.14 (as amended) of Handbook of Procedure 2015-2020. These entries provide clear evidence of the exporter's intent to claim the benefits under the MEIS Scheme for the shipments in question.

(b) Hence, there is no denial to the fact that the exporter at the time of said exports was eligible for claiming export benefits under the MEIS scheme against the shipment covered under the shipping bills mentioned in Table-I above.

G. No contravention noticed against the shipping bill:

On perusal of the ICES 1.5 system (under the comment tab), I find that nothing adverse has been mentioned against the said shipping bills.

H. Conversion shall be allowed from one instrument-based scheme, or drawback to another instrument-based scheme:

The exporter has requested for conversion of the said shipping bill from EOU & Non-MEIS to Scheme- EOU & MEIS and as discussed in Para 10 above, the said conversion falls under the ambit of the Export Entry (Post export conversion in relation to instrument based scheme) Regulations, 2025. Thus, I find that this condition is fulfilled in the present case.

12. In view of the above discussion, I hold that the conversion of 66 nos of shipping bills from Scheme Non-MEIS to Scheme MEIS as tabulated under Table - I above may be allowed. Accordingly, I pass the following order:

ORDER

- I. I allow the conversion of 66 nos of shipping bills as detailed in TABLE-I above from Reward "No" to Reward "Yes".
- II. An amendment in this regard shall be carried out in ICES system as per the procedure laid down in Advisory No: 16/2025 dt. 25.03.2025 regarding Post EGM Amendment Module only after payment of amendment fee as prescribed under Levy of Fees (Customs Documents) Amendment Regulation, 2017.
- III. All these shipping bills may also be transmitted to DGFT as per the prescribed conditions and procedure laid down in DG System Advisory No. 07/2023 dated 11.04.2023.

Digitally signed by
GIRIDHAR GOPALKRISHNA PAI
Date: 03-11-2025 14:56:17
(Giridhar G. Pai)
Commissioner of Customs,
NS-II
JNCH, Nhava Sheva.

To:

- I. **M/s. Godavari Biorefineries Limited (IEC No. 0390001872)**
Somaiya Bhawan, 45/47, Mahatma Gandhi Road,
Fort, Mumbai-400 001

Copy to:

- I. The Assistant Commissioner of Customs, CCO, JNCH, Nhava Sheva,
- II. The Assistant Commissioner, CEAC, JNCH, Nhava Sheva
- III. DGFT, Mumbai, CGO Office, New Building, SE Wing,
New Marine Lines, Church Gate, Mumbai-400020,
- IV. Directorate General of Systems and Data Management,
4th and 5th Floor, Hotel Samrat, Chanakyapuri,
New Delhi-110021,
- V. Dy. Director, Drawback Division,
Department of Revenue, Room No. 4, 4th Floor,
Jeevan deep Building, Pearl Street, New Delhi-110001.
- VI. EDI Section, for uploading on JNCH website
- VII. Office copy.