	सीमाशुल्कआयुक्तकाकार्यालय, एनएस-II OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II **केंद्रीकृत**निर्यातआकलन**कक्ष, जवाहरलालनेहरूसीमाशुल्कभवन** CENTRALIZED EXPORT ASSESSMENT CELL, JAWAHARLAL NEHRU CUSTOM HOUSE, **न्हावाशेवा, तालुका -उरण, जिला- रायगढ़, महाराष्ट्र -400 707** NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD, MAHARASHTRA-400707

फ़ाइलनं./F. NO. CUS/ASS/AMND/1721/2025-CEAC

द.प.सं. /DIN: 20251178NT0000666D7		
	आदेशकीतिथि Date of Order	: 17 **.11.2025**
	जारीकिएजानेकीतिथि Date of Issue	: 17 **.11.2025**
आदेशसं. Order No.	: 267 **/2025-26/आयुक्त/सीइएसी/एनएस-II/सीएसी/जेएनसीएच** 267/2025-26/Commissioner/CEAC/NS-II/CAC/JNCH	
पारितकर्ता Passed by	: **श्रीगिरिधरजी.पई** Shri Giridhar G. Pai **आयुक्त, सीमाशुल्क (एनएस-II), जेएनसीएच, न्हावाशेवा** Commissioner of Customs (NS-II), JNCH, Nhava Sheva	
पक्षकार(पार्टी)कानाम Name of Party	: **मै. मेहता ट्यूब्स लिमिटेड** **(आईईसी: 0393057577)** M/s. Mehta Tubes Limited (IEC: 0393057577)	

मूल आदेश

ORDER-IN-ORIGINAL

1. इसआदेशकीमूलप्रतिकीप्रतिलिपिजिसव्यक्तिकोजारीकीजातीहै, उसकेउपयोगकेलिएनि:शुल्कदीजातीहै।

   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	:	इसआदेशकीसूचनाकीतारीखसेतीनमहीनेकेभीतर

Time Limit		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– जहाँमाँगेगयेशुल्कएवंब्याजकीतथालगायीगयीशास्ति 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–जहाँमाँगेगयेशुल्कएवंब्याजकीतथालगायीगयीशास्ति कीरकमपचासलाखरु पयेसेअधिकहै। (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. इसआदेशकेविरुद्धअपीलकरनेकेलिएइच्छुकव्यक्तिअपीलअनिर्णीतरहनेतकउसमेंमाँगे गयेशुल्कअथवाउद्गृहीतशास्ति का ७.५ % जमाकरेगाऔरऐसेभुगतानकाप्रमाणप्रस्तुतकरेगा, ऐसानकियेजानेपरअपीलसीमाशुल्कअधिनियम, १९६२कीधारा१२९केउपबंधोंकीअनुपालनानकियेजानेकेलिएनामंजूरकियेजानेकीदायीहोगी।

   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 amendment of Shipping Bill from Scheme - Free (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74) by M/s. Mehta Tubes Limited -Reg.

M/s. Mehta Tubes Limited (IEC : 0393057577), having registered office 915/916, Plaza Panchshil, 9th floor, 55, Huges Road, Mumbai, 400007 (herein after also referred to as "the exporter") has requested for amendment of Shipping Bill No. 5629674 dated 15.11.2024, from Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74) vide their letter dated 02.05.2025 & 03.07.2025 (received on 11.07.2025), details of which are tabulated below:

TABLE – I

Sl. No.	Shipping Bill No.	Shipping Bill Date	LEO Date	Scheme to which amendment sought	Scheme to which amendment sought
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
1	5629674	15.11.2024	23.11.2024	Free SB Involving Remittance of Foreign Exchange (Scheme Code 00)	Drawback (Scheme Code-19) (Drawback under Section 74, Dbk Sr. no. 9801)

2. The exporter, vide their letter dated 02.05.2025, inter alia, stated that the shipping bill was inadvertently filed under section 74 of the Customs Act, 1962 with incorrect Scheme details; that this is due to a typographical error in the Shipping bill's declaration; and requested to amend the above mentioned particulars. They have submitted copy of shipping bill & bill of entry and Customs Examination report along with the request letter.

3. Following the principles of natural justice, a personal hearing was granted on 06.11.2025. Shri Kerman Patel, Director of Customs Broker M/s R P Patel Shipping and Logistics Pvt Ltd., representing the exporter appeared before the undersigned and reiterated their request for the amendment Shipping bill No. 5629674 dated 15.11.2024 from Scheme-Free SB (Scheme Code-00) to Scheme-Drawback (Section-74) under Scheme Code-19.

DISCUSSION AND FINDINGS

4. I have carefully gone through the request made by the exporter vide their letterdated 02.05.2025 & 03.07.2025 for amendment of shipping bill No. 5629674 dated 15.11.2024 from Scheme-Free SB Involving Remittance of Foreign Exchange

(Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74), the submissions made by the exporter at the time of the personal hearing, the Customs and Central Excise Duties Drawback Rules, 2017 and the relevant provisions of Customs Act, 1962, which govern the amendment of shipping bills.

5. Amendment of shipping bills is governed by Section 149 of the Customs Act, 1962. In the instant case, the shipping bill was filed on 15.11.2024. Section 149 of the Customs Act, as amended with effect from 01.08.2019, reads 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.*

6. In the instant case, I find that the exporter had filed the said shipping bill under Scheme- Free SB Involving Remittance of Foreign Exchange(Scheme Code-00). However, the exporter has requested for amendment from Scheme- Drawback (Scheme Code- 19)(Drawback under Section 74). Now, the issue to be decided is whether the exporter is eligible for amendment sought by them for the said shipping bill for which Let Export Order was granted on 23.11.2024.

7. On perusal of Sub-regulation (3) to Regulation (1) of the Shipping Bill (Post Export Conversion in Relation to Instrument Based Scheme) Regulations, 2022 notified vide Notification No. 11/2022- Customs (N.T.) dated 22.02.2022, it appears that for determining eligibility of aforesaid request of conversion, recourse to the Shipping Bill (Post Export Conversion in Relation to Instrument Based Scheme) Regulations, 2022 along with existing extant provisions at that time will have to be taken as the aforesaid Shipping Bills were filed after the date of publication of aforesaid regulations in official gazette i.e. 22.02.2022 and were in force until superseded on 03.04.2025 vide Export Entry (Post export conversion in relation to instrument based scheme) Regulations, 2025 notified vide Notification No. 21/2025- Customs (N.T.) dated 03.04.2025.

7.1. The relevant provisions of the regulations are as under:

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

Regulation 2(1)(c): *"Instrument based scheme" means a scheme involving utilization of instrument referred to in explanation 1 to sub-section (1) of section 28AAA of the Act.*

Explanation 1 of the 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".*

Regulation 4(1)(e): 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-

(e) the shipping bill or bill of export of which the conversion is sought is one that had been filed in relation to instrument based scheme.

7.2. A conjoint reading of these provisions indicates that the regulations apply only to such shipping bills which were filed under an instrument-based scheme and the request for amendment in the Shipping bills is for conversion to any other or 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 etc. but does not include drawback which is not any scrip or authorization or licence or certificate or such other document issued under the Foreign Trade (Development and Regulation) Act, 1992.

8. In view of the above, I find that the amendment of shipping bill from one scheme to another as mentioned in Table-I is not covered by the Regulations, 2022 supra as Drawback is not an instrument based scheme. Thus, the application must be dealt under Section 149 of the Customs Act, 1962 read with Board Circular No. 36/2010-Customs dated 23.09.2010. The relevant paras 3 to 5 of the Board's Circular read as follows:

> ***3.*** *The issue has been re-examined in light of the above. It is clarified that Commissioner of Customs may allow conversion of shipping bills from schemes involving more rigorous examination to schemes involving less rigorous examination (for example,*

from Advance Authorization/DFIA scheme to Drawback/DEPB scheme) or within the schemes involving same level of examination (for example from Drawback scheme to DEPB scheme or vice versa) irrespective of whether the benefit of an export promotion scheme claimed by the exporter was denied to him by DGFT/DOC or Customs due to any dispute or not. The conversion may be permitted in accordance with the provisions of section 149 of the Customs Act, 1962 on a case to case basis on merits provided the Commissioner of Customs is satisfied, on the basis of documentary evidence which was in existence at the time the goods were exported, that the goods were eligible for the export promotion scheme to which conversion has been requested. Conversion of shipping bills shall also be subject to conditions as may be specified by the DGFT/MOC. The conversion may be allowed subject to the following further conditions:

a) *The request for conversion is made by the exporter within three months from the date of the Let Export Order (LEO).*

b) *On the basis of available export documents etc., the fact of use of inputs is satisfactorily proved in the resultant export product.*

c) *The examination report and other endorsements made on the shipping bill/export documents prove the fact of export and the export product is clearly covered under relevant SION and or DEPB/Drawback Schedule as the case may be.*

d) *On the basis of S/Bill/export documents, the exporter has fulfilled all conditions of the export promotion scheme to which he is seeking conversion.*

e) *The exporter has not availed benefit of the export promotion scheme under which the goods were exported and no fraud/misdeclaration/manipulation has been noticed or investigation initiated against him in respect of such exports.*

4. *Free shipping bills (shipping bills not filed under any export promotion scheme) are subject to 'nil' examination norms. Conversion of free shipping bills into EP scheme shipping bills (advance authorization, DFIA, DEPB, reward schemes etc.) should not be allowed. However, the Commissioner may allow All Industry Rate of duty drawback on goods exported under free shipping bill, without conversion of such free shipping bill to Drawback Scheme shipping bill, in terms of the proviso to rule 12(1) (a) of the Customs, Central Excise and Service Tax Drawback Rules, 1995.*

5. *Due care may be taken while allowing conversion to ensure that the exporter does not take benefit of both the schemes i.e., the scheme to which conversion is sought and the scheme from which conversion is sought. Whenever conversion of a shipping bill is allowed, the same should be informed to DGFT so that they may also ensure that the exporter does not take benefit of both the schemes.*

9. A harmonious reading of Section 149 of the Customs Act, 1962 and the Circular No. 36/2010-Customs, dated 23.09.2010 clearly establishes that the following criteria should be met for post-export conversion of a shipping bill-

A. Conversion of shipping bills should be allowed from schemes involving more rigorous examination to schemes involving less rigorous examination or within the schemes involving same level of examination.

B. The conversion may be permitted in accordance with the provisions of Section 149 of the Customs Act, 1962 on case-to-case basis on merits provided the Commissioner of Customs is satisfied, on the basis of documentary evidence which was in existence at the time the goods were exported, that the goods were eligible for the export promotion scheme to which conversion has been requested.

C. The request for conversion is made by the exporter within three months from the date of the Let Export Order (LEO).

D. On the basis of available export documents etc., the fact of use of inputs is satisfactorily proved in the resultant export product.

E. The examination report and other endorsements made on the shipping bill/export documents prove the fact of export and the export product is clearly covered under relevant SION and or DEPB/Drawback Schedule as the case may be.

F. On the basis of S/Bill/export documents, the exporter has fulfilled all conditions of the export promotion scheme to which he is seeking conversion.

G. The exporter has not availed benefit of the export promotion scheme under which the goods were exported and no fraud/misdeclaration /manipulation has been noticed or investigation initiated against him in respect of such exports.

H. Conversion of free shipping bills into EP scheme shipping bills (advance authorization, DFIA, DEPB, reward schemes etc.) should not be allowed. However, the Commissioner may allow All Industry Rate of duty drawback on goods exported under free shipping bill.

I. Exporter should not be allowed to take the benefit of both the schemes, i.e. the scheme to which conversion is sought and the scheme from which conversion is sought. The same should be informed to DGFT so that they may also ensure that the exporter does not take benefit of both schemes.

10. I proceed to examine the present case in terms of each of the criteria as given above.

A. Examination Norms

(a) The exporter has requested for amendment of the said shipping bill from Scheme-Free Shipping Bill Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19)(Drawback under Section 74). The Indian Customs Risk Management System('RMS') provides instructions regarding examination norms based on the risk profile of the consignment/export incentive declared in the shipping bill by the exporter.

(b) In the instant case, examination instructions given are verified for the said shipping bill from the ICES 1.5 system and the same is found as: *"Inspect the packages and checks Marks and Nos as per SB/Invoices."* along with other mandatory compliances.

(c) Thereafter, the Examining Officer examined the consignment under the supervision of DC/Docks(X) and, mentioned in his comments that:

"FOLLOWED RMS/SYSTEM INSTRUCTION,, CHECKED MARKS AND NOS. GOODS OPENED AND EXAMINED 100% IN TERMS OF P.N.78/2017. IDENTITY ESTABLISHED WITH IMPORT DOCUMENT B/E/NO-6317968 DTD 25.10.2024 AND CONCERNED INVOICE AND P/LIST. PMV AND FOB VALUE DECLARED IN THE S/B APPEAR TO BE FAIR"

Snapshots of invoice uploaded at Sr. no.04 (380000) having IRN No. 2024111500050436 along first page of the said shipping bill no. are also attached for reference:

INVOICE

EXPORTER: MEHTA TUBES LIMITED, UNIT-II SURVEY NO.46/1, GANGA DEVI ROAD, PALGAM, UMBERGAON-396 170(GUJARAT) INDIA GST NO.24AACCM9337R1ZT LEI NO.335800U7ECVEMGDIYV70	**INVOICE NO:** UBE/24-25/0199 **DATE:** 14-11-2024 **BUYER ORDER NO. & DATE:** EMAIL
BUYER / CONSIGNEE MEHTA CANADA INC 650, CATARAQUI WOODS DRIVE, KINGSTON, ONTARIO, CANADA, K7P 2Y4	**CONSIGNEE SHIP TO :-** Mehta Canada INC 137 LAHR DRIVE, BELLEVILLE ON CANADA **BANK DETAILS** Bank Name : Kotak Mahindra Bank Limited Swift Code : KKBKINBB | Credit to : MEHTA TUBES LTD Account No.: 550011056582 | AD CODE: 0180020-6000009
	COUNRY OF ORIGIN OF GOODS VIETNAM

Mode of Transport	PLACE OF RECEIPT BY		
BY SEA	MUMBAI	COUNTRY OF FINAL DESTINATION	CANADA
VESSEL / FLIGHT NO.	PORT OF LOADING	TERMS OF DELIVERY, PAYMENT & PRICE BASIS	
	JNPT NHAVA SHEVA	DELIVERY TERMS	DPU
PORT OF DISCHARGE	FINAL DESTINATION	PAYMENT:	NET 20 DAYS ARRIVAL AT KIGSTON
MONTERIAL	BELLEVILLE ON CANADA	PRICE BASIS:	DPU

MARKS & NOS	NO.& KIND OF PKGS	DESCRIPTION OF GOODS	PCS	QUANTITY IN KGS	RATE CAD DPU	AMOUNT CAD DPU
MTL#1-142# MC# CANADA	142 BDLS					
		COPPER TUBE				
		28.58mm x 1.27mm X 3.66 (IMPORT ITEM NO:- 1)	2964	10095.210	16.2207	163751.82
		34.93mm x 1.07mm X 3.66 (IMPORT ITEM NO :- 2)	70	246.000	16.2207	3990.30
		34.93mm x 1.40mm X 3.66 (IMPORT ITEM NO :- 3)	231	1039.500	16.2207	16861.46
		41.28mm x 1.52mm X 3.66 (IMPORT ITEM NO :- 4)	637	3775.800	16.2207	61246.29
		22.22mm x 1.14mm X 3.66 (IMPORT ITEM NO :- 5)	1568	3724.000	16.2207	60406.05
		22.22mm x 1.14mm X 6.10 (IMPORT ITEM NO :- 6)	340	1345.800	16.2207	21829.88
		28.58mm x 1.27mm X 6.10 (IMPORT ITEM NO :- 7)	192	1088.800	16.2207	17661.15
		34.93mm x 1.40mm X 6.10 (IMPORT ITEM NO :- 8)	167	1254.900	16.2207	20355.41
		41.28mm x 1.24mm X 3.66 (IMPORT ITEM NO :- 9)	259	1258.000	16.2207	20405.70
		41.28mm x 1.52mm X 6.10 (IMPORT ITEM NO ;10)	97	974.300	16.2207	15803.87
		GOODS IMPORTED WIDE B.E NO 6317968 DT 25.10.2024 RE EXPORT UNDER SECTION 74 OF CUSTOM ACT 1964 DUTIES OF CUSTOMS WERE PAID ON THE GOODS IMPORTED GOODS IMPORTED WERE NOT TAKEN IN TO USE AFTER IMPORTATION				
H.S. CODE: 74111000						
AMOUNT IN WORDS : FOUR HUNDRED TWO THOUSAND THREE HUNDRED ELEVEN CANDIDAN DOLLARS AN D NINETY-TWO CENTS					TOTAL CAD DPU	402311.92

TOTAL NET WT :	24802.31	KGS
TOTAL GROSS WT :	24944.31	KGS
TOTAL NO. OF PCS	6525	PCS
TOTAL PACKAGES :	142	BDLS
TOTAL QTY IN FEET	84668.0	FEET

ARE STRICTLY IN CONFORMITY WITH THIS CREDIT TERMS DECLERATION : CERTIFIED THAT THIS INVOICE SHOWS ACTUAL PRICE OF GOODS DESCRIBED AND THAT ALL PARTICULARS ARE TRUE & CORRECT.

For MEHTA TUBES LTD. (UNIT-II)

AUTHORISED SIGNATORY

Authorised Signature

INDIAN CUSTOMS EDI SYSTEM
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS
DEPARTMENT OF REVENUE - MINISTRY OF FINANCE
GOVERNMENT OF INDIA

JNCH, NHAVA SHEVA, TAL:URAN, DIST-RAIGAD-400707

Port Code	SB No		SB Date
INNSA1	5629674		15-NOV-24
IEC/Br	0393057577		2
GSTIN/TYPE	24AACCM9337R1ZT GSN		
CB CODE	AADCR3974NCH001		
TYPE	INV	ITEM	CONT
Nos	1	10	0
PKG	142	G.WT KGS	24874.31

*SB22231120241409

PART - I - SHIPPING BILL SUMMARY

A STATUS

1.MODE	2.ASSESS	3.EXMN	4.JOBBING	5.MEIS	6.DBK	7.RODTP	8.LICENCE	9.DFRC	10.RE-EXP	11.LUT
SEA	N	Y	N	Y	N	N	N	N		Y

12.PORT OF LOADING	INNSA1 (Jawaharlal Nehru (Nh)	13.COUNTRY OF FINALDESTINATIO	CANADA
14.STATE OF ORIGIN	Gujarat	15.PORT OF FINAL DESTINATION	CAMTR (Montreal)
16.PORT OF DISCHARGE	CAMTR (Montreal)	17.COUNTRY OF DISCHARGE	CANADA

B DECLARAN DETAILS

1.EXPORTER'S NAME & ADDRESS		7.CONSIGNEE NAME & ADDRESS	
MEHTA TUBES LIMITED		MEHTA CANADA INC...	
UNIT II , KHATA NO 573 , SURVEY NO		137 LAHR DRIVE,	
UMBERGAON,		BELLEVILLE ON CANADA	
VALSAD GUJARAT	2.Type Private	CA	
3. AD CODE:	0180020	8. GSTIN / TYPE	24AACCM9337R1ZT GSN
4.RBI WAIVER NO.& DT		9.FOREX BANK A/C NO.	55XXXXXXX072
5.CB NAME	R P PATEL SHIPPING AND LOGISTICS PV	10.DBK BANK A/C NO.	
6.AEO		11. IFSC NO.	

C.VALU SUMMA

1.FOB VALUE	2.FREIGHT	3.INSURANC	4.DISCOU	5.COM
23281149.9	543981	11850	0	0
6.DEDUCTIONS	7.P/C		8.DUTY	9.CESS
0	0			

D. EX.PR.

1.DBK CLAIM	2. IGST AMT	3.CESS AMT
0		
4.IGST VALUE	5.RODTEP AMT	6.ROSCTL AMT
0	0	0

E MANIFEST DETAILS

1.MAWB NO.	2.MAWB DT	3.HAWB NO.	4.HAWB DT	N.O.C.
4. CIN NO.		5. CIN DT.	6. CIN SITE ID	
24PCEG11211670066100		21-NOV-24	INNSA1	

F.INVOICE SUMMARY

1.SNO	2.INV NO.	3. INV AMT.	4.CURRENC
1	UBE/24-25/0199	402311.92	CAD

G. EQUIPMENT DETAILS

1.CONTAINER	2.SEAL	3.DATE	4.S No

H. CHALLAN DETAILS

1SR.NO	2.CHALLAN NO	3.PAYMT DT	4.AMOUNT

I. ANNEX DETAILS

1.SEAL TYPE	2.NATURE OF CARGO	3.NO. OF PACKETS	4.NO. OF CONTAINERS	5.LOOSE PACKETS
WAREHOUSE SEALED	CONTAINERISED	142	0	0

6.MARKS & NUMBERS: AS PER INV(GOOD IMPORTED WIDE B.E.NO.6317968 DT.25.10.24 RE EXPORT UNDER SECTION 74 OF CUSTOM ACT 1964 DUTIES OF CUSTOMS WERE PAID ON THE GOODS IMPORTED GOODS IMPORTED WERE NOT TAKEN IN TO USE AFTER IMPORTATION)

J.PROCESS DETAILS

1.EVENT	2.DATE	3.TIME	4.LEO NO.	39/256
5.Submission	15-NOV-24	15:24	6.LEO Date.	23-NOV-24
5.Assessment			8.BRC Realisation Date	31-AUG-25
7.Examination	23-NOV-24	13:38		
9.LEO	23-NOV-24	14:08		
10. SEZ UNIT Details				

Signature Not Verified
Digitally signed by DS CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS 08
Date: 2024.11.23 14:41:54 IST
Reason: CUSTOMS
Location: INDIA

Glossary
A: ASSESS - Assessed, EXMN - Examined, MEIS - Merchantise Export Incentive Scheme, DBK - Drawback, ROSL - Rebate of State Levies

B. Documentary evidence in existence at the time of export

(a) As discussed above, at the time of export, the exporter had wrongly filed the shipping bill under Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) and from perusal of the ICES 1.5 system, it has been observed that at item level scheme code-00 has been mentioned in the shipping bill. Now, the exporter has requested for amendment of the said shipping bill from Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme-Drawback (Scheme Code- 19)(Drawback under Section 74), as they have inadvertently selected wrong scheme code while filing the shipping bill as per the Public Notice 78/2017- JNCH dated 21.06.2017.

(b) Upon examination of the documents uploaded on e-Sanchit, i.e., Invoice, Packing List, etc., it is evident that the exporter had shown their intention to avail the benefits of Duty Drawback under Section 74, in the Marks and Nos. column of the said shipping bill by mentioning '*As per Inv (Good Imported wide B.E.No. 6317968 dt 25.10.2024, Re-export of defective goods, under Sec 74 of the Customs Act, 1962 Duties of Customs were paid on the goods imported goods imported were not taken in to use after importation)* in the shipping bill as well as on export invoice and has fulfilled all the examining conditions as prescribed in the Public notice cited supra, but due to an inadvertent error the scheme code was wrongly selected as 00 instead of 19.

C. Time limit of filing of the conversion application

(a) In this case, Let Export Order (LEO) was granted on 23.11.2024 for the shipping bill No. 5629674 dated 15.11.2024, whereas the exporter has made the request for amendment of shipping bill vide their letter dated 02.05.2025 & 03.07.2025 (received on 11.07.2025).

(b) It is now settled through various judicial pronouncements that while the period of three months is not statutorily provided in the Customs Act, 1962, a reasonable time limit may be considered. In this regard, the Board vide Notification No. 11/2022-Cus (N.T.) dated 22.02.2022 has issued "The Shipping Bill (Post Export Conversion in Relation to the Instrument Based Scheme) Regulations, 2022" (hereinafter referred to as the Regulation) incorporating the manner and time limit for applying for post export conversion of shipping bills. Although, these regulations are not squarely applicable to the shipping bills in question for the reasons as explained herein above, reference to this regulation is being drawn to properly understand the legislative intent in respect of 'reasonable time' which can be allowed in conversion of shipping bill cases. I find that the Regulation provides that the application for conversion of the shipping bill shall be filed in writing within a period of one year from the date of LEO.

(c) Thus, I find that the request for amendment of shipping bill bearing no. 5629674 dated 15.11.2024 has been made well within the reasonable time of one year.

D. The fact of use of inputs is satisfactorily proved in the resultant export product.

I find that this condition is not applicable in the present case as the amendment is sought from Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74).

E. Examination report proves the fact of export and the export product is covered under relevant SION and or Drawback Schedule.

As discussed above, the examination report has been perused in the ICES 1.5 system and no adverse comment by the examining officer has been observed against the said shipping bill. The export was made under free shipping bill, the conditions related to SION does not seem relevant in this case, further the exporter is now seeking duty drawback under Section 74 (Dbk sr.- 9801).

F. Exporter has fulfilled all conditions of the scheme to which he is seeking conversion.

(a) Although, the exporter did not opt for the Scheme-Drawback (Scheme Code-19) (Drawback under Section 74) as per PN78/2017- JNCH in the shipping bill instead the shipping bill was inadvertently filed under Free shipping bill (00). Except the scheme code, all the other conditions such as, Identity establishment, Examination of goods under AC/DC docks observation, Time limit for re-exporting the goods etc. for re-export of the goods under Section 74 of the Customs Act, 1962 have been duly fulfilled by the exporter.The para 04 of the said PN is as under:

> ***"4. Re-export under Section 74 (Drawback allowed on re-export of duty-paid goods):***
>
> *4.1 In this regard, attention is invited to Board Circular No. 46/2011 – Customs [F.No.603/01/2011-DBK], dated 20th October, 2011 and Circular No. 35/2013-Customs [F.No.603/01/2011-DBK], dated 5thSeptember, 2013, wherein it has been provided that:*
>
> *3.1 Instructions relation to "identification of goods" and "determination of use" in terms of Section 74 of the Customs Act, 1962. (a) In terms of the section 74 of the Customs Act, 1962, the export goods are to be identified to the satisfaction of the Assistant/Deputy Commissioner of Customs. This may require examination and verification of various parameters, including but not limited to physical properties, weight, marks and numbers, test reports, if any, documentary evidences vis-à-vis import documents etc., for identification of the goods. If such export goods have been*

'used after import', the same is to be determined besides establishing the identity of the goods.

4.2 Therefore, AC /DC incharge of export examination and issuance of LEO will ensure that the suitable comments about "identification of goods" and "determination of use" as required in terms of above instructions issued for the purpose of Section 74 of the Customs Act, 1962 are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods and period of use needs to be establi1shed / ascertained by examination of goods & documents even if the shipping bill is facilitated by RMS.

4.3 Sample examination report may be as under: "Inspected lot, checked marks & numbers & net weight, examined 100% underDC/AC Export Docks Supervision. Identity established with import document i.e. Bill of Entry No ____, dated _____ and concerned invoice & packing list. Export is within time period i.e. 2 years (in case of goods were not used after import) or 18 months ((in case of goods were used after import). Present market value and FOB value declared in the shipping bill is fair. Representative samples drawn and forwarded to DyCC for testing (if sample drawn), Goods not found to be used / found to be used"

4.4 Shipping bill under claim of drawback under Section 74 may be filed under Scheme Code 19 and Drawback Sr. No 9801 (till a separate "scheme code" is provided for this category of export). Drawback claim will continue to be filed as per provisions of Reexport of Imported Goods (Drawback of Customs Duties) Rules, 1995. Officers processing drawback claims under Section 74 of the Customs Act will ensure that the goods have actually been exported by verifying the relevant EGM filed by shipping line in the EDI system instead of present practice of manual verification through MCD section. Such shipping bills need to be finalised in the system by "Drawback section" after disposal of drawback claims.

4.5 In case all other categories of re-export of imported goods, which are not sought to be cleared by importers [refer Public Notice No 95/2003, 07.11.2003] procedure as prescribed from Para 4.1 to para 4.4 above should be followed. However, Shipping bill should be filed under Scheme Code 99 or 00, as the case may be, (till a separate "scheme code" is provided for these categories of export)."

(b) As discussed above, it is evident that the exporter has shown their intention by way of filing the shipping bill under Section 74 of the Customs Act, 1962, and by mentioning the relevant details in the shipping bill and other export related documents. Although it is the exporter's responsibility to declare the correct scheme under which the export is to be made, but in the instant case, the said error appears a typographical/clerical on the part of exporter.

(c) It is a well settled principle of law that procedural lapse or inadvertent mistakes cannot take away the substantial benefits. Substantial benefits 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) in this regard.

G. Non-availment of benefit of scheme under which the goods were exported and no fraud/mis-declaration/manipulation having been noticed or investigation initiated in respect of such exports.

I find that as the shipping bill has been filed under the Scheme-Free Shipping Bill (Scheme Code-00), the exporter has not claimed any benefits viz., DBK/RoDTEP. No fraud/mis-declaration/manipulation has been noticed by the Customs Officers (Docks) at the time of export. I also find that no initiation of investigation with respect to this shipping bill has been brought to my notice.

H. Conversion of Free shipping bills into EP scheme shipping bills should not be allowed.

(a) Attention is drawn to para (4) of Board Circular No. 36/2010-Customs dated 23.09.2010.

> *"4. Free shipping bills (shipping bills not filed under any export promotion scheme) are subject to 'nil' examination norms. Conversion of free shipping bills into EP scheme shipping bills (advance authorization, DFIA, DEPB, reward schemes etc.) should not be allowed. However, the Commissioner may allow All Industry Rate of duty drawback on goods exported under free shipping bill, without conversion of such free shipping bill to Drawback Scheme shipping bill, in terms of the proviso to rule 12(1) (a) of the Customs, Central Exciseand Service Tax Drawback Rules, 1995."*

(b) In this regard, as discussed in the preceeding paras, the exporter has filed the shipping bill in (Scheme Code-00) and seeking amendment into Scheme- Drawback (Scheme Code- 19)(Drawback under Section 74). In the instant case, the exporter is neither seeking drawback under AIR rate nor under any export promotion scheme such as Advance authorization, DFIA, DEPB, Reward schemes etc., as the goods were imported after payment of applicable duties, and same were re-exported under Section 74 of the Customs Act, 1962 after fulfilment of the examining conditions cited in the said PN. Therefore, the amendment of the shipping bills may be permitted, as such an amendment would fundamentally not alter the nature and character of the original shipping bill.

I. Exporter not to be allowed to take benefit of both the schemes.

It is evident from the "SB view" Menu that the exporter has not claimed any export benefits in the system and no export incentives have been availed.

11. In view of the above discussions, I hold that the request for amendment of shipping bill No. 5629674 dated 15.11.2024, as detailed in Table-I above from Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74) may be allowed. Accordingly, I pass the following order:-

ORDER

(i) I allow the amendment of Shipping Bill No. 5629674 dated 15.11.2024, as detailed in Table-I above, from Scheme- Free SB Involving Remittance of Foreign Exchange (Scheme Code-00) to Scheme- Drawback (Scheme Code- 19) (Drawback under Section 74, Dbk sr. 9801).

(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 after payment of amendment fee as prescribed under Levy of Fees (Customs Documents) Amendment Regulation, 2017.

Digitally signed by
GIRIDHAR GOPALKRISHNA PAI
Date: 17-11-2025 10:23:38

(Giridhar G. Pai)
Commissioner of Customs, NS-II
JNCH, Nhava Sheva.

To:

M/s. Mehta Tubes Limited (IEC : 0393057577),
Unit-II, Khata No 573, Survey No Umbergaon, Valsad Gujarat

Copy to:

1. The Deputy Commissioner of Customs,CCO, JNCH, Nhava Sheva,
2. Assistant Commissioner of Customs, CEAC, JNCH, Nhava Sheva,
3. EDI section, For uploading on website
4. Office copy.