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Date of Order

28.12.2025

Date of Issue

29.12.2025

F.No. S/10-200/2023-24/Commr/NS-I/CAC/JNCH**SCN No. 2223/2023-24/Commr./Gr. 2(A-B)/NS-1/CAC/JNCH dt 01.01.2024**

आदेशकीतिथि:

28.12.2025

जारीकिएजानेकीतिथि:

29.12.2025

Passed by: Shri Yashodhan Wanage

पारितकर्ता: श्री. यशोधन वनगे

Principal Commissioner of Customs (NS-I), JNCH, Nhava Sheva

प्रधान आयुक्त, सीमा शुल्क (एनएस-1), जेएनसीएच, न्हावाशेवा

Order No. : 323/2025-26 /Pr. Commr/NS-I /CAC /JNCH

आदेशस. : 323/2025-26/प्र. आयुक्त/एनएस-1/ सीएसी/जेएनसीएच

Name of Party/Noticee: M/s Ind Swift Laboratories Ltd (IEC : 2296001963)**पक्षकार (पार्टी)/ नोटिसी का नाम: मेसर्स इंड स्विफ्ट लेबोरेटरीज लिमिटेड (आईईसी : 2296001963)**

CONCLUSION PROCEEDING

An intelligence was received by Directorate of Revenue Intelligence (DRI), Ludhiana Zonal Unit to the effect that M/s Ind Swift Laboratories Ltd, Bhagwanpur, Derabassi (IEC : 2296001963) (hereinafter referred as 'the Importer') engaged in the manufacture and export of Active Pharmaceuticals (Bulk Drugs) had diverted duty free raw materials imported under the Advance Authorisation/License, in the local market and also sold certain finished products made out of such duty free raw material in Domestic Tariff Area [DTA]. Based on this intelligence an investigation was conducted by the investigation agency viz: DRI, Ludhiana Zonal Unit.

2. During the course of the investigation, the Importer voluntarily deposited differential duty as follows:

Sr. No.	Challan No. & date	Duty Amount	Interest	Penalty	Total
1	179/09.06.2023	1,00,00,000/-	0	0	1,00,00,000/-
2	180/09.06.2023	50,00,000/-	0	0	50,00,000/-
3	181/12.06.2023	50,00,000/-	0	0	50,00,000/-
4	253/19.07.2023	36,90,332/-	66,15,655/-	0	1,03,05,987/-
5	2531/15.11.2023	0	0	25,89,624/-	25,89,624/-
	Total	2,36,90,332/-	66,15,655/-	25,89,624/-	3,28,95,611/-

3. Subsequently, a Show Cause Notice bearing No. 1204/2024-25/Commr./GR. I&IA/NS-I/CAC/JNCH dated 08.10.2024 was issued to M/s Ind Swift Laboratories Ltd seeking as to why:

- i. The impugned goods having total assessable value of Rs. 27,06,25,288/- (Rupees Twenty Seven Crores Six Lakhs Twenty Five Thousand Two Hundred and Eighty Eight Rupees only) as mentioned in Annexure-3 to the statement dated 13.07.2023 should not be held liable for confiscation as per the provisions of Section 111(o) of the Customs Act, 1962.
- ii. The differential Customs duty amounting to Rs. 2,23,26,586/- (Rupees Two Crores Twenty Three Lakhs Twenty Six Thousand Five Hundred and Eighty Six only) (as per Annexure-3 to the statement dated 13.07.2023 of Shri Rajesh Nag) should not be demanded and recovered from the Importer under Section 28(4) of the Customs Act, 1962, read with Notification No. 018/2015-Customs dated 01.04.2015.
- iii. The Interest at the applicable rate should not be recovered from them on the said differential Customs Duty as mentioned at (ii) above under Section 28AA of the Customs Act, 1962.
- iv. Penalty should not be imposed on the importer under Section 112(a) & (b)/114A of the Customs Act, 1962.

4. The Importer filed an application bearing No. 02/CUS/AP/2023-SC(MB) SA(C) 04/2024 dated 14.02.2024 before the Hon'ble Settlement Commission, Mumbai under Section 127B of Customs Act, 1962. Hon'ble Settlement Commission, Mumbai vide Final Order dated 19/Final Order/Cus/AP/2024 dated 01.07.2024 settled the liability of differential duty at Rs. 2,27,41,982/- along with applicable interest payable, if any, on the above duty liability and such amount as already paid by the Applicant towards duty and interest is appropriated towards such liability. The said Order further directed the concerned Jurisdictional Commissioner to verify the amount deposited by the Applicant from the Original challans.

4.1 The Technical Branch, ACC-Import, New Custom House, New Delhi vide their email dated 19.12.2025 forwarded the letter dated 18.12.2025 from the Punjab National Bank Branch Office, New Custom House, Near IGI Airport, New Delhi – 110037 which confirmed

that the aforesaid five(05) challans mentioned at Para 2 above, were duly regularized and the same have been credited to Customs account. Accordingly, I find that the importer had paid the differential duty along with applicable interest and penalty equivalent to 15% of differential duty.

4.2 Therefore, it is evident from the confirmation of payment challans as mentioned at Para 4.1 above that the importer, M/s Ind Swift Laboratories Ltd has duly complied with the Hon'ble Settlement Commission, Mumbai Final Order No. 19/Final Order/Cus/AP/2024 dated 01.07.2024 which stipulated that immunity is granted to the importer from all fine, penalty and prosecution under the Customs Act, 1962 subject to verification of duty and interest deposited by the Applicant within 30 days of the receipt of the said Settlement Commission Order. The said Settlement Commission Order has been accepted by the competent authority of the department. The acceptance of the said Order, due verification of duty and interest carried out by the concerned Appraising Group was communicated vide their letter dated 26.12.2025. As the importer had complied with the said Settlement Commission Order, the penalty amount already paid by the importer at the time of investigation (equivalent to 15% of differential duty amounting to Rs. 34,11,297/-) was duly refunded to the importer vide Refund Order No. 988/24-25/AM(I)/NS-III dated 18.02.2025 by CRC-I, NS-III, JNCH. Copy of the said Refund Order is enclosed with this Order for reference.

5. I further find that the Importer, M/s Ind Swift Laboratories Ltd vide their letter dated 02.07.2024 addressed to the Principal Commissioner of Customs, NS-I, JNCH intimated about the aforesaid payments and requested that the SCN be rescinded and their penalty amount be refunded promptly. Also, the importer vide their letter dated 03.12.2025 addressed to the Asstt./Deputy Commissioner of Customs, New Custom House, Near IGI Airport, New Delhi-110037, intimated about the aforesaid payments and requested for closure of the case.

6. Further, the Importer vide their email dated 16.12.2025 has submitted five (05) Challans Nos. 179 dt 09.06.2023 for Rs. 1,00,00,000/- (Duty), 180 dt 09.06.2023 for Rs. 50,00,000/- (Duty), 181 dt 12.06.2023 for Rs. 50,00,000/- (Duty), 253 dt 19.07.2023 for Rs. 1,03,05,980/- (Duty & Interest) and 2531 dt 15.11.2023 for Rs. 25,89,624/- (Penalty) and these Challan payments were directly made at Punjab National Bank, Branch Office, New Custom House, New Delhi.

7. I find that Section 127J of Customs Act, 1962 mandates conclusion of the proceedings in respect of cases decided by Settlement Commission. Section 127J is reproduced as under:
Every order of settlement passed under sub-section(5) of section 127C shall be conclusive as to the matters stated therein and no matter covered by such order shall, save as otherwise provided in this Chapter, be reopened in any proceeding under this Act or under any other law for the time being in force.

8. I find that Paras 11 and 11.1(Para 2 of this Conclusion Proceeding) in the SCN mention that the importer have voluntarily deposited the payment of differential Customs duty, applicable interest and penalty equivalent to 15% of differential duty during the investigation and it has become evident from the duly verified challans (as mentioned at Para

4.1 of this order) that they had complied with the Settlement Commission Final Order No. 19/Final Order/Cus/AP/2024 dated 01.07.2024.

9. In view of above, I order that the proceeding under the SCN No. 2223/2023-24/Commr./Gr. 2(A-B)/NS-1/CAC/JNCH stands concluded as the Importer has complied with the Settlement Commission, Mumbai Final Order No. 19/Final Order/Cus/AP/2024 dated 01.07.2024.

(यशोधन वनगे /Yashodhan Wanage)
प्रधान आयुक्त, सीमाशुल्क/ Pr. Commissioner of Customs
एनएस-आई, जेएनसीएच / NS-I, JNCH

To,
M/s Ind Swift Laboratories Ltd,
S.C.O. 850, Shivalik Enclave, NAC,
Manimajra, Chandigarh – 160101.

Copy to:

1. The ADG, DRI, Ludhiana Zonal Unit, 213, Rani Jhansi Road, Civil Lines, Ludhiana
2. The Additional Commissioner of Customs, Gr. 2(A-B), JNCH, Nhava Sheva
3. The AC/DC, Chief Commissioner's Office, JNCH
4. The AC/DC, Centralized Revenue Recovery Cell, JNCH
5. Superintendent (P), CHS Section, JNCH – For display on JNCH Notice Board.
6. EDI, JNCH through email for uploading the same in JNCH website
7. Office Copy