भारतसरकार

भारतसरकार/ Government of India
वित्तमंत्रालय / Ministry of Finance
सीमाशुल्कप्रधानआयुक्तआयुक्तकाकार्यालय,न्हावाशेवा-I, 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.. CUS/SHED/MISC/1820/2025-Import | **Date of order: .10.2025**
F.No. S/10-Adj-97/2025-26/Gr. II (H-K) | **Date of issue: .10.2025**
DIN. No. 20251078NW000099109A2

Passed by: Kilaru Mahendranadh
Asst.Commissioner of Customs,
Gr.II (H-K), NS-I, JNCH, Nhava Sheva.

Order No.: 1116(L)/2025-26/AC/Gr.II(H-K)/NS-I/CAC/JNCH
Name of the Importer: M/s Sharda Sales (IEC-0211029602)

मूल आदेश

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए नि:शुल्क दी जाती है।
2. इस आदेश के विरुद्ध अपील सीमाशुल्क अधिनियम 1962की धारा 128 (1) के तहतइस आदेश की संसूचना कीतारीख से साठ दिनों के भीतर सीमाशुल्क आयुक्त (अपील), जवाहरलाल नेहरू सीमाशुल्क भवन, शेवा, ता. उरण, जिला - रायगढ़, महाराष्ट्र -400 707को की जा सकती है । अपील दो प्रतियों में होनी चाहिए और सीमाशुल्क (अपील) नियमावली, 1982के अनुसार फॉर्म सी.ए. 1संलग्नक में की जानी चाहिए । अपील पर न्यायालय फीस केरूप में 1.50रुपये मात्र का स्टांप लगाया जायेगा और साथ में यह आदेश या इसकी एक प्रति लगायी जायेगी । यदिइस आदेश की प्रति संलग्न की जाती है तो इस पर न्यायालय फीस के रूप में 1.50रुपये का स्टांप भी लगायाजायेगा जैसा कि न्यायालय फीस अधिनियम 1970की अनुसूची 1, मद 6के अंतर्गत निर्धारित किया गया है ।
3. इस निर्णय या आदेश के विरुद्ध अपील करनेवाला व्यक्ति अपील अनिर्णीत रहने तक, शुल्क या शास्ति के संबंध में विवाद होने पर माँगे गये शुल्क के 7.5%का, अथवा केवल शास्ति के संबंध में विवाद होने पर शास्ति का भुगतान करेगा ।

ORDER-IN-ORIGINAL

1. This copy is granted free of charge for the use of the person to whom it is issued.
2. 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.
3. 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 Sharda Sales filed Bill of Entry No. 4228589 dated 01.09.2025 for clearance of goods declared as "Hot Fix Paper Tape" under CTH 4808 9000 through their CHA, M/s Kasv Logistics Pvt Ltd.

2. The Bill of Entry was facilitated by RMS; however, the container was subsequently put on hold by CSD. Accordingly, 100% examination of the goods was conducted on 16.09.2025 under the supervision of DC/Docks. Examination revealed that the imported goods were actually Hot Fix Tape of plastic base, with paper layer only as a support, and not Hot Fix Paper Tape as declared.

3. On the basis of examination and supporting photographs of the goods, it was found that the correct classification of the goods is under CTH 3919 9090 instead of CTH 4808 9000 as declared.

The differential duty liability was worked out as under:

CTH	BCD (%)	IGST (%)	SWS (%)	Total (%)	Total (in Rs)
3919 9090	15	18	10	37.470	3,06,266.6/-
4808 9000	10	12	10	24.320	1,98,783.1/-

Thus, differential duty of **Rs. 107,483.5/-** became payable on the subject goods.

SUBMISSIONS OF THE IMPORTER

4. The importer, vide letter dated _.09.2025, inter alia submitted that:

i. They accept the reclassification of goods under CTH 3919 9090 as pointed out by the Department.

ii. They do not wish issuance of Show Cause Notice and Personal Hearing in the matter, exercising waiver in terms of principles laid down under Section 124 of the Customs Act, 1962.

iii. They requested that the case may be decided on the basis of records available with the Department and that they are ready to pay the duty and interest as applicable.

DISCUSSION AND FINDINGS

5. I have carefully examined the case records, the examination report and submissions made by the importer. The issue for determination is correct classification of the imported goods declared as Hot Fix Paper Tape under CTH 4808 9000, but found on examination to be adhesive tape of plastics with paper as mere backing support

(i) Tariff Headings involved

Heading 48.08 – Paper and paperboard, corrugated, creped, crinkled, embossed, perforated, surface-coloured, surface-decorated or printed, in rolls or sheets, other than goods of heading 4803, 4809, 4810 or 4818.

Heading 39.19 – Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls.

(ii) Relevant Chapter Notes

Chapter Note 2(p) to Chapter 39 states:

"This Chapter does not cover goods of Section VII (for example, paper, paperboard and articles thereof, of Chapter 48).

This note ensures that if an article remains essentially of paper, it will not be covered under Chapter 39.

Chapter Note 1(f) to Chapter 48 states:

"This Chapter does not cover: (f) Paper-reinforced stratified sheeting of plastics, or one layer of paper or paperboard coated or covered with a layer of plastics, the latter constituting more than half the total thickness (Chapter 39)."

Thus, if plastics predominates in character/thickness, the product stands excluded from Chapter 48 and falls into Chapter 39

(iii) HSN Explanatory Notes

The HSN Explanatory Notes to Heading 39.19 clarify:

"This heading covers self-adhesive products in which the backing material is plastics. It also covers those in which the backing is of other material (e.g., paper, textiles), provided that the plastics layer gives the essential character."

Therefore, even if paper is present as support, classification lies in Chapter 39 when plastics layer imparts the essential character.

(iv) CBIC Circular

CBEC Circular No. 15/2011-Cus dated 18.03.2011 clarified:

"Pressure sensitive adhesive tapes with base of plastic material, even if laminated with paper or textile for reinforcement, are classifiable under Chapter 39, since the essential character is derived from plastics, and not under Chapter 48 or 59."

(v) Rebuttal of Importer's Declared Classification (CTH 4808 9000)

The importer had initially declared the goods as "Hot Fix Paper Tape" under CTH 4808 9000. Heading 48.08 covers paper and paperboard products, even if surface-treated or decorated, provided the essential character is that of paper. However, in the present case:

- The examination report dated 16.09.2025 clearly shows that the product is a plastic-based adhesive tape, with paper only acting as a minor backing support.
- In terms of Note 1(f) to Chapter 48, once plastics constitute more than half of the thickness and impart essential character, such products are excluded from Chapter 48.
- The HSN Explanatory Notes to Heading 39.19 and CBEC Circular No. 15/2011-Cus specifically clarify that adhesive tapes with plastic base, even if laminated with paper, are classifiable under Chapter 39.

Therefore, classification under Heading 48.08 is not legally sustainable.

Accordingly, I reject the importer's declared classification under 4808 9000 and uphold classification under 3919 9090.

(vi) RELEVANT PROVISIONS OF LAW APPLICABLE IN THE SUBJECT CASE

The Customs Act, 1962:

Section 46 (4) *states that 'the Importer while presenting a Bill of Entry 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.'*

Section 46 (4A) *states that 'the importer who presents the 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 documents supporting it, and (c) compliance with the restriction or prohibition, if any, relating to the goods under the Customs Act, 1962 or under any other law for the time being in force.'*

The relevant Sub-sections of **Section 111** *of the Indian Customs Act, 1962 attracted in the instant case making the impugned goods liable for confiscation are:* **Section 111(m)** *states that 'any goods which do not correspond in respect of value or in any other particular with the entry made under this Act.'*

Section 112 *provides that '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, shall be liable,-* (ii) *in the case of dutiable goods, other than prohibited goods, to a penalty [not exceeding ten percent of the duty sought to be evaded or five thousand rupees, whichever is the higher;'*

Section17 (1) *provides that 'An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods.*

Section 17(4) *Where it is found on verification, examination or testing of the goods or otherwise that the self-assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.'*

Section125(1) *Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force, and shall, in the case of any other goods, give to the owner of the goods 1[or, where such owner is not known, the person from whose possession or custody such goods have been seized,] an option to pay in lieu of confiscation such fine as the said officer thinks fit.*

Order

In view of the foregoing facts and findings, I pass the following order:

1. **I reject the classification of the goods under CTH 4808 9000** as declared by the importer in Bill of Entry No. 4228589 dated 01.09.2025, as the same is not legally sustainable in view of Chapter Note 1(f) to Chapter 48, HSN Explanatory Notes, and CBIC Circular No. 15/2011-Cus dated 18.03.2011.

2. I reclassify the goods under **CTH 3919 9090** in terms of Section 17(4) of the Customs Act, 1962.

3. I determine the differential duty of . **Rs. 107,483.5** /- **(Rupees One Lakh Seven Thousand Four Hundred And Eighty Three Only)** under Section 28(8) of the Customs Act, 1962, along with applicable interest under Section 28AA of the Customs Act, 1962.

4. I hold the goods valued at **Rs. 8,17,365/- (Rupees Eight Lakh Seventeen Thousand Three Hundred And Sixty Five)** to be liable to confiscation under Section 111(m) of the Customs Act, 1962. However, I allow redemption of the goods on payment of Redemption Fine of **Rs.80,000 (Eighty Thousand only)** under Section 125(1) of the Customs Act, 1962.

5. I impose a penalty of Rs. **Rs. 107,483.5** /- **(Rupees One Lakh Seven Thousand Four Hundred And Eighty Three Only)** on the importer under Section 114A of the Customs Act, 1962. The importer shall be entitled to reduced penalty of 25% of the duty amount, provided the duty, interest, and penalty are paid within 30 days from the date of communication of this order

3/10/25

(Kilaru Mahendranadh)
Assistant Commissioner of Customs,
Gr. II (H-K), JNCH

To,

M/s Sharda Sales (IEC-0211029602) - EM 712708541 IN

1050 SQUARE FEET SHEET NO 9
PLOT NO EKTIASAL EASTERN BYPASS ROAD DABGR SILIGURI 734004

Copy to:

1. The Asst./Dy. Commissioner of Customs (Review Cell) (Import), JNCH.

2. The Asst./Dy. Commissioner of Customs (CAC), JNCH.

3. Office Copy.

4. The Asst./Dy. Commissioner of Customs, EDI, JNCH