



OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-I),
सीमाशुल्क आयुक्त का कार्यालय (एनएस -I)
NHAVA-SHEVA, JAWAHARLAL NEHRU CUSTOM HOUSE,
न्हावा-शेवा, जवाहरलाल नेहरू कस्टम हाउस,
TAL-URAN, DISTRICT- RAIGAD, MAHARASHTRA - 400
707.
ताल-उरण, जिला- रायगढ़, महाराष्ट्र - 400 707

F. No. CUS/APR/INV/17/2026-Gr 2(C-F) Date of order: 20.01.2026

F. No. S/10-Adi 50/2025-26/II (C-F) Date of issue: 20.01.2026

DIN : 20260178NW000000 ABB6

Passed by: **Dr. Parul Singhal, Joint Commissioner of Customs,**

Group II (C-F), NS-I, JNCH

Order No.: 1491(L)/2025-26/JC/Gr.II(C-F)/NS-I/CAC/JNCH

Name of Party/Noticee/Importer: **M/s Flipcode Impex Private Limited (IEC: AAFCF8632H)**

मूल आदेश

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निःशुल्क दी जाती है।
2. इस आदेश के विरुद्ध अपील सीमाशुल्क अधिनियम 1962 की धारा 128 (1) के तहत इस आदेश की संसूचना की तारीख से साठ दिनों के भीतर सीमाशुल्क आयुक्त) अपील (जवाहरलाल नेहरू सीमाशुल्क भवन, शेवा, ता. उरण, जिला - रायगढ़, महाराष्ट्र 400707 - को की जा सकती है। अपील दो प्रतियों में होनी चाहिए और सीमाशुल्क (अपील (नियमावली, 1982 के अनुसार फॉर्म सी.ए1- संलग्नक में की जानी चाहिए। अपील पर न्यायालय फीस के रूप में 2.00 रुपये मात्र का स्टॉप लगाया जायेगा और साथ में यह आदेश या इसकी एक प्रति लगायी जायेगी। यदि इस आदेश की प्रति संलग्न की जाती है तो इस पर न्यायालय फीस के रूप में 2.00 रुपये का स्टॉप भी लगाया जायेगा जैसा कि न्यायालय फीस अधिनियम 1870 की अनुसूची 1, मद 6 के अंतर्गत निर्धारित किया गया है।
3. इस निर्णय या आदेश के विरुद्ध अपील करने वाला व्यक्ति अपील अनिर्णीत रहने तक, शुल्क या शास्ति के संबंध में विवाद होने पर मांगे 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 (Appeals), Jawaharlal Nehru Custom House, Sheva, Taluka: Uran, Distt.: 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 annexed to the Customs (Appeals) Rules, 1982. The appeal should bear a Court Fee stamp of Rs.2.00 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.2.00 only as prescribed under Schedule 1, Item 6 of the Court Fees Act, 1870.
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 Flipcode Impex Private Limited (IEC: AAFCF8632H), having registered address at Office No. 101 Floor- Ist, MotibhaiWadsa Brelvi road, Horniman Circle Fort, Mumbai 400001 (hereinafter referred to as "the importer") filed Bill of Entry No. 3687876 dated 04.08.2025 for importation of goods declared as "Hair Spray-250ML (Schwarzkopf Taft)". Based on specific input from DRI, the said consignment covered under above mentioned bill of entry and contained in Container No. TCNU8668434 (40ft.) was put on hold by DRI for verification of potential misdeclaration/concealment of prohibited/restricted items. The details of entries made under bill of entry no. 3687876 dated 04.08.2025 are as under:

Table-I

Particulars	Description
Bill of Entry and Date	3687876 dated 04.08.2025
Importer Name	M/s Flipcode Impex Private Limited (IEC-AAFCF8632H)
Supplier Name	M/s Al Murusalat General Trading Co. LL.C Al Rukn Al Mudi Business Centre
Item Description (Declared)	Hair Spray- 250ML (Schwarzkopf Taft)
Container No.	TCNU8668434 (40ft)
Bill of Lading No.	SKYDXB002702B dtd 28.07.2025
CTH	33059090
Country of Origin	United Arab Emirates
No of Packages Declared	4105
Total Assessable Value Declared	Rs 24,72,758/-
Total Duty Declared	Rs 10,97,025/-
Gross Weight Declared	28,560 Kgs

2. Findings of the examination:

Goods imported vide above mentioned bill of entry in the name of M/s Flipcode Impex Private Limited were examined by the officers of DRI under Panchanama dated 13.08.2025/14.08.2025. Upon examination, goods were found to be mis-declared in respect of quantity and description. Several goods found during examination were not declared in bill of entry by the importer. Detailed inventory of goods found during examination are tabulated below:

Table-II

Sr. No.	Description of goods	No. of Cartons	No of Pieces per carton	Total Quantity
1	GLOW LOVELY 25GM	1500	144	216000
2	DAVIDOFF COOL WATER PERFUME 125 ML	15	25	375
3	DAVIDOFF COOL WATER SEAROSE 100ML WOMEN	3	24	72

4	DAVIDOFF COOL WATER HOT WATER 100ML	3	20	60
5	CALVIN KLEIN 150ML	15	12	180
6	CALVIN KLEIN 100ML	3	24	72
7	CALVIN KLEIN 100ML WOMEN	3	20	60
8	CALVIN KLEIN 100ML ETERNAL FOR MEN	2	20	40
9	CALVIN KLEIN 100ML BEAUTY	2	20	40
10	ISSEY MIYKE PERFUME	7	20	140
11	ELIZABETH ARDEN 100ML GREEN TEA PERFUM	3	42	126
12	ELIZABETH ARDEN 100ML WHITE TEA	2	24	48
13	ELIZABETH ARDEN 125ML 25TH AVENUE	3	24	72
14	ELIZABETH ARDEN 125ML SPLENDOR	2	24	48
15	DUNHILL 100ML	3	12	36
16	SUNFLOWER 100 ML	3	24	72
17	MOUNTBLANC 75ML	2	26	52
18	ELIZABETH ARDEN BEAUTY 100ML	3	24	72
19	MOUNT BLANC 100ML EXPLORER	2	9+12	21
20	ELIZABETH ARDEN TAILOR 100ML	3	26	78
21	AZZARO PERFUME 100 ML	3	18	54
22	CAROLINA HERRERA 150 ML	5	12	60
23	JAQUAR PERFUME 100 ML	30	27	810
24	HUGO BOSS 75 ML	2	20	40
25	HUGO BOSS 150 ML	2	48	96
26	BOSS PERFUME 150 ML	6	48	288
27	HUGO BOSS 90ML	2	15	30
28	HUGO BOSS 90 ML	2	15	30
29	HUGO BOSS 75 ML DARK BLUE	3	30	90
30	HUGO BOSS 125ML	2	20	40
31	VERSACE 90 ML	1	36	36
32	DOVE SOAP 135GM	140	48	6720
33	LOREAL KIDS SHAMPOO 250ML	199	6	1194
34	JOHNSON BABY WASH 1LTR	13	12	156
35	GILLETE AFTER SHAVE 100ML	76	75	5700
36	AXE AFTER SHAVE 100ML	28	12	336
37	DENIM AFTER SHAVE 100ML	100	12	1200
38	NIVEA SHAVING FOAM 200ML	37	24	888
39	GOT 2 B DRY SHAMPOO 200ML	250	6	1500
40	IMPERIAL LEATHER SOAP 175GM	100	48	4800
41	IMPERIAL LEATHER SOAP 125GM	50	72	3600
42	DOVE SOAP 106GM	100	72	7200
43	GILLETE SHAVING GEL 200ML	10	120	1200
44	GILLETE STICK 70ML	4	360	1440
45	PANTENE SHAMPOO 530ML	100	12	1200
46	NIVEA LOTION 400ML	55	12	660
47	NIVEA AFTER SHAVE BALM 100ML	25	24	600
48	VASSELIN JELLY 250ML	100	36	3600
49	DENIM AFTER SHAVE 100ML	100	12	1200
50	LOREAL SHOWERGEL 400ML	50	24	1200
51	LUX SOAP 170GM	50	48	2400
52	CINTHOL SOAP 175GM	30	48	1440
53	JOH SOFT CREAM 200ML	50	36	1800
54	CREAM 21 JELLY 300ML	40	36	1440
55	CREAM 21 250ML	20	48	960
56	CREAM 21 150ML	20	96	1920
57	NIVEA SHAVING CREAM 100ML	50	24	1200
58	ROYAL MIRAGE EDT 120ML	130	36	4680
59	FA DEO 200MLV	200	12	2400
60	GOT 2 B HAIR SPRAY 300ML	120	6	720
61	FA ROLLON 50ML	500	24	12000

62	RASSASI HAWAS LIVE 100 ML	5	48	240
63	RASSASI DAAREJ 100 ML	2	60	120
64	RASSASI SHUHRAH	2	48	96
65	RASSASI HAWAS MAN FOR HIM 100 ML	10	48	480
66	RASSASI PL WISAM 100 ML	2	24	48
67	RASSASI BLUE FOR MEN 100 ML	5	96	480
68	RASSASI CHESTITY 100 ML	15	96	1440
69	RASSASI 50 ML BLUE LADY	15	84	1260
70	RASSASI ROYALE BLUE 75 ML	9	96	864
71	RASSASI ROYALE 75 ML	5	84	420
72	RASSASI 45 ml ROMANCE	2	90+96	186
73	RASSASI EMOTION 50ML	3	96+96+93	285
74	RASSASI EMOTION 100ML	2	96	192
75	RASSASI REMONCE FOR MEN 100 ML	1	144	144
76	RASSASI REMONCE 45 ML	1	100	100
77	RASSASI REMONCE FOR MEN 100 ML	1	95	95
78	MAXI DEO 200ML	2	144	288
79	TAFT HAIR SPRAY 250ML	692	10	6920
	Total	5158		308250

3. IPR aspect:

Since goods of various reputed brands were found during examination, a letter was issued to the IPR Cell to ascertain any violation under the Intellectual Property Rights (Imported Goods) Enforcement Rules. In this regard, the IPR Cell vide letter dated 25.04.2025 informed that goods bearing description/markings 'Davidoff, Calvin Klein, Dunhill, Montblanc, Azzaro, Hugo Boss, Boss, L'Oréal, Johnson & Johnson, Gillette, Axe, Nivea, Lux, Taft, Got2B and Pantene' are recorded under the IPR Recordation Portal.

As per the said communication:

- Out of the aforesaid brands, the right holders of seven (07) brands namely L'Oréal, Montblanc, Taft, Got2B, Gillette, Nivea and Pantene have joined the verification process and have confirmed that the goods are genuine products.
- The right holders of two (02) brands, namely Johnson & Johnson and Dunhill, have furnished their responses; however, the authenticity of the goods could not be determined, and the reports submitted by them are inconclusive.
- The remaining brand owners mentioned in the letter have either not been found recorded or have not joined the investigation process, and no confirmation has been received from them till date.

4. Seizure:

Goods found during examination were found to be mis-declared in term of description, quantity, classification and were being imported in violation of statutory compliance i.e. CDSCO license, EPRA regulations & LMPC regulations. Further, as per findings of market survey, goods were also found to be undervalued. Hence, they were liable for confiscation under Section 111(d), 111(m) & 111(l) of the Customs Act, 1962. Hence, they were also liable for confiscation under Section 111(d), 111(m) of the Customs Act, 1962. Accordingly, goods were seized vide Seizure Memo No.129/2025 dated 22.09.2025.

5. Statements:

Summon was issued to importer of M/s Flipcode Impex Private Limited

under Section 108 of the Customs Act, 1962 and Shri Dhananjay Balchandra Desai, director of M/s Flipcode Impex Private Limited appeared for statement dated 08.12.2025 wherein he has inter-alia stated:

- He is the director of M/s Flipcode Impex Private Limited since February, 2025.
- He has been involved in domestic trading business for last 4-5 years. However, he started doing import after joining as director of M/s Flipcode Impex Private Limited (IEC: AAFCF8632H) in February, 2025. This was his 14th-15th import from IEC of M/s Flipcode Impex Private Limited.
- He has perused the panchanama dated 13.08.2025/14.08.2025 wherein examination was conducted in presence of his authorized representative. He agrees with the findings of panchanama and stated that there was a mistake from supplier end. Wrong cargo was loaded inadvertently by the supplier side.
- On being asked about the supplier he replied that supplier for current shipment was M/s Al Mursalat General Trading Co. LLC Rukn Al Mudi Business Centre. This was their 14th-15th consignment imported from M/s Al Mursalat General Trading Co. He is unaware whether earlier import has been made from this supplier before taking over the company in Feb, 2025.
- The order was placed telephonically. No e-mail or any other type of communication was made.
- No payment has been made to the supplier yet. Their payment is credit based for 180 days, since they started the import business in Feb, 2025, and have good relations with the supplier no advance payment was made.
- On being asked about the findings of market survey, he stated that valuation might have increased due to various items being found mis-declared. Further, these values are based on single piece value. This price included distributors, wholesaler and retail shop owner margin. As per his understanding of market rates, found value is on higher side. Actual value of goods would be much lower.
- On being asked about the CDSCO license he stated that they don't possess CDSCO license for import of current consignment. They have applied for it, however, not yet been granted the same. They were of the impression that the license would be granted before the import of subject consignment.
- On being asked if he would like to add anything he requested that goods may be release for re-export purpose as soon as possible to supplier since it was error of loading of wrong cargo from the supplier's end.

6. Valuation of goods:

As the goods, on examination were mis-declared and the value declared in the import invoice appeared to be considerably lower than the actual value of the goods and The importer has imported many items without declaring the same in B/E, which forms the reason to doubt the truth and accuracy of the value declared in relation to imported goods and as the transactional value is doubtful and same needs to be rejected in terms of Rule 12 of Customs Valuation (Determination of value of imported goods) Rules, 2007, the valuation of the subject goods was decided in the following manner:

For the purpose of the Customs Tariff Act, 1975, valuation of imported goods was to be done in terms of Section 14 of the Customs Act, 1962 read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 [CVR, 2007 for short]. As per the said

provisions of the Act and Rules, the transaction value of the imported goods was to be accepted, subject to Rule 12 of the Customs Valuation Rules, 2007. However, in light of findings of the examination of the goods, declared transaction value appeared liable for rejection under Rule 12 of the Customs Valuation Rules, 2007. The value of the subject goods was determined as per Rule 3 (4) of Customs Valuation Rules, 2007 by sequentially proceeding in terms of Rule 4 to Rule 9 of the Customs Valuation Rules, 2007. Efforts were made to ascertain the value of the subject goods by perusing the contemporaneous import data of identical or similar goods of same description, brand, make, model, quantity and Country of Origin so as to determine the value of goods in terms of Rule 4 and 5 of Customs Valuation Rules, 2007. However, the same cannot be done due to unavailability of imports of having same make, model, quantity, quality, description, and origin. Therefore, determination of correct value could not be done under Rule 4 and 5 of the Customs Valuation Rules, 2007. Correct value also cannot be determined under Rules 7 & 8 of the valuation rules for unavailability of accurate data. The determination of value of the subject goods covered under subject bill of entry is proposed to be done under Rule 9 of the Customs Valuation Rules, 2007.

Accordingly, a Market Survey was carried out on **11.10.2025** in respect of the goods imported via the Bill of Entry no. 3687876 dated 04.08.2025 in presence of the Authorized Representative of the importer, Shri Sunil Adhya Singh, to arrive at fair and reasonable value of the goods. Based on the market enquiry, the average of the value quoted in the three quotations have been taken for calculation of valuation. Each item was enquired at least three different shops. On requesting the shopkeepers, some agreed to provide quotation whereas some shopkeepers expressed their inability to provide invoices and told the rates verbally. The shopkeepers informed that the price of the goods varies time to time as per demand, supply and quantities etc. The details of the prices quoted and the average value are as follows:

Table-IV

Sr. No.	Item	UQC	Wholesale price at shop no. 1 (in Rs.)	Wholesale price at shop no. 2 (in Rs.)	Wholesale price at shop no. 3 (in Rs.)	Average wholesale price (in Rs.)
1	RASSASI CHESTITY 100 ML	pcs	430.00	450.00	460.00	446.6
2	AXE AFTER SHAVE 100ML	pcs	35	32	37	34.66
3	AZZARO PERFUME 100 ML	pcs	1200	1250	1220	1223.33
4	BOSS PERFUME 150 ML	pcs	820	850	820	830
5	CALVIN KLEIN 100ML	pcs	770	780	800	783.33
6	CALVIN KLEIN 100ML BEAUTY	pcs	780	785	765	776.66
7	CALVIN KLEIN 100ML ETERNAL FOR MEN	pcs	800	780	820	800
8	CALVIN KLEIN 100ML WOMEN	pcs	825	830	835	830
9	CALVIN KLEIN 150ML	pcs	1210	1250	1230	1230

10	CAROLINA HERRERA 150 ML	pcs	1500	1450	1700	1550
11	CINTHOL SOAP 175GM	pcs	30.00	30.00	35.00	31.66
12	CREAM 21 150ML	pcs	30.00	27.00	35.00	30.66
13	CREAM 21 250ML	pcs	35.00	32.00	30.00	32.33
14	CREAM 21 JELLY 300ML	pcs	45.00	42.00	45.00	44
15	DAVIDOFF COOL WATER HOT WATER 100ML	pcs	885	850	880	871.667
16	DAVIDOFF COOL WATER PERFUME 125 ML	pcs	1020	990	1025	1011.67
17	DAVIDOFF COOL WATER SEAROSE 100ML WOMEN	pcs	880	890	885	885
18	DENIM AFTER SHAVE 100ML	pcs	35.00	30.00	35.00	33.33
19	DENIM AFTER SHAVE 100ML	mtr	35	32	35	34
20	DOVE SOAP 106GM	pcs	35	32	35	34
21	DOVE SOAP 135GM	kgs	28	25	30	27.66
22	DUNHILL 100ML	pcs	1250	1450	1300	1333.33
23	ELIZABETH ARDEN 100ML GREEN TEA PERFUM	pcs	950	990	1050	996.667
24	ELIZABETH ARDEN 100ML WHITE TEA	pcs	970	975	990	978.333
25	ELIZABETH ARDEN 125ML 25TH AVENUE	pcs	1100	1000	950	1016.67
26	ELIZABETH ARDEN 125ML SPLENDOR	pcs	1220	1190	1130	1180
27	ELIZABETH ARDEN BEAUTY 100ML	pcs	885	900	920	901.66
28	ELIZABETH ARDEN TAILOR 100ML	pcs	950	920	900	923.33
29	FA DEO 200MLV	pcs	120.00	150.00	180.00	150
30	FA ROLLON 50ML	pcs	35.00	40.00	45.00	40
31	GILLETE AFTER SHAVE 100ML	pcs	35	32	30	32.33
32	GILLETE SHAVING GEL 200ML	pcs	40	37	35	37.33
33	GILLETE STICK 70ML	pcs	30	27	30	29
34	GLOW LOVELY 25GM	pcs	24	25	22	23.66
35	GOT 2 B DRY SHAMPOO 200ML	pcs	160	157	150	155.66
36	GOT 2 B HAIR SPRAY 300ML	pcs	55.00	52.00	55.00	54
37	HUGO BOSS 125ML	pcs	1250	1225	1230	1235
38	HUGO BOSS 150 ML	pcs	1400	1500	1450	1450
39	HUGO BOSS 75 ML	pcs	725	730	730	728.33
40	HUGO BOSS 75 ML DARK BLUE	pcs	725	730	730	728.33
41	HUGO BOSS 90 ML	pcs	880	885	875	880
42	HUGO BOSS 90ML	mtr	880	885	875	880
43	IMPERIAL LEATHER SOAP 125GM	pcs	40	37	42	39.66
44	IMPERIAL LEATHER SOAP 175GM	kgs	45	42	40	42.33

45	ISSEY MIYKE PERFUME	pcs	1250	1350	1400	1333.33
46	JAQUAR PERFUME 100 ML	pcs	420	430	440	430
47	JOH SOFT CREAM 200ML	pcs	40.00	42.00	40.00	40.66
48	JOHNSON BABY WASH 1LTR	pcs	410	407	400	405.66
49	LOREAL KIDS SHAMPOO 250ML	pcs	90	87	85	87.33
50	LOREAL SHOWERGEL 400ML	pcs	330.00	350.00	345.00	341.66
51	LUX SOAP 170GM	pcs	30.00	27.00	25.00	27.33
52	MAXI DEO 200ML	pcs	75.00	85.00	80.00	80
53	MOUNT BLANC 100ML EXPLORER	pcs	1550	1450	1500	1500
54	MOUNTBLANC 75ML	pcs	1320	1350	1350	1340
55	NIVEA AFTER SHAVE BALM 100ML	pcs	35.00	32.00	35.00	34
56	NIVEA LOTION 400ML	pcs	190.00	187.00	190.00	189
57	NIVEA SHAVING CREAM 100ML	pcs	30.00	30.00	30.00	30
58	NIVEA SHAVING FOAM 200ML	pcs	40	37	40	39
59	PANTENE SHAMPOO 530ML	pcs	260.00	257.00	255.00	257.33
60	RASSASI 45 ml ROMANCE	pcs	265.00	260.00	265.00	263.33
61	RASSASI 50 ML BLUE LADY	pcs	200.00	202.00	200.00	200.66
62	RASSASI BLUE FOR MEN 100 ML	pcs	255.00	252.00	250.00	252.33
63	RASSASI DAAREJ 100 ML	pcs	255.00	252.00	250.00	252.33
64	RASSASI EMOTION 100ML	pcs	250.00	257.00	250.00	252.33
65	RASSASI EMOTION 50ML	mtr	205.00	202.00	200.00	202.33
66	RASSASI HAWAS LIVE 100 ML	pcs	250.00	247.00	250.00	249
67	RASSASI HAWAS MAN FOR HIM 100 ML	kgs	250.00	257.00	250.00	252.33
68	RASSASI PL WISAM 100 ML	pcs	250.00	247.00	250.00	249
69	RASSASI REMONCE 45 ML	pcs	200.00	210.00	200.00	203.33
70	RASSASI REMONCE FOR MEN 100 ML	pcs	260.00	254.00	250.00	254.67
71	RASSASI REMONCE FOR MEN 100 ML	pcs	260.00	250.00	250.00	253.33
72	RASSASI ROYALE 75 ML	pcs	220.00	217.00	220.00	219
73	RASSASI ROYALE BLUE 75 ML	pcs	220.00	217.00	220.00	219
74	RASSASI SHUHRAH	pcs	250.00	247.00	250.00	249
75	ROYAL MIRAGE EDT 120ML	pcs	130.00	127.00	120.00	125.66
76	SUNFLOWER 100 ML	pcs	530	527	525	527.33
77	TAFT HAIR SPRAY 250ML	pcs	85.00	82.00	80.00	82.33
78	VASELINE JELLY 250ML	pcs	40.00	37.00	35.00	37.33

79	VERSACE 90 ML	pcs	1250	1100	1050	1133.33
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6.1 The calculation of re-determined duty for goods covered vide Table-IV above for Bill of Entry No. 3687876 dated 04.08.2025.

Table-V

Sr. No.	Description	UQC	Qty	Average Wholesale Price in Rs. as per Market Survey Per kgs/Per pcs	Re-determined unit price by deductive method (45% of wholesale price)	Re-determined Assessable Value as per market survey/as per valuer
1	RASSASI CHESTITY 100 ML	1440.00	PCS	₹ 446.67	201.00	289440.00
2	AXE AFTER SHAVE 100ML	336.00	PCS	₹ 34.67	15.60	5241.60
3	AZZARO PERFUME 100 ML	54.00	PCS	₹ 1,223.33	550.50	29727.00
4	BOSS PERFUME 150 ML	288.00	PCS	₹ 830.00	373.50	107568.00
5	CALVIN KLEIN 100ML	72.00	PCS	₹ 783.33	352.50	25380.00
6	CALVIN KLEIN 100ML BEAUTY	40.00	PCS	₹ 776.67	349.50	13980.00
7	CALVIN KLEIN 100ML ETERNAL FOR MEN	40.00	PCS	₹ 800.00	360.00	14400.00
8	CALVIN KLEIN 100ML WOMEN	60.00	PCS	₹ 830.00	373.50	22410.00
9	CALVIN KLEIN 150ML	180.00	PCS	₹ 1,230.00	553.50	99630.00
10	CAROLINA HERRERA 150 ML	60.00	PCS	₹ 1,550.00	697.50	41850.00
11	CINTHOL SOAP 175GM	1440.00	PCS	₹ 31.67	14.25	20520.00
12	CREAM 21 150ML	1920.00	PCS	₹ 30.67	13.80	26496.00
13	CREAM 21 250ML	960.00	PCS	₹ 32.33	14.55	13968.00
14	CREAM 21 JELLY 300ML	1440.00	PCS	₹ 44.00	19.80	28512.00
15	DAVIDOFF COOL WATER HOT WATER 100ML	60.00	PCS	₹ 871.67	392.25	23535.00
16	DAVIDOFF COOL WATER PERFUME 125 ML	375.00	PCS	₹ 1,011.67	455.25	170718.75
17	DAVIDOFF COOL WATER SEAROSE 100ML WOMEN	72.00	PCS	₹ 885.00	398.25	28674.00
18	DENIM AFTER SHAVE 100ML	1200.00	PCS	₹ 33.33	15.00	18000.00
19	DENIM AFTER SHAVE 100ML	1200.00	PCS	₹ 34.00	15.30	18360.00
20	DOVE SOAP 106GM	7200.00	PCS	₹ 34.00	15.30	110160.00
21	DOVE SOAP 135GM	6720.00	PCS	₹ 27.67	12.45	83664.00
22	DUNHILL 100ML	36.00	PCS	₹ 1,333.33	600.00	21600.00

23	ELIZABETH ARDEN 100ML GREEN TEA PERFUM	126.00	PCS	₹ 996.67	448.50	56511.00
24	ELIZABETH ARDEN 100ML WHITE TEA	48.00	PCS	₹ 978.33	440.25	21132.00
25	ELIZABETH ARDEN 125ML 25TH AVENUE	72.00	PCS	₹ 1,016.67	457.50	32940.00
26	ELIZABETH ARDEN 125ML SPLENDOR	48.00	PCS	₹ 1,180.00	531.00	25488.00
27	ELIZABETH ARDEN BEAUTY 100ML	72.00	PCS	₹ 901.67	405.75	29214.00
28	ELIZABETH ARDEN TAILOR 100ML	78.00	PCS	₹ 923.33	415.50	32409.00
29	FA DEO 200MLV	2400.00	PCS	₹ 150.00	67.50	162000.00
30	FA ROLLON 50ML	12000.00	PCS	₹ 40.00	18.00	216000.00
31	GILLETE AFTER SHAVE 100ML	5700.00	PCS	₹ 32.33	14.55	82935.00
32	GILLETE SHAVING GEL 200ML	1200.00	PCS	₹ 37.33	16.80	20160.00
33	GILLETE STICK 70ML	1440.00	PCS	₹ 29.00	13.05	18792.00
34	GLOW LOVELY 25GM	216000.00	PCS	₹ 23.67	10.65	2300400.00
35	GOT 2 B DRY SHAMPOO 200ML	1500.00	PCS	₹ 155.67	70.05	105075.00
36	GOT 2 B HAIR SPRAY 300ML	720.00	PCS	₹ 54.00	24.30	17496.00
37	HUGO BOSS 125ML	40.00	PCS	₹ 1,235.00	555.75	22230.00
38	HUGO BOSS 150 ML	96.00	PCS	₹ 1,450.00	652.50	62640.00
39	HUGO BOSS 75 ML	40.00	PCS	₹ 728.33	327.75	13110.00
40	HUGO BOSS 75 ML DARK BLUE	90.00	PCS	₹ 728.33	327.75	29497.50
41	HUGO BOSS 90 ML	30.00	PCS	₹ 880.00	396.00	11880.00
42	HUGO BOSS 90ML	30.00	PCS	₹ 880.00	396.00	11880.00
43	IMPERIAL LEATHER SOAP 125GM	3600.00	PCS	₹ 39.67	17.85	64260.00
44	IMPERIAL LEATHER SOAP 175GM	4800.00	PCS	₹ 42.33	19.05	91440.00
45	ISSEY MIYKE PERFUME	140.00	PCS	₹ 1,333.33	600.00	84000.00
46	JAQUAR PERFUME 100 ML	810.00	PCS	₹ 430.00	193.50	156735.00
47	JOH SOFT CREAM 200ML	1800.00	PCS	₹ 40.67	18.30	32940.00
48	JOHNSON BABY WASH 1LTR	156.00	PCS	₹ 405.67	182.55	28477.80
49	LOREAL KIDS SHAMPOO 250ML	1194.00	PCS	₹ 87.33	39.30	46924.20
50	LOREAL SHOWERGEL 400ML	1200.00	PCS	₹ 341.67	153.75	184500.00
51	LUX SOAP 170GM	2400.00	PCS	₹ 27.33	12.30	29520.00
52	MAXI DEO 200ML	288.00	PCS	₹ 80.00	36.00	10368.00
	MOUNT BLANC					

53	100ML EXPLORER	21.00	PCS	₹ 1,500.00	675.00	14175.00
54	MOUNTBLANC 75ML	52.00	PCS	₹ 1,340.00	603.00	31356.00
55	NIVEA AFTER SHAVE BALM 100ML	600.00	PCS	₹ 34.00	15.30	9180.00
56	NIVEA LOTION 400ML	660.00	PCS	₹ 189.00	85.05	56133.00
57	NIVEA SHAVING CREAM 100ML	1200.00	PCS	₹ 30.00	13.50	16200.00
58	NIVEA SHAVING FOAM 200ML	888.00	PCS	₹ 39.00	17.55	15584.40
59	PANTENE SHAMPOO 530ML	1200.00	PCS	₹ 257.33	115.80	138960.00
60	RASSASI 45 ml ROMANCE	186.00	PCS	₹ 263.33	118.50	22041.00
61	RASSASI 50 ML BLUE LADY	1260.00	PCS	₹ 200.67	90.30	113778.00
62	RASSASI BLUE FOR MEN 100 ML	480.00	PCS	₹ 252.33	113.55	54504.00
63	RASSASI DAAREJ 100 ML	120.00	PCS	₹ 252.33	113.55	13626.00
64	RASSASI EMOTION 100ML	192.00	PCS	₹ 252.33	113.55	21801.60
65	RASSASI EMOTION 50ML	285.00	PCS	₹ 202.33	91.05	25949.25
66	RASSASI HAWAS LIVE 100 ML	240.00	PCS	₹ 249.00	112.05	26892.00
67	RASSASI HAWAS MAN FOR HIM 100 ML	480.00	PCS	₹ 252.33	113.55	54504.00
68	RASSASI PL WISAM 100 ML	48.00	PCS	₹ 249.00	112.05	5378.40
69	RASSASI REMONCE 45 ML	100.00	PCS	₹ 203.33	91.50	9150.00
70	RASSASI REMONCE FOR MEN 100 ML	144.00	PCS	₹ 254.67	114.60	16502.40
71	RASSASI REMONCE FOR MEN 100 ML	95.00	PCS	₹ 253.33	114.00	10830.00
72	RASSASI ROYALE 75 ML	420.00	PCS	₹ 219.00	98.55	41391.00
73	RASSASI ROYALE BLUE 75 ML	864.00	PCS	₹ 219.00	98.55	85147.20
74	RASSASI SHUHRAH	96.00	PCS	₹ 249.00	112.05	10756.80
75	ROYAL MIRAGE EDT 120ML	4680.00	PCS	₹ 125.67	56.55	264654.00
76	SUNFLOWER 100 ML	72.00	PCS	₹ 527.33	237.30	17085.60
77	TAFT HAIR SPRAY 250ML	6920.00	PCS	₹ 82.33	37.05	256386.00
78	VASSELINE JELLY 250ML	3600.00	PCS	₹ 37.33	16.80	60480.00
79	VERSACE 90 ML	36.00	PCS	₹ 1,133.33	510.00	18360.00
				Total		₹ 66,25,594.50

6.2 Based on the above calculation, re-determined value of the goods are as below:-

Table-VI

Sr. No.	Bill of Entry No & Date	Declared AV (in Rs.)	Re-determined Value (in Rs.)
1	3687876 dated 04.08.2025	Rs 24,72,758/-	Rs 66,25,594.50

Henceforth, market survey of the goods was conducted on 11.11.2025. The assessable value of goods was found to be Rs. 1,46,74,563 as per shopkeeper's quotations. The total deduction of aforesaid components is calculated as per calculation sheet attached as Annexure-A to this investigation report and assessable value has been re-determined to be Rs 66,25,594.50/- (**Rupees Sixty Six Lakh Twenty Five Thousand Five Hundred Ninety Five only**). Applicable Duty aspect has not been looked into since goods i.e. cosmetic items have been found to be prohibited in absence of CDSCO license, LMPC and EPRA certificate.

7. Legal provisions relevant to the instant case are:

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

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

(ii) As per the provisions of **Section 46(4) of the Customs Act, 1962**, the importer while presenting a Bill of Entry shall at the foot thereof make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, present to the proper officer the invoice, if any, relating to the imported goods.

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

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

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

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

with the declaration made under Section 77 [in respect thereof, or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section(1) of Section 54;]

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

(v) Section 112. Penalty for improper importation of goods, etc.- Any person, -

(a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under Section 111, or abets the doing or omission of such an act, or

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harboring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under Section 111, shall be liable,

(i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding the value of the goods or five thousand rupees, whichever is the greater;

(ii) in the case of dutiable goods, other than prohibited goods, subject to the provisions of Section 114A, to a penalty not exceeding ten per cent of the duty sought to be evaded or five thousand rupees, whichever is higher: Provided that where such duty as determined under sub-Section (8) of Section 28 and the interest payable thereon under Section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such duty, the amount of penalty liable to be paid by such person under this Section shall be twenty-five per cent of the penalty so determined;

(vi) Section 114AA. Penalty for use of false and incorrect material. -

If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.

7.2 The Customs Valuation Rules (Determination of Value of Imported Goods), 2007 : -

Rule 3. Determination of the method of valuation- (1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;

Rule 4. Transaction value of identical goods. - (1)(a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;

Rule 5. Transaction value of similar goods.- (1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued.

Rule 6. Determination of value where value can not be determined

under rules 3, 4 and 5.- If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 or, when the value cannot be determined under that rule, under rule 8.

Rule 7. Deductive value.- (1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions :-

(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within India;

(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

Rule 8. Computed value.- Subject to the provisions of rule 3, the value of imported goods shall be based on a computed value, which shall consist of the sum of:-

(a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;

(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;

(c) the cost or value of all other expenses under sub-rule (2) of rule 10.

Rule 9. Residual method.- (1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

(2) No value shall be determined under the provisions of this rule on the basis of -

(i) the selling price in India of the goods produced in India;

(ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;

(iii) the price of the goods on the domestic market of the country of exportation;

(iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;

(v) the price of the goods for the export to a country other than India;

(vi) minimum customs values; or

(vii) arbitrary or fictitious values.

Rule 12. Rejection of declared value. -(1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.

7.3 Foreign Trade (Development and Regulations) Rules, 1993

Declaration as to value and quality of imported goods- As per Rule 11 of the Foreign Trade (Regulation) Rules, 1993, on the importation into, or exportation out of, any customs ports of any goods, whether liable to duty or not, the owner of such goods shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962 (52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.

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

7.4 Violation with respect to CDSCO regulations:

Goods found during examination were various cosmetic items which requires to comply with the CDSCO regulations under The Drugs and Cosmetics Act, 1960 and Cosmetics Rules, 2000. During investigation, it was revealed that the importer does not possess CDSCO registration/licence for importation of subject goods. Relevant provisions of the law in this regard are detailed below:

Section 18 of Chapter IV of the Drugs and Cosmetics Act, 1940: Prohibition of manufacture and sale of certain drugs and cosmetics.

—From such date as may be fixed by the State Government by notification in the Official Gazette in this behalf, no person shall himself or by any other person on his behalf—

(b) [sell, or stock or exhibit or offer for sale,] or distribute any drug [or cosmetic] which has been imported or manufactured in contravention of any of the provisions of this Act or any rule made thereunder;

(c) [manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale,] or distribute any drug [or cosmetic], except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter.

• **Rule 12 under Chapter III "Import and registration" of Cosmetic Rules**

2020: Import of cosmetics. (1) No cosmetic shall be imported into India unless the product has been registered in accordance with these rules by the Central Licensing Authority or by any officer to whom such powers may be delegated under sub-rule (1) of rule 5.

• **Rule 34 under Chapter VI "Labelling, Packing and standards for sale or distribution of cosmetics" of Cosmetic Rules 2020: Manner of labelling**

(1) Subject to other provisions of the rules, a cosmetic shall carry on both the inner and outer labels:

(a) the name of the cosmetics,

(b) the name of the manufacturer and complete address of the premises of the manufacturer where the cosmetic has been manufactured. If the product has not been manufactured in a factory owned by the manufacturer, the name and address of the actual manufacturer or the name of the country where it has actually been manufactured as "Made in..... (name of country)" should be there on the label:

Provided that if the cosmetic is contained in a very small size container as 30gm or less if the cosmetics are in solid or semi-solid state and 60 ml or less if the cosmetics is in liquid state, where the address of the manufacturer cannot be given, the name of the manufacturer and his principal place of manufacture shall be given along with pin code.

(c) use before or date of expiry (month and year) or use by or expiry date or expiry XX months from manufactured or date of manufacturing or expiry date.

(2) (a) A distinctive batch number, that is to say, the number by reference to which details of manufacture of the particular batch from which the substance in the container is taken are recorded and are available for inspection, the figures representing the batch number being preceded by the letter "B" or the words "Batch No." or "B. No." or "Batch" or "Lot No." or "Lot" shall carry on the inner or outer labels:

Provided that this clause shall not apply to any cosmetic containing 10 grams or less if the cosmetic is in solid or semi-solid state and 25 milliliters or less if the cosmetic is in a liquid state: Provided further that in the case of soaps, instead of the batch number, the month and year of manufacture of soap shall be given on the label.

(b) Manufacturing licence number, the number being preceded by the letter 'M' or "M. L. No" or "Mfg. Lie. No." shall carry on the inner or outer labels: Provided that in case of imported products, if such provision is not mandatory in country of origin, such cosmetics may be allowed without mentioning manufacturing license number, subject to fulfilment of other import regulations.

(3) The outer label of the cosmetics shall carry a declaration of the net contents expressed in terms of weight for solids, fluid measure for liquids, fluid measure or weight for semi-solids, combined with numerical count if the content is sub-divided:

Provided that this statement need not appear in case of a package of

perfume, toilet water or the like, the net content of which does not exceed 60 ml or any package of solid or semi-solid cosmetic the net content of which does not exceed 30 grams.

(4) In case of cosmetics; where a hazard exists, every inner label shall clearly indicate

(a) adequate directions for safe use,

(b) any warning, caution or special direction required to be observed by the consumer,

(c) a statement indicating the names and quantities of ingredients that are hazardous or poisonous.

(5) In the case of imported cosmetics to be marketed in India, import registration certificate number shall be mentioned on the label of unit pack preceded by letter "RC" or "RC No" or "Reg. Cert. No" along with name and address of the importer;

(6) Where a package of a cosmetic has only one label, such label shall contain all the information required to be shown on both the inner and the outer labels, under these rules.

(7) In all cases, the list of ingredients, present in concentration of more than one percent, shall be listed in the descending order of weight or volume at the time they are added, followed by those in concentration of less than or equal to one percent, in any order, and preceded by the words 'INGREDIENTS':

Provided that this statement need not appear for packs of less than or equal to 60 ml of liquid and 30 gm of solid and semi-solids.

(8) The cosmetic shall comply with labelling requirement, if any, specified in the relevant Indian standard as laid down by the 'Bureau of Indian Standards' for the cosmetics covered under the Ninth Schedule.

(9) No cosmetic shall be imported unless it is packed and labelled in conformity with these rules and the label of imported cosmetics shall bear registration certificate number of the product and the name and address of the registration certificate holder for marketing the said product in India:

Provided further that in cases where the imported cosmetics require India specific labelling, the same shall be allowed to be stickered on the unit pack at the bonded warehouses.

8. Investigation Findings:

8.1 Specific intelligence received by SIIB(I) indicated that the goods imported vide Bill of Entry No. 3687876 dated 04.08.2025 filed by importer M/s Flipcode Impex Private Limited, declared as "Hair Spray-250ML (Schwarzkopf Taft)" appears to be risky for potential mis-declaration/concealment of prohibited/restricted goods. During examination of the goods under panchnama dated 13.08.2025/14.08.2025, it was seen that the consignment contained various cosmetics and daily care items like shampoo, hair spray, perfumes etc. along with declared item. Thus,

confirming the input, impugned goods were seized under Section 110 of the Customs Act, 1962. The importer in his statement had accepted that he did not have a valid CDSCO license to import the impugned cosmetic goods. He submitted that the mis-declared goods were sent by the supplier due the mistake from supplier end. He did not have any proof of order placed as the same was done over phone. This appears to be a mere after-thought on the part of the importer so as to cover up his attempt the smuggle the impugned goods.

8.2 M/s Flipcode Impex Private Limited, the Importer had declared the assessable value of the goods as Rs. Rs 24,72,758/- (Rupees Twenty-Four Lakhs Seventy-two Thousand Seven Hundred and Fifty-eight rupees only) and declared duty as Rs. Rs 10,97,025/- (Rupees Ten Lakhs Ninety-seven Thousand and Twenty-five rupees only), however the approx. market value of imported goods found during market survey is Rs 1,46,74,563/- and the redetermined assessable value of the goods is Rs 66,25,594.50/-. The goods were grossly undervalued by the importer at the time of import, had the SIIB(l) not intervened, the goods would have been diverted to local market.

8.3 In view of the forgoing facts, the goods imported vide Bill of Entry no. 3687876 dated 04.08.2025 have been imported in violation of Section 18 of The Drugs & Cosmetics Act, 1940, as amended and Rule 12 and Rule 34 of Cosmetic Rules 2020. As the goods have been imported in violation of The Drugs & Cosmetics Act. 1940 read with Cosmetic Rules 2020, thus the impugned goods have become prohibited within the meaning of section 2(33) of the Customs, Act, 1962. Thus, the goods as mentioned in Table-II appear to be prohibited and liable for confiscation under section 111(d) of the Customs, Act, 1962. It also appears that the importer has mis-declared the goods in terms of classification, quantity and description. The impugned goods were not declared in the Bill of Entry as mandated in the Act and the same did not correspond to the true value as per the entry made in the Act, thereby making them liable for confiscation under section 111(l) and 111(m) of the Customs Act, 1962.

8.4 From above, it is evident that the imported goods covered under Bill of Entry No. 3687876 dated 04.08.2025, tabulated above in Table-II have been mis-declared in terms of description, classification and quantity and also the importer failed to produce the import license required for import of impugned goods. In terms of Section 46(4) of Customs Act, 1962, the importer is required to make correct declaration in the Bills of Entry submitted for assessment of Customs duty. It appears that the importer by the aforesaid act of mis-declaration in respect of the goods imported vide Bill of Entry No. 3687876 dated 04.08.2025, tabulated above in Table-II have contravened the provisions of Section 46(4) of the Customs Act, 1962 in as much as they have not made the correct declarations of description of the goods in the Bill of Entry filed and self-assessed by them. The onus of making true and correct declaration in all aspects relating to the imported goods after introduction of self-assessment lies with the importer but they have failed to do in respect of the impugned Bill of Entry. From the investigation it appears that the importer has mis-declared and also

the importer failed to produce the import license required for import of impugned goods. Therefore, on account of improper import, the goods appear liable for confiscation under the provisions discussed above and accordingly has rendered himself liable for penal action under Section 112(a) of the Customs Act, 1962.

8.5 Further, it appears that the importer did not have any proof of order placed, nor was he able to provide any proper justification/ documents in respect of the impugned cosmetics that were imported by him without any CDSCO license. It appears that he had knowingly attempted to import various cosmetics goods without having CDSCO license for goods that were even declared in bill of entry which was confirmed by the director of M/s Flipcode Impex Pvt Ltd. in his statement dated 08.12.2025. Thereafter, in view of the foregoing facts, the importer appears to be liable for penalty under section 114AA of the Customs Act, 1962.

9. From the above, it appears that:

- i. M/s Flipcode Impex Private Limited attempted to import goods covered under Bill of Entry No. 3687876 dated 04.08.2025 having assessable value Rs 24,72,758/- (Rupees Twenty-Four Lakhs Seventy-two Thousand Seven Hundred and Fifty-eight rupees only), the same is liable to be redetermined as 66,25,594.50/- (Rupees Sixty-Six Lakh Twenty-Five Thousand Five Hundred Ninety-Five only). Further, these goods were mis declared and attempted to be imported without any proper CDSCO import license, LMPC compliance and EPRA regulations as mentioned above, thereby, rendered the goods liable for confiscation under Section 111(d), 111(l) & 111(m) of the Customs Act, 1962.
- ii. The importer has rendered himself liable for penalty under Section 112(a) of the Customs Act, 1962.
- iii. The importer has rendered himself liable for penalty under Section 114AA of the Customs Act, 1962.

PERSONAL HEARING

10. The Importer, M/s. Flipcode Impex Private Limited (IEC: AAFCF8632H) vide their letter 07.01.2026 has requested for the waiver of Show Cause Notice and Personal Hearing in the matter. The Importer further submitted that they are ready to pay the applicable duty, interest, and any redemption fine or penalty as may be deemed fit to conclude this matter. The Importer, vide the aforementioned letter, has further requested for Re-Export of the impugned goods imported vide the Bill of Entry. No. 3687876 dated 04.08.2025.

DISCUSSION AND FINDINGS

11. I have carefully gone through the facts of the case and other relevant documents. I have carefully gone through the facts of the case, the Investigation Report (IR) forwarded by SIIB(I), and other relevant documents available on record. As the importer, M/s. Flipcode Impex Private Limited, has failed to produce a valid CDSCO license and has

admitted to the discrepancies in their statement, I proceed to adjudicate the case based on the available evidence and findings.

12. I find that the importer, M/s. Flipcode Impex Private Limited, filed Bill of Entry No. 3687876 dated 04.08.2025 for the importation of goods declared as "Hair Spray-250ML (Schwarzkopf Taft)". I, further find that the said consignment, contained in Container No. TCNU8668434, was put on hold based on specific intelligence for verification of potential mis-declaration and concealment.

13. I find that goods imported vide above mentioned bill of entry in the name of M/s. Flipcode Impex Private Limited were examined by the officers of DRI under Panchanama dated 13.08.2025/14.08.2025. Upon examination, goods were found to be mis-declared in respect of quantity and description. Several goods found during examination were not declared in bill of entry by the importer. It is pertinent to mention that goods declared as Taft Hair Spray 250ml (Sr. No. 79 of Table-II) were found as declared in Bill of Entry/Packing list with respect to description and CTH. However, they were also violating statutory compliance of CDSCO, EPRA and LMPC. Hence, they were also liable for confiscation under Section 111(d) and 111(m) of the Customs Act, 1962. Detailed inventory of goods found during examination are tabulated in the above-mentioned Table-II.

14. I find that, the following discrepancies were found during the examination of the subject goods: -

- a) The goods were mis-declared in respect of description, brand, quantity and value.
- b) The goods were mostly cosmetic items which were in violation of the Drugs and Cosmetics Act, 1940 and Cosmetics Rules, 2000 and the Rules & Regulations made thereunder.
- c) The importer does not possess CDSCO registration/licence for importation of impugned goods.
- d) The cosmetic items appeared to be in violation of statutory compliance i.e. CDSCO licence, EPRA regulations & LMPC regulations.

15. I find that, since goods of various reputed brands were found during examination, a letter was sent to IPR cell to verify any violation in that regard. In reply of the same, IPR cell vide letter dated 25.04.2025 submitted that brands i.e. "Davidoff, Calvin Klein, Dunhill, Montblanc, Azzaro, Hugo Boss, Boss, L'Oréal, Johnson & Johnson, Gillette, Axe, Nivea, Lux, Taft, Got2B and Pantene" are registered with Customs. On perusal of the submission made by brand owners, I find that various brand owners have confirmed that goods appear to be genuine and do not require IPR rules to be invoked. However, goods may not be released to importer or domestic market for violation of Drugs and Cosmetics Act & Rules, Legal Metrology Act & Rules and a hazard to the health and safety of consumers. Therefore, I find that the violation of IPR Rules, 2007, read

with the Trademarks Act, 1999 not appeared to be sustained with respect to the impugned goods.

16. I find that, the importer does not possess CDSCO registration/licence for importation of impugned goods, which is a violation of the provision as laid down in Drugs and Cosmetic Act, 1940 and the rule 34 of Cosmetics Rules, 2020. Relevant provisions of the law in this regard include Section 18 of the Drugs and Cosmetics Act, 1940, which prohibits the sale or distribution of cosmetics imported in contravention of the Act. Furthermore, Rule 12 of the Cosmetic Rules 2020 stipulates that no cosmetic shall be imported unless registered with the Central Licensing Authority. Rule 34 provides detailed requirements for the manner of labelling, including the requirement that the label of imported cosmetics shall bear the registration certificate number. As the goods found are not as per declaration in said Bill of Entry and undeclared goods are also found during examination. The goods imported by the importer require CDSCO certificate and importer does not possess CDSCO registration/licence, EPRA & LMPC certificates for importation of subject goods, therefore the impugned goods become prohibited in nature. Hence, I find that the subject goods are liable for confiscation under Section 111 (d) and section 111 (l) of the Customs Act, 1962.

17. I find that the next issue in the subject case is to decide the valuation of the imported goods. Since there is a gross misdeclaration of goods in terms of the quantity and description of the goods and goods are not tallied with the invoice, I find that the declared value is liable to be rejected in terms of Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (CVR, 2007) and value of the goods needs to be re-determined in accordance with the CVR, 2007.

18. As the value of the subject goods cannot be determined under the provisions sub-rule (1) of Rule 3 of the Customs Valuation Rules, 2007, the same is required to be determined by sequentially proceeding in terms of Rule 4 to Rule 9 of the CVR, 2007. Efforts were made to ascertain the value of the subject goods by perusing the import data relating to contemporaneous import of identical or similar goods so as to determine the value of goods in terms of Rule 4 and 5 of CVR, 2007. However, the details were not available as the goods were flexible in nature with reference to variant, capacity, origin etc. Therefore, determination of correct value could not be done under Rule 4 and 5 of the CVR, 2007. Proceeding sequentially, the correct value cannot be determined under Rules 7 & 8 for unavailability of accurate data. Since the market survey could be conducted and the same can be used to re-determine the value in terms of Rule 9 of CVR, 2007 allowing reasonable flexibility. Hence, the value of the said goods is to be determined in terms of Rule 9 (Residual method). Accordingly, market survey of the goods was conducted on 06.12.2025. The assessable value of goods was found to be Rs. 1,46,74,563/- as per shopkeeper's quotations. However, the price quoted by the shopkeeper contained components such as wholesale profit margin, importer's profit, transportation, and customs duties. Deducting these components, the assessable value has been re-determined to be Rs. 66,25,594.50/-.

19. I find that the importer mis-declared the value, quantity and description of the goods, as discussed above, which is a clear violation of Section 46 of the Customs Act, 1962. From above, it is evident that the imported goods covered under Bill of Entry No. 3687876 dated 04.08.2025 have been mis-declared in terms of description, classification and quantity and also the importer failed to produce the import license (CDSCO registration/licence, LMPC & EPRA Certificate) required for import of impugned goods. The onus of making true and correct declaration in all aspects relating to the imported goods after introduction of self-assessment lies with the importer but they have failed to do so.

20. I find that in the present case the importer M/s. Flipcode Impex Private Limited (IEC: AAFCF8632H) has grossly mis-declared the goods in terms of description, quantity and value. Also, the impugned goods have become prohibited within the meaning of section 2(33) of the Customs Act, 1962 as the goods require a valid CDSCO registration/licence, LMPC & EPRA Certificate. However, the importer failed to produce the same. The importer's submission about wrong shipment is nothing but an excuse to escape from penal action. The action of the importer makes it clear that importer wanted to clear the goods for home consumption in spite of the goods not being in line with the Drugs and Cosmetics Act. I also find that the goods are found to be undervalued. As per market survey conducted on 06.12.2025, the Assessable Value of the goods was re-determined as Rs. 66,25,594.50/- against the declared assessable value of Rs. 24,72,758/- and consequently goods are liable for confiscation under Section 111 (d), section 111 (l) and section 111 (m) of the Customs Act, 1962. I find that the importer has knowingly made a false declaration. And hence, I find that the Importer appears to have rendered themselves liable for penalty under Section 112(a) and Section 114AA of the Customs Act, 1962.

23. In view of the above discussion and findings, I pass the following order:

ORDER

(i) I reject the declared Assessable Value of the goods covered under Bill of Entry No. 3687876 dated 04.08.2025 under Rule 12 of the Customs Valuation (Determination of value of imported Goods) Rules, 2007. I order the same to be re-determined as Rs. 66,25,594.50/- (Rupees Sixty-Six Lakh Twenty-Five Thousand Five Hundred Ninety-Four and Fifty Paise only) under Rule 9 of CVR, 2007, following the residual method as per the detailed discussion above.

(ii) I order to confiscate the goods covered under Bill of Entry No. 3687876 dated 04.08.2025, having the re-determined value of Rs. 66,25,594.50/-, under Section 111(d), 111(l), and 111(m) of the Customs Act, 1962. However, I give an option to the importer to redeem the said goods for re-export purpose only on payment of a Redemption Fine of Rs. 2,00,000 (Rupees Two Lakhs only) under Section 125 of the Customs Act, 1962, within 120 days from the issuance of this order.

(iii) I impose a Penalty of Rs. 1,00,000 (Rupees One Lakh only) on the importer, M/s. Flipcode Impex Private Limited (IEC-AAFCF8632H), under Section 112(a) of the Customs Act, 1962.

(iv) I impose a Penalty of Rs. 1,00,000 (Rupees One Lakh only) on M/s. Flipcode Impex Private Limited (IEC-AAFCF8632H) under Section 114AA of the Customs Act, 1962, for knowingly making and signing false declarations in the import documents.

24. This order is issued without prejudice to any other action that may be taken in respect of the goods in question and/or against the persons concerned or any other person, if found involved, under the provisions of the Customs Act, 1962, and/or any other law for the time being in force in the Republic of India

Digitally signed by

Parul Singhal

Date: 20-01-2026

17:49:35
(Dr. Parul Singhal/डॉ पारुल सिंघल)
Joint Commissioner of Customs,
Group II (C-F), NS-1, JNCH

To,

M/s. Flipcode Impex Private Limited (IEC: AAFCF8632H)
Office No. 101 Floor- 1, Motibhai Wadsa Brelvi road,
Horniman Circle Fort, Mumbai 400001

Copy to:

1. Pr. Commissioner of Customs, NS-I, JNCH
2. Dy. Commissioner of Customs, CRAC (I), JNCH
3. Dy. Commissioner of Customs, Centralized Adjudication Cell, JNCH
4. Office Copy
5. EDI section (for upload on official website)