

 <p>सत्यमेव जयते</p>	<p>भारत सरकार/ Government of India वित्त मंत्रालय/ Ministry of Finance आयुक्त सीमा शुल्क एनएस-II का कार्यालय, केंद्रीकृत अधिनिर्णयन प्रकोष्ठ, जवाहरलाल नेहरू सीमा शुल्क भवन न्हावा शेवा, तालुका-उरण, जिला -रायगढ़, महाराष्ट्र- 400 707 OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II CENTRALIZED ADJUDICATION CELL, JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA, DIST- RAIGAD, MAHARASHTRA-400707</p>	
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द.प.सं./DIN: 20260278NT000000CF03

फ़ा.सं. /F.No.: CUS/DOCK/530/2025-Exp(Docks)

Date of Order: 04.02.2026

Date of Issue: 04.02.2026

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जारीकर्ता/Passed By: **Shri Raghu Kiran B.,**
Commissioner of Customs(In- Situ),
CEAC, NS-II, JNCH, Nhava Sheva.

मूल आदेश सं./Order-In-Original No.: 1584/2025-26/ADC/CEAC/NS-II/CAC/JNCH

निर्यातक का नाम/Exporter's Name: **मै. कोरल लेबोरेटरीज लिमिटेड: (0394033353)**
M/s Coral Laboratories Ltd. (IEC- 0394033353)

मूल आदेश

- यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निः शुल्क दी जाती है।
- 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 - ४०० ७०७, महाराष्ट्र को की जा सकती है। अपील दो प्रतियों में होनी चाहिए और सीमाशुल्क (अपील) नियमावली, 1982 के अनुसार फॉर्म सी.ए.-1 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।
- इस निर्णय या आदेश के विरुद्ध अपील करने वाला 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

- This copy is granted free of charge for the use of the person to whom it is issued.
- An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, Nhava 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, item 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

1. M/s. Coral Laboratories Ltd. (IEC- 0394033353) having address at Plot No. 57/1(16), Bhenslore Dunetha, Nani Daman, Daman and Diu -396210 has filled a Shipping Bill No. 7457466 dated 30.11.2025 through their authorized Customs Broker, M/s. Star India Container Line Pvt Ltd for clearance of export goods. The declared FOB value of the consignment was Rs. 17,43,018/-, and the Exporter has claimed a Drawback of Rs. 20,914/- and RoDTEP amounting to Rs 12,200/- The goods in the Shipping Bill are described as below:

Table No. 1

Serial no.	Description of Goods	FOB of Goods	Drawaback	RoDTEP	RITC
1	Dentonex Mouth wash	4,74,721.80	5696.70	3323.05	33061090
2	Metrocor N Suspension	4,74,721.80	5696.70	3323.05	30042039
3	Syrup	2,23,723.44	2684.70	1566.06	30049031
4	Metcor Drops	5,69,666.16	6836.00	3987.66	30049035
5	T-shirts	185.57	Nil	Nil	61099090

2. Examination of Goods: The Docks officer on perusal of checklist and other documents presented by the CB/Exporter observed that the item no. 2 is a pharmaceutical product declared as "Metrocor N Suspension" having composition of Metronidazole Benzoate BP equivalent to Metronidazole and Norfloxacin BP. However as per the Gazette Notification S.O. 4445(E) dated 07.09.2018, Metronidazole + Norfloxacin is a banned drug and as per CDSCO Notification vide IMP/12-1/2024-eoffice dated 30.04.2024 an NOC for manufacture of banned drugs for export purpose must be acquired from CDSCO Zonal offices through online mode. At the time of examination of the subject goods the exporter has failed to submit NOC from CDSCO for the export of the said banned drugs.

3. It thus appears that the exporter attempted to export a banned drug without obtaining export NOC from CDSCO, thereby contravening the provisions of:

- Section 50(3) of the Customs Act, 1962 (duty of exporter to comply with restrictions), and

- Section 11 of the Foreign Trade (Development & Regulation) Act, 1992 (export in contravention of FTP conditions).

4. Further, in terms of Section 2(33) of the Customs Act, 1962, the said goods are to be treated as prohibited goods, as they were attempted to be exported without obtaining CDSCO NOC, thus the goods at serial no. 2 of Table I covered under the said Shipping Bill are, therefore, liable to confiscation under Section 113(d) of the Customs Act, 1962, being goods attempted to be exported contrary to prohibition imposed under any law for the time being in force.

5. It is the responsibility of the exporter to ensure compliance with all restrictions and prohibitions under the Customs Act or any other law. By attempting to export prohibited goods without CDSCO NOC for export, M/s. Coral Laboratories Ltd. have rendered themselves liable for penal action under Section 114(i) of the Customs Act, 1962.

6. Subsequently, the exporter vide letter dated 22.01.2026 requested waiver of Show Cause Notice and Personal Hearing (PH). The exporter also submitted a Export NOC bearing application no. EXP/NOC/2025/80438 dtd. 15.12.2025 from CDSCO for exporting product Metrocor N Suspension. The exporter has also informed that they have been explained the provisions of section 113(d) and 114(i) of the Customs Act 1962 and they have understood that their goods have become liable for confiscation under section 113(d) and because of their act of omission and commission they too have become liable for penal action under section 114(i) of the Customs Act.

7. **RELEVANT PROVISIONS OF LAW APPLICABLE IN THIS CASE :**

Following provisions of law are applicable in the present case:

Foreign Trade (Development and Regulation) Act, 1992

(i) Section 11: (1) 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 foreign trade policy for the time being in force.

Customs Act, 1962

(i) Section 2(33): "prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

(ii) Section 50 (3) of the Customs Act, 1962 : "The exporter who presents a shipping bill or bill of export under this section shall ensure the following, namely:

(a) the accuracy and completeness of the information given therein;

(b) the authenticity and validity of any document supporting it; and

(c) Compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force."

(iii) Section 113(d) of the Customs Act, 1962: Confiscation of goods attempted to be improperly exported, etc.

"The following goods shall be liable to confiscation:

(d) any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;

(iv) Section 114(i) of the Customs Act, 1962: "Any person who, in relation to any goods, does or omit to do any act which act or omission would render such goods liable to confiscation under Section 113 or abets the doing or omission of such an act, 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 three times the value of the goods as declared by the exporter or the value as determined under this Act]], whichever is the greater;

8. From the above foregoing facts and records, it appeared that:

8.1 The Exporter has attempted to export Prohibited goods viz. "Metrocor N Suspension" vide Shipping Bill 7457466 dated 30.11.2025 without obtaining CDSCO NOC for export from ministry of Health & Family.

8.2 Therefore exporter has violated provision of Section 50(3) of the Customs Act, 1962 and Section 11 of the Foreign Trade (Development & Regulation) Act, 1992 and attempt to export prohibited goods without CDSCO NOC which rendered goods liable for confiscation under section 113(d) of Customs Act 1962 and as the goods have become liable for confiscation, the exporter because of this act of commission and omission, which have rendered goods liable for confiscation, have also become liable for penal action in terms of provision of section 114(i) of Customs Act 1962.

8.3 Further, the scope of definition of "Prohibited Goods" as specified under Section 2 (33) of the Customs Act, 1962 is no more res-integra in light of Judgement dated 17.06.2021 of Hon'ble Supreme Court in the case of Union of India & Ors. V/s. M/s. Raj Grow Impex LLP & Ors. [CIVIL APPEAL NO(S). 2217-2218 of 2021 (Arising out of SLP (C) Nos. 14633-14634 of 2020)]. It is settled that "Prohibition" under aforesaid provision would include every type of "Prohibition" and would include the "Restrictions". Further, in self-assessment era, it is the responsibility of the Exporter to ensure compliance with the Restriction or Prohibition, if any, relating to the goods under this Act or under any other law for the time being in force. Thus, by attempting to export the prohibited goods without CDSCO NOC, the Exporter has also violated the provisions of Section 50 (3) of the Customs Act, 1962 and provisions of Section 11 of Foreign Trade (Development and Regulation) Act, 1992. Thus, by these acts of commission & omission, the Exporter have rendered the goods covered under S/Bil No. 7457466 dated 30.11.2025 at serial no. 2, i.e. " Metrocor N Suspension " liable for confiscation u/s. 113 (d) of the Customs Act, 1962 and therefore the Exporter appears liable for penalty u/s. 114 (i) of the Customs Act, 1962.

8.4 The exporter vide letter dated 22.01.2026 has accepted the department's contention and willing to pay fine/penalty which arises from the department's proceeding and also requested for waiver of Showcause Notice, Personal Hearing and permission of export for goods. The exporter

also submitted a Export NOC bearing application no. EXP/NOC/2025/80438 dtd. 15.12.2025 from CDSCO for exporting product Metrocor N Suspension. The exporter has also informed that they have been explained the provisions of section 113(d) and 114(i) of the Customs Act 1962 and they have understood that their goods have become liable for confiscation under section 113(d) and because of their act of omission and commission they too have become liable for penal action under section 114(i) of the Customs Act.

8.5 Since the Exporter has admitted the case of the Department and has further requested for waiver of the SCN and the PH for the said consignment and requested to take lenient view while deciding the case, vide letter 22.01.2026. Accordingly, in terms of first provision of Section 124 of the Customs Act, 1962, written notice has not been given to the Exporter and the charges have been orally explained to them.

9. **RECORDING OF PERSONAL HEARING**

As the Exporter vide letter dated 22.01.2026 has specifically requested for waiver of SCN and PH. Therefore, no PH was conducted in the present case

FINDINGS AND DISCUSSION

10. I have carefully gone through the facts of the case, records available and written submission of the Exporter. I have taken into account the letter dated 22.01.2026 submitted by M/s. M/s Coral Laboratories Ltd. (IEC- 0394033353), wherein Exporter has requested waiver of issuance of Show Cause Notice and Personal Hearing and has also informed that charges under the provision of section 113(d) and 114(i) have been explained to them and they have understood the same. The waiver request being voluntary and unconditional, the same is accepted and the case is being decided on merits based on the available records.

11. It is observed that the goods covered under Sr. No. 2 of Shipping Bill No. 7457466 dated 30.11.2025 were declared as "Metrocor N Suspension", having FOB value of Rs. 4,74,721/-, and were destined for Somalia. As per the examination conducted at the Docks, the item "Metrocor N Suspension" having composition of Metronidazole Benzoate BP equivalent to Metronidazole and Norfloxacin BP was found to be a banned drug and as per the CDSCO Notification vide IMP/12-1/2024-eoffice dated 30.04.2024 NOC for manufacture of banned drugs for export purpose must be acquired from CDSCO Zonal offices through online mode.

12. I find that at the time of examination the exporter has failed to provide CDSCO NOC for manufacture of banned drugs for export purpose, but exporter vide letter dated 22.01.2026 submitted the Export NOC bearing application no. EXP/NOC/2025/80438 dtd. 15.12.2025 from CDSCO for exporting product Metrocor N Suspension. No fresh license

13. I also find that the goods namely "*Metrocor N Suspension*" covered under Serial No. 2 of Shipping Bill No. 7457466 dated 30.11.2025 were manufactured prior to the issuance of the CDSCO NOC. No fresh manufacturing licence or endorsement from the State Licensing Authority incorporating the CDSCO permission was in existence at the time of manufacture of the said

goods. Accordingly, the CDSCO NOC cannot be applied retrospectively to goods already manufactured. However, it is observed that the exporter has subsequently obtained the CDSCO NOC for export of *Metrocor N Suspension* to Somalia, and on the basis of the said CDSCO NOC, the State Licensing Authority has also granted the requisite manufacturing licence. In view of the above compliance now being in place, the goods are allowed for export.

14. Under Section 50(3) of the Customs Act, 1962, it is the obligation of the exporter to ensure compliance with all restrictions and prohibitions applicable to the goods being exported. Further, Section 11 of the Foreign Trade (Development & Regulation) Act, 1992 provides that no export shall be made in contravention of any provisions of the Foreign Trade Policy. By attempting to export prohibited goods without CDSCO NOC, M/s. Coral Laboratories Ltd. have contravened these provisions.

15. The attempt to export of prohibited goods without CDSCO NOC constitutes an attempt to export goods contrary to the prohibition imposed under any law. Consequently, the goods are liable to confiscation under Section 113(d) of the Customs Act, 1962.

16. The responsibility of ensuring compliance with legal restrictions lies squarely on the exporter. M/s. Coral Laboratories Ltd., having failed to obtain CDSCO NOC for export and attempted export of prohibited goods, are therefore liable to penalty under section 114(i) of the Customs Act, 1962, for their role in attempting to export goods prohibited under law.

17. In view of the above findings, I hold that the goods covered under Serial no.2 Shipping Bill No. 7457466 dated 30.11.2025 are liable for confiscation under Section 113(d) of the Customs Act, 1962; the exporter is liable for penal action under Section 114(i) of the Customs Act, 1962; and the drawback and RoDTEP benefits claimed are inadmissible.

ORDER

16. (i) I confiscate the goods "Metrocor N Suspension" covered under Serial NO. 2 of Shipping Bill No. 7457466 dated 30.11.2025, having FOB value of Rs. 4,74,721/-, filled by M/s Coral Laboratories Ltd. (IEC- 0394033353) attempted to be exported in contravention of the provisions Section 50(3) of the Customs Act, and the Foreign Trade (Development & Regulation) Act, 1992, under the provisions of Section 113(d) of the Customs Act, 1962.

However, I offer an option to the exporter M/s. Coral Laboratories Ltd. (IEC- 0394033353) to redeem the above said goods from confiscation for Export in lieu of fine of Rs. 50,000 (Rs Fifty Thousand) in terms of provisions of section 125(1) read with 125(3) of Customs Act 1962.

(ii) I impose a penalty of Rs. 25,000 (Twenty Five Thousand Rupees) on M/s. Coral Laboratories Ltd. (IEC- 0394033353) under Section 114(i) of the Customs Act, 1962 for attempting to export restricted goods without authorization.

17. This order is issued without prejudice to any other action that may be taken against the noticee(s) or any other person(s) concerned with the said goods under the Customs Act, 1962, the Foreign Trade (Development & Regulation) Act, 1992, or any other law for the time being in force in India.


04/02/26.

(Raghu Kiran B.)

Commissioner of Customs, (In-Situ)
CEAC (NS-II), JNCH.

To,

1. M/s. Coral Laboratories Ltd. (IEC- 0394033353)
Plot No. 57/1(16), Bhenslore Dunetha,
Nani Daman, Daman and Diu -396210,

Copy to:-

1. The Commissioner of Customs, NS-II, JNCH, Nhava Sheva,
2. The Deputy Commissioner, CAC, JNCH, Nhava Sheva,
3. The Deputy Commissioner, CRAC, JNCH, Nhava Sheva,
4. The Deputy Commissioner, CRRC, JNCH, Nhava Sheva,
5. The Deputy Commissioner, EDI, JNCH, Nhava Sheva
6. The Supdt. of CHS for Notice board.