



ऑफिस ऑफ द कमिश्नर ऑफ कस्टम्स
OFFICE OF THE COMMISSIONER OF CUSTOMS,
NS-V

जवाहरलाल नेहरू कस्टम हाउस, न्हावा-शेवा,
AWAHARLAL NEHRU CUSTOM HOUSE, NHAVA-SHEVA,

ताल-उरण, डिस्ट-राइगड, महाराष्ट्र-४००७०७.
URAN, DIST. RAIGAD, MAHARASHTRA - 400 707.

F. No.: S/10-304/2025-26/ADC/GrVB/NS-V/CAC/JNCH

Date of Order: 21.01.2026

Date of issue: 21.01.2026

Passed By: **Shri Satish Kumar**

Commissioner of Customs (In-Situ), NS-V

DIN- 20260178NX000000E94B

Order-In-Original No. 1492/2025-26/ADC/GR.VB/NS-V/CAC/JNCH

(Arising out of SCN No. 313/2025-26/ADC/Gr.VB/NS-V/CAC/JNCH dated 17.06.2025)

Noticee: M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824)

मूलआदेश

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निः शुल्क 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.ए. 1 संलग्नक में की जानी चाहिए। अपील पर न्यायालय फीस के रूप में 1.50 रुपये मात्र कास्टांप 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 1.50 रुपये का स्टॉप भी लगाया जायेगा जैसा कि न्यायालय फीस अधिनियम 1970 की अनुसूची 1, मद 6 के 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, 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, 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 Case

Whereas, M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824) having address at Survey no 13 village Aghai, Shahapur, Thane, Maharashtra, 421301 (hereinafter referred to as 'the Importer') had imported items viz. parts of Railway or Tramway Locomotives, or Rolling stock etc. (hereinafter referred to as 'the subject goods') vide Bill of Entry as mentioned in Annexure -A, classifying the same under CTH 8607 and the same has been cleared through Customs.

2 During the course of Post Clearance Audit Bill of Entry, it is prima-facie noticed that the Importer has imported the goods as mentioned in Annexure-A and has been paid IGST @ 05% under serial number 241 of Schedule-I of Notification No.01/2017-integrated Tax (Rate) dated 28.06.2017. The details of description of goods, Bill of Entry, assessed IGST amount are as per Annexure -A.

3. After going through imported goods description, IGST Notification No.01/2017-Integrated Tax (Rate) dated 28.06.2017, it appears that imported goods will fall under Sl. No.205G of Schedule II wherein applicable IGST rate @ 12% instead of Sl. No. 241 of Schedule-I wherein applicable IGST rate @ 05%. However, importer paid IGST rate @ 05% as per Sl. No. 241 of Schedule-I of Notification No.01/2017 against the imported goods. For better appreciation, the relevant part of Notification 01/2017 is as in **Table-A** below:

Sr. No.	Time Period	IGST Rate	Sl. No. of Notification No.01/2017 I.T. (Rate)
1	01.07.2017 to 30.09.2019	5%	241 of Schedule I
2	01.10.2019 to 30.09.2021	12%	205G of Schedule II
3	01.10.2021 onwards	18%	398G of Schedule III

4. As mentioned above in Table A the subject goods were applicable for IGST @ 5% under Serial Number 241 of IGST Notification No. 01/2017 I.T. (Rate). The said IGST rate was in force for the period 01.07.2019 to 30.09.2019, whereafter, notification number 14/2019 Integrated Tax was brought into force, wherein, the subject goods were listed at Sr. No. 205G in Schedule II @ 12%. Against the said entry, the description of the goods was same as Serial number 241 of Schedule I in the original notification. Serial number 205 G was later revoked by introducing Serial Number 398 G in Schedule III of the said Notification. During the intervening period between the second notification and the third (as mentioned in Table A), the importer filed the Bill of Entry 7916493 dated 16-06-2020 and tried paying the IGST under an entry that was no longer in force. Since, the applicability of IGST @ 12% as per Sr.No. 205G of Schedule II of IGST Notification No. 01/2017-Integrated Tax(Rate) dated 28.06.2017 on "parts of Railway or Tramway Locomotives, or Rolling stock etc" is very clear and specific, it appears that the Importer had wilfully made short payment of IGST by wrong availment of IGST Schedule against imported goods, thereby paying lower duty than applicable and thus the provisions of Section 28 (4) are invocable in this case.

5. Accordingly, a **Consultative Letter No. 32/2025 Dated 17.04.2025** vide F. No. S/2-Audit-Gen-283/2021-22/JNCH /D3 was issued to the Importer for the Bills of entry for the period from 01.01.2020 to 19.02.2022 as shown in the Annexure -A and it was advised to the Importer for payment of short levied duty along with applicable interest and penalty. Vide the aforementioned Consultative letter, the Importer was advised to pay the Differential IGST (details mentioned in below Annexure -A) along with interest and penalty in terms of Section 28(4) of the Customs Act 1962. The Importer was further advised to avail the benefit of lower penalty in terms of Section 28(5) of the Customs Act, 1962, by early payment of short paid IGST duty and interest along with penalty @15%. The Consultation letter was issued taking into account the Pre-Notice Consultation Regulations, 2018. However, the Importer has not responded till date.

Table-B

BE NO.	BE Date	ITEM NO.	Description	Assessed Value	IGST PAID 5%	IGST TO BE Paid 12%	DIFF IGST
7990133	24-06-2020	1	DISC BRAKE & PADS	210390	11677	28024	16347
7990133	24-06-2020	4	DISC BRAKE & PADS	749194	41580	99793	58212
7990133	24-06-2020	6	DISC BRAKE & PADS	749194	41580	99793	58212
7990133	24-06-2020	4	DISC BRAKE & PADS	1199737	66585	159805	93220
7990133	24-06-2020	2	DISC BRAKE & PADS	210390	11677	28024	16347
7990133	24-06-2020	1	DISC BRAKE & PADS	287362	15949	38277	22328
7990133	24-06-2020	2	DISC BRAKE & PADS	287362	15949	38277	22328
7990133	24-06-2020	2	DISC BRAKE & PADS	574723	31897	76553	44656
7990133	24-06-2020	3	DISC BRAKE & PADS	749194	41580	99793	58212

7990133	24-06-2020	3	DISC BRAKE & PADS	1199737	66585	159805	93220
7990133	24-06-2020	3	DISC BRAKE & PADS	602434	33435	80244	46809
7990133	24-06-2020	4	DISC BRAKE & PADS	602434	33435	80244	46809
7990133	24-06-2020	2	DISC BRAKE & PADS	443359	24606	59055	34449
7990133	24-06-2020	6	DISC BRAKE & PADS	402820	22357	53656	31299
7990133	24-06-2020	5	DISC BRAKE & PADS	749194	41580	99793	58212
7990133	24-06-2020	5	DISC BRAKE & PADS	402820	22357	53656	31299
7990133	24-06-2020	1	DISC BRAKE & PADS	443359	24606	59055	34449
7990133	24-06-2020	1	DISC BRAKE & PADS	574723	31897	76553	44656
				10438428	579333	1390399	811066

6 Relevant Legal Provisions: After the introduction of self-assessment vide Finance Act, 2011, the onus is on the Importer to make true and correct declaration in all aspects including Classification, payment of duty and calculation of duty, but in the instant case IGST amount on the subject goods has not been paid correctly.

7. Relevant legal provisions for recovery of duty that appears to be evaded are reproduced here for the sake of brevity which are applicable in this instant case:

7.1 Section 17(1) Assessment of duty, reads as:

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.

7.2 Section 28 (Recovery of duties not levied or not paid or short-levied or short-paid or erroneously refunded) reads as:

(4) Where any duty has not been levied or not paid or has been short-levied or short-paid or erroneously refunded, or interest payable has not been paid, part-paid or erroneously refunded, by reason of,-

- (a) collusion; or
- (b) any wilful mis-statement; or
- (c) suppression of facts,

by the Importer or the exporter or the agent or employee of the Importer or exporter, the proper officer shall, within five years from the relevant date, serve notice on the person chargeable with duty or interest which has not been so levied or not paid or which has been so short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.

(5) Where any duty has not been levied or not paid or has been short-levied or short paid or the interest has not been charged or has been part-paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts by the Importer or the exporter or the agent or the employee of the Importer or the exporter, to whom a notice has been served under sub-section (4) by

the proper officer, such person may pay the duty in full or in part, as may be accepted by him, and the interest payable thereon under section 28AA and the penalty equal to fifteen per cent of the duty specified in the notice or the duty so accepted by that person, within thirty days of the receipt of the notice and inform the proper officer of such payment in writing.

(6) Where the Importer or the exporter or the agent or the employee of the Importer or the exporter, as the case may be, has paid duty with interest and penalty under sub-section (5), the proper officer shall determine the amount of duty or interest and on determination, if the proper officer is of the opinion-

(i) that the duty with interest and penalty has been paid in full, then, the proceedings in respect of such person or other persons to whom the notice is served under sub-section (1) or sub-section (4), shall, without prejudice to the provisions of sections 135, 135A and 140 be deemed to be conclusive as to the matters stated therein; or

(ii) that the duty with interest and penalty that has been paid falls short of the amount actually payable, then, the proper officer shall proceed to issue the notice as provided for in clause (a) of sub-section (1) in respect of such amount which falls short of the amount actually payable in the manner specified under that sub-section and the period of two years shall be computed from the date of receipt of information under sub-section (5).

7.3 Section 28AA- (Interest on delayed payment of duty).

7.4 Section 46- [Entry of goods on importation, subsection 46(4)].

7.5 Section 111- (Confiscation of improperly imported goods etc.)

7.6 Section 112- (Penalty for improper importation of goods etc.).

7.7 Section 114A- (Penalty for short-levy or non-levy of duty in certain cases)

7.8 Section 117- (Penalties for contravention, etc., not expressly mentioned).

8 Acts of omission and commission by the Importer:

8.1 As per section 17(1) of the Act, "An Importer entering any imported goods under section 46, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods." Thus, in this case the Importer had self-assessed the Bills of Entry and appears to have Short levy of IGST by way of wrong avilment of IGST Schedule. As the Importer got monetary benefit due to said act, it is apparent that the Importer deliberately made short payment of IGST by wrong avilment of IGST Schedule against said goods in the Bills of Entry during self-assessment. Therefore, differential duty is recoverable from the Importer under Section 28(4) of the Customs Act, 1962 along with applicable interest as per Section 28AA of the said Act.

8.2 It appears that the Importer has given a declaration under section 46(4) of the Act, for the truthfulness of the content submitted at the time of filing Bill of Entry. However, the applicable IGST rate on the subject goods was not paid by the Importer at the time of clearance of goods. It also appears that the Importer has submitted a false declaration under section 46(4) of the Act. By the act of presenting goods in contravention to the provisions of section 111(m), it appears that the Importer has rendered the subject goods liable for confiscation under

section 111(m) of the Act. For the above act of deliberate omission and commission that rendered the goods liable to confiscation. Accordingly, the Importer also appears liable to penal action under Section 112 (a) and /or 114 A of the Customs Act, 1962.

RECORDS OF THE PERSONAL HEARINGS AND WRITTEN SUBMISSION

9 In order to comply the principal of natural justice, opportunity of personal hearing in the matter were provided to the noticee vide letters F. No. S/10-69/2025-26/ADC/GR. VB/NS-V/ADC/CAC/JNCH dated 28.11.2025, 09.12.2025 & 07.1.2025 to appear before the adjudicating authority on 08.12.2025, 16.12.2025 & 20.01.2026. However, the noticee did not attend nor submit any reply though, vide their letter, they submitted that,

- 9.1 They have received Show Cause Notice on dated 18.7.2025, SCN no. 313/2025-26/ADC/GR.VB/NS-V/CAC/JNCH dt. 17.06.2025 of differential tax liability of Rs. 8,11,066/-.
- 9.2 They paid the above differential amount of IGST of Rs. 8,11,066/- vide Challan no 7861432358 dt. 14/07/2025 along with interest of Rs. 6,15,632/- vide challan no. 9372872199 dt. 14.7.2025.
- 9.3 They have also paid penalty of Rs. 1,21,660/- vide challan no. 1213451465 dated 19.07.2025.
- 9.4 They have requested to kindly close this issue as they have paid all differential tax, interest and penalty.

DISCUSSION AND FINDINGS

10 I have gone through the facts of the case, material on case records, including the import documents and the submissions made by the Importer, I find that the following facts emerge:

11 The importer, M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824), have paid the differential duty with interest along with 15% penalty as detailed above. Audit scrutiny revealed applicable IGST has not been paid by the importer resulting in short payment of customs duty aggregating as detailed above. The SCN proposed recovery of differential IGST amount of **Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only)** under Section 28(4) of the Customs Act, 1962, interest under Section 28AA and imposition of penalties under Sections 112(a) and/or 114A.

11.1 Now, on a careful perusal of the Show Cause Notice, submission and case records, I find that following main issues are involved in this case which are required to be decided:

(i) Whether the IGST rate 05% claimed under Schedule I – Sr. No.241 of IGST levy Notification No. 01/2017-Integrated Tax (Rate) dated 28.06.2017 for the subject goods should be rejected and IGST rate 12% under Schedule II – Sr. No.205G of said notification should be levied.

(ii) Whether the imported goods having assessable value of Rs. 1,04,38,428/- (Rupees One Crore Four Lakh Thirty Eight Thousand Four Hundred Twenty Eight Only) covered under Bills of Entry as detailed in Annexure-"A" of the SCN should be held liable for confiscation under Section 111(m) of the Customs Act, 1962.

(iii) Whether the differential IGST amounting to Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only) is recoverable under Section 28(4) and the above amount which is already deposited by the Importer as duty is to be appropriated against the above said demand of duty.

(iv) Whether interest is payable under Section 28AA and the above amount which is already deposited by the Importer as interest is to be appropriated against the above said demand of interest.

(v) Whether penalty imposed on them under Section 112(a) and/or 114A of the Customs Act, 1962 for their acts of omission and commission, in rendering the goods liable for confiscation, is imposable on the Importer and whether the amount paid as penalty by them is to be appropriated against such demand of penalty as stated above.

12 After having identified and framed the main issues to be decided, I now proceed to examine each of the issues individually for detailed analysis based on the facts and circumstances mentioned in the SCN; provision of the Customs Act, 1962, as well as Noticee' written and verbal submissions and documents / evidences available on record.

13 Liability for Confiscation under Section 111(m) and/or 111(o) of the Customs Act, 1962:

a. Section 111 of the Customs Act, 1962 prescribes confiscation of improperly imported goods. Clause (m) thereof provides that "any goods which do not correspond in respect of value or in any other particular with the entry made under this Act" shall be liable to confiscation. The legislative intent behind Section 111(m) is to ensure veracity and accuracy of the particulars declared in the Bill of Entry, including value, quantity, description, classification and rate of duty.

b. In the instant case, I find that M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824) imported goods under the self-assessment procedure but willfully evaded the correct IGST rate on the goods. Due to this act of omission of Importer, there has been loss to the government exchequer equal to the differential IGST duty.

c. This conscious and deliberate misdeclaration of classification and duty rate constitutes a material misstatement attracting the provisions of Section 111(m) of the Act. Hence, the goods imported under the Bills of Entry enumerated in Annexure A are held liable to confiscation under Section 111(m).

d. However, it is noted that the subject goods have already been cleared and are not physically available for seizure. On the issue whether redemption fine can still be imposed in such circumstances, I rely upon the ratio of the Hon'ble Madras High Court in the case of M/s Visteon Automotive Systems India Ltd. [2018 (9) G.S.T.L. 142 (Mad.)], wherein it was held as under:

"The penalty directed against the importer under Section 112 and the fine payable under Section 125 operate in two different fields... The availability of the goods is not necessary for imposing the redemption fine. The power to impose redemption fine springs from the authorization of confiscation of goods provided for under Section 111 of the Act... Hence, their physical availability does not have any significance for imposition of redemption fine under Section 125 of the Act."

e. The above legal view was subsequently followed by the Hon'ble Gujarat High Court in M/s Synergy Fertichem Pvt. Ltd. [2020 (33) G.S.T.L. 513 (Guj.)], reaffirming that redemption fine may be imposed even where the goods are no longer physically available, provided that confiscation is otherwise authorized under the Act. These decisions remain unchallenged and are therefore good law.

f. I further note that the judgment of the Hon'ble Madras High Court in Visteon Automotive Systems India Ltd. (supra) relied upon the earlier decision of the Hon'ble Bombay High Court in Finesse Creations Inc. [2009 (248) E.L.T. 122 (Bom.)], affirmed by the Hon'ble Supreme Court [2010 (255) E.L.T. A120 (S.C.)], which held that the power to impose redemption fine flows from the authority to confiscate under Section 111 and does not depend on physical custody of the goods.

g. In view of the above judicial pronouncements, I hold that though the goods imported by M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824) are not available for confiscation, the act of misdeclaration has rendered them liable for confiscation under Section 111(m). Therefore, a redemption fine is imposable under Section 125 of the Customs Act, 1962, as the importer's misdeclaration of classification and IGST applicability constitutes a material variance "in any other particular" within the meaning of Section 111(m).

14 Differential duty totally amounting to Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only), as illustrated in Annexure A to the SCN.

a. I find that the importer, in the instant case, has self-assessed the Bills of Entry. However, they appear to have short paid the duty due to non-payment of Health Cess on the goods. As the Importer got monetary benefit due to the above

said act, it is apparent that the same was done deliberately with an intention to evade duty on the said goods in the Bills of Entry during self-assessment. Therefore, differential duty amount of **Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only)** is recoverable from the Importer under Section 28(4) of the Customs Act, 1962.

15 Interest under Section 28AA of the Customs Act, 1962.

a. As per the provisions of Section 28AA of the Customs Act, 1962, any person who is liable to pay duty in accordance with Section 28 shall, in addition to such duty, be liable to pay interest at the rate specified under sub-section (2) of Section 28AA, irrespective of whether such payment is made voluntarily or after determination of the duty.

b. The statutory intent of Section 28AA is clear and mandatory — whenever there is a short-levy or short-payment of duty, the interest liability arises automatically as a consequence of such non-payment or delayed payment. The provision does not require any independent mens rea or separate adjudication.

c. In the present case, I have already held in the preceding paragraphs that the differential customs duty amounting to **Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only)** is recoverable from M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824) under Section 28(4) of the Customs Act, 1962. Accordingly, in terms of Section 28AA, interest on the aforesaid amount of differential duty is also recoverable from the importer, calculated from the date of short-payment till the date of actual payment.

16 Penalty under Sections 112(a) and/or 114A of the Customs Act, 1962:

a. I find that the importer, in the instant case, has wilfully misdeclared the classification of imported goods under incorrect Customs Tariff Headings (CTHs) with the intention to Short pay the duty due to Mis-Classification thereby availing wrong BCD and IGST benefit, thereby claiming lower rates of duty than those actually applicable.

b. It is pertinent to note that the scheme of self-assessment, introduced vide the Finance Act, 2011 and codified under Section 17(1) of the Customs Act, 1962, casts an obligation on every importer to correctly assess the duty leviable on imported goods. Further, under Section 46(4) of the Act, the importer must declare truthfully the description, classification, value, and other particulars of the imported goods in the Bill of Entry, and subscribe to a declaration as to the accuracy and completeness of such particulars.

c. In the present case, the importer has failed to fulfil these obligations. They have not paid the IGST as detailed above and thereby availing undue benefit. This clearly demonstrates a deliberate and conscious misstatement with an intent to pay lesser duty. By such acts of omission and commission, M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD. (IEC: 300039824) **has rendered the impugned goods liable for confiscation under Section 111(m)** of the Customs

Act, 1962, and thereby made themselves liable to penalty under Section 112(a) for improper importation of dutiable goods.

d. Since the improper importation of goods has also resulted in short levy of customs duty, which has been demanded under Section 28(4) of the Customs Act, 1962, the importer is further liable to penalty under Section 114A of the Act. However, it is observed that penalties under Sections 112(a)/112(b) and 114A are mutually exclusive. The fifth proviso to Section 114A specifically provides that where a penalty is imposed under Section 114A, no penalty shall be imposed under Section 112 or Section 114 in respect of the same act or omission.

17 I also accept the submission of the Importer that they have paid all the applicable duty along with interest once the issue was pointed by the Department and has also accepted that this was a bonafied mistake on their part. Section 28(5) of the Customs Act provides that a person who has been served a show cause notice under Section 28(4) of the Customs Act, may pay the duty along with applicable interest under Section 28AA and penalty equal to fifteen percent of the differential duty, within thirty (30) days from the receipt of the show cause notice. Section 28(5) is reproduced below:

" (5) Where any duty has not been levied or not paid or has been short-levied or short-paid or the interest has not been charged or has been part-paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful mis-statement or suppression of facts by the importer or the exporter or the agent or the employee of the importer or the exporter, to whom a notice has been served under sub-section (4) by the proper officer, such person may pay the duty in full or in part, as may be accepted by him, and the interest payable thereon under section 28AA and the penalty equal to fifteen per cent of the duty specified in the notice or the duty so accepted by that person, within thirty days of the receipt of the notice and inform the proper officer of such payment in writing." As per sub-section (6) of Section 28, when the importer makes the payment in the manner stipulated under sub-section (5) [reproduced above], the proceedings are deemed to be concluded.

18 I find that the Importer have paid the differential IGST duty along with applicable interest and penalty. The SCN was received by the Importer on 18.07.2025 and the differential duty along with interest was deposited on 14.07.2025 on the ICEGATE E-Payment Platform. I also find that the Importer deposited the differential duty and interest within 30 days from the date of receipt of the SCN- along with penalty equal to 15% paid on 19.07.2025 of the differential duty.

19 The above-mentioned payments have been made by the Importer on the ICEGATE E-Payment Platform via the below Challans:

I E Differential duty- Challan No. 7861432358 dated 14.07.2025 [ICEGATE Reference ID; 008000BEINNSA 10157091560233310];

II Interest - Challan No. 9372872199 dated 14.07.2025 [ICEGATE Reference ID: 008000BEINNSA10255236722262516]; and
II Penalty - Challan No. 1213451465 dated 19.07.2025 [ICEGATE Reference ID: 008000BEINNSA 10751183024547628].

20 In view of the above, I find that under Section 28(5) read with Section 28(6) of the Customs Act, the proceedings initiated in the instant case can be concluded. The payment of duty, interest and penalty are considered by me as compliance to the provisions of Section 28(5) of the Customs Act, 1962. In the case of M/s Karnawat International Pvt Ltd vs Mundra Customs, Hon'ble CESTAT, West Zonal Bench at Ahmedabad on 25 October, 2024 has held that, "in case demand under Section 28 (4) was applicable and duty was demandable then the party is very much entitled to claim the amnesty under Section 28 (5) and the same on following of the requisite conditions. In which case confiscation of goods and interest thereof does not get triggered to the prejudice of the party". Therefore, confiscation of goods and the redemption fine in lieu of the confiscation is also not imposable when the proceedings are concluded under Section 28(6) of the Customs Act, 1962.

21 In view of the above discussions, I pass the following order:

ORDER

i. I appropriate the differential duty of Rs. 8,11,066/- (Rupees Eight Lakh Eleven Thousand Sixty Six Only) paid by the Importer along with interest of Rs. 6,15,632/- (Rupees Six lakh Fifteen Thousand Six Hundred Thirty Two Only) and penalty of Rs. 1,21,660/- (Rupees One Lakh Twenty One Thousand Six Hundred Sixty Only) as mentioned above against the demand made in the instant case and order for conclusion of all proceedings in the instant case against the Importer under Section 28(6) of the Customs Act, 1962 as initiated vide SCN No.313/2025-26/ADC/GR. VB/NS-V/CAC/JNCH dated 17.06.2025.

22 This order is issued without prejudice to any other action that may be taken against the said company or persons or any other companies or persons concerned with the said goods, under the Customs Act, 1962, and /or any other law for the time being in force in the republic of India.


(डॉ. सतीश कुमार / Dr. Satish Kumar)

आयुक्त, सीमा शुल्क / Commissioner of Customs (In-situ)

ग्रुप-VB, एनएस-V, जेएनसीएच / Gr.VB, NS-V, JNCH

To,

M/s. INDUSTRIAL LAMINATES (INDIA) PVT. LTD.
Survey no 13 village Aghai, Shahapur, Thane,
Maharashtra, 421301. EM7813683441N

Copy to:

1. The Deputy/Assistant Commissioner of Customs, CAC, JNCH
2. The Deputy/Assistant Commissioner of Customs, Circle-D -3, Audit, JNCH
3. Notice Board (CHS Section for display).
4. Office Copy.
5. DC / Review Cell (Import)
6. DCI CRAC, JNCH.

उप आयुक्त सीमाशुल्क / Dy. Commissioner of Customs
सी. एच. सेक्शन, ज. न. च. सी. ए. ए. अनुभाग / PCA SECTION
21 JAN 2026
जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेव
Jawaharlal Nehru Custom House, Nhava She

सहायक/उप आयुक्त, सीमाशुल्क
ASST/DY. COMMISSIONER OF CUSTOMS
पो. सी. ए. अनुभाग/PCA SECTION
21 JAN 2026
जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेव, मुंबई-11
Jawaharlal Nehru Custom House, Nhava She, Mumbai-11
क्रम. संख्या/ Sr. No.

प्राप्त किया/RECEIVED
केंद्रीय राजस्व वसूली कक्ष
CENTRAL REVENUE RECOVERY CELL
21 JAN 2026
जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शे
Jawaharlal Nehru Custom House, Nhava She
राजगढ़-तल. उरण, जिला राजगढ़-Dist. Rajgarh-485446

प्राप्त किया/ RECEIVED
केंद्रीय राजस्व वसूली कक्ष
CENTRAL REVENUE & APPEAL CELL
21 JAN 2026
जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शे
Jawaharlal Nehru Custom House, Nhava S