

	<p>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</p>
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F. No. CUS/APR/BE/184/2026-Gr 2(C-F) Date of order: 13.02.2026

F. No. S/10-Adj-53/25-26/TU-CF Date of issue: 13.02.2026

DIN : 20260278NW0000999B08

Passed by: **Dinesh Kumar, Deputy Commissioner of Customs, Group II (C-F), NS-I, JNCH**

Order No.: ~~1882~~ /2025-26/DC/Gr.II(C-F)/NS-I/CAC/JNCH

Name of Party/Noticee/Importer: **M/s. Bhilosa Industries Private Limited (IEC: 0392034930)**

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, 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 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 मांगे 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 (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.
- 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. Bhilosa Industries Private Limited (IEC: 0392034930), having their corporate office at 3rd & 7th Floor, Bakhtawar Commercial Premises Co-op Society Ltd., Nariman Point, Mumbai - 400021 (hereinafter referred to as "the Importer"), filed **Bill of Entry No. 6851731 dated 12.01.2026** for the clearance of goods.

Table-1: Details of Imported Goods

Sr. No.	Description of Goods	Quantity	CTH	Assessable Value (Rs.)
1	SPIN FINISH OIL BTT-106	16,200 Kgs	34039100	30,39,818.82/-
2	SPIN FINISH OIL BTT-106	720 Kgs	34039100	1,35,103.06/-
3	ANTISEPTIC-KBB	200 Kgs	38089299	1,85,350.39/-
Total				33,60,272.27/-

2. The subject goods were shipped from Nagoya, Japan, by the supplier M/s. Sojitz Corporation vide Invoice No. SJEP-5846-CN dated 08.12.2025 and Bill of Lading No. LGWDNGOT12511662 dated 08.12.2025. During the assessment, it was observed that **Item No. 3, "ANTISEPTIC-KBB,"** contains **Bronopol**, which is an insecticide/pesticide listed in the Schedule to the **Insecticides Act, 1968**.

3. As per Policy Condition 4 of Chapter 38 of the ITC(HS), the import of said item requires a mandatory Import Permit/Registration Certificate for non-insecticidal use from the Central Insecticides Board & Registration Committee (CIB&RC).

4. The Importer submitted an Import Permit (No. 698/463 & 464/2025 dated 11.06.2025). However, the permit restricted the use to "For manufacturing of Antiseptics." In contrast, the importer's reply to departmental queries dated 13.01.2026 and 15.01.2026 stated the goods would be used as an additive in the manufacturing of polyester yarn.

5. The department observed that using the goods in the polyester industry is in violation of the restrictive end-use condition of the submitted Import Permit. Consequently, the Bill of Entry was pushed to the PAG for necessary action as the goods appeared liable for confiscation.

6. The Importer, vide letters dated 22.01.2026 and 30.01.2026, admitted that the restrictive condition was a "clerical error" and requested the release of Item Nos. 1 and 2 (Spin Finish Oil) while pledging to provide an amended permit for Item No. 3 or re-export the same. The importer explicitly requested the waiver of Show Cause Notice (SCN) and Personal Hearing (PH).

7. LEGAL PROVISIONS

7.1 Policy Condition 4 of Chapter 38 of ITC(HS):

"Import of insecticides, herbicides, rodenticides, fungicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products shall be subject to an import permit issued by the Central Insecticides Board & Registration Committee under the Ministry of Agriculture as per the provisions of the Insecticides Act, 1968 and the rules made thereunder."

7.2 Section 2(33) of Customs Act, 1962

(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

7.3 Section 17 of Customs Act, 1962: Assessment of duty.

(1) 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 . 4 SECTION 46 of Customs Act,1962. Entry of goods on importation.

(4) The importer while presenting a bill of entry shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, and such other documents relating to the imported goods as may be prescribed].

7.5 SECTION 111 of Customs Act, 1962. 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;

7.6 SECTION 112 of Customs Act, 1962. 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, harbouring, 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 5 [not exceeding the value of the goods or five thousand rupees], whichever is the greater;

ii. 1 [(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:

8. DISCUSSIONS AND FINDINGS

8.1. I find that Item No. 3, "ANTISEPTIC-KBB," requires a valid CIB&RC Import Permit. While the importer produced a permit, the declared end-use (Polyester manufacturing) contradicts the permitted use (Antiseptics manufacturing) specified in the document.

8.2. I find that at the time of import, the importer failed to produce a valid permit covering the actual intended use of the goods. Therefore, the import of Item No. 3 is in contravention of Policy Condition 4 of Chapter 38 of the ITC(HS) and is deemed "Prohibited" under Section 11 of the Customs Act, 1962, read with Section 3(3) of the FT(DR) Act, 1992. The import is in violation of the Insecticides Act, 1968 also.

8.3. I find that since the import violates the established policy conditions, the goods (Item No. 3) are liable for confiscation under **Section 111(d)** of the Customs Act, 1962. Furthermore, the importer is liable for a penalty under **Section 112(a)** for this contravention.

8.4. Regarding Item Nos. 1 and 2 (Spin Finish Oil), I find that these items do not attract the restrictive conditions of the Insecticides Act and may be considered for clearance subject to the adjudication of the prohibited portion of the consignment.

ORDER

9. In view of the above, I pass the following order:

i. I order the **confiscation of Item No. 3, "ANTISEPTIC-KBB"** (200 Kgs), valued at Rs. 1,85,350.39/-, under **Section 111(d)** of the Customs Act, 1962. However, I give the importer an option to redeem the goods for re-export or clearance (after producing the amended permit) on payment of a **Redemption Fine of Rs. 20,000/- (Twenty Thousand only)**

ii. I impose a **penalty of Rs. 20,000/- (Twenty Thousand only)** on the importer, M/s. Bhilosa Industries Private Limited, under **Section 112(a)** of the Customs Act, 1962.

iii. **Item Nos. 1 and 2** may be released for home consumption on payment of applicable duties and the aforementioned penalty.

10. This order is issued without prejudice to any other action that may be taken under the provisions of the Customs Act, 1962, or any other law in force.

Digitally signed by
Dinesh Kumar
Date: 13-02-2026
12:03:43

(Dinesh Kumar)
Deputy Commissioner of Customs,
Group II (C-F), NS-I, JNCH

To,

1. **M/s. Bhilosa Industries Private Limited (IEC: 0392034930)**
3rd & 7th Floor,
Bakhtawar Commercial Premises Co-op Society Ltd.,
Nariman Point, Mumbai - 400021

Copy to:

1. The Deputy/Assistant Commissioner of Customs, CAC, JNCH.
2. The Deputy Commissioner of Customs (Review Cell), JNCH.
3. The Deputy Commissioner of Customs, EDI, JNCH,
4. The Deputy Commissioner of Customs, CHS, JNCH,
5. Office Copy.