



BHARAT  
SARKAR

भारतसरकार / Government of India  
वित्तमंत्रालय / Ministry of Finance  
कार्यालय / Office of

**आयुक्त सीमाशुल्क - (एन एस-1)**  
**Commissioner of Customs-(NS-I)**  
Jawaharlal Nehru Custom House (JNCH)

Nhava Sheva, Tal: Uran, Dist: Raigad, Maharashtra-400707



INDIAN CUSTOMS

F. No. CUS/AG/MISC/1462/2025 Gr. IIG/JNCH  
SCN No.-864/2025-26/JC/Gr. IIG/NS-1/CAC/JNCH  
S/10-248/2025-26/Adj/JC/Gr.IIG/NS-I/CAC/JNCH  
**DIN No-20250978NW0000976715**

**Dated: 11.09.2024**

**DEMAND CUM SHOW CAUSE NOTICE UNDER SECTION 28 AND 124 OF THE**  
**CUSTOMS ACT, 1962**

**M/s. Beauty Blossom International (IEC - 0300037457)** situated at B-305, 3<sup>rd</sup> floor, Prabhu Darshan, Opp Ayesha Tower, Mumbai: 400102 (hereinafter referred to as 'Importer') had re-imported goods "Declared viz. empty plastic bottle 30 ml etc." (hereinafter referred to as 'the said goods') as detailed in Annexure-A.

**2.** On analysis of data, it was observed that importer had re-imported goods availing benefit of Sl. 1(D) of the Notification No. 45/2017- customs dated 30.06.2017, which were earlier exported under LUT/Bond. However, it is seen that at the time of clearance of such re-imported goods, applicable IGST is not paid by the importer. It is pertinent to mention that as per notification 45/2017-cus dated 30.06.2017, goods under re-import availing benefit of Sl.1D of the Notification no 45/2017- customs dated 30.06.2017 mandates the payment of integrated tax (IGST) as claimed under LUT at the time of export. Notification no 45/2017- customs dated 30.06.2017 is a conditional Notification and to avail the benefit one has to comply with the conditions given thereon.

**3.** For better understanding of applicability of IGST, the relevant entries of the Notification 45/2017 – cus. dated 30.06.2017 is reproduced below:-

*"In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods falling within any Chapter of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and specified in column (2) of the Table below when re- imported into India, from so much of the duty of customs leviable thereon*



which is specified in the said First Schedule, and the whole of the, integrated tax , compensation cess leviable thereon respectively under sub-section (7) and (9) of section 3 of the said Customs Tariff Act, as is in excess of the amount indicated in the corresponding entry in column (3) of the said Table.

Sr. No	Description of Goods (2)	Condition (3)
1	Goods Exported-  a. Under the claim for drawback of any customs or excise duties levied by the union.  b. Under claim for drawback of any excise duty levied by a state.    c. Under claim for refund of integrated tax paid on export goods.  d. <b>Under bond without payment of integrated tax</b>	  Amount of drawback of customs or excise duties allowed at the time of export.    Amount of excise duty leviable by state at the time and place of importation of the goods. Allowed at the time of export.    Amount of refund of integrated tax, availed at the time of export.  <b>Amount of integrated tax not paid</b>

Notification no. 45/2017- customs dated 30.06.2017 is a conditional one and the essence of the provision 1(D) of the said notification is that whenever, any goods exported under Bond without payment of IGST is re-imported, it attracts the levy of IGST at the time of such import clearance.

4. As discussed in Para 2, the importer has not paid the applicable IGST at the time of re-import of their exported goods. Accordingly, a Consultative Letter CL No. **1977/2022-23 (D-3) dated 24.01.2023** was issued vide F. No. S/2-Audit-Gen-90/22-23/PCA/D-3 to the importer advising for payment of applicable differential duty IGST of **Rs. 4,20,881/- (Rupees: Four Lakhs Twenty Thousand Eight Hundred Eighty-One Only)** along with interest and penalty. Till date no reply is received from the importer on the same.

5. Whereas, consequent upon amendment to the Section 17 of the Customs Act, 1962 vide Finance Act, 2011, 'Self-assessment' has been introduced in customs clearance. Section 17 of the Customs Act, effective from 08.04.2011 [CBEC's (now



CBIC) Circular No. 17/2011 dated 08.04.2011], provides for self-assessment of duty on imported goods by the importer himself by filing a bill of entry, in the electronic form. Section 46 of the Customs Act, 1962 makes it mandatory for the importer to make entry for the imported goods by presenting a bill of entry electronically to the proper officer. As per Regulation 1 of the Bill of Entry (Electronic Declaration) Regulation, 2011 (issued under Section 157 read with Section 46 of the Customs Act, 1962), the bill of entry shall be deemed to have been filed and self-assessment of duty completed when, after entry of the electronic declaration (which is defined as particulars relating to the imported goods that are entered in the Indian Customs Electronic Data Interchange System) in the Indian Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the Service Center, a bill of entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration. Thus, under self-assessment, it is the importer who has to ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported goods while presenting the bill of entry. Thus, with the introduction of self-assessment by amendments to Section 17, since 08.04.2011, it is the added and enhanced responsibility of the importer more specifically the RMS facilitated Bill of Entry in this instant case, to declare the correct description, value, notification, etc. and to correctly classify, determine and pay the duty applicable in respect of the imported goods.

**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 and calculation of duty, but in the instant case the subject goods have been mis-classified and IGST amount has not been paid correctly.

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:

**6.1 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.*

**6.2 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).



value of the goods or five thousand rupees, whichever is 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 percent of the duty sought to be evaded or five thousand rupees, whichever is higher.....”

**6.7 SECTION 114A- Penalty for short-levy or non-levy of duty in certain cases. –**

Where the duty has not been levied or has been short-levied or the interest has not been charged or paid 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, the person who is liable to pay the duty or interest, as the case may be, as determined under sub-section (8) of section 28 shall also be liable to pay a penalty equal to the duty or interest so determined:

Provided that where such duty or interest, as the case may be, 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 the 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 duty or interest, as the case may be, so determined:

Provided further that the benefit of reduced penalty under the first proviso shall be available subject to the condition that the amount of penalty so determined has also been paid within the period of thirty days referred to in that proviso:

Provided also that where the duty or interest determined to be payable is reduced or increased by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, then, for the purposes of this section, the duty or interest as reduced or increased, as the case may be, shall be taken into account:

Provided also that in case where the duty or interest determined to be payable is increased by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, then, the benefit of reduced penalty under the first proviso shall be available if the amount of the duty or the interest so increased, along with the interest payable thereon under section 28AA, and twenty-five percent of the consequential increase in penalty have also been paid within thirty days of the communication of the order by which such increase in the duty or interest takes effect:



### **6.3 SECTION 28AA- Interest on delayed payment of duty**

(1) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made thereunder, the person, who is liable to pay duty in accordance with the provisions of section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under sub-section (2), whether such payment is made voluntarily or after determination of the duty under that section.

(2) Interest, at such rate not below ten per cent. and not exceeding thirty-six per cent. per annum, as the Central Government may, by notification in the Official Gazette, fix, shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty.

### **6.4 SECTION 46. Entry of goods on importation, subsection 46(4) reads as:**

(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.

**6.5 Section 111** (Confiscation of improperly imported goods etc.) reads as: The following goods brought from a place outside India shall be liable to confiscation ..... (m) Any goods which do not correspond in respect of value or in any other particular with the entry made under this Act.....;

.....(o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer.....;

### **6.6 Section 112** (Penalty for improper importation of goods etc.) reads as:

"Any person,-

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

(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



*Provided also that where any penalty has been levied under this section, no penalty shall be levied under section 112 or section 114.*

*Explanation. - For the removal of doubts, it is hereby declared that -*

*(i) the provisions of this section shall also apply to cases in which the order determining the duty or interest under sub-section (8) of section 28 relates to notices issued prior to the date on which the Finance Act, 2000 receives the assent of the President;*

*(ii) any amount paid to the credit of the Central Government prior to the date of communication of the order referred to in the first proviso or the fourth proviso shall be adjusted against the total amount due from such person.*

**6.8 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.]*

**6.9 SECTION 117.** *Penalties for contravention, etc., not expressly mentioned. - Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding one lakh rupees.*

**7. Acts of omission and commission by the Importer:**

**7.1** 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 Non-levy / Short levy of Customs Duty and/or IGST due to mis-classification. As the importer got monetary benefit due to said act, it is apparent that the same was done deliberately by wilful mis-classification of the said goods in the Bills of Entry during self-assessment. Therefore, differential duty, as mentioned in Annexure-A, 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.

**7.2** 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 Customs Duty 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 Section 114A and/or Section 117 of the Customs Act, 1962.

8. From the foregoing, it appears that the Importer has willfully not paid the duty on imported goods; that the Importer has submitted a false declaration under section 46(4) of the said Act. Due to this act of omission of Importer, there has been loss to the government exchequer equal to the differential duty mentioned in Annexure-A.

9. Now, therefore, in exercise of the powers conferred by Section 28(4) of the Customs Act, 1962, **M/s. Beauty Blossom International (IEC - 0300037457)** situated at B-305, 3<sup>rd</sup> floor, Prabhu Darshan, Opp Ayesha Tower, Mumbai: 400102 is hereby called upon to Show Cause to the Joint/Addl. Commissioner of Customs, Gr. II-G, NS-I, JNCH, Nhava Sheva, Tal-Uran, Dist.-Raigad, Maharashtra-400707 within 30 days of the receipt of this notice as to why:

- i. Differential IGST amounting **Rs. 4,20,881/- (Rupees: Four Lakhs Twenty Thousand Eight Hundred Eighty-One Only)** for Bills of Entry as mentioned in Annexure-A should not be recovered from the importer under Section 28(4) of Customs Act, 1962 along with applicable interest under Section 28AA of the Customs Act, 1962;
- ii. The subject goods valued at **Rs. 23,38,225/-** should not be confiscated under section 111(m) & 111(o) of the Customs Act, 1962.
- iii. The applicable interest on the amount specified above should not be recovered from them in terms of section 28AA of the Customs Act, 1962.
- iv. Penalty should not be imposed on the importer under Section 112(a) and/or 114A and 114AA of the Customs Act, 1962.

10. The noticee is required to produce all the evidences, upon which they intend to rely in support of their defence, in their written replies. Further, the noticee is also required to indicate in writing whether they wish to be heard in person before the case is adjudicated. If no cause is shown within 30 (thirty) days of receipt of this



notice or if the noticees do not appear before the Adjudicating Authority, when the case is posted for hearing, the same will be adjudicated ex-parte based on the evidences available on record.

11. The department reserves its rights to add, alter, amend, modify or supplement the Notice at any time on the basis of any evidence, material facts related to import of goods in question, which may come to the notice of the department after issuance of the notice and prior to the adjudication of the case.

12. This Show Cause Notice is issued without prejudice to any other action that may be taken against the noticee or any other persons/companies concerned in respect of the aforesaid goods or any other goods imported by the importer under the Customs Act, 1962 and / or any other law for the time being in force in the Union of India.

Digitally signed by  
Parul Singhal  
Date: 11-09-2025

(डॉ. पारुल सिंह/Dr. Parul Singhal)  
Joint Commissioner of Custom  
Gr. IIG, NS-I, JNCH

**Enclosed:**

1. Annexure-A,
2. Consultative letter dated 24.01.2023

To

EM986087054IN, 11.12/09/2025  
M/s. Beauty Blossom International (IEC - 0300037457)

B-305, 3<sup>rd</sup> floor, Prabhu Darshan, Opp Ayesha Tower, Mumbai: 400102

Copy to:-

- The Dy./Asstt. Commissioner of Customs, Circle – D-1, Audit, JNCH.
- The Dy./Asstt. Commissioner of Customs, Adjudication Cell, (I), JNCH. For Adjudication
- Office copy
- Notice Board (for display)

