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#### भारतसरकार/ Government of India वित्तमंत्रालय / Ministry of Finance

सीमाशुल्कप्रधानआयुक्तआयुक्तकाकार्यालय,न्हावाशेवा-I, मुंबईसीमाशुल्कजोन-II जवाहरलालनेहरूकस्टमहाउस, पोस्ट: शेवा, तालुका: उरण, जिला: रायगढ़, महाराष्ट्र-4007007 OFFICE OF THE Pr. COMMISSIONER OF CUSTOMS, NS-I, MUMBAI CUSTOMS ZONE-

JAWAHARLAL NEHRU CUSTOM HOUSE, Post: Sheva, Taluka: Uran, Dist: Raigad, Maharastra-400707.

Date: 24-07-2025

SCN No. 513 /2025-26/Commr/Gr.II(H-K)/NS-I/CAC/JNCH

DIN No.: 20250778NW000041464D

### OF THE CUSTOMS ACT, 1962.

(Part), Najafgarh Road Industrial Area, , Opp. Kirti Nagar Metro Station, NEW DELHI, 110015 had presented Bills of Entry as mentioned in Annexure-A at JNCH, NHAVA SHEVA port (INNSA1) for the clearance of goods having description as "LATEX EXAMINATION POWDERED GLOVES" (herein referred as impugned goods) and classified the same under CTH 40151900 and cleared at 0%, 10% Basic Customs Duty. IGST was paid @12% under Sr. No. 85 of Schedule-II of Notification No.01/2017-(Integrated Tax Rate) dated Value of the 28.06.2017. The total Assessable Value of the impugned goods imported through said port is Rs. 15,54,64,477/- (Rupees Fifteen Crore Fifty Four Lakh Sixty Four Thousand Four Hundred and Seventy Seven only) The

- Customs Act, 1962, read with Section 157 (k) of the Customs Act, 1962 and the Customs Audit Regulations, 2018, it has been noticed that the Importer had imported the impugned goods by paying IGST @12% under Sr. No. 85 of Schedule-II instead of paying correct IGST @18% under Sr. No. 123 of Schedule III of the IGST Notification mentioned above.
- 2.1. Serial No. 85 of Schedule II of IGST Notification No. 01/2017 Integrated Tax (Rate), dated 28.06.2017, pertains to "Surgical Rubber Gloves or Medical Examination Rubber Gloves", which are classified under CTH

40151200, attracting IGST at the rate of 12%.

- 2.2. In the present case, the importer has classified the goods under CTH 40151900, which falls under the category of "Other gloves". The imported goods fall under Serial No. 123 of Schedule III of the same notification, for which the applicable IGST rate is 18%.
- 2.3. The description mentioned in the Bills of Entry merely states "Examination Gloves", without any explicit indication that the goods are intended for medical or surgical use.
- 2.4. In summary, the importer declared the goods under CTH 40151900 (i.e., "Other gloves"), and claimed the benefit of a concessional IGST rate of 12%, applicable only to Surgical or Medical Examination Rubber Gloves classified under CTH 40151200. However, under CTH 40151900-Others, the applicable IGST rate is 18%.
- 2.5. The Bills of Entry in question were self-assessed by the importer and facilitated under the Risk Management System (RMS), where assessment and examination were not prescribed. Accordingly, the classification, as declared by the importer, was accepted. In view of the importer's declaration under CTH 40151900, the correct IGST rate should be 18%, under Serial No. 123 of Schedule III, which is reproduced below:

#### Schedule III-18%

S.	Chapter/Hdg./Sub-	Description of Goods
No.	heading/Tariff item	
(1)	(2)	(3)
123	4015	Articles of apparel and clothing accessories (including gloves, mittens and mitts), for all purpose, of vulcanized rubber other than hard rubber [other than Surgical gloves]

- 3. In view of the above, it is evident that the declared CTI 40151900 for the imported goods falls under Serial No. 123 of Schedule III of Notification 01/2017 dated 28.06.2017. The applicable rate of IGST is 18% under Schedule-III whereas the Importer has paid only 12% IGST under Schedule-II.
- 4. A consultative letter 379/2025-26 dated 08.07.2025 has been issued to the Importer for voluntary payment of applicable dues. However, no reply has

been received.

- 5. The act of the Importer makes them liable for payment of differential duty amounting to Rs. 93,27,869/- (Rupees Ninety Three Lakh Twenty Seven Thousand Eight Hundred Sixty Nine only) along with applicable interest and penal action under customs Act, 1962.
- 6. Relevant Legal Provisions are as under: -

### 6.1 SECTION 46 OF CUSTOMS ACT, 1962: Entry of goods on importation-

- (1) The importer of any goods, other than goods intended for transit or transhipment, shall make entry thereof by presenting  $^1$  [electronically]  $^2$  [on the proper officer a bill of entry for home consumption or warehousing  $^3$  [in such form and manner as may be prescribed]:
- Principal Commissioner of Customs or Commissioner of Special Customs of Customs or Commissioner of Special Customs of Cus

Provided further that if the importer makes and subscribes to a declaration before the proper officer, to the effect that he is unable for want of full information to furnish all the particulars of the goods required under this sub-section, the proper officer may, pending the production of such information, permit him, previous to the entry thereof (a) to examine the goods in the presence of an officer of customs, or (b) to deposit the goods in a public warehouse appointed under section 57 without warehousing the same.

- he proper office (2) Save as otherwise permitted by the proper officer, a bill of entry shall include lading or other all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.
- bill of entry and [(3) The importer shall present the bill of entry under sub-section (1)<sup>8</sup> [before the preceding the end of the day (including holidays) preceding the day] on which the aircraft or arrives at a customs station at which such goods are to be cleared for home consumption or warehousing:
- Provided that the Board may, in such cases as it may deem fit, prescribe different time limits for presentation of the bill of entry, which shall not be later than the end of the day of such arrival:

**Provided** further that a bill of entry may be presented 10 [at any time not exceeding thirty days prior to] the expected arrival of the aircraft or vessel or vehicle by which the goods have been shipped for importation into India:

- <sup>11</sup> [**Provided** also that] where the bill of entry is not presented within the time so specified and the proper officer is satisfied that there was no sufficient cause for such delay, the importer shall pay such charges for late presentation of the bill of entry as may be prescribed.
- (4) The importer while presenting a bill of entry shall <sup>12</sup> [\* \* \*] 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, <sup>13</sup> [and such other documents relating to the imported goods as may be prescribed].
- $^{1\,2}$  [(4A) The importer who presents a bill of entry 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.]
  - (5) If the proper officer is satisfied that the interests of revenue are not prejudicially affected and that there was no fraudulent intention, he may permit substitution of a bill of entry for home consumption for a bill of entry for warehousing or vice versa.
  - **6.2. 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: -

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 transhipment, with the declaration for transhipment referred to in the proviso to sub-section (1) of section 54.

- **6.3. 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, 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.'

# 6.4. SECTION 28 OF CUSTOMS ACT, 1962: Recovery of duties not levied or short levied or erroneously refunded. –

- (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 willful mis-statement; or
- c. suppression of facts,

by the importer or the exporter or the agent or employee of the importer or the importer or the 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".

# ACT, 1963: 1-6.5. SECTION 28AA OF CUSTOMS ACT, 1962: Interest on delayed payment of duty-

- Tribunal or and (1) Notwithstanding anything contained in any judgment, decree, order or Tribunal or and direction of any court, Appellate Tribunal or any authority or in any other and thereinder provision of this Act or the rules made thereunder, the person, who is liable to rousions 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.

- (3) Notwithstanding anything contained in sub-section (1), no interest shall be payable where, (a) the duty becomes payable consequent to the issue of an order, instruction or direction by the Board under section 151A; and
- (b) such amount of duty is voluntarily paid in full, within forty-five days from the date of issue of such order, instruction or direction, without reserving any right to appeal against the said payment at any subsequent stage of such payment.
- 6.6. SECTION 114A OF CUSTOMS ACT, 1962: 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 willful 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.
- **6.7. 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.
- 6.8. SECTION 117 OF CUSTOMS ACT, 1962: 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. The Non-payment of Customs duty on Impugned goods by the Importer in order to evade duty thereon appears to have contravened the provisions of 46(4) and 46(4A) of the Customs Act 1962 and which in turn appears to have rendered the subject goods liable to confiscation in terms of the provisions of section 111(m) of the customs act 1962, because of which it also appears to have made the importer liable for penal action in terms of the provisions of section 114A of Customs Act.
- 8. All the aforesaid facts, discussed above about the manner in which the Importer has availed short paid Duty amount for the subject goods, came to light only after the Audit by the Audit Commissionerate. In view of the above, it appears that in-spite of having knowledge, the Importer wilfully mis-stated and suppressed facts from the department and not paid the Duty amount which is

not admissible to them. Therefore, extended period of 05 years as provided under section 28(4) of the customs act 1962 is applicable for recovery of the customs duty under section 28 of the customs Act, 1962 along with applicable interest thereon, under section 28AA of the Customs Act 1962.

- 9. With the introduction of Self-Assessment, faith is bestowed on the Importer as the practice of routine assessment, concurrent audit etc., have been dispensed with and the Importer has been entrusted with the responsibility to correctly self-assess the duty. However, in the instant case, the Importer intentionally abused the faith placed upon it by the law of the land. It also appears that such evasion of payment of applicable duty of impugned goods, on the part of the Importer has resulted in short levy of duty amounting to Rs. 93,27,869/- (Rupees Ninety Three Lakh Twenty Seven Thousand Eight Hundred and Sixty Nine only) which is recoverable from the Importer under Act 190 the provisions of 28(4) of the Customs Act 1962 along with the interest as the Act. In viapplicable under section 28AA of the Act. In view of the willful evasion of oil-assessment payment of applicable duty during self-assessment by the Importer in respect of short/non-lev the impugned goods, resulting into short/non-levy of duty, it appears that the is mentioned Importer has rendered the goods mentioned in Annexure-A liable for of the Cosconfiscation under section 111(m) of the Customs Act 1962. For Such acts/omission on the part of the Importer and the said deliberate wrong selfalso appears to have rendered themselves liable to penalty under section 114A ibid.
- 10. Now, therefore, in exercise of the powers conferred by Section 28(4) read with Section 124 of the Customs Act, 1962, the Importer M/s SARA HEALTHCARE PRIVATE LIMITED (IEC-0508005400) having address at an Road and Chanda House, 69/6A (Part), Najafgarh Road Industrial Area, Opp. Kirti Nagar Metro Station, NEW DELHI, 110015 is hereby called upon to the Principal Ustoms, NS-I. Commissioner/Commissioner of Customs, NS-I, JNCH, Nhava Sheva Taluka-Uran, District Raigad, Maharashtra 400707 within 30 days of the receipt of this notice, as to why:
- of the IGST Notification No.01/2017-(Integrated Tax Rate) dated 28.06.2017 instead of Sr. No. 85 of Schedule–II of the same notification.
- Fifteen Crore Fifty Four Lakh Sixty Four Thousand Four Hundred and Seventy Seven only), imported vide Bills of Entry as detailed in Annexure-A, should not be confiscated under Section 111(m) of the Customs Act, 1962.
- iii. Differential Duty amounting to Rs. 93,27,869/- (Rupees Ninety Three Lakh
  Twenty Seven Thousand Eight Hundred and Sixty Nine only), as illustrated
  in Annexure A, in respect of all the Bills of Entry filed by the importer should
  not be demanded from them in terms of Section 28(4) of the Customs Act, 1962,

- as discussed supra.
- iv. The interest amount on the aforesaid demand of duty at Sl.No.(iii) of para 10 above as applicable should not be demanded in terms of Section 28AA of the said Act, as discussed supra.
- v. Penalty should not be imposed upon M/s SARA HEALTHCARE PRIVATE LIMITED (IEC-0508005400) under Section 114A of the Customs Act, 1962 for the reasons discussed hereinabove.
- vi. Penalty should not be imposed uponM/s SARA HEALTHCARE PRIVATE LIMITED (IEC-0508005400) under Section 114AA of the Customs Act, 1962 for the reasons discussed hereinabove.
- vii. Penalty should not be imposed upon them under Section 112 of the Customs Act, 1962, for improper importation of said goods, which rendered the goods liable to confiscation under Section 111(m) of the Customs Act, 1962.
- 11 It is also advised that the Importer may avail the benefit of reduced penalty @15% of duty and interest so specified in this notice in terms of Section 28(5) of the Customs Act, 1962 by payment of duty and interest within 30 days of receipt of this notice, failing which Importer may be subject to higher penalty equal to the duty and interest so determined.
- 12. The Importer M/s SARA HEALTHCARE PRIVATE LIMITED (IEC-0508005400) is further required to state specifically in their written reply as to whether they wish to be heard in person before the case is adjudicated. If no specific mention is made about this in their written submission, it shall be presumed that they do not wish to be heard in person. They should produce at the time of showing cause, all the evidences which they intend to rely upon in support of their defence.
- 13. They are further required to note that their reply should reach within 30 (thirty) days or within such extended period as may be allowed by the adjudicating authority. If no cause is shown against the action proposed above within 30 days from the receipt of this Show Cause Notice or if they do not appear before the adjudicating authority as and when the case is posted for hearing, the case is liable to be decided ex-parte on the basis of facts and evidences available on record.
- 14. In case importer wish to be heard in person, they should state specifically in their written explanation to the Principal Commissioner/Commissioner of Customs, NS-I, JNCH, Nhava Sheva, Taluka- Uran, District Raigad, Maharashtra 400707, for which a day and date will be fixed well in advance.
- 15. This Show Cause Notice is issued without prejudice to any other action that may be taken in respect of the said goods / notices and /or against any other firm / person concerned covered or not covered under the provisions of the Customs Act, 1962 and/or any other law for the time being in force in the Union of India.

16. The department reserves its rights to add, alter, amend, modify or supplement this 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 this notice and prior to the Adjudication of the case.

Digitally signed by Yashodhan Arvind Wanage Date: 24-07-2025

(Yashodhan Arvind Wanage)

Principal Commissioner of Customs, NS-I, JNCH, Nhava Sheva

Encl: - Annexure-A.

10:20:21

To,

ATTICLE (M/s SARA HEALTHCARE PRIVATE LIMITED (IEC-0508005400) arn Road IndusChanda House, 69/6A (Part), Najafgarh Road Industrial Area, Opp. Kirti Nagar Metro Station, NEW DELHI, 110015.

Copy to: -

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BCD	Notificatio n	046/2011	045/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011	046/2011		046/2011			046/2011
22	Amount	0	0	0	0	0	0	0	0	0	0	0	ó	0	0	0	0	0	0
BCD Kate		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assessable	Value Amount	11,06,536	5,53,268	38,72,875	17,03,114	8,51,557	59,60,899	56,00,753	4,00,323	7		1.0		098'88'69	63,43,597	27,18,684	35,75,855	53,63,782	
Full Item Description	IN CONTROL OF THE PROPERTY OF	LATEX EXAMINATION POWDERED GLOVES SIZE ; L (2000 PCS / CARTON) (BULK PACKING)LATEX EXAMINATION POWDERED GLOVES SIZE ; L (2000 PCS / CARTO	LATEX EXAMINATION POWDERED GLOVES SIZE: 5 (2000 PCS / CARTON) [BULK PACKING] LATEX EXAMINATION POWDERED GLOVES SIZE: 5 (2000 PCS / CART	LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PC\$ / CARTON) (BULK PACKING)LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PC\$ / CARTO	LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : \$ (4000 PCS) BAG  RULK PACKING LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : \$ (4000 PCS)	LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : 1, (4000 PCS) BAG) (BULK PACKING)LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : 1, (4000 PCS)	LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : M (4000 PCS/ BAG) (BULK PACKING)LIGHTLY POWDERED LATEX EXAM GLOVES SMOOTH SIZE : M (4000 PCS			LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PCS / CARTON) (2100000 PCS) (BULK PACKING)LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PCS / CART	LATEX EXAMINATION POWDERED GLOVE (300000 PCS) (BULK PACKING)LATEX EXAN CHONFS SITE: S, (2000 PCS, / CARTO		LATEX EXAMINATION POWDERED GLOVES SIZE: I. (2000 PCS / CARTON) (BULK PACKING) (900000 PCS)LATEX EXAMINATION POWDERED GLOVES SIZE: I. (2000 PCS / CARTO	LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PCS / CARTON) (BULK PACKING) (2100000 PCS)LATEX EXAMINATION POWDERD GLOVES SIZE: M (2000 PCS / CARTO	LATEK EXAMINATION POWDERED GLOVES SIZE: M (2000 PCS / CARTON) (BULK PACKING) (2100000 PCS)LATEX EXAMINATION POWDERED GLOVES SIZE: M (2000 PCS / CARTO	LATEX EXAMINATION POWDERED GLOVES SIZE; I. (2000 PCS / CARTON) (BULK PACKING) (900000 PCS) LATEX EXAMINATION POWDERED IG IONES SIZE; I. (2000 PCS / CARTO	LATEX EXAMINATION POWDERED GLOVES SIZE : L (2000 PCS / CARTON) (BULK PACKING) (1200000 PCS) LATEX EXAMINATION POWDERED GLOVES SIZE : 1 (2000 PCS / CARTO	LOVES SIZE: M (2000 PCS / PCS)LATEX EXAMINATION PCS / CARTO	LATE EXAMINATION POWDERED GLOVES SIZE: 1, (2000 PCS / CARTON) 28,14,877 (BULK PACKING) (9000 PCS / CARTON) 28,14,877
BE Date		22-07-2020	22-07-2020	22-07-2020	13-08-2020	13-08-2020	13-08-2020	25-08-2020	25-08-2020	07-10-2020	07-10-2020	07-10-2020	18-11-2020	18-11-2020	30-11-2020	30-11-2020	09-02-2021	09-02-2021	18-02-2021
. BE		8248166	8248166	8248166	8464917	8464917	8464917	8588841	8588841	9088628	9088628	9088628	9610784	9610784	9763474	9763474	2692878	2692878	2817294
Customs	Site	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1	INNSA1
SI No		1	2	8	4	S	9	7	80	6	10	Ħ	12	13	14	13	16	17	18