



प्रधान सीमाशुल्क आयुक्त का कार्यालय, NS-I
OFFICE OF THE PR. COMMISSIONER OF CUSTOMS, NS-I
जवाहरलाल नेहरू सीमाशुल्क भवन,
JAWAHARLAL NEHRU CUSTOM HOUSE,
न्हावा-शेवा, ता.: उरण, जिला: रायगड, महाराष्ट्र - 400707
NHAVA SHEVA, TALUKA: URAN, DIST.: RAIGAD,
MAHARASHTRA-400 707.

F. No. CUS/APR/MISC/6231/2025-Gr. IIG/JNCH
F. No. CADT/CIR/ADT/PBA/40/2024-PBA-CIR-B1

Date: #asapproved#

SCN No.863/2025-26/Pr. Commr./Gr. IIG/NS-I/CAC/JNCH
S/10-247/2025-26/Adj/Pr. Commr. /Gr. IIG/NS-I/CAC/JNCH

DIN No.:20250978NW000000C290

SHOW CAUSE NOTICE ISSUED UNDER SECTION 124 READ WITH SECTION 28
OF CUSTOMS ACT, 1962

Sub: Nonpayment of Anti-dumping duty by M/s. Rishabh
Triexim LLP (IEC-0416908870)- Reg

M/s. Rishabh Triexim LLP(IEC-0416908870) (hereinafter referred to as "the Auditee") are in the business of trading of goods viz. PVC (Poly Vinyl Chloride), HDPE (High Density Polyethylene), LLDPE (Linear Low Density Polyethylene) among other items.

2. The team of Auditors of Customs (Audit), Chennai visited the unit of M/s. Rishabh Triexim LLP., under section 99A of the Customs Act, 1962 for conducting Premises Based Audit (PBA). In this regard, the Auditee was informed in advance about the tour programme of auditors scheduled from 25.11.2024 to 27.11.2024 vide office letter No. F.No. CADT/CIR/ADT/PBA/40/2024-PBA-CIR-B1-O/o COMMR-CUS-ADT-CHENNAI dated 13.11.2024 (RUD-1) and was requested to produce relevant import documents before the auditors for conducting of audit.

3. Upon completion of the audit at registered office M/s.Rishabh Triexim LLP(IEC-0416908870) situated at 69, Wall Tax Road, Park Town, Chennai – 600 003, the exit conference (RUD-2) was held with Sh. Swaroop J Bagrecha (Partner) of the auditee.

4. Further, one para as enumerated in Final Audit Report No. 186/B1/Chennai/2024-25 (RUD-3) was forwarded to the auditee on 07.02.2025.

5. **Audit Objection Para 01** – “The auditee had imported goods with description “PVC RESIN GRADE K-6701 (SUSPENSION GRADE)” from China vide BE No. 9616319 dated 18-11-2020, BE No. 9294286 dated 23-10-2020 and BE No.9191465 dated 15.10.2020 without payment of Anti-Dumping Duty by declaring Country of Origin as India. Anti-Dumping Duty (vide Notification No.32/2019 dated 10.08.2019 for a period of 30 months) is applicable on the import of Poly Vinyl Chloride (PVC) Originating from China during the period of Import. Further it is seen that the Auditee had not provided sufficient documentation to establish the country of origin. The Auditee is liable to pay the Anti Dumping Duty of Rs.89,00,519/-, Differential IGST of Rs.16,02,093.42/- along with applicable interest and penalty.

6. **Auditee's Reply** – On enquiry the Auditee informed that the subject goods had been manufactured in India by M/s. Reliance Industries Limited and the same had been exported to China; that the said goods were then sold to another trading firm in China and the same had been exported to the Auditee.

On being requested to provide additional documentation to ascertain the country of Origin, the Auditee vide e-mail dated 02.01.2025 (RUD-4) had replied that the additional details requested to establish country of origin, are not pertinent to their sales contract with their supplier and that obtaining these documents from our supplier will require additional time due to the international nature of the transaction and that they are not sure if their supplier would provide them all this details and requested to proceed on the documents already provided.

7. **Department's Conclusion** –

- a) On perusal of the documents submitted by the Auditee in respect of the BE No. 9616319 dated 18-11-2020 and BE No.9294286 dated 23-10-2020 filed at INNSA1 (Nhava Sheva) port, it is seen that:
 - i. Three Consignments of Poly Vinyl Chloride (PVC) PVC K-6701 totalling 627.5 MTs appear to had been exported from M/s.Reliance Industries Limited, Surat, Gujarat to M/s.Zhejiang Topchance Petro-Chemical Co., Ltd, China and the Country of Origin certificates issued by the Export Inspection Council (EIC)in respect of the said

- consignments have been enclosed.
- ii. The Auditee further claims that M/s.Zhejiang Topchance Petro- Chemical Co., Ltd, China then sold the above said three consignments of Poly Vinyl Chloride (PVC) PVC K-6701 to M/s.Hanhwa Corporation, a Korean entity; that thereafter the said goods were then bought by the Auditee from M/s.Hanhwa Corporation, vide the BE No. 9616319 dated 18-11-2020 and BE No.9294286 dated 23-10-2020 from China.
 - iii. Country of Origin certificates with Reference No. K001-20-0796995 and K001-20-0711666 had been issued in respect of the BE No. 9616319 dated 18-11-2020 and BE No.9294286 dated 23-10-2020 respectively by the Korean Chamber of Commerce and Industry with the Country of Origin as "Republic of India".
 - iv. It appears that the Korean Chamber of Commerce and Industry had issued Country of Origin certificate for goods lying in China (as no documentation had been provided to establish that the goods reached Korea) with the Country of Origin as "Republic of India".
 - v. Further on being asked to provide documentation to support the claim that the subject goods were sold to M/s. Hanhwa Corporation by M/s. Zhejiang Topchance Petro-Chemical Co., Ltd, China, the Auditee vide e-mail dated 02.01.2025 informed that he is unable to provide the same.
 - vi. As the subject bills were filed at INNSA1(Nhava Seva) Port, examination reports in respect of the subject goods were obtained.
 - vii. From the foregoing, it appears that the subject goods covered under BE No. 9616319 dated 18-11-2020 and BE No.9294286 dated 23-10-2020 were cleared based on insufficient documentation. In the instant case, the goods have been shipped from China. ADD is applicable for the goods that originate from China in terms of Notification No. 32/2019-Customs (ADD) dated 10/08/2019. Korean embassy has issued country of origin certificate for the goods, that from the documents available on record have never reached Korea. It appears therefore that Korean embassy had no locus standi to issue such certificate of origin. The importer's claim that the goods exported from India to China were purchased by M/s.Zhejiang

Topchance Petro-Chemical Co., Ltd, China and thereafter sold to the Chinese overseas supplier M/s. Hanhwa Corporation, a Korean entity remained unsubstantiated for lack of clear documentation relating to such transactions between the Korean and Chinese entities. In absence of clear documentation, it appears that origin of the goods is to be treated as China in terms of the bill of lading which shows port of shipment as Ningbo, China. In view of the above, the applicable ADD along with the differential IGST may be demanded in respect of the same.

- b) On perusal of the documents submitted by the Auditee in respect of the BE No.9191465 dated 15.10.2020 filed at INMAA1 (Chennai) port, it is seen that:
- (i) The commercial invoice was raised by M/s. Karmaplus International FZC, Sharjah, UAE for the import of the goods with the description "PVC K6701".
 - (ii) A Certificate of Origin had been issued by M/s.Karmaplus International FZC, Sharjah, UAE in respect of the subject consignment but there is no mention of Country of Origin in the said document.
 - (iii) No other documentation had been submitted to either establish the country of origin as India or the manufacturer of goods as M/s. Reliance Industries Limited.
 - (iv) Further on being asked to provide documentation to support the claim that the subject goods were sold to M/s. Karmaplus International FZC either by M/s. Reliance Industries Limited or any other firm which might have bought the same from M/s. Reliance Industries Limited, the Auditee vide e-mail dated 02.01.2025 informed that he is unable to provide the same.
 - (v) From the foregoing, it appears that the subject goods were cleared based on insufficient documentation. In absence of clear documentation, it appears that origin of the goods is to be treated as China in terms of the bill of lading which shows port of shipment as Ningbo, China. In view of the above, the applicable ADD along with the differential IGST may be demanded in respect of the same.

8. **ADD Notification No. No.32/2019 dated 10.08.2019**

- i. Vide ADD Notification No.32/2019 dated 10.08.2019, Anti Dumping Duty was imposed on import of Homopolymer of Vinyl Chloride Monomer (suspension grade) from China and United States of America effective from 10.08.2019 for a period of 30 months i.e., till 10.02.2022.
- ii. The applicable Anti Dumping duty as per the said notification is tabulated as below:

Sl. No.	Heading	Description	Country of Origin	Country of Export	Producer	Amount	Unit	Curr.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3904	Homopolymer of vinyl chloride monomer (suspension grade)	People's Republic of China	People's Republic of China	(i) M/s Tianjin LG Bohai Chemical Co., Ltd. (ii) M/s Tianneng Chemical Co., Ltd. (iii) M/s Tianjin Dagu Chemical Co., Ltd. (iv) M/s Xinjiang Shengxiong Chlor-Alkali Co., Ltd. (v) M/s Chiping Xinfu PVC Co., Ltd. (vi) M/s CNSG Hiantai Salt Chlor-Alkali Chemical Co., Ltd. (vii) M/s Yibin Haifeng Herui Co., Ltd.	61.14	MT	US\$
2.	3904	-do-	People's Republic of China	People's Republic of China	Any other producer except (i) to (vii) mentioned above in column no. (6)	147.96	MT	US\$
3.	3904	-do-	People's Republic of China	Any country other than People's Republic of China	Any	147.96	MT	US\$
4.	3904	-do-	United States of America	United States of America	M/s Westlake Vinyls Company LP or M/s Westlake Vinyls, Inc., or M/s Axial, LLC	29.99	MT	US\$
5.	3904	-do-	United States of America	United States of America	M/s Oxy Vinyls, LP	49.10	MT	US\$
6.	3904	-do-	United States of America	United States of America	Any other producer except M/s Westlake Vinyls Company LP, M/s Westlake Vinyls, Inc., M/s Axial, LLC, M/s Oxy Vinyls, LP	115.54	MT	US\$
7.	3904	-do-	United States of America	Any country other than United States of America	Any	115.54	MT	US\$

- iii. As the Importer had not provided valid documentation to prove the country of origin as India in respect of the subject goods and since the goods have been exported from China , the applicable Anti Dumping duty is taken as 147.96 US\$ / MT.
- iv. Duty calculation for the subject goods is attached herewith as Annexure- A.

9. **Relevant Legal Provisions that relate to the facts of the case are brought out below:**

9.1 As per section 110AA of the Customs Act, 1962, “Action subsequent to inquiry, investigation or audit or any other specified purpose.--Where in pursuance of any proceeding, in accordance with

Chapter XIIA or this Chapter, if an officer of customs has reasons to believe that--

(a) any duty has been short-levied, not levied, short-paid or not paid in a case where assessment has already been made;

(b) any duty has been erroneously refunded;

(c) any drawback has been erroneously allowed; or

(d) any interest has been short-levied, not levied, short-paid or not paid, or erroneously refunded,

then such officer of customs shall, after causing inquiry, investigation, or as the case may be, audit, transfer the relevant documents, along with a report in writing

(i) to the proper officer having jurisdiction, as assigned under section 5 in respect of assessment of such duty, or to the officer who allowed such refund or drawback; or

(ii) in case of multiple jurisdictions, to an officer of customs to whom such matter is assigned by the Board, in exercise of the powers conferred under section 5,

and thereupon, power exercisable under sections 28, 28AAA or Chapter X, shall be exercised by such proper officer or by an officer to whom the proper officer is subordinate in accordance with sub-section (2) of section 5."

9.2 As per Section 46(1) of the Customs Act, 1962, the importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically on the customs automated system to the proper officer a bill of entry for home consumption or warehousing in such form and manner as may be prescribed.

9.3 As per Section 46(4) of the Customs Act, 1962, 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.

9.4 As per Section 46(4A) of the Customs Act, 1962, 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.*

9.5 In terms of Section 28(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 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.

9.6 Section 28AA of the Customs Act, 1962 reads as follows:

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

9.7 Section 111 of Customs Act, 1962 reads as follows:

Confiscation of improperly imported goods etc,-

The following goods brought from a place outside India shall be liable to confiscation: -

(a)

(b)

(c)

(m) 1[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 2[in respect thereof or in the case of goods under transshipment, with the declaration for transshipment referred to in the proviso to sub-section (1) of section 54];

.....

(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.

9.8 Section 112 of Customs Act, 1962 reads as follows:

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)

(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:

Provided that where such duty 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 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 penalty so determined;]

9.9 The Section 114A of the Customs Act, 1962 reads as follows.

“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 9 [sub-section (8) of section 28] shall, also be liable to pay a penalty equal to the duty or interest so determined.

.....

.....

Provided also that where any penalty has been levied under this section, no penalty shall be levied under section 112 or section 115.”

9.10 The Section 114AA of the Customs Act, 1962 reads as follows:

“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."

10. Self-Assessment in Customs has been implemented with effect from 08.04.2011 vide Finance Act, 2011 by making suitable changes to Sections 17, 18, 46 and 50 of the Customs Act, 1962. The Central Board of Excise and Customs has issued Circular No.17/2011-Customs dated 08.04.2011 regarding implementation of Self-assessment in Customs. In order to sensitise the people of trade about its benefit and consequences of misuse; Government of India has also issued 'Customs Manual on Self-Assessment, 2011'. Self-Assessment inter alia requires importers/exporters to correctly declare value, classification, description of goods, exemption notifications, etc. and self-assess the duty thereon, if any. With the introduction of self-assessment, more faith is bestowed on the importers/exporters, as the practices of routine assessment, concurrent audit etc. have been dispensed with. Para 3(a) of Chapter 1 of the above Manual further stipulates that the importer/exporter is responsible for self-assessment of duty on imported/export goods and for filing all declarations and related documents and confirming these are true, correct and complete.

11. Whereas, it appears from the foregoing narration and legal provisions cited above/below, that the auditee has declared the wrong country of Origin willfully in respect of the goods imported and cleared the goods without payment of applicable Anti Dumping Duty, in contravention of the provisions of the Customs Act, 1962. As per extant instructions, the onus of providing the correct declaration rests on the importer and all facilitation is conditional to the same. Further, being a regular importer, the auditee is well aware of their products and the Customs' rules and regulations including those relating to self-assessment, classification and applicable duties. With the introduction of self-assessment under Section 17, more faith is bestowed on the importers, as the practices of routine assessment, concurrent audit etc., have been dispensed with and the importers have been entrusted with the responsibility to correctly self-assess the duty. However, in the instance case, the Auditee intentionally abused this faith placed upon it by the law of the land. Therefore, it appears that the Auditee has willfully violated the provisions of Section 17(1) of the Act inasmuch as they have failed to correctly declare the correct country of Origin and has also willfully violated the provisions of Sub-section (4) and (4A) of Section 46 of the Act. Therefore, it appears that in respect of Bill of Entry mentioned in Annexure A, such mis-declaration of country of origin of impugned goods, has resulted into

short levy of duty along with applicable interest and penalty which is recoverable from the Auditee under the provisions of Section 28AA and Section 28(4) of the Customs Act, 1962.

12. Now, therefore, the importer M/s Rishabh Triexim LLP (IEC-0416908870) having address at 69, Wall Tax Road, Park Town, Chennai – 600 003 are hereby required to show cause to the **Pr. Commissioner of Customs/Commissioner of Customs, NS-I, JNCH** having office at JNCH, Nhava-Sheva, Taluka- Uran, District- Raigad, Maharashtra – 400 707 as to why: -

- i. The declaration of Country of Origin as “India” in respect of the BE No. 9616319 dated 18-11-2020, BE No. 9294286 dated 23-10-2020 and BE No.9191465 dated 15.10.2020 should not be rejected;
- ii. Consequent to the above, the differential duty of Rs 1,05,02,612/- as detailed in Annexure -A should not be demanded in terms of Section 28(4) of the Customs Act, 1962, along with applicable interest in terms of Section 28AA of the Customs Act, 1962;
- iii. The Goods imported vide bills of entry mentioned in the Annexure – A having declared assessable value of Rs 6,06,62,238/- should not be held liable for confiscation under Section 111(m) and 111(o) of the Customs Act 1962;
- iv. Penalty should not be imposed under Section 112(a) of the Customs Act 1962;
- v. Penalty under Section 114A of the Customs Act 1962 should not be imposed for suppression of facts and
- vi. the penalty under Section 114AA of the Customs Act 1962 should not be imposed for intentionally making false/incorrect declaration.

13. 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.

14. This Show cause Notice is issued without prejudice to any other action that may be initiated, under any other law for the time being in

force in the Union of India.

15. 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.

Digitally signed by
Yashodhan Arvind Wanage
Date: 10-09-2025
17:17:19

(Yashodhan A. Wanagae)

Pr. Commissioner of Customs
NS-I, JNCH, Mumbai

M/s. Rishabh Triexim LLP

69, Wall Tax Road,
Park Town, Chennai – 600 003

EM 986087045 IN, dt. 11/09/2025

RUD – Relied Upon Documents	
RUD-1	Intimation regarding Premises Based Audit by Chennai Customs
RUD-2	Exit Conference
RUD-3	Forwarding of Final Audit Report No. 186/B1/Chennai/2024-25 to the auditee
RUD-4	E-mail reply dated 02.01.2025 from the Auditee

Enclosed: Annexure-A

Copy To:

1. The Deputy/Assistant Commissioner, In-charge of Audit Circle B-1, Audit Customs Commissionerate, Chennai-600001
2. The Dy./Asstt. Commissioner of Customs, Adjudication Cell, (I), JNCH.
3. Office copy
4. Notice Board (for display).

For ~~Added~~ For Adjudication

