

OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-III)

सीमाशुल्कआयुक्तकाकार्यालय (एनएस-III)

JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA, जवाहरलालनेहरूकस्टमहाउस, न्हावाशेवा,

TALUKA- URAN, DISTRICT- RAIGAD, MAHARASHTRA - 400707

तालुका- उरण, जिला- रायगढ़ , महाराष्ट्र- 400707

F. No. - CUS/APR/SCN/1635/2025 GR.IV

Date: 31-10-2025

SCN No. - 1219/25-26/AC/GR.IV/NS-III/CAC/JNCH

DIN - 20251078NV0000924549

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

The Premises Based Audit (PBA) in respect of M/s VOLTAS LIMITED (IEC-388028807), Voltas House A, Dr. Babasaheb Ambedkar Road, Chinchpokli, Mumbai - 400033, for the Audit Period 2020-21 to 2023-24 was initiated on 22.05.2024 (Entry Conference) & concluded on 19.07.2024 (Exit Conference) conducted at Voltas House A Dr Babasaheb Ambedkar Road, Chinchpokli, Mumbai-400033 office premises of the auditee, from 18.06.2024 to 21.06.2024. Entry Conference was conducted on 22.05.2024 in the presence of Shri Dipender Kumar, Manager and Shri Deepak, Assistant Manager. Exit Conference was conducted through web conference with shri Niraj Laliwala, Head Import & Shri Rohan More, Manager Imports Authorised representative of M/s Voltas Ltd.

2. Based on the documents submitted by the Auditee and co-relating the same with Advait data, it has been noticed that the Auditee is primarily importing goods from Customs Ports INNSA1/INGHR6/DEL, details of the major imports across various ports in a year-wise manner are captured in the table below:

Amount in Lakhs (INR)

Financial	No. of	Total Assessable	Value	of Total	BCD	Total	Duty	IGST	Paid
Year	Bills of	imported goods		(in Paid	(in	Forgone	(in	(in Lal	khs)
	Entry	Lakhs.)		Lakhs)	-	Lakhs)			
2019-	1475	144535		6761		2142		40150	
2020									
2020-	1026	107461		11258		0943		28659	
2021									
2021-	887	81209		4689		2255		17539	
2022									
2022-	970	111761		2823		2887		23084	
2023									
TOTAL		444967		25532		8228		10943	3

Brief of the Case:

3. During the course of Audit, it was observed that the Auditee has imported goods with the description as "Tubes V-Fin ITS" imported under CTH 73221900, 74199990 and paid BCD @ 10% whereas in the remaining cases, the same goods has been imported by classifying under CTH 74122019 paying BCD @ 7.5. However, the same appears classifiable under proper CTH 74199990 which attracts BCD @ 10% and IGST @ 18%. %. Which resulted in short payment of duty amounting to Rs.584693/-.

7419 99 90 Other articles of copper

7412 Copper tube or pipe fittings (for example, couplings, elbows, sleeves)

7412 20 19 Other

8516 Electric instantaneous or storage water heaters and immersion heaters; electric space heating apparatus and soil heating apparatus; electro-thermic hair dressing apparatus (for example, hair dryers, hair curlers, curling tong heaters) and hand dryers; electric smoothing irons; other electro-thermic appliances of a kind used for domestic purposes; electric heating resistors, other than those of heading 8545.

85169000 - Parts

7322 Radiators for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including distributors which can also distribute fresh or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel.

73221900 Other

However, the auditee has agreed to this observation and paid differential duty amounting to Rs.584693/- along with interest amounting to Rs. 330626/- but penalty has not been paid by the auditee.

- 4. From the above it appears that it appears that M/s. VOLTAS LIMITED (IEC- 388028807), had misclassified the goods imported vide bills of entry as detailed in Annexure-A, described as "Tubes V-Fin ITS" under CTH 74122019 attracting lower BCD @ 7.5%, instead of correct classification under CTH 74199990 attracting BCD @ 10%. This misclassification resulted in short payment of customs duty amounting to ₹5,84,693/- (Rupees Five Lakh Eighty-Four Thousand Six Hundred Ninety-Three only).
- 5. It further appears that the importer had misclassified the goods with the intent to evade payment of appropriate customs duty. Accordingly, the said goods are liable to confiscation under Section 111(m) of the Customs Act, 1962. In view of the said misclassification and consequent evasion of duty, the importer also renders himself liable to penal action under Section 114A of the Customs Act, 1962.
- 6. However, the auditee, on being pointed out, agreed with the audit observation and paid the differential duty of $\stackrel{?}{\underset{?}{|}}$ 5,84,693/- along with interest amounting to $\stackrel{?}{\underset{?}{\underset{?}{|}}}$ 3,30,626/-. However, no penalty has been paid by the auditee.
- 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 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 duty amount has

not been paid correctly. Section 17 (Assessment of duty), subsection (1) 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.
- 7.3 Section 46 (Entry of goods on importation), subsection (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."
- 7.4 Section 111(m) of Customs Act, 1962 provides for confiscation of the goods if 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.
- 7.5 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."

- 7.6. Section 124. Issue of show cause notice before confiscation of goods, etc.—
- No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person— (a) is given a notice in 1 [writing with the prior approval of the officer of Customs not below the rank of 2 [an Assistant Commissioner of Customs], informing] him of the grounds on which it is proposed to confiscate the goods or to impose a penalty; (b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and (c) is given a reasonable opportunity of being heard in the matter: Provided that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned be oral. 3 [Provided further that notwithstanding issue of notice under this section, the proper officer may issue a supplementary notice under such circumstances and in such manner as may be prescribed.]
- 8. In view of the above, the importer, M/s. VOLTAS LIMITED (IEC- 388028807) is hereby called to show cause to the Assistant commissioner of Customs Gr. IV/IVA JNCH, Nhava Sheva Distt. Raigad, Maharashtra-400707 within 30 days of the receipt of this notice as to why:
 - I. The differential duty amounting to **4,86,971/-** (Rupees Four Lakh Eighty-Six Thousand Nine Hundred Seventy-One only) (only for bills of entry dated after 03.11.2020) should not be confirmed under Section 28(4) of the Customs Act, 1962.
 - II. In addition to the duty short paid, interest on delayed payment of Custom Duty should not be recovered from the Importer under section 28AA of the Customs Act. 1962.
 - III. The said subject goods imported vide Bills of Entry as detailed in Annexure-'A' having assessable value of ₹ 1,50,06,709/-(Rupees One Crore Fifty Lakh Six Thousand Seven Hundred and Nine only)(only for bills of entry dated after 03.11.2020) should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962.
 - IV. Penalty should not be imposed on them under Section 112(a) and/or 114(A) of the Customs Act. 1962 for their acts of omission and commission which resulted in short levy of duty, in rendering the goods liable for confiscation, as stated above.
- 9. It is submitted that the amount of differential duty and interest already paid by the auditee, may be appropriated towards the duty and interest demanded under the provisions of the Customs Act, 1962.
- 10. The Noticee should file their written explanation/reply to the competent authority, Gr-4, JNCH within 30 days of receipt of the Show Cause Notice and they should also indicate if they wish to be heard in person. If the noticee fails to submit their written submission or if they fail to attend the personal hearing on the fixed date the case will be decided ex-parte on the basis of the evidence on record, without any further reference to the noticees.
- 11. If no reply is received within 30 days of receipt of this notice, or importer fails to appear before the Assistant Commissioner as and when the case is posted for hearing, the case will be decided ex-parte on the basis of evidences available on record without further reference to the importer.

12. This Notice is issued without prejudice to any other action that may be taken against the importer and or any other person under the provisions of the Customs Act 1962 or any other law for the time being in force in the Union of India. The department reserves its right to add, alter or supplement this notice at any time before any order is prepared in this matter.

Digitally signed by
Kishor Pandit
Date: 31-10-2025
15:37:17
(Kishor S Pandit)
Assistant Commissioner of Customs,
Gr.IV, NS-III, JNCH, Nhava Sheva.

To:

M/s. VOLTAS LIMITED (IEC- 388028807)

Voltas House A, Dr. Babasaheb Ambedkar Road, Chinchpokli, Mumbai – 400033 EM712700361IN Copy to:

- i. The Asstt./ Dy. Commissioner of Customs, CAC, JNCH
- ii. The Deputy/ Asst. Commissioner of Customs(Audit), P & C & PACC, New Customs House, New-Delhi-110037.
- iii. Appraising Group V, JNCH, Nhava Sheva.
- iv. Notice Board (CHS Section for display).
- v. Office Copy.

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1 -			407			RTS FOR MINING EQUIPMENT MACHI	136		111	111	290	149	149	372	3728	410		94.
202 2	BO M	7412 2019			TY LT	NERY)352003 TUBES V-FIN ITS (GENER AL PARTS FOR MINING EQUIPMENT M	9.3	7.5	852 .7	85. 3		136. 932		84.2 32	.393 2	12.6 252	7382 .273	897
2	IVI	2019	3	0:00		169.11.3725 TUBES V-FIN ITS		7.5	./	3	.3	932	932	32		252	.273	7
202			470			(GENERAL PARTS FOR MINING EQUIP	100				212	100	100	272		201		355
1 - 202	во	7412				MENT MACHINERY)169.11.3725 TUBE S V-FIN ITS (GENERAL PARTS FOR	109 547		821	821			109 5.47	273 8.71	273.	301 2.58	542.	4.8 494
2	М	2019	0	0:00		MINING EQUIPM	.13	7.5	6	.6	3	13	13	3	8713	43	2652	7
202				23-0		169.11.5125 TUBES V-FIN ITS (GENERAL PARTS FOR MINING EQUIP												208
1 -				7-20	TOR P	MENT MACHINERY)169.11.5125 TUBE	643		482				643		1609	177		95.
202 2	BO M	7412 2019		21 0 0:00		S V-FIN ITS (GENERAL PARTS FOR MINING EQUIPM	931	7 5	94. 8		125 470	93.1 12	9.31 12	98.3 12	.811 2	08.1 232	3187 .462	585 4
_	IVI	2019	0			199.8.3725 TUBES V-FIN ITS (GENERAL	.12	7.3	0	9.5	470	12	12	12		232	.402	4
202				23-0	RADIA	PARTS FOR MINING EQUIPMENT MAC												420
1 - 202	BO	7412			TOR P	HINERY)199.8.3725 TUBES V-FIN ITS (GENERAL PARTS FOR MINING	129 724		972	972			129 7 24	324 3.14	324.	356 7.48	642.	9.6 376
2	M	2019		0:00	D	EQUIPME	.45	7.5	9.3	.9	8	45	45		3445		1481	1
202						169.11.4250 TUBES V-FIN ITS (GENERAL PART S FOR MINING EQUIP												174
202 1 -			584			MENT MACHINERY)169.11.4250 TUBE	538		403		104	538	538	134		148		64.
202		7412			TY LT	S V-FIN ITS (GENERAL PART S FOR	202		65.						1345		2664	704
2	М	2019	3			MINING EQUIP 245.11.4350 TUBES M-FIN ITS (GENER	./	7.5	2	6.5	.8	7	7	7	.527	97	.107	5
202				06-1	RADIA	AL PARTS FOR MINING EQUIPMENT M												162
1 -	DO	7442				ACHINERY)245.11.4350 TUBES M-FIN I	500		375	275	075		500		1251		2470	49.
202 2	М	7412 2019			TY LT D	TS (GENERAL PARTS FOR MINING EQUIPM	743 .99	7.5	55. 8	375 5.6	70	74.3 99	7.43 99	18.5 99	.839 9	389	.679	9
					L& M													
202 1 -	IN		616			118077 TUBE V-FIN ITS (GENERAL PAR T S FOR MINING EQUIPMENT MACHIN	482				941	482	482	120	1207	132		156 73.
202		7412				ERY)118077 TUBE V-FIN ITS (GENERAL	999		362	362				74.9			2390	
2	A1	2019	0	0:00		PART S FOR MINING EQUIPMENT M	.77	7.5	25	2.5	5	77	77	77	7	747	.845	1
202				08-1	L& M RADIA	184.11.4825 TUBES V-FIN ITS (GENERAL PART S FOR MINING EQUIP												572
1 -				1-20	TOR P	MENT MACHINERY)184.11.4825 TUBE			132			176				485		9.1
202 2		7412 2019		21 0 0:00		S V-FIN ITS (GENERAL PART S FOR MINING EQUIP	553 9	7.5	41. 5	132 4.2		55.3 9		441 3.89		5.22	873. 9412	702 2
					L& M		.5	7.0				-		0.00	000			
202 1 -	l		616			216657 TUBES V-FIN ITS (GENERAL PA RT S FOR MINING EQUIPMENTMACHI	527		205			F 2 7	527	121	1210	1/5		171 13.
202		7412			TY LT	NERY)216657 TUBES V-FIN ITS (GENER			395 53.	395	102			84.4	1318 .450		2610	
2	A1	2019	0	0:00		AL PART S FOR MINING EQUIPMENT	.02	7.5	1	5.3	759	02	02	02	2	522	.513	6
202						169.11.5125 TUBES V-FIN ITS (GENERAL PART S FOR MINING EQUIP												815
1 -			721			MENT MACHINERY)169.11.5125 TUBE	251		188					627		690		1.2
		7412 2019		22 0 0:00		S V-FIN ITS (GENERAL PART S FOR	191 .14	7 5	39. 3	188 3.9	44. 6			9.81	628. 0114	7.82 54	1243	
2	М	2019	4	0:00		MINING EQUIP 169.11.4800 TUBES V-FIN ITS	.14	7.5	3	3.9	0	14	14	4	0114	54	.409	7
202					RADIA	(GENERAL PART S FOR MINING EQUIP												580
1 - 202	IN NS	7412				MENT MACHINERY)(100 PCS)169.11.4 800 TUBES V-FIN ITS (GENERAL PART	178 908		134	134				447 2.72	447.	492	885.	5.6 088
202		2019		0:00	D	S FOR MINING EQUIP	.25	7.5	1	1.8	3	25	25		2825		6014	5
202						184.11.4825 TUBES V-FIN ITS												
202 1 -	IN		774			(GENERAL PART S FOR MINING EQUIP MENT MACHINERY)(150 PCS)184.11.4	269		202		525	269	269			741		874
202	NS		986	22 0	TY LT	825 TUBES V-FIN ITS (GENERAL PART	618		21.	202	35.	61.8	6.18			4.53	1334	9.1
2	A1	2019	1	0:00		S FOR MINING EQUIP 352003 TUBES V-FIN ITS (GENERAL PA	.5	7.5	4	2.1	2	5	5	0.45	085	5	.616	513
202						RT S FOR MINING EQUIPMENTMACHI												179
1 -			774			NERY)(250 PCS)352003 TUBES V-FIN IT	552		414			552	552	138	1382	152		44.
	l					l				l								l

202		7412 2019		22 0		S (GENERAL PART S FOR MINING EQUI	994 58	7.5	74.	414 7.5	107	99.4 58		24.8 58	.445	07.3 038	2737	
	ΑΙ	7019		0:00	L& M	PMFN	.58		h	7.5	751	- 58	58	58	X	038	.315	
202				26-0		123042 TUBES V-FIN ITS (GENERAL PA												10
202 l -			002			RT S FOR MINING EQUIPMENTMACHI	314		235		612	314	214	785		864		9
	ВО	7412				NERY)123042 TUBES V-FIN ITS (GENER				235				4.88	785.		1555	_
202						,												ъ.
2	M	2019	4	0:00		AL PART S FOR MINING EQUIPMENT	.86	7.5	8	6.5	3	86	86	ь	4686	46	.264	
						183.10.4138 TUBES V-FIN ITS												
202						(GENERAL PART S FOR MINING EQUIP												43
1 -						MENT MACHINERY)183.10.4138 TUBE	132					132				365.		.1
202		7412				S V-FIN ITS (GENERAL PART S FOR	86.		996				864		33.2		65.7	19
2	M	2019	2	0:00	D	MINING EQUIP	44	7.5	.5	6	8.9	4	4	144	644	4	7351	
					L& M													
202				30-0	RADIA													
1 -			807	3-20	TOR P		843		632		164	843	843	210	2108	231		27
202	во	7412	625	22 0	TY LT	245.11.5400 TUBES M-FIN ITS 245.11.	549		66.	632	365	54.9	5.49	88.7	.890	97.5	4175	7
2	М	2019	2	0:00	D	5400 TUBES M-FIN ITS	.06	7.5	2		.5	06	06	06	6	966	.567	16
					L& M													
202				26-0		352003 TUBES V-FIN ITS (GENERAL PA	108											35
202			884			RT S FOR MINING EQUIPMENTMACHI	132		810		210	108	108	270	2703	297		8
202	ВO	7/12				NERY)352003 TUBES V-FIN ITS (GENER						132.		33.1	.266		5352	_
202 3	М	2019		0:00		AL PART S FOR MINING EQUIPMENT		7.5	<i>5</i> 5	-		668		68	.200	348	.558	
3	IVI	2013	/	0.00		169.11.5125 TUBES V-FIN ITS	0	7.3		U	.5	000	000	00	0	340	.556	
				26.0														
202						(GENERAL PARTS FOR MINING EQUIP												١.,
2 -						MENT MACHINERY)169.11.5125 TUBE	325		244				325	814		895		10
202						S V-FIN ITS (GENERAL PARTS FOR	662			244				1.57	814.		1612	
3	M	2019	7	0:00		MINING EQUIPM	.75	7.5	7	2.5	4	75	75	5	1275	25	.026	72
					L& M													
202						123042 TUBES V-FIN ITS (GENERAL PA												62
2 -						RTS FOR MINING EQUIPMENT MACHI	193		145				193			532		2
202	ВО	7412	496	22 0	TY LT	NERY)123042 TUBES V-FIN ITS (GENER	620		21.	145	377	62.0	6.20	0.55	484.	4.56	958.	82
3	M	2019	7	0:00	D	AL PARTS FOR MINING EQUIPMENT M	.56	7.5	5	2.2	27	56	56	6	0056	16	4211	
					L& M													
202				24-0	RADIA	123042 TUBES V-FIN ITS (GENERAL PA												17
2 -			926	6-20	TOR P	RT S FOR MINING EQUIPMENTMACHI	533		400		103	533	533	133	1333	146		1
202	во	7412				NERY)123042 TUBES V-FIN ITS (GENER	522		14.	400		52.2		38.0			2640	74
3	М	2019		0:00		AL PART S FOR MINING EQUIPMENTM		7.5	2		.8	01	01	01	1	211	.928	l
	<u> </u>						₹ 1	H	<u> </u>						_			-
							,80,1		₹ 13,	₹ 1,3		₹ 18,	₹1,8	₹ 4,50		₹ 4,95		₹ 5
							8,285		51,37		10,86	01,82		,457.0		,	₹ 89,1	
							.89	330	1.50	.40	3.30	8.59	.86	9	45.46	5	90.46	