



**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-I),
NHAVA-SHEVA, JAWAHARLAL NEHRU CUSTOM HOUSE,
TAL-URAN, DISTRICT- RAIGAD, MAHARASHTRA - 400 707**

F. No. S/26-Misc-(506)118/2025-26/Gr.IIH-K
F. No. S/10-Adj- 89/2025-26 Group IIH-K

Date of order: 26.09.2025
Date of issue: 26.09.2025

Passed by: (Kilaru Mahendranadh),
Asstt. Commissioner of Customs,
Group-IIH-K, NS-I, JNCH.

Order No. 1014 (L)/2025-26/AC/Gr.II(H-K)/NS-I/CAC/JNCH
DIN. No. 20250978NW000011551

Name of Party/Noticee/Importer: M/s K S International (IEC AATFK2274K)

मूल्यांकन आदेश

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निःशुल्क दी जाती है।
2. 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 (अपीलनियमावली, 1982 के अनुसार फॉर्म सी.ए. 1 संलग्नक में) की जानी चाहिए। अपील पर न्यायालय फीस के रूप में 1.50 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 1.50 रुपये का स्टॉप भी लगाया जायेगा जैसा कि न्यायालय फीस अधिनियम 1970 की अनुसूची 1, मद 6 के अंतर्गत निर्धारित किया गया है।
3. इस निर्णय या आदेश के विरुद्ध अपील करने वाला व्यक्ति अपील अनिर्णीत रहने तक, शुल्क या शास्ति के संबंध में विवाद होने पर माँगे गये शुल्क के 7.5% का, अथवा केवल शास्ति के संबंध में विवाद होने पर शास्ति का भुगतान करेगा।

ORDER-IN-ASSESSMENT

1. This copy is granted free of charge for the use of the person to whom it is issued.
2. An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, Sheva, Tal :Uran, Dist : 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 Annexure on the Customs (Appeal) Rules, 1982. The Appeal should bear a Court Fee stamp of Rs.1.50 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. 1.50 only as prescribed under Schedule 1, items 6 of the Court Fee Act, 1970.
3. 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.

SPEAKING ORDER
UNDER SECTION 17(5) OF CUSTOMS ACT, 1962

M/s K S International having address at Flat No. 306, Thir Floor, Rattan Jyoti Building, Rajendra Place, Delhi 1010008 (IEC AATFK2274K) having GST NO. 07AATFK2274K1ZS (hereinafter referred to as 'the importer') filed Bill of Entry No. 4216247 dated 30.08.2025 (hereinafter referred as 'the said bill of entry') for import and clearance of goods declared as "LWC paper in Reels" (hereinafter referred as 'the said goods') imported vide invoice no. 5009/AR25P13192 dated 23.07.2025 (CIF Mundra) from supplier M/s. Jacob Jurgensen Papier Und Zellstoff GMBH, Germany. The details of Bill of Entry are as under: -

Table- A

Bill of Entry & Date	4216247 dated 30.08.2025
Description	LWC paper in Reels
Customs Tariff Item	48102200
Declared Value	Rs. 24,23,003/-
Assessable Value	Rs. 3083822/-
Declared Duty	Rs. 5,89,274/-
Duty	Rs. 7,49,985/-
Unit Price in invoice	USD .55 per kgs
Unit Price in BOE	USD .55 per KGS
Declared weight	50119/- KGS

2. The subject Bill of Entry was marked to FAG for assessment. On perusal of the documents filed by the importer, importer neither declared the grade of the Goods in the description nor uploaded the packing list. On perusal of the said Invoice 5009/AR25P13192 dated 23.07.2025 the unit price is \$.55/kgs and the declared unit price in the BOE is \$.55/- per KGS.

3. After implementation of self-assessment vide Finance Act, 2011, the onus is on the importer to make true and correct declaration in all aspects including description, classification and calculation of duty. Relevant sections for self-assessment are reproduced here for the sake of brevity which are applicable in this instant case:

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.

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.

4. The said Bill of Entry was filed on 2nd Check basis and allotted to FAG (INNSA1) for assessment. Further, the Importer has declared the Unit Price of the said goods as USD .55 per KGS, however, NIDB data suggest value to be around. USD .70 per kgs. A query was raised for production of value evidence viz. 3 previous group assessed Bills of Entry, packing list etc &

specify Grade, Size & thickness of veneer but importer neither uploaded previous Bill of Entry for identical goods nor declared the grade of the goods in query reply. Personal Hearing opportunity was also given to the importer in virtual mode to follow the Natural Justice. However, the importer neither attended the personal hearing nor produced any documentary evidence in support of declared value except commercial invoice & purchase invoice. Furthermore, the importer has not submitting any previous Bills of Entry and not any documents evidencing true transaction value.

5. On scrutinising, it appears that the declared value is on the lower side as per contemporaneous import data/NIDB. The importer intentionally did not upload the packing list & grade of the goods. The details of contemporary imports of item with same description were taken from NIDB and the same are as under:

Table-B

Sr. No.	BE No. and Date	Item Description	CTH	Quantity (in KGS)	Ass. Value in USD/Kgs	Port of import
1	3045391 04.07.2025	Light Weight Coated Paper in Reels	48102200	23778	.70	INTKD6
2	3104136 07.07.2025	LIGHT WEIGHT COATED PAPER IN REELS	48102200	22845	.70	INTUT1
3	3103921 07.07.2025	LIGHT WEIGHT COATED PAPER IN REELS	48102200	13655	.70	INTUT1

6. As per para 12(1) of CVR, 2007 declared value of the goods can be rejected “*When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3*”.

7. In view of above, it is found that lower declared value may be due the possibility of invoice manipulation or under-invoicing or un-realistic price or where transaction value of the goods declared is low cannot be ruled out. Moreover, since the imported commodity is of good quality and prone to under valuation, so, declared value is not acceptable and same is liable for rejection under rule 12 of CVR, 2007. Since declared value of the goods has been rejected, it has to be Re-determined as per CVR, 2007, relevant part of CVR, 2007 is reproduced below: -

Rule 4. Transaction value of identical goods. -

(1)(a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;

Provided that such transaction value shall not be the value of the goods provisionally assessed under section 18 of the Customs Act, 1962.

(b) In applying this rule, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the value of imported goods.

(c) Where no sale referred to in clause (b) of sub-rule (1), is found, the transaction value of identical goods sold at a different commercial level or in different quantities or

both, adjusted to take account of the difference attributable to commercial level or to the quantity or both, shall be used, provided that such adjustments shall be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustments, whether such adjustment leads to an increase or decrease in the value.

(2) Where the costs and charges referred to in sub-rule (2) of rule 10 of these rules are included in the transaction value of identical goods, an adjustment shall be made, if there are significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and means of transport.

(3) In applying this rule, if more than one transaction value of identical goods is found, the lowest such value shall be used to determine the value of imported goods.

Rule 5. Transaction value of similar goods. -

(1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued:

Provided that such transaction value shall not be the value of the goods provisionally assessed under Section 18 of the Customs Act, 1962.

(2) The provisions of clauses (b) and (c) of sub-rule (1), sub-rule (2) and sub-rule (3), of rule 4 shall, mutatis mutandis, also apply in respect of similar goods.

Rule 6. Determination of value where value cannot be determined under rules 3, 4 and 5.-

If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 or, when the value cannot be determined under that rule, under rule 8.

Provided that at the request of the importer, and with the approval of the proper officer, the order of application of rules 7 and 8 shall be reversed.

Rule 7. Deductive value.-

(1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions : -

(i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within India;

(iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.

(2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price

at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.

(3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.

(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).

Rule 8. Computed value.-

Subject to the provisions of rule 3, the value of imported goods shall be based on a computed value, which shall consist of the sum of:-

(a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;

(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;

(c) the cost or value of all other expenses under sub-rule (2) of rule 10.

Rule 9. Residual method.-

(1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

(2) No value shall be determined under the provisions of this rule on the basis of -

- (i) the selling price in India of the goods produced in India;
- (ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;
- (iii) the price of the goods on the domestic market of the country of exportation;
- (iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;
- (v) the price of the goods for the export to a country other than India;
- (vi) minimum customs values; or
- (vii) arbitrary or fictitious values.

8. For the reasons mentioned above, the value declared by the importer appeared liable for rejection under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Rule 3 of the Customs Valuation Rules 2007. The values of the subject goods need to be re-determined by moving from Rule 4 to 9 sequentially. In order to determine the value of the said goods, the exact identical goods on same commercial level were not available in import data, therefore, value could not be determined under Rule 4. However, it was

observed that the data for similar goods, with near identical/similar description and of comparable quantity were found in NIDB for the contemporary times against various Bs/E.

9. Therefore, the value was re-determined as per Rule 5 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Therefore, resorting to the value of similar goods imported as shown above, i.e. subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued.

IMPORTER'S SUBMISSION

10. Personal Hearing opportunity was also given to the importer in virtual mode to follow the Natural Justice. However, neither the importer appeared for the personal hearing nor they produce any documentary evidence in support of declared value except commercial invoice & purchase invoice. When asking regarding packing list, they have submitted that they are not having.

Discussion and Findings

11. I have carefully gone through the records of the case and documents uploaded in e-sanchit. The issue to be decided is whether valuation of "**LWC paper in Reels**" in Bill of Entry No. 4216247 dated 30.08.2025 is appropriate and applicable duties paid thereon.

12. I find that the importer has declared value of the goods @.55/- USD/KGS and a query was raised for production of value evidence viz. 3 previous group assessed Bills of Entry, Remittance, Sale Contract etc & specify Grade, Size & thickness of veneer but importer neither uploaded previous Bill of Entry for identical goods nor declared the grade of the goods in query reply nor attended the Personal Hearing was given to the importer in virtual mode to follow the Natural Justice. but the importer did not produce any documentary evidence in support of declared value except commercial invoice & purchase invoice. Further, I find that the importer deliberately did not mention the grade of the goods in the description declared in B/E which shows malafide intention of importer.

13. Further, it was noticed that the **LWC paper in Reels** is a higher quality product. It is a not a regular commodity in import at INNSA1 and the NIDB data for the said commodity reflected that the unit price for contemporaneous imports (at Table-B) is assessed at higher rate than the unit price declared by the importer for identical/similar goods in the Bill of Entry. The Bills of Entry mentioned in Table-B are wherein value of the goods is higher. Therefore, it appears that the importer has deliberately declared the said goods at lower value and the proper officer has reason to doubt the truth and accuracy of transaction value.

14. In view of the above, the declared value cannot be accepted as the true transaction value under Rule 3 of the Custom Valuation (Determination of value of imported goods) Rules, 2007 and the same, therefore, is liable to be rejected under Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 read with Rule 3 of the Customs Valuation Rules 2007. Hence, the value of the subject goods needs to be re-determined by proceeding sequentially through 4 to 9 of the Customs Valuation (Determination of Value goods) Rules, 2007.

15. I also find that the exact identical goods on same commercial level were not available in import data, therefore, value could not be determined under Rule 4. However, it was observed that the data for similar goods, with near identical/similar description for grade/ type / specification and of comparable quantity were found in NIDB for the contemporary times (imported at or about the same time) against various Bs/E.

16. Therefore, I find that the value of the imported goods is to be re-determined as per Rule 5 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Hence,

resorting to the value of similar goods i.e. subject to the provisions of rule 5, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued.

17. I find that the value of the imported goods is to be re-determined as per Rule 5 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Hence, resorting to the value of similar goods i.e. subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical/similar goods sold for export to India and imported at or about the same time as the goods being valued.

18. In view of the foregoing facts and findings, I pass the following order:

ORDER

(i) I reject the declared unit price of 0.55/- USD/KGS of the goods covered vide Bill of Entry No. 4216247 dated 30.08.2025 (total declared assessable value Rs. 24,23,003/-) and re-determine the same @ .70 USD/KGS (total re-determined assessable value Rs. 3083822/-under Rule -5 of Customs Valuation (Determination of Value of Imported Goods) Rules 2007 with consequent duty liabilities, under section 17(5) of Customs Act, 1962. I order to assess the said Bill of Entry accordingly.

19. This order is issued without prejudice to any other action that may be taken in respect of the goods in question and/or against the persons concerned or any other person, if found involved, under the provisions of the Customs Act, 1962, and/or any other law for the time being in force in the Republic of India.


(Kilaru Mahendranadh)

Assistant Commissioner of Customs
Group II (H-K), NS-I, JNCH
Mumbai Customs Zone-II, Mumbai

To,

M/s K S International ,

Flat No. 306, Thir Floor,

Rattan Jyoti Building,

Rajendra Place, Delhi 1010008

Copy to:

1. The Commissioner of Customs, NS-I, JNCH.
2. The Asst./Dy. Commissioner of Customs (Review Cell) (Import), JNCH.
3. Office Copy.