



सत्यमेव जयते

सीमाशुल्कआयुक्तकाकार्यालय, (एनएस-1),
OFFICE OF THE PR. COMMISSIONER OF CUSTOMS (NS-
I),
जवाहरलालनेहरूकस्टमहाउस, न्हावाशेवा,
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
तालुकाउरण, जिलारायगढ़, महाराष्ट्र- 400 707
TALUKA URAN, DIST. RAIGAD, MAHARASHTRA-400 707



F.No- S/26-SCN-60/2024-25/GR.IIH-K
SCN No.1165/2024-25/AC/Gr.II(HK)/NS-I/CAC/JNCH
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Date: 23.09.2025

F. No. S/10-Adj-80 /2025-26/Gr.II (H-K)

Date of issue: 23.09.2025

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Passed by: Kilaru Mahendrandh
Asst. Commissioner of Customs,
Gr.II (H-K), NS-I, JNCH, Nhava Sheva.

Order No.: 968 /2025-26/AC/Gr.II(H-K)/NS-I/CAC/JNCH

Name of the Importer :M/s Bector Automation RML India Pvt. Ltd.(IEC
No.0314012729)

मूल 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 (अपील) नियमावली, 1982 के अनुसार फॉर्म सी.ए. 1 संलग्न 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 करनेवाला 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-ORIGINAL

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

- 48.19 - "Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres; Box files, letter trays, and similar articles of paper or paperboard of a kind used in offices, shops or the like".**
- 4819.10 - Cartons, boxes and cases, or corrugated paper or paperboard
- 4819.20 - Folding cartons, boxes and cases, of non-corrugated paper or Paperboard
- 4819.30 - Sacks and bags, having a base of a width of 40 cm or more
- 4819.40 - Other sacks and bags, including cones
- 4819.50 - Other packing containers, including record sleeves
- 4819.60 - Box files, letter trays, storage boxes and similar articles, of a kind used in offices shops, or the like.

4. The description provided in the Bills of Entry does not indicate clearly whether the goods are made up of corrugated paper and in order to avail the benefit of lower IGST, its onus is on the importer to prove beyond doubt that the subject goods qualify for such benefit. In absence of such information the subject goods are liable to be classified under CTH 48192090.

5. There are various types of paper packages presently being used by the industry for packing of various goods. Some of the paper packages are as under:

a. Paperboard boxes

Paperboard is a paper-based material that is lightweight, yet strong. It can be easily cut and manipulated to create custom shapes and structures. These characteristics make it ideal to be used in personalized packaging. It is made by turning fibrous materials that come from wood or from recycled waste paper into pulp, and then bleaching it. Paperboard packaging comes in various grades, each suitable for different packaging requirements. SBS (or solid bleached sulphate) paperboard can be used for packing cosmetics, medicines, milk and juice, cosmetics, frozen food and more. Choosing kraft, or CUK (coated unbleached kraft) paperboard packaging are for those who prefer the natural and environmentally-friendly look of recycled paper, which can be used for similar packaging applications. Kraft is often seen to be less resistant to moisture, making it less suitable for food-related products, or frozen-goods packaging. With the right combination of design options, paperboard packaging can look high-end, without high-end pricing.

b. Corrugated boxes

It consists of 3 layers of paper, an outside liner, an inside liner and a corrugated medium (also known as fluting). The corrugated medium that gives it strength and rigidity. The main raw material that is used to construct the corrugated board is most recycled paper, made on large high-precision machinery known as corrugators. These types of boards can re-used and recycled again and again as a source of pulp fibre. Corrugated boards are of different types, single faced, double faced (single wall), twin wall, and triple wall. They can be used to make packaging with different characteristics, performances, and strength. The board is cut and folded into different sizes and shapes to become corrugated packaging. Other applications of corrugated board packaging include retail packaging, pizza delivery boxes, small consumer goods packages, and so forth.

c. Rigid boxes

This is the type of box used to package iPhones or those luxury retail products such as Rolex, Tiffany & Co and Marc Jacobs. This type of cardboard material is called a rigid box. A rigid box is made out of highly condensed paperboard that is 4 times thicker than the paperboard used in the construction of a standard folding carton. The easiest real-world example of rigid boxes are the boxes that hold Apple's iPhones and

“the heading which provides the most specific description shall be preferred to headings providing a more generic description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the item in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods.”

In view of above, subject goods are eligible for IGST @ 18% and not 12%.

10. 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, payment of duty and calculation of duty, but in the instant case IGST amount on the subject goods 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:

10.1 Section 17(1) Assessment of duty, reads as:

(1) 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.

(2) The proper officer may verify the the entries made under section 46 or section 50 and the self assessment of goods referred to in sub-section (1) and for this purpose, examine or test any imported goods or export goods or such part thereof as may be necessary. Provided that the selection of cases for verification shall primarily be on the basis of risk evaluation through appropriate selection criteria.

(3) For the purposes of verification under sub-section (2), the proper officer may require the importer, exporter or any other person to produce any document or information, whereby the duty leviable on the imported goods or export goods, as the case may be, can be ascertained and thereupon, the importer, exporter or such other person shall produce such document or furnish such information.

(4) Where it is found on verification, examination or testing of the goods or otherwise that the self- assessment is not done correctly, the proper officer may, without prejudice to any other action which may be taken under this Act, re-assess the duty leviable on such goods.

(5) Where any re-assessment done under sub-section (4) is contrary to the self-assessment done by the importer or exporter and in cases other than those where the importer or exporter, as the case may be, confirms his acceptance of the said re-assessment in writing, the proper officer shall pass a speaking order on the re-assessment, within fifteen days from the date of re-assessment of the bill of entry or the shipping bill, as the case may be.

Explanation. - For the removal of doubts, it is hereby declared that in cases where an importer has entered any imported goods under section 46 or an exporter has entered any export goods under section 50 before the date on which the Finance Bill, 2011 receives the assent of the President, such imported goods or export goods shall continue

(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.

(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.]

10.4 Section 46- [Entry of goods on importation, subsection 46(4)].

(1) 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 3 [in such form and manner as may be prescribed :

Provided that the Principal Commissioner of Customs or Commissioner of Customs may, in cases where it is not feasible to make entry by presenting electronically on the customs automated system , allow an entry to be presented in any other manner:

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.

(2) Save as otherwise permitted by the proper officer, a bill of entry shall include all the goods mentioned in the bill of lading or other receipt given by the carrier to the consignor.

(3) The importer shall present the bill of entry under sub-section (1) before the end of the day (including holidays) preceding the day on which the aircraft or vessel or vehicle carrying the goods 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 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:

thereof, to a penalty not exceeding the difference between the declared value and the value thereof or five thousand rupees], whichever is the greater;

(iv) in the case of goods falling both under clauses (i) and (iii), to a penalty 5 [not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest;

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty 6 [not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees], whichever is the highest.

10.7 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:

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 -

13. Now, therefore, in exercise of the powers conferred by Section 28 read with Section 124 of the Customs Act, 1962, the Importer **M/s Bector Automation RML India Pvt. Ltd., (IEC No.0314012729)** situated at BECTOR AUTOMATION RML INDIA PRIVATE LIMITED 204, SANJAY BUILDING, 5-C WING, MITTA INDUSTRIAL ESTATE, ANDHERI EAST, MAHARASHTRA 400059 were issued Show Cause answerable to the Assistant Commissioner of Customs, Group-2K, Group-2(H-K), Jawaharlal Nehru Custom House, Nhava Sheva, Taluka- Uran, District - Raigad, Maharashtra-400707, within 30 days of the receipt of this notice, as to why:

- (a) The subject goods valued at **Rs 78,662/- (Rupees Seventy Eight Thousand Six Hundred and Sixty Two Only)** should not be confiscated under Section 111(m) of the Customs Act, 1962;
- (b) The differential duty amounting to **Rs.5239/- (Rupees Five Thousand Two Hundred and Thirty Nine Only)** as detailed in the Annexure should not be demanded and recovered from them in terms of section 28(4) of the Customs Act, 1962.
- (c) The applicable interest on the amount specified above should not be recovered from them in terms of section 28AA of the Customs Act, 1962.
- (d) Penalty should not be imposed on them under section 112(a) of the Customs Act, 1962.
- (e) Penalty should not be imposed on them under section 114A of the Customs Act, 1962.

Record of personal hearing

11. The importer was given opportunities to be appear for Personal Hearing on 17.09.2025, 19.09.2025 and 22.09.2025 before the Adjudication Authority with their submissions and relevant documents if any. Neither importer nor their representative appeared for Personal Hearing before the Adjudication Authority.

DISCUSSION AND FINDINGS

12. I have carefully gone through the facts, submissions, and the records available. I find that the issue involved in the case is whether the importer has correctly classified the subject goods under CTH 48191010, 48191090 where IGST is applicable @12%, or, as proposed by the impugned notice, the said goods merit classification under 48192090 attracting IGST at the rate of 18%.

13. I find that opportunity for Personal Hearing was given on 17.09.2025, 19.09.2025 and 22.09.2025 to Importer and intimation for the same was sent well in advance. However, neither importer nor their representative appeared for Personal Hearing before the Adjudication Authority with their submissions and relevant documents. I find that no written submission/ clarification has been submitted by the importer to refute the charges levelled in said SCN against themselves.

14. I find that the CTH-4819 is a general CTH, whereas the CTH 481920 is more specific for the subject goods. Hence, the subject impugned goods merit classification in the CTH- 48192090 as per General Rules for the Interpretation 3(a) of Customs Tariff Schedule, which states as under:

"the heading which provides the most specific description shall be preferred to headings providing a more generic description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the item in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods."

the Hon'ble Madras High court decision in the case of M/s Visteon Automotive System India Limited [2018(9) G.S.T.L. 142 (Mad.)] wherein Hon'ble High Court held that physical availability does not have any significance for imposition of redemption fine under Section 125 of the Customs Act, 1962.

21. In view of the factual details of the case as discussed above, I pass the following order:

ORDER

- i. I reject the claimed classification of the impugned goods under CTH 48191090 with levy of 12% of the First Schedule to the Customs Tariff Act, 1975 and order their classification under CTI 48192090 *ibid* with levy of IGST @18%.
- ii. I hold the goods valued at **Rs 78,662/-(Rupees Seventy Eight Thousand Six Hundred and Sixty Two Only)** liable for confiscation under Section 111(m) of the Customs Act, 1962. However, as the goods are not available for such confiscation, I impose a redemption fine of **Rs.8,000 /-(Rupees Eight Thousand Only)** on **M/s Bector Automation RML India Pvt. Ltd.(IEC No.0314012729)** under section 125 of the Customs Act, 1962 in lieu thereof.
- iii. I order recovery of differential duty amounting to **Rs.5239/-(Rupees Five Thousand Two Hundred and Thirty Nine Only)** under section 28(4) of the Customs Act, 1962 along with applicable interest under section 28AA *ibid*.
- iv. I impose a penalty equal to the sum of differential IGST and applicable interest on the importer, **M/s Bector Automation RML India Pvt. Ltd.(IEC No.0314012729)** , under section 114A of the Customs Act, 1962. However, If the amount of IGST and Interest is paid within thirty days from issuance of this order, the amount of penalty liable to be paid herein shall reduce to twenty-five per cent, provided that the amount of penalty is also paid within thirty days from this order, in view of the proviso to Section 114 of the Act.

22. This order is issued without any prejudice to any other action that may be taken against the said goods/notice and /or against any other firm/ person concern under the provision of Custom Act, 1962 and are any other law for the time being in force, in India.


(Kilaru Mahendranadh)
Asstt. Commissioner of Customs,
Group II (H-K), NS-I, JNCH

To,

M/s Bector Automation RML India Pvt. Ltd.(IEC No.0314012729)
204, SANJAY BUILDING , 5-C WING, MITTAL INDUSTRIAL ESTATE
ANDHERI EAST, MUMBAI-400059

Copy to:

1. The Deputy Commissioner of Customs, Audit (E-1), JNCH.
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