सीमाशुल्कआयुक्तकाकार्यालय, एनएस-II
OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II
केंद्रीकृतनिर्यातमूल्यांकनप्रकोष्ठ, जवाहरलालनेहरूसीमाशुल्कभवन
CENTRALIZED EXPORT ASSESSMENT CELL, JAWAHARLAL NEHRU CUSTOM HOUSE,
न्हावाशेवा, तालुका -उरण, जिला -रायगढ़, महाराष्ट्र- 400 707
NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD, MAHARASHTRA-400707

फ़ा. सं./F. No.: CUS/DOCK/345/2025-Exp(Docks) **Date of Order:** 14.10.2025

Date of Issue: 15.10.2025

द.प.सं. /DIN: - 20251078NT000052054 5

जारीकर्ता /Passed By: Shri Sachin Pagare,Deputy Commissioner of Customs, CEAC, NS-II, JNCH, NhavaSheva

मूलआदेशसंख्या/Order-In-Original No.:-1205(L)/2025-26/DC/CEAC/NS-II/CAC/JNCH

निर्यातककानाम/Exporter's Name:M/s Haridas Madhavdas Sugandhi (IEC-0388010631)

मूल-आदेश

ORDER-IN-ORIGINAL

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए नि: शुल्क दी जाती है।
This copy is granted free of charge for the use of the person to whom it is issued.

2. इस आदेश के विरुद्ध अपील सीमाशुल्क अधिनियम 1962 कीधारा 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 संलग्नक में की जानी चाहिए।अपील पर न्यायालय फीस के रूप में 2.00 रुपये मात्र का स्टांप लगाया जायेगाऔर 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 2.00 रुपये का स्टांपभी लगाया जायेगा जैसा कि न्यायालय फीसअधिनियम 1870 की अनुसूची 1, मद 6 के अंतर्गत निर्धारित किया गया है ।।

An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, NhavaSheva, 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. 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 संबंधमें विवाद होने पर शास्ति का भुगतान करेगा |
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.

Brief Facts of the Case:

M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) (hereinafter also known as the Exporter), located at 451, Raviwar Peth, Pune, Maharashtra-411002, filed Shipping Bill No. 4180552 dated 05.08.2025 for the export of goods declared as "Assorted Products –ISO Borneol Flakes, Damar Batu Resin, Dried Flower Rose & Dried Tulsi Leaves " to Germany. The declared Free on Board (FOB) value of the consignment was Rs. 2,99,542.75 (USD 3055), and the exporter claimed export benefits under the Duty Drawback and Remission of Duties and Taxes on Exported Products (RoDTEP) schemes.

2. During scrutiny of the documents presented for examination, it was noticed that the first item, Iso Borneol Flakes (80 KGS, RITC 29061910), being a chemical with potential application in food flavouring and fragrance preparations, requires a FSSAI license for export when intended for food use. No such certificate has been furnished by the exporter.

The second item, Damar Batu Resin (60 KGS, RITC 13019022), is of plant origin and intended for incense or related applications. For such exports, APEDA registration is required in cases of food-grade usage, and a Phytosanitary Certificate is mandatory under the Plant Quarantine (Regulation of Import into India) Order, 2003. Neither of these documents has been produced.

The third item, Dried Flower Rose (63 KGS, RITC 060390), is a botanical product requiring both APEDA registration and a Phytosanitary Certificate prior to export, as per plant quarantine and export quality control norms. However only APEDA Certificate has been submitted by the exporter.

The fourth item, Dried Tulsi Leaves (44 KGS, RITC 121190), being a dried plant product, also falls under the category mandating APEDA registration and Phytosanitary Certification. No such compliance documents have been submitted by the Exporter.

3. The exporter has claimed drawback benefits for the above consignments. However, in respect of products at Sl. Nos. 1 to 4, the absence of the mandatory export compliance certificates/licences prima facie constitutes contravention of the relevant allied Acts, namely the FSSAI Act, 2006; the Agricultural and Processed

Food Products Export Development Authority Act, 1985; and the Plant Quarantine (Regulation of Import into India) Order, 2003, read with the Customs Act, 1962.

4. RELEVANT LEGAL PROVISIONS: The following provisions of law are applicable in the instant case:-

A. The Agricultural and Processed Food Products Export Development Authority Act, 1985:

[THE FIRST SCHEDULE]

1. Fruits, vegetables and their products.
2. Meat and meat products.
3. Poultry and poultry products.
4. Dairy products.
5. Confectionary, biscuits and bakery products.
6. Honey, jaggery and sugar products.
7. Cocoa and its products, chocolates of all kinds.
8. Alcoholic and non-alcoholic beverages.
9. Cereal products.
10. Cashewnuts, groundnuts, peanuts and walnuts.
11. Pickles, chutneys and papads.
12. Guar Gum.
13. Floriculture and floriculture products.
14. Herbal and medicinal plants.

B. Schedule-II (Export Policy) of ITC (HS) 2022:

*For Dried Tulsi Leaves:

"Export of Plants and plant portions of wild origin, of species specified in any of the Schedules of Wild Life (Protection) Act, 1972 or Appendix I of CITES or Export Licensing Note 1 is Prohibited and not permitted to be exported.However, Special exemption can be granted for the purpose of research, education andlife saving drugs on case by case basis by DGFT, on the recommendation of Ministry of Environment & Forests"

*For Damar Batu Resin:

Export of Shellac and all forms of Lac is Free subject to the following:-

i) Registration with Tribal Cooperative Marketing Development Federation of India Ltd. or Shellac & Forest Products Export Promotion Council;

(ii) Production of quality certificate from Shellac & Forest Products Export Promotion Council

C. General Notes to Export Policy ITC (HS), 2022

G. "Export of goods including plant & plant products using wood packaging material such as pellets, dunnage, crating, packing blocks, drums, cases load boards, pellet collars and skids etc. shall be allowed subject to compliance of International Standards for Phytosanitary Measures [ISPM]."

D. Appendix A of FSSAI Act, 2006

Reno	Functional Classes	Definition	Technological purpose
14	Flavour enhancer	A food additive, which enhances the existing taste and/or odour of a food.	Enhancement or potentiation of flavours.

E. Customs Act, 1962

Section 50: Entry of goods for exportation. -

(1) The Exporter of any goods shall make entry thereof by presenting [electronically] on the customs automated system] to the proper officer in the case of goods to be exported in a vessel or aircraft, a shipping bill, and in the case of goods to be exported by land, a bill of export [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.]

(2) The Exporter of any goods, while presenting a shipping bill or bill of export, shall make and subscribe to a declaration as to the truth of its contents.

(3) The Exporter who presents a shipping bill or bill of export under this section 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.

<u>Section 113 of the Customs Act, 1962:</u> *Confiscation of goods attempted to be improperly exported, etc.*

"The following goods shall be liable to confiscation:

> **(d)** any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force, shall be liable to confiscation;
>
> **(ia)** any goods entered for exportation under claim for drawback which do not correspond in any material particular with any information furnished by the exporter or manufacturer under this Act in relation to the fixation of rate of drawback under section 75;
>
> **(ja):** any goods entered for exportation under claim of remission or refund of any duty or tax or levy to make a wrongful claim in contravention of the provisions of this Act or any other law for the time being in force;

Section 114(i): Any person 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 113, or abets the doing or omission of such an act, shall be liable, 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 three times the value of the goods as declared by the Exporter or the value as determined under this Act, whichever is the greater.

F. Foreign Trade (Development and Regulation) Act, 1992

(i) Section 11: (1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made there under and the foreign trade policy for the time being in force.

5. In view of the above, it appears that, the goods declared as ""Assorted Products –ISO Borneol Flakes,Damar Batu Resin,Dried Flower Rose & Dried Tulsi Leaves " having declared FOB value of Rs. 2,99,542.75/-(EUR 3055)were attempted to be improperly exported by the Exporter even when the goods required FASSAI, APEDA and Phytosanitary Certificate before the export of the products. Further, as per records neither such compliance certificates are produced nor from available submissions, it is indicated that application for grant of these registrations has been made to the concerned authority by the exporter. Therefore, it appears that the exporter has attempted to export the goods covered under Shipping Bill No. 4180552 dated 05.08.2025 in contravention of the relevant allied Acts, namely the FSSAI Act, 2006; the Agricultural and Processed Food Products Export Development Authority Act, 1985; and Export Policy ITC (HS), 2022, read with the Customs Act, 1962.

6. Further, in self-assessment era, it is the responsibility of the Exporter to ensure compliance with the restriction or prohibition, if any, imposed under this Act or under any other law for the time being in force, in relation to the goods under export. Therefore, by attempting to export the restricted goods without export Authorization, the Exporter has also violated the provisions of section 50 (3) of the Customs Act, 1962 and provisions of section 11 of Foreign Trade (Development and Regulation) Act, 1992.Thus, by these acts of omission and commission, the exporter has rendered the said goods covered under Shipping Bill No. 4180552 dated 05.08.2025 having declared FOB value of Rs. 2,99,542.75/- (EUR 3055) liable for confiscation under Section 113 (d)),113(ia) and 113(ja) of the Customs Act, 1962, and for attempting to improperly export the goods without valid authorization from FASSI, APEDA and National Plant Protection Organization (NPPO), the exporter appears to have made themselves liable for penalty action under the provisions of section 114(i) of the Customs Act, 1962.

7. In the instant case, Custom Broker firm M/s. Round the Clock Logistics Pvt Ltd. appear to have aided and abetted the exporters M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) in their acts of commission and omission which appear to have rendered the subject goods liable for confiscation under the provisions of 113 (d), 113(ia) and 113(ja) of the Customs Act, 1962 and it also appears that on account of this act of aiding and abetting the exporters, the Customs Broker firm M/s. Round the Clock Logistics Pvt Ltd. Appears to made itself liable for penal action in terms of section 114(i) of the Customs Act, 1962.

WRITTEN SUBMISSION OF THE EXPORTER

8. The exporter M/s. Haridas Madhavdas Sugandhi (IEC-0388010631), and the Custom Broker M/s. Round the Clock Logistics Pvt Ltd. vide their letter, requested for waiver of Show Cause Notice and Personal Hearing in the matter stating that the grounds for confiscation of goods and imposition of penalty under the provisions of the Customs Act, 1962, were verbally explained to them and that they have understood the same and were ready to pay the amount of fine and penalty as decided by the department. The exporter further stated in their letter, that it was an inadvertent lapse and assure that such an error will not recur in the future. They requested to allow the goods for Back to Town as locally such documents are never available from any SME manufacturer and farmers. All goods are sourced from local market and not been supplied by MNCs.

DISCUSSION AND FINDINGS

09. I have thoroughly examined the facts of this case, the submissions made by the exporter, and the documents on record. The exporter, M/s. Haridas Madhavdas Sugandhi (IEC-0388010631), have not contested the findings of the department regarding the discrepancies and non compliances in the consignment under Shipping Bill No. 4180552 dated 05.08.2025 for the export of goods declared as “"Assorted Products –ISO Borneol Flakes, Damar Batu Resin, Dried Flower Rose & Dried Tulsi Leaves ". I find that the proposed grounds for confiscation of the goods and imposition of penalty were verbally explained to the exporter and documents shown as stipulated in proviso to Section 124 of Customs Act 1962. The same has been acknowledged by the exporter vide their letter wherein they requested for waiver of Show Cause Notice and Personal Hearing. Hence the exporter's request for waiver of SCN and PH is accepted. Accordingly, I take up the case for adjudication in the absence of any defense submissions and on merits.

10. I find that an attempt was made by the exporter M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) to improperly export the goods i.e., “"Assorted Products –ISO Borneol Flakes,DamarBatu Resin,Dried Flower Rose & Dried Tulsi Leaves " declared in the shipping bill no. 4180552 dated 05.08.2025 even when:-

a) the first item Iso Borneol Flakes (80 KGS, RITC 29061910), being a chemical with potential application in food flavouring and fragrance preparations, requires a FSSAI license for export when intended for food use. No such certificate has been furnished by the exporter.

b) The second item, Damar Batu Resin (60 KGS, RITC 13019022), is of plant origin and intended for incense or related applications. For such exports, APEDA registration is required, and a Phytosanitary and Shellac board certificate is mandatory under the Export Policy of ITC (HS) 2022. No such certificate has been furnished by the exporter.

c) The third item, Dried Flower Rose (63 KGS, RITC 060390), is a botanical product requiring both APEDA registration and a Phytosanitary Certificate prior to export, as per plant quarantine and export quality control norms. However only APEDA Certificate has been submitted by the exporter.

d) The fourth item, Dried Tulsi Leaves (44 KGS, RITC 121190), being a dried plant product, also falls under the category mandating APEDA registration , Phytosanitary Certification and DGFT license under the Export Policy of ITC (HS) 2022. However, the exporter has failed to furnish any such registration documents or authorization.

11. Further, as per the records available, I find that neither the exporter has submitted any export authorization for the said goods, nor have they applied to the concerned authority for the grant of such export authorization, as required under the provisions of the Foreign Trade (Development and Regulation) Act, 1992, and the relevant provisions of the Foreign Trade Policy (FTP).

12. In the self-assessment era, it is the responsibility of the exporter to ensure compliance with the restriction or prohibition, if any, under this Act or under any other law for the time being in force relating to the goods under export. Thus by attempting to export the restricted goods without a valid FASSAI, APEDA, shellac board, DGFT and Phytosanitary certificate, the exporter has therefore also violated the provisions of section 50 (3) of the Customs Act, 1962 and provisions of section 11 of Foreign Trade (Development and Regulation) Act, 1992. Hence, the goods i.e.,“"Assorted Products –ISO Borneol Flakes,Damar Batu Resin,Dried Flower Rose & Dried Tulsi Leaves " having declared FOB value of Rs. 2,99,542.75/- (USD 3055) attempted to be improperly exported vide the shipping bill no. 4180552 dated 05.08.2025, under the undue claim for Duty Drawback and Remission of Duties and Taxes on Exported Products (RoDTEP) schemes are liable to be confiscated under Section 113(d),113(ia) and 113(ja) of the Customs Act, 1962. Therefore, I hold that the goods i.e., “"Assorted Products –ISO Borneol Flakes, Damar Batu Resin, Dried Flower Rose & Dried Tulsi Leaves " having declared FOB value of Rs. 2,99,542.75/- (USD 3055) are liable to confiscation in terms of provisions of 113(d),113(ia) and 113(ja) of the Customs Act, 1962.

13. Thus, for their acts of omission and commission as detailed above, which have rendered the subject goods liable to confiscation in terms of provisions of 113(d),113(ia) and 113(ja) of the Customs Act, 1962, I hold that the exporters M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) are liable for penal action under the provisions of Section 114(i) of the Customs Act 1962.

14. Custom Broker firm M/s. Round the Clock Logistics Pvt Ltd. has aided and abetted the exporters M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) in their acts of commission and omission which have rendered the subject goods liable to confiscation under the provisions of sections 113(d), 113(ia) and 113(ja) of the Customs Act, 1962 and on account of this act of aiding and abetting the exporters, the Customs Broker firm M/s. Round the Clock Logistics Pvt Ltd. has made itself liable for penal action in terms of section 114(i) of the Customs Act, 1962.Therefore, I hold that the Custom Broker firm M/s. Round the Clock Logistics Pvt Ltd. is liable for penalty under Section 114(i) of the Customs Act 1962.

ORDER

15. Therefore, in view of the aforestated facts and circumstances of the case, the documents and evidences on record, and legal aspects as discussed above, I hereby pass the following order:

(i) I order confiscation of the goods i.e., “"Assorted Products –ISO Borneol Flakes, Damar Batu Resin,Dried Flower Rose & Dried Tulsi Leaves "having declared FOB value of Rs. 2,99,542.75/- (USD 3055) attempted to be improperly exported vide the shipping bill no. 4180552 dated 05.08.2025, under Sections113(d),113(ia) and 113(ja) of the Customs Act, 1962. However, I offer an option to the exporter M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) to redeem the subject goods from confiscation on payment of Redemption Fine of Rs.25,000/-, (Rs. Twenty Five thousand only) under the provisions of Section 125 of the Customs Act, 1962, for the limited purpose of taking the subject goods back to town only.

(ii) I impose a penalty of Rs. 15,000/-/- (Rupees Fifteen thousand only) on the exporter, M/s. Haridas Madhavdas Sugandhi (IEC-0388010631) under Section 114(i) of the Customs Act, 1962.

(iii) I impose a penalty of Rs. 10,000/- (Rupees Ten thousand only) on the Custom Broker firm M/s. Round the Clock Logistics Pvt Ltd.(AADCR4639JCH001) under Section 114(i) of the Customs Act, 1962.

16. This order is issued without prejudice to any other action that may be taken against the Noticee (s) or any other person(s) concerned with the said goods under the Customs Act, 1962, or any other law for the time being in force in India.

14/10/25

(SachinPagare,)
Deputy Commissioner of Customs,
CEAC, NS-II, JNCH, Nhava Sheva

To,

1.M/s. HaridasMadhavdasSugandhi (IEC-0388010631)
451, Raviwar Peth, Pune, Maharashtra-411002
2.M/s. Round the Clock Logistics Pvt Ltd.(AADCR4639JCH001)
1203,AT by AGM,Mahal Industries Estate,Mahakali Caves Road,
Near AMC Centre, Andheri East,Mumbai-400093.

Copy to:

1. The Commissioner of Customs, NS II, JNCH, Nhava Sheva.
2. The Dy. Commissioner of Customs, Docks (X), JNCH, Nhava Sheva.
3. The Dy. Commissioner of Customs, NS-II, Review Cell, JNCH, Nhava Sheva.
4. The Dy. Commissioner of Customs, NS-II, CAC, JNCH, Nhava Sheva.
5. The Supdt, CHS, JNCH, Nhava Sheva for display on Notice Board.
6. The Superintendent of Customs,EDI/JNCH
7. Office Copy.