

 <p>सत्यमेव जयते</p>	<p>भारत सरकार/ Government of India वित्त मंत्रालय/ Ministry of Finance आयुक्त सीमा शुल्क एनएस-II का कार्यालय, केंद्रीकृत अधिनिर्णयन प्रकोष्ठ, जवाहरलाल नेहरू सीमा शुल्क भवन न्हावा शेवा, तालुका-उरण, जिला -रायगढ़, महाराष्ट्र- 400 707 OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II CENTRALIZED ADJUDICATION CELL, JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA, DIST- RAIGAD, MAHARASHTRA-400707</p>	
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F. No.: S/10-186/2025-26/ADC/SIIB(X)/CEAC/NS-II/CAC/JNCH Date of Order: 28.01.2026

द.प.सं./DIN: 20260178NT0000222FEC

Date of Issue: 28.01.2026

SCN No. 2649/2023-24/ADC/CEAC/NS-II/CAC/JNCH

Date of SCN 19.02.2024

जारीकर्ता/Passed By: **Shri Raghu Kiran B.,**  
**Commissioner of Customs (In-situ),**  
**CEAC, NS-II, JNCH, Nhava Sheva.**

मूल आदेश सं./Order-In-Original No.: 1527/2025-26/ADC/CEAC/NS-II/CAC/JNCH

निर्यातक का नाम/Exporter's Name: **मै.डी.एस.इंटरनेशनल(आयात निर्यात कोड: BIMPS2070P)**  
**M/s. D.S International (IEC-BIMPS2070P)**

### मूल आदेश

- यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निः शुल्क दी जाती है।
- 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 - 400 707, महाराष्ट्र 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 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 1870 की अनुसूची 1, मद 6 के अंतर्गत निर्धारित किया गया है।
- 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-ORIGINAL

- This copy is granted free of charge for the use of the person to whom it is issued.
- An appeal against this order lies with the Commissioner of Customs (Appeal), Jawaharlal Nehru Custom House, Nhava 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, item 6 of the Court Fee Act, 1970.
- 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**

On the basis of specific intelligence received from the NCTC, the Exporter, M/s. D.S International (IEC-BIMPS2070P) having an address at Shop No.-4, Plot No.-247 to 249, Sukh Sagar CHS, Sector-23, Juinagar, Navi Mumbai-400705 (hereinafter referred to as the “Exporter”), was attempting to export a consignment of goods declared as “Boys Footwear, Readymade Garments such as Shirt/Skirt/T-shirt/others and Dress Materials of Cotton/Blend/MMF, etc.” (hereinafter called as “the goods”) by over-invoicing its value to claim undue export benefits i.e. Drawback & RoSCTL vide 03 Shipping Bills no.-2359059, 2359525 & 2359658 all dated 11.07.2023 filed through their Customs Broker M/s. YSR Logistics (hereinafter referred to as the “CB”) from Nhava Sheva port. Thereafter, the said consignment was put on hold vide Hold No. 114/2022-23-SIIB(X) vide letter F. No.- SG/Misc-101/21-22 SIIB(X)/JNCH dated 13.07.2023. The details of the said Shipping Bills are tabulated below:—

**TABLE-I**

Sl. No.	S/B. No. & Date	Item Sl. No.	Declared Description of Goods	Declared QTY	Declared FOB Value (in Rs.)	Claimed Drawback (in Rs.)	Claimed ROSCTL (in Rs.)	Claimed RoDTEP (in Rs.)
1	2359059/ 11.07.2023	1	BOYS FOOTWEAR	3 PRS	514.09	0	0	1
		2	BOYS HALF PANT OF MMF	36 PCS	8367.48	225.92	398	0
		3	BOYS SHIRT OF COTTON	1021 PCS	253950.52	5586.91	15364	0
		4	BOYS SHORTS OF BLEND CONTAINING COTTON & MMF	56 PCS	13472.09	282.91	586	0
		5	BOYS T-SHIRT OF COTTON	1223 PCS	269286.28	5655.01	13195	0
		6	GIRLS 2 PCS SET OF MMF	94 PCS	21847.2	611.72	1038	0
		7	GIRLS DUNGRI OF MMF	200 PCS	44036.8	1100.92	1674	0
		8	GIRLS GOWN OF MMF	406 PCS	87739.77	2544.45	3335	
		9	GIRLS JACKET OF MMF	38 PCS	8831.970	247.3	419	0
		10	GIRLS JUMPSUIT OF MMF	86 PCS	20338.32	508.46	773	0
		11	GIRLS LEGGINGS OF BLEND CONTAINING COTTON & MMF	307 PCS	61338.29	1533.46	2668	0
		12	GIRLS PANT OF BLEND CONTAINING COTTON & MMF	140 PCS	30826.04	770.65	1668	0
		13	GIRLS PLAZO OF MMF	60 PCS	14923.73	373.09	567	0
		14	GIRLS' SHORT PANT OF MMF	36 PCS	8220.6	238.4	391	0
		15	GIRLS SHORTS OF BLEND CONTAINING COTTON & MMF	271 PCS	60775.57	1519.39	3288	0
		16	GIRLS SKIRT OF MMF	423 PCS	101762.19	2849.34	4834	0
		17	GIRLS TOP OF BLEND CONTAINING COTTON & MMF	1787 PCS	400756.69	10018.92	17433	0
		18	LACES	379 PCS	131356.91	2256	0	1314
		19	LADIES BLOUSE OF MMF	18 PCS	4036.38	117.06	154	0
		20	LADIES FOOTWEAR	1 PRS	183.13	0	0	2
		21	LADIES GOWN OF MMF	51 PCS	11853.53	343.75	451	0
		22	LADIES MAXI WITH DUPATTA OF MMF	300 PCS	79511.54	2305.83	3777	0
		23	LADIES PURSE OF PVC	32 PCS	7568.21	242.18	0	91
		24	LADIES SAREE OF MMF	28 PCS	6850.02	157.55	0	48
		25	MENS SINGLET OF COTTTON	25788 PCS	3154517.16	66244.86	154571	0
		26	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	15489.5 MTR	4357932.71	89631	230970	0
		27	PATCH	18 PCS	2935.72	0	0	29
		28	TILES	TILES	2715.93 SQF	110741.99	1993.36	0
		29	TOWEL OF COTTON	4 PCS	616.14	0	33	0
		30	USED CLOTH	10 PCS	8.58	0	0	0
		31	WOVEN FABRIC OF COTTON CONTAINING 85% OR MORE BY WEIGHT OF COTTON	19.5 MTR	1988.62	0	0	74

		32	WOVEN FABRIC OF SYTHETIC STAPLE FIBER CONTAINING 85% OR MORE BY WEIGHT OF SYNTHETIC STAPLE FIBER	2131 MTR	260674.64	4692.14	0	1825
2	2359658/ 11.07.2023	1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	34610.5 MTR	7169115.14	128938	379963	0
3	2359525/ 11.07.2023	1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	34697 MTR	9705323.4	174547	514382	0
				<b>Total</b>	<b>2,64,12,199.52</b>	<b>5,05,536</b>	<b>1,35,1932</b>	<b>4,495</b>

2. **EXAMINATION OF THE GOODS:** Subsequently, the goods covered under the subject shipping bills were examined under a Panchanama dated 18.07.2023 in the presence of an authorized representative of the Exporter i.e. CB, Shri Rajan A. Sarang, G-card holder of M/s YSR Logistics (License No-11/2708). During the course of 100% examination, the value of the goods was found to be mis-declared. Representative Sealed Samples (RSS) in duplicate were drawn randomly and were sealed for the purpose of testing declared description and valuation through market enquiry.

3. **INSERTION OF ALERT, CORRESPONDENCE WITH CGST AUTHORITIES AND PROVISIONAL RELEASE OF GOODS:** Immediately, an Alert dated 20.07.2023 was inserted against IEC-BIMPS2070P to suspend IGST and other export incentives. Further, a letter dated 01.08.2023 was also sent to the concerned CGST Jurisdictional Commissionerate to verify the genuineness of the Exporter and its supplier to verify the supply chain. In the meantime, as per the Exporter's request, the goods were allowed provisional release for export on execution of bond equivalent to the FOB value of the subject goods and Bank Guarantee of the amount decided by the competent authority.

4. **TESTING OF THE GOODS:** To ascertain the nature, composition and correct classification of the subject goods, the representative samples which were drawn at the time of Panchanama, were forwarded to DYCC, JNCH on 01.08.2023 for testing nature, composition. The DYCC, JNCH forwarded Test Reports Nos. 584, 588, 589, 592, 593, 587, 591, 585, 586 & 590/SIIB(X) all dated 02.08.2023. The details of the said DYCC reports are tabulated as below:

**TABLE II**

SL. NO.	S/B No. & Date	Item SL. No.	Declared Description of goods	Re-determined Description of Goods as per Test Report
1.	2359059/11.07.2023	5	BOYS T-SHIRT OF COTTON	KNITTED BOYS T-SHIRT OF BLEND CONT COTTON & MMF
		8	GIRLS' GOWN OF MMF	GIRLS GOWN OF BLEND CONT COTTON & MMF
		11	GIRLS LEGGINGS OF BLEND CONTAINING COTTON & MMF	KNITTED GIRLS' LEGGINGS OF MMF
		12	GIRLS PANT OF BLEND CONTAINING COTTON & MMF	GIRLS PANT OF BLEND CONTAINING COTTON & MMF
		15	GIRLS SHORTS OF BLEND CONTAINING COTTON & MMF	GIRLS SHORTS OF BLEND CONTAINING COTTON & MMF
		17	GIRLS TOP OF BLEND CONTAINING COTTON & MMF	GIRLS TOP OF BLEND CONTAINING COTTON & MMF
		25	MENS SINGLET OF COTTTON	KNITTED MENS SINGLET OF COTTTON
		26	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL
		31	WOVEN FABRIC OF COTTON CONTAINING 85% OR MORE BY WEIGHT OF COTTON	WOVEN FABRIC OF COTTON CONTAINING 85% OR MORE BY WEIGHT OF COTTON

		32	WOVEN FABRIC OF SYTHETIC STAPLE FIBER CONTAINING 85% OR MORE BY WEIGHT OF SYNTHETIC STAPLE FIBER	WOVEN FABRIC OF SYTHETIC STAPLE FIBER CONTAINING 85% OR MORE BY WEIGHT OF SYNTHETIC STAPLE FIBER
2	2359658/11.07.2023	1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL
3	2359525/11.07.2023	1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL

**5. RE-CLASSIFICATION OF THE GOODS:** From the above Table No. II, it appeared that some goods were found mis-declared in terms of description and composition as per the DYCC test results which also raised reasonable doubt against the transaction value declared by the exporter. Thus, the declared value of the goods mentioned in Table II above, in the export invoice appeared questionable and liable for rejection as per Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules,

**6. RE-DETERMINATION OF VALUATION**

6.1 Accordingly, as per Rule 3(3) *ibid*, since the value of the impugned goods could not be determined under the provisions of Sub-Rule (1), the value was to be re-determined by proceeding sequentially through Rule 4 to Rule 6 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

6.2 As the export goods were not standard goods, the export data in the Export Commodity Data Base (ECDB) could not be used for comparing price of the goods of like kind and quality as required under Rule 4 of CVR, 2007. Further, the subject goods were not identified specifically with any identical to compare their transaction value with the declared value of the subject goods, hence the value of the subject goods could not be determined under the said Rule 4 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

6.3 The Exporter had neither produced any cost of production details, manufacturing or processing of export details and correct transport details nor produced cost design or brand or an amount towards profit etc. to derive the computed value of the goods. In the absence of complete cost data details, value could not be determined as per Rule 5 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

6.4 The value of the impugned goods was, therefore, proposed to be re-determined under the residual Rule 6 of CVR (Export) Rules, 2007. This rule stipulates that subject to the provisions of Rule 3, where the value of the export goods could not be determined under the provisions of Rules 4 and 5, the value should be determined using reasonable means consistent with the principles and general provisions of these rules. Therefore, in order to arrive at the correct value of the impugned goods, the same was required to be done on the basis of Rule 6 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007 i.e. through Market Enquiry in the presence of an authorized representative from the side of Exporter and accordingly, the market enquiry of the goods was conducted on 16.09.2023 and the average wholesale price of the goods was re-determined per pcs for the said shipping bills, thus as per Section 2(30) of Customs Act 1962, the present market value (PMV) of the impugned goods appears to be mis-declared and accordingly

in same proportionate, declared FOB value needs to be re-determined as detailed in Table-III below:

**TABLE III**  
**(Details of Market Enquiry)**

SB No. & Date	Item Description	Shop 1 (Rs.)	Shop 2 (Rs.)	Shop 3 (Rs.)	Average PMV for re-determination (in Rs.)	Re-determined FOB Value(In Rs)
2359059 dtd 11.07.2023	Boys Half Pant of MMF	230	225	235	230	7527.6555
	Boys Shirt of Cotton	230	240	225	231.67	215031.86
	Boys Shorts of Blend	230	225	230	228.33	11709.106
	Boys T-shirt of Cotton	200	210	210	206.67	229782.81
	Girls 2 Pes Set of MMF	230	210	220	220	12091.167
	Girls Short Pant of MMF	200	210	210	206.67	6764.1494
	Girls Shorts of Blend	200	210	210	206.67	50916.077
	Girls Skirt of MMF	250	245	250	248.33	95494.104
	Girls Top of Blend	200	210	210	206.67	335742.77
	Mens Singlets	110	115	110	111.67	2617902.3
Other Made-up Article of MMF Dress Material	250	245	255	250	3520367	
2359658 dtd 11.07.2023	Other Made-up Article of MMF Dress Material	185	200	200	195	6135516.6
2359525 dtd 11.07.2023	Other Made-up Article of MMF Dress Material	250	245	255	250	7885634.4

**TABLE IV**  
**(Details of Re-determined export incentives)**

Shipping Bill No. 2359059/ 11.07.2023										
Item Sl. No.	Decl. Description of Goods	Decl. QTY	Decl. FOB Value (in Rs.)	Claimed Drawback (in Rs.)	Claimed ROSC TL (in Rs.)	Re-determined FOB Value (in Rs.)	Re-determined DBK (in Rs.)	Re-determined RoSCTL (in Rs.)	Difference DBK (in Rs.)	Difference RoSCTL (in Rs.)
1	BOYS FOOTWEAR	3 PRS	514.09	0	0	514.09	0	0	0	0
2	BOYS HALF PANT OF MMF	36 PCS	8367.48	225.92	398	7527.655	203.24	358.05	22.67	39.95
3	BOYS SHIRT OF COTTON	1021 PCS	253950.52	5586.91	15364	215031.9	4730.7	13009.42	856.21	2354.58
4	BOYS SHORTS OF BLEND	56 PCS	13472.09	282.91	586	11709.1	245.8	509.31	37.022	76.69
5	BOYS T-SHIRT OF COTTON	1223 PCS	269286.28	5655.01	13195	229782.8	4825.43	11259.33	829.5	1935.67
6	GIRLS 2 PCS SET OF MMF	94 PCS	21847.2	611.72	1038	21847.2	611.72	1038	0	0
7	GIRLS DUNGRI OF MMF	200 PCS	44036.8	1100.92	1674	44036.8	1100.92	1674	0	0
8	GIRLS GOWN OF MMF	406 PCS	87739.77	2544.45	3335	87739.77	2544.45	3335	0	0
9	GIRLS JACKET OF MMF	38 PCS	8831.97	247.3	419	8831.97	247.3	419	0	0
10	GIRLS JUMPSUIT OF MMF	86 PCS	20338.32	508.46	773	20338.32	508.46	773	0	0
11	GIRLS LEGGINGS OF BLEND	307 PCS	61338.29	1533.46	2668	61338.29	1533.46	2668	0	0
12	GIRLS PANT OF BLEND	140 PCS	30826.04	770.65	1668	30826.04	770.65	1668	0	0
13	GIRLS PLAZO OF MMF	60 PCS	14923.73	373.09	567	12091.17	302.27	459.38	70.81	107.62
14	GIRLS' SHORT PANT OF MMF	36 PCS	8220.6	238.4	391	6764.149	196.16	321.72	42.23	69.27
15	GIRLS SHORTS OF BLEND	271 PCS	60775.57	1519.39	3288	50916.08	1272.90	2754.59	246.48	533.41

16	GIRLS SKIRT OF MMF	423 PCS	101762.19	2849.34	4834	95494.1	2673.83	4536.24	175.50	297.75
17	GIRLS TOP OF BLEND	1787 PCS	400756.69	10018.92	17433	355742.8	8893.57	15474.89	1125.34	1958.12
18	LACES	379 PCS	131356.91	2256	0	131356.91	2256	0	0	0
19	LADIES BLOUSE OF MMF	18 PCS	4036.38	117.06	154	4036.38	117.06	154	0	0
20	LADIES FOOTWEAR	1 PRS	183.13	0	0	183.13	0	0	0	0
21	LADIES GOWN OF MMF	51 PCS	11853.53	343.75	451	11853.53	343.75	451	0	0
22	LADIES MAXI WITH DUPATTA OF MMF	300 PCS	79511.54	2305.83	3777	79511.54	2305.83	3777	0	0
23	LADIES PURSE OF PVC	32 PCS	7568.21	242.18	0	7568.21	242.18	0	0	0
24	LADIES SAREE OF MMF	28 PCS	6850.02	157.55	0	6850.02	157.55	0	0	0
25	MENS SINGLET OF COTTON	25788 PCS	3154517.2	66244.86	154571	2617902	54975.95	128276.9	11268.9	26294.07
26	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	15489.5 MTR	4357932.7	89631	230970	3520367	80968.44	186579.1	8662.56	44390.9
27	PATCH	18 PCS	2935.72	0	0	2935.72	0	0	0	0
28	TILES	2715.93 SQF	110741.99	1993.36	0	110741.99	1993.36	0	0	0
29	TOWEL OF COTTON	4 PCS	616.14	0	33	616.14	0	33	0	0
30	USED CLOTH	10 PCS	8.58	0	0	8.58	0	0	0	0
31	WOVEN FABRIC OF COTTON	19.5 MTR	1988.62	0	0	1988.62	0	0	0	0
32	WOVEN FABRIC OF SYTHETIC STAPLE FIBER	2131 MTR	260674.64	4692.14	0	260674.64	4692.14	0	0	0

**Shipping Bill No. 2359658/ 11.07.2023**

Item Sl. No.	Declared Description of Goods	Declared QTY	Declared FOB Value (in Rs.)	Claimed DBK (in Rs.)	Claimed ROSC TL (in Rs.)	Re-Determined FOB Value (in Rs.)	Re-determined DBK (in Rs.)	Re-determined RoSCTL (in Rs.)	Differ. DBK (in Rs.)	Differ. RoSCTL (in Rs.)
1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	34610.5 MTR	7169115.1	128938	379963	6135517	110348.5	325182.3	18589.48	54780.71

**Shipping Bill No. 2359525/ 11.07.2023**

Item Sl. No.	Declared Description of Goods	Declared QTY	Declared FOB Value (in Rs.)	Claimed Drawback (in Rs.)	Claimed ROSC TL (in Rs.)	Re-Determined FOB Value (in Rs.)	Re-determined DBK (in Rs.)	Re-determined RoSCTL (in Rs.)	Differ. DBK (in Rs.)	Difference RoSCTL (in Rs.)
1	OTHER MADEUP ARTICLE OF MMF DRESS MATERIAL	34697 MTR	9705323.4	174547	514382	7885634	141820.5	417938.5	32726.51	96443.49
	<b>Total</b>	<b>Total</b>	<b>2,64,12,200</b>	<b>5,05,536</b>	<b>13,51,932</b>	<b>2,20,38,278</b>	<b>4,30,882</b>	<b>11,22,650</b>	<b>74,653/-</b>	<b>2,29,282</b>

6.5 Hence, on the basis of the Market Enquiry report dated 16.09.2023 as detailed above, the re-determined FOB of the said 03 Shipping Bills Nos. 2359059, 2359525 & 2359658 all dated 11.07.2023 comes out to Rs 2,20,38,278/- against declared FOB of Rs 2,64,12,200/- as detailed in Table-IV above. It appeared that by inflating the FOB value, the exporter attempted to claim a drawback of Rs 5,05,536/- against the applicable re-determined Drawback of Rs 4,30,882/- as detailed in Table IV above. Therefore, the differential drawback comes out to be Rs 74,653/-. In this way, it appeared that for the goods covered under the Shipping Bills mentioned in Table-IV

above, the Exporter had inflated the FOB value of the export goods to claim undue export benefits i.e. differential Drawback to the tune of Rs 74,653/- & differential RoSCTL amounting to Rs 2,29,282/-. However, the goods were provisionally released for export as per the request of the exporter.

## 7. RECORDING OF THE STATEMENT:

7.1 Further, the Statement of Shri Dinesh Ambalal Solanki, Proprietor of M/s D S International was recorded under section 108 of the Customs Act, 1962 on 27.12.2023 wherein he, inter-alia, stated that he is the Proprietor of M/s D S INTERNATIONAL (IEC-BIMPS2070P) and his bond and BG was stuck at Customs; he presented himself before Customs; he filed 03 Shipping Bills Nos. 2359059, 2359525 & 2359658 all dated 11.07.2023 through CHA M/s YSR Logistics but later they informed them that Shipping bills were hold by docks officer and referred SIIB(X) and the goods would be examined 100%; that he agreed with examination done under Panchanama dated 18.07.2023 & goods were rightly declared in terms of quantity & description as he sent their authorized representative Shri Rajan A Sarang, G-card for examination; on being asked what was his intention behind this misdeclaration of value in said shipping bill which also verified in market report dated 16.09.2023; he replied that it was unintentional mistake by them and agreed with said market enquiry report and value suggested therein; on being asked whether their company and its supplier filed GST return regularly and submit evidences alongwith e-way bills of the said consignment; he replied that his company files GSTR returns regularly with last GSTR3B filed on 20.11.2023 for month of Oct., 2023 and he would also submit copies of e-way bills from supplier; on being asked it appeared that his company not in existence; he replied that the Company still working that's why they were filing regular GSTR and they are small trader who started working on credit but after hold of that consignment they went into financial loss; on being asked how he knew CHA M/s Perfecto Logistics; he replied that he came to know through his friend about Mr. Rajan A. Sarang G-card employee of M/s YSR Logistics whose employees also visited their premises for KYC; on being asked that you are just frontman having no financial sources of income; he replied in negative and stated he would submit his last year ITR returns copies; on being asked how did he get the finance money of more than 02 crores to buy goods for export; he replied that they are merchant exporter and mostly purchase the goods on credit; on being asked whether he was actual owner of the goods to be exported vide said 03 shipping bills as bank balance amount appeared meagre to operate business of more than 02 crores; he replied that he is the Proprietor of M/s D S INTERNATIONAL (IEC-BIMPS2070P) and owner of these goods; on being asked it came to notice that no inward supply of the goods to him, give evidence as their supply chain appeared non-existent; he replied that they are merchant exporter and mostly purchased the goods on credit but regarding supplier's GST returns filing status, he did not have much idea; on being asked whether they had ever been penalized by Customs, GST or any Govt. agency till date; he replied in negative however, as per Central Govt initiative, GST verification going on in all Mumbai Commissionerate including their company. Finally, he submitted that during examination goods were found as declared in terms of quantity and description & requested to close his case as they are facing heavy loss and need cash to continue their business at the

earliest. He also requested to cancel bond and BG, as they are ready to pay fine and penalty as decided by the department.

7.2. From the above, it appeared that the Exporter has mis-declared the goods in terms of description, classification and value (as detailed in Table-II and Table-III above) which was unearthed only after DYCC test results and market enquiry conducted on 16.09.2023 in presence of a representative of the Exporter and the same was accepted by the Exporter during his statement also. Thus, it is a cardinal rule that "A fact is accepted need not be proved", thus it appeared that the said Exporter had knowingly declared a higher price of the goods with malafide intention to claim undue/excess export benefits i.e. differential Drawback to the tune of Rs. 74,653/- & differential RoSCTL amounting to Rs 2,29,282/-, which was not legitimately due to him, thereby attempted to cause loss to the Government Exchequer. This shows the guilty intention on the part of the Exporter.

7.3. Further, the exporter had not submitted any evidence like e-way bill, GST purchase bills, etc. from their supplier during the course of the investigation or during his statement. Also, there appeared no vehicle movement from the supplier to the Exporter which shows that the supplier chain is non-existent. Thus, the wrongful GST/ITC @5% amounting to Rs 13,20,610/- approximately on the total declared FOB of Rs 2,64,12,200/- in respect of the said 03 Shipping Bills Nos. 2359059, 2359525 & 2359658 all dated 11.07.2023 appeared at stake. This clearly shows the guilty intention on the part of the Proprietor and thus, by this act & omission, he had rendered himself liable for penalty under Section 114AC of the Customs Act 1962.

## **8. RELEVANT LEGAL PROVISIONS:**

### **A. CUSTOMS ACT, 1962**

(i) \*Section 2(30)\*: Market price in relation to any goods means the wholesale price of the goods in the ordinary course of trade in India.

(ii) \*Section 50: Entry of goods for exportation.\*

(Full clause text as in scan, including provisos (a), (b), (c)...).

(iii) \*Section 113(i)\*: any goods entered for exportation which do not correspond in respect of value or in any material particular with the entry made under this Act or in the case of baggage with the declaration made under section 77, shall be liable to confiscation.

(iv) \*Section 113(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 the rate of drawback under Section 75, shall be liable to confiscation.

(v) \*Section 113(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;

(vi) \*Section 114(ii)\*: 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 any other goods, to a penalty not exceeding the value of the goods as declared by the Exporter or the value as determined under this Act, whichever is greater;

(vii)\*Section 114AC: Penalty for fraudulent utilisation of input tax credit for claiming refund\* ...  
(full text as in scan)

(viii)\*Section 75A(2)\*: Where any drawback has been paid to the claimant erroneously or becomes otherwise recoverable under this Act or the rules made thereunder, the claimant shall, within a period of two months from the date of demand, pay in addition to the said amount of drawback, interest at the rate fixed under section 28AA and the amount of interest shall be calculated for the period beginning from the date of payment of such drawback to the claimant till the date of recovery of such drawback.

#### **B. CUSTOMS AND CENTRAL EXCISE DUTIES DRAWBACK RULES, 2017**

(i) \*Rule 17: Repayment of erroneous or excess payment of drawback and interest.\*

(Full rule text as per scan.)

#### **C. 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 thereunder and the foreign trade policy for the time being in force.

#### **D. FOREIGN TRADE (REGULATION) RULES, 1993**

(i) Rule 11: On the importation into, or exportation out of, any customs ports of any goods... \*(full rule text as per scan).

### **9. FINDINGS OF THE INVESTIGATION**

9.1 From the facts, evidences and provisions discussed above, it appeared that the Exporter had mis-declared the goods in terms of description, classification and value to avail undue export benefits. The FOB value of said 03 Shipping Bills No. 2359059, 2359525 & 2359658 all dated 11.07.2023 had been re-determined under Rule 6 of Customs Valuation Rules, 2007 which comes to Rs 2,20,38,278/- against declared FOB of Rs 2,64,12,200/- as detailed at Table-IV above. Thus, it appeared that by mis-declaring the description, classification & value of the goods, the Exporter had attempted to claim undue/excess export benefit i.e. differential Drawback to the tune of Rs. 74,653/- & differential RoSCTL amounting to Rs 2,29,282/-, for the said 03 Shipping Bills no. 2359059, 2359525 & 2359658 all dated 11.07.2023.

9.2 In this case, the Exporter had mis-declared the description, classification and value of the goods to claim undue export benefits i.e. Drawback & RoSCTL etc., and attempted to export the goods to claim such benefits in contravention of the provisions of Section 50(2) of the Customs Act, 1962 read with Rule 11 of Foreign Trade (Regulations) Rules, 1993. Thus, it appeared that

the goods under said 03 Shipping Bills Nos. 2359059, 2359525 & 2359658 all dated 11.07.2023 were liable for confiscation under the provisions of section 113(i), 113(ia) and 113(ja) of the Customs Act, 1962 and consequent penalty under Section 114(ii) of the Customs Act, 1962.

9.3 Further, the Exporter had not submitted any evidence like e-way bills, GST purchase bill etc. from their supplier during the course of investigation or during his statement. Also, there appeared no vehicle movement from the supplier to the Exporter which shows that the supplier chain is non-existent. Thus, the wrongful GST/ITC @5% amounting to Rs 13,20,610/- approximately on the total declared FOB of Rs 2,64,12,200/- in respect of the said 03 Shipping Bills No. 2359059, 2359525 & 2359658 all dated 11.07.2023 appeared at stake. This clearly shows the guilty intention on the part of the Proprietor and thus, by this act and omission, he had rendered himself liable for penalty under section 114AC of the Customs Act, 1962.

**10. ISSUANCE OF SCN:** On completion of investigation, the Investigating Agency, viz. SIIB (X) had forwarded an Investigation Report depicting the above fact for issuance of SCN to the Exporter. Accordingly on the basis of said Investigation Report a SCN No. 2649/2023-24/ADC/CEAC/NS-II/CAC/JNCH dated 19.02.2024 was issued to the Exporter, M/s D.S International(IEC-BIMPS2070P) having address at Shop No-4, Plot No-247 to 249, Sukh Sagar CHS, Sector 23, Juinagar, Navi Mumbai-400705, whereby they were called upon to explain in writing to the Addl./Joint Commissioner of Customs, NS-II, JNCH, Nhava-Sheva, Tal.-Uran, Dist.-Raigad-400 707, Maharashtra 400707 (the Adjudicating Authority in this case), within 30 days of the issue of this notice as to why:

(i) The total declared FOB value of said 03 Shipping Bills nos.-2359059, 2359525 & 2359658 all dated 11.07.2023 of Rs 2,64,12,200/- as mentioned at Table-I above, should not be rejected under Rule 8 of the Customs Valuation (Determination of value of export goods) Rules, 2007, and should not be re-determined at Rs 2,20,38,278/- (Rupees Two Crore Twenty Lakh as mentioned at Table-IV above, under Rule 6 of the Customs Valuation (Determination of value of export goods) Rules, 2007.

(ii) Total Drawback in respect of the 03 current shipping bills should not be re-determined to Rs. 4,30,882/- against claimed drawback of Rs 5,05,536/- under Rule 17 of the Customs and Central Excise Duties Drawback Rules, 2017 and RoSCTL benefit should not be redetermined to Rs 11,22,650/- against claimed RoSCTL of Rs 13,51,932/-.

(iii) The goods vide 03 Shipping Bills Nos.-2359059, 2359525 & 2359658 all dated 11.07.2023 having declared FOB of Rs 2,64,12,200/- as detailed at Table-I above, should not be confiscated under Section 113(i), 113(ia) and 113(ja) of the Customs Act, 1962 and the Bond & BG submitted at the time of provisional release for export should not be enforced.

(iv) Penalty should not be imposed upon the Exporter M/s. D.S International (IEC-BIMPS2070P) under Section 114(iii) of the Customs Act 1962 for omission on the part of the Exporter which have rendered the export goods liable for confiscation under section 113 of the Customs Act, 1962..

(v) Penalty should not be imposed upon the Proprietor of M/s. D.S International (IEC-BIMPS2070P) under Section 114AC of the Customs Act 1962 for attempting to claim an ineligible refund of ITC under LUT.

### **WRITTEN SUBMISSIONS OF THE EXPORTER**

11. Vide SCN dated 19.02.2024, the Exporter was asked to submit written reply to the SCN within 30 days of receipt of the subject SCN, however, so far, the Exporter has not submitted any reply to the SCN.

### **RECORD OF PERSONAL HEARING**

12. In adherence of the Principles of Natural Justice the Exporter was granted an opportunity to appear before the Adjudicating Authority for Personal Hearing (PH) for giving oral submissions in their defence. Accordingly, PH Memos dated 29.09.2025, 14.10.2025 & 03.12.2025 were issued by the Adjudicating Authority. However, neither the Exporter nor its authorized representative honored the said PH Memos and appeared before the Adjudicating Authority for PH.

### **DISCUSSION AND FINDINGS**

13. I have gone through the facts of the case, the evidence available on record, the Show Cause Notice dated 19.02.2024, and the documents relied upon during the course of investigation relevant legal provisions and proceed to decide the case. I find that the present case has arisen out of specific intelligence received from NCTC indicating that the Exporter, M/s. D.S. International, was attempting to export readymade garments and allied goods by grossly inflating the declared FOB value with an intention to avail undue export incentives in the form of Drawback and RoSCTL. The intelligence input was duly corroborated by subsequent examination, laboratory testing by DYCC, and market enquiry conducted by the Investigating Agency.

14. I find that the Exporter neither submitted written reply to the SCN till now nor appeared for PH on the scheduled dates and time. I find that ample opportunities have been given to the Exporter for submission of written reply and appearance for PH, which they failed to avail. These acts on the part of the Exporter amounts to non-co-operation and tactic used to delay adjudication proceedings. However, adjudication being a time bound proceeding, cannot be kept pending indefinitely. Therefore, I am constrained to proceed with the adjudication proceedings *ex-parte*, on the basis of available facts and evidences on record.

15. I find that the Exporter did not participate in the present adjudication proceedings in spite of the servicing of PH Memos for Personal Hearings in terms of Section 153 of Customs Act, 1962 (as detailed in Paras 13 & 31.1 *supra*). Section 153 of the Customs Act, 1962 reads as under:

***Section 153. Modes for service of notice, order, etc. (1) An order, decision, summons, notice or any other communication under this Act or the rules made thereunder may be served in any of the following modes, namely: -***

(b) by a registered post or speed post or courier with acknowledgement due, delivered to the person for whom it is issued or to his authorized representative, if any, at his last known place of business or residence;

(c) by sending it to the e-mail address as provided by the person to whom it is issued, or to the e-mail address available in any official correspondence of such person;

(e) by affixing it in some conspicuous place at the last known place of business or residence of the person to whom it is issued and if such mode is not practicable for any reason, then, by affixing a copy thereof on the notice board of the office or uploading on the official website, if any.

15.1. Therefore, in terms of Section 153 of the Customs Act, 1962, it is observed that PH letters were duly sent to the Exporter at their known addresses (as mentioned in the SCN and export documents) through Registered Post. Further, these PH letters were also displayed on the Notice Board of this Office in compliance to the provision of section 153 (1)(e) of the Customs Act, 1962 as mentioned above, but the exporter has not submitted any response to the Personal Hearing Memo through any mode of communication. From the aforesaid facts, it is observed that sufficient opportunities have been given to the Exporter but they chose not to join the adjudication proceedings. As the matter pertains to export of RMGs by resorting to mis-declaration of description of the goods in respect of its constituents and accordingly mis-classification of the same as well as overvaluation of the goods which resulted in claim of undue/excess export incentives and subsequent imposition of fines and penalties on the Exporter, so even in absence of the Exporter from adjudication proceedings, I am compelled to decide the matter in time bound and logical manner.

15.2. In this regard, it is pertinent to refer to the case of *M/s. Sumit Wool Processors V/s. CC, Nhava Sheva [2014 (312) E.L.T. 401 (Tri.- Mumbai)] wherein Hon'ble CESTAT, Mumbai* has observed that natural justice not violated when opportunity of being heard given and notices sent to addresses given by the Noticee. If appellants fail to avail such opportunity, mistake lies on them - Principles of natural justice not violated.

"8.3 We do not accept the plea of Mr. Sanjay Kumar Agarwal and Mr. Parmanand Joshi that they were not heard before passing of the impugned orders and principles of natural justice has been violated. The records show that notices were sent to the addresses given and sufficient opportunities were given. If they failed in not availing of the opportunity, the mistake lies on them. When all others who were party to the notices were heard, there is no reason why these two appellants would not have been heard by the adjudicating authority. Thus, the argument taken is only an alibi to escape the consequences of law. Accordingly, we reject the plea made by them in this regard" 2014 (312) E.L.T. 401 (Tri. - Mumbai)"

15.3. Considering the aforesaid scenario and the fact that the Exporter has not participated in the adjudication proceedings, I take up this SCN dated 19.02.2024 for discussion on the merit of the case. With regard to proceeding to decide the case following the Principle of Natural Justice, reliance is placed on the decision of the *Hon'ble High Court of Allahabad in the case of M/s. Modipon Ltd. V/s. CCE, Meerut [reported in 2002 (144) ELT 267 (All)]* effectively dealing with the issue of natural justice and personal hearing. The extract of the observations of Hon'ble Court is reproduced herein below for reference:

*"Natural justice- Hearing- Adjournment- Adjudication- Principle of audi alteram partem does not make it imperative for the authorities to compel physical presence of the party for hearing and go on adjourning proceedings so long as party does not appear before them- What is imperative for the authorities to afford the opportunity- If the opportunity afforded is not availed of by the party concerned, there is no violation of the principles of natural justice. The fundamental principles of natural justice and fair play are safeguards for the flow of justice and not the instruments for delaying the proceedings and thereby obstructing the flow of justice.*

*Natural justice - Hearing - Adjudication - Requirement of natural justice complied with if person concerned afforded an opportunity to present his case before the authority - Any order passed after taking into consideration points raised in such application not invalid merely on ground that no personal hearing had been afforded, all the more important in context of taxation and revenue matters. [1996 (2) SCC 98 relied on] [para 22]"*

15.4. In view of the above, it is observed that sufficient opportunities have been given to the Exporter but they chose not to join the adjudication proceedings. Having complied with the requirement of the Principles of Natural Justice and having granted Personal Hearings, the adjudication proceeding is a time bound matter and cannot be kept pending indefinitely. I, therefore, proceed with the adjudication of the case *ex-parte*, on the basis of available evidences on record

16. I find that the following issues are required to be decided in the instant case;

(i) Whether the total declared FOB value of the said three (03) Shipping Bills Nos. 2359059, 2359525 and 2359658, all dated 11.07.2023, amounting to Rs. 2,64,12,200/- as detailed at Table-I above, should be rejected under Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007 and should be re-determined at Rs. 2,20,38,278/- (Rupees Two Crore Twenty Lakh Thirty Eight Thousand Two Hundred and Seventy Eight only) as worked out at Table-IV above or not, under Rule 6 of the said Rules.

(ii) Whether the total export incentives claimed in respect of the said three (03) Shipping Bills, namely Drawback amounting to Rs. 5,05,536/-, should be rejected and re-determined to Rs. 4,30,882/- under Rule 17 of the Customs and Central Excise Duties Drawback Rules, 2017 and

whether the RoSCTL benefit amounting to Rs. 13,51,932/- should be rejected and re-determined to Rs. 11,22,650/-, or not as detailed in the relevant Tables above.

(iii) Whether the goods covered under the said three (03) Shipping Bills Nos. 2359059, 2359525 and 2359658, all dated 11.07.2023, having a declared FOB value of Rs. 2,64,12,200/- as detailed at Table-I above, should be held liable to confiscation under Sections 113(i), 113(ia) and 113(ja) of the Customs Act, 1962 and consequently, whether the Bond and Bank Guarantee furnished at the time of provisional release of the goods for export should be enforced or not.

(iv) Whether penalty should be imposed upon the Exporter, M/s. D.S. International (IEC: BIMPS2070P), under Section 114(iii) of the Customs Act, 1962, for any act of omission or commission which allegedly rendered the export goods liable to confiscation under Section 113 of the Customs Act, 1962 or not.

(v) Whether penalty should be imposed upon the Proprietor of M/s. D.S. International (IEC: BIMPS2070P) under Section 114AC of the Customs Act, 1962, for allegedly attempting to claim ineligible export benefits or refund of ITC under LUT or not.

17. I find that the subject Shipping Bills were taken up for detailed scrutiny on the basis of specific intelligence regarding possible over-valuation of export goods with intent to avail undue export incentives. I note that the goods were 100% examined under Panchanama in the presence of the authorized representative of the Exporter and that Representative Sealed Samples (RSS) were drawn and forwarded to DYCC, JNCH for examination. The Test Reports issued by DYCC revealed discrepancies in the declared description and composition of the goods, which in turn rendered the declared RITC and the corresponding export incentive serial numbers incorrect.

18. I further find that, in view of the discrepancies noticed and the absence of reliable contemporaneous evidence, the declared transaction value could not be accepted. I note that the Exporter was repeatedly called upon to substantiate the declared FOB value by producing documentary evidence such as purchase invoices, cost sheets, transportation details, e-way bills or any other records to establish the correctness of the declared value. However, the Exporter failed to submit any cogent or verifiable evidence in support of the declared FOB value.

19. I find that since the value of the export goods could not be determined under Rules 4 or 5 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007, the proper officer rightly proceeded to determine the value under Rule 6 of the said Rules by conducting market enquiry in the presence of the Exporter's representative. Based on the Present Market Value so ascertained, the FOB value of the subject goods was re-determined at Rs. 2,20,38,278/- as detailed at Table-IV above.

In view of the foregoing, I hold that the declared FOB value of Rs. 2,64,12,200/- in respect of the said three Shipping Bills is liable to be rejected under Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007 and is correctly re-determined at Rs. 2,20,38,278/- under Rule 6 of the said Rules.

20. I find that the Exporter claimed export incentives in the form of Drawback amounting to Rs. 5,05,536/- and RoSCTL amounting to Rs. 13,51,932/- on the basis of the declared FOB value and declared RITC. Since the declared FOB value and description/composition of the goods have been found to be incorrect and have been rightly rejected, the export incentives originally claimed by the Exporter cannot be sustained. I further find that upon re-determination of the FOB value and corresponding correction of classification and RITC, the admissible Drawback works out to Rs. 4,30,882/- under Rule 17 of the Customs and Central Excise Duties Drawback Rules, 2017 and the admissible RoSCTL benefit works out to Rs. 11,22,650/-, as detailed in the relevant Tables on record. Accordingly, I hold that the excess Drawback amounting to Rs. 74,654/- and excess RoSCTL amounting to Rs. 2,29,282/- claimed by the Exporter are inadmissible and liable to be rejected, and the export incentives are required to be re-determined as above.

21. I find that the export goods covered under the said three Shipping Bills were mis-declared in respect of description, composition, classification and value, resulting in wrongful claim of export incentives. Such mis-declaration squarely attracts the provisions of Sections 113(i), 113(ia) and 113(ja) of the Customs Act, 1962.

22. I further find that the goods were provisionally released for export against execution of Bond and furnishing of Bank Guarantee pending final adjudication. Since the mis-declaration and over-valuation stand established on the basis of examination, test reports and market enquiry, I hold that the goods are liable to confiscation under the aforesaid provisions of the Customs Act, 1962. Consequently, I hold that the Bond and Bank Guarantee furnished by the Exporter at the time of provisional release are liable to be enforced towards fine and penalty as may be imposed.

23. I further find that the Exporter failed to exercise due diligence and also failed to substantiate the correctness of the declarations made in the Shipping Bills despite being afforded sufficient opportunity. Accordingly, I hold that the Exporter is liable for penalty under Section 114(iii) of the Customs Act, 1962.

24. I find that during investigation the exporter failed to submit e-way bills, GST purchase invoices or any evidence of transportation of goods and that no vehicle movement from supplier to exporter was found, indicating that the supply chain was non-existent and exposing wrongful utilisation of GST input tax credit of approximately Rs 13,20,610/- on the declared FOB value. I find that such acts constitute wilful misstatement and suppression of facts with intent to fraudulently utilise ITC for claiming export refund and therefore squarely attract the provisions of Section 114AC of the Customs Act, 1962. Accordingly, I hold that the Proprietor of M/s D.S. International is liable to penalty under Section 114AC of the Customs Act, 1962.

25. I find that the GST Circular No. 31/05/2018-GST dated 09.02.2018 assigns the Central Tax officers (Principal Commissioner/Commissioner of Central Tax, Additional/Joint Commissioner of Central Tax, Deputy/Assistant Commissioner of Central Tax, Superintendent and Inspector of Central Tax) to function as the Proper Officers in relation to the issue of show cause notices and orders under sections 73 and 74 of the CGST Act and section 20 of the IGST Act (read with

sections 73 and 74 of the CGST Act), up to the monetary limits as mentioned in the said circulars. Thus, the proper officer as defined under section 2 (91) of the CGST Act 2017 and assigned functions vide Circular No. 31/05/2018-GST dated 09.02.2018 are to exercise powers under section 73 and 74 of the CGST Act 2017 and can issue notices and orders under the said Sections/Acts. Accordingly, this Order shall be forwarded to the concerned Central GST Unit for initiation of suitable action at their end for mala fide intention of the Exporter to avail undue/excess IGST Refund on the basis of overvaluation of the goods, which is legitimately not due to them. Therefore, it is required to refer this case to Jurisdictional CGST Authorities to make thorough enquiry into the GST payments of the exporter and their suppliers and verify whether they have had made any GST Payment against the Invoices pertaining to exports and take necessary action in case any discrepancies or violations of CGST Act/Rules is found.

26. In view of the above, I find that the present case also merits imposition of Redemption Fine under Section 125 of the Customs Act, 1962 in lieu of confiscation.

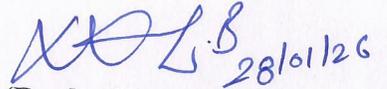
27. In view of the above discussions, I pass the following order;

**ORDER**

- i. I order that the declared FOB value of Rs. 2,64,12,200/- in respect of the three (03) Shipping Bills Nos. 2359059, 2359525 and 2359658, all dated 11.07.2023, filed by M/s. D.S. International (IEC: BIMPS2070P), is rejected under Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007 and is hereby re-determined at Rs. 2,20,38,278/- (Rupees Two Crore Twenty Lakh Thirty Eight Thousand Two Hundred and Seventy Eight only) under Rule 6 of the said Rules, as detailed at Table-IV of the Show Cause Notice dated 19.02.2024.
- ii. I order that the export incentives claimed by the Exporter in respect of the said three Shipping Bills are re-determined as under: Drawback is re-determined at Rs. 4,30,882/- against the claimed Drawback of Rs. 5,05,536/- under Rule 17 of the Customs and Central Excise Duties Drawback Rules, 2017; and RoSCTL benefit is re-determined at Rs. 11,22,650/- against the claimed RoSCTL of Rs. 13,51,932/-. Accordingly, the excess Drawback amounting to Rs. 74,654/- and excess RoSCTL amounting to Rs. 2,29,282/- are held to be inadmissible and liable to be recovered in accordance with law.
- iii. I order that the Regional Authority, DGFT, Mumbai shall take necessary action for recovery of the inadmissible RoSCTL benefit amounting to Rs. 2,29,282/- (Rupees Two Lakh Twenty Nine Thousand Two Hundred and Eighty Two only) in respect of the said three Shipping Bills, if the same has been credited or is found to have been credited to the exporter, in accordance with law.
- iv. I order that the export goods covered under the said three Shipping Bills Nos. 2359059, 2359525 and 2359658, all dated 11.07.2023, are liable to confiscation under Sections 113(i), 113(ia) and 113(ja) of the Customs Act, 1962.
- v. I impose a redemption fine of **Rs. 10,00,000/- (Rupees Ten Lakhs only)** under Section 125 of the Customs Act, 1962, in lieu of confiscation.

- vi. I impose a penalty of **Rs. 5,00,000/- (Rupees Five Lakhs only)** upon the Exporter, M/s. D.S. International (IEC: BIMPS2070P), under Section 114(iii) of the Customs Act, 1962, for acts and omissions rendering the export goods liable to confiscation.
- vii. I impose a penalty of **Rs. 10,00,000/- (Rupees Ten Lakhs only)** upon the Proprietor of M/s. D.S. International under Section 114AC of the Customs Act, 1962, for attempting to claim ineligible export benefits by way of mis-declaration and over-valuation.
- viii. I order that the jurisdictional CGST authorities, Navi Mumbai Commissionerate, Office of the Deputy Commissioner of Central GST, Room No. 613 (7th Floor), Konkan Bhavan, Near Railway Station, Beside Mumbai-Pune Highway, CBD Belapur, Navi Mumbai – 400614, be requested to initiate suitable action for recovery of **inadmissible IGST / input tax credit**, and to take necessary action against M/s D.S. International (IEC: BIMPS2070P), in accordance with the provisions of the CGST Act, 2017 and the rules made thereunder, in case any discrepancies or violations are found.
- ix. I further order that the Bond executed and the Bank Guarantee furnished by the Exporter at the time of provisional release of the export goods shall be invoked, enforced and appropriated towards the recovery of the redemption fine, penalties and other recoverable amounts as ordered hereinabove.

28. 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.

  
(Raghu Kiran B.)

Commissioner of Customs(In-situ),  
CEAC (NS-II), JNCH.

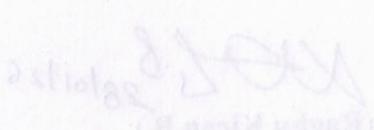
To,

1. M/s. D.S International  
(IEC-BIMPS2070P)  
Shop No 4, Plot No 247 to 249,  
Sukh Sagar CHS,  
Sector-23, Juinagar,  
Navi Mumbai-400705.

Copy to:

1. The Commissioner of Customs, NS-II, JNCH, Nhava Sheva.
2. The Dy. Commissioner of GST, Room No 613 (or 7th floor), Konkan Bhavan, Near Railway Station, Beside Mumbai Pune Highway, CBD Belapur, Navi Mumbai, Maharashtra 400614
3. The Dy. Commissioner of Customs, Centralized Adjudication Cell (CAC) NS-V, JNCH, Nhava Sheva.
4. The Dy. Commissioner of Customs, SIIB (Export), JNCH, Nhava Sheva.

5. The Dy. Commissioner of Customs, EDI, JNCH, Nhava Sheva.
6. The Dy. Commissioner of Customs, CRAC, JNCH, Nhava Sheva.
7. The Dy. Commissioner of Customs, CRRC, JNCH, Nhava Sheva.
8. CHS, JNCH for display on Notice Board.
9. The Dy./Asstt. Commissioner of Customs, Drawback Section, JNCH, Nhava Sheva.
10. Office copy.

  
(Rajesh Kishan B.)  
Commissioner of Customs (In-charge)  
CEAC (NS-II), JNCH

To  
M/s. D.S. International  
(INC-BIMP23070P)  
Shop No. 4, Plot No. 147 to 149,  
Sahyadri CHS,  
Sector-25, Juhu,  
Navi Mumbai-400702

- Copy to:
1. The Commissioner of Customs, NS-II, JNCH, Nhava Sheva.
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  4. The Dy. Commissioner of Customs, SIIB (Export), JNCH, Nhava Sheva.