



सीमाशुल्क आयुक्त का कार्यालय, एनएस-II  
**OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II**  
 केंद्रीकृत निर्यात आकलन कक्ष, जवाहरलाल नेहरू सीमाशुल्क भवन  
**CENTRALIZED EXPORT ASSESSMENT CELL**  
**JAWAHARLAL NEHRU CUSTOM HOUSE**  
 न्हावा शेवा, तालुका -उरण, जिला -रायगढ़, महाराष्ट्र- 400 707  
**NHAVA SHEVA, TALUKA-URAN, DIST- RAIGAD, MAHARASHTRA-400707**

F. No. CUS//1114/2026-Exp (Docks)

Date of Order: 04 .03.2026

Date of Issue: 04 .03.2026

DIN NO.: 20260378NT000000D844

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

मूलआदेशसंख्या/Order-In-Original No.: 1717 /2025-26/ADC/CEAC/NS-II/JNCH

निर्यातक का नाम/Exporter's Name: M/s Medicef Pharma (IEC: 2209003679)

मूल आदेश**ORDER-IN-ORIGINAL**

1. यह प्रति जिस व्यक्ति को जारी की जाती है, उसके उपयोग के लिए निः 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 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 संलग्नक में की जानी चाहिए। अपील पर न्यायालय फीस के रूप में 2.00 रुपये मात्र का स्टांप 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 2.00 रुपये का स्टांप भी लगाया जायेगा जैसा कि न्यायालय फीस अधिनियम 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, 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, 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 संबंध में 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. Medicef Pharma (IEC: 2209003679) having registered address at PLOT NO 28, 29 & 48 EPIP PHASE -1, JHARMAJRI, BADDI, SOLAN, HIMACHAL PRADESH - 174103 (hereinafter called as "**the Exporter**" or "**the Noticee**") has filed a Shipping Bill No. 8875977 dated 19.01.2026 through their authorized Customs Broker, M/s. Committed Cargo Care Ltd. (CB No. 11/2167) (hereinafter referred to as "**the CB**") for the export of various Pharmaceutical Products (hereinafter called as "**the goods**"). The details of the goods are as under:

**TABLE - I**

Sr. No.	S/Bill No. & Date	Item wise Description of Goods	Declared Qty. (Nos)	RITC	FOB Value (in Rs.)	Drawback Claimed (in Rs.)	RoDTEP Claimed (in Rs.)	IGST Claimed (in Rs.)
1	8875977 dated 19.01.2026	1.PHARMACEUTICAL PRODUCTS- <b>NEXAZOL-ESOMEPRAZOLE 20</b> , EACH CAPSULE CONT. ESOMEPRAZOLE 20 MG (AS ESOM.MAGN.TRIHYDRATE)	19650	3004 9099	505694.95	6382.11	3539.86	26683.75
		2.PHARMACEUTICAL PRODUCTS- <b>NEXAZOL-ESOMEPRAZOLE 40</b> , EACH CAPSULE CONT. ESOMEPRAZOLE 40 MG (AS ESOM.MAGN.TRIHYDRATE)	29760	3004 9099	921156.93	11625.44	6448.10	48606.26
		4.PHARMACEUTICAL PRODUCTS- <b>PANTROL-PANTOPRAZOLE 40</b> MG-EACH ENTERIC COATED TABLET CONT. PANTOPRAZOLE 40 MG (AS PAN.SOD.SESQ.	29230	3004 9039	1088574.53	13738.33	7620.02	57440.31
		7.PHARMACEUTICAL PRODUCTS- <b>FONORIL - FOSFOMYCIN 3G-THE SACHET</b> CONT. FOSFOMYCIN 3G (AS FOSFOMYCIN TROMETAMOL)	29300	3004 9099	3935738.89	49670.92	27550.17	207675.32
		<b>TOTAL</b>			<b>6451165.30</b>	<b>81416.80</b>	<b>45158.15</b>	<b>340405.64</b>
		Other 3 items mentioned in the Shipping bill				11256646.97	141168.04	78796.53
<b>TOTAL FOB of the Shipping Bill</b>					<b>17707812.27</b>	<b>222584.86</b>	<b>123954.69</b>	<b>934380.04</b>

**2. OBSERVATIONS OF THE DOCKS OFFICER AND EXAMINATION OF THE GOODS:**

During examination of the said consignment and scrutiny of the accompanying documents, it was observed by the officers that the manufacturing licence number is not imprinted on the innermost container of the items at Sr. No. 1, 2, 4 & 7 of the said shipping bill.

**2.1** As per the provisions of Rule 96(1)(vi) of the Drugs & Cosmetics Rules, 1945, every drug is required to bear on the innermost container the prescribed particulars, including the manufacturing licence number.

The said rule is reproduced below:

**96. [ Manner of labelling. [Substituted by G.S.R. 19, dated 15.12.1977 (w.e.f. 7.1.1978).]**

*(1) Subject to the other provisions of these rules, the following particulars shall be either printed or written in indelible ink and shall appear in a conspicuous manner on the **label of the innermost container of any drug** and on every other covering in which the container is packed, namely: -*

***(vi) Every drug manufactured in India shall bear on its label the number of the license under which the drug is manufactured, the figure representing the manufacturing license number being preceded by the words "Manufacturing License Number" or "Mfg. Lic. No." or "M.L."***

**2.2** In the instant case, the absence of the manufacturing licence number on the innermost container, as observed during examination, constitutes non-compliance with Rule 96(1)(vi) of the Drugs & Cosmetics Rules, 1945. Therefore, the issue has been referred to CEAC Section, JNCH for adjudication purpose.

### **3. RELEVANT LEGAL PROVISIONS:**

#### **3.1. The Customs Act, 1962:**

##### **A. Section 50 of the Customs Act, 1962: 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.

B. **Section 113 (d) of the Customs Act, 1962:** 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.

C. **Section 114 (i) of the Customs Act, 1962:** 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.

**3.2. Foreign Trade (Development and Regulation) Act, 1992:**

A. **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.

**3.3. Drugs & Cosmetics Rules, 1945:**

**96. [ Manner of labelling. [Substituted by G.S.R. 19, dated 15.12.1977 (w.e.f. 7.1.1978).]**

(1) Subject to the other provisions of these rules, the following particulars shall be either printed or written in indelible ink and shall appear in a conspicuous manner on the **label of the innermost container of any drug** and on every other covering in which the container is packed, namely: -

**(vi) Every drug manufactured in India shall bear on its label the number of the license under which the drug is manufactured, the figure representing the manufacturing license number being preceded by the words "Manufacturing License Number" or "Mfg. Lic. No." or "M.L."**

4. M/s. Medicef Pharma (IEC: 2209003679) has filed a Drawback Shipping Bill No. 8875977 dated 19.01.2026 through their authorized Customs Broker, M/s. Committed Cargo Care Ltd. (CB No. 11/2167) for the export of Pharmaceutical Products to Yemen. The declared FOB Value of the said goods covered under above mentioned Shipping Bill is Rs. 1,77,07,812.27/- and the Exporter has claimed Drawback amounting to Rs. 2,22,584.86/-; RoDTEP amounting to Rs. 1,23,954.69/- and IGST Refund amounting to Rs. 9,34,380.04/-.

4.1. The subject goods were brought to JNCH Port for export. However, during examination of the said consignment and scrutiny of the accompanying documents, the Docks Officer observed that the item mentioned at **Sr. No. 1** declared as "PHARMACEUTICAL PRODUCTS-NEXAZOL-ESOMEPRAZOLE 20";

item mentioned at **Sr. no. 2** declared as "PHARMACEUTICAL PRODUCTS-NEXAZOL-ESOMEPRAZOLE 40"; item mentioned at **Sr. no. 4** declared as "PHARMACEUTICAL PRODUCTS-PANTROL-PANTOPRAZOLE 40 MG" and item mentioned at **Sr. no. 7** declared as "PHARMACEUTICAL PRODUCTS-FONORIL-FOSFOMYCIN 3G" do not have manufacturing licence number imprinted on the innermost container of the goods.

**4.2.** As per the provisions of Rule 96(1)(vi) of the Drugs & Cosmetics Rules, 1945, every drug is required to bear on the innermost container the prescribed particulars, including the manufacturing licence number.

**4.3** In the instant case, the absence of the manufacturing licence number on the innermost container, as observed during examination, constitutes non-compliance with Rule 96(1)(vi) of the Drugs & Cosmetics Rules, 1945.

**4.4.** In terms of Section 50(3) of the Customs Act, 1962, the exporter is required to make a truthful declaration regarding the contents of the Shipping Bill. Filing of the Shipping Bill carries an implied declaration that the goods comply with all applicable statutory requirements. The impugned goods were found non-compliant with Rule 96(1)(vi) of the Drugs & Cosmetics Rules, 1945. Therefore, the exporter has failed to discharge the statutory obligation cast under Section 50(3), thereby rendering the goods liable to confiscation under Section 113(d) of the Customs Act, 1962.

**4.5.** Any Prohibition referred to in the Section 113 (d) of the Customs Act, 1962 apply to any type of Prohibition, i.e. complete or partial. It is a settled legal position that any restriction or condition subject to which export is permitted partakes the character of a prohibition if such condition is not fulfilled. Thus, where export of goods is permitted subject to compliance with statutory requirements, failure to comply with such requirements renders the export contrary to law and attracts the provisions of Section 113(d). In the present case, the impugned pharmaceutical products were found not bearing the Manufacturing Licence Number on the innermost containers as mandatorily required under Rule 96(1)(vi) of the Drugs and Cosmetics Rules, 1945 framed under the Drugs and Cosmetics Act, 1940. Compliance with the said statutory provisions is a condition precedent for lawful manufacture and export of drugs. Since the goods did not fulfil the prescribed statutory requirement at the time of examination, their export was contrary to the provisions of the Drugs & Cosmetics law, which is a law for the time being in force. In view of the above, goods mentioned at item no. 1, 2, 4 and 7 covered under the subject S/Bill No. 8875977 dated 19.01.2026, having FOB value of Rs. 64,51,165.30/- are therefore liable to be confiscated u/s. 113 (d) of the Customs Act, 1962. These acts of omission and commission on the part of the Exporting firm rendered them liable for penal action u/s. 114 (i) *ibid*.

**5.** It is thus cogent and clear that the Exporter, M/s. Medicef Pharma (IEC: 2209003679) had attempted to export Pharmaceutical products under S/Bill No. 8875977 dated 17.01.2026 (Item No. 1, 2, 4 & 7) without fulfilling the mandatorily requirement under Rule 96(1)(vi) of the Drugs and Cosmetics Rules, 1945 framed under the Drugs and Cosmetics Act, 1940, and thereby acted in a manner which rendered the said goods liable for confiscation in terms of the provisions of Section 113 (d) of the Customs Act, 1962.

**5.1.** It further appears that the Exporter, M/s. Medicef Pharma (IEC: 2209003679) have rendered themselves liable to penal action in terms of Section 114 (i) of the Customs Act, 1962 on account of attempting to export improperly as their acts of omission and commission have rendered the goods liable for confiscation u/s. 113(d) *ibid*.

**6.** Based on the facts depicted above, it appears that:

- i. The impugned export goods declared as "Pharmaceutical product" (Item No. 1, 2, 4 & 7 of the Shipping Bill) attempted to be exported under S/Bill No. 8875977 dated 19.01.2026 having FOB value of Rs. 64,51,165.30/- are liable for confiscation u/s. 113 (d) of the Customs Act, 1962.
- ii. M/s. Medicef Pharma (IEC: 2209003679) are liable for penal action u/s. 114 (i) of the Customs Act, 1962.

#### **WRITTEN SUBMISSION**

**7.** The exporter, vide their letter dated 10.02.2026, submitted that the Manufacturing Licence Number is not mentioned on the inner packaging of the products at Item Serial Nos. 1, 2, 4, and 7 of Shipping Bill No. 8875977 dated 19.01.2026, as per the buyer's requirement. They further stated that the goods will be sold as such at the destination and that the consignee is willing to accept delivery of this consignment without the licence number being mentioned. Further, vide letter dated 13.02.2026, they voluntarily requested waiver of the Show Cause Notice and Personal Hearing and requested that the case be decided on merits and that permission be granted to export the shipment. Subsequently, vide letter dated 27.02.2026, they requested "**Back to Town**" of the cargo covered under Shipping Bill No. 8875977 dated 19.01.2026.

#### **RECORDING OF PERSONAL HEARING**

**8.** At the request of the Exporter, grounds on which it is proposed to confiscate the goods or to impose penalty have been orally explained to the Exporter. The Exporter requested to take a lenient view and grant permission to export the goods to the desired destination. The Exporter vide letter dated 13.02.2026 addressed to the Asstt. Commissioner, CEAC, JNCH voluntarily requested for waiver of SCN and PH in the matter and to decide the case on merits. Accordingly, in terms of first proviso to Section 124 of the Customs Act, 1962, written notice has not been given to the Exporter, however, they were sensitized by the Officers of CEAC, JNCH w.r.t. proposed provisions of Customs Act for confiscation of the goods and imposition of fine/penalty on them.

**DISCUSSION AND FINDINGS**

**9.** I have carefully gone through the records of the case, the examination report, the written submissions of the exporter, and the relevant statutory provisions. The issue for determination in the present case is whether the goods covered under Shipping Bill No. 8875977 dated 19.01.2026 (Item Nos. 1, 2, 4 & 7) were attempted to be exported in violation of statutory provisions, thereby attracting confiscation under Section 113(d) and penalty under Section 114(i) of the Customs Act, 1962. I find that the Exporter vide letter dated 13.02.2026 requested for waiver of SCN and PH. Accordingly, I accept the request of Exporting firm for waiver of SCN and PH and I proceed to adjudicate the case on merits on the basis of evidences available on records.

**10.** It is an admitted fact on record that during examination of the subject goods at JNCH, the Docks Officer observed that the pharmaceutical products declared as:

- (1) NEXAZOL – ESOMEPRAZOLE 20 mg
- (2) NEXAZOL – ESOMEPRAZOLE 40 mg
- (4) PANTROL – PANTOPRAZOLE 40 mg
- (7) FONORIL – FOSFOMYCIN 3G

and having FOB value of Rs. 64,51,165.30/- did not bear the Manufacturing Licence Number on the innermost container. Rule 96(1)(vi) of the Drugs and Cosmetics Rules, 1945 mandates that every drug manufactured in India shall bear on its label the number of the licence under which the drug is manufactured. The requirement is statutory and mandatory in nature. The said Rules are framed under the Drugs and Cosmetics Act, 1940, which regulates manufacture and distribution of drugs in India.

**11.** The exporter has not disputed the factual position that the manufacturing licence number was not printed on the innermost containers. Their contention is that the omission was as per buyer requirement and that the consignee is willing to accept the goods in such condition. However, statutory compliance cannot be waived on the basis of buyer preference. The provisions of the Drugs & Cosmetics law are mandatory and cannot be relaxed by private agreement. Subsequently, vide letter dated 27.02.2026, the exporter have requested for “Back To Town” of the cargo covered under the shipping bill no. 8875977 dated 19.01.2026.

**12.** Section 50(3) of the Customs Act, 1962 casts a statutory obligation upon the exporter to ensure accuracy and completeness of information in the Shipping Bill and compliance with any restriction or prohibition relating to the

goods under the Customs Act or any other law for the time being in force. Filing of the Shipping Bill carries with it an implied declaration that the goods comply with all applicable statutory requirements. In the present case, the goods were found non-compliant with Rule 96(1)(vi) at the time of examination. Therefore, the exporter failed to discharge the statutory responsibility cast upon them under Section 50(3).

**13.** Section 113(d) of the Customs Act, 1962 provides that any goods attempted to be 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. The expression "prohibition" is of wide import and includes restrictions or conditions subject to which export is permitted. Where export of goods is permissible only upon fulfillment of statutory conditions, non-compliance with such conditions renders the export contrary to law.

**14.** In the present case, export of pharmaceutical products is permitted only when such goods comply with the mandatory provisions of the Drugs & Cosmetics Act and the Rules made thereunder. Since the goods in question did not bear the required manufacturing licence number on the innermost containers, they were not in conformity with the statutory requirements at the time of examination. Consequently, the attempt to export the said goods was contrary to the provisions of a law for the time being in force.

**15.** Accordingly, I hold that the goods covered under Item Nos. 1, 2, 4 and 7 of Shipping Bill No. 8875977 dated 19.01.2026 having FOB value of Rs. 64,51,165.30/- are liable to confiscation under Section 113(d) of the Customs Act, 1962.

**16.** Further, Section 114(i) of the Customs Act, 1962 provides that any person who, in relation to any goods, does or omits to do any act which renders such goods liable to confiscation under Section 113 shall be liable to penalty. By attempting to export goods in violation of mandatory statutory requirements, the exporter has rendered the goods liable to confiscation under Section 113(d). Therefore, the exporter has made themselves liable to penal action under Section 114(i) of the Customs Act, 1962.

**17.** In view of the above discussions, I pass the following order:

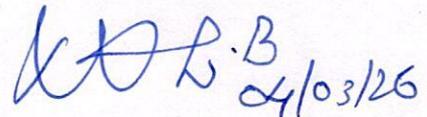
**ORDER**

- (i) I order confiscation of goods viz. item mentioned at Sr. No. 1 declared as "PHARMACEUTICAL PRODUCTS-NEXAZOL-ESOMEPRAZOLE 20"; item mentioned at Sr. no. 2 declared as "PHARMACEUTICAL PRODUCTS-NEXAZOL-ESOMEPRAZOLE 40"; item mentioned at Sr.

no. 4 declared as "PHARMACEUTICAL PRODUCTS-PANTROL-PANTOPRAZOLE 40 MG" and item mentioned at Sr. no. 7 declared as "PHARMACEUTICAL PRODUCTS-FONORIL - FOSFOMYCIN 3G", attempted to be exported vide Shipping Bill No. 8875977 dated 19.01.2026 having FOB value of Rs. 64,51,165.30/- filed by the Exporter, **M/s. Medicef Pharma**, under the provisions of Section 113 (d) of the Customs Act, 1962. However, I give an option to the Exporter, M/s. Medicef Pharma to redeem the confiscated goods for **Back To Town** on payment of Redemption Fine of **Rs 1,50,000/- (Rupees One Lakh Fifty Thousand only)** in terms of the provisions of the Customs Act, 1962;

- (ii) I impose a penalty of **Rs 50,000/- (Rupees Fifty Thousand only)** on the Exporter, **M/s. Medicef Pharma** (IEC: 2209003679) under the provisions of Section 114 (i) of the Customs Act, 1962.

**18.** 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.

 24/03/26

**(RAGHU KIRAN B.)**

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

**To,**

M/s. Medicef Pharma (IEC: 2209003679)  
PLOT NO 28, 29 & 48 EPIP PHASE -1,  
JHARMAJRI, BADDI, SOLAN,  
HIMACHAL PRADESH - 174103

**Copy to:**

1. The Commissioner of Customs, NS-II, JNCH, Nhava Sheva.
2. The Dy. Commissioner of Customs, Review Cell, NS-II, JNCH, Nhava Sheva.
3. The Dy. Commissioner of Customs, CRRC Cell, NS-II, JNCH, Nhava Sheva.
4. EDI Section, for upload on the JNCH website.
5. The Supdt., CHS, JNCH, Nhava Sheva - for display on Notice Board.
6. Office Copy.