

 महाराष्ट्र राज राज्यपाल	OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-II SPECIAL INVESTIGATION AND INTELLIGENCE BRANCH (X), Jawaharlal Nehru Custom House, Nhava Sheva, Dist- Raigad, Maharashtra – 400 707. Email Id – siibx.jnch@gov.in	
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F. No. CUS/ASS/MISC/842/2025-CEAC

Date: 04.03.2026

CUS/SIIB/ALT/731/2024-SIIB(E)  
 SCN No. 3003/2025-26/ADQCEAC/NS-II/CAC/JNCH  
 DIN No.: 20260378NT00031363F

**SHOW CAUSE NOTICE**

**Subject: Investigation into goods covered under Shipping Bill No. 5799043 and 5799044 both dated 04.12.2023 attempted to be exported by M/s. Balaji Enterprises (IEC: ARIPT0474C) under LUT.**

On the basis of an alert bearing No. 692/EXP/2023-24 dated 05.12.2023 received from NCTC, regarding export of suspicious consignment of **M/s. Balaji Enterprises (IEC: ARIPT0474C)** covered under **02 Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023** filed through their Customs Broker M/s. Sunway Logistics (CHA No. ADPFS1811FCH003) at CONCOR DRT CFS, the goods covered under Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 (**RUD-I**), were put on hold vide Hold No. 223/2022-23/SIIB(X) dated 19.12.2023 issued vide F. No. SG/MISC-101/2021-22 SIIB(X) JNCH for further investigation.

2. M/s. Balaji Enterprises (IEC: ARIPT0474C), operating as a Merchant Exporter from its office at Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe, Raigad, Maharashtra-410206 filed the said 02 Shipping Bills for the export of goods to Nigeria via Nhava Sheva Port. The details of the Shipping Bills are as follows:

**TABLE-I**

Sr. No.	SB No.	Description of Goods	FOB Value	Drawback Claimed	ROSCTL	IGST
1	5799043 dated 04.12.2023	RMG	5473985.67/-	201437.31/-	256578.00/-	LUT
2	5799044 dated 04.12.2023	RMG	5430908.38/-	199670.49/-	248437.00/-	LUT
<b>Total:</b>			1,09,04,894.05/-	4,01,107.8/-	505015/-	-

**3. Examination and insertion of Alert:**

a. Consequently, the subject goods covered under Shipping Bills Nos. 5799043 and 5799044 dated 04.12.2023 were examined 100% vide Panchanama dated 22.12.2023 (**RUD-II**) in the presence of two independent Panchas, Customs Broker representing the Exporter. **During the Examination, the subject goods were found to be as per the declared quantity in the Shipping Bills, invoices and packing lists.** Representative Sealed Samples (RSS) were drawn for further testing.

b. Further, a suspension alert was inserted to withhold the export benefits such as Drawback, ROSCTL and IGST benefits of the exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) vide *Suspension ID 2655779*, in view of investigations being conducted.

c. The representative sealed samples (RSS) drawn during the examination of the goods under Panchanama were forwarded to DYCC, for testing, in order to determine exact characteristics, nature and composition of the subject goods. The subject goods were found as declared correctly in terms of composition and description in the above-mentioned shipping bills, except the items mentioned below in TABLE-II appeared to be mis-classified:

**TABLE-II**

Item No	Shipping Bill No. & Date	Item Description	Declared RITC	DYCC Test Report
1	5799043 dated 04.12.2023	Girls 2 Pcs set of MMF	62041390	<p>LAB NO. 46/SIIB(X) Dt. 18.01.2024</p> <p>The sample as received is in the form of ready-made textile articles (Girls two pcs Frock and Skirt).</p> <p>Frock: The sample as received is in the form of ready-made textile garment (Frock), It is made of dyed woven fabric having inner knitted lining. It has sleeves made of printed woven fabric. It has a belt in between at the waist portion with plastic buckle. Zip-fasteners placed on the back side with two decorative button at the front. Base woven fabric is composed of polyester filament yarns. Knitted inner lining is composed of polyester filament yarns. Sleeves and belt are woven fabric composed of cotton spun yarns.</p> <p>Total weight of sample= 103.6 gm</p> <p>Composition: Polyester 85.23% by wt Cotton-8.98% by wt Button, Buckles and Zip-fastener =Balance</p> <p>Skirt: The sample, as received is in the form of ready-made textile garment (Skirt). It is made of three layers. Outer layer is made of printed woven fabric composed of spun yarns of cotton. The middle Layer is made of lining woven fabric composed of Polyester The most inner knitted fabric is composed of Polyester. The base at the bottom is dyed woven fabric composed of Polyester. It has elastic strip at waist portion</p> <p>Total weight of the sample=189.6 gm Total weight of Cotton=91.0 gm Total weight of Polyester=94.4 gm Weight of elastic strip= Balance</p>
3	5799043 dated 04.12.2023	Girls Frock of MMF	62044390	<p>LAB NO. 47/SIIB(X) Dt. 18.01.2024</p> <p>The Sample as received is in the form of readymade garment (Frock with purse). Total weight of sample (frock+ purse) =495.0 gm</p> <p>Frock: - It consists of two parts (upper and lower) stitched together. Upper part is made of dyed (maroon coloured) knitted fabric having lace design and stitched with white woven lining, decorative plastic pieces, flower designed made by fabric at front side and zip fastener at back side. Lower part is made of dyed and printed knitted fabric having white woven lining fabric and further stitched with white knitted lining fabric. It is wholly composed of polyester filament yarns.</p> <p>Total weight of frock =482.5 gm. wt. of dyed (maroon coloured) knitted fabric=134.2 gm. wt. of dyed and printed knitted fabric = 225.3 gm. wt. of white woven lining (upper + lower) = 65.8 gm. wt. of white knitted lining (lower) = 45.1 gm. wt. of lace 6.0 gm. wt. of flower, plastic pieces and zip fastener balance.</p> <p>Purse: It is made of dyed woven fabric backed with foam, non woven fabric strip, lace &amp; plastic button. Base fabric is made of polyester filament yarns. Total wt. of purse = 11.5 gm.</p>
3	5799044 dated 04.12.2023	Girls 3 Pcs set of MMF with Purse	62041390	<p>LAB NO. 48/SIIB(X) Dt. 18.01.2024</p> <p>The sample as received is in the form of readymade garment (Three piece set with purse)-</p> <p>Top The sample as received is in the form of readymade garment (top) having decorative netted fabric and netted embroidered lace stitched with it. It is having white lining fabric inside. All fabric is wholly made of polyester filament yarns. Total wt. of sample =108 gms</p> <p>Round Neck T shirt- The sample as received is in the form of white, knitted readymade garment (Round Neck T shirt) having white netted embroidered lace at the neck and sleeve ends. It is wholly made of polyester filament yarns. Total wt. of sample =100 gms</p> <p>Skirt: The sample as received is in the form of printed woven readymade garment (skirt), fitted with elastomeric strip at the waist side. It is having white knitted and woven lining fabric inside. It is wholly made of polyester filament yarns. Total wt. of sample =310 gms</p>

				Purse- The sample is in the form of purse made of polyethylene coated with printed polyester fabric. Total wt. of sample =17.3 gms
4	5799044 dated 04.12.2023	Ladies Nightwear 2 Pcs set of MMF	62082200	LAB NO. 48/SIIB(X) Dt. 18.01.2024  Received the sample with seals intact. On opening the sample packet, two packets were found in unit packing. On opening each packet two pcs (half sleeve and sleeveless) of readymade garment.  Sample No.1-Half sleeve - The sample as received is in the form of dyed (reddish) knitted ready-made textile article (nightwear) having lace stitched on neck portion and stitched with elastic strip. Base fabric is wholly composed of polyester multifilament yarn and lace is composed of nylon.  Sleeveless-The sample as received is in the form of dyed (reddish) knitted ready-made textile article (nightwear) having lace stitched on neck portion and stitched with elastic strip. Base fabric is wholly composed of polyester multifilament yarn and lace is composed of nylon Total wt. of sample=339.0 gm Wt of half sleeve 202.0 gm Wt. of sleeveless=137.0 gm  Sample No.2 -Half sleeve - The sample as received is in the form of dyed (pink) knitted ready-made textile article (nightwear) having lace stitched on neck portion. Base fabric is wholly composed of polyester multifilament yarn and lace is composed of nylon.  Sleeveless -The sample as received is in the form of dyed (pink) knitted ready-made textile article (nightwear) having lace stitched on neck portion and stitched with elastic strip. Base fabric is wholly composed of polyester multifilament yarn and lace is composed of nylon. Total wt. of sample =348.3 gm Wt of half sleeve=208.7gm Wt of sleeveless =139.6 gm

d. Item No. 1 of Shipping Bill no. 5799043 dated 04.12.2023 which was declared as 'Girls 2 Pcs set of MMF' should be classified under subheading 62044300 — Women's or girls' dresses, of synthetic fibres, not knitted or crocheted. Additionally, Item No. 3 of Shipping Bill no. 5799044 dated 04.12.2023 which was declared as 'Girls 3 Pcs set of MMF with Purse' should be classified under subheading 62042390 - Women's or girls' ensembles of synthetic fibres, other than specified. Item No. 3 of Shipping Bill no. 5799043 dated 04.12.2023 which was declared as 'Girls Frock of MMF' and Item No. 4 of Shipping Bill No. 5799044 dated 04.12.2023 which was declared as 'Ladies Nightwear 2 Pcs set of MMF' as per the DYCC test reports it is made of dyed knitted textile and should be classified under Chapter 61, however, it has been classified under Chapter 62, Articles of apparel and clothing accessories, not knitted or crocheted. In view of the above, the declared CTH in respect of above mentioned items needs to be rejected and the CTH needs to be re-determined along with the Drawback Serial Number and RoSCTL Serial number and the same is as below:

**Table-III**

Item No	Item Description	DECLARED					REDETERMINED						
		RITC	Drawback	Rate	RoSCTL	RATE		RITC	Drawback	Rate	RoSCTL	RATE	
						State	Centre					State	Centre
1	Girls 2 Pcs set of MMF	62041390	62040103B	3.9	62040103B	2.65	2.1	62044390	62040303B	2.9	62040303B	2.65	2.1

3	Girls frock of MMF	62044390	62040303B	2.9	62040303B	2.65	2.1	61044300	61040303B	1.8	61040303B	2.65	2.1
3	Girls 3 Pcs set of MMF with Purse	62041390	62040103B	3.9	62040103B	2.65	2.1	62042390	62040403B	1.9	62040403B	2.1	1.7
4	Ladies nightwear 2 pcs set of MMF	62082200	62080103B	2.7	62080103B	2.1	1.7	61083200	61080103B	2.2	61080103B	2.1	1.7

#### 4. Provisional Release:

The Exporter vide their letter dated 09.01.2024 requested to Provisional Release of the subject goods for **Back to Town** purpose. In this regard, NOC dated 24.01.2024 (**RUD-III**) was issued by SIIB(X) for the Provisional Release of the goods cover under Shipping Bill No. 5799043 and 5799044 both dated 04.12.2023 for BTT purpose. The request of the Exporter was accepted by the Adjudicating Authority vide F.No. S/6-Gen-01/Misc-454/2023-24/CEAC dated 31.01.2024 as per the Provisions of Board Circular No. 01/2011 dated 04.01.2011 and 30/2013 dated 05.08.2013 and the goods were released Provisionally for Back to Town under section 110A of the Customs Act, 1962 on execution of Bond equal to 100% value of the goods and Bank Guarantee of ₹ 1,50,000/- (Rupees One Lakh and Fifty Thousand only).

#### 5. Market Enquiry:

a. Market enquiry of the subject goods covered under Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 was conducted on 13.01.2024 (**RUD-IV**) on the basis of samples taken during the course of examination under Panchanama on 22.12.2023 in the presence of authorized representative of Exporter and CB.

The following shops were visited to ascertain wholesale market price of the goods covered under Shipping Bill No. 5799043 and 5799044 dated 04.12.2023.

**TABLE-IV**  
**(Wholesale Price in Rs. Per unit)**

Sr No.	Shipping Bill	Item Description	Friendship Garments	Fashion Stop	Girls Magic	Pink Baby	Redetermined PMV	Re-determined FoB Value = Declared FoB * (Re-determined PMV/Declared PMV)
1	5799044 dated 04.12.2023	Mens T-Shirt Of Cotton	250	275	-	260	340	2,96,726
2	5799043 dated 04.12.2023	Girls Two Pcs set of MMF	270	280	250	200	325	21,43,210
3	5799044 dated 04.12.2023	Boys Three pcs set of MMF	220	240	250	230	305.5	3,99,929

4	5799043 dated 04.12.202 3	Girls Frock of MMF	325	330	315	335	424.1	9,25,313
5	5799044 dated 04.12.202 3	Ladies Nightware two pcs set of MMF	310	325	315	330	416	8,07,038
6	5799044 dated 04.12.202 3	Girls three pcs set of MMF with purse	250	260	275	280	346.1	3,13,380

b. In addition to the above-mentioned Shops, some Shops were also visited but they were not inclined to provide wholesale price hence their details were not taken. The shop owners saw the samples, but stated that these products are not presently available in their shop. These products are specially made on bulk order.

c. However, approximate Wholesale Market price of the subject goods was stated verbally by the shops listed in the above-mentioned Table-II. Wherein the wholesale price of the subject goods was given per unit (Rs/Unit) item wise wholesale price.

d. In view of above, the value of the goods has been re-determined and it is observed that the exporter has attempted to claim excess/undue export incentive in the form of **Duty Drawback to the tune of Rs. 1,41,148/- (Rupees One Lakh Forty One Thousand One Hundred Forty Eight only) and RoSCTL to the tune of Rs. 1,27,231/- (Rupees One Lakh Twenty Seven Thousand Nineteen Two Hundred Thirty One only)** by doing over-valuation of the goods which has been worked out as follow:

**TABLE-V**

S/B No. & Date	Description	Declared FOB (in Rs.)	Re-determined FOB	Declared DBK (in Rs.)	Re-determined DBK	Declared RoSCTL	Re-determined RoSCTL
5799043 dtd 04.12.23	Girls 2 Pcs set of MMF	3763411.47	2143210	146773.05	62153	178762.04	101802.47
	Boys 3 Pcs set of MMF	321165	321165	15094.76	15094.76	15255.33	15255.33
	Girls Frock of MMF	1027728	925313	29804.11	16655.6	48817.08	43489.7
	Ladies Nightwear 2 Pc set of MMF	361681.2	361681.2	9765.39	9765.39	13743.89	13743.89
5799043 dtd 04.12.23	Girls 2 Pcs set of MMF	2681703.04	2681703.04	104586.42	104586.42	127380.89	127380.89
	Boys 3 Pcs set of MMF	770796	399929	36227.41	18797	36612.81	18997
	Girls 3 Pcs set of MMF with Purse	471618.45	313380	18393.12	5954	22401.88	11908
	Ladies Nightwear 2 Pc set of MMF	1071982.89	807038	28943.54	17755	40735.35	30667
	Mens T-Shirts of Cotton	434808	296726	11520	9198.5	21305.59	14539.6
<b>Total:</b>		<b>1,09,04,894.05</b>	<b>82,50,145.24</b>	<b>4,01,107.8</b>	<b>2,59,959.67</b>	<b>5,05,014.86</b>	<b>3,77,783.88</b>

**TABLE-VI**

<b>Re-determined FOB (in Rs.)</b>	<b>Differential Drawback (in Rs.)</b>	<b>Differential ROSCTL (in Rs.)</b>	<b>Total excess Export benefits (in Rs.)</b>
82,50,145.24	1,41,148	1,27,231	2,68,379

As can be seen from the table above, based on the market enquiry conducted on 13.01.2024, it appears that the goods declared by the exporter in 02 Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 have been mis-declared in terms of their value. The value of the goods have been re-determined based on the market survey report dated 13.01.2024. The export incentive such as drawback & RoSCTL are therefore to be re-determined with respect to the new re-determined FOB of the goods as mentioned in the table above. Hence the declared FOB appeared to be liable for rejection in terms of Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007 and the value needs to be re-determined as per the provisions of the said Rules. For the purpose of Customs Tariff Act, 1975, valuation of export goods is to be done in terms of Section 14 of the Customs Act, 1962 read with Customs Valuation (Determination of value of Export Goods) Rules, 2007 (CVR). As per the provisions of Act/Rules, transaction value of the goods is to be accepted, subject to Rule 8 of Customs Valuation (Determination of value of Export Goods) Rules, 2007. Prima facie on examination of the subject consignment, the declared value of the goods appeared to be on the higher side; the declared transaction value appeared liable for rejection under Rule 8 of the CVR and the said value is required to be re-determined by sequentially proceeding in terms of Rule 4 to 6 of the Customs Valuation Rules, 2007.

## **6. RE-DETERMINATION OF VALUATION**

**a.** 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.

**b.** As the export goods were not standard goods, the export data in 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 brand, mark, style and other specifications, the goods of like kind and quality exported cannot be identified to compare their transaction value with the declared value of the subject goods. Hence, value of the subject goods cannot be determined under the said Rule 4 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

**c.** The Exporter has 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 computed value of the goods. In

absence of complete cost data details, value cannot be determined as per Rule 5 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

d. As the provisions of Rule 4 & 5 *ibid*, are not applicable in the instant case, the value of the goods is required to be determined under the provisions of Rule 6 of the CVR 2007. Rule 6 of the said Rules reads as under:-

**Rule 6. Residual Method**—“Subject to the provisions of rule 3, where the value of the export goods cannot be determined under the provisions of rules 4 and 5, the value shall be determined using reasonable means consistent with the principles and the general provisions of these rules provided that local market price of the export goods may not be the only basis for determining the value of export goods”.

As per the provisions of Rule 6 *ibid*, the assessable value of the goods is proposed to be re-determined under Rule 6 *ibid*, i.e. as per the residual method. Accordingly, Market survey was conducted by the officers of SIIB (Export) on 13.01.2024. Value of the goods was taken from 3 different shops/dealers and average of their prices was taken as market value of the same. The details of the determination of the value is summarized in the Market Survey Report dated 13.01.2024.

## 7. SUMMONS & STATEMENT

a. The statement of Mr. Sanjay Sarjerao Kolse, G-Card Holder of the Custom Broker firm M/s Sunway Logistics (11/2658) (**RUD-V**) in reference to M/s Balaji Enterprises (IEC: ARIPT0474C), resident of Room No-07, Sai Sadan Chawl, Near Samaj Mandir, Bindu Madhav Nagar, Digha, Navi Mumbai, Thane, Maharashtra – 400708 was recorded under Section 108 of the Customs Act, 1962 wherein he *inter alia* stated that:

- On being asked to introduce himself, he stated that he is Sanjay Sarjerao Kolse, G-Card Holder of Customs Broker firm M/s Sunway Logistics (11/2658).
- On being asked whether he had taken KYC documents of the exporter, he stated that they had collected the following documents: IEC, Authorization Letter, PAN Card, Aadhaar Card, GST Registration Certificate, KYC Form, Bank Statement, and Bank Authorization Letter.
- On being asked about the obligations of the Customs Broker while filing customs documents, he stated that documents received from exporters are checked for preparation of checklists, IEC is verified online, HS Code is checked with Customs Tariff, export incentives like Drawback/RoDTEP are tallied, export duty is paid where applicable, and in case of restricted goods, relevant licences/NOCs/PBS are obtained from the exporter.
- On being asked if he knew exporter M/s Balaji Enterprises, he stated that he met the exporter once when the latter visited his office. He further stated that he never visited the exporter's business premises.
- On being asked whether he had filed SB Nos. 5399043 and 5399044 dated 04.12.2023, he stated in the affirmative. He further stated that his company charged ₹5,000/- per Shipping Bill for documentation and clearance.
- On being asked about the over-valuation and misdeclaration of goods, he stated that valuation and classification of goods are done strictly as per the exporter's invoices, and their role is limited to filing shipping bills on the basis of documents provided by the exporter.
- On being asked about the first shipment of the exporter, he stated that the first shipment was exported from INNSA1 under SB No. 3369814 dated 22.08.2023.
- On being asked if he possessed exporter's financial documents, he stated in the negative. He also stated in the negative when asked about the source of procurement of goods covered under the subject shipping bills.
- On being asked about the exporter's bank account, he stated that as per documents available, the exporter uses account no. 10081448668 in IDFC First

Bank, CBD Belapur Branch-400614 for export remittances and other purposes, and the same account was used for purchasing goods.

- On being asked whether the supply chain of the goods pertaining to the two shipping bills was proper and genuine, he stated that they do not have such information. He further stated that he has no knowledge of over-valuation of goods in the two shipping bills and relied solely on documents provided by the exporter.
- On being asked to provide copies of BRCs for past shipments, he stated that the exporter had made three shipments till date, but he does not have BRC details. He assured to obtain the same from the exporter and submit within three days.
- On being asked if he had ever been penalized by Customs or any Government agency, he stated in the negative.

b. The statement of Shri Mir Asif Hussain, Manager of M/s Balaji Enterprises (IEC Code ARIPT0474C) (**RUD-VI**), having registered address at Manzil Alisha 402, Plot No. B-41, Sector 16, Ulwe, Raigad, Maharashtra-410206 recorded under Section 108 of the Customs, where he interalia stated that: -

- On being asked to introduce himself, his company and the purpose of his presence, he stated that he is Mir Asif Hussain, Manager of M/s Balaji Enterprises (IEC ARIPT0474C), engaged in export of ready-made garments, and he was called to record his statement in response to summons dated 17.01.2025.
- On being asked about the filing of Shipping Bills No. 5799043 and 5799044 dated 04.12.2023, he stated that both were filed by M/s Balaji Enterprises through CHA M/s Sunway Logistics and covered ready-made garments.
- On being asked how the firm obtained IEC and entered into export business, he stated that IEC was obtained on 15.07.2023 after completing DGFT procedures, and they entered the business on the advice of the proprietor's friend who was engaged in local garment trading.
- On being asked about his designation, he stated that he is working as Manager of M/s Balaji Enterprises since December 2023. On being asked about his responsibilities, he stated that he handles handing over of goods to the CHA.
- On being asked about the ports of export, he stated that their exports are made from Nhava Sheva Port, JNCH.
- On being asked about the number of shipping bills filed, he stated that apart from the above two, they have filed two more shipping bills, one for Mauritius and another for Kenya.
- On being asked about receipt of payment from overseas buyers for previous consignments, he stated that he is not aware whether payments have been received, but will verify and submit BRCs within three days.
- On being asked about the non-existent supply chain observed during investigation, he stated that they procure goods from the local market.
- On being asked to provide tax invoices for such procurement, he stated that he does not presently have the invoices but will submit them within three days.
- On being asked about filing of high-value shipping bills (FOB ₹1.09 Cr.) with export incentives without proper supply chain, he stated that the FOB value declared is accurate, based on actual market value of goods and inclusive of transportation, freight, and office expenses, and is not inflated.
- On being asked whether the documents submitted are true and correct, he stated that they have submitted correct documents to the best of their knowledge.

#### **8. GST VERIFICATION:**

Letters dated 12.08.2024 and Reminder Letters dated 19.11.2024, 16.12.2024 and 08.01.2025 were sent to concerned GST Commissionerate regarding the verification of genuineness of exporter M/s. Balaji Enterprises (GSTIN-27ARIPT0474C1ZR). However, no reply has been received in this office till date. The

status of GST registration of the exporter was ascertained from the GST Portal, wherein the GSTIN status was showing to be "Cancelled suo-moto (effective from 01/01/2024)". The portal also mentions that the taxpayer had last filed returns in the month of December 2023.

#### 9. Past Exports and Remittances:

a. In order to investigate past consignments, past data was retrieved for the exporter M/s. Vedika Impex (IEC: FRFPM4676D) and the details of past shipments wherein Drawback, RoSCTL and RoDTEP has been claimed is as follows:

**TABLE-VII**

Sr. No.	SB No.	Expected Realization Date	Invoice No.	DBK	RoSCTL	RoDTEP	FOB to be realized	FOB actually realize
1.	3369814 dt 22.08.2023	31.05.2024	BE/001/23- 24	46,263/-	59,797/-	13,496/-	19,77,781/-	0
2.	5269942 dt 09.11.2023	31.08.2024	BE/05/2023- 24	2,57,628/-	3,17,065/-	-	66,75,050.96/-	0
3.	5277466 dt 10.11.2023	31.08.2024	BE/06/2023- 24	2,52,860/-	3,18,755/-	-	67,10,606.56/-	0
<b>Total:</b>				<b>5,56,751/-</b>	<b>6,95,617/-</b>	<b>13,496/-</b>	<b>1,53,63,438.5/-</b>	<b>0/-</b>

However, as the prescribed timeline for realization of foreign remittance is 09 months as per RBI Master Circular No.14/2014-15 dated 01.07.2014, which states," it has been decided in consultation with the Government of India that the period of realization and repatriation of Export proceeds shall be nine months from the date of Export for all Exporters including Units in SEZs, Status Holder Exporters, EOUs, Units in EHTPs, STPs & BTPs until further notice. As per Table-VII, there are 03 Shipping Bills mentioned in the table above for which FOB has not been realized despite completion of expected realization time period as mandated by RBI.

b. Accordingly, RoDTEP & RoSCTL is liable to be demanded Back from the Exporter on account of non-receipt of foreign remittance in the Shipping Bills mentioned at in Table-VII in terms of Notification No. 24/2023-Cus (N.T) dated 01.04.2023 read with Notification No. 25/2023-Cus (N.T) dated 01.04.2023 respectively, and in terms of Section 28AAA of the Customs Act, 1962 along with applicable interest under section 28AA of the Customs Act, 1962. Total RoDTEP & RoSCTL claimed in 03 Shipping Bills mentioned in table above in which FOB not realized despite completion of time period are ₹ 13,496/- & ₹ 6,95,617/- respectively.

c. Accordingly, Drawback of total amount ₹ 5,56,751/- is liable to be demanded back from the exporter on account of non-receipt of foreign remittance in the Shipping Bills mentioned Table-VII along with applicable interest under Section 75 and Section 75A(2) of the Customs Act, 1962 read with Rule 18 of the Customs and Central Excise Duties Drawback Rules, 2017.

#### 10. RELEVANT LEGAL PROVISIONS:

##### A. Customs Act, 1962

**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.

**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.

**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;

**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;

**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;

**Section 114(iii):** 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 the greater;

**Section 114AA. Penalty for use of false and incorrect material.—**

If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods

**Section 114AB. Penalty for obtaining instrument by fraud, etc.-**

Where any person has obtained any instrument by fraud, collusion, willful misstatement or suppression of facts and such instrument has been utilised by such person or any other person for discharging duty, the person to whom the instrument was issued shall be liable for penalty not exceeding the face value of such instrument.

**Section 75: Drawback on imported materials used in the manufacture of goods which are exported-I.**

Where it appears to the Central Government that in respect of goods of any class or description [manufactured, processed or on which any operation has been carried out in India] [being goods which have been entered for export and in respect of which an order permitting the clearance and loading thereof for exportation has been made under section 51 by the proper officer], 'for being goods entered for export by post under [clause (a) of section 84] and in respect of which an order permitting clearance for exportation has been made by the proper officer], a drawback should be allowed of duties of customs chargeable under this Act on any imported materials of a class or description used in the [manufacture or processing of such goods or carrying out any operation on such goods], the Central Government may, by notification in the Official Gazette, direct that drawback shall be allowed in respect of such goods in accordance with, and subject to, the rules made under sub-section (2):

[Provided that no drawback shall be allowed under this sub-section in respect of any of the aforesaid goods which the Central Government may, by rules made under sub-section (2), specify, if the export value of such goods or class of goods is less than the value of the imported materials used in the [manufacture or processing of such goods or carrying out any operation on such goods] or class of goods, or is not more than such percentage of the value of the imported materials used in the [manufacture or processing of such goods or carrying out any operation on such goods] or class of goods as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided further that where any drawback has been allowed on any goods under this sub-section and the sale proceeds in respect of such goods are not received by or on behalf of the exporter in India within the time allowed under the [Foreign Exchange Management Act, 1999 (42 of 1999)], such drawback shall [except under such circumstances or such conditions as the Central Government may, by rule, specify.] be deemed never to have been allowed and the Central Government may, by rules made under sub-section (2), specify the procedure for the recovery or adjustment of the amount of such drawback.]

**Section 75A(2):** Where any drawback has been paid to the claimant erroneously or it becomes otherwise recoverable under this Act or the rules made there under, 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.

**28AAA. Recovery of duties in certain cases.—**(1) Where an instrument issued to a person has been obtained by him by means of — (a) collusion; or (b) wilful mis-statement; or (c) suppression of facts, for the purposes of this Act or the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), by such person or his agent or employee and such instrument is utilised under the provisions of this Act or the rules

made or notifications issued thereunder, by a person other than the person to whom the instrument was issued, the duty relatable to such utilisation of instrument shall be deemed never to have been exempted or debited and such duty shall be recovered from the person to whom the said instrument was issued: Provided that the action relating to recovery of duty under this section against the person to whom the instrument was issued shall be without prejudice to an action against the importer under section 28.

**28AA. Interest on delayed payment of duty—**(1) Notwithstanding anything contained in any judgment, decree, order or direction of any court, Appellate Tribunal or any authority or in any other provision of this Act or the rules made thereunder, the person, who is liable to pay duty in accordance with the provisions of section 28, shall, in addition to such duty, be liable to pay interest, if any, at the rate fixed under subsection (2), whether such payment is made voluntarily or after determination of the duty under that section. (2) Interest at such rate not below ten per cent. and not exceeding thirty-six per cent. per annum, as the Central Government may, by notification in the Official Gazette, fix, shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty

#### **B. Customs and Central Excise Duties Drawback Rules, 2017**

**Rule 18:** Recovery of amount of Drawback where export proceeds not realized. – (1) Where an amount of drawback has been paid to an exporter or a person authorized by him (hereinafter referred to as the claimant) but the sale proceeds in respect of such export goods have not been realized by or on behalf of the exporter in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, such drawback shall, except under circumstances or conditions specified in sub-rule(5), be recovered.

#### **C. Foreign Trade (Development and Regulation) Act, 1992**

**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.

#### **D. Foreign Trade (Regulation) Rules, 1993**

**Rule 11:** On the importation into, or exportation out of, any customs ports of any goods, whether liable to duty or not, the owner of such goods shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962 (52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of

such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.

**E. Customs Valuation (Determination of Value of Export Goods) Rules, 2007**

*(A) RULE 3 - Determination of the method of Valuation*

- (1) Subject to rule 8, the value of export goods shall be the transaction value.
- (2) The transaction value shall be accepted even where the buyer and seller are related, provided that the relationship has not influenced the price.
- (3) If the value cannot be determined under the provisions of sub-rule (1) and sub-rule (4), the value shall be determined by proceeding sequentially through rules 4 to 6.

*(B) RULE 4. Determination of export value by comparison. -*

- (1) "the value of the export goods shall be based on the transaction value of goods of like kind and quality exported at or about the same time to other buyers in the same destination country of importation or in its absence another destination country of importation adjusted in accordance with the provisions of sub-rule (2).
- (2) In determining the value of export goods under sub-rule (1), the proper officer shall make such adjustments as appear to him reasonable, taking into consideration the relevant factors, including -
  - (i) Difference in the dates of exportation,
  - (ii) Difference in commercial levels and quantity levels,
  - (iii) Difference in composition, quality and design between the goods to be assessed and the goods with which they are being compared,
  - (iv) Difference in domestic freight and insurance charges depending on the place of exportation".

*(C) RULE 5. Computed value method. - "If the value cannot be determined under Rule 4, it shall be based on a computed value, which shall include the following: -*

- (a) cost of production, manufacture or processing of export goods;*
- (b) charges, if any, for the design or brand;*
- (c) an amount towards profit".*

*(D) RULE 6. Residual Method. -*"Subject to the provisions of rule 3, where the value of the export goods cannot be determined under the provisions of rules 4 and 5, the value shall be determined using reasonable means consistent with the principles and the general provisions of these rules provided that local market price of the export goods may not be the only basis for determining the value of export goods".

*(E) RULE 7. Declaration by the exporter.-*"The exporter shall furnish a declaration relating to the value of export goods in the manner specified in this behalf".

*(F) RULE 8. Rejection of declared value. -*

- (a) "When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any export goods, he may ask the exporter of such goods to

furnish further information including documents or other evidence and if, after receiving doubt about the truth or accuracy of the value so declared, the transaction value shall be deemed to have not been determined in accordance with sub-rule (1) of rule 3.

(b) At the request of an exporter, the proper officer shall intimate the exporter in writing the ground for doubting the truth or accuracy of the value declared in relation to the export goods by such exporter and provided a reasonable opportunity of being heard, before taking a final decision under sub-rule (1)".

**F. Notification No. 24/2023-Cus (N.T) dated 01.04.2023 and 25/2023-Cus (N.T) dated 01.04.2023:**

**Para 3. Cancellation of duty credit.-**

(1) Where a person contravenes any of the provisions of the said Act or any other law for the time being in force or the rules or regulations made thereunder in relation to exports to which the duty credit relates, or in relation to the e-scrip, the Principal Commissioner of Customs or Commissioner of Customs having jurisdiction over the customs station of registration of the e-scrip may, after enquiry, pass an order to cancel the said duty credit or e-scrip.

(2) Where the e-scrip is so cancelled, the duty credit amount in the said e-scrip shall be deemed never to have been allowed and the proper officer of Customs shall proceed to recover the duty credit amount used in such e-scrip or transferred from such e-scrip.

(3) The proper officer of Customs may, without prejudice to any other action that may be taken under the said Act or any other law for the time being in force, suspend the operation of the said e-scrip or the electronic duty credit ledger of such exporter or any duty credit transferred from such e-scrip, during pendency of the enquiry under sub-para (1).

**Para 5. Recovery of amount of duty credit where export proceeds are not realised. -**

(1) Where an amount of duty credit has been allowed to an exporter but the sale proceeds in respect of such export goods have not been realized by the exporter in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), the exporter shall, himself or on demand by the proper officer, repay the amount of duty credit, along with interest, at the rate as fixed under section 28AA of the said act for the purposes of that section, within fifteen days of expiry of the said period.

**Customs Brokers Licensing Regulations, 2018.**

**Notification No. 41/2018-Customs (N.T.) dated 14th May, 2018**

**Regulation 10 : Obligations of Customs Broker.— A Customs Broker shall —**

(d) advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to

the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be;

(e) exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;

(n) verify correctness of Importer Exporter Code (IEC) number, Goods and Services Tax Identification Number (GSTIN), identity of his client and functioning of his client at the declared address by using reliable, independent, authentic documents, data or information;

**11. WHEREAS, FROM THE INVESTIGATION, THE FOLLOWING FACTS EMERGE THAT:**

a. M/s. Balaji Enterprises (IEC: ARIPT0474C) having its registered office address at Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe, Raigad, Maharashtra-410206 had filed 02 Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 through their Customs Broker M/s. Sunway Logistics (License No. ADPFS1811FCH003). On the basis of market enquiry conducted in presence of authorized representative of exporter, the re-determined FOB value of the said goods covered under the above-mentioned 02 Shipping Bills comes to Rs. 82,50,145.24/- as against the declared FOB value of Rs. 1,09,4,894.05/-. By inflating the FOB value and misclassifying goods mentioned in Table-III above, the Exporter was attempting to claim Drawback of Rs. 4,01,107.8/- and RoSCTL of Rs. 5,05,01.86/- whereas they were eligible for reduced Drawback of Rs. 2,59,959.67/- and RoSCTL of Rs. 3,77,783.88/- respectively. (as tabulated in TABLE-V above).

b. As is evident from the Table-II above, based on the DyCC test reports, it appears that the goods declared by the exporter in the Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 have been mis-declared in terms of classification and value. As can be seen from the Table-IV, based on the market survey conducted on 13.01.2024, it appears that the goods declared by the exporter in the Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 have been mis-declared in terms of value, and hence higher Drawback & RoSCTL and other Export incentives were claimed. Thus, it appeared that the said goods were attempted to be Exported in violation of **Section 50(2) of the Customs Act, 1962** read with **Section 11(1) of Foreign Trade (Development & Regulation) Act 1992 & Rules 11 of Foreign Trade Rules 1993**, as Exporter had furnished wrong declaration to the Custom Authorities.

c. Based on the DyCC test reports, it appears that the goods covered under the said shipping bills were mis-declared and further, during the market enquiry it was found that the value of the goods filed under the said Shipping Bills were inflated and hence needed to be re-determined under Rule 6 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007. The export

incentive such as drawback & RoSCTL are therefore re-determined with respect to the re-determined FOB as mentioned in the TABLE-V above. It can thus be seen that the goods are mis-declared to avail undue export incentive and thereby rendering the goods liable for confiscation under **Section 113 (i), 113(ia) and 113 (ja) of the Customs Act, 1962.**

**d.** It appears that there was a deliberate mis-declaration, wilful mis-statement and suppression of facts regarding classification and the actual value of the impugned goods, on the part of the Exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) with mala-fide intention to claim undue export benefits not legitimately payable to them. The exporter has attempted to claim excess/undue export incentive in the form of Duty Drawback to the tune of Rs. 1,41,148/- and RoSCTL to the tune of Rs. 1,27,231/- by doing over-valuation/misclassification of the goods.

**e.** The description of the goods found were not in consonance with the Exporter's declaration with respect to value, as the Exporter had overvalued the goods on the basis of fake invoices. Hence, the declared value appeared to be rejected as per Rule 8 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007.

**f.** 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.

**g.** As the export goods were not standard goods, the export data in 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 goods of like kind and quality exported cannot be identified to compare their transaction value with the declared value of the subject goods. Hence, 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.

**h.** The Exporter has 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 computed value of the goods. In 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.

**i.** The value of the impugned goods is, 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 cannot be determined under the provisions of Rules 4 and 5, the value shall 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. Accordingly, the total value of the goods attempted to be exported vide both the Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 has been re-determined from Rs. 1,09,04,894.05/- to Rs. 82,50,145.24/- as per the DYCC Reports & Market Enquiry of the subject goods.

**j.** In the instant case, an attempt was made to export goods through mis-declaration, specifically with regard to their classification and valuation, which constitutes a violation attracting the provisions for confiscation. Accordingly, confiscation of the goods is proposed under the relevant sections of the Customs Act, 1962. However, since the goods covered under the live Shipping Bills, as detailed in Table-I, were not ultimately exported and were instead cleared for "Back to Town", no demand is being raised at this stage in respect of the Duty Drawback and RoSCTL claims. The export benefits were not disbursed due to the non-completion of export, and the protective measures undertaken ensure recovery in the event of default.

**k.** With respect to the exporter M/s. Balaji Enterprises (IEC: ARIPT0474C), the status of GST registration of the exporter was ascertained from the GST Portal, wherein the GSTIN status was showing to be "Cancelled suo-moto (effective from 01.01.2024)". The portal also mentions that the taxpayer had last filed returns in the month of December 2023.

**l.** On perusal of the ICES 1.5 system, it is seen that the exporter has exported goods vide 03 Shipping Bills prior to the live shipment which is under investigation as tabulated in Table-VII above. The ICES 1.5 system shows that no foreign remittance has not been received as mandated under FEMA regulations within the prescribed 09 months, by the exporter in any of the past 03 shipments. The goods under the said 03 shipments valued at total FOB of ₹1,53,63,438.5/-, have thus been rendered liable to confiscation under **Section 113 (ia) and 113 (ja) of the Customs Act, 1962.**

**m.** The export incentive viz. Drawback of Rs. 5,56,751/- claimed by the exporter in past shipments as mentioned in Table-VII is liable to be rejected and demanded back from the exporter in terms of **Rule 18 of the Customs and Central Excise Duties Drawback Rules, 2017 read with Section 75A(2) of the Customs Act, 1962.**

n. The RoDTEP & RoSCTL amounting to Rs. 13,496/- & Rs. 6,95,617/- claimed by the exporter in all the past 03 Shipping Bills mentioned in Table-VII above, shall be demanded back along with applicable interest in terms of **Section 28AAA read with section 28AA of the Customs Act, 1962, and CBIC Notification No. 24/2023-CUS (N.T) dated 01.04.2023 and CBIC Notification No. 25/2023-CUS (N.T) dated 01.04.2023.**

o. From the above facts, it is clear that the Exporter is a fly by night operator and was established only to Export inferior goods to claim higher export incentives. Therefore, it appears that the Exporter connived with their purported local suppliers to obtain invoice by fraud and collusion to utilize input tax credit on the basis of such invoice for discharging tax on goods which have been entered for exportation under the Shipping Bill filed by them. It further appears that the exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) have rendered themselves liable to penalty in terms of **Section 114(iii) of the Customs Act, 1962** on account wilful overvaluation and willful mis-classification of export goods in the Shipping Bills and the non-submission of any genuine procurement documents.

p. The Duty Drawback provisions are described under Section 75 of the Customs Act, 1962 and as per section 75, if the export of goods manufactured or processed out of imported material with value addition, a drawback of customs duties chargeable on any imported materials of a class or description should be allowed. The Duty Drawback Scheme (DBK) is a crucial program to help exporters offset some of the costs accrued during the export process, particularly in the supply or value chain. The key benefit of the scheme is that it gives rebates on Customs and Central Excise chargeable on any imported or excisable materials used to manufacture goods meant for export. Similarly, RoDTEP and RoSCTL are e-scrips issued by customs and the objectives and operating principles of the scheme, inter alia, is to refund currently un-refunded duties / taxes/taxes and levies, at the Centre, State, and local level borne on exported product, specified in the para 4.54 of FTP.

q. In the subject case, the exporter M/s. Balaji Enterprises did not provide any supplier invoice and stated that they had procured goods from local suppliers and further no e-way bill to support the purchase and transport of goods were submitted as evidence to justify their claim of Drawback, RoSCTL & RoDTEP. Additionally, the exporter attempted to misclassify the goods as mentioned in Table-III above to avail higher and undue Drawback. Accordingly, the Exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) inspite of procuring goods from local suppliers without any tax invoice and thereby not paid any tax nor suffered any tax in his supply chain, has knowingly & intentionally caused to sign & used the documents to provide the undue advantage to the exporter with malafide intent to avail undue/excess export benefits in form of Drawback, RoSCTL and other export

benefits. Therefore, the Exporter is liable for penalty under Section 114 AA of Customs Act, 1962 for this intentional mis-declaration.

r. The exporter has claimed export incentives in past Shipments as mentioned in TABLE-VII, wherein they have claimed Drawback, RoDTEP and ROSCTL knowing fully well that the remittance in all these shipping Bills will not be received, since they were anyways operating merely to defraud the government by claiming export incentives till the time they were apprehended. As they have attempted to obtain instrument by fraud and suppression of facts, hence the exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) is also liable for penalty under **Section 114AB of the Customs Act, 1962.**

**s. Role of Customs Broker firm M/s Sunway Logistics (11/2658) & Shri Sanjay Sarjerao Kolse, G-Card Holder of the Custom Broker**

From the investigations conducted and from the facts and circumstances of the case, it is evident that the CB has aided and abetted the exporter in the above acts of omission and commission which has rendered the goods liable for confiscation and the exporter liable for penalty to be imposed under Section 114 (iii) of Customs Act 1962. The CB was well aware of the goods being exported and the voluntary submission of Shri Sanjay Sarjerao Kolse, G-Card Holder stating that they classified the goods and declared the value of the goods solely on the submission made by the exporter is incorrect. Shri Sanjay Sarjerao Kolse, is the G-Card Holder of the CB and to obtain G-Card an examination is conducted as per CBLR 2018 that includes a paper on Tariff and classification. Those who pass this examination are only granted G-Card and as per CBLR 2018 he was obligated under Regulation 10 (d), (e) to advise the client and submit correct declaration to Customs. Further as per Regulation 10 (n), the CB was to conduct proper KYC of the exporter, which he failed to perform. Hence both the CB and Shri Sanjay Sarjerao Kolse, the G-Card Holder of the CB are jointly and severally liable for penalty under Section 114 (iii) of Customs Act 1962 read with Regulation 10 (d), (e) & (n) of CBLR 2018.

**12.** Now, Balaji Enterprises (IEC: ARIPT0474C) having its office at Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe, Raigad, Maharashtra-410206 are hereby called upon to Show Cause to the Additional Commissioner of Customs, CEAC, NS-II, JNCH, having office at Jawaharlal Custom House, Nhava Sheva, Tal-Uran, Dist-Raigad, Maharashtra, within 30 days of receipt of this notice as to why:

- i. The declared FOB value of Rs. 1,09,04,894.05/- covered under the Shipping Bills Nos. 5799043 and 5799044 both dated 04.12.2023 should not be rejected and re-determined to Rs. 82,50,145.24/- under Rule 6 of the Customs Valuation (Determination of Value of Export Goods) Rules, 2007. Further, The drawback of Rs. 4,01,107.8/- and RoSCTL of Rs. 5,05,014/- claimed in the

above said Shipping Bills should not be rejected and re-determined to Drawback of Rs. 2,59,959.67/- and RoSCTL of Rs. 3,77,783.88 since FOB value of the goods is re-determined.

- ii. The export goods covered under the Shipping Bills listed in Table-1, filed by M/s. Balaji Enterprises (IEC: ARIPT0474C) and valued at ₹ 1,09,04,894.05/-, should not be confiscated under Sections 113(i), 113(ia) and 113(ja) read with Section 50 of the Customs Act, 1962, and should not be subject to reclassification as per the revised details provided in Table-III.
- iii. The Drawback amounting to ₹ 4,01,107.8/-, and ROSCTL of ₹ 5,05,014.86/-, as claimed under Shipping Bills mentioned in TABLE-I, should not be rejected on the grounds that the goods were not exported but were instead released under the "Back to Town" procedure.
- iv. The goods valued at FOB of ₹1,53,63,438.5/-, pertaining to past exports covered under 03 Shipping Bills as detailed in Table-VII, should not be confiscated under the provisions of Sections 113(ia) and 113(ja) of the Customs Act, 1962, on account of non-receipt of foreign remittance.
- v. The duty drawback of ₹ 5,56,751/- claimed against the same 03 previous Shipping Bills as detailed in TABLE-VII should not be rejected and recoverable under Rule 18 of the Drawback Rules, 2017 alongwith interest applicable under Section 75A(2) of the Customs Act, 1962, from the date of disbursement until the date of recovery, due to non-receipt of the corresponding foreign remittance.
- vi. The RoDTEP amount of ₹ 13,496/- and RoSCTL amount of ₹ 6,95,617/- claimed against 03 previous Shipping Bills should not be suspended and recovered with interest, owing to non-realization of export proceeds, in terms of Section 28AAA read with Section 28AA, and CBIC Notifications No. 24/2023-Cus(N.T.) dated 01.04.2023 and 25/2023-Cus(N.T.) dated 01.04.2023.
- vii. Penalty should not be imposed under Section 114(iii) of the Customs Act, 1962 for wilfully overvaluing export goods in the Shipping Bills and failing to submit genuine procurement documents.
- viii. Penalty should not be imposed under Section 114 AA of Customs Act, 1962 as the exporter's mis-classification and declaration of inflated FOB value in the Shipping Bills, without supporting purchase invoices, e-way bills, or purchase orders, constitutes an intentional false declaration.
- ix. Penalty should not be imposed under Section 114AB of the Customs Act, 1962 for fraudulently and wilfully attempting to obtain export incentives such as Drawback, RoDTEP and ROSCTL.

**13.** Further, The Customs Broker firm M/s Sunway Logistics (11/2658), addressed at Office No. 409, Prabhat Centre Annex, Sector 1A, CBD Belapur, Navi Mumbai-400614 and Shri Sanjay Sarjerao Kolse, the G-Card Holder of the CB are hereby called upon to show cause to the Additional/Joint Commissioner of Customs, NS-II, JNCH, Nhava Sheva within 30 days of the receipt of this notice as to why:

14. The noticees are further informed that they should clearly state in their written reply whether they wish to be heard in person before the case is adjudicated. In case no reply is received within 30 days of the receipt of this SCN and no request is made for the PH or they do not appear before the adjudicating authority on the date and time fixed, the case will be decided ex-parte on the basis of evidence available on record without any further reference to them.

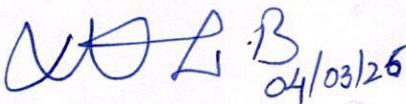
15. In case the notice is eligible to avail the facility of settlement of the case as per the Chapter XIVA of the Customs Act, 1962, and interested in the same, he may apply to the Settlement Commission as per prescribed procedure and also inform the same to the Adjudicating Authority

16. This show cause notice is issued only in respect of issues discussed in the show cause notice and the goods mentioned against the Shipping Bill discussed hereinabove.

17. The Department reserves its right to add, amend, modify, etc. this notice based on any fresh facts or evidence which may come to the notice of the Department after issue of this notice but prior to adjudication thereof.

18. This show cause notice is issued without prejudice to any other action that may be taken against the persons/firms mentioned herein or any other person under the Customs Act, 1962 or any other law for the time being in force.

19. List of the documents relied upon in this notice (RUDs) are as per Annexure-I attached with this notice. It may be noted that all the relied upon documents and annexure enclosed with this show cause notice are an integral part of this show cause notice.

  
(BATCHALI RAGHU KIRAN)  
COMMISSIONER OF CUSTOMS (In-situ)  
CEAC, NS-II, JNCH

**To,  
Noticees,**

1. M/s. Balaji Enterprises (IEC: ARIPT0474C)  
Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe, Raigad, Maharashtra-410206

**Copy to:**

1. **The Asst. Commissioner of Customs, SIIB (X), JNCH./CAC/EDI/IRMC, JNCH**
2. **Supdt./CHS, JNCH for display on Notice Board.**
3. **Office Copy.**

**ANNEXURE - I**

Sr. No.	List of Relied Upon Documents
RUD-I	Shipping Bill No. 5799043 and 5799044 dated 04.12.2023

<b>RUD-II</b>	Panchanama dated 22.12.2023
<b>RUD-III</b>	NOC for Provisional Release of the goods for Back to town purpose dated 24.01.2024
<b>RUD-IV</b>	Market Enquiry dated 13.01.2024
<b>RUD-V</b>	Copy of statement of Shri Sanjay Sarjerao Kolse, G-Card Holder of the Custom Broker firm M/s Sunway Logistics (11/2658)
<b>RUD-VI</b>	Copy of statement Shri Mir Asif Hussain, Manager of M/s Balaji Enterprises (IEC Code ARIPT0474C)

CHA No: ADPFS1811FCH003

**SUNWAY LOGISTICS**  
INDIAN CUSTOM EDI SYSTEM/EXPORT(ICES/E)

Page# 1 to 3  
Print on 04/12/2023 23:27:20

Shipping Bill for Export

Job No.: 0000217 Date: 04/12/2023 S/B No.: 5799043 Date: 04/12/2023

Loading Port: INNSA1 State of Origin: MAHARASHTRA

**Exporter's Name**

IEC No. (0) ARIPT0474C PAN: ARIPT0474C  
BALAJI ENTERPRISES  
MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE,  
RAIGAD MAHARASHTRA 410206  
GSTN Type : GSN GSTN No : 27ARIPT0474C1ZR

**Consignee's Name**

MIKE AND MICHAEL BUSINESS ENTERPRISE  
NO. 1 FESTING BY FRANCE ROAD, SABON GARI  
FORM M - MF20230095096 KANO  
BA NO - BA21420230007771  
NIGERIA

Port of Loading (INNSA1) : **Nhava Sheva Sea**  
Country of Final Dest. (NG) : **NIGERIA**  
Port of Final Dest. (NGAPP) : **APAPA**  
Port of Discharge (NGAPP) : **APAPA**  
Country of Discharge (NG) : **NIGERIA**  
Nature of Cargo : **C**  
Rotation No :  
Marks & No(s) :

No of Packages : **72**  
Loose Packets. : **0**  
Type of Packages : **CTN**  
Net Weight ( KGS ) : **3359.000**  
Gross Weight ( KGS ) : **3431.000**  
No. of Containers : **0**

AS PER INVOICE, " WE INTEND TO CLAIM BENEFIT/REWARD UNDER MEIS/RODTEP/REBATE OF STATE &amp; CENTRAL TAXES &amp; LEVIES SCHEME"

Forex Bank Acc : **10081448668**  
FOB Value ( Rs. ) : **5473985.67**  
ST / Excise Regn. :  
Authorised Dealer Code : **20100D4**  
I.F.S. Code : **IDFB0040172**

RBI Waiver No :  
RODTEP Amount : **0.00**  
Drawback Account No :  
DBK Amount : **201437.31**  
F ROSCTL Amount : **256578.00**

**Invoice Details Serial No** : **1**  
Invoice Value : **66472.20 ( Rs. 5473985.67 )**  
FOB Value : **66472.20 ( Rs. 5473985.67 )**  
Invoice No. : **BE/07/23-24**  
Nature of Contract : **FOB**  
Contract No. :  
Third Party :

DBK Value ( Rs. ) : **201437.31**  
Currency of Invoice : **USD**  
Invoice Date : **04/12/2023**  
Exchange Rate : **USD 1 = Rs. 82.35**  
Contract Date :

Insurance  
Freight  
Discount  
Commission  
Other Deduction  
Packing Charges

**Rate**      **Currency**      **Amount**      **Buyer's Name and Address**  
SAME AS CONSIGNEE

Nature of Payment : **DA**  
Period of Payment : **180 Days**

SL No	RITC Code Quantity	Item Description Units	Rate	Per	Units	Total Value(FC) Declared PMV(INR)	FOB Value(INR) Accepted PMV(INR)	Scheme Reward
	Scheme Description Manufacturer Details Transit Country	Source State	HAWB	TotalPkg	IGSTPynt	Tax Value	Tax Amount	End Use
1	62041390 7254 Drawback, and ROSCTL	GIRLS 2 PCS SET OF MMF PCS 6.3		Per 1	PCS	45700.20 570.69	3763411.47 4139752.62	60 YES
#		27		0	LUT	0	0.00	GNX100
2	62031200 600 Drawback, and ROSCTL	BOYS 3 PCS SET OF MMF PCS 6.5		Per 1	PCS	3900.00 588.80	321165.00 353281.50	60 YES
#		27		0	LUT	0	0.00	GNX100
3	62044390 2400 Drawback, and ROSCTL	GIRLS FROCK OF MMF PCS 5.2		Per 1	PCS	12480.00 471.04	1027728.00 1130500.80	60 YES
#		27		0	LUT	0	0.00	GNX100
4	62082200 720 Drawback, and ROSCTL	LADIES NIGHTWEAR 2 PC SET OF MMF PCS 6.1		Per 1	PCS	4392.00 552.57	361681.20 397849.32	60 YES
#		27		0	LUT	0	0.00	GNX100
						Tax Value : 0.00	5473985.67	
						IGST Amt : 0.00	6021384.24	

**SUNWAY LOGISTICS**  
INDIAN CUSTOM EDI SYSTEM/EXPORT(ICES/E)  
Shipping Bill for Export

Job No.: 0000217 Date: 04/12/2023 S/B No.: 5799043 Date: 04/12/2023

Loading Port: INNSA1 State of Origin: MAHARASHTRA

**Drawback Details**

INV No	Item No	DBK Sl.No.	Custom Adv.	DBK Adv.	Custom Spec. Rate	DBK Spec. Rate	DBK Quantity	DBK Amount
1	1	62040103B	0.00	3.90	0.00	124.00	7254.000	146773.05
1	2	62030103B	0.00	4.70	0.00	89.60	600.000	15094.76
1	3	62040303B	0.00	2.90	0.00	40.20	2400.000	29804.11
1	4	62080103B	0.00	2.70	0.00	29.00	720.000	9765.39
Drawback Amount(INR)								201437.31

**ROSCTL Details**

INV No	Item No	ROSCTL Sl.No.	State Leavy Duty	State Leavy Rate	Central Tax Leavy Duty	Central Tax Leavy Rate	ROSCTL Quantity	State Leavy	Central Leavy	ROSCTL Amount(Rs)
1	1	62040103B	2.65	54.60	2.10	43.30	7254.000	99730.40	79031.64	178762.04
1	2	62030103B	2.65	54.60	2.10	43.30	600.000	8510.87	6744.46	15255.33
1	3	62040303B	2.65	23.30	2.10	18.50	2400.000	27234.79	21582.29	48817.08
1	4	62080103B	2.10	12.90	1.70	0.00	720.000	7595.31	6148.58	13743.89
ROSCTL Amount(INR)								143071.37	113506.97	256578.34

**Packages Details**

Packages From	Packages To	Kind Package
6505	6525	CTN
6601	6618	CTN
6701	6707	CTN
4510	4516	CTN
4522	4522	CTN
4540	4540	CTN
4547	4547	CTN
6801	6810	CTN
6901	6906	CTN

**Single Windows Type of Information**

Inv/Item	SQC & Qty	RODTEP	RDT Amount	GST Amount	CCS Amount	District Name	State name	Trade	SMC
1/1	7254 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/2	600 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/3	2400 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/4	720 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
			0.00	0.00	0.00				

**Supporting Documents Details**

Inv No	Item No	IRN No	DRN No	Document Type Description	Place of Issue	Issue Date	Expiry Date
Document Issuer Party Name		Document Issuer Party Address		Document Beneficiary Name			
1		2023120400126066	BE/07/23-24	380000 Commercial Invoice	Nigeria	04/12/2023	
MIKE AND MICHAEL BUSINESS ENTERPRISE		BALAJI ENTERPRISES		NO. 1 FESTING BY FRANCE ROAD, SABON GARI FORM M - MF20230095096 KANO BA NO - BA21420230007771			
1		2023120400126067	BE/07/23-24	271000 Packing list	Nigeria	04/12/2023	
MIKE AND MICHAEL BUSINESS ENTERPRISE		BALAJI ENTERPRISES		NO. 1 FESTING BY FRANCE ROAD, SABON GARI FORM M - MF20230095096 KANO BA NO - BA21420230007771			
				MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE, RAIGAD MAHARASHTRA			

**Statement Details**

Inv/Item Sn	Code	Title
1/1,1/2,1/3,1/4,	DEC-RS001	I/We BALAJI ENTERPRISES holder of IEC No ARIPT0474C, in regard to my/our claim under RosCTL scheme made in this Shipping Bill or Bill of Export, hereby declare that: 1. I/ We undertake to abide by the provisions, including conditions, restrictions, exclusions and time-limits as provided under RosCTL scheme, and relevant notifications, regulations, etc., as amended from time to time. 2. Any claim made in this shipping bill or bill of export is not with respect to any duties or taxes or levies which are exempted or remitted or credited under any other mechanism outside RosCTL. 3. I/We undertake to preserve and make available relevant documents relating to the exported goods for the purposes of audit in the manner and for the time period prescribed in the Customs Audit Regulations, 2018.

Following is the list of document attached

Invoice	Item	Agency	Document Name
---------	------	--------	---------------



# COMMERCIAL / TAX INVOICE

**SUPPLY MEANT FOR EXPORT UNDER LETTER OF UNDERTAKING / BOND WITHOUT PAYMENT OF INTEGRATED TAX (IGST)**

<b>Exporter</b> <b>BALAJI ENTERPRISES</b> MANZIL ALISHA 402, PLOT NO B-41 , SECTOR 16 , ULWE , RAIGAD , MAHARASHTRA, 410206	Inv No. BE/07/23-24 Date: 04/12/2023	IEC No. ARIPT0474C PAN : ARIPT0474C GSTIN: 27ARIPT0474C1ZR
Purchase Order No. :		

<b>Consignee</b> <b>MIKE AND MICHAEL BUSINESS ENTERPRISE</b> NO. 1 FESTING BY FRANCE ROAD, SABON GARI, KANO FORM M - MF20230095096, TIN NO. 25690774 - 001 BA NO - BA21420230007771 EMAIL: onysky3@gmail.com	Other Reference (S) ARN: Buyer if other than consignee <b>SAME AS CONSIGNEE.</b>
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Port of Discharge APAPA	Final Destination KANO, NIGERIA	Country Of Origin India	Country of Final Destination NIGERIA
Pre-Carriage By Truck	Place of Receipt by pre-carrier NHAVA SHEVA	Terms Of Delivery Of Goods : FOB, BY SEA Terms Of Payment: DA 180 DAYS	
Vessel / Flight No.	PORT OF LOADING NHAVA SHEVA		

MARKS & C. NOS	ITEMS	HSN CODE	QTY	RATE	FOB USD	FOB INR	UNDER LUT	TOTAL AMOUNT INR
RRG	GIRLS 2 PCS SET OF MMF	62041390	7254	6.30	45700.20	3763411.47	0.00	3763411.47
6505-6525	BOYS 3 PCS SET OF MMF	62031200	600	6.50	3900.00	321165.00	0.00	321165.00
6601-6618	GIRLS FROCK OF MMF	62044390	2400	5.20	12480.00	1027728.00	0.00	1027728.00
6701-6707	LADIES NIGHTWEAR 2 PCS SET OF MMF	62082200	720	6.10	4392.00	361681.20	0.00	361681.20
4510-4516								
4522-4522								
4540-4540								
4547-4547								
6801-6810								
6901-6906								
					66472.20	5473985.67	0.00	5473985.67

**Amount Chargeable In Words (In USD): SIXTY SIX THOUSAND FOUR HUNDRED SEVENTY TWO & CENT TWENTY ONLY**

PKGS	72	
NT WT	3359.000	
GR WT	3431.000	

<b>Declaration</b> We intend to claim rewards under Remission of Duties or Taxes on Export Products (RoDTEP) Scheme <b>Declaration</b> We declare that the invoice shoe the actual price of the goods Description and all the particulars are true and corret	FOR. BALAJI ENTERPRISES <i>Manish Kumar</i> AUTHORIZED SIGNATORY
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**SUNWAY LOGISTICS**  
**INDIAN CUSTOM EDI SYSTEM/EXPORT(ICES/E)**  
 Shipping Bill for Export

No.: 0000218 Date: 04/12/2023 S/B No.: 5799044 Date: 04/12/2023 Loading Port: INNSA1 State of Origin: MAHARASHTRA

Exporter's Name  
 EC No. (0) ARIPT0474C PAN:ARIPT0474C  
 BALAJI ENTERPRISES  
 MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE,  
 RAIGAD MAHARASHTRA 410206  
 GSTN Type : GSN GSTN No : 27ARIPT0474C1ZR

Consignee's Name  
 ALTAZAJI GLOBAL VENTURES  
 NO 4 TAKURADI ROAD  
 APAPA GRA LAGOS STATE  
 KANO-NIGERIA  
 NIGERIA

Port of Loading (INNSA1) : **Nhava Sheva Sea**  
 Country of Final Dest. (NG) : **NIGERIA**  
 Port of Final Dest. (NGAPP) : **APAPA**  
 Port of Discharge (NGAPP) : **APAPA**  
 Country of Discharge (NG) : **NIGERIA**  
 Nature of Cargo : **C**  
 Rotation No :  
 Marks & No(s). : AS PER INVOICE," WE INTEND TO CLAIM BENEFIT/REWARD UNDER MEIS/RODTEP/REBATE OF STATE & CENTRAL TAXES & LEVIES SCHEME"

No of Packages : **63**  
 Loose Packets. : **0**  
 Type of Packages : **CTN**  
 Net Weight ( KGS ) : **2784.000**  
 Gross Weight ( KGS ) : **2847.000**  
 No. of Containers : **0**

Forex Bank Acc : **10081448668**  
 FOB Value ( Rs. ) : **5430908.38**  
 ST / Excise Regn. :  
 Authorised Dealer Code : **20100D4**  
 I.F.S. Code : **IDFB0040172**

RBI Waiver No :  
 RODTEP Amount : **0.00**  
 Drawback Account No :  
 DBK Amount : **199670.49**  
 F ROSCTL Amount : **248437.00**

Invoice Details Serial No : **1**  
 Invoice Value : **65949.10 ( Rs. 5430908.39 )**  
 FOB Value : **65949.10 ( Rs. 5430908.38 )**  
 Invoice No. : **BE/08/23-24**  
 Nature of Contract : **FOB**  
 Contract No. :  
 Third Party :  
**Rate Currency Amount**

DBK Value ( Rs. ) : **199670.49**  
 Currency of Invoice : **USD**  
 Invoice Date : **04/12/2023**  
 Exchange Rate : **USD 1 = Rs. 82.35**  
 Contract Date :

Insurance  
 Freight  
 Discount  
 Commission  
 Other Deduction  
 Packing Charges

**Buyer's Name and Address**  
 MIKE AND MICHAEL BUSINESS ENTERPRISE  
 NO. 1 FESTING BY FRANCE ROAD, SABON GARI  
 FORM M - MF20230095096 KANO  
 BA NO - BA21420230007771  
 Nature of Payment : **DA**  
 Period of Payment : **180 Days**

SL No	RITC Code Quantity	Item Description Units	Rate	Per	Units	Total Value(FC) Declared PMV(INR)	FOB Value(INR) Accepted PMV(INR)	Scheme Reward
		Scheme Description Manufacturer Details Transit Country	HAWB	TotalPkg	IGSTPymt	Tax Value	Tax Amount	End Use
1	62041390 5169 Drawback,and ROSCTL	GIRLS 2 PCS SET OF MMF PCS 6.3		Per 1	PCS	32564.70 570.69	2681703.04 2949873.35	60 YES
#		27		0	LUT	0	0.00	GNX100
2	62031200 1440 Drawback,and ROSCTL	BOYS 3 PCS SET OF MMF PCS 6.5		Per 1	PCS	9360.00 588.80	770796.00 847875.60	60 YES
#		27		0	LUT	0	0.00	GNX100
3	62041390 996 Drawback,and ROSCTL	GIRLS 3 PCS SET OF MMF WITH PURSE PCS 5.75		Per 1	PCS	5727.00 520.86	471618.45 518780.30	60 YES
#		27		0	LUT	0	0.00	GNX100
4	62082200 2134 Drawback,and ROSCTL	LADIES NIGHTWEAR 2 PC SET OF MMF PCS 6.1		Per 1	PCS	13017.40 552.57	1071982.89 1179181.18	60 YES
#		27		0	LUT		0.00	GNX100
5	61091000 960	MENS T-SHIRTS OF COTTON PCS 5.5		Per 1	PCS	5280.00	434808.00	60 YES

**SUNWAY LOGISTICS**  
**INDIAN CUSTOM EDI SYSTEM/EXPORT(ICES/E)**

Shipping Bill for Export

Job No.: 0000218 Date: 04/12/2023 S/B No.: 5799044 Date: 04/12/2023 Loading Port: INNSA1 State of Origin: MAHARASHTRA

Drawback, and ROSCTL	498.22	478288.80	
#	27	LUT	0.00 GNX100
		Tax Value : 0.00	5430908.38
		IGST Amt : 0.00	5973999.23

**Drawback Details**

INV No	Item No	DBK Si.No.	Custom Adv.	DBK Adv.	Custom Spec. Rate	DBK Spec. Rate	DBK Quantity	DBK Amount
1	1	62040103B	0.00	3.90	0.00	124.00	5169.000	104586.42
1	2	62030103B	0.00	4.70	0.00	89.60	1440.000	36227.41
1	3	62040103B	0.00	3.90	0.00	124.00	996.000	18393.12
1	4	62080103B	0.00	2.70	0.00	29.00	2134.000	28943.54
1	5	610901B	0.00	3.10	0.00	12.00	960.000	11520.00
Drawback Amount(INR)								199670.49

**ROSCTL Details**

INV No	Item No	ROSCTL Si.No.	State Leavy Duty	State Leavy Rate	Central Tax Leavy Duty	Central Tax Leavy Rate	ROSCTL Quantity	State Leavy	Central Leavy	ROSCTL Amount(Rs)
1	1	62040103B	2.65	54.60	2.10	43.30	5169.000	71065.13	56315.76	127380.89
1	2	62030103B	2.65	54.60	2.10	43.30	1440.000	20426.09	16186.72	36612.81
1	3	62040103B	2.65	54.60	2.10	43.30	996.000	12497.89	9903.99	22401.88
1	4	62080103B	2.10	12.90	1.70	0.00	2134.000	22511.64	18223.71	40735.35
1	5	610901B	2.90	13.80	2.00	0.00	960.000	12609.43	8696.16	21305.59
ROSCTL Amount(INR)								139110.18	109326.34	248436.52

**Packages Details**

Packages From	Packages To	Kind Package
6907	6910	CTN
7001	7009	CTN
7101	7110	CTN
7151	7153	CTN
7201	7204	CTN
7301	7304	CTN
7351	7351	CTN
4501	4509	CTN
4517	4536	CTN

**Single Windows Type of Information**

Inv/Item	SQC & Qty	RODTEP	RDT Amount	GST Amount	CCS Amount	District Name	State name	Trade	SMC
1/1	5169 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/2	1440 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/3	996 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/4	2134 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
1/5	960 NOS	NILL		0.00	0.00	491 RAIGAD	27 MAHARASHTRA	NCPTI	
			0.00	0.00	0.00				

**Supporting Documents Details**

Inv No	Item No	IRN No	DRN No	Document Type	Description	Place of Issue	Issue Date	Expiry Date
Document Issuer Party Name		Document Issuer Party Address		Document Beneficiary Name		Document Beneficiary Address		
1		2023120400126068	BE/08/23-24	380000	Commercial Invoice	Nigeria	04/12/2023	
ALTAZAJJ GLOBAL VENTURES		BALAJI ENTERPRISES		NO 4 TAKURADI ROAD APAPA GRA LAGOS STATE KANO-NIGERIA				
BALAJI ENTERPRISES		MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE, RAIGAD MAHARASHTRA						
1		2023120400126069	BE/08/23-24	271000	Packing list	Nigeria	04/12/2023	
ALTAZAJJ GLOBAL VENTURES		BALAJI ENTERPRISES		NO 4 TAKURADI ROAD APAPA GRA LAGOS STATE KANO-NIGERIA				
BALAJI ENTERPRISES		MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE, RAIGAD MAHARASHTRA						

**Statement Details**

Inv/Item Sn	Code	Title
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**SUNWAY LOGISTICS**  
**INDIAN CUSTOM EDI SYSTEM/EXPORT(ICES/E)**

Shipping Bill for Export

Loading Port: **INNSA1** State of Origin: **MAHARASHTRA**

Job No.: **0000218** Date: **04/12/2023** S/B No.: **5799044** Date: **04/12/2023**  
1/1,1/2,1/3,1/4,1/5, DEC-RS001

I/We **BALAJI ENTERPRISES** holder of IEC No **ARIP0474C**, in regard to my/our claim under RosCTL scheme made in this Shipping Bill or Bill of Export, hereby declare that:  
1. I/ We undertake to abide by the provisions, including conditions, restrictions, exclusions and time-limits as provided under RosCTL scheme, and relevant notifications, regulations, etc., as amended from time to time.  
2. Any claim made in this shipping bill or bill of export is not with respect to any duties or taxes or levies which are exempted or remitted or credited under any other mechanism outside RosCTL.  
3. I/We undertake to preserve and make available relevant documents relating to the exported goods for the purposes of audit in the manner and for the time period prescribed in the Customs Audit Regulations, 2018.

Following is the list of document attached  
Invoice

Item	Agency	Document Name
-	-	Invoice
-	-	Packaging List

Factory Stuffing      Sample Accompanied      Vessel Name & Voys, Rotation No & Date

**NO**

I/We declare that particulars given here in true and correct.  
I/We undertake to abide by the provisions of Foreign Exchange Management Act, 1999, as amended from time to time, including realisation or repatriation of foreign exchange to or from India.

I declare that, I have not claimed or shall not claim credit/rebate/refund/reimbursement of these specific State Levies under any other mechanism and I am eligible for the rebate claimed for. Further, declare that an Internal Complaints Committee (ICC), where applicable, in pursuance of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 has been constituted.

**Signature of Exporter/CHA with Date**

## COMMERCIAL / TAX INVOICE

SUPPLY MEANT FOR EXPORT UNDER LETTER OF UNDERTAKING / BOND WITHOUT PAYMENT OF INTEGRATED TAX (IGST)

<b>Exporter</b> <b>BALAJI ENTERPRISES</b> MANZIL ALISHA 402, PLOT NO B-41, SECTOR 16, ULWE, RAIGAD, MAHARASHTRA, 410206	Inv No. BE/08/23-24 Date: 04/12/2023	IEC No. ARIPT0474C PAN: ARIPT0474C GSTIN: 27ARIPT0474C1ZR
Purchase Order No. :		
Other Reference (S) ARN:		

<b>Consignee</b> ALTAZAJ GLOBAL VENTURES NO 4 TAKURADI ROAD APAPA GRA LAGOS STATE KANO-NIGERIA	<b>Buyer if other than consignee</b> <b>MIKE AND MICHAEL BUSINESS ENTERPRISE</b> NO. 1 FESTING BY FRANCE ROAD, SABON GARI, KANO FORM M - MF20230095096, TIN NO. 25690774 - 001 BA NO - BA21420230007771 EMAIL: onysky3@gmail.com
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Port of Discharge APAPA	Final Destination KANO, NIGERIA	Country Of Origin India	Country of Final Destination NIGERIA
Pre-Carriage By Truck	Place of Receipt by pre-carrier NHAVA SHEVA	Terms Of Delivery Of Goods : FOB, BY SEA Terms Of Payment: DA 180 DAYS	
Vessel / Flight No.	PORT OF LOADING NHAVA SHEVA		

MARKS & C. NOS	ITEMS	HSN CODE	QTY	RATE	FOB USD	FOB INR	UNDER LUT	TOTAL AMOUNT INR
RRG	GIRLS 2 PCS SET OF MMF	62041390	5169	6.30	32564.70	2681703.05	0.00	2681703.05
6907-6910	BOYS 3 PCS SET OF MMF	62031200	1440	6.50	9360.00	770796.00	0.00	770796.00
7001-7009	GIRLS 3 PCS SET OF MMF WITH PURSE	62041390	996	5.75	5727.00	471618.45	0.00	471618.45
7101-7110	LADIES NIGHTWEAR 2 PCS SET OF MMF	62082200	2134	6.10	13017.40	1071982.89	0.00	1071982.89
7151-7153	MENS T-SHIRTS OF COTTON	61091000	960	5.50	5280.00	434808.00	0.00	434808.00
7201-7204								
7301-7304								
7351-7351								
4501-4509								
4517-4536								
					65949.10	5430908.39	0.00	5430908.39

**Amount Chargeable In Words (In USD): SIXTY FIVE THOUSAND NINE HUNDRED FORTY NINE & CENT TEN ONLY**

PKGS	63	NT WT	2784.000	GR WT	2847.000
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<b>Declaration</b> We intend to claim rewards under Remission of Duties or Taxes on Export Products (RoDTEP) Scheme	FOR. BALAJI ENTERPRISES  <i>Mavysh kuman</i> <hr style="width: 100px; margin-left: auto; margin-right: 0;"/> AUTHORIZED SIGNATORY
<b>Declaration</b> We declare that the invoice shoe the actual price of the goods Description and all the particulars are true and corret	

**PANCHNAMA dated 22.12.2023 in respect of M/s BALAJI ENTERPRISES DRAWN AT CONCOR DRT CFS-reg.**

Pancha No.1		Pancha No.2	
Name	Anil Kumar Goswami	Name	Prem Kumar Mahto
Age	31	Age	30
Address-	Room No-1/3,Krishna colony, Vitthalwad behind S.T Depo , Near Kaanadi Chawl ,kalyan, Thane, Maharashtra 421306	Address-	402, Bhagawati heights, plot number - 110 , sector-20, ulwe, wahal, Raigarh, Maharashtra 410206
Type of ID card	Aadhar Card	Type of ID card	Aadhar Card
Number of ID Card	277717304470	Number of ID Card	652296175768
Mobile No.	8369426812	Mobile No.	7666944645
Occupation	Service	Occupation	Service

We the above mentioned Panchas were called upon by the persons who introduced themselves as Shri. Abhishek Meena and Ms. Pratibha Gupta, Intelligence Officers, SIIB(X), JNCH on 22.12.2023 at 16:00 hrs at CONCOR DRT CFS, Dronagiri Rail Terminal, Sector- 2 , Near Paghote Village, Dronagiri Node, Navi Mumbai- 400707 to witness the examination of goods under Shipping bill Nos. 5799043 dtd 04.12.2023 and 5799044 dated 04.12.2023 pertaining to exporter M/s BALAJI ENTERPRISES (IEC: ARIPT0474C). The goods were examined for confirmation of declaration in respect of description of goods, quantity and any other declaration thereof.

Here, we were introduced to Shri Sanjay Sarjerao Kolase, Authorized Representative of exporter with G-P/A Card No. 4552/2022. Then the officers explained to us that the exporter M/s BALAJI ENTERPRISES (IEC: ARIPT0474C) having address at Manzil Alisha 402, Plot No B-41, sector 16, ulwe, Raigad Maharashtra 410206, had filed Shipping Bill Nos. 5799043 dtd 04.12.2023 and 5799044 dated 04.12.2023 through Customs Broker M/s

*[Signature]*  
P1 22/12/23

*[Signature]*  
P2 22/12/23

*[Signature]*  
CB/Reporter 22/12/23

SUNWAY LOGISTICS. (CHA No. ADPFS1811FCH003) for export of their consignment.

We the panchas alongwith Custom Broker representative who represented the exporter and the aforesaid officers visited CONCOR DRT CFS, where the goods were found to be carted inside Shed number-03, pillar number 20,21 of CONCOR DRT CFS.

We were shown the Hold letter No. 223/2022-23/SIIB(X), JNCH dtd. 19.12.2023 signed by Assistant Commissioner of Customs, SIIB(X), JNCH regarding hold of 02 Shipping Bills having No. 5799043 dtd 04.12.2023 and 5799044 dated 04.12.2023 of M/s BALAJI ENTERPRISES (IEC: ARIPT0474C) filed through their authorized Customs Broker M/s. SUNWAY LOGISTICS (CHA No. ADPFS1811FCH003). Further we were shown the above-mentioned Shipping Bills and Export Invoices, Packing Lists and check lists of the goods attempted to be exported. The details of the said shipping bills were tabulated as below:

Table-I

Sr. No	SB No./date	Description of goods	FOB Value	Drawback Claimed	ROSCTL	IGST
1.	5799043 dtd 04.12.2023	RMG	5473985.67 /-	201437.31/-	256578.00 /-	LUT
2.	5799044 dtd 04.12.2023	RMG	5430908.38 /-	199670.49/-	248437.00 /-	LUT

The Customs Officers in presence of us and in presence of representative of Custom Broker took up the Shipping Bills No. 5799043 dtd 04.12.2023 and 5799044 dated 04.12.2023 and its invoices and packing lists and started 100% Examination of the goods.

During 100% examination, the above goods were found to be as per the declared description and quantity in the shipping bills, invoices and

*[Signature]*  
P1 22/12/23

*[Signature]*  
P2 22/12/23

*[Signature]*  
CB/Exporter 22/12/23

packing lists. During the course of examination, Customs Officers informed us that representative samples of each item is required for testing, and further investigation. Hence, three samples of each item is withdrawn from random packages, and kept in a green color envelope. The envelope is further sealed with LAC seals. We the panchas, along with authorised representative of exporter witnessed the procedure of examination and withdrawal of samples.

Sr. No.	Shipping Bill	Item Description	No. of samples	Package Number
1.	5799044 dt. 04.12.2023	Mens T-shirt Of Cotton	3	7152
2.	5799043 dt. 04.12.2023	Girls Two Pcs set of MMF	3	6512
3.	5799044 dt. 04.12.2023	Boys Three pcs set of MMF	3	7303
4.	5799043 dt. 04.12.2023	Girls Frock of MMF	3	6705
5.	5799044 dt. 04.12.2023	Ladies Nightware two pcs set of MMF	3	7105
6.	5799044 dt. 04.12.2023	Girls three pcs set of MMF with Purse.	3	4536

After completion of examination and withdrawal of samples, all these packages pertaining to the aforesaid Shipping Bills were re-packed in the same packages and kept at the same place i.e. at location Shed number-03, pillar number 20,21 of CONCOR DRT CFS , Dronagiri Rail Terminal, Sector-2, Near Paghote Village, Dronagiri Node, Navi Mumbai- 400707 in presence of us and in presence of the authorized representative of exporter and the same were handed over to Manager, CONCOR DRT CFS for safe custody.

We put our dated signature on the Shipping Bills, Export Invoices, Packing Lists of the goods and other relevant documents as a token of

*[Signature]*  
PI 22/12/23

*[Signature]*  
P2 22/12/23

*[Signature]*  
CO/Reporter 22/12/23

having seen the same and being present during the course of examination and withdrawal of panchnama.

The Panchanama running into 04 pages ended on the same place and on same date i.e. 22.12.2023 at 20:30 Hrs Panchanama was carried out in our presence and in the presence of the authorized representative of Exporter. Panchanama was carried out in peaceful and systematic manner and no untoward event happened during the course of drawing the Panchanama and no damage was done to the subject/concerned goods.

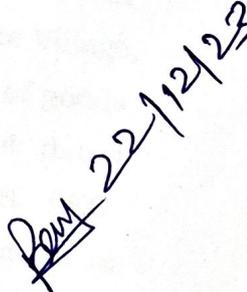
Drawn by us, on the 22<sup>nd</sup> day of December, 2023.

Abhishek  
22/12/23  
I.O./SIIB(X), JNCH  
(Abhishek Meena)

प्रतिभा गुप्ता  
22/12/23  
I.O./SIIB(X), JNCH  
(Pratibha Gupta)

  
22/12/23  
Exporter Representative RCB

  
22/12/23  
Pancha-I

  
22/12/23  
Pancha-II



सत्यमेव जयते

भारत सरकार / Government of India  
वित्त मंत्रालय / Ministry of Finance  
आयुक्त सीमाशुल्क एन.एस.-II का कार्यालय  
Office of Commissioner of Customs NS-II  
Jawaharlal Nehru Custom House, Nhava Sheva,  
Dist- Raigad, Maharashtra - 400 707



**F.No.SG/Misc-277/2023-24/SIIB(X)/JNCH**

**Date:24.01.2024**

To

The Addl. Commissioner of Customs,  
CEAC, JNCH

Respected Sir,

**Sub: NOC for Provisional release of the goods covered under Shipping Bill No. 5799043 and 5799044 both dated 04.12.2023- reg.**

Please refer to abovementioned subject.

The Exporter M/s. Balaji Enterprises (IEC-ARIPT0474C) filed Shipping Bill no. **5799043 and 5799044 both dated 04.12.2023** through CHA M/s SUNWAY LOGISTICS (CHA NO. ADPFS1811FCH003). On the basis of NCTC Alert, the consignments covered under the aforesaid shipping bills were put on hold and examined under Panchnama dated 22.12.2023.

Further investigation in the said matter is in progress. Meanwhile, the exporter vide letter dated 09.01.2024 has requested for provisional release of the goods for back to town purpose. The said shipping bills are filed under LUT basis. FOB, Drawback and RODTEP details of the said shipping bill is as under:

Sl. NO.	Shipping Bill No.	dt.	FOB (in INR)	Drawback (INR)	RODTEP (INR)
1	5799043	04.12.2023	5473985.67	201437.31	256578.00
2.	5799044	04.12.2023	5430908.38	199670.49	248437.00

This office has no objection for provisional release of the said consignment covered under Shipping bill no. **5799043 and 5799044 both dated 04.12.2023** with applicable Bond and BG for back to town purpose.

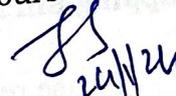
It is further to add that NCTC in its alert email has raised six Red Flags for this Shipping Bill, and the same are as under: -

1. The exporter is Proprietorship firm, which has obtained IEC registration in July, 2023.

2. Non-existent supply chain.
3. Exporter who is a trader has file high value shipping bill of FOL of Rs. 1.09 Cr. with high export incentives, without proper supply chain.
4. The commodity being exported is risky and the country of destination is also risky.
5. As the commodity being exported is risky, there is high possibility of mis-declaration in terms of quality, quantity of goods, mis-classification, concealment and overvaluation to avail undue export benefits.

This issues with the approval of the Additional Commissioner of Customs, SIIB(X), JNCH.

Yours Faithfully,

  
(Jay Shah)

**Deputy Commissioner of Customs  
SIIB (X), JNCH**

Encl:- Copy of shipping bills, packing list, copy of Panchanama,  
*Copy of market Survey.*

**MARKET SURVEY FOR SHIPPING BILL NO. 5799043 and 5799044 both dated  
04.12.2023**

Market survey of the goods covered under Shipping Bill No. 5799043 and 5799044 both dated 04.12.2023 is being conducted today i.e 13.01.2024 on the basis of samples taken during the course of examination under Panchnama on 22.12.2023.

The market survey has been conducted in the presence of Shri, authorized representative of M/s Balaji Enterprises (IEC No. ARIPT0474C), and Custom Broker Shri Anil Giri, employee of CHA Firm M/s Sunway Logistics and Shri Mantosh Kumar SIO/SIIB(X).

The following shops were visited today to ascertain wholesale market price of the goods covered under Shipping Bill no. 5799043 and 5799044 both dated 04.12.2023:-

**Table-I**

Sr. No.	Shop name	Address
1.	FRIENDSHIP GARMENTS	Shop No. 2, 160/162, Samuel Street, Masjid Bunder (W), Mumbai 400009.
2.	FASHION STOP	Shop No. 1 & 2, ABEDA Mansion 145, Samuel Street, Masjid Bunder, Mumbai - 400009.
3.	GIRLS MAGIC	Ground Floor, Ratan Bai Hall, Near Khoja Sunni Masjid, Tantanpura Street, Samuel Cross Street, Masjid (W), Mumbai 400009.
4.	PINK BABY	51/61, Tantanpura Street, Opp Faizan-e-Madina Masjid, Khadak, Masjid Bunder (W) Mumbai - 400009

In addition to the above-mentioned shops, some more shops were also visited but they were not inclined to provide wholesale price hence their details were not taken.

The wholesale Market price of the goods was stated verbally by the shops listed in the aforesaid Table I. However, they did not provide any invoice / cash memo for the price of the fabric, even after several requests for the same. Item wise wholesale price of the Ready-Made Garments as stated by the shop owners is mentioned in Table-I:

**Table-II**

**(Wholesale Price)**

Sr. No.	Shipping Bill	Item Description	FRIENDSHIP GARMENTS	FASHION STOP	GIRLS MAGIC	PINK BABY
1.	5799044 dt. 04.12.2023	Mens T-shirt Of Cotton	250	275		260

*MK*  
13/01/2024

2.	5799043	dt.	Girls Two Pcs set of MMF	270	280	250	2
3.	5799044	dt.	Boys Three pcs set of MMF	220	240	250	230
4.	5799043	dt.	Girls Frock of MMF	325	330	315	335
5.	5799044	dt.	Ladies Nightware two pcs set of MMF	310	325	315	330
6.	5799044	dt.	Girls three pcs set of MMF with Purse.	250	260	275	280

In addition to this, all the shop owners also suggested that the price of similar types of goods may vary from place to place and shop to shop. It is further suggested by shop owners that the whole sale price is also sensitive to volume, bargain and season.

*NK* 13/01/2024  
 Shri Namdeo Gorde  
 Authorised Representative of Exporter

*Mantosh*  
 13/01/2024  
 Mantosh Kumar  
 SIO/ SIIB(X)

Statement of Shri Sanjay Sarjerao Kolse, Date of Birth - 24/09/1984, G-card Holder of the Custom Broker firm M/s. Sunway Logistics (11/2658) in reference to M/s Balaji Enterprises (IEC: ARIPT0474C), resident of Room No - 7, Sai Sadan Chawl, Near Samaj Mandir, Bindu Madhav Nagar, Digha, Navi Mumbai, Thane, Maharashtra-400708, recorded under Section 108 of the Customs Act, 1962, in the office of Special Investigation and Intelligence Branch (Export), situated at 5<sup>th</sup> floor, JNCH, Dist.- Raigad - 400707, at 16:00 hrs. on 27.01.2025.

In pursuance of Summons issued under CBIC DIN- 20250178NT0000999BE5 dated 27.01.2025, issued under seal and signature of Shri Surendra Ram, Senior Intelligence Officer, SIIB (X). I, Sanjay Sarjerao Kolse, G-Card holder of the Custom Broker firm M/s. Sunway Logistics (11/2658) in reference to M/s Balaji Enterprises (IEC: ARIPT0474C), present myself today on 27.01.2025, before Shri Surendra Ram, to give statement u/s 108 of the Customs Act, 1962. I have also been explained that giving false evidence under this enquiry is an offence punishable u/s 193 of the Indian Penal Code, 1860. I am also informed that this statement of mine can be used as evidence against me or any other person in any court of law, or for any adjudication proceedings. I have understood the provision of Section 108 of the Customs Act, 1962 and will tender my true, correct and voluntary statement which is as follows:

I state that I reside at the abovementioned address with my family with my wife, daughter & son. My Aadhar No. is 4204 8789 7226 & PAN is ARYPK0488P. I am submitting copies of my PAN and Aadhar card for my identity proof & G-card holder of CB M/s. Sunway Logistics (11/2658) having Customs No. 4552/2022 in reference to M/s Balaji Enterprises (IEC: ARIPT0474C). I have completed Sr. Secondary Education, in 2002, from Bharat Junior College, Thane. I can read, write and understand English, Hindi and Marathi languages. My mobile no. is 8452951983.

**Q.1 Please introduce yourself.**

**Ans.** I, Sanjay Sarjerao Kolse, G-card Holder of the Custom Broker firm M/s. Sunway Logistics (11/2658).

**Q.2 Have you taken the KYC documents of the Exporter? If yes, please provide details of the documents.**

**Ans.** Yes sir, we have taken the following documents of the Exporter:

1. Copy of IEC
2. Authorisation Letter
3. PAN card
4. Aadhar card
5. GST Registration certificate
6. KYC form
7. Bank Statement
8. Bank Authorization Letter

**Q.3. As you say that you are employee at M/s. Sunway Logistics (11/2658). What are the obligations of the Customs Broker towards Customs, at the time of filing any Customs Related documents?**

**Ans.** As and when documents are received through email either from MNCs/Exporters, the required export teams checks all parameters received from exporter for preparation of Checklist and calling for all KYC documents in case of the new exporters. IEC of the exporter is also verified online. The Checklist is prepared with reference to Commercial Invoice, Packing List and Tax Invoice. The HS Code description is checked with Customs Tariff and also as declared by the exporter in the invoice. The export incentive if any is checked and tallied i.e. Drawback, RoDTEP etc. Also, if the goods exported with payment of duty, export duty on goods will be paid accordingly. Also in case of restricted goods, required documents with reference to

*[Handwritten Signature]*  
11.4552/2022 22.01/2025

allied act, declaration/License/NOC/ PBS (Previous Shipping Bill) will be called from the exporter.

**Q.4. Do you know about the exporter M/s Balaji Enterprises (IEC: ARIPT0474C)?**

**Ans.** I met the exporter once before exporting the goods. He visited my office.

**Q.5. Have you ever visited the Exporter's M/s Balaji Enterprises (IEC: ARIPT0474C) Business Premises?**

**Ans.** No sir.

**Q.6. Have you filed Shipping Bill No. 5799043 and 5799044 both dtd. 04.12.2023?**

**Ans.** Yes, we have filed the aforesaid Shipping Bill No. 5799043 and 5799044 both dtd. 04.12.2023, on behalf of the Exporter M/s. Balaji Enterprises (IEC: ARIPT0474C) which was put on hold by SIIB(X), JNCH.

**Q.7. How much your CB Company charged from M/s. Balaji Enterprises for clearance of the above mentioned 02 shipping bills all dated 04.12.2023?**

**Ans:** Our Company received 5,000/- per Shipping bills for documentation and clearance.

**Q.8. What do you have to say about the over-valuation and misdeclaration of the goods?**

**Ans:** The valuation and classification of the goods is exclusively done as per the invoice of exporter. Our company deals with the filing of the shipping bills purely on the basis of the documents provided by the exporter.

**Q.9. When did the Exporter exported the first shipment and from where?**

**Ans.** The Exporter, exported the first shipment having Shipping Bill No. 3369814 dtd. 22.08.2023, from Nhava Sheva Port (INNSA1).

**Q.10. How many Shipments has the exporter exported till date?**

**Ans.** A total of 03 Shipments prior to this live shipment have been exported by the said firm as per our knowledge.

**Q.11. Do you have exporter's financial documents like ITR, GSTR1, 2A, 3B etc?**

**Ans.** Sir, we do not have any such information available with us.

**Q.12. As the Exporter is a merchant exporter, from where did he purchase the goods covered under the aforesaid subject Shipping Bill?**

**Ans.** Sir, we do not have such information with us.

**Q.13. Which Bank account is used by exporter for purchasing of goods and day to day transactions? Please provide the details of the said Bank Account?**

**Ans.** Sir as per documents available with us, The Exporter use account No. 10081448668, maintained on the name of M/s. Balaji Enterprises, in IDFC First Bank, at CBD Belapur Branch, Thane - 400614 for remittance of export proceeds and for other purposes as well and we have used the same account for purchasing the above said goods.

**Q.14. Is the supply chain of the goods, pertaining to all the 02 Shipping Bills, proper and genuine?**

**Ans.** Sir, we do not have such information with us.

**Q.15. Have the exporter ever over-valued the goods, pertaining to all the 02 Shipping Bills, in order to draw undue export-incentives?**

**Ans.** Sir, we do not have such information with us. We only relied upon the documents provided by the Exporter.



K.4552/2022

22/01/2025

7 the  
Q.16. Can you provide copies of BRCs regarding all the past shipments?

Ans. The Exporter has exported total 03 shipments till date; however, I do not have information regarding BRC, I will ask the Exporter and submit BRC copies to your office, within 03(Three) days, if the exporter provide us the same.

Q.17. Have you ever been penalized by Customs, GST or any Govt. agency till date?

Ans. No Sir, as per my knowledge, we have never been penalized by Customs, GST or any Govt. agency till date.

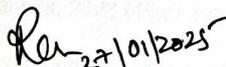
Q.18. Do you want to say anything else?

Ans. At present I don't want to add anything to the above statement. Whenever I will be called by the department, I will produce myself before the department to co-operate in further investigation.

The above statement of mine, running from page 01 to 03, is my true, correct and voluntary statement given without any force, threat, fear, inducement or coercion. No religious sentiment is hurt during the course of this statement. On my request the said statement has been typed on the office computer of SIIB(X), JNCH, Nhava Sheva, Dist.- Raigad, Maharashtra-400707, as per my said and as per my request and I certify it has been recorded exactly as stated by me in response to questions raised during the proceedings. I, therefore, affix my dated signature on every page of the statement in token of having been recorded correctly as stated by me.

  
k-45542022 27/01/2025  
(Shri Sanjay Sarjerao Kolse)  
G-card Holder of the Custom Broker  
firm M/s.Sunway Logistics (11/2658)

Drawn by me

  
(Surendra Ram)  
SIO/SIIB(X)

Statement of Shri Mir Asif Hussain (D.O.B-28.01.1971); Mobile-7730946931, Manager of M/s. Balaji Enterprises (IE Code ARIPT0474C), having registered address at Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe, Raigad, Maharashtra, 410206 recorded under Section 108 of the Customs Act, 1962 in the office of Special Investigation and Intelligence Branch (Export) situated at 5<sup>th</sup> floor, J.N.C.H. Nhava Sheva, Distt- Raigad-400707 on 27.01.2025.

In pursuance of Summons CBIC-DIN-20250178NT0000999BE5 dated 17.01.2025, issued by Shri Surendra Ram, Superintendent of Customs, SIIB(X), I present myself to give statement U/s 108 of Customs Act, 1962 on behalf of M/s Balaji Enterprises (IE Code ARIPT0474C). I have been explained the provisions of Section 108 of Customs Act, 1962. I have been also explained that giving false evidence under this statement is an offence punishable under section 193 of the Indian Penal Code, 1860/Corresponding section of Bharatiya Nyaya Sanhita, 2023. I am also informed that this statement of mine can be used as evidence against me or my company/firm in any court of law, or for any adjudication proceedings. Having been understood the provisions of Section 108 of the Customs Act, 1962; I am giving my true, correct and voluntary statement which is as follows. On my request the statement is being typed by Customs officer in office computer.

Name in Full	Mir Asif Hussain
Present/Permanent Residential Address	S/o Mir Mujeeb Hussain, Flat no. 1206, 12th Floor Plot No. 35, Sector 20, Taloja Phase 2, Raigad - 410208.
Office Address	Manzil Alisha 402, Plot No B-41, Sector 16, Ulwe Raigad, Maharashtra, 410206
Educational Qualification	Graduate
Language Known	English, Hindi
Occupation	Manager of M/s. Balaji Enterprises
Family Status	Married
Aadhar No.	7850 0673 6933
Mobile No.	7730946931
Email Address	jazlaoverseas@gmail.com

I am submitting self-attested copy of my Aadhar Card having No. 6643 6405 0210 as identity proof.

I have requested the officer to type my voluntary statement in office computer, having understood the above-mentioned provisions and responsibilities well; I give my true and voluntary statement as follows:

**Que1.** Please introduce yourself, your company, M/s Balaji Enterprises (IE Code ARIPT0474C) and purpose for which you have been called for.

**Ans.** I am Mir Asif Hussain, Manager of M/s Balaji Enterprises (IE Code ARIPT0474C). M/s Balaji Enterprises (IE Code ARIPT0474C) deals in Export of Ready-Made Garments. I have been called to record statement in response to Summons dated 17.01.2025.

**Que.2.** Did your firm filed the Shipping Bill No. 5799043 & 579944 both dated dt. 04.12.2023 and what was the goods being exported under the said shipping Bill?

**Ans.** Yes, Shipping Bill no No. 5799043 & 579944 both dated dt. 04.12.2023 were filed by M/s Balaji Enterprises (IE Code ARIPT0474C) through CHA M/s.

Sunway Logistics. The Goods covered under the said Shipping Bill Readymade garments.

**Que.3.** When did your firm got IEC and how did your firm get in export business?

**Ans.** We obtained our IEC on 15.07.2023 for the export of garments after completing the required procedures with DGFT. We were introduced to the export business of Garments by our Proprietor Shri Manish Kumar's friend who was in local trading of garments. He informed us the process of exporting garments overseas. After conducting some analysis, we decided to venture into export, especially after receiving an order from an overseas buyer.

**Que.4.** What is your designation in M/s. Balaji Enterprises (IE Code: ARIPT0474C), how long are you working there?

**Ans.** I am working as a Manager in M/s. Balaji Enterprises since December 2023.

**Ques.5.** What are your responsibilities as a manager in M/s. Balaji Enterprises?

**Ans.** As a manager I look after handling over the goods to CHA.

**Que.6.** Which are the ports from where your firm M/s. Balaji Enterprises make exports?

**Ans.** We make our exports from Nhava Sheva Port JNCH.

**Que.7.** How many Shipping bill have been filed by M/s Balaji Enterprises (IE Code ARIPT0474C)?

**Ans.** Apart from Shipping Bill No. 5799043 & 579944 both dated dt. 04.12.2023 we had filed 2 more shipping bills one was exported to Mauritius and other was exported to Kenya.

**Que.8.** Have your firm M/s. Balaji Enterprises received payments from your overseas buyer for the previous export consignment?

**Ans.** As of now, I am not aware if the payments from overseas buyer for the previous export consignment has been received. I will verify the same and will submit the BRC within 3 days.

**Que.9.** It is seen during investigation that there is non-existent supply chain?

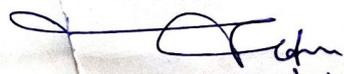
**Ans.** Our firm M/s Balaji Enterprises (IE Code ARIPT0474C) procures goods from local market.

**Ques.10.** As your firm M/s Balaji Enterprises (IE Code ARIPT0474C) procures goods from local market can you submit the Tax invoices for the said goods?

**Ans.** As of now, I do not have the Tax Invoices for the said goods but will submit them within 03 days.

**Que.11.** It is seen during investigation that exporter who is a trader has filed high value shipping bill of FOB of Rs. 1.09 Cr. with high export incentives, without proper supply chain?

**Ans.** The FOB value of the live consignments is accurate and not on the higher side. We have declared the FOB value correctly based on the actual market value of the goods and considering all other expenses which includes transportation cost, other office expenses, freight charges etc.

  
27/11/25

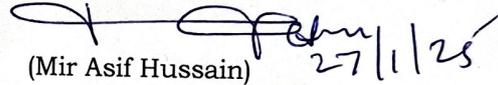
**Que.12:** Are the documents submitted by you true and correct?

**Ans.** Yes sir, I have submitted the correct documents true to my knowledge.

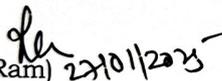
**Que.13:** Do you want to say anything else?

**Ans.** At present I don't want to add anything to the above statement. Whenever I will be called by the department I will produce myself before the department to co-operate in further investigation.

The above statement of mine is running into three pages are given by me voluntarily without any force, threat, coercion or promise. I have understood the statement and affirm that it has been correctly recorded as per my say and it was typed by the customs officer on my request, also the entire statement was explained to me in Hindi. I therefore affix my dated signature on every page of the statement. I have nothing more to add. Statement of mine is correctly recorded as per my say.

  
(Mir Asif Hussain) 27/11/25

Manager, M/s. Balaji Enterprises (IE Code  
ARIPT0474C)

Before me   
(Surendra Ram) 27/10/2025  
SIO/SIIB(X), JNCH