

 सत्यमेव जयते	सीमाशुल्क आयुक्त) न्हावा शेवा - II) का कार्यालय, OFFICE OF THE COMMISSIONER OF CUSTOMS, NS- II, जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेवा, JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA -SHEVA, ता.उरण,जिला -रायगड- 707 400, महाराष्ट्र. TAL. URAN DIST- RAIGAD - 400 707, MAHARASHTRA.	
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F. No.: CUS/ASS/MISC/584/2024 CEAC  
F.No. CUS/DOCK/2/2025-SIIB(E)/JNCH

Date:// .02.2026

DIN: 20260278NT000012171A

SCN No.: 2008/2025-26/ADC/CEAC/NS-II/CAC/JNCH

**SHOW CAUSE ISSUED UNDER SECTION 124 OF THE CUSTOMS ACT, 1962**

M/s. Chem Pharma Impex (IEC: 0313052239), hereinafter referred to as "the Exporter", having filed Shipping Bill No. 6194191 dated 21.12.2023 (RUD- I ) through their authorized Customs Broker, M/s. L.S. Achrekar & Sons (hereinafter referred to as "the Customs Broker"), attempted to export a consignment of goods declared as "Cellulose Nitrate (Including Colloidon) EXP- 2682 & EXP-2685" to Ethiopia. The export goods were declared to have an FOB value of Rs. 42,83,751/-, with a claim of Drawback of Rs. 51,406/- and RoDTEP of Rs. 34,271/- with IGST under LUT.

1.1 The Exporter" filed Shipping Bill No. 6194191 dated 21.12.2023 for the export of the following goods, declared as being destined for Ethiopia. The particulars of the consignment are detailed below:

**TABLE:I**

S.No	Shipping Bill No. & Date	Declared Description	FOB Value	Drawback Claimed	RODEP	IGS T
1.	6194191 dated 21.12.2023	Cellulose Nitrate (Incl. Colloidon) Exp 2682 & EXP 2685	42,83,751/-	51,406/-	34,271/-	LUT

1.2 During examination at the docks, it was observed by the Customs Officer, it was noticed that the said item contains 7% to 15% MEK (Methyl ethyl ketone) which is a controlled substances mentioned in Schedule B & C of NDPS (Regulations) order 2013 dated 16.03.2013. The Exporter/Customs Broker failed to produce the mandatory No Objection Certificate (NOC) from the Central Bureau of Narcotics (CBN), Gwalior.

1.3 The Exporter submitted the Material Safety Data Sheet (MSDS) in support of the clearance of the declared goods. Upon scrutiny of the Material Safety Data Sheet (MSDS) submitted, it was observed that the goods are classified as Class 3 Hazardous Goods. As per JNCH Public Notice No. 46/2017 dated 31.03.2017, such goods are not prescribed for examination, subject to scanning clearance.

1.4 Meanwhile, attention is invited to the order issued by the Central Bureau of

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**1.1** The Exporter" filed Shipping Bill No. 6194191 dated 21.12.2023 for the export of the following goods, declared as being destined for Ethiopia. The particulars of the consignment are detailed below:

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**1.2** During examination at the docks, it was observed by the Customs Officer, it was noticed that the said item contains 7% to 15% MEK (Methyl ethyl ketone) which is a controlled substances mentioned in Schedule B & C of NDPS (Regulations) order 2013 dated 16.03.2013. The Exporter/Customs Broker failed to produce the mandatory No Objection Certificate (NOC) from the Central Bureau of Narcotics (CBN), Gwalior.

**1.3** The Exporter submitted the Material Safety Data Sheet (MSDS) in support of the clearance of the declared goods. Upon scrutiny of the Material Safety Data Sheet (MSDS) submitted, it was observed that the goods are classified as Class 3 Hazardous Goods. As per JNCH Public Notice No. 46/2017 dated 31.03.2017, such goods are not prescribed for examination, subject to scanning clearance.

**1.4** Meanwhile, attention is invited to the order issued by the Central Bureau of

Narcotics (CBN), Gwalior vide File No. XVI/6/1/PC/MEK/2017-292 dated 03.11.2017, which mandates that a No Objection Certificate (NOC) from the Narcotics Commissioner is obligatory in respect of any product containing Methyl Ethyl Ketone (MEK), where:

- A. MEK can be extracted from the product, or
- B. The product has the potential to serve as a substitute for MEK in the illicit manufacture of narcotic drugs or psychotropic substances.

**1.5** Consequently, letter dated 29.12.2023 issued to DYCC, JNCH to confirm *“whether MEK can either be extracted from the Cellulose Nitrate (Incl. Collodion) Exp 2682 & EXP 2685 and/or this item can be used in place of MEK.”*

**1.6** In this regard this office received reply Chemical Examiner Grade-I dated 30.01.2024 stated that *“based on the MSDS, the export material is a colloidal solution containing Nitrocellulose, MEK, Butyl Acetate, and Epoxidized Soyabean Oil. It was opined that MEK cannot be easily extracted from the colloidal form, and Nitrocellulose itself is explosive in nature. She advised that a second opinion from DRDO laboratory be obtained”*. **(RUD-II)** It is pertinent to note that the laboratory did not completely rule out the extractability of MEK from the export goods.

**1.7** It has been found that the attempted export of the impugned goods involves two regulatory issues:

1. **CBN (Narcotics) NOC:** The goods contain Methyl Ethyl Ketone (MEK), a controlled substance under the CBN Gwalior order (File No. XVI/6/1/PC/MEK/2017-292 dated 03.11.2017). As MEK can be extracted or used in narcotic drug manufacture, a CBN NOC is mandatory, which was not obtained.
2. **SCOMET/DRDO NOC:** As per communication received from DYCC, nitrocellulose itself is explosive in nature. Hence, the goods fall under strategic/dual-use items requiring SCOMET/DRDO clearance, which is also absent.

**1.8** Upon scrutiny of the documents provided by exporter and letter received from DYCC, JNCH, it was observed that the chemical product Nitrocellulose (CAS 9004-70-0) containing more than 12.5% nitrogen is in category of explosives. Notably, Nitrocellulose (CAS 9004-70-0) is a controlled substance listed under Appendix-3 of Schedule-2 of the ITC (HS) Classification, categorized under the SCOMET (Special Chemicals, Organisms, Materials, Equipment and Technologies) list.

**1.9** Considering the explosive nature of Nitrocellulose, an email dated 02.04.2024 was sent to the SCOMET Cell and DRDO for clarification regarding SCOMET classification. SCOMET Cell replied on date 15.04.2024 and requested this office to clarify the nitrogen content in Nitrocellulose. Meanwhile, the Exporter responded that Cellulose Nitrate (Collodion) EXP-2682 & EXP-2685 contains 35% Nitrocellulose as per Certificate of Analysis. However, nitrogen percentage was not available since examination/testing is not prescribed under JNCH PN-46/2017.

Exporter further submitted the Certificate of analysis for nitrogen content (in dry NC) in nitrocellulose which indicated the nitrogen content is of 12.10%– 12.15% and

submitted the self-declaration dated 02.05.2024 that their product does not come under SCOMET.

**1.10** Despite reminder emails dated 15.04.2024 and 29.04.2024 regarding the above-mentioned issue, no response has been received from the SCOMET Cell concerning the classification.

**1.11** During the course of investigation, CBN, Gwalior issued NOC No. PC- EXP-688/2024 dated 19.04.2024 (valid till 19.05.2024) permitting the export of the said goods to Ethiopia.

**1.12** However “Nitrocellulose (containing more than 12.5% nitrogen)”, is listed at Serial No. 35 in List of Explosives (8A108) in Appendix-3: List of SCOMET Items to Schedule-2 of the ITC (HS) Classification of Export and Import Items. These goods designated with CAS No. 1313-82-2. As per the provisions governing the export of SCOMET items, the export of Nitrocellulose is regulated and permitted only upon obtaining prior export authorization from the competent authority. This authorization must comply with the prescribed conditions and documentation requirements outlined for the relevant category under the SCOMET List. However, it was found that the Exporter failed to submit any such mandatory export authorization for the shipment.

Consequently, in accordance with applicable export control regulations, the goods were seized by the Special Investigation and Intelligence Branch SIIB(X) vide Seizure Memo dated 15.05.2024 (**RUD-III**).

## **2. PROVISIONAL RELEASE**

Subsequently, the Exporter requested provisional release for Back-to-Town (BTT) movement. Accordingly, with the approval of the competent authority, a letter dated 16.05.2024 with Reference Under Document (RUD) was forwarded to the Adjudicating Authority for setting the conditions of provisional release, in line with CBEC Circular Nos. 01/2011 dated 04.01.2011 and 30/2013 dated 05.08.2013. (RUD-IV) and the goods were released provisionally for Back to Town u/s. 110A of the Customs Act, 1962 with appropriate Bond of Rs. 42,83,750.64/- and BG of Rs. 13,70,801/-.

For value justification, the Exporter submitted purchase invoice dated 20.12.2023, and its corresponding entry in GSTR-2A and e-Way Bill from M/s. Asha Penn Color Pvt. Ltd. The supplier and exporter were found compliant on the GST Portal.

**3.** This office further issued a reminder email dated 15.01.2025 to the SCOMET Cell and DRDO seeking clarification on the export of nitrocellulose (explosive goods) from India. In response email dated 05.02.2025, HEMRL, DRDO confirmed that nitrocellulose containing 12% nitrogen, in any form (including colloidal solution or wet form), may be used in the manufacture of rocket propellant, specifically extruded double base propellant.

This indicates the dual-use nature of the product, confirming the potential military application and triggering SCOMET-related controls.

## **4. STATEMENTS:**

During the course of investigation, statement of Shri. Atish Praful kumar Mehta, Authorized Representative of M/s. Chem Pharma Impex (IEC: 0313052239) was recorded under section 108 of the Custom Act, 1962 on 10.07.2025 (RUD-V) wherein the inter-alia stated that he is the partner in M/s. Chem Pharma Impex (IEC: 0313052239) and responsible for complete finance and corporate affairs of the firm and he was authorized for the statement. He stated that he is merchant exporter engaged primarily in pigments, resins and other chemicals.

- **On being asked** whether he was aware of the purpose for which he had been summoned today, **he replied that** he acknowledges the receipt of the summon and has appeared today to depose his statement and extend full cooperation in the ongoing investigation pertaining to Shipping Bill No. 6194191 dated 21.12.2023, which was filed by CB M/s. L. S. Achrekar & Sons on behalf of their company M/s. Chem Pharma Impex (IEC: 0313052239).
- **On being asked** how he received the purchase order related to the aforementioned shipping bill, **he replied that** the purchase order was received through email communication from M/s. Kadisco Paint and Adhesive Industry (Ethiopia), and he is submitting the copy of the same along with the Bank Import Permit to SIIB(X).
- **On being asked** from where the goods were procured for the consignment covered under the said shipping bill, **he replied that** the goods were procured from M/s. Asha Penn Color Pvt. Ltd., and he is submitting the tax invoice duly signed and dated by him for verification.
- **On being asked** whether his firm had made payment to the said supplier, **he replied that** payment had been made to the respective supplier and after BTT of the consignment, the goods pertaining to the said shipping bill were handed over to the supplier M/s. Asha Penn Color Pvt. Ltd., and he will submit the bank statement reflecting the debit and credit of the amount.
- **On being asked** what the payment terms and conditions were between his firm and the foreign consignee, **he replied that** the terms of delivery and payment are based on cash against documents through authorized banks.
- **On being asked** whether his firm files GSTR returns regularly in relation to IGST refund claims on export goods, **he replied that** their firm regularly files GSTR returns and he has submitted the copy of GSTR-2B with respect to payment for the aforementioned consignment.
- **On being asked** whether he agrees with the DYCC report with respect to the MEK and nitrocellulose material found in the commodity pertaining to Shipping Bill No. 6194191 dated 21.12.2023, **he replied that** he agrees with the DYCC letter/report regarding MEK and is submitting the CBN NOC received from CBN Gwalior vide NOC No. PC-EXP-688/2024 dated 19.04.2024. He further stated that while nitrocellulose is present in the consignment, he does not agree with the part of the report that described nitrocellulose as explosive in nature, as per the COA submitted, the nitrogen content in dry NC is 12.10%, whereas as per Appendix-3 of the SCOMET list of "explosives", nitrocellulose is considered explosive when nitrogen content is more than 12.5%.

- **On being asked** why MEK (a controlled substance under the NDPS Act) was not declared in the description in the shipping bill, **he replied that** MEK is not the complete product but is part of the consignment, namely Cellulose Nitrate, and it has been declared as an ingredient in the MSDS.
- **On being asked** why the CBN NOC was not produced at the time of filing of the shipping bill, **he replied that they did not produce the CBN NOC as they were unaware of the requirement of NOC from CBN for export of consignments containing MEK under the NDPS Order, 2013.** After objection from customs officials, they came to know about the requirement, after which they applied for and obtained the CBN NOC from CBN Gwalior vide NOC No. PC-EXP-688/2024 dated 19.04.2024, and the same has been submitted earlier in this section.
- **On being asked** whether he is aware of the Directorate General of Foreign Trade (DGFT)'s guidelines relating to SCOMET items including the requirement to obtain a valid SCOMET export authorization prior to export, **he replied that** he is aware of the SCOMET guidelines issued by DGFT including the requirement to obtain prior export authorization for items classified under the SCOMET list. However, since the nitrogen content in dry nitrocellulose is 12.10%, and as per Appendix-3 of the SCOMET list, nitrocellulose is considered explosive when nitrogen content is more than 12.5%, they did not apply for SCOMET authorization, as their product does not fall under the SCOMET list of explosives as per their understanding.
- **On being asked** whether he acknowledges the email response of HEMRL/DRDO and agrees with their view that nitrocellulose containing 12% nitrogen in any form may be used for manufacture of rocket propellant, **he replied that** the email is acknowledged by him but he does not agree with the view of DRDO. He reiterated that as per SCOMET guidelines, nitrocellulose with nitrogen content exceeding 12.5% is categorized as a SCOMET item for explosive use, while their product contains only 12.10% nitrogen. He also mentioned that they are in regular contact with the SCOMET Cell regarding clarification but have not received any response till date.
- **On being asked** whether the goods exported under Shipping Bill No. 6194191 dated 21.12.2023 were similar to the goods exported in the past by his firm, **he replied that** the same goods i.e., Cellulose Nitrate, had previously been exported through their firm M/s. Chem Pharma Impex (IEC: 0313052239) worth Rs. 40.07 Lakhs vide Shipping Bill No. 4578614 dated 12.10.2023.
- **On being asked** whether he has received BRCs for all past exports, **he replied that** BRCs have been received for all past export transactions and the relevant documents will be shared via email within the next 07 days.
- **On being asked** about the yearly turnover of his company, **he replied that** the yearly turnover of their company is approximately Rs. 10 Crores.
- **On being asked** to provide the end-use certificate of the commodity from the buyer M/s. Kadisco Paint and Adhesive Industry (Ethiopia), **he replied that** he is already in contact with the buyer and will share the end-use certificate via email within the next 07 days.

- On being asked whether he has anything further to submit, he replied that they respectfully acknowledge that an **unintentional procedural lapse may have occurred**, and they are prepared to accept any penalty or fine imposed and request lenient and sympathetic consideration in the matter.

5. Statement of Shri. Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS (KARDEX No. M-716), was recorded under section 108 of the Custom Act, 1962 on 18.07.2025 (**RUD-VI**) vide Summons CBIC DIN – 20250778NT0000111AC9 dated 17.07.2025 wherein the inter-alia stated that he is , G-Card holder of M/s. L.S. ACHREKAR & SONS and fully authorized to give statement on behalf of the CB.

- On being asked to introduce himself, he replied that he is Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS (License No. 11/419) and has been working in this firm for the past 27 years.
- On being asked about his job profile and whether he is authorized to give a statement on behalf of the CB, he replied that he supervises export- related work and, as a G-Card holder, he is fully authorized to give the statement.
- On being asked who handles the documentation work in the CB firm, he replied that the documentation work is handled by the Manager and other staff members of the firm.
- On being asked how much agency charges they received from the exporter M/s. Chem Pharma Impex (IEC: 0313052239), He replied that they used to get ₹1000–1500 per document from all exporters, including M/s. Chem Pharma Impex.
- On being asked whether they filed shipping bill no. 6194191 dated 21.12.2023 on behalf of M/s. Chem Pharma Impex, He replied that their staff filed the said shipping bill on behalf of M/s. Chem Pharma Impex.
- On being asked whether their firm verified KYC and other documents before filing shipping bills for M/s. Chem Pharma Impex, and whether physical verification was done, he replied that they conducted physical verification of the exporter and obtained KYC documents as per CBLR Rules 2018, including PAN Card, Aadhar Card, IEC Copy, GSTR copies, invoices, etc. He further stated that they verified IEC and GST registrations through the DGFT and GST online portals.
- On being asked whether he agrees with the DYCC report with respect to the presence of MEK and nitrocellulose in the goods under shipping bill no. 6194191 dated 21.12.2023, He replied that they agree with the DYCC report confirming the presence of MEK and nitrocellulose in the consignment. However, they do not agree with the classification of nitrocellulose as an explosive, since the COA shows nitrogen content as 12.10%, and as per Appendix-3 of the SCOMET list, nitrocellulose is considered explosive only if nitrogen content exceeds 12.5%.
- On being asked whether they advised the exporter about the requirement of CBN NOC for exporting MEK and if they informed Customs about the restricted nature of MEK, and why this should not be seen as a violation of CBLR Rules, 2018, he stated that they are aware of NDPS order 2013 dtd.

16.03.2013 and CBLR Rules-2018. Cellulose Nitrate (Incl. Colloidon) is not the controlled substance as per NDPS order 2013 dtd. 16.03.2013, **whereas MEK is the controlled substance which we come to know during objection by customs officer. We did not advise the exporter that export of MEK required CBN NOC, as MEK is not the only product. After objection from customs officials, we came to know requirement of CBN NOC and immediately inform the exporter regarding CBN NOC.** Further, exporter applied for CBN NOC and received the same from CBN Gwalior vide NOC No. PC- EXP-688/2024 dtd. 19.04.2024 for the same consignment and submitted earlier in this section.

- On being asked whether the goods exported under shipping bill no. 6194191 dated 21.12.2023 were similar to goods exported earlier by M/s. Chem Pharma Impex, he replied that the same goods, i.e., Cellulose Nitrate, were earlier exported through their firm under shipping bill no. 4578614 dated 12.10.2023, valued at ₹40.07 lakhs. This shipping bill also processed by us.
- On being asked why the CBN NOC did not procured in the past shipping bill no. 4578614 dtd. 12.10.2023, he replied that, as he stated earlier, **they did not know that CBN NOC needed where MEK is part of component. MEK in this consignment is part of cellulose nitrate and we checked as per NDPS Order 2013, cellulose nitrate is not a controlled substance as per NDPS Order, 2013.**
- On being asked whether the exporter had received remittances for past exports, he replied that the exporter had received foreign remittances for previous shipping bills.
- On being asked if he had anything further to submit, he replied that they would fully cooperate with the department in the ongoing case and submit all necessary documents as required. He requested a lenient view in the matter, asserting that they are a genuine Customs Broker firm.

## 6. PAST EXPORTS:

### 6.1. Identical Exports:

Data regarding the exporters past export activities through Nhava Sheva Port was retrieved from the ICES (Indian Customs EDI System). Upon examination, it was found that the exporter had previously exported identical goods Cellulose Nitrate (Including Collodion), a restricted item contains 7% to 15% MEK (Methyl ethyl ketone) and nitrocellulose and required NOC from CBN and from SCOMET Cell.

**TABLE-II**

Sr. No	Sb No.	Sb Dt.	FOB. (In LAKHs) (INR)	DBK.	RoDTEP	Item Description.	Country Name
1	4578614	12.10.2023	40.07	52,103/-	32,063/-	Cellulose Nitrate (Including Collodion)	Ethiopia
<b>TOTAL</b>				<b>52103/-</b>	<b>32063/-</b>		

**6.2** In view of the above, the subject identical goods having total declared FOB value is **Rs. 40,07,936/-** exported under the past 01 Shipping Bill detailed in Table-II were shipped without the required export authorization. Although these consignments are not presently available for confiscation, they remain liable for confiscation under the provisions of Section 113(d), 113 (ia) and 113(ja) of the Customs Act, 1962, and the exporter is liable for penalty under Section 114(i) and 114AA of the Customs Act, 1962. Further, foreign remittance has been received in the above-mentioned shipping bill as mandated under FEMA regulations.

**6.3 Bank Realization Certificate (BRC):** Upon a detailed examination of the past export data pertaining to the subject exporter in the ICES 1.5 system, a total of 18 shipping bills were identified where foreign exchange remittance has not been received in accordance with the provisions of the Foreign Exchange Management Act (FEMA). In response, the exporter has submitted copies of all 18 SBs Bank Realization Certificates / Payment receipt Advice from Banks indicating that realization has been substantially completed for these cases. The detailed list of these 18 shipping bills is provided below:

**TABLE-III**

Serial No.	SB No.	SB Date	Expected Realization Date	Drawback Amount	FOB to be Realised (In USD)	FOB Actual Realised (In USD)	BRC NO. / PAYMENT RECEIPT REF NO	COMMENT
1	2151208	03-07-2024	30-04-2025	22,599	22,800	22,726.00	KKBK0001392A00067378	BRC SUBMITTED
							KKBK0001392A00067376	
2	2995003	05-08-2023	31-05-2024	7,574	7,114	7,119.75	1392XAR231407510	PAYMENT RECEIPT ADVICE
3	3098064	09-08-2024	31-05-2025	31,496	31,680	31,623.18	KKBK0001392A00521117	BRC SUBMITTED
4	3212831	14-08-2024	31-05-2025	5,666	5,699	5,685.00	KKBK0001392A00524562	BRC SUBMITTED
5	3499	26-08-	31-05-20	6,804	6,823	6,974.00	KKBK0000639A0	BRC SUB
	374	2024	25				0524096	MITTED

17	88 01-22 2024	31-01-20	60,650	50,54,200 (NR)	5304199.9	YESB4019744451	6	PAYMEN T RECEIPT ADVICE
16	79 01-26 2024	31-12-20	47,258	47,910	48,058.00	KKBK0001392A0 0067384		BRC SUB MITTED
15	72 02-19 2024	30-11-20	65,850	67,745	69,267.00	KKBK0001392A0 0062404		BRC SUB MITTED
	72 02-19 2024	30-11-20	65,850	67,745	69,267.00	KKBK0001392A0 0062404		BRC SUB MITTED
14	64 28-12-20 2023	31-10-20	Nil Dr k awbac	24,120	24,982.00	1392XAR2206625 54		PAYMEN T RECEIPT ADVICE
13	63 30-11-20 2022	30-09-20	13,511	14,160	14,120.00	140122104990367 8		PAYMEN T RECEIPT ADVICE
12	59 13-12-20 2024	30-09-20	7,846	7,920	7,920.00	1392XAR2316847 46		PAYMEN T RECEIPT ADVICE
11	59 12-12-20 2024	30-09-20	33,466	40,540	40,234.00	KKBK0001392A0 0249316		BRC SUB MITTED
10	53 11-11-20 2023	31-08-20	20,389	19,104	19,371.00	1392XAR2205783 48		PAYMEN T RECEIPT ADVICE
9	50 31-10-20 2024	31-08-20	36,240	36,628	36,700.00	1392XAR2417540 51		PAYMEN T RECEIPT ADVICE
8	43 25-09-20 2025	30-06-20	31,032	31,194	31,970.00	1392XAR2412132 73/ KKBK000139 2A00521115		BRC SUB MITTED
7	41 25-09-20 2024	30-06-20	32,846	30,700	30,736.00	1392XAR2316907 60		PAYMEN T RECEIPT ADVICE
6	37 12-08-20 2022	31-05-20	1,07,221	1,12,368	1,13,199.00	0406IREX263007 21-CRE001		PAYMEN T RECEIPT ADVICE

18	99 45 50 5	11- 05- 202 3	29-02-20 24	9,714	9,242	9,205.00	1392XAR2312454 57	PAYMEN T RECEIPT ADVISE
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In view of the above, it is observed that foreign remittance has been received by the exporter against the aforementioned Shipping Bills, as mandated under the Foreign Exchange Management Act (FEMA), 1999.

## 7. RELEVANT LEGAL PROVISIONS

### A. Customs Act, 1962

- **Section 2(22):** "goods" includes (a) vessels, aircrafts and vehicles; (b) stores; (c) baggage; (d) currency and negotiable instruments; and (e) any other kind of movable property;
- **Section 2(33):** "prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;
- **Section 11H(a)** "illegal export" means the export of any goods in contravention of the provisions of this Act or any other law for the time being in force;
- **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(d):** any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in

- force, shall be liable to confiscation;
- **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(i):** Any person who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 113, or abets the doing or omission of such an act, shall be liable, in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding three times the value of the goods as declared by the Exporter or the value as determined under this Act, whichever is the greater;

- **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 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) willful 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 utilized 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 utilization 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 sub-section (2), whether such payment is made voluntarily or after determination of the duty under that section. (2) Interest at such rate not below ten per cent. and not exceeding thirty-six per cent. per annum, as the Central Government may, by notification in the Official Gazette, fix, shall be paid by the person liable to pay duty in terms of section 28 and such interest shall be calculated from the first day of the month succeeding the month in which the duty ought to have been paid or from the date of such erroneous refund, as the case may be, up to the date of payment of such duty.

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

• **Rule 17: Repayment of erroneous or excess payment of drawback and interest.-**

Where an amount of drawback and interest, if any, has been paid erroneously or the amount so paid is in excess of what the claimant is entitled to, the claimant shall, on demand by a proper officer of Customs repay the amount so paid erroneously or in excess, as the case may be, and where the claimant fails to repay the amount it shall be recovered in the manner laid down in sub-section (1) of section 142 of the Customs Act, 1962.

• **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. Relevant paras of Notification No. 24/2023-Customs (N.T.) dated 01.04.2023:**

##### **4. Recovery of amount of duty credit-**

(1) Where an amount of duty credit has, for any reason, been allowed in excess of what the exporter is entitled to, the exporter shall repay the amount so allowed in excess, himself or on demand by the proper officer, along with interest, at the rate as fixed under section 28AA of the said Act for the purposes of that section, on that portion of duty credit allowed in excess, which has been used or transferred, and where the exporter fails to repay the amount along with interest, as applicable, it shall be recovered in the manner provided in section 142 of the said Act.

##### **5. Recovery of amount of duty credit where export proceeds are not realized- (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.

(2) In case any extension of the said period for realization of sale proceeds has been given by the Reserve Bank of India and the exporter produces evidence of such

extension to the proper officer, and if the said sale proceeds are not realized in such extended period, the exporter shall repay the said amount of duty credit along with the said interest, within fifteen days of expiry of the said period.

(3) If a part of the sale proceeds has been realized, the amount of duty credit to be recovered shall be the amount equal to that portion of the amount of duty credit allowed which bears the same proportion as the portion of the sale proceeds not realized bears to the total amount of sale proceeds.

(4) Where the exporter fails to repay the duty credit amount within the said period of fifteen days, the said duty credit shall be deemed never to have been allowed

#### **D. 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.

#### **E. NDPS Act, 1985**

**Section 79:** — All prohibitions and restrictions imposed by or under this Act on the import into India, the export from India and transshipment of narcotic drugs and psychotropic substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act, 1962 (52 of 1962) and the provisions of that Act shall apply accordingly:

#### **8. Whereas during the investigation, the following facts emerge that:**

M/s. Chem Pharma Impex (IEC: 0313052239), hereinafter referred to as "the Exporter", through their authorized Customs Broker, M/s. L.S. Achrekar & Sons, filed Shipping Bill No. 6194191 dated 21.12.2023 for the export of a consignment to Ethiopia, declared as "Cellulose Nitrate (including Colloidon) EXP-2682 & EXP-2685", with a declared FOB value of ₹42,83,751/-. The firm had claimed export incentives including Drawback of ₹51,406/-, RoDTEP of ₹34,271/-, and IGST under LUT.

**8.2** On examination at the docks, Customs officers observed that the goods contained 7% to 15% Methyl Ethyl Ketone (MEK), a substance listed under Schedule B and C of the NDPS (Regulation) Order, 2013. The Exporter/Customs Broker failed to provide the mandatory No Objection Certificate (NOC) from the Central Bureau of Narcotics (CBN), Gwalior, for MEK, a controlled substance.

**8.3** During investigation, the exporter submitted the Material Safety Data Sheet (MSDS) (RUD-II), which classified the goods as Class 3 Hazardous Goods. As per JNCH Public Notice No. 46/2017 dated 31.03.2017, such goods are not mandated for examination and are generally cleared based on scanning. However, in light of the presence of MEK, the issue of its extractability or substitutability was referred to DYCC, JNCH vide letter dated 29.12.2023. The Chemical Examiner, in her report dated 30.01.2024, opined that although MEK may not be easily extracted from the colloidal solution, the product also contained Nitrocellulose, which is explosive in nature, and advised a second opinion from DRDO.

**8.4** Upon re-scrutinising the documents and DYCC's observations, it was noted that Nitrocellulose (CAS 9004-70-0) with more than 12.5% nitrogen content is classified as

an explosive and is listed under Appendix-3 of Schedule-2 of the ITC (HS) Classification as a SCOMET item, thus requiring prior export authorisation from DGFT.

**8.5** Subsequently, clarification was sought from the SCOMET Cell and DRDO via email dated 02.04.2024. SCOMET Cell responded on 15.04.2024 requesting nitrogen content details. The exporter submitted Certificate of analysis, stated that their product contains 35% Nitrocellulose but the nitrogen content was 12.10–12.15% as per their self-declaration and no specific testing was done since examination is not prescribed under JNCH PN-46/2017. Despite multiple reminder emails dated 15.04.2024 and 29.04.2024, no final response was received from SCOMET Cell.

**8.6** Meanwhile, the exporter procured the CBN NOC vide PC-EXP-688/2024 dated 19.04.2024, valid till 19.05.2024, for the MEK content. However, as per Appendix-3 of the SCOMET list, Nitrocellulose containing more than 12.5% nitrogen (Serial No. 35 under 8A108) is listed as a controlled explosive and requires DGFT authorization. The exporter failed to obtain such mandatory SCOMET authorization as exporter submitted Certificate of analysis, stated that their product contains 35% Nitrocellulose, but the nitrogen content was 12.10–12.15% as per their self-declaration. As the exporter failed to submit the clarification from SCOMET Cell/DRDO, the goods were seized by the Special Investigation and Intelligence Branch (SIIB (X) vide Seizure Memo dated 15.05.2024, as the export was attempted in violation of export control regulations.

**8.7** Following seizure, the Exporter requested Provisional Release for Back-to-Town (BTT) movement of the goods. With approval from the competent authority, a letter dated 16.05.2024 was issued to the Adjudicating Authority to determine provisional release conditions in line with CBEC Circulars 01/2011 and 30/2013. For value justification, the exporter submitted purchase invoice dated 20.12.2023, matching GSTR-2A entries and e-Way Bill from M/s Asha Penn Color Pvt. Ltd., who was confirmed to be compliant on the GST portal.

**8.8** A further email dated 15.01.2025 was sent to SCOMET Cell and DRDO seeking clarification on the nature of the product. In response, HEMRL, DRDO, in its email dated 05.02.2025, confirmed that Nitrocellulose with even 12% nitrogen, in any form (colloidal or wet), may be used in manufacturing rocket propellants, specifically extruded double base propellant, establishing the dual-use nature of the material and validating the need for SCOMET control.

**8.9** During the investigation, the statement of Shri. Atish Prafulkumar Mehta, Partner and Authorized Representative of the Exporter firm, was recorded on 10.07.2025 under Section 108 of the Customs Act, 1962 (RUD-VII). He confirmed his role in finance and corporate affairs of the firm and stated that M/s Chem Pharma Impex primarily deals in pigments, resins, and chemicals. He acknowledged receiving the summon and cooperated in the investigation. He informed that the purchase order from the Ethiopian buyer M/s. Kadisco Paint and Adhesive Industry was received via email, and the corresponding Bank Import Permit was being submitted. He confirmed the goods were procured from M/s. Asha Penn Color Pvt. Ltd., and full payment was made, with records to be submitted. He explained that the export was on Cash Against Documents (CAD) basis through authorized banks. He affirmed regular GSTR filings and submitted GSTR-2B as evidence.

He agreed with DYCC's findings on the presence of MEK and submitted the CBN NOC.

but disagreed with the classification of Nitrocellulose as explosive, arguing that their product contains 12.10% nitrogen, below the 12.5% threshold.

He admitted that MEK was not declared separately in the shipping bill, stating it was an ingredient in the declared product and mentioned in the MSDS. Regarding non-submission of CBN NOC, he claimed ignorance of the requirement but applied and obtained the NOC upon being informed by Customs officials. He stated awareness of SCOMET regulations, but interpreted that since nitrogen content was below 12.5%, their product did not fall under the SCOMET list, and hence authorisation was not sought. He acknowledged receipt of DRDO's email but did not agree with their opinion. He reiterated that their understanding was based strictly on the SCOMET list's nitrogen content criteria.

He also confirmed the same goods were exported earlier via Shipping Bill No. 4578614 dated 12.10.2023 worth ₹40.07 lakhs. Lastly, he admitted that an unintentional procedural lapse may have occurred, expressed willingness to accept any penalty/fine, and requested sympathetic consideration.

**8.10** Further, the exporter submitted the Bank Realization Certificates (BRCs)/bank remittance advices for the aforementioned 18 shipping bills that were pending for realization, as per ICES. They also produced an end-use certificate issued by the consignee, KADISCO, confirming that the goods —'Cellulose Nitrate (including Collodions), EXP 2682 and EXP 2695—purchased from M/s. Chem Pharma Impex were solely used in the manufacture of wood coatings and auto refinish coatings. The certificate further stated that KADISCO is one of the largest manufacturers of wood coatings and auto refinish coatings in Ethiopia and is also a part of Asian Paints Ltd. (India).'

**It has been found that the attempted export of the impugned goods involves two regulatory issues:**

- 1. CBN (Narcotics) NOC:** The goods contain Methyl Ethyl Ketone (MEK), a controlled substance under the CBN Gwalior order (File No. XVI/6/1/PC/MEK/2017-292 dated 03.11.2017). As MEK can be extracted or used in narcotic drug manufacture, a CBN NOC is mandatory, which was not obtained.
- 2. SCOMET/DRDO NOC:** As per communication received from DYCC, nitrocellulose itself is explosive in nature. Hence, the goods fall under strategic/dual-use items requiring SCOMET/DRDO clearance, which is also absent.

**9. Nitrocellulose in consignment:** As per the Material Safety Data Sheet (MSDS), the goods in question were classified as Class 3 hazardous materials. In accordance with JNCH Public Notice No. 46/2017 dated 31.03.2017, goods falling under this category are not mandatorily subjected to examination and are generally cleared on the basis of scanning. Accordingly, no sample was drawn at the time of clearance. Subsequently, DRDO opined that nitrocellulose with even 12% nitrogen content, whether in colloidal or wet form, may be used in the manufacture of rocket propellants—specifically extruded double base propellants—thus indicating the dual-use nature of the substance and underscoring the requirement for SCOMET control. However, the Certificate of Analysis (COA) submitted by the exporter indicated that the

nitrogen content in the nitrocellulose was 12.10%, which is below the threshold limit of 12.5% prescribed for control under Serial No. 35 of Category 8A108, Appendix-3 of the SCOMET list. **In the absence of chemical testing and solely relying on the COA and end-use certificate furnished by the exporter, the consignment did not meet the criteria for classification under Appendix-3 SCOMET list.**

**10.** The item **Methyl Ethyl Ketone (MEK)**, a controlled substance under the CBN Gwalior order (File No. XVI/6/1/PC/MEK/2017-292 dated 03.11.2017). As MEK can be extracted or used in narcotic drug manufacture, a CBN NOC is mandatory. The MEK is a controlled substance, which is governed by the NDPS Act, 1985. However, in course of investigation exporter procured the CBN NOC vide PC-EXP-688/2024 dated 19.04.2024, valid till 19.05.2024, for the MEK content present in consignment vide shipping bill no. 6194191 dtd 21.12.2023.

**10.2** Further, as per ICES data and the statement of the exporter, it is submitted that the exporter had exported the same item earlier vide Shipping Bill No. 4578614 dated 12.10.2023. In respect of that export, the exporter failed to submit the mandatory No Objection Certificate (NOC) from the Central Bureau of Narcotics (CBN) for the content present in the consignment. This establishes a recurring pattern of non-compliance with the statutory requirement of obtaining prior permission for the export of controlled substances. MEK is a controlled substance under Schedule B of the NDPS (Regulation of Controlled Substances) Order, 2013, issued under Section 9A of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. Export of such substances is permitted only upon issuance of an NOC by the Narcotics Commissioner, CBN, Gwalior.

**10.3** In the present regime of self-assessment, it is the unequivocal responsibility of the exporter to ensure strict compliance with all applicable statutory and regulatory provisions governing the export of goods. This obligation includes adherence not only to the Customs Act, 1962, but also to all other laws for the time being in force, including the NDPS Act, 1985, and the Rules and Orders made there under.

**11.** Now, in terms of section 11 H (a) of Customs Act, 1962, the act again amounts to 'illegal export' by them in as much as they attempted to or exported the goods in contravention to provisions of section 50(3) of Customs Act, 1962 read with section 11 of Foreign Trade (Development and Regulation) Act, 1992. As discussed herein above, the subject goods containing MEK is a prohibited item as defined under section 2(33) of Customs Act, 1962.

**12.** Any prohibition referred to in the section 113(d) of the Customs Act, 1962, read with Section 79 of the NDPS act, shall apply to any type of prohibition i.e. complete or partial. It is well settled law that any restriction on import or export is to an extent a 'prohibition' and therefore, expression 'any prohibition' in section 113(d) of Customs Act, 1962 includes restrictions. Restriction is one type of prohibition if policy condition is not fulfilled or complied with. In the instant case, goods do not fulfil the condition for their export as they violate the provisions specified in NDPS Act and provisions of Customs Act, 1962 as discussed above, they are to be deemed prohibited. In view of the above, goods covered under the subject shipping bill is therefore liable to be confiscated under section 113(d) of the Customs Act, 1962 and therefore the exporter is liable to penalty under section 114(i) of the Customs Act, 1962.

13. In view of the foregoing, it is prima facie evident that the exporter has not only attempted to export vide shipping bill 6194191 dtd 21.12.2023 but also earlier exported same commodity w.r.t a past shipping bill 4578614 dated 12.10.2023. without obtaining the necessary NOC from CBN Gwalior. This attempt constitutes a serious lapse in compliance, and renders both the goods and the exporter liable to appropriate action under the Customs, NDPS Act, 1985 and Foreign Trade laws. This act of omission and commission has rendered the goods liable for confiscation u/s. 113(d), 113 (i), 113 (ia) and 113 (ja) of the Customs Act, 1962

14. As per the explicit provisions of Regulation 10(d) of the Customs Broker Licensing Regulations (CBLR), 2018, framed under Section 146 of the Customs Act, 1962, a Customs Broker is legally mandated to:

*"Advise his client to comply with the provisions of the Act and the rules and regulations made thereunder, and in case of non-compliance, shall bring the matter to the notice of the Deputy or Assistant Commissioner of Customs, as the case may be."*

Further, Regulation 10(e) of the CBLR, 2018, imposes a positive obligation on the Customs Broker to:

*"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."*

In the instant case, it has been established that the Shri. Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS and their firm while facilitating the clearance of goods covered under Shipping Bill No. 6194191 dtd 21.12.2023, failed to undertake appropriate diligence and scrutiny in relation to the chemical composition and export classification of the product "Cellulose Nitrate (Including Colloidon)." Despite having access to the Material Safety Data Sheet (MSDS), which clearly disclosed the presence of MEK a controlled substance listed under NDPS Order, 2013. Classification of Export and Import Items the Customs Broker did not identify or inform the exporter or the jurisdictional Customs authority that the goods in question are "restricted" for export under the NDPS, as per the Foreign Trade Policy and the Foreign Trade (Development and Regulation) Act, 1992. This omission is a clear violation of both:

- **Regulation 10(d)** – for failing to advise the client/exporter to obtain the requisite Export Authorization from the Directorate General of Foreign Trade (DGFT), and
- **Regulation 10(e)** – for failing to exercise due diligence in verifying the export classification and legal status of the item under the applicable rules.

In light of the foregoing, the Shri. Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS and their firm M/s. L.S. ACHREKAR & SONS, appears to have failed in its statutory duties under Regulations 10(d) and 10(e) of the CBLR, 2018, thereby facilitating the attempted export of restricted goods in violation of applicable customs and foreign trade laws. Consequently, the goods are liable for confiscation under Section 113(d) of the Customs Act, 1962, and the Customs Broker is prima facie liable for penal action under Section 114(i) and 114AA of the said Act.

15. Further, it has been observed that the identical goods having total declared FOB value is Rs. 40,07,936/- exported under the past 01 Shipping Bill detailed in

Table-II were shipped without the required export authorization. Although these consignments are not presently available for confiscation, they remain liable for confiscation under the provisions of Section 113(d), 113(i), 113 (ia) and 113(ja) of the Customs Act, 1962, and the exporter is liable for penalty under Section 114(i) of the Customs Act, 1962. Further, foreign remittance has been received in the above-mentioned shipping bill as mandated under FEMA regulations.

**16.** M/s. Chem Pharma Impex (IEC: 0313052239) has been found to have knowingly and willfully orchestrated the preparation, execution, and submission of export-related documents with malafide intent. The exporter's conduct involved deliberate mis-declaration and the willful submission of falsified or incorrect information for the purpose of facilitating the clearance and export of goods that are otherwise prohibited or restricted under applicable laws. Such actions were intended to secure unentitled fiscal benefits from the exchequer, thereby resulting in wrongful gains to the exporter and corresponding losses to the Government of India. In light of the above, M/s. Chem Pharma Impex (IEC: 0313052239) is found to be in contravention of the provisions of Section 114AA of the Customs Act, 1962. The entity is, therefore, held liable for penal action under the said section for knowingly making, signing, and using false or incorrect declarations and documents in the context of export transactions.

**17.** Now, M/s. Chem Pharma Impex (IEC: 0313052239 having its registered office at PLOT NO. 808/C, ASHA HOUSE, DR.B.A. ROAD, DADAR T.T., MUMBAI SUBURBAN, MAHARASHTRA, 400014 are hereby called upon to Show Cause to the Additional Commissioner of Customs, CAC, 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 goods described as "Cellulose Nitrate (Incl. Colloidon)," declared in Shipping Bill No. 6194191 dtd 21.12.2023 having total declared FOB value of Rs. 42,83,751/- (Forty-two lakh eighty-three thousand seven hundred fifty- one), should not be confiscated under the Provisions of Section 113(d),113(i),113(ia) and 113(ja) of the Customs Act, 1962;

(ii). The identical goods exported under the past one Shipping Bill detailed in Table-II having a total declared FOB Value of Rs. **40,07,936/-** shipped without the required export authorization, should not be confiscated under the Provisions of Section 113(d), 113(i), 113(ia) and 113(ja) of the Customs Act, 1962;

(iii). The exporter, M/s. Chem Pharma Impex (IEC: 0313052239), should not be liable to penal action under Section 114(i) and 114AA of the Customs Act, 1962, for having violated the export regulations by attempting to export prohibited goods specifically, "Cellulose Nitrate (Incl. Colloidon" containing MEK without obtaining the requisite export authorization from the competent authority;

(iv). Penalty should not be imposed on the exporter, M/s. Chem Pharma Impex (IEC: 0313052239) under Section 114(i) and 114AA of the Customs Act, 1962 in respect of afore mentioned Past Export that were shipped without the required export authorization

(v). The Drawback amount of Rs. 52,103/- claimed in S/Bill 4578614 dtd. 12.10.2023 Table-II should not be held liable to be rejected and demanded back from the Exporter along with applicable interest under section 75 and 75A of the Customs Act, 1962 read with Rule 18 of the Drawback Rules, 2017.

(vi) The RoDTEP amount of Rs. 32,063/- claimed in S/Bill 4578614 dtd. 12.10.2023 mentioned at Table-II above should not be held liable to be rejected and demanded back from the Exporter in terms of 24/2023-Customs (N.T.) dated 01.04.2023 Section 28AAA read with Section 28AA of the Customs Act, 1962.

(vii) Penalty should not be imposed on the exporter, M/s. Chem Pharma Impex (IEC: 0313052239) under Section 114AB of the Customs Act, 1962 in respect of afore mentioned Past Export vide S/Bill 4578614 dtd. 12.10.2023 that were shipped without the required export authorization;

(viii) The bond should not be enforced, and the Bank Guarantee of 13,70,801/- (Rs Thirteen Lakhs Seventy Thousand Eight Hundred and One Only) submitted at the time of provisional release of the goods under the 'Back to Town' facility, should not be appropriated or adjusted against any export incentives, interest, redemption fine, penalty, or any other liability.

**18.** The Custom Broker M/s. L.S. ACHREKAR & SONS 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 Penalty should not be imposed on them under Section 114(i) and 114AA of the Customs Act, 1962 for violations of Regulations 10(d) and 10(e) of the Customs Brokers Licensing Regulations (CBLR), 2018.

**19.** 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.

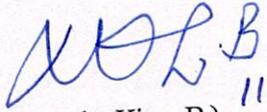
**20.** In case the notice is eligible to avail the facility of settlement of the case as per the Chapter XIVA of the Customs Act, 1962, and interested in the same, he may apply to the Settlement Commission as per prescribed procedure and also inform the same to the Adjudicating Authority

**21.** 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.

**22.** 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.

**23.** 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.

List of the documents relied upon in this notice (RUDs) are as per Annexure-A 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.

  
(Raghu Kiran B.)  
Commissioner of Customs(In-Situ)  
CEAC,NS-II, JNCH

To,

Noticeses,

1. M/s. Chem Pharma Impex (IEC: 0313052239)  
PLOT NO.808/C, ASHA HOUSE, DR.B.A. ROAD, DADAR T.T.,  
MUMBAI SUBURBAN, MAHARASHTRA, 400014
2. M/s. L.S. ACHREKAR & SONS (CB)  
Room No. 7, Nazir Bldg., Calicut Street, Fort, Mumbai

Copy to:

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

**Annexure - A**

Sr. No.	List of Relied Upon Documents
RUD - I	Shipping Bill No. 6194191 dated 21.12.2023
RUD - II	DYCC, JNCH reply dated 30.01.2024
RUD - III	Seizure Memo dated 15.05.2024
RUD - IV	BTT letter dtd. 16.05.2025
RUD - V	Statement of Shri. Atish Prafulkumar Mehta, Authorized Representative of M/s.Chem Pharma Impex (IEC: 0313052239) was recorded on 10.07.2025
RUD - VI	Statement of Shri. Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS, was recorded on 18.07.2025 vide Summons CBIC DIN - 20250778NT0000111AC9 dated 17.07.2025

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HAZ

21/12/2023

### L.S.ACHREKAR & SONS

Checklist for Shipping Bill 11/419

Job No. & Dt. : 01-21-E000780 20/12/2023  
 Port of Loading : INNSA1  
 Shipping Bill No : 6194191  
 State(Org) : GUJARAT  
 Shipping Bill Dt : 21/12/2023

#### Exporter Details

IEC Code : 0313052239 PAN No :AAIFC7288G  
 Name : CHEM PHARMA IMPEX  
 Export Contract No :  
 Add : SURVEY NO-299/2/1/3/2/PAIKEE2 - GALA NO.3, NEAR  
 WATER WORKS - ABRAMA, GUJARAT INDIA - VALSAD - 396001  
 Branch Sr # 1  
 GSNN No. : 24AAIFC7288G1Z8

#### Consignee

KADISCO PAINT AND ADHESIVE INDUSTRY S.C  
 AKAKI KALITY SUBCITY, P.O. BOX 120919 ADDIS  
 ABABA, ETHIOPIA AREA  
 CODE:ET07 TEL: +251-114391037/38, TIN NO. 0000015683  
 KADISCO-INFO@ETHIONET.ET ETHIOPIA

Exporter Class : PRIVATE

Port of Loading : J.N.P.T  
 Gross Weight : 16720.000 KGS  
 Type of Exporter : [R] - MERCHANT  
 Port of Desti : DJIBOUTI-DJJIB  
 Port of Discharge : DJIBOUTI-DJJIB  
 Rotation No :  
 Nature of Cargo : C-CONTAINERIZED CARGO

Total Pkgs : 80 DRM  
 Loose pkcts : 0  
 Net Weight : 15200.000 KGS  
 No of Ctns. : 0  
 Country of Desti : ETHIOPIA  
 Country of Disch. : ETHIOPIA  
 Rotation Dt :

#### Marks & No

AS PER INVOICE ("WE INTEND TO CLAIM REWARDS UNDER REMISSION OF DUTIES AND TAXES ON EXPORTED PRODUCTS (RoDTEP)") LUT ARN NO. AD2404230089745 DT. 05.04.2023 (CAS NO - 1330-20-7, 78-93-3, 123-86-4, 8013-07-8)  
 FOREX Bank Acc : 6146097966

FOB Value (INR) : 4283750.64  
 FOB Value (FC) : 51892.80  
 AD. Code : 0181009  
 Bank Name : KOTAK MAHINDRA BANK  
 I.F.S. Code : HDFC0000240  
 Bank a/c No. :  
 ST/ Excise Regn. : AAIFC7288GSD001

DrawBack Amount : 51405.01  
 DBK + STR (INR) : 51405.01  
 Service Tax Refund (INR) : 0.00  
 State Lev. Amt : 0.00  
 Total ROSCTL Amt : 0.00  
 Total Taxable Amt. : 0.00  
 Total IGST Amt. : 0.00  
 Total RODTEP Amt. : 34270.01

#### Invoice Details

Invoice 1 Of 1

Inv Val : USD 51892.80  
 FOB Value : USD 51892.80  
 Inv No. & Date : 23-24/E0016  
 Nature of Cont : FOB  
 Currency of Inv. : USD  
 Exchange Rate : 82.55  
 Exp Contract : 2517/1495/23 DT. 05.12.23

(INR 4283750.64)  
 (INR 4283750.64)  
 20/12/2023

JWR LOGISTICS PVT. LTD

RECEIVED PKGS (80) GR.WT. 16720  
 EXPORT SHED NO. D LOCATION OSD 22

SR NO. 6194191 S/B DATE 21/12/23

	Rate	Currency	Amount
Insurance			0.000
Freight			0.00
Discount			0.00
Commission			0.00
Oth. Deduction			0.00
Packing Chgs			0.00
Nature of Payment	DA-DELIVERY AGAINST ACCEPTANCE		Period of Payment in days
Buyer Name & Add.	KADISCO PAINT AND ADHESIVE INDUSTRY S.C AKAKI KALITY SUBCITY, P.O. BOX 120919 ADDIS ABABA, ETHIOPIA AREA CODE: ET07 TEL: +251-114391037/38, TIN NO. 0000015683 KADISCO-INFO@ETHIONET.ET ETHIOPIA		

DEEPAK S. BARKHAWA  
 DIPIN MARINE SERVICES  
 SURVEYOR

JWR EXECUTIVE  
 Vaibhav P. Patil

Executive Operations  
 JWR Logistics Pvt Ltd

21/12/2023

**L.S.ACHREKAR & SONS****Checklist for Shipping Bill**

11/419

Job No. & Dt. : 01-21-E000780 20/12/2023 CHA : ADGPA0215QCH001 L.S.ACHREKAR & SONS  
 Port of Loading : INNSA1 State(Org) : GUJARAT  
 Shipping Bill No : 6194191 Shipping Bill Dt : 21/12/2023

**ITEM DETAILS**

Invoice No &amp; Date : 23-24/E0016 20/12/2023

No	RITC Code	Description	Quantity Unit	Rate Per	Goods Value	FOB Val(FC)	FOB(INR)	PMV/Unit (INR)	Total PMV	Sch
Scheme Description	IGST Pymt Status	Taxable Value	GST	IGST Amt	End User	Reward				
CompCess Am	District & State Name	SQC Qty & Unit	Export Under Preferential	Free Trade Agr.						
<b>23-24/E0016</b>										
1	39122019	CELLULOSE NITRATE (INCL.COLLOIDON) EXP-2682 AS PER PROFORMA/EXP/010/2023-24	12160.000	3.44000	41830.40	41830.40	3453099.52	312.37	3798409.47	19
KGS	Per 1	LUT					0.00	0.00	GNX200	YES
	0.00	VALSAD-462 :- GUJARAT	12160.00 KGS							NCPTI-Preferential Trade Benefit not Claimed at Importing Country
2	39122019	CELLULOSE NITRATE (INCL.COLLOIDON) EXP-2695 AS PER PROFORMA/EXP/010/2023-24	3040.000	3.31000	10062.40	10062.40	830651.12	300.56	913716.23	19
KGS	Per 1	LUT					0.00	0.00	GNX200	YES
	0.00	VALSAD-462 :- GUJARAT	3040.00 KGS							NCPTI-Preferential Trade Benefit not Claimed at Importing Country
3	39122019	MFG:ASHA PENN COLOR PVT.LTD. VALSAD,GSTN 24AAFCA9682E1ZL VIDE THEIR INVOICE NO.23-24/0756 DTD.20.12.2023	0.001	0.00100	0.00	0.00	0.00	0.09	1.00	00
KGS	Per 1	NA					0.00		GNX200	NO
	0.00	VALSAD-462 :- GUJARAT	0.00 KGS							NCPTI-Preferential Trade Benefit not Claimed at Importing Country
<b>15200.001</b>		<b>51892.80</b>			<b>51892.80</b>		<b>4283750.64</b>	<b>613.02</b>	<b>4712126.70</b>	
					<b>0.00</b>			<b>0.00</b>		

**DRAWBACK DETAILS**

Inv	Item	DBK Sr No	Custom Rate Excise Rate	DBK Adv (Rate)	DBK Rate Spe Value Cap	DBK Qty	Unit	DBK Amount (INR)
1	1	3912B		1.20 %		0.000		41437.19
1	2	3912B		1.20 %		0.000		9967.81
<b>Total DBK (INR) :</b>								<b>51405.01</b>

**RODTEP DETAILS**

Inv No	Item No	SQC Qty	Item FOB	On FOB%	Calc.FOB Amt	On Cap Value/Unit	Calc.Cap Amt.	RODTEP Amt
1	1	12160.00	3453099.52	0.80	27624.80	KGS	0.00	27624.80
1	2	3040.00	830651.12	0.80	6645.21	KGS	0.00	6645.21
1	3	0.00	0.00	0.80	0.00	KGS	0.00	0.00
<b>Total RODTEP Amt.</b>								<b>34270.01</b>

\*Subject to Notn. 19/2015-20 Dated on 17.08.2021

**Fact. Stuff**                      **Sample Acc**                      **Vessel Name**                      **Voyage No.**  
 N                                      N

Total Value declared by Exporter for DEPB Items :  
 Total Value declared by Exporter for NON-DEPB Items :

21/12/2023

**L.S.ACHREKAR & SONS****Checklist for Shipping Bill**

11/419

Job No. & Dt. : 01-21-E000780 20/12/2023 CHA : ADGPA0215QCH001 L.S.ACHREKAR & SONS  
 Port of Loading : INNSA1 State(Org) : GUJARAT  
 Shipping Bill No : 6194191 Shipping Bill Dt : 21/12/2023

**Packing Details**

PacketFrom	PacketTo	TypeOfPacket
1	80	DRM

**Info Type**

Inv./Pro.SrNo	Agency Code	Type	Qualifier	Code	Text	MSR	UQC
1	1	RODTEP	DTY	RDT	RODTEPY Claimed	12160.00	KGS
1	2	RODTEP	DTY	RDT	RODTEPY Claimed	3040.00	KGS
1	3	RODTEP	DTY	RDT	RODTEPN	0.00	

**Statement**

Inv.SrNo	Pro.SrNo	Type	Code	Desc.
1	1	DEC	RD001	Remission of Duties and Taxes on Exported Products (RoDTEP)
1	2			

**eSANCHIT**

InvSrNo	Pro.SrNo	File Name Party Name	UniqueDocumentNo	DocumentTypeCode	PlaceOfIssue Document Reference No	Date
1		1780 CPI COA CHEM PHARMA IMPEX	2023122100010878	CERTIFICATE OF ANALYSIS-001000	INDIA 23-24/E0016	21/12/2023
1		1780 CPI EVD CHEM PHARMA IMPEX	2023122100010879	VALUE DECLARATION (GATT VALUATION DECLARATION)-934000	INDIA 23-24/E0016	21/12/2023
1		1780 CPI INV & PACK.LIST CHEM PHARMA IMPEX	2023122100010880	COMMERCIAL INVOICE WHICH INCLUDES A PACKING LIST-331000	INDIA 23-24/E0016	21/12/2023
1		1780 CPI ISO CHEM PHARMA IMPEX	2023122100010881	CERTIFICATE OF QUALITY-003000	INDIA 23-24/E0016	21/12/2023
1		1780 CPI LUT CHEM PHARMA IMPEX	2023122100010882	BOND-165000	INDIA 23-24/E0016	21/12/2023
1		1780 CPI TAX INVOICE CHEM PHARMA IMPEX	2023122100011554	PROFORMA INVOICE-325000	INDIA 23-24/E0016	21/12/2023

I/We, in regard to my/our claim under RoDTEP scheme made in this Shipping Bill or Bill of Export, hereby declare that:

I/ We undertake to abide by the provisions, including conditions, restrictions, exclusions and time-limits as provided under RoDTEP scheme, and relevant notifications, regulations, etc., as amended from time to time.

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 RoDTEP.

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.

Signature of Exporter/CHA



To  
 The Jay Manoj Shah  
 Dy. Commissioner of Customs  
 SIB (X), JNCH

dt. 31.01.2024

Sir

Sub: - Query wot shipping Bill no. 6194191  
 dated 21.12.2023 by M/S Chem  
 Pharma Super (IE Code : 0313052239) -  
 Reg.

Please refer to your letter vide F.No.

SG/MISC-279/2023-24 SIB(X) JNCH dt 29.12.2023  
 on the above cited subject. In this regard, based  
 on the MSDS data provided by the exporter, the  
 material is a colloidal solution contains nitrocellulose  
 Methyl Ethyl Ketone, Butyl Acetate and epoxidised  
 Soyabean oil.

As the material is in colloidal form hence,  
 it is very difficult to distill or extract MEK  
 from the material. Secondly one of the ingredient  
 is nitrocellulose which is explosive in nature.

Hence, second opinion may be taken  
 from the DRDO Laboratory, in this regard

  
 31.01.2024  
 Dr. Purnima Mishra  
 Chemical Examiner-1

 सत्यमेव जयते	<b>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. Tel No: 27244983; Fax: 27241828, 27241825. Email Id - <a href="mailto:siibx.jnch@gov.in">siibx.jnch@gov.in</a></b>	 75 आजादी का अमृत महोत्सव
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**SEIZURE MEMO ISSUED UNDER SECTION 110 OF CUSTOMS ACT, 1962**

DIN No.: 20240578NW000000C1DE

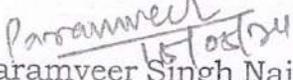
DATE: 15.05.2024

The case was referred from Docks Officer with objection of NOC from CBN, Gwalior. However, as per DYCC opinion the goods containing explosive items and suggested to take export opinion from DRDO/ SCOMET Cell DGFT. However, even after reminders the DGFT SCOMET Cell did not reply to the same. Meanwhile, exporter requested for provisional release of the goods.

Hence, particulars of the goods seized from the premises of JWR CFS, on the reasonable belief that the detained goods fall under SCOMET category at Sr No. 6A008 & 8A108 of appendix 3 wherein the exporter doesn't have valid SCOMET authorization for its export of goods declared as '**Cellulose Nitrate (incl Colloidoin) Exp-2682 & 2695**' as mentioned in shipping bill 6194191 dtd 21.12.2023, liable for confiscation under the provisions of Section 113 of the Customs Act, 1962. Hence, the said goods meant to be exported under the Shipping Bill no. 6194191 dtd 21.12.2023 are seized under Section 110 of the Customs Act, 1962. The particulars of the goods are as under:

S.No.	Particulars	Description
1.	Owner of the seized goods	M/s Chem Pharma Impex. (PAN: AAIFC7288G)
2.	Declared description of the seized goods	As per Shipping Bills and Invoices.
3.	Total Declared FOB Value (INR)	Rs.42,83,750/-

The Manager, JWR CFS, Nhava Sheva, Maharashtra is directed that seized goods shall not be removed, parted with, or otherwise dealt with the goods except with the prior permission of SIIB(X), JNCH, Nhava Sheva.

  
 (Paramveer Singh Nain)  
 IO/SIIB(X), JNCH

To,

M/s Chem Pharma Impex  
Gala No.3, Near Water Works-Abrama Valsad, Gujarat, India 396001

Copy to:-

1. The Manager, JWR CFS.
2. CHA - M/s L.S.Achrekar & Sons

EM 9557415801M



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  
 Siibx.jnch@gov.in



F. No.: SG/INV-222/23-24/SIIB(X)/JNCH



To,  
 The Additional Commissioner of Customs  
 CEAC, JNCH  
 Nhava Sheva.

Sir,

**Sub: Provisional release of the goods for BTT covered under Shipping Bill No. 6194191 dated 21.12.2023 of exporter M/s. Chem Pharma Impex (IEC-0313052239) - reg.**

The exporter "M/s Chem Pharma Impex (IEC-0313052239)" is exporting "Cellulose Nitrate (Incl. Colloidon) Exp 2682 & EXP 2685" through CHA M/s L.S.Achrekar & Sons 6194191 dated 21.12.2023 is carted in JWR CFS. The said goods may fall under SCOMET category at Sr No. 6A008 & 8A108 of appendix 3 for which the exporter doesn't have valid SCOMET authorization.

At SIIB(X), JNCH the documents were re-scrutinized especially through MSDS (Material safety data sheet), it was noticed that the goods are Class 3 category Hazardous Goods which are not prescribed for examination in accordance to JNCH PN -46/2017 dated 31.03.2017.

Hence, as per CBN Commissioner order issued F.No-XVI/6/1PC/MEK/2017 dated 03.11.2017(placed opp), expert opinion was asked from DYCC, JNCH officials regarding "*whether MEK can either be extracted from the Cellulose Nitrate(Incl. Colloidon) EXP-2682 & EXP-2685 and/or this item can be used in place of MEK*" as per MSDS. In reply, hand written letter dated 31.01.2024 from Dr. Purnima Mishra, Chemical Examiner, Grade-I, DYCC JNCH informed that :

" based on the MSDS data provided by the Exporter, the material is a colloidal solution contains Nitrocellulose, Methyl Ethyl Ketone, Butyl Acetate & epoxidised Soyabean Oil. As the material is in colloidal form hence, it is **next difficult to distill or extract MEK from the material.** Secondly one of the ingredient is nitrocellulose which is "explosive" in nature. Hence, second opinion may be taken from the DRDO laboratory in

2. For value justification, the exporter has submitted purchase Tax invoices no-23-24/0756 dated 20.12.2023 with its corresponding entry at GSTR2A & e-way bill from the Manufacturer/Supplier M/s Asha Penn Color Pvt Ltd, Valsad & as per GST online portal, both supplier & exporter are filing GSTR regularly (placed opp).

3. However, SCOMET cell, even after several reminders from SIIB(X) and follow up by the Exporter; DGFT have not confirmed the requirement of the consignment under SCOMET authorization or not.

Details of the consignment as follows:-

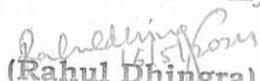
Sr. No.	SB No./Date	Description of goods	FOB Value (in Rs)	DBK value (in Rs)	RoDTEP (in Rs)	IGST	Revenue Implication (if any)
1.	6194191dtd 21.12.23	Cellulose Nitrate(Incl Colloidon) Exp 2682 & Exp 2685	42,83,751/-	51,406/-	34271/-	LUT	If goods found to be in SCOMET list by DGFT; the same would be liable for confiscation & penalty etc.

Further investigation is still pending regarding clarification from SCOMET Cell etc. Recently, the exporter vide email dated 15.05.2024 has requested for provisional release of the goods for BTT purpose.

In view of above, **provisional release** of the goods for **Back to Town** covered under live shipping bill No 6194191 dated 21.12.2023 may be decided by the adjudicating authority along with Bond and/or BG depending on merit of the case.

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

Yours Faithfully

  
(Rahul Dhingra)

Dy. Commissioner of Customs  
SIIB (X), JNCH

Encl:- Copy of shipping bills, packing list, MSDS etc.

**Statement of Shri Atish Prafulkumar Mehta, Partner in M/s Chem Pharma Impex (IEC: 0313052239) recorded under section 108 of the Custom Act, 1962 in the Office of SIIB(X), JNCH, Nhava Sheva situated at C-604, Special Investigation and Intelligence Branch, Jawaharlal Nehru Custom House, Nhava Sheva, Distt:-Raigad, Maharashtra-400707 on 10.07.2025 at 13:00.**

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In compliance to the Summons CBIC DIN - 20250778NT000000C5F4 dated 01.07.2025, I present myself on behalf of the firm, M/s Chem Pharma Impex (IEC: 0313052239) to record statement u/s 108 of Custom Act, 1962 today. I have been explained the provisions of section 108 of Custom Act, 1962. I have also been explained that giving false evidence under these enquiries is an offence punishable under Bharatiya Nyaya Sanhita (BNS), 2023. 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. Having been understood the provisions of sections 108 of the Customs Act 1962, I am giving my true, correct and voluntary statement without any pressure or manipulation.

I, Atish Prafulkumar Mehta, Partner in M/s Chem Pharma Impex (IEC: 0313052239) and I am fully authorized to give statement on behalf of the firm. I am 48 years old and I can read, write, and understand Hindi, Gujarati and English. I have studied till MBA from Mumbai. I live at A-1002 New Sarvottam CHS LTD, 201 A/B, S V Road, Irla Bridge, Andheri West, Mumbai, Maharashtra - 400058. I am requesting officer to type my statement on computer as per my say. My mobile No. is 9967350546. I am married. I am staying at the above-mentioned address along with my family. For the proof of my identity, I am submitting self-attested copy of my Aadhar Card No.7968 2421 9627. I put my dated signature on the document as a token of submitting the same. On being asked about my company's office, I state that the Company's office is situated at Plot No. 808/C, Asha House, Dr. B. A. Road, Dadar, Mumbai Suburban, Mumbai, Maharashtra-400014.

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**Q.1. Please introduce yourself.**

Ans. I am Atish Prafulkumar Mehta, Partner in M/s Chem Pharma Impex (IEC: 0313052239). I am responsible for overseeing the complete finance and Corporate affairs operations of the firm.

**Q.2. Please provide a brief description M/s Chem Pharma Impex (IEC: 0313052239). Are you authorized to provide this statement?**

Ans M/s Chem Pharma Impex (IEC: 0313052239) is a merchant exporter engaged primarily in pigments, resins and other chemicals. As a partner, I am fully authorized to depose and provide this statement on behalf of the company.

**Q.3 Are you aware of the purpose for which you have been summoned today?**

Ans. I acknowledge the receipt of the summon and have appeared today to depose my statement and extend full cooperation in the ongoing investigation pertaining to Shipping Bill No.6194191 dtd. 21.12.2023. This shipping bill was filed by CB M/s. L. S. Achrekar & Sons on behalf our company M/s Chem Pharma Impex (IEC: 0313052239)

**Q.4. How did you receive the purchase order related to the aforementioned shipping bill?**

Ans. The purchase order was received through email communication from M/s. Kadisco Paint and Adhesive Industry (Ethiopia). I'm submitting the copy of the same with Bank Import Permit to SIIB(X)

**Q.5. From where were the goods procured for the consignment covered under the said shipping bill?**

Ans. The goods were procured from the following supplier M/s. Asha Penn Color Pvt. Ltd. I am submitting tax invoice duly signed and dated by me for verification.

**Q.6. Has your firm made payment to the said supplier?**

Ans. Yes, payment has been made to the respective supplier and after BTT of the consignment, we handed over the goods pertains to the said shipping bill to the supplier M/s. Asha Penn Color Pvt. Ltd and will submit the Bank statement reflecting the debiting and crediting of the amount for the same.

**Q.7. What are the payment terms and conditions between your firm and the foreign consignee?**

Ans. The terms of delivery and payment is based on cash against document through authorized banks.

**Q.8. Does your firm file GSTR returns regularly in relation to IGST refund claims on export goods?**

Ans. Yes, our firm regularly files GSTR returns. I submitted the copy of GSTR-2B w.r.t. to payment for aforementioned consignment.

**Q.9. Do you agree with the DYCC report w.r.t to the MEK and nitrocellulose material found in the commodity pertains to the Shipping bill no. 6194191 dtd. 21.12.2023?**

Ans. Yes, we agree with DYCC letter/report regarding MEK and submitting the CBN NOC received from CBN Gwalior vide NOC No. PC-EXP-688/2024 dtd. 19.04.2024 and yes, nitrocellulose present in our consignment but we are not agreeing with the part of this report where it described the nitrocellulose as explosive in nature, as per COA submitted here, nitrogen content (In dry NC) in nitrocellulose is 12.10 % and as per appendix-3 of SCOMET list of "explosives", nitrocellulose considered as explosive where nitrogen content is more than 12.5%.

**Q.10. Why was MEK (a controlled substance under NDPS Act) not declared in description in the shipping bill?**

Ans. MEK is not the complete product. It is the part of our consignment namely Cellulose Nitrate and declared as ingredient in MSDS.

**Q.11. Why were you not produced the CBN NOC at the time of filing of Shipping bill ?**

Ans- We were not produced CBN NOC as we were unaware of NOC requirement from CBN for export of consignment containing MEK as controlled substance under NDPS Order, 2013. After objection from customs officials we came to know requirement of CBN NOC and further, we applied for CBN NOC and received the

same from CBN Gwalior vide NOC No. PC-EXP-688/2024 dtd. 19.04.2024 for the same consignment and submitted earlier in this section.

**Q.12. Are you aware of the Directorate General of Foreign Trade (DGFT)'s guidelines relating to SCOMET (Special Chemicals, Organisms, Materials, Equipment and Technologies) items, including the requirement to obtain a valid SCOMET export authorization prior to export?**

Ans. Yes, we are aware of the SCOMET (Special Chemicals, Organisms, Materials, Equipment and Technologies) guidelines issued by the Directorate General of Foreign Trade (DGFT), including the requirement to obtain prior export authorization for items classified under the SCOMET list. As we are aware that Nitrocellulose with >12.5% nitrogen content is considered a SCOMET item, especially for propellant/explosive use. we did not apply for prior export authorization for this consignment as nitrogen content (In dry NC) in nitrocellulose is 12.10 % and as per appendix-3 of SCOMET list of "explosives", nitrocellulose considered as explosive where nitrogen content is more than 12.5%. As per our knowledge, our product does not fall under category SCOMET list of explosives.

**Q.13. This office issued letter to SCOMET Cell/ DRDO regarding 'whether the goods allowed for export without any NOC/license/authorization based on DYCC report and COA in this said shipping Bill'. In response, HEMRL/DRDO stated that nitrocellulose containing 12 % nitrogen in any form (Colloidal solution/ wet NC) may be used for manufacture of rocket propellant. Please acknowledge this email and are you agree with HEMRL/DRDO view on this?**

Ans. Email is acknowledged by me and we are not agree with the view of DRDO on this and as I said earlier, we are aware of SCOMET guidelines that Nitrocellulose with >12.5% nitrogen content is considered a SCOMET item, especially for propellant/explosive use. we did not apply for prior export authorization for this consignment as nitrogen content (In dry NC) in nitrocellulose is 12.10 % and as per appendix-3 of SCOMET list of "explosives", nitrocellulose considered as explosive where nitrogen content is more than 12.5%. As per our knowledge, our product does not fall under category SCOMET list of explosives. And we are regularly in touch with SCOMET Cell regarding clarification on this issue, we are not getting any response from SCOMET Cell.

**Q.14. Were the goods exported under the shipping bill no. 6194191 dtd. 21.12.2023 similar to the goods exported in the past by your firm?**

Ans. Yes, same goods i.e., Cellulose Nitrate have previously been exported through our firm M/s Chem Pharma Impex (IEC: 0313052239) of Rs. 40.07 Lakhs vide shipping bill 4578614 dtd. 12.10.2023.

**Q.15. Have you received BRCs for all your past exports?**

Ans. Yes, BRCs have been received for all past export transactions. The relevant documents will be shared via email within next 07 days.

**Q.16. What is the yearly turnover of your company?**

Ans. The yearly turnover of our company is approximately Rs. 10 Crores.

**Q.17 Please provide the end use certificate of the commodity from the buyer M/s. Kadisco Paint and Adhesive Industry (Ethiopia).**

Ans. I am already in contact with the buyer regarding end-use certificate and I will share the end use certificate via email within next 07 days.

**Q.18. Do you have anything further to submit?**

Ans. Sir, we respectfully acknowledge that an unintentional procedural lapse may have occurred. We are prepared to accept any penalty or fine imposed and request a lenient and sympathetic consideration in the matter.

The above statement of mine running into 04 pages has been given as my true, correct and voluntary without any force, threat, inducement or coercion. 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 say and I certify, it has been recorded exactly as stated by me in response to questions raised to me 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. Statement of mine is correctly recorded as per my say.

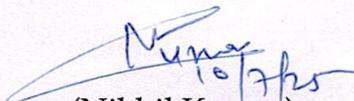
The above statement of mine running into 4 pages has been given as my true, correct, and voluntary without any force, threat, inducement or coercion. On my request, the said statement has been typed on the office computer of SIIB (X), JNCH, Nhava Sheva, Dist. Raigad, Maharashtra-400707 as per my say and I certify, it has been recorded exactly as stated by me in response to questions raised to me 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. Statement of mine is correctly recorded as per my say.

A.P. Mehta  
10/7/2025

Atish Prafulkumar Mehta,

Partner in M/s Chem Pharma Impex (IEC: 0313052239)

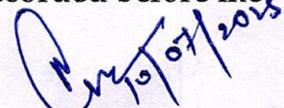
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(Nikhil Kumar)

IO/SIIB(X)

Recorded before me



(Milan Goyal)

SIO /SIIB(X)

  <p>भारतीय विशिष्ट ओळख प्राधिकरण भारत सरकार Unique Identification Authority of India Government of India</p>	  <p>भारतीय विशिष्ट ओळख प्राधिकरण Unique Identification Authority of India</p>
<p>नोंदणी क्रमांक:/ Enrolment No.: 0000/00454/63878</p> <p>To अतिश प्रफुलकुमार मेहता Atish Prafulkumar Mehta S/O: Prafulbhai Mehta A 1002 new sarvottam C H S .LTD 201A/B S V road Andheri West irla brige Mumbai Andheri Railway Station Mumbai Maharashtra - 400058 9322665253</p> <p>Download Date: 18/10/2017 Generation Date: 08/09/2017</p>	<p>सूचना</p> <ul style="list-style-type: none"> <li>■ आधार ओळखीचे प्रमाण आहे, नागरीकत्वेचे नाही.</li> <li>■ ओळखीचे प्रमाण ऑनलाइन ऑथेंटिकेशन द्वारा प्राप्त करा.</li> <li>■ हे इलेक्ट्रॉनिक प्रक्रिये द्वारा तयार झालेले एक पत्र आहे</li> </ul> <p>INFORMATION</p> <ul style="list-style-type: none"> <li>■ Aadhaar is a proof of identity, not of citizenship.</li> <li>■ To establish identity, authenticate online.</li> <li>■ This is electronically generated letter</li> </ul>
<p>Signature valid</p>  <p>आपला आधार क्रमांक / Your Aadhaar No. : 7968 2421 9627 माझे आधार, माझी ओळख</p>	<ul style="list-style-type: none"> <li>■ आधारला देशभरात मान्यता आहे.</li> <li>■ आधार भविष्यात सरकारी व खाजगी सेवांचे फायदे मिळविण्यास उपयुक्त आहे.</li> <li>■ Aadhaar is valid throughout the country.</li> <li>■ Aadhaar will be helpful in availing Government and Non-Government services in future.</li> </ul>
 <p>भारत सरकार Government of India</p>  <p>भारतीय विशिष्ट ओळख प्राधिकरण Unique Identification Authority of India</p>  <p>अतिश प्रफुलकुमार मेहता Atish Prafulkumar Mehta जन्म तारीख/DOB: 08/10/1976 पुरुष/ MALE</p> <p>Address: S/O: Prafulbhai Mehta, A 1002 new sarvottam C H S .LTD, 201A/B S V road, irla brige, Andheri West, Mumbai, Maharashtra - 400058</p> <p>पत्ता: S/O: प्रफुल्लभाई मेहता, ए 1002 न्यू सर्वोत्तम छ एच एस .एलटी, 201अपार्टमेंट/94वी एम वी रोड, इरला ब्रिगे, अंधेरी वेस्ट, मुंबई, महाराष्ट्र - 400058</p> <p>7968 2421 9627</p> <p>माझे आधार, माझी ओळख</p>	<p>7968 2421 9627</p>

A.P. Mehta

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10/7/2025

**KADISCO**  
 asianpaints

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**KADISCO Paint and Adhesive Industry S. C.**  
 Manufacturer of Paints, Adhesives Body Fillers

2517-23

December 05, 2023

Chem Pharma Impex  
 TEL 0091-22-45411300/317  
 FAX 0091 22 24137190, India

Dear Sirs,

**Re: - Purchase Order No. 2517/1495/23**

We are pleased to place our order with you for Raw materials as per your technical Specification and Proforma Invoice PROFORMA/EXP/010/2023-24 Dated 16/10/2023

◆ Cost FOB	USD 51,892.80
◆ Freight	-
◆ Total C & F	-
◆ Port of Loading	ANY INDIAN SEA PORT
◆ Port of Discharge	Djibouti
◆ B/L Instruction-final place of delivery	Kadisco Kality Warehouse
◆	
◆ Terms of Payment	CAD
◆ Shipment	ETHIOPIAN SHIPPING LINES
◆ Marks	Kadisco Paint and Adhesive Industry S.C
◆ <u>Raw materials safety data sheet</u>	

**No. of Documents to be sent to the issuing Bank shown below**

◆ Signed Commercial Invoices	6 out of this 3 Chambrized.
◆ Bill of Lading	3 Original & 2 Non-Negotiable
◆ Packing List	5 Original
◆ Certificate of Origin	1 Original + 3 Copies. Chambrized

• Please note, Bank Address detail below to send original documents to.

N.B.

- Documents should be sent through bank only
- Manual Legalization by Chamber of Commerce onto Commercial Invoice.
- Shipment should be within 90 days from the date of purchase order approval.
- Bill of Lading has to be Consigned to the order of Dashen Bank S.C.
- Copy documents have to be sent within three-five days after Loading date
- DHL tracking No. for Original Documents informed to us immediately after dispatch.
- **Commercial Invoice with B/L number, Packing List and Draft B/L to be sent 24 Hours before Shipment**

Sincerely yours,

  
 Kadisco Paint and Adhesive Industry S.C.  
 Tin No. 0000015683  
 CC; Dashen Bank S.C  
 International banking department  
 Addis Ababa, Ethiopia  
 P.O.Box 12752 Tel: +251-18-30-99

A.P. Mehta

10/7/2025

~~23-24/10016~~  
~~21/12/2023~~



## Bank Import Permit



## Purchase Order

TIN	0000015683	App. Ref. No.	0000015683/23/722
License No.	MT/AA/14/665/127236/2007 (BL)	Reference Date	07/12/2023
Name	KADISCO PAINT AND ADHESIVE INDUSTRY SHARE COMPANY	App. No.	DSB/23/16089
Address	ADDIS ABABA AKAKI KALITI NO WOREDA-145 WOREDA 05, NEW, 120912	LPCO Ref. No.	DSB/23/16089/BI1
Reference No.	0000015683/23/718	Approval No.	DSB/23/16031/FC1
Supplier Name	Chem Pharma Impex	Country	India
Address	Chem pharma Impex Survey -299/2/1/3/2 Paikeez Gala No.3, near water Works Abrama,Valsad, Gujrat		
Bank	Dashen Bank	Branch	Main Bank Forex
Total Count of Items	2	Payment Method	Cash Against Documents
Terms of Delivery	FOB	Available by	Payment
Purchase Order No.	DSB/DMB/PO-01645/23	Pro-forma Invoice Date	16/10/2023
Purchase Order Date	08/12/2023	Pro-forma Invoice No.	PROFORMA/EXP/010/2023-24
Validity Date	07/03/2024	Service Total Amount	
Mode of Transport By	Sea transport	Discount Total Amount	
Port of Destination	Addis Ababa	Total Invoice Amount	[USD]:1,892.8

## Additional Information

KADISCO KALITY WAREHOUSE

## Required Information

Bill of Lading, Certificate of Origin, Commercial Invoice, Packing List

## Commodity

No	HS Code	Invoice Amount	Quantity	Unit Price	Invoice Amount(Birr)	Net Weight	Gross Weight	Number of packages	Country of Origin
1	39122000	[USD] 41,830.4	[KGM] 12,160	[USD] 3.44	2,351,412.2752				India
	-Cellulose nitrates (incl. collodions), in primary forms CELLULOSE NITRATE (INCL COLLOIDON) EXP-2682								
2	39122000	[USD] 10,062.4	[KGM] 3,040	[USD] 3.31	565,637.6912				India
	-Cellulose nitrates (incl. collodions), in primary forms CELLULOSE NITRATE (INCL COLLOIDON) EXP-2695								

A.P. Mehta  
10/7/2025

Approver Name  
Fikirte Shimelse

Date  
08/12/2023

LPCO ID  
42b0b737d9

null of 1

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Ethiopia Electronic Single Window  
P.O Box 2559, Addis Ababa, Ethiopia  
Visit <http://esw.et/esw-cbra/> for online verification  
Information => LPCO outsider => LPCO ID

<b>TAX INVOICE</b>		( ) Original for Receipt ( ) Duplicate for Transporter ( ) Triplicate for Supplier							
( Issued under Section 31 of the Central Goods & Services Tax Act , 2017 )									
<b>ASHA PENN COLOR PVT. LTD.</b>									
SURVEY NO- 300/301 , NEAR WATER WORKS, ABRAMA VALSAD-396002									
UDHYAM REGN NO- UDHYAM-GJ-25-0005082		CIN : U24222MH2006PTC163800							
Invoice No : 23-24/0756	Mode Of Transport: by road								
Invoice Date : 20/12/2023	Vehicle No : GJ15Z7019								
<b>GSTIN:</b> 24AAFCA9682E1ZL	PO No : 027								
TAX PAYABLE ON REVERSE CHARGE?(YES/NO)	PO Dt : 09/12/2023								
Name & Address of Recipient		Address Of Delivery							
Name <b>CHEM PHARMA IMPEX</b>		Name <b>CHEM PHARMA IMPEX</b>							
Address SURVEY NO.299/2, PAIKEE 2, GALA NO.3, NEAR WATER WORKS, ABRAMA,		Delivery Address SURVEY NO.299/2, PAIKEE 2, GALA NO.3, NEAR WATER WORKS, ABRAMA,							
GSTIN 24AAIFC7288G1Z8		Destination country name India							
State Name GUJARAT State Name Code 24		Delivery State GUJARAT State Code 24							
Sr No	Product Code	Product Name	Product Description	Batch	HSN/SAC	Qty	UOM	Rate	Gross
1	6C1772	INK VEHICLE NC CELLULOSE NITRATE	8 X 190 KGS DRUM	R9823120081	39122019	1520.000	KGS	210.00	319200.00
2	6C1772	INK VEHICLE NC CELLULOSE NITRATE	8 X 190 KGS DRUM	R9823120082	39122019	1520.000	KGS	210.00	319200.00
3	6C1772	INK VEHICLE NC CELLULOSE NITRATE	9 X 180 KGS DRUM	R9823120083	39122019	1710.000	KGS	210.00	359100.00
4	6C1772	INK VEHICLE NC CELLULOSE NITRATE	8 X 190 KGS DRUM	R9823120085	39122019	1520.000	KGS	210.00	319200.00
5	6C1772	INK VEHICLE NC CELLULOSE NITRATE	8 X 190 KGS DRUM	R9823120086	39122019	1520.000	KGS	210.00	319200.00
6	6C1772	INK VEHICLE NC CELLULOSE NITRATE	9 X 190 KGS DRUM	R9823120089	39122019	1710.000	KGS	210.00	359100.00
7	6C1772	INK VEHICLE NC CELLULOSE NITRATE	8 X 190 KGS DRUM	R9823120090	39122019	1520.000	KGS	210.00	319200.00
<b>Page Total</b>									2314200.00
Currency Indian Rupees						Less Discount		0.00	
Payment Terms : 30 Days						Freight ChrgBT		0.00	
Name of Transporter PARTY VEHICLE						CGST % 0.05		1626.40	
LR No						SGST% 0.05		1626.40	
LR Date 20/12/2023						IGST % 0.00		0.00	
Ack No: 162315786411780						<b>Grand Total</b>		3256053.00	
Place of Supply and name of state									
IRN Number 07f0d77f1b4540948a7b71e41fbc70ecb03a1a1f5c6b5f2c50a6b80c274b98d4									
INVOICE VALLUE (ON WORDS) Thirty Two Lakh Fifty Six Thousand Fifty Three Only									
CERTIFIED THAT THE PARTICULARS GIVEN ABOVE ARE TRUE AND CORRECT									
TERMS & CONDITION OF SALES						ASHA PENN COLOR PVT. LTD. FOR M/S, <i>J.S. Mehta</i> AUTHORISED SIGNATORY			
<i>A.P. Mehta</i> 10/7/2023									

**Statement of Shri. Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS (KARDEX No. M-716) recorded under section 108 of the Custom Act, 1962 in the Office of SIIB(X), JNCH, Nhava Sheva situated at C-604, Special Investigation and Intelligence Branch, Jawaharlal Nehru Custom House, Nhava Sheva, Distt:- Raigad, Maharashtra-400707 on 18.07.2025 at 12:00 Noon.**

In compliance to the Summons CBIC DIN - 20250778NT0000111AC9 dated 17.07.2025, I present myself on behalf of the CB M/s M/s. L.S. ACHREKAR & SONS to record statement u/s 108 of Custom Act, 1962 today. I have been explained the provisions of section 108 of Custom Act, 1962. I have also been explained that giving false evidence under these enquiries is an offence punishable under Bharatiya Nyaya Sanhita (BNS), 2023. 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. Having been understood the provisions of sections 108 of the Customs Act 1962, I am giving my true, correct and voluntary statement without any pressure or manipulation.

I, Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS (KARDEX No. M-716) and I am fully authorized to give statement on behalf of the CB. I am 55 years old and I can read, write, and understand Hindi and Marathi. I have studied till 12th from Satara. I live at A-101, 123/14, New Shree Smarth CHS, Kolkhe Peth, Kolkhe, Raigarh, Maharashtra - 410221. I am requesting officer to type my statement on computer as per my say. My mobile No. is 9619376864. I am married. I am staying at the above-mentioned address along with my family. For the proof of my identity, I am submitting self-attested copy of my Aadhar Card No.8275 9052 3488. I put my dated signature on the document as a token of submitting the same. On being asked about my company's office, I state that the Company's office is situated at Plot Hasan Ali building, 17 J.D.Lane, Bora Bazaar, Fort Mumbai 400001.

**Q. Please introduce yourself.**

Ans. I am Ankush Yashwantrao More, G-Card holder of M/s. L.S. ACHREKAR & SONS (License No. 11/419). I am working in this firm from 27 years.

**Q. What is your job profile in CB firm M/s. L.S. ACHREKAR & SONS? Are you authorized to give statement on behalf of CB?**

Ans. I supervise the work pertaining to export and as a G-Card Holder I'm fully authorized to give statement.

**Q. Who handles the documentation work in your CB firm?**

Ans. Documentation work in our CB firm handles by Manager of the firm and other Staff.

**Q. What amount you used to get from the Exporter M/s. Chem Pharma Impex (IEC: 0313052239) agency charges?**

Ans. We used to get Rs. 1000-1500 per document from all exporters including M/s. Chem Pharma Impex (IEC: 0313052239) as agency charges.

**Q. Did you file shipping bill no. 6194191 dtd. 21.12.2023 on behalf of the exporter M/s. Chem Pharma Impex (IEC: 0313052239)?**

Ans. Yes, our staff filed the shipping bill no. 6194191 dtd. 21.12.2023 on behalf of the exporter M/s. Chem Pharma Impex (IEC: 0313052239).

**Q. Did your firm verified the KYC and other related documents of shipping bills and goods before filing the shipping bills of the exporter M/s. Chem Pharma Impex (IEC: 0313052239)? Have you verified the exporter through physical verification?**

Ans. Yes, we verified the exporter through physical verification. we obtained the KYC and other documents as per CBLR Rules 2018. Documents included Pan Card, Aadhar Card, IEC Copy, GSTR copies and invoices etc. We also verified the IEC and GST registration of the exporter on online portals of DGFT and GST.

**Q. Do you agree with the DYCC report w.r.t to the MEK and nitrocellulose material found in the commodity pertains to the Shipping bill no. 6194191 dtd. 21.12.2023?**

Ans. Yes, we agree with DYCC letter/report regarding MEK and nitrocellulose present in our consignment but we are not agreeing with the part of this report where it described the nitrocellulose as explosive in nature, as per COA submitted here, nitrogen content (In dry NC) in nitrocellulose is 12.10% and as per appendix-3 of SCOMET list of "explosives", nitrocellulose considered as explosive where nitrogen content is more than 12.5%.

**Q. whether you advised the exporter that export of MEK (Methyl Ethyl ketone), which is controlled substances mentioned in Schedule B and C of NDPS (Regulations) order 2013 dtd. 16.03.2013 required the NOC from CBN, Gwalior? Whether you informed this to customs department that exporter is trying to export restricted item i.e., MEK? Why it should not be considered a violation of CBLR Rules,2018?**

Ans. Sir, we are aware of NDPS order 2013 dtd. 16.03.2013 and CBLR Rules-2018. Cellulose Nitrate (Incl. Colloidon) is not the controlled substance as per NDPS order 2013 dtd. 16.03.2013, whereas MEK is the is controlled substance which we come to know during objection by customs officer. We did not advise the exporter that export of MEK required CBN NOC, as MEK is not the only product. After objection from customs officials we came to know requirement of CBN NOC and immediately inform the exporter regarding CBN NOC. Further, exporter applied for CBN NOC and received the same from CBN Gwalior vide NOC No. PC-EXP-688/2024 dtd. 19.04.2024 for the same consignment and submitted earlier in this section.

**Q. Were the goods exported under the shipping bill no. 6194191 dtd. 21.12.2023 similar to the goods exported in the past by the exporter M/s. Chem Pharma Impex (IEC: 0313052239)?**

Ans. Yes, same goods i e., Cellulose Nitrate have previously been exported through our firm M/s Chem Pharma Impex (IEC: 0313052239) of Rs. 40.07 Lakhs vide shipping bill 4578614 dtd. 12.10.2023. This shipping bill was also filed by our firm M/s. L.S. ACHREKAR & SONS.

**Q. why the CBN NOC did not procured in past shipping bill no. 4578614 dtd. 12.10.2023?**

Ans. As I said earlier, we did not know that the CBN NOC needed where MEK is part of

component. MEK in this consignment is part of cellulose nitrate and we checked as per NDPS Order 2013, Cellulose nitrate is not a controlled substance as per NDPS Order 2013.

**Q. Has the exporter received remittances in the past shipping Bills?**

Ans. Yes, Exporter received the foreign remittances in the past shipping bills.

**Q. Do you have anything further to submit?**

Ans. Sir, we would be cooperating the department in the instant case and provide all the documents as and when required. We requested to take lenient view in the case as we are genuine CB firm.

The above statement of mine running into 03 pages has been given as my true, correct and voluntary without any force, threat, inducement or coercion. 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 say and I certify, it has been recorded exactly as stated by me in response to questions raised to me 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. Statement of mine is correctly recorded as per my say.

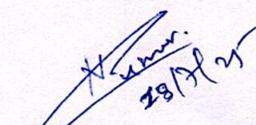
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(Shri. Ankush Yashwantrao More)

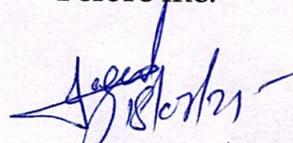
G-Card holder of M/s. L.S. ACHREKAR & SONS (KARDEX No. M-716)

Typed by me.



IO/SIIB(X)  
(Nikhil Kumar)

Before me.



SIO/SIIB(X)  
(Jaganpreet)