



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

F. No. CUS/ASS/MISC/779/2025-CEAC Date of SCN: 12.02.2026

F. No.: CUS/SIIB/MISC/603/2025-SIIB(E) Date of Issue: 12.02.2026

SCN NO. 2006/2025-26/ADC/CEAC/NS-II/CAC/JNCH

DIN NO. 20260278NT0000121772

Show Cause Notice Issued under section 124 of the Customs Act, 1962.

Specific intelligence had been received regarding fraudulent exports by non-existent entities as detailed in NCTC Analytics Report No. 43/2022-23 dated 16.03.2023. Risky shipping bills filed by certain exporters were identified, and subsequent verification by jurisdictional CGST formations confirmed that these exporters were non-existent.

2. Upon scrutiny of the Analytics Report, it has been observed that one such firm i.e. M/s. Murali Traders (IEC-GTPM5995G), filed shipping bills through M/s. Pavithra Impex (CB Code-AASFP5574GCH002) (Custom Broker) during the period from July 2017 to March 2023 through INNSA1 (Nhava-Sheva). Details of the Shipping Bills (under LUT) filed by the exporter along with Drawback status as received vide Drawback Section letter F.No. S/12-Gen-Misc-55/2020-21/DBK JNCH dated 16.01.2024 (**RUD-I**), are as follows:

TABLE-A

S.No.	SB no.	SB date	Drawback	RoSCTL	DBK Status	BRC Status
1	3489208	13.08.2022	128091.5	288506	SCROLL No. 79443 dt 08.12.2022	FOB not realized
2	3489056	13.08.2022	124123.4	292480		FOB not realized
3	3625925	20.08.2022	181210.7	375993	SB Cancelled	FOB not realized

3. During the investigation, remittances data revealed that no foreign remittance has been received as per FEMA regulations. Details of the shipping bills where no BRC/foreign remittance has been realized against this IEC are provided in **Table A**. In the absence of foreign remittance for these shipping bills, the claimed export incentives, such as Drawback and ROSCTL, are liable to be recovered from the exporter.

PROCEEDINGS OF THE INVESTIGATION:

4. During investigation, ICES data was scrutinized, on perusal of the Export data with information received from DBK Section it is observed that M/s. Murali Traders (IEC- GTPM5995G) exported goods under 02 shipping bills



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2. Upon scrutiny of the Analytics Report, it has been observed that one such firm i.e. M/s. Murali Traders (IEC-GTPM5995G), filed shipping bills through M/s. Pavithra Impex (CB Code-AASFP5574GCH002) (Custom Broker) during the period from July 2017 to March 2023 through INNSA1 (Nhava-Sheva). Details of the Shipping Bills (under LUT) filed by the exporter alongwith Drawback status as received vide Drawback Section letter F.No. S/12-Gen-Misc-55/2020-21/DBK JNCH dated 16.01.2024 (**RUD-I**), are as follows:

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3. During the investigation, remittances data revealed that no foreign remittance has been received as per FEMA regulations. Details of the shipping bills where no BRC/foreign remittance has been realized against this IEC are provided in **Table A**. In the absence of foreign remittance for these shipping bills, the claimed export incentives, such as Drawback and ROSCTL, are liable to be recovered from the exporter.

PROCEEDINGS OF THE INVESTIGATION:

4. During investigation, ICES data was scrutinized, on perusal of the Export data with information received from DBK Section it is observed that M/s. Murali Traders (IEC- GTPM5995G) exported goods under 02 shipping bills

through CB M/s Pavithra Impex. The exporter claimed a Drawback amount of Rs. 2,52,215/-, RoSCTL benefits of Rs. 5,80,986/-. However, as per 1.5 System, the 'FOB is not realized' for the exported goods and status of BRC for the shipping bills mentioned in table below:

TABLE-B

Sr. No.	SB no.	SB date	FOB (in Rs.)	Drawback	RoSCTL	DBK Status
1.	3489208	13.08.2022	5352542.32	128091.5	288506	SCROLL No. 79443 dt 08.12.2022
2.	3489056	13.08.2022	5124456.68	124123.4	292480	SCROLL No. 79443 dt 08.12.2022
Total amount (in Rs):			1,04,76,999/-	2,52,214.9	5,80,986/-	

5. Going through GSTIN status of above-mentioned Exporters, it was found that GSTIN of this exporter stand cancelled suo-moto as per following details:

Sr. No.	Exporter Name (M/s)	IEC	GSTIN	GSTIN Status
1.	MURALI TRADERS	GPTPM5995G	24GPTPM5995G1ZZ	Cancelled suo- moto (Effective from 19/05/2022)

SUMMONS & STATEMENTS:

6. Details of summonses issued to all CBs and Exporters are as follows:

Sr. No.	Exporter/CB (M/s)	DIN	Summon Issue Date	Appearance Date
1.	Pavithra Impex	20230578NT000000E108	22.05.2023	08.06.2023
		20230678NT000000F269	27.06.2023	20.07.2023
		20240178NT000038483B	19.01.2024	29.01.2024
2.	Murali Traders	20230678NT000000E589	27.06.2023	20.07.2023
		20250178NT000088558F	13.01.2025	21.01.2025
		20250678NT0000914289	19.06.2025	26.06.2025

GIST OF STATEMENTS OF REPRODUCED BELOW:

7. Summonses were issued to exporter and CB, M/s Pavithra Impex at their address as detailed above in Para 6. However, none from the exporter, M/s Pavithra Impex contacted this office or presented themselves with respect to summonses.

8. On receipt of Summons CBIC-DIN- 20240178NT000038483B dated 19.01.2024 to appear before Customs for the recording of the Statement u/s 108 of the Customs Act 1962, statement of Shri. Prabhakar Waydande, authorized representative of Custom Broker M/s. Pavithra Impex (CB No. AASFP5574GCH002), CB of Exporter M/s. Murali Traders, having PAN Card No. AAXPW9235C and CB card No. 1645/2019, residing at House No. 40, Shrigon Road, Opposite Panvelkar Complex, Badlapur East, Mumbai- 421503, was recorded on 30.01.2024 in the office of Special Investigation and Intelligence Branch (Exports) situated at Room No. 604, C-Wing, 6th floor, Jawaharlal Nehru Custom House, Nhava Sheva, Taluka - Uran, District -

Raigad, Maharashtra – 400707 (**RUD-II**) wherein he inter-alia stated that;

- i. *He has submitted letter of authority, PAN card copy and form-G identity card.*
- ii. *On being asked, being a CB, whether they verified the physical existence of the exporter at their registered place of business at the address of IEC, as mandated by CBLR 2018, the CB, replied that, they had verified the address on the time of acceptance of business with the help of their acquaintance.*
- iii. *On being asked, the exporter has filed 03 shipping Bills from INNSA1, during the period from 13.08.2022 to 20.08.2022, that were cleared by the CB, the taxpayer has not received the foreign remittances in respect of these S/Bs, the CB, replied that, they just clear shipment from Customs and handover the documents to the exporter and foreign remittance is not their concern.*

9. RELEVANT LEGAL PROVISIONS:

A. Customs Act, 1962:

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

Section 50: Entry of goods for Exportation. –

(1) The Exporter of any goods shall make entry thereof by presenting [electronically] [on the customs automated system] to the proper officer in the case of goods to be Exported in a vessel or aircraft, a Shipping Bill, and in the case of goods to be Exported by land, a bill of Export [in such form and manner as may be prescribed]:

Provided that the [Principal Commissioner of Customs or Commissioner of Customs] may, in cases where it is not feasible to make entry by presenting electronically [on the customs automated system], allow an entry to be presented in any other manner.]

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

(3) The Exporter who presents a Shipping Bill or bill of Export under this section shall ensure the following, namely: -

- (a) the accuracy and completeness of the information given therein;
- (b) the authenticity and validity of any document supporting it; and
- (c) compliance with the restriction or prohibition, if any, relating to the goods under this Act or under any other law for the time being in force.

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

Section 113(ia): Any goods entered for Exportation under claim for drawback which do not correspond in any material particular with any information furnished by the Exporter or manufacturer under this Act in relation to the fixation of the rate of drawback under Section 75, shall be liable to confiscation;

Section 113(ja): any goods entered for Exportation under claim of remission or refund of any duty or tax or levy to make a wrongful claim in contravention of the Provisions of this Act or any other law for the time being in force;

Section 114(iii): Any person who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 113, or abets the doing or omission of such an act, shall be liable, in the case of any other goods, to a penalty not exceeding the value of the goods as declared by the Exporter or the value as determined under this Act, whichever is the greater;

Section 114AA: Penalty for use of false and incorrect material. -

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

Section 114AC: Penalty for fraudulent utilisation of input tax credit for claiming refund. -

Where any person has obtained any invoice by fraud, collusion, wilful misstatement or suppression of facts to utilise input tax credit on the basis of such invoice for discharging any duty or tax on goods that are entered for Exportation under claim of refund of such duty or tax, such person shall be liable for penalty not exceeding five times the refund claimed. For the purposes of this section, the expression "input tax credit" shall have the same meaning as assigned to it in clause (63) of section 2 of the Central Goods and Services Tax Act, 2017 (12 of 2017).

Section 114AB: Penalty for obtaining instrument by fraud, etc. - Where any person has obtained any instrument by fraud, collusion, wilful misstatement or suppression of facts and such instrument has been utilised by such person or any other person for discharging duty, the person to whom the instrument was issued shall be liable for penalty not exceeding the face value of such instrument.

Explanation. -For the purposes of this section, the expression "instrument" shall have the same meaning as assigned to it in the Explanation 1 to section 28AAA.]

Section 28AAA: Recovery of duties in certain cases. - (1) Where an instrument issued to a person has been obtained by him by means of-

- (a) collusion; or
- (b) wilful mis-statement; or
- (c) Suppression of facts,

for the purposes of this Act or the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), or any other law, or any scheme of the Central Government, for the time being in force, by such person] or his agent or employee and such instrument is utilized under the Provisions of this Act or the Rules or regulations made or notifications issued there under, 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.

Section 28AA of the Customs Act, 1962: 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 there under, 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.

(3) Notwithstanding anything contained in sub-section (1), no interest shall be payable where,

(a) the duty becomes payable consequent to the issue of an order, instruction or direction by the Board under section 151A; and

(b) such amount of duty is voluntarily paid in full, within forty-five days from the date of issue of such order, instruction or direction, without reserving any right to appeal against the said payment at any subsequent stage of such payment.

Section 75A(2) of Customs Act, 1962: 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.

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

C. Foreign Trade (Regulation) Rules, 1993

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

D. Relevant paras of Notification no. 25/2023-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 realisation 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 realised 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 realised, 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 realised 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.

E. Customs Brokers Licensing Regulations, 2018:

9. Obligations of Customs Broker— A Customs Broker shall —

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

F. 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.

10. FINDINGS OF INVESTIGATION:

10.1 NCTC Analytics Report No. 43/2022-23 dated 16.03.2023 identified that **M/s. Murali Traders (IEC- GPTPM5995G)** is non-existent entity and do not have any physical existence or operational business addresses. This, along with the absence of foreign remittances as per the FEMA regulations and the failure to realize the required Bank Realization Certificates (BRCs), indicates a deliberate attempt to mislead and exploit the export incentive system. Moreover, shipping bills filed by the exporter was not supported by valid foreign remittance receipts (within RBI Mandated period) thus failing to meet the basic conditions for export incentives, such as the Drawback and RoSCTL.

10.2 The failure of the exporter and Customs Broker to comply with statutory requirements under the Customs Act, 1962, and CBLR 2018 raises serious concerns. The deliberate attempt to defraud the government by misrepresenting exports and unlawfully claiming benefits constitutes a violation of the provisions of the Customs Act, 1962 and the Foreign Trade (Development & Regulation) Act 1992 & the Foreign Trade Rules 1993. The exporter's actions have violated the conditions necessary for claiming export benefits, and the Customs Broker failed to discharge his obligations under the CBLR, thus contributing to the fraudulent activity. Since the exporter is non-existent, no samples or subject goods related to the shipping bills are available.

10.3 As per NCTC Alert and further scrutiny of records at ICES, it appears that the exporter has fraudulently claimed export incentives, including Drawback, RoSCTL and RoDTEP meant for bona fide exporters, without the intention of realizing the requisite foreign remittances.

11. Findings against M/s. Murali Traders (IEC- GTPM5995G), CB- M/s. Pavithra Impex:

11.1 Role of Exporter, M/s. Murali Traders (IEC- GTPM5995G): M/s. Murali Traders filed 03 shipping bills i.e. SB No. 6631894 dated 10.12.2021, SB No. 6694054 dated 13.12.2021 and SB No. 3625925 dated 20.08.2022, out of which 01 shipping bill i.e. SB No. 3625925 dated 20.08.2022 was purged. Despite knowing that M/s. Murali Traders (IEC- GTPM5995G) was not receiving remittances, they fraudulently and deliberately exported goods under the shipping bills mentioned in Table B above. As per NCTC Analytics Report No. 43/2022-23 dated 16.03.2023, the jurisdictional CGST formations verified that M/s. Murali Traders (IEC- GTPM5995G) is non-existent. Being a non-existent/dubious entity, M/s. Murali Traders (IEC- GTPM5995G) filed 02 shipping bills as mentioned with the sole intention of obtaining illegitimate benefits of Drawback and RoSCTL.

11.2 Despite knowing that M/s. Murali Traders (IEC- GTPM5995G) was not receiving remittances, they fraudulently and deliberately exported goods under these shipping bills to accrue these benefits. Even after a considerable lapse of time, the BRC for the exports covered under the aforementioned shipping bills has not been realized. This action has rendered the goods liable for confiscation under 113(ia), and 113(ja) of the Customs Act, 1962.

11.3 The exporter had violated the Provisions of Rule 11 of the Foreign Trade (Regulations), 1993 in as much, as they did not make a correct declaration of goods in the Shipping Bill filed by them to the Customs authorities.

11.4 As the exporter had not made declaration truthfully in the said Shipping Bills, they have violated the conditions of Section 50(2) of the Customs Act, 1962. Hence, it appears that there was a deliberate mis- declaration, mis-statement and suppression of facts on the part of the exporter with mala-fide intention to claim undue export benefits not legitimately payable to them.

11.5 It appeared that the goods were exported by the said exporters in violation of Section 50(2) of the Customs Act, 1962 read with Section 11(1) of Foreign Trade (Development & Regulation) Act 1992 & Rules 11 of Foreign Trade Rules 1993, as Exporter had furnished wrong declaration to the Custom Authorities.

11.6 Summonses to the Exporter have been dispatched to Exporter's address mentioned in the IEC by this office. However, the exporter has not responded to the summonses issued to him.

11.7 It further appears that the Exporter M/s. Murali Traders (IEC- GTPM5995G) have rendered themselves liable to penalty in terms of Section 114(iii) of the Customs Act, 1962 on account of non-receipt of the foreign remittance in Shipping Bills filed by the Exporter as mentioned at Table-B above. NCTC Analytics Report No. 43/2022-23 dated 16.03.2023 identified that the exporter was non-existent entity and the exporter did not have any physical

existence or operational business addresses. This, along with the absence of foreign remittances as per the FEMA regulations and the failure to realize the required Bank Realization Certificates (BRCs), indicates a deliberate attempt to mislead and exploit the export incentive system. Therefore, the exporter has knowingly & intentionally signed and used the documents to receive the undue advantage with mala-fide intent to avail undue/excess Export benefits in form of Drawback and ROSCTL. Therefore, M/s. Murali Traders (IEC- GPTPM5995G) also liable for penalty in terms of Section 114AA of Customs Act, 1962 for this intentional mis-declaration.

11.8 As discussed above, the exporter has knowingly and intentionally signed and used the documents to receive the undue advantage with mala-fide intent to avail undue/excess Export benefits such as ROSCTL. The exporter M/s. Murali Traders (IEC- GPTPM5995G) have rendered themselves liable to penalty in terms of Section 114AB of the Customs Act, 1962 on account of non-receipt of the foreign remittance in Shipping Bills filed by the Exporter as mentioned at Table-B above.

11.9 As per NCTC Analytics Report No. 43/2022-23 dated 16.03.2023, M/s. Murali Traders (IEC- GPTPM5995G) is non-existent entity and jurisdictional CGST formations confirmed that these exporters were non-existent. Further, the GST status of the exporter was ascertained from the GSTN Portal and it was seen that the Effective date of GST registration of the exporter is 19.05.2022 and shown as Cancelled suo- moto Effective from the same day i.e. 19.05.2022 itself. The suo-motu cancellation of GST registration indicates that the exporter has failed to comply with the GST Law. NCTC verified from the jurisdictional CGST formations that the exporter is non-existent. Thereby rendering the goods in Shipping Bills mentioned at Table-B, liable for confiscation under Section 113(ia) and 113(ja) of the Customs Act, 1962. Furthermore, remittance has not been received in respect of Shipping Bills filed by the Exporter as mentioned at Table-B above. Hence, it appears M/s. Murali Traders (IEC- GPTPM5995G) have rendered themselves liable to penalty in terms of Section 114AA, 114AB & 114AC of the Customs Act, 1962 for reason mentioned above.

12.1 Role of Custom Broker M/s. Pavithra Impex: During investigation, in response to Summons CBIC-DIN- 20240178NT000038483B dated 19.01.2024, a statement from Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019) authorized representative of Custom Broker M/s. Pavithra Impex (CB No. AASFP5574GCH002), was recorded on 30.01.2024. In his statement, he mentioned that they verified the address of exporter M/s Murali Traders physically. He added that BRC was not their responsibility and that the exporter would be the appropriate party to clarify its status. The CB failed to verify the veracity and authenticity of M/s. Murali Traders (IEC GPTPM5995G). Regulation 10(n) of CBLR, 2018 mandates that the CB must verify the correctness of the IEC, GSTIN, the identity of the client, and the client's functioning at the declared address using reliable and authentic documents. In this case, the CB merely collected copies of the IEC and GST registration and started filing shipping bills on behalf of the exporter. Although the CB claimed to have verified the address, no supporting evidence was provided. In view of the irrefutable evidence of GSTIN registration on 19.05.2022 and cancellation immediately on the same day, the CB has not given his truthful submission w.r.t. registration of GST. In spite of knowing

that the exporter's GSTIN is cancelled, the CB deliberately suppressed and misrepresented by filing claim for RoSCTL in the impugned Shipping Bills. Hence, the CB's failure to independently verify the legitimacy of the exporter led to the submission of fraudulent shipping bills. Further, the regulation 10(d) of the CBLR, 2018 mandates that the Customs Broker shall advise his client to comply with the provisions of the Act, other allied Acts and the rules and regulations thereof, and in case of non-compliance, shall bring the matter to the notice of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, which the CB has failed to do. The CB has violated regulation 10(d) and 10(n) of CBLR, 2018 and is thus liable for penalties under Section 114(iii) and 114AA of the Customs Act, 1962.

12.2 Role of Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019): In the aforementioned violations committed by the Exporter, it appears that Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019) authorized representative of Custom Broker M/s. Pavithra Impex (CB No. AASFP5574GCH002) has played an active role. From the investigations conducted, it is brought out that he has cleared export consignments of exporters including the subject exporter under investigations and being a G Card holder is well aware of the Customs Rules & regulations. Even though the exporter has not provided any Supplier GSTN invoice, he has filed for claiming ineligible RoSCTL. Further, he had not physically verified whether the exporter PPOB was genuine or not. The role of Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019) is also seen in another Case file of one Exporter M/s Meghna Enterprises (IEC: JTGPK9348F) wherein exporter was found nonfunctioning at the PPOB and violations with respect to overvaluation, misclassification to claim excess ineligible Drawback, RoSCTL was registered and SCN issued. Accordingly, by repeating the same offences, Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019) is a repeat offender and hence has violated regulation 10(d) and 10(n) of CBLR, 2018 and is thus liable for penalties under Section 114(iii) and 114AA of the Customs Act, 1962.

13. Now therefore, **M/s. Murali Traders (IEC- GPTPM5995G)**, with the registered address at Shop No.29-X, Gruham Empire, Sayan Road, Amroli Kosad, Surat, Gujarat-394107, are hereby called upon to Show Cause to the Addl./Joint Commissioner of Customs, CAC, 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 covered under the 02 shipping bills mentioned in Table B, with a total declared FOB value of Rs. 1,04,76,999. 0 0 should not be confiscated under Sections 113(ia) and 113(ja) of the Customs Act, 1962;
- (ii) The total drawback of Rs. 2,52,215/- claimed in the aforementioned shipping bills at Table-B above should not be recovered on account of non- receipt of remittance along with applicable interest under Section 75 and 75A of the Customs Act 1962 read with Rule 17 &18 of the drawback Rules, 2017;
- (iii) The total RoSCTL scrips should not be held liable for suspension and cancellation and the amount of Rs. 5,80,986/- claimed in the aforementioned Shipping Bills at Table-B above should not be

recovered on account of non-receipt of remittance in terms of Section 28AAA of the Customs Act, 1962 and Notification No. 77/2021-Cus (N.T) dated 24.09.2021 & 25/2023-Cus (N.T) dated 01.04.2023 along with applicable interest under section 28AA of the Customs Act, 1962;

- (iv) M/s. Murali Traders (IEC- GPTPM5995G) should not be held liable for penalty under Section 114(iii) of the Customs Act, 1962 for reasons as mentioned above;
- (v) M/s. Murali Traders (IEC- GPTPM5995G) should not be held liable for penalty under Section 114AA of the Customs Act, 1962 for reasons as mentioned above;
- (vi) M/s. Murali Traders (IEC- GPTPM5995G) should not be held liable for penalty under Section 114AB of the Customs Act, 1962 on account of claiming export incentives/benefits without receipt of the foreign remittance in Shipping Bill Nos. mentioned in Table-B filed by the Exporter;
- (vii) M/s. Murali Traders (IEC- GPTPM5995G) should not be held liable for penalty under Section 114AC of the Customs Act, 1962 for reasons mentioned above.

14.1 The Customs Broker, M/s. Pavithra Impex, with address at Office No.2, Plot No.57, GES Progressive Residency, Phansapada Gaondevi Mandir, Sector 19/20, CBD Belapur, Navi Mumbai - 400614 is hereby called upon to Show Cause to the Addl./Joint Commissioner of Customs, CAC, 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** they should not be held liable for penalty under Section 114(iii) & 114AA of the Customs Act, 1962 read with CBLR, 2018.

14.2 Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019), the Authorised Representative of Customs Broker M/s Pavithra Impex being a repeat offender, violated regulation 10(d) and 10(n) of CBLR, 2018 and therefore is hereby called upon to Show Cause to the Addl./Joint Commissioner of Customs, CAC, 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** he should not be held liable for penalties under Section 114(iii) and 114AA of the Customs Act, 1962.

15. 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.

16. This notice is issued without prejudice to any other action that may be taken in respect of the above goods and/or the persons/firms mentioned in the notice under the provisions of the Customs Act, 1962 and/or any other law for the time being in force, in the Republic of India.

17. The Department reserves its rights to amend the show cause notice in case new facts emerge at a later stage. This show cause notice is issued without prejudice to any other action that may be taken against the noticee or any other person under the Customs Act, 1962 or any other law for the time being in force.

18. 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.

 12/02/26

(RAGHU KIRAN B.)

COMMISSIONER OF CUSTOMS (in-situ)
CEAC, NS-II, JNCH, Nhava Sheva

To,

1. M/s Murali Traders, Shop No. 29-X,
Gruham Empire, Sayan Road, Amroli Kosad,
Surat, Gujarat-394107
2. M/s. Pavithra Impex, Office No.2,
Plot No.57, GES Progressive Residency,
Phansapada Gaondevi Mandir, Sector 19/20,
CBD Belapur, Navi Mumbai – 400614
3. Shri. Prabhakar Waydande, G-Card Holder (Cardex No.1645/2019)
Authorised Representative of Customs Broker M/s Pavithra Impex
Office No.2, Plot No.57, GES Progressive Residency,
Phansapada Gaondevi Mandir, Sector 19/20,
CBD Belapur, Navi Mumbai – 400614

Copy to:

- 1) The Principal Commissioner of Customs (General),
New Custom House, Ballard Estate,
Mumbai – 400 001 - for necessary action against CB under CBLR, 2018.
- 2) The Dy/AC, CAC/Drawback/DRC Section, JNCH
- 3) The Asstt. Commissioner of Customs, SIIB (X) & IRMC JNCH.
- 4) Supdt. /CHS, JNCH for display on Notice Board.
- 5) Supdt. /EDI, JNCH for uploading on JNCH website.
- 6) Office Copy.

ANNEXURE - A

List of RUDs:

Sr. No.	List of Relied Upon Documents
RUD- I	Drawback Section letter F.No. S/12-Gen-Misc-55/2020-21/DBK JNCH dated 16.01.2024
RUD II	Statement of Shri. Prabhakar Waydande, authorized representative of Custom Broker M/s. Pavithra Impex (CB No. AASFP5574GCH002) recorded u/s 108 of the Customs Act 1962



भारत सरकार/ Government of India
वित्त मंत्रालय / Ministry of Finance
सीमाशुल्क आयुक्त (एनएस-२) का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (NS- II),
जवाहरलाल नेहरू सीमाशुल्कभवन, न्हावाशेवा,
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
तालुका - उरण, जिला - रायगढ़, महाराष्ट्र- ४००७०७.
TAL-URAN, DISTRICT - RAIGAD, MAHARASHTRA -400 707.



F. No. S/12-Gen-Misc-55/2020-21/DBK JNCH

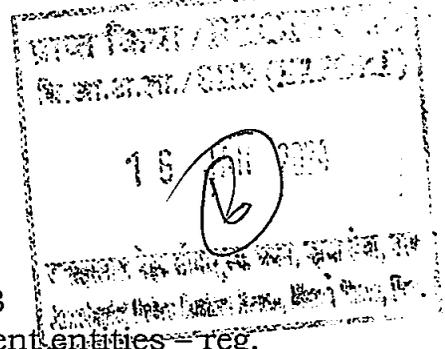
Date: .01.2024

To

The Assistant Commissioner of Customs
S.I.I.B. (X), J.N.C.H., Nhava Sheva,
Navi Mumbai.

Sir,

Subject: Analytics Report No. 43/2022-23
Fraudulent exports by non-existent entities - reg.



Adw
S.I.I.B. (X)

Please refer to your letter dated 02.11.2023 on the above mentioned subject. The required information in the above said letter is as follows:

Sr No	Shippin g bill No.	Date	Exporters Name	IEC	REMARK
1	1052042	4/29/2022	MATS CREATION	EGKPS0689M	GST PROCESS CLOSED
2	1298334	5/10/2022		CIU ALERT 28.06.2022 AS	GST PROCESS CLOSED
3	1301644	5/10/2022		PER AVAILABLE RECORD	RODTEP SUSPEND
4	1355267	5/12/2022			GST PROCESS CLOSED/ SCROLL NO 65837 DT.23.06.2022
5	1355296	5/12/2022			GST PROCESS CLOSED/ SCROLL NO 65685 DT.20.06.2022
6	1369519	5/13/2022			GST PROCESS CLOSED
7	1481004	5/18/2022			GST PROCESS CLOSED/ SCROLL NO 65837 DT.23.06.2022
8	1481037	5/18/2022			GST PROCESS CLOSED
9	1502694	5/19/2022			GST PROCESS CLOSED/ SCROLL NO 65850

77	4313892	9/2/2021	AYESHA TRADERS	AVAILABLE RECORD CGZPA8947H CIU ALERT	SB CANCELLED
78	4314415	9/2/2021			TO BE EXAMINED
79	4362228	9/4/2021			SCROLL NO 57422 DT 02.1.2021
80	4362232	9/4/2021			SCROLL NO 55851 DT. 09.11.2021
81	4362235	9/4/2021			SHORT SHIPMENT
82	4362290	9/4/2021			SCROLL NO 54035 DT 11.10.2021
83	4568094	9/14/2021			SCROLL NO 53667 DT 28.9.2021
84	4568099	9/14/2021			SCROLL NO 53864 DT 06.10.2021
85	4568377	9/14/2021			SCROLL NO 56924 DT 24.11.2021
86	4593621	9/15/2021			SB CANCELLED
87	4851065	9/25/2021			SCROLL NO 57422 DT 02.12.2021
88	4889085	9/27/2021			SB CANCELLED
89	4893763	9/27/2021			SB CANCELLED
90	5057731	10/4/2021			SB CANCELLED
91	5058341	10/4/2021	SB CANCELLED		
92	5059113	10/4/2021	SB CANCELLED		
93	3489056	8/13/2022	MURALI TRADERS	GPTPM5995G	SCROLL NO. 79443 DT. 08.12.2022
94	3489208	8/13/2022			SCROLL NO. 79443 DT. 08.12.2022
95	3625925	8/20/2022			SB CANCELLED
96	4033980	9/7/2022	RACHNA IMPEX	NXOPS5336B SIIB (X) ALERT 12.08.2022 AS PER AVAILABLE RECORD	DBK SUSPEND
97	4180552	9/14/2022	RACHNA IMPEX	NXOPS5336B SIIB (X) ALERT 12.08.2022 AS PER AVAILABLE RECORD	SB CANCELLED
98	4180961	9/14/2022			SB CANCELLED

14/

01/10/21

01/10/21

20/11/2021

20/11/2021

99	4898960	10/18/2022	DELTA	BWYPP4270L	EXAM OVER
100	4903410	10/18/2022	ENTERPRISES	SIIB (X) ALERT 30.11.2022 AS PER AVAILABLE RECORD	EXAM OVER
101	6631894	12/10/2021	SUCHAND	BEHPC5903A	SCROLL NO. 59641 DT. 20.01.2022
102	6694054	12/13/2021	TRADERS		

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Yours faithfully,

 16/01/2022

(**SHAIKH SALMAN**)
 Deputy Commissioner of Customs,
 Drawback Section, JNCH

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Statement of Shri PRABHAKAR WAYDANDE, authorized representative of Customs Broker, PAVITHRA IMPEX (CB AASFP5574GCH002), at Office No 2, Plot No 57, GES Progressive Residency, Phansapada Gaondevi Mandir, Sector 19/20, CBD Belapur, Navi Mumbai – 400614, recorded under section 108 of the Custom Act, 1962, in the office of SIIB(X) JNCH, Nhava Sheva, at C-604, 6th floor, Jawaharlal Nehru Custom House, Nhava Sheva, Dist- Raigad, Maharashtra- 400707, On 30.01.2024.

In compliance to the Summon CBIC DIN 20240178NT000038483B dated 19.01.2024, issued under signature of Mrs. Hemangi S. Kharade, Superintendent of Customs, SIIB(X), I present myself to give statement u/s 108 of The Custom Act, 1962, on behalf of PAVITHRA IMPEX, I am authorized representative of PAVITHRA IMPEX and is recording statement, in the ongoing investigation. 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 u/s 193 of the Indian Penal Code 1860. I am also informed that this statement of mine can be used as evidence against me or any other person in any court of law, or for any adjudication proceedings. Having understood the provisions of section 108 of the Customs Act 1962, I am giving my true, correct and voluntary statement which goes below:

My full name is PRABHAKAR WAYDANDE (DOB: 02/06/1957). I stay at House No 40, Shrigon Road, Opposite Panvelkar Complex, Badlapur East, Mumbai- 421503. I am 67 years old and I can read, write and understand Hindi, Marathi & English. I have done B.Com from Shivaji University, Kolhapur. I am requesting SIIB(X)'s officer to type my statement on computer as per my say. My mobile No. is 9309777624. I am married. I am staying with my family at the above address along with my Wife and 2 children. For the proof of my identity, I am submitting self-attested copy of my PAN card No AAXPW9235C and my CB card No 1645/2019. My saving bank account no. 19520110042540 is with Uco Bank, at CBD Belapur.

Q. 1 ADG, DGARM, NCTC, Mumbai vide Analytics Report 43/2022-23 dated 16.03.2023 has informed that on verification carried out by jurisdictional CGST formations the exporter M/s Murli Traders (IEC GTPPM5995G) at Shop No 29-X, Gruham Empire, Sayan Road, Amroli Kosad , SURAT, GUJARAT-394107 is found to be non-existent. Please sign the same as a token of having seen it. Have you verified the physical existence of the exporter at their registered place of business at the address of IEC, as mandated by CBLR 2018?

Ans. Yes, we had verified the address of exporter physically at that time.

Q. 2 Being the authorized CB of the exporter, Murli Traders (IEC GTPPM5995G), which documents are you submitting today?

Ans. I am submitting copies of Authority Letter, my PAN card, Form-G identity card.

W. J. J. J.
30.01.2024
Prabhakar Waydande
Cardex No. 1645/2019

Q. 3 You are being shown data retrieved from 1.5 system, of the 03 export consignments you had cleared from INNSAA1 for the exporter Murli Traders, i.e. Customs Mumbai Zone -II.

Murli Traders	GPTPM5995G	3489208 dt 13.08.2022
		3625925 dt 20.08.2022
		3489056 dt 13.08.2022

Please sign the same as a token of having seen these SBs.

Ans : I am signing the same as a token of having seen these SBs.

Q. 4 Now, you are shown, details of export incentives availed by Murli Traders (IEC GPTPM5995G), for the export consignments, vide the above 08 S/Bs, received from NCTC, DGARM vide Analytics report no 43/2022-23 dated 16.03.2023, as detailed below:

CHS Code	CB Name	Port of Filling	FOB	No of S/Bs	DBK Amt	RoDTEP/ RoSCTL Amt	IGST Amt
AASFP5574GCH002	Pavithra Impex	INNSA1	3,56,69,641	08	824645	1707210	LUT

Data as per ICES 1.5

CHS Code	CB Name	Port of Filling	No of S/Bs	DBK Amt	RoDTEP/ RoSCTL Amt	IGST Amt
AASFP5574GCH002	Pavithra Impex	INNSA1	03	2,52,215	Yet to be received	LUT

Please sign on the same as a token of seen.

Ans. I am signing on the document as a proof of having seen them.

Q. 5 As per data from ICES 1.5 the exporter has filed 03 shipping bill from INNSA1, i.e. JNCH, during the period from 13.08.2022 to 20.08.2022. The taxpayer has not received the foreign remittances in respect of these S/Bs.

Please register your say in the matter.

Ans. As a CHA, we are just getting the shipment cleared from Customs and handover the documents to the exporter. Foreign remittance is not our concern.

my
30-01-2024
Prabhakar Wajadkar
Card No. 164/2019

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Q. 6 Are you aware of the obligations of Customs broker given under CBLR, 2018? Also sign the copy of CBLR, 2018 as a token of having seen it.

Ans Yes, I am aware of obligations of Customs broker under CBLR, 2018. I am also signing the copy of CBLR, 2018 as a token of having seen it.

Q. 7 Do you agree, that non-existent exporter, Murli Traders (IEC GPTPM5995G) , has fraudulently availed export incentives like DBK and RoDTEP/RoSCTL, as the BRCs, i.e. foreign remittances have not been received in this Dept.

Ans. We are not aware of that.

Q. 8 Do you wish to bring anything else, on record, in the subject case?

Ans. Nothing.

The above statement of mine, running into 03 pages, has been given as my true, correct and voluntary without any force, threat, inducement or correction. On my request, the said statement has been typed on the office computer of SIIB(X), JNCH, Nhava Sheva, Dist. Raigad, Maharashtra – 400 707. 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. I have nothing more to add. This Statement of mine is correctly recorded as per my say, peacefully concluded at 16:00 o'clock on 30.01.2024.

by
top
30.01.2024
Candex No. 1645/2019
(PRABHAKAR WAYDANDE)
Authorized representative of PAVITHRA IMPEX

Vikash
30/01/24
Typed by me
(Vikash Sharma)
IO/SIIB(X)

H.S. Kharade
30/1/24
Recorded by me
(H.S. Kharade)
SIO/SIIB(X)/JNCH

Statement of Shri PRABHAKAR WAYDANDE, authorized representative of Customs Broker, PAVITHRA IMPEX (CB AASFP5574GCH002), at Office No 2, Plot No 57, GES Progressive Residency, Phansapada Gaondevi Mandir, Sector 19/20, CBD Belapur, Navi Mumbai – 400614, recorded under section 108 of the Custom Act, 1962, in the office of SIIB(X) JNCH, Nhava Sheva, at C-604, 6th floor, Jawaharlal Nehru Custom House, Nhava Sheva, Dist- Raigad, Maharashtra- 400707, On 30.01.2024.

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h/af
30.01.2024
Prabhakar Waydande
card no. 1645/2019