



प्रधान आयुक्त का कार्यालय, सीमा शुल्क, अहमदाबाद

"सीमा शुल्क भवन, "पहली मंजिल, पुराने हाई कोर्ट के सामने, नवरंगपुरा, अहमदाबाद – 380 009.

दूरभाष : (079) 2754 4630 फ़ैक्स : (079) 2754 2343 E-mail: cus-ahmd-adj@gov.in

SHOW CAUSE NOTICE

M/s Raj Borax Pvt Ltd, C-1-2402/1, GIDC, Sarigam, Tal. Umbergaon, Valsad, Gujarat having registered office at 803, Hubtown Solaris, 8th Floor, N.S. Phadke Marg, Near East West Flyover, Andheri [East], Mumbai-400 069 (IEC No. 0307024423) [hereinafter referred to as M/s 'Raj Borax' or 'the importer' for sake of brevity] imported Ground Colemanite B2O3 40% Natural Boron Ore by classifying under CTH 25280090 of Customs Tariff Act, 1975 and availing exemption from payment of Basic Customs duty as Sr. 130 of Customs Notification No. 50/2017 dated 30.06.2017 and Sr. 113 of Customs Notification No. 12/2012-Cus dated 17.03.2012, as amended vide Notification No 28/2015-Cus dated 30.04.2015 for period from 01.07.2017 to 15.10.2020 and 01.04.2015 to 30.06.2017 respectively.

2. An intelligence gathered indicated that some importers are importing Ground Colemanite 40% B2O3 under CTH 25280090 wrongly claiming exemption as per Sr. No. 130 of Notification No. 50/2017-Cus dated 30.06.2017 by mis-declaring the product as Natural Bore Ore as exemption is available only to Boron Ore under said notification. Acting on the intelligence, necessary details were verified from ICES regarding import of said item and it is noticed that one consignment under Bill of Entry No 6280505 dated 30.12.2019 of M/s Raj Borax Pvt Ltd were under process for clearance from CFS-Seabird, Hazira. Accordingly, the Deputy Commissioner, Adani Hazira Port, Hazira was requested to put the consignment, declared under Bill of Entry No 6280505 dated 30.12.2019, on hold for drawal of sample and further investigation.

3. The officers of SIIB, Customs, Surat visited CFS-Seabird, Seabird Marine Services Pvt Ltd, Hazira, Surat on 14.01.2020 and it was noticed that CHA, namely, M/s Steadfast Impexp, filed said Bill of Entry bearing No 6280505 Dated 30.12.2019 on behalf of M/s Raj Borax Pvt Ltd containing eight containers of Ground Colemanite 40% B2O3. Therefore, representative samples were drawn under panchnama dated 14.01.2020 (RUD-1) in presence of two independent panchas, Shri Milind Mukadam, Dy Manager, CFS-Seabird, Hazira and Shri Harish Kumar, H-Card Holder of M/s Steadfast Impexp from one of the containers bearing No. PONU0040272 of Bill of Entry No. 6280505 Dated 30.12.2019 (RUD-2). The sample drawn was sent to CRCL,

Vadodara vide Test Memo No 03/2019-20 dated 16.01.2020 **(RUD-3)** to ascertain following test/parameter to confirm whether the goods declared is Boron Ore or otherwise.

- (i) whether the sample is of goods which are found naturally on the earth or is processed,
- (ii) What is the nature & composition of the goods and whether their percentage is same in which they occur naturally on earth or at the time of extraction from the earth,
- (iii) Whether the goods are processed using calcinations or enriched/concentrated by using any other method and
- (iv) Whether the goods are in crushed/grinded form, ie derived from natural form.

4. The Test report dated 21.01.2020 **(RUD-4)** of sample submitted under Test Memo No 03/2019-20 dated 16.01.2020 in respect of sample drawn under panchnama dated 14.01.2020 was received from CRCL, Vadodara which is reproduced here-under:

The sample is in the form of grayish powder. It is mainly composed of oxides of Boron & Calcium alongwith siliceous matter.

B₂O₃ = 41.6% by wt.

CaO = 27.3 % by wt.

Loss on ignition at 900 degree C = 28.9% by wt.

Loss on drying at 105 degree C = 0.8% by wt.

Above analytical findings reveal that it is processed borate mineral colemanite.

5. From above test report, it is noticed that goods imported under said Bill of Entry is processed Borate Mineral Colemanite and M/s Raj Borax wrongly claimed the benefit of Sr. No. 130 of Notification No 50/2017-Cus 30.06.2017 with intention to evade the Customs duty in respect of the consignment declared under Bill of Entry No. 6280505 dated 30.12.2019. Therefore, goods declared in Bill of Entry No. 6280505 Dated 30.12.2019 totally weighing 192000.000 Kgs V/a Rs. 64,19,232/- [Assessable Value] were seized vide panchnama dated 23.01.2020 **(RUD-5)** under Section 110(1) of Customs Act, 1962 are liable to confiscation under Section 111(m) of Customs Act, 1962. The same was subsequently released provisionally by the competent authority on request of M/s Raj Borax under provisions of Section 110A of the Customs Act, 1962.

6. M/s Raj Borax did not agree with the Test report given by CRCL, Vadodara and therefore, requested the Joint Commissioner of Customs for re-testing of the sample at