



प्रधानआयुक्तकाकार्यालय, सीमाशुल्क, अहमदाबाद

"सीमाशुल्कभवन", पहलीमंजिल, पुरानेहाईकोर्टकेसामने, नवरंगपुरा, अहमदाबाद - 380 009.

Tel.: (079) 2754 4630

Fax: (079) 2754 2343

E-mail: cusoanda@gmail.com

PREAMBLE

DIN: 20211271MN0000333FD2

A	फाइलसंख्या / File No.	:	F. No. VIII/10-150/Prev/O&A/HQ/2020-21
B	कारण ब्रताओ नोटिस संख्या -तारीख / Show Cause Notice No. and Date	:	VIII/48-15/PI/HQ/2020-21 dated 28.12.2021
C	मूलआदेशसंख्या / Order-In-Original No.	:	75/ADC/AKS/O&A/2021-22
D	आदेशतिथि / Date of Order-In-Original	:	27.12.2021
E	जागीकरणेकीतारीख / Date of Issue	:	27.12.2021
F	द्वारापारित / Passed By	:	Abilash K. Sreenivasan, Additional Commissioner, Customs, Ahmedabad.
G	आयातककानामऔरपता / Name and Address of Importer / Noticee	:	M/s Zeta Exports Room No. 10, Khanolkar Lane, Hill Road, Near Mukta Devi Temple, Sion, Maharashtra-400022 and Others
(1)	यहप्रतिव्यक्तिकेउपयोगकेलिएनिः शुल्कप्रदानकियाजाताहैजिन्हेंयहजारीकियाजाताहै।		
(2)	कोईभीव्यक्तिइसआदेशसेस्वयंकोअसंतुष्टपाताहैतोवहइसआदेशकेविरुद्धअपीलइसआदेशकीप्रामिकीतारीखके 60 दिनोंकेभीतरआयुक्तकाकार्यालय,सीमाशुल्क (अपील), 7 वींमंजिल, मृदुलटाँवर, टाइम्सऑफइंडिया, आश्रमरोड, नवरंगपुरा, अहमदाबाद - 380009 मेंकरसकताहै।		
(3)	अपीलकेसाथकेवलपाँचरुपये (5.00 रुपये) केन्यायालयशुल्कटिकटलगाहोनाचाहिए, औरइसकेसाथहोनाचाहिए :		
(i)	अपीलकीएकप्रतिऔर		
(ii)	इसप्रतियाइसआदेशकीकोईप्रतिकेसाथकेवलपाँचरुपये (5.00 रुपये) केन्यायालयशुल्कटिकटलगाहोनाचाहिए।		
(4)	इसआदेशकेविरुद्धअपीलकरनेकेइच्छुकव्यक्तिको 7.5% (अधिकतम 10 करोड़रुपये) शुल्कजमाकरनाहोगा, जहांशुल्कयाड्यूटीऔरजुर्मानाविवादमेंहैं, याजुर्माना, जहांइसतरहकीदंडविवादमेंहैंऔरअपीलकेसाथइसतरहकेभुगतानकाप्रमाणपेशकरनेमेंअसफलरहनेपर,सीमाशुल्कअधिनियम, 1962 केधारा 129 केप्रावधानोंकाअनुपालननकरनेकेलिएअपीलकोखारिजकरदियाजाएगा।		

Brief facts:

Specific intelligence was developed by the Preventive Section of Customs, Custom House, Ahmedabad that M/s. Zeta Exports having IEC No. CAEPK7114B, GSTIN No. 27CAEPK7114B1Z4 & office address at Room No. 10, Khanolkar Lane, Hill Road, Near Mukta Devi Temple, Sion, Maharashtra-400022 had attempted to export various items like electrical capacitors, metal washers from Air Cargo Complex, Ahmedabad by resorting to gross overvaluation as well as mis-declaration in the actual quantity with an intent to avail undue benefits like IGST refund of duty paid on such higher value of the said goods. The live consignments of the said exporter were pending clearance for export lying at Air Cargo Complex, Ahmedabad.

2. Based on the above intelligence, a team of officers of Customs Ahmedabad reached Air Cargo Complex, Ahmedabad and identified total 50 boxes of export cargo covered under total 50 Shipping bills filed by M/s. Zeta Exports. Examination of the export cargo packed in total 50 boxes covered under 50 Shipping Bills were carried out under Panchnama dated 22.06.2020 and 23.06.2020 in the presence of two independent panchas and Shri Sumit Ashok Jha, G card Holder of CHA M/s. Mohak Enterprise, Ahmedabad on behalf of M/s. Zeta Exports & Shri Satish Mansalbhay Patel, AGM – operation, GSEC, Air Cargo Complex, Ahmedabad (Custodian of the goods). The details mentioned in the said 50 Shipping Bills are as detailed in table below:

Sr. no	Shipping bill No.	Date	Corres. Invoice no.	Invoice Date	Description of goods	Qty as per SB	Qty Actually Found	Declared value	Per piece value	Total FOB Value	IGST Amount
1	3199861	16.06.2020	ZT/76/2020	13.06.2020	Electrical Capacitor	1200	1120	480000	400	480000	81000
					Interchangeable parts of hand tool	950	898	498750	525	498750	85500
2	3222150	16.06.2020	ZT/124/2020	16.06.2020	Electrical Capacitor	949	878	379600	400	379600	64057
					Tools for tapping Metals	980	415	490000	500	490000	82026
3	3197167	16.06.2020	ZT/99/2020	15.06.2020	Electrical Capacitor	1065	415	426000	400	426000	71887
					Tools for Stamping and Punching	1200	1209	552000	460	552000	93744
4	3205592	16.06.2020	ZT/94/2020	13.06.2020	Electrical Capacitor	1300	600	520000	400	520000	87750
					Tools for Stamping and Punching	1000	860	460000	460	460000	78120
5	3204624	16.06.2020	ZT/80/2020	13.06.2020	Electrical Capacitor	1000	1000	400000	400	400000	67500
					Interchangeable parts of hand tool	1100	1200	577500	525	577500	99000
6	3204663	16.06.2020	ZT/82/2020	13.06.2020	Electrical Capacitor	1135	1132	454000	400	454000	76612
					Interchangeable parts of hand tool	1000	1000	525000	525	525000	90000

7	3204631	16.06.2020	ZT/83/2020	13.06.2020	Electrical Capacitor	1145	1142	458000	400	458000	77287
					Interchangeable parts of hand tool	1000	890	525000	525	525000	90000
8	3207029	16.06.2020	ZT/84/2020	13.06.2020	Electrical Capacitor	1115	1112	446000	400	446000	75262
					Interchangeable parts of hand tool	1000	1045	525000	525	525000	90000
9	3222167	16.06.2020	ZT/117/2020	16.06.2020	Electrical Capacitor	949	951	379600	400	379600	64057
					Tools for Tapping Metals	925	532	462500	500	462500	77422
10	3222056	16.06.2020	ZT/111/2020	15.06.2020	Electrical Capacitor	940	1050	376000	400	376000	63450
					Interchangeable parts of hand tool	940	825	470000	500	470000	78678
11	3222388	16.06.2020	ZT/106/2020	15.06.2020	Electrical Capacitor	990	1089	396000	400	396000	66825
					Tools for Stamping and Punching	1250	1328	575000	460	575000	97650
12	3222062	16.06.2020	ZT/109/2020	15.06.2020	Electrical Capacitor	850	839	340000	400	340000	57375
					Tools for Tapping Metals	850	847	425000	500	425000	71145
13	3221976	16.06.2020	ZT/108/2020	15.06.2020	Electrical Capacitor	1450	1300	580000	400	580000	97875
					Tools for Stamping and Punching	750	996	345000	460	345000	58590
14	3221969	16.06.2020	ZT/110/2020	15.06.2020	Electrical Capacitor	1000	1015	400000	400	400000	67500
					Tools for Tapping Metals	1000	1125	500000	500	500000	83700
15	3221902	16.06.2020	ZT/102/2020	15.06.2020	Electrical Capacitor	1020	1017	408000	400	404000	68175
					Tools for Stamping and Punching	1250	1275	575000	460	575000	97650
16	3221939	16.06.2020	ZT/105/2020	15.06.2020	Electrical Capacitor	999	1018	399600	400	399600	67432
					Tools for Stamping and Punching	1250	1024	575000	460	575000	97650
17	3205661	16.06.2020	ZT/97/2020	15.06.2020	Electrical Capacitor	1050	379	420000	400	420000	70875
					Tools for Stamping and Punching	1200	1168	552000	460	552000	93744
18	3222152	16.06.2020	ZT/121/2020	16.06.2020	Electrical Capacitor	949	949	379600	400	379600	64057
					Tools for Tapping Metals	965	965	482500	500	482500	80770
19	3199857	16.06.2020	ZT/89/2020	13.06.2020	Electrical Capacitor	1140	603	456000	400	456000	76950
					Interchangeable parts of hand tool	1000	984	525000	525	525000	90000
20	3222277	16.06.2020	ZT/125/2020	16.06.2020	Electrical Capacitor	949	837	379600	400	379600	64057
					Tools for Tapping Metals	900	900	450000	500	450000	75330
21	3222272	16.06.2020	ZT/107/2020	15.06.2020	Electrical Capacitor	1500	1381	600000	400	600000	101250
					Tools for Stamping and Punching	750	739	345000	460	345000	58590
22	3222164	16.06.2020	ZT/122/2020	16.06.2020	Electrical Capacitor	949	597	379600	400	379600	64057
					Tools for Tapping Metals	975	479	487500	500	487500	81607

23	3222075	16.06.2020	ZT/113/2020	15.06.2020	Electrical Capacitor	949	1062	379600	400	379600	64057
					Tools for Tapping Metals	935	418	467500	500	467500	78259
24	3205474	16.06.2020	ZT/93/2020	13.06.2020	Electrical Capacitor	1250	324	500000	400	500000	84375
					Tools for Stamping and Punching	1000	966	460000	460	434000	78120
25	3199858	16.06.2020	ZT/90/2020	13.06.2020	Electrical Capacitor	1130	516	452000	400	452000	76275
					Interchangeable parts of hand tool	1000	595	525000	525	525000	90000
26	3205366	16.06.2020	ZT/92/2020	13.06.2020	Electrical Capacitor	1090	461	436000	400	436000	73575
					Interchangeable parts of hand tool	1000	995	525000	525	525000	90000
27	3199672	16.06.2020	ZT/86/2020	13.06.2020	Electrical Capacitor	1105	1107	442000	400	442000	74587
					Interchangeable parts of hand tool	1000	967	525000	525	525000	90000
28	3222067	16.06.2020	ZT/115/2020	15.06.2020	Electrical Capacitor	949	964	379600	400	379600	64057
					Tools for Tapping Metals	930	290	465000	500	465000	77841
29	322149	16.06.2020	ZT/120/2020	16.06.2020	Electrical Capacitor	949	819	379600	400	379600	64057
					Tools for Tapping Metals	955	466	477500	500	477500	79933
30	327051	16.06.2020	ZT/85/2020	13.06.2020	Electrical Capacitor	1005	911	402000	400	402000	67837
					Interchangeable parts of hand tool	1000	1005	525000	525	525000	90000
31	3221904	16.06.2020	ZT/103/2020	15.06.2020	Electrical Capacitor	1010	989	404000	400	404000	68175
					Tools for Stamping and Punching	1250	1252	575000	460	575000	97650
32	3204692	16.06.2020	ZT/81/2020	13.06.2020	Electrical Capacitor	1125	1132	450000	400	450000	75937
					Interchangeable parts of hand tool	1000	1000	525000	525	525000	90000
33	3199633	16.06.2020	ZT/78/2020	13.06.2020	Electrical Capacitor	1365	1453	546000	400	546000	92137
					Interchangeable parts of hand tool	829	725	435225	525	435225	74610
34	3225467	16.06.2020	ZT/119/2020	16.06.2020	Electrical Capacitor	949	730	379600	400	379600	64057
					Tools for Tapping Metals	970	433	485000	500	485000	81189
35	3222057	16.06.2020	ZT/112/2020	15.06.2020	Electrical Capacitor	949	958	379600	400	379600	64057
					Tools for Tapping Metals	940	360	470000	500	470000	78678
36	3222163	16.06.2020	ZT/118/2020	16.06.2020	Electrical Capacitor	949	971	379600	400	379600	64057
					Tools for Tapping Metals	910	633	455000	500	455000	76167
37	3194801	16.06.2020	ZT/98/2020	15.06.2020	Electrical Capacitor	1080	972	432000	400	432000	72900
					Tools for Stamping and Punching	1200	1194	552000	460	552000	93744
38	3199637	16.06.2020	ZT/88/2020	13.06.2020	Electrical Capacitor	1110	988	444000	400	444000	74925
					Interchangeable parts of hand tool	1000	999	525000	525	525000	90000

39	3199864	16.06.2020	ZT/77/2020	13.06.2020	Electrical Capacitor	1100	895	440000	400	440000	74250
					Interchangeable parts of hand tool	1000	1087	525000	525	525000	90000
40	3222153	16.06.2020	ZT/116/2020	16.06.2020	Electrical Capacitor	949	947	379600	400	379600	64057
					Tools for Tapping Metals	960	438	480000	500	480000	80352
41	3147115	16.06.2020	ZT/100/2020	15.06.2020	Electrical Capacitor	1060	452	424000	400	424000	71550
					Tools for Stamping and Punching	1200	1140	552000	460	552000	93744
42	3205785	16.06.2020	ZT/96/2020	15.06.2020	Electrical Capacitor	1075	823	430000	400	430000	72562
					Tools for Stamping and Punching	1200	1200	552000	460	552000	93744
43	3204693	16.06.2020	ZT/79/2020	13.06.2020	Electrical Capacitor	1175	1161	470000	400	470000	79312
					Interchangeable parts of hand tool	920	806	483000	525	483000	82800
44	3222155	16.06.2020	ZT/114/2020	15.06.2020	Electrical Capacitor	949	953	379600	400	379600	64057
					Tools for Tapping Metals	950	332	475000	500	475000	79515
45	3221897	16.06.2020	ZT/101/2020	15.06.2020	Electrical Capacitor	1000	581	400000	400	400000	67500
					Tools for Stamping and Punching	1250	1187	575000	460	575000	97650
46	3205513	16.06.2020	ZT/95/2020	13.06.2020	Electrical Capacitor	1290	436	516000	400	516000	87075
					Tools for Stamping and Punching	1000	983	460000	460	460000	78120
47	3221885	16.06.2020	ZT/104/2020	15.06.2020	Electrical Capacitor	995	970	398000	400	398000	67162
					Tools for Stamping and Punching	1250	1288	575000	460	575000	97650
48	3222160	16.06.2020	ZT/123/2020	16.06.2020	Electrical Capacitor	949	754	379600	400	379600	64057
					Tools for Tapping Metals	915	424	457500	500	457500	76585
49	3199882	16.06.2020	ZT/87/2020	13.06.2020	Electrical Capacitor	1095	1085	438000	400	438000	73912
					Interchangeable parts of hand tool	1000	990	525000	525	525000	90000
50	3205466	16.06.2020	ZT/91/2020	13.06.2020	Electrical Capacitor	1120	736	448000	400	448000	75600
					Interchangeable parts of hand tool	1000	1100	525000	525	525000	90000
										4641547	7858716

3. During the Panchnama proceedings, it was found that the exporter had mentioned Electrical Capacitors, Interchangeable parts of hand tools, tools for tapping metal & tools for stamping & punching as the description of the goods in their Shipping Bills. However, on physical verification of the goods, it was found that each box contains only two types of items and each piece packed in small plastic bag. To ascertain the actual description and value of the goods covered under these 50 consignments, Chartered Engineer Shri Bhaskar Bhatt of B.G. Bhatt & Co. having registration no. M-103975/4 was called upon and requested to give expert

opinion about the actual description and value of the export goods in respect of said 50 consignments. Shri Bhaskar Bhatt identified both items as **Electrical Capacitors and Metal washers.**

4. Shri Bhasker Bhatt, Government Approved Empanelled Valuer/Chartered Engineer gave valuation reports dated 10.08.2020 in respect of shipping bills as tabulated in Para 2. The estimated fair value of the detained /seized goods has been arrived by the Chartered Engineer on the basis of visit of local shops dealing in similar items, search for such export goods/items through internet/electronic media & considering the value available thereof.

4.1 In view of above, it appeared that as per valuation Certificate /reports dated 10.08.2020 the total value of goods for all the shipping bills was Rs. 163370.25/- (Rupees one lakh Sixty Three Thousand Three Hundred Seventy and paise Twenty five only) whereas the total declared value as per tax Invoice was Rs. 4,64,15,475/- (Rupees Four Crores Sixty Four Lakhs Fifteen Thousands Four Hundred Seventy Five only) which clearly showed the huge difference to the tune of Rs. 4,62,52,105. It therefore appeared that the exporter M/s. Zeta Exports had resorted to gross overvaluation to the tune of Rs. 4,62,52,105/- (Rupees Four Crores Sixty Two Lakhs Fifty two thousand One Hundred five only) i.e. **284 times** of the fair value of the goods in order to take benefits of higher IGST refund. Shipping bill wise estimated fair value of the goods arrived at in total 50 such reports is compiled as tabulated in the table given below :

Sr. no	Shipping bill No.	Date	Qty as per SB	Qty Actually Found	Declared value	Per piece value	Total FOB Value	ESTIMATED FOB VALUE As per Govt Valuer	IGST Amount
1	3199861	16.06.2020	1200	1120	480000	400	480000	4084.50	81000
			950	898	498750	525	498750		85500
2	3222150	16.06.2020	949	878	379600	400	379600	3237.75	64057
			980	415	490000	500	490000		82026
3	3197167	16.06.2020	1065	415	426000	400	426000	2074.25	71887
			1200	1209	552000	460	552000		93744
4	3205592	16.06.2020	1300	600	520000	400	520000	2515.00	87750
			1000	860	460000	460	460000		78120
5	3204624	16.06.2020	1000	1000	400000	400	400000	3800.00	67500
			1100	1200	577500	525	577500		99000
6	3204663	16.06.2020	1135	1132	454000	400	454000	4146.00	76612
			1000	1000	525000	525	525000		90000
7	3204631	16.06.2020	1145	1142	458000	400	458000	4148.50	77287
			1000	890	525000	525	525000		90000
8	3207029	16.06.2020	1115	1112	446000	400	446000	4100.00	75262

			1000	1045	525000	525	525000		90000
9	3222167	16.06.2020	949	951	379600	400	379600	3486.00	64057
			925	532	462500	500	462500		77422
10	3222056	16.06.2020	940	1050	376000	400	376000	3856.25	63450
			940	825	470000	500	470000		78678
11	3222388	16.06.2020	990	1089	396000	400	396000	4099.00	66825
			1250	1328	575000	460	575000		97650
12	3222062	16.06.2020	850	839	340000	400	340000	3228.75	57375
			850	847	425000	500	425000		71145
13	3221976	16.06.2020	1450	1300	580000	400	580000	4649.00	97875
			750	996	345000	460	345000		58590
14	3221969	16.06.2020	1000	1015	400000	400	400000	3826.25	67500
			1000	1125	500000	500	500000		83700
15	3221902	16.06.2020	1020	1017	408000	400	404000	3869.75	68175
			1250	1275	575000	460	575000		97650
16	3221939	16.06.2020	999	1018	399600	400	399600	3610.00	67432
			1250	1024	575000	460	575000		97650
17	3205661	16.06.2020	1050	379	420000	400	420000	1929.00	70875
			1200	1168	552000	460	552000		93744
18	3222152	16.06.2020	949	949	379600	400	379600	3588.25	64057
			965	965	482500	500	482500		80770
19	3199857	16.06.2020	1140	603	456000	400	456000	3055.00	76950
			1000	984	525000	525	525000		90000
20	3222277	16.06.2020	949	837	379600	400	379600	3236.00	64057
			900	900	450000	500	450000		75330
21	3222272	16.06.2020	1500	1381	600000	400	600000	4827.75	101250
			750	739	345000	460	345000		58590
22	3222164	16.06.2020	949	597	379600	400	379600	2410.75	64057
			975	479	487500	500	487500		81607
23	3222075	16.06.2020	949	1062	379600	400	379600	3790.50	64057
			935	418	467500	500	467500		78259
24	3205474	16.06.2020	1250	324	500000	400	500000	1713.50	84375
			1000	966	460000	460	434000		78120
25	3199858	16.06.2020	1130	516	452000	400	452000	2196.75	76275
			1000	595	525000	525	525000		90000
26	3205366	16.06.2020	1090	461	436000	400	436000	2131.75	73575
			1000	995	525000	525	525000		90000
27	3199672	16.06.2020	1105	1107	442000	400	442000	4062.75	74587

			1000	967	525000	525	525000		90000
28	3222067	16.06.2020	949	964	379600	400	379600	3464.50	64057
			930	290	465000	500	465000		77841
29	3222149	16.06.2020	949	819	379600	400	379600	3273.50	64057
			955	466	477500	500	477500		79933
30	3207051	16.06.2020	1005	911	402000	400	402000	3484.25	67837
			1000	1005	525000	525	525000		90000
31	3221904	16.06.2020	1010	989	404000	400	404000	3780.00	68175
			1250	1252	575000	460	575000		97650
32	3204692	16.06.2020	1125	1132	450000	400	450000	4146.00	75937
			1000	1000	525000	525	525000		90000
33	3199633	16.06.2020	1365	1453	546000	400	546000	5040.25	92137
			829	725	435225	525	435225		74610
34	3225467	16.06.2020	949	730	379600	400	379600	2798.25	64057
			970	433	485000	500	485000		81189
35	3222057	16.06.2020	949	958	379600	400	379600	3464.00	64057
			940	360	470000	500	470000		78678
36	3222163	16.06.2020	949	971	379600	400	379600	3571.25	64057
			910	633	455000	500	455000		76167
37	3194801	16.06.2020	1080	972	432000	400	432000	3714.50	72900
			1200	1194	552000	460	552000		93744
38	3199637	16.06.2020	1110	988	444000	400	444000	3713.75	74925
			1000	999	525000	525	525000		90000
39	3199864	16.06.2020	1100	895	440000	400	440000	3456.75	74250
			1000	1087	525000	525	525000		90000
40	3222153	16.06.2020	949	947	379600	400	379600	3450.50	64057
			960	438	480000	500	480000		80352
41	3147115	16.06.2020	1060	452	424000	400	424000	2141.00	71550
			1200	1140	552000	460	552000		93744
42	3205785	16.06.2020	1075	823	430000	400	430000	3269.00	72562
			1200	1200	552000	460	552000		93744
43	3204693	16.06.2020	1175	1161	470000	400	470000	4184.50	79312
			920	806	483000	525	483000		82800
44	3222155	16.06.2020	949	953	379600	400	379600	3442.00	64057
			950	332	475000	500	475000		79515
45	3221897	16.06.2020	1000	581	400000	400	400000	2539.75	67500
			1250	1187	575000	460	575000		97650
46	3205513	16.06.2020	1290	436	516000	400	516000	2053.75	87075