



सीमा शुल्क आयुक्त का कार्यालय,
नवीन सीमा शुल्क भवन, नया कांडला ।

OFFICE OF THE COMMISSIONER OF CUSTOMS,
NEW CUSTOM HOUSE, NEW KANDLA-370 210 (GUJARAT)
Phone No: 02836-271468/469, Fax No. : 02836-271467.

A	फाइल संख्या/ File No.	S/10-11/ADJ/ADC/Bhansali/2017-18
B	आदेश में मूल सं./ Order-in-Original No.	KDL/ADC/PMR/18/2017-18
C	पारित कर्ता/ Passed by	SH. PADALA MOHAN RAO, ADDITIONAL COMMISSIONER
D	आदेश की दिनांक/Date of order	19/01/2018
E	जारी करने की दिनांक/Date of issue	19/01/2018
F	एस.सी.एन. सं. एवं दिनांक/ SCN No. & Date	DRI/KZU/CF/ENQ-07(INT-43)/2017 dated 15/05/2017
G	नोटीसी/ पार्टी Noticee/Party	M/s Bhansali Engineering Polymers Ltd. Bhansali House, A-5. Off Veera Desai Road, Andheri (West), Mumbai-400053.

1. यह अपील आदेश संबन्धित को नि शुल्क प्रदान किया जाता है।
This Order - in - Original is granted to the concerned free of charge.
2. यदि कोई व्यक्ति इस अपील आदेश से असंतुष्ट है तो वह सीमा शुल्क अपील नियमावली 1982 के नियम 3 के साथ पठित सीमा शुल्क अधिनियम 1962 की धारा 128 A (1) के अंतर्गत प्रपत्र सीए- 3 में चार प्रतियों में नीचे बताए गए पते पर अपील कर सकता है-
Any person aggrieved by this Order - in - Original may file an appeal under Section 128 A (1) (a) of Customs Act, 1962 read with Rule 3 of the Customs (Appeals) Rules, 1982 in quadruplicate in Form C. A. -3 to:

"सीमा शुल्क आयुक्त (अपील), कांडला
वीं मंजिल 7, मृदुल टावर, टाइम्स ऑफ इंडिया के पीछे, आश्रम रोड़
अहमदाबाद 380 009"
"THE COMMISSIONER OF CUSTOMS (APPEALS), KANDLA
7th Floor, Mridul Tower, Behind Times of India, Ashram Road,
Ahmedabad - 380 009."

3. उक्त अपील यह आदेश भेजने की दिनांक से 60 दिन के भीतर दाखिल की जानी चाहिए।
Appeal shall be filed within sixty days from the date of communication of this order.
4. उक्त अपील के पर न्यायालय शुल्क अधिनियम के तहत 2/- रुपए का टिकट लगा होना चाहिए और इसके साथ निम्नलिखित अवश्य संलग्न किया जाए-
Appeal should be accompanied by a fee of Rs. 2/- under Court Fee Act it must accompanied by -
 - (i) उक्त अपील की एक प्रति और
A copy of the appeal, and
 - (ii) इस आदेश की यह प्रति अथवा कोई अन्य प्रति जिस पर अनुसूची-1 के अनुसार न्यायालय शुल्क अधिनियम-1870 के मद सं-6 में निर्धारित 2/- रुपये का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।
This copy of the order or any other copy of this order, which must bear a Court Fee Stamp of Rs. 2/- (Rupees Two only) as prescribed under Schedule - I, Item 6 of the Court Fees Act, 1870.
5. अपील ज्ञापन के साथ ड्यूटी/ ब्याज/ दण्ड/ जुर्माना आदि के भुगतान का प्रमाण संलग्न किया जाना चाहिये।
Proof of payment of duty / interest / fine / penalty etc. should be attached with the appeal memo.
6. अपील प्रस्तुत करते समय, सीमा शुल्क नियम (अपील), और सीमा शुल्क अधिनियम 1982, 1962 के अन्य सभी प्रावधानों के तहत सभी मामलों का पालन किया जाना चाहिए।
While submitting the appeal, the Customs (Appeals) Rules, 1982 and other provisions of the Customs Act, 1962 should be adhered to in all respects.
7. इस आदेश के विरुद्ध अपील हेतु जहां शुल्क या शुल्क और जुर्माना विवाद में हो, अथवा दण्ड में, जहां केवल जुर्माना विवाद में हो, न्यायाधिकरण के समक्ष मांग शुल्क का 10% भुगतान करना होगा।
An appeal against this order shall lie before the Tribunal on payment of 10% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute

BRIEF FACTS OF THE CASE:-

Intelligence was developed by the Directorate of Revenue intelligence (DRI), Kolkata to the effect that M/s Bhansali Engineering Polymers Ltd (hereinafter referred to the said importer), having their office at Bhansali House, A-5, off Veera Desai Road, Andheri (West), Mumbai-400053 and having IEC No. 1189000300, have been importing Styrene Monomer for the purpose of using as raw material for manufacture of different chemicals through Kandla Port and have been evading duty of Customs by not declaring certain elements of costs which are attributable to extended freight, i.e. amounts paid towards ship demurrage charges, which should have been taken into account for arriving at the assessable value of the goods for the purpose of payment of Customs duty as per the provisions of Section 14 of the Customs Act, 1962, read with Rule 3 and Sub-Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Intelligence suggested that M/s Bhansali Engineering Polymers Ltd have undervalued the subject goods by suppressing the detailed cost of demurrage incurred against such imports due to delay in unloading of imported goods from the ship. Investigation of DRI revealed that their act of omission and/or commission resulted in short payment of Customs duty of Rs. 40,37,441/-, which appears to be recoverable under Section 28(4) of the Customs Act, 1962, and also appears to attract provision of Section 111(m) of the Customs Act, 1962, making the goods liable for confiscation and the importer liable to penalty under Sections 112(a) & 114A of the Act *ibid*.

2. M/s Bhansali Engineering Polymers Ltd imported "Styrene Monomer" in bulk. For that purpose they entered into agreement with the suppliers for supply of such goods. As per the provision of the agreement, the price is settled on CIF basis which signifies that in addition to the price of the goods to be imported, it would also include cost of freight from the port of loading till the port of discharge. However, conditions were made that the cargo would be unloaded at the port of discharge within a specific period of time which is known as 'Lay Time' in the trade parlance. Any failure to release the ship within that specific time results in incurring demurrage and such demurrage is to be paid by the importer to the supplier of the goods in addition to the CIF price as per agreement. On many occasions chartered ships get delayed and the importer is bound by the clause of the agreement to pay extra amount towards demurrage charges for such delay. Rate of demurrage and other particulars are well settled and covered in the agreement. These charges being extended freight recovered by suppliers logically form a part of the freight component and are includible in the assessable value of imported goods in terms of Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 for being part of transport cost.

3. Intelligence further suggested that M/s Bhansali Engineering Polymers Ltd. while importing such goods, for the purpose of determination of assessable value,

calculated freight by taking into consideration standard freight paid by them. As a matter of fact as the price is determined on CIF basis, it normally does not separate individual elements of cost, i.e. Cost & Freight. However, specific provisions are made for certain elements consisting of unforeseen expenses, like Ship Demurrage Charge, which are required to be paid in addition to such CIF price. M/s Bhansali Engineering Polymers Ltd had to incur such extra expenses in the form of Ship Demurrage charges on a number of occasions. But they did not disclose, on any occasion the fact that they had to pay demurrage to the supplier in addition to the actual freight. Such elements of cost being paid over and above the standard freight also constitute part of the extended freight and therefore, part of the assessable value of the goods. Customs duty should have been paid on such amounts, but the importer did not come forward to pay such duty and grossly contravened the provisions of the Customs Act, 1962, in course of their imports.

4. The details of import by M/s Bhansali Engineering Polymers Ltd. during the last 5 years through Kandla Sea Port against which they had paid various amounts towards ship demurrage charges are given below under Para 6. Such details were submitted by the importer as evidence in response to summons and in support of quantum of demurrage paid they also furnished copies of the invoices/ Debit Notes raised by the supplier and also payment particulars. However, the importer did not disclose such details to the Customs authority nor did they pay any Customs duty on such amounts before initiation of inquiry by DRI.

5. After initiation of investigation the importer declared details of demurrage incurred by them during the last 5 years against which they did not pay any Customs duty. They also calculated their liability of Customs duty against such demurrage and paid the same along with interest. But the process of submission of documents, recording of statement and completion of investigation took considerable time. In the meanwhile one Bill of Entry No 4804169 dated 30-09-2011 that involved demurrage fell outside the extended period of time in terms of provision of Section of 28 of the Customs Act 1962. Against such consignments payments has already been made by the importer. Therefore, the same has been proposed for appropriation, but at the same time the said differential duty amount of Rs 4,22,838/- has been kept outside the purview of the demand raised.

6. Following Table contain details of the rest Bills of Entry which are covered by the preset Show Cause Notice and against which demand has been raised (24-05-2012 onwards.)

TABLE-1

Vessel specific Quantity, Value, Demurrage, Customs Duty paid and interest paid					
Vessel Name	Quantity	Assessable Value	Demurrage (Rs.)	Customs Duty Paid (Rs)	Interest Paid
Zeynep A	2000	164289756	1103259	221229	163012
As Orella	2100	207413916	1441660	289086	185213
Zenep A	2000	164289756	1103259	221229	163012
As Orella	2100	207413916	1441660	289086	185213

Bss Force	2063.805	209114620	259350	52006	23779
Bunga Lucerne	2011.84	203224720	196993	39502	16854
Chem Bulldog	1952	231426752	69623	13961	7726
Dongbu Proxy	706.527	49826580	2327500	422838	379547
Ema Querida	2016.11	232021765	407458	81705	46142
Mt Hellenspont Charger	2006.125	162192664	3090367	619690	482899
Nave Polaris	2004	192518589	1041727	208890	124871
Reinhol Schulte	1600	168885332	843341	169109	85495
Royal Flos	2076.38	206472196	1521511	305098	111967
Rudolf Shulte	1944.47	174940612	87938	17634	12098
Sc Dalian	5017.622	337905890	918832	183825	50353
Sea Charming	2093.99	173126840	898828	180236	57967
Shamrock Jupiter	2042.16	189984262	16353	3279	2059
Sira	2000	235037605	328088	65789	35434
Songa Challenge	1943.365	211565282	1087325	218034	106574
Songa Emerald	1506	158325995	1188997	238421	136174
Songa Topaz	2006.6	193868392	354908	71167	25275
Grand Total	42026.994	3986076390	20355480	4037441	2281062

TABLE-2

BE specific Quantity, Value, Demurrage, Customs duty paid and interest paid						
BE No	BE Date	Quantity	Assessable Value	Demurrage (Rs)	Customs Duty Paid (Rs)	Interest paid
Beyond 5 yrs						
4804169	30-09-2011	706.53	49826580	2327500	422838	379547
Within 5 Years						
6915282	24-05-2012	2006.13	162192664	3090367	619690	482899
7686264	16-08-2012	2000.00	164289756	1103259	221229	163012
8673069	05-12-2012	1944.47	174940612	87938	17634	12098
9442027	28-02-2013	2100.00	207413916	1441660	289086	185213
9745261	02-04-2013	2042.16	189984262	16353	3279	2059
2272021	29-05-2013	2004.00	192518589	1041727	208890	124871
2842712	29-07-2013	1506.00	158325995	1188997	238421	136174
2978019	13-08-2013	2016.11	232021765	407458	81705	46142
3114186	27-08-2013	1952.00	231426752	69623	13961	7726
3422708	01-10-2013	2000.00	235037605	328088	65789	35434
4003258	06-12-2013	1600.00	168885332	843341	169109	85495
4252640	03-01-2014	1943.37	211565282	1087325	218034	106574
4890826	14-03-2014	2063.81	209114620	259350	52006	23779
5677908	02-06-2014	2011.84	203224720	196993	39502	16854
6686908	08-09-2014	1000.00	101471670	1955990	392221	145874
6767176	16-09-2014	2076.38	206472196	1521511	305098	111967
6950689	01-10-2014	2006.60	193868392	354908	71167	25275
7437207	19-11-2014	1936.00	182462952	1215432	243722	81750
7719771	16-12-2014	2093.99	173126840	898828	180236	57967
8344238	18-02-2015	1000.00	58249301	139602	27993	8175
8579574	12-03-2015	2044.50	132401795	250415	50078	14007
8790978	01-04-2015	1973.12	147254794	528815	105754	28171
Total		41320.47	3936249809	18027980	3614603	1901515
Grand Total		42027	3986076390	20355480	4037441	2281062

TABLE-3

Vessel & BE specific Value, Demurrage, Customs duty paid and interest paid						
Vessel	BE No	BE Date	Demurrage (Rs)	Assessable Value(Rs)	Customs Duty (Rs)	Interest Paid (Rs)
Zeynep A	7686264	16-08-2012	1103259	164289756	221229	13012
As Orella	9442027	28-02-2013	1441660	207413916	289086	185213
Atlantic Sirius	6686908	08-09-2014	1955990	101471670	392221	145874
Bright World	7437207	19-11-2014	1215432	182462952	243722	81750
Bss Force	4890826	14-03-2014	259350	209114620	52006	23779
Bunga Lucerne	5677908	02-06-2014	196993	203224720	39502	16854
Chem Bulldog	3114186	27-08-2013	69623	231426752	13961	7726
Dongbu Proxy	4804169	30-09-2011	2327500	49826580	422838	379547
Ena yerida	2978013	13-08-2013	407458	232021765	81705	46142
Mt Hellenspont Charger	6915282	24-05-2012	3090367	162192664	619690	482899
Nave Polaris	2272021	29-05-2013	1041727	192518589	208890	124871
Renhold Schulte	4003258	06-12-2013	843341	168885332	169109	85495
Royal Flos	6767176	16-09-2014	1521511	206472196	305098	11967
Rudolf Schulte	8673069	05-12-2012	87938	174940612	17634	12098
Sc Dalian	8344238	18-02-2015	139602	58249301	27993	8175
	8579574	12-03-2015	250415	132401795	50078	14007
	8790978	01-04-2015	528815	147254794	105754	28171
Sea Charming	7719771	16-12-2014	898828	173126840	180236	57967
Shamrock Jupiter	9745261	02-04-2013	16353	189984262	3279	2059
Sira	3422708	01-10-2013	328088	235037605	65789	35434
Songa Challenge	4252640	03-01-2014	1087325	211565282	218034	106574
Songa Emerald	2842712	29-07-2013	1188997	158325995	238421	136174
Songa Topaz	6950689	01-10-2014	354908	193868392	71167	25275
			20355480	3986076390	4037441	2281062

7. Accordingly investigation was initiated by DRI, Kolkata. Summons was issued to the said importer M/s Bhansali Engineering Poymers Ltd. Their authorized representative Sri R.D. Shah appeared before DRI on 07.02.2017 and recorded his statement. In his statement Sri Shah inter-alia submitted that:-

- a) The company is involved in the manufacturing and marketing of ABS (Acrylonitrile Butadiene Styrene) Resin. They import raw materials for the

manufacture of their finished products ABS resin. For such imports in bulk they entered into agreement with their suppliers and the price of the goods are negotiated on CIF basis, which means cost of the goods would also include the freight element. But at the same time the agreement also provides for specific time window within which imported materials in bulk are supposed to be discharged at the destination port. This is called lay-time. Once the ship enters into Indian waters and become ready for discharge of cargo the period of lay-time starts. As per the agreement they are supposed to complete such unloading process within the lay-time period. In case of failure they are supposed to pay demurrage at the rate fixed and mutually agreed upon between the supplier and them. On occasions ships get delayed for various reasons like non availability of berth or slow rate of discharge of cargoes etc. and demurrage is incurred. Such demurrage is paid by them subsequently on PDPR {Per day pro rata basis}.

- b) As a matter of fact such elements of cost are not known to them at the time of filing of Bills of Entry. When a ship gets delayed, the supplier subsequently raises demand for demurrage through debit notes. Such demurrage amounts are settled and finalized through negotiation between supplier and them. Once mutually agreed they pay the demurrage to the supplier. This being subsequent development is normally not brought to the notice of Customs authority.
- c) It was admitted while determining the assessable value of the goods imported in bulk for which demurrage is subsequently paid, they never take into account such elements of cost in the form of demurrage as the same is not known to them at that point of time.
- d) He tendered soft copies as well as hard copies of statement with details of demurrage incurred by them as well as Bills of Entry. Demurrage debit notes, Contract copy for which demurrage is incurred and paid to the supplier. It was also stated that all Bills of Entry are finally assessed. Their calculation submitted may be treated as a part of his statement.
- e) He submitted that such elements of demurrage do constitute part of the extended freight which was not known at the time of actual importation but are ascertained subsequently. Such elements of cost being the part of the extended freight do constitute/form part of the assessable value of the goods so imported and duty of Customs is also payable thereupon. It was admitted that 23 (Twenty three) Bills of Entry are involved for which demurrage is incurred.
- f) As per their calculation, they are required to pay Rs. 42,42,748/- which they are ready to pay along with appropriate interest within fifteen days in respect

of import through Kandla port. The details of yearly calculation on is as follows:

Financial Year	Assessable Value (in Rs.)	Customs duty (in Rs.)
2011-12	57,69,468/-	10,96,893/-
2012-13	29,88,771/-	5,93,383/-
2013-14	54,73,084/-	10,86,613/-
2014-15	73,85,434/-	14,65,859/-
Total	2,16,16,757/-	42,42,748/-

- g) *It was admitted that they did not inform about the payment of demurrage charges to the Customs authority.*
- h) *Provision of section 14 of the Customs Act, 1962 and that of Rule 10 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, were shown to him. Rule 10(2) of the said Rules stipulates that the cost of transportation of the imported goods should be included in the value of the goods for the purpose of determination of assessable value. Explanation appended to the said Rule 10(2) states that the cost of transportation of the imported goods includes Ship Demurrage Charge. Lighterage, Barge charges which implies that at the time of determination of assessable value, such components should have been taken into consideration.*
- i) *It was admitted they did not do the same and such elements of costs in the form of demurrage was not taken into consideration at the time of filing of Bills of Entry which resulted in short payment of duty. However it was submitted that such elements of cost were not known to them at the time of importation or even after that unless or until they were settled. However accepting their liability they are ready to pay differential amount of Customs Duty attributable to such cost of demurrage against 23 Bills of Entry along with interest payable under Section 28AA of Customs Act 1962.*

-:LEGAL PROVISIONS:-

8. Following provisions of law which are relevant to this case have been quoted in Annexure A to the DRI Show Cause Notice :-

- a. Section 14 of the Customs Act, 1962:
- b. Section 17 of the Customs Act, 1962:
- c. Section 46 (4) of the Customs Act, 1962:
- d. Section 28(4) of the Customs Act, 1962:
- e. Section 28AA of the Customs Act, 1962:
- f. Section 111 (m) of the Customs Act, 1962:
- g. Section 112(a) of the Customs Act, 1962.

- h. Section 114A of the Customs Act;
- i. Rule 3 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007;
- j. Sub-Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007;
- k. Rule 12 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007

:- DISCUSSION & CHARGES FRAMED :-

9. Section 14 of the Customs Act, 1962 provides for determination of the assessable value of the goods on which duty is to be paid. The said Section inter-alia states:-

“the Value of Imported Goods and export goods shall be the transaction value of such goods, that is to say, the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, or as the case may be where the buyer and seller of the goods are not related and price is the sole consideration for the sale subject to such other conditions as may be specified in the rules made in this behalf:

Provided that such transaction value in the case of imported goods shall include, in addition to the price as aforesaid, any amount paid or payable for costs and services, including commissions and brokerage, engineering design work, royalties and licence fees, costs of transportation to the place of importation, insurance, loading, unloading and handling charges to the extent and in the manner specified in the rules made in this behalf: ”

10. Rule 3(1) of the Customs Valuation (Determination of Value of Imported Goods), Rules, 2007, inter-alia states:

“(1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;”

11. Further, Rule 10 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, inter-alia states:-

“(1) in determining the transaction value, there shall be added to the price actually paid or payable for the imported goods,-

.....

(2) For the purposes of sub Section (1) of Section 14 of the Customs Act, 1962 (52 of 1962) and these rules, the Value of imported Goods shall be the value of such goods, for delivery at the time and place of importation and shall include -

(a) the cost of transport of the imported goods to the place of importation:

Explanation:- The cost of transport of the imported goods referred to in clause (a) includes the **ship demurrage charges on chartered vessels, lighterage or barge charges.**”

12. When the aforesaid two provisions are read in conjunction, it emerges that for imposition of Customs duty, value of the goods would be **transaction value of goods**. And such transaction value is the price actually paid or payable for the goods for delivery at the time and place of importation, which automatically includes cost of transport or in other words freight. Therefore, the transaction value, in addition to the agreed upon cost of the goods also include certain material costs which might be incidental and/or conditional. Even if such elements of costs are not shown as condition of sale and/or collected in a different manner, such elements have to be considered at the time of determination of the transaction value. Inclusive part of the Section 14 has mentioned about a few of such elements like *“commissions and brokerage, engineering, design work, royalties and licence fees, costs of transportation to the place of importation, insurance, loading, unloading and handling charges”*, but at the same time the said Section has directly referred to the Rules made for the purpose, which would actually determine ambit of such elements and the manner in which such elements would be considered.

13. It revealed from the copies of the agreements between M/s Bhansali Engineering Polymers Ltd. and their suppliers that provision for imposition of demurrage charges has been made in the agreement. Such agreements require that the importer will have to pay demurrage for any delay of the ship for which there might be various reasons which are made part of the agreements.

14. For the purpose of determination of such freight, cost of ship demurrage charges which forms an integral part of the value of the goods should also be taken into consideration. While filing Bills of Entry, the importer, M/s Bhansali Engineering Polymers Ltd. have grossly failed to take such elements of extended freight in the form of ship demurrage charges into consideration for determination of assessable value of imported goods. They also failed to disclose such fact before the Customs authority.

15. The Customs Valuation (Determination of Value of imported Goods) Rules, 2007, was framed to compliment the said Section 14 of the Customs Act, 1962. The said Rules defines transaction value and also describes nature of the other cost elements and circumstances under which such costs would constitute part of the transaction value. Once an element of cost attributable to the transaction value is identified, the transaction value will automatically incorporate such essentials into it. There is no room to read the Section in isolation, rather in such cases the Section has to be read in concurrence with the relevant provision of the Rules to derive the true domain of it.

16. Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, in clear terms has stated that transaction value as defined under Section 14(1) of the Customs Act, 1962, would also include cost of transport of the imported goods to the place of importation. The term "cost of transport" has been further clarified and expanse of the said phrase has been explained to cover ship demurrage charges on chartered vessels, leaving no room for conjecture or different interpretation. Such element of cost is not incurred as a matter of routine; therefore, as and when such elements do surface, it is onus of the importer to declare such costs to the Customs for proper assessment of assessable value and the Customs duty.

17. From a combined reading of the provisions of statute as aforesaid, cost ingredients in the form of ship demurrage charges, if incurred, should constitute a part of the transaction value which would in turn ultimately determine the assessable value of the goods for the purpose of determination of Customs duty. There is no way to keep such cost building blocks out of purview for the purpose of valuation of the imported goods on which duty of Customs has to be determined.

18. M/s. Bhansali Engineering Polymers Ltd. therefore appeared to have contravened the provisions of Section 46 of the Customs Act, 1962, by not declaring while presenting the Bills of Entry for clearance of goods or even at a later stage the fact that the goods had suffered/would suffer ship demurrage charges. The law demands true facts to be declared by the importer. It was duty of the importer to pronounce that the freight element declared by them was not correct and in cases of consignments under consideration they had incurred / might incur cost towards such ship demurrage which are nothing but extended freight being paid to the suppliers. As the importer has been working under the regime of self-assessment, where they have been given liberty to determine every aspect of an imported consignment from classification to declaration of value of the goods, it was sole responsibility of the importer to project and pronounce correct facts and figures before the assessing authority. In the material case the importer has grossly failed to comply with the requirement of law and deliberately mis-declared the value of the goods by outright suppressing the facts of incurring cost towards ship demurrage charges. Such suppression of facts on the part of the importer that led to mis-declaration of the value of imported goods by way of not taking demurrage charges into consideration for the purpose of determination of transaction value of imported goods ultimately resulted in short payment of Customs duty to the extent Rs. 40,37,441/-, which has now been paid by the importer along with appropriate interest after initiation of investigation by DRI.

19. Now with the introduction of self assessment under the Customs Act, more faith is bestowed on the importer, as the practice of routine assessment, concurrent audit and examination has been dispensed with and the importers have been assigned with the responsibility of assessing their own goods under Section 17 of the Customs

Act 1962. As a part of self assessment by the importer, it was duty of the importer to present correct facts in the Bills of Entry and they should have declared correct value of the goods so imported. However, contrary to this, the importer grossly mis-declared the value of the goods by willful misstatement and suppression of facts and contravened the provision of the said Section 17. Such suppression resulted in short payment of duty and reflects malafide intention of the importer to evade duty of Customs. It is only because of the vigilance and detailed scrutiny of the documents by DRI, that the leakage of revenue could come to light. The importer did not come forward to pay such duty voluntarily on their own. But for the intervention of DRI the said duty evasion would have remained undetected due to suppression of facts by the importer. Therefore, Section 28(4) of the Customs Act, 1962 appeared invocable in this case.

20. The authorised representative of the importer in his statement recorded on 07-02-2017 admitted such contraventions pointed out by DRI to them. It was admitted that while quantifying freight for the purpose of determination of CIF price which ultimately led to arrive at the assessable value of the dutiable goods they had never taken into consideration the elements of demurrage, although, in certain cases the imported goods suffered demurrage and they had to pay charges towards such demurrage to their own independent supplier. It was further admitted that for the purpose of determination of assessable value, they never declared before the Customs authority at the time of filing of Bills of Entry the amount of demurrage paid or payable. It was further admitted by them that such elements being part of extended freight do form part of the assessable value of the goods imported and duty of Customs is also payable on them. It was admitted that in the past even after determination of such demurrage they failed to disclose the same to Customs authority on such occurrences in case of individual vessels. Admission on the part of the importer further corroborates and justifies invocation of Section 28(4) of the Customs Act, 1962.

21. Section 111(m) of the Customs Act, 1962, provides that any goods which do not correspond in respect of value or in any other particulars with the entry made under this Act shall be liable to confiscation. In the instant case, the importer grossly failed to comply with the provisions of Sections 14, 17 & 46 of the Customs Act, 1962, and also failed to honour provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Deliberate & willful mis-declaration of the transaction value of the goods leading to short payment of Customs duty rendered the goods liable to confiscation under Section 111(m) of the Customs Act, 1962.

22. It appeared that Customs duty has been short paid in respect of the goods so imported as the same were brought and cleared without declaring the costs of ship demurrage charges, which constitute part of the transaction value of the goods as per Rule 10(2) of the Customs Valuation (Determination of Value Imported Goods) Rules,

2007, read with Section 14 of the Customs Act, 1962. No duty of Customs was paid on such part of the undeclared value of the goods. Therefore, the goods should be considered to have been imported without payment of proper duty of Customs attracting provision of Section 28 (4) for recovery of such duty short paid. Therefore an amount of Rs 36,14,603/- appeared to be recoverable from the said importer forthwith under Section 28(4) of the Customs Act, 1962. It further appeared that such non- payment of duty of Customs also attracts Section 28AA of the Customs Act, 1962 and interest on the said amount of duty not paid becomes payable.

23. Section 112(a) of the Customs Act, 1962, stipulates that 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 111, or abets the doing or omission of such an act, is liable to penalty as prescribed under the said Section. In the instant case, the importer failed to declare the actual assessable value of the goods by suppressing the cost borne by them in the form of Ship Demurrage charge on which no duty of Customs was paid and such mis-declaration by the importer appeared to have made the goods liable for confiscation under Section 111(m).

24. Their acts of omission and/or commission, which resulted in short levy of duty and rendered the goods liable for confiscation under Section 111(m) for the reasons elaborated above, also appeared to have rendered the importer liable to penalty under Section 112(a) of the Customs Act, 1962.

25. According to Section 114A of the Customs Act, 1962, where the duty has not been levied or has been short-levied by reason of collusion or any willful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, under sub Section (8) of Section 28 shall also be liable to pay a penalty equal to the duty or interest so determined. In the instant case, it appeared that the importer did not declare such elements of cost which should have been considered for the purpose of determination of the assessable value of imported goods and on which Customs duty should have been paid and also failed to pay Customs duty thereupon, which appeared to be recoverable under Section 28(4) of the Customs Act, 1962. Such an omission/commission on the part of the importer that calls for recovery of duty under Section 28(4) of the Customs Act, 1962, also appeared to render the importer liable to penalty under Section 114A of the Customs Act, 1962.

26. Section 124 of the Customs Act, 1962, states that “no order confiscating any goods or imposing any penalty on any person shall be made unless the owner of the goods or such person

(a) is given a notice in writing with the prior approval of the officer of Customs not below the rank of an Assistant Commissioner of Customs, informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty:

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein; and

(c) is given a reasonable opportunity of being heard in the matter:”

27. Therefore, while Section 28 gives authority to recover Customs duty, short paid or not-paid, and Section 111(m) of the Act, hold goods liable for confiscation in case such goods do not correspond in respect of value or in any other particulars with the entry made under the Act, Section 124 of the Customs Act, 1962, authorises the proper officer to issue Show Cause Notice for confiscation of the goods and imposition of penalty.

28. The importer admitting their mistake agreed to pay the amount of Customs duty attributable to such Ship Demurrage charges paid by them from time to time. Accordingly after initiation of investigation by URI, they paid an amount of Rs 40,37,441/-towards differential amount of Customs duty. They also paid an amount of Rs 22,81,063/towards interest. Subsequently, the importer also paid another amount of Rs. 6,05,671/-towards penalty at the rate 15% of the duty amount in terms of Section 28(5) &28(6) of the Customs Act, 1962 as understood and decided by them. The payment details are as follows:-

TABLE-4

Particulars of payment of Customs duty, Interest and Penalty						
DD No.	DD Date	TR-6 No.	TR-6 Date	Customs Duty (Rs)	Interest (Rs)	Penalty (Rs)
152281 & 152282	16-02-2017	3657	17-02-2017	422838	379547	0
		3658	17-02-2017	619690	482899	
		3659	17-02-2017	221229	163012	
		3660	17-02-2017	17634	12098	
		3661	17-02-1917	289086	185213	
		3662	17-02-2017	3279	2059	
		3663	17-02-2017	208890	124871	
		3664	17-02-2017	238421	136174	
		3665	17-02-2017	81705	46142	
		3666	17-02-2017	13961	7726	
		3667	17-02-2017	65789	35434	
		3668	17-02-2017	169109	85495	
		3669	17-02-2017	218034	106574	
		3670	17-02-2017	25006	23779	
		3671	17-02-2017	39502	16854	
		3684	17-02-2017	392221	145874	
		3672	17-02-2017	305098	111967	
		3673	17-02-2017	71167	25275	
		3674	17-02-2017	243722	81750	
		3683	17-02-2017	180236	57967	
3675	17-02-2017	27993	8175			
3676	17-02-2017	50079	14007			
3677	17-02-2017	105754	28171			
152398	04-05-2017	371	05-05-2017	0	0	605617
Total				4037443	2281063	605617

29. From the facts and discussion in the foregoing it appeared that:-
- a) M/s Bhansali Engineering Polymers Ltd. have been importing Styrene Monomer through Kandla Port and have been evading duty of Customs by not declaring certain elements of freight, which should have been taken into account for the purpose of determination of assessable value of the goods (or the purpose of payment of Customs duty as per Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, read with Section 14 of the Customs Act, 1962.
 - b) Section 14 of the Customs Act, 1962 provides for determination of the assessable value of the goods on which duty is to be paid. The value of imported goods and export goods is the transaction value of such goods, subject to such other conditions as specified in the rules made in this behalf. Such transaction value includes in addition to the price as aforesaid, any amount paid or payable for costs and services, to the extent and in the manner specified in the rules made in this behalf.
 - c) Rule 3(1) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, states that the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10.
 - d) Rule 10(2)(a) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, inter-alia states that for the purposes of sub-Section (i) of Section 14 of the Customs Act, 1962 (52 of 1962) and these Rules, the value of imported goods shall be the value of such goods, for delivery at the time and place of importation and shall include the cost of transport of the imported goods to the place of importation.
 - e) The explanation part of Rule 10(2) of the Rules *ibid* has clarified that the cost of transport of the imported goods referred to in clause (a) includes the ship demurrage charges on chartered vessels, lighterage or barge charges.
 - f) The aforesaid two provisions read in conjunction, makes it evident that for imposition of Customs duty, value of the goods would be **transaction value of goods** and such transaction value is the price actually paid or payable for the goods for delivery at the time and place of importation, which automatically includes cost of transport.
 - g) For the purpose of determination of such freight, cost of ship demurrage charge, which forms an integral part of the value of the goods should also be taken into consideration. The importer, M/s Bhansali Engineering Polymers Ltd. failed to take such elements of extended freight in the form of ship demurrage charges into consideration for determination of assessable value of the goods

imported in bulk, while tiling Bills of Entry. They also failed to disclose such fact before the Customs authority.

- h) From a combined reading of the provisions aforesaid, it is clear that cost ingredients in the form of ship demurrage charges, if incurred, should constitute a part of the transaction value which would in turn ultimately determine the assessable value of the goods for the purpose of determination of Customs duty. There is no way to keep such cost building blocks out of purview for the purpose of valuation of the imported goods on which duty of Customs has to be determined.
- i) M/s Bhansali Engineering Polymers Ltd. has contravened the provisions of Section 46 of the Customs Act, 1962, by not declaring while presenting the Bills of Entry for clearance of goods or even at a later stage the fact that the goods had suffered ship demurrage charges. Despite the fact that the importer has been working under the regime of self-assessment, the importer has grossly failed to comply with the requirement of law and deliberately mis-declared the value of the goods by outright suppressing the fact of incurring costs towards ship demurrage charges, which has resulted in short payment of Customs duty to the extent of Rs 40,37,441/-.
- j) It is only because of the vigilance and detailed scrutiny of the documents by the DRI, that the leakage of revenue could come to light. But for the intervention of DRI, the said duty evasion would have remained undetected due to suppression of facts by the importer. Therefore, extended period of time provided under Section 28(4) of the Customs Act, 1962 appears invocable in this case.
- k) Section 111(m) of the Customs Act, 1962, provides that any goods which do not correspond in respect of value with the entry made under this Act shall be liable to confiscation, in the instant case the importer grossly failed to comply with the provisions of Sections 14, 17 & 46 of the Customs Act, 1962, and also failed to honour provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. Deliberate & willful mis-declaration of the transaction value of the goods leading to short payment of Customs duty rendered the goods liable to confiscation under 111(m) of the Customs Act, 1962.
- l) Customs duty has been short paid in respect of the goods so imported as the same were brought and cleared without declaring the costs of ship demurrage charges, and thereby no duty of Customs was paid on such part at the undeclared value of the goods. Therefore, the goods should be considered to have been imported without payment of proper duty of Customs attracting provision of the Section 28 (4) for recovery of such duty short paid. Therefore, an

amount of Rs **36,14,603/-** appears to be recoverable from the said importer forthwith under Section 28(4) of the Customs Act, 1962.

- m) It further appeared that such non-payment of duty of Customs also attract Section 28AA of the Customs Act, 1962 and interest on the said amount of duty not paid becomes payable.
- n) The authorized representative of the importer M/s Bhansali Engineering Polymers Ltd. in his submission accepted and admitted their omission which ultimately led to short-payment of duty of Customs to the extent of Rs **40,37,441/-** which was subsequently paid with appropriate amount of interest after initiation of investigation by DRI.
- o) The duty evasion occurred due to misrepresentation and suppression of facts as elaborated above. Therefore, it appeared that the importer is also liable to penalty under Section 112(a) & 114A of the Customs Act, 1962, for improper importation of goods on short payment of Customs duty by deliberately suppressing the actual freight element by not disclosing ship demurrage charges.

-: SHOW CAUSE:-

30. On completion of the investigation, a Show Cause Notice bearing F.No. DRI/KZU/CF/ENQ-07(INT-43)/2017 dated 15.05.2017 had been issued by the Additional Director, DRI Zonal Unit, Kolkata-700071 to M/s Bhansali Engineering Polymers Ltd. having their office at Bhansali House, A-S. Off Veera Desai Road, Andheri (West), Mumbai-400053 whereby they were called upon to Show Cause in writing to the Additional/Joint Commissioner of Customs, Custom House, Near Baiaji Temple, Kandla-370210, within 30 days of receipt of the notice as to why:-

- a) The assessable value declared by the importer under Section 14 of the Customs Act, 1962, read with Rule 3 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, at the time of clearance of the impugned goods should not be rejected in terms of Rule 12 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, for non-inclusion of elements of cost in the form of Ship Demurrage Charges incurred by the importer but not declared for the purpose of determination of the assessable value of the goods;
- b) Differential duty of Customs amounting to Rs. **36,14,603/-**(Rupees Thirty Six lakh Fourteen thousand Six hundred Three), payable on such goods imported through Kandla Sea Port, on account of elements of cost attributable to the ship demurrage charges paid by the importer over and above the normal price of the goods including freight to the suppliers, which was deliberately suppressed by the importer in contravention to the provisions of Sections 14(1),

17 & 46 of the Customs Act, 1962, and also in violation of Rule 3 & Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, should not be demanded and recovered under Section 28(4) of the Customs Act, 1962;

- c) Subject goods having assessable value of Rs **398,60,76,390/-**.imported through Kandla Sea Port should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962, for being imported by suppressing the cost elements in the form of Ship Demurrage Charges and for not disclosing the same to the Customs authority which resulted in incorrect determination of the assessable value of imported goods leading to short payment of Customs duty;
- d) Interest at appropriate rate under provision of Section 28AA of the Customs Act, 1962, should not be demanded and recovered;
- e) Penalty should not be imposed upon them under Section 114A of the Customs Act, 1962, for improper importation of goods by suppressing the elements of cost attributable to the ship demurrage charges incurred by them;
- f) Penalty should not be imposed upon them under Section 112(a) of the Custom: Act, 1962;
- g) The entire amount of Rs **63,18, 506/-**, paid vide Money Receipt Nos, detailed in Table-4 above should not be appropriated and adjusted towards payment of Customs duty of Rs **40,37,441/-**-payable on such goods imported through Kandla Seaport along with interest thereupon, and:
- h) The amount of Rs **6,05,617/-**, paid by the importer should not be appropriate towards penalty liability as may be ordered.

DEFENCE SUBMISSION:-

31 M/s Bhansali Engineering Polymers Ltd. vide their letter dated 21.06.2017 had requested to grant them six weeks time for submitting their defence reply to the SCN on the ground that their legal Consultants was out of station. They, further, vide their letter dated 14.09.2017 submitted written defence reply to the instant SCN. They stated that the notice, *inter alia*, alleging suppression is ex facie not in conformity with the facts germane to filing of bills of entry and hence, a manifestation of an incorrect appreciation of the facts available on record. In their defence reply, they interalia submitted as under-

31.1 They say and submit that during the period from September, 2011 to April,2015, they had imported “styrene monomer” (“goods”) and had filed bills of entry before Customs House, Kandla for clearance of the goods. At the time of presenting the bills of entry, they had also tendered all the relevant documents like

invoice, bill of landing, etc. and had made correct declaration of the description and value before the assessing, officer. The value declared in the bills of entry were exactly the same as payable in terms of the contract entered by them with the overseas supplier and as also mentioned in the invoice received by them from the said overseas supplier. Being satisfied with the declarations made by them in the bills of entry, goods were assessed to applicable duty and clearance was permitted in accordance with law.

31.2 It must be appreciated that the demurrage charges, if any, payable by them and the quantum thereof, had neither crystallized nor was not available at the time of making declarations in the bills of entry. Therefore, the same could not have been declared at the time of filing bills of entry under any circumstances and conversely, the same could not have been suppressed too, in the same set of circumstances.

31.3 Your Honour must be duly aware of the dictum '*Lex Non Cogit ad impossibilia*' meaning that the law does not compel a man to do which he cannot possibly perform. In as much as the quantum of demurrage was not available at the time of filing bills of entry and hence, not stated at the material time, the notice cannot create a compulsion on their part to declare the same at the material time or allege suppression for not declaring the same, even without alleging or proving that the same was duly available with them and was deliberately not declared.

32. They take this opportunity to place on record that assessment in a large number of bills of entry is provisional even today. It is a settled law that once assessment is kept open, it is provisional for all purposes. Hence, it is their humble submission that the proper and lawful course of action for the department would have been to follow the provisions of Section 18(2) of Customs Act, 1962 and assess the duty leviable on such goods finally, after giving them due opportunity to present the details of demurrage paid/payable which were not available at the time of filing bills of entry, as well as any other and further documents/information, etc. required to finalize the assessment. This would have enabled them to pay the duty and interest in terms of the provisions of Section 18(3) respectively of Customs Act, 1962.

32.1 The notice has thus, clearly erred in invoking the provisions of Section 28(4) of Customs Act, 1962 for the purpose of demanding duty and 28AA *ibid* for the purpose of demanding interest respectively.

33. It may be further submitted that provisions of Section 114A of Customs Act, 1962 are also not applicable to the facts of the case.

33.1 As per Section 114A of Customs Act, 1962, any person liable to pay the duty or interest, as the case may be, as determined under section 28, shall also be liable to pay a penalty equal to the duty. However, it is their contention that the present case

is covered by the provisions of section 18 and not 28 and hence, the provisions of section 114A of Customs Act, 1962, are not applicable.

33.2 Therefore, they say and submit that they are not liable to penalty under the provisions of section 114A of Customs Act, 1962.

34. As regard to the provisions of section 111(m) of Customs Act, 1962 since invoked in the Notice, they say and submit that in as much as the notice nowhere alleges that the details of payable demurrage were available at the time of filing the bills of entry, that were even otherwise assessed provisionally and also having regard to the fact that the provisions of section 28 have been invoked while by passing the requirement of law contained in section 18(2) of Customs Act, 1962 for final assessment have been completely ignored, provisions of section 111(m) of Customs Act, 1962 are not applicable to the facts of the case.

34.1 As per the provisions of section 111(m) of Customs Act, 1962, any goods which do not correspond in respect of value or in any other particular with the entry made under this Act shall be liable to confiscation. As per section 2(16) of Customs Act, 1962, "entry" means an entry made in the bill of entry. Thus, at the time when we filed the bills of entry and thereby, made an entry, the value declared by us was correct. The notice also does not dispute this fact. The situation where value would undergo a change in a provisionally assessed bill of entry at a later stage based on information that is received subsequently, is squarely covered by the provisions of section 18(2) of Customs Act, 1962 given the undisputed position that several bills of entry are still provisional, it cannot be alleged that goods have been rendered liable to confiscation under section 111(m) of Customs Act, 1962. Consequently, provisions of section 112(a) *ibid* are also not attracted and no penalty is imposable upon us under section 112(a) of Customs Act, 1962.

34.2 Without prejudice to above, it is submitted that the proviso to section 114A of Customs Act, 1962, where any penalty has been levied under this section no penalty shall be levied under section 112 or section 114. Thus, on this ground also, proposal for simultaneous imposition of penalty under section 112(a) and 114A of Customs Act, 1962 is contrary to the prohibition contained in section 114A and hence, the same is liable to be dropped.

35. Thus, it is their humble submission that they are not liable to any penalty either under section 112(a) or 114 A of Customs Act, 1962 and any amount recovered from them as penalty in the course of investigation may be returned to them.

36. Without prejudice to above, it is sincerely submitted that they had no intention to short pay the duty payable on the goods imported by them. It was only on account of non-availability of demurrage figures that the same were not incorporated in the bills of entry and the bills of entry were accordingly assessed on provisional basis.

However, instead of allowing the assessing finalizing the assessment under the provisions of section 18(2) of Customs Act, 1962 by collecting the figures of demurrage from us as well as any other documents/information required in this regard, DRI have chosen to make out a case of suppression, etc. under the provisions of section 28 ibid, even without allowing anyone to complete the procedure of final assessment contained in section 18 ibid. The impugned notice has thus, attempted to make out a case of suppression which as such is contrary to the facts and legal provisions explained hereinabove.

36.1 Nonetheless, being a law abiding citizen and an importer of repute, they have fully cooperated with the DRI and have not only paid the entire amount of duty payable on account of demurrage charges (i.e. Rs. 40,37,443/-) but have also paid interest (Rs. 22,81,063/-) on the said amount and penalty equal to fifteen per cent of the duty (Rs. 6,05,617/-) even before issuance/receipt of the notice and hence, the proceedings deserve to be treated as conclusive and closed, as duly provided under the provisions of 28(6)(i) of Customs Act, 1962.

37. Thus, it is respectfully submitted that in any way, they are not liable to be subjected to any other and further proceedings, in terms of the impugned notice or otherwise, and the proceedings may be treated as closed.

38. They crave leave of your honour to add, amend, alter, rescind and/or modify any of the foregoing grounds/paragraphs, if deemed necessary in the interest of justice.

39. They pray for a personal hearing in the matter before any decision is taken in the matter.

PERSONAL HEARING:-

40. Personal hearing in the case matter was granted to M/s Bhansali Engineering Polymers Limited on 28.11.2017. However, their consultant & authorized representative vide his letter dated 27.11.2017 requested for adjournment of hearing on 28.11.2017 and requested to re-fix the date of hearing on 5/7.12.2017. Accordingly, the personal hearing was granted on 07.12.2017. Again no body appeared for the personal hearing on the said scheduled date. However, their consultant & authorized representative vide his letter dated 07.12.2017 requested for adjournment of hearing on 07.12.2017 and requested to re-fix the date of hearing on 12.12.2017. Thereafter, 3rd hearing in the case matter was fixed on 12.12.2017 which was attended by Shri Vikas Mehta, their consultant & authorized representative wherein mainly reiterated the submissions made by them in their defence reply dated 14.09.2017.

DISCUSSION AND FINDINGS:

41. I have carefully gone through the entire records of the case, including the Show Cause Notice dated 15.05.2017, the written submission dated 14.09.2017 as well as the oral submission made during the course of Personal Hearing and the relevant provisions of law. I take up the case on its merit for a decision.

42. I find that the following main issues are involved in the subject Show Cause Notice, which are required to be decided-

- a) Whether the assessable value declared by the importer under Section 14 of the Customs Act, 1962, read with Rule 3 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, at the time of clearance of the impugned goods should be rejected in terms of Rule 12 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, for non-inclusion of elements of cost in the form of Ship Demurrage Charges incurred by the importer but not declared for the purpose of determination of the assessable value of the goods;
- b) Whether differential duty of Customs amounting to Rs 36,14,603/- (Rupees Thirty Six lakh Fourteen thousand Six hundred Three), payable on such goods imported through Kandla Sea Port, on account of elements of cost attributable to the ship demurrage charges paid by the importer over and above the normal price of the goods including freight to the suppliers, which was deliberately suppressed by the importer in contravention to the provisions of Sections 14(1), 17 & 46 of the Customs Act, 1962, and also in violation of Rule 3 & Rule 10(2) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, should be demanded and recovered under Section 28(4) of the Customs Act, 1962;
- c) Whether subject goods having assessable value of Rs 398,60,76,390/- imported through Kandla Sea Port should be held liable for confiscation under Section 111(m) of the Customs Act, 1962, for being imported by suppressing the cost elements in the form of Ship Demurrage Charges and for not disclosing the same to the Customs authority which resulted in incorrect determination of the assessable value of imported goods leading to short payment of Customs duty;
- d) Whether interest at appropriate rate under provision of Section 28AA of the Customs Act, 1962, should be demanded and recovered;
- e) Whether penalty should be imposed upon M/s Bhansali Engineering Polymers Limited under Section 114A of the Customs Act, 1962, for improper importation of goods by suppressing the elements of cost attributable to the ship demurrage charges incurred by them;

- f) Whether penalty should be imposed upon M/s Bhansali Engineering Polymers Limited under Section 112(a) of the Customs Act, 1962;
- g) Whether the entire amount of Rs 63,18, 506/-, paid vide Money Receipt Nos, detailed in Table-4 above should be appropriated and adjusted towards payment of Customs duty of Rs 40,37,441/-payable on such goods imported through Kandla Seaport along with interest thereupon, and:
- h) Whether the amount of Rs 6,05,617/-, paid by the importer should be appropriated towards penalty liability as may be ordered.

43. The facts of the case indicate that M/s Bhansali Engineering Polymers Ltd. have been importing Styrene Monomer through Kandla Port and have been evading duty of Customs by not declaring certain elements of freight, which should have been taken into account for the purpose of determination of assessable value of the goods for the purpose of payment of Customs duty as per the provisions of Section 14 of the Customs Act, 1962 read with Customs Valuation (Determination of Value of imported Goods) Rules, 2007. Intelligence suggested that M/s Bhansali Engineering Polymers Ltd. have undervalued the subject goods while importing into India and suppressed the details of costs of ship demurrage incurred against such imports and thereby evaded Customs duty of Rs.40,37,441/-

44. I have gone through the relevant provisions of the Sections 14, 17 and 46 of the Customs Act, 1962, Rule 3(1) and Rule 10(2) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007. The same are reproduced as under-

(i) **Section 14 of the Customs Act, 1962 :** (1) For the purposes of the Customs Tariff Act, 1975 (51 of 1975), or any other law for the time being in force, “ *the Value of imported Goods and export goods shall be the transaction value of such goods, that is to say, the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation, or as the case may be where the buyer and seller of the goods are not related and price is the sole consideration for the sale subject to such other conditions as may be specified in the rules made in this behalf:*

Provided that such transaction value in the case of imported goods shall include, in addition to the price as aforesaid, any amount paid or payable for costs and services, including commissions and brokerage, engineering, design work, royalties and licence fees, costs of transportation to the place of importation, insurance, loading, unloading and handling charges to the extent and in the manner specified in the rules made in this behalf:”

(ii) **Section 17 of the Customs Act, 1962,** authorises any importer or exporter of the goods to self assess the duty leviable on the Import or export of goods. The

said section also provides for verification of self assessment by the proper officer and reassessment.

(iii) **Section 46 (4) of the Customs Act, 1962**, reads as: “The Importer while presenting a Bill of Entry, shall make and subscribe to a declaration as to the truth of the contents of such bill of entry and shall, in support of such declaration, produce to the proper officer the invoice, if any, relating to the imported goods.....”

(iv) **Rule 3(1) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007**. The said Rule inter-alia states:-

“ (1) Subject to rule 12, the value of the imported goods shall be the transaction value adjusted in accordance with provision of rule 10;”

(v) **Rule 10(2) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007**. The said Rule inter-alia states:-

Rule 10(2)(a): For the purposes of sub-Section (1) of Section 14 of the Customs Act, 1962 (52 of 1962) and these rules, the value of imported goods shall be the value of such goods, for delivery at the time and place of importation and shall include

(a) the cost of transport of the imported goods to the place of importation:

.....

Explanation:-The cost of transport of the imported goods referred to in clause (a) includes the ship demurrage charges on chartered vessels, lighterage or barge charges.“

45. I find that the first issue to be decided is proposal regarding rejection of assessable value declared by M/s Bhansali Engineering Polymers Limited under Section 14 of the Customs Act, 1962, read with Rule 3 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, at the time of clearance of the impugned goods.

I find that M/s Bhansali Engineering Polymers Ltd imported “Styrene Monomer” in bulk. For that purpose they entered into agreement with the suppliers for supply of such goods. As per the provision of the agreement, the price is settled on CIF basis which signifies that in addition to the price of the goods to be imported, it would also include cost of freight from the port of loading till the port of discharge. However, conditions were made that the cargo would be unloaded at the port of discharge within a specific period of time which is known as ‘Lay Time’ in the trade parlance. Any failure to release the ship within that specific time results in incurring demurrage and such demurrage is to be paid by the importer to the supplier of the goods in addition to the CIF price as per agreement. On many occasions chartered ships get delayed and the importer is bound by the clause of the agreement to pay extra amount towards demurrage charges for such delay. Rate of demurrage and other particulars are well settled and covered in the agreement. These charges being

extended freight recovered by suppliers logically form a part of the freight component and are includible in the assessable value of imported goods in terms of Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 for being part of transport cost.

Intelligence further suggested that M/s Bhansali Engineering Polymers Ltd. while importing such goods, for the purpose of determination of assessable value, calculated freight by taking into consideration standard freight paid by them. As a matter of fact as the price is determined on CIF basis, it normally does not separate individual elements of cost, i.e. Cost & Freight. However, specific provisions are made for certain elements consisting of unforeseen expenses, like Ship Demurrage Charge, which are required to be paid in addition to such CIF price. M/s Bhansali Engineering Polymers Ltd had to incur such extra expenses in the form of Ship Demurrage charges on a number of occasions. But they did not disclose, on any occasion the fact that they had to pay demurrage to the supplier in addition to the actual freight. Such elements of cost being paid over and above the standard freight also constitute part of the extended freight and therefore, part of the assessable value of the goods. Customs duty should have been paid on such amounts, but they did not come forward to pay such duty and grossly contravened the provisions of the Customs Act, 1962, in course of their imports.

I find that as per Section 14(1) of the Customs Act, 1962 read with Rule 3(1) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007, the value of imported goods shall be the transaction value of such goods, that is the price actually paid or payable for the goods when sold for export to India for delivery at the time and place of importation. I find that the value declared at the time of importation is not the true transaction value as the documents and the depositions made by Shri R.D.Shah, authorized representative of the importer, indicate that the actual transaction value of the goods imported is much higher than the declared one. Looking to the evidences in the form of import documents and admission of Shri R.D.Shah, I find that the declared value cannot be considered as actual transaction value under Rule 3 ibid read with Section 14 of the Customs Act, 1962. Thus, the value declared in the import documents is liable for rejection as per Rule 12 of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007.

46. Now I now proceed, to decide upon the 2nd aspect of allegation i.e. demand of differential Customs duty of Rs. 36,14,603/- (Rupees Thirty six lakh Fourteen thousand Six hundred Three only) under Section 28(4) of the Customs Act, 1962 from M/s Bhansali Engineering Polymers Limited. I find that in this connection, M/s Bhansali Engineering Polymers Limited in their defence reply have submitted that the notice has erred in invoking the provisions of Section 28(4) of the Customs Act, 1962 for the purpose of demanding duty and Section 28AA ibid for the purpose of demanding interest respectively. In this connection, I find that Shri R.D.Shah, their authorised

representative in his statement recorded by DRI on 07.02.2017 under Section 108 of Customs Act, 1962, has admitted that while determining the assessable value of the goods in bulk for which demurrage is subsequently paid, they had never taken into account such elements of cost in the form of demurrage, although, in certain cases the Imported goods suffered demurrage and they had to pay charges towards such demurrage to their own independent supplier. It was further admitted that for the purpose of determination of assessable value, they never declared before the Customs authority at the time of filing of Bills of Entry the element of cost namely Ship demurrage Charges. It was further admitted by them that such elements being part of extended freight do constitute a part of the assessable value of the goods imported and Customs duty is also payable thereupon but they did not pay the amount of duty payable thereupon.

I further find that Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, in clear terms has stated that transaction value as defined under Section 14(1) of the Customs Act, 1962, would also include cost of transport of the imported goods to the place of importation. I also observe that the term "cost of transport" has been further clarified and the scope of the said phrase has been explained to cover ship demurrage charges on chartered vessels, leaving no room for conjecture or different interpretation. Such element of cost is not incurred as a matter of routine, therefore, as and when such elements do surface, it is onus of the importer to declare such costs to the Customs for proper assessment of assessable value and the Customs duty.

In view of the above facts and findings, it is crystal clear that by applying Rule 10(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007, read with Section 14 of the Customs Act, 1962, cost ingredients in the form of ship demurrage charges are includible in the cost of transportation charges. From the above, it transpires that no duty of Customs was paid on such part of the undeclared value of the imported goods. Therefore, I observe that the goods should be considered to have been imported without payment of proper duty of Customs attracting provision of Section 28 (4) for recovery of such duty short paid. Therefore, the contention of M/s Bhansali Engineering Polymers Limited that no differential duty is payable by them is baseless and not acceptable to me. In view of discussions made as above, I hold that M/s Bhansali Engineering Polymers Limited is required to pay the differential Customs duty amounting to **Rs.36,14,603/-** as demanded vide the Show Cause Notice under Section 28(4) of the Customs Act, 1962. However, I also find that the importer admitting their mistake during the course of investigation have already voluntarily deposited **Rs.36,14,603/-** vide TR-6 Challan nos 3658 to 3677, 3683 & 3684 all dated 17.02.2017 towards differential Customs duty liability. The said amount of Customs duty i.e. **Rs.36,14,603/-** voluntarily deposited by the importer is required to be appropriated against the aforesaid Customs duty liability.

47. The importer M/s Bhansali Engineering Polymers Limited have contended in their defence reply that the SCN issued by DRI invoking extended period of limitation is contrary to the facts and legal provisions as there was neither mis-declaration of the assessable value nor suppression of facts by them so as to evade the payment of Customs duty. In this context, as discussed above, suppression of facts on the part of M/s Bhansali Engineering led to mis-declaration of the value of imported goods by way of not taking ship demurrage charges into consideration for the purpose of determination of transaction Value of imported Goods which ultimately resulted in short payment of Customs duty to the extent of **Rs.36,14,603/-**. I find that now with the introduction of self assessment under the Customs Act, the importers have been assigned with the responsibility of assessing their own goods under Section 17 of the Customs Act, 1962. As a part of self assessment by the importer, it was the duty of the importer to present correct facts in the Bills of Entry and they should have declared correct value of the goods so imported. However, contrary to this, the importer grossly mis-declared the value of the goods by wilful misstatement and suppression of facts and contravened the provision of the said Section 17. Such suppression resulted in short payment of duty and reflects malafide intention of the importer to evade duty of Customs. It is only because of the intelligence and detailed scrutiny of the documents by the officers of DRI, that the leakage of revenue could come to light. The importer did not come forward to pay such duty voluntarily on their own. But for the Intervention of DRI the said duty evasion would have remained undetected due to suppression of facts by the importer. Therefore, Section 28(4) of the Customs Act, 1962 is invoked in this case.

Further as discussed(supra), the authorised representative of M/s Bhansali Engineering Polymers Limited in his statement recorded on 07.02.2017 has admitted such contraventions pointed out by DRI to them. It was accepted and admitted that while importing such goods they failed to declare the element of cost namely Ship Demurrage Charges, they did not disclose such elements of cost even subsequently nor did they pay any duty of Customs on such element of cost although such costs should constitute a part of the assessable value of such imported goods. It was also admitted that in the past even after determination of such demurrage they failed to disclose the same to Customs authority on such occurrences in case of individual vessels. Admission on the part of the importer further corroborates and justifies invocation of Section 28(4) of the Customs Act, 1962. Hence, considering the factual position available on records, I am of the considered view that extended period of time provided under Section 28(4) of the Customs Act, 1962 is rightly invoked in this case, to demand the customs duty on demurrage charges paid.

48. Now, I proceeds towards the 3rd point of determination i.e. proposed confiscation of subject goods having assessable value of **Rs.398,60,76,390/-** under Section 111(m) of the Customs Act, 1962. In this regard, M/s Bhansali Engineering

Polymers Ltd. in their defence reply have submitted that the goods are not liable for confiscation and no penalty imposable.

In this regard, I refer to and discuss the provisions of Sections 111(m) of the Customs Act, 1962-

(i) **Section 111 (m) of the Customs Act, 1962, inter alia stipulates-**
“111. Confiscation of improperly imported goods etc. -

The following goods brought from a place outside India shall be liable to confiscation: -

.....

(m) any goods which do not correspond in respect of value or in any other particular] with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof, or in the case of goods under transshipment with the declaration for transshipment referred to in the proviso to sub-section (1) of Section 54”

I find that Section 111(m) of the Customs Act, 1962, provides that any goods which do not correspond in respect of value or in any particulars with the entry made under this Act shall be liable to confiscation. In the instant case, as already discussed and decided by me (supra) and as can be seen from the statement of authorised representative of M/s Bhansali Engineering Polymers Limited where they admitted that they have not included demurrage charges with cost of transportation of the imported goods and thereby evaded the Customs duty as per Rule 10(2) of the Customs Valuation (Determination of Value of imported Goods) Rules, 2007. M/s Bhansali Engineering Polymers Limited have contravened the provisions of Section 46 of the Customs Act, 1962, by not declaring while presenting the Bill of Entry for clearance of goods or even at a later stage the fact that the goods had suffered ship demurrage charges. Despite the fact that the importer have been working under the regime of self assessment where they have been given liberty to determine every aspect of an imported consignment from classification to declaration of value of goods, the importer has grossly failed to comply with the requirement of law and deliberately mis-declared the value of the goods by outright suppressing the facts of incurring costs towards ship demurrage charges, which has ultimately resulted in short payment of Customs duty to the extent of Rs. 36,14,603/-. In view of above facts on record, I find that in the instant case the importer has grossly failed to comply with the provisions of Sections 14, 17 & 46 of the Customs Act, 1962, and also failed to honour provisions of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. This contravention and/or violation falls within the purview of the nature of offence prescribed under Section 111(m) of the Customs Act, 1962. Deliberate & willful mis-declaration of the transaction value of the goods leading to short payment of Customs duty has rendered the goods liable to confiscation under Section 111(m) of the Customs Act, 1962. However, I refrain to hold the imported goods liable for

confiscation, in the circumstances of the present case as no such confiscation is warranted as there was no seizure of the goods involved in the case.

49. In context of proposal in the SCN regarding demand and recovery of Interest at appropriate rate under provision of Section 28AA of the Customs Act, 1962, I find that from wordings of Section 28AA of the Customs Act, 1962, it is quite clear that when M/s Bhansali Engineering Polymers Limited is liable to pay duty in accordance with the provisions of Section 28 *ibid*, they in addition to such duty are also liable to pay interest as well. The said Section provides for payment of interest automatically along with the duty. I have already held that differential Customs duty of Rs. 36,14,603/- is required to be paid by them. In view of this, I hold that M/s Bhansali Engineering Polymers Limited is also liable to pay interest involved on the said amount of Rs.36,14,603/- under the provisions of Section 28AA of the Customs Act, 1962. However, I find that the importer M/s Bhansali Engineering Polymers Limited during the course of investigation have already voluntarily deposited Rs. 19,01,516/- vide TR-6 Challan nos 3658 to 3677, 3683 & 3684 all dated 17.02.2017 towards interest liability and the same is required to be appropriated against the interest liability.

50. Besides confiscation, the Show Cause Notice has also proposed imposition of penalty on M/s Bhansali Engineering Polymers Limited under Section 112(a) of the Customs Act, 1962. In this regard, M/s Bhansali Engineering Polymers Limited in their defence reply have submitted that the goods are not liable for confiscation, consequently no penalty is imposable on them under the provision of Section 112(a) of the Customs Act, 1962. In this connection, I find that Section 112(a) of the Customs Act, 1962, stipulates that 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 111, or abets the doing or omission of such an act is liable to penalty as prescribed under the said Section.

In the instant case, as discussed (*supra*) and held on the basis of evidence available on the record that the importer viz. M/s Bhansali Engineering Polymers Ltd. did not declare the actual assessable value of the goods and suppressed the cost borne by them in the form of Ship Demurrage charge on which no Customs duty was paid and such mis-declaration by them attracts provision of Section 111(m) and have made the goods liable for confiscation under Section 111(m). I further find that for their acts of omission and/or commission, they have rendered themselves liable to penalty under Section 112(a) of the Customs Act, 1962.

I find that it is a settled law that penalty is imposable under Section 112(a) of the Customs Act, 1962 merely for filing incorrect declaration. In other words, there is no requirement of proving *mens rea* in such case. Here, in judgement of Hon'ble Apex Court in case of Chairman SEBI Vs Shriram Mutual Fund 2006(5) SCC 361 in which it is held that :

“ Mens rea is not an essential ingredient for contravention of the provisions of a Civil Act. Unless the language of the statute indicates the need to establish the element of mens rea, it is generally sufficient to prove that a default default in complying with the statute has occurred and it is wholly unnecessary to ascertain whether such a violation was intentional or not. The breach of a civil obligation which attracts a penalty under the provisions of an act would attract the levy of penalty irrespective of the fact whether the contravention was made by the defaulter with any guilty intention or not.”

In view of the above stated reasons, I hold that penalty under Section 112(a) of the Customs Act, 1962 is attracted on M/s Bhansali Engineering Polymers Ltd.

51. As regard proposal in SCN for imposition of penalty on M/s Bhansali Engineering Polymers Ltd. under Section 114A of the Customs Act, 1962, I find that according to Section 114A of the Customs Act, 1962, where the duty has not been levied or has been short-levied by reason of collusion or any willful mis-statement or suppression of facts, the person who is liable to pay the duty or interest, under sub-section (8) of Section 28 shall also be liable to pay a penalty equal to the duty or interest so determined.

As discussed (supra) in detail, In the instant case M/s Bhansali Engineering Polymers Limited did not declare the elements of cost attributable to the ship demurrage charges incurred by them, which should had been considered for the purpose of determination of the assessable value of imported Goods and on which Customs duty should had been paid and also failed to pay Customs duty thereupon, which I hold recoverable under Section 28(4) of the Customs Act, 1962. Consequently such omissions and commissions on the part of M/s Bhansali Engineering Polymers Limited call for recovery of duty under Section 28(4) of the Customs Act, 1962, also renders the said importer liable to penalty under Section 114A of the Customs Act, 1962. Accordingly, I hold that penalty under Section 114A of the Customs Act, 1962 is attracted on M/s Bhansali Engineering Polymers Limited.

52. I further find that M/s Bhansali Engineering Polymers Limited have contended in their written defence reply dated 14.09.2017 that being a law abiding citizen and an importer of repute, they have fully cooperated with the DRI and have not only paid the entire amount of duty payable on account of demurrage charges (i.e. Rs.40,37,443/-) but have also paid interest (Rs.22,81,063/-) on the said amount and penalty equal to fifteen percent of the duty (Rs.6,05,617/-) even before issuance/receipt of the notice and hence, the proceedings deserve to be treated as conclusive and closed, as duly provided under the provisions of Section 28(6)(i) of Customs Act, 1962.

52.1 In this regard, the relevant Sections 28(5) and 28(6) of the Customs Act, 1962 are reproduced as under-

Section 28(5) of the Customs Act, 1962-

(5) "Where any [duty has not been levied or has been short -levied or short-paid] or the interest has not been charged or has been part-paid or the duty or interest has been erroneously refunded by reason of collusion or any willful mis-statement or suppression of facts by the importer or the exporter or the agent or the employee of the importer or the exporter, to whom a notice has been served under sub-section (4) by the proper officer, such person may pay the duty in full or in part, as may be accepted by him, and the interest payable thereon under section 28AA and the penalty equal to [fifteen percent] of the duty specified in the notice or the duty so accepted by that person, within thirty days of the receipt of the notice and inform the proper officer of such payment in writing"

Section 28(6) of the Customs Act, 1962-

(6) Where the importer or the exporter or the agent or the employee of the importer or the exporter, as the case may be, has paid duty with interest and penalty under sub-section(5), the proper officer shall determine the amount of duty or interest and on determination , if the proper officer is of the opinion-

(i) that the duty with interest and penalty has been paid in full, then, the proceedings in respect of such person or other persons to whom the notice is served under sub-section (1) or sub-section (4) shall, without prejudice to the provisions of Section 135,135A and 140 be deemed to be conclusive as to the matters stated therein; or

(ii) that the duty with interest and penalty that has been paid falls short of the amount actually payable, then the proper officer shall proceed to issue the notice as provided for in clause (a) of sub-section (1) in respect of such amount which falls short of the amount actually payable in the manner specified under that sub-section and the period of one year shall be computed from the date of receipt of information under sub-section (5)".

52.2 I find that the Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, New Delhi has issued (i) Customs Circular No.11/2016-Customs dated 15.03.2016 from F.No. 450/190/2015-CusIV and (ii) Master Circular No. 1053/02/2017-CX dated 10.03.2017 issued from F.No.96/1/2017-Cx.I, with regard to the deemed conclusion of proceedings as per the provisions of Section 28(5) and Section 28(6) of the Customs Act,1962.

52.3 It is observed that in the subject Show Cause Notice, it has been mentioned at Para 28 that after initiation of investigation by DRI, the differential Customs duty, applicable interest and penalty @ 15% of the duty amount, amounting to Rs. 40,37,443/-, Rs 22,81,063/- and Rs. 6,05,617/- respectively, was paid by the importer vide TR-6 Challan/Demand Draft as detailed in Table-4 to the Show Cause Notice, in terms of the provisions of Section 28(5) &28(6) of the Customs Act, 1962. The said entire amount of Rs. 69,24,123/- paid vide money receipts detailed in table-4 above are required to be appropriated against the said liability . In view of the facts of the case, I find that the Customs duty, as proposed under Section 28(4) of the Customs Act,1962 do not requires to be determined under Section 28(8) along with interest under Section 28AA and with penal action under Section 112(a) and Section 114A of the Customs Act,1962.


I also refrain to hold the imported goods liable for confiscation, in the circumstances of the present case as no such confiscation is warranted as there was no seizure of the goods involved in the case.

52.4 Thus in view of the provisions of Section 28(5) and 28(6) of the Customs Act, 1962 and current legal provisions, in the present case when entire amount of Customs duty (Rs.40,37,443/-) under Section 28(4) along with applicable Interest (Rs.22,81,063/-) under Section 28AA ibid and penalty @ 15% of the duty (i.e. Rs.6,05,617/-) have been paid in full even before issue of the Show Cause Notice under Section 28(4) of the Customs Act,1962, the proceeding initiated against M/s Bhansali Engineering Polymers Limited vide the present SCN is liable to be concluded, as duly provided under the provisions of Section 28(6)(i) of Customs Act,1962. In view of the foregoing, the proceeding initiated against the importer M/S Bhansali Engineering Polymers Limited, Bhansali House, A-5, Off Veera Desai Road, Andheri(West), Mumbai-4000053, vide the impugned 'Show Cause Notice' is ordered to be concluded.

53. In view of the foregoing discussions and findings, I pass the following order-

ORDER

The proceeding initiated in the instant Show Cause Notice against M/s Bhansali Engineering Polymers Ltd., Bhansali House, A-5. Off Veera Desai Road, Andheri (West), Mumbai-400053 is hereby ordered to be concluded in terms of the provisions of Section 28(5) and 28(6) of the Customs Act,1962.


(PADALA MOHAN RAO)
Additional Commissioner (Adj.)
Custom House, Kandla.

F. No. S/10-11/ADJ/ADC/Bhansali/2017-18

Dated: 19.01.2018

To,
M/s Bhansali Engineering Polymers Ltd.
Bhansali House,
A-5. Off Veera Desai Road,
Andheri (West), Mumbai-400053.

Copy to :-

1. The Additional Director, Directorate of Revenue Intelligence, Kolkata Zonal Unit, 8, Ho Chi- Minh Sarani, Kolkata-700071 w.r. to SCN F.No. DRI/KZU/CF/ENQ-07(INT-43)/2017 dated 15.05.2017
2. The Deputy/Assistant Commissioner(RRA), Custom House, Kandla
3. The Deputy/ Assistant Commissioner(Recovery), Custom House, Kandla
4. Guard File