

	<p style="text-align: center;">भारत सरकार/GOVERNMENT OF INDIA सीमा शुल्क प्रधान आयुक्त का कार्यालय (पत्तन) OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (PORT) सीमा शुल्क सदन, 15/1, स्ट्रैंड रोड, कोलकाता- 700001(प. बं.) CUSTOM HOUSE, 15/1, STRAND ROAD, KOLKATA- 700001(W.B.) Tel: 033-22131553 Fax No.: 033-22131552 Email Id: prcommr-port-cuskol@gov.in</p>
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**E-File No.: CUS/AG/MISC/1509/2025-GR 4-O/O PR COMM-R-CUS-PORT-KOLKATA**

**Order-in-Original No. - KOL/CUS/ADC/PORT/GR-IV/130 /2025**

DIN:20250976NN000000A142

Date of Order: 24 / 09 / 2025

Date of Issue: 24 / 09 / 2025

Passed By:

**Sh. Gautam Kumar / श्री गौतम कुमार**

**Additional Commissioner of Customs (Port) / अपर आयुक्त सीमा शुल्क (पत्तन)**

**Custom House, Kolkata / सीमा शुल्क सदन, कोलकाता**

**ORDER – IN – ORIGINAL**

1. यह प्रति उस व्यक्ति के उपयोग के लिए निःशुल्क प्रदान की जाती है जिसे यह जारी की जाती है।  
This copy is granted free of charge for the use of the person to whom it is issued.
2. इस आदेश से स्वयं को व्यथित समझने वाला कोई भी व्यक्ति सीमा शुल्क अधिनियम, 1962 की धारा 129ए(ए) के अंतर्गत केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क अपीलीय न्यायाधिकरण (सीईएसटीएटी), कोलकाता पीठ के समक्ष इस आदेश के विरुद्ध अपील कर सकता है। ऐसी अपील, पक्षकार द्वारा प्राप्ति की तिथि से नब्बे (90) दिनों के भीतर दायर की जानी चाहिए और उसके साथ निम्नलिखित संलग्न होने चाहिए -  
Any person deeming himself aggrieved by this order may appeal under Section 129A (a) of the Customs Act, 1962 against the order before the Central Excise & Customs Appellate Tribunal (CESTAT), Kolkata Bench. Such an appeal must be filed within Ninety (90) days from the date of receipt by the party and should be accompanied by -
  - a. अपील की एक प्रति
    - a. A Copy of the appeal.
    - b. आदेश की यह प्रति या आदेश की कोई अन्य प्रति जिस पर नीचे दिए अनुसार न्यायालय शुल्क टिकट लगा होना चाहिए:
      - b. This copy of the order or another copy of the order which must bear Court Fee stamps as below:
      - c. यदि विषय-वस्तु का मूल्य पचास रुपये या उससे कम है - 0.40 पैसे

- c. If the amount of value of the subject matter is fifty rupees or less than fifty rupees - 0.40 Paisa
- d. यदि ऐसी राशि या मूल्य पचास रुपये से अधिक है - 0.75 पैसे  
d. If such amount or value exceeds fifty rupees - 0.75 Paisa
- e. यदि विभाग के रिकॉर्ड पर किसी अन्य दस्तावेज की प्रति या वकालतनामा अपील के साथ दायर किया जाता है, तो उस पर नीचे दिए अनुसार न्यायालय शुल्क टिकट लगा होना चाहिए:  
e. If a copy of any other documents on the record of the Department or a Vakalatnama is filed with an appeal, it must bear Court Fee Stamps as bellow:
- f. विभाग के रिकॉर्ड में मौजूद दस्तावेजों की एक प्रति, प्रत्येक 360 शब्द या उसके अंश के लिए 1.50 रुपये  
f. A copy of documents on the record of the department for every 360 words or fraction thereof Rupees 1.50
- g. सीईएसटीएटी को प्रस्तुत किए जाने वाले वकालतनामे पर 2.00 रुपए का न्यायालय शुल्क टिकट लगा होना चाहिए।  
g. Vakalatnama when presented to the CESTAT, should bear Court Fee Stamps of Rupees 2.00.

**Name of the Importer with address:**

M/s Global Traders (IEC: AAYFG4478L)

'112 Collin street, Kolkata, West Bengal 700016'

**ORDER-IN-ORIGINAL**

**Subject: Order-in-Original issued in respect of goods vide Bill of Entry No. 2574665 dated 10.06.2025 filed by M/s. Global Traders (IEC – AAYFG4478L). – reg.**

**BRIEF FACTS OF THE CASE**

M/s Global Traders (IEC: AAYFG4478L) (hereinafter referred to as 'the importer'), having registered address at '112 Collin street, Kolkata, West Bengal 700016' filed an EDI Bill of Entry No. 2574665 dated 10.06.2025 for clearance of goods for home consumption through their authorized Customs Broker (in short 'CB') M/s. Ultra Commercial & Co. (CB Code: AABFU8653JCH001) on self- assessment basis under section 17(1) of Customs Act, 1962. Relevant details of the said consignment are as tabulated below –

**TABLE – A**

Sl. No.	Details	
1	Bill of Entry No.	2574665 dated 10.06.2025

	<b>and date</b>	
2	<b>Importer details</b>	M/s. Global Traders (IEC: AAYFG4478L)
3	<b>Invoice No. and date</b>	JD20250509 dated 09.05.2025
4	<b>Supplier / Exporter</b>	Chang Xing Jian Da Silk Textile Co.
5	<b>Country of Origin</b>	China
6	<b>Declared Assessable Value</b>	₹12,23,536/-
7	<b>Total Self Assessed Duty</b>	₹4,17,999/-
8	<b>Bill of Lading No.</b>	HUA501711300 dated 17.05.2025
9	<b>Container details</b>	1*40' bearing No. PCIU8534384
10	<b>Gross Wt.</b>	15,090 Kgs
11	<b>Customs Broker details</b>	M/s Ultra Commercial & Co. (CB Code: AABFU8653JCH001)

2. The total declared assessable value of goods is ₹12,23,536/- (Rupees Twelve Lakh Twenty Three Thousand Five Hundred Thirty Six Only) and total self-assessed duty amount is ₹4,17,999/- (Rupees Four Lakh Seventeen Thousand Nine Hundred Ninety Nine only). The details of the imported goods as per the declaration made by the importer are as below:

**TABLE - B**

*Exchange Rate: [1 USD = 86.75 INR]*

Sl No	Item Description	Customs Tariff Head (CTH)	Unit Assessable Value(in \$) (CIF)	Quantity	Total Assessable Value (in Rs.)
A	B	C	D	E	F
	Metal Hook (U/B Ordinary)				

1	(Footwear & Bag Accessories / Parts)	83081021	0.80	602 Kgs	41778.8
2	Metal Puller (U/B Ordinary) (Footwear & Bag Accessories / Parts)	83081021	0.80	818 Kgs	56769.2
3	Metal Buckle (U/B Ordinary) (Footwear & Bag Accessories / Parts)	83081021	0.80	4156 Kgs	288426.4
4	Metal Handle (U/B Ordinary) (Footwear & Bag Accessories / Parts)	83081021	0.80	3407Kgs	236445.8
5	Small Empty Case (Unbranded, Ordinary)	39269099	1.28	642 Pcs	71287.68
6	Ladies Sling Bag (U/B Ordinary) (Assorted Colour, Size, PU)	42022290	2.40	2540 Doz.	528828
TOTAL					1223535.88

3. Specific intelligence was received from NCTC wherein consignment imported vide Bill of Entry No. 2574665 dated 10.06.2025 was flagged to be risky for mis-declaration, concealment or IPR violation based on which Special Intelligence & Investigation Branch (Port), Custom House, Kolkata (hereinafter also referred to as SIIB(Port)) issued an Alert Notice No. 66/2025 dated 13.06.2025 against aforementioned consignment imported vide Bill of Entry No. 2574665 dated 10.06.2025.

4. In pursuance of the aforesaid Alert Notice, the impugned goods contained in container bearing No. PCIU8534384 (40') were examined on 100% basis by the Shed Officers posted at Transworld -CFS in presence of two Panchas, the importer's representative/Customs Broker and SIIB Officer under Panchnama dated 18.06.2025. At the time of examination, Seal No. CX0306384 was found to be intact, the container was opened after cutting the seal and goods were examined on 100% basis. Findings of the examination have been tabulated below in Table C below:

**TABLE - C**

<b>Declared</b>	<b>Found</b>
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SI No. (as per BE)	Item description	Quantity	Unit	Item description	Quantity Found	No. of Boxes
1	Metal Hook	602	Kgs	Metal Hook	602 Kgs	41
2	Metal Puller	818	Kgs	Metal Puller	818 Kgs	25
3	<b>Metal Buckle</b>	<b>4156</b>	<b>Kgs</b>	<b>Not Found</b>		
4	Metal Handle	3407	Kgs	Metal Handle	3407 Kgs	173
5	Small Empty Case	642	Pcs	Small Empty Case	642 Pcs	34
6	Ladies Sling Bag	2540	Doz.	Ladies Sling Bag	2540 Doz.	154
<b>UNDECLARED</b>				<b>Ladies Footwear</b>	<b>4710 pairs</b>	<b>230</b>

On examination, it was found that Metal Buckles were not present in the consignment.

Instead, 230 boxes of undeclared Ladies Footwear were found inside the container and the footwears are of assorted colors, designs and sizes. Of these, 219 boxes contained 20 pairs each and 11 boxes contained 30 pairs each, aggregating to 4710 pairs of Ladies Footwear, which were not of any reputed brand and were not declared in the Bill of Entry.

5. Goods at Sl. No. 3 were found to be mis-declared and not present in the consignment during examination. Instead, 4710 pairs of ladies footwear were found. Therefore, on the reasonable belief that the impugned goods are apparently liable to confiscation under Section 111 of the Customs Act, 1962 for mis-declaration and import of restricted goods, the consignment covered under Bill of Entry No. 2574665 dated 10.06.2025 was seized vide Seizure Memo dated 18.06.2025 bearing DIN 20250676NL000000F94A.
6. The importer submitted a letter dated 19.06.2025 requesting to allow de-stuffing of the cargo in order to avoid detention and demurrage charges. De-stuffing and storage of the said goods u/s 49 of the Customs Act, 1962 was allowed vide letter dated 20.06.2025 after completion of 100% examination in the presence of SIIB officers.
7. Details of past imports by the importer, M/s. Global Traders were retrieved from the ICES system. It was observed that two other Bills of Entry Nos. 2618744 dated 12.06.2025 and 2653104 dated 14.06.2025, were filed by the said importer.

Upon perusal of the Bills of Entry and corresponding examination reports in the ICES system, it was found that in both instances, the goods were subjected to 100% examination by the Shed Officers and no discrepancies were recorded in the examination report and consequently, the consignments were cleared, and Out of Charge (OOC) was granted for the previous Bills of Entry Nos. 2618744 dated 12.06.2025 and 2653104 dated 14.06.2025.

8. Pursuant to authorization issued under Section 105 of the Customs Act, 1962, vide DIN: 20250676NN000000A6E1 dated 25.06.2025 and DIN: 20250676NN00001101C4 dated 25.06.2025, search was conducted by officers of SIIB (Port), Kolkata at the office premises of M/s Global Traders located at 8, Colootola Street, Kolkata – 700073 and 3rd Floor, 112, Collin Street, Park Street, Kolkata – 700016 respectively. The said search was carried out in the presence of two independent witnesses and was duly documented under panchnama proceedings drawn on the spot. During the search, no incriminating or relevant material was found.
9. Spot summons dated 25.06.2025, bearing DIN 20250676NL0000000EC4, was issued by this office to Shri Md. Mehraj, Partner of the firm M/s Global Traders against which the voluntary statement of Shri Md. Mehraj under Section 108 of the Customs Act, 1962 was recorded on 25.06.2025, wherein he inter-alia stated as follows –
  - a. *That he is Md. Mehraj, S/o Md. Naseem, DOB: 31.05.1990, email: meraj.nasim09@gmail.com. His residential address is 3rd Floor, 112, Collin Street, Park Street, Kolkata – 700016. He is a Partner in M/s Global Traders (IEC: AAYFG4478L).*
  - b. *That he can read, write, and understand both Hindi and English languages.*
  - c. *That his IEC No. AAYFG4478L was issued in the year 2024, and a signed copy was submitted during the course of the statement.*
  - d. *That the GST registration of the firm bears No. 19AAYFG4478L1ZA, issued on 12.09.2023, and a signed copy was submitted during the statement.*
  - e. *That the firm is a partnership entity and the other partners are Md. Jasim Naseem, who oversees sales, and Ms. Ziba Kusum, who is a sleeping partner. All business activities are primarily managed by him.*
  - f. *That M/s Global Traders is engaged in the import of various bag accessories such as metal hooks, pullers, etc., which are also supplied in the local market.*
  - g. *That he is aware of and agrees with the findings detailed in the panchnama dated 18.06.2025 relating to the import under Bill of Entry No. 2574665 dated 10.06.2025.*
  - h. *That no bank remittance has yet been made towards the overseas supplier as the import was made on 100% credit terms.*

- i. That no formal purchase order exists, as the order was placed over WeChat application chat. He undertook to retrieve and submit the relevant chats. The invoice was uploaded in e-Sanchit at the time of BE filing.*
  - j. That the supplier informed him via email that Ladies Footwear had been mistakenly loaded in the consignment. A copy of the email was submitted. He requested that the remainder of his statement be recorded the next day.*
10. In continuation of the statement of Shri Md. Mehraj, Partner of the firm M/s Global Traders, another summons dated 26.06.2025, bearing DIN 20250676NL0000121821, was issued by this office to Shri Md. Mehraj, against which the voluntary statement of Shri Md. Mehraj under Section 108 of the Customs Act, 1962 was recorded on 26.06.2025, wherein he inter-alia stated as follows –
  - a. That he has verified and confirmed that the contents of his earlier statement dated 25.06.2025 are true, correct, and voluntarily made without any threat, coercion, or undue influence.*
  - b. That he received the supplier's email about the discrepancy on 15.06.2025. As he was still assessing the situation, the alert was already issued by SIIB (Port) before he could formally report it.*
  - c. That he had personally placed the order during a visit to China in April 2025. He submitted his air ticket as proof of the visit and also submitted the email received from the supplier on 15.06.2025 acknowledging the loading error.*
  - d. That this was his first transaction with M/s Chang Xing Jian Da Silk Textile Co. Ltd. The contact was established and the order placed during his April 2025 visit.*
  - e. That the order was placed via WeChat, which is currently inaccessible in India. He is attempting to retrieve the chat using another device.*
  - f. That no formal contract or purchase order was executed. The deal was based on mutual verbal understanding during his visit to China.*
  - g. That the agreed payment terms are 45 days from shipment and the payment mode is Telegraphic Transfer (TT) through bank channels. No advance or informal payment has been made.*
  - h. That although Metal Buckles were ordered, they were not shipped. He did not verify the final packing list and relied on the supplier's verbal assurance.*
  - i. That he is unable to submit screenshots or supporting documents at present but is trying to retrieve the relevant chats from WeChat.*
  - j. That he will try to retrieve any document (email/chat/invoice) proving that Metal Buckles were ordered and submit them by 30.06.2025.*
  - k. That he did not verify the packing list or contents before filing the BE as he relied on the supplier's verbal assurance and the credit-based payment terms.*
  - l. That he had a voice call with the supplier post-discovery of the mis-shipment.*

*The supplier suggested re-export but did not send any written confirmation.*

- m. *That he has no other supporting documents like a formal purchase order, quotation, or local order, as the transaction was done informally during his visit to China.*
  - n. *That he is currently unable to prove that the invoice uploaded in e-Sanchit is genuine. He intends to retrieve and submit relevant chats from WeChat.*
  - o. *That the mis-shipment appears to be a genuine mistake from the supplier's end. He had no mala fide intention and requested provisional release of the remaining goods.*
11. Summons dated 26.06.2025, bearing DIN 20250676NL0000999D72, was issued by this office to the CB firm M/s Ultra Commercial & Co. against which the voluntary statement of Shri Sandeep Srivastava, G-Card holder of the CHA firm M/s Ultra Commercial & Co. under Section 108 of the Customs Act, 1962 was recorded on 26.06.2025, wherein he inter-alia stated as follows –
- a. *That he is Sandeep Srivastava (DOB: 12.03.1986), S/o Pradeep Kumar Srivastava, email: 86sandeeps@gmail.com. His residential address is Flat 2D, Block-1, Bhawani Sunvalley, 671 Shahid Hemanta Kumar Basu Sarani, South Dum Dum, Kolkata – 700074. He is a G-Card holder of M/s Ultra Commercial & Co. (CB Code: AABFU8653JCH001).*
  - b. *That he can read, write, and understand both Hindi and English languages.*
  - c. *That his firm has been handling the customs clearance work of M/s Global Traders for the past six months and has filed three Bills of Entry for them, including the current one.*
  - d. *That the importer had directly emailed the required documents to the CHA's official email ID. He received a copy of the BE from his office email on his personal ID. He undertook to submit all documents by evening.*
  - e. *That the documents were verified before filing the BE. KYC of the importer was conducted and is being submitted.*
  - f. *That a packing list and invoice were provided, but not a purchase order. A copy of the packing list is being submitted.*
  - g. *That the low weight of the container did not raise suspicion due to the nature of the goods and standard packaging variations. The declaration was filed in good faith.*
  - h. *That he came to know about the misdeclaration only during the examination on 18.06.2025 at CFS-Transworld. He had no prior knowledge of the undeclared goods.*
  - i. *That he was not informed by the importer or supplier about the presence of Ladies Footwear at any time prior to filing or clearance.*
  - j. *That his firm verifies HS Codes using the Customs Tariff Act, ICEGATE, and*

*DGFT. In case of ambiguity, clarification is sought from the importer.*

- k. *That incorrect declarations and non-disclosure constitute misdeclaration under the Customs Act, 1962, and he agrees with that.*
  - l. *That his firm maintains records of client communications. The correspondence with M/s Global Traders was done via email. A copy is being submitted.*
  - m. *That he received a copy of the Seizure Memo dated 18.06.2025 and handed it over to the importer.*
  - n. *That the Bill of Entry was filed solely on the basis of the documents provided by the importer. Due diligence was followed. The CHA firm had no mala fide intention and is cooperating fully with the investigation.*
12. Summons dated 31.07.2025, bearing DIN 20250776NL000022222B, was issued by this office to Shri Jasim Naseem against which the voluntary statement of Shri Jasim Naseem, Partner of the firm M/s Global Traders under Section 108 of the Customs Act, 1962 was recorded on 31.07.2025, wherein he inter-alia stated as follows –
- a. *That he is Md. Jasim Naseem, S/o Md. Naseem, aged about 25 years, residing at 112, Collin Street, Park Street, Kolkata – 700016. His contact details are Mobile No. 8961602032 and Email ID: jasimnaseem40@gmail.com. He is a Partner in M/s Global Traders (IEC: AAYFG4478L), along with Md. Mehraj and Ziba Kusum.*
  - b. *That he can read, write, and understand both Hindi and English languages.*
  - c. *That he could not participate in the earlier investigation proceedings due to a family exigency, and therefore, his brother and co-partner Md. Mehraj, who generally manages the day-to-day operations of the firm, participated on behalf of the firm.*
  - d. *That the impugned import order was placed with their overseas supplier M/s Chang Xing Jianda Silk Textile Co. Ltd. via email communication. Since his brother is not very tech-savvy, he usually assists him in placing such orders. He submitted a copy of the purchase email dated 29.04.2025, which confirms the order of 2540 dozen Ladies Sling Bags, 4156 kgs Metal Buckles, 602 kgs Metal Hooks, 818 kgs Metal Pullers, 3407 kgs Metal Handles, and 642 pcs Small Empty Cases.*
  - e. *That he submitted a copy of Commercial Invoice No. JD20250509 dated 09.05.2025 issued by the supplier, which reflects the above-mentioned items.*
  - f. *That the firm received an email from the supplier on 15.06.2025, admitting that 230 cartons of Ladies Footwear, intended for another customer, were mistakenly loaded in their consignment instead of Metal Buckles. The supplier requested for re-export of the mis-shipped items. A subsequent email dated 18.06.2025 was also received, reiterating the same request and attaching WeChat chat screenshots related to the original order. Another email dated*

*30.06.2025 was later received, requesting both payment for the consignment and urgent return of the wrongly shipped goods. He showed these emails to the officers on his laptop and submitted copies of all three emails during the statement.*

- g. That in response to the supplier's email dated 15.06.2025, a reply was sent by the firm on 16.06.2025, acknowledging the mis-shipment and informing the supplier that the consignment was under Customs hold. A copy of the reply email was also submitted.*
  - h. That no formal Purchase Order or Contract was executed for this transaction, and all communications and order confirmation were carried out via email only.*
  - i. That the item "Metal Buckles", which was found to be missing during physical examination, was part of the originally ordered goods and included in the invoice. The Bill of Entry was filed based on the invoice and verbal assurances from the supplier.*
  - j. That the firm had no prior knowledge of the presence of Ladies Footwear in the consignment and only after the email dated 15.06.2025 was received did they get the information. By then, the Bill of Entry had already been filed and an SIIB alert had been issued, and hence, no amendment could be made.*
  - k. That he agrees with the findings recorded in the Panchnama dated 18.06.2025, including the discrepancy observed during examination where 230 cartons of undeclared Ladies Footwear were found in the consignment.*
  - l. That all relevant documents required for filing the Bill of Entry were provided by the firm to their Customs Broker, M/s Ultra Commercial & Co. These included the commercial invoice, packing list, KYC documents, and email correspondence from the supplier. Since the order was placed via email, no separate PO or contract was provided.*
  - m. That the Customs Broker filed the Bill of Entry solely on the basis of the documents submitted by the firm and had no knowledge of the undeclared items. The discrepancy was discovered only during the Customs examination.*
  - n. That this was the first transaction of the firm with the overseas supplier, M/s Chang Xing Jianda Silk Textile Co. Ltd., and there exists no prior or ongoing business relationship.*
  - o. That he had nothing further to add except to reiterate that the mis-shipment of 230 cartons of Ladies Footwear was entirely due to the supplier's mistake, and neither he nor his firm had any intention to misdeclare or conceal.*
13. During the course of investigation, for the purpose of independent verification of the documents and statements tendered by the importer, an official communication dated

01.09.2025 was sent to the overseas supplier, M/s Chang Xing Jian Da Silk Textile Co., at the email address *chuyitrade@gmail.com*, which had been disclosed and relied upon by the importer as the channel of correspondence for placement of the subject order and subsequent communications. In response thereto, vide reply dated 02.09.2025, Lu Yvonne, on behalf of the said supplier, categorically confirmed that the aforesaid email ID pertains to their company, and expressly admitted that 230 cartons of Ladies Footwear had been wrongly loaded in the consignment intended for M/s Global Traders. The supplier further affirmed that the said error had been intimated to the importer.

14. The classification and valuation of the goods imported under Bill of Entry No. 2574665 dated 10.06.2025 filed by M/s Global Traders (IEC: AAYFG4478L) has been scrutinized with reference to the declarations made, findings during examination, and the provisions of the Customs Tariff Act, 1975 read with the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (CVR, 2007).

#### Declared Goods and Values

Sl. No.	CTH	Description	Unit Price (USD)	Quantity	Amount (USD)
1	8308 1021	Metal Hook (U/B Ordinary) (Footwear & Bag Accessories)	0.80/Kg	602 Kgs	481.60
2	8308 1021	Metal Puller (U/B Ordinary) (Footwear & Bag Accessories)	0.80/Kg	818 Kgs	654.40
3	8308 1021	Metal Buckle (U/B Ordinary) (Footwear & Bag Accessories) – Not found in container	0.80/Kg	4156 Kgs	3324.80
4	8308 1021	Metal Handle (U/B Ordinary) (Footwear & Bag Accessories)	0.80/Kg	3407 Kgs	2725.60
5	3926 9099	Small Empty Case (Unbranded, Ordinary)	1.28/Pc	642 Pcs	821.76
6	4202 2290	Ladies Sling Bag (U/B Ordinary, Assorted Colour/Size, PU)	2.40/Doz	2540 Doz	6096.00

Exchange Rate: 1 USD = ₹86.75

## 15. CLASSIFICATION ASPECT

- Items Declared and Found - (Item No. 1, 2, 4, 5 and 6): The items declared as *Metal Hooks, Metal Pullers, Metal Handles, Small Empty Cases, and Ladies Sling Bags* were found as per declaration. Their classification under the respective headings has been verified with reference to the Customs Tariff Act, 1975 and found to be correct.
- Declared Item Not Found (Metal Buckles – 4156 Kgs): The declared item *Metal Buckles* (CTH 8308) was not found present in the consignment during examination. Consequently, the classification under CTH 8308 becomes inapplicable for this item in respect of the instant consignment.
- Undeclared Goods (4710 pairs of Ladies Footwear): In place of the declared *Metal Buckles*, 4710 pairs of Ladies Footwear of assorted colour, size and design were recovered, which were not declared in the Bill of Entry. On physical inspection, the footwear were found to be open and closed type, unbranded, made of synthetic polymeric material. These articles do not fall under:
  - CTH 6401 (Waterproof footwear with outer soles and uppers of rubber or plastics, knee-length boots, etc.), as the impugned footwear are not waterproof boots or protective footwear of the type specified.
  - CTH 6402 (Other footwear with outer soles and uppers of rubber or plastics, including sports shoes, ski boots, etc.), as the subject footwear are not sports-specific or moulded footwear of this category.
  - CTH 6403 (Footwear with outer soles of rubber, plastics, leather and uppers of leather), as the uppers are not made of leather or composition leather.
  - CTH 6404 (Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials), as the uppers are not textile-based.

Having ruled out the above, the goods merit classification under the residual heading CTH 6405, which covers:

- “*Other Footwear*” – that is, footwear not falling under 6401 to 6405

## 16. APPLICABILITY OF BIS ON LADIES FOOTWEAR:

During examination, 4710 pairs of undeclared Ladies Footwear were found. As per the mandate of the Government of India, imported goods for which compliance to Indian Standards has been made compulsory must bear the BIS Standard Mark under a valid Licence or Certificate of Conformity (CoC) issued by the Bureau of Indian Standards (BIS). Such mandates are notified through Quality Control Orders (QCOs) issued under

the Bureau of Indian Standards Act, 2016.

Two relevant QCOs are applicable in the present case:

i. *The Footwear made from All Rubber and All Polymeric Materials and its Components (Quality Control) Order, 2024*

- Notified vide S.O. 1422(E) dated 15.03.2024 by DPIIT under Section 16 of the BIS Act, 2016 (effective from 01.08.2024).
- The Order prohibits import, manufacture, storage, sale or distribution of notified footwear products without BIS certification.
- The notified list includes, inter alia, “*Sandal and Slippers*” under **IS 6721:2023**.
- Relevant definitions under IS 6721:2023:
  - **Sandal:** “An open type of footwear having an upper part not covering the entire foot and which has a back strap ...”
  - **Slippers:** “An open type of footwear having an upper part not covering the entire foot and which do not have a back strap but may have a back support ...”

ii. Footwear made from Leather and Other Materials (Shoes for Services and General Purpose – QCO), 2024

- As per the QCO amendment notified on 30 August 2024 (effective from that date), “Shoes for Service and General Purpose” are now subject to compulsory BIS certification under IS 17043 (Part-2):2024, and must bear the Standard Mark.
- IS 17043 (Part-2):2024 specifies shoes for general purposes as “Footwear intended for daily or general use, having closed uppers covering the foot, made from leather, polymeric, or textile materials, with soles of rubber, PVC, TPU, or similar material. Such shoes are designed for regular wear, excluding specialized protective, athletic, or orthopaedic footwear.”

On scrutiny, it was observed that the footwear imported vide the impugned consignment did not bear any BIS Standard Mark, nor was the manufacturer found to hold any BIS registration/licence. The undeclared goods comprise footwear of polymeric material, with certain designs falling under the scope of “Sandals” as per IS 6721:2023, while other designs—being closed uppers made from polymeric materials—fall within the scope of “Shoes for service and general purpose” under IS 17043 (Part 2):2024.

Accordingly, the impugned Ladies Footwear fall squarely within the scope of the above two QCOs and are therefore subject to mandatory BIS certification. In the

absence of BIS licence or Standard Mark, the undeclared Ladies Footwear are deemed “prohibited goods” under Section 2(33) of the Customs Act, 1962, and are liable to confiscation under Section 111(d) thereof, read with Section 17 of the BIS Act, 2016.

#### 17. VALUATION ASPECT

- **Items Found as Declared (1, 2, 4, 5 & 6):** Valuation aspect has been scrutinized, and the unit value appears to be adequate for the declared items.
- **Item Not Found (3 - Metal Buckles):** These goods were not found during examination.
- **Undeclared Item (Ladies Footwear, 4710 pairs):** No value was declared. As per Rule 12 of CVR, 2007, the declared value is to be treated as NIL. Therefore, their declared values are liable to be rejected in terms of Rule 12 of Customs Valuation (Determination of value of imported Goods) Rules 2007 (CVR, 2007). The value of the impugned goods needs to be redetermined in accordance with Rule 4 to 9 of the CVR, 2007. Now, Rule 4 and Rule 5 of CVR, 2007 stipulates valuation based on the contemporaneous import data of identical and similar goods respectively. However, due to the nature and non-availability of the description of the goods, the concrete data of the goods was not found. So, the valuation could not be done under Rule 4 (identical goods) & Rule 5 (Similar goods) of CVR, 2007. Nor could Rule 7 (deductive value) or Rule 8 (computed value) be applied due to lack of market/production cost data. As the value of subject goods could not be determined under Rule 3 to 8 of CVR 2007, the value of the goods needs to be redetermined under Rule 9 of CVR 2007. The interpretative notes of Rule 9 stipulates that the methods of valuation to be employed under Rule 9 may be those laid down in Rules 3 to 8, inclusive, but a reasonable flexibility in the application of such methods would be in conformity with the aims and provisions of Rule 9. Therefore, the deductive method under Rule 7 of CVR,2007 after being flexibly interpreted under Rule 9 *ibid* is used for the valuation purpose.

#### 18. Market Survey for Undeclared Footwear

As the value of the undeclared goods i.e., Unbranded Ladies Footwear could not be determined under Rules 3 to 8 of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 (CVR, 2007), the value was re-determined under Rule 9 of CVR, 2007. A market survey was carried out on 11.08.2025 at Esplanade Market, Kolkata in the presence of independent Panchas and the authorised representative of the importer. Samples of the undeclared Ladies Footwear (unbranded, assorted colours/sizes) were shown to shopkeepers, who provided written quotations for similar goods. The prices obtained were:

- M/s I Model (Shop No. 145, Shree Ram Arcade): ₹180/pair
- M/s Feel (Shop No. 128, Shree Ram Arcade): ₹190/pair
- M/s Walking Fever (Shop No. 134, Shree Ram Arcade): ₹170/pair

The average retail market price was determined at ₹180 per pair. This retail price was found to include various post-import cost elements, such as:

- IGST @ 12%
- Incidental charges including transport, warehousing, marketing, etc. @ 10%
- Importer's profit margin @ 10%
- Customs duty incidence @ 38.5% (BCD 35% + SWS 3.5%)

On back-calculation by deducting the above components sequentially, the CIF assessable value per pair works out to ₹95.90 (approx).

Accordingly, the total assessable value of the undeclared footwear is computed as: 4710 pairs × ₹95.90 = ₹4,51,689 (rounded off to nearest rupee) (*Rupees Four Lakh Fifty One Thousand Six Hundred Eighty Nine Only*).

#### 19. Legal Provisions

Para 2.03 of **Foreign Trade Policy, 2023** which is re-produced below –

**“2.03 Compliance of Imports with Domestic Laws** (a) Domestic Laws/ Rules/ Orders/ Regulations/ technical specifications/ environmental/safety and health norms applicable to domestically produced goods shall apply, mutatis mutandis, to imports, unless specifically exempted. (b) However, goods to be utilized/ consumed in manufacture of export products may be exempted by DGFT from domestic standards/ quality specifications.”

Reading both the above provisions together, it is clear that goods in violation of Steel Quality Control Order, 2024 are restricted for import without BIS Certificate/One-time exemption certificate from the Ministry of Steel, Government of India.

**Section 2(33) of the Customs Act, 1962:**“prohibited goods” means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;

**Section 17(1) of the Customs Act, 1962:**An importer entering any imported goods under section 46, or an exporter entering any export goods under section 50, shall, save as otherwise provided in section 85, self-assess the duty, if any, leviable on such goods;

**Section 46 of the Customs Act, 1962:**

*Entry of goods on importation–*

1. *The importer of any goods, other than goods intended for transit or transshipment, shall make entry thereof by presenting electronically on the customs automated system to the proper officer a bill of entry for home consumption or warehousing in such form and manner as may be prescribed:*

*Provided that ...*

2. ...

3. ...

4. *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, and such other documents relating to the imported goods as may be prescribed.*

*(4A) The importer who presents a bill of entry shall ensure the following, namely:-*

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

**Section 110 of the Customs Act, 1962:**

*Seizure of goods, documents and things -*

1. *If the proper officer has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods:*

***Provided*** that where it is not practicable to remove, transport, store or take physical possession of the seized goods for any reason, the proper officer may give custody of the seized goods to the owner of the goods or the beneficial owner or any person holding himself out to be the importer, or any other person from whose custody such goods have been seized, on execution of an undertaking by such person that he shall not remove, part with, or otherwise deal with the goods except with the previous permission of such officer:

***Provided*** further that where it is not practicable to seize any such goods, the proper officer may serve an order on the owner of the goods or the beneficial owner or any person holding himself out to be importer, or any other person from whose custody such goods have been found, directing that such person shall not remove, part with, or otherwise deal with such goods except with the previous permission of such officer.

2. *Where any goods are seized under sub-section (1) and no notice in respect*

*thereof is given under clause (a) of section 124 within six months of the seizure of the goods, the goods shall be returned to the person from whose possession they were seized:*

**Provided** that the Principal Commissioner of Customs or Commissioner of Customs may, for reasons to be recorded in writing, extend such period to a further period not exceeding six months and inform the person from whom such goods were seized before the expiry of the period so specified:

#### **Section 111 of the Customs Act:**

*Confiscation of improperly imported goods, etc. -*

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

- d. any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force;*
- 2. any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77;*
- 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 trans-shipment, with the declaration for trans-shipment referred to in the proviso to sub-section (1) of section 54;*
  - (o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non-observance of the condition was sanctioned by the proper officer;*

#### **Section 112 of the Customs Act:**

*Penalty for improper importation of goods, etc.-*

*Any person, -*

- a. 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, or*

*shall be liable, -*

- i. in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty 1 [not exceeding the value of the goods or five thousand rupees], whichever is the greater;*

**Section 16(1) of the BIS Act, 2016:**

*If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest or for the protection of human, animal or plant health, safety of the environment, or prevention of unfair trade practices, or national security, it may, after consulting the Bureau, by an order published in the Official Gazette, notify –*

- a. goods or article of any scheduled industry, process, system or service; or*
- b. essential requirements to which such goods, article, process, system or service,*

*which shall conform to a standard and direct the use of the Standard Mark under a license or certificate of conformity as compulsory on such goods, article, process, system or service.*

*Explanation. For the purpose of this sub-section,*

- i. the expression "scheduled industry" shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951;*
- ii. it is hereby clarified that essential requirements are requirements, expressed in terms of the parameters to be achieved or requirements of standard in technical terms that effectively ensure that any goods, article, process, system or service meet the objective of health, safety and environment.*

**Section 17 of the BIS Act, 2016**

**17. Prohibition to manufacture, sell, etc., certain goods without Standard Mark**

- 1. No person shall manufacture, import, distribute, sell, hire, lease, store or exhibit for sale any such goods, article, process, system or service under sub- section (1) of section 16--*

- a. *without a Standard Mark, except under a valid licence; or*
  - b. *notwithstanding that he has been granted a license, apply a Standard Mark, unless such goods, article, process, system or service conforms to the relevant standard or prescribed essential requirements.*
2. *No person shall make a public claim, through advertisements, sales promotion leaflets, price lists or the like, that his goods, article, process, system or service conforms to an Indian standard or make such a declaration on the goods or article, without having a valid certificate of conformity or licence from the Bureau or any other authority approved by the Central Government under sub-section (2) of section 16*
  3. *No person shall use or apply or purport to use or apply in any manner; in the manufacture, distribution, sale, hire, lease or exhibit or offer for sale of any goods, article, process, system or service, or in the title of any patent or in any trade mark or design, a Standard Mark or any colourable imitation thereof, except under a valid licence from the Bureau.*

#### **FINDINGS OF THE INVESTIGATION**

20. M/s Global Traders (IEC: AAYFG4478L), having its registered address at 112, Collin Street, Kolkata – 700016, filed Bill of Entry No. 2574665 dated 10.06.2025 through their authorised Customs Broker, M/s Ultra Commercial & Co. (CB Code: AABFU8653JCH001), for clearance of imported goods on self- assessment basis under Section 17(1) of the Customs Act, 1962. The consignment, covered under Bill of Lading No. HUA501711300 dated 17.05.2025, comprised one 40' container bearing No. PCIU8534384 with a gross weight of 15,090 Kgs, shipped from China by the supplier M/s Chang Xing Jian Da Silk Textile Co. The importer declared a total assessable value of ₹12,23,536/- with corresponding self-assessed duty of ₹4,17,999/-. As per the invoice No. JD20250509 dated 09.05.2025, the declared goods consisted of metal hooks, pullers, buckles, handles, small empty cases, and ladies sling bags, classifiable under Chapters 83, 39 and 42 of the Customs Tariff, with detailed assessable values as reflected in the Bill of Entry.
21. Pursuant to specific intelligence received from the National Customs Targeting Centre (NCTC), the consignment imported under Bill of Entry No. 2574665 dated 10.06.2025 by M/s Global Traders was flagged as risky for possible mis-declaration, concealment or IPR violation. Accordingly, SIIB (Port), Custom House, Kolkata issued Alert Notice No. 66/2025 dated 13.06.2025. In compliance therewith, the goods in container No. PCIU8534384 were subjected to 100% examination on 18.06.2025 at CFS-Transworld in the presence of independent panch witnesses, the importer's representative, and SIIB officers. Examination revealed that the declared item "Metal Buckles" (4156 Kgs) was not present; instead, 230 cartons containing

- 4710 pairs of undeclared, unbranded Ladies Footwear of assorted colours and sizes were recovered, in addition to the other declared goods.
22. As the declared goods at Sl. No. 3, i.e., "Metal Buckles" (4156 Kgs), were not found during examination and, instead, 4710 pairs of undeclared Ladies Footwear were recovered, the consignment was deemed liable for confiscation under Section 111 of the Customs Act, 1962 on grounds of mis-declaration and import of restricted goods. Accordingly, the goods covered under Bill of Entry No. 2574665 dated 10.06.2025 were seized vide Seizure Memo bearing DIN 20250676NL000000F94A dated 18.06.2025. Subsequently, the importer, vide letter dated 19.06.2025, requested for de-stuffing of the seized container No. PCIU8534384 to mitigate detention and demurrage charges, which was permitted vide letter dated 20.06.2025.
  23. The past import history of M/s Global Traders was examined through the ICES system, which revealed that the importer had filed two other Bills of Entry, Nos. 2618744 dated 12.06.2025 and 2653104 dated 14.06.2025. On scrutiny of the corresponding examination reports, it was observed that both consignments had been subjected to 100% examination by the Shed Officers, wherein no discrepancies were detected. Consequently, both consignments were cleared and Out of Charge (OOC) was duly granted.
  24. Pursuant to authorisations issued under Section 105 of the Customs Act, 1962 on 25.06.2025, searches were conducted by SIIB (Port) officers at the office premises of M/s Global Traders located at 8, Colootola Street, Kolkata – 700073 and 3rd Floor, 112, Collin Street, Park Street, Kolkata – 700016, in the presence of independent witnesses, and duly documented under panchnama proceedings; however, no incriminating or relevant material was recovered. Spot summons was issued to Shri Md. Mehraj, Partner of the firm, whose statement under Section 108 of the Customs Act, 1962 was recorded. He stated that the import was on 100% credit terms, and that the supplier had informed him via email that Ladies Footwear had been mistakenly shipped instead of Metal Buckles. Further in his statement recorded on 26.06.2025, he confirmed that the order had been placed during his visit to China in April 2025 on verbal understanding, that no formal contract or advance payment was made, that he relied solely on the supplier's assurances without verifying the packing list, and that he had received supplier's emails acknowledging the mis-shipment and suggesting re-export. He asserted that the mis-shipment appeared to be a genuine mistake of the supplier without any mala fide intention on his part.
  25. In compliance with summons dated 26.06.2025, the statement of Shri Sandeep Srivastava, G-Card holder of M/s Ultra Commercial & Co. (CB Code: AABFU8653JCH001), was recorded under Section 108 of the Customs Act, 1962. He stated that the firm had been handling the customs clearance work of M/s Global Traders for the past six months, during which three Bills of Entry, including the

present one, had been filed. He further stated that the importer directly emailed the requisite documents to the CHA's official email, and based on the invoice and packing list provided, the Bill of Entry was filed. He asserted that KYC verification of the importer had been conducted, and that the comparatively low container weight did not raise suspicion owing to the nature of the goods. He further stated that he became aware of the undeclared Ladies Footwear only at the time of examination on 18.06.2025 and had not been informed by the importer or supplier about their presence beforehand.

26. In response to summons dated 31.07.2025, the statement of Shri Md. Jasim Naseem, Partner of M/s Global Traders, was recorded under Section 108 of the Customs Act, 1962. He confirmed that the impugned import order was placed with M/s Chang Xing Jianda Silk Textile Co. Ltd. through email and submitted supporting documents including the purchase email dated 29.04.2025 and Commercial Invoice No. JD20250509 dated 09.05.2025. He further submitted supplier emails dated 15.06.2025, 18.06.2025, and 30.06.2025 wherein the supplier admitted that 230 cartons of Ladies Footwear had been wrongly shipped instead of Metal Buckles and requested re-export. He stated that the Bill of Entry was filed on the basis of the invoice and supplier's assurances, with no prior knowledge of the undeclared footwear until examination. He affirmed that this was the firm's first transaction with the said supplier and reiterated that the mis-shipment was entirely due to the supplier's error, with no mala fide intention on the part of the firm.
27. For independent verification, this office issued an email dated 01.09.2025 to the overseas supplier, M/s Chang Xing Jian Da Silk Textile Co., at *chuyitrade@gmail.com*. In reply dated 02.09.2025, the supplier confirmed that the said email ID belongs to their company and admitted that 230 cartons of Ladies Footwear were wrongly loaded in the consignment meant for M/s Global Traders, further affirming that the error had already been intimated to the importer.
28. The declared items such as metal hooks, pullers, handles, small empty cases and sling bags were found in order and their classification verified as correct. However, the declared item "Metal Buckles" (4156 Kgs) was not found in the consignment. Instead, 4710 pairs of undeclared Ladies Footwear were recovered which merit classification under CTH 6405 on the basis of physical inspection and application of the General Rules for Interpretation (GRI), ruling out CTH 6401 to 6404, and thereby placing the goods residually under CTH 6405 – 'Other Footwear.'
29. Examination revealed 4710 pairs of undeclared Ladies Footwear which did not bear any BIS Standard Mark, and the manufacturer was not found to hold any BIS licence. As per the mandate of the Footwear made from All Rubber and All Polymeric Materials and its Components (Quality Control) Order, 2024 [IS 6721:2023] and the Footwear made from Leather and Other Materials (Shoes for Service and General

Purpose – QCO), 2024 [IS 17043 (Part 2):2024], such footwear requires mandatory BIS certification. The undeclared footwear comprised open-type sandals falling within IS 6721:2023 and closed-type general purpose shoes falling within IS 17043 (Part 2):2024. None bore the BIS Standard Mark, nor did the manufacturer have BIS registration/licence. Accordingly, the goods are prohibited under Section 2(33) of the Customs Act, 1962 and liable to confiscation under Section 111(d), read with Section 17 of the BIS Act, 2016.

30. On valuation, the declared items were found to be in order, while the declared “Metal Buckles” were not found and their declared value excluded. For the undeclared 4710 pairs of Ladies Footwear, no value was declared and the same was rejected under Rule 12 of the CVR, 2007. As valuation could not be determined under Rules 3 to 8, the same was re-determined under Rule 9 by way of a market survey conducted on 11.08.2025 at Esplanade Market, Kolkata. Based on quotations and back-calculation of post-import cost elements, the CIF assessable value arrived at 95.90 per pair, resulting in a total assessable value of ₹4,51,689/- for the undeclared footwear.
31. Section 2(33) of the Customs Act, 1962 defines “prohibited goods” as those whose import or export is subject to prohibition under this Act or any other law in force. The undeclared 4710 pairs of Ladies Footwear recovered during examination fall within the scope of both the Footwear made from All Rubber and All Polymeric Materials and its Components (Quality Control) Order, 2024 [IS 6721:2023] and the Footwear made from Leather and Other Materials (Shoes for Service and General Purpose – QCO), 2024 [IS 17043 (Part 2):2024], issued under Section 16 of the BIS Act, 2016. In the absence of mandatory BIS certification, such goods qualify as “prohibited goods” under Section 2(33) *ibid*, thereby attracting the liability of confiscation under Section 111(d) of the Customs Act, 1962. Also, the import of the said footwear, without BIS certification, amounts to a contravention of a prohibition imposed “under any other law for the time being in force.” Therefore, the goods are further liable to confiscation under Section 111(o) of the Customs Act, 1962.
32. Section 111 of the Customs Act, 1962 squarely applies in the present case:
  - i. Under Section 111(d), the undeclared Ladies Footwear, being prohibited goods without BIS certification, are liable to confiscation.
  - ii. Under Section 111(l), the said footwear, being undeclared, are goods “in excess of those included in the entry made under this Act.”
  - iii. Under Section 111(m), the mis-declared “Metal Buckles” not found in the consignment constitute a discrepancy between the goods declared in the Bill of Entry and the goods actually imported.
  - iv. Under Section 111(o), the undeclared Ladies Footwear, being prohibited in contravention of the BIS prohibition orders under the aforesaid QCOs, are liable to

confiscation.

33. Also, the importer, M/s Global Traders, by failing to declare the 4710 pairs of prohibited Ladies Footwear and mis-declaring Metal Buckles not actually imported, has rendered the consignment liable for confiscation. Accordingly, the importer is liable to penalty under Section 112(a)(i) of the Act.
34. In respect of the Customs Broker, M/s Ultra Commercial & Co. (CB Code: ABFU8653JCH001), it is observed from the statement of Shri Sandeep Srivastava, the G-Card holder and the supporting records that the Bill of Entry was filed on the basis of documents provided by the importer, and that due diligence obligations under the CBLR, 2018 were duly discharged. As no evidence of prior knowledge, connivance, or abetment has been brought on record, no penal action under Section 112(a) or 112(b) of the Customs Act, 1962 is proposed against the Customs Broker.

#### **Issuance of SCN**

35. In the instant case, a letter dated 16.09.2025 has been received from the Importer wherein they requested to kindly release the goods on adjudication and take a lenient view on imposition of Penalty as the goods are required for this festival season as soon as possible. They do not require any SCN, PH & AO in this case, and all they pray for early release of the goods with a lenient Penalty as there were no malafide intention on the part of them.

#### **Personal Hearings**

36. Accordingly an opportunity of Personal Hearing was accorded by the Ld. Adjudicating authority i.e. Ld. Additional Commissioner of Customs (Port) on 18.09.2025, wherein the importer was represented by Md. Mehraj, Partner of M/s Global Traders. He has requested to give permission to re-export the uncleared goods i.e. 'Ladies Footwear', and impose minimum Fine and Penalty, taking a lenient view. For the rest of the goods, he requested to release the goods at the earliest as the Festive Season is approaching.

#### **DISCUSSIONS AND FINDINGS**

37. Hence, based on the findings of the investigation and record of statements during Personal Hearings, I have to decide:
- i. whether BIS is applicable on the subject goods imported under Bill of Entry No. 2574665 dated 10.06.2025;
  - ii. whether the subject goods should be held liable for confiscation under Section

111(d), 111(l), 111(m) and 111(o) of the Customs Act, 1962 as proposed in the investigation report;

- iii. whether the importer is liable for penalty under Section 112(a)(i) of the Customs Act, 1962.

**37.1** I find that 4710 pairs of '*Ladies Footwear*' were found Undeclared in the subject consignment upon examination and accordingly, the consignment was seized vide Seizure Memo dated 18.06.2025. I also find that the impugned 4710 pairs of Undeclared '*Ladies Footwear*' valued at Rs. 4,51,689/- are "Prohibited goods" under Section 2(33) of the Customs Act, 1962, read with Section 17 of the Bureau of Indian Standards (BIS) Act, 2016, due to absence of BIS certification mandated under the *Footwear made from All Rubber and All Polymeric Materials and its Components (Quality Control) Order, 2024* and the *Footwear made from Leather and Other Materials (Shoes for Service and General Purpose – QCO), 2024* I also find that these goods are liable to confiscation under Section 111(d), 111(l), 111(m) and 111(o) of the Customs Act, 1962, for being imported in violation of prohibitions, non-declaration, and mis-declaration in the Bill of Entry.

**37.2** Furthermore, I find that the impugned goods i.e., undeclared ladies footwear have been imported which attract BIS and are not amenable to be released for Home Consumption, so duty estimates of leviable duty on these goods has not been made.

**37.3** I also observed that the importer, M/s Global Traders, is liable for penal action under Section 112(a)(i) of the Customs Act, 1962, for acts and omissions that rendered the goods liable to confiscation under Section 111 (d), (l), (m) and (o) of the Customs Act, 1962. I specifically find that the importer failed to ensure the accuracy and completeness of the Bill of Entry as required under Section 46(4A) and Section 17(1) of the Customs Act, 1962, by not declaring the 4710 pairs of Ladies Footwear and declaring Metal Buckles (4156 Kgs) that were not present in the consignment. I also find that the Md. Mehraj (Partner of the firm M/s Global Traders) in his statement dated 25.06.2025 stated that the supplier has informed him via email that Ladies Footwear had been mistakenly loaded in the consignment and furthermore, in his statement dated 26.06.2025, he also submitted the email dated 15.06.2025 from the supplier acknowledging the loading error. I find that it was a Bonafide mistake on the part of the overseas supplier.

**37.4** I also find that for the rest of the consignment no misdeclaration has been found upon examination and hence, rest of the consignment (other than Item found undeclared i.e., 4710 pairs of '*Ladies Footwear*') may be released.

In view of above, I pass the following Order:

**ORDER**

- i. I held that the 'Ladies Footwear' imported vide Bill of Entry No. 2574665 dated 10.06.2025 require BIS certification/ No Objection Certificate (hereinafter referred to as "NOC") from Bureau of Indian Standards, as per the provisions of Para 2.03 (a) of the Foreign Trade Policy (hereinafter referred to as "FTP"), 2023 read with the Bureau of Indian Standards Act, 2016 (hereinafter referred to as "BIS Act").
- ii. I order for confiscation of impugned goods i.e., 4710 pairs of '*Ladies Footwear*' having Assessable Value of **Rs. 4,51,689/- (Rupees Four Lakh Fifty-One Thousand Six Hundred and Eighty-Nine only)** imported under Bill of Entry No. 2574665 dated 10.06.2025 under the provision of Section 111 (d), 111 (l), 111 (m) and 111 (o) of the Customs Act, 1962.
- iii. I impose a penalty of **Rs 1,00,000/- (Rupees One Lakh Only)** under the provision of Section 112(a)(i) of Customs Act, 1962, for their acts of omissions and commissions, as discussed above.
- iv. I allow the re-export of the undeclared goods i.e., 4710 pairs of '*Ladies Footwear*' to his foreign supplier as requested by the Importer, M/s Global Traders, in terms of CBIC Circular No. 04/2015 dated 20.01.2015, on payment of fine of **Rs 50,000/- (Rupees Fifty Thousand Only)** under section 125 of the Customs Act, 1962. The goods are to be allowed **,for the purpose of re-export, as imported, only.**
- v. I order to release the rest of the consignments which have been found as per declaration in the subject Bill of Entry, on payment of applicable duty.
- vi. This order is issued without prejudice to any action that may be taken for violation of any other legal provisions existing at the time of the incident and shall be independent from such proceedings.

  
**(GAUTAM KUMAR)**

Additional Commissioner of Customs (Port)  
Custom House, Kolkata.

**To:**

M/s Global Traders (IEC: AAYFG4478L)  
112 Collin street, Kolkata, West Bengal 700016

**Copy to:**

- i. The Dy./Assistant Commissioner of Customs, O/o The Chief Commissioner of Customs, Custom House, Kolkata -700001 (For review)
- ii. The Deputy/Assistant Commissioner of Customs, Central Adjudication Cell

(Port), Custom House, Kolkata.

iii. The Deputy/Assistant Commissioner of Customs (Port), EDI Cell (Port), Custom House, Kolkata-700001 - for uploading in website.

iv. The Deputy/ Assistant Commissioner of Customs, CFS Transworld Logistics, Kolkata.