



IS15700:2005 Cft No.SQ/L-6000140

वित्त मंत्रालय MINISTRY OF FINANCE

राजस्व विभाग DEPARTMENT OF REVENUE

आयुक्त सीमा शुल्क का कार्यालय, चेन्नै - II

OFFICE OF THE COMMISSIONER OF CUSTOMS,
CHENNAI-II

सीमा शुल्क भवन, 60, राजाजी सालै, चेन्नै-600 001

CUSTOM HOUSE, 60, RAJAJI SALAI, CHENNAI- 600
001.

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फा.सं. एस विविध/ S30/ 07 /2020-ग्रुप3

दिनांक/ DATED: .08.2020

DAP No. 98/2017-18

SOF No. 101/2017-18

DIN: 20200973MX00003E9AF3

**DEMAND CUM SHOW CAUSE NOTICE UNDER SECTION 28 (4) OF THE CUSTOMS
ACT, 1962**

Whereas, M/s. Greendrops Techlife, SF No. 591-592, Sakkampalayam Villa, GE Annur , Coimbatore , Tamil Nadu, 641653 (hereinafter referred to as 'importer') filed Bills of Entry as detailed in the following Table – I under section 46 of Customs Act, 1962 for import of Nylon Filament Yarn declaring under CTH 54021990 and 54022500:

TABLE – I

SR No.	BE No.	BE Date	Assasable value(in Rs)	ADD to be levied(in Rs)	Short Levy of IGST(in Rs)	Short Levy of Duty(in Rs)
1	2212524	23/06/2017	1588448	513447	0	513447
2	2615467	27/07/2017	1519535	513841	92491	606332
3	3417527	28/09/2017	1509105	515417	92775	608192
4	4124365	23/11/2017	1551066	521722	93910	615632
5	6345483	12/08/2016	1384630	533938	0	533938
6	7882167	19/12/2016	1403024	541031	0	541031
7	8743536	02/03/2017	1483984	534726	0	534726
Total			10439792	3674122	279176	3953298

2. Whereas, it is observed during the audit by CRA that the importer has imported "Nylon Filament yarn/Filament yarn" which attracts Anti dumping duty and IGST in terms of Notification No. 03/2012-Cus(ADD) dated 13.01.2012, but the same is not paid and thus evaded the applicable anti dumping duty and IGST as per the above table. Nylon Filament Yarn, originating in or exported from PR China, Taiwan, Malaysia, Thailand, Korea RP, Indonesia and imported into India by any Producer/Exporter attracts Anti Dumping Duty in terms of Notification No. 03.2012-Cus(ADD) dated 13.01.2012 as amended by Notification No. 04/2017 dated 19.02.2017.

3. Whereas, it appears from the declaration in the Bills of Entry as detailed in the Table-I, that the importer has suppressed the fact of applicability of ADD Notification referred above at the time of self assessment and Notification was not included for the subject goods which attracts Anti dumping duty in terms of Notification No. 03/2012-Cus (ADD) dated 13.01.2012 amended by Notification No. 04/2017 dated 19.02.2017 with an intention to evade applicable anti dumping duty and IGST.

4. Whereas, it appears that the importer had not paid the applicable anti dumping duty leviable in terms of Notification No. 03/2012-Cus(ADD) dated 13.01.2012 amended by Notification No. 04/2017 dated 19.02.2017 with intent to evade applicable anti dumping duty

and IGST and, thus, contravened the provisions of Section 46(4) of Customs Act, 1962 rendering the goods liable for confiscation under section 111(m) *ibid*.

5. Whereas, it appears that the importer has deliberately not paid the applicable anti dumping duty leviable in terms of Notification No. 03/2012-Cus(ADD) dated 13.01.2012 amended by Notification No. 04/2017 dated 19.02.2017 for the imported goods as explained above resulting in short payment of Customs Duty amounting to Rs. 39,53,298/- (as worked out in the Table – I), the same is liable to be recovered from the importer under section 28(4) of the Customs Act, 1962 along with interest under section 28AA of the said Act.

6. Whereas, it appears that the importer by not paying the applicable anti dumping duty and IGST for the imported goods, has contravened the provisions of section 46(4) of the Customs Act, 1962 with an intent to evade payment of Customs duty total amounting to Rs. 39,53,298/- and thus, have rendered themselves liable for penal action under section 112(a) of the said Act.

7. Whereas, it appears that the importer by not paying the applicable anti dumping duty and IGST for the imported goods, has contravened the provisions of section 46(4) of the Customs Act, 1962 with an intent to evade payment of Customs duty total amounting to Rs. 39,53,298/- and thus, have rendered themselves liable for penal action under section 114A of the said Act.

8. Whereas, Extension of time limit for serving Notice is issued vide Notification No. 02/2020 dated 31.03.2020 in view of the spread of pandemic COVID-19 and Chapter V of the above Notification states that completion of any notice by any authority stand extended to 30th day of June 2020. Further vide Notification No. 55/2020 in the Gazette of India, extension of time limit for completion of any notice has been extended till 29.09.2020.

9. Whereas the Government of India had introduced the concept of self-assessment way back in 2011 for all import consignment, it appears that it is bounden duty of the importer to verify thoroughly whether they are eligible for claiming any duty benefits under any Notification before claiming and submitting the Bill for Customs Clearance in the computer system and therefore it appears that the importer has willfully not added the above said Notification for the relevant imported goods with an intention to evade applicable anti dumping duty even though they were not eligible for the same.

10. In view of above, now, the importer M/s. Greendrops Techlife, SF No. 591-592, Sakkampalayam Villa, GE Annur, Coimbatore, Tamil Nadu, 641653 is hereby required to show cause to the **Additional/Joint Commissioner of Customs (Group – 3), Chennai Imports Commissionerate**, having its office located at 5th Floor, Ganga Block, 60, Rajaji Salai, Customs House, Chennai - 600001 within 30 days of the receipt of this notice, as to why:

- I. The anti dumping duty leviable in terms of Notification No. 03/2012-Cus(ADD) dated 13.01.2012 amended by Notification No. 04/2017 dated 19.02.2017 and IGST for the imported goods pertaining to bills of entry as detailed in Table-I should not be levied;
- II. The differential Customs Duties of Rs. 39,53,298/- evaded/ short-paid in respect of goods imported in the past under Bill of Entry as detailed in Table-I should not be demanded and recovered from them, under section 28(4) of the Customs Act, 1962;

- III. Interest on short-paid Customs Duties mentioned as clause (iii) above should not be demanded and recovered from them under the provisions of Section 28AA, as may be applicable, of the Customs Act, 1962;
- IV. The goods imported having assessable value Rs 1,04,39,792/- under Bills of Entry as detailed in Table – I, should not be confiscated under Section 111(m) of Customs Act, 1962;
- V. Penalty should not be imposed under Section 112(a) of Customs Act, 1962;
- VI. Penalty should not be imposed under Section 114A of Customs Act, 1962.

11. The importer is also required at the time of showing cause, to produce all the evidences upon which he intends to rely in support of his defense. He should also indicate whether he wishes to be heard in person before the case is adjudicated.

12. If no cause is shown against the action proposed to be taken within the stipulated time, or within extended time, if any, granted by the adjudicating authority on written request being made in that regard or if he does not appear before the adjudicating authority when the case is posted for hearing, the case will be decided *ex-parte* on the basis of evidence available on record without making any further reference to them.

13. Attention is invited to Section 127B of the Customs Act, 1962 according to which the noticee may make an application before the Settlement Commission containing a full and true disclosure which has not been disclosed before the proper officer and may obtain immunity from prosecution and penalty subject to the conditions laid down by the Settlement Commission, as stipulated in Section 127 (Chapter XIV – A) of the Customs Act, 1962.

14. The present show-cause notice is issued under section 28(4) of the Act *ibid*, without prejudice to any other action that may be taken against the Noticee or any other person/ firm connected with this case under the Customs Act, 1962 or any other law for the time being in force.

15. The Department reserves its rights to add, alter, amend, modify or supplement this Notice at any time on the basis of any evidence, material facts related to import of goods by them, which may come to notice of the Department prior to the adjudication of the case.



(R GOPALSAMY)
JOINT COMMISSIONER OF CUSTOMS
GROUP-3

Noticee(s):

M/s. Greendrops Techlife,
SF No. 591-592, Sakkampalayam Villa,
GE Annur , Coimbatore ,
Tamil Nadu, 641653

Copy to:

1. Assistant Commissioner, IAD-CRA, Custom House, Chennai-600001.