आयुक्त सीमाशुल्क) आयात-I (का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT - I)
नवीन सीमाशुल्क भवन, वेलार्ड इस्टेट, मुंबई - ४०० ००१
New Customs House, Ballard Estate, Mumbai- 400 001
Email- adjn-adc-jc-imp1@gov.in

File No: CUS/APR/MISC/7598/2025-GR-5(B) **Date of Order: 17.03.2026**
DIN: 20260377000000000EA8A **Date of Issue: 17.03.2026**

Order Passed by: Ms. Deepika Kartik Tangadkar,
Additional Commissioner of Customs, Import-I
New Custom House, Mumbai

Order No. 26/ADC/DKT/ADJN/2025-26
Name of Party/Noticee: M/s. Shantam Holdings India Private Limited

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मूलआदेश

1. यह प्रति उस व्यक्ति के उपयोग के लिए नि:शुल्क दी जाती है जिसे यह जारी की गई है।
This copy is granted free of charge for the use of the person to whom it is issued.

2. इस आदेश के खिलाफ अपील इस आदेश के संचार की तारीख से साठ दिनों के भीतर और सीमाशुल्क अधिनियम, 1962 कीधारा 128(1) केतहत सीमाशुल्क आयुक्त) अपील (न्यूकस्टमहाउस, बलार्डएस्टेट, मुंबई400001 के समक्ष होगी। मांग किए गए शुल्क के 7.5% काभुगतान जहां शुल्क या शुल्कऔर जुर्माना विवाद में है या जुर्माना जहां अकेले दंड विवाद में है।

An appeal against this order shall lie before the Commissioner of Customs (Appeals), New Custom House, Ballard Estate, Mumbai 400001 under Section 128(1) of the Customs Act, 1962 within Sixty days from the date of communication of this order and on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute or penalty where penalty alone is in dispute.

3. अपील सीमाशुल्क) अपील (नियम 1982 में प्रदर्शित फॉर्म सी-.ए.। में दो प्रति में की जानी चाहिए।अपील रुपये-/ 1.50 के न्यायालय फीस स्टांप तथा इस आदेश या आदेश की प्रति के साथ संलग्न होनी चाहिए। यदि आदेश की प्रति संलग्न की जाती है तो इसमें भी न्यायालय फीस अधिनियम 1970 कीअनुसूची 1 मेंप्रदर्शित रूपये -/1.50 की न्यायालय फीस स्टांप भी होना चाहिए।

The appeal should be in duplicate and should be filed in Form CA – 1 appeared in Custom (Appeals) Rule, 1982. The appeal should bear a court fee stamp of Rs. 1.50 paise paid only and should be accompanied by this order or a copy thereof. If a copy of this order is enclosed, it should also bear a court fee stamp of Rs. 1.50 paise only as prescribed under Schedule 1, item 6 of the Court Fees Act, 1970.

4. इस निर्णय या आदेश के खिलाफ अपील करने वाला कोई भी व्यक्ति, अपील लंबित होनेपर, सीमाशुल्क अधिनियम, 1962 की धारा 129 ईके तहत उपरोक्त पैरा 2 के अनुसार राशि जमा करेगा, अपील के साथ इस तरहके भुगतान का प्रमाण प्रस्तुत करेगा, जिसमें विफलरहने पर अपील की जास कती है।सीमाशुल्क अधिनियम, 1962 की धारा 128(1) के प्रावधानों का अनुपालन न करने के कारण खारिज कर दिया गया।

Any person appealing against this decision or order shall, pending the appeal, deposit the amount as per Para 2 above under Section 129E of the Customs Act, 1962 are produce proof of such payment along with the appeal, failing which the appeal is liable to be rejected for non-compliance with the provisions of Section 128(1) of the Customs Act, 1962.

Brief facts of the Case

M/s. Shantam Holdings India Private Limited (IEC: 1707001189) (hereinafter referred to as the "Importer"), having registered office at Plot No. 38, Shed No. D2-3, Thivim Industrial Estate, Karaswada, Mapusa, Bardez, North Goa - 403526, filed Bill of Entry (B/E) No. 6060178 dated 10.10.2024 for clearance of two vessels as below:

TABLE - I

Sr. No.	Importer	Bill of Entry	Description of goods	Declared CTH
1	*M/s. Shantam Holdings India Private Limited (IEC: 1707001189)*	*6060178 dated 10.10.2024*	*15M Excursion Boat with Standard Accessories (without engine)*	*89011030*
2			*12.8M Excursion Boat with Standard Accessories (without engine)*	

2. The instant B/E was filed through Customs Broker M/s. Maurya Transglobal (CB No. AHVPM7946HCH001) (hereinafter referred to as the "CB") and the overseas supplier was M/s. Qingdao Gospel Boat Co. Ltd., China. The total assessable value of the goods was declared as Rs.1,95,62,804.80. The duty paid by the importer on the subject Bill of Entry is Rs.22,20,867/- (BCD@10% {COO benefit of 50/2018, A1081}, SWS@10% & IGST@5%).

3. Intelligence

3.1. A specific Intelligence was received by the Special Intelligence & Investigation Branch (SIIB) (Import) Unit of New Custom House, Mumbai (hereinafter referred to as "SIIB"), NCH that the importer, has filed Bill of Entry No.6060178 dated 10.10.2024 under first check, for import of two "Pleasure Crafts/Yachts" by mis-declaring the same as "Excursion Boat" and classifying it under CTH 8901 instead of correct applicable CTH 8903.

3.2. The core of the intelligence was that the vessels in question were not excursion boats in the true sense of the Customs Tariff. Rather, they were yachts or pleasure crafts, equipped with features such as cabins, sleeping berths, kitchens, toilets, lounge seating, and other luxury fittings. These are features typically associated with yachts designed for leisure and pleasure, and not with transport/excursion boats which fall under Heading 8901.

4. Investigation

4.1. Following the receipt of intelligence, SIIB verified ICES data and confirmed the import particulars: two vessels declared as "15M Excursion Boat with standard accessories (without engine)" and "12.8M Excursion Boat with standard accessories (without engine)" supplied by M/s Qingdao Gospel Boat Co. Ltd., China and filed through M/s. Maurya Transglobal on First Check. By declaring the imported goods as "Excursion Boat" under CTH 89011030, the importer and paid BCD@10% {COO benefit of 50/2018, A1081}, SWS@10% & IGST@5% instead of under correct applicable CTH 89039900 with applicable BCD@25%, SWS@10%, IGST@28% & Compensation Cess (CC) @3%.

4.2. The said Bill of entry was filed on first check basis after the importer had submitted a letter dated 09.10.2024 to the appraising group seeking permission for 1st check examination as the importer himself had noted that the imported

goods have several interpretations for classification of the imported goods. The examination report dated 21.10.2024 fed in system, was as follows:

"Inspected lot. opened and examined 100%. marks and numbers not found. verified new goods. imported goods appears to be for pleasure as it has bed, kitchen, sofa and are attached with the goods. hence, goods appear to be classifiable under heading CTH 8903 as "yacht and other vessels for pleasure or sports; rowing boat and canoes" goods examined under DC/Docks supervision."

4.3. On perusal of the CTH and the item description, it was observed that the CTH 8901 is for "CRUISE SHIPS, EXCURSION BOATS, FERRY-BOATS, CARGO SHIPS, BARGES AND SIMILAR VESSELS FOR THE TRANSPORT OF PERSONS OR GOODS" and the declared CTI 89011030 is for "Boats" under subheading 890110 which is for "Cruise ships, excursion boats and similar vessels principally designed for the transport of persons; ferry-boats of all kinds:"

4.4. However, the imported goods were found to contain amenities associated with pleasure such as beds, kitchens, sofas, cabins and toilets. These features are inconsistent with passenger ferry/excursion boats, which are primarily designed to transport persons over short distances without leisure amenities. Instead, the observed features correspond with yachts designed for leisure and comfort. These yachts were not designed for transport of passengers in the sense intended under Heading 8901. The presence of integrated cabins, sleeping arrangements, kitchen/galley modules and toilet facilities indicated their character as leisure/pleasure crafts.

4.5. Based on the above, the declaration under CTH 89011030 was prima facie inconsistent with the goods as the imported goods are properly classifiable under CTH 8903 which is for "YACHTS AND OTHER VESSELS FOR PLEASURE OR SPORTS; ROWING BOATS AND CANOES" and CTI 89039900.

4.6. Further, notwithstanding to the fact that the imported goods are classifiable under CTH 8903, even if it is assumed that the vessels in question on one hand are classifiable as an excursion boat under Heading 8901 and on the other hand, they are classifiable as a vessel for pleasure/leisure under Heading 8903, then, in such a situation the Rules for interpretation of the classification come into play and since the Rule 1 (which states that classification is determined by the terms of the headings and any relevant Section or Chapter Notes), Rule 2 (which covers incomplete or unfinished articles and mixtures or combinations of materials), & Rule 3(a) (which gives preference to the heading that provides the most specific description) or Rule 3(b) (which gives preference to the material or component that gives the goods their essential character) are not applicable then as per Rule 3(c) when the goods cannot be classified by reference to Rule 3(a) & (b) they shall be classified under Heading which occurs last in the numerical order among those which equally merit consideration in determining their classification. Therefore, following this Rule of Interpretation also the vessel in question is more appropriately classifiable under CTH 8903 only.

4.7. In this regard, HSN explanatory notes also stipulate that heading 8901 covers all vessels for the transport of persons or goods, other than vessels of heading 8903. Heading 8903 covers all vessels for pleasure or sports and all rowing boats and canoes i.e. vessels which are used for pleasure or sport are classifiable under CTH 8903 even when these vessels are used for transport of persons or goods in view of the exclusion from 8901.

4.8. In parallel, the issue also came up in the Assessment Group. The importer placed reliance on a provisional certificate of registration issued by the Captain of Ports, Goa, which described the vessels as “passenger vessels.” The importer also cited a decision of the CESTAT, Chennai in E-Factor Adventure Tourism Pvt Ltd to argue that excursion boats used in tourism could fall under Heading 8901. The reliance of the importer on the said provisional certificates of registration is mis-placed as the registration with the Captain of Ports under the Inland Water Act, 2021, cannot be used to determine classification under the Customs Tariff Act, 1975, which has its own specific rules and explanatory notes for classification. Classification is determined by the essential character and design of the goods as imported, not by their eventual use or registration under a different act.

4.9. Given the dispute in classification, the consignment was assessed provisionally under Section 18 of the Customs Act, 1962. The importer paid the duty applicable to CTH 89011030 and requested vide letter dated 28.10.2024 to furnish a Provisional Duty (PD) Bond of ₹1,95,70,000/- and a Bank Guarantee of Rs. 1,08,91,200.43. The goods were granted Out of Charge on 13.11.2024.

4.10. The Inland Water Act, 2021, defines a "passenger vessel" as a vessel that can carry more than twelve passengers, and a "vessel" as any watercraft used in inland waters. However, the Customs Tariff Act, 1975, and Harmonised System of Nomenclature (HSN) explanatory notes provide a more specific distinction. HSN explanatory notes stipulates that CTH 8901 covers all vessels for the transport of persons or goods, other than vessels of CTH 8903. This heading is for "yachts and other vessels for pleasure or sports". The imported vessels, with features like beds, kitchens, and amenities, align with the description of pleasure crafts under Heading 8903, not transport vessels under 8901. Therefore, the registration of the vessels as "passenger vessels" for local regulatory purposes appears to be legally untenable for determining tariff classification.

4.11. The provisional registrations appear to have been issued based on the Bill of Entry documents also, which described the goods as "excursion boats". An email dated 03.10.2025 was sent to the importer soliciting all documents submitted to the captain of ports, Goa for registration of imported goods. Importer vide email dated 04.10.2025 forwarded all the documents. The description in Bill of Entry as "excursion boats" is under dispute in the instant case and since the imported vessels' description as "excursion boats" is contested as a mis-declaration, the registration document based on that same description is not a proper basis for finalizing the provisional assessment. The classification must be based on the physical characteristics of the goods, which reveal a design for pleasure/leisure rather than transport.

4.12. The matter was placed before the competent authority by assessing group. On perusal, it was recorded that the certification by the Captain of Ports under another statute cannot be determinative of classification under the Customs Tariff. He noted that the terminology of one law cannot be mechanically imported into another, particularly when the Tariff Schedule and HSN Explanatory Notes are specific. The Commissioner further directed that a thorough investigation be carried out, and the file was accordingly transferred to the Special Intelligence and Investigation Branch (Import) for detailed enquiry.

4.13. Further, as per ICES data, no other Bills of Entry has been filed by the said importer at INBOM1.

5. Search Operation

5.1. A search operation was conducted under search Panchnama dated 18.07.2025 under search authorization dated 18.07.2025 at the registered premises of the importer at Plot No. 38, Shed No. D2 3, Thivim Industrial Estate, Karaswada, Mapusa, Bardez, North Goa – 403526.

5.2. During the search, the Director of the company, Shri Neeraj Gupta, produced copies of documents including booking invoices, email printouts, WhatsApp chat extracts, Email Correspondence between the importer and the supplier and GSTR 3B returns attached to the search Panchnama.

5.3. The importer further escorted the officers to the place at the jetty in Goa where the vessels were berthed: Funcruise Goa, Near Holy Cross – Virlosa, Britona, Alto Porvorim, Penha de França, Goa - 403101. On site, both vessels bore the markings "ORCA (PNJ 1012)" [corresponding to the 12.8M boat] and "POLARIS (PNJ 1013)" [corresponding to the 15M boat] and were identified as the very crafts imported under the BE.

5.4. The crafts displayed multiple luxury/leisure amenities including air-conditioned cabins, beds, toilets, galley/kitchen module, lounge seating, and associated fixtures. Interior furnishing was of high standard, including laminated finishes and cushioned seating, characteristic of leisure craft. The deck layouts included lounging areas and open spaces for recreation. The vessels were evidently unsuitable for mass passenger transport in the nature of an excursion ferry. The yachts were imported without engines but during the examination it was found that the yachts were fitted with engines. The importer stated that engines had been installed post importation (Suzuki make) and that provisional registration certificates reflected such installation. Photographs were taken and appended to the Panchnama.

5.5. It was also explained by the importer that the bookings are made vide WhatsApp communication and vide their website titled as Funcruises Goa (https://funcruisesgoa.com). On checking this website, it was observed that the importer's website itself listed and advertised charter services for these vessels by describing them as "luxury yachts" available for hire.

5.6. The search operation confirmed that the importer internally referred to the vessels as yachts. The physical features of the vessels were consistent with luxury yachts. The importer's own commercial representation to customers identified them as luxury yachts. This body of evidence conclusively contradicted the declaration of "excursion boats" under Heading 8901. The search confirmed that the imported goods were yachts falling under Heading 8903. The importer's attempt to portray them as excursion boats for classification under Heading 8901 was demonstrably false.

6. Statement of the importer

6.1 Consequent to the search operation, the statement of Shri Neeraj Gupta, Director of M/s Shantam Holdings India Private Limited, was recorded on 06.08.2025 under Section 108, Customs Act, 1962 wherein he inter-alia stated the following:

6.1.1. When asked to state his full name, designation, and his relationship with the company, Shri Neeraj Gupta stated that he is the Director of M/s. Shantam Holdings India Private Limited, holding 25% ownership, while the remaining 75% ownership is equally held by his brother Shri Shobit Gupta and his parents.

6.1.2. When asked about the nature of the business activities undertaken by the company, especially in relation to marine craft or vessel imports, he stated that their main business is selling excursions on boats and crafts which they operate in the inland waters of Goa. These excursions are sold to the public, where customers can rent the entire vessel for a fixed duration, during which the company provides both the vessel and crew. He explained that bookings are taken either in person or through their website https://funcruisesgoa.com/.

6.1.3. When asked to confirm whether the company had imported two boats vide Bill of Entry No. 6060178 dated 10.10.2024, he confirmed that the company had indeed imported two boats under the said Bill of Entry from overseas supplier M/s. Qingdao Gospel Boat Co. Ltd., China.

6.1.4. When asked what description was provided in the invoice, packing list, and Bill of Entry, and under which CTH they were imported, and who prepared or verified the classification, he replied that the descriptions were "15m excursion boat with standard accessories (without engine)" and "12.8m excursion boat with standard accessories (without engine)." He further stated that they were imported under CTH 89011030, and that the builder had constructed the excursion boats on their exclusive design and accordingly declared them under that heading.

6.1.5. When confronted with the scrutiny of his email conversations (regarding another consignment) where he appeared to direct the supplier on descriptions and HS codes (emails dated 02.11.2022 and 18.11.2022), he admitted that the mails related to a previous consignment. He explained that it was standard practice for him to remind suppliers to align the description and HS code with the Purchase Order, so that documents correctly reflected the agreed HS code. He stated that he could submit the Purchase Order copy of that earlier consignment, and confirmed that he had already submitted the PO copy for the present import.

6.1.6. When asked to provide the draft Bill of Lading referred in the supplier's email dated 18.11.2022, he stated that he had checked his email but could not locate it. He assured that he would provide it by the next day, i.e. 07.08.2025, along with the copy of its Purchase Order. The copy of draft Bill of Lading with CTH mentioned as 8901 and purchase order was submitted by importer on 11.09.2025 vide email.

6.1.7. When asked to confirm the supplier's details and whether any technical specifications or catalogues were shared at the time of import, he confirmed that the supplier was M/s. Qingdao Gospel Boat Co. Ltd., Qingdao, China. He stated that the vessels were custom-made for them, hence no general catalogue was provided, but he had enclosed the designs supplied by him to the builder.

6.1.8. When asked why classification under CTH 89011030 was chosen in the Bill of Entry, he explained that the boats were designed and built for selling excursions to tourists in Goa, and since there was a specific HSN code for excursion boats, 89011030 was chosen as the correct classification.

6.1.9. When asked about the internal mechanism of the company to check classification and valuation while filing a Bill of Entry, and who had final authority in import/export matters, he explained that they have a team which recommends the appropriate CTH in case the supplier does not provide one, but clarified that the final authority for import and export matters rested with him.

6.1.10. When asked about the procedure followed for the appointment of Customs Broker (CB) to clear such goods and the discussion with the CB regarding the classification of the goods, Shri Neeraj Gupta stated that they had been using the same CB for nearly the past 6–7 years, who was their regular appointed broker for all customs clearances. He further stated that they had themselves recommended to the CB to file the Bill of Entry under CTH 89011030.

6.1.11. When confronted with the description of goods declared in the instant case as "15M Excursion Boat with Standard Accessories (without engine)" and "12.8M Excursion Boat with Standard Accessories (without engine)," and asked whether he had any other such imports at any port across India, he admitted that this was not the first time such vessels had been imported under CTH 89011030. He confirmed that previously four vessels had been imported at Nhava Sheva port and one more vessel at Mundra port under the same classification.

6.1.12. When asked whether he was aware of the alternate classification under CTH 8903 for "vessels for pleasure or sports" at the time of filing the Bill of Entry, he stated that he was indeed aware of such alternate classification.

6.1.13. When confronted with the examination and search reports which recorded that the imported vessels were fitted with sofas, beds, kitchens, and other comfort-related amenities, he admitted that these fittings were present on the vessels.

6.1.14. When asked whether such features are commonly found in vessels primarily designed for passenger transport, or whether they are associated with vessels for leisure or private use, he argued that the HSN code did not specify luxury fittings or interior details. He added that the fittings were included only to provide comfort during excursions, which often lasted several hours, and therefore he considered them bare essentials rather than features altering the classification.

6.1.15. When asked whether any portion of the boats was specifically designed for regular passenger seating, similar to ferries or public transport vessels, he stated that seating was provided on the flybridge, on the bow, and in the wheelhouse. He explained that Polaris could seat up to 18 passengers, and Orca could seat up to 16 passengers. He further added that these were high-end excursion vessels and therefore he could not compare them with ordinary ferries or public transport boats.

6.1.16. When asked whether he agreed that boats equipped for overnight accommodation and leisure activities, even if used commercially, retain their essential character as pleasure crafts, he categorically denied the same.

6.1.17. When asked to comment on the Explanatory Notes to Chapter 89, which clarify that CTH 8901 covers vessels for transport of persons or goods and excludes vessels covered under CTH 8903 such as yachts and pleasure boats, he agreed with the text of the Explanatory Notes but insisted that, in his understanding, CTH 8903 applied only to vessels used for sports or personal pleasure.

6.1.18. When asked whether he was aware of the Supreme Court judgment in CCE v. Carrier Aircon Ltd. (2006) 5 SCC 596, which held that end-use is not determinative of classification and that classification must be done on the basis of essential character and nature unless expressly specified otherwise in the Tariff, he admitted that he was aware of this decision.

6.1.19. When asked if he agreed that classification is primarily determined by design, structure, and intended character of the goods at the time of import, rather than eventual end-use, he stated that he agreed.

6.1.20. When asked about the judgment of the Supreme Court in Kingsway Travel Agencies Pvt. Ltd. [2019 (367) ELT A14 (SC)] upholding classification under Heading 8903 for vessels with luxury fittings similar to those imported by him, he admitted awareness of the said judgment. He nevertheless argued that since his vessels had been manufactured to his order as excursion boats, this factor distinguished them from pleasure crafts. He acknowledged that classification is to be made on goods as presented, but insisted that in his understanding, the correct classification remained under 89011030.

6.1.21. When confronted with the fact that his company's own website "Fun-cruise Goa" advertised the imported vessels as "yachts," he admitted that the website indeed described them as yachts.

6.1.22. When asked about the WhatsApp chats, invoices, and other business records which indicated that customers were charged for excursions, he explained that these boats were intended to provide a recreational or leisure experience during excursions. He elaborated that passengers are transported on fixed routes, starting and ending at the same location, and that the purpose of the business was to provide pleasurable and comfortable trips.

6.1.23. When asked to identify the design features which, according to him, distinguished his vessels from a typical pleasure yacht and were solely intended for passenger transport, he explained that in a pleasure yacht of this size there would normally be more than one room, no seating on the bow, two helm stations (in the wheelhouse and on the flybridge), no outboard engines, and dedicated crew accommodation. He suggested that his vessels did not follow this typical pattern, and hence they should be considered excursion boats.

6.1.24. When asked whether the blueprints and technical specifications exchanged with the builder showed designs including a bed, kitchen, and an air-conditioned room, and if these features were specifically requested by him, he admitted that these features were indeed specially requested by him.

6.1.25. When asked whether his claim that the vessels were custom-made altered the fact that their "making" included amenities such as beds and a kitchen, which courts had held to be typical of pleasure crafts and that the classification is to be done on the basis of the features and the "making of the vessel", he replied that his vessels were intended for luxury excursions and that certain features could be common between excursion boats and pleasure crafts.

6.1.26. When asked whether inclusion of such features in the custom design fundamentally changed the essential character of the vessel from a transport craft to a pleasure craft, he denied the same.

6.1.27. When asked to explain why the final product, as seen during physical inspection, contained beds, a kitchen, and sofas - features judicially identified as characteristic of pleasure boats and not of transport vessels - he stated that these features had been included to design the boats as luxury excursion vessels, meant to provide a premium experience to customers of the company.

6.1.28. When asked how he reconciled his claim that the vessels were meant for commercial excursions with the Supreme Court's consistent view that classification is determined by the goods' essential character and nature and not

by their eventual use, he stated that nowhere in the Supreme Court judgment nor in the Customs Tariff Act was it mentioned that an excursion boat could not be built with luxury equipment.

6.1.29. When asked whether he agreed that the imported vessels were not designed principally for transport of passengers or goods from one point to another, but rather for leisure excursions, he admitted that he agreed with this proposition.

6.1.30. When asked whether he also provided additional complimentary benefits such as drinks, snacks, Bluetooth speakers, and balloon decorations for customers, as seen from WhatsApp chats, booking records, and on-site verification, he admitted that such facilities were indeed provided. He also admitted that these services were recreational in nature and intended to enhance the luxury and pleasure experience of customers, but added that in his view these were business necessities in today's competitive environment.

6.1.31. When asked to explain the business necessity of including a bed, a kitchen, and air-conditioned rooms on vessels claimed to be excursion boats for passenger transport, he explained that these were required to provide comfort to customers, particularly in the afternoon heat, or when excursions lasted for 3–4 hours, when re-heating of food was needed, or when children were on board and required rest. He admitted that these were not essential for transporting passengers from one place to another, but were meant to provide a comfortable and luxurious experience.

6.1.32. When asked whether, in light of the "Guidelines/Instructions for Construction, Survey, Certification and Operation of Large Pleasure Crafts – 2020" issued by the Directorate General of Shipping, his vessels should be regarded as pleasure crafts, he denied the same. He argued that the said guidelines applied only to "large pleasure crafts" (over 24m) and therefore had no relevance to the classification of his 12.8m and 15m vessels.

6.1.33. When asked why the definition of "pleasure craft" provided in Indian guidelines should not apply, and why instead he relied on the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations, 1998 (a foreign regulation), he stated that the definition in the Indian guidelines was too broad and not aligned with the Customs Tariff Act, which clearly separated vessels for pleasure or sports (CTH 8903) from excursion boats principally designed for transport. He argued that the foreign regulation offered a more appropriate definition aligned with tariff classification.

6.1.34. When asked to reconcile his earlier argument that because his vessels were used commercially, they could not be considered pleasure crafts - with the Indian guidelines that specifically provide for "Commercial Pleasure Crafts," he stated that such guidelines were not aligned with the Customs Tariff Act and therefore could not be relied upon for classification purposes.

6.1.35. When asked to comment on the guidelines' criteria, which note that the presence of accommodation and recreational facilities is a standard consideration for pleasure crafts, and how the amenities on his vessels (beds, kitchen, sofas) aligned with those guidelines, he replied that such amenities were required for the comfort of customers during excursions. He explained that excursions lasted for several hours and often involved families with children, making such features necessary.

6.1.36. When asked, in light of the design, features, and amenities of the vessels, along with legal precedents from the Hon'ble Supreme Court and the Directorate General of Shipping guidelines, whether he now accepted that classification under CTH 8903 was more appropriate, he categorically stated that he did not accept such classification. He reiterated that he had already provided various reasons why, in his view, CTH 8903 was not applicable to his imported goods.

6.1.37. When asked whether, given the body of legal precedents, the characteristics of the vessels, and the discussions already held, he agreed that continuing to classify the vessels under 8901 may be contrary to settled legal principles, he stated that he did not agree. He maintained his belief that 8901 was the correct CTH for his imported goods.

6.1.38. When asked whether he agreed that, hypothetically, if an identical or similar product was imported by another party and then used for pleasure or sport, it would be classified under CTH 8903 and not under 8901 even if the goods were exactly the same as his, from the same manufacturer and on the same request, he admitted that he agreed. He further added to this that, according to him, CTH 8903 defined the usage of any vessel irrespective of quality, luxury, or amenities. Any vessel which was used for pleasure or sport had to be classified under 8903. He explained that if an importer used the said vessel for his own pleasure or sport, then it had to be classified under 8903 and not under 8901. He insisted, however, that in his case, the vessels were not being used for pleasure or sport, but for excursions, and that there was a clear heading under 8901 to cover such usage.

6.1.39. When asked what difference he saw between the hypothetical boats defined above (in para 6.1.38.) and his imported boats, he replied that the difference was the usage. He argued that even if the boats were identical in design, manufacture, and request, the distinction lay in the fact that the hypothetical boat was being used for personal pleasure or sport, while his boats were being used for excursions.

6.1.40. When asked how, if he had agreed earlier that classification was based on goods as presented and not on end use, he could now differentiate the boats on the basis of end use, he responded that in his view, CTH 8903 was a very clear heading which defined what the vessel was being used for - namely, pleasure or sport. He reiterated that if any vessel met that criterion, then it had to be classified under 8903, irrespective of its appearance or luxury fittings.

6.1.41. When asked whether he agreed that a boat identical or similar in structure, design, nature, and "making" to his imported boats could be classified under both 8901 and 8903 under different circumstances of usage, he admitted that he agreed. He again emphasized that CTH 8903 was a clear heading defining vessels used for pleasure or sports, and any vessel meeting that criterion had to be classified thereunder, regardless of its appearance or fittings.

6.1.42. When asked whether he was aware of the General Rules of Interpretation (GRI), and why, if his goods as presented could be classifiable under both 8901 and 8903, they should not be classified under 8903 as per the GRI, he confirmed that he was aware of the General Rules. He admitted that his goods, as presented, could be classifiable under both headings, but argued that since they were not used for personal pleasure or sports - which he claimed was a precondition for 8903 - they had to be classified under 8901. He also stated

that there was a clear heading for excursion boats under 8901, and that the builder's certificate specifically described his vessels as excursion boats.

6.1.43. Finally, when asked whether he had anything else to say or wished to make any final submissions or clarifications, he stated that SIIB was ignoring the builder's certificate, which clearly described the vessels as excursion vessels. He also stated that the fact that the vessels were registered with the Captain of Ports as passenger vessels was being overlooked. He added that the business model of the company was to use these vessels as excursion boats, and this should be taken into consideration.

6.2. The statement of Shri Neeraj Gupta reveals that he admitted to the presence of beds, kitchens, sofas and other luxury fittings on the vessels, features not ordinarily found on transport crafts but common to yachts. He also admitted that his company's website advertised the vessels as "yachts" and that additional recreational services such as drinks, music, and decorations were offered to customers. While he acknowledged that classification is determined by the making and features of the vessel, he nevertheless tried to rely on intended usage and on the builder's certificate to justify classification under 8901.

6.3. His deposition shows clear contradictions. On one hand, he accepted that classification is to be done on goods "as presented" and admitted that identical vessels could fall under 8903 if used for leisure, yet he insisted that his vessels remain under 8901 despite being structurally similar. He also admitted to specifically requested for luxury fittings to manufacturer, but denied that such features alter classification, contrary to settled legal precedents. His reliance on registration with the Captain of Ports and the builder's description of the vessels is misplaced, since such documents do not govern tariff classification under the Customs Act.

6.4. In conclusion, the statement establishes that the importer was fully aware of the alternate classification under 8903 and of the luxury nature of the vessels, yet chose to declare them under 8901. His admissions regarding the fittings, advertising, and commercial model confirm that the vessels were presented and marketed as yachts. He maintained his position that while the imported goods may appear as yachts and would be classified as such if used for personal pleasure, they are not yachts for him, as it is not being used by him but for selling excursion services. He argued that because the vessels were custom-built to be used for the commercial purpose of selling excursion services, their classification should be as such, which he believes falls under Heading 8901. The explanations offered are inconsistent and legally unsustainable, and the statement, when read as a whole, supports the finding that the importer mis-declared the goods to evade higher duties.

7. Analysis of Importer's Submissions and Precedents

7.1. The importer, M/s. Shantam Holdings India Pvt. Ltd., through its Director Shri Neeraj Gupta, has made various submissions that the vessels imported vide Bill of Entry No. 6060178 dated 10.10.2024 are "excursion boats" and not yachts. These submissions were tendered by way of his letters and supporting documents submitted during his statement dated 06.08.2025 recorded under Section 108 of the Customs Act, 1962. The core of his argument rests on the following:

(i) that the vessels were custom-built as excursion boats and were not intended for private leisure or sport,

(ii) that the builder's certificate clearly described them as "excursion vessels,"

(iii) that the vessels were registered with the Captain of Ports, Goa, as passenger vessels, and

(iv) that the classification should be governed by precedents such as the decision of the Hon'ble CESTAT, Chennai, in E-Factor Adventure Tourism (P) Ltd. (Customs Appeal No. 40161 of 2020) [Final Order No. 40227 / 2022].

(v) that the yachts are not being used by him as yachts, but are being by used by other as yachts hence for him classification is excursion boat.

7.2. The importer has argued that since the boats were manufactured on order and tailored to his specifications for the business of conducting excursions, the character of the goods cannot be treated as yachts. He also relied on the business model, stating that the boats are marketed for excursions where paying passengers are taken on fixed routes, starting and ending at the same point.

7.3. The importer has placed reliance on E-Factor Adventure Tourism (P) Ltd. In that decision, the Hon'ble Tribunal observed (para 5):

"… it can be seen that the boat to be considered as a pleasure vessel or boat is to be owned and used by an individual or a body corporate for themselves or a group of people who are duly authorized or permitted. Whereas in the instant case, the boat is used for tourism purposes. It can be seen that Government of Andhra Pradesh, Port Department, Kakinada have issued a provisional certificate of registration to the boats imported by the appellants. The Department of Tourism, Government of Andhra Pradesh, Visakhapatnam have certified that the boats are imported by the appellants for the purpose of creating excursions and itineraries in Vizag to facilitate development of promotion of tourism in adventure. This being the case, we find that it is not open for the department to consider the boats to be pleasure yachts to be used by a person or group of persons."

7.4. The Tribunal thus placed weight on the certification by State authorities for tourism purposes. However, unlike in E-Factor, the present vessels are marketed as "yachts" for leisure cruises, as admitted by Shri Neeraj Gupta himself. Such conduct was neither alleged nor examined in the aforesaid decision. Thus, while the decision in E-Factor Adventure Tourism (P) Ltd. is acknowledged, its ratio cannot govern the present case. The facts, evidences, and judicial context differ significantly.

7.5. On the other hand, the decision of the Hon'ble CESTAT, Bangalore, in Commissioner v. Kingsway Travel Agencies Pvt. Ltd. [2018 (366) ELT 360 (Tri.-Bang.)] squarely applies. In that case, the Tribunal held:

"It is no important as to the manner in which the impugned boat is used, it is rather important as to how the boat is built which should be a guideline for determining the classification of boat…… we find that Heading 8901 covers the vessels for transport of persons or goods that vessels design primarily for the conveyance of persons or goods are covered by this Heading; it is not the case of the respondents that it was for the conveyance of persons or goods and looking into the fittings available in the boat and the amenities it offers, there is no doubt to believe that the boat is intended to a "pleasure boat". Therefore, whatever be the actual use of the said boat, it is required to classify as per the making of the vessel; it is seen that the impugned boat is not principally designed and manufactured for the purpose of transport of persons and goods, it cannot be classify under Heading 8901;"

7.6. This decision was affirmed by the Hon'ble Supreme Court in [2019 (367) ELT A14 (SC)] when the Apex Court dismissed Civil Appeal Nos. 657–658 of 2019 filed by Kingsway Travel Agencies Pvt. Ltd., holding:

"Delay condoned. We are not inclined to interfere with the impugned order. The appeal is accordingly, dismissed."

7.7. The facts of the present case are in complete alignment with the Kingsway case supra. The vessels imported by M/s. Shantam Holdings India Private Limited were found, upon examination, to be fitted with beds, kitchens, sofas, toilets, and other luxury amenities. Shri Neeraj Gupta admitted these features were specially requested by him. He further admitted that his company's website described the vessels as "yachts" and that additional leisure services were offered to customers. The situation mirrors the facts in Kingsway, where similar fittings led to classification under Heading 8903.

7.8. It is a settled proposition of law that the classification of imported goods must be determined with reference to the description in the statutory tariff and the essential character of the goods as presented, and not on the basis of their eventual end use. The importer's assertion that the vessels are not used by him as yachts, but only by his customers as such, does not affect the statutory classification. The vessels' luxurious fittings and construction clearly identify them as yachts or pleasure crafts under Heading 8903, irrespective of whether the importer or his clients use them. Reliance on commercial usage or "user differentiation" to alter classification contradicts binding precedents that end-use or is not determinative factor for classification. Therefore, this argument must be rejected as legally untenable.

7.9. The investigation has conclusively established that the importer, M/s. Shantam Holdings India Pvt. Ltd., declared two vessels imported vide Bill of Entry No. 6060178 dated 10.10.2024 as "excursion boats" under CTH 89011030. However, physical examination, search proceedings, documentary evidence, and the importer's own admissions prove that the vessels are in fact yachts/pleasure crafts hence, classifiable under Heading 8903. The imported vessels are newly manufactured crafts fitted with leisure and luxury amenities inconsistent with vessels designed principally for the transport of persons. Judicial precedents, particularly the binding decision in Commissioner v. Kingsway Travel Agencies Pvt. Ltd., affirmed by the Hon'ble Supreme Court, hold that classification depends on the essential character and "making" of the vessel and not its actual use.

7.10. It is further noted that in the matter of *Kingsway Travel Agencies Pvt. Ltd.*, the Hon'ble Supreme Court did not find reason to interfere with the order of the Hon'ble Tribunal, thereby affirming the classification of vessels equipped with luxury fittings under Heading 8903. The ratio thus upheld by the Apex Court appears to be squarely applicable to the facts of the present case, where the imported vessels are similarly fitted with leisure amenities and have also been advertised by the importer as 'luxury yachts'. Accordingly, while the reliance placed by the importer on *E-Factor Adventure Tourism Pvt. Ltd.* is acknowledged, the facts of the present case appears to align more closely with the binding precedent in *Kingsway*.

7.11. The reliance on the builder's certificate and Captain of Ports registration appears to be legally untenable. These documents serve administrative and regulatory purposes under other statutes but cannot decide tariff classification.

7.12. The importer also relied on the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations, 1998, a foreign regulation, to define "pleasure craft." Such reliance is misplaced. The Customs Tariff Act, 1975 is to be interpreted on its own terms, using the Harmonised System of Nomenclature (HSN) Explanatory Notes where required. As per the HSN Explanatory Notes to Heading 8901:

"*This heading covers all vessels for the transport of persons or goods, other than those of heading 89.03 and lifeboats (other than rowing boats), troop-ships and hospital ships (heading 89.06); they may be for sea navigation or inland navigation (e.g., on lakes, canals, rivers, estuaries).*"

Also, as per the HSN Explanatory Notes to Heading 8903:

"This heading covers all vessels for pleasure or sports"

Thus, the explanatory notes specifically exclude vessels of Heading 8903 from the scope of Heading 8901, even where such vessels are also capable of transporting persons.

8. Classification of the imported goods

8.1. The core issue in this investigation is the correct classification of the imported vessels described as "15M Excursion Boat with Standard Accessories (without engine)" and "12.8M Excursion Boat with Standard Accessories (without engine)," imported vide Bill of Entry No. 6060178 dated 10.10.2024. The competing tariff headings are:

(i) CTH 8901: CRUISE SHIPS, EXCURSION BOATS, FERRY-BOATS, CARGO SHIPS, BARGES AND SIMILAR VESSELS FOR THE TRANSPORT OF PERSONS OR GOODS.

(ii) CTH 8903: YACHTS AND OTHER VESSELS FOR PLEASURE OR SPORTS; ROWING BOATS AND CANOES.

8.2. As per the General Rules for the Interpretation (GRI) of the Customs Tariff, classification shall be determined according to the terms of the headings and any relevant Section or Chapter Notes (GRI 1). Only if classification cannot be resolved at this stage, do the later GRIs apply.

8.3. Analysis of Heading 8901 (Excursion Boats):

8.3.1. Heading 8901 covers "cruise ships, excursion boats, ferry-boats, cargo ships, barges and similar vessels for the **transport** of persons or goods." The HSN Explanatory Notes clarify that this heading includes vessels whose design and construction are principally for the transport of passengers or goods. As per the Oxford Learner's Dictionaries, "transport" as a noun can refer to a system for carrying people or goods, a vehicle or method of travel, or the activity or business of moving people and goods. As a verb, it means to carry or move something or someone from one place to another. From the submission/statement of the importer it is evident that pick-up and drop point of the passengers is same. Hence, as per definition of transport, the subject goods are not covered under CTH 8901 as the subject goods are not transporting the passengers from one place to another.

8.3.2. Explanatory Notes also specifically state that Heading 8901 excludes "vessels of heading 8903," i.e., yachts and other vessels for pleasure or sport. Thus, by definition, any craft designed and fitted out as a pleasure vessel is excluded from 8901, even if capable of carrying passengers.

8.3.3. In the present case, physical examination and search proceedings revealed that the imported vessels were fitted with air-conditioned cabin, beds, kitchens, sofas and toilets. The importer himself admitted in his statement that these features were specially requested by him at the time of manufacture.

8.3.4. These features are inconsistent with vessels designed principally for transport of passengers, but align with vessels intended for comfort, leisure, and recreational cruising. Therefore, on the basis of their essential design and fittings, the imported vessels cannot be considered "excursion boats" classifiable under Heading 8901.

8.4. Analysis of Heading 8903 (Yachts and Other Vessels for Pleasure or Sports):

8.4.1. Heading 8903 specifically covers yachts and other vessels for pleasure or sport. The HSN Explanatory Notes confirm that the heading encompasses all vessels whose design and equipment show they are intended for leisure, sport, or pleasure use, regardless of whether they are used privately or commercially.

8.4.2. In Commissioner v. Kingsway Travel Agencies Pvt. Ltd. [2018 (366) ELT 360 (Tri. -Bang.)], affirmed by the Hon'ble Supreme Court [2019 (367) ELT A14 (SC)], vessels with similar features - cabins, beds, kitchens, and leisure fittings - were held to fall squarely within Heading 8903. The Tribunal in that case held that the manner of use was irrelevant and that classification depended on the "making of the vessel."

8.4.3. The present vessels, as examined and admitted by the importer, contain identical luxury amenities. Additionally, the importer's own marketing website advertises the vessels as "yachts," offering charter services to customers in Goa. This direct self-description further corroborates their essential character as leisure vessels under Heading 8903.

8.4.4. Even if the importer argues that these vessels are used for excursions with paying customers, the legal position settled by the Supreme Court is that end-use is not determinative of classification. It is the essential character, design, and fittings at the time of import that govern.

8.5. Application of General Rules of Interpretation (GRI):

8.5.1. Assuming, for argument's sake, that the imported vessels could prima facie fall under both 8901 and 8903, GRI 3(c) mandates that "when classification is possible under two or more headings, classification shall be under the heading which occurs last in numerical order." Thus, the vessels must be classified under Heading 8903.

8.5.2. Therefore, both on the basis of the Explanatory Notes and the GRIs, classification under 8903 is correct.

8.6. Conclusion on Classification:

8.6.1. The imported vessels are newly manufactured crafts fitted with leisure and luxury amenities inconsistent with passenger transport but entirely consistent with yachts or pleasure crafts.

8.6.2. Judicial precedent (Kingsway Travel Agencies) as affirmed by the Supreme Court mandates that such vessels be classified under Heading 8903.

8.6.3. The importer's reliance on Heading 8901 and on the builder's certificate or Captain of Ports registration cannot override the statutory tariff description, HSN Explanatory Notes, and binding judicial authority.

8.6.4. Accordingly, it is established that the correct classification of the imported vessels is under CTH 8903. The declaration under CTH 8901 constitutes a mis-declaration intended to avail lower duty liability.

9. Findings of the Investigation

9.1. The investigation has conclusively established that the importer, M/s.Shantam Holdings India Pvt. Ltd., declared two vessels imported vide Bill of Entry No. 6060178 dated 10.10.2024 as "excursion boats" under CTH 89011030. However, physical examination, search proceedings, documentary evidence, and the importer's own admissions prove that the vessels are in fact yachts/pleasure crafts classifiable under Heading 8903.

9.2. The First Check examination and the examination during the search revealed the presence of luxury amenities such as cabins, beds, sofas, kitchens and toilets. These are not features of transport vessels but of yachts built for leisure and recreation. The examination report, duly signed by the Docks officers, was placed on record.

9.3. The search conducted at the premises of the importer in Goa confirmed that the imported vessels were named "ORCA PNJ-1012" and "POLARIS PNJ-1013" and were harboured at Funcruise Goa. On physical inspection, the vessels were fitted with the very luxury features noted at the port such as air-conditioned cabins, beds, sofas, kitchens and toilets. The importer also provided other recreational benefits on the yachts.

9.4. The search further revealed that the importer's own website, https://funcruisesgoa.com, advertised the vessels as "yachts" for hire, offering charter cruises to customers for leisure purposes. The use of the word "yacht" by the importer in his own marketing material directly contradicts the classification claimed in the Bill of Entry.

9.5. In his statement, Shri Neeraj Gupta, Director of the importing company, admitted that the vessels were fitted with beds, kitchens, sofas and other luxury features, and that these features were specially requested by him during manufacture. He also admitted that his website used the word "yacht" to describe the vessels, and that additional recreational services (snacks, drinks, music systems, decorations, etc.) were offered to customers. Though he attempted to justify classification under Heading 8901 on the basis of intended excursion use, he also admitted awareness of the alternate classification under Heading 8903.

9.6. The importer's reliance on the builder's certificate describing the vessels as "excursion boats" and on registration with the Captain of Ports as passenger vessels cannot override the Customs Tariff and binding judicial precedents. These documents are administrative in nature, meant for purposes of safety and local regulation, and have no bearing on tariff classification.

9.7. The imported vessels were equipped with features such as air-conditioned cabins, beds, kitchens, lounge seating and other leisure amenities, and were also described in the importer's own website as 'luxury yachts'. The reliance placed by the importer on the decision of the Hon'ble CESTAT, Chennai in *E-Factor Adventure Tourism Pvt. Ltd.* has been duly considered. However, the said decision is distinguishable on facts, as the present vessels are equipped with luxury

fittings and are commercially advertised as 'yachts' by importer also. These aspects distinguish the present case from *E-Factor Adventure Tourism Pvt. Ltd.* and align it with the decision in *Kingsway Travel Agencies Pvt. Ltd.*, wherein the Hon'ble Supreme Court did not interfere with the classification of such vessels under Heading 8903.

9.8. Further, the importer availed the benefit of preferential Basic Customs Duty (BCD) @10% under Serial No. A1081 of Notification No. 50/2018-Cus. dated 30.06.2018 (as amended), which is specifically applicable to goods falling under CTH 8901 and originating from the People's Republic of China, subject to production of a valid Certificate of Origin (COO). However, the investigation, including physical examination, search proceedings, and the importer's own admissions, has conclusively established that the imported vessels are not "excursion boats" for the transport of persons as envisaged under CTH 8901, but are luxury yachts/pleasure crafts fitted with beds, air-conditioned cabins, kitchens, sofas, and other leisure amenities, correctly classifiable under CTH 8903. Since the concessional rate under the said notification is explicitly linked to classification under CTH 8901, the benefit of COO is not admissible to goods classifiable under CTH 8903. Accordingly, the preferential BCD @10% availed by the importer is liable to be denied, and the goods are required to be assessed at the merit rate of BCD @25% applicable to CTH 89039900.

9.9. In view of the above, the investigation establishes that the imported vessels, by their design and fittings, are appropriately classifiable under Heading 8903 of the Customs Tariff. The declaration under Heading 8901 does not align with the essential character of the goods as presented. The declaration under Heading 8901 has rendered the goods liable to confiscation under section 111 of the Customs Act, 1962 and the importer liable to penal action under section 112 of the Customs Act, 1962.

10. Duty Calculation

It appears that goods merit classification under CTI 89039900 instead of declared CTI 89011030, as per duty structure of CTI 89039900, the differential duty is calculated below as per Table 2.

Table-2: Duty Calculation

Sr. No	Bill of Entry No. & Date	Description of Goods	Total Assessable Value Declared	Total Duty Paid	Total Actual Duty Liability (BCD@25%, SWS@10%, IGST@28% & Compensation Cess (CC) @3%)	Total Duty Difference
1	6060178 dated 10.10.2024	*15M Excursion Boat with Standard Accessories (without engine)"*	*₹ 1,95,62,804.80*	*₹ 22,20,867/-*	₹ 1,31,11,970/-	*₹1,08,91,103/-*
2		*12.8M Excursion Boat with Standard Accessories (without engine)*				

11. Role of the Importer: M/s. Shantam Holdings India Pvt. Ltd.

11.1. The importer, M/s. Shantam Holdings India Pvt. Ltd., declared the imported vessels "15M Excursion Boat with Standard Accessories (without engine)" and "12.8M Excursion Boat with Standard Accessories (without engine)" under CTH 89011030, placing reliance on their intended excursion use and on judicial precedent. On investigation, however, it has been established that the vessels, equipped with luxury features, are more appropriately classifiable under CTH 8903.

11.2. In his statement recorded under Section 108 of the Customs Act, 1962, the Director, Shri Neeraj Gupta, acknowledged that the vessels were fitted with beds, kitchens, sofas, toilets, and air-conditioned cabins, and that these fittings were specifically requested at the time of manufacture. He also confirmed that the importer's own website described the vessels as "yachts" available for charter. These facts are relevant for determining the correct classification.

11.3. The importer placed reliance on builder's certificates, registration by the Captain of Ports, Goa, and on the decision in *E-Factor Adventure Tourism Pvt. Ltd.* to justify classification under Heading 8901. While these submissions have been considered, the factual circumstances here differ, and more importantly, in *Commissioner v. Kingsway Travel Agencies Pvt. Ltd.* [2018 (366) ELT 360 (Tri.-Bang.)], the classification of similar vessels under Heading 8903 was not interfered with by the Hon'ble Supreme Court [2019 (367) ELT A14 (SC)]. That precedent establishes that vessels with such luxury features are to be classified under Heading 8903, irrespective of their stated end use of excursion.

11.4. From the above, it appears that the declaration of the goods under Heading 8901 cannot be sustained. By filing an incorrect declaration in Bill of Entry under Section 46 of the Customs Act, 1962, the importer has contravened the provisions of the Act. The misclassification has resulted in attempted evasion of customs duty amounting to Rs.1,08,91,102.92.

11.5. Accordingly, the imported vessels are liable to confiscation under Section 111(m) of the Customs Act, 1962, for not corresponding in classification with the declaration made. The declaration of CTH under 8901 in the Bill of entry, has led to short levy of duty and hence, the provisionally assessed Bill of Entry is liable to be re-assessed under Section 18(2) of the Act for recovery of duty along with applicable interest as per provisions of 18(3), and is also liable to penalty under Section 112(a) of the Customs Act, 1962.

12. Legal Provisions:

12.1. The Customs Act, 1962

12.1.1. ***Section 2(33)*** *- 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;*

12.1.2. ***Section 18: Provisional assessment of duty****–*

(1) Notwithstanding anything contained in this Act but without prejudice to the provisions of section 46 2[and section 50],—

(a) where the importer or exporter is unable to make self-assessment under sub-section (1) of section 17 and makes a request in writing to the proper officer for assessment; or

(b) where the proper officer deems it necessary to subject any imported goods or export goods to any chemical or other test; or

(c) where the importer or exporter has produced all the necessary documents and furnished full information but the proper officer deems it necessary to make further enquiry; or

(d) where necessary documents have not been produced or information has not been furnished and the proper officer deems it necessary to make further enquiry,

the proper officer may direct that the duty leviable on such goods be assessed provisionally if the importer or the exporter, as the case may be, furnishes such security as the proper officer deems fit for the payment of the deficiency, if any, between the duty as may be finally assessed or re-assessed as the case may be, and the duty provisionally assessed.

(1A) Where, pursuant to the provisional assessment under sub-section (1), if any document or information is required by the proper officer for final assessment, the importer or exporter, as the case may be, shall submit such document or information within such time, and the proper officer shall finalise the provisional assessment within such time and in such manner, as may be prescribed.

(2) When the duty leviable on such goods is assessed finally or re-assessed by the proper officer in accordance with the provisions of this Act, then—

(a) in the case of goods cleared for home consumption or exportation, the amount paid shall be adjusted against the duty finally assessed or re-assessed, as the case may be, and if the amount so paid falls short of, or is in excess of the duty finally assessed or re-assessed, as the case may be, the importer or the exporter of the goods shall pay the deficiency or be entitled to a refund, as the case may be;

(b) in the case of warehoused goods, the proper officer may, where the duty finally assessed or re-assessed, as the case may be, is in excess of the duty provisionally assessed, require the importer to execute a bond, binding himself in a sum equal to twice the amount of the excess duty.

(3) The importer or exporter shall be liable to pay interest, on any amount payable to the Central Government, consequent to the final assessment order or re-assessment order] under sub-section (2), at the rate fixed by the Central Government under section 7[28AA] from the first day of the month in which the duty is provisionally assessed till the date of payment thereof.

(4) Subject the sub-section (5), if any refundable amount referred to in clause (a) of sub-section (2) is not refunded under that sub-section within three months from the date of assessment, of duty finally or re-assessment of duty, as the case may be, there shall be paid an interest on such un-refunded amount at such rate fixed by the Central Government under section 27A till the date of refund of such amount.

(5) The amount of duty refundable under sub-section (2) and the interest under sub-section (4), if any, shall, instead of being credited to the Fund, be paid to the importer or the exporter, as the case may be, if such amount is relatable to—

(a) the duty and interest, if any, paid on such duty paid by the importer, or the exporter, as the case may be, if he had not passed on the incidence of such duty and interest, if any, paid on such duty to any other person;

(b) the duty and interest, if any, paid on such duty on imports made by an individual for his personal use;

(c) the duty and interest, if any, paid on such duty borne by the buyer, if he had not passed on the incidence of such duty and interest, if any, paid on such duty to any other person;

(d) the export duty as specified in section 26;

(e) drawback of duty payable under sections 74 and 75.

12.1.3. *Section 46: Entry of goods on importation* –

(1) The importer of any goods, other than goods intended for transit or transhipment, 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 a form and manner as may be prescribed:

PROVIDED that the Principal Commissioner of Customs or Commissioner of Customs may, in case where it is not feasible to make entry by presenting electronically on the customs automated system, allow an entry to be presented in any other manner:

PROVIDED FURTHER that if the importer makes and subscribes to a declaration before the proper officer, to the effect that he is unable for want of full information to furnish all the particulars of the goods required under this sub-Section, the proper officer may, pending the production of such information, permit him, previous to the entry thereof (a) to examine the goods in the presence of an officer of customs, or (b) to deposit the goods in a public warehouse appointed under Section 57 without warehousing the same.

(2) Save as otherwise permitted by the proper of officer, a bill of entry shall include all the goods mentioned in the Bill of Lading or other receipt given by the carrier to the consignor.

……

(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.

12.1.4. *Section 108. Power to summon persons to give evidence and produce documents. -*

(1) Any Gazetted Officer of customs shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making under this Act.

(2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons so summoned shall be bound to attend either in person or by an authorised agent, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents and other things as may be required:

Provided that the exemption under section 132 of the Code of Civil Procedure, 1908 (5 of 1908), shall be applicable to any requisition for attendance under this section.

(4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860 (45 of 1860).

12.1.5. *Section 111. Confiscation of improperly imported goods, etc.:*

The following goods 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;

(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 transhipment, with the declaration for transhipment referred to in the proviso to sub-Section (1) of Section 54;

12.1.6. *Section 112. 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

(b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under Section 111,

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 not exceeding the value of the goods or five thousand rupees, whichever is the greater;

(ii) In the case of dutiable goods, other than prohibited goods, subject to the provisions of Section 114A, to a penalty not exceeding ten per cent. of the duty sought to be evaded or five thousand rupees, whichever is higher:

Provided that where such duty as determined under sub-Section (8) of Section 28 and the interest payable thereon under Section 28AA is paid within thirty days from the date of communication of the order of the proper officer determining such

duty, the amount of penalty liable to be paid by such person under this Section shall be twenty-five per cent. of the penalty so determined.

(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under Section 77 (in either case hereafter in this Section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding the difference between the declared value and the value thereof or five thousand rupees, whichever is the greater;

(iv) in the case of goods falling both under clauses (i) and (iii), to penalty not exceeding the value of the goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest;

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty not exceeding the duty sought to be evaded on such goods or the difference between the declared value and the value thereof or five thousand rupees, whichever is the highest.

13. Show Cause Notice

Accordingly, Show Cause Notice (hereinafter referred to as "SCN") No. 59/JC/Import-I/Gr.VB/2025-26/NCH dated 24.12.2025 was issued to the importer M/s. Shantam Holdings India Private Limited (IEC: 1707001189), calling upon to show cause as to why:

(i) The declared classification of the imported goods (as per Table -I above) under CTH 89011030 in Bill of Entry No. 6060178 dated 10.10.2024 should not be rejected, and the same goods should not be classified under CTH 89039900, and accordingly the provisional assessment of the subject Bill of Entry should not be finalized under Section 18(2) of the Customs Act, 1962.

(ii) The differential duty amounting to Rs.1,08,91,103/- (Rupees One Crore Eight Lakh Ninety-One Thousand One Hundred Three Only) should not be recovered along with applicable interest under Section 18(3) of the Customs Act, 1962.

(iii) The total executed bond of Rs.1,95,70,000/- should not be enforced for recovery of the revenues due and the Bank Guarantee of Rs.1,08,91,200.43 submitted during the provisional assessment should not be adjusted/encashed against the total differential duty amounting to Rs.1,08,91,103/- (Rupees One Crore Eight Lakh Ninety-One Thousand One Hundred Three Only).

(iv) The imported goods should not be held liable for confiscation under Section 111(m) of the Customs Act, 1962.

(v) Penalty should not be imposed on them under Section 112(a) of the Customs Act, 1962.

Further, a **Corrigendum dated 04.02.2026** was issued to the aforesaid SCN, for rectification of certain clerical/typographical errors as below:

(i) On the first page before subject matter;

The words "SHOW CAUSE NOTICE ISSUED UNDER 28(4) READ WITH SECTION 124" shall be read, substituted and corrected as: "SHOW CAUSE NOTICE ISSUED UNDER 18(2) OF THE CUSTOMS ACT, 1962."

(ii) In para 15 (Charging Paragraph) of the Show Cause Notice:

The following new sub-para shall be inserted as sub-para (VI) immediately after the existing sub-para (V)

VI. The benefit of preferential rate of Basic Customs Duty @10% availed under Serial No. A1081 of Notification No. 50/2018-Customs dated 30.06.2018 (as amended), on the strength of Certificate of Origin should not be denied in view of the change in classification of the importer goods from CTH 89011030 to CTH 89039900, as the said concessional notification is specifically applicable only to goods classifiable under Heading 8901 and not to goods falling under Heading 8903, and the goods are accordingly liable to be assessed at the merit rate of BCD @25%.

14. Reply to Show Cause Notice

The importer, M/s. Shantam Holdings India Private Limited submitted written reply dated 17.02.2026 to the SCN dated 24.12.2025 read with Corrigendum dated 04.02.2026, key points of which are as below:

14.1 THE IMPUGNED BOATS ARE RIGHTLY CLASSIFIED UNDER CTH 8901 AS THEY ART FOR COMMERCIAL AND NOT FOR PERSONAL/PLEASURE USE.

a) At the outset, it is submitted that the impugned boats are rightly classifiable under CTH 8901. The department erred in proposing to treat the impugned boats as "Yachts/other vessels designed for luxury/pleasure purpose" falling under CTH 8903, rather than "Excursion boats, "Cruise ships," or other vessels for the transport of persons under CTH 8901.

b) It is submitted that the classification of goods is generally based on the nature and composition of goods as presented to customs as well as the intended use of the same. Further, upon the perusal of the description of CTH 8901 and 8903, it is evident that to determine the Heading under which the impugned boats fall, it is essential to analyse whether the boat is principally designed for the purpose of transport of persons or used for pleasure or sports. In case the boat is a Cruise Ship or Excursion Boat principally designed for transport of persons, it will fall under CTH 8901. However, if the boat is Yacht and other vessels primarily used for pleasure or sports, it will fall under CTH 8903. It is submitted that the determination of classification solely relies on the intended use and manufacture/principal design of the goods as presented to the customs authorities.

c) It is imperative here to underscore that the classification under CTH 8903 is fundamentally predicated upon the actual use of the vessel. The language of CTH 8903 unequivocally contemplates vessels that are "used for pleasure or sports" - the operative word being "used." This tariff heading encompasses any vessel, irrespective of its type or design, provided that such vessel is demonstrably employed for pleasure or sporting purposes. Conversely, this distinction is of paramount significance, where a vessel is not being utilised for pleasure or sports activities, it cannot, under any conceivable interpretation, be brought within the ambit of CTH 8903. In the present case, the impugned vessel is manifestly not being used for pleasure or sports, and therefore, any attempt to classify it under CTH 8903 would be contrary to the plain and unambiguous language of the tariff entry itself. The classification must follow the actual use, and where such use is entirely divorced from pleasure or sporting activities, CTH 8903 has no application.

Impugned boats are principally designed for excursion

d) It is submitted that the term "excursion" has not been defined in the Customs Act or Customs Tariff. However, as per "The Law Dictionary", the term "excursion" is defined as a planned trip, ending where it starts, time-bound, following a specified route.

e) In the present case, the impugned boats are provided by the Company to its customers/tourists on rental basis for a definite period of time and for fixed route. Further, upon the completion of the trip, the boat returns to the place from where the journey commenced. Therefore, the impugned boats are squarely covered under the definition of "excursion".

f) Further, to analyse whether the impugned boats are principally designed for transport of persons for excursion, reference must be drawn to the purchase order placed by the Company and the Builder's Certificate issued by the foreign manufacturer of the boat. The impugned boats were specifically custom made by the foreign manufacturer upon the instructions provided by the Company for excursion trips. Further, the Builder's Certificate issued by the foreign supplier upon the successful construction of the impugned boats clearly state that the intended service of the impugned boats is excursion. In addition to the above, it is submitted that the Original COO issued by the Department of Commerce at China had classified the impugned boat under CTH 8901.

g) It is submitted that the purpose for adopting Harmonised System of Nomenclature (HSN) was to maintain uniformity of classification across countries to facilitates ease of trade. It is submitted that it cannot be the case that the classification of goods differs from one country to another, i.e., the goods are classified under a particular heading while being exported from one country and are classified under a different heading when it is imported in the destined country.

h) It is submitted that the explicit mention of "Excursion Tours" and "Excursion Boat" in the Builder's Certificate and the Commercial Invoice, along with classification of the impugned boats under HS Code 890110 by the foreign manufacturer and Department of Commerce at China, unequivocally demonstrates that the impugned boats are principally designed and manufactured for the purpose of transport of persons on excursions, and not for private, luxury, or pleasure use.

Impugned Boats are used for transport of persons

i) Without prejudice to the above, it is submitted that the impugned boats are intended to be exclusively used for the transport of persons on commercial excursion trips. Such commercial excursion trips for tourist on the impugned boats amount to transport of persons and not pleasure.

j) Reliance in this regard is placed on the judgment of the Hon'ble CESTAT Chennai in M/s. E-Factor Adventure Tourism (P) Ltd. Vs. Commissioner of Customs, Chennai, 2022 (6) TMI 627-CESTAT Chennai wherein the Hon'ble Tribunal was pleased to hold that the boat being used for tourism purposes for the purpose of creating excursions and itineraries to facilitate development of promotion of tourism cannot be considered as pleasure yachts to be used by a person or group under CTH 8903. In view of the above, it is evident that the impugned boats are principally designed and intended to be used for transport of person. Hence, the same is classifiable under CTH 8901 and not under CTH 8903 as pleasure vessels.

Impugned boats do not fall under the purview of pleasure vessel

k) It is submitted that the term "pleasure vessels" is not defined in the Customs Act or the HSN explanatory notes. Therefore, reference must be drawn to the definition of "pleasure vessels" as provided in The Merchant Shipping (Vessels in commercial use for sports and pleasure) Regulations, 1998 issued as per the Agreement on the European Economic Area signed at Oporto on 02.05.1992 as adjusted by the Protocol signed at Brussels on 17.05.1993. As per these regulations, "pleasure vessel" is defined as:

"pleasure vessel" means –

(a) any vessel which at the time it is being used is

(i) in the case of a vessel wholly owned by an individual or

(aa) individuals; used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the 'owner' does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, it used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

(c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

l) From the above, it is evident that for a boat to be considered as a pleasure vessel, the boat shall be owned and used by an individual or a body corporate for themselves or a group of people who are duly authorized or permitted, i.e., meant for personal consumption/use of the person/owner of a vessel. It is submitted that at all material times, the Company solely and principally intends to utilise the imported boat for providing commercial excursion and sightseeing services to its customers and at no point in time have the impugned boats been used for private or personal consumption nor has it been offered for exclusive pleasure or sports activities without any consideration.

m) The entire business model of the Company is centred on the commercial transportation of passengers for excursions and sightseeing which is evident from the fact that the Company is duly registered under the relevant GST provisions for the supply of "sightseeing transportation services" (SAC 996416).

n) It is submitted that definition of "pleasure vessel' provided under The Merchant Shipping (Vessels in commercial use for sports and pleasure) Regulations, 1998 has been judicially recognised while determining the classification of goods under CTH 8901 as against 8903, in the case of Ashok Khetarpal Vs. CC, Jamnagar, 2014 (304) E.L.T. 408 (Tri. – Ahmd.)

which held that a vessel for pleasure or sport should be meant for personal consumption/use of the person/owner of a vessel.

"5.4 A definition of 'Pleasure vessel' appears in The Merchant Shipping (Vessels in Commercial Use for Sports or Pleasure) Regulations, 1988, issued as per the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17-5-1993. As per these Regulations,

.....

5.5 Above definition of d pleasure vessel gives support to the argument made by the Advocate of the importer that a vessel for pleasure or sport should be meant for personal consumption/use of the person/owner of a vessel. It is evident from the facts on record that the vessel POG imported by the importer is not used for personal use of the owner for pleasure or sport but is used for commercial purposes as a 'Casino vessel'. There is thus force in the argument of the importer that when the appropriate authorities under Section 3(38) of the Merchant Shipping Act, 1958, by issuing required certificates, have opined POG to be a passenger ship or Special Trade Passenger Ship then there is no ground for the adjudicating authority to hold that POG is not a passenger ship designed to carry passengers when no contrary opinion of another competent authority is brought on record saying that POG is a vessel for pleasure or sport."

o) Further, the aforesaid decision in the case of Ashok Khetarpal (Supra) has been followed by CESTAT Mumbai in the case of Commissioner of Central Excise vs. Delta Corp Limited, 2019 (12) TMI 634.

p) It is submitted that merely because the excursion trips give 'pleasure' to the tourist, the impugned boats cannot be considered pleasure vessels.

Reliance placed on the website of the manufacturer and the Company is ex-facie arbitrary and baseless.

q) It is submitted that the reliance placed on description of the impugned boats on website of the manufacture and the Company is ex-facie irrelevant for the classification of impugned boats, as they are usually intended for marketing and promotional purposes, designed to attract a wide range of customers and may depict the vessel in various settings or with optional features. Such description/images do not constitute technical or legal evidence of the vessel's principal design or intended use.

r) It is submitted that the classification of goods should not be influenced by the manner in which the importer or manufacturer chooses to market or advertise its goods on its website. The correct classification must be determined strictly in accordance with the principal design, essential character, and intended use of the goods as they are manufactured and presented to the customs authorities at the time of import.

s) The impugned boats have been specifically manufactured at the express instructions of the Company for excursions. Accordingly, any reliance placed on images or descriptions of services as depicted on the website of Company or the manufacturer, for the purpose of classification or intended use, is ex facie erroneous, perverse, and unsustainable in law. Such reliance disregards the settled legal principle that classification must be based on the actual characteristics and intended use of the goods as imported, rather than on promotional or marketing materials, which are inherently non-binding and illustrative in nature.

t) It is submitted that the images or representations on the website of Company and Manufacturer cannot be accorded probative value for the purposes of classification or determination of the principal use of the impugned boats. The determination must rest solely on the intended use and manufacture/principal design of the goods as presented to the customs authorities. There is no basis, either in fact or in law, to categorize the impugned boats as vessels for personal, pleasure, or luxury use.

Despite search being conducted at the Premises of the Company, no evidence has brought on record by the department to prove that the imported boats warrant classification under CTH 8903.

u) It is submitted that during the search operation conducted by the Department on 18.07.2025, the Company also provided inspection of the purchase orders of the boats along with the email correspondence between the Company and the manufacturer. Upon a plain reading of the said purchase orders and email correspondences, it is unequivocally evident that the Company had specifically customized the imported boats in accordance with their commercial requirements for operating excursion services. The specifications, design modifications, and correspondence clearly demonstrate the commercial character of the vessels. However, the Department has completely disregarded this vital evidence and has erroneously recorded that *"the search confirmed that the imported goods were yachts falling under CTH 8903."*

v) It is further submitted that despite conducting such an exhaustive search and seizure operation inter-alia examining computers, electronic devices, mobile phones, physical files, and the boats themselves, the Department has conspicuously failed to bring on record even a single piece of evidence to substantiate its claim that the imported boats are classifiable under CTH 8903. The complete silence in the impugned show cause notice regarding any evidence recovered during the search leads to an in-evident conclusion that despite such large scale search of the Company's premises along with every electronic device/computer systems, and inspection of the boats at the jetty, the Department found no iota of evidence to support its contention. It is further submitted that in terms of settled legal principles, when a party in possession of material evidence fails to produce the same, an adverse inference must be drawn against such party. The Department's deliberate omission to refer to any evidence from the search is an implicit admission that the boat falls under CTH 8901.

w) It is pertinent to note that the burden of proof in classification disputes lies squarely upon the Department, and mere conduct of a search, without adducing cogent evidence therefrom, cannot sustain the allegations. The Department conducted an extensive search/seizure operation, creating an impression of serious investigation, while, it has completely suppressed the findings of search, which evidently did not support its predetermined conclusion. Such selective use of investigative powers constitutes abuse of process of law and renders the entire proceedings arbitrary.

x) It is further submitted that the Department's approach of conducting a search operation and thereafter ignoring its findings while proceeding with allegations based on presumptions alone is arbitrary, unreasonable, and violative of Article 14 of the Constitution of India. Such conduct fails to satisfy the test of non-arbitrariness that is the basis of rule of law.

Therefore, the investigation itself is bad-in-law and impugned show cause notice based on such investigation is liable to be dropped.

Presence of basic amenities does not render the imported boats as “luxury” or “pleasure”:

y) Without prejudice to the above, it is submitted that the presence of basic amenities on the impugned boats does not automatically render the imported boats as "luxury” or “pleasure" vessels. In the present competing market, the inclusion of such features is a business necessity to meet the expectations of paying customers and to ensure passenger comfort and safety during excursions. These amenities do not, by themselves, transform the essential character or principal use of the vessel from commercial passenger transport to luxury or pleasure use.

z) It is of paramount importance to distinguish between the presence of amenities and the fundamental purpose of the vessel. The essential character or principal use of a commercial passenger vessel remains the transportation of passengers for hire, regardless of the onboard amenities. The addition of amenities only enhances the quality of service within the scope of commercial passenger transport.

aa) Further it is submitted that the vessel remains primarily and predominantly engaged in the business of commercial passenger transportation as evident from its builder's certificate and the nature of Company's clientele.

bb) Therefore, for classification under CTH 8903, the customs authorities ought to have examined the principal use of the impugned boats and not solely rely on the visual appearance. Neither the Customs Act nor the Customs Tariff provide that an excursion boat cannot have basic amenities, or the presence of luxury amenities indicate that it is for pleasure use. Further, even the show cause notice has not brought on record any provision in the Customs Tariff Act, HSN, or any other relevant law in force that equates the presence of amenities with "luxury” or "pleasure” use for the purposes of classification under CTH 8903. Therefore, it is evident that the department's approach in classifying the impugned boats as "luxurious Yatch/Boat for pleasure boating" is based on assumption and presumption and not on any statutory authority. BBB.

The facts of this case are not in alignment with the facts of the decision on the Hon’ble Supreme Court in the case of Kingsway Travel Agencies Pvt. Ltd. Vs. Commissioner.

cc) It is submitted that the facts of our case is completely different from the facts of the decision on the Hon'ble Supreme Court in the case of Kingsway Travel Agencies Pvt. Ltd. vs. Commissioner [2019 (367) ELT A14 (SC)]. It is submitted that in Kingsway case, the imported vessels were motorboats that were imported from the manufacturer without any customization or specification by the importer for a particular commercial purpose. The Hon'ble Supreme Court, in affirming the classification under CTH 8903, placed reliance on the inherent design characteristics and the standard luxury features of those vessels, which indicated that they were predominantly intended for pleasure or recreational use.

dd) In the present case, the impugned boats were custom manufactured by M/s Qingdao Gospel Boat Co. Ltd. strictly in accordance with the detailed specifications and instructions provided by the Company for the exclusive

purpose of operating commercial excursion services. The Company had specifically communicated its business requirements to the foreign manufacturer, including the nature of its excursion business, the passenger capacity requirements and the amenities necessary for commercial tourist operations. The Builder's Certificate unequivocally describes the impugned boats as "Excursion Boats" and certifies that their intended service is "Excursion Tours." This fundamental factual distinction regarding the purpose-built nature of the vessels renders the Kingsway ruling wholly inapplicable to the present case.

ee) Further, it is submitted that the classification adopted by the exporting country is a material consideration that was not present in the Kingsway case. Further, in the Kingsway case, the importer failed to produce any documentary evidence demonstrating that the vessels were designed or manufactured for commercial excursion purposes, unlike the present case where the Builder's Certificate and the Certificate of Origin, all of which consistently describe the impugned boats as "Excursion Boats" intended for "Excursion Tours."

ff) In the present case, the Company has consistently maintained from the inception that the impugned boats are principally designed and exclusively used for the commercial transport of tourists on excursion trips. The statement of Mr. Neeraj Gupta, Director of the Company, recorded under Section 108 of the Customs Act, 1962, categorically confirms that the vessels are not used for the pleasure of the owner or for sports and are custom-built as per the importer's specifications for commercial excursion services. The Company is registered under GST for the supply of "sightseeing transportation services", thereby evidencing its bonafide commercial passenger transportation business.

gg) Further, the definition of "pleasure vessel" as provided under The Merchant Shipping (Vessels in Commercial Use for Sports or Pleasure) Regulations, 1998, does not apply to the present case, where the Company operates the impugned boats purely on a commercial rental basis for paying tourists and at no point have the boats been used for private, personal, or exclusive pleasure without consideration. This crucial distinction has been judicially recognized by the Hon'ble CESTAT Ahmedabad in Ashok Khetarpal vs. CC, Jamnagar (supra).

hh) Accordingly, it is respectfully submitted that the Kingsway ruling cannot be mechanically applied to the present case without due regard to the material factual distinctions enumerated above. The ratio of the Kingsway decision must be understood in the context of its specific facts and where the facts of a subsequent case are materially different, the said ruling cannot be blindly followed.

14.2 <u>THERE IS NO MIS-DECLARATTON OF GOODS UNDER SECTION 111(m) OF THT ACT AND THUS, THE IMPORTED BOAT IS LIABLE TO BE CONFISCATED</u>

a) It is submitted that there is no mis-declaration of goods and thus, the imported boat is not liable to be confiscated.

b) It is submitted that the assessable value of the imported boats have not been mis-declared by the Company nor has the Show Cause Notice disputed the same. Hence, the first part of Section 111(m) of the Act is not applicable.

c) Further, it is submitted that the Company has not mis-declared any other particulars in the Bills of Entry. The only allegation raised in show cause notice is of misclassification of goods. Further, the fact that the impugned boats are not a pleasure vessel and is meant for transport of passengers for excursion, is clearly evident from the nature of business of the Company.

d) However, assuming without admitting that the Company has mis-classified the imported boat, it does not amount to mis-declaration of the goods. The importer is entitled to adopt the classification, which according to his belief is correct classification. Reliance in this regard is placed on Jayesh P. Surana vs. Commissioner of Customs (Imports), Chennai 2OO9 (241) E.L.T. 87 (Tri. – Chennai) wherein the Hon'ble Tribunal has inter alia held as:

> *"4. I have considered the rival submissions. As regards the description of the goods in the Bill of Entry, I find that the importer had entered the correct description of the goods as men's jackets and ladies jackets. They had declared the respective quantities as appearing in the related invoice. The appellants had claimed classification of the goods under Chapter Heading 61 erroneously. Classification and assessment of imported goods are the functions of the department. An importer cannot be penalized for claiming a classification which the authorities find to be incorrect. There is no allegation that the description entered in the Bill of Entry was incorrect. As regards the lower quantity of men's jackets and higher quantity of ladies jackets declared in the Bill of Entry, it cannot be categorically found to have been deliberate misdeclaration by the importer. The impugned order does not find so. As regards the value declared the Commissioner noted that "Shri Jagesh P. Surana had stated that the transaction value was not the price mutually negotiated and accepted between the supplier and himself and the price was declared in the Bill of Entry for the purpose of declaration without any knowledge about the actual value of the goods and that the value was arbitrarily low." There is nothing on record to support this finding. Therefore, the allegation of misdeclaration of description, price and quantity of the impugned goods cannot be validly found to have been deliberately made. Admittedly the quantities of both varieties of jackets declared were different from the respective quantities imported. Therefore, these jackets were rightly confiscated by the Commissioner under Section 111(m) of the Act. Therefore, the penalty imposed on Shri Jayesh P. Surana under Section 112(a) of the Act is also in accordance with law. However, considering the fact that the importer had not mis declared the quantity of jackets imported in the Bill of Entry knowingly and that there is no other ground to confiscate the imported goods under Section 111(m), the penalty imposed under Section 112(a) is reduced to Rs.10,000/- (Rupees ten thousand only). The appeal is thus allowed partially."*

14.3 PENALTY UNDTR SECTION 112(A) OF THE ACT CANNOT BE IMPOSED ON THE COMPANY

a) It is submitted that the pre-requisite for Section 112(a) is that the goods must be "liable to confiscation under Section 111". It is submitted that as

discussed above, the impugned goods are not liable for confiscation under Section 111(m) of the Act for the reasons stated therein.

b) In any event, it is submitted the Company has not done or omitted to do any act that would render the goods liable for confiscation under Section 111 of the Act.

c) It is submitted that the Company has rightly classified the goods under CTH 8901 and has accurately declared the same.

d) Without prejudice to the above, it is submitted that the purported differential duty demanded and sought to be recovered is also untenable and unsustainable in law. It is a settled position in law that no penalty can be imposed where there is no demand. [Coolade Beverages Limited (2004)172 ELT 451(All.)]

15. Record of Personal Hearing

Personal Hearing in the matter was granted to the Noticee on 23.02.2026, in which, Shri Mihir Deshmukh and Shri Shamik Gupte, Advocates, appeared on behalf of M/s. Shantam Holdings India Private Limited, and defended their classification under CTH 8901, while elaborating on definition of 'Pleasure Vessel' as defined under Merchant Shipping Regulation,1998, which, otherwise, has no mention in Customs Act, 1962, as claimed. They also cited CESTAT, Chennai judgement and assured about reproducing Govt. of Goa, Certificate as well, claiming it to be a tourism development activity. They also stated that they have submitted defence reply for the same.

16. Discussion and Findings

I have gone through the facts of the case, material evidence on record, the Show Cause Notice dated 24.12.2025 read with Corrigendum dated 04.02.2026, as well as written reply dated 17.02.2026 and oral submissions made by the Noticee during the Personal Hearing. In the present case, following issues are required to be determined:

(i) Whether the impugned goods imported under the subject Bill of Entry No. 6060178 dated 10.10.2024 are correctly classifiable under CTH 89011030, or are liable to be classified under CTH 89039900, and consequently whether the provisional assessment is required to be finalized with recovery of differential duty and denial of concessional rate of duty.

(ii) Whether the imported goods are liable to confiscation under Section 111(m) of the Customs Act, 1962.

(iii) Whether the Noticee is liable to penalty under Section 112(a) of the Customs Act, 1962.

16.1 Whether the impugned goods imported under the subject Bill of Entry No. 6060178 dated 10.10.2024 are correctly classifiable under CTH 89011030, or are liable to be classified under CTH 89039900, and consequently whether the provisional assessment is required to be finalized with recovery of differential duty and denial of concessional rate of duty.

16.1.1 The Show Cause Notice contends that the importer declared the vessels as "15M Excursion Boat with Standard Accessories (without engine)" and "12.8M Excursion Boat with Standard Accessories (without engine)" under

CTH 89011030 and paid duty at concessional rates including benefit under Notification No. 50/2017-Customs dated 30.06.2017 (as amended). It is alleged that physical examination of the goods revealed that the vessels contained luxury amenities such as beds, sofas, cabins, kitchen/galley modules, toilets, air-conditioned cabins and lounge seating arrangements. Such features are typical characteristics of yachts or pleasure crafts and not vessels principally designed for transport of persons. Further investigation, including the search conducted at the importer's premises and verification of the vessels at the jetty in Goa, established that the vessels were being marketed and advertised on the importer's website as "luxury yachts" available for charter.

16.1.2 The SCN relies upon the HSN Explanatory Notes to Chapter 89 which clarify that Heading 8901 covers vessels principally designed for transport of persons or goods, whereas Heading 8903 covers yachts and vessels for pleasure or sports. It is further contended that vessels fitted with leisure amenities and designed for recreational purposes fall within Heading 8903 even if they are commercially operated. The SCN also places reliance on the decision of the Hon'ble Tribunal in Commissioner v. Kingsway Travel Agencies Pvt. Ltd., wherein vessels equipped with luxury fittings were classified under Heading 8903. The said decision was affirmed by the Hon'ble Supreme Court. Accordingly, the SCN proposes that the classification declared by the importer under CTH 89011030 be rejected and the vessels be classified under CTH 89039900, resulting in differential duty of ₹1,08,91,103/- along with applicable interest.

16.1.3 On the other hand, the Noticee has contended that classification under the Harmonised System depends on the manufacture/principal design and intended use of the goods. According to the noticee, CTH 8903 is fundamentally premised on the use of the vessel. It was argued that the language of the heading contemplates vessels used for pleasure or sports, According to the noticee, the heading would cover any vessel only where it is demonstrably employed for pleasure or sporting purposes. However, in the present case, the impugned vessels are manifestly designed and intended for commercial excursion operations involving transportation of passengers. The vessels were custom-built by the foreign manufacturer as per the specifications provided by the Company for excursion trips. In support, reliance has been placed on the Builder's Certificate, which identifies the intended service as excursion operations, and the Certificate of Origin issued in China, which classifies the vessels under HS Code 8901. It is argued that the Harmonised System aims at international uniformity and therefore the classification adopted in the exporting country deserves due consideration.

16.1.4 The noticee further submitted that vessels used to transport passengers for consideration cannot be treated as pleasure craft merely because the passengers derive enjoyment during the trip, reliance being placed on the decision in M/s. E-Factor Adventure Tourism (P) Ltd. Vs. Commissioner of Customs, Chennai, 2022 (6) TMI 627-CESTAT Chennai. Reference was also made to the definition of pleasure vessels under the Merchant Shipping (Vessels in Commercial Use for Sports or Pleasure) Regulations, 1998, which has been recognized by CESTAT, to contend that the mere fact that a vessel provides enjoyment or leisure to passengers does not convert it into a pleasure vessel.

16.1.5 The noticee also submitted that the presence of basic passenger amenities does not alter the essential character of the vessels as passenger

transport boats, as neither the Customs Act nor the Tariff restricts excursion boats from having such facilities. It was further argued that reliance placed in the SCN on images or representations appearing on the websites of the manufacturer and the Company is misplaced, as such materials cannot be accorded probative value for classification. According to the noticee, classification must be determined on the basis of the design, specifications and intended commercial use of the vessels, and not on promotional representations. It was also contended that the SCN does not disclose any evidence out of extensive search and seizure proceedings, to show that the vessels were intended for personal pleasure or luxury use.

16.1.6 I find that the central issue in the present case is the correct classification of the imported vessels under the Customs Tariff. It is a settled principle of tariff classification that goods are to be classified on the basis of the description in the tariff and the design, characteristics and essential nature of the goods at the time of importation. I am unable to agree with the contention of the noticee that the eventual end use of the goods has a determinative role in classification. In this regard, I note that CTH 8903 is not predicated upon the use of the vessel for pleasure or sports, as suggested by the noticee, but upon vessels which are designed or constructed for pleasure or sports purposes. Also, I find that the noticee's contentions in this regard are contradictory. On one hand, the noticee seeks to rely upon the intended use of the vessels to support classification under CTH 8901, it simultaneously disregards the representations appearing on the website of the Company, which advertises the use of these vessels by describing them as "luxury yachts" available for hire.

16.1.7 I also find guidance in the HSN Explanatory Notes to headings 8901 and 8903. Heading 8901 covers vessels designed and constructed primarily for the transport of persons or goods, such as passenger ships, excursion boats and similar transport vessels forming part of organized transport services. In contrast, the Heading 8903 covers yachts and other vessels for pleasure or sports, including those which may be operated on charter or hire. The explanatory notes to Heading 8901 specifically exclude vessels of Heading 8903, even where such vessels are also capable of transporting persons. Therefore, mere fact that the vessels may carry passengers for consideration does not, by itself, bring them within Heading 8901 if their design and character correspond to pleasure yachts. Further, notwithstanding the above finding that the imported goods are classifiable under CTH 8903, even if it is assumed that the vessels could be considered as "excursion boats" under Heading 8901 as well as pleasure/leisure vessels under Heading 8903, the General Rules for Interpretation would apply. As classification cannot be conclusively determined under Rule 1, Rule 2, Rule 3(a) or Rule 3(b), Rule 3(c) becomes applicable, which provides that the goods shall be classified under the heading occurring last in numerical order among those equally meriting consideration. Accordingly, the subject vessels would fall under Heading 8903

16.1.8 I find that in the present case, the examination report clearly records that the vessels contained beds, kitchens, sofas and other leisure amenities, and appeared to be vessels designed for pleasure. The search proceedings and on-site inspection further confirmed the presence of luxury fittings including air-conditioned cabins, beds, toilets, lounge seating and other

recreational features. The statement of the Director of the importing company also confirms that these fittings were specifically requested by the importer at the time of manufacture. In addition, the importer's own website advertises the vessels as "luxury yachts", which reinforces the conclusion regarding the essential character of the goods. The reliance placed by the Noticee on the registration issued by the Captain of Ports, Goa does not appear to be relevant for determining tariff classification under the Customs Tariff Act, 1975, which operates under its own statutory framework and interpretative rules. It is also observed that the subject Bill of Entry was one of the documents submitted to the Captain of Ports, Goa for the purpose of registration. Therefore, the provisional registration appears to have been granted on the basis of the Bill of Entry and related documents, which themselves form the subject matter of the present dispute. In such circumstances, the argument that the vessels are used for commercial excursions cannot override the essential character of the vessels as presented at the time of importation.

16.1.9 I also note that the reliance placed by the noticee on the Builder's Certificate and the Certificate of Origin issued by the exporting country. However, I find that the classification under the Customs Tariff must be determined independently in accordance with the General Rules for Interpretation of the Tariff and the wording of the relevant headings. The objective of harmonisation under the HSN does not imply that the classification mentioned in commercial documents issued in the exporting country is binding on the customs authorities of the importing country.

16.1.10 The contention that the presence of passenger amenities does not convert a transport vessel into a pleasure vessel is noted. However, the issue in the present case is not merely the existence of amenities but the overall design, layout and character of the vessels, which are indicative of pleasure yachts rather than vessels designed primarily for passenger transport under Heading 8901. Passenger vessels under Heading 8901 are ordinarily designed for systematic transport operations, whereas vessels falling under Heading 8903 typically possess features associated with leisure and recreational navigation.

16.1.11 Finally, I note that the noticee has attempted to distinguish the decision in Kingsway with the facts of the present case. According to the noticee, the said decision pertained to motorboats imported without customization for a specific commercial purpose, whereas the vessels in the present case were allegedly custom-built for excursion services and supported by documents such as the Builder's Certificate and Certificate of Origin describing them as excursion boats.

16.1.12 Upon consideration of the above, I find that the ratio emerging from the decision in Kingsway is that classification of vessels under headings 8901 and 8903 is to be determined on the basis of the design, features and essential character of the vessels, and not merely on the basis of the importer's declared purpose or the commercial activity proposed to be undertaken with the vessel. In maritime practice, vessels designed as yachts or pleasure craft may be operated commercially on charter or excursion basis; however, such commercial deployment does not change their essential character as pleasure vessels for the purpose of tariff classification. Therefore, the fact that the importer claims to use the vessels for excursion services does not, by itself, displace the classification that flows from the design and inherent characteristics of the vessels.

16.1.13 I also find that the additional submissions regarding GST registration, the statement of the director under Section 108 of the Customs Act, or the fact that the vessels are proposed to be used for paid tourist excursions do not alter the classification analysis. The question for determination is not whether the vessels are operated commercially, but whether their design and character correspond to passenger transport vessels of Heading 8901 or pleasure craft of Heading 8903. As observed earlier, the classification cannot be made contingent upon the importer's declared business model or subsequent deployment of the vessel.

16.1.14 The importer has placed reliance on the decision in E-Factor Adventure Tourism (P) Ltd. to contend that vessels used for transporting tourists on commercial excursions cannot be treated as pleasure craft merely because passengers derive enjoyment from the activity. I note that in the said case, the Tribunal placed considerable weight on the certification issued by the State authorities recognizing the vessels for tourism purposes. However, the factual matrix of the present case is materially different. In the instant case, the vessels have been marketed and represented as "yachts" for leisure cruises, a position which stands admitted by Shri Neeraj Gupta in his statement. Such circumstances were neither alleged nor examined in the aforesaid decision. Therefore, while the decision in E-Factor Adventure Tourism (P) Ltd. is duly noted, I find that its ratio does not apply to the present case, as the underlying facts, evidentiary record and surrounding circumstances are materially distinguishable.

16.1.15 In view of the above discussion, I hold that the vessels imported by the Noticee are yachts/pleasure crafts classifiable under CTH 89039900 and not under CTH 89011030 as declared. Consequently, the concessional rate of duty claimed under Serial No. A1081 of Notification No. 50/2018-Customs dated 30.06.2018 (as amended), being specifically applicable only to goods classifiable under Heading 8901, is not admissible. Further, the differential duty amounting to ₹1,08,91,103/-, as calculated in Table – 2, arising as a consequence of the aforesaid change, is recoverable along with applicable interest in terms of Section 18(3) of the Customs Act, 1962.

16.2 Whether the imported goods are liable to confiscation under Section 111(m) of the Customs Act, 1962.

16.2.1 The SCN alleges that the importer declared the goods as excursion boats under CTH 89011030 whereas the goods are actually yachts classifiable under CTH 89039900. This mis-declaration resulted in short payment of duty. Therefore, the goods do not correspond with the declaration made in the Bill of Entry and are liable to confiscation under Section 111(m) of the Customs Act, 1962.

16.2.2 The Noticee has submitted that there was no mis-declaration of value or any material particular and the only allegation raised in the show cause notice is of misclassification which does not by itself amount to misdeclaration, as held in Jayesh P. Surana vs Commissioner of Customs (Imports), Chennai 2009 (241) E.L.T. 87 (Tri. –Chennai). Further, the said classification under Heading 8901 was adopted based on its bona fide understanding of the tariff provisions. The Noticee submits that the goods were correctly described and all material particulars were disclosed to Customs authorities. Therefore, the provisions of Section 111(m) are not attracted.

16.2.3 I have carefully considered the allegations made in the Show Cause Notice and the submissions made by the Noticee. Section 111(m) of the Customs Act, 1962 provides for confiscation of goods in cases where goods do not correspond in respect of value or in any other particular with the entry made under the Act. In the present case, the description and value of the goods in the Bill of Entry have not been alleged to be false. I find that the dispute between the Department and the importer essentially relates to the appropriate tariff classification of the imported vessels, arising out of the essential character of the goods. The noticee has also placed reliance on the decision in Jayesh P. Surana vs. Commissioner of Customs (Imports), Chennai, 2009 (241) E.L.T. 87 (Tri. – Chennai), which held that mere misclassification, without any mis-declaration of the description or other particulars of the goods, cannot by itself justify confiscation under Section 111(m).

16.2.4 I find that in the instant case, the goods were subjected to first-check examination and that the issue relating to classification arose during the course of such examination and subsequent investigation. The Bill of Entry has remained under provisional assessment under Section 18 of the Customs Act, 1962, and the present proceedings arise in the context of its finalization. The differential duty proposed in the SCN is a consequence of the determination of the appropriate classification. It is not a case where duty has been demanded under Section 28 of the Customs Act, 1962 on account of suppression. Nor does the SCN propose any alteration to the declared description or value of the goods. In these circumstances, I find that the essential ingredients required for invoking Section 111(m) of the Customs Act, 1962 are not satisfactorily established.

16.2.5 Accordingly, I hold that the imported goods are not liable to confiscation under Section 111(m) of the Customs Act, 1962.

16.3 Whether the Noticee is liable to penalty under Section 112(a) of the Customs Act, 1962.

16.3.1 The SCN proposes imposition of penalty under Section 112(a) on the importer on the ground that the incorrect declaration of classification rendered the goods liable to confiscation under Section 111(m) and resulted in attempted evasion of customs duty.

16.3.2 The Noticee submits that penalty cannot be imposed as there was no intention to evade duty. It is argued that the classification adopted was based on a bona fide interpretation of the tariff and supported by judicial precedent. The Noticee further submits that in absence of confiscability of goods, penalty under Section 112(a) is not sustainable.

16.3.3 In view of the foregoing discussion, I find that the impugned goods are not liable to confiscation under Section 111(m) of the Customs Act, 1962, as the dispute involved pertains only to classification and does not amount to mis-declaration of material particulars of the goods. Consequently, the question of imposition of penalty under Section 112(a) of the Customs Act, 1962 also does not arise. As the considerations relevant to penalty flow from the same set of facts and findings discussed above, I find that there is no necessity to revisit the issue separately, as doing so would merely result in repetition of the same reasoning.

16.3.4 Therefore, I refrain from imposing penalty under Section 112(a) of the Customs Act, 1962 on the importer M/s. Shantam Holdings India Private Limited.

ORDER

17. In view of the foregoing discussion and findings, I hereby pass the following order:

(i) I reject the classification declared by the importer under CTH 89011030 and hold that the vessels imported under the Bill of Entry No. 6060178 dated 10.10.2024 are classifiable under CTH 89039900 of the First Schedule to the Customs Tariff Act, 1975. Consequently, I hold that the benefit of concessional rate of duty, as claimed under Notification No. 50/2018-Customs dated 30.06.2017 (as amended), is not admissible to the imported goods, and accordingly order to finalize the provisional assessment of the said Bill of Entry on the above basis.

(ii) I confirm the differential duty amounting to **₹1,08,91,103/- (Rupees One Crore Eight Lakh Ninety One Thousand One Hundred Three only)**, arising on account of reclassification of the imported goods, and order recovery of the same from M/s. Shantam Holdings India Private Limited under Section 18(2) of the Customs Act, 1962, along with applicable interest under Section 18(3) of the Customs Act, 1962.

(iii) I order for enforcement of bond of ₹1,95,70,000/- for recovery of revenues due and adjustment/encashment of the Bank Guarantee of Rs.1,08,91,200.43 submitted during the provisional assessment against the total differential duty as ordered above.

(iv) I hold that the goods covered by Bill of Entry No. 6060178 dated 10.10.2024 are not liable to confiscation under Section 111(m) of the Customs Act, 1962.

(v) I refrain from imposing penalty under Section 112(a) of the Customs Act, 1962 on M/s. Shantam Holdings India Private Limited.

18. This order is passed without prejudice to any other action which may be taken or purported to be taken against the noticees or any other concerned person under the Customs Act, 1962, or any other act for the time being in force in the Union of India.

Deepika

(Dr. Deepika Tangadkar)
Additional Commissioner of Customs
Import-I, New Customs House

To,
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Copy to: -

1. The Commissioner of Customs (Import – I), New Custom House, Mumbai.
2. The Joint Commissioner of Customs, SIIB(I), Import-I, New Custom House, Mumbai.
3. The Asstt./Dy. Commissioner of Customs, Review Cell, Import-I, NCH, Mumbai.
4. The Asstt./Dy. Commissioner of Customs, Gr. VB, NCH, Mumbai.
5. EDI Section for upload in Mumbai Customs Zone – I website.
6. Office Copy.
7. Notice Board.