

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL  
NEW DELHI.**

PRINCIPAL BENCH,  
COURT NO. I

**CUSTOMS APPEAL NO. 386 OF 2011**

[Arising out of the Order-in-Original No. 30/HKC/COMMR/2010 dated 29/11/2010 passed by Commissioner of Customs (Preventive), New Delhi.]

**M/s Vinayak Enterprises,** .....Appellant  
BS-71 B, Shalimar Bagh,  
New Delhi.

**Versus**

**Commissioner of Customs (Prev.),** ....Respondent  
NCH, Near IGI Airport,  
New Delhi.

**WITH  
CUSTOMS APPEAL NO. 387 OF 2011**

[Arising out of the Order-in-Original No. 31/HKC/COMMR/2010 dated 31/12/2010 passed by Commissioner of Customs (Preventive), New Delhi.]

**M/s Vinayak Enterprises,** .....Appellant  
BS-71 B, Shalimar Bagh,  
New Delhi.

**Versus**

**Commissioner of Customs (Prev.),** ....Respondent  
NCH, Near IGI Airport,  
New Delhi.

**WITH  
CUSTOMS APPEAL NO. 388 OF 2011**

[Arising out of the Order-in-Original No. 31/HKC/COMMR/2010 dated 31/12/2010 passed by Commissioner of Customs (Preventive), New Delhi.]

**Shri Saurabh Sangar, Prop. of** .....Appellant  
**M/s Vinayak Enterprises,**  
BS-71 B, Shalimar Bagh,  
New Delhi.

**Versus**

**Commissioner of Customs (Prev.),** ....Respondent  
NCH, Near IGI Airport,  
New Delhi.

**AND  
CUSTOMS APPEAL NO. 390 OF 2011**

[Arising out of the Order-in-Original No. 31/HKC/COMMR/2010 dated 31/12/2010 passed by Commissioner of Customs (Preventive), New Delhi.]

**Shri Ashok Kumar Singhal, Partner** .....Appellant  
**M/s Ace Exim,**  
 Shop No. 13, 14, 15, Ganpati Plaza,  
 2<sup>nd</sup> Floor, Karol Bagh,  
 New Delhi.

**Versus**

**Commissioner of Customs (Prev.),** ....Respondent  
 NCH, Near IGI Airport,  
 New Delhi.

**APPEARANCE:**

None for the appellants.  
 Shri Rakesh Kumar, Authorized Representative for the  
 Department

**CORAM:**

**HON'BLE JUSTICE MR. DILIP GUPTA, PRESIDENT**  
**HON'BLE MR. P.V. SUBBA RAO, MEMBER (TECHNICAL)**

**FINAL ORDER NO. 51867-51870/2025**

**DATE OF HEARING : 22.07.2025**  
**DATE OF DECISION: 12.12.2025**

**P.V. SUBBA RAO**

These four appeals have been filed by the appellants to  
 assail the penalties imposed on them as follows:

Appeal	Appellant	Impugned order	Penalty
C/386/2011	Vinayak Enterprises	Order dated 29.11.2010 passed by Commissioner (Preventive), New Delhi	Rs. 2,00,000/- under section 112(a) (i) of the Customs Act, 1962 <sup>1</sup>
C/387/2011	Vinayak Enterprises	Order dated 31.12.2010 passed by Commissioner (Preventive), New Delhi	Rs. 2,00,000/- under section 114AA of the Act
C/388/2011	Saurabh Sangar, proprietor of Vinayak Enterprises	Order dated 31.12.2010 passed by Commissioner (Preventive), New Delhi	Rs. 1,00,000/- under section 114AA of the Act
C/390/2011	Shri Ashok Kumar Singhal, partner of Ace EXIM	Order dated 31.12.2010 passed by Commissioner (Preventive), New Delhi	Rs. 1,00,000/- under section 112(b) of the Act

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**1. Act**

2. Thus, Customs Appeal No. 386/2011 assails the order dated 29.11.2010 and the other three appeals assail the order dated 31.12.2010. These appeals were earlier disposed of by this Tribunal by way of remand to the Commissioner. Revenue assailed the Tribunal's order and the High Court passed order dated 18.12.2018 remitting the matter to this Tribunal to decide on merits. Thereafter, the matter could not be taken up because the question of jurisdiction of officers to issue SCN was pending in the review petition before the Supreme Court in **Commissioner of Customs versus Canon India Pvt. Ltd.**<sup>2</sup>

3. After the Supreme Court's judgment, these appeals were listed on several dates but the appellants did not appear. On 18 November 2024, the appeals were directed to be listed on 3 February 2025 as a last opportunity making it clear that no adjournment shall be granted to either of the parties. On 3 February 2025, learned counsel for the appellants appeared and sought time to enable him to contact the appellants. Accordingly, the matter was adjourned to 9 April 2025 making it clear that no further adjournment shall be granted. On 9 April 2025, learned counsel did not appear but sent a request seeking further adjournment to enable him to seek instructions. The matter was directed to be listed on 3 June 2025 on which date, the appellant did not appear but again sent a request seeking time to seek instructions. The matter

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**2. 2024 (390) E.L.T. 545 (S.C.)**

was directed to be listed on 22 July 2025 making it clear that no further adjournments shall be granted.

4. None of the appellants or their counsel appeared today. Needless to say that more than enough opportunities were granted to the appellants to be heard. We, therefore, heard learned authorized representative for the Revenue and perused the records and proceed to decide the appeals.

5. The facts which lead to the issue of the two orders are, in brief, as follows.

**Order dated 29.11.2010 impugned in Customs Appeal No. 386/ 2011**

6. Acting on specific information, officers of the Commissioner of Customs (Preventive) visited the premises of M/s. ACE Exim in Karol Bagh, New Delhi and recovered several Chinese made mobile phones without labels or stickers of the Maximum Retail Price (MRP)/Retail Sale Price (RSP) which were mandatory for mobile phones which are either manufactured and sold in India or which are imported and sold in India as per Section 4A of the Central Excise Act, 1944<sup>3</sup>. The mobile phones were also found to be without IMEI numbers without which the mobile phones could not have been imported as per the notification issued by the Director General of Foreign Trade<sup>4</sup>. The mobile phones were seized under a panchnama dated 30.9.2009/1.10.2009 and they were

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**3. Excise Act**

**4. DGFT**

subsequently provisionally released. Statements of several persons were recorded and the matter was investigated and a show cause notice<sup>5</sup> dated 18.3.2010 was issued to the appellant herein and to two others viz., ACE Exim shop at Karol Bagh and ACE Exim, c/o Shri Ashok Kumar Singhal Partner in Punabi Marg, New Delhi.

7. After considering the defence, this impugned order was passed absolutely confiscating the mobile phones without IMEI numbers, confiscating but releasing on payment of redemption fine the other mobile phones, confiscating the cash recovered from M/s.ACE Exim and imposing penalties on the appellant and M/s. ACE Exim. Penalty of Rs. 2,00,000/- was imposed on the appellant (M/s. Vinayak Enterprises) under section 112(a) (i). The appellant was the importer of the mobile phones which were then seized in the premises of ACE Exim. The findings of the Commissioner in the impugned order against the appellant are as follows:

"30. In this regard it is noticed that at the time of seizure the boxes of mobile phones were not carrying the MRP/RSP stickers as required under section 4A of Central Excise Act, 1944. However, it has been asserted by Shri Saurabh Sangar, in his reply dated 08.07.10, that MRP stickers were fixed at the goods imported by them. If this claim of Shri Saurabh Sangar is taken on face value, then in the given circumstances, the only conclusion which can be arrived at, is that either the MRP stickers were removed subsequently or the consignment of the seized mobile phones is other than that which was claimed to have been imported by him (Sh. Saurabh Sangar). But the latter possibility is excluded by the fact that the goods (mobile phones) contain unique identification (IMEI) nos.

which are tallying with the documents filed at the time of import of the consignment. As regards the possibility of MR/RSP stickers having been removed subsequently, it has neither been claimed by Shri Saurabh Sangar, Prop. of M/s Vinayak Enterprises, the importer, nor by Shri Ashok Singhal, partner of ACE Exim from where the mobiles phones were seized. As such, both of above possibilities are clearly excluded. But the fact remains that the goods were found and seized without MRP stickers. As such, it is clearly established that the goods were imported in clear violation of the stipulation of affixing the MRP/RSP stickers under para-5 to General Notes regarding Import Policy {Chapter 1 – A of the FTP – ITC (HS) Classification – 2004 – 09 and also under section 4A of the Central Excise Act, 1944. The Hon'ble Supreme Court in the case of **Om Prakash Bhatia** versus **Commissioner of Customs, Delhi**<sup>6</sup> has held that if the conditions prescribed for import or export of goods are not complied with, it may amount to prohibited good. Further as per section 111 (d) of the Customs Act, 1962 any goods which are imported contrary to any prohibition imposed by or under this Act or any other law for the time being in force shall be liable to confiscation. In view of the forgoing, the subject 4512 seized mobile phones are clearly liable for confiscation under section 111 (d) of the act *ibid.* since the goods have admittedly been imported by M/s Vinayak Enterprises, notice No. 2, by their above acts of omission and commission they have also rendered themselves liable to penalty under section 112 (a) (i) of the Customs Act, 1962".

8. The grounds on which this appeal has been filed are as follows:

- (i) The Commissioner erred in not appreciating the fact that the appellant had imported the goods legally and paid customs duties. Chinese mobile phones with or without IMEI nos. were allowed to be imported till 30.11.2009 without any restriction. Hence, they could not have been confiscated.
- (ii) Even though when the goods were seized they were found without MRP/RSP stickers, it does not mean

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6. 2003 (155) E.L.T. 423 (S.C.)

that they were smuggled and were liable to confiscation. There is also no evidence that they were imported without the MRP/RSP stickers.

- (iii) The Commissioner wrongly confiscated the mobile phones without any valid IMEI numbers as the ban on import was introduced from 14.10.2009 by DGFT's Notification No. 112 (RE-2008)/2004-2009, the period was later extended till 30.11.2009.
- (iv) The value of Rs. 1500/- per mobile phone was wrongly reckoned because the Chinese manufacturers are given many concessions and incentives by their government. So, the price should have been considered as Rs. 450/- only.
- (v) The impugned order may be set aside and the appeal may be allowed.

9. Learned authorized representative of the Revenue vehemently supported the impugned order and asserted that it calls for no interference.

### **Findings**

10. Having considered the impugned order, the grounds of appeal and the submissions made by the learned authorized representative, we find that the impugned order held that the mobile phones were smuggled and hence were confiscated. During investigation, the appellant had claimed (as they did in this appeal before us), that they were legally imported through

Air Cargo Complex, Jaipur, had submitted by Bill of Entry no. 002694 dated 26.9.2009 and Invoice No. AIL/2009/764 dated 22.9.2009. However, on verification by the Jaipur Customs, it was found that the invoice submitted to the Jaipur Customs to clear the goods through the Bill of Entry was different from the Invoice submitted by the appellant. Thus, the invoice submitted by the appellant and the mobile phones that were seized had nothing to do with the goods imported through the Bill of Entry. Since the mobile phones were of Chinese origin and brand, it is not the case of the appellant that they were manufactured in India. They could have been either imported legally or could have been smuggled into India. The appellant's claim that they were legally imported through Jaipur Air Cargo cannot be accepted since the invoice submitted by the appellant in support was completely different from the one submitted to the Jaipur Customs for clearance of the goods.

11. The second submission of the appellant is that simply because the mobile phones were found without MRP/RSP stickers when seized, it does not mean that they were imported without these stickers. The appellant does not dispute that the mobile phones could not have been imported without the MRP/RSP stickers. This argument can be accepted only if there is some evidence to show (a) that the mobile phones were legally imported and that they had stickers at that time; and (b) they were later removed for whatever

reasons. In this case, there is no evidence to prove either of these. Therefore, this submission cannot be accepted.

12. The third submission is that mobile phones could be imported without IMEI until 30.11.2009 and the goods were seized on 30.9.2009 and therefore there was no violation of the import policy. This submission could also have been accepted if there is some evidence to show that the goods were legally imported. The only Bill of Entry under which the appellant claimed that the mobile phones were imported did not support the appellant's claim because the Invoice submitted by the appellant during investigation and the invoice submitted to clear mobile phones under the Bill of Entry were different. In the absence of any evidence that the mobile phones were legally imported into India before the date of seizure, this argument of the appellant also cannot be accepted.

13. In view of the above, we find no reason to interfere with this impugned order which must be upheld and Customs Appeal No. 386 of 2011 filed by the appellant deserves to be dismissed.

**Order dated 31.12.2010 impugned in Customs Appeals  
No. 387/2011, 388/2011 and 390/2011**

14. This order is impugned by:

- (a) M/s. Vinayak Enterprises (Appeal No. 387/2011) to assail the penalty of Rs. 2,00,000/- imposed on him under section 114A of the Act;
- (b) Shri Saurabh Sangar (Appeal No. 388/2011) to assail the penalty of Rs. 1,00,000/- imposed on him under section 114AA of the Act; and
- (c) Shri Ashok Kumar Singhal, Partner of ACE Exim (Appeal No.390/2011) to assail the penalty of Rs. 1,00,000/- imposed on him under section 112(b) of the Act.

15. The facts which led to the issue of the order impugned in these three appeals are that officers of the Customs Preventive Commissionerate, acting on specific information searched the premises of M/s. ACE Exim, Karol Bagh, New Delhi and recovered Chinese mobile phones without MRP/RSP stickers on the boxes. While the foreign origin of the mobile phones was evident and is not disputed, Shri Sandeep Aggarwal, who was present in the shop at that time could not produce any documents to show that they were legally imported. In all there were 166 cartons with 8410 mobile phones which were seized under section 110 of the Act on the belief that they were smuggled phones. Currency of Rs. 11,00,000/- was also found and seized under the belief that it was the sale proceeds of smuggled goods. A CPU of a desktop computer and 38 slips available in the shop were also seized.

16. When questioned, Shri Sandeep Agarwal said that the shop ACE Exim is owned by Shri Subash Rana of Amar Colony, Nangloi and that the company buys and sells Chinese mobile phones; Shri Ashok Aggarwal provides the mobile phones which they sell for cash without any bills or documents only on the basis of the slips; everyday, the cash received by selling the mobile phones is given to the person sent by Shri Ashok Aggarwal; no records are maintained and they do not have any Income tax or sales tax registration or bank account.

17. Shri Subash Rana, the owner of ACE Exim said that he has no role in the mobile business and that Shri Ashok Aggarwal runs the business from his shop and pays him Rs. 10,000/- per month and even the persons working in the shop are appointed by Shri Aggarwal.

18. Shri Ashok Kumar Singhal (alias Ashok Aggarwal) said that he and Shri Rana were partners in ACE Exim and that they get mobile phones from M/s. Vinayak Enterprises on consignment sale basis and pay in cash; that Vinayak Enterprises endorses the Bills of Entry in their name; that they have not raised any invoice with VAT nor paid any VAT although he has sale tax registration.

19. Shri Saurabh Sangar, the proprietor of Vinayak Enterprises said that he had an Importer Exporter Code (IEC) and imports Chinese mobile phones from China and Hongkong and sells them in the market including through ACE Exim on

consignment sale basis to whom he had sold two shipments imported by Bills of Entry No. 587296 dated 23.9.2009 and 592763 dated 29.9.2009 through Air Cargo, IGI Airport, New Delhi one imported by Bill of Entry No. 002964 dated 26.9.2009 through Jaipur Airport.

20. Shri Kamal Kumar, CHA confirmed that he had filed Bills of Entry for Vinayak Enterprises and that they would fix MRP Stickers at the import shed before clearance of the goods.

21. Of the 8410 mobile phones which were seized, 6151 were released provisionally on bond. These did not have MRP/RSP stickers at the time of seizure. Hence, an average price of Rs. 1,500 was reckoned for these phones.

22. On verification, in respect of 3,898 mobile phones the invoices of mobile phones said to have been imported through Jaipur Airport were compared with the invoices submitted along with the invoices submitted along with the Bill of Entry were compared and they did not match. It was found that the mobile phones imported under that Bill of Entry were different. Further, of these, 1012 mobile phones had not valid IMEI No. which was a mandatory requirement for import.

23. Accordingly a Show Cause notice was issued and after considering the submissions, the Commissioner passed the impugned order. The findings of the Commissioner in the impugned order are as follows:

"I have carefully gone through the records of the case as well as the submissions made by the noticees.

34. Main allegation in this show cause notice is that the seized subject mobile phones have been smuggled into the country in violation of various restriction/prohibition imposed on the import thereof and are thus liable to confiscation. But it has been claimed by Shri Ashok Kumar Singhal, Partner, M/s ACE Exim and Shri Saurabh Sengar Prop. of M/s Vinayak Enterprises that the subject mobile phones were imported through Air Cargo Complex, Jaipur and copies of Bill of Entry No. 002694 dated 26.09.2009 and supporting Invoice No. AIL/2009/764 dated 22.09.2009 have also been submitted. However, on enquiry from Jaipur, it has been revealed that the Invoice submitted to the Jaipur Customs at the time of import is different from the copy of invoice submitted during investigation. List of IMEI Nos. of Mobile Phones is also not tallying with the list submitted to Jaipur Customs at the time of import. Copies of both the invoices have also been supplied to the noticees as RUDs 8 & 9. All these things have been vividly discussed in the show cause notice and hence for the sake of brevity I am discussing it briefly. On the basis of the above facts it has been alleged in the show cause notice that the invoice/packing list submitted during investigation is fake and fabricated and thus goods are not the same which were imported against Bill of Entry No. 002694 dated 26.09.2009 and are liable to confiscation. However the noticees have claimed that the same have been legally imported by M/s Vinayak Enterprises, BS-71 B, Shalimar Bagh, New Delhi - 110 088 but they are intriguingly silent on the allegation of the invoice being fake and fabricated. It is, therefore, apparent that the noticees have nothing to say in their defence and the smuggled nature of the goods is clearly established.

Though the case against the noticees is established on the above grounds alone, yet I shall take up the other contentions also one by one.

35. First of all it has been claimed that the mobile phones without MRP/RSP stickers, found at the premises of the noticees of M/s ACE Exim, cleared from the port after the permission of customs department were not liable for confiscation under section 111 (d) of the Customs Act, 1962. In this regard, as discussed in the foregoing paras, the copies of invoice/packing list submitted in support of the legal import of the mobile phones, through ACC Jaipur, have been found to be fake

and fabricated. It is also on record that IMEI No. of the seized mobiles are also not tallying with the list of IMEI nos. submitted at Jaipur at the time of import of the goods under Bill of Entry No. 002694 dated 26.09.09. It is, therefore, clearly established that the subject 3898 pcs. of mobile phones had not been imported against the above Bill of entry and had been smuggled into India in contravention of various restriction/prohibition imposed on the import thereof. Out of these 3898 pieces, 1012 mobile phones even do not have valid IMEI nos. It is also apparent that the goods were imported in clear violation of the stipulation of affixing the MRP/RSP stickers under para-5 to General Notes regarding Import Policy {Chapter 1-A of the FTP-ITC (HS) Classification – 2004-09 and also under section 4A of the Central Excise Act, 1944. The Hon'ble Supreme Court in the case of **Om Prakash Bhatia** has held that if the conditions prescribed for import or export of goods are not complied with, it may amount to prohibited good. Further as per section 111 (d) of the Customs Act, 1962 any goods which are imported contrary to any prohibition imposed by or under this Act or any other law for the time being in force shall be liable to confiscation. In view of the forgoing, the subject 3898 seized mobile phones are clearly liable for confiscation under section 111 (d) of the act *ibid*. Since the goods have admittedly been imported/supplied by M/s Vinayak Enterprises, noticee No. 2, by their above acts of omission and commission they have also rendered themselves liable to penalty under section 114AA of the Customs Act, 1962. Further Shri Ashok Kumar Singhal partner of M/s ACE Exim in his voluntary statement dated 13.10.09, *inter alia*, stated that Shri Subhash Rana was only a passive partner and they had purchased the goods from M/s Vinayak Enterprises on delivery challans through consignments sale and they neither received the invoices with VAT nor paid any VAT themselves. He also admitted that though he had received 3 consignments since 24.09.09 yet no transaction had been reflected in the accounts. This was also confirmed by Shri Sandeep Agarwal, person in charge of accounts of M/s ACE Exim in his voluntary statement dated 30.10.09. However, he produced computer generated unsigned invoices on 9.11.09 relating to sale of these goods during 24.09.09 to 30.09.09 which is clearly the result of an after thought to cover his tracks. It is, therefore, apparent that Shri Ashok Kumar Singhal knew that the seized goods were smuggled in the nature and were liable to confiscation and he has knowingly dealt with these smuggled goods rendering himself liable to penalty under section 112 (b) of the Customs Act, 1962. Customs duty amounting to Rs. 3,74,092/- leviable on 2886 pcs. of the smuggled

mobile phones valued at Rs. 74,37,222/- is also liable to be recovered from him along with interest under section 28 of the Customs Act, 1962.

36. It has further been claimed that the ban on the usage of Chinese mobile phones without IMEI No. was imposed from 14.10.2009, under DGFT Notification No. 112 (RE-2008)/2004-2009 and that period was extended till 30.11.2009 but the goods were illegally seized on 30.09.09 and opportunity to get the Chinese mobile phone activated with IMEI no. was taken away illegally. Therefore, the goods cannot be confiscated and no penalty could be imposed on the noticees.

37. In this regard, it is clearly established above that the mobiles were smuggled into the country and not imported through legal channels as claimed by the noticees. As such the facility of getting the mobile phones activated with IMEI Nos. was never available to the noticees. Therefore, this contention of the noticees has no force and is rejected.

38. It has further been contended that the goods were seized on the ground that MRP/RSP stickers were not displayed at the boxes and panchnama was drawn accordingly. But later, the department proposed to confiscate the goods on other grounds also. The contention is patently unfounded as Panchnama is drawn on reasonable belief at the time of incidence i.e. at the time of seizure, whereas show cause notice is issued on the basis of facts/conclusions arrived at after the investigation. Thus, this contention of the noticee is not valid and is rejected.

39. It has further been claimed that the department has taken/held the value of single piece of imported mobile phone at Rs. 1500/- which is wrong and arbitrary and the basis of the valuation has also not been disclosed. It has also been contended that the amount of Rs. 11,00,000/- seized from the premises of M/s ACE Exim, belonged to the firm and was the business ongoing cash and thus not liable for confiscation.

40. In this regard I find that, both these issues are not the subject matter of this show cause notice and pertain to the earlier show cause notice issued to the noticees on similar issue. Both these contentions are, therefore, irrelevant to the present proceedings and need no comments".

24. The Commissioner passed the impugned order:

- a) Confiscating absolutely 1012 mobile phones with no valid IMEI No. under section 111(d);
- b) Confiscating the remaining 2886 mobile phones under section 111(d) for being imported without MRP/RSP stickers as required under the FTP and section 4A of the Central Excise Act, 1944 but allowed their redemption on payment of a fine of Rs. 3,00,000/- under section 125;
- c) Confirming the customs duty of Rs, 3,74,092/- under section 28 on M/s. ACE Exim, the claimant of the goods;
- d) **imposed penalty of Rs. 2,00,000/- on M/s. Vinayak Enterprises and Rs. 1,00,000/- on Shri Saurabh Sanger under section 114AA;**
- e) **imposed penalty of Rs. 1,00,000/- on Shri Ashok Kumar Singhal, Partner of ACE Exim under section 112(b);** and
- f) imposed penalty of Rs. 1,000,000/- on M/s. ACE Exim under section 112(a).

25. The order is assailed by the appellants on the following grounds:

- (i) The Commissioner erred in not appreciating the fact that the appellant had imported the goods legally and paid customs duties. Chinese mobile phones with or without IMEI nos. were allowed to be imported till

30.11.2009 without any restriction. Hence, they could not have been confiscated.

- (ii) Even though when the goods were seized, they were found without MRP/RSP stickers, it does not mean that they were smuggled and liable to confiscation. There is also no evidence that they were imported without the MRP/RSP stickers.
- (iii) The Commissioner wrongly confiscated the mobile phones without any valid IMEI numbers as the ban on import was introduced from 14.10.2009 by DGFT's Notification No. 112 (RE-2008)/2004-2009, the period was later extended till 30.11.2009.
- (iv) The value of Rs. 1500/- per mobile phone was wrongly reckoned because the Chinese manufacturers are given many concessions and incentives by their government. So, the price should have been considered as Rs. 450/- only.
- (v) The impugned order may be set aside and the appeal may be allowed.

### **Findings**

26. We find that in these appeals, the Commissioner confiscated only such phones which were claimed to have been imported through Jaipur Airport but the invoice submitted by the appellant and the invoice submitted along with the Bill of Entry in Jaipur Airport did not match. He, therefore, concluded that these 3998 mobile phones were smuggled. However, he

allowed redemption of 2,886 mobile phones on payment of fine and absolutely confiscated only 1,012 phones which had no valid IMEI numbers. Import of mobile phones without IMEI numbers was not permitted and hence we find no infirmity in absolutely confiscating 1,012 phones.

27. Fixing MRP/RSP on mobile phones is requirement as per FTP and also as per section 4A of the Central Excise Act and the phones were found without these stickers. Therefore, the confiscation of 2,886 mobile phones was correct and calls for no interference.

28. Consequent penalties imposed on Vinayak Enterprises, Shri Saurabh Sanger and Shri Ashok Kumar Singhal are fair and proper and reasonable and call for no interference.

29. In view of the above, all four appeals are dismissed and the impugned orders are upheld.

(Order pronounced in open court on 12/12/2025.)

**(JUSTICE DILIP GUPTA)  
PRESIDENT**

**(P.V. SUBBA RAO)  
MEMBER (TECHNICAL)**