CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI
PRINCIPAL BENCH-COURT NO. 1

CUSTOMS APPEAL NO. 592 OF 2010

[Arising out of Order-in-Original No. 01/APSS/CC/DRI/NCH/2010 dated 31.03.2010 passed by the Commissioner of Customs (Adjudication), New Delhi]

M/S INDO GULF INTERNATIONAL, **.......APPELLANT**
D-174, Kamala Nehru Nagar,
Opp. Blind School,
Jodhpur, 342001, Rajasthan

Vs.

COMMISSIONER OF CUSTOMS, (ADJUDICATION) **........RESPONDENT**
New Customs House, New Delhi

WITH
C/593/2010, C/594/2010, C/597/2010
C/598/2010, C/599/2010, C/601/2010.

Appearance:

Shri Shivansh Sharma, Advocate in Customs Appeal No. 592 and 593 of 2010, Shri Archit Jindal, Advocate in Customs Appeal No. 597 and 598 of 2010, Ms. Gunjan Tanwar, Advocate in Customs Appeal No's. 599 and 601 of 2010-for the Appellants

Shri Mukesh Kumar Shukla, Authorised Representative-for the Respondent

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

FINAL ORDER NO'S. 50213-50219/2026

DATE OF HEARING : 10/11/2025
DATE OF DECISION :30/01/2026

P.V. SUBBA RAO

1. All these appeals assail the order dated 31.03.2010 passed by the Commissioner of Customs (Adjudication), New Customs House, New Delhi in which he decided the proposals made in the

Show Cause Notice dated 30.06.2008[1] issued by the Additional Director General of DRI, New Delhi.

2. We have heard Shri Shivansh Sharma, learned counsel in Customs Appeal No. 592 and 593 of 2010, Shri Archit Jindal, learned counsel in Customs Appeal No. 597 and 598 of 2010, Ms. Gunjan Tanwar, learned counsel in Customs Appeal No's. 599, 600 and 601 of 2010 for the Appellants and Shri Mukesh Kumar Shukla, learned authorized representative appearing for the Revenue and perused the records.

3. **Customs Appeal No. 592 of 2010** has been filed by M/s Indo Gulf International Limited[2], the importer, to assail the confirmation of duty of Rs 7,48,048/-and redemption fine of Rs. 35,00,000/-

4. **Customs Appeal No. 593 of 2010** has been filed by Shri Mohd. Suleman Modi, the proprietor of the importer to assail the imposition of penalties of Rs. 19,69,942/- and Rs. 4,73,300/- on him.

5. **Customs Appeal No. 594 of 2010** has been filed by Mohd. Habib to assail the imposition of penalty of Rs. 2,00,000/- and Rs. 10,00,000/- on him.

6. **Customs Appeal No. 597 of 2010** has been filed by Abdul Hanan Qureshi, the proprietor of M/s Janta Agriculture and Trolly Parts Store, Jodhpur to assail the penalty of Rs. 10,00,000/- and Rs. 2,00,000/- imposed on him.

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1 SCN
2 Indo Gulf

7. **Customs Appeal No. 598 of 2010** has been filed by Shri Shabir Qureshi, the proprietor of M/s Marbar Agriculture Store, Jodhpur to assail the penalty of Rs. 10,00,000/- and Rs. 2,00,000/- on him.

8. **Customs Appeal No. 599 of 2010** has been filed by Shri Mohd, Jakir Qureshi, Proprietor of A One Agro Jodhpur to assail the penalty of Rs. 10,00,000/- and Rs. 2,00,000/- imposed on him.

9. **Customs Appeal No. 601 of 2010** has been filed by Kalyan Ram Deora, Jodhpur to assail the penalty of Rs. 10,00,000/- and Rs. 2,00,000/- on him.

Submissions on behalf of the appellants

10. Shri Shivansh Sharma, learned counsel for M/s Indo Gulf and its Proprietor Mohd. Suleman Modi made the following submissions:

(i) Mohd. Suleman Modi, the owner of Indo Gulf, is a small time businessman. During one of his visits to Kuwait he was offered a lot of used tyres with metal frames at discounted prices. Not knowing that import of such tyres was contrary to the provisions of Foreign Trade Policy, he accepted the proposals and imported the goods through Inland Container Depot[3], Tughlakabad, New Delhi and ICD, Jodhpur during June-July 2007. After the goods arrived, he filed the following Bills of Entry;

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3 **ICD**

(a) B/E No. 606920 dated 28.06.2007
(b) B/E No. 6124480 dated 19.07.2007
(c) B/E No. 607404 dated 29.06.2007
(all at ICD, Tughlakabad)
(d) B/E No. 0046 dated 05.06.2007 (at ICD, Jodhpur)

(ii) Before the goods were cleared they were detained by DRI on suspicion that they were mis-declared as "used tyres with metal frames" classifiable under Customs Tariff Item 4012 90 30 in the Bills of Entry but were actually "used pneumatic Tyres with Rim" classifiable under CTI 4012 20 10 in the Bills of Entry. Further, DRI suspected that the goods were undervalued and the differential amount was paid in cash to the suppliers by the appellant;

(iii) Of the four Bills of Entry only in the Bill of Entry No. 0046 dated 05.06.2007, Jodhpur there is dispute regarding classification. The appellant was under the *bonafide* belief that the goods were classifiable under CTI 4012 9030. In the other three Bills of Entry which are part of these proceedings, the appellant classified the goods as per the position of the department;

(iv) Investigation commenced with search and seizure at the office and residence of Mohd. Suleman Modi, recovery of some documents recording of some statements, etc. On 04.07.2007 the statement of Shri Modi was recorded by senior intelligence officer, DRI Jaipur, adopting coercive measures. Therefore, the appellant immediately retracted the statements through a telegram on 07.07.2007. Subsequently, another statement of the appellant was recorded on 14.07.2007;

(v) In addition, statements of others were also recorded under section 108 of the Customs Act, 1962[4];

(vi) Learned Commissioner has, in the impugned order, heavily relied on the statements of various persons recorded by the officers. However, these statements are relevant to prove their contents only if those statements are admitted in evidence after following the procedure prescribed under section 138B of the Act. Reliance is placed on the following decisions:

- **GND Cargo Movers** vs. **C.C.(Import)**-[5]
- **Drolia Electrosteel P Ltd.** vs. **CCE, Raipur,**[6]
- **Hi Tech Abrasive Ltd.** vs. **Commissioner of C. Ex. & Cus., Raipur**[7]
- **M/s Surya Wires Pvt Ltd.** vs. **Principal Commissioner, CGST Raipur**[8]
- **Ambika International** vs. **UOI**[9]
- **Jindal Drugs Pvt Ltd.**[10]

(vii) The Commissioner did not follow the procedure prescribed under section 138B and admit the statements in evidence. The appellant had specifically sought cross-examination of all persons whose statements were recorded but the Commissioner rejected the request;

(viii) Reliance was also placed on a fax dated 26.06.2017 purportedly evidencing certain transactions between

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4 **Act**
5 **(2025) 33 Centax 335 (Tri.-Del)**
6 **Excise Appeal No. 52612 of 2018**
7 **2018 (362) E.L.T. 961 (Chhattisgarh)**
8 **Excise Appeal No. 51148 of 2020**
9 **2018 (361) ELT 90 (P&H)**
10 **2016 (340) ELT 67 (P&H)**

the appellant and the overseas suppliers. The appellant had categorically mentioned during the investigation that he had not communicated anything through fax and all correspondence was made through emails or through telephone;

(ix) Reliance was also placed heavily on certain printouts purported to be evidence of transfer of additional sums. The procedure prescribed under section 138C of the Act was not followed and, therefore, these documents are not admissible.

(x) On a request by the appellant, provisional release of the consignment was allowed on execution of a bond and bank guarantee. The Commissioner passed the impugned order ex-parte denying requisite opportunity for filing a reply to the appellant;

(xi) In view of the above, the impugned order may be set aside with consequential relief to the importer M/s Indo Gulf and to its proprietor Shri Mohd. Suleman Modi.

11. Ms. Gunjan Tanwar, learned counsel appearing for Mohd. Habib adopted the submissions made by the learned counsel Shri Shivansh Sharma and further submitted as follows:

(i) The allegation against Shri Mohd. Habib in paragraph 16.7 of the SCN is that he visited Kuwait to inspect the goods along with Shri Suleman Modi and other associates and that he was in constant touch with the CHA also and that he had invested Rs. 2,00,000/- for the importer of the consignments. Thus, according to the SCN, he was actively involved in the business of import of the goods by mis-declaring the description and value to evade duty.

(ii) The appellant sought cross-examination of the statements which were relied upon to make the above assertions but it was denied to appellant. The penalty imposed on the appellant Shri Mohd. Habib, therefore, cannot be sustained;

Submissions on behalf of the Abdul Hanan Qureshi and Mohd. Sabir Qureshi

12. Shri Archit Jindal, learned counsel for Shri Abdul Hanan Qureshi and Mohd. Sabir Qureshi adopted the submissions made by Shri Shivansh Sharma and further made the following submissions:

(i) The allegation against Shri Abdul Hanan Qureshi in the impugned order is that he had abetted the imports by M/s Indo Gulf International through mis-declaration of the nature of the goods and value. Shri Abdul Hanan Qureshi is the proprietor of Janta Agriculture and Trolley parts, Jodhpur and was not the importer and had nothing to do with the import of the goods. In his statement dated 14.09.2007 Shri Mohd. Suleman Modi, the proprietor of Indo Gulf had only mentioned that he had borrowed money from 9 to 10 persons on interest including from Shri Mohd. Hanan Qureshi;

(ii) Merely lending any money to Mohd. Suleman Modi does not make Shri Abdul Hanan Qureshi an abettor of any mis-declaration of the value or description of the importer goods. Therefore, penalties imposed on him may be set aside;

(iii) Similarly Shri Mohd. Sabir Qureshi is the proprietor of M/s Marwar Agriculture Store, Jodhpur and had only lent money to Shri Suleman Modi. By lending the money Shri Sabir Qureshi will not become the abettor of mis-declaration of imports. The penalties imposed on him may be set aside.

Submissions of Ms. Gunjan Tanwar on behalf of the Mohd. Jakir Qureshi and Shri Kalyan Ram Deora.

13. Ms. Gunjan Tanwar, made the following submissions:

(i) Shri Mohd. Zakir Qureshi and Shri Kalyan Ram Deora have nothing to do with the tyres and had only lent some money to Shri Suleman Modi;

(ii) Merely lending to Shri Suleman Modi does not make them abettors of any mis-declaration of the nature of the value of the goods at the time of import.

Submissions of the Revenue.

14. Shri Mukesh Kumar Shukla, learned authorized representative appearing for the Revenue supported the impugned order and made the following submissions:

(i) The impugned order was passed deciding the proposals made in the SCN issued by DRI. The SCN was issued after investigation, based on specific information, that M/s Indo Gulf International had imported old pneumatic tyres by mis-declaring them and further without the mandatory licence required under the foreign trade policy from DGFT for import of used tyres. What was declared were "pneumatic tyres with frames" what was actually was imported was "pneumatic tyres with steel rims". The goods were mis-declared and they were imported without the licence from DGFT;

(ii) The proprietor of the importer Shri Suleman Modi and other noticees had accepted the *modus operandi* in their voluntary statements;

(iii) When the noticees themselves had made some statements, there was no scope for examination or cross-examination of them as witnesses;

(iv) The most direct evidence against the importer was the voluntary statement of Shri Suleman Modi, the proprietor of M/s Indo Gulf itself recorded under section 108 of the Act. This confessional statement of the importer was corroborated by Shri Deepak Agarwal, the Customs Broker in his statement;

(v) The authorized clearing agent Shri Ajay Agrawal, also made a statement under section 108 confirming the import. Physical examination of the goods was conducted by officers of DRI in the ICD which showed that all goods were used in pneumatic tyres with rims (tubeless as well as with tubes) suitable for only for specific automotive vehicles. No import licence was available either with the importer or with the CHA. These findings were recorded in detail in Panchnama and supported by photographs;

(vi) The value of the goods was determined by Shri R.K. Khera approved value;

(vii) Another crucial piece of evidence were the past import and with repeated mis-declarations;

(viii) During the search of the residence of Shri Modi, DRI recovered the fax documents containing details of the consignments imported from the overseas exporter. These fax documents mentioned the invoice numbers the total amounts to be paid through banking channels and other amounts to be paid in cash. The total transaction value recorded therein was $1,27,033 more than the declared values. When confronted with this evidence, Shri Modi admitted that the fax reflected the actual prices;

(ix) Used pneumatic tyres were undisputedly, restricted under the Foreign Trade Policy and it is also undisputed that the importer had no import licence from the DGFT;

(x) Considering the entire evidence as above, there is no case for interference with the impugned order.

Findings

15. We have considered the submissions advanced by both sides.

16. Before proceeding to deal with the matter in respect of the importer and its proprietor Shri Suleman Modi we proceed to examine the allegation against Shri Mohd. Habib (appellant in C/594/2010), Shri Abdul Hanan Qureshi (appellant in C/597/2010), Shri Mohd. Sabeer Qureshi (C/598/2010) Shri Mohd. Zakir Qureshi (C/599/2010) and Shri Kalyan Ram Devra (Appellant in C/5601/2010). Clearly, the allegation against each of these persons is that they had lent money to Shri Mohd. Suleman Modi and, therefore, they had abetted the import of the goods and their mis-declaration of the quantity and nature.

17. This finding is based on various statements recorded, under section 108 of the Act.

18. Even if all these persons had lent money to Shri Suleman Modi, by no stretch of imagination can it be said that by lending money they have encouraged Shri Modi to import goods in a particular manner or to make specific declarations in the Bills of Entry. These allegations are like accusing a bank which has lent money to a company of abetting any fraud committed by the company.

19. It also needs to be noted that all these allegations are solely on the basis of various statements recorded under section 108 of the Customs Act which would have been relevant to case only if the persons who made those statements were examined

by the Commissioner as witnesses under section 138B and their statements were admitted as evidence. Needless to say that if such statements are admitted as evidence, the appellants should have been given an opportunity of cross-examination. In this case neither was there any examination in chief nor has the Commissioner admitted the statements as evidence. Therefore, none of the statements can be used to establish any case against any of the persons.

20. The appeals filed by these appellants need to be allowed and the penalties imposed against them need to be set aside with consequential relief.

21. We now proceed to decide the case against the importer M/s Indo Gulf International and its proprietor Shri Mohd. Suleman Modi. The allegation against the importer are as follows:

(a) That he imported used "pneumatic tyres with Rims" and declared them as "used tyres with metal frame".

(b) That he classified the goods under CTI 4012 90 30 while they were actually classifiable under CTI 4012 20 10;

(c) The import of used tyres is permissible only with a licence issued by DGFT and the appellant had nor such licence.

(d) That the importer had undervalued the goods and paid the differential amount in cash to supplier.

22. The description of the goods in the Bills of Entry and the goods which were actually imported on examination matters of fact. There is no dispute that instead of "used tyres with metal

frame" as declared "used pneumatic tyres with rim" were imported. It is also not in dispute that their import required a licence from the DGFT and the appellant had none. It is also not in dispute that the imported goods are "used tyres with Rim" which are classifiable under 4012 20 10.

23. The appellant does not dispute the classification by the department but says that he was not aware that a licence was required to import used tyres. As far as the value of the goods is concerned, it is his assertion that he had paid only the amounts which are indicated in the documents and did not pay any amount in cash.

24. We find that the appellant had, indeed, imported restricted goods without any mandatory licence. Therefore, the goods were liable for confiscation. We also find that since the nature of the goods was mis-declared the values which were declared can be reasonably rejected and the values can be re-determined. The declared values were for "used tyres with metal frames" whereas the tyres actually imported were "used tyres with rims".

25. The Commissioner has rejected the declared values in respect of the three Bills of Entry of Rs.23,17,095/- under section 14 of the Act read with Rule 4 and 10 A of the Customs Valuation (Determination of price of imported goods) Rules, 1988[11] and re-determined the value as Rs. 42,87,087/-. Consequently he confirmed a demand of Rs. 6,30,744/- along with interest. Rule 4 and 10A read as follows:

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11 1988 Rules

"4. Transaction value.

(1) The transaction value of imported goods shall be price actually paid or payable for the goods when sold for export to India, adjusted in accordance with the provisions of Rule 9 of these rules,

(2) The transaction value of imported goods under sub-rule (1) above shall be accepted:

(a) the sale is in the ordinary course of trade under fully competitive conditions;

(b) the sale does not involve any abnormal discount or reduction from the ordinary competitive price;

(c) the sale does not involve special discounts limited to exclusive agents;

(d) objective and quantifiable data exist with regard to the adjustments required to be made, under the provisions of rule 9, to the transaction value;

(e) there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which-
(i) are imported or required by law or by the public authorities in India; or
(ii) limit the geographical area in which the goods may be resold; or
(iii) do not substantially affect the value of the goods;

(f) the sale or price is not subject to same condition or consideration for which a value cannot be determined in respect of the goods being valued;

(g) No part of the proceeds of any subsequently resale, disposals or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of Rule 9 of these rules; and

(h) The buyer and seller are not related, or where the buyer and seller are related, that transaction value is acceptable for customs purposes under the provisions of sub-rule (3) below.

(3) (a) where the buyer and seller are related, the transaction value shall be accepted provided that the examination of the circumstances of the sale of the imported goods indicate that the relationship did not influence the price.
(b) in a sale between related persons, the transaction value shall be accepted, whenever the importer demonstrates that the declared value of the goods being valued, closely approximates to one of the following values ascertained at or about the same time-

(i) the transaction value of identical goods or similar goods, in sales to unrelated buyers in India;
(ii) the deductive value for identical goods or similar goods;
(iii) The computed value for identical goods or similar goods;
Provided that in applying the values used for comparison, due account shall be taken of demonstrated difference in commercial levels, quantity, levels, adjustments in accordance with the provisions of Rule 9 of these rules and cost incurred by the seller in which he and the buyer are not related;

(c) substitute value shall not be established under the provisions of clause (b) of this sub-rule."

10A. Rejection of declared value :-

When the proper officer has reason to doubt the truth or (1) accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the value of such imported goods cannot be determined under the provisions of sub-rule (1) of Rule 4.

At the request of an importer, the proper officer, shall (2) intimate the importer in writing, the grounds for doubting the truth or accuracy of the value declared in relation to goods imported by such importer and provide a reasonable opportunity of being heard, before taking a final decision under sub- rule (1)."

26. While rule 10A provides for rejection of transaction value, Rule 4 provides for its acceptance unless it is rejected. If transaction value is rejected under Rule 10A, value should be re-determined under Rules 5 to 8 sequentially. In this case, the Commissioner rejected the declared transaction value but re-determined the value under Rule 4 itself treating the values found in the Fax and printouts as correct transaction values. However, no certificates under section 138C has been placed on record to enable the fax and the printouts to be used as evidence. It also needs to be noted that the appellant is disputing ever having communicated through fax.

27. Such being the case, the re-determination of value and consequential confirmation of duty cannot be sustained.

28. Similarly, the Commissioner rejected the declared assessable value of Rs. 3,23,036/- under section 14 read with Rule 4 of 1988 Rules in respect of the Bill of Entry mentioned in Annexure AI and re-determined the value of Rs. 7,97,336/-. Consequently he confirmed the differential duty of Rs. 1,17,304/- under section 28 of the Act which also needs to be set aside.

29. The Commissioner also confiscated the 5077 pieces of used pneumatic tyres with rims of total seizure value of Rs. 1,34,93,750/- under section 111(d) and 111(m) of the Act and allowed their redemption on payment of fine of Rs. 30,00,000/-. Section 111(d) and 111(m) reads as follows:

> **"11. Confiscation of improperly imported goods, etc.**
>
> (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."

30. Evidently, the imported goods were prohibited required a licence issued from the DGFT and the appellant had no such licence. Therefore, section 111(d) was clearly invokable in the case. Further, the goods were declared as pneumatic tyres with steel frame used tyres with metal frame but what actually found to be "used pneumatic tyres with Rims". Therefore, they were

clearly covered by 111(m) of the Act. Confiscation of the goods, therefore, needs to be upheld. As far as the quantum of redemption fine is concerned, we find that in respect of 5077 pieces of pneumatic tyres having seizure value of Rs.1,34,93,750/-, the Commissioner imposed a redemption fine of Rs. 30,00,000/-. In our considered view the redemption fine should be reduced to Rs. 10,00,000/- which is about 10% of the value of the goods.

31. In respect of 640 pieces of tyres detailed in Annexure AII, the total seizure value of which is Rs. 20,25,600/-, the Commissioner imposed a redemption fine of Rs. 5,00,000/-. This redemption fine, likewise can be reduced to Rs. 2,00,000/- which would be about 10% of the value of the seized goods.

32. In short, the appeal No. C/592 of 2010 filed by M/s Indo Gulf International needs to be partly allowed by setting aside the demand of duty and reducing the redemption fine from Rs. 30,00,000/- to Rs. 10,00,000/- and from Rs. 5,00,000/- to Rs. 2,00,000/-

33. The proprietor of M/s Indo Gulf Shri Mohd. Suleman Modi has, in his Customs Appeal No. 593 of 2010, has assailed the penalty of Rs. 19,62,992/- and Rs. 4,74,300/- imposed on him under section 112 of the Act. It must be pointed out the importer is a proprietorship concerned and penalty was imposed on the proprietor and it was NOT separately imposed on the importer firm. We have already upheld the confiscation of the imported goods under section 111(d) and (m) of the Customs Act for mis-declaration of the nature of the goods for importing them

without licence from the DGFT. The proprietor of the firm Shri Suleman Modi is clearly responsible for import and it is not in dispute that he is one to import the goods even in the appeal before us. Such being the case, it was squarely covered by section 112 of the Act and penalty needs to be upheld. In so far as the quantum of penalty is concerned, we find that in respect of the 5077 pieces of tyres value of Rs. 1,24,93,750/- confiscated, the Commissioner imposed a penalty of Rs. 19,69,992/-. In respect of all 640 pieces of tyres, valued at Rs. 20,25,600/- confiscated under section 111, the Commissioner imposed a penalty of Rs. 4,74,300/-. In our considered view these penalties can be reduced to Rs. 5,00,000/- and Rs. 1,00,000/- respectively.

34. Learned counsel for the appellants M/s Indo Gulf and Shri Mohd. Suleman Modi repeatedly emphasized that the statements recorded during investigation under section 108 could not have been relied upon by the Commissioner. We have considered the submission and we agree that the statements made under section 108 cannot be relied upon as evidence without following the procedure prescribed under section 138B of the Act. However, even if we ignore all the statements recorded, the facts of the case based on records speak for themselves that the goods were imported and they were examined and were found to be different. It was clearly a case of mis-declaration of the nature of the goods. Even in the submissions before us, it is stated that the Shri Suleman Modi was not aware that the goods could not be imported without a licence and that he had got a very good deal

in Kuwait and accepted the deal and the imported the used tyres. Therefore, even if all the statements have been ignored, the cases against M/s Indo Gulf and Shri Mohd. Suleman Modi will survive.

35. In view of the above, the appeals are disposed of as below:

(i) C/592/2010 filed by M/s Indo Gulf International is partly allowed setting aside the demand but upholding the confiscation but reducing the redemption fine from Rs. 30,00,000 to Rs. 10,00,000/- and Rs. 5,00,000/- to Rs. 2,00,000/-.

(ii) C/593/2010 filed by Shri Mohd. Sulemand Modi is partly allowed reducing the penalties from Rs. 19,69,992/- to Rs. 5,00,000/- and from Rs. 4,74,300/- to Rs. 1,00,000/-

(iii) C/594/2010 filed by Mohd. Habib is allowed. The penalty of Rs. 12,00,000/- imposed on him is set aside.

(iv) C/597/2010 filed by Shri Abdul Henan Qureshi is allowed and the penalty of Rs. 2,00,000/- imposed on him is set aside.

(v) C/598/2010 filed by Mohd. Sabir Qureshi is allowed and the penalty of Rs. 10,00,000/- imposed on him is set aside.

(vi) C/599/2010 filed by Mohd. Jakir Qureshi is allowed and the penalty of Rs. 12,00,000/- imposed on him is set aside.

(vii) C/601/2010 filed by Shri Kalyan Ram Deora is allowed and the penalty of Rs. 12,00,000/- imposed on him is set aside.

(viii) The impugned order is modified to the extent indicated above and the appellants will be entitled to consequential reliefs.

[Order pronounced on <u>30.01.2026</u>.]

(JUSTICE DILIP GUPTA)
PRESIDENT

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

Tejo