

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL  
CHANDIGARH**

REGIONAL BENCH - COURT NO. I

**in Customs Appeal No. 61103 of 2025**

[Arising out of Order-in-Appeal No. LUD-EXCUS-001-APP-215-2025 dated 21.07.2025 passed by the Commissioner (Appeals), CGST, Ludhiana]

**M.G. Bakers Pvt Ltd**

Plot No. B-29, Industrial Area, Phase-III,  
Mohali, S.A.S. Nagar, Punjab 160055

**.....Appellant**

*VERSUS*

**Commissioner of Customs, Ludhiana**

Customs House, ICD GRFL Complex,  
G.T. Road, Sahnewal, Ludhiana, Punjab 141120

**.....Respondent**

**APPEARANCE:**

Mr. Ajay Jain, Advocate for the Appellant

Mr. Anurag Kumar, Authorized Representative for the Respondent

**CORAM: HON'BLE MR. S. S. GARG, MEMBER (JUDICIAL)**

**HON'BLE MR. P. ANJANI KUMAR, MEMBER (TECHNICAL)**

**FINAL ORDER NO.**

**60211/2026**

DATE OF HEARING: 03.02.2026

DATE OF DECISION: 26.02.2026

**S. S. GARG :**

The present appeal is directed against the impugned order dated 21.07.2025 passed by the Commissioner of CGST (Appeals), Ludhiana, whereby the appeal of the appellant was dismissed and the Order-in-Original was upheld.

2. Briefly the facts of the present case are that the appellant had imported S/S Deep Fryer, DF 11D-17, DF 11D- 17' among other items by declaring the same under Tariff Item 84198110 of the Customs Tariff Act, 1975.

2.1 The appellant in their reply to the Query raised by the appraiser in r/o Bill of Entry No.9314687 dated 05.04.2025 had requested for First Check to examine the goods before assessment and accordingly First-check was granted by the Appraiser of FAG. As per the examination order of the Bill of Entry No.9314687 dated 05.04.2025, the applicability of BIS on the imported goods was to be verified along with other instructions. The goods were presented for examination on 15.04.2025 and the goods were examined in the presence of the Representative of the importer, CB's Representative Shed Staff and under the supervision of AC Shed.

2.2 The Goods were examined and it was found that the impugned item is covered under Safety of Household, Commercial and similar Electrical Appliances dt. 20-09-2024 and mandatory registration under BIS is required for the import of said item. It was also found that the appellant did not have a valid license/registration issued by Bureau of Indian Standards and therefore it appeared to the Revenue that the impugned goods have been imported in contravention of the BIS and they fall under definition of prohibited goods as defined under Section 2(33) of the Customs Act, 1962 and as such, appears to be liable for confiscation under Section 111(d) of the Act. After following the due process, the said items have been ordered to be

confiscated (though order to be redeemed for re-export). On the basis that the same is covered under Safety of Household, Commercial and similar Electrical Appliances (Quality Control) Order, dated 20.09.2024 and accordingly registration under BIS is required for the import of said item by the foreign manufacturer/supplier under the said order.

2.3 The appellant contested that the confiscation of the goods being contrary to Order No. S.O. 2232 (E) dt. 19-05-2025 which provides that the BIS provisions are applicable w.e.f. 19-03-2026 which order has superseded the aforesaid order dt. 20-09-2024 and that the govt. never intended to impose any condition/requirement of Registration with BIS before 19-03-2026.

3. Heard both the parties and perused the material on record.

4. Learned counsel for the appellant submits that the impugned order is not sustainable in law as the same has been passed without properly appreciating the facts and the law and that there was no justification to order confiscation of the goods contrary to Order No. S.O. 2232 (E) dated 19.05.2025 which provides that the BIS provisions are applicable w.e.f. 19.03.2026. He further submits that vide order dated 19.05.2025 there is no requirement under any law for registration under BIS till 19-03-2026. He further submits that the earlier order dt. 17-09-2024 has been superseded vide aforesaid order dt. 19-05-2025. He further submits that the Order dt. 19-05-2025 has been issued by the government after consulting the Bureau

of Indian Standards which is of the opinion that it is necessary or expedient so to do in the public interest. He further submits that the order dated 19-05-2025 clearly provides that the government never wanted to impose any condition/ requirement of Registration with the BIS before 19th March, 2026. He further submits that the adjudicating authority itself allowed the re-export of the goods meaning thereby, the appellant was free to re-export the goods and again import the same and sought the clearance for which there is no requirement of any registration.

4.1 He further submits that re-export and re-import merely involves procedural formalities and expenses of freight and other expenses whereas as on date there is no requirement of any registration with the BIS till 19-03-2026. He further submits that there was no justification for imposition of any penalty specially when it has been admitted in the seizure memo itself that the goods declared in the Bill of Entry were found to be as per the declaration. He also submits that the Registration with the BIS is only a procedural requirement for which there was no justification for confiscation and imposition of any penalty. He also submits that the requirement of registration with the BIS was on the part of the manufacturer/supplier of goods for which there was no justification to penalize the appellant by way of confiscation of goods and imposition of penalty. He further submits that *Mens rea* is essential for imposition of any penalty and in this case no Malafide at all has been

proved by the department on the part of the appellant and in the absence of *Mens rea* no penalty can be imposed.

5. On the other hand, learned authorized representative for the Department reiterated the findings of the impugned order and submits that the impugned goods have been imported in contravention of the QCO 2024 which required BIS registration at the time of import. He further submits that the bill of entry for the impugned goods was filed on 05.04.2025 and at that time QCO 2024 was enforced. Learned authorized representative for the department admits that in the subsequent QCO 2025 [S.O. 2232 (E) dated 19.05.2025] which deferred the effective date to 19.03.2026, explicitly states that it supersedes QOC 2024 "except as respects things done or omitted to be done before such supersession".

5.1 Learned Authorized representative for the department further submits that QOC 2025 has no retrospective effect and does not absolve the appellant's violation at the time of import. He further submits that the goods were rightly liable to be confiscated under Section 111(d). He further submits that the appellant has already been granting the liberty to re-export the impugned goods subject to payment of redemption fine of Rs. 25,000/-.

6. We have considered the submissions made by both the parties and perused the material on record, we find that the impugned good were imported by the appellant by filing the bill of entry dated 05.04.2025; we also find that the only issue involved in the present

case is whether there is any requirement of registration as on the date when the goods were imported into the country; we also find that earlier vide order dated 17.09.2024, there was a requirement of furnishing the certificate from BIS but that requirement was done away with vide subsequent order dated 19.05.2025 and the registration was deferred till 19.03.2026. Further, we find that in the subsequent order dated 19.05.2025 which deferred the effective date to 19.03.2026, explicitly states that it supersedes QOC 2024 ("except as respects things done or omitted to be done before such supersession").

6.1 We also find that QCO 2025 has no retrospective effect and does not absolve the appellant's violation at the time of import. We also find that the goods are not prohibited but are permitted to be imported subject to furnishing of BIS certificate which was to be submitted by the manufacturers/exporters which in this case at the relevant time was not submitted. We also find that the registration with the BIS is only a procedural requirement for which there is no justification for confiscation of the goods and imposition of penalty. We also find that there is no *mens rea* on the part of the appellant warranting the imposition of penalty. We also find that though there is a procedural violation but the confiscation of the goods is not warranted in the facts and circumstances of the case.

7. Keeping in view all the facts, we are of the considered view that only imposition of redemption fine will meet the ends of justice. Hence, we impose redemption fine of Rs. 15,000 and set aside the

imposition of penalty and direct the department to release the goods in favour of the appellant subject to payment of redemption fine of Rs. 15,000 within a period of one week from the date of receipt of certified copy of this order.

8. The appeal is accordingly, disposed of on the above terms.

(Order pronounced in the open court on 26.02.2026)

**(S. S. GARG)**  
**MEMBER (JUDICIAL)**

**(P. ANJANI KUMAR)**  
**MEMBER (TECHNICAL)**