

This Ruling has been revised / superseded vide Valuation Ruling No. 1477/2020 dated 08-10-2020

**GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACHI**

The Collectors of Customs, Model Customs Collectorates, Appraisement (East / West) / Port Qasim / Preventive, Karachi / Lahore (Appraisement / Preventive) / Sambrial (Sialkot) / Faisalabad / Multan / Islamabad / Hyderabad / Quetta / Peshawar / Gawadar / Gilgit-Baltistan.

**DETERMINATION OF CUSTOMS VALUES OF SODA ASH UNDER SECTION 25-A OF
THE CUSTOMS ACT, 1969**

(VALUATION RULING No. 996/2016)

No. Reg. Misc/6/2009-II/10148

Dated: 20th December, 2016

In exercise of the powers conferred under Section 25-A of the Customs Act, 1969, Customs values of Soda Ash are determined as follows:-

2. Background of the valuation issue: The customs values of Soda Ash different grades were earlier determined vide Valuation Ruling No. 540/2013 dated 22.01.2013 and Valuation Ruling No. 553/2013 dated 10-05-2013. Representations were received from commercial importers, for determination of customs value of Soda Ash afresh. Hence existing Valuation Ruling, which is over three years old is required to be revised in the light of honorable High Court of Sind, at Karachi's orders dated 10.11.2015 in Constitutional Petition No. D- 6918/2015. Since 90 days have passed and representations were received from commercial importers regarding values determined in afore mentioned Valuation Ruling, an exercise was initiated to re-determine the values of Soda Ash.

3. Stakeholders' participation in determination of Customs values: Meeting with all the stakeholders including importers and representatives from clearance Collectorates was held on 07-12-2016 to discuss the current international prices of the subject item. The commercial Importers stated that the prices of subject items are showing down ward trend in the international markets, however, M/s ICI Pakistan Ltd, local manufacturers, on the other hand submitted that the prices of soda Ash are showing upward trend. They supported their submissions with ICIS and HIS Chemicals for current prices of soda ash. The view point of all participants was heard in detail and considered to arrive at Customs value of Soda Ash.

4. Method adopted to determine Customs values: Valuation methods provided in Section 25 of the Customs Act, 1969 were duly applied in their regular sequential order to address the particular valuation issue at hand. The transaction value method as provided in Sub-Section (1) of Section 25, found inapplicable in light of the wide variety of invoices submitted at import stage the veracity of which could not be ascertained fully, hence requisite information required under law was not available to arrive at the correct transaction value. Identical / similar goods value method provided vide Sub-Sections (5) & (6) of Section 25 ibid were examined for applicability to determine Customs value of subject goods, this data provided some references, however, it was found that the same cannot be solely relied upon due to the absence of absolute demonstrable evidence of qualities, and quantities of commercial level etc., and also it was observed that importers usually provided misleading description while declaring goods, as other types and varieties of similar goods to avoid the application of valuation ruling. Information available was, hence, found inappropriate. In line with the statutory sequential order of Section 25, this office then conducted a market inquiry using Deductive Value Method under Sub-Section (7) of the Section 25 of the Customs Act, 1969, however, it was found that the determination of Customs value could not be based solely upon this method either. Therefore, valuation method provided vide Section 25(8) of Customs Act 1969, could not be applied as the conversion cost from constituent materials and allied expenses, at country of export were are not available. Finally, PRAL database, market information and international prices through Web were examined thoroughly. All the information so gathered was analyzed for determination of Customs

Value of the subject items. Consequently, the Fall Back Method as provided under section 25(9) of the Customs Act, 1969 was applied to arrive assessable customs values of the Soda Ash.

5. Customs values for Soda Ash: Soda Ash *hereinafter specified* shall be assessed to duty/taxes at the following Customs Values:-

S. No.	Description of goods	H.S. Code	Proposed PCT for WEBOC	Origins	Customs Values (C&F) US\$/KG
1.	Synthetic Soda Ash (Dense)	2836.2000	2836.2000.1000	All origins	0.245
2.	Synthetic Soda Ash (Light)	2836.2000	2836.2000.1100	All origins	0.255
3.	Synthetic Soda Ash All Type	2836.2000	2836.2000.1200	All origins excluding Kenya	0.220
4.	Synthetic Soda Ash All Type	2836.2000	2836.2000.1300	Kenya	0.200

6. In cases where declared/ transaction values are higher than the Customs values determined in this Ruling, the assessing officers shall apply those values in terms of Sub-Section (1) of Section 25 of the Customs Act, 1969. In case of consignments imported by air, the assessing officer shall take into account the differential between air freight and sea freight while applying the Customs values determined in this Ruling. The Custom values determined in the Valuation Ruling are for the descriptions and specifications as mentioned herein. HS Codes are mentioned for illustrative purposes so that Valuation Ruling values are made accessible to the assessing officers. The assessment shall be finalized in the correct classifications after fulfilling requisite formalities relating to importability or other certifications required thereon.

7. Validity of this Valuation Ruling: The values determined vide this Ruling shall be the applicable Customs value for assessment of subject imported goods until and unless it is rescinded or revised by the competent authority in terms of Sub-Sections (1) or (3) of Section 25-A of the Customs Act, 1969.

8. Revision of the value determined vide this Valuation Ruling: This Valuation Ruling is appealable under the law and a revision petition may be filed against this Ruling, under Section 25-D of the Customs Act, 1969, within 30 days from the date of issue of this ruling before the Director General, Directorate General of Customs Valuation, 7th Floor, Custom House, Karachi.

9. The Collectors of Customs may kindly ensure that the values given in the Ruling for the given description of goods are applied by the concerned staff without fail. Any anomaly observed may kindly be brought to the notice of Directorate General immediately.

10. This Ruling supersedes Valuation Ruling Nos. 540/2013 dated 22-01-2013 and 553/2013 dated 10-05-2013.

(DR. WASIF ALI MEMON)
Director

Copy for information to:-

1. Member (Customs), F.B.R., Islamabad.
2. Director General, Customs Valuation, Custom House, Karachi.
3. Chief Collector of Customs, South (Appraisalment), Custom House, Karachi.
4. Chief Collector of Customs, South (Enforcement), Custom House, Karachi.
5. Chief Collector of Customs (Central), Lahore.
6. Chief Collector of Customs (North), Islamabad.
7. Director General, Intelligence and Investigation-FBR, Islamabad.
8. Director General, Audit (Customs & Petroleum), 1st Floor, PT & T Audit Building, Mauj-e-Darya Road, Lahore.
09. Director General, Post Clearance Audit (PCA), Islamabad.
10. Director General, Internal Audit (Customs), Karachi.
11. Directors, Intelligence & Investigation, Karachi / Lahore / Islamabad / Quetta Peshawar / Faisalabad.

12. Director, Directorate of Customs Valuation (Camp Office), Lahore.
13. Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & We BOC data base system and deleting Valuation Ruling Nos. 540/20/3 dated 22-01-2013 And 553/2013 dated 10-05-20/3.
14. Chairman (Valuation Committee), FPCC&I, Federation House, Clifton, Karachi.
15. Chambers of Commerce & Industry, Karachi, Lahore, Islamabad, Hyderabad, Quetta & Peshawar.
16. Law Section, Customs Valuation, 7th Floor, Custom House, Karachi.
17. Review Section, Customs Valuation, 7th Floor, Custom House, Karachi.
18. Karachi Customs Agents Group, Bohri Road, Karachi.
19. CHO, Customs Valuation, Custom House, Karachi.
20. Notice Board, Customs Valuation 7th Floor, Custom House, Karachi / MCC, Appraisement, 1st Floor, Custom House, Karachi.
21. Guard File.