

REGISTERED
SPEED POST



F.No. 375/42/B/2016-RA
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

14, HUDCO VISHALA BLDG., B WING
6th FLOOR, BHICAJI CAMA PLACE,
NEW DELHI-110 066

Date of Issue...10/8/18

Order No. 112/18-Cus dated 7-8-2018 of the Government of India passed by Shri R.P.Sharma, Principal Commissioner & Additional Secretary to the Government of India, under Section 129DD of the Customs Act, 1962.

Subject : Revision Application filed under Section 129 DD of the Customs Act 1962 against the Order-in-Appeal No. CC(A)CUS/D-1/AIR/269/2016 dated 06.05.2016, passed by the Commissioner of Customs (Appeals), NCH, New Delhi.

Applicant : Ms. Rabia Khatoon

Respondent : Commissioner of Customs, NCH, New Delhi

ORDER

A Revision Application No. 375/42/B/2016-RA dated 10.05.16 is filed by Ms. Rabia Khatoon, R/o Avas Vikas colony, House no. 293, Bulandshahar Road, Hapur, Ghaziabad, U.P. (hereinafter referred to as the applicant) against the Order in Appeal No. CC(A)CUS/D-1/AIR/269/2016 dated 06.05.2016, passed by the Commissioner of Customs (Appeal), NCH, New Delhi, whereby the order of the Additional Commissioner allowing redemption of the confiscated goods on payment of redemption fine of Rs. 2,80,000/-, and personal penalty of Rs.2,00,000/- under Section 112 and 114AA of the Customs Act, 1962 was upheld.

2. The revision application is filed mainly on the ground that the applicant had brought the gold for the self-use without any concealment and, therefore, redemption fine and personal penalty imposed on him are excessive.

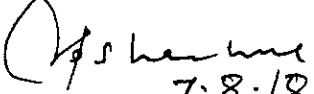
3. A personal hearing was held on 03.07.2018 and Sh. S.S. Arora, Advocate, availed the hearing on behalf of the applicant who reiterated the above mentioned grounds of revision already pleaded in their application. However, no one appeared for the respondent and no request for any other date of hearing was also received from which it is implied that the respondent is not interested in availing personal hearing.

4. From the Revision Application it is evident that the applicant does not dispute the Commissioner (Appeal)'s order regarding confiscation of gold items which were brought by him illegally in violation of the Customs Act, 1962 and the Foreign Trade (Development and Regulation) Act, 1992 and his request is limited to a point that the redemption fine and penalty may be reduced.

5. The government has examined the matter and found that for further reduction in redemption fine and penalty imposed by the Additional Commissioner in his order the applicant has not advanced any convincing reason and it is merely stated that fine and penalty are excessive. On the contrary it is apparent from the case that the Additional Commissioner has already been lenient in imposing fine and

penalty in as much as a fine of Rs. 2,80,000/- was imposed against the value of Rs. 13,73,938/- and a penalty of Rs. 2,00,000/- was imposed for committing serious offence of smuggling of goods. The Commissioner (Appeals) has upheld the same fine and penalty which the government also finds very moderate in the context of the serious nature of offence committed by the applicant. Therefore no further interference is warranted in the order of the Commissioner (Appeals).

6. Accordingly the revision application is rejected.


7.8.18
(R.P.Sharma)

Additional Secretary to the Government of India

Ms. Rabia Khatoon,
R/o Avas Vikas colony, House no. 293,
Bulandshahar Road,
Hapur, Ghaziabad, U.P.

Order No. 112/18-Cus dated 7-8-2018

Copy to:

1. Commissioner of Customs, IGI Airport, Terminal-3, New Delhi
2. Commissioner of Customs (Appeals), New Custom House, near IGI Airport, New Delhi
3. Additional Commissioner of Customs, IGI Airport, New Delhi
4. Shri SS Arora, Advocate, SS Arora & Associates, B-1/71, Safdarjung Enclave, New Delhi
5. PA to AS(RA) *E. Anand file 7. Spare copy.*

ATTESTED


(Ravi Prakash)

OSD (REVISION APPLICATION)