

SPEED POST



F.No. 375/46/B/2016-RA
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

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

Date of Issue... 14.8.18

Order No. 116/18-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/292/2016 dated 25.05.2016, passed by the Commissioner of Customs (Appeals), NCH, New Delhi.
- Applicant : Ms. Rafia
- Respondent : Commissioner of Customs, NCH, New Delhi

ORDER

A Revision Application No. 375/46/B/2016-RA dated 10.05.16 is filed by Ms. Rafia, R/o 916, Gali Chah Shrin, Farash Khana, Delhi (hereinafter referred to as the applicant) against the Order in Appeal No. CC(A)CUS/D-1/AIR/292/2016 dated 25.05.2016, passed by the Commissioner of Customs (Appeal), NCH, New Delhi whereby the applicant has been allowed redemption of the absolutely confiscated gold items on payment of fine of Rs. 2,98,000/- and penalty of Rs. 1,50,000/- under Section 112 and 114AA of Customs Act, 1962 which was earlier imposed by the Additional Commissioner in his order-in-original dated 14/01/2015.

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 her are excessive.

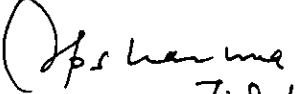
3. A personal hearing was held on 04.07.2018 and Sh. S.S. Arora, Advocate, availed the hearing on behalf of the applicant who reiterated the above mentioned grounds of revision already pleaded in their application. However, no one appeared for the respondent and no request for any other date of hearing 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 Commissioner (Appeals) 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 Commissioner (Appeals) has already been lenient in imposing fine and penalty in as much as a fine of Rs. 2,98,000/- was imposed against the value of Rs. 7,47,969/- and a penalty of Rs. 1,50,000/- was imposed for committing serious offence of smuggling of goods. The government finds the redemption fine and penalty 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. Rafia,
R/o 916, Gali Chah Shrin, Farash Khana,
Delhi-110 006.

Order No. 116/18-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)

6. *Handwritten signature*

7. *Spare copy*

ATTESTED

Handwritten signature of Ravi Prakash
07/08

(Ravi Prakash)

OSD (REVISION APPLICATION)