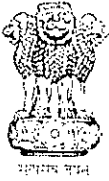


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F.No. 375/40/B/2016-RA
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

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

Date of Issue...7/9/18.

Order No. 144/18-Cus dated 4-9-2018 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 Custom Act, 1962.

Subject : Revision Application filed under Section 129DD of the Customs Act, 1962 against the Order-in-Appeal No. CC(A)CUS/D-I/Air/01/2016 dated 05.1.2016, passed by the Commissioner of Customs (Appeals), New Delhi

Applicant : Mohd. Jawaid, Sadar Bazar, Nawab Road, Delhi

Respondent : Commissioner of Customs, NCH, New Delhi

ORDER

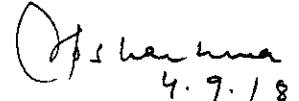
A Revision Application No.375/40/B/2016-R.A. dated 01/06/2016 is filed by Mohd. Jawaid, a resident of Sadar Bazar, Nawab Road, Delhi (hereinafter referred to as the applicant) against the OIA No.CC(A)CUS/D-I/Air/01/2016 dated 05.1.2016, passed by the Commissioner of Customs (Appeals), New Delhi, whereby the applicant's appeal filed against the Order of the Additional Commissioner of Customs, IGI Airport, New Delhi, was rejected.

2. The revision application has been filed by the applicant with a request to allow to redeem the confiscated gold in terms of Section 125 of the Customs Act, 1962 on payment of nominal redemption fine for home consumption or to allow re-export thereof.

3. The hearing was held on 03/7/2018 and Shri S.S.Arora, Advocate, appeared for the hearing on behalf of the applicant who reiterated the grounds of revision already pleaded in their revision application.

4. The Government has examined the matter and it is observed at the outset that the revision application dated 01.6.16 was not accompanied by a fee of Rs.1000/- which was required to be paid in this case as per Section 129DD(3) of the Customs Act, 1962. As per this Section a fee of Rs.1000/- is mandatorily to be accompanied along with the revision application where the amount of duty and interest demanded, fine or penalty levied by an Officer of Customs in the case to which the application relates is more than Rs.1.00 lakh. Since in this case the amount of penalty is undisputedly more than Rs.1.00 lakh, the penalty being Rs.180000/-, a fee of Rs.1000/- was required to be paid before revision application was filed. But no fee was paid and consequently the revision application filed by the applicant cannot be considered to have been filed properly as payment of the fee is a statutory condition under the aforesaid provision and no authority has been empowered to condone non compliance of this condition.

5. Accordingly, the revision application is rejected as non maintainable for the above discussed reason.


4.9.18
(R.P.Sharma)

Additional Secretary to the Government of India

Mohd. Jawaid
R/o 7520, Gali Kabaro Wali, Sadar Bazar,
Nawab Road,
Delhi-110006

Order No. 144/18-Cus dated 4-9-2018

Copy to:

1. Commissioner of Customs, IGI Airport Terminal-3, New Delhi-110037
2. Commissioner of Customs (Appeals), New Custom House, New Delhi
3. Additional Commissioner of Customs, IGI Airport, Terminal-3, New Delhi-110037
4. Shri S.S.Arora, Advocate, B1/71, Safdarjung Enclave, New Delhi-110029
5. PA to AS(RA)
- ~~6. Guard File~~
7. Spare Copy

ATTESTED



(Ashish Tiwari)

Assistant Commissioner