

REGISTERED  
SPEED POST



F. No. 375/07/B/2017-R.A.  
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... 3.11.18 *de*

ORDER NO. 205/2018 - Cus dated 30-11-2018 OF THE GOVERNMENT OF INDIA, PASSED BY SHRI R. P. SHARMA, ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA, UNDER SECTION 129DD OF THE CUSTOMS 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-38/2017 dated 13.02.2017, passed by the Commissioner of Customs (Appeals), New Delhi.

APPLICANT : Mohd. Fahim, Saharanpur.

RESPONDENT : The Commissioner of Customs, New Delhi.

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## ORDER

A Revision Application No. 375/07/B/2017-R.A. dated 14.06.2017 has been filed by Mr. Mohd. Fahim, Saharanpur, UP (hereinafter referred to as the applicant) against the Commissioner (Appeals)'s Order No. CC(A)Cus/D-I/Air-38/2017 dated 13/02/2017 whereby the order of the Additional Commissioner of Customs, New Delhi, confiscating absolutely foreign currency equivalent to Rs. 8,97,600/- and imposing a penalty of Rs. 1 lakh has been modified to the extent of allowing the redemption of the foreign currency on payment of fine of Rs. 2.15 lakhs.

2. The applicant has filed the revision application mainly on the ground that the redemption fine and penalty are excessive and should be reduced.

3. Personal hearing was held on 30.11.2018 and Shri S.S.Arora, Advocate, availed the hearing on behalf of the applicant who reiterated that redemption fine and penalty are on higher side and the same should be reduced. But no one appeared for the respondent and no request for any other date of hearing was also made from which it is implied that they are not interested in availing personal hearing. Hence, this case is taken up for decision on the basis of revision application and other case records.

4. From the revision application it is evident that the applicant does not dispute the Commissioner (Appeals)'s order regarding release of the confiscated foreign currency on payment of fine and penalty and his request is limited to a point that the redemption fine and penalty may be reduced.

5. As regards the applicant's request to reduce the redemption fine of Rs. 2.15 lakhs imposed by the Commissioner (Appeals), it is observed

that the fine is lesser than 25% of the total value of the foreign currency which is quite reasonable considering the serious nature of offence attempted by the applicant. Even the penalty of Rs. 1 lakh is moderate in the context of this case. Moreover, the applicant has not advanced any convincing reason for reduction in fine and penalty and it is merely stated that these are excessive. Thus the applicant has not made out any case for warranting any interference in the Order-in-Appeal.

6. Accordingly, the revision application is rejected.

*(R. P. Sharma)*  
30.11.18

(R. P. SHARMA)

ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA

Mr Mohd. Fahim, S/o Mohd. Shameem,  
R/o Bairoon Kotla, PO/PS-Deoband, Saharanpur, UP  
ORDER NO. 205/2018 - Cus dated 30.11.2018

Copy to:-

1. The Commissioner of Customs (Appeals), NCH, New Delhi.
2. The Commissioner of Customs, NCH, New Delhi.
3. P.S. to A.S.
4. Shri S. S. Arora, Advocate, SS Arora & Associates, B-1/71, Safdarjung Enclave, New Delhi.
5. Guard File
6. Spare Copy.

ATTESTED

(Ashish Tiwari)

Assistant Commissioner (Revision Application)