

REGISTERED
SPEED POST



F.No. 375/25/B/2017-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... 4/11/18

Order No. 256/18-Cus dated 26/12/2018 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/Airport/190/2017 dated 16.05.2017, passed by the Commissioner of Customs (Appeals), NCH, New Delhi.

Applicant : Mr. Ali Khan Kayam Khani, Rajasthan

Respondent : Commissioner of Customs, IGI Airport, Terminal – 3, New Delhi

ORDER

A Revision Application No.375/25/B/2017-R.A. dated 27/07/2017 is filed by Mr. Ali Khan Kayam, a resident of Daronda, Kotiya, Sikar, Rajasthan (hereinafter referred to as the applicant) against the OIA No.CC(A)CUS/D-I/Air/190/2017 dated 16.05.2017, passed by the Commissioner of Customs (Appeals), New Custom House, New Delhi(hereinafter referred to as the respondent) whereby the applicant's appeal filed against the Order of the Additional Commissioner of Customs, IGI Airport, New Delhi, has been rejected.

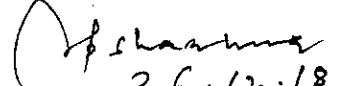
2. The revision application has been filed by the applicant with a request to allow redemption of the confiscated two gold bars weighing 233.28 grams valued at Rs.575447/-on payment of redemption fine for their home consumption and to impose nominal penalty on the applicant for the reason that the applicant had not concealed the gold and the import of gold is not prohibited.

3. Personal hearing was held on 12.12.2018 which was availed by Mrs. Prabjyot K. Chadha, Advocate, for the applicant who reiterated the grounds of revision already pleaded in their application and relied upon the Revision Order No. 50/17-Cus. dated 16.11.2017. However, no one appeared for the respondent and no request for any other date of hearing was also received from which it is implicit that the respondent is not interested in availing the personal availing.

4. The Government has examined the matter and it is observed at the outset that the revision application dated 27.07.2017 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, interest, 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.1,15000/-, a fee of Rs.1000/- was required to be paid before revision application was filed. The applicant was also specifically requested by this office vide letter dt. 04.08.2017 to pay the revision application fee of Rs. 1000/-, but the same remained unpaid until

now. Since in this case the required fee of Rs. 1000/- has not been paid at all, the Revision application filed by the applicant in violation of the above stated legal provision cannot be considered by the Government.

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


26.12.18
(R.P.Sharma)

Additional Secretary to the Government of India

Mr. Ali Khan Kayam Khani,
Daronda, Kotiya, Sikar, Rajasthan

Order No. 256/18-Cus dated 26/12/2018

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. Mr. D.S. Chadha, Advocate, 92, GF Block V Eros Garden, Faridabad – 121 009.
5. PA to AS(RA)
6. Guard File
7. Spare Copy

ATTESTED

(Ashish Tiwari)
Assistant Commissioner