

REGISTERED  
SPEED POST



F. No. 375/44/B/2015-R.A.  
GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

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

Date of Issue.....

ORDER NO. 28/18 - Cus dated 5-2-2018 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/Air/395/2015 dated 05.06.2015 passed by Commissioner (Appeals), NCH, New Delhi.

APPLICANT : Mr. Mohammad Shohaib, Rampur, (UP)

RESPONDENT : Commissioner of Customs, IGI Airport, New Delhi

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## ORDER

A Revision Application No. 375/44/B/2015-R.A. dated 10/09/2015 has been filed by Mr. Mohammad Shohaib, Mohalla Bhabal Puri, P.O. and Tehsil-Tanda, Rampur, U.P. (hereinafter referred to as the applicant) against the Commissioner (Appeals)'s Order No. CC(A)CUS/395/2015 dated 05.06.2015, who has allowed the redemption of confiscated goods on payment of customs duty, fine of Rs. 3,00,000/- and penalty of Rs. 65,000/-. The Revision application is filed mainly with a request to set aside the Commissioner (Appeals)'s order dated 05.06.2015 imposing redemption fine and the personal penalty on applicant.

2. A personal hearing was held on 05.01.2018. But no one appeared from the applicant's as well as respondent's side. No request for any other date of hearing is also made from which it is implied that they are not interested in availing personal hearing.

3. From the Revision application, Commissioner (Appeals)'s order and Adjudicating authority's order it is observed that the applicant was not an eligible passenger as defined in condition 35 of the Notification 12/2012- Customs dated 17.03.2012, as amended, as the stay of the applicant outside India was lesser than six months. The applicant had departed from India on 21.06.2014 and arrived back on 26.06.2014. Therefore, the applicant was not eligible to import gold in any form. Moreover, the applicant had crossed the green channel without declaring the gold in his possession in the Customs declaration form or in any other form to

● the Customs officers and thereby Section 77 of the Customs Act, 1962 was also manifestly violated. Considering these facts, the gold imported by the applicant is undoubtedly liable for confiscation and the Commissioner (Appeal) has already been fair in allowing the applicant to redeem the confiscated gold on payment of duty and fine etc. by considering gold as non-prohibited goods.

4. In view of the above discussion, the Government does not find any deficiency in the order of the Commissioner (Appeal) and Revision Application filed by Mr. Mohammad Shohaib, is rejected.

*R. P. Sharma*  
5.2.18

(R. P. SHARMA)

ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA

Mr. Mohammad Shohaib,  
Mohalla Bhabal Puri, P.O.  
Tehsil-Tanda, Rampur, U.P.

ORDER NO. 28/18 - Cus dated 5-2-2018

Copy to:-

1. The Commissioner of Customs, (Airport), IGI Airport, Terminal -3, New Delhi - 110037.
2. The Commissioner of Customs (Appeals), New Customs House Near IGI Airport, New Delhi - 110037.
3. The Additional Commissioner of Customs, IGI Airport, Terminal - 3, New Delhi.
4. Sh. Amit Attri, Advocate, Chamber No. 952, Patiala House Court, New Delhi- 110003
- 5 .P.S. to A.S.

6. Original file

✓ 7. Spare copy

ATTESTED

(Ravi Prakash)  
OSD (RA)

*Attested*  
*Nay*  
5/2/18

(निर्मला देवी / NIRMALA DEVI)  
अनुभाग अधिकारी / Section Officer  
वित्त मंत्रालय (राजस्व विभाग)  
Ministry of Finance (Deptt. of Rev.)  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi