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GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

8th Floor, World Trade Centre, Centre - I, Cuffe Parade,
Mumbai-400 005

F.No. 373/68/B/14-RA / 3368

Date of Issue 28.08.2020

ORDER NO. 33/2020-CUS (SZ)/ASRA/MUMBAI DATED ^{24.04.20} ~~12.2019~~ OF THE
GOVERNMENT OF INDIA PASSED BY SMT. SEEMA ARORA, PRINCIPAL
COMMISSIONER & EX-OFFICIO ADDITIONAL SECRETARY TO THE
GOVERNMENT OF INDIA, UNDER SECTION 129DD OF THE CUSTOMS ACT,
1962.

Applicant : Shri Syed Asim Pasha

Respondent : Commissioner of Customs, Bangalore.

Subject : Revision Application filed, under Section 129DD of the
Customs Act, 1962 against the Order-in-Appeal No. 466 to
468/2013 CUS (B) dated 03.12.2013 passed by the
Commissioner of Customs (Appeals), Bangalore.



ORDER

This revision application has been filed by Shri Syed Asim Pasha (herein referred to as Applicant) against the order No. 466 to 468/2013 CUS (B) dated 03.12.2013 passed by the Commissioner of Customs (Appeals), Bangalore.

2. On receipt of intelligence the officers of DRI, Bangalore intercepted Shri Imtiyaz Ahmed at the Kempegowda International Airport, Bangalore on 17.04.2012. A detailed scrutiny resulted in recovery of 516 nos of watches totally valued at Rs. 25.80 lacs the watches were counterfeit and brought into India in violation of Intellectual property rights. Investigations conducted revealed that the Applicant was the principal financier for the smuggling of counterfeit watches as it was under his instructions that the tickets were booked for Shri Imtiyaz travel and the watches smuggled into India.

3. After due process of the law vide Order-In-Original No. 14/2013 dated 25.02.2013 the Original Adjudicating Authority ordered absolute confiscation of the impugned goods under Section 111 (d) (i) (l) and (m) of the Customs Act, 1962 and imposed penalty of Rs. 1,00,000/- (Rupees Rupees One lac) under Section 112 (a) and (b) of the Customs Act,1962.

4. Aggrieved by this order the applicant filed an appeal with the Commissioner of Customs (Appeals), Commissioner (Appeals) vide his order No. 466 to 468/2013 CUS (B) dated 03.12.2013 rejected the appeal of the Applicant.

5. Aggrieved with the above order the Applicant, has filed this revision application interalia on the grounds that;

5.1 The order of the Commissioner (Appeals) is opposed to facts and circumstances of the case. Therefore the penalty imposed on the Applicant has to be set aside; The Adjudicating authority has held that as per the statement of Smt. Naira Muneer Ahmed, Director of M/s Unilinks Tours & Travels, the Applicant had booked the tickets for himself and others for their travel and the payments of these tickets were;



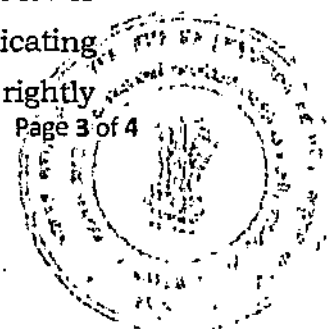
made by him; The allegation is baseless and incorrect as no evidence has been cited in the SCN; The Applicant has no connection whatsoever with the watches seized from Imtiyaz and he has not financed the same; Shri Imtiyaz in his statements has stated that the watches purchased by him out of Rupees one lac carried by him and Rupees Fifty thousand taken as credit; It is evident that the Applicant has no connection to the purchase of the impugned watches.

5.2 In view of the above submissions the Applicant respectfully prays that the penalty of Rupees One lac imposed on him under section 112 (a) of the Customs Act, 1962 may be set aside, and grant consequential relief to him.

6. A personal hearings in the case were scheduled on 19.06.2018, 17.09.2019 and 11.10.2019. However neither the Applicants nor the Respondents appeared for the hearing, therefore the case is being decided exparte on merits.

7. The Government has gone through the facts of the case. There is no dispute on the fact that the impugned watches were being smuggled in contravention of the Customs Act, 1962; The authorised representatives of some of the brands have certified that the impugned watches were indeed counterfeit, confirming the allegation that the watches were counterfeit and brought into India in violation of Intellectual property rights. The main accused in the case Shri Imtiyaz Ahmed in his statement recorded on 18.04.2012 by DRI has admitted that he was accompanied by the Applicant to China and the watches carried by him belonged to the Applicant. In addition to the above, the statement of Smt. Naira Muneer Ahmed, Director of M/s Unilinks Tours & Travels, recorded on 16.05.2012 before the DRI officers revealed that the Applicant had booked the tickets for himself and others for their travel and the payments of these tickets were made by the Applicant himself. The above acts show the Applicant to be directly involved in the smuggling operation. Hence the Applicant is liable for penal action under section 112 (a) of the Customs Act, 1962. The Government finds no infirmity in the order of the lower

authority. The Government therefore holds that the Original Adjudicating Authority has rightly imposed penalty and the Appellate Authority has rightly



upheld the order. The impugned Revision Application is therefore liable to be dismissed.

9. Accordingly, the penalty imposed by the original adjudication authority in his order No. 14/2013 dated 25.02.2013 is upheld.

10. Revision application is accordingly dismissed.

11. So, ordered.

(SEEMA ARORA)
Principal Commissioner & ex-officio
Additional Secretary to Government of India

ORDER No. 33 / 2010-CUS (SZ) / ASRA/MUMBAI

DATED 14.02.2010

To,

Shri Syed Asim Pasha,
No. 16, 14th Cross,
Chinnappa Garden,
Bangalore.

ATTESTED

B. LOKANATHA REDDY
Deputy Commissioner (R.A.)

Copy to:

1. The Commissioner of Customs, Kempegowda International Airport, Bangalore.
2. Sr. P.S. to AS (RA), Mumbai.
3. Guard File.
4. Spare Copy.

