

REGISTERED
SPEED POST



F. No. 375/52/B/2015-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. 6/2/18

Order No. 72/2018-Cus dated 02-7-2018 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/1182/2015 dated 14.09.2015, passed by the Commissioner of Customs (Appeals), New Delhi.

Applicant : Mrs. Begum Nasreen, Mohammadpura, Bhandra Patti, Hapur (U.P.)

Respondent: The Commissioner of Customs (Airport & General), New Custom House, New Delhi-110037

ORDER

A Revision Application no. 375/52/B/2015-R.A. dt. 12.11.2015 has been filed by Mrs. Begum Nasreen, resident of Mohammadpura Bhandra Patti, Hapur (U.P.) (hereinafter referred to as applicant) against OIA no. CC(A) CUS/1182/2015 dt. 14.09.2015, issued by the Commissioner of Customs (Appeals), New Delhi, whereby the applicant has been allowed to redeem the confiscated gold weighing 250 gms valued at Rs. 6,41,967/- on payment of fine of Rs. 2,60,000/- and personal penalty of Rs. 64,000/-.

2. The Revision application is filed mainly on the ground that she had brought the gold for self-use and, therefore, the redemption fine and penalty imposed by the Commissioner(Appeals) is on the higher side.

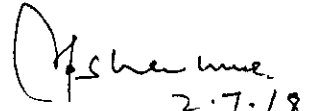
3. Personal hearing was held on 22.05.2018 in this case and it was availed by Ms. Harsimran Kaur, advocate, for the applicant who mainly reiterated the above mentioned grounds for revision and placed reliance on Govt. of India order no. 336/2012-Cus. dt. 08.08.2012 in the case of Mohd. Zia Ul Haque [2014 (314) E.L.T 849 (GOI)]. However, no one appeared for the Respondent and even no request for any other date of hearing was received from which it is implicit that the Respondent is not interested in availing personal hearing in this case.

4. From the revision application it is evident that the applicant does not dispute the Commissioner (Appeals)'s order regarding confiscation of the gold which was brought by her from Jeddah in violation of Customs Act and Foreign Trade (Development and Regulation) Act 1992 and her request is limited to the point that the redemption fine and personal penalty should be reduced.

5. As regards redemption fine and penalty imposed by the Commissioner(Appeals) in his order, the applicant has not advanced any convincing reason for reduction of fine and penalty and it is merely stated that redemption fine is on higher side. Reliance is placed on the above mentioned G.O.I. order. But it is not found to be relevant as it was decided much earlier against different facts and circumstances and currently there is a practice of imposing fine of more than 30% of

the confiscated gold in such case. On the other hand, the Commissioner(Appeals) has observed in his order that fine and penalty should be such that it should deter the applicant from any such smuggling of gold in the future. The Government does not have any reason to differ from this observation of the Commissioner(Appeals) and thus, the revision application is not found maintainable.

6. Accordingly, the revision application filed by Mrs. Begum Nasreen is rejected.


2.7.18
(R.P. Sharma)

Additional Secretary to the Government of India

Mrs. Begum Nasreen,

Mohammadpura Bhandra Patti, Hapur (UP)

GOI ORDER No 72/18 Cus dt. 2-7-2018

Copy to-

- 1) The Commissioner of Customs (Airport & General), New Custom House, Near IGI Airport, New Delhi-110037.
- 2) The Commissioner of Customs (Appeals), New Custom House, Near IGI Airport, New Delhi-110037.
- 3) The Additional Commissioner of Customs, IGI Airport, New Delhi-110037.
- 4) S.S. Arora & Associates, B1/71 Safdarjung Enclave, New Delhi- 110029.
- 5) P.S. to A.S.
- 6) Guard file
- 7) Spare Copy

ATTESTED

(Debjit Banerjee)

Sr. Technical Officer