

REGISTERED
SPEED POST



F.No. 375/24/B/15-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.....7/11/17

Order No. 35/17-Cus dated 2-11-2017 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 129 DD of the Customs Act 1962 against the Order-in-Appeal No.CC(A)Cus/D-1/Air/382/2015 dated 19.5.2015 passed by the Commissioner of Customs (Appeals), New Custom House, New Delhi

Applicant : Shri Zubair Ajaj Mahajan, Srinagar, Jammu & Kashmir

Respondent : Commissioner of Customs, New Delhi

ORDER

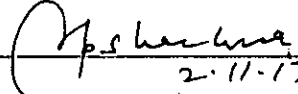
A Revision Application No. 375/24/B/15-RA dated 30.06.2015 has been filed by Shri Zubair Ajaj Mahajan, Srinagar, Jammu & Kashmir (hereinafter referred to as the applicant) against the Order No.CC(A)Cus/D-1/Air/382/2015 dated 19.05.2015, issued by Commissioner of Customs (Appeals), New Delhi, whereby the applicant has been allowed to redeem the confiscated gold on payment of redemption fine of Rs.4,00,000/-, custom duties, and on payment of penalty of Rs.5,00,000/-.

2. The revision application is filed mainly on the ground that the applicant had brought the gold for self use from Bangkok, gold was not concealed and, therefore, the RF of Rs.4,00,000/- and personal penalty of Rs.5,00,000/- against the value of Rs.15,10,982/- of gold are very high. A personal hearing was held in this case on 10.10.2017 and Shri Ravinder Kumar Wadhawan, Advocate, appeared on behalf of the applicant. However, no one appeared for the respondent. Shri Kumar reiterated the above discussed grounds of appeal and requested for reduction of redemption fine and the personal penalty.

3. From the revision application it is evident that the applicant does not dispute the Commissioner (Appeals)'s order regarding confiscation of the goods which were brought by him illegally from Bangkok in violation of Customs Act and the Foreign Trade (Development and Regulation) Act 1992 and his request is limited to a point that the redemption fine and penalty should be reduced.

4. Considering the facts and circumstances of the case, the Government finds that the redemption fine imposed by the Commissioner (Appeals) is just and proper and the applicant has not made out a case for its further reduction. However, the penalty of Rs.5,00,000/- is certainly higher in this case as it is even more than redemption fine of Rs.4,00,000/-. Therefore, the penalty is reduced from Rs.5,00,000/- to Rs.2,50,000/-.

5. Accordingly, the revision application is disposed and the Commissioner (Appeals)'s order is modified in above terms.


2.11.17

(R.P.Sharma)

Additional Secretary to the Government of India

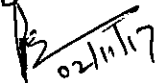
Mr. Zubair Ajaj Mahajan
R/o Mir Mohalla Malaratta
Distt. Srinagar,
Jammu & Kashmir -190002

Order No. 35/17-Cus dated 02-11-2017

Copy to:

1. The Commissioner of Customs, I.G.I. Airport, Terminal -3, New Delhi-110037
2. Commissioner of Customs (Appeals), New Custom House, Near IGI Airport, New Delhi
3. Additional Commissioner of Customs, I.G.I. Airport, New Custom House, New Delhi
4. Mr. Ravinder Wadhawan, Advocate, House No. 70, 2nd Floor Ramprastha Green Vaishaly, Sector-7, Ghaziabad, UP
5. PA to AS(RA)
6. Guard File
7. Spare Copy

ATTESTED


02/11/17

(Ravi Prakash)

OSD (REVISION APPLICATION)