

REGISTERED
SPEED POST



F.No. 375/38/B/14-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: 9/11/12

Order No. 43/17-Cus dated 8-11-2017 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/383/2015 dated 2.06.2015 passed by the Commissioner of Customs (Appeals), New Custom House, New Delhi

Applicant : Mr. Saud Arsad, Delhi

Respondent : Commissioner of Customs, New Delhi

ORDER

A Revision Application No. 375/38/B/15-RA dated 17.08.15 has been filed by Shri Saud Arsad (hereinafter referred to as the applicant) against the Order No. CC(A)Cus/D-1/Air/383/2015 dated 02.06.2015, 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.4,50,000/-, custom duties and on payment of penalty of Rs. 1,50,000/-.


2. The revision application is filed mainly on the ground that the applicant had brought the gold for self use only from Jeddah, gold was not concealed and, therefore, the RF of Rs.4,50,000/- and personal penalty of Rs. 1,50,000/- against the value of Rs.10,18,500/- of gold are very high. Personal hearing in this fixed for 12.10.2017 and 06.11.2017 and Shri Sagar Rohatagi, Advocate, appeared on behalf of the applicant. However, no one appeared for the respondent. Shri Sagar Rohatagi 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 Jeddah 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 fact that applicant is not a repetitive offender and the respondent has not given any evidence to establish that the gold brought by the applicant is for commercial purpose, the Government reduces the redemption fine from Rs.4,50,000/- to Rs.4,00,000/-. However, considering the facts and

circumstances of the case the penalty amount imposed by the Commissioner (Appeal) is found just and proper.

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


8.11.17

(R.P.Sharma)

Additional Secretary to the Government of India

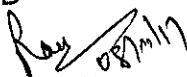
Mr. Saud Arsad
House No. 2, Muradaad Pahari
Near Shahi Masjid, Vasant Vihar,
New Delhi.

Order No. 93/17-Cus dated 8-11-2017

Copy to:

1. Commissioner of Customs, IGI Airport Terminal-3, New Delhi-110037
2. Commissioner of Customs (Appeals), New Custom House, Near IGI Airport, New Delhi
3. Additional Commissioner of Customs, IGI Airport, New Custom House, New Delhi
4. Shri Priyadarshi Manish, Advocate, 437 basement, Mathura Road behind Bhogal bus stop, Jangpura, New Delhi, New Delhi-110014
5. PA to AS(RA)
6. Guard File.
7. Spare Copy

ATTESTED



(Ravi Prakash)

OSD (REVISION APPLICATION)