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APPLICATION UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT, 2005

To

The CPIO/Office of the J.S.(Revision Application)  
Ministry of Finance, Govt. Of India,  
Room No.610, Hudco Vishala Building, Wing-B,  
14, Bhikaji Cama Place, New Delhi-

1	Name of the Applicant	Raj Kumar Jain
2	(a) Address	172, Jaipur House, Agra
	(b) Phone No.	
	(c) Fax No.	
3	Whether a Citizen of India	Yes
4	Particulars of Information	<p>it is to submit that the applicant is a proprietor of M/s Femina Exports, 172, Jaipur House, Agra and who had filed an appeal before the J.S.(Revision Application), Ministry of Finance GOI, New Delhi on 29/04/2016, against the order in appeal No.31-35/Cus/APPL-AGRA/LKO/2016 Dated 01/02/2016(Listed at sr. No.5 of the appellant) passed by the Commissioner(Appeals) Central Excise, Lucknow, confirming the demand of AIR drawback on packing material, which were procured by the appellant against Form H, holding that the same was procured duty free, &amp; which was in turn used by the appellant in the manufacture of footwear for export, hence he reduced the demand of AIR duty drawback equal to the packing material, whereas the AC(Customs) ICD, Agra had denied total AIR duty drawback amount to the tune of Rs.1,79,31,465/-, availed by the appellant in the instant case.</p> <p>That the appellant had deposited AIR drawback of the amount i.e. Rs.13,44,860/- vide customs challan Dated 16/04/2015(which is equal 7.5% of the total AIR DBK Amount of Rs.1,79,31,465/-), as a pre-deposit to file the appeal before the Commissioner(Appeals) Central Excise, Lucknow. That the appellant had not deposited any amount of pre-deposit to file the appeal before the JS(R.A.) New Delhi, as para 7 of the Board's Circular No. 993/17/2014-CX., dated 5-1-2015F.No.390/Budget/1/2012-JC), dispensing with for pre-deposit for filing of the revision application before JS(R.A.).</p>




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		<p>The DC(Customs) ICD, Agra vide his repeated letters, last letter C.No.59/SCn/Femina Exports/ICD Agra/2013/720 Dated 05/05/2018 insisting us, to either obtain stay order from the JS(R.A.), New Delhi or to deposit amount involved in the order in appeal passed by the learned Commissioner(Appeals) Central Excise &amp; Customs Lucknow. ( <b>COPY ENCLOSED FOR READY REFERENCE</b> )</p>
	<p>(1)Details of information required.</p>	<p>Kindly furnish the following information in this regard, as under:-</p> <ul style="list-style-type: none"> <li>(i) Whether there is any procedure to obtain stay order in the appeal filed before the JS(R.A.), after amendment made vide Finance Act, 2014 in the matter of obtaining stay, for filing appeal, in terms of the Customs matters( like drawback).</li> <li>(ii) If so please provided the specific provisions under which we have to move stay application in our instant appeal which has been filed before JS(R.A.) New Delhi.</li> <li>(iii) Whether after amendment made vide Finance Act, 2014 in the matter of filing of appeal before JS( R.A) , we have to still to obtained stay order from JS(R.A.) New Delhi, whereas it appears to the appellant in terms of para 7 of the Board's Circular Dated 05/01/2015 that no stay was required by us in the instant appeal.</li> </ul>
5	<p>I state that the information sought does not fall within the exemption contained in Sections 8 &amp; 9 of the Right to information Act,2005 and to the best of my knowledge it pertains to your office.</p>	
6	<p>A Postal Order No. _____ for Rs.10/- towards payment of fee is enclosed herewith. You are requested to filing the name in which the Postal Oder is payable.</p>	
7	<p>As per Rule 4(a) of the Right to Information (Regulation of Fee and cost) Rules,2005 a fee of Rs.2/- per page is payable. Kindly Intimate the Amount Payable and the name in which DD/Postal Order is to be drawn.</p>	
8	<p>As per Section 7 of the RTI Act,2005 information is to be provided within 30 days of the application.</p>	

  
 ( Raj Kumar Jain )  
 Signature of Applicant.  
 Mobile No.  
 Place:- AGRA.  
 Encl:- As above.



कार्यालय उपायुक्त (सीमा शुल्क)

आई.सी.डी., आगरा

मोती महल, यमुना ब्रिज, आगरा

फोन नं. 0562-2281445, फैक्स नं. 0562-2282337, ई-मेल: [comint@nctk.4602rediffmail.com](mailto:comint@nctk.4602rediffmail.com)

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C. No. : 59/SCN/Femina Exports/ICD/Agra/2013/720

Dated: 05.05.18

सेवा में,

M/s Femina Exports,  
172, Jaipur House,  
Agra

महोदय,

विषय : Regarding Revision application against O-I-A No. 31-35-Cus /Appl-Agra/  
LKO/2016 dated 14.01.2016.

Please refer to your letter dt. 24.4.18 which has been received on 28.04.18 in this office on the above subject.

In this regard it is clear from your letter that no stay has been granted in the matter by J.S. (R.A.). Therefore the liability of drawback not admissible in terms of Commissioner (Appeals) order shall have to be calculated and deposited. Hence it is advised to deposit the inadmissible drawback along with interest in the light of order of Commissioner (Appeals). If the amount so determined is less or equal to the amount already deposited at the time of filing of appeal before Commissioner (Appeals) the same may be intimated or the differential amount be deposited under intimation to the undersigned.

भवदीय

म. कु. त्रिपाठी

05.05.2018  
(एम.के. त्रिपाठी)

उपायुक्त (सीमा शुल्क)

आई.सी.डी. आगरा

*[Handwritten signature]*