

REGISTERED  
SPEED POST



F.No. 380/102/B/14-RA  
GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

14, HUDCO VISHALA BLDG., B WING  
6<sup>th</sup> FLOOR, BHIKAJI CAMA PLACE,  
NEW DELHI-110 066

Date of Issue: 15/8/17

Order No. 08 /17-Cus dated 14-8-2017 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/482/2014 dated 1.8.2014 passed by the Commissioner of Customs (Appeals), New Custom House, Near IGI Airport New Delhi

Applicant : Deputy Commissioner of Customs (Preventive), New Custom House, Near IGI Airport, New Delhi

Respondent : Mr. Shah Faisal Mukri, Bhatkal, Karnataka

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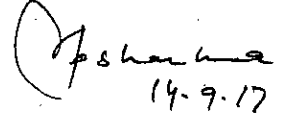
**ORDER**

Revision Application No. 380/102/B/14-RA (RA for short) dated 18.11.14 has been filed by Deputy Commissioner of Customs (Preventive), New Delhi, against the Commissioner (Appeals)'s Order No.CC(A)Cus/482/2014 dated 1.8.2014 whereby Mr. Shah Faisal Mukri has been allowed to re-export gold jewellery on payment of redemption fine of Rs.5.00 lakhs and penalty of Rs.575000/-. Revision of Commissioner (Appeals)'s order is requested mainly on the ground that the re-export of jewellery has been allowed wrongly by the Commissioner (Appeals).

2. From the statement of facts which is part of the above RA, it is evident that seizure of gold jewellery was effected by DRI from Mr. Shah Faisal Mukri on New Delhi Railway Station and Mr. Mukri could not produce any document in support of licit possession of the gold jewellery in his statement Mr. Mukri informed that he had smuggled jewellery from Dubai by cleverly concealing the same on his person and had not declared before the custom officers. The act and omission of Mr. Mukri is described as smuggling of the goods in terms of Section 2(39) of the Customs Act in the statement of facts itself.

3. Thus in the RA itself it is admitted by the applicant that it is a case of smuggling of goods by Mr. Mukri and the seizure of smuggled goods is undoubtedly effected on the Delhi railway station which is far away from the airport area. Thus it is clearly a town seizure case and is not a baggage matter at all. There is no clue in the RA by which this case can be related with a baggage. Therefore, Government considers that a revision application in respect of the Commissioner (Appeals)'s order involving the town seizure of the smuggled goods cannot be entertained under Section 129DD read with Sub-section (1) of Section 129A of the Customs Act.

4. Accordingly, the revision application filed by the Deputy Commissioner of Customs is rejected as not admissible.

  
14.9.17

(R.P.Sharma)  
Additional Secretary to the Government of India

Deputy Commissioner of Customs  
O/o the Additional Commissioner of Customs  
IGI A, T-3  
New Delhi

Order No. 08/17-Cus dated 14-9-2017

Copy to:

1. Mr. Shah Faisal Mukri, Mukri House, Siddique Street, Bhatkal, Karnataka
2. Commissioner of Customs, New Custom House, Near IGI Airport Complex, New Delhi-110037
3. Commissioner of Customs (Appeals), New Custom House, Near IGI Airport, New Delhi
4. Additional Commissioner of Customs, New Custom House, Near IGI Airport, New Delhi
5. PA to AS(RA)
6. Guard File.
7. Spare Copy

ATTESTED

(Debjit Banerjee)  
STO (REVISION APPLICATION)