CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, WEST ZONAL BENCH : AHMEDABAD

REGIONAL BENCH - COURT NO. 3

CUSTOMS Appeal No. 00099 of 2012-SM

[Arising out of Order-in-Original/Appeal No KDL-COMMR-01-2012-13 dated 12.04.2012 passed by Commissioner of CUSTOMS-KANDLA]

Fourcee Port & Terminal Pvt Limited **.... Appellant**
329, Laxmi Mall, Laxmi Industrial Estate,
New Link Road, Andheri West, Mumbai,
Maharashtra -400050

VERSUS

Commissioner of Customs, Kandla **.... Respondent**
Custom House, Near Balaji Temple,
Kandla, Gujarat

APPEARANCE :

Shri Sukumar M. Tirthani, Advocate for the Appellant
Shri Sanjay Kumar, Superintendent (AR) for the Revenue.

CORAM: HON'BLE MR. SOMESH ARORA, MEMBER (JUDICIAL)

DATE OF HEARING/ DECISION: 29.11.2023

FINAL ORDER NO. 12665/2023

SOMESH ARORA :

In this case, the department has acted upon an information that an old ship was taken from Mundra to Kandla without proper permission from the Customs department. In the stated position, the appellant is aggrieved that old ship at the relevant time attracted nil rate of duty still heavy redemption fine has been imposed. Learned advocate is only disputing the redemption fine of Rs. 20 Lakh imposed on the goods due to violation of the Customs Rules. He pleads for removal /reduction of redemption fine from the offending vessel.

2. Learned Authorised Representative submits that movement of the goods (i.e. ship) took place from the port without the knowledge of the Port authorities and clearance from Customs authorities and confiscation gets attracted under Section 111 of the Customs Act, 1962. He submits that considering the value of the vessel, redemption fine of Rs. 20 Lakh is proper.

3. Considering the arguments of the learned Authorised Representative, so far as confiscation of goods i.e. old ship involved in this case is concerned, this court finds that there is no duty liability and duty is one of the factors in imposition of redemption fine. Duty sought to be evaded in this case is not present. Therefore, the ends of justice shall be met subject to reduction in redemption fine from Rs. 20 Lakh to Rs. 2,00,000.00 (Rupees two lakhs only) for violation of the conditions of Customs Act, 1962 as indicated. The order is modified to the above extent.

4. Appeal disposed of in the above terms.

(Dictated and pronounced in the open court)

(Somesh Arora)
Member (Judicial)

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