

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL  
SOUTH ZONAL BENCH  
CHENNAI**

**Appeal No.C/9/2009**

[Arising out of Order-in-Original No.8209/2008 dated 15.10.2008  
passed by the Commissioner of Customs, Chennai]

Banktesh Trading Co.

Appellant

Versus

Commissioner of Customs (Seaport-Import)  
Chennai

Respondent

Appearance:

Shri A.K. Jayaraj, Advocate  
For the Appellant

Shri B. Balamurugan, AC (AR)  
For the Respondent

**CORAM :**

**Hon'ble Shri D.N. Panda, Judicial Member**  
**Hon'ble Shri Madhu Mohan Damodhar, Technical Member**

Date of hearing / decision : 24.03.2017

**FINAL ORDER No. 40581/2017**

**Per D.N. Panda**

Ld. counsel says that goods imported are covered by commercial invoice appearing at page-9 and which are monitors and processors. Revenue not only disturbed valuation and determined that at Rs.31,75,406 (CIF) but also imposed redemption fine of Rs.8 lakhs as well as penalty of Rs.3 lakhs. He says that even if the goods are 'restricted goods' when there was already valuation by the



department, the redemption fine and penalty are exorbitant and unreasonable.

2. Revenue, on the other hand, contends that reasonable order has been passed in the adjudication.

3. Once the goods are restricted, appellant loses its right on its valuation. Therefore this order does not touch valuation aspect.

4. Noticing that above value is the market value, redemption fine of 20% thereof would be justified for desisting import of used computers which are restricted goods. Therefore appellant is directed to deposit **Rs.6,00,000/-** (Rupees six lakhs only) towards redemption fine and if he has already deposited that shall be appropriated.

5. In view of nature of the goods for which the Policy imposed restriction for import of said goods, there is no scope to interfere to the penalty imposed by the adjudicating authority. On that count appellant shall not get any relief.

In the result, appeal is partly allowed to the extent indicated above.

(Dictated and pronounced in open court)

 05<sup>04</sup>/<sub>2017</sub>

(Madhu Mohan Damodhar)  
Technical Member

 4-4-2017

(D.N. Panda)  
Judicial Member

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