CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

PRINCIPAL BENCH - COURT NO. 1

Customs Appeal No. 50432 of 2018

(Arising out of Order-in-Original No. 82/KB/POLICY/2017 dated 28.12.2017 passed by the Commissioner of Customs (General), New Delhi)

DATE OF HEARING : 12.04.2018
DATE OF DECISION : 12.04.2018

M/s Fastline India …….. **Appellants**
(Rep. by Sh. Mohan Lal, Adv.)

VERSUS

CC, New Delhi …….. **Respondent**
(Rep by Sh. R.K. Manjhi, DR)

CORAM : **HON'BLE MR. JUSTICE (DR.) SATISH CHANDRA, PRESIDENT**
HON'BLE MR. V. PADMANABHAN, MEMBER (TECHNICAL)

FINAL ORDER NO. 51383/2018

PER V. PADMANABHAN:

The present appeal is filed by the assessee-Appellants against the Order-in-Original No. 82/KB/POLICY/2017 dated 28.12.2017 passed by the Commissioner of Customs (General), New Delhi.

2. The brief facts of the case are that, the assessee-Appellants are authorized Courier Agency having the courier registration. On 18.12.2016, the assessee-Appellants have booked

the airway Bill being a Courier Service Provider for exporting 'Stoles' – one by Maria Albania Micha and another by Ms. Mohini Bhardwaj. These two consignments were booked by M/s Universal Delivery Solutions. Later, it was found that there was no such M/s Universal Delivery Solutions and the said consignor was a fake one in the name of Maria Albania Micha. In this scenario, the Department opined that the assessee-Appellants have neglected in discharging its duties as they have neither obtained the KYC document of Maria Albania Micha nor any authorization regarding the subject consignment at the time of filing the shipping bill. So, the licnece of the assessee-Appellants was revoked and penalty was imposed. Being aggrieved, the assessee-Appellants have filed the present appeal.

3. With this background, we have heard Sh. Mohan Lal, learned counsel for the assessee-Appellants and Sh. A.K. Singh, learned DR for the Revenue.

4. After hearing both sides and on perusal of the material available on record, it appears that procurement of KYC and authorization are mandatory requirement under the provisions of Regulations 13(a),(i) & (j) of the Courier Imports & Exports (Clearance) Regulations, 1998 read with the Regulation 12(1)(i)(iv) of the Courier Imports & Exports (Clearance) Regulations, 2010. The assessee-Appellants in the instant case have failed to discharge its duties as they have not obtained the KYC document of Maria Albania Micha, which was not in existence. Thus, the assessee-Appellants are rightly held guilty by the lower authorities.

5. However, taking into account the nature of offence, the quantum of punishment appears to be on a higher side, especially when it is a question of bread and butter. Hence, we modify the impugned order by setting aside the revocation of licence. Remaining part of the impugned order pertaining to the penalty of Rs. 10,00,000/- is hereby sustained.

6. In the result, the appeal filed by the assessee-Appellants is partly allowed.

(Dictated & pronounced in the open court)

(JUSTICE DR. SATISH CHANDRA)
PRESIDENT

(V. PADMANABHAN)
MEMBER (TECHNICAL)

Golay