

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL, KOLKATA
EASTERN ZONAL BENCH: KOLKATA**

Appeal No.C/75277/2018

(Arising out of Order-in-Original No.F.No.S60 (VA&B)-360/2017 (Misc.) dated 01.01.2018 passed by the Commissioner of Customs (Gr.VA&B), Customs House, Kolkata)

M/s. Arcturus Systems Pvt. Ltd.

Applicant (s)/Appellant (s)

Vs.

Commissioner of Customs (Port), Kolkata

Respondent (s)

Appearance:

Shri V.N.Dwivedi, Advocate for the Appellant (s)

Shri S.N.Mitra, AC (AR) for the Respondent (s)

CORAM:

Hon'ble SHRI JUSTICE (DR.) SATISH CHANDRA, PRESIDENT

HON'BLE SHRI C. J. MATHEW, TECHNICAL MEMBER

Date of Hearing/Decision:-20.03.2018

ORDER NO.FO/75591/2018

Per Dr. Satish Chandra,

1. The present appeal is filed against Order-in-Original No.F.No.S60 (VA&B)-360/2017 (Misc.) dated 01.01.2018 passed by the Commissioner of Customs (Gr.VA&B), Customs House, Kolkata of the provisional release of the goods imported vide Bill of Entry dated 05.08.2017.
2. For the provisional release of goods under section 110 A of the Customs Act, 1962, the appellant has asked to execute bond for estimated of Rs.1,86,18,000/- and; secondly, execution of Bank Guarantee/Security Deposit for differential duty and probable fine and penalty under provisions of the Customs Act, 1962 of Rs.78,17,000/-. Being aggrieved, the appellant has filed the present appeal.

3. Ld. Counsel Shri V.N.Dwivedi for the appellant submits that appellant has already deposited Rs.38,93,712/- + as additional of duty so the remaining difference comes to Rs.24 lacs +. So, he submits that the bank guarantee demanded amounting to Rs. 78,17,000/- is too high and in arbitrary manner.

4. On the other hand Shri S.N.Mitra, AC(AR) for the department submits that this amount included fine and penalty.

5. By considering the details of the facts of the case, we find that the bank guarantee demanded is genuine but looking on higher side as per the valuation of the goods, so, we modify and restrict the bank guarantee/security deposit to Rupees Fifty Lacks (50.00 lacs) only. The remaining conditions of the impugned order are sustained.

6. In the result, the appeal is partly allowed.

(Dictated and Pronounced in the Open Court)

S/d.

(Justice Dr. Satish Chandra)
President

S/d.

(C. J. MATHEW)
MEMBER (Technical)

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