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

REGIONAL BENCH - COURT NO.2

Customs Appeal No.75202 of 2024

(Arising out of Speaking Order dated 31.01.2024 in the wake of Order dated 19.01.2024 of Hon'ble High Court at Kolkata in respect of W.P.O./1897/2023.)

M/s. JS Jewels Private Limited
(Regd. Office - 204, 2nd Floor, Midas, Sahar Plaza Complex, Andheri Kurla Road, J.B. Nagar, Andheri (East), Mumbai-400059
AND
Regional Office – 31/9, A.K.Mukherjee Road, Baranagar, Kolkata-700090.)

...Appellant

VERSUS

Commissioner of Customs (Preventive), Kolkata

.....Respondent

(15/1, Strand Road, Custom House, Kolkata-700001.)

APPEARANCE

S/Shri Mainak Bose, Neeraj Kumar Pandey & Shakeel Mohammed Akhtar, all Advocates for the Appellant (s)
Shri S.Chakraborty, Authorized Representative for the Revenue

CORAM: HON'BLE SHRI R. MURALIDHAR, MEMBER(JUDICIAL)
HON'BLE SHRI RAJEEV TANDON, MEMBER(TECHNICAL)

FINAL ORDER NO. 75286/2024

DATE OF HEARING : 20 February 2024
DATE OF DECISION : 20 February 2024

Per : R. MURALIDHAR :

The appellant is Star Export House engaged in exporting jewellery. They are allowed to procure imported gold as per the concessions available. They also procure gold within India, mostly through various Authorized Banks. On 10.10.2023 they have purchased 14 bars of gold (14 Kgs) from HDFC Bank. While their Director was travelling with 4 gold bars to exchange the same with gold jewellery, on 11.10.2023, he was intercepted and the gold was seized. The appellants approached the Calcutta High Court for the release of the gold, on the ground that this was a legitimate procurement from HDFC Bank. The High Court directed the appellant to approach the Customs authorities for the provisional release. The Adjudicating authority denied their request for provisional release. Being aggrieved, the appellants are before the Tribunal.

2. After going through the Appeal papers and hearing both the sides, we take the view that in the interest of justice, the 4(four) Gold bars seized by the department are required to be released on provisional basis. The Appellant to provide the Bond for the full value of the seized gold supported by Bank Guarantee to the extent of 25% of the value of seized goods. Once these conditions are fulfilled, Revenue to release their gold on provisional basis. Proper release of Panchnama should be made at the time of handing over the goods to the Appellant.

3. We would like to add further that release of good on provisional basis will not/should not have any impact on the normal adjudication proceedings to be taken up by the Revenue. We are not expressing any opinion on this case on merits while giving the present order for releasing the goods on provisional basis.

4. The Appeal is disposed of thus.

(Dictated and pronounced in the open Court.)

Sd/

(R. MURALIDHAR)
MEMBER (JUDICIAL)

Sd/

(RAJEEV TANDON)
MEMBER (TECHNICAL)

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