

Irregular Transactions Seizure / Arrest / Adjudication

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- Searches, Seizure & Arrest
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Irregular Transactions

1. Export Material rejected by the buyer.
2. Importer do not have import licenses.
3. Buyer goes bankrupt / not available.
4. Fumigation / Phytosanitary / Health Certificate.
5. Quality issues.
6. Repair & Return Scheme under Circular No. 21/2019-Customs.
7. India now promotes repair hubs under Make in India initiative..
8. Related Parties.
9. Exhibitions.

CHAPTER – XIII - Searches, seizure and arrest

SECTION 100. Power to search suspected persons entering or leaving India, etc.

SECTION 102. Persons to be searched may require to be taken before gazetted officer of customs or magistrate.

SECTION 103. Power to screen or X-ray bodies of suspected persons for detecting secreted goods.

SECTION 104. Power to arrest. (Quasi Judicial)

SECTION 105. Power to search premises.

SECTION 106. Power to stop and search aircraft / vessel / truck.

SECTION 110. Seizure of goods & documents.

CHAPTER – XIV - Confiscation of goods and conveyances and imposition of penalties

SECTION 111. Confiscation of improperly imported goods, etc. – Prohibited / Restricted / Improper Place / Dutiable Goods / mis-declaration / route.

SECTION 112. Penalty for improper importation of goods, etc. –

- **Prohibited Goods** – Value of the goods OR INR 5000 (whichever is higher)
- **Dutiable Goods**, – Duty sought to be evaded OR INR 5000 (WIH)
- **Under Invoicing** – Difference of Value OR INR 5000 (WIH)

SECTION 114. Penalty for attempt to export goods improperly, etc.

- **Prohibited Goods** – 3 times the value of the goods OR value determined under this act. (whichever is higher)
- **Dutiable Goods, other than Prohibited Goods** – Duty sought to be evaded OR INR 5000 (WIH)
- **Any other Goods** – Value of the goods OR value determined under this act. (whichever is higher)

SECTION 115. Confiscation of conveyances.

SECTION 116. Penalty for not accounting for goods.

- **Imported Goods – 2 times the amount of Duty.**
- **Coastal Goods – 2 times the amount of Export Duty on like goods.**

SECTION 122. Adjudication of confiscations and penalties.

- Without Limit – Commissioner of Customs or a Joint Commissioner of Customs.
- Value of the goods is within INR 2 Lac – AC / DC
- Value of the goods is within INR 10K – Lower rank officer than AC / DC.

SECTION 122A. Adjudication Procedure – 3 times.

SECTION 124. Issue of show cause notice before confiscation of goods, etc.

SECTION 125. Option to pay fine in lieu of confiscation - as the said officer thinks fit.

SECTION 126. On confiscation, property to vest in Central Government.

CHAPTER XV - Appeals and Revision

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SECTION 129. Appellate Tribunal

SECTION 130. Appeal to High Court

SECTION 130E. Appeal to Supreme Court

SECTION 130F. Hearing before Supreme Court
