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31/05/19

भारत सरकार
GOVERNMENT OF INDIA
सीमाशुल्क आयुक्त का कार्यालय (पत्तन)
OFFICE OF THE COMMISSIONER OF CUSTOMS (PORT)
सीमाशुल्क सदन, 15/1 स्ट्रैण्ड रोड, कोलकाता-700001
CUSTOM HOUSE, 15/1 STRAND ROAD, KOLKATA- 700001

F.No. S37C(misc)-119/2017 A(6)

Date: 28/06/2019

RTI/KOL/CUS/Port-40A Dated 28/06/2019/A(6)

To,
Shri Rajat Gupta,
1776/f, Rampura Mohalla,
Hisar, Haryana-125001

Subject: RTI application Registration No. CCUKL/R/2019/80035 dated 27.05.2019 – regarding.

This refers to the subject RTI application. The same has been received under the undersigned on 31.05.2019. Reply to the information you have sought vide the subject RTI is as below-

Query no. 1- No different stands for identical import consignments is adopted. The grounds and relevant rules/provisions have been detailed in the SCN issued for the consignment covered under bill of entry no. 2801634 dated 11/04/2019. Import consignment under bill of entry 2795834 dated 11/04/2019 was RMS facilitated bill of entry with no assessment and examination. Import consignment under bill of entry 2892637 dated 18/04/2019 is under process as per relevant legal provisions of relevant Act and Rules. No information can be given for import consignments of other Ports as the details regarding those imports are not held by this Kolkata Customs, Sea Port.

As regards the query that what is misconduct and possible corruption, the query does not fall under the definition and scope of "**information**". High Court of Bombay in Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs The Goa State Information on 3 April, 2008 (2008 (110) Bom L R 1238) has held as under-

The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information.

Query no. 2- Customs laws are the same for pan India. There is no record of contradictory action taken in identical matter at Kolkata Sea Port.

Query no. 3- There is no targeting of a single importer. For all import consignments of identical items law/rules is same and no different stands for identical import consignments is adopted. Import consignment under bill of entry 2795834 dated 11/04/2019 was RMS facilitated bill of entry with no assessment and examination. No information can be provided for import consignments of other ports as the details regarding those imports are not held by this Kolkata Customs, Sea Port. No case of misconduct has been identified and hence no corrective measures have been taken.

Query no. 4- Import consignment under bill of entry 2795834 dated 11/04/2019 was RMS facilitated bill of entry with no assessment and examination. Discrepancy and case of mis-declaration was reported on examination of the import consignment under bill of entry no. 2801634 dated 11/04/2019. The grounds and relevant rules/provisions have been detailed in the SCN issued for the consignment covered under bill of entry no. 2801634 dated 11/04/2019. Whenever identical cases of mis-declaration have been noticed, identical action have been taken. No information can be given for import consignments of other Ports as the details regarding those imports are not held by this Kolkata Customs, Sea Port.

If the applicant is not satisfied with the reply, he may prefer an appeal to the Appellate Authority, ADC, Shri Amrendra Narayan within 30 days from the receipt of this Order under Section 19 of the RTI Act, 2015

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29/04/19

(BASANT KUMAR)
CPIO & Dy. Commissioner of Customs,
For Group VI, Custom House, Kolkata

Copy to:

1. DC, RTI Cell (Port), Customs House, Kolkata