

period, DC/AC shall take necessary steps, including issue of Detention Orders, to recover the amount payable by the exporter and others in terms of Section 142(1)(a) or (b) of the Customs Act, 1962. In case the DC/AC fails to recover the arrears in this manner, certificate u/s 142(1)(c)(i) and/or (ii) of the Customs Act, 1962 should be sent to the District Collector in all cases, where the amount due is Rs. 1,00,000/- or less. In all other cases, where the amount due exceeds Rs. 1,00,000/- a certificate shall be prepared and sent to the DC/AC, TRC(X). While sending the certificate to the DC/AC, TRC(X) the following documents should invariably be enclosed:-

(a) Copy of Order-in-Original.

(b) Copy of the order of Commissioner (Appeal)/CESTAT/High Court/Supreme Court,

if any.

(c) Copy of the stay application if any, pending before Commissioner(Appeal)/CESTAT/High Court/Supreme Court.

(d) A certificate to the effect that no stay application is pending before any appellate authority/court as far as amount sought to be recovered through TRC(X) is concerned.

3. In case, the certificate is sent without enclosing the above mentioned documents, the case shall not be taken up for initiating recovery proceedings by the TRC(X) but shall be returned for making good the deficiencies.

4. If after sending the certificate to TRC(X), the amounts due are paid by the concerned parties/persons either in full or in part, then intimation about receipt of such payments shall be immediately sent by the concerned Unit to the TRC(X) and in any case not later than 3 days of the receipt of such payments. In addition, copies of all further correspondence pertaining to the recovery of the sums due as mentioned in the certificate sent to TRC(X) should also be made available to the TRC(X) on regular basis.

5. In cases where the certificate is issued to Dist. Collectors for recovery of arrears and the amount due is not recovered by the Dist. Authorities within three months of the issuance of certificate, the Dist. Authorities should be informed by the concerned section through a Registered AD letter to discontinue recovery and a certificate should be sent to TRC(X) for initiating recovery action under sub clause (ii) of Section 142(1) (c) in case the defaulter's property is located within the jurisdiction of JNCH. In all other cases, the certificate should be forwarded by TRC(X) the respective Jurisdictional Commissioners of Customs and C. Excise.

6. After the receipt of certificate from the concerned section along with copies of Order- in- Original and other documents mentioned in preceding paragraphs a file No. shall be allocated by the TRC(X) to each case.

7. The TRC(X) shall be headed by an DC/AC who will be the proper officer for the purpose of attachment of the defaulter's property and for realizing the amount mentioned in the certificate. Upon receipt of the certificate from the section, the TRC(X) shall issue a letter to the defaulter bringing to his/her notice the provisions of Section 142 of the Customs Act, 1962 and the amount of arrear due, with directions to pay the said amount within 10 days of the receipt of the notice. In the meantime, the officers of TRC(X) shall make discreet inquiries about the moveable and immovable properties of the defaulter and to report DC/AC, TRC(X) within a period of seven days the particulars of the property. While making the inquiries about the moveable property the TRC(X) officers shall try to seek information about the business bank accounts and information regarding assets from D.G.F.T.'s office (Where application for grant of Import Export Code is filed). Inquiries should also be made from Income Tax Dept. and Sales Tax Dept. regarding the assets of the defaulters. In cases investigated by SIIB the property details of the concerned persons should be recorded while examining them under Section 108 of the Customs Act, 1962 which should be communicated to the TRC(X) while sending the certificate.

8. After expiry of 10 days Notice period if govt. dues are not paid by the defaulter, the Dy./Asstt. Commissioner, I/C TRC(X) shall issue a Notice of Demand to the defaulter. If said dues are not paid within 7 days of the Demand Notice the DC/AC I/C TRC(X) will proceed with the recovery of dues as stipulated in Customs (Attachment of Property of defaulters for Recovery of Govt. Dues) Rules, 1995.

9. In case the Certificate under Section 142(1)(c)(ii) of the Customs Act, 1962 is received from the other Commissionerates for the recovery of Govt. Revenue the TRC(X) shall enter the said certificate in a separate Register maintained for that purpose and thereafter DC/AC I/C TRC(X) shall issue a Demand Notice to the defaulters and further action to recover the Govt. Revenue shall be initiated by the said Dy./Asstt. Commissioner as prescribed under Customs (Attachment of Property of Defaulters for Recovery of Govt. Dues) Rules 1995.

10. In case, the arrears of revenue consisting of demands, fine and penalty and or interest are not paid by the defaulters, the property of the defaulter, both moveable and immovable, shall be attached by following procedure prescribed in Chapter II and III of the Customs (Attachment of Property of Defaulters for Recovery of Govt. Dues) Rules 1995. For this purpose notice of demand, or of attachment of immovable property and notice of attachment of other assets etc. shall be issued in the relevant formats prescribed in the Hand Book of Recovery of Arrears of Customs Revenue published by Directorate of Publicity and Public Relation Customs & C. Excise, New Delhi.

11. If the amount mentioned in the certificate together with the cost of detention of the property is not paid within the period of 30 days from the date of attachment of the property, the Commissioner may authorize the proper officer to proceed to realize the amount by the sale of defaulters' property by public auction. For the purpose of sale of attached property

DC/AC(Disposal) shall be the proper officer for selling the property and the procedure prescribed in Chapter III of the Customs (Attachment of Property of Defaulters for Recovery of Govt. Dues) Rules 1995 as well as instructions contained in the Hand Book of Recovery of Arrears of Customs Revenue shall be followed.

12. It is emphasized that the instructions contained in Board's Letter F. No. 495/15/94 Cus IV dt. 30.5.95 and F. No. 450/72/96 Cus IV dt. 14.11.96 and Rules and guidelines laid by the Board vide Circular No. 365/81/97-CX dated 15.12.97 (as amended from time to time) should be followed strictly and any difficulty experienced should be brought to the notice of the Commissioner of Customs(Exports).

13. The TRC(X) will be headed by a Deputy/Assistant commissioner of Customs and will be assisted by one Superintendent/Appraiser, one Preventive Officer/Examiners, one Senior Tax Assistant/Tax Assistant and one sepoy.

14. Consequent upon formation of TRC(X), all the recovery files and correspondence pertaining to the Commissioner of Customs(Exports) shall be transferred to the TRC(X) latest by 28.11.2005.

Signature block consisting of a diamond symbol followed by three rows of diamond symbols and the text "Sd/-".

