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Government of India

Ministry of Finance

Department of Revenue

(Central Board of Excise & Customs)

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January 10, 2007

SUBJECT : Customs-Time Limit for adjudication of customs cases related to search / seizures.

1. The Comptroller and Auditor General of India (C&AG) has undertaken a draft review on "Adjudication and Appeal Cases (Customs)" for inclusion in the report of the C&AG for the year 2005-06 (Performance Audit). It has been recommended by C&AG that the Government may consider prescribing an appropriate time limit for adjudication of cases under the Customs Act relating to search/seizures.

2. The Board has accepted this recommendation of the C&AG. Keeping in view the powers of adjudication prescribed under Section 122 of the Customs Act 1962, the Board prescribes the following time frames, within which the officers would complete adjudication. This time frame would apply to such cases which relate to seizure alone and not to those cases, which involve seizure as well as demand of duty under Section 28, as such cases would be governed as per indicative time frame indicated under Section 28 (2A) of the Customs Act. The time period would be as follows:

(i) for cases to be adjudicated within the competence of Commissioner of Customs or an Addl./ Joint Commissioner of Customs, one year from the date of service of the show cause notice;

(ii) for cases to be adjudicated within the competence of Assistant Commissioner of Customs or Deputy Commissioner of Customs, six months from the date of service of the show cause notice;

(iii) for cases to be adjudicated within the competence of a Gazetted Officer of Customs lower in rank than an Assistant Commissioner of Customs, three months from the date of serving of the show cause notice.

3. In case the above time period cannot be observed in a particular case, the adjudicating officer shall keep his supervisory officer informed regarding the circumstances which prevented the observance of the above time frame, and the supervisory officer would fix an appropriate time frame for disposal of such cases and monitor their disposal accordingly.