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GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE)

Notification No. 65/2012-Customs (N.T.)

New Delhi, dated the 26th July, 2012

G.S.R. (E). - In exercise of the powers conferred by section 157 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following regulations further to amend the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, namely :-

1. (1) These regulations may be called the Courier Imports and Exports (Electronic Declaration and Processing) Amendment Regulations, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. In the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, (hereinafter referred to as the principal regulations),-

(1) in regulation 13, in sub-regulation (1),-

(i) the first proviso shall be omitted;

(ii) in the second proviso, the words "further" shall be omitted;

(iii) in the third proviso, for the words "Provided also that", the words "Provided further that" shall be substituted.

(2) after regulation 13 of the principal regulations, the following regulation shall be inserted, namely:-

"**13A**. **Procedure for revoking registration under regulation 13.-**

(1)	The Commissioner of Customs shall issue a notice in writing to the Authorised Courier stating the grounds on which it is proposed to revoke the registration and requiring the said Authorised Courier to submit, within such time as may be specified in the notice, not being less than forty-five days, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs nominated by him, a written statement of defence and also to specify in the said statement whether the Authorised Courier desires to be heard in person by the said Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be.
(2)	The Commissioner of Customs may, on receipt of the written statement from the Authorised Courier, or where no such statement has been received within the time-limit specified in the notice referred to in sub-regulation (1), direct the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, to inquire within a period of three months, from the order of suspension or from the date of initiation of enquiry, as the case may be, into the grounds which are not admitted by the Authorised Courier.
(3)	The Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall, in the course of inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material to the inquiry in regard to the grounds forming the basis of the proceedings, and he may also put any question to any person tendering evidence for or against the Authorised Courier, for the purpose of ascertaining the correct position.
(4)	The Authorised Courier shall be entitled to cross-examine the persons examined in support of the grounds forming the basis of the proceedings, and where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, declines to examine any person on the grounds that his evidence is not relevant or

	material, he shall record his reasons in writing for so doing.
(5)	At the conclusion of the inquiry, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall prepare a report of the inquiry recording his findings.
(6)	The Commissioner of Customs shall furnish to the Authorised Courier a copy of the report of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, and shall require the Authorised Courier to submit, within the specified period not being less than sixty days, any representation that he may wish to make against the findings of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be.
(7)	The Commissioner of Customs shall, after considering the report of the inquiry and the representation thereon, if any, made by the Authorised Courier, pass such orders as he deems fit.".

[F. No. 450/54/2008-Cus.IV]

(Vikas)

Under Secretary to the Government of India

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Note: *The principal Notification No. 36/ 2010 -Customs (N.T.), dated the 5th May, 2010 was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 5th May, 2010 vide G.S.R.385(E), dated the 5th May, 2010 and was last amended by notification No. 26/2011-Customs(N.T.),dated the 1st April, 2011 vide number G.S.R. 290(E), dated the 1st April, 2011.*