

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACH

File No. DG (V)/Val.Rev/28/2018

13008

19th

March, 2020

Order in Revision No. 11 /2020 Under Section 25-D of the Customs Act, 1969 against Valuation Ruling No. 1300/2018 dated 04-05-2018

- i. *This copy is granted free of charge for the private use of the person to whom it is issued.*
- ii. *An appeal against this Order-in-Revision lies to the Appellate Tribunal, Customs having jurisdiction, under Section 194-A of the Customs Act, 1969, within stipulated period as prescribed under the law. An appeal should bear a court fee stamp of Rs.1000/- (Rupees one thousand) only as prescribed under Schedule-II item 22 of the Court Fee Act, 1870 and must be accompanied by a copy of this Order.*
- iii. *An extra copy of appeal, if filed, should simultaneously be sent to this office for information and record.*
- iv. *If an appeal is filed, the appellant should state whether he desires to be heard in person or through an advocate.*

M/s. Lucky Traders & Others

..... PETITIONER

VERSUS

Director, Customs Valuation, Karachi

..... RESPONDENT

Date(s) of hearing

18.07.2018, 09.08.2018, 15.08.2018,
03.10.2018 and 17.03.2020

For the Petitioners

Mr. Imran Ali,

For the Respondent

Mr. Anees Rahman, Valuation Officer,
Mr. Tauseef Ahmad, Valuation Officer,

This revision petition was filed under Section 25-D of the Customs Act, 1969, against Customs Values determined vide Valuation Ruling No. 1300/2018, dated 04-05-2018, issued under Section 25-A of the Customs Act, 1969, inter alia, on the following grounds:

2. Being highly aggrieved and dissatisfied with Valuation Ruling No. 1300/2018 dated 04.05.2018, through which the respondent determined the values of different sizes of Bicycle Non Geared/Geared (low end brands) exorbitantly in comparison to the prices in the country of export i.e. China, and in deviation of the data maintained by the PRAL of identical/similar goods under Rule 113 of the period given in Rule 107(a) of Chapter IX of Customs Rules, 2001. The applicant preferred the instant revision application under the provision of Section 25-D of the Customs Act, 1969, for decision after consideration of the fact and grounds enumerated here-in-below:

3. FACTS

1) The applicant is a commercial importer and stockiest and whole seller of Bicycle Non Geared/Geared (low end brands) of China origin and works and operates under the name and style of M/s. Lucky Trader, at 5 Ratan Chand Road, Lahore and in the said capacity is registered with FBR and Regional Tax Office vide NTN 4234198-1 & STRN. 0300423419814.

2) That the applicant imports Bicycle Non Geared/Geared (low end brands) of China origin against firm contract or 90 days credit on different value based on sizes, for which Electronic Import Forms (EIF) were issued by the Bank Al-Falah Ltd, conforming invoiced value to be remitted to the shipper. Theareafter, documents were delivered to clearing agent for filing of Goods Declaration through WeBOC regime with the respective clearance collectorate and as mandated deposited upfront duty and taxes leviable on the declared value.

3) The competent officer of the clearance collectorate upon receipt of Goods Declaration after completion of necessary formalities of Examination. If so desired, under the provision of Section 198 of the Customs Act, 1969, and Rule 435 of Sub Chapter III of Chapter XXI of Rule 2001, ought to pass the assessment orders with the application of identical similar value of the goods as expressed in sub-Section (5) and (6) of Section 25 of the Customs Act, 1969, data maintained by PRAL: under Rule 113 of the period given in Rule 107(a) of Customs Rules, 2001 i.e. US\$ 1/Inch.

4) That despite of the fact there exists no need of determination of value of the subject goods, the respondent under took exercise said to be on the reference of MCC Appraisement West, contents of which has not been elaborated in the ruling with the exception of mentioning its number and date, wherein as incorporated in the 1st para of the ruling that the trend of import shows that the importer of the said goods are under declaring the value, therefore, a ruling for the said item could be issued.

5) The respondent in compliance of the order of the Collector of Customs, Appraisement-West, under took the exercise for determination of value of bicycle and conveyed multiple meetings, as stated in para 3 of the ruling wherein as per his version, he discussed the current international prices of the subject goods with the importers/stakeholders and in the same para he requested the importers to submit corresponding documents, for the confirmation that the prices of bicycle are in accordance with their declared value. The demand of the respondent was complied with by the applicant and he submitted (i) certification of the Chinese companies in regards to unit value (ii) copies of Goods Declaration of China Customs for confirmation of the export value and so the declared value with Pakistan Customs & (iii) Sales Tax Invoices, issued by applicant under Section 23 of the Sales Tax Act, 1990, which are available on the case file. Regretfully, those were not considered by the respondent, by virtue of the fact he has to validate the prices communicated by the Collector of Customs, Appraisement-West.

6) The respondent on 04.05.2018, issued the valuation ruling No. 1300/2018 through which he determined the prices of Bicycle Non Geared/Geared (low end brands) of different origin i.e. Korea, UAE, Hong Kong, Singapore and China on the basis of sizes of the each bicycle in inches, said to be under the provision of sub-Section (7) of Section 25 of the Customs Act, 1969.



