

**DEPARTMENTAL EXAMINATION OF THE INDIAN REVENUE SERVICE**  
**(CUSTOMS AND CENTRAL EXCISE) GROUP -A PROBATIOERS**

PART-II - PAPER - VIII

CUSTOMS LAW, TARIFF AND PROCEDURES (WITH BOOKS)

DATE: 27.08.2009

TIME: 1430 to 1730 HRS

MINIMUM MARKS: 150

PASS MARKS: 100

NOTE:

Attempt any five questions. All questions carry equal marks.

You can reply either in Hindi or in English.

Q.1. Explain any five of the followings: -

- (a) Principle of unjust enrichment
- (b) Ad-hoc exemption.
- (c) Remission of duty under the Customs Act, 1962.
- (d) Non-bailable or cognizable offence under the Customs Act, 1962.
- (e) Rights of the arrested person.
- (f) Compounding of offences under the Customs Act, 1962.

Q.2. Classify any six of the following items with the particulars of tariff rate and effective rate of all duties (including cess) payable on each item. Your answer should contain the particulars of all notifications. Also indicate the ITC requirements.

- (a) Fishing rods
- (b) Zip Fasteners
- (c) Vitrified tiles whether polished or not

- (d) DVD Players
- (e) Blood transfusion apparatus
- (f) Trichloro fluoro methane
- (g) Sunflower Oil

Q.3. Narrate the circumstances/conditions under which Antidumping duty is imposed under the Customs Tariff Act 1975. Bring out the differences between Anti-dumping duty and safeguard duty. State the circumstances under which the Central Government shall not levy any anti-dumping duty.

Q.4. Interest is compensatory in nature and is payable both by the Government as well as by the defaulter. State the circumstances in which mandate to pay interest. Your answer should be supported with the statutory provisions of the Customs Act, 1962 and the rules made thereunder.

Q.5. State what action you would initiate in the following situation:

(a) Where, any assessment done under Section 17 (2) of the Customs Act, 1962 is contrary to the claims of the importer or exporter regarding valuation of goods, classification and exemption or concession of duty availed.

(b) Where it becomes necessary to subject any imported or exported goods to any chemical test or other test for the purpose of assessment of duty.

(c) Where imported goods not cleared, warehoused or transshipped within 30 days after unloading at the customs station.

(d) Where the owner of the warehoused goods failed to remove goods from the warehouse at the expiration of the period.

(e) Where an exporter has received drawback, but failed to receive sale proceeds within the period permitted by the RBI read with FEMA.

Q.6. Write a short note on any five of the following:

(a) Issues/questions on which Advance Ruling can be sought and its binding nature

(b) Transfer of residence

(c) FEMA - penal provisions

(d) Necessary precautions to be taken before and during the course of searching of suspected persons, premises/rummaging and searching of conveyances.

(e) Appellate remedies under the Customs Act, 1962.

(f) Qualification and requirements to work as CHA.

Q.7. Under EPCG Scheme, a Star Hotel imported a Motor Car at the concessional rate of duty in terms of Notification No. 29/97 dated 01.04.1997 as amended. The car was allowed to be imported at the concessional rate with subject to the condition that the said Car should be used for foreign tourists and earn foreign exchange and fulfill export obligation within the block period of 8 years. But, on investigation, it was found that the said car was found to be used by the M.D. of the Hotel and it was never used for the purpose for which it was allowed to be imported. Statements recorded and the car was seized for violation of the condition stipulated in the said notification. Draft a SCN with proposal to recover differential duty and for the other penal provisions.