CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
HYDERABAD

REGIONAL BENCH - COURT NO. – I

Single Member Bench

Customs Appeal No. 30112 of 2026
(Arising out of **Order-in-Appeal** No.HYD-CUS-165-APP1-XXX-25-26, dated 31.12.2025 passed by Commissioner of Customs & Central Tax (Appeals-I), Hyderabad)

Sri Utnoor Venkatesh .. **APPELLANT**
H.No.4-5-49, Aloor Road,
Armoor, Nizamabad,
Telangana – 503 224.

VERSUS

Pr. Commissioner of Customs Hyderabad – Customs .. **RESPONDENT**
Kendriya Shulk Bhavan,
L.B. Stadium Road,
Basheerbagh, Hyderabad,
Telangana – 500 004.

APPEARANCE:
Shri Sri Harsha, Advocate for the Appellant.
Shri Kakarala Prasanth Kumar, Authorised Representative for the Respondent.

CORAM: HON'BLE Mr. ANGAD PRASAD, MEMBER (JUDICIAL)

FINAL ORDER No. A/30520/2026

Date of Hearing:30.09.2026
Date of Decision:06.10.2026

The appeal has been filed against the impugned Order-in-Appeal passed by the Commissioner of Customs (Appeals), whereby, the appeal of the appellant was partly allowed to the extent of reduction of penalty from ₹4,60,000/- to ₹2,30,000/-, while the order of the confiscation of three gold chains weighing 285 grams and valued at ₹23,14,200/- was mentioned.

2. At the outset, Learned AR has raised a preliminary objection regarding maintainability of the appeal before this Tribunal. It is submitted that the appellant arrived at Rajeev Gandhi International Airport (RGIA), Hyderabad

from Kuala Lampur and the goods in question, namely three gold chains, were brought by him as a passenger and were recovered from his person/trouser pocket. The dispute, therefore, is squarely relates to goods imported as baggage and consequently, in view of the first proviso to Section 129A(1) of the Customs Act, 1962, this Tribunal has no jurisdiction to entertain the present appeal. According to the Revenue, the statutory remedy lies by way of revision before the Central Government under Section 129DD of the Customs Act, 1962.

3. Learned Counsel for the appellant has opposed the preliminary objection. Reliance has been placed upon the decision of the Mumbai Bench of this Tribunal in the case of Vicky Ramchand Asrani Vs Commissioner of Customs, Mumbai vide Final Order No. 87527/2024 dated 19.12.2024. It is submitted that the gold jewellery recovered from the person of the passenger should not be treated as baggage for the purpose of exclusion contained in Section 129A(1) and, therefore, the appeal is maintainable before the Tribunal.

4. Heard both the sides on the preliminary issue and perused the record as well as the statutory provisions and the decisions relied upon.

5. Section 129A(1) provides for to the Tribunal against the orders enumerated therein. However, the first proviso expressly provides that no appeal shall lie to the Appellate Tribunal and that the Tribunal shall not have jurisdiction to decide an appeal against an order of the Commissioner (Appeals) if such order relates, inter alia, to "any goods imported or exported as baggage". The language employed by the Legislature is thus in the nature of an express exclusion of appellate jurisdiction.

6. Corresponding, Section 129DD provides the remedy of revision before the Central Government against an order passed under section 128A which is of the nature referred to in the first proviso to Section 129A(1) of the Customs Act, 1962. The Department of Revenue also identifies orders of Commissioner (Appeals) relating to goods imported or exported as baggage as matters falling within the Revisionary Jurisdiction of the Central Government.

7. In the present case, there is no dispute that the appellant arrived in India from Kuala Lampur as an international passenger carrying three gold chains of 24 kt purity being 285 grams. The allegation itself is that the appellant failed to declare the said gold to Customs. The entire proceedings commencing from interception, seizure and confiscation, as well as the order of the Commissioner (Appeals), thus arise from goods brought by the appellant into India in his capacity as an arriving passenger. Whether the gold was kept in the trouser pocket or check in baggage, whether it was intended for personal use, whether there was deliberate concealment, whether the appellant possessed a genuine purchase invoice, and whether there was any intention to evade duty are matters pertaining to the merits of the confiscation proceedings. These circumstances do not alter the character of the dispute for determining the Appellate forum. The above view finds support from the judgment of the Hon’ble Madras High Court in the case of Commissioner of Customs (Airport) Vs Ahamed Gani Natchiar [2022 (10) TMI 100 (Madras High Court)]. Significantly, that case also involved gold jewellery recovered from the person of an international passenger. The High Court examined the proviso to Section 129A(1), the definition of baggage and the baggage rules and set aside the order of the Tribunal on the ground of lack jurisdiction, while granting liberty to pursue

the statutory revisional remedy. Thereafter, in Mohamed Mansoor – Mahabubunissa Vs Commissioner of Customs vide Final Order Nos. A/85267-85268/2025 dated 17.02.2025, the Mumbai Bench considered the very same Final Order No. 87527/2024 relied upon by the present appellant. Nevertheless, on examining the statutory bar, it held that appeals relating to baggage were outside the Tribunal's jurisdiction and permitted the appellant's to pursue the remedy before the Revisional Authority. The same view has also been taken in Shri Abdul Raheem Kaulani Vs Commissioner of Customs, Hyderabad [2024 (12) TMI 176 (CESTAT-HYD)], wherein this Bench held that in view of the proviso to Section 129A(1), the Tribunal had no jurisdiction in a matter arising from goods carried by an international passenger. Similarly, Shri Mohd Dosri Vs Commissioner of Customs, Hyderabad [2025 (6) TMI 1827 (CESTAT-HYD)] the jurisdictional objection under the first proviso to Section 129A(1) was considered by this Bench. More importantly, in the recent decision in Mohd Asif Uddin Vs Principal Commissioner of Customs, Hyderabad, Customs Commissionerate, decided on 07.08.2026, involving gold chains brought by an arriving passenger, this Bench, after considering Abdul Raheem Kaulani, Shri Mohd Dosri; Shri Ravinder Kumar Vs Commissioner of Customs (Airport & General), New Delhi [2026 (1) TMI 439 (CESTAT-New Delhi)]; Sunil Kumar Keswani [2025 (10) TMI 1081 (CESTAT-Allahabad)]; and Ahamed Gatchi Natchiar, supra, held that an appeal concerning goods imported as baggage is not maintainable before the Tribunal and directed return of the appeal papers for pursuing the remedy under Section 129DD of the Customs Act, 1962.

8. Learned Counsel has relied upon by the Vicky Ramchand Asrani, supra. This Bench perused the decision. In that case, the Mumbai Bench examined the scope of the exclusion contained in the proviso to Section

129A and adopted a restrictive interpretation of the expression "baggage", particularly in the context of assessment and confiscation proceedings. Therefore, the decision is distinguishable.

9. In view of the above, this Bench hold that the impugned order of the Commissioner (Appeals) relates to goods imported as baggage within the meaning of the first proviso to Section 129A(1) of the Customs Act, 1962. Consequently, this Tribunal lacks jurisdiction to entertain the present appeal. The preliminary objection raised by the Department is accordingly sustained.

10. The Registry is directed to return the appeal papers to the appellant, after retaining the copies as required, so as to enable the appellant to avail the remedy available under Section 129DD of the Customs Act, 1962 before the competent Revisionary Authority.

11. The appeal is disposed of accordingly.

(Order pronounced in the open court on 06.10.2026)

(ANGAD PRASAD)
MEMBER (JUDICIAL)

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