

**Collector of Central Excise Vs. Inalsa Ltd.**

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**SooperKanoon Citation :** [sooperkanoon.com/13006](http://sooperkanoon.com/13006)

**Court :** Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

**Decided On :** Mar-06-1998

**Reported in :** (1998)LC436Tri(Delhi)

**Appellant :** Collector of Central Excise

**Respondent :** inalsa Ltd.

**Judgement :**

1. Respondent engaged in the manufacture of electric toasters, was manufacturing assembly of parts and captively consuming the same in the manufacture of toasters cleared to dealers. The dispute in the appeal relates to duty payable on toaster parts. According to the Department duty was being paid on the parts of toasters which were sold to wholesalers but duty was not paid on the parts of toasters captively consumed by the respondent. Accordingly show cause notice was issued proposing demand of duty on the goods captively consumed under Rule 6(b) (i) of the Central Excise (Valuation) Rules, 1975. Respondent contended that duty would be payable only under Rule 6(b) (ii) of the Rules. Additional Collector accepted this contention and confirmed the demand partly. This order is being challenged by the Department on the ground that where price under 6(b) (i) of the Rules is available that price should determine the assessable value. The copy of the show cause notice is not before us. It is not very clear whether during the relevant period, respondent had sold any of the goods to wholesale dealers. If there were such sales to wholesale dealers then such price would be the price for determination of assessable value under Rule 6(b) (i) of the Rules. This aspect

has to be verified and for that purpose the case has to go back. We set aside the impugned order and remand the case to the jurisdictional adjudicating authority for decision afresh in accordance with law and observations in this order after giving the respondent opportunity of personal hearing.

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