

Sharp Engineers Vs. Commissioner of Central Excise

Sharp Engineers Vs. Commissioner of Central Excise

SooperKanoon Citation : sooperkanoon.com/16374

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Aug-03-1999

Reported in : (2000)(67)ECC628

Judge : J T J.H., J S Murthy

Appellant : Sharp Engineers

Respondent : Commissioner of Central Excise

Judgement :

1. This application for early hearing was argued by Shri R.K. Ghadge, Consultant. Shri K.L. Ramteke appeared for the Revenue.

2. In the impugned order the Commissioner directed that the interest on deposit taken by the assessee be added to the assessable value. The Commissioner refuted the suggestion that these deposits were in the nature of security. The Commissioner referred the issue back to the Assistant Commissioner for re-quantification of the amount giving certain instructions in the situation in which the interest was not to be added to the assessable value. In this situation at this stage there is no pecuniary liability on the appellants. Shri Ghadge however informs us that as soon as the Assistant Commissioner passed the order, they have deposited the amount quantified by him. One of the reasons cited for early hearing is that this financial burden is upon them. The second reason advanced is that on the same grounds more demands have been made. Shri Ghadge fairly admits that the law laid down by the Supreme Court as to the necessity of nexus being

established between the factum of charging interest and the compilation of assessable value was not brought out before the Commissioner. We observe that this argument can now be taken by them before the Asst. Commissioner.

3. We find that the assesseees are themselves responsible for the situation they have put themselves into. We do not find any reason for granting them out of turn hearing and dismiss this application.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com