

Commissioner of C. Ex. Vs. Automatic Engineering Works

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Jul-28-2000

Reported in : (2001)(130)ELT331Tri(Mum.)bai

Appellant : Commissioner of C. Ex.

Respondent : Automatic Engineering Works

Judgement :

1. In the common order impugned in these appeals, the Collector (Appeals) has held the various kinds of bolts and nuts manufactured by the common respondent to be classifiable under heading 7318.10. The appeals seek classification of these goods under heading 87.08.

2. Heading 73.18 is specifically for bolts, nuts and the like of iron or steel. The heading claimed by the department is for parts of motor vehicles. The ground for classification sought by the department is that the goods are specialised for use in motor vehicles, manufactured for this purpose and use thereof.

3. Note 2(b) to section XVII of the Tariff excludes from that section, parts of general use as defined in note 2 to section XV of base metal (and also similar goods of plastic). Among the parts of general use defined in column 2 to section XV included articles of heading 73.18 and similar articles of other base metal. The Explanatory Notes to the Harmonised System of Nomenclature on which the tariff is based repeatedly make it clear that the bolts, nuts etc. are to be considered to be parts of general use notwithstanding that they have been manufactured for use

in a particular machine. The note at page 973 for example, say that bolts, nuts specialised for central heating radiator would be classifiable under 73.18 of bolts and not as parts of central heating radiators. A similar view is expressed for spring specialised for motor cars. The only exception is provided in page 1029 of the Explanatory Notes under heading 73.18, which covers screws, bolts, etc.

That is threaded mechanisms, sometimes called screws, used to transmit motion, or otherwise to act as an active part of a machine. There is no material in the appeal to say that any of the goods that have been manufactured by the respondent specified this criterion. We therefore see no reason to interfere with the classification of the Collector (Appeals).

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