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

**Apte Amalgamations Ltd. Vs. Commissioner of Customs**

**Apte Amalgamations Ltd. Vs. Commissioner of Customs**

**SooperKanoon Citation** : sooperkanoon.com/25882

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

**Decided On :** Sep-24-2001

**Appellant** : Apte Amalgamations Ltd.

**Respondent** : Commissioner of Customs

**Judgement** :

1. The representative of the applicant contends that duty of Rs. 3.75 crores approx., penalty of equal amount are payable.The duty has been demanded and penalty imposed, on the finding of the Commissioner that the applicant was not entitled to the benefit of notification 203/92 for the reason that modvat credit was availed of in the manufacture of exported product.

2. The representative of the applicant contends that the entire amount has been paid. The amount of credit has been repaid and the applicant is entitled to the amnesty scheme. However the letter of the applicant to the Commissioner itself indicates that only part has been paid.

Prima facie therefore merits of the case are against the applicant.

However on the ground of financial hardship since the applicant is closed and has incurred losses of Rs. 14 crores in the period from 1998, we waive deposit of the duty and penalty and stay their recovery.

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