B.P. Singh Vs. Commissioner of Customs

B.P. Singh Vs. Commissioner of Customs

SooperKanoon Citation : sooperkanoon.com/29992

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Feb-03-2003

Reported in : (2003)(154)ELT231TriDel

Judge : S Kang, a T V.K.

Appellant : B.P. Singh

Respondent : Commissioner of Customs

Judgement :

1. Appellants filed this appeal against the order-in-appeal passed by the Commissioner of Customs.

2. Brief facts of the case are that the appellants made an import of paper and declared the same in the Bill of Entry as scrap paper. On examination of the goods it was found that it was not scrap paper, therefore a show cause notice was issued to the appellants for classifying the goods, in question, under Heading 4804.59 of Customs Tariff. The adjudicating authority confirmed the demand, ordered confiscation of the goods and gave option to the appellants to redeem the goods on payment of redemption fine of Rs. 1.50 lakh and personal penalty of Rs. 50,000.00 was also imposed on him. On appeal, filed by the appellants, the Commissioner (Appeals) upheld the order passed by the adjudicating authority and reduced the redemption fine to Rs. one lakh.

4. The contention of the appellants is that the goods are classifiable as scrap paper under heading 4070.90 of the Customs Tariff as the paper is going to be used for making pulp for the manufacture of paper.

5. The contention of the Revenue is that the paper is having width of 63" and 50" and the examination report shows that the paper, in question, is uncoated coloured kraft paper is in rolls.

6. Appellants claimed the classification of the paper, in question, under Heading 4707.90 of the Customs Tariff which covers (waste and scrap) of paper and paper board. The HSN Explanatory Notes to Chapter Heading 4707 provides that this heading includes shavings, cuttings, clipping, torn sheets, old newspapers and journals, proof sheets, printers rejects and similar material. The paper, in question, is not of the kind covered under the above-mentioned heading. The examination report specifically mentioned that the paper is uncoated coloured kraft paper in rolls.

7. In view of above discussion, we find no infirmity in the impugned order classifying the imported goods under Heading 4804.59 of Customs Tariff which specifically covers the kraft paper. However, taking into consideration the facts and circumstances of the case, the redemption fine is reduced to Rs. 50,000.00, otherwise the impugned order is upheld.