Ravi Exports Ltd. Vs. Cce

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SooperKanoon Citation : sooperkanoon.com/33736

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Jan-09-2004

Judge : P Chacko, A M Moheb

Appellant : Ravi Exports Ltd.

Respondent : Cce

Judgement :

1. The Commissioner (Appeals) has sustained penalty on the appellants to the extent of Rs. 80,000/-. This penalty is for a delay of two days in the payment of duty under the Compounded Levy Scheme of Rule 96ZQ of the Central Excise Rules, 1944. Interest on duty, amounting to Rs. 1,052/-, charged by the original authority has also been affirmed by the Commissioner (Appeals). It is submitted today on behalf of the appellants that this amount of interest will be paid by them. After hearing both sides, we are inclined to dispose of the appeal itself finally. Accordingly, after dispensing with pre-deposit, we take up the appeal.

2. It is not in dispute that the delay involved in deposit of duty under Rule 96ZQ is only of two days. It is, again, not in dispute that the demand of interest on duty is on account of such delay. The party is willing to pay the interest, also. There is no material on record to show that any mens rea was involved in the delayed payment of duty. We are of the view that, in these facts and circumstances, any penalty under the Rule is not liable to be imposed on the appellants.

Accordingly, we set aside the penalty. The appeal is allowed to this extent.