**Zenith Computers Ltd. Vs. C.C.**

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**SooperKanoon Citation** : sooperkanoon.com/36316

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

**Decided On :** Aug-20-2004

**Reported in** : (2004)(172)ELT316Tri(Mum.)bai

**Judge** : S T S.S., T Anjaneyulu

**Appellant** : Zenith Computers Ltd.

**Respondent** : C.C.

**Judgement** :

a) The issue in classification of an entity 'TV box' designed to convert TV signals into digital signals which can then be sent for display, storage, print out on a Computer. It has a lead from T.V. Cable inputs and an exit to C.P.U. of a computer with circuits inside to convert the signals for the stated purpose.

b) Revenue accepts it is for exclusive use in Computer and the contest before us is only that it is not an accessory to a computer and relies upon heading notes in HSN under 8528 to call them Video Tuners to place them under 8528.12.

c) The assesses finds support from the decision in the case of CC v. H.C.L, HEWLETT PACUAXD (1999 (105) ELT 362 Tri) where the Bench after observing the Commissioner finding to the effect "..... he had found substantial force in the importers contention that the goods imported could work only as assessors to the computer" held that TV coder is mounted on a PCB is different from Video recording or reproding apparatus and note under 8471 which reads as - "The accessories covered by this heading are interchangeable parts or devices designed to adopt a machine for a particular operation, or to perform a particular service relative to main function of the machine, or to increase its range of operation" would induce us to classify this device which is enhancing and increasing the range of function of a Computer in as much as it can then receive TV programmes, the classification under 84.73.30 as an accessory to the machine of heading 8471 is approved.

2. Once classification is found to be appropriate 84.73.30 the import will not require a Import Licence or confiscation under Section 111(d) and Consequential Penalty and redemption for the same are set aside.

Classification ordered under 8473.30.