

Fusebase Eltoro (P) Ltd. Vs. Cce

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SooperKanoon Citation : sooperkanoon.com/37327

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Dec-10-2004

Judge : S Kang, Vice, N T C.N.B.

Appellant : Fusebase Eltoro (P) Ltd.

Respondent : Cce

Judgement :

1. The dispute is about valuation. The contention of the appellant was that it has ex-factory sales on wholesale basis and such ex-factory whole sale price constitutes assessable in terms of Section 4(1)(Q) of Central Excise. It is also pointed out that when wholesale price is available on ex-factory basis, there is no requirement to go into what are the prices at depots and other places. Ld. Counsel submits that the goods sold from the depots and other places are also to be assessed at the ex-factory wholesale price. Reliance is being placed on our decision in the case of Geep Industrial Syndicate Ltd. v. CCE reported in 2000(120). 405 in support of this legal proposition.

2. We have perused the records and heard Ld. DR. It is not in dispute in the present case that considerable ex-factory sales existed on wholesale terms. In such a case, the assessee is right in its submission that all removals were required to be assessed at the ex-factory price. This legal position remains settled by the aforesaid decision of this Tribunal. In the result, appeal succeeds and is allowed, with consequential relief, if any, to the appellant.