Commissioner of C. Ex. Vs. JaIn Irrigation Systems Ltd.

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SooperKanoon Citation : sooperkanoon.com/43949

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Oct-27-2006

Judge : T Anjaneyulu

Appellant : Commissioner of C. Ex.

Respondent : JaIn Irrigation Systems Ltd.

Judgement :
2. The amount involved in the present appeal is Rs. 22,844/- which has been refunded to the assessee on account of reduction in the basic Custom duty on the imported inputs i.e. Polyethylene. The revenue is in appeal on the ground that test of unjust enrichment has not been applied on the said sum. On this aspect, the Commissioner (Appeals), Central Excise, Nashik has discussed well and passed reasoned order which does not call for any interference. It has been observed that during the material period the price of final product i.e. Irrigation component has considerably gone down. The respondent herein has paid Rs. 3.05 crores per annum on the imported inputs. The amount of Rs. 22,844/- is too small to have any impact on the price of the exempted final product. In spite of the same the value of the final product has gone down (may be, because of other market forces). The respondent has not passed on burden to its customers to purchase the final product.

3. In view of the aforesaid observation, I find no merits in the present appeal on both the grounds. Hence rejected.