

Continental Brakes Ltd. Vs. Cc

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Jul-23-2007

Judge : R Abichandani

Appellant : Continental Brakes Ltd.

Respondent : Cc

Judgement :

1. The applicant seeks waiver of pre-deposit of Rs. 500/- imposed under Section 77 of Chapter V of the Finance Act, 1994 and also the interest amount of Rs. 22,541/- payable under the impugned order.

2. There is no provision of waiving of pre-deposit of interest and, therefore, the application seeking relief of interest amount is totally misconceived. The learned Counsel for the applicant argued that penalty of Rs. 500/- (Rupees five hundred) was imposed under Section 77 of the said Act, which did not apply because, the applicant had paid up the amount on 15.3.2004. It, however, appears from the record that when the show cause notice was issued on 11.11.2004, the applicant had not filed the returns which were required to be filed under Section 71A of the Act. The provisions of Section 77, as amended came into force from 10.9.2004, on which date no returns were yet filed under Section 71A. Therefore, prima facie, there is no case made out against the imposition of penalty under Section 77 of the said Act. The application is, therefore, rejected.