

Good Year India Ltd. Vs. Collector of Customs

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Court : Supreme Court of India

Decided On : Sep-25-1997

Reported in : AIR1999SC1558; 1997(95)ELT450(SC)

Judge : S.C. Agrawal and; B.N. Kirpal, JJ.

Appeal No. : Civil Appeal Nos. 2049-55 of 1988 and 6672 of 1989 (Arising out of S.L.P. (C) No. 3795 of 1995)

Appellant : Good Year India Ltd.;modi Rubber Ltd. and anr.

Respondent : Collector of Customs;union of India (Uoi) and ors.

Disposition : Appeal allowed

Judgement :

1. The only question that falls for consideration in these appeals is whether inner tube valves imported by the appellants in connection with the manufacture of tubes or tyres are classifiable under Sub-Heading (1) of Heading 84.61 (84.81) of the Customs Tariff as claimed by the Revenue or under Sub-Heading (2) of Heading 84.61 (84.81) as claimed by the appellants. Heading 84.61 (84.81) of the Customs Tariff reads as under:

taps, cocks valves and similar appliances for pipes, boiler, shells, tanks, vats or the like, including pressure reducing valves and thermo-statically controlled valves.

(1) Not elsewhere specified.

(2) Isolating valves, non-return valves, safety valves, pressure reducing valves, exhaust relief valves, thermostatically controlled valves, solenoid operated valves; valves made of corrosion-resisting material such as stainless steel, nickel monel, incoloy, hostelry and other valves lines with rubber or other corrosion-resisting materials; steam traps.

2. The valves are made of copper alloy and the appellants have produced certificates of the manufacturers in support of their claim that the valves were made of corrosion-resisting material. In these circumstances, the authorities should have procured on the basis that the valves were made of corrosion resisting material and merely because they are made of copper alloy would not disentitle the appellants from claiming that they fall under Sub-Heading (2). The words 'such as stainless steel, nickel monel, incoloy, hostelry' in Sub-Heading (2) are only illustrative of the various metals from which valves can be made but the said description is not exhaustive of the; metals. If the material from which the valves are made is a corrosion resisting material then the; valves would fall under Sub-Heading (2) of Heading 84.61 (84.81). In these circumstances, we are unable to uphold the impugned judgments and it must be held that the valves imported by the appellants being made of corrosion resisting material, would fall under Sub-Heading (2) of Heading 84.61 (84.81) of the Customs Tariff. The appeals are accordingly allowed and the impugned judgments are set aside. No order as to costs.