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impeller India Vs. Collector of Central Excise

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Jul-13-1995

Reported in : (1995)(51)ECC89

Judge : G Agarwal, M L Ram, R Kapoor

Appellant : impeller India

Respondent : Collector of Central Excise

Judgement :

1. Appearing on behalf of the appellants Shri Arun P. Patankar, Ld.

counsel submitted that the appellants is a SSI Unit and the Revenue has already adjusted the amount of Rs. 50,000 which was imposed as redemption fine. He voluntarily offered to deposit the 50% of the duty amount of Rs. 1,35,750 submitting that the requirement to deposit the penalty amount should be dispensed with as the liquidity position of the appellants is not sound. In reply Shri Sachdeva, Ld. SDR submitted that the appellants have not filed the documents regarding their alleged poor liquidity position. The court showed the balance sheet to him on the record.

2. Considered. From the impugned order we find that the Collector of Central Excise has himself stated in the paragraph 7 of the impugned order that as far as aluminium scrap is concerned there was no method to arrive at the exact quantity and as such the same was fixed at 5%.

3. Under these circumstances, we accept the offer made by the Ld.

counsel for the appellants and direct the appellants to deposit the 50% of the said amount within 3 months from today and report compliance to the Registry. On compliance the requirement to pre-deposit the balance amount of duty and penalty shall be deemed to have been waived and recovery proceedings if started shall remain stayed.

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