SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Collector of Central Excise Vs. Dynavision Ltd.

Collector of Central Excise Vs. Dynavision Ltd.

SooperKanoon Citation : sooperkanoon.com/9343

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Apr-03-1996

Reported in : (1996)(84)ELT478TriDel

Appellant : Collector of Central Excise

Respondent : Dynavision Ltd.

Judgement :

2. We have heard the Departmental Representative. The assessee manufactures assembled printed circuit boards. It is stated that it buys plain printed circuit boards and affixed conponent's other than resistors, capacitors transistors etc all these. The goods thereafter known as assembled or populated printed circuit boards or chassis assembly. Consequent to issue of a Notification 74/85, dated 17-3-1985, printed circuit and unpopulated printed circuit boards were exempted from duty. The assessee concluded apparently after receiving a letter to this effect from the jurisdictional Superintendent, that the product manufactured by it were entitled to this exemption and cleared such goods without payment of duty. Notice was issued proposing recovery of duty on goods so cleared on the ground that they were not goods specified for exemption in the notification. In due course the Assistant Collector confirmed the demand holding that the notification would not be available to the goods manufactured by the assessee. The Collector (Appeals) allowed the assessee's appeal on the ground that the Assistant Collector's order did not cite evidence as to why the goods would not be entitled to exemption and that the superintendent's advice was substantially correct: hence this appeal.

3. It was the assessee's contention before the Collector (Appeals) that a unpopulated printed circuit board becomes a printed circuit board when it is "populated" with components such as capacitors resistors etc. Hence the goods manufactured by it would be entitled for the exemption. The department has produced copies of the "Guidelines for printed board component mountings published by the Institute for Interconnecting and Packaging Electronic Evanston Illinois circuits", Printed circuit has not been defined in this publication although "Printed circuit assembly" is defined as a printed circuit board on which separately manufactured components and parts have been added. The other publication cited by the Departmental Representative indicates that a printed circuit is "a generic term applied to circuits fabricated by any of several graphic ar (sic) processes..." While there is extensive discussion on kinds of printed circuits and their manufacture, there is no discussion as to whether a printed circuit to which other components has been added ceased to be one and if so what it is called. This does not provide any assistance.

4. It is further argued that if the intention were to include the populated circuit boards in Notification 74/85, it would not have been necessary to issue another Notification 373 on 29-7-1986 exempting populated printed circuit board subject to fulfilment of certain conditions. We note however that this notification was issued nearly one and half years after issue of Notification 74/85. The fact that a particular type of printed circuit board was exempted in the later notification cannot by itself justify the conclusion that the scope of the earlier notification would be restricted to exclude it. After considering the data produced before him, the Collector (Appeals) had come to a conclusion about the nature of the goods in question. On the basis of material produced before us, we find no scope for interfering with this conclusion.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com