(1986) 01 KAR CK 0003

In the Karnataka High Court

Case No : Writ Appeal No''s. 172-175 of 1986

Collector of Central Excise APPELLANT

Vs

Y. Moideen Kunhi and Co. RESPONDENT

Date of Decision : 24-01-1986

Acts Referred:

Citation : (2004) 163 ELT 299

Hon'ble Judges : K. Jagannatha Shetty, Acting C.J.;N.S. Venkatesh, J

Bench : Division Bench

Advocate : U.L. Narayana Rao, for the Appellant; S.G. Sundaraswamy, for K.R.D. Karanth, for the Respondent

Final Decision : Dismissed

Judgement

1. The petitioners therein are the owners of Saw mills in Man-galore carrying on business in Timber. They purchase timber logs from State Forest Depots and from others, and convert the same into smaller sizes like, planks, beams and rafters as the log admits.

2. The Central Excise authorities called upon the petitioners to show cause why they should not be proceeded for not paying excise duty, since they are manufacturing and clearing the sawn timber and other products.

3. The petitioners moved this Court with writ petitions challenging the validity of the said show cause notices. The learned Single Judge allowed the writ petitions following the judgment of the Supreme Court in the State of Orissa and Others Vs. Titaghur Paper Mills Company Limited and Another, at page 1330, para 91). He has observed that the sawn timbers or cut sizes of timber are not the products of manufacturing process so as to attract the levy of excise duty.

4. We have perused the judgment of the Supreme Court in Titaghur Paper Mills Co, Ltd. case. In our opinion, the conclusion reached by the learned Single Judge appears to be correct and it does not call for reconsideration.

5. The appeals are rejected.

