(2006) 08 KAR CK 0020

In the Karnataka High Court

Case No : CSTA No. 20 of 2006

Commissioner of Cus. APPELLANT

Vs

Jindal Vijaya Nagar Steel Ltd. RESPONDENT

Date of Decision : 29-08-2006

Acts Referred:
Customs Act, 1962 — Section 28, 61, 61 (2)

Citation : (2006) 08 KAR CK 0020

Hon'ble Judges : R. Gururajan, J;N. Ananda, J

Bench : Division Bench

Advocate : N.R. Bhaskar, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

1. Revenue is before us aggrieved by the order of the Tribunal in the case on hand.

2. The facts in brief are as under :

The respondent availed warehouse facilities under Chapter IX of the Customs Act, 1962 ''Act'' for short). Interest is chargeable u/s 61(2) of the Act in terms of the Act. A show cause notice was issued by the department on 11-12-2000 proposing to recover interest u/s 28 of the Act and also to impose penalty for failure to comply with the provisions of Section 61 of the Act. Thereafter, interest was demanded and penalty was imposed. The same was challenged unsuccessfully in an appeal by the assessee. Thereafter, the matter was taken up before the Tribunal. The Tribunal, after hearing, has chosen to accept the case of the assessee. It is in these circumstances, revenue is before us.

3. Heard Sri Bhaskar, learned Counsel for the appellant. We have carefully perused the material on record.

4. The Tribunal, after noticing the material facts, has chosen to hold that assessment order was based on bills of entry and the same was not challenged.

It is further noticed by the Tribunal that without challenging the original assessment order, show cause notice could not have been issued demanding interest in the case on hand. The Tribunal notices law on the subject and thereafter proceeded to allow the appeal on the facts and circumstances of the case and rulings of the Apex Court and Tribunal. In the given circumstances, the order of the Tribunal, in our view, does not call for interference. No grounds. Appeal stands rejected.

