CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST ZONAL BENCH AT AHMEDABAD

REGIONAL BENCH – COURT NO. 02

Excise Appeal No. 10327 of 2017-SM

[Arising Out Of OIO-VAD-EXCUS-002-COM-031-16-17 Dated- 21/10/2016 Passed By Commissioner of Central Excise and Service Tax-VADODARA-II)

Mr Rajat Garg **.....Appellant**
C/O M/S Pet Metals Pvt Ltd, Plot No. 242/1 And 2
Gidc Waghodia, VADODARA
GUJARAT

VERSUS

C.C.E. & S.T.-Vadodara-ii **.....Respondent**
1ST FLOOR... ROOM NO.101,
NEW CENTRAL EXCISE BUILDING, VADODARA,
GUJARAT-390023

WITH
Excise Appeal No. 10328 of 2017-SM

[Arising Out Of OIO-VAD-EXCUS-002-COM-031-16-17 Dated- 21/10/2016 Passed By Commissioner of Central Excise, Customs and Service Tax-VADODARA-II)

Bhagwandas B Jindal **.....Appellant**
M/S Pet Metals Pvt Ltd, Plot No. 242/1 And 2
Gidc Waghodia, VADODARA
GUJARAT

VERSUS

CGST & Central Excise Vadodara-II **.....Respondent**
GST Bhavan, Arkee Garba Ground, Nr. Telephone
Exchange, Subhanpura, Vadodara, Vadodara, Gujarat-390023

APPEARANCE:
Shri. A Banerjee, Advocate for the Appellant
Shri. Himanshu P Shrimali, Superintendent (AR) for the Appellant

CORAM: HON'BLE MR. SOMESH ARORA MEMBER (JUDICIAL)

FINAL ORDER NO. 12896-12897 /2024

DATE OF HEARING: 27.11.2024
DATE OF DECISION:27.11.2024

The matter is fairly old and started in 1998. With the company involved which is the offending company i.e. Pet Metals Pvt. Ltd twice attempting to obtain amnesty under KVSS Scheme in 1998 and then again in 2019 under SLVDR Scheme. However, it could not meet success on technicalities. During course of seeking such amnesty it also deposited 50% of the duty i.e. Rs. 25 lakh. The appellants before this Court i.e. Shri.

Bhagwandas B Jindal is the director of the company and Shri. Rajat Garg who is the supplier of raw-material to the company at the relevant time. Company was alleged against on the basis that it clandestinely removed goods.

2. Learned Advocate makes concession and concedes that penalty is leviable. However, pleaded for a liberal view, in view of the matter being old and company having gone into liquidation and Rs. 25 lakh duty already having been deposited with the exchequer. He also states that he is not pressing the point that penalty cannot be levied both on the company as well as on the director.

3. Learned AR leaves the matter to the discretion of the Court with the rider that penalty at least needs to be imposed.

4. Considering, the admissions which were made at the time of recording statements. This Court is of view in the interest of natural justice if the penalty of Shri. Bhagwandas B Jindal at this stage is reduced from 10 lakh to Rs. 3 lakhs and of Shri. Rajat Garg is reduced from 5 lakh to 1.5 lakh, the ends of justice shall be met. Learned Advocate is agreeable with this quantum pronounced by this Court. Accordingly penalties are being reduced to 1.5 lakh for Shri. Rajat Garg and 3 lakh for Shri. Bhagwandas B Jindal.

5. Appeals are partly allowed.

(Dictated and pronounced in the open Court)

(SOMESH ARORA)
MEMBER (JUDICIAL)

Prachi