CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
BANGALORE

REGIONAL BENCH - COURT NO. 1

Customs Appeal No. 20767 of 2016

(Arising out of Order-in-Appeal No. 142/2016 dated 25.02.2016 passed by the Commissioner of Customs (Appeals), Bangalore.)

M/s. Gartex Insta Apparels
180, VI Cross, 3rd Phase,
Peenya Industrial Suburb,
Bangalore – 560 058.

Appellant(s)

VERSUS

The Commissioner of Customs
C.R. Building, Queen's Road,
Bangalore – 560 001.

Respondent(s)

APPEARANCE:

Shri Cheriyan Punnoose and Shri Suresh Astekar, Advocates for the Appellant

Shri K. Vishwanath, Authorised Representative for the Respondent

CORAM: HON'BLE DR. D.M. MISRA, MEMBER (JUDICIAL)
HON'BLE MRS. R. BHAGYA DEVI, MEMBER (TECHNICAL)

Final Order No. 20250 /2024

DATE OF HEARING: 03.04.2024
DATE OF DECISION: 03.04.2024

PER : R. BHAGYA DEVI

This appeal is filed against Order-in-Appeal Nos. 142/2016 dated 25.02.2016 passed by the Commissioner of Customs (Appeals), Bangalore against non-production of Export Obligation Discharge Certificate (EODC).

2. The appellant M/s. Gartex Insta Apparels holding DEEC advance License No.0710050295 dated 26.02.2007 had imported goods claiming duty exemption under Notification No.93/2004-Cus dated 10.09.2004. As per the terms of this

Notification, the appellant had to export the resultant products within a period of 24 months from the date of issuance of the license. The appellant was also required to produce export Obligation Discharge Certificate (EODC) issued by JDGFT within 30 days from the expiry of specified export obligation confirming fulfilment of the export obligation, in terms of quantity and value. Since the appellant had failed to produce the EODC the duty was confirmed along with the applicable interest which was upheld by the Commissioner (Appeals). Hence, this appeal.

3. The learned counsel on behalf of the appellant has produced the Redemption Letter dated 21.03.2018 issued by the Additional DGFT Bangalore which is reproduced below:

Government of India
Ministry of Commerce and Industry
O/o Additional Director General of Foreign Trade
C & E Wing, Kendriya Sadan 17th Main Road,Koramangala Bengaluru Karnataka -560034

REDEMPTION LETTER

TO,
M/s GARTEX INSTA APPARELS,
NO .180, VI MAIN, IV CROSS,
3RD PHASE, PEENYA INDL.SUBRUB,
BANGALORE, KARNATAKA-560058

SUBJECT: REDEMPTION LETTER in respect of Advance Authorisation NO. 0710050295 DATED : 26.02.2007

This REDEMPTION Sheet is issued against the Authorisation No : 0710050295 Dated : 26.02.2007 issued by this office. The Custom Authorities and Licencee are requested not to make any endorsement on this Sheet.

The FOB Value of Licence fixed/realised to be read as Rs. 24,135,350.56 / 5,676,823.00 and Foreign Currency as. 544,816.04 / 140,190.22 (US Dollars)

The CIF Value of Licence Issued/Utilised to be read as Rs. 3,815,759.61 / 3,815,759.61 and Foreign Currency as. 85,363.75 / 85,363.75 (US Dollars)

Export Obligation met in full value as well as in quantity term, in proprotion to import made. Consequently, the case has been redeemed in terms of Para 4.26 of Handbook of Procedures 2004-09

This EO Discharge/Redemption Certificate is issued without prejudice and will not preclude Custom Authority to take action against the licencee at any stage, in case any sort of misdeclaration, misrepresentation or misuse of the scheme is noticed.

Place:Bengaluru
Date:21.03.2018

(.)
Asst. DGFT / F.T.D.O

OFFICE OF JT.D.G.F.T. No. 112 BANGALORE

ADDITIONAL SHEET ATTACHED TO Authorisation No. 0710050295 DATED : 26.02.2007 FOR REDEMPTION (Issued from File Number : 07/24/040/00760/AM07/ Dated : 05.02.2007)

Issued from File Number 07/80/165/00633/AM17/ dated 26.02.2007

Copy To : 1. Commissioner customs, (INBLR4) Banglore Air Cargo

Moin Afaque, I.T.S.
Director General of Foreign Trade
O/o Additional DGFT, Bengaluru

Place:Bengaluru
Date:21.03.2018

(.)
Asst. DGFT / F.T.D.O

4. As seen from the Redemption Letter, the EODC is related to the impugned DEEC License No.0710050295 dated

26.02.2007 and therefore, the demand is set aside allowing the appeal.

5. The appeal is allowed with consequential benefits, if any, as per law.

(Operative portion of the order was pronounced in Open Court on conclusion of hearing.)

(D.M. MISRA)
MEMBER (JUDICIAL)

(R. BHAGYA DEVI)
MEMBER (TECHNICAL)

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