CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
BANGALORE

REGIONAL BENCH - COURT NO. 1

Customs Appeal No. 20284 of 2022

(Arising out of Order-in-Appeal No.525/2021 dated 11.11.2021 passed by the Commissioner of Customs (Appeals), Bengaluru.)

The Commissioner of Customs,
Air Port & ACC Commissionerate,
Bengaluru.

Appellant(s)

VERSUS

M/s. Creative Peripherals and Distribution Limited
No.3, Srinidhi Envoy,
4th 'C' Cross, East of NGEF,
Kasturinagar,
Bangalore – 560 043.

Respondent(s)

APPEARANCE:

Mr. Maneesh Akhoury, Assistant Commissioner, (AR) for the Appellant.
None for the Respondent.

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

FINAL ORDER NO. 20495 /2026

DATE OF HEARING: 23.03.2026
DATE OF DECISION: 23.03.2026

PER: D.M. MISRA

None present for the respondent. Heard learned Authorised Representative (AR) for the Revenue.

2. This is an appeal filed by the Revenue against Order-in-Appeal No.525/2021 dated 11.11.2021 passed by the Commissioner of Customs (A), Bangalore.

3. Briefly stated the facts of the case are that the respondent had imported goods as 'CXHDX-502 HERO5: BLACK (ASST1)(DIGITAL STILL IMAGE VIDEO CAMERA' declaring its classification under CTH 8525 8020 and claiming exemption under Sl. No.502 of Notification No.50/2017-Cus. dated 30.06.2017. Alleging that the respondent had misclassified the imported goods to avail the benefit of exemption Notification No.50/2017-Cus. dated 30.06.2017, notice was issued to them on 04.09.2019 proposing classification of the goods under CTH 8525 8030 and denying the benefit of exemption Notification No.50/2017-Cus. dated 30.06.2017 and recovery of the differential duty of Rs.30,75,015/- along with interest and penalty. On adjudication, the goods were reclassified under CTH 8525 8030 and the benefit of the Notification No.50/2017-Cus. dated 30.06.2017 was denied and differential duty of Rs.30,75,015/- was confirmed along with interest; equivalent penalty was imposed under Section 114(a) of the Customs Act, 1962. Aggrieved by the said order, respondent filed appeal before the learned Commissioner (A), who in turn allowed their appeal. Aggrieved, Revenue is in appeal before us.

4. At the outset, the learned Authorised Representative (AR) for the Revenue has submitted that the learned Commissioner (A) without examining the details of the classification of the product imported by the respondent and the finding recorded by the adjudicating authority, by a cryptic order set aside the order of the adjudicating authority and allowed the respondent's appeal. He submits that in view of the judgment of the Hon'ble Supreme Court in the case of **Asst. Commissioner, Commercial Tax Department vs. Shukla & Brothers: 2010 (254) E.L.T. 6 (S.C.)** such cryptic orders cannot be sustained.

5. We find that the respondent had imported the goods declaring the same as 'CXHDX-502 HERO5: BLACK (ASST1)(DIGITAL STILL IMAGE VIDEO CAMERA' claiming exemption under Notification No.50/2017-Cus. dated 30.06.2017

where the Notification exempts 'Digital Camera' and 'Video Camera Recorders'. After analysing the documents, technical literature, etc., the Revenue proposed reclassification of the product by issuance of show-cause notice dated 04.09.2019. The adjudicating authority referring to the technical literature and various circulars issued by the Board from time-to-time, reclassified the product under CTH 8525 8030. However, the learned Commissioner (A) without discussing any of the finding of the adjudicating authority by a cryptic order set aside the order of the adjudicating authority and allowed the appeal. We are of the view that in the absence of reasons; such order cannot be sustained in view of the principles laid down by the Hon'ble Supreme Court in the case of **Shukla & Brothers** (supra). Consequently, the impugned order is set aside and the Revenue's appeal is remanded to the learned Commissioner (A) to pass a reasoned order after providing an opportunity of hearing to the respondent. All issues are kept open and appeal is allowed by way of remand.

(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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