

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
BANGALORE**

REGIONAL BENCH - COURT NO. 2

Customs Appeal No. 22718 of 2014

(Arising out of Order-in-Original No. BLR-CUSTOM-000-COM-014-14-15 dated 30.07.2014 passed by the Commissioner of Customs, Bangalore.)

**Continental Automotive Components
(India) Pvt. Ltd.**

53b, Bommasandra Industrial Area,
Phase-1, Hosur Road, Bangalore,
Karnataka – 560 030.

.....Appellant

VERSUS

Pr. Commissioner of Customs,
Airport and Air Cargo Complex, Bangalore
Review Section, Devanahalli, Bengaluru Rural,
Karnataka – 560 300.

.....Respondent

APPEARANCE:

Ms. Purvi Asati and Mr. Ashutosh Sharma, Advocates for the Appellant
Mr. Maneesh Akhoury, Authorized Representative for the Respondent

CORAM:

HON'BLE MR. P.A. AUGUSTIAN, MEMBER (JUDICIAL)

HON'BLE MR. PULLELA NAGESWARA RAO, MEMBER (TECHNICAL)

Final Order No. 21131 /2026

Date of Hearing: 16.01.2026

Date of Decision: 15.07.2026

PER: Pullela Nageswara Rao

This appeal is filed against Order-in-Original No. BLR-CUSTOM-000-COM-014-14-15 dated 30.07.2014 passed by the Commissioner of Customs, Bangalore.

2. The issue in the present appeal is regarding classification of imported goods whether under Customs Tariff Item entry (CTI) 9013 9010 as declared by the appellant or under Customs Tariff Item (CTI) 87089900/ 87141090 as confirmed by the Revenue.

3. The brief facts are that the Appellant is *inter alia* engaged in the development and manufacture of automotive components and systems for providing modern automotive technologies to all the major automobile manufacturers (OEMs) in India. The Appellant imports 'Liquid Crystal Devices' (hereinafter referred to as the "impugned goods") through Delhi and Bangalore ports from various countries which are used in assembling "instrument clusters". These instrument cluster consists of PCB assembly, stepper motor, mask lens, bottom cover, LCD (impugned goods) and screws. These inputs/ parts are manually assembled to obtain finished goods i.e. instrument clusters. The instrument clusters are sold to OEMs for use in motorcycles and cars to indicate the speed, fuel level, temperature level, etc. The Appellant places orders for the impugned goods on the foreign supplier, depending upon the model and the type of the vehicle for which the instrument cluster is meant. The impugned goods imported are pre-etched for the display requirements of the specific model of automobiles. The impugned goods are primarily supplied by M/s. Varitronix Ltd. Hong Kong. and M/s. Truly Semi-conductors, Hong Kong based on the specifications provided by the Appellant. The Delhi Zonal Unit (DZU) of the Directorate of Revenue Intelligence (DRI) initiated an investigation into the imports made by the Appellant by searching the factory premises of the Appellant on 07.11.2013. During the course of the investigation, statements of various persons were recorded. Further, the Appellant vide letter dated 26.11.2013 submitted the details of the impugned goods for the period 15.11.2012 to 13.11.2013 and the calculation of differential duty. The Appellant also paid differential Customs duties along with interest under protest to the tune of Rs. 1,84,62,320/- (74,68,856/- on 27.11.2013 for goods imported through Bangalore port and Rs. 1,09,93,464/-on 28.11.2013 for goods imported through Delhi port) vide TR-6 challans.

4. The Appellant vide letter dated 19.12.2013 further submitted details pertaining to the impugned goods imported during the period from 01.01.2009 to 10.11.2012.

5. The Ld. Additional Director General, DRI, DZU, New Delhi issued a Show Cause Notice (SCN) dated 10.02.2014 in respect of the imports made through IGI Airport, New Delhi and Air Cargo Complex, Bangalore, proposing to reject the classification of the impugned goods adopted by the Appellant under Customs Tariff Item (CTI) 9013 8010, and re-classification of the impugned goods under Customs Tariff Item (CTI) 87089900 (in respect of LCD panels designed as parts of instrument clusters and motor cars) or 87141090 (in respect of LCD panels designed as parts of instrument clusters of Motor cycles) and consequently, proposing demand of differential duty of Rs. 5,77,42,687/- along with applicable interest under Section 28AA of the Customs Act, 1962, imposition of penalties under Section 112, 114A and 114AA, confiscation of impugned goods under Section 111(d) and 111(m) and redemption fine under Section 125 of the Customs Act, 1962. The Show cause notice (SCN) also proposed to appropriate the amount already paid by the Appellant under protest. The above demand was proposed on the ground that imported 'LCD panels' are meant for instrument clusters of motor vehicles and do not have any separate use.

6. The quantification and details of the duty demand proposed vide the show cause notice (SCN) dated 10.02.2014 is tabulated below:-

Sl. No.	Port	Number of BOEs	Assessable Value (in Rs.)	Duty Payable (in Rs.)	Duty Paid (in Rs.)	Differential duty demand (in Rs.)
1	Delhi Air Cargo	218	19,69,05,215	5,53,48,319	3,00,64,503	2,52,83,816
2	Delhi Courier	41	88,41,093	24,37,051	13,96,690	10,40,361
3	Bangalore Air Cargo and Courier	605	24,96,65,570	6,89,47,209	3,75,28,699	3,14,18,510
Total		864	45,54,11,878	12,67,32,579	6,89,89,892	5,77,42,687

7. The Ld. Commissioner of Customs, Bangalore, was appointed as the common adjudicating authority for adjudication of demand for the 3(three) Commissionerates vide the show cause notice (SCN) dated 10.02.2014.

8. The Ld. Commissioner passed the impugned Order-in-Original No.BLR-CUSTM-000-COM-014-14-15 dated 30.07.2014 confirming the proposals made in the Show cause notice (SCN) bases on the following findings:

(i) The impugned goods are customised parts of specific instrument clusters used in the manufacture of specific automobile models and are therefore "parts of automobiles" suitable for use solely or principally with the articles of Chapters 86-88 classifiable under Chapter Heading 87089900 or 87141090 (based on the vehicle for which it is designed) in terms of Section Note 3 to Section XVII;

(ii) The impugned goods do not perform a specific function and is therefore, not a device excluded from Chapter 87 in terms of Note 2(g) to Section XVII;

(iii) The Appellant has mis-declared the description of the imported goods with an intention to evade payment of appropriate duty at the time of import.

9. However, the Ld. Commissioner dropped the proposal for penalty under Section 112 and the redemption fine under Section 125 of the Customs Act. Aggrieved by the impugned order, the Appellant has filed the present appeal.

10. Learned counsel for the appellant during the hearing submits that; the impugned goods have been correctly classified by the Appellant under Chapter Heading 9013 of the Customs Tariff Act, 1975, as the goods are covered under the said heading by description. The impugned order has held that the 'LCDs' imported by the Appellant are correctly classifiable under Customs Tariff Item (CTI) 8709 9900 or

8714 9010 as the same are customised parts of specific instrument clusters used in the manufacture of specific automobile models and therefore, are parts of automobiles.

11. Learned counsel in this regard submitted that in order to classify goods under the Customs Tariff, 1985 it is imperative to scrutinize the goods in light of:

a) The General Rules of Interpretation (hereinafter referred to as "GRI") which governs the First Schedule to the Customs Tariff Act, 1975; and

b) The Explanatory Notes to the Harmonised Commodity Description and Coding System a.k.a. the Harmonised System of Nomenclature (hereinafter referred to as the "HSN") published by the World Customs Organisation;

11.1 With respect to the classification of impugned goods imported into India which are covered by the Customs Tariff, firstly, classification has to be seen as per the GRI. As per Rule 1 of the GRI, the goods under consideration should be classified in accordance with the terms of the heading or the relevant Section or Chapter Notes. It further states that in the event the goods cannot be classified solely on the basis of said Rule 1, and if the headings and legal notes do not otherwise require, the remaining Rules 2 to 6 may then be applied in a sequential order. Further, Rule 3(a) of The GRI states that a product which is capable of being classifiable under two heading shall be classified under the heading which is more specific in nature.

12. Learned counsel submits that in the present case, the LCDs imported by the Appellant are by description covered under the Chapter Heading 9013. Customs Tariff Item (CTI) 9011 8010 specifically covers all 'LCDs' within its purview by description. Thus, by application of Rule 1 of the GRI, the impugned goods are to be classifiable under Customs Tariff Item (CTI) 9013 80 10. Further, Chapter Note 2 of the Chapter 90 of the First Schedule clearly provides that those parts and accessories which are goods falling in any particular heading of this Chapter, the

general rule will not apply and said article would fall in that particular heading only. Further, by application of Rule 3(a) of the GRI, it is evident that Chapter Heading 9013 and Customs Tariff Item 90138010 covers a specific item namely 'Liquid Crystal Devices (LCD)'. It is not in dispute that the impugned goods in question are LCDs. As the description of Customs Tariff Item (CTI) 90138010 uses the word 'device', it becomes pertinent to rely on the dictionary meaning of device which states that any component which is designed for a specific purpose is a device. The impugned goods can be treated as device as they are also used for a particular purpose which is driven by a microprocessor and hence, is a device in itself. The HSN Explanatory Notes to Chapter heading 9013 describe LCD as a screen in which the liquid crystal material is sandwiched between two sheets of glass that can exhibit the data when a voltage appears across leads that are connected to the characters forming segments etched into the inner layer of the glass surface which is satisfied in the instant case.

13. Learned counsel submits that the issue pertaining to classification of similar LCDs imported by the Appellant has been decided in its favour by the decision of this Hon'ble Tribunal in **Continental Automotive Components (1) Pvt. Ltd Vs. Pr. Comm. Of Customs, Bangalore, 2021 (378) E.L.T. 215 (Tri. Bang.)**, wherein the LCDs imported by it has been held to be rightly classifiable under Customs Tariff Item (CTI) 9013 8010. Further, the appellant submits that the issue regarding classification of 'LCDs' under Customs Tariff Item (CTI) 9013 8010 has been settled time and again by several forums.

14. Learned counsel placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Secure Meters Ltd. Vs. Commissioner of Customs, New Delhi reported in 2015 (319) ELT 565 (SC)**, wherein the Hon'ble Apex Court held that the LCDs imported by the assessee were classifiable under Customs Tariff Sub-Heading (CTSH) 9013 80. The Hon'ble Apex Court held that specific descriptions in tariff headings should take precedence and that Note 2(a) of Chapter 90 was applicable, leading to the classification of LCDs under CTH 9013 80.

Further reliance is placed on the case of **Commissioner of Central Excise, Aurangabad Vs. Videocon Industries Ltd -[2023 (384) ELT 628 (SC)]** wherein the Hon'ble Apex Court held that imported LCD panels/ display boards are classifiable under sub-heading 9013 80 of Customs Tariff Act, 1975. It was held that merely because they were used as parts of television sets or audio sets, they could not be classified under Heading 85.29/ 85.19 or 85.55 especially when Note 1(m) in Chapter Heading 85 clearly excludes articles falling in Chapter 90, *ibid*. The identical issue was dealt by this Hon'ble Tribunal in the case of **CC, Cochin Vs. Amity Technopolis -2024 (390) E.L.T. 339 (Tri.Bang.)**, wherein it was held that LCD Panels are rightly classifiable under Customs Tariff Item (CTI) 9013 8010. The decision in **Videocon(supra)** was followed by the Hon'ble Apex Court in the case of **C.C.E. Vs. Samsung India Electronics Pvt. Ltd. [2023 (386) E.L.T. 641 (S.C.)]** and **M/s. Xiaomi Technology India Limited Vs. Commissioner of Customs, Bangalore [2023 (10) TMI 684 & 2023 (7) TMI 325-CESTAT Bangalore]**, to hold that that LCD Panels are rightly classifiable under Customs Tariff Item (CTI) 9013 80. Further reliance is placed on the decision of **Varroc Engineering P. Ltd. Vs. C.C. (Import), Nhava Sheva, Raigad 2019 (366) ELT 170 (Tri.-Mumbai)**, wherein the competing entries Customs Tariff Heading (CTH) 9013 and Customs Tariff Heading (CTH) 8708 were taken into consideration. It was held by the Hon'ble Tribunal that the "LCDs" are correctly classifiable under Customs Tariff Item (CTI) 9013 80 10. Thus, from the above, it is clear that the impugned goods have been correctly classified by the Appellant under Customs Tariff Item (CTI) 9013 80 10

15. Learned counsel submits that the impugned goods are not classifiable under CTI 8708 99 00 or CT1 8714 10.90. For the purpose of classifying any product as Parts and Accessories of Motor Vehicles under Chapter Heading 8708, the conditions as mentioned in Section XVII and the corresponding HSN explanatory Notes are required to be satisfied. Note 2 to Section XVII provides that the expression 'parts and accessories' would not be applicable to certain categories of goods as

mentioned in the said Note even if they are identifiable as parts/accessories of goods covered under Section XVII as, Clause (g) of Note 2 excludes articles classifiable under Chapter Heading 90 of the Customs Tariff Act, 1975 under which the rival classification in this dispute falls. The HSN explanatory notes (Part III) further provides that only those parts or accessories which satisfy all the following conditions would be covered by the Headings in Section XVII. The conditions which are required to be satisfied are as follows:-

- (a) They must not be excluded by the terms of Note 2 to Section XVII; and
- (b) They must be suitable for use solely or principally with the articles of Chapter 86 to 88; and
- (c) They must not be more specifically included elsewhere in the nomenclature.

15.1 All the three conditions cumulatively have to be satisfied for a product to be classified under Chapter Heading 8708. In the present case, the first condition itself is as the impugned goods which are being imported by the Appellant is, by description, classifiable under Chapter Heading 9013. The Appellant submit that as regard the first condition, Clause (g) of Note 2 to Section XVII specifically excludes articles classifiable under Chapter 90 from the ambit of the expression "parts and accessories". With respect to the second condition, it is not disputed even by the Appellant that the LCD panels are solely and principally used with the articles of Chapter 86 to 88. Further with respect to the third condition, that the product in question must not be more specifically included elsewhere in the nomenclature. However, in the present case impugned goods imported by the Appellant are by description specifically covered under Customs Tariff Heading (CTH) 9013. Thus, all the conditions have not been satisfied.

16. Learned counsel submits that without prejudice to the above submissions, the Ld. Commissioner has re-classified the impugned goods under two alternative headings i.e. Customs Tariff Heading (CTH)

8708/ 8714 which is vague and ambiguous. Further, in a proceeding on the identical issue against the Appellant the department vide the Order-in-Original No. 283/2009 (AC SIIB), ACC dated 12.10.2009 reclassified the LCD panels imported by the Appellant under Customs Tariff Item CTI 9029 9000 as parts of speedometer. The said order was confirmed vide Order-in-Appeal No. 141/2010 dated 30.07.20. However the said Order-in-Appeal was reversed by the decision of this Hon'ble Tribunal in **Continental Automotives**, (supra). This goes on to show that the Department itself is not sure about the correct classification of the impugned goods and have multiple views regarding the same. It is a settled law that department cannot adopt different stands on a particular issue. Reliance in this regard is placed on **Opal Exports Pvt. Ltd. v. Collector of Customs, 1992 (60) ELT 232 (Cal.)**.

17. Learned counsel submits that extended period of limitation is not invokable in the instant case as there is no suppression or mis-declaration on the part of the Appellant. The Department was aware that the Appellant is in the business of importing the impugned goods and using it its manufacturing activity. Since the question involved in the present case is purely relating to classification and interpretation of the Section Note and Chapter Notes, the allegation of suppression cannot be raised against the Appellant. Further, confiscation under Section 111(d) is liable to be set aside as the Appellant has not brought any goods which is in prohibition to the provisions of the Customs Act. Section 111(m) is also not invokable for the reason that in the Bills of Entry, the Appellant has not mis-declared any material particulars. Further, as there is no short payment of duty or incorrect/ false information submitted by the Appellant to the Department, penalty under Section 114A and/ or 114AA cannot be imposed. Further when the demand of duty in terms of Section 28 is not sustainable, the demand for interest under Section 28AA of the Customs Act, 1962 is also not sustainable.

18. Learned Counsel for the appellant during the hearing submits that the issue regarding classification of goods while considering the

issue against import made under bill of entry no. 225811 dated 22.09.2009, appellant had declared the item under Customs Tariff Item entry (CTI) 9013 9010 and goods were cleared under RMS. However Special Intelligence and investigation Branch (SIIB) took up the said bill of entry for verification and Adjudication Authority as per the Order-in-Original dated 12.10.2009 held that the goods are specially and solely meant for use in speedometer and they are not simple Liquid Crystal devices/Displays (LCDs) and reclassified the impugned goods under Customs Tariff Item entry (CTI) 90299000. In appeal, the issue was considered by this Tribunal and Vide Final Order No. 20116/2012 dated 26.04.2021 and held as under:

"3. Learned Counsel for the appellant submitted that the impugned order passed by the Commissioner is not sustainable in law as the same has been passed without properly appreciating the facts and the law. He further submitted that learned Commissioner of Customs (Appeals) has rejected the appeal of the appellant mainly relying upon the decision of the Hon'ble CESTAT, Delhi in the matter of Secure Meters Ltd. Vs Commissioner of Customs, New Delhi (2004-VIL-18-CESTAT-DEL-CU). The said decision of the Hon'ble Tribunal was challenged before the Hon'ble Supreme Court and the Hon'ble Apex Court vide its order dated 05.05.2015 in the matter of Secure Meters Ltd. vs Commissioner of Customs, New Delhi reported in 2015 (319) ELT 565 (SC) has reversed the order of the Tribunal and allowed the appeal filed by the Appellant therein and held that LCDs imported by the said Appellant were classifiable under chapter heading 9013.80 as liquid crystal devices. He further submitted that this issue is no more res integra after the decision of the Hon'ble Apex Court in the Secure Meters Ltd. case. He also submitted that LCD is used to display various information according to its application. The LCD, driven by microcontroller, is used in the instrument clusters manufactured by the appellants, which in turn displays the Main Kilometer reading, Day Trip Reading & Clock. It is his further submission that as per Rule 1 of

General Rules of Interpretation, classification shall be determined according to the terms of the heading of any relevant section or Chapter Note. It is evident that LCDs are specifically provided in Tariff Item 9013. Moreover, as per Note 2(a) attached to Chapter 90, parts and accessories, which are goods included in any of the headings of said Chapter 90 are to be classified in their respective headings and accordingly, LCDs imported by the Appellant therein classified under Chapter Heading 9013.90 not under CTH 9029.90 as parts and accessories of speedometer. He further submitted that after the decision of the Hon'ble Supreme Court in the case of Secure Meters Ltd. Vs. Commissioner of Customs, New Delhi (cited supra), similar products have been held to be classifiable under Tariff Item 9013.

5. After considering the submissions of both the parties and perusal of the material on record, we find that the appellant has imported 576 pieces of LCD modules and accordingly filed bill of entry giving the details of the same and the goods were physically examined by the officers of SIIB and the stand of the appellant from the very beginning was that as per the technical write up, which was submitted to the Department, clearly shows that these LCD are used in the instrument cluster manufacture by the appellant and which instrument cluster in turn disclosed the main kilometer reading, Day Trip reading and Clock and all these details are matched with the details in bill of entry. We also find that the original authority, in spite of technical details given by the appellant, did not seek technical opinion before passing the Order-in-Original and has also failed to explain in its Order as to why the subject goods are different from plain LCDs. We also find that the Order-in-Original was passed without issuing the SCN which is also in violation of principles of natural justice, in view of the decision in the case of Zinc Products Vs UOI, 1992 (57) ELT

222 (mad). We also find that LCDs are specifically provided in Tariff Item No. 9013 and as per Note 2(a) attached to Chapter 90, parts and accessories which are goods included in any of the Heading of the said Chapter 90 are to be classified in their respective Headings.

5.1. We also note that appellants have been earlier importing the said items and the appellants vide its letter dated 30.11.2009 informed the Customs Authorities that since April 2009, they had seven instances of import of LCD and in five of them, the item was correctly dispatched as Liquid Crystal Display and in the remaining two, though, the imported item was merely a Liquid Crystal Display which was mentioned as LCD module incorrectly and that the imported LCDs were used in the manufacture of instrument cluster and that these are not part of speedometer. We also find that the impugned order was passed mainly relying upon the decision in the case of Secure Meters (cited supra) which on appeal, the Hon'ble Apex Court has set aside the same and this issue was considered by the Division Bench of this Tribunal in the case of Varroc Engineering Pvt. Ltd. Vs. CC (Import) cited supra".

"6. We also find that this decision of the Hon'ble Apex Court has been followed by the Tribunal in number of decisions cited supra by the appellant wherein similar products have been held to be classifiable under Tariff Item 9013. By following the ratio of the Hon'ble Apex Court decision in the case of Secure Meters (cited supra) relied upon by the appellant and also considered by the Tribunal in various decisions, we are of the considered opinion that the impugned order classifying the said goods under heading 90299000 is not legally sustainable and we set aside the same by allowing the appeal of the appellant with consequential relief, if any."

19. Learned Authorized Representative (AR) for the Revenue reiterated the finding in the impugned order and submits that goods

were imported and a bill of entry under self-declaration was filed and clearance of goods was made under RMS does not amount to assessment or return of the bill of entry. In this regard, Learned AR relied on the following decisions:-

(i) IBM India (P) Ltd. - 2024 (387) E.L.T. 323 (Tri. - Bang)}

(ii) Panasonic Sales & Services India P. Ltd. - 2009 (245) E.L.T. 495 (Tri.- Mumbai)

(iii) Interglobe Aviation Ltd. - (2022 (379) E.L.T. 235 (Tri. - Bang.)

(iv) KSE Ltd. - 2017 (352) E.L.T. 46 (Tri. - Bang.)

(v) Commr. of C. Ex., Coimbatore Vs. Premier Instruments & Controls Ltd.

(vi) M/s. Dynamatic Technologies Vs. Commissioner of Customs, Bengaluru vide Final Order No. 21410 of 2025 dt. 11.09.2025

20. Heard both sides and perused the records.

21. We find that the issue regarding classification of the 'LCDs' is settled as per judgment of the Hon'ble Supreme Court in the case of **Secure Meters Ltd. Vs. Commissioner of Customs, New Delhi reported in 2015 (319) ELT 565 (SC)**, wherein the Hon'ble Apex Court held that the LCDs imported by the assessee were classifiable under Customs Tariff Sub-Heading (CTSH) 9013 80. The Hon'ble Apex Court held that specific descriptions in tariff headings should take precedence and that Note 2(a) of Chapter 90 was applicable, leading to the classification of LCDs under CTSH 9013 80. Further in the decision of **Varroc Engineering P. Ltd. Vs. C.C. (Import), Nhava Sheva, Raigad 2019 (366) ELT 170 (Tri.-Mumbai)**, the competing entries Customs Tariff Heading (CTH) 9013 and Customs Tariff Heading (CTH) 8708 were taken into consideration and it was held by the Hon'ble Tribunal that the "LCDs" are correctly classifiable under Customs Tariff Heading Item 9013 8010. Further in the case of **Commissioner of**

Central Excise, Aurangabad Vs. Videocon Industries Ltd -[2023 (384) ELT 628 (SC)] the Hon'ble Apex Court held that;

"25. The difficulty in accepting the revenue's argument, in this case, is that it jumps over interpretive instructions. One, General Note (1) states that classification has to be in consonance with terms and headings in chapter notes. Two, Rule 3(a) categorically enjoins that in regard to classification, the heading providing for a "more" specific description prevails over the general one. Three, Note 1(m) in Chapter 85 excludes the application of articles falling in Chapter 90. In this Court's opinion, this note, along with the General Note 3(a) [of the General Rules of Interpretation] that headings that are specifically provided, should be preferred over the general ones, is decisive. Thus, the revenue's contention that by virtue of Note 2(b) to Chapter 85, the goods are to be classified based on their principal or sole use is insubstantial because of the clear mandate of Note 1(m), which excludes Chapter 90 goods (which includes LCD panels). More importantly, Note 2 opens with the expression "subject to Note 1". This subordinates the entire subject matter in Note 2; it is only where the article is a "part" which acts as an accessory, that the enumerated portions of Chapter 85 come into play. Such an interpretation is plainly untenable.....

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.....

28. It is, therefore, clear that when goods are excluded from a particular chapter, the "pull in" through a note has to be narrowly construed, as otherwise, the basis of exclusion would be defeated, and the earlier note (of exclusion) rendered redundant. Finally, Secure Meters (supra) is decisive on the question that LCDs are not articles provided "more specifically in other headings", i.e., other than 90.13. Furthermore, the fact that LCDs could be used for purposes other than television sets or audio sets is also

concluded because, in that decision, its use in meters was in issue. This Court held, pertinently, as follows:

17. Keeping in mind the aforesaid nature of product in question, we revert to the tariff entries. It cannot be disputed that LCDs are specifically provided in Tariff Item 9013. The only condition is that such LCDs should not constitute "articles" provided more specifically in other headings. In the present case, it is also not in dispute that LCDs imported by the appellant did not constitute any such "article" which is more specifically provided in other headings. On the contrary, the Revenue wants to include in the same chapter i.e. Chapter 90, though under Entry 9028.90.10 as "parts and accessories". The only reason for including the goods under Chapter Heading 9028 is that the LCDs were to be used in the electricity supply meters. However, Entry 9028 does not pertain to LCDs but gas, liquid, etc. and includes electricity supply meters as well. Merely because these LCDs are to be used as parts in the said electricity supply meters, can it be said that they are to be included in Entry 9028? Here, Note 2 of this Chapter Notes becomes important since LCDs are used in the electricity supply meters only as parts thereof. Note 2(a) stipulates that parts and accessories which are goods included in the heading of the said chapter i.e. Chapter 90, are to be classified in their respective headings. Going by the plain reading of Note 2(a) it is clear that LCDs, which are goods and are used as parts in the final product mentioned in Chapter 90, namely, electricity supply meters, are to be classified in its respective heading. Respective heading, which is specifically provided is 9013.

18. It was sought to be argued by Ms. Kiran Suri that as per Note 2(b), when these LCDs are used solely for particular instrument, namely, electricity supply meter, it has to be classified with the said meter and, therefore, Chapter Entry

9028 would get attracted. However, this argument loses sight of the fact that Note 2(b) relates to "other parts and accessories", namely, it would apply to those parts and accessories for which Note 2(a) is inapplicable. Once we find that in the present case Note 2(a) squarely applies, the irresistible conclusion is that the goods will be classified in Tariff Item 9013, which is the specific heading for these goods."

29. In view of the above decisions and the foregoing reasoning, the CESTAT's reasoning and conclusions, in both cases, that the LCD sets were under Chapter 90, Entry 9013.8010, is sound and unexceptionable. Consequently, the appeals have to fail and are dismissed, without order on costs".

21.1 The decision in **Videocon(supra)** was followed by the Hon'ble Apex Court in the case of **C.C.E. Vs. Samsung India Electronics Pvt. Ltd. [2023 (386) E.L.T. 641 (S.C.)]**. Further in the case of **M/s. Xiaomi Technology India Limited Vs. Commissioner of Customs, Bangalore [2023 (10) TMI 684 & 2023 (7) TMI 325-CESTAT Bangalore]**, it is held that LCD Panels are rightly classifiable under Customs Tariff Item (CTI) 9013 80. We find that the identical issue was dealt by this Hon'ble Tribunal in the case of **CC, Cochin Vs. Amity Technopolis-2024 (390) E.L.T. 339 (Tri.Bang.)**, wherein it was held that 'LCD Panels' are rightly classifiable under Customs Tariff Item (CTI) 9013 8010. In view of the above case laws cited, it is clear that the impugned goods have been correctly classified by the Appellant under Customs Tariff Item (CTI) 9013 80 10.

22. We find that in the present case the appellant had imported Liquid Crystal Display (LCD) panels and declared the classification under Customs Tariff Item (CTI) 9013 8010, alleging that it is used for manufacture of automotive instrument clusters, allegation of misclassification was made and the goods were reclassified under Customs Tariff Item (CTI) 87089900/ 87141090. The issue was decided by the Tribunal in the case of **M/s. Varroc Engineering Pvt. Ltd.**

(supra) by following the judgment of the Hon'ble Supreme Court in the matter of **Secure Meters Ltd.** (supra). In view of the decisions of the Hon'ble Apex Court, cited supra and followed by the Tribunal the impugned goods are rightly classifiable under Customs Tariff Item (CTI) 9013 8010 and the impugned order confirming the classification of the goods under Customs Tariff Item (CTI) 87089900/ 87141090 is unsustainable, consequently, the demand of differential duty along with interest and imposition of penalties are also unsustainable.

23. In view of the above discussion the impugned order is unsustainable and liable to be set aside. Accordingly, the impugned order is set aside, and the appeal is allowed with consequential relief, if any, in accordance with law.

(Order was pronounced in open court on 15.07.2026)

(P. A. Augustian)
Member (Judicial)

(Pullela Nageswara Rao)
Member (Technical)

Sasi/hr