

**IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
SOUTH ZONAL BENCH, CHENNAI**

ST/00621/2010

[arising out of Order-in-Appeal No.236/2010, dated 24.06.2010
passed by the Commissioner of Central Excise (Appeals), Madurai]

COMMISSIONER OF CENTRAL EXCISE, TIRUNELVELI APPELLANT

Versus

M/s. TRANSWORLD GARNET INDIA PVT. LTD. RESPONDENT

Appearance:

For the Appellant Shri Arul C. Durairaj, Supdt. (AR)
For the Respondent None

CORAM:

Hon'be Smt. Archana Wadhwa, Member (Judicial)
Hon'ble Shri B. Ravichandran, Member (Technical)

Date of hearing/decision **18-12-2017**

FINAL ORDER NO. 43418/2017

Per Archana Wadhwa:

Heard the learned AR for the Revenue and none appeared for the respondent.

2. In this appeal the amount involved is less than Rs. 10,00,000/- (Rupees Ten Lakhs only). According to the instruction issued under F.No. 390/Misc./163/2010-JC dated 17.12.2015 in partial modification of the earlier instruction dt. 17/08/2011, monetary limit for filing the appeal before the Tribunal by the Revenue has been fixed at Rs. 10,00,000/- (Rupees Ten Lakhs only). Since in this appeal the amount is less than Rs. 10,00,000/- (Rupees Ten Lakhs only), the appeal has to be rejected. As regards appeals filed prior to issue of

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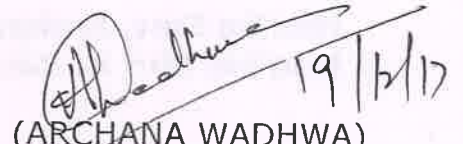
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these instructions, Hon'ble High Court of Karnataka in the case of *Commissioner of Income Tax, Bangalore Vs. Ranka & Ranka* reported in [2012 (284) E.L.T. 185 (Kar.)] has taken a view that the circular is applicable in respect of appeals filed prior to issue of instructions also. Even though, the decision relates to Income Tax, it was rendered in respect of a similar circular issued by CBDT. Further CBEC F.No.390/Misc/163/2010-JC dt. 01/01/2016 has clarified that the instructions will apply to appeals pending before High Court and CESTAT. Therefore, the appeal is liable to be rejected and is hereby rejected.

(Dictated and pronounced in open court)


(B. RAVICHANDRAN) 19/12/17
MEMBER (TECHNICAL)


(ARCHANA WADHWA)
MEMBER (JUDICIAL)

ksr
19-12-2017



प्रमाणित प्रति/Certified True Copy

31/10/18
dr सहायक पंजीकार/Asst. Registrar
सीमाशुल्क उत्पादशुल्क एवं सेवा कर
अपील अधिकारी/(CESTAT)
चेन्नै/CHENNAI