

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

REGIONAL BENCH – COURT No. III

**Customs Appeal No. 40622 of 2015**

(Arising out of Order-in-Appeal C.Cus. II No. 365/2014 dated 24.12.2014 passed by Commissioner of Customs (Appeals-II), No. 60 Rajaji Salai, Custom House, Chennai – 600 001)

**M/s. Rane TRW Steering Systems Ltd.**

**...Appellant**

Seat Belt Division, 48, TH KM,  
GST Road, NH 45,  
Singaperumal Koil,  
Chennai – 603 204.

***Versus***

**Commissioner of Customs**

**...Respondent**

Chennai II Commissionerate,  
No. 60, Custom House,  
Rajaji Salai,  
Chennai – 600 001.

**APPEARANCE:**

For the Appellant : Mr. S. Murugappan, Advocate

For the Respondent : Mr. N. Satyanarayana, Authorized Representative

**CORAM:**

**HON'BLE MR. VASA SESHAGIRI RAO, MEMBER (TECHNICAL)**

**DATE OF HEARING : 22.09.2025**

**DATE OF DECISION : 27.11.2025**

**FINAL ORDER No. 41399 / 2025**

**Order:-**

In the instant case, M/s. Rane TRW Steering Systems Ltd., Chennai (hereinafter referred to as the 'Appellant') had filed an application, dated 26.11.2013, for refund of an amount of Rs.4,84,249 under Section 27 of the Customs Act, 1962, which was paid in excess on import of one

of the components viz., Return Spring to be used in automotive seat belts under CTH 87082100 (hereinafter referred to as the 'imported goods'). The Appellant's claim for refund has come to be rejected vide Order-in-Original No.28252/14 dated 23.07.2014 wherein the Deputy Commissioner of Customs (Refunds) relying upon the case of *Priya Blue Industries Ltd v. Commissioner of Customs (Preventive)* reported in 2004 (172) E.L.T. 145 (S.C.), held that since the Appellant had not challenged the assessment order, a claim for refund would not arise. The said order was affirmed by the Commissioner (Appeals- II) vide Order-in-Appeal C.Cus II No.365/2014 dated 24.12.2014. Aggrieved by this the Appellant is in appeal before this forum.

2. The Ld. Advocate Mr. S. Murugappan has made appearance for the appellant and the Ld. Authorized Representative Mr. N. Satyanarayana represented the Department.

3. This is a case where the Appellant importer had filed the Bill of Entry No.2419981 dated 14.06.2013 for clearance of the imported goods and the same was assessed to duty with BCD @ 10% and CV duty @ 12% with other

applicable duties. Subsequently, the Appellant noticed that excess duty was paid since the import invoice issued by the overseas supplier was based on excess unit price in respect of one of the components. Without challenging the said self-assessment, the Appellant importer has filed a refund application, which was rejected after due process, is the subject matter of appeal herein.

4. The Original Authority rejected the claim on the ground that the Appellants should have challenged the assessment order under the self-assessment procedure for any modification for claiming a refund. Since no such procedure was followed, the original authority rejected the claim. The Commissioner (Appeals) followed the reasoning given by the Original Authority relying on the decision of the Hon'ble Supreme Court in the case of *Priya Blue Industries Ltd v. Commissioner of Customs (Preventive)* reported in 2004 (172) E.L.T. 145 (S.C.).

5. I find that this issue is no more *res integra* and is squarely covered by the ratio of the Hon'ble Supreme Court in *ITC Ltd v. Commissioner of Central Excise Kolkata* reported in 2019 (368) E.L.T 216 (SC), which held that assessment under

the Customs Act, 1962, would include self-assessment and an order of self-assessment is an assessment order and would be appealable. Since Appellants in the preset case have not chosen to contest its own self- assessment, which constitutes an order of assessment under the Customs Act, the question of refund in the present case would not arise.

6. In the case of *Tata Projects Limited v. Commissioner of Customs* reported in 2024 (3) TMI 1055 *CESTAT CHENNAI*, the Tribunal Chennai has held as under: -

*"10. We also consider the case of the appellant from one another angle. It appears that the differential duty arose on account of mis-match with regard to the classification of the product imported. It is the case of the appellant that the correct classification was 8480.60. But there was no request made for rectification / re-assessment, since it is the settled position of law that since acceptance of Bill of Entry is considered as self-assessment per se, the importer if aggrieved by the same, has to seek for modification / rectification / re-assessment as held by the Hon'ble Supreme Court in the case of ITC Ltd. Vs. CCE, Kolkata reported in AIR Online 2019 SC 1088 = (2019) 12 SCALE 543. The relevant portion of the said judgment is extracted for ready reference:-*

*"..... 41. It is apparent from provisions of refund that it is more or less in the nature of execution proceedings. **It is not open to the authority which processes the refund to make a fresh assessment on merits and to correct assessment on the basis of mistake or otherwise.***

*42. It was contended that no appeal lies against the order of self assessment. The provisions of Section 128 deal with appeals to the Commissioner (Appeals). Any person aggrieved by any decision or order may appeal to the Commissioner (Appeals) within 60 days. There is a provision for condonation of delay for another 30 days. The provisions of Section 128 are extracted hereunder:*

*...*

43. As the order of self-assessment is nonetheless an assessment order passed under the Act, obviously it would be appealable by any person aggrieved thereby. The expression 'Any person' is of wider amplitude. The revenue, as well as assessee, can also prefer an appeal aggrieved by an order of assessment. It is not only the order of reassessment which is appealable but the provisions of Section 128 make appealable any decision or order under the Act including that of self-assessment. The order of self assessment is an order of assessment as per section 2(2), as such, it is appealable in case any person is aggrieved by it. There is a specific provision made in Section 17 to pass a reasoned/speaking order in the situation in case on verification, self-assessment is not found to be satisfactory, an order of reassessment has to be passed under section 17(4). Section 128 has not provided for an appeal against a speaking order but against "any order" which is of wide amplitude. The reasoning employed by the High Court is that since there is no *lis*, no speaking order is passed, as such an appeal would not lie, is not sustainable in law, is contrary to what has been held by this Court in *Escorts (supra)*.

44. The provisions under section 27 cannot be invoked in the absence of amendment or modification having been made in the bill of entry on the basis of which self-assessment has been made. In other words, the order of self-assessment is required to be followed unless modified before the claim for refund is entertained under Section 27. The refund proceedings are in the nature of execution for refunding amount. It is not assessment or re assessment proceedings at all.

...

...

47. When we consider the overall effect of the provisions prior to amendment and post-amendment under Finance Act, 2011, we are of the opinion that the claim for refund cannot be entertained unless the order of assessment or self-assessment is modified in accordance with law by taking recourse to the appropriate proceedings and it would not be within the ken of Section 27 to set aside the order of self-assessment and reassess the duty for making refund; and in case any person is aggrieved by any order which would include self-assessment, he has to get the order modified under Section 128 or under other relevant provisions of the Act.

48. Resultantly, we find that the order(s) passed by Customs, Excise, and Service Tax Appellate Tribunal is to be upheld and that passed by the High Courts of Delhi and Madras to the contrary, deserves to be and are

*hereby set aside. We order accordingly. We hold that the applications for refund were not maintainable. The appeals are accordingly disposed of. Parties to bear their own costs as incurred."*

*Rather, the appellant chose to seek only the refund which according to us has rightly been rejected by the original authority.*

*11. In the light of the above discussions, we do not find any merit in the case of the appellant and consequently we dismiss the appeal."*

6. Further, the Ld. Counsel for the appellant has argued that they have submitted an application for amendment of the Bill of Entry in terms of Section 149 of the Customs Act based on the documents available before the clearance of the goods and as there is no response to their request for amendment of the Bill of Entry, the refund claim was filed. He could further submit that the amendment request for Section 149 of the Customs Act, 1962 is pending and the same needs to be considered and the refund to be sanctioned upon reassessment relying upon the decisions rendered in the cases of the *Dinesh Mills Ltd. Vs. Commissioner of Customs, Ahmedabad [2020 (372) ELT 866]*, *Usha International Ltd. Vs. Assistant Commissioner, Chennai [2019 (365) ELT 56]* and *Kirloskar Ferrous Industries Ltd. Vs. Commissioner of Custom, Mangalore [2021 (377) ELT 878]*. The facts in these cases cited are distinguishable and the ratio of Hon'ble Apex Court's decision in the case of *ITC Ltd v. Commissioner of Central Excise Kolkata* reported in 2019 (368) E.L.T 216 (SC) is binding on the Tribunal.

7. However, on perusal of the appeal records which indicates that the Bill of Entry No. 2419981 was filed on 14.06.2013 and e-payment was made on 17.06.2013. The Appellant has received supplier's Letter dated 08.07.2013 accepting the clerical error and even a credit memo was raised which was dated 08.07.2013. The Appellant's Letter addressed the assessing group indicating clerical mistake seeking amendment was dated 25.11.2013 i.e., much after elapsing of appeal period of three months from the date of assessment and payment of the Bill of Entry. The appellant's Letter dated 26.11.2013 was addressed to the Assistant Commissioner of Customs (Refunds) for refund of excess duty. On close study of Section 149 of the Customs Act, it is essential that the documentary existence should be available before the clearance of the goods. Whereas the appellant's Letter intimating the assessing group seeking amendment was dated 25.11.2013 and the supplier's Letter which was dated 08.07.2013 accepting the clerical error and issuance of the credit memo were not available before the clearance of the goods. Even the appellant has unreasonably delayed in submitting their application to the Refund Sanctioning Authority and also in filing an appeal.

8. As such, the contention of the appellant is not acceptable that refund should have been sanctioned after first allowing their request for amendment under Section 149 of the Customs Act, 1962. Acceptance of their request for an amendment in terms of Section 149 of the Customs Act, if resorted to or allowed after elapsing of the appeal period will frustrate the scheme of filing an appeal when assessment is not acceptable / to be challenged.

9. Accordingly, in view of the above, in the present case the impugned Order-in-Appeal C.Cus. II No. 365/2014 dated 24.12.2014 passed by the Commissioner (Appeals-II) is upheld and the appeal filed by the Appellant is rejected.

(Order pronounced in open court on 27.11.2025)

Sd/-

**(VASA SESHAGIRI RAO)**  
MEMBER (TECHNICAL)

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