CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

PRINCIPAL BENCH - COURT NO. 4

CUSTOMS APPEAL NO. 51277 OF 2025

(Arising out of Order-in-Appeal No. IND-EXCUS-000-APP-261-2024-25 dated 10.01.2025 passed by Commissioner (Appeals), CGST, Customs and Central Excise, Indore)

M/s Ambashakti Udyog Limited …… **Appellant**
44 & 47, Industrial Area, Banmore
District Morena, M.P.

Versus

Commissioner of CGST, Customs & Central Excise- Indore …… **Respondent**
Indore, M.P. - 452014

APPEARANCE:
NONE for the appellant
Shri Ram Parvesh Prasad, authorised representative for the department

CORUM: MR. ASHOK JINDAL, MEMBER (JUDICIAL)

DATE OF HEARING/DECISION: July 08, 2026

FINAL ORDER NO. 51157/2026

MR. ASHOK JINDAL:

The appellant is in appeal seeking refund of interest which was paid at the time of clearance of goods due to technical glitches.

2. The facts of the case are that the appellant filed various Bills of Entry in the month of March and April 2023, admittedly, dues for clearance of heavy melting scrap of iron and steel. Due to technical glitches portal was not working and the system was not corrected and the appellant got themselves registered through ICEGATE on 09.08.2023. Therefore, an order was issued dated 27.07.2023 for waiver of interest but as per para 2(e) of the said order, the appellant was required to pay duty within 03 days. The appellant paid the duty on 09.11.2023 along with interest.

Therefore, the appellant claim is that at the time of filing Bill of Entry due to technical glitches the goods could not be cleared and they could not make the payment of duty. In that circumstance, interest paid by them is to be waived. The claim of the appellant was rejected by authorities below, therefore, the appellant is in appeal before me.

3. Despite notices dated 17.02.2026, 08.04.2026, 15.05.2026 and for today, none appeared on behalf of the appellant nor any request for adjournment has been received. Therefore, appeal is taken up for consideration.

4. Learned authorised representative supported the impugned order.

5. Heard the learned authorised representative and perused the records. I find that as for Director General of System and Data Management who issued advisory dated 27.07.2023 in order to operationalise Customs (Waiver of Interest) Third Order, 2023 dated 07.04.2023 and to regularise such Bills of Entry in system for which manual out of charge was given within, it was informed that CBIC approved the following procedure:

> (a) Users need to select the unpaid challans (against those Bills of Entry, where the duty payment could not be integrated in the Customs system) and pay duty (including interest) within three days of issue of this Advisory.
>
> (b) Wherever the users are unable to view the 'Unpaid Challans', the screenshots of the same along with the date may be brought to the notice of DG Systems, who would take steps to get the challans displayed to the User in his login under "Unpaid Challans”.
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> (c) After integration of the duty payment in the Customs System, the said Bills) of Entry shall be regularised by the respective Customs formations by marking 'Out of Charge' on the System.

(d) After payment of duty (within 3 days from the Date of Removal of System Inability), integration of the duty in the Customs System and getting the Bills of Entry Out-of Charged, User can apply for refund of interest amount charged and paid, at the respective Customs formations.

(e) For the purpose of point (d) above, the 'Date of Removal of System Inability' would be taken as under:

(i) For the ICEGATE registered users whose wallets containing the released blocked funds were made accessible as on the date of this Advisory, 'Date of Removal of the System Inability' would be deemed as the date of issue of this Advisory;

For example, if the date of issue of this advisory is, say, July 27, 2023, then the user would have to pay duty along with interest by July 30, 2023. Failure to do so would make him ineligible for interest waiver by way of subsequent refund of the same in terms of the Customs (Waiver of Interest) Third Order, 2023 dated April 17, 2023.

(ii) For other ICEGATE registered users, if any, the 'Date of Removal of the System Inability' would be the date on which the wallet containing the released blocked funds would be made available. Such users would be communicated through e-mail by ICEGATE Help Desk about the removal of such System Inability.

For example, if the date on which the wallets containing the released blocked funds were made accessible is say August 01, 2023, then the user would have to pay duty along with interest by August 04, 2023. Failure to do so would make him ineligible for interest waiver and subsequent refund of the same in terms of the Customs (Waiver of Interest) Third Order, 2023 dated April 17, 2023.

(iii) For the IECs which are not yet registered at ICEGATE, the 'Date of Removal of the System Inability' would be the date on which such IECs get registered on ICEGATE and receive the communication from ICEGATE Help Desk on the registered e-mail Id of the IEC user containing the credentials for logging into the ICEGATE portal.'

6. Further, I find that the appellant themselves got registered to ICEGATE portal on 09.08.2023, therefore, in terms of para 2(e) of the advisory dated 27.07.2023 the appellant was required to make the payment within three days. But they made the payment only on 09.11.2023. In that circumstance, as appellant did not follow the advisory dated 27.07.2023, therefore, the demand of interest is rightly conferred against the appellant.

7. In view of this, I do not find any infirmity with the impugned order. As result, the appeal filed by the appellant is dismissed.

(Order pronounced and dictated in open court)

(MR. ASHOK JINDAL)
MEMBER (JUDICIAL)

Apoorva