IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL, NEW DELHI PRINCIPAL BENCH, COURT NO. III

Excise Appeal No.E/2303/2011- EX[SM]
[Arising out of Order-In-Appeal No. 189(DKV)CE/JPR-I/2011 dated 21.06.2011 passed by Commissioner (Appeals-I), Central Excise Jaipur.]

For approval and signature:
Hon'ble Mr. S.K. Mohanty, Member (Judicial)

M/s. New Field Detergents Pvt. Ltd. ...Appellant

Vs.

C.C.E., Jaipur - I …Respondent

Appearance:
Sh. Ankit Totuka, (Advocate) for the Appellant
Sh. Vaibhav Bhatnagar (AR) appeared for the Respondent

CORAM:
Hon'ble Mr. S.K. Mohanty, Member (Judicial)

Date of Hearing/ Decision. 28.03.2016

Final Order No 56446 /2016

Per S K Mohanty

This appeal is directed against the impugned order dated 21.06.2011 passed by the Commissioner, Customs and Central Excise (Appeals-I), Jaipur. Brief facts of the case are that the Department initiated Show Cause proceedings against the appellant on the basis of verification of record vis-a-vis the availability of goods in the factory. The Department detected that the appellant had not properly accounted for the manufactured goods in the Daily Stock Account i.e. RG-I register. It is also observed that there is shortage/ excess of finished goods and raw material as compared to the accounts maintained by the appellant. The SCN was adjudicating vide order dated 10.01.2011, wherein the seized goods were confiscated and option was given to the appellant to redeem the same on payment of redemption file of Rs. 20,000/-. Further, Central Excise Duty demand of Rs. 45,207/- was confirmed against the clandestine clearance of the finished goods and raw material along with the interest. Besides, equal amount of penalty of Rs. 45,207/- was imposed on the appellant under Section 11AC of the Central Excise Act, 1944. Appeal filed against the adjudication order was upheld by the ld. Commissioner (Appeals) vide impugned order dated 21.06.2011. Hence the appellant is before the Tribunal.

2. Heard both sides and perused the case records.

3. On perusal of the case records, I find that the appellant has not furnished any justifiable reason to negate the case of Revenue that the goods were not

clandestinely removed from the factory without payment of Central Excise duty. Further, the appellant has also not furnished any valid reason for non maintenance of its statutory records properly. Thus, I am of the view that the duty demand confirmed by the authorities below and imposition of penalty are in conformity with the statutory provisions. However, considering the fact that duty demand on the excess/ shortage in goods was confirmed, imposition of redemption file of Rs. 20,000/- on the seized goods valued at Rs. 62,581/- is in the higher side, which can be reduced in the interest of justice. Thus, the redemption file is reduced from Rs. 20,000/- to Rs. 5,000/-.

4. The appeal is disposed of in above terms.

(Operative Portion pronounced in open court)

(S. K. Mohanty)
Member(Judicial)

Sakshi