**IN THE CUSTOMS, EXCISE & SERVICE TAX**
**APPELLATE TRIBUNAL**
**West Block No. 2, R.K. Puram, New Delhi – 110 066.**

**Date of Hearing/Order: 7.2.2018**

## Appeal No. E/51875/2017-SM

(Arising out of Order-in-Appeal No. 291/CE/DLH/2017 dated 1.11.2017 passed by Commissioner , Central Excise (Appeals), New Delhi)

M/s Tefon Appliances Pvt. Ltd. Appellant

Vs.

CGST,CC & CE, Delhi-I Respondent

**Appearance**

Shri Jitendra Singh, Advocate - for the appellant

Shri G.R. Singh, D.R. - for the respondent

**CORAM: Hon'ble Mr. Ashok Jindal, Member (Judicial)**

## Final Order No. 50553/2018

**Per Ashok Jindal:**

The appellant is in appeal against the impugned order wherein redemption fine has been imposed on the finished goods as well as on the raw material on which no Cenvat credit taken by the appellant.

2. Heard both sides.

3. Considering the fact that it is fact on record that on raw material, the appellant has not taken any Cenvat credit. Therefore, on raw material no redemption fine can be imposed as held by the Hon'ble Punjab & Haryana high Court in the case of ***CCE Vs.***

***Annapurna Impex Pvt. Ltd.*** - 2009 (244) ELT 35 (P&H). In that circumstances, I hold that on raw material, no redemption fine is imposable.

4. With regard to confiscation of finished goods, it is an admitted fact of clandestine clearance of goods, therefore, redemption fine is rightly imposed on the appellant. As the appellant is engaged in the activity of clandestine manufacture and clearance and without maintaining the record, therefore, no leniency is required for the appellant for reduction or redemption fine on finished goods.

5. In these sets of facts, appeal is disposed of.

(Dictated & pronounced in open Court)

(Ashok Jindal)
Member (Judicial)

RM