

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL  
HYDERABAD**

REGIONAL BENCH - COURT NO. - I

**Customs Appeal No. 2619 of 2012**

(Arising out of **Order-in-Appeal** No.51/2012-VCH dated 26.07.2012 passed by Commissioner of Customs, Central Excise & Service Tax (Appeals), Visakhapatnam)

**M/s Hindustan Zinc Ltd.,**

Zinc Smelter Po,  
Visakhapatnam Dist,  
Andhra Pradesh - 530 015.

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**APPELLANT**

*VERSUS*

**Commissioner of Central Tax**

**Visakhapatnam - I**

Central Excise Building,  
Port Area, 4<sup>th</sup> Floor,  
Customs House, Port Area,  
Visakhapatnam,  
Andhra Pradesh - 530 035.

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**RESPONDENT**

**APPEARANCE:**

None for the Appellant.

Shri K. Sreenivasa Reddy, Authorized Representative for the Respondent.

**CORAM: HON'BLE Mr. A.K. JYOTISHI, MEMBER (TECHNICAL)**

**HON'BLE Mr. ANGAD PRASAD, MEMBER (JUDICIAL)**

**FINAL ORDER No. A/30564/2025**

Date of Hearing: 01.12.2025

Date of Decision: 01.12.2025

**[ORDER PER: A.K. JYOTISHI]**

Nobody appeared on behalf of the appellant. We note that this is an old matter and no further adjournment can be allowed. Accordingly, we proceed to decide the matter based on the record as well as submissions made by the Department.

2. The short question for determination is whether the interest demanded by the Department in respect of separate set of Bill of Entries can be adjusted through the excess payment made in respect of another Bill of Entry on finalization of provisional assessment.

3. Learned AR points out that in this case 4 Bill of Entries were filed for import of Zinc and duty was paid provisionally. Subsequently, on finalization of provisional assessment, Department noticed certain excess payment as well as short payment, as detailed in para 5.3 of the impugned order, while Department agreed to give refund in respect of excess payment as per the provision under the Ac, in so far as the payment of interest on short payment

of duty, it was confirmed and required to be paid by the appellant. This amount was adjusted against the amount of refund sanctioned.

4. Appellant's main contention is that since they had paid excess duty in one Bill of Entry, the same should have adjusted and only thereafter, the interest should have been collected whereby the amount of interest demanded by them would have come down.

5. We find that in this case, admittedly 4 different Bill of Entries are involved and for each Bill of Entry, while assessing finally, Department has noted certain excess as well as short payments and thereafter for the same either refund has been allowed or demand has been made. The issue is that whether the interest in respect of short payment was to be adjusted against the excess payment already made in respect of another Bill of Entry or was to be paid by the appellant separately. We find that since all these 4 Bill of Entries are independent, their assessment would have been independent and for each Bill of Entry separate calculation would be required leading to either refund or demand. The interest is also required to be computed independently for short paid duty. Therefore, question of adjustment across Bill of Entry is not possible as separate mechanism for calculation of interest on short paid duty as well as refund of excess payment exist in Statute. In view of the same, we do not find any merit in the appeal filed by the appellant against the Order -in-Appeal which upheld the Order -in-Original dated 29.12.2011.

6. Appeal dismissed.

(Dictated and pronounced in open court)

**(A.K. JYOTISHI)**  
**MEMBER (TECHNICAL)**

**(ANGAD PRASAD)**  
**MEMBER (JUDICIAL)**