

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL, KOLKATA**

REGIONAL BENCH – COURT NO.2

Excise Appeal No. 76734 of 2016

(Arising out of Order-in-Original No. DGR-EXCUS-000-COM-004-16-17 dated 31st May 2016 passed by Commissioner of Central Excise & Service Tax & Customs, Durgapur)

Shri Avinash Prakash Singh,
C/o. M/s. Cosmic Ferro Alloys Ltd.,
(Vill + P. O. Ghutgoria, Barjora, Bankura, W. B.)

Appellant

VERSUS

Commr. of Central Excise & Service Tax, Durgapur
(Satyajit Roy Sarani, City Centre, Durgapur-713216, Dist. Burdwan, West Bengal)

Respondent

APPEARANCE :

None for the Appellant
Shri Debapriya Sue, Authorized Representative for the Respondent

CORAM:
HON'BLE MR. R. MURALIDHAR, MEMBER (JUDICIAL)
HON'BLE MR. RAJEEV TANDON, MEMBER (TECHNICAL)

FINAL ORDER No. 76704/2025

Date of Hearing : 4th July 2025
Date of Decision : 4th July 2025

PER R. MURALIDHAR

We have been informed that the main appellant M/s. Cosmic Ferro Alloys Ltd. who has filed appeal No. E/76733/2016, has undergone the NCLT proceedings and Resolution Professional has also been appointed and that appeal was dismissed by the Tribunal.

2. The present appellant, Sri Avinash Prakash Singh is Authorized Signatory of the appellant who has been imposed with the penalty of Rs. 15 Lakhs. The NCLT Order protects the Company. It does not protect the Authorized Signatory who is the appellant before us. In the interest of justice, we take the view that the amount of Rs. 1,12,500/- paid as pre-deposit would be sufficient penalty on the appellant.

Accordingly, we modify the imposed penalty of Rs. 15 Lakhs to 1,12,500/- which is to be adjusted against the pre-deposit already made by the appellant.

2. The appeal stands disposed of as per the above terms.

(Dictated and pronounced in the open court.)

Sd/-
(Rajeev Tandon)
Member (Technical)

Sd/-
(R. Muralidhar)
Member (Judicial)

Pooja