CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL MUMBAI

REGIONAL BENCH - COURT NO. I

Customs Cross-Objection No. 85422 of 2022
In
Custom Appeal No. 85386 of 2022

(Arising out of Order-in-Appeal No.MUM-CUSTM-APSC-APP-1074 & 1075/2021-22 dated 17.11.2021 passed by the Commissioner of Customs (Appeals), Mumbai Zone-III)

Commissioner of Customs **.... Appellant**
Air Special Cargo, Mumbai
6th Floor, Awas Corporate Point,
Makwana Lane, Andheri Kurla Road,
Behind S.M. Centre, Andheri East,
Air Cargo Complex, Sahar, Mumbai – 400 059.

Versus

Opulent Jewel Pvt. Ltd. **.... Respondent**
202-B, Kohli House, Dr. D.D. Sathe Marg,
Opera House, Mumbai 400 004.

APPEARANCE:

Shri Krishna Azad, Authorized Representative for the Appellant
None for the Respondent

CORAM:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)
HON'BLE MR. M.M. PARTHIBAN, MEMBER (TECHNICAL)

FINAL ORDER NO. A/85311/2026

Date of Hearing: 13.02.2026
Date of Decision: 13.02.2026

Per: S.K. MOHANTY

Heard both sides and perused the case records.

2. Feeling aggrieved with the impugned order 17.11.2021 passed by the learned Commissioner of Customs (Appeals), Mumbai Zone-III, Revenue has preferred this appeal before the Tribunal. The amount involved in the impugned proceedings is Rs.5,00,000/-.

3. Insofar as the monetary limit for filing of appeal before the Appellate Tribunal is concerned, by deriving the powers conferred in Section 131BA

of the Customs Act, 1962, the Central Board of Indirect Taxes and Customs (CBIC) has issued the instructions, from time to time, with the objective in reduction of the Government litigation in the area of Customs. In the latest instruction issued by the CBIC from file F. No. 390/Misc/30/2023-JC dated 02.11.2023, the threshold monetary limit of Rs. 50 lakhs has been prescribed, below which the appeal shall not be filed before the CESTAT. Though at paragraph 2 in the said instructions dated 02.11.2023, there is specific mention of agitating the matter before the Appellate Forum, irrespective of the involvement of the amount on certain issues, but the issue categorized therein are not confirming to the present appeal filed by the Revenue inasmuch as confirmation of penalty imposed under Section 112(a) of the Customs Act, 1962 is the subject matter of present dispute. Hence, the appeal can be disposed of in terms of the litigation policy formulated by the Government.

4. Considering the disputed amount of penalty involved in the present appeal filed by Revenue, being only Rs.5,00,000/-, which is below the prescribed threshold limit as per the Instruction dated 02.11.2023, the appeal filed by Revenue in our considered view, is liable to be dismissed. Accordingly, the appeal filed by Revenue is dismissed under the Litigation Policy of the Government. Cross-objection filed by respondent stands disposed of.

(Dictated and pronounced in open court)

(S.K. Mohanty)
Member (Judicial)

(M.M. Parthiban)
Member (Technical)

SM