

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
MUMBAI**

REGIONAL BENCH - COURT NO. I

Custom Appeal No. 87303 of 2019

[Arising out of Order-in-Appeal No.574 (Gr.VI)/2019 (JNCH)/Appeal-II dated 28.03.2019 passed by the Commissioner of Customs (Appeals), JNCH, Nhava Sheva, Mumbai-II.]

Commissioner of Customs, Nhava Sheva-III

JNPT, Customs House, Nhava Sheva,
Raigad, Maharashtra – 400 707.

.... Appellant

Versus

M/s. Hem Trading Company

Shop No.4 Om Sai Co-Op Housing Society,
52 Hectors Expn. Area, GIDC, Umbergaon,
Gujarat.

.... Respondent

APPEARANCE:

Shri C. S. Vinod, Authorized Representative for the Appellants
None for the Respondents

CORAM:

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

HON'BLE MR. M.M. PARTHIBAN, MEMBER (TECHNICAL)

FINAL ORDER NO. A/85310/2026

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 28.03.2019 passed by the learned Commissioner of Customs (Appeals), JNCH, Nhava Sheva, Mumbai-II, Revenue has preferred this appeal before the Tribunal. The amount involved in the impugned proceedings is Rs.20,44,727/-.

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 differential Customs duty in denying the notification benefits 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 customs duty involved in the present appeal filed by Revenue, being only Rs.20,44,727/- 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.

(Dictated and pronounced in open court)

(S.K. Mohanty)
Member (Judicial)

(M.M. Parthiban)
Member (Technical)