CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL MUMBAI

REGIONAL BENCH - COURT NO. I

Customs Cross-Objection No.85541 of 2024
In
Customs Appeal No. 87225 of 2023

[Arising out of Order-in-Appeal No.708(Gr.VA)/2023(JNCH)/Appeals dated 12.07.2023 passed by Commissioner of Customs (Appeals), Mumbai-II]

Commissioner of Customs, Nhava Sheva-V **.... Appellant**
JNPT, Custom House, Nhava Sheva, Raigad,
Maharashtra – 400 707.

Versus

M/s Panasonic Energy India Co. Ltd. **.... Respondent**
Plot No. 112. Sector-III, Industrial Area, Pithampur,
Dist. – Dhar, Madhya Pradesh – 454 774.

APPEARANCE:

Shri Ram Kumar, Authorized Representative for the Appellant

Shri Kailash Chandrakala, Consultant for the Respondent

CORAM:

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

FINAL ORDER NO. A/85332/2026

Date of Hearing: 18.02.2026
Date of Decision: 18.02.2026

PER: S.K. MOHANTY

Heard both sides and perused the case records.

2. Feeling aggrieved with the impugned order 12.07.2023 passed by the learned Commissioner of Customs (Appeals), Mumbai-II, Revenue has preferred this appeal before the Tribunal. The amount of penalty imposed by the original authority under Section 112(a) of the Customs Act, 1962 was to the tune of Rs. 4,00,000/-.

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 imposition of penalty under Section 112(a) of the Act of 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. 4,00,000/-, 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 stands disposed of.

(Dictated and pronounced in open court)

(S.K. Mohanty)
Member (Judicial)

(M.M. Parthiban)
Member (Technical)

SM