HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Central/Excise Appeal No. 2/2026

Man Industrial Corporation

----Appellant

Versus

Commissioner of CGST & Central Excise

----Respondent

For Appellant(s) : Mr. Siddharth Ranka along with Ms. Apeksha Bapna

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HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

16/03/2026

1. Learned counsel for the appellant relies on the judgment passed by Co-ordinate Bench of this Court in "**Union of India vs. AK Spintex Ltd."**, (2008) SCC OnLine Raj 381, and submits that there was no unjust enrichment, as the duty burden was not passed on to the buyer-National Engineering Industries Ltd. (NEI) to issue a debit note.

2. In view thereto, learned counsel submits that the law laid down in "**Mafatlal Industries Ltd. & Ors. vs. Union of India"** (1997)5 SCC 536, would not apply as the petitioner would be entitled to the refund.

3. Admit.

4. Following substantial questions of law arises for consideration before this Court:

> "*I. Whether the Ld. Tribunal is correct in law in holding that the incidence of duty has been passed on to customers in spite of the fact that the buyer has issued a debit note for the same amount of*

excise duty which was paid under protest by the appellant?

III. Whether transfer of refund amount to the Consumer Welfare Fund in terms of Section 12C of the Central Excise Act is justified when on merits the issue is decided in favour of the appellant and the refund is to be sanctioned to either appellant and the refund is to be sanctioned to either appellant or the buyer in terms of Section 11B of the Central Excise Act?"

5. Issue notice to respondent(s), returnable within six weeks.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACTING CJ

DEEPTA ARORA /8