

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2840/2005

COMMNR. OF CENTRAL EXCISE, CHANDIGARH

Appellant(s)

VERSUS

M/S. OSWAL YARNS LTD.

Respondent(s)

(with appln. For c/d in filing appeal and office report)

WITH

C.A. No. 8528/2003

(With Office Report)

Date : 08/05/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Yashank Adhyaru, Sr. Adv.  
Ms. Nisha Bagchi, Adv.  
Ms. Aruna Gupta, Adv.  
Ms. Sujeeta Srivastava, Adv.  
Ms. Pooja Sharma, Adv.  
Mr. B. Krishna Prasad, Adv.

Mr. Balbir Singh, Adv.  
Mr. Rupinder S., Adv.  
Mr. Krishna Kumar R.S., Adv.  
Mr. Rajesh Kumar, Adv.

For Respondent(s) Mr. Balbir Singh, Adv.  
Mr. Rupinder S., Adv.  
Mr. Krishna Kumar R.S., Adv.  
Mr. Rajesh Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

(SUMAN WADHWA)  
AR-cum-PS

(SUMAN JAIN)  
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2840 OF 2005

Commnr. Of Central Excise, Chandigarh Appellant(s)

VERSUS

M/s. Oswal Yarns Ltd. Respondent(s)

WITH

CIVIL APPEAL NO. 8528 OF 2003

O R D E R

After going through the order of the tribunal we find that the Tribunal has come to the right conclusion that the goods in question, viz., manufacturing yarn out of synthetic waste, rags, silk waste and wool waste are subject to levy of excise duty under entry 5509.90. We are also of the view that the extended period of limitation was rightly invoked. Therefore, we do not find any merit in the appeal preferred by the assessee.

Tribunal has reduced the amount of demand of Rs. 26,35,780/- as contained in the order of the Commissioner to Rs.7,28,540/- on the ground that the period prior to 26.5.1995 could not be taken into consideration. The Tribunal has given valid reasons for this conclusion. Thus,

the appeal of the Revenue also, challenging this part of the order, is dismissed.

Accordingly, both the appeals are dismissed.

.....J.  
(A.K.SIKRI)

.....J.  
(ROHINTON FALI NARIMAN)

New Delhi;  
Date: 8.5.2015.