

ITEM NO.124

COURT NO.6

SECTION XVII-A

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 SCivil Appeal No.7241/2012

COMMR.OF CUSTOMS (IMP)

Appellant(s)

VERSUS

M/S STONEMANN ROYALE LTD.

Respondent(s)

Date : 30-10-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) :

Mr. Raghavendra P Shankar, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Navanjay Mahapatra, Adv.
Mr. Sarthak Karol, Adv.
Ms. Priyanka Terdal, Adv.
Mr. Karan Lahiri, Adv.

For Respondent(s) :

Mr. Jay Savla, Sr. Adv.
Ms. Renuka Sahu, Adv.
Ms. K. Enatoli Sema, AOR
Mr. Shivam Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Raghavendra P Shankar, the learned Additional Solicitor General appearing for the appellant - Revenue and Mr. Jay Savla, the learned Senior counsel appearing for the respondent - assessee.
2. This litigation has something to do with the valuation of import under the Customs Act, 1962. The Commissioner of Customs (Appeals) as well as the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) held in favour of the respondent - assessee holding that the "transaction value" declared by the importer was the correct value. The Department says that the contract price is lower than the available higher contemporaneous price and,

therefore, the "transaction value" declared by the respondent - importer should not be accepted and the value of goods should be enhanced to USD 50 per Sq.M. by applying Rule 4 of the Customs Valuation (Determination of Value of Imported Goods), 2007 and the goods be assessed to duty accordingly.

3. It appears that vide order dated 18-6-2010, the matter was placed before the Policy Relaxation Committee of DGFT in terms of Section 16 of the Foreign Trade (Development and Regulation) Act, 1992. The DGFT allowed the respondent to import the balance quantities under the contract without floor price restriction exercised vide Notification dated 16-9-2008.

4. Today, when the matter was taken up for hearing, the learned Senior counsel appearing for the respondent - assessee submitted that his client was to import the balance quantity within 15 months of the Order of Policy Relaxation Committee. However, the balance quantity has not been imported and no further revenue is involved.

5. Mr. Raghavendra P. Shankar would like to take appropriate instructions from the concerned Department as regards the Statement made today before us by the learned Senior counsel appearing for the respondent - assessee. According to him, if it is true that there has been no further import, then the Court need not adjudicate this appeal on merits.

6. Let appropriate instructions be taken in this regard.

7. Put it up after four weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)