

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.5032 OF 2009**

**M/S. D.N.H. SPINNERS**

**APPELLANT(S)**

**VERSUS**

**COMMISSIONER OF CENTRAL EXCISE, VAPI**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. 2680 OF 2011**

**CIVIL APPEAL NO. 2910 OF 2011**

**CIVIL APPEAL NO. 14085 OF 2015**

**J U D G M E N T**

**NAGARATHNA, J.**

**C.A.NO.5032 OF 2009 AND C.A.NO.2680 OF 2011:**

We have heard Sri Arjit Prasad, learned senior counsel for the appellants, and Sri Shiva Shankar.G, learned counsel for the respondent-Department at length.

We have also perused the impugned orders as well as the show cause notice issued to the appellant and the reply given thereto.

We have considered the Notification No.29/2004-CE dated 09.07.2004 as amended in respect of Partially Texturised Yarn (PTY) bought out Partially Oriented Yarn (POY), the relevant entry of which is produced below:

Sl. No.	Chapter of heading No. of sub-heading No.	Description of goods	Rate under the first schedule
		<p>All filament yarns procured from outside and subjected to any process by a manufacturer who does not have the facilities in his factory (including plant and equipment) for the manufacture of filament yarns of Chapter 54.</p> <p>Explanation - for the purpose of this exemption, manufacture of yarns' means manufacture of filaments of organic polymers produced by:-</p> <p>a) polymerization of organic monomers, such as, polyamides, polyester, polyurethanes or polyvinyl derivatives; or</p> <p>b) chemical transformation of natural organic polymers (cellulose, casein, proteins or algae), such as, viscose rayon, cellulose acetate, cupro or aiginates.</p>	

On a consideration of the above, we find that the appellants herein are purchasing filament yarn as such or organic polymers (PET Chips) and processing it to make "textured yarn". Consequently, the process involved in the instant case does not amount to manufacture of "filament yarn." In the circumstances, the appellants are not entitled to the benefit of a concessional excise duty at 8%.

We therefore do not find any reason to interfere with the orders passed by the appellate tribunal.

Hence, the appeals are dismissed.

Pending application(s), if any, shall stand disposed of.

C.A.NO.2910 OF 2011 AND C.A.NO.14085 OF 2015:

It is noted that the impugned orders of the appellate tribunal have followed the decisions taken in *M/s.DNH Spinners Limited vs. Commissioner Of Central Excise (Civil Appeal No(s).5032 Of 2009)*.

The appeals filed by *M/s.DNH Spinners Limited vs. Commissioner Of Central Excise (Civil Appeal No(s).5032 Of 2009)* have been heard and dismissed by us as above.

Consequently, these appeals also stand dismissed.

Pending application(s), if any, shall stand disposed of.

....., J  
(B.V.NAGARATHNA)

....., J  
(R. MAHADEVAN)

NEW DELHI;  
SEPTEMBER 18, 2025

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S).5032/2009

M/S. D.N.H. SPINNERS

APPELLANT(S)

VERSUS

COMMISSIONER OF CENTRAL EXCISE VAPI

RESPONDENT(S)

(FOR STAY APPLICATION ON IA 1/2009 FOR ON IA 57896/2009  
IA NO. 57896/2009 - PERMISSION TO TAKE ON RECORD ADDL. DOCS.  
IA NO. 1/2009 - STAY APPLICATION)

WITH

C.A. NO. 2910/2011 (III)

C.A. NO. 2680/2011 (III)

(FOR EX-PARTE STAY ON IA 1/2011  
FOR [PERMISSION TO FILE ANNEXURES] ON IA 3/2011  
FOR ON IA 41845/2011  
IA NO. 41845/2011 - APP. OF PRODUCINT ADDL. DOCS.  
IA NO. 1/2011 - EX-PARTE STAY  
IA NO. 3/2011 - PERMISSION TO FILE ANNEXURES)

C.A. NO. 14085/2015 (III)

Date : 18-09-2025 These matters were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Arijit Prasad, Sr. Adv.  
Mr. Sanjeev Bansal, Adv.  
Mr. Subhash Chandra, Adv.  
Mr. Anil K. Sharma, Adv.  
Ms. Anshu Tyagi, Adv.  
Mrs. Shefali Jain, Adv.  
Mr. Siddharth Singh, Adv.  
Mr. Manish Das, Adv.  
Mr. Viplav Kumar Singh, Adv.  
Mr. Brijesh Kumar Yadav, Adv.  
Mr. Mahendra Kumar Jain, Adv.  
Mr. Rajeev Kumar Bansal, AOR

Ms. Rukhsana Choudhury, AOR  
Mr. Subrata Chakraborty, Adv.  
Ms. Shumaila, Adv.  
Mr. Rajeev Waglay, Adv.

Mr. Arijit Prasad, SR. Adv.  
Mr. Deepak Kumar, Adv.  
Mr. Ankita Singh, Adv.  
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For Respondent(s) : Mr. B. Krishna Prasad, AOR

Mr. Shivshankar.G, Adv.

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Mr. Gurmeet Singh Makker, AOR  
Mr. V C Bharathi, Adv.  
Ms. Vishakha, Adv.  
Mr. Udai Khanna, Adv.  
Mr. Padmesh Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Appeals are dismissed in terms of the signed  
judgment, which is placed on file.

Pending application(s), if any, shall stand  
disposed of.

(B. LAKSHMI MANIKYA VALLI)  
COURT MASTER (SH)

(DIVYA BABBAR)  
COURT MASTER (NSH)