

F.NO 385/2/99-JC
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 18th January, 2000

Subject: Small scale exemption - Notification No. 175/86-CE - Brand name - already affixed on raw material received - exemption available

It is directed to enclose a copy of Supreme Court Judgement dt. 24.9.99 in the case of M/s Vimal Printery and others. As is evident from the judgement our civil appeal No. D. No. 8814/99 has been dismissed on the ground of delay as well as on merit. The issue involved in this case was whether the party is entitled to the benefit of exemption notification for small scale industry under Notification No. 175/86 dt. 1.3.86 on the grounds that the raw material namely "duplex board" supplied by M/s ITC Ltd. already contained their house mark "ITC" on the inner flap. The Tribunal had decided the case in favour of the party vide above mentioned CEGAT Order observing that the appellants are not putting the trade name or brand name on the goods and that they are receiving the goods for processing with the sample "ITC" already affixed on the duplex board. The Tribunal after examining para 7 of the Not. No. 175/86 has held, that in such circumstances, para 7 of the Not. Is not attracted and the benefit can not be denied. The said CEGAT order stands confirmed by the enclosed Hon'ble Supreme Court judgement.

A copy of the judgement is enclosed for information so that unnecessary litigation in past cases is avoided-accepting the ratio of CEGAT judgement in this case.

Enclosure

Copy of the Supreme Court Judgement

In the Supreme Court of India

Civil Appellate Jurisdiction

Civil Appeal No. of 1999

(D. No. 8814/99)

Collector of Central Excise, VadodaraAppellant

VERSUS

M/s Vimal Printery & Ors.Respondents

ORDER

This appeal is dismissed on the ground of delay as well as on merits.

Sd/-
(B.N. Kirpal)

New Delhi,

September 24, 1999

Sd/-

(S. Rajendra Babu)