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### ः : आयुक्तः (अपील्स) का कार्यालय , वस्तु एवं सेवा करऔर केन्द्रीय उत्पाद शुल्कःः O/O THE COMMISSIONER (APPEALS), GST & CENTRAL EXCISE,

द्वितीय तल, जी एस टी भवन / 2nd Floor, GST Bhavan, रेस कोर्स रिंग रोड, / Race Course Ring Road,

<u>राजकोट / Rajkot - 360 001</u>

Tele Fax No. 0281 - 2477952/2441142Email: commrappl3-cexamd@nic.in



रजिस्टर्डडाकए.डी. द्वारा :-

DIN-20230264SX000000E200

अपील / फाइलसंख्या/ Appeal /File No.

GAPPL/COM/CEXP/265&266/2022

मुलआदेशसं /

79 & 80/AC/NS/2021-22

दिनांक/ Date

12-04-2022

अपील आदेशं संख्या(Order-In-Appeal No.): ख

# RAJ-EXCUS-000-APP-019 TO 020-2023

आदेश का दिनांक /

31.01.2023

जारी करने की तारीख / Date of issue:

06.02.2023

Date of Order:

श्री शिव प्रताप सिंह, आयुक्त (अपील्स), राजकोट द्वारा पारित /

Passed by Shri Shiv Pratap Singh, Commissioner (Appeals), Rajkot.

अपर आयुक्त / संयुक्त आयुक्त / उपायुक्त / सहायक आयुक्त , केन्द्रीय उत्पाद शुल्क / सेवाकर /वस्तु एवंसेवाकर , राजकोट / जामनगर / गांधीधाम। द्वारा उपरलिखित जारी मूल आदेश से सृजित: / Arising out of above mentioned OIO issued by Additional/Joint/Deputy/Assistant Commissioner, Central Excise/ST / GST, Rajkot / Jamnagar / Gandhidham:

अपीलकर्ता के प्रतिवादी का नाम एवं पता / Name & Address of the Appellant & Respondent :-

## M/s. H.T.C. Diesel Engines Pvt. Ltd., Plot No. G-1101, Gate No. 3, GIDC Lodhika (Metoda), Kalawad Road, Rajkot-360021.

इस आदेश(अपील) से व्यथित कोई व्यक्ति निम्नलिखित तरीके में उपयुक्त प्राधिकारी / प्राधिकरण के समक्ष अपील दायर कर सकता है। / Any person aggrieved by this Order-in-Appeal may file an appeal to the appropriate authority in the following way.

सीमा शुल्क , केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण के प्रति अपील,केन्द्रीय उत्पाद शुल्क अधिनियम , 1944 की धारा 35B के अंतर्गत एवं वित्त अधिनियम, 1994 की धारा 86 के अंतर्गत निम्नलिखि+त जगह की जा सकती है।/ Appeal to Customs, Excise & Service Tax Appellate Tribunal under Section 35B of CEA, 1944 / Under Section 86 of the Finance Act, 1994 an appeal lies to: (A)

वर्गीकरण मूल्यांकन से सम्बन्धित सभी मामले सीमा शुल्क, केन्द्रीय उत्पादन शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण की विशेष पीठ, वेस्ट,ब्लॉक नं 2, आर॰ के॰ पुरम, नई दिल्ली, को की जानी चाहिए।/

The special bench of Customs, Excise & Service Tax Appellate Tribunal of West Block No. 2, R.K. Puram, New Delhi in all matters relating to classification and valuation.

उपरोक्त परिच्छेद 1(a) में बताए गए अपीलों के अलावा शेष सभी अपीलें सीमा शुल्क,केंद्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण (सिस्टेट) की पश्चिम क्षेत्रीय पीठिका, ,द्वितीय तल, बहुमाली भवन असार्वा अहमदाबाद- ३८००१६को की जानी चाहिए।/ (ii) To the West regional bench of Customs, Excise & Service Tax Appellate Tribunal (CESTAT) at, 2<sup>nd</sup> Floor, Bhaumali Bhawan, Asarwa Ahmedabad-380016in case of appeals other than as mentioned in para-1(a) above

अपीलीय न्यायाधिकरण के समक्ष अपील प्रस्तुत करने के लिए केन्द्रीय उत्पाद शुल्क (अपील) नियमावली, 2001, के नियम 6 के अंतर्गत निर्धारित किए गये प्रपत्न EA-3 को चार प्रतियों में दर्ज किया जाना चाहिए। इनमें से कम से कम एक प्रति के साथ, जहां उत्पाद शुल्क की माँग , ज्याज की माँग और लगाया गया जुर्माना, रुपए 5 लाख या उससे कम 5 लाख रुपए या 50 लाख रुपए तक अथवा 50 लाख रुपए से अधिक हैं तो क्रमशः 1,000/- रुपये, 5,000/- रुपये अथवा 10,000/- रुपये का निर्धारित जमा शुल्क की प्रति संलग्न करें। निर्धारित शुल्क का मुगतान, संबधित अपीलीय न्यायाधिकरण की शाखा के सहायक रिजस्टार के नाम से किसी भी सार्वीजनक क्षेत्र के बक्त द्वारा जारी रेखांकित बुपए द्वारा किया जाना चाहिए। संबंधित बुपए का मुगतान, बैंक की उस शाखा में होना चाहिए जहां संबंधित अपीलीय न्यायाधिकरण की शाखा स्थित है। स्थगन आदेश (स्टे ऑडरर) के लिए आवेदन-पंत्र के साथ 500/- रुपए का निर्धारित शुल्क जमा करना होगा।/ (iii)

The appeal to the Appellate Tribunal shall be filed in quadruplicate in form EA-3 / as prescribed under Rule 6 of Central Excise (Appeal) Rules, 2001 and shall be accompanied against one which at least should be accompanied by a fee of Rs. 1.000/- Rs.5000/-, Rs.10,000/- where amount of duty demand/interest/penalty/refund is upto 5 Lac., 5 Lac to 50 Lac and above 50 Lac respectively in the form of crossed bank draft in favour of Asst. Registrar of branch of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of stay shall be accompanied by a fee of Rs. 500/-.

अपीलीय न्यायाधिकरण के समक्ष अपील, वित्त अधिनियम, 1994की धारा 86(1) के अंतर्गत सेवाकर नियमवाली, 1994, के नियम 9(1) के तहत निर्धारित प्रपत्र S.T.-5में चार प्रतियों में की जा सकेगी एवं उसके साथ जिस आदेश के विरुद्ध अपील की गयी हो, उसकी प्रति साथ में संलग्न करें (उनमें से एक प्रति प्रमाणित होनी चाहिए) और इनमें से कम से कम एक प्रति के साथ, जहां सेवाकर की माँग और लगाया गया जुर्माना, रुपए 5 लाख या उत्तर को होते हैं तो कम हो है तो कम शहर है कि एक एक अध्या 10,000/- रुपये अध्या 10,000/- रुपये अध्या 10,000/- रुपये कम के सेवा के के सेवा के

The appeal under sub section (1) of Section 86 of the Finance Act, 1994, to the Appellate Tribunal Shall be filed in quadruplicate in Form S.T.5 as prescribed under Rule 9(1) of the Service Tax Rules, 1994, and Shall be accompanied by a copy of the order appealed against (one of which shall be certified copy) and should be accompanied by a fees of Rs. 1000/- where the amount of service tax & interest demanded & penalty levied of Rs. Laktis or less, Rs. 5000/- where the amount of service tax & interest demanded & penalty levied is more than the lake but not exceeding Rs. Fifty Laktis, Rs. 10,000/- where the amount of service tax & interest demanded & penalty levied is more than the late of the

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वित्त अधिनियम, 1994की धारा 86 की उप-धाराओं (2) एवं (2A) के अंतर्गत दर्ज की बयी अपील, सेवाकर नियमकाली, 1994, के नियम 9 (2) एवं 9 (2A) के तहत निर्धारित प्रपन्न S.T. - 7 में की जा सकेगी एवं उसके साथ आयुक्त, केन्द्रीय उत्पाद शुल्क अथवा आयुक्त (अपील), केन्द्रीय उत्पाद शुल्क सेवाकर, को अपीलीय न्यायाधिकरण को आवेदन दर्ज करने का निर्देश देने वाले आदेश की प्रति भी साथ में संलग्न अथवा उपायुक्त, केन्द्रीय उत्पाद शुल्क The appeal under sub section (2) and (2A) of the section 86 the Finance Act 1994, shall be filed in For ST.7 as prescribed under Rule 9 (2) & 9(2A) of the Service Tax Rules, 1994 and shall be accompanied by a copy of order and copy of the order passed by the Commissioner Central Excise (Appeals) (one of which shall be a certified copy) Commissioner of Central Excise (Service Tax to file the appeal before the Appellate Tribunal.

Commissioner of Central Excise/ Service Tax to file the appeal before the Appellate Tribunal.

सीमा शुल्क, केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय प्राधिकरण (सेस्टेट) के प्रति अपीलों के मामले में केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय प्राधिकरण (सेस्टेट) के प्रति अपीलों के मामले में केन्द्रीय उत्पाद शुल्क अधिनयम 1944 की धारा 83 के अंतर्गत स्वाकर को भी लागू की गई है, इस आदेश के प्रति अपीलीय प्राधिकरण में अपील करते समय उत्पाद शुल्क ऐसे वाकर मांग के 10 प्रतिशत (10%), जब मांग एवं जुर्माना विवादित है, या जुर्माना, जब केवल जुर्माना विवादित है, या जुर्माना, जब केवल जुर्माना विवादित है, या जुर्माना, जब केवल जुर्माना विवादित है, को केन्द्रीय उत्पाद शुल्क एवं सेवाकर के अंतर्गत "मांग किए गए शुल्क" में निम्न शामिल है

(ii) सारा 11 डी के अंतर्गत रकम

(iii) सेनवेट जमा नियमावली के नियम 6 के अंतर्गत देय रकम

रच्यान अपीएवं अपील को लागू नहीं होगे।/

For an appeal to be filed before the CESTAT, under Section 35F of the Central Excise Act, 1944 which is also before the Tribunal on payment of 10% of the duty demanded where duty or duty and penalty are in dispute, or benalty, where penalty alone is in dispute, provided the amount of pre-deposit payable would be subject to a Under Central Excise and Service Tax, "Duty Demanded" shall include:

(iii) amount determined under Section 11 D; amount of erroneous Cenvat Credit taken;

- provided further that the provisions of this Section shall not apply to the stay application and appeal pending before any appellate authority prior to the commencement of the Finance (No.2) Act, 2014. (ii)

(i)

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यदि माल के किसी नुकसान के मामले में, जहां नुकसान किसी माल को किसी कारखाने से भंडार गृह के पारगमन के दौरान या किसी अन्य कारखाने या फिर किसी एक भंडार गृह से दूसरे भंडार गृह पारगमन के दौरान, या किसी भंडार गृह में या भंडारण में माल के नुकसान के मामले में।/
In case of any loss of goods, where the loss occurs in transit from a factory to a warehouse or to another factory or from one warehouse to another during the course of processing of the goods in a warehouse or in storage (i)

भारत के बाहर किसी राष्ट्र या क्षेत्र को निर्यात कर रहे माल के विनिर्माण में प्रयुक्त कच्चे माल पर भरी गई केन्द्रीय उत्पाद शुल्क के छुट (रिबेट) के मामले में, जो भारत के बाहर किसी राष्ट्र या क्षेत्र को निर्यात की गयी है। In case of rebate of duty of excise on goods exported to any country or territory outside India of on excisable material used in the manufacture of the goods which are exported to any country or territory outside India. (ii)

यदि उत्पाद शुल्क का भुगतान किए बिना भारत के बाहर, नेपाल या भूटान को माल निर्यात किया गया है। / In case of goods exported outside India export to Nepal or Bhutan, without payment of duty. (iii) (iv)

सुनिश्चित उत्पाद के उत्पादन शुल्क के मुगतान के लिए जो ड्यूटी केडीट इस अधिनियम एवं इसके विभिन्न प्रावधानों के तहत मान्य की गई है और ऐसे आदेश जो आयुक्त (अपील) के द्वारा वित्त अधिनियम (न॰ 2),1998 की धारा 109 के द्वारा नियत की गई तारीख अथवा समायाविधि पर या बाद में पारित Credit of any duty allowed to be utilized towards payment of excise duty on final products under the provisions of this Act or the Rules made there under such order is passed by the Commissioner (Appeals) on or after, the date appointed under Sec. 109 of the Finance (No.2) Act, 1998.

उपरोक्त आवेदन की दो प्रतियां प्रपत्र संख्या EA-8 में, जो की केन्द्रीय उत्पादन शुल्क (अपील) नियमावली, 2001, के नियम 9 के अंतर्गत विनिर्दिष्ट है, इस ही केन्द्रीय उत्पाद शुल्क अधिनियम, 1944 की धारा 35-EE के तहत निर्धारित शुल्क की अदायगी के साक्ष्य के तौर पर TR-6 की प्रति संलग्न की जानी चाहिए। त्राप्त में प्रतियां संलग्न की जानी चाहिए। त्राप्त में प्रतियां संलग्न की प्रतियां संलग्न की जानी चाहिए। त्राप्त में त्राप्त में त्राप्त प्रति संलग्न की जानी चाहिए। त्राप्त में त्राप्त में त्राप्त में जानी प्रति संलग्न की जानी (Appeals) Rûles, 2001 within 3 months from the date on which the order sought to be appealed against is accompanied by a copy of TR-6 Challan evidencing payment of prescribed fee as prescribed under Section 35-EE of CEA, 1944, under Major Head of Account. (v)

पुनरीक्षण आवेदन के साथ निम्नलिखित निर्धारित शुल्क की अदायगी की जानी चाहिए। जहाँ सलग्न रकम एक लाख रूपये या उससे कम हो तो रूपये 200/- का भुगतान किया जाए और यदि संलग्न रकम एक लाख रूपये से ज्यादा हो तो रूपये 1000 -/ का भुगतान किया जाए। The revision application shall be accompanied by a fee of Rs. 200/- where the amount involved in Rupees One Lac or less and Rs. 1000/- where the amount involved is more than Rupees One Lac. (vi)

यदि इस आदेश में कई मूल आदेशों का समावेश है तो प्रत्येक मूल आदेश के लिए शुल्क का भगतान, उपर्युक्त ढंग से किया जाना चाहिये। इस तथ्य के होते हुए भी की लिखा पढ़ी कार्य से बचने के लिए यथास्थित अपीलीय नयाधिकरण को एक अपील या कियों य सरकार को एक आवेदन किया जाता है। / In case, if the order covers various numbers of order- in Original, fee for each O.I.O. should be paid in the aforesaid manner, notwithstanding the fact that the one appeal to the Appellant Tribunal or the one application to the Central Govt. As the case may be, is filled to avoid scriptoria work if excising Rs. 1 lakh fee of Rs. 100/- for each. (D)

यथासंशोधित न्यायालय शुल्क अधिनियम, 1975, के अनुसूची-I के अनुसार मूल आदेश एवं स्थान आदेश की प्रति पर निर्धारित 6.50 रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए। / One copy of application or O.I.O. as the case may be, and the order of the adjudicating authority shall bear a court fee stamp of Rs.6.50 as prescribed under Schedule-I in terms of the Court Fee Act, 1975, as amended. (E)

सीमा शुल्क, केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण (कार्य विधि) नियमावली, 1982 में वर्णित एवं अन्य संबन्धित मामलों को सम्मिलित करने वाले नियमों की और भी ध्यान आकर्षित किया जाता है। / Attention is also invited to the rules covering these and other related matters contained in the Customs, Excise and Service Appellate Tribunal (Procedure) Rules, 1982. (F)

उच्च अपीलीय प्राधिकारी को अपील दाखिल करने से संबंधित व्यापक, विस्तृत और नवीनतम प्रावधानों के लिए, अपीलार्थी विभागीय वेबसाइट www.cbec.gov.in को देख सकते हैं।/ For the elaborate, detailed and latest provisions relating to filing of appeal to the higher appellate authority, the appellant may refer to the Departmental website www.cbec.gov.in (G)



#### अपील आदेश /ORDER-IN-APPEAL

M/s HTC Diesel Engines Pvt Ltd, Plot No.G-1101, Gate No.3, GIDC Lodhika (Metoda), Kalawad Road, Rajkot-360 021 (hereinafter referred to as appellant) has filed two appeals No. GAPL/COM/CEXP/265 & 266/2022 against Order-in-Original No. 79 & 80/AC/NS/2021-22 dated 30.03.2022 (hereinafter referred to as 'impugned order') passed by the Assistant Commissioner, Central GST, Division-II, Rajkot (hereinafter referred to as 'adjudicating authority').

- 2. Briefly stated, the facts of the case are that the appellant was engaged in manufacture of Ignition Combustion Engines (I.C. Engine) and Centrifugal Pump Sets (Couple Set) falling under CETH No.84089090 and 84137010 respectively, of the Central Excise Tariff Act, 1985. The appellant had assembled Centrifugal Pump Sets and cleared the same on payment of concessional rate of Central Excise duty @6% availing benefit of Sr.No.235 of Notification No.12/2012-CE dated 17.03.2012. It appeared that on clearances of power driven/ Centrifugal pump sets comprising of I.C. engine, Pumps and Trolleys, the appellant was required to pay duty @12.36%/ 12.5% on the I.C. Engines and Trolleys. Therefore, two show cause notices dated 03.01.2017 and 09.04.2018 covering the period August 2014 to June 2016 and July 2016 to June 2017 demanding Central Excise duty of Rs.3,31,259/- and Rs.6,22,922/- respectively. Vide impugned order the adjudicating authority had confirmed the demand and imposed penalty.
- 3. Being aggrieved, the appellant filed appeals wherein they, inter alia, submitted that;
- (i) The findings of the adjudicating authority, contrary to the facts of the case and evidences produced, are baseless and are not supported by any independent evidences and hence are liable to be set aside.
- (ii) The appellant submitted that the adjudicating authority has erred in confirming the demand ignoring the fact of manufacturing process and the relevant photographs produced. They contended that the photograph and brochures prove beyond doubt that the product can be assembled at factory and no customer can assemble the pump of its own.
- (iii) The appellant submitted that the adjudicating authority erred in confirming the demand relying on the decision of Allahabad High Court in the case of *Honda Siel Power Products Ltd* in as much as the facts of the case and the facts of present case are totally different.

he appellant contended that assembly is nothing but manufacturing

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activity and the CBEC in its circular has clarified that Diesel Oil Engine when used in assembly of pump set, is an integral part of such pump set..

- (V) The appellant submitted that department was in the knowledge of the fact of clearance of pump set and the same was audited by the department regularly. Therefore the demand beyond period of two years is barred by limitation.
- (vi) The appellant contended that the imposition of penalty and demand of interest are also not sustainable.
- 4. Advocate Paresh Sheth appeared for personal hearing on 24.01.2023 and handed over a common note for written submission in respect of 13 appeals of 7 appellants involving a common issue relating to exemption of Central Excise duty on P.D. Couple Pump sets manufactured by the appellants wherein the pumps produced from the market are fitted with the diesel engines manufactured by the appellants and sold as P.D. Couple pump set. He drew attention to the set of colour photographs enclosed the appeals and in the written submissions handed over at the time of personal hearing. He requested to set aside the impugned orders and to allow the appeals.
- 4.1 The advocate for the appellant submitted written submission vide letter dated 24.01.2023 wherein he reiterated the submissions made in the grounds of appeal as well as those made at the time of personal hearing. He submitted that in all the cases department has not produced any evidence to prove that the appellants were removing pump set in the manner as described in the decision of Hon'ble Allahabd High Court. On the contrary by producing photographs they have established the fact that the pump set is manufactured in the factory and is cleared in assembled condition and known in the market as pump set only. They relied upon the following circular/decisions.
  - 1. Circular No.224/58/96-CX dated 26.06.1996
  - 2. Patel Field Marshal Industry-2003 (158) ELT.483 (Tri-Mum)
  - 3. Forge & Blower Industries Ltd-2012 (284) ELT.609 (Tri-Ahmd)
  - 4. Usha International Ltd-2018 (364) ELT.1103 (Tri-Chan)
  - 5. Leo Circuit Boards Pvt Ltd-2015 (330) ELT.227 (Tri-Mum)
  - 6. Xerox Modicorp Ltd-2001 (130) ELT.219 (Tri-Del)
  - 7. Bhandari Caterer-2019 (29) GSTL.489 (Tr-Del)
  - 8. Super Cassettes Industries Ltd-2017 (347) ELT.145 (Tri-All)
- 5. I have carefully gone through the facts of the case, the impugned order, the appeal memorandum and written as well as oral submissions made by the Appellants. The contentious issue before me is whether the appellant is liable to pay Central Excise duty @12.36%/ 12.5% on the I.C. Engines used in the pump

s deared by them.

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- 6. In this regard, I find that, the demand has been made and confirmed on the premises that assembly does not amount to manufacture and the final product cleared viz. pump set comprises of I.C. Engine, pump and trolley and the pumps were separate manufactured items. The show cause notice has also referred to the decision of *Honda Siel Power Products Ltd-2016 (332) ELT.222 (All)*. Though the appellant cited Board's Circular No.224/58/96-CX dated 26.06.1996, the adjudicating authority proceeded to decide the issue against the appellant relying upon the decision of *Honda Siel Power Products Ltd-2016 (332) ELT.222 (All)*. The clarification given by the Board with regard to classification of pump sets vide Circular No. 224/58/96-CX dated 26.06.1996 is as under:
  - "2. The matter has been examined in depth. Board in its F.No. 151/13/92-CX.4 (Pt.) (Circular No. 11/11/94, dated 2-2-1994224/58/96-CX dated 26.06.1996) has held that electric motors or rotors or stators are components parts of P.D. Pumps. Following the same analogy, the prime mover, i.e. I.C. Engine may be treated as an integral part of P.D. Pump. The Board takes note of Note 3 of Section XVI of Central Excise Tariff which states that composite machines consisting of two or more machines fitted together to form a whole and other machines adapted for the purpose of performing two or more complementary or alternative functions are to be classified as if consisting only of that component or as being that machine which performs the principal function. As the principal function of a pump set is that of the pump, the pump set is rightly classifiable under Chapter sub-heading 84.13.
  - 3. Hence, the Board is of the view that Power Driven Pump Sets are classifiable under Chapter Heading 84.13 and if such Power Driven Pump Sets are primarily meant for handling water, the benefit of Notification No. 56/95, dated 16-3-1995 will be admissible to the whole pump set"
- 6.1 I find that the CBEC has clarified that principal function of the pump set is that of pump, the pump set is rightly classifiable under chapter heading 84.13. It is also well settled law that the department is prevented from arguing against the clarifications issued by the Board. Since the position has been clarified by the Board, the power driven pump sets manufactured by the appellant are classifiable under chapter heading 84.13 and will be eligible for the benefit of concessional rate of duty as provided under Sr.No.235 of Notification No.12/2012-C dated 17.03.2012. The inference drawn by the adjudicating authority that the assembling is not amounting to manufacture is of no significance in view of the clarification by the Board that pump sets are classifiable under chapter heading 84.13. The I.C. Engine is falling under CETH No.84089090 and when it is couples with pump, in view of the clarification of the Board, it becomes part of pump set and its classification changes to 84.13.
- outside and placed the same inside a single carton in unassembled condition. Further, the packing contained two buyers' manual, one pertained to their own I.C Engine and other pertained to pumps purchased. In the present case, it is not itted fact that the appellant had assembled pump set and cleared the assembled condition. As per the manufacturing process submitted by

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the appellant, for manufacturing pump set, they purchase Centrifugal pump and same is coupled with Diesel Engine manufactured by them. They coupled diesel engine with centrifugal pump mounted on base frame/ trolley as per the requirement of the buyers. They also manufacture base frame/ trolley and also purchase from manufactures as and when required. When diesel engine is coupled with centrifugal pump mounted on base frame/ trolley, they check the same and then painted and packed in wooden case ready for dispatch. The photographs and documents such as invoices submitted by the appellant also confirmed the fact that the appellant had cleared the same as pump set in assembled form and not separately. The show cause notice as well as the impugned order has not adduced any evidence to the effect that the appellant The documentary had sold diesel engine, pump and trolley separately. evidences produced by the appellant also proved that the goods viz. pump sets were cleared in assembled condition. As such, the demand of Central Excise duty separately on I.C. Engine/Diesel Engine and trolley, when they have cleared a complete pump set, is not sustainable and consequently the penalty also is not sustainable.

- 7. In view of above, I set aside the impugned order and allow the appeal.
- ८. अपीलकरता द्वारा दर्ज की गई अपील का निपटारा उपरोक्त तरीके से किया जाता है।
- 8. The appeals filed by the Appellant are disposed off as above.

सत्यापित / Attested

Superintendent Central GST (Appeals) (शिव प्रताप सिंह/ SHIV PRATAP SINGH) आयुक्त (अपील)/Commissioner (Appeals)

By R.P.A.D.

Raikot

सेवा में मेस्सेर्स एच टी सी डीजल इंजीन्स प्राइवेट लिमिटेड प्लॉट जी 1101, गेट 3 जी आइ डी सी लोधीका (मेटोडा) कलावाड रोड, राजकोट -360 021

To
M/s HTC Diesel Engines Pvt Ltd,
Plot No.G-1101, Gate No.3,
GIDC Lodhika (Metoda),
Kalawad Road, Rajkot-360 021

#### प्रतिलिपि :-

1) मुख्य आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, गुजरात क्षेत्र, अहमदाबाद

2) प्रधान आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, राजकोट आयुक्तालय, राजकोट

3) सहायक आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुक्क मण्डल राजकोट-II

**अ**गार्ड फ़ाइल।

