



सीमा शुल्क(अपील) आयुक्त का कार्यालय, अहमदाबाद

OFFICE OF THE COMMISSIONER OF CUSTOMS (APPEALS), AHMEDABAD,

चौथी मंज़िल **4th Floor**, हडको भवन **HUDCO Bhawan**, ईश्वर भुवन रोड़ **Ishwar Bhuvan Road**
नवरंगपुरा **Navrangpura**, अहमदाबाद **Ahmedabad - 380 009**
दूरभाष क्रमांक **Tel. No. 079-26589281**

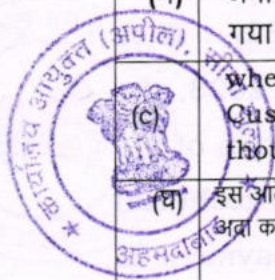
DIN - 20251271MN000011251C

क	फ़ाइल संख्या FILE NO.	S/49-187/CUS/MUN/2024-25
ख	अपील आदेश संख्या ORDER-IN-APPEAL NO. (सीमा शुल्क अधिनियम, 1962 की धारा 128क के अंतर्गत)(UNDER SECTION 128A OF THE CUSTOMS ACT, 1962)	MUN-CUSTM-000-APP-623-25-26
ग	पारितकर्ता PASSED BY	Shri Amit Gupta Commissioner of Customs (Appeals), Ahmedabad
घ	दिनांक DATE	26.12.2025
ङ	उदभूत अपील आदेश की सं. व दिनांक ARISING OUT OF ORDER-IN-ORIGINAL NO.	Letter F.No. CUS/RFD/OTH/415/2024-REF dated 13.08.2024
च	अपील आदेश जारी करने की दिनांक ORDER- IN-APPEAL ISSUED ON:	26.12.2025
छ	अपीलकर्ता का नाम व पता NAME AND ADDRESS OF THE APPELLANT:	M/s Reliance Syngas Limited Village Meghpar/ Padana Taluka Lalpur Jamnagar- 361280



1	यह प्रति उस व्यक्ति के निजी उपयोग के लिए मुफ्त में दी जाती है जिनके नाम यह जारी किया गया है।
	This copy is granted free of cost for the private use of the person to whom it is issued.
2.	सीमाशुल्क अधिनियम 1962 की धारा 129 डी डी (1) (यथा संशोधित) के अधीन निम्नलिखित श्रेणियों के मामलों के सम्बन्ध में कोई व्यक्ति इस आदेश से अपने को आहत महसूस करता हो तो इस आदेश की प्राप्ति की तारीख से 3 महीने के अंदर अपर सचिव/संयुक्त सचिव (आवेदन संशोधन), वित्त मंत्रालय, (राजस्व विभाग) संसद मार्ग, नई दिल्ली को पुनरीक्षण आवेदन प्रस्तुत कर सकते हैं।
	Under Section 129 DD(1) of the Customs Act, 1962 (as amended), in respect of the following categories of cases, any person aggrieved by this order can prefer a Revision Application to The Additional Secretary/Joint Secretary (Revision Application), Ministry of Finance, (Department of Revenue) Parliament Street, New Delhi within 3 months from the date of communication of the order.
	निम्नलिखित सम्बन्धित आदेश/Order relating to :
(क)	बैगेज़ के रूप में आयातित कोई माल.
(a)	any goods exported
(ख)	भारत में आयात करने हेतु किसी वाहन में लादा गया लेकिन भारत में उनके गन्तव्य स्थान पर उतारे न गए माल या उस गन्तव्य स्थान पर उतारे जाने के लिए अपेक्षित माल उतारे न जाने पर या उस गन्तव्य स्थान पर उतारे गए माल की मात्रा में अपेक्षित माल से कमी हो.
(b)	any goods loaded in a conveyance for importation into India, but which are not unloaded at their place of destination in India or so much of the quantity of such goods as has not been unloaded at any such destination if goods unloaded at such destination are short of the quantity required to be unloaded at that destination.
(ग)	सीमाशुल्क अधिनियम, 1962 के अध्याय X तथा उसके अधीन बनाए गए नियमों के तहत शुल्क वापसी की अदायगी.
(c)	Payment of drawback as provided in Chapter X of Customs Act, 1962 and the rules made thereunder.
3.	पुनरीक्षण आवेदन पत्र संगत नियमावली में विनिर्दिष्ट प्रारूप में प्रस्तुत करना होगा जिसके अन्तर्गत उसकी जांच की जाएगी और उस के साथ निम्नलिखित कागजात संलग्न होने चाहिए :
	The revision application should be in such form and shall be verified in such manner as may be specified in the relevant rules and should be accompanied by :
(क)	कोर्ट फी एक्ट, 1870 के मद सं.6 अनुसूची 1 के अधीन निर्धारित किए गए अनुसार इस आदेश की 4 प्रतियां, जिसकी एक प्रति में पचास पैसे की न्यायालय शुल्क टिकट लगा होना चाहिए.
(a)	4 copies of this order, bearing Court Fee Stamp of paise fifty only in one copy as prescribed under Schedule 1 item 6 of the Court Fee Act, 1870.
(ख)	सम्बद्ध दस्तावेज़ों के अलावा साथ मूल आदेश की 4 प्रतियां, यदि हो
(b)	4 copies of the Order-in-Original, in addition to relevant documents, if any
(ग)	पुनरीक्षण के लिए आवेदन की 4 प्रतियां
(c)	4 copies of the Application for Revision.
(घ)	पुनरीक्षण आवेदन दायर करने के लिए सीमाशुल्क अधिनियम, 1962 (यथा संशोधित) में निर्धारित फीस जो अन्य रसीद, फीस, दण्ड, जब्ती और विविध मदों के शीर्ष के अधीन आता है में रु. 200/- (रूपए दो सौ मात्र) या रु. 1000/- (रूपए एक हजार मात्र), जैसा भी मामला हो, से सम्बन्धित भुगतान के प्रमाणिक चलान टी.आर.6 की दो प्रतियां. यदि शुल्क, मांगा गया ब्याज, लगाया गया दंड की राशि और रूपए एक लाख या उससे कम हो तो ऐसे फीस के रूप में रु. 200/- और यदि एक लाख से अधिक हो तो फीस के रूप में रु. 1000/-
(d)	The duplicate copy of the T.R.6 challan evidencing payment of Rs.200/- (Rupees two Hundred only) or Rs.1,000/- (Rupees one thousand only) as the case may be, under the Head of other receipts, fees, fines, forfeitures and Miscellaneous Items being the fee prescribed in the Customs Act, 1962 (as amended) for filing a Revision Application. If the

	amount of duty and interest demanded, fine or penalty levied is one lakh rupees or less, fees as Rs.200/- and if it is more than one lakh rupees, the fee is Rs.1000/-.
4.	मद सं. 2 के अधीन सूचित मामलों के अलावा अन्य मामलों के सम्बन्ध में यदि कोई व्यक्ति इस आदेश से आहत महसूस करता हो तो वे सीमाशुल्क अधिनियम 1962 की धारा 129 ए (1) के अधीन फॉर्म सी.ए.-3 में सीमाशुल्क, केन्द्रीय उत्पाद शुल्क और सेवा कर अपील अधिकरण के समक्ष निम्नलिखित पते पर अपील कर सकते हैं
	In respect of cases other than these mentioned under item 2 above, any person aggrieved by this order can file an appeal under Section 129 A(1) of the Customs Act, 1962 in form C.A.-3 before the Customs, Excise and Service Tax Appellate Tribunal at the following address :
	सीमाशुल्क, केन्द्रीय उत्पाद शुल्क व सेवा कर अपीलिय अधिकरण, पश्चिमी क्षेत्रीय पीठ
	Customs, Excise & Service Tax Appellate Tribunal, West Zonal Bench
	दूसरी मंज़िल, बहुमाली भवन, निकट गिरधरनगर पुल, असारवा, अहमदाबाद-380016
	2 nd Floor, Bahumali Bhavan, Nr.Girdhar Nagar Bridge, Asarwa, Ahmedabad-380 016
5.	सीमाशुल्क अधिनियम, 1962 की धारा 129 ए (6) के अधीन, सीमाशुल्क अधिनियम, 1962 की धारा 129 ए (1) के अधीन अपील के साथ निम्नलिखित शुल्क संलग्न होने चाहिए-
	Under Section 129 A (6) of the Customs Act, 1962 an appeal under Section 129 A (1) of the Customs Act, 1962 shall be accompanied by a fee of -
(क)	अपील से सम्बन्धित मामले में जहाँ किसी सीमाशुल्क अधिकारी द्वारा मांगा गया शुल्क और व्याज तथा लगाया गया दंड की रकम पाँच लाख रूपए या उससे कम हो तो एक हज़ार रूपए.
(a)	where the amount of duty and interest demanded and penalty levied by any officer of Customs in the case to which the appeal relates is five lakh rupees or less, one thousand rupees;
(ख)	अपील से सम्बन्धित मामले में जहाँ किसी सीमाशुल्क अधिकारी द्वारा मांगा गया शुल्क और व्याज तथा लगाया गया दंड की रकम पाँच लाख रूपए से अधिक हो लेकिन रुपये पचास लाख से अधिक न हो तो; पांच हज़ार रूपए
(b)	where the amount of duty and interest demanded and penalty levied by any officer of Customs in the case to which the appeal relates is more than five lakh rupees but not exceeding fifty lakh rupees, five thousand rupees ;
(ग)	अपील से सम्बन्धित मामले में जहाँ किसी सीमाशुल्क अधिकारी द्वारा मांगा गया शुल्क और व्याज तथा लगाया गया दंड की रकम पचास लाख रूपए से अधिक हो तो; दस हज़ार रूपए.
(c)	where the amount of duty and interest demanded and penalty levied by any officer of Customs in the case to which the appeal relates is more than fifty lakh rupees, ten thousand rupees
(घ)	इस आदेश के विरुद्ध अधिकरण के सामने, मांगे गए शुल्क के 10% अदा करने पर, जहाँ शुल्क या शुल्क एवं दंड विवाद में है, या दंड के 10% अदा करने पर, जहाँ केवल दंड विवाद में है, अपील रखा जाएगा।
(d)	An appeal against this order shall lie before the Tribunal on payment of 10% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute.
6.	उक्त अधिनियम की धारा 129 (ए) के अन्तर्गत अपील प्राधिकरण के समक्ष दायर प्रत्येक आवेदन पत्र- (क) रोक आदेश के लिए या गलतियों को सुधारने के लिए या किसी अन्य प्रयोजन के लिए किए गए अपील :- अथवा (ख) अपील या आवेदन पत्र का प्रत्यावर्तन के लिए दायर आवेदन के साथ रुपये पाँच सौ का शुल्क भी संलग्न होने चाहिए.
	Under section 129 (a) of the said Act, every application made before the Appellate Tribunal-
	(a) in an appeal for grant of stay or for rectification of mistake or for any other purpose; or
	(b) for restoration of an appeal or an application shall be accompanied by a fee of five Hundred rupees.



ORDER-IN-APPEAL

Appeal has been filed by M/s Reliance Syngas Limited, Village Meghpar/ Padana, Taluka Lalpur, Jamnagar - 361280, (hereinafter referred to as the 'Appellant') in terms of Section 128 of the Customs Act, 1962, challenging the decision conveyed vide Letter F.No. CUS/RFD/OTH/415/2024-REF dated 13.08.2024 (hereinafter referred to as 'the impugned order') by the Assistant Commissioner (Refund), Customs, Mundra.

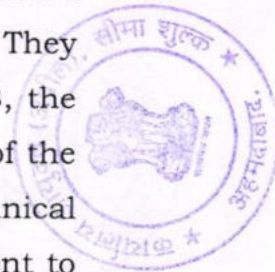
2. Facts of the case, in brief, are that the Appellant had filed refund claim of Rs.28,652/- paid with respect to BE no. 7307779 dated 11.08.2023. Upon perusal of the documents, it was found that the appellant had not submitted any documents evidencing that the competent authority had waived off the interest paid against Bill of Entry no. 7307779 dated 11.08.2023. It was informed that to the appellant that unless the competent authority waives off the interest against said BE, no refund arises and hence the application filed by the appellant is pre-mature and could not be processed.

SUBMISSIONS OF THE APPELLANT:

Being aggrieved with the impugned order, the Appellant has filed the present appeals wherein they have submitted grounds which are as under:-

3.1 The Appellant contends that the Assistant Commissioner erred in rejecting the refund application for interest amounting to Rs. 28,652/-. They argue that although the duty payment was initiated on August 14, 2023, the Electronic Data Interchange (EDI) system only permitted the finalization of the payment with interest on August 17, 2023. This delay was caused by technical glitches within the ICEGATE portal, which failed to link the initial payment to the Bill of Entry and instead credited the funds to the Electronic Cash Ledger (ECL). Consequently, the system automatically charged interest when the duty was finally debited from the ECL to obtain the "Out of Charge" for urgent refinery materials.

3.2 The appeal emphasizes that there was no negligence or delay on the part of the Appellant. Bank statements from ICICI Bank confirm that the duty



amount of Rs. 2,32,39,962/- was debited from their account on the due date of August 14, 2023. The Appellant highlights that they followed the procedures outlined in Circular No. 9/2023, which allows for direct payment against challans without first depositing into the ECL. The failure of the portal to reflect this payment immediately should not result in a financial penalty for an importer who acted in good faith to meet statutory timelines.

3.3 Finally, the Appellant relies on the legal maxim Actus Curiae Neminem Gravabit, asserting that no person should suffer due to the faults or procedural delays of a court or quasi-judicial body. They argue that the Department cannot take advantage of its own technical failures to label the Appellant a "defaulter" or retain interest payments. Citing various judicial precedents, such as Lakshmi Dall Mill and Dabur India Ltd., the Appellant maintains that since the system error was the sole cause of the late generation of the entry, the interest paid should be refunded.

PERSONAL HEARING:

4. Personal hearing was granted to the Appellant on 09.09.2025, following the principles of natural justice wherein Ms Shilpa Balani, Advocate and Shri Alok Prasad, Sr General Manager, appeared for the hearing and reiterated the submissions made at the time of filing the appeal.

DISCUSSION AND FINDINGS:

5. I have carefully gone through the case records, impugned letter issued by the Assistant Commissioner, Customs, Mundra and the defense put forth by the Appellant in their appeal. The limited issue to be decided is whether the Appellant is entitled to a refund of interest amounting to Rs. 28,652/- paid on the Bill of Entry No. 7307779 dated 11.08.2023, which was allegedly paid due to technical glitches in the ICEGATE system. The Adjudicating Authority has returned/rejected the claim primarily on the ground that the Appellant did not produce a specific order from a competent authority waiving the interest. It appears the Adjudicating Authority has treated the refund application as "premature" in the absence of an individual waiver order.

5.1 The Adjudicating Authority has rejected the claim on the narrow technical ground that the Appellant failed to produce an order from a "competent



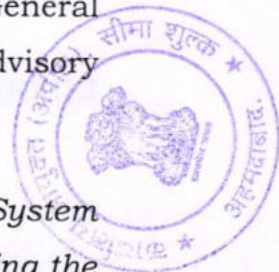
authority" specifically waiving the interest for this Bill of Entry. The Adjudicating Authority appears to have proceeded on the assumption that a refund of interest under Section 27 of the Customs Act, 1962, requires a pre-existing adjudication order granting waiver. This approach, in my considered view, is flawed and ignores the specific administrative mechanism established by the Board to address the widespread ECL (Electronic Cash Ledger) glitches. The core issue is not whether a discretionary waiver was granted, but whether the Appellant falls within the class of importers covered by the Board's general waiver instructions.

5.2 The documentary evidence on record, specifically the ICICI Bank statement, clearly establishes that the Appellant initiated the payment of duty (Rs. 2,32,39,962/-) on 14.08.2023. This date is significant as it was within the interest-free period. The funds were debited from the Appellant's account on that very day. The delay in the "integration" of this payment with the Customs System was not due to any default or lack of funds on the part of the Appellant, but solely attributable to the technical incompatibility or "glitches" in the newly introduced ECL module on ICEGATE. The payment was eventually re-initiated and regularized on 17.08.2023, by which time the system automatically calculated interest of Rs. 28,652/-.

5.3 The Adjudicating Authority failed to appreciate the CBIC Advisory dated 27.07.2023 ("Advisory for operationalisation of the Customs (Waiver of Interest) Third Order, 2023"). This Advisory was issued precisely because the Board (CBIC) had already recognized the "System Inability" and issued a General Waiver (Order No. 3/2023-Customs (N.T.)). Paragraph 2(d) of the said Advisory provides the specific remedy for this situation:

"After payment of duty (within 3 days from the 'Date of Removal of System Inability')... integration of the duty in the Customs System and getting the Bill(s) of Entry Out-of-Charged, User can apply for refund of interest amount charged and paid, at the respective Customs formations."

5.4 This instruction constitutes a binding procedure. It does not envisage a two-step process where the importer first approaches an authority for a "Waiver Order" and then files for a refund. Instead, it simplifies the process: Pay the interest to clear the goods -> Apply for Refund. By demanding a separate waiver order, the Adjudicating Authority has created a procedural barrier that



contradicts the Board's explicit facilitation measure. The Advisory is the waiver order for all importers who paid duty/interest during the glitch period.

5.5 The Appellant's case is squarely covered by the legal maxim *Lex Non Cogit Ad Impossibilia* (The law does not compel a man to do that which is impossible). On 14.08.2023, it was impossible for the Appellant to have their payment reflected on the Bill of Entry due to the portal's failure. On 17.08.2023, it was impossible for the Appellant to clear their urgent cargo without paying the system-generated interest, as the ICEGATE system is automated and would not grant Out of Charge (OOC) without full payment of the demanded amount. Therefore, the payment of interest was not voluntary but forced by the system's design. To deny a refund now, on the ground that the Appellant paid it, would be to penalize the Appellant for complying with a system that gave them no other choice.

5.6 The Courts have consistently held that the Department cannot take advantage of its own technical failures. I find merit in the Appellant's reliance on the judgment of the Hon'ble Madras High Court in the case of *Lakshmi Dall Mill Vs. Assistant Commissioner of Customs* [2018 (360) E.L.T. 307 (Mad.)]. The Hon'ble Court held:

"When the writ petitioner is not at fault and the system maintained by the respondent alone was responsible for a belated generation of bill of entry, this Court has to necessarily hold that the writ petitioner had presented the bill of entry on 7-11-2017 itself... The respondent department cannot take advantage of their own wrong."

The Court directed that the date of original presentation must be accepted. Applying this ratio to the present case, the date of payment must be deemed to be 14.08.2023 (the date of debit), not 17.08.2023 (the date of system integration). Once the payment date is corrected to 14.08.2023, the liability for interest ceases to exist ab initio.

5.7 The Adjudicating Authority's reasoning that the claim is "premature" is legally unsustainable. A refund claim is premature only if the liability has not been crystallized or if an appeal against the assessment is pending. Here, the liability (interest) was created solely by a glitch. The CBIC Advisory acts as the "reassessment" or "waiver" mechanism. The Appellant followed the exact sequence prescribed by the Board: they paid the interest to secure OOC and

immediately applied for a refund. To reject this as premature effectively renders the remedy provided by the CBIC Advisory nugatory. The Adjudicating Authority ought to have verified the dates of payment and the nature of the glitch, and upon confirmation, sanctioned the refund under Section 27 of the Customs Act, 1962 read with the Advisory.

5.8 In view of the above, I find that the Appellant made a bona fide attempt to pay duty within the interest-free period (14.08.2023). The delay was caused purely by the "System Inability" of the ECL/ICEGATE portal. The Appellant is covered by the beneficial provisions of the CBIC Advisory dated 27.07.2023. The demand for a separate "Waiver Order" is contrary to the procedure laid down in the said Advisory. The Appellant is entitled to the refund of Rs. 28,652/- to ensure that they are not prejudiced by the Department's system failures (Actus Curiae Neminem Gravabit).

6. In view of the above discussions and findings, I pass the following order:

- a. The decision conveyed vide Letter F.No. CUS/RFD/OTH/415/2024-REF dated 13.08.2024 issued by the Deputy Commissioner of Customs, Custom House, Mundra, is hereby set aside.
 - b. The Adjudicating Authority is directed to process and sanction the refund of interest amounting to Rs. 28,652/- in accordance with the law and the CBIC Advisory dated 27.07.2023.
7. The Appeal filed by M/s Reliance Syngas Limited is allowed.



Amit Gupta

(AMIT GUPTA)
Commissioner (Appeals),
Customs, Ahmedabad

F. No. S/49-187/CUS/MUN/2024-25

Date: 26.12.2025

सत्यापित/ATTESTED
[Signature]
अधीक्षक/SUPERINTENDENT
सीमा शुल्क (अपील्स), अहमदाबाद.
CUSTOMS (APPEALS), AHMEDABAD

By Speed post/E-Mail

5169

To,
M/s Reliance Syngas Limited
Village Meghpar/ Padana
Taluka Lalpur
Jamnagar - 361280



Copy to:

1. The Chief Commissioner of Customs, Gujarat, Custom House, Ahmedabad.
2. The Principal Commissioner of Customs, Custom House, Mundra.
3. The Deputy/Assistant Commissioner of Customs(Refund), Custom House, Mundra.
4. Guard File.