सीमाशुल्क (अपील) आयुक्तका कार्यालय, अहमदाबाद
OFFICE OF THE COMMISSIONER OF CUSTOMS (APPEALS), AHMEDABAD
चौथी मंज़िल 4th Floor, हडको बिल्डिंग HUDCO Building, ईश्वर भुवन रोड़ Ishwar Bhuvan Road,
नवरंगपुरा Navrangpura, अहमदाबाद Ahmedabad – 380 009.
दूरभाष क्रमांक Tel. No. 079-26589281

DIN-20260871MN000062E268

क	फ़ाइल संख्या FILE NO.	S/49-324/CUS/JMN/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) :	JMN-CUSTM-000-APP-49-2026-27
ग	पारितकर्ता PASSED BY	Shri Vishwajeet Singh Commissioner of Customs (Appeals), Ahmedabad
घ	दिनांक DATE	10.08.2026
ङ	उदभूत अपील आदेश की सं. व दिनांक ARISING OUT OF ORDER-IN-ORIGINAL NO.	01/AC/LRM/GPPL/2024-25 Dated 19.07.2024
च	अपील आदेश जारी करने की दिनांक ORDER- IN-APPEAL ISSUED ON:	10.08.2026
छ	अपीलकर्ता का नाम व पता NAME AND ADDRESS OF THE APPELLANT:	1. M/s Denso Haryana Pvt. Ltd. Plot No. 3. IMT Manesar, Gurgaon-122052

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 है.
	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 imported
(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 हज़ार मात्र), जैसा भी मामला हो, से सम्ब न्धित 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 सम्बंन्ध 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, केंद्रीय 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 2nd 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 जहां 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 रुपए.
(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 जहां 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 रुपए
(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 जहां किसी सीमाशुल्क अधिकारी द्वारा मांगा गया शुल्क और व्याज तथा लगाया गया दंड की रकम पचास लाख रूपए से अधिक हो तो; दस हज़ार रुपए.

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(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, जहां शुल्क या शुल्क एवं दंड विवाद में हैं, या दंड के %10 अदा करने पर, जहां 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

1. Brief facts of the case

1.1 M/s Denso Haryana Pvt. Ltd. Plot No. 3. IMT Manesar, Gurgaon-122052 (herein after referred to as the "Appellant for the sake of brevity) has filed the present appeals against Orders-In-Original 01/AC/LRM/GPPL/2024-25 dated 19.07.2024 (herein after referred to as the "impugned orders") issued by the Assistant Commissioner, Customs House, Pipavav (herein after referred to as the "Adjudicating Authority).

1.2 The Appellant imported various Automotive Parts, including various parts of batteries i.e. Lithium-Ion Accumulator, at the Port of Pipavav (INPAVI) and filed various Bills of Entry for clearance of such goods for home-consumption. They self-assess and classified various parts of batteries viz. (1) Case Sub-Assy.. (2) Case. (3) Plate. (4) Terminal Sub-Assy., (5) Heat Sink. (6) Cover Sub-Assy.. (7) Cover. (8) Insulation Bush. Terminal. (9) Sheet Insulation, (10) Bushbar Sub-Assy, etc. under Custom Tariff Item 85079090 of the 1 Schedule to the Customs Tariff, and paid appropriate Customs duty thereon. The importer also used to pay IGST 18% as per Sr. No. 453 of Schedule 111 of Notification No. 001/2017-Integrated Tax (Rate) dated 28.06.2017 (as amended) (hereinafter referred to as "IGST Notification") in respect of the goods self-assessed and classified under Custom Tariff Item 85079090.

1.3. The Directorate of Revenue Intelligence. Hyderabad initiated an investigation in respect of aforesaid goods classified under CTI 85079090 with a view that these goods are liable to Integrated Tax (IGST) @ 28% as per Sr. No. 139of Schedule-IV to IGST Notification as against @ 18% Sr. No. 453 of Schedule III of the IGST Notification self-assessed/claimed by the importer. The importer was of the view that Sl. No.139 of IGST Notification does not cover 'parts of accumulators and only covers "Electric accumulator, including separators therefor, whether or not rectangular (including) square other than Lithium-ion battery". They were also of the view that for the purpose of interpreting GST Rate Notification, what is relevant is the description of the goods in the entry of the Notification and the said entry only provides for "Electric accumulators" and not for "parts" of Electric accumulator. Thus, the parts of the Lithium-Ion Accumulator will fall under Sr. No. 453. of Schedule III of the IGST Notification for the reason that they are not classifiable elsewhere. However, in light of ongoing investigation by DRI, the importer vide their letter dated 22.05.2023 have informed that in order to expedite clearance of regular import consignments, they decided to pay IGST @ 28% on such goods under protest and

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by resorting the provisional assessments as per Section 18 of the Customs Act, 1962 for future Bills of Entry and submitted PD Bond No. 2002111976 dated 05.04.2023.

1.4. Accordingly, in view of the aforementioned letter dated 22.05.2023, the importer filed following 40 Bills of Entry resorting the provisional assessment and paid IGST @ 28% in respect of various parts of batteries i.e. Lithium-Ion Accumulator self-assessed & classified under CTI 85079090 of the 1" Schedule to the Customs Tariff covering the period from 09.06.2023 to 19.04.2024.

1.5. Further, in pursuance of investigation carried out by the DRI, Hyderabad, a Show Cause Notice No. COMMR-03/2023-24 dated 22.11.2023 was issued to the importer by the Commissioner of Customs (Prev.), Jamnagar asking them as to why the goods imported and self-assessed under Customs Tariff Item (CTI) 85079090 should not be classified with IGST payable as per Sr. No. 139 of Schedule-IV of IGST Notification for goods imported at Pipavav Port (INPAVI), Garhi Harsani Gurgaon ICD (INGHR6) Ahmedabad Air Cargo (INAMD4) and Delhi Air Cargo (INDEL4) and consequential differential duty (BCD+ SWS+ IGST) amounting to Rs. 28.02.72.131/-, Rs. 14.85.562/-Rs. 17,86,962/- & Rs. 8,97,21,526/-respectively (differential duty totally amounting to Rs. 37,32,66,181/- should not be recovered under Section 28(1) of the Customs Act, 1962 alongwith interest thereon under Section 28AA of the Customs Act, 1962 as well as proposal of other penal consequences under Section 111(m), 112(a) & 117 of the Customs Act, 1962. Later on, following the due process of adjudication and following the principle of natural justice, the said Show Cause Notice was adjudicated on merit vide Order-In-Original No. JAM-CUSTM-PRV-COM-005-23-24 dated 04.03.2024 issued by the Commissioner, Customs (Prev.), Jamnagar holding and confirming the proposal made in Show Cause Notice.

1.6. In view of the above, the issue with regard to applicability of appropriate IGST rate i.e. @ 28% Sr. No. 139 of Schedule-IV or Sr. No. 453 of Schedule-III, on various Automotive Parts i.e. "Parts of Lithium-ion Accumulators" classified under CTSH 850790 90 under investigation by DRI was decided, on merit, by the proper officer, therefore, the above mentioned Bills of Entry assessed provisionally on account of their inability to make self-assessment pending out-come of investigation / audit objection, were taken up for finalization of provisional assessments. Accordingly, the importer was informed vide letter dated 10.06.2024 that 40 Bills of Entry are proposed to be finalized as per Section 18 of the Customs Act, 1962, by levying IGST @ 28% as per Sr. No. 139 of Schedule-IV of IGST Notification and to give their consent for such proposal.

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1.7 The Adjudicating Authority vide the impugned order assessed and classified "Parts of Lithium Accumulator" under CTH 85079090 of the 1st Schedule of the Customs Tariff in the 40 Bills of Entry attract 28% as per the Schedule-IV of Notification No. 001/2017-IGST(Rate)(as amended). The impugned order adjusted the duty already paid by the importer at the time of provisional assessment towards finally assessed duty.

1.8 Being aggrieved by the impugned order, the Appellant preferred the present appeal.

2. Ground of Appeal submitted by the Appellant

2.1 The Appellant submitted that a bare perusal of the Impugned Order would reveal that the Ld. Assistant Commissioner has been issued the same with pre-mediated mind and without appreciating the detailed submissions already made in this regard by the Appellant. The Appellant, at the very outset, denied the findings imposed vide the Impugned Order and submits as follows.

THE SUBJECT BOES HAVE BEEN ASSESSED WITHOUT APPLICATION OF MIND AND DISREGARDING THE SUBMISSIONS MADE BY THE APPELLANT

2.2. The Appellant submitted that without prejudice to the submissions made in the following paragraphs, the Appellant submits that the provisionally assessed subject BoEs have been finalized by utterly disregarding the submissions made by the Appellant vide its Reply letter dated 13.06.2024 in response to the Letter dated 10.06.2024. Submitted that the Ld. Assistant Commissioner has conveniently brushed aside all the submissions and evidence submitted, in a mechanical manner and without application of judicial mind to finalize the assessment of subject BoEs as per Sr. No. 139 of Schedule IV to the IGST Notification. The Ld. Assistant Commissioner has passed the Impugned Order without going into the intricacies of the description of the entries and explanations pertaining thereto of the IGST Notification and by disregarding the submissions made by the Appellant in this regard. In addition to this, the Impugned Order has been passed without considering the detailed submissions made by the Appellant vide their Letter dated 13.06.2024 which is already marked and enclosed as Annexure-8, Thus, submitted that the Ld. Assistant Commissioner, without the application of mind and being considerate about the submissions made by the Appellant and also with a pre-determined intention to reject the assessment under Sr. No. 453 of the Schedule III to the IGST Notification for the discharge IGST liability, has passed the Impugned Order, without giving any appropriate justification for the same. Hence, the conclusions reached by the Ld. Assistant Commissioner are clouded and the Impugned Order

has been passed without the application of an independent mind. Therefore, in the light of the foregoing submissions and the settled legal position, the Appellant humbly submitted that the impugned order finalizing the provisional assessment of the subject BoEs is liable to be set aside.

THE PRESENT MATTER IS SUBJUDICE BEFORE THE HON'BLE CESTAT. THE LD. ASSISTANT COMMISSIONER OUGHT TO HAVE WAITED FOR THE DECISION OF THE HON'BLE CESTAT BEFORE FINALISING THE ASSESSMENT.

2.3. The Appellant submitted that the issue involved in the Impugned Order is whether the 'parts' of the lithium-ion accumulators attract IGST@28% as per Sl. No. 139 of the Schedule IV of the IGST Notification (as finalized by the department) or IGST@18% as per Sl. No. 453/376AAA of the Schedule III to the IGST (in the view of the Appellant). Humbly submitted that an identical issue involved in the present matter but pertaining to other Bills of Entry and a different dispute period, is pending for disposal before the Hon'ble CESTAT, Ahmedabad, vide the Customs Appeal No. C/10225/2024 dated 17.05.2024 filed by the Appellant. The same was intimated to the Ld. Assistant Commissioner also. The Appellant had most humbly, vide its written submissions dated 13.06.2024 had requested the Ld. Additional Commissioner to keep the finalization of the provisionally assessed subject BoEs on hold, pending the disposal of the identical matter with a higher forum i.e. Hon'ble CESTAT, Ahmedabad and very conveniently. such request has been disregarded, as is evident by the Impugned Order. It may further be noted that the IGST was already discharged at a higher rate i.e. 28% under protest, by the Appellant as against 18% which the Appellant still believes to be correct as per Sr. No. 453/376AAA of the Schedule III to the IGST Notification. There is no differential duty amount in the present matter and hence, the question of loss to the revenue even at a later stage, per se, is ruled out. In such scenario, there is no compelling urgency on the part of the Department to finalize the assessment of provisionally assessed BoEs. It was not impractical on the part of the Department to keep the matter in abeyance pending the disposal of the Customs Appeal No. C/10225/2024 dated 17.05.2024 By Hon'ble CESTAT Ahmedabad. Hence, in the absence of any such urgency of finalization, the Impugned Order has been passed without appreciating the pendency of the identical matter of the Appellant with the higher forum i.e. Hon'ble CESTAT, Ahmedabad, which itself renders the Impugned Order as liable to be set aside.

IGST IS CORRECTLY PAYABLE AT 18% UNDER SR. NO. 453 OF THE SCHEDULE III TO THE IGST NOTIFICATION.

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2.4 The Appellant submitted that in the foregoing paras that the Appellant is inter alia engaged in the business of import and the sale of impugned goods, i.e. child parts of battery pack for automobiles. The impugned goods are imported and sold to battery pack manufacturers for the manufacture of lithium-ion accumulators for use in automobiles. The above facts are not disputed in the Impugned Order. The Impugned Order in Para 10.1 has held that the impugned goods are rightly covered under the CTI 8507 90 90 and fall under Sr. No. 139 of Schedule IV of the IGST Notification attracting IGST@28%, as against 18% under Sr. No. 453 of the Schedule III of the IGST Notification. At the outset itself, the Appellant does not agree with the above finding in the Impugned Order and submits that the impugned goods are leviable to IGST@18% in terms of Sr. No. 453 of Schedule III to the IGST Notification only as explained infra. The Appellant has cleared the subject goods by discharging IGST@28% only under protest due to the acute requirement of the imported goods. The Appellant, however, does not agree to the leviability of IGST@28% on the impugned goods as per Sr. No. 139 of Schedule IV to the IGST Notification.

THE DESCRIPTION OF GOODS CORRESPONDING TO SR. NO. 139 OF SCHEDULE IV OF THE IGST NOTIFICATION DOES NOT COVER THE IMPUGNED GOODS.

2.5 The Appellant further submitted that Section 5(1) of the IGST Act provides for levy and collection of IGST on the inter-state supply of goods or services or both at such rates as notified by the Government on the recommendations of the GST Council. Further, proviso to Section 5(1) of the IGST Act read with Section 3 of the Customs Tariff Act, 1975 ('CTA') provides for levy of IGST on goods imported into India. In exercise of the powers conferred by Section 5(1) of the IGST Act, the Ministry of Finance issued the IGST Notification which notifies the rates of IGST applicable to inter-state supply of goods or services or both. Schedule IV of the IGST Notification provides for IGST@28% on the goods covered therein. Sr. No. 139 of Schedule IV of the IGST Notification covers within its scope 'Electric accumulators, including separators therefor, whether or not rectangular (including square) other than Lithium-ion battery and other Lithium-ion accumulators including Lithium-ion power banks, Relevant portion of the IGST Notification is extracted below for case of reference:

"Schedule-IV

S. No	Chapter/ Heading/ Sub-heading/ Tariff item	Description of Goods
139.	8507	Electric accumulators, including separators therefor, whether or not rectangular (including square) other than Lithium-ion battery and other Lithium-ion accumulators including Lithium-ion power banks."

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2.6 The Appellant further submitted that from the above extract, it can be seen that the entry at Sr. No. 139 of Schedule IV of the IGST Notification is a specific entry for electric accumulators i.e., the entry covers electric accumulators other than lithium-ion battery, lithium-ion accumulators and lithium-ion power bank. Further, the description of entry at Sr. No. 139 of Schedule IV of the IGST Notification does not cover 'parts' of accumulators classifiable under CTI 8507 90 90. In this regard, it is humbly submitted that lithium-ion battery and lithium-ion accumulator including lithium-ion power bank, which have been specifically excluded from Sr. No. 139 of Schedule IV, are covered under Sr. No. 376AA and Sr. No. 376AAA of Schedule III of the IGST Notification. Further, it is respectfully submitted that if the intention of the legislature was to include the 'parts of the Electric Accumulator under Sr. No. 139 of Schedule IV of the IGST Notification, then the same would have been done specifically, as done under Sr. No. 196 and 197 of Schedule II and Sr. No. 402A and 406 of Schedule III of the IGST Notification. An extract of few entries of the IGST Notification wherein, the scope of such entry includes 'parts' under the same description of the finished goods have been extracted below.

S. No.	Heading, sub-heading or tariff item	Description of Goods
	Schedule II – 12%	
196	8432	Agricultural, horticultural or forestry machinery for soil preparation or cultivation; lawn or sports-ground rollers; [...] Parts [8432 90]
197	8433	Harvesting or threshing machinery, including straw or fodder balers; grass or hay mowers; parts thereof

	Schedule III – 18%	
402A	8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles
406	8805	Aircraft launching gear, deck arrestor or similar gear, ground flying trainers and parts thereof

2.7 The Appellant further submitted that from the above extract, it can be seen that Sr. No. 196 and Sr. No. 197 of Schedule II and Sr. No. 402A and 406 of Schedule III, etc. of the IGST Notification cover 'parts' explicitly within their scope. However, entry at Sr. No. 139 of Schedule IV of the IGST Notification does not provide for 'parts' of electric accumulators. Therefore, the parts of Lithium-ion accumulators imported by the Appellant will not be covered by Sr. No. 139 of Schedule IV of the IGST Notification, in absence of specific inclusion of 'Parts

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thereof in the scope of the said entry. Therefore, in view of the reasons explained above, the allegation in the Impugned Order that the subject goods are covered within the scope of Sr. No. 139 of Schedule IV of the IGST Notification, is incorrect and the Impugned Order is liable to be set aside on this ground. The Impugned Order, in Para 10.1, has rejected the above submissions on the ground that the said interpretation is not flowing from the plain reading of Sr. No. 139 of Schedule IV of the IGST Notification. It states that....that "Parts of Lithium-ion Accumulators" self-assessed and classified under CTI 8507 90 90 of the 1 Schedule of the Customs Tariff have not been specifically excluded from Entry from Entry No. 139 of Schedule-IV of the said Notification, therefore, it attracts IGST@28% as appended to Schedule-IV of the Notification.

2.8. The Appellant further submitted that the aforesaid reasoning in the Impugned Order is incorrect. The Appellant does not dispute the legal position that the statute should be interpreted strictly and literally basis the meaning of the words used therein. It is, in fact, the case of the Appellant that the plain reading of Sr. No. 139 of Schedule IV of the IGST Notification ibid does not show that the parts of lithium-ion accumulators are covered thereunder. This is because the said entry does not include 'parts' since the same is not flowing from the plain reading of the said entry. If the intention of law was to include 'parts' in the entry at Sr. No. 139 of Schedule IV of the IGST Notification, the same would have been mentioned explicitly as has been done in various entries of the same IGST Notification. However, the Impugned Order rejects the same and proceeds to levy IGST on the impugned goods under the said entry even though the term 'parts' is not required to be specifically mentioned. Thus, the Impugned Order, on one hand states that the statute is to be interpreted strictly, and on the other hand refuses to follow the same. Thus, the Impugned Order is inconsistent with its own reasoning. The Appellant, in this regard, places reliance on the decision in Commissioner of Customs (Import), Mumbai vs. Dilip Kumar & Company, 2018 (361) ELT 577 (SC) case wherein, the Apex Court held that –

A. The statutes are to be interpreted strictly;

B. Where there is an ambiguity in interpreting charging provisions of a taxing statute, the benefit shall go to the assessee, viz., the provision shall be interpreted in favour of the assessee;

C. Where there is an ambiguity in interpreting exemption clause in a taxing statute, the benefit shall go to the Revenue, viz., the provision shall be interpreted in favour of the Revenue.

The relevant portion of the decision is extracted below:

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"19. The well-settled principle is that when the words in a statute are clear, plain and unambiguous and only one meaning can be inferred, the courts are bound to give effect to the said meaning irrespective of consequences. If the words in the statute are plain and unambiguous, it becomes necessary to expound those words in their natural and ordinary sense. The words used declare the intention of the Legislature."

2.9 The Appellant further submitted that after thoroughly examining the various precedents some of which are cited before us and after giving our anxious consideration, we would be more than justified to conclude and also compelled to hold that every taxing statute including charging, computation and exemption clause (at the threshold stage) should be interpreted strictly. Further, in case of ambiguity in the charging provisions, the benefit must necessarily go in favour of subject/assessee, but the same is not true for an exemption notification wherein the benefit of an ambiguity must be strictly interpreted in favour of the Revenue/ State. Thus, the Appellant submitted that in view of the above decision, in case of ambiguity in interpretation of charging provisions of a taxing statute, the benefit of ambiguity must go to the assessee. Since the dispute in the present case is with respect to the chargeability of IGST on the impugned goods, the same shall be interpreted in favour of the Appellant only in view of the above decision of the Apex Court. The Impugned Order ought to have applied the ratio of the aforesaid decision of the Apex Court and should have held that the impugned goods are not covered under Sr. No. 139 of Schedule IV to the IGST Notification. B.18. In view of the above, the Impugned Order merits to be set aside on this ground also.

THE IMPUGNED GOODS ARE SUBJECT TO IGST AT 18% UNDER SR. NO. 453 OF SCHEDULE III OF THE IGST NOTIFICATION.

2.10 The Appellant further submitted that Sr. No. 453 of Schedule III to the IGST Notification covers the goods which are not covered specifically under any of the entries of the IGST Notification. In simple terms, the same is a residuary entry in the IGST Notification. Relevant portion of Schedule III is extracted below for ease of reference:

'Schedule III

S. No	Chapter/ Heading/ Sub heading/ Tariff item	Description of Goods
453	Any Chapter	Goods which are not specified in Schedule I, II, IV, V or VI

From the above extract, it can be seen that Sr. No. 453 of Schedule III of the GST Notification covers "Goods which are not specified in Schedule I, II, IV, V or VI.

Since the impugned goods are not covered under Sr. No. 139 of Schedule IV of IGST Notification nor specifically under any other entry of the IGST Notification, the impugned goods will fall under Sr. No. 453 of Schedule III of the IGST Notification which attracts 18% IGST. In view of the above submissions, since the impugned goods are not covered specifically elsewhere in the IGST Notification, they merit coverage under Sr. No. 453 of Schedule III of the IGST Notification. Therefore, humbly submitted that the Appellant's view of applicability of IGST on the impugned goods at 18% under Sr. No. 453 of Schedule III of the IGST Notification shall be upheld and the confirmation of IGST@28% as per Sr. No. 139 of Schedule IV of the IGST Notification in the Impugned Order is liable to be set aside.

ALTERNATIVELY, THE IMPUGNED GOODS ARE COVERED UNDER SR. NO. 376AAA OF SCHEDULE III OF THE IGST NOTIFICATION

2.11 The Appellant further submitted that without prejudice to the above submissions, it is respectfully submitted that, even if the department is of the view that the impugned goods are not covered under Sr. No. 453 of Schedule III of the IGST Notification, the same are exigible to IGST at 18% under Sr. No. 376AAA of Schedule III of the IGST Notification for the reasons stated in the following paras. Humbly submitted that the IGST Notification was amended vide Notification No. 25/2018-IT(Rate) dated 31.12.2018 by which an entry 376AAA was introduced in Schedule III of the IGST Notification. Therefore, with effect from 31.12.2018, Sr. No. 139 of Schedule IV of the IGST Notification did not cover Lithium-ion accumulators. Sr. No. 376AAA of Schedule III of the IGST Notification covers 'Lithium-ion accumulators (other than battery) including lithium-ion power bank'. Relevant portion of Sr. No. 376AAA of Schedule III of the IGST Notification is extracted below for case of reference:

S. No.	Chapter/ Heading/ Sub-heading/ Tariff item	Description of Goods
AAA	8507	Lithium-ion accumulators (other than battery) including lithium-ion power bank

From the above extract, it can be seen that lithium-ion accumulators (other than lithium-ion battery) but including lithium-ion power bank are covered under Sr. No. 376AAA of Schedule III of the IGST Notification.

INTERPRETATION OF THE IGST NOTIFICATION

2.12 The Appellant further submitted that Para 10.3 of the Impugned Order provides that the terms "Tariff item", "sub-heading" "heading" and "Chapter shall have the meaning provided for such terms in the First Schedule to the Tariff Act. Furthermore, the rules of interpretation of the First Schedule to the Tariff Act,

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including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall apply to the interpretation of the IGST Notification. Relevant portion of IGST Notification is extracted below for ease of reference:

"(iii) "Tariff item", "sub-heading" "heading" and "Chapter" shall mean respectively a tariff item, sub-heading, heading and chapter as specified in the First Schedule to the Customs. Tariff Act, 1975 (51 of 1975).

(iv) The rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this notification."
(Emphasis Supplied)

2.13 The Appellant further submitted that the above extract provides specifically that Section and Chapter Notes of First Schedule to the Tariff Act shall apply to interpretation of the IGST Notification, and the same has been inappropriately construed by the Department to finalize the assessment as per Sr. No. 139 of Schedule IV to the IGST Notification to levy IGST@28% on the imported goods. It is not in dispute that the impugned goods are parts of lithium-ion accumulators which are imported and sold to the manufacturers of lithium-ion battery packs for automobiles. Since lithium-ion accumulators are specifically covered under Sr. No. 376AAA of Schedule III of the IGST Notification, parts of lithium-ion accumulators are also covered under Sr. No. 376AAA of Schedule III of the IGST Notification in view of Explanation (iii), (iv) of the IGST Notification, Section Note 2(b) of Section XVI of the First Schedule to the Tarif Act and Chapter Note 3 to Chapter 85 of the First Schedule to the Tariff Act. The Appellant further expounds the entries mentioned below:

"Schedule IV

S. No.	*Chapter/ Heading/ Sub-heading/ Tariff item*	*Description of Goods*
139	*8507*	*Electric accumulators, including separators therefor, whether or not rectangular (including square) other than Lithium-ion battery and other Lithium-ion accumulators, including Lithium-ion power banks"*

Schedule III

S. No.	*Chapter Heading Sub-heading Tariff item*	*Description of Goods*
376AAA	*8507*	*Lithium-ion accumulators (other than battery) including lithium-ion power bank*

2.14 The Appellant further submitted that it may be noted that both the entries reproduced above cover the goods classifiable under Chapter 8507. Even if the

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parts of the respective products are to be classified along with the product, the department has failed to appreciate that Lithium-ion accumulators have specifically been excluded from the scope of Sr. No. 139 of Schedule IV of IGST Notification by stating, '....other than Lithium-ion accumulators including Lithium-ion power banks' and hence the question of the parts thereof being covered under the same does not arise. When the main product has specifically been excluded from a particular entry. the parts thereof, in the absence of any specific mention of inclusion of the same, are automatically outside the ambit of that entry. Similarly, if the parts of the respective products are to be classified along with the product, the entry covering the main product shall cover the parts/components of the same. Hence, the impugned goods are correctly covered under Sr. No. 376AAA of Schedule III of IGST Notification, if not under Sr. No. 453. Therefore, under the present situation, it is stated that the Appellant had already discharged excess IGST@28% as per Sr. No. 139 of the Schedule IV to the IGST Notification as against under entries at Sr. No. 453/376AAA of the Schedule III to the IGST Notification. Reliance in this regard is placed on CBIC Circular No. 155/11/2021 - GST dated 17.06.2021. The circular provides for the clarification relating to the GST rate of sprinklers or drip irrigation system along with their laterals/parts. The circular holds that parts of sprinklers will be classified along with sprinklers for the purposes of determining the GST rate notwithstanding the fact that the parts are not specifically covered by nomenclature in the rate entry. The circular is extracted below for reference:

2. The GST rate on Sprinklers or Drip Irrigation System along with their laterals/parts are governed by S. No. 195B under Schedule II of notification No. 1/2017-Central Tax (Rate), dated 28th June, 2017 which has been inserted vide notification No. 6/2018-Central Tax (Rate) dated 25th January, 2018 and reads as below:

S. No.	Chapter Heading/Sub-heading/Tariff Item	Description of Goods	CGST rate
195B	8424	Sprinklers, drip irrigation systems including laterals, mechanical sprayer	6%

3. The matter is examined. The intention of this entry has been to cover laterals (pipes to be used solely with sprinklers/drip irrigation system) and such parts that are suitable for use solely or principally with sprinklers or drip irrigation system, as classifiable under heading 8424 as per Note 2(b) to Section XVI to the HSN. Hence, laterals/parts to be used solely or principally with sprinklers or drip irrigation system, which are classifiable under heading 8424, would attract a GST of 12%, even if supplied separately. However, any part of general use, which gets classified in a heading other than 8424, in terms of Section Note and Chapter Notes to HSN, shall attract GST as applicable to the respective heading.

(Emphasis Supplied)

2.15 The Appellant further submitted that, the impugned goods being parts of lithium-ion accumulator, merit coverage under Sr. No. 376AAA of Schedule III of the IGST Notification thereby attracting IGST at the rate of 18%. In view of the

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above submissions, it is humbly submitted that even if the impugned goods i.e., parts of Lithium-ion accumulator imported by the Appellant, are not covered under Sr. No. 453 of Schedule III of the IGST Notification, they will be alternatively covered under Sr. No. 376AAA of Schedule III of the IGST Notification attracting 18% IGST only, in all cases, making the Appellant eligible for the refund of excess IGST discharged by it. Under no circumstances can the impugned goods .e., parts of lithium-ion accumulators, be covered within the scope of Sr. No. 139 of Schedule IV of the IGST Notification as Lithium-ion accumulators are specifically excluded therein.

2.16 Therefore, the Impugned Order insofar as it finalizes the IGST@28% as per Sr. No. 139 of Schedule IV of the IGST Notification on the impugned goods is liable to be set aside on this ground. The Appellant submitted that the Impugned Order attempts to distinguish the aforesaid submission on the ground that the term 'parts' is not mentioned in Sr. No. 376AAA and therefore, the said entry cannot be interpreted to include parts of lithium-ion accumulators.

2.17 The Appellant further submitted that the said finding at Para 10.3 of the Impugned Order is contrary and inconsistent with its own argument that the mentioning of the term 'parts' is not required for classifying them under Sr. No. 139 of Schedule IV to the IGST Notification. Thus, on one hand the Impugned Order dispenses with the specific requirement of the term 'parts' in the IGST Notification entry (Sr. No. 139 of Schedule IV) and on the other hand it rejects the submission of the Appellant on the ground that the term 'parts' is not mentioned in the entry (Sr. No. 376AAA of Schedule III). Thus, the Appellant submits that the Impugned Order is inconsistent and incorrect in its finding that the impugned goods are leviable to IGST @ 28%. Further, it may be noted that the Impugned Order, in its Para 10.3, has harped upon the application of thumb rule in reading the IGST Notification. It states that "where the entry in any Schedule specifies a description of goods at a four-digit Chapter Heading Level and the description matches the Chapter Heading description in the Customs Tariff, the rate will apply to all goods under all the sub-headings and tariff items of the said Chapter Heading. The department has, however failed to appreciate that an amendment was made to the 'IGST Notification' to specifically exclude the lithium-ion accumulators from the scope of Sr. No. 139 of Schedule IV to the IGST Notification to replace the same into the schedule attracting lower rate of tax. The relevant Customs Heading and the amendments made to the IGST Notification from time to time have been tabulated below for easy understanding:

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Date	Relevant Notification/ Customs Tariff Heading	Entry
	8507	Electric Accumulators, including separators therefor, whether or not Rectangular (including square)
28.06.2017	IGST Notification	Electric Accumulators, including separators therefor, whether or not Rectangular (including square)
26.07.2018	Notification No. 19/2018-Integrated Tax (Rate)	Electric accumulators, including separators therefor, whether or not rectangular (including square) other than Lithium-ion battery
31.12.2018	Notification No. 25/2018-Integrated Tax (Rate)	Electric accumulators, including separators therefor, whether or not rectangular (including square) other than Lithium-ion battery and other Lithium-ion accumulators including Lithium-ion power banks

2.18 On bare reading of the above table, one may observe that the Customs Tariff Heading and the Heading corresponding the Entry No. 139 of Schedule IV of the IGST Notification prevailing during the entire disputed period do not match. Specific exclusion of the Lithium-ion accumulators has been made from the entry at Sr. No. 139 of the Schedule IV to the IGST Notification only, without making any change to the Customs Tariff Heading, and has been included in the Schedule III of the same IGST Notification which attracts IGST@18%. Therefore, the entry at Sr. No. 139 of Schedule IV to the IGST Notification must be construed independently, and in such scenario, the Lithium-ion accumulators ought to be classified under Sr. 376AAA of the IGST Notification only. To that extent, it may be said that the department has erred in the interpretation of the said thumb rule in the context of the IGST Notification and consequently, has incorrectly finalised the assessment of the imported goods as per Sr. No. 139 of Schedule IV of the IGST Notification.

2.19 The Appellant further submitted that only upon receipt of Letter dated 10.06.2024 issued by the Ld. Assistant Commissioner, the Appellant got the opportunity to place the alternate submissions and therefore, the same was even expounded by the Appellant in the written submissions dated 13.06.2024. This fact has been conveniently ignored by the Impugned Order besides ignoring the pendency of disposal of the identical matter before the Hon'ble CESTAT, Ahmedabad, as already stated supra.

2.20 The Appellant further submitted that on the basis of the above submissions, the Impugned Order is liable to be set aside and the finalization of provisionally assessed Bills of Entry ought to be done under Sr. No. 453/376AAA of Schedule III of the IGST Notification, both of the said entries attracting IGST@18% of the IGST Notification,

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3. PERSONAL HEARING:

Opportunity of personal hearing was granted to the Appellant. Shri Santhana Gopalan, Advocate appeared for personal hearing in virtual mode on 21.05.2026 wherein he re-iterated written submission filed during the appeal.

4. DISCUSSION AND FINDINGS:

4.1 The date of the impugned order is 19.07.2024 and the date of filing of the appeal by the Appellant is 10.09.2024. Thus, the appeal has been filed within the period of sixty days prescribed under Section 128 of the Customs Act, 1962 and is accordingly taken up for decision on merits.

4.2. I find that the matter pertains to the issue of classification and the Appellant has already paid the full amount of duty already assessed during provisional assessment and the same has been adjusted towards finally assessed duty.

4.3 The Customs House, Pipavav was requested for submission of comments of the appeal filed by the Appellant vide letter dated 12.12.2024 but no comments have been received by this office till date therefore, I am taking up the issue for decision based on the facts of the case and documentary evidence available on record.

4.4 I have carefully gone through the case records, show cause notice and corresponding order passed by the adjudicating authority and the defense put forth by the Appellants in their appeal.

4.5 The limited issue to be decided is whether the "Parts of Lithium-ion Accumulators" imported under CTI 8507 90 90 attract IGST at 28% (under Sr. No. 139 of Schedule-IV) or 18% (under Sr. No. 376AAA / Sr. No. 453 of Schedule-III).

4.6 I find that the contention of the Appellant that the provisional assessments ought to have been kept in abeyance merely on account of pendency of an appeal before the Hon'ble CESTAT is not acceptable. The provisional assessments under Section 18 of the Customs Act, 1962 were undertaken pending resolution of the dispute regarding the applicable rate of IGST. The said issue had subsequently been examined in adjudication by the Commissioner of Customs (Preventive), Jamnagar, and the relevant investigation/adjudication process had been completed. In these circumstances, the pendency of an appeal before the Hon'ble CESTAT in respect of Bills of Entry pertaining to a different period, in the absence of any order of stay or direction restraining finalisation, cannot by itself be

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construed as a legal bar against finalisation of the provisional assessments. Accordingly, I find no infirmity merely on this ground.

4.7. At this juncture it is important to refer to the Statutory Provisions regarding classification of the imported. Therefore, I refer to the IGST Notification entries which are reproduced below for ready reference. The interpretation of the IGST Notification hinges on a strict reading of the entries:

- **Sr. No. 139 of Schedule-IV (28%):** Covers Chapter 8507: *Electric accumulators, including separators therefor, whether or not rectangular (including square)* ***other than*** *Lithium-ion battery and other Lithium-ion accumulators including Lithium-ion power banks.*
- **Sr. No. 376AAA of Schedule-III (18%):** *Lithium-ion accumulators (other than battery) including lithium-ion power bank.*

4.8 The controversy, therefore, is not as to the classification of the imported goods under the Customs Tariff, which stands declared under CTI 8507 90 90, but as to the applicability of the rate prescribed against the relevant entry of the IGST Rate Notification. The fact that the goods fall under Heading 8507 is relevant, but is not by itself determinative of the applicable rate unless the goods also satisfy the description specified against the corresponding entry in the IGST Rate Notification.

4.9 The Appellant has relied upon the judgment of the Hon'ble Supreme Court in Commissioner of Customs (Import), Mumbai v. Dilip Kumar & Company, 2018 (361) E.L.T. 577 (S.C.). I find that the said judgment lays down the principle of strict construction of taxing/exemption provisions. However, the controversy in the present case can appropriately be resolved primarily by examining the text and structure of the relevant entries in the IGST Rate Notification itself. Therefore, it is not necessary to determine the issue merely on the basis of the principle relating to interpretation of ambiguity. The relevant question is whether the description of the imported goods, namely 'parts of lithium-ion accumulators', answers to the description prescribed against Sr. No. 139 of Schedule-IV

4.10. I also find that the alternative claim of the Appellant under Sr. No. 376AAA of Schedule-III requires separate consideration. The said entry specifically covers 'Lithium-ion accumulators (other than battery) including lithium-ion power bank'. The imported goods, however, are not lithium-ion accumulators as such but are admittedly individual parts/components thereof, classifiable under CTI 8507 90 90. Therefore, the mere fact that the parent product, namely lithium-

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ion accumulator, finds mention in Sr. No. 376AAA cannot, by itself, establish that every part thereof is covered by the said entry. The applicability of Sr. No. 376AAA must accordingly be determined on the basis of the language of the entry and the nature of the imported goods.

4.11. I am of the considered view that determination of the applicable rate under the IGST Rate Notification involves two distinct but interconnected considerations. First, the imported goods must be classifiable under the tariff item, sub-heading, heading or Chapter specified in Column (2) of the relevant entry. Secondly, the goods must answer to the description specified in Column (3) of that entry. The General Rules for Interpretation and the relevant Section and Chapter Notes may be applied to determine the tariff classification and to the extent provided by Explanation (iv) of the IGST Rate Notification. However, such rules cannot be applied so as to dispense with or override the specific description of goods prescribed in Column (3) of the rate notification

4.12 I find that the fact that Sr. No. 139 specifies Heading 8507 in Column (2) cannot be read in isolation from the description of goods specified in Column (3). At the same time, the description in Column (3) has to be read harmoniously with the tariff reference in Column (2), and neither can be rendered otiose. Heading 8507 of the First Schedule to the Customs Tariff Act, 1975 encompasses electric accumulators as well as the parts thereof, the latter being specifically provided for under sub-heading 8507 90. Thus, the mere fact that the imported goods are classifiable at the sub-heading/tariff-item level as 'Parts' does not, by itself, take them outside the ambit of an entry which, at the four-digit level, specifically covers Heading 8507, unless the language of the corresponding entry expressly or by necessary implication so provides.

4.13 Further, the prefatory mandate of Notification No. 01/2017-Integrated Tax (Rate) dated 28.06.2017, as amended, assumes significance in this regard. The Notification predicates the levy on goods 'the description of which is specified in the corresponding entry in column (3) of the said Schedules, falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said Schedules.' The said formulation requires a harmonious and conjunctive reading of the tariff reference and the corresponding description. Explanation (iv) to the Notification further provides that the Rules for Interpretation of the First Schedule to the Customs Tariff Act, 1975, including the Section and Chapter Notes and the General Explanatory Notes, shall, so far as may be, apply to the interpretation of the Notification. Consequently, where Sr. No. 139 specifies Heading 8507 and the corresponding description substantially follows the description of that Heading,

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the scope of the entry cannot be curtailed merely by importing an additional requirement that the expression 'parts' must be separately reproduced in Column (3), particularly when the entry contains no express exclusion of parts of the goods covered by Heading 8507.

4.14 The Appellant's contention that the mere absence of the expression 'parts' in Column (3) necessarily excludes goods classifiable under sub-heading 8507 90 from Sr. No. 139 would, in my considered view, amount to reading the description in Column (3) divorced from the tariff reference in Column (2) and the interpretative provisions expressly incorporated into the Notification. Such an interpretation would unduly restrict the scope of an entry expressly linked to Heading 8507 and cannot be accepted.

4.15 It is also relevant that the IGST Rate Notification was subsequently amended to introduce Sr. No. 376AAA specifically covering 'Lithium-ion accumulators (other than battery) including lithium-ion power bank' at the rate of 18%. The amendment is significant because the expression 'Lithium-ion accumulators' was thereby expressly brought within a lower-rate entry, while Sr. No. 139 continued to contain an exclusion in respect of lithium-ion battery and other lithium-ion accumulators including lithium-ion power banks. The subsequent legislative treatment demonstrates that the entries in the rate notification cannot be applied merely by reference to the four-digit heading, divorced from their specific descriptions.

4.16 In view of the foregoing discussion, I find that Heading 8507 has been expressly specified in Column (2) against Sr. No. 139 of Schedule-IV of the IGST Rate Notification. The imported goods, admittedly classifiable under CTI 8507 90 90, therefore fall within the tariff heading expressly referred to in the said entry. The fact that the goods are specifically provided for as 'parts' under sub-heading 8507 90 does not, by itself, sever them from the scope of the Heading 8507 reference made in Column (2). The tariff reference in Column (2) and the description in Column (3) are required to be read harmoniously so as to give effect to both, and the absence of the expression 'parts' in Column (3) cannot, by itself, be construed as creating an exclusion which is not otherwise provided for the Notification.

4.17 I further find that the said entry does not specifically provide for 'parts' of lithium-ion accumulator, whereas the goods imported by the Appellant are admittedly parts of such lithium-ion accumulators and are separately classifiable under CTI 8507 90 90. The said entry does not specifically provide for 'parts' of lithium-ion accumulators. Thus, the mere fact that the parent product, namely lithium-ion accumulator, is covered under Sr. No. 376AAA

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cannot, in the absence of specific words or other enabling provision extending the entry to its parts, result in the imported goods being brought within the scope of Sr. No. 376AAA.

4.18 Accordingly, when the imported goods fall within Heading 8507 expressly specified against Sr. No. 139, are not specifically covered by the lower-rate entry at Sr. No. 376AAA, and no separate specific rate entry in the IGST Rate Notification has been shown to be applicable to such parts, I hold that the goods remain covered by Sr. No. 139 of Schedule-IV. Consequently, the applicable rate of IGST on the impugned goods is 28%. The residuary entry at Sr. No. 453 of Schedule-III is not attracted, as the goods are covered by a specific entry in the IGST Rate Notification.

4.19 Thus, based on the above I find that the description of goods at the four-digit Chapter Heading level (8507) corresponds to Sr. No. 139 of Schedule-IV. Since "parts" of Lithium-ion accumulators are neither explicitly excluded from Sr. No. 139 nor explicitly included in Sr. No. 376AAA, they attract the standard rate applicable to the broader heading under Sr. No. 139, which is 28%. Consequently, there is no ambiguity that requires the invocation of the residuary entry (Sr. No. 453).

5. In light of the above findings and discussions, I find no infirmity in the order passed by the Adjudicating Authority. The levy of IGST at 28% is legally sustainable and correctly applied.

1. The impugned Order-In-Original No. 01/AC/LRM/GPPL/2024-25 dated 19.07.2024 passed by the Assistant Commissioner, Customs House, Pipavav, is hereby upheld.
2. The appeal filed by M/s Denso Haryana Pvt. Ltd. is rejected.

सत्यापित/ATTESTED

अधीक्षक/SUPERINTENDENT
सीमा शुल्क (अपील्स), अहमदाबाद.
CUSTOMS (APPEALS), AHMEDABAD

Vishwajeet Singh
10.06.2026

(Vishwajeet Singh)
Commissioner (Appeals),
Customs, Ahmedabad

F. No. S/49-324/CUS/JMN/JUN/2024-25

By Registered post A.D/Email

M/s Denso Haryana Pvt. Ltd., Plot No. 3. IMT, Manesar, Gurgaon-122052

Copy to,

1. The Chief Commissioner of Customs, Gujarat, Custom House, Ahmedabad. (email: ccoahm-guj@nic.in).
2. The Commissioner, Customs (Prev), Jamnagar.

3. The Deputy/Assistant Commissioner, Custom House, Pipavav
4. Guard File

