

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI**

PRINCIPAL BENCH – COURT NO. I

CUSTOMS APPEAL NO. 50541 OF 2021

(Arising out of Order-in-Original No. 23/2020/M.K.S./PR. COMMR./ICD IMPORT/TKD dated 23.12.2020 passed by the Principal Commissioner of Customs, (Import), ICD Tughlakabad, New Delhi)

M/s Inox Decor Pvt. Ltd.

B1/1/2, Main Najafgarh Road,
Janakpuri, New Delhi-110058

.....Appellant

Versus

**Principal Commissioner of Customs,
(Import), Inland Container Depot,
Tughlakabad, New Delhi**

.....Respondent

APPEARANCE:

Shri Piyush Kumar, Advocate for the Appellant
Shri Rajesh Singh, Authorized Representative of the Department

CORAM:

**HON'BLE MR. JUSTICE DILIP GUPTA, PRESIDENT
HON'BLE MR. K. ANPAZHAKAN, MEMBER (TECHNICAL)**

**DATE OF HEARING: 13.05.2026
DATE OF DECISION: 29.05.2026**

FINAL ORDER NO. 50999/2026

JUSTICE DILIP GUPTA:

M/s. Inox Decor Pvt Ltd¹ has filed this appeal for quashing the order dated 23.12.2020 passed by the Principal Commissioner of Customs, Inland Container Depot, Tughlakabad². The said order confirms the demand of duties of customs in respect of Bills of Entry under section 28(1) of the Customs Act with interest under section 28AA of the Customs Act, 1962³.

-
1. the appellant
 2. the Principal Commissioner
 3. the Customs Act

2. The issue that arises for consideration in this appeal is regarding the goods imported by the appellant under 32 Bills of Entry. The goods that were imported by the appellant are Soho unit Basket, Tandom Box (Slimo Elite Drawer System), Bottle Rack, Plate Rack with drip Tray, Corena White S-Carousel unit, Corena White S-Carousel unit, Corena White Soho unit W/12 Basket, Dress holder, Magic corner baskets, Cutlery Basket, Tie Rack, Dress hanger holder, Trouser rack, Swivel Shoe Rack, Satin Bowl/Plate Holder etc.
3. According to the appellant, these goods are essentially items of “base metal” used in the kitchen or household, hung or fixed in cabinets, drawers or walls. They were classified by the appellant under Customs Tariff Item⁴ 7323 93 90, CTI 7323 99 90 and CTI 8302 49 00.
4. The department, however, believed that that products were parts of unit furniture, shelf furniture, chests and cupboards cabinet classifiable under CTI 9403 90 00.
5. The description of the items, the CTI claimed by the appellant and the CTI determined is contained in the following chart:

S. No.	Item Description	Claimed CTI	Determined CTI
1	Bottle Rack	7323 93 90	9403 90 00
2	Plate Rack with Drip Tray	7323 93 90	9403 90 00
3	Corena White S-Caraousel Unit (Left) Stainless Steel	7323 93 90	9403 90 00
4	Corena White Soho Unit W12 Basket	7323 93 90	9403 90 00
5	Tandom Box (Elite Drawer System)	8302 49 90	9403 90 00
6	Soho Unit Baket(Big)	7323 93 90	9403 90 00
7	Basket for S Caraousel Left	7323 93 90	9403 90 00
8	Dress Holder 7 Holes	7323 99 90	9403 90 00
9	Magic Corner Baskets	7323 93 90	9403 90 00
10	Cutlery Basket	7323 93 90	9403 90 00
11	Tie Rack	7323 99 00	9403 90 00
12	Soho Lift White for Sample	7323 99 90	9403 90 00
13	Ironing Board	7323 99 00	9403 90 00
14	Trouser Rack	7323 99 90	9403 90 00
15	EZ Up & Down	7323 93 90	9403 90 00
16	12 Layer Swivel Shoe Rack	7323 99 00	9403 90 00
17	Satin-X Soho Baskets	7323 99 00	9403 90 00
18	Bottle Holder	7323 93 90	9403 90 00
19	Undersink Basket	7323 93 90	9403 90 00

4 CTI

20	Satin Plate Holder	7323 99 00	9403 90 00
21	Satin Bowl Holder	7323 99 00	9403 90 00
22	Corena White Magic Corner Unit	7323 93 00	9403 90 00
23	Corner Hanger for Oval Rod	7323 99 90	9403 90 00
24	S-Carousel Unit (Right)	7323 93 90	9403 90 00
25	Tube Holder Kit	7323 99 90	9403 90 00
26	Satin-X Magic Corner Basket	7323 93 90	9403 90 00
27	Basket Box	7323 99 90	9403 90 00
28	Silenco Lift Up Fitting Left	8302 10 90	9403 90 00
29	Stop Fee Lift Up Fitting Right	8302 10 90	9403 90 00
30	Soho Lift-Cloth Soft Closing	7323 99 90	9403 90 00
31	Adjustable Shoe Rack Pull Out	7323 99 90	9403 90 00
32	Klassee Aluminium Side 3 Shelves Basket	7615 10 30	9403 90 00
33	Anti Slip Mat Grey	4016 99 90	9403 90 00
34	Expandable Plate Holder W/SS Sheet Gre	3926 90 11	9403 90 00
35	Bottom Mount Slide	8302 42 00	9403 90 00
36	Metal Partition	7323 99 90	9403 90 00
37	Klasse Aluminium Shoe Rack	7615 10 30	9403 90 00
38	Klassee Aluminium Tie & Belt Rack	7615 10 30	9403 90 00
39	Klassee Aluminium Tie Rack	7615 10 30	9403 90 00
40	Klassee Top Mounted Trouser Rack	7615 10 30	9403 90 00
41	Bed Lift Fitting	8302 10 90	9403 90 00

6. According to the appellant, all the aforesaid consignments were assessed to duty by the proper officer and in most of the cases, consignments were released after physical examination of the goods.

7. However, on the basis of post clearance audit objection, the department issued a show cause notice to the appellant alleging misclassification.

8. The appellant filed a detailed reply to the show cause notice and denied the allegations made therein.

9. The Principal Commissioner, however, by order dated 23.12.2020 confirmed the classification under CTI 9403 90 00 as proposed in the show cause notice.

10. The relevant portions of the order passed by the Principal Commissioner rejecting the classification of the products claimed by the appellant under Customs Tariff Heading⁵ 7323 and 8302 are reproduced below:

5. CTH

"17. *** On comparison of the description of above imported goods with the description of the items covered under CTH 7323, I find that these are altogether different category of items. While CTH 7323 covers items which are kitchenware, tableware etc. which are used in the kitchen or household and are not in the nature of goods which are hung or fixed in cabinets, drawers or wall, the above items imported in this case are in the nature of parts of furniture / shelved furniture i.e. chests, cupboards, cabinets etc. for modular furniture.** From the pictures of some of the products presented by the noticee during personal hearing, it is seen that these baskets, holders, racks and boxes can be attached with sliders for movement like drawers. These are not kitchenware as such but are parts of furniture and fixtures and in fact these are items which hold the Kitchenware or other items, once they are fixed in the unit furniture.

18. I also find that the goods imported are not in the nature of base metal accessory fittings and mountings for furniture and are not in the nature or category of goods as described under the explanatory notes under CTH 8302 reproduced above.

19.1 In the present case, I find that the above tariff headings and the explanatory notes enumerates specific items which constitute a class or category which is not exhausted by the enumeration and the general terms follow the said enumeration. Keeping the above principles in mind, the categories of goods covered under CTH 7323 or CTH 8302 has to be read collectively and interpreted accordingly. The list of specific items mentioned under said headings/ explanatory notes do not indicate that it includes the kind of goods imported in this case. **Clearly, the interpretation would be that the goods are neither in the same class or category of goods used for table, kitchen or other household purposes as specifically described in CTH 7323 nor in the category of base metal accessory**

fittings and mountings as described in CTH 8302, therefore cannot be said to be covered under said tariff headings."

(emphasis supplied)

11. The relevant portions of the order passed by the Commissioner confirming the classification under CTH 9403 are reproduced below:

"20. Now coming to CTH 9403, I find that it covers "other furniture and parts". Thereof and goods included in subheadings of the said CTH are metal furniture of a kind used in offices and parts thereof; wooden furniture of a kind used in offices and parts thereof cabinet ware and others; wooden furniture of a kind used in kitchen; wooden furniture of a kind used in bedroom; other wooden furniture; furniture of plastics; furniture of other metals and furniture parts.

20.1 I also find that by virtue of Section Note 1(k) of the Section XV of Customs Tariff, articles of Chapter 94 are excluded from Chapter 73 and 82. The said section note reads as under:

"This section does not cover-
(k) articles of Chapter 94 (for example furniture, mattress supports, lamps and lighting fittings etc.)"

20.2 I also find that as per explanatory notes under CTH 7323, the heading excludes "(k) Small hanging meat safes and other furniture of Chapter 94".

20.3 Further, I find that Chapter Note 2 to the Chapter 94 read as follows:

"2. The articles (other than parts) referred to in headings 9401 to 9403 are to be classified in those headings only if they are designed for placing on the floor or ground.

The following are, however, to be classified in the above mentioned headings even if they are designed to be hung, to be fixed to the wall or to stand one on the other:

- (a) Cupboards, bookcases, other shelved furniture (including single shelves presented with supports for fixing them to the wall) and unit furniture;
- (b) Seats and beds."

20.5 Thus, as per the explanatory notes under Chapter 94 as reproduced above, furniture includes cupboards, cabinets, chests, drawers, wardrobes, tables, beds etc. Cupboards, bookcases, other shelved furniture (including single shelves presented with supports for fixing them to the wall) and unit furniture, designed to be hung, to be fixed to the wall or to stand one on the other or side by side, for holding various objects or articles (books, crockery, kitchen utensils, glassware, linen, medicaments, toilet articles, radio or television receivers, ornaments, etc.) and separately presented elements of unit furniture.

23. The noticee vide their written submission has relied upon the decision of Hon'ble CESTAT in the case of Commissioner of C. Ex., Surat-I Versus **Crystal Interior Products [2008 (225) ELT 110 (Trib. Ahmedabad)]**. I find that the Hon'ble CESTAT in said order categorically mentioned that the goods are "Baskets of different sizes for various usages in kitchen, grain trolley, Hot Plates and Cylinder Trolley, Trays for different usages in kitchen, Other Misc items for kitchen use like household articles, bathroom articles and kitchen accessories". Whereas, in the present case, the items under dispute are units, Boxes, Baskets, Racks, holders etc. which are meant to be fixed in the shelved furniture along with channels for movement like drawers. From the pictures of some of the products presented by the noticee during personal hearing, it is seen that these baskets, holders, racks and boxes can be attached with sliders for movement like drawers. These are not kitchenware as such but are parts of furniture and fixtures and in fact these are items which hold the Kitchenware or other items, once they are fixed in the unit furniture. Further, in para 5 of the CESTAT's Order, it has been noted by the Hon'ble Tribunal that goods are different types of baskets and other items meant for use in shelves below kitchen platform etc. **In the present case, however, the**

goods are parts of shelved furniture and by virtue of Note 2 to Chapter 94 and HSN notes, as discussed above, the same merit classification under Chapter Heading 9403 as furniture /fixtures or parts thereof and not as items to be kept in shelves which would be classifiable under Chapter Heading 7323. For the said reasons, I find that the above CESTAT order in the case of M/s. Crystal Interior Products is not applicable to the facts of this case."

(emphasis supplied)

12. Shri Piyush Kumar, learned counsel for the appellant made the following submissions:

- (i)** The appellant had been importing the goods in question for the past many years and had claimed classification under CTH 7323/8302. At no stage, the department raised any dispute with regard to the classification;
- (ii)** The rates of duty initially under CTH 7323, CTH 8302 and CTH 9403 was 10%. However, with effect from February, 2018, the rate of duty in respect of goods following under CTH 9403 was increased from 10% to 20% and it is then that objections were raised by the audit ignoring the fact that the classification of the goods had been affirmed by the respective proper officer after due scrutiny of documents and physical examination of goods;
- (iii)** Though the audit department raised objection regarding classification of the goods imported by the appellant under 32 Bills of Entry, even today identical goods are being cleared as "articles of stainless steel" under Chapter 73 of the Customs Tariff;

- (iv) Even in the local trade, renowned brands in the market import identical products and sell the same in the domestic product under CTH 7323;
- (v) The Principal Commissioner committed an error in classifying the goods under CTI 9403 90 00. The goods are essentially baskets, hinges and shelves having distinct identities and individual function and, therefore, classifiable under CTH 7323 as goods which are hung or fixed in cabinets, drawers or walls;
- (vi) The Principal Commissioner committed an error in applying the rule of ejusdem generis in classifying the goods under CTH 9403;
- (vii) The Principal Commissioner committed an error in not following the decision of the Tribunal in **Commissioner of Central Excise, Surat-I vs. Crystal Interior Products⁶**;
- (viii) The test of common trade parlance is an important factor and in common trade parlance the goods are known as kitchen fittings and thus qualify classification under CTH 7323/8302; and
- (ix) Under rule 1 of the General Rules for Interpretation⁷ of Schedule-1, it is provided that classification shall be determined according to the terms of the Headings and any relative Section or Chapter Notes. Rule 3(a) provides that the Heading which provides the most specific description shall be preferred to the Headings providing a more general description. Thus, the goods merit classification under CTH 7323 as they specifically cover

6. 2008 (225)E.L.T. 110 (Tri.-Ahmd.)
7. GRI

kitchen and other household articles and part thereof of iron/steel. They merit classification under CTH 8302, as the goods are iron/steel mounting fittings and silver articles suitable for furniture. The Commissioner, however, classified the goods under CTI 9403 90 00, which refers to other furniture and parts thereof, which is a general description.

13. Shri Rajesh Singh, learned authorized representative appearing for the department however supported the impugned order and made the following submissions:

- (i)** The items are not standalone utensils or fittings, but parts of shelf kitchen furniture;
- (ii)** The description of goods under CTH 9403 is "other furniture and parts thereof" cupboards, drawers, cabinets and shelving units are explicitly covered under CTH 9403;
- (iii)** CTH 9403 covers those items which are even designed to be hung, fixed to the wall, or used within larger assemblies like modular kitchen or wardrobes, Soho unit Baskets, Drawer systems (Tandem Box/Slimo Elite), Carousel units Bottle racks, plate racks with drip trays, Cutlery trays and Magic corner baskets are integral components of shelved kitchen or wardrobe furniture and are not standalone household utensils. They form a structural and functional part of fixed or modular furniture and thus are correctly classifiable under CTH 9403;
- (iv)** The goods like drawer systems and baskets fixed within furniture are not kitchen utensils or tableware under CTH 7323. Nor are they accessory fittings for general-purpose under CTH 8302;

- (v) The goods are not merely “accessories” but functional parts of complete furniture units explicitly covered under CTH 9403;
- (vi) The decision of the Tribunal in **Crystal Interior Products** is not applicable to the products imported in the present case; and
- (vii) The duty demand under section 28(1) of the Customs Act is valid as the classification is not correct.

14. The submissions advanced by the learned counsel for the appellant and the learned authorized representative appearing for the department have been considered.

15. In order to appreciate the contentions, it will be appropriate to first reproduce the relevant Customs Tariffs.

16. Chapter 73 deals with articles of iron or steel and the relevant tariff items are reproduced below:

CHAPTER 73
Articles of iron or steel

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential Areas
(1)	(2)	(3)	(4)	(5)
7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel			
7323 10 00	- Iron or steel wool; pot scourers and scouring or polishing pads, gloves, Other:	[u]	15%	-
7323 91	-- Of cast iron, not enamelled:			
7323 91 10	--- Pans.	[u]	15%	-
7323 91 90	--- Other.	[u]	15%	-
7323 92 00	-- Of cast iron, enamelled.	[u]	15%	-
7323 93	-- Of stainless steel:			
7323 93 10	--- Pressure cookers.	[u]	15%	-
7323 93 90	--- Other.	[u]	15%	-
7323 94	-- Of iron (other than cast iron) or steel, enamelled			
7323 94 10	--- Ghamellas.	[u]	15%	-
7323 94 20	--- Utensils.	[u]	15%	-
7323 94 90	--- Others.	[u]	15%	-
7323 99	-- Other:			

7323 99 10	---	Utensils of galvanized iron.	[u]	15%	-
7323 99 20	---	Other utensils.	[u]	15%	-
7323 99 90	---	Other.	[u]	15%	-

17. Chapter 83 deals with miscellaneous articles of base metal and the relevant tariff items are reproduced below:

CHAPTER 83
Miscellaneous articles of base metal

Tariff Item	Description of goods		Unit	Rate of duty	
				Standard	Preferential Areas
(1)	(2)		(3)	(4)	(5)
8302	Base metal mountings, fittings and similar articles, suitable for furniture, doors, staircases, windows, blinds, coachwork, saddler, trunks, chests, caskets or the like; base metal hat-racks, hat-pegs, buckets and similar fixtures; castors with mountings of base metal; automatic door closers of base metal				
8302 10	-	Hinges:			
8302 10 10	---	Of steel	kg.	10%	-
8302 10 20	---	Of brass	kg.	10%	-
8302 10 90	---	Other	kg.	10%	-
8302 20 00	-	Castors	kg.	10%	-
8302 30	-	Other mountings, fittings and similar articles suitable for motor vehicles:			
8302 30 10	---	Curve drive stakes.	kg.	10%	-
8302 30 90	---	Other	kg.	10%	-
	-	Other mountings, fittings and similar articles:			
8302 41	--	Suitable for buildings:			
8302 41 10	---	Fittings for doors and windows.	kg.	10%	-
8302 41 20	---	Tower bolts	kg.	10%	-
8302 41 90	---	Other	kg.	10%	-
8302 42 00	--	Other, suitable for furniture.	kg.	10%	-
8302 49 00	--	Other.	kg.	10%	-
8302 60 00	-	Hat-racks, hat-pegs, brackets and similar fixtures	kg.	10%	-
8302 60 00	-	Automatic door closers.	kg.	10%	-

18. Chapter 94, amongst others, deals with furniture and the relevant tariff items are reproduced below:

CHAPTER 94
Furniture, bedding mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings

Tariff Item	Description of goods		Unit	Rate of duty Stand ard Preferential Areas	
(1)	(2)		(3)	(4)	(5)
9403	Other furniture and parts thereof				
9403 10	-	Metal furniture of a kind used in offices:			
9403 10 10	---	Of steel	Kg.	20%	-
9403 10 90	---	Other	Kg.	20%	-
9403 20	-	Other metal furniture:			
9403 20 10	---	Of steel	Kg.	20%	-
9403 20 90	---	Other	Kg.	20%	-
9403 30	-	Wooden furniture of a kind used in offices:	Kg.	20%	-
9403 30 10	---	Cabinetware	Kg.	20%	-
9403 30 90	---	Other.	Kg.	20%	-
9403 40 00	-	Wooden furniture of a kind used in the kitchen	u	20%	-
9403 50	-	Wooden furniture of a kind used in the bed room			
9403 50 10	---	Bed stead.	u	20%	-
9403 50 90	---	Other	u	20%	-
9403 60 00	-	Other wooden furniture.	u	20%	-
9403 70 00	-	Furniture of plastics	Kg.	20%	-
	-	Furniture of other materials, including cane, osier, bamboo or similar materials			
9403 82 00	--	Of bamboo	u	20%	-
9403 83 00	--	Of rattan.	u	20%	-
9403 89 00	--	Other.	u	20%	-
9403 90 00	-	Parts.	Kg.	20%	-

19. The relevant portion of HSN 73.23 is reproduced below:

“(A) TABLE, KITCHEN OR OTHER HOUSEHOLD
ARTICLES AND PARTS TEHREOF

This group comprises a wide range of iron or steel articles, not more specifically covered by other headings of the Nomenclature, used for table, kitchen or other household purposes; it includes the same goods for use in hotels, restaurants, boarding-houses, hospitals, canteens, barracks, etc.

These articles may be cast, or of iron or steel sheet, plate, hoop, strip, wire, wire grill, wire cloth, etc., and may be manufactured by any process (moulding, forging, punching, stamping, etc.). They may be fitted with lids, handles or other parts or accessories of other materials provided that they retain the character of iron or steel articles.

The group includes:

(1) Articles for kitchen use xxx xxx xxx

(2) Articles for table use such as xxx xxx xxx

(3) Other household articles such as wash coppers and boilers; dustbins, buckets, coal scuttles and hods; watering-cans; ash-trays; hot water bottles; bottle baskets; movable boot-scrapers; stands for flat irons, baskets for laundry, fruit, vegetables, etc: letter-boxes; clothes-hangers, show trees; luncheon boxes.”

20. The relevant portion of HSN 83.02 is reproduced below:

This heading covers general purpose classes of base metal accessory fittings and mountings, such as are used largely on furniture, doors, windows, coachwork, etc. Goods within such general classes remain in this heading even if they are designed for particular uses (e.g., door handles or hinges for automobiles). The heading does not, however, extend to goods forming an essential part of the structure of the article, such as window frames or swivel devices for revolving chairs.

This heading covers:

(A) Hinges of all types xxx xxx xxx

(B) Castors xxx xxx xxx

(C) Mountings, fittings and similar articles suitable for motor vehicles xxx xxx xxx

(D) Mountings, fittings and similar articles suitable for buildings

(E) Mountings, fittings and similar articles suitable for furniture

This group includes:

(1) Protective studs (with one or more points) for legs of furniture, etc.; metal decorative fittings, shelf adjusters for book-cases, etc.; fittings for cupboards, bedsteads, etc.; keyhole plates.

(2) Corner braces, reinforcing plates, angles, etc.”

21. The relevant portion of HSN 94.03 is reproduced below:

“This heading covers furniture and parts thereof, not covered by the previous headings. It includes furniture for general use (e.g., cupboards, show-cases, tables,

telephone stands, writing-desks, escritorios, book-cases, and other shelved furniture, etc.), and also furniture for special uses.”

22. The issue that arises for consideration is whether the products imported by the appellant fall under Chapter 73 and Chapter 83 as contended by the appellant or under Chapter 94 as contended by the department.

23. It would be seen that CTH 7323 deals with articles of iron or steel and covers kitchen or other household articles and parts thereof and CTH 8302 deals with base metal mountings, fittings and similar articles, suitable for furniture chests, caskets or the like.

24. It is not in dispute that the appellant had been importing the goods in question for the past many years and claimed classification under CTH 7323/8302 without any dispute about classification from the department. Initially, the rate of duty under CTH 7323, CTH 8302 and CTH 9403 was 10%, but with effect from February 2018, the rate of duty in respect of goods falling under CTH 9403 was increased from 10% to 20% and it is then that objections were raised by the audit, though the proper officers after scrutiny of documents and physical examination of goods had given out of charge orders by treating the classification under CTH 7323/8302.

25. The appellant claims that renowned brands in the market are still importing identical products and selling the same in domestic market under Chapter 73 as articles of stainless steel. In this connection, details of the importer, the Chapter and description of goods have been enclosed, which do show that between January 2023 and July 2023 similar goods have been classified under Chapter 73. The appellant has also placed on record catalogues of various renowned brands in the market which show that the products have been classified under CTH 7323.

26. The Principal Commissioner has confirmed the demand under Chapter 94 by holding that the goods constitute parts of metal furniture of a kind used in offices by treating the goods as part of unit furniture, shelf furniture, chests and cupboards cabinets. The goods, on the other hand, are essentially baskets, hinges, shelves which have distinct identities and individual function and are classifiable under CTH 7323 as goods which are hung or fixed in cabinet, drawers or walls.

27. The Principal Commissioner committed an error in applying ejusdem generis in holding that the goods are akin to goods mentioned in CTH 9403.

28. It needs to be noted that the issue of classification of various products like baskets of different sizes for various usages in kitchen, grain trolley, hot plates and cylinder trolley, trays for different usage in kitchen and other miscellaneous items for kitchen use like household articles, bathroom articles and kitchen accessories came up for consideration before a division bench of the Tribunal in **Crystal Interior Products**. The Assistant Commissioner held that the said articles are kitchen and household articles falling under Chapter 73 after examining the literature. The Assistant Commissioner also referred to various decisions of the Supreme Court to support his finding that the goods have to be classified according to the usage and trade parlance. The order of the Assistant Commissioner was confirmed by the Commissioner (Appeals) as the appeal filed by the department was dismissed. It is against this order of the Commissioner (Appeals) that the department filed an appeal before the Tribunal. The Tribunal confirmed the findings recorded by the Commissioner (Appeals) and the relevant portions of the order are reproduced below:

"5. We have gone through the impugned order and have heard the learned Representatives. **The literature showing photographs and use of the product has been produced before us. In fact, the same is not denied by the Revenue that the goods are different types of baskets which are meant for use in the kitchen or household. They are specially designed to be used in shelves below the kitchens' platform for holding various types of kitchen articles. Some of these wired baskets are specifically designed to be used on the platform of the kitchen.** Shoe rack is also wired article, to be used in the house for keeping shoes. The other articles are integral part of wardrobe for hanging and keeping clothes. **The Superintendent report, who has visited the premises and verified the product is also to the effect that the items are meant for use in shelves below the kitchen platform and also other household articles. Heading 7323 specifically covers kitchen or other household articles and as such, has to be preferred over chapter 94, which relates to furniture and part thereof. By no stretch of imagination, the kitchen and household articles can be considered as furniture items.** Though there is no other evidence produced on record to show that the other goods are considered as kitchen article and household articles but we find that a mere look at the product catalogue makes it clear that items are considered to be kitchen and other household articles by a common person as rightly observed by the Commissioner (Appeals). The Revenue has not produced any evidence to show as to how the said goods can be considered as furniture or kitchen furniture so as to merit classification under Chapter 94. **The revenue's claim is merely based upon assumption and presumption and we find that lower authorities have gone through the details of the Chapter 94, verification report by the Superintendent, the product catalogue and have rightly come to the conclusion that the goods in question cannot be held to be as furniture and have rightly been classified under**

Chapter 73. We find no merits in the Revenue's appeal and reject the same."

(emphasis supplied)

29. The Tribunal found that the products were designed to be used in shelves below the platform of the kitchen for holding various types of kitchen articles and CTH 7323 specifically covers kitchen or other household articles. As such, this Chapter would have to be preferred as against Chapter 94 which relates to furniture and part thereof. The Tribunal held that by no stretch of imagination, the items which are kitchen and household articles can be considered as furniture items.

30. The articles under consideration in present appeal are either the same articles or similar articles which are used in kitchen below the platform. In view of the aforesaid decision of the Tribunal in **Crystal Interior Products**, it has to be held that they will fall under CTH 7323/8302.

31. Even applying rule 1 of the GRI, the articles would merit classification under CTH 7323 or CTH 8302. Rule 1 provides that classification shall be determined according to the terms of the Headings in any relative Section or Chapter Notes. Rule 3(a) provides that the Heading which provides the most specific description shall be preferred to the Heading providing a general description. CTH 7323 specifically covers kitchen and other household articles and part thereof of iron/steel. CTH 8302 also covers iron/steel mounting fittings. CTI 9403 90 00, however, refers to other furniture and parts thereof. This is a general description. A specific description has to be preferred over a general description. Thus, the observation of the Principal Commissioner that since the goods in question are meant to be fixed on shelf furniture and hence classifiable under CTH 9403 cannot be sustained.

32. This apart, HSN 73.23 refers to iron or steel articles used for kitchen purposes. HSN 83.02 covers base metal accessories fittings and mountings. HSN 94.03, on the other hand, covers furniture and parts thereof not covered by the previous headings. It includes furniture for general use like cupboards, showcases, tables, telephone stands, writing desk, book cases and another shelf furniture and also furniture for special use. Thus, In terms of HSN also, the goods would merit classification under CTH 7323/8302.

33. It is, therefore not possible to sustain the impugned order dated 23.12.2020 passed by the Principal Commissioner classifying the goods under CTI 9403 90 00. The order is, accordingly, set aside and the appeal is allowed.

(Order pronounced on **29.05.2026**)

(JUSTICE DILIP GUPTA)
PRESIDENT

(K. ANPAZHAKAN)
MEMBER (TECHNICAL)

Shenaj