CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
MUMBAI

WEST ZONAL BENCH, MUMBAI

Customs Appeal No. 87806 of 2022

[Arising out of Order-in-Appeal No. 1041(CRC-1)/2022(JNCH)/Appeals dated 29.09.2022 passed by the Commissioner of Customs (Appeals), Mumbai-II.]

Ramniklal S. Gosalia & Co. **.....Appellant**
National House, 608 B.J. Marg,
Jacob Circle, Mumbai – 400 011

VERSUS

Commissioner of Customs (NS-III) **.....Respondent**
Jawaharlal Nehru Customs Huse,
Nhava Sheva, Tal. Uran, Dist. Raigad,
Maharashtra – 400 707.

APPERANCE:

Shri Devraj Kansara, Advocate for the Appellant
Shri Krishna Azad, Assistant Commissioner, Authorised Representative for the Respondent

CORAM:

HON'BLE DR. SUVENDU KUMAR PATI, MEMBER (JUDICIAL)

FINAL ORDER NO. 86217/2026

Date of Hearing: 04.08.2026
Date of Decision: 05.10.2026

Rejection of refund of payment made twice for releasing goods imported upon payment of duty, as no challan was generated in the ICEGATE system maintained by the Respondent-Department, by the Refunds Sanctioning Authority that received approval of the Commissioner (Appeals) is assailed before this forum.

2. Fact of the case would go to so that Appellant filed Bill of Entry No. 4148551 at the JNCH seeking clearance of goods on 20.07.2019

and paid the required Customs duty through Union Bank of India *vide* transaction ID No. 34646922 on dated 21.07.2019. As no challan was generated in the ICEGATE Appellant had to pay again Rs.9,67,564/- that includes one day interest of Rs.307/- for such clearance of goods. For the first payment, Appellant filed a refund application on dated 31.08.2019 seeking refund of Rs.9,67,167/- being paid twice and submitted bank certificate alongwith other documentary proof to establish such double payment but refund was rejected to the Appellant *vide* Order-in-Original No. 580/20-21/AM(I) on dated 12.01.2021, which order was appeal unsuccessfully before the Commissioner (Appeals) by the Appellant, that brought the dispute to the present forum.

3. During course of hearing of the appeal, learned Counsel for the Appellant Mr. Devraj Kansara has drawn attention of this Bench to the Public Notice No. 62/2012 dated 19.11.2012 issued by the Commissioner of Customs (Import-JNCH) on the issue of smooth refund of amount on account of double or multiple payment, in the payment gateway of the Customs, wherein, it has been highlighted by the Commissioner that because of non-synchronisation of E-payment model with the Bank's Software, cases related to double/multiple duty payments are all getting transferred towards payment of Customs duty that was ultimately going to the credit of Consolidated Fund of India, as noticed. He further pointed out that in para 3 of the said Public Notice, it has been clearly referred that such double/multiple payment of amount, post acceptance of the amount of Customs duty in the system is only a 'deposit' with the Government and the same can be refunded to the Importer or CHA following due procedure of refund under Section 27 of the Customs Act, 1962. Learned Counsel for the Appellant has further submitted that all required documents, as noted in para 4 of the said Public Notice, were submitted by the Appellant which are noted in the Order-in-Original at para 3 that covers eight numbers of related documents but the Adjudicating Authority as well as Commissioner (Appeals) have rejected the appeal on the ground

that Appellant failed to submit the required documents which they specified as "clear self-attested photocopies of both the challans" for verification of Customs duty payment but when for the first payment no challan was generated, it was practically impossible for the Appellant to provide such a document, which as per para 5(b) of the said Public Notice No. 62/2012, should have been made available by the appropriate/proper officer regarding the payment made and corresponding acceptance/rejection status in the ICES system, which verification could have been done at the PAO/e-PAO office. In submitting complete bank statement for 4 months from the date of payment of duty with declaration from the Union Bank made on dated 17.06.2026 that they confirmed Rs. 9,67,167/- that was debited on 21.07.2019 has not been reversed back to the bank account of the Appellant on any subsequent date, learned Counsel for the Appellants seeks refund of one of such duties paid twice with 12% interest on the said amount from the date of such payment by placing reliance on several decisions including decisions of the Tribunal passed in the case of *Matta Paints and Hardware Store Vs. The Commissioner in Excise Appeal No. 51493 of 2022* (disposed off by the Delhi Bench) and *M/s. Sohail Maklai Entertainment Pvt. Ltd. Vs. Commissioner of Customs, Mumbai (Air Port) vide Final Order No. 85741/2025 dated 23.04.2025*.

4. Per contra, learned Authorized Representative for the Department Mr. Krishna Azad argued in favour of the reasoning and rationality of the order passed by the Commissioner (Appeals) and reiterated the finding of the Commissioner (Appeals) available in para 6 of his order that verification from the PAO/e-PAO regarding double/multiple payment for the same bill of entry is mandatory, which could not been done as clear self-attested photocopies of both challans were not submitted by the Appellant for verification, for which the refund claim, as could not be established properly, was rejected and such an order needs no interference by this Tribunal.

5. I have gone through the case record, relevant documents filed on the issue *vis. a. vis.* the Public Notice and the orders passed by the authorities below. There is no dispute concerning eligibility of the Appellant to get refund of one of such double payments made towards payment of Customs duty against one bill of entry but the issue remained disputed because of the fact that Appellant could not produce both the challans against such payment. It is surprising to see that when the entire claim of the Appellant was that the challan could not be generated against the first payment made on dated 21.07.2019, it would put him in an improbable situation if Appellant would be asked to produce such challan so as to establish its claim for refunds. Going by such Public Notice No. 62/2012 JNCH as contended in para 4 Appellant-Importer was required to produce letter from the bank indicating that the amount has been debited from the importer's account and has been credited to the Government account, copy of Cyber receipt and copy of scroll generated by the bank consisting of bill of entry No., Challan No. and amount paid that was to be duly attested by the bank and rest of things including verification from the PAO, verification from challan inquiry available at ICEGATE website etc. were directed to be done by the proper officer/appropriate officer of the Department (Para 5 of the said notification). In the instant case Order-in-Original would reveal that Appellant had produced the following documents before the Adjudicating Authority who noted the same in para 3 of his order. It reads:

> *"3. Importer submitted the following documents vide their letter dated 31.08.2019 along with their refund claim: -*
>
> *(i) Application for refund of duty (part-A/B/C) duty failed.*
> *(ii) Original Duplicate (importer) copy of Bill of Entry No. Bill of Entry No. 4148551 dated 20.07.2019.*
> *(iii) Copy of E-payment transaction Status receipt from Union Bank of India Transaction No. 34646922 dated 22.07.2019.*
> *(iv) CA Certificate*

(v) Authority letter
(vi) RTGS/NEET details certified by Bank
(vii) Bank certified copy of bank statement from 20.07.2019 to 22.07.2019 showing transaction of Rs. 9,67,167/- on 21.07.2019 vide bank transaction no. 34637035 and of Rs. 9,67,564/- on 22.07.2019 vide bank transaction no. 34646922.
(viii) Invoice and Packing list."

6. This been the fact on record, issuing a deficiency memo to the Appellant that E-payment receipt of the said TR-6 challan for Rs.9,67,167/- dated 21.07.2009 was wanting and subsequently rejecting the refund on that ground of an improbable compliance of the said demand for production of challan copy was quite improper since there was failure on the part of the Department's ICEGATE system that was meant to record payment and generate challan and on that score the Appellant could not be made to suffer. I am, therefore, of the considered view that when all necessary requirements were being duly complied by the Appellant that is in conformity to the Public Notice No. 62/2012 issued by the Commissioner himself, rejection of the refund claim only on the ground that copies of both the challans were not produced before the authority, which is not a requirement also under the said Public Notice, is not proper and when at the instance of this Bench, latest declaration has been submitted by the Union Bank on dated 17.06.2026 where transaction had occurred, that no such amount was reversed to the Appellant's account on any subsequent day, Appellant is entitled to get the said amount of Rs.9,67,167/- that was paid at the initial stage but could not be adjusted against Customs duty demand.

7. At this juncture, it is required to be placed on record that the said Public Notice No. 62/2012 of JNCH is the guiding document that would determine also the interest component and since it has been clearly mentioned in the said Public Notice in para 3 that such refund shall follow the due procedure of refund under Section 27 of the

Customs Act 1962, getting interest Section 27A would be applicable automatically once refund was not made within the stipulated period of 3 months prescribed in the statute, but the amount of applicable interest could be governed by the notification issued by the Government of India from time to time for such payment of interest. Hence the order.

THE ORDER

8. The appeal is allowed and the order passed by the Commissioner of Customs (Appeals), Mumbai-II *vide* Order-in-Appeal No. 1041(CRC-1)/2022(JNCH)/Appeals dated 29.09.2022 is hereby set aside. The Respondent-Department is directed to refund an amount of Rs.9,67,167/- with applicable interest as per law to the Appellant within 2 months of receipt of this order.

(Order pronounced in the open court on 05.10.2026)

(Dr. Suvendu Kumar Pati)
Member (Judicial)

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