

SUPREME COURT OF INDIA

Superintendent of Central Excise, Surat

Vs.

Vac Met Corpn. (P) Ltd.

C.A.Nos.924 of 1971

(A. P. Sen and D. P. Madon, JJ.)

06.08.1985

ORDER

1. We have no doubt in our mind agreeing with the judgment and order passed by the Gujarat High Court that yarn (also known as metallized yarn) manufactured by the respondents in the form of silvery white or golden thin flat, narrow and continuous strip made of metallized poly ester from metallized laminated plastic sheets or foils which are slitted by them by electrically operated machines fall within the purview of Tariff Entry 15A (2) of the First Schedule to the Central Excises and Salt Act, 1944 which is a specific entry relating to articles made of plastics of all kinds as contended by the respondents and therefore are dutiable at a lower rate and that the goods in question do not come within the ambit of the general Tariff Entry 18 and were therefore not liable to higher rate of duty. The relevant Entry 15A(2) reads as follows:

"15A(2). Articles made of plastics, all sorts, including tubes, rods, sheets, foils, sticks, other rectangular or profile shapes whether laminated or not, and whether rigid or flexible including layout and polyvinyl chloride sheets."

2. The contention of Shri B. Datta. learned Additional Solicitor General that the article manufactured comes within the ambit of the general Tariff Entry 18 relating to rayon and synthetic fibres and yarn can hardly be accepted. Where an article falls within a specific entry like Entry 15A(2) which covers plastic articles of all sorts, in different shapes or even of strips, whether laminated or not, they must necessarily be excluded from the general Entry 18 which relates to rayon and synthetic fibres and yarn i.e. man-made fibres. We agree with the reasoning and conclusion reached by the High Court.

3. The appeals therefore fail and are dismissed with costs. We quantify the costs at Rs. 500 in each of these appeals. The bank guarantees furnished by the respondents shall stand discharged.

Appeals dismissed.