

SUPREME COURT OF INDIA

Commissioner of Central Excise-II, Chennai

Vs.

Beacon Neyrpic Limited

C.A.No.7356 of 2001

(Mrs.Ruma Pal and H. K. Sema JJ.)

26.10.2005

ORDER

1. Assuming that the assessee was related to its subsidiary company i.e. M/s. Best & Crompton Ltd. (B & C.L.), this by itself would not be sufficient for the purpose of invoking the Central Excise (Valuation) Rules, 1975 read with Section 4(1)(a) of the *Central Excise Act, 1944*. The department would have to go further and show that the relationship has introduced an element other than purely commercial consideration in effecting the sale by the assessee to the BCL. No such evidence has been produced by the Revenue.

2. In the circumstances, the appeal is dismissed.