

High Court dismissed writ petition against adjudication order as issue involved is classification of goods

Facts of the case : Harsh Polyfabric (P.) Ltd. v. Union of India - [2023] (Calcutta)

The petitioner was of the view that PPSB bed sheet manufactured by it would be classifiable under Tariff Item 6304 19 30 and shall be taxable at 5% under GST. However, the contention of department was that item would fall under Chapter 56 to 62 and was not covered under Chapter 63. The Appellate authority also held that "Non-woven Fabric" and "PSB Bed Sheet" manufactured from non-woven fabric were same textile fabric and impugned goods should be classified under heading 5603 at par with "Non-woven Fabric" and to be taxed at rate of 12%. It filed writ petition and challenged the findings of the Appellate Authority.

Decision of the case :

The Honorable High Court noted that the writ court should not scrutinise an adjudicating authority's decision by acting as an appellate authority over such order. The Court was of the view that only scientific and technical expert can give opinion as to composition and method of manufacture. Therefore, in the instant case, the principles of natural justice had not been violated and no procedural irregularity had been committed by authority. Therefore, the Court held that the writ jurisdiction would not be exercisable by High Court and the petition was liable to be dismissed.