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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010406592026**

\+ CUSAA 111/2026 CM APPL. 58426/2026, CM APPL. 74645/2026

THE COMMISSIONER OF CUSTOMS IMPORT AND GENERAL .....Appellant

Through: Ms. Samiksha Godhiyal, SSC-CBIC with Mr. Tenzing N. Bhutia and Mr. Rithwik Narayanan, Advs.

versus

M/S M. D. OVERSEAS LTD .....Respondent

Through: Mr. Pradeep Jain, Mr. Sambhav Jain and Ms. Gouri Aggarwal, Advs.

\# **CNR No. DLHC010449292026**

\+ CUSAA 132/2026, CM APPL. 64560/2026, CM APPL. 64561/2026, CM APPL. 64562/2026

COMMISSIONER OF CUSTOMS (IMPORT AND GENERAL), NEW DELHI .....Appellant

Through: Mr. Aakarsh Srivastava, SSC with Mr. Ashish Bansal, Mr. Dhananjay Parth and Mr. Anand Pandey, Advs.

versus

NEW KAILASH JEWELLERY HOUSE .....Respondent

Through: Mr. Rishabh Kapoor and Mr. Kunal Malik, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% 03.11.2026

1. These appeals are filed under Section 130 of the Customs Act, 1962

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against the order dated 06.10.2025 of the Customs, Excise and Service Tax Appellate Tribunal) New Delhi (hereinafter 'CESTAT'). These appeals are being dealt with by this common order as the issue involved is similar.

2. Learned counsel for the respondent raises a preliminary objection that the appeals are not maintainable in view of the instructions dated 02.11.2023.

3. Learned counsel for the appellant contends that the Order-in-Original (OIO) dated 13.04.2007 was a composite order for all the noticees and therefore the cumulative monetary effect of the OIO should be considered rather than the amount involved in each appeal.

4. The contention now raised by the Department was dealt by the Central Board of Excise and Customs by issuing instructions dated 26.12.2014 which is reproduced below:

Strict Adherence to Monetary Floor of Rs. 5 Lakh (Trib) Rs. 10 Lakh (HC) Rs. 25 Lakh (SC) for Appeals in All Situations, says Board

No Clubbing of Cases or Situations Allowed

[CBEC Instruction dated 26th December 2014]

Sub: Monetary limit for filing appeal in the Tribunal/Courts.

Your attention is invited to Instruction of even number dated 20.10.2010 modified vide Instruction dated 17.8.2011 by which the Board had fixed monetary limits below which appeal shall not be filed in the Tribunal/Courts by the Department. As stated in the Instruction dated 17.8.2011, the present monetary limits are Rs 5 lakhs/Rs 10 lakhs/ Rs 25 lakhs respectively for appeal to be filed in the Tribunal/High Courts and the Supreme Court. Appeal is not required to be filed in casesbelow these monetary limits unless the dispute falls in the two exclusion category mentioned in para 3 of Instruction dated 17.8.2011.

2. The Board has been receiving letters from the field seeking clarifications on various aspects relating to implementation of the Instructions governing monetary limits for filing appeal in the Tribunal and Courts. Mostly, the clarifications sought is whether cases of recurring nature, whether involving the same party or even other parties, need to be pursued in litigation irrespective of the amount involved in such cases. The second issue relates to applicability of the threshold limits in various situations, mostly where the adjudicating/appellate authority disposes of more than one appeal in a common order which is sought to be challenged. Such order, generally involve cases of more than one parties, some of which fall below the monetary limit fixed for filing appeal in the forum of appeal.

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3. It is hereby clarified that the existing Instruction regarding applicability of monetary limits to cases of recurring nature would continue. Therefore, all cases, including cases of recurring nature, are covered under the Instruction on monetary limits and appeal is not to be filed in such cases except those falling in the two exclusion clauses mentioned above. Even if an appeal is pending in the higher appellate forum, subsequent case of the same party or other party shall not be pursued further in litigation if the case falls below the monetary limit prescribed by the Board.

4. The Instructions mentioned above used the word "case". However, the same was not defined. The term "case" needs to be interpreted in the context of National Litigation Policy which aims at reduction of litigation. In respect of a composite order which disposes of more than one appeal/SCN and the Department contemplates filing of appeal, every appeal would be a "case" and should be subjected to the threshold limit prescribed. To illustrate, if the Tribunal passes one composite order disposing of more than one appeal filed before it, and if the Department being aggrieved is required to file more than one appeal against the said Tribunal order, then each appeal shall be subject to the monetary limit prescribed.

5. There is no change in the monetary limits prescribed by the Board.

6. The above clarification may be taken note of while processing appeals before the Tribunal and Courts. Difficulties faced, if any, may be brought to the notice of the

Board.

F. No. 390/Misc/163/2010-JC

5. The instructions dated 17.12.2015 enhanced the monetary limits of the instructions dated 17.08.2011 and added one more exceptions in paragraph 3 relating to classification and refund issues of a legal and/ or recurring nature. The relevant portion of the instructions dated 17.12.2015 are quoted below:

S. No.	Appellate Forum	Monetary Limit
1.	CESTAT	Rs. 10,00,000/-
2.	HIGH COURTS	Rs. 15,00,000/-
3.	SUPREME COURTS	Rs. 25,00,000/-

6. The instructions dated 02.11.2023 are reproduced below:

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F. No. 390/Misc/30/2023-JC
Ministry of Finance, Department of Revenue
Central Board of Indirect Taxes & Customs
(Judicial Cell)
*****

'B' Wing, 4th Floor, HUDCO VISHALA Building
Bhikaji Cama Place, R. K. Puram, New Delhi-66
Date- 02.11.2023

INSTRUCTION

To,

1. All Pr. Chief Commissioners/ Chief Commissioners / Pr. Commissioners/ Commissioners of Customs/ Customs (Prev.)/ GST & CX;
2. All Pr. Director Generals/ Directors Generals under CBIC;
3. Chief Commissioner (AR); Commissioners (Legal) CBIC/ Directorate of Legal Affairs
4. webmaster.cbec@icegate.gov.in

Subject: Reduction of Government litigation - providing monetary limits for filing appeals by the Department before CESTAT, High Courts and Supreme Court – regarding

In exercise of the powers conferred by Section 131BA of the Customs Act, 1962 and in partial modification of earlier instruction issued from F. No. 390/Misc./163/2010-JC dated 17.08.2011, the Central Board of Indirect Taxes & Customs (hereinafter referred to as the Board) fixes the following monetary limits below which appeal shall not be filed inthe CESTAT, High Court and the Supreme Court:

S. No.	Appellate Forum	Monetary limit
1	SUPREME COURT	Rs. 2 Crore
2	HIGH COURTS	Rs. 1 Crore
3	CESTAT	Rs. 50 Lakh

2. Adverse judgments relating to the following should be contested irrespective of the amount involved:
   a) Where the constitutional validity of the provisions of an Act or Rule is under challenge;
   b) Where Notification/ Instruction/ Order or Circular has been held illegal or ultra vires;
   c) Classification and refund issues which are of legal and/ or recurring nature.

3. Withdrawal process in respect of pending cases in above forums, as per the above revised limits, will follow the current practice that is being followed for the withdrawal of cases from the Supreme Court, High Courts, and CESTAT.

Signed by Bhagwat Prasad Sharma
Date: 02-11-2023 17:41:45
Reason: Approved

(Bhagwat Sharma)
Deputy Secretary, Review
Email: sojc-cbec@nic.in

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7. By the instructions dated 02.11.2023, the monetary limit for filing an appeal before the High Court was fixed as Rs.1 Crore and the earlier three exceptions were retained. The first the validity of the provisions of an Act or Rule is under challenge, second where Notification/ Instruction/ Order or Circular has been held illegal or *ultra vires* and thirdly regarding classification and refund issues which are of legal and/ or recurring nature.

8. The issue dealt by the instructions dated 26.12.2014 was whether the monetary limit would apply where the adjudicating authority disposes of the case by a common order involving more than one party, which is sought to be challenged by the Department. It was clarified that in cases involving a composite order where the Department contemplates filing appeal, each appeal in itself shall be a separate case subject to threshold limit.

9. This leaves no scope for the Department to re-agitate the issue contrary to the instructions and contend that the cumulative demand created by the OIO should be considered instead of the amount involved in each appeal.

10. The appeals are dismissed as not maintainable keeping essential questions of law open.

AVNEESH JHINGAN, J

SHAIL JAIN, J

NOVEMBER 3, 2026*/kp*

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