

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
AHMEDABAD
REGIONAL BENCH, COURT NO. 1**

EXCISE APPEAL NO. 11367, 11454 & 11576 OF 2016

**SAHIBA FABRICS PVT LTD
SHRI BRIJMOHAN GURJJAR**

Appellant

Vs.

**COMMISSIONER OF CGST & CENTRAL EXCISE-
CGST & CENTRAL EXCISE SURAT**

Respondent

Appearance:

Present for the Appellant :Shri A K Prasad, Advocate-Assessee

Present for the Respondent: Shri Rajesh K Agarwal, Superintendent (AR)-
Revenue

CORAM:

HON'BLE MR. SOMESH ARORA, MEMBER (JUDICIAL)

HON'BLE MR. SATENDRA VIKRAM SINGH, MEMBER (TECHNICAL)

Date of Hearing : **29/01/2026**

ORDER

1. The matter was heard to some extent. It transpires that the learned Commissioner was examining the veracity of the statements, which, according to him, were only retracted at a later point of time. The issue of corroboration or lack thereof was sought to be decided on the basis of entries contained in Annexure A-1, Annexure A-5 and Annexure A-26 read with Annexure A-32, which is stated to be a diary and forms the basis of the Department's allegations. The said diary is claimed to be the private record of a workman/supervisor.

2. We find that an effort was made to reconcile the entries relating to production on particular dates with those mentioned in Annexure A-32. Based on such reconciliation, conclusions were drawn as to what quantities could have been clandestinely removed and what could not have been so removed. However, we find that production records should ordinarily be in consonance with records of any alleged clandestine removal of production maintained by any other supervisor. Mere differences in such figures cannot, by themselves, form the basis for such findings.

3. We also find that certain figures are recorded in terms of "folds", and an attempt has been made to reconcile the same by dividing the total meters by two, whereas Annexure A-32 records the quantities in lakhs of linear meters

only. At this stage, we are of the view that a better understanding of these issues is required from both sides, especially since both parties are in appeal in their own right.

Accordingly, we grant time to both sides to prepare detailed charts indicating:

- (i) the allegations that survive on the part of the Department;
- (ii) the allegations which are agreed upon;
- (iii) the allegations which have been rebutted by the appellant; and
- (iv) the reliefs sought and the basis thereof.

4. Accordingly, the matters are adjourned to July 9,2026.

(SOMESH ARORA)
MEMBER (JUDICIAL)

(SATENDRA VIKRAM SINGH)
MEMBER (TECHNICAL)

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