



## ***Aadrikaa Law Offices (ALO)- IDT Tax / Arbitration / Litigation***

**Date: 03.09.2025**

### **CESTAT Bangalore- ATM Monitors Classifiable as Parts Under CTH 8473**



*This Article has been written by Shri Ravi Shekhar Jha, Advocate based in New Delhi. The views expressed are based on his interpretation of the law. He can be reached at his email id [intelconsul@gmail.com](mailto:intelconsul@gmail.com) or on his Mobile +91-9999005379.*

In a significant decision by the Customs, Excise & Service Tax Appellate Tribunal (CESTAT), Bangalore, the appeal filed by M/s NCR Corporation India Pvt. Ltd. was allowed, setting aside the earlier classification of ATM monitors under CTH 8528. This ruling reaffirms the importance of accurate classification of imported goods under the Customs Tariff Act, ensuring compliance with established legal precedents.

#### **Background of the Case**

The dispute arose when NCR Corporation imported monitors intended for use in Automatic Teller Machines (ATMs) and declared them as LCD assemblies for ATMs under Customs Tariff Heading (CTH) 8473, which covers parts and accessories of machines classified under CTH 8472. However, the revenue authorities argued that these monitors should be classified under CTH 8528, which pertains to monitors and projectors not incorporating television reception apparatus.

Aggrieved by the revenue's decision, NCR Corporation filed an appeal before the CESTAT, citing legal precedents and technical grounds to support their claim.

#### **Arguments Presented**

## 1. Appellant's Submission:

- NCR Corporation contended that the imported monitors were specifically designed for use in ATMs, which are classified under CTH 8472. As such, the monitors should logically fall under CTH 8473 as parts of ATMs.
- The appellant relied on several Supreme Court judgments, including *Commissioner of Central Excise Vs. Videocon Industries Ltd.* and *Secure Meters Ltd. Vs. Commissioner of Customs*, which clarified the classification of parts and accessories of machines.

## 2. Revenue's Argument:

- The revenue authorities maintained that the monitors should be classified under CTH 8528, as the term "monitor" is explicitly mentioned in this heading. They cited the decision in *Diebold India Pvt. Ltd. Vs. Commissioner of Customs* to support their stance.

## Tribunal's Findings

After hearing both sides, the Tribunal analyzed the relevant tariff headings and legal provisions under Section XVI of the Customs Tariff Act. Key observations included:

- ATMs are classified under CTH 8472, and their parts and accessories, including monitors, are covered under CTH 8473.
- The monitors in question are specifically designed for use in ATMs and cannot be classified under the residual entry of CTH 8528 simply because the term "monitor" is mentioned there.
- Section XVI clearly states that parts suitable for use solely or principally with a particular machine should be classified with the machine itself.

## Final Decision

The Tribunal ruled in favor of NCR Corporation, holding that the ATM monitors are rightly classifiable under CTH 8473 as parts of ATMs classified under CTH 8472. The impugned order was set aside, and the appeal was allowed with consequential relief.

## Implications of the Ruling

This decision has far-reaching implications for businesses importing specialized equipment and parts. It underscores the importance of proper classification under the Customs Tariff Act and provides clarity on the treatment of parts and accessories designed for specific machines. The ruling also highlights the role of legal precedents in resolving classification disputes.

## Conclusion

The CESTAT's decision in favor of NCR Corporation is a landmark ruling that reinforces the principle of accurate classification based on the intended use and design of imported goods. Businesses dealing with imports can take valuable lessons from this case to ensure compliance with customs regulations and avoid unnecessary disputes.

**Source: CESTAT Bangalore**

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**Tel: +91-11-4999 2707 | +91-9999005379**

**[www.aadrikaalaw.com](http://www.aadrikaalaw.com)**

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE  
TRIBUNAL  
BANGALORE**

REGIONAL BENCH - COURT NO. 1

**Customs Miscellaneous Application No. 20354 of 2024**

**in**

**Customs Appeal No.1264 of 2012**

(Arising out of Order-in-Appeal No.23/2012 dated 10.02.2012 passed  
by the Commissioner of Customs (Appeals), Bengaluru.)

**M/s. NCR Corporation (I) Pvt. Ltd.**

No.17/2m Vazhudavur Road,  
Kurumbapet, Tattanchaval,  
Puducherry - 605 009.

Appellant(s)

*VERSUS*

**Commissioner of Customs**

Air Cargo Complex,  
Bangalore - 560 001.

Respondent(s)

**APPEARANCE:**

Shri Aryaman Ghulati, Advocate for the Appellant

Shri K. A. Jathin, Deputy Commissioner (AR) for the Respondent

**CORAM: HON'BLE DR. D.M. MISRA, MEMBER (JUDICIAL)  
HON'BLE MRS R BHAGYA DEVI, MEMBER  
(TECHNICAL)**

**Final Order No. 20243 / 2025**

DATE OF HEARING: 09.01.2025

DATE OF DECISION: 09.01.2025

**PER : R BHAGYA DEVI**

The appellant M/s. NCR Corporation India (Pvt.) Ltd. filed this appeal against Order-in-Appeal No. 23/2012 dated 16.02.2012 passed by the Commissioner (Appeals), Bangalore. At the outset, the miscellaneous application filed by the revenue for change of cause title from "The Commissioner of Customs, CR Buildings, P.B. No. 5400, Queen's Road, Bangalore" to "The Principal Commissioner of Customs, Airport and Aircargo Commissionerate, Kempegowda International Airport,

Devanahalli, Bangalore – 560 300” is allowed and taken on record.

2. The appellant had imported monitors meant for ATM declaring them as LCD Assemblies for ATM claiming classification under CTH 8473. On investigation the revenue found that the above goods which are monitors for ATM’s are rightly classifiable under CTH 8528 5900. Aggrieved by this order the appellant is in appeal before us.

3. The Learned Counsel submitted that the appellants are manufacturers of Automatic Teller Machines (ATM) and supplied it to various banks, and the monitors imported by them were meant to be used in the automatic teller machines. It is submitted that the issue is no more res integra and is covered by the apex court in the following cases.

- Commissioner of Central Excise Vs. Videocon Industries Ltd. 2023 (384) ELT 628 (S.C.)
- CCE Vs. Samsung India Electronics Pvt. Ltd. 2023 (386) ELT 641 (S.C.)
- Secure Meters Ltd. Vs. Commissioner of Customs 2015 (319) ELT 565 (S.C.)

3.1. It is further submitted that the above decisions were following by this Tribunal in the case of Commissioner of Customs, Cochin Vs. M/s. Amity Technopolis 2024 (6) TMI 453-CESTAT Bangalore and Xiaomi Technology India Ltd. Vs. Commissioner of Customs 2023 (11) Centax 303 (Tri. -Bang.).

3.2. The Learned Counsel further submits that the goods are rightly classifiable under CTH 8473 as parts of the ATM machine since, the ATM machine itself classified under CTH 8472, therefore the question of classifying the same under CTH 8528 does not arise.

4. The Learned Authorized Representative reiterating the findings of the authorities submitted that they are rightly

classifiable under CTH 8528 and relied upon the decision in the case of Diebold India Pvt. Ltd. Vs. Commissioner of Customs (Import) Final Order No. A/863777/2023 dated 14.09.2023.

5. Heard both sides. The limited issue to be decided is whether the monitors meant for ATM are to be classified under CTH 8473 as claimed by the appellant or under CTH 8528 as claimed by the revenue. There is no dispute of the fact that the products imported are ATM monitors. The relevant Chapter Headings are reproduced below:

- 8472            **Other Office Machines (for example, Hectograph or Stencil Duplicating Machines, Addressing Machines, Automatic Banknote Dispensers, Coin Sorting Machines, Coin Counting or Wrapping Machines, Pencil Sharpening Machines, Perforating or Stapling Machines)**
- 8472 10 00    - Duplicating machines
- 8472 30 00    - Machines for sorting or folding mail or for inserting mail in envelopes or bands, machines for opening, closing or sealing mail and machines for affixing or cancelling postage stamps
- 8472 90        - Other
- 8472 90 10    --- Stapling machines (staplers)
- 8472 90 20    --- Digital duplicator
- 8472 90 30    --- Automatic bank note dispensers**
- 8472 90 40    --- Coin sorting machines, coin-counting or wrapping machines
- Other
- 
- 8473 40        - Parts and accessories of the machines heading 8472:**
- 8473 40 10    --- Parts of duplicating, hectograph or stencil machines
- 8473 40 90    --- Other
- 8473 50 00    - Parts and accessories equally suitable for use with machines of two or more of the headings 8470 to 8472
- 
- 8528            Monitors and Projectors, not Incorporating Television Reception Apparatus, Reception Apparatus for Television, whether or not Incorporating Radio- Broadcast receivers or Sound or Video Recording or Reproducing Apparatus**
- 8528 49 00    -- Other
- Other monitors:
- 8528 52 00    -- Capable of directly connecting to and designed for use with an automatic data processing machine of heading
- 8471
- 8528 59 00    -- Other**

6. As seen from the above Tariff Headings ATM is clearly classifiable under CTH 8472 9030, CTH 8473 4090 as 'others' covered under parts and accessories of the machines falling under CTH 8472. In other words, the monitor which is a part of the ATM (not disputed) is clearly classifiable under 8473 4090 as parts of ATM. The claim of the revenue to classify them under CTH 8528 5900 as 'others' under the residual entry only for the reason that the word monitor is specifically mentioned under this Chapter Heading cannot be accepted in view of the fact that parts of ATM are clearly classifiable under CTH 8473. Moreover, Section XVI clearly interprets the classification of parts as reproduced below.

**Section XVI**

**Machinery and Mechanical Appliances; Electrical Equipment; Parts thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, and Parts and Accessories of such Articles**

**Notes :**

1. This Section does not cover :

- (a) transmission or conveyor belts or belting, of plastics of Chapter 39, or of vulcanised rubber (heading 4010), or other articles of a kind used in machinery or mechanical or electrical appliances or for other technical uses, of vulcanised rubber other than hard rubber (heading 4016);
- (b) articles of leather or of composition leather (heading 4205) or of furskin (heading 4303), of a kind used in machinery or mechanical appliances or for other technical uses;
- (c) bobbins, spools, cops, cones, cores, reels or similar supports, of any material (for example, Chapter 39, 40, 44 or 48 or Section XV);
- (d) perforated cards for Jacquard or similar machines (for example, Chapter 39 or 48 or Section XV);
- (e) transmission or conveyor belts or belting of textile material (heading 5910) or other articles of textile material for technical uses (heading 5911);
- (f) precious or semi-precious stones (natural, synthetic or reconstructed) of headings 7102 to 7104, or articles wholly of such stones of heading 7116 except unmounted worked sapphires and diamonds for styli (heading 8522);
- (g) parts of general use, as defined in Note 2 to Section XV, of base metal (Section XV), or similar goods of plastics (Chapter 39);
- (h) drill pipe (heading 7304);
- (ij) endless belts of metal wire or strip (Section XV);
- (k) articles of Chapter 82 or 83;

- (l) articles of Section XVII;
  - (m) articles of Chapter 90;
  - (n) clocks, watches or other articles of Chapter 91;
  - (o) interchangeable tools of heading 8207 or brushes of a kind used as parts of machines (heading 9603); similar interchangeable tools are to be classified according to the constituent material of their working part (for example, in Chapter 40, 42, 43, 45 or 59 or heading 6804 or 6909);
  - (p) articles of Chapter 95; or
  - (q) typewriter or similar ribbons, whether or not on spools or in cartridges (classified according to their constituent material, or in heading 9612 if inked or otherwise prepared for giving impressions), or monopods, bipods, tripods and similar articles, of heading 9620.
2. Subject to Note 1 to this Section, Note 1 to Chapter 84 and to Note 1 to Chapter 85, parts of machines (not being parts of the articles of heading 8484, 8544, 8545, 8546 or 8547) are to be classified according to the following rules:
- (a) parts which are goods included in any of the headings of Chapter 84 or 85 (other than headings 8409, 8431, 8448, 8466, 8473, 8487, 8503, 8522, 8529, 8538 and 8548) are in all cases to be classified in their respective headings;

**(b) other parts, if suitable for use solely or principally with a particular kind of machine, or with a number of machines of the same heading (including a machine of heading 8479 or 8543) are to be classified with the machines of that kind** or in heading 8409, 8431, 8448, 8466, 8473, 8503, 8522, 8529 or 8538 as appropriate. However, parts which are equally suitable for use principally with the goods of headings 8517 and 8525 to 8528 are to be classified in heading 8517, and parts which are suitable for use solely or principally with the goods of heading 8524 are to be classified in heading 8529;

(c) all other parts are to be classified in heading 8409, 8431, 8448, 8466, 8473, 8503, 8522, 8529 or 8538 as appropriate or, failing that, in heading 8487 or 8548.

7. Since these parts meant for ATM are not excluded under Note 1 above, the criteria for classification would be Clause 2(b) where specifically parts which are suitable or principally used with a particular kind of machine, or with a number of machines of the same heading (including a machine of heading 8479 or 8543) are to be classified with the machines of that kind. Since, there is no dispute that the product monitors are ATM monitors which have to be necessarily used as parts of monitors they are rightly classified under CTH 8473 as parts of ATM CTH 8472.

8. Hence, the impugned order is set aside and the appeal is allowed with consequential relief, if any, in accordance with law.

(Operative part of this Order was pronounced in Open Court on conclusion of the hearing.)

**(D.M. MISRA)**  
**MEMBER (JUDICIAL)**

**(R BHAGYA DEVI)**  
**MEMBER (TECHNICAL)**

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