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M/S. Him-pushp Engineers Vs. Commissioner of Cen. Excise,

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Jun-21-2001

Appellant : M/S. Him-pushp Engineers

Respondent : Commissioner of Cen. Excise,

Judgement :

1. The issue involved in this case is whether modvat credit to be claimed on waste generated during the production. Prima-facie, the assessee has got a case in view of the judgement of the Larger Bench of the Tribunal in the case of Wyeth Laboratories Ltd. vs. CC, Bombay [2000 (120) E.L.T. 218]. Hence, following the same, I waive the pre-deposit of the amounts due under the impugned order and stay its recovery during the pendency of the appeal.

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