Commissioner of Central Excise Vs. Ujwal Metals Pvt. Ltd.

Commissioner of Central Excise Vs. Ujwal Metals Pvt. Ltd.

SooperKanoon Citation : sooperkanoon.com/24863

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Aug-07-2001

Appellant : Commissioner of Central Excise

Respondent : Ujwal Metals Pvt. Ltd.

Judgement :

1. The question for consideration in this appeal is the includability in the assessable value of the goods manufactured by the respondent on job work of the excise duty paid on coils of iron supplied by the customer, which it worked upon to make the finished product. Relying upon the decision of the Tribunal in Dia Ichi Karkaria vs. CCE 1996 (12) RLT 261 the Commissioner (Appeals) has held that since the duty was available to be taken as modvat credit by the manufacturer, it would not be includable in the assessable value.

2. The sole ground in the department's appeal to challenge this conclusion is that the it does not accept the correctness of this decision. The Supreme Court has declined to reverse the decision of the Tribunal and, in its judgment in 1999 (112) ELT 353, dismissed the department's appeal against it. There is no ground for interference.