

Commissioner of Central Excise Vs. Laxmi Foundry

Commissioner of Central Excise Vs. Laxmi Foundry

SooperKanoon Citation : sooperkanoon.com/25257

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Aug-28-2001

Appellant : Commissioner of Central Excise

Respondent : Laxmi Foundry

Judgement :

1. In the order impugned in the appeal, the Commissioner (Appeals) has concluded that the treated sand, made by the respondent for making sand mould has only a short shelf life of two hours and therefore not marketable and therefore, not excisable goods. This finding is challenged in this appeal.

2. The appeal contends that by applying the ratio of the decision of the Tribunal in Telco v. CCE 1990 (50) ELT 644 it need not be shown that the product is actually marketed. Its marketability is sufficient.

3. It is not necessary for us to examine whether the process is one of manufacture or not, or to consider the marketability of the goods. This is because assuming the goods to be excisable, the benefit of notification 217/86 will be available. The goods satisfy the condition in the notification that they are used in or in relation to the manufacture of excisable goods i.e. steel castings, in the same factory. The benefit of the notification has been extended in various decisions, of which we need to cite only CCE v. KSP Pumps 2000 (115) ELT 156 . This decision has referred to the other decisions in which this view has been accepted. We therefore find no ground for interference.