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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Sep-07-2001

Appellant : Rumika Engineering Co.

Respondent : Commissioner of Central Excise

Judgement :

1. The question involved in this appeal is whether a sum of Rs. 4,45,291/- is entitled to be granted as modvat credit or not.

2. The credit was taken in this case between November and December, 1992 and notice was issued on 16.11.1994. At the time of taking credit the seller's invoice as obtained by the assessee has been defaced which bears the signature of the jurisdictional Superintendent. The question is whether it is barred by limitation or not.

3. The time limit of six months and five years as envisaged under Rule 57I(i)(ii) was introduced some time on 6.10.1988. The argument of the DR, namely the time limit was not provided under Modvat Rules is mis-placed. I therefore set aside the impugned order passed by the Commissioner denying the modvat credit of Rs. 4,45,291/-, and also imposition of penalty of Rs. 20,000/-.