Baka Liftec (i) Pvt. Ltd. Vs. Cce

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SooperKanoon Citation : sooperkanoon.com/32284

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT

Decided On : Sep-16-2003

Reported in : (2003)(111)LC697Tri(Bang.)alore

Judge : G B Deva

Appellant : Baka Liftec (i) Pvt. Ltd.

Respondent : Cce

Judgement :

1. After hearing for some time with reference to the stay petition filed by the party, I find that the matter itself can be disposed off on limited issue. Accordingly the appeal was taken for hearing with the consent of both sides.

2. Whether the appellants are eligible to avail Modvat credit on any of the raw materials received by them for use in the manufacture of the Hosiery cloth is an issue to be considered herein.

3. According to the Department, since the hosiery cloth falls under Chapter sub Heading 6002.20, the raw materials used in the manufacture of hosiery cloth are not eligible for Modvat credit in terms of Notification No. 21/99.

4. Shri S. Raghu, learned Advocate appearing for the party submitted that though the Notification No. 21/99 excludes, nevertheless Notification No. 22/99 permits the party to avail Modvat credit in respect of the raw materials used in the manufacture of hosiery cloth.

In support of his contention, he drew my attention to the relevant Notification No. 22/99.

6. On going through the facts and circumstances of the case and on submissions made by both sides and taking into consideration of the wordings of the exemption Notification No. 22/99, I find there is no justification to deny the Modvat credit, as claimed by the party.

Accordingly the appeal is allowed with consequential relief, if any.