Rajesh Strips Limited Vs. Cce

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Jan-09-2004

Reported in : (2004)(92)ECC598

Judge : S Kang, a T V.K.

Appellant : Rajesh Strips Limited

Respondent : Cce

Judgement :
1. Appellants filed this appeal against the Order-in-Appeal passed by the Commissioner (Appeals) whereby the benefit of Notification No.50/97-C.E. dated 1.8.1997 was denied to the appellants in respect of Runners and Risers arisen in the course of manufacture of Ingots and Billets.

3. The appellants are engaged in the manufacture of non-alloy steel ingots. Renners and Risers also come into existence prior to the introduction of Compounded Levy Scheme under Section 3 of Central Excise Act. Appellants were clearing their final product on payment of duty and runners and risers were also cleared accordingly. With introduction to the Compounded Levy Scheme, Notification No. 50/97-C.E.dated 1.8.1997 was issued which provides concessional rate of duty to ingots and billets of non-alloy steel manufactured prior to induction furnace Unit prior to 1.8.97. The appellants are also claiming the benefit of this notification in respect of runners and risers falling under Chapter heading 7204.90 of Central Excise Tariff. We find that the goods falling under

Chapter heading 7204.90 are not covered under the Notification No. 50/97-C.E., dated 1.8.97. Therefore, we find no infirmity in the impugned order passed by the Commissioner whereby benefit of Notification No. 50/97-CE dated 1.8.97 was denied.

4. During the arguments the appellants also claimed the benefit of Notification No. 49/97-CE. We find that this Notification provides exemption to waste and scrap arising in course of manufacture of ingots and billets of non-alloy steel on which the duty of excise is paid under Section 3-A of the Central Excise Act. On specific enquiry from the Bench, learned Chartered Accountant appearing on behalf of the appellants admitted the fact that the runners and risers on which the duty is confirmed pertains to the period prior to the introduction of Compounded Levy Scheme under Section 3 of the Central Excise Act. In view of this admitted position, the appellants are also not entitled for the benefit of Notification No. 49/97-CE. The appeal is dismissed.