Commissioner of Central Excise Vs. Aarti Steels Ltd.

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SooperKanoon Citation : sooperkanoon.com/34095

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Feb-11-2004

Reported in : (2004)(166)ELT45TriDel

Judge : P Bajaj

Appellant : Commissioner of Central Excise

Respondent : Aarti Steels Ltd.

Judgement :

1. In this appeal filed by the Revenue against the impugned order-in-appeal, the issue relates to the denial of Modvat credit to the respondents on the inputs utilised in the manufacture of alloy and non-alloy steel wires.

2. The Revenue has sought to deny the Modvat credit on the ground that non-alloy steel wires were cleared by the respondents under CT-2 certificates to the cycle tyre manufacturer who exported the tyres under the bond at nil rate of duty. But on this very ground the credit for the earlier period was also sought to be denied to the respondents by the Department, and the same was not accepted by the Tribunal, vide Final Order No. A/58/2001/NB, dated 12-1-2001. The validity of that order was challenged by the Department by moving a reference application before the Hon'ble High Court. But the said application was rejected. Thereafter the Department approached the Hon'ble Supreme Court in SLP (CC 8533). But the same had been also rejected. The learned Counsel has placed on record copy of the Apex Court order. The learned Commissioner (Appeals) has, therefore, rightly

followed the above said earlier order of the Tribunal rendered in the respondent's own case, allowing the Modvat credit to the respondents under similar circumstances. Therefore, I do not find any illegality in the impugned order of the Commissioner (Appeals) and the same is upheld. The cross-objections of the respondents accordingly also stand disposed of.

The appeal of the Revenue is dismissed.