Commissioner of Central Excise Vs. Industrial Oxygen Co. Ltd.

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SooperKanoon Citation : sooperkanoon.com/34607

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Mar-17-2004

Reported in : (2004)(169)ELT118Tri(Mum.)bai

Judge : S T S.S.

Appellant : Commissioner of Central Excise

Respondent : industrial Oxygen Co. Ltd.

Judgement :

1. Revenue is in appeal pleading to deny the exemption to Oxygen Storage Tanks installed in the respondents' Plant as a component on the grounds that the tanks on classification under Heading 73.11.00 which is a heading not covered under the Table of capital goods.

2. Heard both sides and after consideration of the use and an finding that the Tanks are essential components of the appellants plant and machinery. Relying upon CBEC's departments Circular No. 27/10/96-TRU, dated 2-12-1996 wherein Para 4 reads as - "Accordingly it is clarified that all parts, components, accessories, which are to be used with capital goods of Clauses (a) to (c) of Explanation (1) of Rule 57Q and classifiable under any Chapter heading are eligible for availment of Modvat credit." No merits are found in this appeal to set aside eligibility of the credit allowed.