

**Sct Ltd. Vs. Commissioner of Central Excise**

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**SooperKanoon Citation :** [sooperkanoon.com/42472](http://sooperkanoon.com/42472)

**Court :** Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

**Decided On :** Apr-21-2006

**Judge :** N T C.N.B., M Ravindran

**Appellant :** Sct Ltd.

**Respondent :** Commissioner of Central Excise

**Judgement :**

1. The appeal was dismissed for want of appearance. Learned Counsel explained the reason causing his absence. Explanation is accepted and appeal restored.
2. The appeal challenges the direction to make payment of entire duty confirmed with interest as well as penalty of Rs. 5000/-.
3. Contentions of the counsel are twofold. First is that this direction is contrary to the earlier observation in Para 6 (viii) of the impugned Order that the orders impugned before the Commissioner were illegal.

The second contention is that duty remained correctly discharged.

4. It is seen that the proceedings in the present case have emanated from some delay in the discharge of duty liability on fortnightly basis by the appellant. Because of that delay, the Asst. Commissioner stopped the appellants' facility to pay duty from Cenvat account. Still, the appellant continued to pay duty from Cenvat Credit. The payment so made were considered incorrect by the Dy. Commissioner and fresh duty demand made. The appeal before the

Commissioner was against that duty demand.

The appellant is, therefore, right in contending that the direction to make payment of duty from PLA is incorrect and duty remains paid. The appellant is also right that a second payment of duty from PLA and taking the same as credit in the Cenvat account would be a wholly unnecessary duplication and would cause the appellant undue hardship.

Further, it is well-settled that Cenvat account is the same as PLA in regard to debit of Central Excise duty.

5. In view of what is stated above, impugned order is set aside and appeal is allowed with consequential relief, if any, to the appellant.

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