

**Collector of Central Excise Vs. Singh Electro Steel Ltd.**

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**SooperKanoon Citation :** [sooperkanoon.com/8289](http://sooperkanoon.com/8289)

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

**Decided On :** Mar-07-1995

**Reported in :** (1995)(59)LC126Tri(Mum.)bai

**Judge :** V T K.S., S Peeran

**Appellant :** Collector of Central Excise

**Respondent :** Singh Electro Steel Ltd.

**Judgement :**

1. This appeal filed by the Collector of Central Excise, Bombay-II is directed against the order dt. 28.2.1985, passed by Collector of Central Excise (Appeals), Bombay.

2. The brief facts are that the respondents herein manufacture Steel Ingots with the aid of Electric Furnace and received cast iron moulds falling under Tariff Item 68 of CET. The molten steel is cast into the moulds for the purpose of obtaining ingots. The respondents availed set off of duty under Notification No. 201/79 during the period June, 1980 to September, 1980. This Notification at the material time exempted goods falling under Item 68 C.E. Tariff when used in the manufacture of other goods from duty. However, the Jurisdictional Assistant Collector found that these moulds are not used as inputs in the manufacture of steel ingots in the nature of raw material or component part and, therefore, initiated proceedings for recovery of the set off of duty availed of by the respondents. The Assistant Collector's order was set aside by the Collector

(Appeals) in the impugned order. The Collector (Appeals) while doing so followed the Tribunal's decision in the case of Rockdril (India) jodhpur v. Collector of Central Excise, Jaipur as . The Collector following the ratio held that in the set off notification No. 201/79 at the relevant period there was no stipulation that the items should be used as raw material or component parts and the Collector (Appeals) therefore held that the respondents had rightly availed of the set off under Notification in respect of cast iron moulds for the manufacture of ingots. It is this order of the Collector (Appeals) which is now challenged before us.

3. Shri Somesh Arora, the Learned DR reiterated the grounds of appeal but fairly submitted that the Tribunal's order followed by the Collector (Appeals) has considered the Notification No. 201/79 as it existed before and after its subsequent amendment by Notification No.105/82 dt. 28.2.1982.

4. We have carefully considered the submissions made by the Learned DR and we are of the view that the Collector (Appeals) was right in following the ratio of the Tribunal's decision in the case of Rockdril (India) as cited (supra). The Tribunal in that order in para 3 has held that the Notification prior to its amendment contained no condition that Tariff Item 68 goods should be used as raw material and component parts. On the other hand, the Tribunal observed the Notification gave the exemption in respect of "any goods" falling under Item 68 which were used in the manufacture of other dutiable goods. The Tribunal observed "there is, therefore, no substance in the insistence of the Assistant Collector that the earlier exemption was admissible only in respect of those item 68 goods which became constituent part of the finished dutiable goods". The ratio of the above decision of the Tribunal fully applies to the facts of the present case where also respondents had availed of the set off under Notification during the period prior to its amendment by Notification No. 105/1982. We, therefore, see no reason to interfere with the order passed by the Collector (Appeals) and, we, therefore, reject the appeal.