CUSTOMS,EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST ZONAL BENCH : AHMEDABAD

REGIONAL BENCH : COURT NO - 1

Excise Appeal No. 12909 of 2018-DB

(Arising out of OIA no. CCESA-SRT-APPEALS-PS-783-784-2017-18 dated 08/03/2018 passed by Commissioner (Appeals) Commissioner of Central Excise, Customs and Service Tax-SURAT-I)

Shri Tarun Santra Appellant

C/o Kec International Ltd.,
Plot No. 803-805, Vill-godampura (samlaya), Savli,
VADODARA,
GUJARAT

-VERSUS-

C.C.E. & S.T.-Daman Respondent

3RD FLOOR...ADARSH DHAM BUILDING, VAPI-DAMAN ROAD, VAPI
OPP.VAPI TOWN POLICE STATION,
VAPI
GUJARAT
396191

AND

Excise Appeal No. 12910 of 2019-DB

(Arising out of OIA no. VAD-EXCUS-001-APP-124-2019-20 dated 14/06/2019 passed by Commissioner (Appeals) Commissioner of Central Excise, Customs and Service Tax-VADODARA-I)

Kec International Ltd Appellant

Survey No. 803-805, Vill-godampura (samlaya), Savli,
VADODARA,
GUJARAT

-VERSUS-

C.C.E. & S.T.-Daman Respondent

3RD FLOOR...ADARSH DHAM BUILDING, VAPI-DAMAN ROAD, VAPI
OPP.VAPI TOWN POLICE STATION,
VAPI
GUJARAT
396191

Present For the Appellant : Shri Mehul Jivani, Advocate

Present For the Respondent : Shri D. Kanjani, Authorised Representative

CORAM:

HON'BLE MEMBER (TECHNICAL), MR. RAJU

FINAL ORDER NO. A/10110-10111 / 2020

Date of Hearing/Decision: 10/01/2020

RAJU

This appeal has been biled by KEC International Ltd. against denial of Cenvat Credit and by Shri Tarun Santra against imposition of penalty. The issue involved in the present case is liability of CENVAT credit on Garden maintenance and house-keeping within the factory premises.

2. Learned counsel for the appellant pointed out that the matter is squarely covered by the decision of Madras High Court in the case of M/s Rane TRW Steering Systems Ltd. 2018-TIOL-414-HC-MAD-CX. Learned Counsel further pointed out as far as activity of garden maintenance is concerned, the issue is covered by the decision of Tribunal in the case of Nhava Sheva Intl. Container Terminal (P.) Ltd. 2017 (3) G.S.T.L 509 (Tri- Mumbai). He further pointed out that their permission from Pollution Control Department had drawn subject to the condition that they will maintain good house-keeping in the factory. Thus, availment of the housekeeping services was a mandatory requirement for running the factory.

3. Learned Authorised Representative for the Revenue relies on the impugned order.

4. I have carefully considered rival submission. I find that the issue regarding admissibility of CENVAT Credit in respect of garden maintenance is squarely covered by the decision of Tribunal in the case of Nhava Sheva Intl. Container Terminal (P.) Ltd. (supra). Relying on the said decision, the impugned order on this ground is set aside and appeal is allowed.

4.1 As far as the admissibility of CENVAT credit on house-keeping is concerned, it is noticed that the consent obtained from the Pollution Control Committee by the appellant is subject to the condition that the appellant shall maintain good housekeeping in the factory premises. Thus, maintenance of good housekeeping is requirement to run the factory. Hence, the credit on same count cannot be denied. Consequently, the appeal on this ground is allowed.

5. Penalty is set aside. Appeals are allowed.

(Dictated and pronounced in the open court)

(Raju)
Member (Technical)

Diksha