

***In The Customs, Excise & Service Tax Appellate Tribunal
West Zonal Bench At Ahmedabad***

Appeal No. E/11141/2018-SM

[Arising out of OIA-VAD-EXCUS-002-APP-642-2017-18 dated 24/11/2017 passed by Commissioner
(Appeals) Commissioner of Central Excise, Customs and Service Tax-VADODARA-I]

M/s. Tema India Limited

Appellant

Vs

C.C.E & S.T –Vadodara-ii

Respondent

Represented by:

For Appellant: Mr. Vinay Kansara (Advocate)

For Respondent: Mr. A. Mishra (A.R.)

CORAM:

HON'BLE MR. RAMESH NAIR, MEMBER (JUDICIAL)

Date of Hearing/Decision:13/12/2018

Final Order No. A/ 12949 /2018

Per: Ramesh Nair

The issue involved in the present case is that whether the appellant is entitled for Cenvat Credit in respect of various input services namely maintenance of computer, upgrade in software, Training on enhancement, calibration services, testing of security cameras/power supplies & cabling, maintenance of server services, Testing, Inspection and Analysis services, maintenance of website charges, Office maintenance charges, Disinfection treatment of wooden boxes, repairing of electric motors, repairs and maintenance of Crane, maintenance of Air Conditioner the said services related to fitting of Bolt on the different equipments which are finished goods.

2. Shri. Vinay Kansara, Ld. Counsel appearing on behalf of the appellant submits that all these services were used directly in relation to the

manufacture of final product in the factory of the appellant. Therefore, all services are input services falling under the definition of input service in terms of Rule 2(l) of Cenvat Credit Rules, 2004. He also placed on record this tribunal's order No. A/11823-11826/2017 dated 14.08.2017 in their own case wherein the maintenance and repair services was held admissible input service.

3. Shri. Amit Mishra, Ld. Deputy Commissioner (AR) appearing on behalf of the Revenue reiterates the finding of the impugned order

4. I have carefully considered the submissions made by both the sides and perused the records, I find that all the services on which the credit was disputed were used by the appellant in relation to the manufacture of final product. The service of maintenance of computer is essential for the overall operation of the factory activities which is in relation to the manufacture of the final product. Similarly the upgrade in software, Training on enhancement for the computer software and the calibration services all are related to the maintenance of computer and software, therefore, they are input service, the testing of cable of power supply is a regular affair while running the factory, therefore, it is related to the manufacture of final product, maintenance of server services also similar to the maintenance of computer software. The testing Inspection and Analyses service is a routine affaire in manufacturing unit which is essential for uninterrupted manufacturing activity. Similarly the maintenance of the website charges, office maintenance, Disinfection treatment of wooden boxes wherein the goods were packed, repairing of electricity motor used for production purpose, repair and maintenance of crane which is used for loading and unloading of the goods within the factory premises, maintenance of Air Conditioner installed in the plant. All the services are essential services for running manufacturing operations. Therefore, there is no reason to deny the

Cenvat Credit. As regard the services of filing of bolts on equipment is directly in relation to the manufacture of final product. Therefore credit is admissible.

4. As per my above discussion all the services which are the subject matter of this case are indeed inputs services and appellant are legally entitled for the Cenvat Credit. Accordingly, the impugned order is set aside appeal is allowed.

(Dictated and pronounced in the open court)

(Ramesh Nair)
Member (Judicial)

Prachi