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

REGIONAL BENCH – COURT NO. 02

EXCISE Appeal No. 10068 of 2020

[Arising out of OIA-VAD-EXCUS-002-APP-319-2019-20 dated 17/09/2019 passed by Commissioner (Appeals) Commissioner of Central Excise, Customs and Service Tax-VADODARA-II]

HINDALCO INDUSTRIES LTD .....**Appellant**
P.O.Dahej, Taluka:Vagra
Bharuch,
Gujarat

VERSUS

C.C.E. & S.T.-VADODARA-II .....**Respondent**
1st Floor... Room No.101,
New Central Excise Building,
Vadodara,
Gujarat-390023

APPEARANCE:
Shri Vinay Kansara, Advocate for the Appellant
Shri. Prakash Kumar Singh, Superintendent (Authorized Representative) for the Respondent

CORAM: HON'BLE MEMBER (TECHNICAL), MR. RAJU

FINAL ORDER NO.A / 10770 /2022

DATE OF HEARING: 30.06.2022
DATE OF DECISION: 30.06.2022

RAJU

The issue in the instant case is whether Cenvat Credit is admissible in respect of following services:

(a) Management, Maintenance and Repair Services of ACs

(b) Storage and Handling charges of Gold manufactured by appellant.

2. Learned Counsel pointed out that the issue regarding Management, Maintenance and Repair Services of ACs is already decided by Tribunal Final Order No. A/10740/2020 dated 03.03.2020. As regards the storage and handling charges of gold stored in vaults, he submitted that gold is excisable commodity and the gold produced in factory has to be transported for safety custody to vaults, for which this services are taken.

3. Learned AR relied on the impugned order.

4. I have gone through the rival submissions, I find that the issue regarding Management, Maintenance and Repair Services of ACs is squarely covered by the earlier decision of Tribunal in appellant's own case. Learned Counsel clarified that the gold is cleared from factory on payment of excise duty and stored in vaults for safe custody. Thereafter, the sale of gold is taken place to buyers. He argued that the vaults have been taken on rental basis by the appellant. The goods are stored in vaults before final sale to buyers on payment of excise duty. In that way the vaults are like a Depot of the appellant and therefore, the place of removal. In view of the above, I find that the appellant is entitled to credit on both these services.

5. The impugned order is set aside and the appeal is allowed.

(Dictated & Pronounced in the open Court)

(RAJU)
MEMBER (TECHNICAL)

Palak