IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
REGIONAL BENCH : ALLAHABAD
COURT No. I

APPEAL No. E/2067/2007-EX[SM]

(Arising out of Order-in-Appeal No. 92-94/CE/MRT-I/2007 dated 08/05/2007 passed by Commissioner of Central Excise & Customs (Appeals), Meerut)

M/s Triveni Engg. & Industries Ltd. **Appellant**

Vs.

Commissioner of Central Excise, Meerut **Respondent**

Appearance:

Shri R. Krishnan (Advocate) for Appellant
Shri Pradeep Kumar Dubey (Supdt) AR for Respondent

CORAM:

Hon'ble Mr. Anil Choudhary, Member (Judicial)

Date of Hearing : 19/12/2017
Date of Decision : 19/12/2017

FINAL ORDER NO. 70732/2018

Per: Anil Choudhary

The issue in this case is whether the appellant is entitled to avail Cenvat Credit on welding electrodes and steel castings used for repair/maintenance of the sugar machinery.

2. As regards welding electrodes are concerned appellant relies on the ruling of Final Order No. A/70894-70897/2017 dated 04.09.2017 in which, the present appellant also as a party vide Appeal No. E/52152/2015 and the Tribunal had

allowed the credit vide four of the said order which reads as follows:-

"Considering the fact that in the case of Bajaj Hindustan Ltd. vs. CCE, Meerut-I vide Final Order No. 54148-54149 of 2015 dated 09.07.2015, this Tribunal relying on the decision of Hon'ble Chhattisgarh High Court in the case of Ambuja Cements Eastern Ltd. CCE, Raipur reported in 2010 (256) E.L.T. 690 (Chhattisgarh) held that Cenvat Credit on welding electrodes used for repair and maintenance of plant and machinery is entitled for Cenvat Credit. Therefore, I hold that appellants have correctly availed Cenvat Credit on welding electrodes which has been used for repair and maintenance of plant and machinery."

3. As regards steel castings is concerned appellant has explained the use at page 73 of the appeal Memorandum as under :-

"The steel casting both Cast Iron and Cast Steel are being used in huge quantity in sugar plants as these casting are required for assembling of so many equipments of mills like:-

(a) Wedge block (C.S)
(b) SR Bearing (C.S)
(c) Trash Beam (C.S)
(d) Scrapers (C.I)
(e) UFR C/P (C.S)

(f) Trash Plate (C.S)

(g) T.T. Cap (C.S)

(h) Cross Girder (C.S)

(i) Top Roller scrapper and U.F. Scraper (C.S/C.I)

Mill uses major portion of Cast Steel and Cast Iron. At mills 90% of the machinery is either of Cast Iron or Cast Steel.

Similarly all the sprockets of the Cane Carriers & Bagasses carriers are being made from Cast Steel and all the plumber blocks at mills, boilers and boiling houses are being made either from Cast Steel or Cast Iron.

All the couplings including big coupling at mills are being made from Cast Steel or Cast Iron.

In short casting plays a major role in sugar plant."

4. At page 74 of the appeal paper book a diagram showing where these steel castings are used is shown. Moreover in the following cases steel castings used in the factory for producing/processing of goods/repair, has been allowed as credit:-

(i) CCE v. Century Cements, 2013 (290) E.L.T. 348 (Chhattisgarh),

(ii) J.K. Cement Works v. CCE, 2017 (345) E.L.T. 301 (Tri. Del.),

(iii) Hindustan Zinc Ltd. v. CCE, 2012 (286) E.L.T. 593 (Tri. Del.)

5. Upon considering the rival contentions, following the above rulings, I allow the appeal and set aside the impugned order. The appellant shall be entitled with consequential relief as per law.

(Dictated and pronounced in Court)

Sd/-
(Anil Choudhary)
Member (Judicial)

Ankit