

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
 38, MG Marg Civil Lines, Old Red Building, Allahabad-211001
 Regional Branch, Allahabad

Dated: 05/09/2016

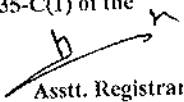
To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. A/70751/2016-SM[BR] dated 31/08/2016

I am directed to transmit herewith a certified copy of order passed by the Tribunal under section 35-C(1) of the Central Excise and Salt Act, 1944.


 Asstt. Registrar

Application	Appeal	Name and Address of Appellant
1	E/50874/2014	SARAYA DISTILLERY SARDAR NAGAR GORAKH PUR U.P. 273202
		Name and Address of Respondent
2		C.C. & C.E. & S.T.-Allahabad 38...M G MARG...CIVIL LINES, ALLAHABAD, UTTAR PRADESH-211001

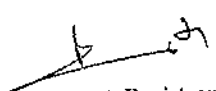
Copy To

3 Advocate(s) / Consultant(s):

BIPIN GARG
 B-1/1289, A - VASANT KUNJ,
 NEW DELHI

4 Bar Association, CESTAT, Allahabad

5 Director Publications, Customs, Excise. I.P. Estate, Delhi
 6 M/s Centax Publications Pvt. Ltd., 1512-B, Bhishm Pitamah Marg, New Delhi-3
 7 Company Law Institute of India Pvt. Ltd., No.2 (old no.36), Vaithyaram Street, T. Nagar, Chennai-17
 8 Taxmann Allied Service Pvt. Ltd., 59/32, New Rohtak Road, New Delhi-110005
 9 Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Iscon Mall, Satellite Road, Ahmedabad-15
 10 LAWCRUX Advisors Pvt. Ltd., LAW House, 1-8, Sector-10, Faridabad 121003 (Haryana)
 11 TaxIndiaOnline.com Pvt. Ltd., 2nd Floor, Vasant Arcade, Vasant Kunj, New Delhi - 110070
 12 Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Hyderabad - 38
 13 The ICFAI society, 52, Nagarjuna Hill, Punjagutta Hyderabad.-500082
 14 MS Knowledge Processing Pvt. Ltd.(taxmanagementindia.com), FF-19, 1st Floor, Cross River Mall, CBD Ground, Near Karkardooma Court, Delhi-110032
 15 C.D.R. 16 Office Copy ☒ Guard File


 Asstt. Registrar

**IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL,
REGIONAL BENCH : ALLAHABAD**

Appeal No. : E/50874/2014-EX[SM]

Arising out of OIA No.51-CE/ALLD/2013 dated 22.10.2013 passed by
Commissioner. (Appeals), Central Excise and Service Tax, Allahabad.

For approval and signature:

HON'BLE MR. ANIL CHOUDHARY, MEMBER (JUDICIAL)

-
1. Whether Press Reporters may be allowed to see
the Order for publication as per Rule 27 of the
CESTAT (Procedure) Rules, 1982? : No
 2. Whether it should be released under Rule 27 of the
CESTAT (Procedure) Rules, 1982 for publication
in any authoritative report or not? : Yes
 3. Whether His Lordship wishes to see the fair copy
of the Order? : Seen
 4. Whether Order is to be circulated to the Departmental
Authorities? : Yes

Saraya Distillery

VERSUS

...APPELLANT

C.C & C.E. & S.T.-Allahabad

...RESPONDENT (S)

APPEARANCE

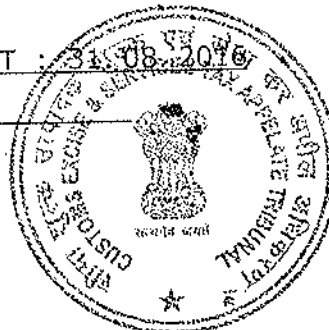
Shri S.P. Ojha, Consultant for the appellant
Shri Pawan Kumar Singh, (Supdt), (A.R.) for the Department

CORAM:

HON'BLE MR. ANIL CHOUDHARY, MEMBER (JUDICIAL)

DATE OF HEARING & PRONOUNCEMENT : 31.08.2016

FINAL ORDER NO. 70751/2016



Per Mr. Anil Choudhary :

The appellant is manufacturer of denatured ethyl alcohol and fusel oil etc. is in appeal against disallowance of Cenvat credit on the inputs namely molasses being relatable to the quantity of loss of the final product (Sprit/Alcohol) due to evaporation/storage loss, amounting to Rs.13,58,172/-

2. Heard the parties.

3. Having considered the rival contentions and on perusal of record I find that the finished products in question are subject to storage loss due to evaporation, spillage, etc. Further, I find that under the State Excise Manual in Rule 813 there is provision for free wastage allowances for different kinds of spirit (excluding bottled spirit) stored in a distillery as follows:-

	Percent
(1) Plain and spiced spirit	0.7
(2) Rectified spirit and Sophisticated spirit	0.4
(3) Denatured spirit	0.5

4. On perusal of the show cause notice, it is evident that no allowance has been made for the admissible normal loss for the products manufactured or dealt by the appellant. Accordingly, I find that the show cause notice is vague and not tenable. Accordingly, I allow the appeal and set aside the impugned order with consequential benefit, if any, to the appellant.

(Pronounced in the open Court)

Patel/-

(Anil Choudhary)
Member (Judicial)

प्रमाणित प्रति / Certified True Copy

सहायक पंजीकार / Asstt. Registrar
सीमाशुल्क, उत्पादशुल्क एवं सेवा कर
अपील अधिकरण / (C.E.S.T.A.T.)
38, एम. जी. मार्ग, इलाहाबाद-211001
38, M. G. MARG, ALLAHABAD-211001

