FAX : 0532-2400149 REGISTERED / AD

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

Dated: 01/12/2017

To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. A/71773/2017-EX[DB] dated 27/11/2017

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/1168/2011	VACMET INDIA LTD., A-4/1, UPSIDC, INDUSTRIAL AREA, KOTWAN KOSIKALAN, DISTT. MATHURA.
		Name and Address of Respondent
2		-C.C.E. LUCKNOW 7-A, Ashok Marg, Lucknow.

Copy To

3Advocate(s) / Consultant(s):

Anuj Agrawal (Advocate)
A-103, DEFENCE COLONY,
NEW DELHI,
DELHI
110024

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, Opp ICICI Bank of Defence Colony 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 LAWCRUX Advisors Pvt. Ltd., LAW House, 1-8, Sector-10, Faridabad 121003 (Haryana)

10 TaxIndiaOnline.com Pvt. Ltd., 2nd Floor, Vasant Arcade, Vasant Kunj, New Delhi - 110070

11 Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Hyderabad – 38

12 The ICFAI society, 52, Nagarjuna Hill,Punjagutta Hyderabad.-500082

13 M/S Knowledge Processing Pvt. ltd.(taxmanagementindia.com),FF-19,1st Floor,Cross River Mall,CBD Ground,Near Karkardooma Court,Delhi-110032

14 C.D.R. 15 Office Copy 16 Second Folder Copy 17 Guard File

Asstt. Registrar

IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL

REGIONAL BENCH : ALLAHABAD
COURT No. I

APPEAL No. E/1168/2011-EX[DB]

(Arising out of Order-in-Appeal No. 67-CE/LKO/2011 dated 15/03/2011 passed by Commissioner of Customs, Central Excise & Service Tax (Appeals), Lucknow)

M/s Vacmet India Ltd. Unit-II, **Appellant**

Vs.

Commissioner of Central Excise, Lucknow **Respondent**

Appearance:

Shri Anuj Agrawal, Advocate, for Appellant
Shri Pradeep Kumar Dubey, Superintendent (AR), for Respondent

CORAM:

Hon'ble Mrs. Archana Wadhwa, Member (Judicial)
Hon'ble Mr. Anil G. Shakkarwar, Member (Technical)

Date of Hearing & Date of Decision : 27/11/2017

FINAL ORDER NO. 71773/2017

Per: Archana Wadhwa

After hearing both the sides, we find that a very short legal issue is involved in the present case i.e. as to whether the interest charged by the appellant from their customers on account of delayed payments by them would form part of the assessable value or not.

2. We find that the issue is no more *res-integra* and stands settled by number of decisions laying down that interest on receivables would not make part of the assessable value. Reference can be made to the Hon'ble Supreme Court's

decision in the case of A. Infrastructure Ltd. *Versus* Commissioner of Central Excise, Jaipur reported at 2004 (167) E.L.T. 369 (S. C.) as also other number of decision.

3. In as much as, the issue is settled, we set aside the impugned order and allow the appeal with consequential appeal to the appellant.

(Dictated & Pronounced in Court)

Sd/-
Anil.G. Shakkarwar
Member(Technical)

Sd/-
(Archana Wadhawa)
Member (Judicial)

Ansari

प्रमाणित प्रति/Certified True Copy
01/10/18