

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
CHANDIGARH**

REGIONAL BENCH - COURT NO. I

Appeal No. E/60754/2018-[SM]

(Arising out of Order-in-Appeal No. APPL/CE/PKL/165/2017 dated 20.11.2017 passed by the Commissioner (Appeals), Panchkula)

I U P Jindal Metals And Alloys Limited
(Dehkora Road, Village Rohad, Jhajjar, Haryana)

.....Appellant

VERSUS

Commissioner of C.E. & S.T., Rohtak
(Pacific City Centre, 2nd Floor, Near Jat Bhawan,
Delhi Road, Rohtak, Haryana)

.....Respondent

APPEARANCE:

Mr. Dinesh Kumar Raghav, Company Representative for the Appellant

Mr. A.K. Saini, Authorised Representative for the Respondent

CORAM: HON'BLE MR. ASHOK JINDAL, MEMBER (JUDICIAL)

FINAL ORDER NO. 60603/2019

DATE OF HEARING: 29.05.2019

DATE OF DECISION: 29.05.2019

PER ASHOK JINDAL:

The appellant is in appeal against the impugned order, wherein the Cenvat credit on Outdoor Catering Service and Medical Insurance Service for the employees has been denied on the ground that these services do not qualify as input service in terms of Rule 2(I) of the Cenvat Credit Rules, 2004 during the period 2009-10, 2010-11 and 2007-08 to 2010-11 respectively.

2. Heard the parties.

3. Considering the fact that as per the decision of the Hon'ble High Court of Bombay in the case of *Ultratech Cement Ltd. - 2010 (260)*

ELT 369 (Bom.), till 31st March 2011, any service received by a manufacturer of excisable goods in the course of their business, is entitled as input service in terms of Rule 2(I) of the Cenvat Credit Rules, 2004. Therefore, I hold that the appellant is entitled to avail the Cenvat credit on the said services subject to denial of the amount recovered from their employees towards the services of medical insurance and outdoor catering service. The appellant is directed to reverse the said amount, which has been recovered from the employees towards the services in question within a period of 15 days from today along with interest, failing which, the appellant shall be liable to pay the said amount along with interest and equivalent amount of penalty shall also be paid by the appellant.

4. With these terms, the appeal is disposed off.

(Dictated and pronounced in the open court)

(ASHOK JINDAL)
MEMEBR (JUDICIAL)