IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
SOUTH ZONAL BENCH, CHENNAI

Appeal Nos. E/42272 & 42273/2017

(Arising out of Order-in-Appeal No.16/2017 (CTA-II) dated 30.6.2017 passed by the Commissioner of Central Excise (Appeals – II), Chennai)

M/s. Mitsubha Sical India Ltd. Appellant

Vs.

CCE, Chennai – I Respondent

Appearance

Shri Clint Li Johny, Advocate for the Appellant
Shri R. Subramaniam, AC (AR) for the Respondent

CORAM

Hon'ble Ms. Sulekha Beevi C.S., Member (Judicial)

Date of Hearing / Decision: **31.05.2018**

Final Order Nos. **41680-41681 / 2018**

After hearing both sides, I find that the issue involved in both the appeals is whether the appellants are eligible for CENVAT credit of service tax paid on rent-a-cab service. The period involved is from December 2006 to November 2007 and June 2010 to March 2011. The Tribunal in the case of Godrej & Boyce Mfg. Co. Ltd. Vs. Commissioner of Central Excise – 2017 (48) STR 88 and Sundaram Clayton Ltd. Vs. Commissioner of Central Excise – 2016 (42) STR 741 has allowed the CENVAT of service tax paid on rent-a-cab service. The definition of input service prior to 1.4.2011 had a wide ambit as it included the words ‘activities relating to business’. The above decisions have considered the issue in detail.

2. I find that the denial of CENVAT credit on rent-a-cab service is unjustified. The impugned order disallowing the CENVAT credit is set aside. The appeals are allowed with consequential relief, if any.

(Operative portion of the order was
pronounced in open court)

(**Sulekha Beevi C.S.**)
Member (Judicial)

Rex