**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, CHENNAI**

REGIONAL BENCH - COURT NO. – III

**Excise Appeal No. 40435 of 2016**

(Arising out of Order-in-Appeal No.439/2015 CXA-II dated 28.12.2015 passed by the Commissioner of Central Excise (Appeals – II), Chennai)

**M/s. SSD Oil Mills Company Ltd.** **Appellant**
No. 132, Village Road
Ayyappanthangal, Chennai – 600 056.

Vs.

**Commissioner of GST & Central Excise** **Respondent**
Chennai – IV
5th Floor, 692, Anna Salai
Chennai – 600 035.

**WITH**

**Excise Appeal No. 41412 & 41414 of 2017**

(Arising out of Order-in-Appeal No.209 & 210/2015 CXA-II dated 5.8.2015 passed by the Commissioner of Central Excise (Appeals – II), Chennai)

**M/s. SSD Oil Mills Company Ltd.** **Appellant**
No. 132, Village Road
Ayyappanthangal, Chennai – 600 056.

Vs.

**Commissioner of GST & Central Excise** **Respondent**
Chennai – IV
5th Floor, 692, Anna Salai
Chennai – 600 035.

**AND**

**Excise Appeal Nos. 41413 & 41415 of 2017**

(Arising out of Order-in-Appeal No.185 & 186/2015 (CXA-I) dated 5.8.2015 passed by the Commissioner of Central Excise (Appeals – I), Chennai)

**M/s. SSD Oil Mills Company Ltd.** **Appellant**
No. 132, Village Road
Ayyappanthangal, Chennai – 600 056.

Vs.

**Commissioner of GST & Central Excise** **Respondent**
Chennai – IV
5th Floor, 692, Anna Salai
Chennai – 600 035.

**APPEARANCE:**

Shri Mansoor Ilahi, Advocate for the Appellant
Ms. T. Usha Devi, JC (AR) for the Respondent

**CORAM**

**Hon'ble Ms. Sulekha Beevi C.S., Member (Judicial)**
**Hon'ble Shri P. Venkata Subba Rao, Member (Technical)**

Final Order Nos. **41190-41194 / 2019**

Date of Hearing: 29.10.2019
Date of Decision: 29.10.2019

**PER BENCH**

The issue involved in all these appeals being the same, they are heard together and are disposed by this common order.

2. Brief facts are that the appellants are engaged in the manufacture of refined palm oil, refined cotton seed and sunflower oil, refined rice bran oil, vanaspathi and bakery shortening / margarine n their units situated at Iyyappanthangal and Arakonam Road, Ulundai Village. During the manufacture of the above products, byproducts namely fatty acid, soap stock, spent earth emerged which according to the department was liable to excise duty and therefore the appellants are not eligible for SSI exemption benefit. Show Cause Notice was issued proposing demand of duty along with interest and also for imposing penalties. After due process of law, the adjudicating authority confirmed the demand, interest and imposed penalties. Aggrieved the appellants are now before the Tribunal.

3. On behalf of the appellant, ld. counsel Shri Mansoor Ilahi appeared and argued the matter. He submitted that the issue stands covered by the decision of the Larger Bench of the Tribunal in the case of Ricela Health Foods Ltd. & Ors. Vs. Commissioner of Central

Excise, Chandigarh – 2018 (2) TMI 1395-CESTAT New Delhi. The said decision was applied in the appellant's own case for earlier periods and the Tribunal had set aside the demands.

4. The ld. AR Ms. T. Usha Devi appeared on behalf of the respondent. She submitted that the decision of the Larger Bench is not applicable to the facts of the case.

5. Heard both sides.

6. After perusing the records as well as considering the submissions made by both sides, we are of the considered opinion that the issue stands covered by the decision of the Larger Bench referred supra. Following the said decision, we hold that the demands cannot sustain. The impugned orders are set aside and the appeals are allowed with consequential relief, if any.

(Dictated and pronounced in open court)

(**SULEKHA BEEVI C.S.**)
Member (Judicial)

(**P. VENKATA SUBBA RAO**)
Member (Technical)

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