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

REGIONAL BENCH - COURT NO. – III

EXCISE APPEAL No. 40475 of 2020
[Arising out of Order-in-Appeal No.10 & 11/2020-TRY (CEX) dt. 20.02.2020 passed by Commissioner of GST & Central Excise (Appeals), Coimbatore Circuit Office at Tiruchirappalli]

1) M/s.MRF Ltd. **Appellant**
Naramangalam Village and Post, Alathur Taluk
Perambalur District 621 109.

2) M/s.MRF Ltd.
No.114, Greams Road,
Chennai 600 006.

Vs.

The Commissioner of GST & CE **Respondent**
No.1, Williams Road, Cantonment,
Tiruchirappalli 620 001.

WITH

EXCISE APPEAL No. 40476 of 2020
[Arising out of Order-in-Appeal No.10 & 11/2020-TRY (CEX) dt. 20.02.2020 passed by Commissioner of GST & Central Excise (Appeals), Coimbatore Circuit Office at Tiruchirappalli]

1) M/s.MRF Ltd. **Appellant**
Naramangalam Village and Post, Alathur Taluk
Perambalur District 621 109

2) M/s.MRF Ltd.
No.114, Greams Road,
Chennai 600 006.

Vs.

The Commissioner of GST & CE **Respondent**
No.1, Williams Road, Cantonment,
Tiruchirappalli 620 001.

APPEARANCE:

Shri Karthik Sundaram, Advocate for the Appellant
Shri Vikas Jhajharia, AC (AR) for the Respondent

CORAM :

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

Date of Hearing: 27.04.2021
Date of Decision:27.04.2021

FINAL ORDER No. 41478-41479 / 2021

The issue that arises for consideration in these appeals is whether the service tax paid on GTA services availed for transportation of goods from the factory to the customer's premises is eligible for cenvat credit or not.

2. When the matter came up for hearing, the Ld. Counsel Shri Karthik Sundaram for the appellant submitted that the very same issue has been held in favour of the appellants in their own case vide Final Order No.40934-40938/2019 dated 18.07.2019. The said final order was amended / rectified vide Miscellaneous Order No.40651-40655/2019 dated 04.11.2019.

3. The Ld. A.R Shri Vikas Jhajharia supported the findings in the impugned orders.

4. On perusal of records and after hearing the submissions from both sides, I find that the issue stands covered by the decision of the Tribunal in the appellant's own case. Further, in page 8 of the impugned orders, the Commissioner (Appeals) has noted that appellants have included the freight charges in the assessable value and discharged excise duty on the same. In such circumstances, the appellants would be eligible to avail

credit of the service tax paid on such freight charges for outward transportation of goods upto the buyer's premises. The said issue has been analyzed by the Division Bench of the Tribunal at Ahmedabad in the case of *Ultratech Cement Ltd. Vs CCE* - 2019 (2) TMI 1487. It is also submitted by the Ld. Counsel that said decision has been upheld by the High Court of Gujarat vide R/Tax Appeal Nos.691 of 2019, 698 of 2019 and 690 of 2019 all dated 23.01.2020. Following the above decisions, I am of the view that the demand cannot sustain. The impugned orders are set aside. The appeals are allowed with consequential relief, if any, as per law.

(Dictated and pronounced in open Court)

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

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