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

E/450/2005

(Arising out of Order-in-Original No.4/2005 dated 10.03.2005 passed by the Commissioner of Central Excise, Commissionerate-II, Chennai).

M/s. Gunnebo India Pvt. Ltd. : Appellant

Vs.

CCE, Chennai - II :
Respondent

Appearance

Shri Derrick Sam, Adv.,
For the appellant

Shri K.P. Muralidharan, AC (AR),
For the respondent

CORAM

Hon'ble Shri D.N.PANDA, Judicial Member
Hon'ble Shri MADHU MOHAN DAMODHAR, Technical Member

Date of Hearing/Decision: 09.02.2017

FINAL ORDER No. 40233 /2017

Per: D.N.Panda,

Appellant's grievance is that the "Fire Tenders" purchased from SSI availing duty exemption cannot be called exempted goods for the purpose of grant of benefit under Notification No. 6/2002-CE dated 01.03.2002 to the appellant manufacturing special purpose motor vehicle using above goods. He relies on sl.no. 217 of the Notification which was subject to conditions at sl.no. 55 to avail nil rate of duty. Such condition required that exemption is grantable if the special purpose motor vehicle is manufactured out of chassis and equipment on which the duty of excise leviable under the first schedule or the additional duty leviable under section 3 of the Customs Tariff Act, 1975, as the case may be already been paid. Appellant says that by virtue of notification when excisable goods manufactured by SSI was exempt that cannot be said to be duty free goods which was excisable all along. Therefore, benefit of above said notification should be extended to it.

2. Revenue on the other hand says that the 'Fire Tender' which came to the premises of the appellant for manufacture of special purpose motor vehicle being exempt from duty does not entitle it to exemption under Notification No. 6/02-CE dated 01.03.2002.

3. Heard both sides and perused the records.

4. Fire Tenders came to the premises of the appellant is undisputedly manufactured by SSI enjoying duty exemption under the appropriate notification. SSI benefit is given to a SSI which manufactures excisable goods when its clearance does not cross the limit prescribed. That does not mean that SSI has sold duty free goods. The goods sold by SSI was dutiable goods but

Customs Excise & Service Tax Appellate Tribunal was exempt by virtue of exemption granted to it in terms of a notification. Therefore, the fire tender manufactured by SSI does not debar the appellant from the benefit of duty exemption vide sl.no.217 of the Notification No. 6/2002 dated 01.03.2002.

5. In the result, appeal is allowed.

(Dictated and pronounced in open Court)

(MADHU MOHAN DAMODHAR)
TECHNICAL MEMBER

(D.N. PANDA)
JUDICIAL MEMBER

BB

Customs, Excise & Service Tax Appellate Tribunal

प्रमाणित प्रति / Certified True Copy
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सहायक पंजीकार / Asst. Registrar
सीमाशुल्क उत्पादशुल्क एवं सेवा कर
अपील अधिकरण / (CESTAT)
चेन्नै / Chennai