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CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, WEST BLOCK No.2, R.K.PURAM, NEW DELHI - 110066
EXCISE APPEAL BRANCH

Appeal No. E/871 /2006 - EX[DB] Date 26/05/2009
E/M/358/2009-EX

Assistant Registrar
C.E.S.T.A.T, New Delhi

To :
C.C.E. CHANDIGARH
C.R. BUILDING, PLOT NO. 19, SECTOR 17-C,
CHANDIGARH 160017
C.C.E. CHANDIGARH Appellant
Vs
P.A. PRECISION COMPONENTS MISC ORAL ORDER NO.347/2009-EX Respondent

I am directed to transmit herewith a certified copy of **Final order No.** 371/2009-EX **EX[DB]** dated 15-5-09

passed by the Tribunal under Section 35-C(1)of Central Excises Act, 1944

Assistant Registrar
(Excise Appeal Branch)

Copy to :
1. Respondent
P.A. PRECISION COMPONENTS
JUBBER, DISTT. SOLAN (H.P.)
2. Adv. / Consult SH. RAVI RAGHAVAN, ADV.,
B-6/10, S.J. ENCLAVE,
N. DELHI-29
3 C.D.R
~~4 J.C.D.R.~~
5 Bar association, CESTAT, New Delhi
6 Director Publications, Customs, Excise. I.P. Estate, New Delhi
7 M/s Centax Publictions Pvt Ltd., 1512-B, Bhishm Pitamah marg, Opp. ICICI Bank of Defence Colony, New Delhi - 3
8 Commercial Laws of India Pvt Ltd. Post Bag No. 1033, No.2(Old No. 36), Vaithyaram Street, T. Nagar,Chennai -17
9 Raghuraman's 44-B, Regal Flat,Shipra Suncity, Indirapuram - 201010,Ghaziabad, DT, U.P.
10 M/s Manupatra Information Solutions Pvt Ltd. Excise & Customs Cases B-37, Sector - 1, Noida - 201301, Gautam Budh Nagar, (UP)
11 M/s. Deeparchie Publications, M-93, Marg. 46, Saket, New Delhi 110017
12 Taxindiaonline.com Pvt.Ltd, B-XI/8183,Vasant Kunj, New Delhi - 110070
13 Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh, New Delhi - 110026
14 Easy Service Tax Online Dot Com Pvt.Ltd.407A,Iscon Mall,Above Star India Bazar,Satellite Road,Ahmedabad-15
15 LAWCRUX Advisors Pvt Ltd, LAW House,1-8,Sector - 10, Faridabad 121003 (Haryana)
16 Office Copy
17 Guard file
18. HON'BLE PRESIDENT.

Assistant Registrar
(Excise Appeal Branch)

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
West Block No.2, R. K. Puram, New Delhi

COURT-I

Date of hearing/decision:15.05.2009

Excise Appeal No. 871 of 2006
[Arising out of order-in-appeal No 438/CE/CHD/2005 dated 16.12.2005 passed by the Commissioner (Appeals), Central Excise, Chandigarh].

For approval and signature:

Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri M. Veeraiyan, Member (Technical)

1.	Whether Press Reporters may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982.	Yes
2	Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	No
3	Whether Their Lordships wish to see the fair copy of the Order?	Seen
4	Whether Order is to be circulated to the Departmental authorities?	No

CCE, Chandigarh   Appellant

Vs.

M/s P.A. Precision Components   Respondent

Appearance:

Appeared for the Appellant – Sh. Surendra Shah, DR
Appeared for the Respondent – Sh. Ravi Raghavan, Advocate

Coram: Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri M. Veeraiyan, Member (Technical)

Final Oral Order No. 371/09-EX

Per Justice R.M.S. Khandeparkar:

The appeal is taken on board in terms of Excise Miscellaneous Application No. 358 of 2009. Heard the learned Advocate for the respondent and learned DR for the appellant.

2. The issue involved in the matter is whether the input credit taken, when the final product was dutiable need not to be reversed on final product becoming exempt from the payment of duty. As rightly pointed out by the learned Advocate, The said issue was referred to the larger Bench in HMT vs. CCE, Panchkula reported in 2008 (232) ELT 217 (Tri.-LB). After referring to the decision of the Apex Court in Collector vs. Dai Ichi Karkaria Ltd., reported in 1999 (112) ELT 353 (SC) the larger Bench ruled that "when the input credit legally taken and utilized on the dutiable final product need not to be reversed on the final product becoming exempt subsequently w.e.f. 9.7.2004". Undisputedly, the facts of the case in hand clearly attracts ~~are fully covered by~~ the said ruling and therefore do not warrant detailed discussion and analysis of the materials. Suffice to observe that in the facts and circumstances of the case, the matter being fully covered by the decision of HMT (supra), The appeal fails and is accordingly hereby dismissed.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)
Member (Technical)

/Pant/

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
West Block No.2, R. K. Puram, New Delhi

COURT-I

Date of hearing/decision:15.05.2009

Excise Misc. Application No. 358 of 2009 in Excise Appeal No. 871 of 2006

CCE, Chandigarh — Appellant

Vs.

M/s P.A. Precision Components — Respondent

Appearance:

Appeared for the Appellant – Sh. Surendra Shah, DR
Appeared for the Respondent – Sh. Ravi Raghavan, Advocate

Coram: Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri M. Veeraiyan, Member (Technical)

Misc Oral Order No. 347/09-EX

Per Justice R.M.S. Khandeparkar:

Heard. It is a case of the appellant that the issue involved in Excise Appeal No. 871 of 2006 already stands decided by the decision of the larger Bench in HMT vs. CCE, Panchkula reported in 2008 (232) ELT 217 (Tri.-LB) and therefore the appeal be taken up for hearing and be disposed of accordingly.

2. Upon hearing the learned Advocate and learned DR we find that contention is worth ~~denying~~ taking note of and therefore the Miscellaneous Application No. 358 of 2009 is allowed and Excise Appeal No. 871 of 2007 is taken on board for hearing. Miscellaneous application stands disposed of accordingly.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)
Member (Technical)

/Pant/