

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

Appeal No. E/3634/2005-SM[BR]

Date 09/01/2008

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

To :
M/S TITAWI SUGAR COMPLEX
TITAWI, DISTT. MUZAFFARNAGAR (U.P.)

M/S TITAWI SUGAR COMPLEX

THE COMMISSIONER OF CENTRAL EXCISE
MEERUT-I

Appellant
Vs
Respondent

I am directed to transmit herewith a certified copy of Final order No.32/2008-SM[BR] dated 8.10.2007SM
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(SM Appeal Branch)

Copy to :

1. Respondent

THE COMMISSIONER OF CENTRAL EXCISE
MEERUT-I
MANGAL PANDEY NAGAR, MEERUT
250005

2. Adv. / Consult

MR.BIPIN GARG
B-1/1289,A-VASANT KUNJ, NEW DELHI

3. S.D.R.

~~4. J.C.D.R.~~

5. Bar association, CESTAT, New Delhi
6. M/s. Deeparchi Publications, M-93, marg. 43, saket, New
7. M/s Centax Publications (P) Ltd., 1512-E, Bhishm Pitamah
8. Excise & Customs cases, B-37, Sector -1, NOIDA - 201301
9. R.Venkatraman Constt. 44-B, S.Suncity, Ghaziabad -
10. Nidheshak publications, I.P.Estate, new Delhi
11. Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh,
12. Co, Law Institution
13. TAX INDIA, B-XI/8183, Vasant Kunj, New Delhi - 110070
14. Office Copy
15. Guard file


Assistant Registrar
(SM Appeal Branch)

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
PRINCIPAL BENCH, COURT NO.III

Excise Appeal No.3634 of 2005-SM (BR)

(Arising out of Order-in-Appeal No.172/CE/MRT-I/2005 dated 30.09.05 of the Commissioner of Central Excise (Appeals), Meerut-I).

For approval and signature:

Hon'ble Mr. P.K. Das, Member (Judicial)

1. Whether Press Reporters may be allowed to see the order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?
2. Whether it should be released under Rule 27 of The CESTAT (Procedure) Rules, 1982 for Publication in any authoritative report or not:
3. Whether their Lordships wish to see the fair Copy of the Order?
4. Whether Order is to be circulated to the Department Authorities?

yes

M/s. Titawi Sugar Complex

...Appellant

Versus

CCE, Meerut-I

...Respondent

Appearance:

Shri Bipin Garg, Advocate for the appellants.

Shri S. Gautam, Authorised Sr. Departmental Representative (SDR) for the respondent.

Final Order No..... 32/08 SM (BR) /Dated: 8.10.2007

Per P.K. Das:

The appellants filed this appeal against denial of Cenvat Credit for jointing/Asbestos packing sheet/yarn (6805.90) Gasket/Gasket Sheet (6805.10) & Super Blanket (6807.90). The appellants are engaged in the manufacture of V.P. Sugar & molasses classifiable under Chapter 17 of the schedule to the Central Excise Tariff Act, 1987.

2. Ld. Advocate on behalf of the appellant submits that after cut to size, they are wrapped around pipes and various vessels including Boiler for insulating them mainly to reduce heat loss. This use is not disputed by the department. Their non-use will result into loss of heat thereby increasing the cost of production and decreasing its quality as well as quantity. He further submits that packing/jointing are used for making the joints air/gas tight. The packing material is used at various stations in sugar mill plant in jointing the various lines of pipe to make them leak proof. He also submits that that these goods are used as essential material for jointing purposes in boilers, sulphur furnace, guads, pans, pumps, etc. He relied upon the various decisions of the Tribunal whereby the Tribunal allowed credit on both the goods.

3. Ld. JDR reiterates the findings of the Commissioner (Appeals).

4. After hearing both sides and on perusal of the records, I find that the Tribunal has already decided that Asbestos packing used for preventing leakage in pipes to be considered as integral part of sugar machinery and

eligible for Modvat Credit under Rule 57Q of the erstwhile Central Excise Rules, 1944. Ld. Advocate relied upon the following case laws:-

- (1) Kesar Enterprises Vs. CCE, Meerut-II
2005 (185) ELT 66 (T-Delhi)
- (2) KCP Sugar & Industries Ltd. Vs. CCE, Guntur
2004 (178) E.L.T. 275 (Tri.-Bang.)
- (3) CCE, Meerut-II Vs. U.G. Sugar & Industries Ltd.
2004 (176) ELT 167 (Tri.-Delhi)
- (4) Chhata Sugar Co. Ltd. Vs. CCE, Knapur
2002 (150) ELT 157(Tri.-Delhi)

5. Regarding the eligibility of Modvat credit on Super Blanket, he relied upon the decision of the Tribunal in the case of CCE, Raipur Vs. Beekay Engg. & Casting Limited [2002 (139) ELT 704 (Tri.-Delhi)]. I find that use of Super Blanket and Jointing/Asbestos packing sheets as contended by the ld. Advocate is not disputed by the Department. Therefore, the above case laws of the Tribunal are squarely applicable in the present case. Accordingly, the impugned order is set aside and the appeal is allowed with consequential relief.

Order dictated & pronounced in open Court on 8.10.2007.

(P.K. Das)
Member (Judicial)

Ckp.