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

Date of hearing/decision: 22.08. 2017

Excise Appeal No. 1513, 1514 & 1515 / 2007- SM
(Arising out of order-in-appeal No. 88-90/CE/APPL/MRT-I/2007 dated 26.04.2007 passed by the Commissioner of Central Excise (Appeals) Meerut-I).

M/s Windlas Biotech Limited Appellant
Ashok Kumar Windlas, MD
Pawan Kumar Sharma, AS

Vs.

CCE, Meerut Respondent

Appearance:

Ms. Sukriti Das, Advocate for the appellant
Sh. K. Poddar, AR for the respondent

Coram:

Hon'ble Mr. Ashok Jindal, Member (Judicial)

Final Order Nos. 56287 – 56289/ 2017

Per: **Ashok Jindal**:

The short issue involved in these appeals are that whether the appellant is required to reverse the Cenvat credit lying in the Cenvat credit account on the date of opting for exemption under Notification No. 50/2003 dated 10.06.2003 or not.

2. Heard the parties and considered the submissions.

3. I find that in the case of ***CC&CE, Meerut-I vs. APCO Pharma Ltd. - 2015 (319) ELT 641 (Uttarakhand)*** the Hon'ble Uttarakhand High Court has held in such cases that there is no requirement of reversal of Cenvat credit lying in Cenvat credit account on the date of opting to avail exemption under Notification No. 50/2003. Therefore, the issue is no more res-integra. The impugned order is set aside and appeal is allowed. Accordingly, penalty imposed on the appellant are also set aside.

(Dictated and pronounced in the open Court).

(Ashok Jindal)
Member (Judicial)

Pant