CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,

West Block No.2, R.K.Puram, New Delhi

COURT-IV

Date of hearing: 25.08.2017

Appeal No. E/968/2011-EX[SM]

[Arising out of the Order-in-Original No. 11/RPR-I/2011 dated 11.01.2011, passed by the Commissioner of Central Excise, Raipur]

M/s. Jindal Steel & Power Ltd. … Appellant

Vs.

C.C.E. Raipur ... Respondent

Appearance:

Present Ms. Shreya Dahiya, Advocate for the appellant
Present Shri G.R. Singh, DR for the respondent

Coram: Hon'ble Mr. Ashok Jindal, Judicial Member

FINAL ORDER No.56842 /2017

Per Ashok Jindal:

The appellant is in appeal against the impugned order wherein Cenvat Credit sought to be denied on various items namely beams, joists, parallel flange beams, rails, rail clips, MBC Sleepers and JO truck, etc. on the premises that these items are neither capital goods nor input. Therefore, the appellant is not entitled to avail cenvat credit on these items. The demand of interest was also confirmed on account of suo motto reversal of Cenvat Credit as input has not been received within 180 days from the job worker, therefore, the appellant reversed the Cenvat credit. The demand of interest was confirmed for the intervening period. Aggrieved from the said order, the appellant is before me.

2. Heard the parties, considered the submission.

3. The issue of availment of cenvat credit on items in question has been settled by this Tribunal in the appellant's own case for the earlier period reported as final order number ***A/52994/2015-EX(DB) dated 09.09.2015 and A/51574/2015-EX(DB) dated 05.05.2016*** wherein it has been held that appellant is entitled to avail Cenvat Credit on the items in question being inputs of capital goods. In these terms, I hold that the appellant has correctly availed Cenvat Credit.

4. Considering the fact that appellant was keeping sufficient balance in their cenvat credit account, therefore, they were not required to pay interest on suo motto reversal of cenvat credit in terms of the decision of the Hon'ble High Court of Karnataka in the case of ***CCE Bangalore Vs. Bill Forge Pvt. Ltd. 2012 (279) ELT 209 (Kar.)***

5. In these terms, impugned order is set aside and consequently, the appeal is allowed.

[Dictated and Pronounced in the open court]

(Ashok Jindal)
Judicial Member

Bhanu