CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
HYDERABAD

REGIONAL BENCH - COURT NO. – I

Excise Appeal No. 30513 of 2016
(Arising out of **Order-in-Appeal** No. HYD-CEX-002-APP-003-16-17-CE dated 09.05.2016 passed by Commissioner of Customs & Central Excise (Appeals), Hyderabad)

M/s Priyanka Refineries Pvt Ltd., .. **APPELLANT**
Unit II, Sy No. 479P to 482P,
Mankhal Village,
Maheshwaram (M), Rangareddy,
Telangana – 501 359.

VERSUS

Pr. Commissioner of Central Tax .. **RESPONDENT**
Rangareddy – GST
H.NO. 1-98-7-43, VIP Hills,
Jaihind Enclave, Madhapur,
Tilak Road, Ramkoti,
Hyderabad,
Telangana – 500 081.

APPEARANCE:
Shri P. Sai Makarand, Advocate for the Appellant.
Shri V R Pavan Kumar, Authorised Representative for the Respondent.

CORAM: HON'BLE Mr. P.V. SUBBA RAO, MEMBER (TECHNICAL)
HON'BLE Mr. ANGAD PRASAD, MEMBER (JUDICIAL)

FINAL ORDER No. A/30331/2025

Date of Hearing:01.09.2025
Date of Decision:01.09.2025

[ORDER PER: P.V. SUBBA RAO]

We have heard Learned Counsel for the appellant and Learned AR for the Revenue and perused the records.

2. The short issue which falls for consideration in this case is whether the appellant M/s Priyanka Refineries Private Ltd., Unit II is liable to pay excise duty on sunflower mud, soap stock, gums, wax, fatty acids, spent earth and similar residues which arise in the process of refining of crude sunflower oil into refined oil. The appellant refines crude sunflower oil and produces refined oils and in the process these products emerge. The case of the Department is that the appellant is liable to pay on excise duty of these

products fall under Central Excise Tariff heading 1522 00 20/90 of the Central Excise Tariff. We find that in the appellant's own case, a Co-ordinate of this Tribunal has, in the case of Commissioner Vs Priyanka Refineries Ltd., [2010 (249) ELT 70 (CESTAT-Bang)] held that mere saleability of the waste product does not make it a manufacture product and therefore no Central Excise Duty was payable on the same. This decision was affirmed by the Supreme Court by dismissing the civil appeal filed by the Revenue in [2011 (274) ELT A 16 (SC)] by this Bench in Priyanka Refineries Pvt Ltd., Unit-II Vs CCE, Hyderabad – II [2019 (7) TMI 249 (CESTAT-Hyd)].

3. In view of the above, we allow the appeal and set aside the impugned order.

(Dictated and pronounced in open court)

(P.V. SUBBA RAO)
MEMBER (TECHNICAL)

(ANGAD PRASAD)
MEMBER (JUDICIAL)

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