IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
EASTERN ZONAL BENCH: KOLKATA

REGIONAL BENCH – COURT NO. 1

Excise Appeal No. 75904 of 2015

(Arising out of Order-in-Appeal No. 04/BOK/2015 dated 24.06.2015 passed by the Commissioner (Appeals), Central Excise and Service Tax, 605, Mahabir Tower, Main Road, Ranchi – 834 001)

M/s. Shivam Iron & Steel Co. Limited **: Appellant**
Dukhia Mahadeo Temple Road,
Jamabad, P.O.: Udnabad, Girdih,
Jharkhand

VERSUS

Commissioner of Central Excise and Service Tax **: Respondent**
Ranchi-II Commissionerate
Central Revenue Building, 5A, Main Road,
Ranchi – 834 004

APPEARANCE:

Shri H.K. Pandey, Advocate for the Appellant

Shri B.K. Singh, Authorized Representative for the Respondent

CORAM:

HON'BLE SHRI K. ANPAZHAKAN, MEMBER (TECHNICAL)

FINAL ORDER NO. 75005 / 2025

DATE OF HEARING / DECISION: 06.01.2025

ORDER:

The present appeal has been filed by M/s. Shivam Iron & Steel Co. Limited, Dukhia Mahadeo Temple Road, Jamabad, P.O.: Udnabad, Girdih, Jharkhand (hereinafter referred to as the "Appellant") against the denial of CENVAT Credit amounting to Rs.2,76,436/- (Inclusive of cess).

2. The Ld. Counsel appearing on behalf of the appellant submits that they have availed input service credit on the basis of documents which are in the name of their headquarters and there is no dispute regarding receipt and utilization of the said services in

connection with their manufacturing activity. He contends that CENVAT Credit cannot be denied merely on the ground of procedural infirmities. Accordingly, he submits that the Appellant has rightly availed the CENVAT Credit on the input services and thus prayed for setting aside the impugned order. In support of the contention, he relies on various decisions passed by this Tribunal and the clarificatory Circulars issued by the Board.

3. The Ld. Authorized Representative of the Revenue reiterates the findings in the impugned order.

4. Heard both sides and perused the appeal records.

5. I find that the Appellant has availed CENVAT Credit amounting to Rs.2,76,436/-, on various input services. The credit availed on these input services has been denied vide the impugned order on the ground that the said invoices were in the name of their headquarters. It has also been alleged that the invoices on the basis of which credit has been availed by the Appellant did not contain all the details as required under Rule 9(2) of the CENVAT Credit Rules, 2004.

5.1. I observe that the Appellant has received the input services and the same have been utilized in connection with their manufacturing activities. There is no finding in the impugned order to the effect that the said services had not been received or utilized in connection with the manufacturing activities. I therefore hold that CENVAT Credit cannot be denied on the basis of mere procedural infirmities when receipt and utilization of services in connection with the manufacturing activity is not in dispute. Accordingly, I hold that the Appellant is eligible for credit in respect of the input services and hence, the impugned order denying the credit is not legally sustainable.

6. In view of the above, I set aside the impugned order and allow the CENVAT Credit availed by the Appellant. Since the credit availed by the Appellant is legally correct, the penalty imposed against the appellant is not sustainable and accordingly, the penalty imposed is also set aside.

7. Thus, the appeal filed by the Appellant is allowed, with consequential relief, if any, as per law.

(Dictated and pronounced in the open court)

Sd/-

(K. ANPAZHAKAN)
MEMBER (TECHNICAL)

Sdd