IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, KOLKATA

REGIONAL BENCH – COURT NO.2

ExciseAppeal No.76476 of 2018

(Arising out of Order-in-Appeal No.01/KOL-III/2018dated 08.01.2018passed by Commissioner of CGST & C.Ex,Kolkata)

Neelachal Organization
2C, WBIDC Industrial Area,
PO-Gayeshpur, Nadia-741234.

Appellant

VERSUS

Commissionerof CGST & C.Ex,Kolkata
Kalyani Division, Kolkata-III, Commissionerate, Kolkata.

Respondent

APPERANCE :
None for the Appellant
ShriS.K.Jha, Authorized Representative for the Respondent

CORAM:
HON'BLE SHRI R. MURALIDHAR, MEMBER (JUDICIAL)

FINAL ORDER NO. 75878/2026

DATE OF HEARING: 09.07.2026
DATE OF DECISION : 09.07.2026

Per R.Muralidhar :

No one has appeared on behalf of the appellant. Since appeal has been filed in the year 2018, I have taken up the appeal itself with the help of the Ld. Authorized Representative.

2. I find that in this case the appellant has taken cenvat credit of Rs. 378417/- in respect of the SAD for which they are not eligible. The appellant is not contesting the demand. Since they have already reversed this amount before issue of Show Cause Notice, they contend that they are not required to pay any interest of this reversed amount as they were carrying more Rs.378417/- in their Cenvat account. The appellant has made this claim before the lower authorities and has also made the same submission before the Tribunal.

3. I find that the appellant has not enclosed the documentary evidence to this effect. The appellant is required to produce the copies of the ER-I Returns and RG 23 A Part II and RG 23 C Part II details on a monthly basis to show that for the period right from the date of taking the

Cenvat Credit till it was reversed, they were carrying more Cenvat Credit in their account. If they prove this properly, they are not required to pay any interest. However, if the appellant fails to prove this, then they are required to pay any interest from the date on which Cenvat Credit was taken till the date on which the Cenvat Credit was reversed. Considering the factual details, I hold that no penalty is warranted. The matter stands remanded to the Adjudicating Authority for verification of the above documentary evidence.

4. The appellant is directed to produce all the documents within the three months from the date of receipt of this order and thereafter the adjudicating Authority should complete the process within next two months.

5. The appeal stands disposed off thus.

(Pronounced in the open court)

(R.Muralidhar)
Member(Judicial)

RG