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

REGIONAL BENCH – COURT NO.2

Excise Appeal No. 75849 of 2018

(Arising out of Order-in-Appeal No. 144/HWH/CE/2017-18 dated 27.09.2017 passed by Commissioner of CGST & Central Excise (Appeals), Kolkata-II.)

M/s Betterman Engineers Pvt. Ltd,
(NH-6, Chemrail, Liluah, Howrah-711204)

...Appellant

VERSUS

Commissioner of CGST & Central Excise, Kolkata-II,
(Bamboo Villa, 3rd Floor, 169, A.J.C. Bose Road,
Kolkata-700014)

.. ...**Respondent**

APPERANCE :

None, the Appellant
Shri P. Haldar, Authorized Representative for the Respondent

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

FINAL ORDER No...76133./2026

DATE OF HEARING : 24.08.2026
DATE OF DECISION : 24.08.2026

PER R. Muralidhar :

The Advocate on record has sought adjournment. On going through the file, I find that the issue is in a very short compass. Therefore, I have taken up the appeal itself for disposal with the help of the Learned AR.

2. The issue pertains to denial of CENVAT Credit of Rs.58,518/- for the credit taken by the appellant during the period April 2008. The appellants have taken credit on 'half-cut pipes' and 'waste and scrap of pipes' vide the invoice No. 01 dated 04.04.2008 and invoice No. 02 dated 04.04.2008. An audit was conducted for the unit in June 2010. A Spot Memo was raised on the grounds that the appellant is not eligible

to take the CENVAT Credit since these are not inputs. The appellant filed their reply submitting that they have taken the scrap and half-cut pipes from the vendor in order to repair some of their pollution control equipments.

3. However, the Department issued Show Cause Notice on 14th January 2011 directing the appellant to reverse the CENVAT Credit. The Show Cause Notice also proposed interest and penalty on such irregularly availed CENVAT Credit. After due process, the Adjudicating Authority confirmed the demand. On appeal, the Commissioner (Appeals) has dismissed the appeal. Therefore, the appellant is before the Tribunal.

4. On going through the appeal papers, I find that the appellant has taken the credit on 'half-cut pipes' and 'waste and scrap of pipes' for which the vendor has duly issued the Invoices which can be termed as proper documents in terms of Rule 9 of Cenvat Credit Rules, 2004. These invoices show the value of the goods and also the Excise Duty paid hereon. Under the Cenvat Credit Rules, 2004, there is no requirement for the assessee to prove one-to-one correlation between the inputs and the end products. So long as the goods in question have been used within the factory of production where finished goods are emerging on which Excise Duty is paid, the CENVAT Credit cannot be denied. I also find that the appellant has taken the credit and also has recorded the stocks in RG 23 Part-1. They have also filed the ER-1

Return for the month of April 2008, showing the cenvat taken for these goods.

7. Therefore, I do not find that the Revenue has made out any case on merits against the appellant. Hence, I set aside the impugned order and allow the appeal. The appellant could be eligible for consequential relief, if any, as per law.

(Dictated and pronounced in the open court)

Sd/-
(R. Muralidhar)
Member (Judicial)

Tushar Kr.