CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, MUMBAI

REGIONAL BENCH - COURT NO. I

Excise Appeal No. 85002 of 2017

(Arising out of Order-in-Appeal No. PK/84/BEL/2016 dated 27.10.2016 passed by the Commissioner of Central Excise (Appeals), Mumbai-II)

M/s Savita Oil Technology Ltd. **.... Appellant**
Plot No. 17-17A, Thane Belapur Road,
Vashi, Navi Mumbai – 400 703

Versus

Commissioner of Central Excise, Belapur **.... Respondent**
1st Floor, CGO Complex, CBD Belapur,
Navi Mumbai – 400 614

APPEARANCE:

Shri Mehul Jivani, Advocate for the Appellant

Shri Rajiv Ranjan, Authorized Representative for the Respondent

CORAM:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)
HON'BLE MR. M.M. PARTHIBAN, MEMBER (TECHNICAL)

FINAL ORDER NO. A/85819/2026

Date of Hearing: 11.06.2026
Date of Decision: 11.06.2026

PER: S.K. MOHANTY

Heard both sides and perused the case records.

2. The appellant is engaged *inter alia*, in the manufacture of Transformer Oil, Liquid Paraffin, While Oil, Lubricating Oil etc., falling under Chapters 27, 34 & 38 of the First Schedule to the Central Excise Tariff Act, 1985. The appellant avails CENVAT Credit of Central Excise duty paid on the inputs. For manufacturing of the said final products, the appellant procures Base Oil both from indigenous as well as imported sources. On the basis of Bills of Entry mentioning the Central Excise duty/CVD element, the appellant avails such duty as CENVAT Credit in their books of account. At times, the appellant short received the base oil as per the quantity shown in the invoices/Bills of Entry. Since the appellant had availed the entire CENVAT Credit as per

invoice/Bills of Entry, the Department had objected to such fact of availment of full CENVAT Credit on the ground that they should have availed CENVAT Credit as per pro-rata basis on actual quantity of goods received in the factory. The Show Cause Notice (SCN) was adjudicated vide the original order dated 22.04.2016, in confirming the adjudged demands on the appellant. On an appeal against the said adjudication order dated 22.04.2016, the learned Commissioner (Appeals) vide the impugned order dated 27.10.2016 has upheld confirmation of the adjudged demands and rejected the appeal filed by the appellant. Feeling aggrieved with the impugned order dated 27.10.2016, the appellant has preferred this appeal before the Tribunal.

3. We find that the issue arising out of the present dispute regarding availment of the entire CENVAT Credit of Central Excise duty/CVD paid on base oil on the basis of invoices/Bills of Entry, is no more *res integra*, in view of the various orders passed by the Tribunal in the case of appellants themselves. The Tribunal in the case of the appellant, reported in 2019 (6) TMI 1672 – CESTAT MUMBAI has allowed the appeal in favour of the appellant in respect of the CENVAT Credit availed from the period November 2004 to January 2010. Further, in appeal No. E/85614 & 85616/2016, this Bench of the Tribunal vide Final Order No. A/86860-86861/2025 dated 20.11.2025 has extended the CENVAT benefit in favour of the appellant, holding as under: -

> *"2. The issue involved in the present appeals relates to denial of CENVAT credit on the lesser quantity of imported base oil received in the factory of the appellant. The department had initiated proceedings on the appellant on the ground that they are only entitled to avail CENVAT credit in respect of the actual quantity of base oil received in the factory and that they are not permitted to avail the entire CENVAT Credit as per the invoice/bill of entry received by them. On examination of the case records, we find that the present proceedings were initiated by the department on the basis of the Order-in-Original dated 18.01.2011 passed by the jurisdictional Commissioner of Central Excise, Belapur. Further, we also find that the said adjudication order dated 18.01.2011 was assailed by the appellant by way of filing the appeal before the Tribunal, which was allowed vide Final Order No. A/86097/2019 dated 14.06.2019. Since, the issue arising out of the present dispute is no more res integra, in view of the final order dated 14.06.2019 passed by the Tribunal, we are of the considered opinion that different interpretation cannot be placed to decide these appeals differently."*

4. In view of the fact that the issue arising out of the present dispute is no more open for any debate, in view of the orders (supra) passed by the

Tribunal, we are of the view that the impugned order confirming the adjudication order cannot be sustained. Therefore, the impugned order is set aside and the appeal is allowed in favour of the appellant.

(Dictated and pronounced in open court)

(S.K. MOHANTY)
MEMBER (JUDICIAL)

(M.M. PARTHIBAN)
MEMBER (TECHNICAL)

Sinha