CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, MUMBAI

REGIONAL BENCH - COURT NO. I

Excise Appeal No. 86059 of 2018

[Arising out of Order-in-Appeal No. PUN-CT-APPII-000-289 to 294-17-18 dated 04.01.2018 passed by Commissioner (Appeals) Central Tax, Pune-II.]

M/s Vithalrao Shinde Sahakari Sakhar Karkhana Ltd. .... Appellant
Gangamainagar, Tal. – Madha,
Distt. Solapur, Maharashtra – 413 210.

Versus

Commissioner of Central Excise & Service Tax .... Respondent
Pune - II
2nd Floor, F-Wing, GST Bhavan, 41/A,
Sassoon Road, Pune – 411 001.

WITH

Excise Appeal No. 86060 of 2018

[Arising out of Order-in-Appeal No. PUN-CT-APPII-000-289 to 294-17-18 dated 04.01.2018 passed by Commissioner (Appeals) Central Tax, Pune-II.]

M/s Utopian Sugars Ltd. .... Appellant
S.No. 386/2, Kacharewadi,
Post and Tal.- Mangalwedha,
Distt. Solapur. Pin – 413 210.

Versus

Commissioner of Central Excise & Service Tax .... Respondent
Pune - II
2nd Floor, F-Wing, GST Bhavan, 41/A,
Sassoon Road, Pune – 411 001.

AND

Excise Appeal No. 86093 of 2018

[Arising out of Order-in-Appeal No. PUN-CT-APPII-000-289 to 294-17-18 dated 04.01.2018 passed by Commissioner (Appeals) Central Tax, Pune-II.]

M/s Vitthal Corporation Limited .... Appellant
Vithalrao Shinde Nagar, Post-Mhaisgaon,
Tal-Madha, Dist. Solapur,
Maharashtra – 413 250.

Versus

Commissioner of Central Excise & Service Tax .... Respondent
Pune - II
2nd Floor, F-Wing, GST Bhavan, 41/A,
Sassoon Road, Pune – 411 001.

AND

Excise Appeal No. 86115 of 2018

[Arising out of Order-in-Appeal No. PUN-CT-APPII-000-289 to 294-17-18 dated 04.01.2018 passed by Commissioner (Appeals) Central Tax, Pune-II.]

M/s Bhairavnath Sugar Works Ltd. **.... Appellant**
S.No. 148, Vihal, Tal. – Karmala,
Distt. Solapur, Maharashtra – 413 203.

Versus

Commissioner of Central Excise & Service Tax **.... Respondent**
Pune - II
2nd Floor, F-Wing, GST Bhavan, 41/A,
Sassoon Road, Pune – 411 001.

APPEARANCE:

Shri Kiran Chavan, Advocate for the Appellants

Shri Xaviar Mascarenhas, Authorized Representative for the Respondents

AND

Excise Appeal No. 86190 of 2018

[Arising out of Order-in-Appeal No. PUN-CT-APPII-000-289 to 294-17-18 dated 04.01.2018 passed by Commissioner (Appeals) Central Tax, Pune-II.]

M/s Shivratna Udyog Ltd. **.... Appellant**
Alegaon (Bk), Post. Adhegaon,
Tal. Madha, Dist. Solapur – 413 212.

Versus

Commissioner of Central Excise & Service Tax **.... Respondent**
Pune - II
2nd Floor, F-Wing, GST Bhavan, 41/A,
Sassoon Road, Pune – 411 001.

APPEARANCE:

None for the Appellant

Shri Xaviar Mascarenhas, 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/85976-85980/2026

Date of Hearing: 28.07.2026

Date of Decision: 28.07.2026

Per: S.K. MOHANTY

Heard both sides and perused the case records.

2. Brief facts of the case are that the appellants herein, are engaged in manufacture of sugar and molasses, falling under Chapter 17 of the First Schedule to the Central Excise Tariff Act, 1985. The appellants avail CENVAT Credit of Central Excise duty paid on the inputs and service tax paid on the input services. During the course of manufacture of the said final products, in the process electricity is generated, which is captively consumed by the appellants for manufacture of the excisable goods and the excess/surplus quantity is sold to M/s Maharashtra State Electricity Distribution Company Ltd. (MSEDCL). Since the electrical energy is classified as excisable commodity under the Chapter Heading 2716 0000 of the Central Excise Tariff Act, 1985 and no rate of duty is assigned for such product, the Department had interpreted that the appellants have manufactured both dutiable as well as exempted goods. Since common inputs/input services were used for manufacture of both the category of products within the factory, the Department had concluded that the appellants are required to pay an amount of 6% of the value of the exempted goods, since no records were maintained by them in terms of Rule 6(3) of CENVAT Credit Rules, 2004. On the basis of such understanding, show-cause proceedings were initiated, which were culminated into various Order-in-Originals, wherein the adjudicating authority had confirmed the demands, proposed for recovery in the show-cause notices. On appeal filed against the adjudication order, the learned Commissioner (Appeals) vide the common impugned order dated 04.01.2018 has upheld confirmation of the adjudged demands and rejected the appeals filed by the appellants. Feeling aggrieved with the impugned order dated 04.01.2018, the appellants have preferred these appeals before the Tribunal.

3. We find that in respect of the present appellants, for the earlier period, the Tribunal vide Final Order No. 85909-85916/2026 dated 16.07.2026 has allowed the appeals by relying upon the Final Order No. A/85296-85307/2026 dated 17.02.2026 passed in the case of *M/s Olam Agro India Pvt. Ltd. and others Vs. Commissioner of CGST & Central Excise, Pune-I*. Since the dispute involved in the present appeals relate to the subsequent period, we are of the view that the Final Order dated 16.07.2026 passed by this Bench of the Tribunal is squarely applicable to

the cases involved in the present appeals. Since in the said order dated 16.07.2026, the appeals filed by the appellants were allowed by setting aside the order appealed against, we are of the view that different interpretation cannot be placed to decide the present appeals differently.

4. Therefore, we do not find any merits in the impugned order dated 04.01.2018, insofar as it has upheld confirmation of the adjudged demands against the appellants. Accordingly, the impugned order is set aside and the appeals are allowed in favour of the appellants.

(Dictated and pronounced in open court)

(S.K. MOHANTY)
MEMBER (JUDICIAL)

(M.M. PARTHIBAN)
MEMBER (TECHNICAL)

Sinha