THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

C.E.R.C.No. 11 of 2001

ORDER: (per the Hon'ble Sri Justice L.Narasimha Reddy)

The only question that is raised in this C.E.R.C. is as to whether the MODVAT Credit can be claimed by the manufacturer of goods in respect of the goods that have been received prior to 16.03.1995. The MODVAT Credit on refractories in terms of Rule 57Q of the Central Excise Rules was extended for the period anterior to 16.03.1995 through the notification. Doubt arose as to whether the notification is retrospective in nature.

Several Courts including this Court took the view that the notification is clarificatory in nature and it dates back to the point of time at which the facility was created.

Following the same, we refuse to accede to the request of the Department to call for reference.

L.NARASIMHA REDDY,J

CHALLA KODANDA RAM,J

Dt:09.10.2014

kdl