

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM:

THE HONOURABLE THIRU.JUSTICE RAJIV SHAKDER
AND
THE HONOURABLE THIRU.JUSTICE R. SURESH KUMAR

C.M.A.No.2737 of 2015

Principal Commissioner of Central Excise,
Chennai I, Commissionerate,
121, Nungambakkam High Road,
Chennai - 600 034. ... Appellant

Vs.

M/s. TVS Electronics Ltd.,
No.34, Developed Plots South Phase,
Guindy Industrial Estate,
Chennai - 600 032. ... Respondent

PRAYER: This Civil Miscellaneous Appeal filed under Section 35 G of the Customs and Excise Act, 1944, to set aside the impugned Final Order No.40551/2015, dated 18.3.2015 on the file of the Hon'ble CESTAT.

For Appellant : Mr. A.P.Srinivas

For Respondent : Mr.Santhanagopalan for
Mr. Lakshmi Kumaran

JUDGEMENT

1. This is an appeal preferred by the Revenue against the Judgment and Order, dated 18.3.2015 passed by the Customs, Excise and Service Tax Appellate Tribunal (in short, 'the Tribunal').

2. The appeal was admitted on 17.12.2015 when the following question of law was framed for consideration by this Court:

"Whether the CESTAT is right in holding that credit once validly taken need not be reversed if the final products becomes exempted subsequently in view of the Rule 6

(1) of CCR, 2002 which mandates reversal of credit in respect of inputs used in exempted final products ?”

3. Even according to Mr. Srinivas, the learned counsel appearing for the Revenue, the question of law raised is covered by the Division Bench Judgment of this Court rendered in Tractor and Farm Equipment Ltd. Vs. Commissioner of Central Excise, Madurai-II [2015 (320) E.L.T.357 (Mad)].

4. We are informed that SLP preferred against the said Judgment was dismissed by the Supreme Court. Accordingly, this appeal will have to be dismissed. It is ordered accordingly. The question of law is answered in favour of the Assessee and against the Revenue.

5. The appeal is dismissed in the aforesaid terms. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kua/ms

To

Customs, Excise and Service Tax Appellate Tribunal,
South Zonal Bench,
Chennai-600 006.

+lcc to Mr.A.P.Srinivas, Advocate Sr.43010
+lcc to Mr.Lakshmikumaran, Advocate Sr.43309

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srg 29/06/2017