NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TAXC No. 16 of 2018

- The Principal Commissioner C.C.E. Raipur Central Excise Building, Dhamtari Road, Tikrapara, Raipur, C. G.

---- Appellant

Versus

- M/s Steel Authority Of India Ltd Bhilai Steel Plant Bhilai Steel Plant, Room No. 116, Ispat Bhawan, Bhilai, Dist. Durg, C. G.

---- Respondent

For Appellant	Shri Maneesh Sharma, Advocate.
For Respondent	Shri Sandeep Dubey, Advocate on advance copy.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

By

Hon'ble Shri Prashant Kumar Mishra J.

04/04/2018

1. Challenge in this appeal preferred by the Revenue is to the order dated 07.08.2017 passed by the Customs, Excise and Service Tax Appellate Tribunal (henceforth, 'the Tribunal') which has allowed the appeal preferred by the respondent holding that Welding Electrodes is capital goods on which the assessee is entitled to avail CENVAT Credit.

2. It is not disputed before us that in **Ambuja Cements**

Eastern Ltd. v Commissioner of C.Ex., Raipur reported in 2010 (256) ELT 690 (Chhattisgarh), the coordinate Bench of this Court has held that CENVAT Credit is admissible in respect of the above stated items as they fall within 'inputs'. It is also not disputed that Judgment of this Court in the matter of **Ambuja Cements Eastern Ltd.** (supra) has been assailed before the Supreme court in SLP Civil No. 021539-021540/2011 and SLP(C)...CC No.012234-012235/2011 which is still pending before the Supreme court and further that on the basis of order passed in **Ambuja Cements Eastern Ltd.** (supra), a bunch of tax appeals have been dismissed on the same reasoning vide order dated 13.09.2017 in Tax Case No.59 of 2011 **(M/s Vandana Global Limited v Commissioner, Central Excise and Customs)** and other connected matters.

3. Shri Maneesh Sharma, learned counsel would submit that in **M/s Vandana Global Ltd.** (supra) or **Ambuja Cements Eastern Ltd.** (supra)**,** the issue as to whether Welding Electrode is also an input has not been considered in **M/s Vandana Global Ltd.** (supra), therefore, the issue is open for consideration before this Court.

4. Shri Sandeep Dubey, learned counsel for the respondent would submit that in **Ambuja Cements Eastern Ltd.** (supra), the capital goods in form of Welding Electrode was

considered to be input because manufacture of equipments and erection of plant/factory and supporting structures is not possible without use of Welding Electrodes.

5. After hearing learned counsel for the parties, we are not able to persuade ourselves to take any different view of the matter than the one which has been taken by this Court in the matter of **Ambuja Cements Eastern Ltd.** (supra) where Welding Electrode has already been considered to be input for allowing CENVAT Credit.

6. In the result, this appeal deserves to be and is hereby dismissed on the same reasoning on which **Ambuja Cements Eastern Ltd.** (supra) has been decided by this Court.

Sd/-	Sd/-
Judge Prashant Kumar Mishra	Judge Ram Prasanna Sharma

Akhilesh