

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.10018 of 2018 (O&M)
Date of Decision :04.03.2020**

M/s Indian Sucrose Limited

..... Petitioner

versus

Union of India & ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr. Jagmohan Bansal, Advocate
for the petitioner.

Mr. Sunish Bindlish, Sr. Standing Counsel
for the respondents.

AJAY TEWARI, J. (Oral)

1 By this petition the petitioner has challenged the circular No.1027/15/2016-CX : MANU/EXCR/0016/2016 dated 25.04.2016 issued by the Central Board of Excise and Customs thereby seeking to reverse the CENVAT credit relating to Bagasse treating Bagasse as a non excisable good for the purposes of reversal of credit of input and input services, in terms of Rule 6 of the CENVAT Credit Rules, 2004.

2 At the very outset learned counsel for the petitioner states that this very circular was challenged in the Allahabad High Court and by the judgment and order dated 12.04.2019 passed in CWP (M/B) No.9854 of 2017, titled as *Balrampur Chini Mills Ltd. Vs. Union of India*, **MANU/UP/1276/2019** set aside this circular and this judgment has been permitted to become final.

3 Mr. Sunish Bindlish, Sr. Standing Counsel has very fairly
accepted this factual assertion but states that as regards the argument
about the judgment having been allowed to become final he is not in a
position to corroborate this fact.

4 Be that as it may. In this view of the matter and in view of
the categoric statement made by the learned counsel for the petitioner, we
allow this writ petition in the same terms as the above judgment with
liberty to the Revenue to file an application for review in case the
assertion regarding the judgment having been permitted to become final is
not correct. However, it is clarified that once the circular has been set
aside the show cause notice based on the impugned circular is also
automatically set aside.

5 Petition stands allowed.

6 Since the main case has been decided, the pending civil
miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

04.03.2020

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No