CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
AHMEDABAD
REGIONAL BENCH, COURT NO. 2

EXCISE APPEAL NO. 11184 OF 2017

SVL GLAZING SYSTEMS **Appellant**

Vs.

COMMISSIONER OF CGST & CENTRAL EXCISE-CGST & CENTRAL EXCISE DAMAN **Respondent**

Appearance:
Present for the Appellant : Ms. Hiteshi Desai, Advocate
Present for the Respondent : Shri Himanshu Nachane, Superintendent (AR)

CORAM:
HON'BLE Dr. AJAYA KRISHNA VISHVESHA, MEMBER (JUDICIAL)

Date of Hearing : **30/01/2026**

ORDER

Learned Counsel for the appellant Ms. Hiteshi Desai is present for the appellant and learned AR for the department Shri Himanshu Nachane, Superintendent is also present. I have heard the arguments from both the sides.

2. The learned Counsel for the appellant submitted that the main allegation of the department is that the appellant had availed Cenvat Credit on Aluminium Scrap as inputs without their receipt in their factory premises and even the said Aluminium Scrap was not the inputs for them to manufacture their finished products. The statement of Shri Dayanand R Shetty, Vice President of M/s. Asian Electronics Limited and Shri Jitendra Prasad, Production Manager and Authorised Signatory of M/s. SVL Glazing were recorded in which it was stated that Aluminium Scrap was purchased by them from M/s. Pankaj Extrusions Limited and subsequent sale was made to M/s. Asian Electronics Limited. The argument of the learned Counsel for the appellant is that the department has no clinching evidence to prove that invoices were obtained from the concerned units without actual delivery of the goods and Cenvat credit was wrongly claimed. She has also submitted that merely on the basis of assumptions and without any cogent evidence such allegation cannot be considered as proof. She cited the orders passed by CESTAT in **VIP Industries Limited** vs. **CCE, Vadodara**, in Appeal No. E/953/2012, **Qumruzzama Khan** vs. **CCE&ST, Vapi** in Appeal No.

E/10291/2013, **M/s. bajarangbali Re-rollers Pvt. Limited** vs. **CCE, Customs & ST, Rourkela** in Appeal No. E/75434/2017 and **Hershey India Pvt. Limited** vs. **CC, CE &ST, Bhopal** in appeal No. E/50379/2017.

4. Learned Counsel for the appellant also submitted that the demand is barred by limitation and nowhere in the Show Cause Notice it has been mentioned by the department that extended period is being invoked. She has also submitted that there is no case of suppression of facts with intention to evade payment of duty/tax. She prays that the appeal may be allowed and the impugned order may be set-aside.

5. Learned AR for the department reiterated the impugned order passed by the learned Commissioner and submitted that there is enough evidence on record to prove that no goods were delivered to M/s. Asian Electronics Limited and only invoices were obtained by the appellant. He submitted that Shri Dayanand R Shetty, Vice President of M/s. Asian Electronics Limited has accepted that they had availed Cenvat credit on such Aluminium Scrap which was never their input to manufacture their finished goods and as such, no Cenvat credit was admissible to them. Shri Jitendra Prasad, Production Manager and Authorised Signatory of M/s. SVL Glazing in his statement dated 19.12.2013 stated that Aluminium Scrap was purchased by them from Pankaj Extrusions Limited and subsequent sale was made to M/s. Asian Electronics Limited just to augment the turnover of M/s. SVL glazing. He also stated that M/s. SVL Glazing had received Show Cause Notice demanding reversal of Cenvat Credit of Rs. 41Lakhs (approx.) by the Additional Commissioner, Vapi was not actually received by them. Shri Jayesh Harakchand Shah, Director of M/s. PEL Industries Limited has stated in his statement dated 28.01.2014 that they had procured Aluminium Scrap for manufacture of their finished goods which in turn was shown sold to M/s. SVL Glazing and M/s. SVL Glazing in turn shown the same as sold to M/s. Asian Electronics Limited. He has explained the *modus-operandi* adopted by the appellant to avail Cenvat credit fraudulently. He prays that there is enough evidence against the appellant therefore, the impugned order may be upheld and the appeal may be rejected.

6. After hearing both the sides, the order is reserved.

(Dr. AJAYA KRISHNA VISHVESHA)
MEMBER (JUDICIAL)

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