

# ::आयुक्त (अपील्स) का कार्यालय, वस्तु एवं सेवा कर और केन्द्रीय उत्पाद शुल्क:: O/O THE COMMISSIONER (APPEALS), GST & CENTRAL EXCISE,

द्वितीय तल, जी एस टी भवन / 2nd Floor, GST Bhavan,

रेस कोर्स रिंग रोड, / Race Course Ring Road,

<u> राजकोट / Rajkot – 360 001</u>

Tele Fax No. 0281 – 2477952/2441142 Email: cexappealsrajkot@gmail.com

रजिस्टर्ड डाक ए. डी. द्वारा :-

अपील / फाइल संख्या / Appeal / File No.

V2/12/GDM/2018-19

मूल आदेश सं / O.I.O. No. GRD/REF/GST(ST)/Inox/2017-18

दिनांक / Date 31-12-2018

ख अपील आदेश संख्या (Order-In-Appeal No.):

# KCH-EXCUS-000-APP-232-2018-19

आदेश का दिनांक / 27.12.2018 Date of Order:

जारी करने की तारीख / Date of issue:

31.12.2018

कुमार संतोष, आयुक्त (अपील्स), राजकोट द्वारा पारित /

Passed by Shri Kumar Santosh, Commissioner (Appeals), Rajkot

अपर आयुक्त/ संयुक्त आयुक्त/ उपायुक्त/ सहायक आयुक्त, केन्द्रीय उत्पाद शुल्क/ सेवाकर, राजकोट / जामनगर / गांधीधाम। द्वारा उपरलिखित जारी मूल ग आदेश से सुजित: /

Arising out of above mentioned OIO issued by Additional/Joint/Deputy/Assistant Commissioner, Central Excise / Service Tax, Rajkot / Jamnagar / Gandhidham :

अपीलकर्ता & प्रतिवादी का नाम एवं पता / Name & Address of the Appellant & Respondent :-

#### M/s Inox India Pvt. Ltd., Plot No. 439 & 440, Sector-IV, KASEZ, Gandhidham- Kutch-370230.

इस आदेश(अपील) से व्यथित कोई व्यक्ति निम्नलिखित तरीके में उपयुक्त प्राधिकारी / प्राधिकरण के समक्ष अपील दायर कर सकता है।/ Any person aggrieved by this Order-in-Appeal may file an appeal to the appropriate authority in the following way.

- सीमा शुल्क ,केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण के प्रति अपील, केन्द्रीय उत्पाद शुल्क अधिनियम ,1944 की धारा 35B के अंतर्गत एवं वित्त अधिनियम, 1994 की धारा 86 के अंतर्गत निम्नलिखित जगह की जा सकती है।/ Appeal to Customs, Excise & Service Tax Appellate Tribunal under Section 35B of CEA, 1944 / Under Section 86 of the Finance Act, 1994 an appeal lies to:-(A)
- वर्गीकरण मूल्यांकन से सम्बन्धित सभी मामले सीमा शुल्क, केन्द्रीय उत्पादन शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण की विशेष पीठ, वेस्ट ब्लॉक नं 2, आर॰ के॰ पुरम, नई दिल्ली, को की जानी चाहिए ।/ (i)

The special bench of Customs, Excise & Service Tax Appellate Tribunal of West Block No. 2, R.K. Puram, New Delhi in all matters relating to classification and valuation.

- (ii) उपरोक्त परिच्छेद 1(a) में बताए गए अपीलों के अलावा शेष सभी अपीलें सीमा शुल्क, केंद्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण (सिस्टेट) की पश्चिम क्षेत्रीय पीठिका, , द्वितीय तल, बहुमाली भवन असार्वा अहमदाबाद- ३८००१६ को की जानी चाहिए।/ To the West regional bench of Customs, Excise & Service Tax Appellate Tribunal (CESTAT) at, 2<sup>nd</sup> Floor, Bhaumali Bhawan, Asarwa Ahmedabad-380016 in case of appeals other than as mentioned in para- 1(a) above
- अपीलीय न्यायाधिकरण के समक्ष अपील प्रस्तुत करने के लिए केन्द्रीय उत्पाद शुल्क (अपील) नियमावली, 2001, के नियम 6 के अंतर्गत निर्धारित किए गये प्रपत्र EA-3 को चार प्रतियों में दर्ज किया जाना चाहिए। इनमें से कम से कम एक प्रति के साथ, जहां उत्पाद शुल्क की माँग, ज्याज की माँग और लगाया गया जुर्माना, रुपए 5 लाख या उससे कम, 5 लाख रुपए या 50 लाख रुपए तक अथवा 50 लाख रुपए से अधिक है तो क्रमश: 1,000/- रुपये अथवा 10,000/- रुपये का निर्धारित जमा शुल्क की प्रति संलग्न करें। निर्धारित शुल्क का मुगतान, संबंधित अपीलीय न्यायाधिकरण की शाखा के सहायक रजिस्टार के नाम से किसी भी सार्वजिनक क्षेत्र के बैंक द्वारा जारी रेखांकित बैंक ड्राफ्ट द्वारा किया जाना चाहिए। संबंधित ड्राफ्ट का भुगतान, बैंक की उस शाखा में होना चाहिए जहां संबंधित अपीलीय न्यायाधिकरण की शाखा स्थित है। स्थगन आदेश (स्टे ऑर्डर) के लिए आवेदन-पत्र के साथ 500/- रुपए का (iii) निर्धारित शुल्क जमा करना होगा।/

The appeal to the Appellate Tribunal shall be filed in quadruplicate in form EA-3 / as prescribed under Rule 6 of Central Excise (Appeal) Rules, 2001 and shall be accompanied against one which at least should be accompanied by a fee of Rs. 1,000/- Rs.5000/-, Rs.10,000/- where amount of duty demand/interest/penalty/refund is upto 5 Lac., 5 Lac to 50 Lac and above 50 Lac respectively in the form of crossed bank draft in favour of Asst. Registrar of branch of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of start of stary shall be accompanied by a fee of Rs. 500/-. where the bench of the Tribunal is situated. Application made for grant of stay shall be accompanied by a fee of Rs. 500/-. within a situated and the situated and the sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the banch of start and the sector bank of the place where the bench of any nominated public sector bank of the place where the bench of any nominated public sector bank of the place where the banch of any nominated public sector bank of the place where the banch of any nominated public sector bank of the place where the banch of any nominated public (B)करना होगा ।/

The appeal under sub section (1) of Section 86 of the Finance Act, 1994, to the Appellate Tribunal Shall be filed in quadruplicate in Form S.T.5 as prescribed under Rule 9(1) of the Service Tax Rules, 1994, and Shall be accompanied by a copy of the order appealed against (one of which shall be certified copy) and should be accompanied by a fees of Rs. 1000/- where the amount of service tax & interest demanded & penalty levied of Rs. 5 Lakhs or less, Rs.5000/- where the amount of service tax & interest demanded & penalty levied of than five lakhs but not exceeding Rs. Fifty Lakhs, Rs.10,000/- where the amount of service tax & interest demanded & penalty levied is demanded & penalty levied is more than fifty Lakhs, Rs.10,000/- where the amount of service tax & interest situated. / Application made for grant of stay shall be accompanied by a fee of Rs.500/-.

(i) वित्त अधिनियम, 1994 की धारा 86 की उप-धाराओं (2) एवं (2A) के अंतर्गत दर्ज की गयी अपील, सेवाकर नियमवाली, 1994, के नियम 9(2) एवं 9(2A) के तहत निर्धारित प्रपत्र S.T.-7 में की जा सकेगी एवं उसके साथ आयुक्त, केन्द्रीय उत्पाद शुल्क अथवा आयुक्त (अपील), केन्द्रीय उत्पाद शुल्क द्वारा पारित आदेश की प्रतियाँ संलग्न करें (उनमें से एक प्रति प्रमाणित होनी चाहिएँ) और आयुक्त द्वारा सहायक आयुक्त अर्थवा उपायुक्त, केन्द्रीय उत्पाद शुल्क/

भारत आदेश को अपीलीय न्यायाधिकरण को आवेदन दर्ज करने का निर्देश देने वाले आदेश की प्रति मी साथ में संलग्न करनी होगी। / The appeal under sub section (2) and (2A) of the section 86 the Finance Act 1994, shall be filed in For ST.7 as prescribed under Rule 9 (2) & 9(2A) of the Service Tax Rules, 1994 and shall be accompanied by a copy of order of Commissioner Central Excise or Commissioner, Central Excise (Appeals) (one of which shall be a certified copy) and copy of the order passed by the Commissioner authorizing the Assistant Commissioner or Deputy Commissioner of Central Excise/ Service Tax to file the appeal before the Appellate Tribunal.

# (ii) सीमा शुल्क, केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय प्राधिकरण (सेस्टेट) के प्रति अपीलों के मामले में केन्द्रीय उत्पाद शुल्क अधिनियम 1944 की धारा 35एफ के अंतर्गत, जो की वित्तीय अधिनियम, 1994 की धारा 83 के अंतर्गत सेवाकर को भी लागू की गई है, इस आदेश के प्रति अपीलीय प्राधिकरण में अपील करते समय उत्पाद शुल्क/सेवा कर मांग के 10 प्रतिशत (10%), जब मांग एवं जुर्माना विवादित है, या जुर्माना, जब केवल जुर्माना विवादित है, का भुगतान किया जाए, बशर्ते कि इस धारा के अंतर्गत जमा कि जाने वाली अपेक्षित देय राशि दस करोड़ रुपए से अधिक न हो। केन्द्रीय उत्पाद शुल्क एवं सेवाकर के अंतर्गत "मांग किए गए शुल्क" मे निम्न शामिल है (i) धारा 11 डी के अंतर्गत रकम

- (ii)
- सेनवेट जमा की ली गई गलत राशि सेनवेट जमा नियमावली के नियम 6 के अंतर्गत देय रकम (iii)

- बशर्ते यह कि इस धारा के प्रावधान वित्तीय (सं॰ 2) अधिनियम 2014 के आरंभ से पूर्व किसी अपीलीय प्राधिकारी के समक्ष विचाराधीन स्थगन अर्ज़ी एवं अपील को लागू नहीं होगे।/

स्यगन अर्ज़ी एवं अपील को लागू नहीं होगे।/ For an appeal to be filed before the CESTAT, under Section 35F of the Central Excise Act, 1944 which is also made applicable to Service Tax under Section 83 of the Finance Act, 1994, an appeal against this order shall lie before the Tribunal on payment of 10% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute, provided the amount of pre-deposit payable would be subject to a ceiling of Rs. 10 Crores, Under Central Excise and Service Tax, "Duty Demanded" shall include : (i) amount determined under Section 11 D; (ii) amount of erroneous Cenvat Credit taken; (iii) amount payable under Rule 6 of the Cenvat Credit Rules - provided further that the provisions of this Section shall not apply to the stay application and appeals pending before any appellate authority prior to the commencement of the Finance (No.2) Act, 2014.

#### भारत सरकार को पनरीक्षण आवेदन : (C)

मार्स सर्पत के पुरिसिय जावरा. Revision application to Government of India: इस आदेश की पुनेरीक्षण याचिका निम्नलिखित मामलो में, केंद्रीय उत्पाद शुल्क अधिनियम, 1994 की धारा 35EE के प्रथम परंतुक के अंतर्गत अवर सूचिव, भारत सूरकार, पुनरीक्षण आवेदन ईकाई, वित्त मंत्रालय, राजस्व विभाग, चौथी मंजिल, जीवन दीप भवन, संसद मार्ग, नई दिल्ली-110001, को

Area, and a concerning of the second state of the under Secretary, to the Government of India, Revision Application Unit, A revision application lies to the Under Secretary, to the Government of India, Revision Application Unit, Ministry of Finance, Department of Revenue, 4th Floor, Jeevan Deep Building, Parliament Street, New Delhi-110001, under Section 35EE of the CEA 1944 in respect of the following case, governed by first proviso to sub-section (1) of Section-35B ibid:

यदि माल के किसी नुकसान के मामले में, जहां नुकसान किसी माल को किसी कारखाने से भंडार गृह के पारगमन के दौरान या किसी अन्य कारखाने या फिर किसी एक भंडार गृह से दूसरे भंडार गृह पारगमन के दौरान, या किसी भंडार गृह में या भंडारण में माल के प्रसंस्करण के दौरान, किसी कारखाने या किसी भंडार गृह में माल के नुकसान के मामले में।/ In case of any loss of goods, where the loss occurs in transit from a factory to a warehouse or to another factory or from one warehouse to another during the course of processing of the goods in a warehouse or in storage whether in a factory or in a warehouse (i)

भारत के बाहर किसी राष्ट्र या क्षेत्र को निर्यात कर रहे माल के विनिर्माण में प्रयुक्त कच्चे माल पर भरी गई केन्द्रीय उत्पाद शुल्क के छुट (रिबेट) के मामले में, जो भारत के बाहर किसी राष्ट्र या क्षेत्र को निर्यात की गयी है। / (ii)

In case of rebate of duty of excise on goods exported to any country or territory outside India of on excisable material used in the manufacture of the goods which are exported to any country or territory outside India.

- यदि उत्पाद शुल्क का भुगतान किए बिना भारत के बाहर, नेपाल या भूटान को माल निर्यात किया गया है। / In case of goods exported outside India export to Nepal or Bhutan, without payment of duty. (iii)
- सुनिश्चित उत्पाद के उत्पादन शुल्क के भुगतान के लिए जो ड्यूटी क्रेडीट इस अधिनियम एवं इसके विभिन्न प्रावधानों के तहत मान्य की गईं है और ऐसे आदेश जो आयुक्त (अपील) के द्वारा वित्त अधिनियम (न॰ 2), 1998 की धारा 109 के द्वारा नियत की गई तारीख अथवा समायाविधि पर या बाद में पारित (iv) किए गए है।/

Credit of any duty allowed to be utilized towards payment of excise duty on final products under the provisions of this Act or the Rules made there under such order is passed by the Commissioner (Appeals) on or after, the date appointed under Sec. 109 of the Finance (No.2) Act, 1998.

उपरोक्त आवेदन की दो प्रतियां प्रपत्र संख्या EA-8 में, जो की केन्द्रीय उत्पादन शुल्क (अपील) नियमावली, 2001, के नियम 9 के अंतर्गत विनिर्दिष्ट है, इस आदेश के संप्रेषण के 3 माह के अंतर्गत की जानी चाहिए । उपरोक्त आवेदन के साथ मूल आदेश व अपील आदेश की दो प्रतियां संलग्न की जानी चाहिए। साथू ही केन्द्रीय उत्पाद शुल्क अधिनियम, 1944 की धारा 35-EE के तहत निर्धारित शुल्क की अदायगी के साक्ष्य के तौर पर TR-6 की प्रति संलग्न की (v)

सीथ ही केदी थ उत्पदि सुक्ल आवागपत, 1000 में से स्वर्थ के 2000 के 2000

- पुनरीक्षण आवेदन के साथ निम्नलिखित निर्धारित शुल्क की अदायगी की जानी चाहिए। जहाँ संलग्न रकम एक लाख रूपये या उससे कम हो तो रूपये 200/- का भुगतान किया जाए और यदि संलग्न रकम एक लाख रूपये से ज्यादा हो तो रूपये 1000 -/ का भुगतान किया जाए। The revision application shall be accompanied by a fee of Rs. 200/- where the amount involved in Rupees One Lac or less and Rs. 1000/- where the amount involved is more than Rupees One Lac. (vi)
- यदि इस आदेश में कई मूल आदेशो का समावेश है तो प्रत्येक मूल आदेश के लिए शुल्क का भुगतान, उपर्युक्त ढंग से किया जाना चाहिये। इस तथ्य के होते हुए भी की लिखा पढ़ी कार्य से बचने के लिए यथास्थिति अपीलीय नयाधिकरण को एक अपील या केंद्रीय सरकार को एक आवेदन किया जाता है। / In case, if the order covers various numbers of order- in Original, fee for each O.I.O. should be paid in the aforesaid manner, not withstanding the fact that the one appeal to the Appellant Tribunal or the one application to the Central Govt. As the case may be, is filled to avoid scriptoria work if excising Rs. 1 lakh fee of Rs. 100/- for each. (D)
- यथासंशोधित न्यायालय शुल्क अधिनियम, 1975, के अनुसूची-I के अनुसार मूल आदेश एवं स्थगन आदेश की प्रति पर निर्धारित 6.50 रुपये का न्यायालय शुल्क टिकिट लगा होना चाहिए। / One copy of application or O.I.O. as the case may be, and the order of the adjudicating authority shall bear a court fee stamp of Rs. 6.50 as prescribed under Schedule-I in terms of the Court Fee Act,1975, as amended. (E)
- सीमा शुल्क, केन्द्रीय उत्पाद शुल्क एवं सेवाकर अपीलीय न्यायाधिकरण (कार्य विधि) नियमावली, 1982 में वर्णित एवं अन्य संबन्धित मामलों को सम्मिलित करने वाले नियमों की और भी ध्यान आकर्षित किया जाता है। / Attention is also invited to the rules covering these and other related matters contained in the Customs, Excise and Service Appellate Tribunal (Procedure) Rules, 1982. (F)
- उच्च अपीलीय प्राधिकारी को अपील दाखिल करने से संबंधित व्यापक, विस्तृत और नवीनतम प्रावधानों के लिए, अपीलार्थी विभागीय वेबसाइट www.cbec.gov.in को देख सकते हैं। / For the elaborate, detailed and latest provisions relating to filing of appeal to the higher appellate authority, the appellant may refer to the Departmental website www.cbec.gov.in (G)

....2....

### :: ORDER-IN-APPEAL ::

M/s Inox India Ltd, Plot No. 439 & 440, Sector-IV, Kandla Special Economic Zone, Gandhidham (*hereinafter referred to as* "Appellant") has filed Appeal No. V2/12/GDM/2018-19 against Order-in-Original No. GRD/Ref/GST(ST)146/2017-18 dated 20.2.2018 (*hereinafter referred to as* 'impugned order') passed by the Asst. Commissioner, Central Goods & Service Tax, Gandhidham Rural Division, Gandhidham Commissionerate (*hereinafter referred to as* 'sanctioning authority').

2. The brief facts of the case are that the appellant is a manufacturing unit working in Kandla Special Economic Zone, Gandhidham and holding Service Tax Registration No. AAACI4416PSD010 under the category of 'Goods Transport Agency Service'. The appellant had filed refund claim of Rs. 2,24,598/- on 3.11.2017 in respect of the services received for authorized operations in SEZ under Notification No. 12/2013-ST dated 01.07.2013 for the period from July,2017 to September,2017. The sanctioning authority partly rejected refund of Rs. 1,22,492/- vide the impugned order on the ground that the invoices were issued by the Input Service Distributor(ISD) in the quarter April-June, 2017 and hence, refund cannot be claimed in the quarter July-September,2017.

3. Being aggrieved with the impugned order, the Appellant has preferred appeal, *inter alia*, on the following grounds:-

That procedure to claim refund under Notification No. 12/2013-ST dated (i) 1.7.2013 is contained in paragraph III(e) which provides that refund claim shall be filed within one year from the date of actual payment of Service Tax made by the Developer or SEZ unit to the service provider; that clause (f) in Paragraph III also provides that the SEZ unit or developer shall submit only one refund application under the notification for every quarter. It is on record that they had filed refund application within one year from the date of actual payment of service tax to the service provider. Thus they have fulfilled requirement of time limit for filing refund application as envisaged under clause (e); that the condition prescribed in clause(f) is to facilitate the Department to scrutinize or process the refund application, which is procedural in nature. Since they had complied with the condition prescribed in clause (e) by filing refund application within one year from the date of payment of service tax, rejection of refund claim is not in conformity with the conditions laid down in Notification No. 12/2013-ST dated 1.7.2013 and relied upon case law of SRF Ltd-2017(3) GSTL 347(Tri. Del.).

### सल्यापित,

4. The Appellant vide letter dated 15.12.2018 waived the opportunity of Personal Hearing and requested to decide the matter on the basis of written submissions filed by them.

### Findings:-

5. I have carefully gone through the facts of the case, the impugned order and the written submissions made by the Appellant. The issue to be decided is whether the sanctioning authority has correctly rejected the refund claim to the extent of Rs. Rs. 1,22,492/- under Notification No. 12/2013-ST dated 1.7.2013 or not.

6. I find that the Appellant had filed refund claim of Rs. 2,24,598/- under Notification No. 12/2013-ST dated 01.07.2013 in respect of services received for authorized operations in SEZ. The sanctioning authority rejected refund of Rs. 1,22,492/- on the ground that the invoices were issued by the Input Service Distributor(ISD) in the quarter April-June, 2017 and hence, refund cannot be claimed in the quarter July-September,2017. The Appellant has contended that they had complied with the condition prescribed in clause (e) by filing refund application within one year from the date of payment of service tax, hence, rejection of refund claim is not in conformity with the conditions laid down in Notification No. 12/2013-ST dated 1.7.2013 and that condition prescribed in clause(f) for filing one refund application every quarter is to facilitate the Department to scrutinize or process the refund application which is procedural in nature.

7. I find that there is no dispute regarding credit transferred by Input Service Distributor(ISD) to the Appellant or use of services for authorized operations in SEZ. The sanctioning authority has rejected the refund claim only on the ground that ISD invoices were issued during the quarter April-June,2017 and refund was claimed in the quarter July-September, 2017. I find it pertinent to examine the relevant provisions of Notification No. 12/2013-ST dated 1.7.2013, which are reproduced as under:

- "(e) the claim for refund shall be filed within one year from the end of the month in which actual payment of service tax was made by such Developer or SEZ Unit to the registered service provider or such extended period as the Assistant Commissioner of Central Excise or the Deputy Commissioner of Central Excise, as the case may be, shall permit;
- (f) the SEZ Unit or the Developer shall submit only one claim of refund under this notification for every quarter : Explanation. - For the purposes of this notification "quarter" means a period of three consecutive months with the first quarter beginning from 1st April of every year, second quarter from 1st July, third quarter from 1st October and fourth quarter from 1st January of every year."

(Emphasis supplied)

7.1 I find that limitation provided under clause(e) *supra* mandates that the refund application is required to be filed within 1 year from the end of the month in which actual payment of service tax was made by SEZ unit, which has been complied with by the Appellant. There is no requirement that refund claim is to be filed in the quarter in which invoices are issued, as erroneously arrived at by the sanctioning authority. I find that filing of one refund application in every quarter as prescribed in clause (f) *supra* is for administrative convenience and it has nothing to do with limitation prescribed in clause (e) above.

7.2 I rely on the Order passed by the Hon'ble CESTAT, New Delhi in the case of SRF Ltd reported as 2017(3) GSTL 347(Tri. Del.) wherein it has been held that,

"4. Notification No. 12/2013, dated 1-7-2013 provides exemption to taxable services provided in SEZ unit or the developer of SEZ unit for authorized operation. The refund procedure under the said notification is contained in Paragraph III(e) therein, which provides that the refund claim shall be filed within one year from the end of the month, in which actual payment of Service Tax was made by the developer or the SEZ unit to the registered service provider. The Clause (f) in Paragraph III also provides that the SEZ unit or the developer shall submit only one refund application under the notification for every quarter. It is an admitted fact on record that within one year from the date of actual payment of Service Tax to the service provider, the appellant had filed the refund application. However, the refund application for Rs. 4,64,114/-, has not been considered by the authorities below on the ground that Service Tax paid during the particular quarter, has not been claimed for that quarter. On a conjoint reading of Clauses (e) and (f) contained in the Notification, it transpires that the statutory requirement of time limit for filing the refund application is contained in Clause (e), which has to be strictly adhered to by the assessee for the purpose of calming refund. The condition in Clause (f) is to facilitate the Department to scrutinize or to process the refund application. Thus, the condition for filing the claim on quarterly basis has been provided therein.

5. Since Clause (f) is procedural in nature and the appellant in this case has complied with the statutory provisions of filing the refund application within one year from the date of payment of Service Tax to the service provider, in my opinion, rejection of refund claim of Rs. 4,64,114/- by the authorities below is not in conformity with the conditions laid down in Notification dated 1-7-2013.

6. Therefore, I do not find any merits in the impugned order and allow the appeal in favour of the appellant with consequential benefit of refund."

(Emphasis supplied)

8. In view of above, I hold that the sanctioning authority has erroneously rejected refund of Rs. 1,22,492/-. I, therefore, set aside the impugned order and allow this appeal with consequential relief, if any.

9. अपीलकर्ता द्वारा दर्ज की गई अपील का निपटारा उपरोक्त तरीके से किया जाता है ।

9. The appeal filed by the Appellant is disposed off as above.

सत्यापित,

An MATIZTURS

्उ आयुक्त(अपील्स)

सिंपुल शाह असीक्तर (अन्यल्ड)

# By R.P.A.D.

To, M/s Inox India Ltd, Plot No. 439 & 440, Sector-IV, Kandla Special Economic Zone, Gandhidham.

## Copy to:-

- 1) The Chief Commissioner, GST & Central Excise, Ahmedabad Zone Ahmedabad for kind information please.
- 2) The Commissioner, GST & Central Excise, Gandhidham Commissionerate, Gandhidham- for necessary action in the matter.
- 3) The Asst. Commissioner, Central Goods and Service Tax, Gandhidham Rural Division, Gandhidham for necessary action.
- 4) Guard File.

1.

