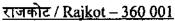
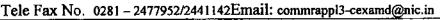


ःआयुक्त (अपील्स) का कार्यालय,वस्तु एवं सेवा करऔरकेन्द्रीय उत्पाद शुल्कःः O/O THE COMMISSIONER (APPEALS), GST &CENTRAL EXCISE

द्वितीय तल,जी एस टी भवन / 2nd Floor, GST Bhavan रेस कोर्स रिंग रोड / Race Course Ring Road







DIN20221164SX0000001000

अपील / फाइलसंख्या/ क Appeal /File No. V2/5/BVR/2022 मूल आदेश सं / O.I.O. No. R-19/2021-22 दिनांक/Date 12-Jan-22

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

BHV-EXCUS-000-APP-081-2022

आदेश का दिनांक / Date of Order: 11.11,2022

जारी करने की <mark>तारीख</mark> / Date of issue:29,11.2022

श्री शिव प्रताप सिंह, आयुक्त (अपील्स), राजकोट द्वारा पारित /

Passed by Shri Shiv Pratap Singh, Commissioner (Appeals), Rajkot.

ग अपर आयुक्त/ संयुक्त आयुक्त/ उपायुक्त/ सहायक आयुक्त, केन्द्रीय उत्पाद शुल्क/ सेवाकर/वस्तु एवंसेवाकर,राजकोट / जामनगर / गोधीधाम। द्वारा उपरतिक्षित जारी मूल आदेश से सृजितः /

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

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

M/s. Vijay Steels, 206, Chokhawala Chamber, Lokhand Bazar, Bhavnagar. 364001

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 संवाकर अपीलीय न्यायाधिकरण के प्रति अपील, केन्द्रीय उत्पाद शुल्क आधीनयम,1944 की धारा 35B के अतर्गत एव (A) 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:

(i) वर्गीकरण मृह्यांकन से सम्बन्धित सभी मामले सीमा शुस्क, केन्द्रीय उत्पादन शुस्क एवं सेवाकर अपीलीय न्यायाधिकरण की विशेष पीठ, वेस्ट ब्लॉक नं 2, आर- के- पुरेम, नई दिल्ली, को की जानी चाहिए।/

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 सल, बहुमाली भवन असार्वा अहमदाबाद- ३८००१६को की जानी चाहिए।/

To the West regional bench of Customs, Excise & Service Tax Appellate Tribunal (CESTAT) at, 2nd Floor, Bhaumali Bhawan, Asarwa Ahmedabad-380016in case of appeals other than as mentioned in para-1(a) above

(iii) अपीलीय न्यायाधिकरण के समक्ष अपील प्रस्तुत करने के लिए केन्द्रीय उत्पाद शुल्क (अपील) नियमावली, 2001, के नियम 6 के अंतर्गत निर्धारित किए गये प्रपत्न EA-3 को चार प्रतियों में दर्ज किया जाना चाहिए। इनमें से कम से कम एक प्रति के साथ, जहां उत्पाद शुल्क की माँग अप लगाया गया जुमाना, रुपए 5 लाख या उससे कम,5 साख कप पूर्ण का अपया 50 लाख रुपए तक अपया 50 ताख रुपए से अधिक है तो क्रमश: 1,000/- रुपये, 5,000/- रुपये अथवा 10,000/- रुपये का निर्धारित जमा शुल्क की प्रति संलग्न करें। निर्धारित शुल्क का मुगतान, संबंधित अपीलीय न्यायाधिकरण की शाखा के सहायक रिजस्टार के नाम से किसी भी सार्वजितक क्षेत्र के बैंक द्वारा जारी रेखांकित बैंक इपिट द्वारा जिस्सा जाना चाहिए। संबंधित अपीलीय न्यायाधिकरण की शाखा स्थित हैं। स्थान आदेश (स्टे ऑर्डर) के लिए आवेदन-पत्र के सीच 500/- रुपए का 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 dutydemand/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 stay shall be accompanied by a fee of Rs. 500/-

अपीलीय न्यायाधिकरण के समक्ष अपील, वित्त अधिनियम, 1994 की धारा 86(1) के अंतर्गत सेवाकर नियमवाली, 1994, के नियम 9(1) के तहत निर्धारित प्रपत्र S.T.-5 में चार प्रतियों में की जा सकेगी एवं उसके साथ जिस आदेश के विरुद्ध अपील की गयी हो, उसकी प्रति साथ में संलग्न करें (उनमें से एक प्रति प्रमाणित होनी चाहिए) और इनमें से कम एक प्रति के साथ, जहां सेवाक्ष ही माँग, इन्यां की माँग और लगाया गवा जुर्माना, रुपए 5 नों से एक प्रति कम 50 लाख रुपए से अधिक है तो कमशः 1,000/- रुपये, 5,000/- रुपये अधवा 10,000/- रुपये का निर्धारित जमा शुक्त की प्रति सेलग्न करें। निर्धारित शुक्त का भुगतान, संबंधित अपीलीय न्यायाधिकरण की शाखा के सहायक रजिस्टार के नाम से किसी भी सार्वजिनक क्षेत्र के बैंक द्वारा जारी रेखांकित बैंक द्वारट दिया करें। निर्धारित शुक्त जा मां किसी भी सार्वजिनक क्षेत्र के बैंक द्वारा जारी रेखांकित बैंक द्वारट दिया करें। स्थान आदेश (स्टे ऑडर) के लिए आवेदन-पत्र के साथ 500/- रुपए का निर्धारित शुक्त जमो 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 is more than five lakhs but not exceeding Rs. Fifty Lakhs, Rs.10,000/- where the amount of service tax & interest demanded & penalty levied is more than fifty Lakhs, rupees, in the form of crossed bank draft in favour of the stant Registrar of the bench of nominated Public Sector Bank of the place where the bench of Tribunal is the service tax & the stant Registrar of the penalty levied is more than fifty Lakhs rupees, in the form of crossed bank draft in favour of the stant Registrar of the bench of nominated Public Sector Bank of the place where the bench of Tribunal is the section of the penalty levied is more than fifty Lakhs rupees, in the form of crossed bank draft in favour of the stant Registrar of the bench of nominated Public Sector Bank of the place where the bench of Tribunal is the section of the penalty levied is more than fifty Lakhs rupees, in the form of crossed bank draft in favour of the section of the penalty levied is more than fifty Lakhs rupees.

B)

9(2A) के तहत निर्धारित प्रथम S.T.-7 में की चा सकेगी एवं उसके साथ अयुक्त, केन्द्रीय उत्पाद शुक्क अथवा अयुक्त (अपील), केन्द्रीय उत्पाद शुक्क (उनमें से एक प्रति प्रमाणित होंनी चाहिए) और आयुक्त हारा सहायक आयुक्त अथवा उपायुक्त, केन्द्रीय उत्पाद शुक्क/ सेवाकर, को अपीलीय न्यायाधिकरण को आयेदन दर्ज करने का निर्देश देने वाले आदेश की प्रति प्राथ में साथ में संलय 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 (2004) 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 all the service of the

शारत सरकार कोपनरीक्षण आवेदन :
Revision application to Government of India:
इस आदेश की प्नेरीक्षणयाचिका निम्नेनिखेत मामलों में, केंद्रीय उत्पाद शुल्क अधिनियम,1994 की धारा 35EE के प्रथमप्रतृक के अंतर्गतअवर सचिव,
भारत सरकार, पुनरीक्षण आवेदन ईकाई, वित्त मंत्रालय, राजस्व विभाग, चौथी मंजिल, जीवन दीप भवन, संसद मार्ग, नई दिल्ली-110001, को किया
जाना चाहिए।
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 Delhi110001, under Section 35EE of the CEA 1944 in respect of the following case, governed by first proviso to subsection (1) of Section-35B ibid: (C)

यदि भाल के किसी नुक्सान के मामले में, जहां नुक्सान किसी माल को किसी कारखाने से भंडार गृह के पारगमन के दौरान या किसी अन्य कारखाने या फिर किसी एक मंडार गृह से दूसरे मंडार गृह पारगमन के दौरान, या किसी मंडार गृह में या भंडारण में माल के प्रसंस्करण के दौरान, किसी कारखाने या किसी भंडार गृह में माल के नुक्सान के माल 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 भवी है। / 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. (ii)

यदि उत्पाद शुक्त का भुगतान किए बिना भारत के बाहर, नेपाल या भूटान की माल निर्मात 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 मुश्तान के लिए जो क्यूटी केडीट इस अधिनियम एवं इसके विभिन्न प्रावधानों के तहत मान्य की गई है और ऐसे आदेश जी आयक्त (अपील) के द्वारा वित्त अधिनियम (न॰ 2),1998 की धारा 109 के द्वारा नियत की गई तारीख अथवा समायाविधि पर या बाद में पारित 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. (iv)

उपरोक्त आवेदन की दो प्रतियां प्रपन्न संख्या EA-8 में, जो की केन्द्रीय उत्पादन शुक्त (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 प्रतिया संलग्न की जानी चाहिए। साथ ही केन्द्रीय उत्पाद शुक्त अधिनियम, 1944 की द्वारा 35-EE के तहत निर्धारित शुक्त की अदायगी के साक्ष्य के तौर पर TR-6 की प्रति संलग्न की जानी चाहिए। / (v) The above application shall be made in duplicate in Form No. EA-8 as specified under Rule, 9 of Central Excise (Appeals) Rules, 2001 within 3 months from the date on which the order sought to be appealed against is communicated and shall be accompanied by two copies each of the OlO and Order-In-Appeal. It should also be accompanied by a copy of TR-6 Challan evidencing payment of prescribed fee as prescribed under Section 35-EE of CEA, 1944, under Major Head of Account.

पुनिक्षण आवेदन के साथ निम्नलिखित निर्धारित शुल्क की अदायगी की जानी चाहिए। जहाँ संतर रकम एक साख रूपये 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 आदेशों का समावेश है तो प्रत्येक मूल आदेश के लिए शुल्क का मुगतान, 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 केहीय सरकार को एक आवेदन किया जाता है। / In case, if the order covers various umbers of order- in Original, see for each O.I.O. should be paid in the aforesaid manner, notwithstanding 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 see of Rs. 100/- for each. (D)

वधासंशोधित न्यायालय शुल्क अधिनियम, 1975, के अनुसूची-I के अनुसार मूल आदेश एवं स्थान आदेश की प्रति पर निर्धारित 6.50 रुपये का न्यायालय शुल्क टिकिट लगा होना चौहिए। / 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 सेबाकर अपीनीय न्यायाधिकरण (कार्य विधि) नियमावली, 1982 में वर्णित एवं अन्य संबन्धित मामलों को सम्मितित करने वाले नियमों की और भी ध्वान 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)

उञ्ज अपीलीय प्राधिकारी को अपील दाश्विल 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)



(ii)

M/s. Vijay Steels, Plot No. 207-209, GIDC-II, Sihor, Bhavnagar-364240 (hereinafter referred to as 'the Appellant') has filed present Appeal No. V2/5/BVR/2022 against the Order-in-Original No. R-19/2021-22 dated 12.01.2022 (herein after referred to "the impugned order") passed by the Assistant Commissioner, Central GST Division, Bhavnagar-I (hereinafter referred to as 'the adjudicating authority').

- 2. The facts of the case, in brief, are that the Appellant was engaged in the manufacture of rolled products of iron and steel i.e. CTD bars/rounds/rods etc. falling under Chapter 72 of the First Schedule to the Central Excise Tariff Act, 1985. The Appellant were availing deemed credit @ Rs. 920/- per MT on ingots and re-rollable materials obtained from breaking of ship, boats and floating vessels, falling Chapter 72.30 and 73.27 in terms of Government of India's Order No. TS/36/94-TRU dated 01.03.1994 issued under Rule 57G(2) of the erstwhile Central Excise Rules, 1944 and claimant is holding Central Excise Registration No. AABFV6595QXM001.
- 2.1 On scrutiny of RT-12 returns for the months from December-1994 to January, 1995, it was observed that the Appellant has wrongly taken deemed Modvat Credit to the tune of Rs. 15,38,779/- which was resulted in the Show Cause Notice for recovery/ reversing deemed modvat credit on the grounds that (i) the Government of India's Order No. TS/36/94-TRU dated 01.03.1994 was issued under the provisions of Rule 57G of the Central Excise Rules, 1944 (ii) with effect from 01.03.1994, chapter 72.30 and 73.27 were omitted from the CETA, 1985, therefore, there did not exist any documents evidencing the payment of duty on such re-rollable materials that on account of omission of above chapter heading the inputs received were not coming under the purview of Notification No. 5/94-CE(NT) dated 01.03.1994 issued under Rule 57-A, (iii) the inputs received by the claimant had not suffered any Central Excise duty. Therefore, the deemed credit was not available.
- 2.2 The adjudicating authority vide Order-in-Original No. 65 to 88/BVR/JC/2005 dated 17.01.2006 disallowed the deemed modvat credit and confirmed the demands on the grounds that their clearance value had exceeded Rs. 75 lakhs during the year 1994-95 and they were not entitled for deemed modvat credit. Being aggrieved with OIO dated 17.01.2006, the Appellant preferred an appeal before Commissioner (Appeals), Central Excise Ahmedabad



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who vide Order-In-Appeal No. 84 to 95/2006(BVR)CE/AV/Comr(A-IV)/Ahd dated 24.08.2006 uphold the OIO dated 17.01.2006 and rejected the appeal. Further, being aggrieved by the OIA dated 24.08.2006, the Appellant filed appeal before Hon'ble Tribunal, Ahmedabad who vide Stay Order No. S/134 to 147/WZB/A'bad/06 dated 14.11.2006 directed to deposit 50% of the confirmed demand of duty of Rs. 15,38,779/- within eight weeks. Accordingly, the Appellant deposited the 50% Rs. 7,69,390/- vide debiting from the Cenvat Credit Account input tax credit vide RG-23 G Pt.II, Entry No. 504 dated 12.01.2007. Hon'ble Tribunal vide Order No. A/2325 to 2333/AHD/WZB/07 dated 27.08.2007 has rejected the appeal filed by the Appellant.

- 2.3 Being aggrieved by the order dated 27.08.2007 of Tribunal, the Appellant filed appeal before Hon'ble High Court of Gujarat who vide its oral order dated 15.09.2021 set aside the order dated 27.08.2007 passed by the Hon'ble Tribunal and allowed the appeal filed by the Appellant. The said order dated 15.09.2021 passed by the Hon'ble High Court has been accepted by the Department and hence the refund of Rs. 7,69,390/- arose.
- 2.4 Moreover, the following sanctioned refunds were appropriated against the Government outstanding dues:

Sr. No.	Sanctioned Refund OIO No. & Date	Sanctioned Refund amount which was appropriated	
1.	R-208/Refund/15-16 dated 28.07.2015	4,00,000/-	65 to 88/8VR/JC/2005 dated 30.12.2005 & 52 to 68/D/Excise/2011-12 dated 15.12.2011
2.	Refund Order dated 04.05.2017	12,000/-	65 to 88/BVR/JC/2005 dated 30.12.2005
3.	R-53/Refund/2018-19 dated 28.11.2018	4,78,698/-	65 to 88/BVR/JC/2005 dated 30.12.2005
Total Amount Appropriated		8,90,698/-	

- 2.5 Based on above, the Appellant filed refund claim for Rs. 16,68,949/-. The adjudicating authority vide his impugned order sanctioned the refund claim of Rs. 16,60,088/- (Rs. 7,69,390/- pre-deposit + Rs. 8,90,698/- adjusted refunds) and rejected the refund claim of Rs.8,861/-.
- 3. Being aggrieved by the impugned order rejecting the refund of Rs. 8,861/, the Appellant preferred the present appeal contending, *inter-alia*, as under:



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- In pursuance of Hon'ble High Court order, they were entitled to get the refund of an amount of deemed modvat credit availed and accordingly filed the refund claim of Rs. 16,68,969/- before proper Central Excise authority praying to grant the said refund. The adjudicating authority grossly erred in not sarictioning remaining amount of Rs. 8,861/- which was nothing but "only DMC. The issue of admissibility of DMC was allowed by the adjudicating authority and refund claim of Rs. 16,60,088/- has been allowed;
 - (ii) Based on the facts and circumstances, it is clearly established that they are also entitled to get the remaining amount of Rs. 8,861/- pertaining to the DMC only. The refund of Rs. 8,861/- may be granted being the "settled issue".
 - 4. Personal hearing in the matter was fixed on 03.11.2022 which was attended by Shri N. K. Maru & Shri U. H. Qureshi, both Consultant and Shri M. L. Gupta, Partner of the Appellant. They reiterated the submissions therein and those in their appeal. They submitted that an amount of Rs. 8,861/- has been rejected ion the Order-In-Original without any discussion. Also they had claimed interest on the refund due to them in terms of Hon'ble High Court order. They requested for time of one week to submit a few documents including a copy of their refund claim. Based on the same they requested to pass order for refund of the rejected amount of Rs. 8,861/- with interest on the total refund amount.
 - 4.1 The Appellant vide their letter dated 07.11.2022 received on 14.11.2022 has submitted the submission and documents wherein they have reiterated their arguments as mentioned in the appeal memorandum. They have submitted copies of judgment in the case of Falma Laboratories Pvt. Ltd. Vs Commissioner of C.Ex. & Cus., Bangalore reported at 1999 (105) ELT 658 (Tribunal) and Puneet Steels & Alloys (P) Ltd. Vs. Collector of C.Ex., Jaipur reported at 2000 (115) ELT 649 (Tribunal).
 - 5. I have carefully gone through the facts of the case, the impugned order and the Appeal Memorandum filed by the Appellant. The issue to be decided in the case is whether the Appellant is eligible for the refund of balance amount of Rs. 8,861/- or not.
 - 6. On perusal of the records, I find that the Appellant deposited 50% amount i.e. Rs. 7,69,390/- by debiting from Cenvat Credit Account vide RG-23 G Pt.II Entry No. 504 dated 12.01.2007 out of total confirmed demand of Rs. 15,38,779/-.



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Further, the Refunds of Rs. 8,90,698/- sanctioned vide three refund orders were also adjusted against the outstanding dues pending from the Appellant. Therefore, the total refund claim comes to Rs. 16,60,088/- which has already been sanctioned by the adjudicating authority to the Appellant. However, the Appellant filed refund claim of Rs. 16.68.949/- before the Adjudicating authority. In grounds of appeal, the Appellant contested that the said differential amount of Rs. 8,861/is an amount of Deemed Modvat Credit which they are entitled for as refund. On perusal of the facts of the case available on records, the whereabouts of Rs. 8,861/- is nowhere mentioned since the pre-deposit amount plus amount of refunds which were adjusted from the amount due to the Appellant are already refunded to the Appellant vide the impugned order. Ongoing through the records submitted by the Appellant, it appears that the amount of Rs. 8,861/- was debited/paid on 29.06.2017 by the Appellant towards OIO No. 65 to 88/BVR/JC/2005 dated 30.12.2005 "Under Protest". It is not forthcoming as to why this amount of Rs. 8,861/- was debited on 29.06.2017 by the Appellant. Thus, it is clear that the said amount of Rs. 8,861/- is not forming the part of refund since it is neither the case of 50% pre-deposit nor a case of refund adjusted by the Department from the Appellant. I, therefore, find that the impugned order is proper and correct to this extent and needs no interference.

- 7. In view of the above, I uphold the impugned order and reject the appeal filed by the Appellant.
- 8. अपीलकर्ता द्वारा दर्ज की गई अपील का निपटारा उपरोक्त तरीके से किया जाता है ।
- 8. The appeal filed by the Appellant is disposed off as above.

सत्यापित / Attested

Superintendent Raikot

(शिव प्रताप सिंह)/(Shiv Pratap Singh),

Central GST (Appeals) आयुक्त (अपील)/Commissioner (Appeals)

By RPAD

To, M/s. Vijay Steels, Plot No. 207-209, GIDC-II, Sihor, Bhavnagar-364240

मेसर्स विजय स्टील्स, प्लॉट संख्या 207-209, जी आई डी सी सिहोर, भावनगर-364240

प्रति:-

- 1) मुख्य आयुक्त, वस्त् एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, गुजरात क्षेत्र, अहमदाबाद को जानकारी हेत्।
- 2) आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, भावनगर आयुक्तालय, भावनगर को



ाक्ष । भाव । अविश्वक कार्यवाही हेतु । अविश्वक कार्यवाही हेतु । अविश्वक कार्यवाही हेतु । अविश्वक कार्यवाही हेतु

(उसंयुक्त आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क, भावनगर आयुक्तालय, भावनगर, को आवश्यक कार्यवाही हेतु।

- 4) सहायक आयुक्त, वस्तु एवं सेवा कर एवं केन्द्रीय उत्पाद शुल्क मण्डल भावनगर-1, भावनगर,
 को आवश्यक कार्यवाही हेतु।
- ्5) गार्ड फ़ाइल।



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