

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
CHENNAI**

REGIONAL BENCH - COURT No. III

Excise Appeal No. 40228 of 2015

(Arising out of Order-in-Appeal No.03/2014 (M-III) dated 03.11.2014 passed by Commissioner of Central Excise (Appeals-I), 26/1, Mahatma Gandhi Marg, Nungambakkam, Chennai 600 034)

M/s. TTK Prestige Ltd.

.... Appellant

No.82 & 85,
SIPCOT Industrial Complex,
Hosur 635 126.

VERSUS

**The Commissioner of GST &
Central Excise,**

... Respondent

Salem Commissionerate,
No.1, Foulkes Compound, Anaimeedu,
Salem 636 001.

APPEARANCE :

Shri S. Satish Chandrasekaran, Advocate for the Appellant
Shri Harendra Singh Pal, Authorized Representative
for the Respondent

CORAM :

HON'BLE MR. P. DINESHA, MEMBER (JUDICIAL)

FINAL ORDER No.40744/2025

**DATE OF HEARING : 27.02.2025
DATE OF DECISION : 18.07.2025**

Brief facts of the case are that the Appellant is a manufacturer of Stainless Steel Pressure Cookers & Pressure Pan and Aluminium Pressure Cookers & Pressure Pan respectively falling under Sub-Heading Nos.73239310 and No.76151910 of the First Schedule to the Central Excise Tariff Act, 1944, paying Central Excise Duty under Section 4A of the Central Excise Act, 1944. They avail Cenvat Credit on inputs and input services under the Cenvat Credit Rules, 2004 (CCR 2004, for short). During the period from October 2010 to January 2011, they availed cenvat credit based on the ISD invoices issued by their corporate office to the tune of Rs.19,67,052/- of the Service Tax paid on Transport, Courier, Maintenance, C&F Agents Advertising Agency, Chartered Accountants charges at Bangalore, Studio Charges, Offer in media Television, Air Courier from Kolkata to various places, Appointment Advertisement in Dailies, Store Design at various places, BPCL overriding commission, Free service camp at Chennai, Inspection at Bangalore, Retainer fee at Chennai etc. (impugned services). The Department felt that these services were actually rendered at places other than factory premises, which was the place of removal for which Corporate office had made payments and thus were not eligible for availing credit. Hence, a SCN

was issued demanding recovery of the said amount along with interest under Section 11A of the Central Excise Act, 1944 read with Rule 14 and also proposing penalty under Rule 15 (4) of CCR, 2004. After due process, the Adjudicating Authority vide Order-in-Original No.74/2012 dated 30.11.2012 confirmed the demands proposed in the SCN. Aggrieved by the order of Adjudicating Authority, Appellant filed appeal before Commissioner (Appeals) who vide impugned Order-in-Appeal No.3/2014 (M-III) dated 03.11.2014 upheld the Order-in-Original. It is against this order that the present appeal has been filed before Tribunal.

2. Heard Shri S. Satish Chandrasekaran, Ld. Advocate for the Appellant and Shri Harendra Singh Pal, Ld. A.R for the Respondent.

3. After hearing both sides and on perusal of records, the issue to be decided is, "whether the Appellant is eligible for availment of credit of the Service Tax paid on the impugned services. I find that in the Appellant's own case for an earlier period vide Final Order No.40331/2018 dated 19.01.2018 (in Appeal E/47/2011) this Bench has analyzed an almost similar issue and has passed the order as under :

“5.2 The main ground on which the credit has been denied is that the appellant has availed credit on the ISD invoices distributed by their corporate office. It is the case of the department that the services on which the credit has been availed is not consumed in their manufacturing unit and also that these services do not have any nexus with the manufacturing activities of the appellants. When the corporate office of the appellant has taken input service distributor registration, the distribution of credit on ISD invoices is in accordance with law. Intention of having ISD registration is for distribution of credit when there are more than one unit. The other ground for rejecting the credit is that services do not have nexus with the manufacturing activity. On going through the table of services mentioned in the impugned order, the services are in the nature of transportation service, courier, maintenance, C&F agent, advertisement agency, CA, participation in exhibitions, studio charges for shooting/making advertisements, charges for issuing notice in periodicals, charges for offers of development made in India, Air courier, charges for recruitment of persons, stores design, overriding commission, expenses incurred for free service camp, inspection fees and retainer fee etc. The above services whether qualify to be input services have been discussed in the decision of Ultratech Cement Ltd. And Coca Cola India Pvt. Ltd.(supra). The Hon’ble High Court in the above cases has observed that all the activities relating to the business of the assessee would qualify as input services. The services narrated above would sufficiently qualify as activities relating to the business of the manufacturer. Thus, following the dictum made by the Hon’ble High Court in the above judgements, we are of the view that the denial of credit is unjustified.”

4. Following the decision (supra), I am of the view that the issue is squarely covered in favour of the Appellant. Resultantly, the impugned order is set aside and the appeal is allowed with consequential benefits, if any, as per law.

(Order pronounced in court on 18.07.2025)

(P. DINESHA)
Member (Judicial)