

Sirpur Paper Mills Ltd. vs Director Of Inspector, C.C.E. And Anr. on 8 May, 1997

**Equivalent citations: 1997(93)ELT321(SC), JT1997(10)SC675, (1997)5SCC509,
AIRONLINE 1997 SC 708**

Bench: Suhas C. Sen, K. Venkataswami, V.N. Khare

ORDER

1. C.A. No. 3328/1981 - So far as this appeal is concerned, the question is whether the duty of excise whereof tax credit is available would be in respect of such duty of excise as is chargeable under Central Excises and Salt Act alone. The question has already been answered by this Court in the case of Associated Cements Co. Ltd. v. Director of Inspection, Customs and Central Excise, New Delhi . In that case, it was held that the tax credit has to be confined to the Central Excises and Salt Act only. In view of that this appeal is dismissed. No order as to costs.

C.A. No. 3300 of 1981

2. The facts of this case are not in dispute. The respondent-Company is manufacturing various types of papers. The contention of the Department is that "paper" (all sorts) will include all sorts of papers manufactured by the company and all types of paper have to be taken together to find out whether the production made in the base year has been exceeded. The High Court has taken the view that the base year production must be taken separately for each type of paper manufactured by the company. The High Court has pointed out that the goods are excisable as and when produced and are assessable under various Tariff entries separately. Therefore, each type of papers which are excisable separately will be entitled to relief also separately.

3. We do not find any defect in the reasoning of the High Court. We dismiss this appeal. No order as to costs.