CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
HYDERABAD

REGIONAL BENCH - COURT NO. – I

Excise Appeal No. 26628 of 2013
(Arising out of **Order-in-Appeal** No.06/2013 (V-II) CE dated 09.04.2013 passed by Commissioner of Customs, Central Excise & Service Tax (Appeals), Visakhapatnam)

M/s Godavari Edible Bran Oil Pvt Ltd., .. **APPELLANT**
Vemulapalli, Rajanagaram Road,
Dwarapudi, E.G.District,
Andhra Pradesh – 533 341.

VERSUS

Commissioner of Central Tax Visakhapatnam– GST .. **RESPONDENT**
GST Commissionerate,
Port Area, Visakhapatnam,
Andhra Pradesh – 530 035.

APPEARANCE:
Shri B. Seshagiri Rao, Advocate for the Appellant.
Shri V Srikanth Rao, AR for the Respondent.

CORAM: **HON'BLE Mr. A.K. JYOTISHI, MEMBER (TECHNICAL)**
HON'BLE Mr. ANGAD PRASAD, MEMBER (JUDICIAL)

FINAL ORDER No. A/30203/2025

Date of Hearing:17.06.2025
Date of Decision:17.06.2025

[ORDER PER: A.K. JYOTISHI]

M/s Godavari Edible Bran Oil Pvt Ltd., (hereinafter referred to as appellant) are in appeal against the order of the Commissioner (Appeals) dated 09.04.2013, whereby, the Commissioner (Appeals) has upheld the Order-in-Original dated 23.04.2012.

2. The issue, in brief, is that the appellants are engaged in manufacture of refined rice bran oil and in the process of refining, certain wastes are arising in the nature of R.B. Fatty Acid, R.B. Wax and R.B. Gums which department felt that are in the nature of by-product. The appellant claimed benefit of exemption 89/95-CE dated 18.05.1995. However, the same was denied considering that these products were not waste and they were in the nature of by-products. Accordingly, the demand was confirmed along with imposition of penalty. On appeal, while the penalty was set aside and the demand was upheld.

3. Learned Advocate for the appellant submits that the matter is no longer res-integra in view of catena of judgments including upholding of the judgment by the Hon'ble Supreme Court in the case of Commissioner of Central Excise, Chandigarh-I Vs Marico Ltd., [2022 (382) ELT 436 (SC)], passed by the Tribunal. In addition, he has relied on the judgments of Co-ordinate Benches, including Hyderabad Bench, in the following cases:

i) Ricela Health Foods Ltd., Vs CCE, Chandigarh, Allahabad [2018 (361) ELT 1049 (Tri-LB)]

ii) Kissan Fats Ltd., Vs Commissioner of Central Excise, Chandigarh-II [2024 (387) ELT 369 (Tri-Cha)]

iii) Hyderabad Bench in the Bunch Cases vide Final Order No. A/30062-30096/2019 dated 10.01.20219

4. Learned AR reiterates the findings of the Commissioner (Appeals).

5. Heard both the sides and perused the records.

6. We find that the issue lies in a narrow compass whether the products emerging in the course of refining rice bran oil can be considered as waste or by-product and whether they are entitled for benefit of Notification 89/95-CE dated 18.05.1995.

7. We find from the cited cases, the issue is no longer res-integra and it has been held that they are waste product and are entitled for exemption in terms of said notification. Accordingly, we find that the order of the Commissioner (Appeals) is not sustainable in the facts of the case and therefore is set aside.

8. Appeal allowed.

(Dictated and pronounced in open court)

(A.K. JYOTISHI)
MEMBER (TECHNICAL)

(ANGAD PRASAD)
MEMBER (JUDICIAL)

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