



**OFFICE OF THE COMMISSIONER
CENTRAL EXCISE & SERVICE TAX COMMISSIONERATE
CHANDIGARH –I**

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व्यापार सूचना सं. 14/2012/C.E TRADE NOTICE NO. 14/2012/C.E

विषय/SUB: - Clarification regarding classification of Structural Components of Boiler and Admissibility of CENVAT Credit on these Structural Components - reg.

1) उपर्युक्त विषय पर केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड, राजस्व विभाग, वित्त मंत्रालय, भारत सरकार की फा.सं. 84/01/2011-CX-1 से जारी परिपत्र सं. 966/09/2012-CX, दिनांक 18.05.2012, की प्रति व्यापार एवं क्षेत्रीय संगठन को सूचना एवं मार्गदर्शन हेतु इसके साथ संलग्न की जाती है। उक्त परिपत्र स्वतः स्पष्ट है।

1) A copy of **Circular No. 966/09/2012-CX** dated 18.05.2012 from F. No. 84/01/2011-CX-1 issued by the Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, Government of India, on the above subject matter, is enclosed herewith for information and guidance for the trade and field formation. The said **Circular** is self – explanatory.

2) सभी व्यापार संघ/वाणिज्य मण्डल एवं क्षेत्रीय सलाहकार समिति/ लोक शिकायत निवारण समिति के सदस्यों से अनुरोध किया जाता है कि वे इस व्यापार सूचना की अंतर्वस्तु को अपने सदस्यों / संघटकों की सूचना एवं आवश्यक कार्यवाही हेतु उनके ध्यान में लाएँ / प्रचार करें।

2) All the Trade Associations / Chambers of Commerce and the members of the RAC/PGRC are requested to bring/publicize the contents of this Trade Notice amongst their Members/Constituents for their information and necessary action.

Sd/-
(31.07.2012)
[S.J. SINGH]
COMMISSIONER

संलग्नक Encl. यथोपरि As above.

फा.सं. F.No.IV(16) Tech/Trade Notice/50/2012

दिनांक Dated: 03 /08/2012

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(03.08.2012)
(R. L. Meena)
Superintendent (Tech.)

Circular No 966/09/ 2012-CX

F No 84/1/2011-CX.1
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi the 18th May 2012

To

All Chief Commissioner of Central Excise and Customs
All Chief Commissioner of Central Excise
All Director Generals

Sir/ Madam

Sub: Clarification regarding classification of Structural Components of Boiler and Admissibility of CENVAT Credit on these Structural Components, reg-

References have been received from the field formations seeking clarification in respect of the Circular No 964/07/2012-CX issued vide F No 84/1/2011-CX.1 dated 2nd April 2012 on the above subject. In the said circular it has been clarified that structural components of Boiler which are essentially parts of the boiler are to be classified under heading 8402 and CENVAT credit shall be admissible in respect of such structural components/ parts (of the Boiler), as they are not used for laying of foundation or making of structures for support of capital goods.

2. Clarifications have been sought as to whether in view of the said circular, CENVAT Credit will be admissible on structural components used for the support of the Capital Goods.

3. The circular dated 2nd April 2012 was issued in the context of a dispute as to whether certain structural components were to be treated as boiler parts or as goods for making structures to support the boilers. Whether a particular structural component is a part of the Boiler or a component to make structure for supporting the Boiler is a question of facts and needs to be examined on a case to case basis, depending on the nature and use of the said structural component as per the existing legal provisions and judicial pronouncements on the subject.

4. As clearly stated in para 3 of Boards' above circular dated 2.4.2012, it is once again reiterated that in terms of the Rule 2(k) of the CENVAT Credit Rules, 2004, while CENVAT Credit is available in respect of parts of Boiler, the same is not admissible in respect of the structural components used for laying of foundation or making of structures for support of capital goods/ Boiler. The above clarification is in conformity with the views expressed in the judgments of the Hon'ble Supreme Court/ different benches of the CESTAT.

5. Trade, industry and field formations may be suitably informed.

6. Hindi version will follow

Yours faithfully

(Madan Mohan)
Under Secretary (CX.1)