

**Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi**

Notification No. 22/Central Excise (Non Tariff)

Dated 2nd May, 2008

G.S.R. (E).-In exercise of the powers conferred by Section 5B of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby orders that where an assessee has paid duty of excise on metallised plastic film, falling under Chapter 39 (hereinafter referred to as final product), the CENVAT credit taken or utilized, of the duty or tax or cess paid on inputs, capital goods and input services used in the making of the said final product, shall not be required to be reversed, irrespective of the fact that the process of metallization of duty-paid film was held as not amounting to manufacture by the Supreme Court in Civil appeal Nos. 3224-3225 of 1998 with C.A. No. 5716 of 1998, decided on the 12th February, 2004 in the case of M/s. Metlrex(I) Pvt. Ltd. Vs. Commissioner of C.Ex. New Delhi, subject to following conditions, namely :-

- (a) the said non-reversal shall be allowed only for the CENVAT credit taken upto the 12th February, 2004.
- (b) the said non-reversal shall be allowed only when excise duty has been paid on removal of the said final product.
- (c) the said assessee shall not prefer a claim of refund of the excise duty paid by him on the said final product :

Provided that the CENVAT credit, if any, taken by the buyer of the said final product, of the excise duty paid by the said assessee on the said final product made and cleared upto the 12th February, 2004 shall not be required to be reversed.

[F. No. 93/01/2007-CX.3]

Sd/-
(DILIP GOYAL)
Under Secretary to the Government of India