

Cenvat Credit cannot be denied if invoice number was handwritten or rubber stamped

Dear Professional Colleague,

We are sharing with you an important judgment of Hon'ble CESTAT-Mumbai in the case of **Pepsico India Holding Pvt. Ltd. Vs. Commissioner of Central Excise, Mumbai-II [2012-TIOL-787-CESTAT-MUM]** on the following issue:-

Issue: Whether the Cenvat credit can be denied on the ground that the invoice number was handwritten or rubber stamped but not printed on invoice?

Facts: The appellants are in appeal against the impugned orders wherein input credit taken by them on duty paid invoice was denied only on the basis that the invoice number was handwritten or rubber stamped but not printed. A show-cause notice was issued and demands were confirmed by both the lower authorities. Aggrieved from the said orders, an appeal was filed before the CESTAT-Mumbai.

The appellant submitted that there is no requirement in the CENVAT Credit Rules that the invoice number should be printed and the only requirement is that the invoice should be serially numbered.

Held: The CESTAT observed that Rule 9 of the Cenvat Credit Rules, 2004 provides that the CENVAT credit shall be taken by the manufacturer on the basis of the invoice issued by the manufacturer for clearance of inputs/capital goods from the factory. Further, Rule 9(2) of Cenvat Credit Rules, 2004 provides that:

"No CENVAT credit under sub-rule (1) shall be taken unless all the particulars as prescribed under the Central Excise Rules, 2002 or the Service Tax Rules, 1994, as the case may be, are contained in the said document."

Rule 11 of Central Excise Rules, 2002 provides that:

*"The invoice **shall be serially numbered** and shall contain the registration number, address of the concerned Central Excise division, name of the consignee, description, classification, time and date of removal, mode of transport and vehicle registration number, rate of duty, quantity and value, of goods and the duty payable thereon."*

And Rule 4A of the Service Tax Rules, 1994 provides that:

"Taxable service to be provided or credit to be distributed on invoice, bill or challan.-

(1) Every person providing taxable service shall not later than thirty days {fourteen days prior to 1-4-2012} from the date of completion of such taxable service or receipt of any payment towards the value of such taxable service, whichever is earlier, issue an invoice, a bill or, as the case may be, a challan signed by such person or a person authorized by him in respect of such taxable service provided or agreed to be provided and such invoice, bill or, as

the case may be, challan **shall be serially numbered** and shall contain the following, namely:-

(i) the name, address and the registration number of such person;

(ii) the name and address of the person receiving taxable service;

(iii) description and value of taxable service provided or agreed to be provided; and
{Substituted vide Notification No. 36/2012- Service Tax, Dated 20/06/2012, before it was read as:-
“(iii) description, classification and value of taxable service provided or to be provided;}

(iv) the service tax payable thereon.

.....”

Therefore, in accordance with the above provisions, it was held that there is no requirement that the invoice number should be printed on the invoice. The only requirement is that invoice should be serially numbered. Henceforth, it was decided that the appellant had fulfilled the requirement of CENVAT Credit Rules, 2004. Accordingly, they were entitled to avail input credit on the strength of the invoices in question.

Hope the information will assist you in your Professional endeavours. In case of any query/ information, please do not hesitate to write back to us.

Thanks & Best Regards.

Bimal Jain

FCA, ACS, LLB, B.Com (Hons)

Mobile: +91 9810604563

E-mail: bimaljain@hotmail.com