

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE  
TRIBUNAL  
REGIONAL BENCH : ALLAHABAD  
COURT No. I**

**APPEAL No.E/70499/2016-EX[DB]**

(Arising out of Order-in-Original No.25/COMMR./HAPUR/2015-16 dated 16/02/2016 passed by Commissioner, Customs, Central Excise & Service Tax, Hapur)

**Commissioner, Central Excise & Service Tax, Hapur** ... Appellant

Vs.

**M/s Dhampur Sugar Mills Ltd.** ...Respondent

Appearance:

Shri Gyanendra Kumar Tripathi, Assistant Commissioner (AR),  
for Appellants

Shri Alok Arora (Adv.), for Respondent

**CORAM:**

**Hon'ble Mrs. Archana Wadhwa, Member (Judicial)**  
**Hon'ble Mr. Anil G. Shakkarwar, Member (Technical)**

Date of Hearing/ Decision : 10/12/2018

**FINAL ORDER NO.72885 / 2018**

**Per: Archana Wadhwa**

The short question involved in the present appeal of the Revenue is as to whether the activity of sale/transfer of export license by the licensee who is engaged in the manufacture of sugar involves any element of service so as to make them liable to service tax.

2. The Commissioner while adjudicating the matter dropped the proceedings against the respondent, based upon

the Hon'ble Supreme Court's decision in the case of M/s Vikas Sales Corporation V/s Commissioner of Commercial Taxes reported at 2017 (354) E.L.T. 6 (S.C.) as also in the case of M/s Yasha Overseas V/s Commissioner of Sales Tax reported at 2015 (322) E.L.T. 7 (S.C.).

3. We find that the said issue stands decided by the Tribunal in the case of M/s Daurala Sugar Works V/s Commissioner of Central Excise and Service Tax, Meerut dated 12.11.2018 vide Final Order No.72819/2018 vide which by following the same decision and also in case of Vikas Sales Corporation and Yasha Overseas, it stands held that sale of right and privileges of Export of Sugar Quota amounts to sale of goods and there is no service involved in the transaction. As such by following the above decisions, we hold that there is no infirmity in the Commissioner's order. The Revenue's appeal is accordingly rejected.

(Pronounced & Dictated in Court)

Sd/-  
**(Anil G. Shakkarwar)**  
**Member (Technical)**

Sd/-  
**(Archana Wadhwa)**  
**Member (Judicial)**

*Nihal*