

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

**APPEAL No. ST/70998/2016-CU[DB]**

(Arising out of Order-in-Appeal No. 477-ST/APPL-ALLD/LKO/2016 dated 13/07/2016 passed by Commissioner, Customs, Central Excise & Service Tax (Appeals), Lucknow)

**M/s The Hind Bajaj**

**Appellant**

Vs.

**Commissioner of Central Excise &  
Service Tax, Allahabad**

**Respondent**

Appearance:

Shri Sita Ram (Consultant)

for Appellant

Shri Gyanendra Kumar Tripathi (AC) AR

for Respondent

**CORAM:**

**Hon'ble Mrs. Archana Wadhwa, Member (Judicial)**

**Hon'ble Mr. Anil G. Shakkarwar, Member (Technical)**

Date of Hearing : 04/12/2018

Date of Decision : 04/12/2018

FINAL ORDER NO **72804 / 2018**

**Per: Archana Wadhwa**

As per facts on record the appellant is an Authorized Dealer of Motor Vehicles manufactured by M/s Bajaj Auto Ltd., Pune and was running Authorized Service Station. He was duly registered with the Service Tax Department and was discharging his service tax liabilities.

2. The issue in the present appeal relates to the issue as to whether the Free as well as Paid Services in respect of the motor vehicles sold by the appellant would form value of the services provided under the category of Authorized Service Station. Revenue by entertaining a view that such services would form part of the value of the services raised demand

against the appellant by invoking the longer period of limitation, which stands culminated into an order passed by the Authorities below confirming the demand to the extent of Rs.1,20,865/- along with imposition of penalties. Hence the present appeal.

3. We find that the issue is no more *res integra*. Tribunal in the case of Popular Vehicles and Services Limited vs. Commissioner of Service Tax, Chennai reported at 2011 (24) S.T.R. 689 (Tri.- Chennai) has held that free after sale services provided by the vehicle dealers are not liable to service tax. Similarly in the case of Commissioner of Central Excise & Customs, Nashik vs. Automotive Manufactures Ltd. reported at 2016 (42) S.T.R. 448 (Tri.-Mumbai), such free services provided by the dealer to its customers was held as not liable to any service tax.

4. Inasmuch as the issue stands decided, we find no justifiable reasons to uphold the impugned order.

5. Accordingly, the same are set aside and appeal allowed with consequential relief to the appellant.

(Dictated and pronounced in Court)

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

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