

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL
BANGALORE**

REGIONAL BENCH - COURT NO. 1

Service Tax Appeal No. 21604 of 2015

(Arising out of Order-in-Original No. CAL-EXCUS-000-COM-056-14-15 dated 07.04.2015 passed by the Commissioner of Central Excise, Customs and Service Tax, Calicut.)

**Indian Institute of Management
Kozhikode**

IIM Kozhikode Campus P.O.
Kozhikode – 673 570.

Appellant(s)

VERSUS

The Commissioner of Central Excise

C.R. Buildings,
I.S. Press Road,
Kochi – 682 018.

Respondent(s)

APPEARANCE:

Ms. Rini Anna Kurian, Advocate for the Appellant.

Shri M. A. Jithendra, Asst. Commissioner (AR) for the Respondent.

CORAM:

**HON'BLE MR. P. A. AUGUSTIAN, MEMBER (JUDICIAL)
HON'BLE MRS. R. BHAGYA DEVI, MEMBER (TECHNICAL)**

FINAL ORDER NO. 22082 / 2025

DATE OF HEARING: 13.11.2025

DATE OF DECISION: 13.11.2025

PER: R. BHAGYA DEVI

Briefly the facts are that the appellant Indian Institute of Management (IIM) Kozhikode conduct Common Entrance Test (CAT) for admitting candidates into the Post Management Programme at the institutes. These CAT scores are shared with other Non-IIM institutes based on an agreement for which an

annual flat fee of Rs.75,000/- per candidate is charged. The Revenue held that sharing of CAT score amounted to service under the category of 'Mailing List Compilation and Mailing' as defined under Section 65(63a) of the Finance Act, 1994. For the period after 01.07.2012, the Commissioner upheld the demand on the ground that they have not produced any evidence with regard to the courses for which the services were provided where qualification is recognised by law for the time being in force, hence, they are not covered by the exemption Notification No.25/2012-ST dated 20.06.2012. Hence, the present appeal.

2. The Learned Counsel referring to the definition of 'Mailing List Compilation and Mailing' service read with Circular F. No. B1/6/2005-TRU dated 27.07.2005 submits that they do not fall under the above category. Further, it is stated that as per the agreement with non-IIM institutions, the appellant was only obliged to provide details of the CAT score of those candidates whose information was sought for and supply of such information does not attract service tax. It is stated that this issue is settled vide Final Order No. 20945/2024 dated 04.10.2024.

2.1 For the period from July 2012 onwards, it is submitted that the services by way of Auxiliary Educational Services provided to or by an educational institution in respect of education is exempted from service tax vide Notification No.25/2012 (Sl.No.9) dated 20.06.2012. It is further submitted that the show-cause notice admits the fact that the CAT score is shared with non-IIM for selection of candidates for two year full-time post graduate programme and management, which is disputed by the Commissioner in the impugned order. It is submitted that the post graduate programme in management is recognised by law, hence not leviable to service tax. It is also stated that only

from 2014 vide Notification No. 6/2014-ST dated 11.07.2014 restricted meaning was given which is not applicable to the disputed period. Hence, the impugned order needs to be set aside.

3. The Learned Authorised Representative for the Revenue reiterated the findings of the Commissioner.

4. Heard both sides. The definition of 'Mailing List Compilation and Mailing' service reads as:

"any service in relation to (i) compiling and providing list of name, address and any other information from any source; or (ii) sending document, information, goods or any other material in a packet, by whatever name called, by addressing, stuffing, sealing, metering or mailing, for, or on behalf of the client".

5. The relevant portion of Circular F.No.B1/6/2005-TRU dated 27.07.2005 is reproduced below:

"12. Mailing list compilation and mailing

12.1 Any service provided or to be provided to any person, by any other person, in relation to mailing list compilation and mailing is taxable under sub-clause (zzzg) of section 65(105) of the Finance Act, 1994. "Mailing list compilation and mailing" has been defined under clause (63a) of section 65 of the Finance Act, 1994.

12.2 Business establishments such as banks, insurance companies, companies listed on stock exchanges, real estate agents and other similar commercial entities engage the services of persons who compile and provide lists of names, addresses and other information from telephone directories, internet or any other source of information for the benefit of the business. Some agencies also provide services of sending documents, materials, information or any other goods by addressing, stuffing, sealing, metering or mailing the envelope or packet for or on behalf of the

client. Such services are taxable under this category of service. Mail order business companies may engage the services of mailing companies to despatch goods to customers. Such mailing companies are also covered under this service.”

6. It is an undisputed fact that the appellant had entered into an Agreement with the non-IIM only to share the CAT score of the candidates requested by the non-IIM institutes, for which a fee is being charged. This does not, in any way, fall into the definition of ‘Mailing List Compilation and Mailing’ service as defined under Section 65(63a) of the Finance Act, 1994. Also, the Circular which is reproduced above also categorically states that the services fall under the category of ‘Mailing List Compilation and Mailing’. We do not find that sharing of CAT score will fall under any of these categories. This issue is also settled vide Final Order No. 20945/2024 dated 04.10.2024 by this Tribunal in the appellant’s own case. Accordingly, the demand for the period prior to 01.07.2012 is set aside.

7. With regard to the demand of service tax post 01.07.2012, the appellant claims the benefit of Notification No.25/2012-ST dated 20.06.2012. To examine the same, it is relevant to peruse the Notification No.25/2012-ST dated 20.06.2012 which is reproduced below:

**Notification No. 25/2012-S.T., dated 20-6-2012
Exemptions from Service tax**

“9. Services provided to or by an educational institution in respect of education exempted from service tax, by way of,-

- (a) auxiliary educational services; or
- (b) renting of immovable property;

The above Notification also defines the Definition of ‘Auxiliary Education Services’ which reads as follows:

(f) "auxiliary educational services" means any services relating to imparting any skill, knowledge, education or development of course content or any other knowledge – enhancement activity, whether for the students or the faculty, or any other services which educational institutions ordinarily carry out themselves but may obtain as outsourced services from any other person, including services relating to admission to such institution, conduct of examination, catering for the students under any mid-day meals scheme sponsored by Government, or transportation of students, faculty or staff of such institution;

66D Negative list of services comprises of

I. Services by way of education as a part of a curriculum for obtaining a qualification recognised by any law for the time being in force.

Therefore, to claim the benefit of the Notification, the appellant needs to satisfy the conditions defined under 'Auxiliary Educational Services' and condition (I) as defined under Section 66D of the Finance Act, 1994. The Commissioner in the impugned order rejects the benefit of the Notification on the ground that there is no evidence placed on record to show that the courses rendered by the educational institutions are recognised by law. The appellant submits that the Post Graduate Programmes in Management being Two-Year full-time programme is a qualification recognised by law and assures that the evidences to this effect will be placed on record. In the interest of justice, we are inclined to remand the issue to the original authority to ascertain whether the courses imparted by the non-IIMs are recognised by law in order to claim the benefit of the Notification No.25/2012-S.T dated 20.06.2012. Needless to say, the appellant needs to be given an opportunity of hearing to place on record the evidences as discussed above.

8. The appeal is partially allowed for the period prior to 01.07.2012 and for the period after 01.07.2012, it is remanded for examining the eligibility of the Notification.

Appeal is disposed of accordingly.

(Operative portion of the order was pronounced
in Open Court on conclusion of hearing.)

(P. A. AUGUSTIAN)
MEMBER (JUDICIAL)

(R. BHAGYA DEVI)
MEMBER (TECHNICAL)

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