CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL

REGIONAL BENCH AT CHANDIGARH

COURT NO.I

Appeal No.ST/778/2010-CU-DB

(Arising out of OIA No.26/ST/CHD-II/2010 dt.26.2.2010 passed by the Commissioner of Central Excise, Chandigarh-II, Plot No.19, C.R. Building, Sector 17C, Chandigarh**)**

Heaven Vision **Appellant**
(SCO- No.2, Aman Market, Patiala Gate, Nabha, District Patiala)

Vs.

CCE, Chandigarh-II **Respondent**

Present for the Appellant: Shri Jatinder Mohan, Advocate
Present for the Respondent: Shri Bhasha Ram, AR

<u>CORAM:</u> **HON'BLE MR. ASHOK JINDAL, MEMBER (JUDICIAL)**
HON'BLE MR. RAJU, MEMBER (TECHNICAL)

DATE OF HEARING: 25.10.2019

DATE OF DECISION: 25.10.2019

FINAL ORDER No.61022/2019

PER ASHOK JINDAL

The appellant is in appeal against the impugned order wherein the benefit of exemption Notification No.6/2005-ST dt.1.3.2005 has been denied to them.

2. The facts of the case are that M/s.HFCL Infotel Limited (in short M/s.HFCL) is a provider of communication services and has appointed the appellant as its direct marketing associates, local service agents and collection agents for marketing of its communication services on behalf of M/s. HFCL. The appellant is

providing services to the customers of M/s.HFCL on behalf of M/s. HFCL such as jumpering at distribution point, pulling drop wire from pole to subscriber's end, installation/maintenance of drop wiring, in house wiring and DP, installation of wire line, CorDect and CDMA telephone set, selling of the subscription of service and receiving collections thereof. The appellant is getting commission from M/s.HFCL for undertaking the above activities on behalf of M/s. HFCL. The activities of the appellant fell under the category of Business of Auxiliary Service. The appellant started rendering Business Auxiliary Service to the M/s.HFCL with effect from 1.4.2006 and availed the benefit of SSI exemption Notification No.6/2005-ST dt.1.3.2005. The same was denied to the appellant on the ground that the appellant is providing branded services, therefore, they are not entitled for exemption under Notification No.6/2005-ST dt.1.3.2005.

3. Heard the appellant and considered the submissions.

4. We find that the facts are not in dispute that the appellant is a provider of services on behalf of M/s. HFCL and receiving commission from them. The appellant receiving collections under the brand/trade name of M/s.HFCL and the appellant is rendering Business Auxiliary Service to M/s.HFCL under its own name. Therefore, the appellant is not providing any branded services. In that circumstance, the benefit of exemption under Notification No.6/2005-ST dt.1.3.2005 cannot be denied to the appellant. Therefore, we do not find any merit in the impugned order and the same is set aside.

5. In the result, the appeal is allowed with consequential relief, if any.

(Operative part of order was pronounced in the open court)

(ASHOK JINDAL)

MEMEBR (JUDICIAL)

(RAJU)

MEMBER (TECHNICAL)

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