IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
CHENNAI

REGIONAL BENCH – COURT NO. I

Service Tax Appeal No. 41448 of 2019

(Arising out of Order-in-Appeal No. 148/2019 (CTA-I) dated 06.05.2019 passed by the Commissioner of G.S.T. and Central Excise (Appeals-I), 26/1, Mahatma Gandhi Marg, Nungambakkam, Chennai – 600 034)

M/s. Cholamandalam MS General Insurance Co. Ltd. : Appellant
Dare House, 2nd Floor,
No. 2, NSC Bose Road, Chennai – 600 001

VERSUS

The Commissioner of G.S.T. and Central Excise : Respondent
Chennai North Commissionerate,
26/1, Mahatma Gandhi Marg, Nungambakkam, Chennai – 600 034

APPEARANCE:

Shri R. Sai Prashanth, Advocate for the Appellant

Shri S. Balakumar, Authorized Representative (A.R.) for the Respondent

CORAM:

HON'BLE MR. P. DINESHA, MEMBER (JUDICIAL)

FINAL ORDER NO. 41383 / 2021

DATE OF HEARING: 03.03.2021

DATE OF DECISION: 03.03.2021

Order:

This appeal has been filed by the assessee against Order-in-Appeal No. 148/2019 (CTA-I) dated 06.05.2019 passed by the Commissioner of G.S.T. and Central Excise (Appeals-I), Chennai.

2.1 The appellant is engaged in providing General Insurance Services, Auxiliary Services, Renting of Immovable Property Services, Manpower Supply, etc. During the course of scrutiny of ST-3 returns of the appellant for the period from April 2015 to March 2016, it was noticed by the Department that the appellant had availed and utilized ineligible input Service Tax credit on Accommodation Services and Cleaning Services. The Department was of the view that the above input services were not covered under the inclusive definition of input services and that these services were not used for providing the output service namely "General Insurance Service".

2.2 A Statement of Demand dated 28.03.2017 was issued to the assessee proposing to recover the ineligible input Service Tax credit under Rule 14 of the CENVAT Credit Rules, 2004 read with Section 73 (1) of the Finance Act, 1994 along with interest at appropriate rates and penalty. After due process of law, the Adjudicating Authority vide Order-in-Original No. 14/2018 dated 27.03.2018 confirmed the proposals made in the Statement of Demand. Thereafter, the assessee preferred appeal before the First Appellate Authority, who vide order impugned herein upheld the order passed by the Adjudicating Authority. Aggrieved by the same, the appellant is now before this forum.

3. I have heard both sides, perused the documents placed on record and have gone through the various case laws referred to during the course of arguments.

4. It is agreed by both the parties that the issue stands covered by the order of this Bench of the Tribunal in the assessee's own case in *Service Tax Appeal No. 42095 of 2017 vide Final Order No. 42579 of 2018 dated 03.10.2018* [*2018 (10) T.M.I. 839 – CESTAT Chennai*] wherein, under similar circumstances, this Bench followed an earlier Final Order of CESTAT, Chennai in the appellant's own case [*Final Order Nos. 41597 to 41599 of 2017 dated 09.08.2017*], wherein the matter was remanded to the file of the Adjudicating Authority.

5. In view of the above, this appeal also requires re-adjudication in so far as the issues that are urged in the above appeal. Accordingly, I set aside the impugned order and remand the matter back to the file of the Adjudicating Authority to re-adjudicate the issue involved in the present appeal, in the light of the directions contained in *Final Order No. 42579 of 2018* dated *03.10.2018.*

6. The appeal stands allowed for statistical purposes, by way of remand.

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

Sd/-
(P. DINESHA)
MEMBER (JUDICIAL)

Sdd