IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
SOUTH ZONAL BENCH AT CHENNAI

ST/136/2010

(Arising out of Order-in-Appeal No. 140/2009 dated 30.11.2009 passed by the Commissioner of Central Excise (Appeals), Chennai).

CCE & ST, Chennai — Appellant

Vs.

M/s. Supriya Elevator India Pvt. Ltd. — Respondent

Appearance

Shri S. Govindarajan, AC (AR)
for the Appellant

Shri V.S. Manoj, Advocate
for the Respondent.

CORAM :

Hon'ble Smt. Sulekha Beevi C.S., Member (Judicial)
Hon'ble Shri B. Ravichandran, Member (Technical)

Date of Hearing/Decision: 14.11.2017

FINAL ORDER No. 42921/**2017**

Per: B Ravichandran

The Revenue is in appeal against the order dated 30.11.2009. The respondent is engaged in installation of Elevators and registered with the Service Tax Department for rendering various services. The dispute pertains to the period prior to 01.06.2007. The contracts involved supply of materials as well as provision of

Customs, Excise & Service Tax Appellate Tribunal services. The Commissioner (Appeals) in the impugned order held that the respondent is liable to pay service tax on the service portion as computed by the respondent. He also held that the contracts are rightly liable to tax with effect from 01.06.2007.

2. The Ld. AR for the Revenue submitted that the value adopted by the lower authority is not in consonance with Section 67 of the Finance Act, 1994. It is not correct to take 15% of the gross value as taxable value for the purpose of service tax.

3. We have heard both sides and perused the appeal records.

4. The dispute in the present case is with ~~effect from~~ reference to the composite contract involving supply of materials as well as provision of services. Such contracts are clearly liable to tax only with effect from 01.06.2007, in view of the law laid down by the Hon'ble Supreme Court in the case of *CCE Vs. Larson & Toubro* - 2015 (39) STR 913. As such, without going into the merits of the payment of tax already made by the respondent, we hold that there is no merit in the present appeal filed by the Revenue and accordingly the same is dismissed.

(Order dictated and pronounced in the Open Court)

14.11.17.

(B. RAVICHANDRAN)
MEMBER (TECHNICAL)

(SULEKHA BEEVI C.S.)
MEMBER (JUDICIAL)

BB