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

ST/524/2009

(Arising out of Order-in-Appeal No.103/2009 dated 6.8.2009 passed by the Commissioner of Central Excise (Appeals), Trichy)

M/s. Muruga Agencies Appellant

Vs.

CCE, Trichy Respondent

Appearance

Shri Rajendra Kumar, Chartered Accountant for the Appellant
Shri S. Govindarajan, AC (AR) for the Respondent

CORAM

Hon'ble Ms. Sulekha Beevi C.S., Member (Judicial)
Hon'ble Shri Madhu Mohan Damodhar, Member (Technical)

Date of Hearing / Decision: **09.08.2017**

Final Order No. 41553/2017 (41553/2017)

Per Bench

The appellants are engaged in rendering taxable service to Oil and Natural Gas Corporation Limited under the category of Consulting Engineering Services. The period involved in from July 2005 to September 2006.

2. At the time of hearing, the learned Chartered Accountant Shri Rajendra Kumar submitted that the issue being a works contract whether subject to service tax prior to 1.6.2007 has been settled by the judgment of the Hon'ble Supreme Court in

Customs, Excise & Service Tax Appellate Tribunal the case of Commissioner Vs. Larsen & Toubro Ltd. - 2015 (39) STR 390 (SC). It is also brought out by him that in the case of CCL Products (India) Ltd. Vs. Commissioner of Central Excise, Guntur - 2017 (48) STR 50 (Tri. - Hyd.), the coordinate Bench in a similar matter had set aside the demand relying upon the judgment of the Hon'ble Supreme Court on identical set of facts.

3. The learned AR Shri S. Govindarajan reiterated the findings in the impugned order.

4. We have heard the submissions made by both sides. Undisputedly, the period involved is prior to 1.6.2007 and the issue whether composite contracts namely, Erection and Commissioning or Installation Services or Works Contract Service prior to 1.6.2007 is liable to service tax has been settled by the Hon'ble Supreme Court in the case of Larsen & Toubro Ltd. (supra) in favour of the assessee. Following the same, we hold that the demand is unsustainable. The impugned order is set aside and the appeal is allowed with consequential relief if any.

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

(**Madhu Mohan Damodhar**)
Member (Technical)

Sulekha Beevi

(**SULEKHA BEEVI C.S.**)
Member (Judicial)

Rex

Customs, Excise & Service Tax Appellate Tribunal

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