TELEGRAM : CEGCANAL
Website : www.cestat.gov.in

REGISTERED / AD
Email : delhi@cestat.gov.in

CUSTOMS. EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, WEST BLOCK No.2, R.K.PURAM, NEW DELHI - 110066
CUSTOMS APPEAL BRANCH

Appeal No. ST/147 /2006-149 /2006 - CU[DB] Date 03/11/2008

Assistant Registrar
C.E.S.T.A.T, New Delhi

To :
THE COMMISSIONER CENTRAL EXCISE, JAIPUR II
NCRB,STATUE CIRCLE, C-SCHEME, JAIPUR

THE COMMISSIONER CENTRAL EXCISE, JAIPUR II Appellant
Vs
M/S THE BANK OF RAJASTHAN LTD Respondent

I am directed to transmit herewith a certified copy of **Final order No**. ST/320-22/08 **CU[DB]** dated 15.10.08 passed by the Tribunal under Section 129, (B) of the Customs Act,1962 & Financial Act 1994 relating to Service Tax

Assistant Registrar
(Customs Appeal Branch)

Copy to :

1. Respondent
   M/S THE BANK OF RAJASTHAN LTD
   BAPU BAZAR, UDAIPUR
2. Adv. / Consult Sh. VK Agrawal, Adv
   B-82 Lajpat Nagar Part – II
   New Delhi
3. S.D.R
4. J.C.D.R.
5. Bar association, CESTAT, New Delhi
6. M/s. Deeparchi Publications, M-93, Marg. 46, Saket, New Delhi 110017
7. M/s Centax Publictions (P) Ltd., 1512-B, Bhishm Pitamah marg, Opp. ICICI Bank of Defence Colony, New - 3
8. Excise & Customs cases, B-37, Sector -1, NOIDA - 201301 Gautam Budh Nagar, (U.P.)
9. Raghuraman's 44-B, Regal Flat,Shipra Suncity, Indirapuram - 201010,Ghaziabad, DT, U.P.
10. Nidheshak publications, I.P.Estate, new Delhi
11. Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh, New Delhi - 110026
12. Commercial Laws of India Pvt Ltd Post Bag No. 1033, No.70(Old No. 88), Thyagarava Road, T. Nagar,Chennai
13. Taxindiaonline.com Pvt.Ltd, B-XI/8183,Vasant Kunj, New Delhi - 110070
14. Easy Service Tax Online Dot Com Pvt.Ltd.407A,Iscon Mall,Above Star India Bazar,Satellite Road,Ahmedabad-15
15. Office Copy
16. Guard file

Assistant Registrar
(Customs Appeal Branch)

THE COMMISSIONER CENTRAL EXCISE, JAIPUR II
NCRB, STATUE CIRCLE, C-SCHEME, JAIPUR

IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO. 2, R.K. PURAM, NEW DELHI

COURT – II

SERVICE TAX APPEAL NO. 147 to 149 OF 2006

[Arising out of Order-in-appeal No. 184-187 (HKS)ST/JPR-II/2006 dated 17.3.2006 passed by the Commissioner (Appeals-II), Customs & Central Excise, Jaipur]

For approval and signature:

Hon'ble Mr. S.S. Kang, Vice President,
Hon'ble Mr. Rakesh Kumar, Member (Technical)

1.	Whether Press Reporters may be allowed to see the order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	
2.	Whether it would be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	
3.	Whether their Lordships wish to see the fair copy of the order?	
4.	Whether order is to be circulated to the Departmental authorities?	

CCE, Jaipur — Appellant

Vs.

Bank of Rajasthan Ltd. — Respondent

Appearance:

Shri A.K. Madan, Departmental Representative, for the Revenue;
Shri V.K. Agrawal, Advocate for the respondents;

Coram:

Hon'ble Mr. S.S. Kang, Vice President,
Hon'ble Mr. Rakesh Kumar, Member (Technical)

Date of Hearing: 15th October, 2008

FINAL ORDER NO. S7/320-322/08 **dated** 15/10/08

Per S.S. Kang:

Heard both sides.

2. Since common issue involved in these appeals, therefore, they are being taken together. The Revenue filed these appeals against common impugned order whereby "Anywhere Banking Business (ABB) transactions" are held to be not liable to service tax.

3. The Revenue submitted that the respondents are collecting some charges from their customers for Anywhere Banking Business transactions as well as for Anywhere Banking Business cash deposit. These charges are collected by the respondent when a customer who is having account in a branch of bank in India and wishes to operate his account from branch other than the branch in which he has his account. Contention is that Banking & other financial services have been defined under Section 65(12) of the Finance Act, 1994

and includes within its scope the provision and transfer of information and data processing. ABB service provided by the respondents by transferring certain information and data by using their own network is covered under the category of banking service. Without transferring the information to the effective branch of the bank it is not possible for the bank to make access to the customer's account which is being operated from other branch, therefore, the impugned order is not sustainable.

4. The respondent submitted that while ABB came under the net of service tax w.e.f. 10.9.2004, therefore, prior to 10.9.2004 this service is not chargeable to service tax.

5. We find that under the ABB service a customer can operate his account from a branch other than the branch he is having his account. He can operate his account by depositing or withdrawing money from other branch. This service of operation of account came ~~comes~~ under the scope of service tax from 10.9.2004 when the definition of banking service ~~bank~~ is amended. As this service is only for operation of bank account by the

customer, therefore, we find no infirmity in the impugned order. Therefore, appeals are dismissed.

(Dictated & pronounced in the Open Court.)

(S.S. KANG)
VICE PRESIDENT

(RAKESH KUMAR)
MEMBER (TECHNICAL)

Dated 17th October, 2008
RK