CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

PRINCIPAL BENCH
COURT NO. III

SERVICE TAX APPEAL NO. 51162 OF 2020

[Arising out of the Order-in-Original No. RPR/EXCUS/000/COM (AUDIT)/019/ 2020 dated 29/05/2020 passed by Commissioner, Central GST & Central Excise, Raipur.]

M/s Gupta Hospital, **Appellant**
Near PWD rest House,
Ratnabandha Road,
Distt. Dhamtari (C.G.)

VERSUS

Commissioner of Central GST & **Respondent**
Central Excise and Customs,
GST Bhawan, Tikrapara,
Raipur (C.G.).

<u>Appearance</u>

None for the appellant.
Shri Anil Kumar, Authorized Representative for the Department

<u>CORAM:</u>
HON'BLE SHRI ASHOK JINDAL, MEMBER (JUDICIAL)
HON'BLE SHRI P.V. SUBBA RAO, MEMBER (TECHNICAL)

FINAL ORDER NO. 51360/2026

DATE OF HEARING/DECISION : 15.07.2026

<u>P.V. SUBBA RAO</u>

M/s Gupta Hospital, Dhamtari[1] filed this appeal to assail the order dated 29.05.2020 passed by the Commissioner (Audit), CGST & Central Excise, Raipur in which he decided the proposals made in the show cause notice[2] issued to the appellant on 22.10.2018. It appeared to the department that the appellant

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1. **appellant**
2. **SCN**

was providing taxable services and was not discharging service tax under Finance Act, 1994[3]. The TDS and ITR data of the appellant were analyzed as the appellant was not registered with the service tax department. It was found that the appellant had received an amount of Rs. 17,98,26,261/- towards provision of taxable services and had not paid service tax nor was registered with the service tax department during the period April 2018 to June 2017. Accordingly, a show cause notice dated 22.10.2018 was issued proposing recovery of service tax of Rs. 2,22,26,526/- under the proviso to section 73 (1) of the Act along with interest under section 75 of the Act. Penalties were also proposed under sections 76, 77 and 78 of the Act.

2. The appellant resisted the proposals in the SCN. After examining the reply filed by the appellant in defence, the Commissioner passed the impugned order confirming a demand of service tax of only Rs. 1,81,720/- with interest and dropped the rest of the demand. He also imposed an equal amount of penalty under section 78 and imposed penalties of Rs. 10,000/- each under section 77 (1) (a) and 77 (2) of the Act. Aggrieved, the appellant filed this appeal.

3. When the matter was called, none appeared on behalf of the appellant.

4. We find that the appellant had not appeared on the previous dates on 28.05.2025, 28.07.2025, 30.09.2025,

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2. Act

25.11.2025, 09.01.2026 and 17.04.2026 the matter was adjourned today as the last opportunity. However, the appellant has not appeared. Therefore, we have heard learned Authorized Representative for the Revenue and perused the records. Of the total demand of Rs. 2,22,26,526/- proposed in the show cause notice, the Commissioner confirmed only demand of Rs. 1,81,720/-. He dropped the rest of the demand against which there is no appeal by the Revenue and, therefore, the issue has attained finality to that extent.

5. The appellant is assailing the confirmation of demand of Rs. 1,81,720/- on the ground that the services rendered by it were exempted as per Clause 9D of exemption Notification No. 25/2012-ST dated 20.06.2012. The service in dispute is the training provided by the appellant under Mukhya Mantri Kaushal Vikas Yojana (MMKVY). According to the appellant, this service was exempted by Notification No. 25/2012-ST (Clause 9D). According to the learned Authorized Representative for the Revenue this service was not exempted by the aforesaid notification. It is his submission that service of training provided under the Deen Dayal Upadhaya Grameen Kaushalaya Yojana under the Ministry of Rural Development by way of offering skill or vocational training courses certified by national counsel for vocational training were exempted. The services provided under MMKVY were not exempted.

6. After hearing the learned Authorized Representative for the Revenue and perusing the records, we find that exemption

Notification No. 25/2012-ST dated 20.06.2012 exempts the following services :-

"9A. Any services provided by –

(i) the National Skill Development Corporation set up by the Government of India;

(ii) a Sector Skill Council approved by the National Skill Development Corporation;

(iii) an assessment agency approved by the Sector Skill Council or the National Skill development Corporation;

(iv) a training partner approved by the National Skill Development Corporation or the Sector Skill Council;

in relation to (a) the National Skill Development programme implemented by the National Skill Development corporation; or (b) a vocational skill development course under the National Skill certification and Monetary Reward Scheme; or (c) any other scheme implemented by the National Skill Development Corporation.

"9B. Services provided by the Indian Institutes of Management, as per the guidelines of the Central Government, to their students, by way of the following educational programmes, except Executive Development Programme, - a) two year full time residential Post Graduate Programmes in Management for the Post Graduate Diploma in Management, to which admissions are made on the basis of Common Admission Test (CAT), conducted by Indian Institute of Management; (b) fellow programme in Management; (c) five year integrated programme in Management.";

"9C. services of assessing bodies empanelled centrally by Directorate General of Training, Ministry of Skill Development and Entrepreneurship by way of assessments under Skill Development Initiative (SDI) Scheme;

9D. services provided by training providers (Project implementation agencies) under Deen Dayal Upadhyaya Grameen Kaushalya Yojana under the Ministry of Rural

Development by way of offering skill or vocational training courses certified by National Council For Vocational Training".

7. The services in dispute as detailed in page 88 and 89 of the appeal were clearly under MMKVY. Since the services provided under MMKVY were not exempted by notification, the appeal deserves to be dismissed.

8. The impugned order is upheld and the appeal is dismissed.

(Order dictated and pronounced in open court.)

(ASHOK JINDAL)
MEMBER (JUDICIAL)

(P.V. SUBBA RAO)
MEMBER (TECHNICAL)

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