IN THE CUSPTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL, NEW DELHI, PRINCIPAL BENCH NEW DELHI

Date of Hearing/Decision:07.02.2018

Service Tax Appeal No.50414/2014

[Arising out of Order-in-Appeal No.311/OPD/ST/JPR-II/2013 dated 31.10.2013 passed by the Commissioner of Central Excise-II, Jaipur (Rajasthan)]

M/s. GMTD, BSNL,Jhodhpur Appellants

Vs.

CCE &ST, Jaipur-II Respondent

Appearance:

Rep. by Shri O.P. Agarwal, Advocate for the appellant.
Rep. by Shri P. Juneja, AR for the respondent.

Coram: Hon'ble Shri S. K. Mohanty, Member (Judicial)
Hon'ble Shri B. Ravichandran, Member (Technical)

Final Order No.50568/2018

Per B. Ravichandran:

The short issue in the present appeal is with reference to less payment of service tax in the month of August and September, 2011. The lower authorities held that the appellants had short paid an amount of Rs.35,932/- for these two months.

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

3. The appellant is engaged in providing telecommunication services. They have centralized billing and Account System from Chandigarh. They got advice from the Billing Department regarding service tax liability for a particular month. However, later, on re-conciliation of accounts including quantification of exempted services provided to the establishments which are not liable to be taxed, certain short payments, which were noticed, are remitted with applicable interest.

Details of such monthly remittance were also provided by the appellant for the year 2010-2011, 2011-2012 and upto 9/2012. We note that short payment, which were arising due to such reconciliation, was duly paid with interest as per the statements submitted by the appellant.

4. Having considered these submissions, we find that the Revenue could not establish any short payment of this amount now in dispute. The reasons attributed and the data submitted by the appellant indicate the accounting practice followed by the appellant, which is in line with the guidelines of the Board, as found in Trade Notice 8/96 –ST dated 3.1.1997 – Rajkot Commissionerate.

5. Accordingly, we set aside the impugned order and allow the appeal.

[order dictated and pronounced in the open court]

(S.K. Mohanty)
Member (Judicial)

(B. Ravichandran)
Member (Technical)

Ckp.