IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. II

Date of Hearing/Decision: 16.01.2019

Appeal No. ST/50188/2016-[DB]
[Arising out of Order-in-Original No. OIO-UDZ-EXCUS-000-COM-037-15-16 dated 29/10/2015 passed by Commissioner of Service Tax-Udaipur]

Carrier Point Infosystems Ltd — Appellants

Vs.

CCE & ST-Jaipur-I C E & ST-Udaipur — Respondent

Appearance:
Shri Rachit Jain, Advocate for the Appellants
Shri Vivek Pandey, DR for the Respondent

CORAM:
Hon’ble Shri Anil Choudhary, Member (Judicial)
Hon'ble Shri Bijay Kumar, Member (Technical)

FINAL ORDER NO. 50095/2019

Per Anil Choudhary:

1. The issue in this appeal is whether the concession given in the tuition fees to some students, as per pre-declared policy, whether the value is includible in the value of taxable turnover, for payment of Service Tax.

2. Heard the parties. We find that the issue is squarely covered in the precedent order in appellant’s own case, being Final Order No. 58795/2017 dated 19th April, 2017 in ST/60634/2013-CU [DB] wherein this Tribunal recorded the following findings:-

> *7. We find from the information booklet available in the case file that the appellant offers various concessions to meritorious students, depending upon their past academic performance and also to students, belonging to different economic status. Based on the pre-declared publicity material, the desirous students approach*

the appellant and take admission for the coaching provided by the appellant. It is not the case of Revenue that the appellant publishes the names and photos only of the students, to whom the discount/ rebate has been given. In other words, the appellant publishes the names and photographs of those meritorious students, who achieve merits in various entrance examinations. Since on the basis of better performance in the entrance examination, the successful candidates' names and photos were published in the advertisement, it cannot be said that by providing the concession in fee structure, the appellant creates its brand name or goodwill in the market. Further, as per the predeclared publicity material, the available discount/rebate is always known to the students in advance, before taking admission in the coaching courses provided by the appellant. Furthermore, offering of discount/rebate by the coaching institutes is an accepted trade practice. Thus, the tuition fees actually charged by the appellant, after providing eligible discount/rebate, will only be considered as the gross value for payment of service tax.

8. In view of above, we do not find any merits in the impugned order. Accordingly, after setting aside the same, we allow the appeal in favour of the appellant.

3. Accordingly, by following the precedent judgment we allow the appeal and set aside the impugned order.

(*Order dictated & pronounced in the open court*)

(Bijay Kumar)
Member (Technical)

(Anil Choudhary)
Member (Judicial)

Rekha