CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
REGIONAL BENCH AT HYDERABAD

Division Bench

Court – I

Service Tax Appeal No. 872 of 2009

(Arising out of Order-in-Appeal No.19/2009 (T) ST dt.03.08.2009 passed by CCCE (Appeals), Guntur)

Commissioner of Central Excise, Customs & Service Tax, Tirupati
9/86-A, West Church Compound,
Amaravati Nagar, MR Palli Road,
Chittoor, AP – 517 502 **......Appellant**

VERSUS

K B D Sugars & Distilleries Ltd
Mudipapanapalli Village, Punganur,
Chittoor District, AP – 517 325 **......Respondent**

Appearance

Shri A. Rangadham, Authorized Representative for the appellant.
None for the respondent.

Coram:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)
HON'BLE MR. P. VENKATA SUBBA RAO, MEMBER (TECHNICAL)

FINAL ORDER No. A/30583/2020

Date of Hearing: 20.02.2020
Date of Decision: 20.02.2020

[Order per: S.K. MOHANTY]

1. Revenue has assailed the impugned order dt.03.08.2009 passed by the learned Commissioner of Central Excise & Customs, Guntur on the ground that the respondent herein should be liable for payment of service tax on transportation of sugarcane by the sugarcane growers to their factory premises under the taxable category of "Goods Transport Agency service" as defined under Section 65(105)(zzp) of the Finance Act, 1994.

2. Heard the learned departmental representative for revenue. None appeared on behalf of the respondent, despite notice.

3. In support of setting aside the adjudged demands confirmed in the original order dt.09.01.2009, learned Commissioner (Appeals) vide the impugned order, has recorded that no truck operators were engaged for transportation of the sugarcane to the factory of the respondent; that the truck operators have only provided the service to the cane growers and no services were provided to the respondent. Further, on perusal of the case records, we also find that no specific consignment notes were issued for transportation of the sugarcane by the farmers to the factory premises of the respondent. Thus, under such circumstances, transportation of sugarcane cannot fall under the scope and ambit of Goods Transport Agency service, for the purpose of levy of service tax thereon.

4. In view of the above, we do not find any infirmity in the impugned order passed by the learned Commissioner (Appeals). Accordingly, the appeal filed by the revenue is dismissed.

(Dictated and pronounced in open court)

(S.K. MOHANTY)
MEMBER (JUDICIAL)

(P. VENKATA SUBBA RAO)
MEMBER (TECHNICAL)

Veda