IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
EASTERN ZONAL BENCH: KOLKATA

REGIONAL BENCH – COURT NO. 1

Service Tax Appeal No. 75919 of 2016

(Arising out of Order-in-Original No. 18/ST/Commr/Ranchi-II/2015-16 dated 26.02.2016 (issued on 29.02.2016) passed by the Commissioner of Central Excise and Service Tax, Ranchi-II (Bokaro Commissionerate), Central Revenue Building, 5A, Main Road, Ranchi – 834 001)

M/s. Central Coalfields Limited **: Appellant**
Dhori Area,
P.O. & A.T.: Dhori, District: Bokaro, Jharkhand

VERSUS

Commissioner of Central Excise and Service Tax **: Respondent**
Ranchi-II (Bokaro Commissionerate),
Central Revenue Building, 5A, Main Road, Ranchi – 834 001

WITH

Service Tax Appeal No. 75920 of 2016

(Arising out of Order-in-Original No. 18/ST/Commr/Ranchi-II/2015-16 dated 26.02.2016 (issued on 29.02.2016) passed by the Commissioner of Central Excise and Service Tax, Ranchi-II (Bokaro Commissionerate), Central Revenue Building, 5A, Main Road, Ranchi – 834 001)

M/s. Central Coalfields Limited **: Appellant**
B & K Area, Kargali, P.O. Bermo,
District: Bokaro, PIN – 829 104, Jharkhand

VERSUS

Commissioner of Central Excise and Service Tax **: Respondent**
Ranchi-II (Bokaro Commissionerate),
Central Revenue Building, 5A, Main Road, Ranchi – 834 001

WITH

Service Tax Appeal No. 75278 of 2024

(Arising out of Order-in-Original No. 18/ST/Commr/Ranchi-II/2015-16 dated 26.02.2016 (issued on 29.02.2016) passed by the Commissioner of Central Excise and Service Tax, Ranchi-II (Bokaro Commissionerate), Central Revenue Building, 5A, Main Road, Ranchi – 834 001)

M/s. Central Industrial Security Force (CISF) **: Appellant**
CISF Unit, CCL, Kargali,
Bokaro, Jharkhand – 829 104

VERSUS

Commissioner of Central Excise and Service Tax **: Respondent**
Ranchi-II (Bokaro Commissionerate),
Central Revenue Building, 5A, Main Road, Ranchi – 834 001

WITH

Service Tax Appeal No. 75656 of 2016

(Arising out of Order-in-Original No. 01-03/S.Tax/Commr/2016 dated 08.01.2016 (issued on 14.01.2016) passed by the Commissioner of Central Excise and Service Tax, Ranchi-I, Central Revenue Building, 5A, Main Road, Ranchi – 834 001)

Commissioner of Central Excise and Service Tax : Appellant
Ranchi-I Commissionerate,
Central Revenue Building, 5A, Main Road, Ranchi – 834 001

VERSUS

(i) M/s. Central Industrial Security Force (CISF) : Respondent
CISF Unit, CCL, NK & Piparwar,
P.O.: Dakra, Ranchi – 829 210

(ii) M/s. Central Coalfields Limited
Chief General Manager, North Karnapura Area,
P.O.: Dakra, Ranchi – 829 210

(iii) M/s. Central Coalfields Limited
Chief General Manager, Piparwar Area,
P.O.: Bachra, District: Chatra, Ranchi – 829 201

AND

Service Tax Appeal No. 75657 of 2016

(Arising out of Order-in-Original No. 01-03/S.Tax/Commr/2016 dated 08.01.2016 (issued on 14.01.2016) passed by the Commissioner of Central Excise and Service Tax, Ranchi-I, Central Revenue Building, 5A, Main Road, Ranchi – 834 001)

Commissioner of Central Excise and Service Tax : Appellant
Ranchi-I Commissionerate,
Central Revenue Building, 5A, Main Road, Ranchi – 834 001

VERSUS

(i) M/s. Central Industrial Security Force (CISF) : Respondent
CISF Unit, CCL, NK & Piparwar,
P.O.: Dakra, Ranchi – 829 210

(ii) M/s. Central Coalfields Limited
Chief General Manager, North Karnapura Area,
P.O.: Dakra, Ranchi – 829 210

(iii) M/s. Central Coalfields Limited
Chief General Manager, Piparwar Area,
P.O.: Bachra, District: Chatra, Ranchi – 829 201

APPEARANCE:

Shri S.K. Bathwal, Consultant
Shri Sanjay Kumar, Manager (Finance), CCL, Dhori
for the Assessees

Shri S.S. Chattopadhyay, Authorized Representative for the Revenue

CORAM:

HON'BLE SHRI ASHOK JINDAL, MEMBER (JUDICIAL)
HON'BLE SHRI K. ANPAZHAKAN, MEMBER (TECHNICAL)

FINAL ORDER NOs. 77049-77053 / 2024

DATE OF HEARING / DECISION: 24.09.2024

ORDER: [PER SHRI ASHOK JINDAL]

All the appeals are having a common issue and therefore, all are disposed of by this common order.

1.1. The issue involved in the matter is whether reimbursable expenses are includable in the taxable value of services provided by the assessees or not. In some cases, the ld. adjudicating authority itself has dropped the demands raised against the assessees-appellants before us and in some cases, demands have been confirmed by including the reimbursable expenses in the taxable value of services provided by the assessees. All the appeals are taken up together.

2. We find that the issue has been settled by the Hon'ble Apex Court in Civil Appeal No. 2013 of 2014 & ors. in the case of *Union of India v. Intercontinental Consultants and Technocrats Pvt. Ltd. [2018 (10) G.S.T.L. 401 (S.C.)]* wherein it has been categorically held that prior to 14.05.2015, reimbursable expenditure are not to be included in the taxable value of services provided by an assessee. As it is not disputed in the present case that the expenses incurred, which were not included in the taxable value of services, are in the nature of reimbursable expenses, therefore, the precedent decision of the Hon'ble Apex Court in the case of *Intercontinental Consultants and Technocrats Pvt. Ltd. (supra)* is required to be followed.

2.1. Further, it is observed that this Tribunal has followed the decision of the Hon'ble Apex Court in the case of *Intercontinental Consultants and Technocrats Pvt. Ltd. (supra)* in the case of *Central Industrial Security Force v. Commissioner of C.G.S.T. and Central Excise, Bolpur vide Final Order No.76297 of 2023 dated 26.07.2023 in Service Tax Appeal No. 313 of 2012 (CESTAT, Kolkata)* wherein the Tribunal has held that reimbursable expenses are not includable in the taxable value of services provided by the assessee-appellant.

2.2. In that view, we hold that the reimbursable expenses are not to be included in the taxable value of services provided by the assessees-appellants.

3. In these terms, the appeals filed by the assessees are allowed and the appeals filed by the Revenue are dismissed.

(Dictated and pronounced in the open court)

Sd/-
(ASHOK JINDAL)
MEMBER (JUDICIAL)

Sd/-
(K. ANPAZHAKAN)
MEMBER (TECHNICAL)

Sdd