IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, KOLKATA

REGIONAL BENCH – COURT NO.1

Service Tax Appeal No.76479 of 2016

(Arising out of Order-in-Appeal No.19/JSR/2016-17 dated 02.06.2016 passed by Commissioner (Appeals) of CGST & Central Excise, Ranchi)

M/s Bharat Sanchar Nigam Limited
(Telecom District, Jamshedpur, Telecom Campass,Tinplate,Golmuri,Jashedpur)

Appellant

VERSUS

Commissioner of CGST & Central Excise, Ranchi
(Room No.605, 6th Floor, Mahabir Tower, Behind Glitz Cinemas, Main Road, Ranchi-834 001))

Respondent

APPERANCE :
None for the Appellant
Shri P.Das, Authorized Representative for the Respondent

CORAM:
HON'BLE MR.ASHOK JINDAL, MEMBER (JUDICIAL)
HON'BLE MR.K.ANPAZHAKAN, MEMBER (TECHNICAL)

FINAL ORDER NO.76650/2025

DATE OF HEARING : 20 JUNE 2025
DATE OF DECISION : 20 JUNE 2025

Per Ashok Jindal :

None appeared on behalf of the appellant despite various opportunities of hearing having been given to them.

2. Considering the issue lying in a narrow compass, with the consent of ld.A.R. for the Revenue, we take up the appeal for final disposal.

3. The appellant is in appeal against the impugned order wherein the cenvat credit on the various inputs/capital goods received by the appellant for erection, commissioning and installation of Telecommunication Towers, has been denied to the appellant holding that the said Tower after erection becomes immovable property. Therefore, the appellant is not entitled to take cenvat credit. The period involved in this case is October, 2008 to March, 2013.

4. We find that the appellant is a service provider and as per Rule 2(l) of Cenvat Credit Rules, 2004, any input/capital goods used by a provider of output service for providing output service, is entitled for cenvat credit. Further, any input/capital goods for providing output service is also entitled for cenvat credit. This issue has been settled by this Tribunal in the case of Bharti Airtel Limited Vs. Commissioner of Central Excise, Pune reported in 2024-UIL-49-SC-CE.

5. Therefore, we hold that the appellant is entitled for cenvat credit on input/capital goods used for fabrication of towers, which was ultimately used by the appellant for providing output service i.e. Telecommunication service.

6. In view of the above, we do not find any merit in the impugned order, accordingly, the same is set aside.

7. In the result, the appeal is allowed with consequential relief, if any.

(Dictated and pronounced in the open court)

(Ashok Jindal)
Member (Judicial)

(K.Anpazhakan)
Member (Technical)

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