themselves manufacturing the physician samples and distributing the same to Physicians/Doctors free of cost, therefore no transaction value was available. It is an admitted fact that P&P medicaments are to be cleared on MRP basis value therefore on those cases it was held as valuation of physician samples is to be on the basis of MRP basis under Section 4A of Act.

7. *In this case, it is clear that the appellant is not clearing these physician samples to the Physician/Doctor free of cost but the appellant is clearing these physician samples on transaction value arrived at after including cost of raw materials + job charges as held by the Hon'ble Apex Court in the case of Ujagar Prints to the brand owner on principal to principal basis. Therefore, the case laws cited by the learned SDR are not applicable to the facts of this case. The ratio laid down by the Themis Laboratories Pvt. Ltd. (supra) is that if the manufacturer clearing the physician samples to the brand owner on transaction value, the transaction value is the assessable value. Therefore, following the ratio laid down in the Tribunal's decision in the case of Themis Laboratories Pvt. Ltd. (supra) we hold that the appellant has correctly valued their product i.e. cost of raw material inputs + job charges. In view of the above observations, we set aside the impugned order and allowed the appeal without going into the issue of limitation."*

In view of above the assessable value of physician sample which are manufactured on job work basis for others who may be distributing the same free of cost, has to be done on the basis of value arrived at in terms of decision of Hon'ble Apex Court in the case of *Ujagar Prints* (supra). Demand on the basis of MRP cannot be sustained. In view of the above the demand is set aside and appeals are allowed.

(Pronounced in Court on 25.05.2018)

(Ramesh Nair)	**(Raju)**
Member (Judicial)	**Member (Technical)**

Sp