IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, WEST ZONAL BENCH AT MUMBAI

Appeal No. E/86506/2018

(Arising out of Order-in-Appeal No. PK/167/Appeals Thane/BH/2017 dated 20.12.2017 passed by Commissioner of GST & Central Excise (Appeals), Mumbai)

Gala Precision Engineering Pvt. Ltd. **Appellant**

Vs.

Commissioner of CGST Thane **Respondent**

Appearance:

Shri S.V. Apte, Advocate and Ms. Bhakti Date, Advocate for appellant

Shri Sanjay Hasija, Supdt. (AR) for respondent

CORAM:

Hon'ble Mr. S.K. Mohanty, Member (Judicial)

Date of Hearing & Decision : 16.01.2019

FINAL ORDER NO. **A/85324 / 2019**

Per: S.K. Mohanty

Heard both sides.

2. Denial of Cenvat benefit of service tax paid on Banking Services is the subject matter of present dispute. Revenue's contention is that CENVAT Credit has been taken by the appellant based on Bank slip, which cannot be considered as prescribed document in terms of Rule 4A of the Service Tax

Rules, 1994 read with Rule 9 (1) of the Cenvat Credit Rules, 2004.

2. At the outset, learned D.R. appearing for Revenue submitted that there is mis-match of disputed amount in the appeal memorandum in E.A-5 vis-à-vis the statement submitted by the appellant during the course of hearing.

3. On perusal of both the appeal memorandum and the statement furnished by the appellant, I find that at paragraph 14 in form E.A-5, the appellant had mentioned the disputed amount as Rs.8,62,586/-, whereas the Summary of Bank charges showed such figure as Rs.7,97,301/-. On pointing out the discrepancy, the learned Advocate submitted that correct figure should be Rs.7,97,301/- instead of Rs.8,62,586. He undertook to correct the mistake by way of filing separate petition in the Registry. The submissions of the appellant are taken into consideration.

4. I have examined the certification dated 05.03.2011 issued by the State Bank of India, reflecting therein the amount of service charges along with the service tax. The appellant has also produced the bank statement, wherein the entire amounts of taxable services have been debited from its current account. Since the substantial requirement regarding receipt of taxable

service and payment of service tax amount to the service provider has been complied with; CENVAT Credit cannot be denied on mere technicalities that is Bank Slip dated 05.03.2011 issued by the Bank cannot be considered as proper document.

5. Therefore, I do not find any merits in the impugned order, so far as it denied CENVAT benefit on Banking services to the appellant. Accordingly, after setting aside the impugned order, appeal is allowed in favour of the appellant.

(Order dictated in Court)

(S.K. Mohanty)
Member (Judicial)

nsk