CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL MUMBAI

REGIONAL BENCH - COURT NO. I

Service Tax Appeal No. 88023 of 2018

(Arising out of Order-in-Original No. 15/RKM/COMMR/BELAPUR/17-18 dated 28.02.2018 passed by the Commissioner of CGST & CX, Belapur)

Commissioner of Central Excise, Belapur **...Appellant**
C.G.O. Complex, 1st Floor, Sector-10,
Mumbai, Maharashtra-400053

Versus

Shah Group Builders & Infra Projects Ltd. **...Respondent**
323 To 329 Arneja Corner, Plot No. 71, Sector 17,
Vashi, Navi Mumbai 400 0705

Appearance:

Shri Arun Bhaskar, Authorized Representative for the Appellant

None for the Respondent

CORAM:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)
HON'BLE MR. M.M. PARTHIBAN, MEMBER (TECHNICAL)

FINAL ORDER NO. 85322/2026

Date of Hearing: 16.02.2026

Date of Decision: 16.02.2026

Per: S.K. MOHANTY

Heard the learned AR and perused the case records.

2. Feeling aggrieved with the impugned order dated 28.02.2018 passed by the learned Commissioner, CGST & CX, Belapur Commissionerate, Revenue has preferred this appeal before the Tribunal. In the impugned order, the learned Commissioner has dropped the proposals made in the show cause-cum-demand notice dated 03.07.2015 issued to the respondent. The amount involved in the impugned proceedings is Rs.54,87,832/-. The issue relates to non-payment of service tax on construction service. Insofar as the monetary limit for filing of appeal before the Appellate Tribunal is concerned, by deriving the powers conferred in Section 35R of the Central Excise Act, 1944, made applicable to matters relating to

service tax under Section 83 of the Finance Act, 1994, the Central Board of Indirect Taxes and Customs (CBIC) has issued the instructions, from time to time, with the objective in reduction of the Government litigation in the area of Central Excise and Service Tax. In the latest instruction issued by the CBIC from file F. No. 160390/20/2024-JC-CBEC dated 06.08.2024, the threshold monetary limit of Rs. 60 lakhs has been prescribed, below which the appeal shall not be filed before the CESTAT.

3. In the case in hand, since the service tax demand confirmed in the adjudication order is below the threshold limit of Rs.60,00,000/- prescribed under the said Instruction dated 06.08.2024, Revenue is not permitted to file appeal before the Tribunal. It is confirmed that the disputed amount of service tax involved in the present appeal preferred by Revenue is less than the monetary limit prescribed under the instruction dated 06.08.2024 issued by the CBIC. Further, though at paragraph 3 in the said instructions dated 06.08.2024, there is specific mention of agitating the matter before the Appellate Forum, irrespective of the involvement of the amount on certain issues, but the issue categorized therein are not confirming to the present appeal filed by the Revenue inasmuch as non-payment of service tax on construction service, is the subject matter of present dispute. Hence, the appeal can be disposed of in terms of the litigation policy formulated by the Government.

4. Considering the disputed amount of service tax involved in the present appeal, which is below the prescribed threshold limit as per the Instruction dated 06.08.2024 issued by the CBIC, the appeal filed by Revenue in our considered view, is liable to be dismissed. Accordingly, the appeal filed by Revenue is dismissed under the Litigation Policy of the Government.

(Dictated and pronounced in open court)

(S.K. Mohanty)
Member (Judicial)

(M.M. Parthiban)
Member (Technical)

tvu