CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL MUMBAI

REGIONAL BENCH

SERVICE TAX APPEAL NO: 87184 OF 2017

[Arising out of MUM-SVTAX-006-COM-22-17-18 dated 09th June 2017 passed by the Commissioner of Service Tax – VI, Mumbai.]

Bright Outdoor Media Ltd
8th Floor, Crescent Tower, Near Morya House
Off: New Link Road, Andheri (W)
Mumbai – 400 053 … ***ASSESSEE***

versus

Commissioner of CGST and Central Excise
Mumbai West
Bharat Sanchar Nigam Ltd, Administrative Bldg
6th Floor, D Wingh, Juhu-Tara Road,
Santacruz (W), Mumbai 400054 ***...REVENUE***

WITH

SERVICE TAX APPLICATION (MISC) NO: 87219 OF 2025
(on behalf of respondent)
IN
SERVICE TAX APPEAL NO: 87450 OF 2017

[Arising out of MUM-SVTAX-006-COM-22-17-18 dated 09th June 2017 passed by the Commissioner of Service Tax – VI, Mumbai.]

Commissioner of CGST and Central Excise
Mumbai West
CD Barfiwala Road, Juhu Lane, Andheri (W)
Mumbai - 400058 … ***REVENUE***

versus

Bright Outdoor Media Ltd
8th Floor, Crescent Tower, Near Morya House
Off: New Link Road, Andheri (W)
Mumbai – 400 053 ***...ASSESSEE***

APPEARANCE:

Shri SS Gupta, Chartered Accountant for the assesse-appellant

Shri Dhananjay Dahiwale, Deputy Commissioner (AR) for Revenue

CORAM:

HON'BLE MR. ASHOK JINDAL, MEMBER (JUDICIAL)
HON'BLE MR. P. ANJANI KUMAR, MEMBER (TECHNICAL)

FINAL ORDER NO: 85857-85858 /2026

DATE OF HEARING: 23/04/2026
DATE OF DECISION: 17/06/2026

PER: ASHOK JINDAL

Both sides are in appeal against the impugned order. The assessee has filed Miscellaneous Application for change in the cause title replacing the name of the assessee from 'Bright Outdoor Media Pvt Ltd' to 'Bright Outdoor Media Ltd' consequent of issue certificate of incorporation by Registrar Companies pursuant to change of name.

2. Heard Learned Authorized Representative. Considering the fact that Registrar of Companies has issued certificate of incorporation name the assessee name be changed to 'Bright Outdoor Media Ltd'. Miscellaneous Application stands allowed.

3. The facts of the case are that the assesse-appellant is engaged in the business of providing 'hoardings on rent for display of advertisement' during period 2007-2008 to 2010-2011. The activity of providing of 'hoardings on rent for display of advertisement' came into effect w.e.f. 24/04/2007 under the category of 'advertising agency'. Revenue investigated the matter and during the course of scrutiny of the records it was

noticed that assesse has received non-monetary consideration specified in the invoice like gift vouchers, shopping coupons, hotel stay and air tickets. Different terms are used to denote various types of non-monetary considerations received. There are 10 invoices in which the term 'barter' has been mentioned for non-monetary considerations. There are 49 invoices where in non-monetary considerations are gift vouchers, shopping coupons, hotel stay and air tickets. There are 59 invoices wherein non-monetary considerations have been received by the assesse and assesse has not included in the monetary taxable value of their services in terms of Section 67 of the Finance Act, 1994 read with Rule 5(1) of the Service Tax (Determination of Valuation) Rules, 2006. Therefore, they are liable to pay service tax. Apart from the above, there was difference in the income declared in the ST-3 returns and figures in the balance sheet furnished by the assesse. Therefore, they required to pay service tax amounting to ₹ 1,09,800 on account of difference in figures in ST-3 returns and balance sheet. Demand of service tax was also proposed on the basis of investigation of ₹ 2,19,978/- on account of rental income, discounts received, commission received, bad debt recovered. Therefore, show cause notice dated 20th December 2012 proposed to recover service tax of ₹ 5,29,90,882/- from the assessee along with interest and proposed imposition of various penalties on the assessee. After adjudication of the case, the adjudicating authority confirmed demand of ₹ 81,42,020/- on account of non-monetary consideration received, demand of ₹

1,09,800 on account of difference in ST-3 returns and balance sheet, and demand of ₹ 2,19,879 on account of rental income, discounts received, commission received and bad debt recovered. Therefore, the assessee is in appeal against the confirmation of demand and Revenue is in appeal against dropping of demand.

4. Learned Consultant submits that in the show cause notice it has been alleged that the assessee has received non-monetary consideration in the form of gift vouchers, shopping coupons, hotel stay and air tickets. The value of this non-monetary consideration has been determined by taking the highest rate for the year on which the assessee have sold the space for display of advertisement wherein the highest rate is ₹ 91.67 per sq. ft. of space sold for display of advertisement during the period 2008-09 that rate has been applied to the services supplied by the assessee to determine the non-monetary consideration. The adjudicating authority has held that adopting the highest rate for determination of value of non-monetary consideration is not legally correct and therefore, simple average rate for determining the value of non-monetary consideration. It is his submission, that the assessee has not received any consideration in non-monetary form during the impugned period. During this period, as per Rule 6 of the Service Tax Rules, 1994, tax was payable only when the consideration was received. As the assessee has not received any consideration, therefore, not liable to pay service tax. It is his further submission that during

investigation the statement of recipient of services were recorded and they have confirmed that no amount of non-monetary consideration is given to the assessee but no finding has been given on that. Learned Consultant further submitted that certificate from various recipient of service certifying that no consideration has been provided to the assessee except the consideration stated in the invoice. Therefore, the figures of non-monetary considerations are imaginary and notional value of same has been taken on flimsy grounds without any iota of evidence. Therefore, the demand is not sustainable on that ground. If the same is taken correct then Revenue's appeal has no merits and the amount of ₹ 81,42,020/- is to be set aside.

5. With regard to the demand of ₹ 1,09,800/- confirmed for the financial year 2008-09 for the difference in value shown in ST-3 return and in balance sheet it is his submission that they have paid excess tax for the period 2009-10 amounting to ₹ 4,66,805/- which should be adjusted against the demand. With regard to confirmation of demand for rent, discount and bad debt, it is his submission that tax of ₹ 58,278/- against rent received has already been paid and it is submitted that the assessee also takes hoardings on rent from various suppliers and these suppliers have provided discount on that no service tax is payable. He concedes the demand of ₹ 71,047/- on account of bad debts recovered. Therefore, admittedly the said amount would be payable along with interest. In view of his submission as above, he submits that no penalty is imposable on

the assessee as there is no ingredients of fraud, suppression or willful mis-statement exist. In view of this it is his submission that the impugned order *qua* confirming the demand of service tax against the assessee be set aside and Revenue's appeal be dismissed.

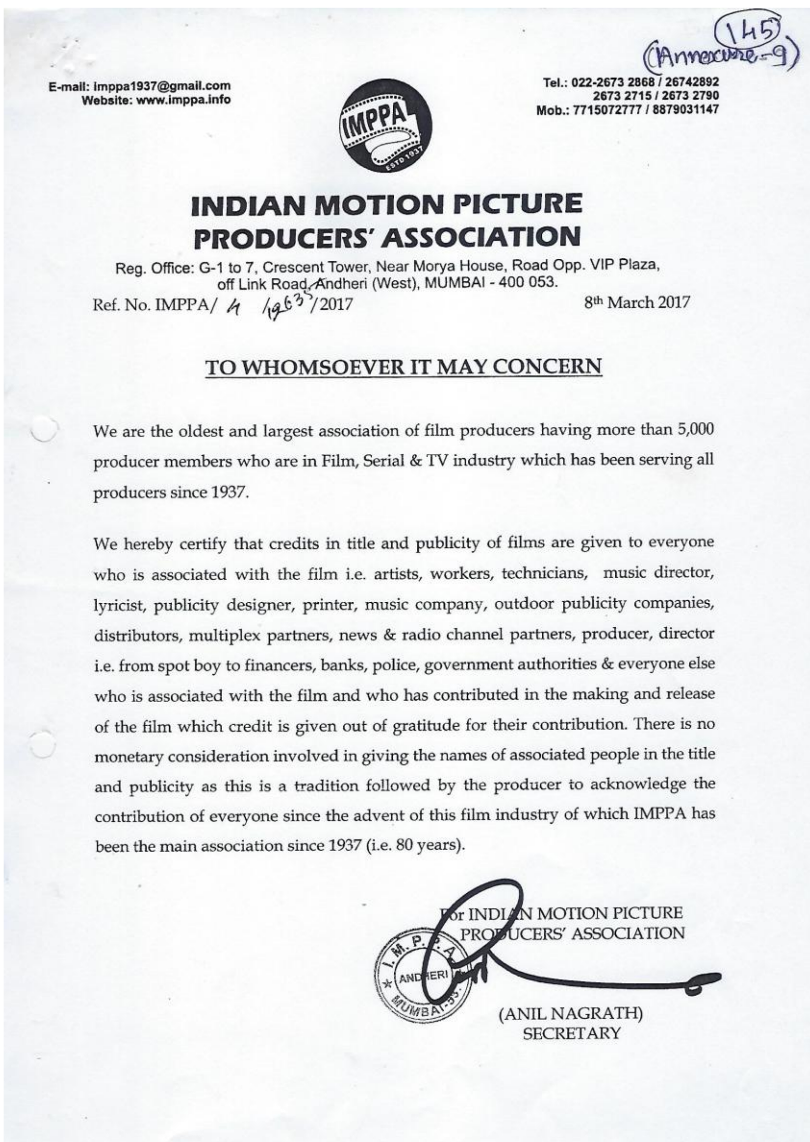
6. On the other hand, Learned Authorized Representative supported the impugned order *qua* demanding service tax and disputed that the adjudicating authority has arbitrarily adopted average price for determining the value of non-monetary consideration for computation of demand without any evidence. Therefore, the said portion of the impugned order is to be set aside.

7. Heard the parties and have considered the submissions.

8. We find that the main issue is that demand of service tax has been raised against the assessee for non-monetary consideration in the form of gift vouchers, shopping coupons, hotel stay and air tickets. But no such value has been determined in the impugned order and no evidence has been brought on record by Revenue which states that said consideration has been received by the assessee. Admittedly during the impugned period, the service tax was payable on the amount of consideration received for providing of service. As there is no evidence available on record that the assessee has received any amount on account of non-monetary consideration,

the demand is not sustainable. Moreover, the assessee has brought on record certificates issued from various service-recipients certifying to the effect that they have not paid any amount on account of non-monetary consideration to the assessee.

9. For better appreciation of facts some of the certificates is incorporated here as under:



145 (Annexure-9)

E-mail: imppa1937@gmail.com
Website: www.imppa.info

Tel.: 022-2673 2868 / 26742892
2673 2715 / 2673 2790
Mob.: 7715072777 / 8879031147

INDIAN MOTION PICTURE PRODUCERS' ASSOCIATION

Reg. Office: G-1 to 7, Crescent Tower, Near Morya House, Road Opp. VIP Plaza, off Link Road, Andheri (West), MUMBAI - 400 053.

Ref. No. IMPPA/ 4 /1963 /2017 8th March 2017

TO WHOMSOEVER IT MAY CONCERN

We are the oldest and largest association of film producers having more than 5,000 producer members who are in Film, Serial & TV industry which has been serving all producers since 1937.

We hereby certify that credits in title and publicity of films are given to everyone who is associated with the film i.e. artists, workers, technicians, music director, lyricist, publicity designer, printer, music company, outdoor publicity companies, distributors, multiplex partners, news & radio channel partners, producer, director i.e. from spot boy to financers, banks, police, government authorities & everyone else who is associated with the film and who has contributed in the making and release of the film which credit is given out of gratitude for their contribution. There is no monetary consideration involved in giving the names of associated people in the title and publicity as this is a tradition followed by the producer to acknowledge the contribution of everyone since the advent of this film industry of which IMPPA has been the main association since 1937 (i.e. 80 years).

For INDIAN MOTION PICTURE
PRODUCERS' ASSOCIATION

I.M.P.P.A. ANDHERI MUMBAI-53

(ANIL NAGRATH)
SECRETARY

(146)

iftda

INDIAN FILM & TELEVISIO
DIRECTORS' ASSOCIATIO

SINCE: 1959 | REGISTERED WITH TRADE UNION VIDE NO. 3374 | AFFILIATED TO: FWICE & UNI

Ref: IFTDA /075/ 2017

March 09, 2017

TO WHOMSOEVER IT MAY CONCERN

It is certified that Indian Film & Television Directors' Association popularly known as **IFTDA** is an association of directors and assistant directors working in film & television industry. Having more than 10,000 members, IFTDA was founded in the year 1959.

We are governed by our motherbody FWICE and practise member to member working. Everybody working in the film/ tv projects is given credit in the credit titles of the film/ TV Serials.

This has been the tradition in the film fraternity that no monetary contribution from 22 crafts of film making is taken from anybody for the credits, Apart from giving credits in the credit titles, special thanks are given in the beginning of the films for those who had given their cooperation like banners, hoardings, police for guidelines to the Producers etc. There is no money involved, only courtesy is shown.

For Indian Film & Television Directors' Association

Balvinder Sandhu

(Balvindar Sandhu)
Administrative Secretary

- 8/9/10, Crescent Towers, Near Morya House, Off New Link Road, Andheri (W), Mumbai– 400 053 Tel: 022-65164283 Telefax: 022-26733197 Email: iftdaindia@gmail.com

(147)

Multivision

Multimedia India Pvt. Ltd.

November 29, 2016

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the company has not provided any non-monetary consideration to M/s. Bright Outdoor Media Pvt. Ltd. with respect to the following transactions:

Sr. No.	Bill No.	Bill Date	Invoice Amount (in Rs.)
1	S.0908013	01.08.2009	4,41,200.00
2	BD.1001030	14.01.2010	42,515.00
3	S.1001147	14.01.2010	4,51,259.00

For M/s Multivision Multimedia (India) Pvt. Ltd.

Authorised Signatory.

CIN : U 92110 MH 2005 PTC 155168
005, VIP Plaza, Off New Link Road, Andheri (West), Mumbai - 400053, India.
Tel. : (022) 2674 3822/23/25 • Fax : 2674 3825 • W : www.multivisionfilms.com

(147)

Multivision

Multimedia India Pvt. Ltd.

November 29, 2016

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(148)

film KRAFT

PRODUCTIONS (INDIA) PVT. LTD.

MOTION PICTURE PRODUCERS

COMMERCE CENTRE, PLOT NO. B-27, OFF NEW LINK ROAD, ANDHERI (WEST), MUMBAI - 400 053.

✆ : 2673 3987
FAX : 2673 3985
E-mail : filmkraf@vsnl.com
CIN : U92100MH1999PTC121580

Date :- 14th March, 2017

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the company has not provided any non-monetary consideration to M/s. Bright Outdoor Media Pvt. Ltd. Like cross Promotional Logos, Free Hoarding, Free Tickets, Cash Voucher etc. (which ever deal undertaken under the PO) with respect to the following transactions :

Sr. No.	PO No.	Bill No.	Bill Date	Invoice amount (In Rs.)
1	------	S. 0803303	29.03.2008	34,00,000.00

For Filmkraft Productions (India) Pvt. Ltd.

Authorised Signatory

(149)

EROS INTERNATIONAL

March 16, 2017

TO WHOMSOEVER IT MAY CONCERN

This is to certify that we, M/s. Eros International Media Ltd. (hereafter referred as 'Company') have received services from M/s. Bright Outdoor Media Pvt. Ltd. (hereafter referred as 'BOMPL') during the period 01.04.2008 to 31.03.2011. For the services provided by BOMPL to the company, BOMPL have raised invoices for consideration for services along with applicable service tax. The company has duly paid the amounts charged towards the services along with service tax to BOMPL.

During the period 01.04.2008 to 31.03.2011, the company has undertaken following transactions with BOMPL:

Sr. No.	P O No.	Bill No.	Bill Date	Invoice Amt(In Rs.)	Remarks
1	Nil	S.0810201	20/10/2008	17,68,582/-	In accordance with the terms of the contract, the company has put 'Bright' logo on all communications scrolls on TV, hoardings, start of the movie etc. There is no consideration attributable to this activity. However, we hereby certify that the aforesaid activity has not lead to any reduction in the gross amount charged by BOMPL for provision of their services.
2	Nil	S.0906180	24/06/2009	25,68,976/-	
3	Nil	S.1001173	16/01/2010	16,15,496/-	
4	Nil	S.1004221	23/04/2010	22,91,974/-	

Further the company hereby submits that, we have not provided any free Food Vouchers, Hotel Vouchers, Free Hoardings, Free Tickets, Cash Vouchers, Magazine Advertisements with respect to the above-mentioned transactions.

For **Eros International Media Ltd.**

Director / Authrised Signatory

EROS INTERNATIONAL MEDIA LTD. MUMBAI

EROS INTERNATIONAL MEDIA LIMITED
Corporate Office: 901/902, Supreme Chambers, Off Veera Desai Road, Andheri (W), Mumbai - 400 053.
Tel.: +91-22-6602 1500 Fax: +91-22-6602 1540 E-mail: eros@erosintl.com • www.erosintl.com
Regd. Office: Kailash Plaza, 2nd Floor, Plot No. 12, Off Veera Desai Road, Andheri (W), Mumbai - 400 053.
CIN No. L99999MH1994PLC080502

(150)

MUKTA ARTS LIMITED
an entertainment company
Regd. Office : Mukta House, Behind Whistling Woods Institute, Filmcity Complex, Goregaon (East), Mumbai 400 065. TEL.: 91-22-3364 9400

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the company has not provided any non-monetary consideration to M/s. Bright Outdoor Media Pvt. Ltd. like Cross Promotional Logos, Free Hoardings, Free Tickets, Cash Voucher, etc. (which ever deal undertaken under quotation or PO) with respect to the following transactions:

Sr. No.	PO No.	Bill No.	Bill Date	Invoice Amount (in Rs.)
1)	----------	S.0906129	17.06.2009	9,02,500/-
2)	----------	S.0906162	22.06.2009	3,85,500/-
3)	----------	S.1003078	08.03.2010	21,15,385/-
4)	----------	S.0905150	20-05-2009	1200/-

For M/s. Mukta Arts Limited,

Authorised Signatory.

MUKTA ARTS LIMITED MUMBAI 400063

Date: 17-03-2017

Place: Mumbai

MOVIES • MUSIC • TELEVISION • TECHNOLOGY • STUDIOS • SOFTWARE • NETWORK • ENTERTAINMENT CENTRES
CIN : L92110MH1982PLC028180 • Website : www.muktaarts.com

10. On going through the above certificates, it is clear that the assessee has not received any amount over and above the amount shown by them in the taxable service and no evidence has been

produced by Revenue. Therefore, the demand raised against the assessee without finding any evidence on record and on the basis of flimsy ground without any evidence on record. In view of this, the demand proposed in the show cause notice against the assesse-appellant on account of non-monetary consideration in the form of the form of gift vouchers, shopping coupons, hotel stay and air tickets, etc. is not sustainable. In view of this, we set aside the said demand.

11. Further, we find that the assessee has explained the amount of ₹ 1,09,800/- sought to be confirmed on account of difference between the balance sheet for the year 2008-09 and the value in ST-3 returns but the assessee has paid excess tax during the period 2009-10. Therefore, the same is to be adjusted against the said demand. We further take note that the demand sought to be confirmed on account of rental income, the appellant has already paid tax of ₹ 58,278. Further, the demand sough to be confirmed on account of discount received by the assesse-appellant, in fact the assessee is engaged in the activity of selling of place for advertising and the assessee is availing discount in some cases although the said discount is not an activity of service provided by the assessee-appellant it is only on account of sale of place for advertising and therefore, no service tax is payable by the appellant on the said amount. Further, the assessee is conceded an amount of ₹ 71,047/- on account of bad debts recovered by the assessee and the assessee is liable to pay service tax along with interest. In the facts of the case, no penalty is imposable.

12. In view of the above discussion, we pass the following order:

a) Demand confirmed on account of non-monetary consideration is set aside.

b) Demand on difference in balance sheet and ST-3 returns is also set aside.

c) Demand of ₹ 58,278/- on account of rent received is confirmed which has already been paid by the assessee. assessee is also liable to pay interest for the intervening period if not paid in time.

d) Demand of ₹ 72,047 on account of bad debts recovered is payable by the assessee along with interest.

e) No penalty is imposable on the assessee.

13. Hence, the appeal filed by the assessee is partly allowed and the appeal filed by Revenue is dismissed.

(Order pronounced in the open court on 17/06/2026)

(ASHOK JINDAL)
Member (Judicial)

(P. ANJANI KUMAR)
Member (Technical)

**/as*