

Case Laws

AHMEDNAGAR FORGINGS LTD. VS COMMISSIONER OF C.EX., (2017) 6 GSTL 54

The issue that falls for consideration whether Cenvat Credit availed on 'Banking and other financial service' availed at appellant's Head Office with regard to placement of preferential equity shares for raising capital, can be treated as input service credit in respect of appellant's manufacturing activity at their various units. It was held that capital raised, being undisputedly used by appellant for its manufacturing activity hence, input service credit not deniable.

GIRNA ORGANICS PVT. LTD VS COMMISSIONER OF C.EX&S.T JALGAON (2017) 6 GSTL 40

The appellant is engaged in the manufacture of excisable goods. They rented out open space of the factory premises during The 2007-08. The case of the department is that the appellant is liable to pay service tax on the rent of lease out premises of the factory under renting of immovable property and not entitled to exemption and also disallowed the Cenvat credit on capital goods and inputs received during the said period. It was held that Excisable activity in manufacturing unit and service related to renting of immovable property are two distinct activity, availment of Credit in relation to manufacturing activity cannot be applied to said service. Appellant is not entitled to pay service tax.

SENIOR ACCOUNTS OFFICER, M.P. POWER GENERATING CO.PVT.LTD VS C.C.E., BHOPAL. . (2017) 4 199

The appellants are engaged in power generation and distribution in the state of Madhya Pradesh. The dispute in the present appeals related to their service tax liabilities in respect of certain consideration received for residential quarters, which were let out by the appellant to the contractors, should be liable to service tax under the category of "renting of immovable property". It was held that the tax liability of the appellant are not legally tenable impugned order was set aside

DABUR INDIA LTD VS COMMISSIONER OF CENTRAL EXCISE & ST., (2017) 6 GSTL 106

The assessee a Input Service Distributor used to distribute Input service credit to its various units which were manufacturing dutiable goods. It appeared to the revenue that credit of service tax attributable to service used in a Unit exclusively engaged in manufacturing of exempted goods and denied the credit to such units. It was held that credit cannot be denied to the units producing exempted goods.

GUPTA COAL INDIA LTD VS CCE (2017) 87 TAXMANN 206

The assessee is engaged in manufacturing activity. They had been paying tax on consideration as provider of 'goods transport agency services' and discharging tax liability thereon after availing abatement of 75% the revenue authorities noted that bonus received by assessee had not been included in the assessable value and raised demand by reclassifying assessee's activities as 'clearing and forwarding agency service'. The court held that Bonus received in addition to transportation charges was taxable under GTA services

PES ENGINEERS (P) LTD VS CC,CE & ST (2017) 84 TAXMANN 89

The assessee was engaged in large construction projects relating to hydro – electric and river valley projects. It entered into three sub-contracts with main contractors. It was required to undertake works of fabrication and installation work the department issued demand notices demanding service tax on it. The tribunal held that fabrication and installation work related to dam project is work contract service not liable to service tax

TATA MOTORS LTD VS CCE (2017) 79 TAXMANN

Subject : Availing VAT Credit on DEPB Scribs

Appellants were engaged in the business of sale of imported goods. They had made imports using DEPB scribs and paid VAT on domestic sales. The Adjudicating Authority, Appellate Authority and Tribunal denied credit availed on DEPB Scribs which was on appeals held to be an eligible credit by the High Court.

BHARAT HOTELS LTD VS CST (2017) 79 TAXMANN 198

Subject : Change of Classification of Services by the service receiver

Appellants had availed services in connection with polishing and grinding of marble floor in its premises. They availed credit under 'management, maintenance or repair services' however, service tax was discharged by the provider under 'cleaning services' which was not listed. It was held that the recipient cannot change classification and categorization of service and therefore appellants are liable to pay service tax along with interest and penalty.

About us

D Arvind & Associates LLP (DAA) is a Chartered Accountant Firm founded in 2009 by D Arvind, an Ex-partner of KPMG with a vision to provide to create innovative and insightful solutions to resolve Complex Business & Tax Challenges.

D Arvind, apart from being a Chartered Accountant is also a Company Secretary & Arbitrator, having 30 Years of Experience in Large Industries as Tax & Legal Head and Partner in Big 4 Consulting Firms. This puts him in a unique position to see Complex tax Issues from Business & Solutions perspective.

DAA is a boutique tax firm specializing in GST, Customs, Foreign Trade Policy including representation to Government, Appearance before Tax Authorities & Tribunal apart from practicing in Internal Audit and Corporate Governance.

DAA operates out of Mumbai, Chennai & Bangalore with a wide range of clientele across Industries assisting them in their Tax positions, Tax Litigations up to High Court, Tax Optimization and End to End Tax Compliance Management.

DAA | MUMBAI:

BONANZA, Sahar Plaza, Next to
Kohinoor Hotel, J.B. Nagar,
Andheri (E),
Mumbai 400 059

DAA | CHENNAI:

#13, 3rd Floor, Bhagawathi Palace,
J Block, 3rd Avenue,
Anna Nagar (East), Chennai 600
102

DAA | BANGALORE:

No.221, 16th Main Road, 19th
Cross Street, HSR Layout,
Bangalore 560 102
Tel +91 80 5610 2618

Supporter of -

Reliable Solutions. Always.



Years of
Professional
Excellence
and adding
value.