

Case Laws

RAMCO CEMENTS LIMITED VS CESTAT CHENNAI 2017 (5) G.S.T.L 341

CENVAT Credit on Steel wires

The assessee was a manufacturing unit. They claimed MODVAT credit on steel wires. The department alleged that steel wires are not being used as captive goods in the construction of foundation for heavy machineries cement plant and denied the claim. It was held that steel wires are captively used for construction of plant hence MODVAT credit is admissible.

J.B AND BROTHERS PVT LTD VS UNION OF INDIA 2017(5) G.S.T.L.364

Import of Software is liable to ST and not Customs

The petitioner is in the business of diamond polishing. They imported scanning machine along with software system for operating such machinery from Israel. The customs authority demanded customs duty for such software system. It was held that the imported software providing IT software service thus the petitioner is liable to pay service tax not customs duty.

FLOWERVE SANMAR LTD VS COMMISSIONER OF C.EX., CHENNAI-IV 2017(5) G.ST.L 375

CENVAT Credit on Sales Promotion Activity

The assessee owns a manufacturing unit. They availed CENVAT Credit on the business promotion activity and erection and commissioning. The department disallowed the credit. It was held that there exists a nexus between sales promotion, manufacture, Erection and Commissioning Service being pre-embedment activity thus appellant is entitled to credit.

SAI POWERS VS COMMISSIONER OF CENTRAL EXCISE, MEERUT-I 2017 (5) G.S.T.L. 377

Sale of Spare parts in the course of providing service

The assessee was engaged in the business of sale spare parts and service of generators, as an authorized agent. The issue is whether, they are liable to pay service tax on the cost of spares sold for which they have raised separate invoice and paid sales tax/VAT. It was held that there can be no demand of service tax on the spares sold on which sales tax is paid.

INNODATA INDIA PVT. LTD. VS COMMISSIONER OF CCE,& S.T., 2017(5) G.S.T.L. 380

Rebate Claim of Input Services by STPI

The assessee is a STPI unit engaged in rendering services under category of 'online information and data base Access or retrieval services. The issue in the appeal is regarding the disallowance of the rebate claim for service tax paid on input services utilized in the activity of export of services. The tribunal held that the assessee is entitled to the rebate claim.

TRIPATHI TRANSPORT CO. VS COMMISSIONER OF CENTRAL

The appellant was engaged in loading and transportation of fly ash in terms of contract. The department alleged that the services rendered by the appellant to the client are liable for service tax under the category of 'Cargo Handling Services'. The tribunal held that the above service will not make any contract and consideration primarily meant for cargo handling services thus there can be no demand of service tax.

AVO CARRBON(INDIA)(P) LTD VS CCE (2017) 81 TAXMANN 121

Duty paid by EOU cannot be claimed after becoming DTA

The assessee was registered as a 100 percent EOU. Subsequently it surrendered the EOU status and became a DTA unit. The assessee paid duty on raw materials and inputs when it is still a EOU unit and claimed Cenavt Credit in the non-EOU status. It was held that the assessee cannot claim credit on the goods for which it paid duty as a EOU unit.

GARG ROADLINES VS C, T&T 2017 81 TAXMANN 54

Denial of refund claim by exercising Revisionary Powers not permissible

The assessee was an authorised agent of Bharat Petroleum Corporation Limited(BPCL). It claimed refund of excess input tax paid under the Delhi value added tax. The department without granting refund initiated default assessment proceeding by exercising the revisionary powers. The HC held that Authorities under DVAT cannot delay the refund claim by exercising the revisionary powers.

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