(2015) 08 CESTAT CK 0003

In the Customs, Excise And Service Tax Appellate Tribunal

Case No : Appeal No. 917 Of 2009

CST, Delhi-I APPELLANT

Vs

M/s. Escorts Ltd. RESPONDENT

Date of Decision : 06-08-2015

Acts Referred:
Finance Act, 1994 — Section 66A

Citation : (2015) 08 CESTAT CK 0003

Hon'ble Judges : R. K. Singh, Technical Member;Sulekha Beevi, C.S., J

Bench : Division Bench

Advocate : Amresh Jain, Narendra Singhvi

Final Decision : Dismissed

Judgement

1. Appeal has been filed against Order- in-Appeal dated 27.8.2009 in terms of which the service tax demand under received charge mechanism under

Consulting Engineer service received from abroad was confirmed.

2. Learned Advocate for the respondent argues that the period involved in the appeal is prior to 18.4.2006 and as per judgement of Bombay High

Court in the case of Indian National Shipowners Association vs. Union of India-2009 (13) STR 235 (Born.)it has been held that reversed charge

mechanism was not legally available for collecting service tax prior to 18.4.2006 and the said judgment has been upheld by the Supreme court [2010

(17) STRJ- 57 (SC)]

3. Learned DR does not counter the argument against the contention of the learned advocate for the appellant.

4. We have considered the matter. As has been held in the case of Indian National Shipowners Association (supra) the reverse charge mechanism

became legally operational only with the insertion of section 66A in the Finance Act, 1994 on 18.4.2006. As the period involved in the case is prior to

18.4.2006, the appeal is devoid of any merit and is therefore dismissed.

(Dictated and Pronounced in the open court)

