



सत्यमेव जयते

प्रधान आयुक्त का कार्यालय,  
**Office of the Principal Commissioner,**  
केंद्रीय जीसटी अहमदाबाद दक्षिण आयुक्तालय  
Central GST , Commissionerate- Ahmedabad South,  
चौथी मंजिल, अम्बावाड़ी अहमदाबाद ३८००१५.  
4<sup>th</sup> Floor, GST Bhavan, 380015



फा.सं. STC/04-21/Orient/O&A/2020-21

DIN- 20230264WS000000FD47

आदेश की तारीख: Date of Order: 17.02.2023

जारी करने की तारीख: Date of Issue : 17.02.2023

**द्वारा पारित /Passed by: Shri Shravan Ram , JOINT COMMISSIONER**

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**मूल आदेश सं./Order-In-Original No.: 81/CGST/Ahmd-South/JC/SR/2022-23**

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यह प्रति उस व्यक्ति लिए (जिनके) जिसके ,को (यों) यह आदेश जारी किया गया है ,उसके (उनके) व्यक्तिगत उपयोग के लिए निःशुल्क प्रदान की जाती है ।

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यदि कोई व्यक्ति इस आदेश से स्वयं को असंतुष्ट अनुभव करता है, तो वह इस आदेश के विरुद्ध आयुक्त , (अपील)केन्द्रीय जीएसटी ,केन्द्रीय जीएसटी भवनअहमदाबाद ,आंबावाड़ी , -को प्रारूप 15 एस.टी.-4 में अपील कर सकता है । उक्त अपील पक्षकार पर आदेश तामील होने अथवा अथवा उसे डाक द्वारा प्राप्त करने की तारीख से दो माह के भीतर दाखिल की जानी चाहिए । इसपर रूपए -/2.00केवल का न्यायालय शुल्क टिकट लगा होना चाहिए ।

Any person deeming himself aggrieved by this Order may appeal against this order in Form **S.T.4** to Commissioner (Appeals), Central GST, Central GST Bhavan, Near Government Polytechnic, Ambawadi, Ahmedabad -15 within sixty days from date of its communication. The appeal should bear a court fee stamp of Rs.2.00/- only.

उक्त अपील दो प्रतियों में प्रारूप सं .एस.टी.-4 में दाखिल की जानी चाहिए । उसपर केन्द्रीय उत्पाद शुल्क 2001 ,नियमावली (अपील)के नियम के उपबंधों के अनुसार अपीलकर्ताओं जद्वारा हस्ताक्षर किए जाने चाहिए । इसकेसाथ निम्नलिखित को संलग्न किया जाए :

The Appeal should be filed in form No. S.T.4 in duplicate. It should be filed by the appellants in accordance with provisions of Rule 3 of the Central Excise (Appeals) Rules, 2001. It shall be accompanied with the following:

उक्त अपील की प्रति ।

Copy of the aforesaid appeal.

निर्णय की दो प्रतियाँ उसमें से एक उस आदेश की प्रमाणित प्रतिलिपि होनी चाहिए) जिसके विरुद्ध अपील की गई है -/2.00 अथवा उक्त आदेश की अन्य प्रति जिसपर रु (का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए ।

Two copies of the Decision (one of which at least shall be certified copy of the order appealed against) or copy of the said Order bearing a court fee stamp of Rs. 2.00/-.

इस आदेश के विरुद्ध आयुक्त में शुल्क के (अपील)7.5% जहां शुल्क एवं जुर्माना का विवाद है अथवा जुर्माना जहां शिर्फ जुर्माना के बारे में विवाद है उसका भुक्तान करके अपील की जा सकती है ।

An appeal against this order shall lie before the Commissioner (Appeal) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute."

संदर्भ/Reference : कारण बताओ सूचना फा.सं. STC/04-39/O&A/08 M/s Orient Club, Kavi Nahanalal Marg, Ellisbridge, Ahmedabad.

The Show Cause Notice F.No. STC/04-39/O&A/08 was adjudicated vide OIO No. STC/8/ADC-KVSS/2009 dated 18.11.2009, wherein the adjudicating authority confirmed the demand of Rs. 7,03,440/- by invoking extended period. However, the demand of Rs. 61,232/- was set aside.

Feeling aggrieved, both Revenue and the assessee filed appeals before the Commissioner(Appeals), who vide his OIA 135-136/2010 dtd 22.4.2010 allowed Revenue's appeal and rejected the appeal filed by the assessee.

Feeling aggrieved, the assessee assailed the aforementioned OIA before the Hon'ble Tribunal who vide its Final order no. A/10988-10992/2019 dated 3.6.2019, remanded the matter back to the adjudicating authority. The operative part of the Tribunal's order is as under:

*4. Considered the submission made by both the sides and perused the records. We find that the issue that whether as per doctrine of mutuality the appellant is not liable to pay service tax is pending before the Larger Bench of Hon'ble Supreme Court in case reported as Ranchi Club Ltd.-2018 (13) G.S.T.L. J 91 (S.C). Accordingly, no purpose will be served to keep these appeals pending before this Tribunal. Hence, the appeals are allowed by way of remand to the adjudicating authority with a direction to decide afresh, after the outcome of the Larger Bench of Hon'ble Supreme Court in the case cited above.*

### **Personal Hearing:**

Personal hearing in the matter was held on 20.12.2022 wherein Shri Amrin Alwani, CA, appeared on behalf of the appellant and submitted a written submission and further requested to drop the proceeding in light of the Sports Club judgment by the Hon'ble Supreme Court of India.

### **Discussion and findings:**

1. I have gone through the facts of the case, the written submissions and the oral submissions made by the authorized representative of the assessee during the course of personal hearing held on 20.12.2022. As is evident, the present proceedings are a consequence of Hon'ble Tribunal's order dated 3.6.2019, reproduced *supra*.

2. The primary issue to be decided in the present proceeding is whether the assessee is liable for service tax on

- [a] Membership of club or association service, [period involved 16.6.2005 to 31.3.2006];
- [b] Business Auxiliary Service, [period involved 1.7.2003 to 15.6.2005]; and
- [c] Mandapkeeper Service, [period involved 2003-04 to 15.6.2005].

3. Before delving on the dispute at hand, it would be prudent to reproduce the relevant sections, for ease of reference:

- Section 65(25a), "**club or association**" was defined as follows:  
*"club or association" means any person or body of persons providing services, facilities or advantages, for a subscription or any other amount, to its members, but does not include –*
  - (i) anybody established or constituted by or under any law for the time being in force, or
  - (ii) any person or body of persons engaged in the activities of trade unions, promotion of agriculture, horticulture or animal husbandry, or
  - (iii) any person or body of persons engaged in any activity having objectives which are in the nature of public service and are of a charitable, religious or political nature, or
  - (iv) any person or body of persons associated with press or media.
  
- Section 65(105)(zze), "**taxable service**" was defined as follows :  
*" "Taxable service" means any service provided -  
(zze) to its members by any club or association in relation to provision of services, facilities or advantages for a subscription or any other amount."*
  
- In Section 65(105)(zzze), the expression "or any other person" was added after the expression "to its members", thus making it clear that the tax net had now been widened so as to include non-members of clubs or associations as well.
  
- Section 65B(37), the term "**person**" was defined as follows :  
(37) "**person**" includes, -
  - (i) an individual,
  - (ii) a Hindu undivided family,
  - (iii) a company,
  - (iv) a society,
  - (v) a limited liability partnership,
  - (vi) a firm,
  - (vii) an association of persons or body of individuals, whether incorporated or not,
  - (viii) Government,
  - (ix) a local authority, or
  - (x) every artificial juridical person, not falling within any of the preceding sub-clauses;
  
- "**Business Auxiliary Service**" means any service in relation to, -
  - (i) promotion or marketing or sale of goods produced or provided by or belonging to the client; or
  - (ii) promotion or marketing of service provided by the client; or

*[Explanation - For the removal of doubts, it is hereby declared that for the purposes of this sub-clause, "service in relation to promotion or marketing of service provided by the client" includes any service provided in relation to promotion or marketing of games of chance, organised, conducted or promoted by the client, in whatever form or by whatever name called, whether or not conducted online, including lottery, lotto, bingo;]*

  - (iii) any customer care service provided on behalf of the client; or
  - (iv) procurement of goods or services, which are inputs for the client; or  
*[Explanation - For the removal of doubts, it is hereby declared that for the purposes of this sub-clause, "inputs" means all goods or services intended for use by the client;]*
  - (v) production or processing of goods for, or on behalf of the client; or
  - (vi) provision of service on behalf of the client; or

(vii) a service incidental or auxiliary to any activity specified in sub-clauses (i) to (vi), such as billing, issue or collection or recovery of cheques, payments, maintenance of accounts and remittance, inventory management, evaluation or development of prospective customer or vendor, public relation services, management or supervision, and includes services as a commission agent, but does not include any activity that amounts to "manufacture" of excisable goods.

*Explanation - For the removal of doubts, it is hereby declared that for the purposes of this clause, -*

(a) "Commission Agent" person who acts on behalf of another person and causes sale or purchase of goods, or provision or receipt of services, for a consideration, and includes any person who, while acting on behalf of another person - means any

(i) deals with goods or services or documents of title to such goods or services; or

(ii) collects payment of sale price of such goods or services; or

(iii) guarantees for collection or payment for such goods or services; or

(iv) undertakes any activities relating to such sale or purchase of such goods or services;

"Taxable Service" means any service provided or to be provided to a client by any person in relation to business auxiliary service.

(Section 65 (105) (zzb) of the Finance Act, 1994)

- "Mandap" means any immovable property as defined in section 3 of the Transfer of Property Act, 1882 (4 of 1882) and includes any furniture, fixtures, light fittings and floor coverings therein let out for consideration for organizing any official, social or business function;

[Explanation.—For the purposes of this clause, social function includes marriage;]\*

[Section 65 (66) of Finance Act, 1994 as amended]

"Mandap Keeper" means a person who allows temporary occupation of a Mandap for consideration for organizing any official, social or business function; [Explanation.—For the purposes of this clause, social function includes marriage;]\*

[Section 65 (67) of Finance Act, 1994 as amended]

"Taxable Service" means any service provided or to be provided to any person, by a Mandap keeper in relation to the use of Mandap in any manner including the facilities provided or to be provided to [such person] in relation to such use and also the services, if any, provided or to be provided as a caterer;

[Section 65 (105) (m) of Finance Act, 1994 as amended]

4. The notice proposes to levy ST on the Membership of club or association service on the gross amount collected /realized under the following head viz [i] incidental charges; [ii] weekly housie game and [iii] ladies housie/ activities. Now as far as incidental charges are concerned, the assessee's contention is that incidental charges pertain to collection towards Sales Tax/VAT & hence it is not leviable to Service Tax. Regarding weekly housie/ladies housie, the appellants contention is that ST is paid on the charges collected under weekly housie/ladies housie participation fees; that they have not paid the charges collected on sale of tickets permitting entry by member into the housie arena and therefore no ST is leviable.

5. Now the fact remains that the assessee had collected Rs. 80,21,851/- during the period from 16.6.2005 to 31.3.2006 but had discharged ST of Rs. 19,24,246/-. The ST short paid was Rs. 6,25,583/- which was primarily in respect of [i] incidental charges [ii] weekly housie game and [iii] ladies housie/ activities. Further the assessee was collecting & retaining 10% of catering bills under the head 'incidental charges'. The notice alleges that assessee was supposed to discharge ST under the category of membership of club or association service on these amounts.

6. As far as the demand of ST under Business Auxiliary Service is concerned, the notice alleges that assessee had collected/realized certain amount from the decorators for giving exclusive rights to undertake their business of pandal shamiyana & decorating work under yearly contracts at their club lawn/party plot; that the service provider is promoting the business of decorators at their premises enabling the decorators to provide service to their members/clients for which they get certain consideration from the contactor/decorator which is nothing but commission which is leviable to ST under the category of BAS. The gross amount collected was Rs. 9,45,000 from M/s. Gandhi Associates for the period from 1.7.2003 to 15.6.2005 on which they had short paid service tax of Rs. 77,857/-.

7. The assessee was letting out club hall/lawn/chairs for various official/social/business functions which the notice alleges is leviable to ST under the category of Mandapkeeper service. During the period from 2003-04 to 15.6.2005, the assessee had collected Rs. 7,76,323/- on which they had not discharged ST of Rs. 61,232/-

8. The assessee, I find has not given any detailed submission service wise, except that he has relied upon the case of Calcutta Club Limited [2019(29) GSTL 545 (SC)] as his defence.

9. Since the aforementioned judgement has been relied extensively, I would like to first reproduce the relevant paras for ease of reference:

*71. With this background, it is important now to examine the Finance Act as it obtained, firstly from 16th June, 2005 upto 1st July, 2012.*

*72. The definition of "club or association" contained in Section 65(25a) makes it plain that any person or body of persons providing services for a subscription or any other amount to its members would be within the tax net. However, what is of*

importance is that anybody “established or constituted” by or under any law for the time being in force, is not included. Shri Dhruv Agarwal laid great emphasis on the judgments in *DALCO Engineering Private Limited v. Satish Prabhakar Padhye and Ors. Etc.*, (2010) 4 SCC 378 (in particular paragraphs 10, 14 and 32 thereof) and *CIT, Kanpur and Anr. v. Canara Bank*, (2018) 9 SCC 322 (in particular paragraphs 12 and 17 therein), to the effect that a company incorporated under the Companies Act cannot be said to be “established” by that Act. What is missed, however, is the fact that a Company incorporated under the Companies Act or a cooperative society registered as a cooperative society under a State Act can certainly be said to be “constituted” under any law for the time being in force. In *R.C. Mitter & Sons, Calcutta v. CIT, West Bengal, Calcutta*, (1959) Supp. 2 SCR 641, this Court had occasion to construe what is meant by “constituted” under an instrument of partnership, which words occurred in Section 26A of the Income Tax Act, 1922. The Court held :

“The word “constituted” does not necessarily mean “created” or “set up”, though it may mean that also. It also includes the idea of clothing the agreement in a legal form. In the Oxford English Dictionary, Vol. II, at pp. 875 & 876, the word “constitute” is said to mean, inter alia, “to set up, establish, found (an institution, etc.)” and also “to give legal or official form or shape to (an assembly, etc.)”. Thus the word in its wider significance would include both, the idea of creating or establishing, and the idea of giving a legal form to, a partnership. The Bench of the Calcutta High Court in the case of *R.C. Mitter and Sons v. CIT* [(1955) 28 ITR 698, 704, 705] under examination now, was not, therefore, right in restricting the word “constitute” to mean only “to create”, when clearly it could also mean putting a thing in a legal shape. The Bombay High Court, therefore, in the case of *Dwarkadas Khetan and Co. v. CIT* [(1956) 29 ITR 903, 907], was right in holding that the section could not be restricted in its application only to a firm which had been created by an instrument of partnership, and that it could reasonably and in conformity with commercial practice, be held to apply to a firm which may have come into existence earlier by an oral agreement, but the terms and conditions of the partnership have subsequently been reduced to the form of a document. If we construe the word “constitute” in the larger sense, as indicated above, the difficulty in which the Learned Chief Justice of the Calcutta High Court found himself, would be obviated inasmuch as the section would take in cases both of firms coming into existence by virtue of written documents as also those which may have initially come into existence by oral agreements, but which had subsequently been constituted under written deeds.”

**73. It is, thus, clear that companies and cooperative societies which are registered under the respective Acts, can certainly be said to be constituted under those Acts. This being the case, we accept the argument on behalf of the respondents that incorporated clubs or associations or prior to 1st July, 2012 were not included in the Service Tax net.**

74. The next question that arises is - was any difference made to this position post-1st July, 2012?

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80. It will be noticed that “club or association” was earlier defined under Sections 65(25a) and 65(25aa) to mean “any person” or “body of persons” providing service. In these definitions, the expression “body of persons” cannot possibly include persons who are incorporated entities, as such entities have been expressly excluded under Sections 65(25a)(i) and 65(25aa)(i) as “anybody established or constituted by or under any law for the time being in force”. “Body of persons”, therefore, would not, within these definitions, include a body constituted under any law for the time being in force.

.....

82. We have already seen how the expression “body of persons” occurring in the explanation to Section 65 and occurring in Sections 65(25a) and (25aa) does not refer to an incorporated company or an incorporated cooperative society. As the

same expression has been used in Explanation 3 post-2012 [as opposed to the wide definition of "person" contained in Section 65B(37)], it may be assumed that the Legislature has continued with the pre-2012 scheme of not taxing members' clubs when they are in the incorporated form. The expression "body of persons" may subsume within it persons who come together for a common purpose, but cannot possibly include a company or a registered cooperative society. Thus, Explanation 3(a) to Section 65B(44) does not apply to members' clubs which are incorporated.

83. The expression "unincorporated associations" would include persons who join together in some common purpose or common action - see CIT, Bombay North, Kutch and Saurashtra, Ahmedabad v. Indira Balkrishna, (1960) 3 SCR 513 at pages 519-520. The expression "as the case may be" would refer to different groups of individuals either bunched together in the form of an association also, or otherwise as a group of persons who come together with some common object in mind. Whichever way it is looked at, what is important is that the expression "body of persons" cannot possibly include within it bodies corporate.

84. We are therefore of the view that the Jharkhand High Court and the Gujarat High Court are correct in their view of the law in following Young Men's Indian Association (supra). We are also of the view that from 2005 onwards, the Finance Act of 1994 does not purport to levy Service Tax on members' clubs in the incorporated form.

85. The appeals of the Revenue are, therefore dismissed. Writ Petition (Civil) No. 321 of 2017 is allowed in terms of prayer (i) therein. Consequently, show cause notices, demand notices and other action taken to levy and collect Service Tax from incorporated members' clubs are declared to be void and of no effect in law.

[emphasis supplied]

10. The assessee has in his written submissions stated that they are registered with Income Tax department as an AOP & are regularly filing Income Tax returns. The law in the above case as laid down by the Apex Court, which explicitly holds that the principle of mutuality would be applicable is only in case of an incorporated club. **The assessee is not an incorporated club.** The only claim of the assessee is that he is an AOP. No proof is adduced as evidence to substantiate the point that they are incorporated club more so when the appellant has sought setting aside the demand by relying on the judgement in the case of Calcutta Club Ltd, *supra*. In view of the foregoing, I find that the above judgement is not of much help to the assessee more so since they are not a incorporated club.

11. Even otherwise, the definition of **club or association** as per Section 65(25a) of the Finance Act, 1994, *supra*, means any person or body of persons providing services, facilities or advantages, for a subscription or any other amount, to its members. The definition excludes anybody established or constituted by or under any law for the time being in force. In-fact this is what has been laid down by the Apex Court in the case of Calcutta Club Ltd, *supra*. Now, on examining the

assessee's plea that even they [i.e. an unincorporated club] would not be liable to service tax under the club or association service, is not legally tenable owing to the fact that if so be the case, then no one would be liable to service tax under the definition of club or association. It is a trite law that sections/provisions/definition are not to be so interpreted as to render them otiose. To substantiate this argument I would like to rely on the case of Raj Grow Impex LLP [2021 (377) E.L.T. 145 (S.C.)], wherein the Hon'ble Supreme Court held as follows:

*70.4 In the case of Glaxo Smith Kline (supra), this Court expounded on the principles that the Constitutional Courts, even in exercise of their wide jurisdictions, cannot disregard the substantive provisions of statute while observing, inter alia, as under :-*

*"12. Indubitably, the powers of the High Court under Article 226 of the Constitution are wide, but certainly not wider than the plenary powers bestowed on this Court under Article 142 of the Constitution. Article 142 is a conglomeration and repository of the entire judicial powers under the Constitution, to do complete justice to the parties.*

*Even while exercising that power, this Court is required to bear in mind the legislative intent and not to render the statutory provision otiose."*

12. In view of the foregoing, I find that the assessee is liable for payment of service tax under the category of Membership of club or association service and Mandap Keeper service in respect of the amount collected from their members. The plea that doctrine of mutuality would be applicable is not a tenable argument.

13. Now moving on to the next category of service I find that the assessee has collected/realized certain amount from the decorators for giving them exclusive right to undertake their business of pandal shamiyana and decorating work under yearly contracts at their club lawn/members. The assessee has not given any defence as far as service tax in respect of this category of service is concerned. On going through the definition of the BAS as reproduced *supra*, I find that the amount collected is nothing but a commission amount which is liable to service tax.

14. It is an undisputed fact that the assessee did not register himself for BAS and mandapkeeper service; that they failed to file ST-3 return in respect of the said taxable service; the assessee further did not discharge service tax in respect of club or association service nor did they disclose it in their service tax returns. I therefore find this to be a fit case for invoking extended period and also find the assessee liable for penalty under section 78 of the Finance Act, 1994. Needless to state the assessee is also liable to pay interest on the amount of demand confirmed.



Further, the amount of service tax along with interest already paid stands appropriated against the total liability.

15. The assessee is also liable for penalty under section 77 on account of the fact that they failed to declare the taxable value in the prescribed returns in due time and also failed to obtain the registration & file returns within the prescribed time.

16. I find that the notice also consists of a proposal to impose penalty under section 76 of the Finance Act, 1994. The Hon'ble High Court of Gujarat in the case of Raval Trading Company [2016 (42) S.T.R. 210 (Guj.)], on the question of simultaneous penalty under section 76 and 78 has held as follows: [relevant extracts]

*10. The tenor, background and the purpose for which the penalty could be imposed under Section 78 of the Finance Act, 1994, is entirely different than in case of Section 76 of the Finance Act, 1994. However, the language of Section 76 did not specifically exclude the situation; otherwise covered under Section 78 namely non-payment of tax on account of wilful misstatement, fraud or collusion, etc. One plausible argument therefore could be that Section 76 would also cover such situations and permit the department to levy a further penalty for default as envisaged under Section 76 of the Act over and above the penalty imposed under Section 78 of the Finance Act, 1994. In order to clarify this position, a further proviso was introduced in Section 78 making it clear that, if the penalty is payable under Section 78, the provisions of Section 76 shall not apply. In other words, with the introduction of further proviso to Section 78 whenever penalty was imposed under Section 78, no further penalty could be levied under Section 76 of the Finance Act, 1994.*

*11. In view of the nature of this further proviso and the relevant position of the two statutory provisions both pertaining to penalty, we are convinced that the proviso was in the nature of clarificatory amendment and not creating a liability for the first time. Even without the aid to this further proviso to Section 78, one entire plausible view was that the situation envisaged under Section 76 of the Finance Act, 1994, would exclude those cases covered under Section 78 of the Finance Act, 1994. In other words, Section 76 of the Finance Act, 1994, would cover only the cases of non-payment of service tax which are not related to fraud, collusion, wilful misstatement, suppression of facts or contravention of any of the provisions of the said Chapter or the rules made thereunder with the intent to evade payment of service tax since legislature had already provided for penalty in Section 78 in such situations. Thus further proviso to Section 78 made it explicit which was till then implicit.*

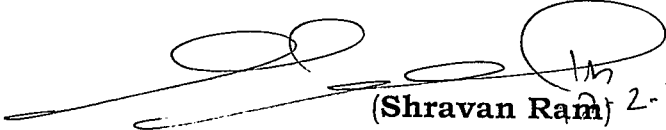
*12. Section 76 of the Finance Act, 1994, as is now amended with effect from 14-5-2015 gives further credence to this argument. Section 76(1) as it stands after the said amendment provides that where service tax was not levied or not paid or having been short-levied or short-paid, or erroneously refunded for any reason, other than the reason of fraud or collusion or wilful misstatement or suppression of facts or contravention of any of the provisions of Chapter 5 or the rules made thereunder with an intent to evade the payment of service tax, the person liable shall in addition to service tax and interest also be liable to pay penalty not exceeding ten per cent of the amount of such service tax. Thus, by way of this amendment, the statute has ensured that Sections 76 and 78 of the Finance Act, 1994, apply in mutually exclusive areas. In other words, the cases of non-payment of tax by reason of fraud or collusion or wilful misstatement or suppression of facts, etc., would be covered under Section 78 of the Finance Act, 1994, and all cases other than those envisaged under Section 78 would be covered under Section 76 of the Finance Act, 1994.*

Duly following the aforementioned judgement, I do not impose any penalty on the assessee under section 76 of the Finance Act, 1994.

16.1 In view of the foregoing, I pass the following order

**ORDER**

- i. I confirm & order recovery of service tax amounting to Rs. 7,64,672/- (Rupees Seven lac sixty four thousand six hundred seventy two only), under Section 73(1) read with section 68 of the Finance Act 1994;
- ii. I also order adjustment of Rs. 3,67,371/- already paid by the service provider against the aforementioned demand;
- iii. I order recovery of interest on the service tax demand confirmed in terms of section 75 of the Finance Act 1994;
- iv. I also order adjustment of Rs. 71,058/- already paid by the service provider against the aforementioned demand;
- v. I impose penalty of Rs 10,000/- under section 77 of the Finance Act 1994 for their failure to file service tax return showing the correct value of taxable service;
- vi. I set aside penalty under section 76 of the Finance Act 1994 in view of the foregoing findings;
- vii. I impose penalty of Rs. 7,64,672/- under section 78 of the Finance Act, 1994. However, if the demand is paid along with appropriate interest within 30 days from the date of receipt of this order then the amount of penalty under section 78, ibid, shall be reduced to 25% of the amount of service tax so determined, provided such penalty is also paid within 30 days.

  
(Shравan Ram) 2-2 }  
Joint Commissioner  
Central Tax,  
Ahmedabad South

F. No. STC/04-21/Orient/O&A/20-21

Date: 17. 02.2023

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Ellis Bridge, Ahmedabad.

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1. The Principal Commissioner, Central Tax, Ahmedabad South.
2. The Assistant Commissioner, Central Tax, Division-VI, Ahmedabad South.
3. The Deputy/Asstt. Commissioner, Central Tax, TAR Section, HQ, Ahmedabad South.
4. The Superintendent, Central Tax AR-V Div.-VI, Ahmedabad South
- ✓ 5. The Superintendent, Central Tax, Systems HQ, Ahmedabad South for uploading on the website
6. Guard file.