**Rampur Engineering Co. Ltd. Vs. Cce**

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**SooperKanoon Citation** : sooperkanoon.com/40265

**Court** : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

**Decided On :** Sep-15-2005

**Reported in** : (2006)2STR210

**Judge** : S Kang, Vice, N T C.N.B.

**Appellant** : Rampur Engineering Co. Ltd.

**Respondent** : Cce

**Judgement** :

1. The applicant filed this application for waiver of pre-deposit of Service Tax of Rs. 3,70,000/- and penalty of the equal amount. In this case the demand in respect of Service Tax was confirmed under the head 'Consulting Engineer'.

2. The applicants were supplying design and drawings of conveyor belt system for consideration to the other manufacturers and conveyor belt system are being manufactured as per the design and drawing supplied by the applicant.

3. The definition of Consulting Engineer under Clause (31) of Section 65 of Finance Act provides that Consulting Engineer means any professional qualified engineer or an engineering firm who, either directly or directly, renders any advice, consultancy or technical assistance in any manner to a client in one or more disciplines of engineering, but not in the discipline of Computer Hardware Engineering or Computer Software Engineering.

4. The applicant relied upon the earlier stay order in the case of Metzeler Automotive Profile India (P) Ltd. v. CCE . In this case, the assessee was developing design and drawings for the manufacture of the goods in their own factory. In such case the Tribunal waived the pre-deposit of amount of Service Tax, whereas in the present case the applicants were supplying the design and drawings to the other manufacturers for the manufacture of conveyor belt systems. Therefore, they are providing technical assistance and consultancy of engineering for consideration. In these circumstances, the applicant also pleaded financial hardships on the ground their unit is registered with BIFR. In these circumstances, keeping in view the facts and circumstances of the case, it is not a fit case for total amount of Service Tax. Taking into consideration the financial hardships, the applicants are directed to deposit an amount of Rs. 1,50,000/- within a period of six weeks. On deposit of the above-mentioned amount, the pre-deposit of remaining amount of Service Tax and penalty is waived for hearing of the appeal and report compliance on 28.10.2005.