

infinity Credit Vs. Cce

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Oct-30-2007

Reported in : (2008)12STJ309CESTATNew(Delhi)

Judge : P Das

Appellant : infinity Credit

Respondent : Cce

Judgement :

1. Heard both sides and perused the records. The applicant filed this application for waiver of pre-deposit of tax of Rs. 76,945.00 and penalty of equal amount. The learned advocate on behalf of the applicant submits that the applicant is a proprietorship concern, which is not included in the nature of service of "Business Auxiliary Services", under Section 65(105)[zcb] of the Finance Act 1994. He further submits that the applicants already deposited Rs. 30,000.00 towards tax.

2. After hearing both the sides and on perusal of records, I find that the question is as to whether the proprietorship concern, would be treated "commercial concern". As the amount of Rs. 30,000.00 tax deposited by the applicant, I find that this is sufficient for waiver of pre-deposit of balance amount of tax and penalty. Accordingly, the pre-deposit of balance amount of tax and penalty is waived till disposal of the appeal. Stay petition is allowed.