Nmvst Alloy Cast Vs. Commissioner of Central Excise, Salem

Nmvst Alloy Cast Vs. Commissioner of Central Excise, Salem

SooperKanoon Citation : sooperkanoon.com/943753

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Chennai

Decided On : Mar-09-2010

Judge : The Honourable Dr. Chittaranjan Satapathy, Technical Member

Appeal No. : Appeal No.ST/144 of 2009

Appellant : Nmvst Alloy Cast

Respondent : Commissioner of Central Excise, Salem

Advocate for Pet/Ap. : Shri R.Balagopal, Consultant. Shri C.Dhanasekaran, SDR.

Judgement :

Heard both sides. Shri R.Balagopal, ld. consultant appearing for the appellants states that the appellants were not aware that there was service tax liability on them as recipients of the GTA service. As soon as the same was pointed out to them, they have paid the service tax and interest on the full value of the service. Appellants ignorance is obvious from the fact that though they could have claimed 75% abatement, they had not done so. He further states that the lower appellate authority has taken cognizance of the arguments put forth before him but instead of waiving the penalties to the full extent under Section 80, the appellate authority has chosen to reduce the penalties only to the extent of 50%. He prays for full waiver of the penalties imposed on the appellants considering the ignorance and subsequent readiness to pay the tax and interest immediately. Heard Shri C.Dhanasekaran, ld. SDR appearing for the department.

2. Considering the entire facts and circumstances of the case, and the fact that the lower appellate authority has found it to be a fit case to be covered under Section 80 of the Finance Act, 1994, I waive the penalties imposed on the appellants under Section 76, 77 and 78 of the said Act. The appeal is allowed.