

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
HYDERABAD**

REGIONAL BENCH - COURT NO. - I

Service Tax Appeal No. 26047 of 2013

(Arising out of **Order-in-Original** No.31/2012 – S.Tax (Commissioner) dated 30.03.2012
passed by Commissioner of Customs, Central Excise and Service Tax, Guntur)

M/s Chebrolu Agros Pvt Ltd.,

D.No.1-6-1,
Sthambhala,
Garuvu, Guntur District,
Andhra Pradesh – 522 006.

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APPELLANT

VERSUS

**Commissioner of Central Excise
And Service Tax
Guntur**

P.B.No.331,
C.R.Building,
Kannavari Thota,
Guntur,
Andhra Pradesh – 522 004.

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RESPONDENT

APPEARANCE:

None for the Appellant.

Shri K. Raji Reddy, Authorized Representative for the Respondent.

**CORAM: HON'BLE Mr. A.K. JYOTISHI, MEMBER (TECHNICAL)
HON'BLE Mr. ANGAD PRASAD, MEMBER (JUDICIAL)**

FINAL ORDER No. A/30042/2026

Date of Hearing: 02.12.2025

Date of Decision: 22.01.2026

[ORDER PER: A.K. JYOTISHI]

Nobody appeared on behalf of the appellant. Learned AR points out that the issue involved is levy of Service Tax on Threshing charges and a small amount on freight amount paid to truck operators. The demand period is April 2010 to March 2011.

2. The brief fact of the case is that the Department demanded Service Tax under the category of Business Auxiliary Service (BAS) as well as under Goods Transport Agency (GTA) service on the activity undertaken by the appellant i.e. Threshing of tobacco leaves.

3. Learned AR submits that in so far as the issue of demand of Service Tax under the category of BAS is concerned, the matter is no longer res-integra in view of decision of the Tribunal in the case of M.L. Agro Products Ltd., Vs Commissioner [2017 (6) GSTL 94 (Tribunal)]. Therefore, they are not contesting the demand on BAS. Further, in so far as demand on GTA service is concerned, the Tribunal in their own case vide Commissioner of Customs, Central Excise & Service Tax, Guntur Vs Chebrolu Agros Pvt Ltd., [2018 (17) GSTL 282 (Tri-Hyd)], decided against them and confirmed the demand under GTA. Therefore, the demand on GTA service will stand.

4. Heard Learned AR and perused the appeal memorandum.

5. We find that short question for determination is whether the Service Tax is leviable under BAS in respect of threshing charges received by the appellant. We find that this issue is no longer res-integra. Infact, in their own case cited, supra, also the Tribunal set aside the demand under this category. In so far as the demand on GTA service is concerned, we find that vide in the order cited supra the Tribunal has upheld the demand, but, we do not find any detailed reason as to why it has been upheld except for the fact that they have relied on the judgment in the case of order Nos. A/30302-30350/2017 dated 22.02.2017 [2017 (6) GSTL 94 (Tri-)], wherein, the demand under the category of GTA was upheld, based on certain factual matrix of the case. We find that in the grounds of appeal, they have mentioned the Commissioner has not taken into consideration various case laws and decisions of the Tribunal cited by them in support that no Service Tax can be levied on the services availed from private truck operators. We find from the impugned Order-in-Original that the appellant had cited various case laws including Lakshminarayana Mining Co. Vs Commissioner of S.Tax, Bangalore [2009 (16)

STR 691 (Tri-Bang)], in support that no service tax is leviable under GTA service in the facts of the case, as under:

- i) Kankadurga Agro Oil products Pvt Ltd., Vs CCE, Guntur
[2009 (15) STR 399 (Tri-Bang)]
- ii) K.M.B. Granites Pvt Ltd., Vs CCE, Salem
[2010 (19) STR 437 (Tri-Chennai)]
- iii) Bellary Iron and Ores Pvt Ltd., Vs CCE, Belguam
[2010 (18) STR 406 (Tri-Bang)]
- iv) Salem Co-operative Sugar Mills Vs CCE, Salem
[2010 (19) STR 435 (Tri-Chennai)]
- v) Shanti Fortune India Pvt Ltd., Vs CCE, Coimbatore
[2010 (19) STR 883 (Tri-Coimbatore)]

6. We find that no detailed discussion has taken place to disallow the demand under the GTA category. It is a settled position that unless the consignment note is issued or any other similar document is issued which has the resemblance of a consignment as provided by the Statute, the service cannot be brought under GTA service. This has been held in catena of judgments by the Co-ordinate Benches. We do not find any evidence to the contrary on record. Accordingly, we do not find any merit to uphold the demand under the category of GTA service. In essence, demand under both the categories cannot be sustained and impugned order is set aside.

7. Appeal allowed.

(Order Pronounced in open court on 22.01.2026)

(A.K. JYOTISHI)
MEMBER (TECHNICAL)

(ANGAD PRASAD)
MEMBER (JUDICIAL)