



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1803 OF 2024 (LB-BMP)

BETWEEN:

1. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU
REP. BY ITS COMMISSIONER
APPELLANT IS REPRESENTED BY
SRI CHANDRASHEKAR PATIL
HEAD OF THE LEGAL CELL
DELEGATED AUTHORITY OF
THE CHIEF COMMISSIONER, BBMP
HUDSON CIRCLE
BENGALURU - 560 002

...APPELLANT

(BY SRI B.S. SHRINIVAS, ADVOCATE FOR
SRI SANJEEV B.L, ADVOCATE)

AND:

1. SRI AMBA PRASAD N.H.
S/O N.H. HALAPPA
AGED ABOUT 60 YEARS
PROPRIETOR OF
SUPTPRO TECHNOLOGIES
NO.1660, 16TH MAIN
18TH CROSS
VIJAYANAGAR
BANGALORE - 560 040

...RESPONDENT

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



ORDER DATED 15.12.2023 PASSED BY THE LEARNED SINGLE JUDGE IN WP No.48640/2015 (LB-BMP) AND CONSEQUENTLY DISMISS THE SAID WRIT PETITION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The present appeal has been filed belatedly after a delay of 325 days. The appellant [**BBMP**] has filed an application seeking condonation of delay in filing the present appeal and prays that the same be allowed "in the interest of justice and equity".

2. The affidavit accompanying the said application indicates that after receiving the certified copy of the impugned order and obtaining the opinion of the counsel who had appeared in the proceedings, the case file was forwarded to the legal section. However, it is stated that the files got mixed up and the BBMP lost track of the same. BBMP became aware of the same after contempt petitions were filed for non-compliance of the impugned order. Thereafter, the files were searched and the present appeal has been filed.



3. The affidavit does not indicate any specific dates on which any of the steps were taken to locate the file. The affidavit provides no details as to how the files got mixed up and how were they relocated. Plainly, the submissions made are unsubstantiated and bereft of any details.

4. In view of the above, we are unable to accept that the delay in filing the present appeal is required to be condoned.

5. We note that the appellant has impugned the common order dated 15.12.2023 passed in three writ petitions, being W.P No.44252/2015, W.P No.48639/2015 and W.P No.48640/2015 (LB-BMP). The appellant has preferred the present appeal in respect of W.P No.48640/2015 (LB-BMP).

6. The appellant has also filed writ appeal, being W.A No.1805/2024, which is in respect of the very impugned order insofar as it relates to W.P No.44252/2015 (LB-BMP). The said appeal was dismissed in default on 29.04.2025, as the appellant had failed to cure the office objections. The appellant has filed an application for recall of the said order in the said writ appeal (W.A No.1805/2024). It is noted that one of the objections which was not



cured was that the appellant had not filed an application seeking condonation of delay in filing the said appeal.

7. We find no credible reason to support BBMP's contention that it was prevented from sufficient cause from filing the appeal within the prescribed time. In view of the above, the appeals are required to be rejected. However, notwithstanding the same we have also examined the merits of the said appeals.

8. The appellant impugns the order dated 15.12.2023. As noted above, the impugned order is a common order passed in three writ petitions.

9. The writ petitioners had filed the respective petitions. impugning an order dated 19.02.2013 passed by BBMP, *inter alia*, directing that the invoices raised by the respondents be paid, except service tax. The controversy relates to the payment of service tax in relation to invoices raised by service providers for providing computer education to institutes within the area of BBMP.

10. BBMP had passed a resolution on 26.10.2005 and had introduced a scheme for establishing computer educational



institutes with an object to provide free computer education to candidates belonging to weaker section of the society.

11. The writ petitioners had entered into agreements in respect of different assembly constituencies for setting up the said institutes. BBMP had also issued work orders for the same. In terms of the agreements, the writ petitioners provided computer training to the candidates belonging to backward classes from 25.01.2006 to 24.01.2009 and BBMP paid an amount of ₹ 3,500/- per candidate for the six months course.

12. In terms of the agreement, the cost of infrastructure like computers, hardware, software, electrical fittings, furniture was agreed to be shared between the BBMP and the writ petitioners in equal proportion. There is no dispute that the training programs were conducted. However, BBMP did not make full payments, But, made only partial payments. The writ petitioners made representations, requesting BBMP to clear the pending payments including service tax. However, BBMP failed to do so.

13. In view of the above, the writ petitioner was constrained to file writ petition, being W.P No.9749-9750/2012 (LB-BMP) praying



that directions be issued to BBMP to consider their representations. The said writ petition was disposed of by an order dated 17.07.2012 directing BBMP to examine and consider the representations filed by the writ petitioner.

14. BBMP accepted the said representation and directed to release the balance outstanding amount. However, BBMP did not agree to pay the service tax. It is material to note that the writ petitioner had also provided copies of the challans in respect of the service tax paid for the period 2008-09 and 2009-10.

15. It is noted by the learned Single Judge that the notice under Section 73 of the Finance Act, 1994 was issued to the writ petitioners and the liability to pay service tax was assessed. The writ petitioners had preferred appeals against the demands raised before the Customs, Excise and Service Tax Appellate Tribunal, which were dismissed.

16. It is the appellant's case that since it is a local authority, it is exempted from payment of service tax. The appellant relies on Section 66D(a) of the Finance Act 1994. The same as set out below:



“66D. The negative list shall comprise of the following services, namely –

(a) services by Government or a local authority excluding the following services to the extent they are not covered elsewhere -

(i) services by the Department of Posts by way of speed post, express parcel post, life insurance and agency services provided to a person other than Government;

(ii) services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;

(iii) transport of goods or passengers; or

(iv) support services, other than services covered under clauses (i) to (iii) above, provided to business entities;..”

17. It is at once clear that reliance placed by the appellant on Section 66D(a) of the Finance Act, 1994 is misplaced.

18. In the present case, the writ petitioner is the assessable to service tax and was liable to pay service tax at the material time for the services rendered. The service tax as assessed is not on the service rendered by the BBMP but, by the writ petitioner. BBMP being the service recipient is required to reimburse the service tax as it is an indirect tax.

19. It is contented on behalf of BBMP that it was participating in providing computer education to candidates from weaker sections free of any charges and it is not liable to pay service tax being a Local Authority. However, the question involved in the present case



does not relate to the services rendered by BBMP but the services procured by BBMP. Undisputedly, the writ petitioner is liable to pay Service Tax on the services rendered at the material time. As noted above, the BBMP has considered the representations made by the petitioner and has released the amount of the bills raised by it but, has not paid the service tax.

20. We find no infirmity with the impugned order allowing the writ petitions.

21. The present appeal is dismissed both on the ground of delay as well as on merits.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**