



CNR: KAHC010115732020

NC: 2026:KHC:43397-DB
CEA No. 5 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CENTRAL EXCISE APPEAL NO. 5 OF 2021

BETWEEN:

PRINCIPAL COMMISSIONER
OF CENTRAL TAXES
BANGALORE NORTH COMMISSIONERATE
FORMALLY
COMMISSIONER OF CENTRAL EXCISE
CUSTOMS AND SERVICE TAX
BANGALORE I, P B NO. 5400
C R BUILDINGS, BANGALORE 560 001.

...APPELLANT

(BY SRI AKASH B. SHETTY, ADVOCATE)

AND:

M/S WORLD SPACE INDIA PVT LTD.
2ND FLOOR, MITHRA TOWERS
10/4, KASTURBA ROAD
BANGALORE - 560 001
KARNATAKA.

...RESPONDENT

(V/O DATED 22.03.2022 SERVICE OF
NOTICE TO RESPONDENT IS H/S)

THIS CEA / CENTRAL EXCISE APPEAL IS FILED UNDER
SECTION 35G OF THE CENTRAL EXCISE ACT, 1944 PRAYING TO SET
ASIDE THE CESTAT FINAL ORDER NO.20557-20559/2019 DATED
18/07/2019 VIDE ANNEXURE-A, AND DECIDE THE QUESTION OF
LAW FRAMED IN THE ABOVE APPEAL BY ALLOWING THE APPEAL IN
THE INTEREST OF JUSTICE AND EQUITY.

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



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CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

Heard learned counsel appearing for the
appellant/Revenue.

2. This appeal is filed by the Revenue under Section 35G of the Central Excise Act, 1944 assailing the Final Order Nos.20557-20559/2019 dated 18.07.2019 passed by the Customs, Excise and Service Tax Appellate Tribunal, Bengaluru. Though served, none appeared on behalf of the respondent. Accordingly, the appeal is heard on the basis of the record.

3. The brief facts of the case are that the respondent-assessee was engaged in providing services under the categories of Broadcasting Agency Service and Business Auxiliary Service. Upon scrutiny of its records, Show Cause Notices dated 12.04.2007, 17.04.2008 and



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08.09.2008 were issued covering the period from February 2006 to March 2008. By Order-in-Original Nos.34-36/2009 dated 31.07.2009, the adjudicating authority dropped the demand of service tax amounting to Rs.23,07,36,138/- under the category of Business Auxiliary Service by holding that the services rendered by the assessee were covered under Rule 3(1)(iii) of the Export of Service Rules, 2005 and Board Circular No.111/05/2009-ST dated 24.02.2009. The appeals preferred by the Revenue came to be dismissed by the Tribunal under the impugned Final Order dated 18.07.2019.

4. The Revenue contends that the marketing and promotional services rendered by the respondent in India could not have been treated as export of service and that the conditions prescribed under Rule 3(2) of the Export of Service Rules, 2005 were not satisfied.

5. Having perused the Impugned orders and the material placed on record, this Court is of the view that no



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ground is made out for interference with the order passed by the Tribunal. The grounds urged are substantially a reiteration of the contentions urged before the authorities below. The decision in the case of ***Commissioner v. M/s. Microsoft Corporation (India) Pvt. Ltd., Managing Director Diary No.16887/2015*** which is decided on the similar issue, also does not assist the Revenue, having regard to the outcome which is disposed of in favour of the assessee.

6. No other grounds and substantial questions of law survives for consideration.

7. Accordingly, the appeal stands ***dismissed***.

No order as to costs.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE