

CA Pranav Mehta The Hon'ble Delhi CESTAT in the recent case of Panasonic Energy India Co. Ltd, [2021] 131 taxmann.com 24 (New Delhi - CESTAT) has held that service tax cannot be charged from Indian importers in case of CIF contracts in absence of value of sea transport service. Facts of the case M/s. Panasonic Energy India Co. Ltd. (the “appellants”) paid service tax under RCM provisions of Rs. 5,25,267/- along with interest on 17.10.2018 under Notifications No.15/2017 and 16/2017-ST both dated 13th April,2017 requiring appellant to pay the Service Tax towards service tax on ocean freight for Bill of Entries filed by appellant during 23.04.2017 to 30.06.2017. These payments were eligible for Cenvat Credit under erstwhile service tax provisions. However, as the payment of the said tax was made post GST roll out, the appellant filed for the refund in terms of section 142 (3) read with se.....