

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL  
BANGALORE**

REGIONAL BENCH - COURT NO. 1

**Service Tax Appeal No. 20008 of 2022**

[Arising out of Order-in-Original No. 15-16/2021-22  
(SOUTH)/(PR.COMMR) dated 14/10/2021 passed by Principal  
Commissioner of Central Tax, GST Commissionerate, BENGALURU]

**M/s. Apotex Research Pvt. Ltd.**

1-2, Bommasandra Industrial Area,  
4th Phase Bommasandra Industrial Estate,  
Jigani Link Road,  
BENGALURU – 560 099.  
KARNATAKA

Appellant(s)

*VERSUS*

**Commissioner Of Central Tax,  
Bengaluru South  
Commissionerate**

5th Floor, C.R. Buildings,  
PB No-5400, Queens Road  
Bangalore – 560 001.  
Karnataka

Respondent(s)

**WITH**

**Service Tax Appeal No. 20009 of 2022**

[Arising out of Order-in-Original No. 15-16/2021-22  
(SOUTH)/(PR.COMMR) dated 14/10/2021 passed by Principal  
Commissioner of Central Tax, GST Commissionerate, BENGALURU]

**M/s. Apotex Research Pvt. Ltd.**

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5th Floor, C.R. Buildings,  
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Bangalore – 560 001.  
Karnataka

Respondent(s)

**Appearance:**

Shri Vedhagiri N.C, Advocate for the Appellant

Smt. D.S. Sangeetha, Authorised Representative for the Respondent

**CORAM:**

**HON'BLE SHRI, S.K. MOHANTY, JUDICIAL MEMBER**  
**HON'BLE SHRI P.ANJANI KUMAR, TECHNICAL MEMBER**

**Final Order No. 20227-20228 /2022**

Date of Hearing: 06/05/2022

Date of Decision:06/05/2022

**Per : P.ANJANI KUMAR**

The appellants M/s. Apotex Research Pvt. Ltd. have two 100% EOU units registered and have obtained service tax registration. One unit of the appellant is engaged in manufacture and export of pharmaceutical products and the other unit is engaged in rendering Research and Development services. Revenue opined that the two services rendered by the appellants i.e., stability studies and technical testing and analysis of new drugs were classifiable under the taxable category of "Scientific and Technical Consultant Service" and "Technical Testing and Analysis Service". Revenue also opined that various services like procurement of raw materials and packaging materials; development of analytical method; innovator/competitor sample analysis; prototype formulation development; product specification development; exhibit batch manufacturing; stability study and data generation; bioequivalence study and data generation; compilation of data and dossier preparation and submission to various regulatory agencies to obtain approval; commercial batch manufacturing, analysis and packing and export of finished goods; rendered by the appellants are in the nature of Bundled Services as defined in Explanation to Section 66F of the Finance Act, 1994. The Department has issued two show-cause notices dated 12.4.2016 and 26.4.2018 covering period April 2014 – September 2015 and October 2015 – June 2017 respectively, *inter alia*, demanding service tax on "Scientific and Technical Consultancy Service" and "Technical Testing and Analysis Service". Show-cause notices came to be confirmed by the Order-in-Original dated 14/10/2021 which is assailed by the impugned appeals.

2. Learned counsel for the appellant submits that the issue is no longer *res integra* as the department themselves in subsequent proceedings

decided the issue in their favour. Moreover, this Bench, in the case of the appellants themselves have decided the very same issue in favour of the appellants vide Final Order No. A/20003/2022 dated 04/01/2022. He relies on the following case laws:

- (i) *B.A. Research India Ltd.: 2010 (18) STR 439;*
- (ii) *Lotus Lab Pvt. Ltd.: Final Order No.20258/2020 dated 25.2.2020;*
- (iii) *Sun Polytron Industries Ltd. vs. CCE, Vapi: 2009 (238) ELT 380;*
- (iv) *C3i Consultants India Pvt. Ltd. vs. CCE, Hyderabad: Final Order No.20240/2014*

3. Learned Authorised Representative for the Department reiterates the findings of Order-in-Original.

4. Heard both sides and perused the records of the case. As submitted by the learned counsel for the appellants, the issue stands settled in favour of the appellants by this Bench vide Final Order cited above. In view of the same, we find that the impugned order is not sustainable and thus, liable to be set aside. We do so and allow the appeals with consequential relief, if any, as per law.

(Order pronounced in the Open Court)

**(S.K. MOHANTY)**  
**JUDICIAL MEMBER**

**(P.ANJANI KUMAR)**  
**TECHNICAL MEMBER**

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