



JUDGEMENT

Education Consultancy Services to Foreign Universities Qualify as Export; Not 'Intermediary' Services

In Case Of
Fateh Education Consulting Pvt Ltd

Issued By
Delhi High Court

Order Date
8th May 2026

Order No
W.P.(C) 17500/2025

OBSERVATIONS

- **The petitioner provided education consultancy, marketing and recruitment support services to foreign universities** and claimed refund of ₹2.63 crore of IGST paid on export of services for September 2023 to March 2024.
- **The Department rejected the refund by treating the petitioner as an “intermediary” under Section 2(13) of the IGST Act**, observing that it promoted foreign university courses, identified prospective students and assisted in the admission process.
- **The petitioner received consideration only from foreign universities and did not charge students.** Further, it had no authority to bind the universities, guarantee admission or contract on their behalf.
- **The Court noted that the issue was already covered by Global Opportunities Pvt. Ltd. and K.C. Overseas Education Pvt. Ltd.,** involving materially similar education consultancy services.

JUDGEMENT

- The Delhi High Court held that an entity providing services on its own account cannot be regarded as an intermediary merely because its services facilitate the business objectives of the foreign recipient.
- The determinative factors are the **contractual recipient of the service, the person liable to pay consideration and the nature of services supplied**, rather than the location of an incidental beneficiary such as the student.
- Since the petitioner rendered services to foreign universities, raised consideration upon them and had no authority to bind them, **its activities could not be characterised as intermediary services merely because students were assisted during the admission process.**
- Accordingly, **the refund rejection order was set aside, and the Department was directed to process and grant the refund** along with applicable statutory interest within two months.

TAKEAWAYS

- **Education consultancy, marketing and student recruitment support provided to foreign universities may qualify as export of services** where the services are supplied on the consultant's own account.
- **Commission-based remuneration alone does not establish an intermediary relationship.** The contractual arrangement and actual nature of the supply remain decisive.
- **Assistance provided to Indian students does not alter the character of the supply** where the foreign university is the contractual recipient and payer of consideration.
- The ruling further strengthens the judicial position emerging from Global Opportunities and K.C. Overseas Education on the distinction between independent service providers and intermediaries under Section 2(13) of the IGST Act.



NJJ | PPC | PMP

JPP Network

Trust, Confidence and Passion

Indirect Taxes & Allied Laws

A network of **Chartered Accountant Firms** registered with **ICAI**.



079-4002-2628



contact@jppnetwork.com



www.jppnetwork.com

Network Presence

Ahmedabad | Mumbai | Rajkot

Serving Clients Across India